

Town and County of Nantucket Select Board • County Commissioners

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



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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE COUNTY COMMISSIONERS JANUARY 26, 2022 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/lhe1leaobfw>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_XyLvmLW8SNqMHE-3U5Ci_Q

- I. CALL TO ORDER***
- II. TEMPORARY ELECTION OF COUNTY OFFICERS.***
- III. ANNOUNCEMENTS***
 1. The County Commission Meeting is Being Audio/Video Recorded.
- IV. PUBLIC COMMENT****
- V. NEW BUSINESS****
- VI. APPROVAL OF MINUTES AND WARRANTS***
 1. Approval of Minutes of December 15, 2021 at 5:30 PM.
 2. Approval of Payroll and Treasury Warrants for January 2022.
- VII. OFFICIAL BUSINESS***
 1. Request for Approval and Authorization for Town Counsel to Execute Assent to Amended Complaint to Recognize 1975 Order of Taking of Jefferson Avenue and Approve Registration of Subdivision Plan of Lot 5 and Lot 6 Showing Lots 7 and 8 on Land Court Plan No. 16877-E for 41 Jefferson Avenue.
 2. Request for Approval and Authorization for Town Counsel to Execute Assent to Complaint to Recognize 1975 Order of Taking of Sherburne Avenue, now Known as Sherburne Turnpike, and Approve Registration of Subdivision Plan of Lot A on Land Court Plan No. 110588-E for 7 Sherburne Turnpike.

3. Request for Approval and Execution of Assent to Petition to Approve a Plan for the Registration of Subdivision Plan of Lot 4 Showing Lots 8, 9 and 10 on Land Court Plan No. 10932-D for 19 Sherburne Turnpike.
4. Review and Adoption of FY 2023 County Budget.

VIII. COMMISSIONERS REPORTS/COMMENTS

IX. 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 #	VII. 1.
Date	1/26/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Approval by the COUNTY and authorization for Town Counsel to execute Assent to the Amended Complaint to Recognize Taking and Approve Plan, for the registration of the Subdivision Plan shown as Land Court Plan 16877-E for the property located at 41 Jefferson Avenue.

Executive Summary

The Land Court requires that the County assent to the Amended Complaint which requests that the Land Court issue an Order recognizing the Order of Taking by Eminent Domain of portions of the fee in Jefferson Avenue by the County dated October 29, 1975, and the registration of the Subdivision Plan of Lot 5 and Lot 6 showing Lots 7 and 8 on Land Court Plan No. 16877-E.

Staff Recommendation

Approve the Assent and authorize Town Counsel to execute the Assent on behalf of the County.

Background/Discussion

Town Counsel has reviewed the Amended Complaint, the Assent, the Order of Taking, the Certificate of Title for 41 Jefferson Avenue and the Subdivision Plan of 41 Jefferson Avenue approved by the Land Court as Land Court Plan No. 16877-E and opines that this documentation does not adversely affect the County's ownership of the fee in Jefferson Avenue, does not change the lines of the taking of Jefferson Avenue and its use as a public way. Town Counsel approves of the form of the Assent and recommends its execution.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Allows for the normal subdivision process to proceed

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Fits within the plan goals of efficient County and Town operations



Attachments

Assent; Certificate of Title No. 20365 for 41 Jefferson Avenue; Subdivision Plan – Land Court Plan No. 16877-E; Order of Taking by Eminent Domain of Portions of Fee in Jefferson Avenue



COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court Department
Supplementary Complaint
No. 21-SBQ-16877-12-001

_____	)	
PURPLE WAMPUM, LLC,	)	ASSENT TO
Plaintiff	)	AMENDED COMPLAINT TO RECOGNIZE
_____	)	TAKING AND APPROVE PLAN

The County of Nantucket hereby acknowledges receipt and sufficient notice of the Amended Complaint to Recognize Taking and Approve Plan of Purple Wampum, LLC, which Amended Petition is dated January 12, 2022, and assents to the Amended Petition, the Plan filed by the Plaintiff, and the lines of the taking of Jefferson Avenue shown on said plan and hereby assents that an Order may issue for the relief requested therein, namely (1) recognizing the Order of Taking by eminent domain of portions of Jefferson Avenue by the County of Nantucket dated October 29, 1975, filed with the Nantucket Registry District of the Land Court, and (2) approving for registration the Subdivision Plan of Lot 5 and Lot 6 showing Lots 7 and 8 on Land Court Plan No. 16877-E, without further notice to it.

Executed and sealed on _____, 2022.

COUNTY OF NANTUCKET
By its attorneys
hereunto duly authorized:

KP Law, P.C.
By:

Vicki S. Marsh, Attorney
(BBO # 307040)
101 Arch Street
Boston, MA 02110
(617) 556-0007

TRANSFER CERTIFICATE OF TITLE

Cert. No. 20365
Docu. No. 97761

From TRANSFER Certificate No. 10136 Originally Registered

June 11, 1982 in Registration Book 52 Page 186
for the Registry District of Nantucket County.

THIS IS TO CERTIFY that PURPLE WAMPUM, LLC, a Massachusetts limited liability company, c/o
Thad S. Huffman, Manager, of 616 Carskadon Road, Keyser in the State of West Virginia 26726

is the owner in fee simple of that land situated in NANTUCKET
in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

WESTERLY	by Jefferson Avenue, measuring on the upland, about three hundred sixty-eight (368.+-) feet;
NORTHERLY	by Nantucket Sound;
EASTERLY	by land now or formerly of Eva J. Dyer, measuring on the upland, about three hundred forty-two (342.+-) feet; and
SOUTHERLY	by Lot 4 on plan hereinafter mentioned, one hundred twenty-five and 47/100 (125.47) feet.

All of said boundaries, except the water lines, are determined by the court to be
located as shown upon plan numbered 16877-D, drawn by Josiah S. Barrett, Surveyor, dated May 30,
1974, and filed with Certificate of Title No. 7379 at the Registry District of Nantucket County. Said land
is shown thereon as Lots 5 and 6.

Said land is subject to rights reserved in a deed given by Henry Coffin to William
Henry Lippincott, dated August 23, 1888.

There is appurtenant to said land the right to use said Jefferson Avenue, as shown on
said plan, in common with others entitled thereto.

Reserving to Anne Kimball and her lawfully begotten and/or legally adopted children,
the right of access to and over the within described premises to the beach and the right to use the
beach (not to imply the free use of any building) and also reserving to Charles P. Kimball, and his
lawfully begotten and/or legally adopted children, the right of access to and over the within described
premises to the beach and the right to use the beach (not to imply the free use of any building).

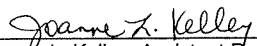
And it is further certified that said land is under the operation and provisions of Chapter 185 of the
General Laws, and that the title of said PURPLE WAMPUM, LLC

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned
in section forty-six of said chapter, which may be subsisting and subject as aforesaid; and to the
memoranda of encumbrances for this certificate; and subject also to the rights of the public in
Nantucket Sound.

WITNESS, PETER W. KILBORN, Esquire, Chief Justice of the Land Court, at Nantucket, in said
County of Nantucket.

The ninth day of July in the year two thousand and two at 1 o'clock and 45 minutes in the afternoon.

Attest, with the seal of said court,


Joanne L. Kelley, Assistant Recorder

Case # 16877
Purported Address of Property:
41 JEFFERSON AVENUE
CERTIFICATE OF TITLE NO. 20365

Memoranda of Encumbrances

Certificate No: 20365

Report Date: 07/10/2013

Book: 0 Page: 0

Document Number	Kind	In Favor Of	Terms	Date of Instrument Date of Registration	Signature	Discharge
16553	ORDER OF TAKING	NANTUCKET COUNTY OF	JEFFERSON AVENUE	10/29/1975 10/31/1975 08:50 AM	<i>Jennifer H. Ferreira</i>	
17096	EASEMENT	NEW ENGLAND TELEPHONE & TELEGRAPH CO		05/19/1976 05/25/1976 03:33 PM	<i>Jennifer H. Ferreira</i>	
25551	LEASE	CLIFFSIDE BEACH INC	6 YEARS STARTING 5/28/82 ALSO RIGHT OF FIRST REFUSAL	05/28/1982 06/11/1982 12:00 PM	<i>Jennifer H. Ferreira</i>	
37917	COVENANT	BUILDING INSPECTOR NANTUCKET BUILDING INSPECTOR	LOTS 5 & 6 WILL BE USED AND REGARDED AS ONE LOT FROM THIS DAY FORWARD	11/10/1986 11/14/1986 12:00 PM	<i>Jennifer H. Ferreira</i>	
38850	ORDER OF CONDITNS	CONSERVATION COMMISSION NANTUCKET CONSERVATION COMMISSION	FILE NO. SE48-384	12/08/1986 01/22/1987 12:00 PM	<i>Jennifer H. Ferreira</i>	
46369	ORDER OF CONDITNS	CONSERVATION COMMISSION NANTUCKET CONSERVATION COMMISSION	DEQE FILE NO. SE48-515	11/10/1988 01/25/1989 12:00 PM	<i>Jennifer H. Ferreira</i>	
52492	COMPLI- ANCE CT	MARY S HUFFMAN	RE: DOC. NO. 38850 - WORK SATISFACTORILY COMPLETED	06/05/1990 01/08/1991 12:00 PM	<i>Jennifer H. Ferreira</i>	
59143	SPECIAL PERMIT	NANTUCKET BOARD OF APPEALS APPEALS BOARD	RE: BUILDING ALTERATION	11/20/1992 12/30/1992 09:47 AM	<i>Jennifer H. Ferreira</i>	
63249	COMPLI- ANCE CT	MARY S HUFFMAN	DEP FILE NO. SE48-515 RE: DOC. NO. 46369	12/16/1993 01/11/1994 09:15 AM	<i>Jennifer H. Ferreira</i>	
68801	EASEMENT	NEW ENGLAND POWER CO	EASEMENT FOR 2 CABLE LINES APPURTENANT TO LOT 5 PL. 16877-D - SEE DOC. FOR DETAIL	06/30/1995 07/19/1995 03:04 PM	<i>Jennifer H. Ferreira</i>	
68802	ORDER OF CONDITNS	NANTUCKET CONSERVATION COMMISSION CONSERVATION COMMISSION	RE: FILE NO. SE48-905	03/29/1995 07/19/1995 03:04 PM	<i>Jennifer H. Ferreira</i>	
70739	LICENSE & PLAN	MASSACHUSETTS COMMONWEALTH OF ENVIRONMENTAL PROTECTION DEPARTMENT OF	RE: NO. 5012 - CABLE PROJECT	12/01/1995 01/23/1996 10:52 AM	<i>Jennifer H. Ferreira</i>	

