

From: [Denice Kronau](#)
To: [Mariya Basheva](#)
Subject: Fw: Thursday's FinCom Hearing
Date: Tuesday, September 19, 2023 4:25:07 PM
Attachments: [STR Workgroup Proposal Sept 2023.pdf](#)

Thanks Mariya!

From: DK <denice.kronau@gmail.com>
Sent: Tuesday, September 19, 2023 3:32 PM
To: Denice Kronau <dkronau@nantucket-ma.gov>
Subject: Fwd: Thursday's FinCom Hearing

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----- Forwarded message -----

From: **Julia Lindner** <jlindner@acknow.org>
Date: Tue, Sep 19, 2023 at 3:05 PM
Subject: Thursday's FinCom Hearing
To: Denice Kronau <denice.kronau@gmail.com>, <jeroche@nantucket-ma.gov>, <jbloomer@nantucket-ma.gov>, <pschaeffer@nantucket-ma.gov>, <rgiacchetti@nantucket-ma.gov>, <smaury@nantucket-ma.gov>, <jvieth@nantucket-ma.gov>, <Cglowacki@nantucket-ma.gov>

Hi Denice,

This email is intended for Finance Committee members ahead of the STM hearing on Thursday. Could you please forward to Mr. Wright (his email was not on the Town's website)?

After the Select Board recently decoupled Article 1 (STR General Bylaws) from requiring the passing of Article 2 (STR Zoning Amendment), we considered what changes could be made to Article 1 to gain our support as a standalone article. The details are included in the attached document.

I'll be at Thursday's meeting to discuss this further. Thank you for your consideration.

Sincerely,

Julia

Julia Lindner
Executive Director

ACK•Now

c: 617.755.9374

w: 508.228.7500

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September 18, 2023

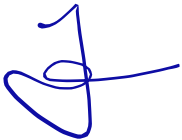
Denice Kronau, Chair
Finance Committee
16 Broad Street
Nantucket, MA 02554

Dear Chair Kronau:

In anticipation of your meeting scheduled for Thursday, September 21, 2023, please find enclosed our suggested compromise language to Article 1. As you'll see, we would be amenable to supporting Article 1 with these changes, provided that the Finance Committee adopt a motion to "take no action" on Article 2.

We welcome the opportunity to discuss this at your meeting on Thursday. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be "Julia Lindner", with a stylized, cursive script.

Julia Lindner
Executive Director
ACKNow

STR General Bylaw Compromise

After making some changes to the STRWG's proposal, the Select Board adopted a version to be considered by voters at the Special Town Meeting on November 7th. The majority of the debate will be around Article 1 (General Bylaw Amendment) and Article 2 (Zoning Bylaw Amendment). As a member of the STRWG, ACKNow has repeatedly expressed serious concerns over Article 2, which would allow any home across the Island to be converted to a full-time short-term rental (STR). We oppose Article 2 because it would cause further harm to the local community already struggling to live and work on Nantucket. Instead, we support expanding on a discussion that began at the Select Board level around allowing STRs as an Accessory Use.

Nantucket added over 650 STRs over the last two years according to the State Registry, including some full-time STRs. Article 2 does nothing to stem the tide. As a result, our housing crisis will only get worse as more houses are converted into full-time STRs. In the process, commercial STRs will continue to have negative impacts on our neighborhoods, infrastructure, environment and public services, and further erode the fabric of our community.

As written, we believe the General Bylaw Article will continue to encourage STR investors and companies to turn island homes into full-time STR businesses. However, given that the Select Board recently modified the STRWG proposal so that the General Bylaw Article can pass even if the Zoning Article fails, we've given careful consideration to changes that would gain our support for the General Bylaw Article as a standalone article.

