



# 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)

**Committee/Board/s** | Nantucket Historical Commission

**Day, Date, and Time** | Tuesday, January 05, 2021 10:00 AM – 12:00 PM

**Location / Address** | REMOTE PARTICIPATION VIA ZOOM Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached); the meeting will be aired at a later time on the Town's Government TV YouTube Channel  
<https://www.youtube.com/channel/UC-sgxAlfdoxteLNzRAUHIXA>

**Signature of Chair** | Hillary Hedges Rayport

**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!

## AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

### Join Zoom Meeting

<https://zoom.us/j/96327561682?pwd=bmhrV1hvN0U0aGU5UXM4ZlVnVE9xUT09>

Meeting ID: 963 2756 1682

Passcode: 409724

Dial in: +1 646 558 8656 US (New York)

- Public Comment
- Approval of Minutes of the December 18<sup>th</sup> meeting
- Announcements
- Preservation Planning: Wilkes Square / Harbor Place redevelopment
  - Update
- Sidewalks and Historic Streets
  - Section 106 Review: Sparks and Sewer (with MHC)
  - Ongoing discussions with DPW & Select Board
  - ATM article – preservation of Historic Pavement
  - Final Report - Preserving Historic Pavement.
- MHC Survey grant application
- Other Business
  - 2021 Goals
  - feedback and improvement
- Adjourn

Future meetings  
(10am via Zoom)  
Friday Jan 15 (check)  
Friday Jan 29  
Friday Feb 19th



## NANTUCKET HISTORICAL COMMISSION

Town of Nantucket  
2 Fairgrounds Road  
Nantucket, Massachusetts 02554

### COMMISSIONERS

*Hillary Hedges Rayport (Chair) Angus MacLeod (Vice-Chair) David Silver (Secretary)  
Clement Durkes, Thomas M. Montgomery, Georgia U. Raysman, Milton Rowland, Don DeMichele, Ben Normand*

## REPORT REGARDING WILKES SQUARE / HARBOR PLACE December 2020

The Nantucket Historical Commission (NHC) studied the Wilkes Square / Harbor Place parcel from a preservation planning perspective, and submits this report to the Harbor Place Working Group, the public, and our colleagues working on behalf of the Town of Nantucket as Commissioners and Staff in Planning and Land Use. The purpose of the NHC report is to collect and analyze over a decade of past studies and information about the 5.65 acre parcel, and to advise on matters that will affect the National Historic Landmark of Nantucket. Issues include: impact on the adjacent historic downtown, public access to and use of the filled tidelands at the location, identification and preservation of historic resources at the location, and changes to the existing streets and traffic circulation that will affect the historic character and public enjoyment of the downtown area.

### Summary Advice

The NHC recommends the Town proceed with the following considerations when developing plans and zoning changes for the location:

- 1. Retain council expert in Chapter 91 licenses.** Roughly half the parcel is a filled, flowed, or Commonwealth tideland subject to the Chapter 91 Waterways Act. The Town should seek advice regarding what public benefit could be negotiated under Chapter 91.
  - a. Consider open space (Town Landing), public parking, additional public streets, a working waterfront with public water dependent use or other public benefit under Chapter 91.
  - b. Consider features that contribute to coastal resilience
  - c. Develop a point of view regarding renegotiation, under Chapter 91, of the license securing the public parking lot (see figure on page 7).
- 2. Update and renew Nantucket's expired Municipal Harbor Plan (MHP), aka 2009 The Nantucket and Madaket Harbors Action Plan.** An MHP is about more than ecological health - it directs the DEP as to Chapter 91 licenses. An active MHP is the most effective and efficient way to achieve the Town's objectives for public use of filled tidelands.

- a. MHP should articulate Nantucket's goals for public access and use of historic tideland, generally and at the property level for important properties.
  - b. If the town desires a harbor walk, open space for flood mitigation, or specific water or public non-water dependent use, this needs to be in the MHP.
- 3. Consider the significant challenges of the site – water management and toxic pollution. Retain expert council to advise on options to motivate a clean up.**
  - a. A high water table at the location means little storm water will be absorbed by the ground. Consider open space requirement in the context of storm water management, storm surge, and sea level rise.
  - b. Toxins are present in the ground under the Tank Farm and elsewhere on National Grid property. Portions of the site are polluted enough that future use may be limited. There is the potential for pollution to wash onto adjacent areas.
- 4. Development plan should relate to and reflect the existing downtown. Consider a zoning study to develop new zoning or a development agreement.**
  - a. CDT is more intensive than most of the existing downtown. If CDT is the preferred zone, employ an overlay or development agreement to modify intensity. Adjustments should reflect Building With Nantucket In Mind and what already exists in the greater downtown and waterfront area.
  - b. There are very few 3 and 4 story buildings in Downtown Nantucket today. The past presence of tall industrial buildings is relevant for a reconstruction, but in the absence of a reconstruction, past presence does not justify allowing 3 and 4 story structures at this location today.
  - c. An analysis of height, set backs, open space, and ground cover of downtown side streets - as exists today -- will assist in creating the appropriate enhancement to CDT zoning, or a new type of zoning.
  - d. Relying on HDC to reduce intensity building by building will be difficult for such a large parcel.
- 5. Residential use such as what exists around Commercial Street would not be possible under CDT**
  - a. Consider a use modification to allow pure residential.
  - b. Consider the effect of a new retail center on our existing downtown retail.
- 6. There are some historic resources at the site**
  - a. Sycamore Tree (in center of public parking lot)
  - b. Paving material along New Whale Street
  - c. Rehabilitate historic brick industrial buildings at their current locations.
- 7. In order to mitigate traffic in the most congested areas (New Whale and Straight Wharf; Main Street at Washington Street) providing additional circulation options within the parcel is likely necessary.**
- 8. Explore potential grants to help with development objectives**
- 9. Avoid widening the perimeter streets. Widening streets and adding vehicle parking or idling on both sides of streets will negatively impact the historic character.**
  - a. Continue with planned development of multi-modal transit options instead.

## Harbor Place / Wilkes Square

Attributes, status, considerations, recommendations

From the Nantucket Historical Commission

December 2020

### Location and Ownership

The approximately 5.65 acres of land equal to 50% of the existing downtown.

It is owned by four organizations: land owned by Greenhound, LLC was purchased by ReMain for the purposes of developing a transportation center. It currently houses the NRTA bus operation. Most of the property is owned by National Grid. NG operations continue at this location, with a transformer in the northeast corner, and vehicle parking. Winthrop Nantucket is a REIT which in December 2020 announced plans to sell the Stop & Shop, the building occupied by the Haulover, and ~ ¾ of the 120 space public parking lot to New England Development aka Nantucket Island Resorts (NIR). Winthrop will maintain ownership of the land under the Harbor Fuel Oil tanks (most of which are being demolished – two will remain). Prior to the sale of the Stop & Shop parcel, NIR was the smallest landowner, with ~ ¼ of the parking lot. But NIR also owns the boat basin which spans Commercial, Old South, and Straight Wharf.



Past plans for the site include a comprehensive “Wilkes Square” plan completed by CBT in 2010. This plan was led by a broadly constructed “Downtown Revitalization Committee”. Parking and transportation studies from DESMAN in 2017, and a March 2019 “Preliminary Infrastructure Impact Review” from Weston & Sampson, which responded to a 2018 proposal from NIR.

Notably, while voters at Town Meeting have voted in favor of funding consultant led planning studies of this site over the years, and have supported the concept of a transportation center at this site, voters have resisted taking action to rezone or purchase land. Voters did not support appropriating funds to purchase the parcel between Washington and Candle Street (Wilkes Square) and subsequently it was purchased by ReMain (Greenhound LLC.)

### **Current Negotiations**

The Planning Department has advocated for changing the RC zoning to CDT for some time. Currently, the owners have requested the Town change the existing RC zoning on the parcel to CDT zoning and agree to a negotiated “development agreement” that would specify additional terms. This development agreement has at times been referred to as a site-specific overlay zone. The owners have also requested widening streets at the perimeter, and a review of required utility upgrades. As an incentive, the owners are willing to transfer a lot at the south west corner to the town at no cost, to be used for transit and/or parking.

As of September 2020, the Town has assembled a small working group comprised of Select Board members Dawn Hill Holdgate, Matt Fee, Libby Gibson, and Andrew Vorce, with Judith Wegner, Planning Board Chair advising. Dave Fredricks, former owner’s rep and Nantucket Electric employee, continues to informally advise. Weston & Sampson was hired in 2020 to advise on transit, parking, and infrastructure. The working group is liaising with NIR attorney John Twohig, who represents the owners. The strong sense of the group is that the major owner, National Grid, will begin to divest itself of land shortly with or without any agreement from the town. While National Grid has a municipal mandate for public interest, it also has an obligation to return funds to its rate payers.

### **Attributes: Waterfront views, pollution, flooding, and infrastructure**

In many ways, the area represents prime waterfront real estate. But it is an extremely challenging site to develop. It is exposed to storms and the impact of sea level rise. The majority of the site is in the FEMA Flood Zone AE 9 and a minor portion of the eastern end of the car park, tank farm area, and adjoining road area is AE 10.

Flooding will be a regular occurrence relatively soon and ultimately (~60 years) it will be underwater at every high tide. Any development will need to consider how regular flooding will be tolerated. The water-side of the property is hardened, and the property does not currently include natural features to absorb flood waters or mitigate flooding. The area is polluted from years of coal gasification, and has been undergoing clean up. The land under the tank farm is polluted and will need to be capped or cleaned up after the tanks are moved. Any development would require infrastructure including sewer, water, lighting, and access.

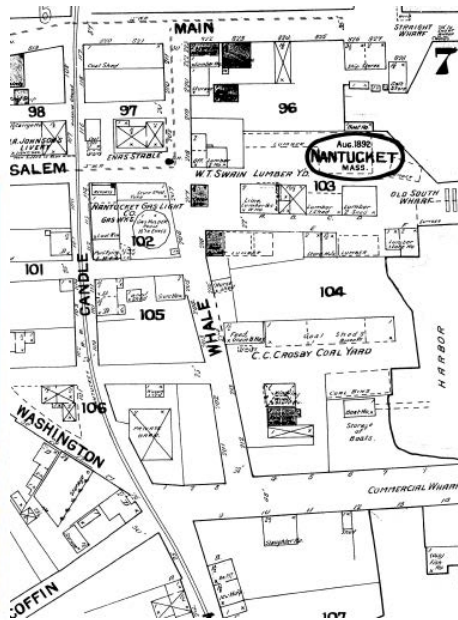
### **Transit and Parking**

The property is at Nantucket’s “front door” with the Hy-Line being a major arrival point. It is a logical terminus for land transport, with a network of roads to the west and center of the island, access to the truck route, and the location of the bus station. It is a short walk to existing downtown attractions. Currently, the area suffers from congestion in the high season. Ferry pick up and drop off and parking for people visiting and working in the downtown are persistent troubles that could be addressed. A parking garage has been repeatedly studied at this site. The public parking lot provides 120 spots to the downtown. Valet parking has been provided when permitted by National Grid, at the

corner of Candle Street and Commercial. Parking is a persistent problem downtown and the parking provided at these locations is considered critical. The Town desires to increase parking capacity. The public has been divided about a garage. In 2008, a “sense of the meeting” vote at Town Meeting showed 2/3<sup>rd</sup>s of voters were *against* building a parking garage at this location. The Town’s working group has decided against constructing a parking garage at this location, at this point in time. The Town continues to consider implementing paid parking downtown. Implementing paid parking throughout the downtown will affect the demand and usage of parking and associated traffic.

### Historic Interest

The location has always been industrial. Historic photos and maps show warehouses, sail lofts, coal yards, a large smokestack, and ultimately the coal gasification plant. This has all been demolished as ownership has changed and community needs and use has evolved.



*1892 Sanborn Insurance Map*

There are **two large brick buildings** of historic interest in dilapidated condition. These buildings are all that is left of the industrial past, and should be retained and rehabilitated in their original locations. Past meeting minutes show the HDC has in expressed a desire to keep these buildings on their current foundations.

There are some **early 20<sup>th</sup> century curbs** of different vintages (including vintage concrete curbs) and cobblestone paving along New Whale Street that should be retained. There is an **important very old Sycamore tree** at the center of the parking lot. The other trees are approximately 60 years old. Francis Wilkes was an African American from Nantucket who died in the first World War. A monument is dedicated to him at the corner of Candle and Washington Street, across from the American Legion Hall.

When historic material has been removed, a reconstruction may be appropriate when abundant details about the features and materials of a significant structure are well known and there is a collective desire to recreate that structure or group of structures because of its significance or relevance. A reconstruction has not been proposed.

*The site has always been industrial and has been redeveloped as community needs changed. Remaining historic resources include trees, vintage paving, and two brick structures. Preserving these resources on site is an important objective. The prior existence of three and four story industrial buildings at this location in earlier times does not justify their return in large numbers for today's residential and commercial purposes, unless the Town or owners desire the reconstruction of a prior industrial waterfront.*

### Chapter 91 Waterways Program

About half of the parcel is filled tideland. Massachusetts Chapter 91 guarantees the public the right to use tidelands for commercial and recreational water dependent usage – boating, fishing, shell fishing, water-fowling, and general recreation. Use as a port, for industrial or transportation, or a sailing center is preferred, and the public has a right of access or other benefit when a private landholder employs a filled tideland for a private, non-water dependent use. Chapter 91 is administered by the DEP. This regulation is a powerful one for municipal planning and a critical attribute of the site.

The chart below shows flood zones as well as the area subject to Chapter 91. This chart was developed as part of the town-funded 2010 study of Wilkes Square. Epsilon Associates provided Chapter 91 consulting services to this project.



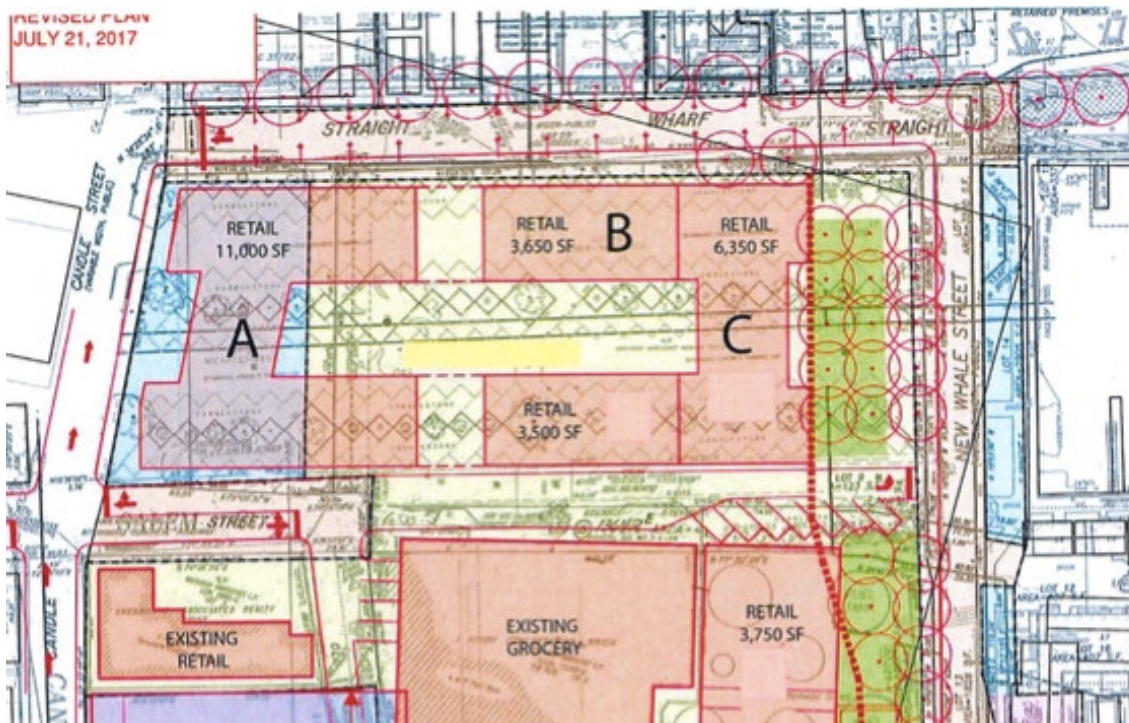
The red line shows the Chapter 91 area. The Waterways program differentiates between “landlocked tidelands” which are between the historic low and high water mark, and “Commonwealth tidelands” which are seaward of the low tide mark. On this chart, the two areas seaward of the wavy gold lines are “Commonwealth tidelands.” All tidelands have requirements for public benefit, but Commonwealth tidelands (the area below the historic low water mark) are especially reserved for public access and water dependent use.

The Chapter 91 program is administered by the Department of Environmental Protection (DEP) with the Department of Coastal Zone

Management being a stakeholder as well. All development of tidelands requires a **license** from the DEP and this is a negotiation between the landowner and the DEP. Licenses are encumbrances attached to the deed and are discoverable at [masslandrecords.com](http://masslandrecords.com). 310 CMR 9 is the Code of Massachusetts Regulations governing Waterways. The appendix includes 310 CMR 9.53 – Commonwealth Tidelands.

The right of public access and the responsibility of a property owner to secure a Chapter 91 license is legally enforceable and tested in the courts (see Joseph V. Arno vs. The Commonwealth March 4, 2010 – August 2, 2010). An often-cited Chapter 91 license on Nantucket is for the Dreamland, which was required to have public restrooms because of the non-water dependent use of the filled tideland. The DEP has stepped up its monitoring of licenses and inspects for compliance with existing licenses.

A Chapter 91 license between Winthrop Management (owners of the Stop & Shop) and the DEP is attached in the appendix. It requires the provision of the public parking lot, much of which is built on Commonwealth Tidelands. Other Chapter 91 license provisions include the maintenance of a 6' walkway along the harbor, amenities such as a specific number of benches and trash receptacles, public access up to a certain point along the piers, public bathroom facilities, berths for charter fishing boats, access for commercial fishing fleets at certain time, signage for the benefit of the public.



*Harbor Place plan from New England Development (NIR) 2017*

The 2017 plans from New England Development (above) show the current public parking lot, much of which is a Commonwealth tideland, converted to retail

development (parking is moved elsewhere). A slice of the parking lot and tank farm is converted to a public park.

The Town represents the public's interest in filled tidelands and Commonwealth tidelands. Public rights can be significant if exercised. While the landowner negotiates with the DEP privately, there is a 30-day comment opportunity and the DEP considers all comments. Moreover, a municipality may efficiently and effectively direct the DEP to secure types of public use in its Chapter 91 licenses if it develops a **Municipal Harbor Plan (MHP)**. The MHP is a powerful local planning document which, when accepted by the Commonwealth's Secretary of Energy and Environment Affairs, must be followed by the DEP. In this way, the MHP overrides and directs a State agency's actions.

Nantucket's MHP was accepted by the Commonwealth in 2009. Nantucket's Master Plan calls for the MHP to be updated every five years. This was not undertaken and the plan has expired. Nantucket's MHP is primarily concerned with ecology and preserving water dependent usage and has fewer directives regarding non-water dependent usage. The Nantucket Department of Natural Resources is updating and renewing this plan, to be delivered at some point in the future.

Some municipalities have used MHPs to achieve Master Plan objectives such as maintaining a working waterfront, creating a harbor walk, creating community sailing centers, or limiting the footprint or height of waterfront buildings beyond what is allowed for in 310 CMR 9.

*Preserving water-dependent use, access to our waterfront, and public benefit on tidelands is important to the character of Nantucket's downtown, to preservation, and to cultural life. Chapter 91 is a complicated and specialized set of regulations. Certainly, the Town is a stakeholder in the license agreement the landowner and the DEP negotiate. The opportunity to achieve open space for parks, continued accommodation of a working waterfront, and other public benefits such as streets or public parking is significant. We recommend the Town of Nantucket retain expert legal advice regarding the rights of the public under Chapter 91 and employ this advice actively in any negotiated agreement with owners.*

*Updating the expired Municipal Harbor Plan, and expanding this plan to include Master Plan objectives, should be a priority.*

## **Zoning**

What follows is an overview of existing RC and proposed CDT zoning.

