

SELECT BOARD

Minutes of Meeting of November 9, 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 newly elected member Dr. Malcolm MacNab.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:30 PM, following the Pledge of Allegiance. The Board welcomed Dr. MacNab, elected at the November 8, 2022 special election, to the Board.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. SHORT-TERM RENTAL WORK GROUP FACILITATOR UPDATE

Chair Bridges introduced Facilitator Stacie Smith of the Consensus Building Institute (CBI), engaged by the Town to facilitate the Short-term Rental Work Group. He noted that the Board will be having a more focused discussion about a potential short-term rental related warrant article(s) for the 2023 annual town meeting at its meeting on November 16th. Ms. Smith provided an update of the work group's meetings to date, using a presentation shown on the screen and contained in the Board's agenda packet, including the meetings held to date and a work plan designed to develop a proposed warrant article(s) for a general bylaw (rather than a zoning bylaw) by mid-January for the Select Board's review. Some discussion followed as to the Select Board's deadline for finalizing the warrant. Town Manager C. Elizabeth Gibson said that extending the Board's adoption of the warrant will cause other timeframes in the timeline to shrink and added that she is still reviewing what is possible and needs a few more days to do that. Ms. Mohr said she favors plenty of public discussion and outreach, rather than rushing to complete an article(s). Dr. MacNab concurred, commenting he would rather "get it right". Mr. Fee commented on the need for complete data, and consensus. Chair Bridges asked Ms. Smith, based on her experience, if she thinks the work group would be able to come up with a warrant article(s) by the Board's deadline. She said she feels the group could use more time and that building consensus on a contentious issue "takes time". Discussion followed on how or if to allow more time and/or to explore the timing of a special town meeting in the fall. It was generally agreed to see what the work group comes up with regarding needing more time to develop an article(s) and/or putting forward an article for the 2023 annual town meeting. Ms. Smith asked if the Board would intend to support whatever consensus comes forward from the group; and, not support articles that come from outside the group while the group is in progress. Chair Bridges stated that "in concept" yes. Dr. MacNab said he wouldn't be able to confirm that without seeing what is proposed. Ms. Smith left the meeting at 5:57 PM. Ms. Holdgate concurred with Dr. MacNab. Some discussion followed. Chair Bridges concluded that the Board "wants" to support it but cannot until they have seen what is proposed.

IV. ANNOUNCEMENTS

Ms. Gibson reviewed and/or introduced the announcements.

At 5:58 PM, Mr. Holdgate left the meeting; she returned at 6:00 PM.

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

2. Sewer Force Main Project Update. Sewer Director David Gray provided an update of the project. He said the contractor is working as fast as possible, but the work is complicated and takes time. He said the project is on schedule at this point; and, that community events are also being accommodated.

3. Veterans' Day Observance Ceremony to be Held Friday, November 11, 2022 at 10:30 AM at Federal Street War Memorial Adjacent to Town Building; Refreshments to follow American Legion Hall, 21 Washington Street.

4. Town Offices Closed Friday, November 11, 2022 in Observance of Veterans' Day.

5. Saturday, May 6, 2023 Annual Town Meeting:

- Warrant Open for Citizen Warrant Article Submittals through November 14, 2022 at 4:00 PM.

6. Committee Vacancies: Zoning Board of Appeals; Harbor Plan Update Committee; Agricultural Commission; Tree Advisory Committee; Deadline is November 10, 2022 at 12:00 PM.

7. Select Board Announcements/Comments. Ms. Mohr commented on the frequent usage of the bicycle pump station at the Rotary and complimented the young man who installed it, Quinn Keating, for an Eagle Scout badge project.

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

There was no follow-up.

VI. PUBLIC COMMENT

There was no public comment.

VII. NEW BUSINESS

There was no new business.

