

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Kristie L. Ferrantella
Dawn E. Hill Holdgate
Melissa Murphy



16 Broad Street
Nantucket, Massachusetts 02554

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE COUNTY COMMISSIONERS OCTOBER 27, 2021 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/snM6jnpUas>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_WhK4KLplRhqP8q4PY94M3A

I. CALL TO ORDER

II. ANNOUNCEMENTS

1. The County Commission Meeting is Being Audio/Video Recorded.

III. PUBLIC COMMENT*

IV. NEW BUSINESS*

V. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of July 21, 2021 at 5:30 PM.
2. Approval of Payroll and Treasury Warrants for August, September and October 2021.

VI. PUBLIC HEARINGS

1. Public Hearing to Consider the Layout of a Portion of Young's Way as a Public Highway and a Taking of Easements over said Portion of Young's Way, as Shown on Plan Entitled "Roadway Acquisition Plan of Young's Way in Nantucket MA, Prepared for: The County of Nantucket," Dated April 7, 2021, Prepared by Nantucket Engineering & Survey, PC, Recorded with Nantucket County Registry of Deeds as Plan No. 2021-55, and Consists of Parcels Shown on the Plan as "Parcel 1," "Parcel 2," "Parcel 3," and "Parcel 4," Pursuant to the Authority of Massachusetts General Laws Chapters 79 and 82, as Amended, Article I of the Nantucket County Charter, and by Virtue of Every Other Enabling Power and Authority.

VII. COMMISSIONERS REPORTS/COMMENTS

VIII. ADJOURNMENT

****Identified on Agenda Protocol Sheet.***

COUNTY COMMISSION AGENDA PROTOCOL:

Roberts Rules: The County Commission follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Commission. The Commission welcomes concise statements on matters that are within the purview of the County Commission. At the Commission's discretion, matters raised under Public Comment may be directed to County Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Commission takes action, if any. Except in emergencies, the Commission will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Commission to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular County Commission meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Commission to take up first. This time is reserved for speakers to address the Commission on matters that are not related to any other Agenda item. If a speaker wishes to address the Commission on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Commission's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Commission. Comments made during the Public Comment period do not reflect the views or positions of the Commission. Because of constitutional free speech principles, the Commission

does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Commission welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Commission Members may have questions on the clarity of the information presented. The Commission will hear any staff input and then deliberate on a course of action.

Commissions Reports and Comments: Individual Commission Members may have matters to bring to the attention of the Commission during a meeting. If the matter contemplates action by the Commission, Commission Members will consult with the Chair and/or County Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Commission meeting. Otherwise, except in emergencies, the Commission will not normally take action on County Commission Comment.

Approved on March 24, 2021



Agenda Item Summary

Agenda Item #	VI. 1.
Date	10/27/2021

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Approval of the Order of Taking by Eminent Domain and Layout of a portion of Young's Way for the layout of a portion of Young's Way as a Public Highway and a taking of easements over said portion of Young's Way as shown on Plan entitled "Roadway Acquisition Plan of Young's Way in Nantucket, MA" and recorded as Plan No. 2021-55, as authorized by the Nantucket County Charter.

Executive Summary

The purposes for this taking are to make Young's Way a public way, to minimize the number of curb cuts onto Old South Road and to create a network of public roads to connect with Ticcoma Way and Amelia Drive. The Taking has been drafted by Town Counsel.

Staff Recommendation

Recommendation by the Planning Board of the layout of portions of Young's Way as a public way and Town Counsel's draft of the Taking.

Background/Discussion

The Taking is designed to achieve the two purposes identified above in the Executive Summary.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Preserves safer access to this portion of the Town

Board/Commission Recommendation

Planning Board recommends

Public Outreach

Notice in I&M

Connection to Existing Applicable Plan (i.e. Strategic Plan, Master Plan, etc.)

Consistent with the transportation goals.

