

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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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD JANUARY 5, 2022 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/QklazFvONQg>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_IpZJ74rhRam4Hd06e1Z4-Q

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. Applicant Introduction/Review of Applications for Appointment to Cannabis Advisory Committee and Nantucket Affordable Housing Trust to Fill Vacancies Scheduled for Wednesday, January 12, 2022, Pursuant to Select Board Committee Appointment Policy.
3. Applicant Introduction/Review of Applications for Appointment to Council for Human Services to Fill Two New Seats Approved at 2021 Annual Town Meeting Scheduled for Wednesday, January 26, 2022, Pursuant to Select Board Committee Appointment Policy.
4. Select Board Announcements/Comments.

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

1. Housing Director Follow-up on Public Comment from December 15, 2021 Select Board Meeting Regarding Affordable Housing Trust Real Estate Purchase on Bartlett Road.

V. PUBLIC COMMENT*

VI. COVID-19 UPDATE

1. Public Health Department Update.

VII. NEW BUSINESS*

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of December 15, 2021 at 5:30 PM.
2. Approval of Payroll Warrants for December 26, 2021.
3. Approval of Treasury Warrants for December 22, 2021; December 29, 2021; January 5, 2022.
4. Approval of Pending Contracts for January 5, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

IX. CONSENT ITEMS

1. Gift Acceptance: Our Island Home; Fire Department; Human Services (Saltmarsh Senior Center).

X. CITIZEN/DEPARTMENTAL REQUESTS

1. Joint Meeting with Planning Board to Introduce Candidates Pursuant to Select Board Committee Appointment Policy; Joint Vote on Appointment to Fill One (1) Planning Board Vacancy.
2. Affordable Housing Trust: Request for Approval of Additional Funding for Construction of Housing Nantucket's Affordable Housing Project at 31 Fairgrounds Road.
3. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages General On-Premises License for The Nantucket Dreamland Foundation dba Nantucket Dreamland from J. Joseph Hale, Jr., Manager to Alicia L. Carney, Manager, for Premises Located at 17 South Water Street.
4. Request for Reaffirmation of Application for Change of Manager of Annual All-Alcoholic Beverages Veterans Club License for Sidney & Robert Henderson, Post 8608 VFW US, Inc. dba VFW Post 8608 for Dora Lee Nolan, Manager (Previously Approved December 16, 2020) for Premises Located at 22 Bunker Road; and, Change of Beneficial Interest.

XI. PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Annual Common Victualler with All-Alcoholic Beverages Restaurant License for Servedwell Brotherhood, LLC dba The Brotherhood of Thieves, James T. Strombino, Manager, for Premises Located at 23 Broad Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.

2. Public Hearing to Consider Application for New Entertainment License for Servedwell Brotherhood, LLC dba The Brotherhood of Thieves, James T. Strombino, Manager, for Premises Located at 23 Broad Street.
3. Select Board/Board of Sewer Commissioners: Public Hearing to Consider Revisions to Chapter 336, Sewer Regulations, Pursuant to Chapter 396 of the Acts of 2008 (Nantucket Sewer Act), Section 9 (as Reviewed by Select Board on November 3, 2021).
4. Public Hearing Regarding Proposed FY 2023 General Fund Budget.
5. Public Hearing to Reconsider the Revocation of Private Shellfish Aquaculture Licenses Held by Theodore Lambrecht of 10 Trotters Lane, Known as Licenses #12 and #12B, Head of the Harbor, Consisting of 4 Acres Each, Pursuant to MGL Chapter 130, Sections 57, 60 and 65 and Town of Nantucket Shellfish Regulations Section 5.1.

XII. TOWN MANAGER'S REPORT

XIII. SELECT BOARD'S REPORTS/COMMENT

1. Continued Review/Potential Votes on Select Board-Sponsored 2022 Annual Town Meeting Warrant Articles.
2. Committee Reports.

XIV. 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

NANTUCKET SELECT BOARD

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

BASIC GOAL

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

POLICIES IN SUPPORT OF THE BASIC GOAL

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

RECOMMENDED VOTING PROCEDURES FOR ANNUAL APPOINTMENTS

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

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

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

RECOMMENDED VOTING PROCEDURES FOR VACANCIES THROUGHOUT THE YEAR

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

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

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

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

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

ADMINISTRATION OF THE VOLUNTEER TALENT BANK

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

PUBLIC INPUT REGARDING CANDIDATES FOR APPOINTMENT

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

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

Cannabis Advisory Committee

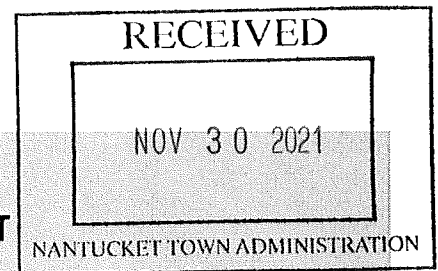
Melissa Murphy	SB member	6/30/2022
Dave Iverson	PB member	6/30/2022
Meredith (Meri) Lepore	BOH member	6/30/2022
Dorothy Hertz	Nantucket resident	6/30/2022
VACANT	Nantucket resident	6/30/2022
Barry Rector	Nantucket resident	6/30/2022
Jacques Zimicki	Nantucket resident	6/30/2022

Applicants:

Ruth S. Tonico
Joseph W. Plandowski



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



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

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

Mailing Address: 11 Marble Way, Nantucket MA Alternate Phone: _____
Date Submitted: 11/30/2021

Email Address: rtanico@gmail.com

REQUESTING APPOINTMENT TO: Cannabis Advisory Committee

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 will bring new insight and experience with safety measures and preventative measures to harm
- What would you hope to accomplish on the committee/board/commission?

I would hope to accomplish multiple ways to implement necessary precautions to prevent harm, diversion in community based opinions and decisions on growth, finances, and culture in nantucket.

Potential Conflicts of Interest

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

From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Monday, June 28, 2021 4:27:38 PM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Ruth Tonico

- **Email:**

rstonico@gmail.com

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Tech

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

AS

- **Are you seeking a:**

Full member position

- **Committees of Interest:**

Board of Health, Cannabis Advisory Committee, Contract Review Committee, Human Services, Council for Human Services, Cultural Council, Nantucket Affordable Housing Trust, Scholarship Committee, Steamship Authority Governing Board, Steamship Authority Port Council, Real Estate Assessment Committee, Finance Committee

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**

Human Services

- **How long have you lived on Nantucket?**

4 years

- **Are you registered to vote on Nantucket?**

Yes

- **How did you hear about the Board/Committee?**

Someone told me about it and said I would bring diversity

- **Why are you seeking an appointment?**

To learn more, get more involved

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

Meetings to get goals accomplished to serve the wonderful city of Nantucket

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this**

Board/Committee:

I work for the town electoral department whenever we have elections. I am a tech currently working at the hospital and I am a people person who can bring diversity, motivation, and new ideas

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**
twice on YouTube
- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**
No
- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**
No
- **Please list all other Board/Committee's on which you have served in other towns:**
The election committee in Fort Lauderdale FL for about 6 to 7 yrs
- **New Committee - Not Listed Above:**
Mental Health

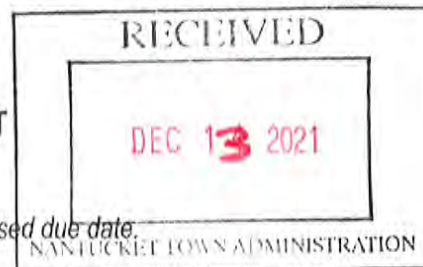
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TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Town Manager



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

Name: Joseph W. Plandowski

Home Phone: _____

Mailing

Address: 10 Thistle Way, Nantucket

Alternate Phone: cell 847-840-3077

Email Address: jwpmail@gmail.com

Date Submitted: Sept. 11, 2021

REQUESTING APPOINTMENT TO: Cannabis Advisory Committee

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?
 - No to Cannabis Advisory Committee but Yes to many ZBA meetings
 - Strong background in clinical laboratory testing, including toxicology
 - Yes, a year-round Nantucket resident

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?
 - Have a BS in Mechanical Engineering and a Masters in Business Administration.
 - Spent over 30 years managing clinical and anatomic pathology laboratories across the U.S. Co-owner of two companies that provide cancer and clinical chemistry testing, including toxicology
 - Bring common sense to regulations based on science and economics

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen or the Town Manager, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
 - Nantucket Lightship Basket Museum (until merger with NHA)
 - Nantucket Historical Association
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
 - No

Nantucket Affordable Housing Trust

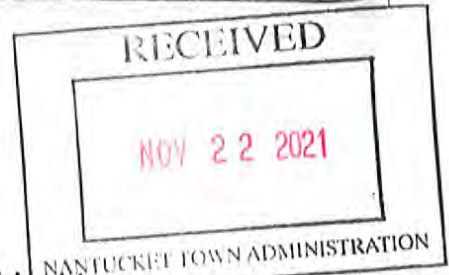
	Reema Sherry	At-large, 2 year term	2022
	VACANT	At-large, 2 year term	2022
	Brooke S. Mohr	At-large, 2 year term	2023
2 yr term	Brian Sullivan	Real Estate Agent/Broker	2022
	Dawn Hill Holdgate	SB Rep	2022
	Penny Dey	Housing Authority	2022
	David Iverson	NP&EDC	2022

Applicants:

Meg Browers
Julianne Kever
Tarji Cummings
Darcy Volpe
Ruth S. Tonico
Tara Restieri
Shantaw Bloise
RJ Turcotte
Susan Nestor Levy



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



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

Name: Meg Browers Home Phone: 508 280 7021
 Mailing Address: 45 Miacomet Ave Alternate Phone: n/a
 Email Address: megbrowsers@gmail.com Date Submitted: 11/22/21
 REQUESTING APPOINTMENT TO: Affordable Housing Trust

Reasons for Committee Interest

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

I have not yet attended but I have been following agendas and minutes and plan to attend Dec 21 meeting. I am concerned about the lack of and disappearance of affordable year-round housing for our work force of teachers, nurses, trades people, doctors, and others. I am prepared to commit to one Tuesday per month at 1pm and others on an as-needed basis.

Relevant Experience I am dedicated to our community and want to be a part of a solution.

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

I have lived on Nantucket for 20 years, since 2001. I have rented here - seasonal shuffle and year-round situations, and I own my own home - purchased in 2011. I have friends and loved ones in all positions of the housing situation here - seasonal renters, year-round renters, homeowners, 2nd homeowners. I have many ideas for ways to support affordable year-round rentals. I am open minded. I hope to help provide more housing for year-round critical families.

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 not a member of any other com'ites appointed by SB. I am on the NIS parent school council and hope to be of more service to our schools.

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

No, I was formerly an NPS school teacher but I stopped teaching when my son was born in 2011. I have two children in the Nantucket Public Schools, and I work for the Nantucket Land Council.

From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Thursday, December 16, 2021 12:24:33 PM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Meg Browsers

- **Email:**

megbrowsers@gmail.com

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Development Director

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

Masters

- **Are you seeking a:**

Full member position

- **Committees of Interest:**

Nantucket Affordable Housing Trust

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**

I'm interested in getting involved. I may not yet have experience with other boards/committees and their subject matter, but interested in all things related to the schools, our community, affordable housing, community preservation, and the environment.

- **How long have you lived on Nantucket?**

20 years

- **Are you registered to vote on Nantucket?**

Yes

- **How did you hear about the Board/Committee?**

Town emails

- **Why are you seeking an appointment?**

I'd like to get involved in our local government and serve our community.

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

I have lived on Nantucket for 20 years and have seen the explosion of the housing crisis, which affects not only friends and family but also my children's teachers, nurses, doctors, and critical year-round residents who make Nantucket what it is. I want to learn more and be a part of finding solutions.

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this Board/Committee:**

I have served in the past on NES and NIS school council boards for many years. I have served as the Nantucket Teachers' Association Co-President for 3 years. I am a Development Director for the Nantucket Land Council, previously was a teacher for nearly a decade. I am a full time year round resident of Nantucket. I am a homeowner, and I have two children in the Public Schools.

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**

attended 3, watched past meetings on Youtube for several months now.

- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**

Yes

- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**

No

- **Please list all other Board/Committee's on which you have served in other towns:**
NES School Council, NIS School Council

- **New Committee - Not Listed Above:**

none

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<https://admin.typeform.com/form/TFsmVsMW/results>

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

For Appointment by the Select Board

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

Name: Julianne Kever

Home Phone: 508-221-7708

Mailing

Address: P O Box 1013, Nantucket, MA 02554

Alternate Phone: _____

Email Address: dunegrass@earthlink.net

Date Submitted: November 22, 2021

REQUESTING APPOINTMENT TO: _____ Nantucket Affordable Housing Trust _____

Reasons for Committee Interest

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

I have not attended any related board meetings, but did take part in the Housing Program meetings done by 'Golden' in late winter and early spring, 2021. I'm interested in the housing dilemma on-island, especially for underserved islanders with disability issues, the homeless, and those who need affordable RENTAL choices. I don't see a problem attending the once-a-month Trust meeting.

Relevant Experience

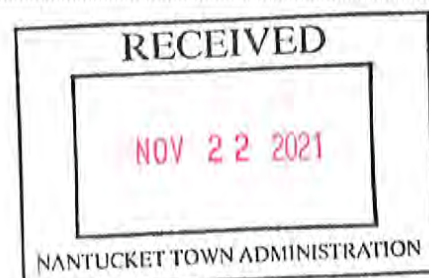
- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I would like to provide input on many situations I know of where housing is a severe problem and learn what others know and how to work on improving the housing problem. Am willing to learn how to help.

Potential Conflicts of Interest

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

I'm not on any committees or local agencies. I work for the Nantucket Preservation Trust four days a week.



From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Wednesday, July 21, 2021 12:40:05 PM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Julianne Kever

- **Email:**

dunegrass@earthlink.net

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Administrative Assistant

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

Bachelors Degree; Notary Public for 16 years

- **Are you seeking a:**

Alternate position

- **Committees of Interest:**

Council for Human Services, Nantucket Affordable Housing Trust

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**

At this time, I don't have other preferences.

- **How long have you lived on Nantucket?**

I am a 12th. generation native, having lived here approximately 55 of my 71 years.

- **Are you registered to vote on Nantucket?**

Yes

- **How did you hear about the Board/Committee?**

I went looking for committees that address the human condition of living here for ordinary, disabled and homeless islanders.

- **Why are you seeking an appointment?**

To bring my knowledge and input on conditions of living here to the table.

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

I've had family members either disable, homeless or on the brink of losing housing, due to illness, injuries or low income.

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this Board/Committee:**

I'm an older generation Native who has seen many changes to available housing for ordinary people who are Natives or long-term Islanders, over the years. I've worked in a local bank for 7 years, witnessed the rising real estate sales second-hand, and know several individuals caught in the net of un-affordable housing options, or no options.

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**

I have not, because I did not know I could.

- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**

No

- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**

No

- **Please list all other Board/Committee's on which you have served in other towns:**

I haven't served on any Committee's anywhere. I was a volunteer for a couple of years with the Greenfield American Red Cross.

- **New Committee - Not Listed Above:**

N/A

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



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

Name: Tarji Cummings Home Phone: 862 899 4861
Mailing Address: 9 Amelia Drive, Nantucket Alternate Phone: _____
Email Address: tarji.roberts14@gmail.com Date Submitted: 11/24/21

REQUESTING APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- 1 • Have you ever attended a meeting of the committee/board/commission? No.
 - 2 • Why are you interested in this committee/board/commission?
 - 3 • Are you prepared to commit to the meeting schedule of the committee/board/commission?
2. I would like to be an informed and involved member of this community that is doing so much for me.
3. I am prepared to honor this commitment, seeing that it does not conflict with any obligations I have as a single parent.

Relevant Experience

- 1 • What experience, skills or insight would you bring to the committee/board/commission?
 - 2 • What would you hope to accomplish on the committee/board/commission?
1. As a new member of this community I believe I would bring fresh perspective on the needs of persons in need of ~~see~~ affordable housing solutions. Additionally, clerical and administrative support.
2. Play my part in advancing the welfare of the year-round community in respect

Potential Conflicts of Interest to accessing affordable housing.

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

None.

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

No.

From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Friday, June 4, 2021 6:55:59 PM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Tarji Cummings

- **Email:**

tarji.roberts14@gmail.com

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Receptionist

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

Associate Degree

- **Are you seeking a:**

Full member position

- **Committees of Interest:**

Board of Health, Council for Human Services, Nantucket Affordable Housing Trust, Real Estate Assessment Committee, Zoning Board of Appeals Alternate, Zoning Board of Appeals, Capital Program Committee

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**

Education

- **How long have you lived on Nantucket?**

10 months

- **Are you registered to vote on Nantucket?**

No

- **How did you hear about the Board/Committee?**

Facebook group

- **Why are you seeking an appointment?**

Nantucket has become a home for me and my daughter. It saved us and gave us a home, and a place to start over. I want to serve this community that has impacted me positively.

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

I have none, but willing to learn and adopt.

- **Please list any education, experience, professional achievement, previous**

occupation, skills, or special interests you may have that will assist you with this Board/Committee:

I am currently preparing to become a paralegal then onto law school. With a keen interest in family and the community I want to serve on any board that makes my hunger to see families of immigrant families and communities that protect and provide for them prosper.

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**

None

- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**

No

- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**

No

- **Please list all other Board/Committee's on which you have served in other towns:**

None

- **New Committee - Not Listed Above:**

None

Log in to view or download your responses at
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TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



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

Name: Darcy Volpe

Home Phone: 917-617-6082

Mailing

Address: 29 Goldfinch Drive, Nantucket, MA 02554

Alternate Phone: _____

Email Address: darcyv@msn.com

Date Submitted: 11.22.21

REQUESTING APPOINTMENT TO: _Nantucket Affordable Housing Trust_

Reasons for Committee Interest

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

I regularly listen to the meetings and look forward to attending in person in the future. Preserving the fabric of the Nantucket community by ensuring low and moderate income housing is available for the many full-time Island residents is critical. If Nantucket is not able to attract teachers, health care workers, hospitality workers and civil servants due to the lack of affordable of housing, then the entire community loses. With its connected people, financial resources and philanthropic underpinning, Nantucket is fortunate to have more access than most solutions which will enable us to support a community that invites diversity and fosters inclusivity. That means providing moderate and affordable housing options is paramount. I would be honored to commit to the meeting schedule of the board, with the caveat that at times I may have to participate virtually.

Relevant Experience

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

While I don't have exact experience sitting on this kind of board/committee, I'm confident that my experience serving on a non-profit board (Tada Youth Theater) and non-profit counsel (Make-A-Wish Women's Council of Metro NY) provide insight into the board process itself. My skillset, which I believe benefits this kind of committee, is one that focuses on finding and/or creating equitable, solution-based outcomes to complicated situations, generally involving multiple parties. I work for the largest asset manager in the world, managing a group called Corporate Solutions. My job is to suggest solutions (offered by BLK) to organizations, in order to help address some of world's most complex problems from decarbonization and energy transition to vaccine procurement in countries that need assistance. It's a match-making role, in which I engage with companies, to understand their challenges and determine ways in which we can collaborate and provide or create solutions that address their issue(s). I believe the attributes that make me successful at my work, will also add value to a this committee.

Potential Conflicts of Interest

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

None

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

From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Wednesday, June 30, 2021 8:17:51 AM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Darcy Volpe

- **Email:**

darcyv@msn.com

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Finance

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

Bachelors

- **Are you seeking a:**

Full member position

- **Committees of Interest:**

Nantucket Affordable Housing Trust, Cultural Council, Council for Human Services, Roads and Right of Way Committee, Scholarship Committee, Nantucket Historical Commission Alternate, Conservation Commission, Zoning Board of Appeals Alternate

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**
I'm open to helping on anything, provided you know there might be a learning curve..

- **How long have you lived on Nantucket?**

coming for 20 years, homeowner for 6, living full-time for the last 18 months

- **Are you registered to vote on Nantucket?**

Yes

- **How did you hear about the Board/Committee?**

Daybreak and Quahog Country

- **Why are you seeking an appointment?**

to help preserve and/or better Nantucket

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

I've sat on a board in NYC; my dad was a county commissioner in Collier County Florida during one of it's largest expansion periods in the late 80s/90s

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this**

Board/Committee:

I work for a large asset manager and am skilled at finance. I also review grants and make recommendations for our company. I've sat on the Board of a kids theater in NYC and I'm currently on the Make-A-Wish Foundation Women's Council.

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**

I've listed to them and watched some on YouTube

- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**

No

- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**

No

- **Please list all other Board/Committee's on which you have served in other towns:**

Make-A-Wish Foundation Women's Council. Tada Youth Theater Board Member (formerly)

- **New Committee - Not Listed Above:**

n/a

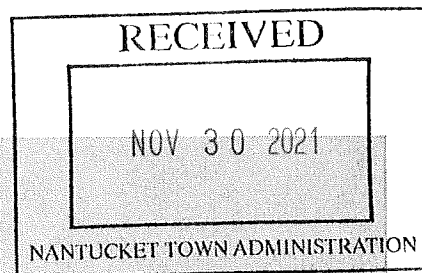
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TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



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

Name: Ruth S. Tonico Home Phone: 951 562-8668
Mailing Address: 11 Marde Way, Nantucket Ma 02554 Alternate Phone: _____
Email Address: rtanico@gmail.com Date Submitted: 11/30/2021
REQUESTING APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? yes
- Why are you interested in this committee/board/commission? 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? Diversity, New fresh insight on community based opinions + experience.
- What would you hope to accomplish on the committee/board/commission?

I would hope to accomplish more insight on living on the island, the struggles and the benefits of living on the island, and ways to grow and improve the many obstacles this island faces. Also to overcome the many challenges with victories for the people of nantucket.

Potential Conflicts of Interest

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

From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Monday, June 28, 2021 4:27:38 PM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Ruth Tonico

- **Email:**

rstonico@gmail.com

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Tech

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

AS

- **Are you seeking a:**

Full member position

- **Committees of Interest:**

Board of Health, Cannabis Advisory Committee, Contract Review Committee, Human Services, Council for Human Services, Cultural Council, Nantucket Affordable Housing Trust, Scholarship Committee, Steamship Authority Governing Board, Steamship Authority Port Council, Real Estate Assessment Committee, Finance Committee

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**

Human Services

- **How long have you lived on Nantucket?**

4 years

- **Are you registered to vote on Nantucket?**

Yes

- **How did you hear about the Board/Committee?**

Someone told me about it and said I would bring diversity

- **Why are you seeking an appointment?**

To learn more, get more involved

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

Meetings to get goals accomplished to serve the wonderful city of Nantucket

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this**

Board/Committee:

I work for the town electoral department whenever we have elections. I am a tech currently working at the hospital and I am a people person who can bring diversity, motivation, and new ideas

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**
twice on YouTube
- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**
No
- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**
No
- **Please list all other Board/Committee's on which you have served in other towns:**
The election committee in Fort Lauderdale FL for about 6 to 7 yrs
- **New Committee - Not Listed Above:**
Mental Health

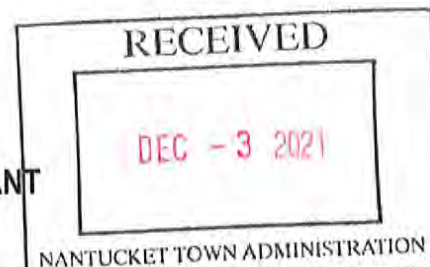
Log in to view or download your responses at
<https://admin.typeform.com/form/TFsmVsMW/results>

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



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

Name: Tara Restieri

Home Phone: 914-646-2233

Mailing

Address: 74A Madaket Road Nantucket, MA 02554

Alternate Phone: _____

Email Address: Tara.restieri@gmail.com

Date Submitted: _____

REQUESTING APPOINTMENT TO: _____ Nantucket Affordable Housing Trust _____

Reasons for Committee Interest

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

I have listened to meetings, read a great deal about the issues from the Town and State Websites

What is clear to me is that there is an obvious increasing cost of housing in Nantucket and not enough reasonably affordable housing for those who work and wish to live here. While it is wonderful for real estate sales it is not wonderful for the generations of people who live, work, and wish to own homes on our beautiful island. Of equal concern are the number of people who have access to a home, but who were paying an excessive portion of their income for that access. The high cost of living on Nantucket has a profound effect on teachers, service staff, volunteer firemen, etc. are unable to afford to live in the island they work and had to commute long distances from an affordable town to their jobs. I am also concerned that children growing up in Nantucket may not be able to afford living on island once they leave their parents' homes.

Yes, I am prepared to commit to the Nantucket Affordable Housing Trust meeting schedule.

Relevant Experience

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

Since retiring from teaching I have given my time and life to civic service. I understand the issues that are important to the residents of Nantucket and believe that I am very qualified to serve on the Nantucket Affordable Housing Trust.

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

I would hope to help the NAHT reach its goals in reaching the state mandated SHI to 10% so that Nantucket's ZBA will have greater control in protecting development on island. In addition, I believe that it is important to maintain the historical districts and prevent the use of Chapter 40B from allowing developers to get away with overbuilding and destruction of such properties and neighborhoods. It is important to not only identify proposed areas to meet housing goals but, there should also be collaborative goals to address housing needs and development.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or

a member of your immediate family are current members.

Elected appointments: Greenwich Representative Town Meeting (two year term to begin Jan 1, 2022).

Appointed and elected: Greenwich Town Board of Human Services (two year term elected March, 2021).

Appointed, Greenwich Hospital Neighborhood Advisory Council as of October, 2021

Appointed, Town of Greenwich Citizens Police Department Advisory Committee, Appointment to begin 2022.

Emergency Medical Technician, Greenwich Emergency Medical Services and Stamford Emergency Medical Services

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

No

From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Wednesday, June 30, 2021 11:06:18 AM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Tara Restieri

- **Email:**

tara.restieri@gmail.com

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

EMT

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

Master's level

- **Are you seeking a:**

Alternate position

- **Committees of Interest:**

Nantucket Affordable Housing Trust, Council for Human Services

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**

Anything not finance related

- **How long have you lived on Nantucket?**

Summer resident

- **Are you registered to vote on Nantucket?**

No

- **How did you hear about the Board/Committee?**

Newsletter

- **Why are you seeking an appointment?**

To volunteer on the island I love

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

Many boards and full-time volunteer

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this Board/Committee:**

Currently on Board of Human Services in CT

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**
0
- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**
No
- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**
No
- **Please list all other Board/Committee's on which you have served in other towns:**
Human Services. BoardYWCA Greenwich. Board, Greenwich EMS
- **New Committee - Not Listed Above:**
0

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

RECEIVED

DEC - 6 2021

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

Name: Shantaw Bloise

Home Phone: _____

Mailing Address: 3 Spinnaker Circle, Nantucket

Alternate Phone: 774-236-0899

Email Address: Sbloise17@gmail.com

Date Submitted: 12/03/2021

REQUESTING APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? no, I have not.
 - Why are you interested in this committee/board/commission? (see below)
 - Are you prepared to commit to the meeting schedule of the committee/board/commission? yes, I am.
- I am interested in this committee because I have experienced the difficulty in finding affordable housing first hand. I believe that affordable housing is a crucial part of maintaining a strong & capable workforce, therefore fueling our year-round community.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
 - What would you hope to accomplish on the committee/board/commission?
- I currently serve as the Business Manager of the Chamber of Commerce & can lend insight into the needs of the workforce. Additionally, I believe that the board lacks representation from a largely minority based community & from young people currently struggling with housing needs. I hope to be a voice for those under represented groups in our community.

Potential Conflicts of Interest

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

I am a member of the Nantucket Equity Advocates.

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

My husband is the Aquatics Director of the Nantucket Community School.



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

RECEIVED

DEC - 8 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: RJ Turcotte

Home Phone: 508-981-7908

Mailing

Address: 6 Ash Lane Nantucket, Ma 02554

Alternate Phone: —

Email Address: rj@nantucketlandcouncil.org

Date Submitted: 12/8/2021

REQUESTING APPOINTMENT TO: Affordable Housing Trust

Reasons for Committee Interest

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

~~I~~ I researched the trust extensively in 2020/21 Since NLC was opposed to
~~Article 97~~ Article 97 at the 2021 ATM.

Relevant Experience

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

I would hope to bring insight to the Board from the environmental perspective
so that these two groups can work together in improving the community rather than
opposing each other at Town Meetings.

Potential Conflicts of Interest

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

none.

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

no.

From: notifications@typeform.com
To: Erika Mooney
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Wednesday, December 8, 2021 2:43:23 PM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

RJ Turcotte

- **Email:**

rj@nantucketlandcouncil.org

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Nantucket Waterkeeper

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

B.S. Marine Biology

- **Are you seeking a:**

Full member position

- **Committees of Interest:**

Nantucket Affordable Housing Trust

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**
Commission on Disability, Housing Authority, Cape & Islands Water Protection Fund Board

- **How long have you lived on Nantucket?**

Three years

- **Are you registered to vote on Nantucket?**

Yes

- **How did you hear about the Board/Committee?**

I follow their meetings

- **Why are you seeking an appointment?**

To be more involved in housing, accessibility issues

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

Little other than work related to the Land Council and being a concerned citizen

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this Board/Committee:**

Protecting natural resources and dignified, affordable housing go hand in hand. The

housing crisis is an area that if repaired would help Nantucket's clean water goals.

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**

I learned much about them in 2021 specifically as they worked to gain consistent funding through Town Meeting. I have watched 5-10 of their recorded meetings.

- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**

No

- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**

No

- **Please list all other Board/Committee's on which you have served in other towns:**

I've never served on a Board/Committee.

- **New Committee - Not Listed Above:**

N/A

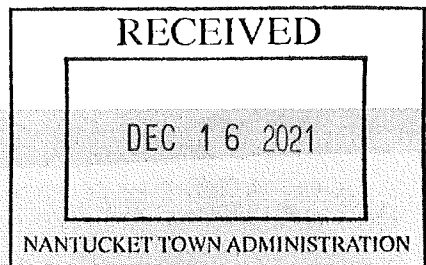
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TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



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

Name: Susan Nestor Levy Home Phone: 314-540-2352
Mailing Address: 134 D Main St Mobile: -
Address: Nantucket, MA 02554 Alternate Phone: -

Email Address: susan.nestorlevy@gmail.com Date Submitted: Dec 16, 2021

REQUESTING APPOINTMENT TO: Affordable Housing Trust

Reasons for Committee Interest

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

I have followed the Committee deliberations online and in print. My interest in affordable housing spanned my career (see bio, resume sent via separate e-mail). Yes, I commit to the schedule.

Relevant Experience

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

My profession in strategy, business planning, national policy, and care for the most vulnerable prepares me to contribute. I would like to help alleviate the issues for those seeking affordable housing.

Potential Conflicts of Interest

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

N/A

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

N/A

Susan Nestor Levy, Healthcare Industry Executive



Susan Nestor Levy served for 35 years as an industry leader in the health care, health insurance, and public policy sectors in the United States and abroad. Levy retired in 2014 from Ascension, the nation's largest nonprofit health services company (\$20 billion in annual revenues, 500 health facilities in 20 states and Washington, D.C.).

At Ascension, Levy was Executive Vice President, Chief Advocacy Officer, and President and Chief Executive Officer (Ascension Global Mission). In her roles, Levy was a member of the top leadership team, responsible for enterprise wide government relations, public policy, and global health for the vulnerable. Ms. Levy served as one of three strategy leaders of the organization, responsible for "Healthcare That Leaves No One Behind"--

Ascension's 2020 goal to achieve 100% access and 100% access to healthcare services for all. Levy's role as President and Chief Executive Officer of Ascension Global Mission resulted in the development and implementation of a first tier subsidiary global health company committed to partnering with leading international organizations to improve the health of those most vulnerable. She also created and chaired the Board of an independent global company called the Global Health Partnership Initiative with four major religious congregations committed to work in Zambia and Guatemala in hospital leadership development and public health.

Levy created and oversaw Ascension's first legislative and public policy office based in Washington, D.C., raising visibility and credibility of Ascension's unified national public policy leadership voice in health reform. Levy partnered with Ascension health organizations, public policy, political, and community leaders to envision and catalyze community collaboratives in 19 states and Washington, D.C. with the purpose to achieve 100% access to health services within every Ascension community. The community collaboratives were responsible for approximately \$200 million of private and public funding investments to achieve the goal of access to healthcare services and insurance coverage.

Prior to joining Ascension, Ms. Levy served in Washington, D.C. in both private and public sector roles. As the Executive Director of Policy in the Office of Policy and Representation for the Blue Cross and Blue Shield Association in Washington, D.C., Levy was responsible for formulating the Association's national policy on healthcare legislation. From 1992-1996, Levy served as one of three professional health staff for the U.S. Senate, Committee on Finance. At the Senate Finance Committee, Levy was the lead technical legislative and policy staff expert for all Medicare Part A (hospital payment), skilled nursing home, homecare services, rural health, organ transplant, end stage renal disease, privacy, Medicare fraud and abuse payment issues on behalf of the United States Senate during the historic health reform debate of President Clinton's Administration.

From 1980-1992, Levy held strategy leadership positions for multi-state health systems. During that time, Ms. Levy worked for Health One Corporation (now Allina) in Minnesota where she held positions of increasing responsibility, including Vice President of Strategic Development (leading the areas of corporate planning, business planning for subsidiary organizations such as preferred provider, ambulance, and nursing home companies, and hospital strategy, marketing, and communications) and as Director of Hospital Planning. Prior to joining Health One, she was Director of Services for the Aged and Director of Planning for Mercy Health Services (now Trinity Health) in Michigan, framing a statewide strategy to serve seniors from independent living to skilled nursing care.

Ms. Levy has served in numerous fiduciary and advisory board roles, currently serving on the St. Louis Chapter of the American Red Cross and on the Campaign Committee of St. Louis University. Her past Board roles have included: David A. Winston Health Policy Fellowship; the Daughters of Charity West Central Foundation; the National Advisory Council for the Department of Health Administration in the School of Public Health at Saint Louis University; and Advisory Board of the St. Louis University School of Law Center for Health Law Studies. Levy has also served as faculty at Mercy College of Detroit, University of Minnesota's Graduate School of Health Administration, and held numerous teaching and speaking engagements throughout her career.

Ms. Levy received a bachelor's degree from the University of Notre Dame, South Bend, Indiana and holds a Masters degree in hospital and health services administration from Saint Louis University, St. Louis, Missouri.

Susan Nestor Levy

21 Clermont Lane, Saint Louis, Missouri 63124; susannestorlevy@gmail.com; 314-540-2352

EDUCATION

SAINT LOUIS UNIVERSITY, St. Louis, Missouri
Masters of Hospital and Health Services Administration, 1980

UNIVERSITY OF NOTRE DAME, South Bend, Indiana
Bachelor of Arts, 1978

PROFESSIONAL EXPERIENCE

ASCENSION, based in St. Louis, MO

Ascension is the nation's largest not-for-profit health delivery system, including a variety of health related organizations, including over 500 health facilities and over 120,000 employees located in 21 states and the District of Columbia.

Ascension- Positions:

Executive Vice President

and

President and CEO, Ascension Global Mission

January 2011-July 2014 (retired)

- ◆ Member of the Office of the President's executive council, participating in the creation and implementation of overall organizational strategy.
- ◆ Senior Executive creating and leading the organizations' subsidiary with a global mission to those most neglected within the poorest countries of the world.

Ascension Health- Positions:

Chief Advocacy Officer

July, 2007 – September 2012

Senior Vice President, Advocacy and External Relations

September, 1998—June, 2007[In 1998 for the Daughters of Charity Health System until Ascension Health formed in 1999]

and

Executive Director, Seton Institute

January 2010 – December 2011

- ◆ Executive responsible for leading Ascension Health's strategy of "Healthcare That Leaves No One Behind". Oversaw national legislation, regulation, and public policy and community health functions system-wide.
- ◆ Served as a key member of the national system's leadership group.
- ◆ Executive responsible for leading Seton Institute, the international subsidiary of Ascension Health, supporting primary healthcare work and emergency relief in the poorest countries in the world.

BLUE CROSS AND BLUE SHIELD ASSOCIATION, Office of Legislation and Policy,
Washington, D.C.

Blue Cross and Blue Shield Association is the national trade association for the 62 Blue Cross and Blue Shield plans which collectively enroll 66.3 million persons --about one in four Americans.

Position: **Executive Director, Policy**
1996 — 1998

- ◆ Responsible for leading the policy development and strategy for federal and state legislative issues on behalf of all Blue Cross and Blue Shield plans in the United States.
- ◆ Managed a staff of twelve; oversees policy research necessary to develop and implement legislative policy.
- ◆ Represented the national association as the policy spokesperson to the media and in all policy related association and public activities.

UNITED STATES SENATE, COMMITTEE ON FINANCE, Washington, D.C.

The Senate Finance Committee is responsible for all issues relating to Medicare, Medicaid, Social Security, trade, tax, and welfare on behalf of the United States Senate.

Position: **Professional Staff Member-Health Care**
1992 — 1996

- ◆ Health care policy expert (of the majority staff) to the Chairman and the Senators serving as members of the Senate Finance Committee.
- ◆ Senate staff expert on all Medicare Part A issues (hospitals, nursing homes, and home care services) including the financial condition of the Medicare Trust Fund. Other areas of professional expertise include health delivery system issues such as rural health care.
- ◆ Key staff for the following notable legislative activities--the health reform bills of 1993; the budget bills of 1993 and 1995; and the Medicare Technicals bill of 1993.

HEALTH ONE CORPORATION [now Allina], Minneapolis, Minnesota.

Health One was a not-for-profit, multi-hospital and health services organization serving the Midwest (21 hospitals, five states).

Position: **Vice President, Strategic Development**
1984-1992

- ◆ Directed strategic planning, marketing, public affairs, and communications for the newly merged corporation.
- ◆ Led the initial business development of home health, preferred provider, and ambulance businesses.

Position: **Director of Hospital Planning**
1983-1984

- ◆ Managed the hospital planning process. Results were the initial introduction of major new hospital services to meet community needs.

MERCY HEALTH SERVICES, Farmington Hills, Michigan.

Mercy Health Services (now Trinity Health) is one of the largest religious-sponsored hospital and health services organizations in the U.S.

Position: **Director of Services for the Aged**
 1982-1983

- ◆ Responsible for the planning and development of Mercy Services for the Aged, a subsidiary comprised of multi-campus sites with all levels of health care for seniors (housing, nursing home, and medical/social services).

Position: **Director of Planning**
 1980-1982

- ◆ Responsible for assisting a major hospital implement its first strategic plan.

OTHER PROFESSIONAL ACTIVITIES

Instructor

St. Louis University, School of Public Health and Social Justice.

University of Minnesota Graduate School of Hospital and Health Services Administration (Masters course entitled "From Strategy to Operations").

Roosevelt High School, Minneapolis, Minnesota (economics class for learning disabled ninth graders).

Mercy College of Detroit, Detroit, Michigan (junior level college class on the public health system in the U.S.).

International Health Consultant

St. Lucia, Netherland Antilles: Management assessment for island hospital.

Administrative Resident

Completed an eight-month residency in a community hospital system in Michigan. Completed two major projects--workforce planning for physicians in northern Michigan and mental health services assessment in south Michigan.

Publications

Nestor, Susan E., *Marketing to Consumers: Unleashing Technologies to Help the Public Choose Health Service Options*, **Topics in Healthcare Financing**, Feb. 27, 1992, Vol. 18, Issue III.

Kline, D.W., and Nestor, S., *Persistence of Complimentary Afterimages as a Function of Adult Age and Exposure Duration*, **Experimental Aging Research**, 1977, 3 (3), 191-120.

SELECTED COMMUNITY SERVICE ACTIVITIES

Current and Previous Board and Community Organizational Memberships

Chairperson, the Global Health Partnership Initiative (GHPI)

Member, the Catholic Health Association Advisory Committee on Global Health

Vice Chairperson of the Board, the Red Cross, St. Louis Chapter

Member, on behalf of Ascension Global Mission, Clinton Global Initiative

Member, the Zambia Advisory Council, the Health System Strengthening Initiative

Member, Board of Trustees of the Daughters of Charity Foundation

Executive Committee of the National Advisory Council for the Department of Health Administration in the School of Public Health at Saint Louis University

Member of the St. Louis University School of Law Center for Health Law Studies Advisory board

Member of the David A. Winston Health Policy Fellowship Board of Trustees

Member of the United Way Women's 2008 Cabinet

Lakeland Community College Foundation, St. Paul, Minnesota

Minnesota International Health Volunteers, Minneapolis, Minnesota

University of Minnesota Health Institute, Minneapolis, Minnesota

Saint Louis University Alumni Board- Graduate School of Health Administration,
St. Louis, Missouri

Notre Dame Alumni Club of Minnesota, Minneapolis, Minnesota

St. Paul Clinic, St. Paul, Minnesota

Chairperson, Governor's Commission on Promoting Minnesota's Health Care,
St. Paul, Minnesota

Vice President, Programs, the Planning Forum (international association of strategic planning)

Chairperson, Strategic Planning/Marketing Council of American Healthcare Systems

Council for Human Services (per 2021 ATM vote, membership was increased to 9 members)

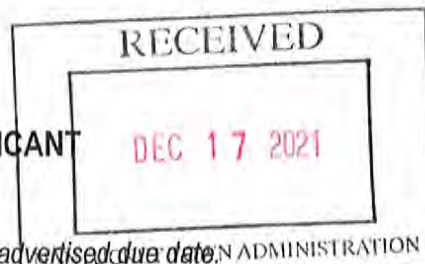
Brooke Mohr	Chair	2023
Athalyn Sweeney	Vice Chair	2024
Ruth Tonic		2022
Joseline Ramirez		2022
VACANT		2022
Claudia Valle		2023
Sindy Rivera		2023
Sue Mynttinen		2024
VACANT		2024

Applicants:

Kelly Steffen



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



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

Name: Kelly Steffen

Home Phone: 802 595 3474

Mailing

Address: 32 Hummock Pond Road

Alternate Phone:

Email Address: kellysteffen788@gmail.com

Date Submitted: 12/17/2021

REQUESTING APPOINTMENT TO: Council for Human Services

Reasons for Committee Interest

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

I have attended town meetings, CHS meetings and many other Town functions. I am interested in this Council because I believe in living a life that makes a difference in other peoples lives. I am prepared to commit time and energy into the focuses of CHS and it's meeting schedule.

Relevant Experience

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

I have an undergraduate degree in Community and International Development. I have worked at and volunteered at social/human service non-profits since I was a teen.

I have worked at the Nantucket Food Pantry for over two years and I also helped found and have been working on the Nantucket Community Food Project.

With appointment to the Council and from our work I would hope to see tangible improvements in our community members lives.

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 work at the Nantucket Food Pantry

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

None

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
January 5, 2022

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Grant Agreement	Solid Waste	Mass DEP	(\$16,900)	Grant through MassDEP Recycling Dividend Program for maximizing reuse, recycling and waste reduction	State Grant	January 5, 2022 - January 4, 2025
Amendment to Grant Agreement	PLUS (Energy Office)	Mass DEP	n/a	Extend end date of grant funds for Surfside Wastewater Treatment Facility solar project	n/a	January 5, 2022 - June 30, 2023
Lease Agreement	Town Admin	The Surf, LLC	Year 1 - \$25,000 Year 2 - \$26,250 Year 3 - \$27,563 Year 4 - \$28,942 Year 5 - \$30,389 TOTAL - \$138,144 + 3%/year over \$100,000 gross annually	Lease agreement for Children's Beach Concession	n/a	January 1, 2022 - December 31, 2026
Professional Service Agreement	Town Admin	Arcadis U.S., Inc.	\$62,760	Technical assistance with Notice of Intent filing to ConCom regarding Baxter Rd. geotube expansion	SBPF Gift	January 5, 2022 - June 30, 2022
Professional Service Agreement	Town Clerk	Option Technologies International, LLC.	\$98,766	Electronic voting services for 2022, 2023 and 2024 annual town meetings and any potential special town meetings	Town Clerk Budget	January 5, 2022 - December 31, 2024
Purchase Agreement	Public Works	Saltine Warrior, Inc.	\$37,000	Supply & delivery of pre-mix treated road salt	Snow & Ice Budget	January 5, 2022 - August 31, 2022
Purchase Agreement	Public Works	TRS Containers, LLC	\$33,950	Purchase of 2 shipping/storage containers for Take It or Leave It	Public Works Budget	January 5, 2022 - June 30, 2022
Construction Agreement	Sewer	Robert B. Our Co., Inc.	\$2,921,510.11	S. Shore Road sewer extension project	Article 16/2021 ATM	January 5, 2022 - January 4, 2025

Amendment to Construction Agreement	Marine	Barrett Enterprises	Add \$10,600 to original contract amount of \$625,290 for new contract total of \$635,890	Change order to contract for F-Street bulkhead repairs to include partial removal of concrete curb buried under pier	Article 10/2016 ATM & Article 10/2021 ATM	January 5, 2022 - June 30, 2024
Amendment to Professional Service Agreement	Our Island Home	Taylor Hilst	n/a	Amend existing contract for training OIH Activity Director to extend contract end date	n/a	January 5, 2022 - April 1, 2022
Training Agreement	Our Island Home	Harmony Healthcare International	\$32,035	Training for OIH staff including compliance, infection control, Minimum Data Set assessments, QA performance improvement and patient-driven payment model	OIH Budget	January 5, 2022 - June 30, 2022

CONSENT AGENDA ITEMS FOR 1/5/2022 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Our Island Home:
 - o Gift of \$150 from Maureen Glowacki for the Our Island Home Gift Account
- Fire Department:
 - o Gift of \$25 from Gordon and Juel Carruthers for training initiatives
- Human Services (Saltmarsh Senior Center):
 - o Gift of \$214 from [Stop & Shop Bloomin' 4 Good Program](#) for the Saltmarsh Senior Center
 - o Gift of \$100 from Clara Urbahn for the Saltmarsh Senior Center

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

Town Administration will ensure that letters of thanks are sent.



OUR ISLAND HOME

9 East Creek Road
Nantucket, Massachusetts 02554
(508) 228-0462
FAX (508) 228-6875

December 15, 2021

Nantucket Select Board
Nantucket, MA. 02554

Dear Chairman Bridges,

I am writing to request that the Board accept the following gift for Our Island Home:

- A check in the amount of \$150.00 from Maureen Glowacki in memory of Albert Glowacki.

All donations will go to the Our Island Home Gift Account and the funds will be used to assist in means to enrich the daily lives of our residents.

Thank you in advance for your acceptance.

Sincerely,

Christina Crane
Business Office Coordinator
Our Island Home

Nantucket Fire
Department
4 Fairgrounds Road
Nantucket, MA 02554
Tel: (508) 228-2324
Fax: (508) 325-7500



December 20, 2021

SELECT BOARD
16 BROAD ST
NANTUCKET, MA 02554

Re: CARRUTHERS DONATION
Fire Department Training &
Equipment

Dear Chair Bridges:

Mr. and Mrs. Carruthers have made a generous donation of \$25.00 to fund the training initiatives for the Nantucket Fire Department. We are requesting that the select board authorize the transfer of this donation to the Gift Account that benefits training.

Please let us know if you have any questions or need anything further.

Sincerely,

A handwritten signature in black ink, appearing to be "Stephen Murphy", with a long horizontal flourish extending to the right.

Stephen Murphy, Chief

SM/
Enclosures

MEMO



Date: December 22, 2021

TO: Jason Bridges, Select Board Chair

CC: Jerico Mele, Director of Human Services

FROM: Laura Stewart, Saltmarsh Senior Center, Program Coordinator

RE: Request for acceptance of gifts

I am writing to request acceptance of the following gift donations:

- From Stop & Shop Bloomin' 4 good Program: \$214.00 a gift for the Saltmarsh Center
- From Clara Urbahn: \$100.00 gift for the Saltmarsh Center

Thank you,

Laura Stewart

from the desk of.....

Laura Stewart
Program Coordinator,
Senior Services
81 Washington Street
Nantucket, MA 02554
508-228-4490

phone: 508-228-4490
fax: 508-325-5366
e-mail: lstewart@nantucket-ma.gov

Procedure to fill a Planning Board (elected seat) vacancy

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

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

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

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

Planning Board - 5-yr terms

	John F. Trudel III	Chair	2026
	Dave Iverson	Vice Chair	2024
X	Nathaniel Lowell		2022
X	Frederick McClure (Fritz)		2023
	VACANT		2025

Planning Board Alternates (3-yr terms)

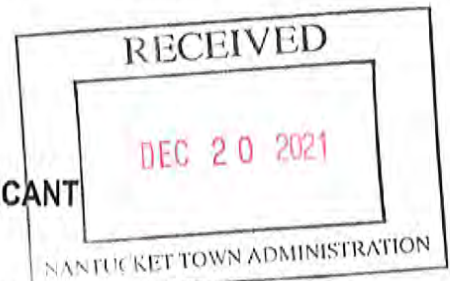
	Campbell Sutton	Alternate	2022
	Stephen Welch	Alternate	2023
	David Callahan	Alternate	2024

Applicants:

Barry G. Rector
David Callahan



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



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

Name: Barry G. Rector Home Phone: (508) 225-6479
Mailing Address: 14 Somerset Lane (mobile) (508) 776-2488
Email Address: barry.rector@verizon.net Date Submitted: 12/20/21

REQUESTING APPOINTMENT TO: Planning Board

Reasons for Committee Interest

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

Primarily, I wish to be of assistance to the Board with the regrettable loss of Mrs. Judith Wegner. During my tenure on the Board, I enjoyed the interactions with applicants and working with them to assist in achieving their goals. I also valued the many opportunities to try and work for the betterment of the Nantucket community.

Relevant Experience

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

- (A) I have 20 years current experience as a member of the Planning Board and acted as its chair for several years until the end of my term. Additionally, since I am unemployed at this time, I would speculate my probability of recusing from matters before the Board will be minimal.
- (B) I hope to assist the Planning Board during this difficult transition time. For the short interval before the next election, I trust that having a member experienced both with Nantucket and regulatory land-use law will ease the burdens of the Board and allow the public to continue working with the Board on a seamless basis.

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.

Cannabis Advisory Committee

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



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

RECEIVED

DEC 20 2021

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

NANTUCKET TOWN ADMINISTRATION

Name: DAVID CALLAHAN

Home Phone: 608-325-1881

Mailing

Address: Box 861, Nantucket, MA 02554

Alternate Phone: _____

Email Address: DAVID@JORDANRE.COM

Date Submitted: 12/20/21

REQUESTING APPOINTMENT TO: PLANNING BOARD

Reasons for Committee Interest

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

I am currently an alternate for the Planning Board and wish to move up to a full member. I have the experience, knowledge and will to serve. I think in this short term it is important to have experience fill the vacant slot on the Board. I have previously served as a full member. I know what the meeting schedule is and what preparation it entails.

Relevant Experience

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

I have been both a full member and currently an alternate member. I would hope to see some of the more difficult projects get moved to help the town and its residents with the best results.

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.
Planning Board Alternate
Abatement advisory Committee.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

I get financial consideration from the town for the Abatement advisory Committee.



Agenda Item Summary

Agenda Item #	X. 2.
Date	1/5/2022

Staff

Tucker Holland, Housing Director

Subject

Request from Housing Nantucket for additional financial support for the construction of 22 rental apartments at 31 Fairgrounds Road where all units are income restricted and 25% or more are restricted at 80% AMI or less, making all units eligible for inclusion on Nantucket's Subsidized Housing Inventory("SHI"). Building permits were pulled for all 22 units in December 2021 and all 22 units are already on our SHI and contributing to our current period of Safe Harbor.

Executive Summary

In the attached letter, you will see that Housing Nantucket recently requested additional financial support of \$2.26 million in the form of a grant for the project. The original construction cost was \$6.75 million (in the form of a loan) and these new funds would be in addition. In the letter from the Affordable Housing Trust, following its meeting on December 14th, you will see that the Trust is recommending partial financial support (\$1.766 million) with \$810,000 being a grant related to inflationary costs beyond the control of the project developers and \$956,000 being in the form of a loan, some or all of which may be forgivable under certain performance criteria. As this recommendation involves more than \$100,000, the Trust is seeking Select Board approval.

Staff Recommendation

Approve the additional funding as recommended by the Trust.

Background/Discussion

At the Affordable Housing Trust meeting on December 14, Housing Nantucket represented the project is still on track to have occupancy permits by July 2022 if these funds can be approved. Therefore, the Trust recommends the following in response to Housing Nantucket's request for additional financial support:

- A grant of \$810,000 to cover the inflationary pressures and enhanced construction techniques.
- A loan of \$856,000 to cover redesigns. Such loan would be non-amortizing during the 50 years that the original \$6,750,000 loan is being paid off and would then amortize at 0.5% interest over a 7-year term.
- The loan would have a forgivability component under certain performance criteria TBD and including the establishment by January 1, 2022 of a "construction committee" to consist of Anne Kuszpa (Housing Nantucket Executive Director), Steve Hollister (31 Fairgrounds Construction Consultant), Billy Cassidy (31 Fairgrounds Builder/Developer), Art Gasbarro or other designee of



Mr. Cassidy (31 Fairgrounds Engineer), Tucker Holland (Housing Director) and Penny Dey (AHT representative) with such committee meeting monthly during the first week of each month until the project is completed/occupied.

- A loan of \$100,000 to cover any modular construction costs associated with allowing the option for solar service. Such loan would be non-amortizing during the 50 years that the original \$6,750,000 loan is being paid off and would then amortize at 0.5% interest over a 7-year term.

Housing Nantucket has confirmed that building permits for all 22 units have been issued the Building Department of PLUS as of 12/15/2021. Housing Nantucket has also confirmed that the previously requested \$750,000 payment made 12/3/2021 by the Trust to Housing Nantucket for payment to Fairgrounds Commons LLC, principally for deposits on the modular units, was made by Housing Nantucket to Fairgrounds Commons LLC on 12/15/2021. Housing Nantucket has further agreed to all terms in the letter, with the clarification that the loan of \$100,000 be eligible to cover any modular construction *or infrastructure* costs associated with allowing the option for solar service. The AHT is amenable to this.

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

Support of year-round housing.

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Strategic Plan – Housing

Attachments

- 1) Housing Nantucket letter request and supporting documents
- 2) AHT letter in response to request
- 3) Building permits for 22 units at 31 Fairgrounds Road





75 Old South Road • P.O. Box 3149 • Nantucket, MA 02554 • Tel: 508.228.4422

December 9, 2021

Mr. Brian Sullivan, Chair
Town of Nantucket Affordable Housing Trust
16 Broad Street
Nantucket, MA 02554

RE: Request for grant funding at Wiggles Way

Dear Chairperson Sullivan and Members of the Affordable Housing Trust:

I am writing to request the Affordable Housing Trust consider allocating additional grant funding towards the development of 22 units of affordable housing at 31 Fairgrounds aka Wiggles Way.

The builder has approached us with a project redesign that he represents will enhance the development's appearance and livability. The proposed change in work reflects an increase in the number of buildings (from five to eight), an increase in the total square footage of all buildings (18,674 sqft to 20,702 sqft), as well as a shift in construction methodology driving the project in the direction of net zero energy, including building envelope improvements and a solar energy component. Additionally, the builder states that cost increases in materials, goods, and services necessitates a price adjustment.

The increased construction costs amount to \$2.266MM total, which the builder has broken down as follows:

\$856,000	redesigns approved by the Planning Board and HDC (attached)
\$600,000	solar array installation necessary to bring the project to net zero
\$810,000	various inflation pressures and consequences, in addition to enhanced construction techniques
\$2,266,000	Total ask

Our owner's project manager has looked at the specifics of the redesign on a cost per square foot basis. He has advised us it is in line with what the market would expect right now. He has provided the attached proposed change order to affect those changes should the AHT approve this request.

As you're aware, 100% of the units in this development will be income restricted. Rents are calculated using guidelines issued by the state to determine what is affordable for

low-and moderate-income households on Nantucket. There is no scenario we can raise rents beyond these formulas. Our rent rolls cannot absorb an increase in project costs. It is infeasible for us to take on further debt because the project would operate at a loss. Therefore, it is our request that the \$2.266 million in funding to cover these additional expenses be provided as a grant by the Trust to Housing Nantucket.

The builder states this increase will be the only necessary adjustment to the financial arrangement. He says he is confident in that assertion based on recent pricing compiled from subcontractors, the modular factory, and his own experience. As for timing of the funds, he anticipates needing them before the end of the second quarter 2022. He expects that the majority of these total additional funds would be spent in Q1, because most of the cost increase comes up front with the purchase and setting of the modules themselves.

Overall, this project is much nicer looking than the one originally presented to us. The apartments will be larger and be more energy-efficient, which will benefit the tenant families residing in the units. The project's net-zero energy usage will benefit the island as a whole relative to the need for a third electricity cable. If the AHT is willing to grant the money to fund these changes, we believe it will be a better project over the long term.

We look forward to discussing with you soon and seeing this project promptly move forward. Thank you for your ongoing support and generosity.

Sincerely,



Anne Kuszpa
Executive Director

Thursday, December 9, 2021

LAND DEVELOPMENT AGREEMENT CHANGE ORDER 1

The purpose of this document is to record a change order revising the Land Development Agreement, dated February 12, 2021, between FAIRGROUNDS COMMON, LLC ("FC") and HOUSING NANTUCKET ("HN") for the development of 31 Fairgrounds Road, Nantucket MA.

Plan & Specification Changes:

The work described in the Land Development Agreement will be modified per that attached plans and specifications, as enumerated below:

The Special Permit & Subdivision Modification Plans:

1. Fairgrounds Common, LLC Special Permit & Subdivision Modification Flex Development Plans, as updated December 6, 2021

The architectural plans as approved by the Historic District Commission:

2. 31 FAIRGROUNDS AVE BLD 1 HDC 071221
3. 31 FAIRGROUNDS AVE BLD 2 HDC 071221
4. 31 FAIRGROUNDS AVE BLD 3 HDC 071221
5. 31 FAIRGROUNDS AVE BLD 4 HDC 071221
6. 31 FAIRGROUNDS AVE BLD 5 HDC 071221
7. 31 FAIRGROUNDS AVE BLD 6 HDC 071221
8. 31 FAIRGROUNDS AVE BLD 7 HDC 071221
9. 31 FAIRGROUNDS AVE BLD 8 HDC 071221

The modular construction Pricing/Order Forms from KBS Builders Inc.:

10. Lot/Building 1 - Quote # Q-21-0169-MCB dated 12/6/21
11. Lot/Building 2 - Quote # Q-21-0195-MCB dated 12/6/21
12. Lot/Building 3 - Quote # Q-21-0196-MCB dated 12/9/21
13. Lot/Building 4 - Quote # Q-21-0197-MCB dated 12/6/21
14. Lot/Building 5 - Quote # Q-21-0198-MCB dated 12/6/21
15. Lot/Building 6 - Quote # Q-21-0199-MCB dated 12/6/21
16. Lot/Building 7 - Quote # Q-21-0200-MCB dated 12/6/21
17. Lot/Building 8 - Quote # Q-21-0171-MCB dated 12/6/21

The change in work reflects an increase in the number of buildings (from five to eight), an increase in the total square footage of all buildings, as well as a shift in construction methodology driving the project in the direction of net zero energy, including building envelope improvements and a solar energy component. All final specifications will be subject to approval by HN prior to implementation by FC.

