

SELECT BOARD

Minutes of the Meeting of January 15, 2025. 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 was present 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

The agenda was accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson and Chair Mohr reviewed the announcements:

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

2. The Select Board is Hosting a Public Information Zoom Webinar with the Bureau of Safety and Environmental Enforcement (BSEE) Regarding the Vineyard Wind Turbine Blade Failure on MONDAY, FEBRUARY 3, 2025 at 5:00 PM.

NOTE NEW LINK:

https://us06web.zoom.us/webinar/register/WN_EaDasr7vTR6jx-g1DE6JTA

Chair Mohr read the following statement from BSEE: "BSEE is postponing its participation due to the number of questions received and our desire to ensure we are able to provide meaningful responses. Thank you. BSEE Office of Public Affairs."

3. Master Plan Update: Help Shape Nantucket's Future!

Share your Thoughts in the Master Plan Community Survey, Open until January 24, 2025. Your Input is Essential to Updating the 2009 Master Plan. Take the Survey Today: www.nantucket-ma.gov/masterplan.

Host a Kitchen Conversation—A Small-Group Discussion You Can Facilitate from Your Kitchen, Office, Coffee Shop, or Anywhere. Share Ideas with Friends and Neighbors about Nantucket's Strengths and Challenges to Help Update the Master Plan. To Learn More, Email Megan Trudel at mtrudel@nantucket-ma.gov.

Ms. Gibson announced that the Massachusetts Division of Fisheries and Wildlife (MassWildlife) is holding two virtual public hearings on January 23, 2025 at 1:30 PM and 6:00 PM via Zoom regarding proposed regulations relating to deer hunting and other deer-related issues. For further information, visit <https://www.mass.gov/news/public-hearing-on-proposed-deer-regulations-set-for-january-23>.

4. Select Board Announcements/Comments.

Chair Mohr announced that the Town of Nantucket was informed today that the National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration (NOAA), has withdrawn its proposed amendments to the North Atlantic right whale vessel speed reduction regulations. The Town's full statement is attached to these minutes. Chair Mohr thanked everyone who participated in the effort to get Nantucket exempt from the rule, on which at least 90,000 comments were received.

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

There were no questions posed at the January 8, 2025 meeting.

V. PUBLIC COMMENT

Megan Perry spoke on PFAS related issues. Chair Mohr noted that Ms. Perry exceeded the 3-minute public comment limit. Ms. Perry continued speaking and then concluded.

VI. NEW BUSINESS

There was no New Business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee requested a change to the January 8, 2025 minutes to include a definition he cited at that meeting. The Board agreed to include the change. Mr. Fee moved approval of items VII. 1 – 2; 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.

1. Approval of Minutes of January 8, 2025 at 5:30 PM; January 9, 2025 at 9:00 AM.

2. Approval of Treasury Warrants for January 15, 2025.

VIII. CONSENT ITEMS

1. Gift Acceptances: Human Services (Revised Acceptance from November 6, 2024); Fire 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 Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Coastal Resilience Advisory Committee: 3rd and 4th Quarter Reports. Coastal Resilience Coordinator Leah Hill reviewed the presentation as contained in the Board's agenda packet. Mr. Fee asked about several recent inquiries with concerns from Madaket residents about erosion in Madaket. Ms. Hill stated that CRAC is aware of the concern. Ms. Mooney said that several Town staff received what Mr. Fee received and a central response is being developed.

X. TOWN MANAGER'S REPORT

1. Update on Baxter Road Alternative Access Project. Ms. Gibson introduced the item, noted that an immediate next step is Select Board endorsement of the design and then turned it over to William Casey of Arcadis. Mr. Casey reviewed the presentation as contained in the Board's agenda packet. Some discussion followed regarding the cost of the project and funding. Sustainability Program Manager Vincent Murphy reviewed the current funding mechanism under discussion which is through the assessment of betterments. He noted that there are property owners who have not signed off and have indicated a sign-off is not forthcoming, for necessary permitting approvals. Discussion followed as to betterment assessments and the issues associated with the substantial assessments that would be associated with a costly project and a low number of property owners who are benefitting. Dr. MacNab expressed concern about the cost, and fairness of location of projects. He commented that he does not think this process will "go smoothly". Mr. Murphy provided a brief update on Baxter Road erosion control project which is in permitting currently with

