

SELECT BOARD

Minutes of the Meeting of March 20, 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

Chair Bridges noted there will be one matter added under Town Manager's Report that was not reasonably anticipated within 48 hours regarding Surfside Crossing. The agenda was accepted as presented with this change.

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 DPW will hold a public information session on Thursday, March 21, 2019 at 6:00 PM regarding downtown sidewalk improvements at the PSF Community Room, 4 Fairgrounds Road. Chair Bridges noted there is a recent misunderstanding regarding the driver of the downtown sidewalk improvement plan. He said it is not the Planning Board or the PLUS department but is driven by the DPW and Town Administration.

IV. PUBLIC COMMENT

1. Sewer Director David Gray noted that the Nantucket Harbor Shimmo/Plus Parcels sewer project is coming to a close this spring, and that catch basin cleaning for the project is starting this weekend and road reclamation will start March 25 in preparation of paving. He reviewed a list of affected roads.

2. Harbor and Shellfish Advisory Board chairman Andy Lowell spoke in favor of the Board appointing David Fronzuto to fill the vacancy on the Board; he distributed a letter to the Board reiterating his comments (attached). Ms. Gibson noted that this matter is on the March 27, 2019 agenda.

3. Brooke Mohr announced that there will be an information session on Monday, March 25, 2019 at 5:30 PM at the Nantucket Atheneum regarding Article 37 of the 2019 Annual Town Meeting, sponsored by Ripple Effect; all are welcome.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of March 6, 2019 at 6:00 PM. Ms. Hill Holdgate moved to approve the minutes of March 6, 2019 at 6:00 PM; Mr. Kelly seconded. All in favor, so voted.

2. Approval of Payroll Warrants for Week of March 17, 2019. Ms. Hill Holdgate moved to approve payroll warrants for the week of March 17, 2019; Mr. Kelly seconded. All in favor, so voted.

3. Approval of Treasury Warrants for March 20, 2019. Ms. Hill Holdgate moved to approve treasury warrants for March 20, 2019; Mr. Kelly seconded. All in favor, so voted.

4. Approval of Pending Contracts for March 20, 2019 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Kelly moved to approve pending contracts for March 20, 2019; Ms. Higgins seconded. All in favor, so voted.

VII. CONSENT ITEMS

1. Resignation: Council on Aging. Ms. Hill Holdgate moved to accept the resignation of Joyce Montalbano from the Council on Aging; Ms. Higgins seconded. All in favor, so voted.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Nantucket Cottage Hospital: Request for Waiver of Sewer Connection Permit Fee for New Hospital Located at 57 Prospect Street. Ms. Hill Holdgate recused herself from this matter. Ms. Gibson reviewed the Hospital's request for a waiver of the sewer connection permit fee, which would be \$56,408, and stated the Sewer Director's recommendation is a reduction of the fee to \$5,000. Attorney John Twohig, representing the Hospital, accepted the recommendation. Mr. Kelly moved to reduce the amount of the sewer connection permit fee for Nantucket Cottage Hospital to \$5,000; Ms. Higgins seconded. Chair Bridges noted his concern over a lack of health and human services funding and hoped that the Hospital would consider using its savings from the fee for this need. On the motion, so voted 4-0.

2. New Cingular Wireless PCS, LLC (AT&T): Request for Grant of Location Applications for Telecommunication Wires and Wireless Attachments and Appurtenances Located at: a) 22 New Lane; b) 37 Vestal Street; c) 14 New Mill Street; d) 16 India Street; e) 3 Swain Street; f) 11 Hulbert Avenue; g) 1 Shawkemo Road; h) 94 Cliff Road; i) 74 Milk Street; j) 42 Crooked Lane. Edward Pare, representing AT&T, spoke in favor of the request. Thomas Barada expressed concerns regarding radiofrequency radiation and location of some poles to homes. Mr. Pare said that the requests comply with the FCC (Federal Communications Commission) who has jurisdiction over radiofrequencies. He said these are low power and appropriate signage will be installed regarding emissions. Mr. Kelly moved to approve the location applications for AT&T as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

Chair Bridges allowed a comment from Mr. Barada regarding the Hospital's sewer permit waiver.

