



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting **notices and agenda** must be filed and time stamped with the
Town Clerk's Office and posted at least 48 hours prior to the meeting
(excluding Saturdays, Sundays and Holidays)

RECEIVED

2022 SEP 08 AM 11:32
NANTUCKET TOWN CLERK
Posting Number:T 802

Committee / Board	AFFORDABLE HOUSING TRUST
Day, Date, and Time	TUESDAY, September 13, 2022 @ 12:30PM
Location / Address	REMOTE PARTICIPATION <i>VIA ZOOM (See Below)</i> THE MEETING WILL BE AIRED AT A LATER TIME ON THE TOWN'S GOVERNMENT TV YOUTUBE CHANNEL AT https://www.youtube.com/channel/UC-sgxAlfdoxteLNzRAUHIxA
Signature of Chair or Authorized Person	Hayley Cooke Housing/Real Estate Office Manager
WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!	

SPECIAL SEPTEMBER MEETING

AGENDA FOR 9-13-2022

(Subject to change)

www.nantucket-ma.gov

Please click on following link to join Zoom Meeting:

<https://us06web.zoom.us/j/87041527621?pwd=VGVMYUdlWGxuOVZZVU9mTzd5cjk2QT09>

Meeting ID: 870 4152 7621

Passcode: 441417

Purpose: To discuss business as noted below. Electronic copies of the complete text, plans, application, or other material relative to each agenda item are available per request by email to hcooke@nantucket-ma.gov. Please email to request a paper copy and you will be provided a time to retrieve from the Housing Office located in Room 111 at 16 Broad Street between the hours of 8:30 AM and 4:30 PM on weekdays.

Trust Members: Brian Sullivan (Chairman), Reema Sherry (Vice Chair), Meg Browers, Shantaw

Bloise-Murphy, Penny Dey, Dave Iverson, Brooke S. Mohr

Staff: Tucker Holland (Housing Director), Ken Beaugrand (Real Estate Director), Hayley Cooke (Housing & Real Estate Office Manager)

PLEASE LIST BELOW THE TOPICS THE CHAIR
REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING

I. CONVENE in Open Session via Zoom

II. APPROVAL of Agenda

III. APPROVAL of Minutes

- Minutes from 8.16.22 and 8.23.22

IV. PUBLIC COMMENT for items not otherwise on the agenda

V. CCAP/CFAP – ACTION

- CCAP Application – Delgado, 6 Essex Rd., #1
- CCAP Application – Thapa, 37 Beach Grass Rd.

VI. Violet Place Acceleration– REVIEW & APPROVAL

Buydown of affordability and acceleration of construction of units in Phase 3 and Phase 4 located at 47 and 49 Beach Grass Road and 1, 2, 3, 4 and 5 Violet Place, Meadows II Workforce Housing Project;

Request for Approval and Execution of Memorandum of Understanding. Grant and Loan Agreement, and any other documents related thereto necessary to effectuate the transaction; and further to authorize the Chair or Vice.

Chair to execute the above-referenced documents on behalf of the Trust.

VII. 7 Amelia Drive RFP – REVIEW & APPROVAL

VIII. 135 + 137 Orange Street RFP & 12 + 12R Bartlett Rd. RFP – INITIAL DISCUSSION

IX. Other Business

Upcoming Meetings:

- Regular AHT meeting: September 20, 2022 at 12:30pm (via Zoom).

X. Board Comments

XI. Executive Session, Pursuant to MGL C. 30A § 21(A)

- Purpose 6: To consider the purchase, exchange, lease or value of real property where an open meeting may have a detrimental effect on the negotiating position of the public body.

XII. Adjourn

NANTUCKET AFFORDABLE HOUSING TRUST

~~ MINUTES ~~

Tuesday, August 16, 2022

Remote Meeting *via* Zoom – **12:30pm**

Trust Members: Brian Sullivan (Chair), Reema Sherry (Vice Chair), Brooke Mohr, Penny Dey, Meg Browsers, Dave Iverson, Shantaw Bloise-Murphy

ATTENDING MEMBERS: Brooke Mohr, Reema Sherry, Meg Browsers, Shantaw Bloise-Murphy, Dave Iverson, Penny Dey, Brian Sullivan (late)

STAFF IN ATTENDANCE: Tucker Holland (Housing Director); Hayley Cooke (Housing & Real Estate Office Manager); Vicki Marsh (Town Counsel)

ANTICIPATED SPEAKERS: Dave Armenetti, Bill Cassidy, John Merson

Public Present on Zoom: Anne Kuszpa (Housing Nantucket), Mary Mack, John Merson, Robert Little

I. Call Meeting to Order

Reema Sherry called the meeting to order at 12:35pm & reads Public Participation Guidelines

II. Approval of Agenda

Dave Iverson moved to approve the agenda. Penny Dey seconded the motion.

ROLL CALL of those participating:

- | | |
|--------------------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |
| 3. Meg Browsers | Aye |
| 4. Penny Dey | Aye |
| 5. Shantaw Bloise-Murphy | Aye |
| 6. Dave Iverson | Aye |

Agenda adopted by 6-0 vote.

III. APPROVAL of Minutes

- Minutes from 4.19.22, 4.26.22, 5.3.22, 5.24.22, 6.21.22, 6.29.22, 7.6.22 and 7.26.22

Penny Dey makes a motion to approve the Minutes from 3.2.22-7.26.22. Brooke Mohr seconded the motion.

ROLL CALL of those participating:

- | | |
|--------------------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |
| 3. Meg Browsers | Aye |
| 4. Penny Dey | Aye |
| 5. Shantaw Bloise-Murphy | Aye |
| 6. Dave Iverson | Aye |

Motion adopted by 6-0 vote.

IV. PUBLIC COMMENT for items not otherwise on the agenda

V. CCAP/CFAP – ACTION

- CCAP Application – Calkaite/Smith, 3A Miller’s Lane
- CCAP Application, – Newman, 16 Friendship Lane
- CCAP Subordination– Bencat, 15 Wappossett Circle

Brooke Mohr makes the motion to approve the Calkaite/Smith CCAP Application at 3 Miller’s Lane for the up to \$15,000 pending final closing costs. Dave Iverson seconded.

ROLL CALL of those participating:

- | | |
|--------------------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |
| 3. Meg Browers | Aye |
| 4. Penny Dey | Aye |
| 5. Shantaw Bloise-Murphy | Aye |
| 6. Dave Iverson | Aye |

Motion adopted by 6-0 vote.

Brooke Mohr makes the motion to approve the Newman CCAP Application at 16 Friendship Lane for the up to \$15,000 pending final closing costs. Dave Iverson seconded.

ROLL CALL of those participating:

- | | |
|--------------------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |
| 3. Meg Browers | Aye |
| 4. Penny Dey | Aye |
| 5. Shantaw Bloise-Murphy | Aye |
| 6. Dave Iverson | Aye |

Motion adopted by 6-0 vote.

Tucker Holland: In this case, for Bencat, this is a closing cost recipient who is looking to put solar on their house, and are getting a home equity line to do that. So the bank is asking for our subordination to allow this.

Dave Iverson makes the motion to subordinate our CCAP loan to Bencat’s home equity line of credit. Penny seconds the motion.

ROLL CALL of those participating:

- | | |
|-----------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |

- | | |
|--------------------------|-----|
| 3. Meg Browers | Aye |
| 4. Penny Dey | Aye |
| 5. Shantaw Bloise-Murphy | Aye |
| 6. Dave Iverson | Aye |

Motion adopted by 6-0 vote.

VI. 31 Fairgrounds – UPDATE

Anne Kuszpa: The construction subcommittee toured, we saw how things are coming along and discussed when the modulars are coming, the first of which is September 19. We are trying to get money to install solar for the property to get to net zero on the site. We are hopefully going to announce something soon about that.

Billy Cassidy: The outside of the units doesn't tell the full story of inside – the windows are in, plumbing is done, kitchen cabinets are in, etc. We received the siding as well.

VII. Richmond Wildflower Acceleration – UPDATE

Dave Armanetti: 10 of the 12 AMI units have leases fully signed. Two are left that should be in by Sept. 1st. All the market rate units are occupied. We are just finishing out the remaining sitework. We are down to the end on this phase. The next phase is two more 8 unit buildings.

VIII. 7 Amelia Drive RFP – REVIEW & APPROVAL

Vicki: I haven't made changes yet. After discussions with Andrew Vorce, there was a layout of the road way, but there was never a final order of layout and taking of the easement in the roadway by the County. There's not a final plan that has been prepared. Andrew is following up now to get that done. That won't necessarily hold up our being able to put the RFP out. I'm going to go back and describe the size of the lot and some kind of sketch plan to attached. We will hopefully have this ready for review for next meeting.

Brooke Mohr: does that mean we have to delay the issuance of the RFP? If people don't know the perimeter of the lot. Unless we can approve it, pending that info being included in it?

Vicki Marsh: sometimes RFP's are put out there with detailed sketch plans. There is a plan a surveyor could create and provide to use an exhibit. And we can say in the RFP as soon as a final plan is available, we will send it out. I think we can describe it.

Tucker Holland: I think we want to move forward with issuing it sooner than later. For practical purposes, the road has been built over the lot, so there are existing engineering plans that describe the use of the property. We can give someone who is looking to develop there a very good idea of what they have to work with, whether it has been taken or not. Hopefully we can do a final approval at our special meeting on 8/30.

IX. State of Housing Workshop – DISCUSSION

Tucker Holland: The workshop is next Tuesday 12pm, live and available via Zoom. The subject is where we've been, where we are, where we're going.

Tucker ran through the general themes and idea of the workshop and asked for Board feedback. The meeting and powerpoint will be available live at the meeting and also online after the meeting.

Brooke Mohr: Is there any news or update on the allocation of funding from Town Meeting for Town employee housing?

Tucker Holland: Yes, we can talk about that plan for the program is [in the presentation].

Penny Dey: Are other people who are heads of other organizations expected to be there or speak? Because unfortunately, the Housing Authority does not have an Executive Director right now.

Tucker Holland: they are not expected to be there. If there are specific questions we cannot answer, we will get them to the appropriate person to follow up after the session.

Penny Dey: I just wanted to say on record that the absence of someone from Housing Authority does not indicate a lack of interest, it is just where we are right now.

X. Warrant Articles

Re: 2023 Annual Town Meeting - Serving AMI levels – 150%, 200%, etc.? Other things we want to discuss relative to housing - re: town meeting, zoning?

Reema Sherry: We want to talk about AMI levels we are serving. There's been a lot of discussion about moving that level up. My question is, would that be changing our enabling legislation?

Vicki Marsh: The Trust has a Declaration of Trust, which governs how the Trust operations. It required a Town Meeting vote to change the declaration of Trust. The first step is to get Town Meeting approval to change the population that you are looking to address in terms of affordability levels. There isn't anything in your Trust right now that does that. I think the Board may wish to consider if they want to put out a Town Meeting article that would amend the Trust and allow the Trust to provide funding and projects that would cover up to whatever the AMI level.

Dave Iverson: If we change that, we still are held to the funding levels to the outside funds we receive that is already limited by the AMI level? This would just change what we can use Town money that we're given at Town Meeting?

Vicki: Correct.

Dave Iverson: If we vote on this, does it retroactively allow us to use money already approved at prior Town Meetings on higher AMI levels? *[paraphrased]*

Vicki Marsh: No, those funds were already restricted.

Tucker Holland: We do have some buckets of money that do not have AMI levels associated with them. So those monies could be applied to higher AMI levels.

Tucker Holland: 240% AMI is what is in our home rule petition, it does jive with the upper limit that Aspen has. I don't think there's a reason to do anything above that. I think we want to codify what we can do, as Vicki was speaking to.

Reema Sherry: Vicki, does that need to be included in our Act? Do we need to change our enabling legislation, or do we do that separately?

Vicki Marsh: We can consider if we want special legislation to accompany this vote. I'll look at that question and come back to you on if we want to go that route. Let me come back to you with an answer.

Brooke Mohr: The highest level we have assisted is 150% AMI through our Closing Cost Assistance. That's what our upper limit has been in practice. I'd love to codify this. I would like to request the Town Meeting to approve the 240% as our upper limit. And leaving it as least restrictive as possible if we need to bump it later. And avoid having to bring it to Beacon Hill.

Reema Sherry: I agree.

Vicki Marsh: I agree if we can avoid special legislation that would be better.

Reema Sherry: As far as Zoning, Tucker, do you have any ideas or proposals? If not, does any member of the Board have anything on Zoning or housing related articles?

Brian Sullivan arrives late.

Dave Iverson: No, but last year you and I sat down with Andrew [Vorce]. I think we should do that again this year.

Brooke Mohr: Dave, is there anything more we need to do relating to the Tom Nevers lot situation?

Dave Iverson: I think there's some room there to talk about the taboo subject of ground cover. They're large lots with a small build out. We should talk to Andrew about this. The two Covenant went through. We should explore the possibility for affordable units only or Covenants and try to take the temperature of the Town to get bonus lots out there.

Brooke Mohr: Just to clarify – there was an individual situation of someone in Tom Nevers who wanted to create a Covenant home for a year rounder and ran up against issues of ground cover and existing secondary dwelling on a huge lot. Any ground cover bonus would only be available for that purpose (Covenant/affordable). This would be in the service of allowing housing opportunities in more remote locations without a huge impact.

Brian Sullivan: I just have one note. We can look to some other housing advocates and partners is to publicize all the work that was done last year at last year's Town Meeting that was approved (in changes in zoning). I find that it takes a long time for zoning changes to matriculate to the community itself. So, if there is a way to educate the public on what changes did happen last year, we may see a faster opportunity for people coming in.

Brooke Mohr: I just want to say that I've been trying to talk up the idea of the Covenant lot being a downsizing alternative for folks who are aging out of needing their larger homes.

Brian Sullivan: Yes, I think we all know about it, but there's a greater portion of the community who may not have heard of it in a forum like this.

XI. Proposal - John Merson, potential affordable unit creation

John Merson: I'm interested in building a two-family house, half of which I would rent to a year-round resident. Tucker suggested I come to this meeting and start educating myself.

Brian Sullivan: Is your intent on the Agenda item to offer us a proposal for the development of the two-family, or to listen and get a greater understanding of the things we are working on?

John Merson: I'm primarily here to listen and learn. The concept I have in mind is to find a piece of land that I can build this on and I would finance and build myself. And half I would have for a rental under the affordable rental program.

Brian Sullivan: Thank you for joining us. One of the things we find as people learn more about the programs is the understanding of how the lottery works and restrictions on deed to affordability. Are you familiar with these things and would you consider them in this scenario?

John Merson: I have [some] understanding. I also have a lot of details still to learn. To find the land is the key to the project.

Brooke Mohr: What's interesting is we have a community member who wants to perhaps put forward a friendly 40B. It is possible to develop a property that wouldn't necessarily be eligible for a two-family unit out of the box, but through a supported friendly 40B application, this Board could help you move through the process of getting authorization to do a duplex instead of just a single-family property. This could give you exemption from some zoning that might otherwise restrict the development.

XII. Other Business

Upcoming Meetings:

- Select Board "State of Housing" Workshop on Tuesday, August 23, 2022 at 12:00pm (Location: Community Room, 4 Fairgrounds Rd. and also via Zoom)
- Special AHT Meeting: 8/30 at 12:30pm (via Zoom).
- Suggested regular AHT meeting date: September 20, 2022 at 12:30pm (via Zoom).

XIII. Board Comments

XIV. Executive Session, Pursuant to MGL C. 30A § 21(A)

- Purpose 6: To consider the purchase, exchange, lease or value of real property where an open meeting may have a detrimental effect on the negotiating position of the public body.

Penny Dey makes a motion to adjourn the regular meeting and go into Executive Session.
Seconded by Brooke Mohr.

