SELECT BOARD

Minutes of the Meeting of June 26, 2024. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Brooke Mohr, Thomas Dixon, Matt Fee and Dr. Malcolm MacNab. Dawn Holdgate participated remotely.

I. CALL TO ORDER

Chair Mohr called the meeting to order at 5:34 PM following a meeting of the County Commission.

Chair Mohr said she will not be taking public comment on the agenda items related to the Conservation Commission regulations and Special Town Meeting because the associated public hearings with both of those will allow for public comment.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson read Announcements 1 – 4.

1. The Select Board Meeting is Being Audio/Video Recorded.

2. No Select Board Meeting on Wednesday, July 3, 2024 (Summer Schedule); Next Meeting is Wednesday, July 10, 2024.

3. Town Offices will be Closed on Thursday, July 4, 2024 in Observance of Independence Day.

4. www.nantucket-ma.gov/vesselstrike
The Devastating Impact that NOAA'S Proposed Speed Limit Will have on the Economy and the People of Nantucket - Take Action Today!
We Need All Residents and Visitors to Contact Nantucket Island's Federal Delegation to Request Exemption for Nantucket Sound. Use the Template at https://nantucket-ma.gov/3114/NOAA-North-Atlantic-Right-Whale-Vessel-S to Write to Your Representatives. Personalize it with Your Own Comments and Experiences to Make an Even Greater Impact.

5. https://nantucket-ma.gov/2594/Housing-News
The Housing Office is Urging You to Join Us in Advocating for the Affordable Homes Act, Specifically Supporting the Inclusion of a Local Option Real Estate Transfer Fee and the Seasonal Communities Provision Proposed by Governor Healey. Your Support is Crucial in Addressing the Unique Housing Challenges Our Island Faces. We Kindly Ask You to Take a Few Moments to Send a Letter, Expressing Your Support for These Vital Measures that Will Help Sustain Nantucket's Year-Round Community to Senate President Spilka. Housing Director Kristie Ferrantella made the announcement and spoke on Town and other efforts to enact a real estate transfer fee to provide a stable revenue stream for affordable housing.

6. Select Board Announcements/Comments.

Mr. Dixon thanked Reema Sherry of the Affordable Housing Trust for her work on the Trust over the years, noting that she is not seeking reappointment.

Chair Mohr spoke on the Town's efforts to seek an exemption from the North Atlantic Right Whale restrictions noted in item 4 above. She spoke on the Consultation the Town participated in, today, with the federal Office of Management and Budget, at which testimony was provided by herself, the Police Chief, the Fire Chief and the Public Works Director as to the critical impact on the Island if the exemption is not granted.

Chair Mohr said that a non-binding article, relating to the African Meeting House and passed at the 2024 annual town meeting, will be coming to the Board for an update in July.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS
There were no follow-up comments from prior meetings.

V. PUBLIC COMMENT
Caroline Baltzer spoke on a recent public comment restriction imposed by the Board on a particular issue (short-term rental discussion), and said public comment is important for the democratic process.

Megan Perry spoke on a joint Select Board – Board of Health meeting yesterday. She asked how much funding is set aside for "PFAS and PFAS matters for the future".

Campbell Sutton asked if the Town website could be updated as to a list of public and private roads. She commented on the website and something she believes is not working.

VI. NEW BUSINESS
There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
Mr. Fee moved approval of items VII 1 – 4; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

1. Approval of Minutes of June 10, 2024 at 11:00 AM; June 12, 2024 at 5:30 PM.

2. Approval of Payroll Warrants for June 9, 2024; June 23, 2024.

3. Approval of Treasury Warrants for June 19, 2024; June 26, 2024.

4. Approval of Pending Contracts for June 26, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. ANNUAL SELECT BOARD COMMITTEE APPOINTMENTS
1. 2024 Annual Board, Committee, Commission Appointments. Operations Administrator Erika Mooney reviewed the appointment process (paper ballot for those present; text for Ms. Holdgate who is remote); reviewed a list of the non-contested boards, committees and commissions and referenced a residency requirement for the Board of Health, noting that the two new applicants for the Board of Health do not meet the residency requirement of Section 2 of Chapter 46 of the Acts of 2010 (the establishment of a Board of Health) and should not be considered for appointment. The Board was in agreement with the appointment procedure as described. Mr. Fee moved approval by acclamation of the uncontested seats, as follows:

