

Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair
Thomas M. Dixon
Matt Fee
Malcolm W. MacNab
Brooke Mohr



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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
COUNTY COMMISSIONERS
NOVEMBER 29, 2023 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS***

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtu.be/iRaOg03daqg>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_Z-g9HukeSLq9NZTjly4uQg

- I. CALL TO ORDER***
- II. ANNOUNCEMENTS***
 1. The County Commission Meeting is Being Audio/Video Recorded.
- III. PUBLIC COMMENT****
- IV. NEW BUSINESS****
- V. APPROVAL OF MINUTES AND WARRANTS***
 1. Approval of Minutes of September 27, 2023 at 5:30 PM.
 2. Approval of Payroll and Treasury Warrants for October and November 2023.
- VI. OFFICIAL BUSINESS/CITIZEN REQUESTS***
 1. Planning Board: Request for County to Acquire Clay Street for Future Pedestrian and/or Vehicular Connection to Area Roads as Outlined in Condition 5 of Clay Street Subdivision Approval (Continued from September 27, 2023).
 2. Request for Approval and Execution of Assent to Amended Complaint to Recognize 1979 Fee Taking of Burnell Street and Approve Registration of Subdivision Plan of Lot 3 as Shown on Land Court Plan No. 37271-A into Lots 23, 24 and 25 on Pending Land Court Plan No. 37271-E for 52 Burnell Street.

3. Request for Approval and Execution of Assent to Complaint to Recognize 1975 Order of Taking of Derrymore Road and Approve Registration of Subdivision Plan of Lot 10 as Shown on Land Court Plan No. 13199-H into Lots 147, 148 and 149 on Pending Land Court Plan No. 13199-35 for 78 Cliff Road.

VII. COMMISSIONERS REPORTS/COMMENTS

VIII. ADJOURNMENT

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

COUNTY COMMISSION AGENDA PROTOCOL:

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

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

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Commission to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with the United States Constitution and the Massachusetts Declaration of Rights.

The agenda for regular County Commission meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Commission to take up first. This time is reserved for speakers to address the Commission on matters that are not related to any other Agenda item. If a speaker wishes to address the Commission on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.

All speakers are encouraged to present their remarks in an orderly and peaceable manner, without disruption to other speakers.

All remarks will be addressed through the Chair of the meeting.

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not protected under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

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

authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

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

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

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

Approved: April 26, 2023



Agenda Item Summary

Agenda Item #	VI. 1.
Date	09/27/23

Staff

Leslie Snell, AICP, Director of Planning

Subject

Clay Street Acquisition

Executive Summary

Planning Board is requesting that the County Commissioners proceed with the acquisition of Clay Street for future pedestrian and/or vehicular connection to area roads as outlined in Condition 5 of the Clay Street Subdivision approval. No pedestrian or vehicular improvements are requested or needed at this time. Acquisition is the first step toward future action by securing the County's rights in a roadway that has the possibility of connecting subdivisions in the future. For the immediate future, minor costs associated with maintenance of the existing gravel roadway may be needed.

Staff Recommendation

Recommends that the County Commissioners approve the Planning Board's request and proceed with contacting the current property owner for a combination of fee simple and easement conveyance.

Background/Discussion

Acquisition of Clay Street by the County would secure access rights for future pedestrian and/or vehicular connections. Taking action now is important because it was a requirement of the subdivision decision, thereby avoiding a potential taking in the future. Prompt action is necessary due to the pending expiration of the requirement within the Planning Board subdivision approval.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☒

The connection of ways, both vehicular and pedestrian, are basic planning principles for lessening overall congestion and are within the purpose of the Planning Board.

Board/Commission Recommendation

Planning Board recommends that the County Commission proceed with the acquisition.

Public Outreach

None needed at this time.

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



Pedestrian and vehicular connectivity align with transportation goals in the Select Board's Strategic Plan and the Planning Board's Master Plan.

Attachments

1. Letter from Planning Board
2. Sketch plan showing Clay Street and potential connection to the Meadow's II development via Harvey Road
3. Images of current conditions
4. Clay Street Definitive Subdivision Approval issued by the Planning Board





Nantucket Planning Board

September 18, 2023

Dr. Malcolm McNab, Chair
Nantucket County Commission
16 Broad Street
Nantucket, MA 02554

RE: Acceptance of Clay Street

Dear Chair McNab and Members of the County Commission:

At the Planning Board's July 10, 2023 meeting, the Board unanimously voted to request that the County Commission execute its authority to request the fee simple and easement conveyance of Clay Street as noted in condition number 5 of the Approval Required (AR) Definitive Subdivision decision, approved by the Planning Board on December 6, 2016, which states:

At any time prior to the expiration of the seventh (7th) anniversary of the date of the Planning Board's action (December 6, 2016), the Applicant, its successors or assigns, shall, upon receipt of written request of the Town of Nantucket, submit: (1) a written offer of dedication / gift to the County / Town of Nantucket of the fee simple ownership interest in the right-of-way portion of Clay Street for the public's use, operation, and maintenance thereof as a public road, and (2) an easement in favor of the County / Town of Nantucket of the "Potential / Future Roadway Easement" area running north from the northerly terminus of the Clay Street right-of-way and terminating at the existing southern property lines of the 20 Davkim Lane and 20(R) Davkim Lane properties, for the Town's use, operation, and maintenance thereof, as a portion of a public way. All legal instruments accomplishing the intent of the foregoing condition shall be in a form mutually acceptable to the Applicant, or its successors and assigns, the Board of Selectmen of the Town of Nantucket, and Town Counsel. No additional compensation shall be due from the Applicant, or its successors or assigns, to the Town of Nantucket, or vice versa, in the event that Clay Street is offered, dedicated, conveyed or otherwise acquired for the public benefit.

As noted in Section 1.03 of the Rules and Regulations Governing the Subdivision of Land, the Planning Board's purpose includes:

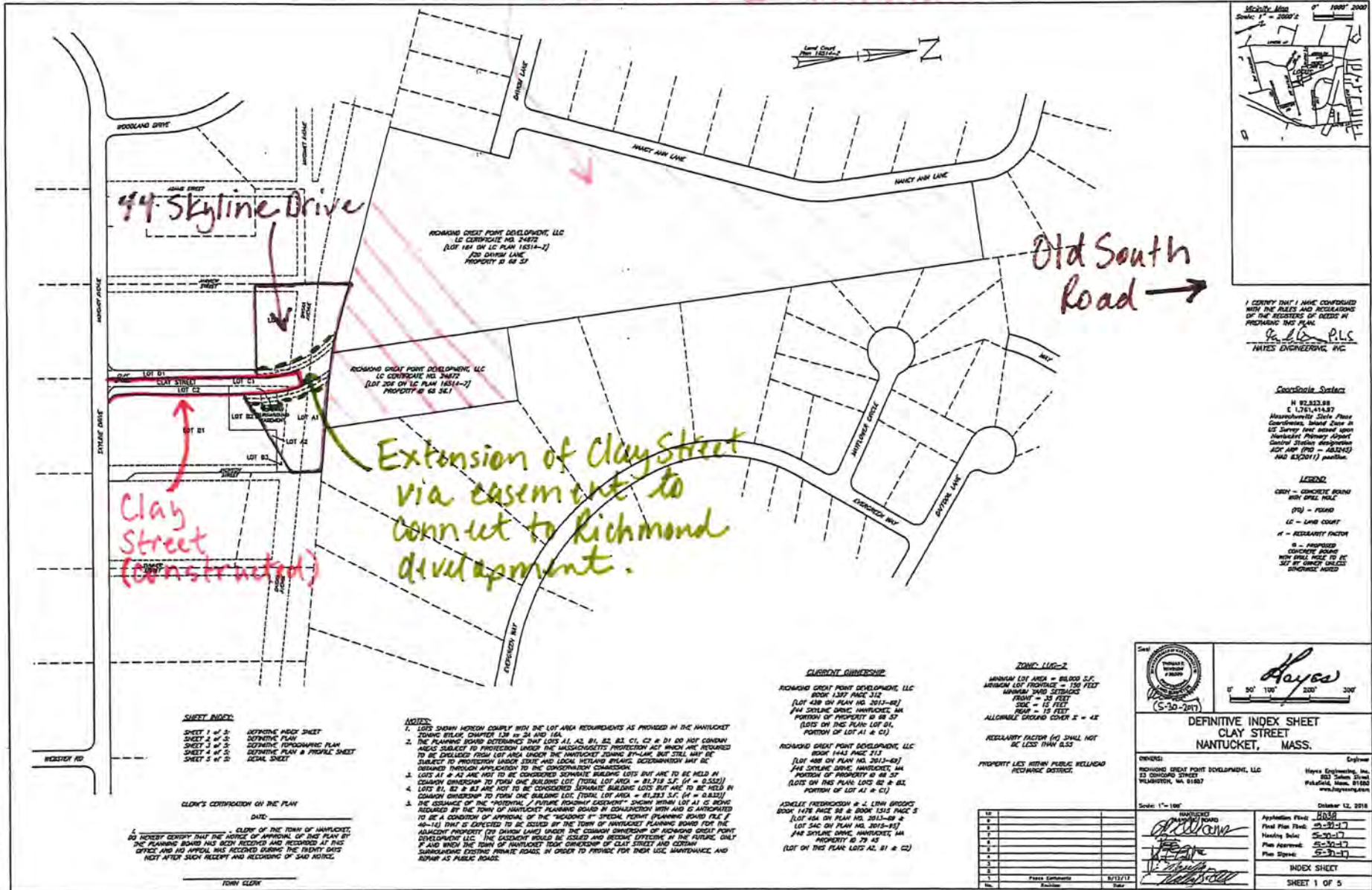
- 1.03b: lessening congestion in the subdivision ways and adjacent public ways.
- 1.03d: securing safety in the case of fire, flood, panic and other emergency.
- 1.03g: coordinating the ways in a subdivision with each other and with the public ways in the Town and with the ways in neighboring subdivisions.
- 1.03h: to advance the Master Plan,

The Planning Board respectfully requests that this matter be placed on the September 27, 2023 agenda for discussion and possible action. The acceptance of Clay Street by the County will be the first step in a potential future pedestrian, bike, and/or vehicular connection and your cooperation is necessary to assist the Planning Board with achieving their purpose. For your convenience, a plan and a copy of the decision is enclosed.

Sincerely,

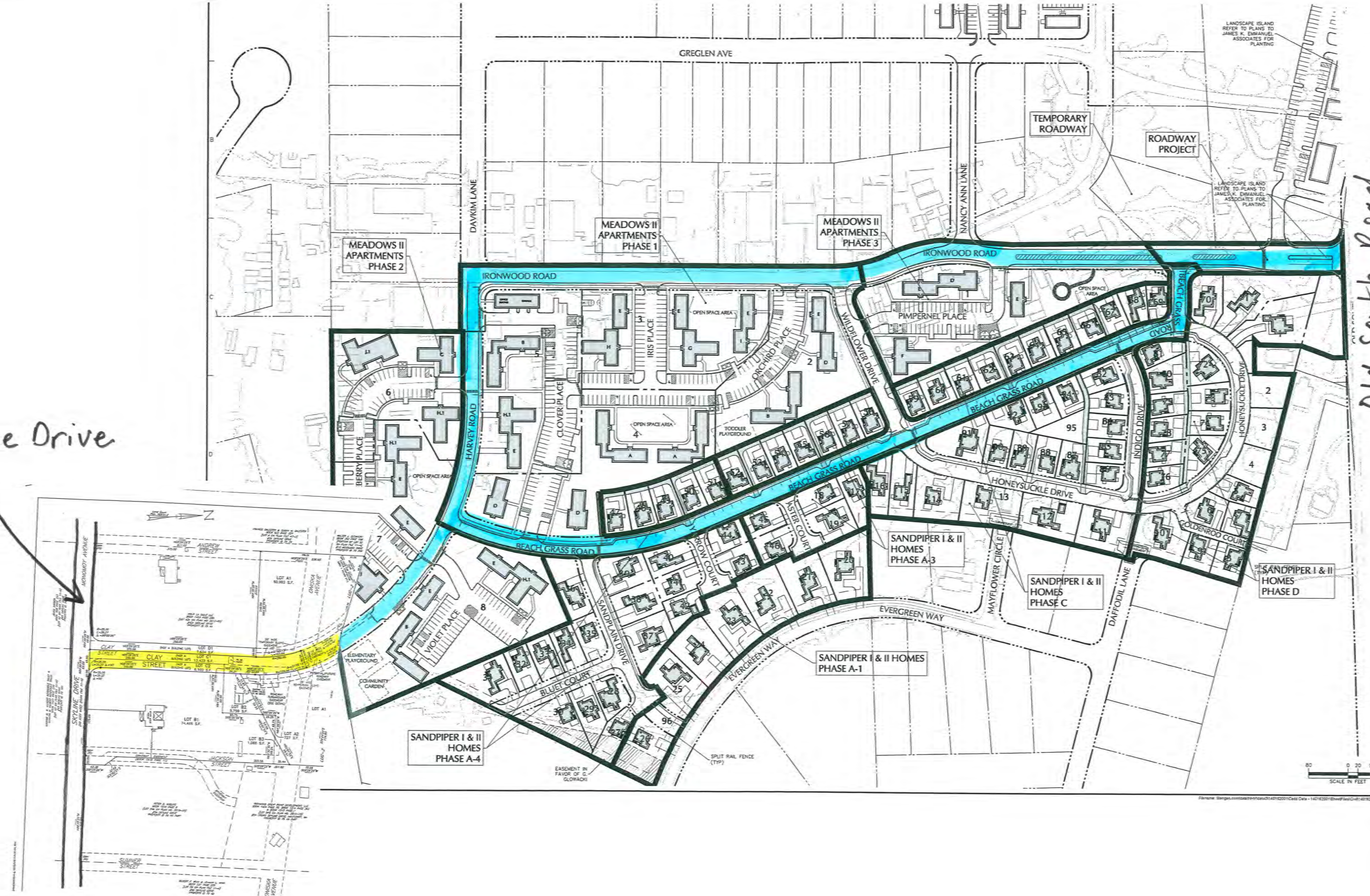
David Iverson, Chair
Nantucket Planning Board

