

SELECT BOARD

Minutes of the meeting of April 29, 2026. 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, Matt Fee, Thomas Dixon and Dr. Malcolm MacNab. Brooke Mohr participated remotely.

I. CALL TO ORDER

Chair Hill called the meeting to order at 5:32 PM following a meeting of the County Commission. She noted that Ms. Mohr is participating remotely, therefore all votes will be taken by roll call.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as presented.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson and Operations Administrator Erika Mooney reviewed the announcements as noted:

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

2. Announce Applications Received for Planning Board Vacancy; Appointment to be Made by Select Board/Planning Board at May 20, 2026 Select Board Meeting. Ms. Mooney announced the three applicants for the Planning Board vacant seat: Liza Hatton, Clay Evans and Campbell Sutton.

3. 2026 Annual Committee/Board/Commission Vacancies and Appointment Timeline; Committee Appointment Process: [Boards, Commissions & Committees | Nantucket, MA - Official Website](#). Ms. Mooney reviewed the committee appointment information.

4. May 4, 2026 Annual Town Meeting Starts Monday, May 4, 2026 at 4:30 PM at Nantucket High School, Mary P. Walker Auditorium, 10 Surfside Road.

2026 Annual Town Election Scheduled for Tuesday, May 19, 2026 from 7:00 AM to 8:00 PM at Nantucket High School, 10 Surfside Road.

2026 Annual Town Meeting & Election

Residents Can Access Information on the 2026 Annual Town Meeting, Town Election, and Proposed Debt Exclusion Articles through the Town's Webpages.

These Pages Include Warrant Articles, Ballot Information, Voter's Guide, and Brief Videos Explaining Key Articles to Help Residents Better Understand the Topics Ahead of Town Meeting and the Election.

Ms. Gibson noted there will be a remote public informational session about Article 13 on Thursday, April 30th at 5:00 PM and information is on the Town website.

Town Meeting: www.nantucket-ma.gov/atm26

Town Election and Debt Exclusion: www.nantucket-ma.gov/ballot26

5. Washington Street Stormwater Replacement Project to Begin Sunday, May 3 through Friday, June 5; to Include a Combination of Night and Day Work, Implementation of the Reverse Truck Route, Traffic Detours and Delays and an Overnight Parking Ban on Union Street, Salem Street and Washington Street. Ms. Mooney and Sewer Director David Gray reviewed this project, noting that the work will now be primarily night work, with day work only being paving at the end of the day. Ms. Mooney explained that this work will result in the use of the so-called “Reverse Truck Route” at night, which will effectively ban parking on portions of Easton Street and Cliff Road, as well as portions of Union Street, Salem Street and Washington Street for emergency access and NRTA buses.

Ms. Mooney also announced that there will be multiple structure moves for the Affordable Housing Trust and the Land Bank along Jefferson Avenue to North Beach Street to Easton Street to Cliff Road that will necessitate a parking ban along those roads during the daytime hours on May 12th – 14th and May 19th – 21st.

6. Vineyard Wind has Provided the Town with a Summary of its Debris/ Infrastructure Failure Incident Response Plan (DRP). The Town is Currently Soliciting Public Feedback on the DRP Summary. You Can Submit Comments on the Town's website at <https://www.nantucket-ma.gov/3809/DebrisInfrastructure-Failure-Incident-Re>. Please Share any Comments or Questions on the DRP Summary by June 15, 2026. These Comments Will Be Sent to Vineyard Wind.

7. No Select Board Meeting on Wednesday, May 6, 2026; Next Meeting to be Held on Wednesday, May 13, 2026.

Ms. Gibson reviewed one additional announcement:

The Town of Nantucket Housing Department and Barrett Planning Group LLC are hosting the second community-wide Housing Workshop for the Nantucket Housing Production Plan (HPP) and are seeking your participation. Please join us on Monday, June 1 in the Nantucket High School cafeteria (10 Surfside Road) from 4:30 – 6:00 PM. Attendees can enter their name in a raffle to win gift cards from local businesses. Barrett Planning has also released Part 2 of the Housing Production Plan (HPP) Survey. To access the survey, visit nantucket-ma.gov/housingstory. Public participation is a vital part of the process, and your participation is appreciated.

8. Select Board Announcements/Comments. No announcements or comments.

IV. UPDATE ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS (see <https://www.nantucket-ma.gov/3788/2026-Public-Comment-Questions-Responses>) There were no public comment follow-up items.

