

## **SELECT BOARD**

Minutes of the meeting of November 5, 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 Dawn E. Hill, Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr.

### **I. CALL TO ORDER**

Chair Hill 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 presented, except for the Solid Waste monthly departmental report which is tabled to later this month.

### **III. ANNOUNCEMENTS**

Town Manager C. Elizabeth Gibson reviewed the announcements.

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

#### **2. Stay Connected with the Town Manager's Monthly E-Newsletter**

The Town of Nantucket Publishes the Town Manager's Newsletter at the End of Each Month, Featuring Updates on Town Projects, Services, Upcoming Decisions, Events and Recognitions. Subscribe and Explore all the Ways to Stay Connected and Informed Here: <https://www.nantucket-ma.gov/2782/Stay-Connected>.

#### **3. Town to Host Public Information Sessions on PFAS This Fall and Winter**

The Town Will Host a Series of Public Information Sessions to Share Science-Based Education on PFAS. The First Session, "Everyday Exposures to PFAS and What You Can Do to Avoid Them," Will be Held on Monday, November 17, 2025 at 5:30 PM in the PSF Community Room, 4 Fairgrounds Road, Featuring Dr. Laurel Schaidler of The Silent Spring Institute, with Virtual Participation Available Via Zoom and YouTube. Additional Sessions are Scheduled for Thursday, December 11, 2025 and January 2026 (Date to be Determined). More Information <https://www.nantucket-ma.gov/CivicAlerts.aspx?AID=1399>.

#### **4. The American Legion Byron L. Sylvaro Post 82 Invites the Community to Attend its Annual Veterans' Day Ceremony on Tuesday, November 11, 2025 at 10:45 AM at the Federal Street Veteran's Memorial; a Reception will Follow at the Legion Hall, 21 Washington Street.**

#### **5. May 4, 2026 Annual Town Meeting Warrant**

Open for Citizen Warrant Article Submittals through Monday, November 17, 2025 at 4:00 PM.

#### **6. Select Board Announcements/Comments.**

Mr. Dixon recognized the Town's cross-departmental PFAS team: Deputy Town Manager Gregg Tivnan, Sewer Director David Gray, Environmental Contamination Administrator Andrew Shapero, Special Projects Manager Chuck Larson, Chief Environmental Health Officer John Hedden, Water Department Director Mark Willett and Solid Waste Manager Chris Lowe for their recent achievement in being awarded the Massachusetts Coalition for Water Resources Stewardship (MCWRS) Joseph J. Superneau Leadership Award for their outstanding commitment to protecting the island's sole-source aquifer and advancing innovative PFAS management.

Mr. Dixon also thanked the community for the very large turnout at the November 4, 2025 Special Town Meeting.

IV. UPDATE ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS (see <https://www.nantucket-ma.gov/3564/> 2025) Chair Hill read the responses to the public comment questions asked at the Board's October 22<sup>nd</sup> meeting.

V. PUBLIC COMMENT

Clifford Williams expressed concerns about the African Meeting house investigation of the investigation.

Luke Thornewill concurred with Mr. Williams.

Chair Holdgate recommended that Mr. Williams and Mr. Thornewill speak with Dr. MacNab, the Board's representative for that issue.

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. Mohr; all in favor, so voted.

1. Approval of Minutes of October 21, 2025 at 9:00 AM; October 22, 2025 at 5:30 PM.

2. Approval of Payroll Warrants for October 26, 2025.

3. Approval of Treasury Warrants for October 29, 2025; November 5, 2025.

4. Approval of Pending Contracts for November 5, 2025 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Request for Waiver of Sewer Connection Permit Fee for Covenant Lot Located at 63R Cato Lane (Lot B on Plan No. 2022-32). Deputy Housing Director Dylan Metsch-Ampel reviewed the request, noting it is in line with the Board's sewer waiver policy. Ms. Mohr moved to waive the sewer connection permit fee for the covenant lot at 63R Cato Lane; seconded by Mr. Fee; all in favor, so voted.

2. Request for Waiver of Sewer Connection Permit Fee for Covenant Lot Located at 8 Toombs Court (Lot 2B on Plan No. 2021-40). Mr. Metsch-Ampel reviewed the request, noting it is in line with the Board's sewer waiver policy. Ms. Mohr moved to waive the sewer connection permit fee for the covenant lot at 8 Toombs Court; seconded by Mr. Fee; all in favor, so voted. Mr. Fee spoke on literature he has read about other ways to facilitate housing, rather than fee waivers.

