



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2022 FEB 04 PM 02:11
NANTUCKET TOWN CLERK
Posting Number:T 123

Committee/Board/s | Real Estate Assessment Committee

Day, Date, and Time | Tuesday, February 8, 2022; 2:30PM

Location / Address | **☐ REMOTE PARTICIPATION VIA ZOOM (See Below)**
THE MEETING WILL BE AIRED AT A LATER TIME ON THE
TOWN'S GOVERNMENT TV YOUTUBE CHANNEL AT
<https://www.youtube.com/channel/UC-sgxAlfdoxteLNzRAUH1xA>

Signature of Chair or Authorized Person | Allyson Mitchell, Housing & Real Estate Office Manager

WARNING: **IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!**

AGENDA for 2-8-2021

(Subject to change)

www.nantucket-ma.gov

JOIN ZOOM MEETING:

Link: <https://us06web.zoom.us/j/86550905242?pwd=UVZmMkxFeE9Nc2dycG00V2N5SVpLUT09>

Meeting ID: 865 5090 5242 **Meeting Password:** 025611

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

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. PUBLIC COMMENT
4. APPROVAL OF MINUTES

- Thursday, December 9, 2021
- Monday, December 13, 2021

5. REAL ESTATE MATTERS

- Order of Taking by Eminent Domain of Easements over Portions of Hancock Street
- Order of taking by Eminent Domain of Portions of Cherry Street

6. OTHER BUSINESS

7. DATE AND TIME OF NEXT MEETING

- Review 2022 Meeting Schedule

8. ADJOURNMENT

REAL ESTATE ASSESSMENT COMMITTEE

COMMITTEE MEMBERS: John Brescher (Chair), Rhoda Weinman (Vice Chair), Penny Dey (Secretary), Thomas Barada, Lee Saperstein

MINUTES

Thursday, December 9, 2021

Remote Meeting *via* Zoom – 11:00am

Purpose: Special Meeting:

ATTENDING COMMITTEE MEMBERS: John Brescher; Rhoda Weinman; Penny Dey; Lee Saperstein; Thomas Barada

STAFF IN ATTENDANCE: Ken Beaugrand (Real Estate Specialist), Allyson Mitchell (Housing & Real Estate Office Manager), Vicki Marsh (Town Counsel)

PUBLIC PRESENT: Jamie Grifo

1. Call to Order

John Brescher calls the meeting to order at 11:02am & reads participation & open meeting guidelines.

2. Approval of the Agenda

The **MOTION** was made by Penny Dey and seconded by Rhoda Weinman that the REAC does hereby vote to **APPROVE** the Agenda for December 9, 2021.

ROLL CALL of those participating:

- | | | |
|----|----------------|-----|
| 1. | Rhoda Weinman | Aye |
| 2. | Penny Dey | Aye |
| 3. | Lee Saperstein | Aye |
| 4. | Thomas Barada | Aye |
| 5. | John Brescher | Aye |

The **MOTION** carried **UNANIMOUSLY**.

3. Public Comment

- a. None

4. Approval of Minutes of November 15, 2021:

The **MOTION** was made by Penny Dey and seconded by Thomas Barada that the REAC does hereby vote to **APPROVE** the Minutes from November 15, 2021.

ROLL CALL of those participating:

- | | | |
|----|---------------|-----|
| 6. | Rhoda Weinman | Aye |
| 7. | Penny Dey | Aye |

8. Lee Saperstein Aye
9. Thomas Barada Aye
10. John Brescher Aye

The MOTION carried UNANIMOUSLY.

5. REAL ESTATE MATTERS – 5 & 9 Auriga St.

Vicki Marsh, 9 & 10 Auriga both had had subdivisions of their lots, and they were lots 1, 2 & 3, which is shown on a plan “21-14” which we could not get a copy of on the registry, but it shows lots 1, 2 & 3. They had decided to exchange these parcels between themselves, so they could accommodate a pool that was being constructed and it was too close to the boundary lines. Unfortunately, what they didn’t do, was get the approval of the Select Board to make this subdivision and these conveyances, which is required in the yard sale deeds that each of them obtained, referenced in the packet. Those deeds clearly had in there, that if they were going to subdivide or convey any portion of the yard sale parcels, that they were going to have to come back to the Select Board for written approval. To clean that mess up, we have gotten consents for both 9 & 10 Auriga that ratified and confirmed that they were allowed to make this subdivision and conveyance. That is really the purpose of those two consents. In addition, they’re still subject to restrictions that are on these Yard Sale deeds, so if 9 Auriga was to subdivide again, they’d have to come back to the Select Board to get their approval. For 10 Auriga, it was a different situation. It had a restriction that allowed them to subdivide without the town’s consent into two buildable lots, because by right they could have done that before they acquired the yard sale property. But if they choose to try to subdivide it into more than two buildable lots, they would still have to come back to the Select Board. The consent for 9 & 10 Auriga are fairly simple, but what gets more complicated is lot 5 Auriga street. What happened there is that the Select Board had authorized a conveyance of Lot 5 to IAM Investments and that was then going to be merged with 10 Auriga St, however in order to be able to do that, Mr. Carl England (the trustee of Trackside Revocable Trust, at 6 Canonicus street) he was going to have to release his rights in Lot 5 Auriga. The way Lot 5 was set up was that technically a portion of his lot is actually within Lot 5 Auriga. Mr. England did not agree to release his rights. He wanted some access over a portion of Lot 5 to his property, so he made an arrangement and came to an understanding with the owner of 10 Auriga St that they would subdivide Lot 5 Auriga into Lot 5a and Lot 5b and then convey Lot 5b to Mr. England. We do not have a plan showing Lot 5a and 5b, that hasn’t been completed yet and I’ve been told by Jamie Grifo that Michael Connelly is working on it and we will have it in time to have this recorded and to be able to have the Select Board execute their documents next Wednesday. The purpose of the consent for Lot 5a is to allow for the subdivision of Lot 5 into Lot 5a and Lot 5b. A portion would be merged with 10 Auriga and the other portion would be conveyed to Mr. England. In addition, there is a release of some restrictions in the Yard Sale that would allow for the owners of 10 Auriga to no longer have to comply with the Lot 5 deed restrictions. There is a perimeter plan of 9 & 10 Auriga to show you where those properties are. Those are supposed to also be recorded, as well as

the deed to Lot 45 Auriga, which has not yet been recorded. My understanding from Jamie Grifo is that he is working out an arrangement of an access and utility easement to 9 Auriga, then we can record the Lot 5 deed. Any questions?

Penny Dey, so 9 Auriga was listed for sale and is currently under contract...is that what's driving this?

Vicki Marsh, yes. These plans were done quite some time ago. They were the original yard sale plans, so they broke up all the parcels they wanted to show could be conveyed.

Rhoda Weinman, I have a more basic question...why was authorization not sought by the Select Board when these changes were made?

Jamie Grifo, I don't know that I have the exact answer, but I believe the deed restriction language in the yard sale deed was not perfectly clear. There was an assumption that a minor lot line adjustment is not the same thing as a subdivision and a conveyance. During those lot line adjustments, they did endeavor to keep the acreage of each tract comparable to the beginning of the lot line adjustment. All of this essentially occurred to accommodate for the pool and I think it was just an oversight to be honest.

Vicki Marsh, I take the position that they should have come for this request, it's clear that they were not just moving a boundary, they were actually dividing these lots. I'm not sure why they didn't come to the Select Board...they clearly should have come and I think that language is very specific. It was drafted with the idea that property owners can't just take a yard sale lot from the town and go and start changing their lots and sizes without coming back to the Town.

Ken Beaugrand, when I made the presentation to the Select Board, I clearly pointed out to the Select Board that there was an issue with respect to this and in respect to any further subdivision, particularly with the issue Carl England has raised. This issue was an open issue and I pointed out that what we were dealing with was very specific to in fact what was in front of them, as opposed to some of the other issues raised.

Vicki Marsh, so we all understand, that access and easement plan is not the plan that is going to show the subdivision between Lot 5a and 5b. That picture shows a division of Lot 5, that's really all I have to work from. Lot 5a will be on the left-hand side closest to 10 Auriga. I have been promised the subdivision plan before we record. If that plan is not ready, we aren't able to go forward on Wednesday.

John Brescher, I think we have three requests...one is for the swap between 9 & 10 Auriga...those deeds were recorded, and we are going to recommend one way or the other is the Select Board should give their consent to that swap. Third issue involves this Lot 5...of which there will be a less convoluted easement and subdivision plan between 5 Auriga and 6 Canonicus, and we need to

effectively make the same recommendation not to the easement but to the division of the land for both 6 and for 5 Auriga. It's the same thing, but just doing it a step earlier because the deeds have not been recorded yet or the plan finalized.

Vicki Marsh, yes, and the easement really doesn't affect this...we don't have to be involved there, that's just part of what's driving this whole transaction, we don't need to approve it. It really is just for you to be able to recommend to the Select Board that they could approve of the consent to subdivide Lot 5 and then to convey Lot 5b to Mr. England and the owners of 10 Auriga would retain Lot 5a and merge it into 10 Auriga.

Rhoda Weinman, I have less of an issue with that than I do with the other two. I think a restriction is a restriction and I don't understand why that assent wasn't given...it wasn't given because they never asked for it. I don't have a concern with the one we just went through because they're asking for it up front.

John Brescher, I'm the opposite. I have no problem with the ones that have been done because I know what they were, I can see the plan. I'm not as thrilled about the one with England unless we're all comfortable enough saying, effectively between Vicki, Ken & Allyson that they can approve the plan for us.

Ken Beaugrand, if there isn't an acceptable plan from Vicki's point of view, we won't bring this to the Select Board next Wednesday.

John Brescher, if we were to approve the third request, it would be subject to an agreeable and approvable plan by staff.

Lee Saperstein, I'm troubled that if I can't see what I'm voting on, I don't want to vote. You're talking about approval in concept, but I don't know what the concept is.

Thomas Barada, I agree with Lee on this, we're being asked to approve of a subdivision of a piece of property that we don't even see a line for and we don't even know if it's been agreed upon by the two parties.

Lee Saperstein, I do understand the dates...we're coming into a period when people are not available and the 15th is the last Select Board meeting of this year, and so I do understand this "emergency" but I just don't know what I'm looking at.

Vicki Marsh, what was driving this deal, as its been represented to me by Steve Cohen and Jamie Grifo, is that there are capital gain issues that need to be met for these people before the end of the calendar year, and so this is the very last moment. I decided that I would come to you to see if you would consider this, with the idea and conditions, that we would not go forward without a final and approved subdivision plan. But I do understand your concerns, voting on something you cannot see. I also cannot see what Lot 5a and 5b will look like, I can only see what is represented on the

easement plan. I do know there is a signed agreement between the two owners regarding this transaction and I've been informed, and maybe Jamie can speak to this, that Mr. England agrees to this.

Ken Beaugrand, yes, I spoke with Carl yesterday at the Rotary Club and he did tell me he agreed to it.

John Brescher, I know the goal is to get all of this resolved by the end of the year, but I feel like the lot line adjustment between 9 & 10 was more time sensitive than what we're doing with Lot 5?

Vicki Marsh, according to Marianne Hanley, who represents the buyers of 9 Auriga, they don't care about the time. What's driving it is the seller.

Jamie Grifo, I think all the parties are interested in moving this forward for a lot of reasons...I would like to circle back because I'm hearing there is hesitation about the plans and the information provided with. I agree, there is a lot of information here, but for the subdivision of Lot 5, if you focus on the detail on the access & utility easement plan...this is what the final plan will look like, with more clear designations, and we're supposed to have that plan today. I was supposed to have it in advance of this meeting, but if you can pull up the detail on the plan...Lot 5 is the triangle that is shown, and the subdivision is really not more than what is shown in that detail. As far as the subdivision goes, the plan won't show much more. I can talk you through the easement areas, but that's not really any of the town's concerns and that has been worked out with both the buyer's attorney and Mr. England's attorney. So, all the parties are ready to move forward. One other thing I will address, in this same plan – the access plan - if you scroll up where you can see 9 & 10 Auriga side by side, I want to be clear that the land swap that occurred...it was not that they cut this up and did a full subdivision of a new buildable lot. It was literally a minor lot line adjustment where that common boundary moved slightly.

Lee Saperstein, in my personal history, I bought a house with a swimming pool...and the property line was described as going around the fence but it had never been recorded and it cost somebody a lot of money to fix that. Has this property line been recorded?

John Brescher, Lee are you asking if there is a perimeter plan recording the plot lines?

Lee Saperstein, I'm asking if the property line around the Metz pool was recorded, because we're looking at a utility plan, not a deed.

Jamie Grifo, the deeds have been exchanged, the perimeter plans have been prepared and are ready to be recorded. We're here trying to get your consent to effectuate those deeds.

Vicki Marsh, a couple of things...the perimeter plans that will show what 9 & 10 Auriga will look like, they have not yet been recorded but they will be recorded. These lots, that were conveyed between these two parties, it might not have been a subdivision of the lot, but it was certainly a

division of their lots and the deeds clearly state that a division of the lot or a subdivision of the lot, you need to come to the Select Board for their prior approval.

Penny Dey, not only that, but we've had to move our meeting twice to accommodate this matter, which is not easy. I need to leave at 11:45 so if you need to vote, you need to have it in the next minute if you need me.

Rhoda Weinman, I agree with Vicki, I can't get beyond the fact that they didn't do what they were supposed to do.

John Brescher, so what are we saying? We're going to ask them to revert the deed and then vote on this again? Nullify the deed and then have them take that exercise just to have us bless it?

Rhoda Weinman, I'd like to hear Vicki's comment.

Vicki Marsh, in order to try to correct what was an error in judgement and procedure by these parties, I request that your consideration to ratify this conveyance and these deeds. We do have plans and deeds that show those Lots 1, 2, & 3 being conveyed between the parties, so I would ask if you could consider whether or not the Select Board can approve this. The other one, I think that is a different issue as we don't have a plan that shows the definitive areas of Lot 5a and 5b. however if you wish to consider voting to authorize the conveyance and agree to the SB's consent of the lot5a conveyance and subdivision, subject to my approval as town counsel, to the subdivision plan, that's a consideration you could make.

John Brescher, I'd also like to note that Penny Dey had to jump off the call. We now have 4 out of 5 members. Jamie, we still have a quorum, I think we still need a simple majority, but just letting you know that.