ROLL CALL of those participating:

- | | |
|--------------------------|-----|
| 1. Reema Sherry | Aye |
| 2. Brooke Mohr | Aye |
| 3. Meg Browsers | Aye |
| 4. Penny Dey | Aye |
| 5. Shantaw Bloise-Murphy | Aye |
| 6. Dave Iverson | Aye |
| 7. Brian Sullivan | Aye |

Motion adopted **UNANIMOUS** consent. 7-0 vote.

Open Session Meeting ended at 2:13pm.

Submitted by:
Hayley Cooke

NANTUCKET AFFORDABLE HOUSING TRUST

~~ MINUTES ~~

Tuesday, August 23, 2022

Hybrid in-person and remote Meeting *via* Zoom – **12:00pm**

Trust Members: Brian Sullivan (Chair), Reema Sherry (Vice Chair), Brooke Mohr, Penny Dey, Meg Browsers, Dave Iverson, Shantaw Bloise-Murphy

ATTENDING MEMBERS: Brooke Mohr, Reema Sherry, Brian Sullivan (late)

ABSENT: Meg Browsers, Shantaw Bloise-Murphy, Dave Iverson, Penny Dey

STAFF IN ATTENDANCE: Tucker Holland (Housing Director); Ken Beaugrand (Housing Specialist); Hayley Cooke (Housing & Real Estate Office Manager)

Public Present: Julie Kever, Victoria Ewing, Mary Mack, Ella Finn, Toni Robinson, Grant Sanders, Kathi Baird, Jennifer Castanzo, Peter Burke, Matt Fee (Select Board), Jason Bridges (Select Board) and additional members of the public were present in person and on Zoom.

I. Call Meeting to Order

Reema Sherry called the meeting to order at 1:05pm due to a quorum becoming present upon arrival of **Brian Sullivan**.

II. State of Housing Workshop Presentation – Where we are, where we’ve been, where we’re going.

Ripple Effect Video

PowerPoint Presentation on State of Housing

Q&A

III. Adjourn

Open Session Meeting ended at 2:14pm.

Submitted by:
Hayley Cooke



TOWN OF NANTUCKET
REQUEST FOR PROPOSALS (RFP)
FOR
WORKFORCE AFFORDABLE RENTAL HOUSING DEVELOPMENT
AT 135 & 137 ORANGE STREET

IMPORTANT DATES

- RFP Issuance: **Wednesday, September 28, 2022**
- Pre-Proposal Meeting/Site Tour Registration Deadline:
Friday, October 28, 2022 at 1:00 p.m.
- Pre-Proposal Meeting/Site Tour:
Wednesday, November 2, 2022 from 10:30 a.m. to 1:30 p.m.
- Inquiries Deadline: **Friday, December 2, 2022 at 1:00 p.m.**
- Proposal Submission Deadline:
Wednesday, January 4, 2023 at 1:00 p.m.
- Proposal Presentations:
Wednesday, January 25, 2023 and Thursday, January 26, 2023
Note: all respondents to the RFP who meet Minimum Threshold Criteria will be asked to present their project proposal to the Review Committee
- Developer Selection: **intended to be made by Wednesday, February 22, 2023**

All times in this document are local time in Nantucket, MA.

I. Request for Proposals

The Town of Nantucket (the “Town”) is seeking proposals from qualified developers for the development and ongoing management of no more than thirty-two (32) units of workforce rental housing consistent with Section 139-8D of the Nantucket Zoning Bylaws on approximately thirty-four thousand seven-hundred and forty-six (34,746) square feet of Town-owned land located at 135 (14, 374 sq. ft) and 137 (20, 372 sq. ft) Orange Street, Nantucket (see Lots 2 and 2 as shown on Maps included in Attachment A – the “Property”). The Town intends to enter into a long-term ground lease and a development agreement with the selected proposer requiring the developer to construct affordable workforce housing thereon and restricting the use of the Property for such purposes.

The purpose of this RFP is to select a developer with demonstrated experience and capacity to develop and manage a residential development project that best addresses the needs and goals

of the community as described in this RFP. The Town anticipates that proposers and/or members of their respective development teams will have demonstrated successful experience with developing and maintaining affordable rental housing, as well as the programs providing subsidy and services for such development.

II. Proposal Submission

The Town has determined that the award of this contract is subject to M.G.L. c. 30B, known as the Uniform Procurement Act. Therefore, the provisions of M.G.L. c. 30B are incorporated herein by reference.

All proposals must be received by **Wednesday, January 4, 2023 at 1:00 p.m.** and submitted to:

**Town of Nantucket
Attn: Procurement Officer/ 135 & 137 Orange Street Nantucket Housing
Proposal Town & County Building
16 Broad Street
Nantucket, MA 02554**

To be considered a complete proposal, all proposals must include the following:

1. Cover page labeled "135 & 137 Orange Street Nantucket Housing Proposal." The cover page should also identify the development entity, the primary contact person and all contact information;
2. All required documents, completed and signed by a duly authorized signatory;
3. One clearly marked original and twelve (12) unbound and organized copies in a format that is easily copied; and
4. An electronic version of the complete proposal on a CD or flash drive.

Proposals that are incomplete or conditional will be rejected. Proposals received after this time will be considered non-responsive and either not accepted or returned to the proposer unopened. A proposer may correct, modify or withdraw a proposal by written notice received prior to the time set for receipt of proposals (**1pm on Wednesday, January 4, 2023**). Modifications must be submitted in a sealed envelope labeling the Modification and must reference the original RFP proposal.

Proposals will be opened pursuant to the provisions of M.G.L. c. 30B, §6 (d) at **10:00 a.m. on Thursday, January 5, 2023**. A proposer may not change any provision of the proposal after the receipt deadline (**1pm on Wednesday, January 4, 2023**).

The Town reserves the right to reject any or all proposals or to cancel this RFP if in the Town's sole discretion it is determined to be in the best interest of the Town.

All inquiries should be made via e-mail and directed to: procurement@nantucket-ma.gov no later than **1:00 p.m., Friday, December 2, 2022**. Inquiries should have a subject line

entitled: *135 & 137 Orange Street Nantucket Housing RFP Inquiry*. Any inquiries after such date will not be accepted. All inquiries and responses will be shared with all Registered Proposers via e-mail.

In order to receive answers to all inquiries and any RFP amendments, interested parties must be registered as a Registered Proposer with the Town. To register as a potential respondent, please send an e-mail to procurement@nantucket-ma.gov no later than **November, 18, 2022 at 1:00 p.m.** with your name, organization, contact e-mail and indicate in the subject line: *Registered Proposer – 135 & 135 Orange Street Nantucket Housing RFP*. As inquiries are made, answers will be provided as expeditiously as possible to all Registered Proposers at the time.

The Town makes no representations or warranties, express or implied as to the accuracy and/or completeness of the information provided in this RFP. This RFP, including all attachments and supplements, is made subject to errors, omissions, prior sale, lease or financing and withdrawal without prior notice, and changes to, additional, and different interpretations of laws and regulations.

Proposers' Responsibility for Due Diligence: Proposers should undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.

III. Site Tour and Briefing

Interested proposers are strongly encouraged to attend an on-site briefing session on **Wednesday, November 2, 2022 from 10:30 a.m. to 1:30 p.m.** at the Nantucket Public Safety Facility, 4 Fairgrounds Road, Nantucket, MA 02554. Registration to attend the briefing is required no later than **1:00 p.m. on Friday, October 28, 2022**. To register, or for additional information related to the site visit, please send an e-mail to procurement@nantucket-ma.gov.

The site tour and briefing will be an opportunity in a group setting for questions about this project to be asked and answered. The Town will send summary minutes of the Meeting to all those registered; however, the Town is not responsible for making sure all aspects of the meeting and group discussion are relayed to anyone not in attendance at this Site Tour.

Following the Site Tour, the Town reserves the right to amend the RFP criteria.

IV. Development Objectives

The Town is seeking proposals to build and maintain a maximum of thirty-two (32) year-round rental units on the site as a workforce community pursuant to Section 139-8D of Nantucket Zoning Bylaws with the purpose of creating affordable rental housing. In order to assess

housing needs on Nantucket, the Town has completed a study and its findings are found in the 2021 Housing Production Plan (Attachment D).

It is the Town's desire to achieve, an overall bedroom mix, including the maximum number of studio and one-bedroom units which will be permitted based on the site's capacity, good site planning, storage, landscaping considerations, and the market and financial feasibility of a mixed-income affordable rental project. The proposed unit mix must also be able to receive Department of Housing and Community Development (DHCD) approval for the inclusion of 100% of the units in the Town's Subsidized Housing Inventory (SHI) and any DHCD approvals necessary to receive any requested state and/or federal subsidy funds, as applicable.

The development will be subject to a Ground Lease (see example in Attachment E) and Development Agreement (see example in Attachment F) in forms that are acceptable to the Town.

Predevelopment activity should be done in coordination with the Nantucket Land Bank, owner of 141 Orange Street.

Affordability

Pursuant to the Nantucket Zoning Bylaws, Section 139-8D(3), at least twenty-five (25%) percent of the units must be rented to income eligible households earning eighty (80%) percent or less of the area median income (AMI) for Nantucket County and meet the requirements for all of the rental units to be eligible for inclusion on the DCHD SHI; and seventy (70%) percent of all affordable units shall be rented pursuant to a local preference (which shall include current Town residents, employees of local businesses and nonprofits located in the Town, households whose children attend Town schools and municipal employees) in a proposed lottery, subject to the extent permitted by federal or state law and by DHCD regulations. The Town also prefers that twenty-five percent (25%) of the affordable units and ten (10%) percent of the market rate units be rented pursuant to a municipal employee preference provided it is approved by DHCD. The Town will assist the successful proposer and DHCD by providing documentation of the need for the local preference.

The AMI for Nantucket County will be based upon the income data published annually by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as well as the data published annually by MassHousing for Workforce Housing subsidy eligibility.

The Town will convey a long-term lease of the property to the successful proposer, with a restriction that will ensure that the housing remains affordable in perpetuity or the longest term allowed by law. The successful proposer will enter into a Regulatory Agreement in a form acceptable to DHCD and the Town and will record a restriction preserving the affordability in perpetuity or the longest term allowed by law.

Unit Types

It is the Town's preference that the development reflects the Nantucket community aesthetic and provides housing for a range of family sizes, including studio/one-bedroom units, while paying particular note to the areas of greatest need as articulated in the 2021 Housing Production Plan. For this reason, the Town is interested in the inclusion of units that are intentionally designed as 'universally accessible' providing single-floor living, which could appeal to a range of family sizes to meet a variety of needs. The total number of bedrooms per lot cannot exceed 57 bedrooms pursuant to Section 139-8D (3) of the Nantucket Zoning Bylaws.

At least 10% of the total dwelling units within the workforce housing rental community must contain at least three bedrooms, unless such requirement is reduced by a future binding directive from the Commonwealth of Massachusetts Department of Housing and Community Development which confirms that fewer than 10% three-bedroom units may be included in the workforce rental community while still confirming that all of the units in the workforce rental community shall be eligible for inclusion on the Town's Subsidized Housing Inventory. In such an instance, the Planning Board shall have the discretion to approve fewer three-bedroom units within the workforce rental community, in conjunction with the issuance of the special permit, as long as the requirement described above with respect to confirmation of the eligibility of all of the units in the workforce rental community relative to inclusion on the Town's Subsidized Housing Inventory has been met

Building Design and Aesthetics

The development's design should reflect the historical design and character of Nantucket and be an example of superior exterior and interior design. Proposers are encouraged to use their creativity and experience in building design, massing, site layout, parking, landscaping and in their choice of materials and methods of construction that will minimize maintenance costs and are energy efficient. However, the minimum requirements are that the units be housed in three or more buildings on the Property, that historic colors and materials be used and that the design adheres to the design guidelines set forth in the Historic District Commission (HDC) handbook, "Building with Nantucket in Mind" (see Attachment G). The designs will be subject to review and input of the HDC. The final appearance of the proposed development should be harmonious with existing norms for attached dwellings in the Town of Nantucket. The overall project design will be evaluated as part of the Comparative Evaluation Criteria described in Attachment H.

Preferred amenities to be included in the development and shown on the site design are recreation spaces in relation to the availability of the Land Bank space abutting the property at 141 Orange St., bicycle storage, and parking. The design should also include basement storage for the units.

Energy Efficiency

The Town is seeking proposals that include building and site designs that are mindful of the

tenants’ energy and utility costs and limit the project’s environmental impact. Details regarding sustainable design features should be incorporated into the project description. A proposal that includes net zero energy efficiency will be considered highly favorable.

Significant energy efficiency incentives have been made available to Nantucket in the past. Proposers are encouraged to reach out to Lauren Sinatra, Energy Coordinator for the Town (lsinatra@nantucket-ma.gov), to learn about current programs they may want to consider incorporating.

Coastal Resiliency

[guidance to be provided by Vincent Murphy, Coastal Resilience Coordinator, and CRAC]

Site

The site’s locus is shown on the Maps included in Attachment A. It can be described as a generally level with some shrubbery and trees. This site has Town water and sewer in close proximity. The site is near to designated public transportation stops and is walking distance to markets, restaurants and other small businesses. The subject parcels are located in the Town’s Commercial Mid-Island (“CMI”) District. A copy of Nantucket Zoning Bylaws is attached (see Attachment I).

Utilities:

- Water *Public*
- Wastewater *Public*
- Electric *National Grid*
- Cable *Comcast*

The project is required to meet lighting objectives, parking requirements, include parking with characteristic aisle width and parking place size, and ensure privacy from the surrounding properties.

Bus Stop:

The project design should also include the creation of a bus stop on Orange Street, bordering 137 Orange St. lot [possible opportunity for bus shelter on 141 Orange St. site]. Proposer should coordinate with the NRTA to establish best practices for the implementation of this bus pull off area. Contact Paula Leary, NRTA Administrator at nrta@nantucket-ma.gov.

Project Permitting

It is the Town’s preference that the project is permitted as a workforce rental community

development pursuant to Section 139-8D of the Town's Zoning Bylaws. The Planning Board must grant a special permit and the Historic District Commission must grant a certificate of appropriateness for the project. Any variances for dimensional requirements would be subject to Zoning Board of Appeals review and approval. This project will need to go through Historic District Commission review and approval.

Acquisition Price

The Town is offering to lease the property for a long-term lease (up to 99 years) to the successful proposer, for an initial payment detailed below and at a nominal annual rent of \$1.00/year for the term of the lease; with terms of the lease to ensure the development conforms to the proposal and to ensure the income-restricted housing remains affordable for the term of the lease. In addition, funds may be available for pre-development costs upon application by the proposer and approval from the Community Preservation Committee ("CPC") or the Affordable Housing Trust Fund ("AHTF"). It is the successful proposer's responsibility to file all necessary applications with the appropriate agencies in a timely fashion.

Initial Lease Payment and General Partnership Interest

The Town will require an initial lease payment in the amount of [\$100,000] to cover all Town costs incidental to the acquisition and disposition of this site. Thereafter, the current lease payments shall be for nominal consideration, as described above. The Town retains the right to assign its ownership of the land to a community land trust or similar org. Such org. to be subject to terms of ground lease.

[Explore with Town Counsel the possibility of including a general partnership/equity stake requirement].

V. Property Description

The subject Property is shown on the locus maps contained in Attachment A as Lot 2 and Lot 2. For the Town's title to said Property please see the Quitclaim Deed to the Town (in Attachment B).

The site is relatively flat, with some brush cover. There is a large tree along the boundary of lots 135 and 137 Orange Street. The lots are bordered by residential, commercial and municipal neighbors. This site lends itself particularly well to walkable living, being close to businesses, the post office, pharmacy's grocery stores, and the downtown center. Primary access to the site is anticipated via the driveway adjacent to the Rogers & Gray building and primary egress though the easement (see Attachment C) over Land Bank property at 141 Orange St. onto Dave St.