Agricultural Commission – Posie Constable
Board of Health – James A. Cooper
Cemetery Commission – Frances Karttunen and Lee. W. Saperstein
Contract Review Committee, Human Services – John W. Belash
Council for Human Services – Sue Mynttinen and Veronica Bolcik
Council on Aging – Linda Williams and Lisa Sherburne
Cultural Council – Tony Wagner
Historic District Commission Associate – Carrie Thornewill
Nantucket Historical Commission – Angus MacLeod
Real Estate Assessment Committee – John B. Brescher
Roads and Right of Way Committee – Nelson Eldridge, Rob Ranney and Edward Gillum
Tree Advisory Committee – Ben Champoux and Emily Molden
Zoning Board of Appeals – John B. Brescher
Zoning Board of Appeals Alternate – Lisa Botticelli

Seconded by Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted

Votes on the remaining committees were tabulated by Ms. Mooney as follows:

Airport Commission (1 seat)

Philip Marks III – received votes from Ms. Holdgate, Mr. Fee, Dr. MacNab, Mr. Dixon and Chair Mohr
Andrea Planzer – received votes from Ms. Holdgate, Mr. Fee, Dr. MacNab, Mr. Dixon and Chair Mohr
Michael Leavitt – did not receive any votes

So voted to appoint Mr. Marks and Ms. Planzer.

Coastal Resiliency Advisory Committee (1 seat)

Sarah Bois – received votes from Ms. Holdgate, Mr. Fee, Dr. MacNab, Mr. Dixon and Chair Mohr
Shelly Lockwood – did not receive any votes

So voted to appoint Sarah Bois.

Conservation Commission (2 seats)

Linda Williams – received votes from Ms. Holdgate, Chair Mohr, Mr. Dixon and Mr. Fee
Ian Golding – received votes from Mr. Fee and Dr. MacNab
John M. Schafer – received votes from Ms. Holdgate, Chair Mohr, Mr. Dixon and Dr. MacNab

So voted to appoint Ms. Williams and Mr. Schafer.

Finance Committee (3 seats)

Joseph H. Wright – received votes from Ms. Holdgate, Chair Mohr, Mr. Dixon and Dr. MacNab

Peter N. Schaeffer – received votes from Ms. Holdgate, Chair Mohr, Mr. Dixon, Mr. Fee and Dr. MacNab
Jeremy Bloomer – received votes from Ms. Holdgate, Chair Mohr, Mr. Dixon and Mr. Fee
Kathleen Richen - received votes from Mr. Fee and Dr. MacNab

So voted to appoint Mr. Wright, Mr. Schaeffer and Mr. Bloomer.

Nantucket Affordable Housing Trust (3 seats)

Brian Sullivan – received votes from Ms. Holdgate, Chair Mohr, Mr. Dixon, Mr. Fee and Dr. MacNab
Shantaw Bloise-Murphy – received votes from Ms. Holdgate, Chair Mohr, Mr. Dixon, Mr. Fee and Dr. MacNab
Boyd S. Boggess – received votes from Chair Mohr and Mr. Fee
Kim McMahon – did not receive any votes
Forest Bell - received votes from Mr. Dixon, Dr. MacNab and Ms. Holdgate

So voted to appoint Mr. Sullivan, Ms. Bloise-Murphy and Mr. Bell.

Planning Board Alternate (1 seat)

Liza Hatton – received votes from Chair Mohr and Ms. Holdgate
Howard Matz – received votes from Mr. Dixon, Mr. Fee and Dr. MacNab

So voted to appoint Mr. Matz.

Chair Mohr thanked all applicants and congratulated all who were appointed.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS
1. Maria Mitchell Association: Request for Waiver of Town Noise Bylaw from 10:00 PM to 10:30 PM for Stargazer Gala to be held Thursday, July 25, 2024 at 278 Polpis Road. Ms. Mooney provided background on the request. Dr. MacNab moved approval as requested; seconded by Ms. Holdgate; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; so voted.

