

NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION



COMMISSIONERS: Nat Lowell (Chair), Fritz McClure (Vice Chair), Matt Fee, Jack Gardner, Wendy Hudson, David Iverson, Bert Johnson, Leslie B. Johnson, John Trudel, Maureen Phillips, and Judith Wegner

MINUTES

Thursday, January 23, 2020

PSF, 4 Fairgrounds Road, Community Room – 6:00 p.m.

Purpose: Regular Meeting:

STAFF IN ATTENDANCE: Andrew Vorce, Director of Planning; Leslie W. Snell, Deputy Director of Planning; Mike Burns, Transportation Planner; Eleanor W. Antonietti, Zoning Administrator

ATTENDING MEMBERS: Nat Lowell (Chair), Matt Fee, Jack Gardner, David Iverson, Bert Johnson, John Trudel, Maureen Phillips, and Judith Wegner

ABSENT: Fritz McClure; Wendy Hudson; Leslie Johnson

REMOTE PARTICIPATION: Derek Shooster (Regional Planning Coordinator | MassDOT | Office of Transportation Planning hangs up at 6:53pm)

PUBLIC PRESENT: Billy Cassidy

I. Call to Order:

II. Establishment of Quorum:

6:03 p.m.

III. Approval of Agenda:

Agenda adopted by **UNANIMOUS** consent.

IV. Approval of Minutes:

- November 18, 2019
- December 9, 2019

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to approve the NP&EDC minutes for November 18, 2019 and December 9, 2019.

The vote was **UNANIMOUS**.

V. Public Comments:

Billy CASSIDY Presents proposal to related to a recent Land Bank regarding the Larrabee property along Hummock Pond Road. He is interested in installation of bike paths along Hummock Pond to Somerset Lane. He met with Staff to discuss how to expedite. He proposes to underwrite the cost of the design phase of that section of bike path from Somerset Rd. to

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Hummock Pond Rd. Should have a working schematic plan within a few months to invite comment. Attorneys Jessie and John Brescher have volunteered to help with legal aspect of easements that might be necessary. Observes that there is general support of abutters. Planning to set up 501(C) 3 to which neighbors could contribute to show a desire to support, not to subsidize, the work. Primarily here to promote kick-starting the effort. Thinks that Surveyor Art Gasbarro has majority of field work completed. Anticipates installing a 10' paved surface with necessary buffer. This will be a living donation. Believes that Mike Burns will also be involved.

LOWELL asks if we have any old plans.

BURNS partial surveys are done at intersection of Hummock Pond Road and Somerset and there is another project in the corridor for the DPW, water and sewer which includes a path and a bus stop for Raceway.

CASSIDY we are planning on tying into that.

LOWELL asks Andrew if we could get remaining funding in August. Should not be too expensive since it is a straight shot.

GARDNER asks which side of the road he is going to build it on?

CASSIDY on the south side. Already knows of several people who support this effort.

VORCE advises that we place this on a future agenda.

LOWELL we will place on agenda when Art has a plan ready. Cassidy will be in touch with Staff.

VI. Action / Discussion Items:

- A. Milestone Rotary – Authorize Director to sign agreement with Greenman-Pedersen, Inc to conduct evaluation of current conceptual improvements and right of way impacts.**

BURNS explains that we need to quantify or get a plan developed showing Right of Way impacts. This is a good visual aid for that process. Previous Design needs to be peer reviewed. Cost of GPI services is about \$11,000. We do have funding with Unified Planning Work Program (“UPWP”) regional transportation funding source. Has been told that we have been given a soft yes on the approval. Recommends Board authorize Director of Planning to sign the agreement. VORCE points out that we do have other land to exchange with NILB to mitigate for the loss of land here. Not extensive.

The **MOTION** was made by Dave Iverson and seconded that the NP&EDC does hereby vote to authorize the Director of Planning to sign the agreement once the funding request is approved by MassDOT.

The vote was **UNANIMOUS**.

BURNS Informs Board that he has submitted a project initiation proposal to MassDOT for reconstruction of the Milestone Rotary, per the 2019 Town Meeting vote. The project initiation for the widening of Milestone Road to add shoulders is still being developed. Once MassDOT reviews the project information, the Planning staff and the Town will be notified of the next steps by DOT so that we can continue to advance this project.

