

Nantucket Coastal Resilience Advisory Committee (CRAC)

Tuesday, March 12, 2024

Via Zoom

*Meetings are audio- and video-recorded

Members present: Gary Beller, Dr. Sarah Bois, Peter Brace, Tim Braine, Matt Fee, Rachael Freeman, Dr. Jen Karberg, Joanna Roche, Doug Rose

Members Absent: Abby De Molina, Christy Kickham

Staff present: Leah Hill, Vince Murphy

Scheduled Speakers: Kate Edwards, Vicki Marsh, Kim Starbuck, Alan Bartels

Members of the public: Helaina Jones, Gerry Connick, Rick Atherton, Claire Martin, D. Anne Atherton, Barbara Bund, Robert Frisbie, RJ Turcotte, Joyce Berruet

Recording available here: <https://youtu.be/UGU9EqQ9EnY?si=clehqKe8XAUyZa9R>

Packet available here: <https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/03122024-13599>

1. Call to Order – 10:00am

- the meeting was called to order by chair Peter Brace

2. Meeting announcements

- Script for remotely conducting Open Meetings
- Meeting is being audio/visually recorded

3. Public comment on topics not on the agenda

- Helaina Jones expressed concern over several issues:
 - *Most islanders are unaware of this committee; agendas and meeting minutes are not easily accessible; 10am Tuesday is a difficult time for working people; meetings should be hybrid; concern over what she perceives to be top-down decision making; a committee like this one should include people who are affected by its decisions.*
- CRAC members and staff responded as follows:
 - *Brace clarified how members of CRAC are chosen, addressed efforts to raise awareness and invite participation, and clarified that CRAC serves in an advisory role, and does not take positions on issues affecting individual property owners.*
 - *Murphy indicated that he has met with Ms. Jones individually regarding the Washington Street work group, and offered to meet again.*
 - *Fee emphasized that CRAC serves in an advisory role to the Select Board, but does not have any decision-making authority.*

4. Update and discussion on bylaw and home rule petition for Island's Coastal Resilience Districts and betterments by Kate Edwards, Principal Engineer for Arcadis, and Vicki Marsh, Town Counsel for Nantucket

- Edwards provided an overview
 - *CRDs are intended to complement existing zoning, building codes and land use laws, providing a clear and transparent mechanism for shared funding of resilience*

projects among property owners who benefit directly from them.

- Precedent: Raymond L. Flynn Marine Park Climate Resiliency Infrastructure Funding Mechanism*
 - CRD funding would encompass planning, construction, monitoring and maintenance.*
 - General Bylaw would permit the Town to create CRD, but would not authorize it to assess betterments within the CRD.*
 - Home Rule Petition authorizes the Town to assess betterments within the CRD.*
 - Brace pointed out that Home Rule Petition requires a 2/3^{ds} vote at ATM.*
- Marsh addressed common questions regarding betterments
 - *Details can be found in MA General Law Chapter 80*
 - *Must be able to show that a public project has specific benefit a particular area*
 - Can distinguish primary beneficiaries from secondary beneficiaries*
 - Typically pertain to roadwork, sewer, water*
 - *Process:*
 - Town must appropriate capital funding to the project, subject to 2/3rd vote at Town Meeting;*
 - Once approved, the assessing body, typically the Select Board or County Commissioners, would then adopt an order to enter into a contract for the project.*
 - Marsh advised that Town should use conservative estimates for appropriation. This may include costs relating to construction and design, operations and maintenance, as well as legal expenses and damages. All of these can be incorporated into the betterment.*
 - *Upon completion of the project, the SB would assess beneficiaries their share of costs; it can be spread over a period of 20 years, or paid in advance, at the discretion of the property owner.*
 - *CRDs provide a greater level of certainty and simplicity.*
- Brace asked if Marsh could offer specific examples of potential sub-district, and how to distinguish primary versus secondary beneficiaries (e.g., Smith's Point).
 - *Marsh suggested Baxter Road would be a good example.*
 - *Murphy explained that each case will require some level of subjective judgement, which will ultimately be made by the assessing body (in most cases, the SB).*
- Beller asked for clarification on how CRD projects will be initiated – from the community, or from Town government – and whether betterments require state approval.
 - *Murphy suggested that both scenarios could work.*
 - *Marsh confirmed that betterments can be managed locally to fund public projects that benefit a specific group of property owners.*
- Fee
 - *Cited Brant Point, Sheep Pond Road (SPR) as possible examples*
 - *Argued that CRAC or a dedicated work group should make recommendation*
 - *The advantage of betterments and CRDs is that all beneficiaries pay*