V. PUBLIC COMMENT

Campbell Sutton spoke on Article 11 (Our Island Home) of the 2026 annual town meeting warrant. She emphasized that ideas other than what is being put forward have not been developed and that the focus at town meeting should be the specifics of Article 11.

Patrick Considine spoke on complaints he has filed about Police Chief Jody Kasper, grievances he has filed and several other issues.

VI. NEW BUSINESS

There was no New Business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee moved approval of items VII 1 – 3; seconded by Mr. Dixon; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

1. Approval of Minutes of April 15, 2026 at 5:30 PM.

2. Approval of Payroll Warrants for April 26, 2026.

3. Approval of Treasury Warrants for April 22, 2026; April 29, 2026.

VIII. TOWN MANAGER'S REPORT

1. Presentation of FY 2025 Audit Report by Town Auditor. Ms. Gibson introduced this matter, and Auditor Tony Roselli. She noted that Deputy Finance Directors Melinda Ernst-Fournier and Susan Carmel are also present in person and remotely. Mr. Roselli reviewed the presentation as contained in the Board's agenda packet. Some discussion followed about Other Post Employment Benefits liability. Mr. Roselli commended Treasurer Ernst-Fournier with improvements to the Town's investment income receipts and procedures. Discussion followed on the findings and recommendations related to Wannacomet Water inventory issues, stagnant balances and the chart of accounts maintained by the School Department. Former Finance Director Brian Turbitt joined the meeting and spoke on progress that has been made on some of these items. Discussion followed on the complexity of the chart of accounts issue. Mr. Dixon spoke on network security and commented that the Town has been working very specifically on this.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Resignation Acceptance: Zoning Board of Appeals Alternate. Mr. Fee moved to accept the resignation of Mark Poor from the ZBA as an Alternate, with thanks for his service; seconded by Mr. Dixon; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Airport: Request to Increase Fuel Revolving Fund Spending Limit from \$8,500,000 to \$11,000,000. Airport Manager Warren Smith reviewed the request. Mr. Fee moved approval; seconded by Mr. Dixon; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

3. The 'Sconset Trust: Request for Preliminary Review of Historic Preservation Restriction (HPR) to be Held by Sconset Trust, Inc. for Property Located at 6 Broadway. Ms. Mooney reviewed the request, noting that Sconset Trust executive director Julie Meade is present for any questions. Mr. Fee moved to send the HPR for 6 Broadway to Town Counsel for review and the issuance of a report; seconded by Mr. Dixon; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

4. Natural Resources Department: Request for Waiver of Town Noise Bylaw for Geotechnical Soil Test Boring for Downtown Flood Mitigation Project from Thursday, April 30, 2026 to Friday, May 1, 2026 from 10:30 PM to 5:00 AM on Broad Street at Easy Street. Ms. Mooney reviewed the request, noting that Coastal Resilience Coordinator Leah Hill is online to answer any questions. Mr. Fee moved approval as

presented; seconded by Mr. Dixon; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

5. Sewer Department: Request for Waiver of Town Noise Bylaw for Emergency Washington Street Stormwater Replacement Project Located at 32-44 Washington Street:

Night Work: 8:00 PM to 7:00 AM, Sunday, May 3, 2026 through Saturday, May 9, 2026.

Day Work: 8:00 PM to 10:00 PM, Mondays through Saturdays, Monday, May 11, 2026 through Friday, June 5, 2026 (No Work May 22 – May 25 for Memorial Day Weekend). Ms. Mooney explained that at a meeting today on this project, the request has been changed to night work only, Sunday nights through Saturday mornings, from May 3 through May 21 from 8:00 PM to 7:00 AM. Mr. Gray answered questions. Mr. Fee moved approval as presented; seconded by Mr. Dixon; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

