

## SELECT BOARD

Minutes of Meeting of March 17, 2021. The meeting took place via remote participation via Zoom Webinar pursuant to Governor Baker's March 12, 2020 Order regarding the Open Meeting Law (attached). Members of the Board present were Dawn Hill Holdgate, Jason Bridges, Matt Fee, Kristie Ferrantella and Melissa Murphy.

### I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:00 PM. She read a prepared statement as to how the meeting would be conducted via remote participation and the ground rules for any discussion and called roll for those present.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted without change.

### III. ANNOUNCEMENTS

1. The Select Board meeting is being audio/video recorded.

2. DPW: Textile Reuse and Recycling Collection (Drop-off Only) at Take-It-or-Leave-It Area at Landfill to be Held Sunday, March 21, 2021 from 8:00 AM to Noon. Public Works Director Robert McNeil gave this announcement and some other details about the prior event.

3. Coastal Resilience Advisory Committee: Introduction of Homeowner Brochure *Improving Coastal Resilience at Home*. Committee Chair Mary Longacre displayed the brochure and explained its contents and how it is meant to be utilized. She thanked Town Outreach Coordinator Florencia Rullo, and Committee members Dr. Sarah Bois and Graeme Durovich for their work on the brochure.

Chair Holdgate recognized the Historic District Commission (HDC), a quorum of members which are present. HDC Vice Chair Diane Coombs called the HDC to order at 5:10 PM with Commission members Abby Camp and Vallorie Oliver being present.

### IV. COVID-19 WEEKLY UPDATE

1. Public Comment. There were no public comments.

2. Report from Nantucket Cottage Hospital President. Nantucket Cottage Hospital (NCH) President and CEO Gary Shaw spoke about the vaccination clinic that has been set up at the VFW facility and explained its capacity for vaccine distribution and what the activity has been like. He commended NCH Director of Nursing Michelle Epps and Public Health Director Roberto Santamaria for their work on this and said the partnership has been excellent. He said that safety protocols should remain current until further notice. Mr. Shaw also reviewed the status of the different "sniff tests" in the process of being developed, by different outside groups, which was discussed by the Board of Health a couple of months ago. He explained generally how it would work and how the testing is progressing. Ms. Ferrantella asked about the status of the Stop the Spread testing program. Mr. Shaw said that it has been authorized through June and they are monitoring its utilization before and after that as to its continuance.

3. Report from Public Health Director. Public Health Director Roberto Santamaria reviewed testing numbers to date and the current positivity rate. He noted a small spike in recent dates, which is seemingly levelling off. He reviewed the sewage testing incidence estimate for this week. He reviewed the current status of where the Town is with the State's vaccination plan. He noted recent actions by President Biden and Governor Baker as to vaccine distribution, supply and phasing changes. He explained how and when people can make vaccination appointments. He reviewed vaccination numbers to date and said that the Town is in very good shape. Ms. Ferrantella asked about how Nantucket residents can register and Mr. Santamaria responded. Mr. Fee asked about non-residents coming to the Island to get vaccinated. Mr. Santamaria said that Nantucket is a Massachusetts vaccination site and as such all eligible people, residents or not, may be vaccinated. He said there should not be a concern about supply. Mr. Shaw concurred and added he is glad if non-Nantucket residents are travelling here to be vaccinated. Discussion followed on vaccination specifics. Mr. Fee asked if it was best for seasonal employees to get vaccinated before arriving for the summer. Mr. Shaw and Mr. Santamaria responded affirmatively. Mr. Bridges and Ms. Brooke Mohr asked about vaccinations for landscapers. Mr. Santamaria answered questions and explained where that group falls in the State Plan. Mr. Santamaria reviewed the specifics of what Governor Baker announced today regarding the State Plan. He noted it is moving faster but vaccinations remain dependent on vaccine supply which is controlled by the federal government. Discussion followed as to the "attestation" necessary for vaccination registration. Mr. Shaw commented on timing of filling appointments and said that with the Governor's modified plan, people need to be patient as to when they will be able to get an appointment, which he expects will be improving fairly quickly.

