SELECT BOARD

Minutes of the Meeting of December 4, 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

The agenda was accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the announcements:

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

2. 2024 Committee Vacancies – Round 3: Capital Program Committee; Council for Human Services; Council on Aging; Cultural Council; Real Estate Assessment Committee; Town of Nantucket Scholarship Committee; Zoning Board of Appeals.

3. Select Board Announcements/Comments.

No announcements or comments.

IV. FOLLOW-UP ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS

Chair Mohr noted there were no questions for follow-up.

V. PUBLIC COMMENT

Chair Mohr reminded attendees of the Board's Public Comment policy.

Campbell Sutton spoke on a citizen warrant article that she submitted for the 2025 annual town meeting.

Mary Chalke spoke on the SouthCoast Wind project and the Town's outreach efforts. She suggested forming a "delegation to go to Beacon Hill" to convey community concerns about offshore wind projects. She spoke further on protecting the right whale from the impacts of offshore wind.

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 Ms. Holdgate. Dr. MacNab noted he is recusing from the November 20th minutes approval as he was not present; all in favor, so voted.

1. Approval of Minutes of November 18, 2024 at 11:00 AM; November 19, 2024 at 5:00 PM; November 20, 2024 at 5:30 PM.

2. Approval of Payroll Warrants for November 24, 2024.

3. Approval of Treasury Warrants for November 27, 2024; December 4, 2024.

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

VIII. CONSENT ITEMS

1. Gift Acceptances: Human Services; Natural Resources Department. Operations Administrator Erika Mooney read the list of donors, amounts of gifts and purposes. Mr. Fee moved to accept all gifts for their designated purpose, with thanks to the donors; seconded by Ms. Holdgate; all in favor, so voted.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Ticcoma Green:

a) Request for Approval of Draft Commitment Letters from Town of Nantucket to HallKeen Management for Workforce Housing Rental Project at 6 Fairgrounds Road. Housing Director Kristie Ferrantella provided an overview of the Ticcoma Green project. Andy Burnes of HallKeen Management and HK Ticcoma Green LLC explained his firms' roles with the project and the general history of the project, its associated complexities and the amount of time that has gone into the project from many different parties. He said the project is a mixed income project and will be a "substantial asset" for Nantucket. He spoke on the various state and federal agencies that are involved in funding and approval requirements. He explained the timing of the project and what issues remain to be resolved. He said that the Commitment Letters are a "milestone" and are critical to keep the project going. Chair Mohr asked for any Board comment on the Commitment Letters. Mr. Dixon thanked Mr. Burnes for attending the meeting in person and indicated understanding as to the complexities of the project. He asked for assurance that there will be "shovels in the ground" by June so that the project's applicable housing units can be added to the Town's Subsidized Housing Inventory (SHI). Mr. Burnes expressed a strong commitment to Mr. Dixon's request. Dr. MacNab asked about the funding from the Town and if it is a loan. Ms. Ferrantella explained the funding from the Town and noted that the Town funding is primarily a loan and summarized the loan conditions. Dr. MacNab expressed concern about the project start progress. Ms. Ferrantella explained how the funding is connected to the start date. Mr. Fee also expressed concern about the project start and asked how that commitment can be solidified and noted that the loan is more of a "grant" because of the interest rate and position of the Town in getting paid back. Finance Director Brian Turbitt explained the specifics of the loan. He noted that the Town's Financial Advisor has been involved in this process and does agree the loan is more of a grant. Mr. Burnes stated that a component of the project is financed through approximately $5 million of state tax credits which flow eventually to the Affordable Housing Trust. He re-emphasized the involvement of various state and federal agencies which from his point of view indicates strong support for the project. Ms. Holdgate moved approval of the letters as presented; seconded by Mr. Dixon; so voted 4-1. Mr. Fee was opposed.

b) Request for Extension of Land Development Agreement for Workforce Housing Rental Project at 6 Fairgrounds Road (Approved January 17, 2024). Ms. Ferrantella provided an overview of the Land Development Agreement (LDA), using the materials in the Board's agenda packet. She explained that the extension is necessary due to financing issues. Ms. Holdgate moved approval as presented; seconded by Mr. Dixon; all in favor, so voted.

