

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Brooke Mohr
Melissa Murphy



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD JUNE 22, 2022 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:

<https://youtu.be/B6nCd7iZLmI>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_uvhqT-mOSUiYp2CEU7SLOQ

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Recognition of Retiring Tax Collector Trisha Murphy with 28 Years of Service with the Town of Nantucket.
 3. No Select Board Meeting on Wednesday, June 29, 2022 (Summer Schedule).
 4. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. PUBLIC HEALTH DEPARTMENT***
 1. Monthly COVID Report/Update.
- VII. NEW BUSINESS****
- VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of June 8, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for June 12, 2022.
3. Approval of Treasury Warrants for June 15, 2022; June 22, 2022.
4. Approval of Pending Contracts for June 22, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Request for Waiver of Town Noise Bylaw from 10:00 PM to 10:30 PM for Wedding to be held Saturday, July 23, 2022 at 17 Hulbert Avenue.
2. Nantucket Preservation Trust: Request for Approval of Historic Preservation Restriction to be Held by Nantucket Preservation Trust, Inc. for Property Located at 55 Union Street.
3. Finance Department: Request for Approval of Sale of \$37,822,200 in General Obligation Bond Anticipation Notes made up of Tax-Exempt Series in the Amount of \$33,435,200 and Taxable Series in the Amount of \$4,387,000, and to Approve the Sale of \$875,000 in Grant Anticipation Notes.
4. Diversity Equity and Inclusion (DEI) Director: Update on Current Activities.
5. Joint Meeting with Planning Board to Introduce Candidates Pursuant to Select Board Committee Appointment Policy; Joint Vote on Appointment to Fill One (1) Planning Board Vacancy.

X. ANNUAL SELECT BOARD COMMITTEE APPOINTMENTS

1. 2022 Annual Board, Committee, Commission Appointments.

XI. REAL ESTATE ITEMS

1. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel 3, Hawthorne Street as Shown on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Dated September 23, 2021, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2021-67, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting.
2. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel 4, Hawthorne Street as Shown on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Dated September 23, 2021, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2021-67, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting.
3. Request for Approval and Execution of Release of Easement "E1," Shown on Plan of Land Entitled "Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts," Dated October 26, 2021, Prepared by Earle &

Sullivan, Inc., Pursuant to Vote on Article 105 of 2021 Annual Town Meeting, to be Granted to Kristopher Megna and Stephanie Megna, Owners of Lot 2A, 28 South Shore Road.

XII. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from Nantucket Electric Company/ National Grid for Plan #30550816 to Install One Transformer Foundation and Approximately 50' of Concrete Encased Conduit from Existing Pole 4 on Parker Lane for New Service to 13 Parker Lane.
2. Public Hearing to Consider Amending Chapter 367, Taxicabs, Charter, Limousine and Tour Vehicles Regulations (formerly known as Chapter 240, Taxicab, Charter, Limousine and Tour Vehicle Regulations) to Remove Requirement for Massachusetts Driver's Licenses.
3. Board of Public Works: Public Hearing to Consider Amending Chapter 220, Biodegradable Packaging Regulations (formerly known as Regulation 71.00, Biodegradable Packaging Regulations), Including Removal of Exemption for "Durable" Plastic Take-Out Containers; Language Clarifications.

XIII. TOWN MANAGER'S REPORT

1. Monthly Town Management Report.

XIV. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports.
2. Continued Discussion on Short-term Rental Work Group Framework.

XV. ADJOURNMENT

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

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 three (3) 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.

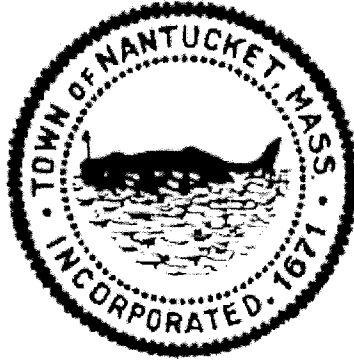
Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday 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.

Approved on February 17, 2021

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
June 22, 2022

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Amendment to Professional Service Agreement	Town Administration	Eisenstein Flaherty & Associates, LLC	N/A	Amend existing contract for Oversight Management Training to include internal project management services to support TON in planning & construction of new Our Island Home	OIH Budget	April 25, 2022 - June 30, 2023
Grant Agreement	Town Administration	Executive Office of Elder Affairs	(\$12/elder)	Annual State Formula Grant Contract for Council on Aging for FY22 to provide social & support services to older adults, their families & caregivers	State Grant	July 1, 2021 - June 30, 2022
Professional Service Agreement	Town Administration	The Vertex Companies, Inc.	\$12,685	Additional Structural Condition Assessment Services for Siasconset Footbridge to provide a scope of services for short/long term repair	Article 10 2021 ATM	June 22, 2022 - December 1, 2022
Professional Service Agreement	Town Administration	CDM Smith, Inc	\$42,700	PFAS Impacted Material Management Protocols Statement of Work; protocols/procedures for Town employees when working in areas of known PFAS contamination	Article 10 2021 ATM	July 1, 2022 - June 30, 2023
Professional Service Agreement	Town Administration	CDM Smith, Inc	\$151,800	WWTF Sampling Program for PFAS; will identify all sampling logistics & procedures unique to Nantucket	Article 10 2021 ATM	July 1, 2022 - June 30, 2023
Professional Service Agreement	Town Administration	Nantucket Community Television (NCTV)	\$30,000	Remote & Hybrid Public Meeting Support Services FY23	Town Administration Budget	July 1, 2022 - June 30, 2023
Professional Service Agreement	Town Administration	Weston & Sampson	\$67,350	Assessment of key aspects of Town's fleet maintenance operational program	Town Administration Budget	June 22, 2022 - June 30, 2023
Employment Agreement	Town Administration	Director of Municipal Finance	\$173,332	Extension of employment agreement from 2023 to 2025	Finance Dept Budget	July 1, 2022 - June 30, 2025

License Agreement	Select Board	NFI Realty Trust	n/a	Annual license for public use of section of privately-owned property at 40th Pole for public beach use	n/a	June 22, 2022 - October 15, 2022
Amendment to Professional Service Agreement	Our Island Home	Harmony Healthcare International, LLC	Add \$25,000 to original contract amount of \$100,000 for new total of \$125,000	Amend existing contract for Minimum Data Set (MDS) support services (additional)	OIH Budget	December 1, 2021 - June 30, 2022
Professional Service Agreement	Our Island Home	Seascapes Aquarium (Robert J. Shain Jr.)	\$40,000	Contract renewal for OIH's saltwater aquarium maintenance	OIH Budget	July 1, 2022 - June 30, 2025
Amendment to Professional Service Agreement	Human Resources	SyncStream Solutions, LLC	Add \$756.47 to original contract amount of \$6,441.10 for new total of \$7,197.57	Amend existing contract for completion of Affordable Care Act reporting requirements for 2021-2022	Human Resources Budget	September 8, 2021 - September 10, 2022
Amendment to Service Agreement	Public Works	Overseas Cleaning (Gloria E. Kyburg)	Add \$12,040 to original amount of \$378,360 for new total of \$390,400	Amend existing contract for Professional Cleaning Services for Municipal Buildings to include 131 Pleasant Street trailer	Facilities Budget	May 27, 2020 - May 31, 2023
Purchasing Agreement	Natural Resources	Marcotte Ford Sales, Inc	\$35,000	Purchase of replacement 2022 Ford XL 4WD X750	FY 23 Natural Resources Budget	June 1, 2022 - June 30, 2022
Professional Service Agreement	Department of Public Health & Human Services	Visiting Nurse Association of Cape Cod	\$209/visit	FY23 Public Health Nursing Contract: maternal & child health services (home visits) + supplies & equipment	New England Rural Health Alliance Grant	July 1, 2022 - June 30, 2023



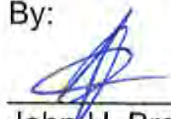
LICENSE AGREEMENT BETWEEN THE TOWN OF NANTUCKET AND NFI REALTY TRUST

1. This License Agreement covers the section of beach to the west of the Land Bank property and included in an existing Conservation Restriction (approximately 300' running east to west). The Trust understands that said restriction prohibits the use of vehicles on this specified portion of the beach and, while it has no objection for the purposes of this Agreement, will leave any enforcement to the discretion of the Land Bank.
2. The Town understands and agrees that the beach from the westerly point of the above-referenced conservation area and running to the west approximately 150 yards may be utilized for beach recreation but excluding vehicles of any type.
3. The westerly end of the Trust's property running to the east is to be maintained as private property with no access (except for emergency vehicles). Fires are not permitted on any of the Trust's property.
4. The Town and/or Land Bank shall maintain the beach to include trash pickup on the beach and the dune area located immediately behind the beach. Portable sanitary facilities shall be provided by the Town/Land Bank and regularly maintained and serviced, as needed. Failure of the Town or Land Bank to maintain and enforce the above to the satisfaction of the Trust will result in revocation of this license.
5. The beach will be clearly posted, with language subject to review and approval of the Trust, by the Town and/or Land Bank (not the Trust) to reflect the above referenced boundaries including the permitted and prohibited uses and with some notation that the public be respectful of the resources and to clean the area after use.
6. The Town and/or Land Bank will clearly mark the usable areas on an aerial photograph that show the Land Bank and Trust property.

7. The Town and/or Land Bank, at its/their sole expense, shall purchase a comprehensive liability insurance policy which is equal to the statutory maximum allowed by Massachusetts state law to insure the Trust against any claims for injury or death occurring on the Trust property.
8. The License given herein is subject to revocation by the Trust, at the Trust's sole exclusive discretion, and shall not constitute a waiver by the Trust of any of its rights with respect to its ownership interests in the subject property. In the event of revocation of this license by the Trust and upon notification thereof to the Town by the Trust, the Town/Land Bank shall remove all signs and facilities and otherwise immediately restore the Trust property to its private use. This agreement shall not be interpreted to waive or in any way limit the existing rights of the public to access the beach under Massachusetts General Laws Chapter 91 or any similar statutory or common law doctrine, nor shall it be interpreted to limit any other existing right of the public.
9. By executing this agreement, the undersigned John H. Brazilian represents and warrants that he is authorized by NFI Realty Trust to enter into this agreement, and that NFI Realty Trust is legally bound hereby. Pursuant to Section 3.2 of the Charter of the Town of Nantucket, the Chair of the Select Board is authorized to sign agreements duly approved by the Board.
10. This agreement shall be effective upon execution through October 15, 2022.

For NFI Realty Trust:

By:



John H. Brazilian, Attorney

Date: 6/13/22

For the Town of Nantucket

By:

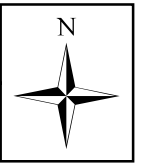
Jason M. Bridges
Chair, Nantucket Select Board

Date: _____

40th Pole Pedestrian and Vehicle Access Boundaries 2016

Legend

- NLB_Property_10.2015
- Land Bank Vehicle Access
- Private Vehicle Access
- Private Pedestrian Access
- Private- No Access
- Nantucket_TaxParcels_2015_08



0 170 340 680 Feet



Agenda Item Summary

Agenda Item #	IX. 1.
Date	6/22/2022

Staff

Erika Mooney, Operations Administrator

Subject

Waiver of Town Noise Bylaw

Executive Summary

Wedding Planner Jimmy Jaksic, on behalf of his client, is requesting a waiver of the Town Noise Bylaw until 10:30 PM to hold a wedding at 17 Hulbert Avenue, on Saturday, July 23, 2022.

Staff Recommendation

n/a

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Noise impacts from wedding party.

Board/Commission Recommendation

n/a

Public Outreach

n/a

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

n/a

Attachments

Email from Jimmy Jaksic



From: [Jimmy Jaksic](#)
To: [Erika Mooney](#)
Subject: Noise ordinance
Date: Sunday, June 5, 2022 8:11:07 AM

Good Morning,

Any chance I can get on the agenda to have the noise ordinance extended to 10:30:for a celebration of marriage on July 23, 2022 at 17 Hulbert Avenue? Suzi Spring, homeowner and groom's mother, would like to attend as well.

Hope all is well,

Jimmy Jaksic

Sent from my iPad

This email was scanned by Bitdefender



Agenda Item Summary

Agenda Item #	IX. 2.
Date	6/22/2022

Staff

Erika D. Mooney, Operations Administrator

Subject

Request for approval of Historic Preservation Restriction (HPR) for 55 Union Street to be held by Nantucket Preservation Trust.

Executive Summary

Pursuant to the Board's Conservation Restriction and Preservation Restriction Policy, the HPR for 55 Union Street was presented to the Board at its 4/27/2022 meeting for review, and the Board voted to send the HPR to Town Counsel for review. Town Counsel's report is attached, and the HPR is approved form. The HPR describes preservation values that will be protected by the HPR that support the HPR as being in the public interest.

Staff Recommendation

Approve the HPR for 55 Union Street and find that it is in the public interest.

Background/Discussion

N/A

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

The HPR purpose is to assure that the architectural, historic, and cultural features of the Building and Property will be retained and maintained forever substantially in their current condition for conservation and preservation purposes. To these ends, subject to Paragraphs 2 and 3 of the Restriction, the Property and Building will be retained and maintained forever substantially unchanged so that they continue to contribute to the historical setting and significance of the Nantucket Historic District; and any change of the Property or Building that will significantly impair or interfere with the Property's and Building's preservation values will be prohibited.

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Master Plan conservation policy



Attachments

Conservation Restriction and Preservation Restriction Policy; Town Counsel report; final HPR for 55 Union St





TOWN OF NANTUCKET

CONSERVATION RESTRICTION AND PRESERVATION RESTRICTION POLICY

Effective date: February 23, 2011

Adopted: February 23, 2011

I. Purpose

This policy is implemented to ensure that proposed conservation and preservation restrictions are submitted to the Board of Selectmen for preliminary review and comment to make certain that a restriction complies with the requirements of Massachusetts General Laws Chapter 184 section 31 and is found to be in the public interest.

II. Policy

Proposed conservation and preservation restrictions must be submitted to the Board of Selectmen for preliminary review and comment, either before or concurrently with a submission to the state Division of Conservation Services or Massachusetts Historical Commission.

III. Process

Proponents must submit a copy of a preliminary restriction to the Board of Selectmen requesting review and comment. Once the Board's preliminary review is complete, and the state has reviewed the restriction and it is in its final form, the proponent must then submit the final document to Town Administration which will forward it to Town Counsel for review (see checklist for assembly of Town Counsel package). Once Town Counsel has prepared its report and returned the restriction package to the Board of Selectmen, the restriction will be placed on a Board of Selectmen agenda for final review and approval.

IV. Fee

Proponents of conservation and preservation restrictions are responsible for prompt payment of Town Counsel legal review. The proponent will be sent the legal bill to pay through the Town to Town Counsel. If the Board of Selectmen approves the restriction and once the legal bill has been paid, the restriction will be processed. If timing is an issue, and payment is in process, exceptions may be made.

V. Noncompliance

Any conservation and preservation restrictions submitted to the Board of Selectmen at the final stage, without preliminary review and comment, risk a delay in their approval while the Board of Selectmen reviews the restriction and possibly offers new input on the restriction.



The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110
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www.k-plaw.com

June 15, 2022

Vicki S. Marsh
vmars@k-plaw.com

Hon. Jason Bridges and
Members of the Select Board
Town & County Building
16 Broad Street
Nantucket, MA 02554

Re: Historic Preservation Restriction – 55 Union Street

Dear Members of the Select Board:

You have requested that I review the Historic Preservation Restriction (the “Restriction”) from George Gray LLC, a Massachusetts limited liability company (the “Grantor”) to the Nantucket Preservation Trust, Inc., a Massachusetts nonprofit corporation (the “Grantee”), on the property located at 55 Union Street, Nantucket and the interior and exterior of the building known as the Nicholson-Andrews House located thereon (the “Property”). In conjunction with my review of the Restriction, I reviewed the letter from the Massachusetts Historical Commission (the “MHC”) dated April 13, 2022, which approved of the latest version of the Restriction. Upon my review of the Restriction, it is my opinion that it is in acceptable form for presentation to the Select Board for your approval and determination as to whether the Restriction is in the public interest. The Restriction is in substantially the same form as approved by MHC, except that I have made certain typographical and grammatical revisions.

In reviewing the Restriction, I find, in my opinion, that it is an appropriate historic preservation restriction, which complies with the requirements of Chapter 184, §§ 31-33 of the General Laws. The Restriction is a permanent restriction on the interior and exterior of the building and the Property and is held by the Nantucket Preservation Trust, Inc., a non-profit Massachusetts corporation which is authorized to accept historic preservation restrictions pursuant to G.L. c. 184, §§31-33.

I reviewed the description of the Property in the Deed to George Gray LLC, dated November 5, 2014 recorded with the Nantucket County Registry of Deeds in Book 1458, Page 294 and find that the Property shown on the plan of land entitled “Perimeter Plan of Land in Nantucket, Massachusetts, Prepared for B.P.A. Nominee Trust and G.E.A. Nominee Trust,” prepared by Emack Surveying, LLC, dated October 6, 2014 and recorded with said Deeds as Plan No. 2014-92 is the Property described in the Deed.

Please note that I did not perform a full title examination of the Property to determine whether the Grantor is the owner of the Property free of mortgages that would have a priority over the Restriction, or if foreclosed could result in a termination of the Restriction.



Hon. Jason Bridges and
Members of the Select Board
June 15, 2022
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If I can be of further assistance to you in this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Vicki S. Marsh".

Vicki S. Marsh

VSM/dmm

cc: Town Manager
Mary Bergman, Executive Director of
Nantucket Preservation Trust

818644NANT/19713/0001

HISTORIC PRESERVATION RESTRICTION

THIS HISTORIC PRESERVATION RESTRICTION made this ____ day of _____ 2022, by and between George Gray, LLC, a Massachusetts limited liability company, having a mailing address of Post Office Box 763, Nantucket, Massachusetts 02554 (hereinafter "Grantor") and the NANTUCKET PRESERVATION TRUST, INC., a nonprofit Massachusetts corporation with a mailing address of Post Office Box 158 Nantucket, Massachusetts 02554 (hereinafter "Grantee").

WITNESSETH:

WHEREAS, Grantor is owner in fee simple of certain real property located at 55 Union Street in the Town and County of Nantucket, Commonwealth of Massachusetts, as more particularly described in Grantor's deed of title, recorded with the Nantucket Registry of Deeds in Book 1458, Page 294, and in Exhibit A, attached hereto and incorporated herein by reference (hereinafter "the Property"), and as further depicted and described on a plan, titled "Perimeter Plan of Land in Nantucket, Massachusetts," prepared for B.P.A. Nominee Trust and G.E.A. Nominee Trust, by Emack Surveying, LLC, dated October 6, 2014, and recorded with the Nantucket Registry of Deeds as Plan 2014-92, a copy of which is attached hereto and incorporated herein by reference as Exhibit B, said Property including the following structure:

The Nicholson-Andrews House (hereinafter "the Building"), is composed of a two-story, timber-frame house with a central chimney and entry stoop on its east elevation (hereinafter "Main Block"). Constructed in 1835, the Main Block remains in nearly unaltered condition and retains a range of elements that represent local building practices and architectural tastes during the height of Nantucket's prosperity. The Building's circular brick cellar, two-bay floor plan, central chimney with six fireplaces and broad stair hall occupying the Main Block's northeast corner are characteristic of the building type known locally as a "Typical Nantucket House." Finishes such as the Main Block's finely trimmed entry & main cornice, and its exceptional Greek Revival style interior woodwork represent a high level of craftsmanship that was widespread on Nantucket during this era. Attached to the rear (west) wall of the Main Block is a two-story rear ell (hereinafter "Rear Ell") that was built at the same time as the Main House to contain a kitchen and service spaces. Typical of its period, the Rear Ell was built to a slightly lower stud height than the Main Block and contained simpler finishes. Having decayed to the point of collapse, the Rear Ell was extensively re-framed and re-built in 2015. Its original north and west walls

were retained and repaired as was its original rear staircase; other sections were rebuilt with materials and details that resembled those originally found on the elevations of the Rear Ell.

WHEREAS, the Property also includes a capped picket fence along its street frontages on Union and York Streets, and landscaped grounds that contained a barn until the 1920s (hereinafter “the Property”) that complement the Building and contribute to its setting and context, and that contribute to the historic setting of the surrounding historic district;

WHEREAS, Grantee is qualified to accept historic preservation restrictions to protect buildings and sites historically for their architecture, associations, and/or archaeology under the provisions of Mass. Gen. Laws c. 184, ss. 31, 32, and 33 (hereinafter “the Act”);

WHEREAS, Grantee is a publicly supported, tax-exempt, non-profit organization whose primary purposes include the preservation and conservation of sites, buildings, and objects of local, state, and national significance and is a qualifying recipient of qualified conservation contributions under Section 170(h) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (hereinafter “the Code”);

WHEREAS, the Building and Property are significant for architectural design and historic uses that reflect the economic, aesthetic, and cultural history of Nantucket, Massachusetts, and that illustrate historic design, setting, materials and workmanship;

WHEREAS, because of its architectural, historic, and cultural significance the Building and Property are a contributing resource within the Nantucket Historic District, listed in the National Register of Historic Places and as a National Historic Landmark on November 13, 1966, as amended on October 16, 2013, are included in the Nantucket Historic District established by the Town of Nantucket on June 4, 1970, are included in the Massachusetts State Register of Historic Places, and were designated a Certified Historic Structure under Section 170(h)(4)(B) of the Code on July 28, 2015;

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter “preservation values”) and significance of the Building and Property, and have the common purpose of conserving and preserving the aforesaid preservation values and significance of the Building and Property;

WHEREAS, the preservation values of the Building and Property are documented in a set of reports, drawings, and photographs (hereinafter “Baseline

Documentation”) attached hereto and incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Building and Property as of the effective date of this grant;

WHEREAS, the Baseline Documentation shall consist of the following: (1) Legal Description of Property (Exhibit A); (2) Copy of plan titled “Perimeter Plan of Land in Nantucket, Massachusetts” recorded with Nantucket Registry of Deeds as Plan 2014-92 (Exhibit B); (3) a set of eight (8) exterior and twenty-four (24) interior photographs taken by Brian Pfeiffer, dated June 17, 2016; (4) a set of four (4) floor plans of the cellar, first, second and attic stories indicating the protected portions of the Building’s interior (Exhibit D); (5) a Massachusetts Historical Commission Form B for the Property prepared by Brian Pfeiffer, dated May 10, 2016 (Exhibit E); all the aforesaid Exhibits being attached hereto and incorporated herein by reference, copies of said documentation also to be kept on file at the offices of the Grantee.

WHEREAS, the grant of a preservation restriction by the Grantor to Grantee on the Building and Property will assist in preserving and maintaining the Building and Property, and their architectural, historic, and cultural features for the benefit of the people of the Town and County of Nantucket, Commonwealth of Massachusetts, and the United States of America; and

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept, a preservation restriction in perpetuity on the Building and the Property pursuant to the Act;

NOW, THEREFORE, in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, and pursuant to Section 170(h) of the Code and M.G.L. chapter 184, sections 31, 32, and 33, Grantor does hereby voluntarily grant and convey unto the Grantee this preservation restriction (hereinafter “the Restriction”) in gross in perpetuity over the Building and the Property.

1. PURPOSE. It is the Purpose of this Restriction to assure that the architectural, historic, and cultural features of the Building and Property will be retained and maintained forever substantially in their current condition for conservation and preservation purposes. To these ends, subject to Paragraphs 2 and 3 of this Restriction, the Property and Building will be retained and maintained forever substantially unchanged so that they continue to contribute to the historical setting and significance of the Nantucket Historic District; and any change of the Property or Building that will significantly impair or interfere with the Property’s and Building’s preservation values will be prohibited.

2. GRANTOR'S COVENANTS

2.1 Grantor's Covenants: Covenant to Maintain. Grantor agrees at all times to maintain, replace, repair, and reconstruct the Building as hereinafter set forth, as necessary to preserve the exterior and interior of the Building in substantially the structural condition and state of repair as that existing on the effective date of this Restriction. Grantor's obligation to maintain shall also require that the Property's landscaping be maintained in good appearance. Vegetation and screening shall be maintained such that the Building remains visible from the public right of way on Union Street. Subject to the casualty provisions of paragraphs 7 and 8, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the Building whenever necessary in accordance with *The Secretary of the Interior's Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (36 C.F.R. 67 and 68), as these may be amended from time to time (hereinafter "the Secretary's Standards"). Grantor's obligation to maintain shall be subject to the provisions of Paragraphs of 3.1 and 6 hereof.

2.2 Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this paragraph:

- (a) the Building shall not be demolished, lifted from its foundation, removed, or razed except as provided in paragraphs 7 and 8;
- (b) nothing shall be erected or allowed to grow on the Property which would impair the visibility of the Building from Union Street;
- (c) the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property;
- (d) the Property shall not be divided or subdivided in law or in fact except for minor lot line adjustments that do not result in the creation of additional buildable lots;
- (e) no aboveground utility transmission lines, except those reasonably necessary for the existing Building or made pursuant to utility easements already recorded may be created on the Property; and
- (f) subject to the maintenance covenants of Paragraphs 2.1 and 3.1 hereof, the following features of the Building shall not be removed, demolished, or altered:

- (1) the exterior massing, roof profiles, foundation, and timber-frame construction of the Building;
- (2) exterior architectural features of the south, east, north, and west elevations of the Building; architectural features shall include all foundation materials, stoops, decks, wood shingle & clapboard cladding, wooden corner boards & cornices, decorative trimmings, windows & window cases, doors & door cases, eaves & cornices, roof profiles including the wooden roof-walk, chimney, and roof hatches;
- (3) the circular cellar at the northeast corner of the Main Block including its brick walls and brick-paved floor;
- (4) all fireplaces including all six (6) fireplaces built into the central chimney of the Main Block;
- (5) interior floorplans of the first, second, and attic stories of the Main Block, and the west (rear) staircase at the west end of the Rear Ell as shown on Exhibit D;
- (6) interior architectural elements at the first and second stories of the Main Block, including softwood floors; lime-plaster walls & ceilings; the front staircase, its newel posts, balustrades, risers, treads and decorated tread-ends; molded door cases, paneled doors, and original hinges stamped "Thos. Clark"; the attic staircase, its sheathed walls, treads, risers & batten door; molded window cases including their paneled bases, paneled casement shutters and the shutters' original hinges; baseboards, batten doors, mantelpieces, & window sashes; and all hardware at the doors and casement shutters; and
- (7) interior architectural elements of the rear (west) staircase located in the Rear Ell, including its treads, risers, window, and plastered stairwell.

3. GRANTOR'S CONDITIONAL RIGHTS

3.1 Conditional Rights Requiring Approval by Grantee. Without the prior express written approval of the Grantee, which approval may not be unreasonably withheld, but which may be subject to such reasonable conditions as Grantee in its discretion may determine, Grantor shall not undertake any of the following actions on the Building or Property:

- (a) erect any external signs or external advertisements except; (i) such plaque permitted under paragraph 12.8 of this Restriction; and (ii) a sign stating solely the address of the Property;

- (b) make permanent substantial topographical changes, such as, by example, excavation for the construction of roads, swimming pools, or other recreational facilities;
- (c) change the use of the Building and Property to use other than single family residential. Grantee must determine that the proposed use does not conflict with the Purpose of the Restriction;
- (d) remove the capped picket fence along the Property's boundaries on Union and York Streets or construct additional structures or service buildings; and
- (e) conduct activities identified as Major Maintenance and Minor Maintenance in the Restriction Guidelines that may reasonably be expected to make material changes in the appearance, materials, or workmanship of the Building, except as otherwise provided herein.

3.2 Archaeological Activities. The conduct of archaeological activities on the Property, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission (Mass. Gen. Laws, c. 9, §27C, 950 C.M.R. 70.00).

3.3 Review of Grantor's Requests for Approval. In connection with Grantee's approval of conditional rights set forth in Paragraphs 3.1 and 3.2 above, Grantor shall submit to Grantee two copies of information (including plans, specifications and designs, and Nantucket Historic District Commission application and materials where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to Grantee a timetable for the proposed activity sufficient to permit Grantee to monitor such activity. Within forty-five (45) days of receipt of Grantee's receipt of any plan or written request for approval hereunder, Grantee shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case Grantee shall provide Grantor with written suggestions for modification or a written explanation for Grantee's disapproval. Any failure by Grantee to act within forty-five (45) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by Grantee of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted so long as the request sets forth the provisions of this Paragraph relating to deemed approval after the passage of time, provided nothing herein shall be

construed to permit Grantor to undertake any of the activities prohibited hereunder.

4. **STANDARDS FOR REVIEW.** Grantee shall apply the Secretary's Standards in exercising any authority created by this Restriction to inspect the Property or the exterior or interior of the Building to evaluate any construction to or alteration, repair, maintenance, or reconstruction of the Building; or to review any casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage.

5. **PUBLIC ACCESS.** Grantor shall not block views of the Building from the public right of way on Union Street either by intentional planting or fencing in such a manner that the Building is concealed from public view; Grantor further agrees to permit Grantee to make baseline documentation available to interested members of the public at Grantee's offices or by depositing copies of such baseline documentation in a local library.

6. **GRANTOR'S RESERVED RIGHTS NOT REQUIRING FURTHER APPROVAL BY GRANTEE.** Subject to the provisions of Paragraphs 2.1, 2.2, 3.1, and 3.2 of this Restriction, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by Grantee without further approval by Grantee:

- (a) the right to engage in all those activities and uses that: (i) are permitted by governmental statute or regulation; and (ii) are not inconsistent with the Purpose of this Restriction;
- (b) the right to conduct Minor Maintenance of the Building, as such maintenance is defined in the Restriction Guidelines, that is not reasonably expected to make material changes in the exterior or interior appearance, materials, or workmanship of the Building, provided such work is done strictly according to the Secretary's Standards, and provided that the Grantor uses in-kind materials, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Building. Changes in appearance, materials, or workmanship from that existing prior to the maintenance and repair require the prior approval of the Grantee in accordance with the provisions of Paragraph 3 of this Restriction;
- (c) the right to continue all manner of existing residential use and enjoyment of the Building and Property, including but not limited to the

right to maintain, repair, and restore existing fences; the right to maintain the existing driveway and paths with the same or similar surface materials; the right to maintain existing utility lines and building walkways, steps, and fences; the right to cut, remove, and clear grass or other vegetation and to perform routine maintenance, landscaping, horticultural activities, and upkeep, consistent with the Purpose of this Restriction and paragraphs 2 and 3;

- (d) the right to renovate, update, and otherwise alter or change areas of the interior of the Building's Rear Ell that are not included in this Restriction consisting of the cellar beneath the Rear Ell and the first and second-story interiors of the Rear Ell excepting the rear (west) staircase which is protected under Paragraph 2.2(f)(7) of this Restriction;
- (e) the right to maintain and re-pave the existing driveway and parking area at the southwest corner of the Building and at the east side of the property in front of the open deck of the Main Block abutting Union Street;
- (f) the right to re-landscape and re-design lawns and planting beds; and
- (g) the right to make such modifications to the Building as may be required by governmental entities to comply with local, state, or federal laws, provided that such changes are reviewed and approved by the Grantee whose approval shall not be unreasonably withheld.

7. CASUALTY DAMAGE OR DESTRUCTION. In the event that the Building or any part thereof shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, Grantor shall notify Grantee in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. Grantor shall undertake no repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and to protect public safety, without Grantee's prior written approval. Within thirty (30) days of the date of damage or destruction, if required by Grantee, Grantor at its expense shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer who are acceptable to Grantor and Grantee, which report shall include the following:

- (a) an assessment of the nature and extent of the damage;

- (b) a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- (c) a report of such restoration/reconstruction work necessary to return the Building to the condition existing as of the date hereof.

8. REVIEW AFTER CASUALTY DAMAGE OR DESTRUCTION. If, after reviewing the report provided in Paragraph 7 above and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that restoration/reconstruction of the Property is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction, Grantor may, with the prior written consent of the Grantee, alter, demolish, remove, or raze the Building, and/or construct new improvements on the Property. Grantor and Grantee may then agree to seek to extinguish this Restriction in whole or in part in accordance with the laws of the Commonwealth of Massachusetts and Paragraph 14.2 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 of this Agreement, Grantor and Grantee are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts's arbitration statute then in effect, provided however that nothing herein shall compel the Grantor to expend funds in excess of those received from insurance proceeds.

9. INSURANCE. Grantor shall keep the Property insured by an insurance company rated "A" or better by Best's as currently insured. Such insurance shall include Grantee's interest and name Grantee as an additional insured. Grantor shall deliver to Grantee, within ten (10) business days of Grantee's written request thereof, certificates of such insurance coverage; provided, however, that whenever the Property is encumbered with a mortgage or deed of trust, nothing contained in this Paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender

to the insurance proceeds. If the Grantor conveys the Property to a person or entity, then the subsequent Property owner shall be obligated to keep the Property insured by an insurance company rated "A" or better by Best's for the guaranteed building cost against loss from perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage, such property damage insurance to include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Property and Building without cost or expense to Grantor or contribution or coinsurance from Grantor.

10. **INDEMNIFICATION.** Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, Grantee, its agents, directors, officers, and employees, or independent contractors from and against any and all claims, liabilities, expense, costs, damages, losses, and expenditures (including reasonable attorney's fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Property; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting, or contaminating substance; or other injury, death, or other damage occurring on or about the Property, unless such injury, death, or damage is caused by Grantee or any agent, director, officer, employee, or independent contractor of Grantee. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this Paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property.

11. **TAXES.** Grantor shall pay immediately, when first due and owing, all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property unless Grantor timely object to the amount or validity of the assessment or charge and diligently prosecutes an appeal thereof, in which case the obligation hereunder to pay such charges shall be suspended for the period permitted by law for prosecuting such appeal and any applicable grace period following completion of such action. In place of Grantor, Grantee is hereby authorized, but in no event required or expected, to make or advance upon three (3) days prior written notice to Grantor any payment relating to taxes, assessments, water rates, sewer rentals and other governmental or municipality charge, fine, imposition, or lien asserted against the Property. Grantee may make such payment according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture. Such payment if made by Grantee shall constitute a lien on the Property.

12. ADMINISTRATION AND ENFORCEMENT

12.1 Written Notice. Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be delivered by one of the following methods – by overnight courier postage prepaid, facsimile transmission, registered or certified mail with return receipt requested, or hand delivery; if to Grantor, then to George Gray, LLC, P.O. Box 763, Nantucket, Massachusetts 02554, and if to Grantee, then to the Nantucket Preservation Trust at P. O. Box 158 Nantucket, Massachusetts 02554 or to 508-228-1371 for facsimile transmission.

Each party may change its address set forth herein by a notice to such effect to the other party.

12.2 Evidence of Compliance. Upon request by the Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein or that otherwise evidences the status of this Restriction to the extent of Grantee's knowledge thereof.

12.3 Inspection. The Grantee shall be permitted to conduct an annual inspection of the Property, including the exterior and interior of the Building in order to confirm Grantor's compliance with this Preservation Restriction Agreement. Such inspection shall be conducted at reasonable times and following advance notice to the Grantor of no less than ten (10) days. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

12.4. Grantee's Remedies. Grantee may, following thirty (30) days written notice to Grantor, institute suit(s) to enjoin any violation of the terms of this Restriction by *ex parte*, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Property and Building to the condition and appearance that existed prior to the violation complained of. Grantee shall also have available all legal and other equitable remedies to enforce Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, which violation has continued more than thirty (30) days after notice by the Grantee to the Grantor, Grantor shall reimburse Grantee for any reasonable costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including court costs and attorneys, architectural, engineering, and expert witness fees.

In the event that Grantor is required to reimburse Grantee pursuant to the terms of this Paragraph, the amount of such reimbursement until discharged shall constitute a lien on the Property.

Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

12.5 Notice from Government Authorities. Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Property received by Grantor from any government authority within ten (10) business days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

12.6 Notice of Proposed Sale. Grantor shall promptly notify Grantee in writing of any proposed sale of the Property prior to sale closing.

12.7 Liens. Any lien on the Property created pursuant to any Paragraph of this Restriction may be confirmed by judgment and foreclosed by Grantee in the same manner as a mechanic's lien provided in Mass. Gen. Laws c. 254, §5, except that no lien created pursuant to this Restriction shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

12.8 Plaque. Grantor agrees that Grantee may provide and maintain a plaque on the Property, which plaque shall not exceed 6 inches by 24 inches in size, giving notice of the significance of the Building and the existence of this Restriction. The plaque shall be approved by Grantor prior to installation, such approval not to be unreasonably withheld.

13. BINDING EFFECT; ASSIGNMENT.

13.1 Runs with the Land. Except as provided in Paragraphs 8 and 14, the obligations imposed by this Restriction shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Building and Property. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest, and all persons hereafter claiming by, under, or through Grantor and Grantee, and the words "Grantor" and "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and

each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, an owner of the Building and the Property shall have no obligation pursuant to this instrument when such owner shall cease to have any ownership interest in the Building and the Property by reason of a *bona fide* transfer. The restrictions, stipulations, and covenants contained in this Restriction shall be included by Grantor, by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of the fee simple title to or any lesser estate in the Building and the Property or any part hereof, including by way of example and not limitation, a lease of all or a portion of the Property, but excluding any lease with a term of fewer than one hundred twenty (120) days.

13.2 Assignment. Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national organization that is a "qualified organization" under Section 170(h) of the Code and that qualifies under the Act as an eligible donee whose purposes, *inter alia*, are to promote preservation of buildings and sites historically significant for their architecture, associations, and/or archaeology, provided that any such conveyance, assignment, or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out as a condition of the transfer.

13.3. Recording and Effective Date. Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the land records of the County of Nantucket. Grantor and Grantee intend that the restrictions arising under this Restriction take effect on the day and year this instrument is recorded in the land records of the County of Nantucket.

14. PERCENTAGE INTERESTS; EXTINGUISHMENT

14.1 Percentage Interests. For purposes of allocating proceeds pursuant to paragraphs 14.2 and 14.3, Grantor and Grantee stipulate that as of the date of this Restriction, Grantor and Grantee are each vested with real property interests in the Property and that such interests have a stipulated percentage interest in the fair market value of the Property and the Building. Said percentage interests shall be determined by the ratio of the value of the Restriction on the effective date of this Restriction to the value of the Property and the Building, without deduction for the value of the Restriction, on the effective date of this Restriction. The values on the effective date of the Restriction shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Code. The parties shall include the

ratio of those values with the Baseline Documentation (on file with Grantor and Grantee) and shall amend such values, if necessary, to reflect any final determination thereof by the Internal Revenue Service or court of competent jurisdiction. For purposes of this paragraph, the ratio of the value of the Restriction to the value of the Property unencumbered by the Restriction shall remain constant, and the percentage interest of Grantor and Grantee in the fair market value of the Property thereby determinable shall remain constant, except that the value of any improvements made by Grantor after the effective date of this Restriction is reserved to Grantor.

14.2 Extinguishment. Grantor and Grantee hereby recognize that circumstances may arise that may make impossible the continued ownership or use of the Property and the Building in a manner consistent with the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such circumstances may include, but are not limited to, partial or total destruction of the Building resulting from casualty. Extinguishment must be the result of a judicial proceeding in a court of competent jurisdiction and shall meet the requirements of the Act for extinguishment, including approvals by both the Town of Nantucket and the Massachusetts Historical Commission following public hearings to determine that such extinguishment is in the public interest. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or of any other property received in connection with an exchange or involuntary conversion of the Property) after such termination or extinguishment, and after the satisfaction of prior claims and any costs or expenses associated with such sale, Grantor and Grantee shall share in any net proceeds resulting from such sale in accordance with their respective percentage interests in the fair market value of the Property, as such interests are determined under the provisions of paragraph 14.1, adjusted, if necessary, to reflect partial termination or extinguishment of this Restriction. All such proceeds received by Grantee shall be used by Grantee in a manner consistent with Grantee's primary purposes. Net proceeds shall also include, without limitation, net insurance proceeds.

In the event of extinguishment, the provisions of this paragraph shall survive extinguishment and shall constitute a lien on the Property.

15. CONDEMNATION. If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such

taking shall be paid out of the recovered proceeds in conformity with the provisions of paragraphs 14.1 and 14.2 unless otherwise provided by law.

16. **INTERPRETATION.** The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction.

(a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Building and the Property shall not apply in the construction or interpretation of this Restriction, and this instrument shall be interpreted broadly to effect its Purpose and the transfer of rights and the restrictions on use herein contained.

(b) This instrument may be executed in two counterparts, one of which may be retained by the Grantor, and the other, after recording, to be retained by the Grantee. In the event of any discrepancy between the counterparts produced, the recorded counterpart shall in all cases govern. In the event of any discrepancy between two copies of any documentation retained by the parties, the copy retained by Grantee shall control.

(c) This instrument is made pursuant to the provisions of the Act, but the invalidity of the Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law, or private agreement in existence either now or hereafter. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter thereof.

(d) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

(e) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Property may be developed to use more intensive (in terms of height, bulk, or other objective criteria related by such ordinances) than the Property and Building are devoted as of the date hereof, such

development rights shall not be exercisable on, above, or below the Property and the Building during the term of the Restriction, nor shall they be transferred to any adjacent parcel and exercised in a manner that would interfere with the Purpose of the Restriction.

17. **AMENDMENT.** If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of the Restriction or the status of Grantee under any applicable laws, including the Act, Section 501(c) (3) of the Code, and the laws of the Commonwealth of Massachusetts. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit additional development on the Property other than the development permitted by this Restriction on its effective date; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural, historic, and open space values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the land records of the County of Nantucket. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

18. **COMPLIANCE WITH BUILDING LAWS.** Grantor and Grantee recognize that there may be circumstances where alterations are required to be made to the Building in order to comply with local, state, and/or federal ordinances and laws which might otherwise not be permissible under this Restriction without Grantee's approval. In such event, Grantor agrees to notify Grantee in writing of such requirement and, if requested by Grantee within 45 days of such notification, to cooperate with Grantee in seeking a variance or waiver from such requirement or a modification of such requirement to mitigate any adverse effect of such compliance.

THIS RESTRICTION reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

TO HAVE AND TO HOLD, the said Historic Preservation Restriction, unto the said Grantee and its successors and permitted assigns forever. This HISTORIC PRESERVATION RESTRICTION may be executed in two counterparts and by each party on a separate counterpart, each of which when so executed and

delivered shall be an original, but both of which together shall constitute one instrument.

Signature Page to Follow

IN WITNESS WHEREOF, Grantor and Grantee have set their hands this
____ day of _____, 2022.

GRANTOR
George Gray, LLC

Michelle Elzay, General Partner

Penelope Austin, General Partner

GRANTEE
Nantucket Preservation Trust, Inc.

Alison Potts, *President*

Bill Moore, *Treasurer*

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared Michelle Elzay in her capacity as General Partner of the George Gray, LLC, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as General Partner of the George Gray, LLC.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared Penelope Austin in her capacity as General Partner of the George Gray, LLC, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as General Partner of the George Gray, LLC.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared the above-named Alison Potts, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as President of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2022, before me, the undersigned notary public, personally appeared the above-named Bill Moore, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as Treasurer of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

Notary Public

My Commission Expires:

APPROVAL BY SELECT BOARD OF THE TOWN OF NANTUCKET

We, the undersigned members of the Select Board of the Town of Nantucket, Massachusetts, hereby certify that at a meeting held on _____, 2022, the Select Board voted to approve the foregoing Grant of Preservation Restriction by George Gray, LLC to the Nantucket Preservation Trust, pursuant to Massachusetts General Laws, Chapter 184, Section 32, as being in the public interest.

TOWN OF
NANTUCKET By its
Select Board

Jason Bridges, Chair

Dawn E. Hill Holdgate, Vice Chair

Melissa K. Murphy

Matthew G. Fee

Brooke Mohr

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Jason Bridges, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Matthew G. Fee, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Brooke Mohr, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Melissa K. Murphy, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

Notary Public

My Commission Expires: _____

**APPROVAL BY MASSACHUSETTS HISTORICAL COMMISSION
COMMONWEALTH OF MASSACHUSETTS**

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Mass. Gen. Laws c. 184, §32.

Brona Simon
Executive Director and Clerk
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this __day of _____, 2022, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it in her capacity as Executive Director and Clerk of the Massachusetts Historical Commission for its stated purposes.

Notary Public

My Commission Expires_____

SCHEDULE OF EXHIBITS

- A. Legal Description
- B. **“Perimeter Plan of Land in Nantucket, Massachusetts, prepared for: B.P.A. Nominee Trust and G.E.A. Nominee Trust, October 6, 2014” recorded in Nantucket Registry of Deeds as Plan 2014-92.**
- C. Documentary Photographs
- D. Floor Plans
- E. Massachusetts Historical Commission – Form B
- F. Restriction Guidelines

EXHIBIT A

LEGAL DESCRIPTION

That certain parcel of land, together with all improvements thereon, now known and numbered as 55 Union Street, Town and County of Nantucket, Commonwealth of Massachusetts, being the land shown on a plan entitled "Perimeter Plan of Land in Nantucket, Massachusetts," drawn by Emack Surveying, LLC, dated October 6, 2014, recorded at the Nantucket Registry of Deeds as Plan No. 2014-92.

Source: Nantucket Registry of Deeds, Book 1458, Page 294.

EXHIBIT B

Plan of "Perimeter Plan of Land in Nantucket, Massachusetts" dated October 6, 2014.

Recorded at Nantucket County Registry of Deeds as Plan 2014-92.