- B. Long-Range Transportation Plan – review status of implementing vision elements.**

BURNS this is more informational for tracking status of LRTP. Referring to Chart on Page 33 of packet and narrative in the report. Broken down into different vision elements. There has been recent interest in vehicle restriction vision. Goal is reduce number of motor vehicles on island and develop policy. There was a request for legal review. Nothing has been finalized. With

respect to study efforts that are part of this vision, he has had discussion with representatives from ACK NOW regarding their interest in participating. There is a need to understand certain things. We are using historic documents for guidance that need to be updated. ACK NOW needs to elaborate on exactly how they want to participate. Balance of document shows work flow. This helps us track progress.

FEE remembers a legal opinion from outside the town showing that it was legal but had to go through legislature. We went up to the legislature and got through a few committees. Challenging to figure out how to do fairly. He asked Nantucket Data Platform (“NDP”) how they got their numbers. They use RMV and Assessor numbers and use mid-winter as their anchor. They are counting all vehicles. Totals over 32,000. They use trip level ferry data. They are taking a picture on every single boat. They do include trucks coming on/off boats. If another method is used, you end up with discrepancies.

LOWELL Steamship considers each direction as one trip. Doesn’t think they send information out for each direction.

BURNS Corrects that. They do send it out. He has about 20 years of to and from flows. There is a business summary for Steamship Board members and there is a separate traffic report which is very specific. It’s a monthly total. Matt’s point is that if there is a particular hour on a certain day – i.e. in the middle of August – things get skewed. His July number is bigger than the August number because he looks at the end of the month. NDP uses Assessor information, different source than RMV. This is out in the public and being used by the other sources.

WEGNER Wonders about desegregating the data. It would be helpful to see raw number total but something about the typology. Interested in methodology and wonders if common practice has shifted in last 20 years.

BURNS borrowing a technique that was developed by RKG. Doesn’t think NDP is using anything more complex than what he is using. We know exactly how many registered vehicles there are in the USA. There are two kinds of counts. Cars that are physically here and then how cars are used. None of the count technologies tell you exactly how many vehicles are on island at any given time which is why we rely on the Steamship for that information.

LOWELL thinks the RMV number is more accurate each year.

DISCUSSION about how to get more accurate information regarding number of vehicles. How does ride-sharing impact numbers?

FEE there is a huge shift in big data, how you collect and use it. A lot of visitors use their cars at a higher rate than they would at home. High rate of usage is something we need to understand that better.

C. Tom Nevers Multi-Use Path Feasibility Study – review of preliminary permitting requirements.

BURNS Draft permitting feasibility is in packet based on review by Weston & Sampson. There is a project map of the corridor from Milestone Rd. all the way to Tom Nevers to the fields specifically is being recommended to be advanced. These ancillary spurs that come off of it through Conservation Foundation property and down the private property section are subject to property acquisition issues and they trip a lot of MEPA processes. Going to recommend cutting off evaluation of any other spur alignments. Staff recommends that the Select Board (“SB”) modify their agreement to include ground survey for more detailed evaluation of the corridor like electrical poles etc. There should be an Amendment to contract in the next month or so.

NO ACTION NEEDED at present.

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B JOHNSON asks about the green spur that goes across conservation land. There is Housing Authority land out there where they were prohibited from building due to a moth.

BURNS flagged for endangered species.

VORCE we are recommending the east side because there are fewer crossings. Planning Board has secured various easements, including no disturb easements, over the years. It is the side with all the poles but still makes most sense.

TRUDEL on opposite side there are some undersized parcels owned by the Commonwealth. They may be drainage parcels so would be hard to get easements in there.

VORCE This is advancing so now is the time to speak up if you have any issues. It will be along the east side coming down and then when road bends around will be on the south side to avoid a road crossing.

BURNS Going to do a field survey to see if we need to cross over at or after Old Tom Nevers Rd.

LOWELL asks if this would be TIP?

BURNS it's in the CIP and would be locally funded. There could be a local support effort.

TRUDEL asks about using the old railroad where you would have had historical easements.

VORCE This would not be practical. The Roads and Right of Way committee has a project to try to reopen that for hiking. There has been concern about Emergency vehicles and putting it out in a completely inaccessible area.

