

NP&EDC
DRAFT Minutes
Monday June 26th, 2023 at 5pm

To view a recording of the meeting, use the link below:
[Nantucket Planning & Economic Development Commission -June 26h, 2023](#)

Call to Order:
Chair Longacre called the meeting to order at 5:01pm

Establishment of a Quorum:
In Attendance:

Commission:

Mary Longacre
Barry Rector
Joe Topham
Seth Engelbourg
Dave Iverson
Bert Johnson
Wendy Hudson
Dawn Holdgate
Nat Lowell

Staff:

Andrew Vorce, Director of Planning
Leslie Snell, Deputy Director of Planning
Megan Trudel, Land Use Specialist
Mike Burns, Regional Planning
Raissah Koume, MassDOT

Approval of the Agenda as posted:

Nat Lowell moved to approve the agenda, the motion was duly seconded by Joe Topham and the motion was carried unanimously.

Approval of Minutes

- **April 24, 2023**

Nat Lowell moved to approve the minutes of the April 24, 2023 NP&EDC meeting. The motion was duly seconded by Bert Johnson and the motion carried UNANIMOUSLY.

Vote taken by Roll Call:

Mary Longacre *Aye*
Seth Engelbourg *Aye*
Dawn Holdgate *Aye*
Dave Iverson *Aye*
Bert Johnson *Aye*
Wendy Hudson *Aye*
Nat Lowell *Aye*
Barry Rector *Aye*
Joseph Topham *Aye*

Public Comments:

NONE

At Large Membership Appointment:

We have received one application from Wendy Hudson, Wendy addressed the commission and expressed her gratitude for considering her to continue in her seat. She mentioned that it is an exciting time despite Andrew's departure and the arrival of Leslie. Wendy emphasized the importance of their ongoing conversations related to their mission and expressed her hope that they would consider retaining her membership. Can we make a motion to reappoint Wendy Hudson as an at-large member for a three-year term.

Nat Lowell moved to approve the motion and was duly seconded by Bert Johnson and the motion carried UNANIMOUSLY.

Transportation Program Manager Update from Mike Burn

I will be presenting a few of our 3C programming documents. These documents are part of the continuing comprehensive cooperative planning process for transportation, also known as the 3C planning process. The process primarily involves the development of three programming documents: the Transportation Improvement Program (TIP), the Unified Planning Work Program (UPWP), and the Long-Range Transportation Plan. Let's start with the Long-Range Transportation Plan. This document includes a 20-plus year vision for transportation improvements or investments. It is updated every four years by statute. Next, we have the TIP, which is a five-year schedule of Highway and Transit investments identified in the Long-Range Transportation Plan. The TIP is updated every year. Finally, we have the UPWP, which is an annual listing of planning activities using federal and state funding that aligns with the Region's Transportation plan and vision. The UPWP is also updated every year. All these documents should be informed through public participation as described in the Region's public participation plan. The goal is for these investments to be included in the Statewide Transportation Improvement Program (STIP). We need to amend the current TIP and provide next year's TIP for public review. The TIP is a listing of federally and state-funded transportation projects for the next four or five years. It includes both roadway and transit projects. Amendments are sometimes necessary to add projects or make modifications to scope or costs. In this case, the transit program for fiscal year 2023 needs to be amended in the current TIP to add a project for a supervisory vehicle, reduce the cost of a maintenance project, add funding for travel information systems maintenance and shock equipment, and provide funding for bus replacements. The public review of this TIP amendment is requested to start on April 28th, following this month's meeting. We will provide notices through various channels, including e-blasts via the town's communication staff and hard copies at the town building and planning office. The public review period will continue until May 22nd, and we will have a public meeting on that day at 5 pm to discuss and act on this amendment. Motion made by Mike to approve this document.

Kristie Ferrantella moved to approve the motion and was duly seconded by Barry Rector and the motion carried UNANIMOUSLY.

The next set of items, which describe the programming documents that need updating in the coming months. First, we have the TIP for fiscal years 2024-2028. The highway program of the federal fiscal year 2024-2028 TIP includes two projects. The first project is the improvement of the intersection of Milestone Road at Polpis Road, including the extension of a shared-use path from the Polpis Path to the Monomoy Road intersection. The project has a proposed cost of 1.2 million, with over 1 million in federal funding and 120,000 in state matching funds. The purpose of this project is to improve intersection operations and safety, as well as provide a shared-use path for better accessibility. MassDOT will assume the design responsibilities and advance the project development process in coordination with the town. The second project in the TIP is the construction of a shared-use path along Wauwinett Road. This project is funded by a combination of

