

Town and County of Nantucket Select Board • County Commissioners

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



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Nantucket, Massachusetts 02554

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD DECEMBER 1, 2021 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/CrZjegaOD8A>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_-biTgtWLRym8ffDJ2JZazw

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. COVID Vaccine Clinic: 131 Pleasant Street Trailer, Sundays from 12:00 to 3:00 PM; Final 2nd Dose Clinic December 19. See <https://www.nantucket-ma.gov/2028/COVID-Vaccine> for Full Schedule.
3. County Commission: Applicant Introduction/Review of Applications for Appointment to Steamship Authority Board of Governors Nantucket Members Seat Scheduled for Wednesday, December 15, 2021 County Commission Meeting, Pursuant to Select Board Committee Appointment Policy.
4. Select Board Announcements/Comments.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS

1. Emergency Warning Siren Update (Public Comment from November 17, 2021).

V. PUBLIC COMMENT*

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of November 15, 2021 at 4:00 PM; November 16, 2021 at 2:00 PM; November 17, 2021 at 5:30 PM.
2. Approval of Payroll Warrants for November 28, 2021.
3. Approval of Treasury Warrants for November 24, 2021; December 1, 2021.
4. Approval of Pending Contracts for December 1, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CONSENT ITEMS

1. Gift Acceptance: Police Department.

IX. CITIZEN/DEPARTMENTAL REQUESTS

1. Valet Park of America: 2021 Summer Valet Service Update.
2. Nantucket Land Council: Request for Approval of Conservation Restriction to be Held by Nantucket Land Council, Inc. for Land Located at 15 Winn Street.
3. Licensing Administration: Renewal of Annual Liquor Licenses.

X. PUBLIC HEARINGS

1. Public Hearing to Determine Tax Allocation by Classification (Chapter 369, Acts of 1982, as Amended); Percentage of Residential Exemption to be Granted for Fiscal Year 2022 (Continued from November 17, 2021).

XI. TOWN MANAGER'S REPORT

1. Take-it-or-Leave-it Facility Operations Update.
2. Request for Acceptance of Gift from Sconset Beach Preservation Fund; Request for Execution of Contract for Technical Assistance with Notice of Intent for Modified Erosion Control Project at Baxter Road.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Coastal Resilience Advisory Committee: Presentation of Coastal Resilience Plan.
2. Director of Planning: Review of Short-term Rental (STR) Report.
3. Continued Review/Potential Votes on Select Board-Sponsored 2022 Annual Town Meeting Warrant Articles; Review of Citizen Warrant Article Submittals.
4. Committee Reports.

XIII. 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

SSA Governing Board - Nantucket Member
One Seat, three-year term

SSA Governing Board (appted by CC)

Robert F. Ranney

Nantucket Rep

12/31/2021

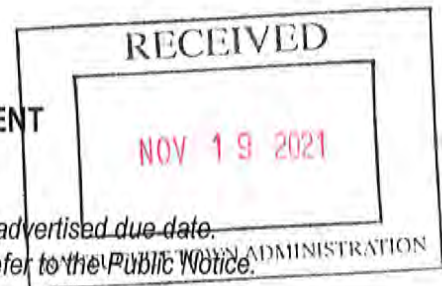
Applicants:

Robert F. Ranney - incumbent

Ruth S. Tonico - new applicant



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: Robert F Ranney **Home Phone:** 508-813-5657

Mailing Address: PO Box 851, Nantucket MA 02554 **Work Phone:** 508-228-7200 ext 7037

Email Address: rranney@nantucket-ma.gov **Date Submitted:** 11-19-2021

REQUESTING RE-APPOINTMENT TO: Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

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 100% of the board meetings and numerous ancillary meetings and public hearings over the last nine years.

I hope to continue serving because there is still much work to be done. I feel that I can still make a difference and contribute in a positive way to the board while representing the interests of Nantucket as they relate to the SSA. There are many projects underway that I would like to help see to completion. I enjoy helping solve problems and being part of the solution.

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 brought a strong commitment to my constituents and their interests as they relate to SSA matters, as well as a diplomatic approach to dealing with the other port community board members, and I bring ideas, understanding, and insight gleaned from traveling on ferries. I have helped the board shape policies that work toward making the SSA experience a more positive one for everyone. The work is never-ending and can go unnoticed at times, but through my diplomatic approach working in conjunction with the other board members who represent diverse communities, I feel I have helped not only represent the interests of Nantucket, but at the same time I feel I have helped the SSA as a whole, which in turn helps all of us.

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 as a member of the Roads and Right of Ways Committee, I am a board member on the Chamber of Commerce, and I am the current Secretary of the Rotary Club of Nantucket.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? I am employed as the Assessor for the Town of Nantucket, and my sister is the Town Manager.



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

RECEIVED

NOV 30 2021

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: Ruth S. Tonico Home Phone: 954 560-8668

Mailing Address: 11 Markete Way, Nantucket Ma 02554 Alternate Phone: _____

Email Address: rstonico@gmail.com Date Submitted: 11/30/2021

REQUESTING APPOINTMENT TO: Steamship Authority Governing Board

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? 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 would/will bring fresh new insight, diversity and expertise in making on community based decisions.
- What would you hope to accomplish on the committee/board/commission?

I would hope to accomplish fresh new insight on ways to make more safety measures for the steamship with financial surety and growth in revenue.

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 in the Select board for Human Services
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No

PUBLIC NOTICE

Please be advised that the County Commission is accepting applications for the Nantucket Member of the Steamship Authority Governing Board. A meeting for applicants to review their applications will be held remotely via Zoom Webinar on Wednesday, December 15, 2021 at 5:30 PM; an appointment will be made at the same meeting. One (1) representative will be appointed for a 3-year term, said term to expire December 31, 2024. Interested individuals may obtain a "Committee Interest Form" from the Town's website at <http://www.nantucket-ma.gov/DocumentCenter/View/105>. Information on the responsibilities of the representative may be obtained at <http://www.nantucket-ma.gov/453/Steamship-Authority-Governing-Board>. Interested applicants should submit applications to Town Administration by December 10, 2021 at noon. Please see meeting posting for remote participation links. Information on viewing the meeting can be found at <https://www.nantucket-ma.gov/138/Boards-Commissions-Committees>.

From: [Libby Gibson](#)
To: [Erika Mooney](#)
Subject: FW: Emergency Sirens
Date: Tuesday, November 23, 2021 2:46:12 PM
Attachments: [September 10, 2014 Report to Selectman regarding Warning Sirens.docx](#)

Use this for 12/1 agenda packet

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

From: Pittman, William <wpittman@police.nantucket-ma.gov>
Sent: Tuesday, November 23, 2021 2:41 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: FW: Emergency Sirens

Libby,

This e-mail contains updates to the earlier version sent November 17th.

Yes, we do have a protocol and it can be found on the Emergency Management Page of the Police Department page on the Town web-site. The sirens are tested monthly however the general public won't know that because the tests are done electronically and are therefore silent to the public. The one and only time we did a live test was in February, 2014 after they were installed. The equipment is designed to not have to do live tests, hence the electronic tests. They are all in good working order. The protocol can be found at the following link:

[Siren-Protocol-PDF \(nantucket-ma.gov\)](#)

The protocol provides that in the case of a tornado warning issued by the National Weather Service. A warning is issued if a tornado or funnel cloud has been detected on Doppler radar or reported by a trained spotter. In this case, the NWS issued a tornado warning after observing "rotation" in the clouds on radar over the area of the downtown. They did not report a tornado confirmed by a spotter or a "funnel cloud". The NWS issuing warnings as a result of seeing "rotation" in the clouds on Doppler Radar is a rather new situation for New England and something recently implemented by the NWS when they upgraded their radar systems last year. Our protocol is not up to date on the current NWS policy. That being said, ***I'm not sure that the sirens would have been activated given the information that we had at the time.***

In regard to this particular storm event the NWS issued an Emergency Alert System (EAS) broadcast at 5:52 pm that many people on the island heard on their cellphones. The alert was for a Tornado Warning for Nantucket County. Ordinarily the NPD would be made aware of such warnings via the National Warning System (NAWAS) phone that is located in dispatch. No such alert was received. These alerts are initiated by federal and state officials. Instead, the Massachusetts Emergency Management Agency (MEMA) contacted Sgt. Coakley via telephone

directly to inquire if we were aware of the alert. However, simultaneous to that notification, at 6:03 pm the NWS cancelled the Tornado Warning. By 6:15 pm the NPD had personnel in the area of Hummock Pond Road where there were wires down and were able to confirm that no touchdown had occurred. As for myself, I never received the EAS message on my cellphone while I was home nor did I see any of the social media posts either. I mention this because it exemplifies why we can't rely on electronic messaging entirely in emergency situations, especially during fast moving events such as serious storms.

The protocol provides that the sirens will only be activated if Emergency Managers are notified of an imminent life threatening situation bearing down on the Town and County of Nantucket. Currently our notification policy calls for the Emergency Management Director (me) or the Emergency Management Coordinator (Sgt. Coakley) to be notified. *In this case, Sgt. Coakley, who was off-island at the time was notified. Because of the immediate cancellation, he would not be expected to provide any further notifications.*

I have discussed with Chief Murphy a potential modification of our notification policy and expanding the list of persons who will have the authority to order the activation of the alert sirens. While currently that responsibility rests with myself and Sgt. Coakley, we are looking to expand that list as follows:

The following will have the authority to order the activation of the Alert Sirens if they are “notified” of an imminent life threatening situation bearing down on the island:

1. Police Chief
2. Fire Chief
3. Deputy Police Chief
4. Deputy Fire Chief
5. Emergency Management Coordinator

The following will have the authority to order the activation of the Alert Sirens if they “personally observe” a life threatening situation bearing down on the island:

1. On-duty Police Sergeant
2. On-duty Fire Captain

Changing this protocol and expanding the number of emergency response personnel that can order the activation should reduce the opportunities for human omission in the future. However, before we can make this change we will also have to provide appropriate training to those charged with this new responsibility.

I attached a document for your review that I used in a presentation to the Select Board back in 2014 when I discussed the sirens, why we need them and how they would be used.

I will be able to attend the December 1st meeting of the Select Board to explain the system and answer any question that they may have.

William J. Pittman, MPA
Chief of Police

Nantucket Police Department
4 Fairgrounds Road
Nantucket, MA 02554
Tel: (508) 228-1212
Fax: (508) 228-7246



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From: Libby Gibson <LGibson@nantucket-ma.gov>
Sent: Wednesday, November 17, 2021 6:59 PM
To: Pittman, William <wpittman@police.nantucket-ma.gov>
Subject: Emergency Sirens

I meant to ask you about this last week and then I forgot: under Public Comment tonight Spruce asked if a) the emergency sirens are functional and b) why weren't they used for the Tornado warning. Can you please come to the 12/1 Board meeting to answer this, under Public Comment? Do we have a protocol for the sirens?

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

I. “Storm Ready” Community Designation

- A. Nantucket earned designation by the NWS as a “Storm Ready” community in October 2013.
- B. The process really opened our eyes to the importance of being able to notify the general public of imminent life threatening events in saving lives.
- C. Because of this designation we now receive direct notice from the NWS of imminent meteorological events. This saves precious time if an evacuation or other preventive measures need to be implemented.

II. Unreliable Infrastructure

- A. Most, if not all of the islands non-public safety communications links are subject to single point of failure issues. The lack of a robust cellular phone/data system, robust cabling, dependence on micro-wave radio links to the mainland, etc. all make our ability to rely on commercial means of disseminating emergency alerts impractical and unreliable, especially during an emergency such as a hurricane.
- B. Don’t think so, just recall all the dropped phone calls and overloaded cellphone circuits you experienced this past summer. And just in the past seven days there has been two power failures on the island that affected hundreds of households and we didn’t even have a storm.

- C. Although more robust than most, our electric distribution grid regularly suffers outages over large parts of the island during major on-going events. No matter how robust the grid is the system is only as strong as the connection to your house. Many folks don't know it but once the winds exceed 30 mph the electric company is not supposed to go up on poles to fix outages. Their strategy, for obvious safety reasons is to wait until the storm is over to fix the outages.
- III. GOAL – To provide timely notification to residents and visitors during life threatening events and to save lives.
- A. The fact is: Effective and comprehensive emergency notification systems demand multiple methods of communications “layers” for issuing warnings and alerts.
 - B. Outdoor sirens clearly fulfill a vital role by ensuring the ability to reach people who are not within range of radios or television broadcast alerts, or who either do not have a mobile phone or lack access to cellular service.
- III. Current Strategy
- A. IPAWS (Integrated Public Alert Warning System)
 - 1. IPAWS replaces the old EBS system that many of us grew up with on the televisions.
 - 2. IPAWS is used by Federal and State Government and Local Government to a limited extent in Massachusetts as the primary method for providing information to the General Public during times of crisis.
 - 3. IPAWS uses multiple sources to deliver the emergency alerts:

- a. EAS (Emergency Alert System)
 - 1) Nantucket's EAS station is 99.9 FM in Hyannis.
 - 2) Other stations such as Nantucket's 97.7 FM also will broadcast EAS alerts but are not manned 24/7 so the information may or may not be current.

- b. WEA (Wireless Emergency Alerts)
 - 1) Available on Smartphones only
 - 2) Limited to no availability on Nantucket because of the cellular phone infrastructure.
 - 3) Subscribers can choose to disable all but Presidential Alerts.

- c. IPAWS Compliant Message Boards and Sirens
 - 1) Many cities, including Boston have installed electronic message boards along highways and high traffic roadways to broadcast AMBER Alerts and Emergency Alert Messages.
 - 2) Many cities and Towns have siren systems
 - a) The City of Boston just acquired a portable Siren Alert system for targeted use.
 - b) Milton Academy has recently installed a siren alert system.
 - c) Mass Maritime Academy has recently installed a siren alert system.
 - d. The six Towns in the Plimoth Nuclear Power Plant EPZ have siren alert systems installed.

- e. New England, especially Massachusetts, is far behind the rest of the country in installing such systems but many of our cities and towns already have sirens that they use for fire alerts or other emergencies such as a prison break in Bridgewater, MA.

B. Nantucket's Current Strategy

- a. Ping 4 – A commercial application that is used by both Nantucket MEMA to broadcast emergency alerts to the general public. Must have a smart phone and must subscribe the service. App tends to drain smartphone batteries quicker than normal so many folks disable it after a while. Nantucket has 2400 subscribers.
- b. Code Red – a Reverse 911 system that is owned and operated by the Barnstable County Sheriff's Office. We must coordinate all outgoing messages with them as we don't have direct access to the system. The database for such systems is only as good as the local phone book. Reverse 911 systems don't work with cellphones or VoIP based phones unless the owners subscribe to the service. Prior efforts to enlist subscribers have resulted in less than a hundred such subscriptions.
- c. EAS Radio – the two public stations are 99.9 FM in Hyannis and 97.7 FM here on the island.

- d. Nantucket Public Safety Radio – 105.5 FM, low-power FM station that is not yet operational but is under construction that will allow Emergency Managers and Government Officials to deliver real time messages to the general public that is tuned into the station.
- e. Door to Door Notification – A police Cruiser will pass through neighborhoods using both the PA system on the cruiser as well as direct contact in some cases to notify affected persons of potential risks. Not a real reliable system and certainly cannot reach a large number of folks in a timely manner.

IV. Myths about this proposal. There has been a tremendous amount of misinformation being disseminated about this proposal that has created a negative impression in many folk's minds about it.

A. Miss-information

- a. The sirens will be going off all the time.
 - 1. False, they will only be used when a life threatening situation is imminent.
 - 2. Technology today allows us to conduct any testing of the devices in "silent mode" so the only time the general public will hear an audible siren is when there is a genuine emergency.
- b. Folks won't know what to do when the sirens go off and there will be panic in the streets.

1. False, history simply does not support this myth. The purpose of the sirens is to alert the public that something bad is happening and they should seek shelter and tune into a radio or television station for additional information.
 2. Generally, visitors to the island will know what to do since many of them have these systems in their communities. The department will engage in a community wide education campaign as part of this project to educate residents and business owners what they should do when they hear the siren.
- c. They are going to put these sirens all over the island.
1. False, there are three locations that engineers have determined will allow us to alert the bulk of the population about potential threats. The Sconset Firehouse, the Public Safety Facility and the Madaket Firehouse. The sirens will be mounted at the top of existing utility poles and unless one looks, you won't even know they are there.
- d. They shouldn't rely on this relic of the 19th century technology and should instead invest in modern technology such as Reverse 911, text messaging and other forms of social media to get the message out.
1. Without going back into the discussion I already had, the technology that we are proposing is actually new technology that is more robust,

more redundant and more likely to survive the impact of a devastating event than our cellphone, landlines and radio technology that we have on the island today. Sometimes you need to keep it simple and go back to basics.

2. To rely on so called modern technology alone leaves out some of the most vulnerable members of our society. Not everyone has a smartphone, especially our elderly population and not everyone speaks or reads English.

3. To turn deny the value of this type of system is essentially saying to the general public that now is a good time for you to assume more responsibility for your own awareness. Because, almost all other systems require some type of affirmation or subscription on behalf of each individual to insure that they get notified.

e. Nantucket does not have the type of weather such as tornados that the Midwest experiences and we generally have days of notice to prepare.

1. False, there have been three recorded tornados on Nantucket since record keeping started in 1950. This is as many as many of the towns in the so called “tornado alley” of the Midwest.

2. Suffolk County has never had recorded tornado and yet just the other day Revere experienced one.

3. Hurricanes have tornados imbedded in them. Researchers believe that Hurricane Katrina had thousands of tornados imbedded in the storm. Hurricane Sandy had at least 13 and Hurricane Bod had 8 confirmed tornados imbedded in the storm. Recent research has suggested that the massive damage once attribute to storm surge may actually be the result of these embedded tornados. The NWS is developing the ability to pick these destructive elements out of the radar pictures now but it will be up to the local authorities to get the message out that folks need to seek immediate shelter. How are we going to do that here? In New Jersey, they had sirens.

3. Yes, generally we get notice of potential problems well in advance but that is not always the case. Nobody thought Hurricane Sandy was going to hit New Jersey and New York at first. It looked like we would be hit. But, when the hurricane suddenly turned left, as they often do, Emergency Managers in New Jersey wished that they would have evacuated many areas that were ultimately destroyed. Folks who were there told me personally that the alert sirens they had were the only warning that something terrible was about to hit them and it is credited with saving many lives.

f. Nantucket does not have Earthquakes so our risk of a Tsunami is very minimal.

1. False, Nantucket island is not in an area with a high risk of earthquakes but it is in an area with a higher than normal risk because of an off-shore fault line.
2. US News and World Report published a story April 19, 2013 that said that an increase in seismic activity in the North Atlantic suggests that New England is most at risk of suffering the affects of a tsunami in the near future, according to Boston College Seismologists the level of current activity is similar to what was being experienced on the east coast before the devastating tsunami that developed following an earthquake on George's Bank that threw a 32 ft wave of water onto the Burin Peninsula of Nova Scotia in 1929. 27 people were killed.

V. Nantucket Emergency Managers plan for Emergency Alert Sirens

A. The sirens will be used only for imminent threats where the public is threatened by a potentially catastrophic life threatening event.

1. Wind Events where the sustained wind speed is greater than 70 mph.
2. Severe Thunderstorm Warnings where dangerous lightening is predicted (dependent on time of day and time of year)
3. Severe Blizzard Conditions when access to major portions of the island may be lost to emergency vehicles for a sustained period of time.
4. Tsunami Warnings issued by NOAA.

5. Hazardous Materials incidents requiring the public to shelter in place.
6. Chemical, Biological or Nuclear incidents affecting the Nantucket population.
7. Other incidents as determined by Emergency Managers where the need to provide immediate notice to the general public is essential to save lives.
8. Testing of the system will be done in silent mode so the only time an alert will be heard by the general public is if there is a real emergency.
9. No all clear alerts will be issued with the sirens.

Research has found that people are more likely to take action when they know that if they hear the sirens sounding, they are in an area that is directly threatened by a potentially catastrophic event.

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

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Grant Agreement	Human Resources	Commonwealth of Mass. - Exec. Office for Admin. & Finance	(\$25,000)	Funding for succession planning study for Town management positions	State Grant	December 1, 2021 - December 1, 2023
Grant Agreement	Human Resources	Commonwealth of Mass. - Exec. Office for Admin. & Finance	(\$25,000)	Funding for wage and classification study	State Grant	December 1, 2021 - December 1, 2023
Purchase Agreement	Sewer	Southworth-Milton, Inc.	\$22,191	Purchase of cold planer	Sewer Budget	December 1, 2021 - June 30, 2022
Professional Service Agreement	Our Island Home	Harmony Healthcare International	\$100,000	MDS (minimum data set) RN support services for Our Island Home	OIH Budget	December 1, 2021 - June 30, 2022

CONSENT AGENDA ITEMS FOR 12/1/2021 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Police Department:
 - o Gift of five (5) genZe model E222b electric assist bicycles for the Department, valued at \$1,600 each for a total value of \$8,000, from David Sarlitto, Executive Director on behalf of the Ocean State Job Lots Charitable Foundation.

Recommended Motion: To accept all gifts for their designated purposes, with thanks to the donors.

Town Administration will ensure that a letter of thanks is sent.

Town of Nantucket Police Department



William J. Pittman
Chief of Police

Charles Gibson
Deputy Chief of Police

4 Fairgrounds Road
Nantucket, Massachusetts
02554-2804

Telephone (508) 228-1212
Facsimile (508) 228-7246
www.nantucket-ma.gov/police

November 5, 2021

Select Board
16 Broad Street
Nantucket, MA 02554

Re: Ocean State Job Lots Charitable Foundation - Donation

Dear Mr. Bridges, Chair

The Nantucket Police Department has received a generous donation of five (5) genZe model E222b electric assist bicycles for use by the department. The donation was made by Mr. David Sarlitto, Executive Director, on behalf of the Ocean State Job Lots Charitable Foundation. The MSRP on these e-bikes is approximately \$1,600 per unit bringing the total value of the donation to approximately \$8,000.

The donation is being made without obligation by the donor. I am requesting that the Select Board formally accept this donation and allow the Police Department to utilize them as part of our bike patrol program. Please let me know if you have any questions regarding this donation.

Best Regards,

William J. Pittman
Chief of Police

cc: file



Agenda Item Summary

Agenda Item #	IX. 1.
Date	12/1/2021

Staff

Assistant Town Manager; Director of Office of Culture & Tourism

Subject

2021 Valet Parking and Daily Luggage Storage Review

Executive Summary

Per Mr. Graney, Vice-President of Operations of Mass Park, Inc., after reviewing the 2021 valet numbers it was a successful season. The operation surpassed its 2018 peak volume at the NGrid Candle Street operation (6,002 vehicles parked) even though the overall 2021 numbers are slightly less than the 2018 numbers when the Broad Street operation is included (6,596 vehicles parked including 1,121 vehicles from Broad Street).

Daily luggage storage numbers were 1,403 pieces; down from 2,049 in 2018.

Valet Parking Actuals

Year	Total	Comment
2018	6596	Broad Street and Candle Street operations
2019	4878	Service provided in Town Lot only
2020	2151	COVID; Broad Street and Candle St operations
2021	6002	Candle Street only; Outside dining impacted parking

Daily Luggage Storage Actuals

Year	Total	Comment
2018	2049	Service provided at Candle Street operations
2019	844	Service provided in Town Lot only; Too far
2020	864	COVID; Provided at Candle St operations
2021	1403	Service provided at Candle Street operations

Staff Recommendation

No action to be taken unless NGrid property is available in 2022.

Background/Discussion

The Town has offered downtown valet services through a third party since 2011. The first year was a pilot project organized by two college students and not competitively bid however since 2011 this service is competitively bid. Mass Park d/b/a Valet Park of America, Inc. (VPA) has provided the service since 2012.

In 2011-2018 the service was provided on Broad Street from 5:00pm-midnight, 7 days/week, June 15-Labor Day. The valet used 3 of the 6 parking spaces in front of the Town Building and vehicles valeted from Broad Street were staged in the upper lot at Jetties Beach.

In 2013-2018 National Grid (NGrid) allowed the Town to provide valet services in the Candle Street Lot through a separate annual lease agreement. The Candle Street lot operated from 8:00am-midnight, 7 days/week, June 15-Labor Day, with option to provide service on Stroll Weekend. The Broad Street location operated concurrently from 5:00pm-midnight. Paid daily luggage storage service was instituted at the NGrid lot in 2016.