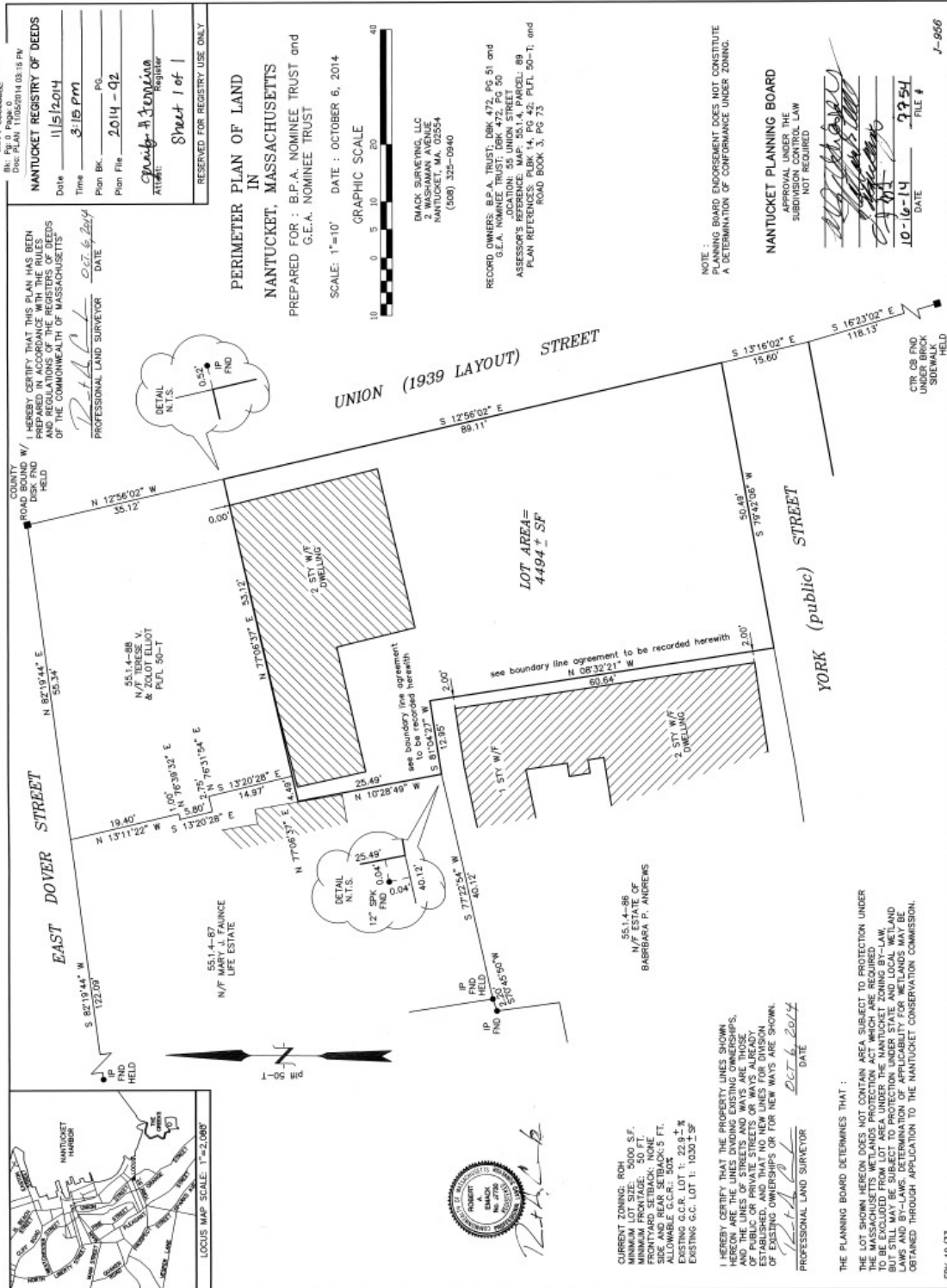


EXHIBIT C

Photographs to be inserted from PDF for draft submission – to be printed from Power Point for recording copy

1. Façade
2. Entry detail
3. South elevation
4. West elevation of Main Block & south elevation of Rear Ell
5. West elevation of Rear Ell
6. North elevation of Rear Ell
7. North elevation of Main Block
8. General view of yard & fence
9. Cellar – circular cellar
10. Cellar – circular cellar
11. 1st sty entry hall
12. 1st sty entry hall
13. 1st sty parlor
14. 1st sty parlor
15. 1st sty rear parlor
16. 1st sty rear parlor
17. 1st sty dining rm
18. 1st sty dining rm
19. 2nd sty stairhall
20. 2nd sty stairhall
21. 2nd sty s-e chamber
22. 2nd sty s-e chamber
23. 2nd sty s-w chamber
24. 2nd sty s-w chamber
25. 2nd sty n-w chamber
26. 2nd sty n-w chamber
27. 2nd sty attic stair
28. Attic – s end
29. Attic n room
30. Attic n room
31. Rear Ell staircase
32. Rear Ell staircase

PAGES 27-43 FOR EXHIBIT C

EXHIBIT C



Photo #1 – façade (east elevation)



Photo #2 – façade (east elevation) – detail of main entry

EXHIBIT C



Photo #3 – south elevation of Main Block and Rear Ell

EXHIBIT C



Photo #4 – left to right: south elevation of Rear Ell and west elevation of Main Block



Photo #5 – west elevation of Rear Ell

EXHIBIT C



Photo #6 – north elevation of Rear Ell



Photo #7 – left to right – partial façade (west elevation) and north elevation of Main Block

EXHIBIT C



Photo #8 – view of Union Street frontage, capped picket fence, and south elevation



Photo #9– interior – circular cellar at northeast corner of Main Block

EXHIBIT C



Photo #10 – circular cellar at northeast corner of Main Block



Photo #11 – interior 1st storey – front entry hall (northeast room

EXHIBIT C



Photo #12 – interior 1st storey entry hall (northeast room)



Photo #13 –interior 1st storey parlor (southeast room)

EXHIBIT C



Photo #14 – interior 1st storey parlor (southeast room)



Photo #15 – interior 1st storey rear parlor (southwest room)

EXHIBIT C



Photo #16 – interior 1st storey rear parlor (southwest room)



Photo #17 – interior 1st storey dining room (northwest room)

EXHIBIT C

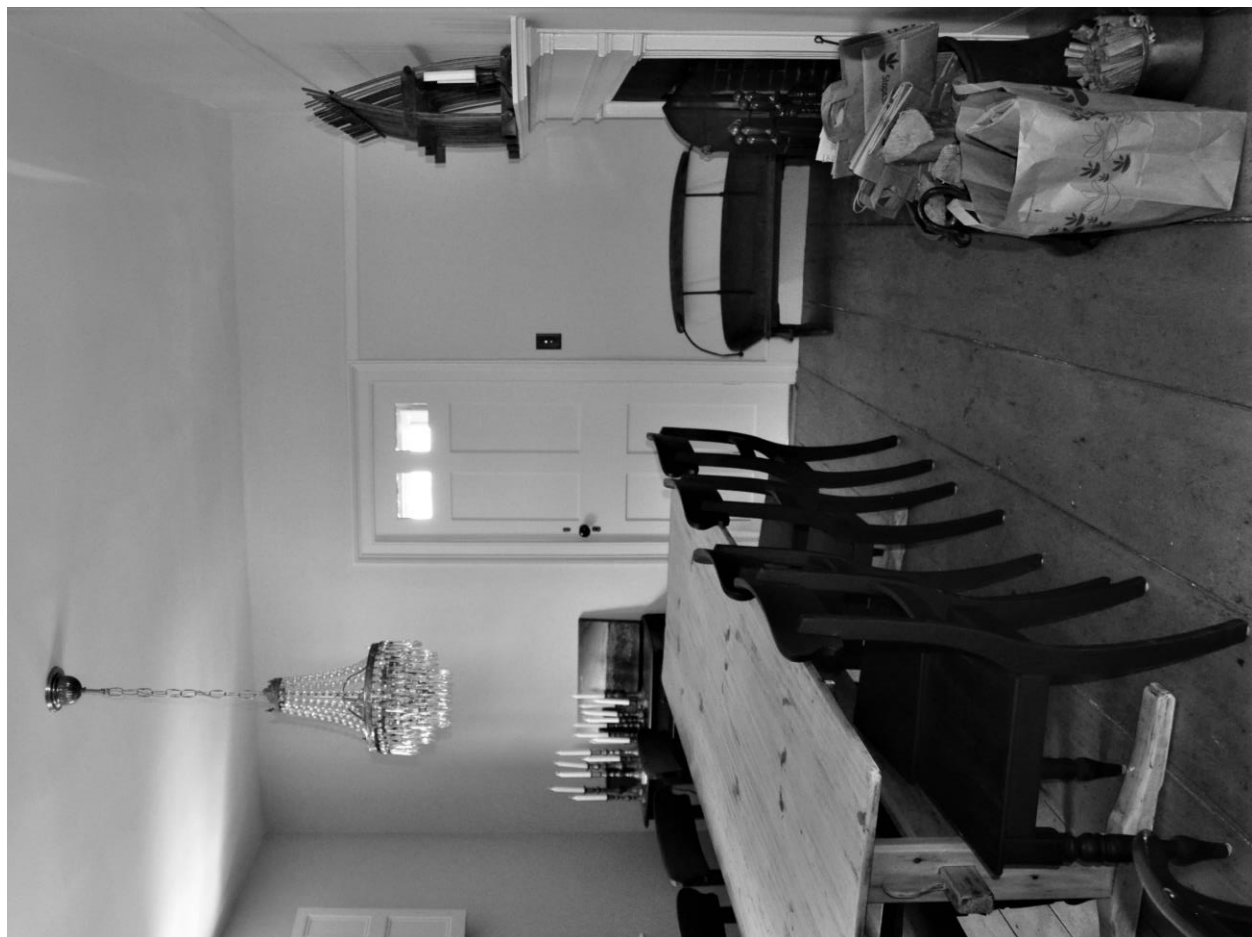


Photo #18 – interior 1st storey dining groom (northwest room)



Photo #19 – interior 2nd storey – front stair hall (northeast room)

EXHIBIT C



Photo #20 – interior 2nd storey front stair hall (northeast room)



Photo #21 – interior 2nd storey southeast chamber

EXHIBIT C



Photo #22 – interior 2nd storey southeast chamber



Photo #23 – interior 2nd storey southwest chamber (bathroom)

EXHIBIT C

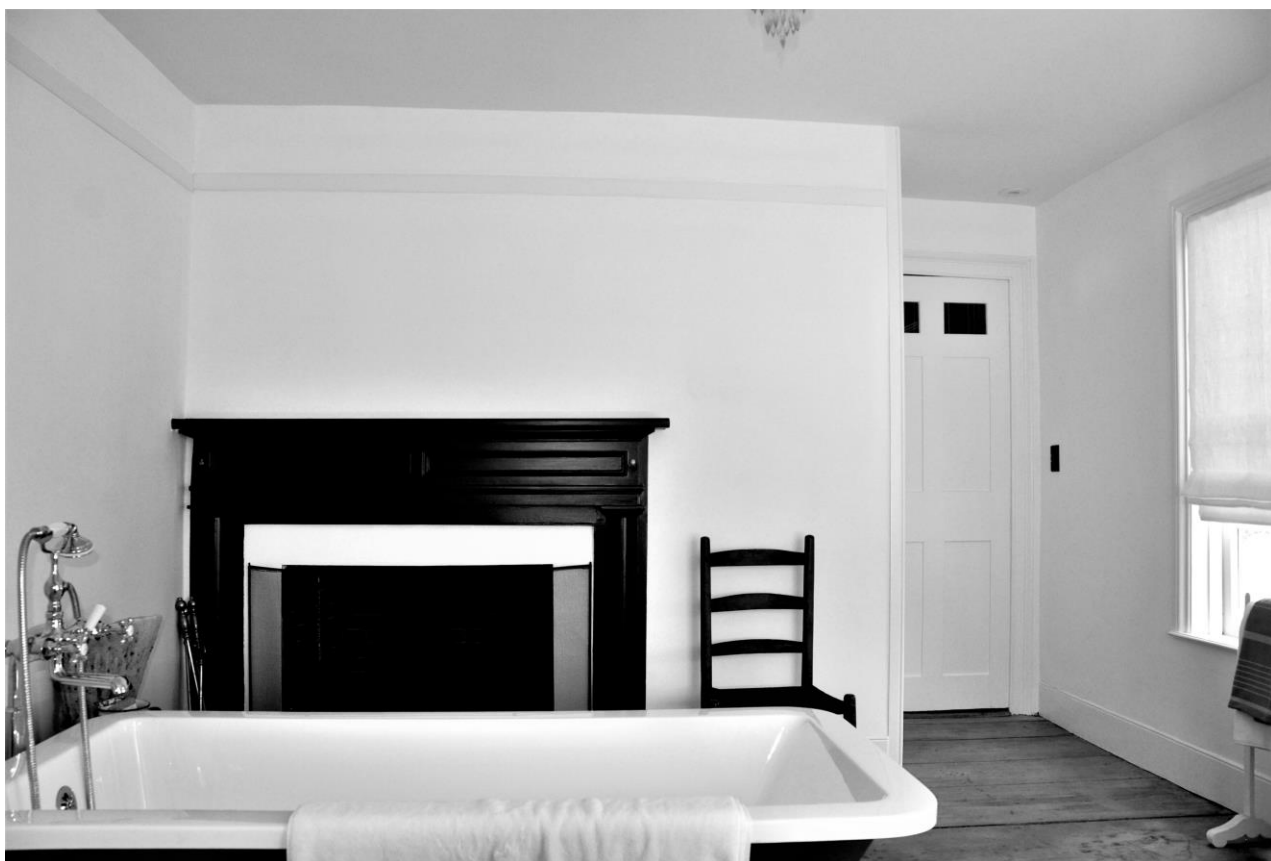


Photo #24 – interior 2nd storey southwest chamber (bathroom)

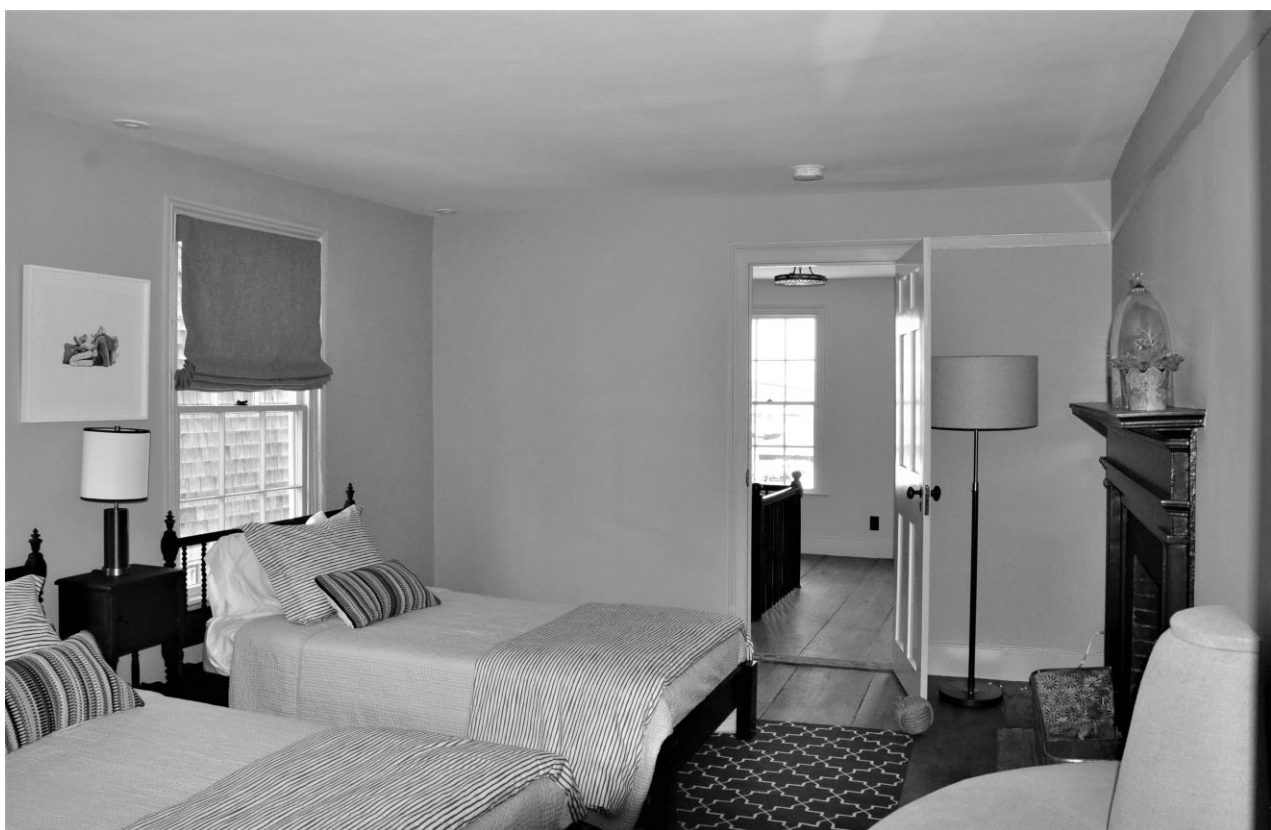


Photo #25 – interior 2nd storey – northwest chamber

EXHIBIT C



Photo #26 – interior 2nd storey northwest chamber



Photo #27 – interior 2nd storey staircase to attic

EXHIBIT C



Photo #28 – interior attic south wall



Photo #29 – interior attic – ladder stair to roof hatch

EXHIBIT C



Photo #30 – interior attic north room



Photo 31 – interior 1st storey rear staircase at Rear Ell

EXHIBIT C



Photo #32 Interior 2nd storey rear staircase at Rear Ell

EXHIBIT D

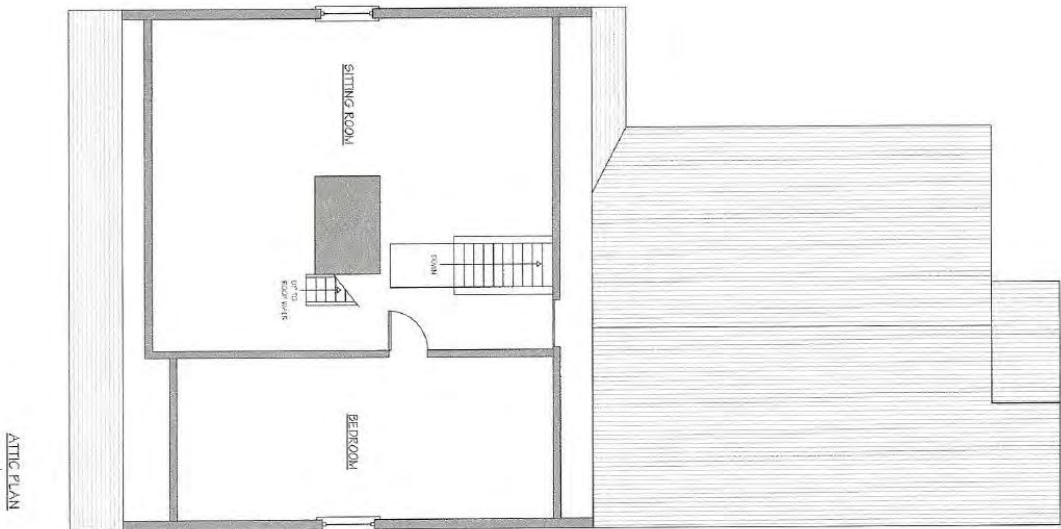
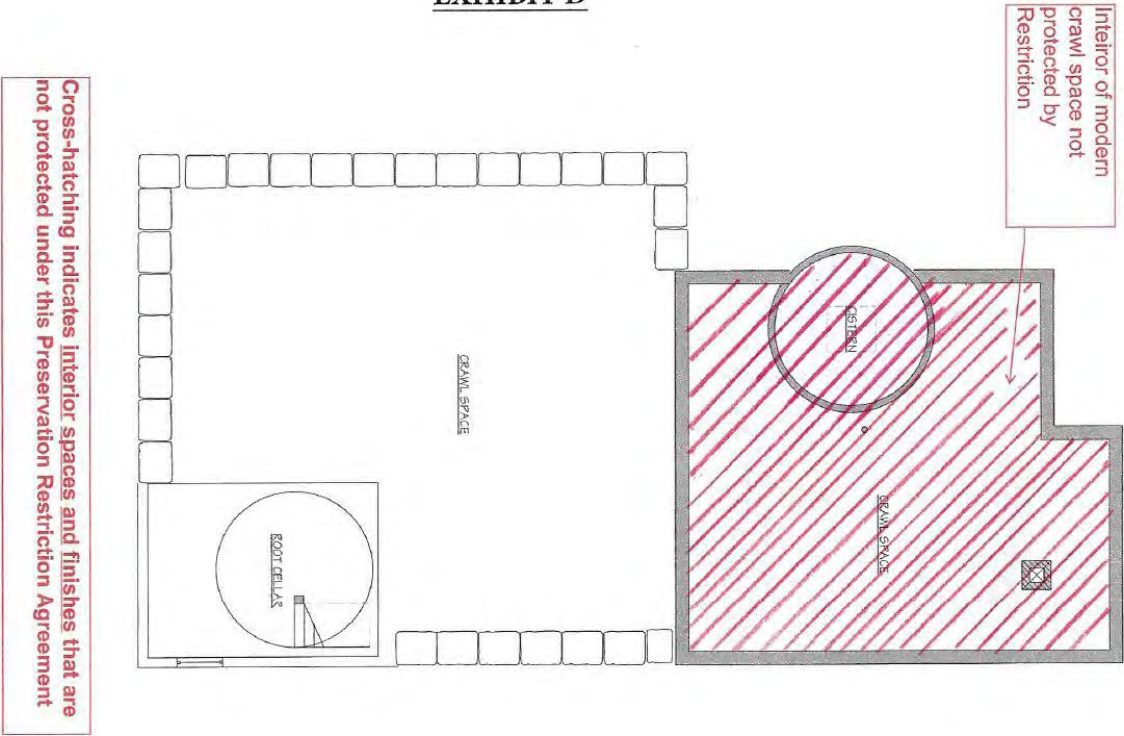
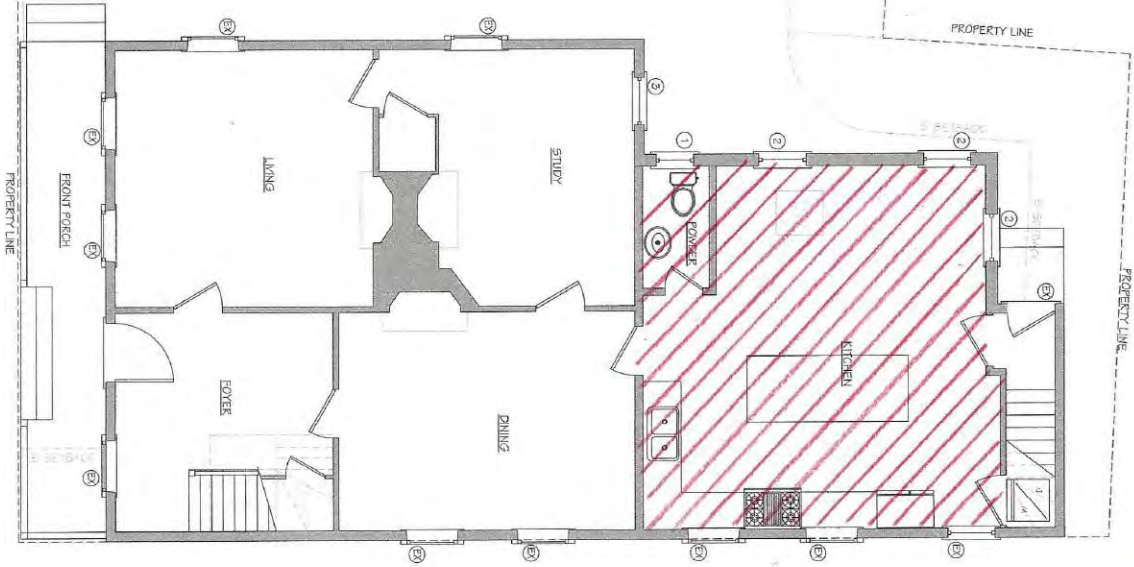


EXHIBIT D



Cross-hatching indicates interior spaces and finishes that are not protected under this Preservation Restriction Agreement

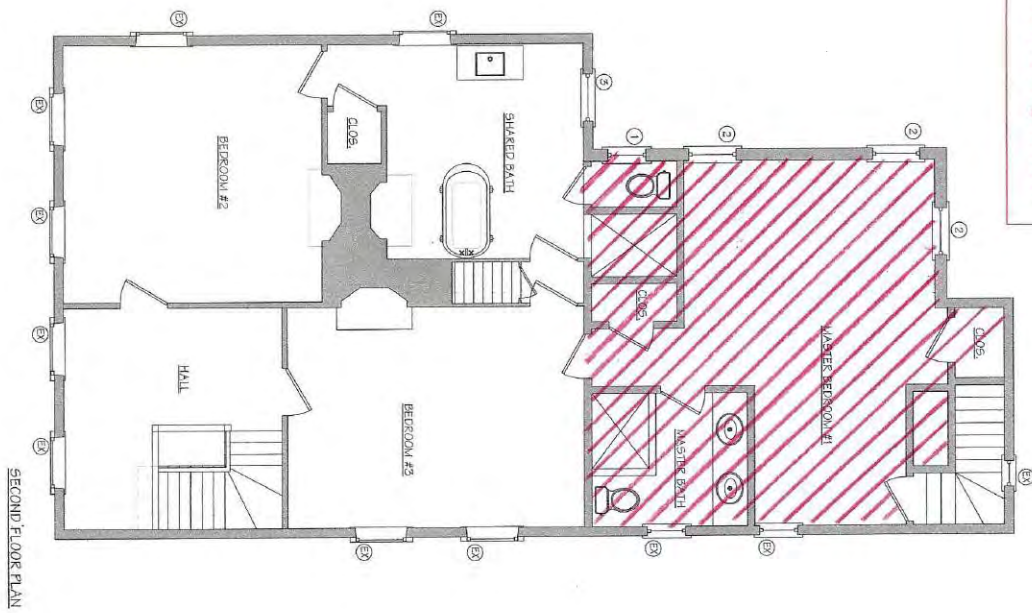


EXHIBIT E

FORM B – BUILDING

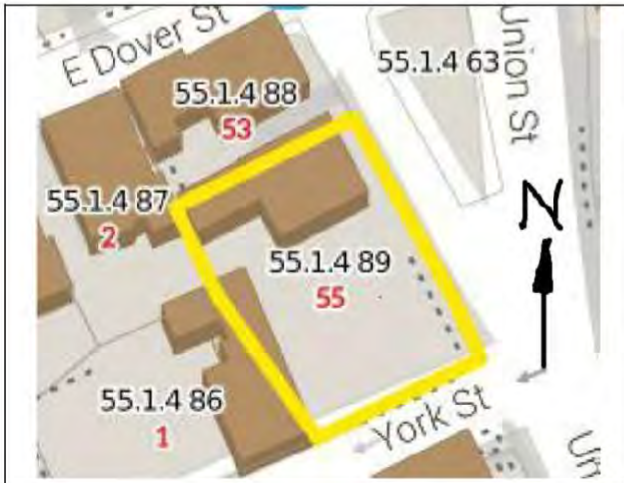
MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

Photograph



façade (east elevation)

Locus Map



Recorded by: Brian Pfeiffer

Organization: Nantucket Preservation Trust

Date (month / year): May 11, 2016

Assessor's Number USGS Quad Area(s) Form Number

55.1.4 89

Town/City: Nantucket

Place: (neighborhood or village): Old Town

Address: 55 Union Street

Historic Name: Nicholson-Andrews House

Uses: Present: single-family residence

Original: single-family residence

Date of Construction: 1835

Source: deeds

Style/Form: Greek Revival

Architect/Builder: John Nicholson, housewright

Exterior Material:

Foundation: brick & rubble stone

Wall/Trim: painted clapboards at façade; weathered shingles on all other elevations; plank frame window cases, moulded window cases with splayed wooden lintels, decorated cornice (façade) & pilastered entry

Roof: wood shingle

Outbuildings/Secondary Structures: none

Major Alterations (with dates): after nearly sixty years' vacancy, the house was conserved and restored in 2015

Condition: excellent

Moved: no ☒ yes ☐ **Date:**

Acreage: 0.10 acres

Setting: village with residences built in first half of 19th century (west, south & north); commercial and waterfront uses (east)

EXHIBIT E

INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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☐ Recommended for listing in the National Register of Historic Places.

If checked, you must attach a completed National Register Criteria Statement form.

Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.

ARCHITECTURAL DESCRIPTION:

Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.

The Nicholson-Andrews House stands on the west side of Union Street half-way between York and West Dover Streets in the southern portion of the Old Town section of the Nantucket Historic District. The house occupies a lot of .10 acres composed of two house lots that were combined into a single lot in 1864.

The building is a timber-frame structure composed of a two-storey Main Block (east) with a one and one-half storey Rear Ell attached to its north end of its west elevation. Excepting the northeast corner of the Main Block beneath which is a circular cellar, the building stands nearly at grade above a shallow crawl space. Foundation walls on the south and west are built of rubble stone, while those on the east and at the east end of the north elevation are built of brick, reflecting the presence of the circular cellar within. Characteristic of the vernacular architecture of Nantucket, Cape Cod and Martha's Vineyard, circular cellars are believed to have been an adaptation to resist the pressure of sandy soil that would cause straight walls to collapse. The cellar has a brick floor laid in sand, white-washed brick walls forming a central circle and white-washed brick walls above grade that form the back of foundation visible at the exterior. The remainder of the north elevation and the ell were supported on rubble-stone piers, most of which had collapsed prior to the building's restoration in 2015.

MAIN BLOCK:

The Main Block of the house has a rectangular floor plan (26' x 29') with a central chimney that originally rises slightly southwest of center on the structure's pitched roof before; it was capped following a lightning strike ca. 1960 and rebuilt to match photographic evidence in 2015. Characteristic of a local house type known as a "Typical Nantucket House", the building comprises four structural bays – two in width and two in depth without a separate chimney bay and with an asymmetrically arranged façade (east elevation) of four openings. Unlike the majority of central-chimney houses on the mainland of Massachusetts where chimneys are built as central mass with back-to-back fireplaces contained within a chimney bay, the chimney of the Nicholson-Andrews House consists of two internal stacks set at right angles to each other and joined at the attic to form a single stack that rose through the roof's ridge. Having stood unoccupied for nearly sixty years, the house's exterior claddings are severely weathered. Elevations are covered with weathered wood shingles (east, south & west) and heavily weathered clapboards (north). As originally constructed, the house was covered with wooden shingles on all elevations, excepting the façade (east elevation) which was covered in clapboards that were removed ca. 1960 and restored in 2015. Clapboards on the north elevation are believed to have been installed around 1960, re-using some of the clapboards removed from the façade. Specific conditions by elevation are:

Façade (east elevation): The façade rises from a brick foundation above which it has four openings per storey. The entry occupies the second opening south of the northeast corner at the first storey; all other openings contain windows. The entry contains a fine eight-panel Greek Revival style door framed by undecorated pilasters that rise to an entablature with a plain frieze and ornate cornice supported by stylized modillions that match those of the main cornice. Windows all contain original single-glazed 6/6 sash set in frames trimmed with half-round mouldings and splayed wooden lintels at their heads. Extending the length of the façade's eaves is a moulded cornice with stylized modillions set above a continuous band of closely spaced guttae. An open deck extends the length of the façade and its trimmed with a railing of dowel balusters set between tapered newels. This deck was reconstructed in 2015 to match a deck shown in nineteenth-century photographs of the façade.

South elevation: The south gable elevation rises from a rubble stone foundation laid in lime mortar. There are two windows per storey at the first and second storeys and one window centered in the gable at the attic. East windows at the first and second storeys contain original 6/6 sash and match those of the façade. West windows at the first and second storeys are

Continuation sheet 1

EXHIBIT E

INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION

220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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framed by undecorated plank frames that contain 6/6 sash that was restored in 2015. The attic window contains a restoration plank frame and 6/6 sash installed in 2015. Corner boards have beaded edges, and the rake is trimmed with a two-stage rake board, the lower member of which has a beaded edge.

West (rear) elevation: Only the southern half of the west elevation is exposed, as the rear ell is attached to the northern half of the elevation. Severely damaged by undergrowth and partially collapsed by 2014, the west elevation was repaired in 2015. The northern two-thirds of the elevation is concealed by the rear ell. Exposed portions of the elevation rise from a rubble-stone footing above which each storey has a single window framed by a plank frame and glazed with 6/6 sash; these window openings were moved slightly southward from their original positions during structural repairs that required extensive dismantling of the wall's claddings in 2015. The eaves are boxed and trimmed with a moulded, undecorated cornice.

North elevation: The north elevation of the Main Block is continuous with that of the Rear Ell, but distinguished from the Rear Ell by its higher storey heights. The east half of the north elevation is supported on a brick foundation with a single three-light hopper window, while the western half is supported on stone piers with the spaces between piers open to the weather. The first and second storeys each contain two closely spaced windows at the western half of the elevation. Each of these windows contains 6/6 single-glazed sash set in a case trimmed with half-round moulding and a splayed wooden lintel, like those found at the façade's windows. A single replacement window (6/6) is set in a nailed case of flat stock (ca. 1910-20) centered on the gable. Wall surfaces are covered with weathered shingle. Corner boards and rake boards match those at the south elevation

REAR ELL:

The Rear Ell was a one and one-half storey timber frame structure with a width of 12' and a length of 21'-6" extending westward from the northern half of the rear wall of the Main Block, and survived in ruinous condition until 2014 following a temporary shoring carried out in 2009, when braces were added, and its roof was covered with a tarpaulin to forestall collapse. During the 2015 rehabilitation of the house, the south wall of the Rear Ell and its internal structural elements were removed, as they were no longer structurally stable. The north and west walls were retained along with the rear service staircase at the west end of the ell. In order to provide usable interior space at the second storey for plumbing to serve both the Rear Ell and Main House, the south wall of the Ell was re-constructed 8' feet south of its original position and the eaves were raised 2'. Exterior walls were re-built with original elements at the north and west elevations, while the south elevation was re-designed to use elements resembling the originals, but placed in positions to serve contemporary interior uses; the appearance of the south elevation was not reconstructed.

East elevation: The Rear Ell does not have an exposed east elevation, as it is attached to the Main Block along the full extent of its east elevation.

South elevation: The south elevation had nearly completely collapsed due the decay of its sill, studs and plate upon which the roof structure rested. Its present appearance dates from 2015. At the first and second storeys, the elevation contains two larger 6/6 windows set in reconstructed plank frames and one smaller 6/6 window set in a plank frame close the elevation's junction with the Main House. An entry exists at the west end of the first storey set within a moulded case and containing a six-panel Greek Revival style door.

West elevation: The gable end of the Rear Ell is blank with the exception of a single window (4/4) set at the north end of the second storey to provide light to a narrow stair well that rises on the interior of the west elevation. Exterior surfaces are covered with weathered shingles and trimmed with flat stock corner boards and rake boards.

North elevation: The north of the elevation rises from rubble piers and a crawl space that was open to the weather but which have been modified by the construction of a partial cellar of poured concrete to provide space for utilities beneath the Rear Ell. The elevation was repaired using existing elements in 2015, but was modified by increasing the height of its eaves by 2'. Fenestration at the first storey consists of (moving east to west), two window openings framed by reconstructed plank frames within which 6/6 restoration sash has been installed, and a small four-light window set in a flat-stock frame with a moulded cap. Both second-storey windows are set in reconstructed plank frames and contain 6/6 restoration sash.

Continuation sheet 2

EXHIBIT E

INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION

220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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HISTORICAL NARRATIVE

Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.

The Nicholson-Andrews House is a notable example of transitional Federal/Greek Revival architecture in Nantucket that preserves all the major elements of a local vernacular house type, known as a "Typical Nantucket House". The house's exterior design with its asymmetrical façade, paneled front door set within a pilastered case, window cases with splayed wooden lintels, and undecorated plank frame window cases at rear elevations are characteristic of good building practice during Nantucket's great period of prosperity that arose from whaling. Recently conserved after nearly sixty years of neglect, the house preserves the vast majority of its interior character-defining features including its floor plan, central chimney and fireboxes, lime plaster walls & ceilings, softwood floors, paneled doors, moulded & paneled interior window trimmings, moulded baseboards, mantelpieces, main stair case, acanthus-carved newel posts and stair balustrades.

The house stands in a portion of Nantucket that was laid out in 1726 as the West Monomoy Lots. Development in the area occurred slowly and piecemeal following the extension of Union Street (1717), the extension of Orange Street (1726), the creation of York Street (18th century) and the creation of East Dover Street (pre-1799). Land on which the Nicholson-Andrews House stands was part of a larger parcel purchased in 1834 by John B. Nicholson, housewright, (1791-1859) from Peleg Macy, Junior. Known to have been an active builder/speculator, Nicholson subdivided the parcel and subsequently sold it as five lots with houses standing on each. A number of buildings constructed by Nicholson have been identified throughout Nantucket including a nearby Federal/Greek Revival style house at 44 Union Street which shares many details of moulding profiles, mantelpieces and woodwork with the Nicholson-Andrews House.

On December 19, 1835, Charles G. Andrews, master mariner, purchased the property from Nicholson for a price of \$1,600 under a contract that stipulated: "windows of the house next south are not to [be] darkened by [placing] anything in the adjoining passageway", indicating the presence of adjacent houses presumably built by Nicholson. Following the death of Charles Andrews in 1839, Andrews' widow, Eunice, sold the house in 1842 to David Smith, who, in turn, sold it to George Myrick, merchant, in 1848. In 1855, Myrick sold the house to Joseph Simmons, mariner, who acquired the adjacent lot to the south and brought the property to its present size in 1864. In the late nineteenth or early twentieth century, the property was re-acquired by the Andrews family which retained ownership until 2014. In the second decade of the twentieth century, the house was adapted to multi-family occupancy as well as use as a lodging house during the Great Depression. The last occupants of the house moved out of it in 1956 after which it was vacant and used for storage until rehabilitation in 2015.

BIBLIOGRAPHY and/or REFERENCES

Preservation Institute: Nantucket. Historic Structure Report: The Andrews Home, 55 Union Street, Nantucket, Massachusetts. Unpublished, 2005

Nantucket Registry of Deeds.

EXHIBIT F

RESTRICTION GUIDELINES

The purpose of these Preservation Guidelines is to clarify the terms of this Historic Preservation Restriction that deal with maintenance and alteration to the Building. Under Paragraph 3, prior permission from the Nantucket Preservation Trust (NPT) is required for any Minor Maintenance that may reasonably be expected to make material changes to the appearance, materials, or workmanship from that existing prior to the maintenance and for any Major Maintenance. Minor Maintenance that is part of ordinary maintenance and repair and does not materially change the appearance, materials, or workmanship from that existing prior to the maintenance does not require NPT review and approval.

In an effort to explain what constitutes Minor Maintenance and Major Maintenance, the following list is provided. The list is by no means comprehensive. It is a sampling of common structural alterations.

PAINT

Minor: Exterior or interior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major: Painting or fully stripping decorative surfaces or distinctive stylistic features, including murals, stenciling, wallpaper, ornamental woodwork, stone, and decorative or significant original plaster.

WINDOWS AND DOORS

Minor: Regular maintenance including caulking, painting, and necessary re-glazing. Repair or in-kind replacement of existing individual decayed window parts.

Major: Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

EXTERIOR

Minor: Spot repair of existing cladding and roofing including in-kind replacement of clapboard, shingles, slates, etc.

Major: Large scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e., removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building

additions; spot repointing of masonry. Structural stabilization of the property is also considered a major alteration.

LANDSCAPING/OUTBUILDINGS

Minor: Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major: Moving or subdividing buildings or property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, and ground disturbances affecting archaeological resources.

WALLS/PARTITIONS

Minor: Making fully reversible changes (i.e., sealing off doors in situ, leaving doors and door openings fully exposed) to the spatial arrangement of a non-significant portion of the building.

Major: Creating new openings in walls or permanently sealing off existing openings; adding permanent partitions which obscure significant original room arrangement; demolishing existing walls; removing or altering stylistic features; altering primary staircases.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor: Repair of existing systems.

Major: Installing or upgrading systems which will result in major appearance changes (i.e., dropped ceilings, disfigured walls or floors, exposed wiring, ducts, and piping); the removal of substantial quantities of original plaster or other materials in the course of construction.

Changes classified as Major Maintenance are not necessarily unacceptable. Under the Historic Preservation Restriction such changes must be reviewed by the NPT in order to assess their impact on the historic integrity of the Property, and Building.

It is the responsibility of the Grantor to notify NPT in writing when any Minor Maintenance that is reasonably expected to materially change the appearance, materials, or workmanship from that existing prior to the maintenance or any Major Maintenance is contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of this Historic Preservation Restriction is to enable the NPT to review proposed alterations and assess their impact on the integrity of the Property, the Building, and other structures, not to preclude future change. NPT staff will attempt to work with the Grantor to develop mutually satisfactory solutions which are in the best interests of the Property.



Agenda Item Summary

Agenda Item #	IX. 3.
Date	6/22/2022

Staff

Brian E. Turbitt, Finance Director

Subject

Sale of \$37,822,200 in General Obligation Bond Anticipation Notes made up of Tax-Exempt Series (\$33,435,200) and Taxable Series (\$4,387,000) and the sale of Grant Anticipation Notes in the amount of \$875,000.

Executive Summary

The Town through its financial advisors recently completed a competitive sale of \$37,822,200 in General Obligation Bond Anticipation Notes. The sale was made up of a tax exempt portion in the amount of \$33,435,200 and funded various projects as outlined in the attached sheet. The taxable portion of the sale was in the amount of \$4,387,000 and was to fund projects to be undertaken by the Nantucket Affordable Housing Trust Fund. The Town also completed the sale of a Grant Anticipation Note in the amount of \$875,000 which funded various Chapter 90 projects.

Staff Recommendation

Recommend approval of the sale of the General Obligation Bond Anticipation Notes in Series A and B, and the signing of the notes.

Background/Discussion

The sale of the notes took place on Thursday June 16, 2022. The Town received two bids for the Tax Exempt offering and one bid for the Taxable Offering. The winning bid for the Tax Exempt Offering was received from TD Securities. The coupon rate was 3.50% with A Net Interest Cost (NIC) of 1.8404%. The bidder for the Taxable portion of the offering was Oppenheimer & Company with a coupon rate of 3.50% with a Net Interest Cost (NIC) of 3.4616%. The Grant Anticipation note had one bidder, Unibank for Savings, with a coupon rate and Net Interest Cost (NIC) of 3.50%.

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Budgetary Cost of \$343,608.34 to be paid when the notes mature.

Board/Commission Recommendation

N/A

Public Outreach

None



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

None

Attachments

Vote of the Select Board.

Tax Exempt Offering project Listing.



VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Nantucket, Massachusetts, certify that at a meeting of the board held June 22, 2022, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of \$33,435,200 3.00 percent General Obligation Bond Anticipation Notes (the "Tax Exempt Notes") of the Town dated June 30, 2022, and payable October 14, 2022, to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of \$112,007.92.

Further Voted: to approve the sale of \$4,387,000 3.50 percent General Obligation Bond Anticipation Notes (Subject to Federal and Massachusetts Income Taxation) (the "Taxable Notes") of the Town dated June 30, 2022, and payable October 14, 2022, to Oppenheimer & Co. at par and accrued interest, if any, plus a premium of \$482.57.

Further Voted: to approve the sale of a \$875,000 3.75 percent General Obligation Bond Anticipation Note (the "GAN") of the Town dated June 30, 2022, and payable October 14, 2022 (the "GAN", and collectively with the Tax Exempt Notes and the Taxable Notes, the "Notes") of the Town dated June 30, 2022, and payable October 14, 2022, to Unibank for Savings at par and accrued interest, if any.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement for the Tax Exempt Notes and the GAN dated June 9, 2022, as amended, a Notice of Sale and Preliminary Official Statement for the Taxable Notes, dated June 9, 2022, and final Official Statements for the Tax Exempt Notes and the GAN and for the Taxable Notes dated June 16, 2022, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes.

Further Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same

document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: June 22, 2022

Clerk of the Select Board

127559236v.1

Competitive Note Worksheet

Issuer:		Town of Nantucket, Massachusetts	
Principal Amount:		\$33,435,200	General Obligation Bond Anticipation Notes
Dated Date:	6/30/2022	Sale Day:	Thursday
Due Date:	10/14/2022	Sale Date:	6/16/2022
Coupon Rate:	TBD	Sale Time:	11:00 A.M. (Eastern Time)
Rating(s):		Submit Bids to:	PARITY
Moody's Note:	PENDING	Contact Name:	Hilltop Securities Inc.
S&P Note:	-	Contact Title:	FA to Town
Moody's Bond:	-	* Telephone #:	617-619-4400
S&P Bond:	-		
Bank Qualification:	No	Award basis:	Lowest NIC
Time Basis:	30/360	CUSIP:	Yes
Number of Days:	104	Legal Opinion:	Locke Lord LLP
Interest Payable:	At Maturity	Delivery:	Against Payment
Certification:	None	Funds:	Federal Funds
Right To Prepay:	No	Disclosure:	POS
Fax Bids:	Not Allowed	Paying Agent:	U.S. Bank
Form:	DTC	Denominations:	Set/DTC
Bid Basis:	Par+Premium		
Premium Required:	\$2.30 per \$1,000		
Bid Limits:	Split-OK, but if split, most competitive bid must include \$1,200		
Minimum Bid:	Par+Premium		
Coupon Limitation:	Not to Exceed 3.50%		

Purposes:	New	Renewal	Total
Sewer - Sconset Collection System Evaluation	\$343,000	\$0	\$343,000
Fairgrounds Road Improvements	\$1,500,000	\$0	\$1,500,000
Harbormaster Layup Yard and Workshop	\$245,000	\$0	\$245,000
Airport Taxiway Echo Resurfacing	\$0	\$5,500,000	\$5,500,000
Sewer Security Fencing Installation	\$400,000	\$0	\$400,000
Sewer Force Main Design and Planning	\$1,300,000	\$0	\$1,300,000
South Shore Road Sewer Design	\$1,500,000	\$0	\$1,500,000
Sea Street Pump Station	\$8,600,000	\$0	\$8,600,000
Land Acquisition and Affordable Housing Construction	\$2,625,000	\$0	\$2,625,000
General Fund PFAS Investigation & Remediation	\$0	\$750,000	\$750,000
Fire Engine Replacement	\$705,000	\$0	\$705,000
Airport Improvements	\$1,217,200	\$0	\$1,217,200
Airport PFAS Investigation & Remediation	\$0	\$2,000,000	\$2,000,000
South Shore Road Sewer Installation	\$2,000,000	\$0	\$2,000,000
10-12 Washington Street Land Acquisition	\$4,750,000	\$0	\$4,750,000
Totals	\$25,185,200	\$8,250,000	\$33,435,200

*** When submitting telephone bids, bidders must indicate if they are bidding to hold the Notes to maturity, and if so, must provide such affirmation in writing to the Financial Advisor upon submission of the bid as follows:**

*In connection with the Town of Nantucket, Massachusetts \$33,435,200 General Obligation Bond Anticipation Notes dated June 30, 2022 and selling competitively today, June 16, 2022, [BIDDER] will **NOT** be an "underwriter" (as defined in the Notice of Sale dated June 10, 2022) of the Notes.*

Town of Nantucket

Diversity, Equity and Inclusion Office

Kimal R. McCarthy, Ed.D.
Diversity, Equity & Inclusion Director
krmccarthy@nantucket-ma.gov



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7200 ext 7344
Facsimile (508) 325-7556
www.nantucket-ma.gov

June 21, 2022

DEI Office Update: Select Board Meeting – June 22, 2022

Objective: To update the Select Board and community on recent activities/tasks in DEI Office.

