

Town and County of Nantucket Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
FEBRUARY 17, 2021 - 5:00 PM
REMOTE PARTICIPATION VIA ZOOM WEBINAR
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020
ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS
AMENDED FEBRUARY 12, 2021***

YOU TUBE LINK:

<https://youtu.be/30pMiTT7 ug>

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. DPW: Textile Reuse & Recycling Collection (Drop-off Only) at Take-It-or-Leave-It Area at Landfill to be Held Sunday, February 21, 2021 from 8:00 AM to Noon.
3. No Select Board Meeting on Wednesday, February 24, 2021; Next Meeting Wednesday, March 3, 2021.

IV. COVID-19 WEEKLY UPDATE

1. Public Comment.
2. Report(s) from Public Health Director:
 - COVID-19 Case Metrics, Including Massachusetts COVID-19 Community-Level Data Map
 - COVID-19 Testing
 - Stop the Spread Testing Program
 - Vaccine Distribution Plan Update
 - COVID19 Task Force: Weekly Report
 - Economic Task Force Update

- Board of Health Orders
- Other
- Select Board Comments/Questions

V. PUBLIC COMMENT* FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of February 10, 2021 at 5:00 PM.
2. Approval of Treasury Warrants for February 17, 2021.
3. Approval of Pending Contracts for February 17, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Coastal Resilience Advisory Committee: Request for Approval and Execution of ACKlimate Nantucket Partner Affiliation.

IX. REAL ESTATE ITEMS

1. Request for Approval and Execution of Release of Easement for Portions of Property at 3 Gladlands Avenue Shown as Easement Area E-1, School Street and Easement Area E-2, Laurel Street and Shawaukema Avenue on Plan of Land Entitled "Roadway Acquisition Plan @ #3 Gladlands Ave, Nantucket, MA., Reference: 2012 ATM - Article 83 & 84" Dated September 10, 2020, Prepared by Earle & Sullivan, Inc., Pursuant to Vote on Article 84 of 2012 Annual Town Meeting.
2. Request for Approval and Execution of Release of Easement for Portion of Property at 1 White Street Shown as Easement Area, Maclean Street and Wannacomet Street on Plan of Land Entitled "Roadway Easement Acquisition Plan #1 White Street in Nantucket, Massachusetts," Dated December 9, 2020, Prepared by Earle & Sullivan, Inc., Pursuant to Votes on Article 101 at 2011 Annual Town Meeting and Article 84 of 2012 Annual Town Meeting.
3. Request for Acceptance of Affordable Housing Restriction on 31 Fairgrounds Road.
4. Request for Acceptance of Gift of Improvements to Town-owned Land at 29 Vesper Lane from GG Development LLC Pursuant to December 17, 2014 License and Planning Board Subdivision Approval.

X. PUBLIC HEARINGS

1. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #29889597 to Install a Handhole at Base of Pole 2-84 on Fairgrounds Road for Service to 20 Newtown Road.

2. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30103732 to Install 3" Riser, Two Handholes and 55' of 2-3" Conduit Encased in Concrete from Pole 40 on Old South Road to Provide Service to 11 Miller Lane.
3. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30174788 to Install a Handhole and Approximately 35' of 2-3" Conduit Encased in Concrete from Pole 5 on West Dover Street to Supply Service to 79R Orange Street.
4. Public Hearing to Consider Joint Utility Petition from Verizon New England, Inc. and National Grid/Nantucket Electric Company for Plan # MA2020-47 to Relocate Pole 159/9 on Pine Street Approximately 9'6" Southerly from its Current Location.
5. Public Hearing to Consider Multiple Amendment Application:
 - Change Corporate Name from Sushi 21, LLC dba Bar Yoshi to Oswack Associates, LLC dba Bar Yoshi
 - Change of Category from Seasonal Wine and Malt Beverages to Seasonal All-Alcoholic Beverages
 - Alteration of Premises for Oswack Associates, LLC dba Bar Yoshi, for Premises Located at 21 Old South Wharf.
6. Public Hearing to Consider Application for Change of License Classification from Annual Wine and Malt Beverages License to Annual Wine and Malt Beverages with Cordials License for Keeping the Beet LLC dba The Beet, for Premises Located at 9 South Water Street; **Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.**

XI. TOWN MANAGER'S REPORT

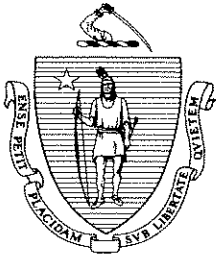
1. Licensing Administrator: Update on 2021 Season Regarding Outdoor Dining and Proposed Street Closings.
2. Monthly Town Management Report.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Adoption of 2021 Annual Town Meeting and Election Warrant.
2. Review/Amend Select Board Public Comment Protocol.
3. Committee Reports.

XIII. ADJOURNMENT

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



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

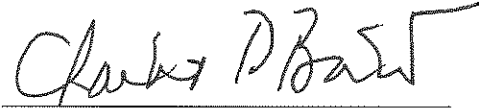
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 8:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a large, sweeping "C" and a distinct "B".

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

TEXTILE REUSE & RECYCLING COLLECTION



Third Sunday of the Month
at the
Take-It-or-Leave-It (TIOLI)
8 AM – NOON

THESE ARE DROP-OFF ONLY EVENTS, EXPECTED TO BE IN PLACE UNTIL
THE TIOLI REOPENS AFTER THE PANDEMIC, TO DIVERT THESE
UNIVERSALLY NEEDED ITEMS FROM A LANDFILL.

Clean and bagged textiles ONLY
Shoes, belts, handbags, and ripped, stained, and well-loved textiles welcome

Upcoming dates:
Feb. 21, Mar. 21, Apr. 18, May 16, June 20

Contact the Department of Public Works with questions:
dpw@nantucket-ma.gov; 508-228-7244



EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
February 17, 2021

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Lease Agreement	Town Admin	Commonwealth of Massachusetts - Dept of Capital Asset Management	(\$5,940/year)	Lease agreement for Sheriff's Dept space at 20 S. Water St.	n/a	February 17, 2021 - April 14, 2022
Amendment to Professional Service Agreement	DPW	Architectural Consulting Group, Inc.	n/a	Amend existing contract for Owner's Project Manager services for Nobadeer Field House project to extend project completion date from June 30, 2020 to June 30, 2022	n/a	February 17, 2021 - June 30, 2022
Amendment to Professional Service Agreement	DPW	Structor Engineering	Add \$3,702 to original contract amount of \$103,820 for a new contract total of \$107,522	Amend existing contract for engineering services associated with the preparation of a Corrective Action Design for the landfill to include additional liability insurance coverage	Solid Waste Budget	February 17, 2021 - June 30, 2022
Grant Agreement*	Select Board	Chamber of Commerce	\$153,500	Grant for small business assistance due to COVID-19 Global Pandemic impacts	\$53,500 - from FY 21 Culture & Tourism budget; \$100,000 from Cape & Islands License Plate Fund	February 17, 2021 - June 30, 2022

*Pending legal review as of 02/11/21



TOWN OF NANTUCKET

GRANT AGREEMENT BETWEEN THE TOWN OF NANTUCKET

AND

NANTUCKET ISLAND CHAMBER OF COMMERCE

Contract No. _____

PO No. _____

Vendor No. _____

This AGREEMENT, effective _____, 2021, made by and between the TOWN OF NANTUCKET, acting by and through its Town Administration, (hereinafter, the "TOWN") and Nantucket Island Chamber of Commerce, a Massachusetts Non-Profit Corporation, with an address of 0 Main Street, Second Floor, Nantucket, MA 02554 (hereinafter, the "GRANTEE").

- A. Whereas, the TOWN has allocated \$153,500 to provide a grant to the GRANTEE to assist local businesses in the Nantucket Community to address business operational challenges during the COVID-19 Global Pandemic (hereinafter called the "Services");
- B. Whereas, the purpose of this grant is to ensure that local businesses in the Town of Nantucket have access to funds to enhance operational efficiency and to address changes to the business to address pandemic impacts, thereby maintaining operations for the benefit of the Town of Nantucket and its residents;
- C. Whereas, the TOWN has determined that such assistance is an essential public purpose of support for businesses of the Town of Nantucket, and for the overall health of the business community;
- D. Whereas, the GRANTEE agrees to accept the grant by the TOWN in accordance with the terms set forth herein;

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, agree as follows:

- 1. The term of this Grant Agreement will commence on _____, 2021 and terminate when the monetary amount of the grant has been fully expended.
- 2. The GRANTEE will establish an application process and establish eligibility criteria in a first class, professional manner and in compliance with all applicable federal, state and local laws and regulations. The eligibility criteria shall be subject to the prior approval of the Town Manager or her designee. The GRANTEE shall not establish eligibility criteria that requires businesses be an active member of the Nantucket Island Chamber of Commerce in order to receive

grant funds from the TOWN.

3. Upon execution of this Grant Agreement, the TOWN shall grant to the GRANTEE the amount of \$153,500 for the purposes enumerated herein.
4. The GRANTEE agrees to provide the TOWN with a monthly written report by the 10th day of each month that outlines how the grant funds were utilized for the previous month including a breakdown of each business award, what the funds supported, and confirmation of expenditures in accordance with each award. A full written report upon full utilization of the grant shall be provided to the TOWN by the 10th of the following month in which the grant was fully expended. At the end of the Fiscal Year 2021, if full utilization of the grant has not been completed, a written report shall be submitted to the TOWN by the GRANTEE no later than July 12, 2021 on utilization through June 30, 2021 and expected utilization of the grant remaining.
5. Liability of the TOWN. The TOWN'S liability hereunder shall be to make the payment specified in Section 3 of this Grant Agreement, provided that the conditions set forth herein are followed, and the TOWN shall be under no further obligation or liability. Nothing in this Grant Agreement shall be construed to render the TOWN or any of its Officers liable for any obligation under this Grant Agreement.
6. Indemnification. GRANTEE shall indemnify, defend, and hold the TOWN, and its officials and agents harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses, including attorneys' fees, arising out of or relating to GRANTEE'S performance of the Services, or the negligence or misconduct of GRANTEE or GRANTEE'S agents or employees.
7. Record Keeping. GRANTEE agrees to keep, for a period of six (6) years after the Services are completed, such records with respect to the utilization and the proceeds of this Grant Agreement as are kept in the normal course of business and such additional records as may be required by the TOWN. GRANTEE further agrees to make these records available to the TOWN upon request.
8. No Assignment. Neither this Grant Agreement nor the Funds may be assigned by GRANTEE without prior written agreement by the TOWN.
9. Default, Termination. In the event GRANTEE fails to fulfill all obligations under the terms of this Grant Agreement, as determined by the TOWN, and such failure is not cured within thirty (30) days after the TOWN have given written notice to GRANTEE specifying such failure, the TOWN shall have the right, in its sole discretion, to terminate this Grant Agreement upon written notice to GRANTEE. In the event the TOWN takes legal action to enforce the terms of this Grant Agreement, GRANTEE shall reimburse the TOWN for all costs expended for the

enforcement of this Grant Agreement, including, but not limited to, reasonable attorneys' fees and court costs.

10. Return of Funds. In the event GRANTEE fails to fulfill all of its obligations under the terms of this Grant Agreement because of GRANTEE'S fault (meaning the failure was caused by reasons within GRANTEE reasonable control), any Funds granted to GRANTEE under this Grant Agreement shall be returned forthwith to the TOWN or, if all Funds have been paid to GRANTEE, GRANTEE shall repay such Funds to the TOWN.
11. Compliance with Laws. GRANTEE shall comply with all applicable federal, state and local laws, rules, regulations and orders applicable to acquiring the Property and undertaking the Project, such provisions being incorporated herein by reference.
12. Notice. Any and all notices, or other communications required or permitted under this Grant Agreement, shall be in writing and delivered by hand, certified or registered mail, return receipt requested, or sent by reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party.
13. GRANTEE shall also identify that the Services were funded in whole or in part by the TOWN in its written materials, including press releases, brochures, and similar materials.
14. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Grant Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
15. Governing Law. This Grant Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and GRANTEE submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Grant Agreement.
16. Entire Agreement. This Grant Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Grant Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first

written above.

NANTUCKET ISLAND
CHAMBER OF COMMERCE:

TOWN OF NANTUCKET,
MASSACHUSETTS:

Name:

Title:

C. Elizabeth Gibson

Town Manager

Funding Org/Obj:

FEIN:

Approved as to Funds Available:

Purchase Order # _____

Brian E. Turbitt – Director of Municipal
Finance, or Bob Dickinson – Assistant
Town Accountant

From: [Erika Mooney](#)
To: [Erika Mooney](#)
Subject: FW: Question for attached document
Date: Saturday, February 13, 2021 11:16:50 AM

Erika

Erika D. Mooney
Operations Administrator
Town of Nantucket
16 Broad Street
Nantucket MA 02554
508-228-7266
508-228-7272 Fax

From: Libby Gibson
Sent: Monday, February 8, 2021 10:28 AM
To: Erika Mooney <EMooney@nantucket-ma.gov>
Subject: FW: Question for attached document

Okay so pls put this on the 2/17 agenda

C. Elizabeth Gibson
Town Manager
Town of Nantucket
(508) 228-7255

From: John Giorgio <JGiorgio@k-plaw.com>
Sent: Monday, February 08, 2021 10:19 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: RE: Question for attached document

Libby

This is a policy document. As such, it should be signed by the Select Board.

John

John W. Giorgio, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 556 0007
D: (617) 654 1705
F: (617) 654 1735
C: (617) 785 0725
jgiorgio@k-plaw.com
www.k-plaw.com

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received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

From: Vincent Murphy
Sent: Monday, February 1, 2021 11:51 AM
To: Erika Mooney <EMooney@nantucket-ma.gov>
Cc: Mary Longacre <ml@marylongacre.com>
Subject: Question for attached document

Hi Erika,

At last Tuesday's CRAC meeting, the committee agreed to this Affirmation. Best way I have of explaining it is that CRAC is not "joining" this group, rather agreeing to these principles. CRAC has a representative that attends ACKclimate meetings. My guess is that the Affirmation will apply to that representative when in ACKclimate meetings.

The question arose as to who should sign this Affirmation. I have been asked to enquire who should sign. Should it be Libby, Dawn or Mary as CRAC Chair? Or all members on CRAC?

Vince.

Vincent Murphy
Coastal Resilience Coordinator
Natural Resources Department
Town of Nantucket
2 Bathing Beach Road
Nantucket, MA 02554
508-228-7230 Ext 7608
520-955-2179

This email was scanned by Bitdefender

ACKclimate Nantucket

Partner Affirmation

We, the Partners of ACKclimate Nantucket, hereby confirm our commitment to not only the conservation and preservation of the Island, but also to the sustainability, culture, and people which inhabit Nantucket by:

- Believing that climate change does pose a threat to not only ourselves and our interests, but to everyone that inhabits Nantucket Island, the State of Massachusetts, the United States of America, and worldwide;
- Seeking to expand collaboration and cooperation in areas included in the climate change umbrella;
- Believing that education, advocacy, and holistic approaches are an effective way to face this challenge and are prepared to work with groups on the Island and abroad;
- Supporting all communities of Nantucket and their needs through promoting the values of accessibility, equity, justice, and diversity;
- Promoting scientific findings on the island and supporting productive conversations of research;
- Providing welcoming spaces for those who wish to learn to do so, and to not close the door on an opportunity to educate;
- And, understanding that while we may not have all the answers, nor can we do everything, we must do what can be done to the best of our abilities.

I am pleased to confirm that the Coastal Resilience Advisory Committee supports the vision outlined in the ACKclimate Partner Affirmation. With this communication, we hereby sign the Partner Affirmation and join ACKclimate Nantucket as a Partner in order to work collaboratively with our peers and community on the dreams and visions of resilience and sustainability.

ACKclimate is authorized to list the Coastal Resilience Advisory Committee among the Partners of ACKclimate and our organization will endeavor to communicate and highlight progress.

Signature _____ Place _____

Date _____

Please send the signed Partner Affirmation to ACKclimate Nantucket's Coordinator at:

kimberlyrose@ufl.edu





Agenda Item Summary

Agenda Item #	IX. 1.
Date	2/17/2021

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Release of Easement Area E-1, School Street and Easement Area E-2, Laurel Street and Shawaukema Avenue, in portions of property located at 3 Gladlands Avenue, Surfside.

Executive Summary

Article 84 of the 2012 ATM authorized the conveyance of portions of Laurel and School streets and Shawaukema Avenue for public ways and/or general municipal purposes. The easement area is shown on plan entitled "Roadway Acquisition Plan @ #3 Gladlands Ave, Nantucket, MA., Reference 2012 ATM - Article 83 & 84," dated September 10, 2020, prepared by Earle & Sullivan, Inc. said easements having a combined area of 23,162 square feet. The release of the easement areas is within the bounds of the existing property and will not contribute to the lot area or add available ground cover. Hence no consideration is provided for.

Staff Recommendation

Proceed with the release of the easement areas. Town Counsel has reviewed, and drafted documentation based upon title research conducted by Staff.

Background/Discussion

This acquisition and subsequent disposition of a so called "paper or ghost streets" in Surfside is part of the Yard Sale Program.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the taking of previously authorized acquisitions and to clarify title issues.

Board/Commission Recommendation

REAC reviewed and recommended approval on February 3, 2021.

Public Outreach

Approved at Annual Town Meeting. Notice of taking published in paper and sent to abutters by certified mail.

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

Conforms with the intent of the Yard Sale Program.

Attachments

Release of Easement; plan



RELEASE OF EASEMENT

The **Town of Nantucket**, a Massachusetts municipal corporation, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts, acting by and through its Select Board (the “Town”), for consideration paid of One Dollar (\$1.00), receipt of which is hereby acknowledged, pursuant to the authority of the vote of Article 84 adopted at its 2012 Annual Town Meeting, a certified copy of which is attached hereto, hereby releases to **Timothy P. Vieth and Jill S. Vieth**, as joint tenants with rights of survivorship, owners of property at 3 Gladlands Avenue, Nantucket, Massachusetts, described in a deed recorded with Nantucket County Registry of Deeds in Book 1763, Page 171 (the “Property”), all of the Town’s right, title and interest in the easement rights in the portions of the Property shown as Easement Area E-1, School Street containing 2,262± s. f. and Easement Area E-2, Laurel Street and Shawaukema Avenue containing 20,900± s. f. on a plan of land entitled “Roadway Acquisition Plan @ # 3 Gladlands Ave., Nantucket, MA, Reference: 2012 ATM - Article 83 & 84,” dated September 10, 2020, prepared by Earle & Sullivan, Inc., a copy of which is attached as Exhibit A to the Order of Taking. Said plan is recorded with said Deeds at Book 1799, Page 8.

For title to Town’s easement rights see Order of Taking dated January 28, 2021, recorded with said Deeds in Book 1799, Page 1.

Signature Page to Follow

EXECUTED under seal this _____ day of _____, 2021.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Jason Bridges

Matthew G. Fee

Kristie L. Ferrantella

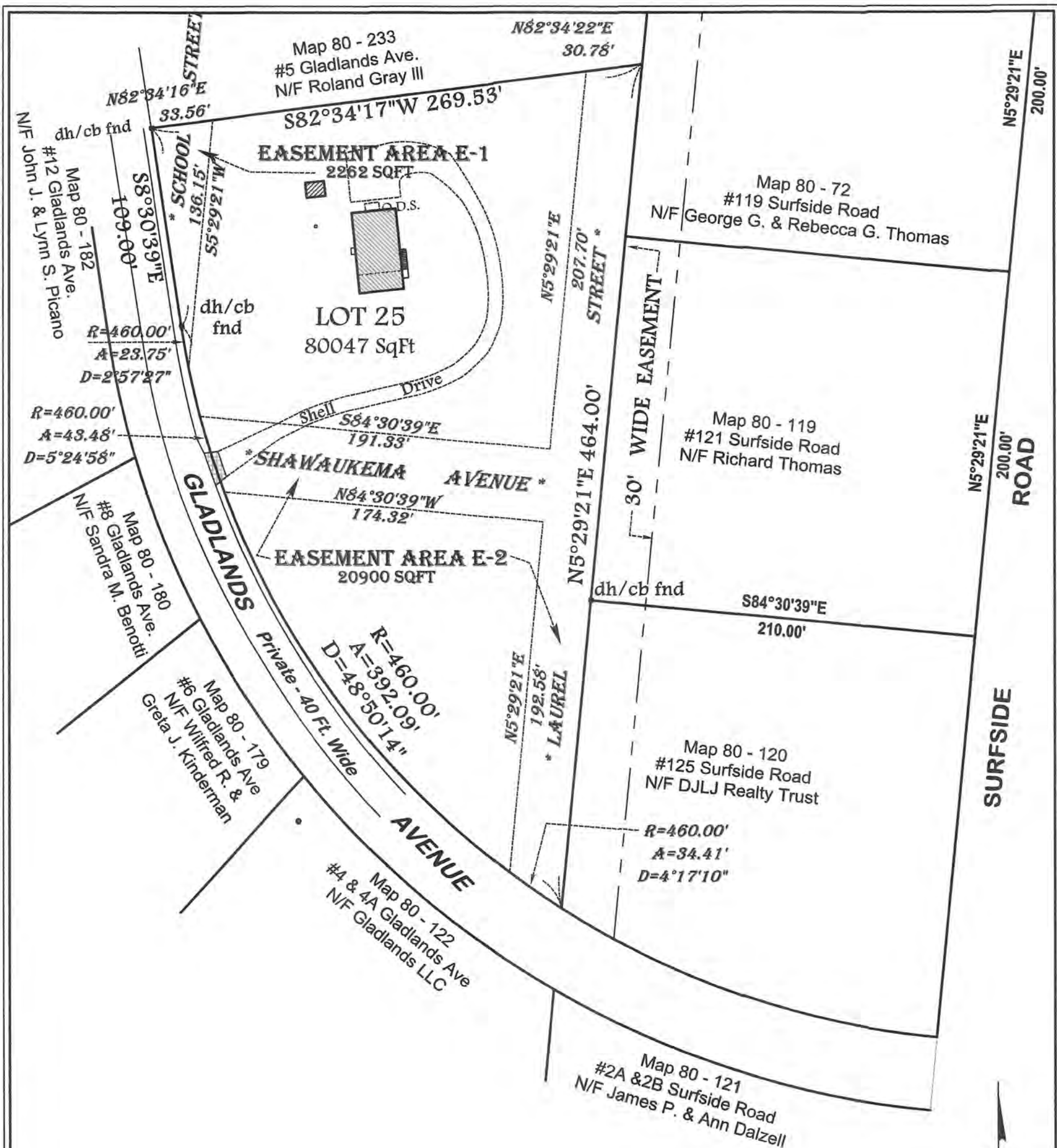
Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 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:



Zone District : LUG-2
Lot Area: 80,000 Sq.Ft.
Frontage: 150 Ft.
Front Setback: 35 Ft.
Side/Rear Setback: 15 Ft.
GCR: 4%

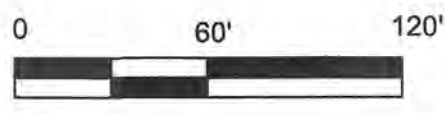
ROADWAY ACQUISITION PLAN
@
#3 GLADLANDS AVE, NANTUCKET, MA.
REFERENCE: 2012 ATM - ARTICLE 83 & 84

NOTE REGARDING UNCONSTRUCTED STREETS
***INDICATES WAYS WHICH DO NOT EXIST ON THE GROUND AND ARE NOT SHOWN ON PLAN FILE 11A BUT ARE SHOWN ON PLAN BOOK 2 PG.60.**
EASEMENT AREAS # E-1 & E-2 DEFINE THE AREAS OF THE ABOVE REFERENCED UNCONSTRUCTED STREETS LYING WITHIN LOT 25.

Scale: 1in.=60 ft. Sept. 10, 2020

Prepared for: Jill S. & Timothy P. Vieth
Assessors Map 80 - 234
Plan : Lot 25 on Plan File 11A
Deed : Bk.1763 Pg.161

Earle & Sullivan, Inc.
Professional Land Surveyors
6 Youngs Way Nantucket, Ma.02554
508-332-4808



ES-634



Agenda Item Summary

Agenda Item #	IX. 2.
Date	2/17/2021

Staff

Ken Beaugrand, Real Estate Specialist
Eleanor Weller Antonietti, Land Use Specialist/Zoning Administrator

Subject

Release of Easement Area, Maclean and Wannacomet Streets (known as 'ghost streets'), in portions of property located at 1 White Street, Surfside.

Executive Summary

Articles 100 & 101 of the 2011 ATM and Articles 83 & 84 of the 2012 ATM authorized the acquisition and disposition or release of the fee or lesser interests of portions of Maclean and Wannacomet Street. The Easement Area, shown on "Exhibit Plan" entitled "Roadway Easement Acquisition Plan #1 White Street in Nantucket, Massachusetts", dated December 9, 2020, has a lot area of 18,669 SF. The entire easement area is within the bounds of the existing property and will not contribute to the lot area or add available ground cover, hence will be released for no consideration. The owner of 1 White Street has been assessed for the land therein which is included in Lot 13 shown upon Plan File 11-A prepared by John Shugrue in 1981.

Staff Recommendation

Proceed with the release of the easement area. Town Counsel has reviewed, and drafted documentation based upon title research conducted by Staff.

Background/Discussion

This acquisition and subsequent disposition and release of a so called "paper or ghost streets" in Surfside is part of the Yard Sale Program.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the release of previously authorized acquisitions and to clarify title issues.

Board/Commission Recommendation

REAC reviewed and recommended approval on February 3, 2021.

Public Outreach

Approved at Annual Town Meeting. Notice of taking published in paper and sent to abutters by certified mail.

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

Conforms with the intent of the Yard Sale program and cures longstanding title issues resulting from ghost streets being shown as incorporated within bounds of properties on 1980s subdivision plans.

Attachments

Release of Easement; plan



RELEASE OF EASEMENT

The **Town of Nantucket**, a Massachusetts municipal corporation, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts, acting by and through its Select Board (the "Town"), for consideration paid of One Dollar (\$1.00), receipt of which is hereby acknowledged, pursuant to the authority of the vote of Article 101 adopted by the Town at its 2011 Annual Town Meeting and Article 84 at its 2012 Annual Town Meeting, certified copies of which are attached hereto, hereby releases to **Denise M. Goldsmith and J. Spencer Goldsmith, Trustees of Denise M. Goldsmith Revocable Trust u/d/t dated January 28, 2003 as evidenced by a Trustee's Certificate Pursuant to M.G.L. c. 184, § 35 is recorded with said Deeds in Book 1238, Page 226, an undivided fifty (50%) percent and J. Spencer Goldsmith and Denise M. Goldsmith, Trustees of J. Spencer Goldsmith Revocable Trust u/d/t dated January 28, 2003, as evidenced by a Trustee's Certificate Pursuant to M.G.L. c. 184, § 35 is recorded with said Deeds in Book 1238, Page 229, an undivided fifty (50%) percent said parties to hold their respective interests as tenants in common**, owners of property at 1 White Street, Nantucket, Massachusetts, described in a deed recorded with Nantucket County Registry of Deeds in Book 1238, Page 224 (the "Property"), all of the Town's right, title and interest in the easement rights in the portion of the Property shown as Easement Area, Maclean Street and Wannacommet Street containing 18,669± s. f. on a plan of land entitled "Roadway Easement Acquisition Plan #1 White Street in Nantucket, Massachusetts," dated December 9, 2020, prepared by Earle & Sullivan, Inc., a copy of which is attached as Exhibit A to the Order of Taking. Said plan is recorded with said Deeds at Book 1799, Page 20.

For title to Town's easement rights see Order of Taking dated January 28, 2021, recorded with said Deeds in Book 1799, Page 9.

Signature Page to Follow

EXECUTED under seal this _____ day of _____, 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 _____ day of _____, 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:

NOTE:
* MACLEAN AND WANNACOMET STS. ARE PRIVATE WAYS
NOT CONSTRUCTED, SHOWN IN THE RECORD
LOCATION AS PER SUBDIVISION PLAN AT
PLAN BOOK 2, PAGE 60.

80-216
N/F
RIVER ROCK HOUSE LLC

CAMP RICHARDS ASSOCIATION INC.
79-30
N/F

DHCB
FND.

S 53°35'42" E
92.24'

DHCB
FND.

N 53°35'42" W
58.77'

LOVERS LANE
Gravel Traveled Way
41.60'

LOT 13
PLAN FILE 11-A



OKORWAW AVE

"EXHIBIT A"

ROADWAY EASEMENT ACQUISITION PLAN
#1 WHITE STREET
IN
NANTUCKET, MASSACHUSETTS

SCALE: 1"=80' DATE: DEC. 9, 2020

DEED REFERENCE: DD.BK.1238, PG.224
PLAN REFERENCE: PLAN FILE 11-A
ASSESSOR'S REFERENCE:
MAP: 79 PARCEL: 29

PREPARED FOR:
J. SPENCER GOLDSMITH and
DENISE M. GOLDSMITH, Trs.

EARLE & SULLIVAN, INC.
PROFESSIONAL LAND SURVEYORS
6 YOUNGS WAY
NANTUCKET, MA. 02554
508-332-4808

ES-644

REFERENCES

MACLEAN STREET
ARTICLES 100 + 101, 2011 ATM

WANNACOMET ST.
ARTICLES 83 + 84 2012 ATM



DHCB
FND.

N 42°59'54" W
207.02'
258.37'
WHITE ST.

N 46°58'50" E
399.84'
WANNACOMET ST.
N 47°00'06" E 361.30'
S 47°00'06" W 368.78'

EASEMENT
AREA=18,669±S.F.

L=50.86'
R=25.00'

DHCB
FND.

DHCB
FND.



Agenda Item Summary

Agenda Item #	IX. 3.
Date	February 17, 2021

Staff

Tucker Holland, Municipal Housing Director

Subject

Acceptance of Affordable Housing Restriction on 31 Fairgrounds Road Property

Executive Summary

In conjunction with the recent approval of a grant and loan to Housing Nantucket for the development of 22 SHI-eligible year-round housing units at 31 Fairgrounds Road – a collaboration between the Affordable Housing Trust, Housing Nantucket (project sponsor / owner and manager) and Billy Cassidy (builder / developer) – this is the permanent affordability restriction to the benefit of the Town which will restrict six (6) units at 80% AMI or less and sixteen units (16) at 200% AMI or less.

Staff Recommendation

Recommend acceptance of the affordability restriction.

Background/Discussion

As the Board is aware, the Affordable Housing Trust is in the midst of deploying the capital appropriated at the 2019 ATM (\$5M CPC bonding and \$20M neighborhood First) to assist in addressing the significant shortage of suitable, stable, affordable year-round housing and in furtherance of the Town's Subsidized Housing Inventory ("SHI") state-requirements alongside the Select Board's strategic goal of remaining in Safe Harbor. We are pleased to have the opportunity to be announcing this exciting project – a true collaboration between the Affordable Housing Trust, Housing Nantucket, Mr. Cassidy, the Coffin family (prior owners of the property) and the Nantucket Land Bank (which will hold the conservation restriction as part of the flex development requirements). This 22-unit rental development has received Planning Board approval as a flex development. It will serve year-round residents exclusively. All units will be permanently deed-restricted as noted in the Affordable Housing Restriction. This deal involves \$10.350 million in total with funds coming from both the CPC bonding and Neighborhood First. \$3.6 million was requested by Housing Nantucket to be a grant for the land acquisition and \$6.75 million is structured as a loan at 0.5% interest over a 50 year term. The loan structure allows the redeployment of the capital to further extend the year-round housing contribution of the funding originally provided by the taxpayer. Housing Nantucket, Mr. Cassidy and the Housing Director are further working to submit an LAU application to DHCD to have the units qualify for the Town's SHI as well as certification (Safe Harbor). The project is intended to be completed and occupied within 18 months.



Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

Addressing the housing crisis; Select Board strategic goal around Safe Harbor maintenance; Housing Office / AHT operations.

Board/Commission Recommendation

It is anticipated at the AHT's 2/2 meeting the Trust will endorse this recommendation.

Public Outreach

N/A

Attachments

1. Affordable Housing Restriction
2. Site Map



TOWN OF NANTUCKET

AFFORDABLE HOUSING RESTRICTION

NHA Properties, Inc. (“Grantor”), a Massachusetts non-profit corporation, having an address of 75 Old South Road, Nantucket, Massachusetts, hereby grants, with Quitclaim Covenants, to the **Town of Nantucket** (the “Town”), a Massachusetts municipal corporation, acting by and through its Select Board, having an address of Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554, and its successors and assigns, exclusively for the purpose of ensuring retention of housing for occupancy by low and moderate income households, the following described Affordable Housing Restriction (this “Restriction”) on certain property located at 31 Fairgrounds Road, Nantucket, Massachusetts, said land being described in Exhibit A attached hereto, and all improvements now or hereinafter located thereon (collectively, the “Property”).

RECITALS

WHEREAS, the Town of Nantucket Affordable Housing Trust Fund, a Massachusetts municipal affordable housing trust created pursuant to G.L. c. 44, §55C, under a Declaration of Trust dated February 8, 2010 recorded with Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust dated September 25, 2014, recorded with said Deeds in Book 1452, Page 271, acting by and through its Board of Trustees, having an address of 2 Fairgrounds Road, Nantucket, Massachusetts 02554(the “Trust”), pursuant to the votes taken under Article 28 and Article 37 of the 2019 Annual Town Meeting which appropriated funds for the grant and loan of funds by the Trust for purposes of acquiring, creating and developing affordable housing purposes for low and moderate income households, granted funds in the amount not more than Three Million Six Hundred Thousand Dollars (\$3,600,000.00) (the “Grant Funds”) to the Grantor for the acquisition of the property at 31 Fairgrounds Road, Nantucket (the “Property”), for the construction of a twenty-two (22) unit affordable housing project thereon(the “Project”);

WHEREAS, the Trust loaned to the Grantor a sum of money not to exceed Six Million Seven Hundred Fifty Thousand Dollars (\$6,750,000.00) (the “Loan Funds”) for the sole purpose of constructing the Project thereon;

WHEREAS, said Grant and Loan Funds were granted to Grantor for affordable housing purposes, namely, to acquire the Property and construct twenty-two units of housing, to rent to low and moderate income households, and to grant the Town an affordable housing restriction on the Property pursuant to G.L. c.44, §12(a), to ensure that the Property and the units are used for low and moderate income housing purposes in perpetuity, by entering into a Regulatory Agreement between the Grantor and the Town and the Department of Housing and Community

Development (“DHCD”) in a form approved by DHCD(said agreement, as defined more particularly herein, the “Regulatory Agreement”);

WHEREAS, since Grantor will enter into the Regulatory Agreement with the Town at a later date, the Town wishes to impose on the Property, and Grantor is amenable to granting to the Town, the covenants, promises and restrictions set forth herein, which shall run with the Property and bind Grantor’s successors and assigns during the term set forth herein.

NOW, THEREFORE, the Town and Grantor, in consideration for the Grant and Loan Funds, agree to the following:

1. Grantor shall use the Grant and Loan Funds for the purpose of purchasing the Property and constructing a total of twenty-two housing units with complete living facilities including, but not limited to a stove, refrigerator, kitchen cabinets, and plumbing fixtures (the “Units”) and renting six (6) Units to households whose annual income do not exceed eighty percent (80%) of the Area Median Income (AMI) that includes the Town of Nantucket, and sixteen (16) Units to households whose annual income do not exceed two hundred percent (200%) AMI, as designated by the Department of Urban Development (“HUD”), adjusted for household size, and meeting such other income, asset and other qualifications as required by Grantor (an “Eligible Household”), for rents affordable to said Eligible Household and approved by DHCD . The Property shall be used in perpetuity for low and moderate income housing, as set forth herein. This Restriction shall be recorded prior to the recording of any lien, mortgage and/or other encumbrance.

2. The covenants, agreements and/or restrictions set forth in this Restriction shall encumber the Property and bind Grantor and its successors and assigns, if any, in perpetuity or until the date on which the Regulatory Agreement is recorded with the Registry (the “Term”). In the event that a Regulatory Agreement conforming to this Restriction is not recorded, this Restriction shall encumber the Property and its terms shall continue to be in effect for the full term hereof.

3. The term “Regulatory Agreement”, as used herein, shall mean a “Regulatory Agreement and Declaration of Restrictive Covenants” entered into by the Commonwealth of Massachusetts, acting by and through DHCD under the Local Initiative Program (“LIP”) for Local Action Units, Grantor, and the Town, on terms acceptable to the Town, ensuring that the Property and the Units will be used in perpetuity for housing for an Eligible Household and in form acceptable for including the Units in the Town’s Subsidized Housing Inventory (“SHI”), which Regulatory Agreement shall be recorded before any mortgages or other liens and encumbrances are recorded on the Property or which recorded mortgages shall be subordinated to the Regulatory Agreement and which shall survive any foreclosure or deed given in lieu of foreclosure.

4. Grantor shall use all due diligence to obtain the approval and execution of the Regulatory Agreement by a duly authorized signatory of DHCD and the Town, and record the Regulatory Agreement with the Registry within five (5) business days thereafter, whereupon this Restriction shall automatically be superseded by the Regulatory Agreement.

5. Grantor agrees to preserve the Property during the Term in good condition and ensure the building and other improvements thereon are protected from the elements and other sources of harm and/or injury. In no event shall Grantor sell, transfer, convey or otherwise dispose of the Property and/or the Units to anyone other than an Eligible Household for rent or encumber the Property or any part thereof other than a grant of a conservation restriction acceptable to the Town on a portion of the Property, without the prior written consent of the Town, which may be withheld in its sole and absolute discretion.

6. The Town shall have the right to enter upon the Property to inspect the same for compliance with the terms of this Restriction.

7. This Restriction is for the benefit of and is enforceable by the Town. The Town shall have the right (but not the obligation) to enforce this Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations or potential violations. In the event it is determined that Grantor has breached this Restriction Grantor shall repay the Loan Funds to the Town, with interest, as set forth more particularly in the Promissory Note and the Mortgage granted by Grantor to the Town and recorded herewith, together with any and all other costs and expenses, including attorneys' fees. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Town for the enforcement of this Restriction.

