



UPDATED MEETING POSTING

Original Posting Date _July 8, 2022_ Original Posting Number _T 620_
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)

RECEIVED

2022 JUL 11 PM 04:09
NANTUCKET TOWN CLERK
Posting Number:T 629

Committee/Board/s | SELECT BOARD

Day, Date, and Time | WEDNESDAY, JULY 13, 2022 AT 5:30 PM

Location / Address | PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND
REMOTE PARTICIPATION VIA ZOOM WEBINAR

**Signature of Chair or
Authorized Person** | ERIKA MOONEY

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!

UPDATED AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

YOU TUBE LINK FOR VIEWING ONLY:

<https://youtu.be/n0Jj0cPHleU>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_icT631C7SRO4w9Pjtv6pcw

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. 2022 Committee Vacancies.
3. Nantucket Community Association/Nantucket Civic League Annual Forum -
Monday, July 18, 2022, 9:30 AM at PSF Community Room, 4 Fairgrounds Road.
4. Select Board Announcements/Comments.

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

V. PUBLIC COMMENT*

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of July 6, 2022 at 5:30 PM; July 7, 2022 at 9:00 AM.
2. Approval of Payroll Warrants for July 10, 2022.
3. Approval of Treasury Warrants for July 13, 2022.
4. Approval of Pending Contracts.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Resignation Acceptance: Finance Committee.
2. Finance Department: Request for Approval of FY 2022 Year End Budget Transfers.
3. Airport: Request for Select Board Approval of Language Adjustments to Home Rule Petition Approved at 2020 Annual Town Meeting/House Bill #3792.
4. Richmond Great Point Development: Request for Confirmation of Waiver of Sewer Connection Permit Fees for Three (3) Units of 80% AMI (Area Median Income) Restricted Units within Sandpiper Place II off Old South Road:
 - Lot 74, 9 Honeysuckle Drive, Map 68, Parcel 877
 - Lot 77, 10 Indigo Drive, Map 68, Parcel 874
 - Lot 86, 15 Honeysuckle Drive, Map 68, Parcel 864.
5. Request for Approval of Change of Manager Application for Seasonal All-Alcoholic Beverages Hotel License for Andre Associates, LLC dba The Summer House, from Peter G. Karlson, Manager, to Juan Manuel Ponce, Manager, for Premises Located at 1 Magnolia Avenue.
6. Request for Approval of Change of Manager Application for Seasonal All-Alcoholic Beverages Restaurant License for Beachside Associates, LLC dba Summer House Beachside Bistro, from Peter G. Karlson, Manager, to Juan Manuel Ponce, Manager, for Premises Located at 16 Ocean Avenue.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider the Transfer of Private Shellfish Aquaculture Licenses 12 and 12B, each 4 Acres in Size and Located in the Head of the Harbor held by Theodore Lambrecht of 10 Trotter's Lane to Sean Fitzgibbon of 10 Trotter's Lane, Pursuant to MGL Chapter 130, Sections 57, 60 and 65 and with Town of Nantucket Shellfish Regulations Section 5.1.
2. Public Hearing to Consider Adopting Surface Water and Ground Water Protection Regulations.

X. TOWN MANAGER'S REPORT

1. Update on Town-wide PFAS Assessment.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Schedule Special Election to Fill Select Board Vacancy.
2. Continued Discussion on Short-term Rental Work Group Framework.
3. Committee Reports.

XII. ADJOURNMENT

****Identified on Agenda Protocol Sheet***

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
July 13, 2022

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Lease	Town Admin/Select Board	Nantucket Memorial Airport Commission	\$19,154.40; with adjustment every 5 years; plus back rent of \$270,000	Lease for Town-use of portion of Delta property	Town Admin budget; \$270,000 back rent payment will be a deduction from monies owed to the Town by the Airport	June 1, 2021 - May 31, 2031 with renewal terms

Select Board Agenda Protocol:

- **Roberts Rules:** *The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment:** *For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*

Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.

- **New Business:** *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- **Public Participation:** *The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.*
- **Select Board Report and Comment:** *Individual Board Members may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.*

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 2021

Select Board
2022 Committee Vacancy Appointments Timeline
As of 6/30/2022

June 30 – Advertise committee vacancies on Town’s website

July 7 and July 14 – Advertise committee vacancies in the Inky

July 6 and July 13 – Committee vacancies to be added to Select Board agendas as announcement

July 15 at 12:00 PM – Deadline for submitting applications for the following committee vacancies:

- Agricultural Commission – two seats, terms expire 2023
- Agricultural Commission – two seats, terms expire 2025
- Contract Review Subcommittee (Human Services) – one seat, term expires 2025
- Council for Human Services – one seat, term expires 2025
- Finance Committee – one seat, term expires 2025
- Historic District Commission Associate – one seat, term expires 2025
- Tree Advisory Committee – two seats, terms expire 2025
- Zoning Board of Appeals Alternate – one seat, term expires 2025

July 20 and August 3 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

August 17 – Meeting for applicants to introduce themselves and review their applications; committee appointments made.

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
July 13, 2022

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Lease	Town Admin/Select Board	Nantucket Memorial Airport Commission	\$19,154.40; with adjustment every 5 years; plus back rent of \$270,000	Lease for Town-use of portion of Delta property	Town Admin budget; \$270,000 back rent payment will be a deduction from monies owed to the Town by the Airport	June 1, 2021 - May 31, 2031 with renewal terms

Erika Mooney

NANTUCKET
TOWN CLERK

From: GEORGE HARRINGTON <ghack@comcast.net>
Sent: Saturday, July 2, 2022 11:02 AM
To: Erika Mooney
Subject: Re: FinCom resignation?

2022 JUL -5 AM 9: 54

Hello Erika,

My apologies for a poor follow up as to my Fincom resignation. My time on the committee was a positive challenge and a ongoing learning experience.
I do hope to be in a position to support Town Government again in the future.

Sincerely,

George Harrington

On 06/30/2022 12:27 PM Erika Mooney <emooney@nantucket-ma.gov> wrote:

Hi George:

I have heard from Denice that you have verbally resigned from the FinCom. As you are appointed by the Select Board, please send an email (or reply to this one) that you do wish to resign, if that is the case.
Thank you!

Erika

Erika D. Mooney

Operations Administrator

Town of Nantucket

16 Broad Street, Room 113

Nantucket, MA 02554

508-228-7266

This email was scanned by Bitdefender

Finance Committee

Denice Kronau	Chair	2023
Joseph T. Grause, Jr.	Vice Chair	2023
Joanna Roche		2023
George Harrington		2024
Peter A. McEachern		2024
Peter N. Schaeffer		2024
Christopher A. Glowacki		2025
Jill Vieth		2025
VACANT		2025

budgetary transfers from May 1 through July 15, 2022, if approved by the Select Board & Finance Committee.

Approved by Board of Selectmen on _____
Approved by Finance Committee on _____

Authorized under Chapter 44 Section 33B. Allows budgetary transfers from May 1 through July 15, 2022, if approved by the Select Board & Finance Committee.

Approved by Board of Selectmen on _____
Approved by Finance Committee on _____



Agenda Item Summary

Agenda Item #	VIII. 2.
Date	07/13/22

Staff

Nantucket Memorial Airport/Town Administration

Subject

H.3792 "An Act Amending the Charter for the Town of Nantucket"

Executive Summary

The 2020 Annual Town Meeting adopted Article 94 (Home Rule Petition: Town Charter – Select Board Amendment/Airport Capital Projects) in the June 2020 meeting. The HRP was designated H.3792, passed the House, and is under review by the Senate. Senate Counsel has requested a legal review to add the term "Transfer" in two locations as noted. This item has been reviewed by Town and Airport Counsel who take no issue with the proposed revision for clarity. As the review changes the text of the ATM Article, approval of the revision requires Select Board Adoption.

Staff Recommendation

Staff recommend adoption.

Background/Discussion

The following amendment from Senate Counsel requires approval by the SB:

"Mr. Cyr moves to amend the bill in section 2, by striking out, in lines 31 and 32, the words "or borrowing" and inserting in place thereof, in each instance, the following words:- ", borrowing or transfer"."

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

Click or tap here to enter text.

Public Outreach

Click or tap here to enter text.

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)



Click or tap here to enter text

Attachments

ATM HRP original text attached to this ASI.



necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK TO TRANSFER, CONVEY OR OTHERWISE DISPOSE OF PORTIONS OF CERTAIN LANDS SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES TO THE TOWN OF NANTUCKET FOR ROADWAY, BICYCLE, DRAINAGE, UTILITY, AND SIDEWALK PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank may transfer, convey or otherwise dispose of portions of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for roadway, bicycle, drainage, utility, and sidewalk purposes associated with the Milestone Rotary described as follows:

- Tax Assessor's Map 55, Parcel 63 (a portion of) 170 Orange Street;
- Tax Assessor's Map 55, Parcel 64 (a portion of) 174 Orange Street;
- Tax Assessor's Map 55, Parcel 65 (a portion of) 2 Milestone Road;

Any such disposition shall be on such terms and conditions as the Nantucket Islands Land Bank deem appropriate, which may include the reservation of restrictions and easements and the exchange of suitable property from the Town of Nantucket to mitigate the loss of open space land as determined by the Nantucket Islands Land Bank Commissioners, all as shown on a map entitled "2020 Annual Town Meeting Warrant Article 93" dated January 2020 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 94

(Home Rule Petition: Town Charter - Select Board Amendment/Airport Capital Projects)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

SECTION 1. Section 2.1 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended as follows:

1. Striking out the first sentence of the second paragraph said section 2.1 and replacing it with the following:

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select Board, as specified in Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections 2.1(b), 3.3, and 3.6.

2. Striking out section 2.1(b) and replacing it with the following:

To veto any real estate acquisition voted by the Select Board pursuant to Section 3.3 or any vote regarding funding of capital projects at the Nantucket Airport pursuant to Section 3.6; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Select Board within the time permitted for inclusion of the article in the next Annual Town Meeting or Special Town Meeting warrant. The Select Board or the Nantucket Airport Commission, as applicable may proceed with the real estate acquisition or use of funding of capital projects to benefit the Airport unless a petition to veto such acquisition or funding is filed with the Town Clerk within 15 days of the public notice provided for Section 3.6 of this Charter.

SECTION 2. Section 3.1 of article III of said charter is hereby amended by adding a new section 3.6 as follows:

Section 3.6 Funding for the Benefit of the Nantucket Airport

At the request of the Nantucket Airport Commission, the Select Board may, notwithstanding any law to the contrary, vote to appropriate, borrow or transfer from available funds any sum of money to be placed in the Airport enterprise fund, or any other fund established for the benefit of Nantucket Airport, in order to permit the Nantucket Airport Commission or the Nantucket Airport to qualify for available grants and loans; provided that the amount of such appropriation or borrowing shall not exceed the total cost of the Capital Project for which the appropriation or borrowing is authorized pursuant to Section 2.1(b) of this Charter; and provided further that any amount authorized to be appropriated, borrowed or transferred by the Select Board shall, subject to any applicable grant or loan requirements and applicable laws, be reduced by the amount of any such grant or loan funds received prior to the issuance of bonds or notes or the expenditure of funds by the Nantucket Airport Commission.

The Select Board shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such vote shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 15 days following the date such public notice is published.

Nothing in this section of the Charter shall affect the acceptance of gifts pursuant to Chapter 44, Section 53A of the General Laws.

(Select Board for Nantucket Memorial Airport Commission)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

SECTION 1. Section 2.1 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended as follows:

3. Striking out the first sentence of the second paragraph said section 2.1 and replacing it with the following:

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select Board, as specified in Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections 2.1(b), 3.3, and 3.6.

4. Striking out section 2.1(b) and replacing it with the following:

To veto any real estate acquisition voted by the Select Board pursuant to Section 3.3 or any vote regarding funding of capital projects at the Nantucket Airport pursuant to Section 3.6; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Select Board within the time permitted for inclusion of the article in the next Annual Town Meeting or Special Town Meeting warrant. The Select Board or the Nantucket Airport Commission, as applicable may proceed with the real estate acquisition or use of funding of capital projects to benefit the Airport unless a petition to veto such acquisition or funding is filed with the Town Clerk within 15 days of the public notice provided for Section 3.6 of this Charter.

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The Select Board shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such vote shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 15 days following the date such public notice is published.

Nothing in this section of the Charter shall affect the acceptance of gifts pursuant to Chapter 44, Section 53A of the General Laws.

ARTICLE 95

(Home Rule Petition: Real Estate Easement Conveyance - Candle House Lane)

To see if the Town will vote to authorize the Nantucket Islands Land Bank to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the easement conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by the Nantucket Islands Land Bank for open space purposes, as described in more detail below and as shown on a map entitled "2020 Annual Town Meeting Warrant Article 95" dated January 2020 and filed with the Office of the Town Clerk, to the Town of Nantucket for drainage purposes, provided, however, that the General Court may with the approval of the Nantucket Islands Land Bank, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK TO CONVEY DRAINAGE EASEMENTS OF PORTIONS OF CERTAIN LANDS SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES TO THE TOWN OF NANTUCKET FOR UNDERGROUND DRAINAGE PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or



Agenda Item Summary

Agenda Item #	VIII. 3.
Date	July 13, 2022

Staff

Tucker Holland, Housing Director

Subject

Request for sewer fee waivers for three 80% AMI homeownership units within Sandpiper II component of Richmond Development – 9 Honeysuckle Drive, 10 Indigo Drive, and 25 Honeysuckle Drive

Executive Summary

Nantucket Property Owner LLC is preparing to develop the first three of the 80% AMI affordably restricted homeownership site it acquired from The Richmond Development Group in conjunction with additional market rate lots, and accordingly is seeking a Sewer Fee Waiver for each of the restricted lots. All of these units will count on the SHI and will contribute toward a new period of Safe Harbor

Staff Recommendation

Consistent with the Board's Sewer Fee Waiver policy, with the 2015 and 2019 MOA's with Richmond, and with past practice, recommend approval.

