

NP&EDC

PACKET

MONDAY

APRIL 26, 2021

6pm *via* ZOOM WEBINAR¹

CORRECTED² REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_15UqQoVnT02yVO-2-6bNHw

To view the LIVE broadcast of the meeting, see YouTube Link at

<https://youtu.be/tQSkQYnZ920>

¹ Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link above to register for Zoom participation. Contact eantoniotti@nantucket-ma.gov with any questions.*

² Previously posted Packet had incorrect Registration Link. Please use this one.



RECEIVED

2021 APR 26 AM 10:10
NANTUCKET TOWN CLERK
Posting Number:T 389

UPDATED MEETING POSTING

Original Posting Date 4/21/2021 Original Posting Number T 373

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

Committee/Board/s	Nantucket Planning & Economic Development Commission
Day, Date, and Time	Monday, April 26, 2021, at 6:00 pm
Location / Address	REMOTE PARTICIPATION VIA ZOOM & YouTube Pursuant to Governor Baker's March 12, 2020, Order Regarding Open Meeting Law (Attached) INFORMATION on viewing the meeting can be found at https://www.nantucket-ma.gov/138/Boards-Commissions-Committees
Signature of Chair or Authorized Person	Andrew Vorce, Director of Planning Eleanor Antonietti, Zoning Administrator

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

NP&EDC

AGENDA FOR 04-26-2021

(Subject to change)

The meeting will be recorded and archived at www.nantucket-ma.gov

Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link below to register for Zoom participation. Contact eantonietti@nantucket-ma.gov with any questions.

AMENDED ZOOM WEBINAR REGISTRATION LINK:

https://us06web.zoom.us/webinar/register/WN_l5UqQoVnT02yVO-2-6bNHw

To view the LIVE broadcast of the meeting, see YouTube Link at <https://youtu.be/tQSkQYnZ920>

¹ **UPDATED with correct ZOOM WEBINAR link. Prior AGENDA had a defective link. NO OTHER CHANGES to Agenda.**

PLEASE LIST BELOW THE TOPICS THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING.

I. Call to Order:

II. Establishment of Quorum:

III. Approval of Agenda:

IV. Approval of Minutes:

- December 21, 2020
- March 15, 2021

V. Public Comments:

VI. Action / Discussion Items:

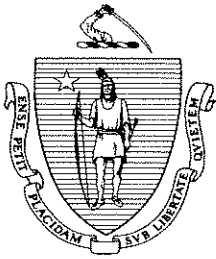
A. 3C Programming Documents:

1. FFY 2022-2026 TRANSPORTATION IMPROVEMENT PROGRAM –
authorize RELEASE for 21-DAY PUBLIC COMMENT

VII. Other Committee Reports

VIII. Other Business

IX. Adjournment



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

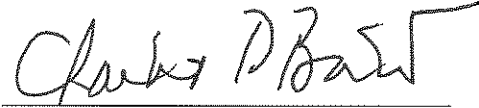
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a large, sweeping "C" and a distinct "B".

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

NP&EDC MEETING

4/26/2021

AGENDA ITEM IV.

MINUTES for:

- December 21, 2020
- March 15, 2021



COMMISSIONERS: Nat Lowell (Chair), Fritz McClure (Vice Chair), Kristie Ferrantella, Jack Gardner, Wendy Hudson, David Iverson, Bert Johnson, Leslie B. Johnson, John Trudel, Maureen Phillips, and Judith Wegner

MINUTES

Monday, December 21, 2020

Remote Meeting *via* Zoom and YouTube – 6:00 p.m.

Purpose: Regular Meeting:

STAFF IN ATTENDANCE: Andrew Vorce, Director of Planning; Leslie Snell, Deputy Director of Planning; Rob McNeil, DPW Director; Eleanor W. Antonietti, Land Use Specialist

ATTENDING MEMBERS: Nat Lowell; Fritz McClure; Judith Wegner; David Iverson; Kristie Ferrantella; Maureen Phillips; Bert Johnson; Leslie Johnson; Wendy Hudson; and Jack Gardner

ABSENT: John Trudel

OTHER: Hillary Rayport; Mary Longacre

I. Call to Order:

6:07 p.m.

II. Establishment of Quorum:

LOWELL announced that this Open Meeting of the Nantucket Planning and Economic Development Commission is being conducted remotely *via* Zoom and YouTube, consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

III. Approval of Agenda:

The Motion was made by Fritz McClure and seconded that the NP&EDC voted to approve the agenda.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Nat Lowell | Aye |
| 2. Fritz McClure | Aye |
| 3. Judith Wegner | Aye |
| 4. Dave Iverson | Aye |
| 5. Kristie Ferrantella | Aye |
| 6. Maureen Phillips | Aye |
| 7. Bert Johnson | Aye |
| 8. Leslie Johnson | Aye |
| 9. Wendy Hudson | Aye |
| 10. Jack Gardner | Aye |

Agenda adopted by **UNANIMOUS** consent.

IV. Approval of Minutes:

- October 19, 2020

The **MOTION** was made by Bert Johnson and seconded that the NP&EDC does hereby vote to approve the NP&EDC minutes for October 19, 2020.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Nat Lowell | Aye |
| 2. Fritz McClure | Aye |
| 3. Judith Wegner | Aye |
| 4. Dave Iverson | Aye |
| 5. Kristie Ferrantella | Aye |
| 6. Maureen Phillips | Aye |
| 7. Bert Johnson | Aye |
| 8. Leslie Johnson | Aye |
| 9. Wendy Hudson | Aye |
| 10. Jack Gardner | Aye |

Minutes adopted by **UNANIMOUS** consent.

V. PUBLIC COMMENT

NONE

VI. Action / Discussion Items:

A. DPW Director, Rob McNeil – UPDATES on Pavement Management and Bike paths

McNEIL This effort is to get a handle on 35 miles of bike facilities. There has not been anything developed through the years re. overall maintenance plan. Paths have been built through decades so there are differences between various paths. Wants to get handle on condition of pavement, pavement markings, signage, standard widths which we need to improve the paths. He and Andrew are doing the job of a Transportation Planner, working with consultants to design expansion of facilities. Recently you have seen safety improvements on existing paths (Madaket) and upcoming improvements near Rotary. We are trying to prioritize. We score each segment, 0-100 scale, (Page 20), overall score is over 89 for entire network. Only about 2% of entire network is in category where conditions are severe and need corrected by reclamation of pavement. 26% are in deferred maintenance category which is best condition. 72% is in routine maintenance category. First time the Town has undertaken this level of effort to assess bikepath network and that this technology has been used for bikepath network. We have opportunity to develop benchmarks to identify where we are in 2020. Helpful tool to develop budgets and Capital Planning (Page 21). Page 22 is overview of number and types of signs and their condition. We are working with consultants and Andrew to improve facilities and examining what pavement markings and signs should be. We are taking a broader look at how we can make them more uniform in line with modern standards. Overall backlog accounts to about \$1.8 million (Page 28). DPW is happy to be involved in this level of planning effort. We need to invest adequate money.

LOWELL is 10' where we want to go?

McNEIL recommendation is to widen paths to 10' and any new paths will be 10'. Distinction is that these paths were initially only considered bikepaths but they are multi-use /shared-use paths now. There will be locations where this will be a challenge.

LOWELL with this type of program, is it possible to have TIP funding help with this?

VORCE generally new projects and full reconstruction are covered by TIP which is not generally for maintenance. The consultant said to prioritize bikepaths. This is first of its kind that we know of and Capital Planning Group has been looking for this.

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B JOHNSON one of worst is from Naushop to Macy Lane. Roots of trees are problems. That should be on the list as a bad area.

McNEIL that section is listed under Spot Repairs. We are working on dealing with tree roots.

WEGNER asks for more information about the signs being uniform. We have had input from BPAC.

McNEIL we work with consultant to develop various scenarios to experiment with driveway crossings. Have spoken with BPAC to get feedback on pilot program. Currently looking at recognizing users of the path as the dominant through movement and the driveway vehicular traffic would be the secondary movement. They would have to yield. Plan a pilot project to try out new standards along Polpis Road bikepath.

LOWELL Polpis path is 8' and has a lot of vehicular pass throughs.

PHILLIPS Encourages Rob to work with BPAC as much as possible. We are always using asphalt but wonders if any thought has been given to using less impervious surface, especially where they are so close to bodies of water. Need to be sensitive to where paths are located.

McNEIL he is a regular at BPAC meetings and he has presented a draft of this report to them. We just recently modified bikepath in Madaket and will be keeping an eye on water quality. Erosion is a concern. A lot of multi-use paths have eroded into water bodies. We can take a look at alternatives for new paths. Generally that kind of surface is needed to handle the volume and year round use.

McCLURE an intersection that needs attention is Hummock Pond Road and Milk Street extension. Thinks it is dangerous and problematic for cyclists and cars.

McNEIL we are constantly looking to improve safety. He is familiar with this intersection. Last Spring, took time to improve the crosswalk there, extended it further out for greater visibility of people coming downhill at high speeds. Continues to examine these areas of concern and glad to have input.

Mary LONGACRE asks Rob about going from 8-10', 25% increase in amount of material used. Thinking about long range capital planning in terms of materials cost and maintenance. Has this been factored in? We are looking at miles of bikepath but should perhaps be looking at square footage.

McNEIL maintenance costs for various programs called out so he will have to look into it. Thinks maintenance includes upgrading path independent of width. Bikepath maintenance is significantly less costly than roadway maintenance as less subject to wear and tear. Mowing and snow removal are most frequent maintenance issues.

LOWELL asks Rob if he needs a sense of the Commission vote?

McNEIL just wanted to present to NP&EDC so they are aware of this benchmark resource which helps inform where needed connections are.

B. DISCUSSION /Update – Harbor Place

VORCE there are a few things to update. Consolidation of some of the ownership there. Basically NIR, National Grid, and Winthrop are 3 main owners and NIR has purchased most of Winthrop properties within boundary. Waiting on other developments. Town Admin. will send out formal requests for written comments from permitting agencies such as HDC, Planning Board ("PB"), ConCom. We have general goals and observations. Weston and Sampson is Town's Consultant on this project. Already had a detailed report re. needed utility upgrades. Timing was tight, but Town meeting is being shifted out to June. There will be additional time to discuss zoning, restrictions, and deadlines that would be included in developers agreement.

LOWELL read the report. *Harbor Place / Wilkes Square - Review of attributes and status; Commentary and recommendations from the Nantucket Historical Commission dated 12/7/2020*

Hillary RAYPORT (Nantucket Historical Commission Chair) We observed 3 high-level preservation planning issues. We hope the NP&EDC and PB will understand the potential of Ch. 91 Waterways Act to secure open space. Also hope attention will be paid to the Municipal Harbor

Plan as an efficient way to secure open space. Regarding changes to zoning, NHC observed that while the CDT is what you need to create a Main Street corridor there is actually a lot of height and setback variation in the downtown area. In order to make sure new development is sympathetic with the historic downtown, a preservation planning study would measure the whole area and not just the most intensively developed area, to see what the range of heights and setbacks are over the 12-block core historic downtown. If adjusting the zoning is a priority, should think about the existing downtown and what it looks like. NHC report includes a reference to form-based zoning. Other observation is the Harbor Place owners group requested widening of Straight Wharf from 20' to 32' with room for cars on both sides and New Whale Street from 20' to 32'. NHC does not think this is complementary to the historic character of the downtown and also questioned if it would help with traffic management.

WEGNER asks if Coastal Resiliency Advisory Committee ("CRAC") is looking at these issues.

LONGACRE Water management has to be key feature of anything that happens on this site. Flood management, storm and wastewater managements. It needs to be integrated thoughtful approach. We are planning to do a focus on Harbor area. We will look at commercial and recreational activity. A lot in flux right now so probably in the Spring.

PHILLIPS ConCom has purview over tidal and stormwater flowage. Need to consider contiguous property. This needs to be done cooperatively. Huge opportunity for Town. We concern ourselves with access. A lot of threshold issues.

McCLURE He is the PB rep. on CRAC. What is useful planning life of whole section of downtown area? This is not a short term thing. From Town's point of view, important that whatever happens completely integrates with whatever the Coastal Resiliency Plan will be for this and other surrounding areas. If one area floods, it will all flood.

LONGACRE Report from NHC is being sent to CRAC consultants.

VORCE cooperation is going to be required throughout process. There is over 15 years of discussion with property owners leading up to this point. Town does not own extensive land in this area. We should work together to have good outcome. Town was presented with ANR plan in past. A little concerned that people think there is endless time. We run risk of this not being available.

RAYPORT asks about updating and reinstating Municipal Harbor plan.

VORCE Harbor plan is scheduled to be updated and thinks this is underway. We do have a role like we did the last time. Chapter 91 is discussed extensively. Much of our downtown is built on filled Chapter 91 tidelands. There are specific nuances in Ch. 91.

LOWELL asks if there been any rewrite of the Harbor Plan since FEMA maps.

VORCE prior Ch. 91 held intervening streets as the limit but now they look more at historical tideland boundary. This goes right through much of the site. The various permits that were used to fill in the harbor, the fill of choice was garbage. There is a Harbor Coastal Commission that started operating in late 1890s. Nat'l Grid has contacted the Town and intends to dispose of that property.

C. DISCUSSION –Area Plans

a) Town (new)

i. Lily Pond sub-area

b) Madaket (update)

c) Surfside (update)

d) Sconset (update)

VORCE shows the Draft map of in Town Area Plan. One of problems with COVID is that Nathan who handles GIS is not here. We have an outlier area by Stone Alley. Have to figure out some of the edges. Not finished with this. Will look for final adoption of this map at future meeting.

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Children's Beach and conflict with Brant Point is fixed. We would include Lily Pond sub-area and we would give specific direction of some of problems that occur there. Would need to investigate drainage infrastructure that serves that area. Tough time for scheduling but making progress.

WEGNER critical to know the boundaries.

VORCE need to discuss effort to populate the work group.

WEGNER need to be transparent and have a system in place so people can volunteer.

VORCE Town is new plan. Next 3 are updates. Has not had a lot of communication with Madaket.

ANTONIETTI reads Diana Brown's email: *As I mentioned on the phone, I am leading the group to update the Madaket Area Plan (MAP). We had a very helpful conversation about the process with Andrew about a month ago, but another question has come up with regards to the boundary definition for the MAP. We have asked the Fishers Landing Association to consider being added to the MAP. They are willing to participate in our meetings on an ad hoc basis, but not willing to commit to becoming part of the MAP until they understand more about what it would mean to them and would want to take it to their members for a vote before officially becoming part of the Madaket Area Plan. Therefore, if we start the updated MAP effort without Fishers Landing Association officially included, can we add them later before the plan update is submitted for approval if they so desire?*

PHILLIPS working on settling the group and trying to get good mix of year rounders and seasonal residents and have reached out to Fishers Landing and Tuckernuck. Tuckernuck declined to participate. The Land Bank and ConCom will also provide input as landowners of a lot of land within MAP. Plan is to get membership settled and sent to us in January.