8. The restrictions and covenants contained herein constitute "other restrictions held by a governmental body," as set forth in G.L. c.184, and shall survive in perpetuity or for the longest time permitted by law (and, in any event, for a minimum period of ninety-nine (99) or a lesser period of time, depending on when the Regulatory Agreement is recorded.

9. The recitals to this Restriction are incorporated herein in their entirety

[Remainder of page intentionally left blank.]

Executed as a sealed instrument this _____ day of _____, 2021.

NHA Properties, Inc.

By: _____
Name: Peter T. Kaizer
Title: President

By: _____
Name: Paul Wolf, Jr.
Title: Treasurer

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Peter T. Kaizer and Paul Wolf, Jr., as President and Treasurer, respectively of NHA Properties, Inc. who proved to me through satisfactory evidence of identification, which was _____ to be the persons whose names are signed on the preceding instrument and acknowledged to me that they signed the foregoing instrument voluntarily for its stated purpose on behalf of NHA Properties, Inc.

Notary Public
My commission expires:

EXHIBIT A

A certain parcel of land together with all improvements thereon situated in Nantucket Town and County, Commonwealth of Massachusetts, known and numbered as 31 Fairgrounds Road, bounded and described as follows:

- | | |
|---------------|--|
| Southeasterly | by Fairgrounds Road, two hundred thirty-two and 51/100 (232.51) feet; |
| Southwesterly | by land now or formerly of L. & L. M. Tedeschi, one hundred forty-nine and 81/100 (149.81) feet; |
| Southeasterly | by land now or formerly of L. & L.M. Tedschi, thirty-nine and 11/100 (39.11) feet; |
| Southwesterly | by land shown as Lots 20 and 21 on two courses on plan hereinafter mentioned, one hundred ninety-seven and 44/100 (197.44) feet; |
| Northwesterly | by land now or formerly of W.R. J. Lothian, Trustee, one hundred eighty and 75/100 (180.75) feet; |
| Northeasterly | by lands now or formerly of Craddock and now or formerly of Vigil, sixty-six and 36/100 (66.36) feet; |
| Northwesterly | by land now or formerly of J. & L. Vigil, ninety-eight and 41/100 (98.41) feet; and |
| Northeasterly | by land now or formerly of W. F. Puder, Trustee, three hundred twelve and 70/100 (312.70) feet. |

Being shown as Lot 22 on plan dated July 8, 2009 by Charles W. Hart and Associates, Inc., Professional Land Surveyors, recorded with Nantucket County Registry of Deeds as Plan No. 2017-72.

For title, see Deed to NHA Properties, Inc. recorded herewith.

ACCEPTANCE OF AFFORDABLE HOUSING RESTRICTION

On this _____ day of _____, 2021, the Town of Nantucket, acting by and through its Select Board, hereby accepts the Affordable Housing Restriction granted from NHA Properties, Inc. to the Town of Nantucket on the property located at 31 Fairgrounds Road, Nantucket recorded with Nantucket County Registry of Deeds in Book _____, Page _____ and certifies that said Restriction is in the public interest.

TOWN OF NANTUCKET,
By the Select Board

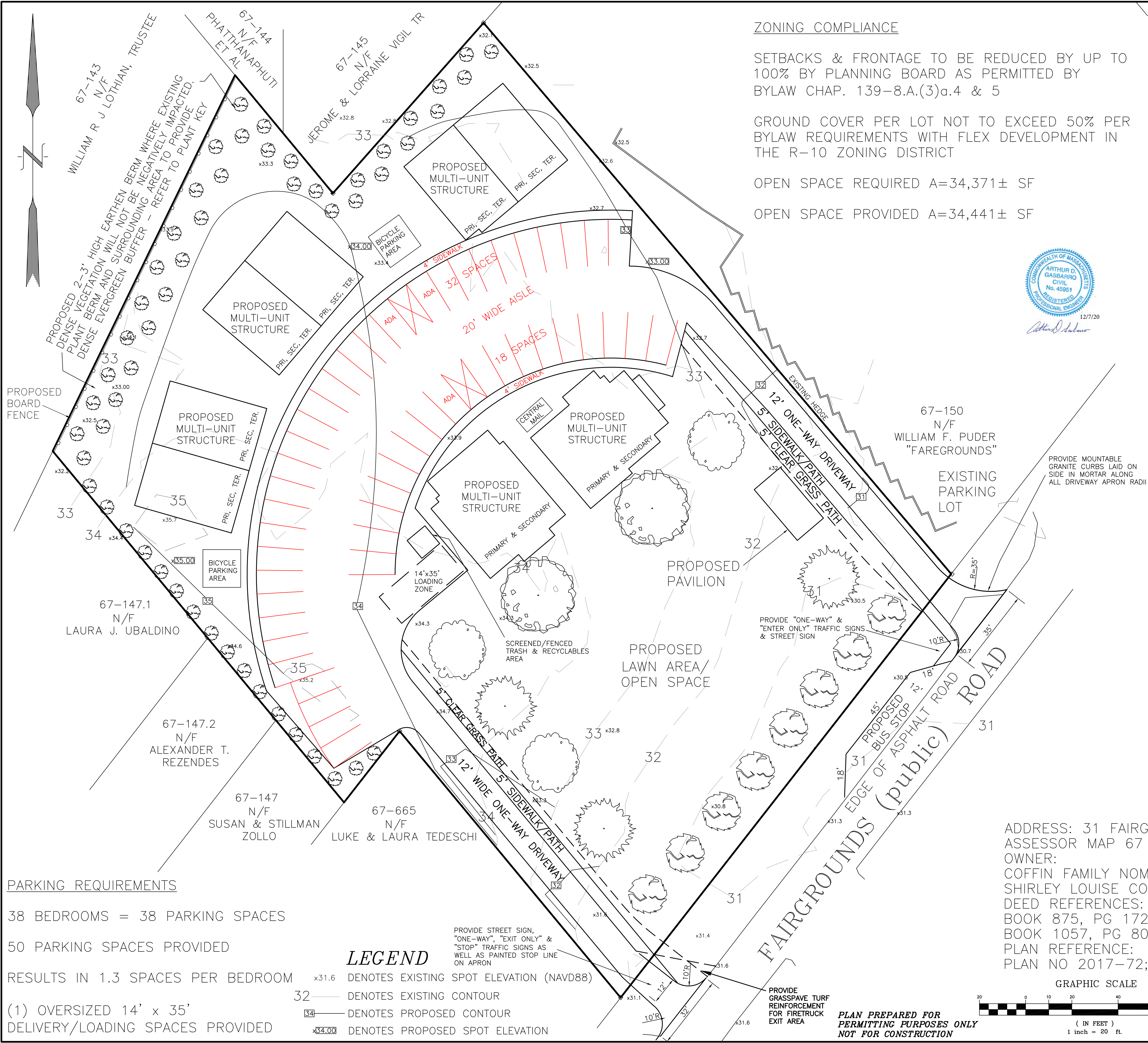
COMMONWEALTH OF MASSACHUSETTS

Nantucket ss.

On this _____ day of _____, 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, members of the Town of Nantucket Select Board as aforesaid, who 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 instrument and acknowledged to me that they signed the foregoing instrument on behalf of the Town of Nantucket Select Board.

Notary Public

My commission expires:



ZONING COMPLIANCE

SETBACKS & FRONTAGE TO BE REDUCED BY UP TO 100% BY PLANNING BOARD AS PERMITTED BY BYLAW CHAP. 139-8.A.(3)a.4 & 5

GROUND COVER PER LOT NOT TO EXCEED 50% PER BYLAW REQUIREMENTS WITH FLEX DEVELOPMENT IN THE R-10 ZONING DISTRICT

OPEN SPACE REQUIRED A=34,371± SF

OPEN SPACE PROVIDED A=34,441± SF



PARKING REQUIREMENTS

38 BEDROOMS = 38 PARKING SPACES

50 PARKING SPACES PROVIDED

RESULTS IN 1.3 SPACES PER BEDROOM

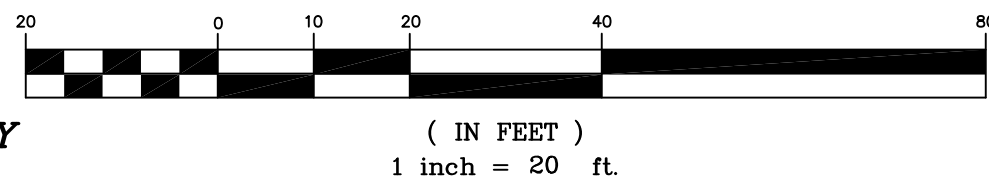
(1) OVERSIZED 14' x 35' DELIVERY/LOADING SPACES PROVIDED

LEGEND

- 31.6 DENOTES EXISTING SPOT ELEVATION (NAVD88)
- 32 DENOTES EXISTING CONTOUR
- 34 DENOTES PROPOSED CONTOUR
- 34.00 DENOTES PROPOSED SPOT ELEVATION

ADDRESS: 31 FAIRGROUNDS ROAD
ASSESSOR MAP 67 PARCEL 149
OWNER:
COFFIN FAMILY NOMINEE TRUST
SHIRLEY LOUISE COFFIN SPENCER, TR.
DEED REFERENCES:
BOOK 875, PG 172 &
BOOK 1057, PG 80
PLAN REFERENCE:
PLAN NO 2017-72; LOT 22

GRAPHIC SCALE



PLANTING NOTES:

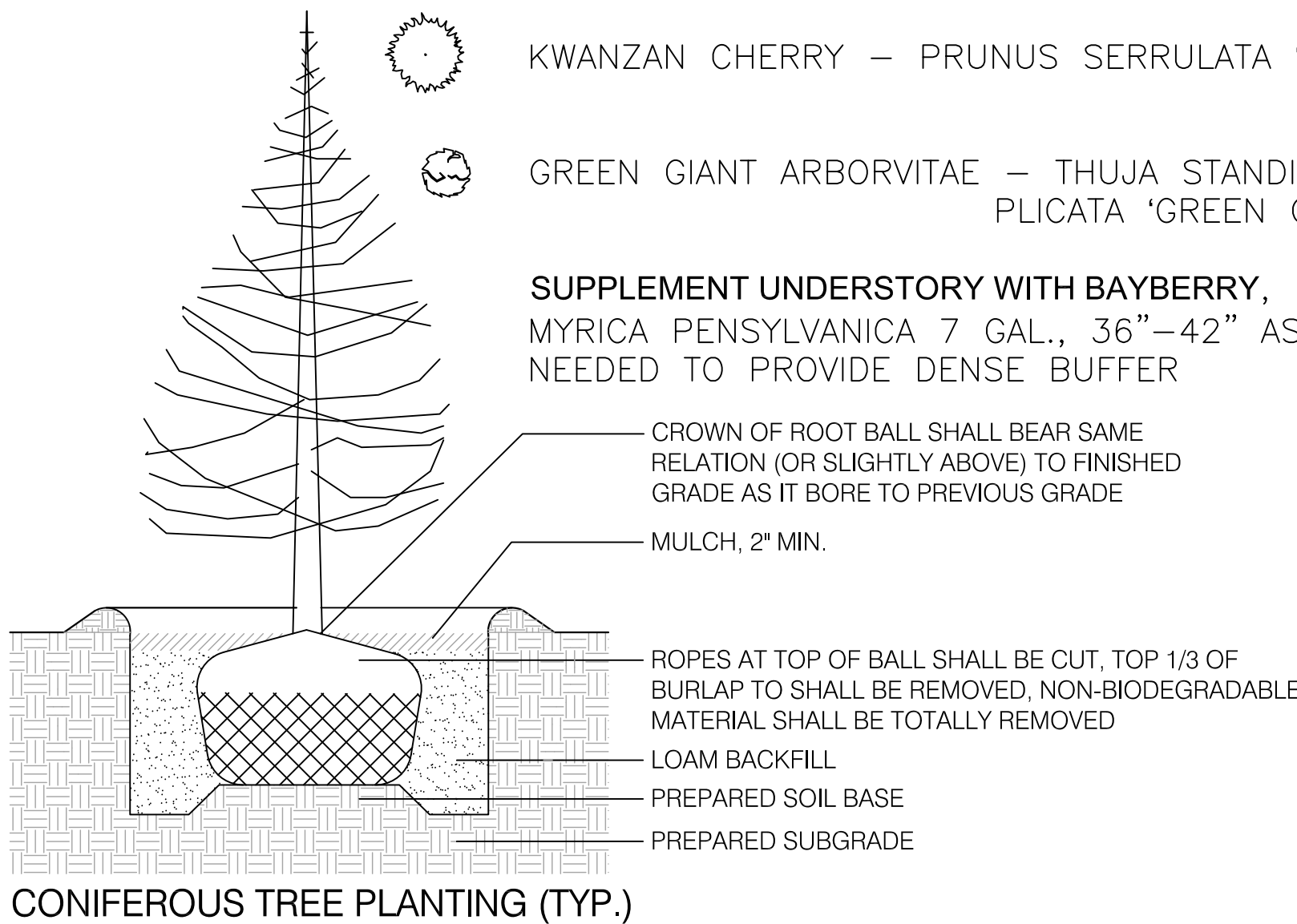
- CONTRACTOR IS RESPONSIBLE FOR CONTACTING FOR DETERMINING OF THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCING THE WORK.
- REMOVE ALL ROCKS AND DEBRIS LARGER THAN 2" DIAMETER FROM ALL PLANTING BEDS.
- TOP SOIL PREPARATION- EXISTING ROOT MAT & STUMPS TO BE REMOVED PRIOR TO SOIL PREPARATION. SOIL PREPARED WITH LOAM AND INCORPORATED TO A MINIMUM DEPTH OF 24".
- ROOTS SHALL BE SCORED PRIOR TO PLANTING TO PREVENT ROOT WRAP.
- AFTER COMPLETION OF PLANTING, ALL SHRUB BEDS SHALL BE TOP DRESSED WITH 2" OF MULCH.
- ALL PLANTING SHALL HAVE A REPLACEMENT GUARANTEE FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATED OF LANDSCAPE COMPLETION.
- INSTALL SOAKER IRRIGATION TUBING AROUND ALL PLANTS WITH STUB FOR CONNECTION TO GARDEN HOSE.

PLANT KEY

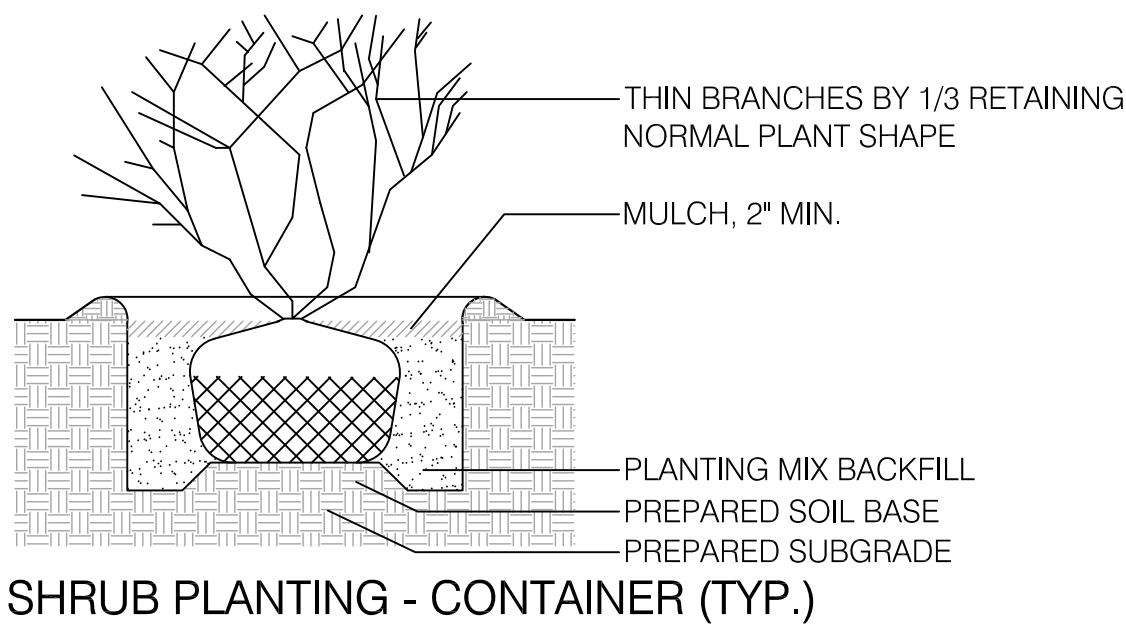
PLANTING DETAILS:

- LONDON PLANE TREE – PLATANUS X ACERIFOLIA
- BARTLETT PEAR – PYRUS COMMUNIS 'BARTLETT'
- KWANZAN CHERRY – PRUNUS SERRULATA 'KANZA'
- GREEN GIANT ARBORVITAE – THUJA STANDISHII X PLICATA 'GREEN GIANT'

SUPPLEMENT UNDERSTORY WITH BAYBERRY, MYRICA PENNSYLVANICA 7 GAL., 36"-42" AS NEEDED TO PROVIDE DENSE BUFFER



CONIFEROUS TREE PLANTING (TYP.)



SHRUB PLANTING - CONTAINER (TYP.)

**LANDSCAPE & LAYOUT
PLAN OF LAND
IN NANTUCKET, MA
NOVEMBER 12, 2020
REV. DEC. 7, 2020 – ADD SIGNS
SCALE: 1"=20'**



PLAN PREPARED FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION



Agenda Item Summary

Agenda Item #	IX. 4.
Date	2/17/2021

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Acceptance of gift to Town of improvements to Town Land as provided in the license granted December 17, 2014 to create new subdivision on Mill Hill abutting St. Mary's Cemetery.

Executive Summary

The residential development has now been completed and most of the lots sold. As part of the original agreement the improvements contemplated by the license and the Planning Board approval were to be gifted to the Town. This seeks to accomplish that.

Staff Recommendation

Proceed to accept the gift and execute the document prepared by Town Counsel.

Background/Discussion

The Planning Board approved this newly created subdivision for a maximum of twelve lots on May 12, 2014, with three roadways for access. All the infrastructure has now been completed, hence the timing of the proposed gift to the Town.

Impact: Environmental ☒ **Fiscal** ☒ **Community** ☐ **Other** ☐

New roads are completed without cost to the Town and the Tax base is enhanced because of the completion of the structures in the development.

Board/Commission Recommendation

N/A

Public Outreach

Public hearings at the Planning Board

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

N/A

Attachments

Acceptance agreement, original license and map



LICENSE AGREEMENT

THIS LICENSE AGREEMENT, dated the 17 day of ^{December} ~~November~~, 2014, by and between TOWN OF NANTUCKET, a political subdivision of The Commonwealth of Massachusetts, acting by and through its Board of Selectmen, having its principal office at 16 Broad Street, Nantucket, Massachusetts 02554 (the "Licensor") and the GG DEVELOPMENT LLC, Massachusetts limited liability company with a mailing address of 27 Harvard Street, Brookline, MA 02445 (the "Licensee").

WITNESSETH

WHEREAS, the Licensor is the owner of record of a certain parcel of land situated in the Town and County of Nantucket, Commonwealth of Massachusetts, now known and numbered as 29 Vesper Lane, shown as Map 55, Parcel 1 in the Nantucket Assessor records and more particularly described on Exhibit "A" attached hereto (hereafter referred to as the "Land");

WHEREAS, the Licensee desires to construct a "turn around" and perform landscaping activities, including installation of a temporary earth berm two (2') feet high by four (4') feet wide on the land comprised of approximately 4,201± square feet ("Work/Construction Activities"), such activities conducted pursuant to the provisions of Approval of Definitive Subdivision Plan dated May 14, 2014 approved by the Nantucket Planning Board and attached hereto as Exhibit C

WHEREAS, the general location of the herein described Work/Construction Activities is depicted on Exhibit "B" attached hereto (the "Land"); and

WHEREAS, the Licensor desires to grant to the Licensee a revocable license in accordance with the terms hereof.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and the payment of other consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby enter into a license agreement upon the terms and conditions set forth herein.

1. Grant of License. The Licensor hereby grants to the Licensee a non-exclusive license to enter upon a portion of the Land as shown on Exhibit B and to erect, install and maintain the herein described Work/Construction Activities upon the Land, subject to the following specified terms and conditions.

2. Permitted Use. The rights of this License shall be exercised by the Licensee or its contractors, agents, representatives and invitees solely for the purposes of the erection,

installation, maintenance, repair and reconstruction of the herein described Work/Construction Activities (the "Purpose") upon the Land, subject to the terms and conditions hereof. The License shall be exercised from the date of the execution of this License and shall continue until December 31, 2016, unless terminated in accordance with the License.

3. License Fees. In consideration for the use of this License, the Licensee agrees to pay the Licenser a one-time License Fee of One Dollar (\$1.00).

4. Indemnification; Bond. The exercise of this License shall constitute the Licensee's acceptance of complete liability for the actions or omissions of Licensee, its contractors, agents, representatives, employees and assignees while present on the Land in connection with the license granted hereby. The Licensee shall indemnify, defend and hold harmless the Licenser from and against any and all claim, demands, suits, actions, costs judgments, whatsoever, including reasonable attorney's fees and expense which may be imposed upon, incurred by or asserted against the Licenser or its agents, employees, successor and assigns by reason of (a) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee, its contractors, agent, representatives or invitees or under this License, or (b) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, negligence or misconduct of any person whomsoever, other than the Licenser relating in any way, to the Licensee's exercise of its rights under this License.

5. Insurance. Licensee shall maintain during the term of this License public liability insurance with coverage for bodily injury, wrongful death and property damage during the installation and maintenance of the Work/Construction Activities as described herein in the amount of: General Liability: one million (\$1,000,000.00) dollars per occurrence; Bodily Injury Liability one million (\$1,000,000.00) dollars per occurrence; and Property Damage Liability of two million (\$2,000,000.00) dollars cumulative and shall deposit a certificate of insurance with the Town of Nantucket prior to the exercise of this License by the Licensee. The insurance coverage required hereunder shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and have a Best's rating of B+ or better.

Licensee or the Licensee's contractors shall maintain worker's compensation during any of the Work/Construction Activities as required by law. Prior to any construction performed by Licensee or any contractor on behalf of Licensee on the Land, Licensee shall provide Licenser with a copy of the contractor's insurance certificate including liability insurance coverage as herein specified

6. Conduct

a. Entry and use under this License by the Licensee and its contractors, agents, representatives, employees and assignees, shall, at all times, be subject to review and control by the Licenser and its duly designated agents and representatives.

b. During the exercise of rights hereby granted, Licensee shall at all times conduct itself so as not to interfere with activities of the Licensors within or upon the Land.

c. The Licensors shall have the right, at all reasonable times, to enter onto and inspect the Land.

d. The Licensee shall observe and obey all applicable laws, statutes, ordinances, regulations and permitting or license requirements, and shall procure all necessary permits before undertaking any work on the Land..

e. The Licensee shall not undertake any construction, reconstruction, rehabilitation or refurbishment upon the Land without having received the written approval of the Licensors or its authorized representative; provided, however, that, by executing this License Agreement, the Licensors hereby consent to the hereinabove described Work/Construction Activities as more particularly described in Approval of Subdivision Plan, a copy of which is attached hereto as Exhibit "C". If there are any changes in the Work/Construction Activities and their location, then Licensee must first obtain Licensors' prior written approval to any changes in the Work/Construction Activities.

f. The Licensee shall not permit any mechanics' liens or similar liens, to remain upon the Land for labor and material furnished to the Licensee or claimed to have been furnished to the Land or any part thereof, but all such improvements shall be done and materials and labor furnished at Licensee's expense, and the laborers and materialmen's furnishing labor and materials for the work shall release the Licensors from any liability.

These provisions shall survive the termination or expiration of the License.

7. Termination; Ownership of Improvements. This License shall be revocable by either party upon written notice of revocation at least thirty (30) days prior to the termination date stated within said notice. Upon any termination of this License Agreement, the improvements made by the Licensee to the Land shall become and remain the property of the Licensors and the Licensee shall restore any portion of the Land damaged as a result of the Work/Construction Activities to its original condition.

8. Modification; Assignment. Any modification or amendment to this License must be in writing. This License is not transferable and no privilege contained herein may be sublet or assigned to any other person or organization without the express written consent of the Licensors.

9. Licensors' Right to Enter and Maintain. Notwithstanding any provisions or agreement to the contrary, the Licensors maintains its right to enter the Land at any time and from time to time that the Licensors, in its sole judgment, shall deem necessary.

10. No Warranty or Representation. The Licensee accepts the Land in “as is” condition for the purpose of this License and the Licensors makes no warranty or representation, expressed or implied regarding the fitness of said Land for purposes of this License.

11. Successors in Interest and Assignment. The terms and conditions of this instrument shall be binding upon and inure to the benefit of the respective heirs, successors and assigns of the parties hereto. Notwithstanding the foregoing, the Licensee agrees that any right and license granted to the Licensee by this License Agreement may not be assigned or transferred without the prior written consent of the Licensors.

12. Notice. All notices, demands, requests, consents, approvals and other instruments required or permitted to be given pursuant to the terms hereof, shall be in writing and shall be deemed to have been properly given when addressed to the addresses listed above and deposited in registered or certified mail, postage prepaid, return receipt requested. The Licensee and the Licensors may at any time and from time to time, specify as its proper address for purposes of this License Agreement any other address(es) pursuant to the terms of this section.

13. Waiver. Notwithstanding anything herein to the contrary, no provision of this License, no entry upon, travel over or other use of the affected Land by the Licensors, nor the Licensors’ granting of any rights or assumption of any obligations hereunder shall not waive, bar, diminish or in any way affect: (i) any legal or equitable right of the Licensors to regulate or issue any order with respect to the affected premises; (ii) waive any limitations on liability afforded a body politic of the Commonwealth of Massachusetts; or (iii) pursue any other claim, action, suit, damages or demand related thereto.

14. Severability. If any court determines any provision of this License to be invalid or unenforceable, the remainder of this instrument shall not be affected and each provision of this License Agreement shall be valid and enforceable to the fullest extent permitted by law.

15. Miscellaneous. This License Agreement: (i) may be signed in multiple counterparts; (ii) shall become effective only when fully signed by the Licensee and duly authorized representatives of the Licensors; and (iii) shall be governed by the laws of the Commonwealth of Massachusetts.

16. Survival of Terms and Provisions. All appropriate terms and provisions hereof shall survive the termination or revocation of this License.

17. No Estate Created. This License shall not be construed as creating or vesting in the Licensee any estate in the Land, but only the limited right of possession as hereinabove stated.

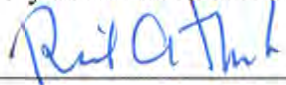
[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS HEREOF, the parties hereto have caused this License Agreement to be executed as a sealed instrument the day and year first written above.

LICENSOR: TOWN OF NANTUCKET,

By its Board of Selectmen

Date: Dec. 17, 2014





mfee



Colidden

LICENSEE: GG DEVELOPMENT LLC

By: _____

James Georgaklis, duly authorized
Its Manager

Date: _____

IN WITNESS HEREOF, the parties hereto have caused this License Agreement to be executed as a sealed instrument the day and year first written above.

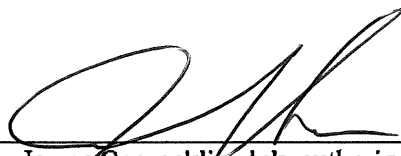
LICENSOR: TOWN OF NANTUCKET,

By its Board of Selectmen

Date: _____

LICENSEE: GG DEVELOPMENT LLC

By: _____


James Georgaklis, duly authorized
Its Manager

Date: 12/17/14

512280v3/NANT- 19713/0001

EXHIBIT “A”

29 Vesper Lane, Nantucket, MA

EXHIBIT A
LEGAL DESCRIPTION

That certain parcel of land known as 29 Vesper Lane and shown as Lot 15 on a plan recorded with the Nantucket Registry of Deeds in Plan Book 24, Page 84, and bounded and described as follows:

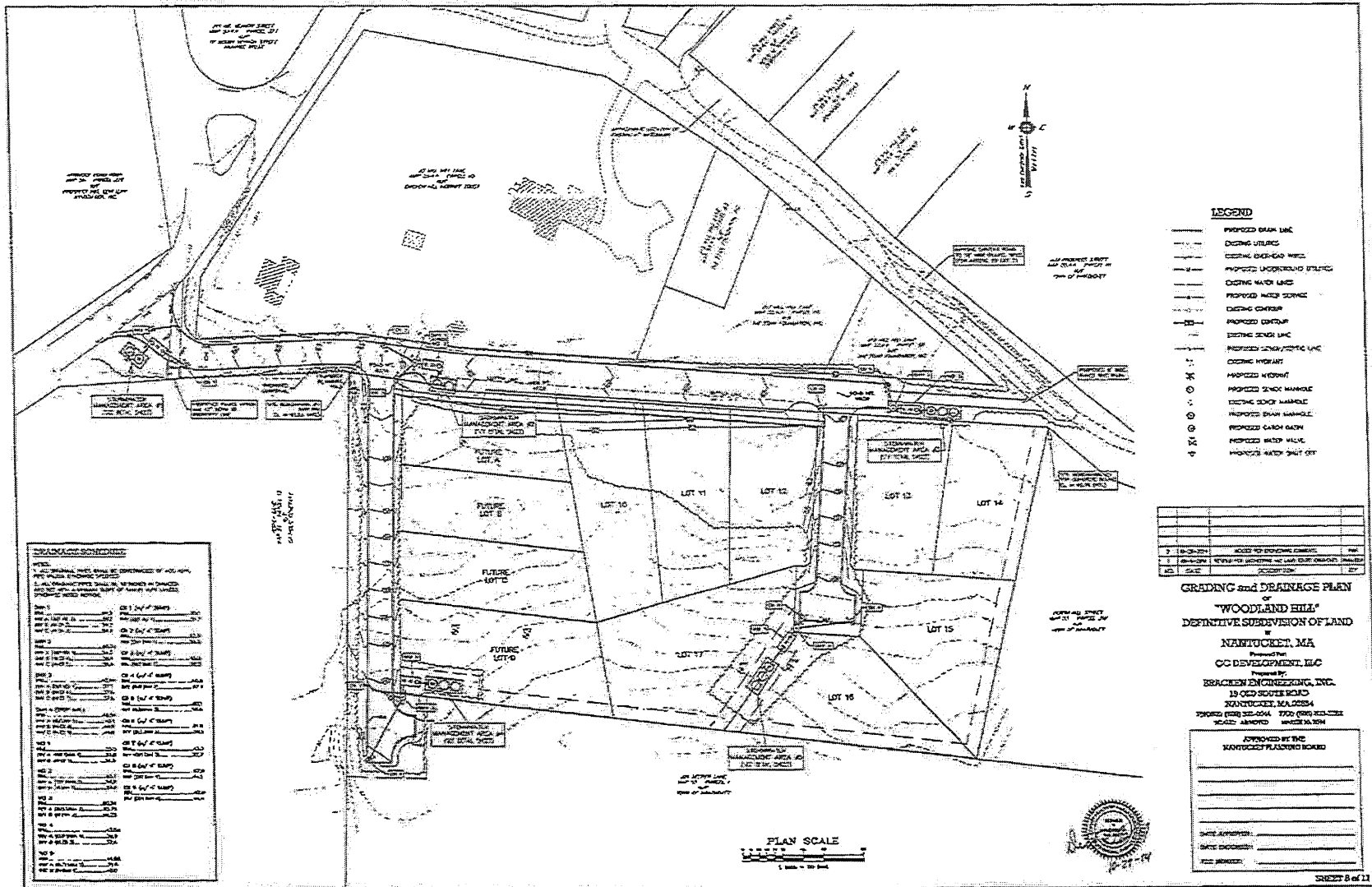
SOUTHERLY	by Vesper Lane, ninety and 74/100 (90.74) feet;
EASTERLY	by Lot 5 on said plan, one hundred and 90/100 (100.90) feet;
SOUTHERLY	by Lots 5,6,7,8,9 and 10 on said plan a total of three hundred (300.00) feet;
EASTERLY	by a private way, four hundred seventy-two and 38/100 (472.38) feet;
NORTHERLY	by land of the Town of Nantucket and by land now or formerly of Egan, a total of seven hundred twenty and 58/100 (720.58) feet;
WESTERLY	by Cato Lane, one hundred sixty-three and 75/100 (163.75) feet;
SOUTHERLY	by Lot 14 on said plan, one hundred one and 46/100 (101.46) feet;
SOUTHERLY, SOUTHWESTERLY AND WESTERLY	by Lot 12 on said plan, by three lines measuring seventy-seven and 75/100 (77.75) feet, thirty-six and 8/100 (36.08) feet, and thirty (30.00) feet, Respectively, and

Containing 287,526 square feet, more or less, as described in Exhibit "A" to the deed recorded at the Nantucket Registry of Deeds in Book 408, page 109.

EXHIBIT "B"

General Location of the Work/Construction Activities

Exhibit B



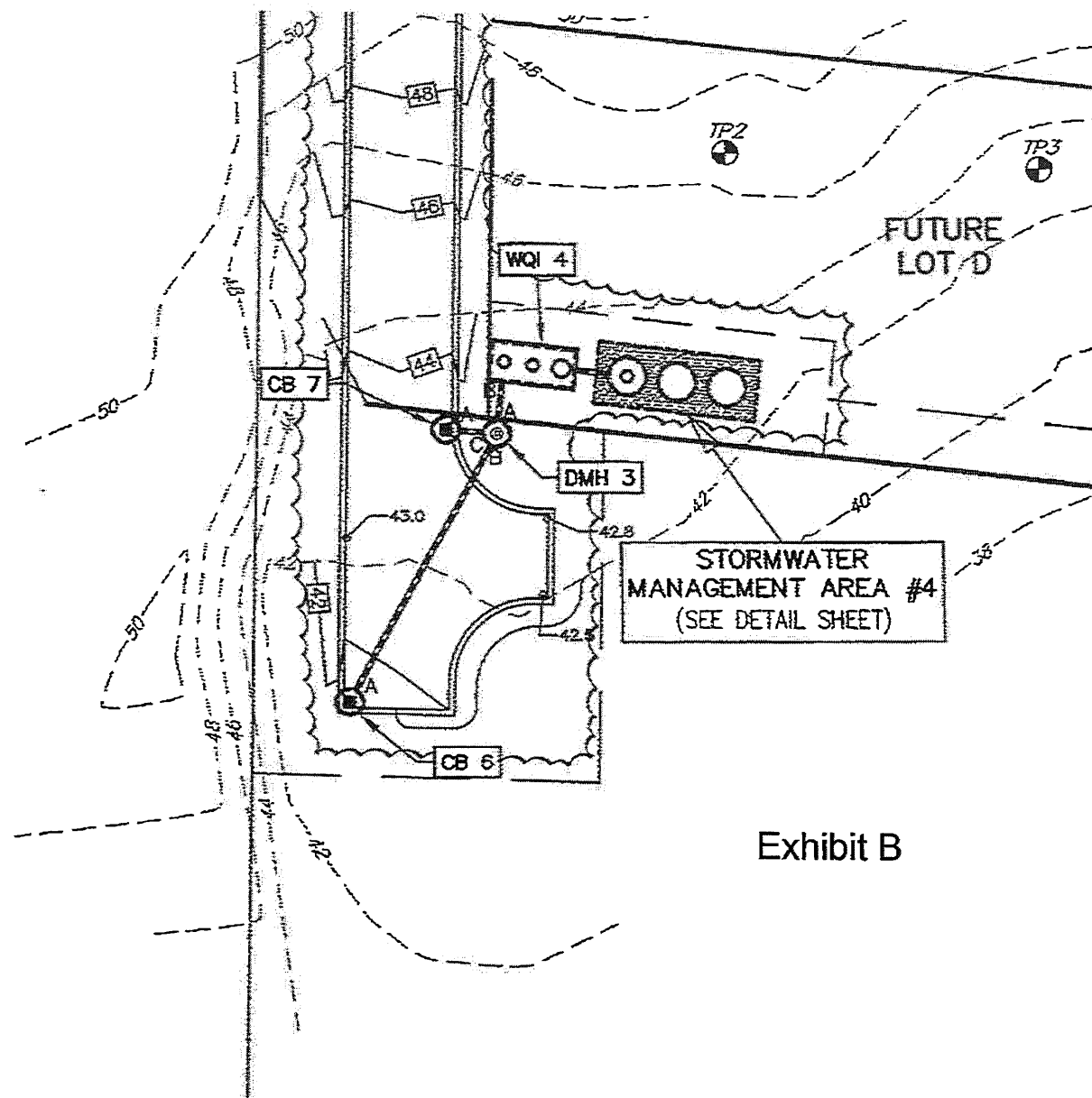
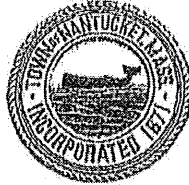


Exhibit B

EXHIBIT C

MCD Permit No.

Exhibit C



RECEIVED
2014 JUN 3 PM 3 2
NANTUCKET TOWN CLERK

Nantucket Planning Board

APPROVAL OF A DEFINITIVE SUBDIVISION PLAN (AR)

Woodland Hill Subdivision
Planning Board File #7661

Applicant: GG Development, LLC

Owner: Dorothy Harrison Egan Foundation

Property located off of an Unnamed Way off of Mill Hill

Registered in the Nantucket Registry District of the Land Court, Certificate of Title #19810 and #22778

Parcels 314, 316, 317, 318 shown on Nantucket Tax Assessors Map 55
Parcel 26 shown on Nantucket Tax Assessors Map 55.4.4

May 12, 2014

The applicant is proposing an Approval Required (AR) subdivision on a 2.8 acre parcel with frontage on an unnamed way in the vicinity of Hummock Pond Road and Mill Hill Lane. There are a total of ten (10) buildable lots in the subdivision, all of which meet or exceed the minimum lot size, frontage, and upland requirements. In addition, Lot 2 (buildable) and Lots 14 and 15 (unbuildable) are anticipated to be combined and reconfigured in the future to result in a total of three (3) buildable lots, shown as Future Lot A, B, and C on sheet 5 of the plans. A maximum of twelve (12) buildable total lots may result from the proposal.