The area is currently zoned as Residential Commercial (RC), a zone that is being phased out under the 2010 Nantucket Master Plan. The adjacent downtown is zoned as Commercial Downtown (CDT). The table below shows how the two zones compare in intensity and use.

| Zone | Min lot<br>(sq ft) | Allowed<br>ground | Height | Front/Rear<br>set back | Side<br>set | Frontage* | Parking<br>req on | Residential as<br>allowed use? |
|------|--------------------|-------------------|--------|------------------------|-------------|-----------|-------------------|--------------------------------|
|------|--------------------|-------------------|--------|------------------------|-------------|-----------|-------------------|--------------------------------|

|                |       | <b>cover</b> |                     |       | <b>back</b> |     | <b>lot?</b> |                                   |
|----------------|-------|--------------|---------------------|-------|-------------|-----|-------------|-----------------------------------|
| RC (existing)  | 5000  | 50%          | 30'                 | 0'/5' | 5'          | 50' | Yes         | Yes – but no apartments.          |
| CDT (Proposed) | 3,750 | 75%          | 30' + by sp. Permt. | 0'/5' | 0'          | 35' | No          | Yes but only as an accessory use. |

\*Frontage can be reduced to 20' by special permit in both zones.

- 20% open space free from impervious surfaces (including gravel, patios, etc) is required in all zones except CDT.
- RC allows for single family residential, a primary, secondary, accessory, garage, garage apartment, duplex, studio, (no tertiary) dwelling. Large or small restaurant. RC does not allow an Apartment.
- CDT requires a commercial presence in order to have residential in the building.
- CDT requires a permit for a large restaurant (71-200 seats); RC allows by right.

*Because RC zoning requires a minimum lot size of 5,000 sq ft with parking required on the lot, developers might be guided towards a suburban-type residential development. Importantly, the adjacent developed areas are **not** of this type, indicating that RC is not an appropriate zoning.*

### **Special Zoning Consideration: Major Commercial Development**

Article 90 of the 2008 ATM authorized the area to be designated a “Major Commercial Development” under MGL 43D (expedited permitting).

*If the parcel is indeed still designated an MCD, it is regulated under Town of Nantucket code 139-11 and subject to inclusionary housing and specific oversight by the Planning Board.*

The Board has the ability to specify the landscaping plan in detail. Also the lighting plan including the size and types of fixtures, underground utilities, a sign plan including the size and type and location of all exterior signs, and the days and hours of operations of businesses.

The planning board may require applicants to provide inclusionary housing requirements in MCDs – one inclusionary unit for each 4,000 sq ft gross floor area. In lieu of housing, the developer can make a contribution to the affordable housing trust.

### **Usage and Open Space**

It appears there may be an interest from current or prospective owners to introduce new space for retail with condos on upper floors. An important question is how this will impact the existing retail space in our historic downtown. Is there demand for additional retail? Will new retail locations draw a limited number of businesses away from our current downtown and towards a newly developed waterfront? How will this affect our current downtown and our current businesses?

*What is the effect on Nantucket’s existing downtown retail, if a new retail center is developed? Encouraging transient residential usage in the southeastern section rather*

*than more retail would complement existing usage in the area (e.g. Harbor View Cottages). If residential as a primary usage is desired, this use category would need to be inserted into the development or overlay agreement when/if the parcel is rezoned CDT.*

### **Commentary: CDT Zoning and Our Historic Downtown**

The Historical Commission is concerned with how a developed Wilkes Square / Harbor Place will impact the existing historic downtown. The impact could be adverse, neutral, or positive.

CDT zoning was created in response to the valid observation that RC zoning (which had applied to the whole downtown) would prohibit the creation of the downtown as we know and love it. The current historic downtown includes attached buildings, buildings higher than 30', and lots with more than 50% coverage – all of which is prohibited in the RC zone.

One can observe that the historic downtown is a patchwork of different intensities. Relatively tall buildings are next to quite small buildings. The Main Street Corridor is comprised of tall, attached buildings that run lot line to lot line with no open space. The buildings were developed at the same time as the newly widened "Main Street Square", was laid out, after the great fire of 1846.



*Image of Main Street Square courtesy of Preservation Institute Nantucket*

But even on Main Street, there are a variety of building heights. Three story structures are uncommon anywhere on Nantucket, and there was an effort to vary rooflines. Murray's Toggery (above, right) used to be a taller flat roofed structure but was modified under the revivalist restoration of the Beinecke Period in the mid-20<sup>th</sup> century.

Side streets such as Federal (see picture below) are comprised of free-standing two story structures with side yards.



Where there is a very tall structure – such as the renovated Dreamland Theatre, there is often a quite small structure directly next door.



*Dreamland as seen from the steps of the Weezie Library – above.*

For all of these reasons, CDT zoning – which allows lot line-to-lot line and 30' and above development – is reflective of the Main Street corridor and Petticoat row, but is *not* reflective of the broader downtown area. While some iconic buildings such as the Pacific

Club, the Methodist Church, and the Atheneum are over 30' tall, there are very few three story structures in historic downtown Nantucket. The vast majority of buildings are less than 2 ½ stories tall.

The downtown is already developed, and it is unusual to see a building demolished for redevelopment. However, it does happen. The low building at 14 Easy Street was razed and replaced with a much larger structure containing elevated retail on the ground level and condos with outdoor decks above. A recent proposal by Intrum Corp to redevelop the old Hardy's building at 5 South Water Street into a three story mixed use building with condos and decks taking up most of the block was recently pulled by the applicant due to strong opposition from the local paper and the HSAB. These two projects are evidence of what developers seek to build under CDT zoning, when redeveloping existing downtown structures.

Achieving the variety of heights and forms that are characteristic of Nantucket will be challenging under any zoning for a large, de-novo development. Design integrity and historic integrity is at stake. While the HDC's review overrides zoning, it is challenging and time consuming for them to fight against by-right development.

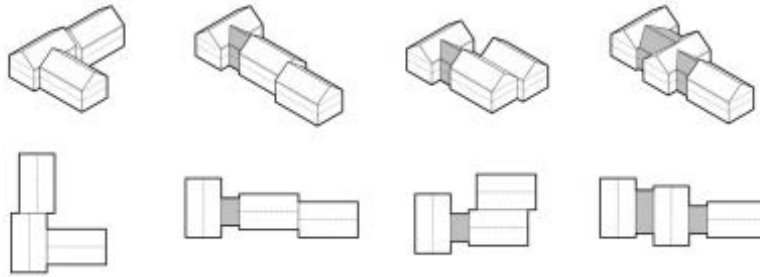
*We recommend changing the zoning of this parcel from RC, to avoid a suburban-like development. But the town should avoid zoning that creates a large gap between what is approvable under zoning and what is in place or desirable from a historic compatibility and Building With Nantucket In Mind perspective.*

*Much is attractive about CDT zoning, but the "overlay" or "development" agreement is critical to bringing CDT closer to the uses and intensity existing in the adjacent areas that are so beloved by the community.*

One aspect of the 2010 Wilkes Street plan we take exception to is that most of the renderings show uniformly tall (30 – 40') 3 and 4 story structures. This would be out of character with Nantucket as we know it.

*We recommend:*

- *Recognizing that the existing downtown has varied heights, massing, set-backs and open space that should be repeated at Wilkes Square/Harbor Place. If an analysis is required to support this assertion, the Town should undertake it.*
- *NHC working with the HDC develop Building With Nantucket In Mind guidelines for new construction and reconstruction for the downtown area. These guidelines would take into account the variation in building heights, density, massing, and setbacks present in the existing core district streets.*
- *Exploring form-based zoning is a possible approach. See the Town of Littleton, MA 2020 form based zoning code, and the Cape Cod Commission's work on form based zoning.*



*Town of Littleton Village Common Form Based Code*

*sample massing combinations*

<https://www.littletonma.org/planning-board/pages/village-common-form-based-code>

**Street Grid, Transit, and Public Space**

Petrel Landing, at the south east corner, will be augmented by a recently purchased Land Bank park. The 2010 Wilkes Square plan proposed additional open space in the form of a “Town Landing” over part of the parking lot (north east corner). This plan also established “Old Whale Street” as a new north-south corridor aligned with Macy Warehouse, and Steeple Street as an east-west corridor aligned with the Unitarian church.

New streets create additional on street parking, afford new paths of vehicular and pedestrian circulation that will take cars away from currently congested areas, and open up views of key architectural features and the harbor.



Transit plan from the 2010 “Wilkes Square” study.

### Harbor Place Requested Changes to Streets

NIR and the existing owners have proposed the Town widen perimeter streets to improve circulation. Weston & Sampson's 2019 analysis estimates that Straight Wharf and New Whale would grow to 32' (8' parking +11' drive lane+5' bike lane+8' parking). Straight Wharf is currently 20'7" across with parallel parking on one side only, and a 10.5' sidewalk on the north side and a 5' sidewalk on the south. New Whale Street is 19' across and includes parallel parking on one side (except across from the parking lot).

Commercial St. would have a 16' travel lane (it is currently 17') and maintain the angled parking that exists. New 6' sidewalks would be on both sides of New Whale Streets and on the north side of Commercial Street.

The widest street in the area currently is Candle Street at 24'. The 2010 Wilkes Square plan designated no street wider than 30' – additional drop off and parking areas were created through the addition of new one-way streets and a centrally located transit center.

While we are not traffic planners, we can observe that without new east-west and north-south streets (called Steeple Street and Old Whale street, respectively, in the Wilkes Square plan) traffic must still circle around to Straight Wharf and up Main Street.

*We have strong reservations about significantly wider streets with vehicle queuing or parking on both sides. We prefer the character of narrower streets as more consistent with historic Nantucket.*

*We are not transit experts but we encourage the creation of **new** routes of circulation and moving cars away from pedestrians. There should be fewer cars coming down to the corner of New Whale and Straight Wharf, not more. Cars and buses should be able to head south without circling back to Main Street and Washington. It is unclear how the owners or the Town envision incorporating a 5' wide bike lane on a cobblestone street and what affect that would have on the historic character of the street.*

How would the Town incite the property owners to allocate valuable land for this new street grid? A combination of takings, compensation, and Chapter 91 negotiation are available tools. The public-private partnership and inclusion of inter-modal transit and coastal resilience would make the project an attractive target for state and federal grants. However it is achieved, alternative circulation seems important to the success of the site.

## APPENDIX

## 310 Mass. Reg. 9.53

### Section 9.53 - Activation of Commonwealth Tidelands for Public Use

A nonwater-dependent use project that includes fill or structures on Commonwealth tidelands, except in Designated Port Areas, must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes. In applying this standard, the Department shall take into account any factor affecting the quantity and quality of benefits provided to the public, in comparison with detriments to public rights associated with facilities of private tenancy, especially those which are nonwater-dependent; and shall give particular consideration to applicable guidance specified in a municipal harbor plan, as provided in 310 CMR 9.34(2)(b)2. At a minimum, the Department shall act in accordance with 310 CMR 9.53(1) through (4).

**(1)** The project shall not include fill or structures for nonwater-dependent use of Commonwealth tidelands which the Department determines are necessary to accommodate a public agency which intends to pursue a water-dependent use project on such lands, provided written notice of such agency's intention is submitted to the Department prior to the close of the public comment period on the license application. Such determination shall be based upon a clear showing, within a period of time deemed reasonable by the Department, that the agency's project has met the criteria of 310 CMR 9.36(5)(a)2. through 4.

**(2)** The project shall attract and maintain substantial public activity on the site on a year-round basis, through the provision of water-related public benefits of a kind and to a degree that is appropriate for the site, given the nature of the project, conditions of the waterbody on which it is located, and other relevant circumstances. In making this determination, the Department shall act in accordance with 310 CMR 9.53(2)(a) through (e):

**(a)** in the event the project site includes a water-dependent use zone, at least one facility utilizing the shoreline in accordance with the provisions of 310 CMR 9.52(1)(a) must also promote water-based public activity; such facilities include but are not limited to ferries, cruise ships, water shuttles, public landings and swimming/fishing areas, excursion/charter/rental docks, and community sailing centers;

**(b)** the project shall include exterior open spaces for active or passive public recreation, examples of which are parks, plazas, and observation areas; such open spaces shall be located at or near the water to the maximum reasonable extent, unless otherwise deemed appropriate by the Department, and shall include related pedestrian amenities such as lighting and seating facilities, restrooms and trash receptacles, children's play areas, and safety ladders along shoreline walkways, as appropriate; such facilities shall be sized in accordance with 310 CMR 9.53(2)(b)1. through 2.:

**1.** the amount of such space shall be at least equal to the square footage of all Commonwealth tidelands on the project site landward of a project shoreline and not

within the footprint of buildings, less any space deemed necessary by the Department to accommodate other water-dependent uses; the Department may also allow a portion of such open space to be devoted to public ways and/or surface parking open to the public, including users of the facility of public accommodation, provided that below grade or structured parking is not a reasonable alternative and that the open space devoted to public vehicular use does not exceed that devoted to public pedestrian use;

**2.** as provided in 310 CMR 9.34(2)(b)1., the Department shall waive the requirements of 310 CMR 9.53(2)(b)1., if the project conforms to a municipal harbor plan which, as determined by the Secretary in the approval of said plan, specifies alternative requirements for public outdoor recreation facilities that will establish the project site as a year-round locus of public activity in a comparable and highly effective manner;

**(c)** the project shall devote interior space to facilities of public accommodation, other than public parking, with special consideration given to facilities that enhance the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative amenities for public use; such public interior space shall be located at the ground level of all buildings containing nonwater-dependent facilities of private tenancy, unless the Department determines that an alternative location would more effectively promote public use and enjoyment of the project site or is appropriate to make ground level space available for water-dependent use or upper floor accessory services; the extent of such interior space shall be determined in accordance with 310 CMR 9.53(2)(c)1. through 2.:

**1.** such space shall be at least equal in amount to the square footage of all Commonwealth tidelands on the project site within the footprint of buildings containing nonwater-dependent facilities of private tenancy;

**2.** as provided in 310 CMR 9.34(2)(b)1., the Department shall waive the requirements of 310 CMR 9.34(2)(c)1., if the project conforms to a municipal harbor plan which, as determined by the Secretary in the approval of said plan, specifies alternative requirements for interior facilities of public accommodation that will establish the project site as a year-round locus of public activity in a comparable and highly effective manner;

**(d)** the project shall include a management plan for all on-site facilities offering water-related benefits to the public, to ensure that the quantity and quality of such benefits will be effectively sustained; management elements which may be covered by the plan include, but are not limited to, signage, maintenance, hours and rules of operation, organizational arrangements and responsibilities, pricing, financing, and procedures for resolving use conflicts; if deemed appropriate, the Department may require the applicant to offer to the public, in the form of an easement, an enforceable right of access to or use of a proposed water-dependent facility of public accommodation;

**(e)** in the event that water-related public benefits which can reasonably be provided on-site are not appropriate or sufficient, the Department may consider measures funded or

otherwise taken by the applicant to provide such benefits elsewhere in the harbor or otherwise in the vicinity of the project site.

**(3)** The project shall promote other development policies of the Commonwealth, through the provision of nonwater-related benefits in accordance with applicable governmental plans and programs and in a manner that does not detract from the provision of water-related public benefits. In making this determination, the Department shall act in accordance with 310 CMR 9.53(3)(a) through (d):

**(a)** the Department shall take into account any guidance forthcoming from a state, federal, regional, or municipal agency as to the extent to which the project will contribute to or detract from the implementation of any specific policy, plan or program relating to, among other things: education; employment; energy; environmental protection; historic or archeological preservation; housing; industry; land use; natural resources; public health and safety; public recreation; and transportation.

**(b)** the Department shall act in accordance with the written recommendation of the Secretary of any state Executive Office in whose area of agency or program jurisdiction the proposed project falls, provided that said recommendation is made pursuant to an MOU or other written agreement with the Department as to the manner and extent to which the nonwater-related policies, plans, and programs of said Executive Office will be promoted in relation to water-related public interests.

**(c)** the Department shall give primary consideration to the implementation of policies, plans, or programs that:

1. have been officially adopted by statute, regulation, or other formal instrument of legislative or administrative action; and
2. complement measures taken by the project to serve water-related public purposes; examples of such complementary policies include the improvement of public transportation systems in order to foster ease of public movement to and from waterfront facilities, and the inclusion of affordable housing in residential development in order to make waterfront tenancy and access available to a broader segment of the public than would be the case under prevailing market conditions;

**(d)** the Department shall consider only those nonwater-related benefits accruing to the public in a manner that is reasonably direct, rather than remote, diffuse, or theoretical. Examples of direct public benefits include meeting a community need for mixed-income residential development, creating a large number of permanent jobs on-site, and reutilizing idle waterfront properties. Corresponding examples of indirect public benefits include increasing the general supply of market-rate housing, improving overall economic conditions, and expanding the property tax base of a municipality.

**(4)** In the event a nonwater-dependent use project is located on Great Ponds, the Department shall apply the provisions of 310 CMR 9.53(1) through (3), to the portion of the project site lying below the natural low water mark.

*310 CMR 9.53*

Amended, Mass Register Issue 1261, eff. 5/23/2014.

Amended by Mass Register Issue 1334, eff. 3/10/2017.

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# The Commonwealth of Massachusetts

No. 12345-B



2009 00126519

 Cert: 12975 Doc: LICPL  
 Registered: 03/11/2009 02:28 PM


2009 00000658

 Bk: 1174 Pg: 193 Page: 1 of 19  
 Doc: LICPL 03/11/2009 02:31 PM

## Whereas, Winthrop Management LLC

of - - Nantucket - - in the County of Nantucket - - has applied to the Department of Environmental Protection to maintain existing, previously unauthorized fill, structures and uses at the Nantucket Boat Basin, Nantucket, Massachusetts consisting of certain portions of two filled wharves, a public way known as New Whale Street, a fuel storage and distribution facility including a fuel transfer pier and fuel lines, a water intake and discharge grate for Nantucket Electric cooling water, a parking lot, three (3) taxi stands (two taxi stands in the parking lot and one taxi stand adjacent to New Whale Street), four (4) restrooms (two year-round and two seasonal), two (2) shower facilities (one year-round and one seasonal), 29 benches, trash receptacles, public pedestrian access areas and the following tabulated list of buildings, total floor areas and uses whose numbers or letters appear on the License Plan

### Winthrop Management LLC

| <u>Bldg. No.</u>            | <u>Location</u>      | <u>Total Floor Area (sf)</u> | <u>License</u>              | <u>Use</u>                                                                                                                                                                                                                                                                                 |
|-----------------------------|----------------------|------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Main Street BLDG "A"</u> | <u>Main Street</u>   | <u>3,086</u>                 | <u>Believed unlicensed*</u> | <u>Mixed Use: Commercial/Residential.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u><br><u>Nonwater-dependent Facility of Private Tenancy.</u><br><u>1<sup>st</sup> Fl: Commercial Nonwater-dependent Facility of Public Accommodation; Seasonal Public Restrooms.</u> |
| <u>BLDG "B"</u>             | <u>Harbor Square</u> | <u>14,750</u>                | <u>Believed unlicensed</u>  | <u>Mixed Use: Commercial/Residential.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u><br><u>Nonwater-dependent Facility of Private Tenancy.</u><br><u>1<sup>st</sup> Fl: Commercial Nonwater-dependent Facility of Public Accommodation.</u>                            |
| <u>BLDG. "C"</u>            | <u>Harbor Square</u> | <u>3,000</u>                 | <u>Believed unlicensed</u>  | <u>Mixed Use: Commercial/Residential.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u><br><u>Nonwater-dependent Facility of Private Tenancy.</u><br><u>1<sup>st</sup> Fl: Commercial Nonwater-dependent Facility of Public Accommodation.</u>                            |
| <u>BLDG "D"</u>             | <u>Harbor Square</u> | <u>2,780</u>                 | <u>Believed unlicensed</u>  | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                          |
| <u>BLDG "E"</u>             | <u>Harbor Square</u> | <u>4,050</u>                 | <u>Believed unlicensed</u>  | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                          |
| <u>BLDG "F"</u>             | <u>Harbor Square</u> | <u>520</u>                   | <u>Believed unlicensed</u>  | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                          |