A. Strategic Plan: Update

The DEI consultation with Tangible Development continues. Thursday, June 9th was the final capacity building training for the development of an internal Diversity, Equity and Inclusion Committee (DEIC). The DEIC is composed of town employees only and the main objective is to assess, prioritize, and produce towards town employees' DEI aspirations. A DEI assessment report from Tangible Development is scheduled for August 2022. Data collection for the report took place throughout spring 2022. As a reminder, 112 town employees participated in the internal survey (approximately 32% of invited staff) and nearly 200 community members participated in data collection. The DEI consultation is contracted for completion in early 2023.

B. MA Municipal DEI Coalition creates DEI Guide 2022

With support from the Metropolitan Area Planning Council (MAPC), the Massachusetts Municipal DEI Coalition developed a DEI guide to assist cities and towns with the foundational advice/work needed to start a Diversity, Equity and Inclusion department or position. The guide includes subsections such as: What is DEI, How do I establish a DEI volunteer group, How do I evaluate DEI within my municipality, and more. Nantucket's DEI director was one of six DEI practitioners that participated in creating the guide. The other practitioners were from Arlington, Lexington, Newburyport, Revere, and Westwood.

C. Calling All Whalers

Calling All Whalers is a recruitment and retention initiative created by the Town Manager. The initiative is guided by the Human Resources Department and DEI Office. The purpose of the initiative is to have town employees that are also NHS graduates assist with recruiting locals and fellow NHS graduates on island for town job vacancies. The DEI Office collected video clips to create a one-minute pilot video for the initiative using members of Nantucket High School's class of 2005. The video will live on the Town's website, posted on the Town's social media accounts, and advertised on local outlets (I&M website, NCTV, etc.).

D. Juneteenth 2022

There were several events island wide celebrating Juneteenth 2022. Events were hosted by the Nantucket Atheneum, Nantucket Equity Advocates, and the Town of Nantucket. On behalf of the Museum of African American History and the Town's DEI Office and Culture & Tourism Department, the DEI director presented his research findings from his dissertation titled *A Calling to Come Back: Understanding Why Nantucket Locals Revisit a Community Museum*. The research and presentation examined the significances of repeat visitation to cultural institutions using Nantucket's African Meeting House and the narratives of Black residential museumgoers.

Procedure to fill a Planning Board (elected seat) vacancy

1. Pursuant to MGL Ch. 41, s. 81A, the “unexpired term shall be filled by appointment by the [Select Board] and the remainder members of the Planning Board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.”
2. The Planning Board vacancy is to be advertised for two weeks and the Select Board’s intent to fill the vacancy will be noted on its regular meeting agenda for two weeks prior to the date of appointment and applications will be included in the agenda packet material.
3. The Planning Office will forward all applications for the vacancy to Town Administration as soon as they are received.
4. The remaining members of the Planning Board will join the Select Board at a regularly scheduled meeting and will vote to make the appointment to fill the vacancy through the next annual election.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 81A** Planning board; establishment; membership; tenure; vacancies

Section 81A. Any city except Boston, and, except as hereinafter provided, any town may at any time establish a planning board hereunder. Every town not having any planning board shall, upon attaining a population of ten thousand, so establish a planning board under this section. A planning board established hereunder shall consist of not less than five nor more than nine members. Such members shall in cities be appointed by the mayor, subject to confirmation by the city council and in towns be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine; provided, that a town which has a planning board established under section seventy may, at an annual town meeting or at a special town meeting called for the purpose, vote to establish a planning board under this section and may provide that the members of the planning board then in office shall serve as members of the planning board under this section until the next annual town meeting. When a planning board is first established or when the terms of members of the planning board established under section seventy serving as members of the planning board under this section expire, as the case may be, the members of the planning board under this section shall be elected or appointed for terms of such length and so arranged that the term of at least one member will expire each year, and their successors shall be elected or appointed for terms of three or five years each as determined by the city council in the case of a city and by the town meeting in the case of a town. Any member of a board so established in a city may be removed for cause, after a public hearing, by the mayor, with the approval of the city council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term, in a city, in the same manner as an original appointment, and, in a town, if the members of the board are appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term. All appointments pursuant to this section shall be in the manner provided in section eleven. Such a board shall elect annually a chairman and a clerk from among its own number, and may employ experts and clerical and other assistants. It may appoint a custodian of its plan and records, who may be the city engineer or town clerk. No member of a planning board shall represent before such board any party of interest in any matter pending before it.

Towns of less than ten thousand inhabitants, having no planning board established under this section may, by vote of the town meeting, authorize the board of selectmen to act as a planning board under this section until such a board is established; provided, that any such town, upon attaining a population of ten thousand, shall establish a planning board hereunder.

Planning Board Vacancy Applicants:

Planning Board

1 Seat Available, 4 Applicants

1 Seat Term Ends 2023

Current Committee Members:

VACANT	2023
Dave Iverson	2024
Barry G. Rector	2025
John F. Trudel III	2026
Nathaniel Lowell	2027

Applicants:

Joseph Topham
Emily Kilvert
Jeremy Bloomer
Campbell Sutton



**TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT**

For Appointment by the Board of Selectmen

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Joseph Topham

Home Phone: 508-228-8413

Mailing

Address: 18 Hummock Pond Road

Alternate Phone: 508-221-1530

Email Address: joseph@tophamdesignack.com

Date Submitted: 23 March 2022

REQUESTING APPOINTMENT TO: Nantucket Planning Board

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? *Yes*
- Why are you interested in this committee/board/commission?

I enjoyed my time of six years serving on the Conservation Commission, and I hope to help the town in a different capacity. I had great respect of my Fellow Commissioners and the entire staff at the Natural Resource Office because of their immense knowledge and dedication they bring to each meeting/application. I know I can bring that same teamwork effort to work with Planning Board Members.

- Are you prepared to commit to the meeting schedule of the committee/board/commission? *Yes*

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission? *33 years of experience in the field of Architecture, along with working closely with some Town Boards, contractors, and subcontractor to finalize a project.*
- What would you hope to accomplish on the committee/board/commission? *Just bring sound pragmatic judgment to each individual case as they are presented to the board, as I did while on the Conservation Commission.*

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies, or non-profit organizations of which you or a member of your immediate family are current members.

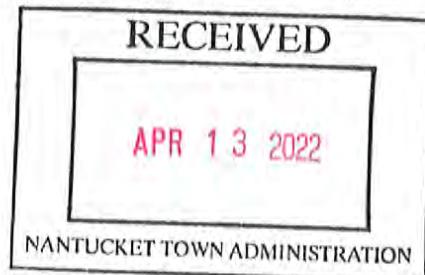
Jeanette Topham: *Nantucket Airport Commission, Nantucket Disability Association*

Joseph Topham: *Maddequet Admiralty Association Scholarship Committee (2017 to Present),
Conservation Commissioner (Served Two Terms)*

Patrick Topham: *Board Chair of Holidays for Heroes, Nantucket Triathlon Club, & Ad Hoc Member of
Nantucket Airport Noise Advisory Committee*

Rosemary Topham: *Friends of Nantucket Public School*

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? *No*





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 17 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Emily Kilvert

Home Phone: 228-2026

Mailing Address: 4 Darling Street

Alternate Phone: 617-697-6315

Email Address: ekilvert@me.com

Date Submitted: _____

REQUESTING APPOINTMENT TO: Manning Board vacancy

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Please see attached.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

Emily Kilvert Planning Board Vacancy application

Have you ever attended a meeting of the committee/board/commission?

I have attended via zoom and watched numerous recordings of Planning Board, Select Board, NP&EDC and Finance Committee meetings.

Why are you interested in this committee/board/commission?

I believe that thoughtful planning and careful review are the foundation of sensible growth for Nantucket. The decisions we make today will sustain the island's economy while safeguarding it for future generations. I would like to have a voice in these decisions.

I care deeply about Nantucket and have no motives to serve on the Planning Board other than my hope to contribute to a sustainable future here, for all.

I believe women should be represented on the Planning Board.

My application to serve the remainder of Fritz McClure's term is in part a debt to the voters who elected Fritz, and the over 900 voters who went to the polls in terrible weather to vote for me by writing in my name on the ballot for the three-year seat and the 104 voters who wrote in my name for the five year seat. Along with my commitment to serve, their strong support for my first-time candidacy demonstrates their desire to have me serve them and Nantucket on the Planning Board.

Are you prepared to commit to the meeting schedule of the committee/board/commission?

I commit to attend every meeting. I will attend in-person meetings in-person.

What experience, skills or insight would you bring to the committee/board/commission?

My experience working with boards and teams on complex projects, my vision for balanced growth, and my fresh perspective on Planning and Land Use, will be valuable contributions. Relevant experiences are:

- Planning, development, and board experience as a member of the founding team of Nantucket Ice
- Experience managing my family's commercial property on Pleasant Street
- Property and operational management experience as a member of the Executive Committee of the Nantucket Yacht Club
- Chair of the Rising Sea Level Committee at the Nantucket Yacht Club for two years
- Former Trustee of the Nantucket Atheneum. Member of the team that orchestrated the circus event for multiple years.
- Financial, legal, and contractual management experience with my family business, Nantucket Insurance
- Experience in the hotel industry as International Sales Manager for Waldorf Astoria

- 57 years of living on Nantucket
- Mother to three adult children
- Completed the Citizens Planner Training Collaborative class on Master Planning

I am actively expanding my technical skills through classes and self-study.

What would you hope to accomplish on the committee/board/commission?

- I will contribute to a professional approach to reviewing plans and applications for special permits.
- I bring a fresh perspective and will closely question both applicants and planning staff in order to get the best outcome for Nantucket.
- I will encourage more input from Nantucket residents when weighing important decisions facing our island today.
- I will do as much as I can to contribute to solutions to affordable housing, the threat of rising sea levels, and the need to identify fair and forward-looking solutions to manage short term rentals. The right solution will account for the island's uniqueness and the historical practices of generations of families.
- I will do what I can to support streamlined approaches to building affordable housing while conforming to Nantucket's traditions. We need this housing now.
- I bring experience with coastal resiliency and planning, and I would like to be a part of the Planning Board's role in decision making surrounding the implementation of Arcadis's recommendations.

Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

My husband, Charlie, is a 27 year board member of the Nantucket Land Council.

Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Town Manager

RECEIVED

MAY 23 2022

Please return this form to the Town Administration offices by the advertised due date. NANTUCKET TOWN ADMINISTRATION

Name: Jeremy Bloomer

Home Phone: 2035502613

Mailing Address: 15 Gardner Street
Nantucket, Mass.

Alternate Phone: _____

Email Address: Jeremy@theivygroup11.com Date Submitted: 5-20-22

REQUESTING APPOINTMENT TO: _____

Planning Committee
(vacant seat)

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? only annual town meetings
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission? yes

Good live on Nantucket, I would like to be more involved in the governance of the island.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

40+ year experience in finance as an entrepreneur: founded an investment bank, an insurance company and a multi billion dollar hedge fund. Live and work on start up bio tech companies from our home in Nantucket. Would like to be involved in the governance of our island community and believe I can add value in many aspects.
In addition to creating numerous large start ups I have served on 13 boards.

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen or the Town Manager, local agencies or non-profit organizations of which you or a member of your immediate family are current members. None
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No

Erika Mooney

From: Jeremy Bloomer <jeremy@theivygroupllc.com>
Sent: Tuesday, May 24, 2022 1:40 PM
To: Erika Mooney
Subject: Applying for Planning and Finance Committee positions
Attachments: Jeremy Bloomer Resume April 2022.pdf

Hi Erika,

We spoke yesterday and I am sending additive information which the select committee may find useful on my background. Here also is a short paragraph form you may find helpful:

Jeremy Bloomer, a serial entrepreneur, has provided financial strategy consulting and directorships to early stage biotech initiatives for the last ten years. Prior to his biotech focus from 2006 to 2016 he founded and ran GLS Inc., a \$650 million specialty life insurance company, using innovative Irish and Cayman regulated structures. He was senior portfolio manager for the Airlie Opportunity Fund, a \$1.3 billion credit hedge fund from inception in 2002 until 2008. From 2000 to 2002 he invested through the Ivy Group as a development stage incubator in China. In 1989 he co-founded Credit Research and Trading, a leading distressed research investment bank managing its research and investment banking divisions through 2000.

He was an investment banker at E.F. Hutton from 1984 to 1988 and began his career in 1980 at Chemical Bank. Mr. Bloomer received a BA from the University of Pennsylvania in 1980 and an MBA from the Amos Tuck School of Business Administration at Dartmouth College in 1985. He also serves as Vice Chairman of the Cancer Trust which fosters collaborative team science with major academic research institutions through innovative corporate financing structures.

This email was scanned by Bitdefender

Jeremy Bloomer

15 Gardner Street

Nantucket, Mass 02554

jeremy@theivygrouppllc.com • 203-550-2613

EXPERIENCE

The Ivy Group LLC

Nantucket, MA

CEO and Founding Principal

2014-present

- Provide strategic, financial, and operating consulting to early stage biotech initiatives including: emerging economy drug distributor and incubator (Sargasso Medtech); PTSD drug development firm (Neurovation Labs); university biotech research commercialization (University of Pennsylvania and University of Southern California); Alzheimer's clinical trials non-profit expansion (Global Alzheimer's Platform); SME lending hedge fund (Brevet Capital); global consulting firm's venture investment startup (Booz Allen Hamilton); and EU retail alternatives fund (Ivy Alternative Investment Fund)
- Board positions: Sargasso Medtech, Neurovation Labs, GLS Ireland, Skyworks Capital, Brevet Capital, The Cancer Trust

The Cancer Trust for Collaborative Cancer Research and Development

New York, NY

Vice Chairman and Director

2012-2018

- Launched cancer drug discovery research consortium between four National Cancer Institute cancer centers: Columbia University; University of Pennsylvania; Mt. Sinai; and Johns Hopkins
- Coordinated strategy, financing, and operational planning efforts of Booz Allen, Spencer Stuart, Sidley Austen, T.R. Winston, and Morgan Stanley for successful \$300 million investment by Celgene, a multi-national pharmaceutical firm

Greenwich Life Settlements, Inc.

Greenwich, CT

CEO and Founding Principal

2006-2016

- Invested over \$250 million using proprietary analytics and closing processes with 18 professionals to aggregate 360 individual life insurance policies (\$650 million notional value) into investment grade equivalent portfolio
- Developed innovative Irish tax structure to refinance \$525 million in life insurance with a \$200 million revolver
- Structured and obtained Cayman Islands regulatory approval for a new specialty insurance company

The Airlie Opportunity Fund, Ltd.

Greenwich, CT

Senior Portfolio Manager and Co-Founder

2000-2009

- Managed from inception special situations, catastrophe bond, structured product, private equity and stressed high yield investing for this \$1.3 billion hedge fund
- Created synthetic and cash Collateralized Debt Obligations and obtained multiple leverage sources
- Creditor committee chairman and board of director positions include: Gear for Sports, Philadelphia Media, Alliance Mortgage and GEO Specialty Chemical

Credit Research and Trading LLC

Greenwich, CT

Managing Member and Co-Founder

1989-2000

- Co-founded 50 professional institutional securities brokerage and research investment bank
- Expanded scope from initially trading bankrupt bonds to providing research, sales, trading and banking across the entire capital structure, while also investing in special situations
- Directed research group through 1996, producing unique, relative value research
- Launched investment banking effort in 1997, raising over \$300 million of private capital

E.F. Hutton & Company, Inc.

New York, NY

Investment Banking Associate; High Yield Trader

1984-1987

Chemical Bank

New York, NY

Financial Institutions Group Commercial Loan Officer

1980-1983

EDUCATION

The Amos Tuck School of Business Administration at Dartmouth College

Hanover, NH

M.B.A., Finance

1983-1985

The University of Pennsylvania

Philadelphia, PA

B.A., European History and International Relations Major; Chemistry Minor

1976-1980

Varsity Lightweight Crew

Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Campbell Sutton

Home Phone: 508 228 3013

Mailing Address: 15 Appleton Rd

Alternate Phone: 508 ⁶⁸⁵ ~~228~~ 5108

Email Address: lcoastpaper@gmail.com Date Submitted: 5/27/2022

REQUESTING APPOINTMENT TO: 1 yr open seat on Planning Board

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

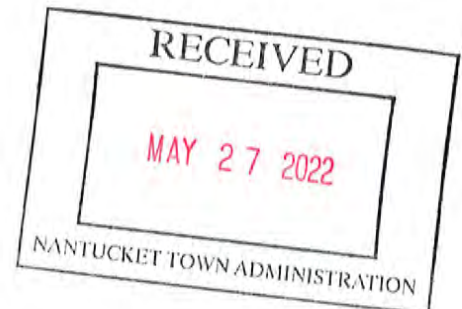
Please see attached

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 - Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
-



May 26th, 2022

Dear Select and Planning Board Members,

As you know, there is one seat on the Planning Board which is open for a 1 year appointment. I would ask to be considered for this position.

As stated in my application for re-appointment and reiterated at the bottom of the page, I feel I have gained enough experience as an alternate on the Board to be an effective replacement for Mr. McClure. While I don't have the background experience in Law which both he and Ms. Wegner have had, I would continue to represent a constituency similar enough in thought to be an appropriate alternative.

Late this winter, I participated in an 8-session "Strong Towns" forum at the Nantucket Atheneum which I found very enlightening. While its focus was primarily on urban development and concerns, I felt the underlying issues/agendas were applicable to urbanizing rural towns such as our own. A few of the things that stood out were as follows:

First, implementing change through Town, State, or Federal structures is often slow due to the Process. It takes time, just like procurement, there are specific steps and time schedules that have to be adhered to.

Second, conversations with Community are difficult to structure through Public Comment, Public Hearings, or Public Meetings due to Robert's Rules, which restrict the back and forth dialogue needed for mutual understanding between citizen's and the Boards/Commissions/Committees their addressing.

Third, when you can't get the funding for the big thing you want, ask "what's the next smallest thing we can ask for?".

Fourth, when facing the challenges/complaints around excessive traffic, as the Mayor of a small Washington State city related, folks think "it's not my car(s) that's the problem, it's yours"!

So true, so true. A sentiment that can be applied to others issues as well.

If you're wondering, why does this matter??

Well, I'm not really sure, but it says that I'm continuing to grow my knowledge as both a citizen and Board member, I'm open to new ideas and ways of thinking about a problem as well as how to adjust aspects of big city solutions to our town; keeping it relevant, keeping it rural.

I've said for decades that Nantucket is a microcosm of the rest of the country, not an anomaly insulated from the issues and concerns present nationally. And therefore, can benefit from the lessons learned and solutions applied in other communities large and small, so long as we adjust them to be representative of the Island and Community we know and love.

May 26th, 2022

As far as what I would hope to accomplish if appointed to the Board? I would like to encourage a more nuanced approach to Zoning Districts. As the island grows and develops, I believe we need to consider moving away from a "one size fits all" concept and towards a more refined application of zoning principles in smaller residential districts. Also, I would like to see guidelines developed that address the scraping and clear-cutting of property from lot line to lot line, the codification of 10 to 20 foot natural/vegetative buffers between sub-divisions and their neighbors. I would work to develop regulations around "pool" (or perhaps more digestibly, outdoor entertainment and recreational areas) that would officially align them with existing Noise and Dark Skies regulations, determine placement of equipment possibly away from set-backs, in smaller structures (which are exempt from G.C. ratios), and most importantly, the capture and treatment of pool/spa/hot tub water that is released into the environment all over the island at least twice a year on opening and closing, more often in cases of repairs. This is a big issue which affects our well-head districts, watershed areas, and harbors. I understand that it will take time to understand the scope of the issue and to develop actionable solutions, but I believe it is essential to address.

Obviously this position would require an increased commitment of time and effort and, as a person known to meet the demands of the moment, I would adjust my schedule as necessary.

Thank you for your time in considering my application.

Reiterated for your convenience:

I have been an alternate for the last 4 years and in that time have been well prepared for each meeting, have missed fewer than 3 meetings, gained a working knowledge of the regulatory nature of the Planning Board, and contributed thoughtful comments and questions. If I have questions about some aspect of an application in the packet, I reach out for answers before the meeting. Through this process, I've developed an understanding of the zoning districts, the Board's influence in Special Permit applications, the parameters around garage apartments, secondary & tertiary dwellings, as well as its limitations in ANR (approval not required) applications.

As an Alternate, I've consistently advocated for bike racks at commercial establishments and multi-family/employee housing units, funding from applicants for pedestrian ways where appropriate, consolidation of curb cuts especially in high traffic areas and across multi-use paths or sidewalks, and healthy living accommodations for those in dense residential zoning districts.

NANTUCKET SELECT BOARD

Policy Statement and Procedures for Appointments to Committees, Commissions, Boards Adopted: May 19, 2021

BASIC GOAL

To encourage active citizen participation and involvement in local government affairs by encouraging local residents with expertise, skills, interest, and energy to seek appointment to the Town's Committees, Boards and Commissions. And, to expand the Town's outreach to its citizens to ensure that we engage as many diverse perspectives as possible to build and encourage awareness, understanding and appreciation through a lens of diversity, equity and inclusion.

POLICIES IN SUPPORT OF THE BASIC GOAL

- A. The Town will maintain a recruiting system, known as the Volunteer Talent Bank (Talent Bank), to find and appoint interested local residents who are best qualified by education, training and experience to contribute effectively to the work of the committee, commission or board. To the extent practical, the Select Board shall announce its intention to meet candidates for appointment and allow them to introduce themselves and review their applications no less than two weeks in advance of appointments.
- B. When an announcement is made by the Board regarding any vacancies, the Board will require that applicants file a Committee Appointment application. Following a public meeting with the applicant(s) at which the Board may ask questions, and/or the applicant may ask questions, a candidate shall be selected in accordance with the following procedure:

RECOMMENDED VOTING PROCEDURES FOR ANNUAL APPOINTMENTS

- 1. The Board reviews a list of openings for annual appointments with a committee appointment timeline in early April.
- 2. In mid-April, members of committees, commissions, boards whose terms are expiring are notified and asked if they would like to apply for reappointment. Incumbent Committee Interest Forms are mailed to all of these members and they are asked to respond in writing to indicate if they request re-appointment, or not. Incumbents need to meet the same deadlines as listed on the committee appointment timeline.
- 3. Annual committee openings are advertised in the local newspaper for four weeks, as well as on the Town website. Additionally, the openings are announced at the Board's weekly meetings starting in mid-April through the end of May.
- 4. Applications will be accepted only by the deadlines outlined in the annual Committee Appointments Timeline for all committees, commission and boards.

5. The Select Board holds two meetings to allow applicants to address the Board and review their applications.
6. Committee appointments are made at the last Select Board meeting of June, which date shall be at least one week after the names and applications of all applicants have been made public.
 - a. At this meeting, the Select Board may appoint, by majority vote, a candidate to fill any seat. Or, the Select Board, at its discretion, may elect to use a paper ballot voting procedure, or vote by e-mail if the Select Board meeting is held virtually.
 - b. The Chair shall ask Board members to submit their written choices for appointment (or to e-mail their choices for appointment to Town Administration in real time if meeting virtually). Each Board member writes their own name on a slip of paper, and then writes down their vote for the applicant(s) and passes their paper ballot directly to the Chair without other members viewing the ballot.
 - c. The Chair reads the paper ballot votes and notes which Board member cast the votes. If meeting virtually, Town Administration staff will read the results into the record, and after announcing how each Board member votes, staff will ask that Board members verbally confirm their votes.
 - d. The candidate(s) with the majority of votes will be appointed.
 - e. Any committee seats not filled will continue to be posted on the Town website and routinely advertised as vacant.

At its discretion, the Select Board may appoint a candidate to any Commission, Committee or Board even if the candidate is not present for the meeting.

RECOMMENDED VOTING PROCEDURES FOR VACANCIES THROUGHOUT THE YEAR

The Board's intent to fill vacancies will be noted on its regular meeting agenda for at least two weeks and applications of prospective candidates will be included in the Board's agenda packet to allow the Board and the public to review the prospective candidates' credentials. The vacancy will also be advertised in the Inquirer & Mirror for a minimum of two weeks as well as on the Town's website. Applications will be accepted only by a certain deadline for all committees, commission and boards.

1. Immediately following a meeting with candidates for appointment, the Select Board may appoint, by majority vote, a candidate to fill any vacancy. Or, the Select Board, at its discretion, may elect to use a paper ballot voting procedure, or vote by e-mail if the Select Board meeting is held virtually.
2. Immediately following a meeting with candidates for appointment, the Chair shall ask

Board members to submit their written choices for appointment (or to e-mail their choices for appointment to Town Administration in real time if meeting virtually). Each Board member writes their own name on a slip of paper, and then writes down their vote for the applicant(s) and passes their paper ballot directly to the Chair without other members viewing the ballot.

3. The Chair reads the paper ballot votes and notes which Board member cast the votes. If meeting virtually, Town Administration staff will read the results into the record, and after announcing how each Board member votes, staff will ask that Board members verbally confirm their votes.
4. The candidate(s) with the majority of votes will be appointed.

At its discretion, the Select Board may appoint a candidate to any Commission, Committee or Board even if the candidate is not present for the meeting.

ADMINISTRATION OF THE VOLUNTEER TALENT BANK

The Town Administration office shall be responsible for the Talent Bank data and all administrative materials, records and processes.

PUBLIC INPUT REGARDING CANDIDATES FOR APPOINTMENT

Any citizen may convey their support or objection of an individual's appointment/ reappointment through written notice to the Town Manager's Office. Town Administration shall forward any written comments concerning appointments/reappointments to the Select Board and to the person cited.

This policy may be amended by the Select Board at any time.

June 22, 2022 – Annual Committee Appointments:

Agricultural Commission

4 Seats Available; 0 Applicants

2 Seats Terms End 2023

2 Seats Terms End 2025

Current Committee Members:

VACANT 2022

VACANT 2022

VACANT 2023

VACANT 2023

Posie Constable 2024

Applicants:

None

Pursuant to Article 61 passed by 2018 Annual Town Meeting, the Agricultural Commission shall be comprised of “three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming.”

Airport Commission

1 Seat Available; 2 Applicants

1 Seat Term Ends 2025

Current Committee Members:

Jeanette Topham 2022 – applied

Anthony Bouscaren 2023

Arthur D. Gasbarro 2023

Philip Marks III 2024

Andrea Planzer 2024

Applicants:

Jeanette Topham – incumbent

Walter S. Flaherty – new applicant

Pursuant to MGL Chapter 90, Section 51E, “Of the members appointed [to the Airport Commission] at least one shall be a person having experience in aeronautics.”

Board of Health

1 Seat Available; 4 Applicants

1 Seat Term Ends 2025

Current Committee Members:

Malcolm W. MacNab, MD, PhD 2022 – not reapplying

Stephen J. Visco 2023

Meredith (Meri) Lepore 2023

Melissa Murphy (SB rep) 2023

James A. Cooper 2024

Applicants:

Ann Smith – new applicant

Kerry McKenna – new applicant

Allyson Bold – new applicant

Richard Ray – new applicant

June 22, 2022 – Annual Committee Appointments:

Capital Program Committee

1 Seat Available; 1 Applicant

1 Seat Term Ends 2025

Current Committee Members:

Stephen Welch (At Large)	2022 – applied
Christy Kickham (At Large)	2023
Richard J. Hussey (At Large)	2023
Peter T. Kaizer (At Large)	2024
Jason Bridges (SB Rep)	2023
Jill Vieth (FinCom Rep)	2022
VACANT (NP&EDC rep)	2022

Applicants:

Stephen Welch – incumbent

Cemetery Commission

1 Seat Available; 1 Applicant

1 Seat Term Ends 2025

Current Committee Members:

Barbara A. White	2022 – applied
Allen Reinhard	2023
Scott McIver	2023
Lee W. Saperstein	2024
Frances Karttunen	2024

Applicants:

Barbara White – incumbent

Coastal Resiliency Advisory Committee

3 Seats Available; 4 Applicants

1 Seat Term Ends 2023

1 Seat Term Ends 2024

1 Seat Term Ends 2025

Current Committee Members:

Ian Golding (ConCom member)	2022
VACANT (PB member)	2022
Matt Fee (SB member)	2023
Peter Brace (HSAB member)	2022
Jennifer M. Karberg, Ph.D (NCF designee)	2022
VACANT (Land Bank member)	2023
VACANT (CapCom member)	2023
Gary Beller (ACNVT member)	2022
Sarah Bois, Ph.D (At-Large)	2022 – applied
Mary Longacre (At-Large)	2022 – applied
Joanna Roche (At-Large)	2022 – applied

Applicants:

Mary Longacre – incumbent
Sarah Bois – incumbent
Joanna Roche – incumbent
Steven E. Leinbach – new applicant

June 22, 2022 – Annual Committee Appointments:

Conservation Commission

3 Seats Available; 8 Applicants

3 Seats Terms End 2025

Current Committee Members:

Seth Engelbourg	2022 – applied
David LaFleur	2022 – no response
Maureen Phillips	2022 – applied
Ashley Erisman	2023
Mark Beale	2023
Ian Golding	2024
Linda Williams	2024

Applicants:

Marcia J. Browne, MD – new applicant
Maureen Phillips – incumbent
Seth Engelbourg – incumbent
Michael V. Misurelli – new applicant
Joseph W. Plandowski – new applicant
Burton Balkind – new applicant
Tim Braine – new applicant
Jennifer Porter – new applicant

Contract Review Subcommittee, Human Services

1 Seat Available; 0 Applicants

1 Seat Term Ends 2025

Current Committee Members:

Dorothy Hertz (At-Large)	2022 – applied late*
Linda Williams (At-Large)	2023
John W. Belash (At Large)	2024
VACANT (CHS Rep)	2022
Ruth Tonico (CHS Rep)	2022
Joanna Roche (FinCom Rep)	2022
Bertyl Johnson (NP&EDC Rep)	2022

Applicants:

None

June 22, 2022 – Annual Committee Appointments:

Council for Human Services

4 Seats Available; 3 Applicants

1 Seat Term Ends 2023

3 Seats Terms End 2025

Current Committee Members:

Ruth Tonico	2022 – no response
Joseline Ramirez	2022 – applied late*
Tara Restieri	2022 – applied
VACANT	2023
Claudia Valle	2023
Sindy Rivera	2023
Athalyn Sweeney	2024
Sue Mynttinen	2024
Veronica Bolcik	2024

Applicants:

Tara Restieri – incumbent
Jennifer Porter – new applicant
Amanda Wright – new applicant

Council on Aging

4 Seats Available; 5 Applicants

1 Seat Term Ends 2024

3 Seats Terms End 2025

Current Committee Members:

Diane Flaherty	2022 – not reapplying
Alison K. Forsgren	2022 – applied
Kendra Lockley	2022 – applied
Mary Anne Easley	2023
Nancy Swain	2023
Suzi Spring	2023
Judith Perkins	2024
VACANT	2024
Linda Williams	2024

Applicants:

Kendra Lockley – incumbent
Arlene O'Reilly – new applicant
Robert M. Kucharavy – new applicant
Alison K. Forsgren – incumbent
Laura Holden – new applicant

June 22, 2022 – Annual Committee Appointments:

Cultural Council

3 Seats Available; 3 Applicants

3 Seats Terms End 2025

Current Committee Members:

Jordana Fleischut	2022 – applied
Justin Cerne	2022 – applied
Sarah Ellis	2022 – applied
Michael Kopko	2023
Emma Young	2023
Tony Wagner	2024
Ava Rollins	2024

Applicants:

Justin Cerne – incumbent
Jordana Fleischut – incumbent
Sarah C. Ellis – incumbent

Finance Committee

3 Seats Available; 2 Applicants

3 Seats Terms End 2025

Current Committee Members:

Stephen Maury	2022 – applied late*
Christopher Glowacki	2022 – applied
Jill Vieth	2022 – applied
Denice Kronau	2023
Joanna Roche	2023
Joseph T. Grause, Jr.	2023
George Harrington	2024
Peter A. McEachern	2024
Peter N. Schaeffer	2024

Applicants:

Christopher Glowacki – incumbent
Jill Vieth – incumbent

Historic District Commission Associate

1 Seat Available, 0 Applicants

1 Seat Term Ends 2025

Current Committee Members:

VACANT	2022
Jesse Dutra	2023
Carrie Thornewill	2024

Applicants:

None

June 22, 2022 – Annual Committee Appointments:

Nantucket Affordable Housing Trust

4 Seats Available, 6 Applicants

1 Seat (At-large) Term Ends 2023

2 Seats (At-large) Terms End 2024

1 Seat (Realtor) Term Ends 2024

Current Committee Members:

Reema Sherry (At-large)	2022 – applied
Shantaw Bloise (At-large)	2022 – applied
VACANT (At-large)	2023
Brian Sullivan (Realtor)	2022 – applied
Brooke Mohr (SB Rep)	2023
Penny Dey (Housing Authority)	2022
David Iverson (NP&EDC)	2022

Applicants:

Shantaw Bloise – incumbent
Brian Sullivan – incumbent
Arlene O'Reilly – new applicant
Jennifer Porter – new applicant
Meg Browers – new applicant
Reema Sherry – incumbent
~~Peter E. Hoey – new applicant~~ - withdrew

Nantucket Historical Commission

2 Seats Available, 4 Applicants

2 Seats Terms End 2025

Current Committee Members:

Hillary Hedges Rayport	2022 – applied
Clement Durkes	2022 – applied
Georgia U. Raysman	2023
David A. Silver	2023
Milton "Mickey" Rowland	2024
Thomas Murray Montgomery	2024
Angus MacLeod	2024

Applicants:

Linda Williams – new applicant
Abby De Molina – new applicant
Clement Durkes – incumbent
Hillary H. Rayport - incumbent

Planning Board Alternate

1 Seat Available, 3 Applicants

1 Seat Term Ends 2025

Current Committee Members:

Campbell Sutton	2022 – applied
Stephen Welch	2023
Carl Borchert	2024

Applicants:

Abby De Molina – new applicant
Elisabeth O'Rourke – new applicant
Campbell Sutton – incumbent

June 22, 2022 – Annual Committee Appointments:

Real Estate Assessment Committee

1 Seat Available, 1 Applicant

1 Seat Term Ends 2025

Current committee Members:

Lee W. Saperstein	2022 – applied
Rhoda H. Weinman, Esq.	2023
Penny Dey	2023
Thomas Barada	2024
John B. Brescher, Esq.	2024

Applicants:

Lee W. Saperstein – incumbent

Roads and Right of Way Committee

3 Seats Available, 3 Applicants

3 Seats Terms End 2025

Current Committee Members:

Allen Reinhard	2022 – applied
Bill Grieder	2022 – applied
Rick Atherton	2022 – applied
Phil Smith	2023
Lee W. Saperstein	2023
Nathaniel Lowell	2023
Edward Gillum	2024
Nelson Eldridge	2024
Rob Ranney	2024

Applicants:

Bill Grieder – incumbent
Allen Reinhard – incumbent
Rick Atherton – incumbent

Scholarship Committee

2 Seats Available; 2 Applicants

2 Seats Terms End 2025

Current Committee Members:

Jeanne Miller	2022 – applied
Rebecca Woodley-Oliver	2022 – applied
Jana Starr Duarte	2023
Kristie Ferrantella	2023
Lee W. Saperstein	2024
Leslie W. Forbes	2024
Margaret (Magee) Detmer	2024
Beth Hallett School Superintendent	

Applicants:

Jeanne Miller – incumbent
Rebecca Woodley-Oliver – incumbent

June 22, 2022 – Annual Committee Appointments:

Tree Advisory Committee

2 Seat Available, 0 Applicants

2 Seats Terms End 2025

Current Committee Members:

Geoff Smith	2022 – no response
John Schichtel	2022 – no response
Michael V. Misurelli	2023
Whitfield C. Bourne	2023
Ben Champoux	2024

Applicants:

None

Zoning Board of Appeals

1 Seat Available, 1 Applicant

1 Seat Term Ends 2027

Current Committee Members:

Susan McCarthy	2022 – applied
Edward S. Toole	2024
Lisa Botticelli	2023
Michael O'Mara	2025
Elisa H. Allen	2026

Applicants:

Susan McCarthy – incumbent

Zoning Board of Appeals Alternate

1 Seat Available, 0 Applicants

1 Seat Term Ends 2025

Current Committee Members:

Jim Mondani	2022 – applied late*
Mark W. Poor	2023
Geoffrey Thayer	2024

Applicants:

None

*** Additional applications for Contract Review Committee (Human Services) (1), Council for Human Services (1), Council on Aging (1), Finance Committee (2) and Zoning Board of Appeals Alternate (1) were received after the deadline and will be considered in July/August.**



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 16 2022

Please return this form to the Town Administration offices by the advertised due date: May 16, 2022
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Jeanette Topham

Home Phone: 508-228-1792

Mailing Address: 29 Hummock Pond Road

Work Phone: _____

Email Address: jtop@comcast.net

Date submitted: 5/16/22

REQUESTING RE-APPOINTMENT TO: Airport Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

My attendance has been consistent and dedicated throughout my tenure on the Airport Commission.

I would like to continue serving on the Airport Commission as I feel I am a voice for the community, young and old. I am approachable and take the time to listen to others concerns and questions about Airport matters.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I have a strong commitment to the community as is evidenced by my many years of service and volunteering on numerous non-profits and community boards. Being a lifelong Nantucketer brings experience, knowledge and ideas.

As a member of the Airport Commission I feel it is just as important to establish and maintain a relationship with the Airport personnel as it is to listen to the concerns of the residents of Nantucket.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am currently a member of the Commission of Disability.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

I have two daughters, a son-in-law, a granddaughter and a grandson all employed by the school system. A grandson is employed by the Fire Department. A grandson is employed by the Wannacomet Water Company. My son, while not employed by the Town, is the FAA manager at the Nantucket Memorial Airport.

Endorsed by the Select Board April 26, 2006.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 20 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

NANTUCKET TOWN ADMINISTRATION

Name: WALTER S. FLAHERTY

Home Phone: 508 228 8272

Mailing Address: 69 MIACOMET AVE 02554

Alternate Phone: 508-228 5555

Email Address: HELLWOOD@VERIZON.NET

Date Submitted: _____

REQUESTING APPOINTMENT TO: AIRPORT COMMISSION

Reasons for Committee Interest

- ① • Have you ever attended a meeting of the committee/board/commission? YES FOR YEARS
- ② • Why are you interested in this committee/board/commission? -
- ③ • Are you prepared to commit to the meeting schedule of the committee/board/commission?

⑤ RECENTLY RETIRED ABLE TO COMMIT TO MEETINGS AND INVOLVEMENT

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

WORKED AT CAPE AIR FOR 24 YEARS
ON INTERVIEWING AND SELECTION COMMITTEE
WHEN CURRENT AIRPORT MANAGER WAS HIRED

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

WIFE - COUNCIL OF AGING

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 9 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Ann Smith **Home Phone:** (917) 207-0254

Mailing Address: 10 Milk Street **Alternate Phone:**

Email Address: mumpers1@gmail.com **Date Submitted:** May 9, 2022

REQUESTING APPOINTMENT TO: Board of Health

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?
- I have attended many meetings of the BOH via Zoom and watched their handling of COVID with interest and admiration.
- After a 30+ year career as a Nurse Practitioner and Midwife I am interested in the health of all Nantucket residents.
- I am a year round resident and can commit to the meeting schedule.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?
- I am a Nurse Practitioner and Nurse Midwife who has deep knowledge about women's health and infectious disease. For the last 20 years I have specialized in women's mental health challenges.
- Health includes mental, environmental and physical health. Having delivered meals for St. Paul's for 2 years I have become aware of the dire conditions that many of our neighbors live with, both elderly and impoverished.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 - Mission Committee of St. Paul's Church, Vice Chair of Fairwinds, former Board Chair and now Committee Chair of Marketing and Communications at Postpartum Support International, the leading organization in the U.S. devoted to maternal mental health. My husband is a member of the Roads and Right of Way Committee and is on the boards of the Nantucket Shellfish Association, Nantucket Community Sailing and Fairwinds.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
 - No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

Please return this form to the Town Administration offices by the advertised due date.

Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Kerry McKenna Home Phone: 201.638.2833 (cell)
Mailing Address: 61 Old South Rd, Ste 325
Nantucket, MA 02554 Alternate Phone: 201.788.6261 (wife cell)
Email Address: kcmckennack@gmail.com Date Submitted: 5/13/2022
REQUESTING APPOINTMENT TO: Board of Health

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Attendance: I have watched a variety of the Board of Health meetings on Zoom from when that option started.

Interest: I have been a volunteer at the vaccination clinic and enjoyed the interactions with the staff and town's people that came for their vaccinations. I also volunteer at the Food Pantry. My past career involved working with families, agencies, schools, etc to identify needs, identify appropriate services and make connections.

Schedule: Yes I am prepared to commit to the meeting schedule. If hybrid meetings are allowed I can attend regardless of off island travel

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Experience: As mentioned above, my career involved working with families, agencies, schools, etc to identify needs, identify appropriate services and make connections. To that end, we developed directories, conducted trainings, built consortiums across stakeholders and developed various forms of outreach to inform the underserved. In most instances we worked with the county Boards of Health or Departments of Mental Health to improve efficiency and ease of service delivery. My team also developed a Post-Secondary Readiness Rubric addressing emotional well being.

Hope: To have a concise, searchable and easily accessible directory of services for the community to use. To improve services to address mental health on the island, especially for youth.

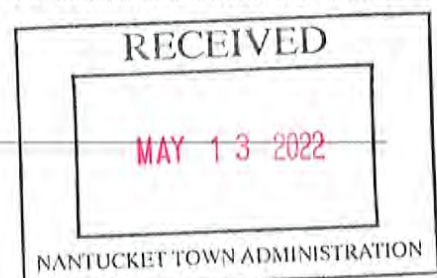
Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

My spouse, Veronica Bolcik, serves on the Health and Human Services Advisory Committee.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No.





**TOWN OF
NANTUCKET
COMMITTEE INTEREST FORM/NEW
APPLICANT**

*For Appointment by the Select
Board*

RECEIVED

MAY 17 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date. Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Allyson Bold

Home Phone: 508-685-9654

**Mailing
Address:** 42 Essex Road

Alternate Phone: _____

Email Address: Allyson025@gmail.com

Date Submitted: 508-685-9654

REQUESTING APPOINTMENT TO: Nantucket Public Health Department

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Please see attached.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Please see attached.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 - Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
-

Reasons for committee interest

- **Have you ever attended a meeting of the committee/board/commission?** I have not attended a live broadcast of the Nantucket Board of Health Meeting; however, I have viewed many after the original airing.
- **What are you interested in this committee/board/commission?** Through my position at Nantucket Cottage Hospital, I was heavily involved with the COVID vaccine clinics at the VFW and Nantucket Cottage Hospital. This involvement has piqued my interest into the inner workings of the Nantucket Board of Health.
- **Are you prepared to commit to the meeting schedule committee/board/commission?** I am prepared to commit to the meeting schedule of the Nantucket Board of Health.

Relevant Experience:

- **What experience, skills, or insight would you bring to the committee/board/commission?** I come to you with a clinical background as a Clinical Laboratory Technologist. I have worked at Nantucket Cottage Hospital since 1999 clinically as the Clinical Laboratory Manager and most recently as the Clinical Lead in the Clinical and Business Technology Department as a project manager, data analyst, quality management state and federal reporter, clinical lead for the electronic medical record and the chair for the patient experience and employee engagement committees. My experience in healthcare both clinically and administratively make me a great candidate for this seat.
- **What would you hope to accomplish on the committee/board/commission?** I would hope to bring my healthcare knowledge and my experience as a 23-year community member of Nantucket to help make informed decisions in the best interest of our community.



**TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT**

For Appointment by the Select Board

RECEIVED

MAY 20 2022

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice*

NANTUCKET TOWN ADMINISTRATION

Name: Richard ray

Home Phone: 508 228 1693

Mailing

Address: 60 miacomet avenue Nantucket Ma

Alternate Phone: Cell 508 221 2199

Email Address: Rray72547@aol.com

Date Submitted: 5-20-22

REQUESTING APPOINTMENT TO: Board of Health

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? YES
- Why are you interested in this committee/board/commission? PREVIOUS EXPERIENCE
- Are you prepared to commit to the meeting schedule of the committee/board/commission? YES

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Nationally licensed Radiologic Technologist – 45 years

Emergency Medical Technician – 23 years

Certified Soil Evaluator – 27 years

Licensed Septic System Inspector – 27 years

Nantucket Health Inspector/Director - 37 years

Certified health officer (CHO) - 37 years

Further refine Fertilizer Regulations – Promote appropriate Covid protocols – Water Quality issues - Human Habitation concerns. Etc.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
Spouse – Tuckernuck Land Trust
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NO

Stephen Welch

P.O. Box 3777-02584
(508) 783-7436 m.

May 20, 2022

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

RE: Capital Program Committee (CapCom) – Reappointment

Dear Members of the Select Board:

My sincere thanks to you for your support of CapCom efforts. And, special thanks to those members who've served on our committee, contributing during our weekly work sessions. Your support and involvement, and that of our Town Manager and Finance Directors too, were instrumental in our committee's maturation over the term of my involvement.

With regard to my candidacy and future service, I ask you to consider the following:

- At CapCom, as you may know, like you we do not measure success by what is approved for funding at ATM or the annual ballot. Our overall goals are i) to review and promote funding on the merits of any particular request, *but also* ii) to help develop a comprehensive management and long-range planning apparatus.
- I've submitted my application for reappointment contingent on our sharing and pursuing those goals in our respective roles, in concert.
- Please consider the foregoing in light of recommendations CapCom provided over the last several years (within our annual reports—attached for convenience), which you have adopted; but also, whether you are willing to provide full-throated support for implementing those recommendations and similar, important initiatives.
- If you determine this approach beneficial, I am thrilled to continue my service to the Town and to our community as a member of this committee.

Regardless the outcome of the appointment process, if I may:

- Appropriate development, and the success, of our Capital Improvement Plan depends on overcoming the day-to-day, weekly, and monthly challenges and distractions we face as individuals and as a municipality—staying on task—this, in order to make measurable advances on important action-items and goals.
- Our timely actions are essential to such outcomes, and more so as our capital investments become more complex, more costly, and in many instances, more urgent.

I am writing to ask for your support in these matters, and the support of our Town Manager too, and if granted, then my reappointment.

Very truly yours,

Stephen J Welch

Stephen J. Welch

Att. (4 pages)

PROCEDURAL RECOMMENDATIONS

CAPCOM AFFIRMS PRIOR YEAR COMMENTS & RECOMMENDATIONS

As stated in previous CapCom reports, the Town's aging and lack of certain essential infrastructure and equipment require appropriate capital investment—including purchase, maintenance, and replacement—while Nantucket's rapidly growing year-round and seasonal population provides constant pressure on the Town for other, new capital infrastructure and inventory. Not widely factored, currently—but to begin to come into focus—are costs to build our community's coastal resiliency and determine timely, adequate hazard mitigation measures; these remain relatively new concerns in response to changes to our natural environment. Whether it is more frequent severe storms or coastal flooding, or other hazards, the Town and community recognize the need to protect our built and natural resources by adaptation, mitigation, and other means; of course, these protections come at a cost. In addition, costs to remediate various environmental conditions are required with likely quick and substantial escalation. As a result of these circumstances, the Town's capital needs will continue to increase in a relatively dramatic fashion for a sustained period. Faced with these challenges and the associated expenses, and the stewardship of responsible governance, a robust, comprehensive, and effective Capital Improvement Plan (CIP) remains essential. Essential too, is highly-effective management of capital assets as exist, and that are acquired or constructed—improvements have been made but attention is still required. Professional fiscal management objectives of the Town's FP&P lay the groundwork; faced with these growing pains, including as a result of effects from the natural world, our shortcoming is management capacity. In conjunction with existing programming, in keeping with the intent of objectives under the FP&P, to help develop the CIP-process to its intended capacity, and in the interest of smoothing the capital planning process and its impacts, we make the following recommendations:

- *Annual Process - Timeline.* Revisit in early 2022 to determine schedule enhancements including to reevaluate and adjust information-gathering schedules and procedures as necessary to help ensure completion of CapCom's actions as required under the FP&P.
- *Biennial Procedure - CIP Capacity & Funding Analysis.* To reasonably inform CapCom recommendations, biennially model the 10-year CIP to include a 5-year outlook of revenue and expenditure projections (including sub-reports for debt burden, prospective debt issuance, and other relevant metrics) with results presented to CapCom; it is understood and acknowledged that the Town's Finance Director performs more regular, shorter-term modeling of this nature. (See too, *Development of Reliable 10-Year Capital Improvement Plan (CIP)* below.)
- *Biannual Procedure - Capital Project Status Reporting.* Better develop current biannual reporting sessions to monitor approved requests (to include expenditures to-date, the necessity for supplemental funds, scheduling exceptions, and discontinuances of projects or any severe problems, if any) to help identify capital planning shortfalls; foregoing, drawing on an active, readily accessible list of past years projects and their status.
- *System-wide Capacity - Centralize Capital Asset Management.* A result of growing pains and not a matter of blame, the Town's capital asset management is fractured in various regards and important tasks are regularly subject to competing priorities; these circumstances

PROCEDURAL RECOMMENDATIONS

CAPCOM AFFIRMS PRIOR YEAR COMMENTS & RECOMMENDATIONS (CONT.)

undermine capital programming proficiency, forming obstacles to timely, cost effective deliverables. Even simpler request and reporting duties are impaired. With too limited capacity and resources, reasonably comprehensive management of the Town's existing and rapidly expanding capital inventory is unrealistic. These and other negative effects will worsen as the number, cost, and complexity of capital projects increase. Action is required; capital programming needs to be an ongoing process with appropriate resources. A common enterprise-level solution is centralized capital asset management, which streamlines capital programming, budgeting, and sustainability, leveraging dedicated resources to eliminate issues—such as the Town currently experiences—while preempting other issues and problems. Inclusive, rapid development of certain best practices or Nantucket's version are paramount—anything worth doing is worth starting, even imperfectly. Specific examples include deployment of a comprehensive Town-wide capital asset needs assessment (CANA), and from this data set a centrally managed asset management plan (AMP)—from which the capital planning process is administered. This level of investment is required for easier, effective, timely and informed decisions by leadership and to enhance performance of the Town's capital investments—to help ensure high-value returns to the community while helping constituents understand capital needs and the utility of improved community-wide resources. The Town's capital asset portfolio, its management, and future investments are otherwise too unwieldy.

Carefully developed and implemented, these recommendations create efficiency, savings, and still needed relief, along with increased credibility among taxpayers, ratepayers, and others—facing a spiral in capital investment these and other initiatives will prove immensely helpful. While some of the recommendations involve procedural changes absorbable through longer-term scheduling of processes, others require funding to complete stated objectives. In all regards, CapCom suggests special attention is required to limit priority-related conflicts among and between Town staff and other resources, and more so during times of cyclical responsibility (e.g., preparation and presentation of the annual operating budget and for Town Meetings, etc.).

Note: The foregoing recommendations were listed within CapCom's FY19 Report & Recommendations, in greater detail, and subsequently summarized (largely as above) in the CapCom's FY20, FY21, and FY22 Report & Recommendations. Inclusion herein above is a strong affirmation of the Town's needs and CapCom's related recommendations, which by their nature are meant to identify and inspire related, important actions. In the face of quickly escalating capital investment requirements there is a need to better equip current and future municipal leaders and decision makers with sufficient tools to act effectively, to enhance and protect the Town's capital assets, and realistically plan for Town's future.

PROCEDURAL RECOMMENDATIONS

UPCOMING YEAR - ADDITIONAL COMMENTS & RECOMMENDATIONS

- *Expansion of RORI.* See comment earlier in the body of the report, provided topically under Statement of Procedures: Prioritization & Ranking.
- *Further development of the Capital Project Request Form Relational Database.* In 2017, with bright eyes CapCom undertook to overhaul the departmental-level capital request form, conceiving it as a portal of information to a comprehensive capital projects data-collection and program management tool. The request form interface is completed, providing various benefits, not the least of which is the elimination of duplicate data entry and minimization of potential human error. The database was/is intended to be an interactive repository of 'all things capital' (past, present, and 'likely future'), to provide collection and reporting efficiency and features not currently available. Of note, regards recommendations, regular reports (templated to meet Finance, SE, FinCom and CapCom needs) are relatively easily obtainable with potential to cover the entire capital planning process (from submission through financial analysis, ranking, funding source projection, to assist in rapid debt modeling, and to inform other interested public bodies). Presently, while not disparaging efforts or advances to-date, the database is under early-stage development; RORI-processing, capital request inputs by department heads, and access for their review by Finance and CapCom have been the primary focus.

So far, RORI inputs and basic management, and relatively gross reporting capabilities are proofed and in use. Properly developed, the database solves for resource conflicts, freeing professional staff for other important tasks while providing timely information access. One of many important elements is to include capital-request-related personnel costs, using an efficient click-to-enter interface for reporting capabilities, to inform Town Manager /Finance Director, Select Board and FinCom budgetary reviews. Another is automated reports to the Select Board, and FinCom, including Prior Year Appropriations w/Expenditures To-date, and direct access to individual capital request forms. Department-level training and access is imperative.

- *Review Town's Debt and Reserve Policy in context of Capital Reserves.* (Self-explanatory.)
- *Development of Reliable 10-Year Capital Improvement Plan (CIP).* It is fair to state the current 10-year CIP is less a plan than it is a partial list of likely future capital projects. This state of affairs directly reflects the lack of capital programming capacity and resources within the Town. MA DOR advises a reasonably accurate 10-year CIP is required for adequate planning of municipal finances. And, facility and department-level equipment and infrastructure management plans, each based on well-developed and properly completed and maintained capital asset needs assessments, are essential to the successful development and efficient use of a municipality's 10-year CIP. Provided adequate resources, development of such a plan, focused for various utility to two 5-year increments, is obtainable and broadly beneficial. An updated version of the 10-year CIP was not available at the time of printing this report.

PROCEDURAL RECOMMENDATIONS

UPCOMING YEAR - ADDITIONAL COMMENTS & RECOMMENDATIONS (CONT.)

CapCom acknowledges its recommendations may seem ambitious and understands outcomes cannot happen overnight; still, we strongly support the Town's regular steps towards enterprise-level capital asset management practices—even small regular steps help to form a material outcome.

Given additional vision and resolve, the proficiency and effectiveness of the Town's Capital Management Program are limited only by the appropriateness of resources engaged in the endeavor; properly administered over time, dramatic savings—including to help fund the capital asset management program itself—may be realized.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Board of Selectmen

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Stephen Welch

Home Phone: 508-228-1001

Mailing

Address: PO Box 3777, Nantucket, MA 02584

Work Phone:

Email Address: steph@welch-associates.com

Date Submitted: 05/20/22

REQUESTING RE-APPOINTMENT TO: Capital Program Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

- Regular attendance, serving as Chair.
- Interests include: Best practices in procurement, construction, maintenance of capital assets, for the Town's future fiscal health, and for appropriate services to its citizens, businesses, and visitors; and, development, planning, and maintenance, including best practices, of and for a comprehensive Capital Improvement Plan (CIP). That's detailed version, shorter being--an interest in capital asset stability and stewardship.
- I believe material contributions (mentioned below, and others) can be refined and expanded during a new term, subject to SB and Town Manager's active, full-throated support.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

|Various contributions to-date, including to bring forth concepts adopted/in practice:

- Standardized CapCom's 'Annual Report & Recommendations', including expanded content.
- Establishment of CapCom/Town 'departmental liaisons', to review current and out-year capital requests in situ, helping to foster thorough understanding of department needs and provide supplemental insight to CapCom as a public body.
- Designed and deployed an Analytical Hierarchy Process model to order, evaluate, prioritize and ultimately rank capital requests in a transparent, unbiased manner, resulting in a Ranking of Relative Importance (RORI), which informs CapCom deliberations.
- Relational Database: In-process, under TON funding, interactive repository of 'all things capital' (past, present and 'likely future') providing data-collection and reporting of the entire capital planning process (submission thru financial and project impact analysis, ranking, funding source projection and allocation, and to inform, or conceivably even manage, procurement and project management, inventory, and lifecycle management).

|Process & methodology best practices, to expand or include:

- CIP Capacity & Funding Analysis (granular, forward-looking fiscal modeling of relevant metrics to assist in determinations for the 10-year CIP).
- More robust, but not unwieldy, Capital Project Status Reports (incl. project monitoring, exceptions, and to identify planning strengths, weakness).
- Strategic Integrated Planning Sessions (SIPS): Short, workgroup sessions to evaluate and make recommendations upon capital investments within or arising from strategic and master plans (including coastal resiliency and hazard mitigation plans); little bit more of one hand knowing the other than CapCom currently involved in; short SIPS to start.

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

TON: Planning Board (Alternate), Historic District Commission (elected)

Non-TON: NHA, NAREB, Maddequet Admiralty Association.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

Yes, I am employed as a Local Building Inspector by TON Building Dept./PLUS.

Endorsed by the Board of Selectmen April 26, 2006



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 26 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Barbara A White

Home Phone: 508 228 3286

Mailing Address: P.O. Box 1251, Nantucket 02554

mobile
Work Phone: 508 287 1950

Email Address: bw_cps22@yahoo.com Date Submitted: 4-25-22

REQUESTING RE-APPOINTMENT TO: Cemetery Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I have missed very few meetings, especially so, since March 2020, we have meet via zoom. So, when I've been away. I've been able to "attend."

I wish to continue to be on the commission as it has been interesting and we are in the midst of several projects - some on-going and hopefully some new

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I am an NHTA Research Fellow which helps in terms of how historic our public cemeteries are. I taught on the island for 33+ years, as well. I have been a steadfast member of the Commission.

Potential Conflicts of Interest

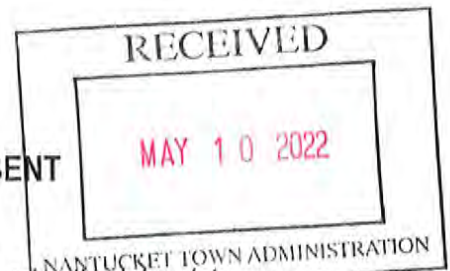
- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

we both receive pensions from our service as public school teachers.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Mary Longacre

Home Phone: 228-4841

Mailing Address: 18 Polliwog Pond Rd, 02554 Work Phone: —

Email Address: ML@MARYLONGACRE.COM Date Submitted: 5/9/22

REQUESTING RE-APPOINTMENT TO: Coastal Resilience Advisory Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? ALL MEETINGS BUT ONE
- Why do you want to continue serving on the committee/board/commission?

I look forward to the implementation of the recommendations of the Coastal Resilience Plan and the feasibility study for the Downtown Neighborhood Flood Barrier. I believe I will be able to offer constructive input.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I have been the Chair of the committee for three years. I have connected us with various off-island speakers who have enriched our understanding of the challenges we face from climate change and how we can approach them. I have used my skills in meeting facilitation to guide the committee meetings. I have also tried to build and strengthen connections between local groups concerned about sea level rise + coastal resilience

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

NP&EDC member, Executive Committee of the Nantucket Civic League member

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Sarah Bois

Home Phone: 508-560-0683
(cell)

Mailing Address: 3 Wapposett Circle

Work Phone: 508-325-0873

Email Address: stbois@11nf.org

Date Submitted: 5/13/22

REQUESTING RE-APPOINTMENT TO: Coastal Resiliency Advisory Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I have attended almost all meetings of the CRA only missing a handful due to unavoidable schedule conflicts.

Now that the CR plan has been adopted, the dissemination and implementation work is just beginning. My skills and interest in science communication could be well-used now. I am also passionate about ensuring work + projects serve our entire community. There is a lot of work to be done in DEI + for coastal resiliency work.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I created the Education subcommittee lending expertise there. I have contributed my knowledge as a scientist, a small business owner, and science communicator.

In the time I have served on CRAC, I have helped with the CR plan, contributing information to the consultants and helping disseminate the resulting plan + info to the community in a variety of ways.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. I serve on the TON Visitor Services Advisory Committee. I work for the Lindaloring Nature Foundation. I am a member of the Nantucket Cons. Foundation, the Nant. Shellfish Assn., Nantucket Land Council.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

Endorsed by the Select Board April 26, 2006.

RECEIVED

MAY 13 2022

NANTUCKET TOWN ADMINISTRATION



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 19 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Joanna Roche

Home Phone: 413 441 4531

Mailing Address: PO Box 3772 Nantucket
02584

Work Phone: 413 441 4531

Email Address: januaryjo29@gmail.com Date Submitted: 5/18/22

REQUESTING RE-APPOINTMENT TO: Coastal Resiliency Advisory Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? I've missed 2 meetings.
- Why do you want to continue serving on the committee/board/commission?

I am very engaged in the work of the committee and bring a lens of both finance + sustainability. My knowledge of the landscape, people, and politics of Nantucket is very helpful. I believe strongly that Nantucket keep this issue top of mind in terms of planning + decision making.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

My communication, financial, planning + strategic thinking skills are part of what makes me a good committee member, passion + dedication for Nantucket + our community make up the rest. I think my realistic + practical perspective on layering these issues over the normal

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

FINCOM

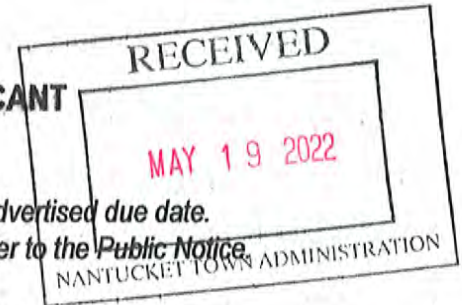
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO

everyday operations of Nantucket has been a positive contribution to the committee. Thank you for the opportunity to serve.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Steven E. Leinbach

Home Phone:

Mailing Address: 52 Monomoy Rd. Nantucket, MA 02554

Alternate Phone: 508-325-1922 cell

Email Address: polpis@mindspring.com

Date Submitted: 05/19/2022

REQUESTING APPOINTMENT TO: Coastal Resiliency Advisory Committee

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

- I have attended and participated in many Coastal Resiliency Advisory Cmt. meetings and workshops.
- My family has owned water front property on the harbor since 1949 and I am very concerned about the adverse affects of climate change and sea level rise.
- I am prepared to commit to the meeting schedule

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

- As stated above I have watched with alarm how quickly we are being affected by climate change and sea level rise.
I have been on the waters of Nantucket my entire life and have been a Charter Fishing Captain for the last 30 years here.
I have witnessed first hand the rapid acceleration of change in higher tides, erosion, and property loss in the last 10 years.

(over)

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am currently a board member of the Monomoy Civic Association

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

- I believe that with planning and action we can do a lot to help mitigate what Mother Nature has coming our way and I think that my lifetime of experience on Nantucket and its waters would provide me the tools to be of assistance to the Coastal Resiliency Advisory Committee.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Marcia J Browne, MD

Home Phone: (617)939-4139

Mailing

Address: 16 Circuit Rd Chestnut Hill, MA 02467

Alternate Phone: (508)257-0149

Email Address: mbrowne@mgh.harvard.edu

Date Submitted: 03/20/2020

REQUESTING APPOINTMENT TO: Conservation Committee

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? I have attended on zoom.
- Why are you interested in this committee/board/commission? See below.
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes.

Environmental issues have been very important to me throughout my adult life. Now that I have more time, I am interested in giving my time and energy to these issues that I care deeply about. I have loved Nantucket for its natural beauty for many years and have found it sustaining to visit here. During the time I worked at Nantucket Cottage Hospital (4 years as an Oncologist from Mass General Hospital), I was privileged to get to know the residents of Nantucket and to hear their perspective on many topics. I now wish to devote time and energy to help to sustain Nantucket environmentally as best as it can be done in the upcoming years.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

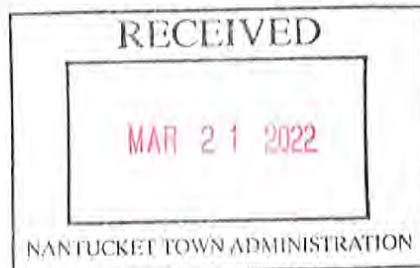
During my career as an oncologist, I have learned to problem solve in the best way for all parties involved. Caring for patients takes objective analysis of scientific data, incorporation of data with the patient's personal needs and desires, and working with a multidisciplinary team to devise the optimal approach to treatment. I believe this experience can be applied to many situations, particularly to conservation issues where there are scientific facts to incorporate but also realistic life issues to take into account.

I would hope to accomplish, as part of a team, an approach to preserving Nantucket in the face of a challenging climate environment over the next years.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. No local committees or boards.
Non-profit memberships: International Rescue Committee, Advisory Board; Global Oncology;
American Association for Cancer Research; American Society of Clinical Oncology.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No.





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Maureen Phillips **Home Phone:** 5082287023

Mailing Address: 30 Long Pond Drive **Work Phone:** 6173203338

Email Address: maureen.phillips@icloud.com **Date Submitted:** April 11, 2022

REQUESTING RE-APPOINTMENT TO: Conservation Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? 90-95%
- Why do you want to continue serving on the committee/board/commission?

The adoption of the Coastal Resiliency Plan means the ConCom's work is more important than ever. Executing the CRP will be a daunting task for all levels of town government. We need ConCom members who are both experienced and knowledgeable about the protections provided by the Nantucket Wetlands by law and the Mass EPA who will be able to help with these novel issues. Also, I have learned so much from my fellow commissioners, as well as from the applicants and their experts; I very much want to continue to do so and use that knowledge.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I believe my legal background, which includes a Masters in environmental law (magna cum laude), has proven useful in our deliberations.

Also my years of corporate experience in regulation, finance and negotiations has given me insight into working with business people and their priorities.

Having served on corporate committees which must address a variety of sometimes conflicting issues has given me the experience and professionalism to do so on the ConCom.

I have also attended meetings/classes of the Massachusetts Association of Conservation Commissioners which has proved to be educational as well as an opportunity to meet commissioners from all over the Commonwealth.

Potential Conflicts of Interest

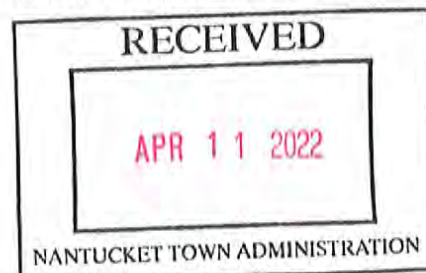
- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am a member of the TON wind turbine working group and on the board of directors of the Madaket Conservation Association.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

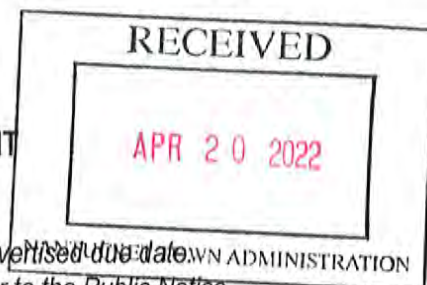
No

Endorsed by the Select Board April 26, 2006.





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Seth Engelbourg

Home Phone: (617) 584 - 0322, Cell

Mailing Address: 19 Gray Ave Unit A, Nantucket, MA 02554

Work Phone:

Email Address: sengelbourg17@yahoo.com

Date Submitted: 04/20/2022

REQUESTING RE-APPOINTMENT TO: Conservation Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?
- During my current three year term, we have had 96 meetings to date. I have only missed two of them; and therefore have attended 98% of all scheduled meetings. At each of these meetings I have arrived fully prepared, having read all application materials, consulted applicable regulations, and completed a site visit when appropriate. During meetings I have been an actively involved participant and have strived to make fair and consistent decisions based on our regulations.
- My main motivation to continue serving on the Conservation Commission is to sustain and strengthen the protections for our critical wetland areas that we are charged to protect. Over the past three years, I have learned a considerable amount regarding the Wetlands Protections Act, the Nantucket Wetland Regulations, and the resource areas themselves. As we continue the process of updating our local regulations, this knowledge will be incredibly useful. I have greatly appreciated the opportunity to be involved with local government and hope to continue to have the chance to do so. As an ecologist and environmental educator, I have aimed to always approach applications with a scientific mindset. I feel that this perspective is critical to successful decision-making outcomes and wish to continue to be able to apply it as a member of the Conservation Commission.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?
- Throughout my term, I have brought a scientific perspective and deep understanding of Nantucket's ecology to the Conservation Commission. I have endeavored to review applications clearly and thoroughly, while also being innovative in determining ways to apply our regulations that achieve maximum benefits for wetland protection. Several of my innovative approaches and positions have since been accepted by both Commission members and project applicants as common practice. As one of the only professional scientists on the Commission, my knowledge of native flora and fauna has aided the Commission in conditioning projects so that they do not have adverse impacts on resource areas. I have also sought continuing education through the Massachusetts Association of Conservation Commissioners (MACC), having attended their annual conferences and training programs. So far, I have completed five out of the eight required units for MACC's Fundamentals for Conservation Commissioners program, and plan to take the remaining three courses if re-appointed to the Commission. As the youngest currently-serving Commissioner, I feel that I have brought a diverse viewpoint, set of skills, and life experience to the Commission.

Continued on next page

- I have helped the Conservation Commission in its goal to protect Nantucket's wetland resource areas by thoroughly reviewing applications, helping write robust Orders of Conditions, employing our regulations in ways to promote maximum environmental benefit, and evaluating where our regulations need to be updated in order to be more resilient. As climate change and sea level rise continue to impact our island, innovative ideas that are well-rooted in the appropriate regulations are critical. Over my term, I feel that I have consistently brought these to the table. I have always listened to and respected alternate viewpoints, from fellow Commissioners, project representatives, and the public. Lastly, I have always made decisions on the basis of our regulations rather than my personal opinions, which has enabled us as a Commission to work transparently for the public good.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am employed by the Linda Loring Nature Foundation.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

Endorsed by the Select Board April 26, 2006.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: MICHAEL V. MISURELLI Home Phone: 508.221.0175

Mailing Address: 3 SUNNYSIDE DRIVE Alternate Phone: 508.221.0175

Email Address: MIKE@JM-LANDSCAPESERVICES.COM Date Submitted: _____

REQUESTING APPOINTMENT TO: CONSERVATION COMMISSION

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? *YES*
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission? *YES*

I HAVE 30 PLUS YEARS LANDSCAPING AND HORTICULTURE EXPERIENCE ON NANTUCKET AND AN ONGOING COMMITMENT TO COMMUNITY SERVICE. NANTUCKET FACES MANY CHALLENGES RELATED TO CLIMATE AND CONTINUED GROWTH THAT THE CONCOM CAN APPROACH SENSIBLY.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission? *SEE ABOVE*
- What would you hope to accomplish on the committee/board/commission?

COOPERATION IN THE CHALLENGES FACED BY THE COMMISSION BY THE GROUP.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. *TREE ADVISORY, FERTILIZER ADVISORY*
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? *NO*



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

RECEIVED

MAY 12 2022

TOWN OF NANTUCKET TOWN ADMINISTRATION

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Joseph W. Plandowski

Home Phone: _____

Mailing Address: 10 Thistle Way, Nantucket

Alternate Phone: cell 847-840-3077

Email Address: jwpmail@gmail.com

Date Submitted: May 12, 2022

REQUESTING APPOINTMENT TO: Conservation Commission

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?
 - Conservation on this island is critical
 - Climate change presents challenges to our beaches, wetlands, residences and commerce
 - My agenda for being on this commission is to do what's right for this island's residents
 - Understand the time commitment involved
 - A year-round island resident

Relevant Experience

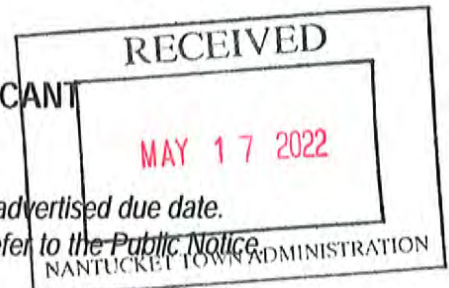
- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?
 - Bring common sense to regulations based on my technology and business background
 - Installed solar panels on my house to reduce commercial electrical power consumption
 - Have a BS in Mechanical Engineering and a Master's in Business Administration
 - Co-founded two companies which I still own; one based on island

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 - A member of the Town's Cannabis Advisory Committee
 - Volunteer at the Nantucket Lightship Basket Museum (pre NHA affiliation)
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
 - No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Burton Balkind

Home Phone: —

Mailing Address: PO Box 3429

Alternate Phone: 508 325 3071

Email Address: burtonbalkind@yahoo.com Date Submitted: 5/17/22

REQUESTING APPOINTMENT TO: Conservation Commission

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have attended most Commission meetings the last 5 years. I have a degree in Earth Science and I am very interested in wetland, and the laws. I will commit to weekly meetings.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I would bring my background as resident who has followed the commission for years. I am in the process of getting accredited from the Massachusetts Association of Conservation Commissioners, where I am a member.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. I would resign from the Nantucket Coastal Conservancy if appointed.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 18 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: TIM BRAINE

Home Phone: 508-825-5090

Mailing Address: PO BOX 103, SIASCONSET,
MA 02564

Alternate Phone: 917-674-7292

Email Address: TIMBRAINE@GMAIL.COM

Date Submitted: 5/18/2022

REQUESTING APPOINTMENT TO: CONSERVATION COMMISSION

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

SEE ATTACHED

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

SEE ATTACHED

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

SEE ATTACHED

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

APPLICATION FOR CONSERVATION COMMISSION
GORDON BRAINE (Tim)
10 LILY STREET
SIASCONSET
TIMBRAINE@GMAIL.COM
9176747292

Reasons for Committee Interest

I have viewed some live meetings of the Conservation Commission on Youtube and viewed numerous past meetings as well. I have also been a regular zoom attendee of the Coastal Resilience Advisory Committee for the past 6 months in order to become more familiar with their plans and priorities.

I have been coming to Nantucket since the 1950's and have owned a house here for 25 years, which has been our primary residence in recent years. Nantucket is certainly a beautiful and unique island, but more importantly to me it's a terrific community that works diligently to govern and maintain itself. I'm particularly interested in the issues of sea level rise that will affect Nantucket over the next decades and would like to contribute what I can to find ways to adapt and mitigate the inevitable challenges this will present. Conservation Commission will most certainly be central in creating thoughtful, workable solutions.

I would be prepared to attend all meetings.

Relevant Experience

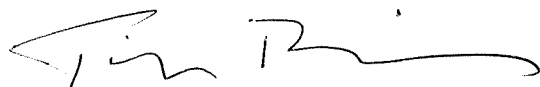
I have no particular expertise in managing wetlands and coastlines. However, while living in New York City, I founded a not-for-profit organization that worked with the Metropolitan Transit Authority to find ways to improve the conditions of the subway stations. While the goals and scale of that effort are quite different than the work of the Conservation Commission, the skills it required are relevant: Understanding complex problems and the interests of multiple stakeholders; having the patience to listen; having the creativity to find solutions and compromise; persuading people to do things they don't at first want to do.

I would hope that I could contribute to the day-to-day work that the commission does but also help tackle the unusual and increasingly complex challenges that are headed our way.

Potential Conflicts of Interest

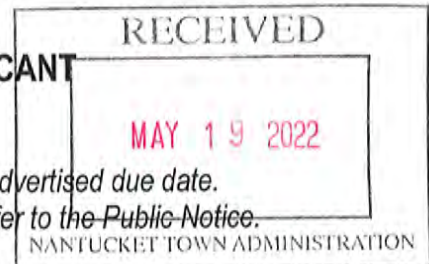
Nantucket Comedy Festival: Founding and current board member.

Neither I or any family member have been on any town committees, employed by the town nor received any financial consideration from the Town of Nantucket.





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Jennifer Porter

Home Phone: 617-480-6561

Mailing

Address: 60 Squam Road, Nantucket

Alternate Phone: _____

Email Address: jporter@bodagroup.com

Date Submitted: 5.19.22

REQUESTING APPOINTMENT TO: Conservation Commission, Council for Human Services, Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? No
- Why are you interested in this committee/board/commission?
 1. Conservation Commission – I'm very interested on how we are protecting open space and natural habitats on the island
 2. Council for Human Services. My work focuses on helping people be at their best and I think I could be helpful.
 3. Nantucket Affordable Housing Trust. I care a lot about affordable housing for the long term sustainability of the island
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes

Relevant Experience

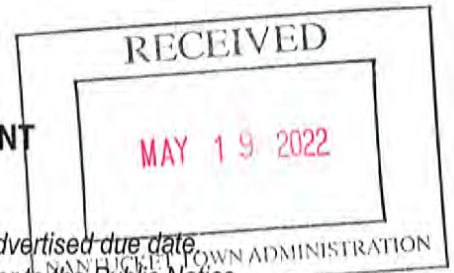
- What experience, skills or insight would you bring to the committee/board/commission?
 1. Conservation Commission – I do not have a background in conservation but I care a lot about it and I'm eager to learn and serve.
 2. Council for Human Services. My work focuses on helping people be at their best and I think I could be helpful.
 3. Nantucket Affordable Housing Trust. I don't have technical expertise in the area but I'm a good business person and problem solver.
- What would you hope to accomplish on the committee/board/commission? We are new to being year-round residents and I want to contribute to helping our island and its residents thrive.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 1. Women's Foundation of Boston
 2. McLean Hospital
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Tara Restieri

Home Phone: 914-646-2233

Mailing

Address: 74A Madaket Road Nantucket, MA 02554

Alternate Phone: _____

Email Address: Tara.restieri@gmail.com

Date Submitted: May 17, 2022

REQUESTING RE-APPOINTMENT TO: _____ Council for Human Services _____

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I participated in my first meeting since appointment in April.

I continue to believe in the mission of the Council and would very much like to continue in my role as a member of the Council.

The mission of the Human Services should be primarily to enhance and support the quality of life of Nantucket residents through support in meeting basic human needs and promoting services that foster self-sufficiency. I have experience as a current and ongoing member of the Town Board of Human Services in Connecticut. I am keenly aware of how to identify the needs of residents and to ensure that adopting policies that are focused on the needs of residents. I am also experienced in working together with our Director to support and make recommendations that allow for the provision of services to Nantucket residents in a necessary but cost-efficient manner.

.....
Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills or insight?

Since retiring from teaching I have given my time and life to civic service. I understand the issues that are important to the residents of Nantucket and believe that I continue to be qualified to serve on the Nantucket Council for Human Services. I genuinely do not believe that I have been on the Council long enough to yet be a great contributor but, certainly plan to bring my experience to the Council.

- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I do feel as if I am just at the beginning of my tenure and have much to contribute.

.....
Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Elected appointments: Greenwich Representative Town Meeting (two year term to began Jan 1, 2022).
Appointed and elected: Greenwich Town Board of Human Services (two year term elected March, 2021).
Appointed, Greenwich Hospital Neighborhood Advisory Council as of October, 2021
Appointed, Town of Greenwich Citizens Police Department Advisory Committee, Appointment to begin 2022.
Emergency Medical Technician, Greenwich Emergency Medical Services and Stamford Emergency Medical Services

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 19 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Jennifer Porter

Home Phone: 617-480-6561

Mailing

Address: 60 Squam Road, Nantucket

Alternate Phone: _____

Email Address: jporter@bodagroup.com

Date Submitted: 5.19.22

REQUESTING APPOINTMENT TO: Conservation Commission, Council for Human Services, Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? No
- Why are you interested in this committee/board/commission?
 1. Conservation Commission – I'm very interested on how we are protecting open space and natural habitats on the island
 2. Council for Human Services. My work focuses on helping people be at their best and I think I could be helpful.
 3. Nantucket Affordable Housing Trust. I care a lot about affordable housing for the long term sustainability of the island
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
 1. Conservation Commission – I do not have a background in conservation but I care a lot about it and I'm eager to learn and serve.
 2. Council for Human Services. My work focuses on helping people be at their best and I think I could be helpful.
 3. Nantucket Affordable Housing Trust. I don't have technical expertise in the area but I'm a good business person and problem solver.
- What would you hope to accomplish on the committee/board/commission? We are new to being year-round residents and I want to contribute to helping our island and its residents thrive.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 1. Women's Foundation of Boston
 2. McLean Hospital
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
No

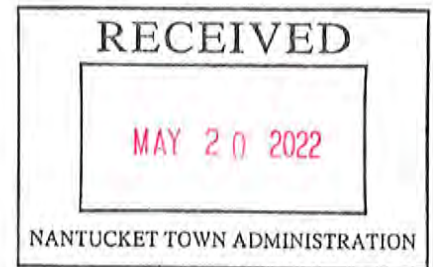
Town of Nantucket, Committee of Interest Form-New Applicant

Name- Amanda Wright

Mailing Address- PO Box 1132, Nantucket, Ma 02554

Home Phone- 617-515-0546

Email- amandabreslinwright@gmail.com



Requesting Appointment to= **Council for Human Services** (Athalyn Sweeney and Brooke Mohr encouraged me to apply)

Reasons for the Committee Interest-

I have attended some zoom meetings for the town and am hoping to attend the next meeting for the council for human services in June and looking forward to attending more.

I am interested in joining this committee as I have come to the island for 50 years as my family had a house here. I have now been living here for almost 3 years. I work as the clinical director at Fairwinds, Nantucket's Counseling Center and am a clinician as well. I am very committed to the island and meeting the needs of the residents. I hope to better things for the community overall and feel that my experience with the work I do and collaborating with others including the school, Safe Place, Gosnold, Addictions Solutions and the Hospital will be helpful. I hope to improve the health and welfare of the island residents, hearing their needs is important, and I know through this committee we can help instill hope and make progress representing them. I understand the need for collaboration, meeting one where they are at and helping to create ways to better improve systems. We need to be a team and listen to those in the community and help to create new programs to make things better and address the challenges we face. I work closely with many nonprofits and many members of the town and look forward to collaborating more.

I am committed to attending any necessary meetings and monthly meetings and am happy to help organize things and work with the members of the committee.

Relevant Experience-

Given that I have been a clinician for 20 years and have worked in health care in the ER and ICU as well (Boston Medical Center in past, on their patient advisory council) and outpatient setting on island, I think my experience and work on the island is key to helping. My hope is to help make things better. I understand the importance of meeting someone where they are at, allowing them to share their concerns and help advocate for them. I am extremely organized and efficient and a team player. I understand the importance of listening to individuals concerns and helping to address the issues at hand. I have had the pleasure of working with many on this committee in different settings and hope to continue to do this. Over the pandemic, I worked closely with Jericho and Brooke in finding ways to help our community seek resources and sign up for vaccines. We had to think outside the box and meet communities

where they were at for instance setting up tables outside the stop and shop and helping those sign up for vaccines. The community needs people dedicated to them to help to find creative ways to meet their needs. I think this committee is a huge asset and has more to offer. When I first moved to the island I was not well versed on this committee, and I am hoping we can come up with ways to inform our members about the important things that we have done and will continue to do. I hope to provide more education and access to all.

I look forward to addressing issues that matter to others and coming up with creative ways to make things happen. The health of our island is key and it's becoming more and more challenging since the pandemic, housing crisis etc. but I know we can help and look forward to working on this committee.

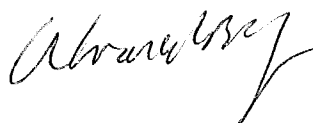
Potential Conflicts-

For myself- Clinical Director of Fairwinds Nantucket's Counseling Center, Member of the Hospital Advisory Council.

Father Joe Wright- On the Board of Community Foundation and Treasurer of Sconset Chapel.

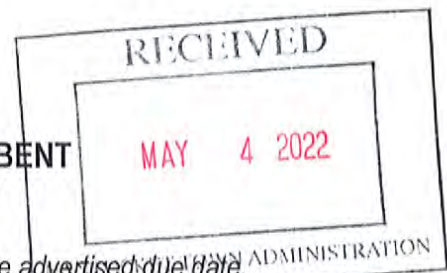
Mother- Betsy Wright- On the Governance Committee of hospital and Vestry of St. Paul's.

Thank you for your consideration, Amanda Wright

A handwritten signature in black ink, appearing to read "Amanda Wright". The signature is fluid and cursive, with a long, sweeping tail on the final letter.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Kendra Lockley

Home Phone: 508.325.1825

Mailing Address: 85 White Oak Trail
Centerville, Ma 02632

Work Phone: _____

Email Address: KDLOCKLEY63@gmail.com

Date Submitted: 5.1.22

REQUESTING RE-APPOINTMENT TO: Council on Aging

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? 90-92%
- Why do you want to continue serving on the committee/board/commission?

I hope that I contribute to the board, with creative ideas energy. I think that it is important to continue on the board for sustainability ~~in a~~ and familiarity of each members strengths to give back to the community - senior community.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I learn ~~every~~ something at every meeting - and as I stated above I think my willingness to work on projects. It's important that we create a board that brings it ideas to fruition.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. Ø
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? Ø



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 17 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Arlene O'Reilly

Home Phone: Home Office: 508-325-7163

Mailing Address: 43 Miacomet Ave

Alternate Phone: Cell: 508-221-8803

Email Address: arlene@mindseye-communications.com

Date Submitted: May 17, 2022

Council on Aging OR Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? yes, over last 3 years remotely
- Why are you interested in this committee/board/commission? See below
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Yes, when I sign on board with varied projects or efforts, I see it through. I am interested in serving on a committee/board/commissions because I am a communication consultant and strategist with over 30 years of experience running my agency here on island. I am a calm person that listens very intently, and have a proven track record in offering solid solutions to many varied types of problems.

I love our community, but painfully aware of the many problems it faces. Our Elderly are precious jewels that should be honored and protected, and affordable housing will protect of the fabric that defines who we are. I strongly believe I can help either committee.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission? Research, strategy, and experienced in community communications and problem solving.
- What would you hope to accomplish on the committee/board/commission?

I would hope to accomplish unification with the committee, and offer solid recommendations that the committee has a well thought out and researched plan that will serve Nantucket. I have served on a few boards between 1993-2005. At this stage of my life and professional career, I offer myself to serve the community with the intent to affect positive change.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
None of my family currently serves on any committees. I have the following nonprofit clients: NHA, NCTV18 and Addiction Solutions of Nantucket.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No financial income from the Town of Nantucket. My LinkedIn profile is below to show my experience.
<https://www.linkedin.com/in/arlenemoreilly/>



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 18 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice. TOWN ADMINISTRATION

Name: Robert M Kuchavsky

Home Phone: 508-228-3793

Mailing Address: 23 S. Cambridge St

Alternate Phone: 315-415-5670

Email Address: RMKUCHAVSKY@gmail.com Date Submitted: 5-18-2022

REQUESTING APPOINTMENT TO: Council on Aging

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? Yes
- Why are you interested in this committee/board/commission? Yes
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission? I'm a senior
- What would you hope to accomplish on the committee/board/commission?

Bring some fresh life to the Council and increase the opportunities for seniors on the Island

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

See attached

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No

Past secretary, current member and board member, Nantucket Rotary Club

Assistant Clerk and member, Madaket Conservation Association

Member, Madaket Advisory Board, Nantucket Historical District Commission

Part time Museum Guide, Nantucket Historical Association



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Alison K. Forsgren Home Phone: 508.546.4449
Mailing Address: P.O. Box 39, Nantucket 02554 Work Phone: _____
Email Address: AlisonKForsgren@gmail.com Date Submitted: 5.19.2022
REQUESTING RE-APPOINTMENT TO: Council on Aging

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I rarely miss a meeting and continue to be interested in elder advocacy. There is a need to grow participation in the programs being offered and add programs that have interest of a wider segment of the 55+ age groups.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I became interested in options for seniors on Nantucket when my parents moved here in 2003. They were Saltmarsh enthusiasts and I have been an observer for almost 20 years. I am a board member of Elder Services of Cape Cod & the Islands (ESCCI) for 6 years and bring to our Council on Aging best practices & ideas from that board.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. Friends of our Island Home, ESCCI, Nantucket Association of Real Estate Brokers
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? My son Jerico Mele is the Director of Human Services for the Town of Nantucket.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 20 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: LAURA HOLDEN

Home Phone: 508-325-7101

Mailing Address: 22 Goldfinch Dr

Alternate Phone: 508-332-9712

Email Address: laurasholden@gmail.com Date Submitted: 5.20.22

REQUESTING APPOINTMENT TO: Council on Aging

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have NOT ATTENDED A COMMITTEE MEETING HOWEVER NOW THAT I AM FULLY RETIRED I HAVE A GREAT INTEREST IN SERVING MY COMMUNITY AND AM PREPARED TO COMMIT MYSELF TO THE MEETINGS AND THE INTEREST OF SAID COMMITTEE.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

The most relevant insight I bring is foremost my age AND its challenges. Having lived on island for 16 years. My hopes are to help our senior population adjust to our unique living conditions on island AND to bring comfort, knowledge and peace of mind of what this community can offer our population as we age.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
NHA, DREAMLAND, CONSERVATION FOUNDATION

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NONE



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Justin Cerne Home Phone: 917 806 8910

Mailing Address: 12A PINE GROVE LN Work Phone: 508 228 9001

Email Address: JCERNE@TOWNOFNANTUCKET.ORG Date Submitted: 5/12/22

REQUESTING RE-APPOINTMENT TO: Nantucket Cultural Council

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I am an active member of the NCC and have been for multiple years. As an artistic leader in the island community I believe I bring valuable insight, ideas, and creativity

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

While a member of NCC we have grown in membership as well as organization and participation.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

NONE

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NONE

Endorsed by the Select Board April 26, 2006.

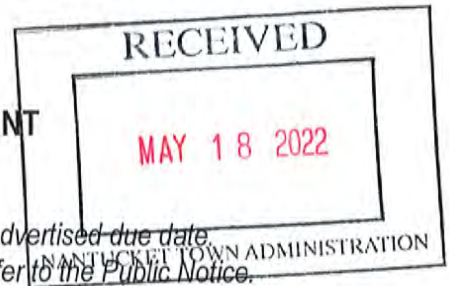
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MAY 16 2022

NANTUCKET TOWN ADMINISTRATION



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Jordana Fleischert

Home Phone: 508 332-9590

Mailing Address: 13A Amelia Drive

Work Phone: _____

Email Address: jordaa.adc@comcast.net Date Submitted: May 15, 2022

REQUESTING RE-APPOINTMENT TO: Nantucket Cultural Council

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I have served as
chair for 10 years.