Memoranda of Encumbrances

Certificate No: 20365

Report Date: 07/10/2013

Book: 0 Page: 0

Document Number	Kind	In Favor Of	Terms	Date of Instrument Date of Registration	Signature	Discharge
73009	EASEMENT	MARY S HUFFMAN JANE C SILVA	EASEMENT OVER LOTS 4, 5 & 6 APPURTENANT TO LOT 3 ETC. - SEE PLAN ATTACHED	08/02/1996 08/08/1996 09:20 AM	<i>Jennifer H. Ferreira</i>	
105235	ASSIGNMENT	NANTUCKET ELECTRIC CO	RE: DOC 68801	12/02/2003 12/04/2003 02:00 PM	<i>Jennifer H. Ferreira</i>	
105659	EASEMENT	NANTUCKET ELECTRIC CO	EASEMENT IN PORTION OF JEFFERSON AVENUE	12/19/2003 01/07/2004 08:30 AM	<i>Jennifer H. Ferreira</i>	
108770	ORDER OF CONDITNS	NANTUCKET TOWN CONSERVATION	DEP FILE NO. SE48-1738	08/27/2004 09/03/2004 10:15 AM	<i>Jennifer H. Ferreira</i>	
111874	LICENSE & PLAN	MASSACHUSETTS COMM ENVIRONMENTAL PROTECTION	#10216, CABLE PROJECT	04/15/2005 05/17/2005 02:30 PM	<i>Jennifer H. Ferreira</i>	
118958	COMPLIANCE CERT	DAVID FREDERICKS	re: Doc 108770, with ongoing conditions	12/01/2006 01/10/2007 02:50 PM	<i>Jennifer H. Ferreira</i>	
120104	COMPLIANCE CERT	NANTUCKET ELECTRIC CO	re: Doc 111874	01/22/2007 04/20/2007 02:08 PM	<i>Jennifer H. Ferreira</i>	
131247	ORDER OF CONDITNS	NANTUCKT TOWN CONSERVATION	DEP File No. SE48-2323	08/20/2010 08/25/2010 02:26 PM	<i>Jennifer H. Ferreira</i>	
131644	SPECIAL PERMIT	NANTUCKET TOWN ZONING	#035-10, alteration of pre-existing, non-conforming structure	08/20/2010 10/07/2010 02:23 PM	<i>Jennifer H. Ferreira</i>	
133520	EASEMENT	NANTUCKET ELECTRIC CO	underground electric distribution system Lots 4, 5 & 6 PI 16877-D	04/20/2011 04/28/2011 01:29 PM	<i>Jennifer H. Ferreira</i>	
139681	MORTGAGE	CAPE COD FIVE CENTS SAVINGS BANK	\$3,000,000.00	12/31/2012 12/31/2012 01:55 PM	<i>Jennifer H. Ferreira</i>	
139683	CERT OF MUN LIEN	NANTUCKET TOWN		10/22/2012 12/31/2012 01:55 PM	<i>Jennifer H. Ferreira</i>	

Memoranda of Encumbrances

Certificate No: 20365

Report Date: 07/10/2013

Book: 0 Page: 0

Document Number	Kind	In Favor Of	Terms	Date of Instrument Date of Registration	Signature	Discharge
141551	COMPLIANCE CERT	PURPLE WAMPUM LLC	re: doc 131247	06/26/2013 07/09/2013 10:29 AM	<i>Jeanette W. Ferreira</i>	

End of Document____End of Document____End of Document____End of Document____End of Document____End of Document____End of Document

OCT 31 1975 at 8 o'clock
and 48 minutes A. M
Received and Entered with
Nantucket County Deeds.
Book 151 Page 276
Attest Joseph S. Barrett

Register

Nantucket Registry District
OCT 31 1975

RECEIVED FOR REGISTRATION

8 O'CLOCK 50 in 17 M

NOTED ON CERTIFICATE NO. 2283
IN REGISTRATION BOOK 12 PAGE 143

NOTED ON CERTIFICATE NO. 4085
IN REGISTRATION BOOK 20 PAGE 198

NOTED ON CERTIFICATE NO. 4226
IN REGISTRATION BOOK 21 PAGE 117

NOTED ON CERTIFICATE NO. 5192
IN REGISTRATION BOOK 26 PAGE 95

NOTED ON CERTIFICATE NO. 5762
IN REGISTRATION BOOK 29 PAGE 142

NOTED ON CERTIFICATE NO. 5905
IN REGISTRATION BOOK 30 PAGE 105

Nantucket Registry District

OCT 31 1975

RECEIVED FOR REGISTRATION

O'CLOCK in 16

NOTED ON CERTIFICATE NO. 5947
IN REGISTRATION BOOK 30 PAGE 147

NOTED ON CERTIFICATE NO. 5957
IN REGISTRATION BOOK 30 PAGE 157

NOTED ON CERTIFICATE NO. 6628
IN REGISTRATION BOOK 34 PAGE 28

NOTED ON CERTIFICATE NO. 6719
IN REGISTRATION BOOK 34 PAGE 119

NOTED ON CERTIFICATE NO. 7379
IN REGISTRATION BOOK 37 PAGE 179

NOTED ON CERTIFICATE NO. 7380
IN REGISTRATION BOOK 37 PAGE 180

Attest

Joseph S. Barrett
Assistant Recorder

ORDER OF TAKING

Pursuant to Chapter 434 of the Acts of 1975, and in accordance with the vote under Article 17 of the Town of Nantucket Annual Town Meeting, April, 1975, we, the duly elected and qualified Commissioners for the County of Nantucket, at a meeting held *Oct. 29, 1975*, have determined and adjudged upon consideration of the matter that common convenience and necessity require that Jefferson Avenue beginning at Beach Avenue and extending northerly to the water as voted at Annual Town Meeting, February 1935, Article 67

be laid out as and for a highway in accordance with Exhibit "A" attached hereto and made a part hereof, excluding however, from said layout all portions of the said Jefferson Avenue which are unpaved as shown on the plan to be recorded herewith.

The preliminary requirements of law relating to notice of a meeting for the purpose of a public hearing of all parties interested in a petition for the laying out as a highway of Jefferson Avenue from Beach Avenue to the water were complied with on April 20, 1935 as reported in the records of the Board of County Commissioners for the County of Nantucket, Vol. IV page(x) 354 .

NOW, THEREFORE, we, the undersigned, being a majority of the Board of County Commissioners for the County of Nantucket, by right of eminent domain under the provisions of Chapter 79 of the General Laws, and by the powers conferred by Chapter 434 of the Acts of 1975 above mentioned, and by right of any and every other power and authority in us, hereto take, and in fee simple, any and

all right, title and interest of any nature or description in the land in said County bounded and described as set forth in Exhibit "A" as amended, all for the purpose of Jefferson Avenue, beginning at Beach Avenue and extending northerly approximately 1075 feet from the southerly line of said Beach Avenue, or approximately 1410 feet from the northerly line of the road to Jetties Beach hereby laid out.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of Nantucket County this 29th day of October, 1975.

Geston E. Whelden
Clerk

Charles J. Andor
Chairman

Mitchell Todd

Colin W. Gibbs

Robert L. Haffey

Bernard J. Hunter

Jefferson Avenue

Exhibit "A"

Certain land in Nantucket, Nantucket County, shown on a plan entitled "Jefferson Avenue Surveyed for Nantucket County" by George W. Jones, Surveyor, dated June 1935, beginning at the southerly line of Beach Avenue and extending northerly approx-

imately 1075 feet, to be recorded herewith. *See Road Plans
Drawer #1 - Plan No. 183.*

Jefferson AvenueExhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Chandler, Alfred D. & Chandler, Carol R.		\$1.00
Cliffside Beach, Inc., Currie, Robert T., Treasurer	4226	1.00
Currie, Robert T. & Currie, Emma Lea	7379	1.00
Fones, Maynard L. & Fones, Betty Steadman		1.00
Goss, Louise P.		1.00
Guiler, Ruth D.		1.00
Herriott, Richard	6628	1.00
Higgins, Joan G.	6719	1.00
Huffman, Mary	7380	1.00
Estate of Rozelle C. Jones & Barrett, George E. & Diotte, Elizabeth		1.00
Labaree, Leonard	5905	1.00
Nantucket, Town of Charles J. Gardner, Chairman Board of Selectmen	2283	1.00
Oddleifson, Eric & Oddleifson, Peter	5947	1.00
Paget, Richard M. & Paget, Inez B.	5762	1.00
Parks, William R. & Strain, Elwyna A.	5957	1.00
Powers, Helen M.		1.00
Reighly, H. Ward		1.00
Shelvey, Mira B.	4085	1.00

NANTUCKET COUNTY
Received and Entered

Attest *David S. Barnitt*
OCT 31 1975 8:48 A.M.

