

## BOARD OF SELECTMEN

Minutes of the Meeting of February 3, 2016. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Matt Fee, Tobias Glidden and Dawn E. Hill Holdgate. Robert DeCosta was absent.

### I. CALL TO ORDER

Vice Chairman Fee called the meeting to order at 6:00 PM.

### II. BOARD ACCEPTANCE OF AGENDA

The agenda was unanimously accepted as presented.

### III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Board of Selectmen meeting is being video/audio recorded in accordance with the requirements of the Open Meeting Law.
2. Town offices and the landfill will be closed Monday, February 15, 2016 in observation of President's Day.

### IV. PUBLIC COMMENT

None.

### V. NEW BUSINESS

None.

### VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1 Approval of Payroll Warrant for Week Ending January 31, 2016. The payroll warrants for week ending January 31, 2016 were approved by the unanimous consent of the Board.

2. Approval of Treasury Warrants for February 3, 2016. The treasury warrants for February 3, 2016 were approved by the unanimous consent of the Board.

3. Approval of Pending Contracts for February 3, 2016 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson reviewed the various pending contracts. The pending contracts for February 3, 2016 were approved by the unanimous consent of the Board.

### VII. CONSENT ITEMS

1 Gift Acceptances: Planning and Land Use Services (PLUS); Human Services (Saltmarsh Senior Center). By unanimous consent, the Board accepted the following gifts, with thanks: donations to PLUS regarding White Hart Lane subdivision/24 Boulevarde (\$8,000) and 100 Low Beach Road (\$15,000) for pedestrian improvements; and gifts totaling \$550 for the Saltmarsh Senior Center.

2. Appointment: Nantucket Mosquito Control Commission. By unanimous consent, the Board voted to appoint Ashley Erisman to the Nantucket Mosquito Commission through June 30, 2016.

### VIII. CITIZEN/DEPARTMENTAL REQUESTS

1.Request for Approval of Change of Manager of Annual All-Alcoholic Beverages Restaurant License for Sea Dog Nantucket, LLC d/b/a Nixs Brew Pub from James Agnew, Manager to Eduardo Fernandez,

Manager, for Premises Located at 15 South Water Street. Attorney Bryan Swain, representing Nixs Brew Pub, spoke in favor of the change of manager application for the Sea Dog. Mr. Glidden moved to approve the change of manager application for Eduardo Fernandez, as presented; Ms. Hill Holdgate seconded. So voted 4-0.

2. Housing Nantucket: Request for Waiver of Sewer Connection Permit Fees and Sewer Privilege Fees for Six Affordable Rental Housing Units Located at 75B Old South Road and 7 Surfside Road. This matter was held for the arrival of Housing Nantucket executive director Anne Kuszpa to explain.

#### IX. TOWN MANAGER'S REPORT

1. Review of Revised Film Policy (Continued from January 20, 2016). Business License Inspector Amy Baxter reviewed a revised film policy, noting the concerns raised by local photographers and videographers have been addressed. Ms. Baxter answered questions from Board members and reviewed the procedure for events. Ms. Hill Holdgate moved to approve the film policy as revised and schedule a public hearing for the associated fees; Mr. Glidden seconded. So voted 4-0.

Ms. Gibson reviewed upcoming agenda items for the Board's February 10, 2016 and March 9, 2016 meetings.

#### VIII. CITIZEN/DEPARTMENTAL REQUESTS

2. Housing Nantucket: Request for Waiver of Sewer Connection Permit Fees and Sewer Privilege Fees for Six Affordable Rental Housing Units Located at 75B Old South Road and 7 Surfside Road. Ms. Hill Holdgate asked to split the discussion as she is a direct abutter to 7 Surfside Road and needs to recuse herself from that. Housing Nantucket executive director Anne Kuszpa reviewed the request for 75B Old South Road, noting housing Nantucket has paid for two sewer connection fees already so they only need one sewer connection fee and three Sewer Privilege Fees waived. Mr. Atherton stated the Board is setting an informal policy to waive fees for affordable housing units, and asked if affordable housing covenants are in place. Ms. Kuszpa said there are permanent restrictions on affordability, adding all the units are rentals but they don't count toward Subsidized Housing Inventory (SHI) list. Ms. Kuszpa suggested the Town apply for Local Action Units. Ms. Hill Holdgate moved to waive one sewer connection fee and three Sewer Privilege Fees for 75B Old South Road; Mr. Glidden seconded. So voted 4-0. Ms. Hill Holdgate recused herself from the 7 Surfside Road matter. Ms. Kuszpa reviewed the fee waiver request for 7 Surfside Road, noting she is asking for the Board to waive three sewer connection fees and three Sewer Privilege Fees. Mr. Glidden moved to waive three sewer connection fees and three Sewer Privilege Fees for 7 Surfside Road; Mr. Atherton seconded. So voted 3-0.