This compromise includes five changes:

- Make the rules the same for all property owners. Instead of permanently allowing current STRs more liberal rules, such as nine changes in occupancy in July and August, while new STRs are limited to four, offer them a two-year grace period to adjust to the new rules.
 - This is an issue of fairness for the majority of year-round residents who don't STR (but might later).
- Protect residents by extending the exemption for hosted stays to the entire property rather than a portion of a dwelling unit.
- Disincentivize STR investors by extending the limited contract period from June 15 to September 15 and increase the number of contracts to six.
 - AirDNA data, from online platforms like Airbnb and VRBO, shows that Nantucket's STR season extends much beyond the summer months. Between January and August 2023, Nantucket had approx. 366,000 STR nights booked on platforms. Bookings in July and August represented only *one-third* of the total nights booked. In addition, the average daily rate was only 5-10% lower in the off-season than the average in July and August. A limit of four contracts in July and August is not likely enough to prevent more STR investors from buying homes to turn them into businesses.
- Make it clear that voters can support the General Bylaws knowing they aren't voting to legalize STRs under zoning by adding the following language: "To the extent that Short-Term Rentals are an allowable use under zoning".
- Tie the registration of STRs to only those allowable under the Zoning Bylaw. This will avoid a disapproval of the whole scheme by the Attorney General's Office if Article 2 (the Zoning Amendment) fails.

If you agree to these changes, we believe many more voters could get behind the General Bylaw Article if the Finance Committee would recommend voters "Take No Action" in its motion for Article 2, the Zoning Article. Voters would get the signal that the General Bylaws (with changes above) are a good first step.

Proposed article language changes in red

ARTICLE 1

(General Bylaw Amendment – Chapter 123 of the Town Code – Regulating the Operation of Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) as follows (language to be inserted shown in highlight; language to be deleted shown in strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

Chapter 123

Short-Term Rentals

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, § 14 and is intended to:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to insure that such short-term rentals do not create or cause any nuisance conditions within the Town;
- (2) protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time on Nantucket;
- (3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending;
- (4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences;
- (5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods;
- (6) limit the conversion of residential units to Short-Term Rentals, which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and
- (7) provide a regulatory structure that reduces the threat of litigation challenging Short-Term Rental use by full-time and part-time residents.

§ 123-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APARTMENT BUILDING

Shall have the same meaning as in Chapter 139 of the Town Code.

CORPORATION

All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, § 4, respectively.

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

DEED-RESTRICTED UNIT

A dwelling unit that is subject to a deed restriction held by the Town for affordable, workforce homeownership housing, or workforce rental housing as these terms are defined in Chapter 139 of the Town Code or is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.

DWELLING UNIT

Shall have the same meaning as in Chapter 139 of the Town Code.

HOSTED STAYS

An overnight stay whereby a short-term renter occupies a portion of a **dwelling-unit residential property** where the owner is present. An owner is considered present when the owner is on the premises except during the daytime and/or work hours.

OPERATOR

A person or other legal entity operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental. It is the intent of this bylaw that the operator shall have the same meaning as set forth in General Laws c, 64G, § 1.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a short-term rental.

TOWNHOUSE

A single structure consisting of three or more dwelling units, each with one or more abutting walls and entrances opening directly to the outside at grade.

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

Unless otherwise specifically provided in this bylaw, terms used in this bylaw shall have the same meaning as set forth in G.L. c. 64G.

§ 123-3. Registration, Permitting, Inspection and Fees.

A. A person may operate a short-term rental in accordance with this Bylaw only to the extent that such use is allowed by the Zoning Bylaw. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.

B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.

C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

D. The Board of Health shall not issue any certificate of registration unless the Operator has:

- (1) Submitted a complete application and paid all associated fees;
- (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
- (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.

E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.

F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous year.

G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.

H. Any person or other legal entity who receives a certificate of registration to operate a Short-Term Rental from the Commonwealth of Massachusetts pursuant to G.L. c. 64G, § 6 prior to the November 7, 2023 Special Town Meeting, and who (1) submits proof of the state registration to the Board of Health, and (2) submits proof that the

owner has collected and paid the rooms excise tax required for Short-Term Rentals under General Laws c. 64G in at least one Calendar Third Quarter between January 1, 2019, and November 7, 2023, shall be exempt from the requirements of subsections I, J, K, and L of this chapter **until January 1, 2026**. The provisions of subsection M shall, however, apply to such Short-Term Rentals. When a dwelling unit is transferred or conveyed, or the certificate of registration issued by the Town pursuant to § 123-3 of this chapter is not renewed, any subsequent Short-Term Rental of the dwelling unit shall be subject to all of the requirements of this chapter, ~~except that if a dwelling unit is bequeathed to a person or other beneficiary through a will or trust, any Short-Term Rental activities shall be exempt from subsections I, J, K, and L~~. Any Short-Term Rental contract for a period of time in Calendar Year 2024 that is entered into prior to the effective date of this bylaw shall be exempt from the provisions of subsections I through M.

