

SELECT BOARD

Minutes of the Meeting of March 13, 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, Dawn Hill Holdgate and James R. Kelly.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 6:00 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as presented.

III. ANNOUNCEMENTS

1. Chair Bridges announced that the Select Board meeting is being video/audio recorded in accordance with the Open Meeting Law.

2. DPW Director Rob McNeil announced that the DPW will be installing a "pilot" roundabout at the intersection of Old South Road and Fairgrounds Road, and it will be operational by Monday, March 18, 2019. He stated it will be in place now through the 2019 Annual Town Meeting. He answered questions from Board members. Mr. McNeil announced that the DPW will be holding public information sessions on Thursday, March 14, 2019 regarding the Children's Beach pump station and Madaket Road culverts, and downtown sidewalk improvements on Thursday, March 21, 2019 at 6:00 PM; both will be in the PSF Community Room, 4 Fairgrounds Road.

IV. PUBLIC COMMENT

None.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of November 28, 2018 at 6:00 PM; February 20, 2019 at 6:00 PM. Ms. Higgins moved to approve the minutes of November 28, 2018 at 6:00 PM and February 20, 2019 at 6:00 PM; Mr. Fee seconded. All in favor, so voted.

2. Approval of Payroll Warrants for Week of March 10, 2019. Ms. Higgins moved to approve payroll warrants for the week of March 10, 2019; Mr. Fee seconded. All in favor, so voted.

3. Approval of Treasury Warrants for March 13, 2019. Ms. Higgins moved to approve treasury warrants for March 13, 2019; Mr. Fee seconded. All in favor, so voted.

4. Approval of Pending Contracts for March 13, 2019 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Higgins moved to approve pending contracts for March 13, 2019; Ms. Hill Holdgate seconded. All in favor, so voted.

VII. CITIZEN/DEPARTMENTAL REQUESTS

1. Camp Richard Campers Association: Request for Waiver of Building Permit and HDC Application Fees for Project. Ms. Hill Holdgate moved to waive the HDC application and building permit fees for Camp Richard Campers Association as requested; Mr. Kelly seconded. All in favor, so voted.

2. NHA Properties, Inc. d/b/a Housing Nantucket: Request for Approval of Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project Local Action Units at 7 Surfside Road and Ratification of Select Board Chair's Execution Thereof. Ms. Hill Holdgate recused herself from this matter. Housing Specialist Tucker Holland reviewed the request. Mr. Kelly moved to approve the Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project Local Action Units dated as of February 28, 2019 for the project located at 7 Surfside Road by and between the Town, the state Department of Housing and Community Development and NHA Properties Inc. doing business as Housing Nantucket; and that Chair Jason Bridges is hereby authorized to execute said document; and that all actions previously taken with respect to the document, including the execution of the document on February 12, 2019 are hereby ratified and affirmed; Mr. Fee seconded. So voted 4-0. Mr. Fee thanked Housing Nantucket for its work getting its units counted on the Subsidized Housing Inventory (SHI) list through the Local Action Program.

