

## SELECT BOARD

Minutes of the Meeting of June 14, 2023. 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 Dawn Holdgate, Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr.

### I. CALL TO ORDER

Vice Chair Mohr called the meeting to order at 5:31 PM, following the Pledge of Allegiance.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

### III. ANNOUNCEMENTS

Ms. Mohr reviewed the announcements:

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

2. Town Offices will be Closed on Monday, June 19, 2023 in Observance of Juneteenth.

3. No Select Board Meeting on Wednesday, June 21, 2023 (Summer Schedule); Next Meeting to be Held on Wednesday, June 28, 2023.

4. Sewer Director: Sewer Project(s) Update. Sewer Director David Gray gave an update on the 3<sup>rd</sup> Sewer Force Main Project, which runs from the Sea Street Pump Station to the Surfside Wastewater Treatment Facility. He reviewed the status of the project, timing and paving. He also reviewed a gravity sewer project on South Shore Road.

5. Select Board Announcements/Comments.

Dr. MacNab encouraged people to visit a Nantucket tourism exhibit currently on display at the Whaling Museum. Mr. Fee reported on a Coastal Resilience Advisory Committee meeting this week that included review of a project in Rhode Island in an area subject to coastal flooding which involved the relocation of many structures, and noted how the project was structured and developed.

Chair Holdgate spoke on recent community member losses and introduced Jason Bridges, Executive Director of Fairwinds to review resources available in the community for mental health issues. Mr. Bridges spoke on the resources provided by Fairwinds as well as resources from other providers, including one coming from off-island over the next few days to offer additional drop-in support. He spoke on the resources being readily accessible and provided an emergency mental health hotline number 508-221-3315. He urged people to use the line and said it is not necessarily for an emergency, it can be used to ask questions or to seek assistance for others. Human Services Director Jerico Mele spoke in support of the immediate response to the most recent losses and educational opportunities his department is working on for community members.

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

There were no follow-up comments.

## 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. Mohr moved approval of items VII 1-4; seconded by Mr. Fee; all in favor, so voted.

1. Approval of Minutes of June 7, 2023 at 5:30 PM.

2. Approval of Payroll Warrants for June 11, 2023.

3. Approval of Treasury Warrants for June 14, 2023.

4. Approval of Pending Contracts for June 14, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

## VIII. REPORTS

1. Short-Term Rental Work Group: Update on Proposed November 7, 2023 Special Town Meeting Warrant Articles. Short-term Rental Work Group Facilitator Stacie Smith said that the Group needs to get input from the Board at this point so that it can finalize the warrant article recommendations. Using the presentation contained in the Board's agenda packet, she updated the Board on the concepts of the proposed warrant articles for the Special Town Meeting, including a mix of potential categories of bylaws, specifically zoning and general. She said that the Group is also recommending adoption of a local option Community Impact Fee, with dedication of the revenue from the fee to affordable housing and local infrastructure projects. Kathy Baird, Work Group member, said that another issue the Work Group took up was to allow "seasonal" dwellings that are not winterized to continue being used for short-term rental purposes. She mentioned another issue regarding the registration process for short-term rentals. Robin Nydes commented on the proposal to limit the number of contracts per short-term rental. He commended the data analysis being obtained through the Town's vendor Process First. He said that analysis showed that the limitation of rental contracts would be of minimal economic impact, however, it was generated from activity that occurred during the pandemic. He expressed concern about this. Peter Schaffer, Work Group member, disagreed with Mr. Nydes and spoke on the "grandfathering" that would be in effect until properties are sold. John Kitchener, Work Group member concurred with Mr. Schaffer and added that bylaws can always be amended if needed. James Sulzer, Work Group member spoke in more detail on the Group's efforts to retain year-round properties for housing. Dr. MacNab questioned the corporate ownership condition. Ms. Smith responded. Dr. MacNab asked about the potential impact depending on the outcome of any of the pending short-term rental related lawsuits. Ms. Smith said she was not sure about that but the data shows there is a low number of corporate-owned short-term rentals. David Iverson, Work Group member, concurred with Ms. Smith. Ms. Mohr thanked the Work Group for its many hours of effort on this issue. She said the goals the Work Group came up with are compelling. She said she feels optimistic as to where the Group is at this point, with its recommendations. Mr. Fee thanked the group as well and spoke on some of the concepts, indicating he does not agree with all of them but most of them are reasonable. He said additional clarity is needed with some of the documentation which will be required for short-term rental registration. He suggested people outside of the Work Group be engaged to "stress test" the concepts. He said he is concerned about how zoning would be applied. He said he prefers a two-thirds vote on some of