In 2019 with the loss of the NGrid Candle Street lot for valet and luggage service, the Select Board requested a one-year pilot to valet park 27 spaces of the Town Lot at 37 Washington Street from 8:00am-midnight, 7 days/week from June 15-Labor Day with luggage storage service. In addition, the Broad Street operation was expanded to 8:00am-midnight and given all 6 spaces in front of the Town Building.

In 2020 valet operations resumed at both the Candle Street and Broad Street locations. NGrid once again agreed to allow the Town to use its Candle Street Lot and building for valet services and daily luggage storage from July 1 through Labor Day as mitigation for NGrid's L8 upgrade project. This was a one-year agreement with no guarantee to use the lot and facility in 2021. The valet operator reported significant decrease and loss of revenue for the Broad Street operation in 2020. The operator reported better numbers for the Candle Street operation and luggage storage but not on par with previous summers primarily due to the uncertainty of COVID-19 and the later start-up.

In 2021 NGrid once again graciously allowed a one-year lease agreement to use their Candle Street Lot. VPA agreed to provide valet services at Candle Street however not at Broad Street due to staffing and housing issues and the continued uncertainty of the pandemic. After reviewing the valet numbers for summer 2021 it was a successful season. The operation surpassed its 2018 volume at the NGrid Candle Street operation (6,002 vehicles parked) even though the overall numbers are slightly less than the 2018 numbers when the Broad Street operation is included (6,596 vehicles parked including 1,121 vehicles from Broad Street).

Impact: Environmental ☒ Fiscal ☐ Community ☐ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

N/A

Attachments

2018-2021 Town of Nantucket Car Counts; 2018-2021 Town Bag Check Numbers

2021 Season Nantucket Car Counts



Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot
			7/1/2020		52	8/1/2020		102	9/1/2021		51
6/1/2021			7/2/2020		80	8/2/2020		64	9/2/2021		36
6/2/2021			7/3/2020		70	8/3/2020		92	9/3/2021		74
6/3/2021			7/4/2020		59	8/4/2020		97	9/4/2021		84
6/4/2021		9	7/5/2020		75	8/5/2020		116	9/5/2021		58
6/5/2021		18	7/6/2020		81	8/6/2020		100	9/6/2021		32
6/6/2021		10	7/7/2020		53	8/7/2020		104	9/7/2021		26
6/7/2021			7/8/2020		75	8/8/2020		75	9/8/2021		15
6/8/2021			7/9/2020		78	8/9/2020		61	9/9/2021		22
6/9/2021			7/10/2020		81	8/10/2020		65	9/10/2021		41
6/10/2021			7/11/2020		60	8/11/2020		78	9/11/2021		47
6/11/2021		18	7/12/2020		56	8/12/2020		72	9/12/2021		15
6/12/2021		33	7/13/2020		74	8/13/2020		85	9/13/2021		-
6/13/2021		15	7/14/2020		84	8/14/2020		79	9/14/2021		-
6/14/2021			7/15/2020		67	8/15/2020		76	9/15/2021		-
6/15/2021			7/16/2020		86	8/16/2020		50	9/16/2021		-
6/16/2021			7/17/2020		116	8/17/2020		83	9/17/2021		25
6/17/2021			7/18/2020		74	8/18/2020		73	9/18/2021		33
6/18/2021		40	7/19/2020		77	8/19/2020		82	9/19/2021		13
6/19/2021		47	7/20/2020		81	8/20/2020		52	9/20/2021		-
6/20/2021		26	7/21/2020		105	8/21/2020		62	9/21/2021		-
6/21/2021		21	7/22/2020		83	8/22/2020		22	9/22/2021		-
6/22/2021		25	7/23/2020		105	8/23/2020		37	9/23/2021		-
6/23/2021		43	7/24/2020		123	8/24/2020		54	9/24/2021		17
6/24/2021		40	7/25/2020		81	8/25/2020		61	9/25/2021		22
6/25/2021		79	7/26/2020		52	8/26/2020		59	9/26/2021		10
6/26/2021		61	7/27/2020		74	8/27/2020		87	9/27/2021		
6/27/2021		41	7/28/2020		103	8/28/2020		101	9/28/2021		
6/28/2021		35	7/29/2020		97	8/29/2020		49	9/29/2021		
6/29/2021		43	7/30/2020		101	8/30/2020		38	9/30/2021		
6/30/2021		50	7/31/2020		111	8/31/2020		37			
Totals	0	654		0	2514		0	2213		0	621

Season Total for Downtown 0

Season Total for National Grid Lot 6002

Total for the Year 6002

2020 Season Nantucket Car Counts



Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot
6/15/2020	0		7/1/2020	0	5	8/1/2020	4	48	9/1/2020	0	12
6/16/2020	0		7/2/2020	5	14	8/2/2020	4	22	9/2/2020	1	5
6/17/2020	0		7/3/2020	4	20	8/3/2020	2	27	9/3/2020	6	17
6/18/2020	0		7/4/2020	0	23	8/4/2020	0	22	9/4/2020	7	21
6/19/2020	1		7/5/2020	2	22	8/5/2020	4	25	9/5/2020	4	30
6/20/2020	0		7/6/2020	0	18	8/6/2020	5	33	9/6/2020	5	32
6/21/2020	0		7/7/2020	2	19	8/7/2020	8	65	9/7/2020		11
6/22/2020	0		7/8/2020	5	9	8/8/2020	10	43	9/8/2020		10
6/23/2020	0		7/9/2020	11	11	8/9/2020	4	33	9/9/2020		7
6/24/2020	1		7/10/2020	2	20	8/10/2020	2	32	9/10/2020		6
6/25/2020	1		7/11/2020	9	17	8/11/2020	3	29	9/11/2020		11
6/26/2020	2		7/12/2020	3	13	8/12/2020	3	31	9/12/2020		14
6/27/2020	0		7/13/2020	0	14	8/13/2020	5	30	9/13/2020		12
6/28/2020	1		7/14/2020	3	11	8/14/2020	14	35	9/14/2020		
6/29/2020	0		7/15/2020	4	20	8/15/2020	4	42	9/15/2020		
6/30/2020	1		7/16/2020	7	21	8/16/2020	1	30	9/16/2020		
			7/17/2020	4	34	8/17/2020	1	24	9/17/2020		5
			7/18/2020	9	42	8/18/2020	1	16	9/18/2020		6
			7/19/2020	3	21	8/19/2020	3	22	9/19/2020		8
			7/20/2020	3	11	8/20/2020	6	20	9/20/2020		1
			7/21/2020	1	22	8/21/2020	5	41			
			7/22/2020	4	26	8/22/2020	9	44			
			7/23/2020	6	24	8/23/2020	2	31			
			7/24/2020	6	50	8/24/2020	1	24			
			7/25/2020	6	33	8/25/2020	0	23			
			7/26/2020	7	24	8/26/2020	2	21			
			7/27/2020	1	23	8/27/2020	2	35			
			7/28/2020	2	25	8/28/2020	12	41			
			7/29/2020	4	31	8/29/2020	0	33			
			7/30/2020	7	33	8/30/2020	3	13			
			7/31/2020	12	50	8/31/2020	5	15			
Totals	7	0		132	706		125	950		23	208

Season Total for Downtown 287

Season Total for Town Lot 1864

Total for the Year 2151

2019 Season Nantucket Car Counts



Date	Downtown	Town Lot	Date	Downtown	Town Lot	Date	Downtown	Town Lot	Date	Downtown	Town Lot
6/14/2019	2		7/1/2019	24	14	8/1/2019	46	42	9/1/2019	15	12
6/15/2019	20	22	7/2/2019	44	29	8/2/2019	39	35	9/2/2019	10	11
6/16/2019	17	10	7/3/2019	39	33	8/3/2019	61	27			
6/17/2019	10	8	7/4/2019	25	54	8/4/2019	33	30			
6/18/2019	23	5	7/5/2019	49	64	8/5/2019	38	35			
6/19/2019	28	7	7/6/2019	48	41	8/6/2019	58	47			
6/20/2019	27	16	7/7/2019	39	14	8/7/2019	41	24			
6/21/2019	41	21	7/8/2019	23	13	8/8/2019	46	41			
6/22/2019	37	21	7/9/2019	28	16	8/9/2019	51	36			
6/23/2019	22	22	7/10/2019	30	37	8/10/2019	19	56			
6/24/2019	15	19	7/11/2019	38	28	8/11/2019	14	26			
6/25/2019	28	16	7/12/2019	41	52	8/12/2019	20	36			
6/26/2019	21	5	7/13/2019	33	47	8/13/2019	50	39			
6/27/2019	24	1	7/14/2019	31	19	8/14/2019	60	46			
6/28/2019	18	27	7/15/2019	19	34	8/15/2019	41	36			
6/29/2019	37	28	7/16/2019	36	30	8/16/2019	51	61			
6/30/2019	25	8	7/17/2019	50	31	8/17/2019	52	51			
			7/18/2019	70	30	8/18/2019	22	25			
			7/19/2019	41	33	8/19/2019	28	28			
			7/20/2019	32	25	8/20/2019	36	28			
			7/21/2019	18	32	8/21/2019	42	33			
			7/22/2019	31	25	8/22/2019	32	24			
			7/23/2019	53	42	8/23/2019	40	32			
			7/24/2019	40	22	8/24/2019	30	27			
			7/25/2019	32	26	8/25/2019	25	3			
			7/26/2019	42	41	8/26/2019	18	10			
			7/27/2019	27	41	8/27/2019	17	12			
			7/28/2019	32	25	8/28/2019	31	17			
			7/29/2019	31	19	8/29/2019	36	20			
			7/30/2019	41	30	8/30/2019	28	11			
			7/31/2019	30	21	8/31/2019	31	40			
Totals	395	236		1117	968		1136	978		25	23

Season Total for Downtown 2673

Season Total for Town Lot 2205

Total for the Year 4878

2018 Season Nantucket Car Counts



Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot	Date	Downtown	National Grid Lot
6/1/2018			7/1/2018	11	69	8/1/2018	11	89	9/1/2018	8	81
6/2/2018		6	7/2/2018	15	99	8/2/2018	18	90	9/2/2018	11	35
6/3/2018		2	7/3/2018	12	110	8/3/2018	18	99	9/3/2018	1	26
6/4/2018			7/4/2018	2	91	8/4/2018	35	113	9/4/2018		
6/5/2018			7/5/2018	15	117	8/5/2018	18	75	9/5/2018		
6/6/2018			7/6/2018	28	98	8/6/2018	13	72	9/6/2018		
6/7/2018			7/7/2018	8	56	8/7/2018	23	83	9/7/2018		12
6/8/2018			7/8/2018	10	50	8/8/2018	15	77	9/8/2018		13
6/9/2018		20	7/9/2018	4	67	8/9/2018	17	91	9/9/2018		
6/10/2018		5	7/10/2018	19	60	8/10/2018	7	72	9/10/2018		
6/11/2018			7/11/2018	24	70	8/11/2018	12	92	9/11/2018		
6/12/2018			7/12/2018	19	77	8/12/2018	26	98	9/12/2018		
6/13/2018			7/13/2018	15	60	8/13/2018	25	73	9/13/2018		
6/14/2018			7/14/2018	26	87	8/14/2018	17	51	9/14/2018		
6/15/2018		36	7/15/2018	17	61	8/15/2018	18	93	9/15/2018		
6/16/2018	11	31	7/16/2018	4	59	8/16/2018	10	85	9/16/2018		
6/17/2018	4	20	7/17/2018	21	68	8/17/2018	16	87	9/17/2018		
6/18/2018	0	24	7/18/2018	18	80	8/18/2018	18	87	9/18/2018		
6/19/2018	7	24	7/19/2018	18	59	8/19/2018	8	69	9/19/2018		
6/20/2018	12	35	7/20/2018	15	85	8/20/2018	10	90	9/20/2018		
6/21/2018	11	77	7/21/2018	21	84	8/21/2018	11	66	9/21/2018		
6/22/2018	8	62	7/22/2018	4	32	8/22/2018	8	67	9/22/2018		
6/23/2018	12	84	7/23/2018	13	40	8/23/2018	27	42	9/23/2018		
6/24/2018	16	60	7/24/2018	23	72	8/24/2018	12	64	9/24/2018		
6/25/2018	10	58	7/25/2018	24	51	8/25/2018	14	70	9/25/2018		
6/26/2018	6	42	7/26/2018	13	83	8/26/2018	7	43	9/26/2018		
6/27/2018	14	51	7/27/2018	20	87	8/27/2018	7	49	9/27/2018		
6/28/2018	29	58	7/28/2018	28	78	8/28/2018	7	36	9/28/2018		
6/29/2018	9	65	7/29/2018	6	63	8/29/2018	1	29	9/29/2018		
6/30/2018	20	77	7/30/2018	11	51	8/30/2018	10	20	9/30/2018		
			7/31/2018	17	77	8/31/2018	12	58			

Totals	169	837	Totals	481	2241	Totals	451	2230	Totals	20	167
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Season Total for Downtown: 1121

Season Total for National Grid: 5475

Total for the Year 6596

2021 Nantucket Bag Check at Town Lot



Date	National Grid Lot Bag Counts
6/4/2021	14
6/15/2021	2
6/16/2021	16
6/17/2021	
6/18/2021	
6/19/2021	
6/20/2021	
6/21/2021	2
6/22/2021	9
6/23/2021	28
6/24/2021	
6/25/2021	
6/26/2021	
6/27/2021	
6/28/2021	20
6/29/2021	15
6/30/2021	29
7/1/2021	6
7/2/2021	12
7/3/2021	37
7/4/2021	9
7/5/2021	18
7/6/2021	9
7/7/2021	8
7/8/2021	24
7/9/2021	17
7/10/2021	45
7/11/2021	47
7/12/2021	8
7/13/2021	11
7/14/2021	11
7/15/2021	16
7/16/2021	18
7/17/2021	41
7/18/2021	34
7/19/2021	8
7/20/2021	7
7/21/2021	8
7/22/2021	7
7/23/2021	30

Date	National Grid Lot Bag Counts
7/24/2021	36
7/25/2021	32
7/26/2021	4
7/27/2021	11
7/28/2021	8
7/29/2021	6
7/30/2021	12
7/31/2021	86
8/1/2021	33
8/2/2021	18
8/3/2021	7
8/4/2021	4
8/5/2021	15
8/6/2021	32
8/7/2021	47
8/8/2021	31
8/9/2021	21
8/10/2021	6
8/11/2021	13
8/12/2021	4
8/13/2021	26
8/14/2021	69
8/15/2021	37
8/16/2021	16
8/17/2021	11
8/18/2021	11
8/19/2021	21
8/20/2021	19
8/21/2021	25
8/22/2021	0
8/23/2021	7
8/24/2021	7
8/25/2021	3
8/26/2021	13
8/27/2021	32
8/28/2021	38
8/29/2021	36
8/30/2021	20
8/31/2021	9
9/1/2021	0

Date	National Grid Lot Bag Counts
9/2/2021	0
9/3/2021	15
9/4/2021	26
9/5/2021	23
9/6/2021	62
9/7/2021	5
9/8/2021	4
9/9/2021	3
9/10/2021	5
9/11/2021	9
9/12/2021	18
9/13/2021	-
9/14/2021	-
9/15/2021	-
9/16/2021	-
9/17/2021	5
9/18/2021	8
9/19/2021	11
9/20/2021	-
9/21/2021	-
9/22/2021	-
9/23/2021	-
9/24/2021	9
9/25/2021	4
9/26/2021	6

Total Bags: 1403

2020 Total Bags: 864

Difference: 539

2020 Nantucket Bag Check at Town Lot



Date	Town Lot Bag Counts
6/14/2020	
6/15/2020	
6/16/2020	
6/17/2020	
6/18/2020	
6/19/2020	
6/20/2020	
6/21/2020	
6/22/2020	
6/23/2020	
6/24/2020	
6/25/2020	
6/26/2020	
6/27/2020	
6/28/2020	
6/29/2020	
6/30/2020	
7/1/2020	3
7/2/2020	2
7/3/2020	16
7/4/2020	0
7/5/2020	16
7/6/2020	5
7/7/2020	8
7/8/2020	2
7/9/2020	1
7/10/2020	2
7/11/2020	13
7/12/2020	12
7/13/2020	3
7/14/2020	3
7/15/2020	2
7/16/2020	2
7/17/2020	10
7/18/2020	18
7/19/2020	4
7/20/2020	7
7/21/2020	7
7/22/2020	5
7/23/2020	9

Date	Town Lot Bag Counts
7/24/2020	9
7/25/2020	4
7/26/2020	15
7/27/2020	5
7/28/2020	5
7/29/2020	2
7/30/2020	15
7/31/2020	7
8/1/2020	38
8/2/2020	55
8/3/2020	16
8/4/2020	1
8/5/2020	14
8/6/2020	16
8/7/2020	34
8/8/2020	52
8/9/2020	27
8/10/2020	23
8/11/2020	5
8/12/2020	13
8/13/2020	22
8/14/2020	25
8/15/2020	52
8/16/2020	35
8/17/2020	6
8/18/2020	5
8/19/2020	16
8/20/2020	8
8/21/2020	22
8/22/2020	28
8/23/2020	47
8/24/2020	16
8/25/2020	2
8/26/2020	5
8/27/2020	6
8/28/2020	15
8/29/2020	8
8/30/2020	27
8/31/2020	11
9/1/2020	16

Date	Town Lot Bag Counts
9/1/2020	0
9/2/2020	0
9/3/2020	11
9/4/2020	11
9/5/2020	10
9/6/2020	34
9/7/2020	44
9/8/2020	5
9/9/2020	0
9/10/2020	4
9/11/2020	7
9/12/2020	13
9/13/2020	26
9/14/2020	
9/15/2020	
9/16/2020	
9/17/2020	0
9/18/2020	0
9/19/2020	2
9/20/2020	11

Total Bags: 864

2019 Total Bags: 844

Difference: 20

2019 Nantucket Bag Check at Town Lot



Date	Town Lot Bag Counts
6/14/2019	
6/15/2019	0
6/16/2019	0
6/17/2019	0
6/18/2019	2
6/19/2019	6
6/20/2019	11
6/21/2019	12
6/22/2019	7
6/23/2019	30
6/24/2019	4
6/25/2019	6
6/26/2019	5
6/27/2019	2
6/28/2019	6
6/29/2019	23
6/30/2019	12
7/1/2019	2
7/2/2019	5
7/3/2019	3
7/4/2019	4
7/5/2019	13
7/6/2019	14
7/7/2019	23
7/8/2019	3
7/9/2019	1
7/10/2019	16
7/11/2019	3
7/12/2019	6
7/13/2019	19
7/14/2019	2
7/15/2019	12
7/16/2019	4
7/17/2019	7
7/18/2019	7
7/19/2019	10
7/20/2019	18
7/21/2019	15
7/22/2019	1

Date	Town Lot Bag Counts
7/23/2019	6
7/24/2019	13
7/25/2019	5
7/26/2019	19
7/27/2019	27
7/28/2019	15
7/29/2019	2
7/30/2019	6
7/31/2019	1
8/1/2019	9
8/2/2019	13
8/3/2019	19
8/4/2019	20
8/5/2019	8
8/6/2019	4
8/7/2019	7
8/8/2019	21
8/9/2019	27
8/10/2019	36
8/11/2019	35
8/12/2019	6
8/13/2019	3
8/14/2019	7
8/15/2019	10
8/16/2019	8
8/17/2019	27
8/18/2019	27
8/19/2019	6
8/20/2019	3
8/21/2019	4
8/22/2019	0
8/23/2019	8
8/24/2019	38
8/25/2019	28
8/26/2019	5
8/27/2019	6
8/28/2019	3
8/29/2019	2
8/30/2019	19

Date	Town Lot Bag Counts
8/31/2019	16
9/1/2019	8
9/2/2019	3

Total Bags: 844

2018 Total Bags: 2049

Difference: -1205

2018 Nantucket Bag Check at National Grid



Date	National Grid Lot Bag Counts
5/18/2018	0
5/19/2018	0
5/20/2018	11
5/21/2018	7
5/22/2018	2
5/23/2018	0
5/24/2018	0
5/25/2018	3
5/26/2018	4
5/27/2018	6
5/28/2018	4
5/29/2018	
5/30/2018	
5/31/2018	
6/1/2018	
6/2/2018	0
6/3/2018	0
6/4/2018	
6/5/2018	
6/6/2018	
6/7/2018	
6/8/2018	
6/9/2018	5
6/10/2018	26
6/11/2018	
6/12/2018	
6/13/2018	
6/14/2018	
6/15/2018	0
6/16/2018	0
6/17/2018	31
6/18/2018	5
6/19/2018	2
6/20/2018	2
6/21/2018	4
6/22/2018	0
6/23/2018	0
6/24/2018	0
6/25/2018	11
6/26/2018	6

Date	National Grid Lot Bag Counts
6/27/2018	7
6/28/2018	0
6/29/2018	20
6/30/2018	25
7/1/2018	48
7/2/2018	20
7/3/2018	27
7/4/2018	20
7/5/2018	25
7/6/2018	38
7/7/2018	58
7/8/2018	35
7/9/2018	45
7/10/2018	43
7/11/2018	15
7/12/2018	5
7/13/2018	7
7/14/2018	43
7/15/2018	42
7/16/2018	7
7/17/2018	8
7/18/2018	14
7/19/2018	22
7/20/2018	24
7/21/2018	74
7/22/2018	24
7/23/2018	13
7/24/2018	8
7/25/2018	22
7/26/2018	8
7/27/2018	45
7/28/2018	47
7/29/2018	48
7/30/2018	50
7/31/2018	14
8/1/2018	20
8/2/2018	28
8/3/2018	13
8/4/2018	63
8/5/2018	10

Date	National Grid Lot Bag Counts
8/6/2018	23
8/7/2018	12
8/8/2018	15
8/9/2018	19
8/10/2018	24
8/11/2018	67
8/12/2018	20
8/13/2018	16
8/14/2018	11
8/15/2018	13
8/16/2018	20
8/17/2018	41
8/18/2018	82
8/19/2018	34
8/20/2018	14
8/21/2018	12
8/22/2018	14
8/23/2018	16
8/24/2018	37
8/25/2018	78
8/26/2018	56
8/27/2018	25
8/28/2018	4
8/29/2018	12
8/30/2018	7
8/31/2018	41
9/1/2018	36
9/2/2018	30
9/3/2018	47
9/4/2018	
9/5/2018	
9/6/2018	
9/7/2018	3
9/8/2018	3
9/9/2018	3

Total Bags: 2049



Agenda Item Summary

Agenda Item #	IX. 2.
Date	12/01/2021

Staff

Erika D. Mooney, Operations Administrator

Subject

Request for approval of Conservation Restriction (CR) for 15 Winn St to be held by Nantucket Land Council.

Executive Summary

Pursuant to the Board's Conservation Restriction and Preservation Restriction Policy, a preliminary reviewed by the Select Board occurred at its 11/17/2021 meeting. Town Counsel has reviewed the CR and issued a report.

Staff Recommendation

Recommend the Board moved to approve the Conservation Restriction for 15 Winn St and to find that the CR is in the public interest.

Background/Discussion

N/A

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

The CR purpose is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values, including open space protection, water quality protection, protection of wildlife habitat and MA NHESP Natural Communities, scenic enjoyment of the general public and preservation of dark sky.

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; cover letter from Nantucket Land Council;
Conservation Restriction for 15 Winn St; report from Town Counsel





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.



Nantucket Land Council

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General Counsel

November 9, 2021

Jason Bridges, Chair
Nantucket Select Board
16 Broad Street
Nantucket, MA 02554

Re: Wynndhill LLC, 15 Winn Street: Conservation Restriction

Dear Chair Bridges and Members of the Select Board,

I am pleased to submit for the Select Board's review, a 6.292 acre Conservation Restriction located at 15 Winn Street, Nantucket MA which is being donated by Wynndhill LLC.

Attached is a copy of the Conservation Restriction which has been approved for local signatures by the MA Executive Office of Environmental Affairs. We ask that you will find that the Conservation Restriction is in the public interest by protecting open space, water quality, scenic views, wildlife habitat, and the dark skies which immediately surround the MMA Loines Observatory.

Per your Conservation Restriction review policy, I respectfully request that you approve sending the document on to Town Counsel for their review.

I look forward to formally presenting the Conservation Restriction to you at a future Select Board meeting.