3. Real Estate Acquisition with Nantucket Islands Land Bank:

a) Acceptance of Quitclaim Deed from the Land Bank for a Parcel of Vacant Land off Pilot Whale Lane and Ariel Avenue, Shown as Lot 126 on Plan Entitled "Division Plan of Land in Nantucket, MA Prepared for Town of Nantucket, Nantucket Islands Land Bank," Prepared by Blackwell & Associates, Inc., Dated December 4, 2017 and Filed with Nantucket Land Registration District as Plan 26439-2; and, a Parcel of Vacant Land off Pilot Whale Lane and Ariel Avenue, Shown as Lot A on Plan Entitled "Division Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket & Nantucket Islands Land Bank," Prepared by Blackwell & Associates, Inc., Dated November 29, 2017 and Filed with Nantucket Registry of Deeds as Plan 2018-6, Pursuant to Authority of Chapter 191 of the Acts of 2016; b) Execution of Escrow Agreement between the Town, Land Bank and Rackemann Sawyer & Brewster PC for Exchange of Real Estate; c) Execution of Quitclaim Deed to the Land Bank for Parcel of Land on Washington Street, Shown as Lot 2 on Plan of Land Entitled "Plan of Land in Nantucket," Dated January 14, 1963, Prepared by Josiah S. Barrett, Engineer and Filed with Nantucket Registry District of the Land Court as Land Court Plan No. 10452-A, Pursuant to Article 10 of November 6, 2017 Special Town Meeting and Chapter 191 of the Acts of 2016. Ms. Hill Holdgate moved to approve the real estate exchange actions with the Land Bank, as presented; Mr. Kelly seconded. All in favor, so voted. Ms. Hill Holdgate noted this is the culmination of significant effort between the Town, Land Bank, School and the Nantucket Island School of Design and the Arts (NISDA). She noted the transaction will allow for widening the corner at the intersection of Washington and Francis Streets; the development of playing fields at the School and more focused preservation of environmentally sensitive areas. Nantucket Public Schools Facilities Director Diane O'Neil thanked all involved in making this happen, including the Select Board, Land Bank and all staff involved. Town Manager C. Elizabeth Gibson thanked Planning Director Andrew Vorce and staff. She noted that the widening of the corner at Washington and Francis Streets was recommended in a 2014 bulk fuel storage relocation study, for fuel trucks delivering fuel to the relocated bulk fuel farm, out of town.

VIII. TOWN MANAGER'S REPORT

1. Strategic Plan Update. Strategic Plan coordinator Janet Schulte updated the Board on its three goals and the work groups working to implement them: transportation, environmental leadership and housing, and answered questions from Board members. Mr. Fee asked regarding housing, will there be a list of

potential zoning changes forthcoming that could encourage even more affordable housing. Ms. Schulte said there has been no conversation on that yet. Mr. Fee asked how the Town can overcome state law that puts limits on creating housing for Town employees and if the group will be recommending how to do that. Ms. Schulte stated there are many legal issues to address. Transportation Planner Mike Burns reviewed the Board's transportation goal # 2 – creating a sidewalk corridor between downtown (being defined as the two ferry terminals) and mid-island (being defined as 6 Fairgrounds Road); he reviewed maps of the area and proposed or completed improvements and town meeting funding, noting he feels it is an achievable goal. Chair Bridges said on-demand parking is going to be discussed at a future Board meeting.

2. Monthly Town Management Activity Report. Ms. Gibson reviewed the various Town Management activities over the past month, including but not limited to the 2019 Annual Town Meeting and Election Warrant preparation and associated public outreach; the PLUS Operational Review; the Hazard Mitigation plan; the Coastal Resiliency Plan; marijuana dispensaries; spring roadway projects coordination; the reuse of the old fire station property; personnel matters; and Harbor Place.

IX. SELECT BOARD'S REPORTS/COMMENT

1. Human Services Contract Review Committee: Report and Recommendations for FY 2020 Human Services Grants (Article 9/2019 Annual Town Meeting). Contract Review Committee (CRC) chair Dorothy Hertz reviewed the Committee's human services grant recommendations. She noted that the report was to be approved/ finalized today by the CRC but there was a lack of a quorum at its meeting. She added that the funding amounts recommended were previously approved by a quorum. Ms. Hertz answered questions from Board members. Mr. Fee commended the CRC for doing great work. D. Anne Atherton commended Ms. Hertz for her work and dedication.