Changes to the Project Cost:

The additional payment to be made by HN to FC for the cost of these changes is \$2,266,000.00 and the revised total project cost will be \$9,016,000.00, itemized as follows:

- \$856k due to redesigns approved by the Planning Board and HDC (attached) resulting in increased project living space (18,674 sq ft to 20,702 sq ft)
- \$600k for the solar array installation necessary to bring the project to net zero
- \$810k due to various inflation pressures and consequences, in addition to enhanced construction techniques

\$2,266,000 total

Payments for the work described herein will be made as per the Amended Schedule of Draws, dated December 9th, 2021 and attached hereto.

Agreed upon and accepted by:

FAIRGROUNDS COMMON, LLC.

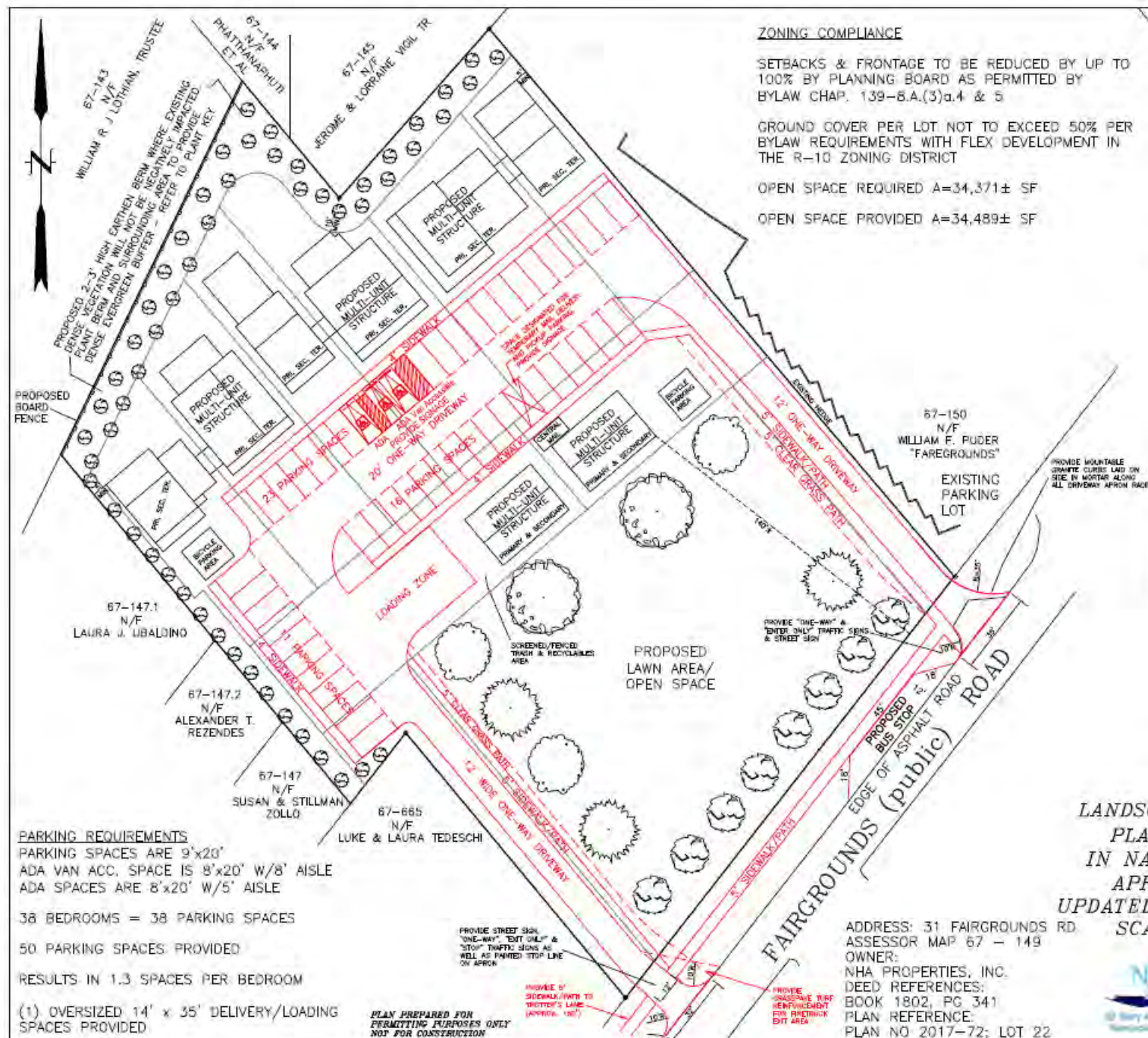
By:

_____ dated _____

HOUSING NANTUCKET

By:

_____ dated _____



PLANTING NOTES:

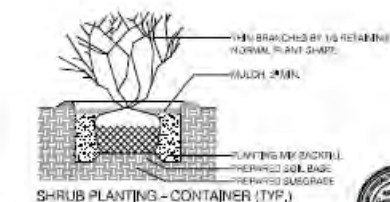
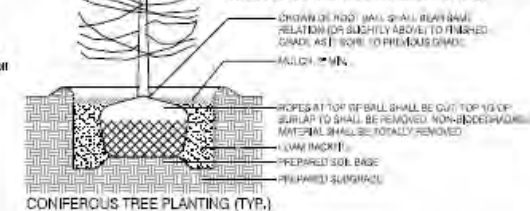
1. CONTRACTOR IS RESPONSIBLE FOR CONTACTING FOR DETERMINING OF THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCING THE WORK.
2. REMOVE ALL ROCKS AND DEBRIS LARGER THAN 2" DIAMETER FROM ALL PLANTING BEDS.
3. TOP SOIL PREPARATION- EXISTING ROOT MAT & STUMPS TO BE REMOVED PRIOR TO SOIL PREPARATION.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

PLANT KEY

PLANTING DETAILS:

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

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



**LANDSCAPE & LAYOUT
PLAN OF LAND
IN NANTUCKET, MA
APRIL 12, 2021
UPDATED: DEC. 6, 2021
SCALE: 1"=20'**

ADDRESS: 31 FAIRGROUNDS RD
ASSESSOR MAP 67 - 149
OWNER:
NHA PROPERTIES, INC.
DEED REFERENCES:
BOOK 1802, PG 341
PLAN REFERENCE:
PLAN NO 2017-72; LOT 22



Nantucket Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED

DATE SIGNED:

FILE #

December 9, 2021

Amended Schedule of Draws

1.	Payment at land closing (represents soft costs, design and development, etc.)	\$ 550,000
2.	Payment at time of ordering the eight modular buildings (\$93,750 per building)	750,000
3.	Payment upon issuance of permits.	106,000
4.	Payment when structures received and set on foundations and made tight to weather (\$476,250 per building)	3,810,000
	Payment when structures' roof and sidewall complete (\$93,750 per building)	750,000
6.	Payment upon road base coat installation	500,000
7.	Payment upon completion of rough mechanical, electrical and plumbing (\$62,500 per building)*	500,000
8.	Payment upon completion of finish mechanical, electrical and plumbing (\$75,000 per building)*	600,000
9.	Payment upon completion of solar installation. FC may request partial payment prior to completion, subject to approval by HN.	600,000
10.	Payment upon issuance of Certificates of Occupancy (\$75,000 per building)*	
11.	Payment upon full completion, including all punch list items	600,000
		<u>250,000</u>
TOTAL		\$ 9,016,000

* Completion of Items 6, 7 and 8 is defined by endorsement by each of the applicable inspectors at the Nantucket Building Department of the work within their purview.

NOTE: Payments that are specified as "per building" shall be payable for each building at the time when the work for that building has achieved the specified standard for payment.

NOTE: Fairgrounds Common will have the right to petition Housing

Nantucket for advance payment of certain portions of the draw schedule, when and if the acceleration of payment reflects a mutual benefit to FC and HN. For instance, portions of the fire suppression system & HVAC systems may be implemented by third-party subcontractors within the modular factory before the modules are shipped to the jobsite. Additionally, a portion of payment #5 ("upon road base coat installation") may be advanced when certain pre-paving preparation has been completed (drainage structures, road base, etc.). All advance payments will be subject to approval by HN and will reflect work-in-place (including the fabrication of modules off-site) and/or necessary material deposits (substantiated with documentation) for the purposes of securing better pricing.

Nantucket Affordable Housing Trust

c/o Town Administration, 16 Broad Street, Nantucket, MA 02554
p: 508-228-7200



Trust Members

Brian Sullivan, Chair & Real Estate Representative (2022)
Brooke Mohr, Vice Chair & Member-at-Large (2023)
Penny Dey, Housing Authority Representative (2022)
Dawn Hill Holdgate, Select Board Representative (2022)
Dave Iverson, NP&EDC Representative (2022)
[Open], Member-at-Large (2022)
Reema Sherry, Member-at-Large (2022)

Staff Support

Tucker Holland, Housing Director
Ken Beaugrand, Real Estate Specialist
Allyson Mitchell, Housing & Real Estate Office Manager

December 14th, 2021

Anne Kuszpa
Executive Director
Housing Nantucket
75 Old South Road
Nantucket, MA 02554

Re: 31 Fairgrounds Road – Request for Additional Financial Support

Dear Anne,

Thank you for attending today's meeting, along with Billy Cassidy, Pete Kaizer and Steve Hollister, and presenting your request for additional funding support for the 22-unit rental project at 31 Fairgrounds Road ("Wiggles Way Affordable Rentals").

The Trust deliberated in executive session today and at your request wanted to promptly respond to your ask for a grant in the amount of \$2,266,000 beyond the original \$3.6 million granted for the land acquisition and \$6,750,000 loaned for construction. We understand the breakdown of the \$2.266 million request to be as follows:

- \$856,000 related to redesigns approved by the Planning Board and HDC
- \$600,000 related to solar array installation necessary to bring the project to net zero
- \$810,000 related to various inflation pressures and consequences, in addition to enhanced construction techniques

We further understand from today's discussion at the Affordable Housing Trust meeting the following:

- The project is still on track to have occupancy permits by July 2022.

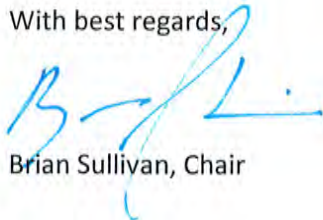
- At Housing Nantucket's request, \$750,000 was wired by the Trust / Town Finance Director to Housing Nantucket's account on Friday, December 3rd, 2021.
- These monies were / are intended to go to the builder (Fairgrounds Commons LLC) to largely be used as deposit with the modular factory for the construction of the housing units.
- Any further delay in the modular company receiving these funds will jeopardize the production timing and delivery of the project.
- Building permits for all 22 units will be issued by December 15th, 2021 by the Building Department of PLUS.

Therefore, conditional on the \$750,000 the Trust understands to be contractually due to Fairgrounds Commons LLC being paid by banking close of business on Wednesday, December 15th, 2021, the Trust is prepared to recommend the following to the Select Board:

- A grant of \$810,000 to cover the inflationary pressures and enhanced construction techniques.
- A loan of \$856,000 to cover redesigns. Such loan will be non-amortizing during the 50 years that the original \$6,750,000 loan is being paid off and will then amortize at 0.5% interest over a 7-year term.
- The loan may be forgiven under certain performance criteria TBD and including the establishment by January 1, 2022 of a "construction committee" to consist of Anne Kuszpa (Housing Nantucket Executive Director), Steve Hollister (31 Fairgrounds Construction Consultant), Billy Cassidy (31 Fairgrounds Builder / Developer), Art Gasbarro or other designee of Mr. Cassidy (31 Fairgrounds Engineer), Tucker Holland (Housing Director) and Penny Dey (AHT representative) with such committee meeting monthly during the first week of each month until the project is completed / occupied.
- A loan of \$100,000 to cover any modular construction costs associated with allowing the option for solar service. Such loan will be non-amortizing during the 50 years that the original \$6,750,000 loan is being paid off and will then amortize at 0.5% interest over a 7-year term.

This is an exciting project and we trust you and your board will find the above to be a way to manage the project going forward in a manner consistent with our original intent and with the best interests of the community in mind. Please advise your concurrence with all of the above. If we can be helpful to you in fundraising efforts with the community for the project to potentially offset some of the loan aspect, please let us know.

With best regards,



Brian Sullivan, Chair



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2522
Permit Type: Building (Residential)
Work Classification: New Structure
Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

Parcel Number

31 FAIRGROUNDS RD, Nantucket, MA 02554

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC

Contractor

(508)325-5736

will@stephensandcoinc.com

Description: LOT #7 - NEW THREE-FAMILY DWELLING -
FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:

Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

A certificate of Occupancy will be issued upon return of this Permit only after all the required inspections have been signed and dated by the appropriate Inspector.

This Permit shall become Invalid SIX (6) months from the date of issue if the work permitted has not commenced or is not progressing continuously to completion as far as reasonably practicable.

Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date

December 15, 2021

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES

Page 1 of 1



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2523

Permit Type: Building (Residential)

Work Classification: New Structure

Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

31 FAIRGROUNDS RD, Nantucket, MA 02554

Parcel Number

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC

Contractor

(508)325-5736

will@stephensandcoinc.com

Description: LOT #8 - NEW TWO-FAMILY DWELLING -
FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:	
Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

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Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2521

Permit Type: Building (Residential)

Work Classification: New Structure

Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

Parcel Number

31 FAIRGROUNDS RD, Nantucket, MA 02554

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC
(508)325-5736

Contractor

will@stephensandcoinc.com

Description: LOT #6 - NEW THREE-FAMILY DWELLING -
FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:

Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

A certificate of Occupancy will be issued upon return of this Permit only after all the required Inspections have been signed and dated by the appropriate Inspector.

This Permit shall become invalid SIX (6) months from the date of issue if the work permitted has not commenced or is not progressing continuously to completion as far as reasonably practicable.

Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Paul Murphy

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date

December 15, 2021

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES

Page 1 of 1



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2520

Permit Type: Building (Residential)

Work Classification: New Structure

Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

31 FAIRGROUNDS RD, Nantucket, MA 02554

Parcel Number

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC
(508)325-5736

Contractor

will@stephensandcoinc.com

Description: LOT #5 - NEW THREE-FAMILY DWELLING -
FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:	
Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

A certificate of Occupancy will be issued upon return of this Permit only after all the required Inspections have been signed and dated by the appropriate Inspector.

This Permit shall become Invalid SIX (6) months from the date of issue if the work permitted has not commenced or is not progressing continuously to completion as far as reasonably practicable.

Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2519

Permit Type: Building (Residential)

Work Classification: New Structure

Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

Parcel Number

31 FAIRGROUNDS RD, Nantucket, MA 02554

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC
(508)325-5736

Contractor

will@stephensandcoinc.com

Description: LOT #4 - NEW THREE-FAMILY DWELLING -
FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:	
Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

A certificate of Occupancy will be issued upon return of this Permit only after all the required Inspections have been signed and dated by the appropriate Inspector.

This Permit shall become Invalid SIX (6) months from the date of issue if the work permitted has not commenced or is not progressing continuously to completion as far as reasonably practicable.

Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2518

Permit Type: Building (Residential)

Work Classification: New Structure

Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

Parcel Number

31 FAIRGROUNDS RD, Nantucket, MA 02554

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC
(508)325-5736

Contractor

will@stephensandcoinc.com

Description: LOT #3 - NEW THREE-FAMILY DWELLING -
FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:	
Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

A certificate of Occupancy will be issued upon return of this Permit only after all the required Inspections have been signed and dated by the appropriate Inspector.

This Permit shall become Invalid SIX (6) months from the date of issue if the work permitted has not commenced or is not progressing continuously to completion as far as reasonably practicable.

Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2516

Permit Type: Building (Residential)

Work Classification: New Structure

Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

Parcel Number

31 FAIRGROUNDS RD, Nantucket, MA 02554

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC
(508)325-5736

Contractor

will@stephensandcoinc.com

Description: LOT #1 - NEW TWO FAMILY DU - FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:	
Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

A certificate of Occupancy will be issued upon return of this Permit only after all the required Inspections have been signed and dated by the appropriate Inspector.

This Permit shall become Invalid SIX (6) months from the date of issue if the work permitted has not commenced or is not progressing continuously to completion as far as reasonably practicable.

Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date



COMMONWEALTH OF
MASSACHUSETTS
Town of Nantucket
Planning and Land Use Services
2 Fairgrounds Road - Nantucket, MA 02554

Permit

Permit NO.: BLDR-2021-12-2517

Permit Type: Building (Residential)

Work Classification: New Structure

Permit Status: Issued

Issue Date: 12/15/2021

Expiration: 06/13/2022

Location Address

Parcel Number

31 FAIRGROUNDS RD, Nantucket, MA 02554

67 149

Contacts

NHA PROPERTIES INC dba Housing
Nantucket
75 OLD SOUTH RD, NANTUCKET, MA 02554

Parcel Owner

STEPHENS AND COMPANY, INC
(508)325-5736

Contractor

will@stephensandcoinc.com

Description: LOT #2 - NEW THREE-FAMILY DWELLING -
FOUNDATION ONLY

Valuation: \$0.00

Total Sq Feet: 0.00

Inspection Requests:

(508) 325-7587

Fees	Amount
Non-Structural Repair or Replacement	\$75.00
Total:	\$75.00

Payments	Amt Paid
Total Fees	\$75.00
Check # 1017	\$75.00
Amount Due:	\$0.00

Inspections:

Inspection Type	
Foundation	
Framing	
Throat Inspection - Chimney	
Insulation	
Steel	
Final	
Final - Chimney	
HDC	
Planning Board	

Provided that the person accepting this Permit shall conform to the terms of the application on file in the Building Department and to the provisions of the Statutes and the Ordinances relating to the Construction, Maintenance and Inspection of buildings in the Town of Nantucket, and the Massachusetts State Building Code 780 CMR 9th Edition.

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Persons contracting with unregistered contractors do not have access to the Guaranty Fund 780 CMR/MGL c142A.

Issued By: Paul Murphy

December 15, 2021

Date

Date

Date



Agenda Item Summary

Agenda Item #	X. 3.
Date	1/5/2022

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application – Change of Manager – ***The Nantucket Dreamland Foundation, dba Nantucket Dreamland, 17 South Water Street***

Executive Summary

The Nantucket Dreamland Foundation is applying for a Change of Manager for ***Annual General On-Premise All Alcohol*** Liquor License for ***The Dreamland at 17 South Water Street***.

The change will replace the current listed manager, ***Joe Hale***, with ***Alicia Carney, Executive Director of The Dreamland***.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. An amended License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

Per Chapter 250, Town of Nantucket, Rules and Regulations Governing Alcoholic Beverages:

The Board regards the manager of licensed premises as the principal representative of the licensee and, as such, having full authority and control of the licensed premises and of the conduct of all business taking place therein relative to alcoholic beverages, as referred to in Chapter 138 and the Regulations. The manager of the licensed premises must be a full-time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed premises, and must be a qualified seller or server of alcoholic beverages.

Requirements for Change of Manager Application:

- ABCC Manager Application
- Fingerprints through NPD
- CORI Authorization
- Vote of the Entity
- Proof of Citizenship (Manager must be U.S. citizen)



- Alcohol Servers Training Certificate (TIPs or similar approved MA certification)

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

Change of Manager Application; 2021 Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

04809-GP-0762

ABCC License Number

Nantucket

City/Town

12/14/2021

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee The Nantucket Dreamland Foundation

D/B/A Nantucket Dreamland

ADDRESS: 17 South Water Street

CITY/TOWN: Nantucket

STATE MA

ZIP CODE 02554

Manager Alicia L. Carney

Granted under Special Legislation? Yes ☐ No ☒

If Yes, Chapter

of the Acts of (year)

\$12 General On-Premises

Type

(i.e. restaurant, package store)

Annual

Class

(Annual or Seasonal)

All Alcoholic Beverages

Category

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

LOCAL LICENSING AUTHORITY DECISION

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

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

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

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

No

Changes to the Premises Description

Patio/Deck/Outdoor Area

Total Square Footage

Seating Capacity

Indoor Area

Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☐ No ☒

Date of Abutter Notification

Date of Advertisement

Please add any additional remarks or conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

01/05/2022

Date APPROVED by LLA



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

AMENDMENT-Change of Manager

☐ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

The Nantucket Dreamland Foundation

Nantucket

04809-GP-0762

2. APPLICATION CONTACT

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

Name

Title

Email

Phone

Alicia L Carney

Executive Director

alicia@nantucketdreamland.org

508-458-6452

3A. MANAGER INFORMATION

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

Proposed Manager Name Alicia L. Carney

Date of Birth

SSN

Residential Address

Email

alicia@nantucketdreamland.org

Phone

Please indicate how many hours per week
you intend to be on the licensed premises

50

Last-Approved License Manager

J. Joseph Hale

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be U.S. citizen

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

Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

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

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
05/01/2021		Executive Director	The Nantucket Dreamland Foundation	Denice Kronau & John Schmidt- Board C
05/30/2017		Director of Programming, Sp	The Nantucket Dreamland Foundation	Joe Hale

3D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature

A. L. Carney

Date 12/13/2021

APPLICANT'S STATEMENT

I, Alicia L. Carney the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory
of The Nantucket Dreamland Foundation
Name of the Entity/Corporation

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

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

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

Signature:

A. Carney

Date: 12/13/2021

Title:

Executive Director of The Nantucket Dreamland Foundation

CORPORATE VOTE

The Board of Directors or LLC Managers of

The Nantucket Dreamland Foundation

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Dec 13, 2021

Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize

Alicia L. Carney

Name of Person

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

"VOTED: To appoint

Alicia L. Carney

Name of Liquor License Manager

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

A true copy attest,

Denice Kronau

Corporate Officer /LLC Manager Signature

Denice Kronau

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

LICENSE #: 04809-GP-0762

LICENSE FEE: \$3,250.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN

ANNUAL GENERAL ON PREMISE LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: The Nantucket Dreamland Foundation

DBA: NANTUCKET DREAMLAND

PREMISES: 17 South Water Street.
Nantucket, MA 02554

MANAGER: J. Joseph Hale, Jr.

ON PREMISES DESCRIBED AS:

First Floor: Theater, lobby and concessions area.
Mezzanine and 2nd Floor guest areas to include
Studio Theater, Harborview Room and Terrace,
Commercial Kitchen and Administrative Offices.

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

Conditions of License: (per Board of Selectmen 1/23/19)

1. Only one drink purchase per person for theater events/movies.
2. Every alcohol purchase must be verified with identification.
3. Only ticketed customers may purchase alcohol for consumption in the theater.
4. Alcoholic Beverages sold for theater events/movies must be served in containers of different size and color than non-alcoholic beverages. Theater staff must be able to identify patrons consuming alcoholic beverages in theater to assure beverages are not handed off to under-age patrons.

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

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



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

**Unless earlier suspended, cancelled, or revoked*

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



Agenda Item Summary

Agenda Item #	X. 4.
Date	1/5/2022

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application – Change of Manager and Change of Officers – ***Sidney and Robert Henderson, Post 8608 VFW US, Inc., DBA VFW Post 8608, 22 Bunker Road***

Executive Summary

VFW Post 8608 is submitting an updated Change of Manager Application for an ***Annual, All Alcohol Club*** Liquor License.

The change will replace the current listed manager, ***Arnold Paterson***, with ***Dora Lee Nolan***.

This is an updated application with changes made at the request of the ABCC and requires a vote by the Select Board to move the application forward for final ABCC review.

Staff Recommendation

Applicant has made the corrections and submitted the documentation as requested by the ABCC. Recommended approval of documents to be submitted to ABCC for reconsideration.

Background/Discussion

This application was originally submitted and approved by the Select Board on 12/16/2020. The ABCC returned the application on 1/20/21 with requested changes and documents to complete the application (see attached). Licensing met with and reviewed these changes with the VFW on 1/25/21. The changes were made and resubmitted in December 2021.

Change of Manager Requirements:

Per Chapter 250, Town of Nantucket, Rules and Regulations Governing Alcoholic Beverages:

The Board regards the manager of licensed premises as the principal representative of the licensee and, as such, having full authority and control of the licensed premises and of the conduct of all business taking place therein relative to alcoholic beverages, as referred to in Chapter 138 and the Regulations. The manager of the licensed premises must be a full-time employee or a corporate officer of the licensee (except in the case of a Veteran's Club which applies to this applicant), must be engaged exclusively in the management of the licensed premises, and must be a qualified seller or server of alcoholic beverages.



Requirements for Change of Manager and Change of Officers Application:

- ABCC Manager Application (updated)
- Fingerprints through NPD
- CORI Authorization (updated)
- Certificate of Good Standing (Updated)
- Certificate of Compliance (updated)
- Vote of the Entity
- Proof of Citizenship (Manager must be U.S. citizen)
- Alcohol Servers Training Certificate (TIPs or similar approved MA certification)
- Secretary of State Annual Report (updated)

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 Multiple Amendments Application; Liquor License; ABCC Recommendation of the Investigator; Portion of 12/16/2020 Select Board minutes





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☒ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00039-CL-0762

Nantucket

12/10/2021

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee Sidney & Robert Henderson, Post 868 VFW US, Inc.

D/B/A VFW Post 8608

ADDRESS: 22 Bunker Road

CITY/TOWN: Nantucket

STATE

MA

ZIP CODE 02554

Manager Dora Lee Nolan

Granted under Special Legislation? Yes ☐ No ☒

\$12 Veterans Club

Annual

All Alcoholic Beverages

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

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

If Yes, Chapter
of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority:

Approves this Application

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

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

Please indicate if the LLA is
downgrading the License

Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area

Total Square Footage

Seating Capacity

Indoor Area

Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☐ No ☒

Date of Abutter
Notification

Date of
Advertisement

Please add any
additional remarks or
conditions here:

Multiple amendments: Change of Manager and Change of Officers/Directors/

☒ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

1/5/2022

Date APPROVED by LLA



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L0864174784
Notice Date: November 30, 2021
Case ID: 0-001-328-161



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



VETERANS OF FOREIGN WARS DEPT
22 NEW SOUTH RD
NANTUCKET MA 02554

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, VETERANS OF FOREIGN WARS DEPT is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

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

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

What if I have questions?

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

Visit us online!

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

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

Edward W. Coyle, Jr., Chief
Collections Bureau



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

Charles D. Baker
GOVERNOR

Karyn E. Polito
LT. GOVERNOR



379136979

Rosalin Acosta
SECRETARY

Richard A. Jeffers
DIRECTOR

VETERANS OF FOREIGN WARS DEPT.
PO Box 3640
Nantucket, MA 02584-3640

EAN: 22023733
December 01, 2021

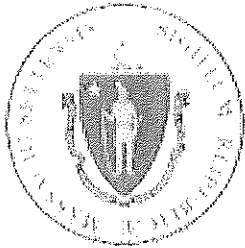
Certificate Id:53707

The Department of Unemployment Assistance certifies that as of 12/1/2021 ,VETERANS OF FOREIGN WARS DEPT. is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

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

Richard A. Jeffers, Director

Department of Unemployment Assistance



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$15.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Annual Report

(General Laws, Chapter 180)

Identification Number: 046126792

Filing for November 1, 2021

In compliance with the requirements of Section 26A of Chapter one hundred and eighty (180) of the General Laws:

1. Exact name of the corporation: SIDNEY & ROBERT HENDERSON POST #8608, V.F.W. OF THE U.S., INC.

2. Location of its principal office:

No. and Street: 48 BARTLETT RD
22 NEW SOUTH RD

City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

3. DATE OF THE LAST ANNUAL MEETING: 11/1/2021 (mm/dd/yyyy)
 (if none leave blank)

4. State the names and street addresses of all officers, including all the directors of the corporation, and the date on which the term of office of each expires:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code	Expiration of Term
PRESIDENT	MATTHEW D WATSON	48 BARTLETT RD NANTUCKET, MA 02554 USA	06/01/2022
TREASURER	PATRICK R NOLAN	49 CATO LANE NANTUCKET, MA 02554 USA	06/01/2022
CLERK	LEROY E ANDERSON	PO BOX 2656 NANTUCKET, MA 02584 USA	06/01/2022
VICE PRESIDENT	BERTYL V JOHNSON	PO BOX 3270 NANTUCKET, MA 02584 USA	06/01/2022
DIRECTOR	DREW A ARENT	PO BOX 815 NANTUCKET, MA 02554 USA	06/01/2022

5. Check if the corporation is a cemetery corporation that does NOT hold perpetual care funds in trust. If the corporation is a cemetery corporation that holds perpetual care funds in trust, a copy of the written instrument establishing the trust and any amendments thereto must be attached, and the annual report must be filed by facsimile, mail or in person. _____

I, the undersigned, PATRICK R NOLAN of the above-named business entity, in compliance with the General Laws, Chapter 180, hereby certify that the above information is true and correct as of the dates shown. IN WITNESS WHEREOF AND UNDER PENALTIES OF PERJURY, I hereto sign my name on this 30 Day of November, 2021.

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

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

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

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

Name of Principal	Residential Address	SSN	DOB	Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Sidney and Robert Henderson POST # 8608 VFW US INC	22 Bunker Road, Nantucket, MA 02554	N/A	N/A	Licensee	100%	☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes ☒ No
Matthew D. Watson				President	0%	☐ Yes ☒ No	☒ Yes ☐ No	☒ Yes ☐ No
Patrick R. Nolan				Treasurer	0%	☐ Yes ☒ No	☒ Yes ☐ No	☒ Yes ☐ No
Leroy E. Anderson				Clerk	0%	☐ Yes ☒ No	☒ Yes ☐ No	☒ Yes ☐ No
Bertyl V. Johnson				Vice President	0%	☐ Yes ☒ No	☒ Yes ☐ No	☒ Yes ☐ No
Drew Arent				Director	0%	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

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

☐ Yes ☒ No

MANAGEMENT AGREEMENT

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

☐ Yes ☒ No

ENTITY VOTE

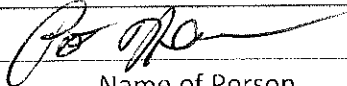
The Board of Directors or LLC Managers of Sidney and Robert Henderson POST No. 8608 VFW US, Inc
Entity Name
duly voted to apply to the Licensing Authority of Nantucket and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 1/6/2020
Date of Meeting

For the following transactions (Check all that apply):

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

"VOTED: To authorize

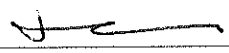
Patrick Nolan


Name of Person

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

"VOTED: To appoint

Dora Lee Nolan


Name of Liquor License Manager

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

A true copy attest,



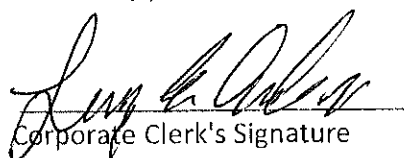
Corporate Officer /LLC Manager Signature

Patrick Nolan

(Print Name)

For Corporations ONLY

A true copy attest,



Corporate Clerk's Signature

Leroy Anderson

(Print Name)

LICENSE #: 00039-CL-0762

LICENSE FEE: \$1,000.00

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

BUSINESS: Sidney & Robert Henderson
Post 868 VFW US, Inc.

DBA: VFW Post 8608

PREMISES: 22 Bunker Road
Nantucket, MA 02554

MANAGER: Dora Lee Nolan

ON PREMISES DESCRIBED AS:

Large Function Room of approximately 2800 sq ft, Small Function Room of approximately 2200 sq ft, kitchen with adjacent storage room, club area with tables, high tops and bar seats for members and guests on left side of building.

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

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

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



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

**Unless earlier suspended, cancelled, or revoked*

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

RECOMMENDATION OF THE INVESTIGATOR

Licensee:

Sidney & Robert Henderson Post 8608 VFW US, Inc

City/Town

Nantucket

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

I have reviewed the Application and recommend:

RETURN NO ACTION

CORI CHECK COMPLETE:

☐ No Criminal Record Found

☐ See CORI that indicates criminal history

Investigator Comments

Upon review of the submitted application the licensee must submit the following additional information, corrections:

The licensee must submit updated Certificate of Good Standing from the Department of Revenue and Department of Unemployment Assistance dated within 90 days;

All proposed Officer(s) Director(s) must submit printed notarized CORI Authorization Forms, found on the ABCC website @ www.mass.gov/abcc.

Section 6, Page 8 of the submitted application for Proposed Officer(s) Director(s) must agree with the filed Secretary of State Annual Report Dated November 1, 2019. Please remove check marks indicating the listed Officer(s) as directors. These individuals are not listed as directors under this filing. Also please correct indicated Patrick Nolan is not a director of the entity.

The submitted vote for a Change of Manager and Change of Officer(s) Director(s) must be signed on both the right and left of the submitted document.

The local licensing authority upon review and resubmission for reconsideration of the application must sign the review record on the left of the approved record not the right.

Rosemary Egan Bailey

Investigator

Rose Bailey

Date

1/20/2021

2. Approval of Payroll Warrant for December 13, 2020. Mr. Fee moved approval; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

3. Approval of Treasury Warrants for December 16, 2020. Mr. Fee moved approval; Ms. Murphy seconded. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

4. Approval of Pending Contracts from December 16, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Ferrantella moved approval; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

VIII. PRESENTATIONS

1. Energy Coordinator: Update on Solar Project at Wannacomet Water Company, 1 Milestone Road. Energy Coordinator Lauren Sinatra provided an overview of this project and introduced Christopher McCarthy of SunPower, the developer for the project. Mr. McCarthy noted a Department of Environmental Protection grant received for this project and gave a presentation on the specifics of the project, including economic benefits, sustainability and resiliency benefits, and other project details, including location, permitting, appearance, timelines and project milestones. He also noted the general provisions of the necessary contracts for the project and next steps. Chair Holdgate noted that part of the HDC approval requires vegetative screening. Mr. McCarthy said that SunPower has currently allocated up to \$25,000 for additional screening. Some discussion followed regarding screening and funding sources. Mr. Fee commented that responsibility for the screening needs to be “ironed out” before the contract is signed. Ms. Sinatra said that is happening now, with Town Counsel’s review. Mr. Bridges asked about environmental concerns raised by the Nantucket Land Council, with respect to groundwater. Some discussion continued. Ms. Murphy moved to authorize the Town Manager to execute the three agreements (PILOT, AOBC and Land Lease) with SunPower contingent upon Town Counsel’s final negotiation of terms and conditions; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

IX. CITIZEN/DEPARTMENT REQUESTS

1. Request for Approval of Change of Manager and Change of Officers/Directors Application for Annual All-Alcoholic Beverages Veterans Club License for Sidney & Robert Henderson Post 8608 VFW US Inc d/b/a VFW Post 8608 from Arnold Paterson, Manager, to Dora Lee Nolan, Manager, for Premises Located at 22 Bunker Road. Mr. Fee moved approval; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

X. REAL ESTATE ITEMS

1. Request for Approval and Execution of Land Transactions with Peter H. and Thea K. Kaizer pursuant to Land Exchange Agreement Approved on November 18, 2020 (Tabled from December 2, 2020): a) Acceptance of Quitclaim Deed and Settlement Statement from Peter H. and Thea K. Kaizer to Town of Nantucket for 24 Surfside Road, Nantucket, Pursuant to Vote on Article 99 of 2020 Annual Town Meeting; b) Quitclaim Deed, Title Insurance Affidavit and Settlement Statement to Peter H. and Thea K. Kaizer for Two Parcels of Town-owned Land Located at 5 Weweeder Avenue and 6 Nobadeer Avenue, Nantucket, Pursuant to Vote on Article 87 of 2010 Annual Town Meeting; and c) Use and Occupancy Agreement for 24 Surfside Road. Real Estate Specialist Ken Beaugrand explained the transaction. Chair Holdgate read the motion prepared by Town Counsel: “MOVED: That we vote to approve and execute the following documents to effectuate the land exchange between Peter H. Kaizer and Thea K. Kaizer and the Town of Nantucket: 1) Acceptance of Deed



Agenda Item Summary

Agenda Item #	XI. 1.
Date	1/5/2022

Staff

Amy Baxter, Licensing Administrator

Subject

New Restaurant Application to Include: Common Victualler with Annual All-Alcoholic Beverages On-Premise License – Servedwell Brotherhood, LLC dba The Brotherhood of Thieves, 23 Broad Street, James T. Strombino, Manager.

Executive Summary

The Applicant seeks NEW Licenses for the operation of The Brotherhood of Thieves at 23 Broad Street.

The Licenses under review in separate Public Hearings are:

- Common Victualler with Annual All-Alcoholic Beverages Restaurant Liquor License
- Live Entertainment License for Interior Spaces.

The Licenses of the former operator, The Brotherhood of Thieves Restaurant Management Group, LLC were not renewed by vote of the Select Board on December 15, 2021. The Licenses have not been active since early 2020.

Staff Recommendation

Comments and Consideration:

- 1) Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, decisions of the Local Licensing Authority must be based on reasonable grounds;
- 2) ABCC and courts prefer findings be based on the following:

The appropriateness of a liquor license at a particular location

- The Brotherhood is in the downtown Historic District and within walking distance of the majority of restaurants, shops and transportation for the island.

The number of existing dispensaries in Town

Annual Package Stores – Wine & Malt:	4
Annual Package Stores – All Alcohol:	5
Seasonal Package Stores – Wine & Malt:	3
Seasonal Package Stores – All Alcohol:	4
Annual On Premise Licenses:	43
Seasonal On-Premise Licenses:	41

The views of the inhabitants of the locality in which a license is sought



- Comments received as of December 28 were directed to the Planning Board in reference to the proposal for a Special Permit Amendment currently under review. They do not apply to the current application. The main concern is expansion of the patio and outdoor premises and addition of Entertainment and noise associated with the expansion. The Planning Board must vote on modifications to the Special Permit before they can be considered for any Licenses on the property.

Traffic, noise, size (typically applies to a new location)

- The Brotherhood property is in the heart of the Historic District. The application before the Select Board seeks the same licenses and conditions applied to the former operator.
- No noise complaints on record with NPD in past 3 years (no operations in 2021). 2 complaints in 2017 related to construction and 1 complaint for loud music indoors and windows were shut in response.
- Property has multiple residential abutters behind the building and patio area. Abutters have consistently supported the Planning Board/Special Permit noise mitigation efforts and restriction on outdoor music.

The sort of operation that carries the license and reputation of the applicant

- The Applicant has successfully operated over a dozen restaurants throughout Massachusetts – list of locations included on application.

Background/Discussion

1. See attached Major Commercial Development Special Permits from the Planning Board for current conditions for use of the property at 23 Broad Street.

Please note the following highlighted sections that apply to the application before the Select Board:

- a. "That no exterior speakers be located on the premises." PB #13-04 (Condition #7)
- b. "That no music may be played or performed outside at any time." PB #13-04 (Condition #8)
- c. "That only low level, indirect lighting shall be utilized on the patio unless the patio is covered with an awning or roof. All lighting on the patio shall be extinguished by 11:30 pm." MCD 13-04 (Condition #18 - Modification #2)
- d. "That all service on the patio and the associated bar cease by 11:00 pm. The patio shall be completely closed and any remaining customers shall have been relocated to the interior of the building." MCD 13-04 (Condition #19 - Modification #2)
- e. Allowed expansion of patio area for a total maximum occupancy of 80 seats. Original MCD Decision (PB#13-04, Condition 4) allowed for total capacity of 60 seats on patio and maximum of 8 bar seats. PB #04-15

2. Current Application before the Planning Board for property at 23 Broad Street:

- a. The owners of the property at 23 Broad Street (23 Broad Street LLC) are currently before the Planning Board for a request for modification of the Special Permit.
- b. The Applicant for the Licenses before the Select Board on 1-5-22 are tenants at 23 Broad Street and a separate entity from the applicant before the Planning Board.



- c. Summary of the Application before the Planning Board: The Applicant (23 Broad Street LLC) is proposing to modify the existing MCD Decision to allow changes, renovations and an addition to the property. The Applicant proposed to maintain the downstairs restaurant and convert the downstairs kitchen to a micro distillery, brewery, and winery. The upstairs restaurant would operate as a separate entity but would share the upstairs kitchen. The existing upstairs dining area would remain, and the Applicant is proposing the addition of a new bar area and an area for indoor live performances. A small addition of 107 sq ft is being proposed on southwest portion of the building. On the exterior, the existing awning will be replaced to allow for better sound distribution and attenuation. The Applicant is proposing an outdoor bar area and an area for live acoustic music. Food service will be available to the patio area through the upstairs kitchen and operator. The Applicant is requesting that the exterior occupancy load be increased to 195.
- d. Any approved modifications to the Special Permit that affect Licensing conditions **must also be approved by the Select Board** to be allowed and added to Licenses (i.e. Outdoor Entertainment).

3. Licensing Conditions/Comments:

- a. The proposed License Manager, James T. Strobino is an approved Manager on the New Bedford Liquor Licenses also operated by the applicant. The applicant must replace Mr. Stobino on those licenses and is in the process of doing so.
- b. Per Chapter 250, Town of Nantucket, Rules and Regulations Governing Alcoholic Beverages: The Board regards the manager of licensed premises as the principal representative of the licensee and, as such, having full authority and control of the licensed premises and of the conduct of all business taking place therein relative to alcoholic beverages, as referred to in Chapter 138 and the Regulations. The manager of the licensed premises must be a full-time employee or a corporate officer of the licensee, **must be engaged exclusively in the management of the licensed premises**, and must be a qualified seller or server of alcoholic beverages.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

Public hearing advertised in the I&M

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

N/A

Attachments

New Liquor License ABCC Application and Floor Plans; ABCC Summary Form; Determination Letter; 2020 Liquor License for 23 Broad Street; Draft Liquor License; Planning Board Special Permits: 13-04; 13-04 Modifications (2005; 2007); 04-15 ; Select Board Liquor License Public Hearing Process



Board of Selectmen Liquor License Public Hearing Process

Liquor License Public Hearing Process

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



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

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

APPLICANT INFORMATION

Name of Licensee	Servedwell Brotherhood, LLC	D/B/A	The Brotherhood of Thieves				
ADDRESS:	23 Broad Street	CITY/TOWN:	Nantucket	STATE	MA	ZIP CODE	02554
Manager	James T. Strombino	Granted under Special Legislation? Yes ☐ No ☒					
\$12 Restaurant	Annual	All Alcoholic Beverages	If Yes, Chapter				
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	of the Acts of (year)				

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority:	Approves this Application	Please indicate what days and hours the licensee will sell alcohol:	Monday-Saturday 8 AM - 1AM. Sunday 11 AM-1AM

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

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol): No	<u>Changes to the Premises Description</u>	Indoor Area Total Square Footage		Floor Number	Square Footage	Number of Rooms
	Patio/Deck/Outdoor Area Total Square Footage		Number of Entrances			
	Seating Capacity		Number of Exits			

Abutters Notified: Yes ☒ No ☐	Date of Abutter Notification	11-22-21	Date of Advertisement	12/23/21, 12/30/21

Please add any additional remarks or conditions here:

☐ Check here if you are attaching additional documentation

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

The Local Licensing Authorities By:

Date APPROVED by LLA

Michael A. Kehoe
(774) 206-8294
mkehoe@psh.com

December 13, 2021

Jason Bridges, Select Board Chair
C. Elizabeth Gibson, Town Manager
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

Re: Servedwell Brotherhood, LLC

Dear Select Board Chair and Town Manager:

I represent Servedwell Brotherhood, LLC, the applicant requesting the issuance of an On Premises Annual Retail Restaurant All Alcoholic Beverages License and the applicant for an Entertainment License (7 days per week).

My client will own and conduct the restaurant located at 23 Broad Street, the lower level, first floor and outdoor area, in Nantucket called The Brotherhood of Thieves. This is the same Premises previously used and already approved for use as the former "Brotherhood of Thieves" – the same use as planned by my client and the same Premises as the former proprietor of the Brotherhood of Thieves used to run his operation. My client will conduct its restaurant operation during the same hours and days as the prior owners and license holders had done. To that end, my client agrees that no alcohol will be served after 1:00am and the restaurant will close no later than 1:30am. On the Premises there will be, as there had been in the past, entertainment similar to that which has been provided to "Brotherhood" patrons.

My client has selected James T. Strobino as the manager of the licenses. Jamie has a proven track record as an excellent manager of restaurants, liquor licenses and hospitality venues. Jamie's long-standing managerial experience in the hospitality industry proves that he is extremely capable of training staff, managing the liquor license and ensuring the proper day to day functioning of the restaurant.

Meanwhile, the owner of Servedwell Brotherhood, LLC, Stephen T. Silverstein is an iconic restauranter. He was the founder and creative spark for the popular Not Your Average Joe's restaurant chain. Steve is currently the owner of the most innovative and successful

Jason Bridges, Select Board Chair
C. Elizabeth Gibson, Town Manager
Town of Nantucket
December 13, 2021
Page 2

PARTRIDGE SNOW & HAHN LLP

restaurants on the Southcoast. Together, he and Jamie bring first class creativity, menu choices, ambiance and management to the Brotherhood. This will resurrect and enhance what was a popular and iconic Nantucket establishment and provide a dining experience unique to Nantucket. In turn, a successful Brotherhood of Thieves will provide both direct and indirect benefits to the Town and Island.

In short, please schedule our applications for licenses at your earliest date. Thank you for your time and attention.

Sincerely,



Michael A. Kehoe

MAK:mjc



Town & County of **NANTUCKET, MA**

At the Select Board meeting held Wednesday, January 5, 2022, the Board approved the application for a New Annual Common Victualler with All-Alcoholic Beverages Restaurant License and New Entertainment License for Servedwell Brotherhood, LLC dba The Brotherhood of Thieves, located at 23 Broad Street, Nantucket, MA 02554, James T. Strombino, Manager. The Board determined that this new liquor license is not detrimental to the spiritual activities of the First Congregational Church, 62 Center Street, Nantucket, MA 02554. The First Congregational Church is located within 500 feet of the licensed premises of The Brotherhood of Thieves.

Jason Bridges, Chair

Kristie Ferrantella, Vice Chair

Matt Fee

Dawn Hill Hodgate

Melissa Murphy

LAST ACTIVE LIQUOR LICENSE FOR 23 BROAD STREET

LICENSE #: 00164-RS-0762

LICENSE FEE: \$3,250.00

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

BUSINESS: The Brotherhood of Thieves

Restaurant Mgmt Group, LLC

DBA: The Brotherhood of Thieves

PREMISES: 23 Broad Street

Nantucket, MA 02554

MANAGER: Donald Kolp

ON PREMISES DESCRIBED AS:

Two-Story Building, All Egresses on Broad Street.
Enclosed Patio and exterior bar area.

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

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 18th day of December 2019.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2020

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

A Current Certificate of Inspection with Approved Occupancy Must Always be Posted with this License.

ANNUAL LICENSE #: TBD

LICENSE FEE: \$3,300.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS A

DRAFT COMMON VICTUALLER LICENSE

TO SELL AND DISPENSE FOOD TO STRANGERS AND TRAVELLERS

TO EXPOSE, KEEP FOR SALE, AND TO SELL

ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Servedwell Brotherhood, LLC

DBA: The Brotherhood of Thieves

PREMISES: 23 Broad Street

Nantucket, MA 02554

MANAGER: James T. Strombino

ON PREMISES DESCRIBED AS:

Two-Story Building, All Egresses on Broad Street. Enclosed
Patio and exterior bar area.

TOTAL CAPACITY INTERIOR: TBD at COI Inspection

TOTAL CAPACITY PATIO: 80 (per PB #04-15)

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

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this X day of X.

**NOT VALID WITHOUT
SIGNATURE**

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2022

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

A Current Certificate of Inspection with Approved Occupancy Must Always be Posted with this License.



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

APPLICATION FOR A NEW LICENSE

Municipality

Nantucket

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

On-Premises-12

TYPE

\$12 Restaurant

CATEGORY

All Alcoholic Beverages

CLASS

Annual

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

New All Alcoholic Beverages License for 23 Broad Street, Nantucket. The intention is to conduct business in the same manner as it has been previously conducted at said premises, with an upscale manu and remodeled (but not expanded nor structurally renovated) premises.

Is this license application pursuant to special legislation?



Yes



No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

Servedwell Brotherhood, LLC

FEIN

DBA

The Brotherhood of Thieves

Manager of Record

Stephen Silverstein

Street Address

23 Broad Street, Nantucket, MA 02554

Phone

Email

steve@nyajdartmouth.com

Alternative Phone

Website

pending

3. DESCRIPTION OF PREMISES

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

Please see attached exhibit. The Premises is the previous location of the Brotherhood of Thieves at 23 Broad Street, Nantucket, MA. The prior restaurant and the current premises is located on the 1st floor, patio area and 2nd floor of 23 Broad Street.

Total Square Footage:

10,118

Number of Entrances:

1-1st; 1-2nd

Seating Capacity:

102-1st; 70-2nd

Number of Floors

2

Number of Exits:

1-1st; 2-2nd

Occupancy Number:

89-1st; 190-2nd

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Michael A. Kehoe, Esq.

Phone:

774-206-8200

Title:

Attorney

Email:

mkehoe@psh.com

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	Sep 17, 2021
State of Incorporation	Massachusetts	Is the Corporation publicly traded? ☐ Yes ☒ No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	SSN	DOB
Stephen Silverstein	[REDACTED]	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Manager	100%	☒ Yes ☐ No	☒ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

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

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality
See attached list			

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality
See attached list			

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name 23 Broad Street Master Tenant, LLC

Landlord Phone 617-470-1111

Landlord Email will@willmcdonough.com

Landlord Address

Lease Beginning Date 11/1/2021

Rent per Month \$10,000

Lease Ending Date 10/31/2026

Rent per Year \$120,000

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

☐ Yes ☒ No

6A

Name	License Type	License Name	Municipality
Stephen Silverstein	Common Victualler All Alcoholic	Servedwell Dartmouth, LLC d/b/a Not Your Average Joe's, Inc.	Dartmouth, MA
Stephen Silverstein	All Alcoholic	Servedwell Fisherman's Pier, LLC d/b/a The Black Whale	New Bedford, MA
Stephen Silverstein	All Alcoholic	Servedwell New Bedford, LLC d/b/a Cisco Brewers Kitchen & Bar	New Bedford, MA
Stephen Silverstein	All Alcoholic	Servedwell Cultivator Shoals, LLC d/b/a Cultivator	New Bedford, MA
Stephen Silverstein	All Alcoholic	Servedwell Fisherman's Pier, LLC d/b/a The Whale's Tail	New Bedford, MA

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? X YES

If yes, list in table below:

Name	License Type	License Name	Municipality
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Hyannis, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Acton, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Norwell, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Seekonk, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Wesborough, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Arlington, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Peabody, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Waltham, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Westwood, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Burlington, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Methuen, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Randolph, MA
Stephen T. Silverstein	All Alcoholic	Not Your Average Joe's, Inc.	Watertown, MA

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	n/a
B. Purchase Price for Business Assets	n/a
C. Other * (Please specify below)	\$150,000
D. Total Cost	\$150,000

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

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

Name of Contributor	Amount of Contribution
See Exhibit 8	
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

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

FINANCIAL INFORMATION

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

\$100,000 for personal property and working capital; \$50,000 for inventory. Landlord shall pay for all remodeling.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be a U.S. Citizen

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

Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
2019		Executive Vice President	Servedwell	Stephen T. Silverstein
2013	2019	Senior Vice President	Not Your Average Joe's	Stephen T. Silverstein
2007	2012	Senior Vice President	UNO Restaurant	Frank Guidivaceo
1998	2007	COO	Not Your Average Joe's	Stephen T. Silverstein

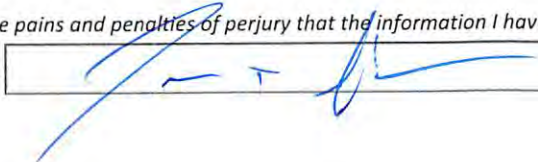
D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature



Date

12/10/21

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 11.