VI. Proposal Submission Requirements

1. The Developer and Development Team

The proposal must include a description of the proposed developer, including the project manager, and his/her experience. Proposals must include:

- The name, mailing address, e-mail address, and telephone number of the proposer, the name of the representative authorized to act on his/her behalf, the name and contact information of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the development team.
- If the proposer is not an individual doing business under his/her own name, a description of the firm and status of the organization (e.g. whether a for profit, not-for-profit or charitable institution) and a description of the proposed ownership entity (e.g., a general or limited partnership, a corporation, LLC, LLP, business association, or joint venture) and the jurisdictions in which it is registered to do business. If the proposer is a non-profit, please include a list of the organization's Board of Directors and areas of expertise they represent.
- The nature of the entity to enter into the long-term lease of the Property and the borrower and guarantors of debt, if any.
- Identification of all principals, partners, co-ventures or sub-developers participating in the transaction, and the nature and share of participants' ownership in the project.
- Discussion of whether the developer will also be the property manager and if the developer will not be the property manager, the name of the proposed property management organization.
- Identification of the development team, such as architects, engineers, lawyers, landscape designers, contractor, development consultants, lenders and investors. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, shall be provided.
- A summary of first, the developer's and secondly, the development team's experience individually and collectively, with similar projects. Particular attention should be given to demonstrate experience with projects of a similar scale and complexity of site conditions, design and financing, as well as locations similar to Nantucket. Proposer should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out design, permitting, conventional and subsidy financing, construction, marketing/unit absorption and ongoing property management.

The following order should be used when submitting the information for each project identified:

- Project name and location
 - Project type and description
 - Project scope
 - Project(ed) start date
 - Project(ed) completion date
 - Total development costs
 - Sources of financing
 - Total number of units and bedroom sizes
-
- Narrative on why your experience is relevant to the 135 & 137 Orange Street Nantucket Housing project.
 - Description of the organizational structure of the development team and a plan for the maintenance of effective communications between the Town and the development team during all phases of the project.
 - Information regarding any legal or administrative actions past (during the last 10 years), pending or threatened that could relate to the conduct of the proposer, its principals or any affiliates.
 - Confirmation that no local, state or federal taxes are due and outstanding for the development team, the property management team or any critical member of the project.
 - Provision of municipal references for at least three (3) completed projects, with contact names, title and current telephone numbers of those who can provide information to the Town concerning the Proposer's experience with similar projects.
 - Proposed project financing, including a Sources and Uses pro forma providing information similar to that required in the Massachusetts One Stop application (see Attachment J), which shall include (a) a proposed pre-development budget, including all projected sources to be used to secure the necessary permits and approvals for the construction and operation of the development; (b) a construction and development budget which includes detailed sources of funds and uses; and (c) 20 year operating pro forma and rent schedule. Describe in detail previous success in securing such funding and what, if any local, state or federal subsidy money will be sought to create affordability and the timeline for securing those sources.
 - At least one (1) letter of interest from a recognized financial institution for a loan amount sufficient for the developer to construct and operate the project.
 - Completion of disclosures and certificates in Attachments K – "Certificate of Non-Collusion", L – "Tax Compliance Certificate", and M – "Disclosure of Beneficial Interest."

2. Development Concept

The proposal must include a detailed description of the development concept for the

property and its improvements, including but not limited to:

- Number and size of units (square footage and number of bedrooms) and affordability levels. Include narrative as to why/how the mix of bedroom sizes and affordability was determined to ensure project financial feasibility and appropriateness for the marketplace.
- Preliminary site design as detailed in the Conceptual Design Drawings below.
- Discussion of the physical plan and architectural character of the project and the various programmatic and physical elements of the development, including energy savings/ “green” elements of the building and site designs.
- Construction staging plan and discussion of construction impacts, including but not limited to how the project will be managed to limit impact on neighbors, in particular noise and traffic during the construction period.
- Detailed development schedule for all elements of the plan including key milestones, financing and timeframes for occupancy, including DHCD approval process.
- Outline of required land use, environmental, operational and other governmental or regulatory approvals for the necessary permits and noting any permits or waivers that will be required

3. Conceptual Design Drawings

The proposal must include 11 x 17 plans including:

- Site plan that includes building footprints, parking layout, storm drainage, recreation, and numbers of parking spaces
- Landscape plan with sufficient detail on how the plan addresses limiting the project impact on surrounding areas
- Floor plans
- Elevations (exterior building materials should be identified on elevations)
- Typical unit plans
- Dry and temperature controlled basement storage for all units (minimum requirement of 8’ X 10’ per unit), relative to unit size.

4. Management Plan

The proposal must include:

- Description of the proposed rents and the strategy for marketing and lottery processes that will be consistent with DHCD’s Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines.
- The proposal must include a plan for the ongoing management of the project. In addition, if the proposer is including a property manager as part of its team, all relevant information as outlined under ‘Developer’ above should be included as

well as details of any projects where the proposer and manager have previously worked together.

- **Lottery for Affordable Units:** To ensure a fair and equitable selection process for the affordable units, a lottery shall be conducted for all of the affordable units. To the extent permitted by law, the initial lottery shall give local preference as described in Section IV, “Affordability” above. Proposals may include a lottery agent as part of the development team. An approved affirmative fair housing marketing/lottery plan shall be required that is consistent with DHCD’s Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines. For the proposal, the proposer shall indicate any other lotteries they have been involved in, their role and the outcomes.

At a minimum the selected proposer and/or their agent shall demonstrate:

- A clear understanding of fair housing requirements/laws.
- A clear understanding of local preference opportunities and requirements, and how the lottery will address these
- A clear understanding of the applicable state standards used to determine program and unit eligibility – i.e. qualified tenants.
- The ability to establish criteria for tenant selection and a fair and unbiased selection process.
- The ability to maintain all necessary reports and certifications required under state and federal law.

VII. Evaluation Criteria

Minimum Threshold Criteria

Proposals that do not clearly and fully comply with these Minimum Threshold Criteria and are not submitted in complete form by **1:00pm on Wednesday, January 4, 2023** will not be considered:

1. Conformance with all submission requirements
2. A minimum of 5 years’ affordable housing development experience for principal members of the development team
3. A minimum of 5 years’ experience of property management by the property manager
4. A demonstrated successful track record of developing and managing projects of similar scope
5. Developer availability to commence the permitting and application processes for the project within 90 days of selection; sufficient staff resources and availability to perform required services
6. Submission of required forms at Attachments K, L, M and N:

- Attachment K – Certificate of Non-collusion;
 - Attachment L – Tax Compliance;
 - Attachment M – Disclosure Statement for Transaction with a Public Agency Concerning Real Property, M.G.L. c. 7C, section 38
 - Attachment N – Acknowledgement of Receipt of Documents
7. The proposed development must provide a proposed affordability mix that will allow all units to be eligible for inclusion in the Town’s Subsidized Housing Inventory based upon DHCD’s requirements; and a minimum of 25% of the units as affordable at or below 80% of the AMI.

Comparative Evaluation Criteria

Projects meeting the Minimum Threshold Criteria will then be judged on the Comparative Evaluation Criteria (see Attachment H). The Town will use the comparative criteria for each subject and which will be rated on a scale of Not Advantageous, Advantageous or Highly Advantageous for each listed subject as set forth on the Comparative Evaluation Criteria.

VIII. Selection Process and Rules for Award

All proposals submitted by the deadline will be opened pursuant to M.G.L. c. 30B, §6(d) and recorded. All information contained in the proposals is public. The Town or its designee(s) (i.e., an evaluation committee) will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined in the “Comparative Evaluation Criteria.” Evaluation of the proposals will be based on the information provided in the proposer’s submission in accordance with the submission requirements of this RFP and any references, and additional information requested and/or gathered by the Town. The most highly advantageous proposal from the proposer deemed most responsive and responsible, taking into consideration all evaluation criteria set forth in the RFP, will be selected by the Town or its designees. **The Town reserves the right to select the proposal that best meets the needs of the community and that may not be the proposal that achieves the highest score. The Town reserves the right to not make any award if it determines in its sole discretion that it is in the best interest of the Town.**

The Town will notify all Registered Proposers in writing of its decision.

IX. Post Selection

Development Agreement

It is the intent of the Town to enter into a development agreement with the selected proposer within 90 days of selection and a long-term lease of the land with terms to ensure the development conforms to the proposal, and restrictions to require the housing remain

affordable for the term of the lease, after certain benchmarks have been met. A Draft Development agreement can be found at Attachment F.

Chapter 30B Real Property Dispositions to Promote Public Purpose Requirements

The name of the selected proposer and the amount of the transaction will be submitted for publication in the state's *Central Register*.

The Town has determined that the public purpose of the project is best met by disposing of the property for less than fair market value; the Town will post a notice in the state's *Central Register* explaining the reasons for this decision and disclosing the difference between the property value and the price to be received. This notice will be published before the Town enters into any agreement with the developer.

X. Attachments

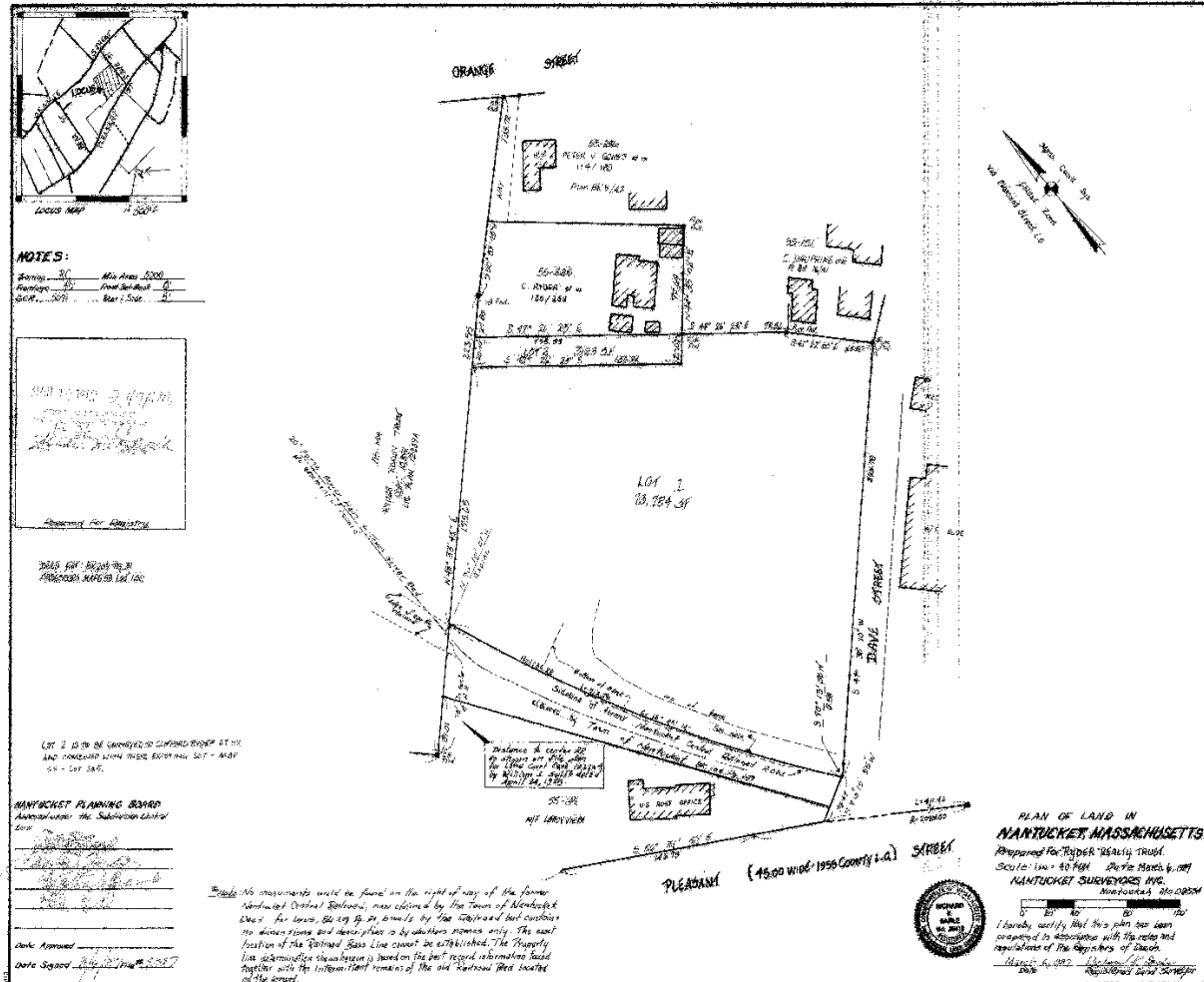
- A. Maps of the Property and surroundings
- B. Quitclaim Deed
- C. Easement
- D. 2021 Housing Production Plan
- E. Draft Form of Ground Lease
- F. Draft Form of Land Development Agreement
- G. Building With Nantucket in Mind
- H. Comparative Evaluation Criteria
- I. Nantucket Zoning Bylaws
- J. Sections 3 and 4 of Massachusetts One Stop Application

Required Documents:

- K. Certificate of Non-Collusion
- L. Tax Compliance Certificate
- M. Disclosure Statement for Transaction with a Public Agency Concerning Real Property
- N. Acknowledgement of Receipt Documents

ATTACHMENT A "THE PROPERTY"

135 Orange Street (Lot 2)

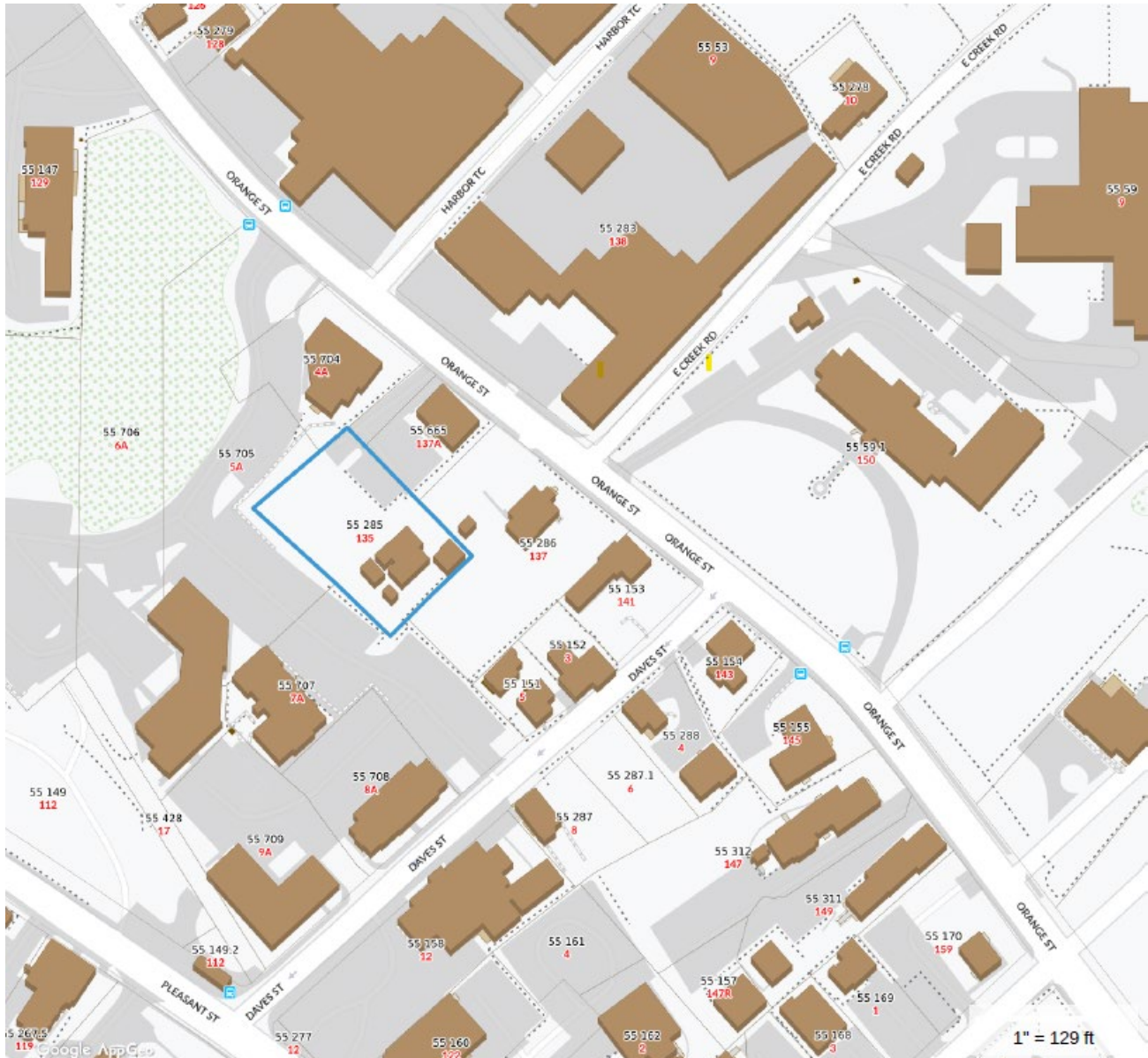


137 Orange Street (Lot 2)

135 Orange Street (GIS Map)

Map for reference only. Not a legal document. Town and Country of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map. Geometry updated: 11/13/2018

