

## SELECT BOARD

Minutes of the Meeting of February 15, 2023. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee and Brooke Mohr. Dr. Malcolm MacNab and Dawn Holdgate joined remotely.

### I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:30 PM following the Pledge of Allegiance.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted with the exception of item X-1 which will be postponed to March 15<sup>th</sup>. Mr. Fee asked if it could still be discussed. Chair Bridges said he'd rather it not be because numerous people have been notified of the postponement. Mr. Fee said he'd comment under Select Board comments.

### III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the following announcements.

1. The Select Board Meeting is Being Audio/Video Recorded.

2. Town Offices will be Closed Monday, February 20, 2023 in Observance of Presidents' Day.

Ms. Gibson introduced Sewer Director David Gray to review work occurring downtown this week with National Water Main performing camera work and maintenance on stormwater systems. The work involves large vehicles and some minor traffic disruption. Mr. Gray reviewed some of the findings of the work, so far.

3. Select Board Announcements/Comments. None.

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

1. Follow-up on Public Comment From February 8, 2023 Board Meeting Regarding Landfill Operations. Ms. Gibson reviewed a public comment made at the February 8, 2023 Board meeting regarding recently enacted waste ban regulations by the Massachusetts Department of Environmental Protection (MassDEP). She said the comment highlights the need for the Town to improve its communications to residents of how the solid waste generated by Nantucket residents and businesses is managed. She said that solid waste management on Nantucket is very complicated, especially in a town with so many seasonal residents and short-term visitors, and on an island that has few alternatives to shipping materials to mainland facilities. She said the Town works hard to comply with all of the MassDEP directives, including the waste ban regulations effective November 1, 2022. She said the Town is in compliance with those regulations. She explained that materials delivered to the solid waste facility are not disposed of in the landfill, adding that none of the solid waste accepted at the facility is deposited directly in the landfill for disposal. She said that residuals (non-recyclable non-compostable materials that were not separated prior to being placed in the composter) that cannot be composted are the only materials that are placed in lined landfill cells. The Town operates multiple programs to manage the many components of solid waste, at significant expense, in ways that maximize diversion and recycling and minimize landfill disposal. She said that specific to the waste ban regulations effective in November:

- Waste containing organic materials from restaurants or households are delivered to the Composter for processing into compost. None goes directly into the landfill. This disposal methodology is in compliance with the DEP Food Waste ban, referenced in last week’s public comment.
- Mattresses are accepted, separated, aggregated and shipped to the Green Mattress facility in Framingham for recycling, in compliance with the DEP mattress recycling regulation.
- Textiles can be accepted and re-purposed at the take-it-or-leave-it or are sent to a Salvation Army sorting center on the mainland for re-use as clothing or recycling as product soft stuffing or industrial wash cloths – compliance with the textile recycling regulation. If textiles are put in the so-called “NRNC bin”, the NRNC materials are sent off-island to a disposal facility which also has to comply with the textile ban.

She said there are currently two vacant positions to oversee solid waste disposal operations for the Town and hopes that once those are filled, the Town can work to improve its communications. In the meantime, the Town is in compliance with the CMRs referenced at last week’s public comment. Ms. Gibson introduced solid waste consultant George Aronson. Mr. Aronson added that the Town is in contact with DEP about its activities and that DEP is aware of how the Town is processing these materials.

#### V. PUBLIC COMMENT

Curtis Barnes spoke on the Short-term Rental Work Group.

Kathy Baird asked about the status of the short-term rental registration program.

Megan Perry requested an “action plan” with respect to a Surfside Crossing-related permit that was discussed at last week’s meeting.

Hillary Rayport spoke on Historic District Commission (HDC) advisory boards, saying the boards are needed. She asked that Town Counsel speak with the attorneys who wrote a differing legal opinion about the advisory boards.

David Gray provided an update on the sewer force main project, the work on which is moving from Sea Street to Lily Street, next week. He explained the type of work that will be starting then.

#### VI. NEW BUSINESS

There was no new business.

#### VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Mohr moved approval of items VII 1 – 2; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

1. Approval of Minutes of February 8, 2023 at 5:30 PM.

2. Approval of Treasury Warrants for February 15, 2023.

3. Approval of Pending Contracts for February 15, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Dr. MacNab asked about a lease at Francis Street beach, specific to the leased area and ensuring public access. Ms. Gibson and Parks and Recreation Manager Charles Polachi III responded. Mr. Fee emphasized the need to keep on top of this to ensure public access. Mr. Fee commented on the travel nurse contract, saying it is important to have town housing for these staff. Dr. MacNab asked about the increase to a contract with the Consensus Building Institute. Ms. Mohr explained. Bill Grieder commented on the public access issue at Francis Street beach, he requested that wording be included in the lease to ensure this. Mr. Polachi clarified that the wording is already in the lease.

Ms. Mohr moved approval of Pending Contracts; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

#### VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Coastal Resilience Advisory Committee: Quarterly Report. Sustainability Program Manager Vincent Murphy reviewed the materials in the Board's agenda packet. CRAC Chair Mary Longacre continued with an update on recent meetings relating to historic buildings and coastal resiliency; and a request for inclusion in the Board's Strategic Plan, an additional goal in the Environmental Focus Area of the Plan. She reviewed the request. Ms. Mohr commended and thanked the Committee for its hard work. Mr. Fee concurred and said that Mr. Murphy is doing a "great job" keeping track of everything the Committee is working on.

2. Licensing: Request for Approval and Execution of Alcoholic Beverages Control Commission Charity Wine Permits for Nantucket Wine and Food Festival Events for Various Locations to be Held May 17 – May 21, 2023. Licensing Administrator Amy Baxter reviewed the request. Mr. Fee asked about the events occurring at private homes.

Mr. Fee moved approval; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted. Ms. Holdgate did not vote.

#### IX. PUBLIC HEARINGS

1. Nantucket Sewer Commission: Public Hearing to Consider Amendments to Nantucket Town Sewer District Pursuant to Section 10 of the Nantucket Sewer Act Regarding Articles 74 and 75 of the 2023 Annual Town Meeting. Chair Bridges opened the hearing. Ms. Gibson explained the purpose of the hearing and that all of the parcels are in "Needs Areas" and are recommended. Some discussion followed. Mr. Fee commented that while the parcels are in Needs Areas and for environmental reasons should be sewerred, there are other improvements made when additional dwellings are constructed when sewer becomes available that made have an impact on the environment. Ms. Mohr asked about intended use of the parcel at 25 Millbrook Road, the citizen petition, noting it is her understanding that there is an event facility at this property and questioned if that is factored into treatment facility calculations. Some discussion followed. Marty McGowan, citizen sponsor of one of the warrant articles, spoke on the intended use of the property at 25 Millbrook Road.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved that the articles move to Town Meeting with the need for a majority vote (rather than a two-thirds vote); seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30488676, to Install Approximately 30' of 2-3" Conduits from Handhole 5-1 Across Highland Avenue to Handhole 5-2. Chair Bridges opened the hearing. Tim Lyford from National Grid reviewed the petition.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Dr. MacNab; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval, with departmental comments; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

3. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30465618, to Replace Direct Buried Underground Electric Cables from Pole 53 on Hummock Pond Road Across Intersection at Millbrook Road with Approximately 60' of Cable in Conduit using Directional Drill Method and Installing Pull Boxes. Chair Bridges opened the hearing. Tim Lyford from National Grid reviewed the petition. Mr. Fee asked about the location of the new conduit, if it is close to the road. Some discussion followed. Mr. Fee said he would like to ensure that the pull box is out of the way of vehicular traffic.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee moved approval, with departmental comments; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

4. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30626108, to Install Approximately 110' of 2-3" Conduits from Handhole 51 Across Tom Nevers Road to Handhole 51-1 near 105-107 Tom Nevers Road. Chair Bridges opened the hearing. Tim Lyford from National Grid reviewed the petition.