federal Land Access Program (FLAP) funding and local funding. The path will be approximately two miles in length and will connect the Polpis Road path to the Gatehouse at the end of Wauwinet Road. The project aims to improve safety, connectivity, and support active transportation and sustainable mobility. In the transit program for fiscal year 2024, various projects are included, such as operations and maintenance of vehicles, farebox equipment, and travel information systems. There are also anticipated expenses for propane fueling equipment to accommodate new propane fuel vehicles. Similar projects and expenses are expected in the fiscal years 2025 and 2026. However, the operational expenses for drivers and other related costs are usually projected for a few years and may not be captured in the outer years. The public review of this TIP is requested to start on April 28th, following this month's meeting, and approval is sought at the May 22nd meeting. Notices will be sent out as described in the public participation plan, including e-blasts and hard copies provided at the Athenaeum, Town Building and Planning office. It appears that the meeting materials include a request to authorize a public review period for the federal fiscal year 2024-28 TIP. The proposed public review period is scheduled from April 28th to May 22nd, 2023. Additionally, a public meeting is planned for May 22nd at 5 pm to facilitate discussion and action regarding the TIP. If there are no further comments or questions, it may be appropriate for the commissioners to proceed with authorizing the public review period and scheduling the public meeting. This will provide an opportunity for stakeholders and the public to review the TIP and provide feedback before finalizing it. Joe Topham asks about propane buses and the possibility of considering electric buses as an alternative. The grant initially earmarked for propane buses is being reconsidered, and a decision is pending regarding whether the funding can be used for electric vehicles instead. There may be a second attempt to procure propane vehicles, but the status of that effort is uncertain. Regarding replacing the term "propane" with a broader category such as "non-gasoline or non-diesel fuel" in the approved documents, there could be value in doing so to allow for a wider range of options. It is suggested to use terms like "low emissions" or "zero emissions" to categorize the vehicles, as the issue with the funding appears to be related to propane being classified as a low emission fuel rather than a zero emission one. However, it would be helpful to seek clarification from the relevant authorities, such as MassDOT or NRTA Administrator, to ensure consistency and alignment with their guidelines. It's important to maintain flexibility in the programming documents while adhering to the desired emission standards. The exact phrasing and terminology can be refined based on the clarification provided by the appropriate authorities.

Raissah Koume comments it is important to ensure consistency in the language used throughout the documents. Commissioner Joe emphasizes the need for consistency to avoid confusion and ensure clarity in the messaging. Mike acknowledges the challenge of figuring out the appropriate terminology but assures that the documents will be open for public comment and can be edited based on feedback received. The opportunity to make revisions based on public comments or suggestions will be available at the next meeting. Joe Topham made a motion to authorize the public review period.

Joe Topham moved to approve the motion and was duly seconded by Kristie Ferrantella and the motion carried UNANIMOUSLY.

The next item on the agenda is the introduction of the budget and review period for the federal fiscal year 2024 Unified Planning Work Program (UPWP). The UPWP is a document that lists the funded regional transportation planning activities for the upcoming year. It is updated annually and includes administrative tasks, data collection, analytical planning, and implementation activities. These activities must align with federal, state, and local vision goals and priorities. The budget for the UPWP includes various tasks such as grant administration, tip and UPWP development, coordination tasks, data collection for performance management, and planning and implementation activities. The planning priorities for this year include developing the Safe Streets and Roads for All Action Plan, updating the Transit Asset Management Plan, and aligning long-range planning activities with strategic planning efforts. The budget and work program will undergo a public review process similar to the Transportation Improvement Program (TIP), with anticipated