Register

Jefferson Avenue

Continued Page Two

Exhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Snow, Charles E. & Snow, Curtis		\$1.00
Spencer, George Hollester & Spencer, Elizabeth Calihan		1.00
Weeden, Charles F. III & Gray, Emma H.	5192	1.00

The names of owners herein given as supposed
owners, although supposed to be correct, are such only
as matters of information, opinion and belief and are
listed for information purposes only.



Agenda Item Summary

Agenda Item #	VII. 2.
Date	1/26/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Approval by the COUNTY and authorization for Town Counsel to execute Assent to a Petition for Approval of a Plan to recognize the Taking by the County and approval of the registration of the Subdivision Plan of Lot A Showing Lots 5 and 6 on Land Court Plan No.10588-E for 7 Sherburne Turnpike.

Executive Summary

The Land Court requires the County assent to the Petition which requests that as the County is the owner of the fee in the way known as Sherburne Avenue (also called Sherburne Turnpike) by virtue of the Order of Taking by Eminent Domain dated October 29, 1975 filed with Nantucket Registry District of the Land Court as Document No. 16520, the Land Court recognize the Taking in fee by the County of Sherburne Avenue now known as Sherburne Turnpike and approve of the registration of the Subdivision Plan of Lot A Showing Lots 5 and 6 on Land Court Plan No. 10588-E.

Staff Recommendation

Approve the Assent and authorize Town Counsel to execute the Assent on behalf of the County.

Background/Discussion

Town Counsel has reviewed the Petition for Approval of a Plan, the Assent, the Order of Taking, the Certificate of Title for 7 Sherburne Turnpike and the Subdivision Plan of 7 Sherburne Turnpike and opines that this documentation does not adversely affect the County's ownership of the fee in Sherburne Turnpike, does not change the lines of the taking of Sherburne Turnpike and its use as a public way. Town Counsel approves of the form of the Assent and recommends its execution.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Allows for the normal subdivision process to proceed

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Fits within the plan goals of efficient County and Town operations



Attachments

Assent; Certificate of Title No. 28159 for 7 Sherburne Turnpike; Subdivision Plan No. 10588-E; Order of Taking by Eminent Domain of Portions of Fee in Sherburne Turnpike.



COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court Department
Supplementary Complaint
No. 21-SBQ-10588-09-001

Sherburne Turnpike, LLC,	)	ASSENT TO COMPLAINT TO RECOGNIZE
Petitioner	)	TAKING AND APPROVE PLAN

The County of Nantucket hereby acknowledges receipt and sufficient notice of the Complaint to Recognize Taking and Approve Plan of Sherburne Turnpike LLC, and assents to the Petition, the Plan filed by the Petitioner, and the lines of the taking of Sherburne Turnpike (A/K/A Sherburne Avenue) as shown on said plan and hereby assents that an Order may issue for the relief requested therein, namely (1) recognizing the Order of Taking by eminent domain of Sherburne Avenue, now known as Sherburne Turnpike, by the County of Nantucket dated October 29, 1975, filed with the Nantucket Registry District of the Land Court, and (2) approving for registration the Subdivision Plan of Lot A on Land Court Plan No. 10588-B into Lots 5 and 6 on Land Court Plan No. 10588-E, without further notice to it.

Executed and sealed on _____, 2022.

COUNTY OF NANTUCKET
By its attorneys
hereunto duly authorized:

KP Law, P.C.
By:

Vicki S. Marsh, Attorney
(BBO # 307040)
101 Arch Street
Boston, MA 02110
(617) 556-0007

LAW OFFICES OF
KEITH M. YANKOW
3 SPARKS AVENUE - P.O.BOX 675 • NANTUCKET, MA • 02554
www.nantucketislandlaw.com
yankow@nantucketislandlaw.com
Phone: 508-228-6688 • Fax: 508-228-6698

REPORT OF TITLE
Land Court Petition of Sherburne Turnpike, LLC
Docket No. 21 SBQ 10588 09 - 001

PROPERTY: 7 Sherburne Turnpike, Nantucket, Massachusetts
DESCRIPTION OF PREMISES:

That land situated in Nantucket, in the County of Nantucket and said Commonwealth, bounded and described as follows:

NORTHERLY	by a Way, one hundred thirty-five (135.00) feet;
EASTERLY	by Lot B on plan hereinafter mentioned, one hundred thirty-five (135.00) feet;
SOUTHERLY	by Sherburne Avenue, one hundred thirty-five (135.00) feet; and
WESTERLY	by land now or formerly of Virginia G. B. Cross et al, one hundred thirty-five (135.00) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 10588-B, drawn by C. B. Humphrey, Engineer for Court, dated February 12, 1938, filed with Certificate of Title No. 2326 at the Registry District of Nantucket County. Said land is shown thereon as Lot A.

SEARCH IS LIMITED TO THE NANTUCKET REGISTRY OF DEEDS

OWNER OF RECORD: Sherburne Turnpike, LLC, a Massachusetts Limited Liability Company, by virtue of Certificate of Title No. 28159 with the Nantucket Registry District of the Land Court.

STREET TAKINGS: Notice of a public hearing for the laying out of Sherburne Avenue as a highway was recorded November 23, 1935 with the County Commissioners of Nantucket County in Vol. IV, Page 366, as set forth in the Order of Taking in favor of the County of Nantucket of the fee simple in the street known as Sherburne Avenue (also called Sherburne Turnpike) dated October 29, 1975 registered as Document No. 16520 with the Nantucket Registry District for the Land Court. Enclosed is plan recorded with the Nantucket Registry of Deeds in Road Plans Drawer #1, Plan No. 180.

MORTGAGES: None

RESTRICTIONS

EASEMENTS AND

AGREEMENTS: None

ATTACHMENTS: None
ADDITIONAL NOTES: None
BUILDING DEPT: Not checked
BOARD OF HEALTH: Not checked
BANKRUPTCY COURT: None
PROBATE COURT: Not checked

REPORT:

Prior to the 1975 Taking of Sherburne Turnpike to the date of the current Certificate of Title #28519, each Certificate of Title for Lot A on Land Court Plan 10588-B recites the southerly bound as "by Sherburne Avenue." Petitioner seeks to change that to "by the line of Sherburne Avenue."

The Taking was of the paved portion of the street. Title to the unpaved portion north of the taken portion and south of Locus has not been transferred or taken.

It is this Examiner's opinion that G.L. c. 183, Section 58 (a)(i) applies. Title to the strip of land between Locus and the taken portion of Sherburne Turnpike will be properly part of Locus if the Petition is granted to change: "SOUTHERLY by Sherburne Avenue, one hundred thirty-five (135.00) feet" to "SOUTHERLY by the line of Sherburne Avenue, one hundred thirty-five (135.00) feet."

Exam Ends: October 19, 2021

End of Report

Reported by:

 10/25/2021
Keith M. Yankow, Esq.
3 Sparks Avenue P O Box 675
Nantucket, MA 02554
(508) 228-6688
(508) 228-6698 fax
BBO #546296
yankow@nantucketislandlaw.com

Enclosures:

(all filings are with the Nantucket Registry)

Certificate of Title No. 28159 and Encumbrance page

D.N. 16520 Order of Taking of Sherburne Turnpike

Plan in Road Plans Drawer No. 1, Plan No. 180 and plan entitled Proposed Modification of Sherburne Turnpike recorded in Plan No. 2008-62 at the Nantucket Registry of Deeds.

Land Court Plan 10588-B.

Nantucket County Commissioners, et al approval of plan dated February 2007 for modification of Road Plans: Drawer #1, Road Plan #180 recorded at the Nantucket Registry of Deeds as Plan No. 2008-62.

Transfer Certificate of Title

Cert No: 28159
Doc No: 168454

From Transfer
Certificate No. 15879 Originally Registered August 13, 1993 at the Registry District of Nantucket County

This is to Certify that

SHERBURNE TURNPIKE LLC, a Massachusetts Limited Liability Company

of PO Box 15709, Springfield in the County of Hampden and the Commonwealth of Massachusetts, 01115 is the owner, in fee simple, of that land situated in Nantucket, in the County of Nantucket and said Commonwealth, bounded and described as follows:

NORTHERLY by a Way, one hundred thirty-five (135.00) feet;
EASTERLY by Lot B on plan hereinafter mentioned, one hundred thirty-five (135.00) feet;
SOUTHERLY by Sherburne Avenue, one hundred thirty-five (135.00) feet; and
WESTERLY by land now or formerly of Virginia G. B. Cross et al, one hundred thirty-five (135.00) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 10588-B, drawn by C. B. Humphrey, Engineer for Court, dated February 12, 1938, filed with Certificate of Title No. 2326 at the Registry District of Nantucket County. Said land is shown thereon as Lot A.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

SHERBURNE TURNPIKE LLC

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting.

