

## SELECT BOARD

Minutes of the Meeting of August 21, 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, Kristie Ferrantella, Rita Higgins and Dawn Hill Holdgate.

### I. CALL TO ORDER

Chair Hill Holdgate called the meeting to order at 6:09 PM following a meeting of the County Commission.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Hill Holdgate reviewed changes to the agenda: items VII. 2 and 3 are tabled; IX. 2. is postponed to September; IX. 1 will be heard before Real Estate Matters; and a New Business item will be heard for Harbor Fuel. The agenda was accepted with the changes noted. Chair Hill Holdgate noted the HDC appeal of 1 Sunset Ridge (XI. 1) has been requested to be continued. Chair Hill Holdgate opened the public hearing. Ms. Ferrantella moved to continue the public hearing to September 25, 2019; Ms. Higgins seconded. All in favor, so voted.

### III. ANNOUNCEMENTS

1. Assistant Town Manager Gregg Tivnan announced that the Select Board meeting is being video/audio recorded in accordance with the Open Meeting Law.

3. Chair Hill Holdgate read a proclamation for "Suicide Prevention Week" September 8-15, 2019.

4. Department of Public Works Director Rob McNeil announced that roadway line and crosswalk painting will start next week and the focus will be the schools, then the downtown core and roundabouts. He said the company doing the painting will return September 8, 2019 to paint road lines. He noted there have been issues getting the crew here from off island.

5. Mr. Tivnan announced that Town offices will be closed Monday, September 2, 2019 in observance of Labor Day.

6. Mr. Tivnan announced that the next scheduled Select Board meeting is Wednesday, September 11, 2019, completing the summer schedule.

2. Mr. Tivnan recognized Tax Collector Elizabeth M. Brown who is retiring after 28 years of service with the Finance Department and Nantucket Public Schools. Director of Municipal Finance Brian Turbitt presented Ms. Brown with a plaque of appreciation.

### IV. PUBLIC COMMENT

Newtown Road resident Jerry Mack presented a petition to the Board signed by Newtown Road residents with concerns of worsening traffic and speeding along Newtown Road. Mr. Mack said he attended a Traffic Safety Work Group meeting and a plan to repave the road with a sidewalk and speed humps was recommended. He said the plan was approved at the 2019 Annual Town Meeting, but funding failed at the 2019 Annual Town Election and the residents are left with a "huge problem." Chair Hill Holdgate suggested speed humps be installed as a temporary measure until this is brought back to town meeting. Mr. Bridges noted the Bicycle and Pedestrian Advisory Committee (BPAC) had been studying this area and feels if Newtown Road improvements were put in the capital plan without associated round-abouts it would pass. It was agreed that temporary speed tables would be installed by the DPW as soon as possible.

## V. NEW BUSINESS

1. Harbor Fuel requested that the Board grant a six-week extension on its license for the downtown bulk fuel storage tanks. Mr. Fee moved to approve the extension as requested; Ms. Ferrantella seconded. All in favor, so voted.

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

1. Approval of Payroll Warrants for Weeks of August 11, 2019; August 18, 2019. Mr. Bridges moved to approve the payroll warrants as presented; Ms. Higgins seconded. All in favor, so voted.

2. Approval of Treasury Warrants for August 14, 2019; August 21, 2019. Mr. Bridges moved to approve the treasury warrants as presented, Ms. Higgins seconded. All in favor, so voted.

3. Approval of Pending Contracts for August 21, 2019 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Higgins moved to approve the pending contracts as presented; Mr. Bridges seconded. All in favor, so voted. Chair Hill Holdgate noted that the Town recently received a grant of \$500,000 from the State to fund the Town Pier dredging project.

## IX. TOWN MANAGER'S REPORT

1. FY 2019 End of Year Budget Reports: Airport Enterprise Fund; Wannacomet Water Enterprise Fund; Siasconset Water Enterprise Fund; Sewer Enterprise Fund. Wannacomet Water Company Director Mark Willett reviewed the FY 2019 end of year report, noting that the fourth quarter ended on a strong note with a 2% increase in water usage fees and a 5% increase in water connection fees. He said that Wannacomet will end the year with \$1M in revenues, which is a planned goal with their retained earnings policy. Regarding Wannacomet's 20-year water discharge permit which is up for renewal with the state, Mr. Willett said that the state does not agree with the population data prepared by the Nantucket Data Platform on behalf of Wannacomet and wants to wait until the 2020 Census to see if it backs up the Nantucket Data Platform numbers.

Mr. Willett said that Sconset Water had a "banner year" with water usage revenues increasing 6% due to new connections and a 5% increase in rental income from Verizon for its cell tower located on the Sconset Water Tank. He reviewed expenses, explaining that a pump station upgrade was needed which increased expenses by 10%, but money was saved by doing the work in-house.

