

**Nantucket and Madaket Harbors Action Plan Update
Committee**

Monday, Jan. 22, 2024 at 1 p.m.

Meeting trailer, 131 Pleasant St., Nantucket, MA 02554

***NMHAPUC meetings are video-recorded and
available at Nantucket Government TV on YouTube**

Members present: Phil Smith, Samantha Denette, Jesse Bell,
Steve Leinbach, Peter Brace, Seth Engelbourg

Members Absent: Emily Molden, Dave Fronzuto, Roberto
Santamaria, Linda Williams

Natural Resources Dept (NRD): Jeff Carlson, Tara Riley

Urban Harbors Institute (UHI): Jack Wiggin, Kim Starbuck,
Kristin Uiterwyk, Alan Bartels, Dack Stuart

Others:

CALL TO ORDER

1:03 p.m.

1. WELCOME

Mr. Smith read the script for remotely conducted open meetings.

a. APPROVAL OF AGENDA

Unanimously approved, 6-0.

b. APPROVAL OF MINUTES

Draft minutes of Oct. 2, 2023

Draft minutes of Oct. 16, 2023

Draft minutes of Nov. 6, 2023

Draft minutes of Dec. 4, 2023

Draft minutes of Jan. 8, 2024

Mr. Smith said that his comments on dye tablets in the Jan. 8, 2024 minutes should read that the Marine Department pumpout crew be more available during their posted hours.

Mr. Smith called for a motion to approve all five sets of minutes as amended. Mr. Engelbourg made that motion. Ms. Bell seconded the motion. The NMHAPUC voted 6-0 to approve these five sets of minutes.

2. Discuss issues and recommendations

a. Natural resources – finish

The NMHAPUC resumed working through this section.

Ms. Starbuck called marine mammal protection and public education to see if any committee members wanted to add to this item. Mr. Brace said he felt this item was well covered by the two marine wildlife protection groups already operating on Nantucket and that both contribute in public education via social media posts. Mr. Engelbourg agreed with Mr. Brace, adding that the mention of green crab control mention should be scaled up. Ms. Denette said a lot of education on green crabs comes through the Nantucket Land and Water Council and the Maria Mitchell Association.

b. Commercial waterfront

Mr. Wiggin explained how he reformatted this section and detailed its contents for the NMHAPUC. He then read the first goal for the committee to review: “Preserve, promote and support water-dependent uses of the harbor and the commercial waterfront”. He recommended to that the NMHAPUC keep this goal. He then reminded what was done for this goal in the 2009 plan. With the regards to the harbor overlay district, Mr. Wiggin said he would speak with Nantucket’s Planning Department to learn what issues came up after the implementation of this district and then report back to the NMHAPUC so it could make any necessary modifications to the updated plan. He said he would keep this goal, but remove the first three recommendations. For the fourth recommendation, he suggested removing the fourth recommendation because it’s not possible under state law. For the fifth recommendation concerning the protection of scenic views

from public ways. Mr. Brace said the Roads & Right of Ways Committee sort of did this by researching, locating and re-opening all of the public ways on along the island's shores. Mr. Smith agreed, indicating that the Roads & Right of Ways Committee is handling the substance of this recommendation and the updated plan didn't it need. The NMHAPUC and Mr. Wiggin agreed. Mr. Leinbach said in light of the possible redevelopment of Wilke Square, this recommendation could be useful for identifying scenic views as new developments along the harbor come along. Mr. Wiggin agreed, as did Mr. Smith. Ms. Bell asked if there was a map showing all of these scenic view areas in the harbors. Mr. Wiggin said yes. Ms. Bell asked who identifies the scenic views and where would the inventory list of scenic view within the harbor go in the updated plan. Mr. Wiggin said this could go in this section of the updated plan. Ms. Bell said there should be a discussion on where all these scenic views are. Mr. Wiggin reminded the NMHAPUC to keep in mind that this recommendation needs to include both harbor study areas where is also a harbor overlay district. He added that scenic views can be added to this list outside of the harbor overlay districts in both harbors. Mr. Engelbourg said this recommendation is kind of vague and the term "scenic" is wide open to interpretation depending on individual definitions of what is scenic. He said a list isn't as helpful as making scenic views a priority in the plan. Mr. Leinbach agreed. Mr. Wiggin clarified that this recommendation essentially for the protection of views of the harbor from public access points along the shores of both harbors. Ms. Denette wondered aloud if historic scenic views would be a more specific way to describe this item. Mr. Smith suggested that the NMHAPUC should wait to see how the UHI staff distills this meeting's comments on this issue into a recommendation. Mr. Wiggin moved onto the next recommendation, which reads, Identify all structures on or adjacent to the waterfront that can be considered historic assets in the context of a working waterfront and add them the Historic District Commission's (HDC) list of

individually contributing significant structures. Mr. Wiggin asked for a list of such building and structures that might not be on the HDC's list. Ms. Bell and Mr. Wiggin said the NMHAPUC and UHI should see the HDC's list before trying to add to it.

