

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab
Brooke Mohr



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Nantucket, Massachusetts 02554

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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
FEBRUARY 1, 2023 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS***

YOU TUBE LINK FOR VIEWING ONLY:

<https://youtu.be/mEo-fysGYuM>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_wce970FCR3GDDCgLi39hVQ

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. Introduction of New Nantucket Regional Transit Authority Administrator.
3. Review of Applications for Appointments to Council on Aging.

Applicant Introduction and Appointments Scheduled for Wednesday, February 8, 2023, Pursuant to Select Board Committee Appointment Policy.

4. Finance Committee Public Hearing Regarding 2023 Annual Town Meeting Warrant Articles to be Held Monday, February 6, 2023 at 4:00 PM in the Public Safety Facility Community Room at 4 Fairgrounds Road and by Remote Participation via Zoom Webinar.
5. Select Board Announcements/Comments.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS

V. PUBLIC COMMENT*

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of January 25, 2023 at 5:30 PM.
2. Approval of Treasury Warrants for February 1, 2023.
3. Approval of Pending Contracts for February 1, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CONSENT ITEMS

1. Gift Acceptances: Affordable Housing Trust; Fire Department; Planning and Land Use Services.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Short-Term Rental Work Group: Update from Facilitator.

X. TOWN MANAGER'S REPORT

1. Re-review of Draft Surface Water and Ground Water Protection Regulations (follow-up from July 13, 2022 Public Hearing).

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review and Vote to Revise Language of Senate Bills No. 3066 (Ames Avenue) and No. 3067 (Altar Rock Road) as Requested by Senator Cyr.
2. Review/Schedule Fall 2023 Special Town Meeting.
3. Committee Reports.

XII. ADJOURNMENT

**Identified on Agenda Protocol Sheet*

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 2021

Council on Aging

Mary Anne Easley	Chair	2023
Arlene O'Reilly	Secretary	2024
Robert M. Kucharavy	Vice Chair	2025
Nancy Swain		2023
VACANT		2023
Judith Perkins		2024
Linda Williams		2024
VACANT		2025
VACANT		2025

Applicants:

Erin Lynch
Abigail Camp



**TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT**

For Appointment by the Select Board

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Erin Lynch **Home Phone:** 508-577-5057

Mailing Address: 3A Somerset Rd Nantucket, Ma 02554 **Alternate Phone:** n/a

Email Address: Erin@TuckedInEldercare.com **Date Submitted:** 1/10/2023

REQUESTING APPOINTMENT TO: Council on Aging

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
 1. No.
- Why are you interested in this committee/board/commission?
 1. I am interested in joining the Council on Aging so I can continue to advocate for the senior community. In my work, I identify the needs of the Nantucket's elderly population through daily client interactions. I would look forward to the opportunity to bring forth ideas and services that could positively impact our senior community to a committee that has the capability to support and meet those needs.
- Are you prepared to commit to the meeting schedule of the committee/board/commission?
 1. Yes; however, I will be on maternity leave June 2023 through October 2023. I understand this may be a conflict and therefore may not be a suitable candidate at this time.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
 1. Education and credentials: MS in Gerontology and Management of Aging Services, certified care manager and licensed nursing home administrator.
 2. My current role is the Director at Best of Care and TUCKed In Eldercare- providing home care services (as little as 15 minutes a day and up to 24/7 and live-in care) and care management services (assisting clients and families navigate the aging process, providing support, guidance, education, and resources). Our goal is to ensure our clients are receiving the care they need to age in place on island and meet their needs on a holistic level. Through our daily interactions with clients, we discover and identify unmet needs and services- for example: transportation, skilled nursing, day care, off island support to doctor appointments.
- What would you hope to accomplish on the committee/board/commission?
 1. I hope to be an advocate and "the messenger" for the senior community and families I work with on a daily basis. We often learn so much from our clients and families and what support and services are needed to improve the quality of life for all involved when it comes to aging in place with dignity. I would like to offer support in the position as a committee member, volunteer, or in a professional manner- to start up and provide services that our senior community is in need of.



Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 1. I am the Director of a home care and care management agency- Best of Care & TUCKed In Eldercare, serving the island community. Our office is located in the Residence of Sherburne Commons building.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
 1. No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: ABIGAIL CAMP (ABBY) Home Phone: 617 723 6496

Mailing Address: 27 LILY ST, NANTUCKET, MA Alternate Phone: /

Email Address: abigailcamp@comcast.net Date Submitted: 1/23

REQUESTING APPOINTMENT TO: Volunteer position for

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? NO
Why are you interested in this committee/board/commission? I feel I could help older community
Are you prepared to commit to the meeting schedule of the committee/board/commission? YES!