Rhoda Weinman, would it make sense to see the final plans before we vote?

John Brescher, yes, I think we have two separate issues, and I don't know if another week if going to get us anything because Erika is expecting a recommendation by tomorrow for Select Board.

Rhoda Weinman, I was thinking could we reconvene for a short meeting for Monday?

Ken Beaugrand, the point is, it is on the Select Board agenda and if the committee can't make a decision until Monday, I'll convince Erika we'll have a final answer on Monday. If there is not an agreement, we'd pull it off the agenda.

Jamie Grifo, I just received a copy of the subdivision plan that I'm happy to forward to somebody or all of you...it literally just came in.

John Brescher, the other thing to do, and I don't know enough about open meeting law, but can we continue it...

Ken Beaugrand, you'd need to continue, otherwise we won't have time to post it. What else do you need besides the subdivision plan, which Jamie is going to be circulating right now. I heard Lee and Tom say they can't decide without looking at the subdivision plan, which is being circulated right now.

John Brescher, I'm comfortable with the plan and the first issue, but that's just me. I don't want to speak for Lee and Tom that the plan was the only thing they were looking for, but I don't know where the other committee members are.

Ken Beaugrand, you've got three requests, I think we need three votes in respect to the third requests. Now that we have the plans, we can all look at those.

Lee Saperstein, as an old-time parliamentarian, I can tell you that Boards spend far more time on poorly presented reports than a report that is well presented. We would be able to deal with this in 5 minutes if we had a good plan.

Thomas Barada, if we get that plan we can look at it and go from there.

Vicki Marsh, I appreciate the fact that we're getting the plan, but people may want to look for more than 5 seconds before they vote. There's been a lot of information here this morning. If they wish to have this meeting continued and vote on it after they get a chance to see the plan.

6. Move to Continue

The **MOTION** was made by **Rhoda Weinman** and seconded by Lee Saperstein that the REAC meeting be continued to Monday, December 13, 2021.

ROLL CALL of those participating:

1. Rhoda Weinman Aye
2. Lee Saperstein Aye
3. Thomas Barada Aye
4. John Brescher Aye

The **MOTION** carried **UNANIMOUSLY**.

Submitted by: Allyson Mitchell

REAL ESTATE ASSESSMENT COMMITTEE

COMMITTEE MEMBERS: John Brescher (Chair), Rhoda Weinman (Vice Chair), Penny Dey (Secretary), Thomas Barada, Lee Saperstein

MINUTES

Monday, December 13, 2021

Remote Meeting *via* Zoom – 3:00pm

Purpose: Special Meeting:

ATTENDING COMMITTEE MEMBERS: John Brescher; Rhoda Weinman; Penny Dey; Lee Saperstein; Thomas Barada

STAFF IN ATTENDANCE: Ken Beaugrand (Real Estate Specialist), Allyson Mitchell (Housing & Real Estate Office Manager), Vicki Marsh (Town Counsel)

PUBLIC PRESENT: Jamie Grifo

1. Call to Order

John Brescher calls the meeting to order at 3:02pm & reads participation & open meeting guidelines.

2. Approval of the Agenda

The **MOTION** was made by Penny Dey and seconded by Rhoda Weinman that the REAC does hereby vote to **APPROVE** the Agenda for December 9, 2021.

ROLL CALL of those participating:

- | | | |
|----|----------------|-----|
| 1. | Rhoda Weinman | Aye |
| 2. | Penny Dey | Aye |
| 3. | Lee Saperstein | Aye |
| 4. | Thomas Barada | Aye |
| 5. | John Brescher | Aye |

The **MOTION** carried **UNANIMOUSLY**.

3. Public Comment

- a. None

4. Approval of Minutes of:

- a. None

5. REAL ESTATE MATTERS – 5 & 9 Auriga St. continued

Vicki Marsh, at the end of last meeting, the committee had decided that they wanted to see a final version of the subdivision plan of lot 5. At that time, we decided to move the meeting to today, to have an opportunity to review that plan as well as to consider voting on the consent for Lot 5 Auriga street as well as consents for 9 & 10 Auriga street. As of this morning, after a discussion with Jamie Grifo, the subdivision of Lot 5 is not going to be approved by the Planning Board this week so not in final form by the Select Board or for us this week. We were able to determine the 9 Auriga transaction could still be completed without the subdivision approval for Lot 5 Auriga. Therefore, the Lot 5 review will be tabled until the planning board has reviewed and approved that plan. The only other items for today are the consents for 9 & 10 Auriga.

Ken Beaugrand, the proposal for the SB is to pull the 3rd item, with respect to 5 Auriga, off the agenda, and subject to your vote, recommend to the Select Board the approval of the consents and releases as drafted for lots 9 & 10.

John Brescher, between 9 & 10 it was just a “land swap” or lot line adjustment between two properties controlled by the same person, just one was owned by an LLC.

Vicki Marsh, yes, they were adjusting the lot lines but nonetheless they were still dividing it, as prohibited under the deed restriction reads, and therefore they needed to come and receive a consent from the Select Board to divide these lots.

Jamie Grifo, we’ve agreed to table the Lot 5 issue for now. I do think there was some confusion regarding the order of operations, but it’s clear now that we do need to come to REAC and the Select Board to get approval to do the subdivision, or the Planning Board to get the contingent relief, and I guess it is a bigger question as to who we go to first.

John Brescher, I appreciate the comment, but my sense is that Select Board will take the position similar to the Zoning Board of Appeals, in that they will want all the approvals in hand before you go to them, but to be fair I don’t know if there is a policy written in stone about that.

Ken Beaugrand, it is the only thing that will work in respect to what I am able to bring to the Select Board, because those are the constraints with respect to the position that I have and the recommendation that I make as the Real Estate Property Specialist on Nantucket.

Vicki Marsh, I spoke with Leslie Snell this morning, I wanted her input as to whether or not the Planning Board needed to consent first. She said generally people go to the Planning Board first, but there isn’t really a policy in place. But I am getting the sense from the Select Board in prior discussions that they would like to see things in a finished or approved form.

Rhoda Weinman, at the last meeting I was pretty much opposed to this, but when asking the question “What happens if this is denied”, I think it would be a mess. I do feel strongly that if there is a deed restriction and the Select Board has to sign off on it, that that’s the process they should go through and they didn’t. But in this case, I’ll back off because I don’t think there’s much of a solution if we deny it.

Thomas Barada, we’re only discussing the lots that are being added right? We’re not voting on changing the lot line positions correct?

John Brescher, we’re voting on, the interior lot line adjustment by adding and taking away parcels between 9 & 10 Auriga Street. There is a deed restriction that requires Select Board consent for lot line adjustments like this, and they didn’t do it, but now they’re asking that we recommend the Select Board give their consent to do so.

Ken Beaugrand, there are no increases in rights or anything, this is an administrative task that was overlooked. And I have instructed Town Counsel, and the applicants, that they will be billed for the work throughout this process.

The **MOTION** was made by Penny Dey and seconded by Thomas Barada that the REAC does hereby vote to recommend to the Select Board to assent to the division and subdivision between 9 & 10 Auriga St. as shown on Plan 2012-60 and execute the two separate documents to effectuate the same.

ROLL CALL of those participating:

1. Rhoda Weinman Aye
2. Penny Dey Aye
3. Lee Saperstein Aye
4. Thomas Barada Aye
5. John Brescher Aye

The MOTION carried UNANIMOUSLY.

Submitted by: Allyson Mitchell



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

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June 5, 2021

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the June 5, 2021 ANNUAL TOWN MEETING adopted **Article : 105**, at the June 5, 2021 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 105

(Real Estate Conveyance: Hancock Street)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890.

Or to take any other action related thereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions, or take any action related thereto.

(Beth Maier, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890; subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sale" program on file at the Select Board's Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.



Town of Nantucket

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June 25, 2020

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the June 25, 2020 ANNUAL TOWN MEETING adopted **Article : 109** at the June 25, 2020 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 109

(Real Estate Acquisition: Cherry Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in the portion of Cherry Street lying between the westerly line of Folger Avenue and the easterly line of Lot 2 on Plan No. 2017-58 filed at the Nantucket Registry of Deeds consisting of approximately 6,733 square feet as shown on the plan attached hereto, or to take any other action related thereto.

(Susan M. Burns, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain the fee or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in the portion of Cherry Street lying between the westerly line of Folger Avenue and the easterly line of Lot 2 on Plan No. 2017-58 filed at the Nantucket Registry of Deeds consisting of approximately 6,733 square feet as shown on the plan attached hereto.

VOTE: The vote on the motion pursuant to Article 109 as moved by the Finance Committee, was by 4/5^{ths} Vote, Yes: 139, No: 9 The motion was adopted.

Nancy L. Holmes, CMC
Town & County Clerk

ATTEST: TRUE COPY

ATM 20 Article 109 Page 1 of 1



Town of Nantucket

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OFFICE OF THE TOWN & COUNTY CLERK

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June 25, 2020

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the June 25, 2020 ANNUAL TOWN MEETING adopted **Article : 110** at the June 25, 2020 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 110

(Real Estate Conveyance: Cherry Street)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land known as in the portion of Cherry Street lying between the westerly line of Folger Avenue and the easterly line of Lot 2 on Plan No. 2017-58 filed at the Nantucket Registry of Deeds consisting of approximately 6,733 square feet as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions, or take any action related thereto.

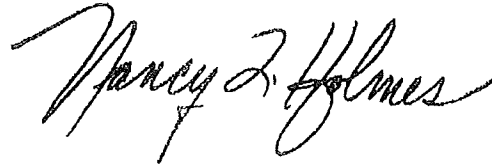
(Nicole Evangelista, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land known as in the portion of Cherry Street lying between the westerly line of Folger Avenue and the easterly line of Lot 2 on Plan No. 2017-58 filed at the Nantucket Registry of Deeds consisting of approximately 6,733 square feet as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

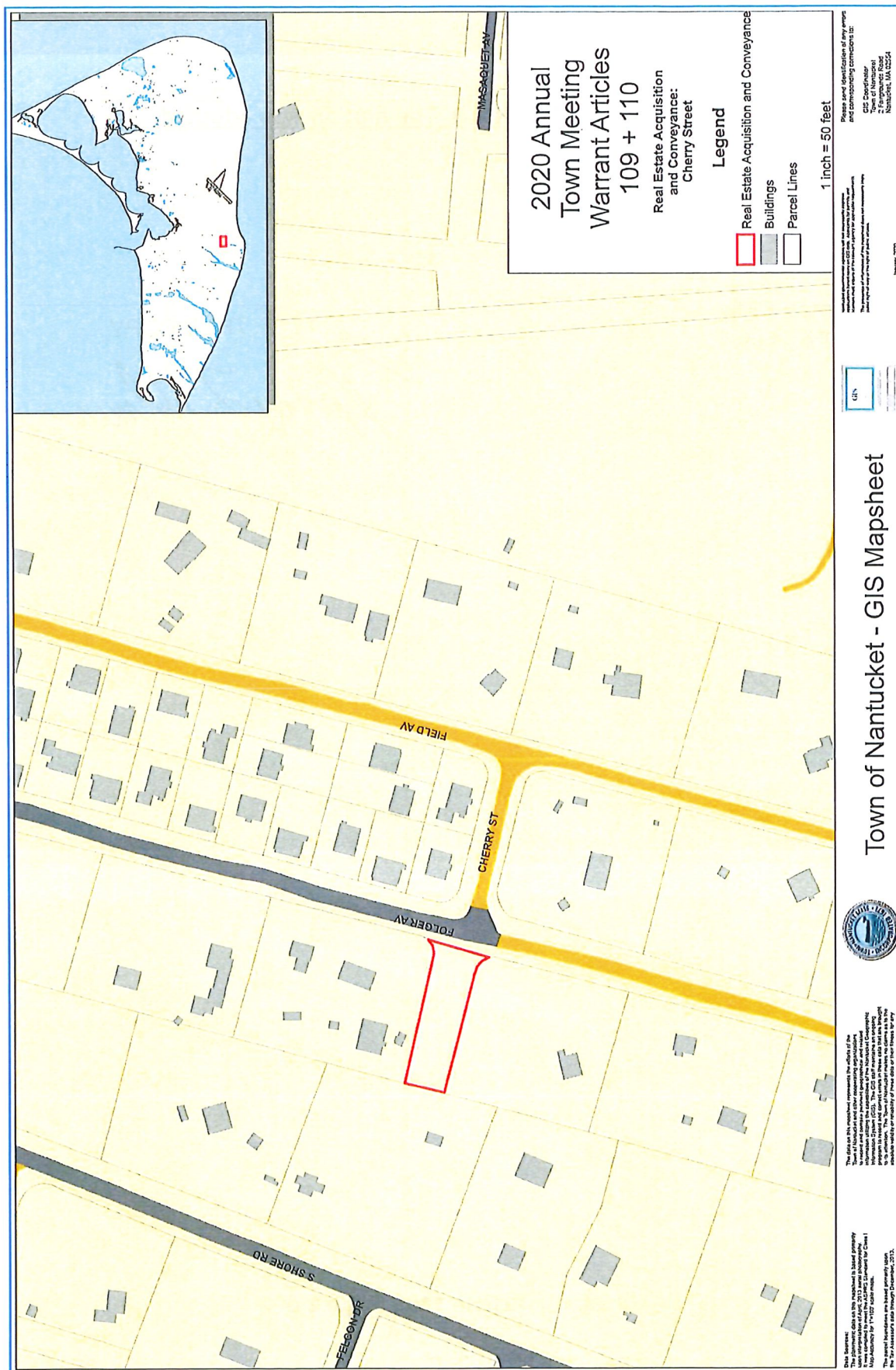
VOTE: The vote on the motion pursuant to Article 110, as moved by the Finance Committee, was by 4/5^{ths} Vote, Yes: 139, No: 9 The motion was adopted.