D. Annual Town Meeting – review of articles¹ of planning concern.

VORCE annually NP&EDC discusses articles that may be of planning concern. Our discussion and action is advisory to the Finance Committee (“FinCom”) or Planning Board (“PB”), the entities that provide the actual Motions to ATM. Page 65 of the packet breaks down our opinions. Not in a rush to get anything completed tonight. FinCom continues to review articles and we can update you on those about what we know. You can agree or discuss. The Warrant was just finalized last night. We have given you an update with actual numbers.

SNELL Points out that PB has a meeting on 2/13

WEGNER asks if we want to make recommendations to PB, do they need to be done tonight.

SNELL clarifies, yes if interested in PB articles. PB motions have to be drafted after 2/13 meeting. FinCom is not adopting their motions until Tuesday, 3/3, after next NPEDC meeting.

LOWELL anything that is a FinCom motion, we can do at next meeting.

VORCE these are Citizen's articles. Goes through summary of NO ACTION articles. Not of planning concern and therefore does not need discussion here.

FEE is interested in Park & Recreation article (Article 38). Does think that is a quality of life issue and NP&EDC should weigh in.

GARDNER states they are back to doing regular meetings but they have no money or power. DPW controls everything.

VORCE we can pull that one out and vote on balance.

Articles 31, 32, 33, 34, 37, ~~38~~, 68, 79, 83, 84, 85, 86, 88, 97 – Recommended NO ACTION and NOT OF PLANNING CONCERN

The **MOTION** was made by Bert Johnson and seconded that the NP&EDC does hereby vote to support the Staff recommendation that **no action** be taken relative to above-referenced Citizens

¹ *In the interest of clarity – these minutes will use the Article numbers rather than the formerly assigned letters to specify Articles.*

Articles determined as **not of planning concern**, as shown on chart on page 65 of the Meeting Packet, excluding Article 38.

The **VOTE** was **UNANIMOUS**

THE REMAINDER CITIZENS ARTICLES REVIEWED HEREWITH ARE CONSIDERED TO BE OF PLANNING CONCERN UNLESS SPECIFICALLY DESIGNATED OTHERWISE.

Article 38 – To Re-establish the Parks and Recreation Department

GARDNER explains that main things is the playing fields at Delta, Tom Nevers, and Nobadeer Farm Rd. Little League takes care of their own fields.

TRUDEL notes that reestablishing Parks & Rec. from organizational and financial standpoint would require someone to organize maintenance.

GARDNER DPW cannot hire staff to cut grass. They have more administrators and not enough field staff.

FEE remembers that there was a hiring freeze during the last downturn and we consolidated, dissolving the Parks & Rec.

DISCUSSION about accountability.

VORCE this article is to establish a department with a separate dept. head appointed by Town Manager and also to make an appropriation. If Board thinks this is a planning concern, he doesn't think it should be supported.

CONSENSUS to recognize the intent and hope to see it restructured. Important aspect of resident experience which warrants further study.

VORCE asks if this has come up during the budget discussions at SB meetings.

FEE no due to volume of articles. He brought it up because this is a cross section of the island.

VORCE thinks that without the article, the vote on budget resources could be achieved with instructions to DPW to shift a staff person to Parks & Rec. There has been extensive restructuring at the DPW. A position could be created to focus solely on Parks & Rec.

The **MOTION** was made by Dave Iverson and seconded that the NP&EDC does hereby vote to **take no action with respect to Article 38** other than to comment, through Staff, that as the regional planning agency, the NP&EDC supports the intent in principle but not as written.

The **VOTE** was **UNANIMOUS**

SNELL offers to prepare a draft comment for review at next meeting.

B JOHNSON would like Andrew to talk to Rob McNeil

Article 67 – Prohibiting roundabouts near school

VORCE explains why this is of planning concern and why we are recommending opposition.

BURNS confirms that FinCom will not adopt.

The **MOTION** was made John Trudel and seconded that the NP&EDC does hereby vote to gives a **recommendation not to adopt Article 67.**

The **VOTE** was **UNANIMOUS**

Articles 105, 106, 107, 108, 109, 110, 111, 112, 113 – various real estate acquisition and conveyance articles

VORCE explains that Staff recommends we support the Finance Committee recommendations relative to these Citizens Articles of planning concern

The **MOTION** was made by Bert Johnson and seconded that the NP&EDC does hereby vote to give a **positive recommendation** to the above referenced real-estate articles of planning concern.

The **Motion passed by a MAJORITY VOTE**, with 6 in favor and 2 (Fee & Phillips) abstentions.

Fee and Phillips have not had chance to review all of them.