I run our meetings. I have missed a
meeting in December 2016 due to death in family.
I was going to school and working and still doing
10-15 hrs a month to the Council. I love serving
and helping my community.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

2014- Project
MASTARS - Arts development / Program management / management
years of experience building our stages at TWW,
White Heron, The Nantucket Dreamland. Various volunteer w/
organizations on Island.

We grow each and every year to bring bigger impact to the island

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 20 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: SARAH C. ELLIS

Home Phone:

(917) 816-9642

Mailing Address: 7 SILVER ST.

Work Phone:

N/A

Email Address: ellis368@gmail.com

Date Submitted:

5/19/22

REQUESTING RE-APPOINTMENT TO: Cultural Council

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

• PERFECT ATTENDANCE.
• I've greatly enjoyed working with the other members of the Council to showcase the cultural assets of Nantucket.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

• I believe I have brought my critical thinking, my love of the island and its communities, and any connections I could offer.
• By being involved, volunteering for various tasks, helping with the grant process and the awards ceremony.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Caroline Ellis (mother) - SBA

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 3 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Christopher A. Glowacki

Home Phone: 508-228-1087

Mailing Address: 4 Spinnaker Circle

Work Phone: 508-825-1384

Email Address: christopher.glowacki@GMAIL.COM Date Submitted: 5/3/2022

REQUESTING RE-APPOINTMENT TO: Finance Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?
- I have had near perfect attendance during my term on the committee.
- I want to continue serving on the committee because I believe I add a lot of value to the Finance Committee and that it is the best way for me to participate in local government and contribute to the community.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?
- I bring to the committee my background as an MBA in corporate finance, as a health care administrator and as a third generation local raising a forth generation on Nantucket.
- I have helped the committee with new ideas and careful diligence leading to constructive dialog and productive Fincom motions. I am well prepared and stay very well informed on the business of the town and the Select Board to understand the larger context of Fincom decisions.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Employed by NCT, Chamber of Commerce Board, NCTV BOARD

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

Endorsed by the Select Board April 26, 2006.

Thank you for your consideration
[Signature]



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

MAY 19 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Jill Vieth

Home Phone: 508. 221. 5115

Mailing Address: 12 O'Connor Avenue ORSAY

Work Phone: 508. 221. 5115

Email Address: jvieth@gmail.com

Date Submitted: 5/19/22

REQUESTING RE-APPOINTMENT TO: Finance Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? Almost 100%
- Why do you want to continue serving on the committee/board/commission? I have been a year round resident for 8 years. I own my own business, employ a lot of other businesses and am raising my 2 daughters (and 2 amazing dogs) along with my husband Tim. I love Nantucket and part of the privilege of living here means that I need to be invested in the island in a meaningful way beyond just on financial. My tenure on the committee has been interesting, engaging and challenging - especially in light of Covid - and I would like to keep serving the community I love.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission? I take my appointment to FinCom very seriously. I believe our top priority is to support the Select Board and the Strategic plan they have put forth. I do my homework and research the topics we discuss before our meetings which often requires reaching out to residents and stakeholders to hear their questions, concerns and often compelling solutions, on a wide range of topics. While I bring my own business minded perspective, I also like to build consensus so that when we present the town warrant to the Select Board they are confident we considered all sides.

Potential Conflicts of Interest

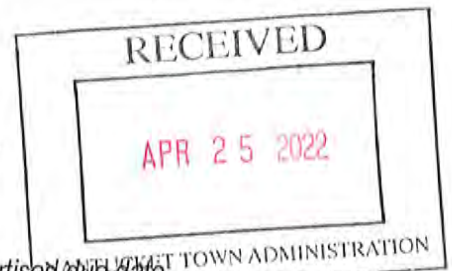
- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

RAN, Board Member

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NONE



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Shantaw Bloise Home Phone: 774-236-0899

Mailing Address: 3 Spinnaker Circle, Nantucket, MA 02554 Work Phone: _____

Email Address: sbloise17@gmail.com Date Submitted: 04/21/2022

REQUESTING RE-APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I have been in attendance at all regular meetings. However, I missed one emergency session due to a health issue. I want to continue because I have only been a member for 4 months & want to have the chance to help address this crucial housing crisis. With a bit more time & experience on the committee, I know that I can bring value to the group.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

With my role at the Chamber of Commerce, I have been able to give voice to the business community's housing needs. I also offer a unique perspective from immigrant, underserved portions of our community that often lack representation on committees like these.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

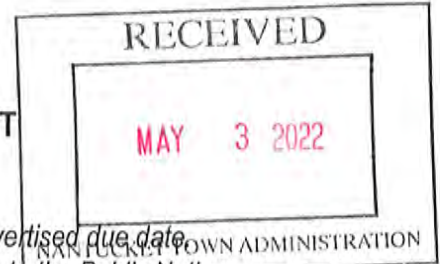
I am on the Cultural District work group, Nantucket Boys & Girls Club Parent Advisory Group & Tim Russert Summer Grove Committee

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

yes - my husband, Ry Murphy, is the Aquatics Director of the Nantucket Community School.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Brian Sullivan

Home Phone: 508 414 1878

Mailing Address: 21 MAIN STREET

Work Phone: _____

Email Address: SULLY@FISHERNANTUCKET.COM Date Submitted: 5/3/22

REQUESTING RE-APPOINTMENT TO: AHTF

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

100% 90%

SEE EFFORTS OF PAST YEARS WORK TO RESOLUTION

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

CHAIR OF BOARD FOR LAST FEW YEARS

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I AM A REAL ESTATE BROKER.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 17 2022

Please return this form to the Town Administration offices by the advertised due date. TOWN ADMINISTRATION
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Arlene O'Reilly

Home Phone: Home Office: 508-325-7163

Mailing Address: 43 Miacomet Ave

Alternate Phone: Cell: 508-221-8803

Email Address: arlene@mindseye-communications.com

Date Submitted: May 17, 2022

Council on Aging OR Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? yes, over last 3 years remotely
- Why are you interested in this committee/board/commission? See below
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Yes, when I sign on board with varied projects or efforts, I see it through. I am interested in serving on a committee/board/commissions because I am a communication consultant and strategist with over 30 years of experience running my agency here on island. I am a calm person that listens very intently, and have a proven track record in offering solid solutions to many varied types of problems.

I love our community, but painfully aware of the many problems it faces. Our Elderly are precious jewels that should be honored and protected, and affordable housing will protect of the fabric that defines who we are. I strongly believe I can help either committee.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission? Research, strategy, and experienced in community communications and problem solving.
- What would you hope to accomplish on the committee/board/commission?

I would hope to accomplish unification with the committee, and offer solid recommendations that the committee has a well thought out and researched plan that will serve Nantucket. I have served on a few boards between 1993-2005. At this stage of my life and professional career, I offer myself to serve the community with the intent to affect positive change.

Potential Conflicts of Interest

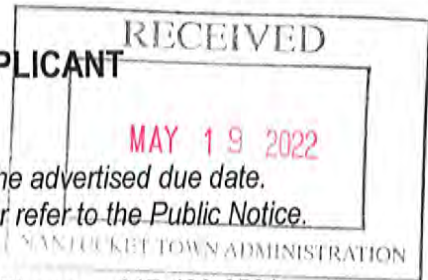
- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
None of my family currently serves on any committees. I have the following nonprofit clients: NHA, NCTV18 and Addiction Solutions of Nantucket.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No financial income from the Town of Nantucket. My LinkedIn profile is below to show my experience.
<https://www.linkedin.com/in/arlenemoreilly/>



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board



*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Jennifer Porter

Home Phone: 617-480-6561

Mailing

Address: 60 Squam Road, Nantucket

Alternate Phone: _____

Email Address: jporter@bodagroup.com

Date Submitted: 5.19.22

REQUESTING APPOINTMENT TO: Conservation Commission, Council for Human Services, Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? **No**
- Why are you interested in this committee/board/commission?
 1. Conservation Commission – I'm very interested on how we are protecting open space and natural habitats on the island
 2. Council for Human Services. My work focuses on helping people be at their best and I think I could be helpful.
 3. Nantucket Affordable Housing Trust. I care a lot about affordable housing for the long term sustainability of the island
- Are you prepared to commit to the meeting schedule of the committee/board/commission? **Yes**

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
 1. Conservation Commission – I do not have a background in conservation but I care a lot about it and I'm eager to learn and serve.
 2. Council for Human Services. My work focuses on helping people be at their best and I think I could be helpful.
 3. Nantucket Affordable Housing Trust. I don't have technical expertise in the area but I'm a good business person and problem solver.
- What would you hope to accomplish on the committee/board/commission? We are new to being year-round residents and I want to contribute to helping our island and its residents thrive.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 1. Women's Foundation of Boston
 2. McLean Hospital
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Meg Browers

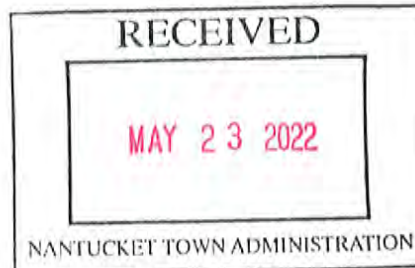
Home Phone: 508 280 7621

Mailing Address: 45 Miacomet Ave, Nantucket

Alternate Phone: n/a

Email Address: megbrowsers@gmail.com

Date Submitted: 05/09/2022



REQUESTING APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? Yes
- Why are you interested in this committee/board/commission? I am concerned about the lack of affordable housing on the island and the resulting degradation of our year-round community. As a long time year round resident and mother of two, I am committed to participating in healthy discussions to explore and execute affordable housing opportunities for our island community's long term overall health and vibrancy.
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?

I have lived on Nantucket for over 20 years, and I have two children in the public schools. I have had personal experience with summer/seasonal rentals, year-round rentals and I own my own single family home. I have many friends and colleagues who are struggling with finding affordable housing for themselves and/or their families, their employees, etc. I am worried about our teachers, nurses, doctors, town employees, EMTs, tourism industry employees, etc who are seeking appropriate housing and unable to do so. I look forward to being a part of a healthy discussion about solutions.

- What would you hope to accomplish on the committee/board/commission?

I would hope to be a balanced opinion of sustainable growth and promoting affordable year-round housing solutions to support our critical school, hospital, and emergency services employees, as well as our trades people and restaurant/tourism industry employees who are struggling to find appropriate and affordable housing. I would love to work with the existing board members to continue to increase affordable housing opportunities to support our community.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

N/A

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

N/A



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 25 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: REEMA S. SHERRY

Home Phone: 508-221-0355

Mailing Address: 60 POCHICH AVE 02554

Work Phone: —

Email Address: REEMA.SHERRY@GMAIL.COM Date Submitted: 5.19.22

REQUESTING RE-APPOINTMENT TO: AFFORDABLE HOUSING TRUST

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

MY ATTENDANCE HAS BEEN AT LEAST 95% - I WISH TO CONTINUE ON THE TRUST TO FOLLOW THROUGH WITH THE MOMENTUM GAINED FOR AFFORDABLE HOUSING OVER THE YEARS I'VE SERVED. I WOULD LIKE TO SEE OUR EFFORTS COME TO FRUITION.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I BRING A COMMON SENSE APPROACH TO THE COMMITTEE, AS A NANTUCKET RESIDENT FOR 37 YEARS YR. ROUND, WITH STRONG TIES TO THE COMMUNITY. MY BACKGROUND IN WRITING AND COMMUNICATIONS HAS PROVED USEFUL, BOTH IN PAST GRANT WRITING, + COMMUNITY OUTREACH. I HAVE AN INQUISITIVE MIND, + ASK A LOT OF QUESTIONS. I UNDERSTAND THE CHALLENGES THAT OUR WORKING FAMILIES FACE.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

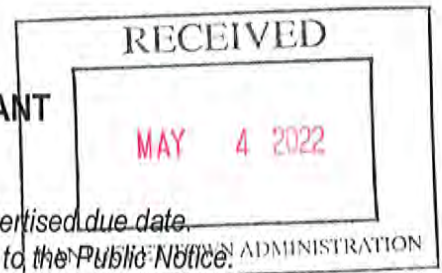
MY DAUGHTER-IN-LAW, SOPHIA ORR, SITS AS SECRETARY ON THE HABITAT NANTUCKET BOARD.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Board of Selectmen



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Linda Williams

Home Phone: 508-228-4556

Mailing

Address: PO Box 1446, Nantucket, MA 02554

Alternate Phone: 508-221-0432

Email Address: czarinalinda@comcast.net

Date Submitted: 05/04/2022

REQUESTING APPOINTMENT TO: Nantucket Historical Commission

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? Yes
- Why are you interested in this committee/board/commission? Have been interested in historic preservation for decades. Many of the matters I dealt with as a member/staff member of the Zoning Board of Appeals, the Historic District Commission and Planning Board involved preservation issues in some form. In addition to my life-long love of the Island. I am a policy/rules/regulations "wonk". There are very few, if any, parts of the island as well as history that, after 66 years here, I have not some familiarity with.
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
An experienced perspective, see attached. In addition, I have a deep understanding of the role the HDC and the Historical Commission must play on Nantucket and the distinction between the two entities that may be getting blurred lately. Almost 20 years on the HDC and in my private practice as a land use consultant appearing before the HDC every week, I am well versed in historic preservation.
- What would you hope to accomplish on the committee/board/commission?
A fair consideration of preservation matters and appropriate behavior and involvement in matters within the Commission's jurisdiction without personal bias or pre-judice using my extensive experience in the arena. In addition, I do not bring any hidden agenda to the deliberations nor am I a member of any advocacy group that would impact any decision I would make. I am a stickler for open meeting law and ethics adherence. I understand the Commission's mission is to work within the state mandated rules and regs and render support for preservation efforts in a fair and reasoned manner. I have a great capacity for, and history in, applying applicable laws from 25 years at the ZBA and 10 at the Planning Board. The HDC has a bit more room for interpretation. For this board I would offer another objective voice, firmly anchored in and guided by the language of the applicable laws, not the emotion surrounding a given issue.

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
See attached
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NO

Name: Linda Finney Williams

Children: Aryn (44), Smith College/Masters in Environmental Law Policy/Doctorate in Environmental Science, Adelaide, Australia; Colin (36) former US Marine, formerly stationed in Afghanistan, married with four children; Evan (25) graduated from Nantucket High School; had five foster children, three continue to be family members.

Years on Nantucket: 49 year-round, 18 years summers prior to that

Education: Six years girl's prep school, Memphis, TN and Montclair, NJ; One year at Connecticut College; some extension courses in early childhood development, bookkeeping, law.

Languages: Working knowledge of Spanish, can read to some extent French, Portuguese, Italian, German.

Recent Work Experience: Former Town of Nantucket Zoning Board of Appeals Administrator/staff member 1983-2007 (retired); Office administrator/ad support for *Nantucket Independent* newspaper 2009-2010 and reporter for 21 years of features and sports articles; independent land use/permit consulting business 2007-present.

Current Volunteer Experience:

Nantucket Housing Authority (elected); Community Preservation Committee vice-chairman; event organizer for the Annual Beach Volleyball Day tournament (now in 35th year) to benefit Nantucket Food Pantry; Government Study Committee; Council on Aging; Contract Review Committee; Conservation Commission; Madaket Advisory Committee – chairman; various volunteer activities – Holidays for Heroes, Summer Grove at the Boys & Girls Club, Nantucket Comedy Fest, House Manager, etc.

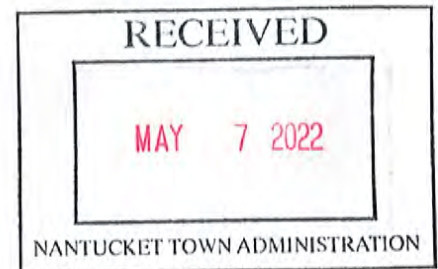
Past Volunteer Experience:

Planning Board Member-chair (elected); Affordable Housing Trust Fund; Nantucket Planning & Economic Development Commission; Historic District Commission - chair (elected); chairman of Surfside Area Planning Committee; chairman Naushop Crossing Area Plan Workgroup; chairman of Brant Point Area Plan Workgroup; Building Committee – new elementary school and addition to middle school; Bicycle and Pedestrian Advisory Committee; Nantucket Big Brothers Big Sisters (president); EMT with Nantucket Fire Department; volunteer for Nantucket AIDS Network/AIDS buddy; Hospice volunteer; A Safe Place volunteer/facilitator/safe house/hotline; Executive Board, coach and certified umpire for Nantucket Little League/public schools; volunteer and coach for Nantucket Boys and Girls Club basketball and their annual fund raising events; certified coach/soccer referee/Recreation Director for the Nantucket Student Soccer Association as well as Executive Board Member; 32-year volunteer in the Nantucket Public School system; Sherburne Commons Board of Directors (assisted/independent living complex); Downtown Partnership Executive Board; Board Member Habitat for Humanity; secretary for Nantucket Restaurant Association and Nantucket Lodging Association; advisory member Nantucket Human Services Center project; Special Services coordinator for Circus Flora to benefit the Atheneum, Boston Pops on Nantucket, Nantucket Air Show; general volunteer staff of Nantucket AIDS Benefit, Nantucket Comedy Festival, Nantucket Triathlon, Nantucket Boys and Girls Club Event Under the Tent, Nantucket Demolition Derby, A Safe Place, Holidays for Heroes; Board of Directors Sherburne Commons.

Zoning Board of Appeals member 16 years (past chairman/vice-chairman); Council on Human Services; Contract Review Committee; Town Scholarship Committee (past chairman); Commission on Disability (past chairman); High School/Middle School/Elementary School Councils; School Budget Advisory Committee; Nantucket High School Drug Task Force; Traffic Safety Committee; Beach Management Committee; Capital Improvements Committee/Capital Program Committee; Nantucket Arts Lottery Committee; Surfside Area Plan Work Group; Tom Nevers Area Plan Work Group; Visitors Services Committee; Harbor Plan Work Group; Comprehensive Plan Steering Committee (elected); Nantucket Charter Commission (elected); Board of Directors for Nantucket Human Services Center; Nantucket Regional Transportation Consumer Advisory Committee (appointed, chairman);



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: ABBY DE MOLINA Home Phone: 617-314-2305

Mailing Address: 3R FRIENDSHIP LANE Alternate Phone: _____

Email Address: ABBY.DEMOLINA@GMAIL.COM Date Submitted: 5/7/2022

REQUESTING APPOINTMENT TO: HISTORICAL COMMISSION OR PLANNING BOARD ALT

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? NO
- Why are you interested in this committee/board/commission? LOCAL HISTORY
- Are you prepared to commit to the meeting schedule of the committee/board/commission? YES

I WOULD LIKE TO BECOME INVOLVED IN MY LOCAL COMMUNITY AND FEEL CIVIC ENGAGEMENT IS THE BEST WAY TO ACCOMPLISH THIS. I GROW UP IN A SMALL TOWN WITH A SIMILAR GOVERNANCE STRUCTURE AND AM VERY FAMILIAR WITH HOW IT WORKS; HERE I CAN HELP NANTUCKET PROSPER SUSTAINABLY.

Potential Experience

- What experiences, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

IN MY DAY JOB I DO A LOT OF DETAILED PROJECT MANAGEMENT. LISTENING TO KEY STAKEHOLDERS AND BEING COLLABORATIVE ARE VERY IMPORTANT, AS WELL AS USING FACTS & DATA TO MAKE THESE VITAL DECISIONS. ON EITHER OF THESE BOARDS I HOPE TO FIND SOLUTIONS THAT ARE VIABLE & PROTECT THE TOWN.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

NONE

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
 For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
 Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Clement Durkes Home Phone: 508 257 6399

Mailing Address: Po Box 96 Simscuset MA 02544 Cell Work-Phone: 917 3996006

Email Address: cdurkes@gmail.com Date Submitted: _____

REQUESTING RE-APPOINTMENT TO: Nantucket Historic Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

Over the past three years, I have attended around 80% of the meetings. I wish to continue serving on the commission moving forward to continue to protect Nantucket's valuable historic resources as they are challenged by the island's popularity as a tourist destination. There are several new initiatives that I look forward to exploring.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

As a year round resident of 'Scusset serving on the boards of the 'Scusset Trust and the Scusset Advisory board, I bring a unique perspective to the historic commission that is valuable to both groups. I have helped the commission by supporting its initiatives, such as the Milestone Road Accessibility study, Historic Pavement Guidelines and the certification of Nantucket as a CLG, in addition to the ongoing survey of historic structures - first in the Fishbats and now moving on to the Brand Point area.

Potential Conflicts of Interest

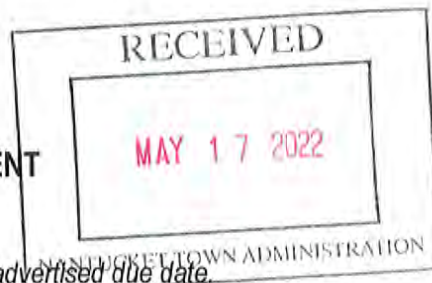
- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Nantucket Advisory Board of Trustees.
 Scusset Trust Board & Scusset Advisory Board.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? no



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Hillary H. Rayport

Home Phone: 508 228-0357

Mailing

Address: 89 Main Street, Nantucket, MA 02554

Work Phone: mobile: 617 697 6429

Email Address: hrayport@mac.com

Date Submitted: 5/16/22

REQUESTING RE-APPOINTMENT TO: Nantucket Historical Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

Full attendance. Served as Chair for three years.

The Historical Commission has initiated many preservation projects that I've helped organize and lead. I'd like to continue to see these projects through. I have institutional knowledge about the role and responsibilities of Historical Commissions, and valuable relationships in the preservation community, both government, academic, and non-profit. I enjoy the support of the Commission and hope to continue to support its operations and mission through my service.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

As chair for the past three years, I've set ambitious but achievable goals. Under my leadership, we have:

- met operational expectations for regular meetings, OML compliance and meeting minutes, even without dedicated staff.
- recruited new members and subject matter experts as necessary, for a vibrant and well informed commission.
- Prioritized goals consistent with Nantucket's master and strategic plan.
- Earned admission to the State and Federal Certified Local Government Program
- Brought \$42,500 of State and Federal Aid to Nantucket, for Preservation Planning
- Initiated and sustained a long-overdue update to the island-wide survey of historic structures
- Organized educational initiatives, including honoring a self-emancipated black Nantucket man
- Published multiple research reports.

I have completed graduate courses in preservation planning and am pursuing a masters in preservation studies at Boston University. I have amassed valuable institutional knowledge about the responsibilities of a Historical Commission.

Potential Conflicts of Interest

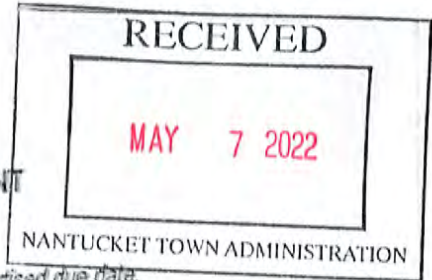
- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am a Trustee of the Nantucket Atheneum.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: ABBY DE MOLINA Home Phone: 617-314-2305

Mailing Address: 3R FRIENDSHIP LANE Alternate Phone: _____

Email Address: ABBYDEMOLINA@GMAIL.COM Date Submitted: 5/7/2022

REQUESTING APPOINTMENT TO: HISTORICAL COMMISSION OR PLANNING BOARD ALT

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? NO
- Why are you interested in this committee/board/commission? LOCAL HISTORY
- Are you prepared to commit to the meeting schedule of the committee/board/commission? YES

I WOULD LIKE TO BECOME INVOLVED IN MY LOCAL COMMUNITY AND FEEL CIVIC ENGAGEMENT IS THE BEST WAY TO ACCOMPLISH THIS. I GROW UP IN A SMALL TOWN WITH A SIMILAR GOVERNANCE STRUCTURE AND AM VERY FAMILIAR WITH HOW IT WORKS; HERE I CAN HELP NANTUCKET PROSPER SUSTAINABLY.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

IN MY DAY JOB I DO A LOT OF DETAILED PROJECT MANAGEMENT. LISTENING TO KEY STAKEHOLDERS AND BEING COLLABORATIVE ARE VERY IMPORTANT, AS WELL AS USING FACTS & DATA TO MAKE THESE VITAL DECISIONS. ON EITHER OF THESE BOARDS I HOPE TO FIND SOLUTIONS THAT ARE VIABLE & PROTECT THE TOWN.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

NONE.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 23 2022

NANTUCKET TOWN ADMINISTRATION

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Elisabeth O'Rourke

Home Phone: 508-221-8437

Mailing Address: 53 Pleasant St. MA 02554

Alternate Phone:

Email Address: elisabethorourke@hotmail.com

Date Submitted: 5.24.22

REQUESTING APPOINTMENT TO: Planning Board Alt. Member

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have watched some of the meetings on the Nantucket Web access.

My professional practice is in residential landscape architecture, and much of what we do is land planning for projects.

My degree is in Landscape Architecture and Regional Planning from UMASS Amherst. I am prepared to commit to the meeting schedule.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I understand plans, land survey, and zoning issues. I have worked extensively with the HDC and the Conservation Commission. I have worked on housing development projects (Fairgrounds and Nobadeer).

I believe in a balanced approach to development and good planning is at the forefront of this.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

ASLA- American Horticulture Society- PETA

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO

Please call for date of the public hearing for applications review or refer to the Public Notice.

Name: Campbell Sutton

Home Phone: 508 228 3063

Mailing
Address: 15 Appleton Rd

Alternate Phone: 508 685 5108

Email Address: ccoastpaper@gmail.com Date Submitted: 5/27/2022

REQUESTING APPOINTMENT TO: Planning Board Alternate

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Please see attached

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 - Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
-

RECEIVED

MAY 27 2022

NANTUCKET TOWN ADMINISTRATION

May 26th, 2022

Dear Select and Planning Board Members,

As you may know my term as an alternate on the Planning Board ends in June. I am asking the Board to consider my application for re-appoint to that position.

I have been an alternate for the last 4 years and in that time have been well prepared for each meeting, have missed fewer than 3 meetings, gained a working knowledge of the regulatory nature of the Planning Board, and contributed thoughtful comments and questions. When I've had questions about some aspect of an application in the packet, I've reached out for answers before the meeting. Through this process, I've developed an understanding of the zoning districts, the Board's influence in Special Permit applications, the parameters around garage apartments, secondary & tertiary dwellings, as well as its limitations in ANR (approval not required) applications. In cases where I have been asked to sit as a voting member, I've voted with the majority and arrived in a timely manner to sign the necessary post meeting documents.

As an Alternate, I've consistently advocated for bike racks at commercial establishments and multi-family/employee housing units, funding from applicants for pedestrian ways where appropriate, consolidation of curb cuts especially in high traffic areas and across multi-use paths or sidewalks, and healthy living accommodations for those in dense residential zoning districts.

If re-appointed, I would continue to be advocate for the above as well as pedestrian friendly "human-scale" development in the Commercial Mid-island District (CMI).

Thank you for your time in considering my application.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Lee W. Saperstein

Home Phone: 508-680-1337

Mailing Address: P. O. Box
1408, Nantucket, MA 02554

Work Phone: 573-578-7750

Email Address: saperste@mst.edu

Date Submitted: 21 April 2022

REQUESTING RE-APPOINTMENT TO: Real Estate Assessment Committee, REAC

Reasons for Committee Interest

- *What has been your level of attendance at committee/board/commission meetings?*

Almost 100 percent; Missed one meeting due to travel. Meetings are scheduled on call, which means that members can avoid conflicts that would prevent attendance.

- *Why do you want to continue serving on the committee/board/commission?*

An important function of the Town and its finances is the acquisition and disposition of real property. The Assessment Committee was established by the Select Board to provide an independent and disinterested review of takings and conveyances. I am a concerned citizen who understands property and its descriptions (deeds and maps), I help to provide this impartial review. This is a committee where experience is helpful and I hope to bend this substantial experience in reviewing conveyances of paper streets and Town-owned property to the benefit of the Town.

Relevant Experience

- *What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?*

I taught engineering surveying and understand maps, plats, deeds, and legal land descriptions. I am familiar with the land records and registrations for Nantucket and have done extensive research in the records, paper and digital, for the Cemetery Commission and Newtown Cemetery. I have two terms of service on REAC that give me a strong background on its operation.

- *How do you feel you have helped the committee/board/commission in its goal(s)/mission?*

Broadly, I provide a degree of impartiality to the Committee. Specifically, I am a link to the Committee on Roads and Right of Way (Secretary), which also advises the Select Board on real estate issues that impact the public's access to beaches and recreational lands.

Potential Conflicts of Interest

- *Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.*

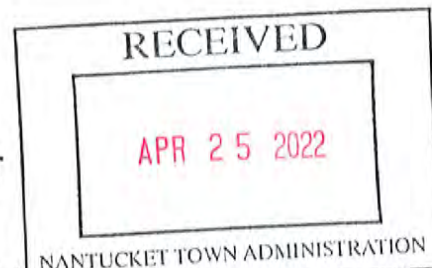
- Town: Cemetery Commission (Secretary), Roads and Right of Way (Secretary), TON Scholarship Committee, Town Area Plan Work Group; Civic: Nantucket Civic League Executive Committee and Nantucket Town Association (Secretary)
- Past: Article 68 Work Group (Fertilizer Application on Nantucket); Harbor Plan Implementation Committee.

- *Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?*

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: BILL GRIEDER

Home Phone: 508-228-3652

Mailing
Address: 10 F STREET

Work Phone: —

Email Address: WG1431@GMAIL.COM

Date Submitted: 4/19/2022

REQUESTING RE-APPOINTMENT TO: ROADS + RIGHT OF WAY COMMITTEE

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? APPROX 90%
- Why do you want to continue serving on the committee/board/commission?

ALTHOUGH THE COMMITTEE IS ADVISORY ONLY, I FEEL THE ROLE OF THE COMMITTEE IS VERY IMPORTANT TO THE TOWN. THE COMMITTEE ATTEMPTS TO BRING CLARITY TO THE STATUS OF THE ROADS AND WAYS ON ISLAND AND MAKE RECOMMENDATIONS AS A RESULT OF OUR FINDINGS TO THE SELECT BOARD AND TOWN DEPARTMENTS.

Relevant Experience

A What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?

B How do you feel you have helped the committee/board/commission in its goal(s)/mission?

(A) BY APPLYING THE SKILLS AND KNOWLEDGE ACQUIRED FROM MY (15) YEARS AS A TOWN OFFICIAL IN ANOTHER COMMUNITY, I HAVE ESTABLISHED A GOOD WORKING RELATIONSHIP WITH THE SEASONED COMMITTEE MEMBERS.

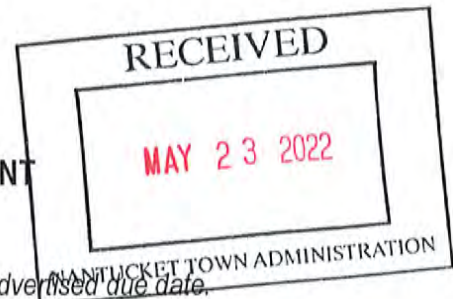
(B) A GOOD COMMITTEE MEMBER SHOULD ATTEND AS MANY MEETINGS AS POSSIBLE, ENGAGE IN DISCUSSIONS AND DELIBERATIONS, BE RESPECTFUL OF A DIFFERENCE OF OPINION AND BE ABLE TO CONTRIBUTE TO A SOLUTION. I HAVE DONE THAT

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
NANTUCKET CONSERVATION ASSOC NANTUCKET COMMUNITY SAILING, MASONIC LODGE, WHARF RATS, THE NUMBER 4s
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Allen Reinhard

Home Phone: 508-221-8128

Mailing Address: PO Box 46 Nantucket 02554

Work Phone: 508-221-8128

Email Address: allenreinhard@yahoo.com Date Submitted: May 23, 2022

REQUESTING RE-APPOINTMENT TO: Roads & Right of Way Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?
- I have been a member since my initial appointment to the Proprietors Roads Committee in 1991. I have been chairman since November 2005. After the committee was merged and became the Roads & ROW committee I have never missed a meeting of the committee.
- I believe public access to public and private properties open to the public is an important responsibility.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?
- Over my years as chairman, the Committee has made recommendations for road takings, beach access, sidewalk improvements, island-wide trail systems and other projects focused on Right-of-Way and Public Access issues.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am currently chairman of Wampanoag Water Commission, Chairman of the Nantucket Cemetery Commission

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO

MAY 26 2022



TOWN OF NANTUCKET COMMITTEE INTEREST FORM/INCUMBENT

For Re-Appointment by the Board of Selectmen

NANTUCKET TOWN ADMINISTRATION

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Rick Atherton

Home Phone: 508 228 1060

Mailing Address: PO Box 3126, Nantucket MA 02584

Work Phone: 508 228 2366

Email Address rickatherton@comcast.net

Date Submitted: May 26, 2022

REQUESTING RE-APPOINTMENT TO: Roads and Right of Way Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

The Committee meets monthly. Unless I had a significant time conflict, I have made virtually every scheduled meeting, in person or by Zoom, since my appointment on June 21, 2017. I continue to be willing to commit to the meeting schedule.

As stated in my application in 2017, rights of way for public access are important long-term assets for the Nantucket community. Continuing to add to the existing such ways is important, and this Committee is key in accomplishing this. One of the specific areas of my interest is bringing the vision of a Harbor Walk from Brant Point to the east end of the Creeks to reality and making sure it becomes imbedded in the Town's planning efforts.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goals(s)/mission?

My experience serving on the Finance Committee and the Select Board gave me a great deal of community background on the issues that are at the core of this committee's mission, and I expect that experience has and will continue to benefit the committee's deliberations.

I have been willing to exchange ideas and discuss openly the possible approaches to areas of Committee interest. These include how roads are included on the Recommended Takings List and working with the existing Chapter 91 sub-committee by watching for development that should call for new or amended Chapter 91 licenses.

See attached for community experience.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am a member of the Nantucket Civic League Board of Trustees.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No.

EXPERIENCE

NAME: Rick Atherton

OCCUPATION: Manager, small mortgage and real-estate investment company

EDUCATIONAL BACKGROUND (degree/schools)

College: BA, Wesleyan University, Middletown, Connecticut, 1965

Graduate School: Masters in Business Administration (MBA), Babson College, Wellesley, Massachusetts, 1967

Post-Graduate School: Advanced Management Program (AMP), Harvard Business School, 1985

SERVICE ON TOWN BOARDS AND COMMISSIONS (past and present)

Board of Selectmen, 2008 to 2017

Chair, Board of Selectmen, 2011-12, 2013-14, 2014-2015

Chair, Audit Committee

Chair, County Commissioners 2009-10 and 2012-13

Board of Health

Nantucket Community Television Board

Nantucket Economic and Planning Commission (NP&EDC)

Sewer Advisory Committee, 2006

Finance Committee, appointed 1992 and served until election as a member of the Board of Selectman in 2008 (Finance Committee members may not be members of any other Town of Nantucket Boards or Commissions, except as representatives of the FinCom)

Member of the Town Government Study Committee – 2017 through 2021

Long Range Planning Committee, 1999

COMMUNITY AFFILIATIONS

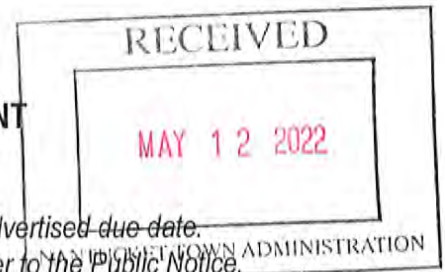
Former Trustee and Treasurer, Nantucket Historical Association

Former President and current Treasurer Nantucket Civic League

LENGTH OF YEAR-ROUND RESIDENCY ON NANTUCKET: 28 years
(seasonal visitor and resident since 1972; full-time resident since 1991)



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Jeannette Miller

Home Phone: 508-332-9600

Mailing Address: 4 Hendersons Drive

Work Phone: _____

Email Address: jeannemiller@comcast.net

Date Submitted: 5/5/22

REQUESTING RE-APPOINTMENT TO: Scholarship Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? 100%
- Why do you want to continue serving on the committee/board/commission?

I have enjoyed participating and heading up the Town Scholarship Committee and hope to continue. I'm well versed in the scholarship available on Nantucket and believe I am an asset to the group

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

8 years on Nantucket Yacht Club Scholarship
8 years at Community Foundation for Nantucket

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Sherburne Commons - Husband

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 19 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

NANTUCKET TOWN ADMINISTRATION

Name: Rebecca Woodley-Oliver Home Phone: 508-332-0246

Mailing Address: P.O. Box 3264, 02584 Work Phone: n/a

Email Address: rwoodleyoliver@gmail.com Date Submitted: 05/19/2022

REQUESTING RE-APPOINTMENT TO: Scholarship Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

→ please see attached

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

→ please see attached

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

→ please see attached

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

Reasons for Committee Interest

- I have attended all meetings of the Scholarship Committee during my tenure and actively keep up with all correspondence, etc.
- I would like to continue serving on the Scholarship Committee largely because I have really enjoyed the work so far. I loved reading each application and getting to know more about so many of Nantucket's intelligent and driven students. I would like to continue working towards making sure every student on Nantucket feels that college is accessible to them by providing them funds that can make a difference in their college careers. I feel that the current committee is comprised of a wonderful group of individuals who are all committed to helping our students and I would love to continue working with each of them. I have only served on the committee for a short time now but feel passionate about continuing my service to Nantucket and feel this committee is a wonderful way to give back.

Relevant Experience

- In my time on the committee so far, I feel have found a good balance of voicing my own opinions while also listening to the insight of other members to work towards the common goal of providing financial assistance for Nantucket's students. I feel my insights have helped ensure a diverse group of students from all different backgrounds receive scholarships. It is important that more young adults are represented on Nantucket's various boards, commissions, and committees; I find that those of us who graduated college 10 years ago or less have a unique perspective into the process and the rising costs of college attendance and I have been able to share that perspective with the committee. As a first-generation college graduate and graduate of Nantucket High School, I know firsthand how the prospect of college can be both thrilling and daunting – knowing that there were scholarships available to alleviate some of the burden was a huge relief in my own college journey and I would like to provide the same hope for our local students. As college costs continue to grow exponentially, the importance of scholarships also grows and there is much more work to be done to make sure that every student can continue their education; I would be honored to continue offering my time to work towards this goal.

Potential Conflicts of Interest

- Non-profits: Mother, Soo Woodley, employed by St. Mary's Church; Committees: Aunt, Val Oliver, member of Historic District Commission
- I was employed by the Town until April 1, 2022. Cousin, Camilla Woodley, is a school nurse for NPS.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 4 2022

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Susan McCarthy

Home Phone: 617 504 6957

Mailing Address: 26 Goldfinch Drive

Work Phone: 508 228 2281

Email Address: sem@sgriffinlaw.com Date Submitted: 5/2/2021

REQUESTING RE-APPOINTMENT TO: Board of Appeals (ZBA)

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

My level of commitment and attendance is high. I believe I missed only one meeting in the last 2 years. I have been an Officer on the board for several years and currently serve as the Chair. I want to continue to serve because I enjoy the work and am committed to participating in Town Governance. ~~and~~ also feel it is important to be a part of the working of the community.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I have served on the Board as an alternate and Full Member for over 10 years. I have learned ^{from} and listened to my fellow Board Members, PLUS, Planning Board, Town Counsel, and am applying / advocates to continuously increase my knowledge base of the subject matter. I am also a practicing member of the MA Bar and bring my years of legal practice to the table.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

other than the kids school: Nantucket New School.
I am on the AEC for Nantucket and my husband is on Bidg. Council for Nantucket.
• Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No.



Agenda Item Summary

Agenda Item #	XI. 1.
Date	6/22/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Conveyance of fee interest in a portion of Hawthorne Street, shown as Parcel 3 on Plan entitled "Taking and Disposition Plan of Land in Nantucket Mass. Prepared by the Town of Nantucket," dated September 23, 2021, prepared by Blackwell and Associates and recorded with the Nantucket County Registry of Deeds as Plan No. 2021-67 for public access and municipal purposes for the purpose of conveyance of the fee title or lesser interest, together with any public or private rights of passage as authorized by MGL Chapter 79 and the vote on Article 99 of the 2011 Annual Town Meeting.

Executive Summary

This is part of the completion of the Yard Sale Program pursuant to Article 99 as voted at the 2011 ATM. Parcel 3 has an area of 2,000 +/- s.f. Coastal Resilience Coordinator Vincent Murphy has reviewed as to resiliency issues and indicated that there is no issue with the proposed disposition. The price recommended by the Assessor and approved by REAC at its meeting on June 13 is \$5,000 plus Town expenses as reflected on the closing statement.

Staff Recommendation

Proceed with the approval and execution of the documents. Town Counsel has prepared and reviewed the documents.

Background/Discussion

The documents clearly provide that the land cannot be used to create a subdividable parcel unless the land previously could be subdivided.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the taking and subsequent disposition of previously authorized transactions at ATM'S which will increase the tax base.

Board/Commission Recommendation

n/a

Public Outreach

Approved at Town Meeting



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

Consistent with the intent of the Yard Sale Program

Attachments

Purchase and Sale Agreement, Quitclaim Deed, Settlement Statement, Plan No. 2021-67



PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of _____, 2022.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Select Board, having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Robert W. Hausslein of 20 Slocum Road, Lexington, Massachusetts 02421, hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises are comprised of a certain parcel of land in Nantucket, Massachusetts shown as Parcel 3, Hawthorne Street, containing 2,000± square feet, on a plan of land entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," dated September 23, 2021, prepared by Blackwell & Associates, Inc. recorded with the Nantucket County Registry of Deeds as Plan No. 2021-67 (the "Property" or "Premises"). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Any liens for municipal betterments assessed after the date of this agreement;
- (b) Laws, by-laws, rules, and regulations, whether federal, state, or local, which affect the use of the Premises, including, but not limited to, rules and regulations of the Nantucket Conservation Commission, Nantucket Zoning By-Law, Nantucket Historic District Commission, Nantucket Building Department, Nantucket Planning Board and Nantucket Board of Health;
- (c) Real estate taxes for the then-current fiscal year and future periods, which are not due and payable at the time of delivery of the deed;
- (d) Any fee which may be imposed upon the transaction which is the subject of this agreement by the Nantucket Land Bank Commission, which the Buyer agrees to pay at the time of delivery of the deed;

(e) Any right, restrictions or easements and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises for residential purposes;

(f) Any public rights existing below mean high water, if applicable; and

(i) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property known as 14 Irving Street, Nantucket, Massachusetts, which is shown as Town Assessor's Map 79 as Parcel 122, for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with said existing property,

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the BUYER shall deliver such plan with the deed in a form adequate for recording.

6. REGISTERED TITLE

In addition to the foregoing, if the title to the said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title to said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said premises is Five Thousand and 00/100 Dollars (\$5,000.00), of which

\$ 0.00	was paid as a deposit
\$ 5,000.00	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or by attorney's IOLTA check.

<u>\$ 5,000.00</u>	Total
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8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 23rd day of June 2022, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then (a) in the same condition as they are now, and (b) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to personally inspect the premises prior to the delivery of the deed in order to determine whether the condition of the premises complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. In the event that such an extension occurs, BUYER agrees to close prior to expiration of the extension period and as soon as reasonably possible after SELLER is prepared to deliver the Premises in compliance with this Agreement. In no event shall SELLER be required to expend more than a total of \$1,000.00 to clear title to and deliver possession of the Premises.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

13. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

A payment in lieu of taxes shall be paid in accordance with G.L. c. 44, § 63A as of the day of performance of this Agreement and the amount thereof shall be added to the purchase price payable by BUYER at the time of delivery of the deed.

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

All deposits made hereunder shall be held in escrow by Town Treasurer, as escrow agent in a non-interest bearing account subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order by a Court having competent jurisdiction.

All deposits made hereunder shall be placed in a non-interest-bearing account. The escrow agent hereunder shall not be liable for any loss suffered with respect to the escrow account or for any action or inaction taken by the escrow agent in good faith with respect to the account or deposit. The escrow agent may resign at any time by transferring the deposit to a successor escrow agent reasonably acceptable to SELLER and BUYER which successor agrees in writing to act as escrow agent. BUYER and SELLER jointly and severally agree to indemnify and hold the escrow agent harmless for any and all costs and expenses, including reasonable attorney's fees, incurred in connection with any such dispute.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the SELLER'S sole and exclusive remedy at law and in equity for a breach of this agreement.

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER: NONE. SELLER and SELLER's agents have made no warranties or representations, express or implied, and BUYER is purchasing the premises in it's "AS IS" and without inspection.

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER or their respective counsel. The Parties may rely upon facsimile copies of such written instruments. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

Any matter relating to performance of this Agreement, which is the subject of a title, practice or ethical standard of the Real Estate Bar Association of Massachusetts shall be governed by such standard to the extent applicable.

29. NOTICES

All notices, demands, consents and approvals required or permitted hereunder shall be deemed to have been duly given if in writing addressed to BUYER or SELLER at:

In the case of BUYER:

Robert W. Hausslein
20 Slocum Road
Lexington, MA 02421

In the case of SELLER:

Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, MA 02554

With a copy to:

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street, 12th Fl.
Boston, MA 02110
(617) 556-0007
Facsimile: (617) 654-1735

and shall be deemed delivered upon the earliest to occur of (a) receipt or refusal to accept delivery; or (b) upon delivery prior to 5:00 P.M. on any business day by telecopy evidenced by written or printed receipt confirmation, provided a copy of any such notice sent by telecopy is sent also by means of one of the above-described manners of delivery. BUYER and SELLER may change the address to which any notice is to be sent by giving reasonable notice to the other party of such new address in the manner specified.