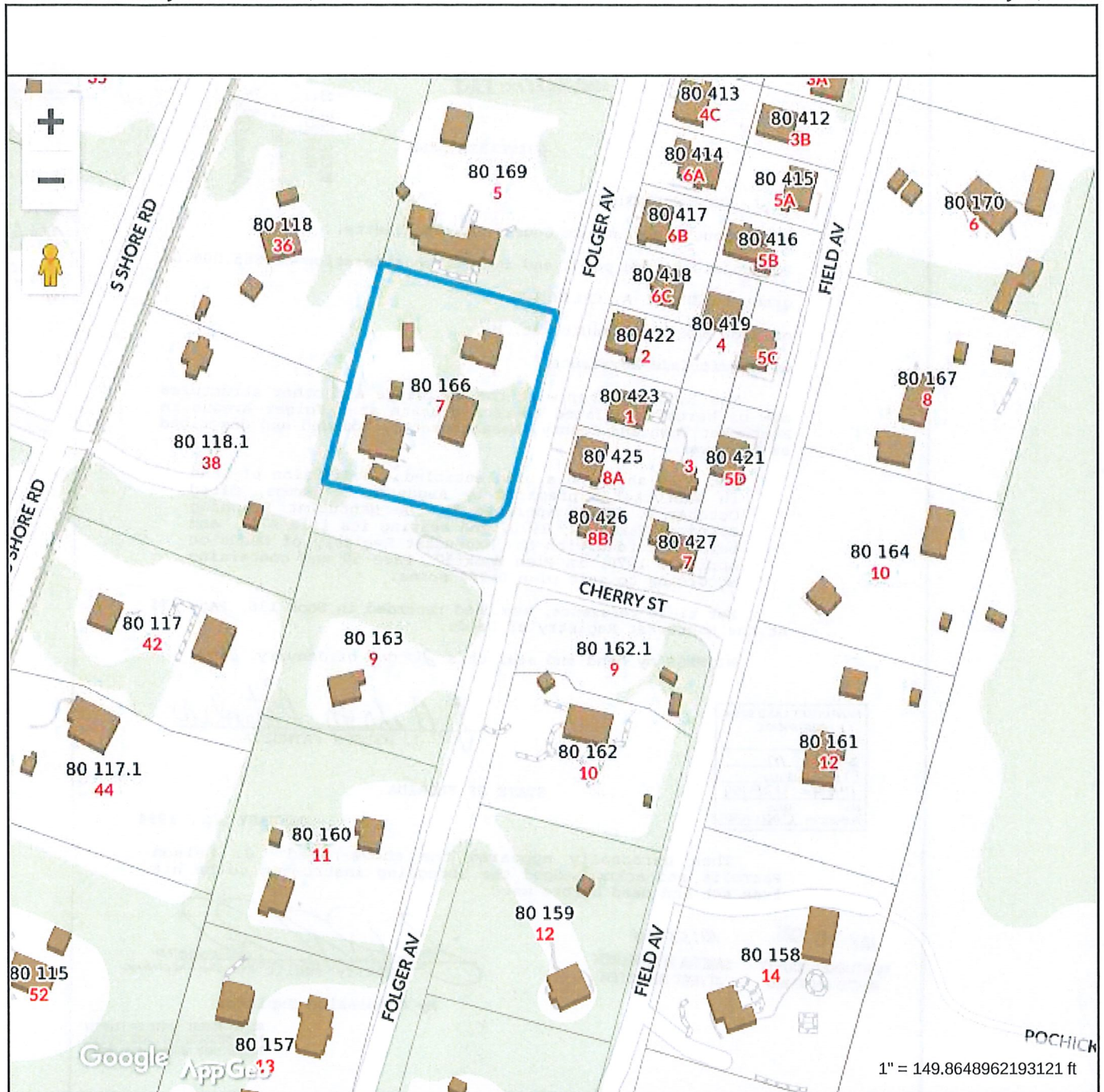
Nancy L. Holmes, CMC
Town & County Clerk

ATTEST: TRUE COPY

A handwritten signature in black ink, reading "Nancy L. Holmes". The signature is written in a cursive, flowing style with a large initial "N" and "H".

NANTUCKET TOWN & COUNTY CLERK





Property Information

Property ID 80 166
 Location 7 FOLGER AV
 Owner BOWMAN SCOTT D TR



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/04/2021
 Data updated Jan. 2021

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

BOOK 0437 PAGE 113

QUITCLAIM DEED

I, J. NELSON PATROLIA,
of Falmouth, Barnstable County, Massachusetts,
for consideration paid, and in full consideration of \$65,000.00
grant to CHERYL A. CREIGHTON
of P.O. Box 3078, Nantucket, MA,
with quitclaim covenants

The land together with the buildings and other structures
now or hereafter placed thereon situate at 9 Folger Avenue in
Nantucket Town and County, Massachusetts, bounded and described
as follows:

Lot 7 as shown on a plan entitled "Subdivision of Land
in Nantucket," prepared by Augustos C. Ramos, dated
October 2, 1969; approved by the Nantucket Planning
Board on March 12, 1970, and bearing its file #703, and
being recorded with the Nantucket Registry of Deeds on
April 2, 1970, in Plan Book 17, Page 50 and containing
according to said plan 0.964 acres.

For title reference, see deed recorded in Book 136, Page 471
at the Nantucket Registry of Deeds.

WITNESS my hand and seal this 26 day of January, 1994.

NANTUCKET LAND BANK CERTIFICATE	
☐ Paid \$	
☒ Exempt	m
☐ Non-applicable	
No	11484 1128/94
Authorization	Chatter

STATE OF FLORIDA

JANUARY 26, 1994

Then personally appeared the above-named J. Nelson
Patrolia and acknowledged the foregoing instrument to be his
free act and deed before me.

JAN 28 1994
NANTUCKET COUNTY
REC'D ENTERED

10:55 AM
SANDRA M CHADWICK
ATTEST REGISTER

[Signature]
Notary Public and Inman License

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. APR. 10, 1994
BONDED THRU CEMERIS INS. CO.

End of
Instrument

Marginal
Release
Reference

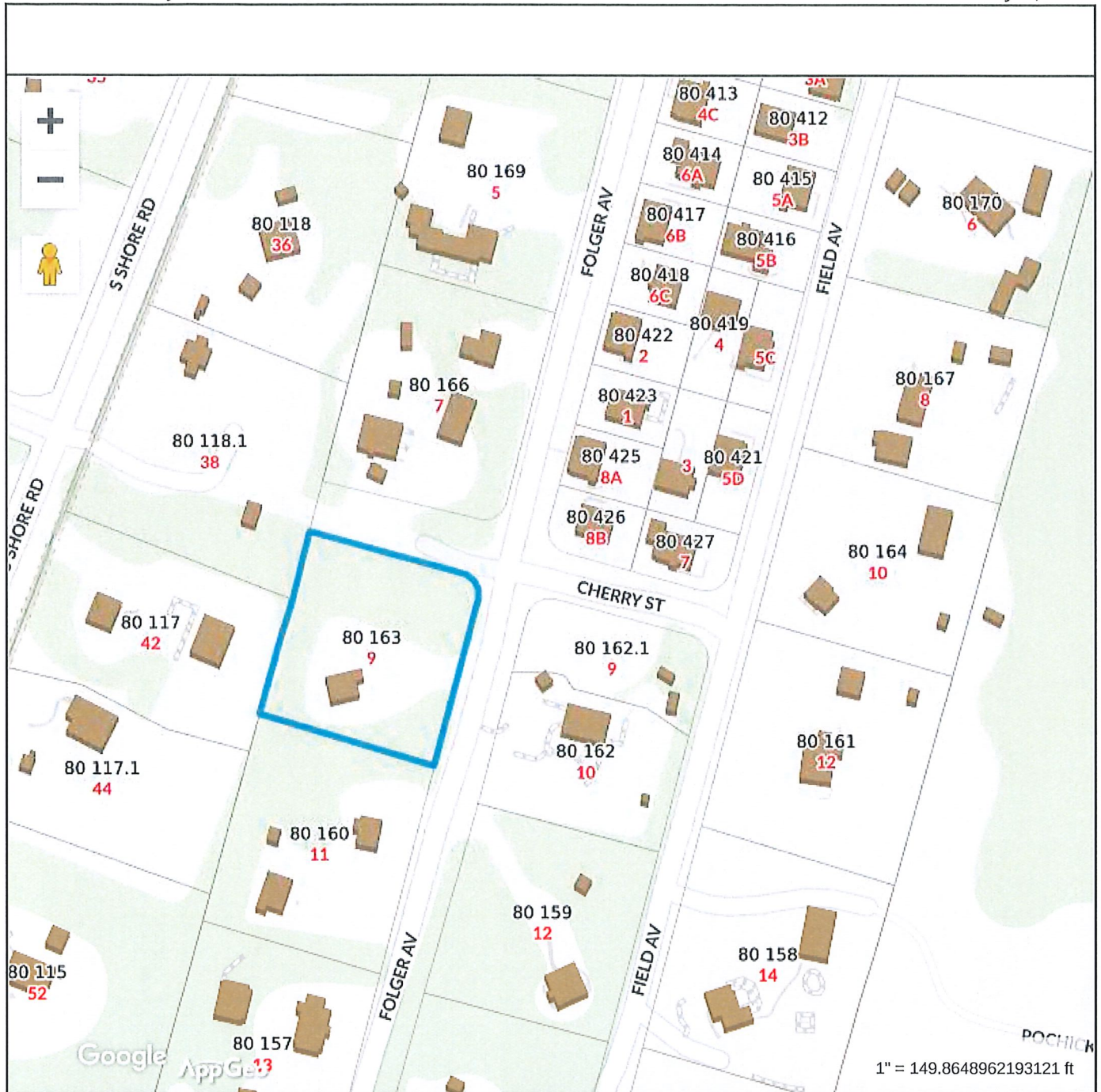
Book 592

Page 24

Lot 7

Block 17

pg. 50



Property Information

Property ID 80 163
 Location 9 FOLGER AV
 Owner CREIGHTON CHERYL A



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/04/2021
 Data updated Jan. 2021

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.



NANTUCKET
TOWN CLERK

2021 NOV -1 AM 11:55

Nantucket Planning Board

Form A

Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: Nov. 1, 2021

*Name of Owner(s)/Applicant(s): Town of Nantucket
*Owner's/Applicant's address: 2 Fairgrounds Road State: MA Zip Code: 02554
*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): Portion of Cherry Street
Name of Registered Land Surveyor: Blackwell & Assoc., Inc.
Surveyor's address: 20 Teasdale Circle Nantucket, MA 02254

The owner's title to the land derived under deed from _____ date _____ and
recorded in Nantucket Registry of Deed, Books _____ Pages _____, or Land Court Certificate of
Title # _____ registered in Nantucket Document Number _____ and shown on Assessor's
Maps # _____ Parcel _____.

Total Number of Proposed Lots: 2

Total Number of Buildable Lots: 0

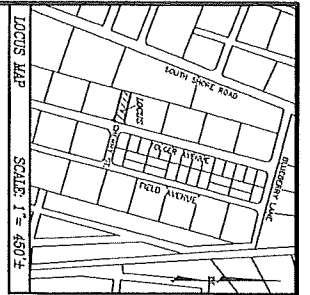
To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires _____ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

- A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely _____; OR
- B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely _____ on _____ (date) and Subject to the following conditions _____; OR
- C. a way in existence on _____ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the need to vehicular

Nantucket Planning and Land Use Services • 2 Fairgrounds Road • Nantucket • MA • 02554 • (508) 325-7587



CURRENT ZONING CLASSIFICATION:
Limited Use General 1 (LUG-1)
MINIMUM LOT SIZE: 40,000 S.F.
MINIMUM FRONTAGE: 100 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER %: 7%



I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
Christopher Andrews
PROFESSIONAL LAND SURVEYOR DATE 11/01/2021

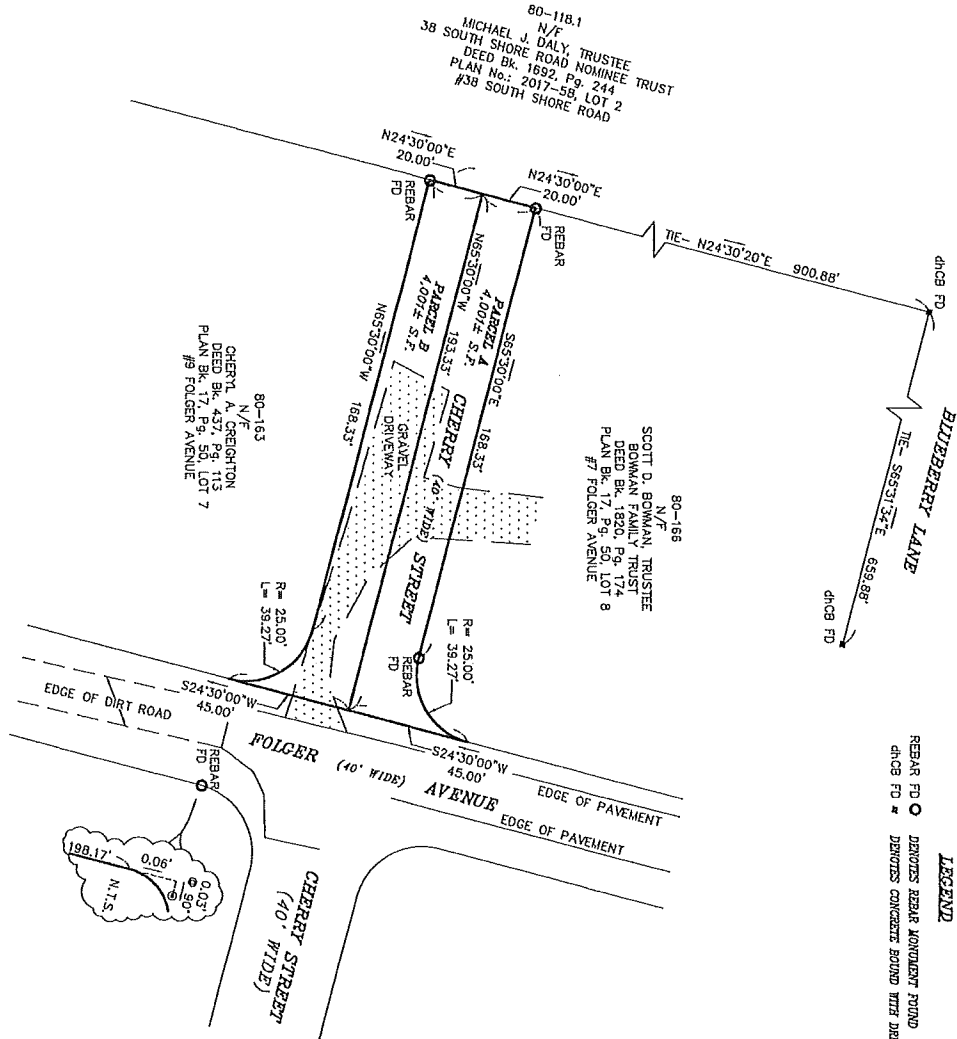
T:\JACK 26 JOB 53
V:\DRAWFILES\B7389\TAKING AND DISPOSITION.dwg 11/1/2021 8:18:53 AM EDT