- Braine asked if property owners have input on projects and how costs will be allocated
 - *Marsh indicated that the process will include opportunities for public input*
 - *Murphy indicated that stakeholders are identified early in the process*
 - Rose suggested several points
 - *It could be advantageous to position betterments and CRDs as beneficial to local property owners*
 - *Grass roots versus top-down*
 - *Focus on the capital costs more so than ongoing operating costs*
 - Roche asked for examples of where betterments have worked; and being mindful of taxpayer appetite, and potential pushback.
 - *Fee mentioned SPR as a successful example of betterments*
 - *Edwards indicated that the bylaw and home rule petition are just the start of a process*
5. Follow up discussion with Kim Starbuck, Senior Research Associate at the Urban Harbors Institute, and Alan Bartels, Research Assistant at the Urban Harbors Institute, regarding coastal resilience goals and recommendations within the Nantucket and Madaket Harbor Action Plan
 - Starbuck provided a brief progress report on the Harbor Plan Update; invited CRAC members to attend a joint meeting of CRAC and the Harbor Plan Committee meeting on 3/18/24.
 - Bartels shared a spreadsheet recapping initiatives that relate to coastal resilience.
 - Rose pointed out absence of relocation as a key priority in the Harbor Plan.
 6. Discussion on ranking 2023-2026 Coastal Resilience Plan recommendations that have not been started
 - Hill reviewed status of priority list; urged moving Folger's Marsh forward on the list.
 - Bois suggested we need not limit the priority list to an arbitrary number (e.g., 10), and a strict ranking is not necessary, due to variables like funding. Bois is supportive of Folger's Marsh being added to this list. Brace concurred.
 - Karberg echoed the urgency behind Folger's Marsh, especially since it did not make the list for capital funding at the upcoming ATM.
 - Freeman asked for more history regarding the relative urgency of the Surfside Treatment Plant based on major variations in historic erosion and accretion periods.
 - Murphy applauded that CRAC is actively debating the risk assessments for these outstanding projects, and suggested that a study might be warranted.
 - This topic will be continued to the next meeting.
 7. Edits, discussion, and approval of CRAC's 4th quarter update for Select Board
 - Hill reviewed the document; no committee input.
 - In absence of a quorum, this topic was continued to the next meeting.
 8. Public outreach ideas/strategies from committee members

- Media scorecard summary was discussed briefly by Doug Rose.
9. Approval of minutes from November 28, 2023; January 9, 2024; January 23, 2024; February 13, 2024
- In absence of a quorum, this topic was continued to the next meeting.
10. New business, Natural Resources Dept. & Committee reports from Planning Board, Conservation Commission, Harbor and Shellfish Advisory Board, Select Board, Advisory Committee of Non-Voting Taxpayers, and other committee members.
- Update on Steamship Authority's resilience planning - Leah Hill
 - *SSA General Manager and board advised that they have put in for a Federal grant; anticipating results by summer 2024.*
 - *Hill suggested to the SSA that she could serve as an advisor to ensure coordination with Nantucket's own resilience efforts relating to access to the wharf*
 - Update on Washington St. Resilience Framework -Leah Hill
 - *Hybrid meetings first Thursday of each month; currently beginning work on project scope.*
 - Update on Con Comm's Wetland Regulations - Tim Braine
 - *Hill spoke on behalf of Braine: this topic has been continued to a future meeting.*
11. Discussion of upcoming meeting dates and topics:
- Next Meeting is March 26, 2024, on Zoom.
 - Bois encouraged shorter agendas in the future, so as to allow for discussion.
 - Brace concurred, and suggested that routine topics that require a quorum be dealt with at the top of each meeting.
12. Motion to adjourn:
- In absence of a quorum, closed by consensus.