public review and approval in June. The public participation plan will be followed for noticing and engagement. There is no requested action regarding the budget and timeframe at this meeting, but questions or comments from commissioners are welcome. The updating strategy for the Long-Range Transportation Plan (LRTP) will be introduced. The LRTP is a federally required long-range planning document updated every four years, guiding major transportation investments for at least the next 20 years or until 2050 in this planning cycle. The updating process follows a three-phased approach of visioning, prioritization, and public review. The visioning phase will review the vision, goals, and existing conditions, with guidance to finalize content at the June meeting. The prioritization phase will gather feedback on big ideas and investment strategies based on the vision and goals. The draft plan will be released for public review, and public input will be collected using various platforms. The LRTP will need to be approved by the NPDC, along with any final edits to meet the deadline in August. The presentation includes visuals of the current LRTP cover and an example of a vision spectrum used by the Houston Galveston region. The overarching vision aims for a safe, resilient, reliable, and equitable multimodal transportation system. The presentation includes an example of a vision spectrum used by the Houston Galveston region, which aims for a safe, resilient, reliable, and equitable multimodal transportation system that contributes to a livable region by 2045. The vision is supported by goals that align with federal performance measures and planning factors, such as zero fatalities and facilities in good condition. The example uses simple metrics and terms to help the public understand the long-term intentions. The presentation also includes the current vision of the Nantucket region, which is described as a safe, accessible, and economical transportation system with vehicle limitations that is sensitive to the character of the island. The current plan offers nine mechanisms for achieving this vision, including vehicle restrictions, development patterns, multimodal transportation options, parking management, and more. The nine goal areas or mechanisms have been modified slightly based on planning factors, and they align with suggested desired outcomes. These goals include prioritizing reliability, ensuring equitable investment through outreach, strengthening the economy, contributing to a resilient system, achieving a state of good repair, and aiming for zero fatalities by 2050. We are seeking input and discussion on these goals and mechanisms to develop a strategy for public outreach. The goals will assist in the development of a comprehensive long-range transportation plan for the region. It is mentioned that one of the goals is to minimize impacts to the natural and cultural environments. This goal focuses on considering the preservation and protection of the island's natural and cultural heritage when planning transportation projects. Mike acknowledges that the updating strategy for the transportation plan is ambitious, as they are trying to complete it within a tight timeline of three to four months. The next meeting, scheduled for May 22nd, will focus on the vision and goals, as well as a brief review of the system's conditions. This phase will conclude at the June 26th meeting, where the list of recommended projects for funding will be discussed, including illustrative investments that may not be immediately affordable. The staff intends to gather public input using the town's Zen City Outreach platform, which includes recorded presentations, surveys, and opportunities for comments on draft materials. The proposed public review period for the transportation plan is set to start on July 21st and end on August 21st, 2023, to meet the September deadline. John raises a specific question about the potential inclusion of a roundabout at the intersection of Nobadeer Farm Road and Milestone Road for long-term planning purposes. John wonders about safety and traffic flow concerns in that area. Mike responds that the current plan includes those improvements as part of the long-range transportation plan, however the availability of funding for construction will determine if they can be implemented. The projects may be included in an illustrative list, which consists of projects that have support but lack funding. The feasibility of roundabouts at intersections is being evaluated for safety, congestion, and air quality benefits, as recommended by the lead engineer of MassDOT. Mike clarifies that they are not seeking immediate adoption of the alternative wording and vision at the current meeting. Mike suggests the possibility of setting up a work group to review the material between the current meeting and the next one in May. Mike emphasizes the importance of meeting the ambitious timeline and suggests that finalizing the vision and goals should ideally be done at the June meeting. Andrew underscores the urgency of the timeline and emphasizes that there won't be much leeway for extending the process. They explain that the tight schedule requires prompt public participation and comments to meet the September deadline.

Discussion – NP&EDC Mission

In the package, there is a draft statement that incorporates the comments provided by Seth, Barry, and Mary at the last meeting. Mary explains that the draft is not comprehensive and represents the areas of agreement reached during their discussions. They present the draft for review and comments from the other commissioners and the planning department. Mary briefly highlights the changes made in the draft. The first section, which includes legislative dates and times, will be updated by the planning department. There is a suggested name change in the first sentence. The scope of authority has been rewritten. The draft also includes a new vision statement and a mission statement with two bullet points that provide additional details about the vision. During the discussion, it is mentioned that the draft statement is a result of the comments provided by Seth, Barry and Mary in the previous meeting. They have worked on incorporating those comments into a cohesive package. The draft is still a work in progress, and there may be further development to include specific objectives. Seth emphasizes the importance of moving forward and wrapping up the different sections of the plan and their desire to progress to the next phase and eventually submit the plan for approval. He mentions the ongoing work on drafting objectives and suggests circulating the document to the commissioners for feedback. The goal is to be close to completion with the objectives by the May meeting. Barry mentions the need to finalize the commission's name and determine the number of commissioners. There is a recognition that the commissioners need an opportunity to provide their input on the draft statement, as it is the first time they are seeing it offers a suggestion for clarifying the wording in the mission statement, specifically regarding the use of the term "region. Overall, there is a sense of urgency to make progress and move towards finalizing the plan while allowing for further input and feedback from the commissioners. Mary discusses the use of the word "region" and proposes changing it to "state" or clarifying it as "outside the Nantucket region." There is agreement on changing the name of the commission, and several commissioners express support for the proposed change. Regarding the scope of authority, it is suggested adding more details about the responsibilities compared to other town entities. It is clarified that the scope of authority refers to the geographic assignment rather than specific responsibilities, the wording can be modified to make it clearer. In the vision statement, there is a suggestion to remove the words "to support" at the beginning to make it more mission oriented. Another comment suggests removing the word "planning" to enhance readability, but there is a discussion about whether it is appropriate to include the word "planning" in the vision statement as the agency is a planning authority. Overall, there is an emphasis on finding the right balance between being concise and providing sufficient clarity and context in the draft statement. Barry acknowledges the challenges of condensing complex ideas and expresses his desire to refine the document further.