30. NO BROKER WARRANTY

The parties warrant and represent each to the other that there is no broker involved with the transaction to which this agreement pertains. In the event of a breach of the foregoing representation, the breaching party shall indemnify and hold harmless the non-breaching party for all expenses, including attorney's fees, which arise from such breach. The provisions of this section shall survive delivery of the deed hereunder.

31. SELLER'S CONTINGENCY

SELLER'S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of

the premises and obtaining all necessary authority to sell the premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

The parties hereto agree that all actions on this Agreement shall be brought in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Nantucket Division, to the extent that said Court shall have jurisdiction of the subject matter in any such action.

33. EXTENSION AUTHORITY

By executing this Agreement, Buyer and Seller hereby grant to their respective attorneys the actual authority to bind them by facsimile for the limited purpose of allowing them to grant extensions, and Buyer and Seller shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge that either party has disclaimed the authority granted herein to bind them.

34. CLOSING DOCUMENTS

BUYER agrees to sign at closing all forms reasonably required by SELLER including without limitation a disclosure statement pursuant to G.L. c. 7C, sec. 38. BUYER agrees to pay the legal costs incurred for preparing a Quitclaim Deed for the Premises.

35. MERGER OF PREMISES

BUYER shall consolidate the Premises with the BUYER'S existing abutting lot as set forth in the provisions of the "Nantucket Yard Sale Program." This consolidation process includes but is not limited to obtaining a special permit from the Zoning Board of Appeals to alter any premises which is a nonconforming lot pursuant to Town Code 139-33A (8) and, filing a new perimeter plan with the Nantucket Planning Board and Massachusetts Land Court, if applicable.

BUYER warrants that the Premises shall not be used as separate buildable lots or resold as a separate buildable lot and shall be used for residential uses only. Notwithstanding any provision herein to the contrary, BUYER shall accept the deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce such restrictions and covenants as follows:

"The Grantor's conveyance of the parcel(s) described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel(s) shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 14 Irving Street, shown on Town Assessor's Map 79 as Parcel 122, previously acquired by Grantee by Deed recorded with Nantucket county Registry of Deeds in Book 573, Page 279(together, the "Combined Premises"), and that no part of the Combined Premises shall be hereafter divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, prohibiting the division or subdivision of any portion of the Combined Premises,

and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds..”

These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be “other restrictions held by any governmental body” pursuant to G.L. c. 184, Section 26 such that the restrictions contained herein shall be enforceable for the full term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the grantee hereby appoints the grantor as its agent and attorney in fact to execute and record such notice and further agrees that the grantee shall execute and record such notice upon request. The representations, warranties and provisions of this Section 35 shall survive the delivery of this deed and any conveyance of the Premises, and BUYER shall accept a deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce these covenants.

36. CONDITION OF PREMISES

BUYER acknowledges that prior to the date of this Agreement, BUYER entered the Premises for the purpose of surveying and inspecting the Premises, as necessary for BUYER's financing and purchasing of the Premises and BUYER agrees that BUYER and BUYER's agents fully and completely inspected the Premises, and that BUYER is wholly satisfied with the condition of the Premises. SELLER and SELLER's agents have made no warranties or representations with respect to the Premises, express or implied, on which BUYER has relied except as otherwise set forth in this Agreement. In the event that BUYER and/or BUYER's agents, contractors and employees access the Premises to make any further inspections, assessments, surveys, appraisals or other non-invasive examination of the surface of the Premises, then such access shall be solely at the BUYER's risk, and BUYER shall indemnify and save SELLER harmless from any and all claims, demands, suits or causes of action of any nature whatsoever arising from BUYER's and its agents', contractors' and employees' presence at and/or actions upon or about the Premises, including, without limitation, any claim for personal injury or property damage made by any such person afforded access to the Premises pursuant hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the Premises.

37. REPRESENTATION BY COUNSEL

BUYER and SELLER each acknowledge and agree that they have by counsel of their own choosing or have had an opportunity to be so represented by counsel, and both BUYER and SELLER have read and understand the terms of this Agreement.

38. ASSIGNMENT AND RECORDING OF AGREEMENT

BUYER shall not file this Agreement with any Registry of Deeds or recording office. BUYER shall not assign this Agreement to any party without SELLER's prior written consent, which consent SELLER may withhold for any or no reason. In the event BUYER so files or assigns this Agreement without SELLER's prior written consent, then SELLER may elect, upon written notice to BUYER, to terminate this Agreement and to retain any and all deposits.

39. SEVERABILITY

If this Agreement shall contain any term or provision which shall be invalid, then the remainder of the Agreement, as the case may be, shall not be affected thereby and shall remain valid and in full force and effect to the fullest extent permitted by law, provided such term or provision does not materially affect the obligations of either of the parties nor the essence of the Agreement.

Signature Page to Follow

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

BUYER:

By: _____
Robert W. Hausslein

816924 NANT19712/0001

QUITCLAIM DEED

Parcel 3, Hawthorne Street, Nantucket, Massachusetts

The **Town of Nantucket**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the “Grantor”), in consideration of Five Thousand and 00/100 Dollars (\$5,000.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Robert W. Hausslein** (the “Grantee”) having a mailing address of 20 Slocum Road, Lexington, Massachusetts 02421, with QUITCLAIM COVENANTS, a certain parcel of land in Nantucket, Massachusetts shown as Parcel 3, Hawthorne Street, containing 2,000± square feet on a plan of land entitled “Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket,” dated September 23, 2021, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2021-67 (the “Parcel”). The Parcel hereby conveyed is a portion of Proprietors Road and is vacant land.

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 14 Irving Street shown on Town Assessor’s Map 79 as Parcel 122 previously acquired by Grantee pursuant to Deed recorded with the Nantucket County Registry of Deeds in Book 573, Page 279 (together, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee’s existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor’s reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the

date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be “other restrictions held by any governmental body,” pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

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

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

For Grantor’s title, see Order of Taking dated April 27, 2022, recorded with said Deeds in Book 1892, Page 267.

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

EXECUTED under seal this _____ day of _____, 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Dawn E. Hill Holdgate

Melissa K. Murphy

Matthew G. Fee

Brooke Mohr

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2022, before me, the undersigned Notary Public, personally appeared Jason Bridges, Dawn E. Hill Holdgate, Melissa K. Murphy, Matthew G. Fee and Brooke Mohr 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:

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

BUYER:

By: _____
Robert W. Hausslein

816924 NANT19712/0001



CURRENT ZONING CLASSIFICATION:
 Limited Use General 1 (L.U.G.-1)
 MINIMUM LOT SIZE: 40,000 S.F.
 MINIMUM FRONTAGE: 100 FT.
 FRONT YARD SETBACK: 35 FT.
 REAR YARD SETBACK: 10 FT.
 SIDE YARD SETBACK: 10 FT.
 GROUND COVER: 25%

LEGEND

- (CB) = EXISTING CONCRETE BOUNDARY FENCE
- (F) = EXISTING CONCRETE BOUNDARY FENCE
- (O) = EXISTING BOUNDARY MONUMENT
- (D) = EXISTING BOUNDARY FENCE



NANTUCKET REGISTRY OF DEEDS

Date: November 19, 2021

Form: 3-20 (01)

Plan No.: 2021-67

Surveyor: Grady H. Johnson

Sheet 1 of 1

RESERVED FOR REGISTRY USE

NOTE:

PARCELS 3-5 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE DELAYED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

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

Grady H. Johnson 9-23-21
 PROFESSIONAL LAND SURVEYOR DATE



Nantucket Select Board

Being a majority:

[Signature]
[Signature]
[Signature]
[Signature]

DATE SIGNED: _____

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

Nantucket Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

[Signature]
[Signature]
[Signature]

10-25-2020 0-310-2021-0-00310
 DATE SIGNED FILE #

TAKING AND DISPOSITION Plan of Land in Nantucket, Mass. Prepared for

TOWN OF NANTUCKET

Scale: 1" = 30' SEPTEMBER 23, 2021

BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 30 TRAFALGAR CIRCLE
 NANTUCKET, MASS. 02554
 (508) 228-9928



B7162

NANTUCKET 003 31 NANTUCKET 003 31 NANTUCKET 003 31 9/23/2021 3:41:00 PM EDT

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Robert W. Hausslein ("Buyer")
Parcel 3, Hawthorne Street,
Nantucket, MA (Property)
June 23, 2022(Closing Date)

Purchase Price:	\$ 5,000.00
------------------------	--------------------

Less:

Deposit	\$ 00.00
---------	----------

Plus:

Payment in Lieu of Tax Adjustment	
6./23/22-6/30/22	\$.40
7/1/22-6/30/23	\$ 18.70

Reimbursement of Town's Legal Fees	\$ 1,000.00
------------------------------------	-------------

Net Amount Due Seller:	\$ 6,019.10
-------------------------------	--------------------

Checks:

Town of Nantucket	\$ 6,019.10
-------------------	-------------

BUYER:

**SELLER: TOWN OF NANTUCKET
SELECT BOARD**

By: _____
Robert W. Haussein

Jason Bridges

Dawn E. Hill Holdgate

Melissa K. Murphy

Matthew G. Fee

Brooke Mohr

—



Agenda Item Summary

Agenda Item #	XI. 2.
Date	6/22/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Conveyance of fee interest in a portion of Hawthorne Street, shown as Parcel 4 on Plan entitled "Taking and Disposition Plan of Land in Nantucket Mass. Prepared by the Town of Nantucket," dated September 23, 2021, prepared by Blackwell and Associates and recorded with the Nantucket County Registry of Deeds as Plan No. 2021-67 for public access and municipal purposes for the purpose of conveyance of the fee title or lesser interest, together with any public or private rights of passage as authorized by MGL Chapter 79 and the vote on Article 99 of the 2011 Annual Town Meeting.

Executive Summary

This is part of the completion of the Yard Sale Program pursuant to Article 99 as voted at the 2011 ATM. Parcel 4 has an area of 4,000 +/- s.f. Coastal Resilience Coordinator Vincent Murphy has reviewed as to resiliency issues and indicated that there is no issue with the proposed disposition. The price recommended by the Assessor and approved by REAC at its meeting on June 13 is \$10,000 plus Town expenses as reflected on the closing statement.

Staff Recommendation

Proceed with the approval and execution of the documents. Town Counsel has prepared and reviewed the documents.

Background/Discussion

The documents clearly provide that the land cannot be used to create a subdividable parcel unless the land previously could be subdivided.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the taking and subsequent disposition of previously authorized transactions at ATMs which will increase the tax base.

Board/Commission Recommendation

n/a

Public Outreach

Approved at Town Meeting



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

Consistent with the intent of the Yard Sale Program

Attachments

Purchase and Sale Agreement, Quitclaim Deed, Settlement Statement, Plan No. 2021-67



PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of _____, 2022.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Select Board, having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Marcia J. Coyle of 61 Pochick Avenue, Nantucket, Massachusetts 02554 hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises are comprised of a certain parcel of land in Nantucket, Massachusetts shown as Parcel 4, Hawthorne Street, containing 4,000± square feet, on a plan of land entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," dated September 23, 2021, prepared by Blackwell & Associates, Inc. recorded with the Nantucket County Registry of Deeds as Plan No. 2021-67 (the "Property" or "Premises"). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Any liens for municipal betterments assessed after the date of this agreement;
- (b) Laws, by-laws, rules, and regulations, whether federal, state, or local, which affect the use of the Premises, including, but not limited to, rules and regulations of the Nantucket Conservation Commission, Nantucket Zoning By-Law, Nantucket Historic District Commission, Nantucket Building Department, Nantucket Planning Board and Nantucket Board of Health;
- (c) Real estate taxes for the then-current fiscal year and future periods, which are not due and payable at the time of delivery of the deed;
- (d) Any fee which may be imposed upon the transaction which is the subject of this agreement by the Nantucket Land Bank Commission, which the Buyer agrees to pay at the time of delivery of the deed;

(e) Any right, restrictions or easements and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises for residential purposes;

(f) Any public rights existing below mean high water, if applicable; and

(i) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property known as 61 Pochick Avenue, Nantucket, Massachusetts, which is shown as Town Assessor's Map 79 as Parcel 159, for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with said existing property,

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the BUYER shall deliver such plan with the deed in a form adequate for recording.

6. REGISTERED TITLE

In addition to the foregoing, if the title to the said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title to said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said premises is Ten Thousand and 00/100 Dollars (\$10,000.00), of which

\$ 0.00	was paid as a deposit
\$ 10,000.00	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or by attorney's IOLTA check.

<u>\$ 10,000.00</u>	Total
---------------------	-------

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 23rd day of June 2022, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then (a) in the same condition as they are now, and (b) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to personally inspect the premises prior to the delivery of the deed in order to determine whether the condition of the premises complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. In the event that such an extension occurs, BUYER agrees to close prior to expiration of the extension period and as soon as reasonably possible after SELLER is prepared to deliver the Premises in compliance with this Agreement. In no event shall SELLER be required to expend more than a total of \$1,000.00 to clear title to and deliver possession of the Premises.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

13. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

A payment in lieu of taxes shall be paid in accordance with G.L. c. 44, § 63A as of the day of performance of this Agreement and the amount thereof shall be added to the purchase price payable by BUYER at the time of delivery of the deed.

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

All deposits made hereunder shall be held in escrow by Town Treasurer, as escrow agent in a non-interest bearing account subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order by a Court having competent jurisdiction.

All deposits made hereunder shall be placed in a non-interest-bearing account. The escrow agent hereunder shall not be liable for any loss suffered with respect to the escrow account or for any action or inaction taken by the escrow agent in good faith with respect to the account or deposit. The escrow agent may resign at any time by transferring the deposit to a successor escrow agent reasonably acceptable to SELLER and BUYER which successor agrees in writing to act as escrow agent. BUYER and SELLER jointly and severally agree to indemnify and hold the escrow agent harmless for any and all costs and expenses, including reasonable attorney's fees, incurred in connection with any such dispute.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the SELLER'S sole and exclusive remedy at law and in equity for a breach of this agreement.

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER: NONE. SELLER and SELLER's agents have made no warranties or representations, express or implied, and BUYER is purchasing the premises in it's "AS IS" and without inspection.

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER or their respective counsel. The Parties may rely upon facsimile copies of such written instruments. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

Any matter relating to performance of this Agreement, which is the subject of a title, practice or ethical standard of the Real Estate Bar Association of Massachusetts shall be governed by such standard to the extent applicable.

29. NOTICES

All notices, demands, consents and approvals required or permitted hereunder shall be deemed to have been duly given if in writing addressed to BUYER or SELLER at:

In the case of BUYER:

Marcia J. Coyle
61 Pochick Avenue
Nantucket, MA 02554

In the case of SELLER:

Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, MA 02554

With a copy to:

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street, 12th Fl.
Boston, MA 02110
(617) 556-0007
Facsimile: (617) 654-1735

and shall be deemed delivered upon the earliest to occur of (a) receipt or refusal to accept delivery; or (b) upon delivery prior to 5:00 P.M. on any business day by telecopy evidenced by written or printed receipt confirmation, provided a copy of any such notice sent by telecopy is sent also by means of one of the above-described manners of delivery. BUYER and SELLER may change the address to which any notice is to be sent by giving reasonable notice to the other party of such new address in the manner specified.

30. NO BROKER WARRANTY

The parties warrant and represent each to the other that there is no broker involved with the transaction to which this agreement pertains. In the event of a breach of the foregoing representation, the breaching party shall indemnify and hold harmless the non-breaching party for all expenses, including attorney's fees, which arise from such breach. The provisions of this section shall survive delivery of the deed hereunder.

31. SELLER'S CONTINGENCY

SELLER'S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of

the premises and obtaining all necessary authority to sell the premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

The parties hereto agree that all actions on this Agreement shall be brought in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Nantucket Division, to the extent that said Court shall have jurisdiction of the subject matter in any such action.

33. EXTENSION AUTHORITY

By executing this Agreement, Buyer and Seller hereby grant to their respective attorneys the actual authority to bind them by facsimile for the limited purpose of allowing them to grant extensions, and Buyer and Seller shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge that either party has disclaimed the authority granted herein to bind them.

34. CLOSING DOCUMENTS

BUYER agrees to sign at closing all forms reasonably required by SELLER including without limitation a disclosure statement pursuant to G.L. c. 7C, sec. 38. BUYER agrees to pay the legal costs incurred for preparing a Quitclaim Deed for the Premises.

35. MERGER OF PREMISES

BUYER shall consolidate the Premises with the BUYER'S existing abutting lot as set forth in the provisions of the "Nantucket Yard Sale Program." This consolidation process includes but is not limited to obtaining a special permit from the Zoning Board of Appeals to alter any premises which is a nonconforming lot pursuant to Town Code 139-33A (8) and, filing a new perimeter plan with the Nantucket Planning Board and Massachusetts Land Court, if applicable.

BUYER warrants that the Premises shall not be used as separate buildable lots or resold as a separate buildable lot and shall be used for residential uses only. Notwithstanding any provision herein to the contrary, BUYER shall accept the deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce such restrictions and covenants as follows:

"The Grantor's conveyance of the parcel(s) described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel(s) shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 61 Pochick Avenue, shown on Town Assessor's Map 79 as Parcel 159, previously acquired by Grantee by Deed recorded with Nantucket County Registry of Deeds in Book 1198, Page 342 and registered with Certificate of Title No. 23335 at the Nantucket County Registry District of the Land Court (together, the "Combined Premises"), and that no part of the Combined Premises shall be hereafter divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Combined Premises to residential use as defined in Chapter 139 of the Town

of Nantucket Code, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds."

These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body" pursuant to G.L. c. 184, Section 26 such that the restrictions contained herein shall be enforceable for the full term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the grantee hereby appoints the grantor as its agent and attorney in fact to execute and record such notice and further agrees that the grantee shall execute and record such notice upon request. The representations, warranties and provisions of this Section 35 shall survive the delivery of this deed and any conveyance of the Premises, and BUYER shall accept a deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce these covenants.

36. CONDITION OF PREMISES

BUYER acknowledges that prior to the date of this Agreement, BUYER entered the Premises for the purpose of surveying and inspecting the Premises, as necessary for BUYER's financing and purchasing of the Premises and BUYER agrees that BUYER and BUYER's agents fully and completely inspected the Premises, and that BUYER is wholly satisfied with the condition of the Premises. SELLER and SELLER's agents have made no warranties or representations with respect to the Premises, express or implied, on which BUYER has relied except as otherwise set forth in this Agreement. In the event that BUYER and/or BUYER's agents, contractors and employees access the Premises to make any further inspections, assessments, surveys, appraisals or other non-invasive examination of the surface of the Premises, then such access shall be solely at the BUYER's risk, and BUYER shall indemnify and save SELLER harmless from any and all claims, demands, suits or causes of action of any nature whatsoever arising from BUYER's and its agents', contractors' and employees' presence at and/or actions upon or about the Premises, including, without limitation, any claim for personal injury or property damage made by any such person afforded access to the Premises pursuant hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the Premises.

37. REPRESENTATION BY COUNSEL

BUYER and SELLER each acknowledge and agree that they have by counsel of their own choosing or have had an opportunity to be so represented by counsel, and both BUYER and SELLER have read and understand the terms of this Agreement.

38. ASSIGNMENT AND RECORDING OF AGREEMENT

BUYER shall not file this Agreement with any Registry of Deeds or recording office. BUYER shall not assign this Agreement to any party without SELLER's prior written consent, which consent SELLER may withhold for any or no reason. In the event BUYER so files or assigns this Agreement without SELLER's prior written consent, then SELLER may elect, upon written notice to BUYER, to terminate this Agreement and to retain any and all deposits.

39. SEVERABILITY

If this Agreement shall contain any term or provision which shall be invalid, then the remainder of the Agreement, as the case may be, shall not be affected thereby and shall remain valid and in full force and effect to the fullest extent permitted by law, provided such term or provision does not materially affect the obligations of either of the parties nor the essence of the Agreement.

Signature Page to Follow

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

BUYER:

By: _____
Marcia J. Coyle

QUITCLAIM DEED

Parcel 4, Hawthorne Street, Nantucket, Massachusetts

The **Town of Nantucket**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the “Grantor”), in consideration of Ten Thousand and 00/100 Dollars (\$10,000.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Marcia J. Coyle** (the “Grantee”) having a mailing address of 61 Pochick Avenue, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS, a certain parcel of land in Nantucket, Massachusetts shown as Parcel 4, Hawthorne Street, containing 4,000± square feet on a plan of land entitled “Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket,” dated September 23, 2021, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2021-67 (the “Parcel”). The Parcel hereby conveyed is a portion of Proprietors Road and is vacant land.

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 61 Pochick Avenue shown on Town Assessor’s Map 79 as Parcel 159 previously acquired by Grantee pursuant to Deed recorded with the Nantucket County Registry of Deeds in Book 1198, Page 342 and registered on Certificate of Title No. 23335 at the Nantucket County Registry District of the Land Court (together, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee’s existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor’s reservation of, and otherwise grants to the Grantor, such restrictions on the use of the

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

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

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

For Grantor’s title, see Order of Taking dated April 27, 2022, recorded with said Deeds in Book 1892, Page 267.

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

EXECUTED under seal this _____ day of _____, 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Dawn E. Hill Holdgate

Melissa K. Murphy

Matthew G. Fee

Brooke Mohr

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2022, before me, the undersigned Notary Public, personally appeared Jason Bridges, Dawn E. Hill Holdgate, Melissa K. Murphy, Matthew G. Fee and Brooke Mohr 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:



CURRENT ZONING CLASSIFICATION:
 Limited Use General 1 (L.U.G.-1)
 MINIMUM LOT SIZE: 40,000 S.F.
 MINIMUM FRONTAGE: 100 FT.
 FRONT YARD SETBACK: 35 FT.
 REAR YARD SETBACK: 10 FT.
 SIDE YARD SETBACK: 10 FT.
 GROUND COVER: 25%

LEGEND

- (CB) = EXISTING CONCRETE BOUNDARY FOUND
- (F) = EXISTING CONCRETE FOUND
- (P) = EXISTING FOUND
- (O) = EXISTING FOUND



NANTUCKET REGISTRY OF DEEDS

Date: November 19, 2021

Form: 3-20-2021

Plan No.: 2021-67

Surveyor: David H. Jones

Sheet 1 of 1

RESERVED FOR REGISTRY USE

NOTE:

PARCELS 3-5 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE DELAYED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

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

David H. Jones 9-23-21
 PROFESSIONAL LAND SURVEYOR DATE



Nantucket Select Board

Being a majority:

[Signature]
[Signature]
[Signature]
[Signature]

DATE SIGNED: _____

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

Nantucket Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

[Signature]
[Signature]
[Signature]

10-25-2020 0-310-2021-0-00310
 DATE SIGNED FILE #

EXEMPTED FROM ALL ARTICLES 86 & 87

TAKING AND DISPOSITION Plan of Land in Nantucket, Mass. Prepared for

TOWN OF NANTUCKET

Scale: 1" = 30' SEPTEMBER 23, 2021

BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 30 TRAFALGAR SQUARE
 NANTUCKET, MASS. 02554
 (508) 228-9928



B7162

NANTUCKET 000 33 NANTUCKET 000 33 NANTUCKET 000 33 9/23/2021 3:41:00 PM EDT

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Marcia J. Coyle ("Buyer")
Parcel 4, Hawthorne Street,
Nantucket, MA (Property)
June 23, 2022(Closing Date)

Purchase Price: **\$ 10,000.00**

Less:

Deposit \$ 00.00

Plus:

Payment in Lieu of Tax Adjustment

6./23/22-6/30/22 \$.80

7/1/22-6/30/23 \$ 37.40

Reimbursement of Town's Legal Fees \$ 1,000.00

Net Amount Due Seller: **\$ 11,038.20**

Checks:

Town of Nantucket \$ 11,038.20

BUYER:

**SELLER: TOWN OF NANTUCKET
SELECT BOARD**

By: _____
Marcia J. Coyle

Jason Bridges

Dawn E. Hill Holdgate

Melissa K. Murphy

Matthew G. Fee

Brooke Mohr

—



Agenda Item Summary

Agenda Item #	XI. 3.
Date	6/22/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Corrected Release of Easement in portion of Hancock Street, Surfside

Executive Summary

At the April Select Board meeting, the SB executed two release of easements of property that the Town took by eminent domain pursuant Articles 104 and 105 of the 2021 ATM based on the information provided to the Town by representatives of the property. As to Lot 2A, a change of ownership occurred between the date of the execution of the Release of Easement by the Town and the ability to record the easement and we have received a request from the attorney to issue a new Confirmatory Release as attached. REAC and Town Counsel have reviewed the new Confirmatory lease and have approved the form and substance.

Staff Recommendation

Proceed to execute the Confirmatory Release.

Background/Discussion

This is part of the follow up on the Yard Sale Programs begun more than ten years ago.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Approved at Annual Town Meeting

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

Conforms to the purpose of the Yard Sale Program

Attachments

Confirmatory Release Form



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 105 adopted at its 2021 Annual Town Meeting, a certified copy of which is attached hereto, hereby releases to **Kristopher Megna and Stephanie Megna**, owners of property at Lot 2A, 28 South Shore Road, Nantucket, Massachusetts, described in a deed recorded with Nantucket County Registry of Deeds in Book 1796, Page 90 (the “Property”), all of the Town’s right, title and interest in the easement rights in the portions of the Property shown as Easement E-1, Hancock Street containing 7,122± s. f. on a plan of land entitled “Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts,” dated October 26, 2021, prepared by Earle & Sullivan, Inc., a copy of which is attached as Exhibit A to the Order of Taking. Said plan is recorded with said Deeds at Book 1883, Page 125.

For title to Town’s easement rights see Order of Taking dated February 23, 2022, recorded with said Deeds in Book 1883, Page 121.

This Confirmatory Release of Easement corrects the names of the property owners in Release of Easement recorded with said Deeds in Book 1893, Page 139.

Signature Page to Follow

EXECUTED under seal this _____ day of _____, 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Dawn E. Hill Holdgate

Melissa K. Murphy

Matthew G. Fee

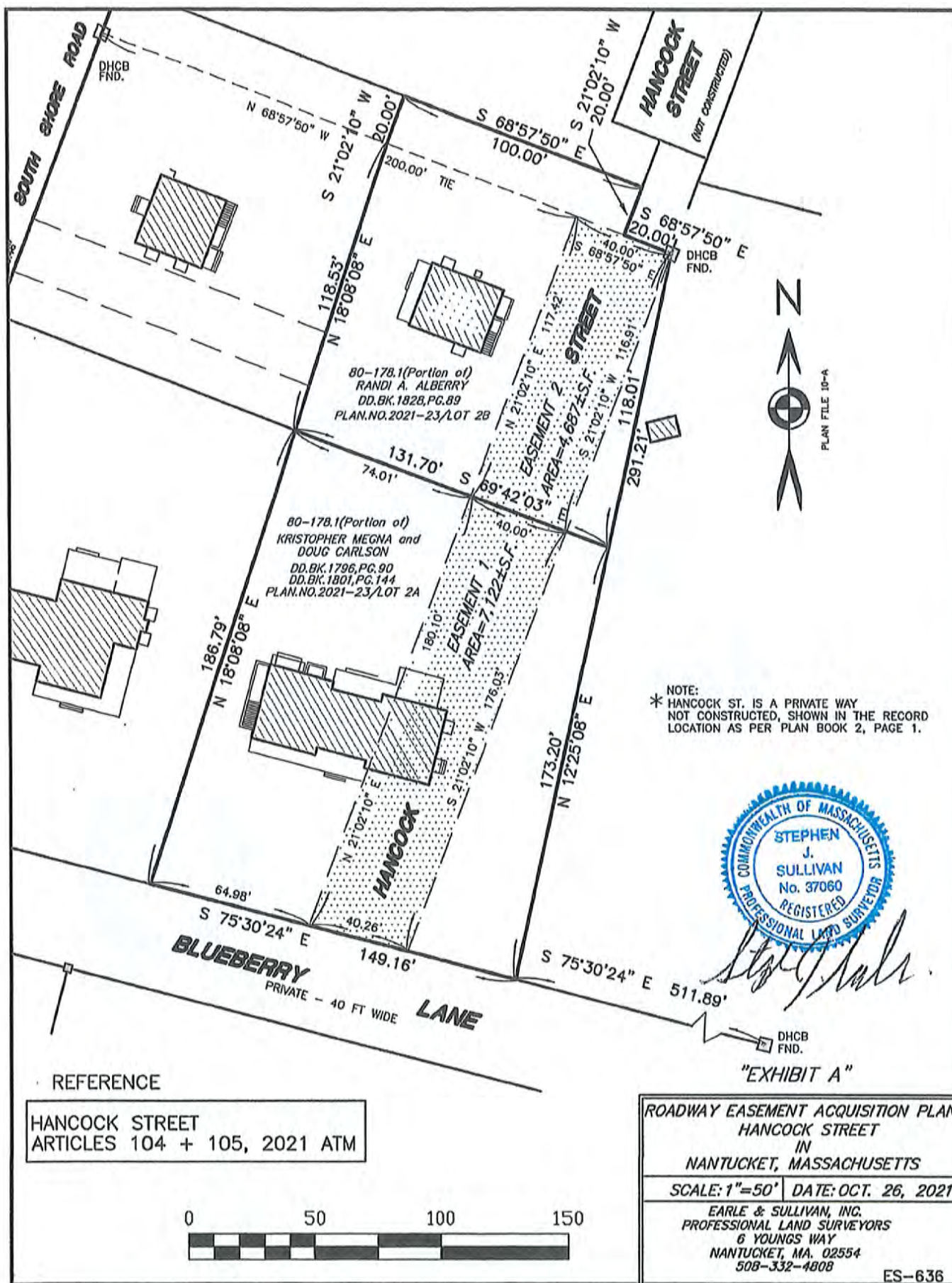
Brooke Mohr

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2022, before me, the undersigned Notary Public, personally appeared Jason Bridges, Dawn E. Hill Holdgate, Melissa K. Murphy, Matthew G. Fee and Brooke Mohr 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:





Agenda Item Summary

Agenda Item #	XII. 1.
Date	06/22/2022

Staff

Katie Cabral

Subject

National Grid Utility Petition – 13 Parker Ln

Executive Summary

This petition proposes to install a transformer foundation and approximately 50' of conduit from existing pole #4 at 13 Parker Ln

Staff Recommendation

n/a

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 (Plan No. 30550816)
TYPE: Petition for Manhole and Duct Locations
SITE ADDRESS: Parker Lane
HEARING DATE: June 16, 2022

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. – Chief Murphy
PLANNING: No Issues. – Holly Backus
DPW: No Issues. **
SEWER: Call Sewer to mark out sewer lines. – David Gray
WWCo: Call Wannacomet Water Company to mark out water lines. – 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.**



May 23, 2022

Nantucket
TOWN OF NANTUCKET BOARD OF SELECTMENT
16 BROAD STREET
NANTUCKET, MA 02554

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 permit, please contact: **Note change of contact information**

Gabriela Ayala

Please notify Ms. Ayala of the hearing date / time:

Gabriela.ayala@nationalgrid.com

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

National Grid Contact:
Gabriela Ayala
100 E Ashland St, Brockton MA 02302

Very truly yours,

Robert Leonida

Rob Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATIONS

Nantucket, MA 02554

May 11, 2022

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:

Parker Lane

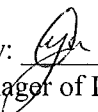
**Install (1) transformer foundation approx 50' of concrete encased
conduit from existing pole #4.**

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. **30550816** Dated: **5/9/2022**

NANTUCKET ELECTRIC COMPANY

By:  DBA Robert Leonida
Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATIONS

Nantucket, MA 02554

May 11, 2022

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 **11th day of May, 2022**

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

NANTUCKET ELECTRIC COMPANY

Plan No. **30550816** Dated: **5/9/2022**

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

Parker Lane

Install (1) transformer foundation approx 50' of concrete encased conduit from existing pole #4.

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 _____ 2022

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 _____ 2022 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 # 30550816
(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 275 feet NW of the centerline
(distance) (compass heading)

of the intersection of Fairgrounds Rd
(street name)

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

Install underground facilities:

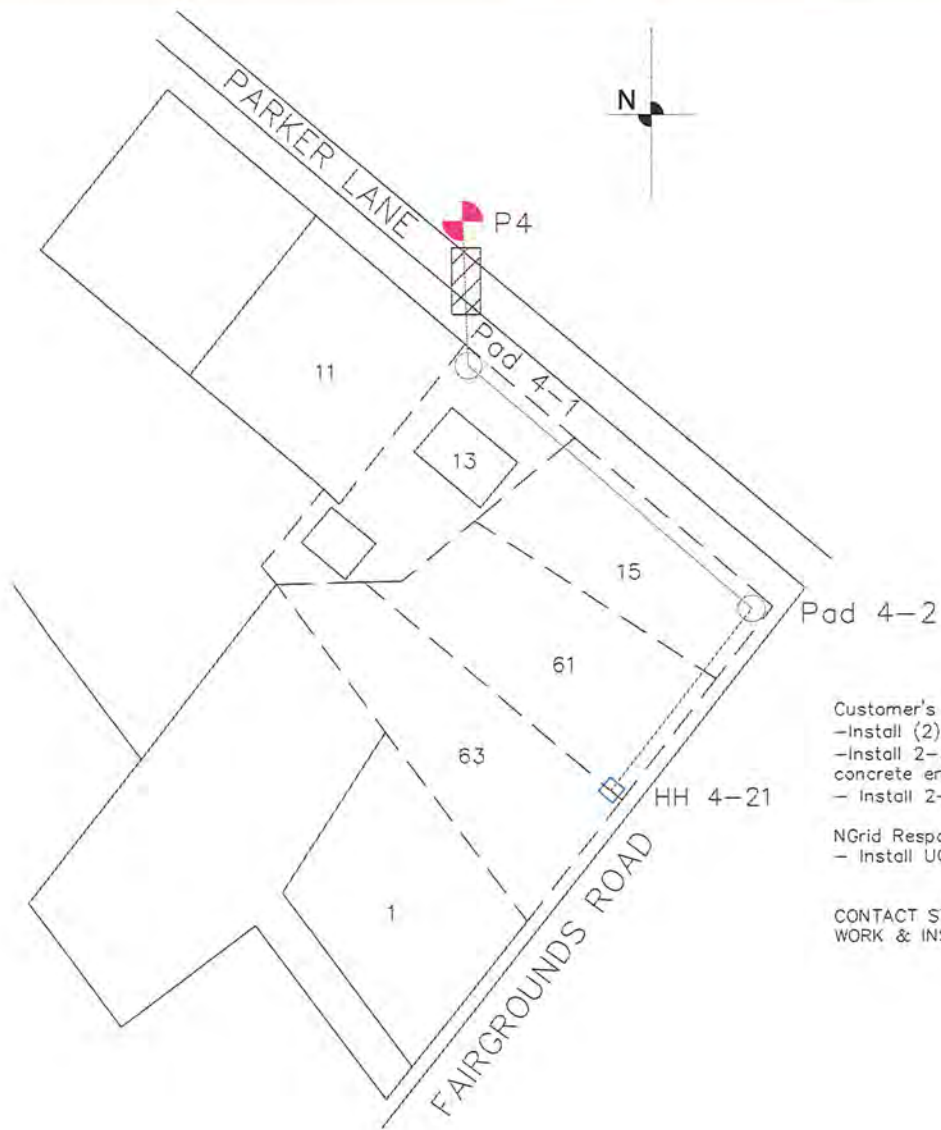
Street(s) Parker Ln

Description of Work:

Install (1) transformer foundation approx 50' of concrete encased conduit from existing pole #4

ENGINEER Jose Vazquez

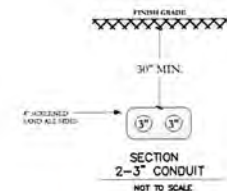
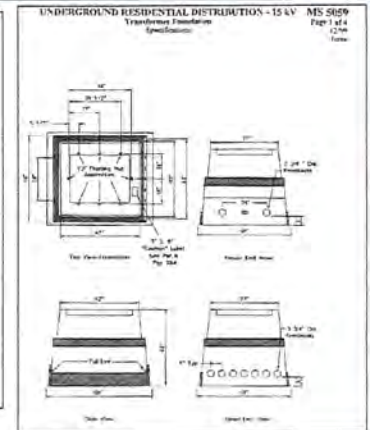
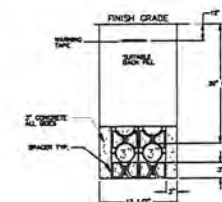
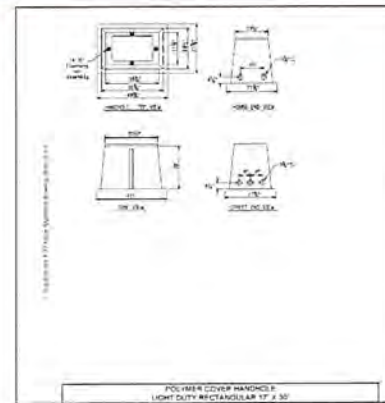
DATE 5/9/2022



- Customer's Responsibility**
- Install (2) 1PH Padmounted foundation @ Pad #4-1 & Pad #4-2
 - Install 2-3" PVC Sched conduit from Pole to Pad #4-1 concrete encased in the road
 - Install 2-3" PVC Sched 40 from Pad #4-2 to HH4-21

- NGrid Responsibility:**
- Install UG primary conductors from Pole 4 to Pad #4-1

CONTACT STEVE HOLDGATE @ 506-325-8223 BEFORE STARTING WORK & INSPECTIONS



11x17 Supplemental Sketch

nationalgrid

13 Parker Lane

Work Request:
30550816

Drawn By: Vezquez
Date: 5/6/2022

Install UG Primary - padmount foundations and handhole

LEGEND

- EXISTING JO UTILITY POLE
- 50 KVA SINGLE PHASE PADMOUNTED XPMR
- PROPOSED HANDHOLE
- 2-3" CONDUIT WITH 1PH UG PRIMARY CABLE
- CONCRETE ENCASED

NOTE: Not to Scale

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
67	173		61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	01532	15 PARKER LN
67	173	1	61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	01532	61 FAIRGROUNDS RD
67	173	2	61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	01532	63 FAIRGROUNDS RD
67	173	3	61 FAIRGROUNDS LLC		44 BEARFOOT RD	NORTHBOROUGH	MA	01532	13 PARKER LN
67	176	1	ALBERTAZZI KENNETH E TR	ALBERTAZZI KENNETH E 2014 FAMILY TRUST	55 FARRINGTON AVENUE	GLOUCESTER	MA	01930	1 NAUTILUS LN
67	671		HERMAN RICHARD S & MAUREEN F		4 GRAY AVE	NANTUCKET	MA	02554	11 PARKER LN
Count:		6							



Agenda Item Summary

Agenda Item #	XII. 2.
Date	6/22/2022

Staff

Erika Mooney, Operations Administrator

Subject

Request to amend Chapter 367, Taxicabs, Charter, Limousine and Tour Vehicles Regulations (formerly known as Chapter 240, Taxicab, Charter, Limousine and Tour Vehicle Regulations) to remove the requirement for Massachusetts driver's licenses.

Executive Summary

A representative of the taxi industry requested at the Board's May 11, 2022 meeting to amend the Taxi/Limousine/Charter/Tour Vehicle Regulations to remove the requirement for Taxi/Tour/Limo/Charter Drivers to have Massachusetts Driver's licenses. At the May 11 meeting, the Board agreed to schedule the public hearing necessary to take action.

Staff Recommendation

N/A (Policy Matter)

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

The public hearing was advertised in the local paper three weeks preceding the hearing.

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

n/a

Attachments

Email from Kenneth Turgeon; amended Chapter 367, Taxicabs, Charter, Limousine and Tour Vehicles Regulations; portion of 5/11/2022 Select Board minutes



From: [Kenneth Turgeon](#)
To: [Erika Mooney](#)
Subject: Change request for Taxi /Limo/Tours/Charter regulation 240-3 A-#2
Date: Tuesday, April 19, 2022 11:43:07 AM

To: Nantucket Selectboard
From: Ken Turgeon

This email is a request to change the requirement that taxi/limo/charter and tour DRIVERS must have a Massachusetts drivers license and that any USA license should be accepted. We have the annual background check and fingerprints to screen all drivers regardless of where drivers license is from.

The reasoning behind this request is:

A) The shortage of available drivers due to UBER,LYFT and other rideshare companies. These companies and their drivers from states across the country show up in Nantucket to drive for the summer. They use drivers licenses from their home states and NOT Massachusetts. Its long past due for the local taxi and livery/tour/charter companies receive a level playing field against these rideshare companies. They pay no fees or local taxes and fill their wallets and leave after the summer is over.

B) The RMV is still a complete disaster and getting much needed drivers hired for the summer and force them to change their existing out of state license is near impossible to do fast enough. Most of the labor pool is here 90 days and have CDL licenses from other states. Most are not willing or able to keep changing back and forth every year. This 2022 summer is looking to be worse than last year and transportation companies need to have the staff to move our visitors.

I request that the selectboard take action asap to fix this issue and combine this request with the pending taxi fare increase for a public hearing.

Best Regards, Kenneth Turgeon

Chapter 367

TAXICABS, CHARTER, LIMOUSINE AND TOUR VEHICLES

ARTICLE I Taxicabs

- § 367-1. Definitions; purpose.
- § 367-2. Taxicab licenses; vehicle condition; operating requirements.
- § 367-3. Taxicab operators.
- § 367-4. Prohibited practices.
- § 367-5. Fares.
- § 367-6. Violations and penalties.
- § 367-7. Authority; enforcement; severability.

ARTICLE II Charters, Limousines and Tour Vehicles

- § 367-8. Definitions; purpose.
- § 367-9. Charter, limousine and tour vehicle licenses; vehicle condition; operating requirements.
- § 367-10. Charter, limousine or tour vehicle operators.
- § 367-11. Prohibited practices.
- § 367-12. Rates; minimum rental.
- § 367-13. Violations and penalties.
- § 367-14. Authority; enforcement; severability.

[HISTORY: Adopted by the Board of Selectmen (now Select Board) of the Town of Nantucket 3-23-1993. Amendments noted where applicable.]

TOWN CODE REFERENCES

Noncriminal disposition of violations — See Ch. 1, Art. II.
Buses — See Ch. 27.
Motor vehicles on beaches — See Ch. 56.

Bicycles and mopeds — See Ch. 57.
Motorized passenger devices — See Ch. 98.
Abandoned vehicles — See Ch. 104.

TOWN REGULATIONS REFERENCES

Pedicabs — See Ch. 316.

Traffic — See Ch. 375.

ARTICLE I Taxicabs

[Amended 5-16-1994; 5-24-1995; 6-25-1997; 6-4-1998; 3-12-2003; 5-19-2005; 4-18-2007; 2-25-2009; 6-2-2010; 5-16-2012; 5-8-2013; 12-18-2013; 4-22-2015; 5-6-2015]

§ 367-1. Definitions; purpose.

- A. As used in these regulations the following terms shall have the following meanings, unless a different meaning is clearly apparent from the language or context.

ACCESSIBLE TAXICAB — A taxicab that is built to accommodate a motorized or nonmotorized wheelchair.

ACCESSIBLE TAXICAB OPERATOR — A person licensed by the Town to operate an accessible taxicab.

NANTUCKET COMMISSION ON DISABILITY — Represents and advocates for the needs and interests of the disabled community living on or visiting the Island of Nantucket pursuant to MGL c. 40, § 8J.

NUMBER PLATE — The sign or marker furnished by the Registry of Motor Vehicles on which is displayed the register number or mark of a motor vehicle assigned to such motor vehicle by the Registry of Motor Vehicles.

OFFICIAL WAITING LIST — The official codified list of names of prospective taxicab license applicants managed by the Town.

OFFICIAL WAITING LIST FORM — The form prospective applicants must complete to be placed on the Official Waiting List.

POLICE OFFICER or OFFICER — Any officer authorized to make arrests or serve criminal process, provided he/she is in uniform or displays her/his badge of office.

RELATED PARTIES — The applicant; any person who is a parent, spouse or child of the applicant; any entity (including, without limitation, corporations, partnerships, limited partnerships, limited-liability companies or other business entities) in which a related party holds more than a 50% direct or indirect ownership of the stock, capital or profits.

SELECT BOARD — The duly elected members of the Select Board for the Town of Nantucket, Massachusetts.

STAND — Halting of a motor vehicle, whether occupied or not. This term does not include halting to receive or discharge passengers.

TAXI STAND — A place or station in a way in the Town where taxicabs are authorized and required to park while waiting to be engaged for hire.

TAXI ZONE MAP — A geographical map of the Town defining specific boundaries between taxi fare destinations for the purposes of calculating the taxi fare.

TAXICAB — Any motor vehicle used or to be used for the conveyance of 10 or fewer persons, including the operator, for hire from place to place.

TAXICAB BUSINESS OWNER — Any person, persons, or corporate entity holding a majority interest in a business which operates any motor vehicle or vehicles used or to be used for the conveyance of persons for hire from place to place.

TAXICAB LICENSE — A license issued by the Town to a taxicab business owner specifying the number of taxicabs for that business and authorizing the use of said taxicab(s) after approval of the Town Manager.

TAXICAB OPERATOR — A person licensed by the Town to operate a taxicab.

TAXICAB OPERATOR'S LICENSE — A picture identification badge with a current validation sticker affixed issued by the Nantucket Police Department authorizing the holder to operate a taxicab.

TEMPORARY TAXICAB OPERATOR'S LICENSE — A license issued by the Town authorizing the holder to operate a taxicab on a limited or temporary basis for a period not to exceed 30 days.

THE REGULATIONS or REGULATIONS — Chapter 367, Article I, of the Town regulations of the Town of Nantucket.

TOWN — The Town and County of Nantucket, Massachusetts.

TOWN CLERK — The duly elected Clerk for the Town of Nantucket, Massachusetts.