2. Request for Waiver of Sewer Connection Permit Fees and Sewer Capacity Fees for Ticcoma Green Workforce Housing Rental Project at 6 Fairgrounds Road. Ms. Ferrantella provided an overview of the

request and its connection to the Board's sewer fee waiver policy. Hershel Allerhand asked if the "workforce" is Town employees. Ms. Ferrantella explained it is a variety of community members, including Town employees. Mr. Allerhand asked if the project would need to go before Town Meeting. Chair Mohr stated that it has already been before Town Meeting with the necessary approvals obtained. Mr. Fee spoke on the Board's policy with request to the specifics of the waiver request. Ms. Holdgate moved approval, pending confirmation that the dollars referenced are consistent with the Board's policy; seconded by Dr. MacNab; all in favor, so voted.

Chair Mohr commented on the significant amount of time that has been put into this project by many many people and concurred with the complexities of coordination and expressed appreciation for all of these efforts.

Ms. Holdgate left the meeting at 6:06 PM; she returned at 6:08 PM.

<u>3. Housing Office: Affordable Housing Trust Quarterly Report.</u> Ms. Ferrantella provided the report using the materials in the Board's agenda packet. Some discussion followed on deed restricted year-round housing.

<u>X. PUBLIC HEARINGS</u>

<u>1. Public Hearing to Consider Increasing Sewer User Fees, Monthly Flat Fee and Quarterly Flat Fee.</u> Chair Mohr opened the hearing. Mr. Turbitt reviewed the purpose of the hearing and reviewed the rate increases using materials in the Board's agenda packet, noting that these increases were recently approved with the Board at a prior meeting. Vallorie Oliver questioned the connection between the fees waived earlier and these. Mr. Turbitt responded and noted that the prior fees waived are connection fees not annual user fees. Mr. Fee commented on increasing the fees on an annual basis by the cost-of-living or similar factor so that increases are routine and expected. Veronica Bonnet commented on the sewer fees and said the cost of sewer fees should be lower and that all taxpayers should absorb these costs.

There being no further public comment, Dr. MacNab moved to close the public hearing; seconded by Ms. Holdgate; all in favor, so voted. Ms. Holdgate concurred with Mr. Fee's suggestion about an annual increase.

Mr. Fee moved approval of the rate and fee increases as presented; seconded by Dr. MacNab; all in favor, so voted.

<u>2. Public Hearing to Consider Amending the Commercial Landfill Fee Schedule.</u> Chair Mohr opened the hearing. Mr. Turbitt reviewed the purpose of the hearing and reviewed the fee increases using materials in the Board's agenda packet.

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

Ms. Holdgate moved approval of the fee increases as presented; seconded by Mr. Fee; all in favor, so voted.

3. Public Hearing to Determine Tax Allocation by Classification (Chapter 369, Acts of 1982, as Amended); Percentage of Residential Exemption to be Granted for Fiscal Year 2025. Chair Mohr opened the hearing. Mr. Fee moved to continue the hearing to December 11, 2024; seconded by Ms. Holdgate; all in favor, so voted.

XI. TOWN MANAGER'S REPORT
1. Monthly Departmental Report: Police Department. Ms. Gibson introduced Police Chief Jody Kasper. Chief Kasper proceeded to present the Police Department report using the materials contained in the Board's agenda packet. Chief Kasper introduced Harbor Master Sheila Lucey who reviewed the Marine Division report. Mr. Fee asked about retention strategy. Chief Kasper responded, noting that it all tends to come down to housing. Some discussion followed on various aspects of the presentation.

Ms. Holdgate left the meeting at 7:00 PM; she returned at 7:02 PM.

Vallorie Oliver asked about starting a program at the high school to encourage students to become local police officers. Chief Kasper responded. Ms. Holdgate commented that her daughter took a class at the school regarding law enforcement and provided very positive feedback.

2. Continued Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting; Preliminary Review of Citizen Warrant Articles. Ms. Gibson introduced the item noting that there is no new outline of updated Town-sponsored articles for tonight, but that Town Counsel will review the citizen petitions. Town Counsel John Giorgio reviewed the "triage" document as to the legality of the citizen petitions, as contained in the Board's agenda packet. With regard to an article as to rescinding unused borrowing authority for affordable housing, Mr. Fee asked if this would be in effect, an "underride". Mr. Giorgio responded and noted that it could be, and it would be up to the Select Board, only, to put such an item on a ballot. Review continued on the articles. Discussion occurred regarding a charter amendment that essentially would require two town meetings per year. Mr. Dixon asked if that could be done by practice. Mr. Giorgio responded affirmatively but indicated that there could be an issue with putting citizen articles to different town meetings without a charter amendment. Mr. Giorgio noted that some of the zoning articles require detailed analysis to determine if the proposals are the same was what was presented at the September town meeting due to a repetitive zoning bylaw prohibition through state law. Ms. Gibson noted that the Finance Committee will be holding a public hearing on these articles on December 12, 2024 at 4:00 PM.

