

SELECT BOARD

Minutes of Meeting of April 6, 2022. The hybrid meeting took place in person at the Public Safety Facility at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Melissa Murphy and Kristie Ferrantella. Dawn Hill Holdgate joined the meeting remotely. The meeting opened with the Pledge of Allegiance.

I. CALL TO ORDER

Chair Bridges read a prepared statement as to how the meeting will be conducted and the ground rules for discussion and called roll for those present. Chair Bridges called the Select Board meeting to order at 5:33 PM.

II. SELECT BOARD ACCEPTANCE OF AGNDA

The agenda was accepted without change.

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded. Chair Bridges made this announcement.

2. Select Board Announcements/Comments. There were no comments.

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

No follow-up on comments.

V. PUBLIC COMMENT

Brooke Mohr, of Nantucket Equity Advocates announced an upcoming workshop webinar this Saturday sponsored by the Racial Equity Institute.

VI. COVID-19 UPDATE

1. Public Health Department Update. Public Health Director Roberto Santamaria reviewed upcoming vaccination clinics.

VII. NEW BUSINESS

No new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee moved approval of items VIII 1 – 3; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Murphy – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes.

1. Approval of Minutes of March 23, 2022 at 5:30 PM; March 31, 2022 at 5:00 PM.

2. Approval of Payroll Warrants for April 3, 2022.

3. Approval of Treasury Warrants for April 6, 2022.

4. Approval of Pending Contracts for April 6, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Town Manager C. Elizabeth Gibson noted that a lease agreement with Maria Mitchell Association should be tabled, it is not ready yet. Ms. Ferrantella moved

approval of the pending contracts with the except of the Maria Mitchell Association lease; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Murphy – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Request for Waiver of Sewer Connection Permit Fee for Covenant Lot Located at 9 Field Avenue (Lot A on Plan No. 2020-11). Housing Director Tucker Holland introduced the item. He noted that the waiver request meets the criteria of the Board's sewer connection permit fee waiver policy. Mr. Fee moved approval as presented; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Murphy – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes.

2. Request for Waiver of Town Noise Bylaw from 10:00 PM to 12:00 AM for Wedding to be held Saturday, June 18, 2022 at the Field at Bartlett's Farm, 39 Bartlett Farm Road. Attorney Richard Glidden representing the request, spoke in favor. He said expected attendance is approximately 200 and reviewed the scope of the event. Mr. Fee questioned the hours, with regard to alcohol service noting that it was brought to the Board's attention that the alcohol may only be served for a total of five hours per state law with a temporary liquor service permit. Mr. Fee moved that alcohol service is to stop at 11:00 PM and the noise bylaw waiver for 12:00 AM as requested; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – No; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Ms. Ferrantella – No.

3. Taxi Owners: Request to Schedule Public Hearing to Increase Town of Nantucket Taxi Rates. Chair Bridges introduced the item. Ms. Ferrantella said that she will recuse from this matter; she left the table. Stan Pavlov, a taxi owner, saying that he is speaking on behalf of the taxi community, spoke in favor of the rate increases due to inflation and high cost of living on the island, especially recent increases in gasoline prices. Discussion occurred as to when the last rate increase was. Operations Administrator Erika Mooney said that it was in 2016. Mr. Pavlov spoke further on reasons why the rate increases are sought. David Barrett spoke in favor of the rate increases, as proposed. Some discussion followed as to the difference between taxi rates and ride share rates, such as Uber. Mr. Fee asked about some of the fee increases and requested an explanation as to the new fees for "accidental cleaning" and "booking fees". Mr. Pavlov spoke on the booking fees and certain other fee increases. He also noted the drivers are seeking some of these increases to offset the Airport fee for taxis. Mr. Pavlov said the accidental cleaning fee is for "throwing up or puking" which generally occurs in the late evening. Ms. Murphy said perhaps a definition should be provided, so that it is not left to someone's judgement. She referenced a memo from the Town Clerk that is in the packet. She asked about a senior citizen rate for booking fees. Mr. Pavlov said the booking fees are only for Airport or ferry trips. Some discussion followed. Ms. Holdgate suggested clarifications be made in advance or at a public hearing – specifically, the cleaning fee and whether the senior citizen rate would apply to booking fees. Ms. Holdgate moved to schedule a public hearing on this matter; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes. It was noted that the hearing would most likely occur in early to mid-May due to advertising requirements.