Three (3) roadways will provide access and frontage to the lots within the subdivision. Roadway A is an existing unnamed road that will provide the primary access from Hummock Pond Road to the proposed Roadway C. Roadway B will connect to the proposed 1950's Cato Lane roadway layout that was never established as a public way, and Roadway C is a dead-end street within the subdivision. The specific proposal for each of these roads is as follows:

- Roadway A will be paved to a width of eighteen (18) feet between Hummock Pond Road and Roadway B, and between Roadway C and the terminus of the paved portion of the roadway as shown on the proposed plans. Between Roadway B and Roadway C, the pavement width will be increased twenty-seven (27) feet to accommodate on-street parking spaces of nine (9) feet in width. Six (6) inch vertical granite curbing will be installed along the edge of the roadway and associated parking spaces. Roadway A will provide driveway access to two (2) lots within the subdivision;
- Roadway B will be paved to a width of eighteen (18) feet and will terminate in a "Turning L" configuration. Cape Cod berms will be installed along the edge of the roadway. Roadway C will provide driveway access to a maximum of four (4) lots within the subdivision;

- Roadway C will be paved to a width of eighteen (18) feet and will terminate in a "Turning T" configuration. Cape Cod berms will be installed along the edge of the roadway. Roadway C will provide driveway access to five (5) lots within the subdivision.

Stormwater runoff from the proposed roadway construction will be collected by deep sump catch basins, which will discharge to subsurface infiltration systems designed to contain and infiltrate up to the twenty-five (25) year storm event. All lots within the proposed subdivision will be serviced by municipal water and sewer.

The Nantucket Planning Board at its May 12, 2014 meeting voted 5-0 to close the public hearing and voted 5-0 to **APPROVE** the Definitive Subdivision Plan (AR) for the subject property. The application for approval of this definitive subdivision plan was received by the Planning Board on March 11, 2014 and approval of the subdivision was based on the following documents:

- A letter from Bracken Engineering, Inc. dated March 10, 2014. This letter includes the requests for waivers from the "Rules and Regulations Governing the Subdivision of Land";
- Plans entitled "Definitive Subdivision Plan Set of "Woodland Hill" in Nantucket, Massachusetts", sheets 1 through 11, prepared by Bracken Engineering, Inc., dated March 10, 2014;
- A document entitled "Supplemental Information" prepared by Bracken Engineering Inc., dated March 10, 2014;
- Engineering review reports from Pesce Engineering & Associates, Inc., engineering consultants for the Planning Board, dated April 11, 2014;
- A 2013 Preliminary Plan approval issued by the Planning Board;
- Representation and testimony received in connection with the public hearings held April 16, 2014 and May 12, 2014. Minutes of these meetings are on file with the Planning Board; and
- Other assorted documents (including correspondence from various Town departments) that are on file with the Planning Board.

Approval of the subdivision is granted conditionally upon the aforementioned documents, compliance with the Planning Board's *Rules and Regulations Governing the Subdivision of Land* (as amended through December 20, 1999), and on the following additional requirements and agreements:

1. That the applicant be granted the following waivers from the *Rules and Regulations Governing the Subdivision of Land*:

4.03a(1) Streets

Waiver Granted – the finished roadway width of eighteen (18) feet for the travel lanes is appropriate for the scale of this subdivision;

4.03(e) Streets

Waiver Granted – the existing width of the roadway layout for Roadway A is thirty (30) feet. This roadway is shown on a 1928 Land Court Plan. The proposal includes an additional twelve (12) foot easement for a total of forty (42) feet to be dedicated to roadway purposes. Roadway C will have a layout of thirty (30) feet total. This is an interior roadway and additional width is not required for infrastructure improvements.

4.09 Shoulders

Waiver Granted – to reduce the width of the shoulder along the north side of Roadway A from four (4) feet to one (1) foot. This waiver is appropriate based on the roadway construction including vertical curbing. No pedestrian infrastructure will be affected.

Waiver Granted – to reduce the width of the shoulder along both sides of Roadway B and Roadway C from four (4) feet to two (2) feet. This waiver is appropriate based on the number of lots served by these dead-end roadways and the lack of affect on any pedestrian infrastructure.

4.18 Sidewalks

Waiver Granted – the applicant has agreed to construct a bike path connection between the terminus of Roadway A and Mill Hill Lane.

Sidewalks for the proposed roadways are unnecessary due to the scale and location of this subdivision. The bike path connection will positively impact the ability to access the existing pedestrian network in proximity to this subdivision;

4.19

Bicycle Paths

Waiver Granted -- the applicant has agreed to construct a bike path connection between the terminus of Roadway A and Mill Hill Lane. The bike path connection will positively impact the ability to access the existing pedestrian network in proximity to this subdivision, and will provide a much needed connection between Prospect Street and Hummock Pond and Madaket Roads;

4.20

Street Lights

Waiver Granted -- street lighting in this located would be inconsistent with the semi-rural landscape of the surrounding open space.

2. That the interior roadway and associated infrastructure improvements shall not commence until the definitive plans have been endorsed by the Planning Board. The definitive plans shall be presented to the Planning Board within six (6) months of the date of this decision (November 12, 2014) and shall incorporate any changes required by Pesce Engineering & Associates;
3. That recorded copies of all legal documents (Homeowners Association documents, Statement of Conditions, Grant of Right of Enforcement, Declaration of Restrictions and Easements for Access, Driveways, Utilities, and Drainage, and Covenant) shall be presented to the Planning Board prior to the release of any lot from the Covenant or within six (6) months from the date of this decision (November 12, 2014);
4. That a Homeowners Association be established by the applicant, along with a Road Maintenance Endowment Fund for the maintenance of all required improvements to the interior roadway including the drainage structures, grading, utilities, etc.. The Association shall be initially endowed at \$1000 per buildable lot (\$10,000.00 total). This fund shall be administered by the Homeowners Association with the Planning Board named as a third party enforcing agent. Proof of this endowment shall be provided prior to the release of any lot from the covenant;
5. That the roadway layout for the interior roadway be transferred to the Homeowners Association. Evidence of the conveyance shall be presented to the Planning Board prior to the release of any lot from the covenant;
6. That the following easements shall be granted to the Town/County of Nantucket upon installation of the blinder course of pavement, and prior to the release of any lots thereafter:
 - a. Bicycle and pedestrian access shall be granted within Roadway A, within the land east of the terminus of Roadway A at Roadway C to Mill Hill Lane, and Roadway B. Applicant has agreed to prepared the plan showing these easements;
 - b. Vehicular access shall be granted within Roadway A between Hummock Pond Road and a line extending the eastern sideline of Roadway B, and through Roadway B. Applicant has agreed to prepared the plan showing these easements;
 - c. Vehicular access shall be granted from the southern sideline of Roadway A to the property line separating the land within this subdivision from land owned by the Town of Nantucket. Applicant has agreed to prepared the plan showing these easements;
 - d. Water and sewer easements within Roadway A, B, and C and within the land east of the terminus of Roadway A at Roadway C to Mill Hill Lane. Applicant has agreed to prepared the plan showing these easements;
 - e. To the extent necessary, an easement shall also be granted for the existing sewer in Lots 12 and 15 as shown on the plans referenced in this decision. Applicant has agreed to prepared the plan showing these easements;
7. That the applicant has agreed to offer as a gift to the Town the construction of the turn-around at the terminus of Roadway B and within land owned by the Town of Nantucket as shown on the plans referenced in this decision. This gift shall be offered prior to the construction of the turn-around and shall be completed prior to the release of the final lot from the covenant;
8. That all lots within the subdivision be restricted to no further division, with the exception of Lot 2. Minor lot line adjustments shall be permitted through the submission of an Approval Not Required (ANR) plan, however, no additional building lots shall be created;
9. That five (5) lots shall be restricted to a single dwelling unit. Studios, garages, sheds, outbuildings, or other accessory structures that do not contain dwelling units shall be permitted;

10. That access to Lots 5, 6, and 7 shall be prohibited from Roadway A. Lots 5 and 6 shall be accessed from Roadway C and Lot 7 shall be accessed from Mill Hill Lane;
11. That access to Lots 15, 14, and 2 (which are anticipated to be combined and reconfigured to create future Lots A, B, and C) shall be prohibited from Roadway A;
12. That a ten (10) foot wide, densely vegetated buffer including a mixture of coniferous and deciduous plant material, shall be established and permanently maintained along the southern and eastern limits of the subdivision, specifically affecting Lots 1, 7, 8, 9, and 10, but excluding the drainage easement area within Lots 1, 9, and 10. This restriction shall be included in future deeds and included within the legal documents, with enforcement granted to the Town of Nantucket. On an as-needed basis, plantings shall be replaced within a year of their removal/deterioration/demise;
13. That one (1) lot shall be released upon endorsement of the definitive plans. Other lots shall be released as infrastructure improvements are completed. At anytime, the applicant shall have the right to obtain release(s) of the lots from the covenant in return for a deposit of money or negotiable securities with the Planning Board sufficient, in the opinion of the Board, to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plan as set forth in the covenant, and the Planning Board may require that the applicant specify the time within which such construction shall be completed, all in accordance with Section 20.65(2) of Rules & Regulations Governing the Subdivision of Land, Nantucket Island, Massachusetts, as amended;
14. That a dense gravel tracking pad shall be installed at the entrance to the site from Hummock Pond Road during the construction period to remove construction debris from the tires of construction vehicles, as shown on the plans;
15. That all utilities shall be installed underground in accordance with the requirements of the respective utility;
16. That all required infrastructure improvements be completed within two (2) years from the date of definitive plan endorsement;
17. That the Planning Board may grant extensions of deadlines stated herein without holding a public hearing;
18. The failure or refusal of any Town board, commission, agency, or department, including, but not limited to the Nantucket Board of Selectmen, Nantucket Islands Land Bank, and the Wannacomet Water Department to accept any easement, gift, contribution, improvement, or the like, shall not affect the intent or findings of this decision, the applicant's ability to proceed under the other provisions of this decision, or the special permits and waivers granted in this decision.

SIGNATURE PAGE TO FOLLOW



Agenda Item Summary

Agenda Item #	X. 1.
Date	02/17/2021

Staff

Katie Cabral

Subject

National Grid Utility Petition – Fairgrounds Rd at Newtown

Executive Summary

National Grid requests to install a handhole at the base of Pole #2-84 on Fairgrounds Rd for service at 20 Newtown Rd.

Staff Recommendation

Approve with conditions outlined in Departmental Comments.

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: NATIONAL GRID
TYPE: ORDER FOR POLE LOCATIONS
SITE ADDRESS: FAIRGROUNDS (AT NEWTOWN)
HEARING DATE: FEBRUARY 17, 2021

COMMENTS

NPD: There is municipal fiber optic running down that pole and under Fairgrounds Road to 4 FG - Deputy Gibson
FIRE: No Issues - Chief Murphy
PLANNING: No Issues
DPW: No Issues** - Rob McNeil
SEWER: No Issues. – David Gray
WWCo: Please call for WWCo for a markout. --Mark Willett

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

Town Copy



Town of Nantucket
Board of Selectmen
16 Broad Street
Nantucket, MA 02554

October 28, 2020

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

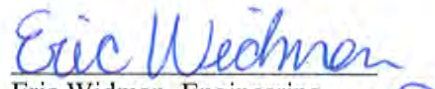
If you have any questions regarding this petition, please contact:

Wendy Paluch, Operations Support Clerk
wendy.paluch@nationalgrid.com
Work: 401-784-4267

If this petition meets with your approval, please return an executed copy to:

Wendy Paluch
280 Melrose Street
Providence, RI 02907
3rd Floor,

Very truly yours,


Eric Widman, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR POLE LOCATIONS

Nantucket, MA 02554

October 28, 2020

To the Board of Selectmen
of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY requests permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways;

Fairgrounds Rd

National Grid to install handhole at the base of Pole 2-84

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain pole and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. **29889597** Dated **8/27/2020**

Your petitioner agrees to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

NANTUCKET ELECTRIC COMPANY

By: *Eric Weetman*
Manager of Distribution Design 

ORDER FOR POLE LOCATIONS

Nantucket, MA 02554

October 28, 2020

By the Board of Selectmen
of the Town of Nantucket, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **28th day of October**

All construction under this order shall be in accordance with the following conditions:--

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated indicated upon the plan marked--

NANTUCKET ELECTRIC COMPANY

Plan No. **29889597** Dated **8/27/2020** filed with this order

There may attached to said **NANTUCKET ELECTRIC COMPANY** not to exceed twenty wires, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:--

Fairgrounds Rd

National Grid to install handhole at the base of Pole 2-84

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioner may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of
_____, 2020

Clerk of Selectmen

Received and entered in the records of location orders
of the Town of Nantucket, Massachusetts

Book: _____. Page: _____.

Attest: _____
Town Clerk

I hereby certify that on _____, _____, at _____ o'clock, _____ M.,
at _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to erect the poles, wires and fixtures described in the order herewith recorded, and that I
mailed at least seven days before said hearing a written notice of the time and place of said hearing to each
of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways
or parts of ways upon which the Company is permitted to erect poles, wires and fixtures under said order.
And that thereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice
adopted by the _____ of the Town of _____,
Massachusetts, on the _____ day of _____, _____, and recorded with the
records of location orders of provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest: _____
Town Clerk

Pole & UG Petition/Permit Request Form

City
Town of Nantucket WR # 29889597
(circle one)

Install _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Remove _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Relocate _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Beginning at a point approximately _____ feet _____ of the centerline
(distance) (compass heading)
of the intersection of _____
(street name)

and continuing approximately _____ feet in a _____ direction.
(distance) (compass heading)

Install underground facilities:

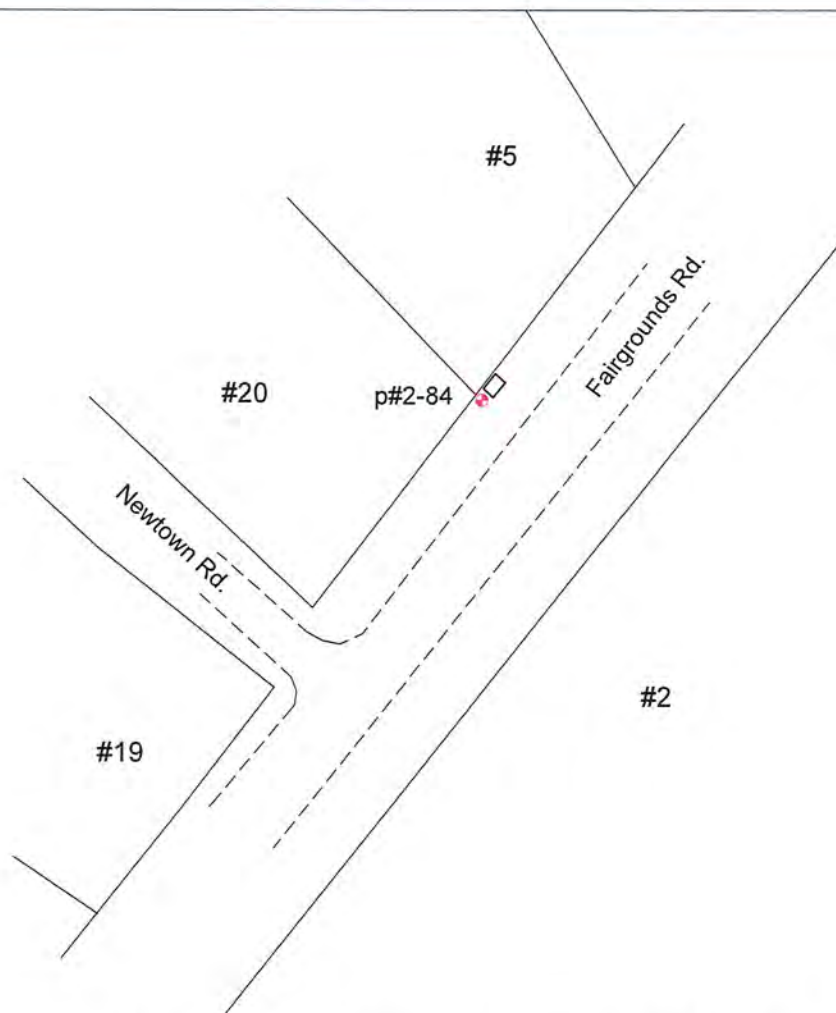
Street(s) Fairgrounds RD

Description of Work:

National Grid to Install handhole
at the base of Pole #2-84
Fairgrounds RD.

ENGINEER Jim Huxley

DATE 8/27/2020



National Grid to install handhole at base of pole #2-84 in order to supply electric service to #20 Newtown Rd.

11x17 Supplemental Sketch	
nationalgrid	
Work Request: wr#29889597	Drawn By: Jim Huxley Date: 8/1/2021
Petition Sketch pole #2-84 Fairgrounds Rd. Nantucket, Ma	
LEGEND	
	Existing utility pole
	17" x 30" handhole
NOTE: Not to Scale	

Abutters List

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
55	71		RYDER VALERIE TRST	5 FAIRGROUNDS RD REALTY TRUST	5 FAIRGROUNDS RD	NANTUCKET	MA	02554	5 FAIRGROUNDS RD
55	72		HUGHES TAYLOR		20 NEWTOWN RD	NANTUCKET	MA	02554	20 NEWTOWN RD
55	74		HUGHES CHARLES A & JEAN TRST	19 NEWTOWN RD REALTY TRUST	19 NEWTOWN RD	NANTUCKET	MA	02554	19 NEWTOWN RD
67	40		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	2 FAIRGROUNDS RD
Count:	4								

6.90
x 4

\$27.60



Agenda Item Summary

Agenda Item #	X. 2.
Date	02/17/2021

Staff

Katie Cabral

Subject

National Grid Utility Petition – Miller Ln from Old South Road

Executive Summary

National Grid requests to install a 3" riser, handholes hh40-1, hh40-2, and 55' of 2-3" conduit encased in concrete from Pole 40 on Old South Rd to provide electric service to 11 Miller Ln.

Staff Recommendation

Approve with conditions outlined in Departmental Comments.

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: NATIONAL GRID
TYPE: ORDER FOR MANHOLE & DUCT LOCATIONS
SITE ADDRESS: MILLER LANE (FROM OLD SOUTH RD)
HEARING DATE: FEBRUARY 17, 2021

COMMENTS

NPD: No Issues. - Deputy Gibson
FIRE: No Issues. - Chief Murphy
PLANNING: No Issues.
DPW: No Issues** - Rob McNeil
SEWER: No Issues. - David Gray
WWCo: Please call for WWCo for a mark out of water main and services. --Mark Willett

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

Town Copy



Town of Nantucket
Board of Selectmen
16 Broad Street
Nantucket, MA 02554

October 28, 2020

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this petition, please contact:

Wendy Paluch, Operations Support Clerk
wendy.paluch@nationalgrid.com
Work: 401-784-4267

If this petition meets with your approval, please return an executed copy to:

Wendy Paluch
280 Melrose Street
Providence, RI 02907
3rd Floor,

Very truly yours,


Eric Widman, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATIONS

Nantucket, MA 02554

November 13, 2020

To the Board of Selectmen
of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along the following public way:

Miller Ln

**Customer to install 3" riser, handholes hh40-1, hh40-2 and 55' of
2-3" conduit encased in concrete to provide electric service to #11
Miller Ln**

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:--

NANTUCKET ELECTRIC COMPANY

Plan No. **30103732** Dated: **9/23/2020**

NANTUCKET ELECTRIC COMPANY

By: *Eric Wichman*
Manager of Distribution Design *wo*

ORDER FOR MANHOLE AND DUCT LOCATIONS

Nantucket, MA 02554

November 13, 2020

By the Board of Selectmen
of the Town of Nantucket, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition of said Company dated the **13th day of November, 2020**

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked--

NANTUCKET ELECTRIC COMPANY

Plan No. **30103732** Dated: **9/23/2020**

The following are the public ways or parts of ways along which the underground electric conduits above referred to may be laid--

Miller Ln

**Customer to install 3" riser, handholes hh40-1, hh40-2 and 55'
of 2-3" conduit encased in concrete to provide electric service to
#11 Miller Ln**

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen
of the Town of Nantucket, Massachusetts
held on the _____ day of _____ 2020

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, 20_____, at _____ o'clock, _____ M.,
at _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

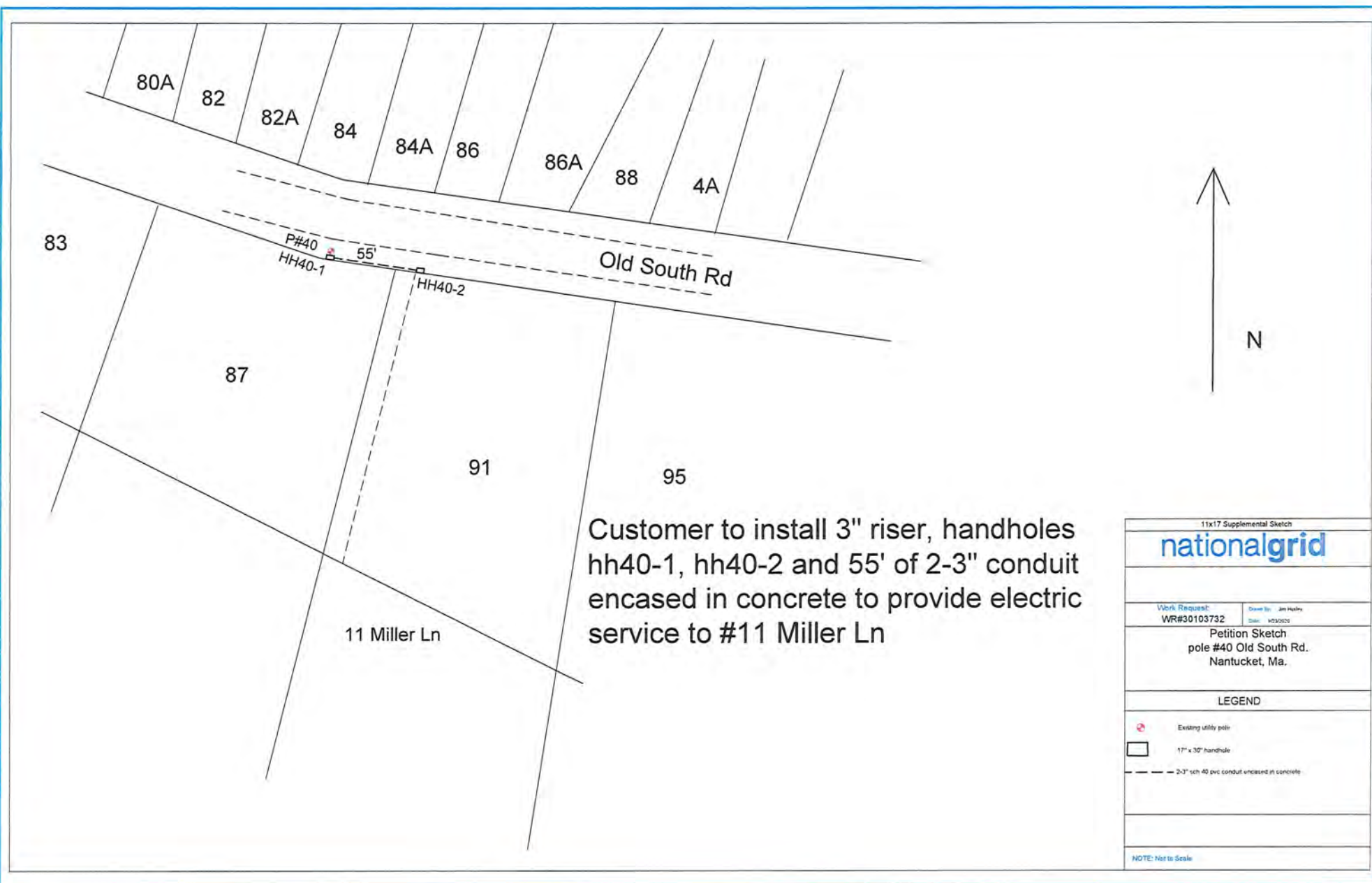
Nantucket, Massachusetts

CERTIFICATE

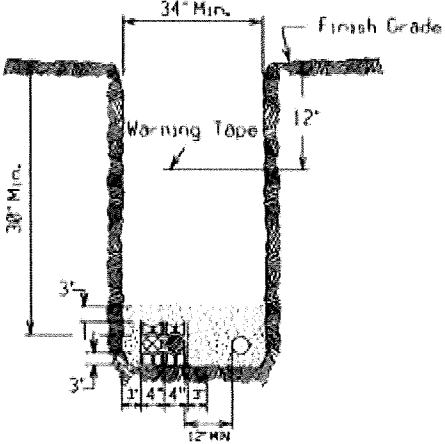
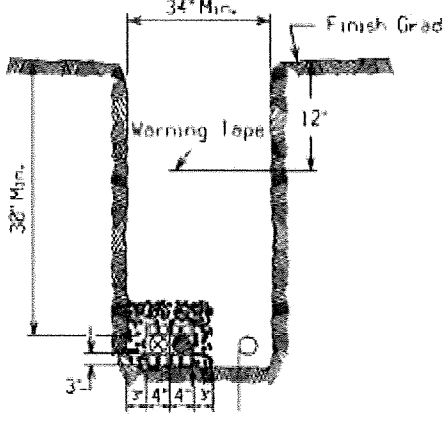
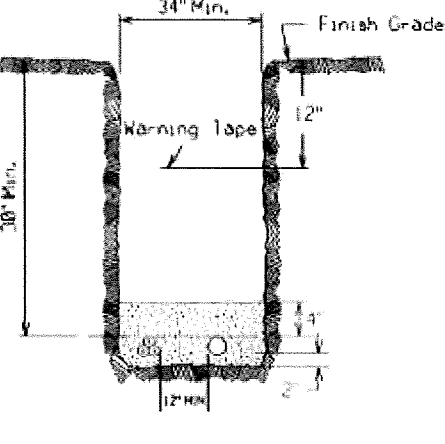
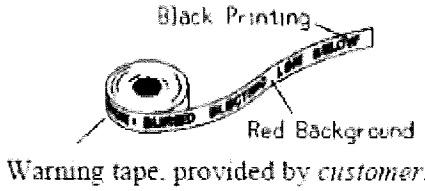
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2020 and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk



Typical Trenches

Conduit Trench	Conduit in Concrete Trench
	
Direct Burial Trench	Legend
	Legend  Base Spacer  Intermediate Spacer  Primary Electric Duct  Communication Duct or Cable  Spare Duct  Direct Burial  Concrete  Sand
Notes: 1) If more than one set of primary is installed in the trench, separate primary by 6" minimum. 2) Nantucket MA area to use this trench with a spare 4" conduit to be installed at least 6" away from the direct burial cable.	

Pulling Tape

All conduits shall have a pulling tape, also referred to by trade name as "Mule Tape". This tape is to be rated for 2,500#. Manufacturers of this tape are listed on page 56.

Abutters List

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
68	124		GLOWACKI GREG		22 EVERGREEN WAY	NANTUCKET	MA	02554	11 MILLER LN
68	159		EGAN CYNTHIA		PO BOX 3012	NANTUCKET	MA	02584	83 OLD SOUTH RD
68	160		EGAN ROY JR		15 SHERWIN TERRACE	FRAMINGHAM	MA	01702	87 OLD SOUTH RD
68	161		LARSON NANCY ANN		PO BOX 625	NANTUCKET	MA	02554	91 OLD SOUTH RD
68	400		KASCHULUK JEFFREY TR	NANTICUT REALTY TRUST	PO BOX 241	NANTUCKET	MA	02554	86A OLD SOUTH RD
68	412		SUTHERLAND DANIEL & ELIZABETH		80A OLD SOUTH RD	NANTUCKET	MA	02554	80A OLD SOUTH RD
68	413		CHITESTER MARK K & SHERRY		PO BOX 3027	NANTUCKET	MA	02584	82 OLD SOUTH RD
68	414		MCGARVEY CHRISTOPHER G & LINDA P		82A OLD SOUTH RD	NANTUCKET	MA	02554	82A OLD SOUTH RD
68	415		GAYNOR CINDA L		PO BOX 78	NANTUCKET	MA	02554	84 OLD SOUTH RD
68	416		MASKELL GREGORY E & EVE B TRS	GEM/EBM REALTY TRUSTE	PO BOX 1455	NANTUCKET	MA	02554	84A OLD SOUTH RD
68	417		EGAN MARY ANN		PO BOX 435	NANTUCKET	MA	02554	86 OLD SOUTH RD
68	419		BUNTING JOAN		BOX 2441	NANTUCKET	MA	02584	4A PINE CREST DR
68	419	1	KASCHULUK JEFFREY J		PO BOX 241	NANTUCKET	MA	02554	88 OLD SOUTH RD
68	980		WHELDEN LARRY B		PO BOX 454	NANTUCKET	MA	02554	95 OLD SOUTH RD
Count:		14							

6.90
x 14

\$ 96.60



Agenda Item Summary

Agenda Item #	X. 3.
Date	02/17/2021

Staff

Katie Cabral

Subject

National Grid Utility Petition – Orange Street via West Dover

Executive Summary

National Grid requests to install a handhole and approximately 35' of conduit encased in concrete from Pole 5 on West Dover Street to supply electrical service to 79R Orange Street.

Staff Recommendation

Approve with conditions outlined in Departmental Comments.

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: NATIONAL GRID
TYPE: ORDER FOR MANHOLE & DUCT LOCATIONS
SITE ADDRESS: ORANGE ST/ WEST DOVER ST
HEARING DATE: FEBRUARY 17, 2021

COMMENTS

NPD: No Issues. - Deputy Gibson
FIRE: No Issues. - Chief Murphy
PLANNING: No Issues
DPW: No Issues** - Rob McNeil
SEWER: No Issues – David Gray
WWCo: Please call for WWCo for a mark out of water main and services. - Mark Willett

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

Town Copy



Town of Nantucket
Board of Selectmen
16 Broad Street
Nantucket, MA 02554

October 28, 2020

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this petition, please contact:

Wendy Paluch, Operations Support Clerk
wendy.paluch@nationalgrid.com
Work: 401-784-4267

If this petition meets with your approval, please return an executed copy to:

Wendy Paluch
280 Melrose Street
Providence, RI 02907
3rd Floor,

Very truly yours,


Eric Widman, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATIONS

Nantucket, MA 02554

November 20, 2020

To the Board of Selectmen
of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along the following public way:

Orange St

Install (1) Hanhole & approx 35' of concrete encased off pole #5

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:--

NANTUCKET ELECTRIC COMPANY

Plan No. **30174788** Dated: **11/16/2020**

NANTUCKET ELECTRIC COMPANY

By: Eric Wickman
Manager of Distribution Design 

ORDER FOR MANHOLE AND DUCT LOCATIONS

Nantucket, MA 02554

November 20, 2020

By the Board of Selectmen
of the Town of Nantucket, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition of said Company dated the **20th day of November, 2020**

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked--

NANTUCKET ELECTRIC COMPANY

Plan No. **30174788** Dated: **11/16/2020**

The following are the public ways or parts of ways along which the underground electric conduits above referred to may be laid--

Orange St

Install (1) Handhole & approx 35' of concrete encased off Pole #5

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen
of the Town of Nantucket, Massachusetts
held on the _____ day of _____ 2020

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, 20_____, at _____ o'clock, _____ M.,
at _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2020 and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk

Pole & UG Petition/Permit Request Form

City
Town of Nantucket WR # 30174788
(circle one)

Install _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Remove _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Relocate _____ SO
(quantity) JO Poles on _____
(circle one) (street name)

Beginning at a point approximately 95 feet SW of the centerline
(distance) (compass heading)
of the intersection of _____
(street name)

and continuing approximately _____ feet in a _____ direction.
(distance) (compass heading)

Install underground facilities:

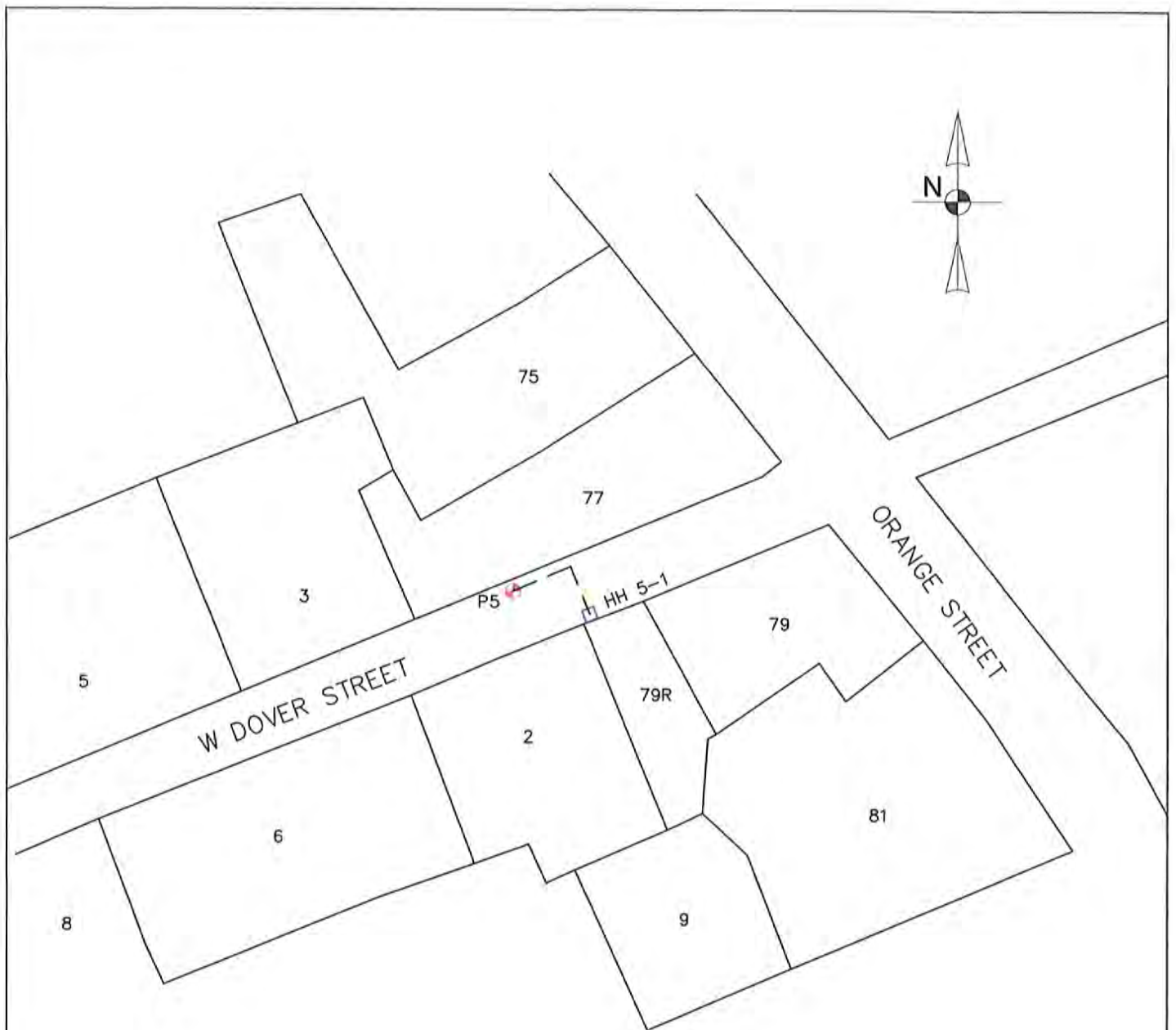
Street(s) West Dover Street

Description of Work:

Install (1) Handhole & approx 35' of concrete encased off Pole #5

ENGINEER Jose Vazquez

DATE 11/16/2020



Customer to install (1) handhole #5-1 and approx 35' of 2-3" PVC sched 40 conduit encased in concrete in order for National Grid to supply electrical service to 79R Orange Street.