2. RW Bryant: Request for Waiver of Town Noise Bylaw from July 2, 2024 at 10:00 PM to July 3, 2024 at 2:00 AM on Federal Street for Splicing of Fiber-Optic Cable. Ms. Mooney explained the request. Mr. Fee moved approval as requested; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

3. Nantucket Preservation Trust: Request for Approval of Historic Preservation Restriction to be Held by Nantucket Preservation Trust, Inc. for Property Located at 23-25 Fair Street. Ms. Mooney explained the process for the review of preservation restriction requests, noting that preliminary review of this request occurred in 2023. Mr. Fee moved approval as presented and to find that approval is in the public interest; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

4. Coastal Resilience Advisory Committee: Quarterly Reports. Coastal Resilience Coordinator Leah Hill reviewed the reports as contained in the Board's agenda packet. Discussion took place with the Board, Ms. Hill and Coastal Resilience Advisory Committee (CRAC) Chair Peter Brace on near future regulatory

changes being recommended to various Town regulatory agencies to accommodate coastal resiliency measures. Dr. MacNab asked how dollar amounts are calculated to certain areas projected to be impacted if coastal resiliency measures are not enacted. Ms. Hill said there are established formulas. Dr. MacNab requested that he be able to review these. Some discussion followed. Chair Mohr thanked Ms. Hill for a comprehensive report.

5. Department of Public Works: Request for Letter of Support for Paint Stewardship Program. Solid Waste Manager Chris Lowe explained the request, using the materials in the Board's agenda packet. Mr. Fee asked how it will be implemented, specifically, what will change. Mr. Lowe explained. Mr. Dixon moved approval as requested; seconded by Mr. Fee; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

X. REAL ESTATE MATTERS

1. Request for Approval and Execution of Land Exchange Documents with Nantucket Islands Land Bank:
a) Acceptance of Quitclaim Deed from Land Bank to Town for Two Parcels for Milestone Rotary Bike Path for Recreational Purposes, with Land Bank Retaining Easements, Shown as Lot 13 on Plan Entitled "Plan of Land in Nantucket, MA, Prepared for Nantucket Islands Land Bank, 2 Milestone Road," Prepared by Nantucket Engineering & Survey, P.C., Dated April 5, 2022 and Filed with Nantucket Land Registration District as Plan 7302-E; and, Lot 2 on Plan Entitled "Plan of Land in Nantucket, MA Prepared for Nantucket Islands Land Bank, 174 Orange Street," Prepared by Nantucket Engineering and Survey, P.C., Dated April 5, 2022 And Recorded with Nantucket Registry of Deeds as Plan 2024-3; Pursuant to Chapter 93 of the Acts of 2022.

b) Acceptance of Quitclaim Deed from Land Bank to Town for One Parcel at Nobadeer Recreational Area, Shown as Lot 17 on Plan Entitled "Division Plan of Land Milestone, Nobadeer Farm & Hinsdale Roads, Nantucket, Mass., Prepared for Town of Nantucket & Nantucket Islands Land Bank," Prepared by Blackwell & Associates, Inc., Dated June 24, 2023 and Recorded with Nantucket Registry of Deeds as Plan 2023-36, Pursuant to Chapter 93 of the Acts of 2022.

c) Conveyance of Five Parcels from Town to Land Bank at Mill Hill Park for Passive Recreational, Open Space or Public Park Purposes, Pursuant to Vote on Article 92 of 2021 Annual Town Meeting and Chapter 93 of the Acts of 2022:
- A Certain Parcel of Land Located at 39 Prospect Street in Nantucket, Shown on Assessor's Map 55.4.4 as Parcel 57 and Shown as Lot D on Land Court Plan No. 12559-A, Filed with Nantucket Registry District of the Land Court;
- A Parcel of Land Located at North Mill Street in Nantucket, Shown on Assessor's Map 55 as Parcel 319 and Shown on Land Court Plan No, 13837-A, Filed with Nantucket Registry District of the Land Court;
- A Certain Parcel of Land Located at 47 Prospect Street in Nantucket, Shown on Assessor's Map 55 as Parcel 321 and Shown as Lot C on Land Court Plan No. 12559-A, Filed with Nantucket Registry District of the Land Court;
- A Certain Parcel of Land Located at 37 Prospect Street in Nantucket, Shown on Assessor's Map 55.4.4 as Parcel 81;
- A Certain Parcel of Land Located at 29 Vesper Lane in Nantucket, Shown as Lot 15 on Plan of Land Recorded with Nantucket County Registry of Deeds in Plan Book 24, Page 84.