Dr MacNab left the meeting at 7:25 PM; he returned at 7:26 PM.

XII. SELECT BOARD'S REPORTS/COMMENT
1. Review Letter of Engagement for Zoning Board of Appeals Independent Special Counsel and/or Consultant for Surfside Crossing, LLC Application 25-24; Possible Votes Taken. It was noted that the Zoning Board of Appeals (ZBA) has not yet submitted the information as requested at the Board's November 20th meeting. The matter was tabled to the Board's next meeting.

2. Announcement of Response to Bureau of Energy Management (BOEM) Mitigation Proposal for SouthCoast Wind (Offshore Wind Project). Chair Mohr explained the mitigation proposal initially submitted to the Town from BOEM and that a public forum was held by the Board on Tuesday, November 19th on potential mitigation. She spoke on a meeting that Town officials had with BOEM on Thursday, November 21st at which the concerns expressed during the public forum were conveyed. She noted that, today, a revised proposal was received by the Town from BOEM, and that proposal was displayed on the screen.

Mr. Fee elaborated on the meeting with BOEM as to the specificity of concerns expressed. Chair Mohr proceeded to review a draft document prepared by the Town's special counsel Cultural Heritage Partners (CHP) to address mitigation. Attorney Will Cook of CHP reviewed the timing of the "Section 106" process with BOEM, which is nearing conclusion. He explained that BOEM has issued a Memorandum of Agreement for mitigation for signature by several other agencies and reviewed the process for signature by those other agencies. He said that the draft letter prepared by CHP was prepared in response to what is considered an inadequate response from BOEM and contains ideas and concepts raised by community members at the November 19th forum, Board members and others and noted that there needs to be a connection between adverse effects and mitigation. Chair Mohr asked for Board comment and noted that it does have a scheduled executive session tomorrow to discuss potential litigation and SouthCoast Wind. Ms. Holdgate commented on the revised BOEM proposal as being "laughable". Mr. Dixon agreed and said he thinks the draft prepared by CHP seems to reflect what he recalls the community put forward at the forum. Mr. Fee suggested that the letter be stronger as to non-support of the project and perhaps add concerns about environmental issues. He said he is somewhat concerned about presenting a list of items, for strategic reasons. Mr. Cook responded and said that a list is not a harmful item to submit. Dr. MacNab said it is his understanding that if the Town does not respond, it may lose standing to take legal action later. Some discussion followed, with Mr. Cook explaining the specific item before the Board and noted other items that have already been documented that could be used for additional legal action, that are separate from this item. Some discussion followed among Board members. Veronica Bonnet submitted several maps that she said show the Vineyard Wind impact on Nantucket. She continued to speak on other wind projects and the lack of analysis of impact to Nantucket. She commented on the draft letter to BOEM regarding mitigation.

3. Announcement as to Status of Memorandum of Understanding with Nantucket Hunting Association for Lease of Town Property at 1 Shadbush Road. Chair Mohr said she was pleased to announce that the Nantucket Hunting Association (NHA) has now signed a Memorandum of Understanding (MOU), with the Town after several meetings since members came to a Board meeting several weeks ago to express opposition to it. She spoke on the status of co-development plans and reviewed the specifics of the MOU. Mr. Fee thanked Chair Mohr for her efforts on this and said he thinks the MOU is a "win" for the Town and the NHA. Chair Mohr thanked the NHA members for their time as well.