3. Housing Office: Request for Approval and Execution of Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project at 18-26 Sparks Avenue. Mr. Metsch-Ampel reviewed the request, noting all 32 units of the development will could toward the Town's Standardized Housing Inventory (SHI)

list. Ms. Mohr moved to approve the Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project at 18-26 Sparks Avenue as presented; seconded by Mr. Fee; all in favor, so voted.

#### IX. TOWN MANAGER'S REPORT

1. Monthly Departmental Report: Department of Public Works and Solid Waste. Ms. Gibson introduced the item. Public Works Director Andrew Patnode introduced staff members present in person and remotely who will be assisting with the presentation. He reviewed the presentation as contained in the Board's agenda packet. Mr. Patnode turned the presentation, as noted with their divisions, over to Deputy DPW Director/Operations Richard Moore, Deputy DPW Director/Facilities Paul Berard, Parks and Recreation Manager Charlie Polachi and Central Fleet Manager Nic Torres. Ms. Mohr noted that the DPW's scope touches many Island lives every day and expressed appreciation for their work. Chair Hill concurred. Rick Atherton expressed thanks for the roadway reflectors mentioned by Mr. Patnode in his presentation. Mr. Dixon thanked the DPW team for the presentation as well and noted the importance of a new DPW facility.

#### 2. Continued Review of Town-Sponsored Warrant Articles for 2026 Annual Town Meeting, Including:

a) Noise Bylaw Amendments Proposal. Ms. Gibson introduced the agenda item and deferred to Karel Greenberg of the Sconset Civic Association to review the proposed amendments to the Town Noise Bylaw. Ms. Greenberg explained the chart and summary as contained in the Board's agenda packet. She noted that she had been previously asked by the Board to review the proposals with businesses, including those in the construction industry, which she indicated she has done, and provided an update on these discussions. Carl Lindvall asked what problem needs to be solved. Ms. Greenberg responded and said that one issue is the confusion of the bylaw with different dates, times, districts. Ms. Mohr added that clarity and consistency makes enforcement and understanding much easier. Mr. Lindvall said feedback he has received from all of the landscapers and builders he has spoken to, is negative. He spoke against the proposal. Ms. Greenberg responded and noted specifically the groups and individuals she has met or spoken with. Mr. Fee noted there are complaints as to noise bylaw violations and spoke in support of the consistency effort. Scott Wilson, of the Nantucket Civic League spoke in favor of the proposal. Matthew Palka spoke against the proposal and cited the need to drive 18-wheelers to or from the boat outside of the timeframe. Mr. Fee asked if Mr. Palka has an issue with the proposed time of 7:30 AM. Mr. Palka spoke against the time change. Some discussion followed. Amy Eldridge concurred with Mr. Palka. Thomas Loughlin noted that the bylaw is not intended to limit truck driving. Operations Administrator Erika Mooney confirmed the bylaw does not cover driving. Sarah Alger spoke about golf courses and requested that noise associated with golf course maintenance be exempted. Mr. Fee asked how golf courses handle their noise with neighbors. Mark Lucas of Nantucket Golf Club explained how they handle it. Kevin Dale, representing Sankaty Head Golf Club, spoke in support of Ms. Alger's request and said that Sankaty works with its neighbors to mitigate noise issues. Matt Galvin of Miacomet Golf Club concurred with Mr. Dale and Ms. Alger. Mary Longacre questioned the applicability of the bylaw as to whether it is commercial or residential. Ms. Mooney noted it applies to all those who might generate noise. Mr. Lindvall spoke again, against the bylaw. Ms. Mohr noted that the discussion is whether or not the Board is going to include an article on the warrant, not to specifically adopt anything. Campbell Sutton expressed support for putting this before Town Meeting. Chair Hill noted that the Board may, from time to time, grant specific waivers. Some discussion followed. Ms. Mohr encouraged the public to weigh in with their feedback. Mr. Fee commented that he supports a balanced article to Town Meeting.

Chair Hill left the meeting at 6:54 PM; she returned at 6:56 PM.

