

## SELECT BOARD

Minutes of Meeting of April 13, 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, Dawn Holdgate and Kristie Ferrantella. Melissa Murphy joined 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 5:32 PM.

### 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. Nantucket Lights: Request for Proclamation Declaring April 22-30, 2022 "International Dark Sky Week."

Gail Walker of Nantucket Lights explained the proclamation, referenced a letter in the Board's packet and noted upcoming associated events. Ms. Walker read the proclamation. Ms. Ferrantella moved to approve the proclamation; seconded by Ms. Holdgate. So voted by roll call: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

#### 3. Town Offices will be Closed Monday, April 18, 2022 in Observance of Patriots' Day.

#### 4. No Select Board Meeting on Wednesday, April 20, 2022.

#### 5. Finance Committee-Sponsored 2022 Annual Town Meeting Public Information Session to be Held Tuesday, April 26, 2022 at 5:00 PM. To Join Zoom Meeting:

<https://us06web.zoom.us/j/83965377829?pwd=U0drOVZhTitmZktDS040eERXbVRrUT09> (Meeting ID: 839 6537 7829; Passcode: 629931).

#### 6. Select Board Announcements/Comments. There were no comments.

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

No follow-up comments.

### V. PUBLIC COMMENT

Bobby DeCosta said that the Nantucket Shellfish Association assisted with moving scallop seed last weekend. He commented on the recently renovated Walter Barrett Pier at F Street in Madaket, complimented the work and asked for some additional fixtures to be installed for tying up boats.

### VI. NEW BUSINESS

No new business.

## VII. APPROVAL OF MINUTES AND WARRANTS

Mr. Fee moved approval of items VII 1-2; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

### 1. Approval of Minutes of April 6, 2022 at 5:30 PM.

### 2. Approval of Treasury Warrants for April 13, 2022.

## VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. National Grid: Review of Plans for L1 Feeder Project. Operations Administrator Erika Mooney introduced the agenda item and noted the National Grid (NGrid) team members present remotely. Daniella Aretz of NGrid reviewed a presentation about the project contained in the Board's packet, including its purpose, location, description of work and timing. Adam Wilding of NGrid reviewed the technical details of the work, including permitting, and work that will be done in the public way. He noted a Grant of Location petition will be coming before the Board shortly, and that this presentation was intended to familiarize everyone with the project. Ms. Aretz spoke on the public outreach plan for the project, including contact information. Mr. Fee asked if sidewalks would be impacted with any further encroachment. Mr. Wilding answered and said the intent is to replace in kind, any surfaces that are disturbed. Some discussion followed as to what is meant by "further encroachment" and it was represented that there is no intended "further encroachment". Mr. Fee said as long as any installations are flush with the sidewalk, he is satisfied. William Ciocca of NGrid explained that the company did its best to perform the work with as minimal disruption as possible, he said they examined the possibility of directional drilling which was not feasible. Mary Longacre asked about solar power allowances with this project – specific to "backfeeds" as referenced in the packet. Joe Henry of NGrid said that the project will not provide additional solar capacity but rather the "backfeed" relates to backup power. Chair Bridges asked Ms. Mooney to explain how the Town will be coordinating/monitoring the work. Ms. Mooney explained and noted "lessons learned" from a prior larger, similar project ("L8"). She said that night work is being explored – because of daytime disruption. She said that a Memorandum of Understanding is being prepared by Town Counsel to lay out expectations and obligations of NGrid. Mr. DeCosta suggested coordinating certain areas with certain island activities such as scallop season so as to minimize impact on those activities. He said he supports night work. Ms. Aretz said these are the types of activities that the company is working on with the Town to identify. Ms. Ferrantella expressed support for night work and no work at busy activities, such as Daffodil Weekend and Christmas Stroll Weekend. Chair Bridges thanked NGrid for the presentation; and Ms. Mooney for her efforts.

2. Property Owner: Request for Approval and Execution of Estoppel Certificate Regarding Compliance of a Conservation Restriction Dated November 17, 2004 for Property Located at 21 Lincoln Avenue. Real Estate Specialist Ken Beaugrand introduced the agenda item, reviewed the purpose as outlined in the Board's packet materials and recommended Board approval of the estoppel certificate.

Mr. Fee moved to approve and execute the estoppel certificate as presented; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes. Mr. Fee commented that he appreciated the associated "One Big Beach Easement".