LEGEND

-  EXISTING J/O POLE
-  2-3" SCHED 40 PVC CONDUIT ENCASED IN CONCRETE
-  PROPOSED 17" X 30" HD HANDHOLE

Petition Sketch

79R Orange St

Nantucket, Mass

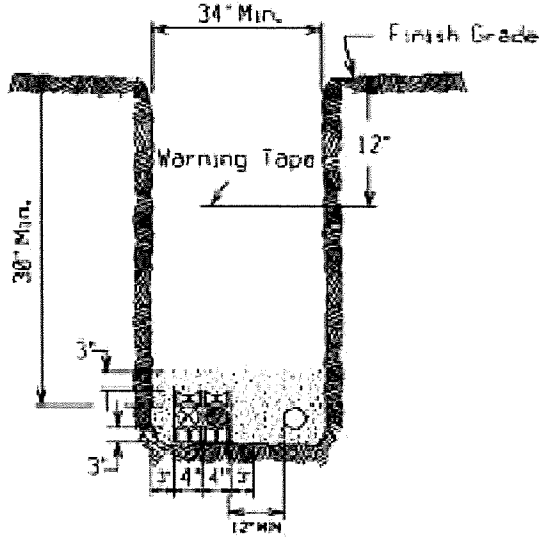
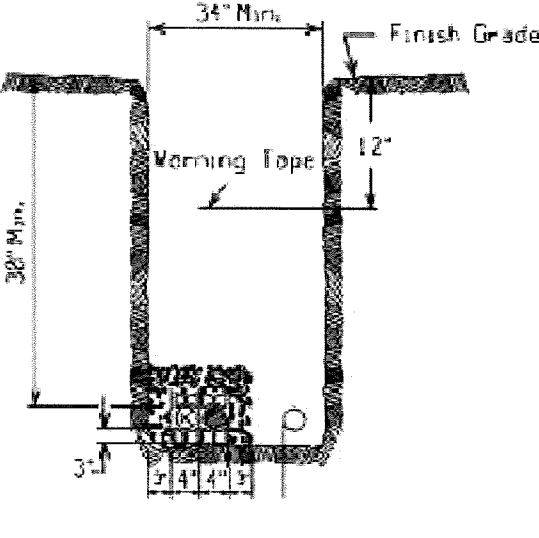
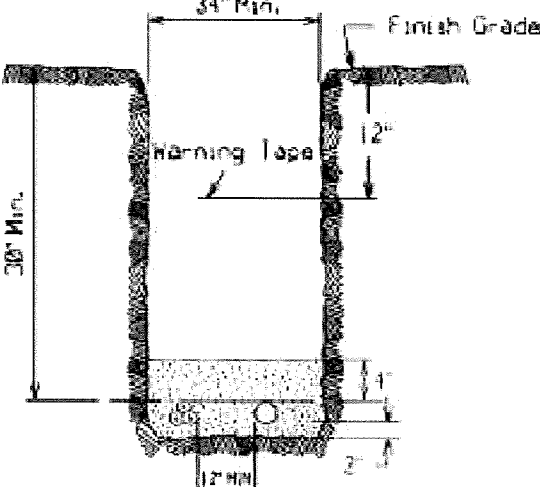
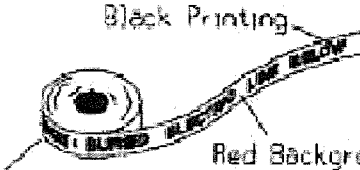
Date: 11/16/2020

Designer: Jose Vazquez

Work Request: 30174788

nationalgrid

Typical Trenches

Conduit Trench	Conduit in Concrete Trench
	
Direct Burial Trench	Legend
	- Base Spacer - Intermediate Spacer - Primary Electric Duct - Communication Duct or Cable - Spare Duct - Direct Burial - Concrete - Sand
Notes: 1) If more than one set of primary is installed in the trench, separate primary by 6" minimum. 2) Nantucket MA area to use this trench with a spare 4" conduit to be installed at least 6" away from the direct burial cable.	 Warning tape, provided by customer.

Pulling Tape

All conduits shall have a pulling tape, also referred to by trade name as "Mule Tape". This tape is to be rated for 2,500#. Manufacturers of this tape are listed on page 56.

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
5541	89		81 ORANGE LLC		5724 SW BARNES RD	PORTLAND	OR	97221	81 ORANGE ST
5541	89	1	79 ORANGE LLC		50 CLIFF ROAD	NANTUCKET	MA	02554	79 ORANGE ST
5541	89	2	79R ORANGE STREET LLC		50 CLIFF RD	NANTUCKET	MA	02554	79R ORANGE ST
5541	137		BACK EAST LLC	C/O ALLISON SIMEONE	422 W BROADWAY 5TH FL	NEW YORK	NY	10012	77 ORANGE ST
5541	138		OSTRANDER HARRY M TRUSTEE		244 FISHER AVE	BROOKLINE	MA	02445	2 W DOVER ST
5541	139		FRAUNFELDER JOHN & SARAH	C/O FRAUNFELDER SARAH	9 YORK ST	NANTUCKET	MA	02554	9 YORK ST
5541	169		BENYUS MIRIAM BRITT		706 BEDFORD ST	STAMFORD	CT	06901	75 ORANGE ST
5541	170		CORKIN DOREEN D		61 CLIFF RD	WESTON	MA	02493	3 W DOVER ST
5541	190		HANDY SUSAN E ETAL TRS		PO BOX 1048	NANTUCKET	MA	02554	5 W DOVER ST
5541	191		IRELAND LORENE		13 OLD SOUTH WHARF	NANTUCKET	MA	02554	6 W DOVER ST
Count:		10							

6.90
10
X
\$ 69



Agenda Item Summary

Agenda Item #	X. 4.
Date	02/17/2021

Staff

Katie Cabral

Subject

Verizon New England, Inc & Nantucket Electric Company, DBA National Grid Utility Petition – Pine St

Executive Summary

Customer requests to relocate JO pole 159/9 on Pine Street to approximately 9 ½' southerly from its existing location.

Staff Recommendation

n/a

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

See enclosed letter from abutter at 25A Pine St

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Abutter letter; Departmental comments; Verizon-NGrid petition



Verizon New England Inc & Nantucket Electric Company DBA National Grid

RE: Pole relocation

To whom it may concern

I am the owner of 25A Pine st Nantucket MA. I was notified by registered mail that the telephone pole off the northerly corner of my property is being entertained for relocation as depicted in your survey.

As a concerned resident I take issue with this relocation. I am pointing this out to you because it seems that the relocation of the pole will be directly across from our shared property line fence post which terminates at the end of our shared property lines as depicted in my survey attached. At that new location proposed it will constrict the passage for those pedestrians and cyclists that use our side walk. Especially the handicap who use scooters and wheel chairs in which I have witnessed.

The current location gives additional space due to the neighbors open area directly west of the existing pole. This was true pre and post new construction.

I am not sure why this is necessary, but can only surmise that it's to accommodate our neighbors new shed for parking. To that I would say the condition existed prior to his new construction and the location of his shed should have been thought out more carefully prior building his shed there.

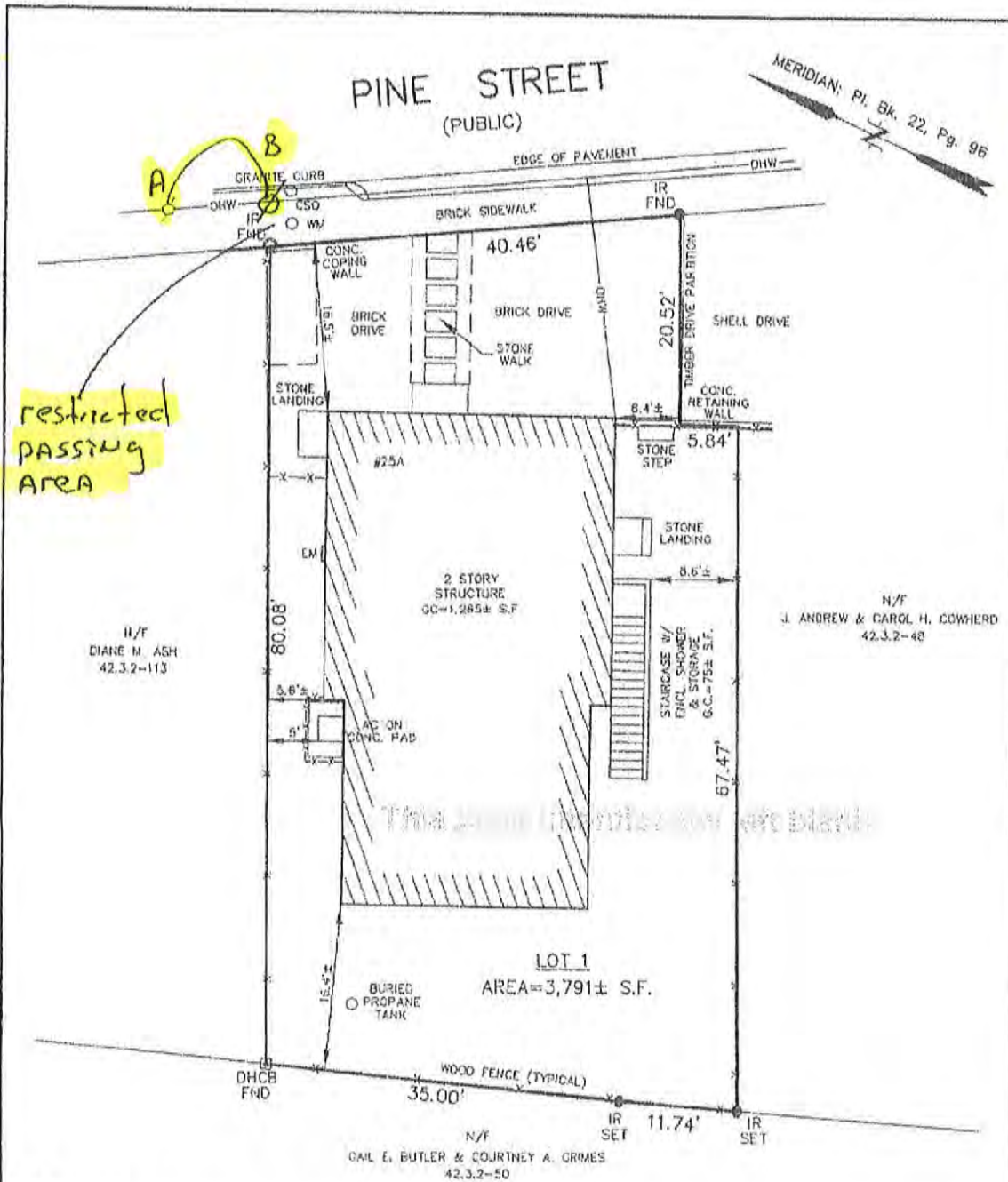
I want to be clear that the re-location which appears on the survey is not obtrusive to my home. I only want to memorialize this letter as a matter of record for liability purposes.

That being said if it does get relocated I want to be assured that my underground conduit that houses our electric service and data cables will be moved with minor interruption and only done during above freezing periods of time. The heat to my home relies on electrical and any damage due to lack of heat from not having electric from this endeavor will result in a legal claim.

Owner 25 A Pine st


Mark Sagliocca





A - Existm
B - relocation

restricted
passing
area

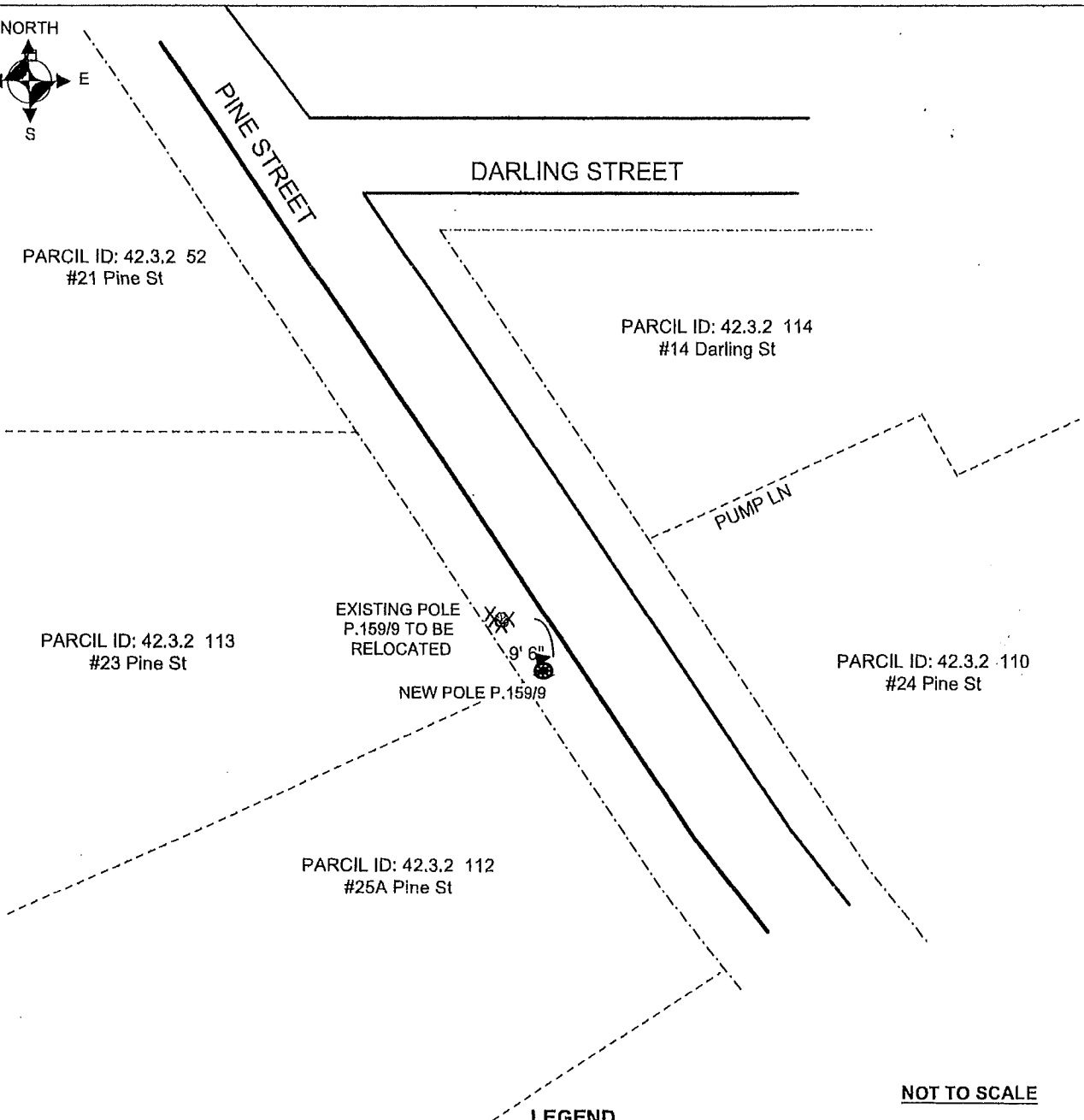
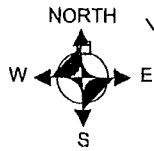


PETITION PLAN

MUNICIPALITY NANTUCKET VZ. N.E. INC. NO. MA2020-47

VERIZON NEW ENGLAND, INC AND
NANTUCKET ELECTRIC COMPANY D/B/A NATIONAL GRID DATE : NOVEMBER 4, 2020

SHOWING PROPOSED RELOCATION OF ONE POLE (#159/9) ON PINE ST



LEGEND

- PROPERTY LINE
- EDGE OF PAVEMENT
- - - EDGE OF ROADWAY



- EXISTING JOINTLY OWNED POLE TO REMAIN
- EXISTING JOINTLY OWNED POLE TO BE RELOCATED
- PROPOSED NEW JOINTLY OWNED POLE TO BE INSTALLED

ABUTTER NOTIFICATION

PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, February 17, 2021 at 5:00 PM to consider a utility petition from Verizon New England, Inc and National Grid/Nantucket Electric Company for Plan #MA2020-47 to move one JO pole 159/9 on Pine Street approximately 91/2' southerly from its current location. The hearing will be held via Zoom Webinar Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law. Information on viewing the meeting can be found at <https://www.nantucket-ma.gov/138/Boards-Commissions-Committees>. For further information, please email TownManager@nantucket-ma.gov.

SELECT BOARD

UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: VERIZON/ NATIONAL GRID
TYPE: ORDER FOR MANHOLE & DUCT LOCATIONS
SITE ADDRESS: PINE STREET
HEARING DATE: FEBRUARY 17, 2021

COMMENTS

NPD: No Issues. - Deputy Gibson

FIRE: Not Fire based, but Traffic Safety Committee: Will the move affect the neighboring driveway and their ability to get in and out of the parking spaces? Will the move of the pole allow for ADA compliance on the sidewalk? Is the intent of the pole move to extend the driveway and curb cut for the property? - Chief Murphy

PLANNING: No Issues

DPW: No Issues** - Rob McNeil

SEWER: No Issues. - David Gray

WWCo: Please call for WWCo for a mark out of water main and services. - Mark Willett

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**



385 Myles Standish Blvd
Taunton, MA 02780

December 3, 2020

Town of Nantucket
Select Board
16 Broad Street
Nantucket, MA 02554

Dear Select Board:

Attached is a petition for VERIZON NEW ENGLAND, INC. and NANTUCKET ELECTRIC COMPANY D/B/A NATIONAL GRID to relocate one jointly owned pole 159/9 on Pine Street in the Town of Nantucket, Massachusetts as shown on the attached plan.

Would you kindly consider this petition and return the executed copies.

Yours truly,

A handwritten signature in black ink that reads "Daryl Crossman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daryl Crossman
Manager Rights of Way
(508) 398-5754 - Office
daryl.crossman@verizon.com - Email

PETITION FOR JOINT OR IDENTICAL POLE RELOCATIONS

December 3, 2020

To the Select Board

in NANTUCKET, Massachusetts

VERIZON NEW ENGLAND INC. and NANTUCKET ELECTRIC COMPANY D/B/A NATIONAL GRID request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

PINE STREET:

This Petition is for the relocation of one (1) JO pole 159/9, on the southwesterly side of Pine Street, to a point approximately 9 ½ feet southerly from its existing location.

This pole relocation is at the request of the abutting property owner.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. **MA2020-47 Dated November 4, 2020.**

Also, for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By Daryl Crossman
Daryl Crossman - Manager - Rights of Way

Dated this 3 day of DEC, 2020.

NANTUCKET ELECTRIC COMPANY D/B/A NATIONAL GRID

By Eric Widman
Right of Way Representative

Dated this 11 day of Dec, 2020.

ORDER FOR JOINT OR IDENTICAL POLE RELOCATIONS

By the Select Board of the Town of NANTUCKET, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and NANTUCKET ELECTRIC COMPANY
D/B/A NATIONAL GRID be, and they are hereby granted joint or identical locations for and
permission to erect and maintain poles and their respective wires and cables to be placed thereon, together
with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary,
in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 4th day
of November, 2020.

PINE STREET:

**This Petition is for the relocation of one (1) JO pole 159/9, on the
southwesterly side of Pine Street, to a point approximately 9 ½ feet southerly
from its existing location.**

This pole relocation is at the request of the abutting property owner.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points
indicated upon the plan marked-VZ N. E. Inc. No. **MA2020-47** in a package Dated **November 4, 2020**
- filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be
erected, and the number of poles, which may be erected thereon under this order:

PINE STREET
1 JO pole to be relocated

Also that permission be and hereby is granted to each of said Companies to lay and maintain
underground laterals, cables and wires in the above or intersecting public ways for the purpose of making
connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of NANTUCKET,
Massachusetts held on the _____ day of _____ 20 ____.

Select Board Clerk

We hereby certify that on _____, 20____, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NANTUCKET ELECTRIC COMPANY D/B/A NATIONAL GRID for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Select Board of the Town of NANTUCKET, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen for the Town of **NANTUCKET**, Massachusetts, on the _____ day of _____, 20____, and recorded with the records of location orders of said Town, Book _____, Page _____, this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk



PETITION PLAN

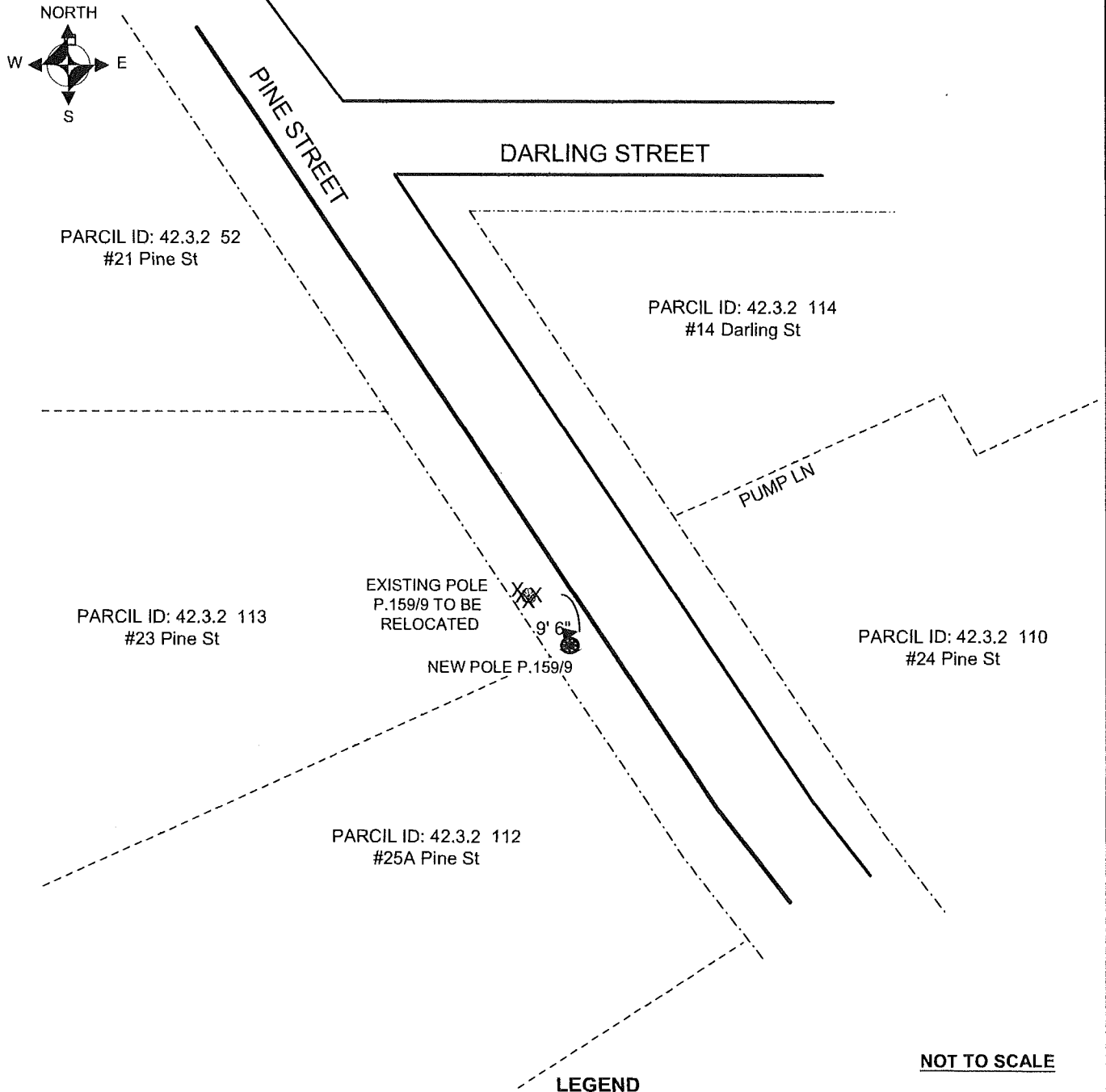
MUNICIPALITY NANTUCKET

VZ. N.E. INC. NO. MA2020-47

VERIZON NEW ENGLAND, INC AND
NANTUCKET ELECTRIC COMPANY D/B/A NATIONAL GRID

DATE : NOVEMBER 4, 2020

SHOWING PROPOSED RELOCATION OF ONE POLE (#159/9) ON PINE ST



----- PROPERTY LINE
————— EDGE OF PAVEMENT
- - - - - EDGE OF ROADWAY



EXISTING JOINTLY OWNED POLE
TO REMAIN
EXISTING JOINTLY OWNED POLE
TO BE RELOCATED
PROPOSED NEW JOINTLY OWNED POLE TO
BE INSTALLED

ABUTTERS LIST

Assessor ID: 42.3.2 52
21 Pine St

Nicholas & Lorraine Farrara
6809 Lancaster Pike
Hockessin, Del. 19707

Assessor ID: 42.3.2 113
23 Pine St

Diane Ash
C/O 19 Arrowhead Dr
Nantucket, MA. 02554

Assessor ID: 42.3.2 112
25A Pine St

25A Pine St LLC
11 Davidson Lane West
West Islip, NY 11795-5203

Assessor ID: 42.3.2 110
24 Pine St

Raymond Pohl & Lisa Botticelli
24 Pine St
Nantucket, MA 02554

Assessor ID: 42.3.2 114
14 Darling St

Fair to Darling LLC
6809 Lancaster Pike
Hockessin, Del. 19707

Pine Street Pictures for Verizon/NGrid Petition











Agenda Item Summary

Agenda Item #	X. 5.
Date	2/17/2021

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application – Multiple Amendments – Bar Sushi, 21 Old South Wharf

Executive Summary

Multiple Amendments for Seasonal Wine and Malt Beverages Restaurant License # 04843-RS-0762 at 21 Old South Wharf. Due to the retirement of an original owner/investor and acquisition of an adjacent space, Bar Sushi is requesting the following amendments to its Liquor License.

LICENSE AMENDMENTS:

Change of Corporate Name: From Sushi 21, LLC to OSWACK Associates, LLC

Change of DBA: from Bar Sushi to Bar Yoshi

Change of Category: from Wine and Malt Beverages to All Alcohol

Alteration of Premises: Addition of adjacent space and outdoor patio space will add approximately 400 square feet and 43 seats.

Change of Officers, Stock or Ownership Interest

Staff Recommendation

There are no objections to the amendments. All required paperwork and financial documentation have been submitted. Initial permits have been received to begin renovations and work necessary to expand the space. Final inspections will be required before any final License is issued and a final allowed occupancy will be determined by the Building Commissioner. The numbers in the application have been determined based on design plans submitted.

*Please note the first draft of the application was submitted in March 2020 and was held due to the shutdown and COVID-19 State of Emergency. As expansion into outdoor space was allowed by local approval only for 2020, the operator was able to serve outside for the season and hold off on renovations. Therefore, some signatures in this application are dated in March accordingly.

Background/Discussion

n/a



Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Inquirer and Mirror Public Notice; Abutter Notification

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

n/a

Attachments

Select Board Public Hearing Process; ABCC Multiple Amendments Application & plans; Bar Sushi Liquor License



Select Board Liquor License Public Hearing Process

Liquor License Public Hearing Process

1. The chairman opens the public hearing and may outline the procedure to be followed.
2. The applicant reviews their pending application.
3. Public comment is taken.
 - If applicable, read into record any written objections received from school, church or hospital located within 500 feet.
4. The chairman invites questions from the Board and closes the public hearing.
5. The Board makes a decision to approve or deny.
6. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, denials must be based on reasonable grounds; ABCC and courts prefer findings based on:
 - the appropriateness of a liquor license at a particular location
 - the number of existing dispensaries in Town
 - the views of the inhabitants of the locality in which a license is sought
 - traffic, noise, size (typically applies to a new location)
 - the sort of operation that carries the license
 - the reputation of the applicant
7. A written decision is required to be sent to the applicant. No need for reasons if the application is simply approved, but if there is a denial or conditions are imposed, the reasoning for this is required to be in the decision. Therefore, the Board should vote on basis for denial or conditions as well [concerns with traffic, another licensee located adjacent to property, limiting hours, etc.].



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

04843-RS-0762

ABCC License Number

Nantucket

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|--|---|
| ☐ New License | ☒ Change Corporate Name | ☐ Pledge of Collateral (i.e. License/Stock) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Change of DBA | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change of Hours |
| ☐ Change of Manager | ☒ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Issuance/Transfer of Stock/New Stockholder |
| ☐ Change of Beneficial Interest | ☐ Change of Location | ☒ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Oswack Associates, LLC

D/B/A Bar Yoshi

ADDRESS: 21 Old South Wharf

CITY/TOWN: Nantucket

STATE: MA

ZIP CODE: 02554

Manager Terrence Noyes

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Seasonal

All Alcoholic Beverages

If Yes, Chapter
of the Acts of (year)

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

(i.e. Wines and Malts / All Alcohol)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority: Approves this Application

Please indicate what days and hours
the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is
downgrading the License
Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area

Total Square Footage

Seating Capacity

Indoor Area

Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☒ No ☐

Date of Abutter
Notification

Date of
Advertisement

02/04/21 & 02/11/21

Please add any
additional remarks or
conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

02/17/2021

Date APPROVED by LLA



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for:

☒ **CHANGE OF CATEGORY**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Category Application
Vote of the Corporate Board
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
\$200 fee via [ABCC website](#) and Payment Receipt

☐ **CHANGE OF LICENSE TYPE**

Change of License Type Application
Vote of the Corporate Board
Advertisement*
Monetary Transmittal Form
\$200 fee via [ABCC website](#) and Payment Receipt

☒ **CHANGE OF CORPORATE STRUCTURE**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Corporate Structure Application
Business Structure Documents
If Sole Proprietor, **Business Certificate**
If partnership, **Partnership Agreement**
If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
Vote of the Corporate Board
Monetary Transmittal Form
\$200 fee via [ABCC website](#) and Payment Receipt

☐ **CHANGE OF CLASSIFICATION**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Classification Application
Vote of the Corporate Board
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
\$200 fee via [ABCC website](#) and Payment Receipt



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APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☒ **CHANGE OF OFFICERS/DIRECTORS/LLC MANAGERS**

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Business Structure Documents

If Sole Proprietor, Business Certificate

If partnership, Partnership Agreement

If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

Vote of the Entity Board

Monetary Transmittal Form

\$200 fee via [ABCC website](#) and Payment Receipt

☒ **CHANGE OF OWNERSHIP INTEREST (e.g. LLC Members, LLP Partners, Trustees etc.)**

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

Financial Statement

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Business Structure Documents

If Sole Proprietor, Business Certificate

If partnership, Partnership Agreement

If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

Vote of the Entity Board

Purchase and Sale Agreement

Supporting Financial Records

Advertisement*

Monetary Transmittal Form

\$200 fee via [ABCC website](#) and Payment Receipt

☐ **CHANGE OF STOCK INTEREST (e.g. New Stockholders or Transfer or Issuance of Stock)**

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

Financial Statement

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Business Structure Documents

If Sole Proprietor, Business Certificate

If partnership, Partnership Agreement

If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

Vote of the Entity Board

Purchase and Sale Agreement

Supporting Financial Records

Advertisement*

Monetary Transmittal Form

\$200 fee via [ABCC website](#) and Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*



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APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☒ **CHANGE OF CORPORATE NAME OR DBA**

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Corporate Name/DBA Application

Business Structure Documents

If Sole Proprietor, Business Certificate

If partnership, Partnership Agreement

If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

Vote of the Corporate Board

Monetary Transmittal Form

\$200 fee via [ABCC website](http://www.abcc.mass.gov) and Payment Receipt

☐ **CHANGE OF PLEDGE OF LICENSE, STOCK OR INVENTORY**

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Pledge of License, Stock or Inventory Application

Pledge documentation

Promissory note

Vote of the Corporate Board

Monetary Transmittal Form

\$200 fee via [ABCC website](http://www.abcc.mass.gov) and Payment Receipt

☐ **CHANGE OF MANAGER**

Change of Manager Application

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Vote of the Entity Board.

Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.

Monetary Transmittal Form

\$200 fee via [ABCC website](http://www.abcc.mass.gov) and Payment Receipt



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☐ **CHANGE OF LOCATION**

Alteration of Premises/Change of Location Application
Vote of the Corporate Board
Supporting financial records
Legal Right to Occupy
Floor Plan
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
\$200 fee via [ABCC website](http://www.mass.gov/abcc) and Payment Receipt

☒ **ALTERATION OF PREMISES**

Alteration of Premises/Change of Location Application
Vote of the Corporate Board
Supporting financial records
Legal Right to Occupy
Floor Plan
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
\$200 fee via [ABCC website](http://www.mass.gov/abcc) and Payment Receipt

☐ **MANAGEMENT AGREEMENT**

Management Agreement Application
Management Agreement
Vote of the Entity
CORI Forms for all listed in Section 8A and attachments

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*



*The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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www.mass.gov/abcc*

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

Non-Profit Club's ONLY

e.g. Veteran's Club

☐ **Non-Profit Club CHANGE OF OFFICERS/DIRECTORS**

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

Business Structure Documents-Articles of Organization from the Secretary of the Commonwealth

CORI Authorization Form This form **must** be *notarized with a stamp or raised seal*.

Vote of the club signed by an approved officer

Monetary Transmittal Form

\$200 fee via ABCC website and Payment Receipt

☐ **Non-Profit Club CHANGE OF MANAGER**

Change of Manager Application

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Vote of the club signed by an approved officer.

Updated Officers and Directors*

*Please ensure to update your officers and directors **simultaneously** or **PRIOR** to applying for a change of manager. It will be returned with no action taken if the officers and directors do not match ABCC records.

Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.

Monetary Transmittal Form

\$200 fee via ABCC website and Payment Receipt



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Alcoholic Beverages Control Commission
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www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

BAR YOSHI

NANTUCKET

04843-RS-0762

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

APPLICANT SEEKS TO CHANGE NAME OF BUSINESS ENTITY, UPDATE MANAGERS, EXPAND PREMISES, CHANGE CATEGORY TO ALL LIQUOR, AND CORRECT DBA NAME.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

JAY MARONEY

ATTORNEY

JAY@COHENLEGAL.NET

508-228-0337

2. AMENDMENT-Change of License Classification

☒ **Change of License Category**

All Alcohol, Wine and Malt,
Wine Malt and Cordials

Last-Approved License Category

WINE AND MALT BEVERAGES

Requested New License Category

ALL ALCOHOL

☐ **Change of License Class**

Seasonal or Annual

Last-Approved License Class

Requested New License Class

☐ **Change of License Type***

i.e. Restaurant to Club

*Certain License Types

CANNOT change once issued*

Last-Approved License Type

Requested New License Type

3. AMENDMENT-Change of Business Entity Information

☒ **Change of Corporate Name**

Last-Approved Corporate Name:

SUSHI 21, LLC

Requested New Corporate Name:

OSWACK ASSOCIATES, LLC

☒ **Change of DBA**

Last-Approved DBA:

BAR SUSHI

Requested New DBA:

BAR YOSHI

☐ **Change of Corporate Structure**

LLC, Corporation, Sole
Proprietor, etc

Last-Approved Corporate Structure

Requested New Corporate Structure

4. AMENDMENT-Pledge Information

☐ **Pledge of License**

To whom is the pledge being made:

☐ **Pledge of Inventory**

☐ **Pledge of Stock**

5. AMENDMENT-Change of Manager

☐ Change of License Manager

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises Last-Approved License Manager

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? ☐ Yes ☐ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☐ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☐ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

☒ **Change of Officers/Directors** ☒ **Change of Ownership Interest (LLC Managers/LLP Partners, Trustees)** ☐ **Change of Stock (E.g. New Stockholder/ Transfer or Issuance of Stock)**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
TERRANCE JERMAIN NOYES	19 HOOPER FARM ROAD, NANTUCKET, MA 02554	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
MANAGER	33.33%	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
MARC KNIGHT	151 FIRST AVENUE, WEST HAVEN, CT 06516		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
MANAGER	33.33%	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

Name of Principal	Residential Address	SSN	DOB
ROBERT BOLDUC	138 HAVEN STREET, NEW HAVEN, CT 06513		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
MANAGER	33.33%	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement.

☐ Yes ☒ No

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

6B. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
TERRANCE NOYES	MANAGER	33.33%
Name of Principal	Title/Position	Percentage of Ownership
MARC KNIGHT	MANAGER	33.33%
Name of Principal	Title/Position	Percentage of Ownership
ROBERT BULDUC	MANAGER	33.33%
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
TERRANCE NOYES	BEER MALT WINE	NANTUCKET TAPAS	NANTUCKET, MA

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. AMENDMENT-Change of Premises Information

☒ **Alteration of Premises:** (must fill out attached financial information form)

7A. ALTERATION OF PREMISES

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

APPLICANT SEEKS TO EXPAND PREMISES BY LEASING CONNECTED BUILDING AND BY ENCLOSING PATIO SPACE
ADDITION WILL ADD APPROXIMATELY 400SF AND 43 SEATS

PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

OPEN SPACE, SINGLE STORY DUPLEX OF APPROXIMATELY 760SF WITH OUTDOOR PATIO AREA

Total Sq. Footage

760

Seating Capacity

56

Occupancy Number

56

Number of Entrances

1

Number of Exits

3

Number of Floors

1

☐ **Change of Location:** (must fill out attached financial information form)

7B. CHANGE OF LOCATION

Last-Approved Street Address

Proposed Street Address

DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

LEASE

Landlord Name

NIR RETAIL, LLC

Landlord Phone

617-243-7097

Landlord Email

hwyner@neddevelopment.com

Landlord Address

44 MAIN STREET, 2ND FLOOR, NANTUCKET, MA 02554

Lease Beginning Date

1/4/2019

Rent per Month

VARIABLE, SEE ATTACHED

Lease Ending Date

12/31/2024

Rent per Year

VARIABLE, SEE ATTACHED

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

8. AMENDMENT-Management Agreement

☐ **Management Agreement:** (must fill out all pages in section 8)

Are you requesting approval to utilize a management company through a management agreement?
If yes, please fill out section 8.

☐ Yes ☒ No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

8A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☐ No

8B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 8A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

8. AMENDMENT-Management Agreement

8C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 8A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

8D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 8A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

8E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 8B, 8C or 8D ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

8F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:

9. FINANCIAL DISCLOSURE

Required for the following transactions:

- Change of Officers, Stock or Ownership Interest (E.g. New Stockholder/Transfer or Issuance of Stock)
- Change of Premises Information
- Pledge of License, Inventory or Stock

Purchase Price(s):

--

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
MARC KNIGHT	\$50,000.00
ROBERT BOLDUC	\$50,000.00
Total	\$100,000.00

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

ALL PARTNERS PROVIDED CASH CONTRIBUTIONS FOR RENOVATIONS/EXPANSION OF PREMISES - NO FINANCING WAS ASSOCIATED WITH TRANSACTION.

APPLICANT'S STATEMENT

I, TERRANCE NOYES the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of OSWACK ASSOCIATES, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Terrance Noyes

Date:

3/3/2020

Title:

MANAGER

CORPORATE VOTE

The Board of Directors or LLC Managers of

OSWACK ASSOCIATES, LLC

Entity Name

duly voted to apply to the Licensing Authority of

NANTUCKET

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

2/10/2020

Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|---|--|--|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☒ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☒ Change Corporate Name | ☒ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☒ Change of Officers/
Directors/LLC Managers | ☒ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | | ☐ Other <input type="text"/> | ☒ Change of DBA |

"VOTED: To authorize

TERRANCE NOYES

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

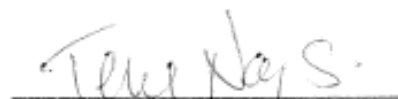
"VOTED: To appoint

TERRANCE NOYES

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer /LLC Manager Signature

TERRANCE NOYES

TERRANCE NOYES

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

LICENSE #: 04843-RS-0762

LICENSE FEE: \$2,600.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
WINE AND MALT BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Sushi 21, LLC
DBA: Bar Sushi
PREMISES: 21 Old South Wharf
Nantucket, MA 02554
MANAGER: Terrance Noyes

ON PREMISES DESCRIBED AS:
Single floor commercially zoned premise
with front entrance and 2 exits.