LOWELL thinks these meetings would work better in person.

WEGNER we need to get going so may need to use Zoom. Everyone is pretty used to it. Another advantage is that we can engage people who are not on island. We could have a designated time slot with break-out sections every 2 weeks. People could opt in. Will need to organize this and be mindful of Open Meeting Law.

VORCE we get a lot of feedback through mailings, like those at Town Meeting. Leslie Snell fields a lot of calls with people asking questions. One-on-Ones and mailings are effective. We can only do so many of these and manage Town Meeting and projects. Wants Commissioners to manage expectations. Senior Planner position is going to remain vacant with new budget. Re. Surfside we have received correspondence from them that they have finished. Has not had time to review. Sconset has a small work group. They have scheduled going over their survey on January 11th. On various fronts these small groups are working. Anyone else want to volunteer to help Judith with Surfside.

McCLURE volunteers to work with Judith on Surfside Area plan update.

VORCE confirms that Judith and Fritz will be NP&EDC reps. on Surfside Plan.

WEGNER asks Andrew if he could be back in touch with Tom who sent the Surfside Memo so they know who official voice is.

D. CY 2021 Safety Performance Measures – Acceptance of MassDOT CY 2021 Performance Measures

Pages 36-38 – handout with graph displaying the data for serious injuries summarizing MassDOT's statewide safety targets for calendar year 2021. Targets need to be adopted no later than February 2021 by each MPO.

VORCE need to continue to January as we need our own targets. Needs individualized data.

CONTINUED to JANUARY

NP&EDC Minutes December 21, 2020

The **MOTION** was made by Kristie Ferrantella and seconded that the NP&EDC does hereby vote to continue this matter, as recommended by Andrew Vorce, to the January meeting.

ROLL CALL VOTE:

1. Nat Lowell Aye
2. Fritz McClure Aye
3. Judith Wegner Aye
4. Dave Iverson Aye
5. Kristie Ferrantella Aye
6. Maureen Phillips Aye
7. Bert Johnson Aye
8. Leslie Johnson Aye
9. Wendy Hudson Aye
10. Jack Gardner Aye

Motion was adopted by **UNANIMOUS** consent.

E. Annual Town Meeting – review of articles of planning concern.

VORCE There are 25 Citizens Articles this year but he has identified only 4 of planning concern. 7 are zoning and will be deferred to the Planning Board (“PB”). There are 2 sewer overlay district articles for individual parcels. Best handled by Sewer Commissioners. 6 companion paper street articles. Others are miscellaneous operational type issues such as CPC budget transfers. We now have more time. New timeline on Pages 40-43. 4 articles that he has flagged – Article B, Article Q, Article U, & Article W. Goes over various flagged articles.

WEGNER asks if we need to hold hearings.

VORCE no we provide input to FinCom or PB.

DISCUSSION about process and what is subject to public hearing.

VORCE the NP&EDC does not have comments that go into the Warrant. It will be FinCom for non-zoning articles and PB for zoning articles and SB will add their own comments. This is advisory in nature.

McCLURE which of these 4 would be discussed at PB?

VORCE none.

WEGNER if we are going to express an opinion, we need to be informed. We should listen to the FinCom hearing before we take action.

VORCE Article U – the ACK*Now group has asked if we want them to come in and talk to us. Do we want that?

LOWELL if FinCom is weighing in on this for the Warrant, appropriate to wait on that before we take action.

VORCE we are not scheduling public hearings on any of these. We sent our comments to FinCom. This first pass is about whether a given article is of significant enough planning concern.

WEGNER clarifies procedural question re. FinCom. Wants to have time to listen into any hearings being held and should communicate to those bodies if we do consider something of planning concern. Wants to be sure they allow us to weigh in before they act.

VORCE highly unlikely they would vote under new schedule at next meeting. Mark calendars for upcoming hearings. Eleanor will get information out to members.

McCLURE we are relying on FinCom’s public hearing for our information. We could still ask ACK*Now to come and talk to us but thinks they will present to FinCom. We will have time set aside at future meeting to discuss and vote.

VORCE deadline is in March. We will have materials at January meeting. Recommends that everyone read the Short Term Rental By-law and look at Town Counsel’s discussion. There are operational impacts to PLUS. It has some crossover between PLUS and the Board of Health. These types of bylaws typically live in and are enforced by Brd. of Hlth. Not in favor of unfunded

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mandates. Will share any additional Town Counsel opinion if any comes. Has operational concerns about certain roles assigned to the Building Commissioner. He is not against article but need to know whose regulation it is.

DRAFT

F. UPDATE on hiring efforts for Transportation Planner

VORCE we had some candidates and positive interviews. We have structural problems in way of filling this position. We have had 4 interviews. 3 had potential. Several are entry level with virtually no experience. They would progress in the job. Salary schedule is challenging. We have discussed having some flexibility for remote type participation. Where it sits within Union structure is not necessarily compatible. Ongoing discussions with Town Admin about how to address this. The position had been vacant for 4 years before we filled it. Not an easy position to fill. Unique set of skills and knowledge. Salary and working conditions may not be competitive. LOWELL is a 4-day week off the table? This seems normal now.

VORCE we need to rethink this to include in future negotiations. Not available now. Mike Burns had wanted to explore because of current rigidity of existing contract. Possible with non-union personnel. The Bldg. Commissioner was subject to that. We found it impossible to fill it so it had to be extricated. Will not happen overnight.

WEGNER asks Kristie to advise. Chronic issue with housing costs. Does the Town provide a housing allowance or is there any dedicated housing? Is the SB thinking about it and if not, we can pass along.

FERRANTELLA we have been discussing in Strategic Plan when focused on housing – affordable and year-round work force housing and municipal housing. Rising to more urgent level with booming real estate market. We had been looking into a housing stipend. Town has become more involved. She will pass the message along.

WEGNER would be preferable to have a Transportation Planner who lives here all the time.

McCLURE wonders if we can set aside Covenant lot or tertiary dwellings for municipal employees in PB approval process.

VORCE we can ask but might be difficult unless we funded it somehow or provide a financial incentive.

G. NP&EDC 2021 Meeting Schedule

CONCERN that FinCom meeting is at 4pm on January 21st and ConCom meets at 5pm on Thursdays. Amend January meeting to January 25th at 6pm and February 18th meeting to February 22nd at 6pm. The **MOTION** was made by Fritz McClure and seconded that the NP&EDC does hereby approve the amended 2021 Meeting schedule.

ROLL CALL VOTE:

- | | | |
|-----|---------------------|-----|
| 1. | Nat Lowell | Aye |
| 2. | Fritz McClure | Aye |
| 3. | Judith Wegner | Aye |
| 4. | Dave Iverson | Aye |
| 5. | Kristie Ferrantella | Aye |
| 6. | Maureen Phillips | Aye |
| 7. | Wendy Hudson | Aye |
| 8. | Bert Johnson | Aye |
| 9. | Leslie Johnson | Aye |
| 10. | Jack Gardner | Aye |

Motion adopted by **UNANIMOUS** consent.

VII. Other Committee Reports

LOWELL From Steamship, the Eagle will be back on January 9th and they are working on WiFi on freight decks.

VIII. Other Business

NONE

IX. Adjournment

Bert Johnson moved to adjourn the meeting at 8:46p.m.; Maureen Phillips seconded the motion.

So voted by Roll Call Vote.

1. Nat Lowell Aye
2. John Trudel Aye
3. Fritz McClure Aye
4. Judith Wegner Aye
5. Dave Iverson Aye
6. Kristie Ferrantella Aye
7. Maureen Phillips Aye
8. Wendy Hudson Aye
9. Leslie Johnson Aye
10. Bert Johnson Aye
11. Jack Gardner Aye

Meeting adjourned by **UNANIMOUS** consent.

Submitted by:
Eleanor W. Antonietti



COMMISSIONERS: Nat Lowell (Chair), Fritz McClure (Vice Chair), Kristie Ferrantella, Jack Gardner, Wendy Hudson, David Iverson, Bert Johnson, Leslie B. Johnson, John Trudel, Maureen Phillips, and Judith Wegner

MINUTES

Monday, March 15, 2021

Remote Meeting *via* Zoom and YouTube – 6:00 p.m.

Purpose: Regular Meeting:

STAFF IN ATTENDANCE: Andrew Vorce, Director of Planning; Leslie Snell, Deputy Director of Planning; Eleanor W. Antonietti, Land Use Specialist; Lauren Sinatra, Energy Coordinator; Holly Backus, Preservation Planner

ATTENDING MEMBERS: Nat Lowell; Fritz McClure; Judith Wegner; David Iverson; John Trudel; Kristie Ferrantella; Maureen Phillips; Bert Johnson; Wendy Hudson

LATE ARRIVAL: Wendy Hudson *arrives at 6:13pm*

EARLY DEPARTURES: Dave Iverson *leaves at 6:46pm*

ABSENT: Jack Gardner; Leslie Johnson

OTHER PARTICIPANTS: Derek Shooster (Regional Planning Coordinator | MassDOT | Office of Transportation Planning); Pamela Haznar (Project Development Engineer | MassDOT | District V); Seth Sakamoto (SunPower); Lee Saperstein; Jerry Vigil; Bill Grieder; Diana Brown; Emily Molden (Nantucket Land Council); Billy Cassidy; Rick Atherton; Hillary Rayport

I. Call to Order:

6:07 p.m.

II. Establishment of Quorum:

LOWELL announced that this Open Meeting of the Nantucket Planning and Economic Development Commission is being conducted remotely *via* Zoom and YouTube, consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

III. Approval of Agenda:

The Motion was made by Judith Wegner and seconded that the NP&EDC voted to approve the agenda.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Fritz McClure | Aye |
| 2. Judith Wegner | Aye |
| 3. John Trudel | Aye |
| 4. Dave Iverson | Aye |
| 5. Kristie Ferrantella | Aye |
| 6. Maureen Phillips | Aye |
| 7. Bert Johnson | Aye |
| 8. Nat Lowell | Aye |

Agenda adopted by **UNANIMOUS** consent.

IV. Approval of Minutes:

- December 21, 2020

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to continue the NP&EDC minutes for December 19, 2020, to the April meeting.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Fritz McClure | Aye |
| 2. Judith Wegner | Aye |
| 3. John Trudel | Aye |
| 4. Dave Iverson | Aye |
| 5. Kristie Ferrantella | Aye |
| 6. Maureen Phillips | Aye |
| 7. Bert Johnson | Aye |
| 8. Nat Lowell | Aye |

Motion to continue minutes adopted by **UNANIMOUS** consent.

- February 22, 2021

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to approve the NP&EDC minutes for February 22, 2021.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Fritz McClure | Aye |
| 2. Judith Wegner | Aye |
| 3. John Trudel | Aye |
| 4. Dave Iverson | Aye |
| 5. Kristie Ferrantella | Aye |
| 6. Maureen Phillips | Aye |
| 7. Bert Johnson | Aye |
| 8. Nat Lowell | Aye |

Minutes adopted by **UNANIMOUS** consent.

V. PUBLIC COMMENT

Jerry VIGIL asks about protocol for commenting on items on the agenda such as Solar Panel presentation.

LOWELL explains that NPEDC does not have regulatory authority over this matter. This is for information only. He can comment after the presentation.

VI. Action / Discussion Items:

A. DISCUSSION - 3C Programming:

- a) FFY 2022-2026 Transportation Improvement Program (TIP) Development
- b) FFY 2022 Unified Planning Work Program (UPWP) Development

SHOOSTER this is time of year to discuss the development of the FFY 2022-2026 TIP for the island. The TIP is where any federally funded transportation projects are reflected. Pam Haznar from District V. is present if anyone has specific questions. Island does not currently have any regional projects, primarily due to lack of Transportation Manager, no champion to work with highway district office to further develop projects and use target funds. There is still Safe Routes to School program.

FERRANTELLA we missed the deadline for this fiscal year. How soon will we need to start discussions for next Fiscal Year?

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Pamela HAZNAR explains the eligibility process. The TIP is a 5-year federal aid program. The NPEDC would program a chosen project on the TIP and then the design process, environmental permitting and a right of way process precede advertising.

SHOOSTER it is a 5-year TIP because some projects need more time to develop.

HAZNAR projects costs a lot more on Nantucket and Martha's Vineyard.

LOWELL asks Andrew if Rob McNeil has connected with Pam Haznar?

VORCE State officials have been very helpful but Rob does not have additional professional staff to help with this and he does not have time to enter into this process. We must fill the 35 hour per week Transportation position. We will not have TIP projects developed for this year. We will discuss later in the meeting. There is not the capacity at this time. The Senior Planner position continues to be unfunded in the current budget.

PHILLIPS Given the amount of money that could be made available, is there a way to hire a consultant at least on a temporary basis? Is there some way to get expertise on board so this money could be available? Asks Kristie for input from Select Board ("SB") perspective.

SHOOSTER the other item for discussion is the FY 2022 UPWP which pays for Transportation Planning work, staff, and tasks. If there is work that you would sub out to a consultant, that gets approval if programmed in regional UPWP. He needs to confer with federal partners about amount that can be used. You can leverage the assistance of a consultant to perform some of the tasks outlined in the UPWP. You have time to develop that. Draft needs to go out before end of May and needs to be endorsed by all regions by end of June. TIP should be released at April meeting and needs to be endorsed by end of May.

WEGNER we will have further opportunity for action later in the meeting.

NO ACTION NEEDED at this time.

B. Solar Project at Wannacomet Water Co. – Lauren Sinatra, Energy Coordinator for Town of Nantucket and Seth Sakamoto, SunPower Project Developer

Lauren SINATRA Town has been working diligently on the development of local renewal energy. SunPower was selected as the winning bidder. Introduces Seth Sakamoto, project developer from SunPower.

Seth SAKAMOTO SunPower was selected in January 2020 for these projects. The Surfside project location was identified as one of largest electricity consumers on island. This is a grant-funded project. SHARES PowerPoint presentation. Wyer's Valley project will use a financed approach from Mass. SMART program. Explains economic benefits of projects. The project received HDC approval last year but must be screened from public right of way so established a 65' setback from edge of pavement to the installation. We will use and enhance existing vegetation for screening. There will be a priority habitat Take per NHESP (Natural Heritage and Endangered Species Program), for which there will be a mitigation plan. We have coordinated a design with Wannacomet Water Commission. We will largely maintain the existing slopes. We are testing solar modules for hazardous materials with a MassDEP accredited testing agency. Goes over economic, sustainability, and resiliency benefits of the project. Received local approvals in 2020 but need to get State approvals and utility interconnection with National Grid in 2021. Expected start of construction is late 2021 with expected commercial operation in mid-2022. Goes over next steps in terms of environmental impact, module toxicity, and utility interconnection where National Grid is assessing impacts on the local grid. Mitigation plan would place a development restriction on a Town-owned parcel at 211 Cliff Road.