the concepts. Rick Atherton spoke on the differences in voting between a general bylaw and a zoning bylaw. Mr. Iverson asked if Judy Barrett could speak to this. Ms. Barrett, a consultant engaged by the Town to provide technical assistance to the Work Group, spoke on the specifics of dwellings vs short-term rentals. Ron Kokot expressed concern as to the proposed number of rental contracts. Chair Holdgate also expressed concern about the number of rental contracts. She said she does not agree with taking away any of the corporate rentals that currently exist. She spoke on "mini hotels" and suggested limiting the number of allowable bedrooms. Mr. Iverson said that current corporate properties will be grandfathered. He said with regard to bedrooms, that would be subject to existing Town regulations. Some discussion followed on the bedroom issue. Mr. Dixon, a member of the Work Group, thanked the Work Group for its efforts and noted there is a broad range of interests represented. He said many letters were received from the public and spoke on some issues the Work Group did not take up because they are covered by other existing regulations, such as noise. He spoke on the range of research done with other communities. Matt Haffenreffer, of Process First, spoke on the details of the data collected on current short-term rental ownership, locations and rental information over the past three years. He said the Work Group looked at what the impact would have been if its concepts were applied using the information he collected. Some discussion followed. Mr. Atherton commented that a number of the Work Group's goals are focused on protecting investors and spoke on IRS code changes from the 1980's. He said that public policy issues need to be considered. Some discussion followed. Chair Holdgate reiterated her concerns that the mini hotel situation needs to be addressed; contract limitations promote elitism; parking is an issue and number of vehicles that are allowed; property rights limitations. Mr. Fee concurred regarding parking issues. He spoke again on the type of vote he would prefer at town meeting for these bylaws. Ms. Smith said that the questions of mini hotels, noise and parking are issues the Work Group expects will be addressed in existing regulations. Caroline Baltzer concurred with Chair Holdgate's comments. She asked why the Work Group could not focus more on corporate rentals and said she is concerned about impacts on property rights and unintended consequences. Ms. Baird suggested that the package ultimately produced for town meeting be non-controversial, with potential optional pieces that might be more controversial. Mr. Iverson said those investor-owned properties, which are only used for short-term rental purposes, are the properties targeted with the contract rental limitation.

#### IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Finance Department: Request Approval of General Obligation Bond Sale in the Amount of \$36,006,487. Finance Director Brian Turbitt explained the request. He noted that unfortunately the rates are the highest he has seen in 9 years. Ms. Mohr moved approval based on the vote in the Board's agenda packet dated June 14, 2023; seconded by Mr. Fee; all in favor, so voted.

2. Resignation Acceptance: Cultural Council. Mr. Dixon moved to accept Justin Cerne's resignation from the Cultural Council with thanks for his service; seconded by Ms. Mohr; all in favor, so voted.