ELECTRONIC COPY

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 11th day of March 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE IS VALID BEGINNING APRIL 1, 2020

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.

Review - Not For Construction

[illegible]

2 Window Legend



3 Site Plan

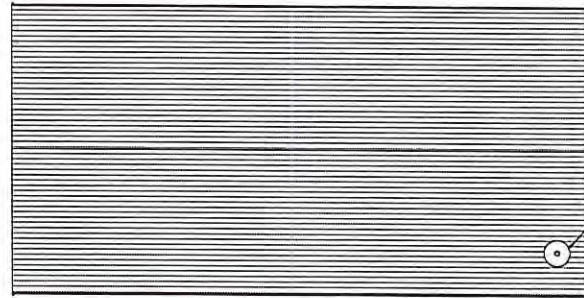
SITE PLAN NOTE:
This Plan Underlay is Registered Survey by Feldman L.
Surveyors Filed with Massachusetts Land Records, MA
Dated December 13, 1995 and Reissued June 14, 2000.

Export Administration Regulations (22 CFR 1200-1299)
 Title 22, Chapter I, Subchapter B, Part 1200
 Regulations for the Administration of the
 Export Administration Act of 1969, as amended

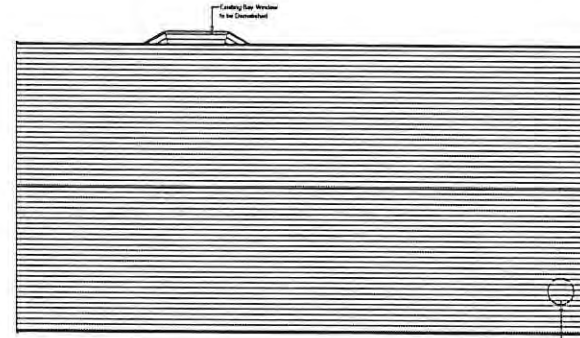
G.1.1	
1906	

02.07.20

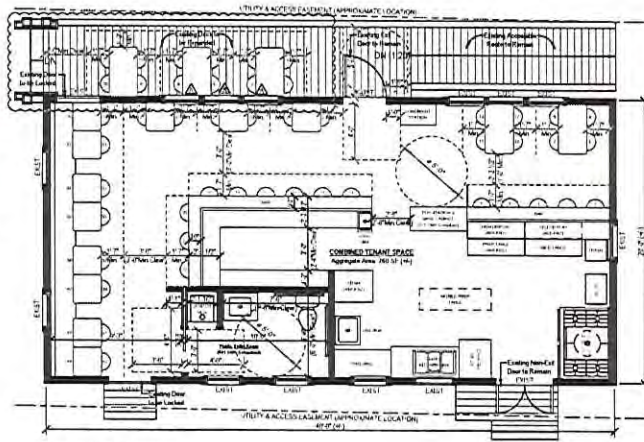
Review - Not For Construction



2 Roof Plan - Proposed
1/4" = 1'-0"



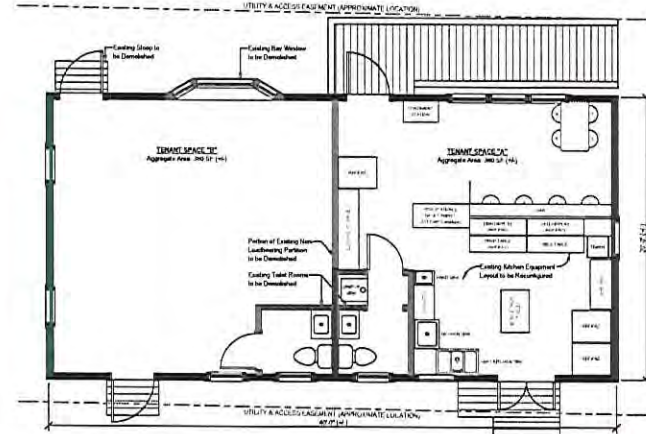
2X Roof Plan - Existing
1/4" = 1'-0"



1 Floor Plan - Proposed
1/4" = 1'-0"



OCCUPANT LOAD CALCULATION		
INTERIOR - Maximum Occupant Load (Per Table 1004.1.1)		
Assembly (Lobby & Corridor)	100 Per 100 SF Net	2500
Assembly (Chairs Only)	100 Per 75 SF Net	2250
Address, Commercial	100 Per 200 SF Gross	2000
INTERIOR - Maximum Allowable Occupant Load (Per Section 1004.1.2)		
Number of Public Seats	48	
Number of Employees	5	
EXTERIOR - Maximum Allowable Occupant Load (Per Section 1004.1.3)		
Number of Public Seats	12	



1X Floor Plan - Existing
1/4" = 1'-0"

1906 Bar Yoshi - New Deck

21 Old South Wharf
Nantucket, MA 02554



Floor Plans

Site Information	
Map & Parcel	42.2412
Current Zoning	CDT
Minimum Frontage	75 ft
Front Setback	0 ft
Side/Front Setback	0 ft / 10 ft
Lot Size	0.11 AC (+/-)
Min. Lot Size	0.75 AC (+/-)
Allowable G.C.	75%
Existing G.C.	—
Proposed G.C.	—
Total Proposed G.C.	—

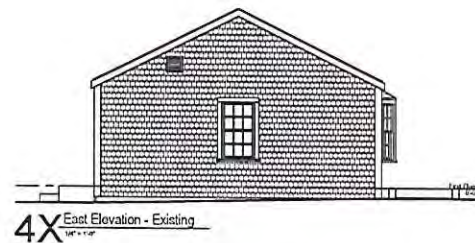
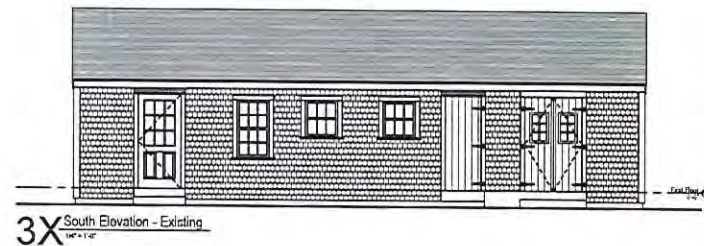
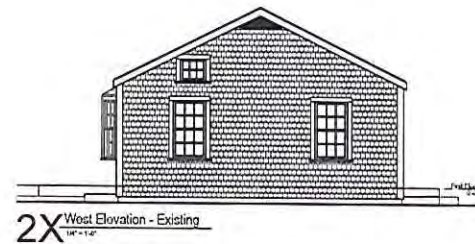
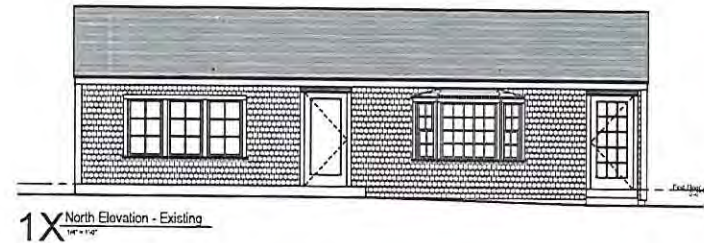
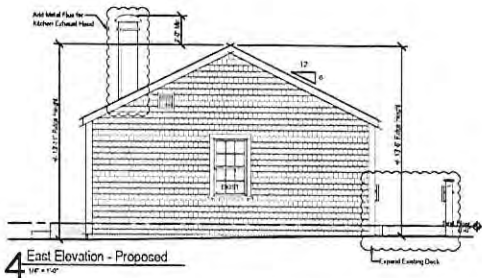
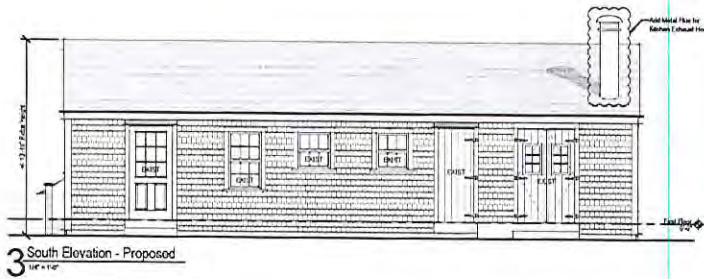
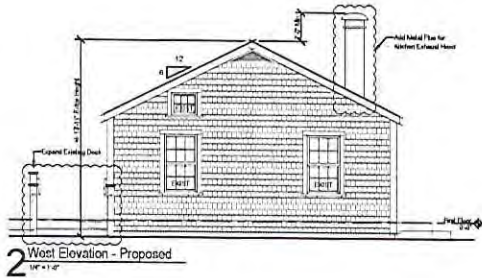
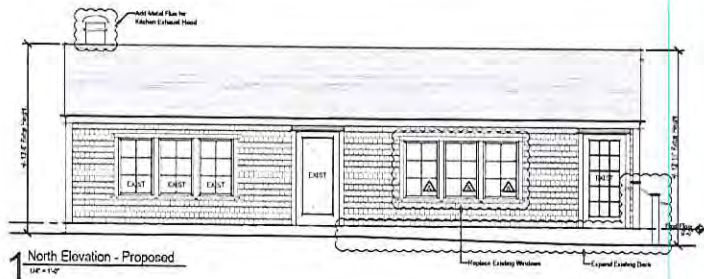
Information for this site plan was taken from the Nantucket G.L.S. This drawing does not constitute a registered survey. All site work should be verified by a Registered Land Surveyor prior to and during construction.

SHEET INDEX	
G.1.1	Cover Sheet
A.01	Code Analysis
A.11	Floor Plans
A.21	Exterior Elevations

Revisions

A.1.1
1906

Review - Not For Construction 02.07.20



1906

Bar Yoshi - New Deck

21 Old South Wharf
Nantucket, MA 02554



Exterior Elevations

Site Information

Map 5.7-1000	42.2417
Current Zoning	CDT
Minimum Frontage	25 ft
Front Setback	5 ft
Side/Rear Setback	5 ft, 15 ft
Lot Size	0.51 AC (±)
Max. Lot Size	3.75 AC (±)
Abandonment G.C.	7/1/00
Existing G.C.	—
Proposed G.C.	—
Total Proposed G.C.	—

Information for this site plan was taken from the Nantucket G.C. This drawing does not constitute a registered survey. All site work should be verified by a Registered Land Surveyor prior to and during construction.

SHEET INDEX

G.1.1	Cover Sheet
A.0.1	Code Analysis
A.1.1	Floor Plans
A.2.1	Exterior Elevations

Revisions

Revisions

A.2.1
1906

\$5.00

TOWN OF NANTUCKET
LIQUOR LICENSE



LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... NIR Retail LLC

MAILING ADDRESS.....

PROPERTY LOCATION..... Old South Wharf

ASSESSORS MAP/PARCEL..... 4224-002

SUBMITTED BY:..... Jerry Noyes

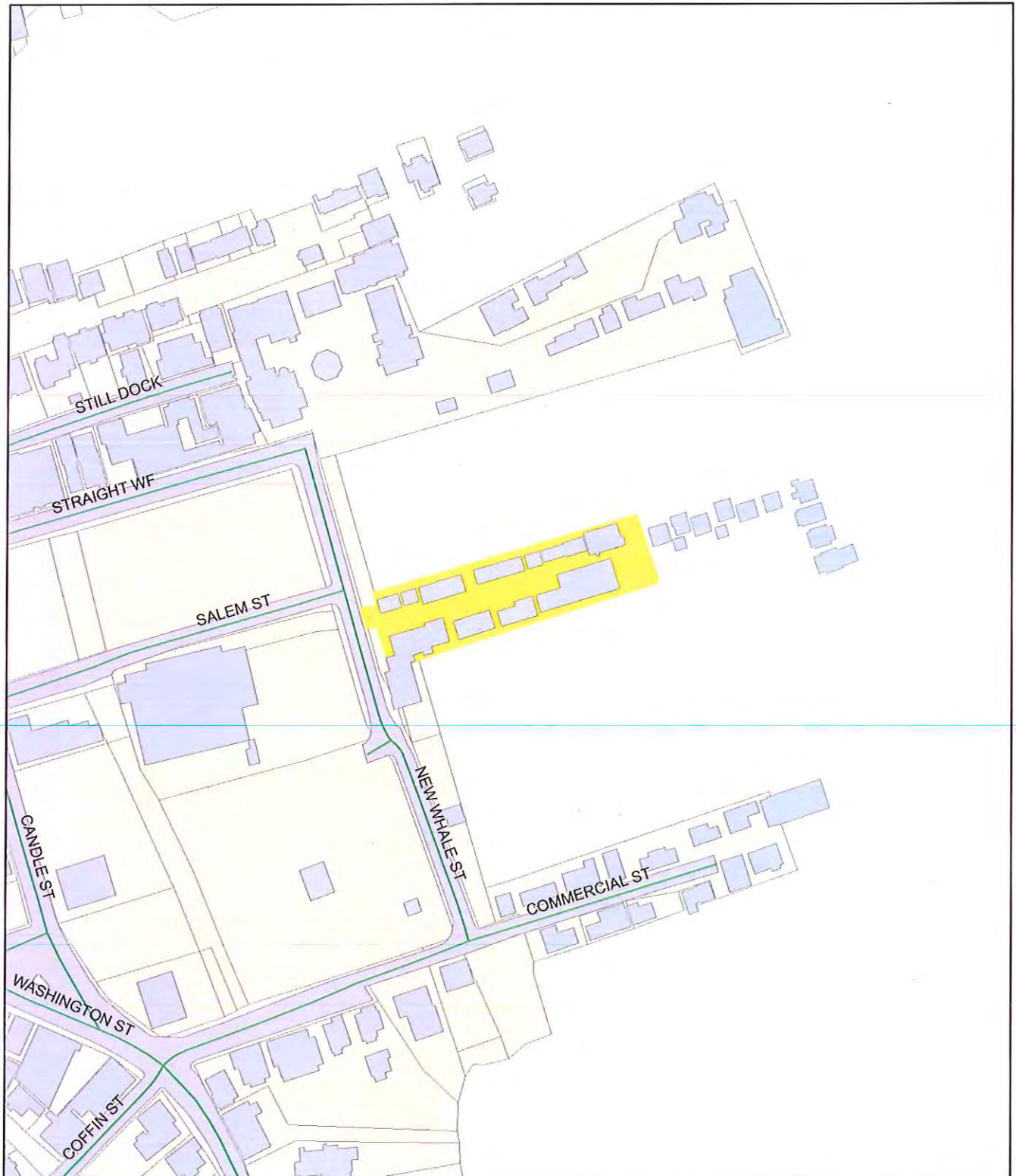
SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

02-10-2020
DATE

Robert M. Hungen
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

MAP TITLE



GEOGRAPHIC INFORMATION SYSTEM

VISION APPRAISAL TECHNOLOGY





Agenda Item Summary

Agenda Item #	X. 6.
Date	2/17/2021

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application – Change of Category – The BEET, 9 South Water Street

Executive Summary

Change of Category Application for Annual Wine and Malt Beverages Restaurant License # 04909-RS-0762 at 9 South Water Street.

CHANGE OF CATEGORY:

The Beet is requesting a change from License to sell Wine and Malt Beverages to a License to sell Wine, Malt Beverages and Cordials which allows for service of cordials and liqueurs. Per MGL 138, the definition is as follows:

"Liqueur or cordial", all alcoholic beverages manufactured or produced by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or maceration of such materials and containing no less than two and one-half percent sugar by weight.

Staff Recommendation

There are no objections to the amendments. All required paperwork and financial documentation have been submitted. The Applicant's License is in good standing with no prior violations.

As the location of The Beet is within 500ft of a St. Mary's Catholic Church determine and vote that this new license is not detrimental to the spiritual activities of St. Mary's Roman Catholic Church as stated on the attached determination letter. This is a requirement of MGL 138 and must be voted on in addition to the application.

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a



Board/Commission Recommendation

n/a

Public Outreach

Inquirer and Mirror Public Notice; Abutter Notification

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

n/a

Attachments

Select Board Public Hearing Process; ABCC Change of Category Application; The Beet Liquor License



Select Board Liquor License Public Hearing Process

Liquor License Public Hearing Process

1. The chairman opens the public hearing and may outline the procedure to be followed.
2. The applicant reviews their pending application.
3. Public comment is taken.
 - If applicable, read into record any written objections received from school, church or hospital located within 500 feet.
4. The chairman invites questions from the Board and closes the public hearing.
5. The Board makes a decision to approve or deny.
6. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, denials must be based on reasonable grounds; ABCC and courts prefer findings based on:
 - the appropriateness of a liquor license at a particular location
 - the number of existing dispensaries in Town
 - the views of the inhabitants of the locality in which a license is sought
 - traffic, noise, size (typically applies to a new location)
 - the sort of operation that carries the license
 - the reputation of the applicant
7. A written decision is required to be sent to the applicant. No need for reasons if the application is simply approved, but if there is a denial or conditions are imposed, the reasoning for this is required to be in the decision. Therefore, the Board should vote on basis for denial or conditions as well [concerns with traffic, another licensee located adjacent to property, limiting hours, etc.].



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

04909-RS-0762

ABCC License Number

Nantucket

City/Town

01/07/2021

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|--|--|---|
| ☐ New License | ☐ Change Corporate Name | ☐ Pledge of Collateral (i.e. License/Stock) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Change of DBA | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change of Hours |
| ☐ Change of Manager | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Issuance/Transfer of Stock/New Stockholder |
| ☐ Change of Beneficial Interest | ☐ Change of Location | ☒ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Keeping The Beet, LLC

D/B/A The Beet

ADDRESS: 9 South Water Street

CITY/TOWN: Nantucket

STATE

MA

ZIP CODE 02554

Manager Felino Samson

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Annual

Wines & Malt Beverages with Cordials/Liquors

If Yes, Chapter
of the Acts of (year)

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

Category
(i.e. Wines and Malts / All Alcohol)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority: Approves this Application

Please indicate what days and hours
the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is
downgrading the License
Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area

Total Square Footage

Seating Capacity

Indoor Area

Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☒ No ☐

Date of Abutter
Notification 2/1/21

Date of
Advertisement 2/4/21 & 2/11/21

Please add any
additional remarks or
conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

02/17/2021

Date APPROVED by LLA

Thursday, January 7, 2021

Keeping the Beet, LLC
dba The Beet
9 South Water Street
Nantucket, MA 02554

Nantucket Select Board
Attn: Chair, Dawn Holdgate

Dear Mrs. Holdgate,

Thank you for approving The Beet in 2019 for an Annual Wine and Malt license.

We would like to request a Change of Category from Wine and Malt to Wine, Malt and Cordials. We believe adding cordials to our portfolio will complement our existing offering of wine and beer. As evident in the guest requests in our last 18 months of operation, the addition of cordials completes our ability to fully service our clientele.

We are excited for the opportunity to enhance The Beet's offering to Nantucket's year-round and seasonal community. Our continued growth will affirm our place as an integral part of the diversity of local businesses at The Beet.

Best regards,

Amy Young and Felino Samson
Keeping the Beet, LLC



Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR AMENDMENT-Change of License Classification

☒ **Change of Category**

(e.g. All Alcohol, Wines and Malt)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Category Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*
- Payment Receipt

☐ **Change of Class**

(e.g. Seasonal /Annual)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Classification Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*
- Payment Receipt

☐ **Change of License Type**

(§12 ONLY, e.g. general on premises, tavern, inn, restaurant)

- Change of License Type Application
- Vote of the Entity
- Advertisement*
- Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

Entity Name

Keeping The Beet LLC

Municipality

Nantucket

ABCC License Number

04909-RS-0762

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We would like to change our category to Wine, Malt and Cordial to better service our guest requests.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Amy Young

Title

Owner/Manager

Email

hello@thebeetnantucket.com

Phone

5616015455

2. LICENSE CLASSIFICATION INFORMATION

2a. Change of License Category

All Alcohol, Wine and Malt,
Wine Malt and Cordials

Last-Approved License Category

Wines and Malt Beverages

Requested New License Category

Wines & Malt Beverages with Cordials/Liqu

2b. Change of License Class

Seasonal or Annual

Last-Approved License Class

Requested New License Class

2c. Change of License Type*

E.g. Restaurant to Club

*Certain License Types

CANNOT change once issued*

Last-Approved License Type

Requested New License Type

I, Amy Young the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager

Authorized Signatory

of Keeping The Beet LLC

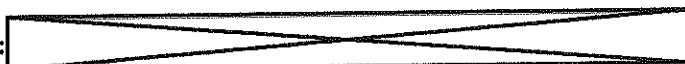
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date: 01.06.2021

Title:

Owner/Manager

CORPORATE VOTE

The Board of Directors or LLC Managers of

Keeping The Beet LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

01.05.2021

Date of Meeting

For the following transactions (Check all that apply):

☐ Change of Class (i.e. Annual / Seasonal)

☐ Change of License Type (i.e. club / restaurant)

☒ Change of Category (i.e. All Alcohol/Wine, Malt)

☐ Other

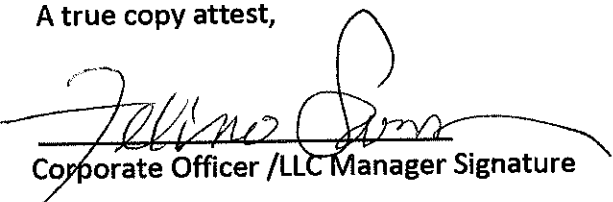
"VOTED: To authorize

Amy Young

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,


Corporate Officer / LLC Manager Signature

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



Geoffrey E. Snyder, Commissioner

Case ID: 0-000-908-926

mass.gov/dor

CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



KEEPING THE BEET LLC
28 SESAPANA RD
NANTUCKET MA 02554-2850

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, KEEPING THE BEET LLC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

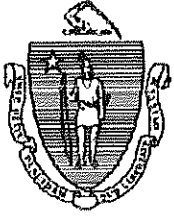
If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Charles D. Baker
GOVERNOR

Karyn E. Polito
LT. GOVERNOR



305726143

Rosalin Acosta
SECRETARY

Richard A. Jeffers
DIRECTOR

Keeping The Beet
9 S Water St
Nantucket, MA 02554-3554

EAN: 22139662
January 06, 2021

Certificate Id:44093

The Department of Unemployment Assistance certifies that as of 1/6/2021 ,Keeping The Beet is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Richard A. Jeffers, Director

Department of Unemployment Assistance

LICENSE #: 04909-RS-0762

LICENSE FEE: \$2,000.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
WINE AND MALT BEVERAGES
TO BE CONSUMED ON THE PREMISES

BUSINESS: Keeping the Beet, LLC
DBA: The Beet
PREMISES: 9 South Water Street
Nantucket, MA 02554
MANAGER: Felino Samson

ON PREMISES DESCRIBED AS:
First floor is for table service and take out
service. Second floor is for storage.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of December 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

**Unless earlier suspended, cancelled, or revoked*

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.

Town and County of Nantucket

Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

At the Select Board meeting held Wednesday, February 17, 2021 the Board approved the application for a Change of Category from Annual Wine & Malt Beverages Restaurant License to Annual Wine & Malt Beverages with Cordials Restaurant License for Keeping the Beet, LLC, dba The Beet, Felino Samson, Manger, for the premises located at 9 South Water Street, Nantucket, MA 02554. The Board determined that this new liquor license is not detrimental to the spiritual activities of St. Mary's Roman Catholic Church, 3 Federal Street, Nantucket, MA 02554. St. Mary's Roman Catholic Church is located within 500 feet of the licensed premises of The Beet.

Dawn Hill Holdgate, Chair

Jason Bridges, Vice Chair

Matt Fee

Kristie L. Ferrantella

Melissa Murphy



Agenda Item Summary

Agenda Item #	XI. 1.
Date	2/17/2021

Staff

Amy Baxter, Licensing Administrator

Subject

Outdoor Dining – Expansion/Alteration of Premises

Executive Summary

Per COVID-19 Order No. 50 issued by Governor Baker on September 20, 2020, The Select Board (acting as the Local Licensing Authority), may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued pursuant to Section 4 of COVID-19 Order No. 35 for any period up to and until sixty (60) days after the end of the state of emergency.

Beginning in January, the Economic Recovery Task Force and Open Streets sub-group began a review and implementation of a 2021 Outdoor Spaces plan. This is the first Select Board update on current status and timeline for the project.

Staff Recommendation

The current goal is to gather all the requests and proposals from on-premise liquor establishments in line with the legal requirements. We expect very similar requests from 2020 with a small number of new expansions downtown.

Once the initial applications and plans are received, we plan on reaching out for requests and feedback from take-out, non-liquor and retail to expand and integrate all businesses as best we can.

Additional administrative actions for this year include street use contracts and abutter notification for street/sidewalk closures.

Considerations for improvement that have been identified include: consistent signage and communication across businesses and better management and direction for line cues and sidewalks,

Background/Discussion

All Liquor Licensed establishments must submit plans via town website at: **OUTDOOR SEATING APPLICATION: <https://www.nantucket-ma.gov/FormCenter/Licensing-29/OUTDOOR-DINING-APPLICATION-91> (attached)**



Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

Outdoor Seating Expansion Application; Summary of 2020 Extensions and closed streets/sidewalks, etc.





Form Center

2021 OUTDOOR DINING APPLICATION

Steps

1. [Step One](#)
2. [Step Two](#)

Step One



Town & County of NANTUCKET, MA

Temporary Outdoor Expansions for Restaurants

The Town of Nantucket has extended the temporary program to assist restaurants to operate in expanded outdoor settings adjacent to their businesses. The program aims to allow for greater physical distancing throughout the COVID-19 Pandemic and related State of Emergency. Proposals may include expansion into designated outdoor areas such as adjacent parking lots, streets and sidewalks. Businesses can use this form to submit an outdoor expansion proposal for the town to review. Considerations for every proposal will include safety, mobility (ADA compliance), and local and emergency access.

Liquor License Premise Alteration

[ABCC COVID-19 Outdoor Table Service Advisory](#)

On September 10, 2020, Governor Baker extended his order to grant Local Licensing Authorities (Select Board) the authority to expand alcohol licensees licensed premises for outdoor seating in an expedited process. All expanded premises approved pursuant to this order are effective through the end of the State of Emergency plus 60 days or until so ordered by the Select Board and Board of Health, whichever is sooner.

Safety Guidelines

[Massachusetts Safety Standards and Checklist for Restaurants](#)

Patio Guidelines

[ABCC Patio Guidelines for Outdoor Alcohol Service](#)

APPLICANT INFORMATION

Business Name/DBA*

First Name of Primary Contact*

Last Name of Primary Contact*

Title of Primary Contact

i.e. Owner; Business Manager;
Attorney

Cell/Phone Number of Primary Contact:*

Email of Primary Contact*

PREMISE INFORMATION

Licensed Premise Address*

[Help](#)[Select Language](#)

Check Licenses*☐ LIQUOR - On Premise☐ LIQUOR - Off Premise☐ COMMON VICTUALLER☐ ENTERTAINMENT - Non-Live☐ ENTERTAINMENT - Live☐ MOBILE FOOD UNIT

Check All Licenses that Apply to this Business

Take-Out and Delivery*

Do you plan on offering take-out/delivery service for the 2021 Season?

☐ Yes - Take-out☐ Yes - Delivery☐ No**Additional Comments on Take-out/Delivery****Does this property have licensed outdoor space?**☐ Yes☐ No**Describe Existing Outdoor Space****Type of Space for Expansion**☐ Private Property Owner - same as licensed premise☐ Private Property Owner - other than licensed premise owner/landlord☐ Licensed Premise Parking Lot☐ Other Owner Parking Lot☐ Public Right of Way, Sidewalk, Street☐ Other**# of parking spaces lost with expansion plan****Are you requesting a Tent in this proposal?**☐ Yes☐ No**Include any Special Permits attached to this property**

Include Number of Permit for reference.

How does this plan compare with your 2020 operations?☐ Exactly same set-up as 2020☐ Additional space requested☐ Completely new/different request**Briefly describe your outdoor expansion plan****Briefly describe you reservation plan for table seating**

How will patrons reserve a table, either through a phone/online reservation system or call ahead process.

Please include the following information and considerations in your site plan:

Upload all documents below. If trouble uploading, email to: licensing@police.nantucket-ma.gov

- ☐ The location and size in sq. ft. of any tables, tents, waitstaff stations, waste receptacles, or any applicable furniture associated with the operation.
- ☐ Please demonstrate compliance with 6 ft distancing between tables and maximum of 6 guests per table.
- ☐ There can be no areas for standing/congregating.
- ☐ Premises serving alcohol outdoors must comply with Patio Guidelines from ABCC. See above for link.
- ☐ An outline of the maximum area, including scaled dimensions, to be used for the operation.
- ☐ The path to be used by waitstaff for service to and from the kitchen must be safe and obstruction free.
- ☐ Proposals in parking areas must also include a plan to ensure the safety of patrons including, but not limited to, adequate protection from vehicular intrusion into the outdoor dining area.
- ☐ If parking is shared, no approval may be granted to use a parking area that adversely affects another business owner.
- ☐ How patrons will be protected from vehicular traffic must be shown on the site plan. If the means of protection is unable to stop a moving vehicle, it will not be accepted.
- ☐ If parking spaces are lost, where will patrons be able to park?
- ☐ Adequate emergency vehicle access must be considered for the outdoor dining area as well as nearby businesses.
- ☐ Facilities will need to allow access to their restrooms. Use of portables may be permitted if the proposal is to operate remotely from one's facility.

Upload Plans

No file chosen

Please attach plans and supporting documents for your outdoor seating proposal.

Upload Plans

No file chosen

Please attach plans and supporting documents for your outdoor seating proposal.

Property Owner Approval (If applicable)

No file chosen

Attach any approvals from private property owner if required.

Attach Photos or additional documents

No file chosen

COVID OFFICER INFORMATION

Please identify staff member/manager responsible for compliance with Covid-19 related safety standards and guidelines. (ONLY IF DIFFERENT FROM APPLICANT INFO ABOVE)

COVID-19 Control Plan

[Massachusetts COVID-19 Control Plan](#)

All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans do not need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

First Name of Covid Officer

Last Name of Covid Officer

Covid Officer Email Address

Covid Officer Cell/Primary Phone Number

ADDITIONAL COMMENTS, QUESTIONS, CONCERNS, IDEAS

Let us know anything we haven't covered above or can assist with that has not been addressed.

* indicates a required field



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
EXTENSION OF ALLOWANCE OF OUTDOOR TABLE SERVICE**

On September 10, 2020, Governor Charlie Baker issued an Order Making Certain Phase III Adjustments (also known as COVID-19 Order No. 50), which extends the period for outdoor table service by licensees licensed for on-premises consumption. The text of the Governor's Order can be found [HERE](#).

Pursuant to this Order, local licensing authorities ("LLA") may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued pursuant to Section 4 of COVID-19 Order No. 35¹, from November 1, 2020, for any period up to and until sixty (60) days after the end of the state of emergency. The LLA may issue extensions automatically to all licensees, or may do so on request from individual licensees.

The LLA may modify any prior approvals as the LLA deems proper and appropriate, including addressing snow removal, pedestrian traffic, and other similar concerns.

Any licensee that was previously granted approval but is not granted an extension by the LLA may still operate outdoor table service until November 1, 2020.

ABCC approval is not required on these extensions. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through sixty (60) days after the end of the state of emergency and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued September 11, 2020)

¹ The text of COVID-19 Order No. 35 can be found [HERE](#).

Nantucket Economic Recovery Task Force

Open Streets 2020 Review

Report to the Select Board, February 17, 2021



Street Closure: Cambridge between S. Water & Easy



- Nautilus



Street Closure: N. Union between Alley (behind Murrays) & Cambridge

- Gaslight

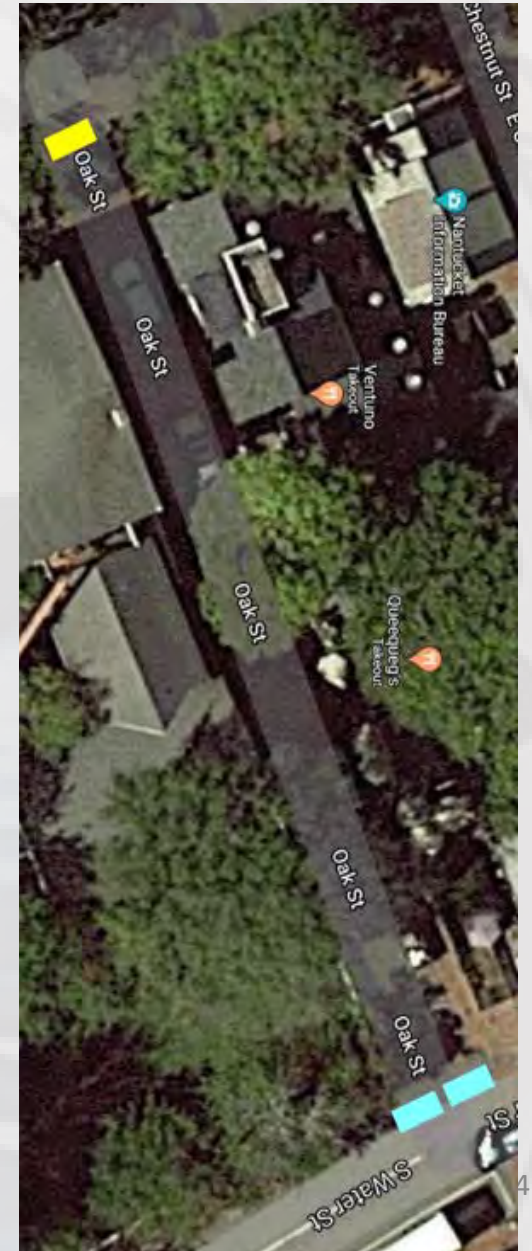


Street Closure: Oak between S. Water & Federal

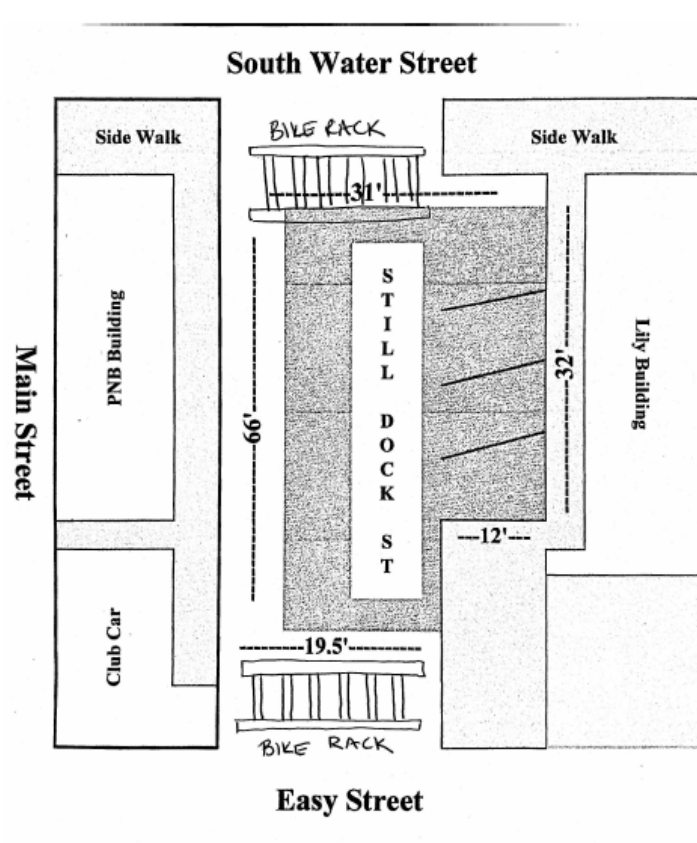


• Queequeg's/Town

• Ventuno



Street Closure: Still Dock Street between Easy and S.Water



- Club Car



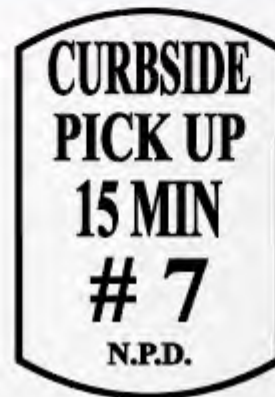
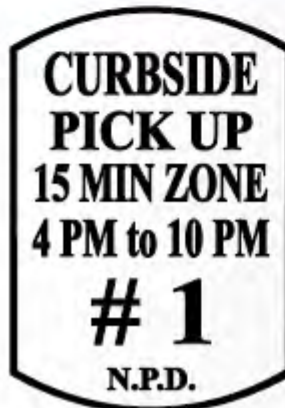
Sidewalk Seating: Main Street; Federal Street, Broad Street, South Water Street



Loading Zone/Pick-up Zone

Loading Zone Highlighted Below to convert to Pick-up/Curbside Delivery (15 minute) Zones Daily

- #1 Centre Street at India 4:00-10:00 pm
- #2 India at Federal Street 4:00-10:00 pm
- #3 Broad Street at Centre 4:00-10:00 pm
- #4 Broad Street @ Brotherhood 12 Noon-10:00 pm
- #5 Oak Street at South Water 2:00-10:00 pm
- #6 Salem Street @ Candle 8:00 am–7:00 pm



Loading Zone/Pick-up Zone



2020 Alteration of Premises: Public Property

OUTDOOR SEATING APPLICATIONS PUBLIC PROPERTY/STREETS AND SIDEWALKS *Highlighted establishments have approved outdoor expansion on private property. *MOTION: 1. Select Board must vote to approve alteration of premises to include temporary outdoor space for service of food and alcohol per COVID-10 Emergency Order 35 issued June 1, 2020 by Governor Baker. Approval is valid until November 1, 2020 or as further amended by Governor Baker and/or the ABCC or Select Board. Upon expiration, the Licenses will revert back to original premises as of April 1, 2020. 2. *Select Board must approve a Sidewalk/Street License for establishments below to allow Dining expansion to public space on sidewalks and streets.			
LIC#	DBA	LICENSED OUTDOOR SPACE	APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA
#00031-RS-0762	Club Car 1 Main Street	No	2-3 Tables Sidewalk on Main Street Still Dock Street Closure - Daily 5pm-12mid
#00003-RS-0762	Dune 20 Broad Street	Patio	4 tables Sidewalk on Broad Street
#04769-RS-0762	Gaslight 2 Union Street	Patio	North Union Street Closure - Full Closure from corner of building to Cambridge Street. Daily Closure from Main St. to building at 5pm-12min
#00005-HT-0762	Le Languedoc Inn 24 Broad Street	Patio	6 Tables Sidewalk on Broad Street
#04022-RS-0762	Lemon Press 41 Main Street	No	3-4 Tables Sidewalk on Main Street
#00211-RS-0762	Nautilus 12 Cambridge Street	No	Cambridge Street Full Closure (S.Water to Easy)
#04653-RS-0762	Or, The Whale 38 Main Street	Patio	5 Tables Sidewalk on Main Street
#04849-GP-0762	PPX Events 7 South Water Street	No	Cambridge Street Full Closure (S.Water to Easy)
#00173-RS-0762	Queequeg's/Town 6 Oak Street	Patio	Oak Street Full Closure (S.Water to Federal)
#00167-RS-0762	Rose and Crown 23 South Water Street	No	8 Tables Sidewalk on S.Water Street
#04909-RS-0762	The Beet 9 South Water Street	No	Cambridge Street Full Closure (S.Water to Easy)
#00020-RS-0762	Ventuno Restaurant 21 Federal Street	Patio	Oak Street Full Closure (S.Water to Federal)

2020 Alteration of Premises: Private Property

OUTDOOR SEATING EXPANSION PRIVATE PROPERTY *All establishments below have property owner approval for expansion to outdoor space as noted below and in attached layouts. MOTION: *Select Board must vote to approve alteration of premises to include temporary outdoor space for service of food and alcohol per COVID-10 Emergency Order 35 issued June 1, 2020 by Governor Baker. Approval is valid until November 1, 2020 or as further amended by Governor Baker and/or the ABCC or Select Board. Upon expiration, the Licenses will revert back to original premises as of April 1, 2020.			
LIC#	DBA	LICENSED OUTDOOR SPACE	APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA
#04843-RS-0762	Bar Yoshi 21 Old South Wharf	No	Roped off area of 6 tables adjacent to building on Old South Wharf
#00164-RS-0762	Brotherhood 23 Broad Street	Patio	Additional 9 tables in private access area adjacent to patio/building
#03217-RS-0762	Charlie Noble 15 South Water Street	No	14 tables on back patio/private parking area along Easy Street
#00011-RS-0762	Chicken Box 12-16 Daves Street	No	12 tables in adjacent parking area with food trailer
#00086-RS-0762	Crosswinds 14 Airport Road	Deck	No
#00201-RS-0762	CRU 49 Straight Wharf	Patio	4 tables roped off adjacent to existent patio space and 8 on dock alongside building
#00082-RS-0762	Faregrounds 27 Fairgrounds Road	Deck	12 tables in parking area in front of building along Fairgrounds Rd.