Witness GORDON H. PIPER, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the ninth day of February in the year two thousand and twenty-one at 2 o'clock and 9 minutes in the afternoon.

Jennifer H. Ferreira

Attest, with the Seal of said Court,

Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 7 Sherburne Turnpike

Land Court Case No. 10588

CERTIFICATE OF TITLE NO. 28159

LOT A ON PLAN No. 10588-B FILED
WITH CERTIFICATE No. 2326 HAS
BEEN SUBDIVIDED AND PLAN No. 10588-E
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. _____

FURTHER CERTIFICATES FOR SAID LOT
A ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (NOW LOTS 5+6)

THIS PLAN IS SUBJECT TO AN ORDER
OF COURT. ACCEPT NO INSTRUMENTS
FOR RECORDING PRIOR TO AN ISSUANCE
OF REGISTRATION OF THE ORDER OF COURT.

A TRUE COPY 9/10/21

ATTEST: *Jennifer Ferreira*
REGISTER OF DEEDS NANTUCKET COUNTY

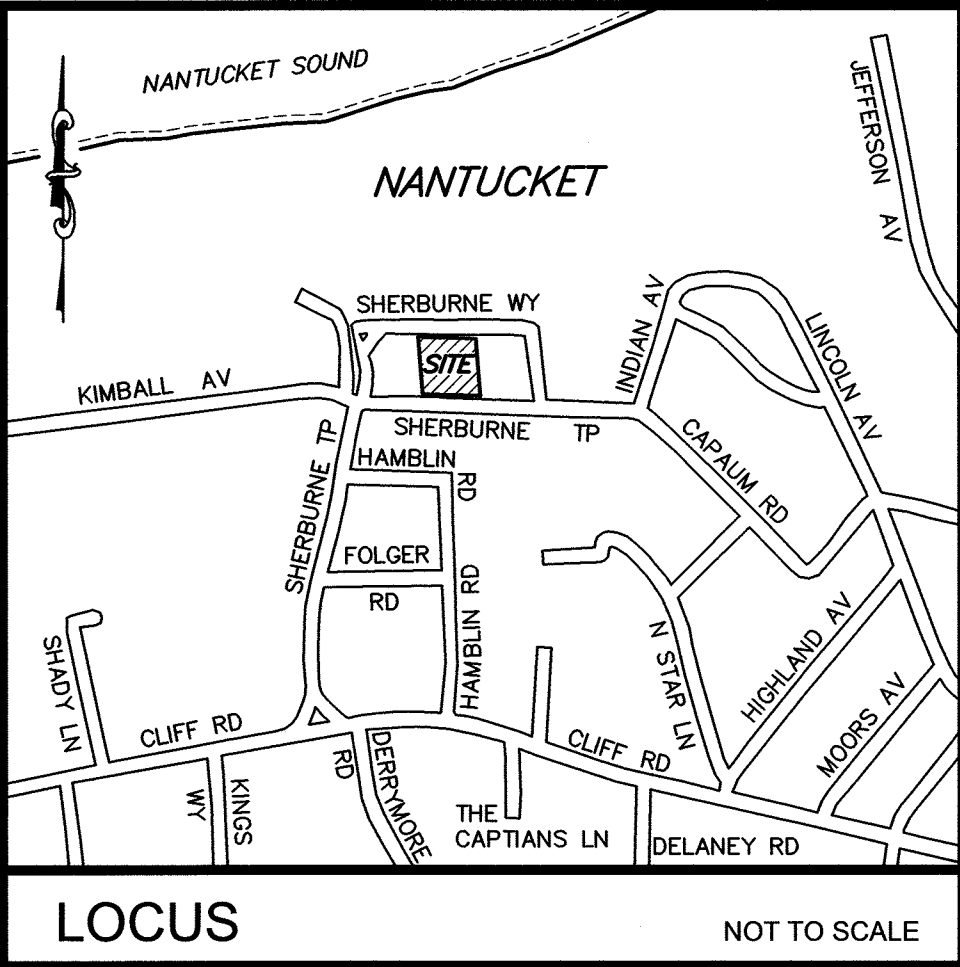
Memoranda of Encumbrances

Certificate No: 28159
Book: 0 Page: 0

Report Date: 08/02/2021

Document Number	Kind	In Favor Of	Terms	Date of Instrument Date of Registration	Signature	Discharge
16520	ORDER OF TAKING	NANTUCKET COUNTY OF	SHERBURNE AVENUE (TURNPIKE)	10/29/1975 10/30/1975 01:31 PM	<i>Jennifer H. Ferreira</i>	
168453	CERT OF MUN LIEN	KITTY GLANTZ		12/31/2020 02/09/2021 02:09 PM	<i>Jennifer H. Ferreira</i>	
170501	MORTGAGE	CLOHANE SERIES OF VENTRY INDUSTRIES LLC	\$5,000,000.00	02/09/2021 07/30/2021 02:09 PM	<i>Jennifer H. Ferreira</i>	

End of Document____End of Document____End of Document____End of Document____End of Document____End of Document____End of Document



NOTES

1. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE EXISTING PARCEL (MAP 30, PARCEL 112) TO CREATE LOT 1 AND LOT 2 AS SHOWN.
2. THIS PLAN REPRESENTS A SUBDIVISION OF LOT A SHOWN ON LAND COURT PLAN 10588-B.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN SPECIAL FLOOD HAZARD AREAS AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
5. BUILDING OFFSET DISTANCES ARE FROM BUILDING CORNER BOARDS AT APPROXIMATELY 5' ABOVE GROUND LEVEL.
6. ALL DISTANCES WERE MEASURED BY EDM.

TRAVERSE CLOSURE DATA

LENGTH OF TRAVERSE = 99.39'
ANGULAR ERROR = 0°00'05"
CLOSURE DISTANCE = 0.004'
DIRECTION = N13°29'28"E
PRECISION = 1:245,407

RESIDENTIAL 1 (R-1) ZONING DISTRICT	
REGULATION	REQUIREMENT
MIN. LOT AREA	5,000 SQ. FT.
LOT FRONTAGE	50'
FRONT SETBACK	10'
SIDE SETBACK	5'
REAR SETBACK	5'
GROUND COVER RATIO	30%

OWNER & APPLICANT

KITTY GLANTZ
150 EAST 69TH STREET #2K
NEW YORK, NY 10021

TITLE REFERENCE:
L.C. CERTIFICATE NO. 15879

PLAN REFERENCE:
L.C. PLAN NO. 10588-B (LOT A)

SITE LOCATION:
7 SHERBURNE TURNPIKE
NANTUCKET, MASSACHUSETTS

ASSESSORS REFERENCE:
MAP 30, PARCEL 112

LEGEND

- CB CONCRETE BOUND
CB/DH CONCRETE BOUND W/DRILL HOLE



SITE DESIGN
ENGINEERING, LLC.

11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

NO.	DATE	REVISIONS PER LAND COURT COMMENTS	APPROVED
1	6/23/21		RLM

PLAN REVISIONS

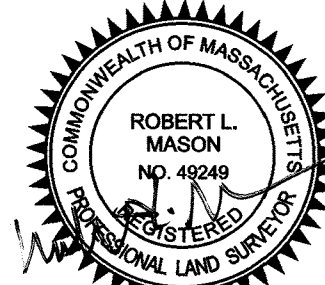
DATE: DECEMBER 23, 2020

DRAWN BY: RLM
COMPS BY: RLM
CHECK BY: RLM/DCM

PROJECT NO. 20212

ISSUED FOR:

ANR ENDORSEMENT



PLAN OF LAND
BEING A SUBDIVISION OF LOT A
SHOWN ON LAND COURT PLAN 10588-B
7 SHERBURNE TURNPIKE
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 30, PARCEL 112
PREPARED FOR
KITTY GLANTZ

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

[Signatures]

DATE ENDORSED: 01-11-2021

PLANNING BOARD FILE No. PSUB-2021-01

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE
A DETERMINATION OF CONFORMANCE UNDER ZONING.

DRAWING TITLE:

APPROVAL NOT
REQUIRED PLAN

SCALE: 1" = 20'

SHEET NO.

00120

1 OF 1

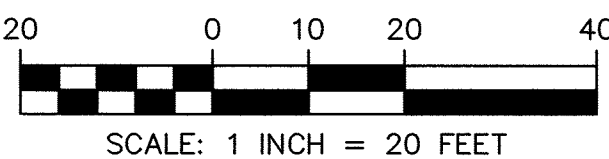
I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 BETWEEN 10/27/2020 AND 11/5/2020.

I FURTHER CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY COMPLETED ON 11/5/2020.

PROFESSIONAL LAND SURVEYOR
DATE

12-23-2020



ORDER OF TAKING

Pursuant to Chapter 434 of the Acts of 1975, and in accordance with the vote under Article 17 of the Town of Nantucket Annual Town Meeting, April, 1975, we, the duly elected and qualified Commissioners for the County of Nantucket, at a meeting held Oct. 29, 1975, have determined and adjudged upon consideration of the matter that common convenience and necessity require that

Sherburne Avenue (also called Sherburne Turnpike) beginning at

Cliff Road and running northerly, northeasterly and easterly to its terminus at the junction of Indian Avenue and Capaum Road be laid out as and for a highway in accordance with Exhibit "A"

attached hereto and made a part hereof, excluding however, from

said layout all portions of the said Sherburne Avenue

which are unpaved as shown on the plan to be recorded herewith.