Assistant Airport Manager Noah Karberg reviewed the Airport budget noting an increase in revenues of 19%. He said expenses increased 9% due to fuel-related expenses. Mr. Karberg reviewed details of the Aviation Fuel Revolver Fund.

Sewer Department Director David Gray reviewed the Sewer Enterprise Budget, noting that total revenue was down 4% and expenses increased 2% but said salaries are down due to a retirement. He said that maintenance and repair costs have decreased due to some work being done in-house. Mr. Gray said professional services also decreased due to having a professional engineer on staff.

## VII. REAL ESTATE MATTERS.

1. Planning Office: Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Taking Parcels 1 and 2, Lincoln Avenue as Shown on Plan of Land Entitled "Acquisition Plan for Portion of Record Location of Lincoln Avenue Clifton Springs – Nantucket, MA," Dated June 29, 2018, Prepared by Earle & Sullivan, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-72, Pursuant to Vote on Article 82 of 2018 Annual Town Meeting. Real Estate Specialist Ken Beaugrand reviewed the request. Mr. Fee noted concern about future

subdivision potential and the need for the purchaser to receive permission from the Select Board to allow it. Discussion followed among Board members. Ms. Higgins moved to approve the conveyance of Taking Parcels 1 and 2, Lincoln Avenue; Mr. Fee seconded. All in favor, so voted.

2.Planning Office: Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Taking Parcels 3 and 4, Lincoln Avenue as Shown on Plan of Land Entitled "Acquisition Plan for Portion of Record Location of Lincoln Avenue Clifton Springs - Nantucket, MA.," Dated June 29, 2018, Prepared by Earle & Sullivan, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2018-72; and, Part of Proudfit Lot D as Shown on Plan of Land Entitled "Plan of Land in Nantucket, MA, Nantucket County, Scale 1 in. = 20 ft., 12 Lincoln Avenue (Proudfit Lot)," Dated June 19, 2019, Prepared by Joseph Marcklinger, P.L.S., Marcklinger & Associates, Inc. and Recorded with said Deeds as Plan No. 2019-28, Pursuant to Vote on Article 82 of 2018 Annual Town Meeting. This matter was tabled to a future meeting.

3. Planning Office: Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Taking Parcel KK, Proprietors Road as Shown on Plan of Land Entitled "Acquisition Plan Phase 3 for Portions of a Proprietors Road South of Quidnet Road in Squam/Pocomo Set-Off Nantucket, MA.," Dated June 20, 2013, Prepared by Earle & Sullivan, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2013-48, Pursuant to Vote on Article 86 of 2012 Annual Town Meeting. This matter was tabled to a future meeting.

4. Request for Approval and Execution of Memorandum of Agreement with Sconset Trust, Inc. for Exchange of Real Property Interests. Mr. Beaugrand reviewed the Memorandum of Agreement (MOA) with the 'Sconset Trust which would involve conveying 20 plus acres of Town-owned land to the Sconset Trust for open space and in return, the Trust would allow the Town to construct a sewer extension across Trust-owned 270 Milestone Road. Mr. Beaugrand noted that if the Sconset Trust ceases to exist in the future, the parcels would revert to the Town. Ms. Higgins moved to approve the MOA as presented; Mr. Fee seconded for discussion. Mr. Fee asked if the Town ever discussed running additional underground utilities through 270 Milestone Road such as phone, cable, etc. Attorney Arthur Reade, representing the 'Sconset Trust, stated that allowance for other utilities was not discussed, and as 270 Milestone Road is conservation land additional utilities would be inconsistent with the reason for which the Trust obtained the parcel. Operations Administrator Erika Mooney noted that area streets of Burnell and Plainfield already have underground utilities in place, therefore running them across 270 Milestone Road would be redundant. Mr. Fee asked if the deeds will be able to be transferred in a timely manner. Attorney Reade stated that three parcels are ready to transfer immediately, two parcels have Land Court involved and one still needs to be taken by the Town. On the motion, all in favor, so voted.

5. Request for Approval and Execution of License Agreement with Forsyth 48, LLC for Town-owned Lot 108 as Shown on Plan of Land Entitled "Plan of Taking and Disposition for the Town of Nantucket in Nantucket, Mass.," Dated October 30, 2013 and Recorded with Nantucket County Registry of Deeds as Plan No. 2014-4 for the Purpose of Planting, Making Landscaping Improvements and Construction/Maintenance of a Fence. Mr. Beaugrand reviewed the request and answered questions from Board members. Attorney Reade reviewed a GIS aerial map of the property. Mr. Fee questioned how the public will be accommodated if the license is allowed and a fence is installed; he voiced concern that vehicles will get pushed elsewhere. Attorney Reade stated that his client has been "severely impacted" due to vehicles this summer. Chair Hill Holdgate suggested tabling this matter. She said she feels there is Board support as long as there is accommodation for the public use; she suggested tabling to September 11, 2019 to give the Town time to address the public parking concerns. Ms. Higgins expressed concerns regarding coastal erosion; she asked what the parking plan is and how it will affect the coastal resources. Mr. Bridges said he does not want to lose what is already there for parking. Chair Hill Holdgate said she doesn't want to narrow the road so much that it limits public access. Mr.