2020 Alteration of Premises: **Private Property**

LIC#	DBA	LICENSED OUTDOOR SPACE	APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA
#00120-RS-0762	Fifty-Six Union 56 Union Street	Patio	6 tables in lawn area adjacent to patio
#00171-RS-0762	Island Kitchen One Chins way	Deck/patio	6 additional tables in parking area, MFU and open air market
#00154-RS-0762	Kitty Murtagh's Four West Creek Road	No	10 tables in lawn area adjacent to building and parking lot
#00175-RS-0762	Lola 41 15 South Beach Street	Patio	10 tables in adjacent parking lot
#00160-RS-0762	Millie's 326 Madaket Road	Lawn/deck	17 tables in parking area
#00053-RS-0762	Muse 44 Surfside Road	No	10 tables in front parking area along Surfside Rd
#04653-RS-0762	Or, The Whale 38 Main Street	Patio	3 tables in adjacent alley/easement
#00152-RS-0762	Oran Mor Bistro 2 South Beach Street	Deck	5 tables in parking area along South Beach St.
#04810-RS-0762	Petrichor Wine Bar 130 Pleasant Street	Deck	5 tables in parking area along Pleasant St.

2020 Alteration of Premises: **Private Property**

LIC#	DBA	LICENSED OUTDOOR SPACE	APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA
#00208-RS-0762	Proprietors 9 India Street	No	4 tables on patio of adjacent property - Roberts House Inn
#04096-RS-0762	Saltbox 16 Macy's Lane	Patio	4 tables on lawn adjacent to patio and along Old South Road
#00091-RS-0762	Sea Grille 45 Sparks Ave	No	Tables in adjacent adjacent parking area
#00138-RS-0762	Slip 14 14 Old South Wharf	Patio	4 tables roped off adjacent to patio along Old South Wharf
#00021-RS-0762	Straight Wharf Restaurant	Decks	12 additional tables adjacent to building and along dock area
#00049-RS-0762	Tavern 4 Harbor Square	Patio and Gazebo	1 table adjacent to patio
#00039-CL-0762	VFW 22 Bunker Road	No	14 tables in adjacent parking area

Monthly Town Management Activities Report

February 17, 2021

As of 02/11/21

Highlights (major projects):

*Plans/Reports/Studies**

- Coastal Resiliency Plan – actively underway
- Strategic Plan (implementation on-going); updated Strategic Plan for 2020-21 adopted at 1/13/21 Select Board meeting; staff will work on implementation planning
- Madaket Water Quality Improvement Plan – **(still)** working to schedule review with SB and with Madaket group
- Facilities Master Plan – Select Board workshops in November and January; will receive a summary report from the Novak Group and will review next steps from there
- **Baxter Road long-term planning – contract executed with Arcadis at 2/10/21 SB meeting; staff working on coordination to proceed with consultant**
- **PFAS Town-wide Risk Assessment – report presented at 2/10/21 SB meeting; staff working with consultant on next steps**

Meetings

- Department Heads 1:1
- Cabinet
- Admin Staff – meeting monthly
- Agenda Prep – weekly meetings
- Select Board – individual meetings, weekly
- **Board of Health – mtg on 2/18**
- 2021 Annual Town Meeting and Election planning – underway; **including the Outdoor Venue; FinCom meetings re warrant articles**
- FY 22 Budget planning – **presentations to FinCom on 2/6**
- Cape Cod Managers – monthly
- **Mass Municipal Manager's Association – DEI Task Force**
- COVID Task Force meeting weekly
- Meetings with NCH-Town re: COVID vaccine distribution planning
- **PFAS – communications; planning**
- **Mass Municipal Assoc annual conference – Jan**
- **Coastal Resilience Plan Community Open House – Jan 28**
- **Water Co's merger approval follow-up**
- **Housing Group (internal)**

*Projects/Other**

- COVID-Related: Outreach Meetings, updates; press conference monitoring; MMA/state updates; DPH updates; keeping apprised of most recent state guidance
- Harbormaster Building
- Town Pier
- Old Fire Station Reuse (short-term); including installation of trailer for additional meeting space (plans & timeline for office moves being finalized)
- Senior Center
- Our Island Home – long-term planning forums underway/presentation given to SB at 10/14 meeting; working on Next Steps; stakeholder/community forums held in January, 2021
- Strategy re Public Beach Access (per 10/16/19 SB vote) – continuing work pursuant to Select Board xs
- Solar project at WWCo property – **internal responses to emerging area neighbor concerns, after approval**
- SBPF (several work group meetings) – on-going

- Harbor Place (scope of work for intermodal transportation underway, per 2020 ATM); meetings with Owner's Group, internal group underway
- Third Sewer Force Main – planning underway
- Washington St – Francis St intersection – design/project scope under review
- Preparing Concession RFPs for issuance in Jan – **discussion with Board at 2/10 SB; preparing for continued discussion on 3/3**
- Police Reform Bill analysis – **preparing report to review with Board in March**
- **Waitt Dr**
- **Sewer fee issue(s) from December (still sorting through this with Sewer Regs/legal review)**

MANY ITEMS HAVE HAD TO BE PUT ON HOLD DUE TO COVID-19 PANDEMIC RESPONSE – some of these include:

- *Revisions/Updates to the Real Estate Yard Sale Program – **working on review of proposed revisions with Board for November December January February March real estate meeting***
- *Pool Discharge (and/or Stormwater) Regulations – **in progress***
- *Marijuana License Regulations*
- *Sheep Pond Road – **working on alternative access options***
- *Government 101*
- *Comparison of WIIF to CIWPF*
- *Regulations Codification project – have rec'd codified regs; need to schedule public hearings with 8 Boards/Commissions*

Personnel

- FY 21 Hiring Freeze/"Chill" except for essential positions
- Collective Bargaining Negotiations (all units)
- Diversity Equity & Inclusion Director – **Hired!**
- Our Island Home Administrator (permanent)
- **Budget Analyst/Finance Department**
- Transportation Planner

AS OF 02/11/21

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET



WARRANT FOR

2021 ANNUAL TOWN MEETING

Nantucket High School

BACKUS PLAYING FIELD (?)

Saturday, June 5, 2021 - 9:00 AM

RAIN DATE: Sunday, June 6, 2021 - 9:00 AM

AND

ANNUAL TOWN ELECTION

Nantucket High School

Tuesday, June 15, 2021

7:00 AM - 8:00 PM

**Town of Nantucket
16 Broad Street
Nantucket, MA 02554
(508) 228-7255
www.nantucket-ma.gov**

To the Constables of the Town of Nantucket:

GREETING:

*In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the **Backus Playing Field at Nantucket High School on Backus Lane** in said Nantucket, on*

**SATURDAY, JUNE 5, 2021 AT 9:00 AM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:**

**SENSE OF THE MEETING REQUEST
REGARDING SMALL MESH FISHING GEAR CLOSURE**

In the continuing efforts to be excellent stewards of the waters and fisheries around Nantucket Island the citizens of Nantucket are requesting improved management of our waters for present and future generations. Protection of spawning squid and squid mops, river herring, and sea herring are critical components to managing these resources. To that end Nantucket is requesting equivalent protection to the other 90% of Massachusetts coastal communities as shown on the attached map. This map shows 70 coastal communities in Massachusetts, 63 of which have a great level of habitat and fisheries protection. Nantucket has not been afforded such protection to date. The citizens of Nantucket are all taxpayers in the Commonwealth of Massachusetts like the other coastal communities on the attached map and should be afforded the same protection as the majority of the Commonwealth's coastal communities.

The citizens of Nantucket are requesting a mobile gear closure (bottom and midwater dragnets and hydraulic and regular clam dredges) with no waivers, letters of authorization or other means of waving the closure. This area would extend out to 3 miles from the Nantucket archipelago including Nantucket, Tuckernuck and Muskeget from May 1 thru October 31.

(Select Board)

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2020 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

ARTICLE 2

(Appropriation: Unpaid Bills)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Select Board)

ARTICLE 3

(Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

(Select Board)

ARTICLE 4

(Revolving Accounts: Spending Limits for FY 2022)

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2022; or take any other action related thereto.

(Select Board)

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2022; said sum not to exceed five (5) percent of the Fiscal Year 2021 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6

(Fiscal Year 2021 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2021 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2022)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2022:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	22.00
Dietician/Our Island Home (hourly)	41.00
Dispatcher (Per Diem - hourly)	30.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	20.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	20.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	28.00
Our Island Home Ancillary (Per Diem - hourly)	20.00
Paramedic, Certified (Per Diem - hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	38.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00
Reserve Police Officer (hourly)	30.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Lifeguard Supervisor (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

Schedule B - Seasonal Employee Compensation Schedule

(Spring, Summer, Fall, Winter/Effective April 1, 2020 - April 1, 2021)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$16.00	\$17.00	\$18.00	\$19.50
B-Hourly*	\$17.00	\$18.00	\$19.00	\$20.00
C-Hourly*	\$18.00	\$19.00	\$20.00	\$21.00
D-Hourly*	\$20.00	\$20.50	\$21.00	\$21.50

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

- A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer
- D: Lead Dock Worker, Seasonal Recreational Coordinator, Seasonal Engineering Intern; Seasonal Waste Reduction Intern

*Schedule C -- Compensation Schedule for Elected Officials**

Moderator	\$175 per year
Select Member, Chair	\$5,000/per year
Select Members	\$3,500/per year
Town Clerk	\$107,836

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2022 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2022; or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2022, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for the offices, departments, boards and commissions of the Town of Nantucket; provided that one or more amounts to be raised and appropriated may be contingent upon a Proposition 2½ capital outlay exclusion ballot question; or to take any other action related thereto.

(Select Board)

ARTICLE 11

(Appropriation: Newtown Road Transportation Improvements)

Carried Over from 2020 Annual Town Meeting

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements on Newtown Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 12

(Appropriation: Reconstruction of Lover's Lane)

Carried Over from 2020 Annual Town Meeting

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements on Lover's Lane, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 13

(Appropriation: Construction and Improvements to Children's Beach Storm Water Pump Station)

Carried Over from 2020 Annual Town Meeting

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various

improvements to the Children's Beach Storm Water Pump Station, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 14

(Appropriation: Supplemental Funding for Construction of Nobadeer Field House)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to pay supplemental costs of designing, constructing, equipping and furnishing a field house to be located at Nobadeer Fields, and for the payment of all other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 15

(Appropriation: Fiscal Year 2022 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2022, out of anticipated revenues of the designated funds, for the purposes set forth above; provided that any amounts to be raised and appropriated to support the operation of Our Island Home for Fiscal Year 2022 shall be contingent on the passage of a Proposition 2 and ½ override ballot question; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 16

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of capital expenditures for the Enterprise Funds of the Town of Nantucket; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 17

(Enterprise Funds: Fiscal Year 2021 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2021 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 18

(Appropriation: Waterways Improvement Fund)

To see what sum the Town will vote to appropriate from the revenue received under Chapter 60B subsection (i) of section 2 and under Chapter 91 section 10A of the Massachusetts General Laws and sums received from the Commonwealth or Federal Government for purposes established by Chapter 40 section 5G of the Massachusetts General Laws including but not limited to (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Select Board)

ARTICLE 19

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to six (6) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Select Board)

ARTICLE 20

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by Chapter 46, section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Select Board)

ARTICLE 21

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2022, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Seventy-four Thousand Four Hundred Fifty-five Dollars (\$174,455); or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 22

(Appropriation: Finalizing Fiscal Year 2022 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2022 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 23

(Appropriation: Affordable Housing Trust Fund)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of Four Hundred Seventy-five Thousand Dollars (\$475,000) to deposit into the Affordable Housing Trust Fund established pursuant to Mass. General Law c. 44, section 55C for Fiscal Year 2022.

Or, to take any other action related thereto.

(Select Board)

ARTICLE 24

(Appropriation: Affordable Housing Trust Fund)

Commented [LG2]: Needs TC Review

Commented [LG3]: John are you good with this? Bond Counsel has ok'd it

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of Seven Million Five Hundred Thousand Dollars (\$7,500,000) to pay costs of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and also for the acquisition of interests in and/or deed restrictions on properties for affordable housing purposes, including the payment of all costs incidental and related thereto; provided that all of such interests or deed restrictions add affordable housing units to the Town's Subsidized Housing Inventory, within the meaning of G.L. c. 40B, to be spent by the Town Manager with the approval of the Select Board which may include a grant or grants to the Nantucket Affordable Housing Trust, with oversight by the Select Board; that to meet said appropriation the Treasurer, with the approval of the Select Board, is hereby authorized to borrow the sum of Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to G.L. c. 44, §§7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2½ debt exclusion vote, or to take any other action relative thereto.

(Select Board)

ARTICLE 25

(Rescind Unused Borrowing Authority)

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

(Select Board)

ARTICLE 26

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2022.

Or, to take any other action related thereto.

(Select Board)

ARTICLE 27

(Renewal of Board of Health Septic System Betterment Loan Program)

To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential

Commented [LG4]: Re-review wording – this is from 2018 ATM

property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise, or to take any other action relative thereto.

(Select Board for Board of Health)

ARTICLE 28

(Special Stabilization Fund for Substance Abuse Efforts)

To see if the Town will vote, pursuant to General Laws Chapter 40, Section 5B, to dedicate, without further appropriation, one hundred percent (100%) of any community impact fee paid to the Town by a marijuana dispensary and/or a marijuana retail establishment, pursuant to a host community agreement, to the Special Stabilization Fund for Substance Abuse Efforts established pursuant to Article 30 of the 2018 Annual Town Meeting; said dedication to be in addition to fifty percent (50%) of the local option marijuana sales tax that was dedicated pursuant to the prior vote under Article 30 of the 2018 Annual Town Meeting; or to take any further action relative thereto.

(Select Board)

ARTICLE 29

(Appropriation: Fiscal Year 2022 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2022; or to take any other action related thereto.

(Select Board)

ARTICLE 30

(Appropriation for Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Airport special purpose stabilization fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Nantucket Airport, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Select Board for Airport Commission)

ARTICLE 31

(Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities)

Commented [LG5]: Is this in? Or?

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Town Employee Accrued Liability Special Purpose Stabilization Fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Town of Nantucket General Fund (excluding the School Department), such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Select Board)

ARTICLE 32

(Appropriation: Fiscal Year 2022 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
Historic Preservation	
Nantucket Historical Association Restoration of the exterior and interior integrity of the Hadwen and Barney Oil and Candle factory warehouse, including the replacement of the existing roof with a new slate roof, masonry repointing, window replacement and replacing the failed wheelchair lift to address potential sea level rise	\$395,000
Landmark House- Nantucket Community Service Inc. To restore the exterior trim, to include fascia, rakes, corner boards, soffits, freeze boards, gutters and downspouts on both the Landmark House and the Grossman wing	\$335,000
Sub-total	\$730,000
\$692,000 of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds, and the balance of the funds used in this category, \$38,000, are from the Historic Preservation reserves.	
Community Housing	
Nantucket Affordable Housing Trust Fund For the creation, preservation, support, rehabilitation and restoration of affordable housing for year-round Nantucket	

residents in support of plans developed by Habitat for Humanity and Housing Nantucket to create up to six new affordable units.	\$800,000
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$250,000
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2015 Nantucket Town Meeting for the balance of the infrastructure at the Sachem's Path affordable housing complex, to close out this obligation	\$296,600
Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$1,696,000
\$235,715 of the funds utilized in this category is from the Undesignated reserves and the balance of the funds utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Open Space Conservation/Recreation	
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road to close out this obligation	\$199,575
Sustainable Nantucket Community Farm Institute, phase 5 Funds for extension of farm heating system, new Bee yard shed, produce preservation equipment and infrastructure	\$55,000
Open Space Designated Reserves To meet 10 percent allocation	\$30,000
Sub-total	\$284,515
All the funds to be utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Administrative	

Community Preservation Committee Administrative and operating expenses	\$125,000
Sub-total	\$125,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
TOTAL	\$2,835,515
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2019 Community Preservation Surcharge	\$2,250,000
From State matching funds for FY 2018, to be received in 2019	\$330,000
From Interest	\$20,000
From Designated Reserves for Historic Preservation	\$38,000
From Undesignated Reserves	\$235,515
Total Revenues	\$2,835,515
For fiscal year 2022 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.	
Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

(Kenneth Beaugrand, et al)

ARTICLE 33

(Community Preservation Committee: Fiscal Year 2021 Budget Transfers)

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 32 ATM 2020 Town of Nantucket Nobadeer Field Complex Bond	Fiscal year 2022 Community Preservation Committee Community Open Space reserved Fund balance	\$1,325.00
Article 28 ATM 2012 Nantucket Land Council Hummock Pond Restoration	Fiscal year 2022 Community Preservation Committee Community Open Space Reserved Fund balance	\$20,449.00
Total Transfers to Community Open Space Reserved Fund Balance		\$21,774.00
Article 31 ATM 2013 Coffin School Historic wrought iron fence	Fiscal Year 2022 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$1,664.00
Article 35 ATM 2016 Coffin School Restoration of façade	Fiscal Year 2022 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$640.00
Article 37 ATM 2018 Hallkeen Management Restoration Academy Hill Windows	Fiscal year 2022 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$113.09
Total Transfers to Community Historic Preservation Reserved fund balance		\$2,417.09
Article 33 ATM 2020 Town of Nantucket Sachem's Path Bond	Fiscal year 2022 Community Preservation Committee Community Open Space Reserved Fund balance	\$91.67
Total Transfers to Community Housing Reserved Fund Balance		\$91.67
Total transfers back to Community Preservation Reserved Fund Balances		\$24,282.76

(Kenneth Beaugrand, et al)

ARTICLE 34
(Appropriation: Incineration of Solid Waste)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to contract with ECO WASTE SOLUTION, 5760 Shier-rings Road Dublin, OH 43016 or other suitable vendor. To provide the installation, operation and

manage the incineration of up to 10 Tonnes/Per day of solid waste or to take any other action relative thereto.

(Clifford J. Williams, et al)

ARTICLE 35
(Appropriation: Legal Opinion for Beach Access)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to provide funding for a legal opinion that would give a direction to allow free access to the tidal flat's in and around the coastal area's of Nantucket. By investigating indepth the rights given to the Town of Nantucket by the Proprietors in 1841 as set forth by the colonial act of 1693, but not limited to any other means that would benefit the community or take any other action relative thereto.

(Clifford J. Williams, et al)

ARTICLE 36
(Appropriation: Hazardous Waste)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: appropriate and also to raise or borrow pursuant to any applicable statute or transfer from available funds the sum of \$1,000,000. 1 million dollars or the amount there of to be spent by the Department of Public Works for the design, engineering, permitting, construction, and equipping a hazardous waste collection building to improve availability of disposal and transfer. The facility should be open to the public for a minimum of 4 days per month consisting of 3 business weekdays and 1 Saturday at 4 hours each day and/or by appointment. The facility shall be directed by the Department of Public Works and may be subcontracted to a private operator; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 37
(Re-establish Parks and Recreation Department)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to direct Town Administration and the Select Board to reestablish the Parks and Recreation Department beginning in Fiscal Year 2021. The Department head, who shall be appointed by the Town Manager pursuant to Section 4-4(b) of the Town Charter, shall be an individual qualified (degree college or two years experience in recreational management), and shall be responsible for the maintenance of all parks and playing fields in the Town of Nantucket which are under the jurisdiction of the Nantucket Parks and Recreation Commission. The Department Head shall be responsible for ensuring that all recreational facilities are kept in good order to serve the public. He or she may coordinate projects with the Department of Public Works, subject to the approval of the Town Manager and the Parks and Recreation Commission. The salary and benefits shall be determined by the 2021 wage scale for the Town of Nantucket. The Department Head shall meet with the Parks and Recreation

Commission on a monthly basis keeping them informed on the status of all current projects; and further to raise and appropriate or transfer from available funds a sum of money to fund the position for Fiscal Year 2021 or to take any other action relative thereto.

(Maria Zodda, et al)

ARTICLE 38

(Affordable and Year-round Housing Stabilization Fund)

To see if the Town will vote to dedicate, without further appropriation, into a special purpose Affordable and Year-Round Housing Stabilization Fund, created herein in accordance with M.G.L., Chapter 40, Section 5B, which was accepted by the Town at the 2017 Annual Town Meeting, for the purpose of meeting affordable and year-round housing needs, two-thirds (2/3) of the local option rooms excise tax that the Town receives on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, pursuant to its acceptance of M.G.L., Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in fiscal year 2022;

or take other action with regard thereto.

(Arthur I. Reade, Jr., et al)

ARTICLE 39

(Zoning Map Change: CTEC to R-5 - Grey Lady Lane and Bartlett Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Commercial Trade Entrepreneurship and Craft (CTEC) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
66	701	2	Grey Lady Lane
66	702	4	Grey Lady Lane
66	703	6	Grey Lady Lane
66	704	8	Grey Lady Lane
66	705 (a portion of)	10	Grey Lady Lane
66	710 (a portion of)	9	Grey Lady Lane
66	711	7	Grey Lady Lane
66	712	5	Grey Lady Lane
66	713	3	Grey Lady Lane
66	100.5	54	Bartlett Road
66	531 (a portion of)	46	Bartlett Road

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ CTEC to R-5" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 40

(Zoning Map Change: RC-2 to R-5 - 8 and 10 Appleton Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
67	476	8	Appleton Road
66	437	10	Appleton Road

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article ___ RC-2 to R-5" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 41

Carried Over from 2020 Annual Town Meeting

(Zoning Map Change: RC-2 to CTEC - Appleton Road, Bartlett Road and Perry Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	19	32	Bartlett Road
67	110	30	Bartlett Road
67	111	28½	Bartlett Road
67	478	28	Bartlett Road
67	901	26	Bartlett Road
67	900	26½	Bartlett Road
67	425.5	24	Bartlett Road
67	900.1	1A	Perry Lane
67	902	1	Perry Lane
67	903	3	Perry Lane
67	112.3	5	Perry Lane
67	112.4	7	Perry Lane
67	112.5	9	Perry Lane

67	112.6	11	Perry Lane
67	112.1	12	Perry Lane
67	425.1	10	Perry Lane
67	425.2	8	Perry Lane
67	425.3	6	Perry Lane
67	425.4	4	Perry Lane

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ RC-2 to CTEC" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 42

(Zoning Map Change: R-5 to CN - Bartlett Road and Young's Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
67	113.1	18	Bartlett Road
67	876	18 (R)	Bartlett Road
68	238	1	Young's Way

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ R-5 to CN" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 43

(Zoning Map Change: RC-2 to R-5 and/or CN - 33 Old South Road and 24 Ticcoma Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)
67	50	24	Ticcoma Way

2. By placing the following property currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article __ RC-2 to R-5 and CN" dated October 2020.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 44

(Zoning Map Change: RC-2 to R-5 - Toms Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	78	22	Toms Way
68	77	20	Toms Way
67	44	18	Toms Way
67	45	16	Toms Way
67	46	14	Toms Way
67	47	12	Toms Way
67	51	10	Toms Way
67	52	8	Toms Way
67	53	6	Toms Way
67	54	4	Toms Way
67	55	22	Ticcoma Way

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ RC-2 to R-5" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 45

(Zoning Map Change: RC to CN - Francis, Union, and Washington Streets, and Salt Marsh Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
42.2.3	20	80B	Washington Street
42.2.3	20.2	80C	Washington Street
42.2.3	20.3	80D	Washington Street
42.2.3	20.4	80E	Washington Street
42.2.3	20.5	80F	Washington Street
42.2.3	20.6	80G	Washington Street
42.2.3	20.7	80H	Washington Street
42.2.3	25	81	Washington Street
42.2.3	24	81	Washington Street
42.2.3	23	83	Washington Street
55.1.4	81	89	Washington Street
55.1.4	109	89A	Washington Street
55.1.4	110	89B	Washington Street
55.1.4	111	89C	Washington Street
55.1.4	112	89D	Washington Street
42.2.3	21	90	Washington Street
55.1.4	5	91	Washington Street
42.2.3	22	92	Washington Street
55.1.4	7	95	Washington Street
55.1.4	8	96	Washington Street
55.1.4	6.1	97	Washington Street
55.1.4	6	97	Washington Street
55.1.4	36	11	Salt Marsh Way
55.1.4	35	9B	Salt Marsh Way
55.1.4	69	70	Union Street
55.1.4	66	64	Union Street
55.1.4	64	58	Union Street
55.1.4	33	56	Union Street
55.1.4	32	54	Union Street
55.1.4	3	52	Union Street
55.1.4	4	2	Francis Street

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article ___ RC to CN" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 46

(Zoning Map Change: R-20 and LUG-2 to VR and/or LUG-1 - Osprey and Tautemo Way, and Hummock Pond Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential 20 (R-20) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
83	26	251	HUMMOCK POND ROAD
83	25	249	HUMMOCK POND ROAD
83	29.4	257	HUMMOCK POND ROAD
83	29	253	HUMMOCK POND ROAD
82	42	241	HUMMOCK POND ROAD
82	32	245	HUMMOCK POND ROAD
82	43	243	HUMMOCK POND ROAD
82	38	233	HUMMOCK POND ROAD
82	39	235	HUMMOCK POND ROAD
82	41	239	HUMMOCK POND ROAD
83	15	17	OSPREY WAY
83	21	16	OSPREY WAY
82	33	14	OSPREY WAY
82	44	12	OSPREY WAY
83	18	21 (a portion of)	OSPREY WAY
83	16	19	OSPREY WAY
83	10	23 (a portion of)	OSPREY WAY
82	35	13 (a portion of)	OSPREY WAY
82	37	5	OSPREY WAY
82	3	11 (a portion of)	OSPREY WAY

		of)	
82	40	8	OSPREY WAY
82	4	7 (a portion of)	OSPREY WAY
82	5	3 (a portion of)	OSPREY WAY
83	27	2	TAUTEMO WAY
83	23	1	TAUTEMO WAY
83	28	4	TAUTEMO WAY
83	22	3	TAUTEMO WAY
83	19	6	TAUTEMO WAY
83	20	5	TAUTEMO WAY
83	17	7	TAUTEMO WAY
83	11	10 (a portion of)	TAUTEMO WAY
83	12	12 (a portion of)	TAUTEMO WAY
83	13	14 (a portion of)	TAUTEMO WAY
82	2	20 (a portion of)	TAUTEMO WAY
83	14	16 (a portion of)	TAUTEMO WAY
82	1	18 (a portion of)	TAUTEMO WAY

2. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
83	9	27	OSPREY WAY
83	18 (a portion of)	21	OSPREY WAY
83	10 (a portion of)	23	OSPREY WAY
82	35 (a portion of)	13	OSPREY WAY
82	3 (a portion of)	11	OSPREY WAY
82	4 (a portion of)	7	OSPREY WAY
82	5 (a portion of)	3	OSPREY WAY
83	11 (a portion of)	10	TAUTEMO WAY

83	12 (a portion of)	12	TAUTEMO WAY
83	13 (a portion of)	14	TAUTEMO WAY
82	2 (a portion of)	20	TAUTEMO WAY
83	14 (a portion of)	16	TAUTEMO WAY
82	1 (a portion of)	18	TAUTEMO WAY

3. By placing the following properties currently located in the Residential 20 (R-20) district within the Village Residential (VR) district or Limited Use General 1 (LUG-1) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	HUMMOCK POND ROAD
65	20.3 (a portion of)	207	HUMMOCK POND ROAD
65	20.2	205	HUMMOCK POND ROAD
65	22	199	HUMMOCK POND ROAD
65	26	193	HUMMOCK POND ROAD
65	26.1	191	HUMMOCK POND ROAD
65	21 (a portion of)	201	HUMMOCK POND ROAD
65	22.1 (a portion of)	199A	HUMMOCK POND ROAD
65	23 (a portion of)	195-195B	HUMMOCK POND ROAD
65	24 (a portion of)	205	HUMMOCK POND ROAD
65	27	189	HUMMOCK POND ROAD
65	74	187	HUMMOCK POND ROAD

4. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district within the Village Residential (VR) district or Limited Use General 1 (LUG-1) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	HUMMOCK POND ROAD
65	20.3 (a portion of)	207	HUMMOCK POND ROAD
65	21 (a portion of)	201	HUMMOCK POND ROAD
65	22.1 (a portion of)	199A	HUMMOCK POND ROAD
65	23 (a portion of)	195-195B	HUMMOCK POND ROAD
65	24 (a portion of)	205	HUMMOCK POND ROAD

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article __ R-20 and LUG-2 to VR and/or LUG-1” dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 47

(Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket and to amend the Zoning Map, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A (definitions) as follows:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area ~~of the commercial structure(s)~~...

2. Amend section 8B as follows:

QUALIFIED FAMILY MEMBER

The owner of the lot at the time the lot was subdivided into ~~primary and~~ secondary lots and the owner's spouse, and their parents, grandparents, children, brothers and sisters, or as otherwise defined within the Nantucket Housing Needs Program regulations or guidelines.

3. Amend section 8D(3)(c) as follows:

~~A minimum of~~ One of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction...

4. Amend section 12G(3)(b) as follows:

In reviewing a use or expansion requiring ~~either a minor or major~~ site plan review within the MIPOD, the Planning Board and/or the Director of Planning or his designee shall make a determination that the proposed use or improvements are generally consistent with site plan review standards contained in § ~~139-23~~, and with the standards set down in this § ~~139-12G~~.

5. Amend section 30H as follows:

Effect of zoning amendments on special permits issued. Construction or operation under a special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not ~~less~~ ~~more~~ than 12 months after the issuance of the special permit and, in cases involving construction, is continued through to completion as continuously and expeditiously as is reasonable.

6. Amend section 33B(1) as follows:

Unless the use or construction is commenced within a period of not more than ~~six~~ ~~12~~ months after the issuance of the permit; and

7. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 40 (R-40) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
55	928	8	Red Mill Lane
55	927	3	Old Mill Court
55	926	5	Old Mill Court
55	925	4	Old Mill Court

NOTE: The portion of these lots located in the R-40 district was formerly a portion of a paper street. The majority of these lots are located within the R-1 district.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 48

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Amend section 2A (definitions) as follows:

SWIMMING POOL - RESIDENTIAL

A structure designed ...

- In the VR District only...
- In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.

2. Amend section 7A (use chart) by replacing "A" with "A with lot $\geq$ 7,500 sq ft" in the "Swimming pool - residential" row in the R-1/SR-1 and R-5/R-5L columns.

Or, to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD 2020 ATM COMMENT: Impact of residential swimming pools have been an ongoing topic of discussion. Concerns have been expressed related to adding more structures that contribute to stormwater runoff, environmental issues related to draining water from residential swimming pools, noise and light impacts to neighbors, and other impacts that may degrade Nantucket's historic character. Other considerations include reducing the potential for an estate like development pattern that detracts from traditional neighborhoods, and ultimately housing that is attainable for year-round households.

Commented [LG6]: This should really go with the PB MOTION, not in here

ARTICLE 49

(Zoning Map Change: RC-2 to CN and/or LUG-2, and LUG-2 to CN - Bartlett Farm Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing a portion of the following properties currently located in the Residential Commercial 2 (RC-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
82	502	23 (portion of)	Bartlett Farm Road
82	503	33 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road

2. By placing a portion of the following properties currently located in the Limited Use General 2 (LUG-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
65	16.1	19 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road
82	602	23 (portion of)	Bartlett Farm Road
82	503	33 (portion of)	Bartlett Farm Road

3. By placing the following property currently located in the Residential Commercial 2 (RC-2) zoning district in the Limited Use General 2 (LUG-2) zoning district:

Map	Parcel	Number	Street
65	92	30	Bartlett Farm Road

(John W. Bartlett, et al)

ARTICLE 50

(Zoning Map Change: R-5 to CN - 10 and 12 Young's Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential -5 (R-5) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
68	243	10	Youngs Way
68	244	12	Youngs Way

(David A. Schulz, et al)

ARTICLE 51

(Zoning Map Change: SR-10 to SR-1 or SOH - 10 Clifton Street)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following property currently located in the Sconset Residential-10 (SR-10) Zoning District in the Sconset Residential-1 (SR-1) Zoning District or the Sconset Old Historic District (SOH):

10 Clifton Street, Nantucket Tax Assessor's Map 73.4.1, Parcel 30

(John Brescher, et al)

ARTICLE 52

(Zoning Map Change: R-10 to CN - 3 Cobble Court)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	260	3	Cobble Court

All as shown on the attached map.

Or to take any other action related thereto.

(Susan C. Ottison, et al)

ARTICLE 53

(Zoning Map Change: VR to VN - Polpis Road and Chatham Road)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road
54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Village-Residential (V-R) district, to the Village-Neighborhood (VN) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

ARTICLE 54

(Zoning Map Change: VR to R-20 - Chatham Road, Monomoy Road, Milestone Road and Polpis Road)

To see if the Tow will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
54	48	1	Chatham Road
54	135	3	Chatham Road
54	68	1	Monomoy Road
54	136	5	Monomoy Road
54	130	16B	Milestone Road
54	130.8	16A	Milestone Road
54	130.2	16C	Milestone Road
54	130.3	16D	Milestone Road
54	130.4	16E	Milestone Road
54	130.5	16F	Milestone Road
54	130.6	16G	Milestone Road
54	130.7	16H	Milestone Road
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road

54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

- (1) To place the foregoing properties noted, into the Town Overlay district; and,
- (2) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Village-Residential (V-R) district, in the Residential-20 (R-20) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

ARTICLE 55

(Zoning Map Change: LUG-1 to R-20 - Chatham Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
-----	-----	--------	--------

54	229	10	Chatham Road
54	230	8	Chatham Road

- (1) To place the foregoing properties noted, into the Town Overlay district; and,
- (2) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Limited Use General - 1 (LUG-1) district, in the Residential-20 (R-20) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Diane Ryder, et al) -

ARTICLE 56

(Zoning Map Change: LUG-1 to VR - 8 and 10 Chatham Road)

To see if the Town will vote to: Approve the zoning map change from the existing LUG-1 zone to the VR zone affecting the following properties;

8 CHATHAM ROAD, identified as Nantucket Assessor's Map-54, Parcel-230 which property is immediately across the road from the existing VR zone;

10 CHATHAM ROAD, identified as Assessor's Map-54, Parcel-229, which property is immediately across the road from the exiting VR zone

; or otherwise act thereon.