Owners: NIR Retail LLC, Sherburne Associates Realty Trust, Peter Braverman & Michael L. Ashner, Trustees  
 Nantucket County & Winthrop Nantucket Nominee Trust

original plans filed in ALB 26 PG 53

| <u>Bldg. No.</u>    | <u>Location</u>         | <u>Total Floor Area (sf)</u> | <u>License</u>              | <u>Use</u>                                                                                                                                                                                                                                                                                                                  |
|---------------------|-------------------------|------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>BLDG "G"</u>     | <u>9 Salem St.</u>      | <u>12,945</u>                | <u>Believed unlicensed*</u> | <u>Commercial, Year-round Public Restrooms.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                              |
| <u>Facility "H"</u> | <u>New Whale Street</u> | <u>-</u>                     | <u>Believed unlicensed*</u> | <u>Commercial. (Fuel Transfer, Storage, and Distribution Facility)</u><br><u>Water-dependent Industrial Use.</u>                                                                                                                                                                                                            |
| <u>17.</u>          | <u>Old South Wharf</u>  | <u>3390</u>                  | <u>Unlicensed</u>           | <u>Mixed Use: Commercial, Residential, and Private Club.</u><br><u>Nonwater-dependent Facility of Public Accommodation:</u><br><u>Nonwater-dependent Facility of Private Tenancy.</u><br><u>1<sup>st</sup> Fl: Commercial Nonwater-dependent Facility of Public Accommodation.</u>                                          |
| <u>18.</u>          | <u>Old South Wharf</u>  | <u>289</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>19.</u>          | <u>Old South Wharf</u>  | <u>220</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>20.</u>          | <u>Old South Wharf</u>  | <u>806</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>21.</u>          | <u>Old South Wharf</u>  | <u>655</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>22.</u>          | <u>Old South Wharf</u>  | <u>668</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>23.</u>          | <u>Old South Wharf</u>  | <u>681</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>24.</u>          | <u>Old South Wharf</u>  | <u>3,420</u>                 | <u>Unlicensed</u>           | <u>Mixed Use: Commercial/Residential.</u><br><u>Nonwater-dependent Facility of Public Accommodation and Nonwater-dependent Facility of Private Tenancy.</u><br><u>1<sup>st</sup> Fl: Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                         |
| <u>25.</u>          | <u>Old South Wharf</u>  | <u>209</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>26.</u>          | <u>Old South Wharf</u>  | <u>560</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>27.</u>          | <u>Old South Wharf</u>  | <u>900</u>                   | <u>Unlicensed</u>           | <u>Year-round Shower and Restroom Facilities: Utility Room.</u><br><u>Accessory to Water-dependent Use.</u>                                                                                                                                                                                                                 |
| <u>40.</u>          | <u>Straight Wharf</u>   | <u>240</u>                   | <u>Unlicensed</u>           | <u>Electric Room, Utilities, and Boat Basin Support.</u><br><u>Accessory to Water-dependent Use.</u>                                                                                                                                                                                                                        |
| <u>40A</u>          | <u>Straight Wharf</u>   | <u>26</u>                    | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>41.</u>          | <u>Straight Wharf</u>   | <u>330</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Accessory to Water-dependent Use.</u>                                                                                                                                                                                                                                                              |
| <u>42.</u>          | <u>Straight Wharf</u>   | <u>1,290</u>                 | <u>Unlicensed</u>           | <u>Mixed Use: Commercial/Residential.</u><br><u>Nonwater-dependent Facility of Public Accommodation:</u><br><u>Nonwater-dependent Facility of Private Tenancy.</u><br><u>1<sup>st</sup> Fl: Commercial Nonwater-dependent Facility of Public Accommodation.</u>                                                             |
| <u>43.</u>          | <u>Straight Wharf</u>   | <u>760</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>44.</u>          | <u>Straight Wharf</u>   | <u>1,703</u>                 | <u>Unlicensed</u>           | <u>Mixed Use: Commercial/Residential.</u><br><u>Accessory to Water-dependent Facility:</u><br><u>Nonwater-dependent Facility of Public Accommodation:</u><br><u>Nonwater-dependent Facility of Private Tenancy.</u><br><u>1<sup>st</sup> Fl: Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u> |
| <u>45.</u>          | <u>Straight Wharf</u>   | <u>353</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |
| <u>46.</u>          | <u>Straight Wharf</u>   | <u>675</u>                   | <u>Unlicensed</u>           | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                           |

| <u>Bldg. No.</u> | <u>Location</u>           | <u>Total<br/>Floor<br/>Area<br/>(sf)</u> | <u>License</u>    | <u>Use</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------|---------------------------|------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>47.</u>       | <u>Straight<br/>Wharf</u> | <u>1,158</u>                             | <u>Unlicensed</u> | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>48.</u>       | <u>Straight<br/>Wharf</u> | <u>1,560</u>                             | <u>Unlicensed</u> | <u>Mixed Use:</u><br><u>Commercial, Seasonal Public Restrooms, Marina</u><br><u>Restroom and Showers, Utilities and Boat Basin</u><br><u>Support.</u><br><u>Accessory to Water-dependent Facility:</u><br><u>Nonwater -dependent Facilities of Public</u><br><u>Accommodation.</u><br><u>1<sup>st</sup> Fl: Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u><br><u>Seasonal Public Restrooms, Utilities and Boat Basin</u><br><u>Support.</u> |
| <u>49.</u>       | <u>Straight<br/>Wharf</u> | <u>3,275</u>                             | <u>Unlicensed</u> | <u>Commercial.</u><br><u>Nonwater-dependent Facility of Public Accommodation.</u>                                                                                                                                                                                                                                                                                                                                                                                           |

\* Indicates structures not specifically shown on an existing license, but believed to be grandfathered under 310 CMR 9.05(3). To the extent a structure is not grandfathered, it is to be licensed hereunder.

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the -- Board of Selectmen -- of the -- Town -- of -- Nantucket -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

-- The Winthrop Management LLC --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, -- to maintain existing, previously unauthorized fill, structures and uses at the Nantucket Boat Basin, Nantucket, Massachusetts consisting of certain portions of two filled wharves, a public way known as New Whale Street, a fuel storage and distribution facility including a fuel transfer pier and fuel lines, a water intake and discharge grate for Nantucket Electric cooling water, a parking lot, three (3) taxi stands (two taxi stands in the parking lot and one taxi stand adjacent to New Whale Street), four (4) restrooms (two year-round and two seasonal), two (2) shower facilities (one year-round and one seasonal), 29 benches, trash receptacles, public pedestrian access areas and the above tabulated list of buildings, total floor area and uses whose numbers or letters appear on the License Plan

in and over filled tidelands of Nantucket Harbor -- in the -- Town -- of -- Nantucket -- and in accordance with the locations shown and details indicated on the accompanying "Winthrop" DEP License Plan No. 12345-B.

The fill and structures authorized hereby shall be limited to the following uses, as further located and described herein and on the License Plan: shoreline stabilization for the protection of existing structures, fuel transfer, storage and conveyance, residential use, general office facilities, hotels and other facilities of transient lodging, food and beverage service establishments, retail shops and stores, interior site drives and vehicular parking, to convey water and stormwater, and public pedestrian access and public amenities.

The fill from the landward limit of CH 91 jurisdiction to the seaward limits of the bulkheads encompassing Straight Wharf, Old South Wharf and the bulkheads along the shoreline of this property and the aforementioned bulkheads were authorized in License 5553, dated 10 September 1969, and have no expiration date in their license. The fuel storage tanks and piping of the fuel storage distribution facility and its current uses on these private tidelands were in place prior to January 1, 1984, thus these structures do not require a Chapter 91 license, see 310 CMR 9.05(3)(b). The existing Fuel Transfer Pier and associated fuel lines authorized in License 5553 were constructed proximate to the licensed location and within 10% of the authorized size; this license authorizes the current location and size and the license term authorized in License #5553 for these structures. All underground utilities on the site are authorized for a term of 65 years, whereas the remaining structures and uses are authorized for a term of 50 years. Nothing in this paragraph shall impair any existing right of the Nantucket Electric Company in any of the filled areas or pipes referred to in this paragraph.

Subject to the provisions of 310 CMR 9.25 and 310 CMR 9.26(2), nothing herein shall alter or impair in any manner the rights of any person under the pre-existing waterways licenses listed below, and the authorization for the structures and activities previously granted in those licenses remains in full force and effect for the remainder of the license terms, if any, of the original licenses.

| <b>License No.</b> | <b>Date</b> | <b>Licensee</b>                                    | <b>Activity</b>                                   |
|--------------------|-------------|----------------------------------------------------|---------------------------------------------------|
| H&L 1934           | 7/7/1896    | Town of Nantucket                                  | Solid fill between Straight and Old South Wharves |
| H&L 2155           | 6/27/1898   | Charles Crosby                                     | Timber bulkhead                                   |
| H&L 3385           | 7/27/1909   | James Backus, Arthur Jones & Fred Maglathn         | Pile structure                                    |
| H&L 3393           | 7/14/09     | Wm. T. Swain & Co.                                 | Bulkhead, marine railway and fill                 |
| H&L 3999           | 9/15/15     | Henry Lang                                         | Bulkhead, pier, railway and fill                  |
| H&L 4009           | 10/19/15    | John Killen                                        | Bulkhead & fill                                   |
| W&PL 48            | 3/22/17     | Island Service Co                                  | Reconstruct wharf and dredge                      |
| W&PL 185           | 5/24/18     | Nantucket Ship Building Co.                        | Fill                                              |
| DPW 441            | 6/26/24     | Henry & Florence Lang                              | Fill                                              |
| DPW 984            | 2/12/29     | Citizens Gas Electric & Power                      | Condenser intake well                             |
| DPW 1037           | 6/25/29     | John Killen et al                                  | Bulkhead & fill                                   |
| DPW 1340           | 9/1/31      | Citizens Gas Electric & Power                      | Pier, bulkhead, dolphin, dredge & fill            |
| DPW 1823           | 10/27/36    | L. & T. Barnes heirs, Estate of Grace Davis Barnes | Maintain Commercial wharf                         |
| DPW 1986           | 8/9/38      | Landon Barnes                                      | Marine railway                                    |
| DPW 2890           | 8/6/46      | Hyannis Steamship                                  | Construct landing                                 |
| DPW 3232           | 5/3/50      | Eben Hutchinson                                    | Timber pier & fill                                |
| DPW 3240           | 5/31/50     | Hyannis Steamship                                  | Addition to existing landing                      |
| DPW 3489           | 8/19/52     | Eben Hutchinson                                    | Mooring, dolphins, piles & floats                 |
| DPW 3621           | 4/12/54     | Lawrence Miller                                    | Extend & fill bulkhead                            |
| DPW 3682           | 11/15/54    | Marjorie Swain                                     | Extend pier & piles                               |
| DPW 3749           | 6/1/55      | L. & M. Miller                                     | Platform, bulkhead & dredge                       |
| DPW 4026           | 12/2/57     | L & M. Miller                                      | Various structures - structures on Straight Wharf |
| DPW 4027           | 12/2/57     | Island Service Co                                  | Platforms, piers & dolphins                       |
| DPW 4081           | 4/22/58     | Island Service Co.                                 | Bulkhead & fill                                   |
| DPW 4575           | 4/10/62     | H. B. & M. Walker                                  | Timber platform                                   |
| DPW 5177           | 12/21/66    | Sherburne Assoc                                    | Steel bulkhead                                    |
| DPW 5236           | 7/12/67     | Sherburne Assoc.                                   | Bulkheads, fill & timber piers                    |
| DPW 5553           | 9/10/69     | Sherburne Assoc.                                   | Bulkheads, fill & timber piers                    |
| DEQE 106           | 5/17/76     | Sherburne Assoc.                                   | Bulkhead, fill & dredge                           |
| DEQE 738           | 6/13/81     | Sherburne Assoc.                                   | Pier                                              |
| DEQE 740           | 9/16/81     | Sherburne Assoc.                                   | Construct 3 bollards                              |

**This License is subject to the following Special Conditions:**

Special Condition #1: The Licensee shall maintain in good repair a network of public walkways, and maintain associated public amenities including, but not limited to, 29 benches, signage, lighting, four restrooms (two year-round and two seasonal), two shower facilities (one year-round and one seasonal), landscaping and trash receptacles. Said publicly accessible areas and amenities shall be provided in accordance with the License Plan.

Special Condition #2: The Licensee shall construct and maintain in good repair a public wooden and/or brick walkway on property located adjacent to and immediately south of the project site, between Old South Wharf and Commercial Wharf for the purpose of allowing pedestrians to pass and re-pass on foot only over the walkway. Said walkway shall have a minimum outside width of 6 feet and initially a clear width of 5 feet two inches along its entire length. If at any time during the term of this license, any portion of the bulkhead associated with this walkway or any of the wooden piles associated with this portion of the site and located seaward of this bulkhead needs to be replaced or maintained, the maintenance or replacement shall be accomplished in such a manner that the walkway shall be expanded in an easterly (seaward) direction to create a six-foot clear width walkway. The licensee shall allow free, unrestricted public access along this walkway 24 hours per day except as noted in the following sentence. The walkway shall have gates at the fuel transfer pier and/or at either end, which may be closed for reasons of public safety (i) during occasions caused by active fuel transfer; or (ii) for other reason of public safety occasioned by Nantucket Electric Company's use of the Walkway Easement area pursuant to its rights under existing licenses, provided Nantucket Electric Company provides the Department with notice of any such temporary closure for reasons of public safety not previously arranged with the Nantucket Fire Marshall, informing the Department of the reason for and expected duration of such temporary closure - if such temporary closure is scheduled in advance, and in any event such notice shall be given as soon as practicable after the occurrence of any such temporary closure. Said temporary closure shall be for the minimum amount of time reasonably necessary. On all other occasions said gates shall be left open twenty-four (24) hours per day. Said walkway shall be constructed within the Walkway Easement area (see Grant of Easement and Agreement, recorded at the Nantucket Registry of Deeds in Book 962, Page 268, the "Walkway Grant of Easement"). The existing fuel dock office structure shall be modified or removed to accommodate the six-foot initial outside walkway width as shown on the License Plan. Construction of the walkway shall be completed within one year of the date of License issuance. This deadline may be extended by the Department for good cause (e.g., if the Licensee, despite diligent efforts, has been unable to secure all necessary permits and approvals in final form) upon the written application of the Licensee.

Special Condition #3: The Licensee shall maintain in good working order and shall allow the public to use free of charge the restroom facilities and shower facilities identified in this License and on the License Plan. Seasonal and year-round restroom and shower facilities located on the east end of Straight Wharf and Old South Wharf shall be open as follows: From May 15 to May 31 and from October 1 to October 15 these facilities shall be open, at a minimum, from 8:00 a.m. until 8:00 p.m. Between June 1 and September 30, these facilities shall be open, at a minimum, from 6:30 a.m. until 11:00 p.m. Year-round facilities shall be open at a minimum from 8:00 a.m. until 6:00 p.m. from October 16 through May 14. The remaining public restrooms identified

in this License and on the License Plan shall be available to the public, free of charge during the normal operating hours of the businesses operating within those buildings. All restrooms shown on the License plan shall be identified by Department approved signage as described in Special Condition #6. The Licensee may adopt reasonable rules governing the use of said facilities, in accordance with Special Condition #4.

Special Condition #4: The publicly accessible areas described in Special Conditions #1, #2 and #3 shall be available to the general public, 24 hours a day, except as otherwise described herein subject to reasonable rules as described in Special Condition #5. The Licensee shall not require the purchase of food, drink or other goods or services and users shall not be charged a fee in order for the public to use the facilities specified in Special Conditions #1, #2 and #3. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area(s) intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c shall apply.

Special Condition #5: The Licensee may adopt reasonable rules governing the publicly accessible areas of the site, subject to prior review and written approval by the Department, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment by minimizing conflicts between user groups. No amendment to said rules shall be made without prior written approval by the Department.

Special Condition #6: Upon License issuance, the Licensee shall place and maintain in good repair Department approved signage of an adequate size throughout the project site, as described in the License Plan. Said signage shall be prominently displayed and clearly visible to all pedestrians utilizing public accessways specified in this License throughout the project site. Said signage shall include any statement and/or logo specified by the Department, shall be consistent with all local laws and regulations and shall otherwise conform to the "Signage Specifications of the Waterways Regulation Program", as may be provided or amended hereafter. Said signage shall be placed as described and stipulated within these conditions, as well as at all project site entryways. Said signage shall encourage public patronage of the facilities, state the hours of public access and any reasonable rules for their use in accordance with Special Condition #3. At least one sign shall be placed in a prominent location stating the waterways license number of the project and a location on the site where the public may inspect a copy of the license.

Special Condition #7: The Licensee shall maintain the area on the north side of Building "G", as shown on the License Plan, as a publicly accessible parking area ("Parking Area"), subject to reasonable rules as described in Special Condition #5.

Special Condition #8: The Licensee shall maintain two curb cuts to provide barrier-free access to the project site for handicapped users and shall reserve three (3) spaces for dedicated taxicab parking (two spaces in the northeast corner of the Parking Area along with a taxicab parking space adjacent to New Whale Street).

Special Condition #9: The Licensee or its designee shall allow the repair, maintenance, reconstruction and use of the existing water intake and discharge structures (including any minor modifications relating to such structures pursuant to 310 C.M.R. 9.22(3)), to

the extent such structures are located on the project site (including within the bulkhead), which structures and their use are authorized pursuant to MDEP Waterways License No. 7763, for the benefit of the adjacent property currently owned by Nantucket Electric Company. Said water intake and discharge structures are identified and described in the License Plan.

**Special Condition #10:** The Licensee shall, as part of a regular maintenance regime, inspect all catch basins on the project site at intervals not to exceed six (6) months in order to monitor their proper function. Sediment traps shall be cleaned as necessary. Within ninety (90) days of License issuance, the Licensee shall install and maintain in good working order sorbent pillows in all of the catch basins in the parking lot adjacent to Building "G", as shown on the License Plan. The Licensee shall monitor the condition of these catch basins by conducting field inspections at least every two (2) months. Sorbent pillows shall be replaced as necessary (based on the determination of the Conservation Commission or its designee). Inspections of all catch basins and any remedial actions taken shall be documented in an inspection log by the Licensee and submitted to the Nantucket Conservation Commission upon request of said Commission.

**Special Condition #11:** The Licensee shall provide free, 24-hour truck access to Straight Wharf and Old South Wharf for loading and offloading of gear and catch by the winter commercial fishing fleet.

**Special Condition #12:** No later than one (1) year after issuance of this License or such extended deadline as granted by the Department as described in Special Condition #2, the Licensee shall apply to the Department for a Certificate of Compliance pursuant to the Waterways Regulations and provide the Department with an as-built plan stamped and signed by a registered professional engineer licensed to do business in the Commonwealth, certifying that the walkway required by Special Condition #2, the signage required in Special Condition #6, the curb-cuts required by Special Condition #8, and the sorbent pillows required in Special Condition # 11 are in full compliance with the referenced plan. Except for the segment of the walkway/boardwalk from Old South Wharf to Commercial Wharf the signage, the curb cuts, and the sorbent pillows, the remainder of the improvements authorized herein have been completed in accordance with the License Plan; the issuance of this License fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

**Special Condition #13:** Under the provision of 9.15(1)(b)(5), the Licensee shall submit to the Department an annual license compliance inspection report prepared by a licensed professional engineer competent in Chapter 91 licensing issues in lieu of payment of an annual compliance fee. Such annual report at a minimum shall contain those elements as specified by the Department.

**Department of Environmental Protection required  
annual license compliance inspection report elements for  
Winthrop Management LLC**

Certify that all public amenities noted below do not require the purchase of food, drink, or other services for public use of these amenities.

- Walkways:
- Public Restrooms
- Public Showers
- Public benches
- Trash receptacles
- Taxicab Parking
- Public Parking on the north side of Building "G"

Certify that all amenities described below are in good repair and are otherwise in accordance with the conditions of the license.

- Walkways:
- Public Restrooms
- Public Showers
- Public benches
- Trash receptacles
- Taxicab Parking
- Public Parking on the north side of Building "G"
- Lighting
- Landscaping
- Signs

Certify that all commitments described below are in accordance with the conditions of the license.

- Catch basins installation and maintenance
- Maintenance of facilities and availability of access by Winthrop Management LLC to docks, piers, wharves, and bulkheads of the Nantucket Boat Basin to allow the routine operation of the Boat Basin Marina.
- Availability of truck access to the commercial fishing fleet to Straight Wharf and Old South Wharf for loading and offloading of gear and catch.
- Allowing Nantucket Electric Company access to maintain the water intake and discharge grate for Nantucket Electric Company cooling water facilities

Please see the following Standard Waterways License Conditions. \_\_\_\_\_

Duplicate of said plans, License # 12345-B are on file in the office of said Department, and original of said plans accompanies this License, and is to be referred to as a part hereof.

## STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP.

**This License authorizes structure(s) and/or fill on:**

X Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

   a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this License.

Unless otherwise expressly provided by this License, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

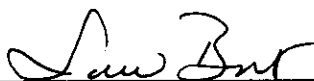
The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Winthrop Management LLC -- by paying into the treasury of the Commonwealth -- ten dollars and zero cents (\$10.00)-- for each cubic yard so displaced, being Zero Dollars (\$0.00) the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of -- Nantucket. -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 18<sup>th</sup> day of February in the year two thousand and nine.

Commissioner



Program Director



Program Chief



Department of  
Environmental  
Protection

#### THE COMMONWEALTH OF MASSACHUSETTS

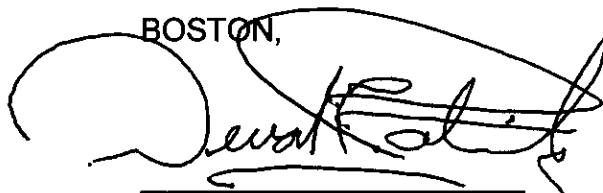
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said ----- Winthrop Management LLC -----

of Zero Dollars (\$0.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

BOSTON,



Governor

I CERTIFY THAT THIS PLAN AS  
PREPARED CONFORMS TO THE RULES  
AND REGULATIONS OF THE REGISTRY  
OF DEEDS.



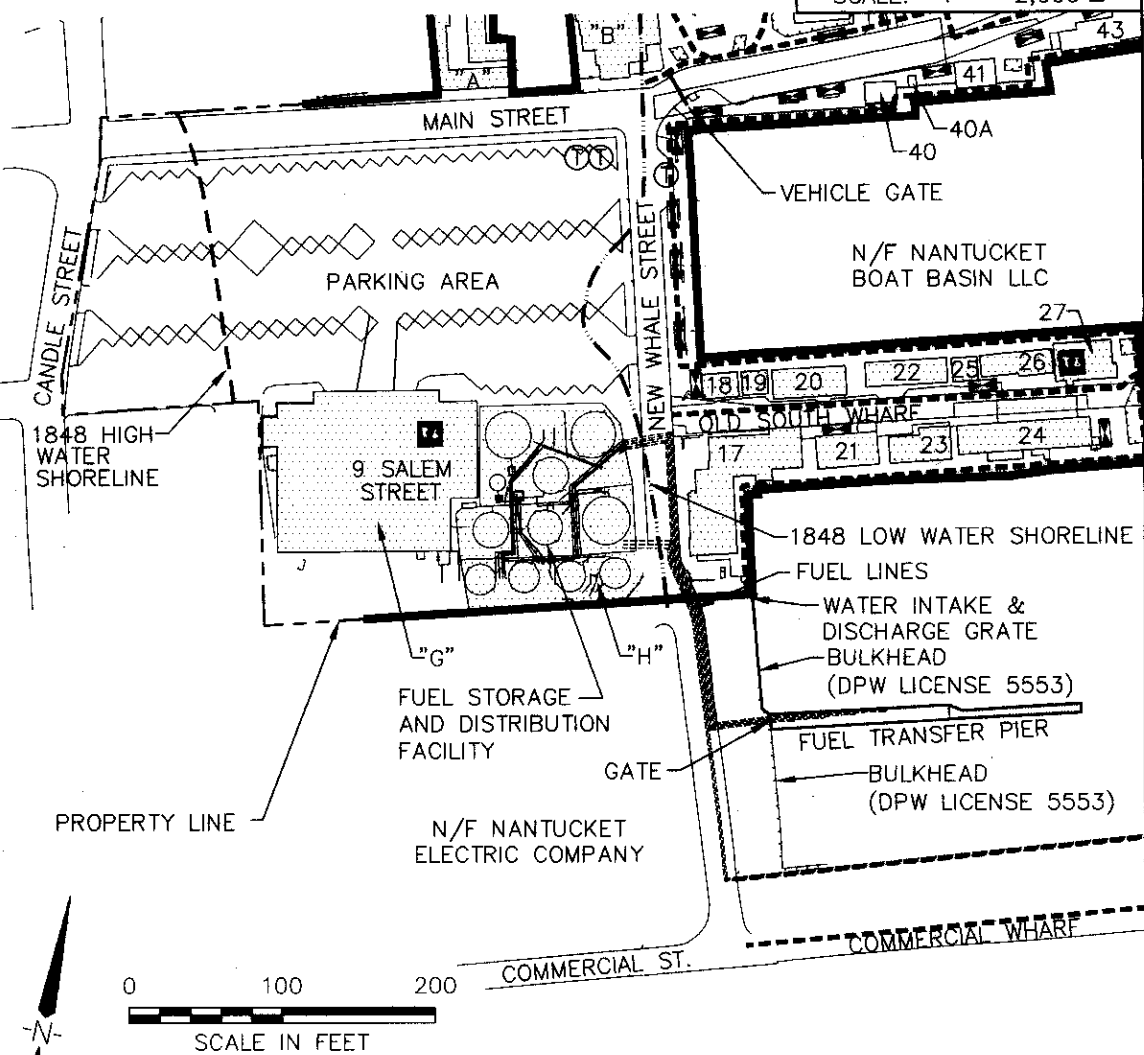
*Janet Carter Bernardo*

12-8-08

**LEGEND:**

- |                            |                              |
|----------------------------|------------------------------|
| --- PEDESTRIAN ACCESS AREA | ⊙ VESSEL PUMPOUT STATION     |
| ⊠ PUBLIC RESTROOMS         | Ⓢ TAXI STAND                 |
| ⊞ BENCHES                  | — LIMIT OF LICENSED PREMISES |
| --- UNDERGROUND FUEL LINES |                              |

SITE LOCUS  
SCALE: 1" = 2,000'±



**EXISTING CONDITIONS PLAN**

PLANS ACCOMPANYING PETITION OF WINTHROP MANAGEMENT LLC TO AUTHORIZE AND MAINTAIN PREVIOUSLY UNLICENSED EXISTING FILL, USES AND STRUCTURES AT THE NANTUCKET BOAT BASIN NANTUCKET, MASSACHUSETTS

PLANS SHOW ALL EXISTING STRUCTURES AND FILL, INCLUDING STRUCTURES AND FILL UNDER EXISTING VALID LICENSES. PREPARED BY: ESS GROUP, INC.

03/25/02 (REV. 8/02, 11/03, 5/04, 1/05, 6/05, 11/06, 6/07, 10/07, 12/07)  
THIS PLAN IS FOR PERMITTING PURPOSES ONLY.

FEB 18 2009

SHEET 1 OF 8

LICENSE PLAN NO. 12345-B

Approved by Department of Environmental Protection of Massachusetts

*Janet Carter Bernardo*  
*John Smith*  
*Robert Brown*

I CERTIFY THAT THIS PLAN AS  
PREPARED CONFORMS TO THE RULES  
AND REGULATIONS OF THE REGISTRY  
OF DEEDS.



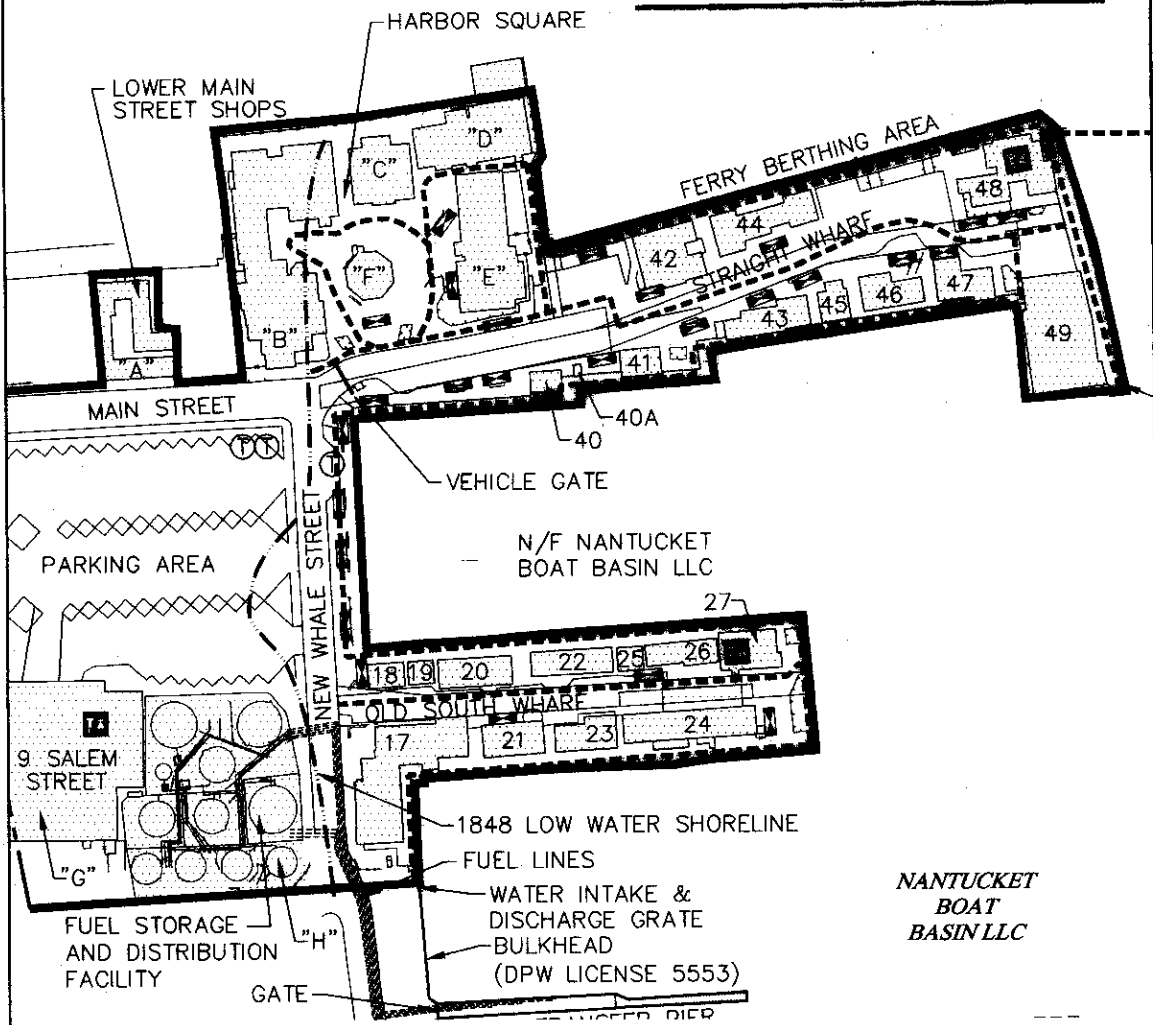
*Janet Carter Bernardo*

12.8.08

LEGEND:

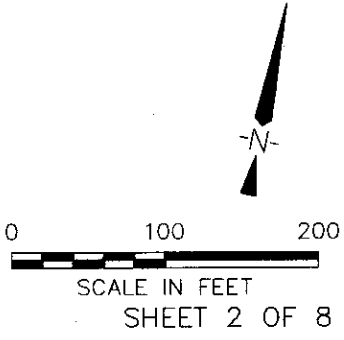
- |                            |                              |
|----------------------------|------------------------------|
| --- PEDESTRIAN ACCESS AREA | Ⓟ VESSEL PUMPOUT STATION     |
| TA PUBLIC RESTROOMS        | Ⓣ TAXI STAND                 |
| ⊠ BENCHES                  | — LIMIT OF LICENSED PREMISES |
| UNDERGROUND FUEL LINES     |                              |

**LICENSE NO. 12345-B**  
Approved by Department of Environmental Protection  
Date **FEB 18 2009**

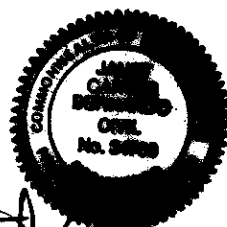


NANTUCKET  
BOAT  
BASIN LLC

EXISTING CONDITIONS PLAN  
PLANS ACCOMPANYING PETITION OF WINTHROP MANAGEMENT  
LLC TO AUTHORIZE AND MAINTAIN PREVIOUSLY UNLICENSED  
EXISTING FILL, USES AND STRUCTURES AT THE NANTUCKET  
BOAT BASIN  
NANTUCKET, MASSACHUSETTS  
PLANS SHOW ALL EXISTING STRUCTURES AND FILL,  
INCLUDING STRUCTURES AND FILL UNDER EXISTING VALID LICENSES.  
PREPARED BY: ESS GROUP, INC.  
03/25/02 (REV. 8/02, 11/03, 5/04, 1/05, 6/05, 11/06, 6/07, 10/07, 12/07)  
THIS PLAN IS FOR PERMITTING PURPOSES ONLY.



I CERTIFY THAT THIS PLAN AS  
PREPARED CONFORMS TO THE RULES  
AND REGULATIONS OF THE REGISTRY  
OF DEEDS.



*Paul C. Corrado*

12-8-08

| ADDRESS                                       | AREA in<br>SQUARE FEET (±) |
|-----------------------------------------------|----------------------------|
| 40 STRAIGHT WHARF                             | 240                        |
| 40A STRAIGHT WHARF                            | 26                         |
| 41 STRAIGHT WHARF                             | 330                        |
| 42 STRAIGHT WHARF                             | 1290                       |
| 43 STRAIGHT WHARF                             | 760                        |
| 44 STRAIGHT WHARF                             | 1703                       |
| 45 STRAIGHT WHARF                             | 353                        |
| 46 STRAIGHT WHARF                             | 675                        |
| 47 STRAIGHT WHARF                             | 1158                       |
| 48 STRAIGHT WHARF                             | 1560                       |
| 49 STRAIGHT WHARF                             | 3275                       |
| MAIN STREET BLDG. "A"                         | 3086                       |
| HARBOR SQUARE BLDG. "B"                       | 14750                      |
| HARBOR SQUARE BLDG. "C"                       | 3000                       |
| HARBOR SQUARE BLDG. "D"                       | 2780                       |
| HARBOR SQUARE BLDG. "E"                       | 4050                       |
| HARBOR SQUARE BLDG. "F"                       | 520                        |
| 9 SALEM STREET BLDG. "G"                      | 12945                      |
| 17 OLD SOUTH WHARF                            | 3390                       |
| 18 OLD SOUTH WHARF                            | 289                        |
| 19 OLD SOUTH WHARF                            | 220                        |
| 20 OLD SOUTH WHARF                            | 806                        |
| 21 OLD SOUTH WHARF                            | 655                        |
| 22 OLD SOUTH WHARF                            | 668                        |
| 23 OLD SOUTH WHARF                            | 681                        |
| 24 OLD SOUTH WHARF                            | 3420                       |
| 25 OLD SOUTH WHARF                            | 209                        |
| 26 OLD SOUTH WHARF                            | 560                        |
| 27 OLD SOUTH WHARF                            | 900                        |
| FUEL STORAGE AND DISTRIBUTION<br>FACILITY "H" | 13612                      |

**LICENSE NO. 12345-B**

Approved by Department of Environmental Protection

Date

**FEB 18 2009**

AREAS OF BUILDINGS

PLANS ACCOMPANYING PETITION OF WINTHROP MANAGEMENT LLC  
TO AUTHORIZE AND MAINTAIN PREVIOUSLY UNLICENSED EXISTING  
FILL, USES AND STRUCTURES AT THE  
NANTUCKET BOAT BASIN  
NANTUCKET, MASSACHUSETTS

PLANS SHOW ALL EXISTING STRUCTURES AND FILL,  
INCLUDING STRUCTURES AND FILL UNDER EXISTING VALID LICENSES.

PREPARED BY: ESS GROUP, INC.

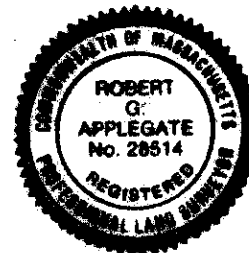
03/25/02 (REV. 8/02, 11/03, 5/04, 1/05, 6/05, 11/06, 6/07, 10/07, 12/07)  
THIS PLAN IS FOR PERMITTING PURPOSES ONLY.

SHEET 3 OF 8

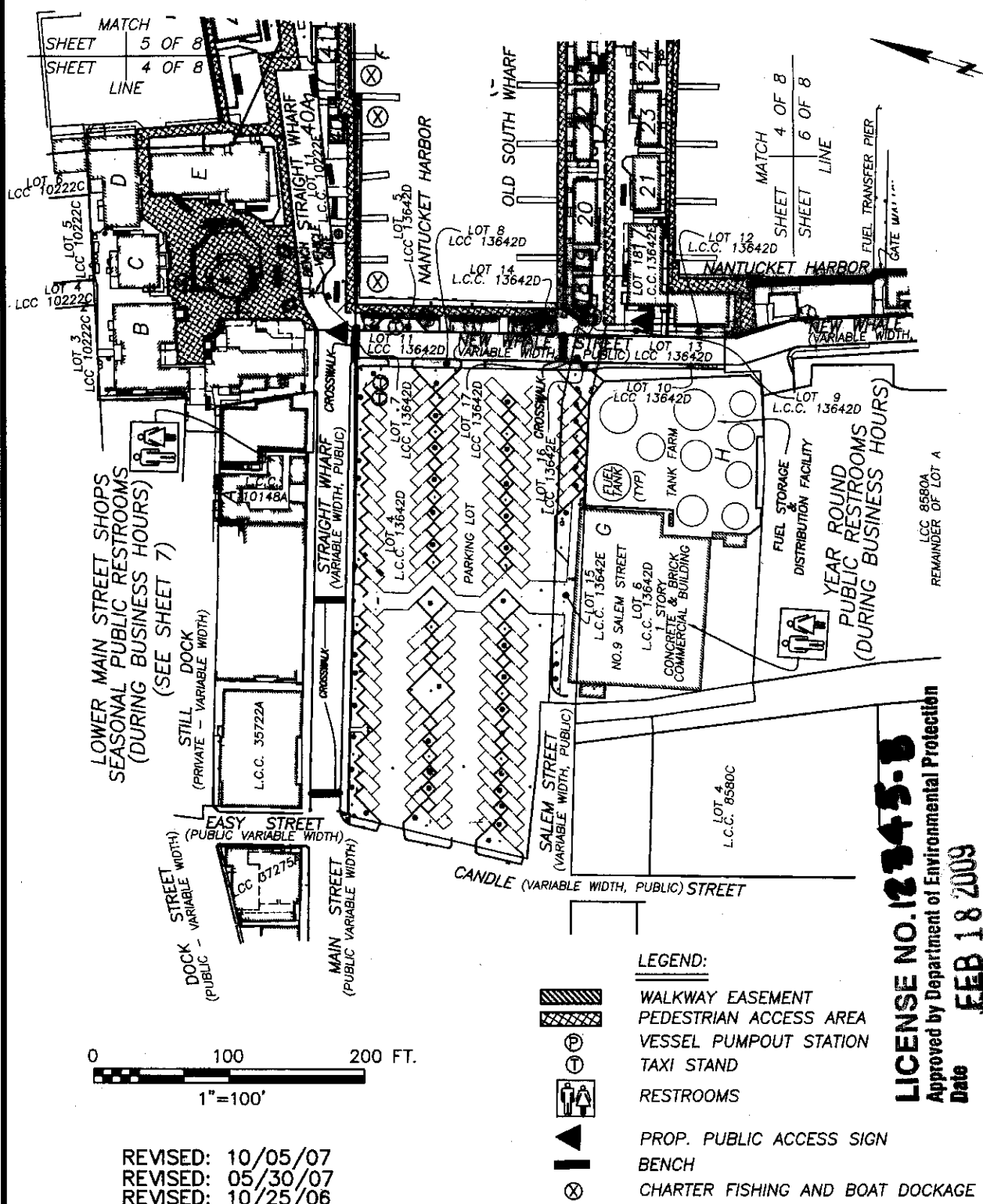
I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*Robert G. Applegate*  
 ROBERT G. APPLEGATE, P.L.S.  
 (MASS. REG. NO. #28514)  
 HARRY R. FELDMAN, INC.  
 PROFESSIONAL LAND SURVEYORS  
 112 SHAWMUT AVENUE  
 BOSTON, MASS 02118  
 PHONE: (617)357-9740  
 WWW.HARRYRFELDMAN.COM