I. An owner may register to operate only one property as a Short-Term Rental. The property can contain up to two dwelling units in a single registration, as long as both dwelling units covered by the registration are located on the same lot and are rented to the same person or legal entity. Multiple dwelling units within the same property may not be registered or rented as separate short-term rentals. An owner may hire a property management company to list and manage a short-term rental, but the registration must be in the owner's name.

J. Dwelling units owned by a Corporation shall not be eligible to receive a certificate of registration. Short-Term Rentals are eligible to receive a certificate of registration for dwelling units owned by an LLC, Trust, or a solely family-owned corporation such as an S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to § 123-4 establishing the documentation required to establish eligibility under this section.

K. Short-Term Rentals may not be operated in any Deed-Restricted unit or in an unrestricted unit in an Apartment Building or Townhouse owned, operated, and managed as rental housing.

L. Short-Term Rentals shall only be allowed in detached single-family dwelling units, accessory dwellings, or residential garage apartments that may be attached or detached to a single-family dwelling. The terms used in the preceding sentence shall have the same meaning as they are used in Chapter 139 of the Town Code. The Owner of a dwelling unit in a structure containing more than one dwelling unit, except for single-family dwelling units attached to residential garage apartments, or a structure containing at least one commercial unit and at least one dwelling unit is eligible to receive a certificate of registration, provided the unit is not deed-restricted, and only on a condition contained in the certificate of registration that limits Short-Term Rentals in such units to a maximum of four weeks each year. No dwelling unit that is subject to a lease shall be eligible to receive a certificate of registration for a Short-Term Rental.

M. No person or other legal entity holding a certificate of registration for a dwelling unit may engage in the Short-Term Rental of said property that has a change of occupancy of more than ~~four times during July and August six times from June 15 to September 15~~ unless that person or other legal entity complies with subsection H of this chapter in which case that person or other legal entity may engage in a Short-Term Rental of said property that has a change in occupancy up to nine times during the months of July and August. If a property is sold or transferred other than through inheritance or bequest, after the effective date of this bylaw, the new owner shall not engage in a Short-Term Rental of an existing or new dwelling unit that has a change in occupancy of more than four times during the months of July and August. After the effective date of this bylaw, if there is any change in the members, shareholders, or partners of an LLC, Trust or S Corporation other than the addition of immediate family members, the Short-Term Rental of a dwelling unit shall be limited to a change in occupancy of not more than ~~four times during the months of July and August six times from June 15 to September 15~~. The owner shall

provide with the renewal application a report on the rental activities the prior year, as set forth more fully in the regulations adopted pursuant to § 123-4 of this Bylaw.

N. The Select Board may designate a Town Official or Town Board to grant a waiver from any of the provisions contained in Paragraphs I through M of this chapter upon a showing that such a waiver is necessary in order to prevent an undue hardship.

O. Hosted Stays and Cottage Colonies shall be exempt from subsections I, K, L, and M of this section.

§ 123-4. Regulations.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this chapter. Such regulations may also include but are not limited to requirements to insure that the operation of the short-term rental does not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions.

§ 123-5. Enforcement.

A. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of \$100 for the first offense; \$200 for the second offense; and \$300 for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the operator or the owner of the property by the Board of Health or its designee, after a certificate of registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said certificate of registration until the violation has been cured or otherwise resolved. Multiple violations by any operator may, at the discretion of the Board of Health and after a hearing, disqualify that operator from obtaining a certificate of registration for a period of up to three years.

D. In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

If any provision in this chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

~~§ 123-7. Effective date.~~

~~The provisions of this Chapter shall become effective pursuant to General Laws Chapter 40, §21, or January 1, 2023, whichever is later;~~

~~Or take any other action relative thereto.~~

From: [Brian Turbitt](#)
To: [Mariya Basheva](#)
Subject: FW: Warrant Article #18 for the Special Town Meeting
Date: Tuesday, September 19, 2023 3:43:26 PM
Attachments: [Warrant Article #18--Sampling of Select Board Letters.pdf](#)

Would you please send the attached to the FinCom

- Thanks,
Brian

Brian E. Turbitt
Director of Municipal Finance
Town of Nantucket
37 Washington Street
Nantucket, MA 02554
Office: 508-228-7200, Ext.7031
Fax: 508-228-7218

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From: Margaret Van Deusen <margaretvandeusen@gmail.com>
Sent: Monday, September 18, 2023 1:30 PM
To: Brian Turbitt <bturbitt@nantucket-ma.gov>
Subject: Warrant Article #18 for the Special Town Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Brian,

I am attaching in a single document a sampling of 5 of the comments (out of 35) against Warrant Article #18 that were sent to the Select Board before their September 13 Sewer Commissioner hearing on the article. Please distribute to the Finance Committee in advance of the hearing scheduled for September 21.