4. Committee Reports.
No reports.

XIII. PUBLIC HEARINGS
1. Public Hearing to Consider the Appeal of 43A Union Street Trust, Steven Russon, Trustee of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2024-08-11015 to Demolish/Move Off a Garage at 43A Union Street, Map 42.3.2, Parcel 29.1. Chair Mohr opened the hearing and provided an overview of the Historic District Commission (HDC) appeal procedure. Attorney Arthur Reade representing the appellant spoke in favor of the appeal. Preservation Planner Holly Backus spoke on behalf of the HDC and reviewed the HDC process and decision with this application. Linda Williams spoke on behalf of the appellant. George Zaloom, an abutter, spoke in opposition to the appeal. David Champoux, Town Tree Warden spoke in opposition to the appeal and spoke about the impacts to a Town tree that is located in the immediate area of the subject garage. Liz Coffin, an abutter, spoke against the appeal and spoke on the tree and the historic nature of the garage. Mary Ellen Peters, an abutter, spoke against the appeal and cited the tree, and adjacent property impacts as concerns. Mr. Allerhand, an abutter, spoke against the appeal. Diane Coombs, an abutter, spoke against the appeal. Mr. Reade spoke

further in favor of the appeal and said that the tree is not the issue at hand. Chair Mohr reiterated what is before the Board, which relates to a move off/demolition disapproval for the garage. Mr. Fee asked Ms. Backus about the claims from the appellant that the HDC decision is arbitrary and capricious. Ms. Backus responded and said that the HDC acts on each application individually and on its own merits and does not know why the move off application was not submitted first. Mr. Allerhand said he does not believe the decision was arbitrary. Ms. Holdgate questioned 2018 HDC minutes which seem to indicate some mention of the garage. Ms. Williams spoke on the history of the HDC applications for the property, with respect to the garage. Mr. Zaloom spoke again about the impact to the tree.

Dr. MacNab moved to close the hearing; seconded by Ms. Holdgate; all in favor, so voted.

Mr. Dixon asked Town Counsel Attorney George Pucci to review the parameters of the Board's decision. Mr. Pucci did so and reminded the Board it cannot substitute its own judgement for that of the HDC and that the Board must determine if the HDC acted arbitrarily and reviewed the grounds for that determination. He noted that impacts to the tree are not appropriate considerations. Mr. Fee said it is a high bar to overturn an HDC decision.

Mr. Fee moved to uphold the HDC decision and deny the appeal; seconded by Dr. MacNab; all in favor, so voted.

XIV. ADJOURNMENT

Mr. Fee moved adjournment at 9:01 PM; seconded by Mr. Dixon; all in favor, so voted.

Approved the 11th day of December, 2024

SELECT BOARD
DECEMBER 4, 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:

III. 2. Committee Vacancy Timeline - Round 3; Notice of Committee Vacancies
VII. 1. Draft minutes of 11/18/2024; Draft minutes of 11/19/2024; Draft minutes of 11/20/2024
VII. 4. Pending Contracts spreadsheet
VIII. 1. Gift summaries & recommended motion; Human Services gift; NRD gift (2023); NRD gift (2024)
IX. 1a. AIS re: draft commitment letters for HallKeen re: Ticcoma Green; Draft Commitment Letter for Phase I – UPDATED; Draft Commitment Letter for Phase II – UPDATED
IX. 1b. AIS re: extension of Land Development Agreement (LDA) for Ticcoma Green; LDA Extension Request Letter from HallKeen
IX. 2. AIS re: Ticcoma Green sewer fee waivers request; HallKeen request; Policy for Sewer Fee Waiver Requests; Sewer Fee Waiver Request History; Sewer Fee estimates for Ticcoma Green
IX. 3. AIS re: Affordable Housing Trust (AHT) quarterly update; AHT quarterly update presentation
X. 1. Public Hearing Notice re: sewer fee increases; AIS re: sewer fee increases
X. 2. Public Hearing Notice re: Commercial Landfill Fee Schedule
X. 3. Public Hearing Notice re: tax rate
XI. 1. Police Department Update presentation
XI. 2. Town Counsel comments on citizen warrant articles; Link to 2025 ATM Citizen Warrant Articles
XII. 1. Email re: ZBA Letter of Engagement
XII. 2. Draft Response Letter to BOEM re: SouthCoast Wind
XII. 3. Memorandum of Understanding between Town & Nantucket Hunting Assn.
XIII. 1. HDC appeal of 43A Union St; Public Hearing Notice; HDC Appeals Procedure; HDC Appeal of 43A Union St – submission; 43A Union St - HDC File; Memo from Preservation Planner re: 43A Union St; HDC file; Letter from Nantucket Preservation Trust 12/3/2024