The preliminary requirements of law relating to notice of a meeting for the purpose of a public hearing of all parties interested in a petition for the laying out as a highway of

Sherburne Avenue

were complied with on November 23, 1935 at 10:00 A. M.

~~as reported in the records of the Board of County Commissioners for~~
the County of Nantucket, Vol. IV page(s) 366 .

NOW, THEREFORE, we, the undersigned, being a majority of the Board of County Commissioners for the County of Nantucket, by right of eminent domain under the provisions of Chapter 79 of the General Laws, and by the powers conferred by Chapter 434 of the Acts of 1975 above mentioned, and by right of any and every other power and authority in us, hereto take, and in fee simple, any and

all right, title and interest of any nature or description in the land in said County bounded and described as set forth in Exhibit

"A" as amended, all for the purpose of Sherburne Avenue (also called Sherburne Turnpike) beginning at Cliff Road and extending northerly, northeasterly and easterly to its terminus at the junction of Indian Avenue and Capaum Road

hereby laid out.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of Nantucket County this 29th day of October 1975.

Gertie E. Whelden
Clerk

Charles J. Thayer
Chairman
Robert L. Haley
Esther V. Giff
Mitchell Tapp
Bertrand Johnson

Sherburne Avenue
(also known as
Sherburne Turnpike)

Exhibit "A"

Certain land in Nantucket, Nantucket County, shown on a plan entitled "Layout of Sherburne Ave. and Kimball Ave. made for Nantucket - County" by George W. Jones, Surveyor, dated December 1935, including, however, only Sherburne Avenue, beginning at Cliff Road and extending northerly and northeasterly to the junction with Kimball Avenue, thence easterly to its terminus at the junction of Indian Avenue and Capaum Road; plan to be recorded herewith.

See Road Plans Drawer #1 - Plan No. 180.

SHARBURNE AVENUE (Turnpike) Exhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
ARVONUS REALTY CO. INC. (No Pres. name available)	6335	\$ 1.00
BUSH, John H.	2416	1.00
BEARD, Lois Don	5181	1.00
D'AGATA, Alfred D'AGATA, Martha B.	4979	1.00
FITZPATRICK, Hugh FITZPATRICK, Helen		1.00
GENESKY, Alan R. GENESKY, Rhoda		1.00
GLANTZ, Herbert T. GLANTZ, Kitty	6028	1.00
HINDLEY, Virginia Gray	6758	1.00
HINDLEY, Virginia G.		1.00
MORIARTY, Donald P.		1.00
NEVIUS, John A. NEVIUS, Sheila S.		1.00
PEARL, Charles W. PEARL, Claudette		1.00
REED, Margaret		1.00
SMITH, George H. SMITH, Phyllis V.	6069	1.00
STEVENS, Caroline R.	4988	
WILLCOX, Arnold A. WILLCOX, Christine L.	4417	1.00

The names of owners herein given as supposed owners, although supposed to be correct, are such only as matters of information, opinion and belief, and are listed for information purposes only.

A TRUE COPY

9/10/24

ATTEST: *Joseph S. Bonetti*
REGISTER OF DEEDS NANTUCKET COUNTY

NANTUCKET COUNTY
Received and Entered

Attest

OCT 30 1975

1:29 P.M.

Register

DOCUMENT No. 16520 (92)

OCT 3 0 1975 at 1 o'clock
and 29 minutes P M
Received and Entered with
Nantucket County Deeds
Book 151 Page 188
Attest *Joseph S. Barnett*

Register

Nantucket Registry District

OCT 3 0 1975

RECEIVED FOR REGISTRATION

_____ O'CLOCK _____ m _____ M

NOTED ON CERTIFICATE NO. 2416
IN REGISTRATION BOOK 13 PAGE 76

NOTED ON CERTIFICATE NO. 4417
IN REGISTRATION BOOK 22 PAGE 82

NOTED ON CERTIFICATE NO. 4979
IN REGISTRATION BOOK 25 PAGE 63

NOTED ON CERTIFICATE NO. 4988
IN REGISTRATION BOOK 25 PAGE 72

NOTED ON CERTIFICATE NO. 5181
IN REGISTRATION BOOK 26 PAGE 84

DOCUMENT No. 16520

Nantucket Registry District

OCT 3 0 1975

RECEIVED FOR REGISTRATION

1 O'CLOCK 39 m P M

NOTED ON CERTIFICATE NO. 6028
IN REGISTRATION BOOK 31 PAGE 28

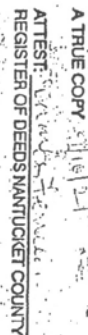
NOTED ON CERTIFICATE NO. 6069
IN REGISTRATION BOOK 31 PAGE 69

NOTED ON CERTIFICATE NO. 6335
IN REGISTRATION BOOK 32 PAGE 135

NOTED ON CERTIFICATE NO. 6758
IN REGISTRATION BOOK 34 PAGE 158

Attest *Joseph S. Barnett*
Assistant Recorder

Road Plan
#150



10588^B

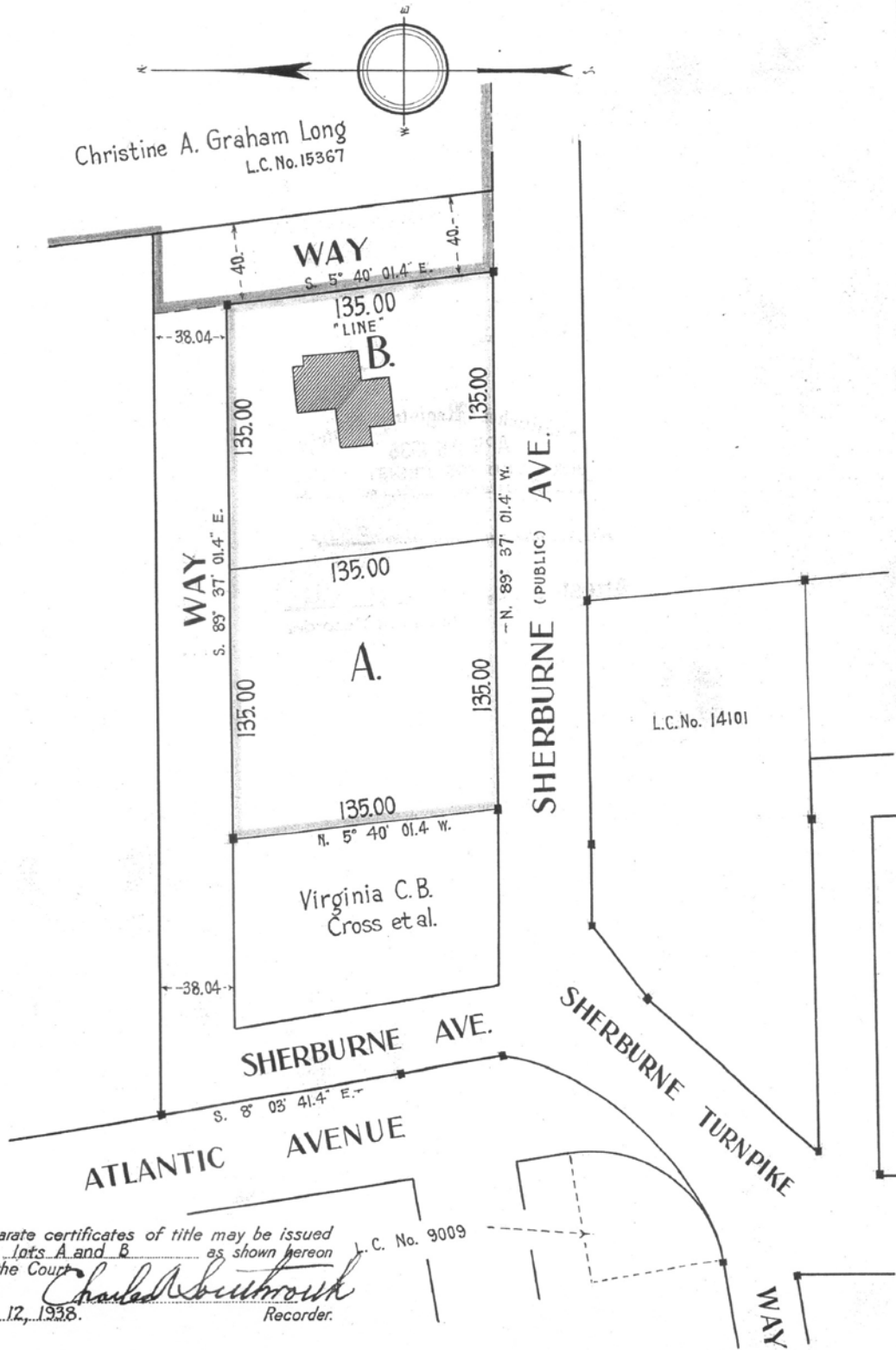
Subdivision of Land shown on plan 10588^A
 Filed with Cert. of Title No. 1961 Registry District of Nantucket County

LAND IN NANTUCKET

Scale 60 feet to an inch

Feb. 12, 1938.