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

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

11A. MANAGEMENT ENTITY

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

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

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

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

Name	License Type	License Name	Municipality

APPLICANT'S STATEMENT

I, Stephen Silverstein the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

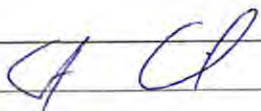
of Servedwell Brotherhood, LLC
Name of the Entity/Corporation

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

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

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

Signature:



Date:

12/10/21

Title:

Manager

ENTITY VOTE

The Board of Directors or LLC Managers of Servedwell Brotherhood, LLC
Entity Name
duly voted to apply to the Licensing Authority of Nantucket and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Oct 14, 2021
Date of Meeting

For the following transactions (Check all that apply):

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

"VOTED: To authorize Stephen Silverstein
Name of Person

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

"VOTED: To appoint James T. Strombino
Name of Liquor License Manager

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

A true copy attest,



Corporate Officer /LLC Manager Signature

Steven Silverstein
(Print Name)

For Corporations ONLY

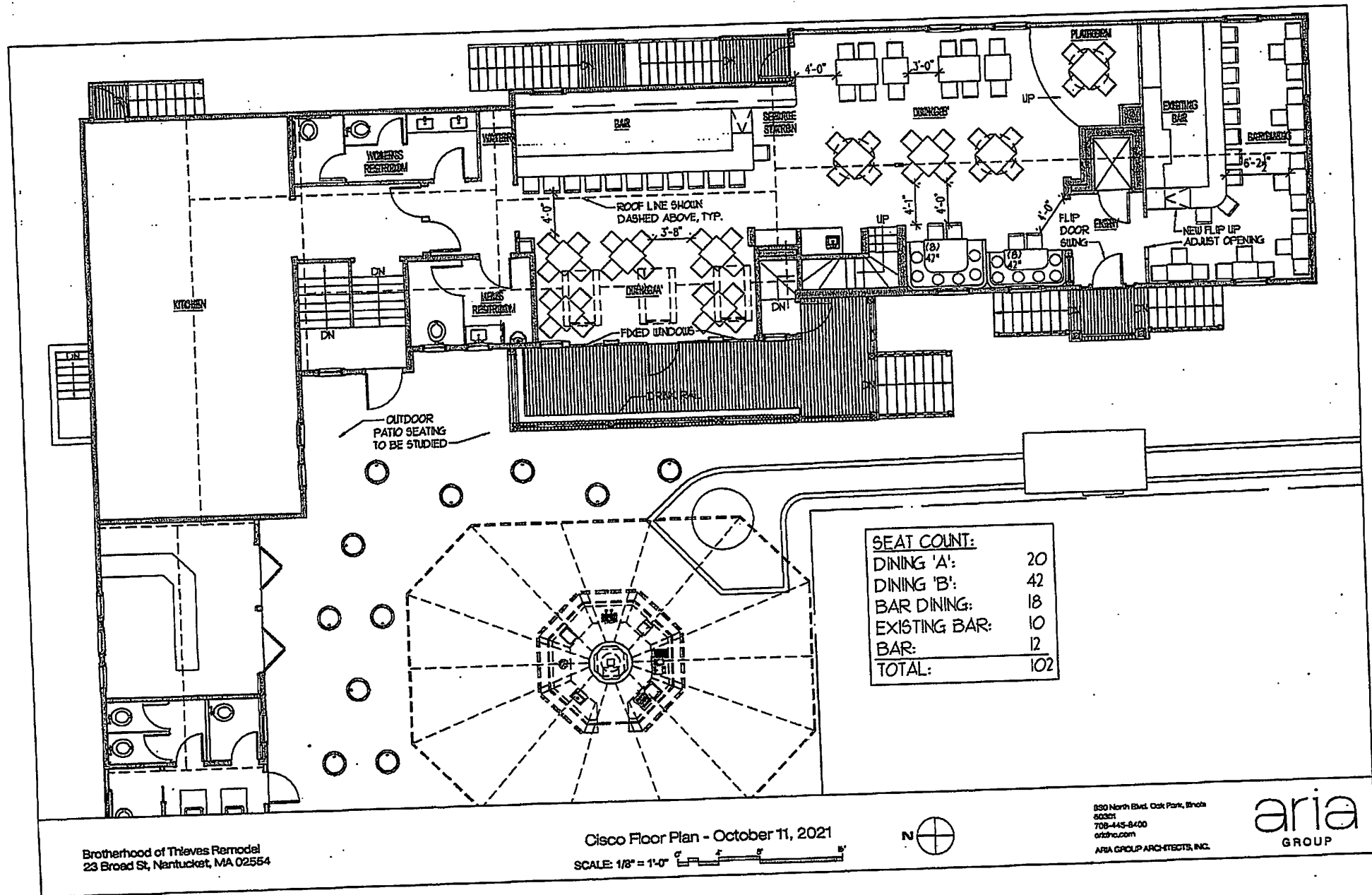
A true copy attest,

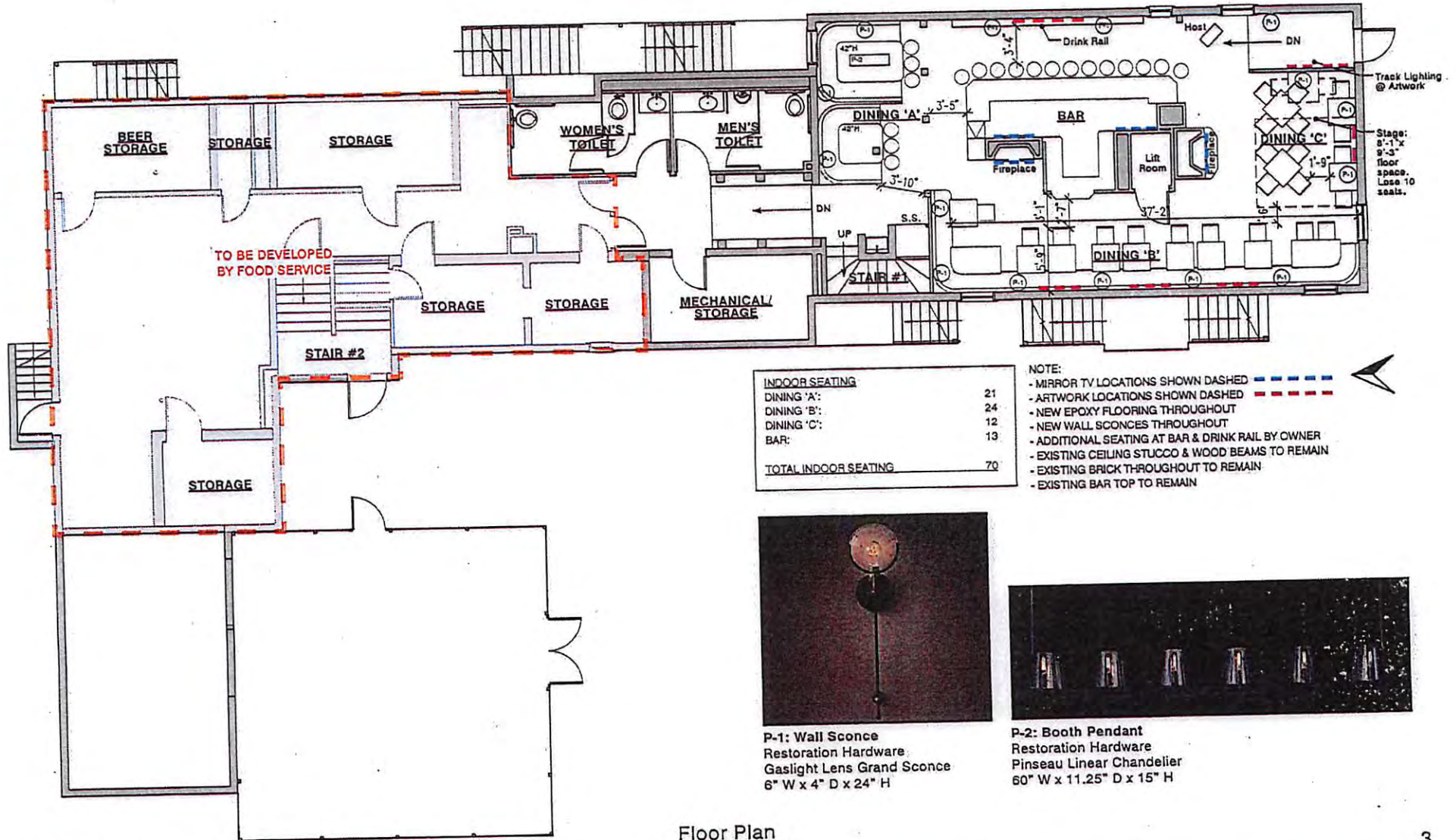
Corporation Clerk's Signature

(Print Name)

BROTHERHOOD OF THIEVES NANTUCKET, MA

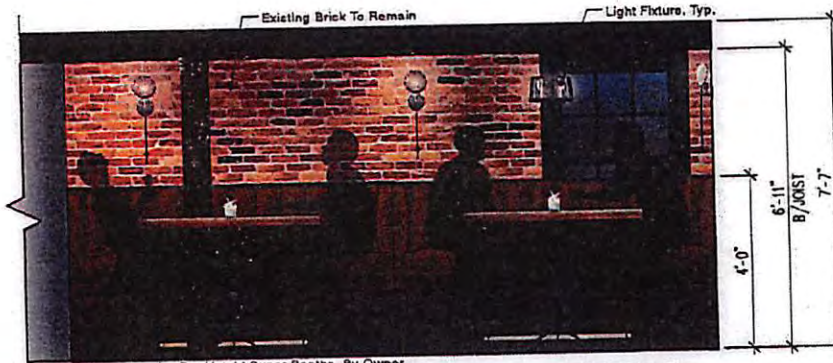
Schematic Design



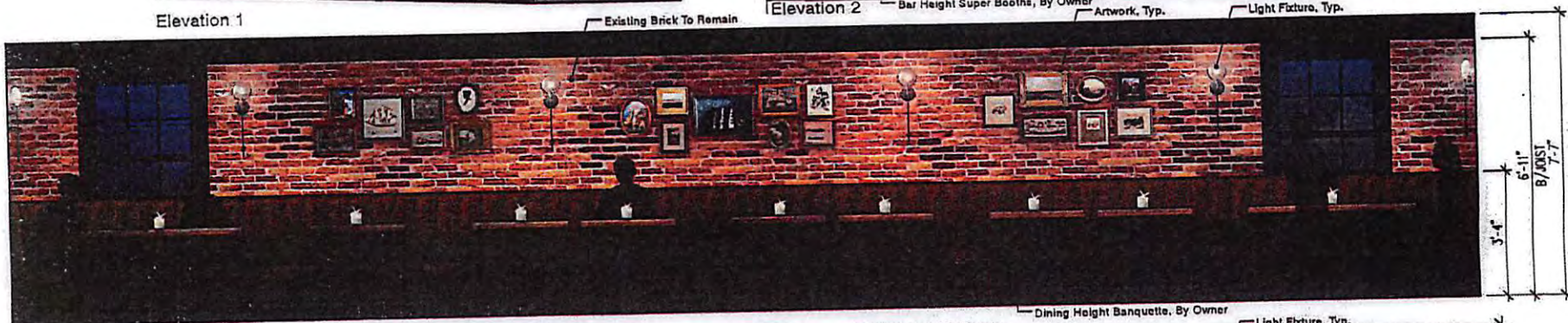




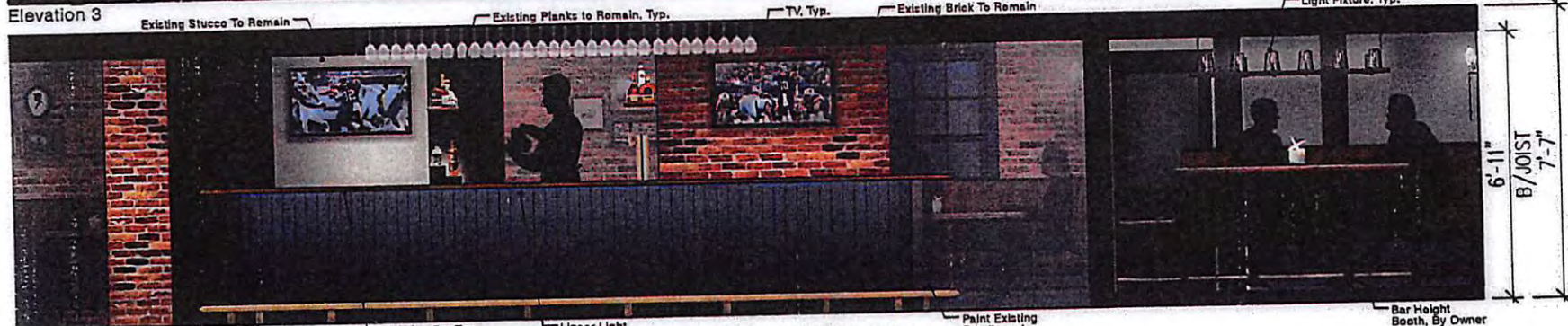
Elevation 1



Elevation 2



Elevation 3



Elevation 4

Interior Elevations scale: 3/8" = 1'-0"

aria
GROUP

2329 Mill Rd, Sister Bay, WI | Floor Plan Studies | May 4, 2020

*Seaside
English
Pub*

nautical details



warm ambient lighting



jewel tone seating accents



clusters of local historical artwork



wood ceiling beams



distressed leather soft seating



weathered surfaces



TOWN OF NANTUCKET

LIQUOR LICENSE

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

PROPERTY OWNER.....23 Broad Street, LLC

MAILING ADDRESS.....128 Union Street, Suite 500, New Bedford, MA 02740

PROPERTY LOCATION.....23 Broad Street

ASSESSORS MAP/PARCEL.....4242/77

SUBMITTED BY:.....Kathryn L. Gaudreau, Paralegal, Partridge Snow & Hahn LLP

SEE ATTACHED PAGES

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

November 22, 2021

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Digitally signed by Mary
Haley, Senior Clerk,
Assessor's Office
Date: 2021.11.22
13:53:12 -05'00'

ROOT TRACY W & SUSAN
3310 W CROWN POINTE BLVD
NAPLES, FL 34112

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

NANTUCKET BROAD ST LLC
1200 SOLDIERS FIELD RD STE 102
BOSTON, MA 02134

JJMORTON LLC
25 BROAD ST
NANTUCKET, MA 02554

NANTUCKET ISLAND RESORTS LLC
C/O NEW ENGLAND DEVELOP-ACCTING
DEPT
75 PARK PLAZA #3
BOSTON, MA 02166

NANTUCKET LAND COUNCIL INC
PO BOX 502
NANTUCKET, MA 02554

FIRST CONGREGATIONAL CHURCH
BOX 866
NANTUCKET, MA 02554

MIDDLE C LLC
C/O PHILBRICK MELISSA
PO BOX 868
NANTUCKET, MA 02554

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
4242	33		ROOT TRACY W & SUSAN		3310 W CROWN POINTE BLVD	NAPLES	FL	34112	20 BROAD ST
4242	34		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	22 BROAD ST
4242	76		NANTUCKET BROAD ST LLC		1200 SOLDIERS FIELD RD STE 102	BOSTON	MA	02134	21 BROAD ST
4242	77	1	JJMORTON LLC		25 BROAD ST	NANTUCKET	MA	02554	25 BROAD ST
4242	78		NANTUCKET ISLAND RESORTS LLC	C/O NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02166	27 BROAD ST
4242	79		NANTUCKET LAND COUNCIL INC		PO BOX 502	NANTUCKET	MA	02554	6 ASH LN
4243	75		FIRST CONGREGATIONAL CHURCH		BOX 866	NANTUCKET	MA	02554	62 CENTER ST
4243	80		MIDDLE C LLC	C/O PHILBRICK MELISSA	PO BOX 868	NANTUCKET	MA	02554	56 CENTER ST
Count:	8								

Town Clerk
 Town & County Building
 16 Broad St
 Nantucket, MA 02554

FEB 5 2016 PM 1:50

Bk: 1523 Pg: 164 Page: 1 of 5
 Doc: MSP 02/10/2016 01:13 PM



Nantucket Planning Board

MEMORANDUM

Date: February 5, 2016
To: Town Clerk
From: Eleanor Weller Antonietti, Zoning Administrator
Re: Planning Board File # 04-15 - CORRECTED DECISION

The above referenced Planning Board Decision granting approval of an amendment (Modification #5) to a previously approved Major Commercial Development Special Permit for The Brotherhood of Thieves at 23 Broad Street, granted to 23 Broad Street, LLC on June 18, 2015, was filed with the Town Clerk on December 18, 2015 and contained certain clerical errors. A corrected decision is filed herewith.

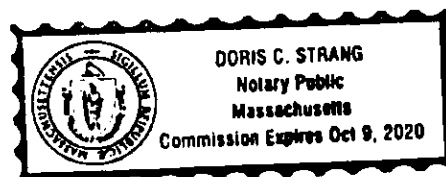
Eleanor W. Antonietti,
 Zoning Administrator

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.
 On the 5th day of February, 2016, before me, the undersigned notary public, personally appeared Eleanor Weller Antonietti, the above-named Zoning Administrator of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public:

My Commission Expires: 10/09/2020



TOWN CLERK

NANTUCKET

18PM 3:38:26



Nantucket Planning Board

APPROVAL OF AN AMENDMENT TO A PREVIOUSLY GRANTED MAJOR COMMERCIAL DEVELOPMENT SPECIAL PERMIT

THE BROTHERHOOD OF THIEVES MODIFICATION #5

Planning Board Special Permit #04-15

Owner/Applicant: 23 Broad Street, LLC
Deed recorded at Book 919, Page 339

Property: 23 Broad Street
Shown as Lot 1 upon Plan Book 21, Page 43
Nantucket Tax Assessors Map 42.4.2, Parcel 77

PREVIOUS DECISIONS ON FILE:

Original MCD Special Permit – PB #13-04 – recorded at Book 914, Page 311
Modification #1 – recorded at Book 984, Page 288
Modification #2 – recorded at Book 1088, Page 291
Modification #3 – PB #10-10, NOT RECORDED
Modification #4 – PB #21-10, NOT RECORDED

ALL RECORDED DOCUMENTS ON FILE WITH THE NANTUCKET REGISTRY OF DEEDS

June 18, 2015

Requested Modification:

The owner, 23 Broad Street LLC, requested that the Planning Board approve an amendment to Major Commercial Development (MCD) Special Permit #13-04, as previously amended, granted to The Brotherhood of Thieves. Specifically, Applicant requests the removal of conditions numbered 4, 7, & 8 in the original decision in order to expand the outdoor patio and associated bar by 600 square feet, to establish outdoor seating limits according to building and occupancy codes rather than the parking bylaw, and to allow outdoor entertainment consisting of pre-recorded music to be permitted until 10:00 PM. In addition, Applicant requests site plan review pursuant to Section 139-23 and a waiver from the open space requirement pursuant to Section 139-11.G(3).

NB: The applicant initially requested to expand the patio by 490 square feet for an increase in patio seating capacity to eighty (80) persons, and the removal of the restriction on outdoor entertainment in Conditions 7 and 8 in order to transfer outdoor entertainment licensing matters to the Board of Selectmen or, in the

alternative, to allow entertainment on the patio until 11:00 PM. The applicant amended these requests at the February 9, 2015 public hearing.

Basis of the Findings:

The Board's findings and decision were based on testimony received at the public hearings held on January 12, 2015, February 9, 2015, March 9, 2015, May 11, 2015, and June 18, 2015 and the following documents:

- An application to the Planning Board dated December 15, 2014;
- Site plan entitled "Building Location Plan of Land in Nantucket, MA", dated December 11, 2014 and revised March 4, 2015, prepared by Michael E. Connolly, P.L.S.;
- Staff reports dated January 9, 2015, February 6, 2015, May 8, 2015, and June 17, 2015;
- Representation and testimony received in connection with the public hearings held on January 12, 2015, February 9, 2015, March 9, 2015, May 11, 2015, and June 18, 2015; and,
- Assorted other documents on file with the Planning Board.

Findings:

At the hearings on January 12, 2015, February 9, 2015, March 9, 2015, May 11, 2015, and June 18, 2015, the Planning Board discussed the various elements of the proposal.

- Elimination of Condition No. 4 which states:

4. *That the total capacity for the outdoor patio and associated bar not exceed sixty (60) persons. The bar may have a maximum of eight (8) seats;*

Due to a change in the Zoning Bylaw pursuant to passage of Article 62 at the 2014 Annual Town Meeting, the parking requirements for businesses in the Commercial Downtown (CDT) zoning district were eliminated. The Applicant's proposal to expand the patio and increase the total patio seating capacity to greater than the allowed sixty (60) persons shall be governed by building and occupancy code rather than the now obsolete parking requirements.

- Elimination of Condition No.s 7 & 8 which state:

7. *That no exterior speakers be located on the premises;*
8. *That no that no music may be played or performed outside at any time;*

Applicant seeks to either eliminate Condition No.s 7 and 8 altogether, effectively allowing outdoor entertainment license matters to be decided upon by the Board of Selectmen, or, in the alternative, modify said conditions to allow for entertainment on the patio until 10:00 PM.

- Waiver of 30% Open Space requirement:

The proposal to expand the patio and convert the existing gravel drive to brick sidewalk and driveway will result in a reduction of the open space area by approximately 5% to a total of 17% where 30% is required pursuant to Section pursuant to Section 139-11.G.

- Site Plan Review:

The proposed changes require Site Plan Review and the finding that the project is in compliance with the review objectives and performance standards set forth in Section 139-23.

The Board, after hearing testimony from the applicant and abutters, found that certain aspects of the requested changes were inappropriate or too substantial in scope. Specifically, several neighborhood residents expressed opposition to the outdoor entertainment component of the proposed changes, complaining of the substantial noise generated by the existing outdoor patio. As a result of these concerns, the Board was not inclined to allow any outdoor entertainment, which would only serve to increase the negative impact of outdoor patio noise on the abutters.

After significant discussion at subsequent hearings, taking into consideration the above-referenced concerns raised by the Board and the abutters, the Applicant revised the application to withdraw the following:

- request to eliminate Condition No. 4;
- request for entertainment on the patio until 10:00 PM; and
- request to eliminate Conditions Nos. 7 & 8

The Applicant retained the proposal to expand the patio by approximately 600 square feet and to brick over a portion of the patio and the driveway, the latter being shown as a gravel drive on the existing site conditions plan. This, in turn, increased the amount of open space from the 17% that which was originally proposed to approximately 25%, or 2,450 square feet of the 9,847 square foot lot. Pursuant to Section 139-11.G(2), brick sidewalks may be counted as open area up to a maximum of 10% of the lot or site.

After meeting with the abutters, the Applicant agreed to withdraw all of his requests except for the expansion of the patio to an additional twenty (20) seats for a total of ~~sixty (60)~~ **eighty (80)**¹ seats on the outdoor patio. The applicant further agreed to install a vegetative buffer and either an awning or a structure such as a pergola to enclose the existing patio area as a measure to attenuate acoustical impact of the increased occupancy, all subject to approval by the Nantucket Historic District Commission. The newly added twenty (20) seats shall be installed adjacent to the property line between the locus and the lot containing a 2-story bookstore (Nantucket Bookworks).

Decision:

A motion was made and duly seconded to **APPROVE** the Modifications to the MCD Special Permit for the Brotherhood of Thieves with the following conditions:

1. That the proposed expansion of the patio and related changes shall be installed in accordance with the plan entitled "Building Location Plan of Land in Nantucket, MA", dated December 11, 2014 and revised March 4, 2015, prepared by Michael E. Connolly, P.L.S.;
2. That an awning, pergola, or similar enclosure to be approved by the HDC will be installed over the existing patio;
3. That all conditions in the original decision dated August 23, 2004, as subsequently modified, shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

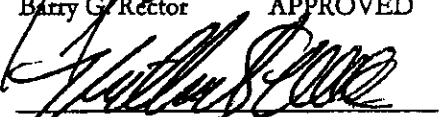
¹ The original MCD Decision (PB#13-04) contained Condition No. 4 which states, "That the total capacity for the outdoor patio and associated bar not exceed sixty (60) persons. The bar may have a maximum of eight (8) seats". Therefore an expansion of twenty (20) seats results in a total occupancy of eighty (80) seats on the patio.

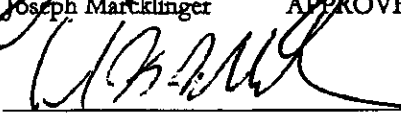
Record of Vote:

The Planning Board, at its public hearing held June 18, 2015, voted 5-0 to **CLOSE** the public hearing, to **APPROVE** this modification to a previously granted Special Permit as per the modified request, to **GRANT** the requested relief by Special Permit, and to **ENDORSE** this Special Permit decision.


Barry G. Rector APPROVED


Joseph Marchlinger APPROVED


Nathaniel Lowell APPROVED

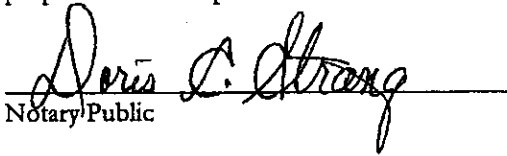

Carl Borchert APPROVED


Linda F. Williams APPROVED

COMMONWEALTH OF MASSACHUSETTS

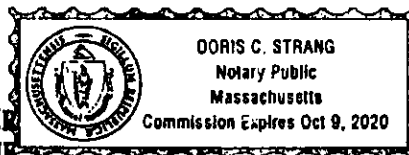
Nantucket, ss.

On the 30th day of November, 2015, before me, the undersigned notary public, personally appeared Joseph Marchlinger, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.


Notary Public

10/09/2020
My Commission Expires

NOV 10 2015



I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11


TOWN CLERK



Bk: 984 Pg: 288 Page: 1 of 2
Doc: MSP 10/20/2005 11:52 AM



421 / 23 BROAD STREET LLC
23 BROAD STREET
9/20/2005 APPROVAL /
MODIFICATION / SPECIAL
PERMIT

Nantucket Planning Board

Approval of a Special Permit Modification

Owner/Applicant: 23 Broad Street LLC

The Brotherhood of Thieves

23 Broad Street

Nantucket Registry of Deeds Book 21, Page 43

Nantucket Tax Assessors Map 42.4.2, Parcel 77

Special Permit #13-04

Nantucket Registry of Deeds Book 919, Page 339

05 SEP 20 A9:39

September 12, 2005

Requested Modification:

The applicant, 23 Broad Street LLC, requested that the Planning Board modify Special Permit #13-04 to decrease the size of the approved patio and to alter the approved landscape plan. The proposed decrease in the size of the patio will not have an effect on the occupancy of the patio.

It should be noted that the applicant initially requested an extension for the hours of operation on the patio and for the time at which the patio lights are to be extinguished. The applicant withdrew these requests at the August 22, 2005 public hearing.

Basis of the Findings:

The Board's findings and decision were based on testimony received at the public hearings held on August 08, 2005 and August 22, 2005 and the following documents:

- The original decision dated August 23, 2004;
- An application to the Planning Board dated July 08, 2005;
- A site plan dated August 08, 2005 as revised on August 18, 2005;
- A staff memorandum dated August 08, 2005; and
- Assorted other documents on file with the Planning Board.

The Planning Board closed the public hearing on August 22, 2005.

Findings:

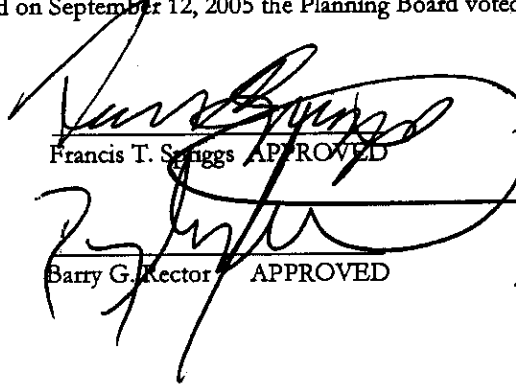
The Planning Board, at its August 22, 2005 meeting found that the proposed modification of the MCD Special Permit Decision did not affect the intent or findings of the original decision. The reduction in the size of the patio increases the buffer between the patio and the abutting property to the west. Due to the existing vegetation along the periphery of the site, the Planning Board finds that the proposed landscaping will provide adequate screening between the site and the abutting properties.

Decision and Vote:

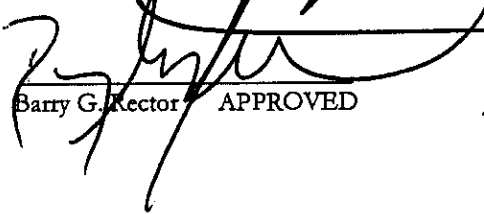
A motion was made and duly seconded to **APPROVE** the Modifications to the MCD Special Permit for the Brotherhood of Thieves with the following conditions:

1. That the landscaping shall be installed in accordance with the plan entitled "Nantucket Planning Board Site Plan of Land in Nantucket, Mass." page 1 of 1, dated August 08, 2005 as revised on August 18, 2005, prepared by Burnham Engineering, Inc;
2. That the Leyland Cypress trees along the rear of the site shall be maintained. In the event that any of the trees die, the applicant/owners/leasees shall replace said trees with the same variety and size as shown on the approved plans;
3. That all conditions in the original decision dated August 23, 2005 shall remain in effect.

On August 22, 2005 the Planning Board voted 4-0 close the public hearing and to **APPROVE** this Special Permit Modification and on September 12, 2005 the Planning Board voted 4-0 to **ENDORSE** this decision.


Francis T. Spiggs APPROVED


Sylvia Howard APPROVED


Barry G. Rector APPROVED

 9/15/05
John McLaughlin APPROVED

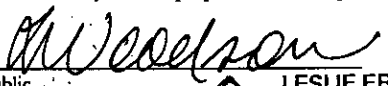
COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

September 12, 2005

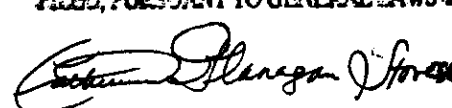
On the 12th day of September, 2005, before me, the undersigned notary public,

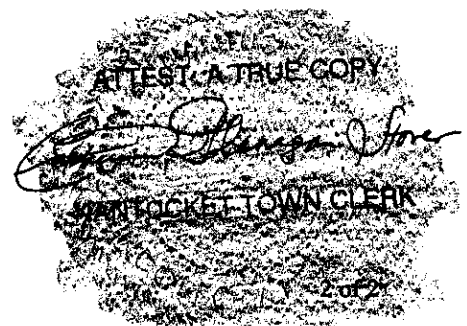
personally appeared Sylvia Howard, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.


Notary Public
LESLIE ERIN WOODSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 22, 2011

OCT 20 2005

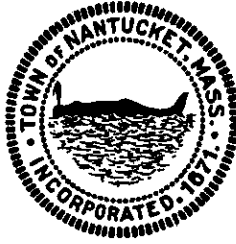
I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER
THE DECISION WAS FILED IN THE OFFICE OF THE
TOWN CLERK, AND THAT NO APPEAL HAS BEEN
FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11

 TOWN CLERK





Bk: 1088 Pg: 291 Page: 1 of 2
Doc: MSP 06/19/2007 01:12 PM



Nantucket Planning Board

APPROVAL OF AN AMERNDMENT TO A PREVIOUSLY GRANTED SPECIAL PERMIT

THE BROTHERHOOD OF THIEVES MODIFICATION #2

Owner/Applicant: 23 Broad Street LLC
23 Broad Street
Nantucket Registry of Deeds Book 21, Page 43
Nantucket Tax Assessors Map 42.4.2, Parcel 77

Planning Board Special Permit #13-04

Previous Decisions of File:
Nantucket Registry of Deeds Book 914, Page 311
Nantucket Registry of Deeds Book 984, Page 288 (Modification #1)

07 MAY 22 P 1:41

TOWN CLERK

April 23, 2007

Requested Modification:

The applicant, 23 Broad Street LLC, requested that the Planning Board modify Special Permit #13-04 as follows:

- Condition 18 – to allow lighting other than low level, indirect lighting on the patio if it is covered by a roof or awning and to extend the hours that the patio may be lit from 10:00 p.m. to 11:30 p.m.;
- Condition 19 – to extend the hours of operation on the patio from 10:00 p.m. to 11:00 p.m. and to extend the time that all remaining customers be relocated to the interior of the building from 10:00 p.m. to 11:30 p.m.

Basis of the Findings:

The Board's findings and decision were based on testimony received at the public hearings held on February 12, 2007, March 12, 2007, and March 26, 2007 and the following documents:

- The original decision dated August 23, 2004;
- The decision for Modification #1 dated September 12, 2005;
- An application to the Planning Board dated January 17, 2007;
- A site plan and elevations dated October 24, 2006; and
- Assorted other documents on file with the Planning Board.

The Planning Board closed the public hearing on March 26, 2007.

Findings:

The Planning Board, at its March 26, 2007 meeting found that the proposed modification of the MCD Special Permit Decision did not affect the intent or findings of the original decision. The proposed modifications have no impact on the occupancy of the patio and the Planning Board finds that the addition of an awning or other type of covered patio would reduce the impacts of noise from the patio on the surrounding properties.

Decision and Vote:

A motion was made and duly seconded to **APPROVE** the Modifications to the MCD Special Permit for the Brotherhood of Thieves with the following conditions:

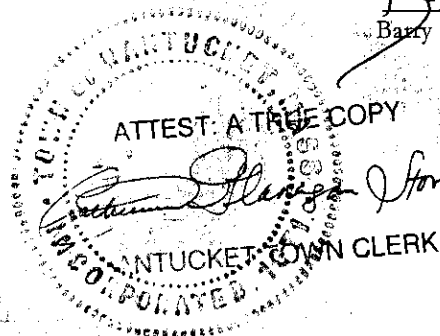
1. That the patio shall be permitted to be covered with an awning. Although temporary "roll-down" type sides shall be permitted for use, the patio shall be used and maintained as an outdoor space and shall not be enclosed by any permanent walls;
2. That condition number eighteen (18) in the original decision dated August 23, 2005 shall be modified to read as follows:
"That only low level, indirect lighting shall be utilized on the patio unless the patio is covered with an awning or a roof. All lighting on the patio shall be extinguished by 11:30 p.m.;
3. That condition number nineteen (19) in the original decision dated August 23, 2005 shall be modified to read as follows:
"That all service on the patio and the associated bar cease by 11:00 p.m. By 11:00 p.m. the patio shall be completely closed and any remaining customers shall have been relocated to the interior of the building;
4. That the applicant has agreed to meet with the Planning Board on October 11, 2007 to discuss the effects, if any, this modification has had on the surrounding properties. If the Board deems, based on valid and substantiated complaints that the extension of patio hours has had an adverse impact on the surrounding properties the Board may re-open the public hearing and reduce the hours of operation on the patio;
5. That all conditions except numbers eighteen (18) and nineteen (19) in the original decision dated August 23, 2005 and all of the conditions in the decision September 12, 2005 shall remain in effect.

On March 26, 2007 the Planning Board voted 5-0 close the public hearing and to **APPROVE** this Special Permit Modification and on March 26, 2007 the Planning Board voted 5-0 to **ENDORSE** this decision.

Francis T. Spriggs APPROVED *Sylvia D. Howard* APPROVED

Barry G. Rector APPROVED *John McLaughlin* 5/14/07 APPROVED

Charity Benz 5-15-07 APPROVED



Nantucket, SS

COMMONWEALTH OF MASSACHUSETTS

May 16, 2007

On the 16 day of May, 2007, before me, the undersigned notary public,

personally appeared Barry Rector, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

[Signature]
Notary Public

March 22, 2013
My Commission Expires



NANTUCKET PLANNING BOARD

3999 KRAUSE, ELIOT
(THE BROTHERHOOD)
DECISION / SP. PERMIT / MCD
08/25/04

04 AUG 25 P 3:05

APPROVAL OF A SPECIAL PERMIT FOR A MAJOR COMMERCIAL DEVELOPMENT

THE BROTHERHOOD OF THIEVES

Special Permit # 13-04

Owner/Applicant: Eliot Krause
Nantucket Registry of Deeds Plan Book 21, Page 43
Tax Assessors Map 42.4.2 Parcel 77

August 23, 2004

PROPOSAL

The Nantucket Planning Board at its July 26, August 09, and August 23, 2004 meetings considered the application of Eliot Krause for a Major Commercial Development (MCD) Special Permit under section 139-11 of the Nantucket Zoning Bylaw. The plans were also considered under the following sections of the Nantucket Zoning Bylaw:

- 139-9 Residential Commercial Downtown District;
- 139-18 Off-Street Parking Requirements;
- 139-19 Screening of Parking Areas; Driveways; Lighting;
- 139-20 Off-Street Loading Facilities;
- 139-23 Major Site Plan Review;
- 139-33 Alteration of a Pre-Existing Nonconforming Structure.

The site is located in the Residential Commercial Downtown (RCDT) zoning district, as are the abutting properties to the east, west, and south. These properties are commercial in character. Abutting properties to the north are located in the Residential Old Historic (ROH) zoning district and are a combination of residential and commercial uses.

DESCRIPTION OF THE PROPOSED PROJECT

The applicant is proposing to demolish the existing shed that is located on the site and expand the main structure so that it is configured in an "L" type shape. The expansion of the existing building will include a one-hundred and fifty-two (152) seat restaurant, a sixty (60) seat patio, and rooms for a maximum of ten (10) employees.

Parking

On-site parking will consist of two (2) parking spaces and a loading zone. The parking requirement for this use, as calculated based on section 139-18 of the Zoning Bylaw is forty (41) parking spaces. This number was calculated as follows:

- 212 restaurant seats (1 space/8 seats = 27 parking spaces)
- 20 peak shift employees (1 spaces/3 employees = 7 spaces)
- 10 employee rooms (3 spaces plus 1 space per 3 rooms over 2 = 6 spaces)
- 685 square feet of storage (1 space/900 square feet = 1 space)

Landscaping and Open Space

A six (6) foot fence will be constructed along a significant portion of the perimeter of the site. Privet hedge and cedar trees will also serve to buffer the site from abutting properties. The location of the landscaping materials are indicated on a plan entitled "Site Plan of Land in Nantucket, Massachusetts" pages 1 of 1, prepared for The Brotherhood Restaurant with Alterations, prepared by Burnham Engineering, Inc., dated July 1, 2004 and revised on August 16, 2004. In addition to the proposed landscaping, a number of existing mature trees will be preserved along the periphery of the site.

The MCD requirement for open space is 30%. The applicant is providing 22% open space and is requesting a waiver for the remaining 8%.

Traffic

Due to location and the historic use of the site without a significant amount of parking, the Board waived the requirement for a traffic study.

Engineering

Due to the reduction in parking and the existing drainage system, the Board waived the requirement for the submission of a drainage plan. However, one catch basin will be installed on the site to catch and infiltrate the roof run-off from the proposed structure. A detailed plan indicating the location of the catch basin and the materials required for its installation shall be submitted to the Board for review by Horsley Witten Group.

BASIS OF THE FINDINGS

The Board's findings and decision refer to the following plans and reports submitted by the applicant:

- Plan entitled "Site Plan of Land in Nantucket, Massachusetts" pages 1 of 1, prepared for The Brotherhood Restaurant with Alterations, prepared by Burnham Engineering, Inc., dated July 1, 2004 and revised on August 16, 2004. This decision is also based on final plans to be modified in accordance with this decision;
- Plan entitled "Nantucket Historical (sic) District Commission Site Plan of Land in Nantucket, Mass., prepared for the Brotherhood Restaurant with Alterations, pages 1-6, prepared by Burnham Engineering, Inc., dated August 12, 2004.

Findings were also based upon:

- An application to the Planning Board for a Special Permit dated July 01, 2004;
- A staff report dated August 09, 2004;
- Representation, and testimony received in connection with the public hearings held July 26, 2004, August 09, 2004 and August 23, 2004;
- Other letters and assorted documents that are on file with the Planning Board.

FINDINGS

Based on review of this application in accordance with the Nantucket Zoning Bylaw, plans and other materials submitted by the applicant, and testimony received at the public hearings, the Planning Board finds that:

- The proposal complies with the local bylaws of the Town of Nantucket and/or applicable provisions of the Massachusetts General Laws;
- Public amenities and abutting properties have been adequately protected by:
 - the creation of buffers between the site and surrounding properties;
 - re-design of the building and patio area to minimize the impact to surrounding properties.
- Adequate protection of unique natural, scenic, or historic features of the site have been provided by the following measures:
 - The Brotherhood of Thieves has historic value as a landmark restaurant in the downtown area;
 - preservation of existing mature trees along the periphery of the site are an important natural feature which will be protected;
 - the addition of a mature street tree along Broad Street will enhance the tree canopy that exists along the downtown streetscape.

- Safety and convenience of pedestrian and vehicular movement within the site and in relation to rights-of-way and properties in proximity will not be significantly impacted:
 - The reduction of on-site parking will improve pedestrian safety along the sidewalk located in front of the site;
- Sewage and refuse disposal, drainage of surface and subsurface water is adequate.
- Off-street parking and loading are adequate:
 - Two off-site parking spaces have been provided for key employees;
 - Although the loading zone is located behind the on-site parking spaces, those spaces are not for employees and the vehicles parked there will remain throughout an entire shift, therefore will not be impacted by the location of the loading zone.
- Traffic and safety upon public and private public rights-of-way have been minimized by the following measures:
 - On-site storage reduces the number of deliveries to the site;
 - On-site employee housing reduces vehicle trips to the site;
 - The site is within walking distance from numerous other downtown attractions, lodging establishments, and the Steamship Authority and Hy-Line terminals,
- The water supply system is adequate. The existing water system within the downtown area can support the expansion of this site.
- The project will not place excessive demands on Town services or infrastructure. Based on the conditions imposed and the good faith efforts of the applicant to implement them, the Board finds no evidence that any public amenity will be adversely effected.

DECISION

The Planning Board is required to render a decision on the application based on Zoning Bylaw section 139-11 and the following:

- 139-9 Residential Commercial Downtown District;
- 139-18 Off-Street Parking Requirements;
- 139-19 Screening of Parking Areas; Driveways; Lighting;
- 139-20 Off-Street Loading Facilities;
- 139-23 Major Site Plan Review;
- 139-33 Alteration of a Pre-Existing Nonconforming Structure.

Based on the foregoing description, findings, and the above referenced documents, the Nantucket Planning Board hereby **APPROVES** this application based on a 5-0 vote in favor of approval.

Finding that the application of Eliot Krause, Major Commercial Development at 23 Broad Street, as modified by the foregoing conditions, is in harmony with the general purpose and intent of the Nantucket Zoning Bylaw, the Planning Board of the Town of Nantucket hereby **GRANTS** a Special Permit for a Major Commercial Development pursuant to section 139-11 of the Nantucket Zoning Bylaw. This Special Permit is issued for property described as:

Nantucket Registry of Deeds Plan Book 21, Page 43
Tax Assessors Map 42.4.2 Parcel 77

The Board's approval is conditioned upon compliance with the "Description of Proposed Project" and "Findings" as set forth in this decision, and as shown on the plans referenced herein. The Planning Board also sets forth the following conditions:

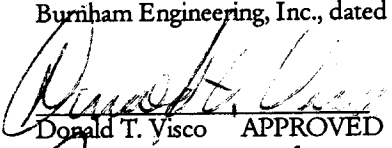
1. That the applicant be granted the following waivers:
 - 139-11G Open Space
Waiver GRANTED – twenty-two (22) percent is adequate due to the location of the project in the core downtown, the preservation of existing mature trees on the site, and the addition of a street tree to the core downtown area
 - 139-11J(1) and (3) Inclusionary Housing
Waiver GRANTED – applicant is proposing housing for up to ten (10) employees on-site

- 139-18 Parking
Waiver GRANTED – two (2) parking spaces and a loading zone are appropriate for the location of the project
 - 139-20 Off-Street Loading Facilities
Waiver GRANTED – due to the layout of the lot, the location of the site, and the representation that the on-site parking will be used only by key employees
2. That the applicant submit a revised site plan which indicates the location of the catch basin for the roof run-off;
 3. That Horsley Witten Group inspect the installation of the catch basin prior to any backfilling taking place. The applicant shall provide within ninety (90) days from the date of this decision (August 23, 2004) an engineering escrow account with an initial deposit of \$1000.00 to cover all associated costs;
 4. That the total capacity for the outdoor patio and associated bar not exceed sixty (60) persons. The bar may have a maximum of eight (8) seats;
 5. That no activities such as sorting bottles, employee loitering, smoking, or any such other activity which would otherwise impair the quiet enjoyment of adjacent properties shall take place to the rear of the building after 7:00 p.m. until opening the following day. Temporary storage of bottles, trash, and employee activity in this area shall be minimized so as not to impact abutting properties at any hour;
 6. That the employees living on-site be prohibited from storing any materials (i.e. personal belongings) outdoors. Two (2) bike racks shall be permitted to the rear of the building for the exclusive use of the employee residents;
 7. That no exterior speakers be located on the premises;
 8. That no that no music may be played or performed outside at any time;
 9. That no additional air conditioning compressors will be installed along the easterly property line. The existing six (6) units may only be replaced with more quiet systems;
 10. That the applicant will place any new exterior refrigeration compressors within the trash enclosure area if feasible. In the event that the Planning Board receives complaints from abutting property owners or residents regarding elevated noise levels due to the refrigeration compressors, the Board may request that the Nantucket Police Department monitor noise levels in accordance with Chapter 101-3 of the Nantucket Code. Should noise levels exceed standards for District C (60 decibels) as set forth in Chapter 101-4, then the Planning Board may re-open the public hearing and require additional measures to mitigate noise.
 11. That only non-operable windows will be installed in the new addition along the easterly property line;
 12. That the rear door on the easterly side of the building be for emergency egress only. This door shall be equipped with an alarm
 13. That the applicant conduct a biannual cleaning of the ventilation system and that said system is vented “as high as possible above the north roof line of the kitchen structure”;
 14. That either an awning or table umbrellas be used to contain noise in the patio area;
 15. That all employees be issued Nantucket Regional Transit Authority (NRTA) passes annually;
 16. That the two (2) parking spaces are marked, with appropriate signage, as employee parking only;
 17. That no long-term parking be permitted within the loading zone during operating hours. Signage shall be installed to this effect;
 18. That only low level, indirect lighting shall be utilized on the patio and it shall be extinguished by 10:00 p.m.;
 19. That all service on the patio and associated bar cease by 10:00 p.m.. By 10:00 p.m., the patio shall be completely closed and any remaining customers shall have been relocated to the interior of the building;
 20. That an apron shall be constructed at the driveways intersection with Broad Street. The apron shall be a minimum of ten feet in depth behind the existing sidewalk and shall be constructed of either brick or belgian block;
 21. That the existing mature maple trees along the perimeter of the site be preserved. These trees are shown on a plan entitled “Site Plan of Land in Nantucket, Massachusetts” page 1 of 1, prepared for The Brotherhood Restaurant with Alterations, prepared by Burnham Engineering, Inc., dated July 1, 2004 and revised on August 16, 2004;

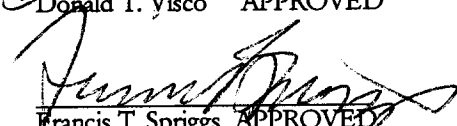
22. That a street tree of at least six (6) inches in caliper and ten (10) feet in height be planted west of the driveway entrance, between the curb and the sidewalk. If it is infeasible to plant a street tree in this location due to the root network of existing street trees, then the applicant may donate the tree to the Town to plant in a more viable location within the core downtown. The applicant will either plant the tree or provide proof that the tree was donated and planted at an alternate core downtown location within thirty (30) days of the issuance of a Certificate of Occupancy;
23. That the employee housing units be subject to use restrictions limiting occupancy to a maximum of ten (10) employees of the restaurant operator. This shall be secured by a covenant filed with the Registry of Deeds, a copy of which shall be presented to the Planning Board within ninety (90) days from issuance of a building permit;
24. That the applicant submit a dormitory management plan; and
25. That a final as-built of all site improvements be submitted by the applicant prior to the issuance of a Certificate of Occupancy.

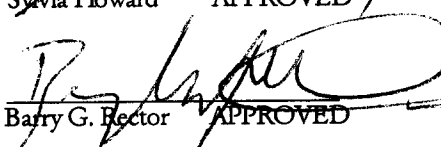
RECORD OF VOTE

On August 23, 2004 the Planning Board voted 5-0 to **APPROVE** this Major Commercial Development Special Permit, **GRANT** the above cited waivers, and to **ENDORSE** this decision and the plan entitled "Site Plan of Land in Nantucket, Massachusetts" pages 1 of 1, prepared for The Brotherhood Restaurant with Alterations, prepared by Burnham Engineering, Inc., dated July 1, 2004 and revised on August 16, 2004 .


Donald T. Visco APPROVED


Sylvia Howard APPROVED


Francis T. Spriggs APPROVED


Barry G. Rector APPROVED

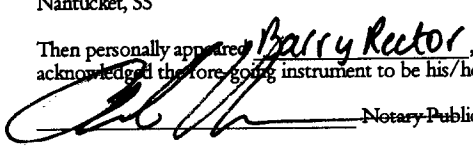
John McLaughlin APPROVED

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

August 25, 2004

Then personally appeared Barry Rector, one of the above-named members of the Planning Board of Nantucket, Massachusetts and acknowledged the foregoing instrument to be his/her free act and deed before me.


Notary Public

Date my Commission Expires

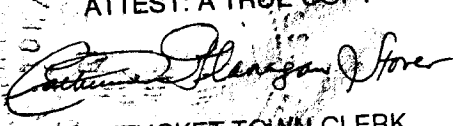
A True Copy Attest
ANDREW V. VORCE
NOTARY PUBLIC
My commission expires Feb. 11, 2008

Nantucket County Received & Entered

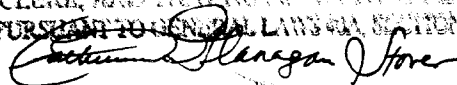
Date: SEP 28 2004 Time: 2:35pm

Attest: Joanne L. Kelley Register of Deeds

ATTEST: A TRUE COPY


NANTUCKET TOWN CLERK

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS AND STATUTES.


TOWN CLERK

SEP 21 2004

5 of 5

End of
Instrument



Agenda Item Summary

Agenda Item #	XI. 2.
Date	1/5/2022

Staff

Amy Baxter, Licensing Administrator

Subject

New Entertainment License Application – Servedwell Brotherhood, LLC dba The Brotherhood of Thieves, 23 Broad Street, James T. Strombino, Manager.

Executive Summary

The Applicant seeks NEW Licenses for the operation of The Brotherhood of Thieves at 23 Broad Street.

The Licenses under review in separate Public Hearings are:

- Common Victualler with Annual All Alcoholic Beverages Restaurant Liquor License
- Live Entertainment License for Interior Spaces.

The Licenses of the former operator, The Brotherhood of Thieves Restaurant Management Group, LLC were not renewed by vote of the Select Board on December 15, 2021. The Licenses have not been active since early 2020.

Staff Recommendation

Licensing recommendation is for an Interior Only Entertainment License in line with conditions of last active license on the property and to include restrictions on Outdoor Entertainment as required by Special Permit - documented in the attached and below. Draft License Attached. Last Active License attached with conditions originally approved by Select Board in 2006.

If License application is approved, Final COI inspections by Fire/Building are required before a final License can be issued. The COI will establish approved Occupancy for the building and exterior space. A final inspection and review of areas for Live Entertainment required. Any changes to Live Entertainment space or set-ups in the future will require additional request to Licensing to determine need for further inspections, License modification, or temporary permits.

Background/Discussion

1. See attached Major Commercial Development Special Permits from the Planning Board for current conditions for use of the property at 23 Broad Street.

Please note the following highlighted sections that apply to the application before the Select Board:

- a. "That no exterior speakers be located on the premises." PB #13-04 (Condition #7)
- b. "That no music may be played or performed outside at any time." PB #13-04 (Condition #8)



- c. "That only low level, indirect lighting shall be utilized on the patio unless the patio is covered with an awning or roof. All lighting on the patio shall be extinguished by 11:30 pm." MCD 13-04 (Condition #18 - Modification #2)
- d. "That all service on the patio and the associated bar cease by 11:00 pm. The patio shall be completely closed and any remaining customers shall have been relocated to the interior of the building." MCD 13-04 (Condition #19 - Modification #2)
- e. Allowed expansion of patio area for a total maximum occupancy of 80 seats. Original MCD Decision (PB#13-04, Condition 4) allowed for total capacity of 60 seats on patio and maximum of 8 bar seats. PB #04-15

2. Current Application before the Planning Board for property at 23 Broad Street:

- a. The owners of the property at 23 Broad Street (23 Broad Street LLC) are currently before the Planning Board for a request for modification of the Special Permit.
- b. The Applicant for the Licenses before the Select Board on 1-5-22 are tenants at 23 Broad Street and a separate entity from the applicant before the Planning Board.
- c. Summary of the Application before the Planning Board: The Applicant (23 Broad Street LLC) is proposing to modify the existing MCD Decision to allow changes, renovations and an addition to the property. The Applicant proposed to maintain the downstairs restaurant and convert the downstairs kitchen to a micro distillery, brewery, and winery. The upstairs restaurant would operate as a separate entity but would share the upstairs kitchen. The existing upstairs dining area would remain, and the Applicant is proposing the addition of a new bar area and an area for indoor live performances. A small addition of 107 sq ft is being proposed on southwest portion of the building. On the exterior, the existing awning will be replaced to allow for better sound distribution and attenuation. The Applicant is proposing an outdoor bar area and an area for live acoustic music. Food service will be available to the patio area through the upstairs kitchen and operator. The Applicant is requesting that the exterior occupancy load be increased to 195.
- d. Any approved modifications to the Special Permit that affect Licensing conditions **must also be approved by the Select Board** to be allowed and added to Licenses (i.e. Outdoor Entertainment).

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

Public hearing advertised in the I&M

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

N/A



Attachments

New Entertainment License Application; 2020 Entertainment License for 23 Broad Street; Draft of Recommended Entertainment License; Planning Board Special Permits: 13-04; 13-04 Modifications (2005; 2007); 04-15 ; KP Law Entertainment Licensing Summary



LICENSE FEE: \$100.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ENTERTAINMENT LICENSE
▶ SEVEN DAYS ◀

BUSINESS: The Brotherhood of Thieves
Restaurant Mgmt Group, LLC
DBA: The Brotherhood of Thieves
PREMISES: 23 Broad Street
Nantucket, MA 02554
MANAGER: Donald Kolp

LICENSED PREMISES DESCRIBED AS:
Two-Story Building, All Egresses on Broad Street.

Approved Entertainment:

- INSTRUMENTAL MUSIC
- VOCAL MUSIC
- DISC JOCKEY
- DANCING
- STREAMING MUSIC
- TELEVISION
- AMPLIFIERS

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

Conditions of License:

- **HOURS: 9:00 pm to 1:00 am; 7 Days**
- All Entertainment must end by 1:00 am.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 18th day of December 2019.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2020

**Unless earlier suspended, cancelled, or revoked*

**This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.
A Current Certificate of Inspection with Approved Occupancy Must Always be Posted with this License.**

LICENSE FEE: **\$100.00**

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
RECOMMENDED ENTERTAINMENT LICENSE
▶ **SEVEN DAYS** ◀

BUSINESS: Servedwell Brotherhood, LLC
DBA: The Brotherhood of Thieves
PREMISES: 23 Broad Street
Nantucket, MA 02554
MANAGER: James T. Strombino

LICENSED PREMISES DESCRIBED AS: Two-
Story Building, Street Level and First Floor Restaurant. All
Egresses on Broad Street. Interior Premises Only.

TOTAL CAPACITY INTERIOR: TBD at COI Inspection
Approved Floor Plan on file at PSF, 4 Fairgrounds Road.

Approved Interior Entertainment:

- LIVE ENTERTAINMENT
- DISC JOCKEY
- DANCING
- STREAMING MUSIC
- TELEVISION
- AMPLIFIERS

Conditions of License:

- NO OUTDOOR SPEAKERS, MUSIC OR
ENTERTAINMENT per PB #13-04
- **INTERIOR HOURS: 12:00 pm to 1:00 am;**

IN TESTIMONY WHEREOF, the undersigned have
hereunto affixed his official signature on this X day of
X.

This license is granted and accepted upon the
express condition that the licensee shall, in all
respects, conform to all the provisions of Section
183A, Chapter 140 of the Massachusetts
General Laws, and any rules or regulations made
thereunder by the licensing authorities.

**NOT VALID WITHOUT
SIGNATURE**

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2022

**Unless earlier suspended, cancelled, or revoked*

**This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.
A Current Certificate of Inspection with Approved Occupancy Must Always be Posted with this License.**

Entertainment Licensing

The provision of public entertainment, whether live or prerecorded, requires an annual license issued by the municipality. There are two sections of G.L. c.140 that primarily govern this issue. **General Laws Chapter 140, §181** applies to locations that do not have alcohol or common victualler licenses and present “theatrical exhibitions, public shows, public amusements and exhibitions of every description” for which an admission fee is collected. By contrast, **G.L. c.140, §183A** applies to licenses for establishments that do have an alcohol and/or common victualler license and that provide “any concert, dance, exhibition, cabaret or public show of any description”, regardless of whether there is a charge for admission. While licensing authorities have some discretion in this area, the denial of an entertainment license application requires a narrow finding based upon legitimate public health or safety concerns. In addition, in order to withstand a legal challenge, a decision to suspend or revoke an entertainment license must also have a compelling basis.

Section 181

This statute requires the license application to set forth all details of the event, particularly with regard to the extent that the “conditions or premises would affect the public safety, health or order.” Importantly, G.L. c.140, §181 provides a statutory presumption in favor of the grant of an entertainment license. Unlike virtually every other type of licensing statute, the burden of proof is on the licensing authority to show why the license should not issue. Thus, the record of the license hearing must contain substantial evidence of the anticipated public harm. See Konstantopoulos v. Town of Whately, 384 Mass. 123, 128 (1981). Section 181 provides that if a license is denied, the licensing authority must make a finding that:

issuance of such a license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

- a) unreasonably increasing pedestrian traffic in the area in which the premises are located, or
- b) increasing the incidence of disruptive conduct in the area in which the premises are located, or
- c) unreasonably increasing the level of noise in the area in which the premises are located.

The licensing authority may impose conditions on an entertainment license, but “said conditions may only relate to compliance with applicable laws or ordinances, or to public safety, health or order, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public.”

In summary, an entertainment license may be subject to reasonable conditions, but a license generally should not be denied unless the officials are convinced that no conditions can address the health and safety concerns. Conditions such as a police detail to handle traffic, a cut-off time for amplified music, and the provision of bathroom facilities would all be permissibly related to health and safety issues.

Section 183A

General Laws c.140, § 183A also establishes a presumption that the licensing authority will issue an entertainment license for events occurring in an establishment with an alcohol and/or common victualler license, unless significant problems are likely. In particular, to deny the license, the licensing authority must conclude that the activity at issue, whether by itself or in combination with other activities at the licensed premises, cannot be conducted in such a manner so as to (1) protect the employees, patrons, or public, whether inside or outside the premises, from “disruptive conduct, from criminal activity, or from health, safety or fire hazards”; (2) prevent unreasonable increases in the area noise level, whether from the activity or people leaving the premise; or, (3) prevent an unreasonable increase in foot or vehicle traffic, or vehicle parking. Where the statute specifically references noise, the licensing authority may consider outdoor music or amplification as a factor in assessing whether a particular activity will create an unreasonable noise increase. Conditions on a G.L. c.140, §183A license must again be aimed at preserving the “public health, safety and order.”

Sunday Entertainment

Significantly, G.L. c.140, §§181 and 183A licenses address public entertainment from Monday through Saturday only. Sunday entertainment is governed by G.L. c.136, §4, which is a holdover of the Commonwealth’s so-called “Blue Laws.” A Sunday license must be approved by the local licensing authority, as well as the Massachusetts Department of Public Safety. The municipality may impose a fee of up to \$20.00 per event, while the Department may impose a fee of \$5.00 per event. The following link on the Department’s website includes a Sunday license form and some “FAQs” on the subject: <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/regulated-activities-special-licensing-.html>

Please contact Attorneys Brian W. Riley (briley@k-plaw.com) or Thomas W. McEnaney (tmcenaney@k-plaw.com) at 617.556.0007 with further questions on entertainment or general licensing issues.

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.

IX. CONSENT ITEMS

1. Gift Acceptance: Our Island Home; Health and Human Services Department; Fire Department. Ms. Holdgate moved to approve the gifts as contained in the Board's agenda materials with thanks to the donors; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

X. CITIZEN/DEPARTMENTAL REQUESTS/REPORTS

1. Richmond Great Point Development: Request for Confirmation of Waiver of Sewer Connection Permit Fees for Six (6) Units of 50% AMI (Area Median Income) Restricted Units within Wildflower Acceleration Portion of Meadows II Rental Community off Old South Road. Housing Director Tucker Holland introduced the item and said that previously there was a general agreement that sewer connection fee waivers for the affordable units within the Richmond development that meet the criteria of the Select Board's sewer fee waiver policy, would be approved. He recommended waiving the sewer connection fees for the requested 50% AMI units, and noted that the Sewer Fee Waiver Policy also allows for the waiver of 75% of the sewer connection fees for 100% AMI units, of which there are six. Mr. Fee asked as to conditions being met as outlined in all previous agreements. Mr. Holland said pursuant to a previous update to the Board pre-COVID, at that time all conditions had been met but at this moment in time, he could not be definitive about that. Mr. Fee moved approval of the request as submitted as well as waiving 75% of the sewer connection fees for the six 100% AMI units, provided that all conditions have been met; he added he would like the Board to get an update on the conditions; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

XI. TOWN MANAGER'S REPORT

1. Review of Proposed Revisions to Sewer Regulations. Ms. Gibson introduced the item, noting that in the spring of 2020, the Board acting as the Sewer Commissioners, adopted amended sewer regulations and, since then some issues have arisen which require additional amendments to resolve, including situations when a private property owner seeks to extend a sewer line along a road or way at their expense outside of a Sewer Needs Area. Ms. Gibson said that there have been issues with other property owners who have not been made aware of the extension and find themselves in a position where they are unexpectedly required to connect. She noted other issues are addressed as well, including the potential for waivers or fee reductions in certain cases for year-round property owners and Fats Oils and Grease (FOG) amendments intended to provide for additional protections to the Town for the disposal of FOG material which can be very damaging to the sewer system. She thanked Sewer Director David Gray; Operations Administrator Erika Mooney; a team from Hazen Sawyer, the Town's consultant on sewer regulations; and Town Counsel. She introduced Saya Qualls of Hazen Sawyer to provide an overview of the proposed amendments. Ms. Qualls reviewed an Executive Summary of the proposed amendments as contained with the Board's agenda packet. Mr. Fee asked about an amendment relating to Town Meeting approval of sewer regulations. Town Counsel John Giorgio explained. Mr. Fee asked about "tiering" sewer fees and whether or not granting certain waivers for "public purposes" requires a home rule petition, such as for first-time home buyers. Mr. Giorgio said that in general tying certain waivers to "public policy" can, in some circumstances be authorized through a policy of the Board/Sewer Commissioners but that special legislation is advisable. Mr. Fee asked the Board to consider the implications of private sewer line extensions and the various circumstances under which those extensions might be necessary or desired; and, who should pay. Some discussion followed. Mr. Fee advocated for betterments to fund private sewer extensions. Discussion continued. Mr. Giorgio noted that no one has a "right" to install a sewer extension and reviewed the Town's discretionary authority to regulate and/or approve them. Discussion continued on

various scenarios to illustrate what is intended to be accomplished and how to best lay out a process for private sewer line extensions. Mr. Giorgio said that the regulations as currently drafted allow the Board leeway to make discretionary decisions regarding sewer extensions; and, an internal policy could be used to lay out what is required in order for the Board to consider a sewer extension. Mr. Fee spoke about coastal resilience and sea level rise as related to sewer extensions. He said sewer extensions in low-lying areas should perhaps not be encouraged. Mr. Giorgio asked if the Board wants him to draft a home rule petition to allow the Board to waive or partially waive sewer connection fees based on residential exemption status. Ms. Holdgate said she would like to have the option. Ms. Ferrantella expressed support. Mr. Fee said he does not think it is needed. Ms. Holdgate moved to authorize Mr. Giorgio to draft a home rule petition; Ms. Ferrantella seconded. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – No; Ms. Murphy – Yes. Ms. Holdgate moved to schedule a public hearing on the regulations; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes. Mr. Gray thanked the staff and consultants for their time on this, noting it took a lot of time and effort. Mr. Fee expressed support for the FOG amendments, noting they are in-line with industry standards.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Continuation of Consideration/Discussion/Adoption of Select Board Position Statement Regarding Baxter Road Erosion Control Project (Continued from October 20, 2021). Chair Bridges referred the Board to a document in the materials for the meeting, which contains notes compiled from public feedback received on this statement at the Board's October 20th meeting. He reviewed the Board's options regarding the document, such as adopt it, further amend it, continue discussing it. He continued to review the sections of the draft statement and suggested a minor amendment to the "Town Goal" section. No comments. He asked for comment on items 1 – 8 under "Town Concerns". No comments from either the Board or the public. Under the section "Town Strategy Moving Forward", Ms. Murphy noted prior discussion on the definition of the word "harm" as contained in item #7 under this section, saying she wanted to further review this herself through other documents, such as the Arcadis report on Baxter Road options. Mr. Fee said he doubted the Arcadis report would be helpful for this, but that additional general language may be more appropriate. Ms. Murphy concurred and said the statement is dynamic and can be modified as needed going forward. Ms. Holdgate agreed and commented that the statement is not a policy. Ms. Murphy agreed and said it is more of a guide for the Board to explain to the community as to how it is proceeding with the Baxter Road erosion control project. Some discussion followed. Mr. Fee reviewed several of the numbered items under various categories and spoke on the reasoning behind them. Ms. Murphy suggested removing item 10 under Town Strategy Moving Forward and making a minor revision to items 1 and 1a. The Board was in general agreement to make this change. Chair Bridges asked for public comment. Burton Balkind asked if the items are listed in order of importance. Chair Bridges said no. Bob Burke of 31 Baxter Road thanked the Board for its hard work on this issue and commented that he feels the Board's process is very transparent. David Golden of 70 Baxter Road, concurred with Mr. Burke, saying he appreciates the Board's work to find a way forward. Fred Singer of 63 Baxter Road agreed that it has been helpful to see and hear the Board's deliberations, adding that there are numerous historic landmarks on Baxter Road and hopes that the project could be a model for a public-private partnership for other such situations across the island. Mr. Fee reviewed some comments he had in general about measures to be taken in light of coastal resiliency in vulnerable areas such as this. Ms. Murphy said the Board can bring the statement back at any time as the situation and/or circumstances may change. The Board generally agreed not to take a vote to adopt the statement, but to keep it as discussed for now and revisit it as necessary.