TRUDEL asks Seth if the Landfill was considered as an option for a site because we already have buildings there where solar panels can be installed.

SAKAMOTO we did consider that and other sites. Ultimately the other sites were fairly small and challenging as to economies of scale.

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SINATRA there was not a facility at the Landfill that had a great roof that wasn't either 3rd party leased or at risk of seagull and other debris. We need control over the facilities.

PHILLIPS (speaking as Conservation Commission/ConCom rep.) As to reseeding at the site, we always ask that native species be used. These panels are work horses but do they become less efficient over time?

SAKAMOTO we have not specified seed mix yet but will make efforts to use native species and avoid invasive species. We have good balance between economic and environmental benefits but efficiency of solar modules do degrade over time.

LOWELL this could continue to run for years to come, like a power plant. The need will not go away.

SAKAMOTO technically, the solar modules have 25-year warranty and 4-year useful life. Contract with the Town has a 20-year term. Limitations are more of a regulatory nature than a technical nature.

Lee SAPERSTEIN points out that proposed Area 1 on the Water Co. land site sits astride the existing Nantucket Railroad bed. When the brush is cleared, the road bed will become visible. Cars will move to electric power in coming years and we may need every source of electricity we can get to prevent additional cables. Amount of energy consumed for transportation is substantial. So when we lay out the panels, let's save Nantucket's ancient energy use.

Emily MOLDEN (Land Council) municipal solar is important tool. Has spoken with Lauren and SunPower about some other locations that were considered. They did run into some roadblocks, but they will continue to consider them for future locations. There are important environmental concerns, impacts to public water supply being addressed through MassDEP, mitigating and minimizing to endangered species habitat (NHESP) and change in use of the property that was protected under Article 97. We believe these concerns can be addressed. Asks Seth about the vegetation management when the area is cleared for the solar panels. Scrub oak can be tenacious over time. How will you manage that? Will you be tilling the soil to keep scrub oak at bay?

SAKAMOTO not sure of exact details. Vegetation management is limited to mechanical means only. We will not be using herbicides or pesticides.

Billy CASSIDY asks about site management for Wyer's Valley site. Will it be accessed internally or will we create new roads?

SAKAMOTO will be using internal access. No new curb cuts.

Rick ATHERTON asks about site location for solar arrays. Conservation Foundation owns a lot of property. What contact has been made with them to use some of their properties to benefit the community as a whole.

SINATRA has been in touch with NCF but Article 97 does not allow solar development on conservation lands.

ATHERTON thought the NCF properties were generally zoned LUG-3 and not necessarily subject to Article 97. Asking for clarification.

SINATRA Wyer's Valley is permitted for this use.

SAKAMOTO the site is consistent with regulations.

MOLDEN A lot of NCF property is not necessarily protected under Article 97 but not certain of their policy as to solar uses. We do still have concerns about the Water Co. property being protected under Article 97.

Jerry VIGIL asks about operation and maintenance of the facility after the 20-year contract is up. How does SunPower provide emergency power if there is a breakdown?

SAKAMOTO this will operate in parallel with the National Grid system. There will not be an interruption in service if the facility is off line. The project is not owned by the Town. The Town is purchasing the energy that is produced by the project. There is an intrinsic motivation by the investor to have the system running as efficiently as possible. If there is a problem we go out and fix it.

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VIGIL what about complications about dealing with repairs on an island.

SAKAMOTO we will make use of existing resources on the island. We are talking to local installers. We may need to bring something in from off island.

VIGIL what happens at the 21st year when the Town takes ownership?

LOWELL doesn't think we need to worry about that.

SAKAMOTO the incentive program and transaction for the project structure has a 25-year life span. SunPower will come get the equipment at the end of the term.

SINATRA the Town could purchase it, but there is no incentive for us to want to do that. We will revert the site to its natural state after 20 years.

VIGIL CO₂ footprint will be changed by this development. Has the Town considered transplanting major vegetation to 211 Cliff Road?

SAKAMOTO our environmental consultant is discussing the Conservation Management Permit with the State.

VIGIL does SunPower have to maintain the vegetation on the site?

SAKAMOTO there is a ground lease for the fence line of the project. Everything within that fence line is SunPower's responsibility. We are using the SMART Incentive program.

ATHERTON asks about Conservation Property not being subject to Article 97.

VORCE they may have other restrictions, but we have to worry about Article 97 with municipal land.

SINATRA SMART program does not apply to land under conservation restrictions.

LOWELL our role of support to SB is important.

IVERSON supports the project but would like to know more about Article 97.

LOWELL would assume that Town Counsel is on top of this.

SINATRA the legal opinion of Town Counsel is on the project website and she will circulate to the Board. Vicki Marsh feels strongly that Article 97 does not apply to this parcel.

C. UPDATE on Vineyard Wind – BOEM Section 106 review process of design change – Holly Backus, Windfarm Workgroup representative

BACKUS As Nantucket's representative to BOEM (Bureau of Ocean Energy Management), she was recently asking for SB's support in protecting Nantucket Sound. It is a traditional cultural property, eligible for inclusion under National Register. Explains that the National Historic Preservation Act of 1966 was intended to minimize adverse effects under the Section 106 review, there are criteria for adverse effects brought about by a given undertaking. Nantucket is considered a National Historic Landmark since 1966. Congress requires federal agencies to give a higher standard of care to minimize adverse effects. We do have a Good Neighbor Agreement as of September 2020 with Vineyard Wind. There is a clear path for a dialogue. BOEM sent a letter to stakeholders in February 2021. The revised plans fall within the Area of Potential Affect. We were not involved with continued stakeholder engagement. It was more of an FYI. As other companies start to engage the Town, she will continue to represent the Town in the review processes. In simple terminology – they had to resubmit their general permit. This also has to do with change in federal administrations. We already had our Good Neighbor Agreement and there was no change in that so no need for Nantucket to continue in the Stakeholder Engagement. She is making sure Nantucket's historic preservation interests are being represented. This is simply informational.

PHILLIPS compliments Holly and Lauren on their work. She is on the Work Group regarding wind turbines. We are getting benefits from federal and state law. Good cooperative effort.

D. APPROVE Contracts for Build-Out Analysis Phase I using 2021 DLTA funds

VORCE explains DLTA (District Local Technical Assistance) funds comes to regional planning agencies. Our statewide share of \$50,000 received on Feb. 9th has to be spent within calendar year. We have been looking to fund the Buildout Analysis which has been an objective. Starts on Page 38 of the Packet. Total costs \$115,000. Asking that commission vote to commit up to full

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amount. Contractor is Weston & Sampson. We are budgeted for the balance of the amount in this year's budget.

FERRANTELLA in reading scope of work, would encourage them to look beyond the Census for population data, *i.e.* Nantucket Data Platform.

VORCE Weston & Sampson does a lot of work with us. There is a seasonal population and new part time residents because of Covid. That needs to be taken into account.

MOLDEN asks Andrew why certain elements are not included such as maximum buildout analysis and consideration for increases in ground cover as a relevant detail for flood prone areas.

VORCE maximum buildout under existing regulations will be calculated. There could be further projections later on. Planning Horizons will be about 10-20 years. This Master Plan effort would follow a standard course. We have calculations on ground cover and we do that in specific areas that are going to be rezoned. Doing that on a macro-level across the island. This could be done out of the Area Plan effort. This is highly labor intensive.

MOLDEN was thinking about ground cover relative to impervious surfaces especially in low lying flood plain areas. She will discuss further with Andrew.

WEGNER the resiliency work will dovetail with this.

ATHERTON wants to clarify if the buildout is more computational without additional variable introduced in the process.

VORCE yes. We are not speculating on changes. This will be based on current bylaws. We are here to ask for the funds. We have been talking about conducting a build out for many meetings.

RAYPORT if you are doing a mathematical exercise, are we looking at building by right or by Special Permit? What is the total ability the island has to satisfy the need for affordable housing with the Covenant program? Asks how many lots would be subject to the 41-81L program.

LOWELL some Covenant houses are already built.

VORCE all of those programs don't add additional density. That is a 2nd level of analysis. We finally have an opportunity to fund this.

Bert JOHNSON Covenant houses can be built from scratch.

VORCE it's still 2 units per lot.

LOWELL Covenant does not create a dwelling that was not already allowed to be built.

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to approve the DLTA Funding for the buildout analysis as presented by Director Vorce.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Fritz McClure | Aye |
| 2. Judith Wegner | Aye |
| 3. Kristie Ferrantella | Aye |
| 4. John Trudel | Aye |
| 5. Maureen Phillips | Aye |
| 6. Bert Johnson | Aye |
| 7. Nat Lowell | Aye |

The MOTION passes UNANIMOUSLY

Wendy Hudson was muted and therefore did not vote.

E. DISCUSSION /Update – Harbor Place

VORCE Just wants to update the NPEDC that there is not an article proceeding at this Town Meeting ("ATM"). The engineering study that was voted at ATM continues. There will be a more broad discussion about that in the future. There was more of a discussion at our last meeting about things moving forward expeditiously, but that has not happened.

F. DISCUSSION –Area Plans

a) Town (new)

i. Vote to adopt final map

VORCE He hopes we can vote to approve the final plan in the packet.

SAPERSTEIN a lot of thought and precision has gone into the map, but it appears to exclude the CDT and the waterfront which are critical areas to the activities in Town. Would like for Commission to recognize that the appointed working group could include collaborative participants of CDT and commercial waterfront.

VORCE the Harbor Plan update has been delayed at ConCom. CRAC (Coastal Resiliency Advisory Committee) is looking at this area. We will include residents of these areas. We need volunteers from NPEDC to be on this new group. We have had discussions about ensuring diversity.

SAPERSTEIN we proposed a small workgroup out of Town Assn. of 6 people. Hopes they will be involved.

FERRANTELLA volunteers to represent the NPEDC

VORCE we want to complete and vote on the map and can finalize membership at next meeting.

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to adopt the final Town Area Plan Map as presented by Director Vorce.

ROLL CALL VOTE:

1. Fritz McClure Aye
2. Judith Wegner Aye
3. Kristie Ferrantella Aye
4. John Trudel Aye
5. Maureen Phillips Aye
6. Bert Johnson Aye
7. Wendy Hudson Aye
8. Nat Lowell Aye

The MOTION passes UNANIMOUSLY

b) Madaket (update)

i. Review of boundaries and proposed membership

VORCE next 3 are all updates. We are not having the same level of formality. We have community members that have started on certain aspects of the plan.

Bill GRIEDER as noted in the letter we sent, the existing plan was approved in 2006. Lots of changes in zoning and Board of Health regulations in last 14 years. Need to bring plan current with existing names. Submitted cross-section of year-round (“YR”) and seasonal members. We talked to Fishers Landing Assn. The Linda Loring Foundation is also interested in being included in the discussion. Explains map in the Packet. We have 2 veterans of 2006 Workgroup, Diana Brown and Tom Erichsen. The original one took 6 years to develop.

FERRANTELLA do we only include homeowners or do we also include renters?

VORCE there is not a limitation. Open to residents of the area so renters could be included.

LOWELL asks if we are adopting the boundary tonight.

VORCE you could adopt or consider, based on your discussion. You can adopt an expanded boundary or could take more time to consider.

WEGNER asks about how to get more diverse population including renters. We could authorize the committee tonight with understanding that 3 slots should be filled rapidly.

Diana BROWN says they can reach out to people who rent their homes to identify renters.

WEGNERS also thinking about YR renters, who live in secondary dwellings.

GRIEDER you could designate a certain number of spots to be filled soon and then we could reach out to the renting community. Explains why Eel Point and Fishers Landing areas were included.

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LOWELL important that people who rent can be included and have input. We can adopt the members at this meeting. Looking at access improvements with pressure of new building is good.

WEGNER suggests they consider have someone from CRAC to be on this working group. The erosion is notable. Important to have coordination. There are unique issues. Some of CRAC's survey work could be targeted to Madaket.

GRIEDER authorization comes from NP&EDC. The names we put forward was to list the names of people we definitely want to have on the committee, but they are open to suggestions and recommendations. You could structure what the final committee looks like.

LOWELL asks Andrew if Vince Murphy would be considered a Staff person or could he have input.

VORCE he does not report to PLUS but he could be a resource.

PHILLIPS as member of Madaket Conservation Assn., we have separate Coastal workgroup and Vince has been active on working with us on erosion issues. We have a good working relationship with Vince and will continue to consult with him.

DISCUSSION on boundaries will be continued to next meeting and we will vote on members

Mary LONGACRE cannot speak for Vince, but he does have close relationship with Madaket groups. If there is desire that someone from CRAC should be on this, she will present this to CRAC at meeting next Tuesday.

VORCE we hope the committee is made up of people who live in the area. They can bring in expertise but may not be a good idea to overlap committees too much. The Area Plan process was envisioned as a group of residents learning about planning and walking through these 9 elements.

Leslie FORBES Seeking clarification. Regarding including renters, should we be focusing more on YR renters or on people who rent year after year for a month, or both? Which is priority and what have other area plan workgroups done?

VORCE the issue of diversity and inclusion is an emerging realization that you need to make extra efforts to include people who might not normally step forward.

FERRANTELLA would focus more on YR rentals but could look at seasonal renters as well.

FORBES we did discuss involvement of CRAC. We could bring in experts on different aspects to come and speak to our group and answer questions. Doesn't think we need to have them as members of the workgroup. Don't want to be unwieldy. Asking for guidance.

VORCE agrees. The group is made up right now of 5 seasonal MCA (Madaket Conservation Association) members. You could trade those out.

GRIEDER leaning toward trying to find YR renters rather than seasonal.

VORCE we don't have a lot of Staff to help full time so concern about too big of a group.

LOWELL input from renters or landlords could be way to deal with it.

The **MOTION** was made by Judith Wegner and seconded that the NP&EDC does hereby vote to approve the Madaket Area Plan Workgroup members as proposed (found on Page 48 of the Amended Packet) with 3 additional slots to be vacant until they can be filled with year-round renters based on the advice of the Working Group.