Sincerely,

Emily Molden
Executive Director



November 29, 2021

Vicki S. Marsh
vmarsh@k-plaw.com

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

Re: Conservation Restriction – Wynndhill, LLC to Nantucket Land Council, Inc.
(15 Winn Street, Nantucket, MA)

Dear Members of the Select Board:

I have been asked to review a proposed Conservation Restriction (“CR”) on a portion of a parcel of land located at 15 Winn Street, in the Town of Nantucket (the “Property”), and to provide a report to the Select Board. The CR is being granted by Wynndhill, LLC, a Massachusetts limited liability company (“Grantor”) to the Nantucket Land Council, Inc. (“NLC”). The Property is approximately 6.292 acres in size of a 4-acre parcel. It is shown as “Restricted Area” on Exhibit A to the CR, entitled “Exhibit A: Plan to Accompany Conservation Restriction @ # 15Winn Street, Nantucket, Ma.” dated September 21, 2021, prepared by Earle and Sullivan, Inc. (“Plan”). As explained below, the proposed CR does not grant any interest in the Property to the Town or to the general public, but the CR is being presented to the Select Board for its approval, before being submitted to the Secretary of Energy and Environmental Affairs for the Secretary’s approval as being in the public interest.

I have been provided with a copy of the proposed CR, including Exhibit A as described above. It is my understanding that John Gioia, the former Conservation Restriction Reviewer of the Division of Conservation Services (“DCS”) had given preliminary approval to the CR. I have also reviewed the deed by which the Grantor acquired the Property. I recommended to NLC that some minor revisions and corrections be made to the CR, and I revised the final version to incorporate those changes. I am awaiting approval of the revisions by Thomas Anderson, the interim Conservation Restriction Reviewer. I approve of the final CR as to form pending approval by Mr. Anderson.

The CR describes the conservation values that will be protected by the CR and that support the approval of the CR as being in the public interest. The protection of the Property will contribute to the protection of surrounding permanently protected land and to the protection of the scenic and natural character of the surrounding and other Nantucket protected lands, by providing significant open space corridors. The CR will also contribute to the protection of water quality of the aquifer. Furthermore, it will also reduce the potential nutrient and pollutant runoff which will protect the water sources by limiting the development of land and thereby reducing nutrient, and pollutant

Hon. Jason Bridges and
Members of the Select Board
November 29, 2021
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runoff, which will protect waters down-gradient from the Property, including Nantucket Harbor. In addition, the Property includes several critical habitat which are described by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) as “vulnerable” or “critically imperiled” Natural Communities which include Maritime Shrubland. In particular, the Property is comprised of Eastern red cedar, little bluestem and other native plant species. Preservation of the Property through the acquisition of a CR is consistent with the open-space protection objectives of the Nantucket Master Plan, the Nantucket Comprehensive Community Plan, and Nantucket’s Goals and Objectives for Balanced Growth.

With the exceptions described in the next paragraph, activities prohibited within the Property by the CR include the construction of temporary and permanent buildings or other structures; excavation and removal of soils, sand, and gravel; and cutting or removing trees, grasses, and other vegetation (except for limited mowing and cutting to manage the wildlife species or habitat, subject to NLC’s permission).

Notwithstanding the general prohibitions of various activities, the CR preserves the rights of the Grantor and its successors and assigns to make use of the Property for several purposes including the right to use the Property for agricultural purposes, including the planting and harvesting of fruits, vegetables or other crops or the raising of bees or domestic livestock for commercial or non-commercial agricultural purposes; the use, maintenance, repair and replacement of the well and pumphouse as shown on said Plan; and the creation, maintenance and use of trails no wider than 5 feet. The Grantor retains the right to allow hiking, cross-country skiing and other non-motorized pedestrian outdoor recreational or educational activities, as well as the right to remove diseased and dead trees and the right to cut, trim, and remove trees, grasses and other vegetation on the Property. These reserved rights may be conducted on the Property provided they do not materially impair the conservation purposes of the CR and may be subject to Grantee’s approval as set forth in the CR.

In addition, the Plan delineates two Building Envelopes on the Property. The Grantor reserves the right to conduct or permit the following activities within the Building Envelopes; (i) the right to construct, repair and replace two (2) single family dwellings with associated improvements and two (2) accessory buildings; (ii) the right to install, construct, use, maintain, replace or relocate the utilities, wells, pumphouses, municipal sewer connections and septic systems; (iii) the right to construct, use, and maintain an improved driveway from the Existing Paved Driveway to Building Envelope B as shown on said Plan for the purpose of providing access to Building Envelope B; and (iv) the right to remove existing vegetation, to install and maintain landscaping and to apply fertilizer provided that all activities shall be conducted in accordance with the regulations of the Nantucket Board of Health.

Hon. Jason Bridges and
Members of the Select Board
November 29, 2021
Page 3

As the Grantee of the CR, NLC has the right to enforce compliance with the terms of the CR. As noted above, certain activities within the Property are permitted only with the prior approval of NLC. The CR does not grant any enforcement authority to the Town, nor does the CR grant any public right of access to, or use of, the Property. NLC has a limited right of access to the Property for the purpose of inspecting and ensuring compliance with the CR. The CR runs with the Property, in perpetuity, and is enforceable against the original Grantor and its successors and assigns. The terms of the CR are to be incorporated in any deed conveying an interest in the Property, and NLC is to be notified of any transfer of interests.

Where the CR is to be held by a charitable corporation (*i.e.*, NLC) and not by the Town itself, G.L. c. 184, §32 requires that the CR must be approved by the Select Board, as well by as the Secretary of Energy and Environmental Affairs, as being in the public interest. For this reason, the CR is being submitted to the Select Board for your approval and signatures. After you have approved and signed the CR, it will then be submitted to the Secretary by NLC and, upon the Secretary's approval, will be filed with the Nantucket Registry District of the Land Court.

Please feel free to contact me with any questions concerning this matter.

Very truly yours,



Vicki S. Marsh

VSM/dmm

cc: Town Manager
Emily Molden, Executive Director (Nantucket Land Council, Inc.)

GRANTOR: WYNNHILL, LLC
GRANTEE: Nantucket Land Council, Inc.
ADDRESS OF PREMISES: 15 Winn Street, Nantucket
FOR GRANTOR'S TITLE SEE: Nantucket ~~County~~
Registry ~~of Deeds~~ District of the Land Court
Certificate of Title No. 26306, ~~Document #~~ _____

CONSERVATION RESTRICTION

WYNNHILL, LLC with an address of 219 North Cherry Street, Falls Church, Virginia, being the sole owner of the Premises as defined herein, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS to the Nantucket Land Council, Inc., a Massachusetts non-profit corporation with a principal place of business at 6 Ash Lane, Nantucket, Massachusetts 02554, their permitted successors and assigns ("Grantee"), for One Dollar consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following described Conservation Restriction on approximately 6.292 acres of land located in the Town of Nantucket, Massachusetts (the "Premises"), described as the 'Restricted Area' in a plan prepared by Earle and Sullivan Inc. entitled "Exhibit A: Plan to Accompany Conservation Restriction @ #15 Winn Street, Nantucket, Ma." dated September 21, 2021~~10/28/2020~~, ("Plan"), a reduced copy of which Plan is attached hereto and incorporated herein as Exhibit A.

For Grantor's title see Nantucket ~~County~~ Registry ~~of Deeds~~ District of the Land Court Certificate of Title No.~~Number~~ 26306.

Grantee warrants that Grantee is a charitable organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (the "Code"), whose primary purpose is "To encourage, support and engage in research, study, and education regarding land in the County of Nantucket ...and to engage in, institute, defend and to support in any legal manner or way any litigation or administrative procedures regarding such land, its ownership and utilization; and to engage in such other activities as are necessary or reasonably appropriate thereto."

Grantee represents that Grantee is a "qualified organization," as that term is defined in Section 170(h)(3) of the Code; and

Grantee has received a determination letter from the Internal Revenue Service dated November 24, 2003, to the effect that Grantee is a "publicly-supported" organization described in Section 509(a)(1) and Section 170(b)(A)(vi) of the Code, and is not a private foundation under Section 509(a)(1) of the Code; and

Grantor and Grantee recognize the natural, scenic, and special character of the Premises and have the common purpose of the conservation and protection in perpetuity of the Premises through the use of restrictions on the Premises.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values ("Conservation Values", as defined below).

The Conservation Values include the following:

- Open Space Protection: The protection of the Premises contributes to the scenic and natural character of Nantucket, of surrounding permanently protected land and other Nantucket protected lands. The protection of the Premises will enhance the open-space value of these and nearby lands, provide significant open space corridors and improve the overall public benefit and value of open space in the neighborhood.
- Water Quality Protection: The Premises are located on Nantucket Island, which has a sole source aquifer for the use of its inhabitants. Protection of the Premises will further protect the water quality of the aquifer. Protection of the Premises will also reduce potential nutrient and pollutant leaching and runoff, which will protect waters down-gradient from the Premises, including Nantucket Harbor.
- Protection of Wildlife Habitat & MA NHESP Natural Communities. The Premises provide a unique natural habitat for a wide variety of plant and animal species. The Premises are comprised of little bluestem, Pennsylvania sedge, huckleberry, bayberry, beach plum, black cherry, Eastern Red cedar, and other native plant species. The Premises is comprised of several critical habitats which are described by the MA Natural Heritage and Endangered Species Program (NHESP) as "vulnerable" or "critically imperiled" Natural Communities (the "Communities"), and which are further described in the Baseline Report. These include Maritime Shrubland, which is ranked as S3, or vulnerable, due to a restricted range.
- Scenic Enjoyment of the General Public. Protection of the Premises is for the scenic enjoyment of the general public, and preserving an undisturbed vegetated buffer along the perimeters of the Premises will yield a significant public benefit by maintaining a scenic and open corridor in conjunction with approximately 33 acres of adjacent cemeteries and open space.

- Preservation of Dark Sky. Protection of the Premises from its development potential under current zoning preserves the dark sky surrounding the abutting Maria Mitchell Association Loines Observatory;
- Furtherance of Clearly-Delineated Government Policy. Preservation of the Premises is pursuant to clearly-delineated conservation policy expressed in Nantucket's Master Plan, adopted by Nantucket's voters at the Annual Town Meeting in April 2009, which incorporated the Town of Nantucket 2007 Open Space and Recreation Plan as Goal/Objectives 1C: "The town should encourage the use of creative regulatory and non-regulatory land protection tools such as conservation restrictions, tax abatements, gifts and zoning measures."; and in *The Nantucket Comprehensive Community Plan (NCCP)*, including the following objectives therein: Objective 4.1, "To aggressively acquire land and conservation restrictions to protect natural ecosystems;" Objective 4.2, "To encourage land management activities by the Land Bank and nonprofit entities to provide permanent resource protection."

Preservation of the Premises as open space is further pursuant to clearly-delineated governmental conservation policy in accordance with "Nantucket's Goals and Objectives for Balanced Growth" which was adopted in November 1990 by Town Meeting and states as Objective A-1: "To identify and acquire critical open spaces through outright ownership or by less-than-fee means, such as conservation restrictions, scenic easements, and the purchase of development rights, in order to complete the Island's open space network.

These and other Conservation Values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND RESERVED RIGHTS

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) The construction or placement of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for business, residential or industrial use, or commercial recreation;
- (9) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair or be inconsistent with the perpetual protection of the Conservation Values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the Conservation Values or purposes of this Conservation Restriction.

- (1) Vegetation Management.
 - (a) The selective removal of brush and trees less than 8 inches in diameter and mowing of the Premises, except removal of brush and trees and mowing shall be prohibited within the areas identified as South Vegetated Area and North Vegetated Area on Exhibit A (“Vegetated Areas”);

- (b) the pruning and cutting of vegetation to prevent, control or remove hazards, disease, insect or fire damage or to preserve the present condition of the Premises, including vistas and meadows as documented in the Baseline Report;
- (2) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (3) Composting. The stockpiling and composting of stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the Conservation Values. All exercise of this reserved right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
- (4) Wildlife Habitat Improvement. With the prior written approval of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;
- (5) Archaeological Investigations. The right to conduct archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only (a) after written notification to and written approval by Grantee, and (b) in accordance with an archaeological field investigation plan prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historic Commission (“MHC”) State Archaeologist as required by Massachusetts General Laws. A copy of the results of any scientific investigation on the Premises is to be provided to the Grantee. Plans for restoration of the site of any archaeological activity shall be submitted to the Grantee in advance of restoration, and such restoration shall be conducted only in accordance with a plan approved by the Grantee.
- (6) Trails. The marking, clearing and maintenance of existing trails as shown in the Baseline Report and new or relocated trails pursuant to this Paragraph II.B.6. With the prior written approval of the Grantee, the construction of new, water-permeable trails surfaced only with natural materials originating on the Premises, or the relocation or alteration of existing trails, provided that any construction, relocation, or alteration results in trails that are no wider than five (5) feet;
- (7) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, the Reserved Rights, and the protected conservation values;
- (8) Outdoor Passive Recreational Activities. Hiking, horseback riding, cross-country skiing and other non-motorized outdoor recreational activities that do not materially alter the landscape, do not degrade environmental quality, and do not involve commercial recreational activities;

- (9) Agricultural Activities. Within the “Agricultural Area” as shown on Exhibit A, the planting and harvesting of fruits, vegetables or other crops or the raising of bees or domestic livestock for commercial or non-commercial agricultural purposes, provided that any animals are contained within a fenced area, which fencing shall not obstruct or negatively impact the scenic values of the Premises.
- (10) Motor Vehicle Uses. The use of motor vehicles solely for the purpose of exercising any of the Reserved Rights described in this Paragraph II.B, or as necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties, or as necessary for the mobility impaired;
- (11) Well and Pumphouse Maintenance. The use, maintenance, repair, and replacement of the well and pumphouse as shown on Exhibit A, and any associated utility connections.
- (12) Recreational Path Easement. With the prior written approval of the Grantee, the right to grant an easement to a public entity on the portion of the Premises with frontage on Winn Street, which easement may allow its holder to remove vegetation and to construct and maintain a paved or unpaved recreational path designed to be of minimal width to protect the Conservation Values and extending from the Winn Street boundary of the Premises, provided that such easement must require said public entity to restore disturbed land areas and replace any impacted or removed vegetative buffer as a condition of such construction and maintenance.
- (13) Site Restoration. Any work undertaken in conjunction with Paragraphs II.B and II.C shall minimize disturbance to the Conservation Values and other natural features within the Premises. Upon completion of any such work, any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report;
- (14) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under Paragraphs II.B and II.C shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued;

C. Building Envelopes

Within the Premises there are two Building Envelopes shown on Exhibit A as “Building Envelope A” and “Building Envelope B” (“Building Envelopes”). Grantor reserves the right to conduct or permit the following activities and uses within the Building Envelopes, in addition to the Reserved

Rights and Exceptions described in Paragraph II.B, and otherwise subject to this Conservation Restriction:

- (1) The right to construct, repair, and replace two (2) single-family dwellings with associated decks and patios; and two (2) accessory buildings;
- (2) The right to install, construct, use, maintain, improve, replace, or relocate utilities, wells, pumphouses, municipal sewer connections, and septic systems (hereinafter "Improvements"). Such Improvements may be located outside of the Building Envelopes in locations that minimize impacts to the Conservation Values only with the prior written approval of the Grantee and provided no feasible location exists for such Improvements within the Building Envelopes. All Improvements may only serve single family dwelling(s) located within the Building Envelopes.
- (3) The right to construct, use, and maintain an improved driveway from the Existing Paved Driveway as shown on Exhibit A to Building Envelope B in the approximate location shown on Exhibit B as "Approximate Location Future Drive & Utilities", for the purpose of providing access to Building Envelope B.
- (4) The right to remove existing vegetation, to install and maintain landscaping, and to apply fertilizer, provided that all landscaping activities shall be conducted in accordance with the regulations of the Nantucket Board of Health or successor governmental entity, including regulations regarding the application of fertilizer.

D. Notice and Approval.

Whenever notice to or approval of Grantee is required by this Conservation Restriction, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Failure of Grantee to respond in writing within such 60 days shall be deemed to constitute denial by Grantee of any such request submitted for approval. A deemed denial shall be treated by all parties as procedural, rather than substantive, and Grantor may resubmit the request for approval without prejudice.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

This Conservation Restriction does not grant any right of access to the general public and the Grantor retains its rights to prohibit access to the Premises by the general public. The Grantor

hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V.B. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right will be determined as of the date of termination, release, or extinguishment.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V.B., after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-

in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee in the Premises, and the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies to the best of the Grantee's knowledge the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to

receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. LIMITATIONS ON AMENDMENT

- A. In General. Grantor and Grantee recognize that natural conditions, landscapes, and technologies change over time (including best practices of open space stewardship techniques), and, in an abundance of caution, have determined, in good faith, to articulate herein the limited parameters of any permissible amendment hereto. The intent of Grantor and Grantee is that (except in a case involving solely the correction of a drafting mistake, or mapping error, or in a situation involving solely adding real property to the existing encumbered Premises or otherwise eliminating or further restricting previously reserved rights) any such amendment would be executed only in rare instances and unusual circumstances not envisioned by either party at the time of this grant, consistent with and true to the perpetual protection of the Conservation Values, and consistent with the goals and provisions of the law of the Commonwealth of Massachusetts, including but not limited to Sections 31-33 of Chapter 184 of the Massachusetts General Laws and the provisions of Article 97 of the Constitution of the Commonwealth of Massachusetts, as such provisions may be relevant (collectively, hereinafter in this Paragraph X., Massachusetts Law), and the goals and provisions of Section 170(h) of the Code. Further, it may be necessary at some point to amend this Conservation Restriction in response to changes over time specifically to ensure the perpetual protection of the Conservation Values. This Paragraph X. is accordingly carefully limited so as to ensure that no amendment shall in any way impair the perpetual protection of the Conservation Values. Nothing in this Paragraph X. shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.
- B. Limitations on Amendment. This Conservation Restriction shall be amended only upon the written agreement of Grantee and Grantor, at Grantee's sole and absolute discretion, but only if such amendment: (a) is approved in writing by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts and by the Town of Nantucket, per the requirements of Section 32 of Chapter 184 of the Massachusetts General Laws; (b) does not constitute private inurement or give rise to an impermissible private benefit under Section 501(c)(3) and other applicable provisions of the Code or Massachusetts Law, based on an appraisal of the economic impact of the proposed amendment by an appraiser selected by Grantee; (c) has a neutral or positive effect on the Conservation Values, based on an evaluation of the effect of the proposed amendment on the Conservation Values by an independent qualified person selected by Grantee; (d) is consistent with the purpose of this Conservation Restriction and the perpetual protection of the Conservation Values; (e) does not affect the perpetual nature of this Conservation Restriction; and (f) complies with Massachusetts Law and Section 170(h) of the Code. Further, no amendment shall be permitted that (i) does not comply with the provisions of this Paragraph X. or in any way makes the provisions of this Paragraph X. less restrictive; (ii) would involve the removal of any of the Premises from the Conservation Restriction; or (iii) would alter or remove the provisions on extinguishment, percentage interests, or condemnation under Paragraph V. or the provisions governing

assignment of this Conservation Restriction under Paragraph VI. In the case of any amendment, all of the requirements and limitations in this Paragraph X. must be satisfied.

- C. Updated Baseline Documentation Report. In the event Grantor and Grantee agree to an amendment pursuant to the provisions of this Paragraph X., an addendum to the Baseline Report shall be prepared and shall be acknowledged by Grantor and Grantee as memorializing the condition of the Premises as of the date the amendment is delivered for recording to the Nantucket County Registry of Deeds. Notwithstanding the foregoing, an addendum to the Baseline Report shall not be required for any amendment that involves solely the correction of a drafting mistake or mapping error.
- D. Costs. If Grantor is the party requesting an amendment of this Conservation Restriction, Grantor shall be responsible for all reasonable and customary costs related to Grantee's evaluation of said request and the amendment's execution, including reasonable attorney's fees and staff, contractor, legal, and consultant costs incurred by Grantee, and any costs associated with the preparation of the addendum to the Baseline Report pursuant to Paragraph X.C.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been ~~filed~~recorded in a timely manner in the Nantucket Registry District of the Land Court ~~Nantucket County Registry of Deeds~~.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: WYNNDHILL, LLC
Lorraine C. Snell
219 N. Cherry Street
Falls Church, VA 22046

To Grantee: Nantucket Land Council, Inc.
P.O. Box 502
Nantucket, MA 02554

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination. The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor

Grantee Acceptance

Approval of Town of Nantucket Select Board

Approval of the Secretary of Energy and Environmental Affairs

Exhibits:

Exhibit A: Plan of the Premises

WITNESS my hand and seal this ____day of _____, 2021,

WYNNNDHILL, LLC
By its Manager:
Lorraine C. Snell

Lorraine C. Snell, Manager

COMMONWEALTH OF MASSACHUSETTS
County of _____, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

This Conservation Restriction from WYNNHILL, LLC was accepted by The Nantucket Land Council, Inc. this _____ day of _____, 2021.

By: _____

Its: _____, duly authorized

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF SELECT BOARD

We, the undersigned, being a majority of the Select Board of the Town of Nantucket, hereby certify that at a public meeting duly held on _____, 2021, the Select Board voted to approve the foregoing Conservation Restriction from WYNNDHILL, LLC to the Nantucket Land Council, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF NANTUCKET
By its Select Board

Jason Bridges

Kristie L. Ferrantella

Dawn E. Hill Holdgate

Matthew G. Fee

Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss:

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared Jason Bridges, Kristie L. Ferrantella, Dawn E. Hill Holdgate, Matthew G. Fee and Melissa K. Murphy, members of the Town of Nantucket Select Board proved to me through satisfactory evidence of identification which was personal knowledge of the undersigned to be the persons whose names are signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief, and are their free acts and deeds on behalf of the Select Board of the Town of Nantucket.

SEAL

Notary Public

My commission expires: _____

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from WYNNNDHILL, LLC to the Nantucket Land Council, Inc. has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2021

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

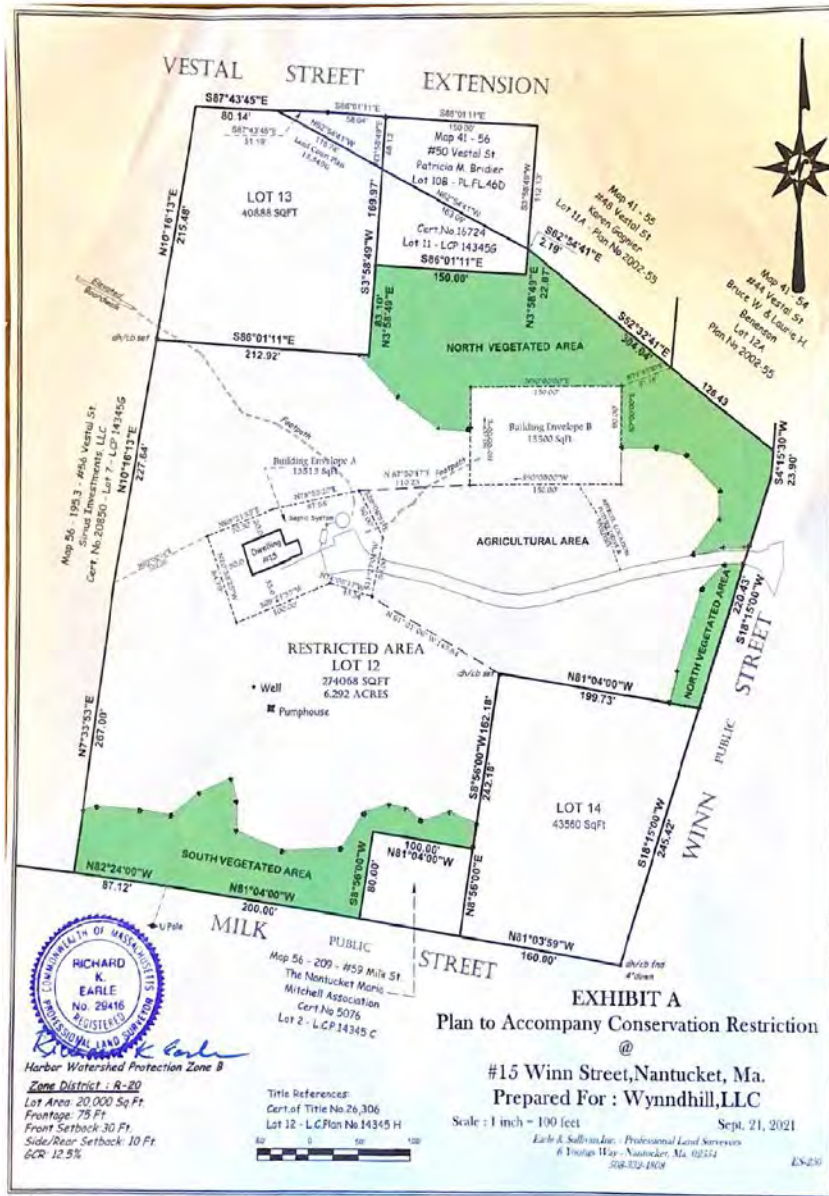
On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A – Reduced Copy of Plan of the Premises

For official full size plan, see Land Court Plan No. _____ filed with the Nantucket County Registry of Deeds District of the Land Court Plan Book _____, Page _____

Commented [VM1]: Need to fill in the Land Court No. of the Plan as this is registered land.