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TESDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9028
www.blackwellsurvey.com

REF. 2020 ATTN WARRANT ARTICLES 109 & 110
TAKING AND DISPOSITION PLAN OF LAND
in Nantucket, MA
Prepared for
TOWN OF NANTUCKET

Date: OCTOBER 28, 2021
Scale: 1"=30'

B7389



NOTE:
A & B DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

LEGEND
REBAR PD ○ DENOTES REBAR MONUMENT POINT
d/cb FD ■ DENOTES CONCRETE BOUND WITH DRILL HOLE POINT

NANTUCKET REGISTRY OF DEEDS

Date: _____
Time: _____
Plan No.: _____

Attest: _____
Register

RESERVED FOR REGISTRY USE

Nantucket Select Board

Being a majority—

[Signature]

DATE SIGNED: _____

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

Nantucket Planning Board

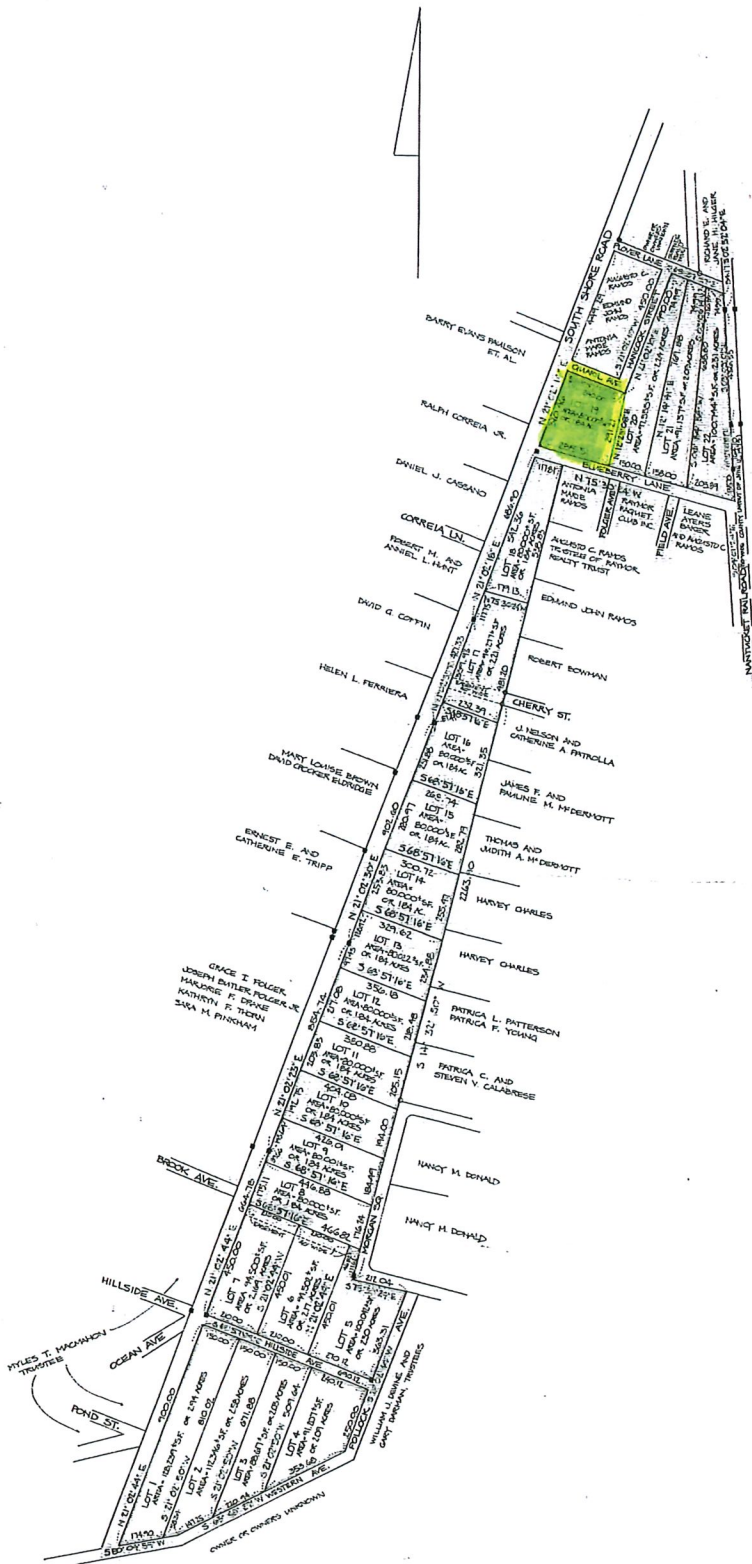
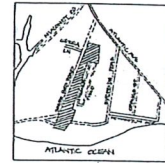
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

[Signature]
[Signature]
[Signature]

11-15-2021 B.S.W. 2021-12-00220
DATE SIGNED FILE #

PLYMPTON ESTATES

PLAN FILE
10A



I, MADELYN PERRY, CLERK OF THE TOWN OF NANTUCKET
HEREBY CERTIFY THAT THE NOTICE OF APPROVAL
OF THIS PLAN BY THE PLANNING BOARD HAS BEEN
RECEIVED AND RECORDED AT THIS OFFICE, AND NO
NOTICE OF APPEAL WAS RECEIVED DURING THE
TWENTY DAYS NEXT AFTER SUCH RECEIPT AND
RECORDING OF SAID NOTICE.

[Signature]
TOWN CLERK
DATE 10/13/81

APPROVED
NANTUCKET PLANNING BOARD
[Signature]
DATE 10/13/81

DATE APPROVED 10/24/81
DATE SIGNED 10/13/81
FILE NO. 2220

JUN 13 1982
4:16 PM
RECEIVED AND RECORDED WITH
NANTUCKET PLANNING BOARD
PLAN FILE 10-A
FILED 10-13-81

DEFINITIVE PLAN OF
PLYMPTON ESTATES
IN NANTUCKET, MA.
SCALE 1"=500'
JUNE 17, 1981
JOHN U. SHAGRIE INC.
14 SOUTH WATER ST.
NANTUCKET, MA.
SUBDIVIDER:
STEPHEN W. PLYMPTON
699 BOYLSTON ST.
BOSTON, MA.



John U. Shagrie

0 100 200 300 400
SCALE IN FEET



Bk: 1820 Pg: 174 Page: 1 of 4
Doc: DD 04/30/2021 02:42 PM

This Document Prepared By:
Fitzpatrick & Associates, P.C.
841 Main Street
Tewksbury, MA 01876

67916304 - 6285732
(3)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

I, Scott D. Bowman, an unmarried man of Nantucket, Nantucket County, Massachusetts for consideration paid and in full consideration of ONE AND 00/100 DOLLARS (\$1.00),

GRANT to Scott D. Bowman, Trustee of the Bowman Family Trust, u/d/t dated June 16, 2017, see trustee certificate recorded herewith, of 7 Folger Avenue, Nantucket, MA 02554-4420

With QUITCLAIM COVENANTS, the land in Nantucket, Nantucket County, Massachusetts, being more particularly described as follows:

Tax Id Number(s): 80 / / 166 / /

Land situated in the Town of Nantucket in the County of Nantucket in the State of MA

NORTHERLY BY LOT 9 AS SHOWN ON A PLAN HEREINAFTER SET OUT, 193.33 FEET;

EASTERLY BY FOLGER AVENUE AS SHOWN ON SAID PLAN, 200.31 FEET;

SOUTHERLY BY CHERY STREET AS SHOWN ON SAID PLAN, 168.33 FEET;
AND

WESTERLY BY LANDS OF OWNERS UNKNOWN, 225.31 FEET.

BEING SHOWN AS LOT 8 ON A PLAN OF LAND IN NANTUCKET PREPARED FOR AUGUSTO C. RAMOS, OCTOBER 2, 1969, ESSEX SURVEY SERVICE, INC., FILED IN BOOK OF PLANS 17 AT PAGE 50, NANTUCKET REGISTRY OF DEEDS.

TOGETHER WITH THE RIGHT TO USE IN COMMON WITH OTHERS ENTITLED THERETO, ANY AND ALL ROADS SHOWN ON SAID PLAN FOR ALL PURPOSES WHICH SUCH ROADS OR WAYS ARE NOW OR IN THE FUTURE MAY BE USED.

SAID LAND IS SUBJECT TO RESTRICTIONS IN FAVOR OF RAYMORE REALTY TRUST AS SET FORTH IN DEED TO REGINA MCDERMOTT RECORDED WITH THE NANTUCKET REGISTRY OF DEEDS ON MAY 11, 1971, BOOK 135, PAGE 552.

SAID LAND IS SUBJECT TO AN EASEMENT TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY DATED JUNE 14, 1971 AND RECORDED IN BOOK 136, PAGE 150 WITH SAID REGISTRY.

Commonly known as: 7 Folger Ave, Nantucket, MA 02554-4420

THE PROPERTY ADDRESS AND TAX PARCEL IDENTIFICATION NUMBER LISTED ARE PROVIDED SOLELY FOR INFORMATIONAL PURPOSES.

Being the same property conveyed to Scott D. Bowman, an unmarried man, by deed recorded herewith.

[Signature page to follow on next page]

Witness my hand and seal this 13 day of OCT. 2020.

Grantor:

[Signature]
 Scott D. Bowman

COMMONWEALTH OF MASSACHUSETTS
NANTUCKET County, ss

On this 13 day of OCT., 2020, before me, the undersigned notary public, personally appeared, Scott D. Bowman, and proved to me through satisfactory evidence of identification, which were MA DRIVER LIC 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.

[Signature]
 Notary Public
 My commission expires: _____



MICHAEL J. WILSON
 Notary Public

Commonwealth of Massachusetts
 My Commission Expires
 October 15, 2021

Page 3 of 3

NANTUCKET LAND BANK CERTIFICATE	
☐ Paid \$	
☒ Exempt	<u>D</u>
☐ Non-applicable	
<u>43190</u>	<u>4/30/21</u>
No.	Date
Authorization	<u>WW</u>

EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): 80 / 166 /

Land situated in the Town of Nantucket in the County of Nantucket in the State of MA

NORTHERLY BY LOT 9 AS SHOWN ON A PLAN HEREINAFTER SET OUT, 193.33 FEET;

EASTERLY BY FOLGER AVENUE AS SHOWN ON SAID PLAN, 200.31 FEET;

SOUTHERLY BY CHERY STREET AS SHOWN ON SAID PLAN, 168.33 FEET; AND

WESTERLY BY LANDS OF OWNERS UNKNOWN, 225.31 FEET.

BEING SHOWN AS LOT 8 ON A PLAN OF LAND IN NANTUCKET PREPARED FOR AUGUSTO C. RAMOS, OCTOBER 2, 1969, ESSEX SURVEY SERVICE, INC., FILED IN BOOK OF PLANS 17 AT PAGE 50, NANTUCKET REGISTRY OF DEEDS.

TOGETHER WITH THE RIGHT TO USE IN COMMON WITH OTHERS ENTITLED THERETO, ANY AND ALL ROADS SHOWN ON SAID PLAN FOR ALL PURPOSES WHICH SUCH ROADS OR WAYS ARE NOW OR IN THE FUTURE MAY BE USED.

SAID LAND IS SUBJECT TO RESTRICTIONS IN FAVOR OF RAYMORE REALTY TRUST AS SET FORTH IN DEED TO REGINA MCDERMOTT RECORDED WITH THE NANTUCKET REGISTRY OF DEEDS ON MAY 11, 1971, BOOK 135, PAGE 552.

SAID LAND IS SUBJECT TO AN EASEMENT TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY DATED JUNE 14, 1971 AND RECORDED IN BOOK 136, PAGE 150 WITH SAID REGISTRY.

Commonly known as: 7 Folger Ave, Nantucket, MA 02554-4420

THE PROPERTY ADDRESS AND TAX PARCEL IDENTIFICATION NUMBER LISTED ARE PROVIDED SOLELY FOR INFORMATIONAL PURPOSES.

Being the same property conveyed to Scott D. Bowman, Trustee of the Bowman Family Trust, dated June 16, 2017, by deed dated June 16, 2017 of record in Deed Book 01597, Page 105 Instrument/Case No. 2017 00001858, in the County Clerk's Office.

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

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
SELECT BOARD

ORDER OF TAKING BY EMINENT DOMAIN
OF PORTIONS OF CHERRY STREET

The undersigned being the majority of the duly elected and serving members of the Select Board of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts (“Town”), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 109 adopted by the Town at its 2020 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of described below (“Parcels”) is required for general municipal purposes and public way purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled “Taking and Disposition Plan of Land in Nantucket, MA Prepared for Town of Nantucket,” dated October 28, 2021, prepared by Blackwell & Associates, Inc., recorded with the Nantucket County Registry of Deeds as Plan No. 2021-77 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel A	Cherry Street	4,001± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 80, Parcel 166	Scott D. Bowman, Trustee of Bowman Family Trust u/d/t dated June 16, 2017 as evidenced by Trust Certificate Pursuant to M.G.L. Chapter 184, Section 35	Book 1820, Page 174

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B	Cherry Street	4,001± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 80, Parcel 163	Cheryl A. Creighton	Book 437, Page 113

Any and all trees, vegetation and driveways on the Parcels are included in this Order of Taking, excluding the right to use for access purposes the driveways shown on said Plan for the benefit of the properties shown as 7 Folger Avenue and 9 Folger Avenue abutting said Parcels. Any utility easements in the Parcels are to be excluded from this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Select Board in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

(Remainder of Page Intentionally Blank. Signatures Follow on Next Page.)