**FELDMAN**  
 PROFESSIONAL LAND SURVEYORS



PLANS ACCOMPANYING PETITION OF  
 WINTHROP MANAGEMENT LCC FOR  
 CHAPTER 91 AMNESTY  
 LICENSE APPLICATION  
 PEDESTRIAN ACCESS AND  
 PUBLIC AMENITIES  
 NANTUCKET BOAT BASIN  
 NANTUCKET, MASS.  
 DATE: 09/19/06  
 SCALE: 1"=100'  
 JOB#11690 WINTHROP OCT 2007

SHEET 4 OF 8

**LICENSE NO. 12345-B**  
 Approved by Department of Environmental Protection  
 Date **FEB 18 2009**

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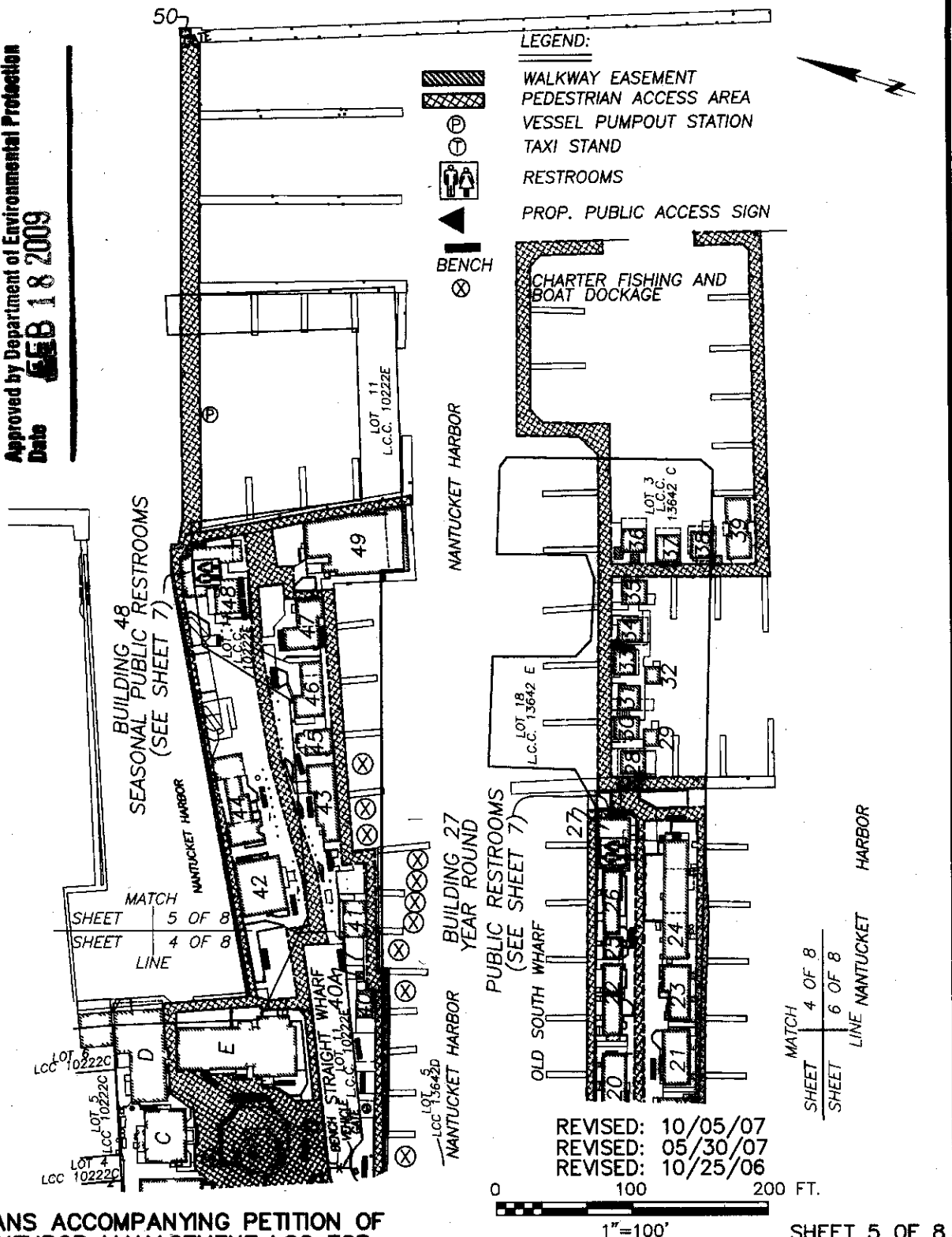
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**FELDMAN**  
 PROFESSIONAL LAND SURVEYORS

**LICENSE NO. 12345-B**  
 Approved by Department of Environmental Protection  
 Date **FEB 18 2009**



PLANS ACCOMPANYING PETITION OF  
 WINTHROP MANAGEMENT LCC FOR  
 CHAPTER 91 AMNESTY  
 LICENSE APPLICATION  
 PEDESTRIAN ACCESS AND  
 PUBLIC AMENITIES  
 NANTUCKET BOAT BASIN  
 NANTUCKET, MASS.  
 DATE: 09/19/06  
 SCALE: 1"=100'  
 JOB#11690 WINTHROP OCT 2007

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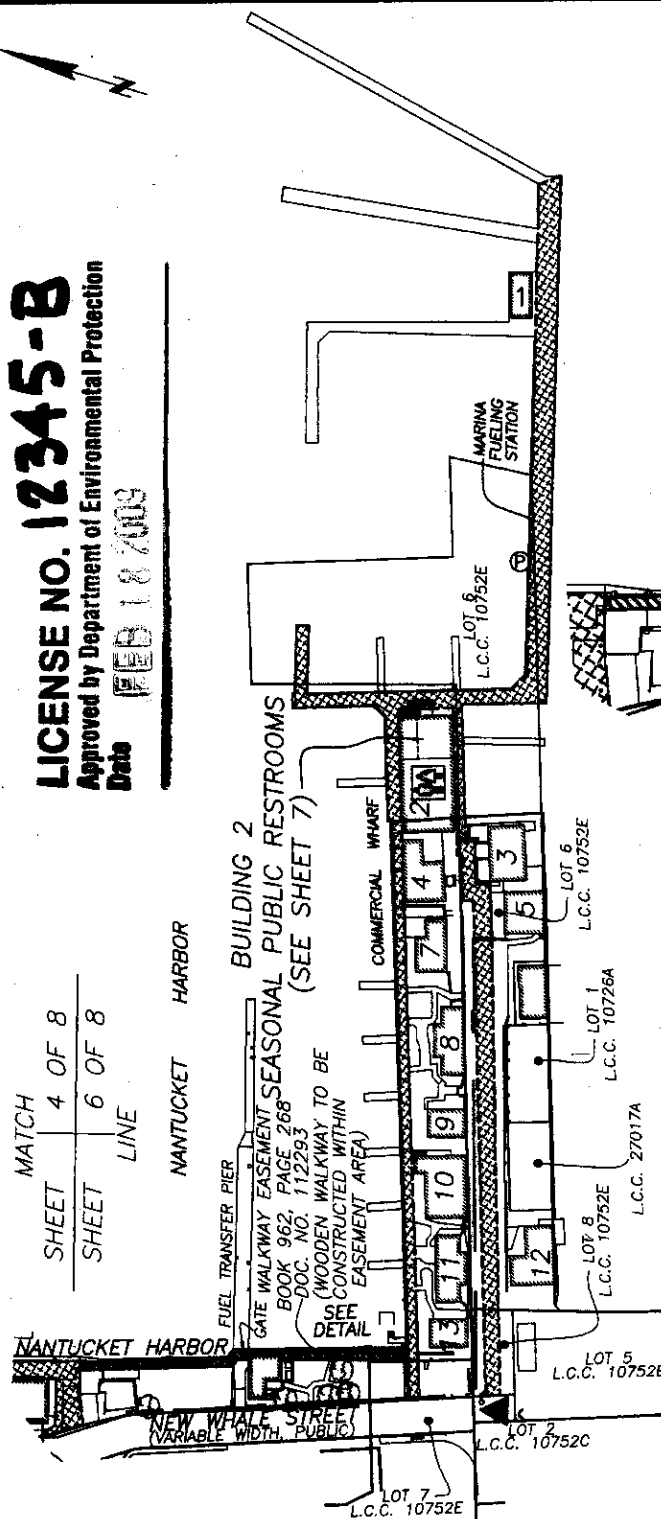
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*Robert G. Applegate*  
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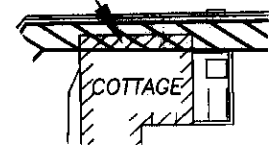


**FELDMAN**  
 PROFESSIONAL LAND SURVEYORS

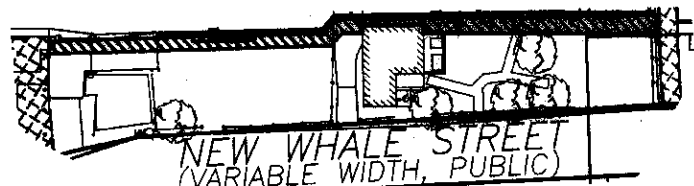
**LICENSE NO. 12345-B**  
 Approved by Department of Environmental Protection  
 Date **SEP 18 2008**



PORTION OF COTTAGE TO BE ALTERED TO ACCOMMODATE 6'-WIDE WALKWAY



DETAIL NOT TO SCALE



DETAIL NOT TO SCALE

**LEGEND:**

- WALKWAY EASEMENT
- PEDESTRIAN ACCESS AREA
- VESSEL PUMPOUT STATION
- TAXI STAND
- RESTROOMS
- PROP. PUBLIC ACCESS SIGN
- BENCH
- CHARTER FISHING AND BOAT DOCKAGE

0 100 200 FT.  
 1"=100'

REVISED: 10/05/07  
 REVISED: 05/30/07  
 REVISED: 10/25/06

**PLANS ACCOMPANYING PETITION OF**  
**WINTHROP MANAGEMENT LCC FOR**  
**CHAPTER 91 AMNESTY**  
**LICENSE APPLICATION**  
**PEDESTRIAN ACCESS AND**  
**PUBLIC AMENITIES**  
**NANTUCKET BOAT BASIN**  
**NANTUCKET, MASS.**  
**DATE: 09/19/06**  
**SCALE: 1"=100'**  
**JOB#11690 WINTHROP OCT 2007**

SHEET 6 OF 8

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

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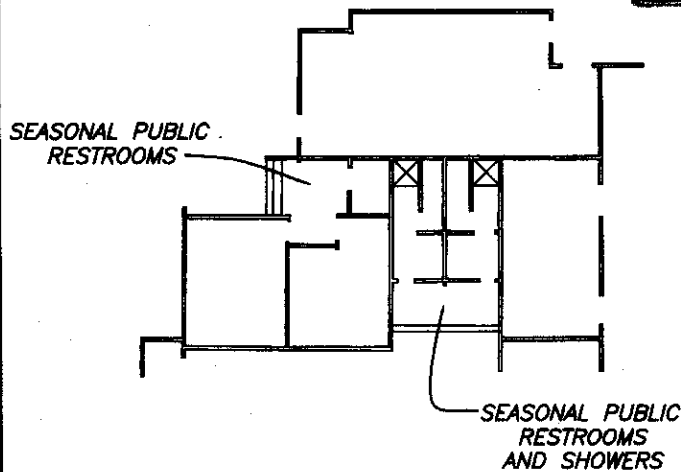
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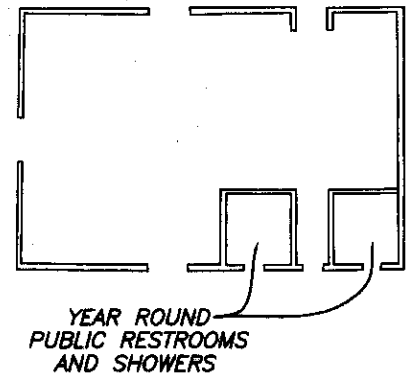
**FELDMAN**  
 PROFESSIONAL LAND SURVEYORS

**LICENSE NO. 12345-B**

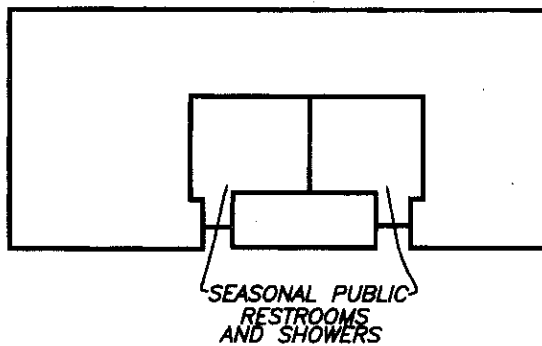
Approved by Department of Environmental Protection  
 Date **FEB 18 2009**



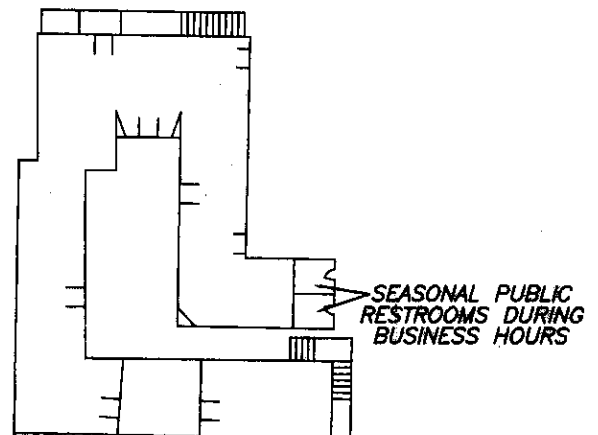
BUILDING 48  
 STRAIGHT WHARF



BUILDING 27  
 OLD SOUTH WHARF



BUILDING 2  
 COMMERCIAL WHARF  
 FIRST FLOOR



BUILDING "A"  
 LOWER MAIN STREET SHOPS

REVISED: 12/19/07  
 REVISED: 10/05/07  
 REVISED: 05/30/07  
 REVISED: 10/25/06

NOTE:  
 ADDITIONAL YEAR ROUND RESTROOMS  
 ARE LOCATED INSIDE OF BUILDING G.  
 (SUPERMARKET AT 9 SALEM STREET)

PLANS ACCOMPANYING PETITION OF  
 WINTHROP MANAGEMENT LCC FOR  
 CHAPTER 91 AMNESTY  
 LICENSE APPLICATION  
 PEDESTRIAN ACCESS AND  
 PUBLIC AMENITIES  
 NANTUCKET BOAT BASIN  
 NANTUCKET, MASS.  
 DATE: 09/19/06  
 NOT TO SCALE  
 JOB#11690 WINTHROP OCT 2007

SHEET 7 OF 8

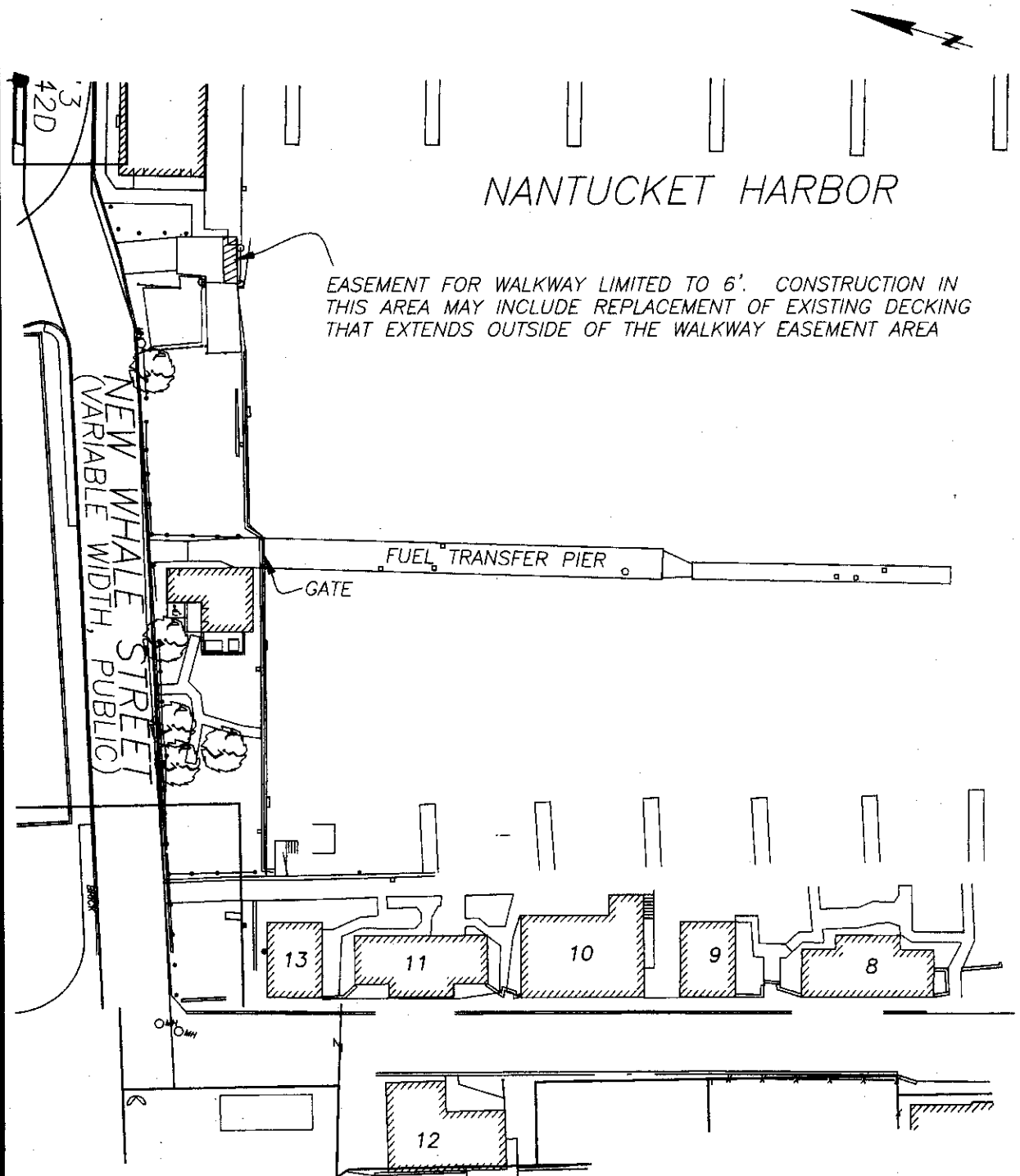
I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*Robert G. Applegate*  
 ROBERT G. APPLGATE, P.L.S.  
 (MASS. REG. NO. #28514)  
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 BOSTON, MASS 02118  
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PLANS ACCOMPANYING PETITION OF  
 WINTHROP MANAGEMENT LCC FOR  
 CHAPTER 91 AMNESTY  
 LICENSE APPLICATION  
 PEDESTRIAN ACCESS AND  
 PUBLIC AMENITIES  
 NANTUCKET BOAT BASIN  
 NANTUCKET, MASS.  
 DATE: 12/19/07  
 NOT TO SCALE  
 JOB#11690 WINTHROP OCT 2007

SHEET 8 OF 8

**LICENSE NO. 12345-B**  
 Approved by Department of Environmental Protection  
 Date **FEB 18 2009**

NANTUCKET COUNTY Received & Entered  
Attest: Jennifer H. Ferris, Register of Deeds

DOC No: 00126519

NANTUCKET COUNTY LAND COURT  
REGISTRY DISTRICT

\*\* RECEIVED FOR REGISTRATION \*\*

On: Mar 11, 2009 at 02:28P

Document Fee: 300.00 Rec Total: \$600.00

CERTIFICATE No: 12975

Also noted on

CERT 17520  
CERT 21819  
CERT 22064

# **PRESERVING HISTORIC PAVEMENT ON NANTUCKET**



## **INFORMATION AND GUIDELINES FOR PRESERVATION AND MAINTENANCE**

THE NANTUCKET HISTORICAL COMMISSION, NANTUCKET, MA



Published in 2021 by The Nantucket Historical Commission  
Cover Photo: A View of Upper Main Street by John Santoro  
Page three lithograph from an 1835 drawing by Fitz Henry Lane  
showing Dock Square, courtesy of the Boston Athenaeum.