4. Ticcoma Green: Presentation and Proposal for Gap Financing for Community Housing Development at 6 Fairgrounds Road. Housing Director Tucker Holland introduced the item. He said that due to delays beyond the control of Ticcoma Green, there is now an issue with regard to financing the project. Mark Hess of HallKeen, the developer, representing Ticcoma Green gave a presentation with an update on the project, including what is needed to get it underway. He spoke on the specifics of the delays including the COVID pandemic and a lawsuit filed by abutters. Discussion followed as to the timing and when a final project

might be completed. Mr. Hess said construction should take 14-16 months, although materials availability could be an issue. Mr. Hess continued reviewing the affordability mix of units and some other changes that have been incorporated from earlier concepts, including all electric appliances, and some changes to building design based on discussions with the Historic District Commission (HDC). He said that another potential change is to eliminate basements and just have one common basement, as a cost-savings measure. He noted other common space elements. He reviewed financing, funding sources and current cost projections. He reviewed an operating pro forma. Some discussion followed as to the number of market rate units vs affordable. He reviewed some other changes and the updated plans as a result of cost savings measures and HDC comments. Mr. Fee commented that all of these changes need to be taken into consideration as to what the vision for the project is. Mr. Hess continued reviewing the changes. Mr. Fee said that he considers the request for \$6.5 million in funding from the Town as a grant not a loan. He said that the Town is subordinate to others if there is a problem. Some discussion followed as to how much money HallKeen, as the developer has so far invested. Mr. Fee asked about management fees and development fees and expressed concern about risk for the Town, saying that the Town should be more of a partner if this is going to proceed. Mr. Hess reviewed some of the specifics. Some discussion followed. Ms. Holdgate commented that she would like to see some form of interest on the loan from the Town. She said she is concerned about reducing basement space. She spoke in favor of an adjacent park/play space and suggested the possibility of community preservation funds for that. Mr. Hess reviewed the status of the project today vs when it was first proposed. Ms. Murphy agreed with Ms. Holdgate as to a loan rather than another way of the Town providing funds; and, the basement space. Mr. Hess reiterated the cost of the basement space. Ms. Ferrantella agreed with concerns as to eliminating basement space and suggested that possibly the Town could provide additional funds due to the cost. She spoke in favor of renewable energy sources. She added that she agrees with the park space. Ms. Murphy agreed also. Chair Bridges said his concern is keeping an eye on the finances and agreed about the basements and spoke against a central laundry area. He commented on the need to keep a sense of dignity with the project. Discussion followed as to costs of various elements proposed to be eliminated. Brooke Mohr agreed with concerns about eliminating basement space and suggested making space for community use. She asked about affordability restrictions. Mr. Hess said they are effective for 99 years. Ms. Mohr advocated for the Town to provide the funding, emphasizing the need for housing units. Mr. Holland said that if the Town does not proceed now, it would be at least another five years before anything were to be constructed. Ms. Mohr said starting over could also generate new legal action. Ms. Murphy said she feels confident something can be worked out. Discussion followed as to next steps. Chair Bridges said the Board will be meeting on this again next week. Joanna Roche suggested that the Town could "lend" its credit rating to the developer for this project. Finance Director Brian Turbitt said that could be explored.

X. TOWN MANAGER'S REPORT

1. Diversity Equity and Inclusion Director Update. DEI Director Kimal McCarthy spoke on the status of development of a DEI Strategic Plan for the Town, including the development of an internal employee committee; an employee survey, which generated about a one-third response from the employees and various focus group meetings. He also reviewed some other initiatives with employee recruitment and recent workshops he and others have attended.

2. Annual Review of 2022 Committee Openings and Appointment Timeline. Operations Administrator Erika Mooney reviewed the timeline. She noted a request from the Coastal Resilience Advisory Committee (CRAC) to add two members and become permanent. Some discussion followed as to taking this action tonight or at a later time. Ms. Mooney noted that the Cannabis Advisory Committee (CAC) term is scheduled to expire in June 2022. Ms. Murphy spoke in favor of a one or two-year extension for that

committee. Ms. Murphy moved to extend the CAC term for an additional two years, to 2024 and to grant the CRAC request; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

3. Design Thinking Workshop (March 6-7, 2022) Outcome Presentation: Coastal Resilience Plan Update. Ms. Gibson introduced the item and reviewed the purpose behind the Design Thinking Workshop. She introduced the presenters, Jen Lachmayr and Tanya McCoy-Caretti, of Arcadis, the firm that assisted with development of the Coastal Resilience Plan and which facilitated the Design Thinking Workshop. Ms. Lachmayr and Ms. McCoy-Caretti reviewed the outcome presentation. Both presenters emphasized the comprehensive nature of the Workshop.

Chair Bridges left the meeting at 7:29 PM and returned at 7:31 PM.

Coastal Resilience Coordinator Vincent Murphy shared three slides showing all 40 of the projects contained within the Coastal Resilience Plan. He provided an overview of the projects and reviewed what has been progressed in some way. He further reviewed the projects that were selected, as a result of the Design Thinking Workshop, to focus on in the near term. He also reviewed projects that have not progressed at all at this point. Chair Bridges asked how the group established the priorities for the projects. Mr. Murphy explained. Chair Bridges commented that he received a lot of good and positive feedback from the Workshop session.

XI. SELECT BOARD'S REPORTS/COMMENTS

1. Committee Reports. No committee reports.

At 7:49 PM, Ms. Ferrantella left the meeting.