Mary - The vision is a resilient, sustainable and equitable Nantucket community balancing economic, environmental and social factors for current and future needs. There is agreement to remove the words "to support" and "planning" from the vision statement to make it more concise and focused on the desired outcome. Seth expresses their preference for a vision statement with fewer words, and they acknowledge the need to ensure that the document flows smoothly when read as a whole.

Mary - The scope of authority- the discussion revolves around clarifying the scope of authority for a regional planning agency. The participants are considering different terms to accurately describe the agency's responsibilities. They discuss the need for a comprehensive yet succinct description and compare it to previous references. The term "responsible" is questioned and proposed to be replaced with "encompasses" to indicate a geographic sense rather than authority. The existing scope of authority is being reviewed, and the phrase "representing one town" is suggested as a replacement for the term in question. The goal is to accurately convey the agency's role as the regional planning authority for a specific municipality in Massachusetts, including the town, county, islands, and waters.

Andrew - The term "Authority" should be replaced with "agency" to accurately describe the regional planning agency. The participants acknowledge that there are 13 regional planning agencies (RPAs) and agree to use "agency" instead. Moving on to the discussion about the vision statement, the goal is to create a concise statement that captures the essence of supporting a resilient, sustainable, and equitable Nantucket community. They recognize the challenge of condensing complex ideas without overly elaborating on the statement.

Mike suggested removing the first two words, "to support," from the vision statement. The reason for this is to align the vision statement with more mission-oriented vocabulary. Instead, the vision statement would be simplified to state, "a resilient, sustainable, and equitable Nantucket community." The rationale behind this suggestion is that a vision is an outcome rather than an action. By removing the words "to support," the vision statement focuses directly on the desired outcome of a resilient, sustainable, and equitable community.

Seth - proposes to remove the word "planning" from the statement, as planning is considered an action rather than a vision. However, it is acknowledged that planning is within the scope of authority and will be covered in the mission elsewhere, he suggests simplifying the sentence further by replacing the phrase "that balances" with "balancing".

Mary - The revised mission statement would then read as follows: "The NRPC provides leadership and support for a resilient, sustainable, and equitable Nantucket community, balancing economic, environmental, and social factors for current and future needs.

Mary - The first statement of the mission focuses on the internal aspect of the NRPC, providing leadership and support for the Nantucket region. The proposed revision states that the NRPC provides leadership and support for the Nantucket region by developing policies, programs, and projects that consider the diversity of demographics, culture, and environment to benefit both visitors and residents. Mary mentions that this statement reflects the internal focus of the NRPC. The second statement, which has not been discussed yet, would then represent the external focus.

Andrew - feels that there is a desire to emphasize the importance of the Nantucket region and the need to include it in the mission statement. This is because there have been instances where Nantucket was left out of earlier state-level efforts. Bifurcating the focus of the mission statement to address both internal and external aspects is seen as important. Regarding the second bullet, it is mentioned that further explanations are needed. Andrew suggests holding those comments until the discussion reaches the second bullet point. Mary acknowledged that these statements are not set in stone, and there is room to revisit them later. The goal is to address each point individually for clarity. Wendy is invited to provide her comment. Wendy raises a valid point regarding the inclusion of culture in the mission statement. She is pondering the specific meaning of culture in this context. It is mentioned that the intention was to avoid using subjective terms like "quality of life" and instead acknowledge the unique character of Nantucket. Culture in this case, is seen as encompassing the social diversity of the community. Demographics, on the other hand, refers to statistical information, while environment refers to the natural environment. Wendy's comment highlights the need for clarity and a shared understanding of how culture is being defined and incorporated into the mission statement.

Barry explains that the decision to include the term "culture" in the mission statement was a result of discussions aimed at eliminating ambiguous or subjective language like "quality of life." They wanted to avoid a situation where different people interpret quality of life differently. By using the term "culture," they aimed for a broader and more diverse scope that doesn't limit or restrict specific actions but still allows them to define their focus. Barry also emphasizes the importance of having language that doesn't constrain them from

future actions or mandate specific requirements. However, he acknowledges that the mission statement is open to editing and further refinement.

John suggests considering the inclusion of "history" in addition to "culture" in the mission statement. He highlights the uniqueness of Nantucket, such as the absence of streetlights, the reliance on water transportation, and the presence of roundabouts and rotaries. He also mentions that Nantucket is a historic island, attracting visitors who are interested in its historical significance. John brings up the point for discussion, suggesting that the mission statement could acknowledge and incorporate the island's historical aspect. Seth and John both express their agreement with removing the word "history" from the mission statement. Seth argues that history can be subjective and defining a specific period in history may lead to conflicts. He believes that focusing on culture would be more enriching. John supports Seth's viewpoint, emphasizing the need to remain open to changing circumstances, particularly in the face of climate change. He agrees to remove the mention of history from the mission statement.