Date updated: 11/19/2018



137 Orange Street (GIS Map)

Map for reference only. Not a legal document. Town and Country of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated: 11/13/2018

Date updated: 11/19/2018



ATTACHMENT B QUITCLAIM DEED

Bk: 01753 Pg: 292



QUITCLAIM DEED

Bk: 1753 Pg: 292 Page: 1 of 4
Doc: DD 07/07/2020 01:21 PM

135 ORANGE LLC, a Florida limited liability company with a mailing address of 3005 Hammock Way, Vero Beach, FL 32963, for and in consideration paid in the amount of One Million Five Hundred Thousand and 00/100 (\$1,500,000.00) Dollars grants to Brian Sullivan, Brooke S. Mohr, Penelope Dey, Reema Sherry, David Iverson, Kristie L. Ferrantella and Allyson Mitchell, Trustees of the Town of Nantucket Affordable Housing Trust Fund, a municipal affordable housing trust created pursuant to G.L. c. 44, § 55C, under a Declaration of Trust dated February 8, 2010, recorded with Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust dated September 15, 2014, recorded with said Deeds in Book 1452, Page 272, having a mailing address of 2 Fairgrounds Road,, Nantucket, MA 02554, with QUITCLAIM COVENANTS,

That certain parcel of vacant land, more commonly known and numbered as 135 Orange Street, in Nantucket, Massachusetts and being more particularly described as follows:

PARCEL 1

NORTH by land now or formerly of Charles W. Coffin,
EAST by land now or formerly of Edgar W. Wilkes, and by a way leading into Orange Street,
SOUTH by land now or formerly of Edgar W. Wilkes, formerly of Mary King, and
WEST by land now or formerly of Simon L. Lewis, Jr.

Together with a right of way to and from Orange Street in aforesaid way, northward of said land now or formerly of Wilkes, formerly Jared Fuller

PARCEL 2

NORTHEASTERLY by land now or formerly of the Ryder Realty Trust, twenty and 10/100 (20.10) feet,
NORTHWESTERLY by land now or formerly of Clifford Ryder and Amelia Ryder, one hundred fifty-five and 55/100 (155.55) feet,

SOUTHWESTERLY by Lot 1 on plan hereinafter mentioned, twenty and 00/100 (20.00) feet, and

SOUTHEASTERLY by said Lot 1, one hundred fifty-six and 94/100 (156.94) feet.

Being shown as Lot 2 on Plan of Land in Nantucket, MA, by Nantucket Surveyors, Inc. dated March 6, 1987 and filed as Plan File 26-C in the Nantucket Registry of Deeds.

Said premises are conveyed subject to the following:

- a) Such taxes for the then-current year as are not due and payable on the date of the delivery of the deed,
- b) A Special Permit dated August 3, 2018 recorded in Book 1658, Page 20 at the Nantucket County Registry of Deeds, and
- c) An Agreement for Driveway Access, Parking and Utilities, dated June 27, 2005, recorded with Nantucket County Registry of Deeds in Book 964, Page 19

For title, see Deed recorded in Book 1583, Page 121 at the Nantucket County Registry of Deeds.

I, Jeffrey Zimmer, Manager of 135 Orange LLC, do hereby certify that no member or spouse, civil union partner, ex-spouse, or ex-civil union partner of a member of 135 Orange, LLC, occupies or intends to occupy the land as a principal residence or is entitled to claim the benefit of an existing state of homestead in the property by court order or otherwise.

The Grantor is not treated as a corporation for federal income tax purposes. The Grantor certifies that this conveyance is not of all or substantially all of the Grantor's property in the Commonwealth of Massachusetts.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

Executed and sealed on July 1, 2020.

By:

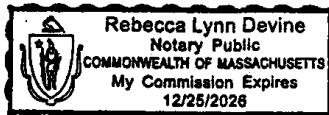
135 ORANGE LLC

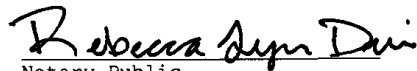

JEFFREY ZIMMER, MANAGER

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 1 day of July 2020, before me, the undersigned Notary Public, personally appeared the above-named JEFFREY ZIMMER, as Manager of 135 Orange, LLC, personally known to me, or proved to me through satisfactory evidence of identification, which was DRIVERS ID, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of 135 Orange, LLC.




Notary Public

Printed name: Rebecca Lynn Devine
My commission expires:

NANTUCKET LAND BANK CERTIFICATE	
☐ Paid \$	
☒ Exempt	<u>A</u>
☐ Non-applicable	
<u>41774</u>	<u>7/7/20</u>
No.	Date
Authorization	<u>ML</u>

ACCEPTANCE OF DEED

On this 6 day of July, 2020, we, the duly authorized **Trustees of the Town of Nantucket Affordable Housing Trust Fund**, acting pursuant to provisions of G.L. c. 44, §55C, under a Declaration of Trust dated February 8, 2010 and recorded with the Nantucket County Registry of Deeds in Book 1221 Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with said Deeds in Book 1452, Page 272, hereby accept the foregoing deed from 135 Orange, LLC to property located at 135 Orange Street, Nantucket, Massachusetts.

Town of Nantucket Affordable Housing Trust Fund
By its Trustees

By: [Signature], Trustee and
Chair/Vice Chair

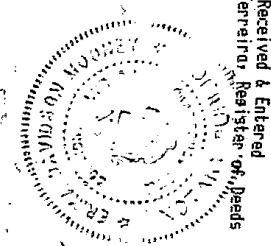
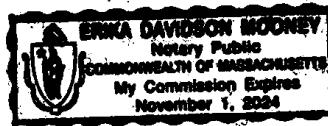
COMMONWEALTH OF MASSACHUSETTS

Nantucket ss.

On this 6 day of July, 2020 before me, the undersigned notary public, personally appeared Brooke Mohr, Trustee and Chair/Vice Chair of the Town of Nantucket Affordable Housing Trust Fund, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/ signed it voluntarily for its stated purpose as Trustee and Chair/Vice Chair of the Town of Nantucket Affordable Housing Trust Fund.

[Signature]
Notary Public
My Commission Expires:

724841NANT19710/0005



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Registrar of Deeds



2020 00001563

Bk: 1753 Pg: 297 Page: 1 of 4
Doc: DD 07/07/2020 01:21 PM

DEED

LEE H. DUNN, Trustee of SOUTH LANDING TRUST under Declaration of Trust dated August 8, 1997, registered with Nantucket Registry District as Document No. 77055, of Nantucket, Massachusetts, for consideration paid in the amount of \$2,000,000.00, grants to BRIAN SULLIVAN, BROOKE S. MOHR, PENELOPE DEY, KRISTIE FERRANTELLA, ALLYSON MITCHELL, REEMA SHERRY and DAVID IVERSON, Trustees of the TOWN OF NANTUCKET AFFORDABLE HOUSING TRUST, a municipal affordable housing trust created pursuant to G.L. c. 44, §55 C, under Declaration of Trust dated February 8, 2010, recorded with Nantucket Deeds in Book 1221, Page 20, as amended by First Amendment dated September 25, 2014, recorded in Book 1452, Page 272, with a mailing address of 2 Fairgrounds Road, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS,

That certain parcel of vacant land situated in Nantucket, Nantucket County, Massachusetts, now known and numbered as 137 Orange Street, described as follows:

Said land is shown as Lot 2 on a plan prepared by Nantucket Surveyors, Inc., dated June 18, 2003, and recorded with Nantucket Deeds as Plan No. 2003-30.

Said land is conveyed subject to real estate taxes assessed by the Town of Nantucket for the fiscal year 2021, commencing on July 1, 2020.

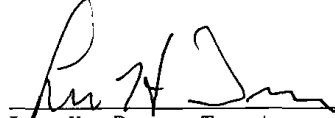
For title, see Deed recorded with Nantucket Deeds in Book 1266, Page 314.

The Grantor hereby certifies that no beneficiary, nor a spouse, civil union partner, ex-spouse or ex-civil union partner of a beneficiary of South Landing Trust, occupies or intends to occupy the land as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise.

I hereby certify that I am the sole trustee of South Landing Trust, which is in full force and effect, has not been amended nor revoked, and has not terminated; and that I have been duly authorized to execute and deliver this instrument according to its terms and content by the holders of all of the beneficial interest in said Trust, none of the holders being under any disability to act, and none of the holders being a corporation which is disposing of all or substantially all of its property situated in Massachusetts.

[signature page to follow]

Executed and sealed on July 7, 2020.


Lee H. Dunn, Trustee of
South Landing Trust

COMMONWEALTH OF MASSACHUSETTS

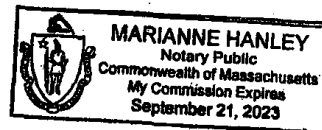
Nantucket, ss.

On this 7th day of July, 2020, before me, the undersigned notary public, personally appeared Lee H. Dunn, Trustee, proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily, as his free act and deed, for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.


Notary Public

My commission expires:

NANTUCKET LAND BANK CERTIFICATE	
☐ Paid \$	
☒ Exempt	A
☐ Non-applicable	
No. 41775	Date 7/7/20
Authorization	

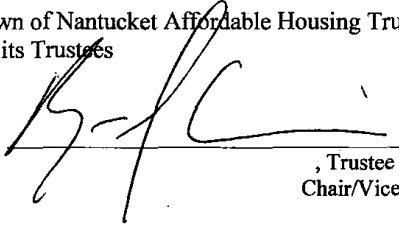


ACCEPTANCE OF DEED

On this 6 day of July, 2020, we, the duly authorized **Trustees of the Town of Nantucket Affordable Housing Trust Fund**, acting pursuant to provisions of G.L. c. 44, §55C, under a Declaration of Trust dated February 8, 2010 and recorded with the Nantucket County Registry of Deeds in Book 1221 Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with said Deeds in Book 1452, Page 272, hereby accept the foregoing deed from **Lee H. Dunn, Trustee of South Landing Trust** under a Declaration of Trust dated August 8, 1997, filed with the Nantucket Registry District of the Land Court as Document No. 77055 to property located at 137 Orange Street, Nantucket, Massachusetts.

Town of Nantucket Affordable Housing Trust Fund
By its Trustees

By:



, Trustee and
Chair/Vice Chair

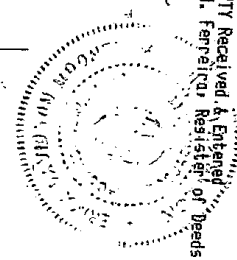
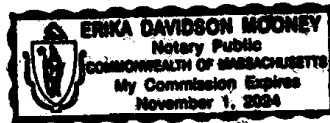
COMMONWEALTH OF MASSACHUSETTS

Nantucket ss.

On this 6 day of July, 2020 before me, the undersigned notary public, personally appeared Brian Sullivan, Trustee and Chair/Vice Chair of the Town of Nantucket Affordable Housing Trust Fund, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/ signed it voluntarily for its stated purpose as Trustee and Chair/Vice Chair of the Town of Nantucket Affordable Housing Trust Fund.

Erika Davidson Mooney
Notary Public
My Commission Expires:

7224769NANT19710/0006



ATTACHMENT C EASEMENT

Bk: 01893 Pg: 248



Bk: 1893 Pg: 248 Page: 1 of 5
Doc: EASE 05/04/2022 01:09 PM

GRANT OF EASEMENT

This Grant of Easement is granted as of this 4th day of May, 2022, by **ACK DREAMS LLC**, a Massachusetts limited liability company, having its principal office at 78 Rue du Prince, Cordillera, Colorado 81632, (the "Grantor") with QUITCLAIM COVENANTS to the **TOWN OF NANTUCKET AFFORDABLE HOUSING TRUST FUND**, a municipal affordable housing trust, created pursuant to G.L. c. 44, §55C and under a Declaration of Trust dated February 8, 2010, recorded with Nantucket County Registry of Deeds in Book 1221, Page 20 as amended by First Amendment dated September 15, 2014, recorded with said Deeds in Book 1452, Page 272, having an address at 2 Fairgrounds Road, Nantucket, Massachusetts 02554 (the "Grantee").

RECITALS

Grantor is the current owner of the vacant land commonly known as 141 Orange Street, Nantucket, Massachusetts, and more particularly described in the deed to Grantor recorded with Nantucket County Registry of Deeds in Book 1657, Page 347 (the "Property"). Simultaneously with the recording of this Grant of Easement, Grantor will sell the Property to the Nantucket Islands Land Bank for a price which includes a contribution from Grantee in the amount of Four Hundred Eighty-Seven Thousand Six Hundred Ninety (\$487,690.00) Dollars.

Grantee is owner of the property commonly known as 135-137 Orange Street, Nantucket, Massachusetts as more particularly described in the deeds to Grantee recorded in said Deeds at Book 1753, Pages 292 and 297 which Grantee intends to develop as affordable housing (the "Orange Street Property").

In consideration of the foregoing and of other good and valuable consideration, the receipt and sufficiency is hereby acknowledged, Grantor hereby grants to Grantee the following rights and privileges upon the Property:

1. Permanent Easement. A permanent easement on a portion of the Property shown as a twenty-five foot (25') access easement being bounded by the southeasterly, southwesterly, and northwesterly boundaries of the Property and by a line parallel and twenty-five (25') feet northeasterly from said southwesterly boundary (the "Easement Area"). The Easement Area is described on a plan entitled "Proposed Concept Site Plan for Driveway Access in Nantucket, MA Prepared for Nantucket Islands Land Bank," dated October 26, 2021, prepared by Blackwell & Associates, Inc., a copy of which is attached hereto as Exhibit A (the "Easement Plan"). The Easement Area may be used (i) for the purpose of constructing, using, maintaining and repairing a driveway and sidewalk for pedestrian and vehicular access to the Orange Street Property from Daves Street; (ii) for the purpose of installation, use, maintenance, repair and replacement of underground utility lines within said Easement Area for the benefit of the Easement Area and/or the Orange Street Property; and (iii) for all uses generally allowed for a public way in the Town of Nantucket.
2. Temporary Easement. A temporary easement on a portion of the Property described as a ten foot

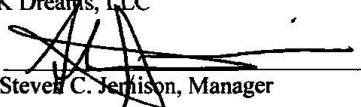
(10') wide strip abutting the Easement Area on its northeasterly side and shown on the Easement Plan as 10.00' temporary construction easement (the "Temporary Easement Area"). The Temporary Easement Area may be used for the movement and storage of equipment and materials during the construction of improvements on the Easement Area, and shall commence and terminate with construction of the road and sidewalk.