There being no public comment, Mr. Fee moved to close the hearing; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee moved approval, with departmental comments; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

5. Public Hearing to Consider a Utility Petition from Verizon New England Inc., Plan #MA2022-39 to Place One New 4" Conduit Approximately 453' Along Madaket Road, Beginning at Existing Manhole (MH3138) Westerly to Proposed Manhole (MH3138-1) and Manhole (MH3138-2), then across Madaket Road to Existing Pole 48, for Service to 262 Madaket Road. Chair Bridges opened the hearing. James Delturro from Pike, Verizon's representative, reviewed the petition.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval, with departmental comments; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

6. Public Hearing to Consider Application for Alteration of Premises of Annual All-Alcoholic Beverages Restaurant License for Lola 41 Restaurant Nantucket, LLC dba Lola 41, Joseph Burgess, Manager, for Premises Located at 15 South Beach Street. Chair Bridges opened the hearing. Ms. Baxter reviewed the application. Mr. Fee asked about the occupancy and whether or not it will increase as result of this alteration. Ms. Baxter said it will not. Attorney Bryan Swain representing the applicant, said he is available to answer any questions.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee moved approval, as recommended; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

7. Public Hearing to Consider Application for Transfer of Annual Common Victualler with All-Alcoholic Beverages Club License from NGM, Inc. dba Miacomet Golf to Nantucket Islands Land Bank, Sean D. Oberly, Manager, for Premises Located at 12 W. Miacomet Road, with Addition of Management Agreement to Operate the Premises with NGM, Inc.; Change of License Type from Club to Restaurant; Alteration of Premises to Include Service on Golf Course; and Updated Premise Description for New Clubhouse Area. Chair Bridges opened the hearing. Ms. Baxter reviewed the application. Some discussion followed as to golf carts and liquor service.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval as presented; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

8. Public Hearing to Consider Application for Transfer of Seasonal Wine and Malt Beverages General On-Premises License from NGM, Inc. dba Siasconset Golf, to Nantucket Islands Land Bank, Sean D. Oberly, Manager, for Premises Located at 260 Milestone Road, with Addition of Management Agreement to Operate the Premises with NGM, Inc. Chair Bridges opened the hearing. Ms. Baxter reviewed the application noting this is a similar situation as the prior item; however, there is no change in premises.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval as presented; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

9. Public Hearing to Consider Application for New Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for LH Manager Northeast, LLC dba The Pearl and Boarding House, Abigail Ayre, Manager, for Premises Located at 12 Federal Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Bridges opened the hearing. Ms. Baxter reviewed the application. Chair Bridges asked if this is the same operation that previously existed at the premises. Ms. Baxter said “yes”. Mr. Fee asked about the renting of an area for private events. Ms. Baxter answered, noting that exclusive use that would exclude the public would be problematic.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval as presented, with the determination that the premises licensed to sell alcoholic beverages is not detrimental to the spiritual activities of a church; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

10. Public Hearing to Consider Application for New Non-Live Entertainment License for LH Manager Northeast, LLC dba The Pearl and Boarding House, Abigail Ayre, Manager, for Premises Located at 12 Federal Street. Chair Bridges opened the hearing. Ms. Baxter reviewed the application, noting the planned entertainment is the same as the previous license with any and all restrictions.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee moved approval as presented; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

## X. TOWN MANAGER'S REPORT

1. Update: Proposed Independent Review of Historic District Commission Operations. Tabled to March 15, 2023.

## XI. SELECT BOARD'S REPORTS/COMMENT

1. Request for Endorsement of Timeline for November 7, 2023 Special Town Meeting. Ms. Gibson reviewed the timeline. Some discussion followed. The Board endorsed the timeline by consent, with a minor date change. Mr. Fee said it will be important for the Board to support what the Short-term Rental Workgroup proposes.