ROLL CALL VOTE:

- | | | |
|----|---------------------|-----|
| 1. | Fritz McClure | Aye |
| 2. | Judith Wegner | Aye |
| 3. | John Trudel | Aye |
| 4. | Kristie Ferrantella | Aye |
| 5. | Maureen Phillips | Aye |
| 6. | Bert Johnson | Aye |
| 7. | Nat Lowell | Aye |

The **MOTION** passes **UNANIMOUSLY**

Wendy Hudson on mute. Did not vote.

c) Surfside (update)

- i. Review of “final” submission**
- ii. Request for additional work**

VORCE we had a brief discussion about the Surfside submission. Initial work has been done by a workgroup. This is an update. There are 3 separate areas for Surfside. Thinks the plan will require additional work. You need to get into specifics as opposed to generalities. There are some specific zoning areas we want them to look at. There is still an R-20 area we are trying to phase out in the Country Overlay Districts. Judith and Fritz had offered to take a look. We need to get the maps to them and then meet. There is not in a huge rush.

LOWELL asks if Andrew is thinking about VR (Village Residential) out there.

VORCE need to do additional work.

Tom SZYDLOWSKI (President of Surfside Assn.) We know that a committee has to be officially formed. We had thought this was more of a near term issue. After sending out a mailing, ended up with 10 people. They had about 10 meetings and looked at the plan. We had some momentum. We will start anew with perhaps a new committee in the summer. Tried to get people from each area and did not work on zoning things. Won't be hard to get a committee together. We will also try to get YR renters on. The Surfside Assn. is more of a summer membership. Will wait to hear back from committee. Chris Magee participated with us.

LOWELL we can continue this item

VORCE this is just an update.

d) Sconset (update)

- i. Review and discuss survey**
- ii. Request for additional work**

VORCE They have been busy motivated group. He met with their group last summer. They did an extensive survey which they will be discussing in next few weeks. Helpful to reach out and document. There were rezoning articles that the Planning Board (“PB”) voted to continue. There are land title issues at Codfish Park. There are beach access issues that involve title work. There is discussion about a new fire station. Working through several topics. We should think about doing a survey in some of the other areas. This is just an update to let you know where we are.

WEGNER did we approve the map and their membership previously? Do you want a volunteer from this group?

VORCE there is no map change. We have not voted on membership for Sconset. Always happy to have volunteers.

WEGNER she can shift to Sconset and let Fritz do the Surfside group.

McCLURE will go where he is needed.

LOWELL asks when the Sconset plan got done

VORCE Sconset was one of the first and there is a 2nd version. We could consider putting together a final committee with open seats as we are doing with Madaket.

G. Annual Town Meeting – review of articles of planning concern.

VORCE He and Leslie and Judith were before Finance Committee today on Planning Board articles. They voted in line with PB recommendations on all newly submitted articles. This is meant to be a quick update on some of the articles that we talked about and new articles have been submitted. We did an internal review at articles of planning concern, some of which have already been voted by the FinCom. Explains the process whereby we indicate that they are of planning concern and may give advice. Generally zoning articles are left to the PB.

Articles 11 & 12

VORCE Newtown Road transportation improvements and Lovers Lane were carried over from 2020 ATM. We had voted to support those. FinCom has continued to support both with Motion to Adopt at 2021 ATM. We are consistent. Hopefully Lovers Lane will pass this year. It lost by 16 votes at the ballot.

There are several housing related articles.

Article 38

VORCE explains article sponsored by Arthur Reade. FinCom is going to discuss on March 23rd. This is of planning concern.

WEGNER asks what SB ended up doing on the various housing proposals. We are not advising them as they have already acted.

FERRANTELLA The SB did not make any recommendations. They will comment on recommendations made by FinCom but they had general discussion about various articles past week.

WEGNER prefers the Arthur Reade proposal and has concerns about the Brooke Mohr proposal ultimately souring people on the issue of affordable housing. The Reade article balances things reasonably.

VORCE not sure when FinCom will take vote on this. There are certain articles where we confirm they are of planning concern but we wait to see actions taken by other groups. We can say that we support or that we oppose.

Article 68

VORCE this is of planning concern, because it has to do with ongoing work of trying to deal with intersection of Prospect, Surfside, and Sparks Ave. which has been proposed for a roundabout. There was work to negotiate with the hospital. This article may not be in legal form. It is to transfer land away from the roundabout back to School Committee control. FinCom has not acted on this yet. Article 67 to prohibit roundabouts near schools last year relates to this. It was carried over from the 2020 ATM. We had flagged that of being planning concern and recommended not to adopt. The new Article 68 would transfer the management of a portion of the land at the corner back to the School Committee. But they get to vote what it wants to do. Thinks it is similar principal as Article 67.

LOWELL asks if Town Counsel has weighed in on this article.

VORCE it was pointed out that ATM can recommend something but care, custody, and management of a parcel of land is voted by the School Committee. He does not think this will be effective.

McCLURE important that we clarify our reasons. Do we want to be perceived as supporting a roundabout there or endorsing whether or not it is appropriate for ATM to vote on this.

DISCUSSION about how to craft a motion which accurately reflects NP&EDC reasons.

The MOTION was made by Kristie Ferrantella and seconded that Article 68 is of planning concern and the NP&EDC recommends NOT TO ADOPT the article based upon the finding that it is not within the purview of Town Meeting to be taking an action that is more appropriately within the purview of Town Committees to make further recommendations on this lot.

ROLL CALL VOTE:

- | | | |
|----|---------------------|-----|
| 1. | Fritz McClure | Aye |
| 2. | Judith Wegner | Aye |
| 3. | John Trudel | Aye |
| 4. | Kristie Ferrantella | Aye |

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5. Maureen Phillips Aye
6. Bert Johnson Aye
7. Wendy Hudson Aye
8. Nat Lowell Aye

The MOTION passes UNANIMOUSLY

Article 74

VORCE this relates to rental car bylaw amendment. FinCom have made a motion not to adopt this.

WEGNER thinks this is clearly a matter of planning concern.

LOWELL did some more research on this and more or less agrees about taking no action

WEGNER any transportation involving more cars has a bearing on planning. There needs to be more analysis. Some of what was in the SB packet had evidence from local rental car providers indicating there are adequate cars. Explains her concerns with this article as presented by the Airport Commission. Thinks this is premature and not well thought out. There are grounds to take no action.

VORCE FinCom has already made the motion Not to Adopt.

The MOTION was made by Judith Wegner and seconded that Article 74 is of planning concern and the NP&EDC supports the Finance Committee motion NOT TO ADOPT. ROLL CALL VOTE:

1. Fritz McClure Aye
2. Judith Wegner Aye
3. John Trudel Aye
4. Kristie Ferrantella Aye
5. Maureen Phillips Aye
6. Bert Johnson Aye
7. Wendy Hudson Aye
8. Nat Lowell Aye

The MOTION passes UNANIMOUSLY

VORCE reminds NP&EDC that last year we made positive recommendations on Articles 76 & 77 submitted by Ian Golding.

Article 90

VORCE this regards Short Term Rentals (“STRs”). FinCom voted on March 4th Not To Adopt. Do we want to send a recommendation to the SB?

LOWELL we could vote to support FinCom.

VORCE we could put this on a future agenda for a more in-depth discussion.

SNELL clarifies that the Final Warrant will be adopted in early April.

FERRANTELLA cites published time line. FinCom will have completed all their motions on April 1st and SB PB and FinCom will meet on April 5th to discuss FinCom’s final motions and then SB do their comments and it should go to printer by mid-April.

VORCE PB meets on April 12th

SNELL we should not pick an exact date as we have to check to see that we can schedule with NCTV.

TRUDEL this article has too many variables and a very heated topic. Needs greater clarification.

WEGNER listened to the FinCom meeting and agrees that we should follow FinCom resolution.

Observes that the proponents suggested that they were going to make a variety of changes. This is not a fixed target and has become confusing. Good to have a discussion about it.

The MOTION was made by Bert Johnson and seconded that Article 90 is of planning concern and the NP&EDC supports the Finance Committee motion NOT TO ADOPT.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Fritz McClure | Nay |
| 2. Judith Wegner | Aye |
| 3. John Trudel | Aye |
| 4. Kristie Ferrantella | Aye |
| 5. Maureen Phillips | Aye |
| 6. Bert Johnson | Aye |
| 7. Wendy Hudson | Aye |
| 8. Nat Lowell | Aye |

The MOTION passes by MAJORITY VOTE of 7 in favor and 1 opposed.

VORCE summarizes the group of housing-related articles which includes Articles 23, 24, 38, 90 & 97. Articles 23, 24, 38, & 97 are scheduled to be discussed by FinCom on March 23rd so if we have input, we can get that to them.

FERRANTELLA explains Articles 23 & 24 which are SB articles to provide funding towards affordable housing efforts.

Article 97

VORCE This one sponsored by Brooke Mohr involves the Land Bank (“LB”) Fee.

TRUDEL concern that this will not pass because they are taking something away from the LB.

Rick ATHERTON thinks that we need to have clearer understanding of long term objectives of affordable housing in the context of whether we want to get to the 10 % State guidelines. It is premature to support ongoing appropriations of money. Supports Article 24 appropriation. Recommends that NP&EDC support one-time contributions rather than continuing funding until the voters have better understanding of who is being subsidized under what circumstances. He does not support Article 38 or Article 97.

FERRANTELLA thinks it would be a poor decision to stop funding where there are so many initiatives that the Affordable Housing Trust Fund is working on in terms of equity sharing, closing cost assistance, and Covenant Formation programs to name a few. These articles could help us get to the 10% affordability but further the SB Strategic Plan goals around home ownership and various levels of affordability.

HUDSON agrees.

LOWELL the public does not really understand how far we are going and what we are doing with housing but this article is not palatable for the Land Bank.

The MOTION was made by Judith Wegner and seconded that Article 97 is of planning concern and the NP&EDC recommends to take no action.

ROLL CALL VOTE:

- | | |
|------------------------|-----|
| 1. Fritz McClure | Aye |
| 2. Judith Wegner | Aye |
| 3. John Trudel | Aye |
| 4. Kristie Ferrantella | Aye |
| 5. Maureen Phillips | Aye |
| 6. Bert Johnson | Aye |
| 7. Wendy Hudson | Aye |
| 8. Nat Lowell | Aye |

The MOTION passes UNANIMOUSLY

Article 23

FERRANTELLA explains this that Article 23 proposes \$475,000 that would go through annually but it would be reviewed as to the amount. SB was thinking about combining with Article 8.

TRUDEL this is totally separate and independent from CPC allocations.

FERRANTELLA yes. This is directed towards administrative costs.

ATHERTON Suggests you wait until recommendations by SB are clearer so you know what you are acting on.

LOWELL the review process for CapCom is rigid. Maybe we could suggest that these stay separate from Article 8.

VORCE we could pass on this article. It is in an area of administration and expenses. Article 24 is leading directly to housing construction.

WEGNER we are beyond our purview if we start opining on operational budget that is under control by Town Administration. Thinks that the Land Bank article is more relevant to us.

Article 24

The MOTION was made by Judith Wegner and seconded that Article 24 is of planning concern and the NP&EDC gives a positive recommendation.

ROLL CALL VOTE:

- | | |
|------------------------|----------|
| 1. Fritz McClure | Aye |
| 2. Judith Wegner | Aye |
| 3. John Trudel | Aye |
| 4. Kristie Ferrantella | Aye |
| 5. Maureen Phillips | Abstains |
| 6. Bert Johnson | Aye |
| 7. Wendy Hudson | Aye |
| 8. Nat Lowell | Aye |

The MOTION passes by MAJORITY VOTE of 7 in favor and 1 abstains.

H. UPDATE on hiring efforts for Transportation Planner and VOTE to create new Transportation Manager position

VORCE References the Organizational Chart for the PLUS Department. The Planner position salary is 100% state funded. The planner works very independently. The position has expanded in responsibility and scope over the years. HE discussed with Town Administration. The funding for the position belongs to NP&EDC. We want to use that funding to create a more advanced position called Transportation Manager equivalent to Building Commissioner or the Housing Specialist in Town Administration. This would be part of management group and elevated out of the Union that covers it now. There are several limitations around existing position that make it less flexible. We have interviewed a promising candidate but need a more competitive salary. We want your support to create this position fully funded by NP&EDC Transportation Funding. MCCLURE asks for clarification on job description and source of "Commission funds".

VORCE this person would have a higher level of responsibility and the demands of the existing job were not part of the original job description. This person needs to be in a management role. The Transportation Planner position will remain as a more junior level position. The Commission funds come from the State which always has and will continue to pay for 100% of the salary and some pays for overhead costs. It is complicated which is why there needs to be one person handling it.

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McCLURE understands that we need someone who knows who to handle the transportation funding but he is not prepared to vote on this tonight.

LOWELL we have carried out other re-organizations in the Planning Department. This is relatively small comparatively.

HUDSON we need to support this type of creative solution.

The MOTION was made by Wendy Hudson and seconded that the NP&EDC supports the creation of new Transportation Manager position as presented by Director Vorce.

ROLL CALL VOTE:

- | | |
|------------------------|----------|
| 1. Fritz McClure | Abstains |
| 2. Judith Wegner | Aye |
| 3. John Trudel | Aye |
| 4. Kristie Ferrantella | Aye |
| 5. Maureen Phillips | Aye |
| 6. Bert Johnson | Aye |
| 7. Wendy Hudson | Aye |
| 8. Nat Lowell | Aye |

The MOTION passes by MAJORITY VOTE of 7 in favor and 1 abstains.

I. Director's REPORT

VORCE Commission can review and get back to him. Census will release initial numbers in Fall 2021 but there are real questions that it will be an undercount which we will have to live with for ten years.

J. 2021 Covid19 Economic Task Force

FERRANTELLA Libby worked with Chamber of Commerce to form this. It is chaired by her as NP&EDC rep. Small group with business owners and Town Staff to recommend for successful and safe 2021 Season. We have 3 groups looking at resources and grants, open streets workgroup, and an outreach committee. She gives updates at SB meetings.

VII. Other Committee Reports

Wendy explains the RPAC letter that was sent to Rural Caucus Legislators on Pages 185-187 of the Packet.

VIII. Other Business

VORCE Open Space plan is another contract that is underway. They are doing research and map presentations. Will open up potential funding sources. More to come. This is rough schedule of upcoming quarters of additional work. There is active funding for trails and that kind of work.

IX. Adjournment

Bert Johnson moved to adjourn the meeting at 10:31 p.m.; Maureen Phillips seconded the motion. So voted by Roll Call Vote.

- | | |
|------------------------|-----|
| 1. Nat Lowell | Aye |
| 2. John Trudel | Aye |
| 3. Fritz McClure | Aye |
| 4. Judith Wegner | Aye |
| 5. Kristie Ferrantella | Aye |
| 6. Maureen Phillips | Aye |

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7. Wendy Hudson Aye

8. Bert Johnson Aye

Meeting adjourned by **UNANIMOUS** consent.