Relevant Experience I am 73 and know the needs of the older community.

- What experience, skills or insight would you bring to the committee/board/commission?
What would you hope to accomplish on the committee/board/commission?

I would be a good advocate for our elders needs, Find out what our elders need most - Nutrition, Exercise, access to healthcare? In general, I would hope to help the elderly enjoy their lives and live lives of quality.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I reside on the HDC Board 4th term, My daughter is a Physical Therapist and lives on island.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NO

Select Board
2022-2023 Committee Vacancy Appointments Timeline
As of 1/6/2023

December 15 – Advertise committee vacancies on Town’s website

January 4 and January 11 – Committee vacancies to be added to Select Board agendas as announcement

January 5 and January 12 – Advertise committee vacancies in the Inky

January 18 at 12:00 PM – Deadline for submitting applications for the following committee vacancies:

- **Council on Aging – one seat, term expires 2023**
- **Council on Aging – two seats, terms expire 2025**
- **Agricultural Commission – two seats, terms expire 2023**

January 25 and February 1 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

February 8 – Meeting for applicants to introduce themselves and review their applications; committee appointments made.

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
February 1, 2023

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Professional Service Agreement	Public Works	Pathfinder Tree Services	\$183,600	Town-wide landscaping maintenance services for Town-owned facilities	DPW/Parks & Rec. Budget	March 1, 2023 - February 28, 2026
Professional Service Agreement	Public Works	Blue Claw Associates, Inc	\$146,443	Town-wide landscaping services for Town-owned parks	DPW/Parks & Rec. Budget	March 1, 2023 - February 28, 2026
Professional Service Agreement	Public Works	Pathfinder Tree Services	\$82,800	Town-wide landscaping services for Town-owned cemeteries	DPW/Parks & Rec. Budget	March 1, 2023 - February 28, 2026
Professional Service Agreement	Public Works	Nantucket Yard Guard	\$100,000 (up to)	On-call tree trimming and removal services	DPW Budget	February 1, 2023 - January 31, 2024
Professional Service Agreement	Public Works	Pathfinder Tree Services	\$100,000 (up to)	On-call tree trimming and removal services	DPW Budget	February 1, 2023 - January 31, 2024
Professional Service Agreement	Public Works	Horticultural Services by J. Michael	\$32,109	Irrigation services to monitor irrigation system. (Spring startup & winterization shut down)	DPW/Parks & Rec. Budget	February 1, 2023 - January 31, 2024
Professional Service Agreement	Town Administration	CDM Smith, Inc	\$1,100,000	Resident project representative services during Surfside area water main extension project construction	Article 10 ATM 2022	February 1, 2023 - January 31, 2026
Purchasing Agreement	Town Administration	The F.W. Webb Company	\$143,658.82	Purchase of supplies and parts for Surfside area water main extension project	Article 10 ATM 2022	January 18, 2023 - January 31, 2024
Professional Service Agreement	Our Island Home	Thru-Wall	\$15,682	Annual fire doors and dampers inspection for OIH	OIH Budget	February 1, 2023 - January 31, 2024
Grant Agreement	Marine Department	Seaport Economic Council (SEC) Grant	(\$1,000,000)	Grant for Phase 2 construction of the Nantucket Town Pier improvement & repair.	SEC Grant	February 2023 - January 2024
Grant Agreement	Culture & Tourism	Massachusetts Cultural Council	(\$15,000)	Grant for the Nantucket Cultural District to support District Partners programming to promote	Massachusetts Cultural Council - Cultural District Grant	February 6, 2023 - June 30, 2023

				and celebrate Nantucket's diversity and cultural heritage.		
Lease Agreement	Our Island Home	Meadows One ACK, LLC	\$38,664 (\$3,222/month)	Renewal of housing lease agreement of 7B Chicory Place for travel nurses	OIH Budget	March 1, 2023 - February 29, 2024
Professional Service Agreement	Natural Resources	Geosyntec Consultants, Inc.	\$369,100	Design and engineering services for Miacomet Pond dredging project	Article 10, ATM 2022: \$300,000 Land Bank: \$69,100	February 1, 2023 - January 31, 2024
Amendment to Purchasing Agreement	Sewer Department	Flow Tech	Add \$280 to original contract amount of \$17,700 for new contract total of \$17,980	Amend contract for the purchase of 2 variable frequency drives to include shipping	Sewer Budget	November 30, 2022 - February 28, 2023