C. B. Humphrey, Engineer for Court.



This plan filed with Certificate No. 2326

Separate certificates of title may be issued
 for lots A and B as shown hereon
 By the Court
Charles Southworth
 FEB. 12, 1938. Recorder.
 L.C. No. 9009



NOTE:
PLAN TO ACCOMPANY ATM 2007 ARTICLE #64

PARCEL	AREA (sq. ft. ±)
P-1	174
P-2	4,837
P-3	362
P-4	240
P-5	129

NO.	BEARING	DISTANCE
L1	N26°53'12"E	65.90'
L2	N26°53'12"E	30.82'
L3	N26°53'12"E	29.10'
L4	S76°20'26"W	19.55'
L5	N33°01'42"E	68.00'
L6	N76°20'26"W	4.03'
L7	N76°20'26"W	7.47'
L8	N33°01'42"E	1.31'
L9	N42°47'34"E	32.93'
L10	N76°20'26"W	16.89'
L11	N13°39'34"E	15.62'

LEGEND

- CHCB ■ CONCRETE BOUND WITH DRILL HOLE FOUND
- CB ■ CONCRETE BOUND FOUND
- I-PIPE ○ IRON PIPE FOUND
- EXIST. CATCH BASIN
- PAVED SURFACE

OWNER'S INFORMATION

ALICE B. BURNHAM
L.C.C. 14101-B, LOT 1
CERT. OF TITLE #14136
ASSESSOR'S MAP 30, PARCEL 174.1
#12 1/2 SHERBURNE TURNPIKE
AREA LOT 1 = 5,359 S.F. ±

PHILIP W. READ
MARGARET G. READ
PLAN BOOK 14, PAGE 40 - LOTS 4 & 9
DEED BOOK 468, PAGE 32
ASSESSOR'S MAP 30, PARCELS 197 & 198
#14 SHERBURNE TURNPIKE
AREA LOT 4 = 8,452 S.F. ±
AREA LOT 9 = 9,307 S.F. ±

NANTUCKET REGISTRY OF DEEDS

Date: 09.13.2008

Time: 9:02 AM

No. 2008-62

Plan 416

Attest: [Signature] Register

RESERVED FOR REGISTRY USE

SHEET 1 OF 1

Proposed Modification of Sherburne Turnpike

(a.k.a. Sherburne Avenue)

ROAD PLANS: DRAWER #1,
ROAD PLAN #180

in
Nantucket, Mass.

Scale: 1"= 30' FEBRUARY 2007

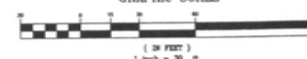
BLACKWELL & ASSOCIATES, Inc.

Professional Land Surveyors

20 TEASDALE CIRCLE

NANTUCKET, MASS. 02554

GRAPHIC SCALE



Nantucket Planning Board

APPROVAL UNDER

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

[Signatures of Planning Board members]

Nantucket County Commissioners

ALTERATION OF A PORTION OF SHERBURNE TURNPIKE
SHOWN IN ROAD PLANS: DRAWER #1, ROAD PLAN #180

Being a majority:

[Signatures of County Commissioners]

DATE SIGNED: 7/15/08

Nantucket Planning Board

APPROVAL UNDER THE

SUBDIVISION CONTROL LAW

NOT REQUIRED

[Signatures of Planning Board members]

DATE SIGNED: 7/15/08

FILE #

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.

Lee C. [Signature] 2/16/07

PROFESSIONAL LAND SURVEYOR DATE



DISPOSITION OF LOTS

- P-1 TO BE CONVEYED TO RICHARD W. SCAFE AND BECOME AN UNDIVIDED PORTION OF LOT 4.
- P-2 TO BE CONVEYED TO ALICE B. BURNHAM AND BECOME AN UNDIVIDED PORTION OF LOT 1 WITH A TOTAL AREA OF 8,098 S.F.
- P-3 TO BECOME AN EXTENSION OF AND AN UNDIVIDED PORTION OF HAMBLIN ROAD.
- P-4 TO BECOME AN UNDIVIDED PORTION OF LOT 4 OWNED BY PHILIP W. READ AT UN.
- P-5 PARCEL OF LAND BETWEEN EXISTING COUNTY LAYOUT AND LAND OWNED BY PHILIP W. READ AT UN IS TO BE CLAIMED BY PHILIP W. READ AT UN AND BECOME AN UNDIVIDED PORTION OF LOT 4 AND P-4.

THE PLANNING BOARD DETERMINES THAT:

(b) ROAD PARCELS 1 THRU 5 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

ASSESSOR'S MAP 30, PARCELS 174.1, 197 & 198



Agenda Item Summary

Agenda Item #	VII. 3.
Date	1/26/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Approval and execution of Assent by the COUNTY to a Petition to Approve a Plan, for the registration of the Subdivision Plan of Lot 4 Showing Lots 8, 9 and 10 on Land Court Plan 10932-D for 19 Sherburne Turnpike.

Executive Summary

The Land Court requires the County assent to the Petition which requests that as the County is the owner of the fee in the way known as Sherburne Avenue (also called Sherburne Turnpike) by virtue of an Order of Taking by Eminent Domain dated October 29, 1975 filed with Nantucket Registry District of the Land Court as Document No. 16520, the Land Court approve of the registration of the Subdivision Plan of Lot 4 Showing Lots 8, 9 and 10 on Land Court Plan No. 10932-D

Staff Recommendation

Approve the Assent and then authorize Town Counsel to execute the Assent on behalf of the County.

Background/Discussion

Town Counsel has reviewed the Petition to Approve a Plan, the Assent, the Order of Taking, the Certificate of Title for 19 Sherburne Turnpike and the Subdivision Plan of 19 Sherburne Turnpike and opines that this documentation does not adversely affect the County's ownership of the fee in Sherburne Turnpike, does not change the lines of the taking of Sherburne Turnpike and its use as a public way. Town Counsel approves of the form of the Assent and recommends its execution.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Allows for the normal subdivision process to proceed

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Fits within the plan goals of efficient County and Town operations



Attachments

Assent; Certificate of Title No. 26436 for 19 Sherburne Turnpike; Subdivision Plan No. 10932-D; Order of Taking by Eminent Domain of Portions of Fee in Sherburne Turnpike.



**COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT**

**George U. Carneal, Trustee
Susan M. Carneal, Trustee**

The Carneal Nantucket Trust

Petitioner

**ASSENT TO PETITION TO APPROVE A
PLAN**

**21 SBQ 10932 06 - 001 George U. Carneal
Trustee of The Carneal Nantucket Trust**

ASSENT TO PETITION FOR APPROVAL OF A PLAN

The County of Nantucket, the owner of a certain way in the Town of Nantucket, Commonwealth of Massachusetts, now known and identified as Sherburne Avenue (also called Sherburne Turnpike) by virtue of an Order of Taking by eminent domain recorded with Nantucket County Registry of Deeds in Book 151, Page 188, and filed as Document No. 16520 with the Nantucket Registry District of the Land Court, hereby assents to the relief requested in the above-referenced Petition to Approve a Plan, that the Petitioners filed with the Massachusetts Land Court on June 23, 2021, known as 21 SBQ 10932 06 - 001 George U. Carneal Trustee of The Carneal Nantucket Trust, to approve of the registration of the Subdivision Plan of Lot 4 showing Lots 8, 9 and 10 on Land Court Plan No. 10932-D.

SIGNATURE PAGE

EXECUTED under seal this _____ day of _____, 2022.

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 _____, 20____, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Melissa K. Murphy, Jason Bridges, Matthew G. Fee and Kristie L. Ferrantella as County Commissioners of the County of Nantucket, and 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 the free act and deed of the County Commission of the County of Nantucket.

Official Signature and Seal of Notary Public
My commission expires:

Transfer Certificate of Title

Cert No:26436
Doc No:154956

From Transfer
Certificate No. 14745 Originally Registered January 10, 1991
the Registry District of Nantucket County

This is to Certify that

GEORGE U. CARNEAL and SUSAN M. CARNEAL, Trustees of the CARNEAL NANTUCKET TRUST u/d/t dated April 4, 2017, and registered as Document No. 154957 at the Registry District of Nantucket County

of 1148 Daleview Drive, McLean in the Commonwealth of Virginia, 22102, are the owners, in fee simple, of that land situated in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

SOUTHEASTERLY	by Sherburne Avenue one hundred seventy (170.00) feet;
SOUTHERLY	by Lots 1, 2 and 3 as shown on plan hereinafter mentioned three hundred twenty-six and 52/100 (326.52) feet;
WESTERLY	by land now or formerly of Ida M. Johnson one hundred eighty-five (185.00) feet; and
NORTHERLY	by Lot 5 as shown on said plan three hundred sixty-three and 20/100 (363.02) feet.

All of said boundaries are determined by the Court to be located as shown on plan numbered 10932-B, drawn by Josiah S. Barrett, Surveyor, dated June 1, 1964, filed with Certificate of Title No. 4960 at the Registry District of Nantucket County. Said land is shown thereon as Lot 4.

There is appurtenant to the land hereby registered the right to use the way thirty-three (33) feet wide as shown on said plan.

The premises are to be used for residential purposes only and any building hereafter constructed or maintained on the premises shall conform to the requirements for external appearance of buildings and structures as established by the rules and regulations of the Nantucket Historic Districts Commission, as now or hereafter in effect. This restriction shall run with the land for the benefit of the grantors and their successors in title to the remaining land in the subdivision, for the purpose of maintaining a standard of architecture and appearance in keeping with the Nantucket tradition.

The grantors reserve to themselves the right to make such variations in these restrictions as they may deem expedient with respect to any subsequent conveyance.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

GEORGE U. CARNEAL and SUSAN M. CARNEAL, Trustees of the CARNEAL NANTUCKET TRUST

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting, and subject also as aforesaid.

Witness JUDITH C. CUTLER, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the twenty-sixth day of April in the year two thousand and seventeen at 2 o'clock and 50 minutes in the afternoon.