I would appreciate it if you would let me know if any amendment to Article #18 has been submitted to the Finance Committee.

Best,
Margaret Van Deusen

From: [Karel Greenberg](#)
To: [Erika Mooney](#)
Cc: [Dawn Hill Holdgate](#); [Matt Fee](#); [Thomas Dixon](#); [Brooke Mohr](#); [Malcolm MacNab](#)
Subject: Sept. 13th Select Board/ Citizen Warrant Article 18 Codfish Park Sewering
Date: Tuesday, September 5, 2023 12:35:16 PM

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Dear Ms. Mooney and members of the Select Board,

On September 13th you will consider the warrant article filed by Linda Williams for 8 Bank Street owners to expand the sewer district to Codfish Park.

Linda Williams assisted in getting the signatures necessary for the article but NOT one signature is from Codfish Park.

The neighbors of Front Street on the bank above 8 Bank Street as well as the residents of Codfish Park have registered their complaints at every possible meeting of the SAB, HDC, and the ZBA. This project is initiated because one family wants to increase the size of their property by digging a basement 10+ feet deep. The septic system for what they wish to build is inefficient.

The Board of the Sconset Civic Association is opposed to the 8 Bank Street project because it is adjacent to the Middle Gully emergency access road for all of Codfish Park; the sewer system is expensive and disruptive to the neighborhood as well as the Town not to mention finding space for grinder pumps, holding tanks and connection lines; and there is No water quality issue in Codfish Park that sewerage addresses.

Thank you for your attention.

Karel Greenberg, President
Siasconset Civic Association

This email was scanned by Bitdefender

From: Drew Sievers <drew.sievers@gmail.com>

Subject: Article 18 - Codfish Park Sewer

Date: September 6, 2023 at 3:32:50 AM PDT

To: Mooney@nantucket-ma.gov

Cc: dhillholdgate@nantucket-ma.gov, mfee@nantucket-ma.gov, tdixon@nantucket-ma.gov, bmohr@nantucket-ma.gov

Dear Ms. Mooney and members of the Select Board,

I'm am writing you today regarding Article 18, the proposed sewer installation for all of Codfish Park. I reside at 12 Codfish Park Road, right around the corner from the Article 18 petitioners who live at 8 Bank Street.

Put simply, I am against Article 18.

My intent with this letter is to provide you with some facts to consider when the Select Board votes on the initiative during your September 13th meeting.

1. Why does Article 18 exist - The owners at 8 Bank Street cannot get approval to expand their historic 400 square foot cottage due to their limited space for septic. Article 18 is their attempt to work around the septic bed/bath limitations in order to build a basement as well as another story on top of their home. *Article 18 is NOT a warrant that is being proposed by the Codfish Park neighborhood.* Also, it's worth noting that there are *no Codfish Park homeowner signatures* on the petitioner's application for the Article.
2. Does Codfish Park want sewerage - I've managed to speak with a representative sampling of 25% of the Codfish owners, and each family interviewed is against the Article. I will continue to canvas the neighborhood, but at this point I have little reason to expect any drastically different results. I am happy to share the details of my research if requested by the Select Board.
3. Unreasonable Cost - It's my understanding from speaking with the Sewer Department, that if Article 18 passes and the sewer is extended into Codfish Park, the per house cost for installation of the waterproof underground pump, back-up generator for the pump, and connection into the sewer would run at least \$50,000 (again, per house). Given that Reg 69 requires connecting to the sewer within 2 years of general availability, this is an unreasonable financial burden for each home in Codfish Park.

I could list other reasons why sewerage Codfish park is unnecessary: sewers will remove home size limits in this HDC-protected historical neighborhood; there are no

sanitation or water issues due to septic in Codfish Park; the connecting sewer system on Front St cannot handle the volume of sewage created by Codfish Park without a costly upgrade, etc.