3. Work Standards. Any construction or maintenance work done pursuant to this Grant of Easement whether in the Easement Area or the Temporary Easement Area shall be performed in a good and workmanlike manner by licensed and insured contractors and in compliance with all applicable laws and regulations. In the event the surface of the ground in the Temporary Easement Area is disturbed in the exercise of these easement rights Grantee agrees that the surface of the ground will be restored to its previous condition, as reasonably close as practicable, once the work is completed. Furthermore, Grantee shall maintain and repair the Easement Area and the improvements thereon in good safe condition and shall keep the Easement Area free of snow and ice as needed.
4. Run with Title. All rights and privileges herein granted, including all benefits and burdens, shall run with the title to the Property and the Orange Street Property and be binding upon and inure to the benefit of the parties, their heirs, successors and assigns.

[The balance of this page is blank.]

Executed under seal this 20 day of April 2022.

ACK Dreams, LLC

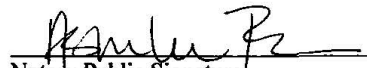
By: 

Steven C. Jemison, Manager

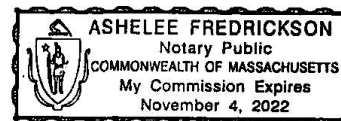
STATE OF MA

COUNTY OF Nantucket

On this 20 day of April, 2022, before me, the undersigned notary public, personally appeared the above-named, Steven C. Jemison, Manager of ACK Dreams, LLC, proved to me through satisfactory evidence of identification, which were drivers license, to be the person(s) who signed the preceding or attached document in my presence, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, by his/her/their free act and deed.


Notary Public Signature

My Commission Expires: 11-4-2022



ACCEPTANCE OF GRANT OF EASEMENT

We, the undersigned, being a majority of the Trustees of the Board of Trustees of The Town of Nantucket Affordable Housing Trust Fund, hereby certify that at a meeting of the Board of Trustees held on the 3 day of May, 2022, it was voted to accept the foregoing Grant of Easement from ACK Dreams LLC.

EXECUTED under seal this 3 day of May, 2022

TOWN OF NANTUCKET HOUSING TRUST FUND
By its Board of Trustees

Brian Sullivan, Chair

Brooke S. Mohr, Vice Chair

Penelope Dey

Dawn E. Hill Holdgate

David Iverson

Reema Sherry

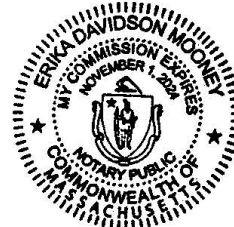
Shantaw Bloise Murphy

COMMONWEALTH OF MASSACHUSETTS

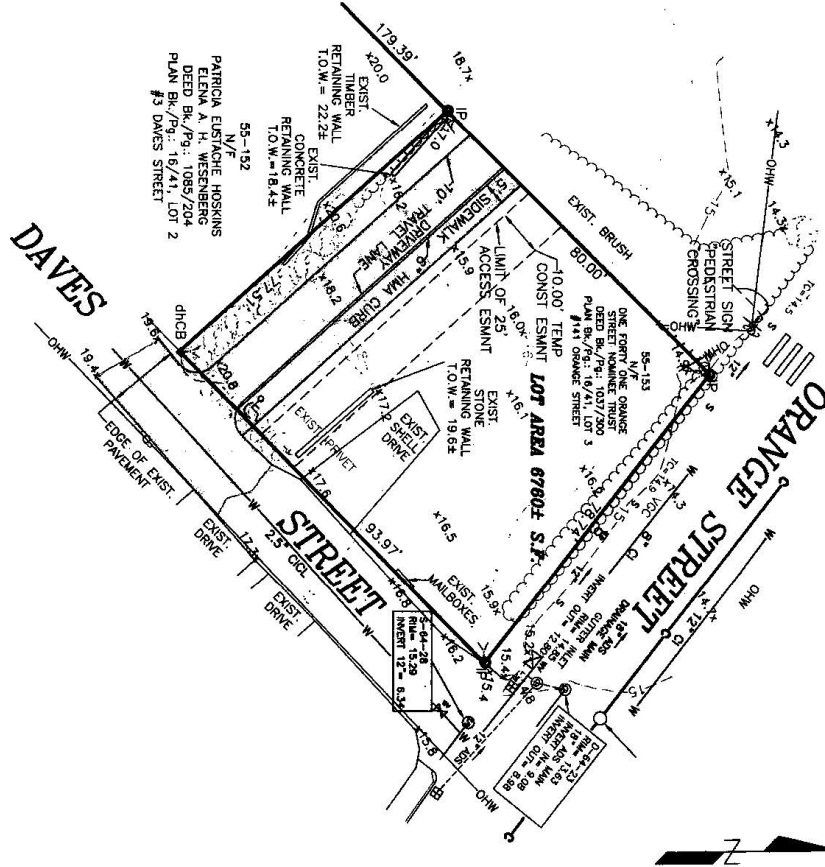
Nantucket, ss.

On this 3 day of May, 2022, before me, the undersigned Notary Public, personally appeared Brian Sullivan, Brooke Mohr, David Iverson, + Shantaw Bloise Murphy, 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 Board of Trustees of the Town of Nantucket Affordable Housing Trust Fund.

Erika Davidson Mooney
Notary Public
My Commission Expires:



20383039_2

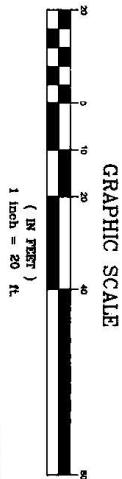


NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira Registrar of Deeds

Proposed Concept Site Plan for Driveway Access

in
Nantucket, MA
Prepared for
Nantucket Islands Land Bank
Scale: 1" = 20' October 26, 2021

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



B8999

Exhibit A

**ATTACHMENT D
NANTUCKET HOUSING PRODUCTION PLAN**

THE NANTUCKET CHAPTER 40B HOUSING PRODUCTION PLAN (2021) CAN BE FOUND ON THE TOWN OF NANTUCKET'S WEBSITE AT THE FOLLOWING ADDRESS:

**[HTTPS://NANTUCKET-MA.GOV/DOCUMENTCENTER/VIEW/40859/NANTUCKET-HOUSING-
PRODUCTION-PLAN-2021-PDF](https://nantucket-ma.gov/documentcenter/view/40859/nantucket-housing-production-plan-2021-pdf)**

ATTACHMENT E
DRAFT FORM OF GROUND LEASE

[TO BE ATTACHED UPON COMPLETION OF TOWN COUNSEL]

ATTACHMENT F
DRAFT FORM OF LAND DEVELOPMENT AGREEMENT

[TO BE ATTACHED UPON COMPLETION OF TOWN COUNSEL]

ATTACHMENT G
“BUILDING WITH NATUCKET IN MIND”

“BUILDING WITH NATUCKET IN MIND” CAN BE LOCATED ON THE TOWN OF NANTUCKET’S HISTORIC DISTRICT COMMISSION’S PAGE AT:

[HTTPS://NANTUCKET-MA.GOV/537/BUILDING-WITH-NANTUCKET-IN-MIND](https://nantucket-ma.gov/537/building-with-nantucket-in-mind)

ATTACHMENT H
COMPARATIVE EVALUATION CRITERIA
135 + 137 ORANGE ST.
NANTUCKET HOUSING PROJECT

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
DEVELOPER EXPERIENCE & CAPACITY (TEAM)			
• Demonstrated experience in and capability for designing, permitting, developing and managing similar residential projects • Outcome of comparable projects • Demonstrated experience securing financing for similar projects • Experience developing energy efficient homes • Property management experience with similar projects • The quality of the team's reputation and references, particularly in terms of its regulatory track record and ability to complete projects as proposed • Success in marketing approach, including affirmative fair housing marketing plans and lottery, meeting State requirements • Successful long-term management approach	Development team members have had only minimal experience in the development of projects with similar scope (i.e., less than 5 years), including legal, design, development, financing, and management experience with rental housing	1) Development team members have had significant experience in the development of projects of similar scope (i.e., 5-7 years), including significant legal, design, financing, affordable housing management, and development experience 2) Energy efficient buildings part of standard development approach.	1) Development team members have significant and substantial successful development of affordable housing project of similar scope (i.e., 8 or more years), including significant legal, design, financing, affordable housing management and development experience 2) Energy efficient design is their standard approach to design and development

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
AFFORDABILITY			
- Proposal meets the greatest level of affordability fiscally possible - Proposal meets requirements to have all units qualify on the SHI list - Addresses the Town's desire to work to provide at least 25% of affordable units and 10% of market units allocated to municipal employee use, if approved by DHCD	The proposal does not meet the requirements of the Town's Zoning Bylaws and contains less than 25% of the units affordable to households at 80% or less AMI	The proposal meets the requirements of the Town's Zoning Bylaws and contains 25% of the units affordable to households at 80% AMI or less and the proposal complies with DHCD Guidelines for local preferences including the municipal employee preference	The proposal meets the requirements of the Town's Zoning Bylaws and contains at least 25% of the units affordable to household at 80% AMI or less and the proposal complies with DHCD guidelines for local preferences including the municipal employee preference.
NUMBER OF UNITS AND PERMITTING			
- No more than 32 units will be constructed on the property - Workforce rental housing pursuant to Nantucket Zoning Bylaws	Proposal is for fewer than 16 units and does not clearly address the permitting for the project	Proposal is for 16-24 units permitted by Nantucket Zoning Bylaws	Proposal has 25 or more units permitted by Nantucket Zoning Bylaws

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
SITE DESIGN			
• Thoughtful and efficient site design, minimizing impervious surfaces • Uses standards of low impact development • Underground utilities • Exterior lighting – minimal impact to neighbors • Buffer to neighboring properties • Storm water management • Landscape plan including parking area • Area designated for snow • Adequate screened visitor parking • Central trash and recycling area, appropriately screened • Bus pull-off area and shelter	Proposal fails to include or address all site design criteria	The proposal meets or exceeds all design requirements of the RFP with thoughtful traffic flow, buildings siting, minimal impact of exterior lighting, and development design, may include plans to save large tree on site.	Proposal meets all “advantageous” requirements and respects adjacent properties, provides heightened attention to landscaping plan, grading and lighting, helps with the restoration of the vegetation, which includes plans to save the large tree on site. Bus stop creation is incorporated into design.
SUSTAINABILITY • [criteria to be determined based on input from Vincent Murphy and Laura Sinatra]	Proposal fails to include or address energy efficiency or coastal resiliency.	Proposal meets all sustainability and energy efficiency goals.	Proposal meets or exceeds sustainability and energy efficiency goals, including a net zero energy efficiency.
BUILDING DESIGN			

• Exterior design and materials is of high quality, while remaining compatible with local historical design, including the use of historic colors • Creative design that is cost effective and high quality • Interior layouts meet a variety of family-type needs • Finishes support durability and low-maintenance for tenant • Management office on-site with storage • Adequate tenant dry, temperature controlled storage (in basement)	Design appears incongruous with local historical design patterns, interior lay-outs not effective use of space	Proposal creates a development that reflects local historical design and efficient interior layouts, creating a desirable neighborhood	Proposal articulates a compelling development vision that is cost-effective, energy efficient, and has an attractive design and efficient use of interior space, reflects local historical design
---	---	---	--

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
FINANCIAL FEASIBILITY			
• Adequacy of proposed budgets (development and operating) • Appropriateness of rents in relation to market • Track record of securing proposed conventional and subsidy financing • No financial support from the Town except for the contribution of the proposed land	Proposal does not demonstrate an understanding of development costs and operating budgets for affordable housing and requires Town's additional monetary support or infrastructure	Proposal contains realistic development and operating budgets and evidence of success in securing necessary financing and includes application for additional financial support for Town CPC or AHTF grants	Proposal contains realistic development and operating budgets and evidence of a high degree of success in securing necessary financing and other sources of funding and does not include any additional financial support from the Town

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
REFERENCES & SITE VISITS			
- References – a minimum of three municipal references, include references from all projects undertaken in the last 10 years - Site visits – the selection committee may choose to visit proposers’ completed projects	1) Minimum of 3 references not met, or references were poor and/or inadequate 2) Properties visited were in poor condition. Evidence of widespread resident dissatisfaction	1) Strong references reflecting projects came in on time and within budget, good property management structure 2) Properties visited were in good condition, site layout was efficient, buildings were well designed, and residents were overall satisfied and there is no evidence of systemic issues	1) Strong references reflecting timely completion, excellent budget control, property management structure excellence and high degree of professionalism of developer 2) Properties visited were in excellent condition, site layout and landscaping excellent, excellent building design and use of energy efficient and durable materials. Written evidence of broad residents’ support of the project including testimonials

**ATTACHMENT I
NANTUCKET ZONING BYLAWS**

THE TOWN OF NANTUCKET ZONING BYLAWS CAN BE FOUND ON THE TOWN OF NANTUCKET'S WEBSITE AT THE FOLLOWING ADDRESS:

[HTTPS://NANTUCKET-MA.GOV/445/TOWN-OF-NANTUCKET-BYLAWS](https://nantucket-ma.gov/445/town-of-nantucket-bylaws)

ATTACHMENT J
SECTIONS 3 AND 4 OF THE MASSACHUSETTS “ONE STOP” APPLICATION

**FOR THE MASSACHUSETTS “ONE STOP” AFFORDABLE HOUSING FINANCE
(SECTIONS 3 AND 4) APPLICATION, PLEASE GO TO THE MASS.GOV WEBSITE AT:**

[HTTPS://WWW.MASS.GOV/GUIDES/COMMUNITY-ONE-STOP-FOR-GROWTH](https://www.mass.gov/guides/community-one-stop-for-growth)

ATTACHMENT K (REQUIRED)
CERTIFICATE OF NON-COLLUSION

[TO BE ATTACHED UPON COMPLETION OF TOWN COUNSEL]

ATTACHMENT L (REQUIRED)
TAX COMPLIANCE CERTIFICATE

TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and Concessionaires, and withholding and remitting child support.

Federal Employer ID Number

Name of Corporation

President's Signature

Date

Please Print Name

ATTACHMENT M (REQUIRED)
DISCLOSURE STATEMENT FOR TRANSACTION WITH A PUBLIC AGENCY
CONCERNING REAL PROPERTY

[TO BE REVIEWED BY TOWN COUNSEL]

DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) Real Property:

A certain parcel of land in Nantucket, Massachusetts shown as Lot 2 and located at 135 Orange Street, Nantucket, containing .33 acres, more or less, shown on a plan of land entitled “____”, recorded with Nantucket County Registry of Deeds as Plan No. _____

A certain parcel of land in Nantucket, Massachusetts shown as Lot 2 and located at 137 Orange Street, Nantucket, containing .46 acres, more or less, shown on a plan of land entitled “____”, recorded with Nantucket County Registry of Deeds as Plan No. _____

(2) Type of Transaction, Agreement, or Document:

Lease of property by Town of Nantucket

(3) Public Agency Participating in Transaction:

Town of Nantucket, acting by and through its Board of Selectmen,
Town & County Building, 16 Broad Street, Nantucket, Massachusetts
02554

(4) Disclosing Party's Name and Type of Entity (if not an individual):

(5) Role of Disclosing Party (Check appropriate role):

____ Lessor/Landlord ☒ Lessee/Tenant

____ Seller/Grantor ____ Buyer/Grantee

_____ Other (Please describe): _____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

(6) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert “none” if none):

(7) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the

time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

(8) This Disclosure Statement is hereby signed under penalties of perjury.

Print Name of Disclosing Party (from Section 4, above)

Authorized Signature of Disclosing Party

Date :

Print Name & Title of Authorized Signer

ATTACHMENT N (REQUIRED)
ACKNOWLEDGEMENT OF RECEIPT OF DOCUMENTS

TOWN OF NANTUCKET

DOCUMENT ACKNOWLEDGMENT

FORM WORKFORCE AFFORDABLE RENTAL

HOUSING DEVELOPMENT RFP

I ACKNOWLEDGE RECEIPT OF THIS REQUEST FOR PROPOSALS AND ALL ADDENDA AND UNDERSTAND I MUST ENCLOSE THIS SIGNED ACKNOWLEDGMENT AS PART OF MY PROPOSAL.

