Town and County of Nantucket
Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair
Thomas M. Dixon
Matt Fee
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Brooke Mohr

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE
SELECT BOARD
JULY 12, 2023 – 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
https://youtu.be/FqOq_DBInK4

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_KELjdDdUSU6XqDFChpTtHA

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.

2. 2023 Committee Vacancies – Round 2: Agricultural Commission, Cemetery Commission, Council for Human Services, Council on Aging, Cultural Council, Finance Committee, Harbor and Shellfish Advisory Board, Planning Board Alternate, Real Estate Assessment Committee, Town Council Study Committee, Tree Advisory Committee.

3. Community Preservation Committee Annual Public Forum to be Held Tuesday, July 18, 2023 at 10:00 AM at Meeting Trailer at 131 Pleasant Street.

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 July 5, 2023 at 5:30 PM.

2. Approval of Payroll Warrants for July 9, 2023

3. Approval of Treasury Warrants for July 12, 2023.

4. Approval of Pending Contracts for July 12, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Short-Term Rental Work Group Update Including November 7, 2023 Special Town Meeting Draft Proposed Warrant Articles.

2. Resignation Acceptances: Finance Committee; Planning Board Alternate.

3. Finance Department: Request for Approval of FY 2023 Year End Budget Transfers.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30600547 to Install Approximately 170' +/- of 1-3" of Conduit from Pole 39 on Old South Road to Property Located at 84 Old South Road.

2. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30690787 to Install Approximately 40' +/- of 2-3" of Conduit from Pole 41 on Old South Road to Property Located at 88 Old South Road.

3. Public Hearing to Consider Application for Transfer of Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License from Larry B. Whelden d/b/a Nantucket Lobster Trap, Larry B. Whelden, Manager, to The Nantucket Lobster Trap, Inc. d/b/a Nantucket Lobster Trap, Drew Whelden, Manager, for Premises Located at 23 Washington Street.

4. Public Hearing to Consider Application for Transfer of Live Entertainment License from Larry B. Whelden d/b/a Nantucket Lobster Trap, Larry B. Whelden, Manager, to The Nantucket Lobster Trap, Inc. d/b/a Nantucket Lobster Trap, Drew Whelden, Manager, for Premises Located at 23 Washington Street.

X. TOWN MANAGER'S REPORT

1. Continued Review of Potential Warrant Articles for November 7, 2023 Special Town Meeting.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Finalize Dates of 2024 Annual Town Meeting and Annual Town Election; Review/Endorse Timeline.

2. Review Findings from Joint Select Board/Conservation Commission Meetings (March 21, 2023; April 11, 2023) Regarding Sconset Bluff Erosion Control Measures and Options with Arcadis.

3. Overview of Potential for a Coastal Resilience District.

4. Committee Reports.

XII. HDC APPEAL

1. Public Hearing to Consider the Appeal of Ara Charder, Trustee, Salty 3 Massachusetts Real Estate Trust, of Historic District Commission Approval of Certificate of Appropriateness Nos. HDC2023-03-8125 and HDC2023-03-8126 to Demolish a Dwelling and Barn/Garage at 121 Orange St, Map 55, Parcel 389.

XIII. ADJOURNMENT

**Identified on Agenda Protocol Sheet*

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. 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 the United States Constitution and the Massachusetts Declaration of Rights.

> 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 an orderly and peaceable manner, without disruption to other speakers.
>
> 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 protected under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.
>
> Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

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 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.

Unanticipated Business: 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: April 26, 2023

Select Board
2023 Committee Vacancy Appointments Timeline
Round 2
As of 7/6/2023

June 30 – Advertise committee vacancies on Town's website

July 6 and July 13 – Advertise committee vacancies in the Inky

July 5 and July 12 – Committee vacancies to be added to Select Board agendas as announcement

July 17 at 12:00 PM – Deadline for submitting applications for the following committee vacancies:

- Agricultural Commission – one seat, term expires 2026
- Cemetery Commission – one seat, term expires 2026
- Council for Human Services – three seats, terms expire 2026
- Council on Aging - one seat, term expires 2026
- Cultural Council – two seats, terms expire 2025
- Finance Committee – one seat, term expires 2024
- Harbor and Shellfish Advisory Board – one seat, term expires 2025
- Planning Board Alternate – one seat, term expires 2024
- Real Estate Assessment Committee – two seats, terms expire 2026
- Town Council Study Committee – number of seats to be determined
- Tree Advisory Committee – one seat, term expires 2025
- Tree Advisory Committee – two seats, terms expire 2026

July 19 and August 2 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board's packet.

August 16 – Meeting for applicants to introduce themselves and review their applications; committee appointments made.

Community Preservation Committee Nantucket

2001 – 2023

CPC Meeting & Annual Public Forum

Meet your Committee

Venue: 131 Pleasant Street (the trailer)

Date & Time: July 18, 2023 @ 10:00

Guest Speakers:

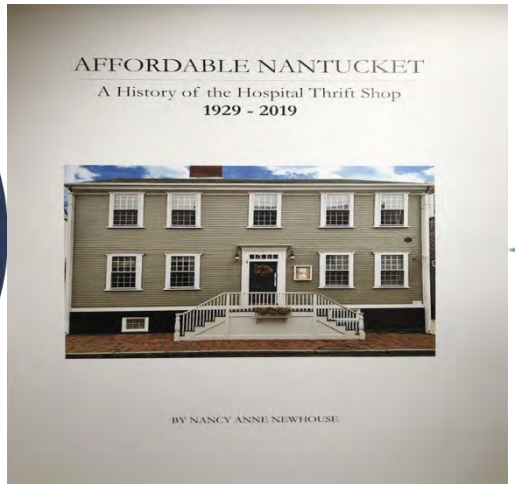
Brian Sullivan, Affordable Housing Trust, Chair
Affordable Housing Trust, Nantucket

Cathy Ward, Executive Director
Hospital Thrift Shop

Posie Constable, Managing Director
Sustainable Nantucket

AFFORDABLE HOUSING

HISTORIC PRESERVATION



OPEN SPACE

Grant Submissions Accepted (in person only): July 1 – September 8, 2023
Deadline: Friday, September 8th, 2023 ~ 4:00PM

nantucket.cpc@verizon.net • **508-325-6682**
Community Preservation Committee, 7C Hanabea Lane, Nantucket, MA 02554

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
July 12, 2023

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Amendment	Town Administration	SMRT Inc	N/A	Amendment #3 to contract for development of bid documents for exterior improvements to 16 Broad St, 3 E Chestnut & 20 S. Water St – extend completion date to June 30, 2024	N/A	March 1, 2023 – June 30, 2024
Grant	Town Administration	Nantucket Land Bank	$10,000	Inclusive Work Opportunities Nantucket (IWON) Summer 2023 Pilot Program	Cape & Islands License Plate Fund	July 1, 2023 – Dec. 31, 2023
Amendment	DPW	Pathfinder Tree Services, LLC	Add $3,360 to original contract amount of $198,030 for new contract amount of $201,390	Increase scope & price to add 9 E Creek Rd (OIH) to contract	DPW Budget	March 1, 2023 – Feb. 28, 2026
Purchase Agreement	DPW	Milton Cat	$83,500	Caterpillar Skid Steer Loader Model 27D3 XE	Article 10 2022 ATM & DPW Operating Budget	May 1, 2023 – Nov. 30, 2023
Purchase Agreement	DPW	Milton Cat	$54,500	Caterpillar 299D2 Forestry Package	Article 10 2022 ATM & DPW Operating Budget	July 1, 2023– June 30, 2026
Amendment	DPW	Weston & Sampson, Inc	N/A	Amendment #2 to contract for professional design services program - Town of Nantucket Concessions Evaluation and Feasibility Study –	N/A	June 30, 2023 – June 30, 2024

				extend completion date to June 30, 2024		
Amendment	DPW	Greenman Pederson Inc	N/A	Amendment #2 to contract for engineering design services for shared use path on Milestone Rd from Monomoy Rd to Polpis Bike Path – extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Amendment	DPW	TEC Inc	N/A	Amendment #2 to contract for professional engineering services for culvert replacements along Polpis Rd & Wauwinet Rd – to extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Amendment	DPW Stormwater	Greenman-Pedersen Inc	N/A	Amendment #2 to contract for: 1) preliminary engineering design services & survey for stormwater improvements at Pony Field & adjacent intersection; 2) drainage inventory on Orange St, Union St & Spring St – to extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Professional Services Agreement	Multiple Departments	South Shore Generator Service, Inc.	$113,880	Annual preventative generator maintenance & servicing for multiple Town Departments	Multiple Funding Sources by Department	July 1, 2023- June 30, 2026
Purchase Agreement	Our Island Home	Nantucket Fish and Dairy	$20,000	Provision of food and drink products	OIH Enterprise Operating Budget	July 1, 2023 – June 30, 2026

Professional Services Agreement	Our Island Home	Anew Life, LLC	$22,000	Treatment & monitoring of residents requiring behavioral & medication oversight	OIH General Budget – Medical Professional Services	July 1, 2023- June 30, 2026
Amendment	Sewer	Weston & Sampson, Inc	N/A	Amendment #2 to contract for Surfside WWTF Phase II Improvements - extend completion date to September 30, 2023	N/A	June 30, 2023 – Sept. 30, 2023
Amendment	Sewer	Hazen & Sawyer	N/A	Amendment #2 to contract for engineering, design, bidding & construction management services for upgrade of Aurora Way and Airport Pump Stations – extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Amendment	Sewer	Weston & Sampson, Inc	N/A	Amendment #2 to contract for drafting Siasconset Comprehensive Wastewater Management Plan (CWMP) – extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Amendment	Sewer	Hazen & Sawyer	N/A	Amendment #3 to contract for engineering services for Year 3 of Nantucket CMOM Program – extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Amendment	Sewer	Environmental Partners Group	N/A	Amendment #3 to contract for engineering & design services for Sea Street Force Main	N/A	June 30, 2023 – June 30, 2024

				No. 3 – extend completion date to June 30, 2024		
Amendment	Sewer	Hazen & Sawyer	N/A	Amendment #2 to contract for construction engineering services related to South Valley Pump Station Upgrade – extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Amendment	Sewer	Hazen & Sawyer	N/A	Amendment #1 to contract for drainage system assessment for design of future drainage improvements within Children's Beach Drainage Area – extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Professional Services Agreement	Sewer	Weston & Sampson	$156,400	Development of Sewer Master Plan Supplement for Remaining Sewer Needs Areas, Including Updated Budget Costs and Cost/Benefit Evaluation of Town Joining Cape and Islands Water Protection Fund	Sewer Enterprise Fund Budget	July 1, 2023 – June 30, 2026
Amendment	Sewer	Hazen & Sawyer	N/A	Amendment #1 to contract for design & bidding services for upgrade of Cato Lane Pump Station – extend completion date to June 30, 2024	N/A	June 30, 2023 – June 30, 2024
Amendment	Solid Waste	Weston & Sampson, Inc	N/A	Amendment #2 to contract for structural consulting services	N/A	Dec. 31, 2022 – June 30, 2024

				during replacement of the Materials Recovery Facility (MRF) roof - amend date to June 30, 2024		



Nantucket Short Term Rentals Work Group

Final Report to the Select Board: July 12, 2023

STRWG Task

- To provide 100% transparency in all discussions, deliberations, and decisions in respect to STRs on Nantucket.
- To reach 100% agreement to the contributing data points, how they are defined, and the necessary analyses for decision-making by the STRWG
- To develop sensible guidelines for STRs that consider (but not be limited to):
  - Nantucket's unique situation
  - the history of seasonal rentals
  - how STRs are developing in similar communities & the impact on Nantucket, and
  - the economic impact of the suggested guidelines
- To identify either new Bylaws and/or Zoning that would be voted upon at the 2023 Annual Town Meeting and beyond [Shifted to 2023 Special Town Meeting]
- To identify any guidelines that may arise that would support Article 39

STRWG Process

Since October 2022, STRWG members have invested over 60 hours each – as well as innumerable hours reading background materials, contacting other towns and municipalities, defining and refining positions, etc. – in civil, thoughtful, and detailed deliberation, convened two high-attendance public input sessions, and accomplished the following:

- Held 18 3-6 hour STRWG meetings with time for public comment, 7 subgroup meetings, and STR discussions with both the Planning Board and Select Board
- Developed and refined a set of policy goals that STR regulations would seek to achieve
- Developed and refined a set of data questions to inform STR policy, and worked closely with an independent data consultant to iteratively compile and analyze Nantucket STR data
- Led two interactive and highly attended public input sessions - an initial session in December (attended by 183 people) to hear and explore community concerns about STRs, and a follow up session in June (attended by 169 people) to elicit input on a draft policy package
- Examined STR regulations from comparable communities, and spoken to representatives of those communities (including Scottsdale, AZ; Palm Springs, CA; Honolulu, HI; and Woodstock, VT) to identify key lessons
- Investigated detailed legal, planning, and zoning questions with Town Counsel and consultants
- Brainstormed, explored in depth, and deliberated on a range of potential STR policies, including analysis of what each might achieve and what the intended and unintended consequences would be, and drafted and refined a package of policies designed to meet a core set of objectives
- Engaged in negotiations seeking to overcome remaining concerns and objections to find a mutually acceptable package agreement and reach consensus.

STR Data Overview

- Total number of STR listings from State Registry and change over time
- Number of active STR listings on platforms (AirBNB & VRBO) and through NAREB partners
- Bed and occupancy analysis of STRs listed on platforms
- Rough mapping of STR locations based on platforms
- Estimated weekly STR revenue from platforms over time
- Nights booked per week, contract lengths, and changes on platforms over time
- STR registration and ownership changes after sales at different price points
- Estimates of % of STRs owned by person owning more than 1, # owner occupied
- Review of NAREB dataset
- Overview of STR Peak Summer Capacity and STR status changes
- Advise on future data collection

STRWG Consensus

- Consensus is defined by the STRWG Framework as 7 votes out of 9.
- On June 27, the following package received a consensus of 7 votes from the STRWG. Participants supporting:
  - John Kitchener, at large member
  - Jim Sulzer, at large member
  - Karen Zagayko, at large member
  - David Iverson, Planning Board Representative
  - Peter N. Schaeffer, Finance Committee Representative
  - Kathy Baird, Nantucket Together Representative
  - Thomas Dixon, Affordable Housing Advocate Representative
- Two participants opposed the agreement:
  - Peter Kahn, ACNVT Representative
  - Julia Lindner, ACKNow Representative

STRWG Consensus Agreement

Bylaw Purposes

(1) Protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities for persons to keep their homes, now and into the future, through short-term rentals, to allow such persons to afford to live either full-time or part-time on Nantucket;

(2) avoid adverse impacts on the local economy stemming from a loss of existing short term rental revenue, STR taxes, and visitor spending, and adverse impacts to property owners who purchased their homes based on previous assumptions;

(3) prohibit additional corporate ownership and discourage investor-only ownership of residential properties for the exclusive purpose of operating them as short-term rentals rather than housing for either full-time or part-time residences;

(4) reduce the neighborhood churn caused by numerous turnovers of occupancy of STRs in residential neighborhoods;

(5) limit the conversion of residential units to short-term rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and

(6) provide a regulatory structure that reduces the threat of litigation challenging short-term rental use by full-time and part-time residents.

General By-Law Provisions (to take effect ONLY if Zoning Bylaw also passes)

- New relevant definitions (to be finalized by Barrett and Giorgio)
- An owner may register to operate only one property as a short-term rental. The property can contain up to two dwelling units in a single registration, as long as all dwelling units covered by the registration are located on the same lot and are rented to the same person or legal entity.
- Dwelling units owned by a corporation shall not be eligible to receive a certificate of registration - every shareholder, partner, and members of Trust, LLCs, S-Corporations or other legal entities must be a “natural person”.
- Short-term rentals are not allowed in deed restricted units for affordable or attainable housing or any other unit in an apartment building or townhouse owned, operated, and managed as rental housing.
- Short-term rentals in apartment buildings, multi-family dwelling units, and townhouses will be limited to 4 weeks per year.
- No short-term rental unit may change occupancy more than 9 times during July and August .
- If a property is sold after this bylaw, or with new construction completed after this bylaw, the unit cannot change occupancy more than 4 times during July and August. This limitation will be in place for 5 years, after which time the unit’s change of occupancy limit reverts to 9 times.
- Certificates of registration received prior to this Bylaw (or within 60 days of the Town’s establishment of the rental registration program, whichever is later), may continue in accordance with previous guidelines, except for limit of 9 changes of occupancy in July and August, until the dwelling unit is transferred or conveyed, or the certificate of registration is not renewed. This does not apply to inheritance.
- Hosted Stays and cottage colonies are exempted, and an official or agency designated by the Select Board can provide waivers for special circumstances.

Zoning Bylaw Provision (to take effect ONLY if General Bylaw also passes):

- Appropriate Definitions (to be finalized by Barrett and Giorgio)
- Amend the use chart to allow Short-term rentals as a permissible use in all districts except CI.

STRWG Optional Policy (voted separately)

- A waiver from the provision limiting newly purchased properties will be available if the owner or at least one member of a Trust, S-Corporation, or LLC can give proof of residing in the property at least 6 months and a day in the year after purchase, or a subsequent year, in which case the change in occupancy during the months of July and August shall be limited to 9 times.
- *LANGUAGE TO BE ADJUSTED TO BEST CONFORM WITH CONCERNS ABOUT DORMANT COMMERCE CLAUSE

STRWG Additional Policies (a la carte)

Additional Provisions (stand alone and each voted separately)

- Majority Vote: Pass the 3% Community Impact Fee - a 3% fee on rent for properties that are not the owner's primary residence if the owner has 2 or more short term rentals. At least thirty-five percent (35%) of the impact fee must be dedicated to affordable housing or local infrastructure projects. The remaining 65%, will be general fund revenue of the city/town and may be appropriated for any municipal purpose.
- 2/3s Vote: 100% of any Community Impact Fees will be dedicated to affordable housing or local infrastructure projects.

Additional Steps Needed

- Request Select Board advice on STRWG and Process First role in:
  - Answering remaining questions about bylaws (e.g., when stays count as “July and August”)
  - Determining data collection needs within Town Registry to monitor effectiveness and impacts of bylaws as well as status of STRs on Nantucket
    - Monitoring/evaluating on an annual basis post implementation
  - Advising the BOH on documentation needs required to establish eligibility in provision H
  - Advocacy and Education for the Bylaws for Town Meeting
  - Define enforcement for each of the provisions
  - Determine status of the STRWG going forward

Nantucket Short Term Rental Work Group (STRWG) Update to the Public: June 2023

In May 2022, in response to competing articles seeking to regulate short term rentals on Nantucket, Town Meeting voted to form a work group to study the issue. Over the following months, members from the Select Board, Planning Board and Finance Committee established the Short Term Rental Working Group (STRWG) and hired a professional facilitator. The STRWG includes at-large individuals along with representatives of organizations and Town bodies, encompassing a wide range of opinions and interests. The STRWG was charged with developing sensible guidelines for STRs that consider multiple interests and have broad public support.

Since October 2022, STRWG members have invested over 60 hours each – as well as innumerable hours reading background materials, contacting other towns and municipalities, defining and refining positions, etc. – in civil, thoughtful, and detailed deliberation, convened two high-attendance public input sessions, and accomplished the following[1]:

- Held 18 3-6 hour STRWG meetings with time for public comment, 7 subgroup meetings, and STR discussions with both the Planning Board and Select Board
- Developed and refined a set of policy goals that STR regulations would seek to achieve
- Developed and refined a set of data questions to inform STR policy, and worked closely with an independent data consultant to compile and analyze Nantucket STR data
- Led two interactive and highly attended public input sessions - an initial session in December (attended by 183 people) to hear and explore community concerns about STRs, and a follow up session in June (attended by 169 people) to elicit input on a draft policy package
- Examined STR regulations from comparable communities, and spoken to representatives of those communities (including Scottsdale, AZ; Palm Springs, CA; Honolulu, HI; and Woodstock, VT) to identify key lessons
- Investigated detailed legal, planning, and zoning questions with Town Counsel and consultants
- Brainstormed and explored in depth a range of potential STR policies, including analysis of what each might achieve and what the intended and unintended consequences would be, and drafted and refined a package of policies designed to meet a core set of objectives.

On June 27 2023, after extensive deliberations to overcome remaining concerns and objections to find a mutually acceptable package agreement, the STRWG reached consensus, defined by the STRWG Framework as 7 votes out of 9.

Participants supporting:

- John Kitchener, at large member
- Jim Sulzer, at large member
- Karen Zagayko, at large member
- David Iverson, Planning Board Representative
- Peter N. Schaeffer, Finance Committee Representative
- Kathy Baird, Nantucket Together Representative
- Thomas Dixon, Affordable Housing Advocate Representative

Two participants opposed the agreement:

- Peter Kahn, ACNVT Representative
- Julia Lindner, ACKNow Representative

[1] All STRWG meetings have been open to the public, and all meeting materials can be found at the Town's website: https://www.nantucket-ma.gov/2486/Short-term-Rental-Work-Group

The following is a brief description of the elements of the STRWG Consensus Agreement. The actual agreement will be found in the legal by-law language drafted and refined by the Town Counsel and Zoning Consultants.