Executive Summary

Proposed Revisions to Chapter 336 for Select Board Consideration November 3, 2021

Introduction

The Town of Nantucket proposes to revise Chapter 336 to include Fats, Oils and Grease (FOG) regulations in the currently reserved Article IV as well as modified provisions related to sewer connections, easements and acceptance of sewers.

Fats, Oils and Grease Regulations

At the time that the updated sewer regulations were promulgated in mid-2020, Article IV was reserved for regulations pertaining to Fats, Oils and Grease (FOG). The Town of Nantucket's consultant, Hazen and Sawyer evaluated the Town's current practices to control the discharge of FOG into the sewer system and prepared draft regulations to be incorporated in Article IV.

The proposed regulations will strengthen the Town's efforts to prevent the deleterious effects of Fats, Oils and Grease on the collection system and treatment plants. These materials are major contributors of sanitary sewer collection system clogging, backups and overflows. Additionally, FOG that reaches that treatment plants can interfere with treatment potentially causing effluent violations.

Sewer Connections, Easements and Acceptance of Sewers

During a December 2, 2020, Select Board meeting, the following issues pertaining to sewer connections were discussed:

1. Exemption from the new sewer connection fee for year-round residents
2. Relief from the sewer connection fee for property owners who abut a privately developed sewer once it becomes a Town of Nantucket Sewer

The Town requested that Hazen and Sawyer and Town Counsel, John Giorgio evaluate these issues from both a regulatory and legal perspective.

With respect to the first issue, exemption from the sewer connection fee for year-round residents, John Giorgio in a February 22, 2021, memorandum to Erika Mooney advised, "In order to avoid the risk and uncertainty of a court challenge, however, a safer approach, in my opinion, would be to seek special legislation authorizing the Town to provide a credit on sewer connection fees to homeowners who, for example, qualify for the residential exemption for real estate taxes."

In subsequent communications, Mr. Giorgio provided additional detail on the process to submit special legislation to the state legislature for consideration through a Home Rule Petition to allow an exemption

of the sewer connection fee. The first step in the process would be to draft a warrant article on the Home Rule Petition to be presented for approval at the May 2022 Town Meeting. Should the petition be approved, it would then be submitted to the legislature for approval.

The Town is requesting that the Select Board provide direction on seeking special legislation to allow exemptions from the sewer connection fee for residents who qualify for the residential exemption for real estate taxes.

With respect to the second issue, relief from the sewer connection fee for abutters to private sewer extensions that have been accepted as Town of Nantucket Sewers, the Town considered the following options:

- a) Modify §336-11 to require developers of private sewer extensions to cover either all or a portion of the sewer connection fees for adjacent properties that are subject to the fee.
- b) Revise the Policy for Sewer Fee Waiver Requests to allow the Select Board to waive sewer connection fees for existing properties that would be required once a private sewer extension becomes the property of the Town of Nantucket.
- c) Modify the Sewer Regulations to add a provision to § 336-11 to allow the sewer connection fee to be apportioned over time in a manner similar to the provision set out in § 336-13 C. for sewer capacity fees.

During subsequent discussions between Town staff, it was determined that option a) was preferred and would be presented to the Select Board for consideration. In addition, clarifications to the regulations pertaining to the acceptance of sewers and easement requirements as well as clarifying language to the introductory section of Article I have been proposed.

Considerations for the Select Board

- 1. Article I, Modifications: Replace “Town Meeting” with Select Board and add a reference to the Nantucket Sewer Act.
- 2. Revisions to §336-2 B(2) to clarify when a new sewer is accepted by the Town and thus, available to abutting properties.
- 3. Revisions to §336-2 C to clarify when the “two year clock” begins for requiring connections to the Nantucket Sewer System.
- 4. Revisions to §336-2 Q regarding acceptance of sewer main extensions.
- 5. Addition of a new Article I, Exhibit 1, General Acceptance of Sewers that sets out the specific procedures for acceptance of sewers. Note that the former Article I, Exhibit 1, Town of Nantucket, Massachusetts Policy for Sewer Stubs and Reconnection, would become Article I, Exhibit 2.
- 6. Revisions to 336-8 to require that easements be obtained from all abutting property owners for sewer main extensions.

7. Revisions to §336-11 to add a new paragraph B (with subsequent renumeration) to require developers to cover a portion of the sewer service connection fees with the portion to be determined by the Select Board and added to Article II, Exhibit 1.
8. Revisions to §336-17 to delete the language pertaining to the sewer capacity fee policy.
9. Update to Article II, Exhibit 6 to include 12/03/2020 revisions to the Policy for Sewer Fee Waiver Requests.
10. Addition of the following provisions under Article IV, Fats, Oils and Grease:
 - § 336-25. Definitions.
 - § 336-26. Discharge of FOG.
 - § 336-27. Interference with the sanitary sewer system operations.
 - § 336-28. Control of FOG.
 - § 336-29. Grease Control Equipment (GCE).
 - § 336-30. Additives.
 - § 336-31. Implementation.
 - § 336-32. Fees.
 - § 336-33. Permitting.
 - § 336-34. Enforcement.
 - § 336-35. Severability.
 - § 336-36. Date of effect.

Chapter 336

SEWERS

CURRENT SEWER REGULATIONS

Nantucket Board of Sewer Commissioners CH 336
Adopted 05/20/20 by the Nantucket Select Board,

ARTICLE I Use of Common Sewers; Regulations

§ 336-1. Definitions.

§ 336-2. Building sewers and connections.

§ 336-3. Use of public sewers.

§ 336-4. Protection from damage.

§ 336-5. Powers and authority of inspectors.

§ 336-6. Validity.

§ 336-7. Septic tank waste.

§ 336-8. Sewer Easements

§ 336-9. Regulation in force.

ARTICLE II Sewer User Fees

§ 336-10. Definitions.

§ 336-11. Sewer service connection fees.

§ 336-12. Other fees and charges.

§ 336-13. Sewer capacity fee.

§ 336-14. Bills for sewage services.

§ 336-15. Utility fees appeal process.

§ 336-16. Exemptions.

§ 336-17. Waivers.

§ 336-18. Severability clause.

§ 336-19. Regulation in force.

ARTICLE III Permitting and Enforcement

§ 336-20. Permit required.

§ 336-21. Permit issuance, modification and expiration.

§ 336-22. Violations and penalties.

§ 336-23 Exemptions.

§ 336-24. Regulation in force.

ARTICLE IV Fats, Oils and Greases

§ 336-25. Definitions.

§ 336-26. Discharge of FOG.

§ 336-27. Interference with the sanitary sewer system operations.

§ 336-28. Control of FOG.

§ 336-29. Grease Control Equipment (GCE).

§ 336-30. Additives.

§ 336-31. Implementation.

§ 336-32. Fees.

§ 336-33. Permitting.

§ 336-34. Enforcement.

§ 336-35. Severability.

§ 336-36. Date of effect.

Article I, Exhibit 1, Acceptance of Sewers

Article I, Exhibit ~~4~~², Town of Nantucket, Massachusetts Policy for Sewer Stubs and Reconnection

Article I, Exhibit ~~2~~³, Best Management Practices for Cannabis Facilities

Article II, Exhibit 1, Sewer Permit Application Fee Schedule

Article II, Exhibit 2, Other Fees and Charges

Article II, Exhibit 3, 310 CMR 15.203

Article II, Exhibit 4, Sewer Capacity Fee Policy

Article II, Exhibit 5, Residential Sewer Capacity Fee Schedule

Article II, Exhibit 6, Policy for Sewer Fee Waiver Requests

Article III, Exhibit 1, Proposed Fines

Chapter 336

SEWERS

CURRENT SEWER REGULATIONS

Nantucket Board of Sewer Commissioners CH 336
Adopted 05/20/20 by the Nantucket Select Board,

[HISTORY: Adopted by the Town of Nantucket
5/20/2020; Effective 6/1/2020]

ARTICLE I

Use of Common Sewers; Regulations

Purpose

The purpose of the Rules and Regulations of the Sewer Department of the Town of Nantucket are:

- A. To establish the technical and administrative procedures for making connections to the sanitary sewer system including in accordance with the Nantucket Sewer Standards and Specifications;
- B. To establish requirements, restrictions, and controls on the quantities and quality of what may be discharged to the sanitary sewer system; such as discharges that may:
 - (1) Interfere with the operation of the publicly owned treatment works (POTW) in any way;
 - (2) Pass through the POTW, to the groundwaters, inadequately treated effluent that may cause contravention of standards for these waters or surface waters or cause violation of the POTW's Groundwater Discharge Permit (GWDP) or negatively impact the watershed into which treated effluent is discharged;
 - (3) Reduce the opportunity to reclaim or recycle treated wastewater and/or sludge from the system;
 - (4) Increase the cost or otherwise hamper or limit the disposal of sludges and other residuals;
 - (5) Endanger municipal employees or the public;
 - (6) Cause, directly or indirectly, any public nuisance condition;
- C. To prevent new sources of inflow and infiltration and eliminate private source inflow;
- D. To provide for equitable distribution to all users of the POTW, all costs associated with the collection, transmission, treatment, and residuals disposal, and to provide for the collection of such costs; and
- E. To provide for the orderly planning, implementation, and operation of sewer systems' and treatment systems' components to improve the health and environmental quality of the Town of Nantucket and its people and resources.

The following rules and regulations are a part of the contract with every person who discharges water and waste into the Nantucket Sewer System and governs the relationship between the Sewer Department and its consumers, contractors and/or developers, and all other persons who install sewers, discharges wastewater, are connected into the sewer system or apply for a connection to the sewer system.

Modifications

Modifications, additions to or rescinding of these Rules and Regulations may take place from time to time as ~~authorized~~ approved by ~~a Town Meeting~~ the Select Board as required by Massachusetts General Laws, Chapter 83, Section 10 and Chapter 396 of the Acts of 2008 ("Nantucket Sewer Act"). The aforesaid Rules and Regulations and all the Previous Amendments shall be deemed to be valid and in full force and affect; and ~~Notwithstanding~~ notwithstanding anything to the contrary which may be contained therein, all further amendments, changes, modifications, revisions, additions, or rescission of the aforesaid Rules and Regulations and Previous Amendments shall not be valid without the approval ~~and authorization of a majority vote of Town Meeting~~ the Select Board. Or take any other action in relation thereto.

§ 336-1. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this regulation shall be as follows:

ACT or THE ACT – The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

BIOCHEMICAL OXYGEN DEMAND — or “BOD” is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING SEWER – That part of the lowest horizontal piping of a building plumbing system that receives the discharge of wastewater from inside the walls of the building and conveys it to the sewer service. The building sewer extends 10 feet beyond the building foundation.

COMMERCIAL ESTABLISHMENT – A structure, room, enclosed floor space, or combination of the aforementioned used in the course of providing professional, public and/or private services. An existing commercial establishment is defined in this regulation as being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas or those that received construction approvals prior to December 31, 2017. A new commercial establishment is defined in this regulation which as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

CONNECTION TO SEWER – A connection shall exist where any tie-in is made to the Nantucket Sewer System or appurtenance thereof which has the potential to contribute wastewater flow.

DEPARTMENT OF ENVIRONMENTAL PROTECTION – or “DEP” shall mean the Massachusetts Department of Environmental Protection or, where appropriate, the Administrator or other duly authorized official of said agency.

DIRECTOR – shall mean the person appointed by the Nantucket Town Manager as the Director of the Nantucket Sewer Department who is vested with the authority and responsibility for the implementation and enforcement of these rules and regulations or their authorized deputy, agent, or representative.

DWELLING – A structure used or intended to be used by one family or household for living, sleeping, cooking and eating. An existing dwelling is defined in this regulation which as being substantially complete prior to the availability of the Nantucket Sewer System, or Siasconset Sewer System Areas, those that received construction approvals prior to December 31, 2017. A new dwelling is defined in this regulation as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

DWELLING UNIT – A room or enclosed floor space within a dwelling used by or forming a habitable unit for one family with facilities for living, sleeping, cooking and eating. A dwelling may consist of one or more dwelling units. An existing dwelling unit is defined in this regulation which as being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals prior to December 31, 2017. A new dwelling unit is defined in this regulation as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

ENVIRONMENTAL PROTECTION AGENCY – or “EPA” shall mean the United States Environmental Protection Agency, or, where appropriate, the Administrator or other duly authorized official of said Agency.

FATS, OIL, AND GREASE – or “FOG” are organic polar compounds derived from animal and/or plant sources and accumulate in the sewer system. These are substances that may solidify or become viscous at temperatures above 32 degrees Fahrenheit. These substances are detectable and measurable using analytical procedures established in 40 CFR 136.

GARBAGE – Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

GRINDER PUMP- A wastewater conveyance device. Wastewater and water from water-using household appliances flows through the home’s pipes into the grinder pump’s exterior holding tank. Once the wastewater inside the tank reaches a specific level, the pump will turn on, grind the waste into a fine slurry, and pump it to the Municipal Sewer System.

LEACHATE – a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

LICENSED UTILITY INSTALLER – or “L.U.I.” shall mean a person, who upon submitting a License and Permit Bond, Certificate of Insurance, and pays the Utility Installer’s License fee, all of which are approved by the Director, is permitted to perform the installation of sanitary sewers or building sewers.

LOT – Is a tract of land in common ownership, including land under water, not divided by a street, which may include multiple parcels of adjacent land in common ownership.

LOW-PRESSURE SEWER- A pressure pipe that receives wastewater from low-pressure sewer services and conveys it to the Municipal Sewer System.

LOW-PRESSURE SEWER SERVICE - A small diameter pipe that connects an individual grinder pump to a low-pressure sewer or to a gravity sewer. A low-pressure sewer service is privately-owned.

MAY – When used in these regulations, this term is permissive.

MIXED USE DEVELOPMENT - Mixed use properties, such as buildings with separate residential and commercial units.

MULTIPLE DWELLING UNITS – More than one dwelling unit on a single property or common property with each unit having a separate service connection, except for tertiary dwellings that may have a common service connection.

MUNICIPAL SERVICE CONNECTION – The point at which the sewer service lateral connects to the municipal sewer.

MUNICIPAL SEWER - A publicly-owned pipe or conduit used for transporting municipal wastewater.

MUNICIPAL SEWER FORCE MAIN – A pipe that is used to convey wastewater from a Municipal wastewater pumping station to a gravity sewer or directly to a wastewater treatment facility.

MUNICIPAL SEWER SYSTEM – Publicly-owned structures, facilities, and conduits intended for the purpose of collecting and conveying municipal wastewater to a wastewater treatment facility. Lateral sewer lines that connect private sewer systems to the municipal sewer system are considered privately-owned.

MUNICIPAL WASTEWATER - means the wastewater that enters a municipal sewer system from domestic, commercial and industrial sources.

NANTUCKET SEWER SYSTEM – All structures, equipment, and processes required to collect, transport and treat municipal wastewater on Nantucket.

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NEEDS AREA- Based on the most recent Comprehensive Wastewater Management Plan (CWMP), a study area where a majority of the developed or developable properties located within the study area will not be able to utilize a conventional Title 5 septic system to effectively dispose of wastewater throughout and beyond the 20-year planning period.

OUTBUILDING –Detached structures such as pool houses, sheds or garages on the same lot as a primary dwelling. Outbuildings with sanitary facilities are treated as bedrooms in these regulations.

PERSON – Any individual, firm, company, association, society, corporation, or group.

pH – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTION – The presence of pollutants or contaminants in quantities or with characteristics that may alter the physical, chemical, or biological properties of receiving waters that:

- A. Result or will likely result in harm or detriment of the health, safety, or welfare of humans, animals, birds, or aquatic life;
- B. Render or will likely render the waters substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other reasonable uses; or
- C. Leave or likely leave the waters in such condition as to violate any state water quality standards.

PREMISE – means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

PRETREATMENT OR TREATMENT–The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

PRETREATMENT COORDINATOR – The person designated by the Director to supervise the operation of the pretreatment program.

PRETREATMENT REQUIREMENTS – Any substantive or procedural requirements related to pretreatment, that are imposed on an industrial user.

PROPERTY – Unless otherwise indicated, the term property means lot.

PUBLICLY OWNED TREATMENT WORKS – or “POTW” means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

The term **POTW TREATMENT PLANT** means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

RIGHT OF ENTRY/ACCESS – For purposes of inspections and service, properties that are connected to the Nantucket Sewer System shall grant, Town of Nantucket personnel in a timely manner access to any structure connected to the Sewer. The Town of Nantucket determines a timely manner as 24 and no longer than 48 hours from request.

SANITARY SEWER – A sewer that carries sewage from residences, commercial buildings, industries, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SECONDARY DWELLING - A detached single-family dwelling located on the same lot as a primary dwelling unit.

SEPTAGE – That material removed from any part of an on-site sewage disposal system. [including, but not limited to, the solids, semi-solids, scum, sludge and liquid contents of a septic tank, tight tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle. It does not include any hazardous substances as defined in 40 CFR § 116. .

SEWAGE – A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

SEWAGE EJECTOR PUMP – A high volume, low-pressure submersible solids handling pump used when a bathroom, laundry room or any other type of plumbing fixture is located below the level of the building sewer.

SEWER — A pipe or conduit for carrying sewage.

SEWER COMMISSION – Pursuant to Chapter 396 of the Acts of 2008, the entity that is responsible for the policies, finances, goals, operation and maintenance of the good order of the Nantucket Sewer System. The Nantucket Select Board may serve as the Sewer Commission.

SEWER DISTRICTS – Shall, for the purposes of these regulations, mean areas in Nantucket served by the Municipal Sewer System, and approved by Town Meeting, as enacted in Chapter 396 of the Acts of 2008.

SEWER SERVICE LATERAL – The portion of the privately-owned sewer system that connects the building sewer to the municipal sewer system, otherwise known as a sewer connection. A sewer service lateral is privately-owned.

SHALL – When used in these regulations, this term is mandatory.

SLUG – Any discharge at a flow rate or concentration which could cause a violation of prohibited discharge standards or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

STORM DRAIN – A conduit or channel which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUBSTANTIALLY COMPLETE – A structure shall be defined as substantially complete as of the date of issuance of an occupancy permit.

SUSPENDED SOLIDS – Solids that either float on the surface or, are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

TERTIARY DWELLING – A third dwelling unit under the same ownership as at least one other owner-occupied dwelling unit on the lot.

TREASURER – The Treasurer of the Town of Nantucket.

WASTES – Shall be classified as follows:

A. INDUSTRIAL WASTES – Any water carried or liquid waste resulting from any process of industry, manufacture, trade, or business, or from the development or recovery of any natural resource.

B. INSTITUTIONAL WASTES – Any wastewater generated by schools, places of worship, correctional facilities, nursing homes, group homes and other community facilities

C. COMMERCIAL WASTES – The water carried wastes from nonmanufacturing establishments such as hotels, restaurants, stores, and places of business.

D. RESIDENTIAL WASTES – The water carried wastes from private dwellings.

WASTEWATER – The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

WATERCOURSE – A channel in which a flow of water occurs, either continuously or intermittently.

§ 336-2. Building sewers and connections.

A. It shall be unlawful to construct or repair any privy, privy vault septic tank, cesspool or other facility intended or used for the disposal of wastewater on or for the benefit of property to which the Nantucket Sewer System is available.

B. The Nantucket Sewer System will be deemed to be available to every property within a sewered subdivision or which abuts a way served by such sewers and such availability shall be:

(1) For active existing sewers, as of the date of adoption of these regulations and

(2) For new sewers, as of the date on which such new sewer line has [had its final inspection of the sewer line by the Town, all easements are in place, and the Select Board has voted to accept the](#)

sewer line as a common sewer of the Town~~been formally activated or accepted by the Town~~ for the collection and pumping of wastewater flow.

- C. Connection to the Nantucket Sewer System is mandatory per Board of Health Regulation (69.03) within 2 years of sewer being available (unless required sooner due to site specific circumstances) pursuant to the following requirements; the two year period begins on the date that the final inspection of the sewer line by the Town occurs, all easements are in place, and the Select Board has voted to accept the sewer line as a common sewer of the Town;
- (1) Connections to the municipal sewer system must be made in accordance with the Town of Nantucket Sewer Standards and Specifications.
 - (2) No connections to municipal sewer force mains will be allowed.
 - (3) Low-pressure sewers must be connected to the nearest municipal gravity sewer manhole in accordance with the Town of Nantucket Sewer Standards and Specifications.
 - (4) Low-pressure sewer systems must be comprised of grinder pump systems meeting the Town of Nantucket Sewer Standards and Specifications. No solids handling pumps will be allowed on any low-pressure sewer systems.
- (5) A septic abandonment permit is issued by the Board of Health, or its designee.
- D. All costs and expense incident to the installation and connection of the sewer service lateral shall be borne by the property owner, who shall make his own arrangements with a Licensed Utility Installer approved by the Nantucket Sewer Department. The contractor shall do all cutting, patching, excavation, backfill, furnishing and installing pipe and making connection required. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service lateral.
- E. A separate and independent sewer service lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the sewer service lateral from the front building may be extended to the rear building and the whole considered as one building sewer. Approval of the Nantucket Sewer Department and the Plumbing Inspector is required for this exception.
- F. Existing sewer service laterals may be used to connect new buildings only when they are found to be in acceptable condition by CCTV examination. A written report must be submitted by Email and approved by the Nantucket Sewer Department prior to any making any new connections. To meet all requirements of this regulation, any existing lateral that is Orangeburg, clay or other than Schedule 40 PVC pipe, must be replaced in its entirety to the main.
- G. In all buildings in which any building sewer is too low to permit gravity flow to the municipal sewer, sewage carried by such building sewer shall be lifted by an approved means as listed in 248CMR 10.15 (10) and discharged to the sewer service lateral. These types of pumps are NOT to be used to pump directly into any low-pressure sewer or other types of force mains that have grinder pumps installed.

- H. In areas serviced by low-pressure sewers, dwellings must install, operate and maintain an individual grinder pump unit meeting Town of Nantucket Sewer Standards and Specifications, and subject to the approval of the Director. The following policies apply to low-pressure sewer connections:
- (1) For lots with multiple sewer service connections for separate dwellings or building units, a separate individual grinder pump unit will be required for each service connection.
 - (2) Property owners that wish to install multiple grinder pumps (e.g. duplex units) or larger basins or storage tanks will require separate approval for the installation and will be responsible for the full cost associated with these systems. Under no circumstance will the Town of Nantucket approve the purchase and installation of an indoor grinder pump unit.
 - (3) All property owners will be responsible for proper installation of the grinder pump units and ancillary equipment, including the complete connection to the public sewer per Town of Nantucket sewer standards and specifications and will be responsible for the full cost of such units. All property owners will be responsible for proper operation and maintenance of the grinder pump unit in perpetuity, including repair and replacement of such units.
 - (4) There shall be no individual grinder pump connections to a municipal force main. All such connections must be to the low-pressure sewer or to a gravity sewer, subject to Nantucket Sewer Department approval.
- I. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building directly or indirectly to the Nantucket Sewer System.
- J. No person shall connect a basement sump pump to a municipal sewer either directly or indirectly through the service connection.
- K. The connection of the sewer service lateral into the municipal sewer shall conform to the requirements of the Nantucket Sewer Standards and Specifications. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Nantucket Sewer Department before installation.
- L. The applicant for the sewer connection permit shall notify the Nantucket Sewer Department when the sewer service lateral is ready for inspection and connection to the municipal sewer. Such notification must be made at least 48 hours prior to the requested inspection. The connection shall be made by the applicant's Licensed Utility Installer under the supervision of the Nantucket Sewer Department. Excavations shall not be closed until inspection is made. The Town reserves the right to inspect the entire service connection from the building sewer to the municipal sewer. The Town reserves the right to require all work to be uncovered if partially or totally backfilled before an inspection has been performed by the Nantucket Sewer Department.
- M. All excavations for sewer service lateral installation shall be adequately guarded with barricades, and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall comply with Chapter 127 Article 1 of the Town Code. Street opening permits must be obtained from the Nantucket Department of Public Works and must be signed by all applicable departments and town administration prior to starting any work.
- N. Cleanouts shall be provided to allow cleaning in the direction of flow in accordance with The Town of Nantucket Sewer Standards and Specifications. Cleanouts shall be extended to an elevation at or above

the finished grade level directly above the place where the cleanout is installed and protected from damage. Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner. For grinder pump discharge lines greater than 100 feet, a flush port must be provided at the grinder pump wet well or chamber.

- O. Prior to connection with a municipal sewer or the issuance of sewer connection permits, pursuant to § 336-20, Subsection A, the Director may, on receipt of written application, authorize design review of plans and specifications and inspection of construction for a privately designed and constructed sewer. Any such review and/or inspection undertaken shall not relieve any party from any of the obligations arising under these regulations, as now in force or as may be amended from time to time, or any other obligations under applicable federal or state laws, rules or regulations. Nor shall any such review or inspection constitute any waiver by the Town of its rights and privileges under said regulations, laws or rules.

(1) All costs and expense incident to any design review and/or inspection under Subsection O shall be borne by applicant therefor. Applicant will indemnify and hold harmless the Town and all its agents and employees of and from all costs and expenses incurred incident to such review, inspection and work relating thereto, including any professional, engineering and legal fees incurred. No such inspection or review under said Subsection O shall be undertaken unless the applicant therefor shall deposit with the Treasurer an amount determined by the Director (or other designee named by the Sewer Commission) as sufficient to cover all the costs of engineering, legal or other professional review and/or inspection. The account shall be administered and maintained as provided in Subsection O (2).

(2) With respect to any account established pursuant to Subsection O (1) the Treasurer shall pay invoices pursuant to direction and approval of the Director (or other designee named by the Sewer Commission), who shall not direct any payment unless the Town gives 14 days' notice (including a copy of such invoice) to the applicant. The balance of the account shall at no time until completion, be less than 1/2 of the initial deposit, and applicant shall deposit with the Treasurer such additional funds as are required to restore the account to the amount of the initial deposit upon notice from the Town that the amount on deposit has been decreased by the expenditures described below to an amount at or near 1/2 of the initial deposit. The account shall be closed, and the remaining funds returned to applicant when, in the opinion of the Director, all work required and any subsequently approved modifications including all inspections required, have been completed, and all costs of same have been paid from said account. All notices herein shall be by first class mail.

- P. Maintenance of building sewers and sewer service laterals:

(1) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer/sewer service lateral as deemed necessary by the Sewer Director to meet specifications of the town. Owners failing to maintain or repair building sewers/sewer service laterals or who allow stormwater or ground water to enter the municipal sewer may face enforcement action as outlined in § 336-22.

(2) The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.

(3) The point of division between the sewer service lateral and the municipal service connection shall be at the property line or right-of-way line. The municipal service connection cannot extend onto

private property except that minimal distance necessary to cross or be unencumbered by other utility lines.

Q. Sanitary sewer main extensions: Persons desiring sewer main extensions must pay all of the cost of making such extensions after review and approval of the Nantucket Sewer Department.

(1) Sanitary sewer mains shall be designed in accordance with the Nantucket Sewer Standards and Specifications and to accommodate any future flows from areas tributary to the proposed sewer extension. Municipal service connections shall be included at each buildable parcel along the length of the extension.

(2) All such extensions shall be installed either by the town or by Licensed Utility Installers working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Massachusetts. Upon completion of such extensions and approval by the town, such sewer mains shall become the property of the town.

(3) The overall cost of the sewer extension shall include the installation cost of the required sanitary sewer stubs. Persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the Town's title to such mains.

(4) Acceptance of sewer main extensions: The procedures for acceptance of sewer main extensions by the Town of Nantucket as public sewers, -are set out in Article I, Exhibit 1, General Acceptance of Sewers including a requirement that the owner provide letter of credit or escrow funds to be held until the end of the one-year warranty period. In no case will a sewer main extension be accepted by the Town within the one-year warranty period.

~~(4)~~(5) In consideration of such mains being transferred to it, the Town shall incorporate said mains as an integral part of the municipal sewer systems and shall furnish sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains, downstream capacity and capacity at any POTW that receives wastewater from the mains.

R. Sewer connections in the Shimmo, Nantucket Harbor and Plus Areas must be made in accordance with the Town's August 2017 Policy for Sewer Stubs and Reconnections (Article I, Exhibit ~~12~~).

S. No sewer extension shall be allowed outside of existing Sewer Districts or Needs Areas as defined in the latest version of the Comprehensive Wastewater Management Plan (CWMP) unless otherwise approved by vote at an Annual or Special Town Meeting.

§ 336-3. Use of public sewers.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, non-contact cooling water or condensate to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to storm drains or to a natural outlet approved by the Department of Public Works (DPW). Non-contact cooling water or treated process waters may be discharged, on approval of the DPW, to a storm drain, or natural outlet. Such discharges may also require approval under the National Pollutant Discharge Elimination System (NPDES) Program.

- C. Discharges of industrial or commercial wastes into the municipal sewer system that exceed 25,000 gpd will at a minimum, be required to have a holding tank and regulated discharge flowrate. The Town may also require treatment prior to discharge into the municipal sewer system and may establish limitations and requirements for industrial discharges that:
- (1) result in additional treatment costs; and
 - (2) have the potential to harm the POTW or otherwise cause non-compliance.
- D. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any petroleum products including but not limited to gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment facility.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, personal wipes including "flushable wipes," etc., either whole or ground by garbage grinders.
- E. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment facility, degree of treatability of, wastes in the wastewater treatment facility, and other pertinent factors. The substances prohibited are:
- (1) In no case shall heat, heated liquid or vapor be discharged to the sanitary sewer, in such quantities that the temperature at the POTW exceed 104° (40° C.)
 - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to review and approval of the Director or their authorized deputy, agent, or representative.

- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, lead, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment facility exceeds the limits established by the Director for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Basement Sump pumps, outside area drains, Outside Shower Drains or any other external drains that are subject to surface ponding, flooding or rain.
- (12) Dewatering from ANY surfaces, basement foundations, crawl spaces, construction sites, swimming pool or hot tub construction activities.
- (13) There shall be NO discharge from swimming pools or hot tubs into any public sewer.
- (14) Hauled Waste:
 - (a) Landfill Leachate shall only be accepted at the Surfside Wastewater Treatment Facility in quantities of a maximum of 25,000 gallons per day unless these amounts cause treatment issues identified by the Chief Wastewater Operator who can stop the acceptance of such wastes.
 - (b) Brewery or other industrial wastes MUST be discharged under supervision or direction of the Chief Wastewater Operator or the Operator on duty. Before any discharge can begin, the driver

must ensure the loads are identified and logged by the Chief Wastewater Operator or the Operator on duty.

- (c) Cannabis cultivation, production and processing wastewaters – Any wastewaters generated from cannabis cultivation, production or processing (washing, oil extraction, manufacturing of cannabis-based products) may only be discharged into the Surfside WWTF under supervision or direction of the Chief Wastewater Operator or the Operator on duty. The operator of the cannabis facility must certify in writing that the facility is implementing the best management practices established in Article I, Exhibit 23. Before any discharge can begin the driver must ensure the loads are identified and logged by the Chief Wastewater Operator or Operator on duty.

F. Action in the event of prohibited discharges.

- (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection E, and which in the judgement of the Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:
 - (a) Reject the wastes,
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
 - (c) Require control over the quantities and rate of discharge, and/or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection K.
- (2) If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, regulations, and laws.

G. Grease, oil, and sand interceptors and/or standard active grease recovery units shall be provided for all multiple unit dwellings, commercial kitchens, food service establishments, and when, in the opinion of the Director or their authorized deputy, agent, or representative, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.

H. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.

I. When required by the Director, the owner of any property serviced by a sewer service lateral carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed and maintained by the owner at owners' expense and shall be safe and accessible at all times.

J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of "Standard Methods

for the Examination of Water and Wastewater," published by the American Public Health Association. All samples and measurements shall be taken at the control manhole provided. In the event that no control manhole has been provided, samples and measurements shall be collected at the downstream public sewer manhole that is nearest to the point at which the sewer service lateral is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director. Such records shall be made available upon request by the Director to other Agencies having jurisdiction over discharges to the receiving waters. All monitoring and sampling costs are the responsibility of the owner.

- K. No statement contained in this article shall be construed as preventing any special agreement or Town and County arrangement between the Town of Nantucket and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the Town and County for treatment, subject to payment therefore by the industrial concern.

§ 336-4. Protection from damage.

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or vandalism.

§ 336-5. Powers and authority of inspectors.

- A. Pursuant to 314 CMR 12.03(5) and M.G.L. c. 21, §§ 27(12) and 34, The Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Director or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.
- B. While performing the necessary work on private properties referred to in Subsection A above, the Director or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 336-3I.
- C. The Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the measurement, sampling, repair, and maintenance of any portion of the POTW located within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property

involved. Measurement and sampling easements shall be 10 feet plus 10 feet working space totaling 20 feet, or 10 feet plus 20 feet working space totaling 30 feet.

§ 336-6. Validity.

- A. All regulations or parts of regulations in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this regulation shall not affect the validity of any other part of this regulation which can be given effect without such invalid part or parts.

§ 336-7. Septic tank waste.

The Director shall determine, assign and maintain a facility for the discharge of septic tank waste to the Surfside WWTF of the Town of Nantucket. Such facility shall be the only point allowed for the discharge of septic tank waste and its use shall be governed by the following:

- A. Only carriers licensed by the Board of Health and approved by the Sewer Commission may discharge septage at the treatment facility.
- B. Septic tank waste which does not meet the definition of sewage established in the regulations will not be accepted.
- C. Discharge of septic tank waste is limited to the hours of normal operations for the Surfside WWTF; Monday through Friday from 7:00 a.m. to 3:30 p.m. unless otherwise arranged with the Chief Operator and approved by the Director or their designee.
- D. The pumping, hauling, discharge of septic tank waste shall be in accordance with the Commonwealth of Massachusetts State Environmental Code (310 CMR 15).
- E. All septage waste must be tested for pH to determine compliance with existing Sewer Regulations. The Chief Operator must be notified before industrial or commercial loads are discharged.
- F. Haulers must provide a manifest of the origin of the septic waste on forms provided by the sewer department.
- G. Clean up of the septage receiving area is required after each septage discharge.
- H. Failure of the hauler to comply with these regulations, including failure to make payments as required shall be cause for the Sewer Commission to revoke its permit to discharge at the facility.

§ 336-8. Sewer Easements.

- A. Municipal Sewers shall be constructed within existing public rights of way when applicable to the extent physically and legally possible. If, upon determination by the Sewer Commission, a public sewer must be constructed within a private way or across private property, a permanent easement of no less than twenty-five (25) feet in width, for the construction, maintenance and operation of said public sewer shall be conveyed to the Town by appropriate persons possessing an interest in such private way or property. Sewer easements on private property are subject to the following requirements:
 - (1) Owner shall not place or permit to be placed any trees or other deep-rooted landscaping directly over or within twelve and one-half (12.5) foot horizontal distance of the sewer main, pump station, or any other sewer facility. The Town reserves the right to remove any trees or landscaping placed within an easement or right of way.

- (2) Owner shall not place or permit to be placed any permanent or temporary structures, mounding, lighting, fencing, signs, retaining/landscaping/entrance walls, irrigation lines, propane tanks etc. directly over or within twelve and one-half (12.5) foot horizontal distance of sewer main, pump station, or any other sewer facility. The Town reserves the right to require the owner to remove or relocate (outside the easement) any of the above listed items that have been placed within an easement or right-of-way.
 - (3) The Town shall be held harmless for any damage to items listed in numbers 1 and 2 above that are located within easement.
 - (4) The Town may periodically perform field inspections to verify compliance with the above-mentioned requirements. If a violation exists, then the Town will notify the owner and require appropriate corrective action.
- B. If an individual service connection must cross another property, the owner of the property being served by the sewer must obtain a construction and maintenance easement from the owner of the property that is being crossed. A permit will not be issued until the easement has been gained.
- C. Persons desiring sewer main extensions must obtain easements from the owners of all the properties abutting the sewer main extension-, unless such extension is located on Town property or within the right-of-way of a County or Town way, in which case permission of the Select Board and/or the County Commissioners shall be required.

§ 336-9. Regulation in force.

- A. This regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- B. Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the ***th day of-.

ARTICLE II

Sewer User Fees

Purpose.

The purpose of this regulation is to establish a fair and equitable method of connecting with the Town of Nantucket Sewer System. The fees will be adjusted annually based on the cost of living or other appropriate index.

§ 336-10. Definitions.

RESIDENTIAL AND GENERAL COMMERCIAL USERS – All residential and commercial land use activities connected to the Nantucket Sewage System which introduce no more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works.

SPECIAL USERS – All land use activities connected to the Nantucket Sewage System which introduce more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works based on a combination of volume, strength and toxic waste factors.

§ 336-11. Sewer service connection fees.

The Nantucket Sewer System connection fees shall be as follows:

- A. Sewer permit application fees for new residential connections to the Nantucket Sewer System shall be as shown in Article II, Exhibit 1, Sewer Permit Application Fee Schedule and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for Sewer Permits are per dwelling or dwelling unit.

Sewer permit application fees for any existing residential property connecting to the Nantucket Sewer System within the time frame established by the Board of Health shall be as shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling, dwelling unit or any outbuilding with sanitary facilities.

- ~~B.~~ Developers of sewer main extensions shall be required to pay all or a portion of the sewer service connection fees for all abutting properties as described in Article II, Exhibit 1, as determined by the Sewer Commission-

- ~~B-C.~~ For commercial establishments and licensed lodging establishments (hotels, motels, licensed inns and guest houses), the sewer service connection fee shall be as shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling or dwelling unit.

- ~~C-D.~~ For mixed use developments, the residential connections will be subject to the fees established in subsection A and commercial connections will be subject to the fees established in Article II, Exhibit 1.

- ~~D-E.~~ Where multiple dwellings or dwelling units exist on a single property, a sewer permit fee, as defined herein, shall be assessed per dwelling or dwelling unit.

E.F. For all residential dwellings, dwelling units, outbuildings with sanitary facilities and commercial establishments currently connected to the existing sewer system, no sewer service connection fee will be assessed; however, these existing connections are subject to the following fees as applicable shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling or dwelling unit.

§ 336-12. Other fees and charges.

A. The Sewer Commission shall enact other fees and charges in accordance with Article II, Exhibit 2.

§ 336-13. Sewer Capacity Fee.

The Sewer Capacity Fee (SCF) is established in addition to the Sewer Service Connection Fees and other fees and charges, as follows:

- A. Such fee applies to all properties that implement changes which, based on 310 CMR 15.203 [Article II, Exhibit 3], have the potential to increase flows into the Nantucket Sewer System including new developments or new properties connected to the sewer, as well as changes to existing properties connected to the sewer system.
- B. The minimum Sewer Capacity Fee for residential and non-residential users is calculated using the using the sewer flows established in 310 CMR 15.203 [Article II, Exhibit 3] and is described in detail in the Sewer Capacity Fee Policy [Article II, Exhibit 4].
- C. Payment of the Sewer Capacity Fee is required before issuance of a sewer connection permit. The property owner may pay the fee in full up front. The Town of Nantucket will also allow the fee payment to be apportioned over time on the property owner's tax bill as follows:
 - (1) The property owner must pay at least 10% of the fee up front and sign a Voluntary Lien Agreement which gets recorded at the Registry of Deeds.
 - (2) The remaining amount must be paid in annual installments at a rate established by the Sewer Commission, for a period not to exceed twenty years.
- C. A schedule of residential SCFs is provided in Article II, Exhibit 5.

§ 336-14. Bills for sewage services.

- A. Rates for sewage services (base fee plus fee per unit of consumption for metered uses; and base fee plus a bedroom-based per-capita fee pursuant to 310 CMR 15.203 [Article II, Exhibit 3]for well users) shall be established by the Town of Nantucket. The Town will review the cost of providing sewer service periodically and will adjust the rates accordingly.
- B. Charges for sewage services shall be billed to each customer in a minimum of semiannual installments to the extent possible, quarterly bills coinciding with the Water Company meter readings may be implemented.
- C. Bill is considered delinquent 30 days after mailing date. Delinquent notice sent 15 days thereafter. Sixty days after mailing date a 1.5% interest charge per month on any outstanding balance more than 30 days in arrears will be assessed.

- D. Payment in full of any outstanding balance must be made prior to any hearing for an appeal of any sewer fees.
- E. Residential property owners over the age of 65 are permitted to make periodic payments of the bill provided that the bill is paid within one year following issuance. There shall be no interest charged or demand notices sent during this period.
- F. If a sewer bill shows an obvious accounting or classification error, the Director may allow an adjustment of the bill without prior payment.
- G. In accordance with M.G.L c. 83 § 16B, should the Nantucket Sewer Department become aware of a previously unknown sewer connection that has not been billed, the Nantucket Sewer Department has the authority to assess back charges from the previous 6-year period in accordance with the rates and procedures established under this section or the applicable rate(s) during the unbilled period.

§ 336-15. Utility fees appeal process.

- A. User fees must be paid no later than 30 days from the date of billing; any abatement authorized will later be returned to the applicant. Requests for a reduction in the amount billed must be filed with the Director no later than 30 days from the date of billing.
- B. Request for reductions must be submitted on forms provided by the Nantucket Sewer Department. Such requests will be checked for a billing error, either a classification issue (reviewed by the Assessor) or a non-classification issue. If there is an obvious error, the Director or their authorized deputy, agent, or representative can authorize the proper abatement, otherwise, the Director or their authorized deputy, agent, or representative shall send a letter with the reason of disapproval to the applicant, which can then be appealed within 30 days from the date of disapproval to the Sewer Commission.
- C. The Sewer Commission may designate sub-committee of its members to hear appeals of utility fee assessments. The Sewer Commission shall make its best efforts to determine if an abatement of the amount billed to the applicant is warranted on the basis of the existence of a hardship. Once the Sewer Commission has received notice that an appeal is requested of the applicant, it shall make its best efforts to notify the applicant within 10 days of the hearing date. The Sewer Commission shall then record the outcome of its vote and send a letter to the applicant to confirm the decision of the Sewer Commission. If the appeal has been denied, the applicant will also be sent a denial notice from the Sewer Commission. A final appeal from the decision of the Sewer Commission may be made in writing within 30 days to the Sewer Commission.

§ 336-16. Exemptions.

Commencing Fiscal Year 1995, unless otherwise adopted or amended, sewer user fees will not be assessed to properties that have been determined to be exempt from local taxation pursuant to the Town Assessor's records in accordance with Massachusetts General Laws Chapter 59, section 5, clauses 1 through 15 as of July first of each year.

§ 336-17. Waivers.

The Sewer Commission will consider, on a case-by-case basis, waivers of the Town's fees relating to the connection of dwellings in accordance with the Policy for Sewer Fee Waiver Requests [Article II, Exhibit 6] ~~and the Sewer Capacity Fee Policy [Article II, Exhibit 4].~~

§ 336-18. Severability clause.

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without such invalid provisions or applications.

§ 336-19. Regulation in force.

This regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the ***th day of 2019.

ARTICLE III

Permitting and Enforcement

§ 336-20. Permit required.

- A. No unauthorized person shall uncover, make any connections with or opening into, use alter, or disturb any municipal sewer or appurtenance thereof without first obtaining a written permit from the Director. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Nantucket Sewer Department no less than forty-five days prior to the proposed change or connection; and must engage the services of a Licensed Utility Installer.
- B. For properties not previously connected to the sewer, a sewer connection permit, with appropriate fee, must be obtained for the primary residence prior to application for a sewer connection permit for any additional dwellings on the property.
- C. An application, on forms prescribed by the Nantucket Sewer Department approved by the Sewer Commission, shall be made with respect to each sewer connection required or permitted hereby. Each such application shall be submitted to the Nantucket Sewer Department for review and approval or shall be denied by the Director. Appeals of denials shall be submitted to the Sewer Commission through the town's administration for a scheduled public hearing.
- D. Upon the approval of an application for a connection to the Nantucket Sewer System, a connection fee shall, pursuant to Article II of this chapter, be due and payable as set forth.

§ 336-21. Permit issuance, modification and expiration.

- A. Action on application. The Director shall examine or cause to be examined all applications for permits and amendments thereto within 30 days after filing. If the application does not conform to applicable sewer regulations and pertinent laws, the Director shall reject such application in writing. Once satisfied that the proposed work conforms to the regulations and pertinent laws applicable thereto, the Director shall issue a permit. If the applicant receives no written answer within such 30 days, the permit shall be deemed denied.
- B. Report to building department. The Director shall give to the Building Department of the municipality a copy of each permit issued within 30 days of issuance. Such notice shall state the name of the person to whom the permit was granted and the location of the property (Assessor's map and parcel number).
- C. Expiration of permit. Any permit issued shall be deemed abandoned and invalid unless a building permit has been issued for the property within 24 months after its issuance. This permit may be extended for periods not exceeding six months each, but only to the same extent as the related building permit is extended, as may be determined in writing by the Director with a \$100.00 renewal fee charged for any such extension of time.

§ 336-22. Violations and penalties.

- A. Any sewer connection made in violation of these regulations shall be disconnected and/or removed and properly installed, in accordance with these regulations as determined by the Nantucket Sewer Department. All costs incurred by the Town in the enforcement of this regulation, including

disconnection and reconnection costs, shall be assessed as an additional fee. No reconnection will be allowed until all applicable fees and/or fines have been paid.

- B. Any person making sewer connections without benefit of a sewer connection permit must pay all applicable fees and shall be fined in accordance with Article III, Exhibit 1.
- C. Any person failing to maintain or report building sewers or sewer service laterals is subject to the requirements of Subsections D and E, and at the discretion of the Director, discontinuation of service.
- D. Any person found to be violating any provision of this regulation except § 336-4 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations.
- E. Any person who shall continue any violation beyond the time limit provided for in Subsection D shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- F. Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such violation.
- G. For violations other than exceedances of the time limits established in Subsection D, the Board of Health/ Sewer Commission may impose a civil penalty not to exceed \$5,000 per day for each violation.
- H. Contractors found to be violating any provision of these rules and regulations may be subject to License suspension or revocation and will NOT be able to work within the Towns Rights of ways until the matter is resolved. Contractors with numerous violations that exceed 3 separate violations are subject to having their licenses revoked for life.
- I. Any violation of these regulations shall be subject to fines in accordance with MGL c 83, s 10.

§ 336-23. Exemptions.

The Sewer Commission may grant exemptions from these regulations.

§ 336-24. Regulation in force.

- A. This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- B. Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the ****th day of 2019.

ARTICLE IV

Fats, Oils and Greases

Purpose

The Town of Nantucket encourages all users of the sanitary sewer system to take voluntary steps to reduce the amount of fats, oils, and grease that is poured, drained, or washed down drains into the sanitary sewer system.

§ 336-25. Definitions.

In the interpretation and application of Article IV of Chapter 336, the following words and phrases shall have the indicated meanings:

BEST MANAGEMENT PRACTICES (BMPs) means actions or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of this Regulation.

FATS, OILS, AND GREASE (FOG). Organic polar compounds derived from animal and/or plant sources and accumulate in the sewer system. These are substances that may solidify or become viscous at temperatures above 32 degrees Fahrenheit. These substances are detectable and measurable using analytical procedures established in 40 CFR 136.

FOOD SERVICE ESTABLISHMENT (FSE). Any establishment, business or facility engaged in preparing, serving, or making food available for consumption. Single family residences are not a FSE, however, multi-residential facilities may be considered a FSE at the discretion of the Nantucket Board of Health (BOH). FSEs are classified as follows:

CLASS 1: Deli- engaged in the sale of cold-cut and microwaved sandwiches/subs with no frying or grilling on site, ice cream shops and beverage bars as defined by North American Industrial Classification System (NAICS) 722515 or mobile food vendors as defined by NACIS 722330. Bed and breakfast establishments as defined by NACIS 72119.

CLASS 2: Limited-service restaurants (a.k.a. fast-food facilities) as defined by NACIS 722513 except fast food with a food line that is heavily fried and a history of FOG discharges that interfere with the sanitary sewer system and catering as defined by NACIS 722320.

CLASS 3: Full-service restaurants as defined by NACIS 722110.

CLASS 4: Buffet and cafeteria facilities as defined by NACIS 72212.

CLASS 5: Institutions (schools, hospitals, prisons, etc.) as defined by NACIS 722310 but not to exclude self-run operations.

GREASE, BROWN. Fats, oils, and grease that are discharged to the grease control equipment.

GREASE, YELLOW. Fats, oils, and grease that have not been in contact with or contaminated from other sources such as water, wastewater, solid waste and can be readily recycled.

GREASE CONTROL EQUIPMENT (GCE). A device for separating and retaining wastewater FOG prior to the wastewater exiting the FSE property and entering the sanitary sewer system. GCE includes grease traps and grease interceptors, or other devices approved by the Nantucket BOH.

GREASE INTERCEPTOR. An interceptor whose rated flow exceeds 50 gallons per minute (g.p.m.) and is located outside the building.

GREASE TRAP. An interceptor whose rated flow is 50 g.p.m. or less and is typically located inside the building.

GREASE RECYCLE CONTAINER. A container used for the storage of yellow grease for recycling.

INTERCEPTOR. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity flow.

INTERFERENCE. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sanitary sewer collection operation, the treatment processes or operations, or the sludge processes, use or disposal, or exceeds the design capacity of the treatment works or collection system.

TEE (influent & effluent). A T-shaped pipe attached to the horizontal influent and effluent pipes of a grease interceptor and extending downward into the trap to depths specified by design which on the influent side forces influent flow into the center of the trap and prevents floating FOG from escaping the effluent pipe.

BLACK WATER. Wastewater containing human waste from sanitary fixtures such as toilets and urinals.

GRAY WATER. Refers to all other wastewater other than black water.

§ 336-26. Discharge of FOG.

- A. Town of Nantucket Sewer Regulation 336-3 E. (2) prohibits the discharge of “fats, wax, grease, or oils that may solidify or become viscous at temperatures between 32° F and 150° F.” Additionally, Regulation 336-22 sets out penalties for violation the Sewer Regulations.
- B. Uniform State Plumbing Code (248 CMR 10.00). “Grease traps and interceptors shall be installed in the following establishments to prevent the discharge of fats, oils, and grease into the drainage system: 1. restaurants; 2. cafeterias; 3. hotels; 4. hospitals; 5. institutional facilities; 6. factories; 7. clubs; 8. bars where food is prepared and served; and 9. all commercial kitchens; food and meat packing and processing establishments; super markets, bakeries, and other establishments where fats, oils and grease may be introduced into the building sanitary drainage system in quantities that can cause waste line obstruction or hinder sewage disposal... Grease traps and interceptors may be installed on individual fixture waste branches.”

§ 336-27. Interference with the sanitary sewer system operations.

- A. Any user who discharges animal and vegetable fat, oil, and grease in the volume or form which interferes with the operation of the sanitary sewer system may be subject to enforcement actions as specified in § 336-22. Violations and penalties of the Nantucket Sewer Regulations and may be billed

for cleanup charges incurred by the Nantucket Sewer Department when that user's discharge causes operation and maintenance problems in the sanitary sewer system such as blockages, backups, overflows, interruption of service, excessive FOG accumulation in lift stations and pipes, and other FOG related problems that are tracked to that user's discharge. A schedule of fees can be found in Article II, Exhibit 2, specifically the tables titled "Service Request (Non-Town Issue) During Normal Business Hours Monday Thru Friday 7-3:30" and "Service Request (Non-Town Issue) After Normal Business Hours, Holidays and Weekends."

§ 336-28. Control of FOG.

- A. All existing and new FSEs shall effectively control the discharge of FOG into the sanitary sewer system. A Class 1 FSE may do this through the use of Restaurant Industry best management practices such as those published by the National Restaurant Association. See: http://www.foodservicerresource.com/FORMS%20&%20PDFS/FOG_ToolKit.pdf. If best management practices fail to prevent sanitary sewer system interferences Class 1 FSEs shall install grease control equipment (GCE) as specified in § 336-29, or by the Nantucket BOH.
- B. All new Class 2-5 FSEs shall install grease control equipment in sizes specified in § 336-29 or by the Nantucket BOH and properly maintain that equipment in such a way to prevent interference with the sanitary sewer system.
- C. Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the sanitary sewer system and the Nantucket BOH gives written permission stating that that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the Nantucket BOH that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE shall comply in accordance with § 336-22. Violations and penalties of the Nantucket Sewer Regulations.
- D. All FSEs with GCE shall maintain records of cleaning and maintenance of that equipment. Records include at a minimum the date of cleaning or maintenance, company or person conducting the cleaning or maintenance, and the amount of grease and water removed from the equipment. A grease waste hauler completed manifest will meet this requirement.
- E. Yellow grease such as fryer oil, shall not be discharged into the GCE or into stormwater conveyances. The use of yellow grease recycling containers is encouraged.
- F. Owners of commercial property will be held responsible for wastewater discharges from FSE leaseholders on their property.
- G. All FSEs shall provide access to Town utility personnel (after proper identification) for the purpose of inspection of GCE, kitchen equipment and practices, and any cleaning and drain remediation products which relate to the wastewater and FOG discharge.

§ 336-29. Grease Control Equipment (GCE).

- A. Any FSE either new or existing that is found by the Nantucket BOH of Nantucket Sewer Department to be interfering with the sanitary sewer system may be asked to install GCE that is larger than the minimum size and take other steps to stop that interference.
- B. Existing FSEs that do not meet these minimum sizes may continue to use existing GCE and/or best management practices if the discharge from the FSE is not interfering with the

sanitary sewer system and the Nantucket BOH gives written permission stating that that the current GCE and practices are preventing interference with the sanitary sewer system. Upon written notice from the Nantucket BOH that the existing GCE or BMPs are inadequate to protect the sanitary sewer system from interference, the FSE's violations shall be penalized in accordance with § 336-22. Violations and penalties of the Nantucket Sewer Regulations.

- C. Additionally, FSEs that discharge the water from dishwashing machines through a grease interceptor shall install a GCE which is larger than the minimum to allow for cooling of the discharge and thereby prevent discharge of FOG into the sanitary sewer system.
- D. Grease Traps. These small, under-the-counter units shall be installed according to drawings provided by the Nantucket BOH and shall include vented flow restrictor prior to the trap. Dishwashing machines shall not be installed onto these units. Failure to follow this requirement will render the trap ineffective and the FSE shall be instructed to install a large external grease interceptor.

§ 336-30. Additives.

- A. Additives include but are not limited to products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes, and bacteria. They may be inorganic or organic in origin.
- B. The use of additives is prohibited with the following exceptions:
 - (1) Additives may be used to clean FSE drain lines but only in such quantities that will not cause FOG to be discharged from the GCE to the sanitary sewer or cause temporary breakdown of the FOG that will later re-congeal in the downstream sewer pipes.
 - (2) If a product used can be proven to contain 100% live bacteria, with no other additives, a request for permission to use the product shall be made to the Nantucket BOH. The request must be submitted in writing with a full disclosure Material Safety Data Sheet and a certified statement from the manufacture.

§ 336-31. Implementation.

- A. This Regulation empowers the Nantucket BOH and the Nantucket Sewer Department to jointly develop and adopt reasonable operating policies to facilitate the implementation of this Regulation. These policies may include but are not limited to: FSE inspections, GCE sizing and maintenance, FSE wastewater discharge testing and monitoring, approval, or disapproval of GCE servicing vendors (Grease Waste Haulers), permitting of FSE's, and other operating policies needed to protect the sanitary sewer system from interference from FOG.

§ 336-32. Fees.

- A. This Regulation authorizes the Sewer Commission to establish fees (in accordance with § 336-12. Other fees and charges.) to offset costs associated with the implementation of this Regulation. Possible fees include: inspection fees, permitting fees, surcharge fees for high strength discharges, cleanup fees associated with FOG cleanup within the sanitary sewer system, and other fees necessary for implementation of this Regulation.

§ 336-33. Permitting.

B. The Nantucket BOH may use FSE permits as a way of implementing this Regulation and may further require the permitting or certification of GCE service and pumping vendors.

§ 336-34. Enforcement.

A. Violators of this Regulation may be issued FSE permits, subject to penalties pursuant to § 336-22. Violations and penalties. Violators may face fines, have water and/or sewer service terminated, and the Town may seek further remedies as needed to protect the collection system, treatment plant, receiving stream and public health. Repeated or continuous violation of this Regulation is declared to be a public nuisance and may result in legal action against the property owner and/or user, and the service line may be disconnected from sewer main. Upon notice by the Nantucket BOH that a violation has or is occurring, the user shall immediately take steps to stop or correct the violation. The Town may take any or all of the following remedies:

(1) In an emergency situation where the Nantucket BOH has determined that immediate action is needed to protect the public health, safety or welfare, a public water supply or the facilities of the sewerage system, the Nantucket BOH may discontinue water service or disconnect sewer service.

(2) Commenced a civil action in Superior Court or any other court of competent jurisdiction seeking damages and/or civil penalties against the user, and further seeking an injunction prohibiting further violations by user.

(3) Seek further remedies as needed to protect the public health, safety or welfare, the public water supply or the facilities of the sewerage system.

§ 336-35. Severability.

A. If any section, phrase, sentence or portion of this Regulation is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of remaining portions thereof.