Agenda Item Summary

Agenda Item #	IX. 3.
Date	12/1/2021

Staff

Amy Baxter, Licensing Administrator

Subject

2022 Annual Liquor License Renewals

Executive Summary

Acting as the Licensing Authority for the Town of Nantucket, the Select Board must vote to renew existing Liquor Licenses on an Annual Basis. Without exception, all annual alcoholic beverages licensees are required to renew their alcoholic beverages license by November 30th of each year.

All retail license renewal applications must be signed by an authorized corporate officer, individual or partner and filed with the Local Licensing Authority by November 30th.

Licensees who are in the process of transferring their licenses are required to file the renewal application until the transfer has occurred and they are no longer the licensee of record (this applies to Hatch's License, which is still under review for transfer by the ABCC).

****Please note:** Seasonal Liquor Licenses (April 1 – January 15) are renewed in the month of March and are NOT included in this process. There are 48 Seasonal Liquor Licenses.

Staff Recommendation

1. Motion to approve Renewal of attached list of 51 Annual Liquor Licenses.
2. Motion to approve Non-renewal of 2 Licenses: 56 Union and The Brotherhood of Thieves.
3. Motion to confirm all License Fees have returned to their pre-State of Emergency levels. No fees are being waived for 2022 due to the COVID-19 pandemic as the State of Emergency expired in June 2021.

All establishments are required to meet the specific conditions of their License and pay all associated fees before the final 2022 License to operate is issued.

Background/Discussion

CONSIDERATIONS:



1. Renewal of existing Licenses allows for the process to begin for Issuing Licenses to operate. A renewal does not automatically issue the License. Each Licensee must take the required steps to comply with State and Local regulations to be issued a 2022 License.
2. **Alcohol licenses** are entitled to be “automatically renewed” if they are for the same type of license and location. In order to deny renewal for some reason at renewal time, the licensing board cannot simply vote not to renew but needs to provide notice and a hearing. The same rule should apply to add any restrictions that were not on the license this year. In addition, please note that there is a special rule for reducing the hours, i.e., imposing an earlier closing time, for an on-premises pouring license. The statute requires that an on-premises licensee be allowed to serve until 11:00 p.m., but the local licensing authority has discretion to allow it to be open until 2:00 a.m. or sometime between 11 – 2. The licensing authority may impose an earlier closing time, but it must provide a hearing and determine that there is a “public need” for it. The statute specifically states:
 - a. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing.

3. **COVID-19 Related items:**

- **Signatures on Renewal Applications:** Typically, the ABCC has required that LLAs only accept new and renewal applications that have an original signature on them. However, the ABCC recognized that the Covid-19 virus continues to create difficulties for businesses to obtain the appropriate signatures. Therefore, for 2022 renewals, applications with electronic signatures are acceptable and may be received as scanned copies via email.
- **Takeaway/Delivery of Alcohol:** Takeaway/delivery of alcohol: establishments licensed for on-premises consumption of alcohol may continue takeaway and delivery sales of alcohol until May 1, 2022. All alcohol sold for takeaway/delivery must be sold with food and at the same price as alcohol for on-premises consumption
- **Fees:** During the COVID-19 State of Emergency, the Select Board voted to suspend the increase in Liquor fees approved in November 2019 for the duration of the State of Emergency (March 2020 – June 2021). The Board also voted to waive Common Victualler (\$50) and Entertainment (\$100) License Fees for 2020 and 2021. Now that the State of Emergency has ended, fees have returned to their pre-pandemic levels (see attached fee schedule). Per Town counsel, Select Board can vote to affirm the fees approved in 2019. A Public Hearing is not required.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A



Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

ABCC Certification Form (Requires Electronic Signature of Select Board); License Renewal List; 2022 License Fees; 2019 Fee Increase Public Notice



RETAIL LIQUOR LICENSE RENEWAL APPLICATION GUIDELINES

Without exception, all annual alcoholic beverages **licensees** are required to renew their alcoholic beverages license by **November 30th** of each year.

All retail license renewal applications must be signed by an authorized corporate officer, individual or partner and filed with the Local Licensing Authority between November 1st and November 30th. Licensees who are in the process of transferring their licenses are required to file the renewal application until the transfer has occurred and they are no longer the licensee of record.

Licensees are responsible for correcting any differences between their files and the ABCC license file on the renewal application in red ink. An LLA Certification Form / Form 43 verifying these changes have been ABCC approved must be attached to the license renewal application in order to change the official ABCC license file. Please mail those corrections along with the renewal packet to the ABCC.

All on-premises M.G.L. c. 138, §12 licensees must provide proof of the required liquor liability insurance and a copy of the required Fire Safety Inspection Certificate to the Local Licensing Authorities. Please **do not** forward the Fire Safety Certificates, Insurance Certificates, or License Certificates to the ABCC. You should keep these forms for your records.

Please mail the completed below form, all completed renewal certificate forms, and any corrective forms to the ABCC no later than January 17th, 2022 with no staples included.

ABCC
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

Any renewal application not signed and filed by November 30th will be treated as a New License.

If renewal application becomes a new license for failure to meet the November 30th signing deadline, it will be subject to all the procedures set forth under Chapter 138, §15A.

ANY QUESTIONS REGARDING THE ABOVE GUIDELINES SHOULD BE DIRECTED TO HURSHEL LANGHAM AT EXT. 719 or SABRINA LUC AT EXT. 721

Ralph Sacramone, Executive Director

RENEWAL CERTIFICATION 2022

CITY/TOWN: NANTUCKET

A. LICENSEES WHO FAILED TO RENEW FOR 2022:

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:

00120-RS-0762

Orbrieo, Inc., 56 Union Street, Nantucket, MA 02554

00164-RS-0762

The Brotherhood of Thieves Restaurant Management

Group, LLC, 23 Broad Street, Nantucket, MA 02554

B. LICENSEES DISAPPROVED BY THE CITY/TOWN FOR 2022:

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:

We hereby certify that the premises described in the 2022 renewal applications for the above mentioned municipality are now occupied, used or controlled by the licensee and will be on January 1, 2022. The 2021 Renewal Applications have been approved by the Local Licensing Authorities and forwarded to the ABCC.

The Local Licensing Authorities

A. LICENSEES WHO FAILED TO RENEW FOR 2022:

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:[illegible][illegible]

B. LICENSEES DISAPPROVED BY THE CITY/TOWN FOR 2022:

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:[illegible][illegible]

2022 Annual Liquor License Renewals

The following Annual Liquor Licenses have qualified for renewal for 2022

DBA	LIQUOR	PREMISES
45 Surfside	Rest/Wine/Malt	45 Surfside Road
American Legion, Inc.	Club/All Alcohol	21 Washington St
Charlie Noble	Rest/All Alcohol	15 South Water St
Chicken Box	Rest/All Alcohol	16 Dave St
Cisco Brewery	Wine/Malt	5 Bartlett Farm Rd
Crosswinds	Rest/All Alcohol	14 Airport Rd
Dreamland Foundation	GOP/All Alcohol	17 South Water St
Dune	Rest/All Alcohol	20 Broad St
Faregrounds Restaurant	Rest/All Alcohol	27 Fairgrounds Rd
Faraway Hotel	Hotel/All Alcohol	11 India Street
Fusaro's	Rest/All Alcohol	17 Old South Rd
Gaslight	Rest/All Alcohol	3 Nort Union St
Great Harbor Yacht Club	Club/All Alcohol	96 Washington St
Greydon House	Rest/All Alcohol	19 Broad Street
Hatch's	Package/All Alcohol	133 Orange St
Hotel Pippa	Hotel/All Alcohol	5 Chestnut & 33 Center St
Island Kitchen	Rest/All Alcohol	1 Chin's Way
Keeper's	Rest/Wine/Malt	5 Amelia Dr
Kitty Murtagh's	Rest/All Alcohol	4 West Creek Rd
LoLa 41	Rest/All Alcohol	15 S Beach St
Maddequet Admiralty	Club/All Alcohol	15 Tennessee Avenue
Miacomet Golf	Rest/All Alcohol	12 W. Miacomet Rd
Murray's Beverage Store	Package/All Alcohol	23 Main St
Muse	Rest/All Alcohol	44 Surfside Rd
Nantucket Anglers Club	Club/All Alcohol	1 New Whale St
Nantucket Culinary Center	Rest/All Alcohol	22 Federal St
Nantucket Golf Club	Club/All Alcohol	250 Mileston Rd
Nantucket Historical Association	GOP/All Alcohol	11, 13 & 15 Broad St
Nantucket Hotel/Breeze Café	Hotel/All Alcohol	77 Easton St
Nantucket Meat and Fish Market	Package/Wine/Malt	21 Old South Rd
Nantucket Tap Room	Rest/All Alcohol	29 Broad St
Nantucket Trading Post	Package/Wine/Malt	12 Nobadeer Farm Rd
Nantucket Vineyard	Wine/Malt	5 Bartlett Farm Rd
Nantucket Wine & Spirits	Package/All Alcohol	Sparks Ave
Nautilus	Rest/All Alcohol	12 Cambridge St
Old South Liquors	Package/All Alcohol	2 Lovers Lane

2022 Annual Liquor License Renewals

The following Annual Liquor Licenses have qualified for renewal for 2022

DBA	LIQUOR	PREMISES
Petrichor Wine Bar	Rest/All Alcohol	130 Pleasant St
Pip and Anchor	Package/Wine/Malt	14 Amelia Dr
Pi Pizzeria	Rest/All Alcohol	11 W Creek Rd
Pizzeria Gemelle	Rest/Wine/Malt/Cordials	2 East Chestnut St
Or The Whale	Rest/All Alcohol	38 Main St
Queequeg's - Town	Rest/All Alcohol	6 Oak St
Saltbox	Rest/All Alcohol	16 Macy's Ln.
Sankaty Head Golf Club	Club/All Alcohol	100 Sankaty Ave.
Sea Grille	Rest/All Alcohol	45 Sparks Ave
Sophie T's Pizza	Rest/Wine/Malt	7 Daves St
The Beet	Rest/Wine/Malt/Cordials	9 South Water St
The Islander	Package/All Alcohol	15 Old South Road
Triple Eight Distillery	All Alcohol	5 Bartlett Farm Rd
VFW Post 8608	Club/All Alcohol	22 Bunker Rd
White Heron Theatre	GOP/All Alcohol	5 North Water St



2022 LICENSING FEES || ANNUAL LIQUOR

1. All Licensing Fees must be paid with **Bank Guaranteed Funds** payable to **Town of Nantucket**.
2. Deliver Payments to Nantucket Police Dept., Licensing, 4 Fairgrounds Rd., Nantucket, MA 02554
In Person: 4 Fairgrounds Road, Lobby Records Window, Mon.-Fri. 8am – 4pm.
3. All Outstanding Fees for 2022 Licenses are **DUE by Friday, December 31, 2021 at 4:00 pm.**

<u>ANNUAL LIQUOR</u>	<u>LICENSE FEES</u>
ON-PREMISE - All Alcohol Restaurant; Club; Inn; General-On-Premises; Farmer-Distiller	\$3,250.00
ON-PREMISE - Wine/Malt Restaurant; Club; Inn; General-On-Premises; Farmer-Brewer; Farmer-Winery	\$2,000.00
VETERAN'S CLUB - All Alcohol	\$1,000.00
VETERAN'S CLUB - Wine/Malt	\$ 825.00
OFF-PREMISE/PACKAGE STORE - All Alcohol	\$2,500.00
OFF-PREMISE/PACKAGE STORE - Wine/Malt	\$1,500.00
<u>COMMON VICTUALLER</u> <u>(Restaurant; Club; Inn)</u>	<u>LICENSE FEES</u>
2022 ANNUAL CV	\$50.00
<u>ENTERTAINMENT</u>	<u>LICENSE FEES</u>
2022 ENTERTAINMENT (ALL LICENSES)	\$100.00

PUBLIC NOTICE

The Select Board at its meeting on Wednesday, October 9, 2019 adopted the following liquor license fee schedule. The new fee schedule is in effect for all 2020 Annual and Seasonal liquor license renewals, new and transferred liquor licenses and any liquor licenses pending approval by the ABCC as of November 15, 2019.

<u>LICENSE CATEGORY</u>	<u>CURRENT FEE</u>	<u>NEW FEE</u>
SEASONAL:		
All-Alcohol Restaurant	\$2,900.00	\$3,900.00
All-Alcohol Inn	\$2,900.00	\$3,900.00
All-Alcohol Club	\$2,900.00	\$3,900.00
All-Alcohol Package Store	\$2,150.00	\$3,150.00
Wine/Malt Restaurant	\$1,600.00	\$2,600.00
Wine/Malt Inn	\$1,600.00	\$2,600.00
Wine/Malt Club	\$1,200.00	\$2,600.00
Wine/Malt Package Store	\$1,000.00	\$2,000.00
ANNUAL:		
All-Alcohol Restaurant	\$2,750.00	\$3,250.00
All-Alcohol Inn	\$2,750.00	\$3,250.00
All-Alcohol General-On-Premises	\$2,750.00	\$3,250.00
All-Alcohol Club	\$1,000.00	\$3,250.00
All-Alcohol Package Store	\$2,000.00	\$2,500.00
All-Alcohol Veterans Club (NEW)	N/A	\$1,000.00
Wine/Malt Restaurant	\$1,500.00	\$2,000.00
Wine/Malt Inn	\$1,500.00	\$2,000.00
Wine/Malt Club	\$ 825.00	\$2,000.00
Wine/Malt Package Store	\$ 800.00	\$1,500.00
Wine/Malt Veterans Club (NEW)	N/A	\$ 825.00
Farmer-Brewer	\$1,500.00	\$2,000.00
Farmer-Winery	\$1,500.00	\$2,000.00
Farmer-Distiller	\$2,750.00	\$3,250.00
ADMINISTRATION FEES:		
New Liquor License Application	\$ 20.00	\$ 200.00
Liquor License Modification Application	\$ 20.00	\$ 100.00
NEW Liquor License 1 st Year Fee (+ License Fee for approved category)	N/A	\$2,000.00

SELECT BOARD

TO: Select Board

FROM: Rob Ranney, Assessor

DATE: December 1, 2021

RE: Tax Rate Hearing Fiscal Year 2022

The proposed tax rates for the fiscal year 2022, subject to final certification by the Department of Revenue are listed below:

	FY 2021	FY 2022
Residential Rate	\$3.63	\$3.82
Open Space	3.43	3.62
Commercial, Industrial, Personal Property	6.20	6.53

These rates are based on a shift of 170% of the tax burden to the commercial, industrial and personal property classes and a residential exemption of 25% of the average residential value. For the fiscal year 2022 the average residential value is \$2,164,077.

It is important to understand that the average residential value for purposes of determining the residential exemption includes vacant land and is not truly representative of what the average homeowner pays. A review of all properties eligible for the residential exemption shows the following:

	<u>FY 2021</u>	<u>FY 2022</u>
Residential Exemption	\$522,914	\$541,019
Average Res Value	\$2,091,654	\$2,164,077
Average Res Tax Bill	\$7,593	\$8,267
Average Commercial Value	\$2,234,398	\$2,270,692
Average Com Tax Bill	\$13,853	\$14,828
Average Value Year-Round Value	\$1,353,868	\$1,358,369
Average Year-Round Tax Bill with Exemption	\$3,016.43	\$3,124.34

2022 Tax Rates			Avg Res		Avg W/ ResE: Avg Com		ResChange ResExChai ComChange		
0% ResEx	CIP Shift	Res	Com						
	1.00	3.84	3.84	\$8,310		\$8,719			
	1.25	3.76	4.80	\$8,137		\$10,899	-\$173		\$2,180
	1.50	3.68	5.76	\$7,964		\$13,079	-\$173		\$2,180
	1.75	3.61	6.72	\$7,812		\$15,259	-\$152		\$2,180
20%ResEx									
\$432,815	1.55	3.83	5.96	\$8,288	\$6,631	\$13,533			
\$432,815	1.60	3.81	6.15	\$8,245	\$6,596	\$13,965	-\$43	-\$35	\$431
\$432,815	1.65	3.80	6.34	\$8,223	\$6,579	\$14,396	-\$22	-\$17	\$431
\$432,815	1.70	3.78	6.53	\$8,180	\$6,544	\$14,828	-\$43	-\$35	\$431
25%ResEx									
\$541,019	1.55	3.87	5.96	\$8,375	\$6,281	\$13,533			
\$541,019	1.60	3.86	6.15	\$8,353	\$6,265	\$13,965	-\$22	-\$16	\$431
\$541,019	1.65	3.84	6.34	\$8,310	\$6,233	\$14,396	-\$43	-\$32	\$431
\$541,019	1.70	3.82	6.53	\$8,267	\$6,200	\$14,828	-\$43	-\$32	\$431
30%ResEx									
\$627,496	1.55	3.92	5.96	\$8,483	\$6,023	\$13,533			
\$627,496	1.60	3.90	6.15	\$8,440	\$5,993	\$13,965	-\$43	-\$31	\$431
\$627,496	1.65	3.88	6.34	\$8,397	\$5,962	\$14,396	-\$43	-\$31	\$431
\$627,496	1.70	3.87	6.53	\$8,375	\$5,947	\$14,828	-\$22	-\$15	\$431
35%ResEx									
\$757,427	1.55	3.96	5.96	\$8,570	\$5,570	\$13,533			
\$757,427	1.60	3.94	6.15	\$8,526	\$5,542	\$13,965	-\$43	-\$28	\$431
\$757,427	1.65	3.93	6.34	\$8,505	\$5,528	\$14,396	-\$22	-\$14	\$431
\$757,427	1.70	3.91	6.53	\$8,462	\$5,500	\$14,828	-\$43	-\$28	\$431



Agenda Item Summary

Agenda Item #	XI. 1.
Date	December 1, 2021

Staff

Town Manager; Real Estate Specialist; Coastal Resilience Coordinator

Subject

Gift from Sconset Beach Preservation Fund (SBPF) for technical assistance with Notice of Intent preparation to Conservation Commission; execution of contract with Arcadis for the technical assistance

Executive Summary

Per the Town and SBPF Joint Media Statement of 9/28/21; and, Select Board's current Position Statement as of 11/11/21; SBPF has agreed to fund the expenses of a consultant to be engaged by the Town to assist with preparing the NOI and associated activities. Acceptance of the gift and execution of the contract comprise the agenda item.

Staff Recommendation

Accept the gift and execute the contract

Background/Discussion

See attachments

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

Potential significant exposure to the Town if the roadway is compromised prior to a relocation plan that is "shovel ready"

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

This project has been on-going for over a decade; general concepts of coastal resilience issues are contained with the Coastal Resilience Plan.

Attachments

9/28/21 Joint Town/SBPF Statement

11/11/21 Select Board Position Statement re Baxter Road/SBPF Project



11/23/21 Scope of Work for Arcadis contract for the technical assistance for NOI

Gift acceptance request from SBPF



EMBARGOED AND NOT PUBLIC UNTIL 12 NOON TODAY, SEPTEMBER 29, 2021

JOINT MEDIA STATEMENT

Sconset Beach Preservation Fund and Town of Nantucket

Date: September 28, 2021

After months of careful analysis, Arcadis recently released its draft report evaluating the 'Sconset Beach erosion control project. The assessment of this global engineering firm -- engaged at the direction of the Select Board and well regarded for its sustainable designs and focus on natural assets -- was that the geotubes are effective and working.

While retreat and moving Baxter Road will be needed eventually per Arcadis findings, it is not possible to know when that will be and, in any event, should occur only after the project stops working as determined by specific triggers. Until then, there are clear and timely benefits in protecting Baxter Road, maintaining access to Sankaty Light and limiting impacts to local infrastructure. The Town of Nantucket and SBPF plan to work together to develop a shared proposal for moving forward with the geotube expansion based on the insights of the Arcadis report, and concerns and comments during ConCom hearings, as well as the recommendations of the Working Group assembled by the Select Board in the summer of 2020.

Therefore, SBPF has agreed to dismiss the current case in Superior Court that challenges the Conservation Commission's denial of the 2018 expansion plan. This will allow us to focus on quickly developing a new joint application from the Town and SBPF for the project's expansion. Together, we plan to bring a formal proposal to the Select Board in coming weeks for consideration and are confident that there is a timely, effective way to improve the existing Geotube project which not only protects private homes but the public infrastructure. In fact, this type of public-private partnership will serve as a model for addressing other challenging coastal erosion situations in other parts of the island.

Contacts:

SBPF: Josh Posner
jposner@comcast.net

Town of Nantucket: C. Elizabeth Gibson, Town Manager
townmanager@nantucket-ma.gov

Select Board Position Statement – Baxter Road/SBPF Project
As of 11/03/21 – Select Board consensus
Subject to Change
Modification as of 11/11/21 (minor rewording clarification to Town Strategy Item #1)

Town Goal

To preserve access to Baxter Road as long as it is not harming others, placing the majority of the costs on those that benefit, while working cooperatively to mitigate the Town's exposure and provide an equitable framework for other areas of the Island.

Town Concerns

1. Our legal obligation to provide access and services
2. Maintenance of the existing project during this time of conflict; and, the ability for Town staff to manage the on-going or future projects.
3. Legal exposure and costs of the Town's, including ConCom's, actions:
 - 3a. Navigating legal quagmire of previous decisions
 - 3b. On-going new litigation
 - 3c. Financial and personnel resource cost of contested takings
 - 3d. Clear definition and enforcement of existing and potential future conditions
4. Affordable sand source and delivery for Baxter Road and future town projects
5. Long-term protection of Sconset town proper
6. Balancing costs of sea level rise with other major capital expenditures (OIH, Senior Center, NPS, etc)
7. Continued public access and healthy natural environment
8. Providing a model for other areas/neighborhoods going forward

Town Strategy Moving Forward

1. Retain existing toe protection until established triggers are met; and, at the same time, begin planning (as detailed in the Arcadis report) to be ready for roadway relocation(s) when said triggers are met
2. Obtain commitment from SBPF to resolve outstanding enforcement issues; and, to add sand before winter
3. Develop the criteria to apply for joint NOI for phased expansion
4. First phase: small south expansion with clear failure criteria and alternative access
5. Fund/initiate a study for sediment transfer, source/delivery
6. Second phase predicated upon offshore sand source and slurry delivery; creation of Coastal Resiliency Benefit District; hold harmless for Town including voluntary easements for roads, utilities and takings
7. No neighborhood objection or threats to road abandonments; with result of no harm to others
8. Public access to Sankaty Lighthouse, beach and bluff walk to remain in all future plans
9. Institute homeowner best practices
10. Avoid endless wrangling. Spend Town and citizen time and resources wisely.



November 23 2021

Scope of Work

Town of Nantucket, MA

Sconset Bluff Toe Stabilization NOI Assistance

Project Background

The scope of work covers the independent review for a new Notice of Intent (NOI) filing to the Nantucket Conservation Commission regarding the phased expansion of the geotube system in the vicinity of Baxter Rd. (along Baxter Rd from the Sankaty Lighthouse to Butterfly Lane). The Town is working with the Sconset Beach Preservation Fund (SBPF) to draft a Memorandum of Understanding to include, among other things, for the long-term maintenance and operation of the existing and proposed expanded bluff stabilization system (geotubes). Together the Town and SBPF plan to file a Notice of Intent with the Nantucket Conservation Commission for the expanded system. It is envisioned that a member of the Town will be the representative and primary point of contact with the Conservation Commission. In addition, it is anticipated that the Town/SPBF will hire a local specialist (with the Nantucket Wetlands Bylaw) to assist the Town at the hearing(s). Arcadis will serve as a technical resource to review, comment, and support the NOI filing (at meetings/hearings) on behalf of the Select Board for the Town. Note the new and future expanded system will be designed by Baird and Epsilon working directly with/for the SBPF. All technical details will be provided by SBPF from these firms. Arcadis will review the work and provide suggestions/recommendations to the design. Arcadis will assist the Town at meetings with the Conservation Commission for the purpose of further explaining implications of design, maintenance, and operation. The scope of work is outlined below.