2. Committee Reports. Ms. Mohr spoke on the progress being made on data collection and analysis with the Short-term Rental Workgroup. Mr. Fee commented on Coastal Resilience Advisory Committee recent meetings, saying that certain actions need to start being planned such as zoning restrictions for building in certain vulnerable areas, and the transfer of development rights. He also reviewed the process of “sand pushing” to slow erosion. Mr. Fee said that with regard to the HDC item that was to be on the agenda, he'd

like to ensure the draft scope for an independent review is reviewed by the HDC itself. He said he also would like to ensure that there is an “owner” of the HDC’s work. He discussed ways to “split up” the HDC’s work. Some discussion followed. Dr. MacNab said he has a lot of comments on the HDC, but he will defer them to the meeting at which this issue will come up. Dr. MacNab questioned the ability of the HDC to make appointments, he said he agreed that Town Counsel and the attorneys for the “alternate legal opinion” as to the HDC advisory committees should “resolve their differences”.

## XII. ADJOURNMENT

Ms. Mohr moved adjournment at 7:06 PM; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Approved the 22<sup>nd</sup> day of February 2023.

**SELECT BOARD**  
**FEBRUARY 15, 2023 – 5:30 PM**  
**PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD**  
**AND REMOTE PARTICIPATION VIA ZOOM WEBINAR**  
**NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VII. 1. Draft minutes of 2/8/2023
- VII. 3. Pending Contracts spreadsheet
- VIII. 1. AIS re: Coastal Resilience Advisory Committee (CRAC) report; CRAC report
- VIII. 2. Nantucket Wine Fest ABCC Charity Wine Permits; Wine Fest Preliminary Programming; Letters from Nantucket Hotel and White Elephant properties
- IX. 1. Memo re: Sewer district expansion articles; Sewer Article 74; A.74 map; Sewer Article 75; A.75 map
- IX. 2. AIS re: NGrid petition re: Highland Ave; Dept comments; Highland Ave petition; Petition plan
- IX. 3. AIS re: NGrid petition re: Hummock Pond Rd/Millbrook Rd; Dept. comments; Hummock Pond Rd/Millbrook Rd petition; Petition plan
- IX. 4. NGrid petition re: Tom Nevers Rd; Dept. comments; Tom Nevers Rd petition; Petition plan
- IX. 5. AIS re: Verizon petition re: Madaket Rd; Dept. comments; Madaket Rd petition; Petition plan
- IX. 6. AIS re: Lola 41; Lola 41 ABCC application; Planning Board special permit; Floor plans; Abutter info; Liquor license
- IX. 7. AIS re: Miacomet Golf; Miacomet Golf ABCC application; ABCC notice; Floor plans; Abutter info; Aerial photo; Draft liquor license
- IX. 8. AIS re: Siasconset Golf; ABCC application; Floor plans; Abutter info; Draft liquor license
- IX. 9 & 10. AIS re: The Pearl & Boarding House; ABCC Summary Form; Town Liquor - Common Victualler - Entertainment license application; ABCC application; Menus; Floor plans; Abutter info; Prior liquor licenses; Draft liquor licenses; Determination letter
- X. 1. Updated AIS re: HDC proposed independent review; advisory committees; Select Board minutes 9/7/22; Select Board minutes 11/16/22; Agenda from Feb 3, 2023 Staff/Chairs meeting; DRAFT Proposed Scope for Independent Review of HDC Ops; 2/3/23 Email from S Welch re 2/2/23 HDC Special Meeting; 8/17/2022 Town Counsel legal opinion re HDC adv committees; 9/1/22 Town Counsel legal opinion re HDC adv committees; 1/10/23 Alternative legal opinion re HDC adv committees; 11/02/22 HDC memo to SB re requesting reinstating adv committees; 1/3/2023 HDC minutes; 2/9/2023 email from Town Counsel re: alternative legal opinion; 11/28/2022 email from Preservation Planner re: HDC review; DRAFT Proposed Scope for Independent Review of HDC Ops with edits from PLUS; 2020 National Alliance of Preservation Commissions CAMP report; 11/17/2022 HDC adoption of best practices; 2/13/2023 letter from Nantucket Historical Commission; 2/13/2023 letter from Mickey Rowland (former chair of HSAB); 2/13/2023 letter from Nantucket Preservation Trust and Sconset Trust
- XI. 1. Draft timeline for 11/7/2023 Special Town Meeting