

SELECT BOARD

Minutes of the Meeting of January 30, 2019. 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 and James R. Kelly. Dawn Hill Holdgate was absent.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 6:02 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Bridges noted agenda item VII. 4 has been taken off the agenda. The agenda was accepted as presented.

III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Select Board meeting is being video/audio recorded in accordance with the Open Meeting Law.

2. Ms. Gibson announced that the Polpis Harbor Dredging Project finished today.

IV. PUBLIC COMMENT

Campbell Sutton said she has "heard that rotaries are being planned without a town meeting vote", specifically at Bartlett/Surfside intersection. Ms. Gibson explained that funding has already been approved by town meeting for design of three proposed round-a-bouts, including what Ms. Sutton is inquiring about but construction funding is not in place and would require a town meeting vote to appropriate. The Select Board discussed what is proposed on the 2019 Annual Town Meeting warrant (construction funding for a round-a-bout at Old South/Fairgrounds intersection). Ms. Sutton stated that for the record, she is against a roundabout at Surfside Road/Bartlett Road.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of January 16, 2019 at 6:00 PM. Mr. Kelly moved to approve the minutes of January 16, 2019 at 6:00 PM; Ms. Higgins seconded. So voted 4-0.

2. Approval of Payroll Warrants for Week of January 27, 2019. Mr. Kelly moved to approve payroll warrants for the week of January 27, 2019; Ms. Higgins seconded. So voted 4-0.

3. Approval of Treasury Warrants for January 30, 2019. Mr. Kelly moved to approve treasury warrants for January 30, 2019; Ms. Higgins seconded. So voted 4-0.

4. Approval of Pending Contracts for January 30, 2019 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson and DPW Director Rob McNeil reviewed a contract for Hazen and Sawyer. Mr. Kelly moved to approve pending contracts for January 30, 2019; Ms. Higgins seconded. So voted 4-0.

VII. CONSENT ITEMS

1. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel A, Nobadeer Avenue as Shown on Plan of Land Entitled "Roadway Acquisition Plan in Nantucket, Mass. of a Portion of Unconstructed 'Nobadeer Avenue'."

Dated September 25, 2018, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-63, Pursuant to Vote on Article 84 of 2018 Annual Town Meeting. Mr. Kelly moved to approve this matter as presented; Ms. Higgins seconded. So voted 4-0.

2. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel A, School Street as Shown on Plan of Land Entitled "Roadway Acquisition Plan in Nantucket, Mass. of a Portion of Unconstructed 'School Street'," Dated June 13, 2018, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-56, Pursuant to Vote on Article 77 of 2010 Annual Town Meeting. Mr. Kelly moved to approve this matter as presented; Ms. Higgins seconded. So voted 4-0.

3. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel B, School Street as Shown on Plan of Land Entitled "Roadway Acquisition Plan in Nantucket, Mass. of a Portion of Unconstructed 'School Street'," Dated June 13, 2018, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-56, Pursuant to Vote on Article 77 of 2010 Annual Town Meeting. Mr. Kelly moved to approve this matter as presented; Ms. Higgins seconded. So voted 4-0.

4. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel C, School Street as Shown on Plan of Land Entitled "Roadway Acquisition Plan in Nantucket, Mass. of a Portion of Unconstructed 'School Street'," Dated June 13, 2018, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-56, Pursuant to Vote on Article 77 of 2010 Annual Town Meeting. This matter was taken off the agenda.