Fee expressed caution about conveying Town-owned property interests as he doesn't want to lose property that may be needed in the future. Ms. Higgins moved to table this matter to September 11, 2019; Ms. Ferrantella seconded. All in favor, so voted. Chair Hill Holdgate said the Board will need a recommendation from staff on public parking - on how many parking spaces will be lost and how will they be accommodated.

#### VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Approval of Change of Manager of Seasonal Wine and Malt Beverages Hotel License for 1709 Associates LLC d/b/a 29 Fair from Tracy Root, Manager to Ilkania Acosta, Manager, for Premises Located at 29 Fair Street, Nantucket (Tabled from August 7, 2019). Police Chief William Pittman noted that this matter was previously tabled to ensure the proposed manager meets the requirements. He added that the Licensing Administrator has been in contact with the proposed manager articulating the responsibilities and is satisfied the manager requirements are met. Mr. Bridges moved to approve the change of manager application for 29 Fair as presented; Ms. Higgins seconded. All in favor, so voted.

2. Property Owner Request: Request for Waiver of Sewer Connection Permit Fee for Covenant Lot Located at 27 Meadow View Drive. Mr. Beaugrand reviewed the request, noting it is consistent with the Policy for Sewer Fee Waiver Requests. Ms. Higgins moved to approve the waiver as presented; Ms. Ferrantella seconded. All in favor, so voted.

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

1. Request for Approval of Conflict of Interest Disclosure in Connection with Historic District Commission and Pursuant to MGL Chapter 268A, Section 19. Historic District Commission member Stephen Welch reviewed his request and answered questions from Board members. Ms. Higgins moved to accept Mr. Welch's Conflict of Interest disclosure and find that he may act as needed for the HDC; Mr. Bridges seconded. All in favor, so voted.

#### XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeals of Ice Bear LLC of Historic District Commission (HDC) Approval of Certificates of Appropriateness (COA) Nos. 72096, 72176 and 72473 for New Dwelling, Pool and Trim Color Change, Regarding Property Located at 41 Chuck Hollow Road, Map 75, Parcel 110. Chair Hill Holdgate opened the public hearing. Attorney Nicholas Brown, representing the appellant, reviewed the specifics of the appeal. Attorney Brown took issue with the height of the dwelling and its siting on the highest point of the property, noting that it is already under construction; and the pool being situated in front of the house which he feels is arbitrary and capricious even though the approval included screening of the pool. Stephen Welch, HDC representative, stated that although low buildings are preferred, they are not required, and the pool location would not be seen from a public way. Mr. Welch added that the purview of the HDC is to review architectural elements and structures from a traveled or public way. The HDC determined white is not an uncommon color in that area. Attorney Brown countered that even though other houses may be in the area, the guidelines become diminished and irrelevant over time. Mr. Welch stated that the guidelines are meant to address rolling open plains, not the case here. In context of height in the area, Mr. Welch said he stopped counting houses at 15 that are the same height in the area. Attorney Steven Cohen, representing the owners of 41 Chuck Hollow Road, stated the standard is the HDC Act, and designs are supposed to be on a lot in a neighborhood. He stated that Tom Nevers is the least historic area in age and design and that the guidelines apply to outwash plains and are not meant to apply to wooded areas like Tom Nevers. Attorney Cohen said the design was thoroughly considered at numerous HDC meetings and the decision is not arbitrary and capricious. Ms. Higgins questioned the landscape plan. Architect Mark Cutone said that all the scrub oak will remain. He said that the existing construction path was cut in before the property was bought and will be closed and replanted with native vegetation. Attorney George Pucci of Town Counsel's office answered questions on process. Mr. Welch noted he voted against the house as presented before making a site visit. Vallorie Oliver, HDC member, noted she