Company Name

Signed

Date



TOWN OF NANTUCKET
REQUEST FOR PROPOSALS (RFP)
FOR
WORKFORCE AFFORDABLE RENTAL HOUSING DEVELOPMENT
AT 12 & 12R BARTLETT RD.

IMPORTANT DATES

- RFP Issuance: **Wednesday, September 28, 2022**
- Pre-Proposal Meeting/Site Tour Registration Deadline:
Friday, October 28, 2022 at 1:00 p.m.
- Pre-Proposal Meeting/Site Tour:
Wednesday, November 2, 2022 from 10:30 a.m. to 1:30 p.m.
- Inquiries Deadline: **Friday, December 2, 2022 at 1:00 p.m.**
- Proposal Submission Deadline:
Wednesday, January 4, 2023 at 1:00 p.m.
- Proposal Presentations:
Wednesday, January 25, 2023 and Thursday, January 26, 2023
Note: all respondents to the RFP who meet Minimum Threshold Criteria will be asked to present their project proposal to the Review Committee
- Developer Selection: **intended to be made by Wednesday, February 22, 2023**

All times in this document are local time in Nantucket, MA.

I. Request for Proposals

The Town of Nantucket (the “Town”) is seeking proposals from qualified developers for the development and ongoing management of workforce rental housing units consistent with Section 139-8D of the Nantucket Zoning Bylaws on approximately 30,491 square feet of Town-owned land located at 12 (22, 215 sq. ft) and 12R (8,276 sq. ft) Bartlett Rd., Nantucket (see Lots C and B as shown on Maps included in Attachment A – the “Property”). The Town intends to enter into a long-term ground lease and a development agreement with the selected proposer requiring the developer to construct affordable workforce housing thereon and restricting the use of the Property for such purposes.

The purpose of this RFP is to select a developer with demonstrated experience and capacity to develop and manage a residential development project that best addresses the needs and goals of the community as described in this RFP. The Town anticipates that proposers and/or members of their respective development teams will have demonstrated successful experience with developing and maintaining affordable rental housing, as well as the programs providing subsidy and services for such development.

II. Proposal Submission

The Town has determined that the award of this contract is subject to M.G.L. c. 30B, known as the Uniform Procurement Act. Therefore, the provisions of M.G.L. c. 30B are incorporated herein by reference.

All proposals must be received by **Wednesday, January 4, 2023 at 1:00 p.m.** and submitted to:

**Town of Nantucket
Attn: Procurement Officer/ 12 & 12R Bartlett Road Nantucket Housing
Proposal Town & County Building
16 Broad Street
Nantucket, MA 02554**

To be considered a complete proposal, all proposals must include the following:

1. Cover page labeled "12 & 12R Bartlett Rd. Nantucket Housing Proposal." The cover page should also identify the development entity, the primary contact person and all contact information;
2. All required documents, completed and signed by a duly authorized signatory;
3. One clearly marked original and twelve (12) unbound and organized copies in a format that is easily copied; and
4. An electronic version of the complete proposal on a CD or flash drive.

Proposals that are incomplete or conditional will be rejected. Proposals received after this time will be considered non-responsive and either not accepted or returned to the proposer unopened. A proposer may correct, modify or withdraw a proposal by written notice received prior to the time set for receipt of proposals (**1pm on Wednesday, January 4, 2023**). Modifications must be submitted in a sealed envelope labeling the Modification and must reference the original RFP proposal.

Proposals will be opened pursuant to the provisions of M.G.L. c. 30B, §6 (d) at **10:00 a.m. on Thursday, January 5, 2023**. A proposer may not change any provision of the proposal after the receipt deadline (**1pm on Wednesday, January 4, 2023**).

The Town reserves the right to reject any or all proposals or to cancel this RFP if in the Town's sole discretion it is determined to be in the best interest of the Town.

All inquiries should be made via e-mail and directed to: procurement@nantucket-ma.gov no later than **1:00 p.m., Friday, December 2, 2022**. Inquiries should have a subject line

entitled: *12 & 12R Bartlett Rd. Nantucket Housing RFP Inquiry*. Any inquiries after such date will not be accepted. All inquiries and responses will be shared with all Registered Proposers via e-mail.

In order to receive answers to all inquiries and any RFP amendments, interested parties must be registered as a Registered Proposer with the Town. To register as a potential respondent, please send an e-mail to procurement@nantucket-ma.gov no later than **November, 18, 2022 at 1:00 p.m.** with your name, organization, contact e-mail and indicate in the subject line: *Registered Proposer – 12 & 12R Bartlett Rd. Nantucket Housing RFP*. As inquiries are made, answers will be provided as expeditiously as possible to all Registered Proposers at the time.

The Town makes no representations or warranties, express or implied as to the accuracy and/or completeness of the information provided in this RFP. This RFP, including all attachments and supplements, is made subject to errors, omissions, prior sale, lease or financing and withdrawal without prior notice, and changes to, additional, and different interpretations of laws and regulations.

Proposers' Responsibility for Due Diligence: Proposers should undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.

III. Site Tour and Briefing

Interested proposers are strongly encouraged to attend an on-site briefing session on **Wednesday, November 2, 2022 from 10:30 a.m. to 1:30 p.m.** at the Nantucket Public Safety Facility, 4 Fairgrounds Road, Nantucket, MA 02554. Registration to attend the briefing is required no later than **1:00 p.m. on Friday, October 28, 2022**. To register, or for additional information related to the site visit, please send an e-mail to procurement@nantucket-ma.gov.

The site tour and briefing will be an opportunity in a group setting for questions about this project to be asked and answered. The Town will send summary minutes of the Meeting to all those registered; however, the Town is not responsible for making sure all aspects of the meeting and group discussion are relayed to anyone not in attendance at this Site Tour.

Following the Site Tour, the Town reserves the right to amend the RFP criteria.

IV. Development Objectives

The Town is seeking proposals to build and maintain year-round rental units on the site as a workforce community pursuant to Section 139-8D of Nantucket Zoning Bylaws with the purpose of creating affordable rental housing. In order to assess housing needs on Nantucket, the Town has completed a study and its findings are found in the 2021 Housing Production Plan (Attachment D).

It is the Town's desire to achieve, an overall bedroom mix, including the maximum number of studio and one-bedroom units which will be permitted based on the site's capacity, good site planning, storage, landscaping considerations, and the market and financial feasibility of a mixed-income affordable rental project. The proposed unit mix must also be able to receive Department of Housing and Community Development (DHCD) approval for the inclusion of 100% of the units in the Town's Subsidized Housing Inventory (SHI) and any DHCD approvals necessary to receive any requested state and/or federal subsidy funds, as applicable.

The development will be subject to a Ground Lease (see example in Attachment E) and Development Agreement (see example in Attachment F) in forms that are acceptable to the Town.

Affordability

Pursuant to the Nantucket Zoning Bylaws, Section 139-8D(3), at least twenty-five (25%) percent of the units must be rented to income eligible households earning eighty (80%) percent or less of the area median income (AMI) for Nantucket County and meet the requirements for all of the rental units to be eligible for inclusion on the DCHD SHI; and seventy (70%) percent of all affordable units shall be rented pursuant to a local preference (which shall include current Town residents, employees of local businesses and nonprofits located in the Town, households whose children attend Town schools and municipal employees) in a proposed lottery, subject to the extent permitted by federal or state law and by DHCD regulations. The Town also prefers that twenty-five percent (25%) of the affordable units and ten (10%) percent of the market rate units be rented pursuant to a municipal employee preference provided it is approved by DHCD. The Town will assist the successful proposer and DHCD by providing documentation of the need for the local preference.

The AMI for Nantucket County will be based upon the income data published annually by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as well as the data published annually by MassHousing for Workforce Housing subsidy eligibility.

The Town will convey a long-term lease of the property to the successful proposer, with a restriction that will ensure that the housing remains affordable in perpetuity or the longest term allowed by law. The successful proposer will enter into a Regulatory Agreement in a form acceptable to DHCD and the Town and will record a restriction preserving the affordability in perpetuity or the longest term allowed by law.

Unit Types

It is the Town's preference that the development reflects the Nantucket community aesthetic and provides housing for a range of family sizes, including studio/one-bedroom units, while paying note to the areas of greatest need as articulated in the 2021 Housing Production Plan. For this reason, the Town is interested in the inclusion of units that are intentionally designed as 'universally accessible' providing single-floor living, which could appeal to a range of family sizes to meet a variety of needs.

At least 10% of the total dwelling units within the workforce housing rental community must contain at least three bedrooms, unless such requirement is reduced by a future binding directive from the Commonwealth of Massachusetts Department of Housing and Community Development which confirms that fewer than 10% three-bedroom units may be included in the workforce rental community while still confirming that all of the units in the workforce rental community shall be eligible for inclusion on the Town's Subsidized Housing Inventory. In such an instance, the Planning Board shall have the discretion to approve fewer three-bedroom units within the workforce rental community, in conjunction with the issuance of the special permit, as long as the requirement described above with respect to confirmation of the eligibility of all of the units in the workforce rental community relative to inclusion on the Town's Subsidized Housing Inventory has been met

Building Design and Aesthetics

The development's design should reflect the historical design and character of Nantucket and be an example of superior exterior and interior design. Proposers are encouraged to use their creativity and experience in building design, massing, site layout, parking, landscaping and in their choice of materials and methods of construction that will minimize maintenance costs and are energy efficient. However, the minimum requirements are that the units be housed in three or more buildings on the Property, that historic colors and materials be used and that the design adheres to the design guidelines set forth in the Historic District Commission (HDC) handbook, "Building with Nantucket in Mind" (see Attachment G). The designs will be subject to review and input of the HDC. The final appearance of the proposed development should be harmonious with existing norms for attached dwellings in the Town of Nantucket. The overall project design will be evaluated as part of the Comparative Evaluation Criteria described in Attachment H.

Preferred amenities to be included in the development and shown on the site design are recreation/green spaces, bicycle storage, and parking. The design should also include basement storage for the units.

Energy Efficiency

The Town is seeking proposals that include building and site designs that are mindful of the tenants' energy and utility costs and limit the project's environmental impact. Details regarding sustainable design features should be incorporated into the project description. A proposal that includes net zero energy efficiency will be considered highly favorable.

Significant energy efficiency incentives have been made available to Nantucket in the past. Proposers are encouraged to reach out to Lauren Sinatra, Energy Coordinator for the Town (lsinatra@nantucket-ma.gov), to learn about current programs they may want to consider incorporating.

Coastal Resiliency

[guidance to be provided by Vincent Murphy, Coastal Resilience Coordinator, and CRAC]

Site

The site's locus is shown on the Maps included in Attachment A. It can be described as a generally level with some shrubbery and trees on the outer borders of the lots. There is a deteriorated garage building on the lot at 12 Bartlett Road. This site has Town water and sewer in close proximity. The site is near to designated public transportation stops and is walking distance to markets, pharmacies, restaurants, and other small businesses. The subject parcels are located in the Town's Commercial Mid-Island ("CMI") District. A copy of Nantucket Zoning Bylaws is attached (see Attachment I).

[Note: there is investigation happening relative to the opportunity for egress onto Thirty Acres Lane]

Utilities:

- Water *Public*
- Wastewater *Public*
- Electric *National Grid*
- Cable *Comcast*

The project is required to meet lighting objectives, parking requirements, include parking with adequate parking place size, and ensure privacy from the surrounding properties.

Project Permitting

It is the Town's preference that the project is permitted as a workforce rental community development pursuant to Section 139-8D of the Town's Zoning Bylaws. The Planning Board must grant a special permit and the Historic District Commission must grant a certificate of appropriateness for the project. Any variances for dimensional requirements would be subject to Zoning Board of Appeals review and approval. This project will need to go through Historic District Commission review and approval.

Acquisition Price

The Town is offering to lease the property for a long-term lease (up to 99 years) to the successful proposer, for an initial payment detailed below and at a nominal annual rent of \$1.00/year for the term of the lease; with terms of the lease to ensure the development conforms to the proposal and to ensure the income-restricted housing remains affordable for the term of the lease. In addition, funds may be available for pre-development costs upon application by the proposer and approval from the Community Preservation Committee ("CPC") or the Affordable

Housing Trust Fund (“AHTF”). It is the successful proposer’s responsibility to file all necessary applications with the appropriate agencies in a timely fashion.

Initial Lease Payment and General Partnership Interest

The Town will require an initial lease payment in the amount of [\$100,000] to cover all Town costs incidental to the acquisition and disposition of this site. Thereafter, the current lease payments shall be for nominal consideration, as described above. The Town retains the right to assign its ownership of the land to a community land trust or similar org. Such org. to be subject to terms of ground lease.

[Explore with Town Counsel the possibility of including a general partnership/equity stake requirement].

V. Property Description

The subject Property is shown on the locus maps contained in Attachment A as Lot C and Lot B. For the Town’s title to said Property please see the Quitclaim Deed to the Town (in Attachment B).

The sites are relatively flat, with some brush and small trees on the outer perimeters of the lots. There is a deteriorated garage building 12 Bartlett Road (Lot C). The lots are bordered by residential, commercial and municipal neighbors. Primary access to the site is anticipated via Bartlett Road [and Thirty Acres Lane].

VI. Proposal Submission Requirements

1. The Developer and Development Team

The proposal must include a description of the proposed developer, including the project manager, and his/her experience. Proposals must include:

- The name, mailing address, e-mail address, and telephone number of the proposer, the name of the representative authorized to act on his/her behalf, the name and contact information of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the development team.
- If the proposer is not an individual doing business under his/her own name, a description of the firm and status of the organization (e.g. whether a for profit, not-for-profit or charitable institution) and a description of the proposed ownership entity (e.g., a general or limited partnership, a corporation, LLC, LLP,

business association, or joint venture) and the jurisdictions in which it is registered to do business. If the proposer is a non-profit, please include a list of the organization's Board of Directors and areas of expertise they represent.

- The nature of the entity to enter into the long-term lease of the Property and the borrower and guarantors of debt, if any.
- Identification of all principals, partners, co-ventures or sub-developers participating in the transaction, and the nature and share of participants' ownership in the project.
- Discussion of whether the developer will also be the property manager and if the developer will not be the property manager, the name of the proposed property management organization.
- Identification of the development team, such as architects, engineers, lawyers, landscape designers, contractor, development consultants, lenders and investors. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, shall be provided.
- A summary of first, the developer's and secondly, the development team's experience individually and collectively, with similar projects. Particular attention should be given to demonstrate experience with projects of a similar scale and complexity of site conditions, design and financing, as well as locations similar to Nantucket. Proposer should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out design, permitting, conventional and subsidy financing, construction, marketing/unit absorption and ongoing property management.

The following order should be used when submitting the information for each project identified:

- Project name and location
 - Project type and description
 - Project scope
 - Project(ed) start date
 - Project(ed) completion date
 - Total development costs
 - Sources of financing
 - Total number of units and bedroom sizes
-
- Narrative on why your experience is relevant to the 12 +12R Bartlett Rd. Nantucket Housing project.
 - Description of the organizational structure of the development team and a plan for the maintenance of effective communications between the Town and the development team during all phases of the project.
 - Information regarding any legal or administrative actions past (during the last 10 years), pending or threatened that could relate to the conduct of the proposer, its principals or any affiliates.