5. Real Estate Acquisitions and Conveyances with Nantucket Islands Land Bank: a) Execution of Quitclaim Deed to the Land Bank for Parcel of Land Located at **55 Warren's Landing Road**, Shown as Lot C on Plan of Land Entitled "Subdivision Plan of Land in Nantucket," , Dated July 1950, Prepared by Josiah S. Barrett, Engineer and Filed with Nantucket Registry District of the Land Court as Land Court Plan No. 12127-B, Pursuant to Chapter 125 of the Acts of 2013; b) Acceptance of Quitclaim Deed from the Land Bank for Property Located at **39 Washington Street**, Shown on Plan of Land Entitled "Plan of Land in Nantucket, Mass.," Dated December 10, 2014, Prepared by Hayes Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2014-109, Pursuant to Authority of Section 3.3 of Town of Nantucket Charter; c) Execution of Declaration of Easements in Favor of the Town Regarding Property Located at **44 Washington Street**, Shown as Lots A5 and A6 on Plan of Land Entitled "Subdivision Plan of Land in Nantucket," Dated March 1950, Prepared by Josiah S. Barrett, Engineer and Filed with Nantucket Registry District of the Land Court as Land Court Plan 10450-C. Mr. Kelly moved to approve this matter as presented; Ms. Higgins seconded. So voted 4-0. Director of Planning Andrew Vorce spoke in recognition of these actions finalizing the "Grand Swap" with the Land Bank, and thanked the Land Bank, Select Board, Town Administration and Town Counsel for the amount of work that went into the completion of this long and complicated series of transactions.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Planning Office: Request for Acceptance of Grant of Access Easement from Cold Storage II, LLC for a Perpetual Non-exclusive Easement for all Purposes for which Public Ways are Used in the Town of Nantucket, Together with Attendant Customary Uses, Including but not Limited to Vehicular, Pedestrian and Bicycle Access and for the Construction, Operation and Maintenance of Utilities In, Over, Under, Through, Across, Upon and Along the Parcel of Land at 11 Amelia Drive, Nantucket, to Land Owned by Town of Nantucket as Shown on Assessor's Map 67 as Parcel 927, and Shown as "10' Wide Access Easement" on Plan Entitled "Exhibit A Sketch Plan of Land in Nantucket, Mass.," Dated January 3, 2019 and Prepared by Island Surveyors, LLC. Mr.

Vorce reviewed the access easement, which is a voluntary easement, being granted by the property owner, noting it is also a requirement of the Planning Board special permit for the property. Mr. Fee moved to accept the grant of easement as presented; Mr. Kelly seconded. So voted 4-0.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider the Taking of Roadway Parcels and Portions of Paper Streets for Public Access, Public Safety, Sewer, Open Space, Recreational Use Purposes, Affordable Housing Purposes and/or General Municipal Purposes and for the Purpose of Conveyance of the Fee Title or Lesser Interests, Together with any Public and Private Rights of Passage, as Authorized by MGL Chapter 79 and the Following Town Meeting

Votes: Chair Bridges opened the public hearings for items a, b, c and d.

a) Portions of Nancy Ann Lane Shown as Lot A on Plan of Land Entitled "Taking Plan of Roadway in Nantucket, Mass.," Dated April 27, 2017, Prepared by Hayes Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2017-64, Pursuant to Vote on Article 95 of 2017 Annual Town Meeting; and, Portions of Mayflower Circle and Daffodil Lane Shown as Lots A and B on Plan of Land Entitled "Taking Plan of Roadway in Nantucket, Mass.," Dated April 26, 2017, Prepared by Hayes Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2017-65, Pursuant to Vote on Article 97 of 2017 Annual Town Meeting. There was no public comment. Chair Bridges closed the public hearing. Ms. Higgins moved to approve the taking of portions of Nancy Ann Lane, Mayflower Circle and Daffodil Lane as presented; Mr. Fee seconded. So voted 4-0.

b) Portions of Unnamed Way off Miller Lane Shown on Plan of Land Entitled "Subdivision Plan of Land in Nantucket," Dated May 1955, Prepared by Schofield Brothers, Civil Engineers and Filed with Nantucket Registry District of the Land Court as Land Court Plan 16514-G, Sheet 2, Pursuant to Vote on Article 96 of 2014 Annual Town Meeting. There was no public comment. Chair Bridges closed the public hearing. Ms. Higgins moved to approve the taking of portions of an Unnamed Way off Miller Lane as presented; Mr. Kelly seconded. So voted 4-0.

c) Unnamed Ways off Baxter Road Shown as Parcels 1 and 2 on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, Mass., Prepared for Town of Nantucket," Dated July 6, 2018, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-78, Pursuant to Vote of Article 102 of 2015 Annual Town Meeting. Thomas Barada spoke in opposition to the taking, noting that with constant erosion on the island, it might be pertinent for the Town retain the property as there may be a need for a future roadway. He handed out a satellite image of the property to Board members. Attorney Steven Cohen, representing the abutting property owners, stated that the ways do not connect to anything; they dead end at private property on one side, and added his clients don't want a road here. Attorney Cohen said the Town's yard sale program does not preclude reserving rights for the Town for future access rights or easements. Mr. Vorce agreed with Attorney Cohen, stating that when the process gets to the disposition, an easement for emergency access could occur then, adding that the Planning Board discussed this when it approved the Approval Not Required (ANR) plan. He recommended that the Board proceed with the taking. Ms. Higgins said she has strong reservations similar to those of Mr. Barada, noting the Town needs to look at paper roads in proximity to coastal areas as part of a coastal resiliency plan. Mr. Kelly agreed with Ms. Higgins, saying he feels when the Board gets to the dispositions, there are "baked-in" expectations. He said he'd like to know if there is retreat plan. Attorney Cohen said he shouldn't have said his clients don't want a road, but they do not want it open to its full width. Mr. Fee asked if the "big picture" was considered. Ron Bamber spoke against the taking. Attorney Cohen said his clients would be willing to have a plan prepared showing a reserved emergency access way reserved for the Town. Some discussion followed among Board members as to whether to close the public hearing and readvertise or continue the public hearing to a date certain. Chair Bridges closed the public hearing. Mr. Fee moved to take no action; Ms. Higgins seconded. So voted 4-0.