CONSENT AGENDA ITEMS FOR 2/1/2023 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Affordable Housing Trust:
 - Gift of \$1,000 from the Georgia Josey Boyd Family Foundation
- Fire Department:
 - Gift of \$1,000 from The Sternlicht Foundation for training initiatives
- Planning & Land Use Services Department:
 - Gift of \$2,000 from Richard Gillis for pedestrian and bike path improvements in connection with the Birdsong Lane subdivision approval

Recommended Motion: To accept all gifts for their designated purposes, with thanks to the donors.

Town Administration will ensure that letters of thanks are sent.

December 31, 2022

Nantucket Affordable Housing Trust

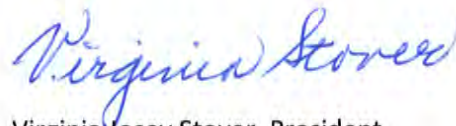
3 East Chestnut St.

Nantucket, MA 02554

Nantucket Affordable Housing Trust,

In memory of our daughter and niece, Emily Stover, the Georgia Josey Boyd Family Foundation is donating \$1000 to the Nantucket Affordable Housing Trust.

Sincerely,



Virginia Josey Stover, President

1527 Alderwood Dr.

Sugar Land, TX 77479

Mary Josey Bahrs

10004 Thornwood

Kensington, MD 20895

Jane Josey Grandusky

7340 Pioneer Rd

West Palm Beach, FL 33413

Nantucket Fire
Department
4 Fairgrounds Road
Nantucket, MA 02554
Tel: (508) 228-2324
Fax: (508) 325-7500



January 6, 2023

SELECT BOARD
16 BROAD ST
NANTUCKET, MA 02554

Re: STERNLICHT FOUNDATION
Fire Department Training &
Equipment

Dear Chair Bridges:

The Sternlicht Foundation has made a generous donation of \$1,000.00 to fund the training initiatives lead by the Fire Department. We are requesting that the select board authorize the transfer of this donation to the training account.

Please let us know if you have any questions or need anything further.

Thank you,

A handwritten signature in blue ink, appearing to read "Michael Cranson".

Michael Cranson, Chief

MC/
Enclosure



Planning and Land Use Services

Building ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

Memo

To: Nantucket Select Board
From: Megan Trudel, Land-Use Specialist
cc: Erika Mooney, Operations Administrator
Date: January 19, 2023
Re: Gift Acceptance

To Members of the Select Board:

Please accept \$2,000.00 from Rich Gillis as a gift to the Town of Nantucket to be utilized for pedestrian and bike path improvements. This contribution is being made in connection with the Birdsong Lane subdivision approval, granted by the Planning Board on April 12, 2021.

Thank you,

Megan Trudel, AICP Candidate
Land-Use Specialist
PLUS-Town of Nantucket



Agenda Item Summary

Agenda Item #	X. 1.
Date	2/1/2023

Staff

Libby Gibson, Town Manager
Jeff Carlson, Natural Resources Director
Roberto Santamaria, Public Health Director

Subject

Pre-public hearing review of proposed surface and groundwater protection regulations

Executive Summary

These proposed regulations were initiated four years ago and were sidelined by the pandemic. These have been prepared in response to the need for enforcement of unregulated water flows, including pool drainage and other detrimental water discharge issues for environmental protection purposes.

Staff Recommendation

Schedule a public hearing to consider the proposed amendments.

Background/Discussion

The proposed regulations are Select Board regulations which are enforceable through the Health Department and Natural Resources Department.

Impact: Environmental Fiscal Community Other

Board/Commission Recommendation

N/A

Public Outreach

Will be needed if regulations are adopted

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

These regulations connect directly to the Board's Strategic Plan Focus Area of Environmental Leadership, with its associated Goal "Finalize an Island-wide, long-term water quality management plan that addresses ponds, harbors, stormwater and wastewater...".

Attachments

- draft regulations
- draft implementation plan



RS/JC edits 8/22/2022

LG edits/comments 8/3/21

Carlson edits 8/4/2021

Carlson edits 10/5/2021

Administration Amendments as of 8/1/22

TOWN OF NANTUCKET

Surface Water and Groundwater Protection Regulations.