By-law Purposes and Intents:

(1) Protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities for persons to keep their homes, now and into the future, through short-term rentals, to allow such persons to afford to live either full-time or part-time on Nantucket;

(2) avoid adverse impacts on the local economy stemming from a loss of existing short term rental revenue, STR taxes, and visitor spending, and adverse impacts to property owners who purchased their homes based on previous assumptions;

(3) prohibit additional corporate ownership and discourage investor-only ownership of residential properties for the exclusive purpose of operating them as short-term rentals rather than housing for either full-time or part-time residences;

(4) reduce the neighborhood churn caused by numerous turnovers of occupancy of STRs in residential neighborhoods;

(5) limit the conversion of residential units to short-term rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and

(6) provide a regulatory structure that reduces the threat of litigation challenging short-term rental use by full-time and part-time residents.

Definitions Section (for General and Zoning Bylaws):

To include Apartment Building, Attainable Housing, Corporation, Cottage Colony, Deed-Restricted Unit, Dwelling Unit, Hosted Stays, Townhouse, and others as considered needed by Town Counsel and Planning Consultant

General Bylaw Provisions (to take effect ONLY if Zoning Bylaw also passes):

- An owner may register to operate only one property as a short-term rental. The property can contain up to two dwelling units in a single registration, as long as all dwelling units covered by the registration are located on the same lot and are rented to the same person or legal entity.
- Dwelling units owned by a corporation shall not be eligible to receive a certificate of registration - every shareholder, partner, and members of Trust, LLCs, S-Corporation or other legal entities must be a “natural person”.
- Short-term rentals are not allowed in deed restricted units for affordable or attainable housing or any other unit in an apartment building or townhouse owned, operated, and managed as rental housing.
- Short-term rentals in apartment buildings, multi-family dwelling units, and townhouses will be limited to 4 weeks per year.
- No short-term rental unit may change occupancy more than 9 times during July and August .
- If a property is sold after this bylaw, or with new construction completed after this bylaw, the unit cannot change occupancy more than 4 times during July and August. This limitation will be in place for 5 years, after which time the unit’s change of occupancy limit reverts to 9 times.
- Certificates of registration received prior to this Bylaw (or within 60 days of the Town’s establishment of the rental registration program, whichever is later), may continue in accordance with previous guidelines, except for limit of 9 changes of occupancy in July and August, until the dwelling unit is

transferred or conveyed, or the certificate of registration is not renewed. This does not apply to inheritance.
- Hosted Stays and cottage colonies are exempted, and an official or agency designated by the Select Board can provide waivers for special circumstances.

Zoning Bylaw Provisions (to take effect ONLY if Zoning Bylaw also passes):
- Appropriate Definitions (to be finalized by Barrett and Giorgio)
- Amend the use chart to allow Short-term rentals as a permissible use in all districts except CI.

Optional General Bylaw Provision (to be voted separately but only relevant if previous Bylaw passes):
- *A waiver from the provision limiting newly purchased properties will be available if the owner or at least one member of a Trust, S-Corporation, or LLC can give proof of residing in the property at least 6 months and a day in the year after purchase, or a subsequent year, in which case the change in occupancy during the months of July and August shall be limited to 9 times.

  *language to be adjusted to best address concerns about dormant commerce clause

Additional Provisions (stand alone and each voted separately)
- Majority Vote: Pass the 3% Community Impact Fee - a 3% fee on rent for properties that are not the owner's primary residence if the owner has 2 or more short term rentals. At least thirty-five percent (35%) of the impact fee must be dedicated to affordable housing or local infrastructure projects. The remaining 65%, will be general fund revenue of the city/town and may be appropriated for any municipal purpose.
- 2/3s Vote: 100% of any Community Impact Fees will be dedicated to affordable housing or local infrastructure projects.

From:	John Giorgio
To:	Stacie Smith; Simenesh Semine; Judi Barrett; Leslie Snell; Libby Gibson; Erika Mooney
Subject:	Warrant Articles to Implement STRWG Recommendations
Date:	Wednesday, July 5, 2023 4:17:51 AM
Attachments:	KP-#870748-v1-NANT-_STRWG-_Combined_Draft_Warrant_Articles (1).DOCX

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Dear All;

Attached please find a set of warrant articles. I hope that I have captured all of your individual comments as well as those of the Work Group.

I would really appreciate your very close review of the attached.

One question I had was whether the Group is recommending both of the community impact fees or just the one applicable to professionally managed units (the second one is on owner-occupied units). I have included both in the attached draft.

I will be back at work next Monday and available to make any further changes based on your feedback.

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COMBINED SHORT-TERM RENTAL WARRANT ARTICLES

NOVEMBER 7, 2023, Special Town Meeting

Article 1

Zoning Bylaw Amendment Regulating Short-Term Rental Use

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

1. Amend §139-2 (Definitions and Word Usage), by inserting the following new term and definition and inserting them in alphabetical order.

SHORT-TERM RENTAL

A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter 123 of the Town Code.

TOWNHOUSE

A single structure consisting of three or more dwelling units, each with one or more abutting walls and entrances opening directly to the outside at grade.

2. Amend §139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all district columns except the Commercial Industrial (CI) district, where the designation N shall be inserted.

Or take any other action relative thereto.

Quantum of vote for passage of this article is 2/3rds.

Article 2

General Bylaw Amendment – Chapter 123 of the Town Code – Regulating the Operation of Short-Term Rentals

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) as follows (language to be inserted shown in highlight; language to be deleted shown in strikethrough); provided that the provisions of this Chapter shall take effect on the day these amendments become effective pursuant to General Laws Chapter 40, §21, but in no event shall these amendments takes effect unless and until Chapter 139 (Zoning) of the Town Code regulating short-term rental use is amended in substantially the form set forth in Article __ of the

warrant for the November 7, 2023, Special Town Meeting pursuant to G.L. c. 40A, §5, and is approved by the Attorney General:

Chapter123

Short-Term Rentals

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, §14 and is intended to:

(1) 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.

(2) Protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time on Nantucket;

(3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending.

(4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences.

(5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods.

(6) limit the conversion of residential units to Short-Term Rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and

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(7) provide a regulatory structure that reduces the threat of litigation challenging Short-Term Rental use by full-time and part-time residents.

§123-2. Definitions.

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

APARTMENT BUILDING

Shall have the same meaning as in Chapter 139 of the Town Code.

CORPORATION

All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, §4, respectively.

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

DEED-RESTRICTED UNIT

A dwelling unit that is subject to a deed restriction held by the Town for affordable, workforce homeownership housing, or workforce rental housing as these terms are defined in Chapter 139 of the Town Code, or is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.

DWELLING UNIT

Shall have the same meaning as in Chapter 139 of the Town Code.

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HOSTED STAYS

An overnight stay whereby a short-term renter occupies a portion of a dwelling unit where the owner is present. An owner is considered present when the owner is on the premises except during the daytime and/or work hours.

OPERATOR

A person operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental. It is the intent of this bylaw that the operator shall have the same meaning as set forth in General Laws c, 64G, §1.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a short-term rental.

TOWNHOUSE

Shall have the same meaning as in Chapter 139 of the Town Code.

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

Unless otherwise specifically provided in this bylaw, terms used in this bylaw shall have the same meaning as set forth in G.L. c. 64G.

§ 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. The operator shall

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 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 the regulations issued pursuant to §123-4.

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 compiled with the provisions of this chapter and

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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. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous 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.

H. An owner may register to operate only one property as a Short-Term Rental. The property can contain up to two dwelling units in a single registration, as long as both dwelling units covered by the registration are located on the same lot and are rented to the same person or legal entity. Multiple dwelling units within the same property may not be registered or rented as separate short-term rentals. An owner may hire a property management company to list and manage a short-term rental, but the registration must be in the owner's name.

I. Dwelling units owned by a Corporation shall not be eligible to receive a certificate of registration. Short-Term Rentals are eligible to receive a certificate of registration for dwelling units owned by an LLC, Trust, or a solely family-owned corporation such as an S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to §123-4 establishing the documentation required to establish eligibility under this section.

J. Short-Term Rentals may not be operated in any Deed-Restricted unit or in an unrestricted unit in an Apartment Building or Townhouse owned, operated, and managed as rental housing.

K. Short-Term Rentals shall only be allowed in detached single-family dwelling units. The Owner of a Townhouse or a dwelling unit in an Apartment Building is eligible to receive a certificate of registration, provided the unit is not deed-restricted, and only on a condition contained in the certificate of registration that limits Short-Term Rentals in such units to a maximum of four weeks each year.

L. No person holding a certificate of registration for a dwelling unit may engage in the Short-Term Rental of said property that has a change of occupancy of more than 9 times during the months of July or August. If a property is sold after the effective date of this bylaw, the new owner shall not engage in a Short-Term Rental of an existing or new dwelling unit that has a change in occupancy of more than 4 times during the months of July and August. The owner shall provide with the renewal application a report on the rental activities the prior year, as set forth more fully in the regulations adopted pursuant to section 123-4 of this Bylaw. The limitation of 4

changes in occupancy shall only be in effect for the first five years after the sale at which time the owner will be subject to a maximum of nine changes in occupancy during the months of July and August.

M. Any person or other legal entity who receives a certificate of registration prior to the effective date of this Chapter or within 60 days of the Town's establishment of the rental registration program, whichever is later, may continue to engage in Short-Term Rentals in accordance with the existing certificate of registration, except for subsection K of this section which shall apply to all short-term rentals, until the dwelling unit is transferred or conveyed, or the certificate of registration is not renewed. If a property is bequeathed to a person or other beneficiary through a will, the new owner may continue to engage in Short-Term Rental activities in accordance with this section.

N. The Select Board may designate a Town Official or Town Board to grant a waiver from any of the provisions contained in Paragraphs H through L of this Chapter upon a showing that such a waiver is necessary in order to prevent an undue hardship.

N. Hosted Stays and Cottage Colonies shall be exempt from subsections H, J, K , and L of this section.

§ 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 are not limited to requirements to insure that the operation of the short-term rental does not 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

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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 become effective pursuant to General Laws Chapter 40, §21,orJanuary 1, 2023, whichever is later;~~

Or take any other action relative thereto.

Quantum of vote for passage of this article is a majority.

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Article 3

General Bylaw Amendment – Chapter 123 of the Town Code – Regulating the Operation of Short-Term Rentals – Further Regulations

To see if the Town will vote to amend Chapter 123-3 of the Town Code (Short-Term Rentals - Registration, Permitting, Inspection and Fees), subsection (K) to read as follows (language to be inserted shown in highlight); provided that the provisions of this Chapter shall take effect on the day these amendments become effective pursuant to General Laws Chapter 40, §21, but in no event shall these amendments takes effect unless and until Chapter 139 of the Town Code (Zoning) regulating short-term rental use is amended in substantially the form set forth in Article __ of the warrant for the November 7, 2023, Special Town Meeting pursuant to G.L. c. 40A, §5, and is approved by the Attorney General:

K. No person holding a certificate of registration for a dwelling unit may engage in the short-term rental of said property that has a change of occupancy of more than 9 times during the months of July or August. If a property is sold after the effective date of this bylaw, the new owner shall not engage in a short-term rental of an existing or new dwelling unit that has a change in occupancy of more than 4 times during the months of July and August, unless the owner or at least one member of a Trust or LLC can give proof of residing in the property at least 6 months and a day in the year after purchase, or a subsequent year, in which case the change in occupancy during the months of July and August shall be limited to 9 times. The owner shall provide with the renewal application a report on the rental activities the prior year, as set forth more fully in the regulations adopted pursuant to section 123-4 of this Bylaw. The limitation of 4 changes in occupancy shall only be in effect for the first five years after the sale at which time the owner will be subject to the 9 changes in occupancy.

Or take any other action relative thereto.

Quantum of vote for passage of this article is a majority.

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Article 4

Adoption of Community Impact Fee on Professionally Managed Short-Term Rentals

To see if the Town will vote to accept the provisions of General Laws Chapter 64G, Section 3D(a), authorizing the imposition of a community impact fee of 3 percent on the transfer of occupancy of a short-term rental in a "professionally-managed unit", which term is defined as 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family, or three family dwelling that includes the operator's primary residence; or take any action relative thereto.

Quantum of vote for passage of this article is a majority.

Article 5

Adoption of Community Impact Fee on Owner Occupied Short-Term Rentals

To see if the Town will vote to accept the provisions of General Laws Chapter 64G, Section 3D(b), authorizing the imposition of a community impact fee of 3 percent on the transfer of occupancy of a short-term rental that is located in a two-family or three-family dwelling that includes the operator's primary residence; or take any action relative thereto.

Quantum of vote for passage of this article is a majority.

Article 6

Establish Special Purpose Stabilization Fund for Affordable Housing and Dedicate 100 Percent of Short-Term Rental Community Impact Fees to the Fund

To see if the Town will vote to establish, pursuant to the provisions of General Laws Chapter 40, Section 5B, a Special Purpose Stabilization Fund for Affordable Housing; and further to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, 100 percent of any community impact fees received by the Town pursuant to General Laws Chapter 64G, Section 3D(a) or (b) on the transfer of occupancy of a short-term rental to the Special Purpose Stabilization Fund for Affordable Housing; provided that said dedication shall take effect beginning in Fiscal Year 2025 which begins on July 1, 2024; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto.

Quantum of vote for passage of this article is 2/3rds.

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MINORITY REPORT TO THE FINAL REPORT OF THE NANTUCKET SHORT TERM RENTALS WORKING GROUP (STRWG) DATED JULY 12, 2023 FROM STRWG MEMBER PETER J. KAHN ON BEHALF OF THE ADVISORY COMMITTEE OF NON-VOTING TAXPAYERS (ACNVT)

INTRODUCTION: THE NANTUCKET SELECT BOARD SHOULD ADOPT THE STRWG PROPOSED WARRANT ARTICLES 1 AND 2 AND SEND THEM TO THE SPECIAL TOWN MEETING WITHOUT ARTICLE 3, WHICH IS AN UNCONSTITUTIONAL PROVISION.

On behalf of the ACNVT, I want to briefly explain why we were compelled to cast a negative vote on the proposed STRWG Short Term Rentals(STR) final report. Simply put, we were asked to vote to approve Articles 1, 2 and 3 as a package, but the language of Article 3 illegally discriminates between "new" resident owners and "new" non-resident owners (the non-voting taxpayers) should either choose to engage in short term rentals after the effective date of the regulation.

The discrimination set out in proposed Article 3 does not use the words "resident" or "non-resident". Rather, it is based on the amount of time an owner is physically present on Island. The offending subsection would permit a new owner who spends 6 months and a day on Nantucket to rent 9 times during the defined high season (July and August) while the new owner who spends less time on the Island would be able to rent only 4 times. As such it is unconstitutional under the dormant Commerce Clause of the United States Constitution. There is no rational basis for this, other than to favor one group economically over the other. Therefore, the Select Board should eliminate Article 3, adopt Articles 1 and 2, and send them to the Special Town Meeting for voter consideration and approval.

Imagine, if you will, what would happen if the Town sought to adopt the same discriminatory rule for other activities on the Island. What if

you had to be resident on Nantucket for at least 6 months and a day in order to run an ice cream shop, like the Juice Bar, 7 days a week during the high season? If not, you would only be allowed to be open 4 days a week during the high season. Just last year, the United States Court of Appeals for the First Circuit, the federal appellate court with jurisdiction over Massachusetts, New Hampshire, Maine, Rhode Island, and Puerto Rico, considered a similar question and struck down Maine's law requiring that officers and directors of medical marijuana dispensaries operating in Maine be Maine residents. *See, NORTHEAST PATIENTS GROUP,d/b/a Wellness Connection of Maine; HIGH STREET CAPITAL PARTNERS, LLC, Plaintiffs, Appellees, v. UNITED CANNABIS PATIENTS AND CAREGIVERS OF MAINE, ___F.4th___, No. 21-1719 (1st Cir. Aug. 17, 2022).*

One may scoff that STR operations and medical marijuana clinics are not comparable. But,-the relevance is not the product or service at issue. It is that both STRs and Clinics are engaged in interstate commerce. The dormant Commerce Clause cases do not permit states and their localities to interfere with interstate commerce. Other US Courts of Appeal have ruled that STRs are engaged in interstate commerce, and against local laws that impermissibly discriminate against out of state STR owners. See e.g., Samantha Hignell- Stark, et al. v. The City of New Orleans, 46 F 4th 317 (5th Cir. 2022). See also, Rosenblatt v. City of Santa Monica, 940 F.3d 439, 450-451 (9th Cir. 2019). These cases recently were cited approvingly by the Massachusetts Attorney General in her opinion concerning the Great Barrington, MA STR Warrant Articles (Case #10670, Dec. 19, 2022). She noted that local STR regulations cannot impermissibly interfere with interstate commerce under dormant Commerce Clause case law, citing United Haulers Ass'n. Inc. v. Oneida-Herkimer Solid Wate Management Authority, 550 U.S. 330, 338 (2007) ("In this context, 'discrimination simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter…. Discriminatory laws motivated by simple economic protectionism are subject to a virtually per se rule of invalidity[.]") Id. (citation and internal quotations omitted). Thus, the question for the Select Board, and ultimately for Nantucket voters is how to regulate STRs without impermissibly interfering with interstate commerce. We think Articles 1 and 2 of the Proposed Special Town Meeting Warrant do it, but Article 3 does not.

The STRWG made clear in the "Bylaw Purposes" section of its Final Report that residents and non-residents of Nantucket are to be treated equally. As stated in their proposed Chapter 123 -1 (1): "This bylaw is also intended to protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities for persons to keep their homes, now and into the future, through short-term rentals, to allow such persons to afford to live either full-time or part-time on Nantucket." As noted, we are prepared to support both Article 1, the zoning bylaw, and Article 2, the general bylaw proposed by the STRWG, with a possible few suggestions for further improvement. But we cannot support the provision in Article 3 that discriminates between residents and non-residents of Nantucket and that gives one a serious economic advantage at the cost of the other with no legitimate rationale provided. It needlessly drives a wedge between the two. The purported, yet unstated, connection to "affordable housing" is unsupported by the facts.

A MODEST CHANGE IN ARTICLE 3 IS NEEDED TO CURE IT

If in fact there is a serious concern that the proliferation of STRs on Nantucket limits the amount of affordable year-round housing, we proposed an alternative approach that would be constitutional – limit STRs in July and August to 4 *for all* unless the annual income of the owner of the dwelling unit is less than 400% of the Average Median Income [AMI] for a family of 4 on Nantucket adjusted annually, in which case the change in occupancy during the months of July and August shall be limited to 9 times. In so doing you establish a rational basis not reliant on residency but available to all to provide homeowners in need with the ability to secure more rental income so they can afford to live on Island full-time or part-time, as opposed to a discriminatory provision based solely on whether one lives on Island for 6 months and a day or more, otherwise defined by statute as a resident, at least for Massachusetts tax purposes.

This proposal was discussed by the STRWG, but was inexplicably thought to be demeaning to Nantucket Residents. I found that difficult to understand since 400% AMI, currently an annual income of approximately $500,000, protects both 95% of Nantucketers who need

to STR in the high season to own their own homes and non- residents who need to rent to buy their vacation dream house. The 400% AMI figure will not protect the "fat cat" off-Island resident or the Nantucket equivalent who is seeking an investment, but who has more than $500,000 annual income and is in the top 5% of wage earners in Massachusetts or nationwide. Moreover, the part of the package that we support would curtail new ownership of STRs by (1) corporations; (2) anyone seeking to own more than one STR; and (3) eventually eroding existing multiple STR ownership because current multi-STR owners would be required to disgorge their multiple STR properties when they transfer ownership or sell.

ELIMINATING OR CURING ARTICLE 3 ACHIEVES ANOTHER IMPORTANT GOAL – REDUCING STR LITIGATION.

Having to defend Article 3 will cost the town hundreds of thousands of dollars in legal fees if it is passed by Town Meeting as it will undoubtedly be challenged as unconstitutional. Limiting non-residents to four short term rentals in the height of the summer season as compared to residents means a real money differential. The prospective loss of 5 contracts annually for each new non-resident owner potentially will add up to millions of dollars of lost revenue over a five-year period. Short Term Rentals are a significant source of income for homeowners and island businesses that depend on the renters who flock to Nantucket in the high season to pay the bills for their houses on the Island. People come from all over the US and overseas to stay in STRs. Nantucket destination tourism is a healthy example of how interstate commerce works.

If there is a serious concern with the continued proliferation of STRs Nantucket may choose to forgo the business generated by them, if it does so without discriminating between residents and nonresidents. It can do so by limiting *all* new owners to 4 rentals during July and August, not just nonresidents, with an exemption for those in economic need, resident and nonresident alike, and if need can be shown under non-discriminatory standards equally applied, allow everyone who demonstrates the need to engage in 9 rentals during that period the ability to do so. This will not run into a constitutional challenge so long as

the standards for an economic need exemption are fair and apply equally to all applicants. The fact that there is a "sunset provision" after 5 years does not save Article 3 as written.

