

Town and County of Nantucket Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD JANUARY 12, 2022 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/tC9O0Vma71U>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_ezGtybAiTTaxNviMuJ7Uxw

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 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.
3. Town Offices will be Closed Monday, January 17, 2022 in Observance of Martin Luther King, Jr. Day.
4. Select Board Announcements/Comments.

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

V. PUBLIC COMMENT*

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of January 5, 2022 at 5:30 PM.
2. Approval of Payroll Warrants for January 9, 2022.

3. Approval of Treasury Warrants for January 12, 2022.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Town Administration: Request for Approval of Scope of Services with Arcadis for Baxter Road Relocation Plan.
2. Coastal Resiliency Advisory Committee: Request for Final Review and Endorsement of Coastal Resilience Plan (Continued from December 1, 2021).
3. Town Administration: Review of Proposed Next Steps Regarding Coastal Resilience Plan.
4. Applicant Introduction/Review of Applications and Appointment to Cannabis Advisory Committee, Pursuant to Select Board Committee Appointment Policy.
5. Applicant Introduction/Review of Applications and Appointment to Nantucket Affordable Housing Trust, Pursuant to Select Board Committee Appointment Policy.
6. Request for Waiver of Sewer Connection Permit Fee for Covenant Lot Located at 10B Larrabee Lane (Lot 2 on Plan No. 2020-61).
7. Request for Approval and Execution of Discharge of Housing Rehabilitation Loan Program Mortgage for Property Located at 35 Somerset Road.
8. Town Clerk: Request for Appointment of Constable.

IX. 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 (Continued from January 5, 2022).
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 (Continued from January 5, 2022).

X. TOWN MANAGER'S REPORT

1. Review of FY 2023 Enterprise Fund Budgets: Airport and Water Department.

XI. SELECT BOARD'S REPORTS/COMMENT

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

XII. 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

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

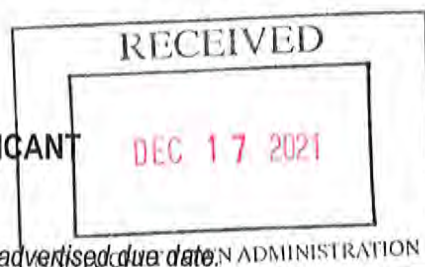
Brooke Mohr	Chair	2023
Athalyn Sweeney	Vice Chair	2024
Ruth Tonico		2022
Joseline Ramirez		2022
VACANT		2022
Claudia Valle		2023
Sindy Rivera		2023
Sue Mynttinen		2024
VACANT		2024

Applicants:

Kelly Steffen
Tara Restieri
Veronica Bolcik
Julianne Kever



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



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

RECEIVED

JAN - 5 2022

NANTUCKET TOWN ADMINISTRATION

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

Name: 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: _____ 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 listened to meetings, read a great deal about the issues from the Town and State Websites

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

Yes, I am prepared to commit to the 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 Council for Human Services.

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

I would hope to help with the oversight and development of policies that will benefit residents of Nantucket.

Potential Conflicts of Interest

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

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

Tara Restieri
Cell: (914) 646-2233
Tara.restieri@gmail.com

PROFESSIONAL EXPERIENCE

- Volunteer, **Greenwich Emergency Medical Services, Inc.** June 2021 to present
- Certified Emergency Medical Technician
- Volunteer, **Stamford Emergency Medical Services, Inc.** June 2021 to present
- Certified Emergency Medical Technician
- Board, Department of Human Services, **Town of Greenwich, CT** June 2021 to present
- Chair, Operations and Technology. Committee member – Community Partnerships, Client Relations, Communications and Human Resources.
- Board of Directors, **YWCA, Greenwich** July 2020 to present
- YWCA of Greenwich is a multi-service non-profit that has been serving the Town of Greenwich and the surrounding region for over 100 years.
 - Member of Finance Committee, Development Committee and Co-Chair of Walk the Walk for Domestic Violence Awareness and Old Bags Luncheon.
- Co-Chair Board of Directors, **Girl Rising** Nov 2017 to Oct 2020
- Girl Rising is global campaign for girls' education and empowerment. Through storytelling, film and other media, we seek to change the way people think about and value girls and girls' education. We launch high profile campaigns to shine a spotlight on the issues girls face and to catalyze change.
- Head of Strategy, Fellows and Membership - **The Nantucket Project** Oct 2016 to March 2019
- Oversight of budget and operations of TNP Fellows program.
 - Strategic advisor for overall operations of organization.
 - Responsible for restructuring Board of Advisors and formation of new committees.
 - Coordinate all media lab programs and activities.
- Science Teacher - Chemistry Aug 2010 to July 2016
Head Coach, Varsity Swimming & Diving
Greenwich Academy – Greenwich, CT
- Encouraged active engagement in classroom experience by creating an inclusive culture of patience, caring and stimulation for all students.
 - Balanced challenging coursework and academic environment to foster success for students of all academic levels.
 - Evaluated, restructured and redesigned *Introduction to Chemistry* course over a multi-year period.
 - Mentored and advised students throughout their transition to high school.
 - Actively participated in ongoing professional development.
- Biology Teacher - Leave Replacement Nov 2009 to June 2010
Mamaroneck High School UFSD – Mamaroneck, NY
- Assigned as a long-term leave replacement in Science Department, subject Honors, Regular and ESL Biology.
- Full-time Substitute, Science Department Sept to Nov 2009
Greenwich High School - Greenwich, CT
- Substitute in all areas of science including Biology, Chemistry, Environmental Science and Physics.
- Consultant Oct 2008 to Sept 2009
Laurient Inc., LLC – New York, NY

- Consulting for Internet based database company that provides clinical research data and corporate information to biotechnology and healthcare investors.
- Responsible for the review, analysis and translation of biological and clinical data presented at scientific, industry and academic conferences into relevant information that allowed investors to determine potential investment opportunities.

Director, Healthcare

Oct 2007 to Sept 2008

Lazard Freres & Co., LLC – New York, NY

- Maintained cross-functional duties responsible for equity based business spanning the Financial Advisory Practice including Mergers and Acquisitions, Alternative Capital and Financial restructuring groups.
- Expanded equity business by reinforcing existing relationships and creating new opportunities through an understanding of corporate operations with scientific knowledge and clinical background.
- Worked with Managing Directors and Partners to develop and implement a novel initiative to expand Mergers and Acquisitions and new issue equity business.

President and Founder

June 2004 to Oct 2007

TSCG Advisors, LLC – Rye, NY

- Built a senior executive group of investor relations, corporate communications and business development advisors focused on strategic review and advising private and public biotechnology companies.
- Utilized team expertise in all areas of science, finance and operations to advise emerging biotechnology companies in investor relations, public relations, finance, business development, and operations.

Senior Director, Operations and Corporate Communications

Jan 2000 to June 2004

Genta Incorporated - Berkeley Heights, NJ

- Served as key advisor to CEO on matters related to corporate finance, marketing, clinical development, human resources, regulatory affairs, and corporate communications.
- Responsible for relocating corporate headquarters including the recruitment of all levels of management and overseeing significant aspects of business operations.
- Acted as a relationship manager with key team members of Sanofi-Aventis as related to collaboration and marketing preparation for Company's lead anti-cancer drug candidate.
- Developed and managed a comprehensive corporate communications program, which included both investor and public relations programs for a research and development staged cancer company.
- Served as primary contact for media, buy and sell-side analysts and portfolio managers, institutions and retail investors.
- Participated in multiple rounds of financing by working directly with CEO, CFO and Investment Banking teams, resulting in the placement of approximately 60 million shares of common stock.

Administrator, Graduate Medical Education

Aug 1998 to Dec 1999

Memorial Sloan-Kettering Cancer Center - New York, NY

- Responsible for annual graduate staff appointments to Memorial Hospital including approximately 800 rotating and 330 full-time house-staff; included human resources management, employment authorization and salary planning. Member of Residency Review Committee.
- Supervised Graduate Staff Coordinators in the Departments of Pediatrics, Medicine, Surgery, Psychiatry, Radiology, Radiation Oncology, Pathology and Neurology.
- Maintained, monitored and upheld requirements for Joint Commission on Accreditation of Hospital Organizations and Accreditation Council for Graduate Medical Education for all graduate programs.
- Worked in conjunction with the Greater New York Hospital Association, New York State Division of Education, American Medical Association, and other regulatory agencies on relevant affairs effecting Medical Education.
- Planned, prepared and monitored 25 million dollar operating, salary and capital budget for 54 residency and fellowship training programs.

Coordinator, Education & Training

Sept 1994 to Aug 1998

DEPARTMENT OF MEDICINE

Memorial Sloan-Kettering Cancer Center - New York, NY

- Responsible for the development and implementation of educational curriculum for Graduate Medical Education programs in Internal Medicine and Medical Oncology/Hematology programs.
- Responsible for identifying, applying for, and renewing funding sources for Department of Medicine fellows through institutional, government grants and philanthropic resources.
- Responsible for recruitment and interviewing candidates for department graduate training programs.
- Instituted and process applications, credentials, and appointments of U.S. and international applicants to medical student, post-doctoral, medical house-staff and fellowship programs.

Research Study Assistant

Nov 1992 to Sept 1994

DEPARTMENT OF CLINICAL TRIALS

Memorial Sloan-Kettering Cancer Center - New York, NY

- Supervised the daily treatment of 200 research patients participating in clinical trials for the Department of Medicine, Solid Tumor Division.
- Trained new staff in research methodology, hospital database management and clinical systems.
- Developed data collection materials and protocol management tools.
- Served as liaison to physicians, patient families, pharmaceutical companies regarding patient management and participation in clinical trials.

Research Assistant

Sept 1990 to May 1992

New York State Department of Health

Wadsworth Center for Laboratories and Research - Albany, NY

- Conducted and prepared experiments, adapting related protocols related to the response of the human body to the effects of chemotherapy.
- Gained extensive, hands-on knowledge of electron microscopy and laboratory techniques.
- Worked primarily alone, achieving a high level of accuracy.

EDUCATION

Greenwich Emergency Medical Services

Greenwich, CT

Winter, 2021

Class Valedictorian

Manhattanville College

Purchase, NY

M.A.T., July 2009 to June 2010, coursework incomplete

New York University

New York, NY

M.P.A., Healthcare, degree granted May 2001

State University of New York at Albany

Albany, NY

B.S., Biology, degree granted May 1992

61 Old South Road
Suite 325
Nantucket, MA 02554
201-788-6261
vbolcik@gmail.org

January 5, 2022

Dear Ms. Mooney and the Select Board of Nantucket,

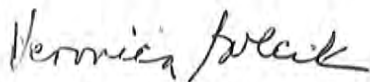
Attached, kindly find my resume for consideration to fill one of the two open seats on the Council for Human Services. Shortly after retiring from my last role as a teacher of children with severe and profound disabilities, we moved to Nantucket, making this our full time residence. I had wanted to take some time before jumping into a community service position, and then all came to a halt in March 2020. Since becoming fully vaccinated and boosted, I am now seeking opportunities.

I have spent many years in volunteer positions, primarily in the area of human services, recently in a 7 year role as a Trustee of the Hackensack, NJ, Board of Education, three years as President. The role of BOE Trustee plus other positions on Boards, has allowed me to serve our community in many arenas, with health, education and overall wellness of the greater community being the focus.

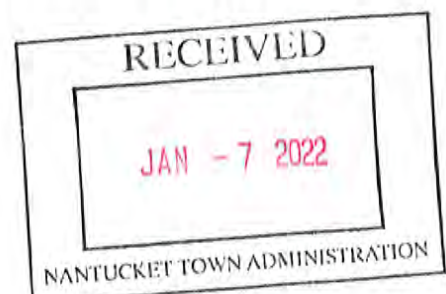
I would like the opportunity to give back to the community which we now call home. Through the example set by my parents, I have been a steady community volunteer in addition to a 40 year career working in business and education of individuals with disabilities. Since late 2020, I have volunteered at the Nantucket Food Pantry and most recently at the Town Public Health Vaccination Clinic.

It would be an honor to apply my skills in program development, budgeting and finance, needs assessment and oversight of programs along with my passion for community service, to assist all the residents of Nantucket.

Thank you for your consideration.

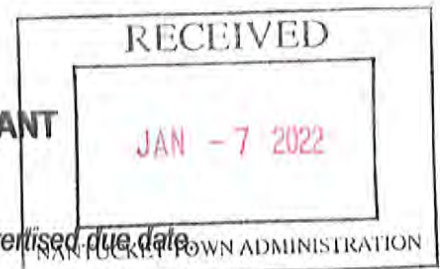


Veronica Bolcik





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: Veronica Bolcik

Home Phone: 201.788.6261 (cell)

Mailing

Address: 61 Old South Rd, Suite 325, Nantucket, MA 02554

Alternate Phone: 201.638.2833

Email Address: vbolicik@gmail.com

Date Submitted: 1/6/2022

REQUESTING APPOINTMENT TO: Council for Human Services

Reasons for Committee Interest

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

I am regular viewer through Zoom of the Select Board meetings and Public Health meetings.

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

The Council's mission and my skill set from 40 years of human services interaction (in a variety of roles) align nicely.

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

Yes. I am prepared to participate in person or via Zoom

Relevant Experience

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

Nantucket is a diverse community with many challenges to meet the needs of all. Most recently, I served as a Trustee on an off island Board of Education with close to 6,000 students from a wide range of socio-economic backgrounds, with multiples native languages spoken in the home and coming from various background and cultures. The goal was to meet everyone's needs. The community demographics are similar to Nantucket. The strategies I learned from those experiences can be applied here on Nantucket for the betterment of our very special community.

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

I would hope to make a difference by working on the council to coordinate services for increased efficiency and improved delivery of services that address the wellness of the community.

(Resume is attached)

Potential Conflicts of Interest

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

None

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

VERONICA N. BOLCIK
61 Old South Road Suite 325, Nantucket, MA 02554
201.788.6261
vbolicik@gmail.com

OBJECTIVE

Volunteer positions where experience and skills can benefit organization.

HIGHLIGHTS

- Taught adolescent and adult students with special needs in public school and innovative community based programs.
- Transitioned into a career in educational and rehabilitation product development, marketing and sales.
- Extensive marketing and sales experience combined with professional background in education and social services for person with disabilities.
- Over 20 years management experience emphasizing a collaborative yet decisive style.
- Adept at building productive relationships to further the organization's goals.
- Persuasive and articulate communication skills, both written and verbal.

PROFESSIONAL EXPERIENCE

(At FlagHouse, Inc.)
MANAGEMENT

- Achieved a revenue growth from \$14M to over \$45M through the acquisition and introduction of new product lines and market areas and unique product development.
- Planned and executed a budget of \$5,000,000 including development, design and purchasing of 2.5 million print catalogs and collateral direct marketing pieces.
- Supervised staff of 50 using a team-based approach that addressed training, work flow, quality control, conflict resolution and review process.

DEVELOPMENT / MOTIVATION

- Built a large loyal client base through personal attention, quality service, and consistent follow through of goals.
- Wrote position papers, persuasive letters and documents, frequently influencing internal and external decision-makers on strategies and policies.
- Involved personnel in goal sharing, and on-going training opportunities, resulting in dramatically increased productivity.

VERONICA N. BOLCIK
vbolcik@gmail.com

WORK HISTORY

2005-2017

Bergen County Special Services School District
N.A. Bleshman School – Teacher

2005-2007

Marcel Photography, Ridgely Park, NJ
School and Event Photography

1990-2004

FlagHouse Inc., Hasbrouck Heights, NJ 07604
Recreation, Sporting Goods, Physical Education and Special Education
1990-1994 Director of Marketing
1994-2004 VP Merchandising and Creative

1981-1990

JA Preston Corp., Clifton, NJ 07013
Rehabilitation and Special Education Products
1981-1983 Marketing Assistant
1984-1990 Product Manager

1977-1981

Bergen County Special Services School District
Teacher of the Multiply Handicapped

1975-1977

Independent Living for Adults, Bergenfield, NJ 07621
Resident Counselor

EDUCATION

B.A., Sociology, College of New Jersey 1975
M.A., Special Education, New Jersey City University 1979
Permanent New Jersey - Teacher of the Handicapped Certificate K-12
with Elementary Education K-5 endorsement

PROFESSIONAL AFFILIATIONS

Hackensack Board of Education Trustee 2009-2017
Arthritis Foundation Bergen County Walk Chairperson 2007 to 2011
YMCA of Greater Bergen County Board of Directors 2005 to 2008
Hackensack Education Foundation Trustee 1998 to Present
Hackensack Schools PTA 1994 to 2011
Exceptional Parent Magazine Toy Editorial Board
Auxiliary of Hackensack University Medical Center
Association for Supervision and Curriculum Development

References upon request.



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: _____ 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 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 Council 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

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

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January 7, 2022

Project Summary

Town of Nantucket, MA

Baxter Road Utility and Roadway Relocation – Phase I (Shovel Ready Plans)

The road and utilities on Baxter Road are at imminent risk of being impacted by the erosion of the Siasconset (Sconset) bluffs. At this time, the affected area is about a quarter of a mile of road from the Sankaty Head Light to the south. The Town proposes to relocate Baxter Road and utilities to land approximately 200 feet west, generally traveling north to south between Sankaty Rd (Polpis Rd.) and existing Baxter Road. A utility corridor and gravel roadway design ('shovel ready') will be prepared and permitted. Contract documents consisting of "shovel ready" detailed drawings and technical specifications will be produced for public bidding to qualified contractors. Property owner coordination will begin immediately, followed by field efforts including, delineation of wetlands and endangered species, land surveying, brush clearing and soil borings. Design and permitting efforts will continue through 2022 with a goal of permitted "shovel ready" Construction Contract Documents by early 2023. Actual construction work is subject to project funding availability. Timing is of the essence as new federal funding programs will prioritize 'shovel ready' projects first. The Town proposes to hire Arcadis U.S. for this assignment to begin immediately.



January 7, 2021

Scope of Work

Town of Nantucket, MA

Abandonment (existing) and Relocation of Baxter Road Utilities

Basis of Design through Bidding Services

Project Background

The relocation of Baxter Road (Phase I) involves relocating utilities and roadway away from the 2030 and 2050 erosion hazard areas. Work also involves abandoning the existing utilities. The proposed scope of work provides for 'shovel ready' Bid Contract Documents for **Phase I** of a relocated Baxter Road as identified in Figure 1, attached. The work of this assignment will start from the recommendations as outlined in the Arcadis Baxter Road Long-Term Planning Summary of Findings Memo, dated October 20, 2021. The work will include coordination, communication and meetings with the Town, property owners and stakeholders; delineation of wetlands; delineation of endangered species; field survey; permitting services; geotechnical investigation (soil borings); real estate appraisals for easements and property owner negotiations; a basis of design memorandum and final 'shovel ready' Bid Contract Documents of roadway and utility relocations. We further propose to perform sensitive receptor (wetlands/endangered species) delineation and permitting services for both Phase I and Phase II (Figures 1 & 2); however, field surveying, appraisal services and design efforts will only be for Phase I at this time. Note the new road is envisioned to be 22 feet wide and gravel (not paved bituminous). The detailed scope of work is outlined below.

List of Key Assumptions in Development of Scope of Work

The Town shall:

- assign a project manager who will serve as the primary point of contact with Arcadis
- provide all legal services related to roadway relocation, easement acquisitions, work on private property, and registry filings
- assist/coordinate private property access related to all phases of work
- clear the path as needed for site access/field reconnaissance
- pay for all police details as required by the work

The detailed scope of work is outlined as follows.

1. Communications and Data Collection

- 1.1. Prepare a project memorandum formalizing the communication structure for the project. The communication plan will clearly identify who are the primary points of contact from both the Town and Arcadis. The plan will identify all team members including all subconsultants. Communications on this project will consist of many agencies and stakeholders. It is important that the Town's position is relayed consistently. Arcadis will work with the Town and its associated legal and other representatives to ensure a consistent message is delivered.

Deliverable: Project memorandum for distribution among team members and stakeholders, as determined by the Town.

- 1.2. Relocation of Baxter Road will have an impact on project abutters and private property. We anticipate ten (10) meetings with abutters during this scope of work. Information to be conveyed will include overall project goals, current project status, next steps, and anticipated schedule of events. Specific items to discuss include: access, new road routing, planned equipment (sewage grinder pump), electrical requirements, equipment siting, backup power, operation and maintenance and homeowner's responsibilities, payment (assessment costs to homeowners).

- 1.3. Monthly Progress Meetings. Arcadis will prepare for and attend remote (video) meetings with the Town to provide updates on the progress of work. We anticipate fourteen (14) monthly progress meetings during this phase.

- 1.4. Select Board Meetings. Arcadis will prepare of and attend remote (video) meetings with the Select Board to provide updates as work progresses. We have anticipated updates on a quarterly basis and have included four (4) meetings for this effort.

- 1.5. Arcadis will review all existing documentation including utility mapping, assessor mapping/property ownership, wetland, and endangered species mapping.

- 1.6. Arcadis will perform three (3) site visits during this scope of work.

- 1.6.1.Kickoff. A conceptual routing has been indicated in the Baxter Road Long-Term Planning Summary of Findings Memo, dated October 20, 2021. The routing indicated in the memorandum was determined using engineering judgment from orthogonal and assessor mapping. The conceptual routing passes through private property. The Town shall coordinate with the landowners to allow for safe passage onto Phase I and Phase II private lands. The intent of this site visit is to confirm the general alignment of the desired relocation. Arcadis, with a survey technician, will initially mark the layout with flagging tape and record flagging coordinates with a survey grade handheld global positioning system

(gps). This will allow the Town and all stakeholders to visualize the rough alignment and provide comment. **Next steps:** Delineate areas of endangered species, wetlands, or other sensitive receptors.

1.6.2. **Layout Adjustment.** Follow-up field visit to compare the conceptual layout to the delineated sensitive receptors. The layout may be adjusted at this time if it offers an environmental or other benefit. Revised layout to be identified by flagging tape and handheld gps. **Next steps:** alignment clearing, topographical, property and utility survey for Phase I only.

1.6.3. **Preliminary Layout.** Subsequent to the property survey, walk the planned relocated route. Make final adjustments to the Phase I route.

1.7. **Real Estate Appraisals.** Once the proposed Phase I roadway route has been clearly identified, Arcadis will engage a real estate appraisal firm to perform a current market valuation of the land subject to impact. A summary and report will be provided to the Town to serve as a reference during abutter negotiations. We have identified fifteen (15) properties that may be affected by the Phase I relocation route. We have been in contact with four (4) certified real estate appraisal firms and have included an allowance of \$30,000 in the cost proposal for this work.

1.8. **Delineation of Sensitive Receptors.** Arcadis intends to work with LEC Environmental Consultants (LEC), Plymouth, MA to delineate the extents of wetlands and endangered species habitat for both Phase I and Phase II routes. LEC is a multidisciplinary ecology-based environmental consulting firm dedicated to managing the interface between the natural sciences and land-use management. LEC offers a full range of environmental services including ecological inventories; rare and endangered plant and animal surveys; coastal, inland, and marine habitat assessments; shoreline protection; coastal erosion studies and restoration design; and coastal and inland wetland delineation and restoration.

1.8.1. **Access.** Work is on private property. The Town shall coordinate with the landowners to allow for safe passage onto private lands.

1.8.2. **Wetlands.** Provide fieldwork to identify and locate all wetlands within 100 feet of the proposed relocation route. Wetland areas shall be delineated by a botanist or wetlands specialist. Wetland boundaries to be marked in field with flagging tape and located with handheld GPS.

1.8.3. **Endangered Species.** Rare species habitat assessment and survey following Natural Heritage & Endangered Species Program (NHESP) approved survey protocols to determine the presence/absence of rare species and the extend of habitat. Delineated boundaries will be marked in field with flagging tape.

1.9. Property, topographical and Utility Survey. The Arcadis team will work with a professional land surveyor to provide topographic survey, utilities survey, cadastral survey, and deed research necessary to produce plans reflecting existing conditions to be used as the base plans for contract drawings, easement plans and record drawings required for this project. The work shall include property retracements, topographic and planimetric survey for all properties adjacent to the proposed Phase I relocation route. The field survey shall be limited to a 50-foot boundary from roadway centerline for only the Phase I route (approximately 2,900 linear feet). Arcadis will work with LandTech Consultants Inc., Westford, MA, to provide land surveying and easement plan of land preparations.

1.9.1.Access. Work is on private property. The Town shall coordinate with the landowners to allow for safe passage onto private lands. The Town shall work with homeowners to allow for clearing of brush along route to allow for basic work to be performed.

1.10.Soil Borings. Once the proposed route has been confirmed, cleared of brush and passable to a geotechnical drilling rig. We recommend advancing a geotechnical boring approximately every 300 linear feet to a depth of 10 feet to ensure no presence of unsuitable materials or bedrock. We propose to advance three (3) auger borings for geotechnical information and seven (7) geoprobes to identify if unsuitable materials exist. Arcadis will accompany the geotechnical rig and collect soil samples as needed for analysis.

2. Permitting

The following permitting agencies have been reviewed as part of the development of this Scope of Work. The preliminary findings are nonconclusive but used to develop the basis for this cost proposal.

2.1. Wetlands Protection Act/Conservation Commission. A preliminary investigation of the data layers provided by the Commonwealth of Massachusetts Bureau of Geographic Information (MassGIS) indicate the presence of wetlands near the proposed route. This proposal assumes filing two (2) Nantucket Notice of Intent (NNOI) and a MassDEP Notice of Intent. Both filings will focus on the **Phase I** route. The first filing will be for brush clearing and geotechnical investigation and the second filing will be for the roadway relocation. Filing fees of \$3,000 have been included for each MassDEP filing, totaling \$6,000.

2.1.1.Field Viewings. Arcadis will attend the field viewing by the Nantucket Conservation Commission to witness that:

2.1.1.1. Edges of wetland resource areas within 100 feet of the proposed work are flagged and numbered.

2.1.1.2. Boundaries of the proposed route are staked (flagged) and clearly labeled.

2.1.1.3. Abutting property boundaries are staked.

2.1.2. **Conservation Commission Meetings.** Preparation and attendance at two Conservation Commission meetings per filing is included in this proposal.

2.2. **Massachusetts Environmental Policy Act (MEPA).** As part of this proposal, Arcadis has reviewed the MEPA review thresholds (outlined in 301 CMR 11.03). It is our current understanding that an Environmental Notification Form (ENF) and Other MEPA Review if Secretary So Requires will be applicable to this project due to the following review thresholds. We propose to obtain MEPA approval for both Phase I and Phase II routes.

2.2.1. **MEPA Review Thresholds.** Only those thresholds that may be exceeded by this project are listed below. An entire list of the review thresholds is available upon request.

2.2.1.1. **301 CMR 11.03 (2) 2. State-listed Species under MGL c 131A** – Greater than two acres of disturbance of a designated priority habitat. The proposed Phase I and Phase II routes contain approximate 2,900 linear feet (lf) and 2,700 lf of new gravel roadway, respectively, and 1,000 lf of paved roadway. Assuming a 22-foot path, the total potential disturbance is approximately 3.5 acres.

