

NP&EDC
Approved Minutes (*adopted 12.19.22*)
Monday, October 24, 2022 at 5pm

To view a recording of the meeting, use the link below:
<https://www.youtube.com/watch?v=lrIIInECENnY>

Call to Order:
Chair Longacre called the meeting to order at 5:03pm

Establishment of a Quorum:
In Attendance:

Commission:

Mary Longacre
Barry Rector
Nat Lowell
Bert Johnson
Joseph Topham
Seth Engelbourg
Dave Iverson
Kristie Ferrantella
Wendy Hudson
Dawn Hill Holdgate

Staff:

Andrew Vorce, Director of Planning
Patrick Reed, Transportation Program Manager
Leslie Snell, Deputy Director of Planning
Megan Trudel, Land Use Specialist
Raissah Koume, Regional Planning Coordinator, MassDOT

Approval of Agenda:

Megan Trudel requested that the Commission re-order the agenda so that the Annual Town Meeting Discussion could happen at the end of the meeting.

Bert Johnson moved to re-order agenda and approve as amended. The motion was seconded by Kristie Ferrantella and the motion carried UNANIMOUSLY.

Approval of Minutes

- **August 22, 2022**
- **September 19, 2022**

Barry Rector moved to approve the minutes of the August 22, 2022 NP&EDC meeting. The motion was duly seconded by Seth Engelbourg and the motion carried UNANIMOUSLY.

Mary Longacre mentioned that she spoke with staff about a correction to the minutes, eliminating language under "Other Business". Barry Rector moved to approve the minutes as corrected. The motion was duly seconded by Nat Lowell and the motion carried UNANIMOUSLY.

Public Comments:

None

Action/Discussion Items:**TIP Amendment, NRTA Low Emissions Vehicles, open 21-day comment period**

Patrick Reed, Transportation Program Manager requested that the Commission open the 21-day comment period for an amendment to the TIP. He explained that NRTA was awarded a 4 million dollar grant to purchase new low emission buses and the TIP will need to be amended in order for the project to move forward.

Bert Johnson moved to open the 21-day comment period for the TIP Amendment. The motion was duly seconded by Dawn Hill Holdgate and the motion carried UNANIMOUSLY.

Long Range Transportation Work Plan

Mr. Reed explained that the plan helps to prioritize projects that the Commission would like to see move forward and is a requirement in order to be eligible for certain funding. He suggested that the majority of the projects on the list from 2020 remain with minor updates as may be requested by the Commission. The Commission should consider both current funding and community input. Response data from the public will be submitted to the NP&EDC to assist in decision making. The survey focuses on tradeoffs and preferences instead of specific projects in effort to focus on elements instead of specific projects. Mr. Reed stated the timeline includes presenting survey results to the Commission in February/March, making edits to the list in June/July with approval from the Commission toward the end of summer.

FY23 Unified Planning Work Program Amendment, open 21-day comment period

Mr. Reed stated that the amendment is to adjust the overhead rate. Administrative costs have been rolled in, there was a reduction in direct costs due to a price change in GIS software, and an increase to the Transportation Program Manager salary to reflect the LiUNA schedule now that the position is non-union. The net is a small savings of approximately \$7,000.00.

In addition to the financial adjustments, there are also non financial technical language adjustments to the Livable, Sustainable Complete Streets grant and the Safe Streets and Roads for All grant

The intent of the amendment is administrative to align the funding with future reporting.

Kristie Ferrantella moved to open the 21-day comment period for the FY23 UPWP Amendment. The motion was duly seconded by Dave Iverson and the motion carried UNANIMOUSLY.

Transportation Program Manager Update

Mr. Reed stated that he presented concepts of paid parking to the Select Board including an overview of the decision points to address prior to implementing a paid parking program. The Select Board discussed possibly creating a Parking Commission to provide additional input prior to making a decision.

The students from WPI (Worcester Polytechnic Institute) have arrived and are working with Transportation Planning and PLUS to conduct a study regarding loading and unloading and the current peak demand and think about different options to make loading and unloading more effectient. They will be conducting interviews with stakeholders.

Ongoing Bicycle and Pedestrian Advisory Committee “BPAC” tasks include compiling a list of nuisance stop signs (stop signs on mixed use paths that face the path and are directed at the cyclist/pedestrian). Inventory should be taken and steps will be made for removal. It creates the expectation of motorist that bicyclists and pedestrians will come to a stop for a vehicle, which is not the case and causes confusion. Simultaneously, stop signs and yield signs will be installed in the vehicular way when crossing over the mixed-use path. The

committee is also thinking of approaches for potentially regulating micromobility, while the Town has the legal ability to regulate, the conversation has been focused on enforcement. Mr. Reed will present possible options and decision making framework to the committee at their next meeting.

MassDOT coordination includes the typical 3C coordination, as well as outreach to other communities on how they can utilize 3C funding to set up a logistics framework to complete small projects.