Sandpiper N+S - Richmond
Meadows II - Richmond



Skyline Drive

Old South Road





N ↑

Clay Street from Skyline Drive



NT↑

Terminus of Clay Street



N↓

Terminus of Harvey Road



NANTUCKET
TOWN CLERK
2017 JAN 23 PM 3:33

Nantucket Planning Board

APPROVAL OF A DEFINITIVE SUBDIVISION PLAN (AR)

CLAY STREET SUBDIVISION

44, 46, and 48 Skyline Drive and 20 / 20(R) Davkim Lane

Planning Board File # 8038

Owners / Applicants: Richmond Great Point Development LLC and
Ashelee Fredrickson / J. Lynn Brooks

Nantucket Tax Assessors Map and Parcels:

Map 68, Parcel 57 (Portion of) (44 Skyline Drive)
Map 68, Parcel 57 (Portion of) (46 Skyline Drive)
Map 79, Parcel 45 (Portion of) (48 Skyline Drive)
Map 68, Parcel 57 (Portion of) (20 Davkim Lane)
Map 68, Parcel 56.1 (Portion of) (20(R) Davkim Lane)

Nantucket Registry District / Registry of Deeds Title:

Book 202, Page 210 (44 Skyline Drive)
Book 1443, Page 213 (46 Skyline Drive)
Book 1476, Page 98 and Book 1515, Page 5 (48 Skyline Drive)
Lot 184 on Land Court Plan 16514-Z (Certificate of Title 4825) (20 Davkim Lane)
Lot 206 on Land Court Plan 16514-7 (Certificate of Title 9901) (20(R) Davkim Lane)

Limited Use General 2 (LUG-2) Zoning District (Skyline Drive Properties) and
Commercial Neighborhood (CN) Zoning District (Davkim Lane Properties)

December 6, 2016

Approval Action and Review by the Planning Board:

At the conclusion of a public hearing duly convened and held on December 6, 2016, the Planning Board of the Town of Nantucket (the "Planning Board") voted 5 - 0 to approve the application of Richmond Great Point Development LLC and Ashelee Fredrickson / J. Lynn Brooks (as co-Applicants / co-Owners, respectively) seeking endorsement of approval of a Definitive Plan of Subdivision (AR), resulting in the creation of one (new) buildable lot, one (new) non-buildable parcel, and a new (private) road (Clay Street) (which is also shown as a separate (new) non-buildable parcel), as well as the reconfiguration of one (existing) buildable lot.

The proposed plan of subdivision, its layout, components, proposed conditions and requested waivers were considered and reviewed at a public hearing held by the Planning Board on December 6, 2016, which

included, but was not limited to, the receipt of testimony, correspondence and representation of the Applicants and the public generally, all of which were made part of the record in connection with the aforementioned public hearing. The public hearing was closed at the December 6, 2016 meeting of the Planning Board, prior to the deliberation and approval action that was taken by the Planning Board at this meeting.

Proposal and Summary of Requested Action:

The Definitive Subdivision Plan application was filed and received by the Planning Board on October 18, 2016, and comprised of the subdivision and reconfiguration of portions of two adjacent lots consisting of five separately assessed parcels having the Assessor's Map and Parcel numbers listed above. The property which is the subject of the application includes lands previously a portion of the 42 and 48 Skyline Drive properties (now designated as 44 and 46 Skyline Drive) previously incorporated with the 20 Davkim Lane and 20(R) Davkim Lane properties by a plan (File #7753) endorsed by the Planning Board as approval-not-required under the subdivision control law on October 16, 2014. The application proposes to combine 44 and 46 Skyline Drive to form one (1) buildable lot, comprising +/- 81,719 square feet (1.88 acres) of land area, and to remove the foregoing parcels from their present combination with 20 Davkim Lane and 20(R) Davkim Lane.

The new buildable lot will have frontage along and take its access to and from Clay Street, a new private road which, as proposed, will intersect with Skyline Drive, an existing private road, at its southern terminus. To facilitate the creation of Clay Street, the proposed plan of subdivision incorporates a +/- 6,100 square foot portion of the existing 48 Skyline Drive property as a portion thereof, with a similarly sized amount of land to be incorporated into the northern portion of the existing 48 Skyline Drive property from the southern portion of the 46 Skyline Drive property for purposes of meeting the 80,000 square foot minimum lot area requirement applicable in the Limited Use General-2 (LUG-2) zoning district for the reconfigured 48 Skyline Drive lot.

At the current time, and unless and until certain interests in surrounding streets are acquired or otherwise obtained by the Town of Nantucket for public travel, Clay Street will be improved to private driveway standards only, with a travel width of twelve (12) feet. Clay Street is proposed to be surfaced with gravel, and designed to include a turnout at its northern end, extending off the east side of the improved portion of the driveway, to allow for sufficient turning of all vehicles including, but not limited to, police, fire and other emergency vehicles. The subdivision plan designates an area of the new buildable lot as a "Potential / Future Roadway Easement" which may, in the future, provide for inter-neighborhood access and egress from Skyline Drive to Old South Road via Davkim Lane. The Potential/Future Roadway Easement depicted on the plan of subdivision, among other features and specifications, provides for a width of the new right-of-way (Clay Street) of forty (40) feet, which meets current subdivision roadway standards, and the proposed path of Clay Street has been designed in a manner in which Clay Street may be connected through to the 20 Davkim Lane and 20(R) Davkim Lane properties in the event the Board of Selectmen, or in the alternative, the Board of Selectmen sitting as the Board of County of Commissioners (as necessary or appropriate), determine in the future that it would be for the public benefit to acquire an interest in Clay Street and in other private streets in the area to connect such streets to existing public ways.

The current proposal supersedes a prior application made by Richmond Great Point Development LLC (as the sole Applicant / Owner) seeking approval of a subdivision that comprised portions of the properties the subject of the current proposal, but depicting a slightly different combination and configuration of lots, and a slightly different road configuration. The prior application was filed with the Planning Board on January 6, 2016, was considered at public hearings held by the Planning Board on March 3, 2016, April 11, 2016, May 9, 2016, June 13, 2016, July 11, 2016, August 8, 2016, August 25, 2016 (Special Meeting), September 12, 2016, and September 28, 2016 (Special Meeting) and was voluntarily withdrawn by the applicant, with said withdrawal accepted by the Planning Board, without prejudice, at its September 28, 2016 (Special Meeting).

A "Withdrawal of a Planning Board Application" Form confirming the withdrawal of the prior application was filed with the Planning Board and the Town Clerk on October 18, 2016.

Summary of Zoning Bylaw and Subdivision Compliance:

The entirety of the +/- 4.37 acres of land area comprising the Clay Street Definitive Subdivision Plan, including the new buildable lot, the reconfigured buildable lot, and the two proposed non-buildable parcels are designated within the Limited Use General 2 (LUG-2) zoning district, as set forth and described in Section 139-3(A) (Districts Enumerated) and Section 139-7 (Use Chart) of the Nantucket Zoning Bylaw. The intensity and dimensional criteria applicable to the subdivision and to any development proposed within the Limited Use General 2 (LUG-2) district are set forth in Section 139-16 (A-E) (Intensity Regulations) of the Nantucket Zoning Bylaw.

As designed, the new buildable lot (44 / 46 Skyline Drive) and the reconfigured / existing buildable lot (48 Skyline Drive) within the subdivision have the following characteristics relative to the major dimensional criteria applicable under local zoning, and, as shown below, comply with or exceed all such applicable criteria.

**Clay Street Definitive Subdivision Plan (Buildable Lots)
Summary of Applicable Dimensional Criteria Under Local Zoning Bylaw**

Applicable Zoning Criteria	Minimum Requirement	Proposed for 44/46 Skyline Drive Lot	Proposed for 48 Skyline Drive Lot
Minimum Lot Area	80,000 Square Feet	81,719	81,293
Minimum Lot Frontage (Linear Feet)	150	151	195
Minimum Lot Regularity Factor	0.550	0.552	0.832

No portion of the proposed subdivision is located within any identified wetland areas or areas with resources that are subject to local environmental protection. No portion of the proposed subdivision is located within a flood plain or areas mapped as prone to flooding. The entirety of the proposed subdivision is located within the Public Wellhead Recharge (PWR) Overlay District and, as such, any future development within the subject property / subdivision must comply with the provisions of Section 139-12(B) of the Nantucket Zoning Bylaw.

The proposed subdivision, with the exception of the waivers that have been granted in conjunction with the approval of the subdivision as listed in "Exhibit A" attached to and hereby incorporated into this decision by reference, presently does, or in the future shall comply with the criteria of the Rules and Regulations Governing the Subdivision of Land Nantucket Island, Massachusetts, Amended Through December 20, 1999, and the conditions of approval set forth herein below.

Documents and Input Considered by the Planning Board in its Review and Action:

The Planning Board based its decision upon consideration of the following documents and input:

- An "Form B - Application for Approval of a Definitive Subdivision" application, as submitted to the Town Clerk, the Department of Health, and the Planning Board, dated October 17, 2016 (delivered and time stamped as received by these entities on October 18, 2016).
- A cover letter including a variety of project description information entitled "Submittal of (Form B) Application for Approval of a Definitive Subdivision Plan – 44, 46, and 48 Skyline Drive and 20 / 20 (R) Dawkin Lane Properties", as submitted to Town Clerk, the Department of Health, and the Planning Board, dated October 17, 2016 (delivered and time stamped as received by these entities on October 18, 2016).
- A plan set entitled Definitive Plan, "Clay Street" Single Family Homeownership Project as prepared by Hayes Engineering, Inc., dated October 12, 2016, depicting the subdivision of the lots along with the applicable / customary notes and design details (totaling seven (7) sheets).
- The Storm Water Management Report (Including customary technical calculations and detail), as prepared by Hayes Engineering, Inc., dated October 7, 2016.
- The Site Analysis Report, Site Analysis Map, and Street Network Plan, all as prepared by Hayes Engineering, Inc., dated October 7, 2016.
- The Requested Waivers, as prepared by Hayes Engineering, Inc., dated October 2016.
- The letter report entitled "UPDATED Engineering Review of the Proposed Clay Street Definitive Subdivision (off Skyline Drive)", as prepared by Pesce Engineering & Associates, Inc., dated July 1, 2016.
- Representation, testimony, and correspondence received and made part of the record in connection with the public hearing held by the Planning Board on December 6, 2016.
- Assorted documents that are on file with the Planning Board, File #8038.

Findings:

Based on its review of the application in accordance with "The Subdivision Control Law" (M.G.L. Chapter 41, Sections 81K-81GG, inclusive), the provisions of "The Rules and Regulations Governing the Subdivision of Land, Nantucket Island, Massachusetts, Amended Through December 20, 1999", The Zoning Act (MGL c. 40A), the Nantucket Zoning Bylaw (c. 139 of the Bylaws of the Town of Nantucket), and the above-referenced documents, plans, and other materials submitted by the Applicant, et al, and the testimony received at the public hearings, the Planning Board finds that:

- a. The Clay Street Definitive Subdivision Plan complies with the provisions of Chapter 41, Sections 81K-81GG (inclusive) of the Massachusetts General Laws.
- b. The application materials and the Clay Street Definitive Subdivision Plan, with the exception of the waivers granted in conjunction with the Planning Board's approval of the definitive subdivision, comply with the provisions of "The Rules and Regulations Governing the Subdivision of Land, Nantucket Island, Massachusetts, Amended Through December 20, 1999";
- c. The Clay Street Definitive Subdivision Plan complies with the applicable provisions of Chapter 40A of the Massachusetts General Laws.
- d. The Clay Street Definitive Subdivision Plan and the lots depicted thereon comply with the applicable area, frontage and other requirements of the Zoning Bylaw of the Town of Nantucket;
- e. Lot A1, as appears on the Clay Street Definitive Subdivision Plan, has frontage along a single line of Clay Street's easterly bound (Lot C2 thereupon) for a distance of one hundred fifty-one (151) feet affording legal and practical access to Lot A1 for the required distance in accordance with the Nantucket Zoning Bylaw, exclusive of the lineal distance or extent of the area entitled Roadway Turnaround Easement as shown in greater detail on the plan. The Roadway Turnaround Easement is provided for the convenience and safety of operators of motor vehicles traveling to and from Lot A1 and its lineal distance is not considered for purposes of frontage under this application;
- f. Those waivers granted from strict compliance with the requirements of "The Rules and Regulations Governing the Subdivision of Land, Nantucket Island, Massachusetts, Amended Through December 20, 1999" are in the public interest and are not inconsistent with the Subdivision Control Law. The waivers associated with the Rural Road Alternative allowing the improvement of Clay Street only to driveway standards as proposed by the applicant and as approved by the Planning Board in accordance with this decision, and the condition imposed restricting further improvement (but not the usual and customary maintenance, upkeep and/or repair to the standard approved herein) of Clay Street unless and until the Town of Nantucket has acquired an interest in Clay Street for the benefit of the public to pass and repass, each individually and in combination serve to preserve the current character of the property comprising the subdivision and that of surrounding subdivisions and properties while adequately planning for the coordination of future traffic patterns, access of vital emergency and public safety services and to lessen any potential congestion or unsafe or impractical traffic condition thereof;
- g. The Cultec system to be installed and the waiver(s) granted in relation thereto adequately provide for the artificial recharge of storm water runoff from Clay Street in accordance with the standards required by the Nantucket Zoning Bylaw and is designed in conformance with the publication entitled "Artificial Recharge: Evaluation and Guidance to Municipalities: A Guide to Stormwater Infiltration Practices in Public Water Supply Areas of Massachusetts, prepared by the Pioneer Valley Planning Commission, except as deviations therefrom or waivers of certain requirements thereof have been approved by the Planning Board;

- h. The driveway improvement standard and design proposed for Clay Street by the applicant, as shown in greater detail on the plan set, has been reviewed and approved by the Nantucket Fire Department, subject to conditions related to the prohibition of parking and related requirements which are described in more detail in the conditions of approval, as set forth herein; and
- i. The "Potential / Future Roadway Easement" depicted upon the Clay Street Definitive Subdivision Plan allows the Town, or County, of Nantucket, as the case may be, to layout and accept Clay Street as a public way in the future and to connect it with other nearby private ways (which would also first, or concurrently need to be established as public ways) in the event the Board of Selectmen, or the Board of Selectmen sitting as the Board of County Commissioners, shall determine it is in the public interest to do so.