#### **About The Nantucket Historical Commission**

The NHC is a Town of Nantucket Municipal Agency that serves the public by protecting the National Historic Landmark of Nantucket. Nantucket's important historic resources include structures as well as their setting and context, the American and Native American artifacts, and the island's special visual quality, as expressed in the natural and built environment. The NHC advises the Select Board on matters of preservation, and works with Nantucket's Preservation Planner, Planning Director, and other municipal agencies. It creates plans and guidelines for historic preservation, directs surveys of buildings and lands of archaeological and historic significance, and advocates for historic preservation. The NHC complements the local Historic District Commission, which is Nantucket's regulatory architectural review board. It also liaises with the Massachusetts Historical Commission and local preservation and conservation non-profits. [https:// www.nantucket-ma.gov](https://www.nantucket-ma.gov)

#### **Acknowledgements**

Many people assisted with this project. We would like to especially thank Brian Pfeiffer and Penelope Austin, whose expertise and tireless commitment in the early phases of this effort were essential. Also, Michael May and The Nantucket Preservation Trust; The Preservation Institute: Nantucket; Preservation Massachusetts, Inc; The Massachusetts Historical Commission; The Community Foundation of Nantucket; Matthew Bronski of Simpson, Gumpertz and Heger; Jeff and Caroline Paduch; Rich and Pam Merriman; Kevin Kuester and Lucy Dillon; Jeffrey Rayport, and Esta-Lee Stone. We would also like to thank The Town of Nantucket Preservation Planner Holly Backus; The Nantucket Historic District Commission; The Nantucket Commission on Disabilities; Tree Advisory Committee representatives Ben and Dave Champoux; The Nantucket Select Board; C. Elizabeth Gibson; and the Nantucket Department of Pubic Works. And last but far from least, the hundreds of citizens who wrote letters, signed petitions, and attended public meetings on Nantucket to advocate for the protection of historic pavement. Thank you all.



**NANTUCKET HISTORICAL COMMISSION  
TOWN OF NANTUCKET  
2 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS**

**Commissioners**

Hillary Hedges Rayport (Chair), Angus Macleod (Vice-Chair), David Silver (Secretary), Clement Durkes, Thomas M. Montgomery, Georgia U. Raysman, Milton Rowland, Don DeMichelle, Susan Handy, Benjamin Normand

The Nantucket Historical Commission is Nantucket's municipal preservation planning agency. We maintain surveys of historic resources, propose plans and guidelines for preservation of the Nantucket National Historic Landmark, and advocate for island-wide preservation.

Surveying and protecting original paving material has been a key initiative of the current Commission. But we were hardly the first to value this picturesque and important original asset. In 1919, a group of islanders and summer residents petitioned the Nantucket Board of Selectmen to reverse the decision to cover Main Street Square with concrete. The debate was intense. Only after independently raising the funds to repair the cobblestone road did the preservationists ultimately prevail. It may be the very first instance of an American preservation movement devoted to pavement.

Fast-forward 102 years, and Nantucket is internationally famous for its authentically historic built environment. All we have is here today because of the brave and visionary actions of conservationists and preservationists who came before us. Often, they worked in direct opposition to their own immediate financial prospects. Time and again, costly and restrictive initiatives were supported by the tax-paying public who voted at Town Meeting. Nantucketers invested in a future that would prove to be priceless.

But as Nantucket's charms continue to grow, so does development pressure on its increasingly rare historic resources. We hope this guide to preserving historic pavement inspires and instructs all who walk the streets of Nantucket, and all who work hand in hand to keep it well maintained and authentic for the pleasure of future generations.

The Nantucket Historical Commission  
January 5, 2021

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# HISTORIC PAVEMENT ON NANTUCKET

Nantucket Island is a Historic District and a National Historic Landmark exceptional for many qualities, including its quantity of 19th and early 20th century paving materials and street artifacts.

Many paved areas in the Historic Core have endured for centuries. Schist and granite curbstones bearing marks of hand tools, enormous flagstones cut to fit snugly around the foundations of whaling captain's homes, and miles of beach-cobble roads are some of Nantucket's notable heritage assets. Authentic historic pavement is irreplaceable today. Together with historic structures and scenic beauty, historic pavement is part of what makes Nantucket distinctive, for residents and visitors alike.

## Preservation in a Living Community

For the past 65 years, the Historic District Commission (HDC), Nantucket's architectural review board, has evaluated all changes to structures that are visible from a public way. The 1967 Historic District Commission Guidebook eloquently describes the challenge of stewarding a historic town that must also grow and respond to community needs:

*What we are attempting to preserve is much more than a scattering of old historic structures....The complicated problem is to maintain the beauty, charm, and historical authenticity of the community yet let it live and prosper with the greatest possible individual freedom. While the law gives the Commission power to enforce its decisions, administration by force is undesirable and usually unnecessary. We believe that an understanding of the purpose, policy and goals of the Historic Districts Commission will generate the whole-hearted cooperation of everyone sincerely concerned with the future of Nantucket.*

*Historic District Commission Guidebook, 1967*

Nantucket's extraordinary commitment to preserving not only the old structures but also their authentic context is unusual.



source: Archepedia New England

This 1835 engraving of Faneuil Hall in Boston (above) shows cobblestone pavement with stone slab crosswalks of the exact sort found on Nantucket's Main Street. Nantucket was at the height of its prosperity in the 1840's, and like Boston would have equipped its streets with the best materials and technology of the time. Cobblestones and historic crosswalks have since disappeared from Faneuil Hall and other New England cities.



Salvage yards like this one in Rhode Island re-sell historic pavement that has been torn out of other New England towns.

## A Maintenance Challenge

That Nantucket's historic pavement has endured is a testament to its strength and quality. But today, much of Nantucket's network of sidewalks and stone streets have accumulated significant deferred maintenance. Knowing how to identify, maintain, and rehabilitate the Island's unusual and increasingly rare historic pavement has been a challenge for those charged with also meeting transportation, accessibility, and maintenance goals.

## THE PRESERVATION GOAL

The Nantucket Historical Commission developed these goals and guidelines to assist the Town of Nantucket and elected officials with planning for the management of this important and often undervalued historic resource.

The Historical Commission's goal regarding management of historic pavement on Nantucket is straightforward. It is:

***To retain the authentic character of the streets and sidewalks in the historic town.***

Importantly, "historic" does not mean crooked and full of tripping hazards. Pavement acquires its historic character from authentic materials and appropriate maintenance, not from neglect.

**"Character" is expressed by:**

- Authentic material from different time periods including the mid-20th century.
- Original form, shape and scale.
- Original finish and pattern of wear.
- Historic trees, street furniture, and objects that have endured.

## PRESERVATION PLANNING FOR HISTORIC PAVEMENT

The Town of Nantucket has an initiative underway to improve the condition and accessibility of its cobblestone roads and historic sidewalks. This complicated project calls for significant expenditures of time and money to maintain, restore, and rehabilitate our public walkways. It also calls for a thoughtful approach if the historic goal is to be achieved.

### **Preservation Methodology**

The Historical Commission has defined a methodology of preservation planning for historic pavement maintenance. The methodology draws on well-developed fundamental principals of preservation: the U.S. Department of the Interior Standards for Work on historic properties; Nantucket's Historic District Act; and a preservation engineering report commissioned especially for the purpose of developing these guidelines. This methodology is summarized in the six steps outlined below.

### **Preservation Planning for Historic Pavement Maintenance: Six Steps**

- 1. Identify the appropriate site-specific Standard of Treatment**
- 2. Identify historic material and special conditions at location**
- 3. Align specification with the Guidelines for Work on Historic Resources**
- 4. Align specification with Preservation Engineering Practices**
- 5. Review changes to shape and material with NHC or HDC**
- 6. Request MAAB / CMR 521 waivers as necessary**

# 1. SELECT THE CORRECT STANDARD OF TREATMENT

Sidewalks and streets in Nantucket's historic areas are unique combinations of materials, conditions, use requirements, and constraints. Taken together, these qualities represent the site condition of each location. Maintaining Nantucket's historic streets and sidewalks requires a specific assessment of conditions and requirements at each site. Selecting the correct approach to repair is a fundamental first step in achieving a desirable outcome.

## U.S. Department of the Interior Standards

The U.S. Department of the Interior has defined and established "standards of treatment" that help project managers communicate consistently and accurately about a selected maintenance program for historic resources. These standards are explained on the chart below.

## Determining the Standard of Treatment

Determining the appropriate standard of treatment is a starting point for specifying

any work on heritage resources. Choosing the wrong standard can result in unnecessarily lifting historic sidewalks, which erodes historic character through breakage and loss of the finish and pattern of wear.

For a sidewalk that is in good condition, the treatment should be **preservation**, otherwise known as basic maintenance. These sidewalks should not be lifted and reset.

**Restoration** is appropriate for a sidewalk or cobblestone road that has deteriorated or been harmed to such an extent that preservation maintenance is not sufficient.

A resource that no longer meets the demands of use can be **rehabilitated** to meet current needs.

A sidewalk or street that used to be historic but has lost its original materials and character can be **reconstructed**.

Note that "renovation" means making what was old new through replacement, and is not an appropriate treatment for a historic resource.

## THE FOUR STANDARDS OF TREATMENT FOR HISTORIC RESOURCES

| Preservation                                                                                        | Rehabilitation                                                                        | Restoration                                                                                          | Reconstruction                                                                                          |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Sustaining the existing form of a historic resource                                                 | The compatible reuse of a historic resource through repair, alterations and additions | Depicting the features of a property as it appeared at a particular time.                            | Depicting the form, features, and detailing of a non-surviving site, landscape or building              |
| Repairing and maintaining the historic resource, rather than extensive replacement or new additions | Altering a resource to meet continuing or new use, while retaining historic character | Preserving features from an identified period of significance and removing those from other periods. | Recreating a vanished or non-surviving building with new materials, primarily for interpretive purposes |
| <b>Example</b><br>The Pacific Club                                                                  | <b>Example</b><br>The Atheneum                                                        | <b>Example</b><br>The Jared Coffin House c. 1962                                                     | <b>Example</b><br>Great Point Light                                                                     |

## TREATMENT 1.A PRESERVATION

Complete reconstruction of a sidewalk is expensive, disruptive, and inevitably leads to a loss of historic integrity and character due to breakage, disruption of the site, and the addition of new material. If a sidewalk or stone street is in good overall condition, is acceptably flat and accessible, and meets use requirements, the correct treatment is always **preservation**. Resources managed under the preservation treatment require an ongoing maintenance plan and spot repairs. Below are some examples.



The sidewalk above is on a lightly used side street and is generally flat. It is not recommended to lift and reset this sidewalk.

The crosswalk shown at the right is a classic Nantucket adaptation of a 19th century crosswalk. Under the heritage tourism initiative of the 1970s and early 1980s, old flagstone crosswalks were set more widely apart and brick was added to make them more accessible. This walk is in good, flat, accessible condition and should have been preserved through appropriate maintenance. However, this crosswalk was replaced with a new brick crosswalk in 2018.



The sidewalk above is generally flat and accessible but bricks have been displaced by tree roots. A spot repair is required.

### Tree Roots

Problems with tree roots are common and sidewalks near trees inevitably contort as trees grow. Surface roots can be trimmed under the supervision of a Certified Arborist. Arborists consulted as part of this project recommended excavating around tree roots with an air spade in order to identify roots for trimming. A more extensive approach could replace compacted soil with a structural soil product. Structural soils support traffic loads while directing water and nutrients downward. This encourages roots to grow deep which prevents them from displacing pavement.



## TREATMENT 1.B RESTORATION

When the sidewalk or stone street has suffered years of inappropriate treatment or neglect, it requires extensive repair.

**Restoration** is the appropriate treatment. The historic crosswalk below is a street



artifact, not an accessible crosswalk. Both photos show the same location, but the photo on the right is from the 1980s, when the street was well maintained. The photo on the left was taken in 2018, and shows the lack of maintenance and even loss of material. The missing stone was found in the garden of a nearby house.



### Site Specific Planning

Restoration projects require detailed site-specific planning by the Town. Considerations include assessing the condition of remaining material, sourcing correct supplemental material as needed, and lifting and rebuilding the walk or street. It is especially important to follow the six steps of preservation planning for historic pavement maintenance when planning a restoration.

*Problems with tree roots are common and sidewalks near trees inevitably contort as trees grow. Surface roots can be trimmed under the supervision of a Certified Arborist.*

## TREATMENT 1.C REHABILITATION

Rehabilitation means adapting a historic resource to meet a new need. In the case of historic pavement, this may mean adding accessible ramps, or widening a sidewalk to accommodate a greater amount of pedestrian traffic or reduce the travel lane for vehicles. It might also mean adding bike paths.

### Successful Rehabilitations

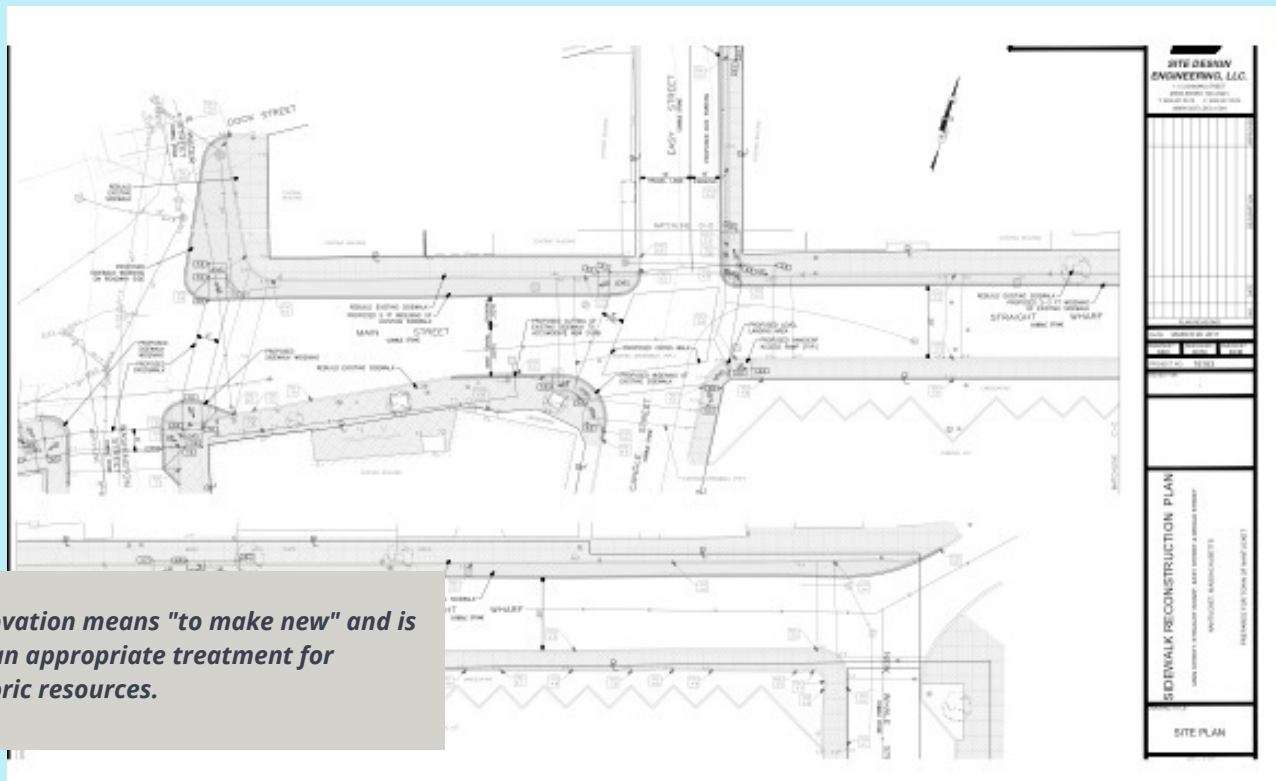
Successful rehabilitations are carefully planned to adapt historic resources to new uses without losing their historic character. As with a restoration, it is especially important to follow the preservation planning methodology when rehabilitating a historic sidewalk. The plan below shows widening Main Street sidewalks and constructing 16' wide bump-out in front

of the Pacific Club. Historic flagstone crosswalks are removed and replaced with new crosswalks in a modern shape. This plan is a renovation, because little of the old scale, shape, or material is saved.

### Reconstruction

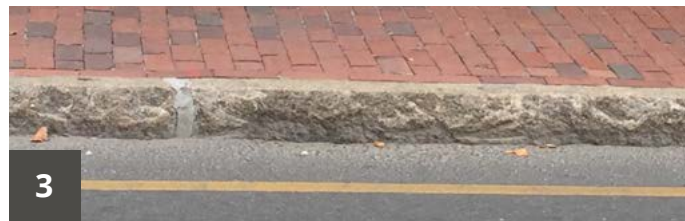
Unfortunately, a large portion of this plan was implemented without consideration of historic material. The historic character of the streetscape was negatively impacted and the area is now a candidate for a different Standard of Treatment: reconstruction. Reconstruction is employed when a historic resource has been destroyed but enough information about what it looked like is available in order to achieve an accurate reconstruction. A reconstructed sidewalk is no longer an authentic historic sidewalk, but may contain historic material and is faithful to the original.

## DOWNTOWN SIDEWALK IMPROVEMENT PLAN



## 2. IDENTIFY HISTORIC MATERIAL AT THE SITE

What follows are some examples of historic pavement and street features. This is not a complete list. The Historical Commission can assist with identifying historic pavement in the field. The Preservation Institute Nantucket and the Nantucket Preservation Trust are undertaking a study of historic pavement and will deliver a geo-located database in 2022. The study is funded by the Community Preservation Act.



1. Early 19th century schist curbstones, individually carved with steam driven tools. 2. Distinctive markers and plaques. 3. 20th century split faced granite curbstones. 4. Adaptations that have endured over time, like these tree-wells. Concrete curbing (on tree at right) should only be removed if it is failing. Mid-century concrete is a historic material which, if functioning and in good condition, should be preserved. Large trees are protected.



1. Carved stone drainage channels and wide flagstone sidewalks. 2. These flagstones are not an accessible crosswalk but should be restored and maintained as a street artifact. 3. Bollards. Not all bollards are historic. Age can be determined from examination and historic photos. 4. Beach cobbles. 5. Flagstone and brick crosswalks. Some brick is historic and all should be reused.

### 3. THE GUIDELINES FOR WORK ON HISTORIC RESOURCES

The Guidelines for work on historic resources were developed by the U.S. Secretary of The Interior. They are common-sense historic preservation principals in non-technical language. The Guidelines, along with the Standards of Treatment, promote best practices and help preserve our nation's irreplaceable cultural resources. The Nantucket Historical Commission has adapted The Guidelines for specific application to historic pavement.

The Guidelines are straight-forward. Materials that have endured over time and still serve their purpose are respected and left in place. When a rehabilitation calls for additions and changes, these changes are

planned so the historic design is still apparent. Importantly, The Guidelines are silent as to whether traditional or modern methods are used in the restoration project. Whatever the method, the important thing is to preserve the historic material and character of the site.

#### **A Preservation Mindset**

Taking the time to understand The Standards and The Guidelines will help project managers develop a preservation mindset. This is especially important when caring for a National Historic Landmark notable for the quality of its historic structures in their authentic context. It's a matter of civic pride and National heritage.

#### **THE GUIDELINES FOR WORK ON HISTORIC STRUCTURES**

1. Historic material is documented and retained in its original location. Historic character (materials, finishes, shapes and scale) is retained.
2. Material is repaired and reused, rather than replaced.
3. Where replacement and addition is required, material is sourced from salvage or new, to match existing in size, color, and finish.
4. Do not create a false sense of history by removing features that have endured and acquired significance, or adding faux-historic features. New features should be distinguishable from the old.
5. Additions and alterations should be minimal and compatible with the historic character and should not erase the historic material or form. Changes should be reversible, without harm or loss of the historic material.

## WHAT TO AVOID

Historic pavement is an often overlooked and under-appreciated heritage resource. When the incorrect Standard is applied or The Guidelines are not followed, historic character will be eroded because of the removal and breakage of the resource, or application of inappropriate designs. The photos below show a few such unfortunate projects that should be approached differently in the future.



### **Incorrect treatment, eventual loss of historic material**

This site at Fair Street and Judith Chase Lane was in good condition and did not require the reconstruction it received. Curbs should have a 3-4" reveal, but these curbstones were reset nearly flush with the street. This is inappropriate aesthetically and functionally. Old curbs are typically shallower than what is called for in modern specifications. If the historic curb is not accounted for in plans, contractors will "make do" in the field, which is likely what happened here. Future paving will raise the level of the street and overwhelm the curbs, which are now set in concrete.