But, ultimately, Article 18 is simply about one family's attempt to expand their home at the expense of every home in their neighborhood.

I ask you to please consider the wishes of the entire neighborhood when you review Article 18 during your September 13th meeting.

Thank you very much.

Drew Sievers
12 Codfish Park Road
415-425-7496

From: [Philip Santarelli](#)
To: [Erika Mooney](#)
Subject: Proposed sewer installation for Codfish Park
Date: Friday, September 1, 2023 1:07:29 PM

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Dear Ms. Mooney,

I am writing to you as a homeowner in Codfish Park, Siasconset. My name is Philip Santarelli and my address is 23R Bank St.

The recent proposal for approval of a sewer installation in Codfish Park, is at least mis-guided at worst a bald attempt by one homeowner seeking redress for her inability to obtain approval for a cottage remodel through normal channels to indirectly to obtain her ends through this warrant process "work around."

As a homeowner, I assure you that I have no interest in a sewer installation; as the old adage goes, "why fix what ain't broke." To my knowledge no other homeowners have been consulted as to their views on such a project and it is likely that most would not want to incur the initial expense or the annual fees associated with town sewers. To my knowledge there has never been any complaints about the functioning of the private septic systems nor any notices of environmental damage.

I am sure that with all of the financial challenges facing the Town, this would be one that has a very low (no) priority. Please, within the rules of the process, stop this foolish idea from moving forward.

I would be happy to discuss further with you at any time.

Sincerely,

Philip Santarelli
psantarelli1@hotmail.com
570-947-0619

This email was scanned by Bitdefender

From: [Lisa Soeder](#)
To: [Erika Mooney](#)
Subject: Comments to Town Warrant Article 18 Regarding Expansion of Town Sewer to Codfish Park for Benefit of 8 Bank Street
Date: Tuesday, September 5, 2023 3:34:03 PM
Attachments: [13 Broadway Letter to Select Board vs Article 18.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Erika-

Attached, please find my comments to the Select Board regarding and my request that it recommend against Town Warrant Article 18 (filed on behalf of the owners of 8 Bank Street to expand the Siasconset sewer district's service to Codfish Park) at its September 13th meeting.

Respectfully submitted.

Lisa Soeder

Soeder & Associates, LLC
100 Pearl Street, 14th Floor
Hartford, CT 06103
Telephone (860) 246-1600
Fax (860) 246-1700
Writer's Direct Line: (860) 246-1800
Cellular (860) 685-0678
E-mail: lsoeder@soeder-associates.com
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13 Broadway, Siasconset, Massachusetts
(860) 685-0678
isoeder@soeder-associates.com

September 5, 2023

Town of Nantucket Select Board
16 Broad Street
Nantucket, MA 02554

Re: Opposition to Citizen Warrant Article 18 (Proposal to Expand the Sewer District to Codfish Park for the Benefit of 8 Bank Street)

To the Select Board:

I am a year-round resident of 13 Broadway, a 271 year-old (foundationless) whaling cottage located at the very top of the Middle Gully Road. I am writing in strong opposition to Citizen Warrant Article 18 scheduled for the November 7th Special Town Meeting (the "Warrant") which was filed on behalf of the non-resident owners of the rental property at 8 Bank Street (the "Owners"). Due to its location and impact, the proposed 8 Bank Street project involving deep excavation into the adjacent embankment to add an additional bedroom (the "Project") is widely opposed by the Siasconset community, including the Siasconset Civic Association which has commented extensively on it. The salient concerns of the community noted in an August 5th Action Alert are set forth in the footnote below.¹ Sadly, the filing of the Warrant is a classic example of two people putting their own interests above the interests of all of Codfish Park, the Siasconset Historic District and the Town of Nantucket taxpayers, and represents a blatant abuse of our town boards and of the town meeting warrant process.

Although there is no water quality issue in Codfish Park that sewerage would address and Codfish Park is not listed as an immediate needs area, this Warrant seeks to expand the Siasconset Sewer District to all of Codfish Park simply to circumvent the Owners' inability to obtain the septic system variance it would need to add the proposed additional below-grade bedroom to their short-term rental property (due to Board of Health's staff recommendations against the Project and a likely denial by the Zoning Board of Appeals of the special permit requested by the Owners for the septic system variance necessary for the Project).