Decision and Conditions:

Based on the foregoing described proposal and summary of requested action, findings of the Planning Board, the herein referenced documents, and the testimony given at the public hearing, the Nantucket Planning Board hereby APPROVES the Clay Street Definitive Subdivision Plan, based on a 5 - 0 vote in favor of approval.

The Planning Board's approval of the Clay Street Definitive Subdivision Plan is expressly subject to compliance with the following conditions:

- 1) The Applicant shall submit final plans for review and acceptance by the Planning Board within six (6) months of the date of the Planning Board's action (December 6, 2016). Said final plans shall be reviewed and approved prior to such submittal to the Planning Board by the Town's consulting engineer and shall address, to the satisfaction of the Town's consulting engineer, all of the technical comments and recommendations provided in its review letter to the Applicant. To the extent the Applicant believes that any of the comments and / or recommendations of the Town's consulting engineer cannot be satisfied or resolved between the Town's consulting engineer and the Applicant, the Applicant may request a clarification, interpretation or decision by the Planning Board. Any such request shall be submitted, in writing, to the Planning Board. The foregoing shall not be construed to require that the Applicant's request for clarification, interpretation or decision be considered at a public hearing, unless required by law. The Planning Board may, at its discretion, grant an extension or extensions to this deadline, upon written request of the Applicant, by action taken in conformity with the provisions of this condition number 1.
- 2) All improvements required in conjunction with the subdivision, including the improvement more particularly described in condition number six (6) below (i.e., drainage, driveway apron, driveway surfacing, etc.), shall be completed within two (2) years from the date of the Planning Board's action (December 6, 2016). In the event that said improvements cannot be completed within this time frame, the Planning Board may, at its discretion, grant an extension or extensions to this deadline, upon written request of the Applicant. The foregoing shall not be construed to require that the Applicant's request for extension be considered at a public hearing, unless required by law.
- 3) The existing one and one-half story single family home located in the northern center of "Lot C", shall, at the option of the Applicant, either be demolished or relocated within two (2) years from the date of the Planning Board's action (December 6, 2016). Any and all permits necessary for such demolition or relocation must be obtained from the applicable authority or authorities of the Town of Nantucket prior to the commencement of such demolition or relocation. In the event that said demolition or relocation cannot be completed within the time provided herein, the Planning Board may, at its discretion, grant an extension or extensions to this deadline, upon written request of the Applicant. The foregoing shall not be construed to require that the Applicant's request for extension be considered at a public hearing, unless required by law.

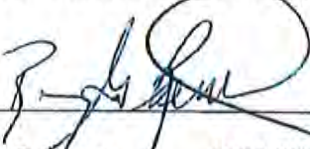
4) Pursuant to the recommendation of the Nantucket Fire Department:

- A. While Clay Street is retained in private ownership and improved only to driveway standards, no parking shall be permitted on either side of Clay Street for the entire length of the right-of-way (including within the approximate sixty (+/- 60) foot long portion located north of the vehicle turnaround area which is located at the northeastern terminus of the driveway). A sign, or signs, to such effect shall be installed at the sole cost and effort of the Applicant.
- B. While Clay Street is retained in private ownership and improved only to driveway standards, no parking shall be permitted within any portion of the vehicle turnout / easement area located at the northeastern terminus of the driveway (located on the right hand side of the driveway, looking north from Skyline Drive). A sign, or signs, to such effect shall be installed at the sole cost and effort of the Applicant.

- 5) At any time prior to the expiration of the seventh (7th) anniversary of the date of the Planning Board's action (December 6, 2016), the Applicant, its successors or assigns, shall, upon receipt of written request of the Town of Nantucket, submit: (1) a written offer of dedication / gift to the County / Town of Nantucket of the fee simple ownership interest in the right-of-way portion of Clay Street for the public's use, operation, and maintenance thereof as a public road, and (2) an easement in favor of the County / Town of Nantucket of the "Potential / Future Roadway Easement" area running north from the northerly terminus of the Clay Street right-of-way and terminating at the existing southern property lines of the 20 Davkim Lane and 20(R) Davkim Lane properties, for the Town's use, operation, and maintenance thereof, as a portion of a public way. All legal instruments accomplishing the intent of the foregoing condition shall be in a form mutually acceptable to the Applicant, or its successors and assigns, the Board of Selectmen of the Town of Nantucket, and Town Counsel. No additional compensation shall be due from the Applicant, or its successors or assigns, to the Town of Nantucket, or vice versa, in the event that Clay Street is offered, dedicated, conveyed or otherwise acquired for the public benefit.
- 6) A split rail, or similar design, fence shall be erected at the northern terminus of Clay Street and shall extend perpendicularly to the entirety of the improved width of the right-of-way as approved in this Decision, to wit, twelve (12) feet. The fence may have a break or gap to allow for the passage of pedestrians and/or bicyclists, provided such break or gap shall be of a width that prevents passage of a passenger motor vehicles. This condition shall terminate if Clay Street is laid out and accepted as a public way, or otherwise acquired for the public benefit in accordance with condition number five (5) above, and, in such event, no modification of this Decision shall be required for the termination of this condition.
- 7) The Applicant shall be responsible for any and all consulting fees incurred by the Planning Board in connection with its review of this application and preparation of this Decision including, without limitation, engineering and legal fees, all pursuant to MGL c. 44 §53G. Such fees shall be paid to the Town of Nantucket within fourteen (14) days after written notice of the amount due is provided to the Applicant by the Planning and Land Use Services (PLUS) Department, unless the Planning Board determines to instead require deposit of a lump sum as permitted by the statute.

RECORD OF VOTE AND SIGNATURE PAGE FOLLOWS

Record of Vote: On December 6, 2016 the Planning Board voted 5 - 0 to CLOSE the public hearing, and voted 5 - 0 to APPROVE the Clay Street Definitive Subdivision Plan in accordance with this Decision.



Barry G. Rector APPROVED



Nathaniel Lowell APPROVED



Linda F. Williams APPROVED

Joseph Marcklinger APPROVED

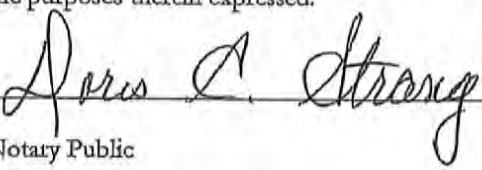
John Trudell, III APPROVED

COMMONWEALTH OF MASSACHUSETTS

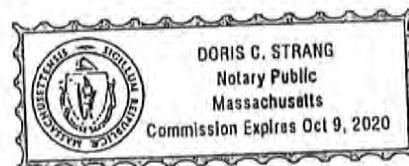
Nantucket, ss

January 23, 2017

On the 23rd day of January, 2017, before me, the undersigned notary public, personally appeared Nathaniel Lowell, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.



Notary Public



October 9, 2020

My Commission Expires

“Exhibit A”

(List of Waivers Granted from the Applicable Sections of “*The Rules and Regulations Governing the Subdivision of Land, Nantucket Island, Massachusetts, Amended Through December 20, 1999*” by the Planning Board for the Clay Street Definitive Subdivision Plan)

- Section 2.06b(10) The elevations shown on the plan are NAVD88 rather than half-tide datum.
- Section 2.06b(14)(a) Landscaping is not being proposed as the proposed roadway construction consists of only a 12' wide gravel road and drainage swale with minimal disturbance.
- Section 2.06b(14)(b) Existing trees to be saved will be decided upon during construction.
- Section 2.06(e) Staking and brush cutting of the proposed way (Clay Street) was not undertaken, based on the ease of visibility of the prospective path and location of the proposed way and the availability of updated, high resolution aerial photographs to demonstrate the same.
- Section 4.06(b)(3) Cultec® Contactor 100HD stormwater chambers to be substituted for the leaching basin (Appendix A, Plate No. 12)
- Section 4.13 Dry sewer lines are not proposed to be installed.
- Section 4.06b(4) Allow use of minimum 8 inch diameter drain pipe due to the minimal runoff flows.
- Section 4.16 Same as Section 2.06b(14)(a) & (b) above.

Waivers associated with Rural Road Alternative (Section 4.05(a))

- Section 4.03 A Rural Road Alternative (Section 4.05(a)) will be permitted, which requires a waiver of strict compliance with this Section. Specifically, the right-of-way will not be symmetrical with the curbline radii of the street on the westerly sideline at the intersection of Skyline Drive.
- Section 4.04b Allow construction of alternative turnaround layout, as shown on the proposed plan.
- Section 4.09 Allow shoulder as shown in Appendix A, Plate No. 6.
- Section 4.18 & 4.19 No sidewalks or bicycle paths are proposed along the sides of the proposed gravel roadway, Clay Street. There are no sidewalks on the adjacent street, Skyline Drive.
- Section 4.22 No curbing or berms are being proposed.
- Section 4.23 Soil tests will be provided prior to construction.
- Appendix A Plate No. 6 Typical Section – Stabilized Gravel Road be waived to allow the cross section as shown on the “Definitive Plan & Profile, Clay Street, Nantucket, Mass.”, Sheet 4 of 5 dated October 12, 2016.

From: [Edward Sheehy](#)
To: [Malcolm MacNab](#); [Thomas Dixon](#); [Dawn Hill Holdgate](#); [Matt Fee](#); [Brooke Mohr](#)
Cc: [Erika Mooney](#)
Subject: Planning Board's Request for Immediate Acquisition of Clay Street
Date: Monday, September 25, 2023 3:21:17 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chairman MacNab and Commissioners,

My name is Ed Sheehy. My wife Sandy and I are the property owners at 42 Skyline Drive, which abuts immediately to the west the former driveway now referred to as Clay Street. I am writing to you with our opposition to the Planning Board's request for acquisition and fee-simple ownership of Clay Street.. We would respectfully request that the Commissioners deny this request, seek alternative solutions, or at a minimum, defer your decision pending further study of the down-the road impact of the Planning Board's request, specifically with regard to Clay Street becoming an outlet for vehicle traffic from the Richmond development to Skyline Drive.

Our opposition is based upon the following:

- 1. Skyline Drive was not designed for that volume of use.** I am not sure if the Planning Board has contemplated the volume of traffic this action would result in. If Clay Street is used as a shortcut out of Richmond, the traffic will quickly overburden private Skyline Drive, with negative impacts on a road system not designed for that volume. This traffic will also pose a greatly increased safety hazard to the pedestrians, dog walkers, and bicyclists who comprise a good bit of Skyline Drive's current traffic. Would not a better alternative be the use of Davekim Avenue, which exists, to Lovers Lane, which is scheduled to be considerably improved by the town?
- 2.** The Planning Department's request is based on the planning principle of interconnected roadways, but it seems precedent-setting for the town to take a floating section of public road between private roads. These decisions should not be made in a vacuum. The acceptance of this road should only occur in conjunction with the taking of the roads it connects to, with consideration of the receiving roads' ability to handle the demand.
- 3.** It seems highly unlikely that the Richmond development, quite a large one for the island, was approved conditional to the developers finding an vehicular outlet to the quiet LUG-2 zoning district that comprises all of Skyline Drive. This current state of quiet and seclusion on Skyline Drive was great motivation for us as purchasers, as I will argue that it was for most of our neighbors. This request by the Planning Board puts that situation at risk. Our neighborhood was not designed as part of the Richmond development, and we have no desire to become a part of the Richmond development.
- 4.** Our final point is more personal, as we have also abutted 44 Skyline Drive for a number of years, to our growing dismay. Most recently this property, also zoned LUG2, had been used as a rapidly expanding commercial junkyard for broken down vehicles and boats, until the July intervention of Ms Snell and the Building Commission at our request. As a result of the Planning Board's current request, 44 Skyline Drive, of which Clay Street is a portion, will be divided into two undersized buildable lots for the LUG2 district which will then have the benefit of pre-existing non-conforming status. Those could each be divided again using the covenant program, possible creating four lots from what exists now as one. We very much fear what the current owner, who heretofore has shown ZERO regard for Nantucket zoning rules and by-laws, will do back there then. The Planning Board's request for an immediate decision is based on Condition 5 of a December, 2016 Agreement. There are a number of other conditions to this Agreement which have previously lapsed, including the very first one, Condition 1, which required submission of final plans for the

site within two years. We are now in the year 2023. Time, it seems, has never been of the essence in this Agreement. It is not now, either.

Thank you for taking the time to read this note, and thank you in advance for your consideration of our request.

Alternatively, we would be supportive of an easement within the same layout which allowed for a pedestrian connection between Richmond and Skyline Drive.

In closing, while our preference is for denial of the Planning Board's request, at a minimum action on this matter should be deferred to a future meeting when proper plans are provided depicting the actual easement and/or roadway layout to be accepted by the County, a traffic and roadway impact study, and the resultant lots at 44 Skyline Drive.

Very Respectfully Yours,

Ed and Sandy Sheehy

This email was scanned by Bitdefender

From: [Vicki Marsh](#)
To: [Erika Mooney](#)
Cc: [Libby Gibson](#)
Subject: FW: Clay Street
Date: Tuesday, November 21, 2023 10:40:26 AM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Erika-

This is a copy below of the e-mail opinion I had sent to Leslie on the Clay Street matter.

If you have any questions, please feel free to contact me.

