

## Notes and bullet point on goals and objectives for Coastal Resilience Districts

The purpose is to have a funding model for property that benefits from an engineering structure.

### Suggested bullet point recommendations from CRAC

- Whole island should be the Coastal Resilience District
- Create sub-districts as needed around the island and approved by Select Board
- Create the coastal resilience districts as needed and charge to the beneficiaries in that area accordingly.
- Localized projects get charged to the people who receive benefits from the project; and charged accordingly
- Look at the possibility of both primary beneficiaries and secondary beneficiaries
- As sea levels rise, more land will be impacted. This will necessitate changing the project and betterment areas over time. Allow for redefining the betterments occasionally.
- Need to create an airtight system for betterment collection, like tax collection.
- Operation and maintenance costs must also be included.
- Primary Plan and a backup plan to allow for resilience planning. Betterment analysis based on both plans. Secondary plans can be anything from alternative systems should the first fail, to removal and retreat planning.
- Yearly evaluation for impacts, feasibility to continue, and project function. Town entities undertake the review. Have a decommissioning plan
- Allow for cooperation with other programs such as One Big Beach easement and others.
- Allow for additional benefits such as Hold Harmless agreements, insuring public access, donations of land to the Town.
- Educate property owners and purchasers what the risks are and put them on notice that they may be subject to group projects and potential betterment costs over time. Include real estate community
- \*\*\* a bullet point based on Doug’s comments about, whole island approach, the state legislature and HPR\*\*\*
- \*\*\* Intervention ownership question from Jen. Who owns the intervention?\*\*\*
- Have legal understandings and agreements in place on the ownership of the interventions put in place. If on private property have a legal agreement between Town and private property owner such as a MOU. Seek to include maintenance access, public access to intervention. Understanding of the legal ramifications of Town ownership of interventions vs maintaining a MOU.
- Consider whether CRD subdistricts should require majority approval of betterment initiatives by property owners before undertaking remediating actions and accompanying assessments.
- 8 additional points from Doug Rose. See page 13 below.

**Commented [VM1]:** Track 1. whole island

**Commented [VM2]:** Track 2. create the districts as needed. The project driven method. Defined geographic areas.

**Commented [VM3]:** In line with track 2.

**Commented [VM4]:** As I understand it, betterments are applied the same way as property tax. Already a tight system where the town has the ability by any means necessary to collect. Liens, % added for failure to pay.

**Commented [VM5]:** From Vince & Jeff. Not from a committee member. Gives regulatory boards some oversight.

**Commented [VM6]:** Doug has an interesting point that is worth exploring and I don't know who to phrase a bullet point on it. Its reads like Track 1 whole island approach with more nuance.

**Commented [VM7]:** Jens question. See if the committee want to draft a point on this. May need legal advice.

**Commented [VM8R7]:** Can delete this now.

**Commented [VM9]:** Updated bullet point from Jen after conversation with Vince.

**Commented [VM10]:** New from Gary Beller.

## Committee Response

### COASTAL RESILIENCE DISTRICTS NOTES - Tim Braine

#### Benefits/risks of CDRs

-Districts might serve a few positive purposes:

- Make clearer to property owners and purchasers what the risks are and put them on notice that they may be subject to betterment costs over time
- Promote a sense of shared local community interest in the resilience issues, solutions, and bearing the costs
- Facilitate better communication among residents and between residents and town government regarding resilience issues

-A possible downside might be that by creating these district identities it will “Balkanize” the island and promote competition for funds and priority for the districts’ local resilience issues. If you create “teams” you can expect the teams to compete with each other.

Commented [VM11]: Means to divide

-It seems to me that creating districts on an as-needed basis over time instead of all at once would reduce this sense of dividing

#### Dividing up benefits and costs

-As we discussed at length in the August 8 meeting, there is a lot to work out about how betterments would work in a district and this will become a tricky issue. Would all of the residents in the district be assessed the same betterment cost? Would the “benefits” of a project have different value to different residents and stake holders? For example, Baxter road erosion mitigation would be seen as a benefit to different extents and for different reasons for different residents. As Matt pointed out, residents on the bluff side of Baxter have a bigger benefit than those across the street or further away from the risky area. Residents on Low Beach may see little benefit. The bluff walk is not only a historic asset of Sconset, but a well-used feature by Sconset residents and also attracts a lot of tourists to the village. Business owners like the Market and Claudettes benefit greatly from this. Many residents not near the bluff will see it as an important part of the history and character of Sconset. The TON has a financial interest because of its responsibility to provide services that might be taken away by erosion. Even Sconset Trust has a stake in this I would think.