wasn't in favor of the pool location in the front of the house but after viewing, the pool wasn't visible, so it is not in the HDC purview. Attorney Brown objected to the testimony of the HDC members and said he feels the Board's determination should be based on the HDC minutes. Attorney Pucci stated that the Board is not bound by the HDC minutes and nothing precludes the HDC members' testimony. Chair Hill Holdgate asked if the HDC has considered the 25' outwash plain in Tom Nevers in its decision making over time. Mr. Welch replied he has but this is a forested area. Chair Hill Holdgate closed the public hearing. Mr. Fee said it is a high standard to overturn the HDC, and although he is not in favor of its decision, he feels it was not arbitrary or capricious. Mr. Fee moved to uphold the HDC and deny the appeal; Ms. Higgins seconded. Ms. Higgins stated that she feels the minutes are clear that after site visits, views of the HDC members changed; she said she doesn't feel the decision was arbitrary or capricious. She added that without clearer guidelines in new neighborhoods where the neighborhood as a whole is not looked at but rather the house next door it can start to look arbitrary. Mr. Bridges said he doesn't feel the HDC acted out of its purview and he thought the public comments were a helpful addition to the minutes. Ms. Ferrantella said the HDC minutes should reflect when HDC members votes changed. Chair Hill Holdgate said she feels the HDC properly considered the application. On the motion, all in favor, so voted.

2. Public Hearing to Consider the Appeal of G. Philip and Barbara O. Nowak of Historic District Commission (HDC) Approval of Certificate of Appropriateness (COA) No. 72320 for Pergola, Trellis and Patio, Regarding Property Located at 1 Sunset Ridge, Map 73.4.2, Parcel 83.1. See item II (Acceptance of Agenda) for discussion and vote.

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

2. Committee Reports. Chair Hill Holdgate noted that the Conservation Commission chair and vice chair have asked to attend the Board's September 12, 2019 executive session meeting. She added that the Community Preservation Committee is setting dates for its application deliberations for FY 2021. Ms. Higgins reported that the Affordable Housing Trust met last week and discussed down-payment assistance as a use of its funds. She added that at a forum held at the Dreamland on Monday with the Select Board, Planning Board and Finance Committee, quality of life issues were raised by the public. Ms. Ferrantella, Mr. Bridges and Mr. Fee voiced their thoughts on the Dreamland event. Ms. Ferrantella reported that she attended a recent Waste Summit sponsored by the Town to which the commercial haulers were invited. She also reported on a plastics ban information session and Neighborhood First meetings. Mr. Bridges reported that he attended a Monomoy Homeowners Association meeting where the major concern was the changes to the Monomoy and Milestone Roads intersection. He also attended a Cannabis Advisory Committee meeting at which Barry Rector was elected chair.

#### XII. ADJOURNMENT

The meeting was unanimously adjourned at 8:21 PM.

Approved the 22<sup>nd</sup> day of January, 2020.

**SELECT BOARD**  
**AUGUST 21, 2019 – 6:00 PM**  
**PUBLIC SAFETY FACILITY COMMUNITY ROOM**  
**4 FAIRGROUNDS ROAD**  
**NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 3. Cape and Islands Suicide Prevention Coalition proclamation request; Suicide Proclamation Week 2019 proclamation
- IV. 1. Petition submitted by Gerry Mack re: Newtown Road
- V. 1. Harbor Fuel Downtown Bulk Fuel Storage License extension request
- VI. 3. Pending contracts spreadsheet for August 21, 2019
- VII. 1. Agenda Item Summary (AIS) re: Taking Parcels 1 & 2, Lincoln Avenue; Quitclaim Deed; Plan No. 2018-72
- VII. 2. AIS re: Taking Parcels 3 & 4, Lincoln Avenue and Part of Proudfit Lot D; Quitclaim Deed; Plan Nos. 2018-2 and 2019-28
- VII. 3. AIS re: Taking Parcel KK, Proprietors Road; Quitclaim Deed; Plan No. 2013-48
- VII. 4. AIS re: Memorandum of Agreement (MOA) with Sconset Trust; 2019 MOA; GIS maps of 6 parcels to be conveyed; GIS and survey plans of 270 Milestone Rd
- VII. 5. AIS re: license agreement with Forsyth 48 for planting and landscaping; License Agreement; Plan No. 2014-4
- VIII. 1. AIS re: 29 Fair change of manager application; ABCC application
- VIII. 2. AIS re: request for waiver for Sewer Connection Permit Fee; email from homeowner; Deed/Covenant Certificate; GIS map of 27 Meadow View Drive; Policy for Sewer Fee Waiver Requests; Sewer Fee Waiver Request History
- IX. 1. FY 2019 End of Year Budget Reports: Airport Enterprise Fund; Wannacomet Water Enterprise Fund; Siasconset Water Enterprise Fund; Sewer Enterprise Fund
- X. 1. Request for approval of Conflict of Interest Disclosure Form/Stephen Welch; C. 268A, § 19 disclosure form
- XI. 1. Ice Bear LLC HDC appeal of 41 Chuck Hollow Road; HDC files; HDC response to appeal
- XI. 2. Nowak HDC appeal of 1 Sunset Ridge; request for continuance; HDC files; HDC response to appeal