

SELECT BOARD

Minutes of the Meeting of October 16, 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 Dawn Holdgate. Dr. Malcolm MacNab participated remotely.

I. CALL TO ORDER

Chair Mohr called the meeting to order at 5:30 PM following the Pledge of Allegiance.

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Mohr noted items VIII. 2 and 5 have been tabled. The agenda was otherwise accepted as posted.

III. ANNOUNCEMENTS

Assistant Town Manager Rick Sears reviewed the Announcements.

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

2. May 3, 2025 Annual Town Meeting Warrant Open for Citizen Warrant Article Submittals through November 18, 2024 at 4:00 PM. Citizen Warrant Article Guide: <https://www.nantucket-ma.gov/DocumentCenter/View/49076/Guide-to-Preparing-a-Citizen-Warrant-Article-PDF>.

Town Counsel will be Available for Citizen Warrant Article Consultation on Wednesday, October 16, 2024 from 10:00 AM – 12:00 PM; and Thursday, October 17, 2024 from 4:00 PM – 6:00 PM via Zoom. Contact TownManager@nantucket-ma.gov for Zoom links.

3. Select Board Announcements/Comments.

Mr. Dixon announced that Housing Secretary Edward Augustus from the Executive Office of Housing and Livable Communities was on island today with Senator Julian Cyr and State Representative candidate Thomas Moakley for a round table discussion and tour of housing projects.

Chair Mohr read two announcements from Housing Director Kristie Ferrantella: 1. The Affordable Housing Trust (AHT) released two new Requests for Proposals for the development of affordable and workforce housing for properties on Orange Street, Vesper Lane, Bartlett Road, and Amelia Drive; and 2. Richmond Development will be holding an affordable rental housing lottery for Meadows II, Phases V and VI shortly. She stated that thanks to the AHT buy-down assistance, Richmond has increased its available affordable units from 25% to 62%.

Mr. Fee asked if there was discussion about a housing bank. Chair Mohr answered affirmatively, noting the Secretary was supportive of a transfer fee but there is less support from the Commonwealth's Administration. Mr. Dixon agreed, saying the Secretary is well aware of the need for a consistent funding stream for affordable housing.

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

1. Response(s) to Public Comment Questions from October 9, 2024 Select Board Meeting.

Chair Mohr noted that answers to specific questions asked under Public Comment at these meetings, are indicated in the document in the agenda packet and online.

V. PUBLIC COMMENT

Meghan Perry said she met with Town Counsel today to review citizen warrant articles, and she encouraged the community to take advantage of this service offered by the Town. She stated that she is against “risky housing.” Ms. Perry submitted a timeline that she had read from at a previous Select Board meeting.

Linda DeRensis asked how much was the Town going to give to developers, including waivers, and how much did the developers want, when discussions with town officials were held with the developers of the Surfside Crossing 40B. She commented on a South Shore Road resident running a supposed commercial business in a residential neighborhood, with events published in national magazines.

Adam Salman made a statement calling for a stop to crime in the USA.

Campbell Sutton thanked the Board for offering follow-up responses to public comment questions.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Holdgate moved approval of items VII 1 – 3; seconded by Mr. Fee who recused from the approval of the October 7th minutes; 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 October 7, 2024 at 3:00 PM; October 9, 2024 at 5:30 PM.