Adopted under seal this day , 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Dawn E. Hill Holdgate

Matthew G. Fee

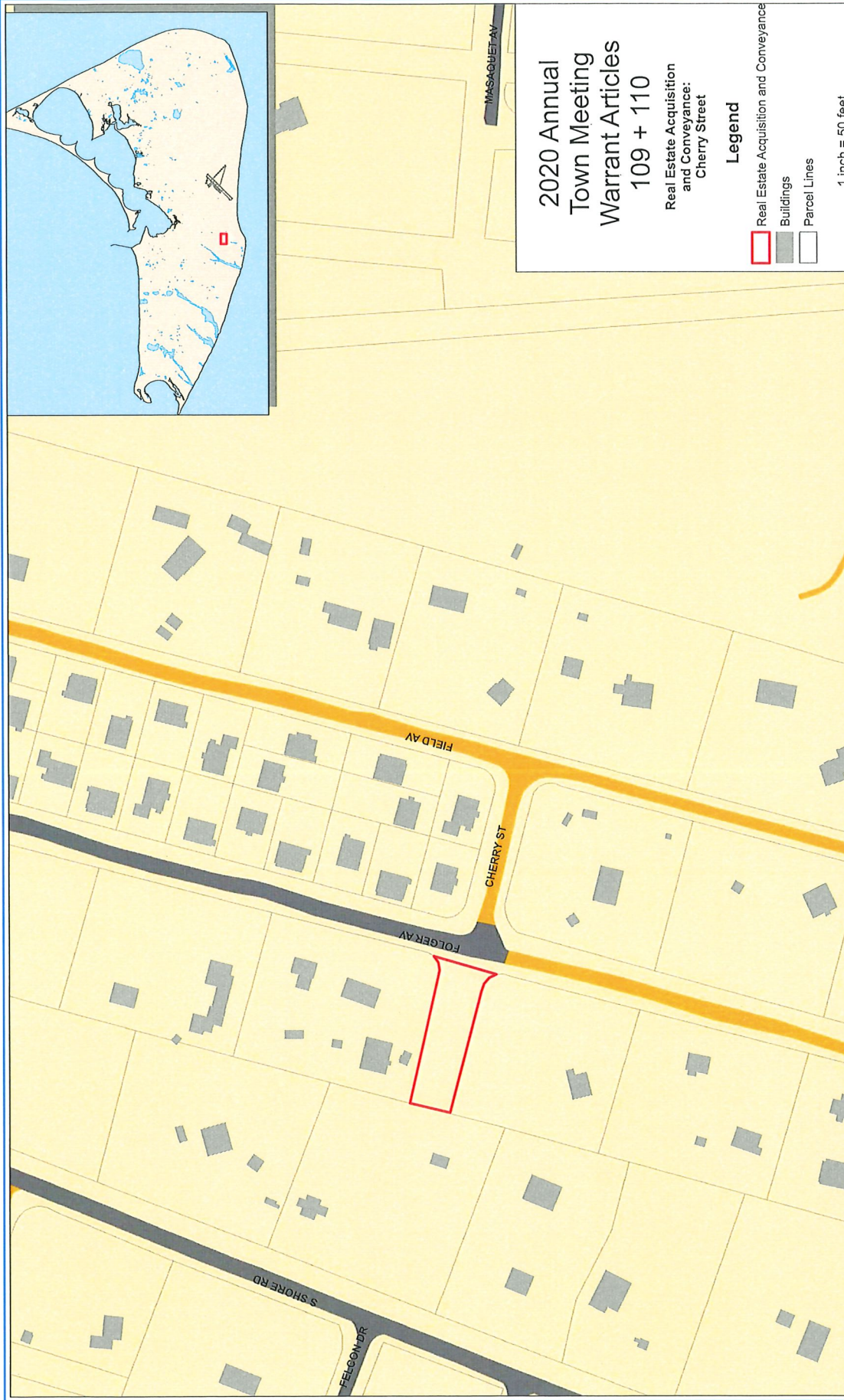
Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this day of , 2022, before me, the undersigned notary public, personally appeared Jason Bridges, Dawn E. Hill Holdgate, Matthew G. Fee, and Melissa K. Murphy, as members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.

Notary Public
My commission expires:



Map Sources:
 The data on this map was derived from the official records of the Town of Nantucket, Massachusetts, and is based primarily on the interpretation of Aerial 2012 and other photographic imagery. The map is not a survey and should not be used for legal purposes. The map is for informational purposes only. The map is not a survey and should not be used for legal purposes. The map is for informational purposes only.

Map Scale:
 1 inch = 50 feet

Legend

- Real Estate Acquisition and Conveyance
- Buildings
- Parcel Lines

Map Information:
 Prepared and published by the Town of Nantucket, Massachusetts, for the 2020 Annual Town Meeting. The map is for informational purposes only and should not be used for legal purposes. The map is for informational purposes only.

Map Sources:
 The data on this map was derived from the official records of the Town of Nantucket, Massachusetts, and is based primarily on the interpretation of Aerial 2012 and other photographic imagery. The map is not a survey and should not be used for legal purposes. The map is for informational purposes only.

Map Scale:
 1 inch = 50 feet

Map Sources:
 The data on this map was derived from the official records of the Town of Nantucket, Massachusetts, and is based primarily on the interpretation of Aerial 2012 and other photographic imagery. The map is not a survey and should not be used for legal purposes. The map is for informational purposes only.

Map Scale:
 1 inch = 50 feet

Town of Nantucket - GIS Mapsheet



Map of Nantucket, Massachusetts, showing the location of the property described in the Warrant Articles 109 + 110. The map is for informational purposes only and should not be used for legal purposes. The map is for informational purposes only.



NANTUCKET
TOWN CLERK

2021 NOV -1 AM 11:55

Nantucket Planning Board

Form A

Application for Endorsement of a Plan Believed Not to Require Approval (ANR)

Date: Nov. 1, 2021

*Name of Owner(s)/Applicant(s): Town of Nantucket

*Owner's/Applicant's address: 2 Fairgrounds Road State: MA Zip Code: 02554

*(include all names and addresses of the principals of the owner entity such as principal officer of corporation, trustees of the trust and partners of the partnership)

Location of Property (Street or Area): Portion of Cherry Street

Name of Registered Land Surveyor: Blackwell & Assoc., Inc.

Surveyor's address: 20 Teasdale Circle Nantucket, MA 02254

The owner's title to the land derived under deed from _____ date _____ and recorded in Nantucket Registry of Deed, Books _____ Pages _____, or Land Court Certificate of Title # _____ registered in Nantucket Document Number _____ and shown on Assessor's Maps # _____ Parcel _____.

Total Number of Proposed Lots: 2

Total Number of Buildable Lots: 0

To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of at least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires _____ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

A. a public way or a way which the City or Town Clerk certifies is maintained and used as a Public way, namely _____; OR

B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely _____ on _____ (date) and Subject to the following conditions _____; OR

C. a way in existence on _____ (date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the need to vehicular

traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely_____.

- The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely_____, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires_____feet.
- The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically_____buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such building remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: _____

- _____
- Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

Taking & Disposition Articles 109 & 110 2020 ATM

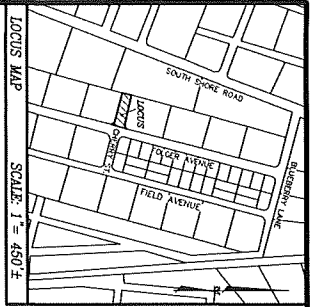
I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.



Owner's Signature Agent for Scott D. Bowman

Planning Board File # _____

Endorsement Date: _____



CURRENT ZONING CLASSIFICATION:
Limited Use General 1 (L.U.G.-1)

MINIMUM LOT SIZE: 40,000 S.F.
MINIMUM FRONT YARD SETBACK: 100 FT.
MINIMUM SIDE YARD SETBACK: 10 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER %: 7%



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

Christopher J. Anderson
PROFESSIONAL LAND SURVEYOR DATE 11/01/2021

T: \JACK 26 JOB 53
V: \DRAWFILES\B7389 TAKING AND DISPOSITION.dwg 11/1/2021 8:18:53 AM EDT

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com

REF. 2020 ATM WARRANT ARTICLES 109 & 110

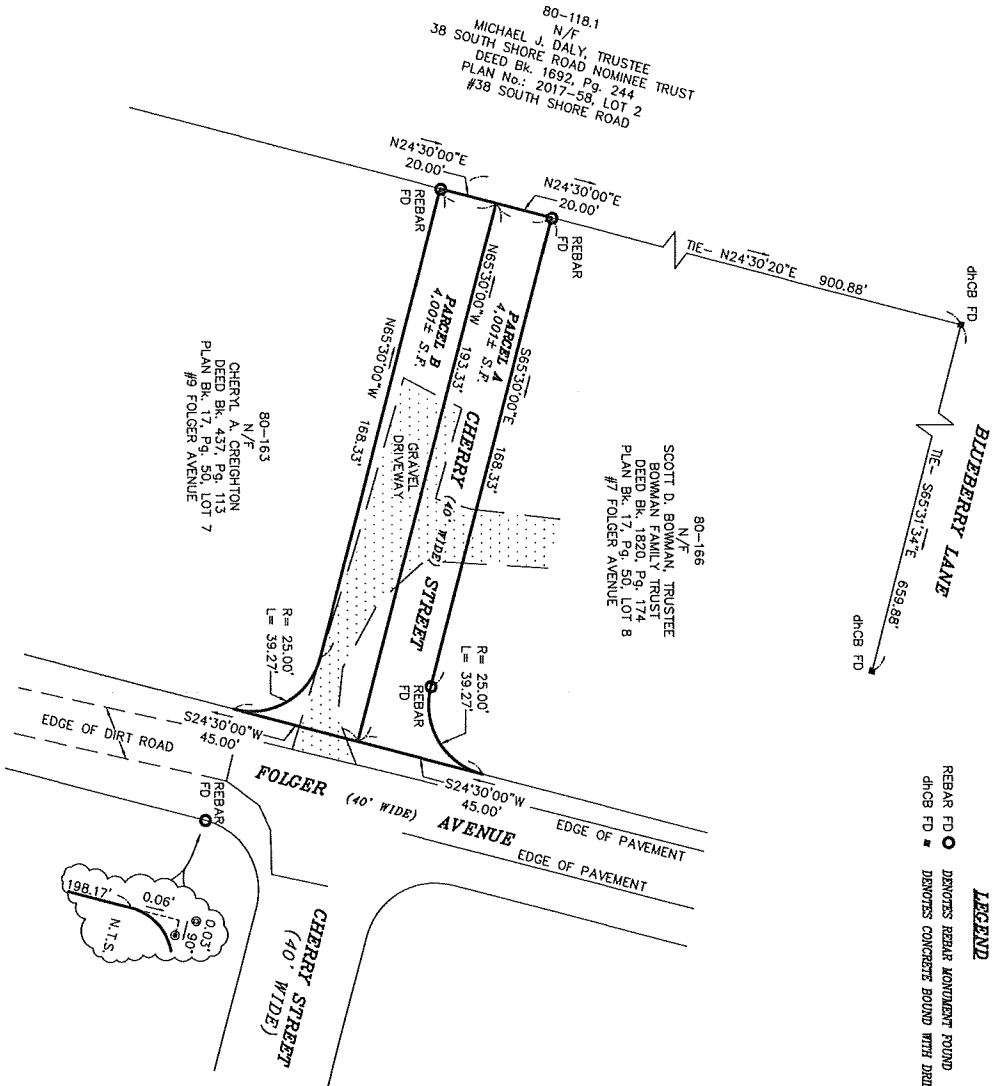
TAKING AND DISPOSITION PLAN OF LAND
in Nantucket, MA
Prepared for
TOWN OF NANTUCKET

Date: OCTOBER 28, 2021
Scale: 1"=30'

B7389

NOTE:

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



NANTUCKET REGISTRY OF DEEDS

Date: _____

Time: _____

Plan No.: _____

Attest: _____

Register

RESERVED FOR REGISTRY USE

Nantucket Select Board

Being a majority-

[Signature]

DATE SIGNED: _____

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

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

[Signature]

[Signature]

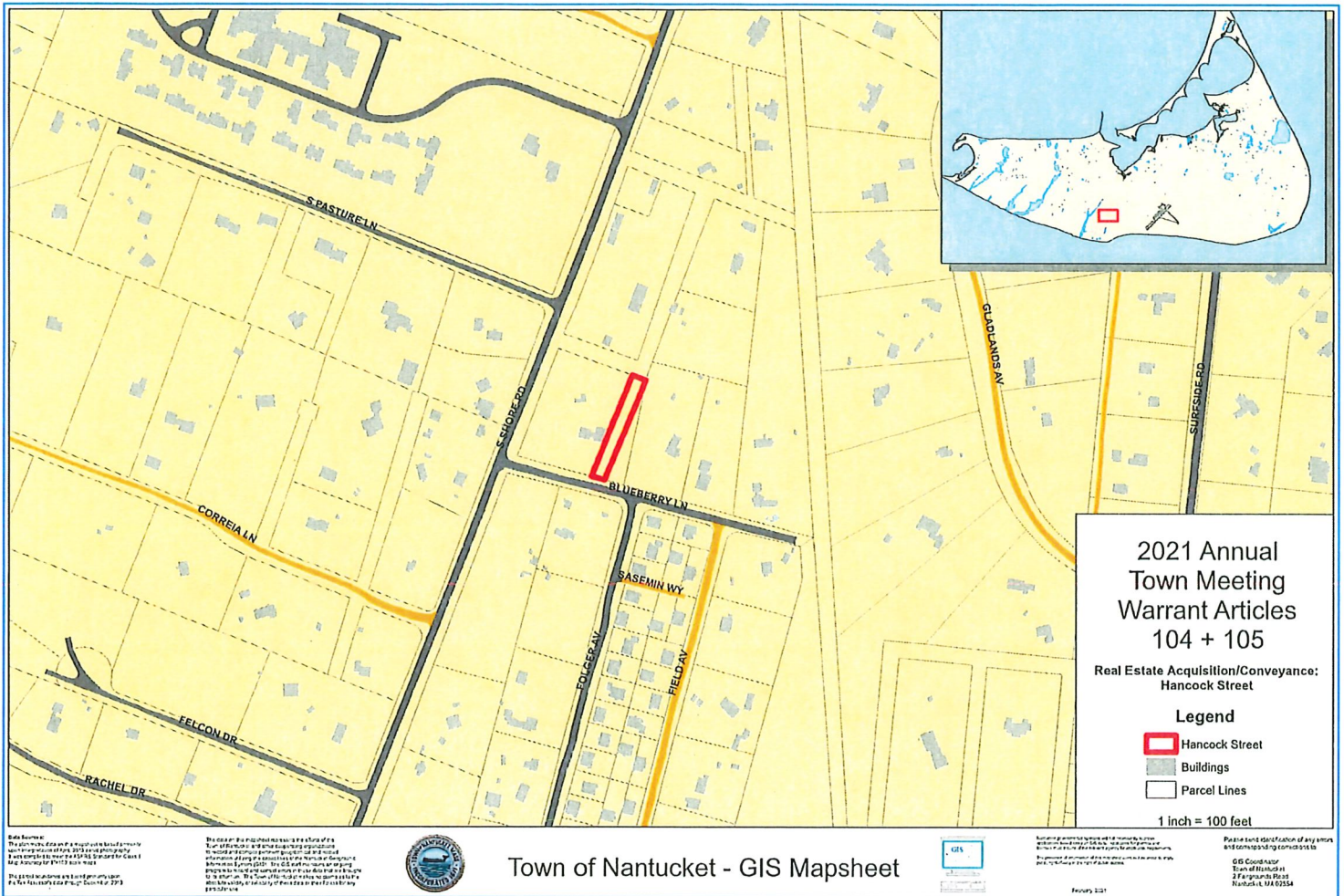
[Signature]