the Conservation Commission and how that project relates to the alternative access project. Discussion followed as to coastal resiliency articles, which were put forward at the 2024 Annual Town Meeting. Cathy Ward asked why the Town “has to take on the burden of saving these houses”. Mr. Fee responded that because the houses are on a public road, the Town has a responsibility to provide access. Chair Mohr asked Mr. Murphy to connect with Ms. Ward and review this with her. Mr. Fee moved to endorse the design plan as presented; 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. Dr. MacNab noted that the vote is not to “approve” the project at this point, just the design. That comment was confirmed. The Board thanked Mr. Murphy and Ms. Gibson for their extensive work on this project to date.

2. Review of Draft Town Meeting and Election Warrant for 2025 Annual Town Meeting, Including Specific Discussion on:

- Potential Amendments to Chapter 58 of the Town Code (Car Rental Agencies, Registration of)
- Draft Zoning Bylaw Amendments, Including “Cottage Communities”

Ms. Gibson reviewed updates with the draft warrant, as contained in the Board’s packet, since last week’s Board meeting, up to the zoning article section.

Director of Planning Leslie Snell and Senior Planner Megan Trudel reviewed the zoning articles as contained in the draft warrant in the Board’s packet. Associated maps were shared and explained on screen. Ms. Snell reviewed the Planning Board public hearing schedule for the zoning articles. Public comment concerns were made by Art Gasbarro, Emily Molden and Erika Mooney (speaking as a citizen) on articles related to “Cottage Communities”. Mr. Dixon expressed concern about an article related to pickleball limitations. Chair Mohr asked the Board for feedback on potential rental car bylaw amendments, as contained in the packet, or if the Board wants to discuss anything other than those. Mr. Fee expressed concern about a potential change to the definition of a rental car vehicle agency, noting that he would like to find a way to ensure that peer-to-peer car sharing is required to be classified as rental vehicle agencies subject to the Rental Vehicle Medallions (RVM). Dr. MacNab said he would like to hear a “good argument” as to why peer-to-peer car sharing should be exempt. Mr. Dixon and Ms. Holdgate agreed. Ms. Holdgate added that parking peer-to-peer shared cars should be in a commercial area. Steven Cohen spoke in favor of exempting peer-to-peer car sharing from the bylaw. He said that service does not add cars to the Island; does not make sense and that many Islanders need the extra income to live here; and, enforcement will be extremely difficult. Mr. Cohen said that the RVM system “is a mess” and needs to be restructured. He reiterated that peer-to-peer car rentals should be exempt from the bylaw and perhaps a regulation could be adopted to require a fee for peer-to-peer shared vehicles.

Kathy Baird asked how citizen warrant articles that are not acceptable as to form as noted by Town Counsel are handled. Town Counsel John Giorgio explained the process.

Airport Commission Chair Art Gasbarro said that while the Airport Commission has not taken a position on any changes to the rental car bylaw, he believes that in general, it might lean toward peer-to-peer car shares being required to be licensed. He said he disagrees with Mr. Cohen. Dr. MacNab asked how many unused RVMs there are. Licensing Administrator Amy Baxter estimated there are on average 100 per year. Police Chief Jody Kasper spoke on the complications and challenges of enforcement if the peer-to-peer cars are required to be licensed. Jonathan Rodriguez read a statement in favor of peer-to-peer car sharing

