

**Harbor and Shellfish Advisory Board
Tuesday, Sept. 7, 2021 at 5:00 p.m.
Community Room, 4 Fairgrounds Road
*HSAB meeting are video-recorded**

Members present: Andy Lowell, Ginger Andrews, Dave Bossi,
Dave Fronzuto, Peter Brace, Tom Szydlowski

Members Absent: Dan Pronk

Marine Dept:

Natural Resources Dept: Thais Fournier

Others: Brian Bushard, Kona Hosier, Elaine Russell

CALL TO ORDER

5:03 p.m.

APPROVAL OF AGENDA

Unanimously approved, 5-0.

APPROVAL OF MINUTES

Draft minutes of Aug. 3, 2021

Mr. Brace informed the board that he had not finished the minutes.
Mr. Lowell continued the vote on the Aug. 3, 2021 draft minutes to
the Sept. 7, 2021 meeting.

CHAIRMAN'S REPORT

No report.

MARINE DEPARTMENT REPORT:

General Marine Department report – Sheila Lucey

No report.

NATURAL RESOURCES REPORT

General Natural Resources Department report – NRD staff

Ms. Fournier gave her report during the Health of the Harbors portion of the meeting.

PUBLIC COMMENT ON MARINE DEPARTMENT / NATURAL RESOURCES REPORT

OLD BUSINESS

Proposed amendments to boat Airbnb and liveboards regulations, and slip lottery stakeholders – Discussion and preparation for Oct. 6, 2021 Select Board meeting

Mr. Szydlowski reported that the Select Board has yet to discuss the proposed changes to liveboard regulations at its meetings prior to Sept. 7, 2021.

Mr. Szydlowski updated the HSAB on the proposed Town pier slip lottery and dinghy storage regulation amendments as discussed at the Aug. 18, 2021 meeting of the Select Board. He reported that the terms “sewage” and “wastewater” have been changed to “refuse”. On the dinghy permits, Mr. Szydlowski reported that the requirement to remove dinghies from the shore from Oct. 15 to April 15 has been changed from “Town property” to “property where dinghy storage has been permitted” and the Town’s right to remove dinghies from these properties has been extended to these properties including private and Land Bank property to remove improperly stored dinghies. He added that a change was made to the requirements for the issuing of mooring permits. The change is that mooring permits will only be issued to people with vehicles registered in Massachusetts. Continuing, Mr. Szydlowski reported that there is a \$25 fee for mooring permits and that dinghy owners must store their dinghies on the racks, but not on the shore.

On the Town pier slip regulations, Mr. Szydlowski reported that recreational slips are now for boats 30 feet and under, and must be registered in Massachusetts. There will be 35 slips each for the A and B category with the A slips to be dealt by lottery, renewable annually

while the B slips will be open to all by lottery annually. Mr. Syzdlowski said there's been no mention to date of the A slip users having to give up their moorings in the harbor. He noted that the latter had been discussed previously but wasn't in the current proposal.

For the commercial slips, the proposal is for a lottery with automatic annual renewals along with two renewable handicap slips that would be renewable.

For the recreational A slips, a 20-slip wait list will be created with a two-week advertising period prior to slips being awarded. Also, only one boat per entry per slip.

Mr. Syzdlowski stressed that there were no comments by anyone during the Aug. 18, 2021 meeting of the Select Board on the proposed liveboards and airbnb'ing of boats regulation amendments.

Mr. Lowell, Mr. Syzdlowski and Mr. Fronzuto noted this part of the HSAB's recommendations wasn't in the current proposal. Mr. Lowell said he would contact Ms. Lucey about this. Fronzuto said that he would do same with Erika Mooney.

Mr. Fronzuto said he felt strongly that those recreational boaters who secure A slips, which renew annually, should give up their moorings because that allows 35 more boaters on the mooring waiting list to get a mooring. Mr. Bossi agreed. Mr. Syzdlowski said that without a mooring to put a boat on during a storm when the harbormaster orders a clearing of the harbor, those without moorings would have nowhere to secure their boats.

Ms. Andrews agreed with Mr. Fronzuto. Mr. Fronzuto added that the once the 35 A slip boaters got their forever slips, they're not going to want to pay the annual permit and maintenance costs of having a mooring as well.

Mr. Fronzuto said boat owners have always anchored/moored their boats in Polpis Harbor for shelter during storms. Mr. Brace agreed and added that it should be just a matter of course that all protected parts of the harbors are open to boat owners during storms who have no other place to secure their boat out of the wind and waves.

Mr. Szydlowski made a motion that all 35 recreational A slip holders, one of the permanent, annual renewal slips, must give up their moorings in the harbors. Mr. Fronzuto seconded that motion. The HSAB voted 6-0 to make this recommendation to the Select Board. Mr. Lowell reported that he asked Erika Mooney to make sure that the Select Board include the HSAB in the email notification for the upcoming stakeholders meeting regarding these proposed amendments to the Town pier, dinghy and liveaboard regulations.