Vicki

Vicki S. Marsh, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

vmarsh@k-plaw.com

www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately

From: Vicki Marsh
Sent: Friday, October 20, 2023 10:35 AM
To: Leslie Snell <LSnell@nantucket-ma.gov>
Cc: Libby Gibson <LGibson@nantucket-ma.gov>; John Giorgio <JGiorgio@k-plaw.com>
Subject: Clay Street
Importance: High

Leslie-

The County Commissioners of Nantucket at their meeting held on September 27, 2023 reviewed the question of whether to approve the Planning Board's request to deliver a letter to the owner of the fee title interest in the right of way portion of Clay Street and an easement in the area shown as "Potential/Future Roadway Easement" as shown on the Clay Street Subdivision Plan, as set forth in Condition # 5 of the Planning Board Decision dated December 6, 2016. In its discussion at the Meeting the Commissioners requested additional information as to whether the "Potential/Future Roadway Easement" could be used as a bike path and whether the bike path may be deemed to be a street. It is my opinion after review of the lawful definitions of "street" and "bike path" in the Zoning By-laws, Massachusetts case law and in Massachusetts General Laws that a bike path is not a street but rather an improvement in a street or alongside a street.

In rendering an opinion as to whether a bike path is a street, I reviewed the Town of Nantucket Zoning

By-laws in Section 139-2, which defines a "street" as:

"(1) A public way or a way which the Town Clerk certifies is maintained and used as a public way;

(2) A way shown on a plan approved and endorsed by the Nantucket Planning Board in accordance with the Massachusetts Subdivision Control Law and which has been improved and constructed in accordance with the requirements of such approval; or

(3) A way in legal and physical existence when the Subdivision Control Law became effective on Nantucket on February 1, 1955, which has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon."

In my opinion a bike path does not satisfy the requirements of a street by the Zoning By-law as it is not created by any of these lawful procedures and is not a way. In addition, G.L. c. 90E, §1 defines a bike path as a "route for exclusive use of bicycles separated by a grade or other physical barrier from motor traffic" in a street. Consequently, a bike path is an improvement in a roadway or alongside to provide for an alternate means of transportation in the roadway and is not the street itself.

Furthermore, the Supreme Judicial Court in its Opinion of the Justices to the Senate, 370 Mass. 895 (1976), in response to pending legislation for the establishment of bike paths, agrees with the proposed legislation's definition of bike paths, which is later codified in G.L. c. 90E, §1 as referenced above. The Court construes bike paths "as referring only to a path adjacent or in proximity to a roadway used by motor vehicles. The use of the terms "grade" and physical barrier" to define the nature of the separation of the bike path from a roadway indicates that the bike paths contemplated by the bill are only those that parallel a roadway." Since this Opinion Massachusetts has enacted laws which govern bike paths, bike lanes and bike routes. But these statutes describe bike paths as not being the street, but rather is in the street separated by a barrier or alongside or in proximity to a street. Similarly sidewalks are also improvements which may be established in a public way for pedestrian traffic as set forth in G.L. c. 83, §25 and is not the way. Both bike paths and sidewalks are improvements in streets for an alternate means of transportation which is customarily used for vehicular traffic. Therefore, the area defined as "Potential/Future Roadway Easement," in my opinion, will not create a street if the County elects to use it for a bike path or pedestrian access.

It is important to note that Condition #5 states that this letter is a request to the Owner to file a written offer of gift to the County for the fee simple title to the right of way portion of Clay Street and an easement to the County for the area defined as "Potential/Future Roadway Easement." Once the Owner of the Property delivers an Offer to the County then the Owner can proceed to prepare a Deed and Easement with recordable plans for the County's review and approval. There is no additional compensation due by the County to the Owner to acquire this property. The decision to proceed with the acquisition of the property does not require that the County make a decision at this time for its future use as a roadway, bike path or pedestrian access..

If you have any questions, please do not hesitate to contact me.

Vicki

Vicki S. Marsh, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

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F: (617) 654 1735

vmarsh@k-plaw.com

www.k-plaw.com

Erika Davidson Mooney
60 Skyline Drive
Nantucket, MA 02554
mooney.erika@gmail.com

September 26, 2023, **updated November 24, 2023**

Nantucket County Commission
Attn: Dr. Malcolm MacNab, Chair
16 Broad Street
Nantucket, MA 02554

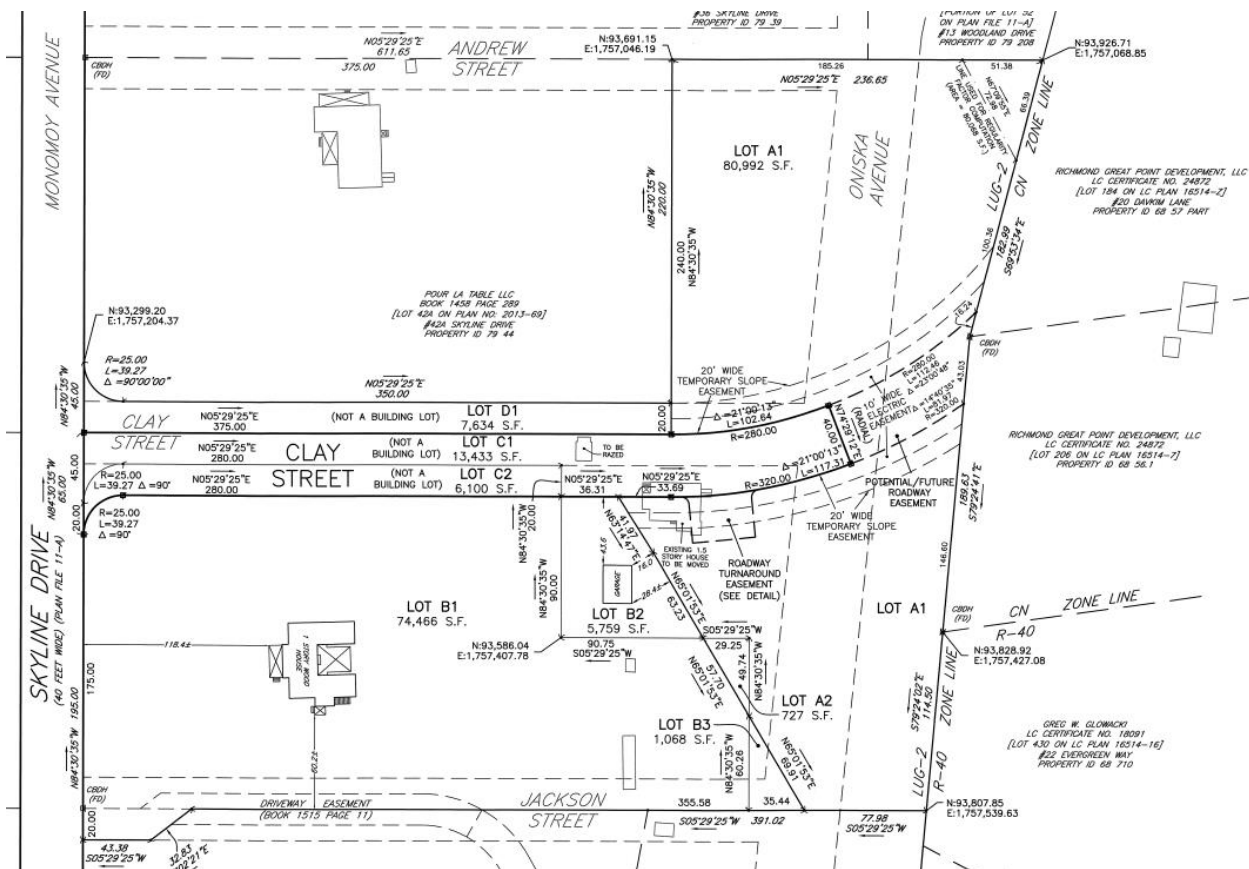
Re: Proposed County Acquisition of Clay Street

Dear Chair MacNab and Commission Members:

I am the property owner of 60 Skyline Drive. While not a direct abutter to Clay Street, I am just a few lots away and the Planning Board's proposed County acquisition of Clay Street for future pedestrian and/or vehicular connection to area roads would greatly impact the Skyline Drive neighborhood and the residents' quality of life. I would like to note that as an employee of the Town of Nantucket and a staff member to the County Commission, I have consulted with Town Counsel and have filed a disclosure statement with my appointing authority, the Town Manager.

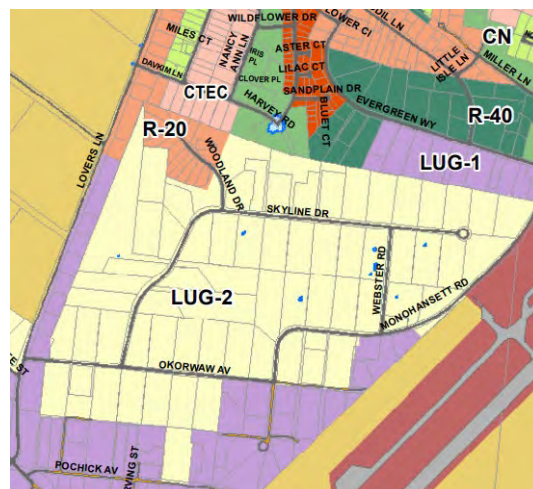
While the Planning Board's *request* is a result of Condition 5 of the Clay Street Subdivision approval (included in your agenda packet), the County is not required to take action. If a future connector between Skyline Drive and the Richmond development is deemed necessary, the County can take Clay Street at that time. I do not agree with Planning staff's memo that states that "prompt action is necessary."

The Planning Board requests that the County acquire Clay Street, a partial gravel roadway within the 44 Skyline Drive lot, through "a combination of fee simple and easement conveyance." Upon viewing the video of the Planning Board meeting where the vote took place (see https://youtu.be/O_fY475nhs?si=EW84lfRInX95qtk0&t=1522) the vote the Planning Board took was that the [Planning] "Board formally makes a request to the Select Board for an *easement* to the rights in Clay Street." The Planning Board's motion made no mention of a fee simple acquisition. In listening to Planning staff's explanation of the matter, they state that if the Town doesn't proceed with accepting an easement, the owner [of 44 Skyline Drive] could do whatever they wanted to do in the area. There was no mention, in either the staff's explanation or in the Planning Board's motion, to acquire Clay Street in fee simple. Only easements were discussed and voted on. This is important because if Clay Street is acquired in fee simple, the roadway would then bifurcate the 44 Skyline Drive lot, resulting in the creation of two undersized buildable lots in the LUG-2 district which will then have the benefit of pre-existing non-conforming status. Those two lots could each be divided again using the so-called covenant program, possibly creating four lots from what exists as one lot. This was never discussed by the Planning Board during its almost five-minute discussion on the matter.



44 Skyline Drive, consisting of Lots A1, A2, C1 and C2 on Plan No. 2017-80

I would like to point out that all of the private Skyline Drive neighborhood, with the exception of Woodland Drive, is within the LUG-2 zoning district.

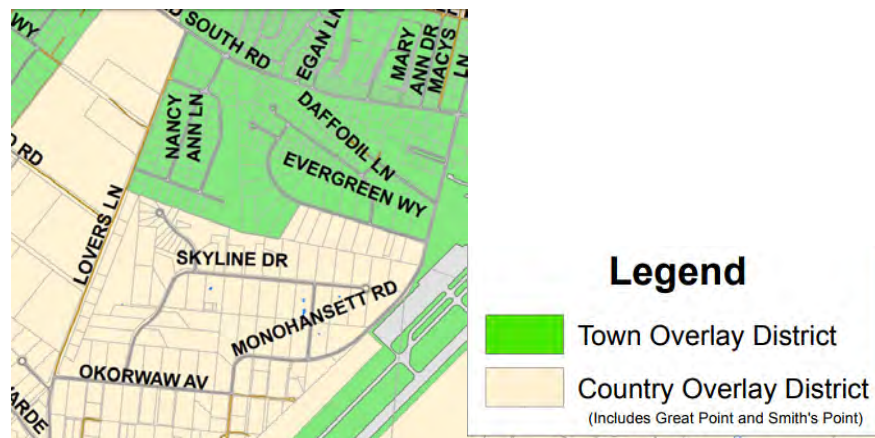


The owner of 44 Skyline Drive had already proposed a zoning change at the 2022 Annual Town Meeting to change the current LUG-2 zoning to either R-5 or CTEC. That would have meant

changing from a minimum lot size of 80,000 SF to either 5,000 SF or 7,500 SF. Thankfully voters at town meeting voted down the article. Now as a result of Planning's request to acquire Clay Street in fee simple, the owner would get the benefit of the creation of one extra lot and the possibility of three extra lots, without having to go to town meeting, which already spoke against allowing smaller lots in this neighborhood.

I think it is important to also point out that the Skyline Drive neighborhood is located in the Country Overlay District. **During the Select Board's Strategic Planning Workshop held on October 24, 2023, Mr. Fee said during a discussion about Quality of Life and "rural identity," that we have Town and Country and we shouldn't densify the Country. He went on to say that certain places should have green space and it should be open space and we shouldn't be saying, 'let's put tertiary, let's put four houses...put density where density belongs and not in the other places.'** (see https://www.youtube.com/live/vIo_LxLiwhQ?si=uvJi7Plf3Ju09cZU&t=4516)

So why is the County being asked to open up a subdivision, which is in the Town Overlay District, into the Skyline Drive neighborhood, which is in the Country Overlay District? When Mr. Fee said to put density where density belongs, that means the Town Overlay District to me. Why isn't DavKim Lane being improved to provide another access road for Richmond Development? The Planning Board already agreed to not open Daffodil Lane or Evergreen Way to Richmond, both of which are in the Town Overlay District. But now the Skyline neighbors are being told we have to take the future brunt of this to make Richmond work?