TOWN MANAGER — The duly appointed Town administrator for the Town of Nantucket.¹

VALIDATION STICKER — A sticker issued by the Town, which shall be affixed to the taxicab license. Said sticker shall indicate the expiration of the taxicab license.

VEHICLE DECAL — A sticker issued by the Town Clerk that shall be affixed to the interior of the windshield on the taxicab operator's side lower corner where the windshield meets the vehicle hood and door pillar of the taxicab. The vehicle decal shall be visible from the exterior of the taxicab. An accessible taxicab shall be allowed to display the universal "wheelchair accessible" symbol.

WAY — Any public way, private way laid out for public use, any way indicated for public use or any way to which the public has a right of access as invitees, licensees or guests.

WINTER MONTHS — December, January and February of any given year.

- B. Purpose. The purposes of the regulations, to be adopted pursuant to the authority of MGL c. 40, § 22, are to serve the public need and convenience and to promote the public health, welfare and safety of the residents of and visitors to the Town.

§ 367-2. Taxicab licenses; vehicle condition; operating requirements.

A. Taxicab license application.

- (1) The Select Board may periodically determine the total number of taxicab licenses available for issuance to operate a taxicab in the Town, and annual taxicab license fees or fees associated with the Official Waiting List.
- (2) In addition to the number so determined in Subsection A(1) of this section, there shall be at least two more taxicab licenses available for issuance for an accessible taxicab, to be issued to an applicant who agrees to operate seven days a week on demand 18 hours per day and who agrees to provide accessible taxicab operators who shall comply with the Code of Federal Regulations and shall comply with Subsection M of this section, at all times.
- (3) Official Waiting List. In conjunction with monitoring available taxicab licenses, the Town will codify and actively manage an Official Waiting List of prospective

1. Editor's Note: The definition of "unofficial waiting list," which followed this definition, was repealed during codification.

applicant names based on order of submission by those interested in acquiring future taxicab licenses. The Unofficial Waiting List as of June 1, 2007, shall serve as the initial reference for the Official Waiting List. Applicants listed on the Official Waiting List shall retain their seniority on the list until such time any applicant requests removal from the list or does not provide annual written confirmation of interest to remain on the Official Waiting List. The Town will update the Official Waiting List in May of each year, and it is the responsibility of the prospective applicants to provide written confirmation of interest to remain on the Official Waiting List prior to the deadline established by the Town. Effective January 1, 2009, the Town may require prospective applicants to annually complete an "Official Waiting List Form" to be eligible for continued inclusion on the Official Waiting List.

- (4) An application fee set by the Select Board or its designee shall be payable at the time of application and at the time of written annual confirmation of interest by an established deadline for those applicants on the Official Waiting List.
- (5) An application for a taxicab license shall be made out by the taxicab business owner at the time the owner of the taxicab business becomes eligible for a taxicab license as determined in Subsection A(3) of this section. Such application shall set forth under oath all information that the Select Board may require. Each new applicant for an original taxicab license shall apply to the Town Manager for approval.
- (6) An applicant who is denied a taxicab license by the Town Manager may appeal the decision to the Select Board. The request for an appeal must be made in writing and filed with the Select Board within 30 days of the issuance of the Town Manager's decision.
- (7) Each taxicab license authorizes only one taxicab. No related parties shall hold more than four taxicab licenses at any one time. Related parties, as that term is defined in § 367-1 of this article, shall be considered and deemed to be one person, one business or one corporation for purposes of the regulations. Applicants shall not be eligible for more than one taxicab license in any twelve-month period. An application for a taxicab license shall be deemed to be a joint application by the applicant and all related parties.
- (8) To be eligible for any additional taxicab licenses, the applicant must apply in the same manner as for an original license.
- (9) Effective January 1, 2009, all applicants or prospective applicants for a taxicab license shall possess a current and valid ~~Massachusetts~~-motor vehicle driver's license, and be at least 18 years of age.
- (10) Except as otherwise provided by law, no person shall engage in the business of transporting persons from place to place for hire in a motor vehicle without first having obtained a taxicab license from the Town Clerk.

B. Residency and address of record.

- (1) No taxicab license shall be issued unless the proposed licensee demonstrates familiarity with the roads of the Town, to the satisfaction of the Chief of Police

or designee; provided, however, that anyone who has resided in the Town for at least one year prior to the application for such a license is to be presumed, in the absence of evidence to the contrary, to be familiar with the Town's roads.

- (2) For a taxicab license, the address set forth in the taxicab license application shall be considered the address of record for all official business correspondence between the Town and the licensee. It shall be the responsibility of the licensee and applicant to provide written changes of address to the Town Clerk as necessary.
 - (3) For the Official Waiting List, the address set forth in the Official Waiting List Form shall be considered the address of record for all official business correspondence between the Town and the prospective applicant. It shall be the responsibility of the prospective applicant to provide written changes of address to the Town as necessary.
- C. Possession of license. The taxicab license, or a photocopy of such license certified by the Town Clerk, shall be displayed in the interior of the taxicab in clear view of the passengers. Each vehicle licensed under the regulations shall, after payment of the fee and compliance with all application and licensing requirements, receive a vehicle decal from the Town Clerk, which shall be affixed to the licensed motor vehicle in accordance with the regulations. The address of the taxicab licensee is allowed to be removed from the display license; however, it must be on file with the Town Clerk's office and Police Department.
- D. License fee. The fee for a taxicab license shall be set from time to time by the Select Board for each motor vehicle authorized by the Select Board to be operated under the regulations. There shall be a fee in an amount set from time to time by the Select Board for the transfer of a taxicab license from one vehicle to another during the current year of issuance after initial receipt. **[Amended during codification]**
- E. Proof of registration. No taxicab license shall be issued by the Town Clerk until the applicant presents proof of registration and insurance appropriate for the operation of a taxicab and provided that such insurance and registration complies with the appropriate provisions of MGL c. 90. All applicants must present to the Town Clerk an original Massachusetts vehicle registration that clearly indicates the maximum passenger capacity of the motor vehicle being licensed. If such registration document does not indicate maximum passengers, then the applicant must provide the original motor vehicle title document issued by the Massachusetts Registrar of Motor Vehicles. The Town Clerk is prohibited from issuing any taxicab license to a motor vehicle which exceeds a carrying capacity of 10 persons, including the taxicab operator.
- F. License transfer.
- (1) No taxicab license provided for in the regulations shall be sold, assigned or transferred, nor shall a majority in interest of any entity holding such a license be sold, assigned or transferred without the approval of the Select Board. Such sale, assignment or transfer, without such approval, shall automatically terminate said license, and any such license held shall immediately be surrendered to the Town Clerk. The Town maintains a waiting list for those applicants who wish to obtain a taxicab license when it becomes available, as defined in § 367-1 and codified at

§ 367-2. The Select Board shall deny a request for a sale, assignment or transfer of an available taxicab license if there is any applicant on the Official Waiting List at the time of such request, except as provided for in Subsection F(3).

- (2) No motor vehicle which is operated under the regulations shall be leased or borrowed by the taxicab license holder without the approval of the Select Board or its designee. No person or business which holds a taxicab license shall allow said license to be used or in any way controlled by any other person or business that is not the taxicab license holder as approved by the Select Board or its designee.
- (3) Legacy taxicab licenses. The spouse or immediate family member (i.e., mother, father, son, daughter, sister, brother, registered domestic partner) of a current taxicab license holder who dies or becomes legally incapacitated may apply for the license within 30 days of the death or determination of incapacitation of the taxicab license holder. Upon approval by the Select Board, the taxicab license may be transferred to the spouse or immediate family member, if said person does not already hold a taxicab license.

G. Vehicle inspections; vehicle condition.

- (1) Taxicabs are subject to periodic inspections by the Police Department throughout the year to determine fitness for continued operation, compliance with the regulations, and availability to serve the public.
- (2) Taxicabs shall comply with all provisions relative to the operation and equipping of motor vehicles under MGL c. 89 and c. 90, any bylaw of the Town, or any rule or regulation promulgated by the Massachusetts Registrar of Motor Vehicles.
- (3) Taxicabs shall be well maintained and be in a good and reliable mechanical condition. Taxicabs must have a valid state inspection sticker. No motor vehicle shall be operated with an inspection "rejection" for equipment or emissions, in accordance with state requirements.
- (4) Taxicabs shall be clean inside and outside and be well-painted; all wheels of said taxicab shall be covered with hubcaps if so designed.
- (5) Any violation of this subsection shall result in the automatic suspension of the right to operate the taxicab; such suspension shall not be rescinded until said violations are corrected to the satisfaction of the Town.

H. Rate posting. The holder of a taxicab license or a taxicab operator shall display the current fares and fees in the interior of the taxicab so as to be seen by any passenger(s) and shall make this information available to the passenger(s) upon request.

I. Fares.

- (1) No holder of a taxicab license shall charge or receive fares for the hire of a taxicab in any sums of money other than those prescribed by the fee schedule promulgated by the Select Board and from time to time amended.

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- (2) The holder of a taxicab license or taxicab operator license shall clearly display a Contact Information Card on the rear of the driver's seat in the format approved by the Town.

J. Advertisements.

- (1) No advertisements of any kind shall be displayed upon a taxicab.
- (2) Rates or fares may not be displayed on the exterior of a taxicab.
- (3) All taxicabs shall have permanently affixed to both sides of the vehicle, with letters at least three inches high but not higher than six inches, the name and company licensed to operate the taxicab. The taxicab operator's name, address and telephone number may be placed upon the taxicab's window glass; however, such information shall be placed so as to not impair or impede the operation of the taxicab or violate any provision of Massachusetts General Laws.
- (4) All taxicabs shall have permanently affixed to the windows on both sides of the vehicle, and the rear window, a unique identification number found on the taxicab license issued by the Town Clerk's office. These numbers shall be four inches high and of contrasting color to the background so that they are clearly visible to passengers entering and exiting the taxicab.
- (5) Any taxicab licensed under the regulations that advertise twenty-four-hour service shall be available if and when called.
- (6) No taxicab business owner shall advertise in any manner, form or publication that its taxicab(s) is available for tours.

K. Record of trips.

- (1) The taxicab operator for hire shall maintain a record of trips during all shifts worked. The written record of trips must be available for inspection, upon demand, by a police officer and must be turned in to the motor vehicle owner for recordkeeping purposes at the end of the taxicab operator's shift.
- (2) The taxicab business owner must produce, upon demand of the Chief of Police, or any person designated by the Chief of Police, a record of all trips made by such taxicab(s) as the Chief of Police or the Chief of Police's designee requests for a period of up to 180 days, in addition to the name and address of the taxicab operator(s), the time of the beginning and termination of each trip, location of the first and last stop on each trip, and the total fare charged for each trip.
- (3) Taxicab operators shall issue trip receipts upon request to paying customers using the approved Town format for same.

L. Duration of license.

- (1) Taxicab licenses shall be valid from June 1 through May 31. Annual taxicab licenses may be renewed upon payment annually on or after May 15 and no later than May 31. There shall be no extensions or grace period after May 31, except that the Town may issue such license provisionally prior to May 31 pending the approval of the fingerprint-supported record check. Such provisional license shall

only be issued if the taxicab owner has met all conditions which would warrant the issuance of the license, including payment of any applicable fees and submission of fingerprints. If the applicant's record check produces a disqualifying record, the taxi license issued provisionally shall summarily be revoked.

- (2) If a new taxicab license is granted during the year, the licensee shall accept and pay for said license no later than 30 days after said approval. Failure to do so will result in the license being invalid.
- (3) All holders of taxicab licenses shall comply with MGL c. 62C, § 49A stating that such holder has complied with all laws of the Commonwealth relating to taxes prior to receiving her/his taxicab license from the Town Clerk.
- (4) All taxicabs licensed by the Town must be operated during the months of June, July and August. Failure to do so will result in revocation of said license, which shall immediately be surrendered to the Town Clerk.
- (5) Taxicabs not operating year-round shall notify the Town Clerk prior to ceasing to operate during any portion of the winter months.

M. Accessible taxicabs. Accessible taxicabs shall operate in the same fashion as the current taxi service in Town. Accessible taxicabs are not for the exclusive use of wheelchair users and may be utilized by the general public. All accessible taxicabs shall be equipped to accommodate a motorized and nonmotorized wheelchair and shall comply with the following restrictions as set forth in this section.

- (1) A taxicab license for an accessible taxicab is strictly for the use of a wheelchair-accessible taxicab. If at any time an accessible taxicab needs to be replaced, it must be replaced with another wheelchair-accessible taxicab or the taxicab operator or taxicab business owner must surrender the license.
- (2) An accessible taxicab shall operate seven days a week, and be on demand 18 hours per day.
- (3) An accessible taxicab shall comply with the Code of Federal Regulations (49 CFR 38.23) in the following areas:
 - (a) The lift or the ramp must comply with 49 CFR 38.23;
 - (b) The securing devices and seatbelt and shoulder harness must comply with 49 CFR 38.25; and
 - (c) The accessible door height and overhead clearance must comply with 49 CFR 38.25.
- (4) The accessible taxicab operator shall be knowledgeable in the following areas:
 - (a) The operation of a lift or ramp for the entry into the taxicab of a wheelchair;
 - (b) Securing the wheelchair in the taxicab; and
 - (c) Providing proper assistance to a disabled passenger.

- (5) The holder of an accessible taxicab license or taxicab business owner shall be responsible for training all its operators about the accessible features of the accessible taxicab and is responsible for educating these operators about the regulations.
- (6) An accessible taxicab operator shall be required to participate in ADA sensitivity training conducted by the Nantucket Commission on Disability, and it shall be the operator's responsibility to complete this training prior to operating an accessible taxicab.
- (7) The Nantucket Commission on Disability will inspect all accessible taxicabs on an annual basis to ensure that the accessible taxicab meets the requirements of the regulations prior to issuance of a taxicab license for an accessible taxicab. Failure to pass this inspection will result in the suspension of said license.
- (8) An accessible taxicab shall service the Steamship Authority, Airport and all Town Taxi Standing Areas, as that term is defined in the regulations.
- (9) An accessible taxicab shall provide Town-wide services.
- (10) The taxicab fare for a wheelchair user shall be the same as for an ambulatory customer.
- (11) An accessible taxicab license holder shall provide notice to the public of the availability of its accessible taxicab unless notice is prohibited.
 - (a) Such notice shall be placed on the vehicle and in telephone directories; and
 - (b) All other taxi companies shall be informed about the accessible taxicab service and supply any disabled client with the appropriate information and telephone contact for an accessible taxicab.
- (12) No advertisement for an accessible taxicab will include the word "handicapped" either in or on the accessible taxicabs or in any printed material. "Wheelchair Accessible" along with the universal symbol for special needs accessibility is appropriate on an accessible taxicab and using the word "disabled" or "special needs" versus the word "handicapped" is encouraged by the Town wherever possible.

N. Regulations. A copy of the regulations shall be kept in the taxicab at all times.

§ 367-3. Taxicab operators.

A. Taxicab operator's license.

- (1) Every taxicab operator licensed under the regulations shall display his/her taxicab operator's license in the interior of his/her taxicab where it is in plain view and can be easily viewed by passengers riding in the rear seat of the aforesaid taxicab. The taxicab operator's address is allowed to be removed from the display license; however, the address must be on file with the Police Department.

- (2) All taxicab operator's licenses shall be affixed with a current validation sticker as issued by the Town. All applicants for a taxicab operator's license shall possess a current and valid ~~Massachusetts~~ motor vehicle driver's license, and be at least 18 years of age.
 - (3) No taxicab operator's license shall be issued unless the proposed licensee demonstrates familiarity with the roads of the Town, to the satisfaction of the Chief of Police or designee; provided, however, that anyone who has resided in the Town for at least one year prior to the application for such a license is to be presumed, in the absence of evidence to the contrary, to be familiar with the Town's roads.
 - (4) At the Town's discretion, a temporary taxicab operator's license may be issued by the Town, provided that the applicant has provided all required information and meets all of the requirements for the issuance of a taxicab operator's license. The temporary taxicab operator's license is only to be issued so that the applicant may operate a taxicab during the pendency of the applicant's fingerprint record check and in no case shall it be valid for a period exceeding 30 days. The holder of a temporary taxicab operator's license shall be subject to all applicable sections of these regulations. **[Amended during codification]**
 - (5) Any temporary taxicab operator's license issued shall automatically terminate upon the expiration of the thirty-day period or shall automatically terminate after five calendar days (Saturday, Sunday and holidays included) from the date upon which the applicant is notified that his/her record check has been completed, whichever occurs first. Notification may be by message to the taxicab company owner who is listed on the application, voice message to the applicant's listed phone number, or by any other reasonable means.
- B. Fee for taxicab operator's license. **[Amended during codification]**
- (1) The fee for a taxicab operator's license shall be set from time to time by the Select Board. This fee is independent, and not reduced if a temporary taxicab operator's license is issued. Picture identification licenses shall not have to be renewed annually; however, a validation sticker shall be obtained yearly, clearly stating the expiration date of the taxicab operator's license. The fee for the validation sticker shall be set from time to time by the Select Board. If a taxicab operator's license is lost or in need of replacement, there shall be a replacement fee for the picture ID and for the validation sticker in amounts set from time to time by the Select Board.
 - (2) The fee for a temporary taxicab operator's license shall be set from time to time by the Select Board and shall be nonrefundable.
- C. Application for taxicab operator's licenses. All applicants shall provide, under the penalties of perjury, such information as may be required of said applicant by the Town, including annually presenting an executed certification of understanding of the taxicab regulations of the Town of Nantucket. Failure to provide such certification shall result in the rejection of the application/renewal for a taxicab operator's license.

- D. Rejection of application; revocation of license. In addition to failure to meet the requirements of the preceding subsections, a decision to reject an application, or to suspend, revoke, or fail to renew a license, may be based on the following:
- (1) An applicant or licensee convicted of any felony or misdemeanor may be barred from receiving or holding a taxicab license for up to the following maximum periods of time:
 - (a) Five years after an incident leading to the applicant's or licensee's conviction or admission of sufficient facts or pleas of no contest for the sale or possession of a controlled substance, or for operating under the influence of an intoxicating liquor or of a controlled substance, or for assault and battery.
 - (b) Five years after the incident that led to the revocation, or two years after an incident leading to the suspension of a driver's license.
 - (2) For conviction or finding of responsibility for a moving violation, the Select Board may suspend or revoke the taxicab operator's license for a period of time set by the Select Board that shall not exceed seven days.
 - (3) Notwithstanding the preceding subsections, where the evidence shows that the applicant's or licensee's other activities or condition would, if combined with the use of a taxicab license, present a danger to the health, safety, welfare or morals of the Town, the Select Board or its designee may reject an application, or suspend, revoke or decline to renew an existing taxicab operator's license.

§ 367-4. Prohibited practices.

A. Taxi stands.

- (1) A taxicab operator, when occupying that part of a way designated as a taxi stand, shall not decline to accept as a passenger anyone requesting service and, once engaged, must thereafter depart from said taxi stand without delay. If a disabled passenger is first among a group of individuals waiting for a taxicab at a designated taxi stand and the accessible taxicab is the next available taxicab, the disabled person and attendant party shall have access to that taxicab. If the disabled person is first among a group of people waiting for a taxicab at a designated taxi stand and the accessible taxicab is not the next available taxicab, the accessible taxicab may accommodate disabled passengers immediately, regardless of the accessible taxicab's position in the taxi stand line and regardless of the disabled person's position in the line waiting for taxicabs. No advertisement will include the word "handicapped" either on the accessible taxicab or in any printed material. "Wheelchair Accessible" along with the universal symbol for accessibility would be appropriate on the taxicab, and using the word "disabled" versus "handicapped" would be appropriate in all printed material.
- (2) No taxicab operator, while awaiting employment by passengers, shall allow her/ his motor vehicle to stand in any way except at an approved taxi stand. No taxicab operator shall leave an in-service taxicab unattended at a taxi stand.

- (3) A taxicab holding itself out as available for limousine service shall not occupy the spaces reserved for taxicabs.
- (4) No taxicab operator or taxicab business owner shall allow her/his motor vehicle to occupy the designated taxi stand directly across from Zero Main Street if said taxi stand is already occupied by a motor vehicle owned or operated by the same business.
- (5) No person may park or stand a vehicle other than a Town-licensed taxicab in a taxi stand.

B. Tours or charters prohibited.

- (1) A taxicab license does not qualify the licensee to conduct tours or charters. Taxicab operators shall not display in or about the taxicab a tour sign or an advertisement for same, nor shall there be advertised in any other way that the taxicab operator is available for tours or charters in any manner whatsoever.
- (2) A taxicab operator may not offer tour services or in fact conduct tours or charters of any type.

C. Number of passengers.

- (1) No taxicab operator or taxicab business owner shall permit, suffer or allow any taxicab under her/his control to operate with a number of passengers greater than the number of available seatbelts. No taxicab operator shall transport passengers under the regulations unless said passengers are able to occupy a seat with a seatbelt.
- (2) No taxicab operator operating a taxicab in service for hire shall allow any person to ride upon the driver's seat; or a passenger seat unless said person is a bona fide passenger who has hired said taxicab under the regulations.
- (3) No taxicab operator shall operate or allow to be operated any motor vehicle under the regulations with a maximum seating capacity of more than 10 persons, including said taxicab operator. **[Amended during codification]**

D. Operator/Owner conduct.

- (1) Taxicab operators shall not dress in an unprofessional manner or in any manner not consistent with Subsection E of this section.
- (2) No owner or person having care of a taxicab shall permit, suffer or allow any person other than a duly authorized taxicab operator under the regulations to operate the taxicab.
- (3) No taxicab operator shall fail to produce her/his ~~Massachusetts~~ driver's license, vehicle registration or fail to stop and identify herself/himself and/or the owner of the taxicab upon the request of a police officer.
- (4) No taxicab operator or taxicab business owner shall allow a motor vehicle to be operated on a way if it is in violation of any of the provisions of the regulations.

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- (5) Taxicab operators shall at all time while operating under the regulations maintain a professional, polite and courteous demeanor.
- (6) Smoking is prohibited in licensed taxicabs.
- E. Taxicab operator dress code. The following is a minimum professional standard of dress for taxicab operators.
 - (1) Pants/Skirts: clean, no holes, rips or tears. Hems must be sewn. Sweatpants are prohibited.
 - (2) Shorts: clean, no holes, rips or tears. Length must be equivalent to "Bermuda Short" type. No fringed bottoms; hems must be sewn. Athletic-type shorts are prohibited.
 - (3) Shirts: clean, with long or short sleeves, tucked neatly into pants if the shirt has tails. If the shirt has a square bottom, the shirt may be left out. No T-shirts or halter tops. Sweatshirts may be worn only as an outer garment.
 - (4) Shoes: Sneakers, loafers or docksiders are acceptable with no holes or tears. Sandals may be worn if secured around the ankle and the heel.
 - (5) Jackets: clean, no holes or rips; jackets with advertising, other than of the taxicab company, are prohibited.
 - (6) Caps/Hats: clean, no holes, worn on the top of the head and with the brim facing forward.
 - (7) Grooming: clean clothes; hair must be neat and combed; face must be clean shaven or beard and/or mustaches must be neat and trimmed.
- F. A taxicab operator shall not decline to accept as a passenger anyone requesting service under any circumstance unless the taxicab operator reasonably determines that the potential passenger exhibits signs of inebriation, is engaged in disorderly conduct or abusive behavior, or if the taxicab operator reasonably determines, based on a potential passenger's behavior, that he or she constitutes a threat of physical harm to any individual, including other passengers or the taxicab operator.

§ 367-5. Fares.

- A. Fare schedule. No taxicab operator shall charge or receive fares for the hire of such taxicab within the Town in any sums of money other than those prescribed by the "Established Taxi Rates" schedule promulgated by the Select Board, as from time to time amended.
- B. Rate of fare. The fare to be taken by or paid to the taxicab business owner, taxicab operator, or other person having charge of any licensed taxicab shall be per the "Established Taxi Rates." The "Established Taxi Rates" may be amended by the Select Board periodically.

§ 367-6. Violations and penalties.

- A. Fines. Any person, whether a taxicab business owner, taxicab operator or any other person, found in violation of any provision of the regulations shall be punished by a fine of \$100 for each offense. This penalty may be enforced by the Nantucket Police Department by means of noncriminal disposition pursuant to Chapter 1, Article II, of the Code of the Town of Nantucket. If such person has incurred, and either plead guilty, chosen not to contest or been found guilty or "responsible" after hearing for three violations of the regulations during any given calendar year, then the penalty for the fourth offense during that same calendar year shall be \$300. Subsequent violations may result in forfeiture of the vehicle license. **[Amended during codification]**
- B. Suspension of license. The Chief of Police or the Chief of Police's designee may suspend, pending a hearing by the Select Board, the taxicab operator's license of any licensee found in violation of any provision of the regulations.
- C. Revocation of license. Any violation of the regulations and rates may, after a public hearing by the Select Board, result in the suspension or revocation of the taxicab license.

§ 367-7. Authority; enforcement; severability.

- A. Authority. The regulations are adopted under authority of MGL c. 40, § 22.
- B. Enforcement. It shall be the duty of the Nantucket Police Department to enforce the regulations.
- C. Severability. If any provision or any portion thereof contained in the regulations is held to be unconstitutional, invalid or unenforceable, the remainder of the regulations or portions thereof shall be deemed severable, shall not be affected and shall remain in full force and effect.

ARTICLE II**Charters, Limousines and Tour Vehicles****[Amended 5-16-1994; 3-12-2003; 4-18-2007; 5-6-2015]****§ 367-8. Definitions; purpose.**

- A. As used in these regulations, the following terms shall have the following meanings, unless a different meaning is clearly apparent from the language or context:

CHARTER VEHICLE — Any passenger motor vehicle capable of carrying no more than 10 passengers, including the operator, used for the exclusive purpose of conveying passengers to a predetermined, specific point, that is not upon a way of the Town, for sightseeing, excursions or other special events. A charter vehicle may traverse ways of the Town only to facilitate conveyance of passengers to the predetermined, specific point.

CHARTER VEHICLE LICENSE — A license issued by the Town Clerk authorizing the use of a charter vehicle after approval of the Select Board.

CHARTER VEHICLE OPERATOR'S LICENSE — A picture identification license issued by the Nantucket Police Department authorizing the holder to operate a charter vehicle.

LIMOUSINE VEHICLE — Any passenger motor vehicle capable of carrying no more than 10 passengers, including the operator, used for the exclusive purpose of conveying passengers between specific and predetermined points for an established hourly rate. A limousine vehicle shall not be used to conduct tours of any type.

LIMOUSINE VEHICLE LICENSE — A license issued by the Town Clerk authorizing the use of a limousine vehicle after approval of the Select Board.

LIMOUSINE VEHICLE OPERATOR'S LICENSE — A picture identification license issued by the Nantucket Police Department authorizing the holder to operate a limousine vehicle.

OPERATOR — Any person who operates a limousine, charter or tour vehicle.

PARKING SPACE — A designated parking space upon a public way of the Town reserved for the exclusive use of vehicles specifically regulated herein.

POLICE OFFICER or OFFICER — Any officer authorized to make arrests or serve criminal process, provided he/she is in uniform or displays her/his badge of office.

RELATED PARTIES — The applicant; any person who is a parent, spouse or child of an applicant; any entity (including, without limitation, corporations, partnerships, limited partnerships, limited-liability companies or other business entities) in which a related party holds more than a 50% direct or indirect ownership of the stock, capital or profits; or any entity that holds more than a 50% direct or indirect ownership of the stock, capital or profits.

SELECT BOARD — The duly elected members of the Select Board for the Town of Nantucket, Massachusetts.

TEMPORARY CHARTER, LIMOUSINE OR TOUR VEHICLE OPERATOR'S LICENSE — A license issued by the Town authorizing the holder to operate a charter, limousine or tour vehicle on a limited or temporary basis for a period not to exceed 30 days.

TOUR VEHICLE — Any passenger motor vehicle capable of carrying no more than 10 passengers, including the operator, used for the exclusive purpose of conveying passengers for an established hourly rate for sightseeing and guided tours upon ways of the Town.

TOUR VEHICLE LICENSE — A license issued by the Town Clerk authorizing the use of a tour vehicle after approval of the Select Board.

TOUR VEHICLE OPERATOR'S LICENSE — A picture identification license issued by the Nantucket Police Department authorizing the holder to operate a tour vehicle.

TOWN — The Town and County of Nantucket, Massachusetts.

TOWN CLERK — The duly elected Clerk for the Town of Nantucket, Massachusetts.

VALIDATION STICKER — A sticker issued by the Town which shall be affixed to the limousine, charter or tour vehicle operator's license. Said sticker shall indicate the expiration of the limousine, charter or tour vehicle operator's license.

VEHICLE DECAL — A sticker issued by the Town Clerk that shall be displayed on the interior of the windshield and affixed upon the driver's side lower corner where the windshield meets the vehicle hood and door pillar. The decal shall be affixed so that it is clearly visible above the hood from the exterior of the vehicle and in such a manner as to not restrict visibility.

WAITING LIST — The official codified list(s) of names of charter, limousine and tour license applicants managed by the Town.

WAY — Any public way, private way laid out for public use, any way indicated for public use or any way to which the public has a right of access as invitees, licensees or guests.

- B. Purposes. The purposes of these regulations, to be adopted pursuant to the authority of MGL c. 40, § 22, are to serve the public need and convenience and to promote the public health, welfare and safety of the residents of and visitors to Nantucket.

§ 367-9. Charter, limousine and tour vehicle licenses; vehicle condition; operating requirements. [Amended during codification]

In conjunction with monitoring available annual licenses in this section, the Town will codify and actively manage an official waiting list of applicant names based on order of submission by those interested in acquiring future charter, limousine and tour licenses. An application fee may be set by the Select Board or its designee, payable at the time of application and at the time of written annual confirmation of interest by an established deadline for those on the waiting list(s).

A. Charter vehicle licenses.

- (1) Application for a charter vehicle license shall be made by the owner of the charter vehicle business. An application by one party for a license shall be deemed to be a joint application by the applicant and all related parties who are also licensees. Such application shall set forth under oath all information that the Select Board may require. Each new applicant for an original license shall apply to the Select Board for its approval. One license shall be required for a charter vehicle business owner, with each license specifically designating the number of charter vehicles that the business owner is allowed to operate within the Town by the Select Board.
- (2) There shall be no application for more than one charter vehicle license per business; except that any business which holds a valid license for a limousine/ charter vehicle(s) that was issued prior to April 1, 1993, may transfer said limousine/charter vehicle license(s) to a charter, limousine or tour vehicle license(s) upon making application for said license(s) prior to June 15, 1993. Multiple charter vehicles with one owner are permitted, with approval of the Select Board. To be eligible for any additional vehicle(s), the license holder must

apply in the same manner as for an original license. Only one additional vehicle per license may be awarded per year.

B. Limousine vehicle licenses.

- (1) Application for a limousine vehicle shall be made by the owner of the limousine vehicle business. An application by one party for a license shall be deemed to be a joint application by the applicant and all related parties who are also licensees. Such application shall set forth under oath all information that the Select Board may require. Each new applicant for an original license shall apply to the Select Board for its approval. One license shall be required for a limousine vehicle business owner, with each license specifically designating the number of limousine vehicles that the business owner is allowed to operate within the Town by the Select Board.
- (2) There shall be no more than one limousine vehicle license per business, unless said license was acquired through transfer of an existing multiple limousine/ charter vehicle license issued prior to April 1, 1993. Multiple limousine vehicles with one owner are permitted, with approval of the Select Board. To be eligible for any additional vehicle(s), the license holder must apply in the same manner as for an original license. Only one additional vehicle per license may be awarded per year.

C. Tour vehicle licenses.

- (1) Application for a tour vehicle license shall be made by the owner of the tour vehicle business. Such application shall set forth under oath all information that the Select Board may require. Each new applicant for an original license shall apply to the Select Board for its approval. One license shall be required for a tour vehicle business owner, with each license specifically designating the number of tour vehicles that the business owner is allowed to operate within the Town by the Select Board.
- (2) There shall be no more than one tour vehicle license per business, unless said license was acquired through transfer of an existing multiple limousine/chapter vehicle license issued prior to April 1, 1993. Multiple tour vehicles with one owner are permitted, with approval of the Select Board. To be eligible for any additional vehicle(s), the license holder must apply in the same manner as for an original license. Only one additional vehicle per license may be awarded per year. An application by one party for a license shall be deemed to be a joint application by the applicant and all related parties who are also licensees.

D. License required. For charter, limousine and tour vehicle licenses, except as otherwise provided by law, no person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a license from the Select Board authorizing and designating the number of vehicles that may be used under said license.

E. Number of licenses. The Select Board shall periodically determine the number of charter, limousine and tour vehicle licenses to be issued. Such determination shall be made based upon serving public need, convenience and the promotion of public health and safety, which shall be at the sole discretion of the Select Board.

F. Residency and address of record.

- (1) No charter, limousine or tour vehicle license shall be issued unless the proposed licensee demonstrates familiarity with the roads of the Town to the satisfaction of the Chief of Police or designee; provided, however, that anyone who has resided on Nantucket for at least one year prior to the application for such a license is to be presumed, in the absence of evidence to the contrary, to be familiar with the Town's roads.
- (2) The address set forth in the charter, limousine and tour license application shall be considered the address of record for all official business correspondence between the Town and licensee or waiting list applicants. Licensees and applicants shall provide to the Town written changes of address as necessary.

G. Possession of license. The charter, limousine or tour vehicle license, or a photocopy certified by the Town Clerk, shall be displayed in the interior of the charter, limousine or tour vehicle in clear view of the passengers. Each vehicle licensed under these regulations shall, after payment of the fee and compliance with all application and licensing requirements, receive a vehicle decal from the Town Clerk, which shall be affixed to the licensed vehicle in accordance with these regulations.

H. License fees. The fee for a charter vehicle license, limousine vehicle license, or tour vehicle license shall be set from time to time by the Select Board. There shall be a fee set by the Select Board for any transfer of license from one vehicle to another during the current year of issuance after initial receipt.

I. Proof of registration and insurance.

- (1) No charter, limousine or tour vehicle license shall be issued by the Town Clerk until the applicant presents proof of registration and insurance appropriate for charter, limousine or tour vehicle operations, and provided that such insurance and registration complies with the provisions of MGL c. 90. All applicants must present to the Town Clerk an original Massachusetts vehicle registration that clearly indicates the maximum passenger capacity of the vehicle being licensed. If the registration document does not indicate maximum passengers, then the applicant must provide the original motor vehicle title document issued by the Massachusetts Registrar of Motor Vehicles. The Town Clerk is prohibited from issuing any license to a vehicle that has a maximum carrying capacity of more than 10 passengers (which includes the driver). If the charter, limousine or tour vehicle business owner is allowed by the Select Board to operate more than one charter, limousine or tour vehicle, the business owner shall provide proof that each vehicle licensed complies with this section.
- (2) All insurance and registration requirements specified in the preceding subsection shall be for a minimum period of three months; provided that any vehicle so registered and insured must be inspected and equipped as provided in MGL c. 90. Any charter, limousine or tour vehicle license holder who fails to meet the requirements of this section shall forfeit said charter, limousine or tour vehicle license immediately.

J. License transfer.

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- (1) No charter, limousine or tour vehicle license provided for in these regulations shall be sold, assigned or transferred, nor shall a majority in interest of any entity holding such a license be sold, without the approval of the Select Board. Such sale, assignment or transfer, without such approval, shall automatically terminate said license, and any license held shall immediately be surrendered to the Town Clerk.
- (2) No person or business who or which holds a charter, limousine or tour vehicle license shall allow said license to be used, managed or in any way controlled by any other person or business who or which is not the license holder as approved by the Select Board.
- (3) No vehicle which is operated under these regulations shall be leased or borrowed by the charter, limousine or tour vehicle license holder without the approval of the Select Board.
- (4) No charter or tour vehicle license may be transferred to a vehicle used as a taxicab within the Town, nor shall said charter or tour vehicle license be used in conjunction with a taxicab license issued to the same vehicle for a period of one year from the date of issue of the charter or tour vehicle license.
- (5) A limousine license may not be used in conjunction with a taxicab license.

K. Vehicle inspections; vehicle condition.

- (1) Charter, limousine or tour vehicles licensed by the Select Board are subject to periodic inspections by the Nantucket Police Department to determine their fitness for continued operation and compliance with the regulations herein.
- (2) Charter, limousine or tour vehicles shall comply with all provisions relative to the operation and equipping of motor vehicles under MGL c. 89 and c. 90, any bylaw of the Town or any rule or regulation promulgated by the Registrar of Motor Vehicles. No vehicle shall be operated under these regulations with a "rejection sticker," so called, indicating a failure to comply with safety or emission requirements.
- (3) Charter, limousine or tour vehicles shall be well maintained and be in a good and reliable mechanical condition.
- (4) Charter, limousine or tour vehicles shall be clean, inside and outside, and be well painted. All external vehicle surfaces are to be free of major dents or other defects which could affect the appearance of the charter, limousine or tour vehicle.
- (5) Charter, limousine or tour vehicles shall be equipped with either wheel covers or hub caps on all wheels of the vehicle.
- (6) Any violation of the preceding subsections shall result in the automatic suspension of the charter, limousine or tour vehicle's right to operate. Such suspension shall not be rescinded until said violations are corrected.

L. Rate and license posting. Rates shall be determined by the Select Board and shall be clearly displayed along with the charter, limousine or tour vehicle license in view of

passengers, and shall be so placed and secured in a frame or in some other manner that they may not be easily molested or destroyed.

- M. Advertisements. No advertisements of any description, including announcements of rates or fares, shall be displayed upon a charter, limousine or tour vehicle. The owner's name, address and telephone number may be placed upon the charter, limousine or tour vehicle; however, they shall be so placed so as to not impair or impede the operator of said limousine or charter vehicle, and further provided that they do not violate any provision of MGL c. 90, § 7, § 9 or § 13 or any section of the Code of Massachusetts Regulations.
- N. Zoning requirements. All applicants shall comply with all zoning requirements of the Town and provide proof of compliance to the Select Board prior to the approval of said license.²
- O. Duration of license.
 - (1) All charter, limousine or tour vehicle licenses shall be valid from June 1 through May 31. Charter, limousine or tour vehicle licenses approved by the Select Board and issued by the Town Clerk may be renewed upon payment annually on or after May 15 and no later than May 31. There shall be no extensions or grace period after May 31, except that the Town may issue such license provisionally prior to May 31 pending the approval of the fingerprint-supported record check. Such provisional license shall only be issued if the charter, limousine or tour vehicle owner has met all conditions which would warrant the issuance of the license, including payment of any applicable fees and submission of fingerprints. If the applicant's record check produces a disqualifying record, the charter, limousine or tour vehicle license issued provisionally shall summarily be revoked.
 - (2) If the Select Board grants a new license during the year, the license grantee shall take acceptance and pay for said license no later than 30 days after said approval by the Board or the license is considered abandoned.
 - (3) All charter, limousine and tour vehicle license holders shall comply with MGL c. 62C, § 49A, stating that s/he/it has complied with all laws of the Commonwealth relating to taxes prior to receiving a license from the Town Clerk.

§ 367-10. Charter, limousine or tour vehicle operators.

- A. Charter, limousine and tour vehicle operator's license. **[Amended during codification]**
 - (1) Every operator of a charter, limousine or tour vehicle while engaged in the operation of a charter, limousine or tour vehicle licensed under these regulations shall display her/his charter, limousine or tour vehicle operator's license in a suitable frame or other device upon the interior of said charter, limousine or tour vehicle where it is in plain view and can be easily viewed by passengers riding in the rear seat of the aforesaid charter, limousine or tour vehicle.

2. Editor's Note: See Ch. 139, Zoning, of the Code of the Town of Nantucket.

- (2) All charter, limousine or tour vehicle operator's licenses shall be affixed with a current validation sticker as issued by the Town of Nantucket. All applicants for a charter, limousine or tour vehicle operator's license shall possess a current and valid ~~Massachusetts~~ motor vehicle driver's license, and be at least 18 years of age.
- (3) At the Town's discretion, a temporary charter, limousine or tour vehicle operator's license may be issued by the Town, provided that the applicant has provided all required information and meets all of the requirements for the issuance of a charter, limousine or tour vehicle operator's license. The temporary charter, limousine or tour vehicle operator's license is only to be issued so that the applicant may operate a charter, limousine or tour vehicle during the pendency of the applicant's fingerprint record check, and in no case shall it be valid for a period exceeding 30 days. The holder of a temporary charter, limousine or tour vehicle operator's license shall be subject to all applicable sections of these regulations.
- (4) Any temporary charter, limousine or tour vehicle operator's license issued shall automatically terminate upon the expiration of the thirty-day period or shall automatically terminate after five calendar days (Saturday, Sunday and holidays included) from the date upon which the applicant is notified that his/her record check has been completed, whichever occurs first. Notification may be by message to the company owner who is listed on the application, voice message to the applicant's listed phone number, or by any other reasonable means.

B. Fee for licenses. [Amended during codification]

- (1) The fee for a charter, limousine or tour vehicle operator's picture identification license shall be set from time to time by the Select Board. Picture identification badges shall not have to be renewed annually; however, a validation sticker shall be obtained yearly, clearly stating the expiration date of the operator's license. The fee for the validation sticker shall be set from time to time by the Select Board. If a picture identification license is lost or in need of replacement, there shall be a fee for the picture ID and for the validation sticker in amounts set from time to time by the Select Board.
- (2) The fee for a temporary charter, limousine or tour vehicle operator's license shall be set from time to time by the Select Board and shall be nonrefundable.

C. Application for charter, limousine or tour vehicle operator's identification licenses. All applicants shall set forth, under the penalties of perjury, such uniform information as may be required of said applicant, in addition to the following information: name of applicant and the name of the license holder for whom the applicant will be working. [Amended during codification]

D. Rejection of application; suspension, revocation or nonrenewal of license. In addition to failure to meet the requirements of the preceding subsections, a decision to reject an application, or to suspend, revoke, or fail to renew a license may be based on the following:

- (1) An applicant convicted of any felony or misdemeanor may be barred from receiving or holding a license for up to the following maximum periods of time:

- (a) Five years after the incident leading to the applicant license holder's conviction or admission of sufficient facts or pleas of no contest for the sale or possession of a controlled substance, or for operating under the influence of an intoxicating liquor or of a controlled substance, or for assault and battery.
 - (b) Five years after the incident that led to the revocation, or two years after the incident which led to the suspension of a driver's license.
 - (c) Any conviction or finding of responsible for a moving violation. The Select Board may suspend the charter, limousine or tour vehicle operator's license for a period of time set by the Select Board that shall not exceed seven days.
- (2) Notwithstanding the preceding subsections, where the evidence shows that the applicant's or license holder's other activities or condition would, if combined with the use of a charter, limousine or tour vehicle operator's license, present a danger to the health, safety, welfare or morals of the Town of Nantucket, the Select Board may reject an application, or they may suspend, revoke or fail to renew an existing license.

§ 367-11. Prohibited practices.

A. Designated parking areas.

- (1) An operator of a tour vehicle, when occupying that part of a way designated as a tour vehicle parking area, shall not decline to accept as a passenger anyone requesting service and must thereafter depart from said parking areas without delay. No person may park or stand a vehicle other than a Town-licensed tour vehicle in a designated tour vehicle stand.
- (2) No tour vehicle operator, while awaiting employment by passengers, shall allow her/his vehicle to stand or park upon any public way except at a designated tour vehicle parking area.
- (3) No tour vehicle operator, while awaiting employment by passengers, shall allow her/his vehicle to stand unattended at a designated tour vehicle parking area.
- (4) No tour vehicle operator shall park in a designated tour vehicle parking area while said parking area is already occupied by a vehicle owned, operated or affiliated with the operator.
- (5) No limousine operator shall conduct tours of any type.
- (6) No charter vehicle operator shall conduct a tour or excursion upon any way, and the charter vehicle operator shall only conduct a tour or excursion for hire upon private property with the permission of the property owner.
- (7) No charter or tour vehicle shall be used in conjunction with a taxicab license.

B. Number of passengers.

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- (1) No owner or operator of a charter, limousine or tour vehicle shall permit, suffer or allow any charter, limousine or tour vehicle under his/her control to operate with a number of passengers greater than the number of available seatbelts. No charter, limousine or tour vehicle shall transport passengers under these regulations unless said passengers are able to occupy a seat with a seatbelt.
- (2) No owner or operator of a charter, limousine or tour vehicle shall offer to provide service by means of any motor vehicle carrying more than 10 persons, including the driver, upon any way within the Town.

C. Operator/Owner conduct.

- (1) Charter, limousine or tour vehicle operators shall not dress in an unprofessional manner or in any other manner not consistent with Subsection D of this section. All charter, limousine or tour vehicle operators shall wear shirts and shoes and present a neat and professional appearance at all times while awaiting a fare or operating a charter, limousine or tour vehicle.
- (2) No owner or person having care of a charter, limousine or tour vehicle shall permit, suffer or allow any person other than a duly authorized operator under these regulations to operate the licensed vehicle.
- (3) No charter, limousine or tour vehicle operator shall fail to produce his ~~Massachusetts~~ driver's license, vehicle registration or fail to stop and identify himself/herself and/or the owner of the charter, limousine or tour vehicle upon direction of a police officer.
- (4) No charter, limousine or tour vehicle owner or operator shall allow a vehicle to be operated on a way if it is in violation of any of the provisions of these regulations.
- (5) Charter, limousine or tour vehicle owners and operators shall at all times while operating under these regulations maintain a professional, polite and courteous demeanor.
- (6) Smoking is prohibited by charter, limousine or tour vehicle operators while engaged in carrying or waiting for fares.