VIII. APPROVAL OF MINUTES AND WARRANTS

Ms. Gibson noted a typo on the agenda: the treasury warrant is for November 9, 2022. Ms. Holdgate moved approval of items VIII 1 – 2; seconded by Ms. Mohr; all in favor, so voted. Dr. MacNab abstained from the vote on the minutes.

1. Approval of Minutes of November 2, 2022 at 5:30 PM.

2. Approval of Treasury Warrant for November 9, 2022.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Robert B. Our Co., Inc.: Request for Waiver of Town Noise Bylaw for Surfside Road Sewer Improvements Project (Surfside Road from Miacomet Avenue to Vesper Lane) from November 14, 2022 to December 30, 2022, 4:00 PM to 2:00 AM, Monday through Thursday Nights. Mr. Gray explained the request. Ms. Mohr asked about provisions for temporary roadway restoration as the project proceeds. Mr. Gray explained. Ms. Holdgate moved approval as requested; seconded by Mr. Fee; all in favor, so voted.

2. Coastal Resilience Advisory Committee: Quarterly Report. Coastal Resilience Coordinator Vincent Murphy reviewed the report as contained in the Board's agenda packet noting activities that the Committee

has focused on most recently. Mary Longacre, Chair of the Committee reviewed the status of the projects contained in the Plan. The Board thanked the Committee for its hard work and for keeping on top of the projects and issues.

3. Request for Consent and Finding of No Conflict for HallKeen Request to Allow Klein Hornig's Washington Office to Advise them Regarding HUD-Compliance Issues at Two of its Operating Properties While Representing the Town of Nantucket Regarding Ticcoma Green. Housing Director Tucker Holland reviewed the request and read a letter containing the request as found in the Board's packet. He noted that Town Counsel reviewed the request and did not find a conflict. Ms. Holdgate moved approval; seconded by Dr. MacNab; all in favor, so voted.

X. TOWN MANAGER'S REPORT

2. Review of Proposed 2023 Select Board Meeting Schedule. The Board generally agreed to the schedule as outlined in the Board's packet.

1. Request for Select Board Approval of Notice of Intent to Conservation Commission in Connection with Sconset Beach Erosion Control Project. Ms. Gibson introduced Mr. Murphy to review the Notice of Intent. Mr. Murphy reviewed the project, including its background, its value and need, and the components of the proposed NOI, referencing a presentation contained in the Board's packet. Mr. Murphy introduced Dwight Dunk, Sconset Beach Preservation Fund (SBPF) engineer to review the technical details of the application.

At 6:36 PM, Ms. Mohr left the meeting; she returned at 6:37 PM.

Mr. Dunk reviewed the specifics of the application as contained in a lengthy presentation in the Board's agenda packet. Kate Edwards of Arcadis commented that the team worked very hard to put the NOI together and supports it. Dr. MacNab said he has a lot of concerns and questions about the project, including availability of sand, and monitoring. He said he thinks "nature will always win". He said he is skeptical but does not object to submitting the application. Mr. Fee said the application is complex and commented on improvements that have been made in this application from prior applications. He agreed that sand is an issue. He noted that while the preparation of the application has been collaborative that does not mean the Town and SBPF have agreed with everything along the way. Mr. Fee asked how adverse impacts to adjacent property and "failure" are determined. Mr. Murphy spoke on the factors that contribute to such determinations. Mr. Dunk provided the technical details of how these determinations are measured. Some discussion followed. Mr. Murphy responded to Dr. MacNab's comments as to monitoring and "nature". Mr. Murphy explained a concurrent project involving the development of alternative access plans for Baxter Road. Ms. Mohr said that time is needed to develop alternative access effectively, which is the basic reason for the project. Dr. MacNab complimented Mr. Murphy on his hard work. Ms. Mohr asked if there is adequate funding for failure and/or removal. Mr. Fee spoke on this and said that is expected to be in place. Doug Rose suggested that the Board reserve the right to endorse the NOI until it has been thoroughly reviewed and understood. He commented that a future result of the project could be no beach. Burton Balkind concurred with Mr. Rose. He said there is "no immediate threat" to Baxter Road and added other places around the Island are in "imminent danger". Helmut Weymar said the existing project has been in place since 2013, has weathered major storms and that there is "no reason to believe" the project is not workable. He added there is a "very real risk of major bank collapse" if the project is removed, and estimated that would be within one year. D. Anne Atherton, representing the "Nantucket Coastal Conservancy" has "many questions" about the application. She commented there is "another side to the story" and requested that other experts be given the opportunity to make presentations on the application.