3. Applicant Introduction/Review of Applications for Harbor and Shellfish Advisory Board, 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, Steamship Authority Port Council, Tree Advisory Committee, Zoning Board of Appeals, Zoning Board of Appeals Alternate. Operations Administrator Erika Mooney read the list of all applicants, noting that those applying for seats on committees alphabetically from Harbor and Shellfish Advisory Board to Zoning Board of Appeals have been encouraged to speak on their applications tonight, as well as any applicant who was unable to speak at last week's meeting when applicants for the other committees were able to speak. She said that many late applications have been received and will be held for a second round

of appointments later in the summer. Chair Holdgate noted that members of the Finance Committee may not serve on other Town committees.

Chair Holdgate left the meeting at 7:28 PM; she returned at 7:32 PM.

The following applicants spoke on their applications:

Harbor and Shellfish Advisory Board: no applicants

Historic District Commission Associate: Howard Matz; Joseph Robert Paul

Nantucket Affordable Housing Trust: no applicants present

Nantucket Historical Commission: Rita Carr; Linda Williams; George Butterworth; Ethan McMorrow; Joe Bedell

Planning Board Alternate: Howard Matz; Stephen Welch, incumbent

Real Estate Assessment Committee: no applicants

Roads and Right-of-Way Committee: Nathaniel Lowell, incumbent

Scholarship Committee: Anthony "Rocky" Fox; Melissa MacVicar; Jana Starr Duarte, incumbent

Steamship Authority Port Council: Nathaniel E. Lowell, incumbent

Tree Advisory Committee: no applicants

Zoning Board of Appeals: no applicants present

Zoning Board of Appeals Alternate: no applicants present

Additional candidates present who spoke on their applications:

Board of Health: Merideth Lepore

Finance Committee: Joseph Wright; Rob Giachetti; Denice Kronau, incumbent; Joanna Roche, incumbent

Conservation Commission: Marcia Browne. Mr. Fee asked Ms. Browne if she supports currently proposed Conservation Commission regulations. She said she is not informed on those. Mr. Fee asked about her position with respect to the Sconset Bluff erosion control project and how the Select Board and Conservation Commission could move forward cooperatively. Ms. Browne responded and indicated the significant expense of relocating Baxter Road must be considered.

Chair Holdgate thanked all applicants.

## X. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30709313 to Install Approximately 30' of 2-3" Conduit Across Bartlett Road and Two New Handholes (HH4-1, HH4-2) in Front of 18 and 19 Bartlett Road. Chair Holdgate opened the hearing. Jose Vazquez of National Grid reviewed the petition. Mr. Fee asked about cutting the road. Mr. Vasquez indicated there will be a road cut.

As there was no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Dixon; all in favor, so voted.

Ms. Mohr moved approval of the petition for Bartlett Road as presented and in accordance with any departmental comments; seconded by Mr. Fee; all in favor, so voted.

2. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30748659 to Install Approximately 35' of 2-3" Conduit Across Surfside Drive from Existing Handhole (1-1) at Base of Pole1 to Proposed New Handhole (HH1-2) for New Service at 80 Surfside Road. Chair Holdgate opened the hearing. Jose Vazquez of National Grid reviewed the petition.

As there was no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; all in favor, so voted.

Mr. Fee moved approval of the petition for Surfside Drive as presented and in accordance with any departmental comments; seconded by Ms. Mohr; all in favor, so voted.

## XI. TOWN MANAGER'S REPORT

### 1. Traffic Safety Work Group Recommendations:

a) Installation of Yellow No Parking Line Across from 8 New Mill Street, Resulting in Loss of One On-Street Parking Space. Ms. Mooney reviewed the background of this matter, including the recommendation. Linda Williams spoke against installation of the no parking line saying there is plenty of room for parking and backing out of the adjacent driveway. Chair Holdgate suggested tabling the matter for further review. Doug Roth spoke against the installation of the line. The Board was in general agreement to table action pending further review. Chair Holdgate expressed concern over the elimination of parking spaces. Mark Weishimer spoke against the line. Stephanie Basile spoke in favor of the line, noting the proximity of a utility pole makes parking in her driveway extremely difficult, noting that she is the requester of the line and is not seeking to eliminate parking, just to be able to access her driveway. Nat Lowell spoke against the line, acknowledging that the pole is a problem. Mr. Fee moved to continue this matter, pending a "viewing"; seconded by Ms. Mohr; all in favor, so voted.