Barry emphasizes the importance of focusing on the agency's regional role and not encroaching on the jurisdiction of other boards and commissions. He suggests that footnotes or elaboration in certain areas could provide more context without being overly restrictive. He also highlights the need to ensure that the language in the document aligns closely with the agency's mission and objectives.

Dave suggests including a reference to how the agency interacts with the state regarding funding for transportation and related matters in the mission statement. He mentions that the second bullet point may hint at it, but he is open to discussing it further when they reach that section.

Andrew suggests including definitions at the beginning of the document, like the Cape Cod enabling legislation. He believes that providing clear definitions can be helpful and prevent misunderstandings. Andrew mentions the importance of coordination and consistency in the region to avoid conflicts and manage proposals effectively. He doesn't have a specific proposal but highlights the significance of incorporating the concept of coordination into the mission statement.

Joe agrees that the word "culture" provides a broad range and prefers not to be too specific in the mission statement. Initially, he thought "history" should be included, but after considering the discussion and the work of organizations like the HDC and Holly Backus, he believes that Nantucket is already synonymous with history. Joe commends the committee for doing a great job in hitting the important points and sees this as a strong starting point for the mission statement. He agrees that being too pointed should be avoided.

Seth - The first point is to support adding the phrase "and NRPC provides leadership, support and coordination for the Nantucket region" as suggested by Andrew. The second point is in response to Dave's comment about the Transportation Plan. Seth acknowledges that specific actions like transportation planning will be addressed in the objective section, which is currently being worked on. The third point addresses the interaction between the two previous comments. Seth believes that both local leadership and collaboration with other regions are essential for effective functioning. They highlight the importance of promoting Massachusetts' interests at the state and federal levels. While the language may not need to be merged, they emphasize that these aspects are interconnected and integral to the mission.

Mary - Regarding the second bullet, Mary points out the proposed changes, such as replacing "serves as an advocate for Nantucket" with "fostering cooperative efforts among municipalities outside the Nantucket region." She also suggests striking the phrase "throughout the region" to ensure clarity about the use of the term "region" in reference to both. On the second bullet Andrew suggests replacing "municipalities" with "government entities" to encompass a broader range of entities they want to collaborate with, including other regions. He also suggests changing "outside the Nantucket region" to simply "outside the region" since the Nantucket region has already been identified. Barry clarifies that the previous wording was "within the

region," and Megan acknowledges the rewording and makes the necessary adjustments. Andrew also points out that the phrase "throughout the region" should be removed to avoid confusion.

Discussion – 2023 Annual Town Meeting

The discussion moves on to the preparation for the upcoming annual town meeting. Mary suggests creating a handout with a brief description of the responsibilities of NP&EDC, the planning board and the planning director/department for public education. It is also proposed to include a brief history of the commission's work in the last 12 months, the statement on the vision and mission, and the commission's positions on the articles that will be discussed. Commissioners are invited to share their thoughts and ideas on the handout. Andrew mentions the need to update the list of articles and Leslie offers to provide an update on the articles discussed at the meet-the-articles meeting. According to Leslie's update, the Planning Commission made recommendations to the finance committee on various articles, including articles 11, 14, 17, 36, 72, 76, 81, 82, 83, and 102. The finance committee's motions aligned with the commission's recommendations for most articles, including appropriating \$13 million for transportation goals in article 11 and \$4.6 million in article 14. However, the finance committee made significant modifications to article 76, which deviated from the commission's recommendation not to support the article. Nevertheless, the changes made by the finance committee are expected to make it easier for PLUS to administer. Leslie provides an update on staff attendance at several meetings leading up to the town meeting. She mentions attending the civic league meeting, where she discussed an article that will be addressed shortly. She also mentions their presence at the Nantucket Association of Real Estate Brokers, where they conducted a continuing education course covering zoning, subdivision control law, and discussion of the articles. Leslie adds that she plans to attend the Builders Association meeting this Wednesday to listen to their views on zoning articles. Leslie discusses the Housing Choice slide. In 2020, the legislature adopted Chapter 358 of the Acts of 2020, which made modifications to the zoning act and voting thresholds for special permits and town meetings. Under certain criteria, the voting threshold for special permits by the planning board changed from a supermajority to a simple majority. Similarly, the voting threshold for town meetings changed from a two-thirds majority to a simple majority if specific conditions are met, such as adding housing units, reducing parking requirements, and adding multi-family units. The warrant lists the articles that qualify for the simple majority threshold, along with the planning board's motion and reasoning. Leslie discusses Article 39, a planning board-sponsored article addressing residential swimming pools and hot tubs. This article aims to address a directive provided by the land court and remove any ambiguity in the existing definitions. The proposal suggests creating three clearly defined criteria based on surface area for hot tubs, small swimming pools, and large swimming pools. The article does not change the current allowances in different districts but redefines these residential water features to address the land court's directive. Leslie mentions Article 60, a citizen petition regarding short-term rentals. The planning board did not give a positive recommendation to adopt this article, as they deferred to the select board's request to hold off on articles related to short-term rentals at this town meeting. The motion not to adopt was supported by the finance committee and the select board. The builders will discuss this article at their upcoming meeting, and Leslie is curious to hear their views on it. Andrew emphasizes the importance of communicating with the public regarding certain articles. He specifically mentions Article 83, which both the planning commission and the finance committee unanimously voted not to support. Andrew suggests that it is crucial to convey the reasoning behind the commission's decision on this article. Andrew also brings up Article 102 and its companion Article 103, which involves long-range planning for the acquisition of the property at the corner of Easy Street and the terminal. This article involves the land bank, the Steamship Authority, and the town, and it addresses concerns related to future transportation, access, and potential impacts such as sea-level rise. Both the finance committee and the select board have voted to support this article. Andrew expresses the need for a strong statement on both articles and encourages the planning department to prepare a more detailed statement for the 31 Easy Street companion articles. He mentions that there will be a presentation on these articles at the Coast and Harbor Advisory Committee meeting the following morning.