2.2.1.2. **301 CMR 11.03 (5) (b) 3 Wastewater** – Construction of new sewer mains ½ or more miles in length. The proposed route will include approximately 1 mile of sewer mains.

2.2.1.3. **301 CMR 11.03 (10) (b) 2 Historical and Archaeological Resources** – destruction of any part of any Archaeological Site of Historical Assets. MassGIS data layer has identified many National Register of Historic Places (NRHP) and a Local Historic District (LHD) adjacent to the proposed route. The services of a historic and archaeologic specialist are not anticipated nor included in this cost proposal.

2.2.2. **Environmental Notification Form (ENF).** Arcadis will prepare an ENF for the project on behalf of the Town. A filing fee is not anticipated for an ENF filing. The following identifies the steps in the process.

2.2.2.1. **Pre-filing Meeting.** Preparation for and attendance at a pre-filing meeting with MEPA. It is anticipated this will be a remote meeting.

2.2.2.2. **ENF preparation.** Arcadis will prepare the ENF including attachments, U.S.G.S map, plan of the proposed work, plan of the environmental constraints, plan of the phasing of the project, list of all agencies and persons to whom the ENF will be circulated, list of all municipal federal permits and RMA Climate Resilience Design Standards Tool output report printout.

2.2.2.3. **ENF publications and circulation.** The ENF notification will be published in the Environmental Monitor and local newspaper. In accordance with 301 CMR 11.16(2), the following will receive a copy of the ENF: MEPA, DEP, MassDOT, Massachusetts Historical Commission, regional planning agency, Nantucket municipal offices (5), Massachusetts CZM, Division of Marine Fisheries, NHESP, DCR (as applicable), Department of Public Health, Department of Energy Resources (as applicable).. Additional copies may be requested during the public review period. Arcadis will prepare and distribute all copies. An allowance of \$1,500 is included for copies and distribution.

2.2.2.4. **ENF Review and Decision.** The public review period for an ENF is 30 days. This proposal assumes that the outcome of the ENF filing is MEPA approval not requiring an Environmental Impact Report (EIR).

2.3. **Massachusetts Endangered Species Act (MESA)/Natural Heritage & Endangered Species**

Program (NHESP). A portion of this project is in a NHESP Priority Habitat of Rare Species.

Arcadis will submit to NHESP as part of the wetland Notice of Intent and MEPA ENF filings. The NHESP filing will include a completed MESA Project Review Checklist, a \$300.00 filing fee and all requirements of the filing. The NHESP has 90 days to review the submission.

2.4. **Federal Endangered Species Act** – Federal review is not anticipated and is not included in this proposal.

2.5. **Massachusetts Historic Commission (MHC)** - A portion of this project is adjacent to registered historic assets according MassGIS data layers. Arcadis will submit to MHC as part of the MEPA ENF filings.

2.6. **Nantucket Zoning Bylaws.** Baxter Road is residential zoning (SR-20). The proposed relocated route is limited use 3 (LUG-3) zoning. A comprehensive permit filing and two zoning board meetings are included in this proposal. Phase I and Phase II routes will be identified.

2.7. **Massachusetts Office of Coastal Zone Management (CZM).** Siasconset Beach is not a listed barrier beach according to MassGIS and CZM's Massachusetts Ocean Resource Information System (MORIS). As indicated by the Baxter Road bluff monitoring program the top of bank is within the 100-foot buffer to edge of pavement. All required information will be included in the Notice of Intent filing to the Conservation Commission and MassDEP.

2.8. **Federal Emergency Management Agency (FEMA).** The project area is located outside of the FEMA designated velocity zone. All required information will be included in the Notice of Intent filing to the Conservation Commission, MassDEP and the MEPA ENF filing.

2.9. **Massachusetts Department of Environmental Protection – Water/Sewer**

2.9.1. Drinking Water Permit, WS 33: Distribution Modifications for Systems that serve 3,300 people or fewer. Public water suppliers or their representatives must apply if they want approval for modification of their distribution system. As of the date of this proposal, the application fee is \$525.00.

2.9.2. Sewer Connections/Extensions. In accordance with 314 CMR 7.00, Sewer System Extension and Connection Permit Program (paragraph 7.05 (1) (a) Activities Not Requiring a Permit), a MassDEP permit is not required provided the following criteria are met: extension is designed in accordance with TR-16, extension is approved by local sewer authority, and meets the requirements of MEPA and MA Historical Commission. Arcadis anticipates that these criteria will be met and therefore a specific MassDEP permit is not required.

3. Basis of Design (BOD) Memorandum

The primary purpose of the BOD memorandum is to document and obtain Town approval for aspects of the design prior to development of Contract Drawings and Technical Specifications. The BOD will clearly present and document the next steps for Final Design and Construction of the Phase I relocation route. The anticipated table of contents and major discussion items are as follows:

3.1. Statement of Concern/Phase I. Addresses the reason for and purpose of the project.

3.2. Roadway Relocation

3.2.1. Baxter Road Relocation

- 3.2.1.1. Memorandum of Understanding (MOU). Summarize the MOU between the Town and the Siasconset Beach Preservation Fund (SBPF).
- 3.2.1.2. Memorandum of Understanding Extension. Identify recommended modifications to the MOU.
- 3.2.1.3. Service Line Easements. Summarize the limits of Town responsibilities as related to utility services for property owners.
- 3.2.1.4. Fire Department Access. Identify the gravel roadway size requirements for Fire Department and emergency vehicle access. Identify turning radius and intersection requirements. Prepare anticipated gravel roadway maintenance plan.
- 3.2.1.5. Access to Sankaty Lighthouse. Access to Sankaty Lighthouse will be impacted during construction. This section will discuss how traffic will be routed during construction. It shall also identify construction constraints.

3.2.1.6. Real Estate Appraisals and Easements. Compile and quantify all properties, anticipated land transfers and appraisals to allow construction of the proposed route.

3.2.1.7. Abandonment of roadway and existing utilities. Discussion of the steps and timing to abandon the original Baxter Road and utilities.

3.3. Permitting. This section will summarize the permitting efforts presented in Task 2, Permitting.

3.4. Utility Relocation

3.4.1. Public Utilities

3.4.1.1. Water – This section shall describe the size, materials, depth of lines, location of valves and fire hydrants and other technical aspects of the proposed water work.

3.4.1.1.1. Main, hydrants and valves

3.4.1.1.2. Water Service

3.4.1.1.3. Connections to existing

3.4.1.2. Sewer – The section shall describe the size, materials, electrical requirements, depth of lines, and technical aspects of the proposed sewer work.

3.4.1.2.1. Main – A low-pressure sewer is proposed to provide sanitary sewer service to the existing properties. This system requires each property to have their own sewage ejector pump. – small grinder option, low pressure sewer, private electrical requirements, backup power. This section will include a discussion why a low-pressure sewer was selected as opposed to the current gravity system.

3.4.1.2.2. Sewer Service – A sewage ejector pump shall be sited on each property. This section will identify the planned pump, ancillary equipment and electrical requirements.

3.4.1.2.3. Connections to existing.

3.4.1.3. Drainage – As the roadway is planned to be a gravel surface, no drainage infrastructure is planned.

3.4.1.4. Work on private property/payment for service lines – This section will describe the limitations of the Town's responsibility and expectations of the property owners.

3.4.2. Private Utilities. This section shall describe the private utilities in the area and summarize any correspondence to date regarding the project.

3.4.2.1. Electric

3.4.2.2. Propane

3.4.2.3. Communications/Internet

3.5. Criteria for “Shovel Read” Contract Documents

3.5.1. Project Funding - SRF funding, Grant funding, Betterments

3.5.2. Project Financial Impacts/Recovery

- 3.5.2.1. Arcadis will review Town financials, including current Town budgets and financial statements; water and sewer budgets; inventory of parcels impacted by Baxter Road Relocation project and their associated assessed value for tax purposes; water and sewer rates and charges; number of water and sewer customers and associated billed usage, fixed charges, or other financial items.
- 3.5.2.2. Using the project financial information, Arcadis will develop an estimate of the financial impact to the Town from the perspective of revenue to be generated. Using recent budget data, Arcadis will develop a five-year estimate of the change to revenue generated from Town sources as result of the project.
- 3.5.2.3. Estimate Financial Impact to Customers: Two options will be explored: (1) recovery of project costs from only the customers directly impacted by the Baxter Road Relocation project, including Town recovery for work on private land for sewage ejectors and water connections; and (2) recovery of project costs across all of the Town’s customers or parcels. Arcadis will evaluate the project costs and recover cost mechanisms and present the estimated financial impact to these customers.
- 3.5.2.4. Arcadis will summarize data elements, analysis, and the resulting estimate of financial impact to Town’s customers

3.5.3. Specifications

- 3.5.3.1. Front-end/Contract. Arcadis will provide a Table of Contents incorporating Town standard Contract requirements and provide strategies for bidding the project describing public/private responsibilities.
- 3.5.3.2. Technical Sections. Arcadis will identify all technical specifications required for the work and present them on the Table of Contents. Technical specifications will be generated during the Final Design phase.

3.5.4. Drawings – See Final Design

3.5.5. Cost Estimate. Arcadis will prepare a Class 3 Cost Estimate consistent with the Association for the Advancement of Cost Estimating (AACE). At a 30% Design, the expected accuracy range of the estimate is -20% to +30%.

- 3.5.6. Construction Schedule. Prepare a construction schedule using critical path methods. List all construction activities, include permit time frames, and identify critical activities and milestones. Assumptions shall be clearly stated.
- 3.5.7. Bidding. Arcadis will describe the public bidding requirements of the Commonwealth of Massachusetts Chapter 30 and their applicability to this project.
- 3.6. Future Relocation (Phase II). Provide a description and timing for anticipated Phase II relocation work.

4. Final Design and Bidding

- 4.1.1. 30% Drawings – As field surveying is subject to site access, this deliverable has been separated from the BOD memorandum and will be submitted as soon as surveyed plans are available. Using the field surveyed drawings as a basemap, Arcadis will prepare technical drawings to a 30% complete level for the Phase I work. Drawings will include a legend, limits of work, preliminary roadway layout (plan view) including major subsurface utility routing, site topography, property boundaries, and proposed temporary easement areas. Roadway and utility drawing profiles will be developed during final design. Phase I is approximately 2,900 linear feet of gravel roadways as identified on Figure 1. This represents 3 plan drawings at a scale of 1"=40' (Horizontal). We anticipate the following drawings will be included:
1. Cover
 2. Location Plan and Notes
 3. Plan View Stations 0+00 to 12+00 (1200 LF); Profile at 60%
 4. Plan View Stations 12+00 to 24+00 (1200 LF); Profile at 60%
 5. Plan View Stations 24+00 to 29+00 (500 LF); Profile at 60%
 6. Roadway Cross-Sections I, Typical Roadway Section (Final Design to include a section every 300 LF, 4 per sheet)
 7. Roadway Cross-Sections II, to be developed during Final Design
 8. Roadway Cross-Sections III, to be developed during Final Design
 9. Environmental Protection Details
 10. Water Main and Service Details
 11. Sewer and Grinder Pump Details
 12. Civil Details I
 13. Civil Details II
 14. Abandonment of Baxter Road I
 15. Abandonment of Baxter Road II
- 4.2. 60% Design. Upon Town of Nantucket acceptance of the BOD memorandum and 30% design drawings, Arcadis will:
- 4.2.1. Develop the design concepts accepted in the BOD and prepare detailed drawings and technical specifications for the materials, equipment and systems to be provided.

- 4.2.2. Conduct a constructability review and prepare initial planning for Maintenance of Operations to assure uninterrupted water and wastewater service.
- 4.2.3. In accordance with Mass General Law Chapter 30, prepare review sets of 60% Design Contract Documents, including Drawings and Specifications.
- 4.2.4. Prepare for review and approval by the Town of Nantucket, a draft “Front End” specification submittal, including contract agreement forms, general conditions, supplementary conditions, bid forms, invitations to bid and instructions to bidders (all of which will be generally consistent in form and substance with the forms prepared by the Engineers Joint Contract Documents Committee or as provided by the Town of Nantucket).
- 4.2.5. Prepare an updated construction cost estimate (AACE Class 2 -15% to +20%) and construction schedule.
- 4.2.6. Arcadis will conduct a workshop with the Town of Nantucket prior to the submittal of the 60% deliverable. Arcadis attendees to include the Project Director, Project Manager and Project Engineer. Arcadis will deliver the workshop materials, including draft meeting agenda, to the Town of in advance of the meeting and provide an overview of the items to be discussed in more detail during the workshop. Arcadis’ QA/QC of the deliverables will be completed in advance of submission to the Town of Nantucket.
- 4.2.7. *Deliverables:*
 - 4.2.7.1. 60% Drawings, Specifications, Construction Cost Estimate, and Construction Schedule
 - 4.2.7.2. Construction Contract “Front End” documentation
 - 4.2.7.3. 60% Design Workshop Meeting Minutes
 - 4.2.7.4. Submittal Review Comment Tracking Log with responses to all comments received from Town of Nantucket on the 60% design deliverable
- 4.3. Conservation Commission – Consistent with Subtask 2.1 of these scope of services, Arcadis will prepare for, file, and attend required meetings to obtain Conservation Commission approval of the Baxter Road Relocation project.
- 4.4. Finalize Easements – Arcadis will support the Town and the Town’s legal counsel to obtain easements or land takings, as determined. Arcadis, through their surveyor, will provide easement descriptions and easement plan of land for the Town to file with the Registry of Deeds.
- 4.5. 90% Design. Upon the Town’s acceptance of the 60% Deliverable, Arcadis will:
 - 4.5.1. Prepare 90% Design Contract Documents, including Drawings and Specifications.

4.5.2. Furnish drafts of the 90% Design documents including Drawings and Specifications for review by the Town

4.5.3. Prepare a 90% construction cost estimate (AACE Class 1 -10% to +15%) and construction schedule

4.5.4. Arcadis will conduct a one-day workshop with the Town prior to the submittal of the 90% deliverable. Arcadis will deliver the workshop materials, including draft meeting agenda, to the Town in advance of the meeting and provide an overview of the items to be discussed in more detail during the workshop. Arcadis QA/QC of the deliverables will be completed in advance of submission to Town.

4.5.5. Deliverables:

4.5.5.1. Updated Submittal Review Comment Tracking Log

4.5.5.2. 90% Design Drawings, Specifications, Construction Cost Estimate and Construction Schedule

4.5.5.3. Workshop Meeting Minutes

4.6. 100% Design/Bid Ready Documents

4.6.1. Incorporate final comments from the Town, as well as time dependent information (i.e. Bid opening Date, Wage Rates, etc.) into Final Design Documents ready for public bidding.

4.6.2. Prepare Bid Ready sets of design Contract Documents, including Drawings and Specifications (signed and sealed).

4.6.3. Prepare a final construction cost estimate.

5. Bidding

5.1. The Town will handle the distribution of contract document to potential bidders. Arcadis will provide electronic documents for the Town to distribute to potential bidders. Arcadis will answer questions, and provide addenda if necessary. Arcadis will review bids received, prepare a bid tabulation, and will make a recommendation for the Town's consideration.

6. Construction Services – Not Included in this Scope of Services can be added by amendment to this contract

6.1. Construction Administration – See Schedule D for an example of this level of services.

6.2. Resident Engineer/Inspection – See Schedule D for an example of this level of services.



Baxter Road Relocation Engineering Assistance

	2022												2023			
TASKS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Notice to Proceed	<i>NTP</i>															
Task 1.1 – Communication Plan																
Task 1.2 – Abutter Mtgs and Coordination																
Task 1.3, 1.4 - Meetings																
Task 1.5, 1.6 – Doc Rev/Site Visits																
Task 1.7 – Real Estate Appraisals																
Task 1.8 – Delineate Wetlands/Receptors																
Task 1.9, 1.10 – Land Surveying/Soil Borings																
Task 2 – Permitting																
Task 2.1 – Wetlands Protection Act/Conservation Commission																
Task 2.2 – Massachusetts Environmental Policy Act																
Tasks 2.3 – 2.9 Additional Permitting																
Task 3 – Basis of Design Memorandum																
Task 4 – Final Design																
Task 5 – Bidding and Construction																

★ Significant Deliverable
● Meetings

Timing is subject to project funding.



DRAFT

Person Hour and Fee Schedule

Monday, January 3, 2022

Baxter Road Relocation Engineering Assistance
Town of Nantucket, MA

Task	Task Description	Job Titles					Project Costs			
		PD	PM	SE	E	T	Total Hours	Total Labor Costs	Other Direct Costs	Total Costs
1	Data Collection									
1.1	Communication Plan	2	4	8	12	0	26	\$ 4,496	\$ 110	\$ 4,606
1.2	Abutter Meeting & Coordination	60	80	0	240	0	380	\$ 68,280	\$ 7,000	\$ 75,280
1.3	Monthly Progress Meetings	20	48	36	72	0	176	\$ 33,800	\$ -	\$ 33,800
1.4	Select Board Meetings	8	20	0	20	0	48	\$ 9,644	\$ 2,800	\$ 12,444
1.5, 1.6	Documentation Review and Site Visits	12	44	12	112	0	180	\$ 30,416	\$ 4,100	\$ 34,516
1.7	Real Estate Appraisals	12	12	18	30	0	72	\$ 13,566	\$ 37,500	\$ 51,066
1.8	Delineation of Wetlands/Sensitive rec	0	2	0	8	0	10	\$ 1,440	\$ 10,000	\$ 11,440
1.9	Field Survey	0	2	0	8	0	10	\$ 1,440	\$ 45,000	\$ 46,440
1.1	Soil Borings	0	8	0	40	0	48	\$ 7,080	\$ 16,800	\$ 23,880
2	Permitting									
2.1	WPA/Conservation Commission	16	30	36	140	0	222	\$ 36,108	\$ 8,550	\$ 44,658
2.2	MEPA	16	24	40	108	0	188	\$ 31,148	\$ 2,200	\$ 33,348
2.3-2.9	Additional Permitting	11	18	52	132	0	213	\$ 33,398	\$ 1,058	\$ 34,456
3	Basis of Design Memorandum	17	54	154	242	60	527	\$ 86,144	\$ 1,100	\$ 87,244
4	Final Design	26	120	184	444	152	926	\$ 135,934	\$ 5,500	\$ 141,434
5	Bidding	4	12	0	80	0	96	\$ 14,512	\$ -	\$ 14,512
	Contingency	10	30	20	22	60	142	\$ 20,309	\$ 15,000	\$ 35,309
Total		214	508	560	1710	272	3264	\$ 527,716	\$ 156,718	\$ 684,433

PD = Project Director; PM = Project Manager; SE = Senior Engineer; E = Engineer; T = Technical Support

**Figure 1 - Baxter Road Relocation - Phase I
Gravel Road Layout (Concept)**

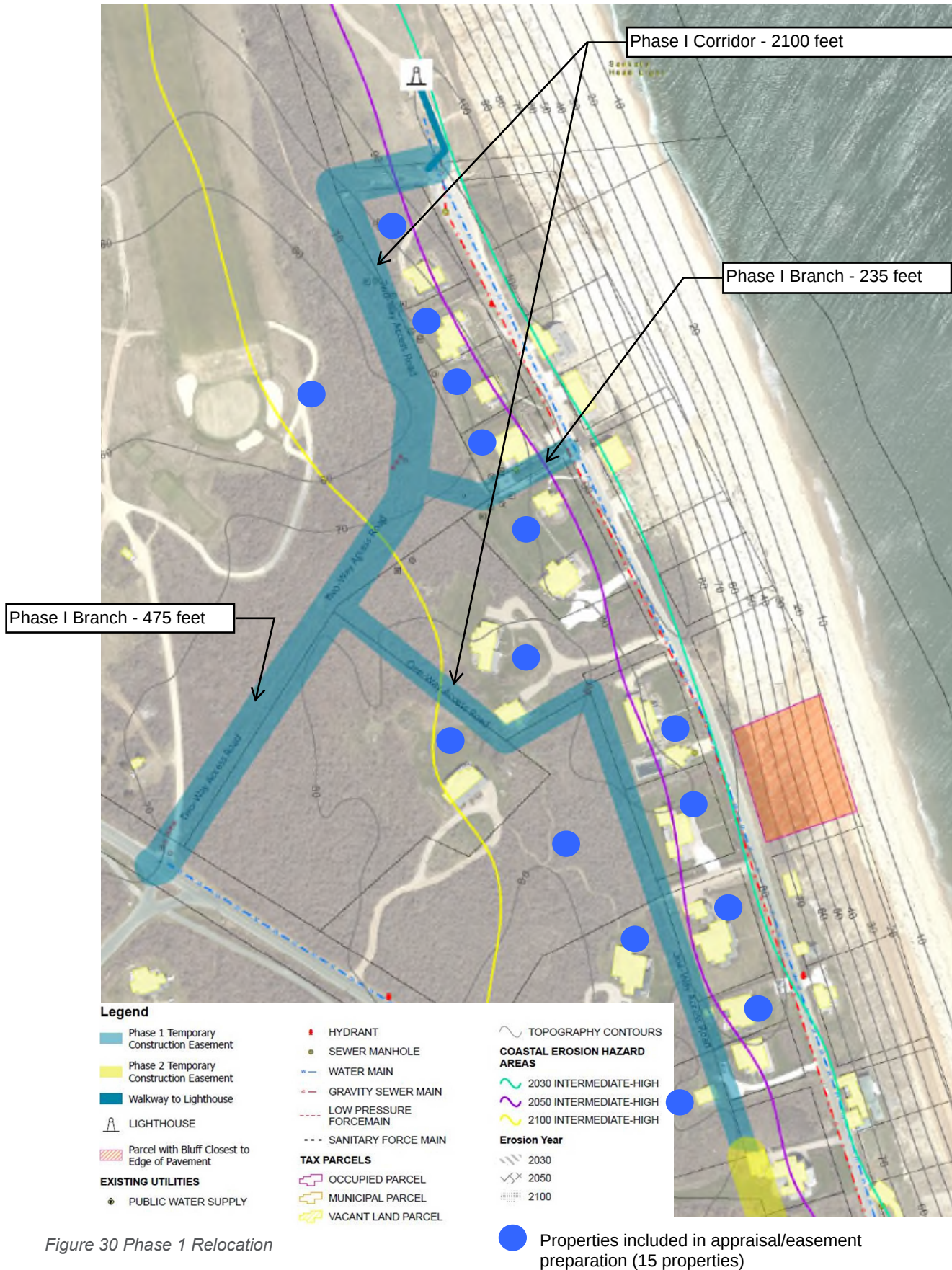


Figure 30 Phase 1 Relocation

**Figure 2 - Baxter Road Relocation - Phase II
Gravel Road Layout (Concept)**



Figure 31 Phase 2 Relocation

Schedule D Construction Phase Services

D.1 CONSTRUCTION PHASE SERVICES

Note: For purposes of this Schedule, the expressions Contract Documents, Shop Drawing, and Change Order shall have the meanings given in the Construction Contract between Client and the Contractor.

1. General Administration of Construction Contract. Arcadis shall consult with and advise Client and act as Client's representative as provided in this Agreement. All of Client's instructions to Contractor will be issued through Arcadis who will have authority to act on behalf of Client to the extent provided in this Agreement.

2. Visits to Site and Observation of Construction. In connection with observations of the work of Contractor while it is in progress:

2.1 Arcadis shall make visits to the site at intervals appropriate to the various stages of construction as Arcadis deems necessary to observe, as an experienced and qualified design professional, the progress and quality of the Contractor's work (Work). In addition, Arcadis shall provide the services of a Resident Project Representative (Resident) at the site to provide more extensive inspection of the Work. Based on information obtained during such visits and on its inspections, Arcadis shall endeavor to determine whether the Work is proceeding in accordance with the intent of the Contract Documents. Arcadis shall keep Client informed of the progress of the Work.

2.2 The Resident will be Arcadis' agent or employee and under Arcadis' supervision. The duties and responsibilities of the Resident are set forth in Article D.2, "Duties, Responsibilities and Limitation of Authority of Resident Project Representative," below.

2.3 The purpose of Arcadis' visits to and representation by the Resident at the site will be to provide for Client a greater degree of confidence that the completed Work will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by Contractor.

2.4 Arcadis shall not, during such visits or as a result of observations or inspections of the Work in progress, supervise, direct or have control over the Work nor shall Arcadis have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor, for safety precautions and programs incident to the work of Contractor or for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor furnishing and performing the Work. Arcadis can neither guarantee the performance of the Work by the Contractor nor assume responsibility for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

3. Defective Work. During its visits, Arcadis may disapprove of or reject the Work while it is in progress if Arcadis believes that the Work will not produce a completed Project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the Project as reflected in the Contract Documents.

4. Interpretations and Clarifications. Arcadis shall issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare Change Orders for execution by Client, if appropriate.

5. Shop Drawings. Arcadis shall review and approve (or take other appropriate action) Shop Drawings, samples and other data which Contractor is required to submit. Such reviews shall be for conformance with the design concept of the Project as a functioning whole and compliance with the information given in the Contract Documents. Any approvals or other actions associated with the reviews shall not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto.

6. Substitutes. Arcadis shall evaluate and determine the acceptability of substitute or 'equivalent' materials and equipment proposed by Contractor.

7. Inspections and Tests. Arcadis shall have authority, as Client's representative, to require special inspection or testing of the work, and shall review all certificates of inspections, testings and approvals required by law or the Contract Documents to determine that both the content of the certificates and the certified inspection or test results comply substantially with such requirements.

8. Disputes between Client and Contractor. Arcadis shall act as the initial interpreter of the requirements of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of Client or Contractor relating to the acceptability of the Work or the interpretation of the requirements of the Contract Documents.

9. Applications for Payment. Based on Arcadis' on-site observations, on information provided by the Resident, and on review of applications for payment and the accompanying data and schedules, Arcadis shall:

9.1 Recommend in writing payments to Contractor. Such recommendations of payment will constitute a representation to Client that the Work has progressed to the point indicated and that, to the best of Arcadis' knowledge, information and belief, the quality of the Work

is generally in accordance with the Contract Documents subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendations.

9.2 In the case of unit price Work, include final determinations of quantities and classifications of the Work in the recommendations of payment, subject to any subsequent adjustments allowed by the Contract Documents.

9.3 By recommending any payment Arcadis will not thereby be deemed to have represented that exhaustive, continuous or detailed reviews or examinations beyond the responsibilities specifically assigned to Arcadis in this Agreement and the Contract Documents have been made by Arcadis to check the quality or quantity of the Work as it is furnished and performed. Arcadis is not responsible to examine how or for what purposes the Contractor has used the moneys paid on account, or to determine that title to any of the Work, materials or equipment has passed to Client free and clear of any lien, claims, security interests or encumbrances, or that there may not be other matters at issue between Client and Contractor that might affect the amount that should be paid.

10. **Contractor's Completion Documents.** Arcadis shall receive and review maintenance and operating instructions, schedules, guarantees, bonds and certificates of inspection, tests, approvals, and record documents which are to be assembled by Contractor in accordance with the Contract Documents. Such review is limited to determining that their content complies with the requirements of the Contract Documents. Arcadis shall transmit the documents to Client with written comments.