3. Plagiarist, LLC: Requests Regarding "The Plagiarist" Film Production on Nantucket March 24 to April 11, 2019: a) Permission to Film on Town-Owned Property and Approval of Various Street and Sidewalk Blockings; b) Waivers of Town Noise Bylaw for Multiple Dates, Times and Locations; c) Approval of Film Permit. Chair Bridges disclosed that there may be possible filming of the exterior of his business, the Handlebar Café. Licensing Administrator Amy Baxter reviewed the staff review process and waivers requested by the Plagiarist, LLC, noting they are asking for noise waivers, street and sidewalk blockings and a film permit. She noted that communication will be "key" during productions and stated the Town can shut down production if the company violates the conditions of the permit. Ms. Baxter reviewed abutter notification and answered questions from Board members. Rhoda Weinman stated that she has known the producer, Thomas Matthews, for 15 years and spoke in favor of the request. Ms. Higgins moved to approve the requests as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

4. Sarah Lawrence College: Requests Regarding "Martin Eden" Film Production on Nantucket March 25 to May 3, 2019: a) Permission to Film on Town-Owned Property and Approval of Various Street and Sidewalk

Blockings; b) Waivers of Town Noise Bylaw for Multiple Dates, Times and Locations; c) Approval of Film Permit. Ms. Baxter reviewed the requests for Sarah Lawrence College's film production and noting the review process was the same. Michael Kopko spoke in favor of the production. Ms. Higgins moved to approve the requests as presented; Mr. Fee seconded. All in favor, so voted.

5. Licensing Administration: Request for Execution of 2019 Seasonal Population Increase Estimation Form. Ms. Baxter reviewed the request for a population estimate and recommended that the seasonal population be set at 45,000. She said this number is based on real data received from Nantucket Data Platform. Mr. Fee asked is the Town was over its quota on annual package store licenses. Ms. Baxter said yes, but the number will be reset with the ten-year Census. Ms. Higgins moved to execute the 2019 Seasonal Population Increase Estimation Form with a population of 45,000; Ms. Hill Holdgate seconded. All in favor, so voted.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider 2019 Seasonal Liquor License Renewals. Chair Bridges opened the public hearing. Ms. Baxter reviewed the 2019 seasonal liquor license renewals, noting seasonal dates are April 1 – January 15 or any portion thereof. Ms. Baxter stated that Cowboys sis not renew its license. She noted that the Board could also set the seasonal dates to April 1 – November 30 or any portion thereof but a different fee structure will need to be developed. Ms. Baxter answered questions from Board members. There was no public comment. Chair Bridges closed the public hearing. Mr. Fee moved to approve the 2019 seasonal liquor license renewals as presented; Ms. Higgins seconded. All in favor, so voted.

2. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #27215584 to Install New Handholes (hh1-1 and hh1-2) and 23' of 2-3" PVC Conduit Encased in Concrete Across Grant Avenue for Electric Service at 5 Nantucket Avenue. Chair Bridges opened the public hearing. Jim Huxley of National Grid spoke in favor of the request. Bob DeCosta asked why National Grid is cutting the road instead of tunneling under it, saying he feels every time a road is cut, it erodes the road. Mr. Fee asked why the policy seems to have changed. Operations Administrator Erika Mooney noted the roads are cut at the DPW Director's direction. Ms. Gibson said she will have the DPW Director come to a meeting and explain the reasoning. Chair Bridges closed the public hearing. Ms. Hill Holdgate moved to approve National Grid's petition for plan # 27215584 for Nantucket Avenue with conditions as noted in the departmental comments and with the DPW Director coming to explain about the road cuts; Mr. Fee seconded. All in favor, so voted.

3. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #27556134 to Install New Handhole (hh3) and 60' of 2-3" PVC Conduit Encased in Concrete from Pole 3 Across Somerset Road for Electric Service at 3 Somerset Road. Chair Bridges opened the public hearing. Ms. Huxley of spoke in favor of the petition. There was no public comment. Chair Bridges closed the public hearing. Ms. Higgins moved to approve National Grid's petition for plan # 27556134 for Somerset Road with conditions as noted in the departmental comments and with the DPW Director coming to explain about the road cuts; Mr. Fee seconded. All in favor, so voted.

4. 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 (Continued from January 30, 2019; Request to be Continued to April 24, 2019). Chair Bridges re-opened the public hearing. Mr. Fee recused himself from this matter. Ms. Mooney noted the

applicant has requested a continuance to April 24, 2019. Chair Bridges closed the public hearing. Ms. Hill Holdgate moved to continue the public hearing to April 24, 2019; Ms. Higgins seconded. So voted 4-0.

5. Public Hearing to Consider Application for New Seasonal Common Victualler Wine and Malt Beverages Restaurant License for Sushi 21 LLC, Terrance Noyes, Manager, for Premises Located at 21 Old South Wharf. Chair Bridges opened the public hearing. Ms. Baxter reviewed the application. There was no public comment. Terry Noyes spoke in favor of the application, noting for 20 years he ran a BYOF (bring your own booze) establishment and it was hard to control. Chair Bridges closed the public hearing. Ms. Hill Holdgate moved to approve a new seasonal Common Victualler Wine and Malt beverages restaurant license for Sushi 21 LLC; Ms. Kelly seconded. All in favor, so voted.