Wauwinet Bike Path is continue to work with Federal Highway with previous FLAP awards, but they cannot begin work until an MOA is executed, looking at public engagement in Spring to keep the project moving forward

“FLAP” Federal Land Access Program Grant, we haven’t yet heard whether or not this will be awarded, which is consistent with other communities that have also applied.

Sparks Avenue, Williams Lane, and Pleasant Street is an existing Complete Streets program dating back to 2020, being led by the DPW in coordination with PLUS and NP&EDC. Working on a new grant request with MassDOT for \$500,000.00 which would assist with sidewalk improvements. Working on a phased approach to this project with sidewalks on Williams Lane, south side of Pleasant Street between the roundabout and five corners, and widening of the existing sidewalk on Sparks Avenue between the roundabout and the rotary as Phase One. Future improvements include a shared path on Sparks Ave.

In Town bike path, looking at re contracting with VHB, there has been may approaches to this path in the past. The current proposed scope would include a bikeable/walkable path connecting Goose Pond Road to the rotary. It will require significant funding with extensive coordinate with utilities, but it’s one of the most travelled areas.

Appointment- Harbor Plan Update Committee (1 NP&EDC Representative)

Seth Engelbourg expressed interest in being the representative.

Wendy Hudson moved to appoint Seth Engelbourg as the NP&EDC representative to the Harbor Plan Update Committee. The motion was duly seconded by Nat Lowell and the motion carried UNANIMOUSLY.

Data Presentation – Gale Bennett, PLUS 2022 Summer Intern

Gale Bennett presented an overview on best practices in data and how that can be implemented on the island. Slides from the presentation are located in the *NP&EDC 10.24.22 Meeting Packet*.

Madaket Area Plan, Bill Grieder (1 NP&EDC Representative)

Bill Grieder, provided the Commission with an update on behalf of the Madaket Area Plan workgroup (he is not a member). The area plan needs be updated to reflect such items as zoning changes, swimming pools, and expansion of the harbor watershed protection district. He explained that the existing make up is diverse with 6 year round residents, 5 seasonal residents, a commercial owner and representatives from the Linda Loring Foundation, the Nantucket Land Council, the Land Bank, a Fisher’s Landing Association members, and the Nantucket Conservation Foundation. All information can be found on the Madaket Conservation Association’s website, <http://www.madaketconservationassociation.org>.

Bert Johnson moved to appoint Joseph Topham as the NP&EDC representative to the Madaket Area Plan workgroup. The motion was duly seconded by Barry Rector and the motion carried UNANIMOUSLY.

Update 2023 Budget

Director Vorce provided the Commission with a verbal update of the annual budget that was submitted. He clarified that there has not been a separate NP&EDC budget for some time, and it's been merged with the PLUS budget. There were a total of four staff related requests and one vehicle related request.

Discussion – PLUS Agreement

Director Vorce explained that the item is on the agenda because of the ongoing discussion surrounding the Historic District Commission and the request from at least one of the members requesting to remove the HDC from that agreement. It's uncertain that the full HDC has taken a vote regarding this request at this time. A Warrant Article may not be necessary because the agreement is between the Select Board and the Commission.

Barry Rector mentioned that at the prior meeting he made a motion to begin dialog between the HDC, the NP&EDC and the Select Board, but that if the HDC does not want to be a part of PLUS we should support and facilities that request. He stated that there have been multiple requests for the HDC Chair to attend the NP&EDC meetings. Additionally, he stated that PLUS has been professionalized in recent years yet has under appreciated staff. There has also been miscommunication regarding Chapter 340 and the conversations taking place have been one sided, charged, and politicized.

Nat Lowell stated that he doesn't agree that HDC should leave PLUS and asked whether anyone has identified an actual problem. He also explained that the staff at PLUS is crossed trained, and that the question should be what works best for Nantucket and who utilizes the services. HDC is so busy because of the nature of what's required to go before the HDC for review. Additionally, if the HDC were to separate from PLUS where would they go, there is limited space available.

Joseph Topham echoed Nat's comments and stated that the request is a knee jerk reaction to the advisory boards. He stated the advisory boards were inconsistent, arbitrary and capricious. Additionally, the HDC staff does a great job and is getting better year after year. He would not support a separation from the PLUS Department.

Dawn Hill Holdgate stated that she is concerned if this were to move forward, that it will create inefficiency for the public. Additionally a problem has not been identified nor has a plan to break away and how that would work with the staff. The HDC should instead streamline their process in which they review applications. It needs to be remembered that everyone is in these positions to serve the community.

Dave Iverson stated this is a knee jerk reaction instead of a thoughtful solution and HDC living outside of the building department would not be a streamlined move and that the only problem that's been verbalized is that people disagree with the disbandment of the advisory boards.

Chair Mary Longacre stated that until there is a specific proposal by the HDC the NP&EDC is not the appropriate body to take the first step, but that she would be concerned if the HDC wanted to remove staff from the PLUS department because that could effect other services.