and against a proposal to require registration of these cars. Tim Mahoney of Affordable Rentals of Nantucket spoke in favor of requiring registration and said that some peer-to-peer car shares involve many cars which are parked in various locations around the island, essentially as rental agencies. Chair Mohr asked for Board input with respect to “goals” for amending the rental car bylaw. Dr. MacNab said both sides have good arguments and that people who are renting more than one or two cars are rental agencies. He suggested that possibly more information should be obtained. Mr. Fee reiterated his opinion that peer-to-peer car sharing is already required to be registered per the Town bylaw and that should be enforced. He questioned some of the language prepared by Attorney Brian Riley, expressing concern about inadvertently allowing loopholes. Mr. Dixon expressed concern that this is perhaps too complicated for any changes at this point. Chair Mohr reviewed the types of peer-to-peer car share situations, specifically Islanders casually renting their cars vs people making businesses out of peer-to-peer car sharing. She said the unused RVs held by registered car rental agencies is an issue that needs to be resolved. She asked how much latitude the Board has to “test” some ideas without changes to the bylaw. Mr. Riley reviewed the Town’s 1989 special act that allowed the Town to regulate car rental agencies initially. He said that Massachusetts General Law c. 40 s. 22 authorizes the Board through regulations to manage how vehicles are used on public ways and that that could be a way to attempt to require the registration of peer-to-peer cars. He suggested possibly clarifying in the existing bylaw that peer-to-peer car sharing is not a rental car agency and to then adopt regulations that require those cars to be registered. Chair Mohr suggested reducing the amount of RVs in the existing bylaw; create a new peer-to-peer registration system, with a specific cap and a specific number of cars per peer-to-peer car sharer. Dr. MacNab concurred and said a location must be required to be identified and perhaps the number of vehicles should be limited. Ms. Holdgate agreed and added that the unused RVs need to be addressed and that the peer-to-peer cars cannot be staged out of Town parking lots. Some discussion followed. Mr. Fee expressed concern about the number of cars on the Island. Mr. Dixon commented that when the bylaw and special act were initially adopted, conditions were much different. Discussion followed. Chair Mohr noted there is a timing issue with getting an article ready if that is what the Board wants to do. Dr. MacNab suggested a peer-to-peer car limit be, one car. Discussion continued on the language around peer-to-peer car sharing. It was generally agreed that Town Counsel will prepare some additional language to reflect the discussion, using Chair Mohr’s initial suggestion. Mr. Fee said he would like a legal opinion as to what would happen if there were subsequent state law changes that regulate peer-to-peer car sharing. Mr. Riley said that state law overrules municipal bylaws. Matt Peel urged the Board to act quickly.

Discussion continued about two draft articles to regulate e-bikes and e-scooters. Some confusion was expressed as to exactly what is being proposed. It was agreed that Mr. Riley will work on these articles with more specifics for the Board’s review next week.

Mr. Cohen spoke in favor of an article to appropriate funds for the construction of a bike path along Tom Nevers Road.

Discussion followed on an article in the warrant about the use of Town property along Baxter Road for at least one, and possibly two, erosion control projects. Mr. Cohen spoke in favor of the article. Ms. Molden spoke on the article. It was generally agreed to leave the article in, as is in the draft warrant, for one project. Mr. Fee commented he believes the article will be a challenge to pass at Town Meeting. Some discussion followed about a license that would be associated with the use of the property.

XI. SELECT BOARD REPORTS/COMMENT

1. Committee Reports. There were no committee reports.

XII. ADJOURNMENT

Mr. Fee moved adjournment at 8:47 PM; 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.

Approved the 22nd day of January, 2025.

**SELECT BOARD
JANUARY 15, 2025 – 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 1/8/2025; Draft minutes of 1/9/2025 open session
- VIII. 1. Gift summaries & recommended motion; Email from Saltmarsh Senior Center re: error with prior gift memo; Saltmarsh gift acceptance from 11/6/2024 with original gift memo; Fire gift
- IX. 1. AIS re: CRAC report; CRAC 3rd & 4th Quarter Report – UPDATED
- X. 1. Baxter Road Alternative Access Update presentation
- X. 2. Draft Warrant for 2025 ATM/ATE; Chapter 58 Car Rentals - updated 12/9/2024; Chapter 58 Car Rentals - updated 12/11/2024; Chapter 57 - Bicycle Right of Way; Chapter 98 - Motorized Passenger Devices