Other CDRs will have their own very local versions of these disparate interests. Will it be possible assign different benefit values to different residents/stakeholders in the district? How would that work? Is it a formula of some kind? Or is it negotiated for each project in each district among the residents there?

#### Projects benefiting all island residents

-It seems to me that the “everyone in the district” pays in equally for every project may be a tough sell. I guess I would be for finding a way to set up a process for a district and the town to work out a sliding scale of benefit and financial responsibility among residents in the district to be negotiated for each project. But that is laborious...who manages that?

-It's very clear that there are resilience projects that will clearly benefit all island residents. Should those be part of an all-island district or handled as part of regular town planning? Joanna was concerned about getting the more urgent projects priority attention rather than just getting in the finance and planning cue. Is the CDR designation the way to do this? Or is it better to do it some other way? It seems to me an all-island CDR just creates confusion about the purpose of CDRs and that those projects need to be integrated into town planning in some common sense way.

**Matt Fee**

CRAC getting stuck a bit on Coastal Resiliency District nomenclature thinking about it like OHD or other set "district".

We are talking about a Coastal Resiliency "powers" for lack of a better term. (I'm sure there is one.) To fill in gap on items that current state law doesn't allow us to handle equitably. Not meant as an exhaustive list....

- betterments Apportioning costs fairly. Additional M+R costs yearly
- Tiering costs based on location and benefit
- What happens when someone owing betterments moves or abandons and stops paying
- road abandonments (Issues where town is required to provide but then pay for "takings".
- hold harmless
- insuring continued public access
- Donation of land
- OBB easements

So we need to identify what powers are needed, what is problematic now, and how best to address them. It will take a while. If this is perceived as taking "rights" away then a Home Rule will be opposed at state level.

Gotta work within existing parameters for betterments and other items and do the best we can, as CRD could be a 3-5 year process. Even longer.

Goal should be to figure out way to move forward best we can within existing state laws, and town meeting constraints for betterments, funding, etc so important near term action is not delayed.

Matt

#### Coastal Resiliency Districts - Gary Beller

The entire Island should probably be a CRD and there should be the ability to create sub-districts from time to time as needed. It is important that we have this flexibility going forward as none of us can predict future needs resulting from climate change, erosion, storms, and sea level rise.

Defining subdistricts is probably one of the most difficult undertakings that will have to be addressed. But when mother nature starts taking its toll on areas of the Island, perhaps the districts will be clearer

**Commented [VM12]:** First set of notes from Matt.

**Commented [VM13]:** Primary and secondary benefits. Kind of.

**Commented [VM14]:** Track 1. Whole island

to understand. I suspect that Districts will define themselves and may be aided by external factors such as Banks unwillingness to lend or insurers refusing to provide coverage in certain areas.

For infrastructure projects like our sewerage treatment plant, ferry terminal, waste disposal facility and other infrastructure necessities, costs should be assessed against the Island's residents and taxpayers equally. For subdistricts with particular issues (such as Sconset Bluff as one example) the costs should be assessed only against residents and taxpayers in those areas whose homes are immediately affected.

**Commented [VM15]:** That's how Capital projects work already.

The betterments should be largely paid for by those in the particular CRD with possibly a very modest contribution-10%-from the Town coffers.

A home rule petition filed with the State, will hopefully provide the necessary authorization for the implementation of CRD's to avoid the need for changing numerous local Town regulations.

For Island wide infrastructure projects, the Select Board or perhaps a sub-committee named by the Select Board of individuals with particular expertise in the areas being addressed, ought to oversee the projects. In CRD subdistricts, the group overseeing those projects should be members of the community who are receiving the betterment assessments. And if the majority of members of the community who are to be subject to the betterment assessment vote against such an assessment, the Town should have no further obligation to deal with remediation.