6. Public Hearing to Consider Application for New Entertainment License for Sushi 21 LLC, Terrance Noyes, Manager, for Premises Located at 21 Old South Wharf. Chair Bridges opened the public hearing. Ms. Baxter reviewed the application. There was no public comment. Chair Bridges closed the public hearing. Ms. Hill Holdgate moved to approve a new entertainment license for Sushi 21, LLC; Ms. Higgins seconded. Ms. Baxter answered questions from Board members. On the motion, all in favor, so voted.

X. TOWN MANAGER'S REPORT

1. Strategic Plan Update: Transportation Goal # 1: Downtown Parking Demand Management. Ms. Gibson noted the Board has a memo from Transportation Planner Mike Burns in its packet and that funding for the proposed staff position for a Transportation and Parking Commission is not budgeted. Ms. Burns answered question from Board members. Ms. Higgins asked if there could be a kiosk available somewhere in town. Discussion followed among Board members. Mr. DeCosta asked if Parking Demand Management requires town meeting approval. Chair Bridges said it does not.

2. Ms. Gibson noted that regarding the proposed Surfside Crossing Comprehensive Permit application, a prior member of Town Counsel's office who worked for the Town on this and other 40B matters is now an attorney for the firm that represents Surfside Crossing. She suggested the Board decline to consent to allowing the current counsel for Surfside Crossing to continue. Mr. Kelly said he has no objection. Attorney John Giorgio of Town Counsel's office explained that the Town was notified by Peter Freeman, an attorney for Surfside Crossing, that Attorney Ilana Quirk is not affiliated with his firm. He said that Ms. Quirk has an obligation not to reveal any information learned while serving for the Town. Attorney Giorgio said that Attorney Freeman says Ms. Quirk will not be involved with the matter but given the high-profile nature of the Surfside Crossing application and the public interest, he suggests the Board decline to consent and ask for Mr. Freeman to step down as counsel. Attorney Giorgio answered questions from Board members. The Board consensus was to decline to consent.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Continued Discussion on Marijuana Request for Qualifications (RFQ) Review Committee Report for Co-located Adult-use Marijuana Retail Establishment and Medical Marijuana Dispensary RFQ (Tabled from March 6, 2019); Potential Vote to Award RFQ. Chair Bridges reviewed the process and explained that the Board will not be allowing public comment but might be asking its own questions of the applicants. Mr. Kelly added he wants to avoid back and forth discussion of counsels between the parties. Ms. Gibson explained that at its March 6 meeting, the Board asked a minority report which is in the Board's packet. Ms. Hill Holdgate said there is an advisor for ACK Natural that is in active litigation with the Town. Mike Sullivan of ACK Natural said he just learned about this and it has been addressed; that person has resigned as an advisor. Mr. Kelly said he would like to discuss the Board's options such as awarding the RFQ to one

applicant or not making an award at all. Ms. Higgins suggested the Board consider two options tonight: decide to award the RFQ tonight and to award the RFQ to a specific applicant. Ms. Higgins moved to award the RFQ tonight; Mr. Fee seconded. Ms. Hill Holdgate said she would like to award one RFQ tonight or initiate a third license by taking the matter back to town meeting. Mr. Kelly said the Board spent a long time developing its process and the Marijuana RFQ Review Committee did not identify a likely applicant. He added that he cannot put himself in the place of the Marijuana RFQ Review Committee and he doesn't know the implications. Mr. Kelly said new information has been released linking marijuana use with psychosis. He suggested not adopting the motion and to see how The Green Lady works out. Ms. Higgins said she doesn't agree to open the number of marijuana licenses to three as the Board voted on two, feeling it was best for the community. Ms. Hill Holdgate said she feels people want competition and said she is disappointed that the Marijuana RFQ Review Committee didn't come up with a recommendation. Mr. Fee said he is still in favor of moving slowly. On Ms. Higgins motion, so voted 4-1. Mr. Kelly was opposed. Ms. Higgins moved to award the RFQ to ACK Natural; Mr. Fee seconded. So voted 4-0. Mr. Kelly abstained. Mr. Hill Holdgate said she would like the Board to consider a third license at the next special or annual town meeting. Mr. Fee said the Board should see what happens first as marijuana is not harmless. Chair Bridges said the next step is to start negotiating a Host Community Agreement with ACK Natural.

2. Committee Reports. Ms. Higgins reported on the Affordable Housing Trust, noting it is focusing on information from Nantucket Data Platform and working on an implementation plan. Ms. Hill Holdgate said the Community Preservation Committee Annual Forum is scheduled for May 21, 2019 at NISDA in Wauwinet. Mr. Fee reported that the NP&EDC voted to support Tobias Glidden's housing and bike path articles. He also spoke on erosion and resiliency and the landfill. Chair Bridges said he attended a meeting with Stop and Shop today regarding single use plastics, noting Stop and Shop takes its waste to Freetown.