Submitted by:

Eleanor W. Antonietti

DRAFT

NPEDC MEETING

4/26/2021

AGENDA ITEM VI.A

3C PROGRAMMING DOCUMENTS:

**FFY 2022-2026
TRANSPORTATION IMPROVEMENT PROGRAM –
AUTHORIZE RELEASE FOR 21-DAY PUBLIC
COMMENT**

TRANSPORTATION IMPROVEMENT PROGRAM

FOR THE
NANTUCKET PLANNING & ECONOMIC DEVELOPMENT COMMISSION
FOR THE PERIOD OCTOBER 1, 2021 TO SEPTEMBER 30, 2026

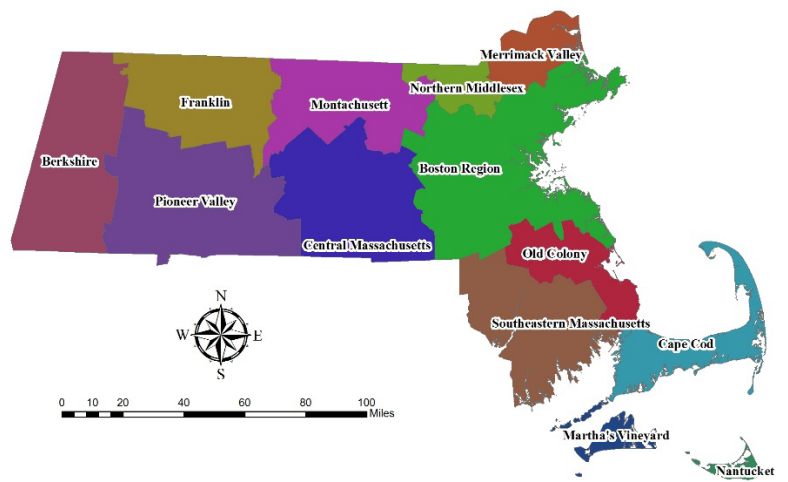
FFY 2022 - 2026

**Nantucket Planning and Economic Development Commission
Two Fairgrounds Road
Nantucket, MA 02554
(508) 325-7587**

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This report was funded in part through grant[s] from the Federal Highway Administration [and Federal Transit Administration], U.S. Department of Transportation. The views and opinions of the authors [or agency] expressed herein do not necessarily state or reflect those of the U. S. Department of Transportation.



I. Introduction

A: Nantucket Planning and Economic Development Commission (NP&EDC)

The Nantucket Planning and Economic Development Commission serves as one of the Commonwealth of Massachusetts' thirteen Regional Planning Agencies. Ten of these agencies are federally designated Metropolitan Planning Organizations (MPO). Federal regulations require that an MPO be formed in urbanized areas with a population of 50,000 or more. While the Nantucket region (as well as the Martha's Vineyard and Franklin regions) do not meet these criteria, the Massachusetts Department of Transportation (MassDOT) provides planning funds for transportation planning in these regions, essentially treating them as MPOs.

The Nantucket MPO consists of a Committee of Signatories including MassDOT and the Nantucket Planning and Economic Development Commission. For the purpose of this document, the Committee of Signatories will be referred to as the Nantucket MPO. In its role as an MPO member the Nantucket Planning and Economic Development Commission follows federal transportation planning regulations, including the participation of citizen advisory groups in transportation planning activities.

Nantucket Planning and Economic Development Commission Members

Nat Lowell, Chairman, Planning Board
 Frederick "Fritz" McClure, Vice Chairman, Planning Board
 Maureen Phillips, Conservation Commission
 Dave Iverson, Planning Board
 John Trudel III, Planning Board
 Judith Wegner, Planning Board
 Kristie Ferrantella, County Commissioners
 Bertyl Johnson, Housing Authority
 Charles "Jack" Gardner, At-Large
 Wendy Hudson, At-Large
 Leslie Johnson, At-Large

Non-voting Ex-Officio Members of the NP&EDC:

Jeffrey McEwen, FHWA, Mass Division's Division Administrator
 Mary Beth Mello, FTA Regional Administrator
 Derek Shooster, MassDOT Liaison

B: Transportation Improvement Program (TIP)

The Nantucket Regional Transportation Improvement Program (TIP) for Federal Fiscal Years (FFY) –2022-2026 is a federally mandated transportation planning document, prepared by the Nantucket Planning and Economic Development Commission (NP&EDC) with assistance from MassDOT and the Federal Highway Department.

The regional TIP is submitted to the State for inclusion in the State Transportation Improvement Program (STIP). The STIP is a prioritized listing of those programmed highway, bridge, intermodal and transit projects expected to be undertaken by the Commonwealth during the above referenced 5-year time frame. The STIP is a compilation of those projects found in the thirteen regional Transportation Improvement Programs (TIPs). All projects found herein come from a conforming Nantucket Regional Transportation Plan.

If a project is to be funded with federal monies it must be listed in the TIP, and within the proper funding category. The TIP must be endorsed by a majority of the members of the Metropolitan Planning Organization (MPO) within each region before any of these projects can proceed to construction. The total cost for these projects must realistically reflect the amount of federal and state monies expected to be available during those years; thus unlike earlier STIPs, this document cannot program projects, the total dollar amount for which go beyond the anticipated funding levels. This document programs projects to a total dollar amount that is consistent with the anticipated funding levels.

Additionally, the regional TIPs and the State TIP include projects funded entirely with state monies, i.e., “NFA” projects, or non-federal aid—a recognition by the Commonwealth of their importance to the transportation system of the state, and to the municipalities in which these projects are located.

The TIP was developed in accordance with 23 CFR 450.316 (3) (b), and using the NP&EDC endorsed Public Participation Plan to ensure coordination with other agencies that would be affected by transportation improvement decision making.

C: Federal FAST ACT

Each Regional Planning Agency (RPA) that receives federal funding must respond to the planning requirements of the Fixing America’s Surface Transportation (FAST) Act, which the President signed into law on December 4, 2015. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FAST Act maintains a focus on safety, keeps intact the established structure of the various highway-related programs, continues efforts to streamline project delivery, and provides a dedicated source of federal dollars for freight projects. FAST also continues the use of performance targets as benchmarks for various performance measures. The targets and measures are determined by the NP&EDC with consultation from MassDOT and FHWA.

Under the FAST ACT, transportation investments must consider the following planning factors in the planning process:

1. Support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility of people and freight;
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
6. Enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;
7. Promote efficient system management and operation; and
8. Emphasize the preservation of the existing transportation system.

9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation.
10. Enhance travel and tourism.

II. TIP Development Process

A: Project Selection

Projects included in this TIP were identified and conceptually developed through planning studies or other planning tasks funded through the annual Unified Planning Work Program (UPWP) and then listed in the Long Range Transportation Plan (LRTP), as is required. Following an evaluation of all projects listed in the LRTP using NP&EDC approved criteria, projects funded under the Highway Program were prioritized based on both their status in the design process and their degree of condition, mobility (or congestion), safety, and sustainability improvements (consisting of factors such as environmental and economic development benefits) to the existing transportation system. A description of this evaluation is found in Appendix A, as well as in the Action Plan chapter of the LRTP.

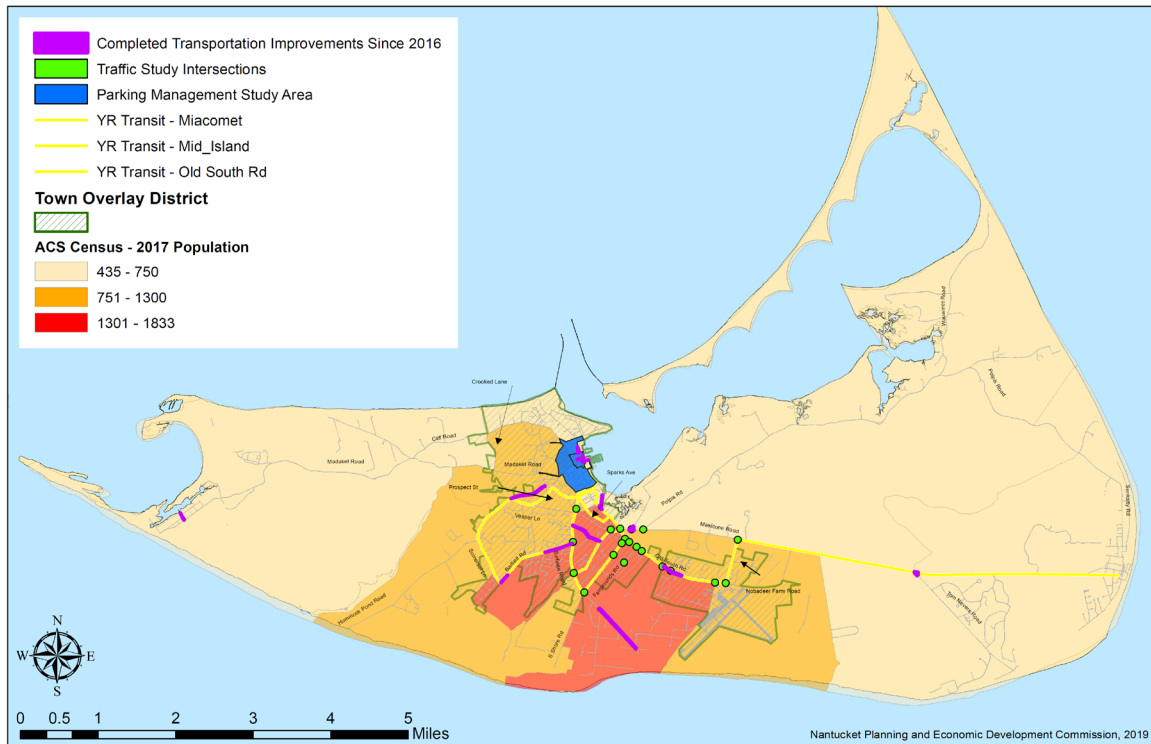
B: Amendments and Adjustments

Following the endorsement of the TIP, there may arise an issue that will require that this document be changed. Amendments are changes, such as the addition or deletion of a project or program from the TIP, that are considered significant and require notification of a comment period and a public meeting prior to NP&EDC vote. Adjustments are changes, such as new funding amounts or new descriptive narratives, which are considered minor and do not add or delete a project or program from the TIP. Adjustments do require a public meeting prior to approval, but do not require notification of a public comment period.

Program	Public Meeting Requirements	Comment Period (Minimum)	Advertising
Transportation Improvement Program (TIP)	One meeting prior to start of public comment period and one additional meeting during public comment period	21 days	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.
Amendments to RTP, TIP, or UPWP	One meeting prior to start of public review of amendment and one additional meeting for approval	21 days	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media. Availability of document for review at the Town Building, PLUS Office, and Atheneum during and after the public comment period.
Adjustments to RTP, TIP, or UPWP	One meeting for approval of adjustments	None	Public meeting notices. Notification to the identified stakeholders via mail or email. Public notification via website posting and social media.

C: Equity Distribution of Previous Capital Projects and Studies

The map below shows transportation planning investments have been focused within the “Town Overlay District” where infrastructure investments on island are to be focused, per the Nantucket Master Plan. These efforts have been focused within the more densely settled areas of the island where commercial uses, housing, and utility infrastructure are located.



D: Funding Categories

Funding categories administered by the Federal Highway Administration and Federal Transit Administration and included in the TIP are described below. The FAST ACT allows state and local governments to exercise considerable flexibility in transferring funds among categories. This affords them a variety of options in selecting how to spend federal dollars for transportation projects.

- **Advance Construction (AC)** - This is a mechanism for a State to start construction on a project by using non-federal funds. In the future, the state may convert the project to federal-aid funding and receive federal reimbursement for the project. To be eligible for conversion, the project must be determined to qualify for federal funds and identify what year the conversion to federal funds will take place.
- **Better Utilizing Investments to Leverage Development (BUILD)** – Replaces the TIGER program to provide funding for surface transportation projects that have a significant local/regional impact on safety economic competitiveness, quality of life, environmental protection, state of good repair, innovation, partnership, and additional non-federal revenue for future investments.
- **Congestion Mitigation and Air Quality Improvement (CMAQ) Program** - This program funds projects in air quality non-attainment areas and maintenance areas for ozone, carbon monoxide, and small particulate matter, with the goal of reducing transportation-related emissions and helping metropolitan areas comply with national ambient air quality standards.
- **Highway Bridge Program (BRIDG)** - This program provides funding to (1) replace or rehabilitate on-system bridges that have been classified as structurally deficient or functionally obsolete by federal standards and (2) do bridge painting, provide seismic retrofitting, install scour countermeasures, and do

systematic preventive maintenance for on system bridges regardless of whether or not the bridge is eligible for rehabilitation or replacement.

- **High Priority Projects or “earmarks” (HPP)** - This program consists of projects specifically designated in SAFETEA-LU or congressional appropriation bills as High Priority Projects. For the purpose of categorizing projects and funding sources in the TIP, this designation also refers to earmarked projects included in other legislation such as appropriation bills. Designated funds can only be used for the project as described in the law. Although earmarks are no longer inserted into laws, there are still projects remaining that have yet to be constructed.
- **Highway Safety Improvement Program (HSIP)** - The purpose of the HSIP is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The HSIP emphasizes a data-driven, strategic approach to improving highway safety that focuses on results.
- **Infrastructure for Rebuilding America (INFRA)** – A competitive discretionary program to fund freight and highway projects.
- **National Highway Freight Program (NHFP)** – Funding to provide for the efficient movement of freight on the National Highway Freight Network.
- **National Highway Performance Program (NHPP)** - The NHPP provides support for the condition and performance of the National Highway System (NHS), for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the National Highway System.
- **Safe Routes to Schools (SRTSF)** - This Federal funding is intended to enable and encourage children, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. Funding is available for use within approximately two miles of a primary or middle school (K-8). This program was eliminated by MAP-21, but projects funded with SRTS will continue until prior years funding is expended.
- **Surface Transportation Program (STP)** - The Surface Transportation Program (STP) provides flexible funding for states and localities for improvements on public roads and bridges, transit capital projects, and improvements to transit terminals and facilities. A portion of a state's STP funds must be spent in metropolitan areas with populations over 200,000.
- **Transportation Alternatives Program (TAP)** - The TAP replaces the funding from pre-MAP-21 programs including Transportation Enhancements, Recreational Trails, Safe Routes to School, and several other discretionary programs, wrapping them into a single funding source. An amount equal to 2% of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year (FY) is to be reserved for the TAP.