Background/Discussion

The three properties are specifically, Lot 74, 9 Honeysuckle Drive, Map 68 Parcel 877; Lot 77, 10 Indigo Drive Map 68 Parcel 874; and Lot 86, 15 Honeysuckle Drive Map 68 Parcel 864.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

Click or tap here to enter text.

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Click or tap here to enter text

Attachments

Letter request from Linda Williams on behalf of the Developer.



Ken Beaugrand

From: Tucker Holland
Sent: Thursday, July 7, 2022 9:01 AM
To: Ken Beaugrand
Subject: Fwd: SEWER WAIVERS

E-mail from Linda on behalf of NPO, LLC.

Tucker Holland
Municipal Housing Director

Town of Nantucket
16 Broad Street — Office 111
Nantucket, MA 02554
p: (508) 325-7587 ext. 7023
e: tholland@nantucket-ma.gov
c: 802-233-3177

Sent from my iPad

Begin forwarded message:

↓
From: Linda Williams <czarinalinda@comcast.net>
Date: June 20, 2022 at 6:41:56 PM GMT
To: Tucker Holland <tholland@nantucket-ma.gov>
Subject: SEWER WAIVERS

To whom it may concern;

Sandpiper II development is seeking sewer waivers of both fees associated with the three 80% covenant lots in our first phase of construction of 13 units. The three lots all contain single-family dwellings as approved by DHCD. The lots are as follows:

Lot 74 9 Honeysuckle Drive Map 68, Parcel 877

Lot 77 10 Indigo Drive Map 68, Parcel 874

Lot 86 15 Honeysuckle Drive Map 68, Parcel 864

Please let me know if you need any further information.

↑
Thank you, Linda Williams, Project Consultant 508-221-0432



TOWN & COUNTY OF NANTUCKET
SELECT BOARD
POLICY FOR SEWER FEE WAIVER REQUESTS
Adopted: 07/20/2016; Revised 10/24/2018, 12/03/2020

I. Policy.

The Select Board, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with Chapter 38, Article III, section 38-3B of the Code of the Town of Nantucket, has the authority to waive any town fee or charge, upon a determination that the public interest so requires.

The Select Board hereby determines that it is in the public interest to encourage the production of affordable housing, including workforce housing units for the Island's working population. Therefore, the Select Board will consider, on a case-by-case basis, waivers of one or both of the Town's fees relating to the connection of dwelling units that are located in an existing Sewer District as established under Chapter 396 of the Acts of 2008.

II. Sewer Connection and Sewer Capacity Fee Waivers.

The Select Board may, at its discretion, waive the sewer connection fee or the Sewer Capacity Fee upon the request of a property owner, developer, or public entity seeking to connect one or more dwelling units to the Town's sewer system if such unit or units are bound by a permanent affordable housing deed restriction in a form acceptable to the Town and enforceable by the Town, and provided that the dwelling unit or units are part of a project where a minimum of 25% of the units are eligible for inclusion on the Town's Subsidized Housing Inventory ("SHI") as maintained by DHCD or any successor agency and provided that the developer and/or unit owner shall cooperate fully with the Town in obtaining SHI status for the eligible unit or units by timely providing all required documentation and notifying the Town Manager when a building permit issues and when an occupancy permit issues.

In the case where less than all of the units in the project are income-restricted, the Select Board may waive up to 100% of both sewer fees where the unit is restricted at 80% AMI or less, up to 75% of both fees where the unit is restricted between 81% and 100% AMI, and up to 50% of both fees where the unit is restricted between 101% AMI and 150% AMI. In the case where all of the units in a project are income-restricted, 100% of both sewer fees may be waived as long as a minimum of 25% of the total number of units are SHI-eligible. In exercising its discretion, in applying the policy, the Select Board may consider the total value of Town subsidies for the project, including closing cost assistance, direct grants, land contribution by the Town, other fee waivers, and market rate sales in the project.

In the case of dwelling units that are subject to a permanent affordable housing covenant meeting the requirements of Chapter 301 of the Acts of 2002, and Chapter 100 of the Code of Nantucket, the Select Board may, in its discretion, waive all or a portion of the sewer connection fee.



Agenda Item Summary

Agenda Item #	Click or tap here to enter text.
Date	Click or tap here to enter text.

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – **Andre Associates, LLC, dba The Summer House, 1 Magnolia Ave. Siasconset, MA 02564 License # 00179-HT-0762**

Executive Summary

Andre Associates, LLC is requesting a Change of Manager for **Seasonal Innholder, All Alcohol Liquor** for **DBA The Summer House at 1 Magnolia Ave. Siasconset, MA 02564.**

The change will replace the current listed manager, **Peter Karlson**, with Juan **Manuel Ponce**.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. An amended License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

Per Chapter 250, Town of Nantucket, Rules and Regulations Governing Alcoholic Beverages:

The Board regards the manager of licensed premises as the principal representative of the licensee and, as such, having full authority and control of the licensed premises and of the conduct of all business taking place therein relative to alcoholic beverages, as referred to in Chapter 138 and the Regulations. The manager of the licensed premises must be a full-time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed premises, and must be a qualified seller or server of alcoholic beverages.

Requirements for Change of Manager Application:

- ABCC Manager Application
- Fingerprints through NPD
- CORI Authorization



- Vote of the Entity
- Proof of Citizenship (Manager must be U.S. citizen)
- Alcohol Servers Training Certificate (TIPs or similar approved MA certification)

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

Click or tap here to enter text.

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Click or tap here to enter text

Attachments

Change of Manager Application; Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00179-HT-0762

ABCC License Number

Nantucket

City/Town

06/24/2022

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|--|---|---|
| ☐ New License | ☐ Change Corporate Name | ☐ Pledge of Collateral (i.e. License/Stock) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Change of DBA | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change of Hours |
| ☒ Change of Manager | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Issuance/Transfer of Stock/New Stockholder |
| ☐ Change of Beneficial Interest | ☐ Change of Location | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Andre Associates, LLC

D/B/A The Summer House

ADDRESS: 1 Magnolia Avenue

CITY/TOWN: Siasconset

STATE

MA

ZIP CODE 02564

Manager Juan Manuel Ponce

Granted under Special Legislation? Yes ☐ No ☒

If Yes, Chapter _____
of the Acts of (year) _____

\$12 Hotel

Type

(i.e. restaurant, package store)

Seasonal

Class

(Annual or Seasonal)

All Alcoholic Beverages

Category

(i.e. Wines and Malts / All Alcohol)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority:

Approves this Application

Please indicate what days and hours
the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is
downgrading the License
Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area
Total Square Footage

Seating Capacity

Indoor Area
Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☐ No ☒

Date of Abutter
Notification

Date of
Advertisement

Please add any
additional remarks or
conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

07/20/2022

Date APPROVED by LLA



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☐ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Andre Associates, LLC	NANTUCKET	00179-HT-0762

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Danielle E. deBenedictis	LLC Manager/Owner	ddeb95@aol.com	617-650-6383

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	Juan Manuel Ponce	Date of Birth	[REDACTED]	SSN	[REDACTED]
Residential Address	[REDACTED]				
Email	Ponce3574@yahoo.com	Phone	561-972-0106		
Please indicate how many hours per week you intend to be on the licensed premises	75	Last-Approved License Manager	Peter G. Karlson		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ☒ Yes ☐ No *Manager must be U.S. citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
05/2010	present	Restaurant Manager (seasonal)	The Summer House	Peter G. Karlson
01/2015	05/2020	Waiter (seasonal)	Rachels	Alex Gonzalez

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature

[Signature]

Date

05/15/2022



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: **ABCC PAYMENT WEBSITE**

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY) 00179-HT-0762

ENTITY/ LICENSEE NAME Andre Associates, LLC

ADDRESS 17 Ocean Avenue

CITY/TOWN Nantucket STATE MA ZIP CODE 02564

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☒ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | | ☐ Other | ☐ Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

APPLICANT'S STATEMENT

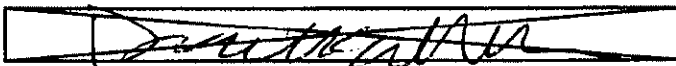
I, Danielle E. deBenedictis the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Andre Associates, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

5/16/2022

Title:

LLC Manager/Owner

ENTITY VOTE

The Board of Directors or LLC Managers of ANDRE ASSOCIATES, LLC
Entity Name
duly voted to apply to the Licensing Authority of NANTUCKET and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 05/01/2022
Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize DANIELLE E. DEBENEDICTIS
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint JUAN MANUEL PONCE
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer /LLC Manager Signature

DANIELLE E. DEBENEDICTIS
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

LICENSE #: 00179-HT-0762

LICENSE FEE: \$2,900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL INNHOLDER LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES
TO BE CONSUMED ON THE PREMISES

BUSINESS: Andre Associates, LLC
DBA: THE SUMMER HOUSE
PREMISES: 1 Magnolia Ave.
Nantucket, MA 02554
MANAGER: Pending ABCC Approval

ON PREMISES DESCRIBED AS:

Three Floors. Three Sitting Rooms, Porch, Cocktail Lounge,
Bar. Twenty-three Cottages.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

Conditions of License: (per Board of Selectmen 11/14/01)

1. Alcoholic beverage service on restaurant porch to be served only ancillary with food.
2. Service on the porch to end at 11:00 pm and porch to be evacuated by 11:30 pm.
3. No alcoholic beverage service to public on lawn in front of restaurant.
4. Alcohol beverage service on lawn limited to six (6) private daytime functions to end at 6:00 pm.
5. There shall be a parking attendant on Ocean Avenue Thursday through Sunday in July and August. The area in front of Ocean Avenue, including that affected by The Summer House parking, shall remain passable for rescue and emergency vehicles.
6. Trash to be removed daily.
7. The Summer House shall engage an off-duty Nantucket Police Officer to be present during all such evening functions for

IN TESTIMONY WHEREOF, the undersigned have
hereunto affixed his official signature on this 15th day
of March 2022.

This license is granted and accepted upon the express
condition that the licensee shall, in all respects, conform to
all the provisions of the Liquor Control Act, Chapter 138
of the Massachusetts General Laws, as amended and any
rules or regulations made thereunder by the licensing
authorities, including, but not limited to Chapter 250 of
the Town of Nantucket Rules and Regulations Governing
Alcoholic Beverages.



Jason Bridges
Chair, Select Board

THIS LICENSE IS VALID APRIL 1, 2022 - JANUARY 15, 2023

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.



Agenda Item Summary

Agenda Item #	Click or tap here to enter text.
Date	Click or tap here to enter text.

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – ***Beachside Associates, LLC dba Summer House Beachside Bistro, 16 ocean Ave. Siasconset, MA 02564 License # 00144-RS-0762***

Executive Summary

Beachside Associates, LLC is requesting a Change of Manager for **Seasonal Restaurant All Alcohol** Liquor, for **DBA Summer House Beachside Bistro, 16 Ocean Ave. Siasconset, MA 02564**.

The change will replace the current listed manager, **Peter Karlson, with Juan Manuel Ponce**.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. An amended License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

Per Chapter 250, Town of Nantucket, Rules and Regulations Governing Alcoholic Beverages:

The Board regards the manager of licensed premises as the principal representative of the licensee and, as such, having full authority and control of the licensed premises and of the conduct of all business taking place therein relative to alcoholic beverages, as referred to in Chapter 138 and the Regulations. The manager of the licensed premises must be a full-time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed premises, and must be a qualified seller or server of alcoholic beverages.

Requirements for Change of Manager Application:

- ABCC Manager Application
- Fingerprints through NPD
- CORI Authorization
- Vote of the Entity
- Proof of Citizenship (Manager must be U.S. citizen)



- Alcohol Servers Training Certificate (TIPs or similar approved MA certification)

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

Click or tap here to enter text.