THIS IS A SERIOUS CONSTITUTIONAL ISSUE, NOT JUST A LOT OF "BELLY ACHING".

We provided the STRWG with two memoranda that explain in detail why Article 3 is unconstitutional under federal law. Town Counsel originally opined that the initial version of what is now Article 3 was constitutional, but changed his mind based on the arguments and court precedents we set forth. We appreciated Town Counsel's confirmation. Thereafter, in an exchange that was not entirely transparent, the new version of what is now Article 3 appeared, but it was not accompanied by a written opinion explaining why the revised language is legally permissible. The current proposal changes a few words, but not the problem that Town Counsel recognized and confirmed.

The version that Town Counsel agreed was problematical, and withdrew, was drafted to discriminate between residents and nonresidents by permitting 4 and 9 STR rentals in July and August based on whether one had a Nantucket residential tax exemption, i.e., whether one was a resident or not. The newly revised provision is based on the same differential between 4 and 9 rentals during July and August but discriminates in favor of owners that live on the Island for at least 6 months and a day in any given year and against those who don't. Coincidentally, 6 months and a day happens to be the definition of a Massachusetts resident for tax purposes. Thus, although the redrafted Article 3 uses slightly different words, it contains the same prohibited discrimination that Town Counsel agreed was not likely to pass the dormant Commerce Clause test.

The courts have long held that a municipal law that discriminates against interstate commerce based on residence is unconstitutional unless there is no other way to enforce the government's legitimate policy goals. We have shown that there are other constitutional means to do so. State and local laws that discriminate against non-residents in the context of real estate rights and commerce are subject to constitutional attack and face a high hurdle to prove the local governmental entity had no other choice.

Article 3 does not meet that heavy burden. The fact that the STRWG Final Report notes that the language of the Article needs "to be adjusted to best conform with concerns about [the] dormant commerce clause" says as much. We have attached hereto the two memoranda that were provided to the STRWG and articulate our position. They are written for non-lawyers and succinctly set forth our argument. We urge that you read them before casting your vote on this Nantucket Short Term Rentals Work Group package.

CONCLUSION

We believe that the STRWG has done the job the Town appointed it to do and come up with STR rules and regulations that should be supported by the community – with the one small, but important, exception pointed out at length during the months of our meetings, and in this Minority Report to the Select Board. The ACNVT has no hidden agenda. We want to put the STR issue behind us. We want a framework for reasonable nondiscriminatory STR regulation. We ask the Select Board to vote to send the proposed STRWG STR Bylaws Package to the Special Town Meeting for passage *without* Article ~~3~~.

Respectfully submitted,

Peter J. Kahn

STRWG Member on
behalf of the ACNVT

From:	Kahn, Peter
To:	"stacie@cbi.org"; "Simenesh Semine"; Megan Trudel
Bcc:	Kahn, Peter; "Peter Halle"
Subject:	A Compromise on Section 123-3 K of the Proposed Nantucket STR Bylaw that the ACNVT Can Join In
Date:	Monday, June 26, 2023 11:29:45 AM
Attachments:	KP-#865518-v5-STRWG_General_Bylaw_-_V_3_06_07_23__Draft.DOCX GREAT BARRINGTON MA AG Bylaw.pdf Great Barrington Short-Term Rental of Residential Properties (2).pdf Housing Funding PowerPoint_21February2023.pdf

Stacie, Simenesh, or Megan,
Please circulate the below memorandum to all members of the STRWG as soon as possible so they have time to review a compromise the ACNVT is proposing that will hopefully allow us to reach consensus on the proposed Nantucket STR bylaw at our meeting tomorrow evening. Thank you.
Peter

To my colleagues on the STRWG,

Stacie invited each of us who would criticize the current draft of the STR bylaw to come up with an alternative that would likely be acceptable and improve the result. This memorandum is offered in response to Staci's challenge. On behalf of the ACNVT I support the current draft with the exception of one part of Section 123-3 K that, as I explain below, is legally flawed and is likely to tie up the entire proposal in litigation and ultimately found to be unconstitutional. Fortunately there is a rather simple alternative that may be adopted without major change by the STRWG that I hope each of you will find to be both acceptable and an improvement and that will pass legal muster.

I. INTRODUCTION

Like each of you, I take my role on the STRWG seriously and recognize that each of us must be open to compromise to see if we can find an STR bylaw that is both legal and in the best interests of all those who hold Nantucket dear, residents and non-residents alike. However, it does us no good to propose a regulation that is unconstitutional on its face. It will only lead to further litigation and underscore the fact that we have wasted a great deal of time and an opportunity to bring our community together.

We are very close to reaching a compromise that the ACNVT can join in. However, the present draft of Chapter 123 – 3 K is clearly unconstitutional on its face given the discrepancy in how many rentals will be allowed during the high season months of July and August for residents (9) vs. non-residents (4), based solely on where one claims their residence. With some simple edits that will still meet the goals of the proponents of the current version of paragraph K, ie fostering affordable housing and deterring commercial interests from buying housing to use primarily as short-term rental businesses, this can be done. I set forth the arguments below – first why the current version is unconstitutional, and second what we need to do to make it constitutional and still meet the goals we have put forward for the purposes of the bylaw. I look forward to discussing these issues at our meeting on Tuesday evening and believe we can come to a satisfactory resolution if everyone maintains an open mind and appreciates the legal requirements of what we are trying to do.

II. THE CURRENT VERSION OF CHAPTER 123-3 K IS LIKELY UNCONSTITUTIONAL AND WILL RESULT IN CERTAIN LITIGATION

The bylaw being considered by the STRWG that treats resident home owners differently from seasonal non-resident homeowners raises a *"serious"* legal question regarding possible violation of the "Dormant Commerce Clause" of the United States Constitution.

The specific discrimination in the draft bylaw is found in Chapter 123 – 3 K (see most recent STRWG draft dated 06/18/23 attached) and provides that new non-resident home owners would be prohibited from more than 4 STRs in the high season months of July and August, while resident home owners would be permitted 9. The only stated justification for the difference is residency. We will call that "**Option 1**". The STRWG has also considered two additional options.

In **Option 2**, both resident and non-resident homeowners would be limited to 4 STR's during the high season months of July and August, but a resident

homeowner could avoid the 4 STR limit during those two months by showing that he/she needs an exemption to rent more to eliminate hardship (presumably economic hardship). At present the "hardship" is undefined. Non-resident home owners would not have the same opportunity for an exemption. Therefore it is a discrimination based on residence.

In **Option 3**, the 4 STR limit would apply to both resident and non-resident homeowners equally (or both may demonstrate that the hardship exemption applies in their circumstances), in other words they are treated the same.

These are the Options we have considered so far. In Section IV below I lay out a new option that I think will bridge the current gap and eliminate the Constitutional risk. But first, here is the relevant information explaining the Constitutional problems Section 123-3 K faces that need to be addressed.

The United States Court of Appeals for the First Circuit sitting in Boston and having federal jurisdiction over the State of Massachusetts has not ruled directly on this precise issue of discrimination in the STR context, but it recognized and actively enforced the Dormant Commerce Clause, which is at the heart of this matter, in a case as recently as last year. See discussion further below.

The most relevant federal case on the STR point arises out of the United States Court of Appeals for the Fifth Circuit. It is the case of *Samantha Hignell-Stark, et al. v. The City of New Orleans,* 46 F 4th 317 (5th Cir. 2022). https://law.justia.com/cases/federal/appellate-courts/ca5/21-30643/21-30643-2022-08-22.html. In that case the Fifth Circuit Court of Appeals upheld the District Court's finding that the residency requirement of the New Orleans STR regulation violated the Dormant Commerce Clause of the US Constitution. "A discriminatory law is virtually *per se* invalid", citing the United States Supreme Court decision in *Dep't of Revenue v. Davis*, 553 U.S. 328, 338 (2008). Hignell-Stark at 325. It may be upheld "only if it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives". *Id.* If there are "***any*** available alternative methods for enforcing [the government's] legitimate property goals," the law is unconstitutional. Id,

citing *Dickerson v. Bailey*, 336 F.3d 388, 402 (5th Cir. 2003) (emphasis in original).

One of the comments at the STRWG meeting on June 20 made by a member of the group was that because the proposed regulation permits non-residents to rent 4 times in the high season of July and August the proposed regulation does not entirely prohibit interstate commerce for non-residents, and thus ought to be deemed Constitutional. The Fifth Circuit rejected a similar argument. In *Hignell-Stark* non-residents of New Orleans were permitted to rent properties in commercial districts of the City, but not residential districts where you were required to be a resident to rent. Like the aforementioned comment, it was asserted that this accommodation was a reasonably nondiscriminatory alternative that made the regulation Constitutional because it did not "entirely prohibit interstate commerce in the residential districts". The Fifth Circuit rejected that line of reasoning. Id. at 327.

The Fifth Circuit decision also deals head-on with the argument that many on the STRWG are making, ie that the discrimination between residents and non-residents is necessary to help preserve affordable housing on Nantucket for residents. The Court rejected that argument as a justification for the discrimination between residents and non-residents, noting that there are other reasonable non-discriminatory alternatives. "[T]he City says that the residency requirement helps to preserve affordable housing. That might be true, given that the provision reduces demand – and therefore the price – for housing by restricting the number of persons who can participate in the STR market. But the City could reduce the demand for housing in other ways, such as increasing the price of an STR license for owners or capping the number of licenses available for any given neighborhood." Id. at 328.

Finally, the idea of a "sunset" provision floated by some at the June 20 STRWG meeting, such that for non-residents after 5 years of ownership their unit's change of occupancy limit of no more than 4 times during July and August would revert to 9 times during that same period, also does not pass Constitutional muster. The fact that the results of such a bylaw may be

determined to be constitutional in 5 years-time does not make it constitutional today, or over the next 5 years for that matter.

Hignell-Stark is not a "stretch of the law" or an "aberration" that can be ascribed to the Fifth Circuit Court of Appeals allegedly being politically "conservative". The decision is mainstream and follows decades of Supreme Court Dormant Commerce Clause rulings. See *Tennessee Wine & Spirits Retailers Assoc., v. Thomas*, 588 U.S. ___ (2019); *Granholm v. Heald*, 540 U.S. 460 (2005); *Hillside Dairy, Inc., v Lyons*, 539 U.S. 59 (2003).

Moreover, as stated above, the Dormant Commerce Clause is alive and well in the First Circuit having jurisdiction over Massachusetts. As recently as last year, the First Circuit Court of Appeals upheld the application of the Dormant Commerce Clause. *See, NORTHEAST PATIENTS GROUP,d/b/a Wellness Connection of Maine; HIGH STREET CAPITAL PARTNERS, LLC,Plaintiffs, Appellees,v.UNITED CANNABIS PATIENTS AND CAREGIVERS OF MAINE, ____ F 4th ____, No. 21-1719 (1st Cir. 2022)* *https://law.justia.com/cases/federal/appellate-courts/ca1/21-1719/21-1719-2022-08-17.html*.
(The First Circuit affirmed the conclusion of the district court that the Maine Medical Marijuana Act's requirement that officers and directors of medical marijuana dispensaries operating in Maine be Maine residents violates the dormant Commerce Clause of the United States Constitution.)

It appears from these cases that Chapter 123 - 3 K, as currently drafted, may well violate the Dormant Commerce Clause of the United States Constitution and would be subject to serious legal challenge in federal court in Massachusetts.

III. THE RECENT OPINION OF THE MASSACHUSETTS ATTORNEY GENERAL CONCERNING THE GREAT BARRINGTON STR BYLAW SUPPORTS A LIKELY FINDING OF UNCONSTITUTIONALITY WITH REGARD TO THE PROPOSED NANTUCKET STR

Before a local Bylaw becomes law, it must be reviewed and approved by the Massachusetts Attorney General. The decision of the Massachusetts Attorney General in the Great Barrington case (MA AG Opinion Case #10670, Dec. 19, 2022, copy attached) speaks directly to the issue of the implication of the US Constitution's Commerce Clause concerns. See fn. 6 of MA AG Opinion at 7. It is important at the outset of the analysis to note is that the Great Barrington STR regulation and the proposed Nantucket STR regulation *are critically different* in terms of the Chapter 123-3 K section we are focused on.

In Great Barrington, an eligible dwelling unit may be STR'd for an unlimited number of days per year, provided that the owner is located in one of the dwelling units on premises at the time of the rental. In cases where the owner is not on premises at the time of the rental, no unit or portion thereof may be rented more than 150 days per year. Thus the distinction is not being made between Great Barrington residents and non-residents who own STRs. The distinction is being made simply on whether the resident or non-resident of the town of Great Barrington is in the house ("residing on premises at the time of the rental"). Both residents and non-residents of Great Barrington who have homes there may rent them out for the same amount of time so long as they are in the house at the time of the STR. There is no discrimination between residents and non-residents of Great Barrington as they both have the same opportunity to rent their property under the same terms.

In the proposed Nantucket regulation, however, residents and non-residents of the town of Nantucket are being treated differently based specifically and solely on whether they are residents of the Town. As proposed Chapter 123 -3 K states, "[if] a property is sold after the effective date of this bylaw, the new owner shall not engage in a short-term rental of an existing or new dwelling unit that has a change in occupancy of more than 4 time during the months of July and August, unless the dwelling unit is subject to a residential tax exemption issued by the town pursuant to G.L. c.59 5C, in which case the change in occupancy during the months of July and August shall be limited to 9 times." A residential tax exemption by local law in Nantucket can only be issued to residents of the Town, not non-residents. Non-residents are by definition not eligible to receive a residential tax exemption. Thus non-

residents of Nantucket are in all cases limited to 4 changes in occupancy during the months of July and August, while residents holding a residential tax exemption are allowed 9 changes in occupancy during the same time period. This is not only discriminatory on its face under the dormant Commerce Clause of the United States Constitution, but it has significant economic impact on interstate commerce. The resident who uses his 9 changes in occupancy has the opportunity to make significantly more money than the similarly situated non-resident who only is allowed 4 changes in occupancy. The significance of the discrimination is magnified because the limitation is during the prime Summer season when the ability to earn rental income is at its highest.

The Massachusetts Attorney General's Opinion recognizes, again in footnote 6 on page 7, the importance of non-discrimination under the dormant Commerce Clause of the United States Constitution. The Massachusetts Attorney General cites United Haulers Ass'n Inc. v. Oneida-Herkimer Solid Waste Management Authority, 550 U.S. 330, 338 (2007) ("In this context, 'discrimination' simply means differential treatment of in-state and out-of-state economic interest that benefits the former and burdens the latter… . Discriminatory laws motivated by simple economic protectionism are subject to a virtually per se rule of invalidity[.]" Id. (citation and internal quotations omitted). The Massachusetts Attorney General also recognized the application of two Federal Circuit Court of Appeals opinions to the matter at hand, one from the 5th Circuit and one from the 9th Circuit, the reasoning of both calling into question the constitutionality of the proposed Nantucket Section 123- 3 K provision. Citing Hignell-Stark v. City of New Orleans, 46 F. 4th 317 (5th Cir. 2022), the same case discussed above, the Massachusetts Attorney General stated that "an STR regulation that effectively blocks everyone but residents of the City from entering the market for STRs in residential neighborhoods discriminates against interstate commerce for purposes of the dormant Commerce Clause." Id. And citing Rosenblatt v. City of Santa Monica, 940 F.3d 439, 450-51 (9th Cir. 2019), the Massachusetts Attorney General agreed that "there was no Commerce Clause violation where an STR regulation requires someone to live on the property full time, but that person did not need be the owner of the property – meaning that out-of-staters could enter the STR market on equal terms as state residents." Id.

The Great Barrington STR regulations are similar to those proposed for Nantucket in their prohibition of corporations owning STR dwelling units, and their limitation of a home owner only being allowed to operate one dwelling unit as an STR. See Town of Great Barrington, MA Chapter 145 – 3 B and C, attached. They are also similar in their purpose and intent of fostering affordable housing and deterring commercial interests from buying housing to use primarily as short-term rental businesses. Id. at Chapter 145 -1 A and C, attached. But, as noted above, there is a key difference that will subject Nantucket's proposed STR regulation to being found unconstitutional under the dormant Commerce Clause -- Nantucket treats its residents and non-residents differently in the number of rentals (9 vs. 4) allowed in the high season of July and August based solely on whether the STR operator is a resident or non-resident of the Town. This is the very discrimination the dormant Commerce Clause of the United States Constitution is meant to outlaw, and which if allowed to remain in Nantucket's proposed STR regulation will cause it to be found unconstitutional.

IV. THERE IS AN ALTERNATIVE TO CHAPTER 123-3 K OF THE PROPOSED NANTUCKET STR BYLAW THAT IS BOTH CONSTITUTIONAL AND WILL FOSTER AFFORDABLE HOUSING AND DETER COMMERCIAL INTERESTS FROM BUYING HOUSING TO USE PRIMARILY AS SHORT-TERM RENTAL BUSINESSES

Our proposal retains the 9 – 4 structure of Section 123-3 K in a Constitutionally allowable way , while at the same time fostering affordable home ownership and deterring commercial interests from buying housing to use primarily as short-term rental businesses. It simply requires that when the property is sold, *all new owners*, whether residents of Nantucket or not, shall not engage in short-term rentals of an existing or new dwelling unit for more than 4 times during the months of July and August, ie residents and non-residents are treated the same. Both residents and non-residents of Nantucket will be allowed 4 rentals of STR's during the high season months of July and August. And, at the same time, it provides for a well-defined exemption for

both residents of Nantucket and non-residents alike such that if either needs an accommodation to allow for additional rentals during July and August, up to a total of 9, so the non-resident or resident STR owner can earn enough income to afford to live on the Island, it will be granted.

To make Section 123-3 K Constitutional, ie non-discriminatory, we strike the last phrase of the last sentence of the current version of paragraph K and add new language in its place so that the last sentence of the Section reads in its entirety as follows:

"If a property is sold after the effective date of this bylaw, the new owner shall not engage in a short-term rental of an existing or new dwelling unit that has a change in occupancy of more than 4 times during the months of July and August, unless the annual income of the owner of the dwelling unit is less than 400% of the Average Median Income (AMI) for a family of 4 on Nantucket adjusted annually, in which case the change in occupancy during the months of July and August shall be limited to 9 times."

According to data from Tucker Holland, Housing Director for the Town of Nantucket, currently Average Median Income ("AMI") for a family of 4 on Nantucket is $136,100. (See Tucker Holland slide presentation to Nantucket Finance Committee, 2/21/23, attached). AMI is a well-known standard used in Federal and State law and regulation. To qualify for Affordable Housing on Nantucket the figure used is 80% of AMI for a family of 4, or $94,150. Id. However, the proposed Nantucket STR regulation deals with a more sophisticated issue, *affordable home ownership* on Nantucket. Thus, 80% will not work. Lest there be any issue that we are making the ability for increased rentals in paragraph K too restrictive, ie not generous enough for those who arguably need the extra income generated by those rentals to afford to own a home in the Nantucket community, we support granting an automatic residential accommodation exemption to 9 rental contracts during the high season months of July and August for all residents and non-residents of Nantucket alike earning 400% of AMI or less for a family of 4 on Nantucket, currently $544,400. Id. The ability to obtain such an exemption will not be an embarrassment to anyone given that that income level falls only just below the

top 5% of all Massachusetts' taxpayers earned income. Moreover, the number adjusts every year. This is information easily obtained and confidentially submitted by an applicant for a 9 contract exemption. An affidavit or copy of the cover page of a Federal or State tax return from the prior year showing total income is sufficient. Privacy and confidentiality will be maintained by the town agency charged with administering the bylaw. It is a small "price" to pay to be allowed the significant increased income that 9 rentals will afford rather than 4 in the high season months of July and August. It is arguably no different than the filings required for "affordable housing" or other benefits afforded by the Town, which is a direct corollary to one of the stated goals in the "Purpose and Intent" of the proposed Nantucket bylaw (Section 123-1(1) – "Protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities for persons to keep their homes, now and into the future, through short-term rentals, **to allow such persons to afford to live either full-time or part-time on Nantucket.**" (emphasis added).

The selection of 400% of AMI is directly related to affordable home ownership on Nantucket. We suggest it because we understand that it is the amount of family income required to support a conventional mortgage for a median priced home on Nantucket in today's heated residential real estate market. It could be adjusted lower if the aim is affordability of "entry level" home ownership, or higher. But, it would be the basis for an exemption for all.

If we are serious about seeking consensus and agreeing upon a bylaw that is both constitutional and will foster affordable home ownership on Nantucket while at the same time deterring commercial interests from buying housing to use primarily as STR businesses, the above change to Section 123-3 K is the fair and responsible way to do it. We must treat residents and non-residents alike if we are to avoid a finding of unconstitutionality under the dormant Commerce Clause of the United States Constitution. At the same time, with a well-defined accommodation, we can still promote affordable housing on Nantucket along with the other important values we have prioritized at Section 123 -1 of the Short-Term Rental Bylaw.