Leslie adds a side note about Article 86, the fertilizer article, which the commission did not discuss in detail. She mentions that it may not be clear from a simple read of the article that the commission would have a role in it. She reminds the commissioners that they supported a timeline extension for additional work on fertilizer through the Regional Planning Commission last year, but that recommendation was not adopted. Instead, a full ban on fertilizer was pursued. Leslie wants to make the commissioners aware that Article 86 is back again in a slightly different form and asks if they want to provide a staff recommendation on whether to support a motion to adopt or not to adopt. The conversation concludes with Andrew stating that the finance committee has a motion to move forward with something different than what is currently proposed in the article, based on the advice given by the Town Council. He seeks input from the commissioners on their stance regarding Article 86. In this section of the conversation, Andrew clarifies the language and implications of Article 86, the fertilizer article. He explains that the article proposes an extension of references adopted in the tenant circuit under Chapter 561 of the Acts of 1973, which is the commission's enabling legislation. If the article passes, it will require the commission to address the issue of fertilizer within a two-year period. Andrew mentions that the commission does not currently have personnel specialized in fertilizer-related matters and suggests that they may need to work with the Board of Health or the Natural Resources Department on this issue. He notes that if the article passes, the commission would be in a leadership role.

Leslie provides further context, stating that the home rule petition regarding fertilizer regulation was voted on at the previous year's town meeting and has not yet been acted upon by the legislature. The select board is now proposing an alternate approach to regulating fertilizer at this year's town meeting. Leslie concludes by stating that the commission doesn't need to make a statement on this matter unless any commissioner feels strongly about it. She suggests that they should wait and see how the situation unfolds.

Barry expresses his preference for the Board of Health to take the lead role in addressing the issue of fertilizer regulation. He believes that it falls within their jurisdiction and expertise, and the Planning Commission can provide support if needed. Barry also mentions that they have other objectives to focus on during Town Meeting and doesn't want to take on additional projects that may distract from their core mission.

Andrew - expresses uncertainty about the involvement of the Board of Health in the matter and states that they were not included or informed about the process. They mention their association with NPDC (presumably Nantucket Planning and Economic Development Commission) and their surprise at seeing the reference to Chapter 561 without their involvement. Andrew wants to ensure that others are aware of the situation and suggests communicating their opinions, although it may be outside the normal procedure. Mary inquires about the Finance Committee meeting and the reasons behind the motion. Seth expresses support for obtaining additional information and potentially requesting reconsideration, expressing dissatisfaction with other boards entering articles without consent. He suggests discontinuing the process for the upcoming town meeting and discussing the matter further for a special town meeting in the future. Andrew concerns are about the burden placed on NP&EDC to develop regulations if the motion passes. The enabling Act deadline is mentioned, and it is clarified that the motion proposed at the previous town meeting did not pass in its current form. If there is agreement with what Seth has proposed the board could certainly make that request. Joe expresses his surprise that the motion originated from the Select Board rather than the Board of Health or Conservation Commission. He agrees with Seth's viewpoint and believes that the motion will likely face resistance and not lead to any meaningful outcome. Joe suggests a motion to not adopt the proposal, stating that it will likely be subject to prolonged discussions and ultimately should not be accepted in any form.