Article 81 – Washington Street Parking Lot

VORCE explains that this is legally defective per Town Counsel.

The **MOTION** was made John Trudel and seconded that the NP&EDC does hereby vote to give a **recommendation not to adopt Article 81**.

The **VOTE** was **UNANIMOUS**

Articles 75, 76, 114 – various bicycle articles

VORCE explains that Article 75 is about bicycle ROW.

FEE Article 114 – Bicycle Data Base – is not being supported by FinCom.

CONSENSUS agrees that we support FinCom’s negative recommendation regarding Article 114.

BURNS BPAC (Bicycle Pedestrian Advisory Committee) supports all 3 of these articles. Article 75 is contentious at the state level. There are some unresolved issues with the ROW Stop signs.

Need Town Counsel opinion because it may conflict with state law on right of way. The Police Dept. thinks there is a conflict. Liability and risk to municipality are at issue.

FEE points out that Ian Golding (Sponsor) has counsel to weigh in on this.

WEGNER points out that it couldn’t go into effect until AG approves.

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to give **positive recommendations for Articles 75 and 76**.

The **VOTE** was **UNANIMOUS**

Article 58 – CMI Height Restriction

VORCE PB unanimously opposed this article. Directly in conflict with both the Master Plan and what has already been accomplished. HDC has full authority over the height of these buildings no matter what the zoning is.

FEE asks if there was any discussion of going from 30’ to 40’ if a certain percentage would be for affordable use and how would we do that if so.

VORCE There are design considerations (lot size, massing) or uses that could be beneficial in that area. No desire to restrict uses in this area.

The **MOTION** was made John Trudel and seconded that the NP&EDC does hereby vote to give a **recommendation not to adopt Article 58**.

The **Motion passed by a MAJORITY VOTE**, with 7 in favor and 1 (Johnson) abstention.

Article 87 – Sewer District Map Change

VORCE part of what Mr. Cassidy is doing, this is sponsored by the Land Bank.

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to give **positive recommendation for Article 87**.

The **VOTE** was **UNANIMOUS**

Articles 53, 54, 55, 56, 57, 59, 60, 61, 88 – various zoning articles

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to **refer** all above-referenced **zoning articles of planning concern to the Planning Board** for recommendations.

The **Motion passed by a MAJORITY VOTE**, with 7 in favor and 1 (Fee) abstention.

Article 66 – Paid Parking

The **MOTION** was made Dave Iverson and seconded that the NP&EDC does hereby vote to give a **recommendation not to adopt Article 66**.

The **VOTE** was **UNANIMOUS**

Article 65 – Short-term rental tax cap

LOWELL thinks this is too complicated. Hard to know impacts.

VORCE Town Counsel thinks it's legally defective.

WEGNER thinks it is planning concern because it affects land use, primarily in a financial way.

FEE there are other optional taxes which we have not yet pursued.

CONSENSUS This is of planning concern but should be referred to FinCom for further analysis.

The **MOTION** was made John Trudel and seconded that the NP&EDC does hereby vote that **Article 65 is of planning concern and further refers Article 65 to FinCom for further financial analysis**.

The **VOTE** was **UNANIMOUS**

Article 62 – Historic Preservation

VORCE This is submitted as an amendment to General By-laws. HDC under its authority has full decision-making power over razing of structure. We have a demolition delay bylaw in our Zoning bylaw. In order for Building Commissioner to enforce this, it cannot be in the General By-law.

The **MOTION** was made Bert Johnson and seconded that the NP&EDC does hereby vote to give a **recommendation not to adopt Article 62**.

The **Motion passed by a MAJORITY VOTE**, with 7 in favor and 1 (Fee) opposed.

FEE concerned that we need to tighten up our preservation. There are too many loopholes.

Would like a comment submitted with motion that we agree with the spirit of this.

After discussion of desire for additional input, **Judith Wegner made a motion to reconsider the vote. Dave Iverson seconded the motion.**

The **Motion passed by a MAJORITY VOTE**, with 6 in favor and 2 (Trudel, Fee) opposed.

WEGNER proposes to continue to our February meeting and ask a representative from HDC to have someone attend our meeting to talk about this. We want to be clear on their views and craft an appropriate comment.

FEE suggests we ask Mary Bergman to attend

SNELL proposes to draft a comment for next meeting.