Attachments

Letter from Planning Board re: Layout of Portions of Young's Way; Order of Taking by Eminent Domain and Layout of Portions of Young's Way; Layout Plan





Nantucket Planning Board

July 16, 2021

Nantucket County Commissioners
Attn: Dawn E. Hill Holdgate, Chair
16 Broad Street
Nantucket, MA 02554

Re: Young's Way

Dear Chairwoman Holdgate:

Pursuant to M.G.L. Chapter 41 Section 81I, the Planning Board voted 5-0 at their June 14, 2021 meeting to recommend the layout of portions of Young's Way as a public way, shown as Parcel 1, Parcel 2, Parcel 3, and Parcel 4, on the plan entitled "Roadway Acquisition Plan of Young's Way in Nantucket, MA" prepared for the County of Nantucket on April 7, 2021 by Nantucket Engineering & Survey, P.C.

Thank you for your consideration and this opportunity to comment.

Sincerely,

Judith Welch Wegner,
Chair, Nantucket Planning Board



COMMONWEALTH OF MASSACHUSETTS
COUNTY OF NANTUCKET
COUNTY COMMISSIONERS

ORDER OF TAKING BY EMINENT DOMAIN AND
LAYOUT OF PORTIONS OF YOUNG'S WAY

The undersigned, being the majority of the duly elected and serving members of the County Commissioners of the County of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts (the "County"), acting by the authority of Massachusetts General Laws Chapters 79 and 82, as amended, Article I of the Nantucket County Charter, St. 1996, c. 290, § 4, and by virtue of every other enabling power and authority, having complied with all the preliminary requirements prescribed by law, and having determined at a public hearing held on _____, 2021 that common convenience and necessity require the layout of portions of Young's Way as a public way, as shown on the plan referenced below, do hereby adopt and decree this Order and do hereby take from the supposed owners and their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the permanent easement over those parcels of land in the Town of Nantucket described below (the "Parcels"), and lay out the Parcels for the purpose of establishing the portions of Young's Way as a public highway, which Parcels are bounded and described in accordance with the Plan referenced below.

The land over which the permanent easements are taken is shown on a plan entitled "Roadway Acquisition Plan of Young's Way in Nantucket, MA Prepared for: The County of Nantucket," dated April 7, 2021, prepared by Nantucket Engineering & Survey, P.C. (the "Plan"), and recorded with the Nantucket County Registry of Deeds as Plan No. 2021-55, and consists of the following parcels shown on the Plan. A reduced copy of the Plan is attached hereto as Exhibit A.

The Parcels are owned or supposed to be owned and/or formerly owned by the parties listed below, which parties are hereinafter collectively referred to as Owners. If in any instance the name of any Owner is not correctly stated, the names of the supposed Owner being given as of this Order of Taking, it is understood that in such instance said Parcel is owned by an Owner or Owners unknown to us.

Parcel 1, Young's Way

Owner: Key Post Corner Condominium Organization of Unit Owners
Property Address: 35A- 35F, Old South Road, Nantucket, MA 02554
Master Deed Reference: Book 273, Page 130 in Nantucket County Registry of Deeds
Interest Taken: Permanent Easement

Parcel 2, Young's Way

Owner: 1 Young's Way LLC
Property Address: 1 Young's Way, Nantucket, MA 02554
Deed Reference: Book 1794, Page 294 in said Deeds
Interest Taken: Permanent Easement

Parcel 3, Young's Way

Owner: Verizon New England, Inc.
Property Address: 3 Young's Way, Nantucket, MA 02554
Deed Reference: Book 796, Page 305 in said Deeds
Interest Taken: Permanent Easement

Parcel 4, Young's Way

Owner: Verizon New England, Inc.
Property Address: 9 Young's Way, Nantucket, MA 02554
Deed Reference: Book 796, Page 303 in said Deeds
Interest Taken: Permanent Easement

Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

Any easements encumbering said Parcels, including, without limitation, easements held by private utility companies, and any structures and facilities so located that are owned by private utility companies, are excluded from the taking.