D. Owner/Operator dress code. The following is a minimum professional standard of dress for charter, limousine or tour vehicle operators:

- (1) Pants/Skirts: clean, no holes, rips or tears. Hems must be sewn. Sweatpants are prohibited. **[Amended during codification]**
- (2) Shorts: clean, no holes, rips or tears. Length must be equivalent to "Bermuda Short" type. No fringed bottoms; hems must be sewn. Athletic-type shorts are prohibited. **[Amended during codification]**
- (3) Shirts: clean, with long or short sleeves, tucked neatly into pants if the shirt has tails. If the shirt has a square bottom, the shirt may be left out. No T-shirts, halter tops. Sweatshirts may be worn only as an outer garment. **[Amended during codification]**

- (4) Shoes: Sneakers, loafers or docksiders are acceptable with no holes or tears. Sandals may be worn if secured around ankle and heel. **[Amended during codification]**
- (5) Jackets: clean, no holes or rips. Jackets with advertising, other than of the taxicab company, are prohibited.
- (6) Caps/Hats: clean, no holes, worn on the top of the head and with the brim facing forward.
- (7) Grooming: Hair must be clean, neat and combed. Face must be clean shaven or beard and/or mustaches must be neat and trimmed.

§ 367-12. Rates; minimum rental. [Amended during codification]

The fee for rental of a charter, limousine or tour vehicle shall be set from time to time by the Select Board, with a hired minimum of one hour.

§ 367-13. Violations and penalties.

- A. Fines. Any person, whether a charter, limousine or tour vehicle business owner or operator, found in violation of any provision of these regulations shall be punished by a fine of \$100 for each offense. This penalty may be enforced by the Nantucket Police Department by means of noncriminal disposition pursuant to Chapter 1, Article II, of the Code of the Town of Nantucket. If such person has incurred, and either plead guilty, chosen not to contest or been found guilty or "responsible" after hearing of more than three violations of these regulations during a calendar year, then the penalty for the fourth and any subsequent such offenses during that calendar year shall be \$300. Subsequent infractions may result in forfeiture of the vehicle license. **[Amended during codification]**
- B. Suspension of license. The Chief of Police or designee may suspend, pending a hearing by the Select Board, a charter, limousine or tour vehicle operator's license or the charter, limousine or tour vehicle license of any person or charter, limousine or tour vehicle business owner found in violation of any provision of these regulations herein.
- C. Revocation of license. Any violations of these regulations and rates may, after a public hearing by the Select Board, result in the suspension or revocation of the owner's license or charter, limousine or tour vehicle operator's license.

§ 367-14. Authority; enforcement; severability.

- A. Authority. These rules and regulations are adopted under authority of MGL c. 40, § 22.
- B. Enforcement. It shall be the duty of the Nantucket Police Department to enforce the provisions of these rules and regulations.
- C. Severability. If any provisions or any portion thereof contained in these regulations is held to be unconstitutional, invalid or unenforceable, the remainder of the regulations or

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portions thereof shall be deemed severable, shall not be affected and shall remain in force and effect.

3. Approval of Treasury Warrants for May 4, 2022; May 11, 2022.

At 5:34 PM Ms. Holdgate joined the meeting.

4. Approval of Pending Contracts for May 11, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Murphy moved approval of the pending contracts as presented; seconded by Mr. Fee; all in favor, so voted.

VIII. CONSENT ITEMS

1. Gift Acceptance: Our Island Home; Fire Department. Ms. Murphy moved to accept the gifts as noted in the Board's agenda packet, with thanks; Ms. Holdgate seconded; all in favor, so voted.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Finance Department: Request for Approval to Increase FY 2022 Airport Aviation Fuel Revolving Fund Spending Limit. Director of Finance Brian Turbitt reviewed the request, noting that the spending limit increase is due to the rise in fuel prices. He noted that pursuant to Massachusetts General Law, this type of action for this type of revolving fund requires approval of the Select Board and the Finance Committee. He noted the Finance Committee has already approved the request. Ms. Murphy moved approval as presented; seconded by Mr. Fee; all in favor, so voted.

2. Taxi Owner: Request for Amendment to Taxi/Limousine/Charter/Tour Vehicle Regulations to Remove Requirement for Taxi/Tour/Limo/Charter Drivers to have Massachusetts Drivers Licenses. Chair Bridges introduced the request. Taxi owner/licensee Kenneth Turgeon explained the request and referred to his letter, which is in the Board's agenda packet. Ms. Murphy moved to schedule a public hearing for consideration of the requested amendment; seconded by Ms. Holdgate, all in favor, so voted.

X. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from Verizon New England Inc. and Nantucket Electric Company for Plan #MA2021-26 to Relocate Two Jointly Owned Poles (Pole 19/1 and Pole 19/2) on North Beach Street at Easton Street, and Associated Wires, Cables and Fixtures to Facilitate the Visibility of a Stop Sign (Continued from April 13, 2022; April 27, 2022). Chair Bridges reopened the public hearing. Town Manager C. Elizabeth Gibson noted that no further information has come in regarding this issue and recommended closure of the hearing with no action at this time. Ms. Holdgate so moved to close the hearing; seconded by Ms. Mohr; all in favor, so voted. Ms. Holdgate moved to take no further action at this time and to refer the matter to staff; seconded by Mr. Fee; all in favor, so voted.

XI. TOWN MANAGER'S REPORT

1. FY 2022 Third Quarter Budget Reports: Airport Enterprise Fund; Water Enterprise Fund; Sewer Enterprise Fund. Ms. Gibson introduced the department heads as follows for review of the third quarter budget reports:

Airport Manager Tom Rafter. Mr. Rafter reviewed the Airport budget report as presented in the Board's agenda packet. He noted that fuel sales are up significantly. He referenced a current pilot shortage which is resulting in fewer flights on the commercial side. He said that private flights have increased substantially.

Water Department. Water Manager Mark Willett was not present, and Mr. Turbitt reviewed the report as contained in the Board's packet.



Agenda Item Summary

Agenda Item #	XII. 3.
Date	6/22/2022

Staff

Graeme Durovich, Recycling Coordinator
Roberto Santamaria, Public Health Director
Libby Gibson, Town Manager

Subject

Public hearing for proposed amendments to Biodegradable Packaging Regulations

Executive Summary

The Biodegradable Packaging Regulations need to be reconciled with the Plastics Ban bylaw in the Town Code. Language and provisions that are inconsistent are causing confusion and compliance difficulties. The Regulations also contain references or provisions that are either no longer relevant or are outdated. The proposed amendments also connect with the Board's Environmental Leadership Focus in its Strategic Plan. The proposed regulations were reviewed with the Board at its February 16, 2022 meeting (minutes attached) and the Board agreed to proceed with the required hearing.

Staff Recommendation

Adopt the proposed amendments.

Background/Discussion

The Regulations are Board of Public Works regulations which are enforceable through the Health Department. Since initial adoption of the regulations, advances in biodegradable technology have occurred making products much more available to vendors and useable by consumers. Unfortunately, since initial adoption, there has also been a concurrent significant increase in the use of plastic materials which not only are not biodegradable or compostable but are contributing to increased cost to the Town to dispose of these materials. These Regulations – with proposed amendments – connect directly to the Board's Strategic Plan Focus Area of Environmental Leadership, with its associated Aspirational Statement: *"Nantucket residents and visitors share responsibility for the long-term sustainability of our beautiful island. We recognize our stewardship of the land, air and water and work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment."* as well as Goal 1 of this Focus Area: *"Provide data-driven recommendations on Island-wide solid waste management guided by principles of sustainability"*. Reducing non-compostable, non-biodegradable products contribute to less waste needing to be processed and/or shipped off the island. It is clearly also environmentally responsible.



Impact: Environmental ☒

Fiscal ☐

Community ☒

Other ☐

Board/Commission Recommendation

N/A

Public Outreach

Will be needed if amendments are adopted

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

Directly relates to Board's Strategic Plan as noted above

Attachments

- Summary of proposed amendments
- Proposed amendments
- Copy of Plastics Ban bylaw
- Copy of 2/16/22 SB Minutes



**Summary of Proposed Changes to
Board of Public Works
Biodegradable Packaging Regulation 71.00
February 2022**

The proposed changes to the Biodegradable Packaging regulation seek to:

- Remove the exemption for “durable” plastic take-out containers, which are typically single-use in practice
- Remove a provision requiring signage about the regulation on vendors’ cash registers, as it is not particularly beneficial nor currently enforced
- Remove a no longer relevant provision
- Provide clarity and accurateness
- Correct grammatical and spelling errors

Additionally, the definition of “Biodegradable” in this regulation is outdated and lacks clarity. The simplest solution would be to adopt the same standard for compostable/biodegradable as is used in the Single-Use Plastics Bylaw (125A)—the ASTM International Standards. However, many communities (including San Francisco, Minneapolis, and Ann Arbor) require Biodegradable Products Institute (BPI) certification for compostable/biodegradable packaging and food service products. BPI certification tests products to ensure compliance with the ASTM International Standard for compostability (ASTM D6400 and/or ASTM D6868). Concerned by the prevalence of added organic fluorinated chemicals, such as perfluorinated and polyfluorinated substances (PFAS), in compostable products, BPI went a step further in 2020 to additionally require that all BPI-certified products meet the following criteria:

- The product formula must not have fluorinated chemicals — as evidenced by safety data sheets for all ingredients.
- Test results from a BPI-approved lab showing a maximum of 100ppm total fluorine.
- A statement of no intentionally added fluorinated chemicals, signed by the manufacturer.

-[Biodegradable Products Institute, Fluorinated Chemicals \(PFAS\) webpage](#)

Given the importance of reducing PFAS at its source, particularly to limit consumers’ exposure, BPI certification is worth the Board’s consideration in the Biodegradable Packaging Regulation.

The BPI Product Catalog serves as a valuable resource for identifying compostable products that meet the BPI criteria pertaining to PFAS: <https://bpiworld.org/Find-Certified-Products>.

Chapter 220

BIODEGRADABLE PACKAGING

§ 220-1. Authority and intent.

§ 220-2. Definitions.

§ 220-3. Use of biodegradable packaging.

§ 220-4. Waivers.

§ 220-5. Enforcement.

§ 220-6. Violations and penalties.

[HISTORY: Adopted by the Board of Public Works of the Town of Nantucket 3-14-1990. Amendments noted where applicable.]

TOWN CODE REFERENCES

Noncriminal disposition of violations — See Ch. 1, Art. II.

Solid waste disposal — See Ch. 125.

TOWN REGULATIONS REFERENCES

Food service establishments — See Ch. 265.

Solid waste — See Ch. 349.

§ 220-1. Authority and intent.

- A. This regulation is adopted by the Board of Public Works pursuant to the authority granted under Chapter 125, Solid Waste Disposal, § 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.
- B. 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 Town's landfill-landfilling~~ as well as towards reducing the economic and environmental costs of waste management.
- C. The Town finds that discarded nonbiodegradable packaging and plastic contained within the waste stream of Nantucket is a fundamental cause of problems associated with solid waste disposal.
- D. 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.
- E. 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.

- F. The Town finds and determines that the use of plastics and other nonbiodegradable packaging has become widespread throughout the island and the resulting mixed-substance waste stream is a serious impediment to solid waste management programs for the Town and County of Nantucket.
- G. The Town further finds that the widespread use of plastics and nonbiodegradable 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.
- H. The economic and environmental problems associated with the mixed-substance waste stream are so severe that ~~a program of a policy goal of the Town of Nantucket is to~~ incrementally simplifying 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.~~

§ 220-2. Definitions.

As used in this regulation, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

BIODEGRADABLE — The entire product or packaging is compostable as defined by ASTM International ~~not made of plastic or Styrofoam and is made of a material that will completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.~~

PACKAGE or PACKAGING — Any packaging, including, without limitation, bags, boxes, containers and wrapping.

REUSABLE CONTAINER — A bag or container that is specifically designed and intended for reuse and is either made of cloth or machine-washable fabric or is made of other non-plastic durable material that is intended for reuse and is capable of being cleaned and disinfected.

VENDOR — Any person, corporation, partnership, business venture, public sports or entertainment facility, government agency, street vendor at public events or festivals or organizations that sell or provide merchandise, goods or materials, including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to department stores, restaurants, food vending trucks, farmers markets and temporary food vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purpose of this definition.

Commented [GD1]: Use BPI certification (PFAS-100ppm; none intentionally added) instead here and in SUP Ban?
<https://www.bpiworld.org/Fluorinated-Chemicals>

§ 220-3. Use of biodegradable packaging.

- A. 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.
 - B. Reusable containers and ~~recyclable-biodegradable~~ paper or cardboard containers are allowable alternatives and vendors shall encourage the use of such containers by allowing customers to bring their own containers or by providing reusable containers at no charge or for a reasonable fee. **[Amended during codification]**
 - ~~C. Enforcement of these regulations shall be deferred until June 1, 2015. Existing stock of nonbiodegradable packaging shall be phased out by that date, and any stock remaining after that date shall be properly disposed of by the vendor. No nonbiodegradable packaging shall be used after June 1, 2015.~~
 - ~~D. Each vendor within the Town of Nantucket shall display a notice proximate to the cash register and plainly visible to its patrons 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 packaging. No nonbiodegradable packaging may be added to or supplied by this vendor or commercial establishment for merchandise of any type being removed from the establishment. Board of Public Works Regulation Chapter 220."~~
- E.C. This regulation shall not apply to packaging or merchandise where the package is applied to the merchandise by the manufacturer, producer or shipper of the merchandise, which manufacturer, producer or shipper is not a vendor within the Town of Nantucket.

§ 220-4. Waivers.

- A. Upon written application, the Board of Public Works, after a public hearing, may waive application of this regulation for a vendor upon a showing that strict enforcement will cause undue hardship. For purposes of this regulation, an undue hardship is a situation unique to the vendor where there are no reasonable alternatives to the use of nonbiodegradable packaging and compliance with this regulation would cause significant economic hardship to the vendor.
- B. Waivers may be granted for a period of one year and may be renewed upon a showing that the conditions justifying the original waiver still apply.
- C. The Board of Public Works may approve a waiver application, in whole or in part, with or without conditions, that it deems necessary to protect public health and further the interests of the regulation.

§ 220-5. Enforcement.

- A. The Health Department or its designee shall enquire on an annual basis regarding any food establishment's compliance with this regulation as a condition for the renewal of the vendor's food service permit.

- B. The Health Department, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this regulation.
- C. The Health Department or its designee and the Board of Public Works and its designee are authorized to take any and all actions reasonable and necessary to further the purpose of this regulation or to obtain compliance, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.
- D. The Health Department and/or Board of Public Works or their designee may enforce this regulation or enjoin violations hereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

§ 220-6. Violations and penalties.

- A. Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by the law and as the District Court may see fit to impose, the maximum penalty for each violation or offense shall be \$300.
- B. As an alternative to initiating criminal proceedings, this regulation may be enforced pursuant to the noncriminal disposition procedure as set forth in MGL c. 40, § 21D and Chapter 1, Article II, of the Code of the Town of Nantucket, in which case the Board of Public Works, the Health Department or their agents shall be the enforcing persons and the penalty shall be \$300 for each offense. Fines are cumulative and each day or portion thereof that a violation continues shall constitute a separate offense.

Chapter 125A
SINGLE-USE PLASTICS

ARTICLE I

Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics**[Adopted 10-10-2018 STM by Art. 16, approved 5-8-2019]****§ 125A-1. Definitions and purpose.****A. Definitions:**

BOXED WATER — Any type of drinking water, flavored water, carbonated water, energy drink packaged in an aseptic carton, like the type often used for holding coconut water, soy milk, 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 or linings made from petroleum-based plastics such as polyethylene and aluminum.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

CARBONATED WATER — Water that contains 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.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

COMMERCIAL USE — Use by a business, directly/indirectly for financial gain or convenience.**[Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020]**

DRINKING WATER — Potable, unflavored, noncarbonated water that is safe to drink or to use for food preparation.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

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 plastic-lined paper or similar fiber package.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

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."**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

PETROLEUM-BASED PLASTIC — Plastic materials manufactured using petroleum-derived polymers. Compostable plastics as defined by ASTM International are exempted from this bylaw.**[Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020]**

SINGLE-USE PLASTICS — 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.

B. Purpose: The purpose of the bylaw 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.

§ 125A-2. Sale, distribution and commercial use of petroleum-based single-use plastic products. [Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020; 6-5-2021 ATM by Art. 75, approved 10-7-2021]

- A. It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:
- (1) Straws and drink stirrers;
 - (2) Flexible can and bottle yokes;
 - (3) Drinking cups and lids;
 - (4) Plates, bowls and eating utensils;
 - (5) Drinking water in plastic or nonrecyclable containers of one liter (34 ounces) or less; and
 - (6) Single-use, nonrecyclable beverage pods.
- B. It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2022:
- (1) Flushable wipes containing plastic fibers, cloth fibers and/or antibacterial chemicals;
 - (2) Plastic stick ear swabs.

§ 125A-3. Exemption for emergencies and other.

- A. Drinking water. 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 calendar days after such declaration has ended.
- B. Medical packaging and medically required usage are exempted providing no recyclable alternatives are available.
- C. Compostable plastics are exempted from this bylaw. **[Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020]**

§ 125A-4. 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 MGL c. 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.

§ 125A-5. Suspension of 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.

§ 125A-6. Severability. [Amended 6-5-2021 ATM by Art. 75, approved 10-7-2021]

The provisions of this bylaw are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

then required of the Town Meeting. Ms. Gibson explained that all sewer district expansion articles go through a checklist with the Health Department, Planning and Sewer Departments, noting a report from this group is in the Board's packet. She said that approval of a sewer district expansion does not mean that the Town will extend sewer to the additional area outside of an already planned sewer extension project; and, that if the Town does not, it is possible for property owners to fund such extension, privately, subject to Town specifications. Chair Bridges opened the hearing. Sewer Director David Gray reviewed the report for each article as follows:

Article 73 (Town-sponsored) – Recommended

Article 74 (Citizen-sponsored) – Not Recommended

Article 75 (Citizen-sponsored) – Recommended

Mr. Fee asked whether a positive recommendation would have been given to the unrecommended article if criteria relating to affordable housing had been met. Mr. Gray responded and said other criteria most likely would have remained unmet and said there was a lack of details about the proposal.

Ms. Murphy moved to close the public hearing; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Ms. Holdgate moved to accept the recommendations as indicated, by individual article; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

X. TOWN MANAGER'S REPORT

1. Review of Proposed Amendments to Biodegradable Packaging Regulations. Ms. Gibson introduced the item noting that the existing biodegradable packaging regulations are outdated, do not reconcile with the most recent Single-Use Plastics Ban approved by Town Meeting and part of the Town Code; and, concurrently, pursuant to the Board's Strategic Plan Focus Area of Environmental Leadership which has a goal to "provide data-driven recommendations on island-wide solid waste management guided by principles of sustainability", these amendments are being proposed. It was noted that non-compostable materials being disposed of at the landfill are becoming an increasing cost to the Town because they have to be shipped off-island, and costs are rising. She said that today, she and Ms. Durovich and other staff members attended a Massachusetts Municipal Association webinar on solid waste and recycling at which packaging was a topic and it was emphasized that disposal of non-compostable and non-recyclable materials is becoming more expensive, more difficult; and, an increasing issue with environmental justice and equity. She said that staff is seeking authorization to schedule a public hearing and that this agenda item is for the Board to ask any questions or request additional information it might want for a public hearing. She noted Recycling Coordinator Graeme Durovich has done quite a bit of research about substitute materials. Ms. Durovich added that PFAS is also a growing concern. Chair Bridges asked about substitute products and consumer behavior. Ms. Durovich responded. Mr. Fee said that a lot of replacement products are made of paper materials containing PFAS. Ms. Durovich responded. Some discussion followed as to the specifics of the proposed amendments. Mr. Fee said that the links provided in the packet were very helpful and said he has been looking for bread bag replacements for his own business. Ms. Durovich said that a couple of on-island bakeries are using biodegradable packaging for bread. Mr. Fee asked about the packaging of items at Stop & Shop. Ms. Durovich responded that the regulations apply to items packaged on-island only. General consensus of the Board was to schedule a public hearing on the proposed amendments.



Agenda Item Summary

Agenda Item #	XIII. 1.
Date	6/22/2022

As of 6/17/22

Staff

Town Manager, Assistant Town Managers, Administration Staff, Others

Subject

Town Manager Monthly Management Report

Highlighted Activity

- **Cabinet Problem-Focused Retreat (5/17/22 “Staffing, Retention & Housing” Retreat held) – follow up on various ideas in progress:**
 - Offer more recognition events (social) for Town employees such as:
 - Incentive program for employees to refer candidates for Town jobs
 - Enhance benefit packages to compete with private employers
 - Facilitated discussion on governance/operations scopes (Governance Retreat)
 - Ensure that Town buildings are in good shape and that working conditions are appropriate
 - Implement flexible work day hours and/or implement a shorter work week (same hours, less days)
 - Update employment policies and rules to provide more flexibility and better align with best practices in the private sector and other communities
 - Identify which positions in each department could be done 100% remotely
 - Develop programming to introduce high school students to Town career opportunities
 - Continue to work on “Calling All Whalers” initiative
 - Provide training and educational opportunities for discrete career paths (Succession Planning in flight)
 - Continue to streamline the employment application process and improve the on-boarding process
 - Reduce number of staff required at SB meetings (this has been revised)
 - Provide regular updates on actionable items approved by the Town Manager and/or Select Board
- **2022 ATM/ATE follow-up underway**
 - Active items:
 - HRP in process of being sent
 - bylaws have been sent to AG

- STR work group in progress
- **Climate Action Plan/Sustainability Framework**
 - In progress/extensive internal discussion as to structure, staffing, scope
- **Facilities Master Plan/Facilities**
 - DPW Facility site review active (Delta area) – will have status report for SB this summer (hopefully)
 - Will need to increase staffing and financial resources in FY 24 for Facilities Maintenance in light of failure of Central Municipal Facility item at 2022 ATM
 - Preparing Scope to update Facilities Maintenance Plan from 2015
 - Interim office space issues
 - Town Building window & sill replacements; paint trim & cupola; repair gutters; other exterior work at 20 S Water, E Chestnut – procurement underway
- **Baxter Road long-term planning**
 - Update to Board scheduled for July 6
- **Solid Waste Long-term Planning**
 - Meeting with Waste Options end of June
 - Will need resources to implement practices/protocols relating to solid waste management (food waste; plastics bans; waste reduction programs; waste processing)
- **PFAS Town-wide Risk Assessment**
 - On-going & active
- **Stormwater/drainage issues**
- **DEP Regulatory Changes (2): Title V revisions and Watershed permit requirements**
- **Madaket Beach erosion**
- **Parks Master Plan implementation**
 - Regular meetings established with Weston & Sampson – working on FY 24 Capital Project proposals
 - Tom Nevers debris issue - active
 - Concessions Review Study – preparing for FY 24 capital requests; study kicked off
 - Meeting with W&S 6/14/22 – much being explored, including collaboration with School re field use
- **Personnel:**
 - Hiring key positions approved at ATM2022
 - Classification & Compensation Study – project underway
 - Succession Planning and Retention long-term strategy – underway with consultant
 - Collective Bargaining Negotiations (DONE!)

- o Performance Reviews (on-going)
- o Fire Chief Search underway
- o Asst Finance Director Search underway
- o Town Accountant Search underway
- ⊖ 30+- vacancies Town -wide (excluding School, Airport, Water)
- ⊖ Project management engagement

Housing

- Finalize Town Employee Housing Assistance program
- Scheduling “State of Housing” for July 19th
- Working on planning for how Town manage/maintain its own housing stock

Upcoming Projects

- Third sewer force main (will give update later in summer)

Road/Sidewalk Work

- N Liberty paving (soon except for small section to accommodate storm water improvement)
- Washington/Francis intersection widening Phase I complete (against all odds)
- Waitt Dr – construction underway; should be complete before end of June
- Surfside Road in front of High School – base coat for summer
- Downtown sidewalk improvements
- Upcoming:
 - o More downtown sidewalks improvements in fall
 - o Upper Main Street review
 - o WRAP program (state releasing additional roadway repair funds to towns for pothole repairs) – working to develop locations/cost estimates; state approval

Other

- USS Nantucket (crew visit)

From: [John Giorgio](#)
To: [Libby Gibson](#)
Cc: [Lauren F. Goldberg](#); [Brian Riley](#)
Subject: Fwd: Town of Nantucket - Short-Term Rental Workgroup - Conflict of Interest Issues
Date: Saturday, June 18, 2022 9:34:17 AM

Dear Libby

Here is essentially a green light e-mail from the State Ethics Commission. Perhaps we can have a conversation in Monday? The good news is the Select Board can pretty much move forward now with appointments to the Work Group. We just have to figure out the process for appointments and ascertain whether Dawn and Melissa wish to participate in the appointment process. And, we will want to make sure that the proper disclosures are made as set forth in my email.

John

John W. Giorgio, Esq.
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Begin forwarded message:

From: "McDonald, TMichael (ETH)" <tmichael.mcdonald@state.ma.us>
Date: June 17, 2022 at 4:57:44 PM EDT
To: John Giorgio <JGiorgio@k-plaw.com>
Subject: RE: Town of Nantucket - Short-Term Rental Workgroup - Conflict of Interest Issues

Attorney Giorgio,

I have reviewed your emails below and am prepared to provide you with the following advice. I concur with the legal conclusions you reach below, except for the following. Select Board members 1 and 2 may have an issue under Section 19 in appointing the members of the Work Group depending on what the appointment process will look like. For example, if the Select Board intends on interviewing applicants, the Board may

be in a position to ascertain the applicants' opinions on the matter of short-term rentals, which may raise an issue under Section 19 particularly if any of the applicants voice strong opinions on the underlying short-term rental issue. However, if the Work Group member selection process will not be as in-depth (e.g., applicants apply and simply get appointed without much of a process or deep dive into their thought processes) then there will likely not be an issue under Section 19. Further, I believe there is a typographical error in bullet point 4 of your June 9th email. I assume you meant to say "19(b)(1)" rather than "19(b)(3)."

I hope this advice has been helpful. Let me know if you have any questions about this advice.

Confidentiality. Both this e-mail and your request for advice are confidential by statute. This means that you are free to disclose this advice to anyone you wish, but that the State Ethics Commission may not disclose your request or any other identifying information unless you consent, or unless you misrepresent the contents of this e-mail.

T. Michael McDonald
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From: John Giorgio <JGiorgio@k-plaw.com>
Sent: Friday, June 10, 2022 9:12 AM
To: McDonald, TMichael (ETH) <TMichael.McDonald@mass.gov>
Cc: 'Libby Gibson' (LGibson@nantucket-ma.gov) <LGibson@nantucket-ma.gov>
Subject: RE: Town of Nantucket - Short-Term Rental Workgroup - Conflict of Interest Issues

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Dear Attorney McDonald;

After I sent you my email, I realized that you probably need more information about Select Board member's potential conflicts as this will be relevant to the question of voting to appoint the members of the Work Group.

Select Board member 1 is employed by a real estate firm that engages in the short-term rental business. In addition, Select Board member 1 owns a home that abuts a short-term rental.

Select Board member 2 owns a property management company that manages short-term rentals. There are no short-term rentals listed on the state registry that abut the property.

Select Board member 3 owns a property that abuts a short-term rental.

Select Board member 4 abuts a STR but rents the home.

Select Board member 5 owns a home but there are no short-term rentals listed on the state registry that abut the property.

I hope this is helpful.

John

John W. Giorgio, Esq.

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From: McDonald, TMichael (ETH) <tmichael.mcdonald@state.ma.us>

Sent: Thursday, June 9, 2022 3:12 PM

To: John Giorgio <JGiorgio@k-plaw.com>

Subject: RE: Town of Nantucket - Short-Term Rental Workgroup - Conflict of Interest Issues

Attorney Giorgio,

Thank you for your email. I will review everything and get back to you.

Confidentiality. Both this e-mail and your request for advice are confidential by statute. This means that you are free to disclose this advice to anyone you wish, but that the State Ethics Commission may not disclose your request or any other identifying information unless you consent, or unless you misrepresent the contents of this e-mail.

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From: John Giorgio <JGiorgio@k-plaw.com>
Sent: Thursday, June 9, 2022 12:00 PM
To: McDonald, TMichael (ETH) <TMichael.McDonald@mass.gov>
Cc: 'Libby Gibson' (<LGibson@nantucket-ma.gov>) <LGibson@nantucket-ma.gov>
Subject: FW: Town of Nantucket - Short-Term Rental Workgroup - Conflict of Interest Issues

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Attorney McDonald:

The firm of KP Law serves as Town Counsel for the Town of Nantucket. At its meeting on June 8, 2022, the Select Board voted to direct me to request guidance from the State Ethics Commission on the potential conflict of interest issues surrounding the creation of a Town Work Group to study possible further regulation of short-term rentals.

At the 2022 Annual Town Meeting, which was held on May 2, 2022, Town Meeting considered two different zoning bylaw proposals to regulate short-term rental use, one of which was recommended by the Planning Board and the other was brought forth as a citizens petition. The two zoning proposals were substantially different in nature. Neither one was adopted. Instead, Town Meeting voted to refer both proposals to the Select Board, Finance Committee and Planning Board to constitute a work group for further study. The Select Board is now in the process of setting up the Work Group and will be appointing the members as soon as possible. The Select Board has already decided that none of the Select Board members will be appointed to the Work Group. In addition, although the Town Meeting vote did not specify any criteria for the composition of the members of the Work Group, the Select Board has also decided that the members of the Work Group should consist of members representing a wide range of interests both within Town government, advocacy groups on both sides of the issue, as well as at large members.

As you can imagine, the presence of short-term rentals on Nantucket is extensive. A spread sheet furnished by the Department of Revenue shows that there are approximately 1880 short-term rentals currently registered in Nantucket. I am attaching a GIS map showing the approximate location of short-term rentals. The Town has a total of approximately 14,000 residential dwelling units. Therefore, short-term rentals represent approximately 13.4 % of the total housing stock. Furthermore the Town estimates, based on available GIS data, that there are approximately 7,134 residences located within 300 feet of at least one short-term rental, which means that 50.9 % of all housing units about a short-term rental. Currently, there are no zoning restrictions in place that specifically regulate short-term rental use. The Town anticipates that starting in 2023, the Town will have a better handle on the total number and location of short-term rentals because the Town is starting a local short-term rental registration program based on a general bylaw that was enacted at the 2022 Annual Town Meeting.

In terms of the Conflict of Interest issues associated with membership on the Short-Term Rental Work Group, I believe there are four classes of individuals that merit a conflicts analysis: (1) individuals who own a residential unit which they operate as a short-term rental for at least part of the year; (2) individuals who are either engaged in or are employed by companies in the short-term rental industry. Under G.L. c. 64G, they are considered "operator's agents" and they include real estate agents, hosting platforms, and property management companies; (3) individuals that are officers or directors or otherwise represent advocacy groups that participate in an unpaid capacity in community discussions

around the short-term rental industry; and (4) individuals who own property in Nantucket who are presumed to have a financial interest based on the fact that their property abuts an active short-term rental. . While such individuals may have personal interests deemed to be a conflict of interest under Chapter 268A, Town officials and the voters at the May 2 Annual Town Meeting anticipated that having a cross-section of such interests represented in the Work Group would I provide the most balanced and comprehensive analysis and recommendations on this critical issue.

I am prepared to advise the Town as follows:

1. If an appointed member of the Work Group owns a dwelling unit that he or she rents out on a short-term rental basis for more than a total of 14 days in any calendar year (this is the threshold for being considered a short-term rental under G.L. c. 64G), that individual would have a financial interest in deliberating or voting on any matter that comes before the Work Group. In my opinion, however, the financial interest of an individual in offering his or her home for short-term rentals is arguably a financial interest that is shared by a substantial segment of the populations (10% or more). As stated above, residences operated as short-term rentals represent approximately 13.4% of all residential units in the Town. As such, I believe the State Ethics Commission would determine that an individual who rents his or home out for short-term rentals does not have a prohibited financial interest in serving on the Short-Term Rental Work Group. This conflict could also be resolved, however, if the Select Board were to make a determination pursuant to G.L. c. 268A, §19 (b) that the individual's financial interest is not so substantial as to affect the integrity of the services expected. Such a determination on the part of the Select Board would be reasonable, in my opinion, given the ubiquitous nature of short-term rentals throughout the Island. This exemption would not, however, be available to an elected member of a Town Board, such as the Planning Board. I would, however, recommend that a member of the Work Group who operates a short-term rental also file a disclosure in order to dispel any appearance of a conflict pursuant to G.L. c. 268A, §23(b)(3). I would recommend the following disclosure:

I have been appointed by the Select Board as a member of the Nantucket Short-Term Rental Work Group. I own a home on Nantucket which I offer to rent as a short-term rental. A question has been raised whether the rental of my home as a short-term rental would preclude me from deliberating and voting on matters that come

before the Short-term Rental Work Group because I would have a prohibited financial interest in matters that will come before the Work Group. I have consulted with Town Counsel who has reviewed the issue with an attorney for the State Ethics Commission. I have been advised that I may participate in the matter of the short-term rental bylaw recommendations as a member of the Work Group because my financial interest is shared by a substantial segment of the Town's population (10% or more). I believe that I can act objectively in regards to the making recommendations regarding regulation of short-term rentals regardless of the fact that I offer my home for short-term rentals. I am filing this disclosure under section 23(b)(3) of Chapter 268A of the General Laws for the purpose of disclosing the potential conflict that was identified, referring to the determination of the Ethics Commission, and stating my view that I can act objectively and without bias in this matter.

2. Work Group members who are either engaged in or are employed by companies in the short-term rental industry. These include "operator's agents" such as real estate agents, hosting platforms, and property management companies which would likely have a financial interest in deliberating or voting on any matter that comes before the Work Group involving short-term rental regulation. While there exists the possibility that the Select Board could approve an exemption under §19(b) for appointed members of the Work Group, I would urge the Select Board to consider carefully the policy and precedent-setting implications of granting such an exemption. There is also a question whether all of the members of the Select Board can participate in the vote to appoint members of the Work Group, even if a member or their employer has a conflict because they are employed as an owner's agent as described above. Because at this time there is no way to predict what recommendations the Work Group may make with respect to further regulation of short-term rentals, one could reasonably argue that any financial interest in appointing the Work Group would be remote and speculative at this time, thus allowing all members of the Select Board to appoint members of the Work Group. As with item 1 above, I would recommend that any member of the Select Board that falls under any of the categories listed herein file a disclosure before voting to appoint Work Group committee members. I would recommend the

following disclosure:

I am a member of the Nantucket Select Board. The Select Board appoints the members of the Short-Term Work Group. I am also employed as a real estate agent and I handle short-term rentals. A question has been raised whether I or my employer have a prohibited financial interest in making appointments to the Work Group. After the question was raised, I consulted with Town Counsel who has reviewed the issue with an attorney for the State Ethics Commission. I have been advised that I may participate in the vote as a Select Board member to appoint members of the Work Group because at this time without knowing what recommendations, if any, the Work Group will make regarding further regulation of short-term rentals, any financial interest I may have at this time is remote and speculative. I am filing this disclosure under section 23(b)(3) of Chapter 268A of the General Laws for the purpose of disclosing the potential conflict that was identified, referring to the determination of the Ethics Commission, and stating my view that I can act objectively and without bias in this matter.

3. Individuals who serve as officers or directors of a nonprofit organization that participates in community discussions around the subject of the regulation of short-term rentals may, in my opinion, be appointed to the Work Group by the Select Board even if the organization which they represent on the Work Group engages in public education and advocacy on policy questions concerning the regulation of short-term rentals, and is not engaged in commerce or trade. I believe that the State Ethics Commission would likely find that an advocacy group that meets the criteria set forth herein would not be considered a business organization for purposes of the Conflict of Interest Law, and, as such, Work Group members who are officers or directors or otherwise represent the interests of such nonprofit entities would not have a prohibited financial interest in the deliberations and votes of the Work Group. I do not believe that any individual who is merely designated as an advocacy representative (as opposed to an officer or director of the nonprofit) would be precluded from serving on the Work Group as well. Work Group members who have an affiliation with such an advocacy group should, however, file a disclosure. I recommend the following:

I am a member of the Nantucket Short-Term Rental Work Group appointed by the Select Board. I am the designated representative of [ACK Now or Together Nantucket]. A question has been raised whether I will be precluded from participating in any matter that comes before the Work Group in which the entity I represent has a financial interest. After the question was raised, I have consulted with Town Counsel who has reviewed the issue with an attorney for the State Ethics Commission. I have been advised that I may participate in the matter of the short-term rental bylaw recommendations because the entity I represent is a nonprofit entity engaged in advocacy and education. Because it does not engage in commerce or trade, it is not a business organization for purposes of the Conflict of Interest Law. I am filing this disclosure under section 23(b)(3) of Chapter 268A of the General Laws for the purpose of disclosing the potential conflict that was identified, referring to the determination of the Ethics Commission, and stating my view that I can act objectively and without bias in this matter.

4. Work Group members who own property that abuts (if they are an abutter to an abutter within 300 feet) of an active short-term rental are presumed to have a financial interest in the regulation of short-term rentals by the Town. While this would generally preclude Work Group members from deliberations or votes on recommendations for further regulation, there is an applicable exemption that applies in this circumstance. As noted above, any financial interest that a Work Group member may have on the basis of abutter status is shared by a substantial segment of the population. In fact, approximately 64% of residential dwelling on Nantucket abut a short-term rental. . As such, I believe the State Ethics Commission would likely determine that an individual who abuts a short-term rental does not have a prohibited financial interest in serving on the Short-Term Rental Work Group pursuant to G.L. c.268A, §19(b)(3). This conflict could also be resolved, however, if the Select Board were to make a determination pursuant to G.L. c. 268A, §19 (b) that the individual's financial interest is not so substantial as to affect the integrity of the services expected. Such a determination on the part of the Select Board would be reasonable, in my opinion, given the ubiquitous nature of short-term rentals throughout the Island. The Section 19(b)(3) exemption would

not, however, be available to an elected member of a Town Board, such as the Planning Board, who also serves on the Work Group. I would, however, recommend that a member of the Work Group also file a disclosure in order to dispel any appearance of a conflict pursuant to G.L. c. 268A, §23(b)(3). I would recommend the following disclosure:

I am a member of the Nantucket Short-Term Rental Work Group appointed by the Select Board. A question has been raised on the basis of the property I own as my residence being near a property that is currently used or listed as a short-term rental property. After the question was raised, I have consulted with Town Counsel who has reviewed the issue with an attorney for the State Ethics Commission. I have been advised that I may participate in the matter of the short-term rental bylaw recommendations because the financial interest I would have in making recommendations regarding the regulation of short-term rentals would be shared by a substantial segment of the Town's population (approximately 50.9% of all residential units on Nantucket about a short-term rental). I believe that I can act objectively in regards to making recommendations for regulation of short-term rentals regardless of the location of my residence in relations to any other properties that might be used for short-term rental purposes. I am filing this disclosure under section 23(b)(3) of Chapter 268A of the General Laws for the purpose of disclosing the potential conflict that was identified, referring to the determination of the Ethics Commission, and stating my view that I can act objectively and without bias in this matter.

The Select Board would very much appreciate obtaining guidance from the State Ethics Commission regarding the potential conflict of interest questions raised in this email. I am available to answer any question or provide further information as you deem necessary. Thank you.

Very Truly Yours,

John Giorgio

John W. Giorgio, Esq.
KP | LAW

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From: [Town Manager](#)
To: [Libby Gibson](#)
Subject: FW: STRWG - COI Discussion
Date: Tuesday, June 21, 2022 3:48:02 PM
Attachments: [image001.png](#)

From: Julia Lindner <jlindner@acknow.org>
Sent: Tuesday, June 21, 2022 1:50 PM
To: Town Manager <townmanager@nantucket-ma.gov>
Cc: Jason M. Bridges <jmbridges@nantucket-ma.gov>; Matt Fee <matt@somethingnatural.com>; Brooke Mohr <ackmohr@gmail.com>
Subject: STRWG - COI Discussion

Libby,

I'm following up on a matter discussed during the June 8th Select Board meeting where the Board authorized Town Counsel to seek guidance from the State Ethics Commission (SEC) regarding the Conflict of Interest law in relation to the STR workgroup and its potential members.

For the benefit of the community, I'd like to ask that you make this SEC guidance request public. Given the overarching goal to make this process as transparent as possible, perhaps sharing all SEC communications related to STRs with the public would make sense. To that end, I am sharing an email sent by our legal counsel to Town Counsel last Tuesday. The email, for consideration by all concerned, contains thoughts and questions related to Town Counsel's approach in requesting clarification from the State on the conflict of interest law.

I am copying the Select Board since tomorrow's meeting agenda includes a continued discussion on the STRWG framework. Although our lawyer generally agrees with Town Counsel's approach to categorizing the different groups who may have conflicts of interest (or an appearance), she raises concerns over some of the assumptions and definitions used in his analysis.

Your time looking into this conflict issue is appreciated. As mentioned at a recent meeting, the bottom line is that individuals serving on the workgroup are the ones who assume the risks of any violations. It's important to get it right.

Sincerely,

Julia

Julia Lindner
Executive Director
ACK•Now
c: 617.755.9374
w: 508.228.7500

Begin forwarded message:

From: Nina Pickering-Cook <pickering@andersonkreiger.com>
Subject: STR Working Group on Nantucket
Date: June 14, 2022 at 11:49:35 AM EDT
To: ""jgiorgio@k-plaw.com"" <jgiorgio@k-plaw.com>

John:

I hope this finds you well. I am writing to you as counsel on behalf of ACK*Now. I wanted to reach out to open a discussion and, hopefully, get some clarity on the guidelines you have set forth for the STR Working Group. I understand that you are seeking an advisory opinion from the SEC. It is my hope that you will take these points into consideration when you do:

1. **Calculation of 10%.** As we both know, the guidance from the SEC on the 10% rule has not always been crystal clear as to the calculation. My understanding is that you have used resident units vs. STRs on the island to arrive at 13.4% to determine the more than 10% threshold as being met. I submit that using the residential units is not a method adopted by the SEC in published guidance (although I do understand that KP Law is working with them on a similar issue for Great Barrington). This so-called “10% rule” for determining whether a substantial segment is affected by the policy at hand, such that one within that percentage may not be automatically conflicted out of participating, has origins in a State Ethics Commission decision from 1992. In EC-COI-92-34, the Commission determined that 10% of the population (defined as the number of residents in the most recent census) was the relevant threshold for determining the substantial segment in that case. “Ten percent or more of the population” was reiterated by the SEC in a 2020 ruling *In the Matter of Kirk Moschetti*, 2020 SEC 2719. If the conflict of interest laws is concerned with ensuring transparency, limiting undue influence on voters and how Nantucket voters are impacted by the proposed policy change, then the Town’s population, rather than housing units, is the metric that matters. In the words of the Ethics Commission, how the Nantucket population fits into the relevant classification for this particular matter is the proper calculation. See EC-COI-93-20. To add non-resident owners of STRs (by counting their units) logically has the net effect of increasing the numbers in the calculation of 10%, and thus giving non-residents potentially an outsized influence in representation in the Working Group.

2. **Role of ACK*Now vs. Nantucket Together.** It is beyond question that ACK*Now has no conflict of interest under c. 268A. I think you agree based on your stated advice on this point. But I would caution against an equivalency between ACK*Now, which has no financial and only political interest as its motive, and Nantucket Together, which (it is my understanding) was established by and to serve the interests of those in the STR industry. If members of the STR industry are conflicted out of participating (which is appropriate), but Nantucket Together is not likewise conflicted out, it would provide a loophole to the barrier against that conflict of interest.

3. **Not all STR owners are the same.** From what I have read, it appears that you have put all STR owners into the same category for conflict purposes. But STR owners encompass a wide variety of interests and levels of financial involvement. For instance, those who rent occasionally or rent to afford their primary residence on the island (otherwise would be priced out) are in a completely different situation than those investor-owners who own one or more properties that are full-time STRs. It strikes me as unwise to have a general guidance that would allow *an owner* of STR properties be able to participate in the process, while at the same time determining that their Property Manager, for instance, is conflicted out. Instead, it strikes me that the Select Board could determine that anyone who owns an STR as an investment will be considered “in the industry” and separate from others who STR their residences. Or, using the touchstone of zoning being about use, not ownership, the Select Board could exempt for conflict purposes, all those who rent for one or two months (or less), but require those who STR for longer to file disclosures (if not conflicted off). These are just options - the main point is to acknowledge the difference in use across STRs.

Finally, I would be happy to discuss any of this with you. I can be reached on my cell – 617.678.1181. I know firsthand how thorny analyzing this issues can get!

All the best,

Nina



Nina L. Pickering-Cook
(she/her/hers)

T. 617.621.6536 | F. 617.621.6636 | C. 617.678.1181

[Anderson & Kreiger LLP](#) | 50 Milk Street, 21st Floor, Boston, MA 02109

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From: [Libby Gibson](#)
To: [Libby Gibson](#)
Subject: FW: STR Working Group on Nantucket
Date: Tuesday, June 21, 2022 4:56:04 PM
Attachments: [image001.png](#)

Begin forwarded message:

From: Nina Pickering-Cook <pickering@andersonkreiger.com>
Date: June 14, 2022 at 11:53:03 AM EDT
To: John Giorgio <JGiorgio@k-plaw.com>
Subject: STR Working Group on Nantucket

John:

I hope this finds you well. I am writing to you as counsel on behalf of ACK*Now. I wanted to reach out to open a discussion and, hopefully, get some clarity on the guidelines you have set forth for the STR Working Group. I understand that you are seeking an advisory opinion from the SEC. It is my hope that you will take these points into consideration when you do:

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properties be able to participate in the process, while at the same time determining that their Property Manager, for instance, is conflicted out. Instead, it strikes me that the Select Board could determine that anyone who owns an STR as an investment will be considered “in the industry” and separate from others who STR their residences. Or, using the touchstone of zoning being about use, not ownership, the Select Board could exempt for conflict purposes, all those who rent for one or two months (or less), but require those who STR for longer to file disclosures (if not conflicted off). These are just options - the main point is to acknowledge the difference in use across STRs.

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All the best,

Nina



Nina L. Pickering-Cook
(she/her/hers)

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