

SELECT BOARD

Minutes of the Meeting of October 23, 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, Dawn Holdgate and Dr. Malcolm MacNab.

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

Ms. Mohr said there are two New Business items. The agenda was otherwise accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson 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>.

3. No Select Board Meeting on Wednesday, October 30, 2024 (5th Wednesday).

4. Select Board Announcements/Comments.

Dr. MacNab asked if there was a link for the Board's Strategic Planning Retreat on October 22, 2024. Operations Administrator Erika Mooney explained there was no link for that particular meeting as the meeting was in-person only.

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

Chair Mohr said that any follow-up comments have been posted on the Town's website.

V. PUBLIC COMMENT

Chair Mohr asked the audience to refrain from audible discussion amongst themselves as it is very distracting.

Vallorie Oliver spoke on an update the Town posted today regarding a Vineyard Wind offshore wind turbine blade issue. She expressed concern about the lack of information from the federal government. She also spoke against the Good Neighbor Agreement the Town has executed with Vineyard Wind and other parties.

Bill Grieder spoke on coastal resiliency issues relating to the intersection of Ames Avenue and Madaket Road. He noted that he made a similar public comment at the August 21, 2024 Select Board meeting.

Andy Lowell stated that he was speaking on behalf of the Harbor and Shellfish Advisory Board and asked that a member of that Board be permitted to join any Select Board discussions about Vineyard Wind, including in executive session.

Meghan Perry commented on the Select Board's involvement in comments to the Zoning Board of Appeals regarding the Surfside Crossing 40B project.

Meridith Lepore asked about the status of negotiations for Paid Family Medical Leave.

Housing Director Kristie Ferrantella reminded the public of a currently active lottery for attainable housing in the Richmond Development. She encouraged eligible parties to submit their applications.

VI. NEW BUSINESS

Operations Administrator Erika Mooney reviewed a request for a change in dates for a Noise Bylaw waiver that was approved by the Board at its October 9, 2024 meeting for nighttime sewer work on Nobadeer Farm Road. The new dates would be November 4, 2024 through November 15, 2024, 6:00 PM to 6:00 AM. Mr. Dixon moved approval; seconded by Dr. MacNab; all in favor, so voted.

Ms. Mooney reviewed a request for the Board to approve the November 5, 2024 State Election Warrant for the Town Clerk. Mr. Fee moved approval; seconded by Ms. Holdgate; all in favor, so voted.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee moved approval of items VII 2 – 3; seconded by Ms. Holdgate; all in favor, so voted.

1. Approval of Minutes of October 16, 2024 at 5:30 PM. This matter was tabled.

2. Approval of Treasury Warrants for October 23, 2024.

3. Approval of Pending Contracts for October 23, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Board of Health Update on Massachusetts Institute of Technology (MIT) Project to Reduce the Incidence of Lyme Disease on Nantucket. Dr. MacNab, also the Board of Health Chair, introduced the agenda item and reviewed the history of this project. He introduced Joanna Buchthal of the Massachusetts Institute of Technology (MIT), who reviewed the presentation in the Board's agenda packet. Chair Mohr opened the topic to questions. Ms. Mooney asked who makes the decision to release genetically altered mice on the Island; and, what would the impact be on predators of the mice. Kevin Esvelt of the MIT team responded and explained how the mice would be altered. He said further testing is needed on the impact to predators and added that because what is being tested currently has never been done before there are many regulatory requirements. He said a field trial would be conducted if this proposal makes it through regulatory requirements, at a location where the habitat is similar to that of Nantucket. He emphasized that his team is actively seeking input from the Nantucket community. Roberto Santamaria asked what would happen if a newer, effective treatment were to arise prior to the field trial, would the field trial continue. Mr. Esvelt responded and said that is not known at this time but suggested that if an effective treatment arose, it would be up to the community to continue or not with a field trial. Mr. Lowell also commented on predators and asked if the introduction of the genetic mice would increase the field mouse population. Ms. Buchthal responded and said that has not been determined. Virginia Andrews expressed caution about the containment of mice during the field trial. She also reviewed a concern about barn owl consumption of field mice in various areas of the island. She spoke on the increase of tick species on the island. Mr. Esvelt elaborated on the goal of the program, which is to create Lyme disease-resistant mice and noted that it