4. Report from Economic Task Force. Ms. Ferrantella, also a member of the Task Force, provided an update of the Task Force's activities. She said there has been discussion about parking regulations with respect to parking downtown this summer and that it was felt that the "regular" parking rules should be reverted to. She spoke on the status of a commuter shuttle arrangement to begin this summer. She noted that valet parking will be available this summer. She said the Task Force is very focused on outreach; and that the group has also been discussing outdoor dining for this summer with Licensing Administrator Amy Baxter. She provided a status report on the Chamber of Commerce "Rock Solid" grant fund to which the Town contributed. Ms. Murphy provided additional details on the grant fund.

5. Report from Licensing Administrator. Ms. Baxter reviewed the status of preparing for an outdoor dining recommendation, including the various issues being reviewed. She said there will be a recommendation for the Board's March 24, 2021 meeting. She reviewed changes scheduled to occur to state rules as to events and gatherings as of March 22, 2021. Mr. Bridges commented on a great job being done by Ms. Baxter and her staff, they have been very proactive, and he has received positive feedback. Ms. Baxter thanked the Board for its support.

6. Other Reports/Comments/Updates. No other reports/updates.

#### V. PUBLIC COMMENT FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS

Mr. Scott Schell made a comment about his mother and nephew's homelessness. He asked how this could happen on Nantucket and asked about community assistance for a situation like this. Chair Holdgate thanked Mr. Schell for his comments. Housing Director Tucker Holland spoke on some actions being taken

to address housing, longer term. Ms. Linda Williams spoke on Mr. Schell's comment and noted that needs like this at this point, cannot be addressed on-island but Hyannis would be the closest place.

There were no other public comments.

## VI. NEW BUSINESS

No new business.

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

1. Approval of Minutes of March 10, 2021 at 5:00 PM. Mr. Fee moved approval with an amendment; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Approval of Treasury Warrants for March 17, 2021. Mr. Fee moved approval; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

3. Approval of Pending Contracts for March 17, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Chair Holdgate commented on the Town Manager's contract, noting that Ms. Gibson took a leadership stance by requesting no increase in the first year of the contract due to COVID economic uncertainty. She said that she and the Board were pleased to renew the contract for three years and thanked Ms. Gibson. Ms. Gibson thanked the Board for its support. Mr. Fee asked about two other contracts: one with Ultimate Abatement Co. Inc. for hazardous materials abatement; the other with Weston and Sampson for engineering services in connection with the proposed sewer extension to Madaket. Ms. Gibson and Sewer Director David Gray responded. Mr. Bill Grieder commented on the Weston and Sampson contract and asked about the contract with GZA Geoenvironmental in connection with the F Street Pier project. Ms. Gibson responded and noted that this project will be reviewed further, along with others, at the Board's meeting next week. Ms. Ferrantella moved approval excepting the contract with Ultimate Abatement Co. Inc. for hazardous waste removal, which is to be continued for one week due to procurement issues; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

## VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Letters of Support for Habitat for Humanity Nantucket Local Initiative Program (LIP) Application for Inclusion of Three Housing Units at 9A and 9B Benjamin Drive on Subsidized Housing Inventory (SHI) List; and Waiver from Department of Housing and Community Development (DHCD) of Appraisal for Benjamin Drive Project. Housing Director Tucker Holland introduced the item and explained the application process. He expressed enthusiastic support for this item and asked the Board to do the same. Mr. Fee moved approval; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Mr. Bridges commented on what a success this is and noted that it required a lot of time and effort by a lot of people to get to this step.

2. Human Services Contract Review Committee: Review of Recommendations for Allocation of Health and Human Services Funding for FY 2022. Contract Review Committee Chair Dorothy Hertz introduced the items and thanked a number of local organizations for their assistance and perseverance during the hard times of the COVID pandemic. She noted rises in incidence of substance abuse, mental and behavioral

health issues and domestic violence during the pandemic. Ms. Hertz proceeded to review the funding recommendations. Ms. Murphy and Ms. Ferrantella thanked Ms. Hertz for the recommendations and other specifics contained in the recommendation report. Mr. Fee concurred and said the information is eye-opening. Some discussion followed on the data in the report. Ms. Hertz thanked her committee members for their work as well. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

## IX. TOWN MANAGER'S REPORT

1. Monthly Town Management Activity Report. Ms. Gibson reviewed the report and noted various issues that Town Administration has been most focused on during the month.