Chapter 139-12 (B) of the Code of the Town of Nantucket states:

(2)

The purpose of the Country Overlay District is to discourage development and preserve areas characterized by traditional and historic rural land use patterns; to discourage the spread of disperse development patterns that promote automobile dependency, and are costly to build and maintain. The purpose of the Country Overlay District shall be considered by the Planning Board or Zoning Board of Appeals when determining the character and extent of site and infrastructure improvements to be required in a decision on an application for site plan approval pursuant to § 139-23 of this chapter. In addition to the standards of that section, the following

standards shall apply to a proposed use or an expansion of an existing use subject to site plan review:

...

(d)

Finding that the project is not a major traffic generator, and will not substantially contribute to traffic generation and congestion. (See <https://ecode360.com/11472011> for the full text.)

The Planning Board's vote seems somewhat contrary to the Zoning Bylaw. By acquiring Clay Street in fee simple, the Planning Board's request would actually encourage development at 44 Skyline Drive and add vehicle dependency. If Clay Street is taken in fee simple, a roadway could be constructed and connected to Harvey Road in the Richmond Development, which would allow traffic that normally would not go to Skyline Drive, which only residents and service providers use currently, from Richmond Development to the Airport or the Surfside-area beaches or just to cut through to the Boulevard and out to Surfside Road. Skyline Drive is privately maintained and the increase in traffic from the proposed lots would be detrimental to the roadway and the residents who live in the neighborhood. Skyline Drive has no sidewalks or bike paths and is used regularly by its residents to walk and ride bikes, walk dogs and push baby carriages. The speeds along Skyline Drive have already increased since a portion of the roadway was improved following the water main installation by the Airport two years ago. If traffic is added from other neighborhoods, the vehicular volume and speeds would only increase.

In reviewing the Commission's agenda packet, the connection with Richmond is unclear as to how it will occur. And the photos within the packet are somewhat misleading as they do not clearly show a building on the Richmond side at the end of Clay Street, and don't show the new foundation just to left of the current terminus of Harvey Road. A better plan from the Planning Office should be supplied to the Commission before any action is taken.



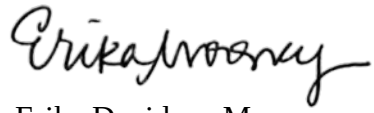
Photo of Clay Street showing a new building at Richmond, seemingly where the connection will be.



Photo of new foundation in front of new building at Richmond at the current terminus of Harvey Road.

I bought my property on Skyline Drive for various reasons, including the large lot sizes and the fact that it was on a private road that serves its residences only. I was looking for privacy, low-density and quiet. Planning Board member Barry Rector stated before the vote that this action is “very vital to make [the Richmond] subdivision work.” I’m sorry, but I don’t feel it is up to the private Skyline Drive neighborhood to carry the burden of making the Richmond Development work.

Sincerely,

A handwritten signature in black ink, reading "Erika Davidson Mooney". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Erika Davidson Mooney

Cc: Town and County Manager
Planning Director
Planning Board

GLIDDEN & BRESCHER, P.C.
ATTORNEYS AT LAW
P. O. Box 1079
37 CENTRE STREET
NANTUCKET, MASSACHUSETTS 02554
508-228-0771
FAX 508-228-6205
OFFICE@GLIDDENANDGLIDDEN.COM

RICHARD J. GLIDDEN
JESSIE M. GLIDDEN BRESCHER
JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

August 9, 2023

Via E-Mail Only (vmarsh@k-plaw.com)

Vicki S. Marsh, Esq.
KP | LAW

Re: 1979 Taking of Burnell Street
Assent to Land Court Plan

Dear Vicki,

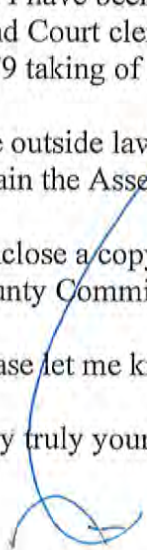
The Land Court is at it again! This plan was signed by the Planning Board in October of 2021 and I have been trying to obtain final approval since then. Just when I thought it was finished, the Land Court clerk has determined that we need an Assent from the County of Nantucket to the 1979 taking of Burnell Street!

The outside lawyer who submitted the Examiner's Report did not think it was necessary to obtain the Assent from the county but the clerk in the Land Court thinks it is needed.

I enclose a copy of the amended Complaint with an Assent to Amended Complaint for the County Commissioners.

Please let me know if you need additional information.

Very truly yours,



Richard J. Glidden
RJG:alp
Enclosures

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court
Subsequent Petition
No. 37271-S

LA BARCA REALTY TRUST)
 Petitioner.)

AMENDED COMPLAINT FOR APPROVAL OF PLAN

1. LA BARCA REALTY TRUST is the owner of land in Nantucket located at 52 BURNELL STREET, being shown as Lot 3 on Land Court Plan 37271-A, its ownership evidenced by Certificate of Title No. 14692 at the Nantucket Registry District for the Land Court (copy attached).
2. Petitioner has caused an "Approval Required Subdivision" to be filed with the Nantucket Planning Board, said plan drawn by Site Design Engineering., dated March 15, 2021, endorsed by the Nantucket Planning Board on September 12, 2022 and given Planning Board File No. 2021-03-00135. The plan is a subdivision of Lot 3 on Land Court Plan 37271-A into Lots 23, 24, and 25 on Land Court Plan 37271-E (pending).
3. Lot 3 has frontage on Burnell Street, which was the subject of a fee taking by the county of Nantucket, registered with Nantucket Registry District on March 2, 1979 as Document No. 20743 (copy attached).
4. The aforesaid Plan reflects said fee taking and establishes the layout of Burnell Street consistent with the Order of Taking.

Therefore, your petitioner prays for an Order approving said plan delineating the fee taking of Burnell Street in accordance with Document No. 20743; and for further relief as this Court deems just.

Respectfully submitted,

LA BARCA REALTY TRUST
By its attorney,

RICHARD J. GLIDDEN, Esquire
Glidden & Brescher, P.C.
37 Centre Street
Nantucket, Massachusetts 02554
BBO#195520

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On this 5th day of _____, 2023, before me, the undersigned notary public, personally appeared RICHARD J. GLIDDEN, (a) _____ personally known to me, or (b) _____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My Commission expires:

TRUSTEE CERTIFICATE
LA BARCA REALTY TRUST

WE, JAMES A. STRASENBURGH and TOBY E.A. STRASENBURGH, Successor Trustees of LA BARCA REALTY TRUST, under Declaration of Trust dated December 17, 1990, for which a Trust Instrument Pursuant to MGLc184§35 is filed as Document No. 52253 with the Nantucket Registry District for the Land Court (hereinafter referred to as the "Trust"), hereby certify as follows:

- (1) We are the Co-Trustees of the Trust;
- (2) The Trust has not been modified, amended, revoked or terminated and is in full force and effect;
- (3) We further certify that the Co-Trustees have been duly authorized to file a Subdivision Plan of Land shown as Lot 3 on Land Court Plan 34271-A with the Nantucket Planning Board and to file the approved plan with the Land Court, said plan creating Lots 23, 24, and 25 on Land Court Plan 37271-E (pending);
- (4) We further certify that no beneficiary of the trust is a minor, incompetent to act, a corporation, a partnership, a trust, or a personal representative of an estate subject to estate tax liens;
- (5) We further certify that there are no facts which constitute a condition precedent to acts by the trustees or which are in any other manner germane to affairs of the trust.

(SIGNATURE AND NOTARY PAGES TO FOLLOW)

Signed under the pains and penalties of perjury this ____ day of _____ 2023.

JAMES A. STRASENBURGH

TOBY E.A. STRASENBURGH

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket

On this ____ day of _____, 2023, before me, the undersigned notary public,
personally appeared Toby E.A. Strassenburgh, Trustee as aforesaid (a) ____ personally known
to me, or

(b) ____ proved to me through satisfactory evidence of identification, which was

_____,
(type of identification) to be the person whose name is signed on the preceding or attached
document, and who swore or affirmed to me that the contents of the document are truthful and
accurate to the best of her knowledge, and acknowledged to me that he signed it voluntarily, as
his free act and deed, for its stated purpose.

Official Signature and Seal of Notary Public
My Commission expires:

(NOTARY PAGES TO FOLLOW)

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared Toby E.A. Strassenburgh, Trustee as aforesaid (a) ____ personally known to me, or

(b) ____ proved to me through satisfactory evidence of identification, which was

_____,
(type of identification) to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge, and acknowledged to me that he signed it voluntarily, as his free act and deed, for its stated purpose.

Official Signature and Seal of Notary Public
My Commission expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court
Registration Case No.
23 SBQ 37271-12-001

LA BARCA REALTY TRUST, LLC)
Petitioner)

ASSENT TO AMENDED COMPLAINT TO
RECOGNIZE FEE TAKING OF BURNELL STREET
AND APPROVAL OF PENDING LC PLAN 37271 - E

KNOW ALL MEN BY THESE PRESENTS, that the County of Nantucket acting by and through its duly elected County Commissioners hereby assents to the petition of La Barca Realty Trust to recognize the fee taking by eminent domain of Burnell Street by said County dated March 2, 1979 registered as Document No. 20743 at Nantucket Registry District of the Land Court, to approve of the boundary between the land of the petitioner and the land taken by it, and thereby to approve of Land Court Plan No. 37271 – E and the relief requested by the petitioner in this matter.

Executed as a sealed instrument this _____ day of _____, 2023.

COUNTY OF NANTUCKET
BY ITS COUTY COMMISIONERS

, Chair

, Vice Chair

Revised: 10/15/2014

NOTARY PAGE TO FOLLOW

COMMONWEALTH OF MASSACHUSETTS

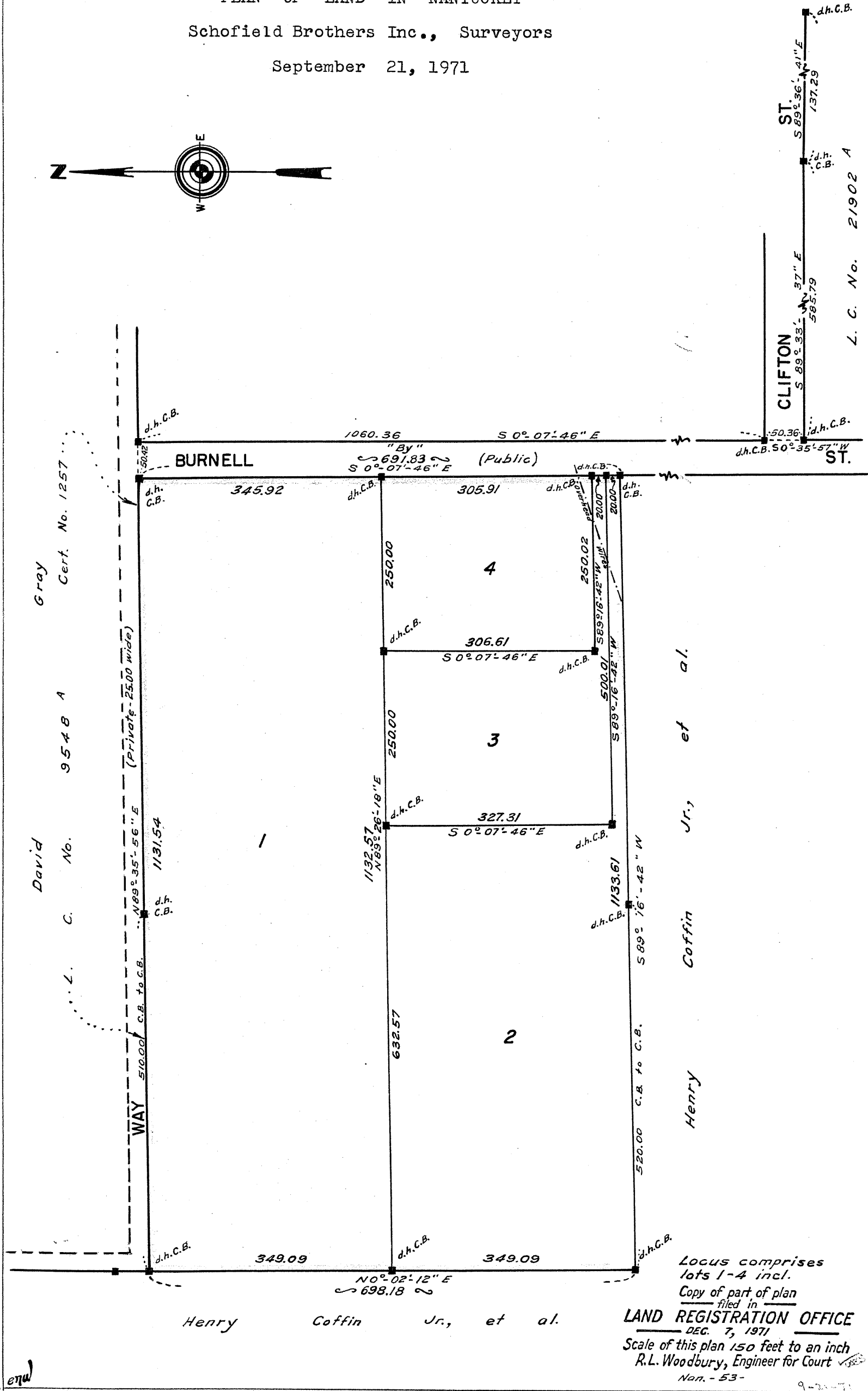
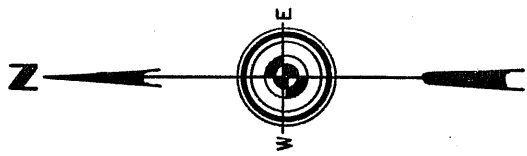
County of Nantucket

On this ____ day of _____, 2023, before me, the undersigned notary public,
personally appeared _____,
as members of the County Commissioners, proved to me through satisfactory evidence of
identification, which was personal knowledge of the undersigned, to be the persons whose names
are signed on the preceding document, and acknowledged to me that they signed it voluntarily
for its stated purpose as the free act and deed of the Nantucket County Commissioners.