### **Inappropriate shape**

This bump-out at the corner of Cambridge and Easy Street was constructed for traffic control. Bump outs like this are not compatible with the Old Historic District and should not be used. Planners should work with the HDC or NHC to create solutions with scale, form, and materials that are appropriate for the historic town. See Guideline 5.



### **Inappropriate design, material**

Stone walks should be dry set, not set in a wide margin of mortar. Handicapped access to the adjacent building was achieved but the bi-level walk creates a falling hazard. Planners should work with the Commission on Disabilities and the HDC when adapting sidewalks for access. If it is desirable to raise a sidewalk, planners should consider whether it is also necessary to raise the street. For this reason and others it is advantageous to consider rehabilitation or restoration of sidewalks and the street simultaneously.



### **Inappropriate design, historic material removed**

This important and sensitive location was renovated and is now a candidate for historic reconstruction. The original schist curbs were removed to widen the sidewalk next to the Pacific Club. A better approach would have been to leave these curbs in place, and extend the sidewalk on the other side of them (see Guideline 4 and 5). The width of the sidewalk - it was extended from 5' to 10.5 feet -- should have been reviewed with the HDC. The old flagstone crosswalks should not have been removed.

## 4. ALIGN PROJECT SPECIFICATION WITH PRESERVATION ENGINEERING PRACTICES

We know from contemporary reports that for approximately 40 years in the 20th century, Nantucket considered her cobblestone roads to be renewable, sustainable, "practically maintenance free," and a better investment than bituminous concrete. But today, laying cobblestones is a lost art. Portions of Main Street are in an expensive 9-year cycle of ruin and repair. Some have suggested cobblestone roads are not up to the demands of modern traffic.

### Understanding Cobblestone Roads

Developing a sophisticated understanding of load bearing capacity of a cobblestone road and how it is constructed is fundamental to any lasting restoration effort.

the Northeast, and has particular experience in historic pavement.

The SGH study is included in this report and offers valuable analysis, knowledge, and recommendations for restoring historic stone streets and sidewalks so they will meet the needs of our community for many years to come.

### Test Sites and Specifications

The report recommends the Town develop preservation engineering specifications and a "solution toolkit" for common problems. Developing the specifications will require building and monitoring test sites in real conditions over several seasons.



Thanks to the generosity of individuals who contributed to the Keep Nantucket Real project fund at the Community Foundation for Nantucket, funds were available for a Preservation Engineering Study. CFN retained engineering firm Simpson, Gumpertz & Heger (SGH). Work was performed by Matthew Bronski, a licensed engineer and architect who began his career working as a highway engineer for the Massachusetts Department of Transportation. Mr. Bronski has consulted on the preservation of historic masonry across

1. Cobblestones bedded in compacted stone dust hold water, leading to frost heaving and pot holes.

2. Stones must be oblong and set vertically. Stones set on their flat sides will dislodge. If stones are not set vertically and closely together, fewer stones fit in the road.

3. Piles of stone dust on Main Street after 2020 repaving and patching.

## KEY PRESERVATION ENGINEERING OBSERVATIONS AND RECOMMENDATIONS

- Cobblestone roads are sustainable and renewable.
- A properly designed and constructed cobblestone road is strong and suitable for modern loads including truck traffic, provided the base and subbase are compacted and sufficiently deep.
- Cobblestone bedding material must be specified for a balance between compatibility, cohesion, and permeability. A cobblestone road has the benefit of being somewhat permeable, allowing rainwater to drain back into the ground and reducing the volume of water collecting in catch basins.
- The current practice of setting cobblestones in stone dust is not recommended, because most stone dust used in paving does not drain well, thus rendering the paving more susceptible to puddles, frost heaving, and potholes.
- Developing a specification and supply of appropriate bedding material is critical to success. Historically, Nantucket's native "dirty sand," which is a natural combination of sand and clay, was used to bed cobblestones. Sand deposits contain varying amounts of clay and fines depending on geology and storage. Analysis and testing of potential bedding material including native sand is recommended as a priority.
- The shape of the stone is important. Cobblestones suitable for roads are oblong and set vertically in the bedding material, in contact with surrounding stones.
- Spherical stones should be avoided because they are prone to popping loose, especially under the wheels of turning vehicles.
- Curbs require a strong support to resist turning over, but a u-shaped concrete "saddle" holds water and should not be used. Rather, set historic curbs on crushed stone, with concrete reinforcers on either side.
- Historic curbs should be set with a sacrificial barrier, such as simple craft paper, between the curb and the concrete to prevent adhesion and allow for re-use.
- Restoration and rehabilitation of a sidewalk should be planned together with restoration of the street, in order to allow for overall, comprehensive, and integrated solutions to accessibility, tree maintenance, and historic goals.
- Testing materials, and constructing and evaluating several adjacent test strips across the full roadway, over several seasons, is recommended as a next step in developing a plan for restoration and ongoing maintenance of cobblestone roads.
- Sidewalk situations are varied and site-specific. Nantucket should develop a "toolkit" of potential options and design solutions.

*from SGH report Preservation Engineering Study  
on Historic Cobblestone Street Paving  
September 24, 2020*

## 5. REVIEW CHANGES TO SHAPE AND MATERIAL WITH THE NHC OR HDC

Chapter 395 of the Acts of 1970 designated all of Nantucket as a Historic District. The Historic District Commission was established to review and approve "the appropriateness of the architectural features of buildings or structures whenever such exterior features are subject to view from [a public way]." The Act defines a structure as "a combination of materials other than a building, including, but not limited to ...a driveway or walk...." The Act excepts from review ordinary maintenance and work required for public safety.

Whenever a change of sidewalks and paving shape, scale, or material is proposed in the Old Historic District or Sconset Old Historic District, the DPW or other project manager should submit the proposed changes to one of the two municipal preservation commissions (NHC or HDC) for review and comment prior to finalizing the design.

## 6. REQUEST MAAB WAIVERS AS NECESSARY

The Massachusetts Architectural Access Board (MAAB) issues regulations in order to make public buildings and facilities accessible to, functional for, and safe for use by persons with disabilities. These regulations, which are listed as Section 521 of the Code of Massachusetts Regulations, define accessibility standards. In the case of public sidewalks, CMR 521 defines the minimum width and maximum allowed slopes of sidewalks, as well as requirements for curb cuts and acceptable changes in level. Whenever a sidewalk is altered, which includes any repair, it is supposed to be brought in line with CMR 521.

### Accessibility in Historic Towns

Accessible sidewalks are a goal of every community, but it is not practical, affordable, or even possible to eliminate all pinch-points or match required cross slopes when a 150 year old tree or a 200 year old building is in the way. Municipal liability is limited under MGL Chapter 84 Section 15. It would be equally unacceptable for a town to neglect sidewalk maintenance and create a public safety hazard, because full compliance with CMR 521 was financially prohibitive or impossible.

### A Team Effort

For major sidewalk reconstruction projects that cannot comply with CMR 521 because of the historic setting, Nantucket seeks MAAB waivers. The Nantucket Commission on Disabilities (COMDIS) and the NHC are important consulting commissions in this process. The MAAB relies on the local COMDIS to ensure that the needs of disabled people in the community are being adequately met. The NHC can request the Massachusetts Historical Commission's support regarding waiver applications for preservation purposes. For these reasons, project managers should review sidewalk accessibility concerns and conflicts with the COMDIS and NHC.



The current version of CMR 521 (2006) **does not** require the use of tactile warning pads.

The current version of CMR 521 (2006) **does not** require the use of tactile warning pads at crosswalks. These optional "pads" are not historic.

PART TWO  
SIMPSON GUMPERTZ AND HEGER  
PRESERVATION ENGINEERING REPORT



## The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

December 16, 2020

Ms. Holly Backus, Preservation Planner  
Planning & Land Use Services  
2 Fairgrounds Road  
Nantucket MA 02554

Dear Ms. Backus:

At its December 9th meeting the Massachusetts Historical Commission (MHC) reviewed the Nantucket Historical Commission's Letter of Intent (pre-application) for **Fiscal Year 2021 Survey and Planning Grant** funds. MHC is pleased to invite you to submit a full application for the Nantucket Island Historic Resources Survey Plan. At this time the MHC is inviting you to submit a full application for the amount of **\$20,000**. Please note that the submission deadline is **Monday, February 8, 2021**. Full application materials are enclosed.

In the FY21 grant round MHC received twenty-seven (27) pre applications requesting a total of \$502,725. MHC's FY21 federal funding allocation has not yet been established. MHC must award a minimum of 10% of its federal funding for FY21 to Certified Local Governments. However an overall budget figure for total awards for the FY21 grant round has not yet been set. Six (6) CLG and twelve (12) non-CLG projects have been invited to submit full applications for the FY21 round, for projects requesting a total of \$282,000. The Town of Nantucket's application is being considered provisionally in the CLG category, pending National Park Service certification of an application understood by MHC staff to be in process.

Your full application will be given every possible consideration, but funds are limited, and grants are awarded on a competitive basis. This invitation to submit a full application is not an assurance of project funding, or of the level of funding that MHC may offer, should a grant be awarded.

We strongly recommend that all invited applicants review their proposed project with MHC staff prior to preparing and submitting the full application, and in reviewing your letter of intent, MHC staff had specific questions and comments. Within the upcoming weeks, please contact Peter Stott or me at MHC to discuss in more detail the development of the scope of work and budget for your project. As we are largely working remotely, please email us to set up a phone conversation, at [michael.steinitz@sec.state.ma.us](mailto:michael.steinitz@sec.state.ma.us) or [peter.stott@sec.state.ma.us](mailto:peter.stott@sec.state.ma.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Steinitz', written over a horizontal line.

Michael Steinitz  
Deputy State Historic Preservation Officer  
Director, Preservation Planning Division  
Massachusetts Historical Commission

Encls.

Xc (w encl): Hillary Hedges Rayport, Chair, Nantucket Historical Commission



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

**Due: Monday, February 8, 2021**

**FY 2021 FULL APPLICATION FOR FUNDING:**

**Survey and Planning Projects**

**SECTION I: INFORMATION AND GUIDELINES**

**A. Introduction**

The Massachusetts Historical Commission, a division of the Office of the Secretary of the Commonwealth, is the state agency responsible for the administration of the National Historic Preservation Act of 1966, as amended. This act authorizes the Secretary of the Interior, through the National Park Service, to grant funds to states for a wide range of preservation-related activities. These include: completion of cultural resource inventories, nomination of significant properties to the National Register of Historic Places, completion of communitywide preservation plans, and other survey and planning projects. The goal is to identify all significant cultural resources of the community--buildings, structures, sites, and landscapes--and to plan for their protection.

The attached is a Full Application for these matching funds. GRANTS ARE 50/50% MATCHING REIMBURSEMENT GRANTS. Funding priorities will be survey and planning activities.

**B. Eligible Applicants**

Eligible applicants for FY 2021 Survey and Planning Grant funding are:

1. Local historical commissions created under M.G.L., Chapter 40 sec. 8(d);
2. Historic district commissions or study committees\*;
3. City and town planning offices and boards or community development offices\*;
4. Regional planning agencies and state agencies;
5. Educational institutions;
6. Certified Local Governments\* of Boston, Bedford, Brookline, Danvers, Dedham, Eastham, Easton, Falmouth, Framingham, Gloucester, Grafton, Hingham, Holyoke, Lexington, Lowell, Marblehead, Medfield, Medford, Methuen, New Bedford, Newton, Plymouth, Quincy, Salem, Somerville, and Worcester; and
7. Private non-profit organizations.

All applicants must be able to meet deadlines, monitor project work, and have a financial system that meets federal standards.

**\* If the municipal applicant is not the local historical commission, a letter including the comments of the local historical commission must be included with the full application.**

**C. Eligible Projects that will be Funding Priorities for FY21**

All projects must be consistent with the objectives of the Massachusetts State Historic Preservation Plan (updated 2018), which stresses the need for identification, evaluation, and protection of the state's cultural resources (available on line at: [www.sec.state.ma.us/mhc/](http://www.sec.state.ma.us/mhc/)). The following project types are considered eligible for funding:

1. Intensive or reconnaissance-level inventory of historic, architectural, and/or archaeological resources.
2. Other survey and/or planning projects relating to the identification, evaluation, and protection of National Register-eligible resources. For example the preparation of National Register of Historic Places nominations, the development of a communitywide preservation plan or the preservation plan component for a community master plan, the development of historic preservation public information, support of heritage tourism activities, or the development of training and/or educational programs.
3. Development of local initiatives for the protection of historic resources, including local historic districts, neighborhood conservation districts, design guidelines, demolition delay ordinances, and historic landscape preservation mechanisms.
4. Studies necessary to future development or protection of a public or private nonprofit owned National Register-listed property, including development of plans and specifications for restoration or rehabilitation. Historic Structures Reports may include the preparation of outline plans and specifications for a Massachusetts Preservation Projects Fund (MPPF) application. (Only CLG applicants may apply in this category.)

**D. Program Requirements and Grant Conditions**

All survey and planning grant recipients are subject to applicable federal, state, and local laws and regulations, including OMB Circular 2 CFR 200, the Historic Preservation Fund Grant Manual, and National Park Service policies and procedures. Before project work may begin, the MHC and the grant recipient will enter into a written agreement that clearly identifies the responsibilities of each party. The general program requirements are defined and made part of the agreement as Attachment A, General Provisions of the Massachusetts Historical Commission Grant Projects. The General Provisions, among other things, define allowable costs and matching share, allow for MHC inspection of records, and outline the kinds of records the grant recipient must keep.

All survey and planning projects require a Local Project Coordinator who will be MHC's contact person for the duration of the grant project and who should be the person authorized to assume responsibility for the administration of the grant project. All correspondence and project information will be directed to the local project coordinator by the MHC. The MHC will expect the local project coordinator to act as liaison with the preservation consultant (if applicable), and to obtain, coordinate, and submit reports, authorize signatures, and prepare financial documentation and other project information. The local project coordinator must be available during weekday business hours to attend an orientation workshop and periodic phase meetings by conference call or video conferencing platform.

**E. Funding**

Funding for survey and planning grants is provided by the National Park Service through the Massachusetts Historical Commission. Grants are 50/50% matching reimbursement grants. The local share must be from a non-federal source; the only exception is Community Development Block Grant funding, which can be used as a local match. A cash match is preferable. Existing paid staff may, however, use the value of their time donated to the project as part of the match. The donated time must be necessary and reasonable to meet the project goals and must be adequately documented by MHC timesheets and payroll records.

Grant requests should be for no less than \$7,500 for a minimum total project cost of \$15,000. Community-wide survey grant requests should be for no less than \$12,500 for a minimum total project cost of \$25,000. Projects should be from 6-12 months in duration and should be able to be under contract with MHC no later than July 2021. Because survey and planning grants are reimbursement grants, the grant recipient must expend the total project cost before requesting reimbursement. Upon submission of a satisfactory project completion report, the recipient will then be reimbursed for 50% of documented eligible project cost expenditures up to the amount of the grant allocation. No partial reimbursements will be considered. It is imperative that you have cash on hand to cover 100% of project costs. Project work must be completed by June 30, 2022.

Because both federal and state procurement regulations require an open selection process, it is important to note that consultants cannot be pre-selected by the applicant. The applicant, if selected for funding, will receive further instructions on procurement procedures. Potential consultants should play no role in shaping an application.

**F. Application Procedures**

**A complete, hard-copy, original Full Application (form attached) must be received at the MHC office no later than 5:00 p.m., Monday, February 8, 2021. Faxed and emailed applications are not accepted.** Applications should be addressed to:

Michael Steinitz, Deputy State Historic Preservation Officer  
Survey and Planning Grants 2021  
Massachusetts Historical Commission  
Massachusetts Archives Building  
220 Morrissey Boulevard  
Boston, MA 02125

**G. Selection Process**

Letters of intent have been evaluated by MHC staff and a subcommittee of the full Commission. The Commission invited full applications at its monthly meeting, December 9, 2020. **The full application will be due by Monday, February 8, 2021.** Full applications will be reviewed by MHC staff and the Commission subcommittee. Grant awards will be made at the March 10, 2021 MHC meeting. All MHC monthly meetings are open to the public.

**H. Selection Criteria**

Requests for funds will be evaluated against the following criteria. **Project applicants must directly address all applicable criteria:**

1. Level of Information: Preference will be given to survey projects in communities where the existing level of information about cultural resources is low or nonexistent, as identified by the State Reconnaissance Survey, Regional Report, the State Historic Preservation Plan, or as otherwise identified by the MHC.
2. Level of Significance: Preference will be given to communities with significant historic, architectural, or archaeological resources of value for further study, as identified by the State Reconnaissance Survey, Regional Report, the State Historic Preservation Plan, or as otherwise identified by the MHC.
3. Potential for Loss or Destruction: Preference will be given to communities whose historic, architectural, or archaeological resources are threatened with loss or destruction, as identified by the State Reconnaissance Survey, Regional Report, the State Historic Preservation Plan, or as otherwise identified by the MHC. Major threats to a community's resources typically include pressure from new development, abandonment, deterioration, or underutilization.

4. Level of Local Preservation Activity: Preference will be given to communities that have active local historical commissions. For applications submitted by an organization other than the local historical commission, the supporting documents **must** include a letter of support as evidence that the applicant is coordinating efforts with the local historical commission.
5. Appropriateness of Proposed Project: Preference will be given to applications that demonstrate a clear understanding of the preservation needs of the community and that propose to complete projects that address priority needs identified in the State Historic Preservation Plan.
6. Demonstrated Understanding of Work to be Performed: Preference will be given to applications that demonstrate a clear understanding of the tasks to be undertaken and products to be submitted under the appropriate MHC scope of work and timetable.
7. Extent and Nature of Public Benefit: Preference will be given to applications that demonstrate that the project's products will be available and of benefit to the general public. Preference will also be given to applications that complement other ongoing national, state, or regional planning and revitalization efforts.
8. Administrative and Financial Management Capabilities: Preference will be given to applicants who demonstrate strong capabilities to administer funds and ensure completion of the project in a timely and effective manner. Completeness of the full application will be taken into account. Past performance as a grantee, if applicable, will be considered. All project work must be completed by June 30, 2022.
9. MHC will consider geographic distribution in its grant awards. MHC also will give special consideration to municipal applicants who have not previously received a Survey and Planning grant.

If you have any questions regarding the scope of work or the work program to be submitted, please contact us by email to schedule a phone call (We are presently mostly working remotely.):

|                   |                                                                                              |
|-------------------|----------------------------------------------------------------------------------------------|
| National Register | Betsy Friedberg, Director, National Register Program (betsy.friedberg@sec.state.ma.us)       |
| Planning          | Christopher Skelly, Director, Local Government Programs (christopher.skelly@sec.state.ma.us) |
| Survey            | Peter Stott, Preservation Planner, (peter.stott@sec.state.ma.us)                             |
| Archaeology       | Edward Bell, Deputy State Historic Preservation Officer (ed.bell@sec.state.ma.us)            |

If you have any questions on funding or grant administration, please contact:

Michael Steinitz, Deputy State Historic Preservation Officer (michael.steinitz@sec.state.ma.us)

An electronic version of this application is available from MHC on request.

This program has been financed in part with Federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior.

This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity or facility as described above, or if you desire further information please write to:

Office of Equal Opportunity  
National Park Service  
1849 C Street, N.W.  
Washington, D.C., 20240.

## SECTION II: GUIDELINES FOR COMPLETING APPLICATION

Full applications must contain the following:

- I. Proposal Cover Sheet (Attachment A)
- II. Work Program
- III. Narrative Statement
- IV. Matching Share and Budget Information (include Attachment C and Attachment D)
- V. Signed Assurances and Certification (Attachment B) /Lower Tier Debarment Certification (Attachment E)
- VI. Letter of Support from Local Historical Commission

### PART I-PROPOSAL COVER SHEET

Please fill out the proposal Cover Sheet (Attachment A), check off the attachments, and attach the appropriate information. **Please note that a dated Legally Authorized Applicant Signature is required.**

### PART II-WORK PROGRAM

Attach a project narrative. In the following format, discuss each item thoroughly and concisely:

- A. Define project goals and explain how the proposal will meet these goals.
- B. Prepare a complete project description by phase. Define personnel working on each phase, what they will be doing, and their relationship to specific project goals. Describe specific methodology to be used in each phase of the project. Identify products that will result from each phase. Incorporate meetings with the MHC into appropriate phase. Consult with MHC staff on typical or required work plans for your project type.
- C. Outline a proposed timeframe for accomplishing project objectives, broken down by phase. Indicate proposed starting and end dates. Projects must be able to be under contract with MHC by July 2021 and must be completed by June 30, 2022. Consult with MHC staff on typical timeframes for your project type.