#### **Aug. 8, 2023 CRAC CRD homework – Peter Brace.**

##### **1. How are districts defined and mapped; define coastal area, risk area or who may not benefit.**

I think we need to be very specific on who benefits 24-7 in each district, who occasionally benefits and who does not at all. The island-wide district could be the catchall, general district.

**Commented [VM16]:** Primary and secondary benefits

**Commented [VM17R16]:** Same as Jeff & Vince idea.

##### **2. Do CRDs include sea level rise so that the districts can migrate as waters rise? Done by periodic review or set parameters?**

Definitely. Sea level rise must be included as the basis for the CRDs because they will shrink and be reconfigured as the water comes up. I think the review has to be a hybrid of periodic and parameters so that the changes can happen sooner than the water rising to reflect a given district's current and forecasted impacts, and estimate costs for funding adaptations.

##### **3. Is the whole island the district and specific benefit sub-districts are mapped on a need's basis (i.e., ferry dock, downtown, sewer plant, airport, roadways)?**

The whole island is a district in so far as we all use the whole island's facilities to varying degrees including its roads, transportation hubs, sewage treatment (depending on where we live on island),

water in the aquifer either through a well or the Town or Siasconset water mains, beaches, boat ramps, etcetera.

**Commented [VM18]:** Track 1

#### 4. Should the CRDs be based on future impacts to currently unaffected areas of the island?

The CRDs should be made adaptable to future impacts to the extent that we think can predict what these impacts might be. Betterments might then fluctuate depending on how we meet the needs of a given subdistrict

#### 5. Guidance on who pays what portion of betterments.

I don't think we'll have much luck telling some people they have to pay more within a given district than others. Since we're planning some sort of raising of Madaket Road including First and Second bridges, how are we going to divvy up betterments between those who live in the Fisher's Landing area and those who own property west of Second Bridge, or in the Smith's Point neighborhood, or on Sheep Pond Road? Madaket from the east side of First Bridge encompassing Fisher's Landing, Eel Point, Madaket proper, Smith's Point and Sheep Pond Road is as imperiled as Brant and lower downtown Nantucket are. I think the everyone within the subdistricts must pay the same, but I also think we really need to work on our message as to why they all pay the same. If this is the road we choose.

**Commented [VM19]:** Interesting. This is the difference between large scale projects that can be done by capital planning, and not be part of CRD's; and small, localized projects with defined benefit areas. This may be a committee discussion.

#### 6. Guidance on how Town regulatory boards should be involved and which by-laws and regulations need to be amended?

- Our Nantucket Wetlands Bylaw enforced by the Conservation Commission (ConCom), will need to be amended, as the 25-foot, 50-foot and 100-foot buffer zones will keep advancing inland. A mechanism for the bylaw to incrementally evolve as sea level continues rising, carrying the buffer distances with it, should be built in to the bylaw so that a major effort with voters isn't required every time a revision is needed.
- We should get the Planning Board and its staff to help define the districts with the guidance of the CRAC.
- With the help of the Historic District Commission (HDC), CRAC could create specific historic CRDs within whatever sub districts we map out around the island similar to the Old Historic Districts in Town and in 'Sconset in which vulnerable historic buildings and sites could be identified. Such historic CRDs might then qualify these areas for preservation-related resilience grants that might be out there that could be used for adaptation, protection or retreat depending on each area's level of vulnerability.

**Commented [VM20]:** Wetland bylaws currently being updated. No idea if this can be included. Seek advice from the ConCom rep.

**Commented [VM21]:** Districts usually first drafted by lawyers as far as I know. Then regulatory boards have their input.

#### CRAC homework on Coastal Resiliency Overlay Districts - Sarah T. Bois

Benefits of CDRs:

- Educate property owners and purchasers what the risks are and put them on notice that they may be subject to group projects and potential betterment costs over time
- Promote a sense of shared local community interest in the resilience issues, solutions, and bearing the costs
- Facilitate better communication among residents and between residents and town government regarding resilience issues

**Commented [VM22]:** Similar to the first point. First point is very impactful so added to the synthesized list as is.

I think the CRDs should be discussed and used first as an educational tool. They should be discussed and implemented separately from discussions of betterments.