Bert Johnson echoed Chair Longacre comments stating that if the HDC wants to change they should be formulating their own proposals for change.

John Kitchner, member of the public, stated that he goes to PLUS 6-8 times per year and that the staff all works well with one another to assist with the public's needs.

Billy Cassidy, member of the public, stated that he would like to echo Mr. Kitchner's comments.

Discussion – NP&EDC Enabling Legislation

Chair Longacre explained to the Commission that the intent of the agenda item is to be introduced the history and background so that the Commission can consider if there may be any future changes that would be appropriate to make, but the starting point will not be what was proposed at last years Town Meeting, instead the starting point should be all possibilities open to the Commission considering the needs that all of Nantucket may have.

Director Vorce presented a discussion outline regarding the enabling legislation, discussing points as to how to amend the legislation, reasons why the Commission may consider amending and what areas would be considered to be amended.

****See attached Exhibit A****

Other Committee Updates/Reports

None

Other Business

- Upcoming meeting date:
 - Monday, November 21st at 5pm via Zoom

Adjournment

Moved to adjourn the October 24, 2022 NP&EDC meeting. The motion was duly seconded by and the motion carried UNANIMOUSLY.

Meeting adjourned at 8:03pm

“EXHIBIT A” to the October 24, 2022 NP&EDC Minutes

DRAFT

Discussion Outline RE: Enabling Legislation of NP&EDC

Prepared by Andrew Vorce, Director 10-22-2022

Introduction: 2021 Referral for further study from Town Meeting regarding citizen article.

Proposed Premise: Amending legislation is a major effort and should be carefully considered.

1. Why amend legislation?

- Address a specific problem.
- To “modernize”:
 - Remove outdated practices/language.
 - Remove confusion/provide clarity.
 - Match existing practices.
 - Expand/contract function or duties.

Please provide specifics

- Restructure
 - Improve effectiveness/inclusion or other goals. ***Identify.***

2. Factors influencing “when?”:

- Urgency?
- Priority?
- Timing? What else is being requested?
- Transitions?

3. How?

- Home Rule petition or direct submission?

4. Existing legislation has five sections. Brief and broad compared to others.

Section 1: Name, mission, and composition.

- Name: 9 of 13 use “planning” in title, 2 use “commission” only and 2 are “council of governments”.
- Mission is in special acts or statewide authority for other RPAs. Is ours clear?
 - Clear role and funding for transportation; sometimes for state-wide smart growth; ex. DLTA
 - Issue: Intrusion into jurisdictions of other/competition with municipality-to be avoided?
- Composition must recognize one municipality in region and adjust.
 - Issues? Appointment of At-Large; membership total; regional vs. local perspectives; should composition change?
 - Odd number of members preferred varied between 9 and 12 over time.

Section 2: Responsibilities.

- Plans and retention of “experts”.
 - Comprehensive plans vs. Master Plan-confusion? Duplication?
 - Staff, consultants, advisors?
 - Services provided to municipality.

Section 3: Finance.

- Appropriation by Town.

Section 4: Rules and procedures.

Section 5: Standard date of effect.

Options:

- Do not take action at this time. Study further-incorporate as a goal of Master Plan.
- Consider other proposed amendments at a future time, ie. change in government structure.
- Propose amendments for action now; comprehensive or partial.
- Pursue elimination or consolidation with other RPA (not recommended).

History/Background: In 2023, the Nantucket Planning and Economic Development Commission will have been in existence for 50 years. The original concept was voted at a Special Town Meeting followed by a home-rule petition in 1973. (see Warrant Article 5, 1-25-1973 and MGL, Chapter 561 of the Acts of 1973 (8-2-1973)). As researched, the final adopted language is very similar to the Dukes County Planning and Economic Development Commission (DCPEDC) (MGL, Chapter 690 of the Acts of 1966). At this time there was extensive discussion about development, regional planning and zoning including the so called “Kennedy Bill (Nantucket Sound Islands Trust Bill, c. 1972), concern regarding the remaining areas of Massachusetts placement within regions (including Nantucket) and communities that had not yet adopted local zoning bylaws and other planning tools.

The original legislation has been amended 4 times as follows:

1981: Removed HDC rep and expanded “at large” member from one to three (MGL, Chapter 98 of the Acts of 1981) **9 to 11 members**

1991: Added Housing Authority member (MGL, Chapter 458 of the Acts of 1991) **11 to 12 members**

2011: Authority for regulation adopted related to Ocean Act (MGL, Chapter 114 of the Acts of 2008) regarding regional planning agencies with “regulatory authority.”

2018: Removed “superintendent of the DPW member” **12 to 11 members** (MGL, Chapter 347 of the Acts of 2018)

Also:

NP&EDC is not referenced in Town or County Charters. (MGL, Chapters 289 and 290 of 1996 as amended)

NP&EDC first adopted Bylaws in 2000.