### PART III-NARRATIVE STATEMENT

Explain in a concise statement how the proposed project relates to the past, current, and future preservation activity in the community. Describe how the results of the proposed project will be incorporated into the community planning process, and the extent to which the results will be made available to and used by the general public. Provide any other information on the project or the applicant organization that would be useful to MHC in making funding decisions. Address all applicable selection criteria listed in Section I, Part H.

### PART IV-MATCHING SHARE AND BUDGET INFORMATION

Complete and attach to the work program the Matching Share (Attachment C) and Budget (Attachment D) forms.

Matching Share Information: The matching share information shows the source of the match and its kind, either in cash or services. The total should equal 50% of the total project cost.

1. Identify the amount of cash used to match the grant and its source(s), i.e., Community Development Block Grant, Community Preservation funds, town appropriation, land assessments, private donor (provide full name).
2. Identify the dollar value of employee (in-kind) services being donated to the project, and the agency affiliation of the employee.
3. Please refer any questions you may have on matching share requirements to MHC before submitting the application. **Applications that do not provide clear and accurate information on matching share will be considered incomplete and will not be considered for grant allocations.**

The certifications of match statement **must** be signed by the person legally authorized to certify and commit applicant funds (i.e. **Mayor, Chairperson of the Board of Selectmen, CFO**, etc.). If matching funds come from a third party, written evidence of a firm and binding commitment from the donor must be attached to the application. Applicants should be careful to certify only those funds that are actually available, or for which a firm and binding financial commitment has been made. Uncollected pledges may NOT be considered a firm commitment unless a legally binding agreement exists.

**Budget Sheet:** Identify, in the appropriate columns, which budget items are being provided by the local share and the items for which federal funding is being sought. Instructions for each category are as follows:

1. **Personnel:** Principal project personnel, whether hired consultants and/or in-house staff, must meet the professional qualifications of 36 CFR 61. Submit resumes of any in-house staff that will be serving as principal project personnel.
  - a. **In-Kind (employee) services:** If applicable, list by title or type of work each employee who will be contributing time to the project. Note annual salary, percent of time contributed to project, and total dollar amount. MHC-approved timesheets and payroll records must document time. General supervision not directly related to the project is not allowable as time contributed to the project.
2. **Consultant services:** If applicable, list by title or function consultants who will be associated with the project. List total dollar amount estimated for consultant services. (If you are considering hiring a professional preservation consultant, all costs [i.e. travel, supplies, etc.] should be made part of consultant services. Therefore, omit the travel (#3) and supplies (#4) sections of the Budget form on page 12.)

IF YOU NEED ADDITIONAL SPACE, ATTACH A CONTINUATION SHEET.

**NOTE: CONSULTANTS CANNOT BE PRE-SELECTED BY THE APPLICANT. FEDERAL REGULATIONS REQUIRE AN OPEN SELECTION PROCESS IN THE SELECTION OF ALL CONSULTANTS PAID WITH FEDERAL FUNDS. STATE PROCUREMENT REGULATIONS ALSO REQUIRE AN OPEN PROCUREMENT PROCESS. POTENTIAL CONSULTANTS MAY NOT PLAY A ROLE IN SHAPING AN APPLICATION.**

If a consultant is required after the grant award is made, the consultant position must be advertised and a Request for Quotes (RFQ) sent to an adequate number of qualified sources to assure an open procurement process that follows federal and state guidelines. After the consultant open selection process, the MHC must review and approve the qualifications and proposals of the top three consultants before the applicant hires one. The applicant's budget must allow sufficient funding for payment of consultant services prior to MHC reimbursement. Please note that municipalities are required to follow Chapter 30B of the Massachusetts General Laws (the Uniform Procurement Act) as amended November 7, 2016.

If using consultants, the applicant must affirm that professional consultants will meet the following minimum criteria (36 CFR 61) as appropriate to the type of project:

A Bachelor's Degree in Historic Preservation, Architectural History, History, Anthropology, Archaeology, Planning, or a closely related field and at least two years full-time experience in an area relevant to the project, or;

A Master's Degree in Historic Preservation, Architectural History, History, Anthropology, Archaeology, Planning, or a closely related field relevant to the project.

MHC will provide further instructions on the advertising and Request for Quotes (RFQ) process once a grant award has been made. Documentation of the above qualifications must be provided before project work may begin.

3. Travel: The mileage rate charged to the project should be the recipient's usual rate but may not exceed the current federal rate. Indicate total number of miles and dollar amount. Tolls and parking, if necessary to the project and documented by receipts, are allowable costs. Meals are not allowable and cannot be charged to the project. If a consultant is to be hired, omit this section.
4. Supplies: List major items or categories, i.e., office supplies, maps, etc. If a consultant is to be hired, omit this section.
5. Other: You may list other allowable costs necessary to the project.
6. Total Direct Charges: Add total dollar amounts for items 1 through 5.

#### **PART V-ASSURANCES AND CERTIFICATION/LOWER TIER DEBARMENT CERTIFICATION**

The person who is authorized to sign the project agreement must also sign the Assurances and Certification (Attachment B) and Debarment Certification (Attachment E). If a town local historical commission is applying, the **Chairperson of the Board of Selectmen must sign the Assurances and Certification;** if a Community Development Office or other town/city office is applying, **the Mayor or appropriate official must sign the Assurances and Certification.** Review the items carefully before signing. If you have any questions, contact the MHC.

#### **PART VI-COMMENTS FROM LOCAL HISTORICAL COMMISSION**

If the applicant is not the local historical commission and a local historical commission exists, the applicant must solicit signed comments from the local historical commission. Attach the signed comments to the full application.

**ATTACHMENT A**

**FISCAL YEAR 2021  
SURVEY AND PLANNING GRANT - FULL APPLICATION**

**COVER SHEET FOR APPLICATION PROPOSAL  
DEADLINE – MONDAY, FEBRUARY 8, 2021**

1. Project Title:
2. Project Type:
3. Community/Communities:
4. Local Project Coordinator:

Address:

Phone:

Fax:

E-mail:

5. Amount of Funding Requested: \$ \_\_\_\_\_  
Local Share: \$ \_\_\_\_\_  
Total Project Cost: \$ \_\_\_\_\_

6. Attachments: (Please check as completed)

|                             |                                                              |
|-----------------------------|--------------------------------------------------------------|
| _____ Work Program          | _____ Matching Share Information (Attachment C)              |
| _____ Narrative Statement   | _____ Assurances and Certification (Attachment B)            |
| _____ Budget (Attachment D) | _____ Debarment Certification (Attachment E)                 |
|                             | _____ Local Historical Commission Comment<br>(If Applicable) |

7. Authorized Applicant Signature:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name -- please print)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

## **ATTACHMENT B**

### **ASSURANCES & CERTIFICATIONS**

If selected for funding, \_\_\_\_\_ (hereinafter the “Applicant”) agrees to comply with the following (where applicable) and with all other guidelines, which will be outlined by the Massachusetts Historical Commission (MHC) in the Funding Agreement:

- a) Applicant is willing to have the necessary and agreed upon surveys, nominations, plans, drawings, studies, and reports (archaeological, engineering, historical, etc.) professionally prepared as required by the MHC and subject to approval by the MHC.
- b) Applicant’s project manager agrees to attend a grant orientation meeting.
- c) Applicant will conduct contract and procurement (bidding) actions in a manner that provides for maximum open and free competition in compliance with the Title 2, Part 200 of the Code of Federal Regulations (2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), the Historic Preservation Fund Grant Manual, and the State Procurement Code.
- d) Applicant agrees that the MHC will be involved in the consultant selection process. The MHC reserves the right to review all proposals, to make recommendations concerning consultant selection, and to approve consultant selection.
- e) Applicant agrees to arrange a meeting with the consultant(s) and MHC staff following hiring of consultant and prior to beginning of project work. Applicant also agrees to attend periodic meetings as needed concerning the project’s progress.
- f) Applicant agrees that all work conducted under the project will be carried out in accordance with the Secretary of the Interior’s Standards and Guidelines for Treatment of Historic Properties. Contact MHC staff for a copy.
- g) Applicant agrees to sign a Funding Agreement with the MHC and to follow all state and federal regulations pertaining to this grant program.
- h) Applicant understands that the Funding Agreement will specify a schedule and due dates for specific products. The grant amount may be reduced if a product required in the Funding Agreement is submitted after an agreed upon due date.
- i) Applicant certifies that the matching cash share, if required, is available to meet the non-federal share of the costs of the project and that federal monies will not be used for match. (Under federal law, Indian Self Determination and Education Assistance Act funds to tribal organizations and Community Development Block Grant funds are allowable for match.)
- j) Applicant agrees to comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to Department of Interior regulation 43CFR17.
- k) Applicant agrees to comply with Executive Order 12432, “Minority Business Enterprise Development,” to encourage greater economic opportunity for minority entrepreneurs.
- l) Applicant agrees to comply with the provisions of 18 USC 1913, which prohibits lobbying with appropriated funds. Certification and disclosure is required by 43 CFR 18 and 31 USC 1352.
- m) Applicant agrees to comply with Executive Order 12549, and with 43 CFR Part 12, which prohibits contracts with suspended and debarred persons or businesses.

- n) Applicant agrees that work for which reimbursement is expected will not begin until MHC issues its approval.
- o) Applicant agrees to comply with Title 2, Part 200 of the Code of Federal Regulations (2 CFR 200).
- p) Applicant agrees that, if applicable, as required by the National Park Service, a covenant agreement will be executed at the end of the project, to be recorded with the property deed, requiring that the owner receive prior review and approval from the MHC before any subsequent repairs or alterations are made to the building (covenant agreements last 10 to 20 years, depending on dollar amount of grant).
- q) Intellectual property – NPS has royalty-free right to republish any materials produced under this grant. Notice of rights in data; the NPS may publish, reuse, etc. data, including architectural plans & specifications. Data produced will be made available to NPS including the data relied upon, the analysis relied upon, and the methodology used to gather and analyze the data.
- r) Applicant agrees to comply with Trafficking Victims Protections Act of 2000, as amended (2 CFR 175.15).
- s) Substance of Whistleblower Rights clause incorporated in sub-awards over the simplified acquisition threshold (\$250,000).
- t) Unless exempt, the applicant will comply with Reporting Sub-awards and Executive Compensation (2 CFR 170).
- u) Applicant will disclose any conflict of interest to the MHC in accordance with 2 CFR 200.112.
- v) Applicant will comply with Executive Order 13658 "Establishing a Minimum Wage for Contractors" clause incorporated in sub-awards subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute.
- w) Applicant will comply with Executive Order 113858 "Strengthening Buy-American Preferences for Infrastructure Projects".
- x) Applicant will create public notification of the project in the form of a project sign, website posting, and proper credit for announcements and publications as appropriate. Signage/notification will be submitted for approval by NPS in advance.

The Applicant's signature below (use only the applicable signature area) certifies acceptance of all the above conditions. Unsigned applications will not be considered.

Applicants will also be expected to demonstrate a satisfactory record of integrity, sound judgment, and satisfactory prior performance on grants and contracts. Applicants are expected to have adequate accounting and auditing procedures.

**To the best of my knowledge, this application constitutes a legitimate grant request and contains correct and accurate information. I understand that I may not proceed with any work for which reimbursement is expected until I have first been notified in writing (1) that my project has been selected to receive a grant, (2) that the project application has been approved by the U.S. Department of the Interior, National Park Service, and (3) that a funding agreement has been signed, and (4) that the MHC approves the beginning of work.**

**SIGNATURE OF AUTHORIZING OFFICIAL** (Original copy must have an original signature and be in ink.)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
APPLICANT-RECIPIENT SIGNATURE

\_\_\_\_\_  
TITLE (Chairman of Board of Selectmen, Mayor or Chief Elected Official)

**ATTACHMENT C**  
**MATCHING SHARE INFORMATION**

1. Cash

Donor: \_\_\_\_\_

Source: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

2. In-Kind Services (if applicable)

Donor: \_\_\_\_\_

Source: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

I certify that the matching share identified above is available and will be allocated to the survey and planning project called:

\_\_\_\_\_  
(Name of Project)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name -- please print)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

**ATTACHEMENT D**

**BUDGET**

|                                                                                                              | MATCHING<br>(LOCAL) SHARE | FEDERAL<br>SHARE | TOTAL |
|--------------------------------------------------------------------------------------------------------------|---------------------------|------------------|-------|
| 1. Consultant Services<br>Title/Function<br>Rate per Hour<br># of Hours <u>or</u><br>Total Dollars Estimated |                           |                  |       |
| 2. Personnel - In-Kind (paid)<br>Title/Function<br>Annual Salary<br>% Time to Project                        |                           |                  |       |
| 3. Travel - Rate per Mile _____<br># Miles _____                                                             |                           |                  |       |
| 4. Supplies -<br>(list each item or category)                                                                |                           |                  |       |
| 5. Other                                                                                                     |                           |                  |       |
| <b>TOTAL PROJECT COST</b>                                                                                    |                           |                  |       |

**ATTACHMENT E**

**Certification Regarding  
Debarment, Suspension, Ineligibility and  
Voluntary Exclusion**

**Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, **Debarment and Suspension**, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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Name and Title of Authorized Representative

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Signature

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Date

DI-1954

(9/88)

### **Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**NHC Projects**

last updated December 18, 2020

|   | Subject Area          | Project Name                                                 | Description                                                                                    | Status 0 - 5 | Next Steps                                                                                                                                          |
|---|-----------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| * | Preservation Planning | Historic Goals for Streetscapes                              | Develop goals and deliver to Town                                                              | 4            | Delivered to DPW 9/25 - Deliver to Select Board. FINAL DOCUMENT FOR APPROVAL                                                                        |
| * | Preservation Planning | Preservation Engineering Study                               | Practical advice for developing specifications for repair and maintenance of historic streets  | 4            | Delivered to DPW 9/25 - Deliver to Select Board                                                                                                     |
|   | Education             | Informational Plaque: Arthur Cooper and Angola Street        | Joint project with Land Bank.                                                                  | 4            | design completed, HDC provisionally approved, and monument on order. Compelled call with MAAH - looking at June install. Create communications plan |
| * | Surveys               | Applying to State/Federal Certified Local Government Program | Town of Nantucket applies for certification, to receive planning grants and more local control | 4            | Holly working on application.                                                                                                                       |
| * | ATM 2021              | Amendment to Road Construction Bylaw                         | prohibit removal of historic pavement                                                          | 3            | Town Admin not recommending - need to discuss with SB                                                                                               |
| * | Preservation Planning | Harbor Place                                                 | Contribute to workgroup                                                                        | 5            | Report complete, presented to Planning Commission. Wait for feedback                                                                                |
| * | Surveys               | Survey Plan to update Historic Structures Surveys            | create a strategy and plan to update Nantucket's surveys, using MHC standard inventory forms   | 3            | Writing grant. Due in February. Funds requested in PLUS budget                                                                                      |
|   | Education             | Museum exhibit about Preservation                            | Develop an exhibit for public education about the history of preservation on Nantucket         | 2            | develop position paper with Esta Lee Stone - review January 15                                                                                      |
|   | Archeology            | Focused Planning Meeting                                     | Dedicate an NHC meeting to Archeology                                                          | 1            | S. Handy investigating/organizing.                                                                                                                  |
| * | ATM 2021              | Other comment and action                                     | NHC review citizens and other warrants, comment.                                               | 1            | NHC review citizens warrant. Other warrant.                                                                                                         |
| * | Impact Review         | Complete Streets / Pleasant/Williams/Sparks                  | Section 106 / 950 CMR 71Project Review                                                         | 2            | NHC review Beta plans and provide comments to MHC. Request communciation with Planning/DPW.                                                         |
| * | Impact Review         | Sewer Force Main                                             | Section 106 950 CMR 71 Project Review of Sewer Department new SFM                              | 1            | send info on historic pavement to Sewer Department                                                                                                  |
|   | Design Guidelines     | Desgn Guidelines for Streets                                 | Develop goals and deliver to Town and relevant commissions                                     | 0            | Spoke with Town Manager re: signs. NHC not welcome to advise on signs. Next step: review and discuss K. Keuster's sign bylaw proposed at ATM.       |

|                           |                                                         |                                                                                                                                                                               |   |                                                                                |
|---------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------|
| Preservation Planning     | Contribute to Master Plan                               | Integrate feedback from NHC into master planning effort                                                                                                                       | 0 | Waiting for news from planning department                                      |
| Design Guidelines         | Updating Guidelines for Rural Roads                     | Develop guidance for Town regarding preservation-minded approach to signage and road design                                                                                   | 0 |                                                                                |
| Education                 | loan fund for restoration of historic structures        | Evaluate attraction of a fund similar to the fund in Arlington, MA, which makes low interest loans to private home owners for preservation projects, in exchange for easement | 0 | Preservation Massachusetts Inc. has presentation on this.                      |
| Education                 | Historic Plaques                                        | Investigate NHC role in public education                                                                                                                                      | 0 |                                                                                |
| Education                 | Historic Preservation Tax Credits                       | Sponsor workshop on how businesses can unlock tax credits for preserving their historic building                                                                              | 0 |                                                                                |
| Education                 | Relator Workshop                                        | Outreach to Relators about preserving historic homes                                                                                                                          | 0 |                                                                                |
| Education                 | Website                                                 | Better communication and information for public                                                                                                                               | 0 |                                                                                |
| Preservation Planning     | Zoning Review                                           | Assess how our current zoning aligns with preservation goals                                                                                                                  | 0 | evaluate                                                                       |
| Preservation Planning     | Develop a preservation plan for Nantucket Island        | Using St. Augustine and other cities as a model, develop a preservation plan for Nantucket                                                                                    | 0 |                                                                                |
| Preservation Planning     | District of Critical Planning Concern - special act     | Assess how being able to designate DCPC might benefit Nantucket                                                                                                               | 0 | evaluate                                                                       |
| Surveys                   | Establishing Significance                               | Evaluate and recommend process for establishing contributing status of structures                                                                                             | 0 |                                                                                |
| * Design Guidelines       | Updating and Clarifying Building with Nantucket In Mind | Updating BWNIM. Making BWNIM more user-friendly. CPC grant currently rests with HDC.                                                                                          | P | Had initial discussion with HDC. Waiting on HDC                                |
| Preservation Planning     | Coastal Resiliency                                      | Participate in town resiliency education and planning                                                                                                                         | P | respond to requests from town                                                  |
| Surveys                   | Historic Streetscape Study                              | Survey of historic paving (NPT/CPC grant)                                                                                                                                     | P | Study pushed out to summer 2021 due to COVID.integrate with engineering study. |
| Design Guidelines         | For elevating structures                                | Develop design guidelines for elevating structures                                                                                                                            | P | Attended Resilient Nantucket Charette. Consultants preparing guidelines        |
| <b>Completed projects</b> |                                                         |                                                                                                                                                                               |   |                                                                                |
| * Education               | CAMP Training                                           | training day for NHC and HDC                                                                                                                                                  | 5 | Attended first day 11/6. Completed                                             |

|   |                                   |                                                         |                                                                                                                  |   |                                                                                |
|---|-----------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------|
| * | Design Guidelines                 | Updating and Clarifying Building with Nantucket In Mind | Updating BWNIM. Making BWNIM more user-friendly. CPC grant currently rests with HDC.                             | P | Had initial discussion with HDC. Waiting on HDC                                |
|   | Preservation Planning             | Coastal Resiliency                                      | Participate in town resiliency education and planning                                                            | P | respond to requests from town                                                  |
|   | Surveys                           | Historic Streetscape Study                              | Survey of historic paving (NPT/CPC grant)                                                                        | P | Study pushed out to summer 2021 due to COVID.integrate with engineering study. |
|   | Education                         | NHC Mission Statement                                   | Develop and approve a statement that communicates to the public the role of a Historical Commission on Nantucket | 5 | Presented, posted on NHC website                                               |
|   | 0 - no action                     |                                                         |                                                                                                                  |   |                                                                                |
|   | 1 - prioritized, developing specs |                                                         |                                                                                                                  |   |                                                                                |
|   | 2 - project plan complete         |                                                         |                                                                                                                  |   |                                                                                |

3 - funded, Staffed  
 4 - execution phase  
 5 - completed  
 P = Participating  
 \* = priority