(Diane Ryder, et al)

ARTICLE 57

(Zoning Map Change: R-20 to R-5 - Mayflower Circle and Evergreen Way)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Parcel	Number	Street
68	728	2	Mayflower Circle
68	773	32	Evergreen Way

- (1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Residential-20 (R-20) zoning district into the Residential-5 (R-5) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 58

(Zoning Map Change: R-20 to CTEC and/or CN - Old South Road and Airport Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
68	167	111	Old South Road
68	168	113	Old South Road
68	112	115	Old South Road
68	111	117	Old South Road

68	48	1	Airport Road
68	49	7	Airport Road

(1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Residential-20 (R-20) district, in the CTWC (Commercial-Trade, Entrepreneurship and Craft) and/or CN (Commercial-Neighborhood) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Tom Hanlon, et al)

ARTICLE 59

(Zoning Map Change: LUG-1 to R-40 - 18 Evergreen Way)

To see if the Town will vote to: Approve the zoning map change from the existing LUG-1 zone to the R-40 zone affecting the following property;

18 EVERGREEN WAY, identified as Nantucket Tax Assessor's Map-68, Parcel 708 which property currently abuts the existing R-40 zone

; or otherwise act thereon.

(Brian Ryder, et al)

ARTICLE 60

(Zoning Map Change: LUG-2 to R-20 - Rugged Road) *Carried Over from 2020 Annual Town Meeting*

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
67	166	25	Rugged Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Limited Use General - 2 (LUG-2) district, to the Residential-20 (R-20) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Irene Schreiber, et al)

ARTICLE 61

(Zoning Map Change: LUG-3 to LUG-1 - Driscoll Way)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
76	4.1	2	Driscoll Way
76	4.2	6	Driscoll Way
76	4.3	10	Driscoll Way

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Limited Use General - 3 (LUG-3) district, to the Limited Use General - 1 (LUG-1) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(James M. Driscoll II, et al)

ARTICLE 62

(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the Town will vote to:

Proposed Amendments to Nantucket Zoning Bylaw Ch 139 S 22

§ 139-22. Island perimeter restrictions. [Amended 5-5-1992 ATM by Art. 38, AG approval 8-3-1992; 4-10-1995 ATM by Art. 50, AG approval 5-22-1995; 4 13-1998 ATM by Art. 35, AG approval 7-31-1998; 4-10-2000 ATM by Art. 29, AG approval 8-2-2000;

4-13-2005 ATM by Art. 45, AG approval 10-19-2005; 10-23-2006 STM by Art. 16, AG approval 3-21-2007; 4-9-2007 ATM by Art. 28, AG approval 6-28-2007; 4-8-2008 ATM by Art. 52, AG approval 8-18 2008]

A. There shall not be permitted in or upon the areas adjacent to Nantucket Sound and the Atlantic Ocean between the water and the primary coastal bank or, in the absence of a bank, the line of upland vegetation, any dwelling, except dwellings which have continued in lawful existence since April 6, 1982.

B. Except as otherwise provided in Paragraphs C, D and E of this § 139-22, the construction of new docks and piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) ~~for existing docks, piers or wharves~~ is prohibited for shorefront land in all districts, ~~except those docks, wharves and piers approved by the Nantucket Conservation Commission in the former Residential Commercial Districts as of July 31, 2005, and where a private pier previously existed on the premises.~~ Nothing in this § 139-22 shall prohibit nor regulate the repair, maintenance or like-kind replacement of any ~~lawfully existing~~ preexisting nonconforming dock, pier or wharf ~~so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto.~~

C. In the Harbor Overlay District and for commercial water-dependent uses only, (1) new docks, piers or wharves; ~~for commercial water dependent use and~~ (2) the extension of any lawfully existing docks, piers or wharves; and (3) the addition of new appurtenant structures to any lawfully existing docks, piers or wharves; ~~for purposes of commercial water dependent uses~~ are permitted uses.

D. Any proposed extension or reconfiguration of or addition or ~~creation~~ of new appurtenant structures to a preexisting ~~legally~~ nonconforming dock, pier or wharf must be reviewed and approved by the special permit granting authority in accordance with § 139-33A(41). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net increase of the structure's existing footprint and is not more detrimental to the marine environment than the existing structure. Such applications shall be referred by the special permit granting authority to the ~~Department of Marine and Coastal Resources~~ Harbor Master and the Natural Resources Department, or its successor agency, for comment and recommendation in accordance with the procedures of § 139-30.

E. In all districts new docks, wharves and piers of municipal, county, state, or federal agencies or public docks as defined below, and/or community docks serving areas that are not accessible by landbased transportation are permitted uses. The words "public docks" as used in this section shall be defined as a dock, pier or wharf that is open to the public at large, or at which services or goods for vessels are made available directly to the public.

(Emily Molden, et al)

ARTICLE 63
(Zoning Bylaw Amendment: Commercial Mid-Island - Height Restriction)
Carried Over from 2020 Annual Town Meeting

Reason and Intent;

At the 2016 Annual Town Meeting, Article 36 was adopted. The article had several sections, was complicated and in the case of changes in Section 17A, not in the best interests of Nantucket. The change in Section 17A involved the change of the height restriction for the SMI District from 30 feet to 40 feet. . This Article will reestablish the same height limitation as exist in the other districts referenced in Chapter 17 Section 17A.

The Article:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

To amend section 17A as follows:

A. Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI districts, or as otherwise permitted. Height limitations, except as noted in the Village Height Overlay District, shall be as follows:

	Zoning District	Maximum Height
Country Overlay District	SR-1, SOH, SR-10, SR-20, LUG-1, LUG-2, LUG-3, MMD, VN, VTEC, VR	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CN, CTEC, CI, RC, RC-2, LC	30
Town Overlay District	CMI	~~40~~ 30

Or to take any other action related thereto.

(Vallorie Oliver, et al)

ARTICLE 64

(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)

Carried Over from 2020 Annual Town Meeting

Reason and Intent;

This article was included in the 2015 ATM. It was recommended for adoption by the Finance Committee, but was "Not adopted by Majority Voice Vote". With the passage of time, protecting the Town from liability due to climate change and seal level rise is only more important. The impact is prospective and the sooner action is taken, the sooner protection will begin. It is just a matter of property owners accepting personal responsibility. The article below is exactly the same as the one for 2015 and was drafted by Town Counsel.

The Article:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows (NOTE: new language is shown as highlighted text; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

Chapter 139 ZONING

Article V. Administration and Enforcement

§ 139-26. Issuance of building and use permits.

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

(1) Demolition delay.

(e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such

claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer shall provide the Building Commissioner with a certificate of compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefore, within 30 days of the submission of a complete application.

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) The issuance of a permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years. Applicants for a temporary permit to engage in construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of a temporary building permit, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion or impacts on or elimination of public access to the property at issue.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence

damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.

(Rick Atherton, et al)

ARTICLE 65
(Affordable Housing Requirements)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: To require the Town of Nantucket to create and enforce legislation and regulations to enact and enforce the attachment of the state mandated 10% affordable housing to our local building permit process. 10% of new residence permits issued annually (both year round and seasonal) shall be designated affordable. For each 10 residential permits issued 1 shall be affordable; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 66
(Public Property Damage)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: require the Town of Nantucket through the PLUS department to create and enforce regulations to hold accountable all land owners to repair damage to public property caused by permitted activity. All applicants to the PLUS Department must submit photos of surroundings 500 feet beyond each boundary to a public way areas of concern shall include streets/roads, shoulders, sidewalks, medians and bike paths. These areas shall be inspected and approved before a certificate of occupancy or completion is issued; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 67
(Prohibiting Roundabouts Near Schools)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Prohibit the construction of a rotary, a roundabout or a traffic circle by any other name on any public way within 1000 feet of a public school in the Town of Nantucket.

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

ARTICLE 68
(Real Estate Transfer: Land from Roadway/Roundabout Purposes to School Committee Control)

To see if the Town will vote to transfer the care, custody, management and control of the following parcels of land from the following boards for the purposes for

which they are currently held from the Board of Selectmen back to the School Committee for the purposes as follows:

•Tax Assessor's Map 55, Parcel 137 (a portion of), 10 Surfside Road, from the Control of the Town to be returned to the School Committee and to be held for school purposes;

Or otherwise act thereon.

(John F. McGrady, Jr., et al)

ARTICLE 69
(Complaint Committee)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Approve that all Town of Nantucket Departments and Boards, staffed by employees, elected or howsoever constituted, or empowered, and including the office of Town Administration and its head, set full, clear and published standards for their performance and, included therewith, have a full and clear accessible complaints procedure together with appropriated redress for the user of the services when its alleged that wrongdoing or maladministration has occurred. Moreover, see if the Town will vote to approve, within any limitations set by the laws of the Commonwealth of Massachusetts, the formation of a committee to deal with complaints of wrongdoing or maladministration made against and employee of the Town of Nantucket, any Department of the Town of Nantucket or any Board of Member of a Board elected by voters of the Town of Nantucket.

(Theresa Williams, et al)

ARTICLE 70
(Bylaw Amendment: Noise)

To see if the Town will vote to amend Chapter 101 (Noise) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Chapter 101
Noise

§ 101-4 Prohibited activities; violations and penalties.

A. ~~It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year), occupying or having charge of any building, boat, vehicle, premises or any part thereof; the owner, the owner's agent or other legally responsible person or persons of any building, boat, vehicle, premises or any part thereof in the Town of~~

Commented [LG7]: Legal revisions underway

Nantucket other than as specifically licensed by the Board of Selectmen, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by the operation of any radio, phonograph or other mechanical sound device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid or the making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Any person violating this section shall be punished by a fine of not more than \$200 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

- A. Prohibited Noises.** It shall be unlawful for any person or persons, unless specifically authorized by the Select Board, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by taking any of the following actions:
- a. making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel, or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section.
 - b. to operate, play or permit the operation or playing of any electronic sound producing device, radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel, or premises in which or from

which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section.

- c. to load, unload, open, close or otherwise handle boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:00 a.m. so as to project sound across a real property line.
- d. operating or permitting the operation of any mechanically powered tools or equipment used in building construction, renovation, non-emergency maintenance, or demolition work is prohibited between the hours of 8:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts", dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 5:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day) Monday through Saturday and before 10:00 a.m. Sunday, that the sound therefrom is plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located. Work referenced in this section shall include any work for which a building, sidewall or roof, shingle, trench, tent, plumbing, gas, or wiring permit has been issued by the Town of Nantucket and any work for which a Certificate of Appropriateness has been issued by the Historic District Commission.
- e. operating or permitting the operation of any mechanically powered tool (such as saws, drills, sanders, grinders, nail guns) or mechanically powered lawn or garden tool, or similar device used outdoors shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts", dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 5:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day) Monday through Saturday and before 10:00 a.m. Sunday, so as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited. Lawn and garden tools with gas powered engines shall be prohibited beginning July 1, 2025.
- f. repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(7:30 a.m. between June 15th and September 15th in each year)
Monday through Saturday and before 10:00 a.m. Sunday.

B. It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year), being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof in the Town of Nantucket, other than as specifically licensed by the Board of Selectmen, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by the operation of any radio, phonograph or other mechanical sound device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid or the making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section.

B. Exemptions.

The following uses and activities shall be exempt from subsection A of this

Chapter:

- a. Noises of safety signals, warning devices and emergency pressure-relief valves.
- b. Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
- c. Noises resulting from emergency and maintenance work as authorized by the Town, by the state or by public utility companies.
- d. Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town, but only to the extent such activities and the resulting noises are within the scope of such license or permit.
- e. The unamplified human voice.
- f. Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose.

G. Any person shall be deemed in violation of ~~§ 101-1~~, who shall make or aid in, cause or suffer or countenance or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace, and the presence of any person or persons in or

about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of § 101-1 shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this section shall be punished by a fine of not more than \$200 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

C. Permit for relief.

Application for a permit for relief from the requirements designated in this chapter on the basis of undue hardship may be made before the Select Board. Any permit granted by the Select Board shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement. Each such permit shall specify, to the extent applicable, the following:

- a. The specified dates and times of day the excess is permitted;
- b. The particular location, specifying outdoors, indoors or indoors open to the outdoors, and where on the premises the specified noise is permitted to originate; and
- c. The permitted type of noise: amplified music, amplified speaking or singing voice, live band, acoustic musical instrument, or other.

§ 101-1.1 Procedure upon violation.

- A. It shall be deemed a breach of the peace and it shall be the duty of any police officer of the Town to order any person or persons so acting as to violate the provisions of § 101-1 of this chapter to cease any prohibited activities which are specified in § 101-1 and, if the person or persons so ordered do not forthwith obey, to remove such person or persons or to arrest and/or cause such person or persons to be brought before the Trial Court of the Commonwealth District Court, Nantucket Division, upon a complaint made for a violation of the provisions of § 101-1.
- B. If the violation occurs on the premises of rental property, the owner and/or his agent of said property must be notified in writing by certified mail that a violation of § 101-1 has occurred on said rental property and that a complaint for violation of said section may be taken against him if said property owner and/or his agent fails to mitigate the activities of the person or persons who have rented said property.
- C. It shall be a defense to any violation of § 101-1 of this chapter that the noise is generated from a private dwelling with the express consent of the owner and that the noise is not clearly audible at any real property boundary of said dwelling.

A. Violations and penalties.

- a. A violation of this Chapter shall be deemed a breach of the peace. Violators shall first be given a verbal order by the enforcing police officer to cease or abate the noise immediately or within a specified period of time. If the person or persons so ordered do not comply with the verbal order, the enforcing police

officer may arrest such person or persons for a violation of this Chapter.

b. As an alternative to arrest, any police officer of the Town may utilize the noncriminal disposition specified in MGL c. 40, § 21D and Nantucket Code §§ 1-2 through 1-6.

c. Any person found in violation of § 101.1 A shall be punished by a fine of not more than \$300 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

§ 101.2 ~~Noises prohibited; exemptions.~~

- A. ~~Use districts. It shall be unlawful to project a sound or noise, excluding noise emanating from cars, trucks or other vehicles, from one property into another within the boundary of a use district, which noise exceeds the limiting noise spectra set forth in Table I below. Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.~~
- B. ~~Loading and unloading. It shall be unlawful to load, unload, open, close or otherwise handle boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:00 a.m. so as to project sound across a real property line, except as exempted under Subsection E below.~~
- C. ~~Construction. Operating or permitting the operation of any power tools or powered equipment used in actual new building construction or renovation, drilling, or demolition work is prohibited between the hours of 8:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday that the sound therefrom is plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located except for emergency work of public service utilities or by special variance issued by the Select Board.~~
- (1) ~~Construction or renovation work shall be defined as any work for which a building permit has been issued by the Town.~~
- D. ~~Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday.~~
- E. ~~Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through~~

~~Saturday and before 10:00 a.m. Sunday so as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited.~~

- ~~F. Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) in such a manner as to create a noise disturbance across a real property boundary.~~
- ~~G. Exemptions. The following uses and activities shall be exempt from noise level regulations: (1) Noises of safety signals, warning devices and emergency pressure-relief valves.~~
- ~~(2) Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.~~
- ~~(3) Noises resulting from emergency and maintenance work as performed by the Town, by the state or by public utility companies.~~
- ~~(4) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town, but only to the extent such activities and the resulting noises are within the scope of such license or permit.~~
- ~~(5) The unamplified human voice.~~
- ~~(6) Parades and public gatherings for which the Selectmen have issued a permit.~~
- ~~(7) Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose.~~

§ 101-2 Air Conditioning and Air Handling Equipment, Pumps, Fans and Compressors Sound Level Limit.

- A. No person shall operate or cause to be operated any air conditioning or air-handling equipment, swimming pool or spa pump, or an exhaust fan, in such a manner as to exceed 55 dBA over a 10-minute period of time, measured from a distance of 40 feet or more from the source across a residential real property line at any time of the day or night.**
- B. Upon written notice to the owner of the property as recorded with the Nantucket Assessor of a violation of paragraph §101-2 (A), and the property owner fails to mitigate the violation within fourteen (14) days, then the property owner shall be deemed to be in violation of paragraph §101-2 (A).**

§ 101-3 Measurement of noise.

- A. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by ANSI S1.4 –1971 Type 1 or Type 2 and IEC 1979. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise**

measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. During measurement, the microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

- ~~B. The slow meter response of the sound level meter shall be used in order to best determine that the amplitude has not exceeded the limiting noise levels set forth in Table I below.~~
- B. Sound levels pursuant to this rule shall be measured over a 10-minute period of time with a sound level meter. Sound levels which exceed the limits set forth in paragraph A above when measured are a violation of this rule.
- ~~C. The measurement shall be made at the location that the noise is perceived by the complainant or upon a public way, at a level of five feet above the ground.~~

§ 101-4 Noise tables.

- A. ~~Table I: Limiting Noise Level for Use Districts. (Use District A represents the LUG 1, LUG 2, LUG 3, ROH and SOH Residential and MMD, AHD, OIH, and ALC Special Districts. Use District B represents the R-1, R-2 and R-10 and SR-1 and SR-2 Residential Districts. Use District C represents the LC, RC and RC-2 Commercial Zones, all as defined and delimited in the Nantucket Zoning Ordinance, as amended.)~~

Use District	Maximum Permissible A-Weighted Sound Level	
	Day	Night
District A:		
L-10 level	55	45
Maximum	68	58
District B:		
L-10 level	60	45
Maximum	70	58
District C:		
L-10 level	60	60
Maximum	70	70

NOTES:

- 1. ~~"L-10" refers to a national guideline for measuring noise levels over time and is recommended by the Environmental Protection Agency.~~
- 2. ~~Sound levels are in decibels re: 20 micropascals, measured on the A-weighting network of a sound level meter meeting the standards referenced in § 101-3A.~~
- (1) For the purpose of this table, "day" shall be defined as 7:00 a.m. to 10:00 p.m. (7:30 a.m. between June 15th and September 15th in each year), and "night" shall be defined as 10:00 p.m. to 7:00 a.m. (7:30 a.m. between June 15th and September

15th in each year).

- (2) If the noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I of this section.

B. Table II: Type of Operation in Character of Noise.

Character of Noise	Correction
Impulsive (hammering, etc.)	-5
Periodic (hum, screech, etc.)	-5

§ 101-5 Application for special permit.

Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made before the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement. Each such permit shall specify, to the extent applicable, the following:

- A. Whether the specified noise permitted is in excess of the levels barred by §§ 101-2A, 101-3 and 101-4, as well as § 101-1A, B or C, and the extent of the permitted excess;
- B. The specified dates and times of day the excess is permitted;
- C. The particular location, specifying outdoors, indoors or indoors open to the outdoors, and where on the premises the specified noise is permitted to originate; and
- D. The permitted type of noise: amplified music, amplified speaking or singing voice, live band, acoustic musical instrument, or other.

§ 101-6 4 Violations and penalties.

- A. Any person found in violation of § 101-2 shall be punished by a fine of not more than \$300 for each offense. Each day of such violation shall be considered a separate offense
- A. Upon an apparent violation of this chapter, the offending party shall be given a verbal order by the enforcing police officer to cease or abate the noise immediately or within a specified period of time. If the order is not complied with, the person or persons responsible for the noise shall be charged with a violation of this chapter. Anyone who violated this chapter shall be subject to a fine of \$100. Written record of all measured violations shall be kept by the Police Department.
- B. Any police officer of the Town may utilize the noncriminal disposition specified in MGL c. 40, § 21D and Nantucket Code §§ 1-2 through 1-6.

(Select Board)

ARTICLE 71

(Bylaw Amendment: Noise)

To see if the Town will vote to: Under Section 101-2 Noises prohibited; exemptions: add a new subsection to read as follows: Air handler units, heat exchangers, air conditioners, condenser units, dehumidifiers and compressors whose noise exceeds the limiting noise spectra set forth in Section 101-4 Table 1.

; or otherwise act thereon.

(Jacques Zimicki, et al)

ARTICLE 72

(Bylaw Amendment: Council for Human Services)

To see if the Town will vote to amend Chapter 12 (Council for Human Services), section 12-2 (Membership; terms; vacancies) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 12

Council for Human Services

§12-2 Membership; terms; vacancies.

The Council shall consist of ~~seven~~ **nine** Nantucket residents who shall be appointed by the Board of Selectmen for three-year terms; provided, however, that three of the initial appointments shall be for a term of one year, three for a term of two years and three for a term of three years. The term of office shall be based on a year commencing on July 1 of each calendar year. Vacancies occurring in any position during a term shall be filled for the balance of the unexpired term in the same manner as an original appointment. Each member of the Council serving at the time of the passage of this chapter shall remain in office until the end of his or her term and until the Board of Selectmen appoints a successor member. All members of the Council for Human Services shall be in full compliance with the provisions of Massachusetts General Law Chapter 268A.

(Select Board)

ARTICLE 73

(Bylaw Amendment: Animals)

To see if the Town will vote to amend Chapter 55 (Animals), section 55-5 (Violations and penalties) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 55

Animals

§12-2 Violations and penalties.

- A. Fine. Any violation of this chapter shall be subject to a fine of \$50 for the first offense; \$250 for the second offense; \$500 for the third and each subsequent offense. This chapter may be enforced by a police officer or Animal Control Officer utilizing the noncriminal disposition contained in Chapter 1 of this Code.

(Select Board)

ARTICLE 74

RENTAL CAR BYLAW AMENDMENT - AIRPORT/TOWN

Commented [LG8]: This needs formatting work & determination from SB; tabled to 2/17

To see if the Town will vote to amend Chapter 58-3 of the Code of the Town of Nantucket as follows; or to take any other action related thereto:

1. Amending the third sentence of Section A thereof to read as follows "Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle for rental agencies renting 1-10 motor vehicles; \$250 per motor vehicle for rental agencies renting 11-50 motor vehicles; and \$500 per motor vehicle for rental agencies renting 51 or more motor vehicles." **[NOTE TO CLIENT: TIERS AND FEES ARE PLACEHOLDERS AND SHOULD BE REVIEWED]**

2. Replacing Section B with the following:

The total number of motor vehicles available for lease on the island of Nantucket shall not exceed a number to be determined annually by the Select Board, provided that said number shall not be below 700. The Select Board shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle to be licensed. Each RVM constitutes the right to lease one motor vehicle for one year. An RVM shall be non-transferable without the consent of the Town Manager. All RVMs issued prior to January 1, 2021 shall expire on December 31, 2021 and shall be non-transferable thereafter.

3. Deleting Section D thereof.

VOTERS' GUIDE

This Article would amend the Town's Car Rental Bylaw to allow the Selectmen to adjust the current cap on the number of rental car licenses available in the Town. The cap was implemented in 1996, and all of the licenses have previously been issued, although not all are used. The cap prevents competition by new entrants into the rental car market, especially at the airport, and, given the rise in ridesharing and car-sharing apps, no longer serves as a meaningful restraint on car traffic on the island. Under this article,

the Board of Selectmen would be able to adjust the cap to meet current conditions. In addition, RVs would no longer be transferable, preventing car rental agencies from holding onto licenses without using them in order to limit competitors from accessing them.

ARTICLE 75

(Bylaw Amendment: Single-Use Plastics)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to:

1) make certain amendments to the bylaw "The Regulation of Commercial Sale, Distribution and Use of Single Use Plastics" as approved in Special Town Meeting 2018, Article 16 (Called "STM2018-16");

2) request that the Board of Public Works vote to rescind Board of Public Works Regulation 71.00 ("Regulation 71.00") as adopted by the Board of Public Works pursuant to the authority granted under section 125-3 of the Code of the Town of Nantucket and the general authority of the Board of Public Works pursuant to Chapter 169 of the Acts of 1965, as amended by Chapter 259 of the Acts of 1987, in order to incorporate the purpose and intent of that Regulation into the bylaw STM2018-16;

3) to remove from the Code of the Town of Nantucket § 125-3 Biodegradable Packaging [Amended 12-12-1989 STM by Art. 2, approved 3-14-1990]; and

4) once Regulation 71.00 is rescinded, and § 125-3 Biodegradable Packaging is removed from the Code of The Town of Nantucket, replace both with the revised bylaw "The Regulation of Commercial Sale, Distribution and Use of Certain Single Use Plastics" the text of which follows (with underlined text below showing additions to the version of the bylaw that was approved at STM 2018 as printed in the Warrant, double strike throughs (—) to show deletions and underlined italic blue font to indicate language transferred from Regulation 71.00 and Code of the Town of Nantucket § 125-3 Biodegradable Packaging. None of these markings shall appear in the final version of the bylaw.);

the purpose of which is to make certain correction, clarifications; additions of definitions and items to be banned effective June 1, 2021 or take any other action relative thereto.

To Be Rescinded if Board of Public Works so votes:

Board of Public Works vote to rescind Board of Public Works Regulation 71.00 as adopted by the Board of Works pursuant to the authority granted under section 125-3 of the Code of the Town of Nantucket and the general authority of the Board of Public Works pursuant to Chapter 169 of the Acts of 1965, as amended by Chapter 259 of the Acts of 1987

To Be Removed:

§ 125-3 Biodegradable packaging. [Amended 12-12-1989 STM by Art. 2, approved 3-14-1990] All packaging added to or supplied by vendors or commercial establishments within the Town of Nantucket for merchandise of any type being removed from the establishment shall comply with such rules and regulations requiring the use of biodegradable packaging to the maximum extent reasonably practicable as might be established by the Board of Public Works after a public hearing; provided, however, that this section shall take effect April 15, 1990. "Biodegradable packaging" means any packaging other than plastic or Styrofoam.

To Be Replaced with The Following:

Section I. Definitions and Purpose

Definitions:

Single-use plastics - are petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this Bylaw are listed herein.

Commercial use - using the petroleum-based plastic products listed herein by a business, directly/indirectly for financial gain or convenience.
Petroleum -based plastic - plastics manufactured using petroleum derived polymers. Plant-based plastics are exempted from this Bylaw.

Compostable - This category of plastic is comprised of two basic types. 1) a material that breaks down without mechanical assistance, which is defined herein as "compostable"; and 2) materials requiring mechanical assistance such as the application of high temperatures not achievable in backyard compost piles for a period of several days, which is defined herein in as "commercially compostable".

Compostable plastic is defined by the standards association ASTM International (ASTM) as "a plastic that undergoes degradation by biological processes during composting to yield carbon dioxide (CO₂), water, inorganic compounds, and biomass at a rate consistent with other known compostable materials and that leaves no visible, distinguishable, or toxic residue." All petroleum-based plastics that are compostable break eventually breakdown into smaller pieces of petroleum-based plastics, some of which are not visible to the unaided human eye. These particles are known as micro-plastic particles and have been found in most bottled waters and in the human and other animals' bodies due to ingestion of affected food sources.

They are made from materials that can naturally breakdown into usable compost material in back yard compost piles. These materials will enrich the soil and returns nutrients to the earth. According to the US Federal Trade Commission Green Guide updated October 2012, "Some materials break down into usable compost material that enriches the soil and returns nutrients to the earth."

Compostable plastics are typically made from some type of renewable raw material. Corn starch is one of the most common materials, as is hemp, but there are other similar options. Regardless of what compostable plastic is made from, it's transformed into a polymer that looks and feels like traditional plastic. Compostable plastics can be difficult to recycle. Most of them require commercial/industrial composting facilities. Compostable plastic material cannot breakdown through natural processes and must be sent off island to a commercial composting facility where it is processed at high heat for several days. Nantucket currently does not have the commercial composting capabilities.

Commercially Compostable - The American Society for Testing and Materials (now known as ASTM International) has published specific guidelines that must be met for a material to be labeled as commercially compostable. In broad terms, those guidelines are:

- "It must be able to be broken down by biological treatment at a commercial or industrial composting facility";
- "Decomposition of the plastic must occur at a rate similar to the other elements of the material being composted (within 6 months)"; and
- It will "Leave no toxic residue that would adversely impact the ability of the finished compost to support plant growth"

It is compostable material that cannot breakdown through natural processes and must be sent off island to a commercial composting facility where it is processed at high heat for several days.

Biodegradable - According to the US Federal Trade Commission Green Guide updated October 2012, "Something that's biodegradable, like food or leaves, breaks down and decomposes into elements found in nature when exposed to light, air, moisture, certain bacteria, or other organisms."

According to the Federal Trade Commission (FTC), a biodegradable product is one that in its entirety will "*completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time (one year) after customary disposal*".

The American Society for Testing and Materials (now known as ASTM International) defines biodegradable plastic as "*a plastic in which all the organic carbon can be converted into biomass, water, carbon dioxide, and/or methane via the action of naturally occurring microorganisms such as bacteria and fungi, in timeframes consistent with the ambient conditions of the disposal method.*"

Currently there is no data to support that many of the things claiming to be biodegradable will be broken down in landfills.

Drinking Water - is potable, unflavored, non-carbonated water that is safe to drink or to use for food preparation.

Flavored Water - a category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals and other "enhancements". (source: Medical Dictionary)

Carbonated Water - water that contain dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonation causes small bubbles to form, giving the water an effervescent quality. Also known as "sparkling water", "tonics", "soda water", "club soda", "tonic water", "seltzer" "pop" and the like. (source: Wikipedia and The Free Dictionary)

Boxed Water - Any type of drinking water, flavored water, carbonated water packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest of it is often a set of plastic parts such as a cap and pouring ring and internal layers made from petroleum-based plastics such as polyethylene and aluminum.

Energy Drink - a type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or packaged in a paper or similar fiber package like the containers used for Boxed Water.

Purpose:

The purpose of the Bylaw 2018-16 and the amendments to Bylaw 2018-16 proposed herein is to protect the health and safety of Nantucket's present and future generations, protect the Town's single source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe alternatives for each of the single-use ~~petroleum-based~~ plastic items banned. This bylaw applies to commercial sale, distribution and use of these plastic products. However, individuals need to do their part to strive to conserve, protect and preserve our environment.

The Town of Nantucket recognizes that discarded packaging constitutes the largest single category of waste within the Town and County of Nantucket's waste stream and is, therefore, a necessary focus of any effort towards reducing the filling of the Towns landfill as well as towards reducing the economic and environmental costs of waste management.

The Town finds that discarded non-biodegradable packaging and plastic contained within the waste stream of Nantucket is a fundamental cause of problems associated with solid waste disposal.

The Town understands that the landfill space within the Town and County of Nantucket is diminishing rapidly; that the availability of solid waste receiving areas outside the Island of Nantucket is becoming increasingly uncertain and expensive; and, that for both economic and environmental reasons, measures to simplify the chemical complexity of

solid waste and, thereby, to streamline solid waste management must be vigorously pursued.

The Town finds that the chemical composition and the ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs.

The Town finds and determines that the use of plastics and other non-biodegradable packaging has become widespread throughout the island and the resulting mixed substance waste stream is a serious impediment to solid management programs for the Town and County of Nantucket.

The Town further finds that the widespread use of plastics and non-biodegradable packaging poses a threat to the environment on the Island of Nantucket by causing rapid filling of the landfill space and by the possible introduction of toxic by-product into the groundwater and general environment of the island of Nantucket.

The economic and environmental problems associated with the mixed substance waste stream are so severe that a program of incrementally simplify the chemical composition of solid waste, thereby encouraging the composting of putrescible wastes and encouraging other forms of recycling of solid waste substances, is a policy goal of the Town of Nantucket.

BY-LAW:

Section II. ~~Commercial~~ Sale, distribution and ~~commercial~~ use of petroleum-based single use plastic products.

It shall be unlawful to commercially sell, distribute or otherwise ~~commercially~~ use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

Straws and drink stirrers;
~~Six-pack~~ Can and bottle flexible yokes (no limit on capacity size);
Single use drinking cups and lids;
Plates and ~~non-compostable~~ eating utensils;
Drinking water in single-serve polyethylene terephthalate (PET) containers of 1 liter (34 ounces) or less; ~~and~~
Single use, non-biodegradable ~~recyclable~~ coffee or other beverage pods

It shall be unlawful to commercially sell, distribute or use the following single-use petroleum-based plastic and other listed products in the Town and County of Nantucket on or after June 1, 2022:

Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;

Cellulose acetate and or any other type of plastic fiber cigarette filters;
Plastic mesh tea bags;
Any type of non-deposit, plastic beverage container of 63 ounces or less, including, but not limited to water, flavored water, sparkling water, soda, energy drinks;
Boxed water containers with components of petroleum based plastic materials such as pouring spouts, caps and as a liner;
Plastic and glass nip bottles with capacities of up to 200ml;
Plastic stick ear buds;
Small, individual plastic bottles of body wash, shampoo, conditioner, body lotion with capacities of up to 200ml;
Plastic shopping bags, take-out bags, take-out containers, clam-shell containers and similar containers;
Any and all non-recyclable petroleum based plastic products with resin identification codes #3 through #7

Any and all packaging added to or supplied by a vendor within the Town of Nantucket for the purpose of transporting merchandise of any type shall be biodegradable and compostable.

Reusable compostable ~~containers~~ and recyclable paper or cardboard containers are allowable alternatives and, where not a health hazard as determined by the Board of Health or public law, vendors shall encourage the use of such containers by allowing customers to bring their own containers or by providing such reusable containers at no charge or for a reasonable fee.

Each vendor within the Town of Nantucket shall display a notice proximate to the point of sale device ~~cash register~~ and plainly visible to its patron stating the following:

"All packaging added or supplied by this vendor or commercial establishment for merchandise of any type being removed from this establishment must be biodegradable, compostable packaging. No non-biodegradable packaging may be added to or supplied by this vendor or commercial establishment for merchandise of any type being removed from the establishment."

Section III. Exemption for Emergencies and other

Drinking water (plain, unflavored) - Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

Medical packaging and medically required usage are exempted providing no recyclable alternatives are available.

Plant-based, biodegradable or compostable plastics are exempted from this Bylaw.

Section IV. Enforcement Process

Enforcement of this Bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and Health Agents have the authority to enforce this Bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this Bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under M.G.L. Chapter 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D and Article II of Chapter 1 of the Code of the Town of Nantucket.

V. Suspension of the Bylaw

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

VI. Severability

The provisions of this bylaw and article are severable. If any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw or article, and the remainder of the bylaw or article shall stay in full force and effect.

(Bruce Mandel, et al)

NOTE: Due to formatting restrictions, the references to "underlined italic blue" are shown in underlined italic black text.

ARTICLE 76

(Bylaw Amendment: Bicycles)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Code, Chapter 57 (Bicycles and Mopeds) by adding the following new Article IV, or take action relative thereto:

Article IV. Bicycle Right of Way

§57-13. Authority and Purpose

This article is enacted in accordance with G.L. c. 40, §22 to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicycles and motor vehicles.

§57-14. Right of Way for Users of Multi-Use/Shared Use Paths

- A. At any location at which a multi-use/shared path intersects with or is crossed by a public or private way or driveway with the exception of major intersections to be

determined by the TON, bicyclists, pedestrians and other users of the paths shall have the right of way and any person operating a motor vehicle shall stop and yield to such bicyclist, pedestrian or other user.

- B. At any location at which a multi-use/shared path intersects with or is crossed by a public or private way with the exception of major intersections to be determined by the TON, the Town shall install informative path-crossing signs and separate stop signs facing the motor vehicle approach to the intersection so that drivers of motor vehicles are warned to use all caution necessary and to yield the right of way to any bicyclist, pedestrians or other users of the path.

For the purposes of paragraphs A and B in §57-14, a major intersection shall be considered to be the intersection between a main road, e.g. the Milestone Road, or secondary road that bears as much vehicular traffic as a main road, and a multi-use path.

§57-15. Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(Ian Golding, et al)

ARTICLE 77

(Bylaw Amendment: Bicycles)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Code, Chapter 57 (Bicycles and Mopeds) by adding the following new Article IV, or take action relative thereto:

Article IV. Bicycle Passing Buffer Zone

§57-16. Authority and Purpose

This article is enacted in accordance with G.L. c. 40, §22 to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicycles and motor vehicles.

§57-17. Bicycle Passing Buffer Zone

No person operating a motor vehicle on a public way within the Town of Nantucket shall overtake or pass a bicyclist proceeding in the same direction of travel unless a three-foot separation can be given between the right side of the driver's vehicle, including all mirrors and other projections, and the left side of the bicyclist at all times.

§57-18. Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(Ian Golding, et al)

ARTICLE 78
(Bylaw Amendment: Bicycles)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Code, Chapter 57 (Bicycles and Mopeds) by adding the following new Article IV, or take action relative thereto:

Article IV. Bicycle Accident Database

§57-19. Authority and Purpose

This article is enacted in accordance with G.L. c. 40, §22 to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicycles and motor vehicles.

§57-20. Bicycle Accident Database

To see if the Town will vote to use up to \$50,000 (fifty thousand) from collected Motor Vehicle Excise Taxes to develop and maintain a database of all motor vehicle accidents involving bicycles. Said database shall be a public record and shall be made available to the public via a link on the Town's website. The database shall include the date, time and location of the accident, the number of vehicles and bicycles involved and whether the bicyclist suffered any injury. Any doctor, nurse, or first responder or other medical provider providing treatment to an individual injured as a bicyclist in an accident with a motor vehicle shall be requested to make a report to the Chief of Police for inclusion in the Bicycle Accident Database. For purposes of this section, neither the Database, nor any report issued by a medical provider, shall include the name or any identifying information concerning an injured individual.

§57-21. Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(Ian Golding, et al)

ARTICLE 79
(Bylaw Amendment: Outdoor Lighting)
Carried Over from 2020 Annual Town Meeting

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-14-2005, Art. 52, approved 10-18-2005. Amendments noted where applicable.]

To see if the Town will vote to amend Chapter 102. Outdoor Lighting. of the Code of the Town of Nantucket by adding the following amendments:

- A. Authorize a special monthly inspection night shift, with a pay differential for night time work.
- B. Follow up to date State of the Art Standards to integrate new technology available to ensure the continuing attraction and potential expansion of Nantucket as a tourist destination for star gazing, if necessary using private-public funding.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 80

(Bylaw Amendment: Noise - Gas-powered Leaf Blowers)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Noise Bylaw in the following manner: Amend Section 101-2 of the Town's Code of Bylaws to prohibit, on a Town-wide basis commencing on December 1, 2020, the use of gas-powered leaf blowers at all times of the day on all days of the year, by any commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee; or take any other action on the matter.