Commented [LG1]: Note: number the regs with a chapter; add page numbers

Section 1: Purpose.

A. ~~As undeveloped areas are converted to urban uses, the natural vegetation is removed, land slopes may be excavated or filled, ground surfaces are paved over, and stream channels are modified. The result is an increase in runoff and a reduction in the ability of the land to provide natural treatment to the runoff. Land is disturbed and exposed to erosion by wind and water during this period of conversion. Soil displaced by erosion contributes to both onsite and offsite damages. A portion of the soil reaches the state's streams, lakes, and coastal waters as sediment.~~

A-B. Unregulated water flows can cause major impairment of water quality within harbors, ponds, streams, wetlands, and groundwater. Additionally, unregulated water flows have negative impacts to wildlife habitat, contamination of public water supplies, damage to public infrastructure, exacerbate flooding, and cause damage to public and private property. The purpose of these regulations is to (1) prevent illicit discharges and connections to the Town's stormwater systems; (2) regulate discharges from swimming pools; (3) regulate land disturbance, development, or construction; and (4) regulate generally the discharge of water to surface water bodies, ~~Islands-wide-~~

B. ~~These programs are intended to positively impact the controllable load to the Town's stormwater systems, surface water bodies, protect public or private water supply, protect groundwater resources, and increase overall resiliency to storm and flooding events. ~~This~~These regulations is also intended to promote maintenance of existing native vegetation, prevention of soil erosion and sedimentation associated with new development or redevelopment, and reduce public expenditures in removing sediment from municipal infrastructure. ~~Watersheds to be included within this regulation shall include Nantucket Harbor, which includes Polpis Harbor; Madaket Harbor Long Pond;; Sesachacha Pond; Hummock Pond; and, Miacomet Pond.~~~~

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C.

Section 2: Authority.

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These Surface [WATER](#) and Groundwater Protection Regulations (the "Regulations") have been adopted by the Town of Nantucket Select Board. These regulations are enacted pursuant to G.L. c. 83, §10 and Chapter 396 of the Acts of 2008.

Section 3: Definitions.

Illicit Discharge - Direct or indirect discharge to the municipal storm drain system, public [or private](#) roadway or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater. The term does not include a discharge in compliance with a [an](#) National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit or resulting from fire-fighting activities.

Illicit Connection - A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, rainwater, groundwater or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of these Regulations.

Swimming Pool: means and includes every artificial pool of water used for swimming or bathing, located indoors or outdoors, together with the [bathhouses](#), [equipment](#), and [appurtenances](#) used in connection with the pool. This includes any special purpose pool or residential pool designed for recreational and therapeutic use which is shallow in depth and not meant for swimming or diving. These pools are not drained, cleaned or refilled for each user. It may include, but not be limited to, hydro jet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for such a pool includes but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tubs, float tanks, splash pool, plunge pool, lap pool, or any other water feature that holds over 100 gallons.

Commented [LG2]: RS & JC clarify in response to Leslie comment

Commented [RS3R2]: This matches the definition of "Swimming Pool" from 105 CMR 435. It does not prohibit the connection of a bathhouse to a septic system.

Section 4: Prohibited Activities.

A. Illicit discharges and illicit connections:

- (1) No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into any area including but not limited to the municipal storm sewer, into a watercourse, or into the Waters of the commonwealth.
- (2) No person shall construct, use or allow, maintain or continue any illicit connection to the municipal sewer system or storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

~~(3)~~

~~(4)~~ Any existing system utilizing the Town of Nantucket sanitary sewer shall be removed or brought into compliance with [this-these](#) regulations within 180 days of notification, with all associated fees to be incurred by the property owner.

(5) All property owners having existing discharges shall provide documentation of their existing [discharge](#) within 1 year of the effective date of these [regulations](#) and shall be subject to

Commented [LG4]: RENUMBER

Commented [LG5]: Be consistent with "these" vs "this"

inspection to ensure compliance with Town standards. Documentation of these systems shall include at a minimum:

- a. Map and Parcel
- b. Street Address
- c. Type of discharge
- d. Sketch of the start of the system and discharge point
- e. Photographs of the system

(6) All existing discharges utilizing the Town of Nantucket stormwater system shall be allowed to remain with the property owner charged a capacity fee as set by the Board of Health.

(6) No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval as described within Section 4 (D)(1)(a) of these regulations.