11. **Inspections.** Arcadis shall conduct an inspection to determine if the work is substantially complete and a final inspection to determine if the completed Work is acceptable so that Arcadis may recommend, in writing, final payment to Contractor. Arcadis may give written notice to Client and the Contractor that the Work is acceptable (subject to any conditions therein expressed), but any such recommendation and notice will be subject to the limitations expressed in paragraph 9.3.

12. **Limitation of Responsibilities.** Arcadis shall not be responsible for the acts or omissions of the Contractor, or of any subcontractor or supplier, or any of the Contractor's or subcontractor's or supplier's agents or employees or any other persons (except Arcadis' own employees and agents) at the site or otherwise furnishing or performing any of the Work. However, nothing contained in paragraphs 1 thru 11, shall be construed to release Arcadis from liability for failure to properly perform the duties and responsibilities assumed by Arcadis in the Contract Documents.

D.2 DUTIES, RESPONSIBILITIES AND LIMITATIONS OF AUTHORITY OF RESIDENT PROJECT REPRESENTATIVE

The duties and responsibilities of the Resident Project Representative (Resident) are limited to those of Arcadis in Schedules A and B and are further described as follows:

1. **General.** The Resident is Arcadis' agent at the site, will act as directed by and under the supervision of Arcadis, and will confer with Arcadis regarding Resident's actions. Resident's dealings in matters pertaining to the on-site Work shall in general be with Arcadis and Contractor, but keeping Client advised as appropriate. Resident's dealings with subcontractors shall only be through or with the full knowledge and approval of Contractor. Resident shall generally communicate with Client with the knowledge of and under the direction of Arcadis.

2. **Duties and Responsibilities.** The Resident shall:

2.1 *Schedules:* Review the progress schedule, schedule of Shop Drawing submittals and schedule of values prepared by Contractor and consult with Arcadis concerning acceptability.

2.2 *Conferences and Meetings:* Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.

2.3 *Liaison:*

2.3.1 Serve as Arcadis' liaison with Contractor, working principally through Contractor's superintendent and assist in explaining the intent of the Contract Documents as necessary.

2.3.2 Assist Arcadis in serving as Client's liaison with Contractor when Contractor's operations affect Client's on-site operations.

2.3.2 Assist in obtaining from Client additional details or information, when required for proper execution of the Work.

2.4 *Shop Drawings and Samples:*

2.4.1 Record date of receipt of Shop Drawings and samples.

2.4.2 Receive samples which are furnished at the site by Contractor and notify Arcadis of availability of samples for examination.

- 2.4.3 Advise Arcadis and Contractor of the commencement of any Work requiring a Shop Drawing or sample if the submittal has not yet been received and approved by Arcadis.
- 2.5 *Review of Work, Rejection of Defective Work, Inspections and Tests:*
- 2.5.1 Conduct on-site inspections of Work in progress to determine whether the Work is proceeding in general compliance with the Contract Documents.
- 2.5.2 Report to Arcadis whenever Resident believes that any Work is unsatisfactory, faulty or defective, or does not conform to the Contract Documents, has been damaged, or does not meet the requirements of any inspection, test or approval required to be made. Advise Arcadis of Work that Resident believes should be corrected or rejected, should be uncovered for inspection, or requires special testing, inspection or approval.
- 2.5.3 Verify that tests, equipment and systems startups, and operating and maintenance training are conducted in the presence of appropriate personnel, and that Contractor maintains adequate records thereof. Observe, record and report to Arcadis appropriate details relative to the test procedures and startups.
- 2.5.4 Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections and report to Arcadis.
- 2.6 *Interpretation of Contract Documents:* Report to Arcadis when clarifications and interpretations of the Contract Documents are needed. Transmit to Contractor clarifications and interpretations issued by Arcadis.
- 2.7 *Modifications.* Consider and evaluate Contractor's suggested changes to Drawings or Specifications and report to Arcadis with Resident's recommendations. Transmit Arcadis' decisions to Contractor.
- 2.8 *Records:*
- 2.8.1 Maintain at the job site orderly files for correspondence, reports of job conferences, Shop Drawings and samples, reproductions of original Contract Documents including all Addenda, Change Orders, Field Orders, additional Drawings issued subsequent to the execution of the Construction Contract, Arcadis' clarifications and interpretations of the Contract Documents, progress reports, and
- 2.8.2 Keep a diary or log book, recording Contractor hours on the job site, weather conditions, data relative to questions concerning Change Orders or changed conditions, list of job site visitors, daily activities, decisions, general observations, and specific, more detailed observations as in the case of test procedures. Send copies to Arcadis at appropriate intervals.
- 2.8.3 Record names, addresses and telephone numbers of all Contractors, subcontractors and major suppliers of materials and equipment.
- 2.9 *Reports:*
- 2.9.1 Furnish reports at appropriate intervals to Arcadis concerning progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and sample submittals.
- 2.9.2 Consult with Arcadis in advance of scheduled major tests, inspections or start of important phases of the Work.
- 2.9.3 Draft proposed Change Orders, obtaining supporting information from Contractor, and recommend to Arcadis.
- 2.9.4 Report any accidents or unusual incidents to Arcadis and Client immediately upon occurrence.
- 2.10 *Payment Requests:* Review Contractor's applications for payment for compliance with the requirements of the Contract Documents and forward with Resident's recommendations to Arcadis. The Resident will note the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the site but not incorporated in the Work.
- 2.11 *Certificates, Maintenance and Operation Manuals:* During the course of the Work, verify that certificates, maintenance and operation manuals and other data required to be furnished by Contractor are appropriate to the items actually installed and in accordance with the Contract Documents. The Resident will have this material delivered to Arcadis for review and forwarded to Client prior to final payment for the Work.
- 2.12 *Completion:*
- 2.12.1 Before Arcadis issues a Certificate of Substantial Completion, submit to Contractor a list of observed items requiring completion or correction.
- 2.12.2 Determine whether necessary inspections and approvals by public agencies having jurisdiction over the Work have been performed and advise Arcadis accordingly.

- 2.12.3 Conduct a final inspection of the Work in the company of Arcadis, Client, and Contractor and prepare a final list of items to be completed or corrected.
- 2.12.4 Verify that all items on final list have been completed or corrected and make recommendations to Arcadis concerning acceptance of the Work.

3. Limitations of Authority. The Resident:

- 3.1 Shall not authorize any deviation from the Contract Documents or substitution of materials or equipment unless authorized by Arcadis.
- 3.2 Shall not exceed limitations of Arcadis' authority as set forth in this Agreement or the Contract Documents.
- 3.3 Shall not undertake any of the responsibilities of Contractor, subcontractors or Contractor's superintendent.
- 3.4 Shall not advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of construction unless such advice or directions are specifically required by the Contract Documents.
- 3.5 Shall not advise on, issue directions regarding or assume control over safety precautions and programs in connection with the Work.
- 3.6 Shall not accept Shop Drawings or sample submittals from anyone other than Contractor.
- 3.7 Shall not authorize Client to occupy the Project in whole or in part.
- 3.8 Shall not participate in specialized field or laboratory tests or inspections conducted by others except as specifically authorized by Arcadis.

Nantucket Coastal Resilience Plan

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

Existing Conditions and Coastal Risk Assessment - Nov. 2021

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

TOWN OF NANTUCKET
COASTAL RESILIENCE ADVISORY COMMITTEE

CHAIR MARY LONGACRE

STAFF: VINCENT MURPHY
COASTAL RESILIENCE COORDINATOR



Recommendation to Nantucket Select Board members

Jason Bridge, *Chair*

Kristie L. Ferrantella, *Vice Chair*

Matt Fee

Dawn E. Hill Holdgate

Melissa Murphy

11/16/2021

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

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

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

On behalf of Coastal Resilience Advisory Committee members

Mary Longacre, *Chair*

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

Fritz McClure, *Secretary*, Planning Board Representative

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

Sarah Bois, Ph.D.

Matt Fee, Select Board Representative

Ian Golding, Conservation Commission Representative

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

Joanna Roche

Nantucket Coastal Resilience Plan

DRAFT

Presentation to the Nantucket Select Board

December 1, 2021



COASTAL
RESILIENCE
ADVISORY
COMMITTEE



●ne architecture

THECRAIGGROUP
Your partners in preservation, planning and policy

Today's Presentation

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

Project Mission



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

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

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

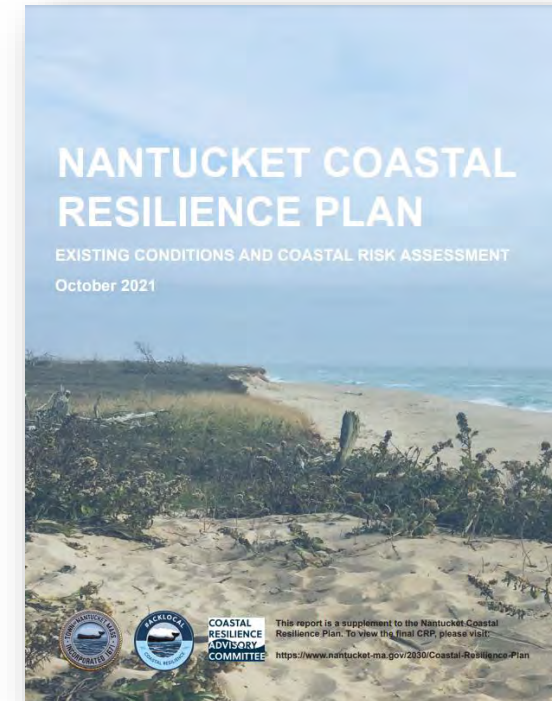
CRP deliverables include two reports

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



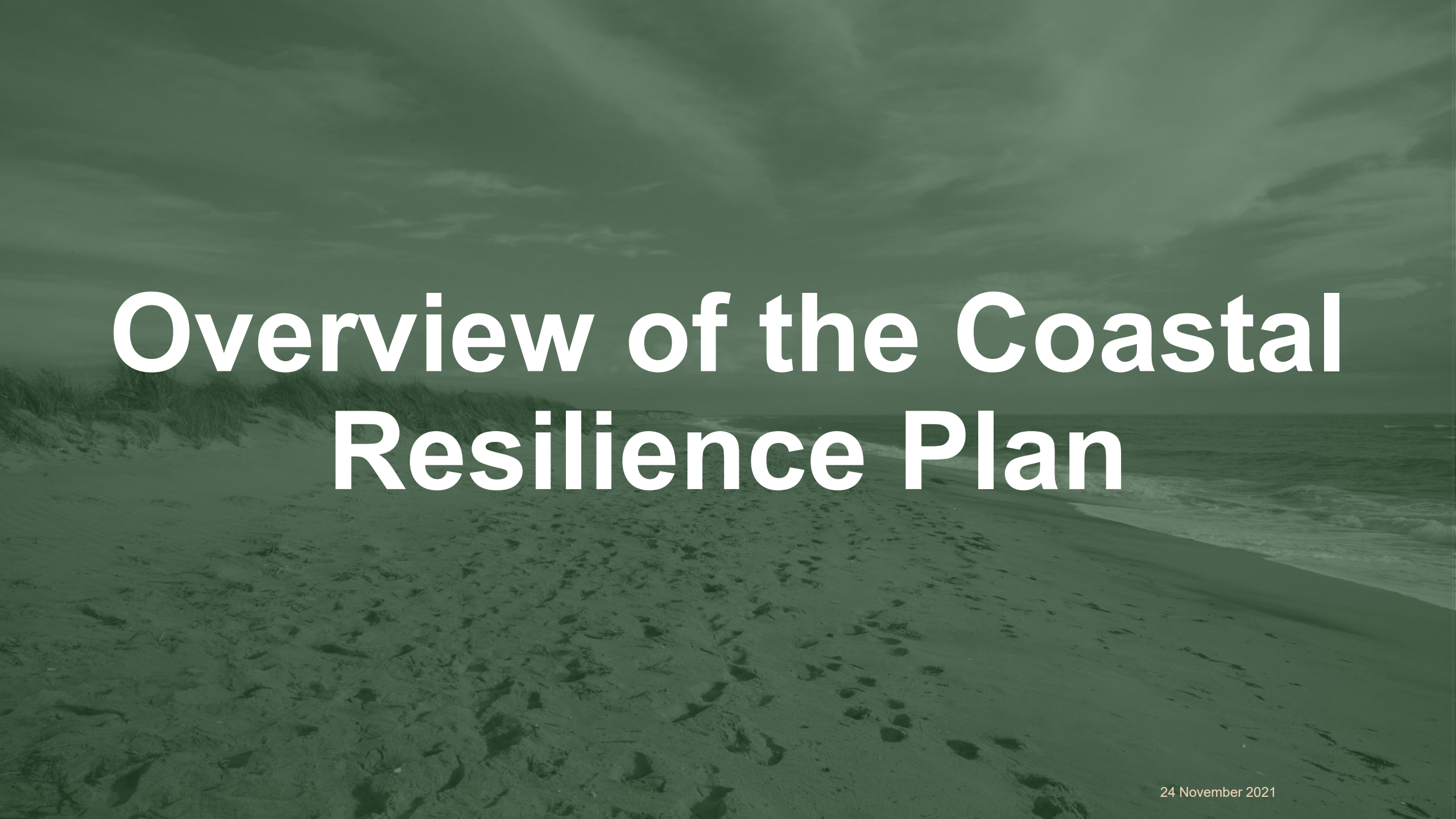
Coastal Resilience Plan Final Report

Read this first!



Supplementary Report

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



Overview of the Coastal Resilience Plan

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



Coastal Erosion



Coastal Flooding



Sea Level Rise

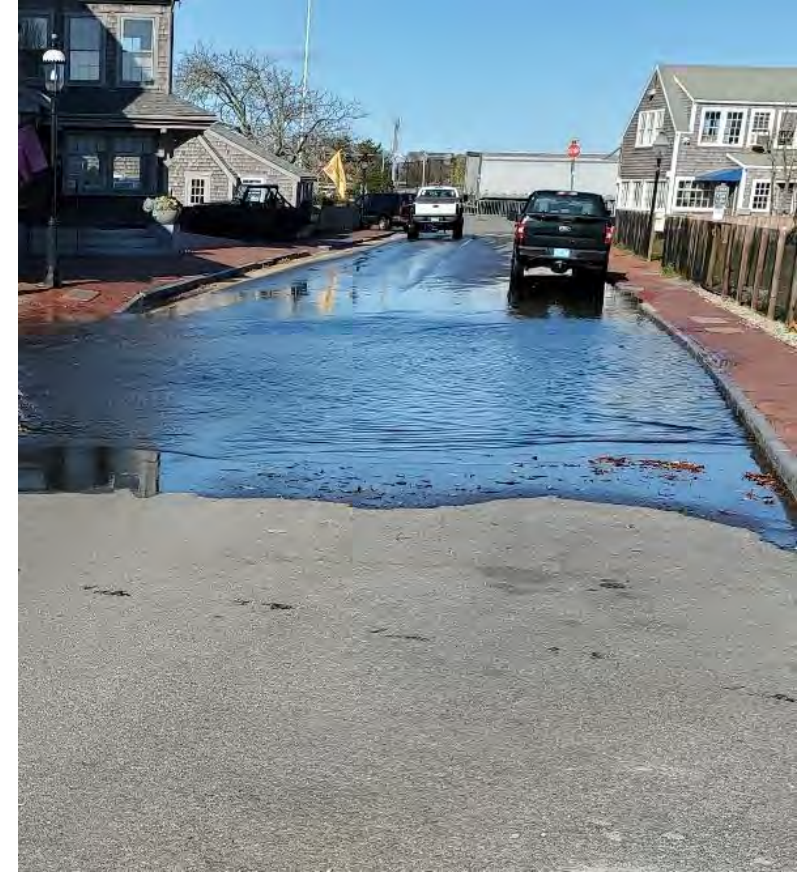


Coastal storms are increasing in frequency and intensity, bringing the impacts of storm surge to our front doors.

(Images by Vincent Murphy)



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



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

The combined effects of these risks is great...

2,373 structures at risk through 2070

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

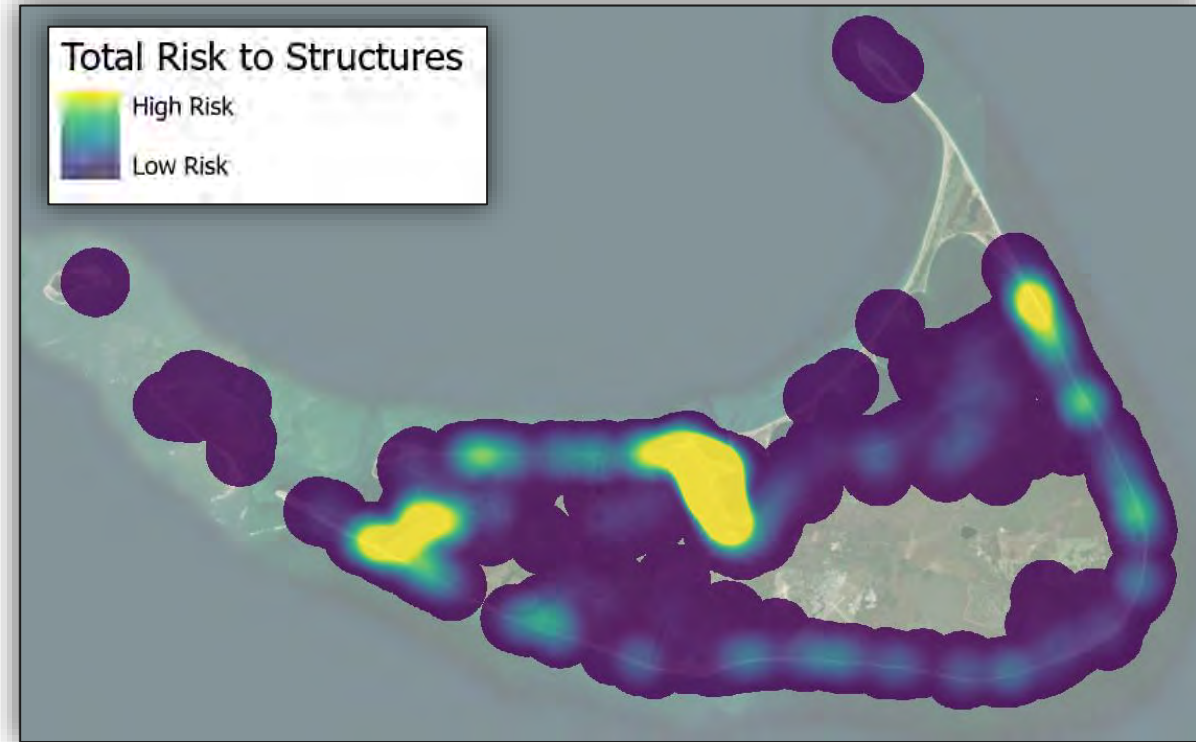
9% of at-risk buildings are **commercial**

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

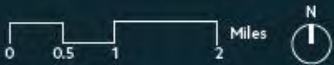
9% of at-risk buildings are **tourism-related**

\$3.4 Billion in cumulative expected damages

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



Total Coastal Flood and Erosion Risk to Buildings



Muskeget Island

Tuckernuck Island

Nantucket Sound

Atlantic Ocean

Nantucket Harbor

Brant Point

Coatue

Nantucket Harbor

Polpis

North Shore

Madaket

Downtown

Sconset

South Shore

LEGEND

1% Annual Chance Flood*

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

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

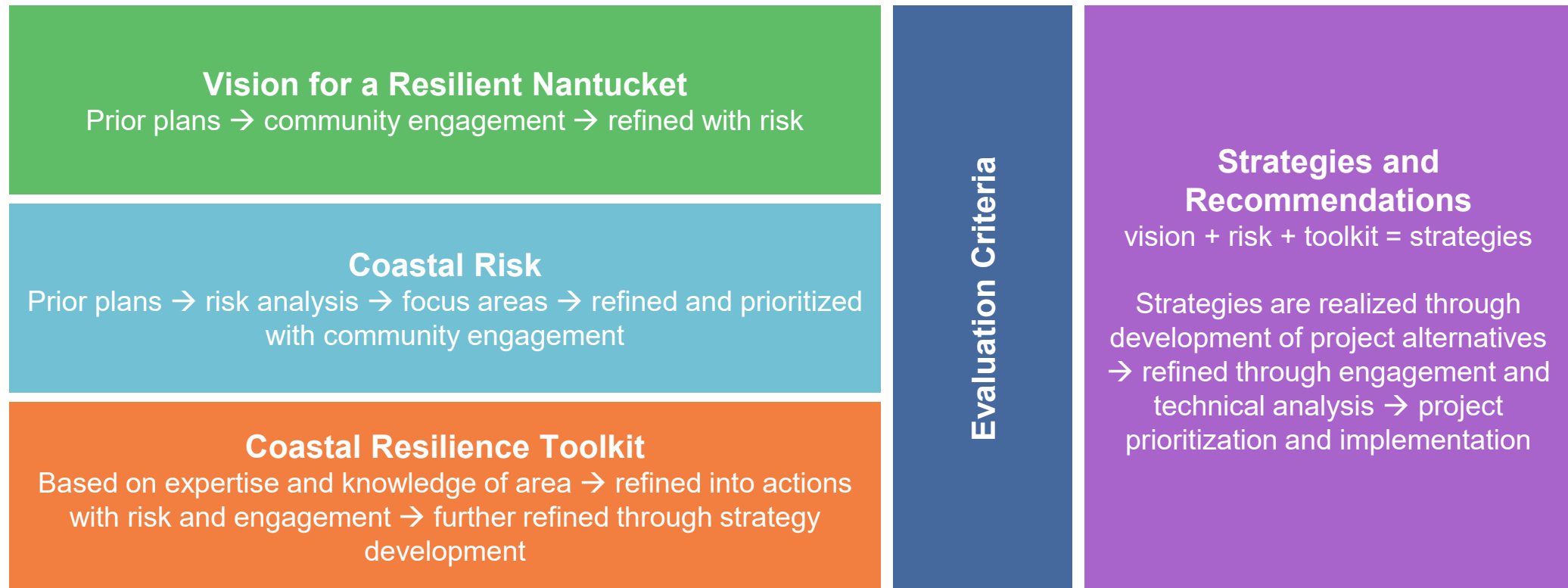
Total Quantitative Risk

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



The process of developing recommendations for the CRP included multiple steps

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



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

Effectiveness

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

Feasibility

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

Ecological and Public Health Benefits

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

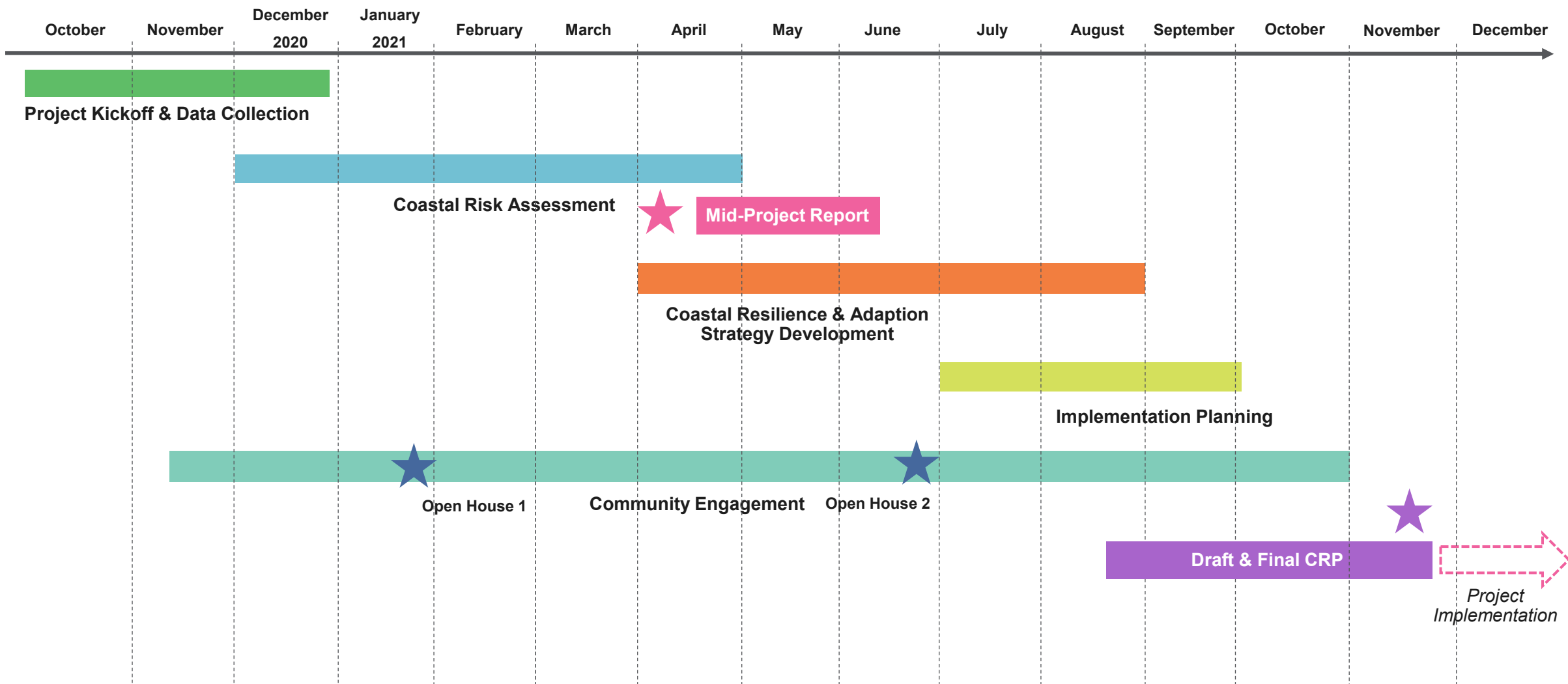
Equity and Quality of Life Benefits

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

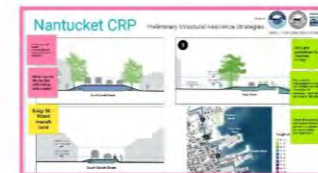
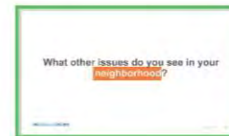
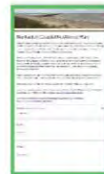
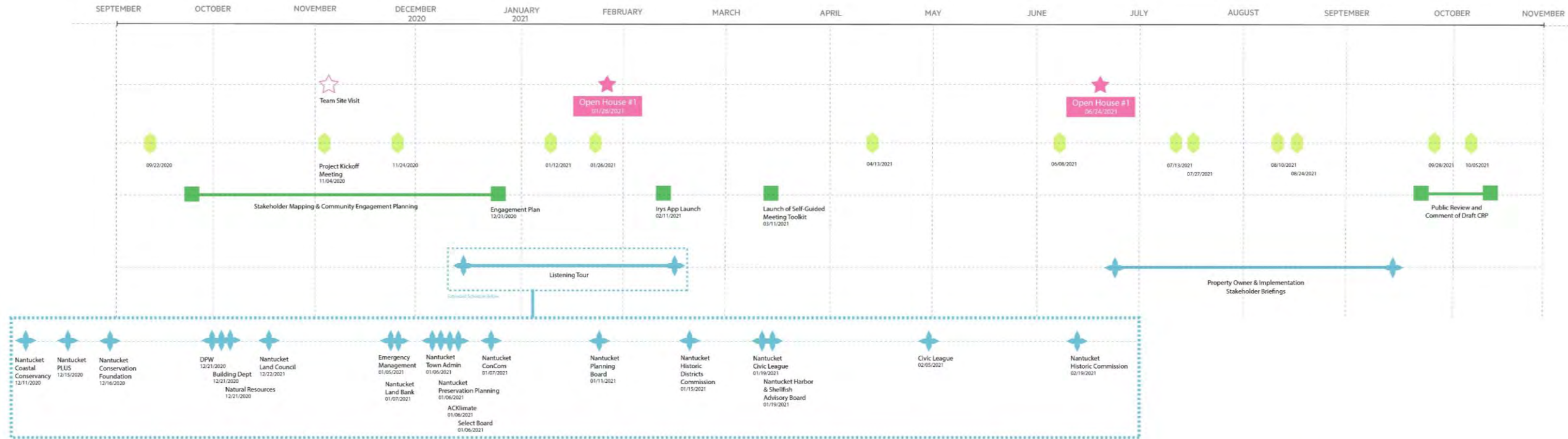
Value Creation