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From: Kahn, Peter
To: "Stacie Smith"
Cc: Simenesh Semine
Bcc: Kahn, Peter; "Peter Halle"; "Quillo"
Subject: FW: STRWG: Revised Draft Bylaw and Legal Memo from KP Law
Date: Tuesday, June 27, 2023 4:23:39 PM
Attachments: KP-#870205-v1-NANT-_STRWG-_Commerce_Clause_Memo.DOCX
KP-#865518-v7-STRWG_General_Bylaw_-_V_3_26_23__Draft.docx
Fwd A Compromise on Section 123-3 K of the Proposed Nantucket STR Bylaw that the ACNVT Can Join In.msg.msg

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Stacie,
Please circulate my email below to all members of the STRWG in response to what we received from John Giorgio's office late this morning. Thank you.
PJK

Dear Fellow Members of the STRWG,

Good news, bad news! I was pleased to see that we heard from Town Counsel this morning in his office's Commerce Clause Memo, attached hereto, that the draft of Chapter 123-3K of the proposed Nantucket STR bylaw we have been discussing likely is unconstitutional under the dormant Commerce Clause of the US Constitution. The analysis is similar to that which I circulated yesterday, a copy of which is also attached. I would note that Town Counsel's memo doesn't mention the new First Circuit case that adds even more support to the claim of unconstitutionality under the dormant Commerce Clause. Remember that the US Court of Appeals for the First Circuit sits in Boston and has jurisdiction over Massachusetts. *See, NORTHEAST PATIENTS GROUP,d/b/a Wellness Connection of Maine; HIGH STREET CAPITAL PARTNERS, LLC,Plaintiffs, Appellees,v.UNITED CANNABIS PATIENTS AND CAREGIVERS OF MAINE, ____ F 4th ____, No. 21-1719 (1st Cir. 2022)* https://law.justia.com/cases/federal/appellate-courts/ca1/21-1719/21-1719-2022-08-17.html. (The First Circuit affirmed the conclusion of the district court that the Maine Medical Marijuana Act's requirement that officers and directors of medical marijuana dispensaries operating in Maine be Maine residents violates the dormant Commerce Clause of the United States Constitution.)

The bad news is that Town Counsel's "updated draft" bylaw as to Section

123-3 K also does not pass Constitutional muster. The fact that it has been circulated by his office should not give it any added weight because they circulated the prior version which they now recognize is likely unconstitutional. Let me explain briefly why this new version is also unconstitutional under the dormant Commerce Clause. But first, before getting to the constitutional law issue, it is important to understand that this new version of paragraph K is based on an apparent misreading of the language of the US Court of Appeals for the Ninth Circuit decision in Rosenblatt v. City of Santa Monica, 940 F.3d 439, 450-51 (9th Cir. 2019) and the Great Barrington, MA STR regulations as discussed in the State Attorney General's Opinion (MA AG Opinion Case #10670, Dec. 19, 2022). Both of those cases dealt specifically with "Hosted Stays" or "Home Sharing" where a primary resident or owner must be present on the property during the time of the STR. In the Santa Monica case the primary resident had to be present at all times for any stay. In the Great Barrington case the owner must be present in one of the dwelling units on premises at the time of the rental to obtain the maximum benefit of unlimited number of days of rental income. If the owner is not residing on premises at the time of the rental, no unit or portion thereof may be rented more than 150 days per year. Since under both regulations the maximum benefit could be accomplished whether one was a resident or non-resident of Santa Monica or Great Barrington respectively, these ordinances were found not to violate the dormant Commerce Clause.

The Nantucket STR ordinance is not limited to "Hosted Stays" or "Home Sharing" and that is the critical difference in the constitutional analysis of the newly updated Chapter 123-3 K provision. The ability to rent 9 times or 4 times during the high season months of July and August under the proposed Nantucket STR is not tied to whether one is present in the home or not during the STR. In fact, such a requirement would not work in Nantucket as limiting STRs on Island to only hosted stays would dramatically decrease the number of STRs and would go against one of the very purposes of the proposed regulation as set forth in Chapter 123-1, namely to "avoid adverse impacts on the local economy stemming from a loss of existing short term rental revenue, STR taxes, and visitor spending." Without the hosted stay limitation for STR's, the language of the new paragraph K simply discriminates based on how long one

resides in the property - if at least 6 months and a day they are allowed to rent 9 times during the high season of July and August. If they are present less than 6 months and a day during the course of a year, they can only rent 4 times during July and August. Therefore on its face it is a clear discrimination based on length of residency alone. Not only is there no rationale given that in any way justifies such different treatment, but it is interesting to note that under MA law if one resides in the state at least 6 months and a day one may be considered a "resident" of Massachusetts for tax purposes . Thus all that has really changed from the old proposed paragraph K that has now been determined likely to be unconstitutional is the change of the words "unless the dwelling unit is subject to a residential tax exemption issued by the Town…" to "unless the owner or one member of the Trust or LLC can give proof of residing in the property at least 6 months and a day in the year after purchase, or a subsequent year". By definition, both are speaking of "residents" under MA law. Again, differentiating on that basis alone is discriminatory under the dormant Commerce Clause and has been found to be so by numerous Federal Courts of Appeal and by the Massachusetts Attorney General. See numerous cases and opinions cited in my memo of yesterday, a copy attached.

The only draft proposal of paragraph K that has been circulated and is likely to be found constitutional is the one that I shared on behalf of the ACNVT yesterday, also attached. It has the added benefit of directly addressing one of the important stated purposes of our STRWG - to "protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities for persons to keep their homes, now and into the future, through short-term rentals, to allow such persons to afford to live either full-time or part-time on Nantucket." See Chapter 123-1 (1). The proposal retains the 9 – 4 structure of Section 123-3 K in a Constitutionally allowable way , while at the same time fostering affordable home ownership and deterring commercial interests from buying housing to use primarily as short-term rental businesses. It simply requires that when the property is sold, *all new owners*, whether residents of Nantucket or not, shall not engage in short-term rentals of an existing or new dwelling unit for more than 4 times during the months of July and August, ie residents and non-residents are treated the same. Both residents and non-residents of Nantucket will be allowed 4 rentals of STR's during the high season

months of July and August. And, at the same time, it provides for a well-defined exemption for both residents of Nantucket and non-residents alike such that if either needs an accommodation to allow for additional rentals during July and August, up to a total of 9, so the non-resident or resident STR owner can earn enough income to afford to live on the Island, it will be granted. See proposal attached.

As I wrote yesterday, we must treat residents and non-residents alike if we are to avoid a finding of unconstitutionality under the dormant Commerce Clause of the United States Constitution. At the same time, with a well-defined accommodation, we can still promote affordable housing on Nantucket along with the other important values we have prioritized at Section 123 -1 of the Short-Term Rental Bylaw.

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From: Simenesh Semine <ssemine@cbi.org>
Sent: Tuesday, June 27, 2023 11:09 AM
To: Stacie Smith <stacie@cbi.org>; Megan Trudel <mtrudel@nantucket-ma.gov>; Adrian Rodriguez <arodriguez@nantucket-ma.gov>
Subject: STRWG: Revised Draft Bylaw and Legal Memo from KP Law

Dear STRWG Member and Alternates,

Please see attached to this email a copy of the updated draft Bylaws from Jon Giogio, as well as a legal memo that was drafted by one of Jon's colleagues. Please let us know if you have any questions ahead of the meeting tonight.

Thanks,
--
Simenesh Semine
Junior Associate
Consensus Building Institute (cbi.org)
ssemine@cbi.org

ACK•Now Short-Term Rental Workgroup Minority Report to the Select Board - June 2023

Over the last few years, ACK•Now has advocated for reasonable STR restrictions with the goal of ensuring year-round and seasonal residents can rent their homes while limiting the loss of year-round housing and protecting residential neighborhoods from being commercialized.

We joined the workgroup to help develop a solution the community could get behind. The good news is this process has led to better data. We now know from NAREB for example, that 80% of STRs listed with local realtors had 4 or fewer leases while 95% of properties had 8 or fewer leases.

The bad news is the workgroup's proposal protects the status quo. The result is a set of complicated regulations that introduce permanent protections for commercial STR interests. Alarmingly, the zoning article proposed would allow STRs as the Primary Use of any property anywhere on the Island.

What's being proposed:

1. **It protects and preserves every existing Short-Term Rental**
   Every corporation and fully commercial STR can keep using their properties as short-term rentals in Nantucket's neighborhoods. This is legalizing illegal commercial operations in residential areas. The net result will be no reductions in commercial STRs and no gain in year-round housing.

2. **New STRs by "natural persons"**
   It prohibits short-term rentals with corporate ownership requiring a "natural person" instead. Nothing prevents a "natural person" from representing commercial real estate interests - a practice that's already in place for some corporate owners on Nantucket.

3. **Allows any property on Nantucket to be used as a full-time STR**
   Any owner from anywhere at any time can operate a full-time STR with up to two dwellings. This only promotes the commercialization of the Island.

4. **Limits on Short-Term Rentals in Apartments or Townhouses**
   Short-term rentals will be prohibited in affordable housing complexes, while apartments and townhouses can be short-term rented up to 4 weeks per year. This will likely affect year-round residents, while other STRs won't be affected.

5. **Limits July & August STRs to 9 Contracts**
   This provision allows an STR to rent each week in July and August.

6. **Temporary New Owner Restrictions**
   Specifically, the bylaw states the following:

   > *"If a property is sold after this bylaw, the unit cannot change occupancy more than 4 times during July and August."*

While this provision starts to address the long-term problem, the restriction reverts back to status quo after 5 years:

> *"This limitation will be in place for 5 years, after which time the unit's change of occupancy limit reverts to 9 times."*

The bottom line is this isn't the solution for Nantucket and its community.

Unfortunately, despite our multiple requests (to the workgroup and the Planning Board), there has not been a serious discussion of the Accessory Use option. We believe that by allowing STRs as an Accessory Use in residential zoning (and as a Primary Use in commercial districts) combined with a few simple regulations, Nantucket could protect its local traditions, its community and tourism economy.

Over the last few years, we have demonstrated our willingness to compromise and find a solution to this problem by offering or supporting several different articles. Regrettably, it seems the workgroup's recommendation would have virtually the same effect as last year's Article 42 (sponsored by the Planning Board) which would allow full-time STRs by right across the Island. As you know, this article was tabled along with Article 43 at the Town Meeting in 2022 so that this issue could be further studied.

We hope the Select Board will recognize more work needs to be done to find a solution that can be broadly supported.

Maureen Coleman

2023 JUN 29 AM 9:15

From: Libby Gibson
Sent: Wednesday, June 28, 2023 5:19 PM
To: Erika Mooney
Cc: Maureen Coleman
Subject: FW: Finance Committee

E: is this a vacancy, now?
M: can you pls print this out, have it accepted by the Town Clerk tomorrow and give it back to E for acceptance of resignation at 7/5 SB?

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

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Peter McEachern <pmceachern@nantucket-ma.gov>
Sent: Wednesday, June 28, 2023 3:10 PM
To: Dawn Hill Holdgate <dhillholdgate@nantucket-ma.gov>; Libby Gibson <LGibson@nantucket-ma.gov>
Cc: Denice Kronau <dkronau@nantucket-ma.gov>
Subject: Finance Committee

Good Afternoon Dawn,

After almost ten years of serving on the Town of Nantucket's Capital Planning Committee, Nantucket Intermediate Planning, Construction Committee, and Finance Committee, I must resign from my last year, 2024. Work and Family schedules have changed such that conflicts can not be averted. It is unfair for the Committee and our Community to have a vacant seat.

Kindest professional regards,

Peter

2023 JUN 30 PM 2:31

Resignation: Borchert, Carl - Planning Board, Alternate

Nancy Holmes

From: Carl Borchert <borchert654@hotmail.com>
Sent: Wednesday, July 5, 2023 3:12 PM
To: Nancy Holmes
Cc: David Iverson; Leslie Snell; Megan Trudel
Subject: Resignation Planning Board Alternate Carl Borchert

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dave,

I am resigning my Alternate seat effective August 1. I am also resigning my representative seat on CRAC. I have some personal issues that have come up that I need to address. I no longer have the time to properly do the work of the board. I will attend the Monday meeting and participate. That will be my last monthly meeting. I appreciate your support over the time that I have worked with you on the board. I wish you all the best in your role as chair.

Sincerely,

Carl K. Borchert

This email was scanned by Bitdefender

2023 JUL -5 PM 3:14

Finance Committee

Denice Kronau	Chair	2026
Jeremy Bloomer		2024
~~Peter A. McEachern~~		~~2024~~
Peter N. Schaeffer		2024
Stephen Maury		2025
Christopher A. Glowacki		2025
Jill Vieth		2025
Joanna Roche		2026
Rob Giacchetti		2026

Planning Board Alternates (3-yr terms)

~~Carl Borchert~~	~~Alternate~~	~~2024~~
Abby De Molina	Alternate	2025
Stephen Welch	Alternate	2026

Coastal Resiliency Advisory Committee

Ian Golding	ConCom member	2023
~~Carl Borchert~~	~~PB member~~	~~2024~~
Matt Fee	SB member	2024
Peter Brace	SHAB member- Vice Chair	2023
Jennifer M. Karberg, Ph.D	NCF designee	2023
Rachael Freeman	Land Bank member	2023
Christy Kickham	CapCom member	2023
Gary Beller	ACNVT member	2023
Sarah Bois, Ph.D	At-Large	2024
Joanna Roche	At-Large	2025
Doug Rose	At-Large	2026

2023 Year End Budget Transfers

Authorized under Chapter 44 Section 33B. Allows budgetary transfers from May 1 through July 15, 2023, if approved by the Select Board & Finance Committee.

FROM: From	ORIGINAL BUDGET	BUDGET DECREASE	TO:	BUDGET INCREASE	NOTES:
Group Insurance; Retiree	$ 4,139,966	$ 708,000.00	Town Admin; Operating	$ 65,000.00	
DPW; Operating	$ 624,900	$ 5,000.00	Public Buildings; Utilities	$ 48,000.00	
			Town Clerk; Town Meeting	$ 6,000.00	
			Town Clerk; Elections	$ 24,000.00	
			Town Clerk; Professional Services	$ 35,000.00	
			Debt Service; Interest on BANS	$ 130,000.00	
			Finance; Professional Services	$ 204,000.00	
			Legal; General	$ 118,000.00	
			Street Lighting; Utility	$ 30,000.00	
			Park & Rec; Professional Services	$ 48,000.00	
			CPC; Operating	$ 5,000.00	
		$ 713,000.00		$ 713,000.00	

Approved by Board of Selectmen on _____

Approved by Finance Committee on _____

2023 Year End Budget Transfers

Authorized under Chapter 44 Section 33B. Allows
budgetary transfers from May 1 through July 15, 2023, if approved by the Select Board &
Finance Committee.

FROM:	ORIGINAL BUDGET	BUDGET DECREASE	ORG	OBJECT	TO:	BUDGET INCREASE	NOTES:
From							
SWEF; Salaries	$ 548,491	$ 180,000	70439	53100	SWEF; Professional Services	$ 180,000.00	
		$ 180,000.00				$ 180,000.00	

Approved by Board of Selectmen on _____

Approved by Finance Committee on _____

Agenda Item Summary

Agenda Item #	IX. 1.
Date	07/12/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – 84 Old South Road

Executive Summary

National Grid is requesting permission to install underground utilities- approximately 170’ of conduit from Pole 39 on to the property of 84 Old South Rd.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community☐ Other☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

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

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

n/a

Attachments

Departmental comments; NGrid petition

UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (30600547)

TYPE: Petition for Manhole and Duct Location

SITE ADDRESS: 84 Old South Road

HEARING DATE: July 12, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson

FIRE: No Issues. -Chief Cranson

PLANNING: No Issues. -Holly Backus

DPW: No Issues. – Richard Moore

SEWER: Call Sewer to have lines marked out. – David Gray

WWCo: Call Wannacomet to mark out water utilities before work. -Mark Willet

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

84 Old South Rd.

nationalgrid

May 26, 2023

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

To Whom It May Concern:

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

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

Tim Lyford #508-897-5722

Please notify National Grid's Emily O'Brien of the hearing date / time to emily.obrien@nationalgrid.com

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

National Grid: Emily O'Brien; 100 East Ashland St, Brockton, MA 02302

Very truly yours,

Robert Leonida

Robert Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATION

Date 5/10/2023

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

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

Street Name Old South Road

Description of Work Beginning at a point approximately 15 feet North of the centerline of the intersection of Old South Road and continuing approximately 170 feet in an East direction. Install underground facilities on Old South Road. National Grid petitions to install approximately 170' of 1-3" conduit from Pole 39 on to the property of 84 Old South Road.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30600547

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 5/10/2023

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 10th day of May, 2023.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30600547

Street Name Old South Road

Description of Work Beginning at a point approximately 15 feet North of the centerline of the intersection of Old South Road and continuing approximately 170 feet in an East direction. Install underground facilities on Old South Road. National Grid petitions to install approximately 170' of 1-3" conduit from Pole 39 on to the property of 84 Old South Road.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2023

_____

Clerk of Selectmen

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

Book: _____ Page: _____

Attest: _____

Town Clerk

I hereby certify that on _____, 20_____ at _____ o'clock___M_

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

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

_____

_____

_____

Selectmen of the Town of _____

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2023 and recorded with the records of location orders of said town, Brook_____ Page _____

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

Attest: _____

Town Clerk



05-09-2023
Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2023.05.09 08:01:08 -04'00'

UNDERGROUND PETITION

POLE (EXISTING) | PROPOSED CONDUIT 1-3"

HANDHOLE (EXISTING)

Job description
- NGRID is Petitioning for 170'+/- of 1-3" conduit

DISTANCES ARE APPROXIMATE

nationalgrid

Date: 3/1/23

WORK REQUEST: 30600547

To The: Town of Nantucket

For Proposed: Conduit Location: Old South Rd

Drawn By: Tim L

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
68	159		EGAN CYNTHIA		PO BOX 3012	NANTUCKET	MA	02584	83 OLD SOUTH RD
68	160		EGAN ROY JR		15 SHERWIN TERRACE	FRAMINGHAM	MA	01702	87 OLD SOUTH RD
68	161		LARSON NANCY ANN	C/O RACHEL LARSON	PO BOX 2625	NANTUCKET	MA	02584	91 OLD SOUTH RD
68	409		BOL LLC		PO BOX 2153	NANTUCKET	MA	02584	78 OLD SOUTH RD
68	410	1	78A OLD SOUTH ROAD LLC		5A FAIRGROUNDS RD	NANTUCKET	MA	02554	78A OLD SOUTH RD
68	411	1	PARSONS MOIRA B		80 OLD SOUTH RD	NANTUCKET	MA	02554	80 OLD SOUTH RD
68	412		SUTHERLAND DANIEL & ELIZABETH		80A OLD SOUTH RD	NANTUCKET	MA	02554	80A OLD SOUTH RD
68	413		CHITESTER MARK K & SHERRY		PO BOX 3027	NANTUCKET	MA	02584	82 OLD SOUTH RD
68	414		MCGARVEY CHRISTOPHER G & LINDA P TRST		82A OLD SOUTH RD	NANTUCKET	MA	02554	82A OLD SOUTH RD
68	415		SIDALCEA ESTATES LLC		5 SKIFF LANE	NANTUCKET	MA	02554	84 OLD SOUTH RD
68	416		MASKELL GREGORY E & EVE B TRS	GEM/EBM REALTY TRUSTE	PO BOX 1455	NANTUCKET	MA	02554	84A OLD SOUTH RD
68	417		EGAN ROY C JR		15 SHERWIN TER	FRAMINGHAM	MA	01702	86 OLD SOUTH RD

Count: 12

Agenda Item Summary

Agenda Item #	IX. 2.
Date	07/12/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – 88 Old South Road

Executive Summary

National Grid is requesting permission to install underground utilities- approximately 40’ of conduit from Pole 41 on to the property of 88 Old South Rd.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community☐ Other☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

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

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

n/a

Attachments

Departmental comments; NGrid petition

UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (30690787)

TYPE: Petition for Manhole and Duct Location

SITE ADDRESS: 88 Old South Road

HEARING DATE: July 12, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson

FIRE: No Issues. -Chief Cranson

PLANNING: No Issues. -Holly Backus

DPW: No Issues. – Richard Moore

SEWER: Call Sewer to have lines marked out. – David Gray

WWCo: Call Wannacomet to mark out water utilities before work. -Mark Willet

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

98 Old South Rd

nationalgrid

May 26, 2023

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

To Whom It May Concern:

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

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

Tim Lyford #508-897-5722

Please notify National Grid's Emily O'Brien of the hearing date / time to emily.obrien@nationalgrid.com

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

National Grid: Emily O'Brien; 100 East Ashland St, Brockton, MA 02302

Very truly yours,

Robert Leonida

Robert Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATION

Date 5/10/2023

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

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

Street Name Old South Road

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30690787

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 5/10/2023

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 10th day of May, 2023.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30690787

Street Name Old South Road

Description of Work Beginning at a point approximately 15 feet North of the centerline of the intersection of Old South Road and continuing approximately 40 feet in a West direction. Install underground facilities on Old South Road. National Grid petitions to install approximately 40' of 2-3" conduit from Pole 41 on to the property of 88 Old South Road.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2023