Ms. Gibson noted that 2019 Annual Town Meeting information sessions have been scheduled for March 21 and March 28 from 4:30 – 6:30 PM.

XII. ADJOURNMENT

The meeting was unanimously adjourned at 7:42 PM.

Approved the 22nd day of May, 2019.

SELECT BOARD
MARCH 20, 2019 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- IV. 2. Letter from Harbor and Shellfish Advisory Board, re: appointment to fill vacancy
- VI. 1. Draft minutes of March 6, 2019 at 6:00 PM
- VI. 4. Pending contracts for March 20, 2019
- VII. 1. Montalbano resignation from Council on Aging; Council on Aging membership
- VIII. 1. Nantucket Cottage Hospital sewer fee waiver request letter; memo from Sewer Dept.
- VIII. 2. AT&T Microcells request cover sheet; supplemental information from Radiation Safety Specialist
- VIII. 2a. AT&T microcell petition request for 22 New Lane; petition plans; structural assessment
- VIII. 2b. AT&T microcell petition request for 37 Vestal Street; petition plans; structural assessment
- VIII. 2c. AT&T microcell petition request for 14 New Mill Street; petition plans; structural assessment
- VIII. 2d. AT&T microcell petition request for 16 India Street; petition plans; structural assessment
- VIII. 2e. AT&T microcell petition request for 3 Swain Street; petition plans; structural assessment
- VIII. 2f. AT&T microcell petition request for 11 Hulbert Avenue; petition plans; structural assessment
- VIII. 2g. AT&T microcell petition request for 1 Shawkemo Road; petition plans; structural assessment
- VIII. 2h. AT&T microcell petition request for 94 Cliff Road; petition plans; structural assessment
- VIII. 2i. AT&T microcell petition request for 74 Milk Street; petition plans; structural assessment
- VIII. 2j. AT&T microcell petition request for 42 Crooked Lane; petition plans; structural assessment
- VIII. 3. Plagiarist Film Permit cover sheet; production information; shooting locations; dates requesting noise bylaw waiver; request to film on Town-owned property; location details with maps; Licensing recommendation
- VIII. 4. Martin Eden Film Permit cover sheet; production information; shooting locations; dates requesting noise bylaw waiver; application for street blocking; parking permit requests; location details with maps; request to film on Town-owned property; Licensing recommendation
- VIII. 5. Seasonal Population cover sheet; 2019 seasonal population increase estimation form; information from Nantucket Data Platform; annual and seasonal liquor licensing quotas
- IX. 1. Seasonal liquor license renewal cover sheet; 2019 seasonal liquor licenses list; Seasonal Renewal Certification Form
- IX. 2. Departmental comments; National Grid utility petition for Grant Avenue; plan, abutter information
- IX. 3. Departmental comments; National Grid utility petition for Somerset Road; plan, abutter information
- IX. 5. Licensing cover sheet for Sushi 21, LLC Common Victualler, Liquor, Entertainment license request; Town of Nantucket license application; ABCC application; site plan
- IX. 6. Licensing cover sheet for Sushi 21, LLC Common Victualler, Liquor, Entertainment license request; Town of Nantucket license application
- X. 1. Memo from Transportation Planner, re: Parking Demand Management Program; pricing scenarios; Parking Benefit District Boundary; Nantucket Transportation and Parking Commission suggested membership
- XI. 1. Marijuana RFQ Minority Report

March 20, 2019

Jason Bridges
Matt Fee
Jim Kelly
Rita Higgins
Dawn Hill-Holdgate

Mr. Bridges,

The recent resignation of Willis Blount from the Harbor & Shellfish Advisory Board due to his relocation to the mainland leaves our board with a vacancy that we understand can be filled by an appointment of a Nantucket resident by the Select Board.

We respectfully request that your board appoint former Nantucket Harbormaster Dave Fronzuto to serve the remaining year of Mr. Blount's term, which expires in April 2020.

Mr. Fronzuto's vast institutional knowledge of our harbors, shellfish industry and town, state and federal governments in relation to the HSAB's mission would be invaluable to our board's mission, if only for one year. Given that there is just one Nantucket resident on the ballot for the three open seats on the HSAB bringing our number of active members up to four after the April 9 Town Elections and potential two write-in candidates, our board needs all the members it can get.

We understand from Town Administration that no advertising process is required to appoint a replacement for a HSAB member who resigns during their current term. So, as Mr. Fronzuto has already sent the Select Board a letter formally requesting that it appoint him to the HSAB, we hope the Select Board can expeditiously vote to put Mr. Fronzuto on the HSAB

Thank you for your time and patience on this matter.

Sincerely,

Andrew Lowell,
Chairman, Harbor & Shellfish Advisory Board