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

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



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



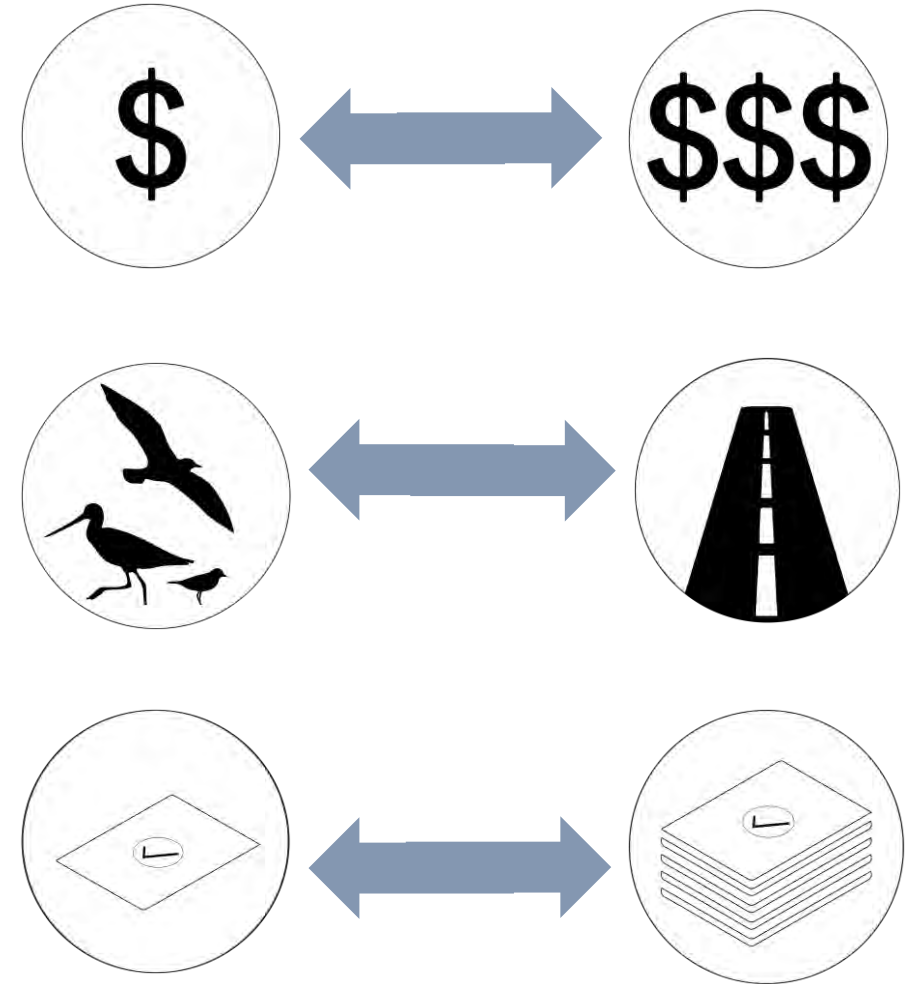


Summary of Recommendations

24 November 2021

We can't protect everything on Nantucket

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



Recommendations span a range of approaches and project types



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

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



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



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

ISLAND-WIDE RESILIENCE STRATEGIES

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

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

AREA-SPECIFIC PROJECTS & OPPORTUNITIES

DOWNTOWN

ID	Title	Strategy or Project Description
2-1	Steamboat Wharf Resilience	Work with the Townships Authority to develop adaptation plan for Steamboat Wharf with the preferred option of elevating the pier above future mean monthly high water. Building scale measures can be implemented on the wharf over time to reduce risk from coastal erosion. The strategy should be integrated with the design of the Downtown Coastal Flood Barrier System (Strategy 2-2) to establish access from Broad Street onto the Wharf. That approach will need to be planned and design by the Townships Authority but does coordination with Town resilience planning will be critical to a successful resilience strategy.
2-2	Downtown Neighborhood Flood Barrier - Later Project Phase	The barrier system, which includes the first phase project described in Strategy 2-1, includes a number of elements to be implemented over time to provide comprehensive effective flood risk reduction against future mean monthly high water. The elements include raised roadways, raised bulkheads, reinforced dunes, and flood walls. The overall approach encompasses passive measures that are integrated with the existing built environment, while maintaining access to key waterfront facilities such as the Children's Beach Boat Ramp, Steamboat Wharf, Straight Wharf, and the Town Pier. Implementation of the approach can be phased over a period of 10 to 15 years, focusing on the lowest lying areas first, such as Easy Street (Strategy 2-3). As the project is implemented, stormwater management needs will need to be studied and addressed via new drainage infrastructure.
2-3	Easton Street and Hulbert Avenue Road Raising	Road raising project to prolong service life of Easton Street and Hulbert Avenue for emergency and everyday access to Great Point.
2-4	Washington Street Extension and Cansu Springs Walkway Raising	Road raising to prolong service life of Washington Street Extension and public access to Cansu Springs and the Crows.
2-5	Building Scale Resilience at 27	First project to advance building scale resilience best practices on a Town-owned facility, including potential elevation of critical systems, protection of sensitive equipment and documents, and development of road risk reduction measures. The first step in this recommendation is a site-specific study to determine the appropriate risk mitigation approaches for this structure.
2-6	Department of Public Works Facility and Landfill Resilience	Phase 1 project to advance through feasibility and design a near-term project focused on the most vulnerable location along the former street of the Downtown Neighborhood Flood Barrier. The Phase 1 project should focus on the coastal segment located along Bay Street from Straight Wharf to Steamboat Wharf and may include raised bulkheads, seawalls, and roadways.

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

For private property owner guidance, check out section 07.

MADAKET

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

NANTUCKET HARBOR & COATUE

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

SCONSET

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

SOUTH SHORE

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

NORTH SHORE JETTIES TO EEL POINT

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

Project Costs and Benefits

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

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

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



Downtown Neighborhood Flood Barrier

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

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

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





Implementation and Next Steps

24 November 2021

01

02

22

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

Next steps include:

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

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

Acknowledgements

Project Team

Arcadis

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Heather Sprague, EIT, Water Resources Engineer
Irene Watts, PhD, Coastal Modeler
Joseph Marone, PE, Coastal Engineer
Kate Edwards, PE, Environmental Engineer
Sheila Joyce, Engineering Intern
Tim Nelson, CFM, Environmental Scientist

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and ecology

Stoss Landscape Urbanism

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Grace Jiranuntarat, Project Designer
Liuyun Wang and Andre Grospe, Design Interns
Jamie Hark, Design Intern and Photographer

ONE

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Rennie Jones, Climate Adaptation Planner
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Ce Mo, Landscape Designer
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Randy Lo, Design Support

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Kimberly Rose, Preservation Associate

Town of Nantucket

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Gregg Tivnan, Assistant Town Manager
Vincent Murphy, Coastal Resilience Coordinator
Holly Backus, Preservation Planner and Local Hazard
Mitigation Plan Coordinator
Jeff Carlson, Natural Resources Director
Chuck Larson, Special Projects Manager

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

Nantucket Coastal Resilience Advisory Committee

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

Nantucket Select Board

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

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

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



Thank you!

24 November 2021

Island-Wide Coastal Risk Framework

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

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

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

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



Create better solutions with design thinking

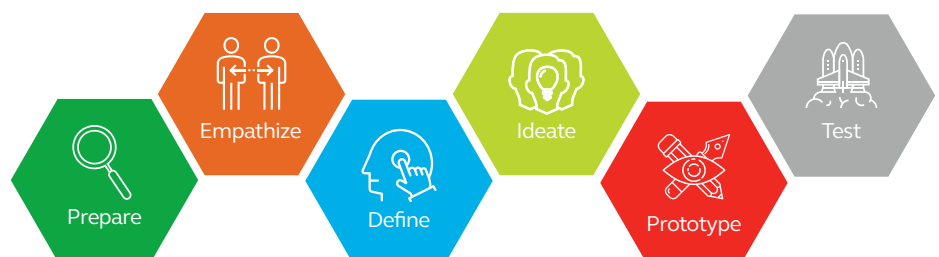
Innovating to achieve powerful, lasting results requires a different way of approaching problems. Design thinking brings together multi-disciplinary teams, using a proven process to create new and innovative solutions to meaningful challenges.

The speed of business is accelerating. Decisions need to be made quickly and results are expected sooner. Traditional strategy planning and implementation, however, is a detailed and rigorous process that can take much longer than new standards expect.

Design thinking provides a fast and effective alternative to the status quo. By bringing a multi-disciplinary team together and providing a framework for fast, instinctive decision making, design thinking sheds new light on any business or policy challenge, resulting in more innovative, sustainable solutions.

The human-centric approach behind design thinking encourages stakeholder buy-in from the beginning and a fresh perspective to any challenge. Six clear steps to the design thinking process encourage teams to fail fast, in order to develop solutions that truly work in the long-term. Rapid testing of the solution provides teams flexibility, reduces re-work and equips decision makers with real time feedback to inform implementation.

The design thinking process is characterized by six clear steps. Each of these steps is described in further detail on the following page.



SERVICE SHEET DESIGN THINKING

The design thinking process



Prepare

Before diving into design thinking, it is important to reflect and identify a problem truly worth solving. Define the problem with your most important stakeholders and get your team's buy in upfront.



Empathize

Design thinking begins with a deep immersion in the experience your stakeholder has with a product or service. Empathize includes observations, curiosity and asking a lot of questions to better understand your user.



Define

With an understanding of your stakeholder's true needs, you are able to define the right problem to solve. Understanding and identifying the challenge is fundamental to creating a successful solution.



Ideate

Using inspiration from a variety of sources, your team is able to generate a large quantity of ideas to solve your challenge. Ideation starts wide and narrows down to the most feasible and impactful ideas to prototype.



Prototype

With your great idea in mind, your team works to bring their creative solution into reality with a prototype. Prototypes are meant to be built quickly, to easily test with users.



Test

Your team tests and continually refines the prototype with your original user, improving the solution with every iteration.



Design thinking case study

A major oil and gas client wanted to improve the way their teams made important decisions, to ultimately enhance their operational advantage, reduce risk and improve the certainty and reliability of their performance.

After thoroughly exploring the problem with the client virtually, Arcadis and the client team got together face to face for a design thinking workshop, set up as a 1.5 day sprint.

The workshop brought a diverse set of perspectives together, including technology experts, subject matter experts and business consultants to work as one team on improving the Health & Safety Audit process within this client's organization. The group knew that the audit team had difficulty making informed decisions about risk and priority on site and were often seen as an interruption to the site personnel.

To begin the workshop, the team underwent a detailed stakeholder mapping exercise, before focusing on the specific stakeholder challenges, issues and pain points. They drew on inspiration from other industries, new technologies and the expertise in the room to develop innovative new ideas to solve the audit team's challenge.

The team took a critical eye towards reviewing each idea's strength and viability, before deciding on one idea to take forward. By the end of the session, the team had built out a full solution and had the roadmap needed to effectively prototype and test their solution within the client's organization.

The design thinking framework helped this client develop a solution that centralized facility audit information and made it accessible, allowing their teams to make better use of the time they spend on site. The process aligned stakeholder priorities, built ownership of the solution and left the client with a more innovative way to approach challenges in the future.

What makes design thinking different?

- Enlightened trial & error
- Fail fast
- Rigorous testing
- Lightweight experimentation
- Deep stakeholder immersion
- Continuous improvement

Interested in learning more? Contact our team today.



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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

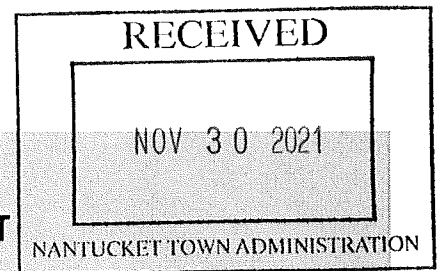
Melissa Murphy	SB member	6/30/2022
Dave Iverson	PB member	6/30/2022
Meredith (Meri) Lepore	BOH member	6/30/2022
Dorothy Hertz	Nantucket resident	6/30/2022
VACANT	Nantucket resident	6/30/2022
Barry Rector	Nantucket resident	6/30/2022
Jacques Zimicki	Nantucket resident	6/30/2022

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

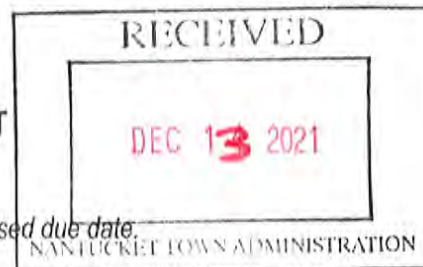
Log in to view or download your responses at
<https://admin.typeform.com/form/TFsmVsMW/results>

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

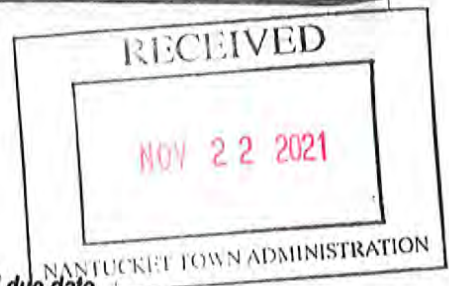
	Reema Sherry	At-large, 2 year term	2022
	VACANT	At-large, 2 year term	2022
	Brooke S. Mohr	At-large, 2 year term	2023
2 yr term	Brian Sullivan	Real Estate Agent/Broker	2022
	Dawn Hill Holdgate	SB Rep	2022
	Penny Dey	Housing Authority	2022
	David Iverson	NP&EDC	2022

Applicants:

Meg Browsers
Tarji Cummings
Darcy Volpe
Ruth S. Tonico
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: megbrowers@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.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
I am on the NIS parent school council and hope to be of more service to our schools.

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 Browers

- **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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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

Alternate Phone:

Address:

9 Amelia Drive, Nantucket

Date Submitted:

Email Address:

tarji.roberts14@gmail.com

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

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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

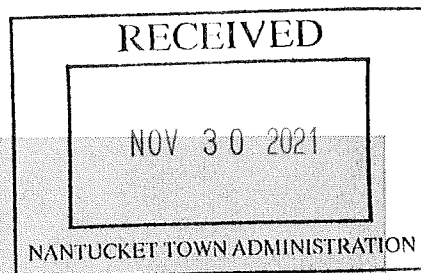
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TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



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

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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 researched the trust extensively in 2020/21 Since NLC was opposed to
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

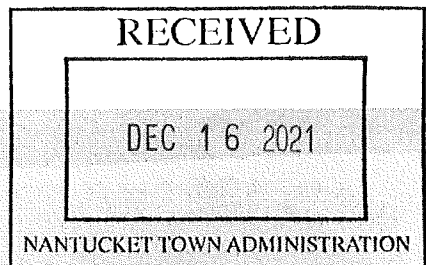
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TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



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



Agenda Item Summary

Agenda Item #	VIII. 6.
Date	1/12/2022

Staff

Tucker Holland, Housing Director

Subject

Request for Sewer Connection Fee Waiver for a Covenant Home located at 10B Larrabee Lane

Executive Summary

In accordance with the Board's Sewer Waiver Policy for Covenant properties, Adam Lockley and Ann Walker are requesting a waiver of the Sewer Permit Connection Fee in conjunction with the Covenant home they are creating at 10B Larrabee Lane.

Staff Recommendation

Approve the Sewer Permit Connection Fee waiver, consistent with past practice.

Background/Discussion

This is simply a request in accordance with policy and past practice and will aid in the creation of year-round housing for the Lockley-Walker family specifically, and for the community overall.

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

Compliance with the Town's Sewer Fee Waiver Policy. 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) Lockley-Walker request e-mail
- 2) Housing Nantucket Qualified Purchaser's Certificate
- 3) Housing Nantucket Certificate of Compliance (the lot is an approved Covenant lot)
- 4) 10b Larrabee Lane Deed
- 5) 10b Larrabee Lane Lot Plan
- 6) Sewer Fee Waiver Policy (as updated on 12/3/2020)



From: [Adam Lockley](#)
To: [Erika Mooney](#)
Subject: 10b Larrabee Ln Sewer connection
Date: Thursday, December 30, 2021 3:17:39 PM

Hi Erica,

My name is Adam Lockley. I have purchased covenant land at 10b Larrabee Ln and need to get a sewer connection permit. I was told to get in contact with you for help with getting the fees waved. Let me know what I need to do please. Thank you.

Adam Lockley
508-825-5621

This email was scanned by Bitdefender



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



2021 00003988

Bk: 1853 Pg: 248 Page: 1 of 1
Doc: CERT 10/08/2021 01:54 PM

Nantucket Housing Needs Covenant Program Qualified Purchaser's Certificate

This certifies that the household comprised of the following individuals:

Adam M. Lockley and Ann C. Walker

has/have submitted sufficient proof to meet the criteria outlined in the Nantucket Housing Needs Covenant Regulation for the above referenced subprogram.

Issue Date: **October 28, 2020**

Valid Through: **October 28, 2021**

Nantucket Housing Authority by NHA Properties, Inc., its Agent
d/b/a Housing Nantucket, by Executive Director:
(for authority, please see Book 1262, Page 340)

Anne Kuszpa

THE COMMONWEALTH OF MASSACHUSETTS

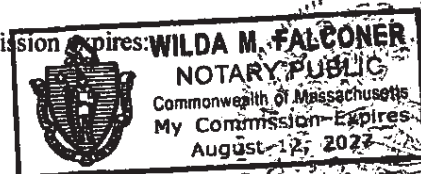
10/27, 2020

Nantucket County, ss.

On this 27 day of October, 2020, before me, the undersigned Notary Public, personally appeared Anne Kuszpa, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public

My commission expires:



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

Housing the Nantucket Community Since 1994

housingnantucket.org

Affordable Rentals House Recycling Advocacy Covenant Homes Education Resources



HOUSING NANTUCKET

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



2021 00003992

Bk: 1853 Pg: 275 Page: 1 of 1
Doc: CERT 10/08/2021 01:54 PM

Nantucket Housing Needs Covenant Program Secondary Lot Subprogram Certificate of Compliance

This certifies that purchase by the Qualified Purchaser (s):

Adam M. Lockley and Ann C. Walker

from the Qualified Seller(s):

John D. Manera

complies with the Nantucket Housing Needs Covenant and Nantucket Housing Needs Covenant Regulation for the above referenced Subprogram, for the conveyance, sale or transfer of the unit known as:

10B Larrabee Lane a.k.a. Lot 2 Larrabee Lane

including, but not limited to: Unit sale price being at or below the applicable Maximum Sale/ Resale Price of \$888,515. Qualified Seller having paid the applicable Transfer Fee to Housing Nantucket; execution of the applicable form of the Nantucket Housing Needs Covenant; execution of the Nantucket Housing Needs Program Authority Mortgage.

Nantucket Housing Authority by NHA Properties, Inc., its Agent
d/b/a Housing Nantucket, by Executive Director:
(for authority, please see Book 1262, Page 340)

Anne Kuszpa, Executive Director

THE COMMONWEALTH OF MASSACHUSETTS

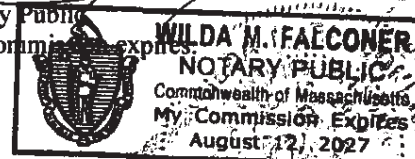
September 29 2021

Nantucket County, ss.

On this 29 day of September 2021, before me, the undersigned Notary Public, personally appeared Anne Kuszpa, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public

My commission expires



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

Housing the Nantucket Community Since 1994

housingnantucket.org

Affordable Rentals House Recycling Advocacy Covenant Homes Education Resources



2021 00003986

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Doc: DD 10/08/2021 01:54 PM

**STATUTORY
QUITCLAIM DEED**

The undersigned, John D. Manera, Trustee of the John D. Manera Living Trust u/d/t dated December 30, 1996, restated on December 23, 2019, as evidenced by Certificate dated August 4, 2020, recorded with Nantucket County Registry of Deeds in Book 1758, Page 321, with a mailing address of 2006 Windward Way, Vero Beach, FL, 32963 (the "Trust"), for consideration paid of two hundred eighty thousand dollars (\$280,000.00), the receipt and sufficiency of which is hereby acknowledged, grant to Adam Lockley and Ann Walker, with a mailing address of 255 Madaket Road, Nantucket, MA 02554, as husband and wife as tenants by the entirety, with QUITCLAIM COVENANTS,

That certain parcel of land situated in the Town and County of Nantucket, Commonwealth of Massachusetts, off Larrabee Lane, Nantucket Town and County, Commonwealth of Massachusetts, identified as Lot 2 on Plan of Land Recorded at the Nantucket Registry of Deeds as Plan No. 2020-61.

Said land is conveyed subject to the following matters:

- (a) Right to use Larrabee Lane a thirty (30') foot private way, together with others entitled thereto for all purposes for which ways can be used in the Town and County of Nantucket and shown on Plan 2020-61.;
- (b) Drainage Easement in favor of the Inhabitants of the Town of Nantucket dated November 24, 1964 and recorded in Book 127, Page 94;
- (c) Order of Taking for the layout of Surfside Road, dated April 30, 1975 and recorded in Book 149, Page 279;
- (d) Special Permit (2020-09-0077) approval for a Secondary Residential Lot, issued by the Nantucket Planning Board dated October 26, 2020 and recorded in Book 1789, Page 267.

The undersigned hereby certifies that it is the sole Trustee of the Trust; that said Trust is in full force and effect and has not been altered, amended, revoked or terminated; that pursuant to the Declaration of Trust, the Trustee has the power and authority to dispose of all or any part of the Trust property; that all beneficiaries of the trust have duly authorized the Trustee to enter and effectuate the transaction contemplated herein; that no beneficiary has died within the last ten years, nor is any beneficiary a corporation, and none of the beneficiaries are minors or lack the necessary capacity to authorize this transaction.

The undersigned further certifies that no Trustee or Beneficiary of the Trust, no spouse or civil union partner of a trustee or beneficiary of the Trust, no former spouse or former civil union partner of a trustee or beneficiary of the Trust resides in the property as their primary residence or is entitled to claim the benefit of an existing estate of homestead.

For title reference, see Deed recorded in Book 1758, Page 319 at the Nantucket Registry of Deeds.

SIGNATURE PAGE TO FOLLOW

Executed and sealed on this 8th day of October, 2021, 2019

John D. Manera Living Trust u/d/t dated December 30, 1996,
restated on December 23, 2019, as evidenced by Certificate dated
August 4, 2020, recorded with Nantucket County Registry of Deeds
in Book 1758, Page 321,

By: [Signature]
John D. Manera, Trustee

Commonwealth of MASSACHUSETTS

County of Nantucket ss.

On this 8th day of October, 2021, before me, the undersigned
notary public, personally appeared the above-named John D. Manera, Trustee of John D. Manera
Living Trust, (a) personally known to me or (b) proved to me through satisfactory evidence of
identification, which was FL Drivers License to be the person whose name is
signed on the foregoing instrument, and acknowledged to me that he/she signed it voluntarily, in
said capacity, for its stated purpose, as the free act and deed of said Trust and who swore or
affirmed to me that the contents of the document are truthful and accurate to the best of his/her
knowledge and belief.

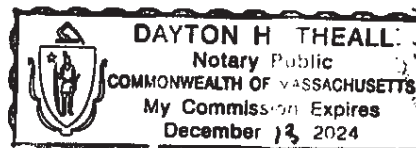
MASSACHUSETTS EXCISE TAX
Nantucket County, ROD #18 001
Date: 10/08/2021 01:54 PM
Ctrl# 465593 22097 Doc# 00003986
Fee: \$1,276.80 Cons: \$280,000.00

[Signature]
Notary Public

Printed Name:

My Commission Expires:

NANTUCKET LAND BANK CERTIFICATE	
☐ Paid \$	
☒ Exempt	<u>0</u>
☐ Non-applicable	
No.	<u>43766</u>
Authorization	<u>10/8/21</u> <u>[Signature]</u>



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



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.

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.



Agenda Item Summary

Agenda Item #	VIII. 7.
Date	1/12/2022

Staff

Tucker Holland, Housing Director

Subject

Discharge of Mortgage on 35 Somerset Road (Elaine Flynn)

Executive Summary

In 2005 Nantucket received a Small Cities Community Development Block Grant for funding for a Housing Rehabilitation Program. This program was originally administered by Housing Nantucket and subsequently responsibility was transferred to the Town. The amount was covered by a 15-year, 0% interest rate mortgage that was to be forgiven at 1/15 of the principal amount per year as long as the homeowner or their families remain in the home and remain income qualified. As the loan has been satisfied in 2020 simply by the owner continuing to live in the house, the owner accordingly has requested the mortgage be discharged for the property.

Staff Recommendation

Recommend the execution of the Discharge of Mortgage prepared by Town Counsel.

Background/Discussion

Elaine Flynn has confirmed that she has abided to all terms and conditions contained in the mortgage along with the promissory note, and remained in the home for the 15 years required, thereby satisfying the mortgage requirements. Therefore the mortgage should be discharged.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Follow-through on a year-round housing program.

Board/Commission Recommendation

N/A

Public Outreach

N/A

Attachments

1. E-mail from Elaine Flynn confirming compliance
2. Mortgage document
3. Discharge of Mortgage (prepared by Town Counsel)



From: [Tucker Holland](#)
To: [Erika Mooney](#)
Cc: [Ken Beaugrand](#); [Allyson Mitchell](#)
Subject: FW: Housing Rehabilitation Loan Program follow up
Date: Thursday, January 6, 2022 3:53:52 PM
Attachments: [image001.png](#)
[AIS_Flynn_Mortgage_Discharge_SB_12Jan2022.docx](#)
[Flynn_Housing_Rehabilitation_Loan_Program_recorded_mortgage.pdf](#)
[KP-#794444-v1-NANT- Discharge_of_Mortgage- 35_Somerset_Road_Nantucket.DOCX](#)

Hi Erika,

Here is the AIS and supporting documentation for the Flynn Mortgage Discharge item for next week's SB meeting. Please include e-mail exchange below in the packet.