Mary - It appears that there are two suggested paths forward, with a third option being to take no action. One suggestion is to offer an alternative motion, while the other suggestion is to request the withdrawal of the

article. The procedural steps for either option is not explicitly stated, but Andrew mentions possibilities such as indefinitely postponing the article or moving not to adopt it. Mary inquires about who would put forward such a motion, Andrew explains that it could be proposed by an individual at the town meeting or through another source, such as approaching the finance committee for reconsideration. Barry suggests referring the matter to the Board of Health as a committee, considering the lack of consultation with them and the potential need for further discussion. Seth expresses agreement with the approach of referring the matter to a committee, considering their involvement in fertilizer regulation. He clarifies that the Nantucket Wetlands regulations already include the fertilizer BMP and they are working alongside the Natural Resources Department and the Board of Health on this matter. Seth explains that the reason the enabling legislation is being mentioned is because the NP&EDC was granted authority by the state to handle fertilizer regulations, while other boards cannot make changes to the regulations at present. He notes that the deadline for submitting changes may have already passed, making it questionable whether NP&EDC can make any changes. Seth suggests asking not to adopt or postponing the discussion for future consideration, as the committee is unlikely to provide new information, Mary also raises concerns about the two-year deadline extension and the burden it places on NP&EDC, as it may require bidding, multiple public hearings, and limited time for completion. Andrew states that there seems to be little support for the current approach and proposes exploring an alternative motion not to adopt the article. Wendy acknowledges the concerns raised about the process but disagrees with the notion that a two-year timeline is too short. They highlight the urgency of the situation, particularly the crisis in the harbor and the challenges faced by the scallop industry. She expresses her support for fertilizer regulation and emphasizes the need to accelerate the process rather than further delay it. She suggests that the issue may lie in the current structure rather than the objective itself. Dave had a question about amending our best business practices, Seth suggests that the existing fertilizer regulations and associated best business practices are difficult to change, there were basically sent out and accepted by the state with technical review from UMass Amherst and can only be changed through a home rule petition that would supersede the existing legislation. The authority to make changes within the current regulations has expired. If the desire is to amend the practices, a new home rule petition would need to be submitted to the state, which could potentially take several years to be acted upon. Alternatively, if there is support for a ban on fertilizer, it is suggested to support the existing citizen article that passed at the last town meeting or take no action and continue to abide by the current regulations, based on the discussion and the points raised, it seems that there is agreement among the participants that reopening the previous window of opportunity to amend the regulations is not feasible. Andrew suggested that a separate home rule petition be initiated to address the issue more directly. Andrew proposes that we do not pursue the current course of action outlined in the motion and instead explore the possibility of a new home rule petition. Barry makes a motion to hold Article 86 and that NP&EDC offer an alternative motion at town meeting to table this until the fall special town meeting and it was duly seconded by Joe Topham.

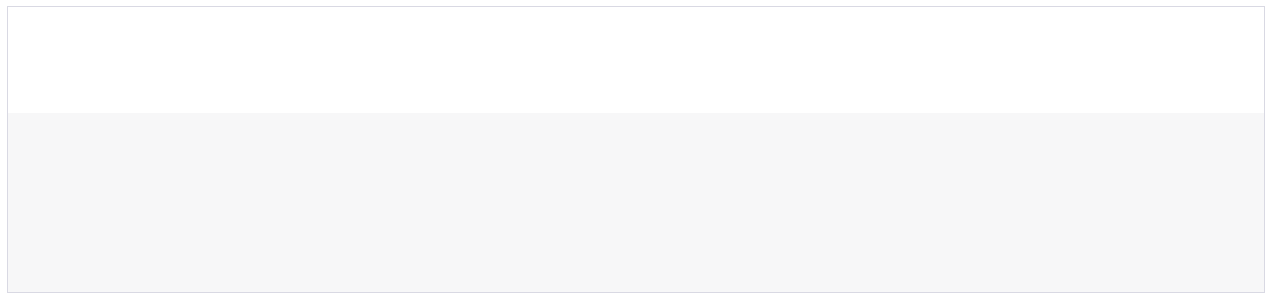
Seth made a motion to publish a printed handout containing all the items discussed in the meeting so far, including the notes shown on the screen. The purpose of the handout is to provide information during town meetings it was duly seconded by Barry Rector.

