

Notes from the Public Meeting to discuss Harbor Waterfront Development
18 October, 2005
Nantucket High School
4–6 pm.

Approximately 20 people attended at least part of the meeting

The purpose of this public meeting on the update of the 1993 Nantucket and Madaket Harbors Action plan was to discuss issues related to waterfront development in and around the two harbors.

Presenters:

David Fronzuto, Nantucket Marine Superintendent.
Jack Wiggin, University of Massachusetts, Urban Harbors Institute

Other members of the planning team in attendance:

Steve Bliven, Sarah Oktay, John Duff and Lisa Bowen of the Urban Harbors Institute, University of Massachusetts Boston; Rich Delaney of the Horsley Witten Group.

- Dave Fronzuto provided a brief introduction of the harbor plan update process and the planning team. He strongly suggested that interested parties visit the associated web site www.nantucketharborplan.com for additional information.

Jack Wiggin, Director of the Urban Harbors Institute and Project Manager:

- Stressed the importance of the topics being addressed during all of the public meetings,
- Reviewed the Goals and Objectives related to waterfront development provided in the 1993 Harbor Plan
- Introduced the specific Action Items from the plan, seeking comment on whether they had been successfully completed, continued to be important, or whether there were new topics to be addressed within the updated harbor plan. (See public meeting presentation link for full presentation).

The following is a summary of the comments, questions, and issues raised during the meeting.

- Sustainable Nantucket submitted a series of written questions for public response in the Plan Update.

Discussion on Small Docks and Piers (pile supported structures)

- Presently there is a moratorium on new dock construction in the RC zones (lasting until December 2006) — docks are prohibited in all other zones. How many dock or pier permits have been submitted through the Conservation Commission and/or Chapter 91 process, pending lifting of the moratorium? It was estimated by the Conservation Commission that there were somewhere around 3–4. When the moratorium lapses, these permits can be used.
- The issue of small dock construction needs to be resolved, one way or the other, in a manner other than a continuing series of moratoria. Sooner or later there will be a legal challenge to the moratorium.
- There is a hope that the Harbor Plan Update will be ready soon enough (and before the end of the Dec 06 moratorium) that the issue of small dock construction can be

addressed at the 2006 Annual Town Meeting. It was pointed out that, if the plan is to be a series of Action Items similar to the 1993 Plan, some recommendations can be disseminated prior to completion of the overall plan.

- Dock concerns are based on a wide range of potential impacts; environmental, navigation, community character, and the need for commercial docks that are not in conflict with private docks. A significant issue in the original moratorium was the shading impact that docks had on eelgrass beds. An accurate recent delineation of eelgrass beds that should be protected would be helpful. Both state and local information on eelgrass in and around Nantucket is available (<http://www.mass.gov/mgis/eelgrass.htm>; last update July 1999)
- What sorts of criteria could be used to manage docks? UHI responded that there is a wide range; some options include outright prohibitions in specific areas, limits on size or distance apart within zoning regulations, a case-by-case review against standards within the wetlands by-law and regulations. (See also <http://www.mass.gov/czm/dockpierssummary.htm>)
- Both reduction of water circulation and potential for navigation hazard of new harborfront docks and piers need to be considered. In addition, nearby parking and access are key.
- Suggest that once docks had cleared the regulatory process they could be brought before Town Meeting for final approval.
- Part of the issue with docks is balancing length to deep water against shorter docks that might require dredging for use.
- Zoning overlays and local bylaws are tools that could address the issue of dock and pier construction. The range of criteria used to develop the overlay or bylaw should be linked to island concerns with access, environmental degradation, waterfront history, etc.
- Someone asked if we can simply say: “No docks at x street”? Not really, plan can provide guidance and mention zoning areas that should not allow new docks, but zoning regulations cannot be applied selectively to a certain street. But if a certain street had resources such as extensive shellfish beds or safe public access, for example, that needed to be protected, the bylaws may be written to address those areas. Bylaws need a rationale or objective.
- Many residents of Nantucket feel that the downtown waterfront space has currently reached its maximum capacity for homes and businesses as well as docks and piers. Others residents expressed the concern that the downtown area has passed its capacity. Interference with shellfish and eelgrass habitat were both cited as important environmental concerns of docks and piers.
- One person mentioned that we need to be aware that many recent docks and piers are removed off season.

Downtown Waterfront & Water Dependent Structures

- What are water dependent structures? In a legal sense, these are defined in the regulations pursuant to Chapter 91, the Massachusetts Public Waterfront Act.
- Recommendation for the waterfront: grandfather existing non-water dependent structures and mandate that future development must be water dependent.

- What sorts of integration of state and local regulatory decisions can the Updated Plan provide? Response: This depends on the level and type of adoption of the Plan and/or Action Items as done by the Town of Nantucket or by the Commonwealth of Mass.
- It would be useful for UHI to identify potential issues that might arise over the coming 5-year period and offer potential management solutions. This could be particularly important in visual access to the harbor from public ways or other public areas. One initial example offered by UHI could be for the Town to offer tax abatements for water dependent uses or development that maintains public access or views.
- Any waterfront management techniques to protect commercial fishing interests needs to include the sport fishing fleet and its needs.
- There also is a need to accommodate research vessels.
- The 1993 Plan suggested a waterfront overlay district—something not subsequently enacted by the Town. This could be part of the Plan Update. The overlay district could address interests such as lighting limits, “trophy lawns”, etc.
- UHI is presently reviewing all the existing Chapter 91 licenses for Nantucket.

Public Access

- An important aspect of development of docks or walkways along the water is to ensure that they are handicap-friendly, *i.e.*, they allow passage by wheelchairs or walkers. Many of the sidewalks and streets are not accessible to wheelchairs; the waterfront should be.
- A suggestion for a Harbor Walk has been made; is such a thing possible in Nantucket? UHI initial response was yes, but would take significant planning and time to develop. This would require reviews of all the existing Chapter 91 licenses to identify existing public access benefits, establishing an overall plan that could be incorporated into future Chapter 91 permits, possible acquisition of properties or rights of passage, signage (and maintaining that signage), public awareness of the walkway and rules of behavior while on the walkway, etc. UHI is presently reviewing existing Chapter 91 licenses. The existing bluff walk in S’conset could be used as an example.