(7) Exemptions – firefighting activities, natural springs, natural flow from riparian habitats and wetlands, stream flow, landscape irrigation, residential vehicle washing, ~~and~~ street sweeping activities, and agriculture.

B. Discharges from swimming pools:

(1) All pool drainage shall be in compliance with the most current pool draining Best Management Practices set forth by the National Swimming Pool Foundation.

(2) Pool drainage, filter backwash, or filter discharge must not be directly discharged into a storm drain, sewer main, potable water well, or within 100 feet of a wetland.

(3) Any subsurface on-site drainage facility servicing the pool must comply with these regulations.

(4) No pool or pool equipment, bathroom and kitchen appliances, shall be connected to an on-site sewage disposal system.

(5) All pool drainage or surface runoff related to the pool and its hardscaping shall be contained on-site.

(6) All pools must be dechlorinated at least 48 hours before any draining.

(7) Notification of pool drainage shall be provided to the Health Department and the Natural Resources Department a minimum of 72 hours before drainage commencement.

(8) A Statement of de-chlorination and drainage shall be provided to the Health Department within 10 calendar days of drainage along with the appropriate filing fee as determined by the Select Board. No pool draining, or discharge activities are allowed without the approval of the Health Department and the Natural Resources Department.

(9) All pool draining processes are subject to inspection by Town enforcement personnel as identified in Section 5 of these regulations.

(10) All pool drainage must comply with the requirements within 105 CMR 435.00.

C. Land Disturbance, Development or Construction:

~~(1) No person shall conduct any land disturbance, development, or construction exceeding 120 square feet on any site must meet the following Minimum Standards: without first obtaining a permit from the Health Department. Prior to any permit request being filed, all persons wishing to conduct any land disturbance, development, or construction shall file a water and sediment control protocol with a site plan showing final conditions and conditions during construction to be signed off by the Director of Natural Resources, Building Commissioner, and Director of Public Works demonstrating compliance with the standards set forth in these regulations. A copy of this sign-off shall accompany any permit application filed. The permit holder shall provide notice to the Board of Health at the conclusion of the project to allow for a final inspection that all disturbed areas have been restabilized.~~

~~(2)~~(1) Minimum Standards:

1. All loose sediments must be contained on site.
2. Any catch basins within 100 feet of the project area must have a sediment barrier during the project period.
3. No water discharge shall cause significant soil erosion scouring.
4. All water discharge shall be ~~attempted to be~~ kept on site, unless allowed by permit condition.
5. Any soil stockpiled on sites shall be vegetated, covered by erosion control blankets, or a siltation barrier shall be installed around the base of the stockpile
- ~~4-6.~~ All work shall meet the standards set forth by the Executive Office of Environmental Affairs in its Best Management Practice guide called "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas".

D. Discharges to Surface Water and Groundwater:

(1) No person shall discharge or cause to discharge any water to surface water and groundwater, including sump pumps, ~~shall be allowed~~ without a permit issued by the Town of Nantucket.

a. Temporary Discharges

1. No person shall discharge or cause to be discharged to surface WATER or groundwater on a temporary basis without a permit issued by Town Administration. All temporary surface and groundwater discharge permit applications shall be reviewed for the following criteria and by the following departments:
 - a. Location of discharge and collection point – Department of Public Works
 - b. Public health impacts – Health Department
 - c. Environmental Impacts – Natural Resources Department
2. All temporary discharge permits shall pay a fee as set by the Select Board.

Commented [LG6]: JC & RS to undertake a rewrite to address L Snell comment

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Commented [LG7]: Jeff and Roberto to clarify

Commented [RS8]: This is the way we currently do this. With no complaints

3. All temporary discharges shall meet federal water quality testing standards prior to activation.
4. No unfiltered discharges shall be permitted.

Commented [LG9]: How would we make sure of this?

A. Permanent Discharges

1. No person shall discharge or cause to be discharged to surface WATER or groundwater on a permanent basis without a permit issued by the Board of Health.
2. The installation of a sump pump shall require a plumbing permit and inspection as required by the plumbing code.
3. All permanent discharges shall be required to be contained on site and infiltrated through either a bio-retention area or subsurface infiltration.
4. All subsurface infiltration shall be required to maintain a six-foot separation to groundwater. If six-foot separation cannot be attained, bio-retention is required.
5. A fee for permanent discharge or a sump pump shall be determined by the Board of Health.

Section 5: Enforcement.