_____

Clerk of Selectmen

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

Book: _____ Page: _____

Attest: _____

Town Clerk

I hereby certify that on _____, 20_____ at _____ o'clock___M_

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

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

_____

_____

_____

Selectmen of the Town of _____

Nantucket, Massachusetts

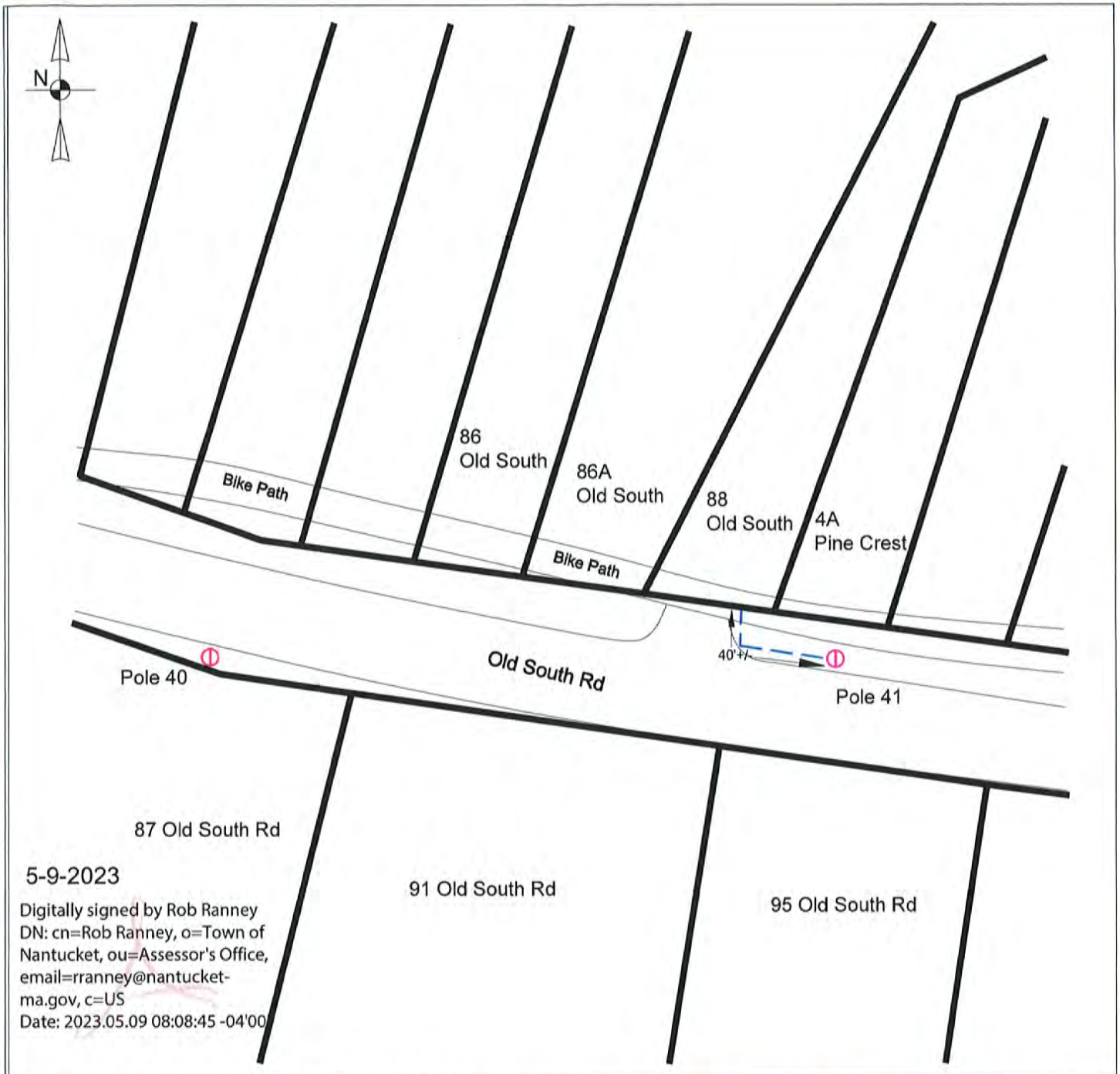
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2023 and recorded with the records of location orders of said town, Brook_____ Page _____

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

Attest: _____

Town Clerk



5-9-2023

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of Nantucket, ou=Assessor's Office, email=rranney@nantucket-ma.gov, c=US
Date: 2023.05.09 08:08:45 -04'00'

UNDERGROUND PETITION

POLE (EXISTING) | PROPOSED CONDUIT 2-3"

HANDHOLE (EXISTING)

Job description
- NGRID is Petitioning for 40'+/- of 2-3" conduits from Pole 41 to #88 Old South Rd

DISTANCES ARE APPROXIMATE

nationalgrid

Date: 3/1/23

WORK REQUEST: 30690787

To The: Town of Nantucket

For Proposed: Conduit Location: Old South Rd

Drawn By: Tim L

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
68	160		EGAN ROY JR		15 SHERWIN TERRACE	FRAMINGHAM	MA	01702	87 OLD SOUTH RD
68	161		LARSON NANCY ANN	C/O RACHEL LARSON	PO BOX 2625	NANTUCKET	MA	02584	91 OLD SOUTH RD
68	400		KASCHULUK JEFFREY TR	NANTICUT REALTY TRUST	PO BOX 241	NANTUCKET	MA	02554	86A OLD SOUTH RD
68	417		EGAN ROY C JR		15 SHERWIN TER	FRAMINGHAM	MA	01702	86 OLD SOUTH RD
68	419		BUNTING JOAN		BOX 2441	NANTUCKET	MA	02584	4A PINE CREST DR
68	419	1	KASCHULUK JEFFREY J		PO BOX 241	NANTUCKET	MA	02554	88 OLD SOUTH RD
68	980		WHELDEN LARRY B		PO BOX 454	NANTUCKET	MA	02554	95 OLD SOUTH RD

Count: 7

Agenda Item Summary

Agenda Item #	IX. 3 & 4
Date	7/12/2023

Staff

Amy Baxter, Licensing Administrator

Subject

Transfer Restaurant Application to Include: Common Victualler with Seasonal All-Alcoholic Beverages On-Premise Restaurant License and Live Entertainment License – Transfer from Larry B. Whelden to The Nantucket Lobster Trap, Inc, dba Nantucket Lobster Trap, 23 Washington Street, Drew Whelden, Manager.

Executive Summary

The Applicant seeks to Transfer the Licenses for the operation of Nantucket Lobster Trap at 23 Washington Street.

The Licenses under review in separate Public Hearings are:

- Common Victualler with Seasonal All Alcoholic Beverages Restaurant Liquor License
- Live Entertainment License

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 Nantucket Lobster Trap 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

This is an existing license and location for over 3 decades.

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

- No public comments were received by Licensing as of 7-5-23.

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

- Nantucket Lobster Trap 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 5 years.

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

- The Applicants for the transfer are the sons of the original operator who passed away in 2022. The application seeks to simply transfer ownership of the licenses.



Background/Discussion

The applicant is requesting the same type of licenses that existed with the previous operator. There will be no alteration to the premises or any conditions of the licenses.

Impact: Environmental ☐ Fiscal ☐ Community☐ Other☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

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

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

N/A

Attachments

Transfer Liquor License ABCC Application and Floor Plans; ABCC Summary Form; Liquor and Entertainment Licenses.

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket	00056-RS-0762
City /Town	ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

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

APPLICANT INFORMATION

Name of Licensee: The Nantucket Lobster Trap, Inc.

DBA: Nantucket Lobster Trap

Street Address: 23 Washington Street

Zip Code: 02554

Manager: Drew Wheldon

Granted under Special Legislation? Yes ☐ No ☒

If Yes, Chapter

of the Acts of (year)

§12 Restaurant	Seasonal	All Alcoholic Beverages
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES Complete description of the licensed premises

The premises are comprised of a single floor 3600 square foot building that is currently operating as a restaurant with two indoor dining rooms as well as outdoor patio dining area. There are three exits in the dining areas open to public as well as three exits in the back of the building.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 06/05/2023 Time 9:00 am

Advertised Yes ☒ No ☐ Date Published 06/28/23 Publication Inquirer and Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice 06/29/23

Date APPROVED by LLA 07/12/2023

Decision of the LLA **Approves this Application**

Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:

Seller License Number: 00056-RS-0762 Seller Name: Larry B. Whelden

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

_____

_____

_____

_____

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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

APPLICATION FOR A TRANSFER OF LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make $200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME The Nantucket Lobster Trap, Inc.

ADDRESS 23 Washington Street

CITY/TOWN Nantucket **STATE** MA **ZIP CODE** 02554

For the following transactions (Check all that apply):

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

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality: Nantucket

1. TRANSACTION INFORMATION

- ☒ Transfer of License
- ☐ Alteration of Premises
- ☐ Change of Location
- ☐ Management/Operating Agreement
- ☐ Pledge of Inventory
- ☐ Pledge of License
- ☐ Pledge of Stock
- ☐ Other
- ☐ Change of Class
- ☐ Change of Category
- ☐ Change of License Type (§12 ONLY, e.g. "club" to "restaurant")

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.

The applicant is seeking a transfer of the existing license relating to the Nantucket Lobster Trap which is held in the individual name of Larry B. Whelden, who recently passed away. The applicant is the entity that operates the restaurant and is seeking approval for the license to be assigned.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	§12 Restaurant	All Alcoholic Beverages	Seasonal

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number	00056-RS-0762	FEIN	04-2756940
Entity Name	The Nantucket Lobster Trap, Inc.		
DBA	Nantucket Lobster Trap	Manager of Record	Drew Whelden
Street Address	23 Washington Street, Nantucket, MA 02554		
Phone	508-228-4200	Email	
Add'l Phone		Website	nantucketlobstertrap.com

4. 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. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

The premises are comprised of a single floor 3600 square foot building that is currently operating as a restaurant with two indoor dining rooms as well as outdoor patio dining area. There are three exits in the dining areas open to public as well as three exits in the back of the building.

Total Sq. Footage	3600	Seating Capacity	205	Occupancy Number	
Number of Entrances	6	Number of Exits	6	Number of Floors	1

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name: Larry B. Whelden, individually

By what means is the license being transferred: Estate

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

Name of Principal	Title/Position	Percentage of Ownership
Larry B. Whelden	Owner	100%

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, LLC Members, 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
Drew Whelden			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President, Secretary	50%	(•) Yes ( ) No	(•) Yes ( ) No	(•) Yes ( ) No

Name of Principal	Residential Address	SSN	DOB
Alexander Whelden			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Treasurer	50%	(•) Yes ( ) No	(•) Yes ( ) No	(•) Yes ( ) No

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Additional pages attached? ○ Yes ◉ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. ○ Yes ◉ No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6Aor 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. CORPORATE STRUCTURE

Entity Legal Structure: Corporation

Date of Incorporation: 02/18/1982

State of Incorporation: Massachusetts

Is the Corporation publicly traded? ○ Yes ◉ No

8. 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: NLT Nominee Trust

Landlord Phone: 508-560-0522

Landlord Email: bwhel2@gmail.com

Landlord Address: P.O. Box 454, Nantucket, MA 02554

Lease Beginning Date: 04/01/2023

Rent per Month:

Lease Ending Date: 12/31/2033

Rent per Year:

Will the Landlord receive revenue based on percentage of alcohol sales? ○ Yes ◉ No

9. APPLICATION CONTACT

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

Name: Melanie J. O'Keefe, Esq.

Phone: 508-255-2133

Title: Attorney In Fact

Email: mokeefe@latanzi.com

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	N/A
B. Purchase Price for Business Assets	N/A
C. Other* (Please specify)	N/A
D. Total Cost	N/A

*Other: (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
Total:	0

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.
None.			○ 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.

N/A

11. 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?

12. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name: Drew Whelden | Date of Birth: | SSN:

Residential Address:

Email: | Phone:

Please indicate how many hours per week you intend to be on the licensed premises: 40

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
2008	Present	General Manager	Nantucket Lobster Trap, Inc.	Larry B. Whelden

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: [signature] Date: 05/30/2023

13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement? ○ Yes ◉ No
If yes, please fill out section 13.
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.*

13A. 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.

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 13A, 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

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, 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

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

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

Licensee Name	License Type	Municipality	Date(s) of Agreement

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D 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

13F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee? Yes ☐ No ☐

b. Will the licensee retain control of the business finances? Yes ☐ No ☐

c. Does the management entity handle the payroll for the business? Yes ☐ No ☐

d. Management Term Begin Date _____ e. Management Term End Date _____

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

☐ $ per month/year (indicate amount) _____

☐ % of alcohol sales (indicate percentage) _____

☐ % of overall sales (indicate percentage) _____

☐ other (please explain) _____

ABCC Licensee Officer/LLC Manager

Signature: _____

Title: _____

Date: _____

Management Agreement Entity Officer/LLC Manager

Signature: _____

Title: _____

Date: _____

ADDITIONAL INFORMATION

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

This application is being submitted to approve the transfer of the liquor license to applicant, which has been the operating entity of the restaurant for many years. The current license is in the individual name of Larry B. Whelden, who passed away in 2022. The restaurant will continue to be managed by Drew Whelden, who has served as the general manager of the restaurant for at least the last fifteen years.

APPLICANT'S STATEMENT

I, Drew Whelden (Authorized Signatory) the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager

of The Nantucket Lobster Trap, Inc. (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: [signature] Date: 05/30/23

Title: President

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

mass.gov/dor

Letter ID: L0314565920
Notice Date: May 31, 2023
Case ID: 0-002-044-313

CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE

NANTUCKET LOBSTER TRAP INC
23 WASHINGTON ST
NANTUCKET MA 02554-3848

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, NANTUCKET LOBSTER TRAP INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

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

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

What if I have questions?

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

Visit us online!

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

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

Edward W. Coyle, Jr., Chief
Collections Bureau

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

Maura Healey
GOVERNOR

Kim Driscoll
LT. GOVERNOR

425513511

Lauren E. Jones
SECRETARY

Katie Dishnica
ACTING DIRECTOR

THE NANTUCKET LOBSTER TRAP INC
P.O. BOX 454
NANTUCKET, MA 02554

EAN: 79443840
May 18, 2023

Certificate Id:70692

The Department of Unemployment Assistance certifies that as of 5/18/2023 ,THE NANTUCKET LOBSTER TRAP INC is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

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

Katie Dishnica, Acting Director

Department of Unemployment Assistance

100 CAMBRIDGE ST, 4TH FLOOR, SUITE 400 • BOSTON, MA 02114
www.mass.gov/uima

CORPORATE VOTE

The Board of Directors or LLC Managers of The Nantucket Lobster Trap, Inc. (Entity Name)

duly voted to apply to the Licensing Authority of Nantucket (City/Town) and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on May ___, 2023 (Date of Meeting)

For the following transactions (Check all that apply):

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

"VOTED: To authorize Drew Whelden (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 Drew Whelden (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

Drew Whelden

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

Drew Whelden

(Print Name)

100M-C.D.ARO-3 (Rev. 12-80) 160411

Examiner

The Commonwealth of Massachusetts

OFFICE OF THE MASSACHUSETTS SECRETARY OF STATE

MICHAEL JOSEPH CONNOLLY, Secretary

ONE ASHBURTON PLACE, BOSTON, MASS. 02108

ARTICLES OF ORGANIZATION

(Under G.L. Ch. 156B)

Incorporators

NAME	POST OFFICE ADDRESS
Include given name in full in case of natural persons; in case of a corporation, give state of incorporation.	
LARRY B. WHELDEN	P.O.B. 454 NANTUCKET, MA. 02554

The above-named incorporator(s) do hereby associate (themselves) with the intention of forming a corporation under the provisions of General Laws, Chapter 156B and hereby state(s):

Name Approved

1. The name by which the corporation shall be known is:

   THE NANTUCKET LOBSTER TRAP, INC.

2. The purpose for which the corporation is formed is as follows:

   SEE ATTACHED

C ☐
P ☑
M ☐
R.A. ☐

A/W
82-047005

P.C.

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on separate 8 1/2 x 11 sheets of paper leaving a left hand margin of at least 1 inch for binding. Additions to more than one article may be continued on a single sheet so long as each article requiring each such addition is clearly indicated.

3. The total number of shares and the par value, if any, of each class of stock within the corporation is authorized as follows:

CLASS OF STOCK	WITHOUT PAR VALUE	WITH PAR VALUE		
	NUMBER OF SHARES	NUMBER OF SHARES	PAR VALUE	AMOUNT
Preferred				$
Common	10,000			

*4. If more than one class is authorized, a description of each of the different classes of stock with, if any, the preferences, voting powers, qualifications, special or relative rights or privileges as to each class thereof and any series now established:

N/A.

*5. The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are as follows:

1. SHARES OF STOCK (Common) ARE TRANSFERABLE ONLY AFTER CORPORATION IS GIVEN FIRST RIGHT OF REFUSAL TO REPURCHASE SAID SHARES AT THE TRUE BOOK VALUE.

*6. Other lawful provisions, if any, for the conduct and regulation of business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or stockholders, or of any class of stockholders:

SEE ATTACHED PAGES

*If there are no provisions state "None".

SHEET 2A

1. To erect, construct, establish, purchase, lease, and otherwise acquire and to hold, use, equip , outfit, supply, service, maintain, operate, sell, and otherwise dispose of restaurants, inns, taverns, cafes, cafeterias, grills, lunchrooms, coffee shops, luncheonettes, and other eating and drinking places and establishments of every kind and description and generally to conduct the business of restauranteurs, cooks, concessionaires, preparators, servers, and dispensers of food and drink; and to engage in all activities, to render all services, and to buy, sell, use, handle, and deal in all fixtures, machinery, apparatus, equipment, accessories, tools, materials, products, and merchandise incidental or related to or of use therein.

2. To purchase, hire, rent or lease any real estate necessary for said purposes and to do any and all things necessary or incidental to these purposes to generally engage in any business lawful under the laws of the Commonwealth of Massachusetts, with full power to acquire, hold, manage and dispose of any and all kinds of property of whatsoever kind or nature and to transact all business and do any and all acts and things incidental or things whatsoever nacessary, proper, convenient or desirable to carrying out of the business above mentioned.

3. To have and to exercise all the powers now or hereafter conferred by the laws of the Commonwealth of Massachusetts upon corporations organized under the laws thereof and any and all acts amendatory thereof or supplemental thereto.

4. In general, to carry on any other lawful business whatsoever in connection with the foregoing which is calculated, directly or indirectly to promote the interest of the corporation and to enhance the value of its property.

CONTINUATION SHEET 6A

By-Laws

The board of directors is authorized to make, amend or repeal the by-laws of the corporation in whole or in part, except with respect to any provision thereof which by law, by these articles of organization, or by the by-laws requires action by the stockholders.

Place of Meetings of The Stockholders

Meetings of the stockholders may be held anywhere in the United States.

Partnership

The corporation may be a partner in any business enterprise which the corporation would have power to conduct by itself.

Indemnification of Directors, Officers and Others

The corporation shall indemnify each person who is or was a director, officer, employee or other agent of the corporation, and each person who is or was serving at the request of the corporation as a director, trustee, officer, employee or other agent of another organization in which it directly or indirectly owns shares or of which it is directly or indirectly a creditor, against all liabilities, costs and expenses, including but not limited to amounts paid in satisfaction of judgments, in settlement or as fines and penalties, and counsel fees and disbursements, reasonably incurred by him in connection with the defense or disposition of or otherwise in connection with or resulting from any action, suit or other proceeding, whether civil, criminal, administrative or investigative, before any court or administrative or legislative or investigative body, in which he may be or may have been involved as a party or otherwise or with which he may be or may have been threatened, while in office or thereafter, by reason of his being or having been such a director, officer, employee, agent or trustee, or by reason of any action taken or not taken in any such capacity, except with respect to any matter as to which he shall have been finally adjudicated by a court of competent jurisdiction not to have acted in good faith in the reasonable belief that his action was in the best interests of the corporation. Expenses, including but not limited to counsel fees and disbursements, so incurred by and such person in defending any such action, suit or proceeding may be paid from time to time by the corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the person indemnified to repay the amounts so paid if it shall ultimately be determined that indemnification of such expenses is not authorized hereunder.

As to any matter disposed of by settlement by any such person, pursuant to a consent decree or otherwise, no such indemnification either for the amount of such settlement or for any other expenses shall be provided unless such settlement shall be approved as in the best interests of the corporation, after notice that it involves such indemnification, (a) by a vote of a majority of the disinterested directors then in office (even though the disinterested directors by less than a quorum), or (b) by any disinterested person or persons to whom the question may be referred by vote of a majority of such disinterested directors,

or (c) by vote of the holders of a majority of the outstanding stock at the time entitled to vote for directors, voting as a single class, exclusive of any stock owned by any interested persons, or (d) by any disinterested person or persons to whom the question may be referred by vote of the holders of a majority of such stock. No such approval shall prevent the recovery from any such officer, director, employee, agent or trustee of any amounts paid to him or on his behalf as indemnification in accordance with the preceding sentence if such person is subsequently adjudicated by a court of competent jurisdiction not to have acted in good faith in the reasonable belief that his action was in the best interests of the corporation.