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Click or tap here to enter text

Attachments

Change of Manager Application; Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00144-RS-0762

ABCC License Number

Nantucket

City/Town

06/24/2022

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|--|---|---|
| ☐ New License | ☐ Change Corporate Name | ☐ Pledge of Collateral (i.e. License/Stock) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Change of DBA | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change of Hours |
| ☒ Change of Manager | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Issuance/Transfer of Stock/New Stockholder |
| ☐ Change of Beneficial Interest | ☐ Change of Location | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Beachside Associates, LLC

D/B/A Summer House Beachside Bistro

ADDRESS: 16 Ocean Avenue

CITY/TOWN: Siasconset

STATE: MA

ZIP CODE: 02564

Manager: Juan Manuel Ponce

\$12 Restaurant

Type
(i.e. restaurant, package store)

Seasonal

Class
(Annual or Seasonal)

All Alcoholic Beverages

Category
(i.e. Wines and Malts / All Alcohol)

Granted under Special Legislation? Yes ☐ No ☒

If Yes, Chapter _____
of the Acts of (year) _____

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application

Please indicate what days and hours the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area
Total Square Footage

Seating Capacity

Indoor Area
Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☐ No ☒

Date of Abutter Notification

Date of Advertisement

Please add any additional remarks or conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

07/13/2022

Date APPROVED by LLA



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
BEACHSIDE ASSOCIATES, LLC	NANTUCKET	00144RS0762

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Danielle E. deBenedictis	LLC MANAGER/OWNER	ddeb95@aol.com	617-650-6383

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	JUAN MANUEL PONCE	Date of Birth	[REDACTED]	SSN	[REDACTED]
Residential Address	[REDACTED]				
Email	PONCE3574@YAHOO.COM	Phone	561-972-0106		
Please indicate how many hours per week you intend to be on the licensed premises	75	Last-Approved License Manager	PETER G. KARLSON		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? ☒ Yes ☐ No *Manager must be U.S. citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
05/2010	present	Restaurant Manager	THE SUMMER HOUSE	PETER G. KARLSON
01/2015	05/2020	Waiter	Rachel's	Alex Gonzalez

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date 5/15/2022



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☒ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other <input type="text"/> | | ☐ Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

APPLICANT'S STATEMENT

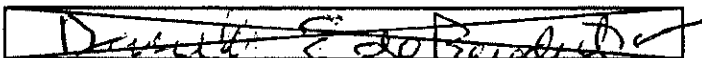
I, Danielle E. deBenedictis the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Beachside Associates, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

5/16/2022

Title:

LLC Manager/Owner

ENTITY VOTE

The Board of Directors or LLC Managers of BEACHSIDE ASSOCIATES, LLC
Entity Name

duly voted to apply to the Licensing Authority of NANTUCKET and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 05/01/2022
Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize

DANIELLE E. DEBENEDICTIS

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

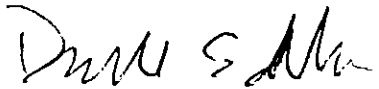
"VOTED: To appoint

JUAN MANUEL PONCE

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

DANIELLE E. DEBENEDICTIS
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

LICENSE #: 00144-RS-0762

LICENSE FEE: \$2,900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Beachside Associates, LLC

DBA: SUMMER HOUSE
BEACHSIDE BISTRO

PREMISES: 16 Ocean Ave.
Siasconset, MA 02564

MANAGER: Pending ABCC Approval

ON PREMISES DESCRIBED AS:

One-Story Frame Building. Two Rooms, Pool,
Patio.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto and subject to the following restrictions per the Board of Selectmen effective February 6, 2002:

1. Amplified music during evening functions (such as wedding receptions) shall not be played after 10:00PM and is to be kept within a reasonable decibel level. Such functions to conclude no later than 11 :00PM.
2. The Summer House Beachside Bistro shall engage an off-duty Nantucket Police Officer to be present during all such evening functions for the purpose of general supervision as well as to limit the noise level.
3. Recorded music (CO's or Tapes) played at the pool bar area shall at all times be limited to noise levels as to not exceed the maximum decibel level allowed by the Nantucket Noise Bylaw. No recorded music shall be played after 8:00PM, unless it is for one of the permitted functions.
4. All food and alcohol service to cease at 8:00PM.
5. The number of evening functions with amplified music during the months of June and September will not exceed eight (8) and the months of July and August will be limited to a maximum of four (4) functions. As a courtesy, Counsel for the residents will be given

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of March 2022.



Jason Bridges
Chair. Select Board

THIS LICENSE IS VALID BEGINNING APRIL 1, 2022



Agenda Item Summary

Agenda Item #	IX. 1.
Date	July 13, 2022

Staff

Jeff Carlson, Natural Resources Director

Subject

Aquaculture License Transfer Request – Theodore Lambrecht to Sean Fitzgibbon

Executive Summary

Based on the recommendation of the Select Board to transfer his existing aquaculture licenses or face revocation Mr. Lambrecht and Mr. Fitzgibbon have requested that the two licenses in question be transferred to Mr. Fitzgibbon.

Staff Recommendation

Staff is recommending the transfer be approved with Mr. Fitzgibbon aware that he assumes all responsibility for any gear remaining on those lease areas. Staff recommends maintaining the lease expiration date of May 1, 2025 with regular reporting from Mr. Fitzgibbon as to his progress on his leases. This three year period shall give a window to ensure that the lease is being properly worked before being eligible for any further renewal.

Background/Discussion

See attached documents on the revocation hearing for Mr. Lambrecht.

Impact: Environmental ☒ Fiscal ☐ Community ☐ Other ☐

Leases had not been worked in over three years and were not in compliance with the Town of Nantucket Shellfish Regulations.

Board/Commission Recommendation

This had been to SHAB who had originally supported the revocation and sent a letter to the Board detailing their reasoning. The decision to allow the transfer prior to revocation had been discussed during the Select Board hearing process.

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A



Attachments

Click or tap here to enter text



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JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



December 1, 2021

To: Select Board

From: Jeff Carlson, Natural Resources Director

Re: Theodore Lambrecht – Revocation Request for a Private Aquaculture Lease

Please find an update since the September 8, 2021 public hearing and summary of events related to the private aquaculture leases held by Theodore Lambrecht. The initial grounds for revocation are documented in the attached letters from previous hearings. This is a process that was originally initiated in June of 2020 and included significant review from the Harbor and Shellfish Advisory Board who voted to support the revocation of these licenses. This recommendation came after granting Mr. Lambrecht from September 15, 2020 until April 15, 2021 to work toward compliance including a goal of getting a vessel seaworthy to work on his leases. This was a period of 212 days to which progress was not significantly met.

The Select Board first heard this matter on May 12, 2021. Since that time Mr. Lambrecht has had shellfish confiscated twice as directed by the Massachusetts Division of Marine Fisheries for improper handling of shellfish. The first confiscation was on July 16, 2021 and was discussed at the September 8 public hearing of this revocation request. The motion made by the Board at that time was as follows “to continue the public hearing for 90 days to December 8, 2021 and to include that all gear on the bottom is to be up within 90 days and there shall be no handling issues and if handling issues do occur it shall result in automatic revocation.” On November 10, 2021 the Shellfish Warden found five of bags of oysters being improperly stored within Polpis Harbor. The formal report and photos are attached, but the result was confiscation of five bags of oysters. The Natural Resources Department believes that this meets the requirement for revocation as it was an additional handling issue since the September 8, 2021 hearing. This mishandling of shellfish is of critical concern as consumption of contaminated shellfish or shellfish not properly stored and fostering potential bacterial growth and cause significant illness in people and can cause significant harm to the aquaculture business on Nantucket in general.

Summary Timeline:

2015 – Last documented use of the lease by the Natural Resources Department

April 21, 2020 – Certified Letter to Mr. Lambrecht documenting potential grounds for revocation primarily citing lack of use and failure to meet minimum levels of production as no reports had been filed documenting use since 2015 and physical inspection of the leases showed gear in poor repair with significant growth from lack of use.

June 30, 2020 – First Issuance of Potential Revocation Letter and scheduling a discussion with the Harbor and Shellfish Advisory Board (HSAB)

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2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



September 15, 2020 – HSAB discusses the potential revocation with Mr. Lambrecht and NRD staff, setting clear goals and objectives to try and get the leases back into compliance

April 15, 2021 – deadline set by SHAB to have made significant progress to be back in compliance

April 20, 2021 – HSAB votes unanimously to support the revocation of the licenses and start the public hearing process with the Select Board.

May 12, 2021 – First public hearing with Select Board extension granted until July 7, 2021

July 7, 2021 – Second Hearing with Select Board extension granted until September 8, 2021

July 16, 2021 – First confiscation of shellfish as required by the Division of Marine Fisheries for improper handling and storage.

September 8, 2021 – Third public hearing with the Select Board extension granted until December 8, 2021

November 10, 2021 – Second confiscation of shellfish as required by the Division of Marine Fisheries for improper handling and storage.

This is a process that was initiated 596 days prior to the December 8, 2021 hearing. HSAB granted Mr. Lambrecht permission to be working on the lease since September 15, 2020 which is 449 days to this hearing date. Given the fact that this process was started from inactivity from 2016 until 2021 Mr. Lambrecht has had significant time to work the lease to attempt to meet the minimum levels of production required by the lease agreement and by the Town of Nantucket Shellfish Regulations. The years of inactivity and the difficulty in trying to get a site back to compliance are of great concern to the Natural Resources Department. Of equal or greater concern is that since work has been occurring on the leases that there have been two required confiscations of shellfish. These two issues when coupled together requires the Natural Resources Department to request revocation of these Private Aquaculture Leases. Should these leases be revoked the Natural Resources Department would request that a clear timeframe be set to remove all gear from the site and should that timeframe not be met that NRD is authorized to hire a third party to remove the gear from the leases and that cost be paid by Mr. Lambrecht.

The Natural Resources Department thanks you for all of your time spent on this matter.

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JC JOHNSEN, SHELLFISH CONSTABLE
131 PLEASANT STREET
NANTUCKET, MA 02554

JCJOHNSEN@NANTUCKET-MA.GOV
508-228-7230



11/10/2021

To: Jeff Carlson, Natural Resources Director
From: JC Johnsen, Shellfish Constable

RE: Ted Lambrecht – Improper Handling of Shellfish

On November 10, 2021 at 7:30am I arrived at Polpis Harbor to find five of Ted Lambrecht's bags of oysters in the water and two of the bags were open. I removed the bags of oysters from the water and contacted Chrissy Petitpas and Gabe Lundgren of the Division of Marine fisheries to see if Mr. Lambrecht could store shellfish in Polpis Harbor. Mr. Lundgren informed me that Mr. Lambrecht was only allowed to transport his oysters from the head of the harbor to 4 Trotters Lane which is his residence. On July 16, 2020 when Mr. Lambrecht had his oysters confiscated from out of his boat in Polpis Harbor he was informed that he was not allowed to store shellfish anywhere other than his lease site in the head of the harbor. Mr. Lambrecht called me at around 10:30am on November 10, 2021 asking me if I had confiscated his oysters I explained to him that he wasn't allowed to store any oysters anywhere other than his oyster lease or 4 Trotters Lane. Mr. Lambrecht said he had stored a lot of bags there the night before and I asked how many bags he left. Mr. Lambrecht informed me that he had left six bags I said there was only five bags there and if there is a bag missing that is a problem because if someone eats his oysters they could possibly get very sick. Mr. Lambrecht said he would look around to see if he could find anymore bags. Mr. Lambrecht asked who he could contact about this. I told Mr. Lambrecht that Chrissy Petitpas from the Division of Marine Fisheries is the best person to contact. Mrs. Petitpas contacted me soon after talking to Mr. Lambrecht and explained by no means is Mr. Lambrecht allowed to store shellfish anywhere other than his lease site and is only allowed to transport oysters to 4 Trotters Lane to cull thru and bring back to his oyster site. Mrs. Petitpas explained this to Mr. Lambrecht when he applied for his off-site culling permit. Mrs. Petitpas said that Mr. Lambrecht told her he was only bringing dead shell to his house to put in his driveway and from the pictures of the bags I sent her it looked like live oysters and not dead shell and she also had explained that to Mr. Lambrecht. The oysters and bags were brought to the dump and destroyed.

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131 PLEASANT STREET
NANTUCKET, MA 02554

JCJOHNSEN@NANTUCKET-MA.GOV
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Bags of Improperly Stored Oysters Confiscated from Polpis Harbor
11-10-2021

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JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



August 24, 2021

Theodore Lambrecht
PO Box 3319
Nantucket, MA 02584

Dear Mr. Lambrecht:

Following the Select Board meetings of May 12, 2021 and July 7, 2021 when your continued non-compliance with Town regulations and requirements associated with the private aquaculture licenses held by you was considered, the Natural Resources Department has again reviewed the status of compliance and makes the findings as described below.

In reviewing your private shellfish aquaculture licenses (license number 12, issued on January 22, 2015 and license 12b issued May 1, 2015) issued by the Town of Nantucket and pursuant to the Town of Nantucket Shellfish Regulations adopted on March 4, 2015 and amended April 20, 2016 the Natural Resources Department (NRD) has found a number of requirements with which you are not in compliance, necessitating the need to pursue revocation of the licenses as follows:

In accordance with Section 5, Additional Conditions, paragraph (g) of your license:

"This license may be terminated by the town upon its reasonable determination that:

- (i) *The Licensee has failed to make substantial use of the License Granted hereby constituting an abandonment of the license; or*
- (ii) *The Licensee has failed to cure a breach of any of the terms and conditions of this License promptly after written notice thereof."*

After evaluating the information that you provided in writing on June 10, 2020 the Natural Resources Department finds that you have not made substantial use of the license as required; therefore, the license requires revocation pursuant to the regulations and terms described below.

Section 5.16 - Minimum Levels Production

There shall be minimum level of shellfish production required in order to retain an aquaculture license. This shall be: a minimum inventory maintained of 10,000 shellfish per acre. These standards are subject for review by the Select Board or its designee and may be amended.

There is no documentation on file demonstrating your compliance with this condition and based upon physical inspection of the license areas over the past three consecutive seasons the Natural Resources Department, again, finds that you are not in compliance with this regulation.

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Section 5.17 - Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the forfeit of the aquaculture license and licensed area, as stated in MGL Chapter 130; Section 65.

Again, there is no documentation on file demonstrating compliance with this condition and based upon physical inspection of the license areas over the past three consecutive seasons the Natural Resources Department finds that you are not in compliance with this regulation.