#### X. SELECTMEN'S REPORTS/COMMENT

1. Housing Nantucket: Update on School View Cottages (7 Surfside Road) Development Project. Ms. Kuszpa gave an update on Housing Nantucket's affordable housing development at 7 Surfside Road, noting Housing Nantucket has decided to withdraw the comprehensive permit application with the Zoning Board of Appeals. She said that they wanted all the units to be affordable but the costs started to mount and there were issues with the timing of house moves and the ZBA process. Ms. Kuszpa stated they are still planning to put four dwellings on the property and will be proposing a zoning bylaw article to change the definition of "apartment". Mr. Atherton stated it is unfortunate that "simple" projects like this become so complicated, adding he is not sure if it is a local or state issue, but it needs to be "figured out". Mr. Atherton further stated that not all house moves are appropriate.

2. Committee Reports. None.

#### XI. PUBLIC HEARINGS

1. Public Hearing to Consider Appeal of Mary Jane MacLean and Anne Jennings of Historic District Commission (HDC) approval of Certificate of Appropriateness (COA) No. 65034, with Regard to the Property Location of 341A Madaket Road, Nantucket, Map 60.2.4, Parcel 64.5. Vice Chairman Fee opened the public hearing. Vice Chairman Fee noted the Board received an email from Town Counsel stating the Board has no jurisdiction to overturn an HDC decision, and that Town Counsel recommends proceeding with the public hearing to give appellant due process but to then entertain a motion to deny the appeal for lack of jurisdiction. Attorney Joseph Guay, representing the appellant, reviewed the appeal, noting the staircase approved by the HDC is different than what Conservation Commission approved, saying it is a "staircase to nowhere." HDC Chairman Linda Williams stated the issues brought up by Attorney Guay have no bearing on the HDC decision, adding that the Conservation Commission approved allowing the use. She said what the HDC approved was a simplified design from what was originally submitted and she doesn't see how the appellant was personally aggrieved. Ms. Williams further stated the HDC is caught up in "turf war". Mr. Atherton asked Ms. Williams if the HDC feels the stairway is appropriate. Ms. Williams stated if the staircase is appropriately designed it is not up to the HDC where it lands. Attorney Guay stated there is no precedent for this type of structure with a deck at the base of a coastal bank encroaching into a salt marsh. Ms. Williams stated the high water mark and use has nothing to do with the HDC. Mr. Glidden asked if the HDC made the landing larger. Ms. Williams stated no. Vice Chairman Fee closed the public hearing. Mr. Atherton expressed his belief that the view from Millie's Bridge is important and he does not want to see stairs all over the place. Ms. Hill Holdgate moved to uphold the HDC decision and deny the appeal for lack of jurisdiction; Mr. Atherton seconded. So voted 4-0.

#### XII. ADJOURNMENT

The meeting was unanimously adjourned at 7:02 PM.

Approved the 16<sup>th</sup> day of November, 2016.

**BOARD OF SELECTMEN  
FEBRUARY 3, 2016 – 6:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VI. 3. Pending contracts spreadsheet for February 3, 2016; letters to Fire Chief from MA Dept. of Fire Services and Office of the Governor
- VII. 1. Letters from PLUS, re: gift acceptance requests for 24 Boulevard & 100 Low Beach Road with copies of checks; memo from Saltmarsh Senior Center, re: gift acceptance
- VII. 2. Email from Project Administrator to Town Manager, re: Mosquito Control Commission membership; current membership list
- VIII. 1. ABCC change of manager application for Sea Dog
- VIII. 2. Letter from Housing Nantucket, re: sewer fee waiver request; breakdown of sewer fee waiver requests for 75B Old South Road and 7 Surfside Road
- IX. 1. Draft Film, Video and Photography Policy; film policy fee proposal
- X. 1. Letter to ZBA withdrawing comprehensive permit application for 7 Surfside Road
- XI. 1. HDC appeals procedure; email from Town Counsel, re: recommendation on 341A Madaket Road HDC appeal; HDC appeal of 341A Madaket Road; HDC file