Next on the Agenda- the development of guidelines for local area plans. The goal is to create a standardized process that assists local area plans in their work, improves efficiency, and establishes clear expectations. The Planning Commission, along with the Plus Department, has initiated the development of these guidelines. Andrew presents a list of items that have been discussed previously but need to be put into writing. These items include:

1. Limiting the number of active area plan work groups to two at a time to ensure manageable coordination and support.
2. Establishing membership and defining the boundaries of the local area plan.
3. Following the nine basic elements outlined in the Town master plan for consistency and comprehensive coverage.

4. Conducting activities in compliance with open meeting law requirements, ensuring transparency and record-keeping.
5. Emphasizing collaboration between the work group and the NP&EDC
6. Engaging in public hearings to gather feedback and comments from the community.
7. Considering public comments and making necessary revisions to the plan.
8. The final adoption of the plan through a vote by the NP&EDC, highlighting the responsibility and jurisdiction of the commission.

Joe Topham highlights the importance of obtaining more input and increasing participation to ensure a comprehensive understanding of the neighborhood's needs and desires. Joe suggests exploring various methods such as social media, postcards, and community gatherings to encourage wider engagement.



Other Committee Updates/Reports

Other Business

- Upcoming meeting date:
 - Monday, May 22nd at 5pm via Zoom

Adjournment

Seth Engelberg moved to adjourn the April 24th 2023 NP&EDC meeting. The motion was duly seconded by Joe Topham and the motion carried UNANIMOUSLY.

Meeting adjourned at 7.50pm

“EXHIBIT A” to the April 24, 2023 NP&EDC Minutes

Proposed Premise: Amending legislation is a major effort and should be carefully considered.

1. Why amend legislation?

- Address a specific problem.
- To “modernize”:
 - Remove outdated practices/language.
 - Remove confusion/provide clarity.
 - Match existing practices.
 - Expand/contract function or duties.

Please provide specifics

- Restructure
 - Improve effectiveness/inclusion or other goals. ***Identify.***

2. Factors influencing “when?”:

- Urgency?
- Priority?
- Timing? What else is being requested?
- Transitions?

3. How?

- Home Rule petition or direct submission?

4. **Existing legislation** has five sections. Brief and broad compared to others.

Section 1: Name, mission, and composition.

- Name: 9 of 13 use “planning” in title, 2 use “commission” only and 2 are “council of governments”.
- Mission is in special acts or statewide authority for other RPAs. Is ours clear?

- Clear role and funding for transportation; sometimes for state-wide smart growth; ex. DLTA
- Issue: Intrusion into jurisdictions of other/competition with municipality-to be avoided?
- Composition must recognize one municipality in region and adjust.
 - Issues? Appointment of At-Large; membership total; regional vs. local perspectives; should composition change?
 - Odd number of members preferred varied between 9 and 12 over time.

Section 2: Responsibilities.

- Plans and retention of “experts”.
 - Comprehensive plans vs. Master Plan-confusion? Duplication?
 - Staff, consultants, advisors?
 - Services provided to municipality.

Section 3: Finance.

- Appropriation by Town.

Section 4: Rules and procedures.

Section 5: Standard date of effect.

Options:

- Do not take action at this time. Study further-incorporate as a goal of Master Plan.
- Consider other proposed amendments at a future time, ie. change in government structure.
- Propose amendments for action now; comprehensive or partial.
- Pursue elimination or consolidation with other RPA (not recommended).

History/Background: In 2023, the Nantucket Planning and Economic Development Commission will have been in existence for 50 years. The original concept was voted at a Special Town Meeting followed by a home-rule petition in 1973. (see Warrant Article 5, 1-25-1973 and MGL, Chapter 561 of the Acts of 1973 (8-2-1973)). As researched, the final adopted language is very similar to the Dukes County Planning and Economic Development Commission (DCPEDC) (MGL, Chapter 690 of the Acts of 1966). At this time there was extensive discussion about development, regional planning and zoning including the so called “Kennedy Bill (Nantucket Sound Islands Trust Bill, c. 1972), concern regarding the remaining areas of Massachusetts placement within regions (including Nantucket) and communities that had not yet adopted local zoning bylaws and other planning tools.

The original legislation has been amended 4 times as follows:

1981: Removed HDC rep and expanded “at large” member from one to three (MGL, Chapter 98 of the Acts of 1981) **9 to 11 members**

1991: Added Housing Authority member (MGL, Chapter 458 of the Acts of 1991) **11 to 12 members**

2011: Authority for regulation adopted related to Ocean Act (MGL, Chapter 114 of the Acts of 2008) regarding regional planning agencies with “regulatory authority.”

2018: Removed “superintendent of the DPW member” **12 to 11 members** (MGL, Chapter 347 of the Acts of 2018)

Also:

NP&EDC is not referenced in Town or County Charters. (MGL, Chapters 289 and 290 of 1996 as amended)

NP&EDC first adopted Bylaws in 2000.