1. I believe the CRD should be defined by a factor outside of opinion (i.e. not geographic neighborhoods). Impacts are the primary tool, but the data used to create them would have to be voted on. It should be a factor that is definitive. Anything based on opinion (like neighborhood boundaries) are arbitrary and subject to opinion and argument. We want to use something that can be measured and defined. I think there can be different districts for flooding, erosion, storm surge, and sea level rise. When it comes to funding, that is where the geographic boundaries come in later based on the specific project.
2. I think the CRDs should be subject to periodic review to incorporate the latest science and new information.
3. I do not think the whole island should be a district. It defeats the purpose.
4. Future impacts should be considered and the districts defined as such based on period of vulnerability. For example, an area vulnerable to sea level rise in 2075 should be different than for those areas vulnerable in 2050.
5. I don't think betterment recommendations can be made unless there is a specific project. It would all be speculative at this point. Projects can be at multiple scales and the betterments assigned would vary based on the scope and particular project. Ultimately, the CRDs could help with assignment of betterments, but, again, it is highly project specific.

**Commented [VM23]:** Point taken. However, betterment law works with property boundary line. If the property benefits, it benefits as a whole. Assessments are made on a property by property basis.

Flooding, erosion, storm surge and sea level rise can all be modeled but they are not the kinds of maps that are legally acceptable as they just show possible risks in various scenarios. What we are seeking to do is address the risk with a funding model to pay to offset risks.

**Commented [VM24]:** Track 2?

**Commented [VM25]:** Reads like Track 2 with elements of primary and secondary beneficiaries

The examples provided from NY are for species erosion control districts with a focus on beach nourishment projects. With this as an example, we will need different districts for different impacts.

### Homework on CRDs - from Jen Karberg

Homework on CRDs - here my thoughts so far and I hope they are helpful. Sounds like you guys have done a lot more work on this which is awesome and looking forward to hearing your professional thoughts!

There seems to be value in a CRD that is created focused on a particular intervention or project but not as effective as broad general districts.

- Nantucket should do what it needs to have the ability to create CRDs when a project is identified and ready to fund or develop ie going through the Annual Meeting/HRP

process that indicates the Town has the right to create CRDs that fit a particular project when the need is there

- CRDs should be designed to impact that those whose access, utilities and property are directly impacted and would benefit from a project
- Within that CRD should be designated property owners (appointment by neighbors or others) so that the homeowners voices are a part of the project planning process
- A CRD project could be singular ie adaptation of Millie's Bridge but would encourage grouping project action items where possible to avoid having homeowners need to participate in more than one CRD at a time ie Millie's Bridge and other erosion projects in Madaket over the bridge.
- **Need to consider 'ownership' of the intervention** - ie Bridgehampton beach nourishment projects became 'public facility' so that FEMA help is triggered with future impacts - what would that look like for these projects.
- Could see CRDs created for particular impacts - like south shore beach erosion CRD, Madaket erosion CRD, etc but they need to be well thought through to avoid that overlap of intervention. Brant Point CRD would be more sea level/flooding focused etc.
- Possibly looking at those broad groups the CRAC created and identifying impacts in each one that we will want to react to in the next 5-10 years and looking for the overlap, looking to where we can make connections among groups.
- Public infrastructure for the good of the island should be separated out and considered for island-wide funding: Hospital, Airport, Downtown, Polpis and Milestone Rds, Madaket Rd to the Dump, the Dump, etc -

**Commented [VM26]:** See if this can be a bullet point. Town? May depend on the land ownership.

**Commented [VM27R26]:** Recommend for Committee discussion and perhaps legal advice.

Hello,

This is a reminder about the CRDs homework that was discussed at the last CRAC meeting. Please send your responses to both Vince and I by **Wednesday 8/16**. That will give us Thursday to compile responses and put in the packet. Below are the bullet points for you to answer. Please remember not to get stuck in the minutia, you have been asked for overall guidance which will be given to the Select Board. The SB, staff and Town Council will take CRAC recommendations and use it to will help craft the home rule petition or whichever policy route is chosen.

- **How are districts defined and mapped; define coastal area, risk area or who may not benefit.**

Lots of thoughts on this above but CRDs should focus on intervention projects that are informed by current need or short-term projected need. Projects that are designed to be implemented should be based on longer term projections for adaptation.

When the whole island benefits (ie key infrastructure or community resources) then it's the whole island that contributes.

**Commented [VM28]:** Jen responded to the original email with her comments included. Original email text is in red and Jen's responses in black.