Thank you!

Tucker

Tucker Holland

Housing Director



m: Town Administration Building, 16 Broad Street -- Office 111, Nantucket, MA 02554

e: tholland@nantucket-ma.gov

p: 508-228-7200 ext. 7023

c: 802-233-3177

From: ELAINE FLYNN <eeflynn55@verizon.net>
Sent: Wednesday, January 5, 2022 7:48 AM
To: Tucker Holland <tholland@nantucket-ma.gov>
Subject: Re: Housing Rehabilitation Loan Program follow up

Hello Tucker

I have abided to all terms and conditions contained in the mortgage along with the promissory note. Happily.

Thank you

Elaine Flynn

Sent from my iPad

On Jan 4, 2022, at 3:18 PM, Tucker Holland <tholland@nantucket-ma.gov> wrote:

Hi Elaine,

Town Counsel had some pressing items that pushed this off their radar in October / November. That said, they have now prepared the discharge and this item can go on next week's Select Board meeting. I simply need you to confirm (via e-mail) that you have abided by all terms and conditions contained in the attached mortgage along with the promissory note you signed at the time for the full term of the mortgage (15 years).

Best,
Tucker

Tucker Holland
Housing Director

This email was scanned by Bitdefender

Nantucket Housing Office

2005 00112532

Housing Rehabilitation Loan ProgramCert: 17542 Doc: MTG
Registered: 07/11/2005 01:08 PM**Mortgage**

THIS MORTGAGE ("Security Instrument") is given on April 26, 2005. The mortgagor is **Elaine E. Flynn** with a mailing address of **35 Somerset Road, Nantucket, MA 02554** ("Borrower"). This Security Agreement is given to NHA Properties, Inc d/b/a Nantucket Housing Office (NHO) a duly organized non-profit corporation under the laws of the Commonwealth of Massachusetts, whose address is 15 Teasdale Circle, Nantucket, Massachusetts, 02554 ("Lender").

Background and Granting Clause

Borrower is indebted to Lender in the principal sum of **Twenty Five Thousand, Three Hundred And Eighty-Two Dollars (\$25,382.00)** (the "Loan") which indebtedness is evidenced by Borrower's Promissory Note of even date herewith (the "Note") providing for repayment of the Loan under certain conditions and providing for other conditions of the Loan.

This Security Instrument secures to the Lender the repayment under the Note and the performance of the covenants and agreements of the Borrower contained in this Security Instrument and in the Declining Loan Agreement of even date between Borrower and Lender ("Loan Agreement"). For this purpose, Borrower does hereby mortgage, grant, and convey to Lender, with power of sale, the following property located in the **Town of Nantucket**, County of Nantucket, Massachusetts:

For legal description, see Exhibit A attached hereto and incorporated herewith.

Which has a property address of **35 Somerset Road, Nantucket, Massachusetts**. ("Property Address").

TOGETHER with all the buildings and improvements now or hereafter erected on such real property, and all fixtures, easements, rights, licenses, appurtenances and rents, all of which shall be deemed to be and remain a part of the property covered by this Security Instrument; and all of the foregoing, together with said real property are hereinafter referred to as the "Property".

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant, and convey the Property, and that the Property is unencumbered, except for that certain mortgage by and between Borrower and (the "Senior Mortgage"). Borrower warrants and covenants to defend generally the title to the Property against all claims and demands, subject to encumbrances of record.

The Lender has a mailing address of P.O. Box 3149, Nantucket, MA 02584. All notices and payments to the Lender under this Security Instrument or the Loan Documents shall be made to the Lender at this address.

Covenants

Borrower and Lender agree as follows:

1. **Repayment:** In the event the Borrower sells or transfers the property or fails to rent to low or moderate income tenants at an affordable rent before the fifteenth anniversary of the Note or is in default under any other provisions of this Note or Mortgage, the Borrower shall repay to the Lender an amount as calculated under this Note.
2. **Prior Mortgages; Charges; Liens:** Borrower shall perform all of Borrower's obligations under the Senior Mortgage, including Borrower's covenants to make payments when due. Borrower shall pay or cause to be paid all taxes, assessments, and other charges, fines and impositions attributable to the Property which may attain a priority over this Mortgage and leasehold payments or ground rents, if any.
3. **Hazard Insurance:** Borrower shall keep improvements now existing or hereafter erected on the Property insured against loss by fire, hazards as Lender may require and in such amounts and for such periods as Lender may require, subject to the terms and conditions of the Senior Mortgage.

All insurance policies and renewals thereof shall include a standard mortgage clause in favor of the Lender. Lender shall have the right to hold the policies and renewals thereof, subject to the terms of any mortgage or other security agreements with a lien which has priority over this Security Instrument.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and to Lender. Lender may make proof of loss if not made promptly by Borrower.

If the Property is abandoned by the Borrower, or if the Borrower fails to respond to Lender within Thirty (30) days from the date notice is mailed by Lender to Borrower that the insurance carrier offers to settle a claim for insurance benefits, subject to the rights of the mortgagee under the Senior Mortgage, Lender is authorized to collect and apply the insurance proceeds at Lender's option either to restoration or repair of the Property or to the sums secured by this Security Instrument.

4. **Preservation and Maintenance of Property, Protection of Lender's Security:** Borrower shall keep the Property in good repair and shall not commit waste or permit impairment or deterioration of the Property.

If borrower fails to perform the covenants and agreements contained in this Security Instrument, or there is a legal proceeding that may significantly affect Lender's rights in the Property (such as proceeding in bankruptcy, probate, for condemnation or forfeiture or to enforce laws or regulations), then Lender may do and pay for whatever is necessary to protect the value of the Property and Lender's rights in the Property. Lender's actions may include paying any sums secured by a lien which has priority over this Security Instrument, appearing in court, paying reasonable attorney's fees and

entering on the Property to make repairs. Although Lender may take action under this paragraph 4, Lender does not have to do so.

Any amounts disbursed under this paragraph 4 shall become additional debt of the Borrower secured by this Security Instrument.

5. **Rental Restrictions (if applicable):** Regulation of the Federal Department of Housing and Urban Development (HUD) relating to the use of rental rehabilitation funds as from time to time shall be in effect shall be complied with by the Borrower. These restrictions shall endure for a period of Fifteen (15) years from the date of this Security Instrument. Such regulations include, but are not limited to, the following: (I) restriction of occupancy of units in the Property to individuals or families whose annual incomes, at the time of the Loan Closing, do not exceed various percentages of the median family income as determined by HUD; (II) prohibition of rental increases for a Two (2) year period following the signing of this Security Instrument; (III) establishment of a ceiling on rents which may be charged for such units; and (IV) requirement of annual certification of tenant income, rents charged and utility allowance.

6. **Inspection:** Lender may make or cause to be made reasonable entries upon and inspections of the Property, provided that Lender shall give Borrower reasonable notice prior to any such inspection specifying reasonable cause therefore relating to Lender's interest in the Property.

7. **Condemnation:** The proceeds of any award of any claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or part thereof, or for conveyance in lieu of condemnation are hereby assigned and shall be paid to the Lender to the extent of the Lender's interest in the Property, subject to the terms and conditions of the Senior Mortgage.

8. **Borrower Not Released; Forbearance by Lender Not a Waiver:** Extension of the time for payment or modification of the conditions of the terms for payment of the sums secured by this Security Instrument granted by the Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original

Borrower and Borrower's successors in interest. Lender shall not be required to commence proceedings against such successor or extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demands made by the original Borrower and Borrower's successors in interest. Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy.

9. **Successors and Assigns Bound; Joint and Several Liability; Co-Signers:** The Borrower's interest under the Note and this Security Instrument may not be transferred, assigned, or assumed without the written consent of the Lender. The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower. All covenants and agreements of Borrower shall be joint and several.

10. **Notice:** Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Security Instrument shall be given by delivering it or mailing such notice by certified mail addressed to Borrower at the Property Address, and (b) any notice to the Lender shall be given by hand delivery or certified mail to Lender's address stated herein or to such other address Lender may designate by notice to the Borrower as provided herein. Any notice provided for in this Security Instrument shall be deemed to have been given to Borrower or Lender when given in the manner designated herein.

11. **Governing Law; Severability:** This Security Instrument shall be governed by the laws of the Commonwealth of Massachusetts. The foregoing sentence shall not limit the applicability of Federal law to this Security Instrument. In the event that any provision or clause of this Security Instrument or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision, and to this end the provisions of this Security Instrument and the Note are declared to be severable. As used herein, "costs," "expenses," and "attorneys' fees" include all sums to the extent not prohibited by applicable law or limited herein.

12. **Breach; Remedies:** Subject to the terms and conditions of the Senior Mortgage, upon Borrower's breach of the Statutory Condition or any covenant or agreement of Borrower in the Note, the Loan Agreement or this Security Instrument including the covenant to pay sums when due secured by this Security Instrument, Lender, prior to acceleration shall give notice to Borrower as provided in paragraph 10 hereof specifying: (1) the breach; (2) the action required to cure such breach; (3) a date, not less than 10 days from the date the notice is mailed to Borrower, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of sums secured by this Security Instrument and the sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the nonexistence of a default or any other defense of Borrower to acceleration and sale.

If the breach is not cured on or before the date specified in the notice, Lender, at Lender's option, may declare all of the sums secured by this Security Instrument to be immediately due and payable without further demand and may invoke the Statutory Power of Sale and any other remedy permitted by applicable law. Lender shall be entitled to collect all reasonable costs and expenses incurred in pursuing the remedies provided in this paragraph 12, including, but not limited to, reasonable attorneys' fees, all of which shall be secured by this Security Instrument.

If Lender invokes the Statutory Power of Sale, Lender shall mail a copy of a notice of sale to Borrower, and to any other person required by applicable law, in the manner provided by applicable law. Lender shall publish the notice of sale and the Property shall be sold in the manner provided by applicable law. Lender or Lender's designee may purchase the property at any sale. The proceeds in the sale shall be applied in the following order: (a) to all reasonable costs and expenses of the sale, including reasonable attorneys' fees and costs of title evidence; (b) to all sums secured by any mortgage with a lien which has priority over this Security Instrument; (c) to all sums secured by this Security Instrument; and (d) the excess, if any, to the person or persons legally entitled thereto.

13. **Borrower's Right to Reinstate:** Notwithstanding Lender's acceleration of the sums secured by this Security Instrument due to Borrower's breach, subject to the terms and conditions of the Senior Security Instrument, Borrower shall have the right to have any proceedings begun by the Lender to enforce this Security Instrument discontinued at any time prior to the earlier to occur of (i) sale of the Property pursuant to the Statutory Power of Sale contained in this Security Instrument, (ii) entry of a judgment enforcing this Mortgage if: (a) Borrower cures all breaches of covenants or agreements of Borrower contained in the Note, the Loan Agreement, and this Security Instrument; (b) Borrower pays all reasonable expenses incurred by Lender in enforcing the covenants and agreements of Borrower contained in this Security Instrument and in enforcing Lender's remedies as provided in paragraph 12 hereof; including, but not limited to, reasonable attorneys' fees; and (c) Borrower takes such action as Lender may reasonably require to assure that the lien of this Security Instrument, Lender's interest in the Property and Borrower's obligations to pay the sums secured by this Security Instrument shall continue unimpaired. Upon such payment and cure by Borrower, the Note, the Loan Agreement, this Security Instrument and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

14. **Release:** Upon the expiration of the term of the Note or upon proper payment of all sums secured by this Security Instrument, Lender shall discharge this Security Instrument without any cost to Borrower. Borrower shall pay the recording fee to have the discharge recorded.

Elaine E. Flynn
 Elaine E. Flynn **Borrower**

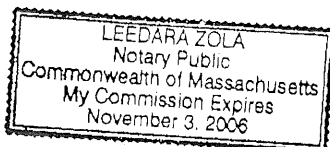
Co-Borrower

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss.

April 26, 2005

Then personally appeared the above named Elaine E. Flynn,
 proved to me through satisfactory evidence of identification, which was/were
personal knowledge to be the person whose name(s) is/are signed on the
 preceding document and acknowledged that he/she/they executed the foregoing
 instrument voluntarily for its stated purpose.



Notary Public

My Commission expires:

Nov 3 '06

Nantucket Housing Office
Housing Rehabilitation Loan Program

Mortgage

EXHIBIT A

That certain parcel of land together with all improvements thereon situate in Nantucket, in the County of Nantucket and said Commonwealth, bounded and described as follows:

EASTERLY	by Somerset Road, one hundred sixty-three and 01/100 (163.01) feet;
SOUTHERLY	by Lot 39 on plan hereinafter mentioned, two hundred seventy-six and 18/199 (276.18) feet; and
WESTERLY	one hundred sixty-four and 37/100 (164.37) feet, and
NORTHERLY	two hundred sixty-two and 28/100 (262.28) feet, by Lot 6 as shown on said plan.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 14830-M, drawn by Schofield Brothers Inc., Surveyors, dated September 8, 1972, and filed with Certificate of Title No. 6679 at the Registry District of Nantucket County. Said land is shown thereon as Lot 38.

For Grantor's title see Certificate of Title No. 17542 .

Doc No: 00112532

MAITUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

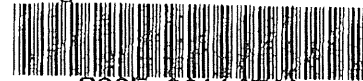
On: Jul 11, 2005 at 01:08P

Document Fee: 175.00 Rec total: 1350.00

CERTIFICATE No: 17542

**The Town of Nantucket and Nantucket Housing Office
Housing Rehabilitation Loan Program - Mortgage Modification Agreement**

NAME OF BORROWER: Elaine E. Flynn
PROPERTY: 35 Somerset Road, Nantucket, Massachusetts
DATE OF MORTGAGE: April 26, 2005



2005 00114740
Cert: 17542 Doc: MM
Registered: 12/30/2005 02:35 PM

Agreement, made this 30 day of December, 2005, by and between NHA Properties, Inc, d/b/a the Nantucket Housing Office ("Lender") and Elaine E. Flynn ("Borrower"):

Whereas the Lender is the holder of a certain mortgage given by Elaine E. Flynn, filed as Document No. 00112532 with Certificate of Title No. 17,542 at the Nantucket Registry for the Land Court, and the Borrower is the owner of the equity of redemption in the real estate described in said mortgage; now therefore

The parties hereto, for themselves, their successors, executors, administrators and assigns, mutually covenant and agree as hereinafter set forth below:

1. The principal balance payable under the Note is hereby increased by the amount of **FOUR THOUSAND FIVE HUNDRED AND SIXTY FIVE Dollars (\$4,565.00)**, bringing the total principal amount payable to **TWENTY NINE THOUSAND NINE HUNDRED AND FORTY SEVEN Dollars (\$29,947.00)**.

Except as changed by this agreement, all terms, provisions, and conditions of said mortgage and of the note secured thereby shall remain in full force and effect; and the failure of the Borrower to comply with any provision of this agreement or of said mortgage or note as changed hereby, shall constitute a breach of condition for which the unpaid balance of the mortgage debt shall, at the option of the Lender or its assigns, become due and payable forthwith, and may be enforced or recovered together with interest and other lawful charges.

Elaine E. Flynn

Elaine E. Flynn

12/30/05
Date

Robert A. Nussbaum

Robert A. Nussbaum, President and Executive Director, NHA Properties, Inc

12/30/05
Date

Paul A. Wolf, Jr.

Paul A. Wolf, Jr., Treasurer, NHA Properties, Inc

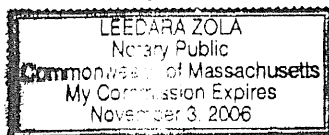
12/30/05
Date

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss.

Dec 30, 2005

Then personally appeared the above named Elaine E. Flynn, proved to me through satisfactory evidence of identification, which was/were **personal knowledge** to be the person whose name(s) is/are signed on the preceding document and acknowledged that he/she/they executed the foregoing instrument voluntarily for its stated purpose.



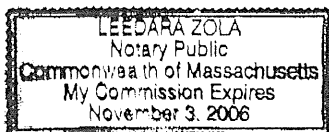
Notary Public *[Signature]*
My Commission expires: Nov 3, 2006

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss.

Dec 30, 2005

Then personally appeared the above named Robert A. Nussbaum and Paul A. Wolf, Jr., proved to me through satisfactory evidence of identification, which was/were **personal knowledge** to be the person whose name(s) is/are signed on the preceding document and acknowledged that he/she/they executed the foregoing instrument voluntarily for its stated purpose.



Notary Public *[Signature]*
My Commission expires: Nov 3, 2006

* P.O. Box 3149, Nantucket MA 02584

DOC No: 00114740

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Dec 30, 2005 at 02:35P

Document Fee: 75.00 Rec Total: \$75.00

CERTIFICATE No: 17542

DISCHARGE OF MORTGAGE

TOWN OF NANTUCKET, a Massachusetts municipal corporation, acting by and through its Select Board, being the holder of a certain Mortgage on property located at 35 Somerset Road, Nantucket, Massachusetts, to NHA PROPERTIES, INC., d/b/a Nantucket Housing Office (NHO) by ELAINE E. FLYNN, dated April 26, 2005, filed with Nantucket Registry District of the Land Court as Document No. 112532 noted on Certificate of Title No. 17542, which Mortgage was modified by Mortgage Modification Agreement dated December 30, 2005, filed with said Registry District of the Land Court as Document No. 114740, which Mortgage was assigned to the Town of Nantucket by Assignment of Mortgage dated February 25, 2010, filed with said Registry District of the Land Court as Document No. 129880, and accepted by said Town by Acceptance of Assignment of Mortgage dated December 3, 2014, filed with said Registry District of the Land Court as Document No. 146511, hereby acknowledges satisfaction of the note and obligations secured thereby and hereby discharges the Mortgage.

Executed under seal this ____ day of January, 2022.

TOWN OF NANTUCKET
By Its Select Board

Jason Bridges

Kristie L. Ferrantella

Matthew G. Fee

Dawn E. Hill Holdgate

Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

Notary Public
My commission expires:

79444NANT19713/0001



Agenda Item Summary

Agenda Item #	VIII. 8
Date	1/12/2022

Staff

Nancy Holmes, Town & County Clerk

Subject

Constable Appointment - James Perelman

Executive Summary

Routine three-year appointment, requires Select Board approval pursuant to MGL Ch. 41, s. 91B

Staff Recommendation

Submitted/Recommended by Town Clerk, Nancy Holmes

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☒

Necessary to run Elections/Town Meetings

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

Appointment Letter: James Perelman

MGL Ch. 41, s. 91B



July 26, 2021

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

Dear Select Board,

This letter serves to make request and application to be appointed as Constable to the Town of Nantucket. I would like to serve the Town of Nantucket in this capacity, particularly by working the State and Local Elections.

These five signees below attest to my good moral character and fitness for this office.

Thank you for your consideration,

Sincerely, *James C. Freeman*

	<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>JOB TITLE</u>
1.	James Merberg Esq	<i>[Signature]</i>	127 Park Ave Newton, Ma.	Attorney
2.	Gail Johnson	<i>[Signature]</i>	28 Longwood Dr	
3.	Paula Pinner	<i>[Signature]</i>	24 Broad St	
4.	Leah A. Bayer	<i>[Signature]</i>	10 Millbrook Rd	
5.	OP/Karr	<i>[Signature]</i>	2 Gloucester St.	

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 91A** CONSTABLES; APPOINTMENT IN TOWNS

Section 91A. The selectmen in any town may from time to time appoint, for terms not exceeding three years, as many constables as they deem necessary.



Agenda Item Summary

Agenda Item #	IX. 1.
Date	1/12/2022

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

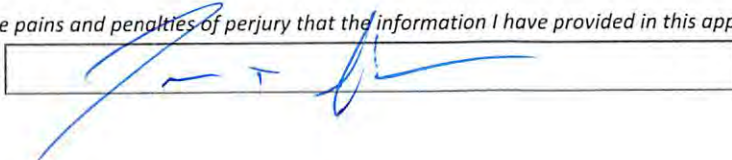
D. PRIOR DISCIPLINARY ACTION

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

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

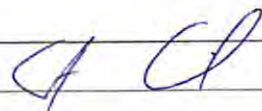
of Servedwell Brotherhood, LLC
Name of the Entity/Corporation

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

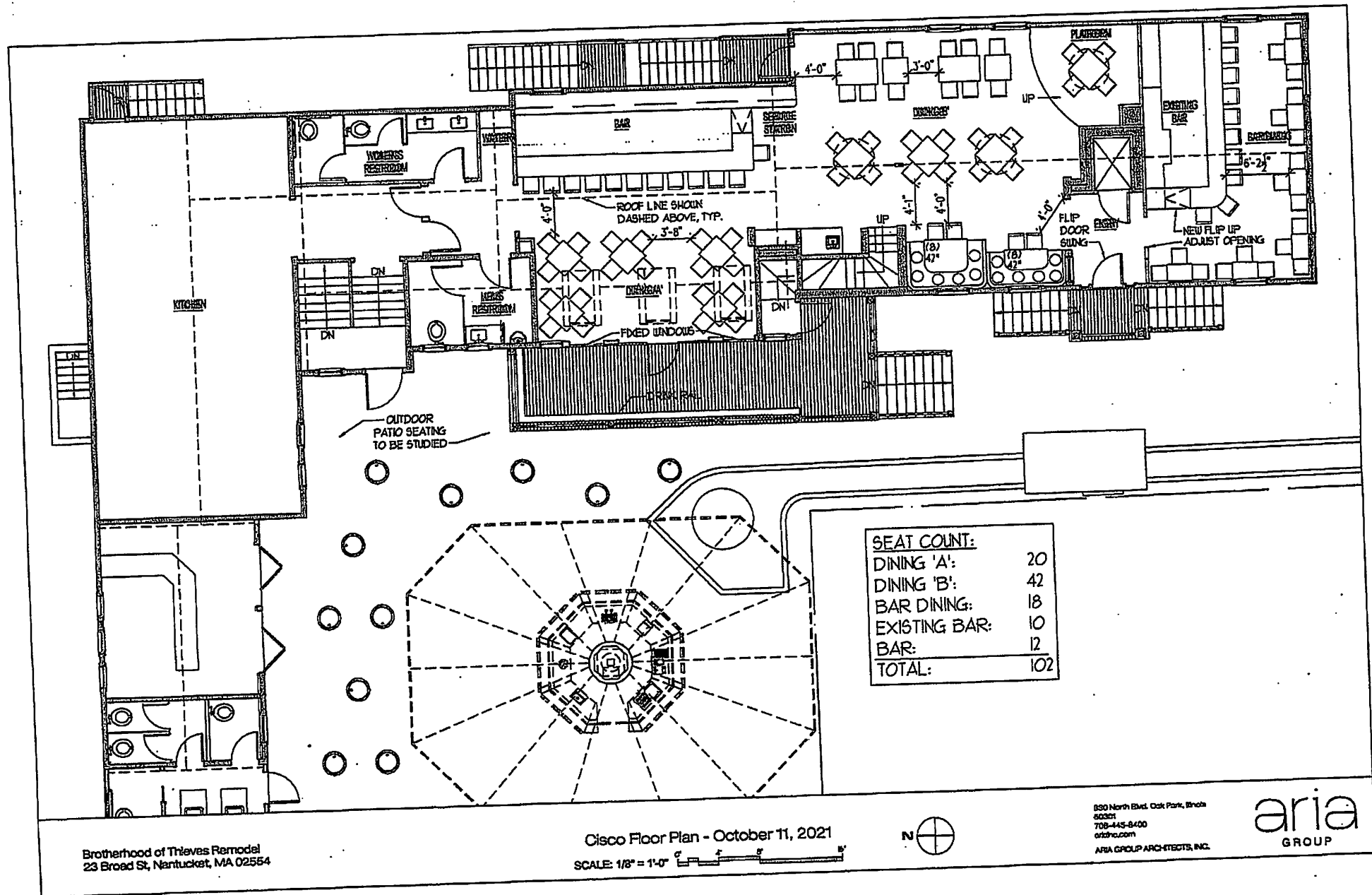
A true copy attest,

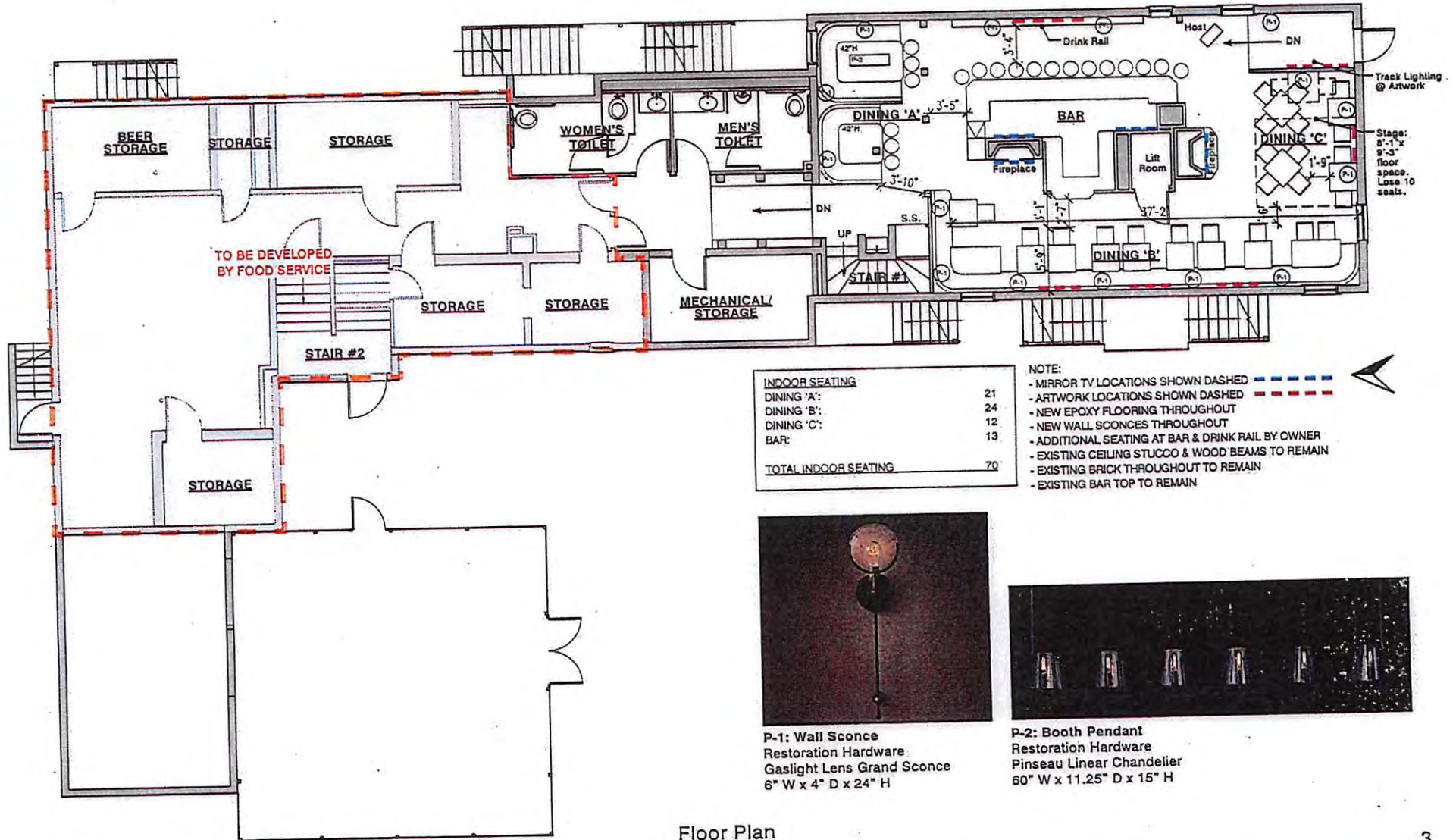
Corporation Clerk's Signature

(Print Name)

BROTHERHOOD OF THIEVES NANTUCKET, MA

Schematic Design

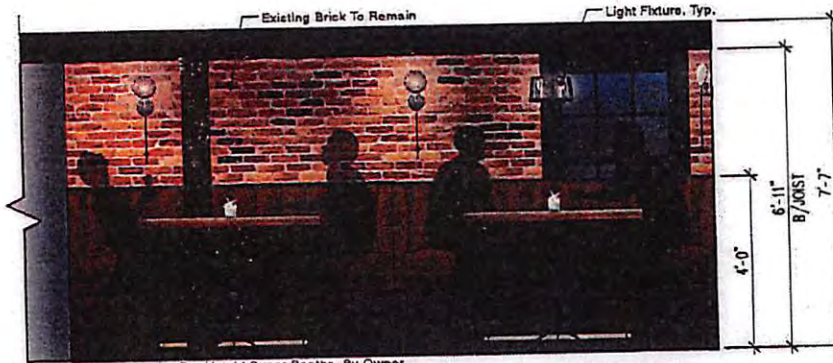




Floor Plan
scale: 1/8" = 1'-0"



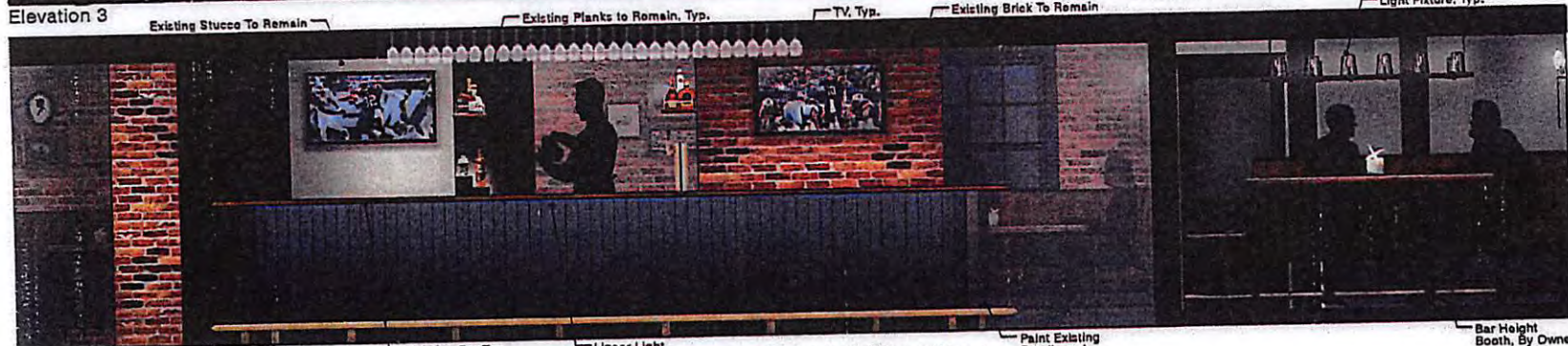
Elevation 1



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

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

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.