I am concerned and have written extensively to the Historic District Commission and the Zoning Board of Appeals against the deep excavation the Project would involve and the potential damage to Middle Gully Road and Codfish Park's underlying water line, my home, and other houses on historic Front Street and Broadway and in the Siasconset Historic District. This letter reflects my additional concerns arising from the Warrant including:

1

- The Town's Comprehensive Wastewater Management Plan does not identify Codfish Park as an area needing to be sewerage. This expensive sewer project would be ineligible for low interest state loans.
- The construction risks and impacts would be significant, from digging up low-lying streets, to the possible collapse during sewer excavation of Middle Gully, the emergency access road, or a break in the Codfish Park water line under the gully.
- If passed, this could greatly expand the footprint of homes in Codfish Park and substantially change its character.
- Codfish Park homeowners would be assessed a betterment fee and forced to pay to connect their properties whether they want to or not.
- Sewerage would eliminate septic system recharge of groundwater in Codfish Park.
- The adoption of a Siasconset coastal resiliency district that includes Codfish Park should precede any consideration of sewer expansion.

- the construction and excavation impact that connecting Codfish Park to Town sewer will have on properties above and below the embankment;
- the collateral costs to either the Town (if they do a central pump station) or to Codfish Park homeowners (if they don't but require a hook up to the system, individual pumps and any electrical upgrades that might be required to power such pumps);
- the fact that Codfish Park is in a velocity zone for coastal zone flowage (meaning that should Codfish Park be connected to Town sewer, the new system could be compromised during a storm); and
- the cost to Nantucket taxpayers and to property owners in Codfish Park to fix a problem that doesn't exist for anyone but the Owners.

By this letter, I respectfully request that the Select Board recommend against the Warrant.

Sincerely,

A handwritten signature in cursive script that reads "Lisa P. Soeder".

Lisa P Soeder

From: [Margaret Van Deusen](#)
To: [Erika Mooney](#)
Subject: Citizen Warrant Article #18
Date: Wednesday, September 6, 2023 2:16:56 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Erika,

Please distribute my comments below to the Select Board. Thank you.

Margaret Van Deusen

Dear Chair Holdgate and Select Board Members,

I am writing to you in your role as Sewer Commissioners about Warrant Article #18 to expand the sewer district to Codfish Park for the November Special Town Meeting.

Because I have heard statements that sewerage Codfish Park (CFP) would be an environmental benefit, I offer these comments based on my over 30 years of experience as an environmental attorney in Massachusetts. My sisters and I also own 7 Front Street, which is adjacent to Middle Gully.

Sewers are not a panacea in low lying coastal areas. While many factors go into sewerage decisions, one of the most important is water quality. Unlike other parts of the island, there is NO water quality issue that sewerage CFP would address. With the exception of 2 samples in 2021, Siasconset beach water quality samples have been consistently well below the MA water quality standard for bacteria for many years:

https://ma.healthinspections.us/public_21/beaches.cfm?bID=12266&func=details. Sconset is not identified as a needs area in the Town's Comprehensive Wastewater Management Plan.

The septic systems in CFP appear to be working and as houses there are sold, existing systems are being upgraded under Title 5. This area is not within the Zone II of the public drinking water wells so there is no threat to drinking water. It is my understanding that many, if not most, CFP homeowners are against sewerage.

Before the Town considers whether to adopt Coastal Resiliency Districts, it would be premature to expand the sewer district. Any decision on sewerage should follow full discussion by town departments, boards, and the community. Instead, the warrant article is being driven by one owners' desire for a basement. If the article was to pass at the Special Town Meeting, it would result in a kind of "spot" sewerage, --likely pre-empting some resiliency district performance standards yet to be developed. Absent water quality issues, climate adaptation planning is moving away from "gray" hard-piped infrastructure to green infrastructure, or nature-based solutions.

The sewer pipe on Front Street is over 100 years old. A waste water connection to it from CFP would require digging up Front Street and Middle Gully, an historic public byway, in addition to all the near sea level roads in CFP. Based on recent geotechnical surveys by the owner of 8 Bank Street, the gully is supported only by rubble. Its collapse during sewer pipe construction would eliminate the emergency access to CFP and wipe out the water supply line to CFP that runs underneath it.

Thank you in advance for your consideration. I hope you will vote against recommending this warrant article to town meeting.

Sincerely,
Margaret Van Deusen
7 Front Street

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