d) Portions of James Street Shown as Parcels 1 and 2 on Plan of Land Entitled "Taking & Disposition Plan of Land in Nantucket, Mass., Prepared for Town of Nantucket," Dated March 6, 2018, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-35, Pursuant to Vote

on Article 5 of 2013 Special Town Meeting (Continued from November 28, 2018). Rick Atherton noted he was involved in James Street when he was a Select Board member, and he wants to ensure that access points along Hulbert Avenue are taken properly. He questioned why the taking plan was voted on by the Planning Board as an ANR before the taking hearing. Mr. Vorce explained that the ANR created/defined the parcels with ownership interests, and that this is done with all yard sale parcels. Mr. Vorce answered questions from Board members, noting the easement width is to be widened. Chair Bridges closed the public hearing. Mr. Kelly asked what the expectations are of the adjacent property owners and if negotiations are still ongoing. Mr. Vorce noted that the Real Estate Assessment Committee (REAC) discussed the matter and the property owners were present; there are clear expectations of an access path and a "One Big Beach" easement. Mr. Fee asked if the property owners will agree to an 8' access width. Attorney Arthur Reade, representing the abutters, noted the REAC meeting was productive and his clients will be working out an easement. Mr. Kelly moved to approve the taking of a portion of James Street as presented; Mr. Fee seconded. So voted 4-0. Mr. Vorce noted that the Select Board and Planning have secured other access points along Hulbert Avenue.

2. Public Hearing to Consider Application for New Annual Wine and Malt Beverages Package Store License for Nantucket Meat and Fish Market, Inc., Sean D. Ready, Manager, for Premises Located at 21 Old South Road, Nantucket. Chair Bridges opened the public hearing. Mr. Fee recused himself from this matter. Attorney Sarah Alger, representing the applicant, requested that the Board continue the public hearing until a full board is present. Following some discussion, Mr. Kelly moved to continue the public hearing to March 20, 2019; Ms. Higgins seconded. So voted 3-0.

X. TOWN MANAGER'S REPORT

1. Monthly Town Management Activity Report. Ms. Gibson reviewed the monthly Town management report, covering items including but not limited to the 2019 Annual Town Meeting Warrant preparation; FY 2020 budget development; strategic planning; staffing study follow-up; PLUS operational review; marijuana dispensaries; real estate matters; personnel; Harbor Place; the Coastal Resiliency Plan; Information Technology projects; and various in-going matters.

2. Public Works Updates:

a) Milestone Road Safety Improvement Project Update. Mr. McNeil informed the Board of a MassDOT safety improvement project along Milestone Road, scheduled for this spring. He noted he's waiting on the final project schedule from MassDOT.

b) Waste Stream Processing Modifications at Landfill. Mr. McNeil reviewed a new waste stream separation process at the landfill, intended to reduce the amount of waste going into the landfill. He noted some of the trash and recycle bins will be moved around and new signage will be put in place. He reviewed the various waste categories including shipping boxes, recyclables, compostable matter and non-recyclable/non-compostable matter. Mr. McNeil answered questions from Board members, noting the changes are going into effect Friday, February 1, 2019 but that full compliance will not be expected right away.

c) "pACK in – pACK out" Program Overview: -- Trash Can Locations; -- Dog Waste Bags. Mr. McNeil said the new "pACK in – pACK out" program focuses on personal responsibility and that the DPW is exploring removing trash cans from certain locations and eliminating the public supply of dog waste bags. He noted that people should remove what they bring to beach and other recreational areas, be it trash or dog waste.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding Steamship Authority (SSA) Comment Request on Seastreak Ferry License Change Request to Add Fast Ferry Service in November and December, 2019. Ms. Gibson explained that the Town received a letter from the SSA as a courtesy to see if the Board has any comments on the proposed expansion of the Seastreak ferry service over Thanksgiving and Christmas Stroll weekends in 2019; she noted that the Department of Culture and Tourism and the Chamber of Commerce have indicated support for the proposal.