Ms. Gibson continued review of outline #3 of preliminary Town-sponsored warrant articles, noting updates shown in bold on the list in the Board's packet. With respect to a potential article regarding e-bikes, Police Chief Jody Kasper provided an update on what the Department is doing with e-bike enforcement, safety training and public outreach. She clarified the Massachusetts General Laws for e-bikes. Ms. Gibson noted that due to the Police Department's program to address e-bike safety, and, pending state legislation, most likely a warrant article would not be needed. Some discussion followed as to existing laws about e-bike operation and operators. Mr. Fee asked about motorized scooters. Charity Benz commented on the importance of e-bike enforcement. Ms. Gibson concluded the update review.

## X. SELECT BOARD REPORTS/COMMENT

1. Committee Reports. There were no committee reports.

Ms. Mohr left the meeting at 7:06 PM; she returned at 7:10 PM.

## XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Nantucket Preservation Trust of Historic District Commission (HDC) Approval of Certificate of Appropriateness No. HDC2025-01-11863 to Demolish a Structure Located at 10 New Whale Street, Map 42.3.1, Parcel 37 (Continued from October 1, 2025). Chair Hill reviewed the HDC appeals procedure and opened the public hearing. Mary Bergman, executive director of the Nantucket Preservation Trust, outlined the Trust's reasons for appealing the HDC's approval to demolish a structure located at 10 New Whale Street. Cathy Flynn, Land Use Specialist in the Planning and Land Use Services (PLUS) department, representing the HDC, reviewed the reasons for HDC approval of the demolition. Stephen Welch, HDC Chair, asked what materials Town Counsel reviewed for the appeal. Attorney George Pucci from Town Counsel's office responded and said that everything in the packet was reviewed. Mr. Welch spoke on the condition of the building in question and on more specifics of the HDC's decision. He added that it is not possible for the building to be rehabilitated, which is supported by engineering experts. Mr. Welch expressed concern about the potential for a "minority" report from HDC members. Chair Hill concurred. Mr. Pucci stated that there is no prohibition for an HDC member with a minority opinion to speak on the appeal and explain their vote, but it should be done under the public comment portion of the hearing. Vallorie Oliver, HDC member, spoke on her affirmative vote. Chair Hill reminded the Board and audience of the Board's parameters in its consideration of the appeal, noting that the Board cannot substitute its own judgement but must consider whether or not the HDC acted in an arbitrary or capricious manner or if there was a procedural error by the HDC. Ms. Bergman spoke again, in favor of the appeal and the seeming lack of enforcement of the Town's minimum maintenance bylaw, which she stated should have been applied to the building in question. Mr. Welch spoke further on the HDC's decision. Mr. Fee asked Mr. Pucci if the HDC could require the replication of the building elsewhere on the site. Mr. Pucci explained that is outside of the HDC's purview, which needs to be limited to the existing building. Attorney Arthur Reade, representing Nantucket Electric Company/National Grid, spoke in favor of the HDC decision. Dr. MacNab asked Mr. Pucci about a comment made by Mr. Reade that NPT does not have "standing" to file the appeal. Mr. Pucci said the HDC's enabling legislation does not specify who has standing with an HDC appeal. He said that is ultimately the decision of a court. Some discussion followed. Mr. Fee asked about the standard for "impracticality". Mr. Pucci said there is no legal standard of that. Mr. Welch stated that the HDC was provided "compelling" evidence from National Grid's engineer and another engineer with a historic preservation background that the structure definitively cannot be restored; he added that it is not a contributing structure. Marisa Pizzi, counsel for National Grid, spoke in favor of the HDC decision and spoke on the various aspects that she said support demolition of the structure. She added that the building has been preserved via a complete scan. Amy Keohane spoke in support of the NPT appeal. Hillary

Rayport spoke in support of the NPT appeal and suggested the matter be remanded to the HDC. She disputed the condition of the building. Chair Hill requested that speakers not repeat what has already been said. Glenn Boornazian spoke on his qualifications as a historic preservation expert; and, in favor of the NPT appeal. Chair Hill reiterated, again, the standards the Board may use for its determination on the appeal. Christian Hoffman spoke in favor of the NPT appeal and urged the Board to focus on “due process”. Mr. Welch commented that the due process that should be focused on, is the Select Board’s hearing. He elaborated on the process the HDC followed in its decision making and noted that there were extensive reports provided to the HDC on the building’s condition as not being restorable; and, reiterated that the structure has never been established as “protected”. Ms. Bergman spoke again about status of the structure.