2. Approval of Payroll Warrants for October 13, 2024.

3. Approval of Treasury Warrants for October 16, 2024.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Sustainability Program Coordinator: Update on Sediment Transport Study and Dredge Plan Development. Sustainability Programs Manager Vincent Murphy introduced the item and introduced Devon McKaye of Arcadis, the Town’s consultant for this project. Ms. McKaye reviewed the presentation found in the Board’s agenda packet. Dr. MacNab inquired if the model has been validated and if there is sensitivity data. Ms. McKaye answered affirmatively to both, noting the model has been useful. Dr. MacNab asked if eelgrass will be impacted by dredging. Ms. McKaye said they are understanding where the eelgrass is located and how to avoid it, adding there are no plans to adversely impact the eelgrass. Dr. MacNab asked why dredging is needed at all. Mr. Murphy answered it is for access and safety within the harbors. Dr. MacNab said dredging hasn’t been done for hundreds of years and he is still looking for a better reason to do it. Mr. Murphy said that the constantly shifting sand is an issue and certain areas will be avoided but the goal is to keep the harbors useful and useable. Mr. Fee stated that the Town has dredged in the past, for instance the Madaket ditches, and it is important for navigation and tidal flow. Mr. Fee asked if dredging does occur, where the spoils will be stockpiled. Mr. Murphy responded that the stockpile area and use of the spoils are still to be determined. Bruce Mandel asked about stakeholders’ involvement in the plan, stating that Madaket was “promised” to be a stakeholder. He said that Madaket stakeholders are concerned with dredging and impacts to eelgrass. Mr. Mandel asked who are, were or will be a Madaket stakeholder. Mr. Murphy said this is a 10-year, island-wide dredge plan and a public engagement meeting was held on

September 4, 2024 with feedback from the public. He said that the plan has also been presented at multiple Town committee meetings which have all been recorded and uploaded online. Mr. Murphy said that people from Madaket were in the room at these meetings.

Chair Mohr noted that Mr. Salman has repeatedly raised his hand online. She noted that public comment is over and the issue he raised is national not local.

~~2. Selection of Independent Firm for Review of African Meeting House Vandalism Investigation, Pursuant to Vote on Article 36 of 2024 Annual Town Meeting (Non-Binding) (Continued from October 9, 2024; Tabled).~~ This matter was tabled until the Chair can meet with the sponsor of Article 36 of the 2024 annual town meeting.

3. Housing Office: Request for Acceptance of Deed and Approval and Execution of Settlement Statement for 19A First Way. Attorney Vicki Marsh from Town Counsel's office reviewed the request, noting an issue with a smoke detector and a non-compliant oil tank, for which the Town will receive credit. She recommended the Board accept the deed and authorize an adjustment on the settlement statement for hardwiring the smoke detector and oil tank. So moved by Ms. Holdgate; seconded by Mr. Fee. Mr. Fee suggested that in lieu of installing a new oil tank, that a mini split be installed. On the motion, by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

4. Request for Waiver of Town Noise Bylaw for 3rd Sewer Force Main Project – Road Reconstruction on Surfside Road from Sparks Avenue to Fairgrounds Road from 4:00 PM to 5:00 AM, October 21, 2024 to November 29, 2024. Operations Administrator Erika Mooney reviewed the request, noting the plan is to do the work during daytime work hours, and this request is just in case that doesn't work out with the schools. Ms. Holdgate asked for clarification on the days of the week for the waiver. Ms. Mooney confirmed that it would be Monday through Friday and no major holidays. Mr. Fee moved approval; 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.

~~5. Planning and Land Use Services (PLUS): Master Plan Update.~~ This matter was tabled to November 6, 2024.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Amendments to Town Regulations Chapter 260 (Fishing and Shellfishing), Section 4.29 (Bay Scallops), Subsection (I), to Allow the Select Board to Have the Ability to Raise or Lower the Bushel Limit for Commercial Scallopers if Surveys Indicate an Alteration is Needed, Pursuant to MGL Chapter 130, Section 73 and Chapter 122-5 of the Code of the Town of Nantucket. Shellfish and Aquatic Resources Manager Tara Riley reviewed the proposed amendment to the Bay Scallop regulations, noting it is due to fishing pressure, participation and conditions of the fishery. Mr. Fee asked if there is any criteria. Ms. Riley said it would be abundance of shellfish only. Mr. Dixon asked about the notice period. Ms. Riley and Ms. Mooney responded. Chair Mohr opened the hearing.

As there was no public comment, Ms. Holdgate moved to close the hearing; 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.