- A. Whoever violates any provision of these regulations shall be subject to a fine of \$300, each day constituting a separate offense. The Board of Health and other officers assigned by the Board of Health, including but not limited to agents of the Board of Health, Natural Resources Department, Conservation Agents, Department of Public Works and Nantucket Police Department to enforce this chapter may, as an alternative to initiating criminal proceedings, proceed to a noncriminal disposition of any violation of this chapter pursuant to the procedures set forth in MGL c. 40, § 21D.
- B. In addition to fines, any violation of these regulations may result in the assessment of a civil penalty not exceeding \$5,000 for each violation. Each day a violation continues shall constitute a separate violation.
- C. These regulations may be enforced through injunctive relief and other equitable remedies.

Section 6: Schedule of fees.

Discharge Permits	Fee
Temporary Discharge Permit	\$50
Permanent Discharge Permit	\$250
Unpermitted Discharge	4x Permit Fee per day

of the item being requested. Ms. Murphy thanked Mr. Carlson and the Harbor and Shellfish Advisory Board for their work on this issue.

There being no further comment, Ms. Murphy moved to close the hearing; seconded by Ms. Mohr; by roll call vote, all in favor: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Ms. Mohr – Yes; Mr. Fee – Yes.

Ms. Murphy so moved to transfer private shellfish aquaculture licenses 12 and 12B, each 4 acres in size and located in the Head of the Harbor, from Theodore Lambrecht to Sean Fitzgibbon, pursuant to MGL chapter 130, sections 57, 60 and 65 and with Town of Nantucket Shellfish Regulations Section 5.1; seconded by Ms. Mohr; by roll call vote, all in favor: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Ms. Mohr – Yes; Mr. Fee – Yes.

2. Public Hearing to Consider Adopting Surface Water and Ground Water Protection Regulations. Chair Bridges opened the hearing. Ms. Gibson introduced the item. She noted that several comments have been received about the proposed regulations; however, Town Administration has not been able to review or evaluate them due to other recent priorities. She requested that the Board continue the hearing to September 14, 2022. She suggested that in the meantime, the Board take in any comment that people might have, tonight. James Durette spoke on several items with respect to rainfall and stormwater that impacts his property on Silver Street. He said the Town parking lot is contributing to the problem and that catch basins in the area are clogged. Ms. Pratt commented on the need to address storm water that collects on her property on Silver Street. She expressed concern as to what contaminants might be in the water. She added that “something has to be done”. Ms. Mohr moved to continue the hearing to September 14, 2022; seconded by Ms. Murphy; by roll call vote, all in favor: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Ms. Mohr – Yes; Mr. Fee – Yes. Chair Bridges asked about any short-term fixes for the storm water issues mentioned by Ms. Pratt and Mr. Durette. Ms. Gibson explained that a sewer force main project, which is scheduled to begin later in 2022, will go through the Silver Street parking lot and the design has included improvements to the drainage system in the lot which is expected to alleviate flooding in the area. She referenced a report she gave to the Board at its June 22nd meeting relating to an increase in storm water related complaints all around the island and the need for planning which is complicated.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Schedule Special Election to Fill Select Board Vacancy. Ms. Gibson reviewed the date of November 8, 2022 as the proposed date; and, what it is going to take to hold two elections on the same day. Town Clerk Nancy Holmes elaborated on what it is going to take to run two elections at the same time. She reviewed the complications of mail-in voting, which is now allowed for all elections. She reviewed the processing procedure for a high volume of ballots. Some discussion followed. Ms. Mohr asked about the time frame for the special election to be less of a burden. Ms. Holmes suggested about a three-week period between the elections. Ms. Murphy commented that the Board also has the option not to schedule a special election as the term is up in 2023. She added that she is concerned about voter turn-out if the elections are on different days. Ms. Holdgate concurred and added that she does not favor not holding an election. Mr. Fee said he is not concerned about a four-member board until the annual election in 2023. Chair Bridges said he favors having an election. Discussion followed as to the potential confusion with two separate elections within a short time frame. Discussion followed as to the resources and storage space that will be required. Ms. Murphy emphasized the need for outreach as to when nomination papers will be available and due back. Ms. Gibson reviewed the nomination paper dates, if the election is scheduled for November 8th: nomination papers due on August 22nd; and due back with 50 signatures on October 4th. Ms. Mohr moved to schedule



Agenda Item Summary

Agenda Item #	XI. 1.
Date	2/1/2023

Staff

Vicki S. Marsh, Town Counsel

Subject

Approval by Select Board of General Court Revisions to Bills No. S.3066 for Home Rule Petition for Real Estate Conveyance of a Portion of Ames Avenue and No. S.3067 for Home Rule Petition for Real Estate Conveyance of 50 Altar Rock Road to Nantucket Conservation Foundation, Inc.