§ 336-36. Date of effect.

A. This Regulation shall take effect from and after its passage, the welfare of the Town requiring it.

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GENERAL ACCEPTANCE OF SEWERS

A. The Owner or the Owner's representative seeking to extend sewers to service a particular area must notify the Sewer Department, in writing and provide a detailed set of plans and specifications prepared by a Professional Engineer for approval before installation and for scheduling inspection. Once the project is complete, a punch list and inspection are scheduled for deficient items. Once the deficient items are repaired and/or replaced to meet Town of Nantucket standards and specifications, the Developer/representative shall submit the following items to the Town of Nantucket Sewer Department:

- (1) A Professional Engineer's certified statement of the cost of the public utilities installed;
- (2) A Professional Engineer's certified statement indicating that the Work has been built in accordance with the approved set of construction plans;
- (3) A release of liens statement from the Owner/Developer stating that all materials and workmanship associated with the sewer main has been paid in full;
- (4) Certified surveyed Record Plans and Profiles shall be furnished by the Engineer upon completion and acceptance by the Town of Nantucket as stated above;
- (5) A statement from the Developer ensuring a one-year written warranty to the Town of Nantucket prior to issuance of the letter of acceptance;
- (6) A recorded map to the Town of Nantucket showing all public rights-of- way and easements;
- (7) The Engineer shall keep a copy of the Record Plans on file indefinitely.
- (8) Executed sewer dedication agreement in a form approved by the Sewer Commission and includes the provisions set forth in Subsection B below.

A. The Owner must also provide a letter of credit equal to 110% of the Professional Engineer's statement of cost. The letter of credit must be held until the one-year warranty period expires.

B. Sewer Dedication Agreements

- (1) Dedication of Sewer Lines. The Owner(s) shall transfer all of its right, title and ownership of the Sewer Facilities and the Town shall accept the Sewer Facilities upon the satisfaction of the following conditions:
 - (i) Within thirty (30) days of the execution of this Agreement, Parties shall deliver to the Town all of the required easements for the purposes of construction, installation, excavation, operation, maintenance, inspection, repair replacement, alteration, relocation, extension or removal of one or more of the sewer lines or pipes or the appurtenances related thereto by the Town or the Town's assignees in a form mutually acceptable to the Town and the Owner(s) fully executed and acceptable for registration with the Nantucket Registry District of the Land Court; and
 - (ii) The Sewer Commission, at a meeting duly held shall have voted to accept the Sewer Facilities ~~in and along North Mill Street~~ and all necessary easements for the land in which the Sewer Lines run. Should it be necessary for the Sewer Department to inspect and/or repair the Sewer Lines prior to the recording of any necessary easements, the Owner(s) shall grant the Town a

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EXHIBIT 1

GENERAL ACCEPTANCE OF SEWERS

license to enter upon the private roads adjacent to the Owners' Land for such limited purpose and only for as long as is necessary for the Sewer Department to perform such inspections or repairs. Furthermore, in the event that any new construction on any Owners' Land results in a need to request permission to connect to the Sewer Lines, the property owner [of the new construction] shall be required to obtain the necessary sewer connection permit issued by the Nantucket Sewer Department and shall be required to complete the connection in accordance with Town standards, in compliance with the Town's Sewer Regulations in Chapter 336 of the Town of Nantucket Code subject to the payment of all Sewer Capacity fees and Sewer Permit fees which are customarily paid to the Town's Sewer Department during the application and review process for a Sanitary Sewer Permit for connection to the Town System in accordance with the Use of Common Sewers Regulations and subject to the Nantucket Sewer Department final inspections.

08/01/17

TOWN OF NANTUCKET, MASSACHUSETTS
POLICY FOR SEWER STUBS AND RECONNECTION

Effective August 2017

This policy was developed specifically for the Nantucket Harbor Shimmo & Plus Areas Sewer Project.

1. Each developed lot fronted by a municipal sewer will be provided with one sewer connection stub (unless otherwise indicated herein). Connection stubs will be located, as much as practicable, in coordination with property owner's requests. Lacking a request for other location, connections will be provided at the driveway to the dwelling.
2. Vacant developable lots fronted by the municipal sewer will be provided with one sewer connection stub (unless otherwise indicated herein). Connection stubs will be located, as much as practicable, in coordination with property owner's requests.
3. Vacant lots identified by the Town of Nantucket as undevelopable will not be provided with a sewer connection stub.
4. Each developed or vacant developable lot with sufficient land area and road frontage to subdivide the property may be provided with a second building connection stub, at the request of the property owner, and as approved by the Town.
5. Developed properties with two existing dwelling units (or multiple permitted sewer connections) will be left one service connection stub for each dwelling unit or permitted sewer connection, unless otherwise approved by the Town.
6. Mixed use properties, such as buildings with separate residential and business uses, will be considered as separate units, and each unit will require a separate service connection, unless otherwise approved by the Town.
7. All permitted sewer connections will be subject to the applicable sewer connection fee and privilege fee. Existing dwellings sewerer directly by the Nantucket Harbor Shimmo & Plus Areas Sewer Project will not be subject to a Capacity Utilization Fee (CUF). Existing dwellings will be those dwellings that have received all approvals for construction prior to December 31, 2017, for the Nantucket Harbor Shimmo & Plus Areas Sewer Project, which date shall be formally identified and posted by the Town through the Nantucket Sewer Department.
8. In accordance with Nantucket Board of Health regulations, all properties must complete connection to the sewers within two years from the time of notification that the sewer line is approved for use. Properties located within environmentally sensitive areas must have filed a complete sewer service application for connection within six months from the time of notification that the sewer line is approved for use, unless an extension is granted to that property by the Nantucket Board of Health.
9. Dwellings previously connected to sewer (excluding dwellings connected prior to 2004) and fronted by a new municipal sewer extension will be subject to the connection and privilege fee if these fees were not previously paid. Requirement to reconnect to the new sewer and abandon the existing connection will be at the Town's discretion. In general, properties previously connected and provided with the ability to connect to the new sewer will not be required to reconnect, unless it is deemed in the best interest of the Town and/or the property owner.

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10. In areas serviced by low-pressure sewers, dwellings must install, operate and maintain an individual grinder pump unit meeting specifications established by the Town, and subject to the approval of the Town. The following policies apply to low-pressure sewer connections:
- a. For lots with multiple sewer service connections for separate dwellings or building units, a separate individual grinder pump unit will be required for each service connection.
 - b. Permitted sewer connections serviced directly by the Nantucket Harbor Shimmo & Plus Areas Sewer Project will be eligible for purchase of individual grinder pump units at a reduced price based on a Town managed procurement program. The Town will procure individual grinder pump units of simplex (single pump) design residential type, along with ancillary control panel, and will contract for these units to be provided to eligible (existing dwellings) properties by an approved manufacturer and supplier. The Town will offer to the owners of eligible dwellings the option to purchase a grinder pump unit and associated electrical control panel unit from the Town for a discounted cost of \$1,500. For dwellings that have installed an innovative/alternative (I/A) Title 5 system approved by the Nantucket Health Department, the discounted cost for the grinder pump unit will be reduced to \$500. Properties with two permitted sewer service connections, and that have paid two sewer connection fees and two privilege fees shall be eligible to purchase two grinder pump units at the reduced price. The Town will prepare and distribute documentation for the property owner to either accept or reject the reduced price offer. Acceptance of the offer by a property owner must be completed within 60 days of the mailing of said documentation. Failure by the homeowner to respond within 60 days shall constitute a rejection of the Town's offer. Property owners accepting the offer have two years from the time of notification that the sewer line is approved for use to have the grinder pump installed and the building connection to the public sewer completed. The Town will release the grinder pump to be picked up by an authorized drainlayer licensed by the Town of Nantucket upon approval of the sewer connection permit and payment of all municipal sewer connection fees.
 - c. Properties developed or dwellings that are constructed after the date of December 31, 2017 for the Nantucket Harbor Shimmo & Plus Areas Sewer Project will not be eligible to purchase grinder pump units through the Town at the reduced prices.
 - d. Properties that wish to install multiple grinder pumps (e.g. duplex units) or larger basins or storage tanks will require separate approval for the installation and will be responsible for the full cost associated with these systems. Under no circumstance will the Town of Nantucket approve the purchase and installation of an indoor grinder pump unit.
 - e. All property owners will be responsible for proper installation of the grinder pump units and ancillary equipment, including the complete connection to the public sewer per Town of Nantucket standards. All property owners will be responsible for proper operation and maintenance of the grinder pump unit in perpetuity, including repair and replacement of such units.

BEST MANAGEMENT PRACTICES FOR CANNABIS FACILITIES

Indoor cannabis cultivation and processing activities will generate wastewater such as hydroponic solutions, irrigation tail water, sanitation activities, high strength waste similar to food processing activities. The wastewater may contain elevated concentrations of nutrients; biochemical oxygen demand; salinity; metals; or sanitation chemicals containing biocides, bleach mixtures, or other chemical waste streams.

In addition to compliance with the Massachusetts Regulation and Taxation of Marijuana Act cannabis operations must employ the following are a list of best management practices:

CHEMICAL STORAGE, HANDLING AND DISPOSAL

- All chemicals must be stored in a manner, method, and location that ensure that there is no threat of discharge to the community sewer, which includes providing adequate secondary containment:
- Seal all floor drains in chemical storage areas to prevent contaminated wastewater from discharging to the community sewer. Make sure to check with your landlord and local fire and building departments prior to sealing the drain.
- If floor drains cannot be sealed, all chemicals must be stored in secondary containment.
- Ensure that employees do not pour toxic, corrosive, or flammable chemicals down sinks, toilets, or floor drains. Signage provided by the Nantucket Sewer Department must be posted to remind employees not to dispose these substances to the community sewer. For example:
- Solvents used in cannabinoid extraction like hexane are highly flammable and present a hazard when disposed to the community sewer.
- Always ensure safe disposal of fertilizers, insecticides, plant growth regulators, and other chemicals. Do not dispose of these materials to the community sewer.
- Hire a certified waste hauler to properly dispose of spent wastes.
- Ensure all chemicals are properly labeled and immediately replace any damaged or otherwise illegible labels.
- Have a written spill procedure posted in areas where spills may occur. Train your employees on how to respond to a spill.
- Employ closed loop cannabinoid extraction systems. Closed-loop extraction systems keep chemicals from being discharged into the community sewer.

FERTILIZERS

- Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over-fertilization.
- Fertilizers must be applied at rates no greater than listed on the product label.

PESTICIDES AND PEST MANAGEMENT

- • Before using any pesticide, always read and follow the pesticide label. The label is the law.

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-
- Indoor cultivation operations must comply with the pesticide manufacture's re-entry interval time periods when applying pesticides.
- Implement an integrated pest management program which includes monitoring for pests and developing treatment protocols utilizing the least toxic strategies.
- Refer to the guidance such as the that provided by the California Department of Pesticide Regulation when considering pesticides for your cannabis cultivation operations - <http://cdpr.ca.gov/docs/cannabis/index.htm>.

FATS, OILS AND GREASE (FOG)

- Use a FOG scraper for removing and properly disposing of FOG from cookware before washing.
- A FOG removal device (grease trap/grease interceptor) must be installed and maintained to prevent fats from clogging the community sewer or causing sewage to back-up.
- Establish and maintain contract with a licensed FOG waste hauler to routinely clean and maintain grease removal devices.

WATER SUPPLY AND WATER EFFICIENCY

- Water system must be equipped with backflow prevention devices and shutoff valves to prevent cross- contamination of the drinking water supply
- If the irrigation is not on a separate irrigation meter, consider installing a sub-meter to better understand the irrigation use and quickly detect costly leaks.
- Irrigating by hose has a potential to be wasteful. Frequent staff education on best practices and the establishment of standard operating procedures is recommended.
- Implement water recycling and reuse practices where feasible to irrigate crops efficiently.

**Article II
EXHIBIT 1**

SEWER PERMIT APPLICATION FEE SCHEDULE

SEWER PERMIT FEES	
TYPE	AMOUNT
Residential Sewer Permit* ~~(NEW)~~	\$4,000.00
Residential Disconnect Permit	\$300.00
Residential Re-Connect Permit	\$300.00
Residential Sewer Repair	\$300.00
Residential Validation Permit (complex)	\$300.00
Commercial Sewer Permit (NEW)	\$1.00 per Sq Ft <u>of building area</u>; Min \$4,000.00
Commercial Disconnect Permit	\$300.00
Commercial Re-connect Permit	\$300.00

* ~~The sewer permit fee for applications in the Shimmo area is \$500.00 until April 19, 2021. Developers of sewer main extensions must pay X % of the residential sewer permit fee for each abutting property.~~

Article II
EXHIBIT 2

OTHER FEES AND CHARGES

- A. Special charges for "Special Users" including high strength industrial wastes, special difficult to handle wastes, septage tank pumpings, and other special wastes that reflect the added O&M cost of handling these materials are as follows:

SEPTAGE RECEIVING WASTE TYPES	Rate Per 1000/Gallon
Type 1 Septage Billable	\$150.00
Type 2 Septage Non- Billable	\$0.00
Type 3 Waste Type 3 Industrial Wastes	\$110.00
Type 4 Waste Type 4 Residential Tight Tanks	\$60.00
Type 5 Waste Type 5 Grease Traps/Interceptor Tanks	\$0.00
Type 6 Waste Type 6 Plant uses	\$0.00
Type 7 Animal Grooming Trucks	\$50.00
Type 8 Carpet Cleaner Wastes 120 Gallons or less	\$50.00
Type 9 Mobile Food Truck waste	\$50.00
Type 10 Carpet Cleaner Wastes 120 Gallons or More	\$10.00

**Article II
EXHIBIT 2**

SCHEDULE OF FEES FOR SERVICE REQUESTS

SERVICE REQUEST (NON-TOWN ISSUE) DURING NORMAL BUSINESS HOURS MONDAY THRU FRIDAY 7-3:30			SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7801-1	Sewer Backup Response	Pickup Truck	\$0	\$250.00
7801-2	Sewer Backup Response	Rodder Truck	\$0	\$350.00
7801-3	Sewer Backup Response	Vac/Jet Truck	\$0	\$350.00
7801-4	Sewer Backup Response	Jet Truck	\$0	\$350.00

SERVICE REQUEST (NON-TOWN ISSUE) AFTER NORMAL BUSINESS HOURS, HOLIDAYS AND WEEKENDS		SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7802-1	Sewer Backup Response (MIN + OT min 2 hrs.) Rodder Truck	\$220.00	\$250.00
7802-2	Sewer Backup Response (MIN + OT min 2 hrs.) Vac/Jet Truck	\$220.00	\$450.00
7802-3	Sewer Backup Response (MIN + OT min 2 hrs.) Jet Truck	\$220.00	\$350.00
7802-4	Sewer Backup Response (MIN + OT min 2 hrs.) Pickup Truck	\$220.00	\$100.00
7802-5	Sewer Backup Response (MIN + OT min 2 hrs.) disinfection with bleach	\$220.00	\$45.00 per gallon
7802-6	Sewer Backup Response disinfection with lime	\$220.00	\$8.00 per bag
7802-7	Sewer Backup Response (MIN + OT min 2 hrs.) CCTV Truck	\$220.00	\$400.00

**Article II
EXHIBIT 2**

SERVICE REQUEST (NON-TOWN ISSUE) DURING NORMAL BUSINESS HOURS MONDAY THRU FRIDAY 7-3:30		SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7803-1	Sewer Dept. Response Private lateral blockage Rodder Truck from cleanout to main	\$0	\$250.00
7803-2	Sewer Dept. Response Private lateral blockage Jet Truck from cleanout to main	\$0	\$350.00
7803-3	Sewer Dept. Response Private lateral blockage CCTV truck from cleanout to main	\$0	\$450.00
7803-4	Sewer Dept. Response Private lateral repair within right of way Flat Rate **** ~~less~~ Less than 50 feet	\$1,500.00	Cost plus
7803-5	Sewer Dept. Response Private lateral repair within right of way Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-6	Sewer Dept. Response Private Force Main repair within right of way Flat Rate **** ~~L~~ ess than 50 feet	\$2,000.00	Cost plus
7803-7	Sewer Dept. Response Private lateral repair within right of way Flat Rate **** ~~L~~ ess than 50 feet	\$1,500.00	Cost plus
7803-8	Sewer Dept. Response Private lateral repair within right of way Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-9	Sewer Dept. Response Private Force Main repair within right of way Flat Rate****More than 50 feet	\$3,000.00	Cost plus

**Article II
EXHIBIT 2**

SERVICE REQUEST (NON-TOWN ISSUE) AFTER NORMAL BUSINESS HOURS, HOLIDAYS AND WEEKENDS		SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7804-1	Sewer Dept. Response Private lateral repair within right of way Flat Rate **** Less than 50 feet	\$2,500.00	
7804-2	Sewer Dept. Response Private lateral repair within right of way Flat Rate**** More than 50 feet	\$3,500.00	
7804-3	Sewer Dept. Response Private Force Main repair within right of way Flat Rate **** Less than 50 feet	\$3,000.00	Cost Plus
7804-5	Sewer Dept. Response Private Force Main repair within right of way ***More than 50 feet	\$4,000.00	Cost Plus
7804-6	Sewer Dept. Response 10-wheel Dump Truck	\$0	\$76.00 per hour
7804-7	Sewer Dept. Response Small Roll Off Truck	\$0	\$76.00 per hour
7804-8	Sewer Dept. Response Large Roll Off Truck	\$0	\$96.00 per hour
7804-9	Sewer Dept. Response Rodding truck with 2 operators	\$0	\$133.00 per hour
7804-10	Sewer Dept. Response Jetter truck with 2 operators	\$0	\$133.00 per hour
7804-11	Sewer Dept. Response Vac-Jet combo truck with 2 operators	\$0	\$133.00 per hour
7804-12	Sewer Dept. Response Small Roll Off Truck container daily rate	\$0	\$100.00 per day
7804-13	Sewer Dept. Response Large Roll Off Truck container daily rate	\$0	\$200.00 per day
7804-14	Sewer Dept. Response Mini excavator with 1 operator	\$0	\$165.00 per hour
7804-15	Sewer Dept. Response track machine with 1 operator	\$0	\$165.00 per hour
7804-16	Sewer Dept. Response equipment trailer daily rate	\$0	\$100.00 per day
7804-17	Sewer Dept. Response Gas powered cut off saw flat fee daily	\$0	\$55.00 per day
7804-18	Sewer Dept. Response other specialized equipment IE: smoker	\$0	\$45.00 per hour

**Article II
EXHIBIT 2**

LINE CLEANING- CCTV INSPECTIONS	EQUIPMENT	Per Hour Rate	Linear Foot Rate
4"-6" Sewer Pipe CCTV Inspection Per HR+LF	CCTV Truck	\$350.00	\$1.50
4"-6" Sewer Pipe Light Cleaning Per HR+LF	Jetter Truck	\$450.00	\$2.50
4"-6" Sewer Pipe Light Cleaning Per HR+LF	Rod Truck	\$400.00	\$2.00
4"-6" Sewer Pipe Heavy Cleaning Per HR+LF	Jetter Truck	\$450.00	\$4.50
8"-15" Sewer Pipe CCTV Inspection Per HR+LF	CCTV Truck	\$350.00	\$2.50
8"-15" Sewer Pipe Light Cleaning Per HR+LF	Jetter Truck	\$450.00	\$3.50
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	Jetter Truck	\$450.00	\$5.50
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	Rod Truck	\$400.00	\$2.00

INSPECTION SERVICES	FEES
Dye test to confirm connection	\$300.00
Lateral CCTV inspection	\$400.00
Mainline CCTV to locate Laterals	\$500.00
Re-inspection fee	\$150.00

SHIMMO GRINDER PUMPS	
TYPE	PURCHASE PRICE
No prior innovative and alternative system	\$1,500.00
With prior innovated and alternative system	\$500.00

**Article II
EXHIBIT 3**

310 CMR 15.203

TYPE OF ESTABLISHMENT	UNIT	GALLONS PER DAY	MINIMUM ALLOWABLE GPD FOR SYSTEM DESIGN
(2) RESIDENTIAL			
Bed & Breakfast	per bedroom	110	440
Bed & Breakfast	per bedroom	110	
with restaurant open to public add	per seat	35	1000
Camp, resident, mess hall, washroom and toilets	per person*	35	
Camp, day, washroom and toilets	per person	10	
Camp, day, mess hall, washroom and toilets	per person	13	
Campground, showers and toilets	per site	90	
Family Dwelling, Single	per bedroom	110	330**
including, but not limited to, single family condominiums & cooperatives			
Family Dwelling, Multiple	per bedroom	110	***
Family Mobile Home Park	per mobile home	300	
Motel, Hotel, Boarding House	per bedroom	110	
Retirement Mobile Home Park	per site	150	
Housing for the Elderly	per two bedroom unit	150****	
Work or Construction Camp	per person	50	
* Person in the context of 310 CMR 15.203 means an individual.			
** A system may be designed for flows of not less than 220 gpd, if a deed restriction essentially identical to the model Grant of Title 5 Bedroom Count Deed Restriction developed by the Department, is provided that limits the dwelling to two bed rooms as the term "bedroom" is defined in 310 CMR 15.002. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.			
*** The number of bedrooms in a condominium shall be as specified in the Master Deed. Establishment of bedrooms in excess of the specified number shall be considered an increase in design flow. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.			
**** One bedroom unit Housing for the Elderly, and units with more than two bedrooms shall be designed based on 110 gallons per day per bedroom.			
(3) COMMERCIAL			
Airport	per passenger	5	150
Barber Shop/Beauty Salon	per chair	100	
Bowling Alley	per alley	100	
Country Club, dining room	per seat	10	
Country Club, snack bar or lunch room	per seat	10	
Country Club, lockers and showers	per locker	20	
Doctor Office	per doctor	250	
Dentist Office	per dentist	200	

**Article II
EXHIBIT 3**

310 CMR 15.203

TYPE OF ESTABLISHMENT	UNIT	GALLONS PER DAY	MINIMUM ALLOWABLE GPD FOR SYSTEM DESIGN
(3) COMMERCIAL (continued)			
Factory, Industrial Plant, Warehouse or Dry Storage Space without cafeteria	per person	15	
Factory, Industrial Plant, Warehouse or Dry Storage Space with cafeteria	per person	20	
Gasoline Station with service bays	per island***** per bay	75 125	300
***** Plus flows for bays, if any			
Kennel/Veterinary Office	per kennel	50	
Lounge, Tavern	per seat	20	
Marina	per slip	10	500
Movie Theater	per seat	5	
Non-single family/ automatic clothes washer	per washing machine	400	
Office building	per 1000 sq.ft.	75	200
Retail Store (except supermarkets)	per 1000 sq.ft.	50	200
Restaurant	per seat	35	1000
Restaurant, thruway service area	per seat	150	1000
Restaurant, Fast Food	per seat	20	1000
Restaurant, kitchen flow [for sizing of grease trap only]	per seat	15	
Service Station [no gas]	per bay	150	450
Skating Rink	per seat	5	3000
Supermarkets	per 1000 sq.ft.	97	
Swimming Pool	per person	10	
Tennis Club	per court	250	
Theater, Auditorium	per seat	3	
Trailer, dump station	per trailer	75	
(4) INSTITUTIONAL			
Place of worship without kitchen	per seat	3	
with kitchen	per seat	6	
Correctional Facility	per bed	200	
Function Hall	per seat	15	
Gymnasium	per participant	25	
Gymnasium	per spectator	3	
Hospital	per bed	200	
Nursing Home/Rest Home	per bed	150	
Assisted Living Facilities	per bed	150	
Public Park, toilet waste only	per person	5	

**Article II
EXHIBIT 3**

310 CMR 15.203

TYPE OF ESTABLISHMENT	GALLONS UNIT	MINIMUM ALLOWABLE GPD FOR SYSTEM PER DAY	DESIGN
(4) INSTITUTIONAL (continued)			
Public Park, bathhouse, showers and flush toilets	per person	10	
Day Care Facility	per person	10	
(5) SCHOOLS*****			
Elementary School, without cafeteria, gymnasium or showers	per person	5	
Elementary School, with cafeteria but no gymnasium with showers	per person	8	
Elementary School, with cafeteria, gymnasium and showers	per person	10	
Secondary/Middle School, without cafeteria, gymnasium or showers	per person	10	
Secondary/Middle School, with cafeteria but no gymnasium or showers	per person	15	
Secondary/Middle School, with cafeteria, gymnasium and showers	per person	20	
Boarding Schools, Colleges	per person	65	

***** All schools to be served by an alternative technology approved pursuant to 310 CMR 15.280 through 15.288 shall have an equalization basin as part of the system design and have it installed prior to the treatment device.

Article II EXHIBIT 4

Sewer Capacity Fee Policy

I. Purpose and Authority

- a. The purpose of this policy is to formalize and clarify the use of a revised policy for charges to properties connecting to the Nantucket sewer system which are part of a designated and approved Sewer District. Connecting properties are responsible for a portion of the project cost of wastewater facilities construction based on Town Meeting votes. Properties served by private sewer extensions shall be responsible for a proportionate share of the expended cost of all wastewater facilities and facilities needed to serve the proposed property or properties. It is intended that the “new” sewer capacity fee shall be established for the Town to assess and collect a portion of the wastewater collection and treatment system capital cost, based on commonly used and generally accepted criteria (e.g., 310 CMR 15.203 of Title 5); acknowledging that existing similar fees that have been established by the Town but may not have been consistently applied to all properties connected to the public sewersystem.

b. Authority

This policy is adopted in accordance with Chapters 80 and 83 of the Massachusetts General Laws (MGLs), and relevant Session Acts approved by the General Court, including:

- Chapter 169 of the Acts of 1965; Act Authorizing the Town of Nantucket to establish a Board of Public Works Exercising the Powers of Certain Other Boards, Commissions, Departments, and Town Offices.
- Chapter 396 of the Acts of 2008; An Act Authorizing the Establishment of the Nantucket Sewer Commission and Sewer Districts in the Town of Nantucket.

Further, pertinent sections of the Town Charter apply, including:

- Chapter 41 - Board of Sewer Commissioners
- Chapter 120 - Sewers and Wastewater Facilities

Chapter 41 references include numerous subsequent amendments to Chapter 41 as approved by Town Meeting votes to expand the Sewer District, and thereby include additional properties.

c. Responsibility for Administration

Article II EXHIBIT 4

The Board of Selectmen, acting as Sewer Commissioners, are responsible for the administration of this policy. The authority for that policy is reflected in Chapter 169 of the Acts of 1965 and Chapter 396 of the Acts of 2008, as well as Chapters 41 and 120 of the Nantucket Town Charter.

II. Definitions

“Capacity Utilization Fee”- Shall mean a one-time charge for a property that has access to a public sewer by virtue of its location within a designated Sewer District. This fee shall be similar to a sewer betterment assessment, special assessment or sewer privilege fee as described in Section 7 of Chapter 396 of the Acts of 2008. While this fee serves a similar purpose as a Sewer Privilege Fee, it is separate and distinct from a Sewer Privilege Fee, as was established and described in Section 120-6 of the Town Charter. The Nantucket Capacity Utilization Fee basis differs from the Sewer Privilege Fee in that the assessment is based on design flow and does not use assessments based on the uniform unit method as described in Chapter 120-2 of the Town Charter.

“Sewer Capacity Fee”- Similar to the existing Sewer Privilege Fee and Capacity Utilization Fee, and authorized by the same Special Acts, Town Charter Sections and Town Meeting Votes; this “new” fee will be used in place of the two existing capacity-related fees more recently established in 2004 and 2008. This fee shall closely mirror the requirements of the Capacity Utilization Fee as established more recently in 2008, by using a cost per gallon per day assessment basis. As provided in Section 14 of Chapter 83, this fee (or assessment) shall be a proportional part of the cost of collection and treatment facilities construction, and of the costs, not already assessed, of making and repairing other common sewers and facilities.

“Sewer Connection Fee”- Shall mean a one-time cost paid at the time of issuance of a sewer connection permit, to reimburse the Town for costs associated with administering the Sewer Connection program including processing permit applications, sewer capacity fee, connection fee, and user charge billing, inspection of the sewer connection construction, record-keeping and related Sewer Department coordination efforts. The standard fee may be adjusted to account for added or increased Town costs of the services included.

“Sewer Connection Permit”- Shall mean approval from the Town, issued by the Director of the Nantucket Sewer Department, for the installation of a new sewer service or the modification of an existing sewer service, with application being made on specific form(s) as provided by the Town.

Article II EXHIBIT 4

“Sewer District”- As defined in Section 336-1, the Nantucket Sewer Regulations, and meaning the areas and designated properties within those areas of Nantucket that abut public or private ways and that can be served by public sewers. Such districts may be expanded from time to time as designated and established by Town Meeting vote, in accordance with Chapter 396 of the Acts of 2008.

“Sewer Privilege Fee”- Shall mean a one-time fee assessed to a property that is served by, and connects to, a public sewer as provided in MGL Chapter 83, Sections 15 and 17; and Chapters 120-1 and 120-6 of the Nantucket Town Charter, originally approved in 1999 and amended in 2004.

III. Basis for Sewer Capacity Fee

a. General

The Sewer Capacity Fee shall be assessed to all properties that have connected and/or will connect to the public sewer system that have yet to pay either the Sewer Privilege Fee or the Capacity Utilization Fee.

The Capacity Fee will initially be set using the most recently determined Capacity Utilization Fee rate of \$20.32 per gallons per day of capacity. Future fee calculations will be completed by or on behalf of the Board of Sewer Commissioners.

b. Flow Basis

Design flows for each property for the purpose of calculating the Sewer Capacity Fee shall be maximum daily flows reflected in 310 CMR 15.203 (Title 5 of the MA Environmental Code), as reflected in the Town’s Sewer Rules and Regulations, Section 336-13, and Article II, Exhibit 3. That design flow basis shall be used for calculating sewer capacity fees for all existing and proposed properties. No multiplier of actual water use/metered flow shall be used in determining the flow basis for the calculation of the Sewer Capacity Fee.

In cases where a dwelling, building or connected property has bathrooms in excess of the number of bedrooms, or water using fixtures not associated with a kitchen or bathroom, the following design flows apply in addition to those found in 310 CMR 15.203:

1. 55 gallons per day for each bathroom or half bathroom that exceeds the total

Article II
EXHIBIT 4

number of bedrooms.

2. 55 gallons per day for each water using fixture connected to the sewer system, which is not associated with a kitchen or a bathroom.
- c. For all new construction, there shall be a minimum Sewer Capacity Fee, equivalent to the connection of a 3-bedroom residence and a design flow rate of 110 gpd per bedroom. Using the current capacity utilization fee rate of \$20.32 per gpd, that minimum charge is calculated at \$6,705.60 ($\$20.32 \times 3 \text{ bedrooms} \times 110 \text{ gpd/bedroom}$). This minimum applies to residential as well as any mixed use, commercial, business or other non-residential uses. This minimum charge shall not apply to a Sewer Capacity Fee assessed for a change in use.
- d. Changes in Use and Renovation/Improvements to Properties
A Sewer Capacity Fee shall also be assessed for any changes in use or improvements/renovations of a sewered property, including for any property that has already been assessed a Sewer Capacity Fee or its similar predecessor sewer fees. A change in use shall be defined as any building addition, modification, improvement or replacement that could reflect an increased design wastewater flow based on 310 CMR 15.203 Design Criteria. Sewer Capacity Fees assessed based on a change in use shall not be apportioned over time and shall be assessed and paid in advance of the start of the construction that is the basis of that change in use.
- e. Apportionment
Payment of the Sewer Capacity Fee shall be paid up-front, in advance of the actual physical connection to the public sewer. However, at the discretion of the Board of Sewer Commissioners, the Sewer Capacity Fee may be paid over a number of years, not exceeding 20, at an interest rate to be determined by the Board, with input from the Town Assessor's office, in accordance with Section 120-5 of the Town Charter. Apportionment procedures shall include provisions for the interest rate assessed, and the lien and taxing processes. With regard to the lien process, because the Sewer Capacity Fee is not equivalent to a Sewer Betterment under MGL Chapter 80, the property Owner of Record must execute a Voluntary Lien Agreement, that runs with and is attached to the property, such legal document to be recorded at the Registry of Deeds.

The current interest rate that shall be applied to all apportioned Sewer Capacity Fees shall be set at 4.414%, unless and until that interest rate is modified by a vote of the Board.

Article II

EXHIBIT 4

The methodology used in calculating annual principal and interest payments shall be at the discretion of the Board, in accordance with Paragraph 2 of MGL Chapter 80, Section 13, effective as of November 7, 2016.

f. **Exemptions/Deferrals/Waiver**

No exemptions or exclusions from this policy shall be issued by the Board, with the exception of properties that qualify, apply and are approved for a sewer fee waiver in accordance with the Policy for Sewer Fee Waiver Requests, as adopted by the Town of Nantucket on October 24, 2018. Waivers of the Sewer Capacity Fee shall be allowed under the Authority of the Board of Sewer Commissioners, in accordance with Chapter 396 of the Acts of 2008 and relevant Town Charter Articles. Procedures for Waiver requests shall be as approved by the Board of Sewer Commissioner in a separate policy to be developed and adopted by the Board and shall only be allowed upon a determination that the public interest so requires.

However, property owners eligible to receive an exemption from property taxes under clause 41A of Section 5 of Chapter 59 of the MGL's with respect to their property, shall upon application, be allowed to defer the Sewer Capacity Fee. The eligible property owner whose fee is deferred shall be required to enter into a deferral and recovery agreement with the Town of Nantucket.

IV. Adoption of Sewer Capacity Fee

Notwithstanding other provisions of these regulations, the Sewer Capacity Fee shall be in force as of the date of acceptance of these regulations by the Nantucket Select Board. As of that date, the Sewer Capacity Fee formally replaces the application of the town's Sewer Privilege Fee and Capacity Utilization Fee.

Article II
EXHIBIT 5

RESIDENTIAL SEWER CAPACITY FEE SCHEDULE
(FEE'S SUBJECT TO CPI INCREASES ANNUALLY)

Single Family Residential	6 bedrooms \$13,411.20	5 bedrooms \$11,176.00	4 Bedrooms \$8,940.80	≤ 3 Bedrooms \$6,705.60
Multi – Family residential		5 Bedrooms Per Unit \$11,176.00	4 Bedrooms Per Unit \$8,940.80	≤ 3 Bedrooms Per Unit \$6,705.60
Existing structure Bedroom Additions Alterations	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd

Per 310 CMR 15.203, the minimum allowable volume for system design is 330 gallons per day. The volume allowed for each additional bedroom is 110 gallons per day. Outbuildings with sanitary facilities are counted as bedrooms for the purpose of the sewer capacity fee.

Article II
EXHIBIT 6



TOWN & COUNTY OF NANTUCKET
SELECT BOARD
POLICY FOR SEWER FEE WAIVER REQUESTS
Adopted: 07/20/2016; Revised 10/24/2018, 12/03/2020

I. Policy.

The Select Board, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with Chapter 38, Article III, section 38-3B of the Code of the Town of Nantucket, has the authority to waive any town fee or charge, upon a determination that the public interest so requires.

The Select Board hereby determines that it is in the public interest to encourage the production of affordable housing, including workforce housing units for the Island's working population. Therefore, the Select Board will consider, on a case-by-case basis, waivers of one or both of the Town's fees relating to the connection of dwelling units that are located in an existing Sewer District as established under Chapter 396 of the Acts of 2008.

II. Sewer Connection and Sewer Capacity Fee Waivers.

The Select Board may, at its discretion, waive the sewer connection fee or the Sewer Capacity Fee upon the request of a property owner, developer, or public entity seeking to connect one or more dwelling units to the Town's sewer system if such unit or units are bound by a permanent affordable housing deed restriction in a form acceptable to the Town and enforceable by the Town, and provided that the dwelling unit or units are part of a project where a minimum of 25% of the units are eligible for inclusion on the Town's Subsidized Housing Inventory ("SHI") as maintained by DHCD or any successor agency and provided that the developer and/or unit owner shall cooperate fully with the Town in obtaining SHI status for the eligible unit or units by timely providing all required documentation and notifying the Town Manager when a building permit issues and when an occupancy permit issues.

In the case where less than all of the units in the project are income-restricted, the Select Board may waive up to 100% of both sewer fees where the unit is restricted at 80% AMI or less, up to 75% of both fees where the unit is restricted between 81% and 100% AMI, and up to 50% of both fees where the unit is restricted between 101% AMI and 150% AMI. In the case where all of the units in a project are income-restricted, 100% of both sewer fees may be waived as long as a minimum of 25% of the total number of units are SHI-eligible. In exercising its discretion, in applying the policy, the Select Board may consider the total value of Town subsidies for the project, including closing cost assistance, direct grants, land contribution by the Town, other fee waivers, and market rate sales in the project.

Article II EXHIBIT 6

In the case of dwelling units that are subject to a permanent affordable housing covenant meeting the requirements of Chapter 301 of the Acts of 2002, and Chapter 100 of the Code of Nantucket, the Select Board may, in its discretion, waive all or a portion of the sewer connection fee.

Adopted: 07/20/2016; Revised 10/24/2018

I. — Policy.

~~The Select Board, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with Chapter 38, Article III, section 38-3B of the Code of the Town of Nantucket, has the authority to waive any town fee or charge, upon a determination that the public interest so requires.~~

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II. — Sewer Connection and Sewer Privilege Fee Waivers.

~~The Select Board may, at its discretion, waive the sewer connection fee or the sewer privilege fee upon the request of a property owner, developer, or public entity seeking to connect one or more dwelling units to the Town's sewer system if such unit or units are bound by a permanent affordable housing deed restriction in a form acceptable to the Town and enforceable by the Town, and provided that the dwelling unit or units are part of a project where a minimum of 25% of the units are eligible for inclusion on the Town's Subsidized Housing Inventory ("SHI") as maintained by DHCD or any successor agency and provided that the developer and/or unit owner shall cooperate fully with the Town in obtaining SHI status for the eligible unit or units by timely providing all required documentation and notifying the Town Manager when a building permit issues and when an occupancy permit issues.~~

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Article II
EXHIBIT 6

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**Article III
EXHIBIT 1**

SCHEDULE OF FINES

VIOLATION	FINE
Sewer installation without permit	<u>~~\$300~~ and/or civil penalty up to 5000.00</u>
Sewer Repair without permit including 2x the permit fee	<u>~~\$3600.00~~ and/or civil penalty up to \$ \$600</u>
Work covered before inspection All work to be uncovered for inspection	\$150.00
Failure to schedule Inspectional services Each Offense	\$150.00
Failure to perform work according to approved plan	\$250.00



Town Administration Fiscal Year 2023 General Fund Budget Recommendations

*As of December 8, 2021
Select Board Meeting*

Select Board & Administration Goals and Priorities for FY2023

- Balanced budget – within projected revenue
- Strategic Plan
 - Transportation
 - Housing
 - Environmental Leadership
 - Efficient Town Operations
 - Quality of Life
- Capital and operational investment in infrastructure/facilities
- PFAS
- Sustainability

Strategic Plan Implementation Addressed with Budget Recommendations

- Strategic Plan
 - Environmental Leadership
 - Sustainability
 - Coastal Resiliency/Hazard Mitigation
 - Housing
 - Transitional housing for department-head level town employees
 - Transportation
 - Continued evaluation of demand management parking (Paid parking)
 - Parking enforcement
 - Commuter shuttle
 - Quality of Life
 - Diversity Equity Inclusion (DEI) office
 - Park & Rec Division (Public Works)
 - Efficient Town Operations
 - Ongoing development of a Facilities Master Plan
 - Continued Investment in Technology
 - Investment in Infrastructure Maintenance
 - Code Enforcement

Priority Initiatives and Opportunities

- Our Island Home Operations and Facility Review
- Town-wide PFAS Assessment
- Coastal Resilience Plan
- Hazard Mitigation Plan
- COVID-19 response and follow-up
- Diversity Equity and Inclusion (DEI) Initiatives
- Municipal Facilities Master Plan
- Parks Master Plan Resiliency Review
- Sustainability Office and Projects (solar projects)
- Capital Planning & Project Management

Efforts to Enhance Recruitment and Retention of Town Employees

- Review staffing when key positions become vacant
- Succession planning in development
- Cross-train staff where appropriate
- Increase training and educational opportunities
- Classification and compensation study to be undertaken in FY2022
- Review and refine remote working options
- Review potential options for Town employee housing

FY2023 General Fund Budget Overview

- Revenue – Total Projected Revenue of \$121,679,660
Net of Property Tax Abatements
- Expenses – Total Projected Expenses of \$121,486,604
- Projected FY2023 Unused Levy Capacity \$193,056

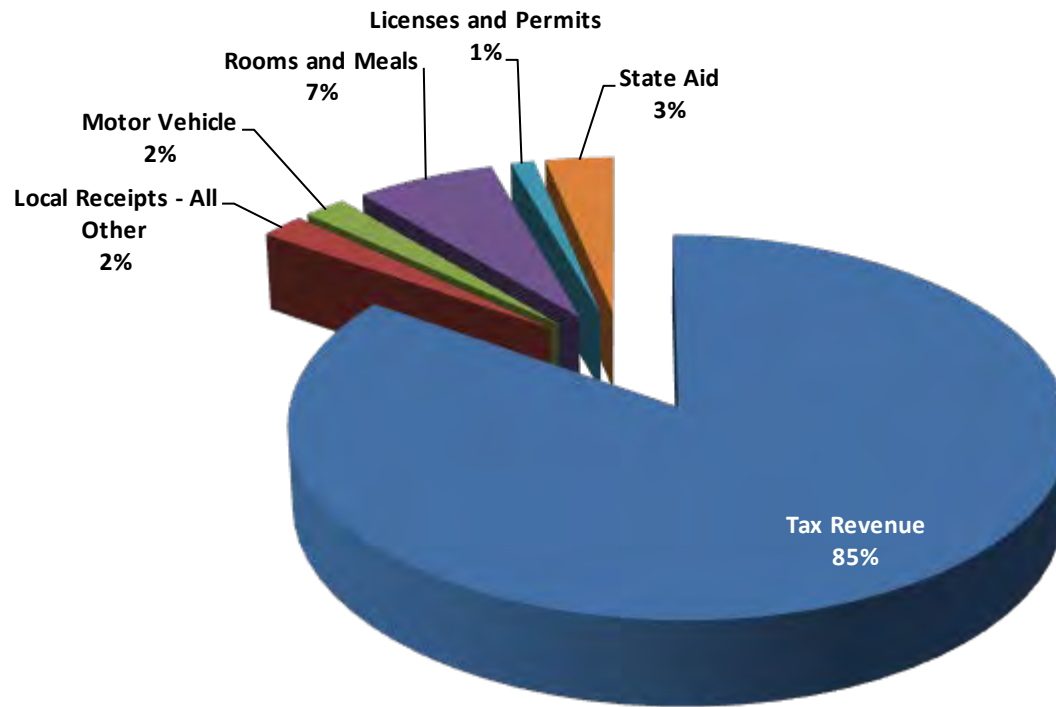
FY2023 General Fund Budget Summary Comparison

REVENUES	FY22	FY23	\$ Change	% Change
Property Tax	93,059,841	102,310,030	9,250,189	9.9%
Local Receipts (All other)	2,381,060	2,590,300	209,240	8.8%
Motor Vehicle Excise	2,250,000	2,500,000	250,000	11.1%
Rooms and Meals Tax	7,380,000	8,082,000	702,000	9.5%
Licenses and Permits	891,350	1,350,000	458,650	51.5%
State Aid (1)	3,880,200	3,961,774	81,574	2.1%
Free Cash	4,575,000	692,500	(3,882,500)	(84.9%)
Other Available Funds	-	-	-	na
TOTAL REVENUES	114,417,451	121,486,604	7,069,153	6.2%
EXPENDITURES				
Municipal Departments	30,480,319	32,086,263	1,605,944	5.3%
School Department	33,376,987	34,976,987	1,600,000	4.8%
Non-Departmental	33,391,355	36,855,185	3,463,830	10.4%
Special Appropriations	17,168,790	17,568,168	399,378	2.3%
TOTAL EXPENDITURES	114,417,451	121,486,604	7,069,153	6.2%

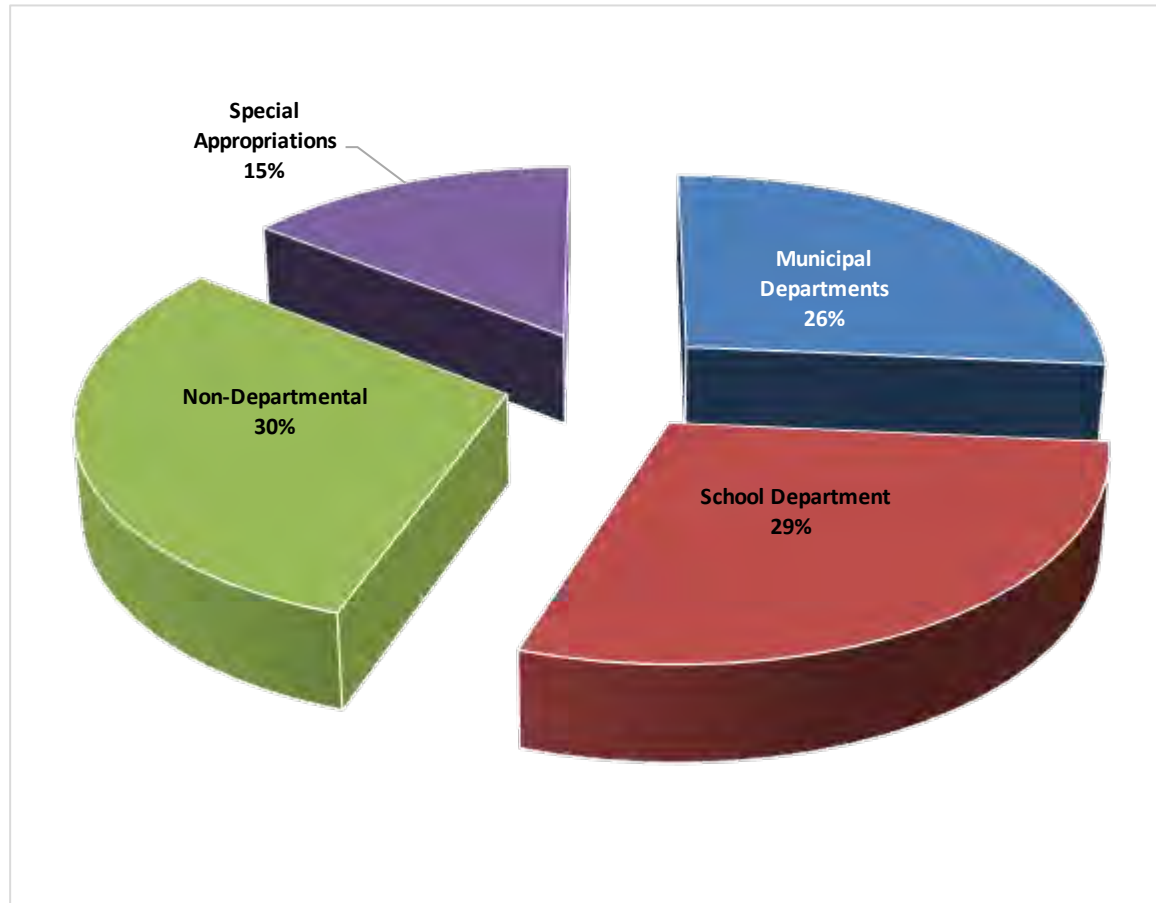
- See Appendix A for detailed breakdown.

(1) FY 2023 state aid represents level funding from FY 2022 approved figure.

FY2023 General Fund Projected Revenue



FY2023 General Fund Projected Expenses



FY2023 General Fund Budget

Expense Categories

Category	FY2023 Current Projection	Notes
Town Operational Expenses	\$8,672,035	
Town Operational EIRs ⁽¹⁾	\$1,306,900	<i>Included in Town expenses</i>
Town Salaries	\$23,237,196	<i>Contracts in negotiations; c/b allowance</i>
Town Personnel EIRs	\$1,575,962	<i>Included in Town salaries</i>
School Operational Expenses	\$5,788,527	
School Operational EIRs	\$187,622	<i>Included in School expenses</i>
School Salaries	\$28,638,460	<i>Contracts in negotiations; collective bargaining allowance</i>
School Personnel EIRs	\$1,362,378	<i>Included in School salaries</i>

(1) EIR = Expense Increase Request.

FY2023 General Fund Budget

Fixed Costs

Category	FY2023 Current Projection	% Change over FY2022 Budget
Health Insurance		
Active	\$11,857,399	7% increase
Retiree	\$3,952,466	7% increase
General Insurance	\$3,556,680	17% increase
Debt Service	\$11,189,470	<i>per established schedule</i>
Retirement	\$6,299,169	8.5% increase
Enterprise Fund Subsidies*	\$11,790,570	2.5% Increase

* See Appendix A for detailed breakdown.

FY2023 General Fund – Special Appropriations

Category	FY2023 Current Projection	% Change over FY2022 Budget
Health & Human Services	\$750,000	15.4% increase
County Assessment	\$178,816	2.5% increase
Reserve Fund	\$500,000	No change
Unpaid Bills	\$20,000	31% decrease
Other Post Employment Benefits (OPEB)	\$500,000	No change
Affordable Housing Trust Fund	1,625,000	No change
Overlay & Other Deficits	\$0	\$0
Cherry Sheet Charges	\$1,132,802	11.8% increase
Community School	\$550,000	10% increase
Min Cap Funding Req.	\$1,070,980	n/a - 1% of prior year revenue
TOTAL EXPENSES	\$121,486,604	

FY2023 Town Expense Increase Requests

(included in recommended budget, excluding school)

- \$5,810,597 Submitted Requests
 - One-time \$692,500
 - On-going \$5,118,097
- \$3,630,654 Recommended
 - One-time \$692,500
 - On-going \$2,938,154
- To be funded through available tax levy, budget adjustments, alternate funding sources, free cash, potential revenue increases

FY2023 Recommended Town Personnel Expense Increase Requests

Department	Description of Expense Request	One- Time or Ongoing	Approved EIRs (1)
Personnel Expense Increase Requests (EIRs)			
DPW	Addition of 1 Mechanic	Ongoing	99,019
DPW	Addition of 1 Position for Park and Rec Division	Ongoing	91,906
DPW	Addition of 1 Position for Trees	Ongoing	91,906
DPW	Town Engineer	Ongoing	144,695
Finance	Procurement Administrator	Ongoing	114,696
Finance	Additon of 1 Accounting Clerk - Treasury	Ongoing	98,540
Fire	Part time Administrative Specialist transfer to full-time	Ongoing	29,785
Fire	Addition of 2 Firefighter/Paramedic	Ongoing	190,800
Fire	Overtime increase	Ongoing	50,000
Health	Chief Environmental Health Officer	Ongoing	153,000
HR	Assistant HR Director	Ongoing	133,000
HR	Various position reclassifications	Ongoing	55,000
IT	Information Technology Security Systems Administrator	Ongoing	122,920
Marine	Addition of 5 Seasonal Lifeguards	Ongoing	58,500
NRD	Conservation Agent	Ongoing	122,920
NRD/Health	Public Outreach Specialist	Ongoing	98,541
NRD	Sustainability Manager	Ongoing	138,000
Police	Business License Inspector	Ongoing	98,541
Police	Addition of 2 Police Officers (Airport)	Ongoing	191,678
Police	Parking Enforcement Coordinator	Ongoing	122,920
PLUS	Overtime increase	Ongoing	10,000
PLUS	Land Use Specialist/Zoning Administrator	Ongoing	107,387
Department Personnel EIR			\$ 2,323,754

FY2023 Recommended Town Operating Expense Increase Requests

Operating Expense Increase Requests (EIRs)

Fire	Rope Rescue Equipment	One-Time	25,000
Fire	Safety and protective gear, alternate to Structural firefighting gear	One-Time	23,000
IT	Multi-factor authentication implementation services	One-Time	22,500
IT	Migrate Exchange mail server to Office 365 cloud environment	One-Time	22,000
PLUS	Historic District Commission - historic architectural surveys update	One-Time	25,000
PLUS	Update of the 2009 Master Plan	One-Time	100,000
PLUS	Replacement vehicle for PLUS	One-Time	30,000
Town Admin	Baxter Rd Relocation Management	One-Time	150,000
Town Admin	Professional services increase	One-Time	50,000
Town Admin	Commuter shuttle	One-Time	200,000
Town Admin	Historic sidewalk preservation & repair study	One-Time	40,000
Town Clerk	Replacement of furniture	One-Time	5,000
C & T	4th of July Fireworks increase for new contract FY23-25	Ongoing	12,550
DPW	Field Maintenance - Park and Rec	Ongoing	200,000
HR	TASC FSA accounts monthly fee	Ongoing	6,000
IT	Cloud-to-Cloud backup for cloud-based Exchange email and Office	Ongoing	8,800
IT	Multi-factor authentication licensing and hardware tokens	Ongoing	17,000
IT	Cybersecurity services	Ongoing	50,000
IT	Upgrade Exchange mail server to Office 365 cloud environment and	Ongoing	37,500
IT	TeamDynamix project portfolio management software annual	Ongoing	30,000
IT	Comcast Internet service for three WiFi hotspots	Ongoing	11,000
IT	Zoom video conferencing and webinar service	Ongoing	5,700
IT	5% increase for existing Professional Services	Ongoing	20,850
Town Admin	Delta playing fields lease	Ongoing	30,000
Town Admin	Office space lease	Ongoing	100,000
Town Admin	Select Board Strategic planning initiatives	Ongoing	50,000
Town Clerk	Sound & microphones for Annual Town Meetings	Ongoing	9,000
Town Clerk	E-voting service for Annual Town Meetings	Ongoing	26,000
Total Operating Expense Increase Requests			\$ 1,306,900
Total Town Personnel & Operational Expense Increase Requests			\$ 3,630,654

FY2023 Town Expense Increase Requests

Funding Source Detail

Funding Source	Amount
Tax Levy & Other General Revenues	\$2,784,254
Free Cash	\$692,500
Capital Exclusion	\$0
Special Revenue Funds	\$153,900
Borrowing	\$0
Total - All Funding Sources	\$3,630,654

Preliminary Free Cash Recommendation (Subject to Change)

General Fund Certified Free Cash*	\$16,258,544
Fund Town Expense Increase Requests (one-time)	692,500
Fund School Expense Increase Requests (one-time)	200,000
Fund Town and School Capital Requests	TBD
Unpaid Bills	20,000
Stabilization Fund	TBD
Capital Stabilization Fund	TBD
Other Post Employment Stabilization Fund	TBD
OPEB Trust Fund Contribution	TBD
Unallocated Free Cash	\$

*Free Cash for use in FY2022 and FY2023 is pending certification by the Department of Revenue as of December 1, 2021. Full certification is expected in late December 2021 or early January 2022. This amount is expected to exceed budget projections due to a better operating result than FY2021 Pursuant to Town policy and best management practices, Free Cash is used for non-recurring items such as capital projects or items or other one-time expenses.