Mr. Fee moved to approve the amendment as proposed, effective when advertised; seconded by Ms. Holdgate; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

X. TOWN MANAGER'S REPORT

There were no Town Manager reports.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding Community Impact Fee Adopted Pursuant to Article 3 of November 7, 2023 Special Town Meeting (Acceptance of Massachusetts General Law: Adoption of Community Impact Fee on Professionally Managed Short-Term Rentals). Attorney John Giorgio of Town Counsel's office reviewed his revised memo of September 22, 2024, noting his revision came after the Board previously discussed this matter on September 18th because the Department of Revenue subsequently issued a statement clarifying the Community Impact Fee (CIF) would be effective October 1, 2024 no matter when the rental contract was signed. He reviewed which types of rentals would be subject to the CIF. He asked what the remaining issues are. Ms. Holdgate said she feels the intent of the town meeting vote to institute the CIF was to capture corporate rentals, but it seems it is being applied to families who have long-term rented short-term rentals instead. She said the CIF is creating a "strange market" where rentals have to be "sifted through" to see who owes what fees. Mr. Giorgio responded that the state statute dictates that; he asked if Ms. Holdgate wanted to "unwind" the vote to implement the CIF which would need another vote of town meeting. Ms. Holdgate reiterated that the CIF is impacting seasonal property owners who have owned and rented for a long time. Mr. Fee, Mr. Dixon and Dr. MacNab suggested treading lightly and seeing what data comes out of this. Ms. Holdgate suggested that the Nantucket Association of Real Estate Brokers (NAREB) has data and should be consulted. Dr. MacNab said short-term rentals are not a health concern and the Health Department should not be tasked with data collection. Mr. Giorgio said the CIF is payable if the owner is operating two or more units.

2. Review and Discuss Open Meeting Law Complaint Filed by Meghan Glowacki and Proposed Response Prepared by Town Counsel. Mr. Giorgio reviewed the Open Meeting Law (OML) complaint, and the suggested response drafted by his office. He said it is his opinion that no OML violation occurred, and the statement issued by the Housing Director was never discussed among Select Board or Affordable Housing Trust members. Ms. Holdgate offered a slight change to the response. Ms. Holdgate moved to approve and have Town Counsel issue the response with the Chair given final approval on the edits; seconded by Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted. Mr. Fee abstained from voting saying he hadn't read the draft response.

3. Committee Reports. Ms. Holdgate noted that Martha's Vineyard might be building a new high school and that the projected low end of the budget is \$197 million.

Mr. Fee would like the Board and staff to discuss commercial enterprises and policy impacts. He feels these are policy decisions on which the Board should have input.

Mr. Dixon said the Community Preservation Committee (CPC) started its application interviews today. He commended the program and applicants, noting the Community Preservation Act has been a great success for Nantucket.

XII. ADJOURNMENT

Ms. Holdgate moved adjournment at 6:56 PM; 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.

Approved the 6th day of November, 2024

**SELECT BOARD
OCTOBER 16, 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:

- IV. 1. Responses to 10/9 public comment questions
- VII. 1. Draft minutes of 10/7/2024; Draft minutes of 10/9/2024
- VIII. 1. Link to Harbors Sediment Transport Study and Dredge Plan (with live graphics); Nantucket Harbors Sediment Transport & Dredge Plan presentation
- VIII. 3. AIS re: purchase of 19A First Way; Unit Deed; Acceptance of Deed
- VIII. 4. AIS re: Noise Bylaw Waiver; Email from Robert B. Our; Town Noise Bylaw
- IX. 1. Public hearing notice for Bay Scallops regulation change; proposed Bay scallop regulation amendment
- XI. 1. Article 3 of 2023 STM (STR Community Impact Fee); Revised memo from Town Counsel re: STR Community Impact Fee
- XI. 2. Glowacki Open Meeting Law complaint; Draft Open Meeting Law response from Town Counsel; "For the Record" statement re: Surfside Crossing