Matters of non-compliance relating to the Private Shellfish Aquaculture License:

Section 5, Additional Conditions, paragraph (b). *"The Licensee shall submit to the Department reports of its activities including the total number of bushels of each type of shellfish planted, produced or marketed in or from the Licensed Area along with an estimate of the total number of bushels of each type of shellfish planted or growing thereon along with such information as the Department shall request. The reports shall be filed in writing and shall be submitted quarterly within 30 days after the end of each calendar quarter. The filing of such reports shall constitute the Licensee's representation and warranty that the information contained therein is true and correct."*

The Natural Resources Department has not received any reports from you since 2015. The failure to provide these reports further demonstrates that the license is being substantially used as required.

Section 6, Insurance. *"The Licensee, its contractors, agents, representatives, shall maintain sufficient public liability insurance, with coverage for bodily injury, wrongful death, and property damage in amounts reasonable satisfactory to the Town but not less than \$1,000,000 per occurrence and \$3,000,000 cumulative. The licensee shall provide such other insurance coverage as the Town may reasonably require in connection herewith. The Licensee shall provide the Town with a certificate of such public liability insurance annually. The Licensee's contractors, agents and representatives shall supply bonding certificates for any construction or rehabilitation contemplated hereby showing compliance with foregoing provisions and/or the provisions of all construction contracts associated with this project."*

You have not provided current proof of insurance since 2015. This time period is the entire length of the license.

Section 8, Conduct, paragraph (c). *"Licensee shall observe and obey directives from the Marine Superintendent and or other authorized representatives of the Town with respect to all applicable laws, statutes, ordinances, regulations and permitting of the License."*

You are not in compliance with the license or the guidelines noted in the license (attached) by failing to meet the above listed requirements.

This letter is intended to serve as formal written notice that you are not in compliance with the terms of the license and regulations, and that you have failed to substantially make use of the license as granted

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NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
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by the license. The Natural Resources Department will be seeking revocation of these licenses at the September 8, 2021 meeting of the Select Board. If you wish to forfeit the licenses prior to that time, please do so in writing and the need for public meetings will not be necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Carlson", with a long horizontal flourish extending to the right.

Jeff Carlson
Natural Resources Director

GUIDELINES FOR LEASE OF BOTTOM LAND FOR AQUACULTURE

Purpose: The purpose of the lease is to provide the lease holder with the exclusive rights to plant, grow, dig and harvest shellfish by the appropriate means within the leased area subject to the conditions herein and further subject to all applicable federal, state, and municipal laws, regulations, and ordinances.

1. The term of the lease (initial) is to be for three (3) years (or as mandated by the State), and will be renewable upon review of the Marine & Coastal Resources Department.
2. The site of lease is to be chosen from areas qualified by the State and Marine & Coastal Resources Dept. for commercial aquaculture.
3. The size of each lease site shall be a minimum of two (2) acres and a maximum of ten (10) acres based on the lease holder's demonstrated needs. Lease holders will be allowed to lease only one site the first year. Additional sites in succeeding years will be allotted upon review of the Marine & Coastal Resources Department.
4. The applicant for the lease shall submit a written shellfish production plan along with the lease application including: acreage requested, shellfish cultivation method, type of equipment deployed on lease, amount of seed purchased for cultivation for year 1, and a grow-out density plan.
5. Applicant should also include a list of qualifications for shellfish cultivation for the Marine Department to review to determine if the applicant can provide the best "use" of the requested aquaculture lease. Selections will be awarded to the most qualified applicant.
6. The lease holder agrees to actively work the lease site. If, at any time, it is determined that the lease holder is not actively working the site, the lease may be revoked and the lease holder will promptly remove all equipment and vacate the site.
7. It will be the responsibility of the lease holder to maintain the lease site in a neat and environmentally responsible manner. In addition, it will be the responsibility of the lease holder to plainly mark the area in accordance with any other stipulations set forth by the Marine & Coastal Resources Department.
8. The lease holder will make the site available to the Town, or its designee, for the purpose of determining activity at the site and its impact on the surrounding areas.

9. The lease holder will provide the Marine & Coastal Resources Department with quarterly reports of its activities including the number of bushels of each type of shellfish planted, produced, and marketed along with an estimate of the remaining number of shellfish still growing at the site and shall include accounts of predators (species, quantity, size). These reports shall be filed within 30 days of the end of each quarter, beginning on January 1.

10. The lease is not transferable.

11. The lease holder will be required to meet the same residency requirements as those required for a commercial shellfish license, not limited to maintaining a domicile and providing visual certification and verification of all seed to be grown on the site. Verification will also be made by the State Division of Marine Fisheries.

12. The lease holder will provide the town with certificates of insurance against environmental damage and general liability in the amount of One Million (\$1,000,000) dollars.

13. The lease holder will pay to the Town an annual fee per acre (or part thereof) due and payable upon the date of the commencement of the lease and on each anniversary thereof. The fee shall be as set by the Board of Selectmen, but will not exceed the maximum allowed by the State. This fee will be adjusted on an annual basis to reflect changes in the statute. All fees and monies from this lease will accrue to the Town's Shellfish Propagation Fund. In addition, the lease holder will be required to provide the Town, as an amendment to the original lease, agreed to in writing, shellfish seed or services for the purposes of augmenting the Town's propagation programs.

14. All stipulations of this lease will be subject to review and amendment by the Board of Selectmen at the time of renewal.

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JC JOHNSEN, SHELLFISH CONSTABLE
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCJOHNSEN@NANTUCKET-MA.GOV
508-228-7230



7-16-2021

On July 16, 2021 at approximately 11:00am Jeff Carlson and I went to NT5 Wauwinet the head of the Harbor to do compliance checks on the oyster leases. Jeff and I checked Matt Herr and saw that one of Simon Edwardes boats were working on his lease so, after checking Matt Herr we proceeded over towards Simons boat and noticed that it was Chuck Connors. As we were checking Mr. Connors he had explained to us that Ted Lambrecht had pulled three cages up of his wintering site and was pressure washing them to the point of almost catching his boat on fire. Mr. Connors also explained that he had multiple bags of oysters on his boat that had been there for three days baking in the sun and asked if we would go check them out. After finishing up with Mr. Connors, Jeff and I headed to Polpis Harbor to see if Ted Lambrecht's boat was on his mooring. As we entered Polpis Harbor we saw Ted's boat and pulled up alongside his vessel and immediately saw six bags of oysters stacked in the back of his boat it was 77 degrees and 80% humidity out with little wind and no shading or ice on the oyster bags. I contacted Christian Petipas at the Division of Marine Fisheries who oversees the oyster program and explained the situation and asked if Mr. Lambrecht had an offsite culling permit which she indicated that he did not. Ms. Petipas added Gabe Lundgren to the call who also works with her in the oyster program. I asked Ms. Petipas how she would like me to proceed with this situation and Ms. Petipas asked me to confiscate the oysters, destroy them and provide documentation that the oysters had been destroyed. She then clarified to first verify that this is the proper procedure with the Massachusetts Environmental Police. I contacted Sgt. Dave Wright and explained the situation to him and he asked me to contact Lt. Gus. I told Mr. Wright that I had left Lt. Gus a message but hadn't heard back from him and Mr. Wright said he might be off today so contact the Environmental Police radio room and see if they can put you in contact with someone from the Cape. I contacted the radio room and they put me in contact with Mr. Patrick Grady I explained the situation to Mr. Grady and explained what Ms. Petipas had requested. Mr. Grady contacted his boss and they both confirmed to confiscate the oysters and to destroy them. Jeff and I removed 9 bags of oysters with approximately 150 oysters per bag and brought them to the landfill and destroyed them.

On June 30, 2020 the Natural Resources Department sent Mr. Lambrecht a certified letter regarding the status of his leases. The Town of Nantucket informed him that due to not meeting the required minimum levels of production and failure to meet those required production levels that the Town would be pursuing revocation of his leases with the Town. We had documented greater than three years of inactivity and to date Mr. Lambrecht has never picked up the required logbook to meet the Commonwealth's

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reporting requirements. Over the next few months the local Harbor and Shellfish Advisory Board issued a deadline to Mr. Lambrecht to get back into compliance, which was not met, leading to the Board's recommendation to the local Select Board to revoke his leases. The Select Board has since had two hearings one granting Mr. Lambrecht 45 days to get back into compliance which was not met and has scheduled a public hearing for the revocation of the leases 60 days from that deadline. That sixty days is currently running. Copies of these letters and these meetings are available as public record and we can provide them directly if you wish to review them. We have significant concerns on Mr. Lambrecht's ability to properly operate these leases given the inactivity and improper handling of these oysters.



9 Oyster Bags as found on the vessel
in Polpis Harbor (NT 4.0)
7/16/2021 11:36 AM



Close up of oyster bags as found on the vessel in Polpis Harbor (NT 4.0); clearly containing oysters
7/16/2021 11:36 AM



9 oyster bags as confiscated by
Shellfish Constable JC Johnsen
in Polpis Harbor (NT 4.0)
7/16/2021 2:55 PM



Contents of 9 oyster bags
(approx. 150 oysters per bag)
7/16/2021 3:54 PM



Destroyed contents of 9 oyster bags
7/16/2021 3:57 PM



Destroyed contents of 9 oyster bags
7/16/2021 3:57 PM



Final disposal of oyster bags
7/16/2021 4:01 PM

May 6, 2021

Dawn Hill-Holdgate

Jason Bridges

Matt Fee

Kristie L. Ferrantella

Melissa Murphy

Ms. Hill-Holdgate,

At our April 20, 2021 meeting, the Harbor & Shellfish Advisory Board (HSAB) voted unanimously to recommend that the Select Board revoke private shellfish aquaculture licenses 12 and 12b held by Theodore Lambrecht of Nantucket, MA. With the advice and expertise of the Natural Resources Department (NRD), the HSAB is recommending that the Select Board revoke these licenses held by Mr. Lambrecht because he failed to make substantial use of his licenses. Although the HSAB defers to Natural Resources Director Jeff Carlson for the definitive explanation for revoking Mr. Lambrecht's licenses, we cite non-compliance with Section 5g of his licenses including Section 5.16 – Minimum Levels of Production, Section 5.17 – Failure to Meet Production Levels and Chapter 130; Section 65 of the Code of the Town of Nantucket as the basis of our recommendation.

Please understand that the HSAB did not render this recommendation lightly and with any undue measure of haste. Quite the opposite. Realizing, through Mr. Lambrecht's explanation, that he has endured hardships over the course of holding his licenses including major surgery requiring a period of rehabilitation and the well-known challenges associated with the loss of and search for island housing, the HSAB endeavored to work with Mr. Lambrecht to get him back into compliance with his license.

From Sept. 15, 2020 through April 15, 2021, our board monitored Mr. Lambrecht's progress in restoring his oyster boat to operational seaworthiness to ensure he could get out on the harbor ASAP to remove his oyster cages from the bottom, which had been submerged for several years, in preparation for his upcoming season in 2021. Mr. Lambrecht attended our meetings regularly to provide the HSAB with updates on his progress and we offered guidance on possible expediency solutions.

Unfortunately, Mr. Lambrecht did not move as quickly as the HSAB and the NRD had hoped he would, coming into this spring when the Town's other oyster licensees would be restarting operations on their leases. As a result, at the HSAB's March 2, 2021 meeting, we set a deadline of April 15 by which time Mr. Lambrecht had to show significant headway in removing his cages from the bottom of the harbor. From our minutes of March 2, "The HSAB voted 6-1, Mr. Szydlowski voting no, to give Mr. Lambrecht until April 15 to be actively engaged in removing his oyster cages from the bottom of the harbor, showing real progress and with the NRD to determine if sufficient progress is made to halt the revocation of Mr. Lambrecht's license." Mr. Szydlowski voted against this motion because he felt the HSAB should apply a shorter deadline to Mr. Lambrecht's situation.

As we're well past that deadline with no signs of any progress by Mr. Lambrecht, we ask that the Select Board revoke Mr. Lambrecht's private shellfish aquacultures licenses so that his aquaculture gear can be removed from the harbor and the lease site made available to the next applicant on the NRD's oyster lease waiting list.

Thank you for your time and patience in considering our recommendation regarding revocation of Mr. Lambrecht's licenses.

Sincerely,

The Harbor & Shellfish Advisory Board

Andrew G. Lowell, Chairman

David F. Fronzuto, Vice Chairman

Peter B. Brace, Secretary

Virginia Andrews

Thomas C. Szydlowski

Daniel R. Pronk

David E. Bossi

From: [sean.fitzgibbon](#)
To: [Jeff Carlson](#); [Ted Lambrecht](#)
Subject: Aquaculture grant plan
Date: Friday, April 1, 2022 9:23:49 AM

Hi good morning Jeff

Here is a plan of operations for the oyster farm- if you need this to be in a different format just let me know.

Also will it be ok to send Ted and my agreement to transfer as an email like this? Or does it need to be signed...??

Thanks

CURRENTLY HAPPENING;

- Organize existing equipment and order new equipment.(40 new aluminum cages have been purchased) (I.e. surface floats, cages, mesh bags, rope, trays, poly balls.)
- order seed. (one round of 75k 3/4" units has been ordered from ARC and guaranteed by August, currently seeking sooner availability from other hatchery/purveyors)
- Raise existing 2021 50k seed, cull and separate into bags/floating cages or trays on single bouy lines (these oysters will ideally grow from there and be marketable product this summer)

JUNE 2022;

- Raise existing cages that will need to be cleaned and disposed of if unsuitable for future use. Repair/salvage anything worth keeping.
- Introduce new lines/sets of mesh bags inside 40 newly purchased aluminum cages with surface floats, be ready to receive and introduce new seed upon arrival.
- Develop "work flow" and trouble shoot any issues on the farm, check and cull through 2021 seed as needed. Monitor growth.
- Decide if new aluminum cages work well, or stick with traditional wire coated cages, order more equipment.