Official Signature and Seal of Notary Public
My Commission expires:

PLAN OF LAND IN NANTUCKET
Schofield Brothers Inc., Surveyors
September 21, 1971

37271A



This plan filed with Certificate No. 6713

Nantucket Registry District
JAN 8 1973

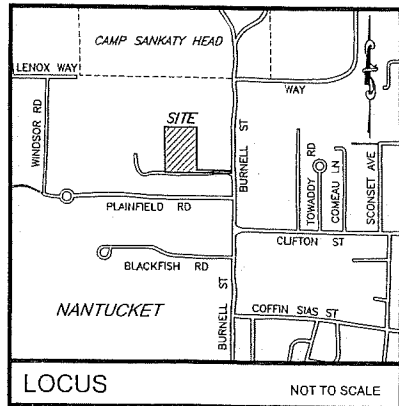
RECEIVED FOR REGISTRATION
2 O'CLOCK 20 m P. M

This plan filed with Certificate No. 6713

Attest Joseph A. Bonet
Assistant Recorder

LOT 1 ON PLAN No. 37271-A FILED
WITH CERTIFICATE No. 6713 HAS
BEEN SUBDIVIDED AND PLAN No. 37271-B
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 13422
FURTHER CERTIFICATES FOR SAID LOT 1
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (NOW LOTS 5 THROUGH 19)

LOT 2 ON PLAN No. 37271-A FILED
WITH CERTIFICATE No. 6713 HAS
BEEN SUBDIVIDED AND PLAN No. 37271-D
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 13422
FURTHER CERTIFICATES FOR SAID LOT 2
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (NOW LOTS 21 & 22)



NOTES

1. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE EXISTING PARCEL (MAP 49, PARCEL 166) TO CREATE LOTS 23, 24 AND 25 AS SHOWN.
2. THIS PLAN REPRESENTS A SUBDIVISION OF LOT 3 SHOWN ON LAND COURT PLAN 37271-A.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD AREAS AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0113 G, DATED JUNE 9, 2014.
4. BUILDING OFFSET DISTANCES ARE FROM BUILDING CORNER BOARDS AT APPROXIMATELY 5' ABOVE GROUND LEVEL.
5. ALL DISTANCES WERE MEASURED BY EDM.
6. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.

DISPOSITION OF LOTS

LOTS 23 AND 24 ARE BUILDABLE LOTS
LOT 25 IS A ROADWAY LOT

RESIDENTIAL SR-20 ZONING DISTRICT	
REGULATION	REQUIREMENT
MIN. LOT AREA	20,000 SQ. FT.
LOT FRONTAGE	75'
LOT FRONTAGE ON CUL-DE-SAC	52.5
FRONT SETBACK	30'
SIDE SETBACK	10'
REAR SETBACK	10'
GROUND COVER RATIO	12.50%

OVERLAY DISTRICT APPLICABILITY
SIASCONSET SEWER DISTRICT

LEGEND

CB/DH CONCRETE BOUND W/DRILL HOLE

OWNERS & APPLICANTS

LA BARCA REALTY TRUST
JAMES A. STRASBURGH &
TOBY E. A. STRASBURGH, TRUSTEES
PO BOX 281
SIASCONSET, MA 02564

TITLE REFERENCE:
L.C. CERTIFICATE NO. 14692

PLAN REFERENCE:
L.C.C. PLAN NO. 37271-A (LOT 3)

SITE LOCATION:
52 BURNELL STREET
NANTUCKET, MASSACHUSETTS

ASSESSORS REFERENCE:
MAP 49, PARCEL 166

TRAVERSE CLOSURE DATA

LENGTH OF TRAVERSE = 999.99'
ANGULAR ERROR = 0'00'26"
CLOSURE DISTANCE = 0.012'
DIRECTION = N02°19'55"W
PRECISION = 1:81,544

INSTRUMENTATION

LEICA TS12 P 3 R400
SERIAL NO. 270769
EDM ACCURACY
±(1mm + 1.5ppm)
LEICA GEOSYSTEMS CALIBRATION
CERTIFICATE NO. 270769-02272021
CERTIFICATE NO. 270769-10172019

37271
LAND COURT
JAN 10 2023
FILED
Lots 23, 24 & 25

"I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NANTUCKET PLANNING BOARD WAS RECEIVED AND RECORDED July 29, 2021 AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE."

Matthew J. Holmes 10-25-21
TOWN CLERK, NANTUCKET, MA DATE

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED

APPROVED (DATE): April 12, 2021

ENDORSED (DATE): October 25, 2021

P.B. FILE NUMBER: PLSUB-2021-03-00135

John F. Russell
Matthew J. Holmes
Benjamin M. & Ashley S. Ghriskey



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

NO.	DATE	DESCRIPTION
1	7/19/21	REVISIONS PER PLANNING BOARD COMMENTS
2	9/29/21	REVISIONS PER LAND COURT COMMENTS
3	10/3/22	UPDATE TRUSTEES

PLAN REVISIONS

DATE: MARCH 15, 2021

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

PROJECT NO. 19117

ISSUED FOR:

APPROVAL



DEFINITIVE SUBDIVISION PLAN
OLIVER'S WAY SUBDIVISION
52 BURNELL STREET, NANTUCKET, MA
BEING A SUBDIVISION OF LOT 3
SHOWN ON LAND COURT PLAN 37271-A
ASSESSORS MAP 49, PARCEL 166
PREPARED FOR
LA BARCA REALTY TRUST

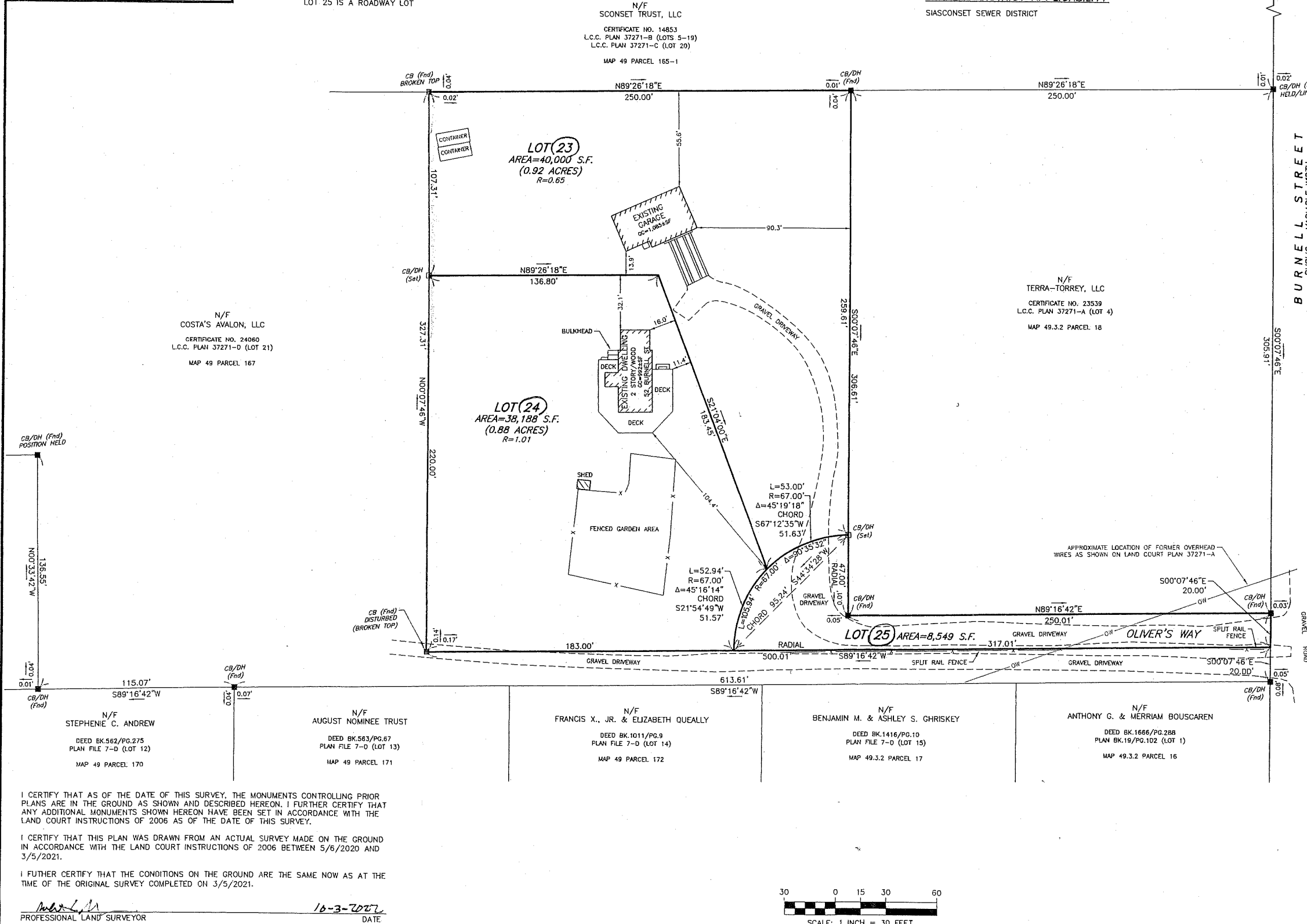
DRAWING TITLE:

LOTING PLAN

SCALE: 1" = 30'

SHEET NO.

2 OF 5



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

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 BETWEEN 5/6/2020 AND 3/5/2021.

I FURTHER CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY COMPLETED ON 3/5/2021.

Matthew J. Holmes
PROFESSIONAL LAND SURVEYOR
10-3-2021
DATE

20743

MAR 2 1979 at 9 o'clock
and 40 minutes A M
Received and Entered with
Nantucket County Deeds.
Book 169 Page 185
Attest

Joseph S. Barrett
Register

Nantucket Registry District
MAR 2 1979

RECEIVED FOR REGISTRATION

_____ O'CLOCK _____ m _____

20743

Nantucket Registry District

MAR 2 1979

RECEIVED FOR REGISTRATION

9 O'CLOCK 45 m A. M.

NOTED ON CERTIFICATE NO. 6741
IN REGISTRATION BOOK 34 PAGE 141

NOTED ON CERTIFICATE NO. 6740
IN REGISTRATION BOOK 34 PAGE 140

NOTED ON CERTIFICATE NO. 6627
IN REGISTRATION BOOK 34 PAGE 27

NOTED ON CERTIFICATE NO. 1308
IN REGISTRATION BOOK _____ PAGE _____

NOTED ON CERTIFICATE NO. 4717
IN REGISTRATION BOOK _____ PAGE _____

NOTED ON CERTIFICATE NO. 6868
IN REGISTRATION BOOK 35 PAGE 68

NOTED ON CERTIFICATE NO. 6772
IN REGISTRATION BOOK 34 PAGE 172

NOTED ON CERTIFICATE NO. 5484
IN REGISTRATION BOOK _____ PAGE _____

Attest *Joseph S. Barrett*
Assistant Recorder

ORDER OF TAKING

At a meeting of the duly elected and qualified Board of County Commissioners for the County of Nantucket held **February 28,** 1979, it is ordered:

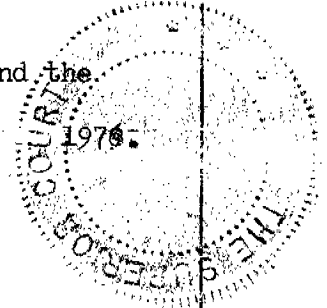
WHEREAS, we the Board of County Commissioners for the County of Nantucket, having complied with the preliminary requirements of law relating to notice of a meeting to be held on the 26th day of May 1976 at 10:00 o'clock A. M. for the purpose of a public hearing of all parties interested in a petition for the laying out as a highway of Burnell Street in Siasconset, Nantucket, commencing at New Street and extending northerly to land of the Sankaty Head Golf Club, Inc., as shown on a plan of Burnell Street made by Shugrue & Hart, Inc., (3 sheets) dated April 20, 1976, said road being approximately 50 feet in width; and after having accordingly held said public hearing, having determined and adjudged upon consideration of the matter that common convenience and necessity require that said Burnell Street be laid out as and for a highway in accordance with the boundaries and description set forth in Exhibit "A" attached hereto and made a part hereof, do hereby lay out such highway in accordance with Exhibit "A".

NOW, THEREFORE, we the undersigned, being a majority of the Board of County Commissioners for the County of Nantucket, by right of eminent domain under the provisions of Chapter 79 of the General Laws and of any and every other power and authority in us, hereto take, and in fee simple, any and all right, title and interest of any nature or description in the land in said

County bounded and described as set forth in Exhibit "A", all for the purpose of Burnell Street in said Siasconset, Nantucket, hereby laid out.

For damages sustained by the supposed owners of the land hereby taken, by reason of the aforesaid taking, awards are made as set forth in Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of Nantucket County this 28th day of February, 1976.



Gertrude E. Whelden

Clerk

[Signature]

Acting

Chairman

Kenneth W. Holgate

Walter E. Knud

Harold J. Beach

EXHIBIT "A"

Certain parcels of land, situated in Siasconset, Nantucket, Nantucket County, Massachusetts, shown as Parcels 1 through 18 inclusive, on a plan (3 sheets) entitled "Plan of Taking of Burnell Street Nantucket, Mass. for the Nantucket County Commissioners" dated April 20, 1976, by Shugrue & Hart, Inc., to be recorded herewith.