2. Discussion on Answers to Questions Posed by Nantucket Coastal Conservancy Regarding Amendment to Existing License with Siasconset Beach Preservation Fund (SBPF) to Extend Use of Town Property for Existing Erosion Control Project by 100 Linear Feet (Tabled from December 12, 2018; December 19, 2018; January 23, 2019). Chair Bridges stated that he met with members of the Nantucket Coastal Conservancy (NCC) yesterday on how to have a constructive meeting tonight, noting they focused the discussion on three items: alternative access, sand, and Judith Wegner's prior submission to the Board regarding title of the land in the area of the erosion control project. NCC member Barbara Bund said there are many issues for the Select Board to address and for the NCC to understand, including the \$500,000 appropriation for Baxter Road listed in Article 10 of the 2019 Annual Town Meeting Warrant. Chair Bridges started the discussion with alternative access. Ms. Gibson stated that the \$500,000 in Article 10 is an estimated number obtained from an engineer to examine the relocation of the entire Baxter Road, not just a small section at the north end. She said this would likely include a series of access roads, exploring options for relocation and including environmental and utility issues. She said the appropriation does not include property takings, appraisals or damages, but is meant to be a comprehensive look at vulnerable coastal roadways starting with Baxter Road, and will most likely expand around the island. Mr. Fee said the Town needs to spend money in order to develop a plan. He added that ultimately, the cost of improvements can be assessed as betterments. Town Counsel Attorney George Pucci further explained that the proposed \$500,000 appropriation is different from the alternative access for the north end of Baxter Road in case of a breach, and that the \$500,000 is more for long-term planning regarding coastal erosion. Ms. Hill Holdgate elaborated on the possible relocation of Baxter Road and associated items that need to be planned for. Rick Atherton thanked the Board for the clarification and added that it wasn't clear to citizens that future expenditures could be recouped through betterments. Ms. Bund stated that she heard an attorney for SBPF state at a Conservation Commission (ConCom) meeting that the alternative access is contingent on the

ConCom's approval of the expanded project. Mr. Fee said that is not his understanding. Attorney Pucci said that pursuant to the agreement, it is contingent on being an "avenue of last resort, to be used only when all reasonable efforts to save Baxter Road...have failed." He said this relates to the existing project and is conditioned on Conservation Commission approval of the project. Attorney Pucci said he does not read that it is subject to approval of expanding the project as proposed by SBPF. Ms. Bund said that in two meetings almost a year ago, SBPF president Josh Posner was asked if SBPF would maintain its current project if the expansion is not approved, and he had responded that they possibly might not. She asked what requirements there might be regarding alternative access. Attorney Pucci said that he doesn't feel that would trigger the Town's ability to use the alternative access agreement but noted that SBPF is obligated to the Town as long as the erosion control structure is in place. D. Anne Atherton said she hopes Town Counsel can make it clear to the ConCom that the point SBPF made is not accurate. Some discussion followed.

Chair Bridges moved on to the discussion of sand. Ms. Higgins said a big concern is the quantity of sand needed and there are associated policy questions. She added that the impacts on sand use are unknown and it is clear that cities and towns along coastal areas are looking for more and more sand. Maureen Phillips stated that at this week's ConCom meeting, Mr. Posner said there is not enough sand on island to deal with existing needs. Mr. Atherton addressed sand from a community perspective saying the north shore erosion control projects are growing more numerous and all require sand nourishment. He asked how much sand is available at existing island sources; is it possible to open new sources; how much sand is left for construction, roads; is it possible to ask SBPF to get sand off-island to "save" local sand for other uses. Attorney Dirk Roggeveen, representing the Quidnet-Squam Association, distributed and reviewed a letter to the Select Board (attached) regarding sand issues and financial concerns. Ted Guiletti asked if the Board has spoken with the Center for Coastal Studies for a sediment transfer study. Ms. Gibson answered affirmatively but noted the study is costly and needs funding. Ms. Wegner urged the Board to look at criteria and priorities for coastal resilience. She added that she feels statements made at ConCom differ greatly from the understanding here tonight and that the Board should review and correct the statements if need be. Mr. Fee said it is not a simple equation and that the Town would need to undertake a lot of work to make an argument about sand and should only enter into the discussion if it knows it has a strong case. He added that "One Big Beach" grantors should be celebrated, and he thinks the Nantucket Coastal Conservancy should lead that. Ms. Higgins said she appreciates Ms. Wegner's work, adding the Board needs to understand the Town's obligations with private property regarding erosion. Ms. Atherton asked for an indication/response to the information Ms. Wegner presented. Chair Bridges said Town Counsel will review Ms. Wegner's submission.