Oyster lease permit revocation: Discussion and preparation for Sept. 8, 2021 Select Board review of Ted Lambrecht's recommended oyster lease revocation

Mr. Brace asked Ms. Fournier if she had an update on this item. Ms. Fournier said not but would get one for the board. The HSAB engaged in a discussion on ensuring that what the board recommended to Select Board on the revocation of Mr. Lambrecht's oyster lease got to Select Board members. The board agreed it was important that its recommendation was re-sent to Ms. Mooney so she could put it in the packet for the Select Board's Sept. 8 meeting. The HSAB then discussed getting its recommendation on liveaboards and airbnb'ing of boats to the Select Board in time for its Oct. 6, 2021 meeting so the Select Board could have the HSAB's recommendation in addition to the version created by Ms. Lucey using the HSAB's recommendation. The HSAB agreed to inquire as to why the liveaboard section of the proposed recommendations were removed from the July 14 and Aug. 18, 2021 Select Board meeting packets. Mr. Lowell said he would be getting in touch with Ms. Lucey to find out if the Airbnbing of boats regulations have been dropped and why the HSAB's proposed amendments to the liveaboard regulations weren't included in the proposed regulation changes sent to the Select Board.

Excessive sand in scallops/dredging plan – Discussion

No update from Ms. Fournier. No discussion.

HEALTH OF THE HARBORS

Excessive lawn fertilizer use – Update & discussion

Mr. Fronzuto asked if Mr. Brace sent the letter to Nantucket Island Resorts asking it to halt the use of RoundUp weed killer on its properties bordering the harbor. Mr. Brace stated that he hadn't and that he was waiting for a vote of the HSAB to send the letter. The HSAB then voted 6-0 to have Mr. Brace send its letter to NIR.

FDA shellfish taking prohibition in mooring fields

Ms. Fournier said the Natural Resources Department (NRD) is currently working on this issue and that the NRD hoped to have an update by the Sept. 21 HSAB meeting.

Water quality testing update and boat holding tank dye tablet distribution

Mr. Lowell informed the HSAB that Ms. Lucey, with funding from the Nantucket Land Council, purchased 8,000 dye tablets to be placed in boat gray water and black water holding tanks. He asked Ms. Fournier for an update on this effort, but she didn't have one. Ms. Fournier did report that she would be wrapping up her water quality sampling program for the season at the end of September and that she would have the 2021 report done by Spring 2022. Mr. Lowell asked for an update on the effort to build a water quality testing lab on Nantucket. Ms. Fournier said that although the lab proposal has met with some resistance due to its long-term viability, work on this idea is ongoing.

Mr. Brace reported that Steve Bender has accosted him several times over the course of the summer and berated him over the HSAB ineffectiveness using derogatory language. Mr. Brace added that Mr. Bender told him if the HSAB would advise the Select Board on how better enforcement could ensure boats won't dump sewage into the harbor into the harbors, the FDA would lift its

temporary ban on taking shellfish in certain harbor locations. Mr. Brace expressed to the HSAB how challenging it was to keep his cool.

Mr. Fronzuto and Mr. Lowell said they understood Mr. Brace's frustration with Mr. Bender.

NEW BUSINESS

Coastal Resilience Advisory Board – Update

Mr. Brace updated the HSAB on the Coastal Resilience Advisory Board's (CRAC) efforts, reporting on how the Trustees of Reservations and the Nantucket Conservation Foundation planned to bolster Coaue with the addition of sand to maintain this barrier beach as natural sea wall protecting the harbor. He also reported that the CRAC also talked a lot about the movement of sand in Nantucket Harbor. He added that he apprised the CRAC of the HSAB's concerns about the excessive amount of sand in the harbors lately, the board's efforts to push for micro-dredging projects to save eelgrass beds and he explained how Coaue's cusate spits might be impacted with the addition of more sand for sea level rise protection.

Mr. Lowell commented on how Coaue is migrating northward with the rest of the island.

Ms. Andrews said that she thought some of the cusate spits began when the Haulover was open, 1896 to 1908. She added the CRAC and the Town's Coastal Resilience Plan consultant Arcadis didn't have all the reports and studies it should have to create an effective plan. Mr. Brace said he would get Ms. Andrews a list of all the island information that the CRAC and Arcadis has.

PUBLIC QUESTIONS AND COMMENT

RECAP and ITEMS FOR NEXT MEETING

ADJOURN

Unanimously approved, 6-0, at 6:48 p.m.

Future Meetings:

Sept. 21 and Oct. 5

Respectfully Submitted,
Peter B. Brace, Secretary