6. Hearing Regarding Nuisance/Dangerous Dog Complaint Pursuant to MGL Chapter 140 Section 157.

Chair Hill opened the hearing and explained the purpose of the hearing is first to determine if the animal that is the subject of the hearing should be considered either a dangerous or a nuisance animal; and second to determine what remedial actions/conditions the Board might order to mitigate the situation. It was noted that Town Counsel attorney Brian Riley is present remotely. Chair Hill swore in everyone under oath who expects to testify. Patrol/Animal Control Officer Seamus McArdle testified and explained the situation based on the findings of his investigation, as contained in the Board's agenda packet. A short video of the subject dog "Pedro" in connection with a dead deer was shown. Officer McArdle stated his recommendation that Pedro be deemed a dangerous dog. Melanie Kotalac, owner of Pedro testified and expressed sorrow for the death of her friend's cat, which was killed by Pedro. She noted that Pedro has in fact been responsible for the death of several deer. She said that Pedro has been "signed up" for specialized training. Rick Kotalac spoke on incidents involving his family's pets from many years ago and said that the owner of the cat killed by Pedro was very threatening to Ms. Kotalac. He noted a report he generated from AI about this incident, which indicated there is no correlation between the attack on the cat and the potential for Pedro to attack a child. Ms. Mohr requested clarification from Town Counsel about Mr. Kotalac's testimony needing to be directly related to the incident that initiated this hearing. Mr. Riley confirmed the testimony needs to be about the incident. Mr. Kotalac referenced a letter from a representative of the Maria Mitchell Association supporting Pedro as a dog that is appropriate around children. Frank Daily spoke on his personal experience with dangerous dog hearings and spoke favorably of Pedro. Holly McGowan spoke in favor of Pedro, stating that she has been around him with no incident.

Mr. Fee moved to close the hearing; seconded by Mr. Dixon; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

The Board entered deliberation to determine what actions to take.

Mr. Dixon asked Mr. Riley for clarification on the legal difference between a dangerous dog and a nuisance dog. Mr. Riley explained. Some discussion followed. Mr. Fee stated that he would most likely consider the dog "dangerous" due to the definition, but he would not be in favor of euthanizing the dog. Chair Hill agreed. Ms. Mohr said it is incumbent on the owner of such a dog to have it under control at all times when away from its property. Dr. MacNab concurred. Ms. Mohr suggested the Board require that the dog be assessed by a qualified professional animal behaviorist with a training plan to be put into place before the Board takes final action. Chair Hill said she feels the dog needs to be deemed dangerous because it caused the death of a domestic animal. She spoke in favor of delaying a motion on actions until the Board

hears from the behaviorist, but there should be temporary restrictions put in place in the meantime, such as leashing. Ms. Kotalac said Pedro has an appointment with a behaviorist on May 7th. Ms. Mohr asked if there is a fenced-in yard on the owner's property. Ms. Kotalac said there is not. Discussion followed on the determination as to "dangerous" vs "nuisance" and if the dog is deemed to be dangerous tonight, can that finding be changed if the behaviorist testifies as such.

Ms. Mohr moved, based on information presented this evening, that the dog Pedro is deemed to be a dangerous dog; to require the owner to engage a behavioral specialist to analyze the dog and create a training plan, to schedule a date for the behaviorist to report to the Board, and in the meantime, Pedro has to be physically leashed/harnessed, not electronically, whenever he is outside his residence, where the owner can maintain 100% control of the dog; seconded by Mr. Fee; by roll call vote: Chair Hill – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Mr. Dixon – Yes; Ms. Mohr – Yes. The Board agreed to hear testimony from the behavior specialist at its May 13th agenda prior to making its final action motion.

X. SELECT BOARD REPORTS/COMMENT

1. Committee Reports. Chair Hill noted that this is Mr. Dixon's last in- person meeting as a Board member and commended him on his service to the Town. Ms. Mohr commended him as well and stated that his departure from Nantucket is a significant loss. Mr. Dixon thanked the Board and also thanked Town Administration for their work.

XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Schwartz Family Properties Trust, Gerald Schwartz, and Heather Reisman of Historic District Commission Approval of Certificate of Appropriateness No. HDC2025-08-13048 with Conditions to Install Fencing, Gates and Cattle Grates at 11, 13, 17 and 21 Nonantum Avenue, Map 87, Parcels 110, 139, 58 and 156 (Continued from February 18, 2026; March 11, 2026; April 1, 2026). Chair Hill reopened the public hearing. Attorney George Pucci of Town Counsel's office joined the meeting remotely. Chair Hill asked that information from the prior hearing not be rehashed. She noted that the applicant has not refiled with the HDC. Attorney Ryan Douglas, representing the appellants, spoke further in favor of the appeal and cited several references to statements by HDC members at prior meetings. HDC Chair Stephen Welch responded to Mr. Douglas's comments and suggested that those providing testimony at HDC appeals, be sworn in. Mr. Welch recommended a remand of the application to the HDC. Dr. MacNab asked Mr. Welch if the HDC has specific written guidelines regarding cattle grates. Mr. Welch responded they do not but that HDC decisions have been rendered that they are inappropriate; however, he said they have been approved in other locations. Dr. MacNab asked about "deer grates". Mr. Welch said regardless of what these items are called, they are not appropriate. Dr. MacNab noted there are others on the island and asked how they have been handled. Mr. Welch responded, noting that the HDC has approved some in areas where they are not visible. Discussion followed as to cattle grates located elsewhere and approved or not approved by the HDC. Ms. Mohr asked if enforcement of unapproved cattle grates could be considered in the Board's findings. Mr. Pucci spoke to this and said that would have little if any significance. Mr. Fee questioned Mr. Welch as to visibility considerations. Mr. Welch stated that circumstances would have to be specifically reviewed. He added that enforcement and application reviews are totally separate.