Real Estate Specialist Tracy MacDonald provided an overview of the transactions, which are all connected and noted the necessary additional approvals from town meeting and the legislature have been secured. Land Bank Executive Director Jesse Bell thanked recently deceased former Real Estate Specialist Ken

Beaugrand for his role in the initial beginnings of these transfers and thanked Ms. MacDonald for completing these. Mr. Fee moved approval of items a, b and c as presented; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

XI. TOWN MANAGER'S REPORT
Ms. Gibson indicated she does not have a report tonight.

XII. SELECT BOARD'S REPORTS/COMMENT
1. Conservation Commission: Review of Proposed Amendments to Wetlands Regulations. Chair Mohr said that the Conservation Commission (ConCom) has these regulation amendments before a public hearing, tomorrow. Natural Resources Director Jeff Carlson provided an overview of the amendments. Conservation Agent Will Dell'Erba assisted with the presentation as found in the Board's agenda packet. Board members asked various questions, which were answered by Mr. Dell'Erba and Mr. Carlson.

2. Review and Vote to Revise Language of Senate Bill No. 2417 (Transfer of Lots 35-38 in Block 31 on Ames Avenue from Conservation Commission to Select Board for Roadway and Municipal Purposes) as Requested by Senator Cyr. Real Estate Specialist Tracy MacDonald explained that the language as requested by Senator Cyr and contained in the Board's agenda packet is legal and nature and not substantive. Mr. Fee moved approval as requested; seconded by Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

3. Discussion of September 17, 2024 Special Town Meeting Warrant Articles; Adoption of September 17, 2024 Special Town Meeting Warrant. Mr. Dixon summarized the process as to how the proposed short-term rental article for potential sponsorship by the Board, was developed and explained how public comment was provided and noted additional meetings were added to the process than originally envisioned. Dr. MacNab commented that the public comment time allowed at the final meeting was disappointing because not much was provided; however, he noted that he has received a lot of public comment outside of the meetings. Chair Mohr said she has asked the citizen warrant article sponsors to each answer some questions, including if they support the currently proposed article as contained in the draft warrant in the Board's packet. Charity Benz stated that her group does not support the article and spoke on why. After 3 minutes, Chair Mohr said that Ms. Benz's 3-minute time limit has been reached. Ms. Benz continued speaking. Chair Mohr requested that Ms. Benz conclude, which she did. Steven Cohen stated his group supports the article being presented to the voters, noting that it represents a compromise. He spoke on the issues that the article addresses. He added he proposes two changes and reviewed these. He said that despite the support, he does have some concerns and reviewed those. Grant Sanders stated that his group supports the article, noting it is a compromise and spoke on the compromising issues, including investment properties and residency requirements. He commented that rancor and toxicity should be removed from the discussions as these do not help the process. Chair Mohr asked the Board for any questions, noting that Town Counsel John Giorgio is present to address. Mr. Fee commented on the number of meetings held. Dr. MacNab said he had hoped to get deeper into a general bylaw rather than the zoning bylaw and said he agrees with various concerns of each sponsor group. He said he has concerns with enforcement that have not yet been worked out. He indicated support for what is presented. Chair Mohr noted that Ms. Holdgate is recused from this discussion on the short-term rental articles. Discussion followed as to the order of the articles on the draft warrant and what the impact might be depending on which article(s) are adopted. Mr. Giorgio explained. Chair Mohr asked about the process for making technical amendments if wording changes are made throughout the remainder of the process with the