Mr. Wiggin read out the aids to navigation, improve harbor safety and the removal of fuel storage goals. Mr. Carlson said two tanks for fuel dock fuel remain and will stay. Mr. Smith recommended removing this goal. The NMHAPUC and Mr. Wiggin agreed.

Mr. Wiggin read the next goal, to increase the security of the harbors and ensure smooth operation in the event of significant maritime disaster, storm or accident and ensure that the movement of people and goods to and from the island can continue.

Mr. Wiggin explained this recommendation for adding another boat ramp and said this one is complete within the 2009 plan. Mr. Smith agreed that this is a good recommendation because of the necessity for more boat hauling space just prior to storm events.

Mr. Brace said that the Harbor & Shellfish Advisory Board (HSAB) has discussed and researched this issue for many years, having been unable to find a viable location for another boat ramp on Nantucket Harbor. He added that this issue is one of Mr. Fronzuto's biggest issues and then shared with the NMHAPUC all of the potential sites for such a boat ramp that the HSAB found and, for various reasons, determined weren't viable. Mr. Brace posed the question to the NMHAPUC of where around the island's shores would a new boat ramp work. Mr. Wiggin said the recommendation could be kept as is so that the Town is encouraged to keep looking for a site for a new boat ramp, Ms. Bell said the need for a new boat ramp has come up at all of the public input sessions. Mr. Leinbach agreed this recommendation should be kept in the plan. Mr. Engelbourg agreed this recommendation should be left in. Ms. Bell asked if new moorings have been added to the harbors since 2009. Mr. Brace said there's a years long waiting list for moorings.

Mr. Wiggin explained the next recommendation of the Town pursuing a new boat ramp at south end of Town. He said that this

recommendation remains relevant that the NMHAPUC could discuss it conjunction of upcoming recommendations. Mr. Smith asked if the Town could work with the Army Corps of Engineers to add more moorings in Nantucket Harbor. Mr. Carlson and Mr. Brace explained that this is problematic because the Federal Food & Drug Administration (FDA) considers a grouping of 20 or more moored vessels a potential health hazard because it assumes that each boat has a sewage holding tank that could potentially spill into the harbor. Mr. Brace added that more moorings mean more mooring tackle including chain dragging on the bottom and destroying eelgrass beds. Mr. Leinbach, Ms. Bell and Ms. Denette agreed that not increasing the number of moorings in the harbor is the right way to go.

Mr. Wiggin explain that the next recommendation, the moratorium on all private docks and piers doesn't need to be in this updated plan because it exists as a bylaw today. Ms. Bell asked that there be an exception for commercial piers and wharves.

Mr. Wiggin said the next recommendation on coastal resilience could be discussed later in this process when another such item comes up.

Mr. Wiggin asked Mr. Carlson for clarification of the last recommendation in this section, which is assessment and repair of aging waterfront infrastructure.

Mr. Wiggin began to explain the issues that the public raised during input sessions over the summer on commercial waterfront concerns. This included finding a local method of enforcing Chapter 91 licenses issued by the state's Department of Environmental Protection (DEP). Ms. Bell asked if you can get Conservation Commission applicants to adhere to Chapter 91 licenses using local regulations and bylaws. Mr. Engelbourg said requirement such as these in, but then enforcement would be a challenge. He added that Chapter 91 permitting has to be tied to local permitting before it can be enforced. The NMHAPUC continued discuss current Chapter 91 enforcement and also how a hybrid enforcement strategy might work. Mr. Wiggin said he

would work on some language for this one and then bring it back to the committee.

Mr. Wiggin detailed input from members of the public requesting that a ship chandlery always be on the harbor somewhere. He added that there might a way to require that this be a water-dependent use in which the Town could “bargain” with a waterfront property owner looking to further develop their land and building(s) to grant them more density in exchange for a use such a marine supply store. Ms. Bell said she needed more time to get her thoughts together on this topic; Mr. Wiggin confirmed that there is plenty of time and that discussion on this topic would continue.

Mr. Wiggin confirmed that for all of today’s discussion, he would be coming back to the NMHAPUC with revisions.

c. Coordination and administration

3. Next steps (All)

a. Next committee meeting

ADJOURN

Mr. Smith called for a motion to adjourn the meeting. Mr. Brace made that motion. Mr. Leinbach seconded that motion. The NMHAPUC voted 6-0 to adjourn the meeting;

YOUTUBE MEETING LINK

<https://www.youtube.com/watch?v=NEBYE57mRzE&list=PL49sKqpy7VAhtfTnajKC38HEDIJx7asi0&index=19>

Future Meetings:

Feb. 12

Respectfully Submitted,
Peter B. Brace, Secretary