The Town will assign a project manager who will serve as the primary point of contact with Arcadis.

The time period for this assignment is anticipated to begin immediately upon Notice to Proceed (assumed Dec 1 2021) and be completed by March 1 2022. Since the level of effort is difficult to know the payment terms will be a time and materials invoiced monthly based on actual hours expended.

Task 1 – Review of existing information

- Review and summarize previous sand migration/transport studies and update with latest monitoring report. (create plots for ease of discussion) Note: Arcadis needs some specific information from previous studies. Arcadis will write request to SBPF to submit to their consultant. SBPF will obtain needed information. Questions were raised regarding unintended consequences of the sand maintenance including: Sand migration, Deposition and Downtide erosion. The purpose of this review is to better address the questions based on our understanding of existing available information. (Note we will not be able to definitely or quantitatively answer these questions until further studies are completed but we can make general interpretations based on existing information regarding the sand migration on the eastern shore once we have reviewed the existing available information. This does not replace the need for an island wide Sand Budget and Sediment Transport Study)
- Conduct further review of previous sand budget, review wave heights and approach (provided in previous studies). The goal of the review of this information is so we can clearly state what is available to date and what it means. We will also be able to clarify what is not available.
- Monitoring Reports (last report we reviewed was WHG August 31, 2021) We assume one more report will be generated (Q4 2021) during the time period of this NOI filing and we have included hours to review and incorporate into findings.

Assumptions: Nantucket staff or SBPF will provide the relevant previous reports and documentation.

Task 2 – Memorandum of Understanding MOU between Town & SBPF

- Read and comment on the MOU between the Town & SBPF. Attend a meeting to discuss. Items anticipated to require review and advice include:
 - Sand Sourcing Action Plan (needed permits, timeline, responsibilities)
 - Action Plan to resolve current failure/enforcement issues with Nantucket Conservation Commission
- Time is of the essence, so we anticipate attending regular check in meetings to discuss thoughts, findings, and suggestions. Currently we have included 6 virtual meetings. These are mostly informal meetings so only 2 slide decks are anticipated.
- Work with the Town and SBPF to develop a consistent message on priorities and clearly articulate how the work of this assignment is consistent with overall town goals and precedent setting public-private partnership.

Task 3 – Working Meeting(s) with the Nantucket Conservation Commission

Goal is to gain a better understanding and improve the Notice of Intent filing by having a facilitated discussion with the Conservation Commission on some of the past sticking points as related to the past geotubes filing.

What are we protecting and why?

- Define the goal of protecting the Bluff (ref Arcadis memorandum - Baxter Road Long-Term Planning Summary of Findings dated October 2021)
- Review the triggers of the current NOI
- Review the houses that warrant protection in accordance with the NCC bylaws and MA Wetlands Protection Act (pre 1978 but if substantial improvements have been made no longer grandfathered)

Sand Sourcing Action Plan:

- How much sand nourishment is needed, what is the criteria for defining this? Does this make sense – what could an adaptive sand nourishment plan look like?
- where will it come from,
- how/when will it be delivered
- define the quality of the sand – how will it be measured/tested
- review with SBPF why they have not previously addressed the reduction in sand maintenance requirement

Other Triggers to discuss:

- Aesthetics
- Compliance
- Beach access
- Potential environmental impacts

Task 4 – NOI Filing Review

- Arcadis will review the NOI materials planned for the filing and provide comments. In addition, as appropriate we will make suggestions on the addition of Natural Fiber Materials and or fencing in addition to the geotubes.
- Currently it is envisioned that these comments will be made directly in a word document or pdf as preferred. The documents will be provided by the Town/SBPF. We will discuss the comments during our virtual phone meetings. No separate memo is envisioned to be necessary.
- Arcadis will meet with the Town's designated NOI representative/presenter to review materials and prepare for meeting with the Conservation Commission.

Arcadis will attend and provide technical support to the Town during the NOI public hearing currently we assume there will be up to 4 hearings attended virtually.



Person Hour and Fee Schedule

Tuesday, November 23, 2021

Baxter Road NOI Assistance

Town of Nantucket, MA

Task	Task Description	Job Titles			Project Costs			
		PD/PE	PM/SE	S	Total Hours	Total Labor Costs	Other Direct Costs	Total Costs
1	Doc Review	4	38	10	52	\$9,962	\$55	\$10,017
2	MOU	16	80	0	96	\$20,368	\$0	\$20,368
3	Working Mtgs	8	54	0	62	\$13,224	\$0	\$13,224
4	NOI Review & Mtgs	12	80	0	92	\$19,096	\$55	\$19,151
Total		40	252	10	302	\$62,650	\$110.00	\$62,760

PD = Project Director PE = Principle Engineer PM = Project Manager SE = Staff Engineer S = Support

From: [Libby Gibson](#)
To: [Erika Mooney](#)
Subject: FW: Revised engineering asst for NOI Baxter Rd
Date: Monday, November 29, 2021 4:19:53 PM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[Baxter Rd_Engineering NOI Assistance 11232021 - final.pdf](#)

For the packet; also, is the scope of work in the packet? If not can you pls add it (sorry)

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

From: Josh Posner <jposner@risingtidellc.net>
Sent: Monday, November 29, 2021 3:22 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Cc: Steven Cohen <steven@cohenlegal.net>; George Pucci <GPucci@k-plaw.com>; Matt Fee <mfee@nantucket-ma.gov>; Melissa B. Murphy <mbmurphy@nantucket-ma.gov>; Ken Beaugrand <kbeaugrand@nantucket-ma.gov>; Vincent Murphy <vmurphy@nantucket-ma.gov>
Subject: Re: Revised engineering asst for NOI Baxter Rd

Dear Libby; This is to confirm that SBPF will donate funds to the Town to cover the costs of the Arcadis contract for engineering services as outlined in the Scope of Services and budget provided to us dated November 23, 20121 in relation to Notice of Intent for Toe Stabilization to be filed jointly by the Town and SBPF. We understand that it is important that the town's engineer remains independent and unbiased regardless of the manner in which it is paid. For that reason, we want to clarify that this gift comes with an understanding that the town's engineer shall remain independent in the performance of its professional services and shall not in any way be beholden to, or owe any duties or obligations to, SBPF. If there are any questions, please don't hesitate to contact me.

Sincerely,
Josh Posner

Josh Posner, President
Siasconset Beach Preservation Fund
PO Box 2279
Nantucket, MA 02584



Agenda Item Summary

Agenda Item #	XII. 1.
Date	12/1/2021

Staff

Vince Murphy, Natural Resource Department

Subject

Presentation of Coastal Resilience Plan to Select Board by Project Team and Coastal Resilience Advisory Committee

Executive Summary

The Coastal Resilience Advisory Committee, together with Natural Resources Department staff have worked with consultants including Arcadis, Stoss, One Architecture and The Craig Group to develop a Coastal Resilience Plan to make the island and county more resilient to coastal flooding, erosion and sea level rise. <https://www.nantucket-ma.gov/2030/Coastal-Resilience-Plan>

Staff Recommendation

Staff and Coastal Resilience Advisory Committee recommends that Select Board adopt (or approve or accept) the Coastal Resilience Plan after appropriate review.

Background/Discussion

N/A

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

Coastal Resilience Plan contains 40 recommendations to improve resilience where coastal flooding, erosion and sea level rise issues impact local communities.

Board/Commission Recommendation

Coastal Resilience Advisory Committee recommends that Select Board adopt (or approve or accept) the Coastal Resilience Plan after appropriate review.

Public Outreach

Throughout and ongoing as part of the Coastal Resilience Plan process.

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

Coastal Resilience Plan was a recommendation in the Hazard Mitigation Plan.

Attachments

Links to Coastal Resilience Plan; CRAC recommendation; Presentation on Coastal Resilience Plan



Nantucket Coastal Resilience Plan

<https://www.nantucket-ma.gov/DocumentCenter/View/40278/Nantucket-Coastal-Resilience-Plan-PDF>

Existing Conditions and Coastal Risk Assessment - Nov. 2021

<https://www.nantucket-ma.gov/DocumentCenter/View/40279/Nantucket-Coastal-Resilience-Plan-Existing-Conditions--Coastal-Risk-Assessment---November-2021-PDF>

TOWN OF NANTUCKET
COASTAL RESILIENCE ADVISORY COMMITTEE

CHAIR MARY LONGACRE

STAFF: VINCENT MURPHY
COASTAL RESILIENCE COORDINATOR



Recommendation to Nantucket Select Board members

Jason Bridge, *Chair*

Kristie L. Ferrantella, *Vice Chair*

Matt Fee

Dawn E. Hill Holdgate

Melissa Murphy

11/16/2021

The Coastal Resilience Advisory Committee is pleased to present a Coastal Resilience Plan (CRP) for Nantucket. More than two years of committee meetings, public participation, and the involvement of hundreds of people have gone into understanding the risks and challenges Nantucket County faces from rising sea level and climate change. The CRP provides opportunities to prepare for and become more resilient to coastal flooding and erosion impacts.

The committee has now approved this plan and looks forward to a joint session with Select Board members after they have had time to review the plan to discuss the CRP recommendations.

The Coastal Resilience Advisory Committee recommends that the Nantucket Select Board adopt this plan so that work on implementation may commence. The Coastal Resilience Advisory Committee looks forward to continuing its work.

On behalf of Coastal Resilience Advisory Committee members

Mary Longacre, *Chair*

Peter B. Brace, *Vice Chair*, Harbor & Shellfish Advisory Board Representative

Fritz McClure, *Secretary*, Planning Board Representative

Gary Beller, Advisory Committee of Non-Voting Tax Payers Representative

Sarah Bois, Ph.D.

Matt Fee, Select Board Representative

Ian Golding, Conservation Commission Representative

Jennifer M. Karberg, Ph.D, Nantucket Conservation Foundation Representative

Joanna Roche

Nantucket Coastal Resilience Plan

DRAFT

Presentation to the Nantucket Select Board

December 1, 2021



COASTAL
RESILIENCE
ADVISORY
COMMITTEE



●ne architecture

THECRAIGGROUP
Your partners in preservation, planning and policy

Today's Presentation

- **Overview of the Coastal Resilience Plan**
 - Project purpose and goals
 - Planning process
 - Community engagement
- **Summary of Recommendations**
 - Island-wide coastal risk framework
 - Key project recommendations
 - Costs and benefits
- **Implementation and Next Steps**
 - CRP implementation roadmap

Project Mission



Draw on the cherished built and natural heritage of Nantucket to create a **community-supported roadmap** to implementation for a series of layered flood control and adaptation approaches.

Coordinate with other ongoing adaptation and sustainability initiatives to address the **whole island and county** while respecting the unique characteristics of each neighborhood.

Driven by the **inclusive and equitable engagement** of all, the plan aspires to create **social, environmental, and economic benefits and value** to everyone who will share in Nantucket's future.

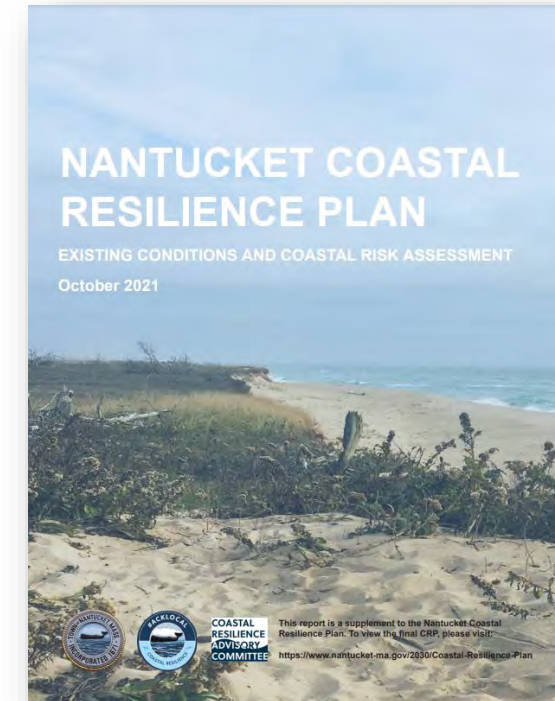
CRP deliverables include two reports

Available at www.nantucket-ma.gov/2030/Coastal-Resilience-Plan



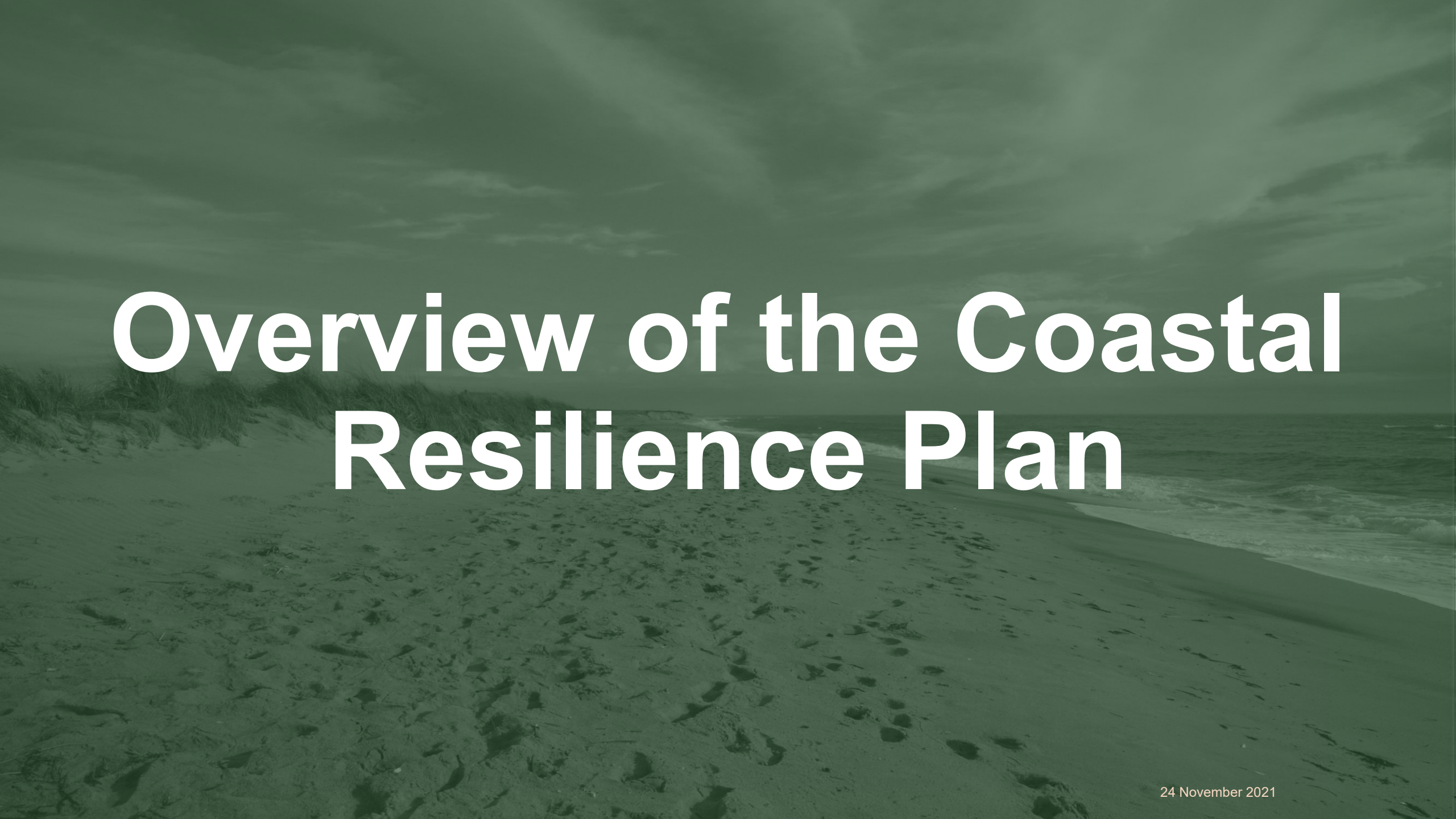
Coastal Resilience Plan Final Report

Read this first!



Supplementary Report

Read this if you'd like more information on existing conditions and coastal risks



Overview of the Coastal Resilience Plan

The goal of the CRP is to develop a comprehensive plan for the **whole island** that addresses



Coastal Erosion



Coastal Flooding



Sea Level Rise

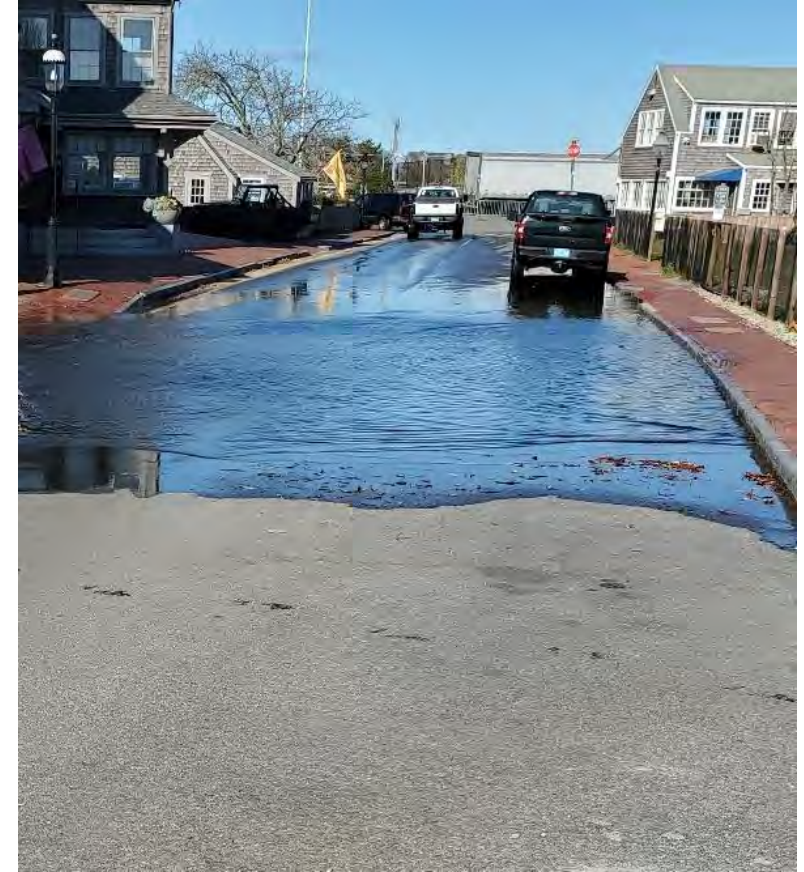


Coastal storms are increasing in frequency and intensity, bringing the impacts of storm surge to our front doors.

(Images by Vincent Murphy)



Coastal erosion of our bluffs, dunes, and beaches continues to rapidly progress, threatening our homes, infrastructure, and natural resources.



Sea level rise is exacerbating island-wide coastal/high-tide flooding and erosion over time, as well as increasing the groundwater table.

The combined effects of these risks is great...

2,373 structures at risk through 2070

84% of at-risk buildings are **residential**

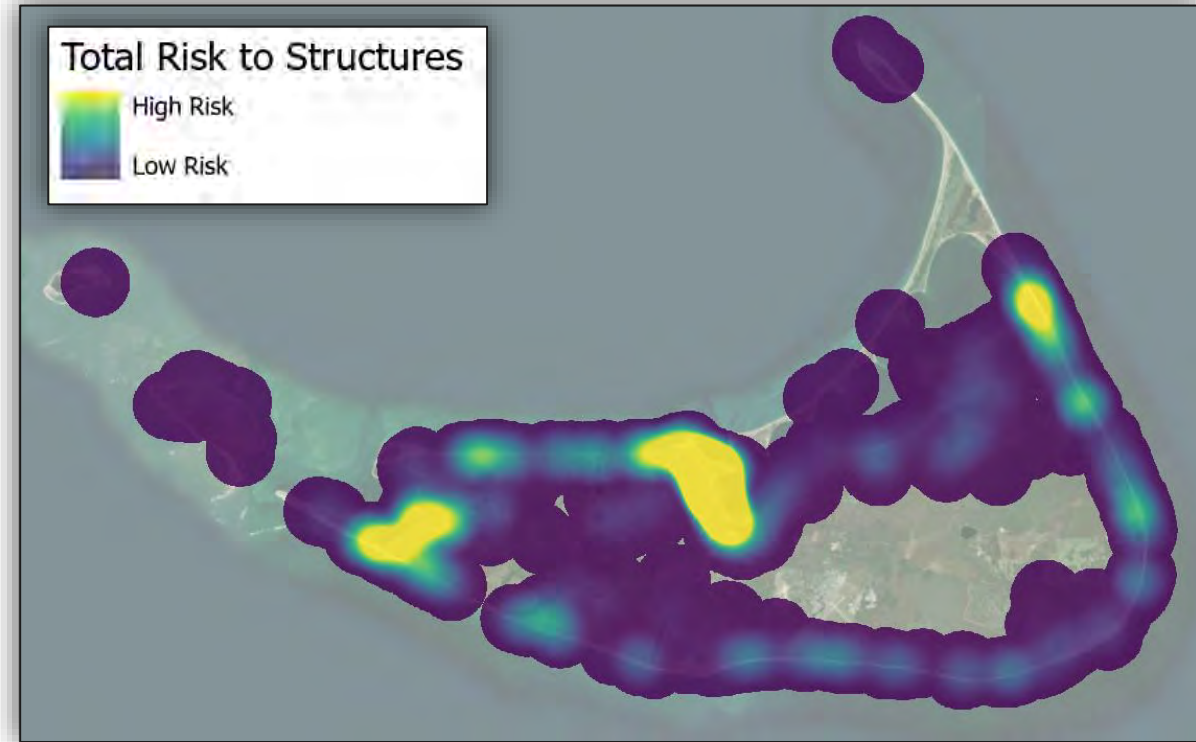
9% of at-risk buildings are **commercial**

49% of at-risk buildings are **historic**

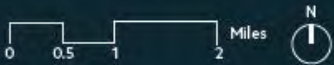
9% of at-risk buildings are **tourism-related**

\$3.4 Billion in cumulative expected damages

\$180 Million in expected damages at **34 community facilities**



Total Coastal Flood and Erosion Risk to Buildings



Muskeget Island

Tuckernuck Island

Nantucket Sound

Atlantic Ocean

Nantucket Harbor

Brant Point

Coatue

Nantucket Harbor

Polpis

North Shore

Madaket

Downtown

Sconset

South Shore

LEGEND

1% Annual Chance Flood*

- 2030 1% annual chance coastal flood*
- 2050 1% annual chance coastal flood*
- 2070 1% annual chance coastal flood*

*The 1% annual chance event, or 100-year storm, is a benchmark used to plan for coastal flooding. Properties within the extent of the 1% annual chance event have a 1 in 4 chance of flooding over the course of a 30-year home mortgage.