JULY-SEPTEMBER 2022

- Develop points of sale, grow the business.
- Once 2021 oysters grow to legal harvesting size, begin harvesting and bringing to market.
- Continue to monitor 2022 seed and cull as needed while oysters grow during the warm summer months.
- Receive seed ordered earlier in March, and introduce into new sets/lines of cages purchased and built in June.
- Order more seed to introduce ideally before water temps drop below 42F degrees from not be on waitlist to receive seed early spring 2023.
- (This being the third round of seed introduced to the grant site will establish a seed to harvest schedule, 2021 seed will have been harvested as 2022 seed will be over wintered and grown to adult size while 2023 seed is introduced and grown,
And continue this cycle...)

OCTOBER , NOVEMBER 2022- winter 2023

- prepare all equipment and oyster for overwintering.
- sink cages in shallow zone
- bring home any equipment that needs repair or is not needed on the water
- Build and order new gear to be ready for expansion during 2023 season.
- order seed for upcoming season.
- keep an eye on sunken equipment and oysters through winter.
- continue building on business and marketing of products
- explore potential for other seafoods / products to be grown on grant site, kelp, mussels, clams....???



Agenda Item Summary

Agenda Item #	IX. 2.
Date	7/13/2022

Staff

Libby Gibson, Town Manager
Jeff Carlson, Natural Resources Director
Roberto Santamaria, Public Health Director

Subject

Public hearing to consider adoption of proposed surface and groundwater protection regulations.

Executive Summary

These proposed regulations were initiated three years ago and were sidelined by the pandemic. These have been prepared in response to the need for enforcement of unregulated water flows, including pool drainage and other detrimental water discharge issues for environmental protection purposes. **NOTE: COMMENTS HAVE BEEN REC'D WHICH ADMIN HAS NOT HAD A CHANCE TO REVIEW – MAY REQUEST TABLING**

Staff Recommendation

Adopt the proposed regulations.

Background/Discussion

The proposed regulations are Select Board regulations which are enforceable through the Health Department and Natural Resources Department. These regulations connect directly to the Board's Strategic Plan Focus Area of Environmental Leadership, with its associated Goal "Finalize an Island-wide, long-term water quality management plan that addresses ponds, harbors, stormwater and wastewater...".

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

Public hearing was advertised for three weeks.

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Directly relates to Board's Strategic Plan as noted above

Attachments



- draft regulations
- draft implementation plan



LG edits/comments 8/3/21

Carlson edits 8/4/2021

Carlson edits 10/5/2021

TOWN OF NANTUCKET

Surface Water and Groundwater Protection Regulations.

Commented [LG1]: Note to self: eventually we'll need a chapter #

Section 1: Purpose.

- A. Unregulated water flows can cause major impairment of water quality within harbors, ponds, streams, wetlands, and groundwater. Additionally, unregulated water flows have negative impacts to wildlife habitat, contamination of public water supplies, damage to public infrastructure, exacerbate flooding, and cause damage to public and private property. The purpose of these regulations is to (1) prevent illicit discharges and connections to the Town's stormwater systems; (2) regulate discharges from swimming pools; (3) regulate land disturbance, development, or construction; and (4) regulate generally the discharge of water to surface water bodies.
- B. These programs are intended to positively impact the controllable load to the Town's stormwater systems, surface water bodies, protect public or private water supply, protect groundwater resources, and increase overall resiliency to storm and flooding events. This regulation is also intended to promote maintenance of existing native vegetation, prevention of soil erosion and sedimentation associated with new development or redevelopment, and reduce public expenditures in removing sediment from municipal infrastructure. Watersheds to be included within this regulation shall include Nantucket Harbor, which includes Polpis Harbor; Madaket Harbor-Long Pond; Sesachacha Pond; Hummock Pond; and, Miacomet Pond.

Commented [LG2]: Is there a "Hither Creek" watershed? Or this covers it?

Section 2: Authority.

These Surface and Groundwater Protection Regulations (the "Regulations") have been adopted by the Town of Nantucket Select Board. These regulations are enacted pursuant to G.L. c. 83, §10 and Chapter 396 of the Acts of 2008.

Commented [JC3R2]: Hither Creek is included in the Madaket-Long Pond Watershed

Section 3: Definitions.

Illicit Discharge - Direct or indirect discharge to the municipal storm drain system, public roadway or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater. The term does not include a discharge in compliance with an National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit or resulting from fire-fighting activities.

Illicit Connection - A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, rainwater, groundwater or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of these Regulations.

Swimming Pool: means and includes every artificial pool of water used for swimming or bathing, located indoors or outdoors, together with the bathhouses, equipment, and appurtenances used in connection with the pool. This includes any special purpose pool or residential pool designed for recreational and therapeutic use which is shallow in depth and not meant for swimming or diving. These pools are not drained, cleaned or refilled for each user. It may include, but not be limited to, hydro jet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for such a pool includes but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tubs, float tanks, splash pool, plunge pool, lap pool, or any other water feature that holds over 100 gallons.

Section 4: Prohibited Activities.

A. Illicit discharges and illicit connections:

- (1) No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into any area including but not limited to the municipal storm sewer, into a watercourse, or into the Waters of the commonwealth.
- (2) No person shall construct, use or allow, maintain or continue any illicit connection to the municipal sewer system or storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (3)
- (4) Any existing system utilizing the Town of Nantucket sanitary sewer shall be removed or brought into compliance with this regulation within 180 days of notification, with all associated fees to be incurred by the property owner.
- (5) All property owners having existing discharges shall provide documentation of their existing discharge within 1 year of the effective date of these regulations and shall be subject to inspection to ensure compliance with Town standards. Documentation of these systems shall include at a minimum:
 - a. Map and Parcel
 - b. Street Address
 - c. Type of discharge
 - d. Sketch of the start of the system and discharge point
 - e. Photographs of the system
- (6) All existing discharges utilizing the Town of Nantucket stormwater system shall be allowed to remain with the property owner charged a capacity fee as set by the Board of Health.

(6) No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval as described within Section 4 (D)(1)(a) of these regulations.

(7) Exemptions – firefighting activities, natural springs, natural flow from riparian habitats and wetlands, stream flow, landscape irrigation, residential vehicle washing, and street sweeping activities.

B. Discharges from swimming pools:

(1) All pool drainage shall be in compliance with the most current pool draining Best Management Practices set forth by the National Swimming Pool Foundation.

(2) Pool drainage, filter backwash, or filter discharge must not be directly discharged into a storm drain, sewer main, potable water well, or within 100 feet of a wetland.

(3) Any subsurface on-site drainage facility servicing the pool must comply with these regulations.

(4) No pool or pool equipment shall be connected to an on-site sewage disposal system.

(5) All pool drainage or surface runoff related to the pool and its hardscaping shall be contained on-site.

(6) All pools must be dechlorinated at least 48 hours before any draining.

(7) Notification of pool drainage shall be provided to the Health Department and the Natural Resources Department a minimum of 72 hours before drainage commencement.

(8) A Statement of de-chlorination and drainage shall be provided to the Health Department within 10 calendar days of drainage along with the appropriate filing fee as determined by the Select Board. No pool draining, or discharge activities are allowed without the approval of the Health Department and the Natural Resources Department.

(9) All pool draining processes are subject to inspection by Town enforcement personnel as identified in Section 5 of these regulations.

(10) All pool drainage must comply with the requirements within 105 CMR 435.00.

C. Land Disturbance, Development or Construction:

(1) No person shall conduct any land disturbance, development, or construction on any site without first obtaining a permit from the Health Department. Prior to any permit request being filed, all persons wishing to conduct any land disturbance, development, or construction shall file a water and sediment control protocol with a site plan showing final conditions and conditions during construction to be signed off by the Director of Natural Resources, Building Commissioner, and Director of Public Works demonstrating compliance with the standards set

Commented [LG4]: How is this going to be tracked?

Commented [JC5R4]: We intend to have this as a form through EnerGov on the Town website as the primary means of tracking.

forth in these regulations. A copy of this sign off shall accompany any permit application filed. The permit holder shall provide notice to the Board of Health at the conclusion of the project to allow for a final inspection that all disturbed areas have been restabilized.

Commented [LG6]: So, a sign-off form will be development or modified (Like the one we use now for the temporary run-off?)

Commented [JC7R6]: We will provide the application forms/permits with the implementation plan and have them fully developed before this goes to any board for review.

(2) Minimum Standards:

1. All loose sediments must be contained on site.
2. Any catch basins within 100 feet of the project area must have a sediment barrier during the project period.
3. No water discharge shall cause significant soil scouring.
4. All water discharge shall be attempted to be kept on site, unless allowed by permit condition.

D. Discharges to Surface Water and Groundwater:

(1) No person shall discharge or cause to discharge any water to surface water and groundwater, including sump pumps, shall be allowed without a permit issued by the Town of Nantucket.

a. Temporary Discharges

1. No person shall discharge or cause to be discharged to surface or groundwater on a temporary basis without a permit issued by Town Administration. All temporary surface and groundwater discharge permit applications shall be reviewed for the following criteria and by the following departments:
 - a. Location of discharge and collection point – Department of Public Works
 - b. Public health impacts – Health Department
 - c. Environmental Impacts – Natural Resources Department
2. All temporary discharge permits shall pay a fee as set by the Select Board.
3. All temporary discharges shall meet federal water quality testing standards prior to activation.
4. No unfiltered discharges shall be permitted.

Commented [LG8]: How would we make sure of this?

A. Permanent Discharges

1. No person shall discharge or cause to be discharged to surface or groundwater on a permanent basis without a permit issued by the Board of Health.
2. The installation of a sump pump shall require a plumbing permit and inspection as required by the plumbing code.
3. All permanent discharges shall be required to be contained on site and infiltrated through either a bio-retention area or subsurface infiltration.
4. All subsurface infiltration shall be required to maintain a six-foot separation to groundwater. If six-foot separation cannot be attained, bio-retention is required.
5. A fee for permanent discharge or a sump pump shall be determined by the Board of Health.

Section 5: Enforcement.

- A. Whoever violates any provision of these regulations shall be subject to a fine of \$300, each day constituting a separate offense. The Board of Health and other officers assigned by the Board of Health, including but not limited to agents of the Board of Health, Natural Resources Department, Conservation Agents, Department of Public Works and Nantucket Police Department to enforce this chapter may, as an alternative to initiating criminal proceedings, proceed to a noncriminal disposition of any violation of this chapter pursuant to the procedures set forth in MGL c. 40, § 21D.
- B. In addition to fines, any violation of these regulations may result in the assessment of a civil penalty not exceeding \$5,000 for each violation. Each day a violation continues shall constitute a separate violation.
- C. These regulations may be enforced through injunctive relief and other equitable remedies.

Section 6: Schedule of fees.

Discharge Permits	Fee
Temporary Discharge Permit	\$50
Permanent Discharge Permit	\$250
Unpermitted Discharge	4x Permit Fee per day

Surface Water and Groundwater Protection Regulation Implementation Plan

To properly handle illicit discharges on Nantucket Surface Water and Groundwater Regulations are being proposed to be enacted by the Select Board with the primary duty of administering the regulations through the Board of Health/Health Department. A number of these processes are currently in place without regulatory backing and the proposed regulations will rectify that given authority to the proper inspectors to address these discharges in an efficient manner.

Permit applications: The primary means for submission of these permit applications will be through the EnerGov system/Town website. Applicants that do not have access can still submit a paper copy at the Health Department office at 131 Pleasant Street and they will be able to initiate the proper workflow. As an example an applicant for a temporary groundwater discharge permit has to physically go to multiple locations for signatures. This program will seek to push people to the online platform to maximize efficiency. All permits will be issued by the Board of Health following any other review by the applicable departments. By providing clear checklists and standards through the regulations review time should be minimal.

Enforcement: With proper permitting in place enforcement should be easier as currently it is only done by report or discovery while doing other duties. This will allow for scheduling of inspectors and enforcement personnel in place of purely reactive enforcement. These inspections will be able to be covered by current staff within both Health and Natural Resources.

Outreach: It is the intention to provide final copies of the regulations and permit applications to the Builders Association and to utilize the contractor/landscaper listings developed during the COVID-19 pandemic as part of the back to work program to get this quickly distributed upon its adoption.

Application for Water Discharge

Type of Application

Temporary ☐
\$50 fee

Permanent ☐
\$250 fee

Pool ☐

Applicant

Name: _____

Date: _____

Project Location Information

Street
Address: _____

Map: _____ Parcel: _____

Contact Information

Company

Name: _____

Email: _____

Phone: _____

Mailing

Address: _____

Temporary Discharge Checklist

- ☐ Sketch of System that includes beginning and end
- ☐ Description of any treatment/filtration
- ☐ Water testing results; test must be within the last 6 months

Permanent Discharge Checklist

- ☐ Stamped Engineered Design Plans including pump specifications and estimated flows
- ☐ Soil Logs documenting depth to groundwater and soil composition
- ☐ Description of any treatment/filtration
- ☐ Water testing results; test must be within the last 6 months

Pool Discharge Checklist

- ☐ Sketch of System that includes beginning and end
- ☐ Description of any treatment/filtration
- ☐ Statement of de-chlorination

Applicant

Signature: _____

Date: _____

I affirm that the above is to and correct and affix my signature hereto, agree by signing to observe and comply with all applicable regulations of the Town of Nantucket and to allow for physical inspection of any activity described as part of this application.