Explanation: Complaints regarding gas-powered leaf blowers by property owners and gardening contractors have been increasing as the use of these tools has also increased. The environmental impact of such gas-powered equipment has also become a growing concern. Finally, it appears that some local commercial landscaping companies have already adopted battery-powered leaf blowers as an effective alternative with much reduced noise levels.

(Julia Lindner, et al)

ARTICLE 81

(Bylaw Amendment: Community Preservation Committee)

To see if the Town will vote to amend Section 11-12 of the Town Code regarding the Committee Preservation Committee as follows, with bold text representing additions to the bylaw and strike through text representing deletions; provided that if, at any annual town election occurring after the effective date of this amendment, the terms of both of the elected members are expiring at the same time, the person receiving the highest number of votes shall serve for a three year term and the person receiving the next highest number of votes shall serve for an initial two year term:

§ 11-21. Establishment; membership; appointment; term.

The Community Preservation Committee is established in accordance with MGL c. 44B, §§ 3 through 7. The Committee shall consist of nine members. The members shall include an appointed designee from each of the following boards, commissions or authorities: the Conservation Commission; the Historic District Commission; the Land Bank; the Planning Board; the Park and Recreation Commission; the Nantucket Housing Authority; the Board of Selectmen. The respective board, commission or authority shall appoint each designee and, whenever necessary, fill unexpired terms. These members shall serve ~~their initial appointments respective of the sequence they are listed above, as follows: three members for three year terms; two members for two year terms; and two members for one year terms; thereafter all appointments shall be~~ for three-year terms. There shall also be two members-at-large **elected for three year terms by the voters of Nantucket.** ~~from the community. The Board of Selectmen shall appoint these members for one year terms; thereafter these members shall be determined each third year through normal Town election and balloting procedures. Whenever necessary, these members at large shall be appointed by the Board of Selectmen to fill an unexpired term.~~

Or to act in relation thereto.

(Ken Beaugrand, et al)

ARTICLE 82

(Bylaw Amendment: Chapter 127 - Streets and Sidewalks: Road Construction)

To see if the Town will vote to limit and minimize traffic signs on the island of Nantucket by amending Chapter 127, Sections 19 and 20 of the Code of the Town of Nantucket, by adding new language as highlighted:

§ 127-19 Limitations on road improvements and construction.

A. The Town will preserve the historic character of its road system by prohibiting the following improvements or construction for any publicly owned way or street on Nantucket unless an exception of any of the following standards is expressly authorized by a vote of Town Meeting:

- (1) The installation of automated traffic signals;
- (2) Road widenings for the purpose of increasing motor vehicle travel capacity;
- (3) The construction of travel lanes dedicated as turning lanes for motor vehicles;
- (4) The construction of new public streets; and
- (5) Paving of any unimproved publicly owned streets, ways, or roads.
- (6) Reserved

(7) The installation of regulatory signs larger than the smallest or “minimum” size, as defined in the Massachusetts Department of Highways current Manual on Uniform Traffic Control Devices (MUTCD); the installation of any non-regulatory or MUTCD warning or guide sign with a dimension greater than 24”; the use of fluorescent background colors on signs; the use of LED or other lights in a sign; the installation of a warning sign within 1000 feet of another sign, unless such warning sign is defined by the MUTCD as an intersection warning sign or a pedestrian warning sign posted directly at a crosswalk.

B. This section shall not apply to state roads, ways pursuant to the Subdivision Control Law, and common driveways.

§ 127-20 Exceptions.

Exceptions to the above prohibitions are:

A. Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity or installation of signs) as depicted on the map entitled "Town and County Overlay District," dated January 2, 2002, Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM) as duly amended and on file at the Town Clerk's office.

B. Reconstruction of road beds and resurfacing of paved roads in existence prior to the effective date of this article.

C. Road improvements (not including traffic signal systems or installation of signs) as required by the Planning Board in conjunction with the approval of subdivision plans.

D. Reconstruction of existing road drainage systems or construction of new drainage systems, provided that such systems are equipped with petroleum separation and capture per Massachusetts Department of Environmental Protection standards.

E. Bike paths and bike lanes.

F. Installation of warning signs in a school zone. Temporary installation of warning signs during construction.

G. Road improvements on First Way required by the Planning Board or the Board of Selectmen to support affordable housing, such housing defined herein as that housing intended primarily for year-round residents earning up to 150% of median family income as determined by the U.S. Department of Housing and Urban Development, and sponsored by a municipal entity, the Housing Authority or its designated nonprofit; housing required in connection with § 139-11J (MCD); or housing on lots subject to a Nantucket Housing Needs Covenant.

(Kevin Kuester, et al)

ARTICLE 83

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by taking the following actions:

Add the following parcels to the Town Sewer District:

Map	Lot	Number	Street
68	700.1	2A	Evergreen Way
68	701.1	4	Evergreen Way
68	701.2	4A	Evergreen Way
68	702	6	Evergreen Way
68	703	8	Evergreen Way
68	703.1	8 -	Evergreen Way
68	704	10	Evergreen Way
68	705	12	Evergreen Way
68	706	14	Evergreen Way
68	707	16	Evergreen Way
68	707.1	16B	Evergreen Way
68	708	18	Evergreen Way
68	700	44	Monohansett Road

And to take any other action as may be related thereto.

(Select Board/Sewer Commissioners)

ARTICLE 84

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 18 Evergreen Way)

To see if the Town will vote to: Amend the core sewer district map to include 18 Evergreen Way identified as Nantucket Tax Assessor's Map-68, Parcel 708 which property currently abuts the existing sewer district

; or otherwise act thereon.

(Brian Ryder, et al)

ARTICLE 85

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 154R Cliff Road)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Amend the sewer district map to include 154R Cliff Road, identified as Nantucket Tax Accessor's Map 41, Parcel 73.1, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

ARTICLE 86

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 18 Kimball Avenue)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Amend the sewer district map to include 18 Kimball Avenue, identified as Nantucket Tax Accessor's Map 30, Parcel 109, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

ARTICLE 87

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - 8 Isobels Way)

To see if the Town will vote to amend the Siasconset Sewer District map to include the following properties, currently outside the district, to within the district:

Map	Lot	Number	Street
49	113	8	Isobels Way

All as shown on the attached map.

Or to take any other action related thereto.

(Richard Beaudette, et al)

ARTICLE 88

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 1 Morgan Square)

To see if the Town will vote to amend the Sewer District Map to include the following property, currently outside the district, to within the district:

Map	Parcel	Address
87	3.3	1 Morgan Square

As shown on the attached map or to take any other action related thereto

(Lori A. Geddes, et al)

ARTICLE 89

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - Kimball Avenue and Heather Lane)

To see if the Town will vote to amend the Core Sewer District map to include the following properties, currently outside of the district, to within the district:

Map	Parcel	Number	Street
30	109	18	Kimball Avenue
30	283	3	Heather Lane
30	108	4	Heather Lane
30	24.1	5	Heather Lane
30	24.2	7	Heather Lane

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 90

(Bylaw: Licensing of Short-Term Rentals)

To see if the Town will vote to amend the Town Code by adding a new Chapter 142 as follows, and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto.

CHAPTER 142: SHORT-TERM RENTALS

§ 142-1 PURPOSE.

The purposes of this Bylaw are to:

- Provide a process through which Nantucket can continue the historic tradition of a vibrant vacation rental market by owner-occupied homes such that they may be permitted and registered with the Town of Nantucket for lawful use as Short-Term Rentals (as defined below);
- Help ensure equity and sufficiency of housing stock for year-round residents
- Protect the health and safety of renters and residents for those lawful Short-Term Rentals;
- Ensure that Short-Term Rentals will not be detrimental to the character and livability of the Island and the residential neighborhoods surrounding such Short-Term Rentals; and
- Ensure proper regulation of exclusively commercial uses of homes in Nantucket's residential areas.

§ 142-2 DEFINITIONS.

Short-Term Rental: Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not a Transient Residential Facility.

Short-Term Renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a Short-Term Rental.

Short-Term Rental Operator: The person or persons offering a dwelling unit or bedroom for short-term rental with (if not the owner) the written permission of the owner, and the condominium association or homeowners association, where applicable.

Resident Short-Term Rental: The short-term rental of a dwelling unit, or of individual bedrooms within a dwelling unit, that is a residence of, or accessory to the residence of, a Nantucket resident, which residency shall be determined by the Town using one or more of the following methods - proof of enrollment in the Nantucket residential exemption program, tenancy agreement along with photo ID, or an income tax return for the current year and a recent utility bill, both showing the current address of the operator as the address of the Short-Term Rental.

§ 142-3 REQUIREMENTS AND LIMITATIONS ON FREQUENCY AND USE.

(a) Short-Term Rentals are permitted as an accessory use to a permitted principal residential use, subject to the following requirements:

1. No residential premises may be used as a Short-Term Rental except in compliance with this bylaw.
2. The following residential housing units may not be used as short-term rentals: (i) Any residential property in violation of the State Sanitary Code, 105 CMR 410; and (ii) residential units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
3. Resident Short-Term Rentals shall not exceed, in the aggregate, ninety (90) consecutive or nonconsecutive days per calendar year.
4. Other than Resident Short-Term Rentals, Short-Term Rentals shall not exceed, in the aggregate, forty-five (45) consecutive or nonconsecutive days per calendar year.
5. Short-Term Rental Operators shall offer all Short-Term Rentals, other than Resident Short-Term Rentals, to only one party of Short-Term Renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties.

6. Occupancy within a Short-Term Rental shall be limited to 2 people per bedroom for the maximum number of bedrooms lawfully available at the Short-Term Rental pursuant to its current Title V certification.
7. A Short-Term Renter shall be limited to parking one (1) vehicle per Short-Term Rental.
8. No Short-Term Rentals shall be for a period of less than seven (7) consecutive days. Resident Short-Term Rentals shall be exempt from the minimum stay duration requirement set forth in this paragraph provided that such rental is for a single private room in a residence occupied by a Nantucket resident as defined in this Chapter.
9. Short-Term Rental Operators shall provide all Renters with contact information for the Short-Term Rental Operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities. Short-Term Rental Operators shall also provide all Short-Term Renters with all applicable trash, noise, parking and other local regulations.

§ 142-4 REGULATIONS. The Board of Health shall have the authority to promulgate regulations to carry out and enforce the provisions of this Chapter 142 "Short-Term Rentals."

§ 142-5 REGISTRATION, PERMITTING, INSPECTION AND FEES.

(a) All Short-Term Rental Operators shall apply for a "Short-Term Rental Operator Permit" (the "Permit") with the Town's Board of Health prior to offering the Short-Term Rental use and occupancy.

(b) The fees for such Permit shall be as follows:

- a. Resident Short-Term Rentals - \$150 per year, exclusive of any other applicable local fees or costs; and
- b. All other Short-Term Rentals - \$500 per year, exclusive of any other applicable local fees or costs.

(c) Permit applicants must be current with all town taxes, water, and sewage charges, and shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. If a violation or other order is issued to the Short-Term Rental Operator after a Permit is granted, the Town may suspend or revoke said Permit until the violation has been cured or otherwise resolved, subject to the requirements of Chapter 19, §§ 13 -18. Multiple violations by any one Short-Term Rental Operator may, at the Town's discretion, disqualify that Short-Term Rental Operator from obtaining a permit in the future. Short-Term Rental Operators

shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.

(d) If a Permit is granted, the Short-Term Rental Operator shall register with the Town all such Short-Term Rentals, and secure a Certificate of Registration according to standards set forth by the Board of Health. Such registration shall include an attestation that the Permit-holder is in compliance with all applicable federal, state and local laws. The Board of Health shall not grant any Certificate of Registration unless the Permit-holder has (1) paid all associated permit fees; (2) provided contact information for person to address any issues at the Short-Term Rental within two (2) hours' notice; and (3) provided the Town with a Certificate of Insurance evidencing liability insurance coverage for the Short-Term Rental in an amount to be determined by regulation by the Board of Health.

(e) At all times, the Short-Term Rental Operator shall maintain an up-to-date log of all occupants that occupy the Short-Term Rental. This log shall contain the name of at least one Short-Term Renter, the total number of guests for the stay, and dates of each rental period. The log shall be available for inspection by the Board of Health upon request, and kept accessible for a period of three (3) years.

(f) Permit-holders are subject to inspection of the Short-Term Rental by the Town upon reasonable notice via consent or administrative warrant, or without such notice in the event of imminent concern or threat to public health or safety.

(g) Permits are valid for one (1) year, and may be renewed at the Board of Health's discretion, provided that the Short-Term Rental Operator has complied with the provisions of this Chapter and any associated regulations during the preceding year and the Building Department issues a new Certificate of Registration.

(h) Permits are granted to named Short-Term Rental Operators and do not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new Permit application needs to be filed before Short-Term Rentals can continue or resume.

(i) The Town, through its Town Manager, may procure services to assist in any aspect of administering this Bylaw.

§ 142-6 ENFORCEMENT

All violations of this section may be penalized by a noncriminal disposition as provided for in G.L. c. 40, § 21D and imposing a fine of Three Hundred Dollars (\$300). Each day of violation shall be deemed a separate and distinct offense. The provisions of this section may also be enforced, if applicable, by the Town seeking an injunction from a court of competent jurisdiction prohibiting the offering of the Short-Term Rental. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

§ 142-9 SEVERABILITY.

If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

§ 142-8 EFFECTIVE DATE.

The provisions of this Chapter 142 "Short-Term Rentals" shall take effect on October 1, 2021.

(Tobias Glidden, et al)

ARTICLE 91

(Bylaw: Safety of Drinking Water)

To see if the town will vote to amend the General Bylaws of the town by inserting a new bylaw as follows:

Safety of Drinking Water

1. In addition to, as supplemental home rule requirements, and not in any way in derogation of any applicable federal or state water quality standards and requirements, public water suppliers or distributors, that are operated by the town of Nantucket or any of its instrumentalities, boards, committees, commissions or agencies, included but not limited to the Nantucket water department, Wannacomet Water Company, Nantucket Public Schools, Nantucket Memorial Airport, and Nantucket Land Bank shall have the quality of water tested at an independent laboratory at least once per calendar quarter, or more often as may be required by applicable federal or state requirements, which tests shall include at least tests for the presence of chemical compounds known as PFAS.

2. In the event any test described in section 1 of this Bylaw or any test however arising reports a test result for PFAS at a level of 15 parts per trillion, or higher, the foregoing described town of Nantucket public water supplier or distributor shall in addition to any other applicable federal or state requirement:

(A) issue a public alert by posting such test results in a newspaper of general circulation within the town and posting the test results on the town of Nantucket website; and

(B) present to the town of Nantucket Select Board at a public meeting within 90 days of the date of receipt of such test report, a corrective action plan and time table by which the presence of PFAS in drinking water supplies at the above stated level are to be addressed and remediated.

(Meghan P. Glowacki, et al)

ARTICLE 92

(Home Rule Petition: Real Estate Exchange of Nantucket Islands Land Bank's Nobadeer Ballfields for the Town of Nantucket's Mill Hill Park)

Commented [LG9]: Being reviewed by TC

To see if the Town will vote to authorize submission of a joint petition by the Town and Nantucket Islands Land Bank to the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of portions of certain parcels of land in the Town of Nantucket owned by the Town and Nantucket Islands Land Bank respectively for recreational, open space, or public park purposes, as described in more detail below and as shown on a map entitled "2021 Annual Town Meeting Warrant Article ____" dated _____ 2021 and filed with the Office of the Town Clerk, provided, however, that the General Court may with the approval of both the Nantucket Islands Land Bank Commission and the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this article or in order to secure passage:

Commented [LG10]: Complete when numbering is final

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK AND THE TOWN OF NANTUCKET TO TRANSFER, CONVEY OR OTHERWISE DISPOSE TO EACH OTHER PORTIONS OF CERTAIN LANDS SITUATED IN THE TOWN OF NANTUCKET HELD FOR RECREATIONAL, OPEN SPACE, OR PUBLIC PARK PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. In order to promote the effective and efficient management of each property for the purposes that it is now used, the Town of Nantucket and the Nantucket Islands Land Bank are hereby authorized to exchange ownership of the property commonly known as "Mill Hill Park", now owned by the Town of Nantucket as a public park, for the property commonly known as the "Nobadeer Ballfields", now owned by the Nantucket Islands Land Bank for recreational purposes, all as more particularly described in the following sections of this Act.

Section 2. Pursuant to Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank may transfer, convey or otherwise dispose of portions of that certain parcel of land situated in the Town of Nantucket to the Town of Nantucket for recreational purposes, described as follows:

Approximately 14.8 Acres of Lot 1 on the plan entitled "Plan of Land North Pasture Milestone Road on Nantucket, MA" dated February 5, 1998, recorded with the Nantucket Registry of Deeds in Plan File 52A, being that Project Area called the Nobadeer Farm Recreational Facility permitted by the Division of Fisheries & Wildlife MA Endangered Species Act (G.L. c. 131A) Conservation and Management Permit Conservation Permit No. 008-126.DFW recorded in Nantucket Registry of Deeds Book 1167 Page 213, and also being a portion of Nantucket Tax Assessor's Map ____ Parcel ____.

Any such disposition shall be on such terms and conditions as the Nantucket Islands Land Bank Commission deems appropriate, which may include the reservation of

restrictions and easements and which shall be conditioned upon receipt of the parcel described in the following Section 3.

Section 3. Pursuant to Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, convey or otherwise dispose of portions of those certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for passive recreational, open space, or public park purposes, described as follows:

Approximately 16.5 Acres of land comprised of five (5) parcels now used as a public park:

- a. Nantucket Tax Assessor's Map 55.4.4, Parcel 81, being the fourth parcel described in the deed recorded in Nantucket Registry of Deeds Book 124, Page 403 (37 Prospect Street).
- b. Nantucket Tax Assessor's Map 55.4.4, Parcel 57, being the first parcel described in the deed recorded in Nantucket Registry of Deeds Book 124, Page 403 and shown as Lot D on Land Court Plan No. 12559A (39 Prospect Street).
- c. Nantucket Tax Assessor's Map 55, Parcel 321, being the third parcel described in the deed recorded in Nantucket Registry of Deeds Book 124, Page 403 and shown as Lot C on Land Court Plan No. 12559A (47 Prospect Street).
- d. Nantucket Tax Assessor's Map 55, Parcel 319, being the second parcel described in the deed recorded in Nantucket Registry of Deeds Book 124, Page 403 and shown on Land Court Plan No. 13837A (North Mill Street).
- e. Nantucket Tax Assessor's Map 55, Parcel 1, being described in the deed recorded in Nantucket Registry of Deeds Book 663 Page 250 and shown as Lot 15 on the plan recorded in Nantucket Registry of Deeds Plan Book 24 Page 84 (29 Vesper Lane).

Any such disposition shall be on such terms and conditions as the Town of Nantucket Select Board deems appropriate, which may include the reservation of restrictions and easements and which shall be conditioned upon receipt of the parcel described in the foregoing Section 2.

Section 4. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

ARTICLE 93

(Home Rule Petition: Amending the Town Charter Relative to the Audit Committee)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage, as follows:

AN ACT RELATIVE TO THE MEMBERSHIP OF THE AUDIT COMMITTEE OF THE TOWN OF NANTUCKET.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection (c) of section 3.5 of article III of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words "further, to establish and shall so establish as a permanent standing committee of the town a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Select Board, the Chairman of the Finance Committee and one member of the Select Board appointed by the Select Board."

SECTION 2. Said article III of said charter is hereby further amended by inserting after said section 3.5 the following new section:

Section 3.6. Audit Committee

- (a) Members. In accordance with this charter, the Select Board shall establish a five-member Audit Committee consisting of the Chairman of the Select Board, the Chairman of the Finance Committee, one appointed member from the Select Board, and two members of the Nantucket community. The public members will be appointed by the Select Board. Each member shall be a voting member and be appointed for 1-year terms.
- (b) Purposes, Duties, and Responsibilities of the Audit Committee. The Audit Committee shall represent the Select Board in discharging its responsibility relating to the accounting, reporting, and financial practices of the Town, and shall have general responsibility for surveillance of internal controls and accounting and audit activities of the Town. Specifically, the Audit Committee shall:
 - (1) Evaluate and recommend to the Select Board a firm of independent certified public accountants as auditors of the Town.
 - (2) Review with the independent auditors their audit procedures, including the scope, fees and timing of the audit, and the results of the annual audit examination and any accompanying management letters.

- (3) Review the written statement from the outside auditor of the Town concerning any relationships between the auditor and the Town or any other relationships that may adversely affect the independence of the auditor and assess the independence of the outside auditor.
 - (4) Review and discuss with the Finance Director and the independent auditors the Town's annual audited consolidated financial statements, including an analysis of the auditors' judgment as to the quality of the Town's accounting principles.
 - (5) Review the adequacy of the Town's internal controls.
 - (6) Review significant changes in the accounting policies of the Town and accounting and financial reporting rule change that may have a significant impact on the Town's financial reports.
 - (7) Review material pending legal proceedings involving the Town and other contingent liabilities.
 - (8) Review the adequacy of the Audit Committee Charter on an annual basis.
- (c) Meetings. The Audit Committee shall meet as often as may be deemed necessary. The Audit Committee shall meet in executive session (without the presence of staff) with the independent auditors at least annually. The Audit Committee shall report to the full Select Board with respect to its meetings. The majority of the members of the Audit Committee shall constitute a quorum.

SECTION 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

ARTICLE 94

(Home Rule Petition: Town Charter - Select Board Amendment/Airport Capital Projects)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

SECTION 1. Section 2.1 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended as follows:

1. Striking out the first sentence of the second paragraph said section 2.1 and replacing it with the following:

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select Board, as specified in Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections 2.1(b), 3.3, and 3.6.

2. Striking out section 2.1(b) and replacing it with the following:

To veto any real estate acquisition voted by the Select Board pursuant to Section 3.3 or any vote regarding funding of capital projects at the Nantucket Airport pursuant to Section 3.6; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Select Board within the time permitted for inclusion of the article in the next Annual Town Meeting or Special Town Meeting warrant. The Select Board or the Nantucket Airport Commission, as applicable may proceed with the real estate acquisition or use of funding of capital projects to benefit the Airport unless a petition to veto such acquisition or funding is filed with the Town Clerk within 15 days of the public notice provided for Section 3.6 of this Charter.

SECTION 2. Section 3.1 of article III of said charter is hereby amended by adding a new section 3.6 as follows:

Section 3.6 Funding for the Benefit of the Nantucket Airport

At the request of the Nantucket Airport Commission, the Select Board may, notwithstanding any law to the contrary, vote to appropriate, borrow or transfer from available funds any sum of money to be placed in the Airport enterprise fund, or any other fund established for the benefit of Nantucket Airport, in order to permit the Nantucket Airport Commission or the Nantucket Airport to qualify for available grants and loans; provided that the amount of such appropriation or borrowing shall not exceed the total cost of the Capital Project for which the appropriation or borrowing is authorized pursuant to Section 2.1(b) of this Charter; and provided further that any amount authorized to be appropriated, borrowed or transferred by the Select Board shall, subject to any applicable grant or loan requirements and applicable laws, be reduced by the amount of any such grant or loan funds received prior to the issuance of bonds or notes or the expenditure of funds by the Nantucket Airport Commission.

The Select Board shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such vote shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 15 days following the date such public notice is published.

Nothing in this section of the Charter shall affect the acceptance of gifts pursuant to Chapter 44, Section 53A of the General Laws.

(Select Board for Nantucket Memorial Airport Commission)

ARTICLE 95

(Home Rule Petition: Issuance of Pension Obligation Bonds and Notes)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation authorizing the Town to issue pension obligation bonds and notes, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage, as follows:

Commented [LG11]: Brian & John – please ENSURE this has the appropriate COUNTY references – it doesn't look like it does

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ISSUE PENSION OBLIGATION BONDS OR NOTES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

follows:

SECTION 1. The town of Nantucket may issue, at 1 time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

SECTION 2. The aggregate principal amount of the bonds or notes issued during any calendar year under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket,

Nantucket County and the Nantucket Islands Land Bank as of a particular date as determined in accordance with this section, plus an amount to provide for issuance costs and other expenses necessary or incidental thereto. The Barnstable County retirement association shall first determine the amount sufficient to extinguish the unfunded pension liability of the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the Barnstable County retirement association, and which amount shall be approved by the public employee retirement administration commission. The report shall also set forth the present value savings to the town reasonably expected to be achieved as a result of the issuance of such bonds or notes.

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may require the establishment of a reserve to be created from a portion of the amount of the annual savings used to calculate the present value savings. Any such reserve shall be held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, expected as otherwise provided in this act, shall be subject to the provisions of said section 54.

SECTION 4. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of Nantucket County or the Nantucket Islands Land Bank, each of such entities shall be responsible for reimbursing the town of Nantucket for such proportion of the annual debt service expense paid by the town of Nantucket for bonds or notes issued hereunder as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes as relates to each of such entities. Notwithstanding any general or special law to the contrary, the Public Employee Retirement Administration Commission shall increase the annual amount to be certified under section 22 of the General Laws as the amount necessary to be paid by Nantucket County and the Nantucket County Land Bank as its proportionate share of the annual debt service expense as determined herein. The town of Nantucket shall have the same legal rights and authority as the retirement board of the Barnstable County retirement association to collect any amount so assessed to Nantucket County or the Nantucket Islands Land Bank.

SECTION 5. Notwithstanding chapter 70 of the General Laws or any other general or special law to the contrary, the portion of the annual debt service paid by the town of Nantucket for bonds or notes issued under this act applicable to school department personnel who are members of the Barnstable County retirement association shall be included in the computation of net school spending for the purposes of said chapter 70 or any other law.

SECTION 6. This act shall take effect upon its passage.

Or to take any other action relative thereto.

(Select Board)

ARTICLE 96

(Charter Change: Mailing of Town Meeting Warrant)

To see if the Town will vote to: To change the requirement of mailing of a copy of the warrant from 7 days to 14 days. By changing the following words with in the Town of Nantucket Charter located at Ch A302 Pt 1 Town Charter, Art II: Legislative Functions, Section 2.5 Town Meeting Warrant that states the following:

(c) The Board of Selectmen shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting.

And change it to the following:

(c) The Board of Selectmen shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least fourteen (14) days prior to the Town Meeting.

; or otherwise act thereon.

(Thomas Barada, et al)

ARTICLE 97

(Home Rule Petition: Reallocate a Minor Portion of the Land Bank Real Estate Transfer Fee to Support Year-Round Housing)

Preamble:

Nantucket has long been experiencing an acute crisis of affordable and workforce housing that came further into focus during the pandemic. The shortage of stable, suitable housing that is affordable to year-rounders at a variety of income levels carries significant public health consequences with wide-ranging ripple effects. While the pandemic will end, the severe year-round housing shortage on Nantucket will not without further action.

Tremendous work has been done by conservation organizations over the past half century. As a result, over 50% of the Island is now in environmental conservation of one form or another. Thirty-five years after the Land Bank was conceived, it is perhaps time to discuss allocating a minor portion of this steady revenue stream -- for a defined temporary timeframe -- to preserving an equally important resource - our year-round community.

Town Meeting has on three occasions unanimously sent a Home Rule Petition to the State House seeking to establish a separate source of funding, also based on a real estate transfer fee. Yet the legislature has been reluctant to affirm the will of Nantucket

voters. Feedback from Boston has suggested that the simple change proposed by this article may be viewed more favorably as it reallocates an existing fee versus adding a new one.

This article seeks to respond to the members of the community who have wondered if the revenue stream of the Land Bank could be shared in a manner that would allow the Land Bank to continue with its land conservation mission while simultaneously allowing another critical community mission to be addressed: to provide safe and stable housing for those who live and work on Nantucket year-round.

It should be noted this article is designed intentionally with a delayed implementation date, in order that it will not result in any financial insecurity or risk for the Land Bank or the Town of Nantucket. Delaying implementation until January 1, 2022 will allow the Land Bank to address the questions of how its outstanding debt and operating expenses can be reconfigured so that an ongoing 1.5% revenue will be adequate to serve their needs and mission during the 20 years the reallocation of the 0.5% portion would be in effect.

It is the intention of this article to ask the Land Bank to refrain from the incurring of any additional debt obligations until it can be determined that the existing and future debt obligations can be supported by 75% of its current fee (1.5%).

A reliable, steady source of funding would allow the Nantucket Affordable Housing Trust (NAHT) to be able to offer programs it has long envisioned: down-payment assistance for year-round home buyers, more housing options for our seniors, and the ability to incorporate greater buffers and green space in future housing development.

Article:

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to modify the Land Bank Act of 1983 (Chapter 669 of the Acts of 1983), as amended, to have 25% of the total Land Bank fee (1/4 of the 2% transaction fee prescribed therein) be transferred directly to the Nantucket Affordable Housing Trust Fund for a period of twenty (20) years to begin on January 1, 2022 for the purposes of the creation and preservation of affordable housing in the Town of Nantucket for the benefit of year-round low and moderate income households, consistent with the Trust's enabling legislation; provided that said special legislation shall include a requirement that the transfer of 25% of the Land Bank fee to the Affordable Housing Trust Fund shall be reduced in any given year by the amount necessary for the Land Bank to meet its then existing debt service obligations and other normal and customary operating expenses of the Land Bank as certified by the Land Bank to the Select Board each on or before June 30; and provided further that the Land Bank shall not incur any additional debt service obligations or other normal and customary operating expenses that cannot be supported by the remaining 75% of the Land Bank fee as so certified each year; and further to direct the Select Board that during the pendency of this Home Rule Petition not to enter into a Memorandum of Understanding as was contemplated in Article 30 of the 2020 Annual Town Meeting that

would result in the incurring of a debt obligation of the Land Bank that would exceed its available revenue at the adjusted 1.5% fee; Or to take any other action related thereto.

(Brooke Mohr, et al)

ARTICLE 98

(Real Estate: Long-term Lease/Airport)

To see if the Town will vote to allow the Airport Commission, as provided by Chapter 90, Section 51F of the General Laws of the Commonwealth of Massachusetts, to extend the period for leasing land from twenty (20) years as referenced in Chapter 90, Section 51F to forty (40) years for parcels of land at the Nantucket Memorial Airport off Old South Road for hangar development or other airport purposes. Said land is described as Assessors Map 78, Parcel 1 and Assessors Map 69, Parcel 10.1 the approximate boundaries of which are described in plans on file in the Office of the Town Clerk; or, to take any other action in relation thereto.

(Select Board for Airport Commission)

ARTICLE 99

(Real Estate Acquisition: 114 Orange Street)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property known as 114 Orange Street, shown on Tax Assessor's Map 55 as Parcel 403.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 101 Acquisition of 114 Orange Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Commented [LG12]: update

Or to take any other action related thereto.

(Select Board)

ARTICLE 100

(Real Estate Conveyance: 114 Orange Street)

Carried Over from 2020 Annual Town Meeting

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 114 Orange Street shown on Assessor's Map 55 as Parcel 403 to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 102 Conveyance of 114 Orange Street," dated January 2020 and filed herewith at the office of the Town Clerk.

Commented [LG13]: update

Or to take any other action related thereto.

(Select Board)

ARTICLE 101
(Real Estate Acquisition: 64 North Liberty Street)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, and/or general municipal purposes the fee title or lesser interests in all or portions of the property known as 64 North Liberty Street shown on Tax Assessor's Map 41 as Parcel 233.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 103 Acquisition of 64 North Liberty Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Commented [LG14]: update

Or to take any other action related thereto.

(Select Board)

ARTICLE 102
(Real Estate Acquisition: Morgan Square)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal services and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of Morgan Square lying between the southwesterly corner of 4 Morgan Square (Map 87, Parcel 3.1) and the southeasterly corner of 21 Folger Avenue (Map 80, Parcel 42), approximately 621+/- feet in length, or to take any other action related thereto.

(David Callahan, et al)

ARTICLE 103
(Real Estate Conveyance: Morgan Square)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or a portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Morgan Square lying between the southwesterly corner of 4 Morgan Square (Map 87, Parcel 3.1) and the southeasterly corner of 21 Folger Avenue (Map 80, Parcel 42), approximately 621+/- feet in length, or to take any other action related thereto.

(David Callahan, et al)

ARTICLE 104

(Real Estate Acquisition: Hancock Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the 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.

(Beth Maier, et al)

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)

ARTICLE 106

(Real Estate Acquisition: "Way" off of Quail Lane)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Way" on Land Court Plan 26439-O, Sheet 4 of 4, which is the 100' x 20' remainder of the original "Way" shown on Land Court Plan 26439-I. The "Way" is located along the southeasterly property line of 5 Quail Lane (Tax Assessor's Map 67, Parcel 257) starting at the intersection of Quail Lane and running to its terminus at the property line of 3 Quail Lane (Tax Assessor's Map 67, Parcel 418.1), as shown on the plan attached hereto. Or to take any other action related thereto.

(Brenda A. Garnett, et al)

ARTICLE 107

(Real Estate Conveyance: "Way" off of Quail Lane)

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 "Way" on Land Court Plan 26439-O, Sheet 4 of 4, which is the 100' x 20' remainder of the original "Way" shown on Land Court Plan 26439-I. The "Way" is located along the

southeasterly property line of 5 Quail Lane (Tax Assessor's Map 67, Parcel 257) starting at the intersection of Quail Lane and running to its terminus at the property line of 3 Quail Lane (Tax Assessor's Map 67, Parcel 418.1), as shown on the plan attached hereto. Or to take any other action related thereto. 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.

(Brenda A. Garnett, et al)

ARTICLE 108

(Real Estate Acquisition: "Way" off Hawthorne Way)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance. The unnamed, variable width "Way" is located between the northern sideline of Hawthorne Lane and southern sideline of Vestal Street, as shown on the plan attached hereto. Or to take any other action related thereto.

(Steven M. Roethke, et al)

ARTICLE 109

(Real Estate Conveyance: "Way" off Hawthorne Lane)

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 the unnamed, variable width "Way", which is located between the northern sideline of Hawthorne Lane and southern sideline of Vestal Street, as shown on the plan attached hereto. 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.

(Steven M. Roethke, et al)

ARTICLE 110

(Adopt Indigenous Peoples' Day Locally in Place of Columbus Day)

To see if the Town will vote to: Adopt the following resolution locally to henceforth commemorate the second Monday of October as Indigenous Peoples' Day.

We recognize that, prior to the arrival of European settlers, Nantucket Island was inhabited for thousands of years by the Wampanoag people. We also acknowledge that the Wampanoag people were subjected to great suffering as result of the immigration of white settlers, including being exposed to disease ("Indian Sickness" was a novel virus for them), erosion of their cultural traditions, loss of land and forced conversion from their spiritual traditions to Christianity.

Save for a few articles in the Whaling Museum and a tiny plaque on the Surfside Bike Path marking a Wampanoag burial site, Nantucket Island pays virtually no homage to this long history of land stewardship by our original native population. We are all standing today, and building our homes and businesses, on the ancestral territory of the Wampanoag. As such, we request that the town vote to change locally the name of the October holiday known as “Columbus Day” to “Indigenous Peoples’ Day” or otherwise act thereon.

(Emily Osley, et al)

ARTICLE 111

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2021 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 112

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Select Board)

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE FIFTEENTH DAY OF JUNE, 2021
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Moderator	One for a term of one year
Select Board	One for a term of three years
School Committee	Two for terms of three years
Historic District Commission	One for a term of three years
Nantucket Housing Authority	One for a term of five years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Community Preservation Committee	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	One for a term of two years
Nantucket Board of Water Commissioners	Two for terms of three years

And, to cast their vote as "YES" or "NO" on the following ballot questions:

1. Operating Override

Shall the Town of Nantucket be allowed to assess an additional \$5,000,000 in real estate and personal property taxes for the purpose of supporting the operation of Our Island Home for the fiscal year beginning on July 1, 2021?

2. Debt Exclusion for Newtown Road Transportation Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Newtown Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

3. Debt Exclusion for Reconstruction of Lover's Lane

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Lover's Lane, including the costs of professional services for design, permitting, engineering, construction, construction

supervision, materials, and other related professional services, and any other costs incidental and related thereto?

4. Debt Exclusion for Construction and Improvements to Children's Beach Storm Water Pump Station

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various improvements to the Children's Beach storm water pump station, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

5. Debt Exclusion for Supplemental Funding for Construction of Nobadeer Field House

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay supplemental costs of designing, constructing, equipping and furnishing a field house to be located at Nobadeer Fields, and for the payment of all other costs incidental and related thereto?

Commented [LG15]: Bond Counsel has ok'd

6. Debt Exclusion for Affordable Housing

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and also for the acquisition of interests in and/or deed restrictions on properties for affordable housing purposes, including the payment of all costs incidental and related thereto?

Commented [LG16]: Bond Counsel has ok'd

7. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$751,160 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2021?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$101,160
Natural Resources	Replacement vehicle	\$35,000
Planning & Land Use	Replacement vehicle	\$35,000
Public Works	Replacement of 6-Wheel Dump Truck	\$180,000
Public Works	Replacement of F-350 Truck	\$60,000
Public Works	Replacement of two (2) small pick-up trucks	\$90,000
Public Works	Replacement of Street Sweeper	\$250,000
	<i>Total Capital Exclusion:</i>	<i>\$751,160</i>

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting and election aforesaid.

Given under our hands this 17th day of February in the year Two Thousand Twenty-one.

Dawn E. Hill Holdgate, Chair

Jason M. Bridges, Vice Chair

Matthew G. Fee

Kristie Ferrantella

Melissa B. Murphy

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of February 17, 2021 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Constable

Select Board Agenda Protocol:

- *Roberts Rules:* *The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- *Public Comment:* *For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*

Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.

- *New Business:* *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- *Public Participation:* *The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.*
- *Select Board Report and Comment:* *Individual Board Members may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.*

PROPOSED

SELECT BOARD AGENDA PROTOCOL:

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

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

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

All speakers are encouraged to present their remarks in a respectful manner.

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

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed _____ minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

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

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

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

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