**See Road Plans Drawer #1
Plan No. 360**

<u>Supposed Owners</u>	<u>Parcel Nos.</u>	<u>Certif. Nos.</u>	<u>Award</u>
Coffin, Earl J. Coffin, Phoebe	13		1.00
Coffin, Henry Jr. Coffin, Florence M.	12		1.00
Dammin, Anita C.	10		1.00
Davidson, James) Davidson, Adriana)	11 11A		1.00 1.00
DeAngelis, Nellie Marsden	5		1.00
Freedman, Cornelia Ann	6		1.00
Hendricks, Elizabeth W.	3		1.00
Lathrop, John C.	14	6741 ✓	1.00
Lewis, C. Pendleton)	7		1.00
Lewis, Mabel B.)	8A 8B		1.00 1.00
Mathews, Helen Roberts	2		1.00
Pine, Granville M.	17	6740 ✓	1.00
Roberts, Henry Bryce	1A 1B	6627 ✗	1.00 1.00
Sankaty Head Golf Club, Inc. John B. McElderry, Jr., Secty.	18	1308 ✗	1.00
Saunders, Francis A. Saunders, Ruth L.	4	4717 ✓	1.00
Strassenburgh, John B.	15	6868 ✓	1.00
Torrey, James H.	16	6772 ✓	1.00
Watrous, Livingston Day	9A 9B 9C	5484 ✗	1.00 1.00 1.00

NANTUCKET COUNTY
Received and Entered

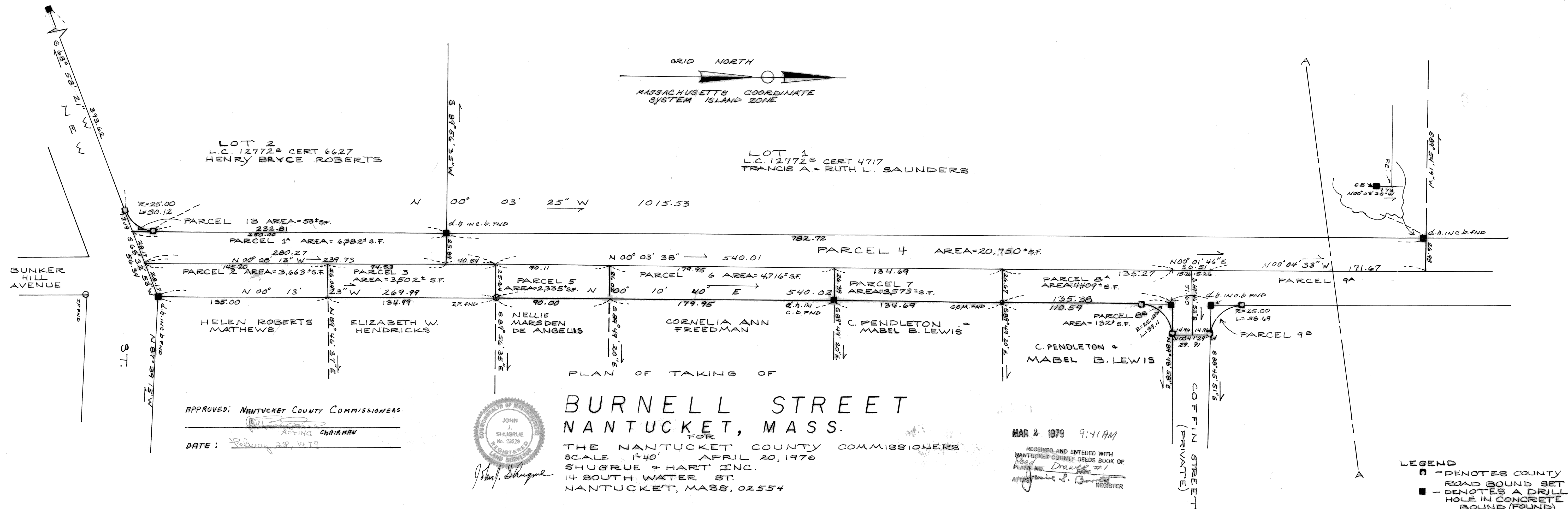
Attest

Joseph L. Barnett
MAR 2 1979
9:40 AM

Register

PLAN	DATE	
	BY	
	SURVEYED	
	NOTE BOOK	
	ALIGNMENT CHECKED	
	RT. OF WAY CHECKED	

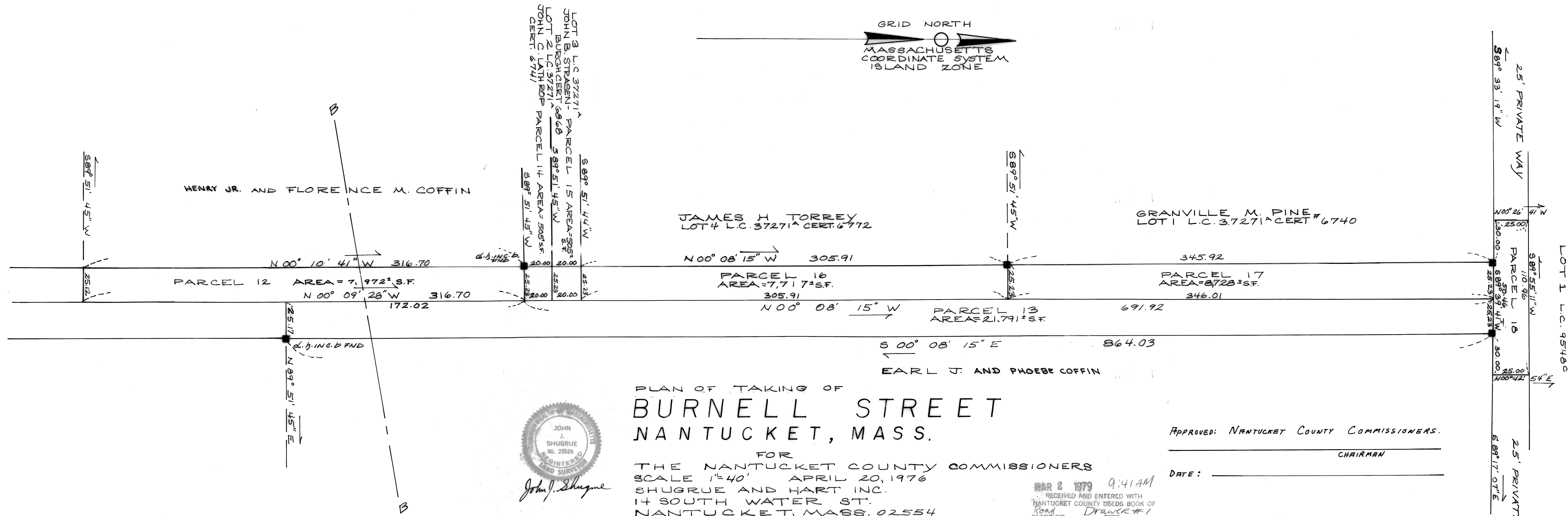
PROFILE	DATE	
	BY	
	SURVEYED	
	NOTE BOOK	
	GRADES CHECKED	
	B. M.'S NOTED	
	STRUCTURE NOTATIONS CHECKED	



PROFILE	SURVEYED	BY	DATE
NOTE BOOK	PLOTTED		
No. _____	GRADES CHECKED		
	B. M.'s NOTED		
	STRUCTURE NOTATIONS CHECKED		

PLAN	DATE	
	BY	
	SURVEYED	
	NOTE BOOK	
No.		

PROFILE	DATE	
	BY	
	SURVEYED	
	NOTE BOOK	
No.		



From: [John Brescher](#)
To: [Vicki Marsh](#); [Erika Mooney](#)
Subject: Assent
Date: Monday, September 18, 2023 9:03:24 AM
Attachments: [COUNTY ASSENT TO DERRYMORE - 3.27.23.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Vicki,

I hope you had a nice weekend. I think I had sent this to you back in March, but I'm not sure if the County ever voted on this.

My clients have since transferred title to a children's Trust and Christina Geaney would like the assent to reflect this. If the County has already voted on this, we can do a modification. But if they haven't, please let me know and I'll edit the attached assent to reflect the current ownership.

Please let me know when you have a chance – thanks!

Best,
John

John B. Brescher, Esquire
Glidden & Brescher, P.C.
37 Centre Street / PO Box 1079
Nantucket, Massachusetts 02554
508-228-0771
508-228-6205 (fax)
john@gliddenandglidden.com

Statement of Confidentiality:

The information contained in this electronic message and any attachments to this message are attorney-privileged and is confidential information intended only for the use of the individual or entity named as addressee above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify Glidden & Brescher, P.C. by telephone and delete this message and any attachments from your system.

Wire Fraud Alert: Email hacking to fraudulently misdirect funds is on the rise. ALWAYS CONFIRM WIRE INSTRUCTIONS. If you receive an e-mail or other communication from this office requesting that you wire or otherwise transfer funds, please call a known contact person at this firm using a telephone number found through an independent source to verify the request and any corresponding instructions before you initiate any transfer. Please do not rely on an email that appears to originate from this office. We are not responsible for any wires sent by you to an incorrect bank account. Our wiring instructions never change.

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court Department
Supplementary Complaint
No. 23-SBQ-13199-3-1

Thomas B. McGrath, Trustee of the T. McGrath 2012 Qualified Personal Residence Trust u/d/t dated December 20, 2012	)) ASSENT TO) COMPLAINT TO RECOGNIZE) TAKING AND APPROVE PLAN
--	---

Sandra J. Medallis, Trustee
of the S. Medallis 2012
Qualified Personal Residence
Trust u/d/t dated December 20,
2012

Plaintiff

The County of Nantucket hereby acknowledges receipt and sufficient notice of the Complaint to Recognize Taking and Approve Plan Thomas B. McGrath, Trustee of the T. McGrath 2012 Qualified Personal Residence Trust u/d/t dated December 2012 and Sandra J. Medallis, Trustee of the S. Medallis 2012 Qualified Personal Residence Trust u/d/t dated December 20, 2012, which Petition is dated March 28, 2023, and assents to the Petition, the Plan filed by the Plaintiff, and the lines of the taking of Derrymore Road shown on said plan, and hereby assents that an Order may issue for the relief requested therein, namely (1) recognizing the Order of Taking by eminent domain of portions of Derrymore Road by the County of Nantucket dated October 29, 1975, filed with the Nantucket Registry District of the Land Court as Document No. 16543, and (2) approving for registration the Subdivision Plan of Lot 10 shown on Land Court Plan No. 13199-H, without further notice to it.

SIGNATURE PAGE TO FOLLOW

Executed and sealed on _____, 2023.

COUNTY OF NANTUCKET

By its attorneys

hereunto duly authorized:

KP Law, P.C.

By:

Vicki S. Marsh, Attorney

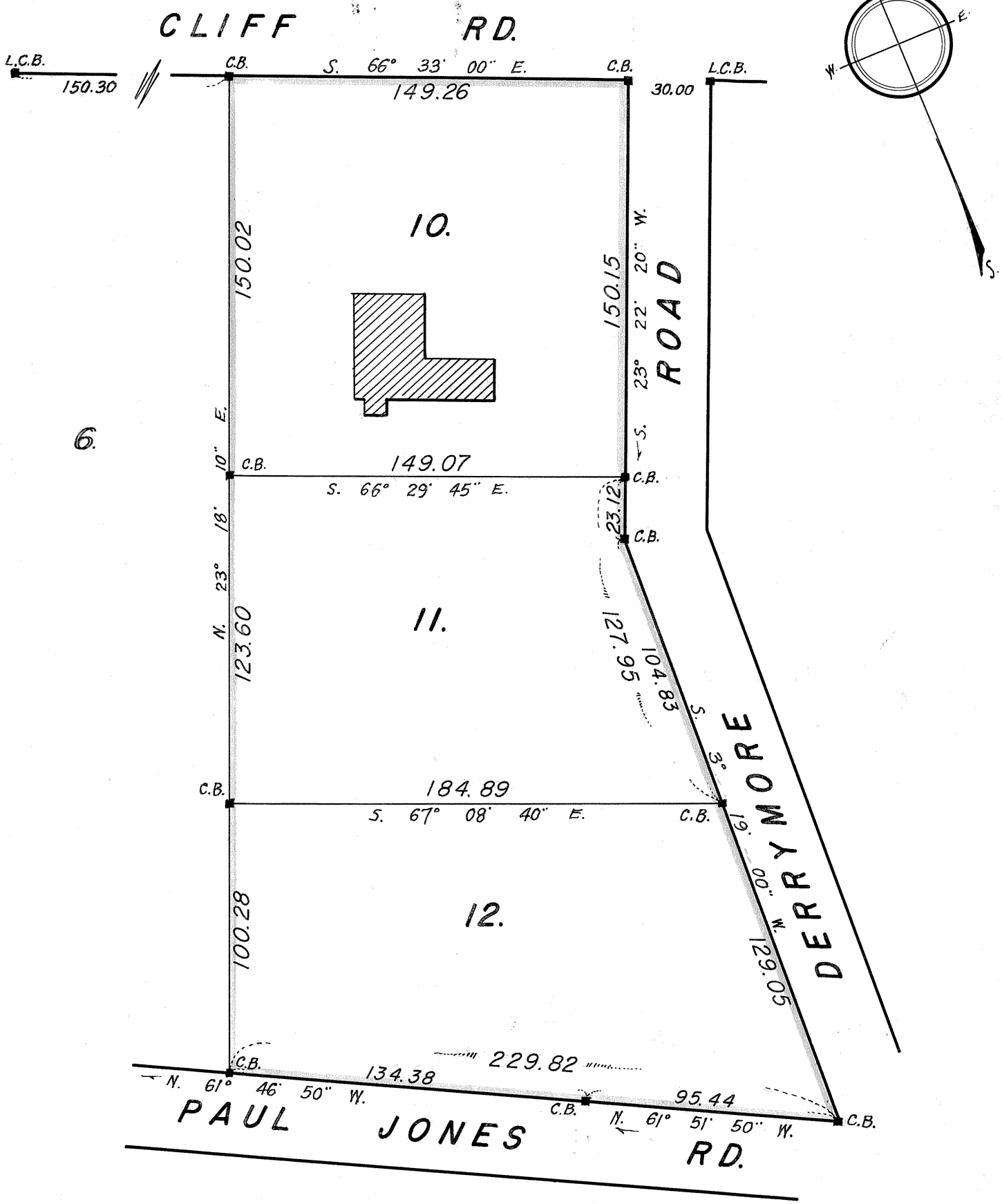
(BBO # 307040)
101 Arch Street
Boston, MA 02110
(617) 556-0007

13199H

SUBDIVISION PLAN OF LAND IN NANTUCKET

Josiah S. Barrett, Engineer

March 20, 1957



Subdivision of Lot 7
Shown on plan 13199F
Filed with Cert. of Title No. 3972.
Registry District of Nantucket County

Separate certificates of title may be issued for land
shown hereon as Lots 10, 11, and 12
By the Court.