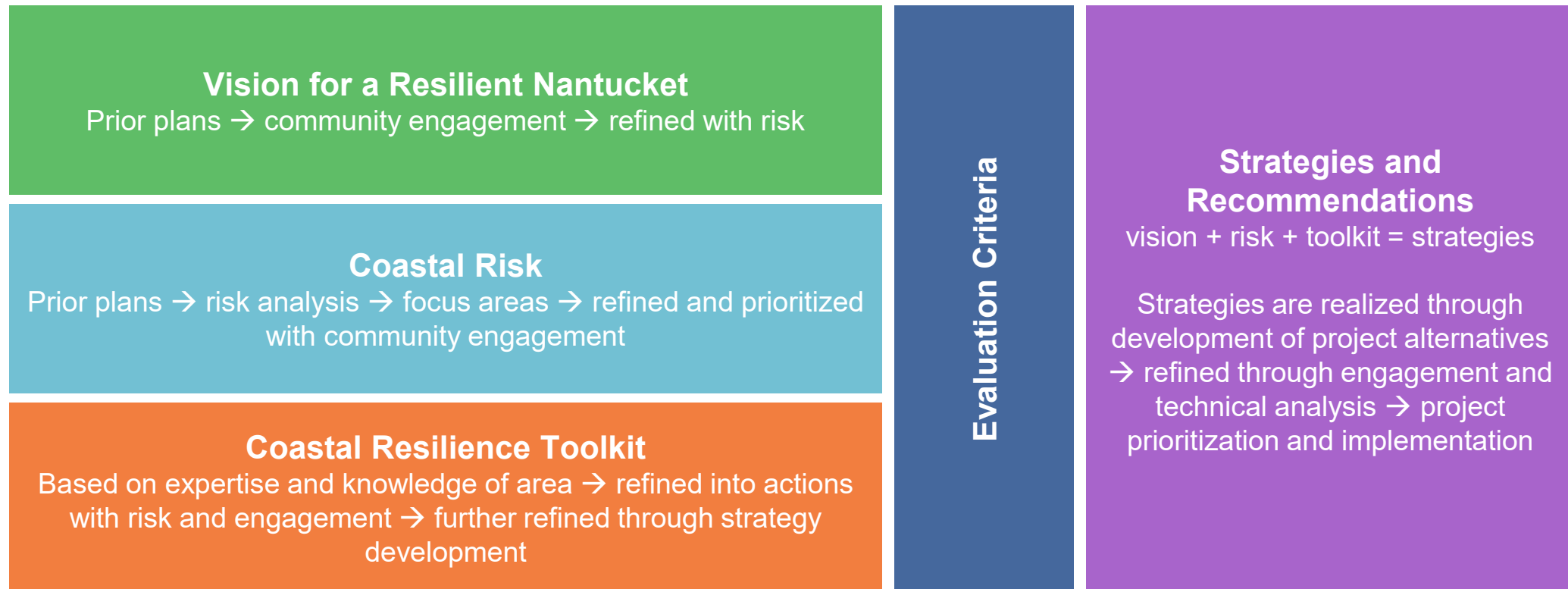
Total Quantitative Risk

- < \$500k
- < \$1.0 Million
- < \$2.5 Million
- < \$5.0 Million
- < \$10 Million
- < \$50 Million



The process of developing recommendations for the CRP included multiple steps

$$\text{Vision} + \text{Risk} + \text{Toolkit} = \text{Resilience Strategy}$$



Project evaluation criteria helped prioritize resilience approaches for each area of Nantucket

Effectiveness

Is the strategy effective at addressing coastal risks to homes, businesses, critical facilities, community assets, and infrastructure?

Feasibility

Can the strategy be implemented given technical, regulatory, funding, cost, community support, and operations and maintenance considerations?

Ecological and Public Health Benefits

What are the benefits of the strategy to the health of natural and human communities over time?

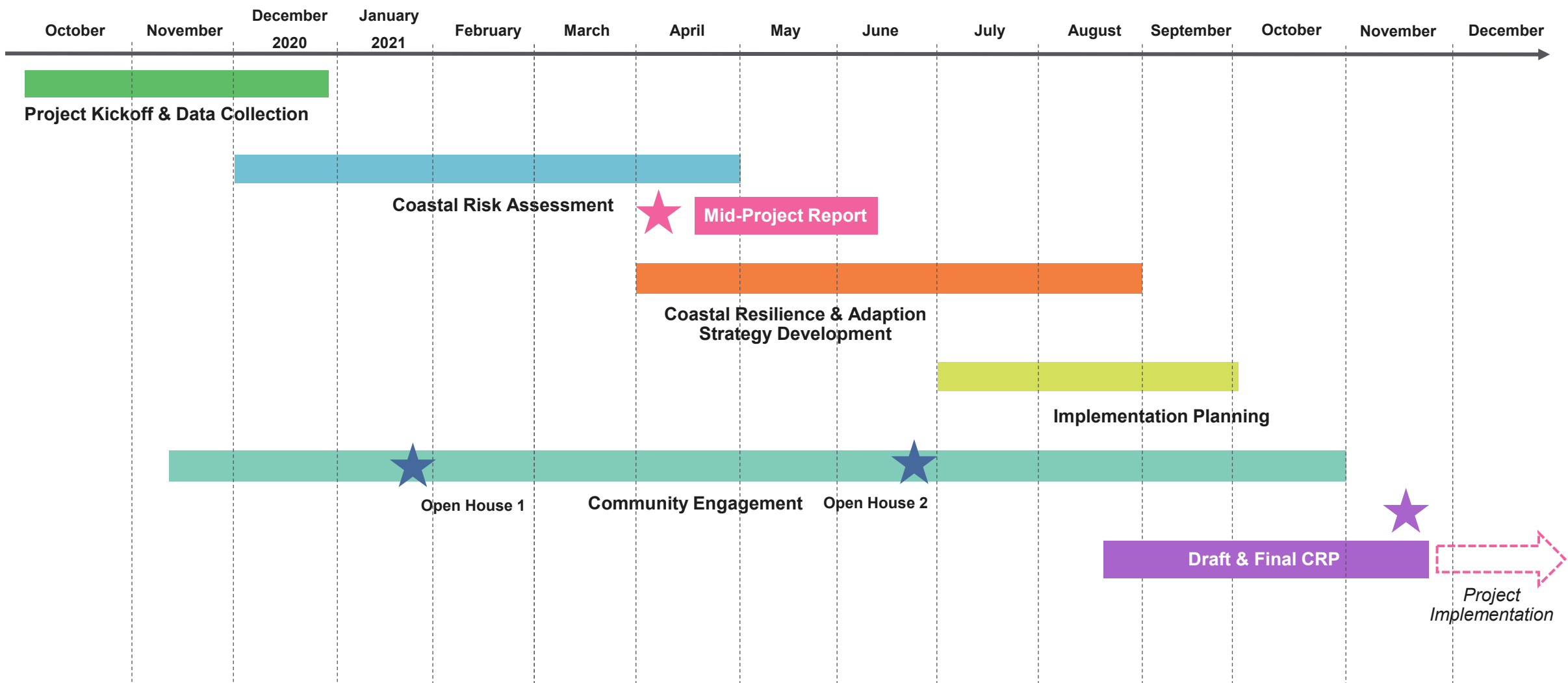
Equity and Quality of Life Benefits

Does the strategy improve quality of life on Nantucket, add value for residents and visitors, and benefit those most in need?

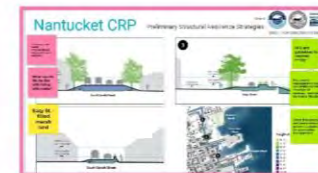
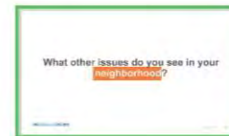
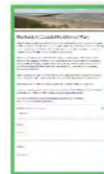
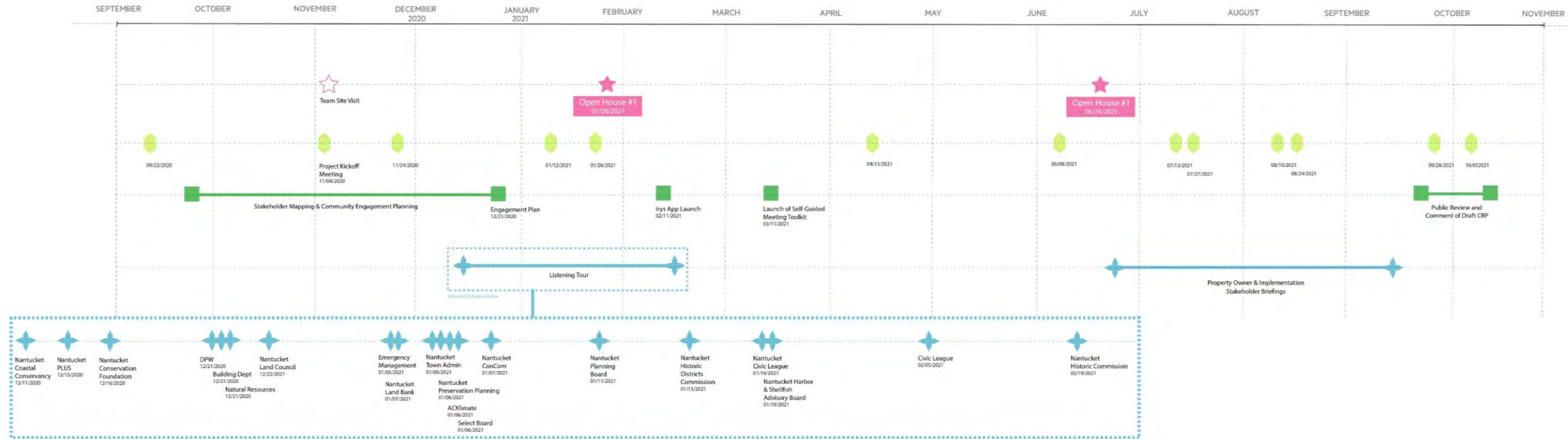
Value Creation

Does the strategy create new opportunities and economic value for the community?

Over a year of planning, engagement, and analysis led to the CRP



... including significant input from those who live on, work on, or visit Nantucket



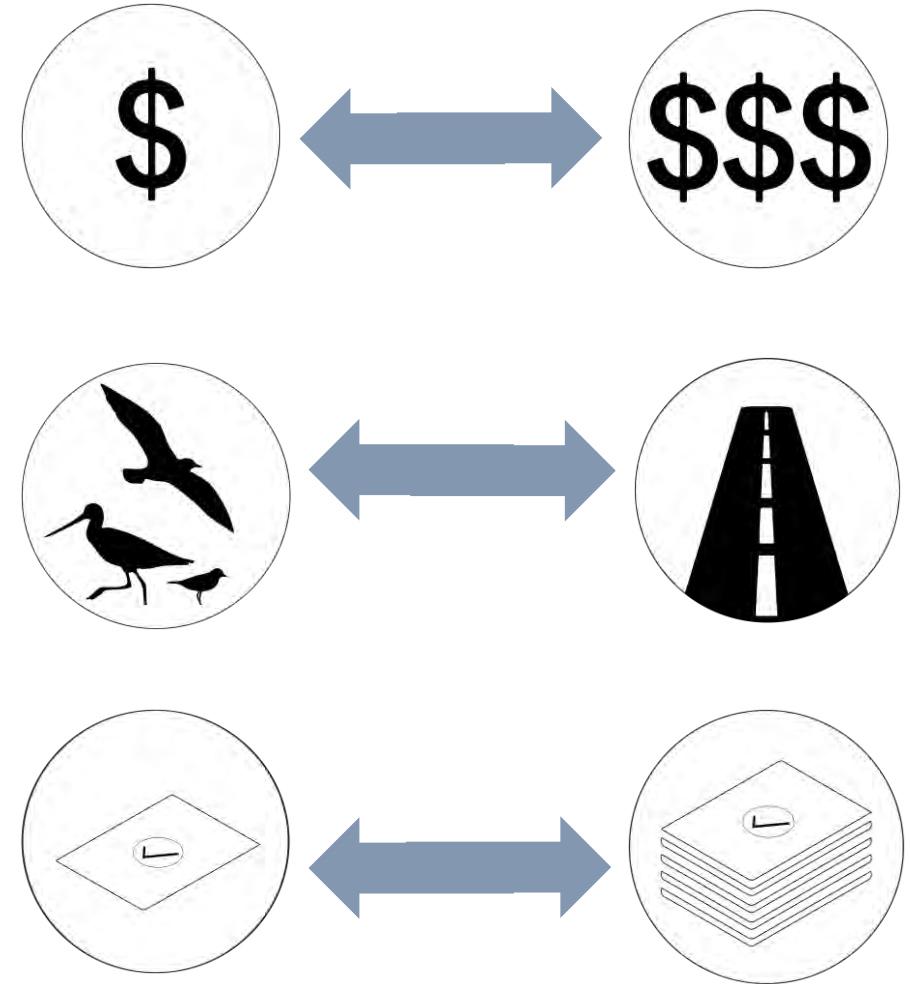


Summary of Recommendations

24 November 2021

We can't protect everything on Nantucket

- The CRP's 40 recommendations focus on priority projects and initiatives to reduce coastal risks and build resilience as the first steps in longer-term adaptation processes
- To protect the things we love about Nantucket, we will need to make hard decisions about how and where to invest
- Everyone on Nantucket has a role to play in the CRP and continued community engagement will be essential



Recommendations span a range of approaches and project types



The Island-Wide Coastal Risk Framework is a decision-making tool to guide public and private investment based on degree and timing of coastal risks

- Priority Action Areas of Extreme Coastal Risk
- High Coastal Risk Areas
- Moderate Coastal Risk Areas
- Lower Coastal Risk Areas



40 priority recommendations focus on projects and initiatives to reduce coastal risks and build resilience across the island and county



The CRP provides information on the objectives, prioritization, level and duration of protection, and cobenefits for each project

ISLAND-WIDE RESILIENCE STRATEGIES

Title	Strategy or Project Description
Updates to Zoning By-Law	Updates to the Nantucket zoning by-law to encourage resilient design and build growth, as appropriate, in high and priority risk areas.
Updates to Wetland Ordinance and Regulations	Updates to the Nantucket wetlands by-law and regulations to encourage resilient and low impact design in sensitive adjacent areas while limiting impacts on historic areas.
Strategic Retreat and Relocation Program	Develop and administer island-wide approach for planning strategic retreat and relocation in areas of priority coastal risk with an early focus on risk communication and property owner outreach and education.
Coastal Resilience and Sustainability Interdepartmental Working Group	Governance approach to encourage inter-departmental collaboration and coordination on issues related to coastal resilience and sustainability.
Joint Staff Review of Development Proposals	Governance approach to maintain opportunities for coordinated decision-making and consistent customer communication by Town staff, particularly for projects located in or impacting coastal areas.
Coastal Resilience and Sustainability Program	Governance approach to establish a formal program with necessary resources for managing coastal resilience and sustainability projects and programs across the island.
Shoreline Change Monitoring Program	Deploy mobile technology and other tools to engage community members in the process of monitoring shoreline change at pilot projects and across the island.
Sediment Sourcing and Transport Study	Island-wide data collection and planning approach to identify sediment sources and define sediment management across the island at various spatial and temporal scales in order to inform the design and planning of future sediment management projects.
Stormwater Management Plan	Planning step to evaluate stormwater management issues across the island and identify recommendations for reducing stormwater flooding and improving water quality.
Sediment Budget	Planning step to develop an operational sand budget for recommended shoreline projects.
Stormwater By-Law Assessment	Planning step to conduct an assessment of existing by-law for opportunities to encourage stormwater management best management practices (BMPs).
Stormwater By-Law and Proposals	
Update locally-adopted scenarios and Best Available Hazard Data	
Community Outreach on Owner Resilience Best Practices	

The CRP Executive Summary includes a summary of each project with additional details in Sections 6, 7, and 8

AREA-SPECIFIC PROJECTS & OPPORTUNITIES

DOWNTOWN

ID	Title	Strategy or Project Description
2-1	Steamboat Wharf Resilience	Work with the Township Authority to develop adaptation plan for Steamboat Wharf with the preferred option of elevating the pier above future mean monthly high water. Building scale measures can be implemented on the wharf over time to reduce risk from coastal erosion. The strategy should be integrated with the design of the Downtown Coastal Flood Barrier System (Strategy 2-2) to establish access from Broad Street onto the Wharf. That approach will need to be planned and design by the Township Authority but does coordination with Town resilience planning will be critical to a successful resilience strategy.
2-2	Downtown Neighborhood Flood Barrier - Later Project Phase	The barrier system, which includes the first phase project described in Strategy 2-1, includes a number of elements to be implemented over time to provide comprehensive effective flood risk reduction against future mean monthly high water. The elements include raised roadways, raised bulkheads, reinforced dunes, and flood walls. The overall approach encompasses passive measures that are integrated with the existing built environment, while maintaining access to key waterfront facilities such as the Children's Beach Boat Ramp, Steamboat Wharf, Straight Wharf, and the Town Pier. Implementation of the approach can be phased over a period of 10 to 20 years, focusing on the lowest lying areas first, such as Easy Street (Strategy 2-3). As the project is implemented, stormwater management needs will need to be studied and addressed via new drainage infrastructure.
2-3	Easton Street and Hulbert Avenue Road Raising	Road raising project to prolong service life of Easton Street and Hulbert Avenue for emergency and everyday access to Great Point.
2-4	Washington Street Extension and Cansu Springs Walkway Raising	Road raising to prolong service life of Washington Street Extension and public access to Cansu Springs and the Crows.
2-5	Building Scale Resilience at 27	First project to advance building scale resilience best practices on a Town-owned facility, including potential elevation of critical systems, protection of sensitive equipment and documents, and development of road risk reduction measures. The first step in this recommendation is a site-specific study to determine the appropriate risk mitigation approaches for this structure.
2-6	Department of Public Works Facility and Landfill Resilience	Phase 1 project to advance through feasibility and design a near-term project focused on the most vulnerable location along the former street of the Downtown Neighborhood Flood Barrier. The Phase 1 project should focus on the coastal segment located along Bay Street from Straight Wharf to Steamboat Wharf and may include raised bulkheads, seawalls, and roadways.

Check out the information here and the map on the previous page for more information and the locations of area-specific projects!

For private property owner guidance, check out section 07.

MADAKET

ID	Title	Strategy or Project Description
3-1	Madaket Road Raising and Bridge Conversion	Road raising project with conversion of existing culverts with bridges, with goal of prolonging service life of Madaket Road to provide access in and from Madaket, while advancing ecological restoration objectives for Long Point.
3-2	Ames Avenue Bridge Resilience	Maintain bridge for access to Smith's Point while protecting it from coastal erosion and flooding through dune restoration (see project 3-4). Continue maintenance and monitoring of existing Ames Avenue Bridge, with future elevation or relocation if necessary based on service population.
3-3	F Street Boat Ramp	Prolong service life of public boat ramp by elevating the top of the boat ramp, surrounding infrastructure, and access from F Street. Consolidate Madaket boat ramps in this location once loss of service is experienced at Jackson Point boat ramp.
3-4	Madaket Erosion Management Pilot and Ames Avenue Bridge Protection	Dune restoration along shoreline from Madaket Road / Ames Avenue intersection to Eelhorn's Island. Project involves natural dune construction techniques of sand and vegetation with fencing as needed. Project includes need for ongoing nourishment and maintenance of the dune at an interval determined through the design process.
3-5	Department of Public Works Facility and Landfill Resilience	Building scale resilience and operational resilience planning to reduce risk of damage and limit disruption to core operations at the facilities. The first step in this recommendation is a site-specific study to determine the appropriate risk mitigation approaches for the facility.

NANTUCKET HARBOR & COATUE

ID	Title	Strategy or Project Description
4-1	Polpis Road Raising and Bridge Conversion at Folger's Marsh	Road raising project with conversion of existing culverts with bridges, with goal of prolonging service life of Polpis Road, while advancing ecological restoration objectives for Folger's Marsh.
4-2	Polpis Road Raising, Culvert Expansion, and Wave Attenuation at Sesachacha Pond	Road raising, expansion of culverts or replacement with bridge, and installation of living breakwaters to reduce wave exposure, with goal of prolonging service life and maintaining emergency roadway access along Polpis Road, while advancing ecological restoration objectives for Sesachacha Pond.
4-3	Coatue Erosion Management and Dune Resilience	Dune restoration and wetland creation/enhancement to reinforce narrow low-lying sections of barrier island, between Five Fingers Point and Sack Point and between First Point and Second Point, to prevent washover and/or breaching into the harbor. Monitor performance of approach to assess need for ongoing nourishment and/or adaptation to higher design elevations.
4-4	Numerical Modeling Study of Coatue Breaching	Numerical modeling study to evaluate the likelihood and consequences of Coatue breaching for the harbor and surrounding communities, including impacts to habitat and navigation, in order to inform decisions about future adaptation measures on Coatue.

SCONSET

ID	Title	Strategy or Project Description
5-1	Sconset Bluff Dune Restoration	Dune restoration and construction to mitigate bluff erosion and increase resilience. Natural dunes with vegetation are appropriate. Project includes need for ongoing nourishment and maintenance of the dune at an interval determined through the design process.
5-2	Codfish Park Dune Restoration	Dune restoration and construction to manage and slow bluff erosion. Natural dunes with vegetation are appropriate. Project includes need for ongoing nourishment and maintenance of the dune at an interval determined through the design process.
5-3	Baxter Road Relocation Planning	Planning for and implementation of road relocation, including acquisition of easements, access and maintenance agreements, finalization of road alignment, and development of final design for construction.
5-4	Sconset Bluff Nearshore Breakwaters Feasibility Study	Conduct detailed feasibility study to assess technical constraints, potential impacts, and benefits and costs of nearshore breakwaters along the Sconset Bluff.

SOUTH SHORE

ID	Title	Strategy or Project Description
6-1	Nantucket Memorial Airport Dune Restoration	Dune restoration and construction to reduce risk of erosion to critical infrastructure. Hard core dunes are appropriate in this location given risk to critical facilities. Project includes need for ongoing nourishment or installation of near-shore underwater sand berms.
6-2	Surfside Wastewater Treatment Facility Dune Restoration	Dune restoration and construction to reduce risk of erosion to critical infrastructure. Project includes need for ongoing nourishment or installation of near-shore underwater sand berms. Strategic relocation alternatives for existing tanks closest to the coast at the wastewater treatment facility should be pursued in parallel.
6-3	Tom Nevers Field Erosion Management Pilot Project	Pilot program of dune restoration, sand fencing, and beach nourishment. Monitoring program to evaluate how well the pilot project performs to inform future investment in Tom Nevers Park, as well as erosion management elsewhere on the island.
6-4	Surfside Emergency Access Planning	Develop emergency access and service plan for Surfside Neighborhood to ensure access to coastal areas in event of loss of service along Monmouth and Nobadeer Avenues, particularly near Lovers Lane.
6-5	Sheep Pond Road Relocation Study	Planning step to work with property owners and Nantucket Conservancy Foundation to develop and implement plan for relocation of public infrastructure on Sheep Pond Road.

NORTH SHORE JETTIES TO EEL POINT

ID	Title	Strategy or Project Description
7-1	North Shore Dune Restoration and Nourishment	Targeted dune restoration and construction to reduce risk of erosion along the North Shore, building on dune restoration strategies adopted by existing private property owners in area. Project includes need for ongoing nourishment or installation of near-shore underwater sand berms at key locations.
7-2	Sand Pumping Feasibility Study	Study the feasibility and impacts of a sand pumping and bypass system to connect sand sources from inlet to the North Shore.

Project Costs and Benefits

- The 40 projects recommended through the CRP are estimated to collectively cost \$830,000,000 to \$900,000,000 over the next 15+ years with \$11,000,000 in annual operations and maintenance costs.
- Together, the projects are estimated to provide at least \$460,000,000 in quantified benefits in the form of avoided damages to buildings and avoided disruption to critical transportation routes.

Note: The cost estimates provided by the CRP should be referenced for planning purposes only. They are based on information from prior studies and similar construction projects around the United States. Due to numerous uncertainties at the level of design developed for the CRP, the estimates are presented in ranges and include contingency factors of 30% [low] and 50% [high] added to the estimated capital and construction costs. In addition to the cost of materials, the estimates include allowances for the costs of design, demolition, drainage, operations and maintenance, public amenities and co-benefits, and other industry standard allowances.

Due to data limitations, benefits total does not include quantification of all potential benefits for the recommended projects. Additional benefits described qualitatively in Section 7 include avoided disruption of service for infrastructure and public services, avoided loss of habitat and ecological services, avoided emergency response costs, and benefits accruing from non-structural projects. With additional data, some of these avoided losses could be quantified which would increase the estimated benefits of the recommended projects.



Downtown Neighborhood Flood Barrier

Alignment Alternatives	Total Capital Costs	Total Cost With Contingencies (Low)	Total Cost With Contingencies (High)	Annual O&M Cost	Estimated Benefits
Public Right-of-Way	\$140M	\$170M	\$190M	\$2.1M	\$280M
Inland	\$140M	\$170M	\$190M	\$2.1M	\$220M
Water's Edge	\$120M	\$150M	\$170M	\$1.9M	\$320M

Note: The cost estimates provided by the CRP should be referenced for planning purposes only. They are based on information from prior studies and similar construction projects around the United States. Due to numerous uncertainties at the level of design developed for the CRP, the estimates are presented in ranges and include contingency factors of 30% [low] and 50% [high] added to the estimated capital and construction costs. In addition to the cost of materials, the estimates include allowances for the costs of design, demolition, drainage, operations and maintenance, public amenities and co-benefits, and other industry standard allowances.