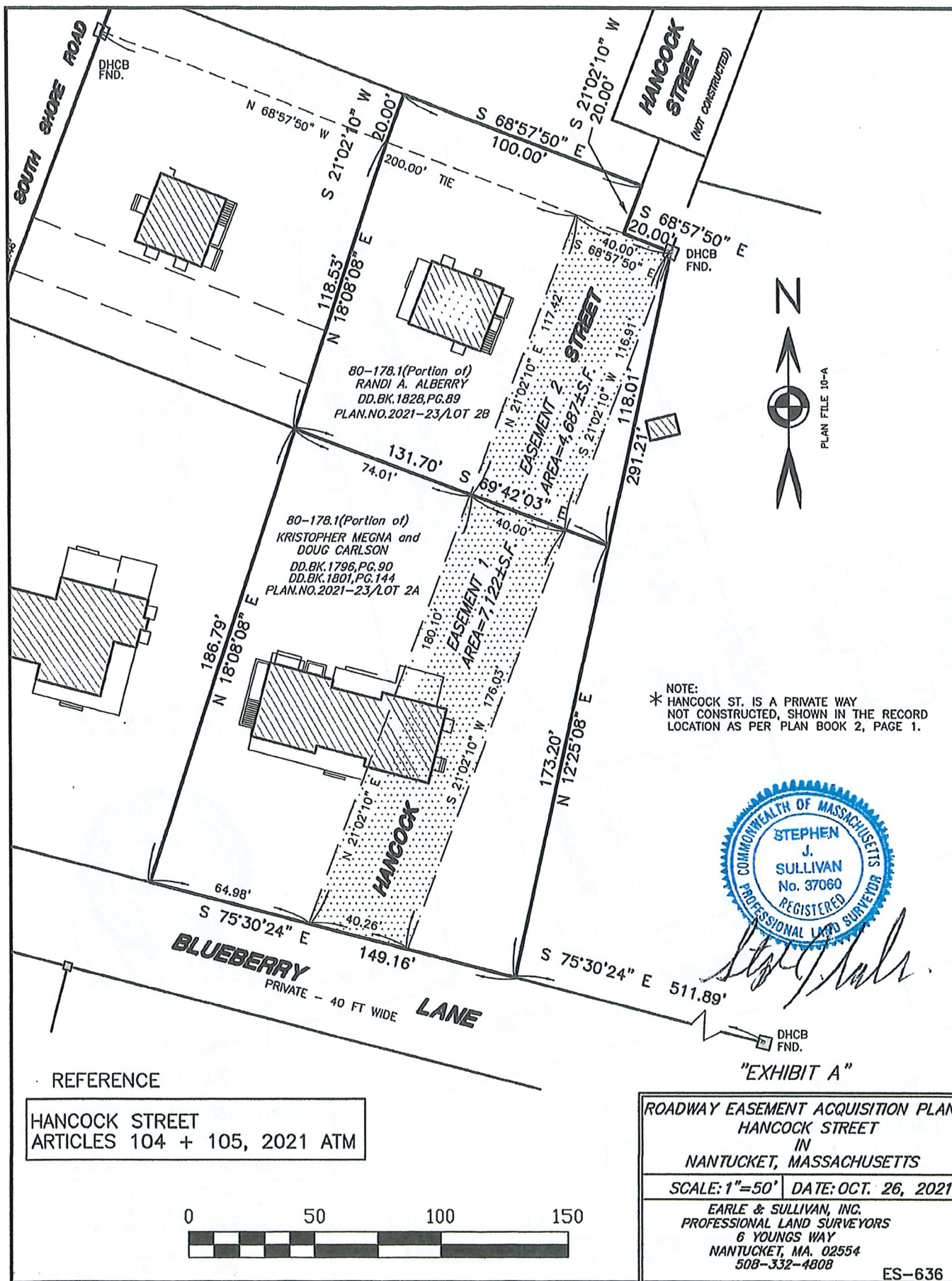
11-15-2021 B.S.M.B. 2021-12-00220

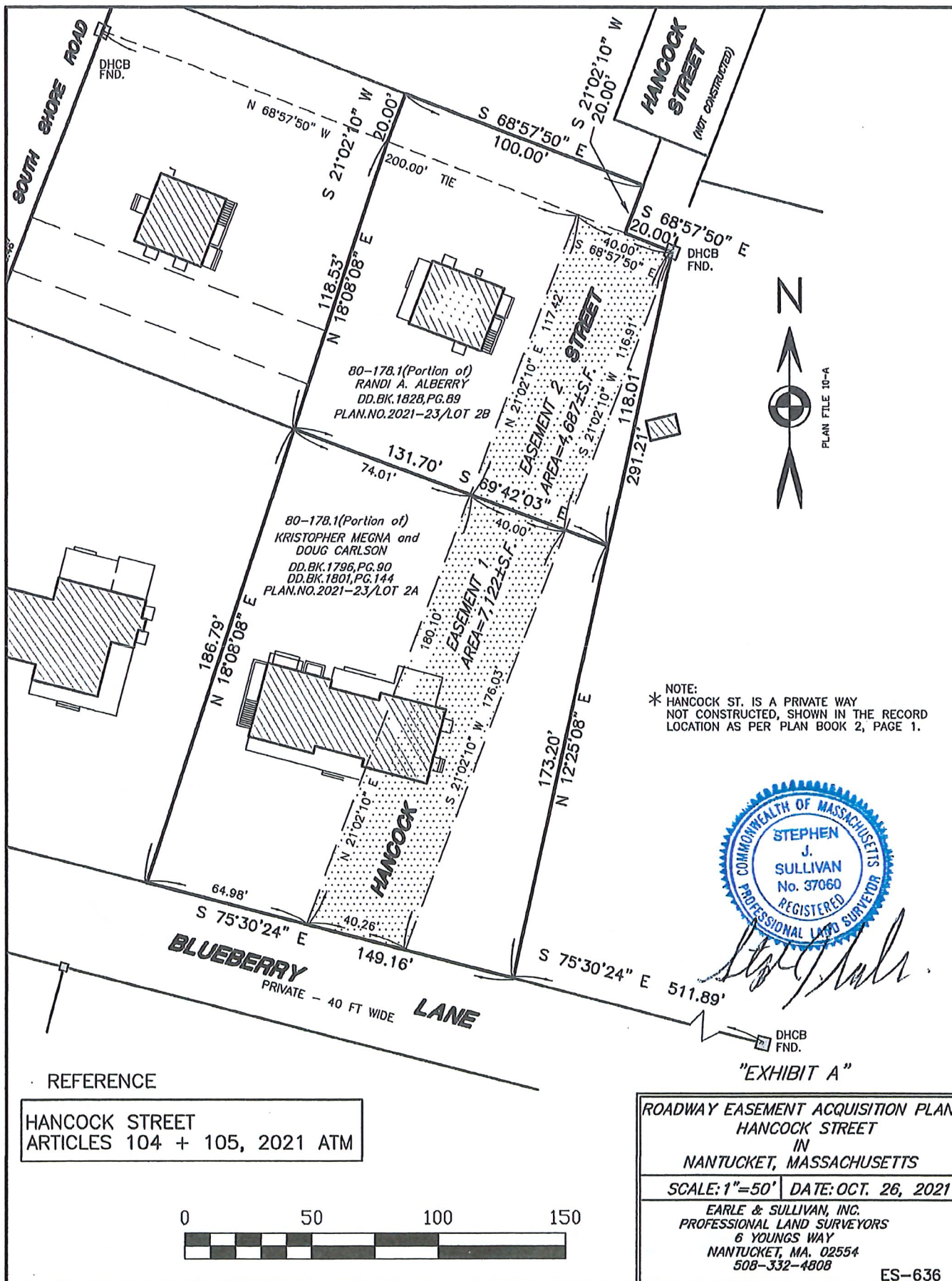
DATE SIGNED FILE #

VOTE: The vote on the motion pursuant to Article 105, as moved by the Finance Committee, was by 4/5ths Vote, Yes: 668 , No: 24 The motion was adopted.

Nancy L. Holmes, CMC
Town & County Clerk







Ken Beaugrand

From: Megan Trudel
Sent: Monday, November 1, 2021 1:41 PM
To: Kristopher Megna
Cc: Doug Carlson; Ken Beaugrand
Subject: RE: Taking of Hancock street

Hi Kris,

Not a bother at all!

Since Hancock Street is an easement, the Planning Board will not need to endorse as an ANR.

Ken Beaugrand, the Town's Real Estate Specialist (cc'd), will need to place this matter on the next Real Estate Advisory Committee agenda so that the Select Board can approve the taking and subsequent conveyance of the easement area.

Megan Trudel
Town of Nantucket
PLUS-Land Use Specialist
2 Fairgrounds Rd, Nantucket MA 02554
Phone (508) 325-7587 ext. 7053



From: Kristopher Megna <KrisMegna@dreamlinemodular.com>
Sent: Monday, November 1, 2021 10:03 AM
To: Megan Trudel <mtrudel@nantucket-ma.gov>
Cc: Doug Carlson <DougCarlson@dreamlinemodular.com>
Subject: Taking of Hancock street

Hi!

I hope all is well. Sorry to bother you with this, but I am hoping you can help me with this. I am getting different answers from different people on this and the seller was supposed to handle this when I bought the property and has not come through...

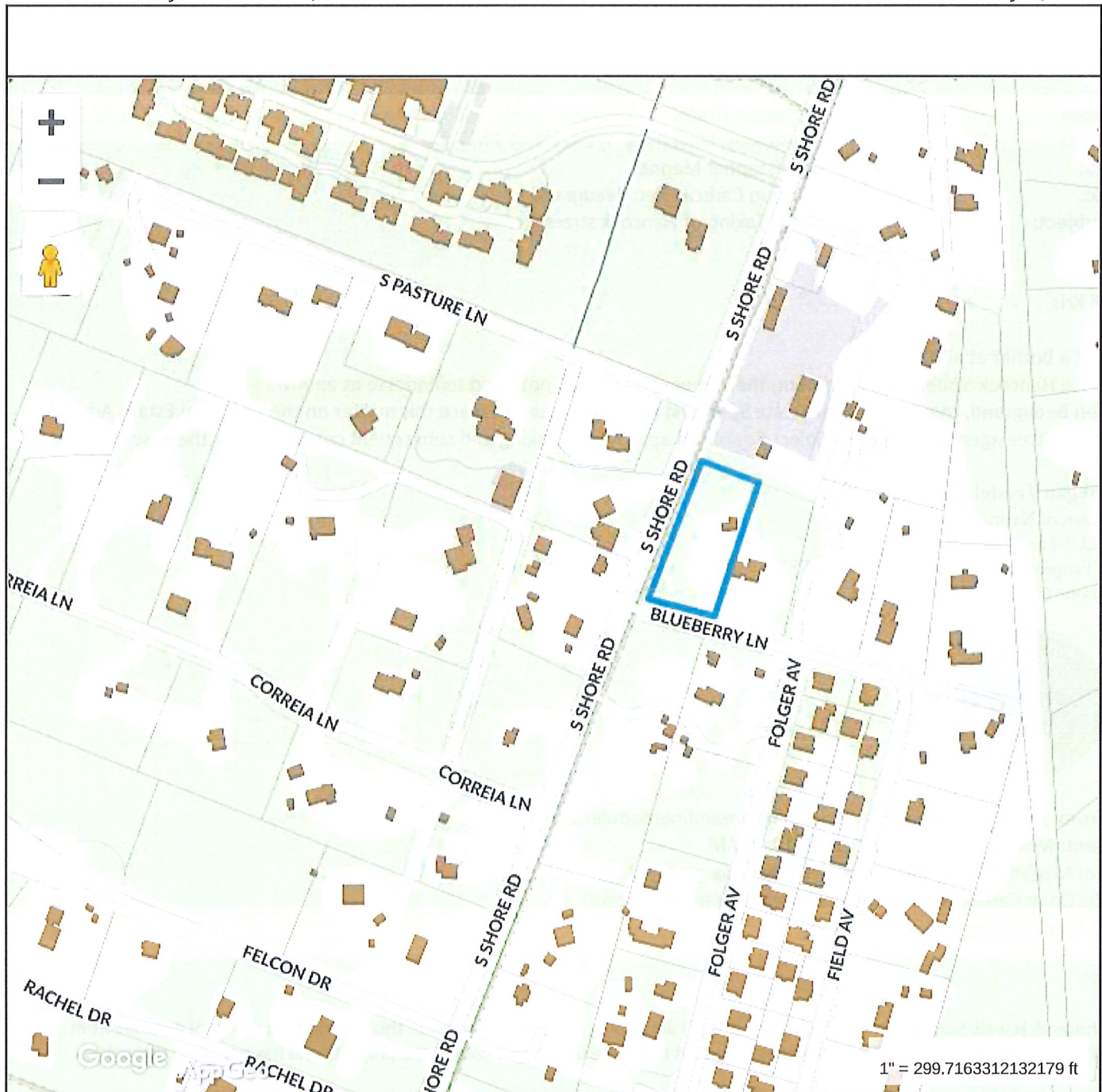
Anyway, We applied for and approved a taking or something of Hancock street that went through my property and Sam and Randi's. This was an easement that is supposed to get absorbed. It was approved at the last town meeting and I thought that was all set and done. I was then informed from Steve Sullivan, when he was doing my as built, that the second part of the process of the plan was not completed. That he needed to put a plan together, which is attached, and basically the town will "take it" and give it back to me and Sam/Randi. He told me to give this to Leslie Snell?