3. Request for Granting of Utility Easement to Nantucket Electric Company/National Grid for Underground Electric Distribution System Located In, Through, Under, Over, Across and Upon Parcels of Land Situated on the Northerly Side of Ticcoma Way and the Easterly Side of Waitt Drive, being Shown as Lot 88 through

Lot 95, Inclusive, and Road Lot 80 (Waitt Drive), Pursuant to Vote on Article 81 of 2019 Annual Town Meeting. Ms. Mooney explained the agenda item, noting that NGrid requires an easement for electric services.

Ms. Holgate moved approval as presented; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

## IX. PUBLIC HEARINGS

Public Hearing to Consider a Utility Petition from Verizon New England Inc. and Nantucket Electric Company for Plan #MA2021-26 to Relocate Two Jointly Owned Poles (Pole 19/1 and Pole 19/2) on North Beach Street at Easton Street, and Associated Wires, Cables and Fixtures to Facilitate the Visibility of a Stop Sign. Chair Bridges opened the hearing. Ms. Murphy said she will recuse from this item. James Delturrondo, representing Verizon New England, explained the petition, noting the pole relocations are at the request of the Town. Some discussion followed as to what exactly is occurring and where guy wires are proposed to be removed. Lisa Lee, an abutter at 4 North Beach Street. She expressed concern about the pole relocation into a hedge area and asked if the pole could be located into an area unencumbered by plantings. Mr. Delturrondo said he is not authorized to make that change but can follow up on it. Ms. Longacre commented that she hopes handicap access will be maintained or improved. She said that pictures of existing conditions would be helpful going forward. Some discussion continued as to the specifics of the pole relocations and alternates. Ms. Holdgate moved to continue the hearing to April 27, 2022 for these issues to be explored/confirmed; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

2. Public Hearing to Consider Amending Town Regulations, as Part of Recodification Process. Chair Bridges opened the hearing. Ms. Gibson introduced the agenda item, explaining that the hearing is a perfunctory required action in order to codify existing regulations into one central repository, similar to the way in which the Town Code is maintained and updated. She said that no substantive changes have been made, only numbering for consistency purposes, and updated references where needed to the General Laws or other regulatory or statutory references. Some discussion followed as to specific changes as highlighted in the Board's packet. There was no public comment. Ms. Murphy moved to close the hearing; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

Ms. Murphy moved to approve the codified regulations, as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

3. Public Hearing to Consider Application for New Mobile Food Unit License for Sushi Sean 11:11 LLC dba Sushi Sean 11:11, Sean Durnin, Manager. Chair Bridges opened the hearing. Licensing Administrator Amy Baxter introduced the application. Sean Durnin spoke on the application, explaining his proposed operation. Peter Schaeffer, speaking for property owners in Tom Nevers East, commented on a prior business which used property in a residential area for a pizza delivery business, which was objected to by the neighbors and eventually determined to be a zoning violation. He requested that no sales, or preparation be allowed at the property where the mobile food unit is to be parked overnight. Ms. Murphy thanked Ms. Baxter for explaining how mobile food units are licensed and their different purposes.

Ms. Holdgate moved to close the hearing; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes. Mr. Fee asked about the location of commercial kitchens as related to zoning. Some discussion followed and Ms. Baxter said zoning review will still be required for this business. Ms. Ferrantella moved to approve the application, as presented; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

4. Public Hearing to Consider Application for Alteration of Premises of Annual Wine and Malt Beverages Restaurant License for Forty-Five Surfside Road, LLC dba 45 Surfside, Rebecca Moesinger, Manager, for Premises Located at 45 Surfside Road; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Activities of a School Pursuant to Section 16C of MGL Chapter 138. Mr. Fee recused from this item and left the table. Chair Bridges opened the hearing. Ms. Baxter introduced the application and reviewed some photos of the proposed outdoor service area. Ms. Baxter reviewed the application history of the applicant seeking this alteration of premises at least three times before and denied by the Board due to proximity to the Nantucket Elementary School. She reviewed recently approved Alcoholic Beverages Control Commission (ABCC) guidelines for outdoor alcohol service. She noted that the Police Chief has recommended denial, again due to proximity to the school, but if the Board is so inclined to approve the application, that conditions be applied to require screening to block the area from public view and other conditions as referenced in the packet. Rebecca Moesinger of 45 Surfside explained proposed plans for the screening. Ms. Ferrantella asked if there were any issues with outdoor alcohol service during the COVID pandemic. Ms. Baxter said no. Ms. Ferrantella asked about hours restrictions. Ms. Baxter said that would be possible. Ms. Ferrantella said she thinks the restrictions as laid out in the Board's packet seem reasonable. Portia Moesinger commented on the screening and said they would be willing to install as much screening as possible. Ms. Baxter reviewed the proposed conditions, as contained in the Board's packet. Ms. Ferrantella said she would support a condition that the service not occur when school is in session. Ms. Murphy commented on clarifying that with specific hours. There was no public comment. Ms. Holdgate moved to close the hearing; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Ms. Ferrantella - Yes.