Nantucket Member to the SSA Governing Board Robert Ranney reviewed the Seastreak's application for service extension, noting it is a good proposal, and added that the SSA has not received any public comment to date on it. He answered questions from Board members. Tobias Glidden said the SSA should incentivize people to bring bikes instead of cars, at reduced or no charge. The Board took no action on the comment request.

2. Adoption of 2019 Annual Town Meeting and/or Election Warrant; Board Discussion Regarding: a) Short-term Rental Tax Article and Percentage of Tax; b) Article/Ballot Question in Connection with Acquisition of Property at 1 Miller's Lane (Nantucket Inn). Ms. Gibson reviewed three outstanding items for the Board's determination: the short-term rental tax article; an appropriation article for the acquisition of property at 1-3 Miller Lane/Nantucket Inn and an accompanying debt exclusion ballot question; and revisions to the noise bylaw. She noted that the Board heard from the Finance Director last week that there is potential concern from the Department of Revenue (DOR) as to the Board's recent vote to include an article on the warrant to reduce the short-term rental tax from 6% to 4%, with respect to revenue projections for FY 2020. She said that as a result Town Administration is recommending no article and to leave the tax at its current 6% and revisit the matter in the fall. Ken Beaugrand said he understands the need to protect the Town budget but said it is frustrating that the Town is not allowing it to be discussed at town meeting. Chair Bridges read an email from Ms. Hill Holdgate saying she is not in favor of lowering the local tax amount due to information from the DOR but is not in favor of an additional 2.75% for the Cape & Islands Water Protection Fund. Ms. Higgins said she accepts the recommendation from Town Administration and hopes that in the future there may be a way to protect property owners who live in their home as their primary residence but rent out a room to help offset costs, from the tax. Some discussion followed on a possible fall town meeting and any changes from DOR at that time. Mr. Fee said he supports Town Administration's recommendation. Mr. Kelly moved to remove Article 32 (reduction of short term rental tax); Mr. Fee seconded. So voted 4-0. Ms. Gibson briefly reviewed the 1-3 Miller Lane article and debt exclusion ballot question to acquire 1-3 Miller Lane for housing and general municipal purposes. She said some discussion has started with the majority owner of 1-3 Miller Lane this week. Rick Atherton asked about the article and suggested the Board pass on this article and question and support Tobias Glidden's \$30 million affordable housing article and asked the Board to add a debt exclusion ballot question for Mr. Glidden's article. Housing Specialist Tucker Holland reviewed the "rare opportunity" the Nantucket Inn property could provide to get the Town over its statutory 10% threshold for affordable housing. He agreed there is much due diligence that needs to occur, and noted that abutting property owners have been contacted and public information forums are being scheduled. Chair Bridges spoke in favor of the article. Mr. Fee said he is concerned that if the Miller Lane article and Mr. Glidden's article are both put on the warrant, both articles will fail. He spoke in favor of supporting Mr. Glidden's article and adding a debt exclusion question. Some discussion followed on the two housing articles and possibly adding a debt exclusion ballot question for Mr. Glidden's article. Mr. Holland stated a unique nature of the Miller Lane property is that it effectively doubles the number of units allowed in Mr. Glidden's article and lends itself to other municipal services in its current state. Mr. Atherton spoke in favor of Mr. Glidden's article for dispersed affordable housing units and feels the Miller Lane article should be abandoned. Ms. Higgins said she completely supports the Miller Lane article and spoke on her concerns that if the article is taken off the warrant that there won't be enough time to draft a ballot question for Mr. Glidden's article and a special election may be needed. Mr. Fee said the Board is going to be surprised at the number of people who won't vote for affordable housing and don't think the Town should be in the housing business. He reiterated his opinion that having both articles on the warrant gives them a low chance of passing. Brooke Mohr, vice chair of the Affordable Housing Trust Fund (AHTF) noted she toured the Nantucket Inn property yesterday and believes it could accomplish the goals of affordable housing without building another structure. She described it as a "once in a generation" opportunity which requires a "big leap of faith" but also has alternative/additional uses. Ms. Mohr encouraged the Board to keep the Miller Lane article on the warrant. Mr. Glidden commented on having both articles on the warrant. Chair Bridges reiterated his support for the Miller Lane article. Mr. Fee asked if the Board would support combining Mr. Glidden's article with the Miller Lane article. Mr. Kelly said he feels it is appropriate to have a discussion at town meeting about the two options and it