We have determined that no persons shall sustain damages in their property by reason of the herein taking, all in accordance with the provisions of G.L. c. 79, §6, as amended, and accordingly award no damages for this taking.

Betterments are not to be assessed under this taking.

IN WITNESS WHEREOF, we, the duly elected and qualified County Commissioners of the County of Nantucket have hereunto set our hands and seals on this _____ day of _____, 2021.

COUNTY OF NANTUCKET
By its County Commissioners

Dawn E. Hill Holdgate

Melissa K. Murphy

Jason Bridges

Matthew G. Fee

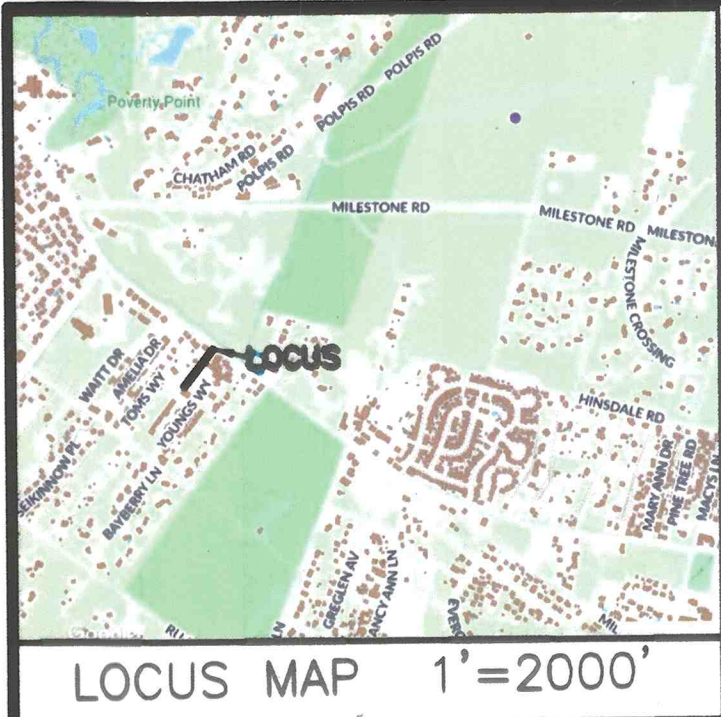
Kristie L. Ferrantella

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Melissa K. Murphy, Jason Bridges, Matthew G. Fee and Kristie L. Ferrantella, County Commissioners of the County of Nantucket, as aforesaid, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as County Commissioners of the County of Nantucket.

Notary Public
My commission expires:

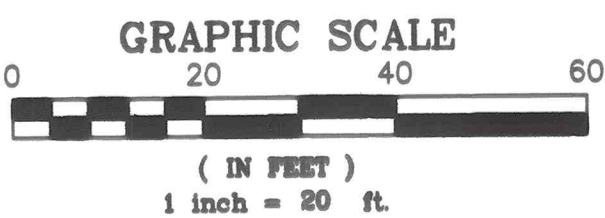


I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Arthur D. Helms 4/7/21
PROFESSIONAL LAND SURVEYOR DATE

LEGEND
■ "CBDH FND"
DENOTES CONCRETE BOUND FOUND

NANTUCKET
ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053



ZONING DISTRICTS:

MAP 68 PARCEL 6
CN (COMMERCIAL NEIGHBORHOOD)

MINIMUM LOT SIZE: 7,500 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT.
SIDE SETBACK: 5 FT.
REAR SETBACK: 10 FT.
GROUND COVER % : 40%

MAP 68 PARCEL 238
R-5 (RESIDENTIAL-5)

MINIMUM LOT SIZE: 5,000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT.
SIDE SETBACK: 10 FT. ONE SIDE,
5 FT. THEREAFTER
REAR SETBACK: 5 FT.
GROUND COVER % : 40%