The right of indemnification hereby provided shall not be exclusive of or affect any other rights to which any director, officer, employee, agent, or trustee may be entitled or which may lawfully be granted to him. As used herein, the terms "director," "officer," "employee," "agent" and "trustee" include their respective executors, administrators and other legal representatives, and "interested" person is one against whom the action, suit or other proceeding in question or another action, suit or other proceeding on the same or similar grounds is then or had been pending or threatened, and a "disinterested" person is a person against whom no such action, suit or other proceeding is then or had been pending or threatened.

By action of the board of directors, notwithstanding any interest of the directors in such action, the corporation may purchase and maintain insurance, in such amounts as the board of directors may from time to time deem appropriate, on behalf of any person who is or was a director, officer, employee or other agent of the corporation, or is or was serving at the request of the corporation as a director, trustee, officer, employee or other agent of another organization in which it directly or indirectly owns shares or of which it is directly or indirectly a creditor, against any liability incurred by him in any such capacity, or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability.

Intercompany Transactions

No contract or transaction between the corporation and one or more of its directors or officers, or between the corporation and any other organization of which one or more of its directors or officers are directors, trustees or officers, or in which any of them has any financial or other interest, shall be void or voidable, or in any way affected, solely for this reason, or solely because the director or officer is present at or participates in the meeting of the board of directors or committee thereof which authorizes, approves or ratifies the contract or transaction, or solely because his or their votes are counted for such purposes, if:

(a) The material facts as to his relationship or interest and as to the contract or transaction are disclosed or are known to the board of directors or the committee which authorizes, approves or ratifies the contract or transaction, and the board or committee in good faith authorizes, approves or ratifies the contract or transaction by the affirmative vote of a majority of the disinterested directors, even though the disinterested directors be less than a quorum; or

(b) The material facts as to his relationship or interest and as to the contract or transaction are disclosed or are known to the stockholders entitled to vote thereon, and the contract or transaction is specifically authorized, approved or ratified in good faith by vote of the stockholders; or

(c) The contract or transaction is fair as to the corporation as of the time it is authorized, approved or ratified by the board of directors, a committee thereof, or the stockholders.

Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or of a committee thereof which authorizes, approves or ratifies the contract or transaction. No director or officer of the corporation shall be liable or accountable to the corporation or to any of its stockholders or creditors or to any other person, either for any loss to the corporation or to any other person or for any gains or profits realized by such director or officer, by reason of any contract or transaction as to which clauses (a), (b) or (c) above a applicable.

7. By-laws of the corporation have been duly adopted and the initial directors, president, treasurer and clerk, whose names are set out below, have been duly elected.

8. The effective date of organization of the corporation shall be the date of filing with the Secretary of the Commonwealth or if later date is desired, specify date, (not more than 30 days after the date of filing.) SAME

9. The following information shall not for any purpose be treated as a permanent part of the Articles of Organization of the corporation.

a. The post office address of the initial principal office of the corporation of Massachusetts is: NANTUCKET, MA. 23 WASHINGTON ST. 02554

b. The name, residence, and post office address of each of the initial directors and following officers of the corporation are as follows:

	NAME	RESIDENCE	POST OFFICE ADDRESS
President:	LARRY B. WHELDEN	CISCO ESTATES NANTUCKET, MA.	P.O.B. 454 NANTUCKET, MA 02554
Treasurer:	Larry B. WHELDEN		
Clerk:	ERNEST. E. WHELDEN	CHICKEN HILL NANTUCKET, MA. 02554	CHICKEN HILL NANTUCKET, MA. 02554
Directors:	LARRY B. WHELDEN, ERNEST E. WHELDEN	AS ABOVE	

c. The date initially adopted on which the corporation's fiscal year ends is: DECEMBER 31,

d. The date initially fixed in the by-laws for the annual meeting of stockholders of the corporation is: SECOND TUESDAY IN FEBRUARY

e. The name and business address of the resident agent, if any, of the corporation is: N/A

IN WITNESS WHEREOF and under the penalties of perjury the INCORPORATOR(S) sign(s) these Articles of Organization this 11 day of FEBRUARY 1982

Larry B. Whelden

The signature of each incorporator which is not a natural person must be an individual who shall show the capacity in which he acts and by signing shall represent under the penalties of perjury that he is duly authorized on its behalf to sign these Articles of Organization.

178942

SECRETARY OF
THE COMMONWEALTH

1982 FEB 11 PM 2:55

CORPORATION DIVISION

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF ORGANIZATION

GENERAL LAWS, CHAPTER 156B, SECTION 12

I hereby certify that, upon an examination of the within-written articles of organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of $ 150 having been paid, said articles are deemed to have been filed with me this 16th day of February 1982.

Effective date

Michael Joseph Connolly

MICHAEL JOSEPH CONNOLLY
Secretary of State

PHOTO COPY OF ARTICLES OF ORGANIZATION TO BE SENT
TO BE FILLED IN BY CORPORATION

TO:

NANTUCKET LOBSTER TRAP

BOX 454

NANTUCKET, MA 02554

Telephone 617-228-4041 (W)
617-681-8877 (H)

FILING FEE: 1/20 of 1% of the total amount of the authorized capital stock with par value, and one cent a share for all authorized shares without par value, but not less than $125. General Laws, Chapter 156B. Shares of stock with a par value less than one dollar shall be deemed to have par value of one dollar per share.

Copy Mailed FEB 18 1982

The Commonwealth of Massachusetts
William Francis Galvin

No Fee

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

Statement of Change of Supplemental Information
(General Laws, Chapter 156D, Section 2.02 AND Section 8.45; 950 CMR 113.17)

1. Exact name of the corporation: NANTUCKET LOBSTER TRAP,INC.,THE

2. Current registered office address:
Name: LARRY B. WHELDEN
No. and Street: 45 SPARKS AVENUE
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

3. The following supplemental information has changed:

X *Names and street addresses of the directors, president, treasurer, secretary*

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	DREW WHELDEN	23 WASHINGTON STREET NANTUCKET, MA 02554 USA
TREASURER	ALEXANDER WHELDEN	23 WASHINGTON STREET NANTUCKET, MA 02554 USA
SECRETARY	DREW WHELDEN	23 WASHINGTON STREET NANTUCKET, MA 02554 USA
DIRECTOR	ALEXANDER WHELDEN	23 WASHINGTON STREET NANTUCKET, MA 02554 USA
DIRECTOR	DREW WHELDEN	23 WASHINGTON STREET NANTUCKET, MA 02554 USA

__ **Fiscal year end:**
December

__ **Type of business in which the corporation intends to engage:**

RESTAURANT

__ **Principal office address:**

No. and Street: 23 WASHINGTON ST.
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

__ **g. Street address where the records of the corporation required to be kept in the Commonwealth are located *(post office boxes are not acceptable)*:**

No. and Street: 23 WASHINGTON ST.
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA
which is

X its principal office	__ an office of its transfer agent
__ an office of its secretary/assistant secretary	__ its registered office

Signed by DREW WHELDEN , its PRESIDENT
on this 24 Day of May, 2023

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All Rights Reserved

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

May 24, 2023 04:03 PM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

COMMERCIAL LEASE

This Lease Agreement (this "Lease") is dated as of April 01, 2023, by and between NLT Nominee Trust ("Landlord"), and Nantucket Lobster Trap Inc ("Tenant"). The parties agree as follows:

PREMISES. Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant 3,630 square foot restaurant and preparatory kitchen at 23 Washington Street, Nantucket, MA 02554 (the "Premises") located at 23 Washington Street, Nantucket, MA 02554.

TERM. The lease term will begin on April 01, 2023 and will terminate on December 31, 2033.

LEASE PAYMENTS. Tenant shall pay to Landlord lease payments of $1.00, payable in advance, on the first of each year, for a total lease payment of $11.00. Lease payments shall be made to the Landlord at PO Box 454, Nantucket, Massachusetts 02554. The payment address may be changed from time to time by the Landlord.

POSSESSION. Tenant shall be entitled to possession on the first day of the term of this Lease, and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing. At the expiration of the term, Tenant shall remove its goods and effects and peaceably yield up the Premises to Landlord in as good a condition as when delivered to Tenant, ordinary wear and tear excepted.

PROPERTY INSURANCE. Tenant shall maintain casualty insurance on the Premises in an amount not less than 100% of the full replacement value. Landlord shall be named as an additional insured in such policies. Tenant shall deliver appropriate evidence to Landlord as proof that adequate insurance is in force issued by companies reasonably satisfactory to Landlord. Landlord shall receive advance written notice from the insurer prior to any termination of such insurance policies. Tenant shall also maintain any other insurance which Landlord may reasonably require for the protection of Landlord's interest in the Premises. Tenant is responsible for maintaining casualty insurance on its own property.

LIABILITY INSURANCE. Tenant shall maintain liability insurance on the Premises in a total aggregate sum of at least $1,000,000.00. Tenant shall deliver appropriate evidence to Landlord as proof that adequate insurance is in force issued by companies reasonably satisfactory to Landlord. Landlord shall receive advance written notice from the insurer prior to any termination of such insurance policies.

RENEWAL TERMS. This Lease shall automatically renew for an additional period of 10 Years per renewal term, unless either party gives written notice of termination no later than 60 days prior to the end of the term or renewal term. The lease terms during any such renewal term shall be the same as those contained in this Lease.

TAXES. Taxes attributable to the Premises or the use of the Premises shall be allocated as follows:

REAL ESTATE TAXES. Tenant shall pay all real estate taxes and assessments which are assessed against the Premises during the time of this Lease.

PERSONAL TAXES. Tenant shall pay all personal taxes and any other charges which may be levied against the Premises and which are attributable to Tenant's use of the Premises, along with all sales and /or use taxes (if any) that may be due in connection with lease payments.

TERMINATION UPON SALE OF PREMISES. Notwithstanding any other provision of this Lease, Landlord may terminate this lease upon 60 days' written notice to Tenant that the Premises have been sold.

DEFAULTS. Tenant shall be in default of this Lease if Tenant fails to fulfill any lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 105 days (or any other obligation within 10 days) after written notice of such default is provided by Landlord to Tenant, Landlord may take possession of the Premises without further notice (to the extent permitted by law), and without prejudicing Landlord's rights to damages. In the alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under this Lease. Tenant shall pay all costs, damages, and expenses (including reasonable attorney fees and expenses) suffered by Landlord by reason of Tenant's defaults. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent". The rights provided by this paragraph are cumulative in nature and are in addition to any other rights afforded by law.

CUMULATIVE RIGHTS. The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.

NOTICE. Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

LANDLORD:

NLT Nominee Trust
PO Box 454
Nantucket, N/A 02554

TENANT:

Nantucket Lobster Trap Inc
23 Washington Street
Nantucket, MA 02554

Such addresses may be changed from time to time by any party by providing notice as set forth above. Notices mailed in accordance with the above provisions shall be deemed received on the third day after posting.

GOVERNING LAW. This Lease shall be construed in accordance with the laws of the Commonwealth of Massachusetts.

ENTIRE AGREEMENT/AMENDMENT. This Lease Agreement contains the entire agreement of the parties and there are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified or amended in writing, if the writing is signed by the party obligated under the amendment.

SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

WAIVER. The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

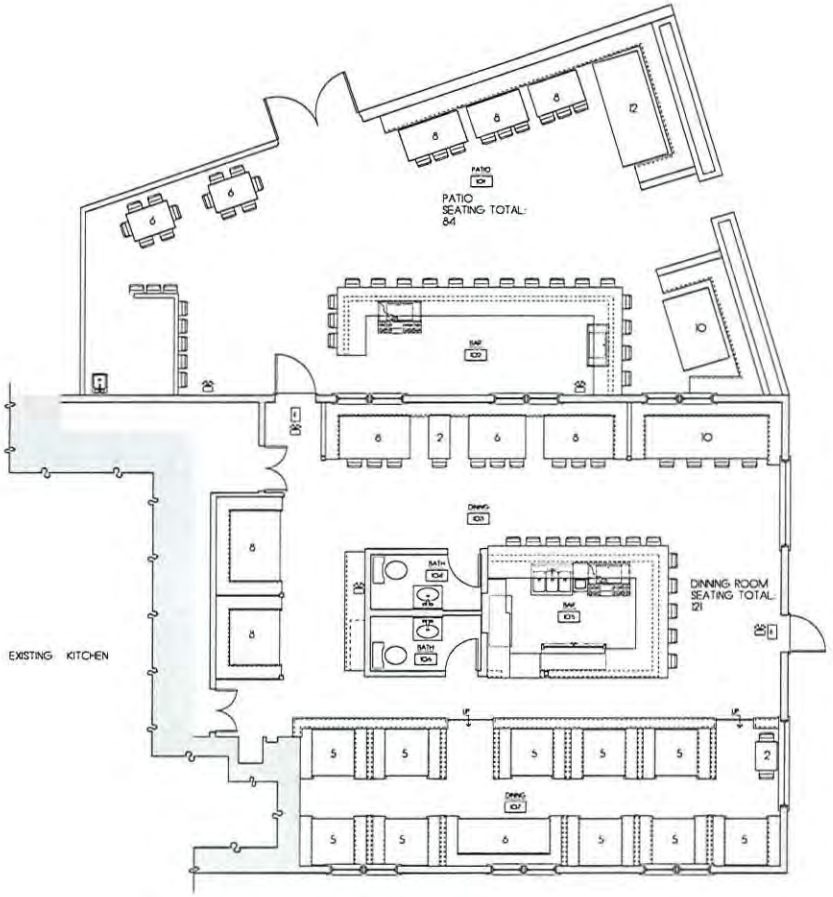
BINDING EFFECT. The provisions of this Lease shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors and assigns.

LANDLORD:

By: Elizabeth M. Whelden Date: 5/23/2023
NLT Nominee Trust

TENANT:
Nantucket Lobster Trap Inc

By: Drew Date: 05/23/23
Drew Whelden, Owner



REVISIONS
3/17/2016 AS-BUILT MEASURING
3/21/2016 AS-BUILT PLANS

NOTE:
IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CAREFULLY REVIEW ALL WORKING DRAWINGS AND DETAILS FOR ACCURACY AND CONSISTENCY. THE DESIGNER & ENGINEER OF RECORD CANNOT BE HELD RESPONSIBLE FOR WORK INITIATED INCORRECTLY DUE TO MISUNDERSTANDING OR MISINTERPRETATION. IF THERE ARE ANY QUESTIONS AFTER THE STRUCTURAL DRAWINGS HAVE BEEN REVIEWED, PLEASE CALL THE ENGINEER OF RECORD BEFORE INITIATING ANY WORK.

NOTE:
ALL SITE WORK SHOULD BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO AND DURING CONSTRUCTION FOR PROPER LOCATION OF PROPERTY & SETBACK LINES

NOTE:
ALL FINAL DIMENSIONS SHALL BE VERIFIED IN THE FIELD. ANY DEVIATIONS FROM WHAT IS SHOWN SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IN CHARGE.

N L T NOMINEE TRUST	FLOOR PLANS		SHEET NO.
	ADDRESS	DATE: 3/21/2016	SCALE: 1/4" = 1'-0"
			a2

LICENSE #: 00056-RS-0762 **LICENSE FEE: $3,900.00**

THE LICENSING BOARD *for the* TOWN OF NANTUCKET, MASSACHUSETTS

HEREBY GRANTS A

COMMON VICTUALLER SEASONAL RETAIL RESTAURANT LICENSE

TO EXPOSE, KEEP FOR SALE, AND TO SELL

ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: The Nantucket Lobster Trap, Inc.
DBA: NANTUCKET LOBSTER TRAP
PREMISES: 23 Washington Street
Nantucket, MA 02554
MANAGER: Drew Whelden (Pending ABCC Approval)

ON PREMISES DESCRIBED AS:
The premises are comprised of a single floor 3600 square foot building that is currently operating as a restaurant with two indoor dining rooms as well as outdoor patio dining area. There are three exits in the dining areas open to public as well as three exits in the back of the building.

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

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

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

Chair, Select Board

THIS LICENSE IS VALID APRIL 1, 2023 – JANUARY 15, 2024

**Unless earlier suspended, cancelled, or revoked*

LICENSE FEE: $100.00

THE LICENSING BOARD *for the* TOWN OF NANTUCKET, MASSACHUSETTS

HEREBY GRANTS AN

ENTERTAINMENT LICENSE

► SEVEN DAYS ◄

BUSINESS: **The Nantucket Lobster Trap, Inc.**
DBA: **NANTUCKET LOBSTER TRAP**
PREMISES: **23 Washington Street**
Nantucket, MA 02554
MANAGER: **Drew Whelden**

LICENSED PREMISES DESCRIBED AS:
The premises are comprised of a single floor 3600 square foot building that is currently operating as a restaurant with two indoor dining rooms as well as outdoor patio dining area. There are three exits in the dining areas open to public as well as three exits in the back of the building.

Approved Entertainment INDOORS:

- **LIVE VOCAL MUSIC**
- **LIVE INTRUMENTAL MUSIC**
  1-5 Acoustic String Instruments
- **RADIO; IPOD; CD**
- **TELEVISION**

Approved Entertainment OUTDOORS:

- **LIVE INSTRUMENTAL MUSIC**
  1-5 Acoustic String Instruments
- **RADIO; IPOD; CD (Recorded Music)**

Conditions of License INDOORS:

- **LIVE MUSIC HOURS: 4:00 pm to 10:00 pm**
- Recorded Background Music Only allowed until Closing at 1:00 am.
- Acoustic Music may be plugged into small amplifiers and stereo speakers on a limited basis. (BOS 9-10-14)

Conditions of License OUTDOORS:

- **HOURS: 4:00 pm to 10:00 pm**
- **ALL MUSIC; ENTERTAINMENT ON PATIO MUST END AT 10:00 PM**

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.

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

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2023

**Unless earlier suspended, cancelled, or revoked*

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

DRAFT 2023

Town & County of
NANTUCKET, MA

LICENSING AND PERMITS
PSF, 4 Fairgrounds Road, M-F 8am-4pm
508-325-4100 · licensing@police.nantucket-ma.gov

TOWN OF NANTUCKET SELECT BOARD/LICENSING AUTHORITY
NOTICE OF LIQUOR LICENSING PUBLIC HEARING

Dear Abutter:

In accordance with MGL Chapter 138, Section 15A you are hereby notified that a Liquor License Public Hearing will be held as noticed below. For more information or to provide written comments, please email licensing@police.nantucket-ma.gov.

NOTICE OF PUBLIC HEARING

PUBLIC NOTICE

Please be advised that the Select Board will hold a Public Hearing on Wednesday, July 12, 2023 at 5:30 PM to hear the application for a Transfer of a Seasonal Restaurant All Alcoholic Beverages Liquor License and Live Entertainment License from Larry B. Whelden, dba Nantucket Lobster Trap to The Nantucket Lobster Trap, Inc. dba Nantucket Lobster Trap, located at 23 Washington Street, Nantucket, MA 02554, Drew Whelden, Manager. The hearing will be held in person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email licensing@police.nantucket-ma.gov.

Description of Proposed Premises:

No Change to current licensed premise: The premises are comprised of a single floor 3600 square foot building that is currently operating as a restaurant with two indoor dining rooms as well as outdoor patio dining area. There are three exits in the dining areas open to public as well as three exits in the back of the building.

Additional Application Information:

The applicant is seeking a transfer of the existing license relating to the Nantucket Lobster Trap which is held in the individual name of Larry B. Whelden, who recently passed away. The applicant is the entity that operates the restaurant and is seeking approval for the license to be assigned.

IN PERSON PARTICIPATION: PSF Community Room, 4 Fairgrounds Road

REMOTE PARTICIPATION:

You Tube Link For Viewing Only: https://youtu.be/g4QzY4grksk

Zoom Webinar Registration Link to Virtually Attend Meeting:
https://us06web.zoom.us/webinar/register/WN_IdpZTZo4RkyaEy3fhTszww

Preliminary Outline #1 for November 7, 2023 Special Town Meeting Warrant
For 06/28/23 SB review
As of 06/25/23
NOTE: Numbering & Order is NOT FINAL

Short-term Rental Articles – may be 2-3. In progress. Reviewed with Select Board 6/14. Next review 7/12.
- Community Impact Fee local option?

Zoning
- Airport per PLUS

Real Estate
- Conveyance of easements (x2) to Land Bank – E Creek Rd
- Conveyance of parcels to Land Bank adjacent to Surfside WWTF for compliance with NHESP permit requirements
- Additional easements in connection with Surfside area water main extension project

Appropriations
- Potential need for supplemental funding for Waitt Dr seasonal employee housing
- Resubmittal of Article 15 from 2023 ATM (Nobadeer Fields - $3.8m)
- Potential need for supplemental funding for Naushop sewer pump station upgrade
- Supplemental funding for Airport housing project
- Reappropriate FY 23 and FY 24 rental housing assistance funds ($2m total)

Other
- Establish special purpose Stabilization Fund to allow for use of opioid settlement funds
- ADD Town-owned Shadbush Rd site to DPW Facility design appropriation article
- Increase Town Clerk salary in accordance with Comp & Class study

Citizen Articles
Submittal deadline Wed, June 21
3 Submitted: all sewer district related (1 Nantucket Sewer District; 2 Sconset)

DRAFT

Agenda Item Summary

Agenda Item #	XI. 2 & 3
Date	07/12/2023

Staff

Town Manager, Natural Resources Director, Sustainability Programs Manager

Subject

Baxter Road & Sconset Bluff Joint Workshop Recap and Action Plan

Executive Summary

Recap presentation by Arcadis joint meetings between Select Board and Conservation Commission from March 21 and April 11, 2023. Includes a recommended outline for a path forward.