E: Federal Transit Administration

- **Section 5307 Urbanized Area Formula Grants** - This program provides grants to Urbanized Areas for public transportation capital, planning, job access and reverse commute projects, as well as operating expenses in certain circumstances for urban public transit services.
- **Section 5308 Clean Fuels Grant Program** - This program was developed to assist nonattainment and maintenance areas to achieve or maintain the National Ambient Air Quality Standards for ozone and carbon monoxide (CO) by supporting emerging clean fuel and advanced propulsion technologies for transit buses and markets for those technologies. This program was eliminated by MAP-21, but projects will continue until prior years funding is expended.
- **Section 5310 Program – Enhanced Mobility of Seniors and Individuals with Disabilities** - This program is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act complementary paratransit services.
- **Section 5311 Program** - This program provides capital and operating assistance for rural public transit services with funding levels determined by formula.
- **Section 5312 Program** – Provides funding to develop innovative services to better meet user needs.

- **Section 5337 – State of Good Repair Grants** - This program may be used for capital projects that maintain the system in a state of good repair, including projects to replace and rehabilitate: rolling stock; track; line equipment and structures; signals and communications; power equipment and substations; passenger stations and terminals; security equipment and systems; maintenance facilities and equipment; and operational support equipment, including computer hardware and software. Funds may also be used for Transit Asset Management Plan development and implementation.
- **Section 5339 – Bus and Bus Facilities** - This program provides capital funding to replace, rehabilitate and purchase buses and related equipment to construct bus-related facilities.

III. Performance Based Planning & Measures

The FAST Act continues MAP-21's overall performance management approach requiring critical changes to the planning process by mandating that investment priorities assist in meeting performance targets that would address key areas such as safety, infrastructure condition, congestion, system reliability, emissions and freight movement. This called for the integration of a performance-based approach to decision making in support of the national goals and a greater level of transparency and accountability. The goal is to improve project decision-making and assist in more efficient investments of Federal transportation funds.

Please see national goals listed below for additional details.

1. **Safety** - To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
2. **Infrastructure Condition** - To maintain the highway infrastructure asset system in a state of good repair.
3. **Congestion Reduction** - To achieve a significant reduction in congestion on the National Highway System.
4. **System Reliability** - To improve the efficiency of the surface transportation system.
5. **Freight Movement and Economic Vitality** — To improve the National Highway Freight Network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
6. **Environmental Sustainability** - To enhance the performance of the transportation system while protecting and enhancing the natural environment.
7. **Reduced Project Delivery Delays** — To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

In 2016, FHWA passed a rule establishing three performance measures (PM1, PM2, and PM3) that State DOTs and MPOs must track, as required by MAP-21 and the FAST Act. PM1 is improving safety, PM2 is maintaining pavement and bridge conditions and PM3 is improving efficiency of the system and freight movement, reducing traffic congestion and reducing emissions.

The Federal Transit Authority (FTA) requires any Regional Transit Agency (RTA) that owns, operates, or manages capital assets used to provide public transportation and receives federal financial assistance under 49 U.S.C. Chapter 53 to develop a transit asset management (TAM) plan. TAM Plans outline how people, processes, and tools come together to address asset management policy and goals, provide accountability and visibility for furthering understanding of leveraging asset management practices and support planning, budgeting, and communications to internal and external stakeholders.

These performance measures are discussed in detail below.

A: Safety Performance Measures (PM1)

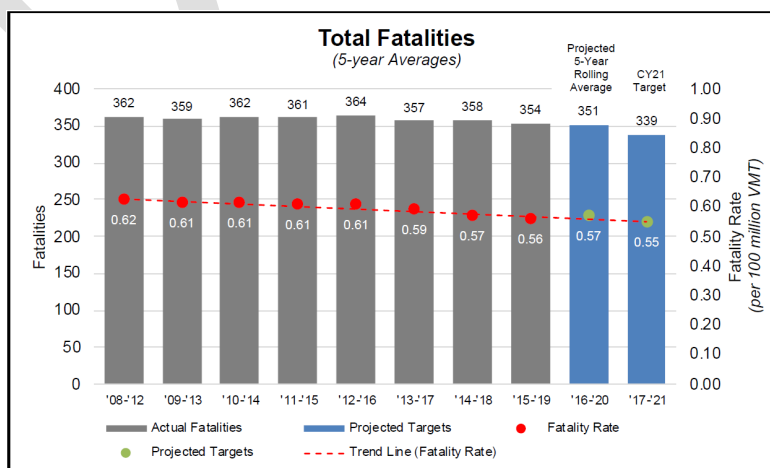
The NP&EDC has chosen to adopt the statewide safety performance measure targets set by MassDOT for Calendar Year (CY) 2021. In setting these targets, MassDOT has followed FHWA guidelines by using

statewide crash data and Highway Performance Monitoring System (HPMS) data for vehicle miles traveled (VMT) in order to calculate 5 year, rolling average trendlines for all FHWA defined safety measures. CY 2021 targets for four of the five safety measures—total number of fatalities, rate of fatalities per 100 million vehicle miles traveled, total number of serious injuries, and rate of serious injuries per 100 million VMT—were established by extending their respective trendlines into the 2016-2020 time period. All four of these measures reflect a decrease in statewide trends. The fifth safety measure, total number of combined serious injuries and fatalities for non-motorized modes, is the only safety measure for which the statewide trendline depicts an increase. MassDOT’s effort to increase the non-motorized mode share throughout the Commonwealth has posed a challenge to simultaneously reducing non-motorized injuries and fatalities. Rather than adopt a target that depicts an increase in the trendline, MassDOT has elected to establish a target of non-motorized fatalities and injuries in CY 2021 to remain constant from the rolling average for 2013-2017. In recent years, MassDOT and the NP&EDC have invested in “complete streets,” bicycle and pedestrian, intersection and safety improvements in both the Capital Investment Plan (CIP) and Statewide Transportation Improvement Program (STIP) that address increasing mode share and incorporate safety mitigation elements into projects. Moving forward, NP&EDC, alongside MassDOT, is actively seeking to improve data collection and methodology for bicycle and pedestrian VMT counts, and to continue analyzing crash clusters and crash counts that include both motorized and non-motorized modes to address safety issues at these locations.

In all safety categories, MassDOT has established a long-term target of “Toward Zero Deaths” and will be establishing safety targets for the MPO to consider for adoption each calendar year. While the MPO is not required by FHWA to report on annual safety performance targets, FHWA guidelines require MPOs to adopt MassDOT’s annual targets or perennially establish their own. The safety measures MassDOT has established for CY 2022, which the NP&EDC has adopted, are as follows:

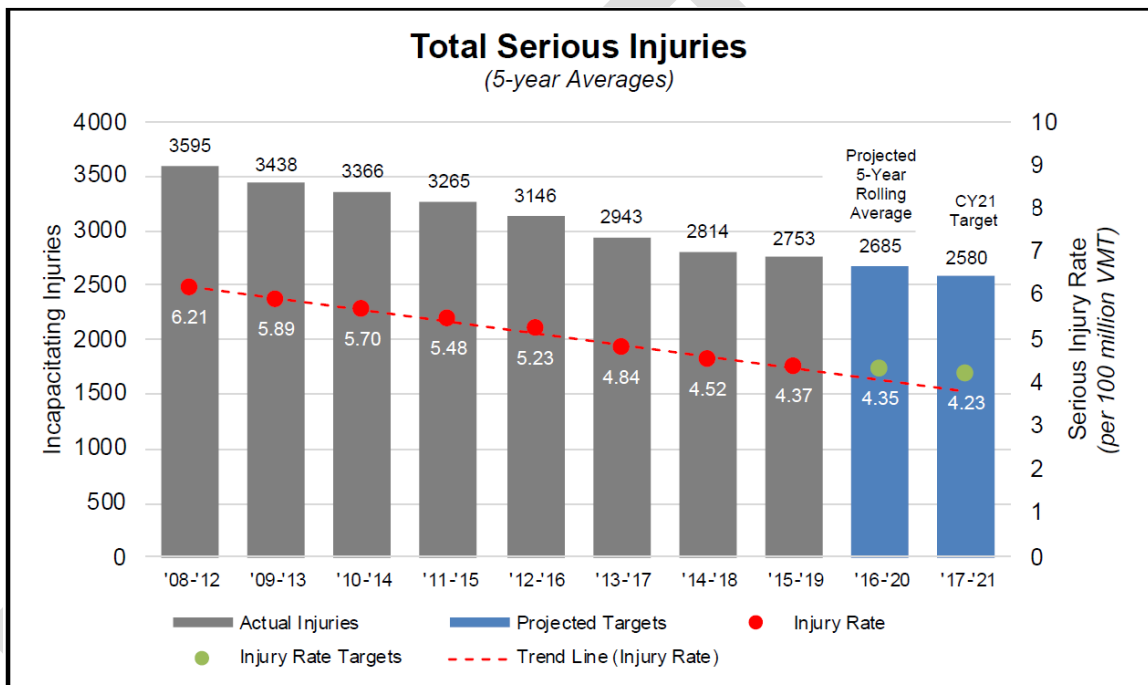
Total Fatalities: Per guidance from the Federal Highway Administration (FHWA), MassDOT’s 2021 safety target setting process began with a trend line projection based on the most recent available data (up to 2018). The calendar year (CY) 2021 target of 339 was set to reflect an anticipated decrease in fatalities due to joint initiatives across MassDOT related to sustainable transportation; commitment to several FHWA Every Day Counts (EDC) initiatives (e.g. reducing rural roadway departures); and strategies and legislative proposals that were part of the 2018 Strategic Highway Safety Plan (SHSP), such as the primary seat belt and hands-free driving laws.

Fatality Rate: The CY 2021 target of .55 fatalities per 100 million vehicle miles traveled (VMT) reflects an overall reduction from previous years. It should be noted that MassDOT’s long-term goal is to move towards zero deaths.



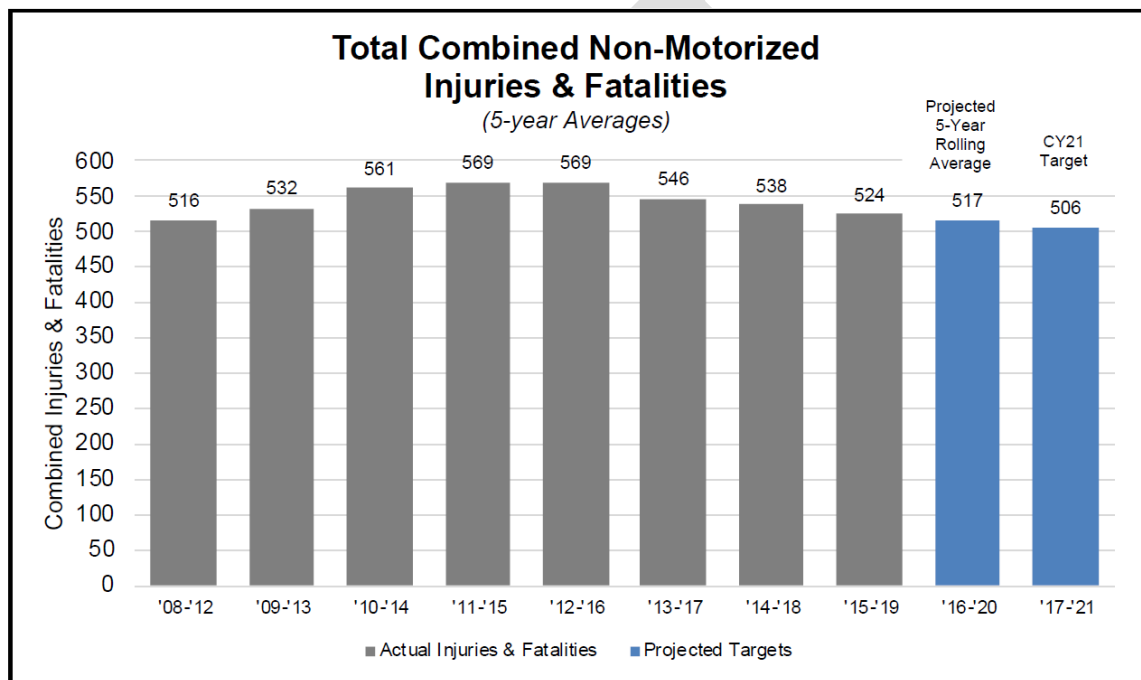
Total Serious Injuries: It is anticipated that there will be an overall decrease in the number of serious injuries due to a continual downward trend line as well as the implementation of countermeasures that are being developed as part of the 2018 Strategic Highway Safety Plan (SHSP). The CY 2021 target of 2,580 was set to reflect this trend. For this performance measure, it is important to note that on January 1st, 2019, Massachusetts moved from the term “incapacitating injuries” to “serious injuries,” per federal requirements.

Serious Injuries Rate: Similar to the fatality rate, it is anticipated that the downward trend line will result in a drop in the rate of serious injuries from 4.35 per 100 million VMT between 2016–2020 to 4.23 between 2017–2021.



Total Number of Non-Motorized Fatalities and Serious Injuries: The most recent data for non-motorized fatalities and serious injuries indicates that the previously increasing trend decreased in 2017, and has continued to decrease since then. The CY2021 target has been set to reflect continued projected reductions in non-motorized fatalities and injuries due to a number of multi-disciplinary and multi-agency implementation strategies contained within the Statewide Bike Plan, Statewide Pedestrian Plan, and Strategic Highway Safety Plan.

It is important to note that in prior years, only bicyclist and pedestrian data were used to calculate this target. More recently, it was determined that this category would include other non-motorists. In addition to bicyclists and pedestrians, this category includes skaters and users of wheelchairs and other mobility devices. The historical data within the graph below includes these additional users



B: Bridge & Pavement Performance Measures (PM2)

Nantucket MPO has chosen to adopt the 2-year (2020) and 4-year (2022) statewide bridge and pavement performance measure targets set by MassDOT. MassDOT was required to adopt a statewide target by May 20th, 2018, with MPOs either adopting the statewide target or establishing their own by November 2018. In setting these targets, MassDOT has followed FHWA guidelines by measuring bridges and pavement condition using the 9-point National Bridge Inventory Standards (NBIS); the International Roughness Index (IRI); the presence of pavement rutting; and the presence of pavement cracking. 2-year and 4-year targets were set for six individual performance measures: percent of bridges in good condition; percent of bridges in poor condition; percent of Interstate pavement in good condition; percent of Interstate pavement in poor condition; percent of non-Interstate pavement in good condition; and percent of non-Interstate pavement in poor condition. All the above performance measures are tracked in greater detail in MassDOT's Transportation Asset Management Plan (TAMP), which is due to be finalized in July 2019.

Targets for bridge-related performance measures were determined by identifying which bridge projects are programmed and projecting at what rate bridge conditions deteriorate. The bridge-related performance measures measure the percentage of deck area, rather than the total number of bridges.

Performance targets for pavement-related performance measures were based on a single year of data collection, and thus were set to remain steady under the guidance of FHWA. These measures are to be revisited at the 2-year mark (2020), once three years of data are available, for more informed target setting.