Jennifer H. Ferreira

Attest, with the Seal of said Court,

Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 19 Sherburne Turnpike
Land Court Case No. 10932
CERTIFICATE OF TITLE NO. 26436

LOT 4 ON PLAN No. 10932-B FILED
WITH CERTIFICATE No. 4960 HAS
BEEN SUBDIVIDED AND PLAN No. 10932-D
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE No. 4960
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT (NOW LOTS 8, 9 + 10)
subject to
order of court
accept no instrument
prior to reg. of order

Memoranda Of Encumbrances

Cert No: 26436

Book/Page: /0

Cert No	26436
Document Number	16520
Kind	ORDER OF TAKING
In Favor of	NANTUCKET COUNTY OF
Date of Instr	10/29/1975
Terms	SHERBURNE TURNPIKE AVE.
Date of Reg	10/30/1975
Time of Reg	1:31PM

Cert No	26436
Document Number	100211
Kind	MORTGAGE
In Favor of	CHASE MANHATTAN MORTGAGE CORP
Date of Instr	12/30/2002
Terms	\$262,000.00
Date of Reg	01/06/2003
Time of Reg	1:32PM

dis of doc 171869

Cert No	26436
Document Number	151154
Kind	MORTGAGE
In Favor of	HINGHAM INSTITUTION FOR SAVINGS
Date of Instr	03/24/2016
Terms	\$750,000.00
Date of Reg	03/24/2016
Time of Reg	11:08AM

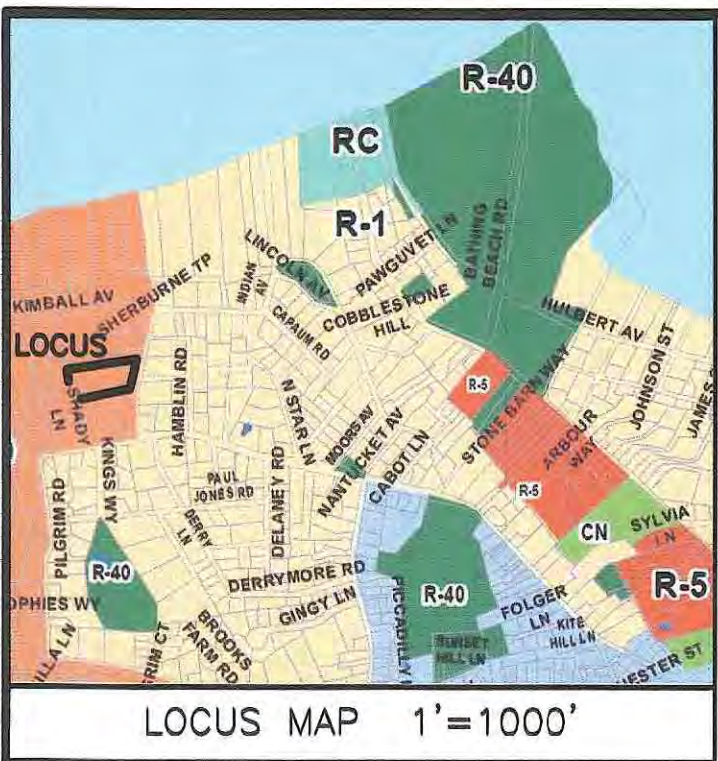
Cert No	26436
Document Number	151155

Kind ASSIGNMENT LEASES & RENTS
In Favor of HINGHAM INSTITUTION FOR SAVINGS
Date of Instr 03/24/2016
Terms
Date of Reg 03/24/2016
Time of Reg 11:08AM

Cert No 26436
Document Number 154957
Kind DECL OF TRUST
In Favor of CARNEAL NANTUCKET TRUST
Date of Instr 04/04/2017
Terms George U. Carneal & Susan M. Carneal, Trustees
Date of Reg 04/26/2017
Time of Reg 2:50PM

Cert No 26436
Document Number 171869
Kind DISCHARGE
In Favor of CARNEAL GEORGE U, CARNEAL SUSAN M
Date of Instr 11/12/2021
Terms dis of doc 100211
Date of Reg 11/15/2021
Time of Reg 1:13PM

Cert No
Document Number
Kind
In Favor of
Date of Instr
Terms
Date of Reg
Time of Reg

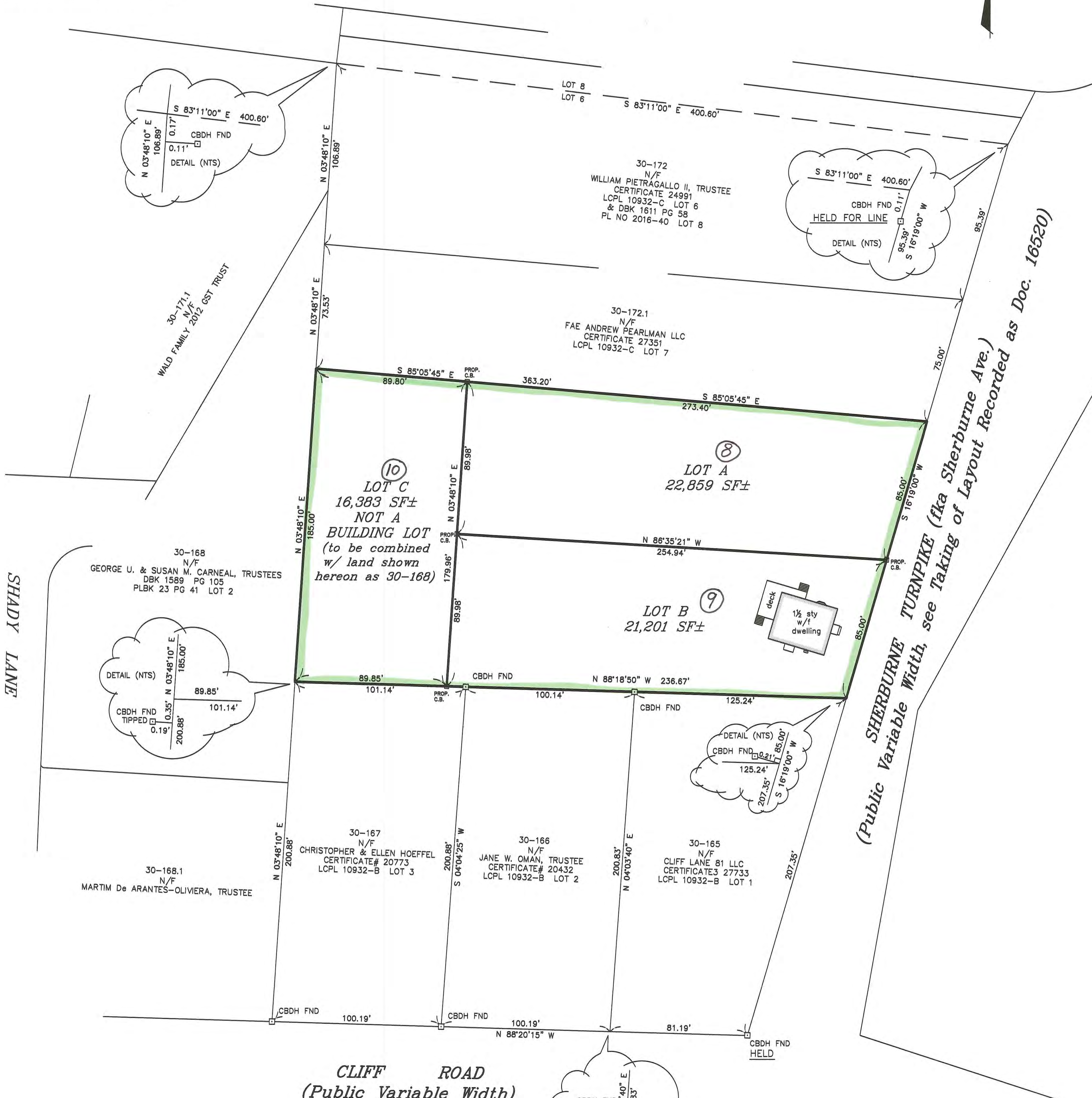


PROPERTY DATA

OWNERS: GEORGE U. CARNEAL & SUSAN M. CARNEAL,
TRUSTEES OF THE CARNEAL NANTUCKET TRUST
ADDRESS: 19 SHERBURNE TURNPIKE
CERTIFICATE # 26436
LC PLAN 10932-B LOT 4
ASSESSOR'S MAP 30, PARCEL 173
ZONING DISTRICT: RESIDENTIAL 20
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

LCPL 10932-B

10932D



SHERBURNE TURNPIKE (fka Sherburne Ave.)
(Public Variable Width, see Taking of Layout Recorded as Doc. 16520)

CLIFF ROAD
(Public Variable Width)

NOTE: LINE OF TAKING FOR SHERBURNE AVE.,
NOW KNOWN AS SHERBURNE TURNPIKE, IS CONGRUENT
WITH LINE OF SHERBURNE AVE SHOWN ON
LCPL 10932-B AND SHOWN HEREON.

10932D
LAND COURT
JUN 23 2021
FILED

For new Lots 8, 9 and 10 (only)

PLANNING BOARD ENDORSEMENT DOES NOT
CONSTITUTE A DETERMINATION OF CONFORMANCE
UNDER ZONING.