## X. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Ms. Ferrantella gave an update on an NP & EDC meeting earlier this week and commented on issues that arose, including the Transportation Improvement Plan, a potential Transportation Manager position, an upcoming build-out analysis and improving diversity with Area Plans. Ms. Murphy noted an initiative that the Nantucket Civic League, WE CAN and the Council for Human Services are working to increase diversity on Town boards, committees and commissions. She noted that a new Director of the Chamber of Commerce has been hired and she will be stepping away from the interim Director role. Mr. Fee spoke on the recent Resilient Nantucket workshops and some aspects he found interesting from a particular speaker, Dr. Hill, that might be considered for Nantucket. Mr. Bridges commented on ways to help people considering running for office.

## XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Ellen and Dudley Harde and Joshua Harde of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2020-09-1638 for Rooftop Solar Panels for Property Located at 83/85 Eel Point Road, Assessor's Map 32, Parcel 12. Chair Holdgate opened the public hearing and reviewed the process for an HDC appeal. Attorney Michael Wilson, representing the appellant spoke on the appeal. He said that the denial was arbitrary and capricious, based on information that was available to the HDC when the denial was made. He reviewed photos of properties in nearby areas that have solar panels, approved by the HDC, that are as equally visible from a public way as the appellants'. He reviewed each of these properties in detail. He also commented on supportive comments made by some of the HDC Commissioners at various HDC meetings regarding solar panel applications at other properties around the island which are visible from public ways. He reviewed the specifics of the solar array proposed at the appellants' property. He said that the application was denied because it "does not meet solar guidelines". Mr. Wilson argued that the way in which the panels did not meet the guidelines was not clear, based on comments from Commissioners that it could be screened with landscaping and that the project does meet the guidelines. Mr. Wilson concluded by stating that the decision is clearly arbitrary and asked the Board to uphold the appeal. Ms. Linda Williams spoke on behalf of the appellant and supported Mr. Wilson's assertion that the guidelines in fact were met. She explained her support based on other properties in the area and said that as a former HDC Commissioner, she was surprised that this application was denied because it is not "clearly" visible from the public way. She suggested either a remand to the HDC or upholding the appeal. HDC Vice Chair Diane Coombs said that some of the examples that Mr. Wilson gave were not approved by the HDC but just "put up". She acknowledged that screening can be effective and spoke about generally how the HDC works with applicants as to screening. Ms. Oliver spoke on some of the examples given by Mr. Wilson as to why they were approved and said that the issue with this application is the panels being on a front facing roof. She further discussed screening. She said that the denial was made so that the applicant could appeal to the Select Board because the appellant was not