Due to data limitations, benefits total does not include quantification of all potential benefits for the recommended projects. Additional benefits described qualitatively in Section 7 include avoided disruption of service for infrastructure and public services, avoided loss of habitat and ecological services, avoided emergency response costs, and benefits accruing from non-structural projects. With additional data, some of these avoided losses could be quantified which would increase the estimated benefits of the recommended projects.



A grayscale photograph of a wooden pier extending into a body of water. The pier is made of wooden planks and has several vertical wooden posts along its length. In the background, there are houses and a clear sky. The text "Implementation and Next Steps" is overlaid in the center in a large, white, sans-serif font.

Implementation and Next Steps

24 November 2021

01

02

22

Nantucketers can act today to reduce risks to the places they care about. There is a role for everyone in the community to help reduce coastal flood and erosion risks and build resilience.

Next steps include:

- Ongoing community engagement and public awareness campaigns
- Implementation of property owner best practices
- Participation in public meetings of the Coastal Resilience Advisory Committee
- Town pursuit of partnerships, grants, and funding
- Project planning, design, and implementation

If you are....	What you need to know	What you can do next
A resident, business owner, or property owner on Nantucket	Nantucket's coastal resilience depends on you and the actions you take to make your home, business, and property safe The CRP recommends a variety of projects that may affect the places you care about so review the plan and stay involved in the process of refining and implementing resilience projects	Know your risk today and in the future Purchase and maintain flood insurance and prepare when a storm is forecast Protect your property by implementing best practices for property resilience outlined in Section 7 of the CRP Join the conversation by attending meetings of the Coastal Resilience Advisory Committee and participate in local decision-making processes, like Town Meeting Share the CRP with your friends, family, and neighbor
A visitor to Nantucket	Learn about the island, its history, and the threats that climate change poses to Nantucket The CRP recommends a variety of projects that may affect the places you care about so review the plan and stay involved in the process of refining and implementing resilience projects	Stay informed about coastal risks on Nantucket and plan trips to avoid storms that may impact the island Join the conversation by attending meetings of the Coastal Resilience Advisory Committee Share the CRP with your friends and family
A member of a Conservation or Advocacy Organization	The CRP recommends a variety of projects that will require partnership and coordination with adjacent property owners, including conservation organizations and the Land Bank Implementation of the CRP provides an opportunity to realize projects with many potential co-benefits including new public access to waterways and ecological restoration Effective implementation of the CRP will require ongoing conversations with the public	Carefully review the CRP and stay informed about and involved in the implementation process by speaking to Town Staff and members of the Coastal Resilience Advisory Committee Work with the Town to identify strategic partnership opportunities to realize projects that accomplish shared goals Help raise public awareness of coastal risks and the recommendations of the CRP through your networks
A member of a Town Committee, Commission, or Board	The CRP recommends a variety of projects that will require ongoing input and oversight by Town Committees, Commissions, and Boards Town Committees, Commissions, and Boards will need to help lead the implementation of the CRP, working in partnership with the Coastal Resilience Advisory Committee and Town staff Many recommended projects will require ongoing community conversations prior to implementation and Public Meetings convened by Town Committees, Commissions, and Boards offer a venue for these conversations	Carefully review the CRP and stay informed about and involved in the implementation process Speak to Town Staff and members of the Coastal Resilience Advisory Committee to learn more about how you can help Use Public Meetings and other methods to increase public awareness of coastal risks on Nantucket and the recommendations of the CRP Assist with advocating for implementation of priority projects Assist with finding, developing, and overseeing funding opportunities from State, Federal and private sources for project implementation
A member of the Town staff	The CRP recommends a variety of projects that affect Town-owned/managed property, infrastructure, and services across Nantucket Town staff will need to help lead the implementation of the projects recommended by the CRP Effective implementation of the CRP will require active coordination and involvement of staff across Town departments and functions	Carefully review the CRP and stay informed about and involved in the implementation process Speak to Town Staff in the Natural Resources Department to learn more about the CRP and how your department can be involved Share the CRP with your colleagues and partners Lead in advocating for implementation of priority projects Lead in finding, developing, and overseeing funding opportunities from State, Federal and private sources for project implementation

Acknowledgements

Project Team

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Mitigation Plan Coordinator
Jeff Carlson, Natural Resources Director
Chuck Larson, Special Projects Manager

The Project Team also thanks many Town staff across multiple
departments who dedicated time to the Coastal Resilience
Plan.

Nantucket Coastal Resilience Advisory Committee

Mary Longacre, Chair
Matt Fee, Select Board Representative
Gary Beller, Advisory Committee of Non-Voting Tax Payers
Sarah Bois, Ph.D.
Peter Brace, Vice Chair, Harbor & Shellfish Advisory Board
Joanna Roche
Ian Golding, Conservation Commission
Fritz McClure, Secretary, Planning Board
Jennifer M. Karberg, Ph.D., Nantucket Conservation Foundation
Representative
Graeme Durovich (to June 2021)

Nantucket Select Board

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

The Project Team also wishes to thank many Nantucket
volunteer committee and board members who dedicated time
to the Coastal Resilience Plan.

The Project Team would also like to acknowledge and thank
Kirk Bosma, PE, Woods Hole Group, for assistance in providing
flood hazard data from the Massachusetts Coastal Flood Risk
Model.



Thank you!

24 November 2021

Island-Wide Coastal Risk Framework

	Priority Action Areas of Extreme Coastal Risk	High Coastal Risk Areas	Moderate Coastal Risk Areas	Lower Coastal Risk Areas
Risk Summary	Priority Action Areas face extreme coastal risks today or within the next decade. Density should be proactively reduced in these areas to reduce the immediate threat to people, property, and livelihoods. Due to the extreme coastal risk, large structural investments are not recommended in these areas due to prohibitive maintenance costs and limited potential benefits.	High Coastal Risk Areas may be exposed to coastal hazards within the next 30 years, or the lifetime of a typical mortgage. Due to the imminent and growing risk, large structural investments are not recommended in these areas under most circumstances, except where necessary to ensure public safety.	Moderate Coastal Risk Areas may be exposed to coastal hazards by 2070. In these areas approaches to adapt or protect against flooding may be appropriate. Changes in coastal risk should be monitored and decisions made accordingly.	Lower Coastal Risk Areas are not likely to be exposed to coastal hazards before 2070. Comprehensive planning is recommended to strategically optimize opportunities in lower risk areas.
Hazard Exposure**	Priority Action Areas include: - Severe repetitive loss and repetitive loss properties** already impacted by flooding, and Areas likely to be exposed to a combination of: - High-tide flooding by 2030 - Erosion potential by 2030 - Assuming up to 1.2 feet of sea level rise by 2030	High Coastal Risk Areas are likely to be exposed to a combination of: - High-tide flooding by 2050 - Erosion potential by 2050 - Assuming up to 2.5 feet of sea level rise by 2050	Moderate Coastal Risk Areas are likely to be exposed to a combination of: 1% annual chance flood event by 2070 - Erosion potential by 2100 - Assuming up to 7.9 feet of sea level rise by 2100	Lower Coastal Risk Areas are likely NOT EXPOSED to: 1% annual chance flood event by 2070 - Erosion by 2100 - Assuming up to 7.9 feet of sea level rise by 2100
Applicable Resilience Tool Categories	Non-structural	Nature-Based Non-Structural Structural	Nature-Based Non-Structural Structural	Nature-Based Non-Structural Structural
Recommended Near-Term Resilience Approaches	Strategic retreat and relocation Reduce existing density Risk management through building-scale and nature-based approaches in the event that timely retreat is not possible	Strategic retreat and relocation Limit future density Manage growth and capital investment Adapt to live with water and/or erosion using structural and nature-based approaches	Adapt to live with water and/or erosion Protect against flooding and/or erosion Monitor change in risk	Monitor change in risk Comprehensive land-use and capital planning

*All tiers were developed based on the most recent, best available coastal flood hazard data as described in Section 4 (pages 54-71). As our understanding of future coastal hazards and risk evolves, this framework should be iteratively refined to incorporate the best available data and most appropriate resilience tools and approaches.

^Extreme, High, Moderate, and Lower coastal risk areas may also be exposed to lower probability, higher consequence coastal hazard events. Though these events are less likely to happen, if they were to happen the impacts to Nantucket would be severe. This highlights the importance of proactive risk reduction across the island as resources allow.

** Severe Repetitive Loss and Repetitive Loss properties are designated by FEMA. See the National Flood Insurance Program Flood Insurance Manual for definitions.

LOCAL SHORT TERM RENTAL DATA
AND
BYLAW AMENDMENT OPTIONS

NOVEMBER 30, 2021

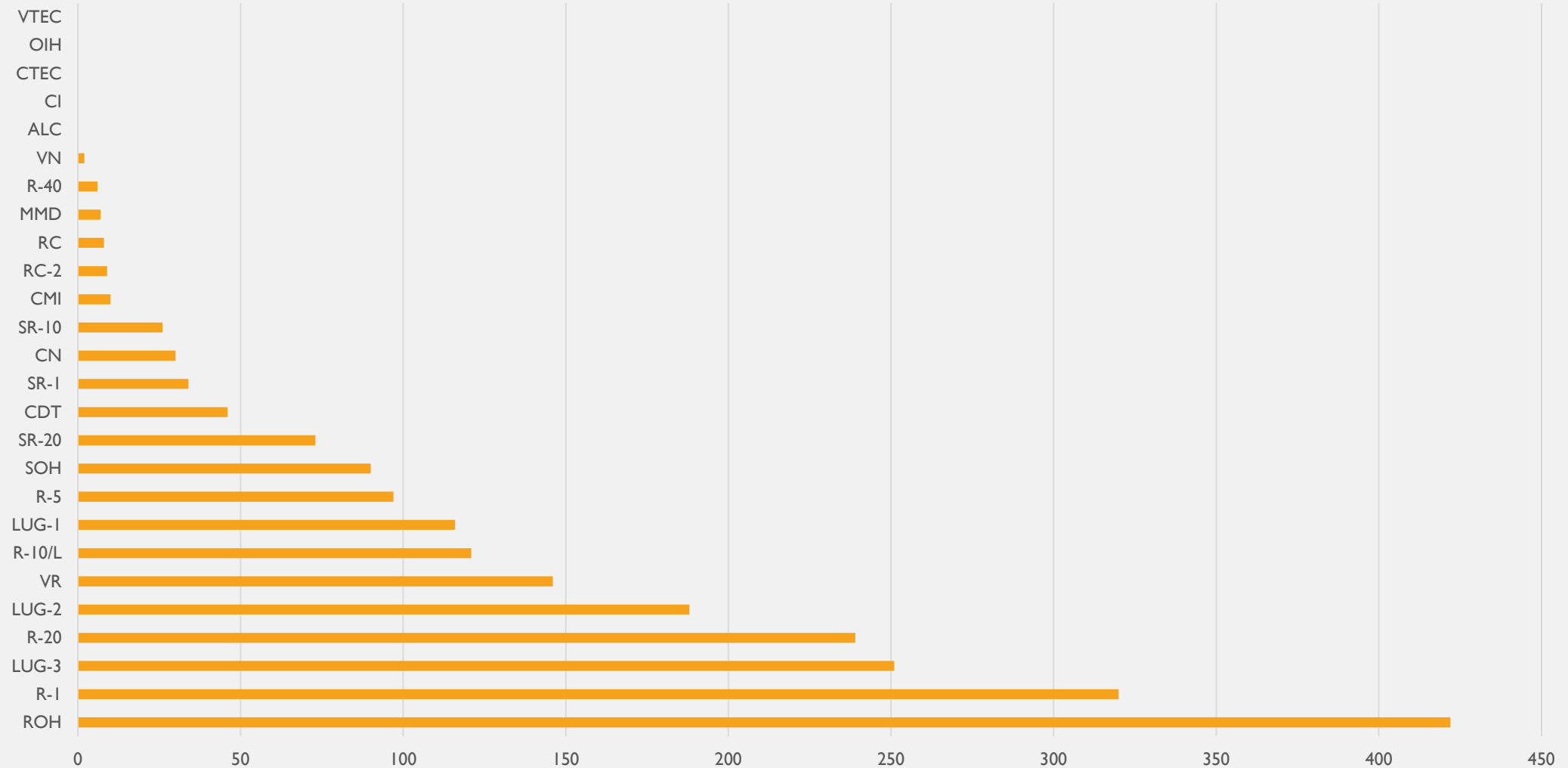
LOCAL SHORT TERM RENTAL HISTORY

- 1980 RC-2 was added to the Zoning Bylaw to specifically prohibit hotels.
- 1980's – approximately 500 lots per year were created.
- 1999 ATM Article 79: Short Term Rental Impact Fee (defeated).
- 2002 ATM Article 36: Seasonal Vacation Rental Fee (defeated).
- 2009 ATM Article 65: Expansion of Room Occupancy Tax (defeated).
- 2010 ATM Article 66: Expansion of Room Occupancy Tax (defeated).

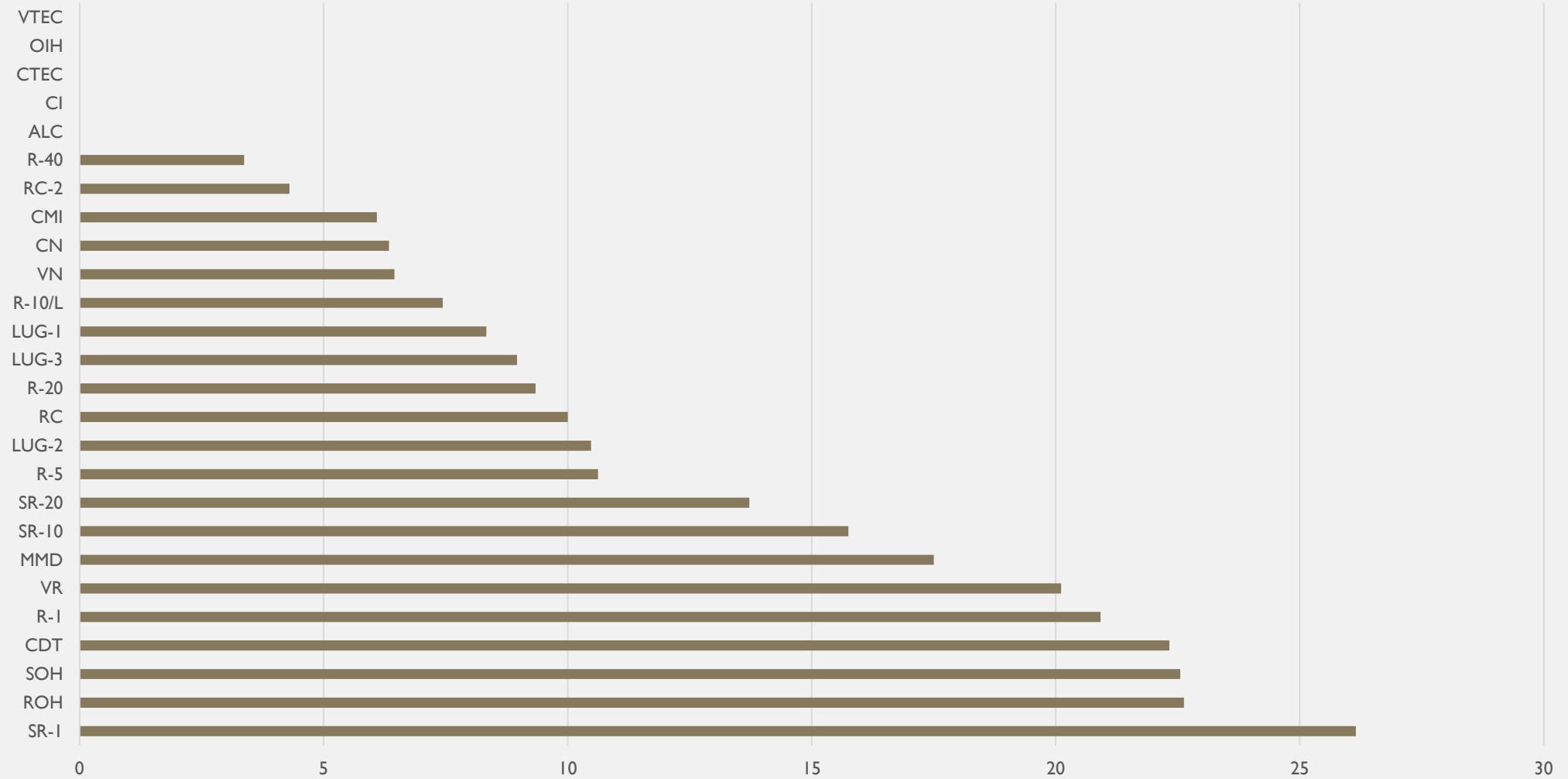
SHORT TERM RENTAL LOCATIONS



TOTAL SHORT TERM RENTALS BY ZONING DISTRICT



PERCENTAGE OF TOTAL BUILDINGS USED FOR SHORT TERM RENTALS IN EACH ZONING DISTRICT



NOISE COMPLAINTS/VIOLATIONS

- 2,241 registered short term rentals on Nantucket
- Data from Nantucket Police Department reviewed by PLUS staff:
May 1, 2020 through October 1, 2020.
 - 557 calls related to noise complaints.
 - 66 addresses registered as short term rentals (11.8% of all violations).
 - 10 addresses with more than one violation (15% of short term rental address violations).
 - 97.1% of short term rentals were not the subject of a noise violation.

LOCAL REGULATION OPTIONS (CHAPTER 337 OF THE ACTS OF 2018, SECTION 14)

- Existence of or location of operators:
 - Regulating the class of operator.
 - Number of days a person may operate in a calendar year.
-
- Licensing or registration different from the State process.
- No outstanding enforcement actions.
- Inspections.
- Penalties for violations.
- Reasonable fee.

BYLAW AMENDMENT WORKING CONCEPT #1

Allow a maximum of one rental lease per lot to be used as a short term rental at any time (example: rent entire property or one dwelling unit). This concept would not prevent year round occupancy of any unit on the property at the same time as a short term rental.

BYLAW AMENDMENT WORKING CONCEPT #2

Prohibit short term rentals
in apartments and in
workforce rental housing
units.

BYLAW AMENDMENT WORKING CONCEPT #3

Allow a maximum number of short term rentals (10?) to be in common ownership before the use is re-classified to a hotel.

BYLAW AMENDMENT WORKING CONCEPT #4

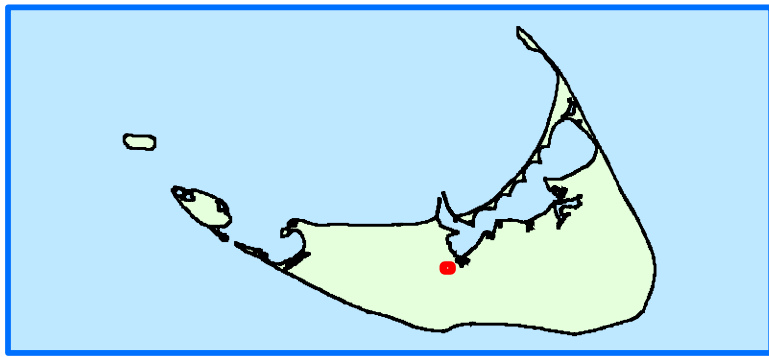
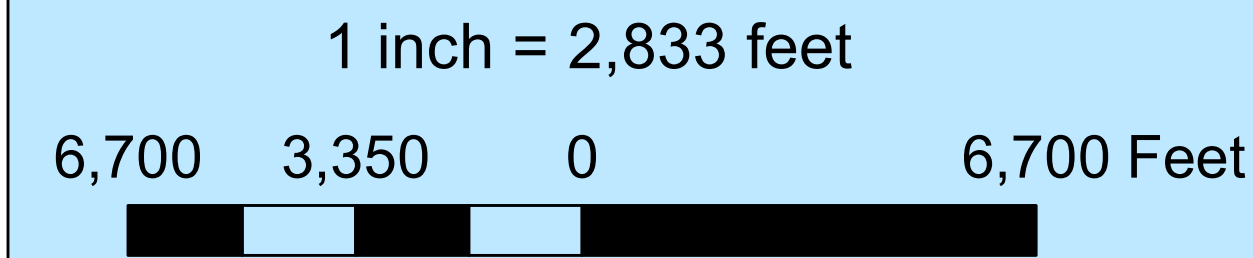
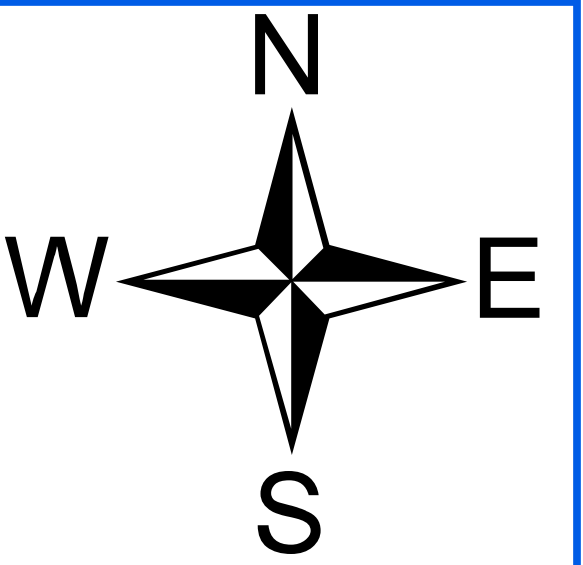
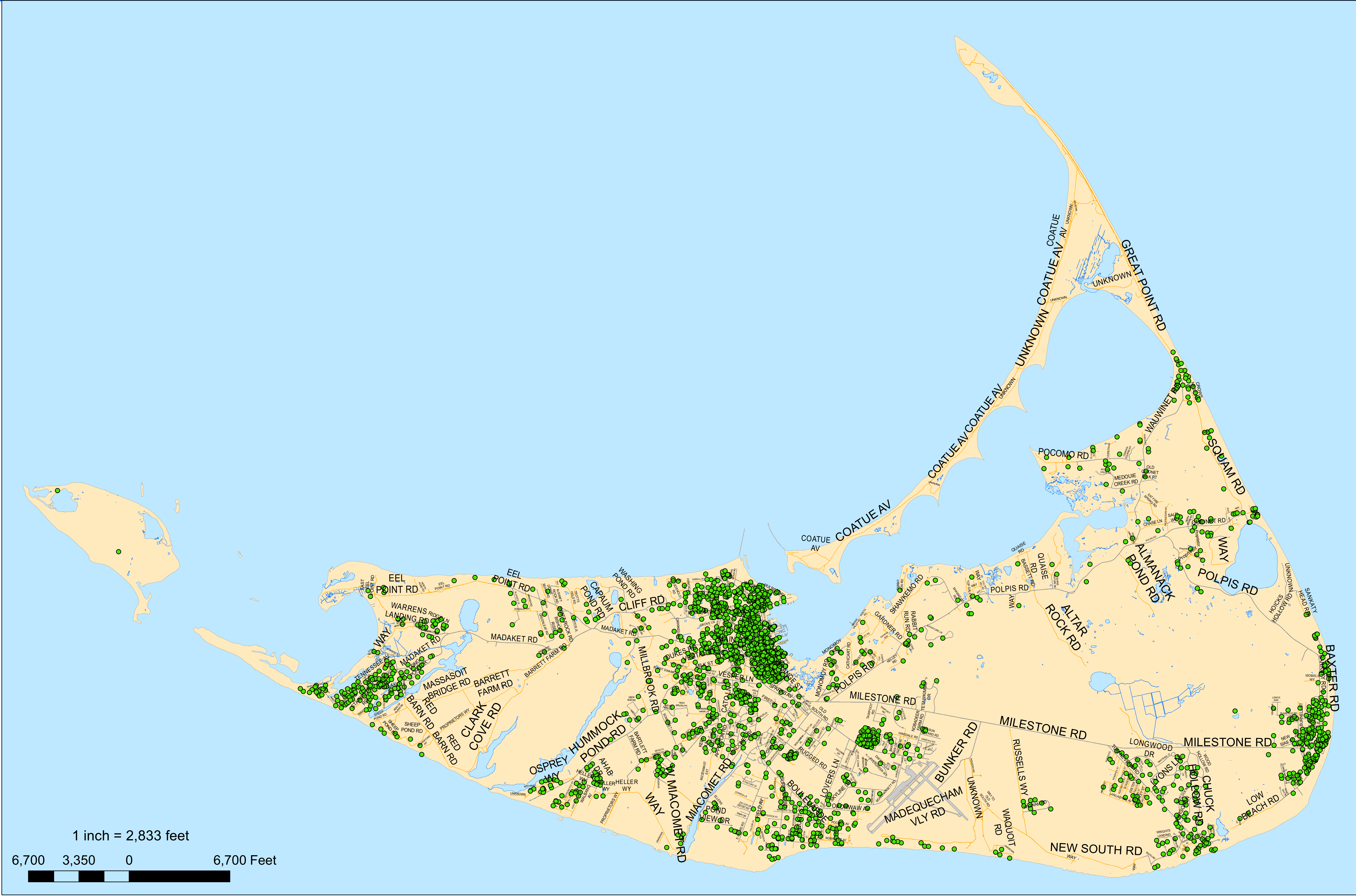
Define short term rental
and allow boarders in
owner occupied dwelling
units.