Agenda Item Summary

Agenda Item #	X. 1.
Date	7/13/22

Staff

Assistant Town Manager, Director of Public Health, Director of Strategic Projects

Subject

Town-Wide PFAS Assessment Update

Executive Summary

Since July 22, 2020, the Town has engaged in eight (8) contracts with CDM Smith, LLC (CDMS) totaling \$990,100 to assist the Town in various efforts regarding its long-term voluntary PFAS assessment and analysis. This is an update on these projects.

Staff Recommendation

N/A

Background/Discussion

Since July 22, 2020 the Town has engaged in 8 contracts with CDMS to perform island-wide assessments of potential sources contributing to PFAS contamination at municipal properties across the island. The Town's voluntary efforts are not under a DEP directive and are being undertaken proactively to learn more about potential PFAS issues in the community.

PFAS is a class of man-made chemicals which are used in firefighting foam and numerous everyday products, including nonstick cookware, grease-proof food packaging, personal care products, stain- and water-resistant clothing, carpets, and furniture. For decades, these carbon-fluoride compounds were widely used for their water and oil repellent qualities and are resistant to breakdown. Some PFAS has been found to accumulate in the human body and the food chain. The presence of PFAS in the environment (groundwater, surface water, soil, air, and food) is still poorly understood due to very limited testing.

FUNDING: \$15,000,000 in funding commitments from the Town to support PFAS-related efforts:

- \$750,000 – 2020 Free Cash
- \$750,000 – 2021 ATM Article 10 – PFAS Groundwater Soil Investigations (Borrowing)
- \$9,000,000 – 2022 ATM Article 10 – New Water Main West of Airport
(Debt exclusion, \$7.1M DEP SRF Loan awarded for project)
- \$9,000,000 – 2022 ATE Ballot Question (approved 1,738 Yes, 496 No, 140 Blank)
(Debt exclusion, \$7.8M DEP SRF Loan awarded for project)

- \$2,000,000 – 2022 ATM Article 18 – PFAS Soil Investigation
- \$2,500,000 – 2022 ATM Article 22 – WWTF PFAS Removal Pilot Program

CURRENT PROJECTS/CONTRACTS: Current CDMS PFAS-related projects include:

PFAS-RELATED CDM SMITH CONTRACTS AND EXPENDITURES					
ID #	Date	Not-To-Exceed Amount	Contract Description	Expended	Remaining
1531	7/22/20 - 6/30/21	\$ 43,400	Island-wide PFAS Assessment (CDMS Project #252042)	\$43,387.22	CLOSED \$0.00
1606	12/16/20 - 2/28/21	\$ 43,000	Island-wide PFAS Assessment Additional Services (Expansion of Contract 1531) (CDMS Project #252042)	\$42,998.53	CLOSED \$0.00
1603	11/4/20 - 12/31/22	\$ 140,000	PFAS Communications Strategy (CDMS Project #252042)	\$134,653.80	\$5,346.20
1751	6/9/21- 6/30/22 6/30/23	\$ 407,500	PFAS Assessment Phase 2A (CDMS Project #262798) (6/8/22 Amendment to extend contract)	\$313,310.16	\$94,189.84
-					
1752	8/18/21- 8/31/21	\$ 14,000	2021 SRF PEF Application Assistance (Water Main Extension West of Airport CDMS Project #262798)	\$13,991.78	CLOSED \$0.00
1784	11/3/21 - 6/30/22 6/30/23	\$ 147,700	Water System Model & Expansion Planning West of Nantucket Airport (CDMS Project #267469 6/8/22 Amendment to extend contract)	\$56,383.42	\$91,316.58
TBD	6/22/22- 6/30/23	\$ 42,700	PFAS Handling and Disposal Protocols (CDMS Project #TBD)	\$0.00	\$42,700.00
TBD	6/22/22- 6/30/23	\$ 151,800	Waste Water PFAS Influent Testing Pilot Program (CDMS Project #TBD)	\$0.00	\$151,800.00
TOTALS:		\$ 990,100		\$ 604,725	\$ 385,353

Projects include:

- Phase 1 Initial town-wide assessments of potential sources
- Phase 2A continued assessment of potential sources

-
- AFFF release assessment at municipal and private facilities
 - DEP landfill sampling workplan
 - Wastewater destruction technologies
 - SRF-PEF grant application
 - Water distribution buildout modelling and water main extension feasibility
 - PFAS handling protocols
 - Wastewater influent assessment

FUTURE PFAS-RELATED PROJECTS: Significant up-coming projects include:

- Water main expansion west of the Nantucket Memorial Airport (\$9.0M – funded through MADEP SRF Loan (\$7.8M) and 2022 ATM and ATE)
- Wastewater influent PFAS destruction pilot project (~\$2.5M – funded through 2022 ATM)
- PFAS Assessment Phase 2B sampling program (TBD – based on outcome(s) of Phase 2A)
- Solid waste testing (TBD – with no sampling protocols from MADEP testing on hold)
- UMass/MADEP private well testing follow up (TBD – no direction from UMass/MADEP)
- Outreach campaign (TBD with hiring of new position in Public Health)

NEW SUPPORT POSITIONS:

- ‘Environmental Contamination Administrator’ position. A new position in Public Health approved at the 2022 ATM will be hired in FY23 to assist with these many projects as well as other priority projects in Public Health.
 - ‘Public Outreach Coordinator’ position. A new position centralized in Admin to specifically support outreach and education for Public Health and Natural Resources programs specifically such as PFAS, fertilizer program, single-use plastics ban, 100 milliliter or less plastic ban, etc.
-

Impact: Environmental	☒	Fiscal	☒	Community	☒	Other	☒
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Other: Public Health

Board/Commission Recommendation
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N/A

Public Outreach

N/A

Attachments

CDMS PowerPoint Update



PFAS Projects Update to the Select Board

Town of Nantucket, MA

Andrew Miller, P.E.
Eric Spargimino, P.E.
July 13, 2022



1

Agenda

- PFAS Assessment Update
 - Phase 1:
PFAS Cycle and Strategy Development
 - Phase 2A:
Initiating Strategy Implementation
- Addressing PFAS in Wastewater and Sludge
- Water System Expansion West of the Airport
- Protocols for Handling & Management of PFAS Impacted Materials for Town Workers
- Questions



2



PFAS Assessment Update

3

Phase 1 Assessment: PFAS Cycle – Town-wide



4

Island-Wide PFAS Assessment Objectives

- Short-Term Objectives
 - Identify key potential and known PFAS sources and receptors
 - Initiate unified planning approach to Town-wide PFAS source control and reduction
- Long-Term Objectives
 - Protect drinking water resources
 - Maintain compliance with state and federal regulations
 - Protect community wellbeing and health
 - Promote good health of natural and ecological resources



The Strategy - A Phased Approach



5

Phase 2A Town-wide PFAS Assessment – Initial Implementation

Tasks	Accomplishment	Status
Site Visits & Facility Reviews	Visit documentation	✓
Landfill	PFAS Groundwater Sampling Work Plan	Under MassDEP review
WWTf - Influent	Develop influent sampling approach	Implementation underway
WWTf - Sludge	PFAS Destruction – Technology Report	✓
Co-Compost	Quarterly sampling by WON	✓
AFFF (fire fighting foam)	Facility Review & Recommendations to Nantucket Fire Department	✓
PFAS Cycle & Potential Sources	Continuous updates as new information available	✓
Public Outreach Planning & Communication	Documents posted on Town PFAS webpage	✓

✓ = Complete ~ = Ongoing

6



Addressing PFAS in Wastewater and Sludge

7

Path to Addressing PFAS in Wastewater

Understand Issue and Sources

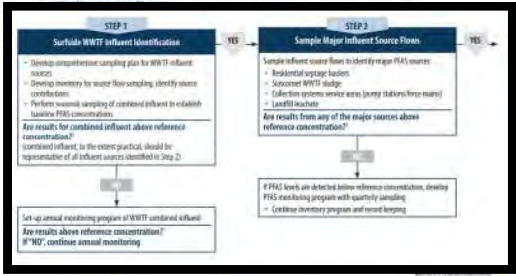


 Complete
  Ongoing

8

Decision Matrix for Wastewater Treatment PFAS Assessment | *Island-wide PFAS Assessment* | *State of Hawaii, USA*

Figure: Sampling program for PFAS in wastewater. The sampling program for wastewater PFAS should be designed to identify PFAS in wastewater and to identify potential sources of PFAS in wastewater.



STEP 1: Surface WWT Influent Identification

- Develop comprehensive sampling plan for WWT influent sources
- Develop inventory to monitor flow sampling, identify source contributions
- Perform periodic sampling of combined influent to establish baseline PFAS concentrations
- Any results for combined influent above reference concentration?
- If combined influent is the most practical, should be representative of all influent sources identified in Step 2

STEP 2: Sample Major Influent Source Flows

- Sample influent source flows to identify major (PA) sources:
 - Residential septic tanks
 - Sanitary WWT sludge
 - Collection system service area (sewer stations, force mains)
 - Landfill leachate
- Are results from any of the major sources above reference concentration?
- If PFAS levels are detected above reference concentration, develop PFAS monitoring program with quarterly sampling
- Continue inventory program and record keeping

Set up annual monitoring program of WWT combined effluent

- Are results above reference concentration?
- If "NO", continue annual monitoring

Update and review inventory of WWT combined effluent

9

Path to Addressing PFAS in Wastewater

continued

Likely Next Steps Toward Mitigation

- Feasibility Study
 - Evaluate the economic and non-economic feasibility of mitigation strategies and technologies
- Technology Implementation Considerations
 - Bench Scale/Pilot Scale
- Capital Planning based on pilot results to determine costs and applicability to Nantucket
 - Determine Procurement Strategy
 - Design
 - Implementation



10

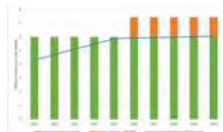


Water System Expansion West of Airport

11

Planning for Water System Expansion

- Goal: Provide public water to residents whose domestic wells are impacted by PFAS west of the Airport
- Update and use of the Wannacomet Water Distribution System Model as a planning tool
- Ensure supply capacity, system pressure, fire flow
- Planning period based on supply capacity:
 - Present to 2025, and
 - Post-2025



12

Conceptual Plan – Water System Expansion

- Airport extension on-line
- Town expansion based on design year 2025
- 15,200 feet of new PVC main
- Construction Cost Estimate: \$7.3M
- Availability of State Revolving Fund (SRF) 0% interest loan up to \$7.8M for construction & engineering



13

Advancing the Water System Expansion Project

- Move forward with design, permitting and construction
- Secure SRF: Requires SRF Application and Design completion by October 14, 2022
- Construction Contract execution by June 30, 2023
- Allow up to a 1 year construction duration



14

 Protocols for Handling & Management of PFAS Impacted Materials for Town Workers

15

Handling & Management of PFAS Impacted Materials

- New assignment
- Objective: Development of protocols & procedures for Town employees when working in areas of known or suspected PFAS contamination
- Applicable to DPW, Sewer Dept., and Water Dept. employees
- Focus on:
 - Soil material management from utility construction
 - Catch basin cleanings
 - Groundwater, stormwater
- Training for town staff on protocols



16

Questions?



17



PFAS Projects Update to the Select Board

Town of Nantucket, MA

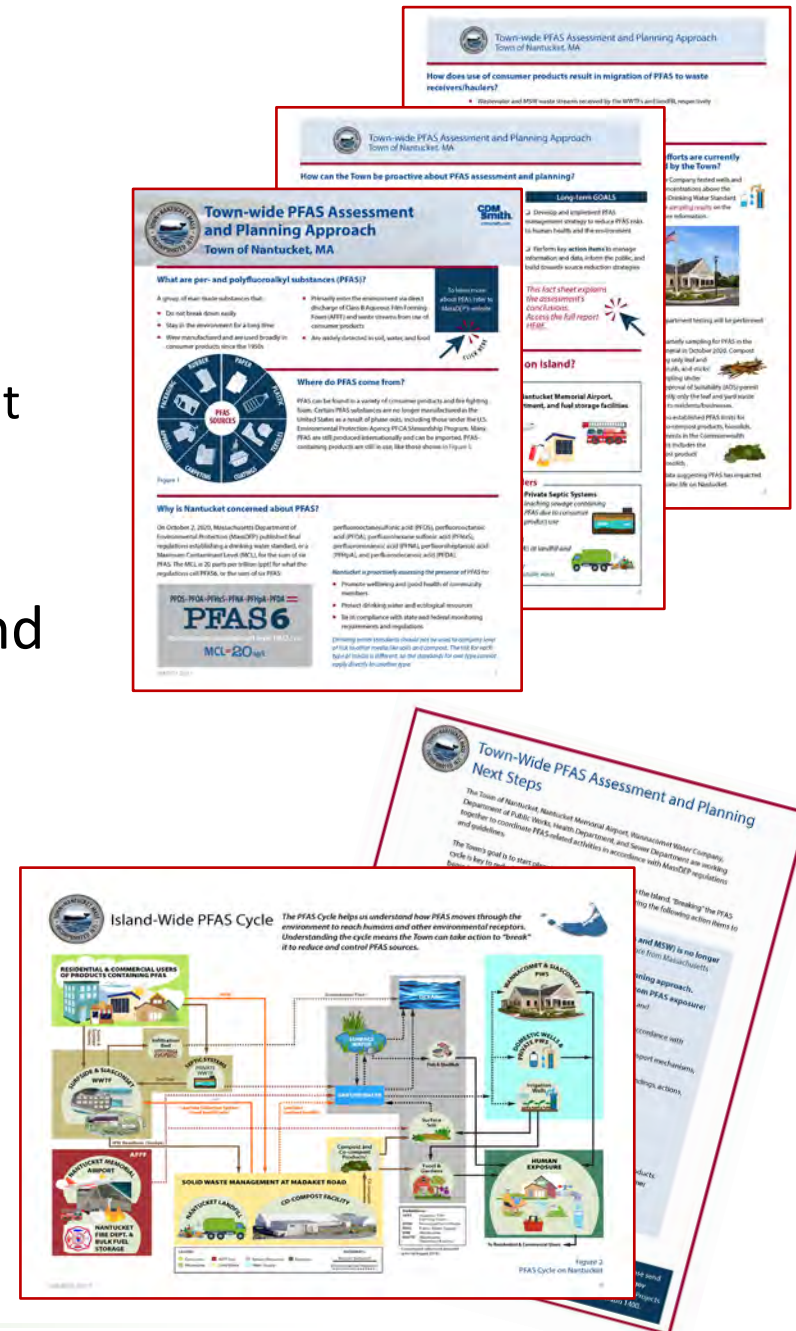
Andrew Miller, P.E.
Eric Spargimino, P.E.