I sent this to the realtor who was supposed to handle this, Beth, and she emailed Catherine and just received this response:

Catherine Ancero <CAncero@nantucket-ma.gov> Mon, Nov 1, 2021 at 9:24 AM
To: ackhomes <ackhomes@gmail.com>

Morning Beth-

There is nothing for you to fill out. The surveyor will need to submit the mylar and two paper copies of the plan. Also the surveyor will need to email myself and Meg the plan. The next Planning Board meeting is



Property Information

Property ID 80 178
 Location 2 BLUEBERRY LN
 Owner NANTUCKET HOMES FOR PEOPLE INC



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/04/2021
 Data updated Jan. 2021

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.



2021 00002231

Bk: 1828 Pg: 89 Page: 1 of 5
Doc: DD 05/28/2021 02:51 PM

Property address:

Lot 2B a portion of
28 South Shore Road
Nantucket, Massachusetts

STATUTORY QUITCLAIM DEED

KRISTOPHER MEGNA AND DOUGLAS CARLSON, as Tenants in Common, having mailing address of 403 Waltham Street, Lexington, Massachusetts 02421, for consideration paid in the amount of THREE HUNDRED FIFTY THOUSAND AND 00/100 (\$350,000.00) DOLLARS, grant to Randi A. Alberry, having mailing address of 20 1/2 Mary Ann Drive, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS,

That certain parcel of land together with all improvements situated thereon in the Town and County of Nantucket, Commonwealth of Massachusetts, known and numbered as Lot 2B being a portion of 28 South Shore Road, described as follows:

Beginning at a point 120.00' southeasterly from South Shore Road to the Northwesterly corner of the lot to be conveyed; thence

S 68 degrees 57' 50" E by land now or formerly of Ramos Family Realty Trust, one hundred feet (100.00), more or less for a corner; thence

S 21 degrees 02' 10" W by land now or formerly of Nathaniel B. Lowell, et al, twenty feet (20.00),

more or less for a corner; thence

S 68 degrees 57' 50" E by land now or formerly of Nathaniel E. Lowell, et al, twenty feet (20.00), more or less for a corner; thence

S 12 degrees 25' 08" W by land now or formerly of Nathaniel E. Lowell, et al, one hundred eighteen and 01/100 feet (118.01), more or less for a corner; thence

N 69 degrees 42' 03" W by other land of the Grantor and shown as Lot 2A on the below mentioned plan, one hundred thirty-one and 70/100 feet (131.70), more or less for a corner; thence

N 18 degrees 08' 08" E by other land of the Grantor and shown as Lot 1B on the below mentioned plan, one hundred eighteen and 53/100 feet (118⁵³), more or less; thence continuing

N 21 degrees 02' 10" E by other land of the Grantor and shown as Lot 1B on the below mentioned plan, twenty feet (20.00), more or less to the point and place of beginning.

Said premises is shown as Lot 2B and containing approximately 16,800.00 square feet, on a plan of land entitled "Plan of Land in Nantucket, Mass." drawn by Earl & Sullivan, Inc., and recorded at the Nantucket Registry of Deeds in Plan File 2021-23.

Subject to the reservation to the grantor and a restriction that prohibits the lot 2B, conveyed herein, from being improved in any manner that results in an aggregate ground cover, as defined in Chapter 139-2 of the Nantucket Bylaw, exceeding 780.00 +/- square feet, and the Grantor reserves any additional ground cover that is available to lots 2A, and 2B conveyed herein, to be used exclusively by the Grantor to improve Lot 2A. The terms and provisions of this Easement shall be binding upon and inure to the benefit of GRANTOR, GRANTEE and their respective representatives, successors and assigns. The burdens hereof shall run with the land and be appurtenant thereto, with the effect that any person or entity which acquires an interest in the Grantor's property or Grantee's property shall be entitled to the benefits and be bound by the

burdens hereof upon transfer by Grantor or Grantee of their respective properties.

Grantor hereby gives, grants and conveys to Grantee for its perpetual use and for use a permanent, non-exclusive 22.00' wide foot wide utility and access easement for vehicular or foot access, ingress and egress in common with the Grantor, across or under that portion of the Grantor's property being Lot 1B set forth on the above-mentioned plan above for the passage of by vehicles and pedestrians in connection with the use and enjoyment of t both parties and to install water, sewer, gas and electric utilities under said easement area to access South Shore Road, so called, for purposes of ingress and egress and for such other use as ways may be used in the Town and County of Nantucket. Notwithstanding anything contained in this easement to the contrary, the Grantor or Grantee shall not park in or construct or maintain any improvement(s), fence(s), wall(s), curb(s) or other barrier(s) of any kind whatsoever which would prevent the passage of vehicular and/or pedestrian traffic over the easement area. Grantee and Grantor shall equally be responsible to maintain in good condition and repair, or cause to be maintained and kept in repair, at its sole cost and expense, the easement area. The maintenance and repair obligation hereunder shall include without limiting its generality, the following: (i) keeping the surfaces of the land and access thereto in clean, uncluttered, orderly and sanitary condition, including replacements as necessary; removing, when reasonably necessary, debris, papers, filth, and other refuse and thoroughly sweeping or mowing the area to the extent reasonably necessary to keep the areas in a neat, clean and orderly condition. The Grantee and Grantor, its successors and assigns, further agree that their responsibility to pay for the cost of maintenance and repair said driveway easement shall equal; and (ii) Grantee agrees to maintain general liability and property damage insurance naming Grantor as an additional insured, and Grantor's successors in title, with respect to Grantor's property. Grantee agrees to provide evidence of insurance coverage to the other party within fifteen (15) days of receipt of a written request. Said policy shall be written by reputable companies licensed to do business in Massachusetts and shall require that each insurer give Grantor, and Grantor's successors in title, at least twenty (20) days advance written notice of any cancellation thereof. The terms and provisions of this easement shall be binding upon and inure to the benefit of Grantor, Grantee and their respective representatives, successors and assigns. The benefits and burdens hereof shall run with the land and be appurtenant thereto, with the effect that any person

or entity which acquires an interest in the Grantor's property or Grantee's property shall be entitled to the benefits and be bound by the burdens hereof upon transfer by Grantor or Grantee of their respective properties, the transferor shall be relieved of any further liability for performance of its obligations hereunder. Each party does hereby release, indemnify and promise to defend and save harmless the other party from and against any and all liability, loss, damage, expense, actions, and claims, including reasonable attorney fees and costs incurred by the other party in defense thereof, asserted or arising directly or indirectly on account of the wrongful or negligent acts or omissions of the indemnifying party, their servants, agents, licensees, invitees, employees and contractors; provided, however, this paragraph does not purport to indemnify any party against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the party itself, its agents or employees.

In the event a party disturbs or damages in any way as a result of installation of its utilities or permitted activities hereunder, that party shall, at its cost, immediately restore the condition of the easement area as near as reasonably possible to that existing prior to entry by the party.

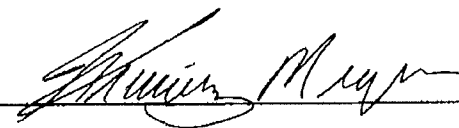
Being a portion of land conveyed to this grantor by deed of Nantucket Homes for People, Inc., by deed dated January 14, 2021 and recorded with the Nantucket Registry of Deeds in Book 1796 Page 90; and a portion of land conveyed to this grantor by deed of the Town of Nantucket by deed dated January 28, 2021 and recorded with the Nantucket Registry of Deeds in Book 1801 Page 9.

We, KRISTOPHER MEGNA AND DOUGLAS CARLSON, hereby certifies that no one has occupied the land as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise.

Witness our hands and seals this 27th day of May 2021.

MASSACHUSETTS EXCISE TAX
Nantucket County ROD # 001
Date: 05/28/2021 02:51 PM
Ctrl# 465917 05543 Doc# 00002231
Fee: \$1,556.00 Cons: \$350,000.00

NANTUCKET LAND BANK CERTIFICATE	
☐ Paid \$	
☒ Exempt	m
☐ Non-applicable	
43302	5/28/21
No.	Date
Authorization	SA


KRISTOPHER MEGNA

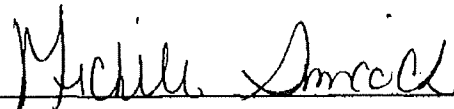


 DOUGLAS CARLSON

COMMONWEALTH OF MASSACHUSETTS

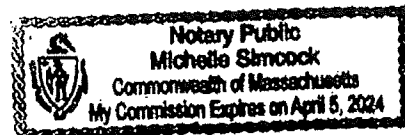
Middlesex, ss.

On this 27th day of May, 2021, before me, the undersigned notary public, personally appeared KRISTOPHER MEGNA AND DOUGLAS CARLSON, proved to me through satisfactory evidence of identification, which were drivers licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

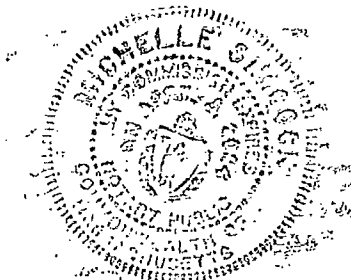


 Notary Public

My Commission Expires:



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





2021 00000191

Bk: 1796 Pg: 90 Page: 1 of 3
Doc: DD 01/15/2021 02:29 PM

STATUTORY QUITCLAIM DEED

NANTUCKET HOMES FOR PEOPLE, INC., a Massachusetts non-profit corporation, having an address of Turnpike Road, Southborough, Massachusetts 01772, for consideration paid in the amount of ONE MILLION SIX HUNDRED THOUSAND AND 00/100 (\$1,600,000.00) DOLLARS, grant to KRISTOPHER MEGNA AND DOUGLAS CARLSON, as Tenants in Common, having mailing address of 403 Waltham Street, Lexington, Massachusetts 02421, with QUITCLAIM COVENANTS,

That certain parcel of land together with all improvements situated thereon in the Town and County of Nantucket, Commonwealth of Massachusetts, known and numbered as 28 South Shore Road, bounded and described as follows:

NORTHWESTERLY	by Quaril Avenue, so called, two hundred forty feet (240.00), more or less;
EASTERLY	by Lot 20 as shown on plan hereinafter referred to, two hundred ninety-one and 21/100 feet (291.21), more or less;
SOUTHERLY	by Blueberry Lane, two hundred eighty-five and 55/100 feet (285.55), more or less;
WESTERLY	by South Shore Road, three hundred twenty and 46/100 feet (320.46), more or less;

Said premises is shown s Lot 19 and containing approximately 80,000.00 square feet, on a plan drawn by John J. Shugrue, Inc., and recorded at the Nantucket Registry of Deeds in Plan File 10-A.

Together with the rights to pass and repass over South Shore Road, so called, for purposes of ingress and egress and for such other use as ways may be used in the Town and County of Nantucket.

Together with the rights to pass and repass over Blueberry Lane, so called for purposes of ingress and egress and for such other use as ways may be used in the Town and County of Nantucket.

Nantucket Homes for People, Inc., certifies that no one occupies or intends to occupy the land as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise on behalf of Nantucket Homes for People, Inc.

The within conveyance (a) does not constitute the sale or transfer of all or substantially all of the Grantor's assets within the Commonwealth (b) is made in the ordinary course of the Company's business; (c) is not in contravention of any provision of the Company's certificate of organization, by-laws, rules, resolutions or votes; and (d) is not in contravention of any side agreements among the Company's officers.

SIGNATURE PAGE TO FOLLOW

WITNESS MY HAND AND SEAL THIS 14 day of JANUARY 2021.

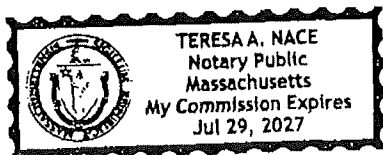
By: [Signature]
CLIFFORD J. SCHORER III, PRESIDENT

By: [Signature]
CLIFFORD J. SCHORER III, TREASURER

COMMONWEALTH OF MASSACHUSETTS

Middlebury, ss.

On this 14 day of January, 2021, before me, the undersigned notary public, personally appeared Clifford J. Schorer III, proved to me through satisfactory evidence of identification, which was Driver license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily on behalf of Nantucket Homes for People, Inc., in his capacity as President and Treasurer, for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



[Signature]
Notary Public
My Commission Expires: 07/29/2027

MASSACHUSETTS EXCISE TAX
Nantucket County ROD #18 001
Date: 01/15/2021 02:29 PM
Ctrl# 465036 04540 Doc# 00000191
Fee: \$7,296.00 Cons: \$1,600,000.00

RAB

NANTUCKET LAND BANK CERTIFICATE	
☒ Paid \$	<u>320000</u>
☐ Exempt	
☐ Non-applicable	
No.	<u>42756</u>
Date	<u>1/15/21</u>
Authorization	<u>[Signature]</u>

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



2021 00000519

Bk: 1801 Pg: 144 Page: 1 of 9
Doc: DD 02/08/2021 10:48 AMQUITCLAIM DEED

**Parcel 2, Quaril Avenue, Parcel 3, Quaril Avenue
and Parcel 5, Hancock Street
Nantucket, Massachusetts**

The **Town of Nantucket**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the "Grantor"), in consideration of Eight Thousand Eight Hundred and 00/100 Dollars (\$8,800.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 97 voted upon at the 2014 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Kristopher Megna and Douglas Carlson**, as tenants in common, having a mailing address of 403 Waltham Street, Lexington, Massachusetts 02421 (the "Grantee"), with QUITCLAIM COVENANTS, three certain parcels of land in Nantucket, Massachusetts shown as Parcel 2, Quaril Avenue containing 2,400± square feet, Parcel 3, Quaril Avenue containing 1,600± square feet and Parcel 5, Hancock Street containing 400± square feet on a plan of land entitled "Plan of Taking for the Town of Nantucket in Nantucket, Mass.," dated October 13, 2020, prepared by Earle & Sullivan, Inc. and recorded with Nantucket County Registry of Deeds as Plan No. 2020-57 (the "Parcels"). The Parcels hereby conveyed are portions of Quaril Avenue and Hancock Street and are vacant land.