She read a series of questions and asked for answers. Board members, Mr. Murphy and Meridith Moldenhauer of SBPF answered the questions. Steven Cohen, representing SBPF, thanked the Board for the time it has spent on this. He added that not only will the NOI have to be approved by the Conservation Commission, there will need to be a License Agreement between the Town and SBPF if it does get approved that would contain additional conditions. Rick Atherton spoke further on the questions asked by Ms. Atherton and suggested the Board clarify its position regarding the License referenced by Mr. Cohen. Mr. Dunk spoke on the existing "imminent threat" criteria; the success of the current project. Mr. Murphy elaborated on the imminent threat criteria, adding that the risk is "extraordinarily close". Ms. Holdgate said she is ready to move this application forward to the ConCom. Mr. Fee agreed. Dr. MacNab moved to submit the application to the ConCom as prepared, pending completion of the performance bond as required; seconded by Ms. Mohr; all in favor, so voted.

At 7:50 PM, Ms. Holdgate left the meeting; she returned at 7:52 PM.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review/Adoption of Proposed Transportation and Parking Advisory Committee Structure and Mission (continued from November 2, 2022). Ms. Gibson reviewed the outcome of the Board's discussion as to the mission and structure of the proposed Committee from the Board's November 2nd meeting, noting that with subsequent further discussion, concerns were expressed as to overloading the Committee with too many tasks and so the potential inclusion of the Bicycle and Pedestrian Advisory Committee (BPAC) has been withdrawn. She added that some concerns continue to linger over the mission; however, it remains her recommendation to include traffic and parking-related issues within one group vs two. She reiterated that staff resources will not be available until the vacant position of Parking Coordinator is filled, which means the timeline for a paid parking recommendation to the Board may need to be modified. Mary Longacre, Chair of the Nantucket Planning and Economic Development Commission (NP&EDC) said she expects the NP&EDC will take this item up at its meeting later this month and spoke in support of the Transportation Program Manager position being a liaison between BPAC and the proposed new committee. Ms. Mohr moved approval as presented, subject to potential amendments proposed by the NP&EDC; seconded by Mr. Fee; all in favor, so voted.

2. Committee Reports. Ms. Holdgate noted that progress is being made on the Our Island Home and Senior Center projects. Chair Bridges reviewed upcoming agenda items.

XII. ADJOURNMENT

Ms. Mohr moved adjournment at 8:01 PM; seconded by Ms. Holdgate; all in favor, so voted.

Approved the 16th day of November 2022.

**SELECT BOARD
NOVEMBER 9, 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. Short-Term Rental Work Group Facilitator Update
- IV. 3. Veterans' Day Observance Ceremony announcement
- IV. 6. Committee Vacancy Appointments Timeline; Notice of Committee Vacancies; Committee Appointment Policy
- VIII. 1. Draft minutes of 11/2/2022
- IX. 1. AIS re: Robert B. Our Noise Bylaw Waiver request; RBO waiver request
- IX. 2. AIS re: Coastal Resilience Advisory Committee quarterly report; CRAC report July - Sept 2022
- IX. 3. AIS re: HallKeen and Klein Hornig; Klein Hornig Letter of Engagement
- X. 1. AIS re: Notice of Intent for Baxter Rd; Draft NOI; Epsilon presentation
- X. 2. Proposed 2023 Select Board meeting schedule
- XI. 1. UPDATED Draft Transportation & Parking Advisory Committee mission