FY2023 Outstanding Items and Current Unknowns

- State Aid Impact
- Harbor Place Project
- Citizen Warrant Articles Potential Cost Impact
- PFAS Costs
- Ongoing impact of COVID-19
- Short-term Rentals
- Supply chain & labor issues
- Implementation of Coastal Resilience Plan and budget implication
- Solid Waste
- Free cash
- Collective bargaining negotiations
- Retirement assessment

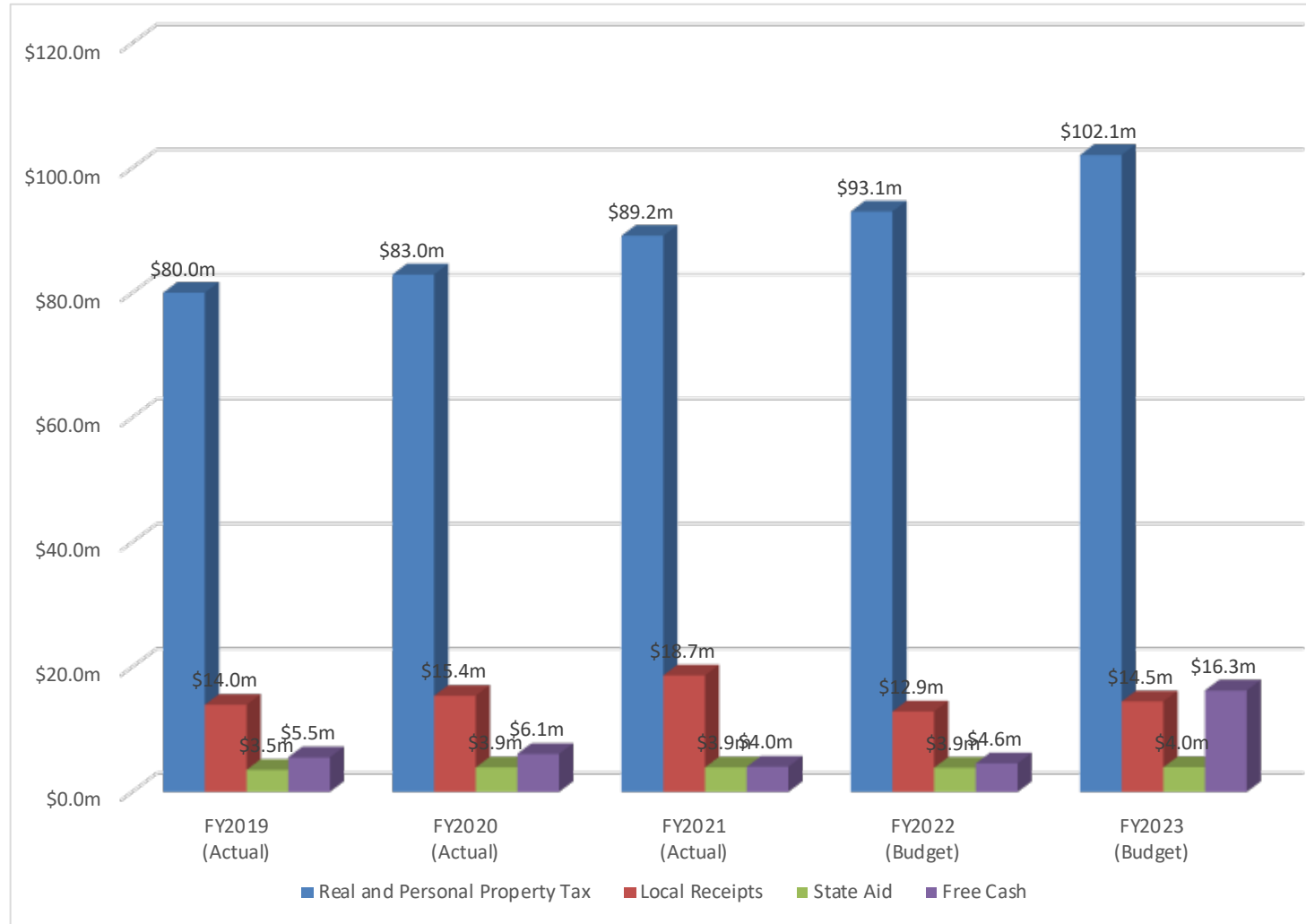
Future Potential Costs

- Integration and implementation of plans
 - Strategic Plan
 - Coastal Resilience
 - Master Plan
 - Parks Master Plan
 - Capital Improvement Plan
- Employee recruitment and retention, including housing
- Cyber security measures
- Update of 5-year General Fund Forecast
- Solid Waste
 - Current Contract Expires in 2025
- NRTA
 - Year-Round Service Modifications
- PFAS

Next Steps

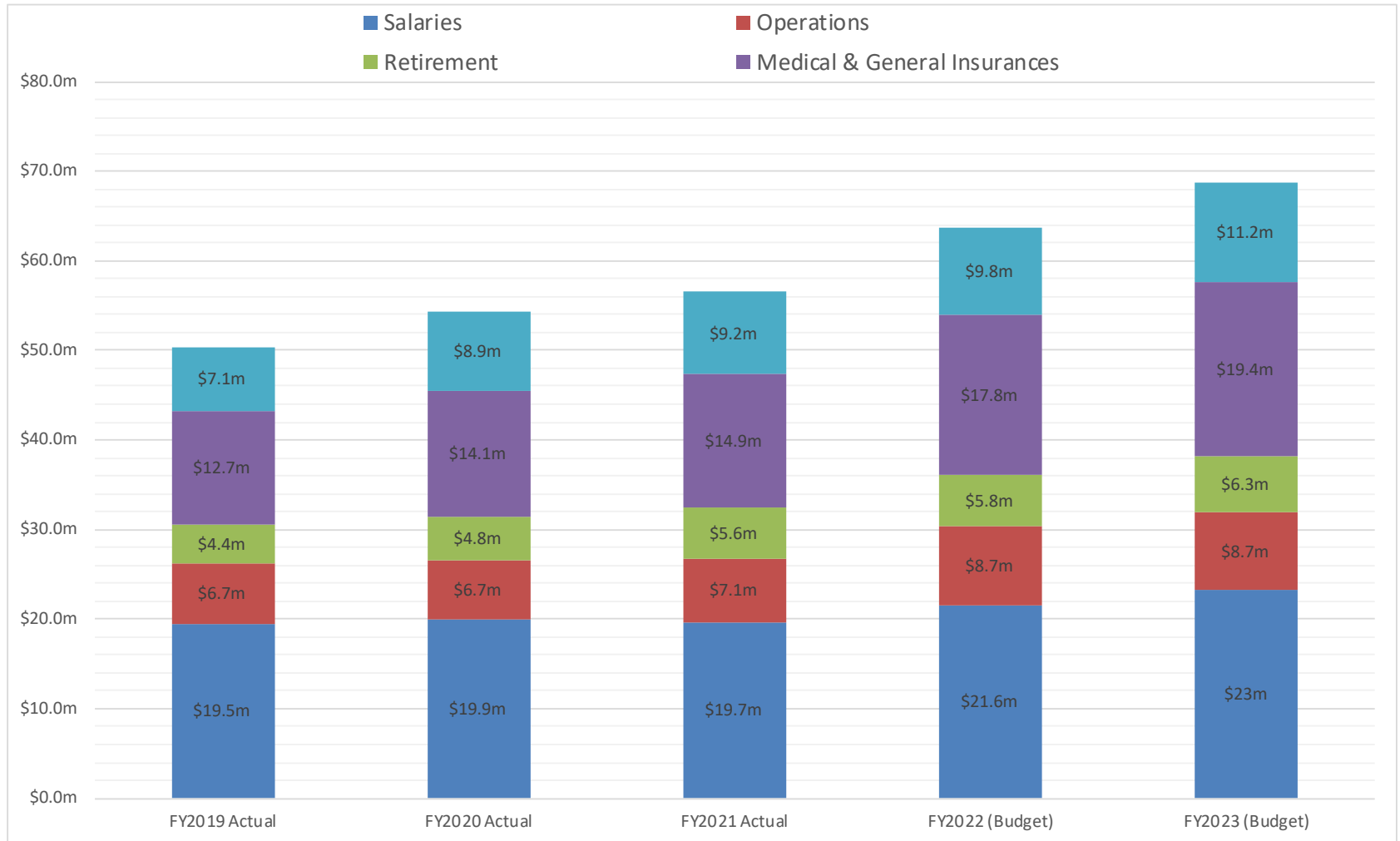
- December 8: Town Administration FY2023 Budget presentation to Select Board
- January 4: Town Administration FY2023 Budget presentation to School Committee
- January 5: Select Board public hearing; endorsement of recommended FY2023 General Fund Budget
- Mid-January – mid-March: Finance Committee review of General Fund & Enterprise Fund budgets; other financial appropriations
- Monday, May 2: Annual Town Meeting (2022)

General Fund Revenue Breakdown FY2019 - FY2023



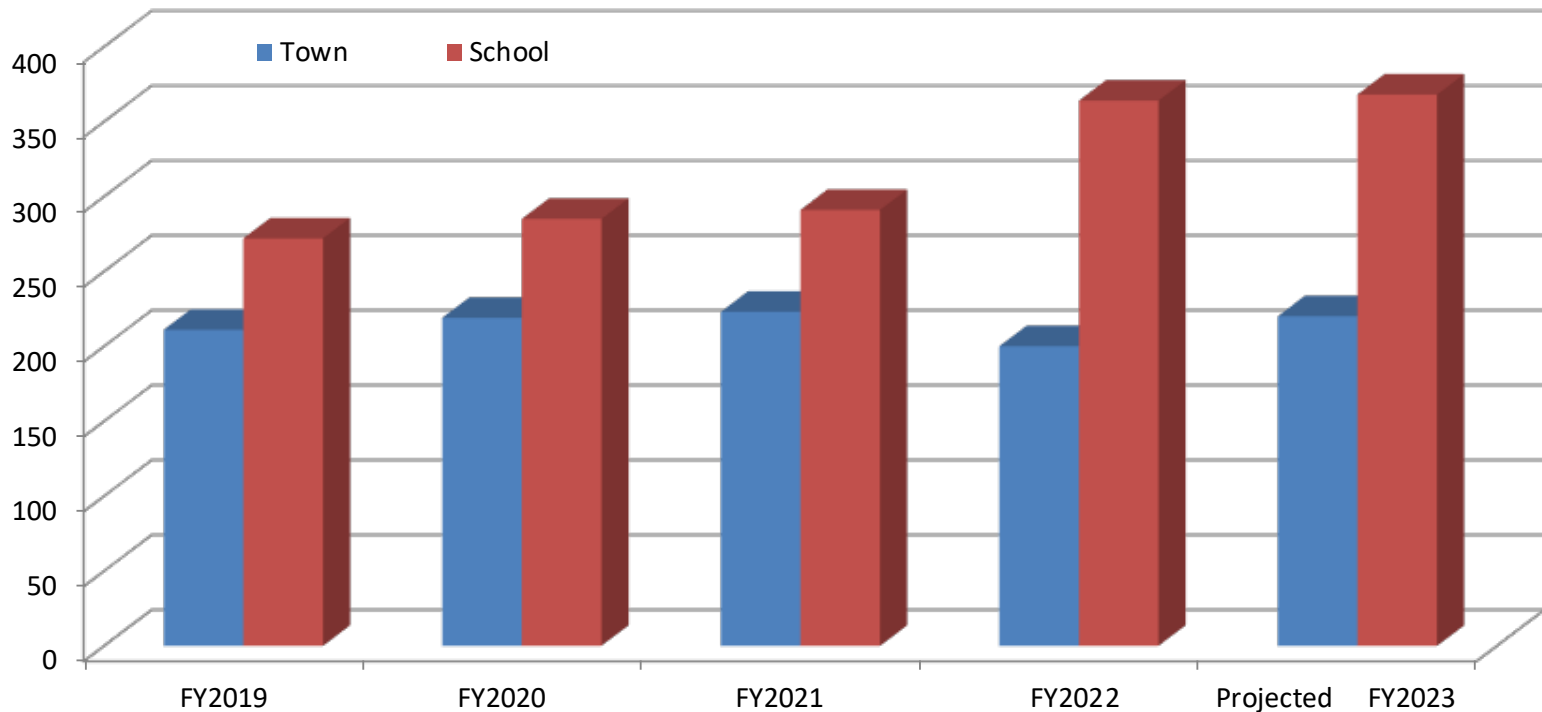
Town Expense Breakdown

FY2019 - FY2023



General Fund Personnel History

FY2019 - FY2023



* Full Time Equivalent Calculation = 33-40 Hrs 1.0; 20-32 Hrs 0.50; Seasonal = 0.25

**For comparative purposes, Town Personnel History does not include Our Island Home

*** Education Personnel History includes Community School Employees

FY2023 General Fund Budget Breakdown – Revenues

	Budget FY2022	Budget FY2023	\$ Change	% Change
<u>Tax Revenue Limitations</u>				
Levy Limit from Prior Year	\$ 81,091,677	\$ 89,231,193	\$ 8,139,516	10.0%
Add: 2 1/2 % increase	2,027,292	2,230,780	203,488	10.0%
Add: Prop 2.5% operating override	-	-	-	na
Add: new growth <i>estimate</i>	700,000	850,000	150,000	21.4%
Add: operating override	5,000,000	-	(5,000,000)	(100.0%)
Levy Limit for Current Year	88,818,969	92,311,973	\$ 3,493,004	3.9%
Add: Debt Exclusion	8,831,295	10,391,113	1,559,818	
Maximum Allowable Levy for Current Year	\$ 97,650,264	\$ 102,703,086	\$ 5,052,822	5.2 %
OVERLAY	(400,000)	(400,000)	-	-
Net available:	\$ 93,059,841	\$ 102,110,030	\$ 9,050,189	9.7 %
State Aid	\$ 3,880,200	\$ 3,961,774	\$ 81,574	2.1 %
Local Receipts:				
Motor Vehicle Excise	2,250,000	2,500,000	250,000	11.1%
Rooms and Meals Tax	7,380,000	8,082,000	702,000	9.5%
Licenses and Permits	891,350	1,350,000	458,650	51.5%
Local Receipts - All Other	2,381,060	2,590,300	209,240	8.8%
Total Local Receipts	12,902,410	14,522,300	1,619,890	12.6 %
Total Revenue	\$ 109,842,451	\$ 120,594,104	\$ 10,751,653	9.8 %
Other Sources				
Other Sources	-	-	-	na
Free Cash Used	4,575,000	892,500	(3,682,500)	(80.5%)
Excess Overlay	-			
Total Revenue and Other Sources	\$ 114,417,451	\$ 121,486,604	\$ 7,069,153	6.2 %
Total Expenses and Other Uses	\$ 114,417,451	\$ 121,486,604	\$ 7,069,153	6.2 %

FY2023 General Fund Budget Breakdown – Expenses

	Budget FY2022	Budget FY2023	\$ Change	% Change
General Fund Operating Budget Items:				
Salaries - Town (includes allowance for collective bargaining)	\$ 21,608,162	\$ 21,661,234	\$ 53,072	0.2%
<i>Town Expense increase Requests- Salaries</i>	-	\$ 1,575,962	1,575,962	na
Salaries - School (includes allowance for collective bargaining)	27,276,082	\$ 27,276,082	-	-
<i>School Expense increase Requests- Salaries</i>	-	\$ 1,362,378	1,362,378	na
Transfers to community school	500,000	\$ 550,000	50,000	10.0%
Subtotal Salaries	\$ 49,384,244	\$ 52,425,656	\$ 3,041,412	6.2 %
Operating Expenses, Town:	8,699,443	\$ 7,365,135	(1,334,308)	(15.3%)
<i>+Town Expense Increase Requests-Operating</i>	-	\$ 1,306,900	1,306,900	na
Operating Override - 2011 Mosquito Control	172,714	\$ 177,032	4,318	2.5%
Operating Expenses, School	5,600,905	\$ 5,600,905	-	-
<i>+School Expense Increase Requests-Operating</i>	-	\$ 187,622	187,622	na
Subtotal Expense	\$ 14,473,062	\$ 14,637,594	\$ 164,532	1.1 %
Group Medical Insurance- Active Employees	11,089,196	\$ 11,857,399	768,203	6.9%
Group Medical Insurance- Retired Employees	3,696,399	\$ 3,952,466	256,067	6.9%
General Insurance (all other insurance)	3,041,462	\$ 3,556,680	515,218	16.9%
Subtotal Insurance	\$ 17,827,057	\$ 19,366,545	\$ 1,539,488	8.6 %
Debt Service	\$ 9,758,430	\$ 11,189,470	\$ 1,431,040	14.7%
Retirement	\$ 5,805,868	\$ 6,299,169	\$ 493,301	8.5%
Total General Fund Operating Budget Items	\$ 97,248,661	\$ 103,918,436	\$ 6,669,775	6.9 %
Other Articles				
Unpaid Bills	28,838	\$ 20,000	(8,838)	(30.6%)
Reserve Fund	500,000	\$ 500,000	-	-
Health and Human Services	650,000	\$ 750,000	100,000	15.4%
Special Purpose Stabilization for Substance Abuse	95,000	\$ -	(95,000)	(100.0%)
County Assessment	174,455	\$ 178,816	4,361	2.5%
Other Post Employment Benefits (OPEB / GASB45)	500,000	\$ 500,000	-	-
Affordable Housing Trust Fund	1,625,000	\$ 1,625,000	-	-
Capital			-	na
General Fund budgeted from revenue (Town Bylaw 11-12.1)			-	na
Town Capital (Non-Recurring)	1,079,700	\$ 1,070,980	(8,720)	(0.8%)
Enterprise Fund Transfers			-	na
Transfer to Enterprise Fund (Our Island Home - Beginning FY2011)	5,000,000	\$ 5,125,000	125,000	2.5%
Add: Additional Subsidy from Free Cash (Our Island Home)			-	na
Transfer to Enterprise Fund (SWEF Operating Overrides 1999/2006)	3,745,466	\$ 3,839,103	93,637	2.5%
Add: Additional General Fund Subsidy to SWEF 2012-Forward	2,757,529	\$ 2,826,467	68,938	2.5%
Total Other Article Appropriations	\$ 16,155,988	\$ 16,435,366	\$ 279,378	1.7 %
Other Statutory Expenditures				
Overlay and other deficits	-	\$ -	-	na
Cherry Sheet Offsets and Charges	1,012,802	\$ 1,132,802	120,000	11.8%
Total Appropriations and Other Statutory Expenditures	\$ 114,417,451	\$ 121,486,604	\$ 7,069,152	6.2 %

Historical Information

Our Island Home

	FY2017	FY2018	FY2019	FY2020 (2)	FY2021 (3)
General Fund Subsidy	\$ 2,762,535	\$ 1,511,446	\$ 1,511,446	\$ 2,687,245	\$ 3,500,000
Certified Retained Earnings	\$ 5,321,795	\$ 2,687,275	\$ 1,619,047	\$ 2,046,379	
CPE Payment	\$ 1,324,207	\$ 1,515,353	\$ 1,448,300	\$ -	\$ 2,822,647

Stabilization and Trust Funds

	Stabalization Balance				
	2017	2018	2019	2020	2021
General Stabilization	\$5,053,411	\$5,059,485.00	\$5,411,964.00	\$5,541,745.00	\$5,770,018.01
Capital Stabilization	\$1,250,000	\$1,250,000.00	\$1,250,000.00	\$1,250,000.00	\$1,302,038.15

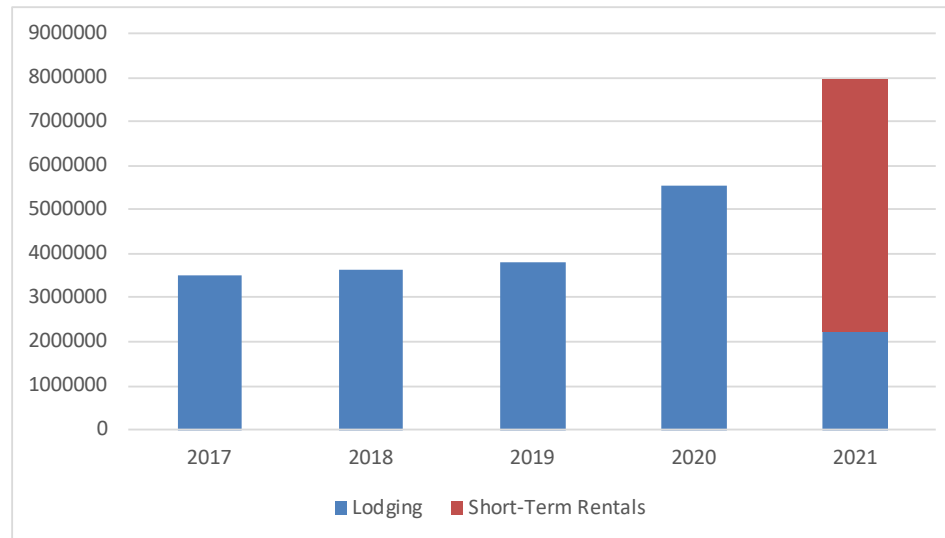
Certified Free Cash

	2017	2018	2019	2020	2021
Certified Free Cash	\$6,215,883	\$9,593,671	\$10,334,761	\$9,655,001	

Historical Information

Local Option Rooms Tax 5 Year History

	2017	2018	2019	2020	2021
Lodging	\$ 3,498,399.70	\$ 3,622,241.64	\$ 3,807,929.59	\$ 5,553,748.52	\$ 2,213,648.00
Short-Term Rentals	\$ -	\$ -	\$ -	\$ -	\$ 5,766,637.00
Total	\$ 3,498,399.70	\$ 3,622,241.64	\$ 3,807,929.59	\$ 5,553,748.52	\$ 7,980,285.00





Town of Nantucket
Fiscal Year 2023 Budget Message
(July 1, 2022 – June 30, 2023)
Presented to Select Board: December 8, 2021
Prepared as of: December 5, 2021
Updated:



***“We cannot direct the wind, but we can adjust the sails”
(Dolly Parton - among others)***

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 - a. Our Island Home
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- B. FY 2022 Cherry Sheet and FY 2022 NRTA Letter
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I. Introduction

Challenges. Continuity. Caution. These three “C’s” continued to be the basis of our budget recommendations for FY 2022. COVID, staffing shortages, PFAS and more are all challenging the Town in different ways going into FY 2023. Each in their own way has created continuity-of-service issues for the Town and, more generally, created economic uncertainty across the globe. Our approach to the FY 2022 budget reflected a cautious optimism as we worked our way through backlogs of projects and service requests. While financial indicators remain mostly positive, we acknowledge the fragility of markets, supply chains and consumer confidence in our everyday planning

The three “C’s” referenced above remain valid for the development of our FY 2023 budget. We are cautious going into FY 2023, we may have continuing challenges with COVID, the on-going situation with PFAS (see below under Section IV) and we are working hard to maintain continuity in government operations within the Town’s projected revenue. We are also managing the continuing challenges with supply chains and scarcity of labor resources. The local and national economic outlook seems strong, but this is not a given despite the Island’s real estate market and associated activities (building permits, sewer permits) at record high levels. The Registry of Deeds collected the largest amount of receipts of Excise Tax ever in October 2020. As of this writing, the total Deeds Excise Tax received for FY 2022 so far is \$600,000 below the same period (July through November) last year. Room occupancy tax revenue for the first quarter of FY 2022 is in line with budget projections, however, we have not yet had what we could call a “normal” year of that revenue since its inception in 2019. These reasons are why we are retaining the three “C’s” in our budget message for FY 2023.

Challenges.

Our Island Home (OIH)

As we have been mentioning in recent annual budget messages, the Town’s municipally-operated nursing home (the only municipally-operated skilled nursing facility in Massachusetts), does not generate enough revenue to fully fund its operations. There are a variety of reasons for this including the relatively small number of beds (licensed for 45), collective bargaining agreements, regulatory requirements, condition – as nursing homes go, it is an institutional model facility and as it ages it requires more and more maintenance and repairs. Federal and State reimbursements do not cover the daily cost of care for a resident – reimbursement rates vary depending on what level of care they are receiving (*see chart below this paragraph*). COVID exacerbated Our Island Home’s challenges with new and expanded regulations to protect the vulnerable populations in nursing facilities, which come at a high cost. This includes regular testing of staff and Residents, additional screening procedures, heightened infection control procedures and more extensive use of personal protective equipment and other medical supplies. The State Executive Office of Health and Human Services conducts regular COVID audits of nursing facilities in addition to the annual survey conducted by the Department of Public Health on facility compliance with regulations and Life Safety codes.

At the June 15, 2021 Annual Town Election, following an affirmative vote at the 2021 Annual Town Meeting on June 5, 2021, voters approved an operating override to cover the revenue shortfall at Our Island Home. Currently, for FY 2023, the OIH subsidy from the General Fund is

\$5,125,000. The approval of a permanent increase in dedicated revenue for the OIH operation will help stabilize funding for the facility, with Retained Earnings being uncertain and the annual Certified Public Expenditure (CPE) from the State not a guaranteed source. The CPE was developed from State legislation effective August 31, 2009 for nursing home facilities that are municipally owned and use public expenditures for providing Medicaid (also known as Mass Health) services to residents to offset the cost of those expenditures for each calendar year.

Efforts are underway to request funding at the 2022 Annual Town Meeting for design of a new Our Island Home facility at the Sherburne Commons site that resembles a more modern small house (home-like) model of care and moves away from the current institutional model. Related, the Town will also seek funding for a feasibility study of the current East Creek Road site to evaluate renovation vs building a new Senior Center there. There are no plans to dispose of the current Our Island Home property on East Creek Road.

Our Island Home Reimbursement Information:

Primary Pay Source	Current Census (as of 11/29/2021)	Average Payment Rate Per Resident Per Day	Cost Per Resident Per Day (based on 2020 Cost Report)	Difference in Payment vs. Cost per day	Current loss per day based on Resident census
Medicaid/MassHealth	23	\$ 212.51	\$ 542.61	\$ (330.10)	\$ (7592.30)
Medicaid Pending	1	\$145.13	\$542.61	\$(397.48)	\$(397.48)
Medicare A	0	\$ 0.00	\$ 542.61	\$ 0.00	\$ 0.00
Private	9	\$ 560.00	\$ 542.61	\$ 17.39	\$ 156.51

*Medicare payments are now on a new Patient Driven Payment Model (PDP) that is compiled of five main payment adjustment factors. The PDP Medicare Reimbursement rate is therefore an estimate as actual daily rate varies throughout the potential 100-day eligibility period.

Solid Waste

The Waste Services Agreement (WSA) with our landfill operator, Waste Options, expires in 2025. For about two years, we have been working internally on various scenarios, options and cost projections for consideration as to moving forward when the contract expires. We issued a “Request for Expressions of Interest” (RFEI) in early 2021 to inform the Town’s process for deciding how to manage its solid waste after the WSA expires and to ascertain the level of interest from vendors in providing services for all or part of the Town ‘s solid waste operation. Since then, we have been undertaking analysis of the following questions:

1. What goals, programs and/or incentives should the Town adopt to reduce the amount of waste requiring management? To maximize the benefits of waste re-use and recycling programs?
2. Should waste composting operations continue after 2025? What are the feasible alternatives for managing all or part of the solid waste stream (pyrolysis, combustion, shipping off the island) and how do they compare to the existing and projected composting operation?
3. If the Town continues with the composting operation, should the Town buy/own the Composter? Should the Town own/operate or lease the Transfer Station?

4. Are there multiple capable private vendors willing to compete for the opportunity to operate one or more components of the Town's solid waste management facilities? What is the best approach to procure long-term business arrangements favorable to the Town?
5. How might the solid waste operation at Madaket Road be affected by sea level rise and climate change impact projections? What measures might be required to account for coastal resilience?

We are planning quarterly workshops with the Select Board to share and review information we have gathered and to seek policy input on these and related questions.

Enterprise Funds are intended to fund themselves through user fees; however, in the Town of Nantucket, in addition to Our Island Home, the Solid Waste Enterprise Fund (SWEF) does not fund itself entirely through user fees. It is supplemented by two prior year permanent overrides and due to rising costs, current and expected upcoming regulatory requirements, emerging issues (such as PFAS), the need to implement programs designed to reduce our waste volume, increased staffing needed to adequately operate the Take-or-Leave-it (TIOLI) facility and a growing clear need for improved Town oversight of solid waste management – we will most likely be recommending an additional override to fund this operation in FY 2024.

Coastal Resiliency

At the forefront of the Select Board's Strategic Plan is Sustainability. Within the Sustainability Focus Area, are goals relating to Coastal Resiliency. The Town has a portfolio of projects within the Hazard Mitigation Plan and Coastal Resilience Plan that seek to protect the Island from climate change impacts. The scope and cost of these plans are likely to present serious challenges to the Island's taxpayers. While some financial grants are likely, they will not significantly offset the costs to protect Nantucket from the impacts of climate change and sea-level rise. As of the preparation of this Budget Message, the Coastal Resilience Plan is being reviewed by the Select Board. Subsequent actions will include determining the optimal phasing, funding and implementation of the various projects.

Strategic Plan Initiatives

Due to COVID-related issues and staffing difficulties, the Select Board did not hold a specific retreat in 2021 to update its Strategic Plan, rather, it undertook a comprehensive review of the status of implementation of the Plan in October 2021. The current plan (Summary found in Appendix C) contains several initiatives that continue to require funding. The challenge is not only to fund new initiatives while maintaining adequate funding for existing operations, but to have sufficient staffing in place to oversee and implement the goals and initiatives contained in the Plan. One of the major challenges with recruiting and retaining qualified staff is housing. We have an internal staff work group focused on ways to improve recruitment and retention as well as how, where and when to provide a certain amount of housing for town employees. We are seeking capital funding in FY 2023 for town employee housing and will most likely need to seek additional funds in subsequent years. This will be an on-going challenge. We are considering the potential for remote work conditions for certain positions.

Continuity and Financial Strengths.

- The Town's bond rating was maintained at the Aaa level by Moody's Investor Services

in October of 2021 (Appendix D) with a Stable Outlook. The Town continues to have a rating of Aa+ from S&P Global. The Aaa rating is Moody's highest rating for a municipality and Nantucket is one of 15 (out of 351) cities and towns in Massachusetts to achieve this rating. A benefit of these high ratings includes the opportunity to borrow at lower interest rates.

- Free Cash for use in FY 2022 and FY 2023 is pending certification by the state Department of Revenue as of December 1, 2021. Full certification is expected in late December 2021 or early January 2022. This amount is expected to exceed budget projections due to a better operating result than FY 2021. Pursuant to Town policy and best management practices, Free Cash is used for non-recurring items such as capital projects or items or other one-time expenses. See Appendix E for a five-year history of certified Free Cash.
- The Stabilization Fund remains strong with a current balance of \$5,770,018.01 (Appendix F). A best management practice is to have reserves that are 10% of the budget. Using an approximate budget of \$121,000,000, the Stabilization Fund balance is approximately 4.76% of the budget. When we account for the pending Certified Free Cash (undesignated reserves), we expect the reserve amount to exceed the best management practice guideline as per the Town of Nantucket Financial Reserves Policy (Appendix G).
- The Town maintains a balance of \$1,302,038.15 in the Capital Projects Reserve Fund. The current balance represents 1.13% of expenditures. A best management practice is to have reserves that are 10% of the budget.
- Short-term and long-term capital project planning continues. In the fall of 2017, the Capital Program Committee, working with Town Administration began to develop a more robust review process, involving a standardized ranking system that allows for a consistent approach to prioritizing capital projects in a systematic manner, and provides additional transparency as well accommodates anomalies or unusual circumstances. Software was developed for the Town to more efficiently review and process capital requests for all stakeholders involved in the capital planning process. The process continues for FY 2023 capital planning. The Capital Improvement Plan (CIP) is updated annually (Appendix H).
- Increased focus on Town infrastructure continues to be a Select Board priority. Work to compile a comprehensive list of all town-owned facilities, along with condition assessments, current maintenance needs, and a maintenance schedule continues. The FY 2023 Capital Project and General Fund recommendations will continue the focus on infrastructure maintenance and improvement.
- Local receipts, including meals excise tax and room occupancy tax revenues remain stable after a strong growth period in the aftermath of the Financial Crisis of 2007-2008. New growth may be showing signs of slowing. In FY 2022, new growth was certified at \$1,112,224 - a \$347,685 decrease from FY 2021 (31% reduction). The decrease is attributed to a slowdown in construction activity due to the COVID pandemic. In January of 2019, the state enacted new legislation that expanded the hotel/motel room occupancy tax to cover certain short-term rentals. Link: <https://www.nantucket-ma.gov/1327/Short-Term-Rentals>. Collections for the first quarter of FY 2022 remain

strong. The Select Board has discussed reserving some amount for specific purposes, include affordable housing, human services, infrastructure improvements/maintenance. It would be prudent to have a better picture of how much additional revenue we may be realizing from this expanded tax before commitments for its use are made. Room occupancy tax revenue for the period of June 2021 through September 2021 was as anticipated.

- The Town has maintained its commitment to funding the OPEB Trust Fund (Other Post-Employment Benefits) with annual contributions of \$500,000 since 2015, therefore lowering its net liability. The current balance of the OPEB Trust Fund is \$4,248,650 (Appendix J).
- The Town continues to make its annual required contribution to the Barnstable County Retirement System. When compared to the rest of the Commonwealth's municipalities, Nantucket remains in the top half in terms of retirement funding levels.
- The COVID-19 pandemic has slowed the utilization of healthcare across the country and Nantucket. While we are currently seeing lower rates of utilization in FY 2022, it is expected to increase in FY 2023 as some care needs deferred during the pandemic return. The Town continues to work with its health insurance consultant and continues to monitor the utilization and to explore ways to mitigate the risk and reduce the overall cost of the insurance. (See Appendix K, Price Waterhouse Cooper (PWC) article June 2021).
- For the seventh consecutive year, the Town was awarded the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Town's Fiscal Year 2020 Comprehensive Annual Finance Report (CAFR), <https://nantucket-ma.gov/ArchiveCenter/ViewFile/Item/400>. Our Fiscal Year 2021 CAFR is in the process of being submitted to GFOA.

Caution.

We are closely monitoring economic trends and continue to be cautious with our revenue and expense projections. Last year we cautioned predominantly on revenue projections, however in this year's Message we must caution on the expense side as well.

Local and national economic conditions are difficult to predict with COVID-19 and its variants determining the state of the economy. The unemployment rate has not quite returned to pre-pandemic levels (4.5% vs. 3.5% today*); however, that statistic doesn't seem to explain the current labor shortage on the Island. Perhaps a better indicator rests in the number of employed workers in the U.S. which is still ~4 million* below pre-pandemic levels. Local tourism and housing prices continue to "boom", the well-publicized supply chain crisis and labor shortages continue and increased demand for municipal services have all combined to create a challenging year for both public and private enterprises. *Bureau of Labor Statistics

Notwithstanding the above, Deloitte's recently published "*United States Economic Forecast 3rd Quarter 2021*" remains bullish on the U.S economy and highlights the following: "...economic fundamentals remain strong. Household and business balance sheets are still in good shape, and consumers are sitting on piles of savings. GDP is now above the pre-pandemic level..." "The strong growth in productivity is a positive sign. And continued government action in the form of

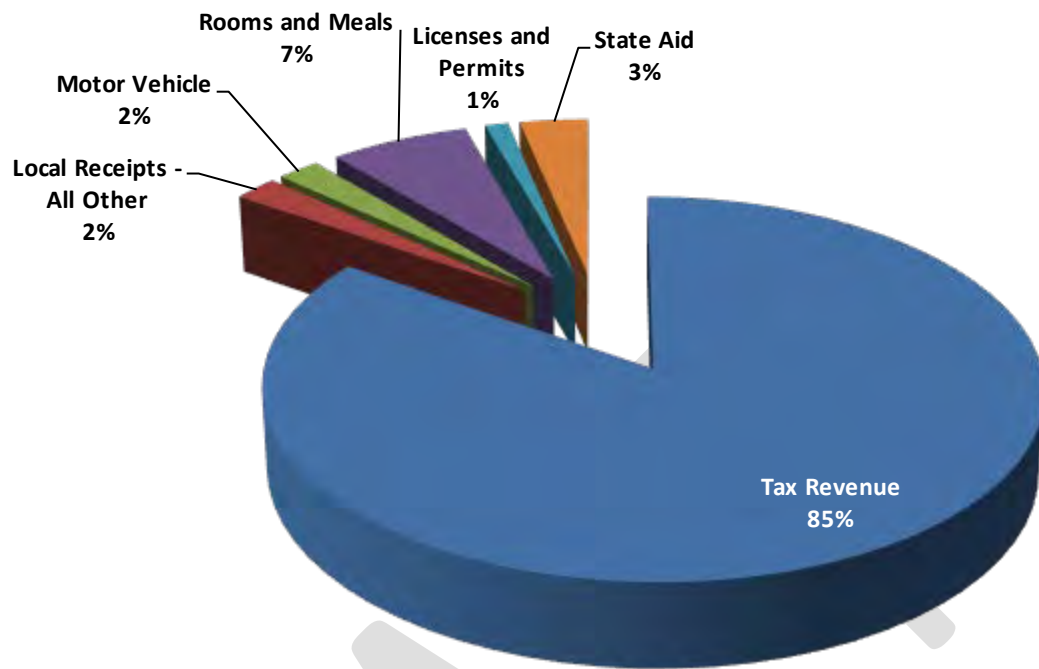
the bipartisan infrastructure agreement should support the economy in the short term and foster even greater productivity growth in the long run.”

Last year’s Budget Message flagged the balancing act the Town faced managing the increasing demands of a growing island community while remaining within the levy limit. As we head into FY 2023, the Town’s ability to fund expanding demand for programs, provide ever more services and maintain quality of life will be stretched. The FY 2022 challenge remains, but the FY 2023 challenge will certainly be exacerbated by rising input costs and the difficulty of attracting, retaining and housing employees. Remaining within the levy limit for FY 2023 will require some difficult choices to be made.

Each year, we must present a balanced budget which represents a plan of service for the community. Not all requests and needs can be met to the degree desired by individual groups and departments. We continue to be impacted by the effects of the current growth period on the Island, which is straining Town resources. Fixed costs are always increasing, especially employee benefits, service contracts, supplies and equipment, insurance and utilities. The Town’s levy capacity for FY 2023 allows for some increases to existing Town and School operations after allocations to Our Island Home, Solid Waste Enterprise Fund and Nantucket Regional Transit Authority (NRTA). <https://www.nantucket-ma.gov/1574/PFAS>).

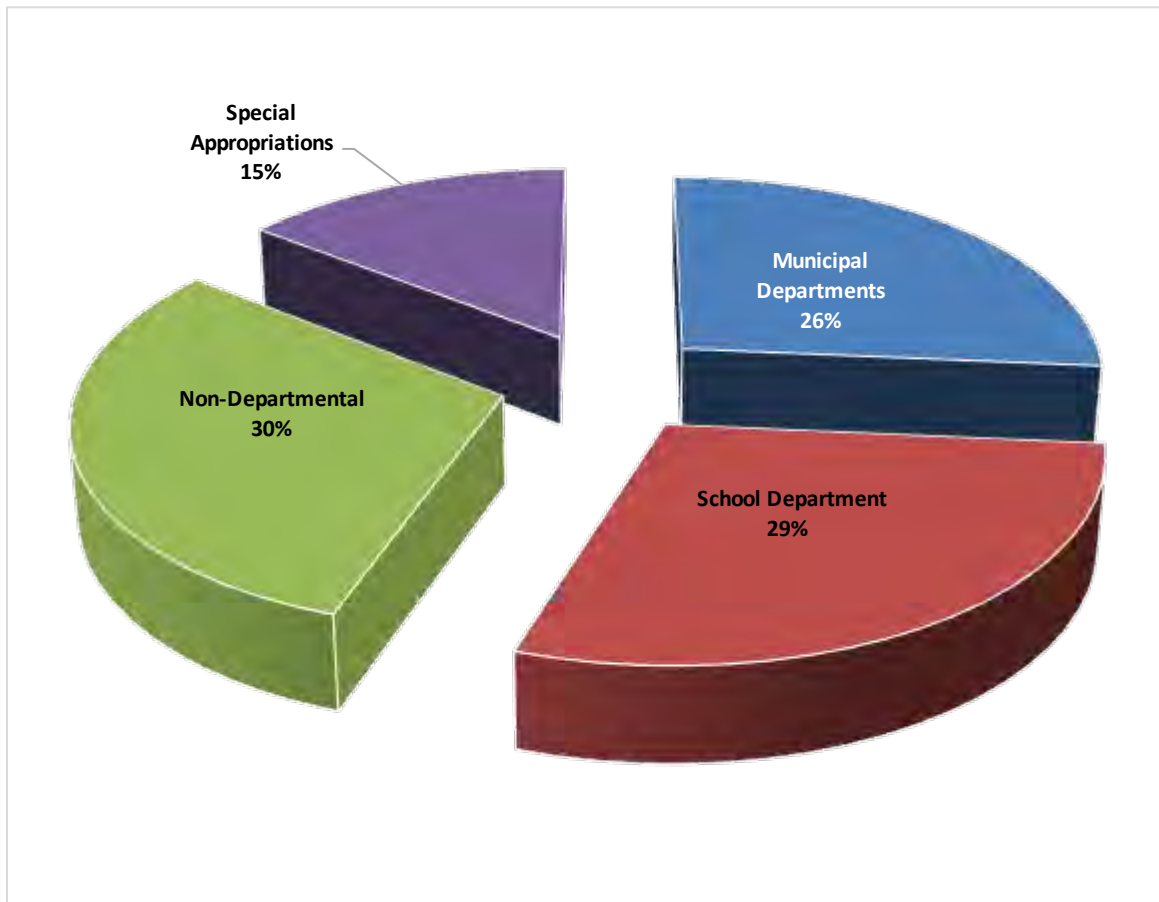
II. Overview of FY 2023 General Fund Budget Projection

A. Projected FY 2023 General Fund Revenue



Refer to Appendix M for a detailed breakdown of the FY 2023 proposed General Fund revenue as compared to the FY 2022 approved budget.

B. Projected FY 2023 General Fund Expenses



The proposed FY 2023 General Fund budget will fund:

- Projected Town and School salaries and fixed/current operational expenses – with some additional positions and programs.
- Fixed costs allocated between several expense categories including:
 - Health Insurance for active and retired employees is projected to rise at a rate of ~10% for FY 2023. While the Town did realize cost savings because of plan design changes in FY 2019, and while utilization rates are lower in the last quarter of FY 2021 and into FY 2022, we do expect them to rise near the end of FY 2022 and into the beginning of FY 2023. The continued rise of medical rates inflation has had an impact on the FY 2023 health insurance budget. The pandemic has made budgeting for health insurance much more difficult than in previous years, as people were not able to physically go to their doctors for routine medical care for much of the year in 2020 and 2021.
 - General Insurance is projected to increase 18.5% from FY 2022 actuals, based on current trends. The increase is resulting from the large losses that carriers have faced across the nation due to severe natural disasters over the past few years.

- Debt service is established by the current repayment schedule. Debt service will increase in FY 2023 as a result of the Town issuing debt for the Nobadeer Field House, sidewalk and storm water system improvements as well as the Neighborhood First affordable housing program. The Town will see an upward trend over the next 2-3 years in debt service, as new borrowings are undertaken for prior approved projects. (Appendix N)
- The Barnstable County retirement assessment is assumed to increase 8.5% in FY 2023.
- General Fund subsidies to the following Enterprise Funds are projected for FY 2023:
 - Our Island Home - \$5,125,000
 - Solid Waste - \$6,665,570 for landfill operations.
- Minimum capital funding requirement of \$1,070,980, allocated equally between the Town and School departments for capital improvements, pursuant to a requirement of the Town Code:

The Town shall spend on capital projects a minimum of 1% of total Town local receipts collected in the prior fiscal year plus 1% of the total real estate and personal property taxes collected in the prior fiscal year. If local receipts fall below the 1% minimum, the Town may forego the funding requirement. Nantucket Town Code Chapter 11, § 11-12.1

- Other Annual Appropriations for the following:
 - \$500,000 to the Other Post-Employment Benefits (OPEB) Trust Fund, in accordance with the Town's OPEB policy. FY 2023 will be the 7th year in which a contribution to this Trust Fund is made. The current balance of the fund through the first quarter of FY 2022 is \$4,248,650 (Appendix J);
 - \$500,000 to the Reserve Fund (see Appendix F);
 - State Cherry Sheet charges, the County Assessment and unpaid bills from prior fiscal years;
 - Annual Health and Human Services appropriation is funded at \$750,000 for FY 2023. This appropriation has been increased from \$650,000, with additional funding coming from the Special Purpose Stabilization Fund for Substance Abuse.

Refer to Appendix O for a detailed breakdown of the FY 2023 proposed General Fund expenses as compared to the FY 2022 approved budget.

III. Town Administration Expense Increase Recommendations

Background

Over the past 6-7 years, Nantucket has experienced significant growth and the Town's scope of responsibility has increased. We have taken on and/or funded new initiatives in response to needs, requests and mandates, yet staffing and service levels have not all kept up with the Island's growth, particularly in areas such as: infrastructure and public building maintenance, project management, code enforcement and community and town employee housing efforts. In addition, global, national and regional issues of coastal resiliency, solid waste management and energy use are becoming more and more critical in terms of climate change, sea level rise

and sustainability of natural resources. The Select Board’s Strategic Plan is intended to help focus Select Board initiatives and budgetary allocations toward the goals contained within the Plan. Information as to the specifics of the current Strategic Plan may be found on the Town website at <https://nantucket-ma.gov/1530/Strategic-Planning>. Many other mandated and goal-oriented plans and studies have been developed in the past several years which are taken into consideration during budget development, these include:

2018 Staffing Study
Hazard Mitigation Plan
Coastal Resiliency Plan
Green Community Requirements
Town-wide PFAS Assessment
Parks Master Plan
Capital Improvement Plan
Facilities Master Plan

FY 2023 Expense Increase Requests

Departmental expense increase requests (EIR) for FY 2023 are shown in Appendix P, separated into categories of:

Personnel Requests
Expense Requests – One-time
Expense Requests – On-going

Using a point system, with “Legal Mandate” being automatically supported, the requests were individually ranked and prioritized in accordance with the following criteria:

<u>Ranking Criteria</u>	<u>Scale</u>	<u>Description</u>
Legal Mandate	Y/N	Required by State/Fed or Local Bylaw (Y = Automatically Fund; Score of 9.0)
Staffing Study	0-2	Is it within the Staffing Study? If yes, 1 or 2 score would be determined by priority level (2 for higher priority)
Strategic Plan	0-2	Is it within the Strategic Plan? If yes, 1 or 2 score would be determined by priority level (2 for higher priority)
Staffing Study & Strategic Plan	0-1	Is it in <i>both</i> Staffing Study and Strategic Plan then 1 additional point to weight it higher
Department Operations & Efficiency	0-1	Funding necessary to support provide a department with necessary support for existing <i>or</i> new program
Approved New Programming	0-1	Funding necessary to support a new initiative
Necessary for Existing Programming	0-1	Funding necessary to support or expand ongoing initiatives
Continuation of Operations	0-1	Funding necessary to support unexpected increases or items already operationalized (e.g. software licenses)

Since it will not be possible to fund most of the requests without either additional revenue or reductions elsewhere, we have:

- focused our recommendations on the Select Board's Strategic Plan, and the other studies and plans referenced above; as well as critical Town operational issues;
- recommended use of funds from other sources (such as fund the one-time expenses from Free Cash and/or borrowing);
- reallocated existing resources;
- not recommended funding and/or will take a different approach; or, funded a reduced request.

We have prioritized the EIRs using the system noted above, and recommendations follow:

DRAFT

Department	Description of Expense Request	One-Time or Ongoing	Approved EIRs (1)
Personnel Expense Increase Requests (EIRs)			
DPW	Addition of 1 Mechanic	Ongoing	99,019
DPW	Addition of 1 Position for Park and Rec Division	Ongoing	91,906
DPW	Addition of 1 Position for Trees	Ongoing	91,906
DPW	Town Engineer	Ongoing	144,695
Finance	Procurement Administrator	Ongoing	114,696
Finance	Addition of 1 Accounting Clerk - Treasury	Ongoing	98,540
Fire	Part time Administrative Specialist transfer to full-time	Ongoing	29,785
Fire	Addition of 2 Firefighter/Paramedic	Ongoing	190,800
Fire	Overtime increase	Ongoing	50,000
Health	Chief Environmental Health Officer	Ongoing	153,000
HR	Assistant HR Director	Ongoing	133,000
HR	Various position reclassifications	Ongoing	55,000
IT	Information Technology Security Systems Administrator	Ongoing	122,920
Marine	Addition of 5 Seasonal Lifeguards	Ongoing	58,500
NRD	Conservation Agent	Ongoing	122,920
NRD/Health	Public Outreach Specialist	Ongoing	98,541
NRD	Sustainability Manager	Ongoing	138,000
Police	Business License Inspector	Ongoing	98,541
Police	Addition of 2 Police Officers (Airport)	Ongoing	191,678
Police	Parking Enforcement Coordinator	Ongoing	122,920
PLUS	Overtime increase	Ongoing	10,000
PLUS	Land Use Specialist/Zoning Administrator	Ongoing	107,387
Department Personnel EIR			\$ 2,323,754
Operating Expense Increase Requests (EIRs)			
Fire	Rope Rescue Equipment	One-Time	25,000
Fire	Safety and protective gear, alternate to Structural firefighting gear	One-Time	23,000
IT	Multi-factor authentication implementation services	One-Time	22,500
IT	Migrate Exchange mail server to Office 365 cloud environment	One-Time	22,000
PLUS	Historic District Commission - historic architectural surveys update	One-Time	25,000
PLUS	Update of the 2009 Master Plan	One-Time	100,000
PLUS	Replacement vehicle for PLUS	One-Time	30,000
Town Admin	Baxter Rd Relocation Management	One-Time	150,000
Town Admin	Professional services increase	One-Time	50,000
Town Admin	Commuter shuttle	One-Time	200,000
Town Admin	Historic sidewalk preservation & repair study	One-Time	40,000
Town Clerk	Replacement of furniture	One-Time	5,000
C & T	4th of July Fireworks increase for new contract FY23-25	Ongoing	12,550
DPW	Field Maintenance - Park and Rec	Ongoing	200,000
HR	TASC FSA accounts monthly fee	Ongoing	6,000
IT	Cloud-to-Cloud backup for cloud-based Exchange email and Office	Ongoing	8,800
IT	Multi-factor authentication licensing and hardware tokens	Ongoing	17,000
IT	Cybersecurity services	Ongoing	50,000
IT	Upgrade Exchange mail server to Office 365 cloud environment and	Ongoing	37,500
IT	TeamDynamix project portfolio management software annual	Ongoing	30,000
IT	Comcast Internet service for three WiFi hotspots	Ongoing	11,000
IT	Zoom video conferencing and webinar service	Ongoing	5,700
IT	5% increase for existing Professional Services	Ongoing	20,850
Town Admin	Delta playing fields lease	Ongoing	30,000
Town Admin	Office space lease	Ongoing	100,000
Town Admin	Select Board Strategic planning initiatives	Ongoing	50,000
Town Clerk	Sound & microphones for Annual Town Meetings	Ongoing	9,000
Town Clerk	E-voting service for Annual Town Meetings	Ongoing	26,000
Total Operating Expense Increase Requests			\$ 1,306,900
Total Town Personnel & Operational Expense Increase Requests			\$ 3,630,654

FY 2023 Personnel Expense Increases

1. Department of Public Works

Town Engineer (New position)

This position has been discussed for several years and with the increase in local development, there is a growing impact to municipal infrastructure, including roadways, bicycle paths and sidewalks, and storm water drainage. This position will provide engineering services and consultation for operations, contracts, projects and strategic planning. The position will also serve to organize and coordinate Town efforts around storm water studies, planning and execution. Many project plans are complex and have dependencies with other projects and this position will provide professional engineering support and oversight, ensuring better coordination and on-time, on-budget project completion. While residing in DPW, this resource will consider and review cross-departmental impacts to ensure appropriate coordination.

Parks and Recreation staff (New position)

The Town's maintenance division is not staffed to effectively manage the inventory of Town recreational assets and growth in demand for use of the Town's playing fields requires increased maintenance to keep the fields safe and available for use and continue to provide social and health benefits. The Parks and Recreation Master Plan identifies at least 14 properties that require maintenance. The Plan also notes 1.) due to heavy and often excessive use during all seasons of the year and all types of weather, turf conditions are stressed at many locations, 2.) poor playing conditions can demoralize users and increase the risk of injury, and 3.) Town maintenance operations staff is hampered by their small numbers and lack of materials and equipment and face an uphill battle to maintain best conditions possible. A sample of activities this team undertakes includes: cutting, aerating and cycling fields, lining fields and ensuring that irrigation systems are functioning properly, replacement of split-rail fences, signage and maintenance of associated facilities, such as restrooms; monitoring use of these facilities and properties. This new year-round position is expected to help with the delivery of improved conditions at key Town recreational assets.

Tree Maintenance staff (New position)

Proper maintenance of island-wide, Town-owned trees helps ensure public safety and tree protection. Scheduled inspection and assessment is key to protecting trees, in particular the Island's large inventory of historic Elm trees. This position will allow the Town to more proactively protect its trees and will help increase the bandwidth to ensure effective public outreach, interdepartmental coordination and safe maintenance of trees across the Island. The new position will bring to 2 the number of staff dedicated to trees, which is the minimum number required to safely execute effective tree maintenance.

Mechanic (Replacement)

DPW is currently responsible for central fleet maintenance of all Town vehicles, except emergency response vehicles. There are currently limited resources for maintenance. Inadequate maintenance increases costs and decreases Town staff productivity and has led to several vehicles not passing inspection this year. Outside

options for repair and maintenance are often not viable as service wait times are often months-long. This position will help extend the service life, reliability and safety of vehicles across Town departments.

2. *Police Department*

Business License Inspector (New position)

Through the Police Department, the Town issues, processes and renews a wide range of licenses and permits, including but not limited to liquor, entertainment, common victualler, animals, mobile food units. The growth in the population and business footprint on the island has made enforcement more difficult, but also more important. Active enforcement is the best way to ensure compliance and protect quality of life on Nantucket. Staffing the Inspector role is an integral part of an effective Business Licensing program.

Parking Enforcement Coordinator (New position)

This position has been discussed in the past as a requirement to effectively implement a Parking Management Program. Operationalizing this Select Board goal requires a dedicated resource to focus on public outreach, maintaining records, traffic assistance, enforcement of parking regulations and providing recommendations to improve the program (e.g. permits, signage, outreach issues). This position will support year-round, consistent enforcement of parking regulations and will help operationalize paid parking if implemented.

Seasonal Lifeguards (5) (Additional positions)

As the summer population of the Island increases, there is greater use of the beaches and more swimmers in the water. More swimmers in the water leads to more distress calls and this past summer the Department received a significant number of distress calls from Ladies Beach. This request would provide funding for a team of lifeguards specifically dedicated to Ladies which has not previously been a guarded beach. These positions would be funded from the Beach Revolving Fund.

Police Officers for Nantucket Memorial Airport (2) (Additional positions)

Historically, the Nantucket Police Department (NPD) has relied on a seasonal/part-time/reserve workforce to provide armed law enforcement support for Nantucket Memorial Airport. Due in part to changes brought about by the Police Reform Act, NPD is no longer able to utilize seasonal, part-time or reserve police officers for the Airport's (TSA) requirements. The Airport is required to screen passengers on flights bound for airports such as Boston, Washington DC, etc. which requires three fully certified police officers to fill the daily shifts at the airport. These positions are funded by Nantucket Memorial Airport. If positions are not filled, it will result in elimination of TSA-screened flights to the island.

3. *Information Technology (IT) Department*

Information Technology Security Systems Administrator (New position)

To ensure a safe, protected, reliable and continuously operating IT environment, it is imperative that systems and applications are kept up to date with security patches and updates,

network activity is monitored, and cybersecurity awareness training is conducted. The increase in cyber criminals (hackers, terrorist organizations and foreign governments) specifically targeting the public sector and municipalities, requires continuous improvement to the Town's defenses. The IT System and Security Administrator position will be responsible for IT security and safety, ensuring that the Town computer systems are up to date and protected from cyber threats. This position will also lead the cybersecurity awareness training program. This request will fund a position dedicated to the health and security of the Town government's digital resources.

4. *Human Resources Department*

Assistant Human Resources Director (New position)

The Human Resources Department (HR) supports Talent Acquisition, Labor Relations, Benefits and Leave Management, Regulatory Compliance and much more. As the Town experiences population and economic growth, the Town staff also grows in number to meet the increasing demand. In a 2015 review of the HR Department conducted by EmCo Consulting, it was recommended that HR staff to a ratio of 1:400. At the time, HR estimated it supported roughly 1,200 employees and retirees combined. Current estimates of the number of employees, retirees and job applicants supported by HR approaches 1600 and the department is not staffed to accommodate that larger number. This position request would allow HR to maintain the recommended ratio. It will also provide essential support to the HR Director in critical areas such as collective bargaining, policy updates, benefit enrollment and employee and retiree relations. Personnel issues have become increasingly complex with the Massachusetts Equal Pay Act, Occupational Safety and Health Administration (OSHA) rules, mediation and arbitration decisions and other recent and/or emerging issues, not to mention mental health, well-being and security of employees. We need more than 3 employees to oversee the 1600 or so individuals that comprise the largest employer workforce of the Island.

5. *Finance Department*

Procurement Administrator (New position)

The number of contracts the Town administers is growing along with activity on the Island. Over the past 2 years an average of ~170 contracts per year were procured, executed, paid and tracked. Annualizing the activity of the first 4 months of FY 2022, this year's projected total will exceed 250 contracts. This position will manage the contract lifecycle, including issuance, amendments and in some instances procurement. The Administrator will also arrange and monitor selected Town purchases.

Administrative Assistant-Treasury (Replacement)

The Treasurer's Office is responsible for cash management, debt management, payroll and more. If approved, this request would return the Office's staffing to its pre-Covid level. The Administrative Assistant role is primarily responsible for accepting, processing and reconciling all payments and disbursements for the Town, and acts as interface to the accounting department. Over the past 3 fiscal years the average number of cash receipts processed by the Office is roughly 8,600 per year. This year (FY 2022) it is on pace to process more than 10,000 cash receipts.

6. *Natural Resources Department*

Sustainability Manager (New position)

Beginning with its 2019 Strategic Plan the Select Board identified Sustainability as a key initiative and indicated a necessity to operationalize activities around it. This position will establish the Office of Sustainability as a division within the Natural Resources Department. Initial activities of this Office include organizing and advancing the work of a proposed Core Sustainability Workgroup, development of divisional goals, development of a formal Sustainability program and public outreach for Sustainability initiatives.

Conservation Agent (New position)

As with the above position, beginning with its 2019 Strategic Plan the Select Board identified Sustainability as a key initiative and indicated a necessity to operationalize activities around it. To facilitate the development of the Sustainability office the Natural Resources Department has proposed, with Town Administration support, to re-organize into three divisions. This position will supervise the regulatory division in the Natural Resources Department and will be primarily responsible for the day-to-day operations of the Conservation Commission, including permit application review, field inspections, and compliance checks. The position will also be responsible for updating Wetland Protection regulations and facilitating inter-departmental coordination on conservation-related issues.

Public Outreach Specialist (New position)

This position is a joint request of Natural Resources and Health and Human Services departments. These departments play a central role in the development of several key Select Board priorities (e.g. Water Quality Plan, Harbor Plan Update, Fertilizer Program, Hazard Mitigation Plan and Coastal Resilience Plan). Public support of these plans is critical, and this position will establish the communication and feedback channels to deliver successful plans and projects. Key early deliverables include the creation and maintenance of a dedicated online presence, creation of printed informational materials and improved public engagement. The position will work through the Town's Public Outreach Manager, within the Town Manager's office.

7. *Health Department*

Chief Environmental Health Officer (New Position)

With the discovery and quantification of PFAS, fluoropolymers and other emerging contaminants in and around the Island, this request seeks to create and fund a position dedicated to the environmental health of the Island. This toxicology specialist will oversee PFAS quantification, plan remediation responses, liaise with vendors, as well as manage projects and community outreach. Should the state Department of Environmental Protection issue regulatory standards for PFAS levels, it will be necessary for the Town to be able to respond to the public and others where PFAS exceedances are detected.

8. *Fire Department*

Firefighters (2) (Additional positions)

As the population and density of the Island increase, the demand for Fire Department services also increases. This request would increase staffing on 2 of 4 shifts, balancing all shifts at seven members when fully staffed. This will increase the personnel available to respond to emergency calls and increase the service level the department provides the Island. The growing need is exacerbated by the increasing difficulty of the department to have off-duty firefighters return (or call back) to fill station coverage or times when the department is responding to simultaneous multiple calls. The position level would be a minimum of Emergency Medical Technician or possibly Paramedic.

Administrative Assistant (change from part-time to full-time)

This role is responsible for scheduling and managing more than 1400 inspections in addition to routine administrative duties. Compounding the overstressed situation will be an expected new events approval and review protocol. The workload cannot be adequately completed in a 20-hour week and converting it to full-time will alleviate stress, provide better customer service and generally increase productivity in the department.

9. *Planning & Land Use Services*

Land Use Specialist/Zoning Administrator (Replacement)

The Land Use Specialist position will reinstate dedicated staff support to the Zoning Board of Appeals and will provide additional support to the Historic District Commission (HDC). Most recently, Land Use Specialists who support the HDC consistently work significant overtime due to growing application volume. The Deputy Director of Planning has temporarily assumed the responsibilities of the Zoning Administrator, but that is not sustainable over time. Filling this position would better distribute the HDC responsibilities and allow for more capacity in the department for enforcement.

FY 2023 Operational Expense Increases (One-Time) The items listed below are considered one-time and as such, may be funded through Free Cash.