- Confirmation that no local, state or federal taxes are due and outstanding for the development team, the property management team or any critical member of the project.
- Provision of municipal references for at least three (3) completed projects, with contact names, title and current telephone numbers of those who can provide information to the Town concerning the Proposer's experience with similar projects.
- Proposed project financing, including a Sources and Uses pro forma providing information similar to that required in the Massachusetts One Stop application (see Attachment J), which shall include (a) a proposed pre-development budget, including all projected sources to be used to secure the necessary permits and approvals for the construction and operation of the development; (b) a construction and development budget which includes detailed sources of funds and uses; and (c) 20 year operating pro forma and rent schedule. Describe in detail previous success in securing such funding and what, if any local, state or federal subsidy money will be sought to create affordability and the timeline for securing those sources.
- At least one (1) letter of interest from a recognized financial institution for a loan amount sufficient for the developer to construct and operate the project.
- Completion of disclosures and certificates in Attachments K – "Certificate of Non-Collusion", L – "Tax Compliance Certificate", and M – "Disclosure of Beneficial Interest."

2. Development Concept

The proposal must include a detailed description of the development concept for the property and its improvements, including but not limited to:

- Number and size of units (square footage and number of bedrooms) and affordability levels. Include narrative as to why/how the mix of bedroom sizes and affordability was determined to ensure project financial feasibility and appropriateness for the marketplace.
- Preliminary site design as detailed in the Conceptual Design Drawings below.
- Discussion of the physical plan and architectural character of the project and the various programmatic and physical elements of the development, including energy savings/ "green" elements of the building and site designs.
- Construction staging plan and discussion of construction impacts, including but not limited to how the project will be managed to limit impact on neighbors, in particular noise and traffic during the construction period.
- Detailed development schedule for all elements of the plan including key milestones, financing and timeframes for occupancy, including DHCD approval process.
- Outline of required land use, environmental, operational and other governmental or regulatory approvals for the necessary permits and noting any permits or

waivers that will be required.

3. Conceptual Design Drawings

The proposal must include 11 x 17 plans including:

- Site plan that includes building footprints, parking layout, storm drainage, recreation, and numbers of parking spaces
- Landscape plan with sufficient detail on how the plan addresses limiting the project impact on surrounding areas
- Floor plans
- Elevations (exterior building materials should be identified on elevations)
- Typical unit plans
- Dry and temperature controlled basement storage for all units (minimum requirement of 8' X 10' per unit), relative to unit size.

4. Management Plan

The proposal must include:

- Description of the proposed rents and the strategy for marketing and lottery processes that will be consistent with DHCD's Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines.
- The proposal must include a plan for the ongoing management of the project. In addition, if the proposer is including a property manager as part of its team, all relevant information as outlined under 'Developer' above should be included as well as details of any projects where the proposer and manager have previously worked together.
- Lottery for Affordable Units: To ensure a fair and equitable selection process for the affordable units, a lottery shall be conducted for all of the affordable units. To the extent permitted by law, the initial lottery shall give local preference as described in Section IV, "Affordability" above. Proposals may include a lottery agent as part of the development team. An approved affirmative fair housing marketing/lottery plan shall be required that is consistent with DHCD's Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines. For the proposal, the proposer shall indicate any other lotteries they have been involved in, their role and the outcomes.

At a minimum the selected proposer and/or their agent shall demonstrate:

- A clear understanding of fair housing requirements/laws.
- A clear understanding of local preference opportunities and requirements, and how the lottery will address these.
- A clear understanding of the applicable state standards used to

- determine program and unit eligibility – i.e. qualified tenants.
- The ability to establish criteria for tenant selection and a fair and unbiased selection process.
- The ability to maintain all necessary reports and certifications required under state and federal law.

VII. Evaluation Criteria

Minimum Threshold Criteria

Proposals that do not clearly and fully comply with these Minimum Threshold Criteria and are not submitted in complete form by **1:00pm on Wednesday, January 4, 2023** will not be considered:

1. Conformance with all submission requirements
2. A minimum of 5 years' affordable housing development experience for principal members of the development team
3. A minimum of 5 years' experience of property management by the property manager
4. A demonstrated successful track record of developing and managing projects of similar scope
5. Developer availability to commence the permitting and application processes for the project within 90 days of selection; sufficient staff resources and availability to perform required services
6. Submission of required forms at Attachments K, L, M and N:
 - Attachment K – Certificate of Non-collusion;
 - Attachment L – Tax Compliance;
 - Attachment M – Disclosure Statement for Transaction with a Public Agency Concerning Real Property, M.G.L. c. 7C, section 38
 - Attachment N – Acknowledgement of Receipt of Documents

The proposed development must provide a proposed affordability mix that will allow all units to be eligible for inclusion in the Town's Subsidized Housing Inventory based upon DHCD's requirements; and a minimum of 25% of the units as affordable at or below 80% of the AMI.

Comparative Evaluation Criteria

Projects meeting the Minimum Threshold Criteria will then be judged on the Comparative Evaluation Criteria (see Attachment H). The Town will use the comparative criteria for each subject and which will be rated on a scale of Not Advantageous, Advantageous or Highly Advantageous for each listed subject as set forth on the Comparative Evaluation Criteria.

VIII. Selection Process and Rules for Award

All proposals submitted by the deadline will be opened pursuant to M.G.L. c. 30B, §6(d) and recorded. All information contained in the proposals is public. The Town or its designee(s) (i.e., an evaluation committee) will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined in the “Comparative Evaluation Criteria.” Evaluation of the proposals will be based on the information provided in the proposer’s submission in accordance with the submission requirements of this RFP and any references, and additional information requested and/or gathered by the Town. The most highly advantageous proposal from the proposer deemed most responsive and responsible, taking into consideration all evaluation criteria set forth in the RFP, will be selected by the Town or its designees. **The Town reserves the right to select the proposal that best meets the needs of the community and that may not be the proposal that achieves the highest score. The Town reserves the right to not make any award if it determines in its sole discretion that it is in the best interest of the Town.**

The Town will notify all Registered Proposers in writing of its decision.

IX. Post Selection

Development Agreement

It is the intent of the Town to enter into a development agreement with the selected proposer within 90 days of selection and a long-term lease of the land with terms to ensure the development conforms to the proposal, and restrictions to require the housing remain affordable for the term of the lease, after certain benchmarks have been met. A Draft Development agreement can be found at Attachment F.

Chapter 30B Real Property Dispositions to Promote Public Purpose Requirements

The name of the selected proposer and the amount of the transaction will be submitted for publication in the state’s *Central Register*.

The Town has determined that the public purpose of the project is best met by disposing of the property for less than fair market value; the Town will post a notice in the state’s *Central Register* explaining the reasons for this decision and disclosing the difference between the property value and the price to be received. This notice will be published before the Town enters into any agreement with the developer.

X. Attachments

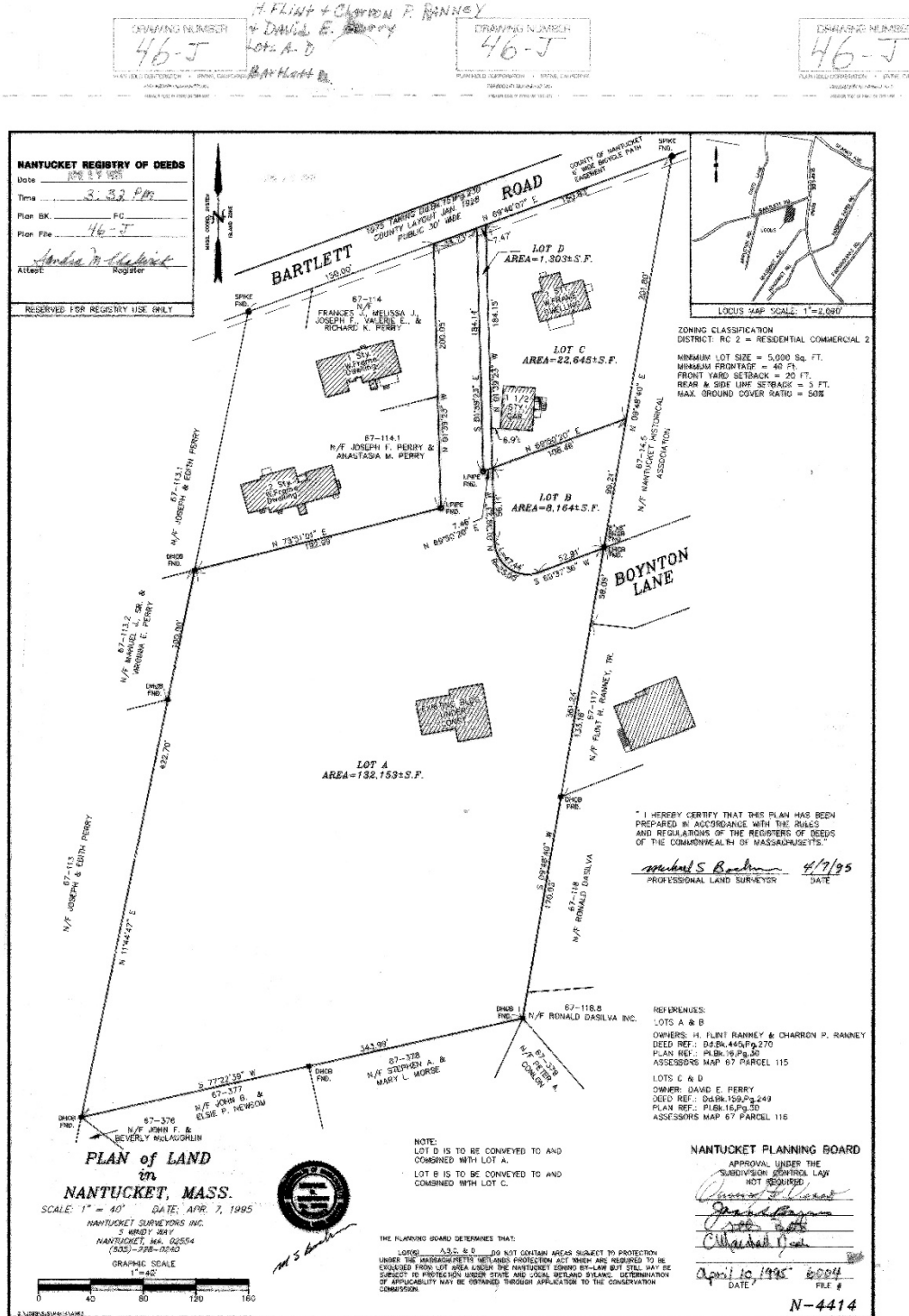
- A. Maps of the Property and surroundings
- B. Quitclaim Deed
- C. Easement
- D. 2021 Housing Production Plan
- E. Draft Form of Ground Lease
- F. Draft Form of Land Development Agreement
- G. Building With Nantucket in Mind
- H. Comparative Evaluation Criteria
- I. Nantucket Zoning Bylaws
- J. Section 3 and 4 of Massachusetts One Stop Application

Required Documents:

- K. Certificate of Non-Collusion
- L. Tax Compliance Certificate
- M. Disclosure Statement for Transaction with a Public Agency Concerning Real Property
- N. Acknowledgement of Receipt of Documents

ATTACHMENT A "THE PROPERTY"

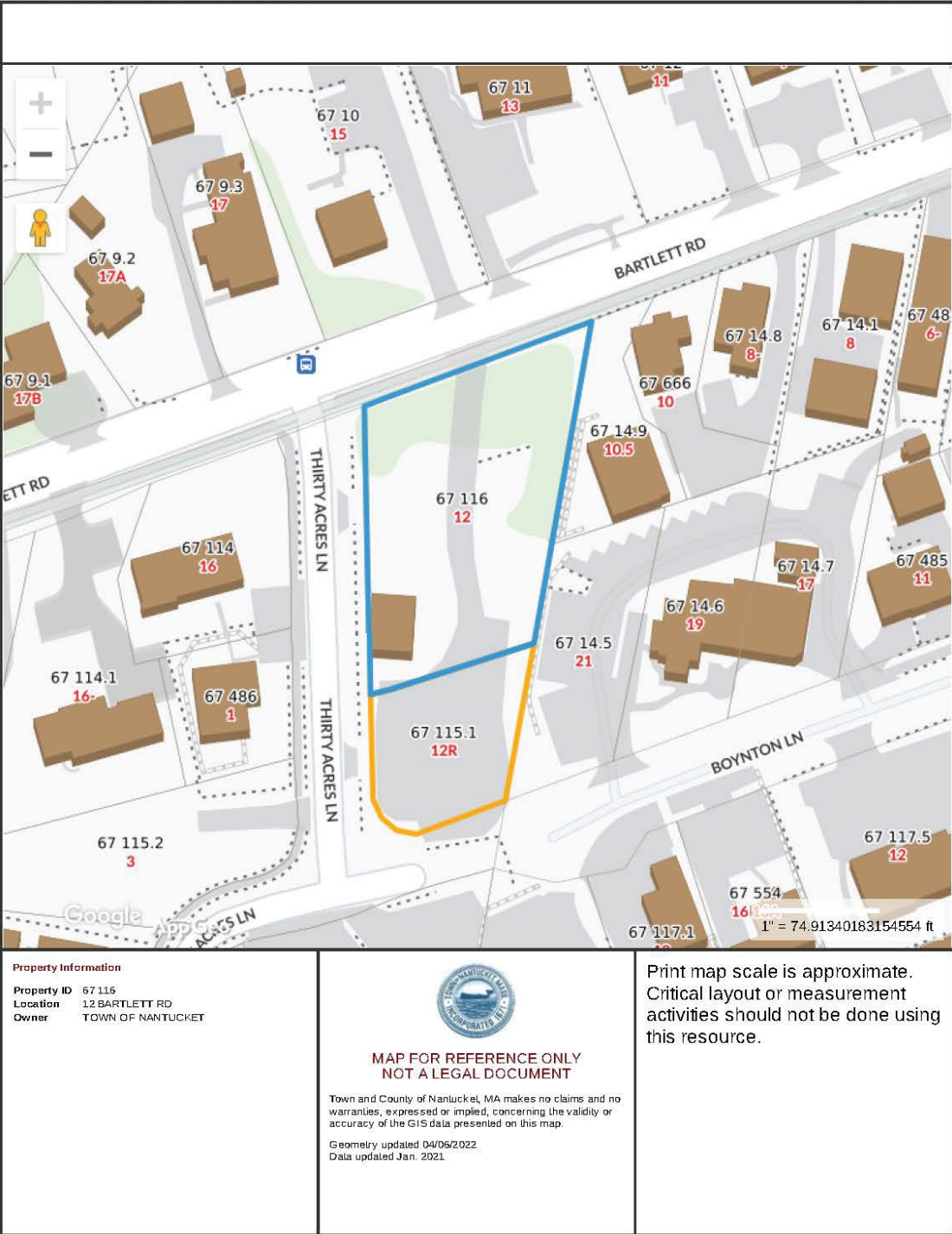
12 & 12R Bartlett Rd. (Lot C and Lot B)



12 + 12R Bartlett Rd. (GIS Map)

Town and County of Nantucket, MA

April 7, 2022



ATTACHMENT B

QUITCLAIM DEED

Bk: 01885 Pg: 264



Bk: 1885 Pg: 264 Page: 1 of 4
Doc: DD 03/21/2022 12:46 PM

STATUTORY QUITCLAIM DEED

BEAR VAULT, LLC, a duly formed Massachusetts limited liability company with a mailing address of Two Whaler's Lane, Nantucket, Massachusetts 02554, for consideration paid in the amount of Two Million Seven Hundred Fifty Thousand and no/100ths (\$2,750,000.00) Dollars, grant to TOWN OF NANTUCKET AFFORDABLE HOUSING TRUST FUND, a Massachusetts municipal affordable housing trust created pursuant to G.L. c, 44, §55C, under Declaration of Trust dated February 8, 2010 and recorded in Book 1221, Page 20 at the Nantucket Registry of Deeds, as amended by First Amendment to Declaration of Trust dated September 25, 2014 and recorded in Book 1452, Page 272 at the Nantucket Registry of Deeds acting by and through its Board of Trustees, having an address of 2 Fairgrounds Road, Nantucket, Massachusetts 02554 with QUITCLAIM COVENANTS,

PARCEL ONE (12 Bartlett Road)

NORTHERLY by Lot C on plan hereinafter referenced, one hundred eight and 46/100 (108.46) feet;
NORTHEASTERLY by land now or formerly of the Nantucket Historical Association, ninety-nine and 21/100 (99.21) feet; and
SOUTHERLY fifty-two and 91/100 (52.91) feet,
SOUTHWESTERLY on a curved line, forty-seven feet and 44/100 (47.44) feet, and
WESTERLY fifty-six and 11/100 (56.11) feet, by Lot A on said plan.