Dr. MacNab moved to close the hearing. The motion died for lack of a second.

Chair Hill asked how the Board would like to proceed and reviewed some options, including continuing the hearing to a different time and/or allowing more questions from the Board. Mr. Fee said he supports a remand, with a “robust public hearing”. He said he does not believe a proper public hearing was held by the HDC. Chair Hill said the HDC is not required to hold such a hearing. Ms. Mohr stated that the Board has a very narrow means on which to make a finding. Mr. Pucci noted that if the Select Board finds that the HDC did not consider information before it, that would be legitimate grounds for remand. Mr. Pucci added that nothing new has been presented tonight that was not available to the HDC during its deliberations. Ms. Mohr asked about Mr. Boornazian’s outreach to the HDC and whether or not his input was considered. Mr. Welch said the information was provided and he believes it was considered. Angus McCleod, HDC member, spoke on his minority opinion not to support the HDC’s decision. He noted there was a thorough report provided to the HDC that did not indicate the building could not be restored. Charity Benz spoke in favor of the appeal. Abby Camp, HDC member, spoke on her minority opinion. Robert Liddle stated he supports the HDC’s decision. Ms. Pizzi spoke on the reports that were provided about the building.

Ms. Mohr moved to close the hearing; seconded by Mr. Dixon; all in favor, so voted. Mr. Dixon spoke on the arbitrary and capricious standard noting he does not believe it has been met and added he would not be opposed to a remand. Dr. MacNab said he does not believe the standard has been met to remand.

Ms. Mohr moved to deny the appeal and uphold the decision of the HDC; seconded by Dr. MacNab. Mr. Fee spoke in opposition and spoke in favor of a remand. On the motion, so voted 3-2, with Chair Hill, Mr. Dixon and Ms. Mohr in favor; Mr. Fee and Dr. MacNab were opposed.

## XII. ADJOURNMENT

Ms. Mohr moved adjournment at 8:45 PM; seconded by Mr. Fee; all in favor, so voted.

Approved the 12<sup>th</sup> day of November, 2025.

**SELECT BOARD  
NOVEMBER 5, 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:

- III. 3. PFAS Information Session flyer
- III. 4. Veterans' Day Ceremony
- VII. 1. Draft minutes of 10/21/2025; Draft minutes of 10/22/2025
- VII. 4. Pending Contracts spreadsheet
- VIII. 1. AIS re: Sewer Waiver for 63R Cato Ln; Request letter; Qualified Seller's Certificate; Certificate of Compliance; Deed - Lot B on Plan No. 2022-32; Plan No. 2022-32; Sewer Fee Waiver Policy
- VIII. 2. AIS re: Sewer Waiver for 8 Toombs Ct; Request letter; Qualified Seller's Certificate; Certificate of Compliance; Deed - Lot 2B on Plan No. 2021-40; Plan No. 2021-40; Sewer Fee Waiver Policy
- VIII. 3. AIS re: 18-26 Sparks Ave; Regulatory Agreement & Declaration of Restrictive Covenants
- IX. 1. Dept of Public Works report presentation; Solid Waste report presentation
- IX. 2. Outline # 3 for 2026 ATM Warrant; Zoning Articles concept list
- IX. 2a. Proposal to amend Noise Bylaw; Letter from Nantucket Civic League; Letter from Toscana Corp.
- XI. 1. HDC appeal of 10 New Whale St; HDC appeals procedure; Public hearing notice; Nantucket Preservation Trust appeal submission; HDC file; HDC memo to SB; Letters re: appeal: Arthur Reade submission 10/22/2025, Nantucket Preservation Trust response to A. Reade, Crocker letter, Whitlock letter, Holch letter, Austin letter, Herhold letter, LaFrance letter, Hamor letter, Phelan letter, Keohane letter, Henderson letter, DeBonis letter, Wight letter, Gund letter, O'Neil letter, Thornewill letter, Rayport letter, De Molina letter, Gallagher letter, Ellis letter