July 13, 2022

**CDM
Smith**

Agenda

- PFAS Assessment Update
 - Phase 1:
PFAS Cycle and Strategy Development
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PFAS Assessment Update

Phase 1 Assessment: PFAS Cycle – Town-wide

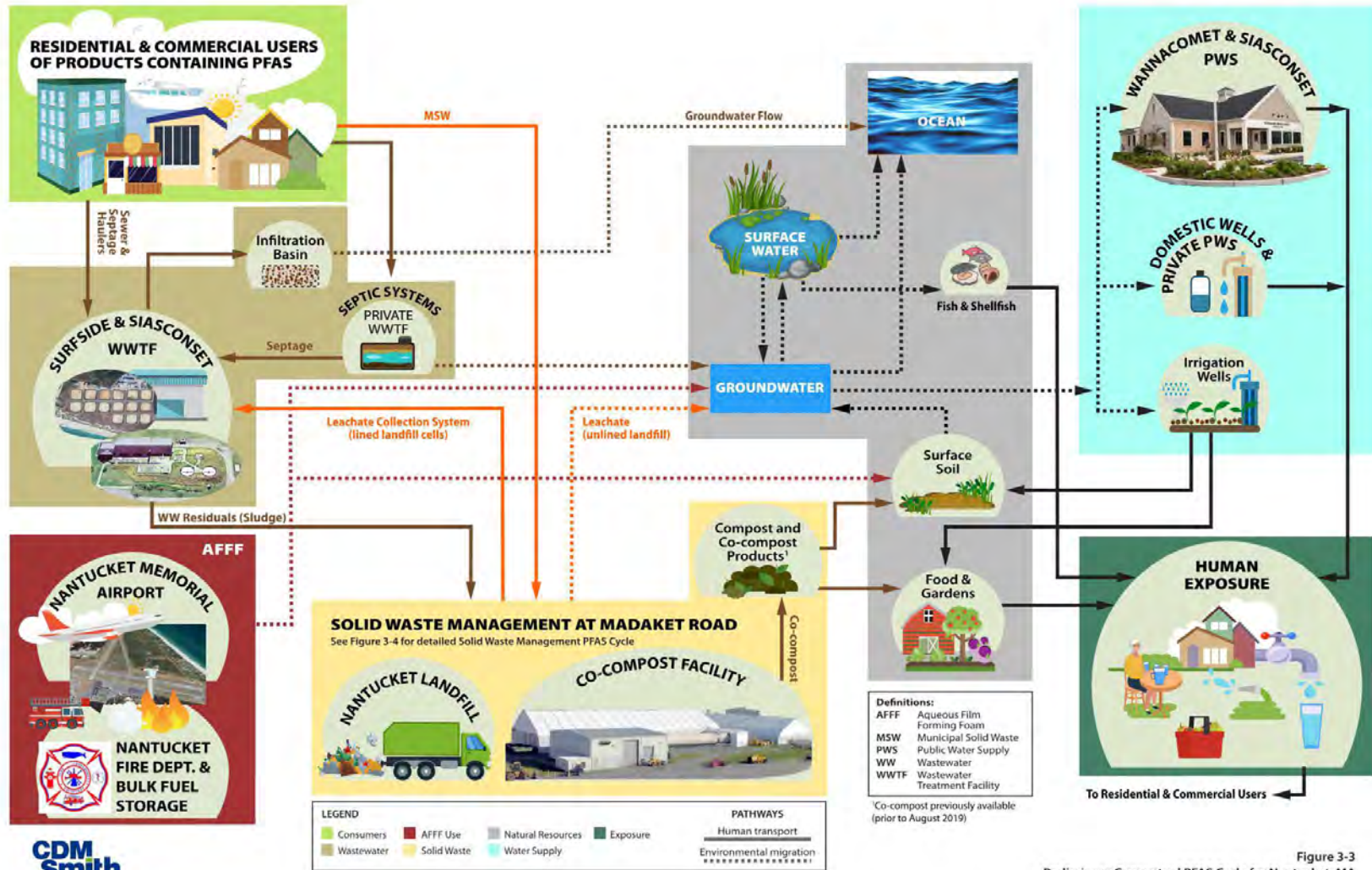
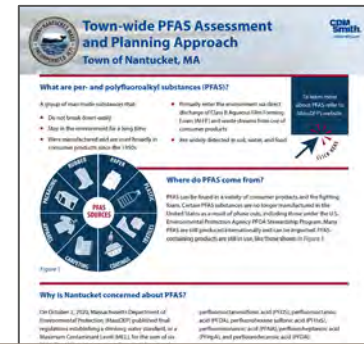


Figure 3-3
Preliminary Conceptual PFAS Cycle for Nantucket, MA

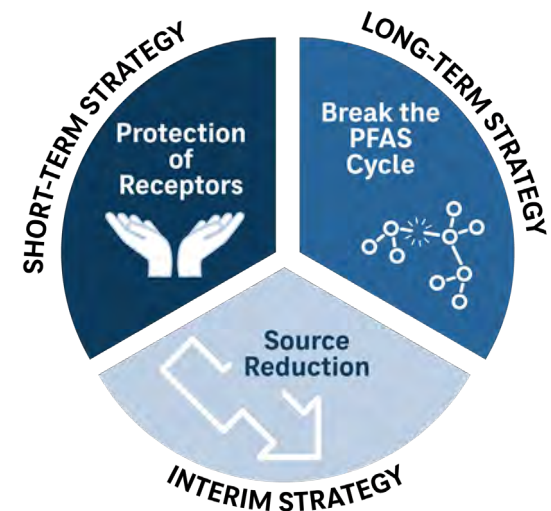
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PFAS Preliminary Assessment & Planning Approach
REPORT on the Town website:
www.nantucket-ma.gov/1574/PFAS

The Strategy - A Phased Approach



Phase 2A Town-wide PFAS Assessment – Initial Implementation

Tasks	Accomplishment	Status
Site Visits & Facility Reviews	Visit documentation	
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= Complete



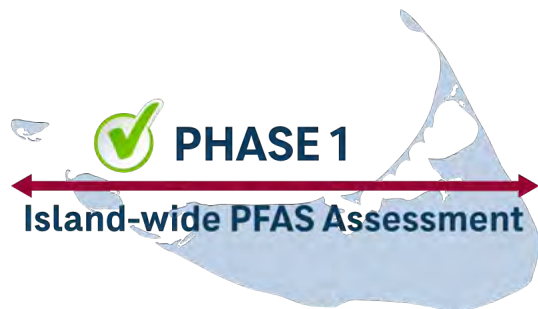
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Addressing PFAS in Wastewater and Sludge

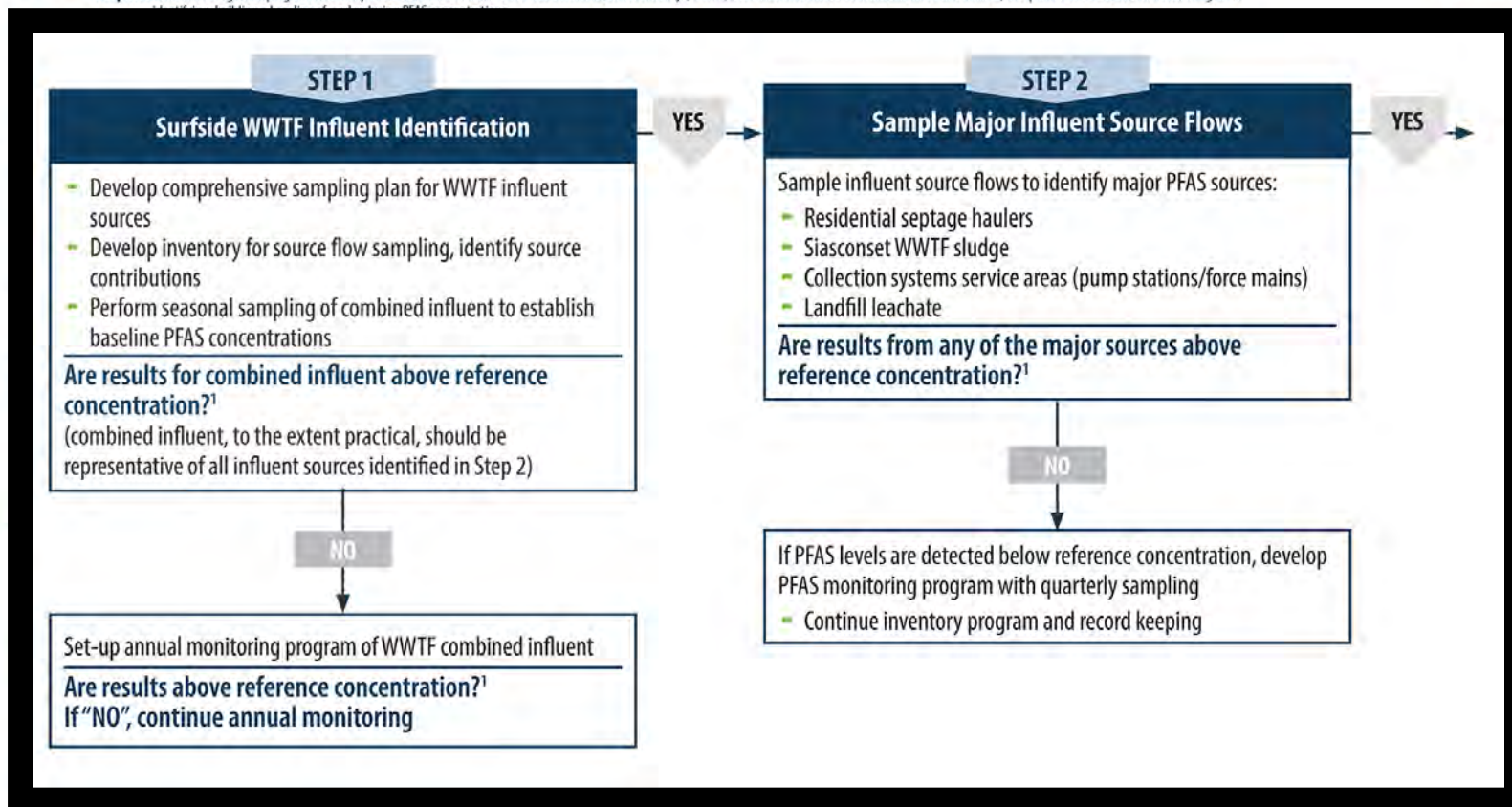
Path to Addressing PFAS in Wastewater

Understand Issue and Sources





Purpose: Establish a long-term program to identify and assess PFAS sources to the wastewater treatment facility (WWTF) such that influent concentrations can be understood, and plans can be directed towards the goal of



Note 2: Steps 1b, 1c, 1d, 1e, and 1f may be modified as needed after Steps 1 and 2 are complete.

CONTINUED IMPLEMENTATION OF ISLAND-WIDE PFAS PUBLIC OUTREACH PLAN

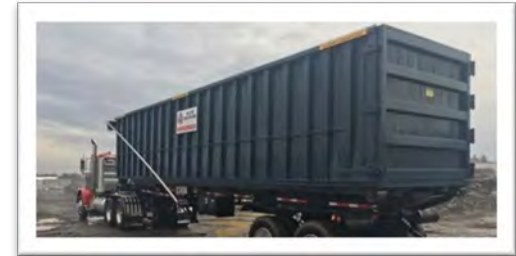
DRAFT MARCH 17, 2022

Path to Addressing PFAS in Wastewater

continued

Likely Next Steps Toward Mitigation

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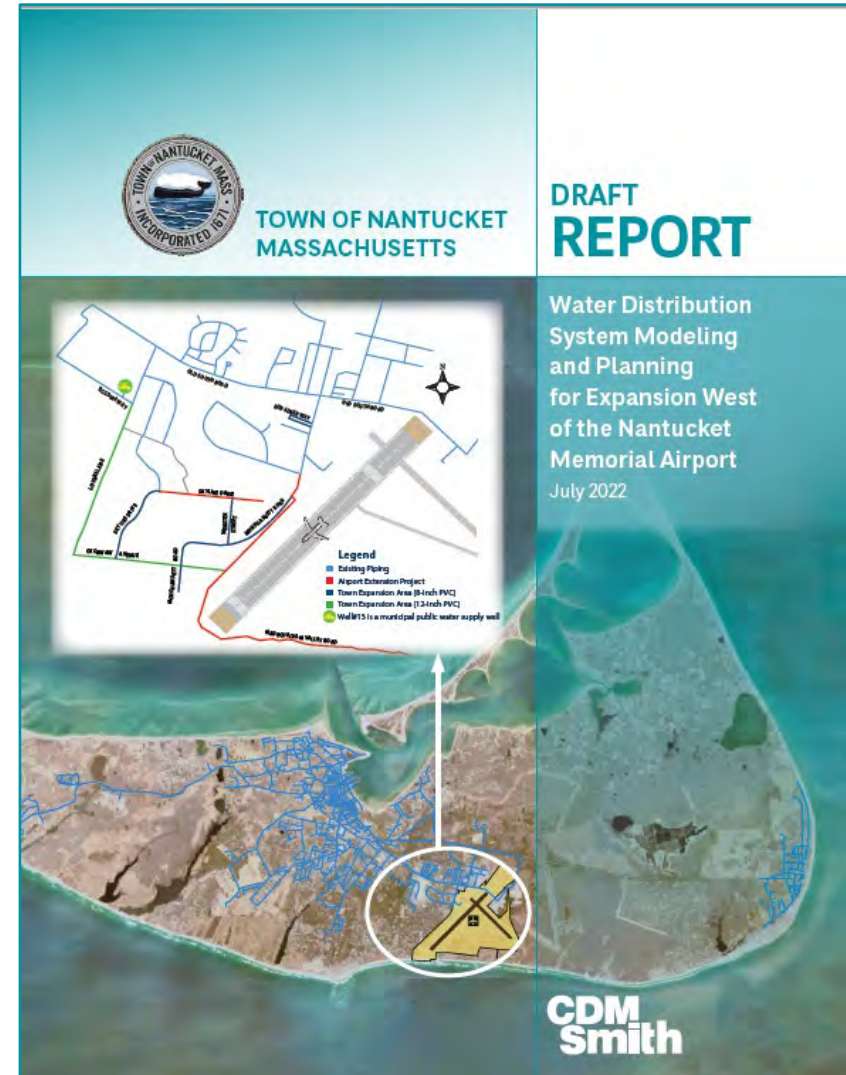




Water System Expansion West of Airport

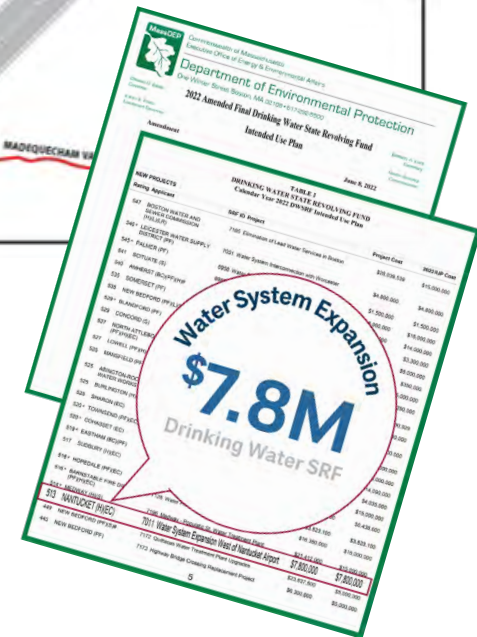
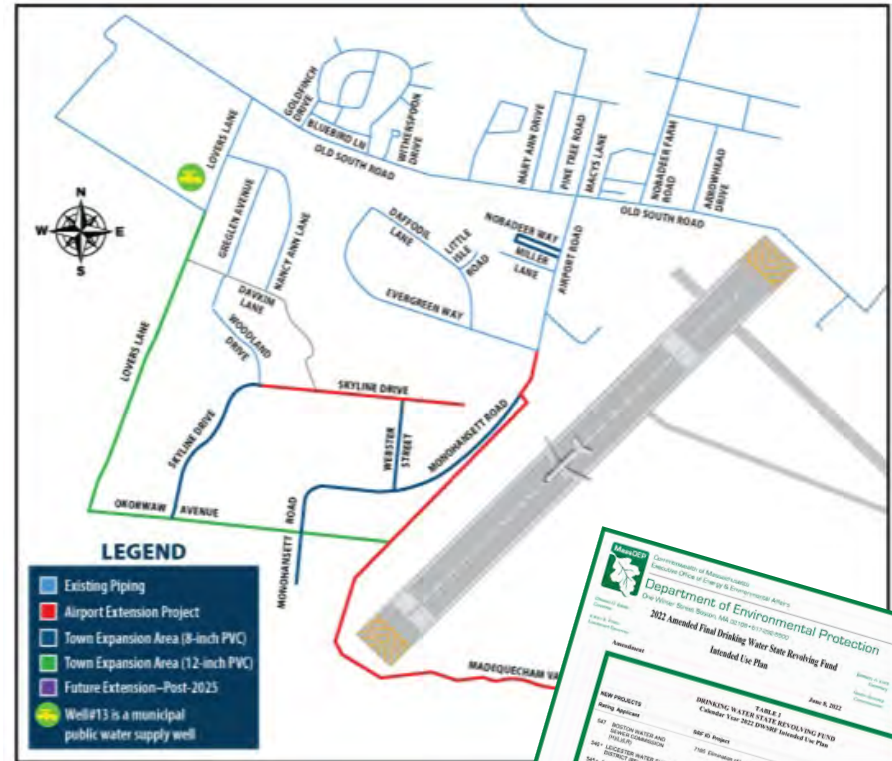
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Protocols for Handling & Management of PFAS Impacted Materials for Town Workers

Handling & Management of PFAS Impacted Materials

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Questions?

Nantucket PFAS Cycle



Landfill



Co-Compost



Town AFFF Assessment

Materials Management



Water System Planning West of the Airport



Wastewater Sampling & Sludge Technology



Public Outreach





Nantucket Planning Board

July 12, 2022

Jason Bridges, Chair
Nantucket Select Board
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

RE: Short Term Rental (STR) Working Group DRAFT Framework Document

Dear Mr. Bridges and Members of the Select Board,

The Planning Board held a meeting on July 11, 2022, and discussed the "Short Term Rental (STR) Working Group DRAFT Framework" document. The Board voted unanimously (4-0) with Chair Trudel recused, to adopt the document as proposed with the following comment:

Adjust Item 3 to read as follows:

3. The STR Working Group members will be appointed using the Town of Nantucket's Committee, Board and Commission process.
 - a. All members will be confirmed by a majority vote of the 3 Select Board members (2 are recused), the chair of the Finance Committee and the vice-chair of the Planning Board.
 - b. The 1.c, 1.d, 1.e and 1.f members will be proposed by their respective groups. i. Each group will be asked to propose 2 3 members and 3.a. will determine who is full-time and who is alternate during the selection process.

Sincerely,

David Iverson
Vice Chair, Nantucket Planning Board
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

Short Term Rental (STR) Working Group
DRAFT Framework as of 7/12/22 12:07 PM – with SB comments from 07/06/22 mtg

Purpose

The purpose of this document is to provide a DRAFT Framework for the STR Working Group. The Framework will be confirmed by the Select Board, the Planning Board and the Finance Committee and will be the guidelines under which the STR Working Group will be constituted and function.

Steps for confirming the STR Working Group Framework

Who	What	By When
The Select and Planning Boards, the Finance Committee chairs and 1 designee	Hold the first planning meeting to confirm the DRAFT Framework	1 June 2022 (Scheduled for 26 May 2022 at 4PM)
The Select and Planning Boards, the Finance Committee	Either hold individual meetings by group to adopt the FINAL Framework document and to reach full majority agreement with all 3 boards.	15 July 2022 Finance Committee 6/28/22 Select Board 7/6/22 Planning Board 7/11/22
Further meetings as required depending on outcomes.	One more meeting of the group of 6 to reconcile input from the Finance Committee, Planning Board and Select Board.	By 31 July 2022

Proposed Framework

1. The STR Working Group (STRWG) will be comprised of nine voting members, representing a broad cross-section of the community.
 - a. 1 Planning Board (voting)
 - b. 1 Finance Committee (voting)
 - c. 1 Advisory Committee of the Non-Voting Taxpayers (primary and alternate) (voting)
 - d. 1 ACK*Now (primary and alternate) (voting)
 - e. 1 Nantucket Together (primary and alternate) (voting)
 - f. 1 Affordable Housing advocate from the Housing Stakeholders Workgroup (primary and alternate) (Housing Stakeholders Workgroup) (voting)
 - g. 3 at large members (voting)
 - h. Board of Health designee (staff or BOH member) (non-voting)
 - i. NAREB (ex-officio)

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2. In appointing the members, in addition to the criteria above, applicants should be considered who are also:
 - a. People who own STRs
 - i. Year-round owners
 - ii. Seasonal owners
 - iii. Commercial owners
 - b. People who have concerns about the impact of STRs on their neighborhoods
 - c. Own business interests, e.g. restaurants, landscapers, etc.
 - d. In adherence with the conflict-of-interest guidelines as set forth by Town Counsel and agreed with the Select Board.
3. The STR Working Group members will be appointed using the Town of Nantucket's Committee, Board and Commission process.
 - a. All members will be confirmed by a majority vote of the 3 Select Board members (2 are recused), the chair of the Finance Committee and the vice-chair of the Planning Board.
 - b. The 1.c, 1.d, 1.e and 1.f members will be proposed by their respective groups.
 - i. Each group will be asked to propose 3 nominees from which a primary and an alternate will be appointed by the appointing authority of the Working Group.
4. An independent facilitator will be engaged by the Select Board to moderate and manage all meetings of the STRWG.
5. The working group members' commitment will include:
 - a. Attending 95% of the scheduled meetings. Attending 100% of the meetings where critical votes are taken, e.g. the substance of a Zoning article for Annual Town Meeting.
 - i. Missing more than 2 meetings will be grounds for dismissal from the STR Work Group and the alternate will be appointed.
 - b. Reaching 100% consensus on data needed, data definitions and sources of all data.
 - c. Reaching consensus (7 votes out of 9) on any topic that is brought to a vote. The intention of this is for the group to reach compromises, not to enable 3 members to stop the process.
 - i. When this is not achieved, the chair will elicit what work needs to be done to reach 80%.
 - d. Soliciting all input from their represented constituency prior to each meeting.
 - i. Method to be confirmed re: Open Meeting Law (OML).
 - e. Communicating any relevant information back to their constituencies.
 - i. Method to be confirmed re: OML.
6. While there are probably more than nine different constituencies for this topic, a working group larger than nine will be difficult to manage.

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- a. It will be the responsibility of the individual members to solicit input from their represented constituency.
 - b. It will be up to the chair to ensure all constituencies who want to actively participate are included in the relevant discussions.
 - i. This will be done, in part, by posting detailed agendas of topics to be covered for each meeting.
 - c. It is expected that Town Administration will play a critical role in identifying solutions for this topic and will be included in all meetings as needed.
 - i. A member of PLUS will provide support for the STR Working Group.
7. All meetings will be public and held under Open Meeting Law on Zoom and/or Hybrid to ensure ease of participation by members of the public.
8. The Objectives of the STR Working Group are:
 - a. To provide 100% transparency in all discussions, deliberations, and decisions in respect to STRs on Nantucket.
 - b. 100% agreement to the contributing data points, how they are defined, and the necessary analyses for decision-making by the STRWG
 - c. To develop sensible guidelines for STRs that consider (but not be limited to):
 - i. Nantucket's unique situation,
 - ii. the history of seasonal rentals,
 - iii. how STRs are developing in similar communities and the impact on Nantucket,
 - iv. the economic impact of the suggested guidelines.
 - d. To identify either new Bylaws and/or Zoning that would be voted upon at the 2023 Annual Town Meeting.
 - i. To identify any guidelines that may arise that would support Article 39.
9. The STR Work Group will be successful (Goals) when:
 - a. Any articles arising out this Work Group pass at Town Meeting by a significant margin (not just 2/3rd or majority vote), indicating broad public support for the solutions.
 - b. All participants agree to work in good faith.
 - c. Other?
10. After the pre-meeting, the group of 6 will:
 - a. Take the updated draft Framework back to their respective boards and committee for their input. (In progress.)
 - b. Hold another meeting by July 31st to align the input from the 3 boards.
 - c. Make any final edits and publish the Framework as final.
 - i. Ensuring any relevant points raised during Public Comment are considered in the the final Framework.
11. Once constituted, the agenda for first meeting of the STR Work Group will be to:

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- a. Adopt the Framework, Objectives and Goals.
- b. Agree “way of working.”
 - i. How will decisions be made and confirmed? (See proposed guidelines in 5.c. above)
 - ii. Meeting frequency and platform (Zoom, Hybrid)
 - iii. Identify actions to be taken if people/members don’t adhere to the Framework.
- c. Review existing data, identifying any gaps. Agree definitions, sources, timing and endorsing the data to be used for decision making.
- d. Agree communication plan, identifying the what/who/how/when for each element.
- e. Agree an approach for community outreach and engagement.
- f. Set the agenda for the next meeting and the meeting schedule.