MAP 68 PARCELS 237 & 230
CTEC (COMMERCIAL TRADES,
ENTREPRENEURSHIP & CRAFT)

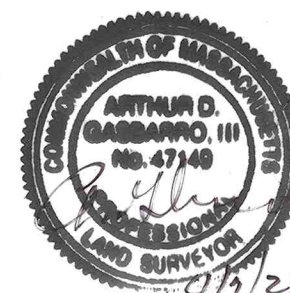
MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT.
SIDE SETBACK: 5 FT.
REAR SETBACK: 10 FT.
GROUND COVER % : 40%

PLAN REFERENCES:

PLAN BOOK 17, PAGE 111
PLAN FILE 15-C
PLAN FILE 27-B
PLAN BOOK 16, PAGE 27
ROAD DRAWER 1, PLAN NO. 100

APPROX. LOCATION OF
8" VCP GRAVITY SEWER

(Public - Variable Width - SOUTH County Taking Oct. 31, 1975)
EXISTING EDGE OF PAVEMENT
EDGE OF PAVEMENT



NANTUCKET REGISTRY OF DEEDS

Date: _____

Time: _____

Plan No.: _____

Attest: _____ Register

SHEET 1 OF 1

APPROX. LOCATION
OF 12" PVC SEWER
FORCE MAIN

MAP 68 PARCEL 4
NANTUCKET OLD SOUTH LLC
33 OLD SOUTH ROAD
DEED BOOK 1802 PG 164
LOT 3 PLAN BOOK 16 PG 27

EXIST.
W/F
STRUCTURE

MAP 68 PARCEL 6
KEY POST CORNER CONDOMINIUM
MASTER DEED: DEED BOOK 273 PG 6
PLAN FILE 27-B

Unit I: KPC Nominee Trust, Dbk 754/7, 35A Old South Road
Unit II: Martha Sargent, Dbk 714/259, 35B Old South Road
Unit III: Grey Gardens Trust, Dbk 273/169, 35C Old South Road
Unit IV: Nantucket Aids Network, Dbk 538/182, 35D Old South Road
Unit V: Sheila O'Brien Egan & Robert F. Egan, Dbk 1706/42, 35E Old South Road
Unit VI: Gimme Shelter LLC, Dbk 1422/299, 35F Old South Road

PARCELS 1-4 TO BE TAKEN BY COUNTY AS PUBLIC PORTION OF YOUNG'S WAY

YOUNG'S (private) WAY

MAP 68 PARCEL 238
1 YOUNG'S WAY, LLC
1 YOUNG'S WAY
DEED BOOK 1794 PG 294
LOT C, PLAN FILE 15-C

MAP 68 PARCEL 237
VERIZON NEW ENGLAND, INC.
3 YOUNG'S WAY
DEED BOOK 796 PG 305
LOT B, PLAN FILE 15-C

MAP 68 PARCEL 230
VERIZON NEW ENGLAND, INC.
9 YOUNG'S WAY
DEED BOOK 796 PG 303
LOT A, PLAN FILE 15-C

68-251
N/F
MATTHEW G. WOLF &
BEVERLY K. PHILLIPS

68-239.2
N/F
ARTHUR I. READE, JR., TRUSTEE
BAR REALTY TRUST

**ROADWAY ACQUISITION PLAN OF YOUNG'S WAY
IN NANTUCKET, MA
PREPARED FOR: THE COUNTY OF NANTUCKET
APRIL 7, 2021 SCALE: 1"=20'**

**Nantucket County
Commissioners**
BEING A MAJORITY

Nantucket Planning Board

Nantucket Planning Board

APPROVAL UNDER
M.G.L. CHAPTER 41, SECTION 81-I

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

Matthew G. Wolf
Beverly K. Phillips
Arthur I. Reade, Jr.
Bar Realty Trust

05-10-2021 PLSub-2021-05-00160

DATE SIGNED

DATE SIGNED

FILE #