Ms. Mohr moved to close the hearing; seconded by Dr. MacNab; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Chair Hill said that the arbitrary and capricious standard to overturn an appeal is a high bar. She noted that while the HDC's processes could perhaps be improved, she does not believe the HDC acted arbitrarily and said she supports their decision. Ms. Mohr stated that she is "leaning" toward Chair Hill's position, although she does find there is room for improvement in the HDC's processes. Chair Hill noted that the appellant could submit a revised application at any time. Dr. MacNab agreed the process could use improvement and noted that a review of the HDC of three years ago should be brought back for Board and HDC discussion. Chair Hill suggested that the Board could explore reviewing the appeal process. Mr. Pucci said options are somewhat limited and would most likely require a change to the HDC's enabling legislation. Mr. Fee commented that a potential simple solution to this particular issue is to move the cattle grate out of visibility. He spoke in favor of a remand. Mr. Fee commented on deer fencing becoming very problematic island-wide, which is causing deer to become a nuisance. Mr. Fee asked again about enforcement being relevant to the Board's decision. Mr. Pucci said that while the appellant is most likely going to use that as a legal argument, he would not want to comment as this could become litigation against the Town. Mr. Dixon acknowledged the appellant's frustration with the HDC's process and possibly inappropriate comments but does not see the decision on this being arbitrary or capricious. He agreed with Dr. MacNab about process improvements.

Ms. Mohr moved to deny the appeal and uphold the HDC decision; seconded by Dr. MacNab; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – No; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted. Chair Hill noted the opportunity remains open for the appellant to submit a revised application.

XII. ADJOURNMENT

Mr. Dixon moved adjournment at 8:17 PM; seconded by Mr. Fee; by roll call vote: Chair Hill – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Approved the 13th day of May, 2026.

**SELECT BOARD
APRIL 29, 2026 – 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. Planning Board membership & applicant list; Liza Hatton letters of interest from Liza Hatton. Clay Evans & Campbell Sutton; Procedure to fill a Planning Board vacancy (elected seat); MGL Ch. 41, s. 81A; Planning Board Vacancy Appointment Timeline
- III. 3. 2026 Annual Committee Appointments Timeline; List of annual committee seats available
- III. 5. Washington Street Stormwater Replacement Project overview; Project plan; Suggested light traffic detour map; Parking restriction map
- VII. 1. Draft minutes of 4/15/2026
- VIII. 1. FY 2025 Audit Report presentation
- IX. 1. Mark Poor ZBA Alternate resignation; ZBA membership list
- IX. 2. AIS re: Airport Fuel Revolving Fund; Fuel Revolver analysis
- IX. 3. AIS re: HPR for 6 Broadway; Conservation Restriction & Preservation Restriction Policy; Sconset Trust cover letter; Letter from Mass. Historical Commission; Draft HPR for 6 Broadway; 6 Broadway Deed; 6 Broadway Assessor map
- IX. 4. AIS re: Noise Bylaw waiver for NRD; Email from Coastal Resilience Coordinator; Work plan
- IX. 5. AIS re: Noise Bylaw waiver for Sewer; Email from Sewer Director
- IX. 6. Dangerous/Nuisance Dog Hearing Guidelines; KP Law Nuisance & Dangerous Dogs card; KP Law Local Regulation of Nuisance & Dangerous Dogs; MGL Ch. 140, s. 157; Ch. 55 (Animals) of the Town Code; Police Dept request for dangerous/nuisance dog hearing; Police reports; Rabies certificate; Citation notice; Notice of hearing to M. Kotalac; Submission materials from M. Kotalac; reports of the Massachusetts Environmental Police with photo; video
- XI. 1. HDC Appeal of 11-21 Nonantum Ave; HDC Appeals Procedure; Public hearing notice; Appellant appeal submission; HDC File; Memo from HDC re: appeal; Supplemental information submitted by appellant; March 4, 2026 email from appellant counsel with attached letter and exhibits