

## **SELECT BOARD**

Minutes of Meeting of June 8, 2022. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Brooke Mohr, Dawn Holdgate and Melissa Murphy.

### 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 5:31 PM.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was unanimously accepted as posted.

### III. ANNOUNCEMENTS

#### 1. The Select Board Meeting is Being Audio/Video Recorded.

2. Announce Applications Received for Planning Board Vacancy. In accordance with the Board's Committee Appointment Policy, it was noted that applications have been received by the following:

Joseph Topham  
Emily Kilvert  
Jeremy Bloomer  
Campbell Sutton

#### 3. No Select Board Meeting on Wednesday, June 15, 2022 (Summer Schedule).

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

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

There was no follow-up.

### V. PUBLIC COMMENT

There was no public comment.

### VI. NEW BUSINESS

There was no new business.

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

Ms. Holdgate moved to approve Items VII 1 – 2; seconded by Ms. Murphy; all in favor, so voted.

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

#### 2. Approval of Treasury Warrants for June 8, 2022.

3. Approval of Pending Contracts for June 8, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Murphy moved approval of the pending contracts as presented; seconded by Ms. Holdgate; all in favor, so voted.

#### VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Applicant Introduction/Review of Applications for Historic District Commission Associate, Nantucket Affordable Housing Trust, Nantucket Historical Commission, Planning Board Alternate, Real Estate Assessment Committee, Roads and Right-of-Way Committee, Scholarship Committee, Tree Advisory Committee, Zoning Board of Appeals, Zoning Board of Appeals Alternate. Applicant names were announced as follows and those indicated spoke on their applications:

Historic District Commission Associate: No applicants.

Nantucket Affordable Housing Trust: Shantaw Bloise/incumbent – spoke on her application; Brian Sullivan/incumbent; Arlene O'Reilly; Jennifer Porter; Meg Browsers; Reema Sherry/incumbent; Peter Hoey.

Nantucket Historical Commission: Linda Williams – spoke her application; Abby De Molina – spoke on her application; Clement Durkes/incumbent – spoke on her application; Hillary Rayport/incumbent – spoke on her application.

Planning Board Alternate: Abby De Molina – spoke on her application; Elisabeth O'Rourke; Campbell Sutton/incumbent – spoke on her application.

Real Estate Assessment Committee: Lee Saperstein/incumbent – spoke on his application.

Roads and Right-of-Way Committee: Bill Grieder/incumbent – spoke on his application; Allen Reinhard/incumbent; Rick Atherton/incumbent – spoke on his application.

Scholarship Committee: Jeanne Miller/incumbent; Rebecca Woodley-Oliver/incumbent.

Tree Advisory Committee: No applicants.

Zoning Board of Appeals: Susan McCarthy/incumbent.

Zoning Board of Appeals Alternate: no applicants.

Chair Bridges allowed those present who were not here last week to speak on their applications: Walter Flaherty/Airport Commission; Maureen Phillips/Conservation Commission incumbent; Michael Misurelli/Conservation Commission; Jeremy Bloomer/Planning Board.

2. Coastal Resilience Advisory Committee: Quarterly Report. Coastal Resilience Coordinator Vincent Murphy was present and reviewed the report as contained in the Board's packet, focusing on projects in the Coastal Resilience Plan that are the most actively under discussion. He noted that the Committee is requesting the Board to expand one of the environmental goals of its Strategic Plan. Committee Chair Mary Longacre thanked Mr. Murphy and associated staff for their work to advance components of the plan, noting that it is a lot of work. She reviewed the Committee's communications and connections with other agencies. Chair Bridges thanked Mr. Murphy, Ms. Longacre and the Committee for the update.

3. Verizon: Request to Add 42' of New 2-4" Conduit to Existing 12" Sleeve under Milestone Road (Relates to Previously Approved Utility Petition MA2021-06, Approved on August 18, 2021). Verizon representative Ross Bilodeau was present remotely and spoke on the request and clarified its purpose, noting the additional conduit will be added, adjacent to the existing sleeve rather than "in" the existing sleeve. He noted that the work will take place without the need to open the road. Some discussion followed as to other utilities being placed underground. Ms. Murphy moved to approve the request as presented; Ms. Holdgate seconded; all in favor, so voted.

#### IX. PUBLIC HEARINGS

1. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30499757 to Install New Handhole (HH 1-3) and Approximately 80' +/- of 2-3" Conduit Encased in Concrete from Existing Handhole (HH 1-2) on Meader Street to Provide Electrical Service to 21 Meader Street. Chair Bridges opened the hearing. Jose Vasquez of National Grid was present remotely and reviewed the petition.

There being no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; all in favor, so voted.

Ms. Holdgate moved approval of the petition as submitted and with all department conditions so noted; seconded by Ms. Murphy; all in favor, so voted.

2. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30447254 to Install 90' of 2-3" Conduit from Pole 16 across Quidnet Road to Proposed Handhole to Provide Electrical Service to 26 Quidnet Road. Chair Bridges opened the hearing. Mr. Vasquez reviewed the petition.

There being no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; all in favor, so voted.

Ms. Holdgate moved approval of the petition as submitted and with all department conditions so noted; seconded by Ms. Murphy; all in favor, so voted.

#### X. TOWN MANAGER'S REPORT

Town Manager C. Elizabeth Gibson noted that in recognition of Juneteenth on Sunday, June 19<sup>th</sup>, Town offices will be closed on Monday, June 20<sup>th</sup> and that as part of the recognition of Juneteenth, the Town's DEI Director will be giving a presentation on Sunday, June 19<sup>th</sup>, via Zoom, with information being available on the Town website. Ms. Mohr added that Nantucket Equity Advocates is partnering with the African Meeting House on another Juneteenth event at the Colored Cemetery.