Said land is shown as Lot B on plan prepared by Nantucket Surveyors, Inc., dated April 7, 1995, and recorded with Nantucket Deeds in Plan File 46-J.

PARCEL TWO (12R Bartlett Road)

NORTHERLY by Bartlett Road, one hundred fifty and 83/100 (150.83) feet;
NORTHEASTERLY by land now or formerly of the Nantucket Historical Association, two hundred one and 80/100 (201.80) feet;
SOUTHERLY by Lot B on plan hereinafter mentioned, one hundred eight and 46/100 (108.46) feet; and
WESTERLY by lot D on said plan, one hundred eighty-four and 15/100 (184.15) feet.

Said land is shown as Lot C on plan prepared by Nantucket Surveyors, Inc., dated April 7, 1995, and recorded with Nantucket Deeds in Plan File 46-J.

Said land is conveyed subject to the following matters:

- (a) Order of Taking of Bartlett Road as a public highway by the County of Nantucket dated October 29, 1975, recorded with Nantucket Deeds in Book 151, Page 230.
- (b) Order of Layout for the Bartlett Road Bike Path in favor of the County of Nantucket dated June 5, 1991, recorded with Nantucket Deeds in Book 366, Page 102.
- (c) Easement for the Bartlett Road Bike Path in favor of the County of Nantucket dated April 8, 1991, recorded with Nantucket Deeds in Book 366, Page 160.
- (d) Grant of Sight Easement dated January 9, 1996, recorded with Nantucket Deeds in Book 500, Page 141.
- (e) Grant of Sight Easement in favor of the Town of Nantucket dated October 13, 2006, recorded with Nantucket Deeds in Book 1044, Page 240.
- (f) Special Permit issued by the Nantucket Board of Appeals dated February 12, 2014, recorded with Nantucket Deeds in Book 1433, Page 170.
- (g) Special Permit issued by the Nantucket Planning Board dated December 11, 2017, recorded with Nantucket Deeds in Book 1663, Page 343.
- (h) Real estate taxes assessed by the Town of Nantucket for the fiscal year 2022.

Grantor hereby conveys the Property subject to an affordable housing restriction restricting the use of the Property to residential year-round affordable housing purposes, but if, despite Grantee's diligent efforts to use the Property for these purposes, Grantee is unable to do so, then Grantee, in its discretion, shall have the right to convey the Property to a third party on the express condition that one hundred percent (100 %) of the sale proceeds are deposited in Grantee's account to be used solely for affordable housing purposes. This Restriction shall run with the Property and any portion thereof, in perpetuity and is intended to conform to the provisions of M.G.L. c. 184, Section 26, unless in the event Grantee is unable to use the Property for these purposes, and Grantee conveys the Property to a third party and deposits one hundred percent (100%) of the proceeds into Grantee's account for use only for affordable housing purposes, in which case this Restriction shall be terminated.

No documentary deed stamps are due on this conveyance pursuant to. M.G.L. c. 64D, Section 1.

Grantor has elected not to be taxed as a corporation for federal tax purposes.

[SIGNATURE PAGE FOLLOWS]

Executed and sealed on this 17th day of March, 2022.

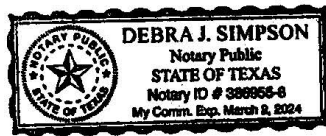
BEAR VAULT, LLC

By: Margaret E. Holland
Margaret E. Holland, Manager

STATE OF TEXAS ss.

COUNTY OF TARRANT ss.

On this 17th day of March, 2022, before me, the undersigned notary public, personally appeared Margaret E. Holland, Manager of Bear Vault, LLC and proved to me through satisfactory evidence of identification, which was a valid Texas Driver License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed voluntarily, as her free act and deed, in her capacity as Manager of Bear Vault, LLC, for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.



Debra J. Simpson
Notary Public in and for the State of Texas
My Commission Expires: 03-02-2024

NANTUCKET LAND BANK CERTIFICATE	
☐ Paid \$	
☒ Exempt	<u>A</u>
☐ Non-applicable	
No. <u>44418</u>	Date <u>3/21/22</u>
Authorization <u>SH</u>	

ACCEPTANCE OF DEED

On this 21 day of March, 2022, we, the duly authorized Trustees of the Town of Nantucket Affordable Housing Trust Fund, acting pursuant to provisions of G.L. c. 44, §55C, under a Declaration of Trust dated February 8, 2010 and recorded with the Nantucket County Registry of Deeds in Book 1221 Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with said Deeds in Book 1452, Page 272, hereby accept the foregoing deed from Bear Vault, LLC to property located at 12 and 12R Bartlett Road, Nantucket, Massachusetts.

Town of Nantucket Affordable Housing Trust Fund
By its Board of Trustees

By: 
Brook Mohr, Trustee and
Vice Chair

COMMONWEALTH OF MASSACHUSETTS

Nantucket ss.

On this 21 day of March, 2022 before me, the undersigned notary public, personally appeared Brooke Mohr, Trustee and Vice Chair of the Town of Nantucket Affordable Housing Trust Fund, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose as Trustee and Vice Chair of the Town of Nantucket Affordable Housing Trust Fund.


Notary Public
My Commission Expires:

804289/NANT 19710/0012



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Registrar of Deeds

**ATTACHMENT C
EASEMENT**

[MAY BE ADDED ONCE DISCUSSED]

**ATTACHMENT D
NANTUCKET HOUSING PRODUCTION PLAN**

THE NANTUCKET CHAPTER 40B HOUSING PRODUCTION PLAN (2021) CAN BE FOUND ON THE TOWN OF NANTUCKET'S WEBSITE AT THE FOLLOWING ADDRESS:

**[HTTPS://NANTUCKET-MA.GOV/DOCUMENTCENTER/VIEW/40859/NANTUCKET-HOUSING-
PRODUCTION-PLAN-2021-PDF](https://nantucket-ma.gov/documentcenter/view/40859/nantucket-housing-production-plan-2021-pdf)**

**ATTACHMENT E
DRAFT FORM OF GROUND LEASE**

[TO BE ATTACHED UPON COMPLETION OF TOWN COUNSEL]

ATTACHMENT F
DRAFT FORM OF LAND DEVELOPMENT AGREEMENT

[TO BE ATTACHED UPON COMPLETION OF TOWN COUNSEL]

ATTACHMENT G
“BUILDING WITH NATUCKET IN MIND”

“BUILDING WITH NATUCKET IN MIND” CAN BE LOCATED ON THE TOWN OF NANTUCKET’S HISTORIC DISTRICT COMMISSION’S PAGE AT:

[HTTPS://NANTUCKET-MA.GOV/537/BUILDING-WITH-NANTUCKET-IN-MIND](https://nantucket-ma.gov/537/building-with-nantucket-in-mind)

ATTACHMENT H
COMPARATIVE EVALUATION CRITERIA
12 + 12R BARTLETT RD.
NANTUCKET HOUSING PROJECT

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
DEVELOPER EXPERIENCE & CAPACITY (TEAM)			
• Demonstrated experience in and capability for designing, permitting, developing and managing similar residential projects • Outcome of comparable projects • Demonstrated experience securing financing for similar projects • Experience developing energy efficient homes • Property management experience with similar projects • The quality of the team's reputation and references, particularly in terms of its regulatory track record and ability to complete projects as proposed • Success in marketing approach, including affirmative fair housing marketing plans and lottery, meeting State requirements • Successful long-term management approach	Development team members have had only minimal experience in the development of projects with similar scope (i.e., less than 5 years), including legal, design, development, financing, and management experience with rental housing	1) Development team members have had significant experience in the development of projects of similar scope (i.e., 5-7 years), including significant legal, design, financing, affordable housing management, and development experience 2) Energy efficient buildings part of standard development approach.	1) Development team members have significant and substantial successful development of affordable housing project of similar scope (i.e., 8 or more years), including significant legal, design, financing, affordable housing management and development experience 2) Energy efficient design is their standard approach to design and development

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
AFFORDABILITY			
- Proposal meets the greatest level of affordability fiscally possible - Proposal meets requirements to have all units qualify on the SHI list - Addresses the Town's desire to work to provide at least 25% of affordable units and 10% of market units allocated to municipal employee use, if approved by DHCD	The proposal does not meet the requirements of the Town's Zoning Bylaws and contains less than 25% of the units affordable to households at 80% or less AMI	The proposal meets the requirements of the Town's Zoning Bylaws and contains 25% of the units affordable to households at 80% AMI or less and the proposal complies with DHCD Guidelines for local preferences including the municipal employee preference	The proposal meets the requirements of the Town's Zoning Bylaws and contains at least 25% of the units affordable to household at 80% AMI or less and the proposal complies with DHCD guidelines for local preferences including the municipal employee preference.
NUMBER OF UNITS AND PERMITTING			
Workforce rental housing pursuant to Nantucket Zoning Bylaws	Proposal is for fewer than 6 units and does not clearly address the permitting for the project	Proposal is for 7-8 units permitted by Nantucket Zoning Bylaws	Proposal has 9 or more units permitted by Nantucket Zoning Bylaws

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
SITE DESIGN			
• Thoughtful and efficient site design, minimizing impervious surfaces • Uses standards of low impact development • Underground utilities • Exterior lighting – minimal impact to neighbors • Buffer to neighboring properties • Storm water management • Landscape plan including parking area • Area designated for snow • Adequate screened visitor parking • Central trash and recycling area, appropriately screened	Proposal fails to include or address all site design criteria	The proposal meets or exceeds all design requirements of the RFP with thoughtful traffic flow, buildings siting, minimal impact of exterior lighting, and development design.	Proposal meets all “advantageous” requirements and respects adjacent properties, provides heightened attention to landscaping plan, grading and lighting, helps with the restoration of the vegetation.
SUSTAINABILITY • [criteria to be determined based on input from Vincent Murphy and Laura Sinatra]	Proposal fails to include or address energy efficiency or coastal resiliency.	Proposal meets all sustainability and energy efficiency goals.	Proposal meets or exceeds sustainability and energy efficiency goals, including a net zero energy efficiency.
BUILDING DESIGN			
• Exterior design and materials is of high quality, while remaining compatible with local historical design, including the use of historic colors • Creative design that is cost effective and high quality • Interior layouts meet a variety of family-type needs • Finishes support durability and low-maintenance for tenant • Management office on-site with storage • Adequate tenant dry, temperature controlled storage (in basement)	Design appears incongruous with local historical design patterns, interior lay-outs not effective use of space	Proposal creates a development that reflects local historical design and efficient interior layouts, creating a desirable neighborhood	Proposal articulates a compelling development vision that is cost-effective, energy efficient, and has an attractive design and efficient use of interior space, reflects local historical design

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
FINANCIAL FEASIBILITY			
• Adequacy of proposed budgets (development and operating) • Appropriateness of rents in relation to market • Track record of securing proposed conventional and subsidy financing • No financial support from the Town except for the contribution of the proposed land	Proposal does not demonstrate an understanding of development costs and operating budgets for affordable housing and requires Town's additional monetary support or infrastructure	Proposal contains realistic development and operating budgets and evidence of success in securing necessary financing and includes application for additional financial support for Town CPC or AHTF grants	Proposal contains realistic development and operating budgets and evidence of a high degree of success in securing necessary financing and other sources of funding and does not include any additional financial support from the Town

	NOT ADVANTAGEOUS	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
REFERENCES & SITE VISITS			
- References – a minimum of three municipal references, include references from all projects undertaken in the last 10 years - Site visits – the selection committee may choose to visit proposers' completed projects	1) Minimum of 3 references not met, or references were poor and/or inadequate 2) Properties visited were in poor condition. Evidence of widespread resident dissatisfaction	1) Strong references reflecting projects came in on time and within budget, good property management structure 2) Properties visited were in good condition, site layout was efficient, buildings were well designed, and residents were overall satisfied and there is no evidence of systemic issues	1) Strong references reflecting timely completion, excellent budget control, property management structure excellence and high degree of professionalism of developer 2) Properties visited were in excellent condition, site layout and landscaping excellent, excellent building design and use of energy efficient and durable materials. Written evidence of broad residents' support of the project including testimonials

**ATTACHMENT I
NANTUCKET ZONING BYLAWS**

**THE TOWN OF NANTUCKET ZONING BYLAWS CAN BE FOUND ON THE TOWN OF
NANTUCKET'S WEBSITE AT THE FOLLOWING ADDRESS:**

[HTTPS://NANTUCKET-MA.GOV/445/TOWN-OF-NANTUCKET-BYLAWS](https://nantucket-ma.gov/445/town-of-nantucket-bylaws)

ATTACHMENT J
SECTIONS 3 AND 4 OF THE MASSACHUSETTS “ONE STOP” APPLICATION
FOR THE MASSACHUSETTS “ONE STOP” AFFORDABLE HOUSING FINANCE
(SECTIONS 3 AND 4) APPLICATION, PLEASE GO TO THE MASS.GOV WEBSITE AT:

[HTTPS://WWW.MASS.GOV/GUIDES/COMMUNITY-ONE-STOP-FOR-GROWTH](https://www.mass.gov/guides/community-one-stop-for-growth)

ATTACHMENT K (REQUIRED)
CERTIFICATE OF NON-COLLUSION

[TO BE ATTACHED UPON COMPLETION OF TOWN COUNSEL]

ATTACHMENT L (REQUIRED)
TAX COMPLIANCE CERTIFICATE

TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and Concessionaires, and withholding and remitting child support.

Federal Employer ID Number

Name of Corporation

President's Signature

Date

Please Print Name

ATTACHMENT M (REQUIRED)
DISCLOSURE STATEMENT FOR TRANSACTION WITH A PUBLIC AGENCY
CONCERNING REAL PROPERTY

[TO BE REVIEWED BY TOWN COUNSEL]

DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) Real Property:

A certain parcel of land in Nantucket, Massachusetts shown as Lots C and D, located at 12 and 12R Bartlett Rd., Nantucket, containing .70 acres, more or less, shown on a plan of land entitled “_____”, recorded with Nantucket County Registry of Deeds as Plan No. _____

(2) Type of Transaction, Agreement, or Document:

Lease of property by Town of Nantucket

(3) Public Agency Participating in Transaction:

Town of Nantucket, acting by and through its Board of Selectmen, Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554

(4) Disclosing Party's Name and Type of Entity (if not an individual):

(5) Role of Disclosing Party (Check appropriate role):

____ Lessor/Landlord ☒ Lessee/Tenant

____ Seller/Grantor ____ Buyer/Grantee

____ Other (Please describe): _____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and

exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

(6) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert “none” if none):

(7) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such

change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

(8) This Disclosure Statement is hereby signed under penalties of perjury.

Print Name of Disclosing Party (from Section 4, above)

Authorized Signature of Disclosing Party

Date :

Print Name & Title of Authorized Signer

ATTACHMENT N (REQUIRED)
ACKNOWLEDGEMENT OF RECEIPT OF DOCUMENTS

TOWN OF NANTUCKET

DOCUMENT ACKNOWLEDGMENT

FORM WORKFORCE AFFORDABLE RENTAL

HOUSING DEVELOPMENT RFP

I ACKNOWLEDGE RECEIPT OF THIS REQUEST FOR PROPOSALS AND ALL ADDENDA AND UNDERSTAND I MUST ENCLOSE THIS SIGNED ACKNOWLEDGMENT AS PART OF MY PROPOSAL.

Company Name

Signed

Date