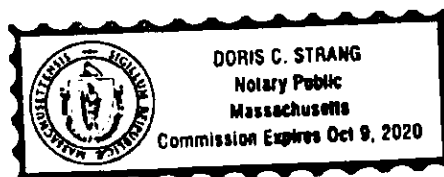
Eleanor W. Antonietti,
 Zoning Administrator

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

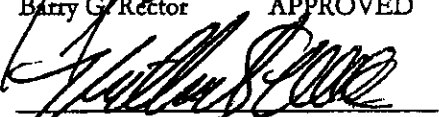
¹ The original MCD Decision (PB#13-04) contained Condition No. 4 which states, "That the total capacity for the outdoor patio and associated bar not exceed sixty (60) persons. The bar may have a maximum of eight (8) seats". Therefore an expansion of twenty (20) seats results in a total occupancy of eighty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

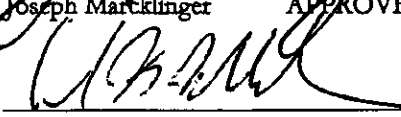
Record of Vote:

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

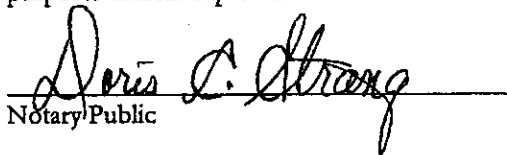

Carl Borchert APPROVED


Linda F. Williams APPROVED

COMMONWEALTH OF MASSACHUSETTS

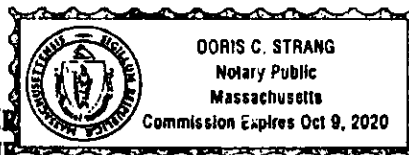
Nantucket, ss.

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:

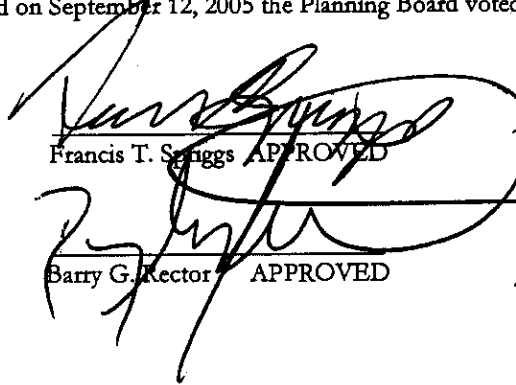
The Planning Board, at its August 22, 2005 meeting found that the proposed modification of the MCD Special Permit Decision did not affect the intent or findings of the original decision. The reduction in the size of the patio increases the buffer between the patio and the abutting property to the west. 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:

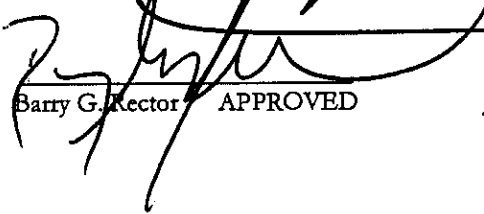
A motion was made and duly seconded to **APPROVE** the Modifications to the MCD Special Permit for the Brotherhood of Thieves with the following conditions:

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

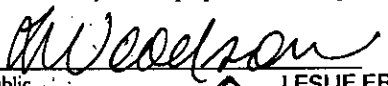
COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

September 12, 2005

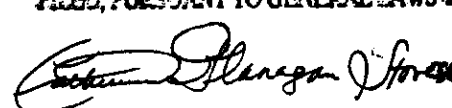
On the 12th day of September, 2005, before me, the undersigned notary public,

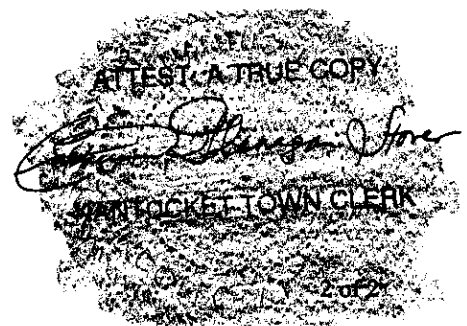
personally appeared Sylvia Howard, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein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

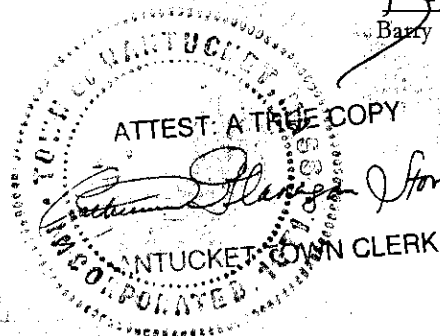
1. That the patio shall be permitted to be covered with an awning. Although temporary "roll-down" type sides shall be permitted for use, the patio shall be used and maintained as an outdoor space and shall not be enclosed by any permanent walls;
2. That condition number eighteen (18) in the original 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:

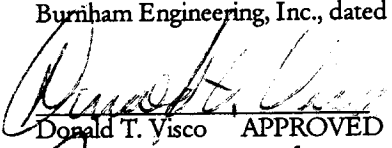
1. That the applicant be granted the following waivers:
 - 139-11G Open Space
Waiver GRANTED – twenty-two (22) percent is adequate due to the location of the project in the core downtown, the preservation of existing mature trees on the site, and the addition of a street tree to the core downtown area
 - 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;

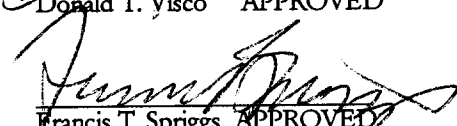
22. That a street tree of at least six (6) inches in caliper and ten (10) feet in height be planted west of the driveway entrance, between the curb and the sidewalk. If it is infeasible to plant a street tree in this location due to the root network of existing street trees, then the applicant may donate 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.

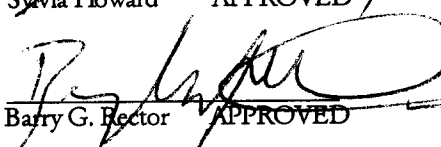
RECORD OF VOTE

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

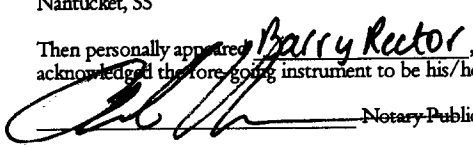
John McLaughlin APPROVED

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

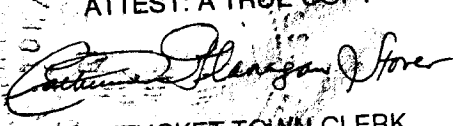
A True Copy Attest
ANDREW V. VORCE
NOTARY PUBLIC
My commission expires Feb. 11, 2008

Nantucket County Received & Entered

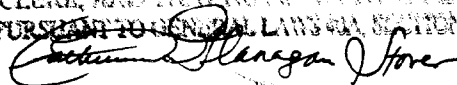
Date: SEP 28 2004 Time: 2:35pm

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

From: [Suzanne Lingeman](#)
To: [Erika Mooney](#)
Date: Friday, January 7, 2022 12:59:51 PM

I am writing as a resident of 10 Ash St where I have lived for 56years in a beloved historic 1740 home. Please dramatically pare down The Brotherhoods 11am to 1am request for a Liquor and entertainment license. The request seems inappropriate because their overall plans have not been approved. Best,Sue Lingeman

Sent from my iPad

This email was scanned by Bitdefender

From: [Anne Davis](#)
To: [Erika Mooney](#); licensing@police.nantucket-ma.gov
Cc: [sarah lingeman](#); [Sue Lingeman](#)
Subject: Servedwell Brotherhood LLC
Date: Friday, January 7, 2022 2:17:45 PM

Dear Members of the Nantucket Select Board and Licensing Authority,

We are writing with respect to the proposed liquor and entertainment licenses requested by Servedwell Brotherhood LLC. 10 Ash Street has been our family home for close to six decades and we are extremely concerned about a number of changes this business has put forward.

- 1.) the dramatic increase in the number of customers and intensity of use, both inside the structure and on the patio;
- 2.) the introduction of entertainment on the patio, with proposed additional stages and bars inside and out;
- 3.) the "beer garden" / family drinking environment;
- 4.) the extension of hours of operation and music

We feel that this is an entirely different business model than what was in place previously and needs to be reviewed carefully. Each of these issues will have a significant detrimental impact on Broad Street as well as the adjacent residential Ash Lane and Street neighborhoods. To grant licenses at this early stage seems premature.

When the issues outlined above are coupled with the fact that the individuals named as licensees have such an extensive background in chain drinking establishments (e.g. Not Your Average Joes, the New Bedford Cisco Brewery etc.), we are of the view that the proposed licenses are a recipe for disaster not just for the residential neighborhood, but for the town of Nantucket. If you have not yet seen it, please look at this link re the New Bedford Brewery operation.

<https://www.wpri.com/news/local-news/se-mass/neighbors-frustrated-by-noisy-new-bedford-business/>

For the sake of the Ash Street residential neighborhood and the town of Nantucket, please deny the proposed licenses.

Sincerely,

Anne Lingeman Davis

Sarah Lingeman

10 Ash Street

This email was scanned by Bitdefender

Jonathan D. Pressment
Roberta C. Saint-Amour
2 Ash Lane
Nantucket, MA 02554

January 7, 2022

BY E-MAIL

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

Re: 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” and Application for New Entertainment License for Servedwell Brotherhood, LLC dba “The Brotherhood of Thieves”

Dear Honorable Members of the Select Board,

I write to with respect to the above-referenced applications for liquor and entertainment licenses (the “License Applications”) filed by Servedwell Brotherhood, LLC (the “New Operator”) for use in connection with the proposed operations contemplated for the new Brotherhood of Thieves located 23 Broad Street in the Town of Nantucket (the “Brotherhood”). The License Applications are scheduled to be heard at the Select Board’s January 12, 2021 meeting commencing at 5:30 p.m. (Public Hearing Items Nos. 1 and 2.)

My wife, Roberta, are the owners and residents of 2 Ash Lane which directly abuts the Brotherhood’s property on its Northern property line. Although we were omitted from the list of direct abutters identified in List of Parties in Interest included with the License Applications, we have a direct interest in the proposed overhaul of the Brotherhood’s operations and the stated intention of its owners, to convert this once family-friendly restaurant into a late-night party and concert venue complete with music and multiple bars that they intend to run well into the early morning hours seven days a week. For the reasons set forth below we respectfully request that the License Applications be denied.

I. This Board’s Consideration of the License Applications Is Premature.

At bottom, the New Operator’s License Applications before this Board are merely an attempt to gain leverage in proceedings currently pending before the Planning Board, the Nantucket Historic District Commission (the “HDC”) and the Historic Structures Advisory Board (the “HSAB”) —all of which have voiced serious concerns regarding the building owner’s plans to renovate the historic structure of the Brotherhood and operate it in a manner that suits the purposes now sought to be advanced by the New Operator’s License Applications before *this* Board. In fact, just six days before the New Operator filed the instant License Applications on December 13, the actual

owners of the new Brotherhood, 23 Broad LLC (“23 Broad”), were advised by HDC Chairman, Raymond Pohl, at the HDC meeting held on December 7, as follows:

the set of drawings that we’re looking at right now, you have heard the reactions of the five board members that are sitting on this application . . . The three sets of French doors are obviously a concern, the location of staircase up has been voiced as a concern by a number of members, the depth of the porch, or deck, I guess we’ll call it a deck at this point, the depth of the deck has been voiced as a concern, so there, you’ve heard from us what our concerns are, and so now the proper thing to do is to move this to have some revisions and see how, see what you can come back with given our comments.

See Live Stream of Nantucket Historic District Commission, December 7, 2021, <https://www.youtube.com/watch?v=cibrBEu-eb4> at 56:12-57:01.

At the HSAB meeting held on December 27, 2021, the HSAB members echoed the HDC’s concerns with Member Brook Meerbergen stating, in relevant part, “this is too much deck and it does compete with that side of the building[,]” Member Jascin Leonardo-Finger stating, “I would like to see the deck reduced, I agree with the neighbors whole-heartedly,” and Chair Micky Rowland stating, “previous HDC comments asked that the elevated seating deck be eliminated, yet it is still there, it is very visible and inappropriate in this location in the OHD, a small stoop could be provided if needed for egress.” See Historic Structures Advisory Board, December 27, 2021, <https://www.youtube.com/watch?v=dNhfFIZPg8M&t=4161s> at 1:04:34-1:09:20.

Faced with staunch opposition to the architectural components of their proposed plans, and a pending application before the Planning Board which expressed its own concerns at a meeting held on October 25, the owners of 23 Broad have now chosen to seek approval for their intended use of the premises which, if received, they will undoubtedly seek to wield before the Planning Board, the HSAB and the HDC to suggest that this Board has somehow given them the greenlight to proceed with their proposed plans as to which members of the Planning Board, the HDC and HSAB have all expressed serious concerns.

Indeed, tellingly, the plans submitted to this Board¹ include numerous elements of the architectural plans submitted to the HDC—such as the outdoor bar and umbrella, elevated deck with tables and expanded outdoor seating capacity—that have already either been withdrawn by the applicant (in the case of the outdoor bar and umbrella)² or met with criticism by the Planning Board, the HDC and the HSAB (in the case of the elevated party deck with tables for outdoor dining and expanded outdoor seating capacity). As a result, the New Operator’s License Applications “put the cart before the horse.” Until the HDC determines that these design elements are acceptable, and the Planning Board determines whether the proposed use is

¹ The License Applications include an October 6, 2021 “Schematic Design” prepared by the Aria Group.

² At the HSAB hearing held on December 27, 2021, the architect of the plans proposed by 23 Broad LLC, stated “we’ve removed the free-standing bar with the canopy, I think for the next year we plan to keep the existing covered awning in its place” See <https://www.youtube.com/watch?v=dNhfFIZPg8M&t=4161s> at 49:15-49:25.

permitted, the New Operator has no right to seek a liquor license and entertainment license that plainly presume such approvals have been granted.

Accordingly, respectfully, this Board's consideration of the License Applications should await decisions from the HDC and Planning Board. Yet, even if the Board is to consider the License Applications at this time, it is clear that the New Operator is not entitled to the licenses sought.

II. Even If the License Applications Are Considered, They Should Be Denied.

As noted in the Agenda packet, the Board's decision here is governed by MGL c. 138, § 23 ("Section 23") and *Ballarin v. Licensing Board of Boston*. Section 23 sets forth the proper considerations in deciding whether to grant a liquor license as follows:

the public need and in such a manner as to protect the common good and, to that end, to provide, in the opinion of the licensing authorities, an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale of which provision is made.

G.L. c. 138, § 23, as amended by St.1965, c. 399.

The Massachusetts Appeals Court explained this standard in *Ballarin* stating:

Need, in the literal sense of requirement, is not what the statute is about. Rather, the test includes an assessment of public want and the appropriateness of a liquor license at a particular location. For example, one might hesitate to authorize a license for a bar across the street from a public school. *Connolly v. Alcoholic Bevs. Control Comm'n.*, 334 Mass. 613, 617-618, 138 N.E.2d 131 (1956). Consideration of the number of existing dispensaries in a locality is a proper concern, *Victoria, Inc. v. Alcoholic Bevs. Control Comm'n.*, 33 Mass.App.Ct. 507, 514, 602 N.E.2d 578 (1992), **as are the views of the inhabitants of the locality in which a license is sought.** *Beacon Hill Civic Assn. v. Ristorante Toscano, Inc.*, 422 Mass. 318, 322 n. 4, 662 N.E.2d 1015 (1996). In making its discretionary determination, a licensing authority may take into account a wide range of factors-such as traffic, noise, size, the sort of operation that carries the license, and the reputation of the applicant. See *Connolly v. Alcoholic Bevs. Control Comm'n.*, *supra* at 617-618, 138 N.E.2d 131; *Great Atl. & Pac. Tea Co. v. Board of License Commr's. of Springfield*, 387 Mass. 833, 837, 444 N.E.2d 364 (1983); *Beacon Hill Civic Assn. v. Ristorante Toscano, Inc.*, *supra* at 322 n. 4, 662 N.E.2d 1015; *Hub Nautical Supply Co. v. Alcoholic Bevs. Control Comm'n.*, 11 Mass.App.Ct. 770, 772-774, 419 N.E.2d 1065 (1981).

See *Ballarin v. Licensing Board of Boston*, 49 Mass.App.Ct. 506, 511 (2000).

Given the standards set forth in Section 23 and *Ballarin*, the factors this Board must take into consideration in deciding whether to grant the License Applications include: (1) "the public want

and the appropriateness of a liquor license” at the location; (2) “the number of existing dispensaries” in the area; and (3) factors such as “traffic, noise, size, the sort of operation that carries the license[;]” and (4) “the reputation of the applicant.” *Id.* These factors are also noted in the “Staff Recommendation” included in the Agenda Packet. As set forth below, in this case, proper consideration of these factors favors denial of the New Operator’s License Applications.

1. This Is Not Your Father’s (or Mother’s) Brotherhood.

To begin, we understand that the Brotherhood previously had licenses of the sort contemplated by the present License Applications filed by the New Operator. Thus, we recognize the Board may be tempted to simply approve new licenses on the same conditions as issued before. However, to do so here would treat this matter as a mere renewal. But, that is **not** what is being sought. Instead, the New Operator is seeking new victualler and entertainment licenses for an entirely new type of business. The only thing the new Brotherhood is likely to have in common with the Brotherhood to which the prior licenses were granted is its address.

Indeed, the New Operator’s counsel’s contention that his clients intend to utilize the Brotherhood space for “the same use” as the prior Brotherhood of Thieves is disingenuous at best. See Letter from Michael A. Kehoe to Jason Bridges and C. Elizabeth Gibson dated December 13, 2021 (“Kehoe Letter”) at 1; see also Application for a New License at 1 (“The intention is to conduct business in the same manner as it has been previously conducted at said premises”)

The former “Brotherhood of Thieves” was operated as a simple—and cherished—neighborhood tavern. While it served alcohol, that was not the driving force underlying its operations. Nor was it the host to late night concerts and dance parties. Yet, that is precisely what the owners of the “new” Brotherhood hope to create. Lest there be any doubt about that, the CEO behind these plans made it abundantly clear in announcing his plans last October:

Really what we’d like to do is capture visitors in the downtown area, run them out to (the Brewery) and then at the end of the day be able to bring them back into town and have a spot for them.

(See October 7, 2021, Inquirer and Mirror at 1.)

In other words, the new owners of 23 Broad seek to make the Brotherhood the place for the “after party.” As 23 Broad’s owners have stated in their pending application before the HDC, they envision it as a “night club” with live music, two separate stages, a state-of-the-art speaker system and no fewer than two outdoor bars. While that may make for an oasis at the current Brewery location, it is totally out of place in Town and it is most certainly **not** “the same use” made of the premises by the prior owners of the Brotherhood. In fact, bringing the party to Town “at the end of the day” is a bad idea for those who live in the Historic District— and the island as a whole—for a multitude of reasons.

To be clear, as noted above, my wife and I are huge fans of Cisco Brewery. It is a special place and many of the best days we have had on the island have involved time there. Thus, it gives me no great pleasure to be involved in this fight. However, the fact is the “history” of the Historic District is already threatened by the increased prevalence of clublike establishments in Town.

Places like the Box used to be an “exception” on the island. Today, it seems like they are becoming more of the “rule.” Walk down Federal or South Water Street on any weekend night most of the year and it is hard not to feel as though you are walking across a college campus. The volume of music blasting from outdoor speakers can be deafening. When we have complained, we have been advised by the NPD that they are powerless to do anything because the establishments have a license. The plans envisioned by the License Applications before this Board will not alleviate these issues—it will make them worse. The additional bars and alcoholic offerings will also ensure an increase in the number of drunk patrons and rowdiness in Town.

Thus, the Brotherhood envisioned by the New Operators is not “the same” as the old Brotherhood. The use will be entirely different with far greater emphasis on liquor and entertainment—in far larger quantities and with a far larger number of patrons—than was the case for the prior Brotherhood. Put another way, the New Operator’s suggestion that business at the Brotherhood will be the proverbial “same old, same old,” is simply not true. The proposed Brotherhood is more akin to the Box than it is the Brotherhood of old.

Based on plans submitted to the Planning Board, nearly 700 square feet of space on the main floor of the new Brotherhood will be devoted to use as a bar/lounge consisting of two separate bar areas, compared to only 981 square feet devoted to tables for dining. Thus, roughly 42% of the main floor will be devoted to use as a bar. That was not the case for the old Brotherhood. Nor did the old Brotherhood have a 70 square-foot stage for live music acts. But the proposed Brotherhood would. As a result, if this Board approves an entertainment license in the form previously approved for the *old* Brotherhood (including permission for “LIVE ENTERTAINMENT[,]” “DISC JOCKEY[,]” “DANCING[,]” “STREAMING MUSIC[,]” “TELEVISION” and, of greatest concern, “AMPLIFIERS”) the consequences—and, specifically, the impact on the residential neighborhood immediately adjacent to 23 Broad Street—are going to be far more severe for the residents nearby. It would be like putting a Ferrari engine in the body of a Volkswagen bug.

2. The Planning Board Previously Considered—And Denied—A Similar Proposal.

The Agenda Items before this Board with respect to the License Applications include materials pertaining to prior Planning Board decisions with respect to the prior use of the Brotherhood’s premises. We respectfully submit that those decisions are instructive here. Indeed, only a few years ago, in 2015, the prior owners of the Brotherhood sought approval for a more modest expansion of the Brotherhood’s operations than that envisioned by the License Applications.

Specifically, The prior owners sought to permit expansion of the outdoor patio by 600 feet to accommodate 80 more people, and to allow speakers for music on the outdoor patio until 11:00 p.m. After numerous hearings and months of debate, the Planning Board concluded that these aspects of the prior application were “inappropriate or too substantial in scope.” More specifically, the Planning Board concluded that the expanded activities sought by the prior application posed a threat of “substantial noise” to the surrounding neighborhood. As a result, the Board “was not inclined to allow any entertainment.” Nevertheless, the Planning Board permitted the Brotherhood to expand its outdoor to a total of 60 seats and the applicants agreed to withdraw their requests for permission to install speakers and play music on the outdoor patio.

The current proposal envisioned by the License Applications before this Board dwarfs the scope

of the plans that the Planning Board found to be “too substantial” in 2015 by leaps and bounds. Whereas the prior application before the Planning Board sought permission for outdoor speakers and music until 11:00 p.m., according to their application before the Planning Board, the current owners hope to install two separate stages for live performances, a “state of the art” sound system, and absolutely no restriction on the hours of operation of the outdoor patio (including outdoor performances and music) at all.

Even if this Board requires that alcohol service end by 1:00 a.m., that is still an incredibly late hour in a portion of the Historic District that is immediately adjacent to a residential neighborhood given the type of operations contemplated by the New Operator. In fact, even at Cisco Brewery—located far outside of town and not in close proximity to a residential neighborhood—the last call is at 7:00 p.m. Moreover, whereas the prior application before the Planning Board sought permission to increase capacity of the outdoor patio to 80 people, the new owners seek permission to increase the capacity of the outdoor patio by multiples of that number.

Where the prior application before the Planning Board merely sought an *expansion* of the prior Brotherhood’s operations, the new owner plainly seeks a *transformation* of them. The Brotherhood envisioned by the License Applications is not merely a restaurant/tavern, it is, in the new owner’s own words, a “nightclub[,]” a “micro distillery, brewery, and winery[,]” a “a new bar area and an area for live performances,” and an “outdoor bar area and an area for live acoustic music[,]” covered by a retractable umbrella.