MassDOT continues to measure pavement quality and to set statewide short-term and long-term targets in the MassDOT Performance Management Tracker using the Pavement Serviceability Index (PSI), which differs from IRI. These measures and targets are used in conjunction with federal measures to inform program sizing and project selection.

Performance Measure	Current (2017)	2-year target (2020)	4-year target (2022)
Bridges in good condition	15.22%	15%	16%
Bridges in poor condition	12.37%	13%	12%
Interstate Pavement in good condition	74.2%	70%	70%
Interstate Pavement in poor condition	0.1%	4%	4%
Non-Interstate Pavement in good condition	32.9%	30%	30%
Non-Interstate Pavement in poor condition	31.4%	30%	30%

C: Reliability, Congestion, & Emissions Performance Measures (PM3)

Nantucket MPO has chosen to adopt the 2-year (2020) and 4-year (2022) statewide reliability, congestion, and emissions performance measure targets set by MassDOT. MassDOT was required to adopt a statewide target by May 20th, 2018, with MPOs either adopting the statewide target or establishing their own by November 2018.

MassDOT followed FHWA regulation in measuring Level of Travel Time Reliability (LOTTR) on both the Interstate and non-Interstate NHS as well as Truck Travel Time Reliability (TTTR) on the Interstate system using the National Performance Management Research Dataset (NPMRDS) provided by FHWA. These performance measures aim to identify the predictability of travel times on the roadway network by comparing the average travel time along a given segment against longer travel times. For LOTTR, the performance of all segments of the Interstate and of the non-Interstate NHS are defined as either reliable or unreliable based on a comparison between the 50th percentile travel time and the 80th percentile travel time, and the proportion of reliable segments is reported. For TTTR, the ratio between the 50th percentile travel time and the 90th percentile travel time for trucks only along the Interstate system is reported as a statewide measure. As this data set has but one year of consistent data, FHWA guidance has been to set conservative targets and to adjust future targets once more data becomes available. To that end, MassDOT's reliability performance targets are set to remain the same.

D: Transit Asset Management (TAM) Plan

The Nantucket Regional Transit Authority (NRTA) operates under Massachusetts General Laws Chapter 161B, a body politic and a corporate subdivision of the Commonwealth of Massachusetts. Its member community is the Town of Nantucket. The NRTA has a general responsibility to develop, finance and contract for the operation of mass transportation facilities within its territory. The NRTA has developed a TAM Plan outlining a methodology for monitoring and improving the agency's State of Good Repair (SOGR). This plan will be a living document and the NRTA may choose to update the plan based on

future funding scenarios, unforeseen needs such as new regulations and by periodically updating the assets included in this document. Updates to this document shall be approved by the Accountable Executive and shall not require a subsequent Board action unless the methodology or conditions require one. The Nantucket Regional Transit Authority is required to update the TAM Plan in its entirety every four years with the initial TAM Plan being approved on or before October 1, 2018.

Nantucket Regional Transit Authority (NRTA) operates nineteen fixed route vehicles and four demand response in which classifies it as a Tier II system. The requirements of a TAM plan vary by classification of an agency as a Tier 1 and Tier 2. Since Tier II services operate typically less complex systems, Tier II systems are required to provide information for the first four TAM plan elements:

- Inventory of Capital Elements
- Condition of Asset by Category of Asset
- Decision Support Tool
- Investment Prioritization

The NRTA has identified performance measures as a tool to measure efficiencies and identify areas where improvements can be made to continue to provide a high-quality service to its customers. Performance is measured in several areas for providing public transportation on both our fixed route and demand response services. Standards, trends and goals have been assigned to each area.

NRTA has identified targets for each asset class under its control. These targets shall be reviewed on a annual basis by NRTA and adjusted if necessary.

- Vehicles – NRTA has a target of 100% of its vehicles in a State of Good Repair
- Equipment – NRTA has a target of 100% of its equipment in a State of Good Repair
- Facilities – NRTA has a target of 100% of its equipment in a State of Good Repair
- Infrastructure (NA) – NRTA does not have any infrastructure for which it has direct oversight.

NRTA believes that with adequate financial support by its funding partners these targets are attainable on an on-going basis.

IV. Project Review Committee Approved Transportation Projects

<u>Name</u>	<u>Description of Work to be Completed</u>
Surfside Road at Bartlett Road Roundabout	25% Design has been submitted

V. Public Participation Process

Public participation continues to be a vital element of the transportation planning process. The NP&EDC meets monthly on the third Monday, or as needed, to discuss long and short range planning issues of regional importance, which includes transportation. The Public Participation Plan has been updated to confirm with federal requirements for ensuring involvement of the public in the decision making activities.

The NP&EDC met on March 15, 2021 to review the initial budget and potential projects to be included in the TIP. The NP&EDC also met on April 22, 2021 to authorize a public review for the draft document.

The minimum 21 day public review of the TIP was initiated on April 23, 2021 and ended on May 14, 2021. The public meeting on May 17 2021 to solicit comments prior to approval was noticed to the public through the Town of Nantucket's Public Outreach Coordinator and the NP&EDC's Transportation Stakeholders via email notification.

The notice of public review, the public meeting, and availability of the online draft document was published on the Town of Nantucket's website and sent to subscribers of the Town's News and Notices. A printed version of the draft document was available at the Planning and Land Use Services office (2 Fairgrounds Road). A digital version of the document was also available on the NP&EDC website. Any written comments received during the public review period are available in Appendix I.

VI. Compliance with the Americans with Disabilities Act

The NP&EDC is working to increase accessibility to transportation facilities in Nantucket. The NP&EDC has approved a policy whereby all projects included in the TIP must include improvement measures to remove barriers and increase accessibility for all users and abilities. Additionally, all of the equipment utilized by the Nantucket Regional Transit Authority (NRTA) for its system is in full compliance with the Americans with Disabilities Act.

VII. Federal Funding Summary

The Nantucket Region has the obligation authority to program funding for the TIP. No funding has been obligated at this time.

Total Federal TIP Funding	
Fiscal Year	Available TIP Funding
2022	\$546,232.00
2023	\$558,162.00
2024	\$565,478.00
2025	\$552,277.00
2026	\$537,935.00

VIII. Certification of the 3C Planning Process

This will certify that the Comprehensive, Continuing, Cooperative Transportation Planning Process for Fiscal Year 2021 in the Nantucket Planning and Economic Development Commission is addressing major issues facing the region and is being conducted in accordance with the requirements of:

1. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
2. In non-attainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
4. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
5. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
6. 23CFR part 230 regarding the implementation of an equal employment opportunity program on Federal and Federal aid highway construction contracts;
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
8. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.
11. Anti-lobbying restrictions found in 49 USC Part 20. No appropriated funds may be expended by a recipient to influence or attempt to influence an officer or employee of any agency, a Member of Congress, in connection with the awarding of any Federal contract.

The currently endorsed Unified Planning Work Program, Regional Transportation Plan, and Transportation Improvement Program, together with any amendments, were developed in accordance with FHWA/FTA regulations governing the implementation of the FAST ACT, and EPA regulations governing the implementation of the Clean Air Act Amendments of 1990, and fully incorporate the applicable requirements of the 1964 Civil Rights Act and the Americans with Disabilities Act of 1990.

Signatory Certification:

Jamey Tesler, Secretary of Transportation
Massachusetts Department of Transportation

Date

Jonathan Gulliver, Administrator Highway Division -
Massachusetts Department of Transportation

Date

Nathaniel Lowell, Chairman
Nantucket Planning and Economic Development Commission

Date

IX. 310 CMR 60.05: Global Warming Solutions Act Requirements for the Transportation Sector and the Massachusetts Department of Transportation

Self-Certification Compliance Statement for Metropolitan Planning Organizations

This will certify that the FY2021-2025 Transportation Improvement Program for the Nantucket Planning and Economic Development Commission is in compliance with all applicable requirements in the State Regulation 310 CMR 60.05: Global Warming Solutions Act Requirements for the Transportation Sector and the Massachusetts Department of Transportation. The regulation requires the Metropolitan Planning Organizations (MPOs) to:

1. 310 CMR 60.05, 3(b)(1)(a): Evaluate and track the GHG emissions and impacts of RTPs and TIPs;
2. 310 CMR 60.05, 3(b)(1)(b): In consultation with MassDOT, develop and utilize procedures to prioritize and select projects in RTPs, TIPs, and STIPs based on factors that include GHG emissions and impacts;
3. 310 CMR 60.05, 3(b)(1)(c): Quantify net GHG emissions and impacts resulting from the projects in RTPs and TIPs and have made efforts to minimize GHG emissions and impacts;
4. 310 CMR 60.05, 3(b)(1)(d): Determine in consultation with the RPA that the appropriate planning assumptions used for GHG emissions modeling are consistent with local land use policies, or that local authorities have made documented and credible commitments to establishing such consistency;
5. 310 CMR 60.05, 4(a)(2)(a): Develop RTPs and TIPs;
6. 310 CMR 60.05, 4(a)(2)(b): Ensure that RPAs are using appropriate planning assumptions;
7. 310 CMR 60.05, 4(a)(2)(c): Perform regional GHG emissions analysis of RTPs and TIPs;
8. 310 CMR 60.05, 4(a)(2)(d): Calculate GHG emissions for RTPs and TIPs;
9. 310 CMR 60.05, 4(a)(2)(e): Develop public consultation procedures for GHG reporting and related GWSA requirements consistent with current and approved regional public participation plans;
10. 310 CMR 60.05, 4(c): Prior to making final endorsements on the RTPs, TIPs, STIPs, and projects included in these plans, MassDOT and the MPOs shall include the GHG Assessment and information on related GWSA activities in RTPs, TIPs, and STIPs and provide an opportunity for public review and comment on the RTPs, TIPs, and STIPs.
11. 310 CMR 60.05, 6(a): After a final GHG assessment has been made by MassDOT and the MPOs, MassDOT and the MPOs shall submit MPO-endorsed RTPs, TIPs or projects within 30 days of endorsement to the Department for review of the GHG assessment.

Signatory Certification:

Jamey Tesler, Secretary of Transportation
Massachusetts Department of Transportation

Date

Jonathan Gulliver, Administrator Highway Division -
Massachusetts Department of Transportation

Date

Nathaniel Lowell, Chairman
Nantucket Planning and Economic Development Commission

Date

X. Endorsement of the NP&EDC FFY 2021 - 2025 Transportation Improvement Program and Air Quality Conformity Determination

In accordance with 23 CFR Part 450 Section 324 (Transportation Improvement Program: General) of the October 28, 1993 Final Rules for Statewide and Metropolitan Planning, the Committee of Signatories representing the Nantucket Metropolitan Planning Organization hereby endorses the Federal-Aid Component of the Nantucket Region 2021-2025 Transportation Improvement Program (TIP).

This FFY –2021-2025 TIP is financially constrained and consists entirely of projects that are either: A) exempt from an air quality conformity determination as specified in 40 CFR Parts 51 and 93; or B) have been previously analyzed in the Nantucket MPO’s conforming Transportation Plan. The projects in the TIP are of the same design and concept that were analyzed in the Regional Transportation Plan. Therefore, no new air quality analysis is required for the TIP. This TIP does not add or delete any regionally significant, non-exempt properties across analysis years.

In accordance with Section 176(c) (4) of the Clean Air Act as amended in 1990 [42 U.S.C. 7251 (a)], the Nantucket Metropolitan Planning Organization has completed its review and hereby certifies that the Nantucket Region FFY –2021-2025 Transportation Improvement Program has been developed from a conforming Transportation Plan and therefore conforms with 40 CFR parts 51 and 93 (August 15, 1997) and 310 CMR 60.03 (December 30, 1994).

Signatory Certification:

Jamey Tesler, Secretary of Transportation Massachusetts Department of Transportation	Date
Jonathan Gulliver, Administrator Highway Division - Massachusetts Department of Transportation	Date
Nathaniel Lowell, Chairman Nantucket Planning and Economic Development Commission	Date

XI. Highway Program Projects



Nantucket Region Program

STIP: 2021 - 2025 (D)									
Program	MassDOT Project ID	MPO	Municipality	MassDOT Project Description	District	Funding Source	Total Programmed Funds	Federal Funds	Non-Federal Funds
Federal Fiscal Year 2023									
Section 2B / State Prioritized Modernization Projects							\$993,816	\$795,053	\$198,763
Roadway Reconstruction	610533	Nantucket	Nantucket	NANTUCKET- NANTUCKET MIDDLE SCHOOL/HIGH SCHOOL COMPLEX IMPROVEMENTS (SRTS)	5	TAP	\$993,816	\$795,053	\$198,763
Nantucket Region Total Program Summary							\$993,816	\$795,053	\$198,763

XII. Transit Program Projects



TIP 2022 - 2026
2022

5311

Project Number	Agency	Line Item	Project Description	Carry Over	Federal Funds	State Funds	TDC	Local Funds	Total
RTD0009705	NRTA	300900	Rural Operating Assistance		\$605,955	\$0	\$0	\$605,955	\$1,211,910
					\$605,955	\$0	\$0	\$605,955	\$1,211,910
Other NonFederal									
Project Number	Agency	Line Item	Project Description	Carry Over	Federal Funds	State Funds	TDC	Local Funds	Total
RTD0009698	NRTA	119308	Nantucket Regional Transit Authority/CONSTRUCT SIGNAGE		\$0	\$3,000	\$0	\$0	\$3,000
RTD0009707	NRTA	114306	Nantucket Regional Transit Authority/CONSTRUCT - SHOP EQUIPMENT		\$0	\$30,000	\$0	\$0	\$30,000
RTD0009710	NRTA	114410	Nantucket Regional Transit Authority/REHAB/RENOVATE - MOBILE FARE COLL EQUIP		\$0	\$20,000	\$0	\$0	\$20,000
RTD0009699	NRTA	1000002	Nantucket Regional Transit Authority/PREVENTIVE MAINTENANCE		\$0	\$75,000	\$0	\$0	\$75,000
RTD0009696	NRTA	111204	Nantucket Regional Transit Authority/BUS REPLACEMENT <30 FT BUS		\$0	\$900,000	\$0	\$0	\$900,000
RTD0010156	NRTA	114400	Nantucket Regional Transit Authority/REHAB/RENOVATE BUS SUPPORT FACIL/EQUIP		\$0	\$50,000	\$0	\$0	\$50,000
RTD0009697	NRTA	995000	Nantucket Regional Transit Authority/TRAVELER INFORMATION		\$0	\$72,000	\$0	\$0	\$72,000
RTD0010157	NRTA	114209	Nantucket Regional Transit Authority/ACQUIRE - MOBILE SURV/SECURITY EQUIP		\$0	\$50,000	\$0	\$0	\$50,000
					\$0	\$1,200,000	\$0	\$0	\$1,200,000
					605,955	1,200,000	0	605,955	2,411,910