b) Curb Cut for 12 Gay Street, Resulting in Elimination of One On-Street Parking Space on Westminster Street. Transportation Program Manager Mike Burns reviewed the recommendation for a curb cut on Westminster Street for 12 Gay Street. Ms. Mohr moved approval; seconded by Mr. Fee. Mr. Fee said he believes this is an unfortunate situation with the loss of a parking space and spoke on the history of parking in this area and that he does not favor curb cuts in this area. He spoke on people turning their yards and gardens into parking. He begged the Board to "figure out how to price parking". Discussion followed. So voted 4-1. Mr. Fee was opposed.

## 2. Review of 2024 Annual Town Meeting and Annual Town Election Potential Dates; Votes May Be Taken.

Town Manager C. Elizabeth Gibson reviewed potential dates for the 2024 Annual Town Meeting and spoke on timing and other considerations. She said that if the Board sets the date for early April, the schedule will need to be moved up, necessitating earlier adoption of the warrant and an earlier deadline for citizen petitions, in October rather than November. Ms. Mohr noted potential confusion that could result with the November 7 Special Town Meeting and the citizen petition deadline for the annual town meeting. Discussion followed as to the drop-off of attendance the later into the spring town meeting gets. Ms. Mohr said due to the special town meeting, she would be inclined to select a May date, but that serious consideration be given to earlier April for 2025. Chair Holdgate agreed and suggested starting the 2024 Annual Town Meeting on Tuesday, May 7. Ms. Gibson asked that she be given some time to run this date by the School as it could be up to a 3-night town meeting, potentially. The Board agreed to continue this matter until the School has confirmed availability.

3. Parks and Recreation Manager: Playing Fields Update. Parks and Recreation Manager Charlie Polachi gave an update on the Town's playing fields and reviewed slides found in the Board's agenda packet. Mr. Fee questioned the maintenance of the turf field. Mr. Polachi responded. Mr. Fee said he does not need any more information on this tonight but suggested another update in 3 or so months.

## XII. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Ms. Mohr spoke on a new podcasting booth NCTV has for public use. Mr. Fee reported out further on the aforementioned Coastal Resilience Advisory Committee meeting.

## XIII. ADJOURNMENT

Mr. Fee moved adjournment at 8:49 PM; seconded by Dr. MacNab; all in favor, so voted.

Approved the 28<sup>th</sup> day of June 2023.

**SELECT BOARD  
JUNE 14, 2023 – 5:30 PM  
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD  
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VII. 1. Draft minutes of 6/7/2023
- VII. 4. Pending Contracts spreadsheet
- IX. 1. AIS re: Finance - General Obligation BANS; Vote of the Select Board 6/14/2023; Bidder list; Municipal Purpose Loan proceeds
- IX. 2. Justin Cerne - Cultural Council resignation; Cultural Council membership
- IX. 3. Select Board Committee Appointment Process; 2023 Annual Committee Applicants list; Applications
- X. 1. AIS re: NGrid petition - Bartlett Rd; Departmental Comments; Bartlett Rd petition; Bartlett Rd plan
- X. 2. AIS re: NGrid petition - Surfside Dr; Departmental Comments; Surfside Dr petition; Surfside Dr plan
- XI. 1a. AIS re: Traffic Safety recommendation - New Mill St; Portion of 2/16/2023 Traffic Safety minutes; Request from 8 New Mill St; Letter from 3 New Mill St; Email from Brenda Dunham, re: New Mill Street parking
- XI. 1b. AIS re: Traffic Safety recommendation - 12 Gay St; Request from 12 Gay St
- XI. 2. 2024 ATM/ATE proposed dates
- XI. 3. Playing Fields Update presentation