Finally, we also worry about the increased traffic—another of the *Ballerin* factors—likely to be created by the proposed Brotherhood. Anyone who spent any time on the island this summer knows the traffic has gotten unbearable. Bringing a live music venue and brewery to the heart of Town will only add to the already overwhelming traffic issues. It will not direct traffic away from Town, it will bring it right to its center. When the Planning Board reviewed an application for expansion of the Brotherhood’s operations in 2004, the Planning Board considered whether a traffic study was warranted. While the Planning Board ultimately declined to order such a study, the number of patrons envisioned for the new Brotherhood virtually compels one this time. The proposed shuttle bus does not appear to address this issue. It is only being proposed to shuttle people between the Brewery and the Brotherhood.

3. Questions Exist Regarding Who Is In Control Over The Operations.

The License Applications also raise numerous questions as to who is really in control at 23 Broad Street, who will be running operations at the new Brotherhood and who will have control over the sale of alcohol and hosting of entertainment subject to the requested licenses. The applications before the Planning Board and HDC were all filed by the apparent owner of the building, 23 Broad Street LLC.

The applicant *here*—known as Servedwell Brotherhood, LLC—was incorporated less than six months ago (September 17, 2021) and claims to “own and conduct the restaurant located at 23 Broad Street, the lower level, first floor and outdoor area.” In submissions before the Planning Board, 23 Broad Street LLC, advised that the restaurant would be known as the “Cisco Kitchen” and operated by Stephen Silverstein (the owner of Servedwell Brotherhood, LLC). Before *this* Board they claim they intend to do business as the Brotherhood of Thieves. Further, at meetings

before the Planning Board and HDC, we were led to believe that the lower level (including the micro distillery and proposed tasting/private rooms) will be run by Cisco (presumably, the 23 Broad Street LLC entity) and they will share a kitchen with the restaurant operator. **Now** it appears Servedwell Brotherhood, LLC intends to run some or all of those areas.

Moreover, the New Operator is apparently leasing the space—**not** from the building’s owner, 23 Broad Street LLC—but from a third entity known as 23 Broad Street Master Tenant, LLC. The reason for the split in entities or their relationship is entirely unexplained. As is the fact that the five-year lease signed for the space provides for rent at a rate of \$10,000 per month for a total of 10,118 square feet (rent of less than \$1.00 per square foot per month). And the “total costs” of \$150,000 (including renovation costs for two floors of the brotherhood) seems decidedly low for the scale of the work contemplated at the premises and furnishings by Restoration Hardware.

Thus, questions remain as to the manner in which the new Brotherhood will be operated and, more accurately, who is in control of the premises. This Board should know who is ultimately calling the shots at 23 Broad Street before it decides to issue licenses for operations there.

4. *A Questionable Track Record of Management.*

Finally, despite lauding the proposed manager of the licenses, James T. Strobino, as “an excellent manager of restaurants, liquor licenses and hospitality venues[,]” and the owner of Servedwell Brotherhood LLC, Stephen T. Silverstein, as “an iconic restauranter” there is reason to question their abilities to manage the new Brotherhood in a manner that is respectful of the surrounding neighborhood.

Indeed, Mr. Silverstein is the same individual who owns the All Alcoholic license for the Cisco Brewers Kitchen & Bar in New Bedford which has met with a barrage of complaints from neighbors who claim that the noise has kept them up at all hours of the night. See <https://www.wpri.com/news/local-news/se-mass/neighbors-frustrated-by-noisy-new-bedford-business/>. Mr. Strobino is the Executive Vice President and a Partner of Mr. Silverstein’s at the Cisco Kitchen & Bar in New Bedford. It is impossible for this Board to consider the License Applications without first looking into the numerous complaints lodged with respect to Cisco’s operations in New Bedford—under the supervision of the very same individuals set to oversee operations at the new Brotherhood—by the residents there.

Thus, for the reasons set forth herein, we ask that the Board await decisions by the Planning Board and HDC before taking action with respect to the License Applications. However, to the extent the Board is inclined to proceed with its review of the License Applications, we respectfully request that the License Applications be denied and/or modified to reflect the proposed scope of operations and their likely impact on the residential community whose fate is now decidedly in this Board’s hands.

Respectfully,

Jonathan D. Pressment and Roberta C. Saint-Amour



Agenda Item Summary

Agenda Item #	IX. 2.
Date	1/12/2022

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.

FY 2023 Enterprise Fund Budget Stories:

Airport

<https://stories.opengov.com/nantucketma/published/9PH6zS8qE>

Water Department

<https://stories.opengov.com/nantucketma/published/kFShh87q>

2022 Annual Town Meeting Warrant Draft – Update for 1/12/22 Select Board Meeting

As of 010922

Real Estate Articles added:

- Acquisition & Conveyance (2): Red Barn Rd/Sheep Pond
- Acquisition & Conveyance (2): Curve St/167 Surfside
- Acquisition & Conveyance (2): 31 Easy St (plus an appropriation will be needed)
- Conveyance & Home Rule Petition (2): Altar Rock/Nantucket Conservation Foundation
- Acquisition & Conveyance (2): Tom Nevers
- Housing-related purchases: concept added

Zoning Articles added: 12

General Bylaws added:

- Short-term Rentals – as revised and discussed by the Select Board on Jan 5
- Sewer district amendment/Hawthorne Lane

DRAFT WARRANT as of 010922

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

**2022 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Monday, May 2, 2022 - 5:00 PM**

AND

**ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, May 10, 2022
7:00 AM - 8:00 PM**

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

To the Constables of the Town of Nantucket:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Mary P. Walker Auditorium at Nantucket High School at 10 Surfside Road in said Nantucket, on

**MONDAY MAY 2, 2022 AT 5:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITHIN THE ENCLOSED WARRANT:**

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2021 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

**ARTICLE 2
(Appropriation: Unpaid Bills)**

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

(Select Board)

**ARTICLE 3
(Appropriation: Prior Year Articles)**

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

(Select Board)

**ARTICLE 4
(Revolving Accounts: Spending Limits for FY 2023)**

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2023; or take any other action related thereto.

(Select Board)

ARTICLE 5
(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2023; said sum not to exceed five (5) percent of the Fiscal Year 2022 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6
(Fiscal Year 2022 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2022 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7
(Personnel Compensation Plans for Fiscal Year 2023)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2023:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	22.00
Dietician/Our Island Home (hourly)	41.00
Dispatcher (Per Diem - hourly)	30.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	20.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	20.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	28.00
Our Island Home Ancillary (Per Diem - hourly)	20.00
Paramedic, Certified (Per Diem - hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	38.00
Registrar of Voters (yearly)	600.00

Registrar, Temporary Assistant (hourly)	15.00
Reserve Police Officer (hourly)	30.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Lifeguard Supervisor (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

*Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective July 1, 2022 - June 30, 2023)*
Current #'s below; need to update

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$17.00	\$18.00	\$19.00	\$20.50
B-Hourly*	\$18.00	\$19.00	\$20.00	\$21.00
C-Hourly*	\$19.00	\$20.00	\$21.00	\$22.00
D-Hourly*	\$21.00	\$21.50	\$22.00	\$22.50

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

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

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

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

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2023 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow

pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2023; or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2023, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

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

(Select Board)

ARTICLE 11

(Appropriation: USE FOR DEBT EXCLUSION CAPITAL)

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

OIH DESIGN

provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 11

(Appropriation: USE FOR DEBT EXCLUSION CAPITAL)

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

REAL ESTATE PURCHASE 10-12 WASHINGTON ST

provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

Need list of what other capital will be debt exclusions (& Stand Alones vs in Capital Articles)

ADD THIS? DEBT EXCL VS GF? (from A10 of 2021 ATM)

Affordable Housing Trust	Costs of acquiring real estate, or interests in real estate, including but not limited to affordable housing restrictions, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$6,500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$6,500,000 \$10,000,000
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Commented [LG1]: Brian/Tucker – are we doing it this way or in a Stand Alone like current "Article 24"

ARTICLE 15

(Appropriation: Fiscal Year 2023 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2023, out of anticipated revenues of the designated funds, for the purposes set forth above; provided that any amounts to be raised and appropriated to support the operation of Our Island Home for Fiscal Year 2022 shall be contingent on the passage of a Proposition 2 and ½ override ballot question; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 16

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

ARTICLE 17

(Enterprise Funds: Fiscal Year 2022 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2022 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 18

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 19

(Appropriation: Ambulance Reserve Fund)

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

(Select Board)

ARTICLE 20

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 21

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2023, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of **One Hundred Seventy-four Thousand Four Hundred Fifty-five Dollars (\$174,455)**; or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 22

(Appropriation: Finalizing Fiscal Year 2023 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2023 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 23

(Appropriation: Affordable Housing Trust Fund)

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

Or, to take any other action related thereto.

(Select Board)

DON'T NEED THIS - RIGHT BRIAN?

ARTICLE 24

(Appropriation: Affordable Housing Trust Fund)

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

(Select Board)

BRIAN - DON'T NEED?

ARTICLE 25

(Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 26

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the

Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2023.

Or, to take any other action related thereto.

(Select Board)

ARTICLE 29

(Appropriation: Fiscal Year 2023 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2023; or to take any other action related thereto.

(Select Board)

ARTICLE 30

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

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

(Select Board for Airport Commission)

DO THEY HAVE AN APPROPRIATION?

ARTICLE 31

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

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

(Select Board)

DO WE HAVE AN APPROPRIATION?

ARTICLE

(Appropriation: Fiscal Year 2023 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
Historic Preservation	
First Congregational Church-Old North Vestry Restore the plaster and painting on the ceiling, walls, and trim of the interior of the Old North Vestry	\$317,296
First Congregational Church - Bennett Hall Preserve the building envelope of Bennett Hall including the rotting exterior trim, doors and siding	\$84,571
Landmark House- Nantucket Community Service Inc. To remove and restore all sidewall shingles on both buildings and to construct a new curved stairway to match existing design and codes.	\$259,500
Nantucket Housing Authority, Miacomet Village To preserve the structural integrity of the exterior envelope of the buildings at 1 and 3 Benjamin Drive to protect the housing structures from future injury, harm or destruction.	\$342,367
Sconset Trust Inc.-Phase II Preservation of Lighthouse Historically appropriate restoration of interior and exterior surfaces, the iron anchors, ships ladder and the staircase to preserve the distinctive materials, features and colors for its continued use as a US Coast Guard navigational aid one of	

the oldest lighthouses operational in the United States.	\$251,100
Nantucket Island School of Design & the Arts, Grant IV Remediation and repair to the silos to ensure structural integrity utilizing a structural engineer, Silo Specialist and contractor, including the silo floor platforms for each of the silos; \$97,750; utilizing the structural engineer and contractor to remediate damage from groundwater under the Long Shed including the back walls, support beams and cement floors. \$50,955	\$148,705
Sub-total	\$1,403,539
\$157,409 of the funds to be used in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
Community Housing	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$275,000
Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Town of Nantucket Funds to pay the first year's interest and principal of the Five Million Bond to be authorized at the 2022 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$975,000
\$160,000 of the funds utilized in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
Open Space Conservation/Recreation	
Nantucket Racket Sports Association	

Complete the building of seven new courts; four additional pickle ball and three new tennis courts; 2 viewing areas, a hitting wall and bathrooms.	\$980,000
Sustainable Nantucket Community Farm Institute, phase VI Funds for creation of deer fencing, new well and pump for irrigation for back of farm and fruit and berry orchard, including extension of farm electrical system and plumbing infrastructure, split rail fence and vegetative screening to protect other areas of the farm.	\$59,850
Sub-total	\$1,039,850
\$152,900 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$150,000
Sub-total	\$150,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$3,568,389</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2021 Community Preservation Surcharge	\$2,478,000
From State matching funds for FY 2023, to be received in 2022	\$600,000
From Interest	\$20,000
From designated reserves for Open Space	\$152,900
From Undesignated Reserves	\$317,489
Total Revenues	<u>\$3,568,389</u>
For fiscal year 2023 Community Preservation Purposes with each item considered a	

separate appropriation to be spent by the Community Preservation Committee.

Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Kenneth Beaugrand, et al)

ARTICLE

(Community Preservation Committee: Fiscal Year 2022 Budget Transfers)

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

FROM	TO	AMOUNT
Article 37 ATM 2018 Nantucket Atheneum Oil Painting Restoration	Fiscal year 2023 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$3,300.00
Total Transfers to Community Historic Preservation Reserved fund balance		\$3,300.00
Total transfers back to Community Preservation Reserved Fund Balances		\$3,300.00

(Kenneth Beaugrand, et al)

ARTICLE

(Appropriation: Community Preservation Trust for Affordable Housing Trust Fund)

To see if the Town will appropriate a sum of money to pay costs of acquiring land, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto and to determine whether this amount should be raised by taxation, transfer from available funds, borrowing or otherwise, and, further, to authorize the Town to enter into leases, subleases and any other similar arrangements with the Town's Affordable Housing Trust, or take any other action relative thereto

(Kenneth Beaugrand, et al)

ARTICLE

(Appropriation: Shredder for Solid Waste)

To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) from Free Cash and or the General Fund or any other source to purchase a Shredder for Solid Waste Recycle & MRF before the Waste Service Agreement ends at the land fill.

(Clifford J. Williams, et al)

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.

Commented [LG2]: Is this new? Can't be yellow

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.

- 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 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).*

- 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.

- 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 _____

(Zoning Bylaw Amendment: Protective Rights to Short-Term Rentals)

PREAMBLE:

Tourism has been a pillar of the Nantucket economy for decades. Generations of Nantucket families have made or supplemented their incomes by welcoming and serving visitors in many ways, including renting their homes. However, a recent Massachusetts Supreme Judicial Court decision (*Styller v. Lynnfield*) threatens the

ability of Nantucket residents to rent their homes on a short-term basis (stays of less than 30 days). In the *Styller* decision, the state's highest court ruled that zoning bylaws, such as Nantucket's, do not allow short-term rentals in residential zoning areas.

In order to address the impact of the *Styller* decision, this zoning article clearly defines and protects residents' rights to short-term rent their homes. It ensures that Nantucket residents can continue to short-term rent their own property even in residential zoning areas. This article also clearly allows for seasonal residents to short-term rent, while discouraging the conversion of neighborhood homes into purely commercial short-term rental businesses by off-island corporate investors. This article only applies to short-term stays - any rental of one month or longer is not affected.

The purpose of this article is to protect Nantucket homeowners, while also seeking to protect our neighborhoods and housing. We can do that by helping to manage and sustain economic growth and honor our tourism tradition by preserving our community's character.

ARTICLE:

To see if the Town will vote to amend the Zoning Bylaws by amending Chapter 139 as follows, and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto.

(Original in black with changes shown in red)

§139-2 DEFINITIONS AND WORD USAGE

SHORT TERM RENTAL

Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.

§139-15 ACCESSORY USES

In addition to the principal buildings, structures and uses permitted in a district, there shall be allowed in that district as accessory uses, such activities as are subordinate and customarily incident to such permitted uses.

Short-Term Rentals shall be permitted as Accessory Uses in all residential districts (R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-10L, SR-10, R-20, SR-20, R-40, VR, LUG-1, LUG-2, LUG-3, MMD) as follows: (1) Residents may use their primary residence for Short-Term Rentals by right; and (2) as of January 1, 2023, non-Residents may use their dwelling units for Short-Term Rentals upon issuance of a Special Permit from the Zoning Board of Appeals upon a finding that the proposed Short-Term Rental is an Accessory Use as defined in this Bylaw. As of January 1, 2023, all other use of Short-Term Rentals in residential districts is prohibited. For the purposes of this provision, a "Resident" is a person whose primary residence is Nantucket as determined by federal tax filings.

(Tobias Glidden, et al)

Technical Note: the proposed text for the purposes of printing are shown as highlighted in gray (not red)

ARTICLE

(Zoning Bylaw Amendment: Swimming Pool Definition - Residential and Hot Tub/Spa)

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

Amend section 2A (definitions) as follows:

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and equal to or less than ~~150~~ 64 square feet of water surface area, and equal to or less than 1000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

SWIMMING POOLS - RESIDENTIAL

A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding ~~150~~ 64 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association. In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment. In the R-1, SR-1, R-5 and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment.

;or otherwise to act thereon

(Anne Dewez, et al)

ARTICLE

(Zoning Bylaw Amendment: Swimming Pool Use Chart - Residential and Hot Tub/Spa)

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

Amend Section 7A (use chart) by adding a new line after Swimming Pool - Residential entitled "Hot Tub/Spa" and inserting "N" in the ROH SOH column and "A" in each other column under the respective zoning districts across the chart except for zoning district CI: "N" and zoning districts V-R and MMD: SP

;or otherwise to act thereon

(Anne Dewez, et al)

ARTICLE

(Zoning Map Change: R-20 to CTEC and/or CN - Old South Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
68	1032	105	Old South Road
68	1033	107	Old South Road
68	166	109	Old South Road
68	174		Old South Road
68	209		Old South Road
68	210		Old South Road

- (1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Residential-20 (R-20) district, in the CTEC (Commercial-Trade, Entrepreneurship and Craft) and/or CN (Commercial Neighborhood) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(James Jackson, et al)

ARTICLE

(Zoning Map Change: LUG-2 to R-5 or CN - 44 Skyline Drive)

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 Limited Use General-2 (LUG-2) zoning district into either the Residential-5 (R-5) or Commercial Neighborhood (CN) zoning district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

ARTICLE

(Zoning Map Change: R-20 to CTEC and/or CN - Old South Road)

To see if the Town will vote to:

On Map 68, Lot 208, Old South Road, to Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Residential-20 (R-20) district, in the CTEC (Commercial trade, Entrepreneurship and craft) and/or CN (Commercial - Neighborhood) zoning district.

As shown on the attached map.

; or otherwise act thereon.

(Julie Bunting, et al)

ARTICLE

(Zoning Map Change: R-20 to R-10L - Nobadeer Way)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
68	50	1	Nobadeer Way
68	113	2	Nobadeer Way
68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way
68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way

68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

- (1) To place the foregoing properties noted, currently in the Residential-20 (R-20) zoning district, into the Residential-10 Limited (R-10L) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Zoning Bylaw Amendment: Definitions and Word Usage)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions and Word Usage - Apartment) by adding the following highlighted paragraph:

APARTMENTS - 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). The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):

- (1) CDT - One dwelling unit is permitted for each 1,000 square feet of lot area.
- (2) CMI - One dwelling unit is permitted for each 2,000 square feet of lot area.
- (3) CN - One dwelling unit is permitted for each 3,000 square feet of lot area.
- (4) CTEC - One dwelling unit is permitted for each 4,000 square feet of lot area.
- (5) CI - One dwelling unit is permitted for each 5,000 square feet of lot area.

The Planning Board may waive the density as set forth in the schedule above by special permit.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

1. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

- A structure designed...
 - In the VR District only...
 - In the R-1, SR-1, R-5, and R-5L, districts only, the following criteria must be met: (1) a minimum lot area of ~~7,500~~ 6,000 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.
2. Amend Section 139-7A (Use Chart) by replacing “A” with “A with lot $\geq$ 7,500 6,000 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket by striking the following language (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

3. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

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

4. Amend Section 139-7A (Use Chart) by replacing "A" with "A with lot $\geq$ 7,500 sq ft" in the "Swimming pool residential" row in the R-1/SR-1 and R-5/R-5L columns.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Zoning Bylaw Amendment: Storage Container by Special Permit in CMI)

To see if the Town will vote to amend Zoning Bylaw Section 139-7A (Use Chart) by deleting "N" and replacing it with "SP" in the Commercial-Mid-Island (CMI) column.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Bylaw: Short-term Rental Regulations)

To see if the Town will vote to amend the General Bylaws by adding a new Chapter 123 to the Town Code entitled "Short-Term Rental Registration" to read as follows:

Commented [LG3]: Text as discussed by SB 1/5/22

§ 123 SHORT-TERM RENTAL REGISTRATION

§ 123-1 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.

§123-2 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

- 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.

§ 123-3 REGISTRATION, PERMITTING, INSPECTION AND FEES.

A. No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the Board of Health. 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.

B. The annual fee for such Certificate of Registration or evidence of a certificate of registration issued by the Department of Revenue, shall be set forth in the regulations issued pursuant to § 123-4.

C. 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.

D. The Board of Health 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 the Operator and persons designated 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.

E. Operators are subject to inspection of the Short-Term Rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.

F. 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 along with the annual fee no later than November 1st of the next year.

G. 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.

§ 123-4 REGULATIONS.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this Chapter. Such regulations may also include but not limited to 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.

§ 123-5 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.

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 (Chapter 1 of the Town Code). 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. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

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 Board of Health or its designee, after a Certificate of Registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said Certificate of Registration until the violation has been cured or otherwise resolved. Multiple violations by any Operator may, at the discretion of the Board of Health and after a hearing, disqualify that Operator from obtaining a Certificate of Registration for a period of up to three years.

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 or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6 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.

§ 123-7 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 January 1, 2023, whichever is later.

Or take any other action relative thereto.

- SHOULD THIS BE REORDERED WITH THE GLIDDEN ARTICLE/OR GLIDDEN ARTICLE REORDERED HERE

(Select Board)

ARTICLE
(Bylaw Amendment: Animals)

To see if the Town will vote to amend Chapter 55 (Animals) 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; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Chapter 55
Animals

§55-4 Regulations.

D. Leash law.

No person within the confines of the Town shall at any time permit a dog owned or kept by such keeper to run at large beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash, with the exception of the area within the confines of the fenced-in areas of the Nantucket Islands Land Bank Dog Park. Dogs must be leashed before entering and after leaving the fenced areas of the Dog Park but may, at the discretion of the owner, be taken off leash within the enclosed areas.

F. Nuisances.

(1) No person shall keep within the limits of the Town of Nantucket any dog or pet which by barking, biting, howling, whining or in any manner disturbs the peace and quiet of any person. No person shall own or keep in the Town of Nantucket any bird or fowl, which by screeching or crowing or by any other manner disturbs the peace and quiet of any person(s).

(2) No person shall own or keep any animal that is found to run at large beyond the confines of the property of the owner or keeper, or does commit any nuisance, disturbs the peace and quiet of any neighborhood, or endangers the safety of any person(s).

(3) The owner of any dog or pet which endangers the safety of any person or other animal by biting or causing property damage shall be subject to immediate violations, penalties or quarantine. Subsequent offenses shall result in their removal from the Town of Nantucket, or shall be euthanized if deemed to be dangerous.

(4) Any dog or pet found to run at large beyond the confines of the property of the owner, tenant, lessee or keeper after a third offense of Chapter 55, § 55-4D, shall also be subject to nuisance violation penalties thereafter, except as exempted within the confines of the enclosed areas of Nantucket Islands Land Bank Dog Park as provided for in § 55-4D above.

(Select Board)

NEEDS LEGAL REVIEW

ARTICLE

(Bylaw Amendment: Committees/Agricultural Commission)

To see if the Town will vote to amend Chapter 11 (Committees), Article VII (Agricultural Commission), § 11-25 (Activities) and § 11-26 (Membership) 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).*

§ 11-24. Purpose.

The Nantucket Agricultural Commission is established to represent the Nantucket farming community; the mission of which Commission shall be to promote agricultural-based economic opportunities; preserve, revitalize and sustain the Nantucket agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

§ 11-25. Activities.

~~The Commission shall consist of five members appointed by the Select Board, with two members being appointed for a term of three years; two members for a term of two years; and one member for an initial term of one year, and two years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~
The Nantucket Agricultural Commission shall serve as facilitators for encouraging the pursuit of agriculture in Nantucket; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues, shall work for preservation of prime agricultural lands; shall pursue all initiatives appropriate to creating a sustainable agricultural community, and shall take on any other duties as voted by the town, or requested by the Select Board or as may further the purposes of said Commission.

§ 11-26. Membership.

~~The Commission shall consist of seven members appointed by the Select Board, with three members being appointed for a term of three years; two members for an initial term of two years and three years thereafter upon expiration of the initial term; and two members for an initial term of one year, and three years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of four members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another three who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may~~

~~be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~
The Commission shall consist of five members appointed by the Select Board, with two members being appointed for a term of three years; two members for a term of two years; and one member for an initial term of one year, and two years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.

(Select Board)

ARTICLE

(Nantucket Historical Commission: Membership)

To see if the Town would vote to amend the vote taken pursuant to Article 32 of the April 13, 2005 Annual Town Meeting, by changing the number of members of the Nantucket Historical Commission from five members to seven members in accordance with chapter 40 section 8D. There shall be no Alternate members of the Historical Commission. As the current terms of Alternate members expire, no additional Alternate members shall be appointed.

(Select Board for Nantucket Historical Commission)

ARTICLE

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend the title of Chapter 127 (Streets and Sidewalks), Article II (Obstructions on Sidewalks) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 127

Streets and Sidewalks

Article II Obstructions on Sidewalks, **Streets, Bicycle Paths or Ways**

(Select Board)

ARTICLE

(Cemetery Regulations)

INSERT

(Select Board)

ARTICLE

(Bylaw Amendment: Gender Equality on Beaches)

To see if the Town will vote to: Amend the General Bylaws of the Town by adding a new section to read as follows:

“In order to promote equality for all persons, any person shall be allowed to be topless on any public or private beach within the Town of Nantucket.”

and further to authorize the Town Clerk to insert said bylaw in the appropriate section of the Town code; or to take any other action relative thereto.

(Dorothy Stover, et al)

ARTICLE

(Bylaw Amendment: Single-Use Plastics - Alcoholic Beverages of Less Than or Equal to 100 Milliliters)

To see if the Town will vote to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) 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*).

Chapter 125A. Single-Use Plastics

Article I. Regulation of Sale, Distribution and Commercial Use of Certain Single Use Plastics

§125A-1. Definitions and Purpose

A. Definitions

BOXED WATER - Any type of drinking water, flavored water, carbonated water, energy drink packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups, and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest is often a set of plastic parts such as a cap and pouring ring and internal layers or linings made from petroleum-based plastics such as polyethylene and aluminum.

CARBONATED WATER - Water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological

processes. Carbonization causes small bubbles to form, giving the water an effervescent quality. Also known as “sparkling water”, “tonics”, “soda water”, “club soda”, “tonic water”, “seltzer”, “pop”, and the like.

COMMERCIAL USE - Use by a business, directly/indirectly for financial gain or convenience.

DRINKING WATER - Potable, unflavored, non-carbonated water that is safe to drink or to use for food preparation.

ENERGY DRINK - A type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or package in a plastic lined paper or similar fiber package.

FLAVORED WATER - A category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals, and other “enhancements”.

PETROLEUM-BASED PLASTIC - Plastic materials manufactured using petroleum-derived polymers. Compostable plastics as defined by ASTM International are exempted from this bylaw.

SINGLE-USE PLASTICS - Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are “disposable” products. The items covered by this bylaw are listed herein.

- B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket’s present and future generations, protect the Town’s single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe Alternatives for each of the single use petroleum-based plastic items banned.

§ 125A-2 Sale, distribution and commercial use of petroleum-based single-use plastic products.