most likely is not possible to cause these mice to become Lyme disease-resistant, permanently. Meghan Perry asked about adverse effects. Ms. Buchthal said that has not been definitively determined at this point but would be vetted through the regulatory process. Jim Gross commented that a more straightforward way to address tick diseases is to reduce the deer population, he added that the population is too large. He asked about other tick diseases with the genetic mice program. Ms. Buchthal said eventually there could be opportunities to address other diseases. Mr. Gross asked how long it would take for the results of Lyme disease reduction to be known. Mr. Esvelt addressed this and estimated it could take approximately two or so years after the introduction of the genetically altered mice. Ayesha Khan asked about tick competition. Ms. Buchthal said this is currently unknown. Sam Telford of the MIT team elaborated on other testing programs and results in other areas of the country. Chair Mohr thanked the team for its presentation and said the community will look forward to additional updates.

2. Housing Office: Request for Approval and Execution of Third Amendment to Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for 12 Rental Units in Meadows II Workforce Rental Housing Development Project Phase V and VI Known as Gooseberry Place. Housing Director Kristie Ferrantella reviewed the request. Mr. Fee moved approval; seconded by Mr. Dixon; all in favor, so voted.

IX. REAL ESTATE MATTERS

1. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement of Two Town-owned Yard Sale Parcels Shown as Lots 33 and 34, Ames Avenue, in Block No. 31, Shown on Land Court Plan No. 2408, Dated April 30, 1912 and Filed with the Nantucket Registry District of the Land Court, Pursuant to Vote on Article 81 of 2013 Annual Town Meeting. Real Estate Specialist Tracy MacDonald reviewed the request. Mr. Fee asked about the coastal resiliency aspect of these lots. Ms. MacDonald reviewed a map showing the lots and explained that the lot in question is not in a flood zone, could be subject to erosion but that the Coastal Resilience Coordinator did not see an issue with this transaction. Mr. Fee said he would agree with the assessment and noted that conditions are much different today than they were 20 years ago and wants to make sure the Town does not get into a future situation where the land is needed back for some reason. Attorney Arthur Reade, representing the landowner who would acquire the property, spoke on the history of the property and the conditions with the surrounding properties. D. Anne Atherton asked if the Madaket Area Association has reviewed the transaction. Chair Mohr stated that Bill Grieder, of Madaket, tonight, told her that he had no comments. Mr. Fee asked if hold harmless agreements should be required by the Town as a condition of future transactions like this, with parcels near the water. Natural Resources Director Jeff Carlson explained how the coastal resiliency assessments are conducted with these types of transactions. Mr. Fee moved approval; seconded by Ms. Holdgate; all in favor, so voted.

X. TOWN MANAGER'S REPORT

1. Overview of Proposed Sewer Rate Increase; Request to Schedule Public Hearing. Ms. Gibson introduced the item, noted that sewer rate increases are necessary and turned the item to Finance Director Brian Turbitt. Mr. Turbitt reviewed the proposed sewer rate increase for the sewer user fee, monthly flat fee and the quarterly flat fee and referenced the information in the Board's agenda packet. Mr. Turbitt explained that a more structured tiered rate system will be presented at a later date. It was agreed to schedule the necessary public hearing for the proposed sewer rate increase for December 4, 2024.

2. Review of Departmental Comments for Surfside Crossing 40B Zoning Board of Appeals Remand Hearing. Ms. Gibson explained that the Select Board has been requested to provide a formal comment to

the Zoning Board of Appeals (ZBA) for its remand hearing and revised proposed project; and, that in preparation for the development of the Board's comment letter, departmental comments have been submitted and are in the Board's packet. Mr. Fee asked about the several of the departmental comments and whether or not surveys that are referenced in the Board's prior comment letter for the initial project have been completed. He said if these have been completed, there is probably no need to mention them again in the new comment letter. There were no further comments from the Board. Ms. Gibson suggested that there do not seem to be any substantive changes suggested by the Board from the departmental comments and that pending different direction from the Board, a new comment letter would be drafted for the Board's November 6, 2024 meeting.

3. Continued Preliminary Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting. Ms. Gibson reviewed the updated list of preliminary potential articles as contained in the Board's agenda packet. Director of Planning Leslie Snell reviewed a list of preliminary potential zoning articles, as contained in the Board's packet.