BYLAW AMENDMENT WORKING CONCEPT #5

Limit the maximum
number of days (120-180?)
available for short term
rental use per calendar
year.

BYLAW AMENDMENT WORKING CONCEPT #6

Develop a registration or licensing process in the General Bylaw for short term rentals. Identify a department to manage the process, including any required inspections or enforcement (similar to a liquor license). Establish a fee.



The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.

9/28/2021

Town of Nantucket - GIS Mapsheet

Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licenses must inquire of the relevant agency for applicable requirements.

The presence of information on this mapsheet does not necessarily imply public right-of-way or the right of public access.

The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2014.

Legend

● ShortTermRental_2021_08_pt

Please send identification of any errors and corresponding corrections to:
GIS Coordinator
Town of Nantucket
2 Fairgrounds Rd
Nantucket, MA 02554



**Short Term
Rental Properties**

Preliminary Outline #4 for 2022 Annual Town Meeting Warrant

For 12/01/21 SB review

As of 11/17/21

NOTE: Numbering & Order is NOT FINAL

Annual Articles

1. Receipt of Reports
2. Appropriation: Unpaid Bills
3. Appropriation: Prior Year Articles
4. Revolving Accounts: Annual Authorization
5. Appropriation: Reserve Fund
6. FY 2022 General Fund Budget Transfers
7. Personnel Compensation Plans for FY 2023
8. Appropriation: FY 2023 General Fund Operating Budget
9. Appropriation: Health & Human Services
10. Appropriation: General Fund Capital Expenditures
11. Appropriation: FY 2023 Enterprise Funds Operations
12. Appropriation: Enterprise Funds Capital Expenditures
13. FY 2022 Enterprise Funds Budget Transfers
14. Appropriation: Waterways Improvement Fund
15. Appropriation: Ferry Embarkation Fee
16. Appropriation: Ambulance Reserve Fund
17. Appropriation: County Assessment
18. Appropriation: Finalizing FY 2023 County Budget
19. Rescind Unused Borrowing Authority (*if needed*)
20. Appropriation: OPEB Trust Fund
21. Appropriation: Free Cash
22. Appropriation: Stabilization Fund

Other Select Board Sponsored Articles

NOTE: most of these were reviewed/discussed by SB and/or Town Administration since the 2021 ATM

ZONING* BYLAW & GENERAL BYLAW AMENDMENTS

* Board discussion occurred in January 2018 regarding a request/directive that all zoning articles must be accompanied by a narrative explanation as to why the item is being put forward, along with any operational or financial impacts

Zoning Bylaws

See attached from Planning

General Bylaws

- Paid parking (see vote on Article 66 of 2020 ATM – attached); **Town Admin to work on plan for implementation and resources needed; then, determination by SB as to whether or not to take to future ATM (not 2022)**

- Minor change to title of Article II of Chapter 127 (from “Obstructions on Sidewalks” to “Obstructions on Sidewalks, Streets, Bicycles Paths or Ways”)

- Amendment to Chapter 55 (Animals – Leash Law) of the Town Code, to allow for an exemption for established “dog parks”
- Government Study Committee “clean up” items
- Reconcile bylaw numbering references to membership of Agricultural Commission
- Short-term rental regulations? **Will get report from Planning Dir on 12/1**
- Amend vote at 2005 ATM to change membership of Nantucket Historical Commission from 5 to 7 members; and, eliminate alternate members

HOME RULE PETITIONS

Resubmittal of Pending HRP's from prior ATMs (these have not been acted upon by the Legislature as of now; some have been through more than one ATM)

- Community Housing Bank (Article 79/2019 ATM)
- Real estate transactions with Land Bank: Mill Hill Park, Nobadeer Playing Fields (Article 92/2021 ATM)
- Airport Capital (Article 94/2021 ATM)
- Charter Change for Audit Comm (Article 93/2021 ATM)
- Issuance of Pension Bonds (Article 95/2021 ATM)

New

- potential transfer(s) in connection with Sheep Pond Road relocation
- sewer connection fee waiver/reductions based on residential exemption/other specified status (discussed at 11/3/21 SB meeting with agreement that Town Counsel prepare this)

MGL ACCEPTANCES

- Municipal Water Infrastructure Investment Fund (needs research, and would also require a ballot vote) – put on hold
- Possible Special Stabilization Fund establishment for allocation of marijuana dispensary fee revenue (need to review with Town Counsel & Finance Director)
- Community Impact Fee on Short-term Rentals (Town Counsel info attached) Need additional data, on hold til type of data/revenue projections determined, not for 2022 ATM
- Tax Work-off Abatement Program – potential adoption of additional local acceptance statute(s) for senior citizens and veterans (need to review)

REAL ESTATE RELATED

- TBD in connection with HRP's with Land Bank (see above)
- Authorization for grant(s) of utility easement(s) for Airport at Bunker Rd location(s)
- Authorization for grant of utility easement for Shadbush Rd (Marine Maintenance building)
- Long-term lease authorization for shooting range
- Conservation Restriction for property for shooting range
- Potential purchases – pending SB final review:
\$4,750,000*

BALLOT QUESTIONS

- possible debt exclusion(s) and/or capital exclusion(s) for capital projects; real estate*
- charter change re: mailing of town meeting warrant (Article 96/2021 ATM)

CITIZEN ARTICLES

See attached list and link to articles. All have been certified by the Town Clerk.

DRAFT

Citizen Warrant Article Submissions
for 2022 Annual Town Meeting

<u>Article</u>	<u>Sponsor</u>	<u>Article Name</u>
A	James Jackson	Zoning Map Change - R-20 to CTEC and/or CN - Old South Rd
B	Jack McGrady	Rescind Article 77 of 2018 ATM
C	Jack McGrady	14 Days Between ATM and ATE
D	Bruce Mandel	Bylaw Amendment - Single-Use Plastics - Alcoholic Beverages Container
E	Bruce Mandel	Bylaw Amendment - Single-Use Plastics - Tobacco Filters
F	Joseph Minella	Home Rule Petition - Prohibiting Fertilizer
G	David Buckley	Sewer District Map Change - 15 Milestone Crossing
H	Jeffrey Booms	Home Rule Petition - Solar
I	Theresa Williams	Ombudsman Establishment - Complaints
J	Clifford Williams	Appropriation - Shedder for Solid Waste
K	Julie Bunting	Zoning Map Change - R-20 to CTEC and/or CN - Old South Rd
L	Dorothy Stover	Bylaw Amendment - Gender Equality on Beaches
M	Campbell Sutton	Amend Town Wharf and Waterways Prohibited Activities
N	Hillary Rayport	Home Rule Petition - Amend the NP&EDC
O	Anne Dewez	Zoning Bylaw Amendment - Pools, Hot Tubs, Spas - Definitions
P	Anne Dewez	Disallow Hot Tubs, Spas in Historic Districts

Citizen Warrant Article Submissions
for 2022 Annual Town Meeting

Q	Linda Williams	Zoning Map Change - R-20 to R-10L - Nobadeer Way
R	Linda Williams	Zoning Bylaw Change - Definitions and Word Usage - Apartments
S	Linda Williams	Zoning Bylaw Amendment - Swimming Pool - Residential - Square Footage
T	Linda Williams	Zoning Bylaw Amendment - Swimming Pool - Residential
U	Linda Williams	Zoning Bylaw Amendment - Storage Container by Special Permit in CMI
V	Linda Williams	Real Estate Acquisition - Proprietors Rd - Off Tripp Dr/South Shore Rd
W	Linda Williams	Real Estate Conveyance - Proprietors Rd - Off Tripp Dr/South Shore Rd
X	Linda Williams	Real Estate Acquisition - Two Ways - Nobadeer Way
Y	Linda Williams	Real Estate Conveyance - Two Ways - Nobadeer Way
Z	Ken Beaugrand	Appropriation - FY23 Community Preservation Committee
AA	Ken Beaugrand	Appropriation - Community Preservation Committee for Affordable Housing Trust
BB	Ken Beaugrand	FY 22 Community Preservation Committee Budget Transfers
CC	Clifford Williams	Sewer District Map Change - 44 Skyline Dr
DD	Clifford Williams	Zoning Map Change - LUG-2 to R-5 or CN - 44 Skyline Dr
EE	Tobias Glidden	Zoning Bylaw Amendment - Protecting Rights to Short-Term Rentals

Link to view Citizen Warrant Articles:

<https://www.nantucket-ma.gov/DocumentCenter/View/40819/2022-Annual-Town-Meeting-Citizen-Warrant-Articles-PDF>

ARTICLE 66

(Town Meeting Vote Required to Implement On-street Paid Parking)

To see if the town will vote to require a vote of town meeting prior to the implementation by the Town of Nantucket of paid on-street parking.

(Christopher Glowacki, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board be requested to seek the prior approval of Town Meeting before implementing paid on-street parking.

SELECT BOARD COMMENT: The Board does not support the Finance Committee Motion. One of the Board's Strategic Plan Goals is: "Launch a downtown parking management system based on demand management principles that achieves (or is measured by) 85% occupancy of public parking spaces". Paid parking is a tool that could be critical to the success of this Goal - which is meant to increase parking turnover so that people are more easily able to find parking in Town and make year-round access to the downtown a pleasant experience; and, to limit reliance on single-occupancy vehicles. The Board believes flexibility is needed to be able to implement paid parking, if needed.

approved at 2020 ATM

[HISTORY: Adopted by the 1863 Town Meeting of the Town of Nantucket, approved 9-7-1863. Amendments noted where applicable.]

§ 46-1 Seal and subscription.

[Amended 6-25-2020 ATM by Art. 70, approved 10-27-2020]

All conveyances under seal which may hereafter be executed on behalf of the Town, or otherwise, shall be sealed with the Town's Common Seal and subscribed by a majority of the Select Board for the time being.

§ 46-2 Short-term leases by Select Board.

[Added 11-13-1990 STM by Art. 58, approved 3-19-1991; amended 6-25-2020 ATM by Art. 70, approved 10-27-2020]

The Select Board may enter into short-term leases of Town-owned property (not to exceed five years), including vacant or improved land or portions thereof, on terms and conditions it deems reasonable, without the further necessity of Town Meeting approval.^[1]

[1] *Editor's Note: All procurement procedures will be governed under the stipulations of the Uniform Procurement Act, which is Chapter 30B of the Massachusetts General Laws.*

§ 46-3 Short-term leases by Park and Recreation Commission.

[Added 11-13-1990 STM by Art. 58, approved 3-19-1991]

The Park and Recreation Commission may enter into short-term leases, not to exceed five years, of property under its jurisdiction, control and management, including vacant or improved land, or portions thereof, on terms and conditions they deem reasonable, without the further necessity of Town Meeting approval.^[1]

[1] *Editor's Note: All procurement procedures will be governed under the stipulations of the Uniform Procurement Act, which is Chapter 30B of the Massachusetts General Laws.*

§ 46-4 Acquisition of land for Town offices.

[Added 4-14-1997 ATM by Art. 77, approved 8-5-1997]

All acquisitions by the Town of Nantucket, whether by purchase or by lease, of vacant or improved land outside the downtown core district, the acquisition of which is for the construction and/or renovation for use as Town offices, shall require a vote of the Town Meeting; no offices presently within the downtown core district shall be relocated to any site outside the downtown core district without a vote of the Town Meeting.

§ 46-5 Limitation on transfer or use of real property interests owned by Town.

[Added 10-10-2018 STM II by Art. 3, approved 5-8-2019]

- A. Purpose: In view of the release and spill of approximately 3,000,000 gallons of wastewater, more or less, from a sewer line during the winter of 2018, the purpose of this bylaw is to reduce the risk of future such releases and spills and to protect the Nantucket environment and the health, safety and welfare of Town residents.
- B. Town Meeting approval of real property transfers for nongovernmental sewer use: In addition to any other requirement applicable by law with respect to state or local permits or approvals, including in addition to (and not in place of) the provisions of Chapter 396 of the Acts of 2008, and notwithstanding Chapter 46 of the Town of Nantucket Town Code or any provision of the Town of Nantucket Town Code to the contrary, no act by the Town of Nantucket to transfer, convey, or allow the use of real property owned by or under the jurisdiction or control of the Town of Nantucket, or interests therein or license thereto, however described, including grants of rights to use or occupy whether by conveyance, lease, easement, grant, transfer or license of any real property owned by or under the jurisdiction or control of the Town of Nantucket by deed, easement, grant, order, law or otherwise, including but not limited to Town street and ways, land owned by the Town, easement areas over which the Town holds an easement for sewer or other purposes, shall be authorized or approved by any Town board, commission, committee or official (the foregoing hereafter referred to as a "real property transfer"), to any private or nongovernmental person or entity for the purpose of operating or maintaining any wastewater sewer system drain, main or pumping station, whether gravity or force sewer mains, unless such real

Libby Gibson

From: John Giorgio <JGiorgio@k-plaw.com>
Sent: Monday, May 24, 2021 9:57 AM
To: Libby Gibson
Cc: Erika Mooney, Brian Turbitt
Subject: FW: Community Impact Fee
Attachments: KP-#657762-
v1-_This_is_the_correct_version_Local_Options_Rooms_Excise_Tax_-_Form_of_Town_Meeting_Votes.DOCX; KP-#655135-v3-MMA_eupdate_regulation_of_short_term_rentals_-_key_provisions.pdf

Dear Libby;

You have asked me to prepare a summary of the options the Town has in imposing a community impact fee on short-term rentals. I am attaching an EUpdate and a paper that I prepared which, among other things, summarizes the community impact fee options and provides the forms of the necessary town meeting votes.

Here are the highlights:

1. The Short-Term Rental Legislation provides for a process for cities and towns to assess two separate community impact fees on short-term rentals.
2. Town Meeting must vote by a majority vote to adopt the specific sections of the law and set forth in the vote the amount of the fee, which cannot exceed 3%.
3. These options are only available to towns that have already adopted the local option rooms excise tax, which, of course, Nantucket has.
4. The community impact fees are separate and apart from both the local options rooms tax and the Cape Cod and Islands Water Protection Fund rooms tax of 2.75%.
5. Nantucket has not, however, opted in to the CCIWPF, so the 2.75% additional tax is not being collected in Nantucket at this time.
6. Unlike the rooms excise tax, however, the community impact fees may only be assessed to short-term rentals and not the other classes of businesses such as hotels that are subject to the rooms tax.
7. The first community impact fee only applies to professionally-managed units, which under the law (G.L. c.64G,§1) includes "1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence."
8. The second fee applies to owner-occupied units, which includes "a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence."
9. Town Meeting must adopt the two fees in separate votes.
10. The Town cannot adopt the fee on owner-occupied units unless it first votes to adopt the fee on professionally-managed units.
11. If adopted, the Department of Revenue collects the fee(s) along with the local option rooms tax and then remits the revenue to the Town quarterly.
12. The Town is required to spend a minimum of 35% of any community impact fee revenue on affordable housing or infrastructure.

13. From a municipal finance perspective, a minimum of 35% of the revenue from either fee is not unrestricted General Fund revenue. The revenue must be held in a receipts reserved for appropriation account and must be appropriated for either affordable housing or infrastructure projects.
14. The Town may dedicate without further appropriation all or a portion of either fee (but not less than 25%) to a general or special purpose stabilization fund. Moneys in the stabilization fund may be appropriated by Town Meeting for an allowable purpose by a two-thirds vote of Town Meeting.

Clearly, however, not all short-term rentals will even be subject to the host community fee. For example, if an individual operates only one short-term rental on the Island which is not his or her primary residence, that Operator will not be required to pay a community impact fee even if the Operator rents the unit through a real estate agent or a hosting platform because the fee only applies to the rental of 1 of 2 or more units operated by the same Operator. Furthermore, If an Operator occupies one unit of a duplex and it is his or primary residence, the second unit is subject to the fee if it is rented out as a short-term rental. If an Operator rents a room in his or her single-family primary residence, that room rental is not subject to the fee because it is not a two-family dwelling.

According to the Department of Revenue website, the following major municipalities have adopted one or more of the community impact fees: Amherst, Arlington, Boston, Cambridge, Plymouth, and Swampscott. I think it will be difficult to estimate the revenue that the Town will receive from short-term rental community impact fee(s) unless the Town requires registration requirements by either bylaw or regulations that would enable the Town to break out the number and type of short-term rental units operating in the Town. For example, according to the DOR website, Plymouth has collected approximately \$50,000 in community impact fees so far in FY 2021.

John

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Short-Term Rental Law - Key Provisions

January 2019

On December 28, 2018, Governor Baker signed into law Chapter 337 of the Acts of 2018, "An Act Regulating and Insuring Short-Term Rentals" ("Act"), which Act, among other things, replaced sections 1-6 of G.L. c.64G with 11 new sections. These are the key provisions of the new law:

- **Applicability.** The term "short-term rental" as defined in G.L. c.64G, §1 means renting rooms, apartments, houses, or other units, to be occupied for a period of no more than 31 consecutive calendar days, and excluding hotels, motels, lodging houses and bed and breakfast establishments (four or more rooms to rent, with breakfast). Not included in the definition of a "short-term rental" is a "bed and breakfast home", defined as "a private, owner occupied house with up to three rooms to let, with breakfast included."
- **State Registration.** Operators of short-term rentals are required to register with the Department of Revenue and, pursuant to G.L. c.62C, §67, obtain a certificate of registration. The Executive Office of Housing and Economic Development will maintain a registry listing all registered certificate holders in the lodging industry, including short-term rentals, with short term rental locations identified only by street name and municipality.
- **State Excise Tax.** The existing room occupancy excise tax statute, G.L. c. 64G, §3, was amended to include short-term rentals. The state room excise tax remains at 5.7%, provided that no tax may be imposed if the rent is less than \$15 per day. Note that operators renting out their property for a period of 14 days or less in one calendar year are exempt from this tax.
- **Local Option Excise Tax.** The local option room occupancy excise tax, G.L. c.64G, §3A, has also been amended to apply to short-term rentals. This local option allows a municipality, by vote of its legislative body, to adopt and establish a local tax of up to 6% of the total amount of the rent per stay, up to 6.5% in Boston, subject to the same exclusions as the state excise tax. ***Importantly, municipalities that previously accepted G.L. c.64G, §3A need take no further action to apply the local option room occupancy excise to short-term rentals. If a municipality seeks to change the existing local option tax rate, however, local legislative action will be required.***
- **New Local Options.** Municipalities that have adopted the local option room occupancy tax may also consider adoption of two new local options. A municipality that accepts G.L. c.64G, §3D(a) by a majority vote of its legislative body may impose a community impact fee on short-term rental operators of up to

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3% of the total amount of each stay. The fee applies only to operators that own at least two rental units in the municipality, which units are detached from the operator's primary residence (unless that residence is in a structure containing four or more units). By separate vote, a municipality may also adopt G.L. c.64G, §3D(b), to make that fee applicable to units located within a two or three-family dwelling that includes the operator's primary dwelling.

NOTE: The municipality must dedicate at least 35% of the revenue from these two new local option fees to affordable housing or local infrastructure projects.

- ***Cape and Islands.*** In Barnstable, Dukes, and Nantucket Counties, the law imposes an additional room excise tax of 2.75% to generate revenue for a Cape and Islands Water Protection Trust Fund for water pollution abatement projects. This surcharge is automatically applicable in Barnstable County and applicable in Dukes and Nantucket Counties in the manner set forth in the statute. Should towns wish to withdraw from the Fund, a mechanism is available.
- ***Local Ordinances and Bylaws.*** General Laws c.64G, § 14 authorizes municipalities to enact ordinances and bylaws to regulate operators of short-term rentals and to impose civil penalties for violations. Types of regulation described include: establishment of a local licensing or registration requirement, the "number of local licenses or permits issued", and "the number of days" in a calendar year a person may make short-term rentals available for rent; zoning; mandated health and safety inspections; and establishment of fees for necessary local administration of the short-term rental program.

Consistent with the Home Rule Amendment to the Massachusetts Constitution, municipalities may enact local ordinances or bylaws containing provisions not enumerated in the Act provided that they are "not inconsistent" with the provisions of the Act. In addition, boards of health retain jurisdiction to enact health and safety regulations with respect to short-term rentals.

Cities and towns are also authorized to publish a "public registry" of all short-term rental accommodations offered for rent by registered operators within their limits, and may determine "what relevant information shall be listed, including where the accommodation is located."

- ***Effective Dates.*** The taxation portions of the Act will be applicable to short-term rentals commencing on or after July 1, 2019, but **will not** apply to contracts executed before January 1, 2019 for short-term rentals executed before January 1, 2019. The Department of Revenue is interpreting the July 1 effective date as excluding all rentals that begin June 30, 2019 or earlier, for the entire length of that rental.

Please contact Attorneys Joel Bard (jbard@k-plaw.com) or John Giorgio (jgiorgio@k-plaw.com) at 617.556.0007 with any questions concerning the Act.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

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Libby Gibson

From: Leslie Snell
Sent: Thursday, September 30, 2021 12:28 PM
To: Libby Gibson
Cc: Andrew Vorce
Subject: DRAFT Article concepts from Planning Board/PLUS
Attachments: DRAFT Article Concepts for 2022 ATM 093021.docx

Libby –

Attached is a DRAFT list of article concepts. The intention is not to move forward with all of these, but to provide a list of needed amendments for the Board to prioritize and choose from.

Leslie

Leslie Woodson Snell, AICP, LEED AP BD+C
Deputy Director of Planning

Nantucket Planning & Economic Development Commission
Planning & Land Use Services (PLUS) Department
2 Fairgrounds Road
Nantucket, MA 02554

Telephone: 508-325-5385



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DRAFT Planning Board/PLUS Article Concepts for 2022 ATM (09/30/21)

RC-2 Phase Out Articles

- Remaining Nobadeer Farm Road parcels
- West side of Arrowhead Drive to CTEC
- East side of Surfside Road to CN (near Windy Way and Miacomet Avenue)
- Perry Lane/Bartlett Road to CTEC (one parcel)
- Nobska Way to R-5
- Bartlett and Raceway to CTEC or R-10
- Mioxes Way and Bartlett Road LUG-2 and RC-2 to R-5 or R-10

RC Phase Out Articles

- Galley Beach to CN
- Harbor Place/Commercial Wharf – to ROH and CDT
- End of Washington Street (Sayle (3)) to CN
- 77 Washington Street to ROH
- 34 and 36 Washington Street (TON) to R-40 or ROH
- Harbor Terrace/Spruce Street/Marine Home Center ?

R-1 Phase Out Articles

- SR-1 ? Dependent on Area Plan
- Vesper Lane/Cato Lane/Woodland Hills Subdivision – R-5L

Technical Amendment to the Zoning Map

- Richmond R-5/CN correction for parking areas in Sandpiper II (check to see if needed for Sandpiper I)
- Other split lot clean up

Zoning Bylaw Amendments

- Technical Amendments – all in a single article TBD
 - Correct language about 2nd driveways to include garage apartments and tertiary dwellings
 - Change definition of tent to allow for extension by special permit
 - Add a definition and specific allowance for food truck – currently treated as take-out
- Special permit allowance for regularity factor
- Short term rentals
- Cannabis articles from CAC?
- Additional covenant units allowed on a lot
- Open Space Bylaw

Real Estate

- Paper Street Acquisition/Disposition
 - Red Barn Road and Sheep Pond Road area
 - Surfside yard sale in vicinity of Curve Street (Plan 2012-60)
 - Tom Nevers Road network (additions to prior ATM votes)
 - Eel Point Road
 - Hawthorne (Sconset)
 - Westchester Street (public road? Land Bank)
- Home Rule Petition
 - Ames and New Hampshire Avenue (real estate disposition already voted)