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

- A. Straws and drink stirrers;
- B. Flexible can and bottle yokes;
- C. Drinking cups and lids;
- D. Plates, bowls and eating utensils;
- E. Defined products in plastic, non-compostable or non-recyclable containers of one liter (34 ounces) or less;
- F. Single use, non-recyclable beverage pods;

Commented [LG4]: This new proposed text will have to be made Gray

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2022:

- G. Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;
- H. Plastic stick ear buds

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic or glass products in the Town and County of Nantucket on or after June 1, 2023:

- I. Containers for alcoholic beverages of less than or equal to 100 milliliters

§ 125A-3 Exemption for emergencies and other.

- A. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- B. Medical packaging and medically required usage are exempted providing no recyclable Alternatives are available.
- C. Compostable plastics are exempted from this bylaw, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 Enforcement process.

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article of Chapter 1 of the Code of the Town of Nantucket.

§125A-5 Suspension of bylaw.

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

§125A-6. Severability.

The provisions of this bylaw are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

; or otherwise act thereon.

(Bruce Mandel, et al)

ARTICLE

(Bylaw Amendment: Single-Use Plastics - Single-Use Plastic Fiber Tobacco Filter Products)

To see if the Town will vote to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) 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)*:

Chapter 125A. Single-Use Plastics

Article I. Regulation of Sale, Distribution and Commercial Use of Certain Single Use Plastics

§125A-1. Definitions and Purpose

A. Definitions

BOXED WATER - Any type of drinking water, flavored water, carbonated water, energy drink packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups, and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest is often a set of plastic parts such as a cap and pouring ring and internal layers or linings made from petroleum-based plastics such as polyethylene and aluminum.

CARBONATED WATER - Water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonization causes small bubbles to form, giving the water an effervescent quality. Also known as “sparkling water”, “tonics”, “soda water”, “club soda”, “tonic water”, “seltzer”, “pop”, and the like.

COMMERCIAL USE - Use by a business, directly/indirectly for financial gain or convenience.

DRINKING WATER - Potable, unflavored, non-carbonated water that is safe to drink or to use for food preparation.

ENERGY DRINK - A type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or package in a plastic lined paper or similar fiber package.

FLAVORED WATER - A category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals, and other "enhancements".

PETROLEUM-BASED PLASTIC - Plastic materials manufactured using petroleum-derived polymers. Compostable plastics as defined by ASTM International are exempted from this bylaw.

SINGLE-USE PLASTICS - Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this bylaw are listed herein.

- B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket's present and future generations, protect the Town's single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe Alternatives for each of the single use petroleum-based plastic items banned.

§ 125A-2 Sale, distribution and commercial use of petroleum-based single-use plastic products.

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

- G. Straws and drink stirrers;
- H. Flexible can and bottle yokes;
- I. Drinking cups and lids;
- J. Plates, bowls and eating utensils;
- K. Defined products in plastic, non-compostable or non-recyclable containers of one liter (34 ounces) or less;
- L. Single use, non-recyclable beverage pods;

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2022:

- M. Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;

N. Plastic stick ear buds

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic or glass products in the Town and County of Nantucket on or after June 1, 2023:

I. Single use plastic fiber tobacco filter products.

§ 125A-3 Exemption for emergencies and other.

- D. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- E. Medical packaging and medically required usage are exempted providing no recyclable Alternatives are available.
- F. Compostable plastics are exempted from this bylaw, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 Enforcement process.

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article of Chapter 1 of the Code of the Town of Nantucket.

§125A-5 Suspension of bylaw.

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

§125A-6. Severability.

The provisions of this bylaw are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

; or otherwise act thereon.

(Bruce Mandel, et al)

ARTICLE

(Amend Town Wharf and Waterways Prohibited Activities)

To see if the Town will vote to make the following changes to Ch. 250 sec. 2.10 and 2.11:

250.2.10 Between ~~October 15~~ **October 31** and April 15, all Dinghies not servicing Vessels presently moored in the harbor shall be removed from any Town property.

250.2.11 The Town may remove after ~~October 30~~ **October 31**, any Dinghy left on Town property. Following such removal, the Harbor Master shall give notice of the removal as follows:

- (a) if the owner is known, then by mail or hand-delivery;
- (b) if the owner is unknown, then by publication in a newspaper of general circulation within the Town;
- (c) if, after thirty (30) days following the publication or written notice, the owner has failed to claim the Dinghy and reimburse the Town for removal costs, the Dinghy may then, at the discretion of the Harbor Master, be sold at public auction to cover the costs of removal. If said auction produces surplus proceeds after payment of the costs of removal, said surplus shall be held in a separate account and be paid over to the owner upon proof of ownership.

Striked out text to be replaced by high-lighted text. All other text to remain as written and previously amended. Changes to go into effect upon passage.

(Campbell Sutton, et al)

ARTICLE ____

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "Hummock Pond North" sewer needs area designated within the Comprehensive Wastewater Management Plan, adopted in October 2014, to the Town Sewer District:

Map	Lot	Number	Street
56	320	69	Hummock Pond Road
56	260	5	Hawthorne Lane
56	261	7	Hawthorne Lane
56	262	9	Hawthorne Lane
56	263	11	Hawthorne Lane
56	224	12	Hawthorne Lane

56	225	14	Hawthorne Lane
56	226	16	Hawthorne Lane
56	265	15	Hawthorne Lane
56	268	17	Hawthorne Lane
56	267	19	Hawthorne Lane
56	244	21	Hawthorne Lane

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change: 44 Skyline Drive)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the code of the town of Nantucket by adding the following property, currently outside of the district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - 15 Milestone Crossing)

To see if the Town will vote to:
Amend the sewer district map to include 15 Milestone Crossing, identified as Nantucket Tax Assessor's Map 68, Parcel 457, which is currently outside the core sewer district

; or otherwise act thereon.

(David J. Buckley, et al)

ARTICLE

(Home Rule Petition: Community Housing Bank Real Estate Transfer Fee)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act the text of which is set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for Affordable and Workforce Housing and Related Capital Improvements

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of Massachusetts General Laws Chapter 184 ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

"Housing and Community Development Fund", shall refer to a discrete fund or account, established by the county treasurer of the Nantucket County under the provisions of this act.

"Eligible Applicants", shall refer to non-profit and for-profit corporations and organizations, individuals, and public entities.

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any

beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Nantucket acting by and through the Board of Selectmen.

SECTION 2. There is hereby imposed a fee equal to one half per cent (1/2%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees as follows: 75% in the Affordable Housing Trust Fund and the remainder in capital project funds as determined by the Board of Selectmen, unless such allocation is changed by the affirmative vote of two-thirds of voters at an annual or special town meeting. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the

purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the seller or his legal representative may return said certificate to the Town or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section 10. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 10.

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket.

(b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket county; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single parcel. Said exemption may be adjusted for inflation as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting. For purposes of this subsection, "inflation" shall mean the increases, if any, in the total of prices paid for real property transfers year to year for real property within the Town of Nantucket.

(n) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative

to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Trust Fund for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A seller who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a

fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (c) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 9. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 10 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 10 to be thereby avoided.

SECTION 10. This act shall take effect ninety (90) days following the date of passage.

(Select Board)

NOTE: The above home rule petition was approved as Article 82 of the 2016 Annual Town Meeting, Article 88 of the 2017 Annual Town Meeting, Article 70 of the 2018 Annual Town Meeting and Article 79 of the 2019 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2021, may expire unless renewed by a confirmatory town meeting vote.

DO WE NEED THIS IN ?

ARTICLE

(Home Rule Petition: An Act Amending the Nantucket Sewer Act (Chapter 396 of the Acts of 2008))

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the Nantucket Sewer Act to allowing the Select Board, acting as the Nantucket Sewer Commission, to waive all or a portion of sewer connection fees for year-round residents of the Town, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage:

An Act Amending Chapter 396 of the Acts of 2008

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Chapter 396 of the Acts of 2008 is hereby amended by inserting a new section 8A as follows:

8A. Notwithstanding any provisions of Chapter 83 or any other provision of a general or special law, the Nantucket Sewer Commission is hereby authorized to adopt a regulation that allows said Sewer Commission to waive all or a portion of sewer cotuckernnection fees for year-round residents who otherwise qualify for the resident tax exemption under section 5C of Chapter 59 of the General laws.

Section 2. This act shall take effect upon passage.

Or to take any other action relative thereto.

(Select Board)

ARTICLE

(Home Rule Petition: An Act Amending the Charter of the Town of Nantucket To Implement Certain Recommendations of the Town Government Study Committee)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(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):*

Article II, Section 2.2 - Town Moderator

The Moderator shall be elected for a term of ~~one year~~ **three years** and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Article II, Section 2.4 - Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk, **who shall be a registered voter of the town.**

Article II, Section 2.5 - Town Meeting Warrant

...

(b) The Select Board shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant **and make a copy of the warrant available on the town website.**

After such publication, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(c) The Select Board shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least ~~seven~~ **fourteen** days prior to the Town Meeting.

(d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

Article II, Section 2.6 - Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at such times during a Meeting as the Moderator may allow and in accordance with the rules of order. The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

(14) shall approve and sign warrants for payment ~~before such warrants are submitted to the Select Board;~~ and

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

(a) shall appoint the **department** heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Select Board;

...

Article V, Section 5.4 - Recall of Elected Officials

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters, as established by the Town Clerk as of March 1st of the previous year, with Town residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 7 5 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

(e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

(f) Recall election ballots shall first submit the question:

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6 Time of Taking Effect

~~This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.~~

~~Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.~~

SECTION 2. Continuance of the Charter Commission.

~~The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and~~

County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.

SECTION 3. Ratification by the Voters.

On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:

"Shall an act passed by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"

A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.

If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.

Ratified April 8, 1997

The form of the Special Act shall be as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET.

SECTION 1. Section 2.2 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words "one year" and inserting in place thereof the following words:- three years.

SECTION 2. Section 2.4 of said article II of said charter is hereby amended by inserting after the words "Moderator shall appoint a clerk" the following words:- , who shall be a registered voter of the town.

SECTION 3. Subsection (b) of section 2.5 of said article II of said charter is hereby amended by inserting after the words "after the issuance of the warrant" the following words:- and make a copy of the warrant available on the town website.

SECTION 4. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the word "seven" and inserting in place thereof the following word:- fourteen.

SECTION 5. Said section 2.5 of said article II of said charter is hereby amended by inserting after subsection (c) the following new subsection:- (d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of which has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town

meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

SECTION 6. Section 2.6 of said article II of said charter is hereby amended by inserting at the end of said section the following words:- The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

SECTION 7. Paragraph (14) of subsection (d) of section 4.2 of article IV of said charter is hereby amended by striking out the words “before such warrants are submitted to the Select Board” and by inserting after the words “shall approve” the following words:- and sign.

SECTION 8. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by inserting after the words “shall appoint the” the following word:- department.

SECTION 9. Subsection (c) of section 5.4 of article V of said charter is hereby amended by inserting after the words “at least 20% of registered voters” the following words:- , as established by the Town Clerk as of March 1st of the previous year, .

SECTION 10. Subsection (d) of said section 5.4 of said article V of said charter is hereby amended by striking out the numeral “7” after the words “does not resign within” and inserting in place thereof the following numeral:- 5.

SECTION 11. Said subsection (d) of said section 5.4 of said article V of said charter is hereby further amended by striking out the words “not less than 75 days after such certification date” and inserting after the words “the Select Board shall” the following words:- not less than 75 days after such certification date.

SECTION 12. Subsection (f) of said section 5.4 of said article V of said charter is hereby amended by inserting after the words “For the recall of (name” the following words:- and title.

SECTION 13. Said subsection (f) of said section 5.4 of said article V of said charter is hereby further amended by inserting after the words “Against the recall of (name” the following words:- and title.

SECTION 14. Article VI of said charter is hereby amended by striking out Section 6.6 in its entirety.

Or to take any other action related thereto.

(Select Board)

ARTICLE
(Home Rule Petition: An Act Prohibiting the Application of Fertilizer in the Town of Nantucket)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, prohibiting the application of fertilizer in the Town of Nantucket except for farming purposes, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage

An Act Prohibiting the Application of Fertilizer Used in the Town of Nantucket Except for Farming Purposes

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Nantucket water bodies. This undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

Section 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Nantucket. The soils of Nantucket are unique insofar as Nantucket has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Nantucket prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This Act should help Nantucket to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the Town of Nantucket, is hereby prohibited.

Section 4. This act shall take effect upon passage.

Or to take any other action related thereto.

(Joseph Minella, et al)

ARTICLE

(Home Rule Petition: Historic District Commission - Solar)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, to amend Chapter A301 Special Acts Article II Section 9(b) the Historic District Commission in the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Amend Section 9(b) of the Historic District Commission Special Acts, 1970 Chapter 395 by inserting the following changes highlighted below.

SECTION 9. (a) It shall be the function and the duty of the Historic District Commission to pass upon the appropriateness of exterior architectural features of buildings and structures hereafter to be erected, reconstructed, Altered or restored within the Historic Nantucket District wherever such exterior features are subject to view from a beach, public way, public park, public body of water, traveled way, a street or way shown on a land court plan, or shown on a plan recorded in the registry of deeds, a proprietors road or a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law. All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the exterior features to be passed upon shall be made available to the Commission by the applicant. It shall also be the duty of the Commission to pass the removal of any building within said districts as set forth in Section 6 and the erection or display of occupational or other signs as set forth under Section 7.

(b) The Historic District Commission, in passing upon appropriateness of exterior architectural features in any case, shall keep in mind the purposes set forth in Section 2 and shall consider, among other things, the general design, arrangement, texture, material and color of the building or structure in question, the location on the lot and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures. In the case of new construction or additions to existing buildings or structures, the Historic District Commission shall consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and buildings and structures in the vicinity, and outside the Town and Sconset Historic Districts shall reasonably allow for the visible integration of solar panels and renewable energy systems, and the commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable by-law.

(Jeffrey Booms, et al)

ARTICLE

(Home Rule Petition: Amend the Nantucket Planning and Economic Development Commission Special Act)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending Chapter 561 of the Acts of 1973, as amended, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(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):*

AN ACT Relative to the Nantucket Planning and Economic Development Commission.

Be it enacted, etc., as follows:

SECTION 1. In order to plan for the orderly and coordinated development and-protection of the physical, ~~environmental, cultural,~~ social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Planning Commission-" or the "Commission." The purpose of the Planning Commission is to plan for: balanced economic growth, the preservation of natural resources including open space, coastal resources, ground and surface water and ocean quality as well as other natural resources of Nantucket, the provision of adequate capital facilities, including transportation; the development of an adequate supply of fair affordable housing; and the preservation of historical, cultural, and recreational values. The Planning Commission shall consist of eleven (11) members as follows: ~~the members~~ (3) three representatives of the Planning Board of the Town of Nantucket, to be appointed annually by said Planning Board; one (1) representative of the Nantucket Housing Authority; ~~The Nantucket Affordable Housing Trust,~~ to be appointed annually by said Authority; one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; one (1) member of the Nantucket Historical Commission to be appointed annually by said Historical Commission; The Director of the Nantucket Department of Public Works or his or her designee which shall be designated by the Town Manger of said Town; and three (3) persons to be elected. ~~appointed at large by the Commission;~~ one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.

At the first annual election held after the effective date of this Act, three members shall be elected as follows: one (1) to serve for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, and thereafter when the term of any elected member expires, his or her successor shall be elected to serve for three (3) years. In all cases the members shall serve until their successors are elected and qualified.

Any vacancy in the elected membership shall be filled by a majority vote of the Nantucket Planning Commission, said vacancy to be filled for the remainder of the unexpired term.

After the first annual election held after the effective date of the Act, the Planning Board shall appoint three of its members for a term of one year each, and the following appointments shall be made: a member of the Affordable Housing Trust, a County Commissioner, a member of the Historical Commission, a member of the Conservation Commission, and the Director of the Department of Public Works, each to serve for a term of one year.

SECTION 2. The Planning Commission shall be responsible for the preparation of comprehensive plans for the protection of the physical, and social, and environment, economy, development and general quality of life of said county and town the Town and County of Nantucket and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to, the preparation of studies, research reports and maps of natural and cultural resources, land utilization, economic development, recreation and conservation, transportation and population characteristics. In order to carry out these responsibilities, the Commission may retain such experts as may be required.

Section 2A. The Planning Commission shall produce and make available a written report of its activities, annually.

SECTION 3. To meet the expenses incurred under this Act, the Planning Commission may expend from the treasury of the Town of Nantucket such sums as may be appropriated therefor by said town. All bills incurred in carrying out the provisions of this Act shall be accompanied by proper vouchers and shall be paid by the Town Treasurer of said town only on warrants approved by the Commission or a committee appointed by it for such purpose. Voluntary contributions, either public or private, for such purposes may be deposited in said treasury. No appointments shall be made and no money shall be expended hereunder except by the affirmative vote of a majority of the members of said Commission. No moneys expended under this Act shall be used for recreational advertising or promotion. The Planning Commission may be designated by any state or federal agency to participate in or receive funds and technical assistance from any state or federal programs, especially as those programs relate to environmental protection, conservation, land planning, water and air quality control, economic development, transportation or the development of region-wide public services.

SECTION 4. Within 30 days following each annual Town election, the Planning Commission shall elect a Chairman and such other officers as it may, by rule, provide Vice Chairman, and may make such other rules and regulations not inconsistent with the provisions of this Act as it may, by majority vote, provide. Each member of the Commission shall have one (1) vote. Members of the Commission shall serve without compensation. The duties of the Chairman include:

- a) Presiding over all meetings of the Planning Commission with the right to vote on all questions, absent conflict of interest, and to propose the agenda prior to each such meeting;
- b) Reporting annually to the people of the Town on the work of the previous year.

Section 4A. The Planning Commission shall be one (1) of the eCommonwealth's regional planning agencies.

Section 4B PLACEHOLDER

Section 4B. Certain developments of regional economic impact as hereinafter defined proposed to be constructed within the limits of the town of Nantucket shall not be constructed within that town without a Development of Regional Economic Impact Permit, hereinafter referred to as DREIP, issued by majority vote of the eCommission. A DREIP shall be in addition to and not a substitute for, nor shall it in any way detract from, any permit, license, approval or other permission issued by the town of Nantucket or any other applicable governmental authority.

Section 4C. Developments of regional economic impact shall be those large-scale commercial and industrial developments that have the potential to impact the appearance, society and economy of the town of Nantucket that exceed any 1 of the following minimum thresholds:

- (1) 30,000 gross square feet of interior space in a single building or on a single lot for retail, manufacturing or industrial use;
- (2) 40,000 square feet of exterior storage, exterior industrial use;
- (3) Alterations to more than 5 acres of shore, beach, seacoast, pond, marsh, dune, woodland, grassland, heathland, wetland, endangered species habitat, aquifer or other resource area for commercial or industrial use; or
- (4) any commercial or industrial use that requires more than 100 parking spaces as determined by the zoning by-law of the town of Nantucket.

Section 4D. The eCommission shall by majority vote adopt rules and regulations for the issuance of a DREIP after a public hearing, with a minimum of 14 days prior notice to the Select Board of selectmen of the town of Nantucket of the time and place of such hearing; provided, however, that the rules and regulations shall not take effect except upon an affirmative vote of a simple majority of voters of the town of Nantucket at a duly scheduled town meeting. The rules and regulations shall include specific time lines for action by the eCommission, including, without limitation, that the eCommission shall file a written decision with the town clerk within 180 days of the eCommission's receipt of a complete application for the issuance of a DREIP, and standards and criteria to assess visual and environmental impacts, employment characteristics and requirements for municipal or regional services including solid waste disposal, water, sewer, tourist

services and facilities, transportation and education. The rules and regulations shall provide that the eCommission shall issue a DREIP upon making the following findings:

- (1) the probable benefit of the proposed project will exceed the probable detriment;
- (2) the proposed project is in compliance with any master plan adopted by the community pursuant to section 81D of chapter 41 of the General Laws or other authority; and
- (3) there are no practical, feasible or practicable options or Alternatives that might otherwise be employed due to unique physical, social or economic conditions related to the town of Nantucket's island location.

SECTION 5. This Act shall take effect upon its passage.

(Hillary Hedges Rayport, et al)

ARTICLE
(Ombudsman Establishment - Complaints)

To see if the Town will vote to adopt an act, authorizing the establishment of an Ombudsman. To mediate disputes before the Town of Nantucket that have come to an impasse. Moreover, mediate complaints with appropriated redress for the user of the services, when its alleged that wrongdoing or maladministration has occurred. Against employees of the Town of Nantucket, any department of the Town of Nantucket or any Board Member of a Board elected by voters of the Town of Nantucket.

(Theresa Williams, et al)

ARTICLE
(Scheduling of Annual Town Meeting and Annual Town Election)

To see if the Town will vote to:
Direct the Select Board allow at least fourteen (14) days time between the Annual Town Meeting and the subsequent Election

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

ARTICLE
(Rescind Article 77 of the 2018 Annual Town Meeting)

To see if the Town will vote to:
Recind Article 77 of the 2018 Annual Town Meeting as to so much of the article that pertains to the taking of 10 Surfside Road, Tax Accessors Map 55, Parcel 137, (a

portion of) and return said to the care, custody and control of the Nantucket School Committee to be held for school purposes

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

ARTICLE ____
(Real Estate Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of conveyance, the fee title or lesser interests in all or any portions of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the south western edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcels .

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of a portion of 167 Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____
(Real Estate Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of a portion of 167 Surfside Road shown on Assessor's Map 87 as Parcel 118 (a portion of) and as shown on Plan No. 2012-60 labeled as "TERRIO ET AL DD. BK. 118 PG. 182" on said plan on file at the Nantucket County Registry of Deeds to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of a portion of 167 Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____

(Real Estate Acquisition: Portion of 167 Surfside Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of conveyance, the fee title or lesser interests in all or any portions of the property known as a portion of 167 Surfside Road, shown on Tax Assessor's Map 87 as Parcel 118 (a portion of) and as shown on Plan No. 2012-60 labeled as "TERRIO ET AL DD. BK. 118 PG. 182" on said plan on file at the Nantucket County Registry of Deeds.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of a portion of 167 Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____

(Real Estate Conveyance: Portion of 167 Surfside Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of a portion of 167 Surfside Road shown on Assessor's Map 87 as Parcel 118 (a portion of) and as shown on Plan No. 2012-60 labeled as "TERRIO ET AL DD. BK. 118 PG. 182" on said plan on file at the Nantucket County Registry of Deeds to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of a portion of 167 Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____

(Real Estate Acquisition: 31 Easy Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, sidewalk, drainage, flood control, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property known as 31 Easy Street, shown on Tax Assessor's Map 42.4.2 as Parcel 16.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____

(Real Estate Conveyance: 31 Easy Street)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of 31 Easy Street shown on Assessor's Map 42.4.2 as Parcel 16 to the Nantucket Islands Land Bank, Nantucket County, and/or the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, for all purposes pursuant to their respective enabling legislation, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____

(Real Estate Conveyance: 50 Altar Rock Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of 50 Altar Rock Road shown on Assessor's Map 46 as Parcel 9 to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Disposition of 50 Altar Rock Road" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

ARTICLE ____

(Home Rule Petition: Real Estate Conveyance - 50 Altar Rock Road)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the conveyance of all or portions of a certain parcel of land in the Town of Nantucket owned by The Inhabitants of the Town for open space purposes, as described in more detail below and as shown on a map entitled “2022 Annual Town Meeting Warrant Article ____ Disposition of Altar Rock” dated January 2022 and filed with the Office of the Town Clerk, to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE SELECT BOARD OF THE TOWN OF NANTUCKET TO CONVEY A PARCEL OF LAND KNOWN AS 50 ALTAR ROCK ROAD, SHOWN ON TAX ASSESSORS MAP 45 AS PARCEL 9, AND AS LOT A ON LAND COURT PLAN 9487-A ON FILE AT THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION INC. FOR OPEN SPACE, RECREATIONAL, AND CONSERVATION PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Select Board of the Town of Nantucket may convey all or portions of a certain parcel of land situated in the Town of Nantucket to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor’s Map 45, Parcel 9, 50 Altar Rock Road;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements and the exchange of suitable property from the Nantucket Conservation Foundation, Inc. to mitigate any impact of open space value as determined by the Select Board, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article ____ Disposition of Altar Rock” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____

(Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE ____

(Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road:

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

DRAFT ONLY - UNDER REVIEW

ARTICLE

(Real Estate Disposition: Utility Easement/Airport at Bunker Road)

INSERT LANGUAGE

(Select Board for Airport Commission)

ARTICLE

(Real Estate Disposition: Utility Easement/Shadbush Road)

INSERT LANGUAGE

(Select Board)

ARTICLE

(Real Estate Disposition: Long-term Lease Authorization/Shooting Range Facility)

INSERT LANGUAGE

(Select Board)

ARTICLE

(Real Estate Acquisition: 10-12 Washington Street)

Insert language - contingent upon debt exclusion, needs Bond Counsel review

(Select Board)

ARTICLE

(Real Estate Acquisition: Proprietors Road - Off Tripp Drive/South Shore Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513'. as shown on the plan attached hereto.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Real Estate Conveyance: Proprietors Road - Off Tripp Drive/South Shore Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80,

Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513', as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions,

Or take any action related thereto.

(Linda Williams, et al)

ARTICLE

(Real Estate Acquisition: Two (2) 12-foot Wide Ways - Nobadeer Way)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Real Estate Conveyance: Two (2) 12-foot Wide Ways - Nobadeer Way)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus, as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or take any action related thereto.

(Linda Williams, et al)

ARTICLE 111

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2022 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 112
(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Select Board)

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE TENTH DAY OF MAY 2022
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

2022 Annual Town Election

Moderator	One for a term of one year
Select Board	Two for terms of three years
School Committee*	One for a term of one year
School Committee	One for a term of three years
Historic District Commission	Two for terms of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Three for terms of three years
Planning Board**	One for a term of three years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	One for a term of two years
Town Clerk	One for term of three years

And, to cast their vote as "YES" or "NO" on the following ballot questions:

2. **Debt Exclusions**

OIH Design

Municipal Facility Design

OTHER??

Real Estate 10-12 Washington

Real Estate for Housing

Real Estate for 31 Easy

TEMPLATE LANGUAGE

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to

make various transportation-related improvements on Newtown Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

7. **Capital Outlay Exclusions - UPDATE**

TEMPLATE LANGUAGE

Shall the Town of Nantucket be allowed to assess an additional \$751,160 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2021?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$101,160
Natural Resources	Replacement vehicle	\$35,000
Planning & Land Use	Replacement vehicle	\$35,000
Public Works	Replacement of 6-Wheel Dump Truck	\$180,000
Public Works	Replacement of F-350 Truck	\$60,000
Public Works	Replacement of two (2) small pick-up trucks	\$90,000
Public Works	Replacement of Street Sweeper	\$250,000
	<i>Total Capital Exclusion:</i>	<i>\$751,160</i>

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting and election aforesaid.

Given under our hands this day of in the year Two Thousand Twenty-two.

Jason M. Bridges, Chair

Kristie Ferrantella, Vice Chair

Matthew G. Fee

Dawn E. Hill Holdgate

Melissa K. Murphy

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of **DATE** I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Constable