Ms. Holdgate moved approval with the conditions as listed in the packet; and, no service when school is in session but night service can accompany dinner as requested; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Ms. Ferrantella - Yes.

Ms. Holdgate moved to determine that the premises is not detrimental to the activities of a school pursuant to section 16C of Massachusetts General Law Chapter 138; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes; Ms. Ferrantella - Yes.

## X. TOWN MANAGER'S REPORT

1. Licensing: Update on Outdoor Dining and To-Go Alcohol Sales. Ms. Baxter reviewed a presentation contained in the Board's packet. She noted that what is being requested tonight is adoption of the outdoor dining parameters and that any one establishment that seeks outdoor dining space will have to go through the statutory application process, including a public hearing. Ms. Baxter reviewed the State's "Alcohol To Go" allowance. Chair Bridges asked if there have been any issues with this. Ms. Baxter said yes, some issues. She reviewed the application process for outdoor dining, including other town regulatory approvals that may be necessary. Ms. Baxter reviewed the fee recommendations for outdoor dining. She re-reviewed the ABCC guidelines for outdoor alcoholic beverage areas. She noted potential liability issues for the Town, with alcohol service on public property and ways to address those. Chair Bridges commented on the

proposed guidelines as contained in the Board's packet, expressing support for them. He complimented Ms. Baxter on her research with other towns. Chair Bridges said he feels the fees could increase somewhat from what is proposed in the packet. Ms. Ferrantella concurred. Mr. Fee asked about Broad Street establishments which have traditionally used public property as part of their service. Ms. Baxter said she would expect those businesses would pay these new fees. Discussion followed as to a line on a sidewalk vs a table. Ms. Holdgate said she is pleased with most of the conditions but feels the fees are too low. Some discussion followed. Ms. Holdgate suggested doubling the proposed fees. Ms. Murphy thanked Ms. Baxter for her presentation. Discussion followed on the fees. Chair Bridges suggested some increases to the proposed fee chart as follows:

No Alcohol Service - \$500  
Beer and Wine License - \$1,000  
Beer and Wine License – up to 4 tables - \$1,500  
All Alcohol License - \$2,000  
All Alcohol License – up to 4 tables - \$2,500

The Board was generally in favor of these fees as proposed by Chair Bridges. Ms. Baxter noted a public hearing will be required for these fees and it was generally agreed to work to schedule that for April 27, 2022. She added that she will be meeting with restaurants shortly to review these guidelines and application process.

2. Discussion Regarding Dredging of "Ditches in Madaket" (Continued from March 16, 2022 Public Comments and March 23, 2022 Follow-up). Ms. Gibson introduced Natural Resources Director Jeff Carlson, Coastal Resilience Coordinator Vincent Murphy and Water Quality Specialist Thais Fournier to speak on the issue of dredging ditches in Madaket, as well as increasing the size of the culverts as had been mentioned by Bobby DeCosta at the Board's March 16<sup>th</sup> meeting and requested as an agenda item by Mr. Fee at the March 23<sup>rd</sup> meeting. Mr. Carlson reviewed the scope of the project as related to permitting requirements and water quality. Mr. Murphy reviewed the scope of the project as specifically referenced in the Coastal Resilience Plan (CRP). He reviewed the current flow through the culverts along Madaket Road and noted that neighbors need to be worked with due to potential impact of work to the culverts and dredging on private property. Ms. Fournier commented on water quality modeling studies that do not indicate that dredging or resizing the culverts will increase water quality and could have environmental impacts. Mr. Carlson concluded by emphasizing the extensive permitting requirements and the need for the project not to be done "piecemeal" but as one large project – including, potentially raising a portion of Madaket Road, as also recommended in the CRP. Mr. Fee said that "we are making" the project more complicated that it needs to be. He said the ditches have been dredged for hundreds of years.

Ms. Murphy left the meeting at 7:26 PM.