Staff Recommendation

Accept the outlined path forward

Background/Discussion

Covered in Executive Summary

Impact: Environmental ☒ Fiscal ☒ Community☒ Other☐

Board/Commission Recommendation

N/A

Public Outreach

Item listed on posted agenda

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

Has connection with coastal resiliency planning

Has connection to the Baxter Road Long Term Planning Summery Memo of Finding, October 2021.

Attachments

- Presentation
- Town Counsel memo
- Coastal Protection Districts DRAFT Fact Sheet



Baxter Road & Sconset Bluff Joint Workshop Recap and Action Plan

Nantucket, Massachusetts

July 12, 2023

Photo source: Natural Resources Department, Nantucket MA

Joint Workshops Summary



Conservation Commission and Select Board met on March 21st and April 11th



Conducted **Scenario Planning** during first meeting.



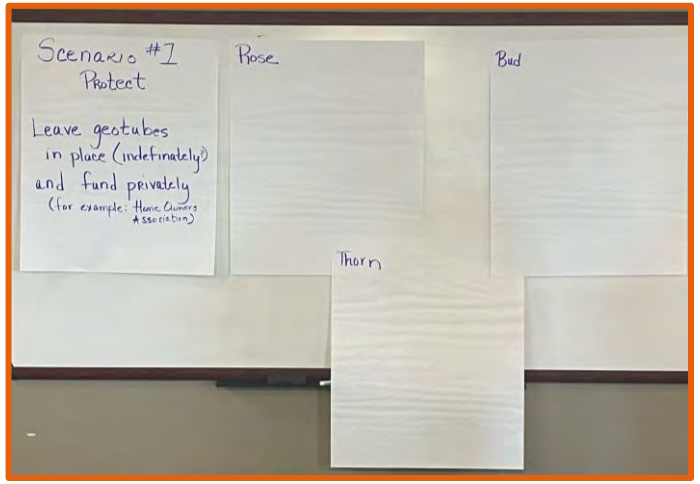
Outlined **Implementation Roadmap** during second meeting

© Arcadis 2022

Scenarios Considered

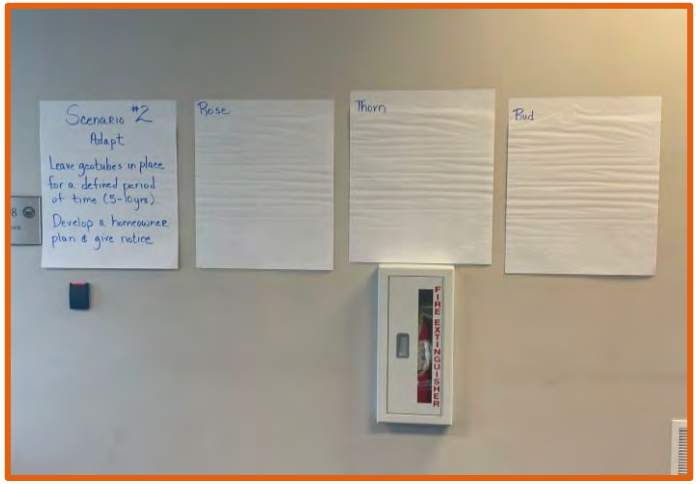
1 – Protect

- Leave geotubes in place (indefinitely?)
- Fund privately (for example: Homeowners Association)



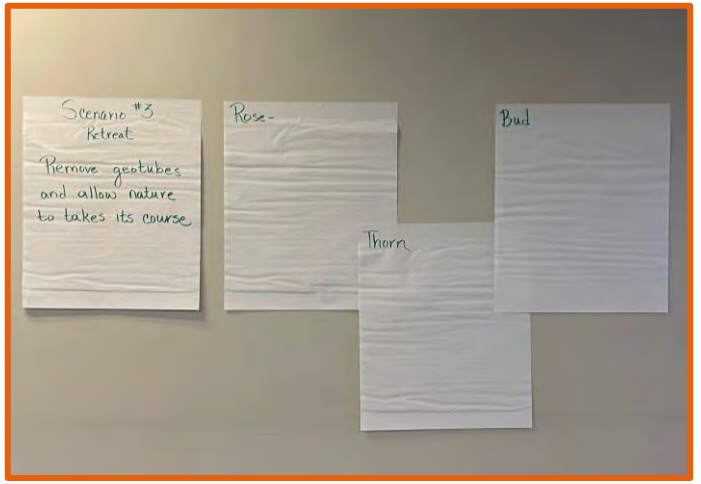
2 - Adapt

- Leave geotubes in place for a defined period of time (5-10 years?)
- Develop a homeowner plan and give notice



3 - Retreat

- Remove geotubes and allow nature to take its course



© Arcadis 2022

Scenario Planning







© Arcadis 2022

Timeline of Tasks (Roadmapping)



Participants created pre-planning lists in buckets under **Funding, Planning, and Agreements to seek**.



They then placed items from each list into a **timeline of tasks**

Next 30 days (short-term plan)
Next 60 days
60 days to 6 months
6 months to 1 yr
1 yr to 2 yrs

© Arcadis 2022

Sconset Bluff Near Term Action Plan

Near Term Actions summarized based on results of the Joint Select Board and Conservation Commission Workshops held in March and April 2023

Engage with Conservation Commission

- Review and Refine short-term plan
- Extend geotubes removal date - October 2023
- Define geographic extent:
  - Anything north of Bayberry.
  - Consider phased approach for implementation. Current geotubes then potential expansion based on Coastal Resilience District stakeholders.
- Establish acceptable removal date that facilitates planning
- File new NOI to bring existing system into compliance
  - Including makeup sand deficit and adaptive management sand maintenance proposal.



Review Current Reality

- MOU on North end revised
- NOI expired, removal order in place
- Makeup sand still needed / future sand maintenance requirements
- Funding and organizational structure needs (Consider Coastal Resilience District)

Engage and Begin District Discussions

- Identify potential Coastal Resilience District partners, stakeholders, legal documents and votes required
- Identify roles stakeholders could play in planning and execution
- Prepare draft of Coastal Resilience District - Identify milestone dates and votes needed

Begin to Engage Entire Town

- Webpage
- Public Meeting

Makeup Sand Deficit

- SBPF to make up current sand deficit
- Agree to amount and resubmit/seek approval of Compliance Plan

Implementation Plan

- Determine town staff needed and current capacity, including whether additional consultants may be needed.
- Establish District or setup other funding sources

What is a Coastal Resilience District?

What is it?

- A Coastal Resilience District may be established in order to follow the principals adopted within the Town of Nantucket Coastal Resilience Plan and to provide organizational structure and funding for the purposes of protecting, adapting or retreating the area from the threats of climate change, coastal flooding, sea level rise, and coastal erosion.

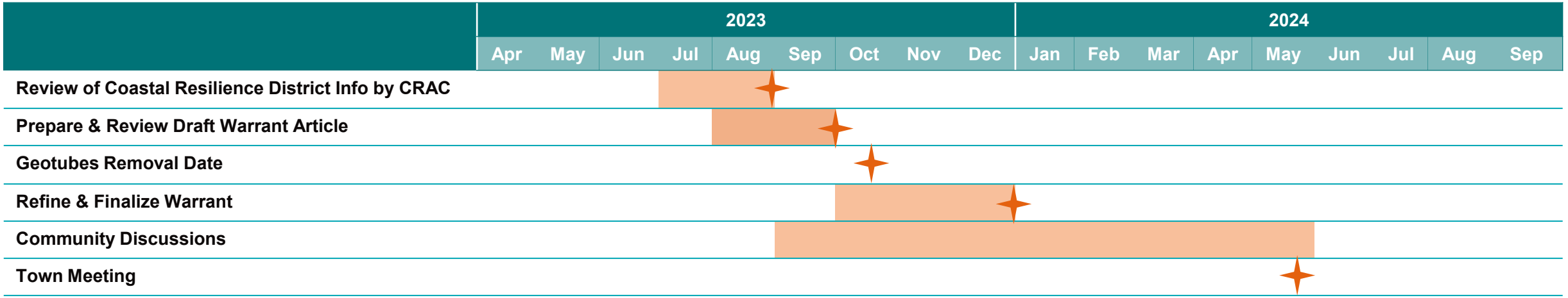
Why does it make sense? What are the benefits?

- Enables Town to fund projects such as constructing infrastructure improvements and providing erosion and coastal resilience services.
- Betterments, assessments, fees may be established under a District structure.

What are the District boundaries?

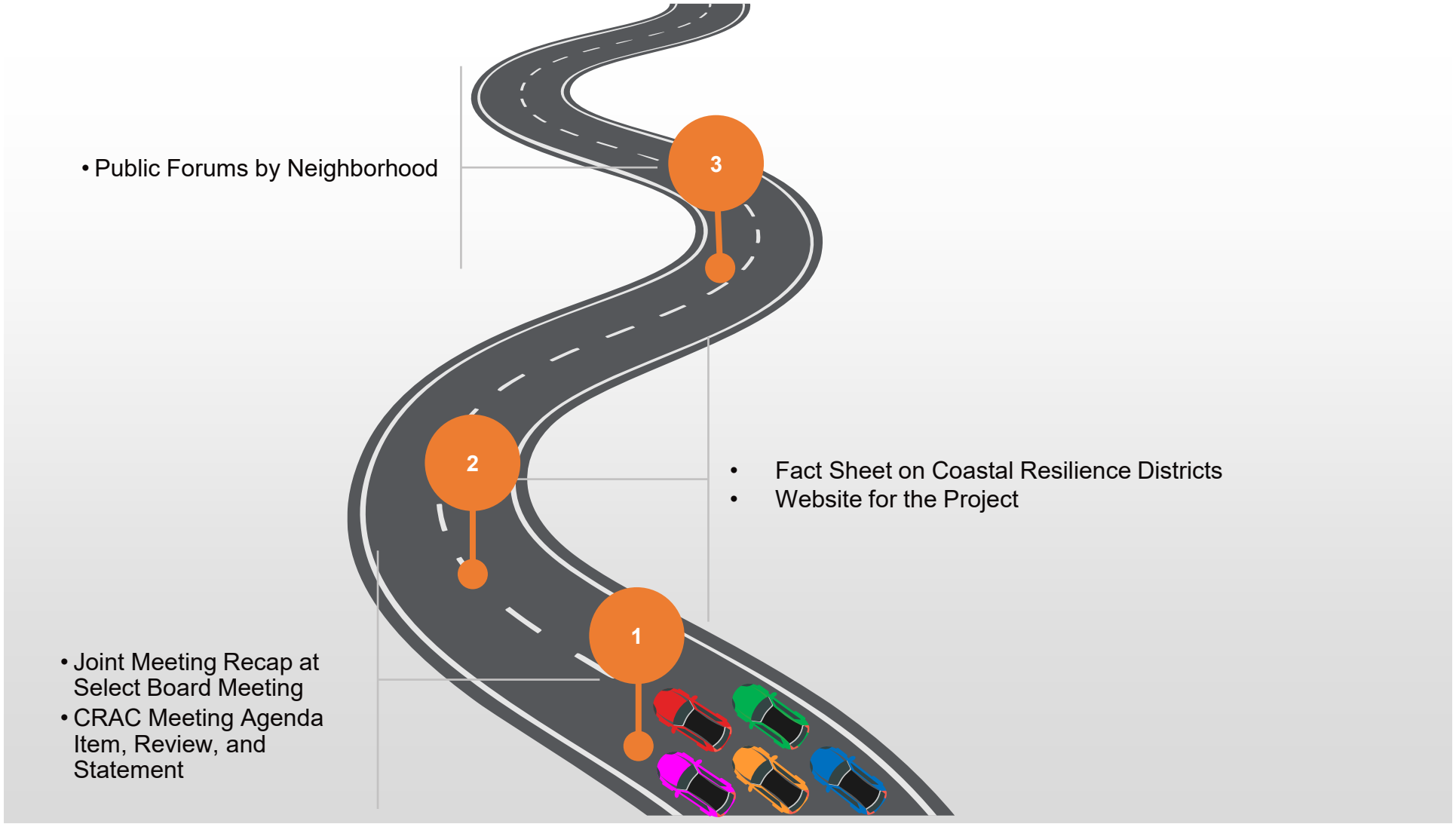
- Town would like to establish the legal authority to set up districts island wide, similar to geographic areas in the Coastal Resilience Plan.
- The first district would be located in Sconset to address the scenario planning based on the joint meetings.

Schedule



© Arcadis 2023

Begin District Discussions



Resources

Joint Meeting Packets
March 21 https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_03212023-12491
April 11 https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_04112023-12492

Joint Meeting Recordings
March 21 https://www.youtube.com/watch?v=4df5f52Oe7s&t=8s
April 11 https://www.youtube.com/watch?v=EogzDhvXigs

Baxter Road webpage
https://www.nantucket-ma.gov/2653/Baxter-Road

MEMORANDUM

TO: C. Elizabeth Gibson, Town Manager

CC: William D. Arcadis, P.E. Project, Manager, Arcadis, Jennifer Lachmayr Vincent Murphy and John W. Giorgio

FROM: Vicki S. Marsh, Esq.

RE: Establishment of Coastal Resiliency Districts

DATE: June 19, 2023

You have requested I research the legal procedures available to the Town to establish a coastal resiliency district and the funding of the projects to be undertaken in a coastal resiliency district to address erosion and flooding, as contemplated for the Baxter Road Relocation Plan (the "Project"). The Town has considered the creation of a coastal resiliency district as a means which will enable it to fund the relocation of Baxter Road and its utilities as well as establish other districts in the Town which may similarly need to be created as circumstances may require similar coastal resiliency projects. The creation of a coastal resiliency district with geographical boundaries will enable the Town to fund the projects by means of assessment of betterments or the application for federal or state grants for the benefit of a defined coastal resiliency district.

In Massachusetts, there are generally three lawful procedures available for a municipality to establish a district; (1) Massachusetts General Laws, the applicability of which is dependent upon the purpose to be addressed by the establishment of a district, (2) special legislation filed pursuant to a home rule petition and (3) municipal Zoning and General Bylaws. In order to create a district the Town should consider the purpose of the district, the geographical boundaries of the district, the means to fund the improvements and relocation projects as needed, and consideration of implementing any restrictions or regulations with respect to the construction, repair and use of properties within the district.

Purpose of a District

The creation of a district within a municipality enables the municipality to manage environmental, wastewater or roadway matters for funding and constructing infrastructure improvements, managing the infrastructure projects or providing further erosion and coastal resiliency services. The districts are defined by geographical boundaries to limit the area to benefit from the project or protection contemplated. Similarly, as circumstances dictate, the Town could also create other coastal resiliency districts to address flooding or erosion effects and undertake certain coastal resiliency

projects for a particular district, to be paid by betterments assessed to the property owners benefitted.

In considering a purpose for the establishment of a coastal resiliency district, the Town's purpose for the creation of a Flood Overlay District as set forth in the Town's Zoning Bylaw, §139-12 H could provide the framework for describing the purpose of a coastal resiliency district as follows: "... to ensure public safety by reducing the threats to life and personal injury; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; avoid the loss of utility services which if damaged by erosion would disrupt or shut down the utility network and impact the community beyond the site of flooding; reduce costs associated with the response and cleanup of flooding conditions; reduce damage to public and private property resulting from flooding waters." This purpose is similar to the purposes the proposed coastal resiliency districts would serve, but not just limited to flooding, but also include the effects of erosion of the Town's beaches and bluffs.

Establishment of Coastal Resiliency District

In Massachusetts a municipality may establish districts by (1) Massachusetts General Laws, (2) special legislation and (3) municipal Bylaws and Regulations.

1. General Laws- In Massachusetts there is no specific General Law which authorizes the establishment of a district for the purpose of protecting a specific geographical area for the construction and funding of a coastal resiliency district or assessment of betterments to the property owners in that specific district. Although there is a Coastal Management Zone Office created pursuant to G. L. c. 21A, § 4, this statute does not provide the authority for the municipalities to create districts to oversee construction and funding for a coastal resiliency projects. Rather this Office creates policies and guidelines for the Massachusetts coastal zone management program. The purpose of the program is to provide for the same objectives and benefits of the federal Coastal Zone Management Act. The Massachusetts Coastal Zone Management Office also oversees certain Grant Programs; however, those grants will not be sufficient to fund this project. Therefore, there is no state law currently enacted which give municipalities the authority to create a coastal resiliency district for the purposes of assessing betterments for coastal resiliency projects in a particular geographical area.

2. Special Act of the Legislature - The Massachusetts Constitution authorizes municipalities to file home rule petitions with the State Legislature requesting enactment of a special law. Special legislation has been filed by towns to establish a region-wide district or a district within its boundaries to manage a service within its boundaries that goes beyond or is inconsistent with applicable general or special laws. A town's legislative body must approve of a home rule petition before it can be filed with the Legislature. In Nantucket, the Town Meeting is the Town's legislative body which must vote to approve of the filing of home rule petitions.

3. Municipal Bylaws and Regulations- Municipalities in Massachusetts may adopt zoning or general bylaws to regulate a wide range of uses and activities within all or a portion of their boundaries. Bylaws must be reviewed and approved by the Commonwealth's Attorney General. In considering whether to adopt a Zoning Bylaw or a General Bylaw to establish a district, the municipality must determine the purpose for which the district will be serving.

    A. Zoning Bylaws: A zoning bylaw usually imposes restrictions on different districts or different land uses in a defined geographical area in a municipality. For example in Nantucket in the Zoning Bylaws, §139-12 H the Town has established a Flood Hazard Overlay District. This Zoning Bylaw imposes use regulations on activities in this Flood Hazard Overlay District for new construction, subdivision proposals and development in the district including structural and nonstructural activities must comply with certain regulations among other restrictions. The Town may wish to consider whether, at this time, an imposition of use regulations or restrictions in a coastal resiliency district is one of the intended purposes. If the Town is not seeking to impose restrictions on the use and development of the properties in a district, then it may conclude not to establish a coastal resiliency district by means of a zoning bylaw. Alternatively, the Town may wish to review the creation of a coastal resiliency district by a general bylaw.

    B. General Bylaws: In comparison to zoning bylaws, general bylaws typically apply uniformly to all existing or new uses or activities subject to the bylaw, and requires only a majority vote of town meeting. An example of a bylaw is a wetlands protection bylaw that implements a local permit program with more stringent requirements than the state Wetlands Protection Act. However, the Town, by creating a district through a general bylaw, may not have the ability to fund the projects contemplated in a coastal resiliency district without additional legislation.

<u>Considerations for Appropriate Legal Mechanism</u>

Sine there is currently no Massachusetts General Law currently enacted which will authorize a municipality to create coastal resiliency districts within its boundaries and to undertake the necessary projects to protect the property within the district and provide for funding sources for such projects, the Town still may draft and file special legislation with the Legislature to meet the purposes of the district. Special legislation filed with the Legislature as a home rule petition allows the Town to create a district that meets its particular needs, by defining the geographical boundaries of the district, the types of projects to be implemented in the event of erosion and flooding in the coastal resiliency district and the funding for these projects.

An example of a municipality which filed special legislation to create a specific district within its boundaries in a manner that is inconsistent with applicable or general laws is

Provincetown's passage of Chapter 157 of the Acts of 2000. This Act provides the authority notwithstanding G.L. c. 83 that governs a municipality's authority to establish and manage a sewer system, that it may create a sewer district that limits the properties that may connect to the sewer to ones where an on-site septic system cannot be constructed on the property in compliance with Title V. As a result of this provision, Provincetown was exempted from the state law to give it the right to give property owners the right to connect to an abutting municipal sewer line with available capacity. This Act also was contrary to the requirements of G.L. c. 80 governing the assessment of betterments, by allowing the Town to defer imposing a betterment assessment on the properties adjoining the sewer system unless and until the property is actually connected to the sewer lines, rather than upon the completion of the sewer lines.

Although the Town is able to create a coastal resiliency district by approval of a General Bylaw at Town Meeting, the General Bylaw is unable to give the Town the authority to assess betterments for the coastal resiliency projects and costs incurred by the Town in preserving the coastal resiliency district. Chapter 99 of the Town Bylaws created the Nantucket and Madaket Harbor Watershed Districts and defined their locations. In addition it defines the purposes and activities permitted in the Watershed Districts. But it does not impose restrictions similar to those in the Zoning Bylaws and does not authorize any funding sources for the Town's management of the district.