5311

Project Number	Agency	Line Item	Project Description	Carry Over	Federal Funds	State Funds	TDC	Local Funds	Total
RTD0009706	NRTA	300900	Rural Operating Assistance		\$618,620	\$0	\$0	\$618,620	\$1,237,240
					\$618,620	\$0	\$0	\$618,620	\$1,237,240

Other NonFederal

Project Number	Agency	Line Item	Project Description	Carry Over	Federal Funds	State Funds	TDC	Local Funds	Total
RTD0009702	NRTA	995000	Nantucket Regional Transit Authority/TRAVELER INFORMATION		\$0	\$75,000	\$0	\$0	\$75,000
RTD0009703	NRTA	1000002	Nantucket Regional Transit Authority/PREVENTIVE MAINTENANCE		\$0	\$75,000	\$0	\$0	\$75,000
RTD0009704	NRTA	114306	Nantucket Regional Transit Authority/CONSTRUCT - SHOP EQUIPMENT		\$0	\$10,000	\$0	\$0	\$10,000
RTD0009711	NRTA	114410	Nantucket Regional Transit Authority/REHAB/RENOVATE - MOBILE FARE COLL EQUIP		\$0	\$20,000	\$0	\$0	\$20,000
RTD0009701	NRTA	111204	Nantucket Regional Transit Authority/BUY REPLACEMENT <30 FT BUS		\$0	\$900,000	\$0	\$0	\$900,000
RTD0010160	NRTA	114400	Nantucket Regional Transit Authority/REHAB/RENOVATE BUS SUPPORT FACIL/EQUIP		\$0	\$25,000	\$0	\$0	\$25,000
					\$0	\$1,105,000	\$0	\$0	\$1,105,000
					618,620	1,105,000	0	618,620	2,342,240

Other NonFederal

Project Number	Agency	Line Item	Project Description	Carry Over	Federal Funds	State Funds	TDC	Local Funds	Total
RTD0009708	NRTA	1000002	Nantucket Regional Transit Authority/PREVENTIVE MAINTENANCE		\$0	\$75,000	\$0	\$0	\$75,000
RTD0009709	NRTA	995000	Nantucket Regional Transit Authority/TRAVELER INFORMATION		\$0	\$75,000	\$0	\$0	\$75,000
RTD0009717	NRTA	114410	Nantucket Regional Transit Authority/REHAB/RENOVATE - MOBILE FARE COLL EQUIP		\$0	\$20,000	\$0	\$0	\$20,000
RTD0008636	NRTA	111204	Nantucket Regional Transit Authority/BUY REPLACEMENT <30 FT BUS		\$0	\$900,000	\$0	\$0	\$900,000
					\$0	\$1,070,000	\$0	\$0	\$1,070,000
					0	1,070,000	0	0	1,070,000

Other NonFederal									
Project Number	Agency	Line Item	Project Description	Carry Over	Federal Funds	State Funds	TDC	Local Funds	Total
RTD0009712	NRTA	995000	Nantucket Regional Transit Authority/TRAVELER INFORMATION		\$0	\$75,000	\$0	\$0	\$75,000
RTD0009713	NRTA	1000002	Nantucket Regional Transit Authority/PREVENTIVE MAINTENANCE		\$0	\$75,000	\$0	\$0	\$75,000
RTD0009714	NRTA	114410	Nantucket Regional Transit Authority/REHAB/RENOVATE - MOBILE FARE COLL EQUIP		\$0	\$20,000	\$0	\$0	\$20,000
RTD0009715	NRTA	111204	Nantucket Regional Transit Authority/BUY REPLACEMENT <30 FT BUS		\$0	\$1,000,000	\$0	\$0	\$1,000,000
RTD0009718	NRTA	114411	Nantucket Regional Transit Authority/REHAB/RENOVATE - SUPPORT VEHICLES		\$0	\$250,000	\$0	\$0	\$250,000
					\$0	\$1,420,000	\$0	\$0	\$1,420,000
					0	1,420,000	0	0	1,420,000

Other NonFederal

Project Number	Agency	Line Item	Project Description	Carry Over	Federal Funds	State Funds	TDC	Local Funds	Total
RTD0010151	NRTA	995000	Nantucket Regional Transit Authority/TRAVELER INFORMATION		\$0	\$75,000	\$0	\$0	\$75,000
RTD0010153	NRTA	1000002	Nantucket Regional Transit Authority/PREVENTIVE MAINTENANCE		\$0	\$75,000	\$0	\$0	\$75,000
RTD0010162	NRTA	114410	Nantucket Regional Transit Authority/REHAB/RENOVATE - MOBILE FARE COLL EQUIP		\$0	\$20,000	\$0	\$0	\$20,000
RTD0010164	NRTA	111204	Nantucket Regional Transit Authority/BUY REPLACEMENT <30 FT BUS		\$0	\$1,000,000	\$0	\$0	\$1,000,000
					\$0	\$1,170,000	\$0	\$0	\$1,170,000
					0	1,170,000	0	0	1,170,000

Air Quality Conformity Determination Nantucket Planning and Economic Development Commission FFY 2022-2026 Transportation Improvement Program

This section documents the latest air quality conformity determination for the 1997 ozone National Ambient Air Quality Standards (NAAQS) in the NP&EDC. It covers the applicable conformity requirements according to the latest regulations, regional designation status, legal considerations, and federal guidance. Further details and background information are provided below:

XIII. Introduction

The 1990 Clean Air Act Amendments (CAAA) require metropolitan planning organizations within nonattainment and maintenance areas to perform air quality conformity determinations prior to the approval of Long-Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs), and at such other times as required by regulation. Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones (42 U.S.C. 7506(c)(1)). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP (40 CFR Parts 51.390 and 93).

A nonattainment area is one that the U.S. Environmental Protection Agency (EPA) has designated as not meeting certain air quality standards. A maintenance area is a nonattainment area that now meets the standards and has been re-designated as maintaining the standard. A conformity determination is a demonstration that plans, programs, and projects are consistent with the State Implementation Plan (SIP) for attaining the air quality standards. The CAAA requirement to perform a conformity determination ensures that federal approval and funding go to transportation activities that are consistent with air quality goals.

XIV. Legislative and Regulatory Background

The entire Commonwealth of Massachusetts was previously classified as nonattainment for ozone, and was divided into two nonattainment areas. The Eastern Massachusetts ozone nonattainment area included Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties. Berkshire, Franklin, Hampden, and Hampshire counties comprised the Western Massachusetts ozone nonattainment area. With these classifications, the 1990 Clean Air Act Amendments (CAAA) required the Commonwealth to reduce its emissions of volatile organic compounds (VOCs) and nitrogen oxides (NOx), the two major precursors to ozone formation to achieve attainment of the ozone standard.

The 1970 Clean Air Act defined a one-hour national ambient air quality standard (NAAQS) for ground-level ozone. The 1990 CAAA further classified degrees of nonattainment of the one-hour standard based on the severity of the monitored levels of the pollutant. The entire commonwealth of Massachusetts was classified as being in serious nonattainment for the one-hour ozone standard, with a required attainment date of 1999. The attainment date was later extended, first to 2003 and a second time to 2007.

In 1997, the EPA proposed a new, eight-hour ozone standard that replaced the one-hour standard, effective June 15, 2005. Scientific information had shown that ozone could affect human health at lower levels, and over longer exposure times than one hour. The new standard was challenged in court, and after a lengthy legal battle, the courts upheld it. It was finalized in June 2004. The eight-hour standard is 0.08 parts per million, averaged over eight hours and not to be exceeded more than once per year. Nonattainment areas were again further classified based on the severity of the eight-hour values. Massachusetts as a whole was classified as being in moderate nonattainment for the eight-hour standard, and was separated into two nonattainment areas—Eastern Massachusetts and Western Massachusetts.

In March 2008, EPA published revisions to the eight-hour ozone NAAQS establishing a level of 0.075 ppm, (March 27, 2008; 73 FR 16483). In 2009, EPA announced it would reconsider this standard because it fell outside of the range recommended by the Clean Air Scientific Advisory Committee. However, EPA did not take final action on the reconsideration so the standard would remain at 0.075 ppm.

After reviewing data from Massachusetts monitoring stations, EPA sent a letter on December 16, 2011 proposing that only Dukes County would be designated as nonattainment for the new proposed 0.075 ozone standard. Massachusetts concurred with these findings.

On May 21, 2012, (77 FR 30088), the final rule was published in the Federal Register, defining the 2008 NAAQS at 0.075 ppm, the standard that was promulgated in March 2008. A second rule published on May 21, 2012 (77 FR 30160), revoked the 1997 ozone NAAQS to occur one year after the July 20, 2012 effective date of the 2008 NAAQS.

Also on May 21, 2012, the air quality designations areas for the 2008 NAAQS were published in the Federal Register. In this Federal Register, the only area in Massachusetts that was designated as nonattainment is Dukes County. All other Massachusetts counties were designated as attainment/unclassified for the 2008 standard. On March 6, 2015, (80 FR 12264, effective April 6, 2015) EPA published the Final Rulemaking, “Implementation of the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone: State Implementation Plan Requirements; Final Rule.” This rulemaking confirmed the removal of transportation conformity to the 1997 Ozone NAAQS and the replacement with the 2008 Ozone NAAQS, which (with actually a stricter level of allowable ozone concentration than the 1997 standards) classified Massachusetts as “Attainment/unclassifiable” (except for Dukes County).

However, on February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* (“*South Coast II*,” 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone NAAQS and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. On November 29, 2018, EPA issued *Transportation Conformity Guidance for the South Coast II Court Decision* (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas. According to the guidance, both Eastern and Western Massachusetts, along with several other areas across the country, are now defined as “orphan nonattainment areas” – areas that were designated as nonattainment for the 1997 ozone NAAQS at the time of its revocation (80 FR 12264, March 6, 2015) and were designated attainment for the 2008 ozone NAAQS in EPA’s original designations rule for this NAAQS (77 FR 30160, May 21, 2012).

XV. Current Conformity Determination

After 2/16/19, as a result of the court ruling and the subsequent federal guidance, transportation conformity for the 1997 NAAQS – intended as an “anti-backsliding” measure – now applies to both of Massachusetts’ orphan areas. Therefore, a conformity determination was made for the 1997 ozone NAAQS on the 2020-2040 Regional Transportation Plans. This conformity determination was finalized in July 2019 following each MPO’s previous endorsement of their regional transportation plan, and approved by the Massachusetts Divisions of FHWA and FTA on October 15, 2019. This conformity determination continues to be valid for the NP&EDC FFY 2022-2026 Transportation Improvement Program, and Massachusetts’ FFY 2022-2026 STIP, as each is developed from the conforming 2020-2040 Regional Transportation Plans.

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for TIPs and RTPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), and emissions budget and/or interim emissions (93.118 and/or 93.119).

For the 1997 ozone NAAQS areas, transportation conformity for TIPs and RTPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA’s nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS for the NP&EDC FFY 2022-2026 Transportation Improvement Program and 2020-2040 Regional Transportation Plans can be demonstrated by showing that remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA’s guidance and addressed below, include:

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal Constraint (93.108)

Latest Planning Assumptions:

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally apply to regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP (See following section on Timely Implementation of TCMs).

Consultation:

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation. Interagency consultation was conducted with FHWA, FTA, US EPA Region 1, MassDEP, and the Massachusetts MPOs on March 6, 2019 to discuss the latest conformity-related

court rulings and resulting federal guidance. Regular and recurring interagency consultations have been held since on an (at least) annual schedule, with the most recent conformity consultation held on January 21, 2021. This ongoing consultation is conducted in accordance with the following:

- Massachusetts' Air Pollution Control Regulations 310 CMR 60.03 "Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 USC or the Federal Transit Act"
- The Commonwealth of Massachusetts Memorandum of Understanding among the Massachusetts Department of Transportation, Massachusetts Department of Environmental Protection, Massachusetts Metropolitan Planning Organizations, and Regional Transit Authorities, titled The Conduct of Air Quality Planning and Coordination for Transportation Conformity (dated September 16, 2019)

Public consultation was conducted consistent with planning rule requirements in 23 CFR 450.

Title 23 CFR Section 450.324 and 310 CMR 60.03(6)(h) requires that the development of the TIP, RTP, and related certification documents provide an adequate opportunity for public review and comment. Section 450.316(b) also establishes the outline for MPO public participation programs. The NP&EDC MPO's Public Participation Plan was formally adopted in 2017. The Public Participation Plan ensures that the public will have access to the TIP and all supporting documentation, provides for public notification of the availability of the TIP and the public's right to review the document and comment thereon, and provides a 21-day public review and comment period prior to the adoption of the TIP and related certification documents.

The public comment period for this conformity determination commenced on **date**, 2021. During the 21-day public comment period, any comments received were incorporated into this Plan. This allowed ample opportunity for public comment and MPO review of the draft document. The public comment period will close on **date**, 2021 and subsequently, the NP&EDC **[is expected to endorse]** this air quality conformity determination before **date**, 2021. These procedures comply with the associated federal requirements.

Timely Implementation of Transportation Control Measures:

Transportation Control Measures (TCMs) have been required in the SIP in revisions submitted to EPA in 1979 and 1982. All SIP TCMs have been accomplished through construction or through implementation of ongoing programs. All of the projects have been included in the Region's Transportation Plan (present or past) as recommended projects or projects requiring further study.

Fiscal Constraint:

Transportation conformity requirements in 40 CFR 93.108 state that TIPs and transportation plans and must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450. The NP&EDC 2022-2026 Transportation Improvement Program and 2020-2040 Regional Transportation Plan are fiscally constrained, as demonstrated in this document.

In summary and based upon the entire process described above, the NP&EDC has prepared this conformity determination for the 1997 Ozone NAAQS in accordance with EPA's and Massachusetts' latest conformity regulations and guidance. This conformity determination process demonstrates that the FFY 2022-2026 Transportation Improvement Program and the 2020-2040 Regional Transportation Plan meet the Clean Air Act and Transportation Conformity Rule requirements for the 1997 Ozone NAAQS, and have been prepared following all the guidelines and requirements of these rules during this time period.

Therefore, the implementation of the NP&EDC FFY 2022-2026 Transportation Improvement Program and the 2020-2040 Regional Transportation Plan are consistent with the air quality goals of, and in conformity with, the Massachusetts State Implementation Plan.

XVI. Appendix

- A: Transportation Project Evaluation Criteria**
- B: Regional Targets**
- C: Written Comments during Public Review Period**

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Appendix A:
Transportation Project Evaluation Criteria

Appendix B:
Regional Targets

Appendix C:

Written Comments Received During Public Review Period

END
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PACKET

APRIL 26, 2021