The Grantor's conveyance of these Parcels is based in part on the Grantee's warranty and representation to the Grantor that such Parcels shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 28 South Shore Road shown on Town Assessor's Map 80 as Parcel 178 previously acquired by Grantee pursuant to Deed recorded with the Nantucket County Registry of Deeds in Book 1796, Page 90 (collectively with the Parcels, the "Combined Premises"), and that no part of such Parcels or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcels hereby granted to the Grantee are conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcels and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcels to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcels have not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

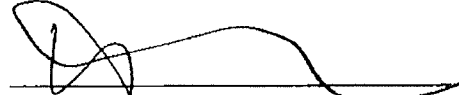
No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

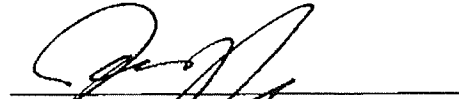
For Grantor's title, see Order of Taking dated December 16, 2020, recorded with said Deeds in Book 1789, Page 198.

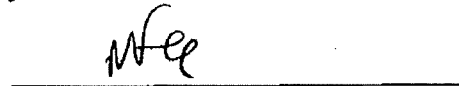
[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this 28 day of January, 2021.

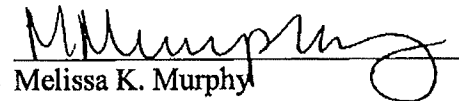
TOWN OF NANTUCKET
BY ITS SELECT BOARD


Dawn E. Hill Holdgate


Jason Bridges


Matthew G. Fee

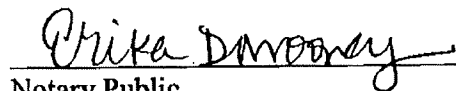

Kristie L. Ferrantella


Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

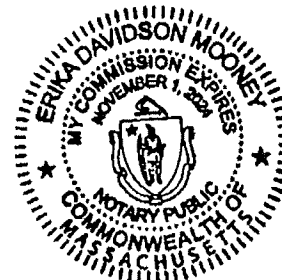
Nantucket, ss

On this 28 day of January, 2021, before me, the undersigned Notary Public, personally appeared Dawn E. Hill Holdgate, Jason Bridges, Matthew G. Fee, Kristie L. Ferrantella and Melissa K. Murphy as Members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Select Board of the Town of Nantucket.


Notary Public
My Commission Expires:

747450v2NANT19712/0001

NANTUCKET LAND BANK CERTIFICATE	
☒ Paid \$	176 ⁰⁰
☐ Exempt	
☐ Non-applicable	
No.	42859
Date	2/8/20
Authorization	





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

flanaganstover@yahoo.com

townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 7, 2014

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2014 ANNUAL TOWN MEETING adopted **Article 97: Real Estate Conveyance: "Paper" Streets in Brant Point, Cisco, Cliff, Dionis, Madaket, Squam, Surfside Tom Nevers and Town Areas** at the April 5, 2014 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

TECHNICAL CORRECTION VIA THE MODERATOR:

CHANGE the Finance Committee Motion as follows:

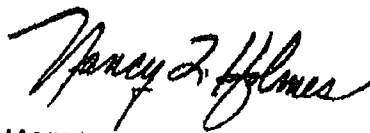
FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of land identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Dix and James Streets (stubs) between the southern sideline of Walsh Street and their termini (Brant Point);
- Cudweed Road between a line extending the northern property line of Assessor Map 82, Parcel 145 across said way to its southern terminus (Cisco)
- Heller Way and Reedy Pond Lane between the western sideline Cudweed Road and Walbang Avenue (Cisco);
- ~~Priscilla Lane between the eastern sideline of Priscilla Lane (constructed) and the western sideline of Pilgrim Road (Cliff);~~
- Dartmouth Lane between the eastern sideline of Derrymore Lane and the western sideline of Delaney Road (Cliff);
- Unnamed way between the western Sherburne Turnpike and its western terminus (see Assessor Map 30: parallel and south of Kimball Avenue) (Cliff);

- ~~Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);~~
- ~~Hamblin Road (portion of) between a line extending the southern sideline and northern property line of Assessor Map 30, Parcel 198 across said way and a line extending the southern property line of Assessor Map 30, Parcel 202/203 across said way (Cliff);~~
- Douglas Way between a line extending the eastern sideline of Bishop's Rise and western sideline of Swift Rock Road (Dionis);
- Huckleberry Lane between a line running across the way at the northern end of the travelled way to the southern property line of former East Tristram Avenue owned by the Town of Nantucket (Dionis);
- Arkansas Avenue between the southwestern sideline of Starbuck Road and its terminus (Madaket);

VOTE: The vote on the motion pursuant to Article 97 as recommended by the Finance Committee with a Technical Correction brought forward through the Moderator, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk


NANTUCKET TOWN CLERK

ARTICLE 97**(Real Estate Conveyance: "Paper" Streets in Brant Point, Cisco, Cliff, Dionis, Madaket, Squam, Surfside Tom Nevers and Town Areas)**

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of land identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Dix and James Streets (stubs) between the southern sideline of Walsh Street and their termini (Brant Point);
- Cudweed Road between a line extending the northern property line of Assessor Map 82, Parcel 145 across said way to its southern terminus (Cisco)
- Heller Way and Reedy Pond Lane between the western sideline Cudweed Road and Walbang Avenue (Cisco);
- Priscilla Lane between the eastern sideline of Priscilla Lane (constructed) and the western sideline of Pilgrim Road (Cliff);
- Dartmouth Lane between the eastern sideline of Derrymore Lane and the western sideline of Delaney Road (Cliff);
- Unnamed way between the western Sherburne Turnpike and its western terminus (see Assessor Map 30: parallel and south of Kimball Avenue) (Cliff);
- Folger Road between the eastern sideline of Sherburne Turnpike (f.k.a. Sherburne Avenue) and the western sideline Hamblin Road (Cliff);
- Hamblin Road (portion of) between a line extending the southern sideline and northern property line of Assessor Map 30, Parcel 198 across said way and a line extending the southern property line of Assessor Map 30, Parcel 202/203 across said way (Cliff);
- Douglas Way between a line extending the eastern sideline of Bishop's Rise and western sideline of Swift Rock Road (Dionis);
- Huckleberry Lane between a line running across the way at the northern end of the travelled way to the southern property line of former East Tristram Avenue owned by the Town of Nantucket (Dionis);
- Arkansas Avenue between the southwestern sideline of Starbuck Road and its terminus (Madaket);
- Columbus Street between the southern sideline of Arkansas and the northern sideline of Starbuck Road (Madaket);
- North Carolina Avenue between Starbuck Road and the eastern sideline of Columbus Street (Madaket);
- Chase Lane between a line extending the western property line of Assessor Map 21, Parcel 52 across said way and the Atlantic Ocean, not including any portion of Squam Road (Quidnet);
- Ocean Road between the northern sideline of Beach Road and its northern terminus (Quidnet);
- Sesachacha Road between the northern sideline of Beach Road and the southern sideline of Chase Lane (Quidnet);
- Atlantic Avenue between the eastern sideline of Masquetuck Street and the western sideline of Holly Street (Surfside);

- Beach Plum Avenue between the eastern sideline of South Shore Road and the southern sideline of Plover Lane (Surfside);
- Plover Lane from the eastern sideline of South Shore Road to the western property line of Assessor Map 80, Parcel 219 (owned by the Nantucket Islands Land Bank)(Surfside);
- Quail Avenue between the eastern sideline of South Shore Road to the western sideline of Hancock Street (Surfside);
- Hancock Street between the southern sideline of Plover Lane and the southern sideline of Quail Avenue (Surfside);
- Unnamed Way between the southwestern sideline of the former Miller Lane to its southern terminus (along eastern property line of Assessor Map 68, Parcel 129)(Surfside);
- Sandsbury and Lyford Roads between northern sideline of Tom Nevers Road to their northern termini (Tom Nevers);
- Lyford Road between a line extending the northerly property line of Assessor Map 92.4, Parcel 93 across said way and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Sandsbury Road bounded by "Tom Nevers Square" to the south, Tom Nevers Road to the west, and Old Tom Nevers Road to the northeast;
- "Tom Nevers Square", Assessor Map 75, Parcel 128;
- Hollister Road between a line extending the northwestern property line of Assessor Map 92.4, Parcel 263 across said way to northwest sideline of Wanoma Way (f.k.a. Atlantic Boulevard)(Tom Nevers);
- Surrey Avenue (f.k.a. Central Road) between the northeast sideline of Nichols Road and southwest sideline of Old Tom Nevers Road and between the southern sideline of Tom Nevers Road and the western sideline of Bosworth Road not including any portion of Lyford Road (Tom Nevers);
- Hampshire Road (f.k.a. Macy Road) between the southwestern sideline of Old Tom Nevers Road and the northwestern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Mayhew Road between the southwestern sideline of Old Tom Nevers Road and the northern sideline of Wanoma Way (f.k.a Atlantic Boulevard)(Tom Nevers);
- Bosworth Road between a line extending the northern property line of Assessor Map 92.4, Parcel 114 to the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) (Tom Nevers);
- Dorset Road between the northern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) and the Atlantic Ocean (Tom Nevers);
- Wanoma Way (f.k.a Atlantic Boulevard) between the western sideline of Dorset Road (f.k.a. Easton Road) to the eastern sideline of Joy Road (Tom Nevers);
- Joy Road between the southern sideline of Wanoma Way (f.k.a. Atlantic Boulevard) to the Atlantic Ocean (Tom Nevers);
- Unnamed way (a.k.a. Roberts Lane) between a line extending across said way at the southern sideline of a jog in said way to the northern sideline of Hiawasse Lane (Town);

all as shown on a map entitled "2014 Annual Town Meeting Warrant Article 97" dated January 2014 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of land identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

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all as shown on a map entitled "2014 Annual Town Meeting Warrant Article 97" dated January 2014 and filed herewith at the Office of the Town Clerk.

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

Material for REAC re Cherry Street Eminent Domain taking

- (1) ATM Acquisition or disposition Articles
 - a. Town Clerk copies of Articles 109 and 110 of 2020 ATM attached
- (2) Disposition Article Map
 - a. Attached
- (3) GIS map
 - a. Needed
- (4) Survey of proposed Taking and Disposition
 - a. ANR approved Plan attached
- (5) Taking by Eminent Domain of a portion of a proprietor's Road named Cherry Street
 - a. To be drafted by Vicki
- (6) Disposition Plans
 - a. The two parties shown on the survey would each acquire their share of the Easement as defined on the Survey plan
 - b. Alli to confirm this with Andrew Vorce
- (7) Conveyance of a portion of a proprietor's road named Cherry Street
 - a. Vicki to draft
- (8) Deeds or Certificates of Title to land under the Easements
 - a. Alli to get on line or from Registry
- (9) Does this qualify for a One Big Beach or other easement to benefit the town or is this strictly a monetary transaction?
 - a. Strictly monetary
- (10) Is there any impact/concern because of potential Coastal Erosion or Sea level rise?
 - a. Alli to check with Mary Longacre
- (11) AIS for Select Board
 - a. To be drafted by Ken after REAC approval.

KLB December 29, 2021



COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
SELECT BOARD

ORDER OF TAKING BY EMINENT DOMAIN
OF EASEMENTS OVER PORTIONS OF HANCOCK STREET

The undersigned being the majority of the duly elected and serving members of the Select Board of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 104 adopted by the Town at its 2021 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the easement rights of others in and over those certain parcels of land comprising portions of Hancock Street shown as Easement E-1 and Easement E-2 (the "Easement Parcels") on a plan of land entitled "Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts," dated October 26, 2021 prepared by Earle & Sullivan, Inc., a copy of which is attached hereto as Exhibit A (the "Plan") is required for general municipal, public way, and drainage purposes and for purposes of conveyance, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from those who hold easements and other rights to the Easement Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the easement rights in and over the Easement Parcels, if any.

Said Easement Parcels and easements are owned or supposed to be owned and/or formerly owned by the following Owners:

Owner: Kristopher Megna and Douglas Carlson
Address: Lot 2A, 28 South Shore Road, Nantucket, MA
Interest Taken: Easement rights of others in Easement E-1 containing 7,122± square feet
Title Reference: Deed recorded with said Deeds in Book 1796, Page 90

Owner: Randi A. Alberry
Address: Lot 2B, 28 South Shore Road, Nantucket, MA
Interest Taken: Easement rights of others in Easement E-2 containing 4,687± square feet
Title Reference: Deed recorded with said Deeds in Book 1828, Page 89

Owner: Surfside Land Company, Henry Coffin, Charles Coffin, Henry C. Everett and theirs heirs, successors and assigns
Interest Taken: Easement rights, if any, in Easement E-1 and Easement E-2.

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

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Easement Parcels and easements are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Easement Parcels and easement rights taken hereby is not a true owner of said Easement Parcels or easement rights, then the award is made only to the true owner(s) of said Easement Parcels or easement rights.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Adopted under seal this day , 2022

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Dawn E. Hill Holdgate

Matthew G. Fee

Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this day of , 2022, before me, the undersigned notary public, personally appeared Jason Bridges, Dawn E. Hill Holdgate, Matthew G. Fee and Melissa K. Murphy, as members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.

Notary Public
My commission expires:

Ken Beaugrand

From: Vicki Marsh <VMarsh@k-plaw.com>
Sent: Wednesday, February 2, 2022 7:02 PM
To: Ken Beaugrand
Cc: Allyson Mitchell; Libby Gibson; Erika Mooney; John Giorgio
Subject: Order of Taking of Easements in Portions of Hancock Street
Attachments: KP-#798533-v1-NANT-_Order_of_Taking_of_Easements_on_Hancock_Street_.DOC

Ken-

Enclosed please find the copy of the Order of Taking by Eminent Domain of Easements over Portions of Hancock Street which may be placed on the agenda for the REAC Meeting. This matter will also be placed on the agenda for the Select Board meeting scheduled for February 23.

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

O: (617) 556 0007

F: (617) 654 1735

vmarsh@k-plaw.com

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Potential REAC Meeting Dates 2022

Monday, January 10 - SB 1/26

Monday, February 7 - SB 2/23

Monday, March 7 - SB 3/23

Monday, April 11 - SB 4/27

Monday, May 9 - SB 5/25

Monday, June 6 - SB 6/22

Tuesday or Weds, July 5 or 6 - SB 7/20

Monday, August 1 - SB 8/17

Monday, September 12 - SB 9/28

Tuesday, October 11 - SB 10/26

**might conflict with AHT meeting?*

Monday, November 14 - SB 11/30

Monday, December 5 - SB 12/21