Executive Summary

Votes of Articles 95 and 94 of the 2022 ATM authorized the Select Board to file the Home Rule Petitions for the Real Estate Conveyance of a Portion of Ames Avenue and for Real Estate Conveyance of 50 Altar Rock Road respectively. The General Court, upon review of the legislative Counsels and Staff, requested changes to the Home Rule Petitions which required approval by the Select Board. Due to the timing of the requested changes, there was not sufficient time in the 2022 Legislative Session for the Select Board to approve of the changes in the Bills and then to obtain approval of both Houses of the General Court. The Home Rule Petitions can be re-filed with the requested changes provided the Select Board approve of the changes. In addition, these Home Rule Petitions as revised as requested by the General Court, are included in the Warrant for the 2023 ATM for a vote in the event that the Legislature requires a new vote by Town Meeting. Enclosed please find copies of the Bills containing the red-lined proposed revisions. Town Counsel has reviewed these proposed revisions to the Bills and find that they are acceptable.

Staff Recommendation

Proceed with the vote to approve of the requested revisions by the General Court to the proposed Bills for the Home Rule Petitions.

Background/Discussion

The Home Rule Petition for the Real Estate Conveyance of a Portion of Ames Avenue is filed in order to allow for the Town to convey certain Lots on Ames Avenue from the Conservation Commission to the Town for roadway purposes and for purposes of conveyance. The Town required Article 97 approval as the Lots were held for open space purposes, however, a portion of the roadway was laid out over a portion of these Lots. This Home Rule Petition will enable the Town to properly lay out the roadway and convey a portion of the Lots to the property owner abutting the Lots and in exchange the property owner will be conveying a portion of his property to the Town having approximately equal acreage and value.

The Home Rule Petition for the Real Estate Conveyance of 50 Altar Rock Road to the Nantucket Conservation Foundation, Inc. (NCF) is filed also for Article 97 purposes. This property is held by the Town for park purposes and will be conveyed to NCF for open space, conservation and recreation purposes. The General Court requested a change to the Legislation to require a conservation restriction



on the Property and in the event that the property is no longer able to be held for these purposes by NCF it will revert to the Town for park purposes.

Impact: Environmental **Fiscal** **Community** **Other**

N/A

Board/Commission Recommendation

N/A

Public Outreach

The Home Rule Petitions were both approved by the 2022 Annual Town Meeting.

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

Attachments

Legislative Bills for the Home Rule Petitions.



SENATE No. 3066

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Nantucket to convey for roadway and any other purposes certain parcels of land within the roadway known as Ames Avenue, and shown as lots 35-38 (inclusive) in block 31 on land court plan no. 2408-m filed with the Nantucket registry district of the land court situated in the town of Nantucket held for conservation or recreational purposes to be conveyed for roadway and/or any purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>

SENATE No. 3066

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 3066) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to authorize the town of Nantucket to convey for roadway and any other purposes certain parcels of land within the roadway known as Ames Avenue, and shown as lots 35-38 (inclusive) in block 31 on land court plan no. 2408-m filed with the Nantucket registry district of the land court situated in the town of Nantucket held for conservation or recreational purposes to be conveyed for roadway and/or any purposes. State Administration and Regulatory Oversight. [Local approval received]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the town of Nantucket to convey for roadway and any other purposes certain parcels of land within the roadway known as Ames Avenue, and shown as lots 35-38 (inclusive) in block 31 on land court plan no. 2408-m filed with the Nantucket registry district of the land court situated in the town of Nantucket held for conservation or recreational purposes to be conveyed for roadway and/or any purposes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Pursuant to Article 97 of the Amendments to the Constitution of the
2 Commonwealth of Massachusetts and notwithstanding the provisions of any general or special
3 law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all
4 or portions of certain parcels of land situated in the Town of Nantucket and currently under the
5 care, custody, management and control of the conservation commission of the town of
6 Nantucket, for roadway and/or any purposes, to be on any terms and conditions the Select Board
7 deem appropriate, which may include the reservation of any easements and restrictions in regard
8 to the property, which is described as follows:

9 ~~———~~ Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M of the Nantucket County
10 Land Court Registry;
11 ~~——— Any such disposition shall be on such terms and conditions as the Select Board deem~~
12 ~~appropriate, which may include the reservation of restrictions and easements, and the~~
13 ~~conveyance or dedication of a parcel or parcels of Town-owned land to satisfy the “no net loss~~
14 ~~policy” of the Executive Office of Energy and Environmental Affairs, all and as shown on a map~~
15 entitled “2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames
16 Avenue” dated January 2022 and filed with the Office of the Town Clerk.