CONSENSUS We want to help Mary Bergman to recraft article and not have as General By-law.

VORCE suggests that Staff talk to involved parties. Perhaps there is not a role for NP&EDC. Staff will come back with comments.

Article 77 – Merchandise & Wares

Dave Iverson sponsor of the article, recuses.

The **MOTION** was made Judith Wegner and seconded that the NP&EDC does hereby vote to give a **positive recommendation for Article 77**.

The **VOTE** was **UNANIMOUS**

Article 80 – Unwanted Capital Projects

The **MOTION** was made Bert Johnson and seconded that the NP&EDC does hereby vote to give a **recommendation not to adopt Article 80**.

The **VOTE** was **UNANIMOUS**

Article 73 – Plastics Ban

CONSENSUS that this is not of planning concern, the Town has a single use bylaw and the sponsor may be happier with the Town's version of the proposal in Article 73

The **MOTION** was made Maureen Phillips and seconded that the NP&EDC does hereby vote that **Article 73 is of not of planning concern** and further gives a **recommendation to take no action**.

The **VOTE** was **UNANIMOUS**

Article 35 –Solid Waste

PHILLIPS points out that this is important issue. She is on the that the Solid Waste Group. They have a range of options which are being actively considered by the DPW. She is opposed to the solid waste because it does have planning implications.

WEGNER suggests we add comment that the Solid Waste Group is exploring a range of options so this is premature.

The **MOTION** was made Maureen Phillips and seconded that the NP&EDC does hereby vote that **Article 35 is of planning concern** and further gives a **recommendation not to adopt Article 35 based upon the review of the issue conducted by the Solid Waste Group**.

The **VOTE** was **UNANIMOUS**

Article 36 – Beach Access

The **MOTION** was made by John Trudel and seconded that the NP&EDC does hereby vote to **take no action with respect to Article 36** other than to comment, through Staff, that it is of planning concern and, as the regional planning agency, the NP&EDC supports the concept.

The **VOTE** was **UNANIMOUS**

Article 69 – Traffic Rules and Restrictions in CDT

VORCE this is about commercial vehicles in the core district.

DISCUSSION about dynamics of downtown parking and delivery trucks.

The **MOTION** was made by Maureen Phillips and seconded that the NP&EDC does hereby vote that **Article 69** is of **planning concern** and should be **continued** for further review and study.

The **VOTE** was **UNANIMOUS**

Article 78 – Outdoor Lighting Bylaw

VORCE too vague as submitted and not enforceable per Town Counsel.

SNELL explains that lighting enforcement is based on complaints filed.

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote that **Article 78** is of **planning concern** and further recommended not to adopt until further comment received from Staff. **Continued to next meeting.**

The **VOTE** was **UNANIMOUS**

Article 74 – Beach obstruction prohibition

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote that **Article 74** is of **planning concern** and further gives a **positive recommendation.**

The **VOTE** was **UNANIMOUS**

VORCE acknowledges publicly the next two articles are sponsored by Chairman Lowell's brother.

CONSENSUS is as long as he has no bias or financial interest, he does not have to recuse.

Article 64 – Public Property Damage

VORCE this would have impacts on our operations. While we do not encourage this, this article is impractical. Public streets and ways are overseen by DPW, not the PLUS Dept.

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote that **Article 64** is of **planning concern** and further votes **not to adopt** in its present form. There is merit in exploring the options here to include other approaches and the concept needs to be referred for additional study for a more suitable mechanism.

The **VOTE** was **UNANIMOUS**

Article 63 – Affordable Housing

The **MOTION** was made by Bert Johnson and seconded that the NP&EDC does hereby vote that **Article 63** is of **planning concern** and further votes **not to adopt.**

The **VOTE** was **UNANIMOUS**

E. Director of Planning – performance preview

VORCE explains that this is preview of the new system. At next meeting will have prepared a response to goals that were accomplished last year. Asks Commissioners to submit ideas for new goals. Staff will send out the links to follow new system. Amanda in HR will set up with access so can do from computer.

WEGNER asks if this format is better than previous form and if he does a self-evaluation

VORCE thinks it's better format. Town Manager will participate. Yes he does do a self-evaluation.

VII. Other Committee Reports

VIII. Other Business

IX. Adjournment

M/S/A to end MEETING at 9:15 p.m.

The vote was **UNANIMOUS**

Submitted by:
Eleanor W. Antonietti

Approved