1. *Fire Department*

Rope rescue equipment - \$25,000

Safety and protective gear, alternate to structural firefighting gear - \$23,000

2. *Planning & Land Use Services (PLUS)*

Professional services in connection with update of 2009 Master Plan - \$100,000

Replacement of vehicle - \$30,000

Professional services in connection with update of historic architectural surveys for HDC - \$25,000

3. *Town Administration*

Professional administrative support services increase - \$50,000

Commuter shuttle - \$200,000

Baxter Road relocation management - \$150,000

Historic sidewalk preservation & repair study - \$40,000

4. *Information Technology*

Multi-factor authentication implementation services - \$22,500

Migrate Exchange mail server to Office 365 cloud environment - \$22,000

5. *Town Clerk*

Replacement of furniture - \$5,000

FY 2023 Operational Expense Increases (On-going)

1. *Information Technology*

Cloud-to-Cloud backup for cloud-based Exchange email and Office 365 - \$8,800

Multi-factor authentication licensing and hardware tokens - \$17,000

Cybersecurity services - \$50,000

Upgrade Exchange mail server to Office 365 cloud environment and Azure AD to Premium P1 – \$37,500

Team Dynamix project portfolio management software annual maintenance increase - \$30,000

Comcast internet service for three Wi-Fi hotspots - \$11,000

Zoom video conferencing and webinar service - \$5,700

Professional services increase of 5% - \$20,850

2. *Town Administration*

Delta playing fields annual lease payment with Airport - \$30,000

Office space lease - \$100,000

Select Board strategic planning initiatives - \$50,000

3. *DPW/Parks and Recreation*

Field maintenance bid - \$200,000

4. *Town Clerk*

Sound & microphones for Annual Town Meetings - \$9,000

E-voting service for Annual Town Meetings – \$26,000

5. *Human Resources*

TASC flexible spending account monthly fees - \$6,000

6. *Culture & Tourism*

4th of July Fireworks increase - \$12,550

IV. *Current and Future Year Considerations*

Sustainability

In October 2018 the Select Board adopted “Sustainability” as a guiding principle of the Town’s Strategic Plan:

Sustainability is how the Town of Nantucket, with a focus on historic preservation,

natural resources, hazard mitigation, solid waste management, energy, public health, and education, institutionalizes practices in municipal operations that support a balance of the economic, environmental, and social health of our Island, which meet the needs of current residents and visitors without compromising the ability of future generations to meet evolving needs.

We are recommending a Sustainability Manager position for FY 2023 to begin the development of a Sustainability Division within the Town and to develop a plan to operationalize a Sustainability “lens” for applicable Town projects and programs.

Coastal Resiliency/Infrastructure/Planning

Global warming, climate change and sea level rise have been more and more frequently appearing in the news media as growing issues for municipalities. In FY 2019, we completed an update to the Town’s Hazard Mitigation Plan, which can be found here <https://www.nantucket-ma.gov/1373/Hazard-Mitigation-Plan>. The plan recommends over 50 projects for implementation over the next five years. The Select Board established a Coastal Resiliency Advisory Committee to make recommendations about a variety of coastal resiliency issues, including a Coastal Resiliency Plan. (<https://www.nantucket-ma.gov/1391/Coastal-Resiliency-Advisory-Committee>). In mid FY 2022 Coastal Resiliency Plan was issued through the efforts of the Coastal Resilience Advisory Committee with its consultant, Arcadis.

Parks Master Plan

A Parks Master Plan was finalized in winter of 2020 and projects were integrated into the Capital Improvement Plan. Subsequently, updated FEMA sea level rise projections were issued, indicating that certain areas, such as Tom Nevers Park where significant infrastructure was recommended, should be reconsidered. Overlapping projects, including the School Department Campus Improvement Plan and the Public Works facility potential relocation to the Delta Fields area, have caused portions of the Parks Master Plan to be reconsidered. That process is on-going in FY 2022 and into FY 2023 and may result in modifications to certain projects in the Plan in these areas.

All of these are likely to include recommendations for capital or other expenditures to address ways in which the Town can be responsive to the impacts of environmental change on Town infrastructure. We need to pay attention to this because expenditures and/or impacts are imminent. Other impacts could include the loss of taxable real estate and a reduction in the Town’s bond rating.

Collective Bargaining

Contracts were settled with some units in FY 2021 for three years and bargaining is ongoing with other units in for contracts that expired June 30, 2020. Negotiations for contracts expiring in FY 2023 will commence in FY 2023 when we will again begin work with the Select Board and other voting agencies (Airport Commission, Nantucket Water Commission, School Committee) to develop our approaches to upcoming collective bargaining and to review financial projections, employee benefit costs and universal union contract language issues. Appendix Q shows the list of collective bargaining contracts. The contracts can be found at <https://nantucket->

Police Reform

The Police Department is actively working to implement the measures contained in the Police Reform Act enacted early in 2021. There will be costs associated with measures such as additional and/or new certification and training requirements, body cameras and associated equipment and staff to manage this program. Some of the measures have not yet been fully defined through the necessary regulations; however, we are working to plan for these expenses.

Harbor Place

Discussions with the Harbor Place owners' group continued into FY 2022 after a COVID delay. Depending on how the project develops, there may be an impact on Town resources in connection with future infrastructure maintenance and capital costs. At the 2020 Annual Town Meeting, an appropriation of \$150,000 was approved for the engagement of a consultant to assist the Town with developing concepts for transportation-related improvements. That effort remained underway in FY 2022 and at the time this Message is being prepared, it was not clear if any recommendations will be brought to the 2022 Annual Town Meeting.

Per and Polyfluoroalkyl Substances (PFAS)

Per-and polyfluoroalkyl substances, also known as PFAS, are a group of manmade chemicals that have been manufactured and used in a variety of industries since the 1950s. They are referred to as 'forever chemicals' – they are persistent in our bodies, mobile in the environment and many will not naturally degrade. PFAS chemicals are most often commercially used to create grease, water and stain resistant barriers for materials, including Teflon, grease-resistant take-out containers, and upholstery and carpet treatments; these chemicals are also found in firefighting foam.

Concerns have been raised regarding human health and ecological risks associated with certain PFAS chemicals. The Town of Nantucket is following the guidance and testing requirements of Massachusetts Department of Environmental Protection (MassDEP) as it pertains to PFAS. More information is available at <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>

Like other municipal governments, the Town is working to understand the sources and receptors of PFAS in the environment. In FY 2021, the Town engaged the services of CDM Smith, Inc, subject-matter experts based out of Boston, to assist the Town with an initial PFAS assessment and public engagement plan and again in FY 2022 to assist with developing a proposed sampling plan and data collection strategy in concert with MassDEP. Additionally, in FY 2022 MassDEP and UMass teamed up for a voluntary state-wide private well sampling program, of which approximately 30 Nantucket households were selected out of over 100 applications. The results of this testing program will help inform future efforts by the Town and private well-owners. With the assistance of consultants and subject-matter experts, this issue is currently being examined across all Town departments, including Public Works, Water Company, Sewer Dept., Airport, Public Health, and Natural Resources. Initial work includes a qualitative, town-wide risk assessment, and recommendations for data collection and/or future action based on the available data. The Town's response to PFAS can be found at <https://nantucket-ma.gov/1574/PFAS>

This project is expected to span several years and there are likely budgetary impacts in both the General Fund and Enterprise Funds. As more information is collected and assembled, the scope and cost of PFAS containment, source reduction and cleanup will be better understood. It is unclear whether outside funding will be available to help offset what could be a substantial financial impact to cities and towns.

Diversity Equity and Inclusion (DEI) Initiatives

In February 2021, the Town hired its first Director of the Diversity, Equity and Inclusion Office (DEI). In fulfilling the Select Board's pledge and commitment to DEI throughout the town, the DEI office was established as a part of Town Administration and is located in the Town Building, which allows for hands-on collaboration with Human Resources and for professional support for/from town leadership. The DEI Office has already commenced numerous initiatives and participated in many community conversations. Since establishing the Office, the DEI's webpage has been redesigned to include a mission statement (available in English and Spanish), the Select Board has approved a \$94,000 contract to partner with Tangible Development LLC to create a DEI Strategic Plan and Nantucket joined the Massachusetts DEI Coalition. The Office has issued a statement of solidarity in support of the Asian American Pacific Islanders community, presented at ten or more local organizations on the significance of DEI, written articles on Juneteenth and Indigenous Peoples' Day highlighting the Island's connections to both, hosted a book discussion with department heads on *Micromessaging* and launched the "Meet NEET" initiative featured in the monthly Town Manager e-newsletter. It is clear the Select Board, town leadership, and the community are taking steps to ensure that diversity, equity, and inclusion are valued and evidenced throughout town operations.

<https://www.nantucket-ma.gov/DocumentCenter/View/36850/Select-Board-Statement-to-the-Nantucket-Community---June-24-2020-PDF>

Health and Human Services Funding

We proposed to allocate \$750,000 to local health and human service agencies in the community for FY 2023. This funding allocation represents a \$100,000 increase in funding over FY 2022 and continues to be among the highest of all towns in Massachusetts and was in response to an increase in funding requests from agencies. The extra funding of \$100,000 in FY 2023 is recommended to come from the Special Purpose Stabilization Fund for Substance Abuse paid to the Town by the Island's marijuana dispensaries and/or marijuana retail establishments. Each year, agencies apply for funding and applications are reviewed by the Human Services Contract Review Committee which makes recommendations regarding appropriations to the Finance Committee and Select Board.

New/Expanded Revenue Possibilities

Other areas to potentially look toward in the future for generating new revenue to cover needs and priorities include (several of these are part of a 2009 Ad Hoc Fiscal Committee Report - <https://www.nantucket-ma.gov/170/Ad-Hoc-Fiscal-Committee>):

- PILOT possibilities (Payment-in-Lieu-of-Taxes for entities that do not pay property tax, such as certain tax-exempt organizations such as hospitals, posts and churches – if all of these were taxed in FY 2022, taxes due would have exceeded \$ 16,650,000;

- parking fees (increase parking fines; implement paid parking downtown – use funds for transportation-related improvements)
- taxi transaction fee (requires meters);
- increase Town permit fees other than those already at statutory maximum allowance (over the road permits, road closing, etc.);
- increase to the ferry embarkation fee (requires substantial political work and coordination with the other ports);
- increase of real estate transfer tax for housing initiatives or another dedicated purpose (requires special legislation which was approved at 2016, 2017, 2018, 2019 and 2020 ATMs - efforts continue to further the legislation);
- new local option surcharge on tax bills of up to 3% (similar to how the Community Preservation Act surcharge is applied) called the Municipal Water Infrastructure Investment Fund (“WIIF”) – we had begun to examine how this could be used for Nantucket in late 2019; however discussions stalled due to COVID and we are not planning to recommend pursuing this until we are able to devote more resources to determining and evaluating how this could benefit Nantucket, as well as an evaluation of the Cape & Islands Water Protection Fund which derives revenue from the recent expansion of the room occupancy tax to short-term rentals.

Some of the above noted items are being developed and others are noted only for informational purposes. In addition to potential ways to generate additional revenue, we are continuously reviewing actions that would allow us to address a slow-down in economic activity. These include:

- review all municipal services for reduction or elimination – in other words, an “Austerity Budget”
- reduction-in-force of personnel
- enforce a hiring “freeze” or “chill”
- eliminate unexpended expense increases, including vacant positions
- reduce the NRTA year-round service (would have a delayed impact because of how/when NRTA is funded through the state)
- defer capital projects.

V. Conclusion

The proposed FY 2023 General Fund budget can be funded within available revenue, while supporting some new initiatives and positions and providing continuity of services. The list of challenges is long and includes funding the growing priorities and increasing demands for services from the community; retaining, attracting and housing qualified employees; and, maintaining infrastructure while making it more resilient. Solid waste management, the on-going response to COVID and growing PFAS issues will all require significant focus in FY 2023. It will take additional resources in the coming year(s) to address these, as we have noted in this Message and in prior Messages.

Thanks to the Select Board, Town departments, Finance Committee, Capital Program Committee, and especially to the staff who spend many, many hours putting together the information necessary to develop these budget recommendations, especially Assistant Town Manager for Strategic Projects Gregg Tivnan, Director of Municipal Finance Brian E. Turbitt, Assistant Finance Director Rick Sears and Financial Analyst Mariya Basheva.

Prepared by:

Town Manager, pursuant to Article IV, Section 4.2(d)(3) of the Charter of the Town of Nantucket

DRAFT



Agenda Item Summary

Agenda Item #	XI. 5.
Date	1/5/2022

Staff

Erika D. Mooney, Operations Administrator

Subject

Public Hearing to Reconsider the Revocation of Private Shellfish Aquaculture Licenses Held by Theodore Lambrecht of 10 Trotters Lane, Known as Licenses #12 and #12B, Head of the Harbor, Consisting of 4 Acres Each, Pursuant to MGL Chapter 130, Sections 57, 60 and 65 and Town of Nantucket Shellfish Regulations Section 5.1.

Executive Summary

The revocation of Private Shellfish Aquaculture Licenses held by Theodore Lambrecht, as recommended by the Harbor and Shellfish Advisory Board and the Natural Resources Director due to continued non-compliance, has been before the Select Board four times in 2021:

- May 12, 2021: The Board voted to allow for a 45-day timeframe for Mr. Lambrecht's gear to be in compliance and if it is, to continue the licenses for one year and if not, another revocation hearing to be scheduled.
- July 7, 2021: The Board voted to schedule a public hearing in 60 days as to revocation, unless substantial progress (removal of the gear from the water and restored to good working order or properly cleaned; and, lease areas properly marked) has been made.
- Sept. 8, 2021: The Board voted to continue the public hearing for 90 days, and if 100% of the gear is not pulled up, a revocation will be made; and, that all gear on the bottom is to be up within 90 days, any gear set in the water will need to be inspected by the Shellfish Warden and there shall be no handling issues, and if handling issues do occur, it shall result in automatic revocation.
- Dec. 8, 2021: Mr. Lambrecht was absent for the public hearing. The Board votes to revoke Mr. Lambrecht's licenses for continued non-compliance. Mr. Lambrecht joined the meeting later and commented on the revocation of his license and asked for an explanation. Chair Bridges reviewed the Board's action and reasoning, as voted earlier in the meeting. The Board then voted to reconsider the vote and schedule a new public hearing

Staff Recommendation

The Harbor and Shellfish Advisory Board and the Natural Resources Director both recommend revocation of the licenses due to continued non-compliance and two documented instances of improper



handling of shellfish. The Natural Resources Director also provided a summary timeline regarding the proposed revocation of licenses in his Dec. 1, 2021 memo to the Select Board.

Background/Discussion

See attached memos and minutes.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Board/Commission Recommendation

Harbor and Shellfish Advisory Board recommends revocation of the licenses due to continued non-compliance.

Public Outreach

Public hearings were advertised for two weeks prior to hearing dates.

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

N/A

Attachments

Portions of Select Board minutes of May 12, 2021; July 7, 2021; Sept. 8, 2021; Dec. 8, 2021

Packet materials from Select Board meetings of:

- May 12, 2021: Revocation letter to Ted Lambrecht dated 4/21/2021; Letter from Harbor and Shellfish Advisory Board re: Lambrecht revocation dated 5/6/2021; Lambrecht current license # 12; Lambrecht current license # 12b
- July 7, 2021: Email from Natural Resources Director re: status of Ted Lambrecht license compliance dated 6/30/2021
- Sept. 8, 2021: Letter to Lambrecht dated 8/24/2021 re: non-compliance; Guidelines for Lease of Bottom Land for Aquaculture; 7/16/2021 memo re: Lambrecht improper handling of shellfish and photos
- Dec. 8, 2021: Memo from Natural Resources Director re: Theodore Lambrecht revocation request dated 12/1/2021 with Summary Timeline; 11/10/2021 memo re: Lambrecht improper handling of shellfish with photo



b) Renewal of Private Shellfish Aquaculture License held by Pocomo Meadows, LLC

Chair Holdgate opened the public hearing. Natural Resources Director Jeff Carlson introduced the item, noting a staff recommendation for renewal. There being no further public comment, Chair Holdgate closed the hearing. Mr. Fee asked about trends in reports received by the two licensees. Mr. Carlson explained. Some discussion followed about environmental conditions in the areas. Mr. Fee moved approval of both licenses; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes; Ms. Murphy – Yes.

2. Public Hearing to Consider the Revocation of Private Shellfish Aquaculture Licenses held by Theodore Lambrecht.

Chair Holdgate opened the hearing. Mr. Carlson introduced the item. Mr. Carlson explained that the licenses are not in compliance and that the Harbor and Shellfish Advisory Board (SHAB) has also recommended revocation; and, to re-issue them, noting there are three people on a waiting list. Mr. Ted Lambrecht stated that he “ran into difficulties” for a period of time and is now “ready to go”. Following questions by Board members, Mr. Carlson spoke on additional time that had been provided to the licensee in order to come into compliance, but it was not achieved. Mr. Lambrecht commented on being told “not to work” last year. Mr. Fee asked who told him not to work. Mr. Lambrecht said it was because of COVID and said he has been working on gaining compliance but has not been able to meet the deadlines. Some discussion followed as to the number of licenses held by Mr. Lambrecht and their status. Mr. Carlson said that at least one of the licenses was not renewed by Mr. Lambrecht. Mr. Lambrecht said he was not aware of that and did not know the licenses were staggered. Mr. Carlson reviewed the renewal process, noting that the process was not followed by Mr. Lambrecht. Mr. Fee suggested giving Mr. Lambrecht one year to come into compliance for the remaining two licenses that he currently holds, noting the other has expired as explained by Mr. Carlson. Some discussion followed. Mr. Carlson reviewed the location of these licenses and said there is gear that should have been removed four years ago that was not, despite repeated requests; and, that is a main reason for the revocation recommendation. Additional discussion followed as to the history of the lack of gear removal. Mr. Lambrecht spoke about health issues he experienced a few months ago and his plans to address the gear issue. Some discussion followed. Mr. Fee reiterated his suggestion, citing understanding for health issues. There being no further public comment, Chair Holdgate closed the hearing. Mr. Fee moved to continue the licenses for one year and if compliance has not been achieved to re-visit; seconded by Mr. Bridges. Ms. Ferrantella suggested a deadline for addressing the gear equipment, noting the recommendation from SHAB. She asked Mr. Carlson what a reasonable amount of time would be. Mr. Carlson suggested 30 days. Mr. Fee asked if Mr. Lambrecht could accomplish this in 30 days. Mr. Lambrecht said he is not sure what “total compliance” means. He said he could “get some stuff done in 30 days”. Chair Holdgate suggested 45 or 60 days.

Ms. Murphy left the meeting due to technical difficulties at 6:20 PM.

Mr. Bridges suggested specificity as to what compliance means. Mr. Carlson provided a description as to compliance, that he can provide to Mr. Lambrecht in writing. Discussion continued as to the timeframe. Mr. Fee withdrew his motion with the consent of Mr. Bridges. Ms. Ferrantella suggested a 45-day timeframe for the gear to be in compliance and if it is, to continue the licenses for one year and if not, another revocation hearing to be scheduled; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

X. TOWN MANAGER'S REPORT

Ms. Gibson said that public access restrictions to Town offices, put in place due to the COVID pandemic will be lifted as of Monday, May 17, 2021 and that safety measures will be in place at all public buildings,

police officers. She asked if there is a plan for this. Chief Pittman said this is one of the action steps being worked on and that a challenge is the isolation of the island. He noted a critical incident stress team is being formulated on the Cape, to which Nantucket will have access. He spoke about some programs other towns have used to provide emotional support services. Ms. Ferrantella asked about the collection of data with respect to community relations with the Police Department. Chief Pittman reviewed how this is being addressed, noting that the COVID pandemic has caused this to be delayed. He said there is nothing in the legislation requiring the collection of this sort of data but that community input is taken very seriously by the department. Ms. Ferrantella commented on practicing "procedural justice" as had been discussed in the webinar. Chief Pittman responded that the legislation does address this and that it mostly relates to communications and ensuring that officers are thoroughly trained to de-escalate issues. Some discussion followed as to the action items the Chief is working on. Chair Bridges thanked the Chief for the explanations and review.

4. Natural Resources Department: Update on Aquaculture Licensee (Ted Lambrecht) Compliance (Continued from May 12, 2021).

Ms. Gibson introduced Natural Resources Director Jeff Carlson to review the current status of the aquaculture license conditions that were the subject of a hearing in May. Mr. Carlson said that the 45 days Mr. Lambrecht was given to achieve compliance ended on June 27th; and an inspection since then revealed that no significant changes have occurred. Mr. Lambrecht said that he has a mechanical issue that he has not been able to resolve in a timely manner. He added that it is going to "take some time" for him to achieve compliance. Chair Bridges asked for comments from the Board. Ms. Murphy asked what time frame Mr. Lambrecht feels he needs. Mr. Lambrecht said he really cannot say and commented that he was delayed because he "was not allowed" to work on the situation last winter. Mr. Carlson noted that the situation has been proceeding for over four years at this point, without much resolution. Mr. Fee said he is torn because Mr. Lambrecht cannot provide a time frame but wants to allow him specific time to comply. He said it is "severe" to pull the license. Mr. Lambrecht said he will "guarantee significant improvement in 60 days". Ms. Holdgate asked Mr. Carlson about any downside to allowing this. Mr. Carlson said that it is too late in the season at this point to have someone else initiate a new license this summer; however, the permitting process, which can be lengthy, could begin. Some discussion followed about the licensed area. Mr. Carlson said there are people on a waiting list for the area. Mr. Fee said he is leaning toward a 60-day extension. Chair Bridges asked what the Board's criteria for what an accomplishment in 60 days would be would look like. Ms. Holdgate said she would want to see a full set-up for a harvest next season; and, if that is not accomplished, no further extension. Ms. Ferrantella said she feels the extension has already been given. Mr. Carlson noted that another hearing would have to be scheduled for revocation. Some discussion followed as to how it takes to have a successful harvest. Ms. Holdgate suggested that a hearing be scheduled, during which time compliance could be pursued and the Board decide at a hearing in 60 days. Ms. Murphy agreed. Mr. Fee said he supports this idea. Mr. Lambrecht said that even if someone else was given approval today, they would not have a harvest in even a year because his equipment would still have to be removed and theirs installed. He said if he can "get something done in 60 days" he should have a harvest by next fall (2022); or, the following spring (2023). Discussion continued as to an extension. Ms. Holdgate moved to schedule a public hearing in 60 days as to revocation, unless substantial progress has been made, to be determined by the Board; seconded by Mr. Fee. Chair Bridges asked about criteria for progress. Mr. Carlson suggested removal of the gear from the water and restored to good working order or properly cleaned; and, lease areas properly marked; Ms. Holdgate amended the motion to reflect Mr. Carlson's suggestion; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

Commerce reviewed the Rock Solid grant, noting they have expended all but \$3,000 from the past \$150,000 grant and will have \$50,000 in matching funds from ReMain Nantucket for this new grant round. Ms. Macumber answered questions from Mr. Fee and Sarah Ellis. Fire Chief Steve Murphy noted that the grant the Fire Department is receiving is a very competitive grant process. Ms. Murphy moved to approve the pending contracts; Ms. Ferrantella seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

IX. CONSENT ITEMS

1. Gift Acceptance: Fire Department; Planning and Land Use Services. Ms. Mooney reviewed the gifts. Ms. Ferrantella moved to accept the gifts for their stated purposes and to send letters of thanks to the donors; Ms. Murphy seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

X. CITIZEN/DEPARTMENTAL REQUESTS

1. Nantucket Preservation Trust: Request for Approval of Historic Preservation Restrictions to be Held by Nantucket Preservation Trust for: a) Nantucket Island School of Design and the Arts (NISDA), 23-25 Wauwinet Road. Nantucket Preservation Trust (NPT) executive director Mary Bergman reviewed the request. Ms. Murphy moved to approve the Historic Preservation Restriction (HPR) for 23-25 Wauwinet Road and to find it in the public interest; Mr. Fee seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

b) 79 Orange LLC, 79 Orange Street. Mr. Fee recused himself from this matter. Ms. Bergman reviewed the request. Ms. Murphy moved to approve the HPR for 79 Orange Street and to find it in the public interest; Ms. Ferrantella seconded. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Nantucket Land Council: Request for Re-execution of January 8, 2020 Select Board Approval and Execution of Conservation Restriction to be Held by Nantucket Land Council, Inc. for Portion of 16 Medouie Creek Road. Nantucket Land Council executive director Emily Molden reviewed the request, noting the Conservation Restriction (CR) was previously approved by the Board at its January 8, 2020 meeting, but with COVID, the final document was not completed, and the signatures are now stale, necessitating the need for a re-approval. Mr. Fee moved to re-execute the CR for 16 Medouie Creek Road and to find it in the public interest; Ms. Murphy seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Revocation of Private Shellfish Aquaculture Licenses Held by Theodore Lambrecht of 10 Trotters Lane, Known as Licenses #12 and #12B, Head of the Harbor, Consisting of 4 Acres Each. Chair Bridges opened the public hearing. Natural Resources Director Jeff Carlson noted this is the 3rd meeting in 2021 with Mr. Lambrecht about his licenses. He reviewed the situation, noting he has been working with Mr. Lambrecht for three years to get his licenses into compliance and noted that the Harbor and Shellfish Advisory Board (HSAB) has recommended revocation of the licenses due to continued non-compliance. Mr. Carlson added that there was a shellfish handling issue in July which resulted in confiscation of oysters on Mr. Lambrecht's boat as he did not have an off-site culling permit. He said that the most recent inspection of Mr. Lambrecht's licensed area continues to indicate substantial non-functional gear underwater and said he supports revocation due to insufficient progress. Mr. Lambrecht said that he has been working to get the gear up off the harbor floor and he has marked the license corners

and put new seed out; he said he has been working “the entire time”. Mr. Fee said he is having trouble squaring up the packet material with Mr. Lambrecht’s testimony. Mr. Carlson said that Mr. Lambrecht has been putting work in, but the gear has sat for so long that it is a substantial effort to get it back into working order which is very time consuming. He reiterated that due to non-compliance of the policy and the licenses, the effort made is not sufficient to achieve compliance. Mr. Fee asked what is compliance. Mr. Carlson explained that compliance is functional equipment not grown into the bottom of the harbor, that gear and license conditions are actively being worked on and proper shellfish handling. Mr. Fee asked if Mr. Lambrecht is working too slowly. Mr. Carlson said this matter has been going on for 18 months without compliance. Ms. Murphy stated that the Select Board agreed that substantial progress was to be made and the gear removed by now. She said that Mr. Lambrecht made that commitment to the Board and it is still not done. Ms. Murphy stated that she feels the Board is not seeing enough progress since May and she is not leaning towards allowing the gear to stay. Ms. Ferrantella said that in July, the Board asked Mr. Lambrecht if 60 days was enough time and they were told it was, but the work hasn’t happened and there are others who are ready and willing to work the licenses. Chair Bridges agreed with Ms. Murphy and Ms. Ferrantella, noting he was ready to vote to revoke at the July meeting. Regarding the shellfish handling issue, Mr. Lambrecht said that he didn’t realize his state permit didn’t allow him to cull oysters off-site, but he has since corrected that. He added that he has “good seed” in gear in the water and he is continuing to pull gear off the bottom which takes time. He added that he can’t do anything more than he is doing now. Mr. Carlson said he understands, that the revocation process was not started lightly and that it has been almost five years since there has been production from these licenses, adding that while progress has been made, it is not sufficient. Mr. Fee said he is struggling with this matter as he feels effort has been made. He asked if partnerships are allowed to work sites. Mr. Carlson answered affirmatively, adding that the Select Board can subdivide license areas as they see fit. He added that anyone who holds a license on a site has to be licensed through the state but there is nothing in the regulations that prohibits partners or employees. Ms. Murphy noted that the July minutes state that a full harvest will be ready for 2022. Mr. Carlson reiterated there is seed in some gear but there is still a substantial amount of gear on the bottom and the licenses are not in compliance. Mr. Lambrecht stated that his gear is in good working order, it just needs to come up and out. Mr. Fee asked what would happen if the licenses were revoked, if the gear with new seed would have to come up as well. Mr. Carlson answered affirmatively but added that permitting is available to transfer it to someone else. Mr. Lambrecht stated that he is doing everything possible to have his licenses in full compliance and that by next spring, he should be fully operational. He noted that if someone else takes over there is no way they would be set up for the 2022 season. He stated his licenses are functioning and he is moving forward. Ms. Murphy said she shares the frustration, but the equipment is still not removed and that was the most important part of this that was supposed to happen by now. She said the Board has been lenient with Mr. Lambrecht but that she feels it is disrespectful to the community that this hasn’t been prioritized and she doesn’t have a sense of confidence that this will happen. She said Mr. Lambrecht is stating it will happen on *his* time. Mr. Lambrecht countered by saying that he didn’t say all the gear would be removed as that takes time and he can only go so fast. Sarah Ellis asked how many years the license was held before it fell into non-compliance. Mr. Carlson said he thinks it has been 7-8 years so five of 8 years it has been in non-compliance. HSAB member Peter Brace gave some history on the licenses and asked how much gear has been pulled up and how much is left. Mr. Lambrecht responded about 30% of the gear has been pulled up and cleaned. Mr. Brace said that the HSAB letter recommending revocation wasn’t written lightly and HSAB understands Mr. Lambrecht has had hardships but progress has never been made. Ms. Ferrantella asked if the Board revokes the licenses, will all the gear need to be removed. Mr. Carlson answered affirmatively. Mr. Fee asked what percentage of the licensed sites is Mr. Lambrecht using. Mr. Lambrecht said he plans to use all of it. Ms. Murphy thanked Mr. Brace for providing some history on this matter. She said if the Board extends the time for Mr. Lambrecht, hard deadlines have

to be in place. She asked with 30% of the gear up, what is the reasonable expectation to have 100% of the gear removed. Mr. Lambrecht stated 90 days. Ms. Murphy suggested to continue the public hearing for 90 days, and if 100% of the gear is not pulled up, a revocation will be made. Ms. Murphy made that her motion, to continue the public hearing to December 8, 2021; Mr. Fee seconded. Mr. Carlson said he is afraid this is going to perpetuate, especially with fall weather approaching. He said he doesn't have good faith that the licenses will be in compliance by December 8. He said that Mr. Lambrecht's gear has been on the bottom so long that it has become an artificial reef and is sustaining other creatures. Some discussion followed on a timeline if the licenses are revoked, to get another fisherman permitted and set up. Mr. Carlson suggested compliance for the motion should include all gear on the bottom is to be up within 90 days, any gear set in the water will need to be inspected by the Shellfish Warden and there shall be no handling issues, and if handling issues do occur, it shall result in automatic revocation. Ms. Murphy agreed to make that part of her motion; Mr. Fee agreed. On the motion, so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – No; Ms. Murphy – Yes.

XII. TOWN MANAGER'S REPORT

1. FY 2021 Fourth Quarter/End of Year Budget Reports: Airport Enterprise Fund (Tabled from August 18, 2021). Assistant Airport Manager Noah Karberg reviewed the materials in the Board's agenda packet, noting that total revenue is up 3% over FY 2020 as a result of a decrease to the Fuel Revolver Cap and an increase in fuel sales. He stated expenses were down 31% as a result of payroll expenses due to reimbursements from the CARES Act.

XIII. SELECT BOARD'S REPORTS/COMMENT

1. Preliminary Discussion Regarding Potential Select Board-sponsored Articles for May 2, 2022 Annual Town Meeting. Chair Bridges asked if Board members have any Board-sponsored article proposals for the 2022 Annual Town Meeting (ATM) warrant. Mr. Fee asked how to move forward on "leveling the playing field" for housing for workers and year-round residents. He asked how that would be analyzed, what part of the government would examine that with the Board or for the Board and questioned if that were a Planning function. Mr. Fee noted the Board had a joint meeting with the Planning Board earlier this summer during which a lot impacts identified through the course of Article 90 of the 2021 ATM were discussed, but it became so polarized the issues weren't thoroughly examined or discussed. Mr. Fee said we need to find a way to rein in the housing crisis, and not just focus on short-term rentals; he added that he is worried a Planning Board recommendation will be a way to make short-term rentals legal. He said he feels the focus should be wider. He noted housing this summer in general, for Town employees and employees of island businesses was in jeopardy and there were not enough service workers this summer, and he's not sure next year will be any better. Mr. Fee said he doesn't think "throwing money" at the issue is a solution and changes to regulations and/or policies might be needed and questioned how that gets done. Chair Bridges noted at the joint meeting there was discussion as to redefining short-term rentals and he would like to see a group work on this together instead of possibly having 3-4 citizen warrant articles saying the same thing and being confusing. He questioned if a work group could be convened made up of Select Board and Planning Board members, staff, ACK Now and Affordable Housing Trust to get work done in three months. Mr. Fee questioned who the group would be, who would convene them, what the mission would be. He added he would like to work with the Planning Board too, but he doesn't want to exclude other options. Mr. Fee said he worries that this will be too last-minute and not sufficiently reviewed. Ms. Ferrantella noted that the Nantucket Planning and Economic Development Commission (NP&EDC) cancelled its last meeting, so the matter hasn't been discussed with that group, and there has been no progress from the Planning Board about forming a work group. Brooke Mohr said she has a "grave concern" that the "unfettered" short-term rental industry will have life-changing impacts. She noted that short-term rentals have always been around,

1. Approval of Minutes of December 1, 2021 at 5:30 PM.

2. Approval of Treasury Warrants for December 8, 2021.

IX. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages Package Store License for Murray's Beverage Store, Inc. dba Murray's Beverage Store from Carl Murray, Manager to Bruce L. Murray, Manager, for Premises Located at 23 Main Street. Licensing Administrator Amy Baxter introduced the item and explained the application. Ms. Holdgate moved approval; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

2. Request for Waiver of Sewer Connection Permit Fees and Sewer Capacity Fees for 22 Rental Apartments Located at 31 Fairgrounds Road for Housing Nantucket. Housing Nantucket Executive Director Anne Kuszpa spoke on the request. Housing Director Tucker Holland noted that it complies with the Board's sewer fee waiver policy and that approval is recommended. Mr. Fee moved approval; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

X. PUBLIC HEARINGS

1. Public Hearing to Consider the Revocation of Private Shellfish Aquaculture Licenses Held by Theodore Lambrecht of 10 Trotters Lane, Known as Licenses #12 and #12B, Head of the Harbor, Consisting of 4 Acres Each (Continued from September 8, 2021). Chair Bridges re-convened the public hearing. Natural Resources Director Jeff Carlson introduced the item and said that the department is still recommending revocation due to continued non-compliance. Mr. Fee asked for comments from Mr. Lambrecht. Operations Administrator Erika Mooney said that Mr. Lambrecht was notified of the hearing and does not seem to be in attendance. Mr. Fee asked about progress with regarding to compliance with the license conditions. Mr. Carlson explained and said that a small amount of progress has been made but not to the level of compliance. Mr. Fee asked for more detail about the incidents that have caused Mr. Lambrecht to be out of compliance. Mr. Carlson reviewed the license conditions and the details as to the specific incidents which caused non-compliance. Ms. Murphy said that it seems Mr. Lambrecht seems to have the intention but not the capability to achieve compliance and that he has been provided an extensive amount of time to come into compliance. Mr. Fee agreed. Some discussion followed. Chair Bridges expressed support for revocation. Ms. Mooney reviewed the Board's vote from September 8th which indicates that revocation was to occur if compliance was not achieved within a specific time frame. Chair Bridges asked whether or not this is an unusual situation. Mr. Carlson said that it is and could not think of any similar instances from the past. There being no public comment; Chair Bridges closed the hearing. Ms. Murphy moved to revoke the license for continued non-compliance; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

Mr. Santamaria re-joined the meeting to correct some dates he had mentioned for vaccine clinics in his update.

XI. TOWN MANAGER'S REPORT

1. 2021 Annual Employee Years of Service Recognition. Ms. Gibson displayed an employee recognition video put together with the Human Resources Department and Public Outreach Coordinator and then, reviewed the names of employees receiving Years of Service recognition in 2021, in 5-year increments, up

to 30 years. She acknowledged the work of Town employees throughout the COVID pandemic and beyond, thanking them for their dedicated efforts.

2. FY 2023 General Fund Budget Presentation. Ms. Gibson and Director of Finance Brian Turbitt jointly reviewed the presentation in the Board's agenda packet, containing FY 2023 General Fund budget recommendations, including expense increase requests, projections, future potential costs, current unknowns and next steps.

Mr. Fee suggested that employee retention efforts and initiatives be reviewed with the Board more often to highlight it as a serious issue that requires focused attention; and that the Board needs to work on prioritizing its goals, given the staffing challenges.

Mr. Fee said he agrees with putting some free cash revenue into stabilization funds such as Other Post-Employment Benefits, Post Employment Stabilization Fund and set aside for coastal resiliency projects.

Chair Bridges asked if the Board has ever modified the budget as recommended. Ms. Gibson said that typically that would be the result of a discussion between the Board and Town Administration but that certainly modifications are made from time to time.

Mr. Fee spoke again on the need to prioritize projects. He added that the Board, in its Nantucket Regional Transit Authority role, needs to spend more time reviewing and discussing ridership numbers and expenditures and other options. He asked about insurance projections and increased risk. Mr. Turbitt responded.

Ms. Gibson provided an overview of the Budget Message.

With respect to additional revenue possibilities, Mr. Fee said he supports the community impact fee associated with the short-term rental legislation.

Chair Bridges asked about debt liability. Mr. Turbitt responded.

D. Anne Atherton questioned a recommendation for \$150,000 to be used in connection with the relocation of Baxter Road and asked about prior appropriations for Baxter Road. Ms. Gibson explained the prior appropriations and said that the current recommendation is to fund professional services needed to help manage the development of a plan to relocate the road, noting that relocation of the road was recommended in a report issued in October 2021 by the firm hired by the Town to examine relocation options. Ms. Atherton asked if the relocation of Baxter Road is a priority in the Coastal Resilience Plan (CRP). Ms. Gibson said that the Baxter Road project pre-dates the CRP by several years.

Ted Lambrecht joined the meeting and commented on the revocation of his license and asked for an explanation. Chair Bridges reviewed the Board's action and reasoning, as voted earlier in the meeting. Mr. Lambrecht questioned the actions. Mr. Fee said perhaps the Board could re-discuss this when Mr. Carlson can be available. Ms. Holdgate moved to reconsider the vote and schedule a new public hearing; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – No; Ms. Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



4/21/2021

Theodore Lambrecht
PO Box 3319
Nantucket, MA 02584

Dear Mr. Lambrecht,

In reviewing your private shellfish aquaculture licenses (license number 12, issued on January 22, 2015 and license 12b issued May 1, 2015) issued by the Town of Nantucket and in reviewing the Town of Nantucket Shellfish Regulations adopted on March 4, 2015 and amended April 20, 2016 the Natural Resources Department (NRD) has found a number of requirements with which you are not in compliance and resulting in pursuing revocation of the licenses.

This revocation process will be conducted in accordance with section 5g. of your license that states:

"This license may be terminated by the town upon its reasonable determination that:

- (i) *The Licensee has failed to make substantial use of the License Granted hereby constituting an abandonment of the license: or*
- (ii) *The Licensee has failed to cure a breach of any of the terms and conditions of this License promptly after written notice thereof."*

After reviewing the information that you provided us the Natural Resource Department does not believe that you have made substantial use of the license and the license requires revocation as required by the regulations and terms described below.

Section 5.16 - Minimum Levels Production

There shall be minimum level of shellfish production required in order to retain an aquaculture license. This shall be: a minimum inventory maintained of 10,000 shellfish per acre. These standards are subject for review by the BOS or its designee and may be amended.

There are no reports on file demonstrating compliance with this condition and based upon physical inspection of the lease areas over the past three season the Natural Resources Department believes that you are not in compliance with this regulation.

Section 5.17 - Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the forfeit of the aquaculture license and licensed area, as stated in MGL Chapter 130; Section 65

There are no reports on file demonstrating compliance with this condition and based upon physical inspection of the lease areas over the past three season the Natural Resources Department believes that you are not in compliance with this regulation.

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
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508-228-7230



Matters of non-compliance relating to the Private Shellfish Aquaculture Lease:

Under Additional Conditions 5b. *"The Licensee shall submit to the Department reports of its activities including the total number of bushels of each type of shellfish planted, produced or marketed in or from the Licensed Area along with an estimate of the total number of bushels of each type of shellfish planted or growing thereon along with such information as the Department shall request. The reports shall be filed in writing and shall be submitted quarterly within 30 days after the end of each calendar quarter. The filing of such reports shall constitute the Licensee's representation and warranty that the information contained therein is true and correct."*

The Natural Resources Department have not received any reports from you from 2015-current. The failure to provide these reports demonstrates that the lease is not substantially being used.

Under 8. Conduct

c. *"Licensee shall observe and obey directives from the Marine Superintendent and or other authorized representatives of the Town with respect to all applicable laws, statutes, ordinances, regulations and permitting of the Licensee."*

You are not in compliance with the lease or the adopted guidelines.

Again, this letter is to serve as formal written notice that you are not in compliance with the terms of the lease and regulations, and that you have failed to substantially make use of the lease as granted by the license. The Natural Resources Department had been reviewing this non-compliance with the Harbor and Shellfish Advisory Board (HSAB) for several months with you present and participating in many of the discussions. HSAB had given a deadline of 4/15/21 for substantial progress to be made in cleanup the lease sites which was not met. At the 4/20/21 meeting of HSAB a unanimous vote was taken to endorse the revocation of your remaining leases. The Natural Resources Department is scheduling a public hearing with the Town of Nantucket Select Board for May 12, 2021 to request the formal revocation of your leases. Should you wish to forgo the hearing you may forfeit your licenses by written request to the Natural Resources Office and the public hearing will be cancelled. No work should be occurring on the lease sites without written authorization from the Natural Resources Department.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Carlson", is written over the word "Sincerely,".

Jeff Carlson,
Town of Nantucket
Natural Resources Director

May 6, 2021

Dawn Hill-Holdgate

Jason Bridges

Matt Fee

Kristie L. Ferrantella

Melissa Murphy

Ms. Hill-Holdgate,

At our April 20, 2021 meeting, the Harbor & Shellfish Advisory Board (HSAB) voted unanimously to recommend that the Select Board revoke private shellfish aquaculture licenses 12 and 12b held by Theodore Lambrecht of Nantucket, MA. With the advice and expertise of the Natural Resources Department (NRD), the HSAB is recommending that the Select Board revoke these licenses held by Mr. Lambrecht because he failed to make substantial use of his licenses. Although the HSAB defers to Natural Resources Director Jeff Carlson for the definitive explanation for revoking Mr. Lambrecht's licenses, we cite non-compliance with Section 5g of his licenses including Section 5.16 – Minimum Levels of Production, Section 5.17 – Failure to Meet Production Levels and Chapter 130; Section 65 of the Code of the Town of Nantucket as the basis of our recommendation.

Please understand that the HSAB did not render this recommendation lightly and with any undue measure of haste. Quite the opposite. Realizing, through Mr. Lambrecht's explanation, that he has endured hardships over the course of holding his licenses including major surgery requiring a period of rehabilitation and the well-known challenges associated with the loss of and search for island housing, the HSAB endeavored to work with Mr. Lambrecht to get him back into compliance with his license.

From Sept. 15, 2020 through April 15, 2021, our board monitored Mr. Lambrecht's progress in restoring his oyster boat to operational seaworthiness to ensure he could get out on the harbor ASAP to remove his oyster cages from the bottom, which had been submerged for several years, in preparation for his upcoming season in 2021. Mr. Lambrecht attended our meetings regularly to provide the HSAB with updates on his progress and we offered guidance on possible expediency solutions.

Unfortunately, Mr. Lambrecht did not move as quickly as the HSAB and the NRD had hoped he would, coming into this spring when the Town's other oyster licensees would be restarting operations on their leases. As a result, at the HSAB's March 2, 2021 meeting, we set a deadline of April 15 by which time Mr. Lambrecht had to show significant headway in removing his cages from the bottom of the harbor. From our minutes of March 2, "The HSAB voted 6-1, Mr. Szydlowski voting no, to give Mr. Lambrecht until April 15 to be actively engaged in removing his oyster cages from the bottom of the harbor, showing real progress and with the NRD to determine if sufficient progress is made to halt the revocation of Mr. Lambrecht's license." Mr. Szydlowski voted against this motion because he felt the HSAB should apply a shorter deadline to Mr. Lambrecht's situation.

As we're well past that deadline with no signs of any progress by Mr. Lambrecht, we ask that the Select Board revoke Mr. Lambrecht's private shellfish aquacultures licenses so that his aquaculture gear can be removed from the harbor and the lease site made available to the next applicant on the NRD's oyster lease waiting list.

Thank you for your time and patience in considering our recommendation regarding revocation of Mr. Lambrecht's licenses.

Sincerely,

The Harbor & Shellfish Advisory Board

Andrew G. Lowell, Chairman

David F. Fronzuto, Vice Chairman

Peter B. Brace, Secretary

Virginia Andrews

Thomas C. Szydlowski

Daniel R. Pronk

David E. Bossi

License Number 12

PRIVATE SHELLFISH AQUACULTURE LICENSE

The Town of Nantucket ("Town"), acting by and through the Board of Selectmen, pursuant to the provisions of M.G.L. c. 130, section 57, et seq. (the "Statute") hereby grants a private shellfish aquaculture license to Theodore Lambrect, a Massachusetts identity with its principal address at 22 Rugged Rd, Nantucket, MA. 02554.

RECITALS

- A. Pursuant to the Statute, the Town is authorized to grant shellfish aquaculture licenses with respect to portions of tidal flats and land under coastal waters, subject to certain certifications by the State Division of Marine Fisheries;
- B. After due process including advertising for and holding a public hearing by the Board of Selectmen and compliance with the guidelines for issuing aquaculture grants formatted by the Shellfish Harbor Advisory Board.
- C. The applicant obtaining a favorable determination from the Nantucket Conservation Commission dated N/A previously approved site.

NOW, THEREFORE, The Town hereby grants a shellfish aquaculture license as follows;

1. Licensed Use:

The licensee shall have the exclusive right to plant, grow, dig and harvest shellfish by means of rafts, racks or floats with the Licensed Area described below subject to the conditions herein and further subject to all applicable federal, state and municipal laws, regulations and ordinances.

2. Licenses Area:

This License shall pertain to an area of approximately four acres located "The Head of the Harbor" in Nantucket Harbor as more particularly described in the survey and plan attached as Exhibit A, (the "Licensed Area").

3. Term of the License:

This License shall commence on January 22, 2015 and continue for a term of ten years (2025) unless sooner terminated as set forth herein.

4. License Fee:

The Licensee shall pay to the Town as annual license fee per acre, or part thereof, of the Licensed Area, due and payable upon the date of commencement of this license and on the anniversary thereof. Initially, the fee shall be \$25.00 per acre (for a total of \$100.00) it shall automatically increase to the maximum amount at any time permitted under the Statute.

5. Additional Conditions:

a. All activities of the Licensee under this license shall be subject to the supervision of the Natural Resources Department of the Town (the "Department") and the Natural Resources Coordinator appointed thereby.

b. The Licensee shall submit to the Department reports of its activities including the total number of bushels of each type of shellfish planted, produced or marketed in or from the Licensed Area along with an estimate of the total number of bushels of each type of shellfish planted or growing thereon along with such information as the Department shall request using the standardized forms. The reports shall be filed in writing and shall be submitted in April within and December of each calendar year. The filing of such reports shall constitute the Licensee's representation and warranty that the information contained therein is true and correct.

c. Upon the determination by the Natural Resources Coordinator, or his agent, that a substantial set of scallops has occurred, the Licensee shall remove naturally occurring seed and adult scallops from the Licensed Area under the supervision of the Department.

d. Upon request by the Town, and agreed to in writing, amending this agreement the Licensee shall donate shellfish seed and or services per year to enhance the Town Propagation Program. (i.e.: shellfish grow out, over-wintering, seed, water quality monitoring)

e. The Licensee shall cause the Licensed Area to be plainly marked with monuments, buoys or other appropriate means (approved by the Department) and shall maintain such markers in good repair throughout the term hereof.

f. This License may not be transferred by the Licensee except with the approval of the Board of Selectmen to a person to whom it might have been granted originally. (established guidelines for license).

g. This License may be terminated by the Town upon its reasonable determination that:

(i) The Licensee has failed to make substantial use of the License granted hereby constituting an abandonment of the license; or

(ii) The Licensee has failed to cure a breach of any of the terms and conditions of this License promptly after written notice thereof.

6. Insurance:

The Licensee, its contractors, agents, representatives, shall maintain sufficient public liability insurance, with coverage for bodily injury, wrongful death, and property damage in amounts reasonable satisfactory to the Town but not less than \$1,000,000 per occurrence and \$3,000,000 cumulative. The Licensee shall provide such other insurance coverage as the Town may reasonably require in connection herewith.

The Licensee shall provide the Town with a certificate of such public liability insurance annually. The Licensee's contractors, agents and representatives shall supply bonding certificates for any construction or rehabilitation contemplated hereby showing compliance with the foregoing provisions and/or the provisions of all construction contracts associated with this project

7. Indemnification:

The exercise of this License shall constitute the Licensee's acceptance of complete liability for the actions or omissions of Licensee, its contractors, agents, representatives, employees, assignees and invitees while present upon the Licensed Premises.

The Licensee shall defend, indemnify and hold harmless the Town and its officers, employees and agents from and against any and all claims and costs whatsoever arising from or related to exercise by the Licensee of any rights granted hereby.

The Licensee further expressly agrees not to make any claims against the Town and its officers, employees and agents for any injury, loss or damage to person (including bodily injury and death) or property arising out of or in connection with the activities undertaken or omission to act by the Licensee, its contractors, agents, representatives, employees, assignees and invitees, as hereby licensed.

8. Conduct:

a. Entry and use under this License by the Licensee and its contractors, agents, representatives, employees, assignees and invitees, shall at all times, be subject to review by the Natural Resources Department.

b. The Town shall have the right, at all reasonable times, to enter onto and inspect the Licensed Area.

c. Licensee shall observe and obey directives from the Natural resources Coordinator and or other authorized representatives of the Town with respect to all applicable laws, statutes, ordinances, regulations and permitting or the requirements of the License.

d. The Licensee shall not undertake any construction, reconstruction, rehabilitation or refurbishment upon the Licensed Area without having received the written approval of the Town or its authorized representative. After any such construction is completed, the Licensee shall submit to the Town written documentation including a complete breakdown of costs incurred in connection therewith.

e. The Licensee, its contractors, agents and or representatives shall provide and maintain an emergency contact person and telephone number with the Town's representative during the term hereof

f. The Licensee, at its sole expense, may place on or install such personal property, including equipment, as may be reasonably necessary for the contemplated purposes. The Town shall not be responsible for the theft or other loss of such property located within the Licensed Area. Any equipment, rafts, floats, nets, boats adrift after or the result of storm events or through negligence must be recovered from private property immediately.

g. The Licensee also agrees to restore the Licensed Area to its original condition as at the commencement of the License, upon the termination of the rights granted hereunder, except as provided herein or as otherwise expressly permitted by the Town in writing.

9. Termination:

Ownership of Improvements: Unless renewed, this License will terminate upon either (i) the expiration of the term hereof in accordance with the provisions of Section 2 or (ii) ninety days after giving of a written notice by the Town upon the violation of any of the terms and provisions of this License by the Licensee if the Licensee has failed to cure the violation within the period.

Upon any such termination, the Licensee shall remove all of its personal property and equipment stored or located within the License Area and otherwise restores the Licensed Area to its condition at the commencement of this License. If the Licensee fails to do so, the Town may, at its option, elect to (i) remove part or all of the property at the Licensee's expense and charge the Licensee the reasonable cost thereof or (ii) take title to such the property as it may choose without payment therefore.

10. Modification, Assignment:

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

11. Survival of Terms and Provisions:

All appropriate terms and provisions hereof shall survive the termination or revocation of the License.

Granted and Delivered this 1st day of May, 2015

TOWN OF NANTUCKET, Acting by and through its Board of Selectmen

By: [Signature]
By: [Signature]
By: David A. Turk
By: mfee
By: Chadman

Date: MAY 20, 2015

Licensee: [Signature]

By: [Signature], MRC
Title

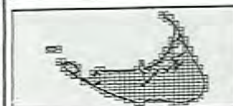
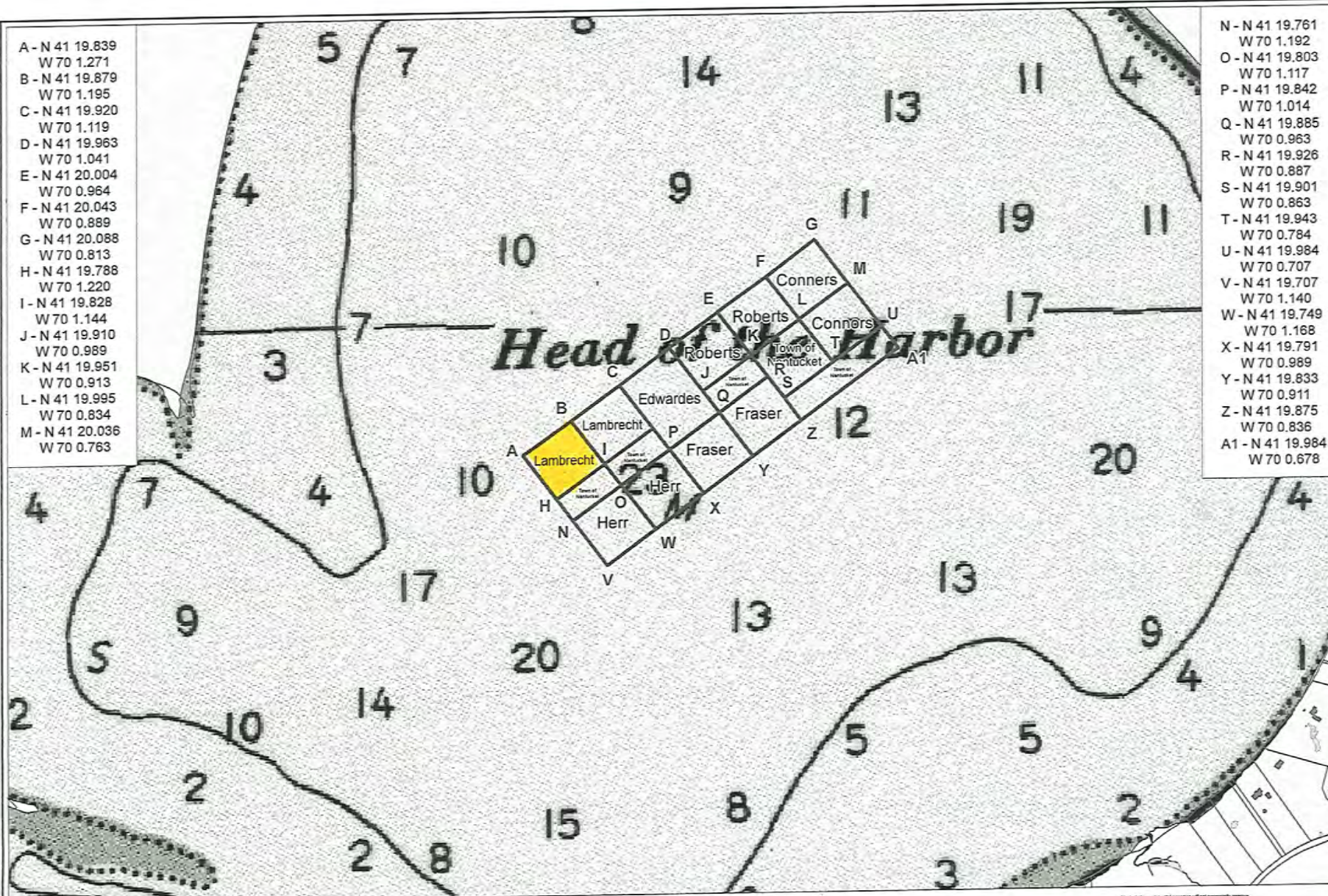
Date

EXHIBIT A
DESCRIPTION OF LICENSED AREA

A - N 41 19.839
W 70 1.271
B - N 41 19.879
W 70 1.195
C - N 41 19.920
W 70 1.119
D - N 41 19.963
W 70 1.041
E - N 41 20.004
W 70 0.964
F - N 41 20.043
W 70 0.889
G - N 41 20.088
W 70 0.813
H - N 41 19.788
W 70 1.220
I - N 41 19.828
W 70 1.144
J - N 41 19.910
W 70 0.989
K - N 41 19.951
W 70 0.913
L - N 41 19.995
W 70 0.834
M - N 41 20.036
W 70 0.763

N - N 41 19.761
W 70 1.192
O - N 41 19.803
W 70 1.117
P - N 41 19.842
W 70 1.014
Q - N 41 19.885
W 70 0.963
R - N 41 19.926
W 70 0.887
S - N 41 19.901
W 70 0.863
T - N 41 19.943
W 70 0.784
U - N 41 19.984
W 70 0.707
V - N 41 19.707
W 70 1.140
W - N 41 19.749
W 70 1.168
X - N 41 19.791
W 70 0.989
Y - N 41 19.833
W 70 0.911
Z - N 41 19.875
W 70 0.836
A1 - N 41 19.984
W 70 0.678

Head of the Harbor



The data on this map represents the efforts of the Town of Nantucket and other participating organizations to record and update parcel information and related information within the boundaries of the Town of Nantucket. The data is not intended to be used for any other purpose. The data is not intended to be used for any other purpose. The data is not intended to be used for any other purpose.

00000000

Town of Nantucket - GIS Mapsheet

- Legend**
- ACE Aquaculture
 - Parcels
 - Building

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



Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants to review and amend parcel information of the records agency for additional requirements. The presence of information on this map does not constitute an official public right-of-way or the right to use the same.

The planning data on this map is based primarily on information received from the GIS Coordinator. It was completed in April 2011 and is subject to change. The parcel boundaries are based on the GIS data. The parcel boundaries are based on the GIS data.

Aquaculture

License Number 12b

PRIVATE SHELLFISH AQUACULTURE LICENSE

The Town of Nantucket ("Town"), acting by and through the Board of Selectmen, pursuant to the provisions of M.G.L. c. 130, section 57, et seq. (the "Statute") hereby grants a private shellfish aquaculture license to Theodore Lambrect, a Massachusetts identity with its principal address at 22 Rugged Rd, Nantucket, MA. 02554.

RECITALS

- A. Pursuant to the Statute, the Town is authorized to grant shellfish aquaculture licenses with respect to portions of tidal flats and land under coastal waters, subject to certain certifications by the State Division of Marine Fisheries;
- B. After due process including advertising for and holding a public hearing by the Board of Selectmen and compliance with the guidelines for issuing aquaculture grants formatted by the Shellfish Harbor Advisory Board.
- C. The applicant obtaining a favorable determination from the Nantucket Conservation Commission dated N/A previously approved site.

NOW, THEREFORE, The Town hereby grants a shellfish aquaculture license as follows;

1. Licensed Use:

The licensee shall have the exclusive right to plant, grow, dig and harvest shellfish by means of rafts, racks or floats with the Licensed Area described below subject to the conditions herein and further subject to all applicable federal, state and municipal laws, regulations and ordinances.