XII. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Charles R. Schwarzapfel of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2020-10-2033 for a Pool, Patio, Screening and Fence Located at 9 Maine Avenue, Map 60.3.1, Parcel 425. Chair Bridges opened the hearing and reviewed protocol for the hearing. Ms. Murphy disclosed a relationship her business has with the architect for the appellant, noting she has no financial interest in this appeal. Attorney Arthur Reade, representing the appellant, explained the application and reviewed the reasoning behind the appeal, which relates to this application being given an arbitrary denial based on its location – across the bridge in the Smith's Point area. Chair Bridges asked for clarification as to what was arbitrary and capricious, specifically as he thought Mr. Reade referenced something about the timing of how the application progressed with the Historic District Commission. Mr. Reade explained further.

At 7:58 PM, Ms. Ferrantella rejoined the meeting remotely.

Steven Theroux, of Nantucket Architecture Group, reviewed and explained the plans for the project. He noted that the property is outside the jurisdiction of the Conservation Commission. He reviewed discussion that occurred at HDC meetings about the project. He acknowledged there were some concerns from abutters and also Commissioners as to screening. He said that as a result, modifications were made to address those concerns and he reviewed the modifications and the timing of how the application progressed. Vallorie Oliver, HDC Commissioner spoke on the HDC's desire to keep the area an "informal beachside vista" which a pool goes against. She spoke about other potential locations on the property

where the pool could have potentially been located. She said the screening was also problematic. She said arbitrary and capricious is not part of the HDC's decision on this. HDC Compliance Coordinator Esmeralda Martinez reviewed the timing of the application. Preservation Planner Holly Backus spoke on the procedural aspects of the application and that several times those procedures were not accomplished by the applicant. Chair Bridges asked about the number of revisions and whether that amount is normal. Ms. Backus and Ms. Martinez indicated "yes". Mr. Reade spoke about the revisions and said that vegetative screening does not need the approval of the HDC. He said the HDC cannot deny vegetative screening. He added that with such screening this project would not have been visible and therefore, the denial was arbitrary and capricious. Ms. Oliver spoke on the consistency of vegetative screening requests of the HDC. She said that a normal procedure was followed. Mr. Reade responded in disagreement and said that what he is hearing from Ms. Oliver, is that the HDC is not "diametrically" opposed to the application and as a result he suggested that this hearing be continued while the applicant refiles with HDC. Ms. Holdgate said she would be open to a continuance of the hearing, until perhaps June 8, 2022 to offer the opportunity for the appellant to do as Mr. Reade suggested. Some discussion followed. Ms. Holdgate moved to continue the hearing to June 8, 2022; Ms. Murphy seconded. Stephen Murphy, an attorney from Washington, DC who has been a frequent visitor to Smith's Point, commented that the bar of arbitrary and capricious is not met here. So voted by roll call vote: Chair Bridges – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Ferrantella – Yes. Mr. Fee commented that as a general consideration, certain areas of the island need to be examined as to whether or not things like pools need to be restricted due to environmental and other impacts.

XIII. ADJOURNMENT

At 8:26 PM, Ms. Murphy moved adjournment; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes; Ms. Ferrantella – Yes.

Approved the 13th day of April 2022.

SELECT BOARD
APRIL 6, 2022 – 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- VIII. 1. Draft minutes of 3/23/2022; 3/31/2022
- VIII. 4. Pending contracts spreadsheet
- IX. 1. AIS re: Sewer Fee Waiver request re: 9 Field Ave; Email from Erin Zircher & Sam Shamoun; Qualified Purchaser's Certificate; Qualified Seller's Certificate; Zircher/Shamoun Deed; Lot Plan; Sewer Fee Waiver Requests Policy
- IX. 2. AIS re: Noise Bylaw waiver request re: Palandjian wedding; Emails (2) from Atty Glidden; email from Town Events Coordinator, re: restrictions to event
- IX. 3. AIS re: request for taxi rate increase public hearing; Email from Stan Pavlov; Proposed taxi rates; Email from Town Clerk re: taxi rate increases; Comparison chart of existing & proposed taxi rates; Portion of Select Board 6/20/2007 minutes; letter from Airport
- IX. 4. AIS re: Ticcoma Green; Ticcoma Green/HallKeen presentation; Updated Ticcoma Green plans; Sample MassDocs loan terms
- X. 2. Draft 2022 Committee Appointments Timeline; Memo from CRAC re: request to become permanent committee; email from Coastal Resilience Coordinator, re: CRAC membership request
- X. 3. AIS re: Coastal Resiliency Plan Incremental Strategy; Arcadis Design Thinking SWAY Presentation link; Arcadis PowerPoint to Select Board; Status of CRP recommendations
- XII. 1. HDC appeal of 9 Maine Ave; HDC appeals procedure; Appeal submission for 9 Maine Ave; HDC file; Memo from HDC re: appeal of 9 Maine Ave; HDC 9 Maine Ave packet; email from Tom Erichsen