We can look to the CRP to create CRDs based on known risk and projects for areas, then determine if those areas can be lumped or need to remain separate. Want to avoid having people 'pay' multiple times.

**Commented [VM29]:** Sarah had a similar point about using data and set risks to define the district areas.

CRD administration should and needs to include representation from affected homeowners

- Do CRDs include sea level rise so that the districts can migrate as waters rise? Done by periodic review or set parameters?

I think this depends on the purpose of each CRD and the intervention project. I don't think so. The projects that are SLR focused should be attempting to adapt the area to SLR.

In general though, a CRD should be created and implemented for the life of a project which means there does need to be a review period after the project is completed to determine if future maintenance is needed. If the CRD needs to continue funding upkeep or, if the project becomes a public project to facilitate FEMA support, then does the CRD dissolve? This needs to be determined.

- Is the whole island the district and specific benefit sub-districts are mapped on a need's basis (i.e., ferry dock, downtown, sewer plant, airport, roadways)?

Sounds like advice for this is no - that CRD needs to be project specific. We do need to pull out those projects that have an island-wide benefit and fund them evenly across the island.

- Should the CRDs be based on future impacts to currently unaffected areas of the island?

No - unless there is specific project intervention that makes sense to put in place and fund now.

- Guidance on who pays what portion of betterments.
- Guidance on how Town regulatory boards should be involved and which by-laws and regulations need to be amended?

For reference, attached are some documents I found about the erosion control districts in Long Island, NY.

- 2 news articles (1 is kind of old)
- Playbook document gives examples of how CR projects have been paid in the past for different towns and cities



- Bridgehampton and Sagaponack FAQ sheet is about the erosion control districts Bridgehampton and Sagaponack erosion control districts website: <https://www.southamptontownny.gov/410/BECD-Control-Districts>
- Word document “coastal shoreline protection measures” on page 33 is a map of the coastal erosion overlay zones and how they are designated and then on page 39 it talks about erosion control districts.
  - Vince and I had a productive meeting with the engineer that has and is working on these beach nourishment projects and here’s a brief summary
    - 4 erosion control districts
    - Advisory board is establish that is made up of property owners in the district
    - Project was \$25 million and paid by property owners in the erosion district over 10 years
    - Cost per property was based on an equation that looked at waterfront frontage and appraised property value
    - Only ocean front property is in the district and pays for the project even though public goes and uses the beaches that are being nourished
    - They did not have to change or make any new policies or change zoning to create these districts

Sincerely,  
Leah Hill

#### THOUGHTS/SUGGESTIONS REGARDING

#### COASTAL RESILIENCE DISTRICTS (CRDs)

*Submitted to CRAC by Doug Rose, 8/16/23*

#### BACKGROUND

- The Town of Nantucket’s (TON) Coastal Resilience Plan (CRP) has identified 40 priority projects, many of which are extremely resource- and capital-intensive, with decades-long runways for planning, execution, maintenance and removal.
- TON is therefore looking to establish a unified approach to facilitate the planning, funding, construction and maintenance of these long-term resilience projects. The Select Board has identified Coastal Resilience Districts (CRDs) as a possible management tool in this effort.

#### CAVEATS/BOUNDARIES

- Before discussing the purpose of and the best options for managing CRDs, I think it’s important to establish some boundaries for how a CRD should not be *misused*. These would include:
  1. CRDs shall not be misused in any way to circumvent the authority of Nantucket’s regulatory bodies, most notably the Conservation Commission, the Planning Board, and Historic District Commission.
  2. CRDs shall not be allowed to become a means for private property owners to “jump the line”

**Commented [VM30]:** Where did we say that? We are looking at methods to pay for projects, not all projects.

**Commented [VM31R30]:** Interesting to kick the tires on this approach though. Seems like larger "whole island" projects like sewer, downtown flood barrier are capital projects.

on TON's most critical resilience measures.

- Resilience projects should be prioritized in line with those outlined in TON's Coastal Resilience Plan (CRP). A CRD designation should not change that.
- No matter how funding is secured, every resilience project requires TON project management resources and regulatory oversight. To the degree that a proposed neighborhood-level project exclusively benefits private property owners, it saps finite TON resources that could otherwise be focused on projects that benefit the entire island community. Even if private donors or neighborhood groups promise to fund planning, construction, maintenance and removal costs, that should not affect TON's resilience priorities.