17 SECTION 2. As a condition of any disposition of land pursuant to section 1, and to
18 ensure no net loss of land subject to Article 97 of the amendments to the constitution of the
19 Commonwealth, the town of Nantucket shall convey to the care, custody, ~~and~~ management and
20 control of the conservation commission, and dedicate for conservation and recreation purposes
21 pursuant to Article 97, land of equal or greater acreage and natural resource value as the land so
22 disposed.

23 SECTION ~~23~~. This act shall take effect upon its passage.

SENATE No. 3067

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Nantucket to convey a certain parcel of land situated in the town of Nantucket held for park purposes to the Nantucket Conservation Foundation Inc. for open space, recreational, and conservation purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>

SENATE No. 3067

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 3067) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to authorize the town of Nantucket to convey a certain parcel of land situated in the town of Nantucket held for park purposes to the Nantucket Conservation Foundation Inc. for open space, recreational, and conservation purposes. State Administration and Regulatory Oversight. [Local approval received]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the town of Nantucket to convey a certain parcel of land situated in the town of Nantucket held for park purposes to the Nantucket Conservation Foundation Inc. for open space, recreational, and conservation purposes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Pursuant to Article 97 of the Amendments to the Constitution of the
2 Commonwealth of Massachusetts and notwithstanding the provisions of any general or special
3 law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all
4 or a portion of a certain parcel of land situated in the Town of Nantucket and held by the select
5 board for park purposes subject to Article 97 to the Nantucket Conservation Foundation, Inc. for
6 open space, recreational, and conservation purposes, to be on any terms and conditions the Select
7 Board deem appropriate, which may include the reservation of any easements and restrictions in
8 regard to the property, described as follows:

9 _____ Tax Assessor’s Map 45, Parcel 9, 50 Altar Rock Road, and ;

Commented [PR(1)]: Would be great to have the proper deed reference here

10 ~~Any such disposition shall be on such terms and conditions as the Select Board deem~~
11 ~~appropriate, which may include the reservation of restrictions and easements and acceptance of~~
12 ~~the conveyance of certain land from the Nantucket Conservation Foundation, Inc. to satisfy the~~
13 ~~Executive Office of Energy and Environmental Affairs “no net loss policy” as determined by the~~
14 ~~Select Board, all~~ as shown on a map entitled “2022 Annual Town Meeting Warrant Article 93
15 Conveyance of Altar Rock” dated January 2022 and filed with the Office of the Town Clerk.

16 SECTION 2. No instrument conveying, by or on behalf of the Commonwealth, any
17 interest in the parcel of land described in Section 1 shall be valid unless such instrument: (i)
18 provides that the land shall be used solely for open space, recreational, and conservation
19 purposes; (ii) if the instrument conveys a fee interest in the parcel of land, includes a clause that
20 shall require the grantee to convey a conservation restriction over the land in perpetuity as
21 defined in and subject to sections 31, 32 and 33 of chapter 184; and (iii) includes a clause that
22 shall state that if the land ceases to be used by the grantee, or its successors or assigns, solely for
23 open space, recreational, and conservation purposes at any time that said parcel of land shall
24 revert to the town of Nantucket, which shall dedicate it for park purposes subject to article 97.

25 SECTION 32. This act shall take effect upon its passage.

Feb 1, 2023 – Select Board

As of 01/26/23

2023 Special Town Meeting Scheduling (for STR bylaw(s))

Considerations:

- Availability of key officials
- Days of the week
- School concerns
- Holiday or other events
- Other Town concurrent activities

Dates considered

Mon or Tues Oct 2 or 3

Tues, Nov 7

Recommendation

Tues, Nov 7 – 5:30 pm? 6pm start? Need to be done in one night

Other Information

- Option Technology (E-voting) is available
- There is no school on Nov 7 (there is Professional Development but that should not interfere with set up)
- Timeline to follow
- Citizen petitions for STM require 100 signatures

Other Warrant Articles

Nothing publicly ready at this point