makes sense to keep them both on the warrant. He added that he trusts the voters and feels it is important to keep the articles separate. Mr. Kelly moved to add the article and debt exclusion ballot question for the acquisition of 1-3 Miller Lane; Ms. Higgins seconded. So voted 3-1. Mr. Fee was opposed. Mr. Glidden asked the Select Board to add a ballot question for his affordable housing appropriation article. Some discussion followed. Mr. Kelly asked about adding a ballot question for a citizen initiative. Ms. Gibson stated that it has not been customary to do that but there is nothing prohibiting it. Mr. Fee moved to add a debt exclusion ballot question for Mr. Glidden's Article 38; Mr. Kelly seconded. On the motion, so voted 4-0.

Mr. Kelly left the meeting at 7:51 PM.

Some discussion followed on the proposed changes to the noise bylaw. Ms. Higgins moved to approve the proposed language changes as presented; Mr. Fee seconded. Thomas Barada asked about particulars of the article and what would be allowed under emergency circumstances. He was reassured that valid emergencies would allow for exceptions.

Mr. Kelly returned to the meeting at 7:55 PM.

On the motion, so voted 4-0. Ms. Higgins moved to adopt the 2019 Annual Town Meeting and Annual Town Election Warrant, with the changes voted on tonight; Mr. Kelly seconded. So voted 4-0.

3. Report on Massachusetts Municipal Association Annual Conference. Chair Bridges, Ms. Higgins and Mr. Kelly reported on their experiences at the recent Massachusetts Municipal Association Annual Conference they recently attended in Boston.

4. Committee Reports. None.

XII. ADJOURNMENT

The meeting was unanimously adjourned at 8:05 PM.

Approved the 20th day of February, 2019.

SELECT BOARD
JANUARY 30, 2019 – 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 1/16/2019
- VI. 4. Pending contracts for 1/30/2019
- VII./VIII./IX. REAC draft minutes, re: James Street taking; REAC report; PLUS report
- VII. 1. Nobadeer Ave survey plan; Parcel A, Nobadeer Ave deed
- VII. 2. School St survey plan; Parcel A, School St deed
- VII. 3. School St survey plan; Parcel B, School St deed
- VII. 4. School St survey plan; Parcel C, School St deed
- VII. 5a. 55 Warren's Landing Rd survey plan; 55 Warren's Landing Rd deed; Exhibit A – "One Big Beach" easement; Exhibit B – Self-help Program Project Agreement; easement plan; conveyance authorization
- VII. 5b. 39 Washington survey plan; 39 Washington St deed
- VII. 5c. 44 Washington St survey plan; 44 Washington St Declaration of Easements
- VIII. 1. 11 Amelia Dr easement plan; Grant of Easement document
- IX. 1a. Nancy Ann Ln taking plan; Order of Taking of portions of Nancy Ann Ln; Mayflower Cl/Daffodil Ln taking plan; Order of Taking of portions of Mayflower Cl/Daffodil Ln
- IX. 1b. Unnamed Way off Miller Ln taking plan; Order of Taking of portions of Unnamed Way off Miller Ln
- IX. 1c. Unnamed Ways off Baxter Rd taking plan; Order of Taking of Unnamed Way off Baxter Rd
- IX. 1d. James St taking plan; Order of Taking of portions of James St; notes from 11/28/2018 Select Board meeting, re: James St
- IX. 2. Select Board Liquor License Public Hearing Process; Licensing recommendation, re: Nantucket Meat & Fish Market; floor plan; ABCC application; Board minutes of 11/16/2016; Board 2016 decision; Notice of Appeal; ABCC appeal decision; support/opposition letters; ASAP 2016 Needs Assessment report; ASAP Nantucket Prioritized Risk Factors
- X. 1. Town Management Activities Report
- XI. 1. Steamship Authority Notice of Request by Seastreak
- XI. 2. 2019 ATM Outline # 8; Draft 2019 ATM/ATE Warrant as of 1/25/2019