Nantucket Planning Board
APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED
Jedith M. McGowan
John F. McGowan
Andrew L. McGowan
David McGowan
Feb 8, 2021
DATE SIGNED
PLS 018-2021-02-00130
FILE #

BEING A SUBDIVISION OF LOT 4
SHOWN ON LAND COURT PLAN 10932-B

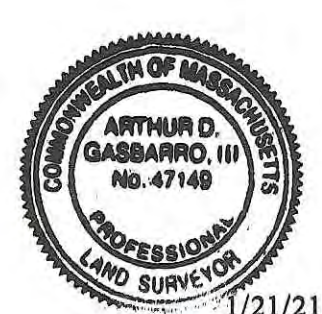
Plan of Land
In Nantucket, MA
Prepared for

GEORGE U. CARNEAL & SUSAN M. CARNEAL,
TRUSTEES OF THE CARNEAL NANTUCKET TRUST

19 SHERBURNE TURNPIKE
Map 30 Parcel 173

Scale: 1"=30' January 21, 2021

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



SURVEY PRECISION 1 IN 66,944: (RAW)
LINEAR ERROR OF CLOSURE 0.022' (RAW)
DIRECTIONAL ERROR OF SURVEY: S 27°14'07" E
EDM ACCURACY - TRIMBLE S7 : ±(1mm+2ppm)

"I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL
SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE
LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN
01-07-2021 AND 01-12-2021."

DATE: 1/21/21
Arthur D. Gasparro, III
REGISTERED PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE
MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND
AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT
ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET
IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF
2006 AS OF THE DATE OF THIS SURVEY.

1/21/21
DATE
PROFESSIONAL LAND SURVEYOR

OCT 3 0 1975 at / o'clock
 and 29 minutes P M
 Received and Entered with
 Nantucket County Deeds
 Book 151 Page 188
 Attest Joseph S. Barnett
 Register

Nantucket Registry District

OCT 3 0 1975

RECEIVED FOR REGISTRATION

_____ O'CLOCK _____ m _____ M

NOTED ON CERTIFICATE NO. 2416
 IN REGISTRATION BOOK 13 PAGE 76

NOTED ON CERTIFICATE NO. 4417
 IN REGISTRATION BOOK 22 PAGE 82

NOTED ON CERTIFICATE NO. 4979
 IN REGISTRATION BOOK 25 PAGE 63

NOTED ON CERTIFICATE NO. 4988
 IN REGISTRATION BOOK 25 PAGE 72

NOTED ON CERTIFICATE NO. 5181
 IN REGISTRATION BOOK 26 PAGE 84

Nantucket Registry District

OCT 3 0 1975

RECEIVED FOR REGISTRATION

_____ O'CLOCK 39 m P M

NOTED ON CERTIFICATE NO. 6028
 IN REGISTRATION BOOK 31 PAGE 28

NOTED ON CERTIFICATE NO. 6069
 IN REGISTRATION BOOK 31 PAGE 69

NOTED ON CERTIFICATE NO. 6335
 IN REGISTRATION BOOK 32 PAGE 135

NOTED ON CERTIFICATE NO. 6758
 IN REGISTRATION BOOK 34 PAGE 158

Attest Joseph S. Barnett
 Assistant Recorder

ORDER OF TAKING

Pursuant to Chapter 434 of the Acts of 1975, and in accordance with the vote under Article 17 of the Town of Nantucket Annual Town Meeting, April, 1975, we, the duly elected and qualified Commissioners for the County of Nantucket, at a meeting held Oct. 29, 1975, have determined and adjudged upon consideration of the matter that common convenience and necessity require that

Sherburne Avenue (also called Sherburne Turnpike) beginning at Cliff Road and running northerly, northeasterly and easterly to its terminus at the junction of Indian Avenue and Capaum Road be laid out as and for a highway in accordance with Exhibit "A" attached hereto and made a part hereof, excluding however, from said layout all portions of the said Sherburne Avenue which are unpaved as shown on the plan to be recorded herewith.

The preliminary requirements of law relating to notice of a meeting for the purpose of a public hearing of all parties interested in a petition for the laying out as a highway of

Sherburne Avenue

were complied with on November 23, 1935 at 10:00 A. M.

~~as reported in the records of the Board of County Commissioners for~~
the County of Nantucket, Vol. IV page(s) 366 .

NOW, THEREFORE, we, the undersigned, being a majority of the Board of County Commissioners for the County of Nantucket, by right of eminent domain under the provisions of Chapter 79 of the General Laws, and by the powers conferred by Chapter 434 of the Acts of 1975 above mentioned, and by right of any and every other power and authority in us, hereto take, and in fee simple, any and

all right, title and interest of any nature or description in the land in said County bounded and described as set forth in Exhibit

"A" as amended, all for the purpose of Sherburne Avenue (also called Sherburne Turnpike) beginning at Cliff Road and extending northerly, northeasterly and easterly to its terminus at the junction of Indian Avenue and Capaum Road

hereby laid out.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of Nantucket County this 29th day of October 1975.

Gertie E. Whelden
Clerk

Charles J. Zander
Chairman
Robert S. Haley
Esther V. Gitt
Mitchell Tapp
Bernard J. Johnson

Sherburne Avenue
(also known as
Sherburne Turnpike)

Exhibit "A"

Certain land in Nantucket, Nantucket County, shown on a plan entitled "Layout of Sherburne Ave. and Kimball Ave. made for Nantucket - County" by George W. Jones, Surveyor, dated December 1935, including, however, only Sherburne Avenue, beginning at Cliff Road and extending northerly and northeasterly to the junction with Kimball Avenue, thence easterly to its terminus at

the junction of Indian Avenue and Capaum Road; plan to be recorded

herewith. *See Road Plans Drawer #1 - Plan No. 180.*

SHIRBURNE AVENUE (Turnpike) Exhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
ARVONUS REALTY CO. INC. (No Pres. name available)	6335	\$ 1.00
BUSH, John H.	2416	1.00
BEARD, Lois Don	5181	1.00
D'AGATA, Alfred D'AGATA, Martha B.	4979	1.00
FITZPATRICK, Hugh FITZPATRICK, Helen		1.00
GENESKY, Alan R. GENESKY, Rhoda		1.00
GLANTZ, Herbert T. GLANTZ, Kitty	6028	1.00
HINDLEY, Virginia Gray	6758	1.00
HINDLEY, Virginia G.		1.00
MORIARTY, Donald P.		1.00
NEVIUS, John A. NEVIUS, Sheila S.		1.00
PEARL, Charles W. PEARL, Claudette		1.00
REED, Margaret		1.00
SMITH, George H. SMITH, Phyllis V.	6069	1.00
STEVENS, Caroline R.	4988	
WILLCOX, Arnold A. WILLCOX, Christine L.	4417	1.00

The names of owners herein given as supposed owners, although supposed to be correct, are such only as matters of information, opinion and belief, and are listed for information purposes only.

NANTUCKET COUNTY
Received and Entered

Attest

OCT 30 1975 1:29 P.M.

Register

FY 2023 Nantucket County Budget

County Commissioners
January 26, 2022

County Agencies

- County Administration
- Registry of Deeds
 - Administration
 - Deeds Excise

County Revenue Sources

- Town Assessment
- Deeds Excise Revenue
- Recording Fees
- Corrections Deeds Excise (Public Safety Facility)
- Registry of Deeds Excise Fund Balance
- County Fund Balance

FY 2023 Projected Revenue

- Town Assessment: \$174,707
- Deeds Excise Receipts: \$637,500
 - County Admin: \$382,500
 - Registry of Deeds: \$255,000
- Recording Fees: \$180,000
- Corrections Deeds Excise: \$250,000
- TOTAL PROJECTED REVENUE: \$1,242,207

County Funding Requirement (also known as “maintenance of effort”)

- By law, the County must provide a certain amount of NON-deeds excise revenue to the Registry
- The amount increases by 2½% per year
- FY 22 county funding requirement:
 - Registry: \$354,706

FY 23 Projected Expenses

- County Administration -- \$258,984
 - No employees (funded through the County)
 - Main expenses are legal and professional services
- Registry of Deeds -- \$523,679
 - 3 full-time employees
 - Administrative expenses
 - Deeds Excise/special projects
- Public Safety Facility Debt Service -- \$250,000
- TOTAL PROJECTED EXPENSES: \$1,032,663

Comparison with FY 22 Budget

FY 2022

- *County Admin*
 - **\$258,964**
- *Registry of Deeds*
 - *Payroll* = \$416,726
 - *Operating Expenses* = \$48,557
 - **Total = \$465,283**
 - *Deeds Excise Payroll* = \$0
 - *Deeds Excise Expenses* = \$45,952
 - **Deeds Excise Total = \$45,952**

TOTAL REGISTRY OF DEEDS BUDGET = \$511,234

- *Public Safety Facility Debt Service*
 - 250,000
- **TOTAL COUNTY BUDGET = \$1,020,218**

FY 2023

- *County Admin*
 - **\$258,984**
- *Registry of Deeds*
 - *Payroll* = \$426,769
 - *Operating Expenses* = \$53,910
 - **Total = \$480,679**
 - *Deeds Excise Payroll* = \$0
 - *Deeds Excise Expenses* = \$43,000
 - **Deeds Excise Total = \$43,000**

TOTAL REGISTRY OF DEEDS BUDGET = \$523,679

- *Public Safety Facility Debt Service*
 - 250,000
- **TOTAL COUNTY BUDGET = \$1,032,663**

Next Steps

- Nantucket County Review Committee (Finance Committee) reviews and/or adopts the budget at meeting of February 02,2021