Chair Bridges moved on to next steps. Ms. Higgins said she would like to have Town Counsel review the videos of the two ConCom meetings and clarify any misunderstandings in writing to refute SBPF comments. Some discussion followed. Ms. Higgins said due to the size and complexity of the project as well as overall coastal resiliency issues, the Town has funded the position of a coastal resiliency coordinator for FY 2020. Ms. Higgins said it was mentioned to her that there should be a coastal resiliency work group examine the Coastal Resiliency plan. She added that this would be island-wide, not specific to Sconset. Mr. Kelly moved to develop criteria for a work group along the lines that Ms. Higgins mentioned; Mr. Fee seconded. Some discussion followed. On the motion, all in favor, so voted. Chair Bridges said he feels this issue is as big as the Strategic Plan and needs dedicated staff and consultants and time.

3. Discussion Regarding Establishment of Cannabis Advisory Work Group. Ms. Higgins said that following the Marijuana Request for Qualifications (RFQ) Review Committee process, what has consistently come up

is how to address craft cultivators. She said Director of Planning Andrew Vorce suggested a work group to look at possible zoning changes to allow for craft cultivation. Ms. Higgins said in speaking with Article 73 of the 2019 Annual Town Meeting sponsor Bob Cole and others, the work group would look at zoning and, possibly address policy changes. Chair Bridges said he spoke with Ms. Higgins about not waiting until town meeting and creating a work group now. Ms. Hill Holdgate spoke in favor of naming the work group the Cannabis Advisory Committee and suggested it be a long-term committee which could address the evolving changes in the marijuana industry and local impacts. Bob Cole spoke in favor of the committee but said it needs to be broader than zoning and cultivation. Ms. Gibson said the charge of the work group needs to be refined. The Board consensus was to name the group the Cannabis Advisory Committee.

4. Committee Reports. None.

X. ADJOURNMENT

The meeting was unanimously adjourned at 8:20 PM.

Approved the 10th day of April, 2019.

SELECT BOARD
MARCH 13, 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 November 28, 2019; February 20, 2019
- VI. 4. Pending contracts for March 13, 2019
- VII. 1. Camp Richards Camper Assn fee waiver request cover sheet; Camp Richard request; Building Dept. fee waiver request history
- VII. 2. Memo from Housing Specialist, re: Housing Nantucket Regulatory Agreement; Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project Local Action Units at 7 Surfside Road document
- VII. 3a. Quitclaim Deed from Land Bank to Town, re: Pilot Lane parcels; Plan No. 26439-2; Plan No. 2018-6
- VII. 3b. Escrow Agreement between Town and Land Bank
- VII. 3c. Quitclaim Deed from Town to Land Bank for Creeks parcel; Plan No. 10452-A
- VIII. 1. Memo from Strategic Planning Coordinator, re: Strategic Plan Update; update slides on Transportation Goal # 1, Transportation Goal # 2, Goal 2 maps, Transportation Goal # 3, Environmental Goal # 1, Environmental Goal # 2, Housing Goal # 1, Housing Goal # 2, Housing Goal # 3
- VIII. 2. Town Admin Activity Report
- IX. 1. CRC duties; draft CRC report/recommendations
- IX. 2. Cover sheet, re: NCC questions, re: SBPF; portion of Board minutes 1/23/19, 12/19/18, 12/12/18; 4/18/18 Board agenda packet item list; NCC request; Town Admin outline notes; Steven Cohen email; Baxter Rd Alternative Access Agreement; Baxter Rd relocation engineering estimate (draft); NCC-Board email thread, re: SBPF; Judith Wegner submission, re: SBPF; submission from Quidnet-Squam Association
- IX. 3. Cannabis Committee cover sheet; Article 73/2019 ATM