4. Monthly Town Management Report. There was no report.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Dr. MacNab said that while the Board of Health (BOH) was not initially "enthusiastic" about taking up a recent issue brought to it about noise and other nuisance impacts from large events taking place in neighborhoods, he will be bringing the issue back to the BOH for further discussion.

Ms. Holdgate spoke on an Open House held at Our Island Home today, that she and Ms. Gibson attended, noting it was well attended and informative.

Mr. Fee spoke on an article in the *Boston Globe* today about a split tax rate situation in Boston, which has resulted in some issues. He said it make him ponder additional ways to structure Nantucket's tax rate.

Chair Mohr referenced a form placed on the Town website today which is available for those who can provide an estimate of any economic impact they experienced from the Vineyard Wind turbine blade failure in July. Mr. Fee expressed thanks for the form and suggested it be highlighted in Announcements at the Board's next meeting.

Mr. Dixon said that Early Voting is currently available at the Town Building and thanked the Town Clerk's office for their work to coordinate this, noting it is very efficient and easy.

XII. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Michael and Mindy Pearlstein of Historic District Commission (HDC) Approval of Certificate of Appropriateness No. HDC2024-08-10993 for a Fence at 2 Derry Lane, Map 41, Parcel 219. Ms. Mohr opened the public hearing and asked Attorney George Pucci of Town Counsel's office to review the HDC appeal process. Mr. Pucci did so, referencing the information in the Board's agenda packet.

Appellant Michael Pearlstein spoke on his appeal, referencing the materials in the Board's agenda packet. He claimed that he and the owner of 2 Derry Lane had an agreement in place that has not been followed and said the fence installed is a "spite fence".

HDC Chair Stephen Welch spoke against the appeal and noted the information in the Board's packet. He said the HDC is not privy to deals between neighbors and said that the HDC approved the fence on its merits.

Mr. Fee questioned the placement of the subject fence. Mr. Welch explained exact placement isn't necessarily in the purview of the HDC, but the height, style and materials are. Some discussion followed. Mr. Pearlstein spoke further on wetlands and other issues with his neighbor.

There being no further comment from the appellant, HDC or public, Ms. Holdgate moved to close the public hearing; seconded by Mr. Fee; all in favor, so voted.

Dr. MacNab asked if this matter should be referred to the Conservation Commission. Chair Mohr said that may be an issue for Town Counsel to respond but that all the Select Board needs to do with the appeal is determine if it is arbitrary and capricious. Mr. Pucci concurred. Dr. MacNab moved to deny the appeal finding that the HDC did not act arbitrarily or capriciously, and to uphold the decision of the HDC; seconded by Mr. Fee; all in favor, so voted.

XIII. ADJOURNMENT

Ms. Holdgate moved adjournment at 7:27 PM; seconded by Mr. Dixon; all in favor, so voted.

Approved the 6th day of November, 2024

**SELECT BOARD
OCTOBER 23, 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:

- VI. New Business - Noise Bylaw Waiver date change; New Business - 2024 Warrant for State Election
- VII. 3. Pending Contracts spreadsheet
- VIII. 1. MIT "Mice Against Ticks" update presentation
- VIII. 2. AIS re: Richmond regulatory agreement for Gooseberry Place; letter from Richmond; Regulatory Agreement
- IX. 1. AIS re: Ames Ave Yard Sale; Purchase & Sale Agreement; Quitclaim Deed; Article 81 of 2013 ATM; Settlement statement; Land Court Plan No. 2408-M; Plan No. 2024-7; GIS map; Purchaser Certificate of Title; Town Certificate of Title; Coastal Resilience Evaluation for 15 Ames Ave
- X. 1. AIS re: Sewer rate increase
- X. 2. Link for Surfside Crossing 40B remand docs; Departmental comments on remand; Select Board comments on Surfside Crossing 40B - 7/13/2018
- X. 3. Outline #2 of Town sponsored articles for 2025 ATM; Planning Board concept articles list
- XII. 1. HDC Appeals Procedure; HDC appeal of 2 Derry Ln; Appeal filed by Michael & Mindy Pearlstein; Public hearing notice; staff email thread re: validity of appeal 2 Derry Ln HDC file; HDC letter re: appeal; email from Preservation Planner to appellant; HDC file