Mr. DeCosta concurred with Mr. Fee and said his focus is on First Bridge which he says has "silted in" and this needs to be addressed. He said he has spoken to an individual at the state who concurs with him. He added that funding could be taken from a mitigation fund from Vineyard Wind. He said "a guy with a backhoe" could perform the necessary work, very easily. He continued on with several comments about his frustration with what he views as lack of progress. Mr. Carlson said he would contact the individual from the state mentioned by Mr. DeCosta about this. Mr. Murphy said he will need to be sure that adjacent property owners are contacted if work is to be done, to ensure that their properties are not impacted. Rick Atherton concurred with Mr. DeCosta. Bill Grieder commented on the condition of Long Pond and said he agrees

with Mr. DeCosta. Sarah Bois of the Linda Loring Nature Foundation commented that they would like to be consulted and work with the Town on this project, she spoke on environmental concerns and being sure that the ecology of the entire system is not impacted. Mr. Fee moved to continue to explore this project within the parameters of the state guidance obtained by Mr. DeCosta, with regular updates, with the idea that it would be done by next spring; Ms. Ferrantella seconded. Mr. DeCosta spoke again about the history of Long Pond. He added he would be happy to work with anyone to get this project done. Mr. Carlson said that he should be able to have a scope of work to review with the Board in about one month. On the motion, so voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

3. Natural Resources: 2021 Annual Water Quality Report. Ms. Fournier used a presentation to review the report. She said that Total Managed Daily Loads (TMDL) are slowly improving in several areas of the harbors and great ponds.

Mr. Bridges left the meeting at 7:43 PM; he returned at 7:47 PM.

Ms. Fournier reviewed eel grass bed degradation around certain harbor areas and spoke as to factors that contribute to the degradation. She reviewed the various sampling sites and history of TMDL results, in the harbors and the ponds. Ms. Fournier reviewed and explained current Town water quality projects, as listed in the presentation. She also reviewed new and future water quality projects. Mr. DeCosta asked about water quality testing as related to shellfishing, noting that by state regulation certain areas are banned from shellfish harvesting in these areas. He questioned whether the Town could use its extensive testing to obtain approval from the state to actually harvest in these areas. He commented further about Long Pond and herring populations. Ms. Fournier spoke further about the types of testing done. Mr. Carlson added that Natural Resources has been working with the Harbormaster's office to educate and monitor the data that the state uses for its closure decisions and hopefully that data could be used to address this with the state. Nantucket Land Council Executive Director Emily Molden thanked the Natural Resources staff for their work. She said she hopes that fertilizer remediation and regulations will or could become more integrated or spoken about with the Town's water quality programs. She requested an update on an upcoming Select Board agenda as to the Town's fertilizer program. Chair Bridges thanked Ms. Fournier for her presentation.

#### XI. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Ms. Ferrantella commented on the development of a Nantucket Community Housing Trust, an idea which came out of a trip several town officials and others took to the Vineyard last summer, where a similar organization exists. Chair Bridges spoke on a joint Dukes – Nantucket County Commissioners hearing on April 11<sup>th</sup> regarding recently filed Steamship Authority legislation, saying he thought it was a good dialogue. He added that it was also brought up that it would be good to have another joint meeting about other issues of joint concern perhaps in the fall.

#### XII. ADJOURNMENT

At 8:18 PM, Ms. Holdgate moved adjournment; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

Approved the 27<sup>th</sup> day of April 2022.

**SELECT BOARD**  
**APRIL 13, 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:

- III. 2. Letter from Nantucket Lights; International Dark Sky Week proclamation
- VII. 1. Draft minutes of 4/6/2022
- VIII. 1. National Grid L1 Feeder Project presentation
- VIII. 2. AIS re: Estoppel Certificate for 21 Lincoln Ave; Photo of 21 Lincoln Ave; Estoppel Certificate; 21 Lincoln Ave Conservation Restriction
- VIII. 3. AIS re: Waitt Dr utility easement with NGrid; Grant of Easement; Easement plan
- IX. 1. AIS re: Verizon/NGrid utility petition; Departmental comments; Verizon/NGrid petition; photos
- IX. 2. AIS re: codification of Town regulations; Table of Contents with sections to be adopted highlighted; List of changes made to regulations; Updated regulations link
- IX. 3. AIS re: Sushi Sean MFU; MFU application
- IX. 4. AIS re: 45 Surfside Alteration of Premises; ABCC Alteration of Premises application; ABCC Outdoor Dining Guidelines and Patio Guidelines; 45 Surfside current liquor license; Determination Letter  
Determination Letter
- X. 1. Outdoor Dining update presentation
- X. 2. Email re: Madaket Ditches
- X. 3. 2021 Water Resource Report presentation; Executive Summary of 2021 Water Quality Assessment of Nantucket' Harbors & Great Ponds; SMAST 2021 Report