working with the HDC on the screening. She continued speaking about panel projects that have been approved by the HDC. HDC Compliance Coordinator Cathy Flynn spoke on some of the details as to the screening and the interaction between the HDC and the appellant. Mr. Wilson responded to comments by Ms. Coombs and Ms. Oliver and disputed their accuracy. Ms. Oliver spoke again as to screening and commented that if the screening plan had been what the HDC was requesting the project would have been approved. Historic Preservation Planner Holly Backus spoke on the foundations of the HDC's design guidelines with respect to the Island's designation as a National Historic Landmark. Ms. Williams spoke, again, on the history and location of prior approved solar panels around the Island. Mr. Fee asked about the specifics regarding the location of solar panels on houses. Ms. Oliver responded. Ms. Murphy asked follow-up questions about the direction the solar panels should face for maximum energy benefit. Ms. Williams responded. Mr. Wilson further commented on the necessity of panels to be southern facing. Ms. Williams also commented further. Ms. Ferrantella asked about the appellants' seeking a denial from HDC. Mr. Wilson said the solar panel contractor represented the application, not him, before the HDC but he did not believe it was a specific request but rather more of a request for a vote. Ms. Oliver said that a denial was specifically requested and is documented on a video of the meeting. Mr. Fee commented on the volume of HDC applications and advocated for solar panel guidelines to be made less restrictive. He added that it is difficult to see that the HDC was arbitrary in this instance even though he supports solar panels, generally. Some discussion occurred as to remanding vs. denial of the appeal. Chair Holdgate closed the hearing. Ms. Murphy agreed with Mr. Fee. She added that the standards are not meeting today's needs of homeowners trying to be more energy efficient and urged that the guidelines be updated. Ms. Ferrantella agreed with Ms. Murphy. She added that not having clear standards makes it difficult for the Select Board. She said she would be comfortable remanding the appeal to the HDC. Mr. Bridges asked Attorney George Pucci from Town Counsel's office about a property mentioned by Mr. Wilson but was not contained in the Board's packet but was approved by the HDC. Mr. Pucci responded that yes, that can be considered. Discussion followed as to the basis for HDC decisions and how remands work. Discussion followed on this. Chair Holdgate spoke in favor of amending the guidelines to allow for solar panels. Mr. Wilson spoke, again, on the applicants' effort to address the HDC's screening concerns. Mr. Fee asked about the timing if the application were either remanded or refiled and said he would hope it could be quick. Mr. Bridges said he supports the appeal because of another approval caused him to believe the HDC decision was arbitrary. Mr. Pucci asked if it would be agreeable to the appellant to have the Board defer action on this matter pending further discussion with the HDC about the screening issues, so the Board would not have to deny or affirm the appeal; adding this would be a middle ground to not have to take a draconian action one way or the other. Mr. Wilson asked for clarification. Mr. Pucci said that the Board must act on appeals promptly and again explained the difference between remanding and denying and whether or not the appeal itself is upheld or denied in order to remand. He said the appeal would need to be upheld if the Board decided to remand. Mr. Fee expressed support for Mr. Pucci's suggestion. Discussion followed. Ms. Ferrantella moved to uphold the appeal and find the HDC decision to be arbitrary and further to remand the application to the HDC; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – No; Mr. Bridges – Yes; Mr. Fee – No; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Some discussion followed as to what is being remanded or if the Board should provide more detail. Mr. Pucci suggested the Board, in light of finding the HDC's denial was arbitrary and capricious, consider reasonable conditions to mitigate the visual effects such as vegetative screening or otherwise, for example, to give the HDC more clarity. Mr. Bridges suggested remanding to the HDC to using the same "sensitivity" as was used with a solar application approved by the HDC for Moor's End Farm. Mr. Pucci suggested the Board move to direct Town Counsel to draft a proposed Remand Order for the Board's consideration that will then be sent to HDC pursuant to the Board's vote affirming the appeal. So moved by Ms. Murphy; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – No; Mr. Bridges – Yes; Mr. Fee – No; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Ms. Oliver said she is confused as to how the HDC acted arbitrarily since it was asked by the homeowners' agent to deny the appeal. Ms. Camp said the appellants' property is a "very difficult site" to put solar panels on and that screening will be necessary. Ms. Coombs concurred with Ms. Oliver. Mr. Rick Atherton agreed with a Remand Order to be drafted for the Board's future review and disagreed with Mr. Pucci's statement that a Remand needs to be accompanied by an upholding of an appeal and said the Board should review prior appeals that were remanded.

## XII. ADJOURNMENT

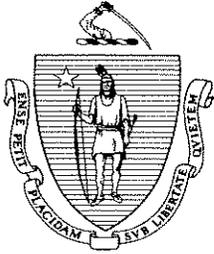
Ms. Murphy moved to adjourn at 8:08 PM; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Approved the 24<sup>th</sup> day of March 2021.

**SELECT BOARD  
MARCH 17, 2021 – 5:00 PM  
REMOTE PARTICIPATION VIA ZOOM  
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020  
ORDER REGARDING OPEN MEETING LAW  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. DPW Textile Reuse flyer
- III. 3. CRAC Homeowner Brochure
- IV. 3. COVID presentation
- VII. 1. Draft minutes 3/10/2021
- VII. 3. Pending contracts
- VIII. 1. AIS re: Habitat for Humanity LIP appl; waiver request; Habitat LIP support letter; Habitat appraisal waiver letter
- VIII. 2. Contract Review Committee FY22 Reports and Recommendations
- IX. 1. Town Management Activities Report
- XI. 1. HDC appeal of 83/85 Eel Point Road; Appeal submission; HDC File; HDC response to appeal



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**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

**WHEREAS**, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in cursive script that reads "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts