

Nantucket Coastal Resilience Advisory Committee (CRAC)

Tuesday, April 23, 2024

Via Zoom

*Meetings are audio- and video-recorded

Members present: Gary Beller, Peter Brace, Tim Braine, Abby DeMolina, Matt Fee, Rachael Freeman, Dr. Jen Karberg, Joanna Roche, Doug Rose, Christy Kickham

Members Absent: Dr. Sarah Bois,

Staff present: Leah Hill

Scheduled Speakers: Malcolm MacNab, Chair of the Board of Health; David Iverson, Chair of the Planning Board; Joseph Topham, Vice Chair of the Planning Board; Seth Engelbourg, Vice Chair of the Nantucket Conservation Commission (ConCom).

Members of the public: Gerry Connick

Recording available here: <https://youtu.be/IUUHfsbrjDU?si=8bWbKb2ME7iBuZ2M>

1. Call to Order – 10:00am
 - the meeting was called to order by chair Peter Brace
2. Meeting announcements: Brace read abbreviated script on how the public can participate.
3. Public comment on topics not on the agenda: none
4. Approval of Minutes: none
5. Discussion with Town regulatory boards and commissions on how they apply and plan for coastal resilience including: current regulations, policies, or by-laws with coastal resilience in mind; Town's Coastal Resilience Plan; sea level rise; associated maps and models for Nantucket; at risk areas; questions they are receiving from applicants; challenges and issues they are facing, how can CRAC help?
 - Planning Board: Iverson outlined the boundaries within which the Planning Board operates, specifically the State Subdivision Control Act and the Planning Bylaws; stormwater is an area of focus on almost every application; beyond that, he is uncertain as to how the Planning board can be of assistance. Discussion ensued:
 - *Brace encouraged building awareness of coastal resilience through the application process, and cited several examples where construction has been permitted in at risk areas; Iverson responded that working through staff to educate the trades might be helpful.*
 - *Karberg suggested that CRAC might be able to facilitate better communication between Planning and the ConCom; Iverson concurred.*
 - *Hill pointed out that updating the Zoning Bylaws is a priority in the CRP.*
 - *Fee asked if zoning changes should be initiated by the Planning Board or if that's an NP&EDC function; asked how we can create better communication between the regulatory boards; Topham was supportive of more education and cross-board communication.*

- *Brace summarized that the key may be Town staff.*
- *Rose asked what's the best method by which zoning and land use regulations can be updated. Iverson responded that CRAC should work with PLUS staff to formulate zoning changes that the CRP calls for; staff would bring it to the Planning Board "to make it its own".*
- *Fee suggested that one possibility for zoning changes would be to require joint review of certain applications in high-risk areas. He also spoke about the market forces that work against the common good, and the need to challenge the status quo on state laws regarding Town obligations*
- *MacNab commented that the Board of Health (BoH) must work within Health Code/Title 5 regulations, and so has little direct purview on matters relating to coastal resilience.*
 - *Agreed that Nantucket would benefit by more cross-board communication and cooperation, citing as an example a recent matter where the HDC approved a plan which violated health code.*
 - *BoH will comment on proposals that defy common sense, e.g., large construction projects in at-risk areas that involve septic systems, swimming pools, etc.*
 - *In addition, the BoH has recently decided to support the use of emergency tight tanks in at-risk areas like Baxter Road.*
 - *Brace asked if erosion risks might compromise septic systems, would that not be a relevant issue for the health code? MacNab stated that the way the health regulations are currently written, they tend not to be preventive, but rather are focused on "after the fact" health issues – e.g., approving removal of septic systems once they are compromised.*
 - *Hill asked whether new regulations could be developed to help mitigate risks presented by erosion, groundwater rise and coastal storm flowage; MacNab responded that this would be helpful, and that in the next few years, the BoH needs to do a thorough review of its regulations.*
 - *Fee stated that Rick Atherton has proposed measures that would require property owners to release the Town of responsibility as a condition for development in areas that meet certain criteria for risk; Fee stated that this sort of idea could be useful not just with the Health Code, but throughout Nantucket's regulatory framework.*
- *Engelbourg addressed the ConCom's jurisdiction as defined by the state Wetlands Protection Act and Nantucket's local wetlands bylaw and regulations.*
 - *He spoke in support of shifting liability to property owners for developing in at-risk areas, and for the Town/County to further explore road discontinuances. He acknowledged that this is often a controversial issue, but an option that is worthy of further consideration.*
 - *Engelbourg opined that contrary to popular belief, the primary purpose of all regulatory bodies on Nantucket is not to prevent or restrict development, but to permit it within the limits of the law. In fact with the ConCom, over the past 5 years more than 99% of applications have been approved. Much of their work is therefore focused on developing orders of condition (OOC) that will allow a permit to be issued while still protecting the affected resource areas as much as is practically possible.*
 - *Engelbourg contrasted the role of the Select Board and CRAC, which are both long*

term/aspirational in their focus, as directly opposite to that of regulatory boards like the ConCom, which are constrained to work project by project, short-term.

- *He would be supportive of a streamlined permitting process that establishes a more orderly and logical set of steps through the regulatory process. He also spoke about the need for board chairs and vice chairs to educate themselves on the regulatory framework that governs other boards.*
- *Engelbourg also spoke about ConCom's ongoing efforts to update the local bylaws by adding new language from the CRP, and more stringent requirements regarding setbacks, pools, and the like.*
- *Fee concurred on road discontinuances, though indicated the process is more complex than he'd like. He also spoke to the need for regulatory boards to take a longer-term perspective with regard to updating regulations, and acknowledged that it's difficult to do so with the 'tidal wave of money' pushing against those updates.*
- *Brace added that this is why CRAC's focus on long-term vision is so critical to the health of the island.*
- *In response to a question from Hill, Engelbourg would advise homeowners who are developing in at-risk areas to first consult Natural Resources Department (NRD) staff and a local surveyor.*
- *Beller underlined the critical nature of the regulatory updates. Engelbourg encouraged CRAC to send another letter to that effect, as that would carry a lot of weight.*

6. Discussion on next steps for the coastal resilience survey: other outlets and groups to send the survey to; what to do with the results.

- *Hill provided a brief recap of the previous meeting's discussion with Peter Morrison, and suggested that CRAC develop an informational brochure for homeowners; Karberg concurred. Other suggestions:*
 - *Roche suggested a simple quiz might be good for engagement.*
 - *Freeman would support the development of a presentation that could be recorded and made available online. Brace concurred, and added that CRAC members could deliver the questions and answers.*
 - *DeMolina urged multiple formats to maximize engagement, and to make them available in multiple languages.*
 - *Beller suggested attending the Civic Association presidents meeting; either Brace or Hill will follow up with Morrison.*
 - *Fee suggested taking advantage of the once/year mailing from the Town Clerk or Assessor's Office.*
- *Hill summarized that the survey should remain open through the summer; Brace and Hill to confer on next steps.*

7. Discussion on next site visit: Polpis Rd at Folger's Marsh and Sesachacha Pond; Madaket Rd at 1st and 2nd bridges; Airport runway #240 near Nobadeer Beach; Millie's Bridge and Massasoit Bridge in Madaket; Downtown area from Children's Beach to Francis Street

- *Consensus: downtown area from Childrens Beach to Francis Street.*

8. Public outreach ideas/strategies from committee members
 - Media scorecard summary: none
9. New business, Natural Resources Dept. & Committee reports from Planning Board, Conservation Commission, Harbor and Shellfish Advisory Board, Select Board, Advisory Committee of Non-Voting Taxpayers, and other committee members.
 - Braine indicated that the review of the SBPF NOI is nearing completion.
 - Brace indicated that the Harbors Action Plan is approaching completion of the draft plan.
 - Hill indicated that the CoastSnap post at the end of Hummock Pond Rd. is getting a lot of use and that the site visit for the Downtown Neighborhood Flood Barrier- Initial phase project is occurring tomorrow.
10. Discussion of upcoming meeting dates and topics: Next Meeting is May 14, 2024, on Zoom
 - Beller asked that CRAC send another letter to ConCom, pursuant to Engelbourg's comments. Brace to follow up.
11. Motion to adjourn:
 - moved (Beller), seconded (Braine), approved unanimously (9-0).