[Signature]
Recorder.

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
MAR. 25, 1957
Scale of this plan 50 feet to an inch
C.M. Anderson, Engineer for Court

This plan filed with Certificate No. 41178

LOT 7 ON PLAN No. 13199-F FILED
WITH CERTIFICATE No. 3922 HAS
BEEN SUBDIVIDED AND PLAN No. 13199-H
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 4118
FURTHER CERTIFICATES FOR SAID LOT 7
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT.

LOT 12 ON PLAN No. 13199-H FILED
WITH CERTIFICATE No. 4118 HAS
BEEN SUBDIVIDED AND PLAN No. 13199-O
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 8010
FURTHER CERTIFICATES FOR SAID LOT 12
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT.

Nantucket Registry District
MARCH 14, 1958

RECEIVED FOR REGISTRATION
10 O'CLOCK — m A M

This plan filed with Certificate No.

Attest

Josiah S. Barrett
Assistant Recorder

OCT 30 1975 at 3 o'clock
and 48 minutes P. M
Received and Entered with
Nantucket County Deeds.
Book 151 Page 247
Attest Joseph S. Barrett

Register

Nantucket Registry District

OCT 30 1975

RECEIVED FOR REGISTRATION
3 O'CLOCK 50 M P M

NOTED ON CERTIFICATE NO. 2528
IN REGISTRATION BOOK 13 PAGE 188

NOTED ON CERTIFICATE NO. 3657
IN REGISTRATION BOOK 18 PAGE 220

NOTED ON CERTIFICATE NO. 3768
IN REGISTRATION BOOK 19 PAGE 106

NOTED ON CERTIFICATE NO. 3774
IN REGISTRATION BOOK 19 PAGE 112

NOTED ON CERTIFICATE NO. 4118
IN REGISTRATION BOOK 21 PAGE 6

NOTED ON CERTIFICATE NO. 4127
IN REGISTRATION BOOK 21 PAGE 15

NOTED ON CERTIFICATE NO. 4128
IN REGISTRATION BOOK 21 PAGE 16

NOTED ON CERTIFICATE NO. 4768
IN REGISTRATION BOOK 24 PAGE 33

NOTED ON CERTIFICATE NO. 4779
IN REGISTRATION BOOK 24 PAGE 44

NOTED ON CERTIFICATE NO. 4806
IN REGISTRATION BOOK 24 PAGE 45

NOTED ON CERTIFICATE NO. 4876
IN REGISTRATION BOOK 24 PAGE 141

NOTED ON CERTIFICATE NO. 4999
IN REGISTRATION BOOK 25 PAGE 83

Nantucket Registry District

OCT 30 1975

RECEIVED FOR REGISTRATION

O'CLOCK M M

NOTED ON CERTIFICATE NO. 5215
IN REGISTRATION BOOK 26 PAGE 118

NOTED ON CERTIFICATE NO. 5223
IN REGISTRATION BOOK 26 PAGE 126

NOTED ON CERTIFICATE NO. 5288
IN REGISTRATION BOOK 27 PAGE 28

NOTED ON CERTIFICATE NO. 5318
IN REGISTRATION BOOK 27 PAGE 58

NOTED ON CERTIFICATE NO. 5349
IN REGISTRATION BOOK 27 PAGE 89

NOTED ON CERTIFICATE NO. 5425
IN REGISTRATION BOOK 27 PAGE 165

NOTED ON CERTIFICATE NO. 5483
IN REGISTRATION BOOK 28 PAGE 43

NOTED ON CERTIFICATE NO. 5517
IN REGISTRATION BOOK 28 PAGE 177

NOTED ON CERTIFICATE NO. 5544
IN REGISTRATION BOOK 28 PAGE 104

NOTED ON CERTIFICATE NO. 5674
IN REGISTRATION BOOK 29 PAGE 54

NOTED ON CERTIFICATE NO. 6098
IN REGISTRATION BOOK 31 PAGE 98

NOTED ON CERTIFICATE NO. 6241
IN REGISTRATION BOOK 32 PAGE 41

NOTED ON CERTIFICATE NO. 6550
IN REGISTRATION BOOK 33 PAGE 150

NOTED ON CERTIFICATE NO. 6775
IN REGISTRATION BOOK 34 PAGE 175

NOTED ON CERTIFICATE NO. 7038
IN REGISTRATION BOOK 36 PAGE 38

NOTED ON CERTIFICATE NO. 7095
IN REGISTRATION BOOK 36 PAGE 95

NOTED ON CERTIFICATE NO. 7177
IN REGISTRATION BOOK 36 PAGE 177

NOTED ON CERTIFICATE NO. 7221
IN REGISTRATION BOOK 37 PAGE 21

NOTED ON CERTIFICATE NO. 7424
IN REGISTRATION BOOK 38 PAGE 24

Attest Joseph S. Barrett
Assistant Recorder

ORDER OF TAKING

Pursuant to Chapter 434 of the Acts of 1975, and in accordance with the vote under Article 17 of the Town of Nantucket Annual Town Meeting, April, 1975, we, the duly elected and qualified Commissioners for the County of Nantucket, at a meeting held Oct. 29, 1975, have determined and adjudged upon consideration of the matter that common convenience and necessity require that Delaney Road from Derrymore Road northerly to Cliff Road, approximately 731 feet; and Derrymore Road running westerly from North Liberty Street for approximately 699 feet and thence northerly approximately 963 feet to Cliff Road

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

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

were complied with on June 1, 1929

as reported in the records of the Board of County Commissioners for the County of Nantucket, Vol. IV page(x) 232 .

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

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

"A" as amended, all for the purpose of Delaney Road from Derrymore
Road northerly to Cliff Road, approximately 731 feet; and Derrymore
Road running westerly from North Liberty Street for approximately
699 feet and thence northerly approximately 963 feet to Cliff Road

hereby laid out.

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

Gertude C. Whelden
Clerk

Charles D. Taylor
Chairman

Mitchell Todd

Esther W. Gibbs

Robert L. Haffey

Bertrand J. Hunt

Delaney Road
Derrymore Road

Certain land in Nantucket, Nantucket County, shown on a plan entitled "Lay-out of Town Roads - Derrymore & Delany Roads" by W. F. Swift dated June 1929 to be recorded herewith, showing Delan(e)y Road extending from Derrymore Road northerly to Cliff Road, for a distance of approximately 731 feet; and Derrymore Road running westerly from North Liberty Street for approximately 699 feet and thence northerly approximately 963 feet to Cliff Road; to be recorded herewith. *See Road Plans Drawer #1
Plan No. 129.*

Delaney RoadExhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Bedell, George H. Bedell, Theresa	5223	\$ 1.00
Cranston, Malcolm J. Cranston, Helen	4128	1.00
Desrocher, Leo S. Desrocher, Mary G.	3657	1.00
Finney, Howard J. Finney, Susan L.	6241	1.00
Francis, Elwyn R., Jr.	4999	1.00
Hamblin, George A. Hamblin, Donna L.	4768	1.00
Pope, Russell E. Pope, Olive C.	2528	1.00
Rex, Harry W., Jr. Rex, Georgia R.	5544	1.00
Royal, Allan Royal, Barbara	7095	1.00
Stanshigh, Folmer Stanshigh, Rose	3774	1.00
Tunning, Arthur B. Tunning, Germaine A.	5517	1.00
Yates, Tony W. Yates, Grace E.	4127	1.00

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

Derrymore RoadExhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Cahill, Anthony B. Cahill, Valerie F.	6550	\$ 1.00
Carroll, James E., Jr. Carroll, Mary B.	5288	1.00
Coote, Margaret Q.	7221	1.00
Cranston, Malcolm J. Cranston, Helen	4128	1.00
Dee, Maurice J. Dee, Jeanette T.	5483	1.00
Desrocher, Leo S. Desrocher, Mary G.	3657	1.00
Fritch, Nancy B. (now Nancy B. Wood)	4876	1.00
Hamblin, George A Hamblin, Donna L.	4768	1.00
Jelleme, Howard M.	5215 7424	1.00
Johnson, William E. Johnson, Vincenza F.		1.00
Kenyon, Rowland A., Jr. Kenyon, Doris E.		1.00
King, Keith ~~King~~ , Cynthia A.	5318	1.00
Lambert, Audrey N.	7038	1.00
Lawrence, Barbara	4118 5674	1.00
Lawrence, Douglass	3768	1.00
Lathrop, Oliver A., Jr.	6775	1.00
Mariana, Theodore F. Mariana, Veronica B.	7177	1.00
McAuley, Kenneth B. McAuley, Paula M.	6098	1.00

Derrymore RoadExhibit "B" - 2

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Oliver, Charles P. Oliver, Gladys V.	4779	\$ 1.00
Pfieffer, Paul H. Pfeiffer, Valerie P.		1.00
Rex, Harry W., Jr. Rex, Georgia R.	5544	1.00
Runge, Paul M. ~~Runge, Alice~~	5425	1.00
Stanshigh, Folmer Stanshigh, Rose	4860	1.00
Stendahl, Krister Stendahl, Britta K.		1.00
Watts, James A. Watts, Priscilla F.	5349	1.00
Yates, Tony W. Yates, Grace E.	4127	1.00

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

NANTUCKET COUNTY

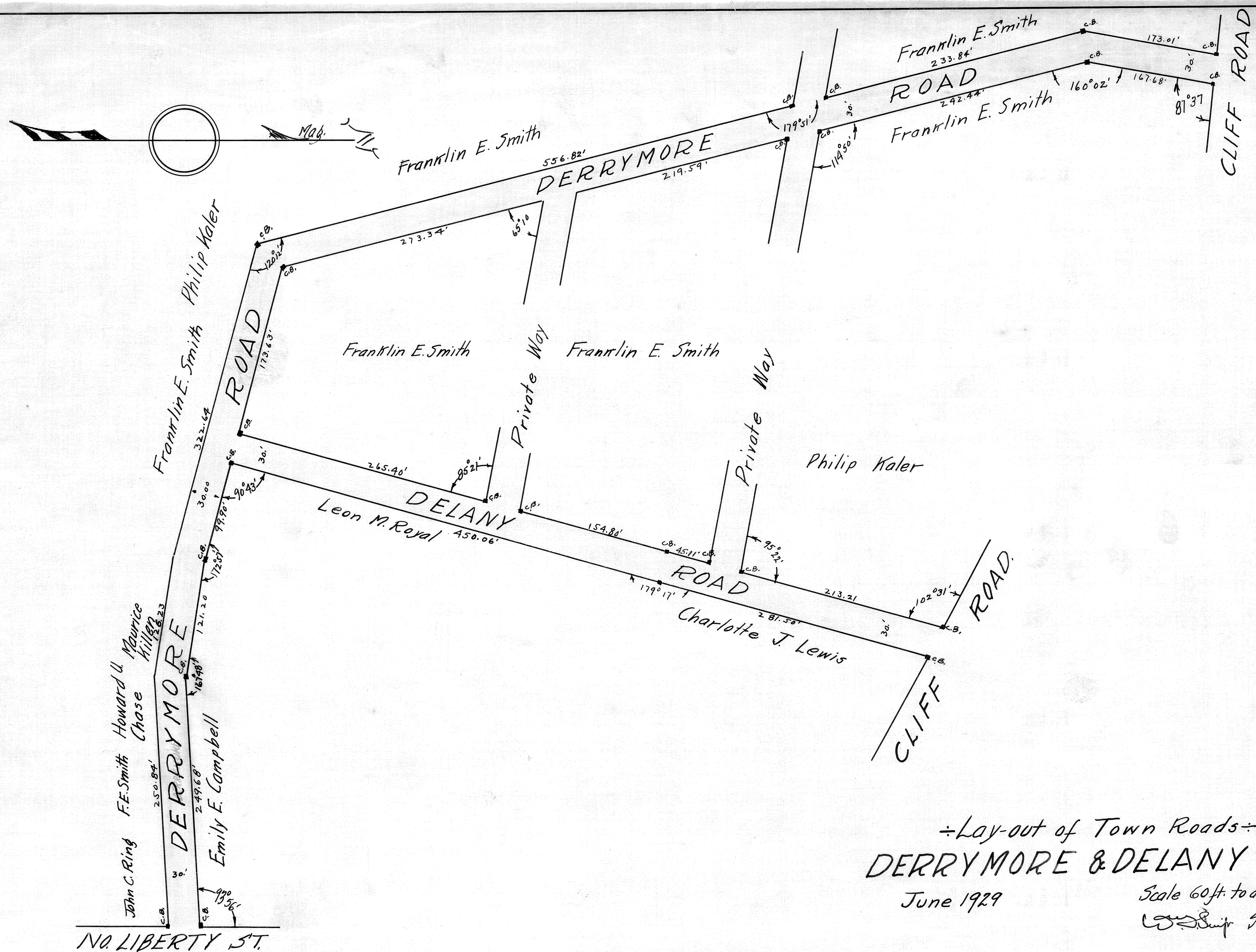
Received and Entered

Attest

JOSEPH S. BARNETT
OCT 30 1975

2:48 P.M.

Register



÷ Lay-out of Town Roads ÷
DERRYMORE & DELANY ROADS

June 1929

Scale 60 ft. to an inch

W. B. Smith Surveyor

OCT 30 1975 3:46 PM
RECEIVED AND ENTERED WITH
NANTUCKET COUNTY DEEDS BOOK OF
PLANS **ROAD DRAWER #1**
ATTEST *James S. B...* REGISTER