Planning Board and Finance Committee. Mr. Giorgio explained. Mr. Giorgio emphasized that the existing short-term rental regulations may also be amended by the Board of Health and Select Board through a public hearing process. Mr. Dixon spoke on the various issues that were brought up a year ago with the former Short-term Rental Work Group, and during these most recent meetings. He said ultimately these issues will be decided by the voters. He said he supports including the article on the warrant, as is. Town Moderator Sarah Alger spoke in response to Chair Mohr's earlier inquiries about the technical amendment process and offered to come to a Board meeting and/or hold her own informational meeting on this. Mr. Fee spoke in favor of including the proposed "compromise" article on the warrant. He spoke on the order of the articles and suggested a slightly different order. He added that civility is important to maintain. Planning Board Chair David Iverson asked if the Moderator could also review process at a Planning Board meeting. Chair Mohr spoke in maintaining the order of the articles as currently presented in the draft warrant. Mr. Fee spoke against the current order. Chair Mohr said she is concerned about placement of any of the citizen articles ahead of any other. Discussion followed about the order. Mr. Dixon expressed support for Mr. Fee's suggestion to put Ms. Benz's article first. Mr. Fee moved to place Ms. Benz's article first and the "compromise article" second; seconded by Mr. Dixon. Matthew Peal, a part of Ms. Benz's group, proposed that all of the short-term rental articles be "shelved" and that discussions continue for an article(s) to be brought to the 2025 annual town meeting. Chair Mohr expressed concern at this proposal and asked the other sponsor groups to comment. Mr. Cohen stated that he prefers to move forward with the September special town meeting and not wait until 2025. He spoke in favor of the "compromise article". Mr. Sanders expressed support for proceeding toward the September special town meeting. Mr. Giorgio cautioned, for legal reasons, as to any delay. On the motion, Mr. Fee said if Ms. Benz's group does not have a preference, he is fine with the order as currently presented in the draft warrant. Mr. Fee withdrew the motion, seconded by Mr. Dixon. Mr. Fee moved to adopt the warrant as presented; seconded by Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Dr. MacNab – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes.

Mr. Dixon moved to refer the zoning articles to the Planning Board for review and motion preparation; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Dr. MacNab – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes.

Chair Mohr expressed tremendous appreciation for all those who have commented, participated and provided input and spent time on this issue.

4. Committee Reports.

There were no committee reports.

XIII. ADJOURNMENT

Mr. Fee moved adjournment at 8:06 PM; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

Approved the 10th day of July 2024

SELECT BOARD
JUNE 26, 2024 – 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

VII. 1. Draft minutes of 6/10/2024 Licensing; draft minutes of 6/12/2024
VII. 4. AMENDED Pending Contracts spreadsheet; Airport Grant Assurance - Concrete Hardstands; Airport Grant Assurance - Taxiway G; Airport Grant Assurance - ARFF Truck & Equipment
VIII. 1. Committee membership/applicant list; Committee applications
IX. 1. Maria Mitchell Assn request for waiver of Town Noise Bylaw
IX. 2. RW Bryant request for waiver of Town Noise Bylaw
IX. 3. AIS re: Historic Preservation Restriction (HPR) for 23-25 Fair St; Letter from Town Counsel; Final HPR for 23-25 Fair St
IX. 4. AIS re: CRAC Q1 update; CRAC Q1 presentation; AIS re: CRAC Q2 update; CRAC Q2 presentation
IX. 5. AIS re: Paint Stewardship Program; Flyer; Draft letter of support
X. 1a, 1b, 1c. AIS re: Land Exchange with Land Bank; Chapter 93 of the Acts of 2022
X. 1a. Quitclaim Deed for Milestone Rotary Bike Path; Select Board acceptance; LC Plan # 7302-E; Plan # 2024-3
X. 1b. Quitclaim Deed for Nobadeer Recreational Area; Select Board acceptance; Plan # 2023-36
X. 1c. Quitclaim Deed for Mill Hill Park; Article 92 of 2021 ATM; GIS map of Mill Hill Park parcels
XII. 1. ConCom proposed amendments to Wetlands Regulations presentation
XII. 2. AIS re: Ames Ave - Senate Bill No. 2417; Senate Bill No. 2417; Article 95 of 2022 ATM with GIS map; Certificate of Title
XII. 3. Updated DRAFT Warrant for 9/17/2024 STM - as of 6/25