1. Request to Schedule Public Hearing for Surface Water and Groundwater Protection Regulations. Ms. Gibson explained the request to schedule a public hearing and reviewed the purpose of the proposed regulations, which is to establish an enforcement process for unregulated water flows, such as swimming pool drainage and other detrimental water discharge from properties onto public property, for environmental protection purposes. She introduced Public Health Director Roberto Santamaria and Natural Resources Director Jeff Carlson. Chair Bridges asked some questions about public notification and outreach, whether or not additional staff resources will be needed and some specifics about what types of water discharge will

be regulated. Mr. Carlson responded. Mr. Fee asked about the “National Swimming Pool Foundation” and, how saltwater pool discharge is handled. Mr. Santamaria responded. Some discussion followed. Mr. Fee moved to schedule a public hearing; seconded by Ms. Murphy; all in favor, so voted.

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

1. Committee Reports. No committee reports.

#### XII. PUBLIC HEARINGS II

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 (Continued from April 6, 2022; Request to be Continued to September 7, 2022). Ms. Holdgate so moved to continue the hearing to September 7, 2022; seconded by Ms. Murphy; all in favor, so voted.

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

2. Continued Discussion on Short-term Rental Work Group Framework. Ms. Murphy and Ms. Holdgate recused from the discussion of this matter and left the meeting table at 6:34 PM. Town Counsel John Giorgio was present remotely and explained a discussion he has had with the State Ethics Commission (SEC) earlier this week about the potential for conflicts of interest. He explained that the SEC would like a vote of the Board to authorize him to pursue and analyze this issue further with them. He explained some preliminary work that has been done so far, including mapping the location of 1,880 Nantucket short-term rentals currently registered with the State – with respect to how many properties abut short-term rentals, as that relates to the conflict matter. He said there is a 10% threshold that impacts the conflict question, and he has determined that approximately 53% of properties on the Island abut a short-term rental. Some discussion followed. He reviewed four categories of individuals that merit an analysis under the conflict of interest law and explained the specifics of each conflict: an owner of a short-term rental business; an individual engaged in the short-term rental industry or is an operator’s agent, such as a real estate agency; individuals who are officers, directors or otherwise represent the interests of non-profit advocacy groups, such as “ACK Now” and “Nantucket Together”; and, the owner of a property that abuts a short-term rental. He said if someone rents their property for more than 14 days per year, they most likely do not have a prohibited role on a work group because of the 10% threshold previously referenced. He noted that the Board could also potentially determine Massachusetts General Law Chapter 268A, section 19b exemptions for certain individuals by finding that their interest in the matter is not so substantial as to be deemed likely to affect the integrity of their services to the Town. He said that disclosure forms would also need to be filed. David Iverson asked about “ex officio” members and whether or not that impacts the conflict potential. Mr. Giorgio responded and said it may need further explanation but that there is a difference between elected individuals and non-elected or appointed. Mr. Giorgio explained the definition of “ex officio”. Ms. Mohr noted that input from anyone can be accepted/provided to the work group. Mr. Giorgio noted that the creation of the work group at Town Meeting came up “on the fly” and was not specific as to membership. He said that if the membership had been expressly designated there would not be a conflict question at all. He said he believes that ultimately, the Board will be able to appoint more individuals than previously thought as a result of this analysis. Chair Bridges asked about abutters to short-term rental properties and whether the abutters need to own their own property. Mr. Giorgio said the conflict issue relates only to owners of property that abuts a short-term rental(s). Mr. Fee spoke on a similar, recent short-rental conflict discussion in Great Barrington, MA. Mr. Giorgio explained that the resolution to that situation is similar to what he has described. Ms. Mohr asked how someone is to determine if they abut a short-term rental. Mr. Giorgio said he expects that not to have to become an issue and noted that as of January 1, 2023 pursuant

to 2022 annual town meeting action, short-term rentals will need to be registered with the Town. Some discussion followed as to the follow-up communication with the SEC. Mr. Fee commented that if the work group doesn't have real estate industry representation, he doesn't think the outcome will have consensus. Ms. Mohr moved to authorize Town Counsel to reach out to the SEC for guidance as requested; seconded by Mr. Fee; so voted 3-0. Mr. Iverson thanked Mr. Giorgio for providing clarity to this situation. Mr. Fee said a knowledgeable facilitator with subject matter expertise, is needed. Ms. Mohr added that a robust public engagement process is also necessary.

### XIII. ADJOURNMENT

At 7:12 PM, Ms. Mohr moved adjournment; seconded by Mr. Fee; so voted 3-0.

Approved the 22<sup>nd</sup> day of June 2022.

**SELECT BOARD  
JUNE 8, 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. Planning Board membership/applicant list; Planning Board applications
- VII. 1. Draft minutes of 6/1/2022
- VII. 3. Pending Contracts spreadsheet
- VIII. 1. List of committee memberships/applicants - HDC Assoc to ZBA Alt; Committee applications
- VIII. 2. AIS re: CRAC Quarterly Report; CRAC quarterly report - Jan to Mar 2022
- VIII. 3. AIS re: Verizon request re: Milestone Rd; Verizon petition; VZ Plan MA2022-12; Portion of SB minutes 8/18/2021
- IX. 1. AIS re: NGrid petition - Meader St; Departmental Comments; NGrid petition - Meader St; Plan
- IX. 2. AIS re: NGrid petition - Quidnet Rd; Departmental Comments; NGrid petition - Quidnet Rd; Plan
- X. 1. AIS re: proposed surface & groundwater protection regs; Draft regulations; Draft implementation plan
- XI. 1. Email from Town Manager with draft STR working group framework as of 6/1/2022