2. Licenses Area:

This License shall pertain to an area of approximately four acres located "The Head of the Harbor" in Nantucket Harbor as more particularly described in the survey and plan attached as Exhibit A, (the 'Licensed Area').

3. Term of the License:

This License shall commence on May 1, 2015 and continue for a term of ten years (2025) unless sooner terminated as set forth herein.

4. License Fee:

The Licensee shall pay to the Town as annual license fee per acre, or part thereof, of the Licensed Area, due and payable upon the date of commencement of this license and on the anniversary thereof. Initially, the fee shall be \$25.00 per acre (for a total of \$100.00) it shall automatically increase to the maximum amount at any time permitted under the Statute.

5. Additional Conditions:

a. All activities of the Licensee under this license shall be subject to the supervision of the Natural Resources Department of the Town (the "Department") and the Natural Resources Coordinator appointed thereby.

b. The Licensee shall submit to the Department reports of its activities including the total number of bushels of each type of shellfish planted, produced or marketed in or from the Licensed Area along with an estimate of the total number of bushels of each type of shellfish planted or growing thereon along with such information as the Department shall request using the standardized forms. The reports shall be filed in writing and shall be submitted in April within and December of each calendar year. The filing of such reports shall constitute the Licensee's representation and warranty that the information contained therein is true and correct.

c. Upon the determination by the Natural Resources Coordinator, or his agent, that a substantial set of scallops has occurred, the Licensee shall remove naturally occurring seed and adult scallops from the Licensed Area under the supervision of the Department.

d. Upon request by the Town, and agreed to in writing, amending this agreement the Licensee shall donate shellfish seed and or services per year to enhance the Town Propagation Program. (i.e.: shellfish grow out, over-wintering, seed, water quality monitoring)

e. The Licensee shall cause the Licensed Area to be plainly marked with monuments, buoys or other appropriate means (approved by the Department) and shall maintain such markers in good repair throughout the term hereof.

f. This License may not be transferred by the Licensee except with the approval of the Board of Selectmen to a person to whom it might have been granted originally. (established guidelines for license).

g. This License may be terminated by the Town upon its reasonable determination that:

(i) The Licensee has failed to make substantial use of the License granted hereby constituting an abandonment of the license; or

(ii) The Licensee has failed to cure a breach of any of the terms and conditions of this License promptly after written notice thereof.

6. Insurance:

The Licensee, its contractors, agents, representatives, shall maintain sufficient public liability insurance, with coverage for bodily injury, wrongful death, and property damage in amounts reasonable satisfactory to the Town but not less than \$1,000,000 per occurrence and \$3,000,000 cumulative. The Licensee shall provide such other insurance coverage as the Town may reasonably require in connection herewith.

The Licensee shall provide the Town with a certificate of such public liability insurance annually. The Licensee's contractors, agents and representatives shall supply bonding certificates for any construction or rehabilitation contemplated hereby showing compliance with the foregoing provisions and/or the provisions of all construction contracts associated with this project

7. Indemnification:

The exercise of this License shall constitute the Licensee's acceptance of complete liability for the actions or omissions of Licensee, its contractors, agents, representatives, employees, assignees and invitees while present upon the Licensed Premises.

The Licensee shall defend, indemnify and hold harmless the Town and its officers, employees and agents from and against any and all claims and costs whatsoever arising from or related to exercise by the Licensee of any rights granted hereby.

The Licensee further expressly agrees not to make any claims against the Town and its officers, employees and agents for any injury, loss or damage to person (including bodily injury and death) or property arising out of or in connection with the activities undertaken or omission to act by the Licensee, its contractors, agents, representatives, employees, assignees and invitees, as hereby licensed.

8. Conduct:

a. Entry and use under this License by the Licensee and its contractors, agents, representatives, employees, assignees and invitees, shall at all times, be subject to review by the Natural Resources Department.

b. The Town shall have the right, at all reasonable times, to enter onto and inspect the Licensed Area.

c. Licensee shall observe and obey directives from the Natural resources Coordinator and or other authorized representatives of the Town with respect to all applicable laws, statutes, ordinances, regulations and permitting or the requirements of the License.

d. The Licensee shall not undertake any construction, reconstruction, rehabilitation or refurbishment upon the Licensed Area without having received the written approval of the Town or its authorized representative. After any such construction is completed, the Licensee shall submit to the Town written documentation including a complete breakdown of costs incurred in connection therewith.

e. The Licensee, its contractors, agents and or representatives shall provide and maintain an emergency contact person and telephone number with the Town's representative during the term hereof

f. The Licensee, at its sole expense, may place on or install such personal property, including equipment, as may be reasonably necessary for the contemplated purposes. The Town shall not be responsible for the theft or other loss of such property located within the Licensed Area. Any equipment, rafts, floats, nets, boats adrift after or the result of storm events or through negligence must be recovered from private property immediately.

g. The Licensee also agrees to restore the Licensed Area to its original condition as at the commencement of the License, upon the termination of the rights granted hereunder, except as provided herein or as otherwise expressly permitted by the Town in writing.

9.Termination:

Ownership of Improvements: Unless renewed, this License will terminate upon either (i) the expiration of the term hereof in accordance with the provisions of Section 2 or (ii) ninety days after giving of a written notice by the Town upon the violation of any of the terms and provisions of this License by the Licensee if the Licensee has failed to cure the violation within the period.

Upon any such termination, the Licensee shall remove all of its personal property and equipment stored or located within the License Area and otherwise restores the Licensed Area to its condition at the commencement of this License. If the Licensee fails to do so, the Town may, at its option, elect to (i) remove part or all of the property at the Licensee's expense and charge the Licensee's the reasonable cost thereof or (ii) take title to such the property as it may choose without payment therefore.

10. Modification, Assignment:

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

11. Survival of Terms and Provisions:

All appropriate terms and provisions hereof shall survive the termination or revocation of the License.

Granted and Delivered this 1st day of May, 2015

TOWN OF NANTUCKET, Acting by and through its Board of Selectmen

By: [Signature]

By: [Signature]

By: Rita Turk

By: [Signature]

By: [Signature]

Date: 2015
MAY 20, 2015

Licensee: [Signature] Ambrecht

By: [Signature] NRC
Title

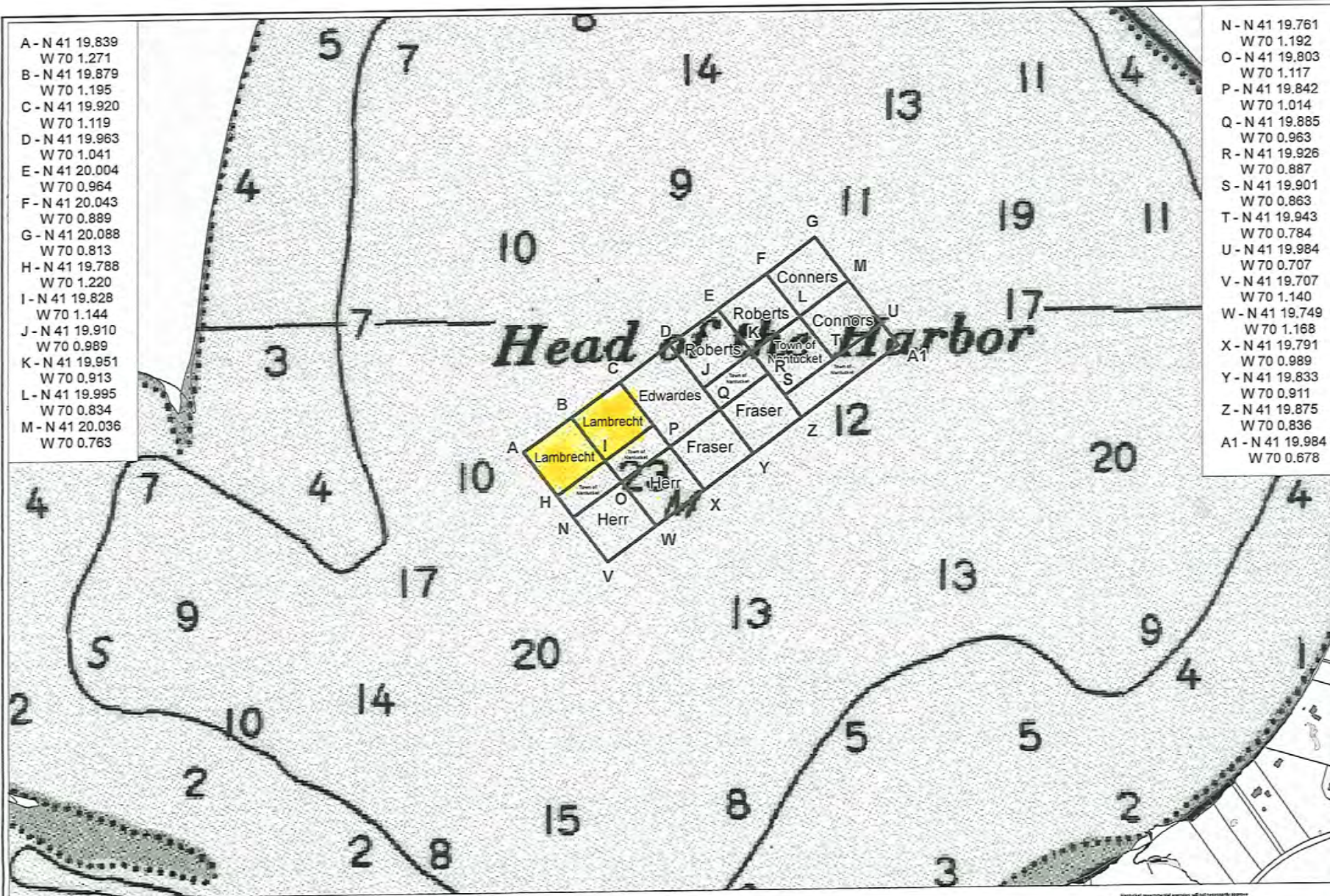
Date

EXHIBIT A
DESCRIPTION OF LICENSED AREA

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W 70 1.271
B - N 41 19.879
W 70 1.195
C - N 41 19.920
W 70 1.119
D - N 41 19.963
W 70 1.041
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W 70 1.144
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W 70 0.989
K - N 41 19.951
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M - N 41 20.036
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X - N 41 19.791
W 70 0.989
Y - N 41 19.833
W 70 0.911
Z - N 41 19.875
W 70 0.836
A1 - N 41 19.984
W 70 0.678

Head of the Harbor



Legend

- ACE Aquaculture
- Parcels
- Building

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



Aquaculture

Town of Nantucket - GIS Mapsheet

The data on this mapsheet represents the results of the most current and accurate information available to the Town of Nantucket. The data is not intended to be used for legal purposes. The data is not intended to be used for legal purposes. The data is not intended to be used for legal purposes.

Vertical georeferencing was not necessary to create this mapsheet. The data is not intended to be used for legal purposes. The data is not intended to be used for legal purposes. The data is not intended to be used for legal purposes.

From: [Jeff Carlson](#)
To: [Erika Mooney](#); [Jonathan C. Johnsen](#); [Joanne Dodd](#)
Subject: Ted Lambrecht
Date: Wednesday, June 30, 2021 1:03:19 PM

Good afternoon,

I wanted to provide an update as to the status of Ted Lambrecht's aquaculture leases. We believe Mr. Lambrecht launched his boat last Sunday June 27th. To date the Natural Resources Department has not seen or documented any work on the existing gear to date and have not been requested to inspect any gear by Mr. Lambrecht. In the opinion of the department the lease sites continue to not be in compliance with the requirements of his lease. We will be inspecting the area again this coming Thursday or Friday. Natural Resources continues to recommend revocation of the leases given the four years of not actively working the leases and maintaining the leases in good working order. I will be in attendance at the Select Board meeting to answer any questions in regards to this matter.

Thank you,
Jeff Carlson
Natural Resources Director
Town of Nantucket

This email was scanned by Bitdefender

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



August 24, 2021

Theodore Lambrecht
PO Box 3319
Nantucket, MA 02584

Dear Mr. Lambrecht:

Following the Select Board meetings of May 12, 2021 and July 7, 2021 when your continued non-compliance with Town regulations and requirements associated with the private aquaculture licenses held by you was considered, the Natural Resources Department has again reviewed the status of compliance and makes the findings as described below.

In reviewing your private shellfish aquaculture licenses (license number 12, issued on January 22, 2015 and license 12b issued May 1, 2015) issued by the Town of Nantucket and pursuant to the Town of Nantucket Shellfish Regulations adopted on March 4, 2015 and amended April 20, 2016 the Natural Resources Department (NRD) has found a number of requirements with which you are not in compliance, necessitating the need to pursue revocation of the licenses as follows:

In accordance with Section 5, Additional Conditions, paragraph (g) of your license:

"This license may be terminated by the town upon its reasonable determination that:

- (i) *The Licensee has failed to make substantial use of the License Granted hereby constituting an abandonment of the license; or*
- (ii) *The Licensee has failed to cure a breach of any of the terms and conditions of this License promptly after written notice thereof."*

After evaluating the information that you provided in writing on June 10, 2020 the Natural Resources Department finds that you have not made substantial use of the license as required; therefore, the license requires revocation pursuant to the regulations and terms described below.

Section 5.16 - Minimum Levels Production

There shall be minimum level of shellfish production required in order to retain an aquaculture license. This shall be: a minimum inventory maintained of 10,000 shellfish per acre. These standards are subject for review by the Select Board or its designee and may be amended.

There is no documentation on file demonstrating your compliance with this condition and based upon physical inspection of the license areas over the past three consecutive seasons the Natural Resources Department, again, finds that you are not in compliance with this regulation.

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



Section 5.17 - Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the forfeit of the aquaculture license and licensed area, as stated in MGL Chapter 130; Section 65.

Again, there is no documentation on file demonstrating compliance with this condition and based upon physical inspection of the license areas over the past three consecutive seasons the Natural Resources Department finds that you are not in compliance with this regulation.

Matters of non-compliance relating to the Private Shellfish Aquaculture License:

Section 5, Additional Conditions, paragraph (b). *"The Licensee shall submit to the Department reports of its activities including the total number of bushels of each type of shellfish planted, produced or marketed in or from the Licensed Area along with an estimate of the total number of bushels of each type of shellfish planted or growing thereon along with such information as the Department shall request. The reports shall be filed in writing and shall be submitted quarterly within 30 days after the end of each calendar quarter. The filing of such reports shall constitute the Licensee's representation and warranty that the information contained therein is true and correct."*

The Natural Resources Department has not received any reports from you since 2015. The failure to provide these reports further demonstrates that the license is being substantially used as required.

Section 6, Insurance. *"The Licensee, its contractors, agents, representatives, shall maintain sufficient public liability insurance, with coverage for bodily injury, wrongful death, and property damage in amounts reasonable satisfactory to the Town but not less than \$1,000,000 per occurrence and \$3,000,000 cumulative. The licensee shall provide such other insurance coverage as the Town may reasonably require in connection herewith. The Licensee shall provide the Town with a certificate of such public liability insurance annually. The Licensee's contractors, agents and representatives shall supply bonding certificates for any construction or rehabilitation contemplated hereby showing compliance with foregoing provisions and/or the provisions of all construction contracts associated with this project."*

You have not provided current proof of insurance since 2015. This time period is the entire length of the license.

Section 8, Conduct, paragraph (c). *"Licensee shall observe and obey directives from the Marine Superintendent and or other authorized representatives of the Town with respect to all applicable laws, statutes, ordinances, regulations and permitting of the License."*

You are not in compliance with the license or the guidelines noted in the license (attached) by failing to meet the above listed requirements.

This letter is intended to serve as formal written notice that you are not in compliance with the terms of the license and regulations, and that you have failed to substantially make use of the license as granted

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



by the license. The Natural Resources Department will be seeking revocation of these licenses at the September 8, 2021 meeting of the Select Board. If you wish to forfeit the licenses prior to that time, please do so in writing and the need for public meetings will not be necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Carlson", is written over the word "Sincerely,".

Jeff Carlson
Natural Resources Director

GUIDELINES FOR LEASE OF BOTTOM LAND FOR AQUACULTURE

Purpose: The purpose of the lease is to provide the lease holder with the exclusive rights to plant, grow, dig and harvest shellfish by the appropriate means within the leased area subject to the conditions herein and further subject to all applicable federal, state, and municipal laws, regulations, and ordinances.

1. The term of the lease (initial) is to be for three (3) years (or as mandated by the State), and will be renewable upon review of the Marine & Coastal Resources Department.
2. The site of lease is to be chosen from areas qualified by the State and Marine & Coastal Resources Dept. for commercial aquaculture.
3. The size of each lease site shall be a minimum of two (2) acres and a maximum of ten (10) acres based on the lease holder's demonstrated needs. Lease holders will be allowed to lease only one site the first year. Additional sites in succeeding years will be allotted upon review of the Marine & Coastal Resources Department.
4. The applicant for the lease shall submit a written shellfish production plan along with the lease application including: acreage requested, shellfish cultivation method, type of equipment deployed on lease, amount of seed purchased for cultivation for year 1, and a grow-out density plan.
5. Applicant should also include a list of qualifications for shellfish cultivation for the Marine Department to review to determine if the applicant can provide the best "use" of the requested aquaculture lease. Selections will be awarded to the most qualified applicant.
6. The lease holder agrees to actively work the lease site. If, at any time, it is determined that the lease holder is not actively working the site, the lease may be revoked and the lease holder will promptly remove all equipment and vacate the site.
7. It will be the responsibility of the lease holder to maintain the lease site in a neat and environmentally responsible manner. In addition, it will be the responsibility of the lease holder to plainly mark the area in accordance with any other stipulations set forth by the Marine & Coastal Resources Department.
8. The lease holder will make the site available to the Town, or its designee, for the purpose of determining activity at the site and its impact on the surrounding areas.

9. The lease holder will provide the Marine & Coastal Resources Department with quarterly reports of its activities including the number of bushels of each type of shellfish planted, produced, and marketed along with an estimate of the remaining number of shellfish still growing at the site and shall include accounts of predators (species, quantity, size). These reports shall be filed within 30 days of the end of each quarter, beginning on January 1.

10. The lease is not transferable.

11. The lease holder will be required to meet the same residency requirements as those required for a commercial shellfish license, not limited to maintaining a domicile and providing visual certification and verification of all seed to be grown on the site. Verification will also be made by the State Division of Marine Fisheries.

12. The lease holder will provide the town with certificates of insurance against environmental damage and general liability in the amount of One Million (\$1,000,000) dollars.

13. The lease holder will pay to the Town an annual fee per acre (or part thereof) due and payable upon the date of the commencement of the lease and on each anniversary thereof. The fee shall be as set by the Board of Selectmen, but will not exceed the maximum allowed by the State. This fee will be adjusted on an annual basis to reflect changes in the statute. All fees and monies from this lease will accrue to the Town's Shellfish Propagation Fund. In addition, the lease holder will be required to provide the Town, as an amendment to the original lease, agreed to in writing, shellfish seed or services for the purposes of augmenting the Town's propagation programs.

14. All stipulations of this lease will be subject to review and amendment by the Board of Selectmen at the time of renewal.

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7-16-2021

On July 16, 2021 at approximately 11:00am Jeff Carlson and I went to NT5 Wauwinet the head of the Harbor to do compliance checks on the oyster leases. Jeff and I checked Matt Herr and saw that one of Simon Edwardes boats were working on his lease so, after checking Matt Herr we proceeded over towards Simons boat and noticed that it was Chuck Connors. As we were checking Mr. Connors he had explained to us that Ted Lambrecht had pulled three cages up of his wintering site and was pressure washing them to the point of almost catching his boat on fire. Mr. Connors also explained that he had multiple bags of oysters on his boat that had been there for three days baking in the sun and asked if we would go check them out. After finishing up with Mr. Connors, Jeff and I headed to Polpis Harbor to see if Ted Lambrecht's boat was on his mooring. As we entered Polpis Harbor we saw Ted's boat and pulled up alongside his vessel and immediately saw six bags of oysters stacked in the back of his boat it was 77 degrees and 80% humidity out with little wind and no shading or ice on the oyster bags. I contacted Christian Petipas at the Division of Marine Fisheries who oversees the oyster program and explained the situation and asked if Mr. Lambrecht had an offsite culling permit which she indicated that he did not. Ms. Petipas added Gabe Lundgren to the call who also works with her in the oyster program. I asked Ms. Petipas how she would like me to proceed with this situation and Ms. Petipas asked me to confiscate the oysters, destroy them and provide documentation that the oysters had been destroyed. She then clarified to first verify that this is the proper procedure with the Massachusetts Environmental Police. I contacted Sgt. Dave Wright and explained the situation to him and he asked me to contact Lt. Gus. I told Mr. Wright that I had left Lt. Gus a message but hadn't heard back from him and Mr. Wright said he might be off today so contact the Environmental Police radio room and see if they can put you in contact with someone from the Cape. I contacted the radio room and they put me in contact with Mr. Patrick Grady I explained the situation to Mr. Grady and explained what Ms. Petipas had requested. Mr. Grady contacted his boss and they both confirmed to confiscate the oysters and to destroy them. Jeff and I removed 9 bags of oysters with approximately 150 oysters per bag and brought them to the landfill and destroyed them.

On June 30, 2020 the Natural Resources Department sent Mr. Lambrecht a certified letter regarding the status of his leases. The Town of Nantucket informed him that due to not meeting the required minimum levels of production and failure to meet those required production levels that the Town would be pursuing revocation of his leases with the Town. We had documented greater than three years of inactivity and to date Mr. Lambrecht has never picked up the required logbook to meet the Commonwealth's

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reporting requirements. Over the next few months the local Harbor and Shellfish Advisory Board issued a deadline to Mr. Lambrecht to get back into compliance, which was not met, leading to the Board's recommendation to the local Select Board to revoke his leases. The Select Board has since had two hearings one granting Mr. Lambrecht 45 days to get back into compliance which was not met and has scheduled a public hearing for the revocation of the leases 60 days from that deadline. That sixty days is currently running. Copies of these letters and these meetings are available as public record and we can provide them directly if you wish to review them. We have significant concerns on Mr. Lambrecht's ability to properly operate these leases given the inactivity and improper handling of these oysters.



9 Oyster Bags as found on the vessel
in Polpis Harbor (NT 4.0)
7/16/2021 11:36 AM



Close up of oyster bags as found on the vessel in Polpis Harbor (NT 4.0); clearly containing oysters
7/16/2021 11:36 AM



9 oyster bags as confiscated by
Shellfish Constable JC Johnsen
in Polpis Harbor (NT 4.0)
7/16/2021 2:55 PM



Contents of 9 oyster bags
(approx. 150 oysters per bag)
7/16/2021 3:54 PM



Destroyed contents of 9 oyster bags
7/16/2021 3:57 PM



Destroyed contents of 9 oyster bags
7/16/2021 3:57 PM



Final disposal of oyster bags
7/16/2021 4:01 PM

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December 1, 2021

To: Select Board

From: Jeff Carlson, Natural Resources Director

Re: Theodore Lambrecht – Revocation Request for a Private Aquaculture Lease

Please find an update since the September 8, 2021 public hearing and summary of events related to the private aquaculture leases held by Theodore Lambrecht. The initial grounds for revocation are documented in the attached letters from previous hearings. This is a process that was originally initiated in June of 2020 and included significant review from the Harbor and Shellfish Advisory Board who voted to support the revocation of these licenses. This recommendation came after granting Mr. Lambrecht from September 15, 2020 until April 15, 2021 to work toward compliance including a goal of getting a vessel seaworthy to work on his leases. This was a period of 212 days to which progress was not significantly met.

The Select Board first heard this matter on May 12, 2021. Since that time Mr. Lambrecht has had shellfish confiscated twice as directed by the Massachusetts Division of Marine Fisheries for improper handling of shellfish. The first confiscation was on July 16, 2021 and was discussed at the September 8 public hearing of this revocation request. The motion made by the Board at that time was as follows “to continue the public hearing for 90 days to December 8, 2021 and to include that all gear on the bottom is to be up within 90 days and there shall be no handling issues and if handling issues do occur it shall result in automatic revocation.” On November 10, 2021 the Shellfish Warden found five of bags of oysters being improperly stored within Polpis Harbor. The formal report and photos are attached, but the result was confiscation of five bags of oysters. The Natural Resources Department believes that this meets the requirement for revocation as it was an additional handling issue since the September 8, 2021 hearing. This mishandling of shellfish is of critical concern as consumption of contaminated shellfish or shellfish not properly stored and fostering potential bacterial growth and cause significant illness in people and can cause significant harm to the aquaculture business on Nantucket in general.

Summary Timeline:

2015 – Last documented use of the lease by the Natural Resources Department

April 21, 2020 – Certified Letter to Mr. Lambrecht documenting potential grounds for revocation primarily citing lack of use and failure to meet minimum levels of production as no reports had been filed documenting use since 2015 and physical inspection of the leases showed gear in poor repair with significant growth from lack of use.

June 30, 2020 – First Issuance of Potential Revocation Letter and scheduling a discussion with the Harbor and Shellfish Advisory Board (HSAB)

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September 15, 2020 – HSAB discusses the potential revocation with Mr. Lambrecht and NRD staff, setting clear goals and objectives to try and get the leases back into compliance

April 15, 2021 – deadline set by SHAB to have made significant progress to be back in compliance

April 20, 2021 – HSAB votes unanimously to support the revocation of the licenses and start the public hearing process with the Select Board.

May 12, 2021 – First public hearing with Select Board extension granted until July 7, 2021

July 7, 2021 – Second Hearing with Select Board extension granted until September 8, 2021

July 16, 2021 – First confiscation of shellfish as required by the Division of Marine Fisheries for improper handling and storage.

September 8, 2021 – Third public hearing with the Select Board extension granted until December 8, 2021

November 10, 2021 – Second confiscation of shellfish as required by the Division of Marine Fisheries for improper handling and storage.

This is a process that was initiated 596 days prior to the December 8, 2021 hearing. HSAB granted Mr. Lambrecht permission to be working on the lease since September 15, 2020 which is 449 days to this hearing date. Given the fact that this process was started from inactivity from 2016 until 2021 Mr. Lambrecht has had significant time to work the lease to attempt to meet the minimum levels of production required by the lease agreement and by the Town of Nantucket Shellfish Regulations. The years of inactivity and the difficulty in trying to get a site back to compliance are of great concern to the Natural Resources Department. Of equal or greater concern is that since work has been occurring on the leases that there have been two required confiscations of shellfish. These two issues when coupled together requires the Natural Resources Department to request revocation of these Private Aquaculture Leases. Should these leases be revoked the Natural Resources Department would request that a clear timeframe be set to remove all gear from the site and should that timeframe not be met that NRD is authorized to hire a third party to remove the gear from the leases and that cost be paid by Mr. Lambrecht.

The Natural Resources Department thanks you for all of your time spent on this matter.

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11/10/2021

To: Jeff Carlson, Natural Resources Director
From: JC Johnsen, Shellfish Constable

RE: Ted Lambrecht – Improper Handling of Shellfish

On November 10, 2021 at 7:30am I arrived at Polpis Harbor to find five of Ted Lambrecht's bags of oysters in the water and two of the bags were open. I removed the bags of oysters from the water and contacted Chrissy Petitpas and Gabe Lundgren of the Division of Marine fisheries to see if Mr. Lambrecht could store shellfish in Polpis Harbor. Mr. Lundgren informed me that Mr. Lambrecht was only allowed to transport his oysters from the head of the harbor to 4 Trotters Lane which is his residence. On July 16, 2020 when Mr. Lambrecht had his oysters confiscated from out of his boat in Polpis Harbor he was informed that he was not allowed to store shellfish anywhere other than his lease site in the head of the harbor. Mr. Lambrecht called me at around 10:30am on November 10, 2021 asking me if I had confiscated his oysters I explained to him that he wasn't allowed to store any oysters anywhere other than his oyster lease or 4 Trotters Lane. Mr. Lambrecht said he had stored a lot of bags there the night before and I asked how many bags he left. Mr. Lambrecht informed me that he had left six bags I said there was only five bags there and if there is a bag missing that is a problem because if someone eats his oysters they could possibly get very sick. Mr. Lambrecht said he would look around to see if he could find anymore bags. Mr. Lambrecht asked who he could contact about this. I told Mr. Lambrecht that Chrissy Petitpas from the Division of Marine Fisheries is the best person to contact. Mrs. Petitpas contacted me soon after talking to Mr. Lambrecht and explained by no means is Mr. Lambrecht allowed to store shellfish anywhere other than his lease site and is only allowed to transport oysters to 4 Trotters Lane to cull thru and bring back to his oyster site. Mrs. Petitpas explained this to Mr. Lambrecht when he applied for his off-site culling permit. Mrs. Petitpas said that Mr. Lambrecht told her he was only bringing dead shell to his house to put in his driveway and from the pictures of the bags I sent her it looked like live oysters and not dead shell and she also had explained that to Mr. Lambrecht. The oysters and bags were brought to the dump and destroyed.

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Bags of Improperly Stored Oysters Confiscated from Polpis Harbor
11-10-2021

Preliminary Outline #7 for 2022 Annual Town Meeting Warrant

For 01/05/22 SB review

As of 12/17/21

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? **Working on general bylaw amendment with Town Counsel, Planning Dir – update SB early Jan** – draft attached
- Amend vote at 2005 ATM to change membership of Nantucket Historical Commission from 5 to 7 members; and, eliminate alternate members
- **Adoption of Cemetery Regulations**

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 (31). All have been certified by the Town Clerk.

DRAFT

ARTICLE __

(Zoning Map Change: R-1 to R-5L - Red Mill Lane, Old Farm Road, Old Mill Court, Mill Hill Lane, Cato Lane, and Vesper Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 1 (R-1) district in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court
55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane
55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane
55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article __ R-1 to R-5L” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Map Change: RC to CN - Washington Street)

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

MAP	LOT	NUMBER	STREET
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street
55.1.4	37	103	Washington Street

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article __ RC to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Map Change: RC-2 and LUG-2 to R-5L, R-5, R-10, or R-10L - Bartlett Farm Road and Mioxes Way)

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

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

MAP	LOT	NUMBER	STREET
65	76	20	Bartlett Farm Road
65	76.1	22	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
65	87	4	Mioxes Way

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) and the Limited Use General 2 (LUG-2) districts in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

MAP	LOT	NUMBER	STREET
65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article __ RC-2 and LUG-2 to R-5, R-5L, R-10, or R-10L” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __
(Zoning Map Change: RC-2 to R-10 or CTEC - Clara Drive, Raceway Drive, and Somerset Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 10 (R-10) or Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	404	86	Somerset Road
66	539	86	Somerset Road
66	405	88	Somerset Road
66	281	3	Raceway Drive
66	271	4	Raceway Drive
66	272	6	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article __ RC-2 to R-10 or CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __
(Zoning Map Change: RC-2 to CTEC - 26 Bartlett Road and 1 Perry Lane)

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

MAP	LOT	NUMBER	STREET
67	901	26	Bartlett Road
67	902	1	Perry Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article __ RC-2 to CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Map Change: RC-2 to CN and/or R-40 - Nobadeer and Sun Island Roads)

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

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

MAP	LOT	NUMBER	STREET
69	264	12	Nobadeer Farm Road
69	265	14	Nobadeer Farm Road
69	266	1	Sun Island Road
69	267	1A	Sun Island Road
69	268	3	Sun Island Road

2. By placing the following property currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district or the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
69	83	19	Nobadeer Farm Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article __ RC-2 to CN and R-40” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Bylaw Amendment: Tertiary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

TERTIARY DWELLING

- (1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.
- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding ~~650~~ 900 square feet of gross floor area.
 - (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than ~~650~~ 900 square feet and the dwelling unit shall not contain more than ~~650~~ 900 square feet of gross floor area.
 - (c) A detached building containing not more than 650 square feet of ground cover and not more than ~~650~~ 900 square feet of gross floor area.
- (3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:
 - (a) R-5: 1 bedroom per each 1,000 square feet of lot area;
 - (b) R-10: 1 bedroom per each 1,400 square feet of lot area;
 - (c) R-20: 1 bedroom per each 2,500 square feet of lot area;
- (4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.
- (5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

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

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

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

ACCESSORY DWELLING

A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than ~~550~~ 800 square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.

APARTMENT

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

TAKE-OUT FOOD ESTABLISHMENT

A commercial establishment, including a food truck, the primary business of which is the sale of food and/or beverages, including but not limited to ice cream, sandwiches, pastries, prepared meals for consumption on or off the premises which is:

- (1) Primarily intended for immediate consumption rather than for use as an ingredient or component of meals;
- (2) Available upon a short waiting time; and
- (3) Packaged or presented in such a manner that it can be readily consumed outside the premises where it is sold.

TENT

A portable enclosure constructed of fabric, plastic, or a similar pliable material supported by one or more poles and secured by pegs in the ground. Tents shall not be erected for periods exceeding 30 days per calendar year unless a special

permit has been issued by the Planning Board; however, tents which in the aggregate exceed 150 square feet shall not be erected for more than three events per year or periods exceeding nine days per year, whichever is less, on properties where the principal use is residential unless a special permit from the Board of Appeals has been issued based on a determination that the use is ancillary to the residential use of the property and not a commercial use.

2. Amend section 8C(3)(d) as follows:

One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within § 139-2 of this chapter. The Planning Board may waive this requirement by the issuance of a special permit, provided that the Board finds that the proposal is in keeping with the character of the surrounding neighborhood.

3. Amend section 16D as follows:

Regularity formula.

(1) The regularity factor of any lot shall not be less than 0.55. The regularity factor shall be determined by the formula:

$$r = 16A/p^2 \text{ where}$$

r = regularity factor

A = land area in square feet

p = perimeter in feet

(2) That part of the lot area in excess of the required lot area may be excluded from the regularity formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage.

(3) The regularity formula shall not apply to lots recorded or endorsed prior to April 15, 1980.

(4) The Planning Board may issue a special permit to waive compliance with the regularity factor for a lot provided that the Planning Board finds that such waiver does not negatively impact access to the lots and does not result in the creation of lots that would have a negative impact on the character of the surrounding neighborhood.

4. Amend section 20.1B(2)(h) as follows:

All secondary dwellings, tertiary dwellings, and garage apartments approved by the Planning Board shall have a combined driveway access. However, the Planning Board may approve separate access for such dwellings on lots that are not expressly permitted two driveway accesses pursuant to § 139-20.1B(1), upon a finding made during the review of secondary dwelling, tertiary dwelling, and garage apartment applications in accordance with Section 3.06 of the Rules and Regulations Governing the Subdivision of Land that the separate access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and that separate access is not contrary to sound traffic and safety considerations. Access to secondary dwellings, tertiary dwellings, and garage apartments shall be clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

5. Amend the Zoning Map by placing a portion of the following properties currently located in the Commercial Neighborhood (CN) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	357 (a portion of)	45	Beach Grass Road
68	358 (a portion of)	43	Beach Grass Road
68	367 (a portion of)	41	Beach Grass Road
68	368 (a portion of)	39	Beach Grass Road
68	369 (a portion of)	37	Beach Grass Road
68	370 (a portion of)	35	Beach Grass Road
68	371 (a portion of)	33	Beach Grass Road
68	378 (a portion of)	31	Beach Grass Road
68	379 (a portion of)	29	Beach Grass Road
68	380 (a portion of)	27	Beach Grass Road
68	381 (a portion of)	25	Beach Grass Road
68	382 (a portion of)	23	Beach Grass Road
68	387 (a portion of)	21	Beach Grass Road
68	388 (a portion of)	19	Beach Grass Road
68	393 (a portion of)	17	Beach Grass Road
68	394 (a portion of)	15	Beach Grass Road
68	854 (a portion of)	13	Beach Grass Road
68	855 (a portion of)	11	Beach Grass Road
68	859 (a portion of)	9	Beach Grass Road
68	882 (a portion of)	7	Beach Grass Road
68	883 (a portion of)	5	Beach Grass Road
68	884 (a portion of)	3	Beach Grass Road
68	129 (a portion of)	73	Old South Road

NOTE: The portion of these lots located in the CN district was formerly a portion of Meadows II Workforce Rental Community. The CN portion was added to the

single family lots in Sandpiper I and II to address a parking issue. The majority of these lots is already located within the R-5 district.

6. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	338 (a portion of)		Beach Grass Road

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____ (Zoning Bylaw Amendment: Tertiary Lot)

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

1. Amend Section 2A by adding the following new definition, in alphabetical order with existing definitions:

TERTIARY LOT

A lot created by the division of the original lot into three lots pursuant to § **139-8C**. The tertiary lot, in addition to one of the secondary lots, shall be subject to an NHNC-Ownership Form, or shall be owner-occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form, except for the established income and asset limits, or shall be subject to a qualified family member deed restriction.

2. Amend Section 8 by adding a new subsection D, below, and by re-lettering the existing subsections D and E, to E and F, respectively:

D. Special permit to create tertiary residential lots for year-round residents.

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in

perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
 - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
 - (b) The tertiary lot, in addition to one of the secondary lots subject to § **139-8C** of this chapter, shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.
 - (c) The lot shall not be subject to the tertiary dwelling requirements contained within §**139-2** of this chapter.
 - (d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet.
 - (e) The lots shall comply with the ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, except as

follows:

[1] The Planning Board may waive by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary and tertiary lots;

[2] The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the tertiary lot, provided that the total ground cover ratio of the secondary lots and the tertiary lot does not exceed the amount that would have been allowed for the original lot;

(g) The lots each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) The lots shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(4) This § **139-8C** shall not apply to flex development and open space residential development options (§ **139-8A**).

(6) Section **139-16D**, Regularity formula, shall not apply to this § **139-8C**.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____
(Zoning Bylaw Amendment: Workforce Homeownership Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8D, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*.

STILL BEING DEVELOPED

(1) Requirements

- (a) The following requirements shall apply to workforce homeownership housing bonus lots in the R-5, R-10, and R-20 Zoning Districts...

(2) Workforce homeownership housing bonus lots.

(a) ...

- [1] The total number of lots shall be calculated by multiplying the number of lots allowed by-right, as described above, by a factor of 1.33 in the R-5 district and by a factor of ____ in the R-10 district, and a factor of ____ in the R-20 district.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Bylaw Amendment: Short Term Rentals)

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

STILL BEING DEVELOPED

Or to take any other action related thereto.

(Select Board for Planning Board)

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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§ _____ SHORT-TERM RENTAL REGISTRATION

§ _____ PURPOSE AND INTENT

This bylaw is enacted pursuant to the authority set forth in General Laws c. 64G, §14 and is intended to provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to insure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.

§ _____ DEFINITIONS

- (a) "Short-Term Rental" shall have the same meaning as set forth in General Laws c. 64G, §1.
- (b) "Operator" shall have the same meaning as set forth in General Laws c. 64G, §1.
- (c) "Primary Residence " shall mean a residence owned or occupied on a year-round basis by a person who is entitled to apply for the residential exemption provided for in G.L. c. 59, §5C.

§ _____ REGISTRATION, PERMITTING, INSPECTION AND FEES.

No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the **Town's Licensing Administrator**. An application for a Certificate of Registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. **In the alternative, an Operator may provide with the application a certificate of registration issued by the Department of Revenue in accordance with section 67 of Chapter 62C of the General Laws, but said application shall contain the location and address of the short-Term rental.**

(a) The **fees** for such Certificate of Registration or evidence of a certificate of registration issued by the Department of Revenue, shall be as follows:

- a. Short-Term Rentals operated by an individual whose primary residence is Nantucket - \$ _____ per **year**, exclusive of any other applicable local fees or costs; and
- b. All other Short-Term Rentals - \$ _____ per **year**, exclusive of any other applicable local fees or costs.

The application for the Certificate of Registration shall include an **attestation** **that** the Owner and/or Operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the Owner and/or Operator of the property is current with all town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 -18 of the Town Code. Any property offered for a Short-Term Rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the Owner or Operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

Commented [LG1]: This position does NOT have the capacity to take this on – Health Dept?

Commented [LG2]: SB decide this? Is there a "standard"? Is \$200 appropriate? If we are trying to generate revenue to fund the administration of this, it should be enough to cover that after the first year

Commented [LG3]: same

Commented [LG4]: Yes – definitely?

(b) The Licensing Administrator shall not issue any Certificate of Registration unless the Operator has (1) submitted a complete application and paid all associated fees; (2) provided contact information for persons to address any issues at the Short-Term Rental within two (2) hours' notice; and (3) provided the Town with a certificate of insurance evidencing liability insurance coverage for the Short-Term Rental in an amount to be determined by regulation.

(c) At all times, the Operator shall maintain an up-to-date log of all occupants that occupy the Short-Term Rental. This log shall contain the name of at least one person responsible for the rental of the residence, the total number of guests for the stay, and dates of each rental period. The log shall be available for inspection by the Licensing Administrator upon request, and kept accessible for a period of at least six years.

(d) Operators are subject to inspection of the Short-Term Rental by the Licensing Agent upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.

(e) Certificates of Registration are valid for **one year**, and may be renewed at the discretion of the Town, provided that the Operator has complied with the provisions of this Chapter and any associated regulations during the preceding year. An application for renewal of a Certificate of Registration shall be submitted no later than November 1st of the next year.

(f) The Certificate of Registration is issued to the Operator and does not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new application for a Certificate of Registration shall be filed by the new Operator before Short-Term Rentals can continue or resume.

§ ____ REGULATIONS.

The Licensing Administrator shall have the authority to promulgate regulations to carry out and enforce the provisions of this Chapter. Such regulations may also include requirements to insure that the operation of the Short-Term Rental does create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions.

The Town may publish on the Town's website a public registry of all Short-Term Rental accommodations located within the Town offered for rent by operators who are registered in accordance with section 67 of chapter 62C, or have received a Certificate of Registration under this bylaw, including the location and address of the Short-Term Rental.

§ ____ ENFORCEMENT

(a) Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

Commented [LG5]: This should be the Select Board & is the idea that we start with these getting registered with the Town & then develop regs?

(b) Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense.

Commented [LG6]: Who are the Town enforcers? Do they need to be named? Building, Health, Police, Fire – or?

(c) If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the Operator or the owner of the property by the Licensing Administrator, after a Certificate of Registration is issued, the Licensing Administrator, after a hearing, suspend for a period of time determined by the Licensing Administrator or revoke said Certificate of Registration until the violation has been cured or otherwise resolved. Multiple violations by any Operator may, at the Licensing Administrator discretion and after a hearing, disqualify that Operator from obtaining a Certificate of Registration for a period of up to three years. Any person aggrieved by a decision of the Licensing Administrator under this section may appeal such decision to the Select Board, who may, after a public hearing, uphold, modify, or reverse the Decision of the Licensing Administrator.

(d) In accordance with G.L. c. 64G, §14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw. Each day a violation continues shall be considered a separate offense.

§ ____ SEVERABILITY.

If any provision in this Chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

§ ____ EFFECTIVE DATE.

The provisions of this Chapter shall take effect on the day this bylaw becomes effective pursuant to General Laws Chapter 40, §21, or _____, whichever is later.



Rules and Regulations for Town of Nantucket Controlled Cemeteries

Adopted: April 23, 2014

Effective: May 1, 2014

Proposed Amendments as of 111221

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In accordance with MGL Ch. 114 and Chapter 47 of the Acts of 2011, the Cemetery Commission has promulgated the following rules and regulations that govern burials in Town cemeteries, and the use and care of Town cemeteries. These rules and regulations may be amended from time to time, with the approval of the Select Board ~~of Selectmen~~.

I. General Rules

Town Cemeteries are open daily from dawn to one-half hour after sunset.

The License Holder (owner of a lot) is limited to interring human remains or cremated human remains in that site. The owner also has a limited right to place a monument and plant flowers or shrubs. These limitations are outlined in other sections of these regulations.

Cemeteries are places for contemplation and quiet reflection. They are not recreation areas. Please respect these sacred grounds and use common sense: No loud noise, bad behavior or trash.

No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.

Gravestone repairs require prior authorization of the Cemetery Commission or its designated agent. Rubbings are not permitted. Take photographs only.

Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veteran's Day.

Dogs must be leashed at all times and be under control of their handler. Dog walkers must clean up after their dogs and must ensure that dogs do not trespass on any grave.

All trash must be removed from Town cemeteries, as there are no trash receptacles available.

Additional Rules and Regulations Applicable to the Polpis Burial Ground

Polpis Cemetery is open to cremation interments only.

Cremation lots are four feet (4') by six feet (6') and shall have no more than four (4) cremations in each lot.

Only one monument or marker per cremation lot will be allowed. A foundation must be placed under each monument. Only a professional who normally provides such a service in the community shall be permitted to place the foundation and monument, unless the Commissioners explicitly waive this requirement in writing. Markers may not be set to embrace two or more grave lots. All markers shall be flush with the ground. No wooden crosses shall be allowed.

The Town shall not be liable for damage to monuments or markers. Markers may be of granite, marble or bronze, the use of limestone, sandstone, cast or cement stone and metals for monuments shall not be allowed. Monuments may be made of native boulders.

Because Polpis Cemetery is a natural setting, no additional planting will be allowed on lots.

No other structure but approved markers or monuments may be placed on a lot.

No vehicles are allowed in the Polpis Cemetery.

No lights of any kind will be allowed.

II. Definitions

For the purpose of these Rules and Regulations, the following words shall have the following meaning, unless a different meaning is ascribed to such terms under the General Laws:

Cemetery – All property owned by the Town of Nantucket dedicated for the burial of deceased human remains.

Cemetery Administrator – The person charged by the Cemetery Commissioners with the day-to-day administration of Town Cemeteries in accordance with these Rules and Regulations, the directions of the Cemetery Commissioners, and applicable Federal and State laws.

Cenotaph – A monument erected in honor of persons buried at sea, or whose remains lie elsewhere.

Columbarium – A permanent structure, room or space in a mausoleum or other structure containing niches or other suitable spaces for the permanent placement of cremated human remains.

Cremated Remain - The final physical remains of a human being after having been cremated and processed.

Cremation Lot – An area of land specifically designed for the interment and placement of cremated remains only.

Cremation Niche – see Niche.

Crypt – A chamber in a mausoleum of sufficient size, generally used to contain the casketed remains of a deceased person.

Durable Outer Container (Grave Box, Grave Liner or Vault) - All burials, [except for approved green burials](#), of bodies and cremated remains shall be placed in a durable outer container. Durable outer containers shall be made of reinforced concrete or fiberglass and may include:

Grave Box / Grave Liner – An unsealed monolithic receptacle of two (2) or more pieces in which the casket is placed at time of burial.

Vault – A two-piece sealed receptacle for protection of the casket.

Urn Vault - A two-piece receptacle for protection an urn.

Governing Body – The Nantucket Cemetery Commission.

Grave – A space in a cemetery used or intended for use, for the in-ground burial of one (1) or more deceased persons. The size of a grave may vary as laid out by the Cemetery Commission.

[Green Burial – The burial of human remains, full body or cremated, with the intention of their return to the soil through natural decay processes; green burial necessitates the use of non-toxic and biodegradable materials, such as caskets, shrouds, and urns.](#)

Foot Marker – A flush to the ground memorial made of granite or bronze, which is placed at the foot of a grave.

Interment – The permanent placement of a dead human body [either in a green burial or](#) placed in a casket within a durable outer container and buried in the ground.

Inurnment – The permanent placement of cremated human remains in a niche, space in a columbarium, or burial in a grave.

License Holder – The original purchaser of a Right of Burial and others entitled to a Rights of Burial.

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Lot – A place designated in a cemetery comprised of one or more grave spaces.

Memorial or Monument –A monument or memorial usually made of granite, a flush-to-the ground memorial usually made of bronze or granite, or a foot marker, any of which is used for commemorating the life of a deceased person.

Niche – A discrete chamber, space or recess in a columbarium used for the permanent placement of cremated human remains, encased in an urn.

Perpetual care - The activities of routine cemetery maintenance such as, but not necessarily limited to, mowing, brush cutting, repair of fences and laneways, and signage.

Perpetual Care Fund –A fund authorized by the General Laws, whereby funds are set aside, the income of which is used for the perpetual care and maintenance of the cemetery or lots therein.

Rights of Burial – The exclusive right of burial granted by the Town to a License Holder for the use of a specific grave, lot, crypt, or niche or other burial space in a cemetery.

Urn – A container to hold human cremated remains. An urn can be placed in a columbarium niche or buried in the ground within a durable outer container.

III. Interments and Inurnments

Lots in the cemeteries shall be used for no other purpose than a place for the interment of human remains as full casket burials, green burials, or inurnment of cremated remains.

No interment or inurnment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written interment or inurnment order on a form approved by the Cemetery Commission and endorsed by the License Holder, or the legal representative of the License Holder in the lot in which interment is to be made. No grave shall be opened for interment, inurnment or removal unless authorized by the Cemetery Commission and cemetery personnel have flagged the area.

Green burial applications, on forms specific to green burials, will be reviewed by the Department of Health for minimal environmental impact before review and potential approval by the Cemetery Commission.

Except for green burials, aAll interments and inurnments shall be enclosed in a durable outer container or vault.

Each grave (minimum four feet (4') by ten feet (10')) includes the right of interment of either one (1) full casket or one green burial for regular depth burial and one cremation burial.

Each grave may have additional right (provided additional fees are paid) of:

- Replacement of the cremation burial with a second full casket interment as a “double-deep” burial;
- Replacement of the initial full casket burial and inurnment of up to four (4) cremated remains.

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Additional regulations will be drafted if a niche wall is constructed.

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IV. Cemetery Lots

When a Right of Burial is purchased, the License Holder will be given a written deed, granting the License Holder Rights of Burial in a specific grave, lot, crypt, or niche or other burial space in a cemetery. The Deed may contain certain specific terms and conditions for use of the Rights of Burial, and grant the right of erecting a monument or memorial on such terms and conditions as the Cemetery Commissioners may prescribe. Such deeds and all subsequent deeds of such Rights of Burial made by owners thereof shall be recorded by the Cemetery Administrator or designee in the records maintained by the Department of Public Works in the office of the Town Clerk in books in files kept for that purpose. Copies of lost deeds may be obtained by contacting the Nantucket Town Clerk or the Cemetery Commission. It shall be the duty of the License Holder and his/her heirs to notify the Commission of any changes in their mailing address. Notice sent to the License Holder at the last address on record shall be considered sufficient and proper legal notification.

The Cemetery Commissioners shall establish the cost of a Burial Right and fees related thereto and may amend the same from time to time. Cemetery personnel shall furnish, to those who desire to purchase Rights of Burial information relative to the cost of the same and the conditions upon which interments or inurnments may be made. See: Nantucket Cemetery Commission Schedule of Fees.

- A License Holder, or his/her heirs, shall not sell, transfer or convey the Rights of Burial, but such Rights of Burial shall pass to family members as permitted under Chapter 114 of the General Laws. The Town of Nantucket shall have the option of buying back Rights of Burial, subject to availability of funding. The price to be paid by the Cemetery Commission shall be no greater than the original purchase price, provided that all remains, if any, have been removed from the lot.
- Should the Town not exercise its option to buy Rights of Burial, a License Holder may assign or transfer such Rights of Burial only as permitted by the Cemetery Commissioners, who may limit such assignment or transfer to individuals who are current residents of the Town of Nantucket, past residents or relatives of such individuals. A License Holder wishing to assign Rights of Burial should contact the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
- Upon the death of the License Holder, Rights to Burial shall pass in accordance with the laws of the Commonwealth of Massachusetts.
- An existing single grave (minimum four feet (4') by ten feet (10')) containing recorded remains may also accommodate one cremation burial, provided the cremated remains are that of a family member, heir or others with verified rights of interment.
- Graves for the interment of any indigent (by state definition) resident veterans are

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provided at no cost and are set aside for burials of indigent resident veterans residing in the Town at the time of their entry into service and/or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.

- Single grave space may be made available for the burial of the stillborn or infants without charge to the resident parents residing in the Town at the time of death.
- Under MGL Ch. 14 the Town shall provide grave space for interment or inurnment of the indigent. Heirs may place monuments on indigent burials only if the interment rights are purchased and paid in full prior to placing a memorial. The Cemetery Commission will determine indigent status based on state regulations and definition.
- No work shall be performed on graves or lots by or on the direction of License Holders unless authorization has been obtained from the Cemetery Administrator, in order to preserve as much as possible the natural appearance of cemeteries.
- The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot, and shall have the right to remove the same if, in the opinion of the Cemetery Commission, they are unsightly. The Town of Nantucket shall not be liable for items left at a grave, or damage to flowers, flags, decorations, monuments or other objects due to weather, vandalism theft or wear and tear.
- Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.
- Fences, borders, curbing, hedges, shrubbery, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless the Cemetery Commission has granted prior approval.
- Any materials placed on a grave that are not in compliance with these regulations are subject to removal without notice.
- The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of taking, to the owner.

Reuse of an occupied grave will not be permitted except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the

decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave.

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V. Memorials

The Cemetery Commission must approve any memorial, including gravestones, markers, benches or other structures, in writing prior to installation.

- All inscriptions to be made on memorials shall be approved by the Cemetery Commission prior to carving. The Commission reserves the right to prohibit offensive language or imagery within the cemetery.
- Monument dealers, masons, stonecutters and all workmen working at any Town cemetery shall comply with the directions of the Cemetery Commission and must carry off all rubbish and restore roads, avenues and paths damaged by their operations. The Town of Nantucket will not be responsible for any errors made by any improper inscription on any memorial.

Memorial sizes shall be based on the following except at Polpis Cemetery where only flush memorials are permitted:

- SINGLE LOT: 16 inches by 24 inches flush memorial or 24 inches wide slant in designated areas.
- CREMATION LOT: 12 inches by 18 inches flush memorial or 18 inches wide slant in designated areas. If two or more names are to be inscribed in the memorial, it may be 12 inches by 24 inches wide."
- MULTIPLE Grave LOTS
 - Two (2) grave lot: three foot (3') wide base etc.
 - Three (3) grave lot: four foot (4') long base or bench etc.
 - Four (4) grave (or more) lot: six foot (6') long base or bench etc.
- Where family lots have been established in inactive cemeteries (a list of such cemeteries is provided below), those families will be allowed to place memorials that duplicate the style of the existing surrounding markers or headstones or, alternatively, use flush markers.
- No headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or other approved material. All monuments are to be centered at the head of grave/lot. Flush foot markers may be placed at the center of the foot of a grave.
- A marble or granite bench will be allowed on a lot with three (3) or more graves. If a bench is placed on a lot, no other memorials are permitted other than foot markers on individual graves within the lot.
- Special permission for alternate memorial sizes may be requested of the Cemetery

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Commission for consideration.

- The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
- Memorials and structures that are not in compliance with these regulations are subject to removal without notice.

VI. Administration

The Cemetery Administrator shall have responsibility for the proper day-to-day administration of Town Cemeteries in accordance with the administrative direction of the Town Manager and the policy direction of the Cemetery Commissioners, these rules and regulations and applicable Federal and State laws. The Town of Nantucket Home Rule Charter and MGL Ch. 114 and Chapter 47 of the Acts of 2011 established the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are prescribed under MGL Ch. 114.

There may be circumstances when the strict or literal enforcement of these Rules and Regulations may impose unreasonable hardship. The Cemetery Commission reserves the right to make exceptions, suspensions, or modifications to these Rules and Regulations, without notice, whenever necessary in the judgment of the Cemetery Commissioners.

VII. Cemeteries in the Town of Nantucket

Active Town Controlled Cemeteries (*Burial rights may be available*):

Newtown Cemetery	Sparks Avenue	Space available.
Polpis Burial Ground (Cemetery)	Polpis Road	Plots to be laid out; Cremains only; flush monuments only.

Inactive Town Controlled Cemeteries (*No burial rights available for sale*):

Cemetery	Location	Status
Founders Burial Ground	Off Cliff Road	Closed to new interments.
The Historic Coloured Cemetery — available.	Mill Hill	No known space
Native American Miacomet Indian Burial Grounds	Surfside Road	Closed to new interments.
New North Cemetery	New Lane (east)	No new plots, owners only.

Old North Cemetery	New Lane (west)	No new plots, owners only.
Quaker Cemetery	Madaket Road	Closed to new interments?
(Friends Burial Ground)		

Private Cemeteries not controlled or maintained by the Town of Nantucket:

As information only, the following cemeteries are known to exist within the corporate limits but the Town of Nantucket has no obligation or involvement therewith.

Saint Mary's Cemetery	Private, plots available.
Sconset Chapel Columbarium	Private, inurnments only.
Saint Paul's Memorial Garden	Private, ashes only.
Prospect Hill Cemetery	Private Board and regulations; plots available.
Edward Lewis Memorial Cemetery and the adjacent Jewish Cemetery on Somerset Rd are private and administered by the Prospect Hill Board.	

A Cemetery owned and currently maintained by the Nantucket Conservation Foundation:

Quaise Asylum Burial Ground	Polpis Road	Closed to new interments.

VIII. Fees

The Cemetery Commission shall adopt a schedule of fees for the sale of Rights of Burial and other rights and services provided by the Cemetery Commission, which may be amended from time to time. All Rights of Burial must be paid for in full at the time of sale unless there are extenuating circumstances for which the Commissioners may offer a payment plan to the purchaser. No interments, inurnments or improvements shall be made to a lot, and no deeds shall be issued, until the Rights of Burial have been paid in full.

Nantucket Cemetery Commission**Schedule of Fees*****Voted 03.12.14*****Burial Rights**

The following prices have been established by the Nantucket Cemetery Commission for the sale of Burial Rights in plots laid out in Town owned cemeteries.

Newtown Cemetery

Newtown Cemetery can accommodate both full casket burials and also offers Cremation Lots.

Single Lot (4' x 10') **\$1200.00**

Each single lot (minimum 4 x 10 feet) includes the right of interment of one (1) full casket for regular depth burial and up to two cremation burials.

Double Deep Option - At time of lot purchase \$600.00 additional: **\$1800.00**

This option will accommodate two full casket burials. The first burial will be at a depth of eight feet (8'). This option offers replacement of the second full casket with inurnment of up to four (4) cremated remains.

Cremation Lots (4' x 6') **\$900.00**

Each Cremation lot will accommodate up to four (4) inurnments. Flush monuments only will be allowed on Cremation Only Lots.

Polpis Burial Ground

Only cremation burials are allowed at Polpis. Each lot includes the right of inurnment of up to four (4) cremated remains. Only flush monuments are allowed at Polpis.

Single Lot (4' x 6') **\$900.00**

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Rules and Regulations adopted by the Nantucket Cemetery Commission and the Nantucket Board of Selectmen govern operation of Town owned cemeteries.

All plots include perpetual care. Plot cost does not include services to open and close graves or funeral services.

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>