**Commented [VM32]:** Nobody else has made a point like this. There is a valid point in this. However, it could limit the Town's ability to respond to developing situations as they arise. Like when the SPR washed out. That was Priority 2 and had to jump the line because there was no access.

**Commented [VM33]:** If we go down the betterment type road, its equivalent to taxes, so unavoidable in this instance. Other have made similar points and there is a bullet point for this for the committee to work on.

### WHAT ARE THE REAL GOALS OF A CRD?

- I'm not yet convinced of the value of pursuing CRDs. Here's why:
  - For resilience projects that have island-wide benefit — e.g., enhancing the resilience of the harbor transportation hub, or the airport — funding can be generated as it is for any major capital investment, through a uniform tax rate increase across the entire island's taxpayer base. As a practical matter, it seems that Nantucket is already one big CRD. No need to pass legislation just so that we can refer to the island as such.
  - For resilience projects that disproportionately benefit a specific zone of the island (e.g., Baxter Road, etc), we should first ask if it should be taking precedence over projects that are more critical to the island's survival. Setting that question aside for now, TON currently has the statutory authority to assess betterments.
- But there are probably inefficiencies in the process, some even requiring the involvement of the state legislature. So I suppose it's possible that by formalizing and unifying the necessary authority via a CRD designation, TON could realize greater long-term efficiency in planning, executing and managing resilience projects, reduce its legal exposure, and so on.
- With that possibility in mind, I'd suggest three goals for establishing a CRD, ranked in importance:
  1. The foremost purpose of establishing a Coastal Resilience District would be to enable a municipality to **more efficiently plan, fund, construct and maintain resilience projects.**
    - *If successful, designation as a CRD will enhance TON's capacity to execute the CRP.*
  2. For those resilience projects that disproportionately benefit a specific subset of property owners, a CRD should **formalize and streamline the process of mapping project benefit areas ('footprints'), and assessing betterments** on those who benefit most directly.
  3. Another benefit of establishing a CRD would be to **provide greater transparency for prospective property buyers** as to the SLR- and climate-related vulnerabilities of certain zones, and to help manage expectations of future costs associated with mitigating those vulnerabilities.

**Commented [VM34]:** The Committee may need to go back to the advice received from Town Council and Arcadis. <https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/07252023-12838>

CRD's are defined geographic areas and largescale projects are for capital.

**Commented [VM35]:** Specific locations like Baxter Road, Sheep pond Road, Madaket, Brant Point are the main aim of CRD's. Having it as a CRD means we can go beyond betterments and include Operation and Maintenance and other public interests.

### THOUGHTS ON PURSUING A HOME RULE PETITION VS GENERAL BYLAW VS OTHER ROUTES

Suggestion: pursue **two** parallel paths forward, simultaneously...

1. **HRP:** In the absence of any relevant MA state statutes, TON should begin development of a Home Rule Petition (HRP) intended to achieve the following objectives:
  - establish the Islands of Nantucket as MA's first Coastal Resilience District.
    - *ideally to serve as a model for future CRDs within Massachusetts*

- authorize TON to plan resilience projects to mitigate the effects of SLR- and climate-related threats throughout the District, subject to applicable regulatory oversight.
  - *i.e., without requiring further involvement of the state legislature*
- authorize TON to define the geographical boundaries of Resilience Project Zones within the District, on an as-needed, project-specific basis, subject to a simple majority approval by Nantucket’s voters.
  - *i.e., without requiring further involvement of the state legislature*
- authorize TON to fund localized resilience projects (either partially or fully, as appropriate) via the assessment of betterments on the properties benefitted, subject to a simple majority approval by Nantucket’s voters.
  - *i.e., without requiring further involvement of the state legislature*

**Commented [VM36]:** Ask Doug to discuss this with the Committee.

**2. GENERAL BYLAW:** Because a Home Rule Petition will likely involve a multi-year process with no certainty of the outcome, TON should simultaneously begin development of a General Bylaw intended to achieve similar objectives:

- formalize TON’s authority to plan resilience projects to mitigate the effects of SLR- and climate-related threats on an island-wide basis, subject to applicable regulatory oversight.
- formalize TON’s authority to define the geographical boundaries of Resilience Project Zones within the municipality, on an as-needed, project-specific basis, subject to a simple majority approval by Nantucket’s voters.
  - *Note: Nantucket’s Flood Overlay District serves as a precedent here.*
- formalize TON’s authority to fund localized resilience projects (either partially or fully, as appropriate) via the assessment of betterments on the properties benefitted, subject to a simple majority approval by Nantucket’s voters.
  - *To be clear: TON already has statutory authority to assess betterments to properties that benefit from specific projects. Formalizing that authority specifically in regard to resilience projects may be helpful in broadening awareness of the CRP, and its relevance to individual property owners.*

**How are districts defined and mapped?**

- If the primary goal of CRDs is transparency, they should probably be mapped by threat (similarly to the flood overlay district) or neighborhood.
- But if the primary goals of a CRD is to enhance TON’s capacity to execute the CRP and streamline funding, I think we will find that the whole island should be the District, within which we will have “Resilience Project Zones” (or whatever we call them) that are **project-specific**. That’s because the costs and the benefit footprint for any coastal resilience project will be unique to that project.

**Do CRDs include sea level rise so that districts can migrate as waters rise? Done by periodic review or set parameters?**

- Benefit footprints are always going to be project-specific. Projects will have varying lifespans, which will in turn affect longevity of benefits, costs and geographic footprints.
  - Brant Point and Madaket were mentioned as examples of CRDs, within which multiple projects might be initiated. But each project would have different benefit footprints and lifespans.

**Is the whole island the district and specific benefit sub-districts are mapped on a needs basis?**

- See above. The islands of Nantucket would be the District; Resilience Project Zones would be project-based, on an as-needed basis.

**Guidance on who pays what portion of betterments.**

- These will inevitably be project-specific.

**Guidance on how Town regulatory boards should be involved and which by-laws and regulations need to be amended?**

2. Per CAVEATS/BOUNDARIES above: CRDs shall not be misused in any way to circumvent the authority of Nantucket's regulatory bodies, most notably the Conservation Commission, the Planning Board, and Historic District Commission.

**REVISED BULLET POINTS REGARDING  
COASTAL RESILIENCE DISTRICTS (CRDs)**

*Submitted to CRAC by Doug Rose, 8/24/23*

**PURPOSE**

- The purpose of establishing a CRD should be to enable TON to more fairly and efficiently fund the planning, construction, monitoring, maintenance and removal of any long-term resilience projects that disproportionately benefit localized areas within the municipality.

**FUNDING**

- A CRD should establish TON's authority to fund long-term localized resilience projects, either fully or partially, via long-term betterments assessed to the property owners who benefit.
- This long-term betterment authority should enable TON to levy a series of annual assessments, as opposed to a typical one-time assessment.
- If appropriate, these annual assessments may vary year-to-year to reflect the various stages of a project (e.g., planning, easements, takings, construction, monitoring, maintenance, escrow for removal, etc), or be adjusted to reflect real vs projected costs.
- If necessary\*, each long-term betterment should be subject to one-time approval of the project by a majority of Nantucket voters, rather than requiring annual approval for each year's assessment. (\*Need to confirm the requirements for imposing a betterment).

**MONITORING**

- All monitoring of resilience projects should be managed independently by TON, not through private property owners or groups. This includes the selection and oversight of monitoring agencies.

**LIMITS**

- CRDs shall not in any way circumvent the authority of Nantucket's regulatory bodies, most notably Conservation Commission, Planning Board, and Historic District Commission.

**UNINTENDED USE**

- CRDs shall not be misused to enable private property owners to "jump the line" on TON's most critical resilience measures.

## Additional information

### Three basic methods of implementation

- Town Bylaw
- Zoning
- Home Rule Petition

### Betterments could be a metric of

-Homeowner

- Lot size (Square feet)
- House size (Square feet)
- Frontage (feet)
- Assessed property value (\$)
- Length of service to your property in the betterment area (feet and value of service)

-Town

-Future residents

**Commented [VM37]:** Was reading about betterments and saw different precedents for undertaking assessments, so made a simple list.

**Commented [VM38R37]:** Also too early to decide about these things. Mainly as an FYI to the committee.