In my opinion, the Town's filing of special legislation provides the best means to establish the coastal resiliency district, to define the geographical boundaries of the district, to authorize the Town to undertake the necessary projects to protect the property and residents in the district and the utilities and public roadways serving the district and to fund the Project by the assessment of betterments on the properties benefitted by the Project. Although the creation of a coastal resiliency district as a General Bylaw could define the geographical boundaries of the district, it will not provide the specific authority to fund the projects and authorize the assessment of betterments for the contemplated Project on Baxter Road.

If you have any questions, please do not hesitate to contact me. Please see attached List of reviewed Legal and Regulatory Statutes and Regulatory References.

Legal and Regulatory Citations

Massachusetts General Laws, Chapter 80 and Chapter 83.

Section 6 of the Home Rule Amendment to the Massachusetts Constitution and Massachusetts General Laws, Chapter 43B

Authority and Procedures for Adopting and Enforcing Municipal General Bylaws; Massachusetts General Laws Chapter 40, Sections 21, 31 and 21D

Authority and Procedures for Adopting Zoning Bylaws, Massachusetts General Laws Chapter 40A

Town of Provincetown Special Legislation, Chapter 157 of the Acts of 2000

Town of Nantucket Code- Bylaws

Coastal Protection Districts
Introductory Fact Sheet (DRAFT)

What is a Coastal Protection District?

- Purpose of a District

  The purpose of a district generally is to enable a municipality to be able to manage a particular issue in a particular geographical part of the municipality with defined boundaries. The district can address different issues such as environmental questions, stormwater management, wastewater, or roadway matters as a few examples. In this case the district is being established to address the effects of erosion and to a certain degree flooding which result in damage to homes, personal property, roadways and utilities.

- Benefits to the Town

  The benefits to the Town are dependent upon the types of prevention and protection the Town may wish to undertake to protect the residents, the homes, the roadways and utilities. With the creation of a district, the Town can determine how best to target a specific geographical area to better prevent the erosion and to prepare for it by implementing certain protection projects. The creation of a district furthermore will enable the Town to be able to respond to a particular area of Town with certain response measures and reduce the potential damage from erosion by implementing certain projects such as the Baxter Road relocation of roadway access and utilities. Lastly, the creation of a district may enable the Town to either reduce the costs for these projects or at least help to fund these measures by the use of betterments of the residents in the district who will receive the benefit of these projects. Since the project will benefit a particular group of residents that other citizens of the Town are not benefitting from, the Town in my opinion, will be able to assess betterments to those residents in the district.

- Benefits to those in the District

  The benefits to those in the district is to provide clarity to the residents that they are located in the geographical boundaries of the district, rather than wondering who will receive any services by the Town from the effects of erosion. Furthermore, they may have some input as to the type of protection they may require form the Town. But most importantly it will enable them to benefit from the Town's planning of prevention projects to protect their properties from the effects of erosion and planning of any projects such as the Baxter Road plan to provide them with access to their homes and to preserve the utility services.

- Can this be created for use island wide? Does it have to just cover Baxter Rd at this time? Can Home Rule Petition be generic to allow for creation of districts throughout the island for this need?

  Briefly, the establishment process of a district could be applied to other areas on the island. However, you would need to determine the boundaries for each district established and provided each district does not have individual needs that need to be addressed. However, the authority that is granted to the Town could be more generic so that it can provide prevention

and protection from the effects of erosion as well as the payment for these projects and services. So it does not need to be created to apply to just Baxter Road. We would also need to create a process to establish the districts and the geographical boundaries of a district.

Steps to Create a District

The following items listed are issues that need to be addressed in establishing the district and also in drafting the Home Rule Petition.

- Define geographical boundaries, types of projects to be implemented, funding needed, etc.
- Town Meeting on Home Rule Petition
- Special legislation
- Set fee / betterments structure

Timeline Range (provide minimum, maximum, typical)

- Must go to Town Meeting (May 2024) to approve Home Rule Petition?

  In order to file a Home Rule Petition with the Legislature, Town Meeting must first authorize the Select Board to file the Petition with the Legislature. Once it is filed with the Legislature it will need to move through hearings and vote so f Legislative committees before being voted on by the Legislature. Before the Petition is drafted the Select Board must decide the purposes to be accomplished by the special legislation. Then if the Select Board is requesting the authority to assess betterments to residents of the established district, the Select Board will want to review the assessments and the municipal financing questions to make sure they will be permissible under Massachusetts law. In addition, there will need to be an assessment of the coastal resiliency committee with the Arcadis consultants as to the geographical locations of the district. These are just a few of the considerations. Therefore, this will take some time to address these issues and draft the Home Rule Petition. It is my opinion that we should have enough time to have a Home Rule Petition drafted by January for review for the Articles on the Warrant.
- Is it possible to go to a Special Fall Town Meeting?

  In my opinion, I do not think there is enough time to draft this Article thoughtfully with the necessary input and have it ready to be approved for the Special Town Meeting in November.

Estimate of Resources to Create the District

- Town Resources and time
- Legal / Engineering Fees
- Other

Fee / Charge Structure

- What is charged - Fees, Betterments, etc.?

Fees are often charged or assessed to residents for wastewater projects and water pollution projects as there is generally a finite amount that can be assessed yearly or a one-time assessment. However, in this case, betterments may be beneficial as each owner if the district will pay their proportionate share for the costs for the project to be constructed or service provided in the district. The Town may also wish to review how other states handle their coastal resiliency projects. Some states have established a coastal resiliency fund that is a state fund to address erosion and flooding prevention and protection.

Also in reviewing the assessment of betterments the Town will need to consider the term of the payment for the assessment of the betterments and the interest to be assessed.

- Funds must cover design, permitting, construction, operation and maintenance of any projects.

  In order to assess a betterment pursuant to G.L. c. 80 the Town will need to have a cost of the contract for the project to be constructed and the owners then will be assessed their proportionate cost of the contract.

- Allow for other funding sources (grants, donations, etc.)

  There are state grants and possibly federal grants available but they will need to be reviewed to see if the Town will qualify, the amounts of the grants, when the funds will be available and then the Town will need to complete the grant application. The question is the amount of grant funds that are available.

HDC Appeal of 121 Orange St

APPEALS PROCEDURE before the Select Board

The appeal to the Select Board concerns the HDC decision and is not a new hearing of the matter already heard by the HDC. No new information may be brought forth during the appeal process before the Select Board. Any information not previously submitted to the HDC will not be allowed.

1. The chairman opens the public hearing and may outline the procedure to be followed including the time allotment for the statements and rebuttals.

2. The appellant states his/her case and the reason for the appeal.

3. The Historic District Commission defines its position.

4. Rebuttals follow.

5. Public comment may be taken although any separate interests that may be expressed will not become part of the argument.

6. The chairman invites questions from the Board and closes the public hearing.

7. The Board makes a decision or may take the matter under advisement.

8. A written decision is prepared for Board signature.

P O Box 734
Nantucket
MA 02554-0734
17 April 2023

RECEIVED
APR 18 2023
NANTUCKET TOWN ADMINISTRATION

Board of Selectmen
Broad Street
Nantucket
MA 02554

APPEAL OF HISTORIC DISTRICT COMMISSION (HDC) DECISION ON 121 ORANGE STREET

To the Board of Selectmen:

At the HDC MEETING, TUESDAY, 28MARCH2023, the last item discussed was taken out of sequence as it was declared an EMERGENCY. After discussing item #4: 2A Cooper, the next item discussed was 121 Orange Street, #11. Demo Dwelling; and, #12 Demo Gambrell. It was discussed that the item was an 1850's Structure that was mentioned in Clay Lancaster's ARCHITECTURE OF NANTUCKET as 119 Orange Street as that was its number at the time he published.

The Notice to Abbutters anticipated submission date of March 14, with a Hearing on 2/21 9/2023. As one of the trustees/owners, I was never noticed. As an abutter, I was noticed.

Although a report was submitted by DWD ENGINEERING, INC., East, Bridgewater, MA, it is astounding that not ONE photograph of the alleged floors that have caved in, nor are there any photographs of the floor framing that has "collapsed," or, any inside photographs for that matter. Was he referring to the original bathroom that was used as a storage area, part of the west side of the foundation that was merely chicken wire with concrete over it as a skirt? The bathroom being used was tiled: floor, ceiling and walls. It is a handicapped bathroom. There are two more bathrooms upstairs, and, a half bath in the mudroom.

The outside has been documented: the part of the foundation that needs to be replaced on the west side of the dwelling, but, no documentation to date has been submitted on the inside excewest side bathroom and mud room that would be replaced. Tuesday after Thanksgiving, I was refused entrance to the premises [due to what was called "hoarding,"] the only "weak' floor that was being used was the west entrance off the mud room and the bathroom that was not even connect to water and NOT used except for storage. As discussed, that whole section needed to be replaced. The Salt Box itself was firm. With the storms we had in March, it would have been down if it was NOT sturdy. The lolly columns that were put in on concrete footings reinforced with rebar had Steel plates placed between the top of the lolly columns and the weight bearing beams of the dwelling.

When I asked HDC staff, the paperwork had NOT been submitted. Neither I, nor any of the Trustees, saw this application until AFTER the meeting.

Please remand 121 Orange Street back to the HDC so that we may all have questions answered rather than be told: It's NOT happening.

https://www.google.com/search?q=nantuckdt+historic+district+ckmmissii+28+march+20%2F3&rlz=1CDGOYI_enUS956US956&oq=nantuckdt+historic+district+ckmmissii++28+march+20%2F3&aqs=chrome..69i57j0i546l4.27071j0j4&hl=en-US&sourceid=chrome-mobile&ie=UTF-8#fpstate=ive&vld=cid:8a001d5d,vid:PSpNxNGyoD8m

At the HDC meeting that I viewed: Questions were asked. Answers were not given.

Motion: Move to appprove as submitted due to the nature of the Court Order.

NATURE OF THE COURT ORDER:

"...to allow the Receiver and its agents to take any and all steps reasonably necessary to seek and secure a permit from the Town of Nantucket and any other necessary entity allowing for the demolition and removal of the said House and Barn."

In my humble opinion, based on actually viewing the inside of the dwelling, the HDC was NOT allowed to make an informed decision on the basis of what was submitted to them which, I believe, is evident in their MOTION: MOVE TO APPROVE AS SUBMITTED DUE TO THE NATURE OF THE COURT ORDER.

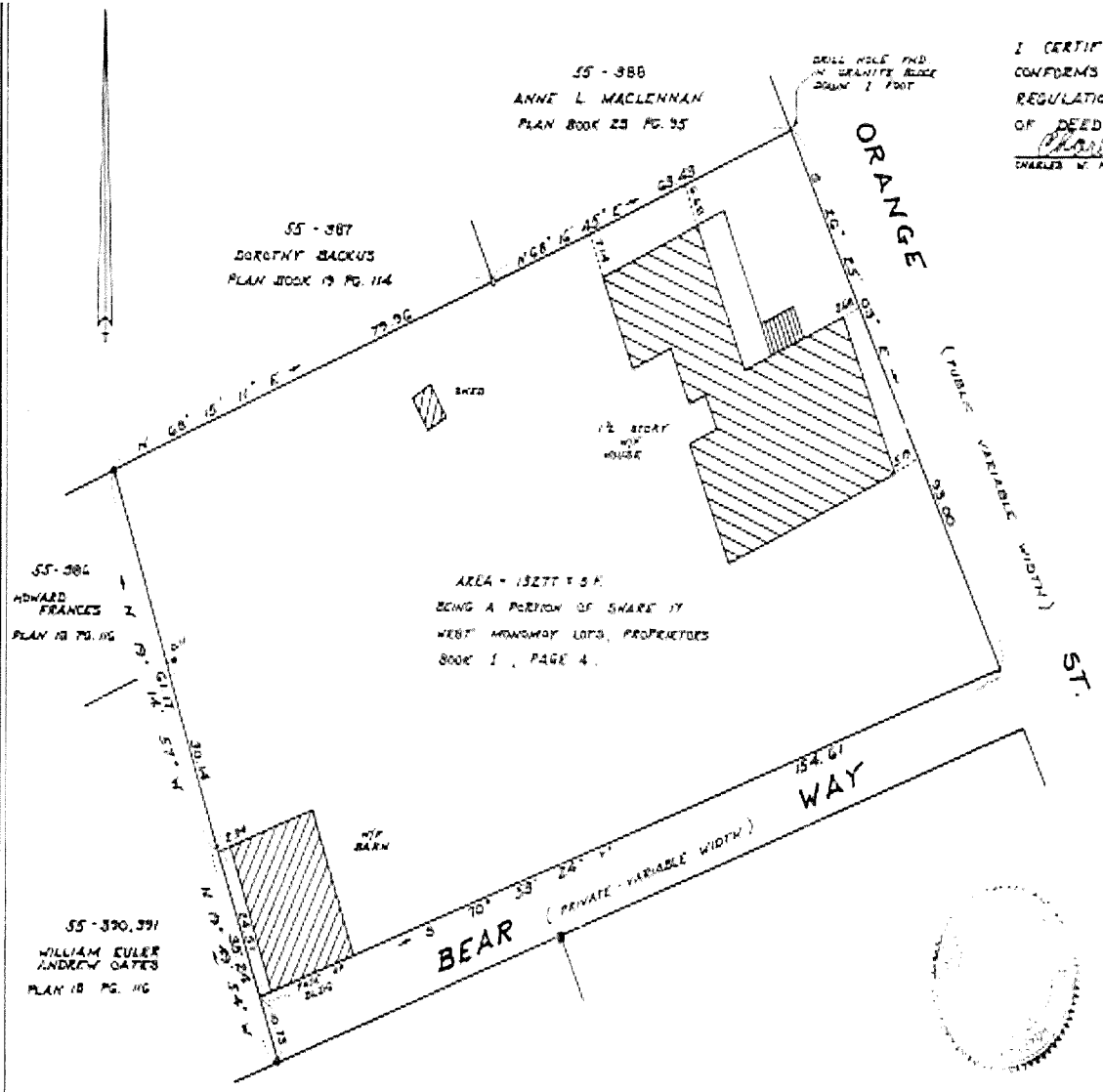
If it was not my intention to continue the repairs, WHY I put on a new room to the Dwelling? A new front door and and new keyless lock? We were progressing in Nantucket District Court with a trial date of February 2023. I was on schedule to have ALL repairs noted under the VIOLATIONS to be addressed before the Court Date.

After being approached by HDC members regarding this 1850's Salt Box, please allow our HDC to have an opportunity to decide on the merrits of the HDC application for 121 Orange Street, and, at very least, allow them to modify their decision to MOVE OR DEMOLISH which allows someone else the opportunity to save a part of Nantucket History.

Respectfully submitted,

Ara Charder, Trustee

Salty 3 Massachusetts Real Estate Trust dated 9 September 2022



I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Charles W. Hart
CHARLES W. HART P.L.S.

JUN 13 1988 3:30
RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF
PLANS NO. 34 PAGE 70
ATTEST: REGISTER
Sandra M. Chadwick

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSORS RECORDS.

Charles W. Hart
CHARLES W. HART P.L.S.

5-6-88
DATE

	NOTE	SEE DEED BOOK	PAGE
○ DENOTES IRON PIPE FOUND		79	135
● DENOTES STEEL SURVEY MARKER FND.		57	208
■ DENOTES d.h. IN CONCRETE BOUND FND.		42	214

NANTUCKET, MASS.

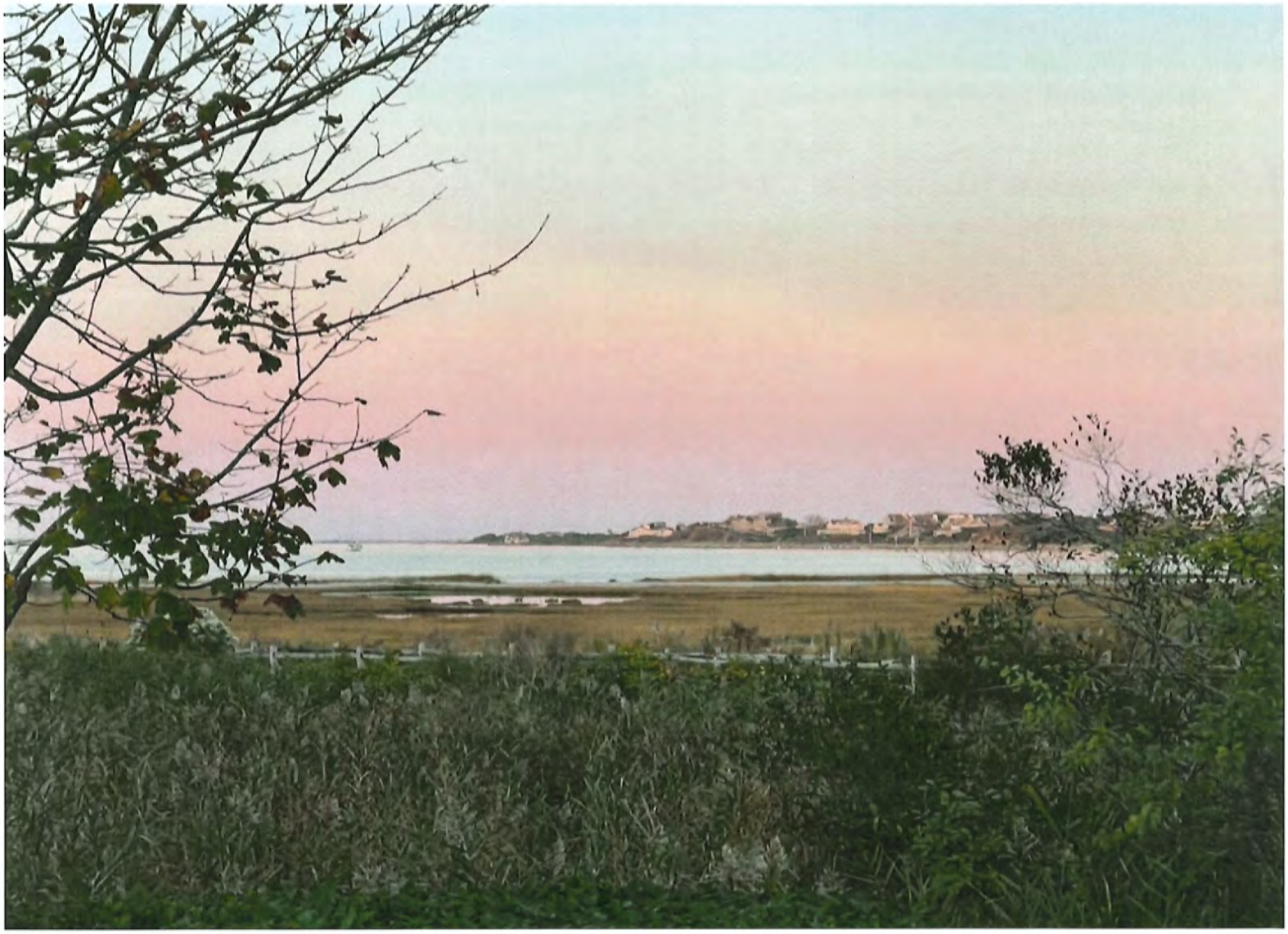
PREPARED FOR: BARBARA ANN CHARDER
SCALE: 1" = 20' MAY 6, 1988

HART - BLACKWELL & ASSOC., INC.
6 YOUNGS WAY NANTUCKET, MA.

0 20 40 60

HB-1377

EXISTING SITE PLAN





HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road

Nantucket, Massachusetts 02554 Telephone: 508.325.7587 Fax: 508.228.7298

NOTICE OF HDC APPLICATION

ABUTTERS AND INTERESTED PARTIES

Please be informed that the Nantucket Historic District Commission will be considering the following proposal:

Address of Proposed Work: 121 ORANGE STREET

Tax Map Number: 55 Parcel Number: 389

Owner of Record: BARBARA CHARDER

Description of Proposal: DEMOLISHT GARAGE/BARN AND DWELLING

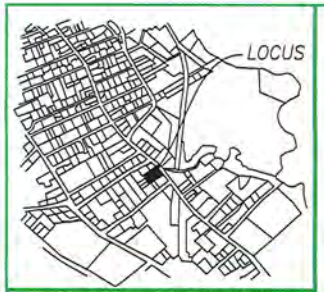
Anticipated HDC Submission Date: TUESDAY, 3/14/2023, FOR HEARING 3/21 9/2023

You have been identified either as an abutter or interested party to the above property and are being notified in accordance with the Town Bylaw. Please note that the above submission date is an estimate only; the actual meeting date will be determined once the HDC staff has established that a complete application has been submitted. Please contact the HDC office to verify the date. Please note that notification is only required at the time of initial submission of an application, not for each time an application goes before the Commission. Abutters are responsible for monitoring the status of applications.

If you wish to comment on the above proposal, you are encouraged to submit your comments in writing to the HDC office. If you wish to testify at a Commission meeting please be aware that your testimony may be limited by the Commission in accordance with Commission policies, which are included on the back of this form. Due to the large sizes of most applications, the HDC office may not be able to send faxed copies of the plans. Off-island abutters wishing more detailed information may enlist an on-island representative to view the plans in the HDC office.

If you have any questions, please contact the HDC office at 508.325.7587.

HDC 9:26 AM
23 MAR 2023

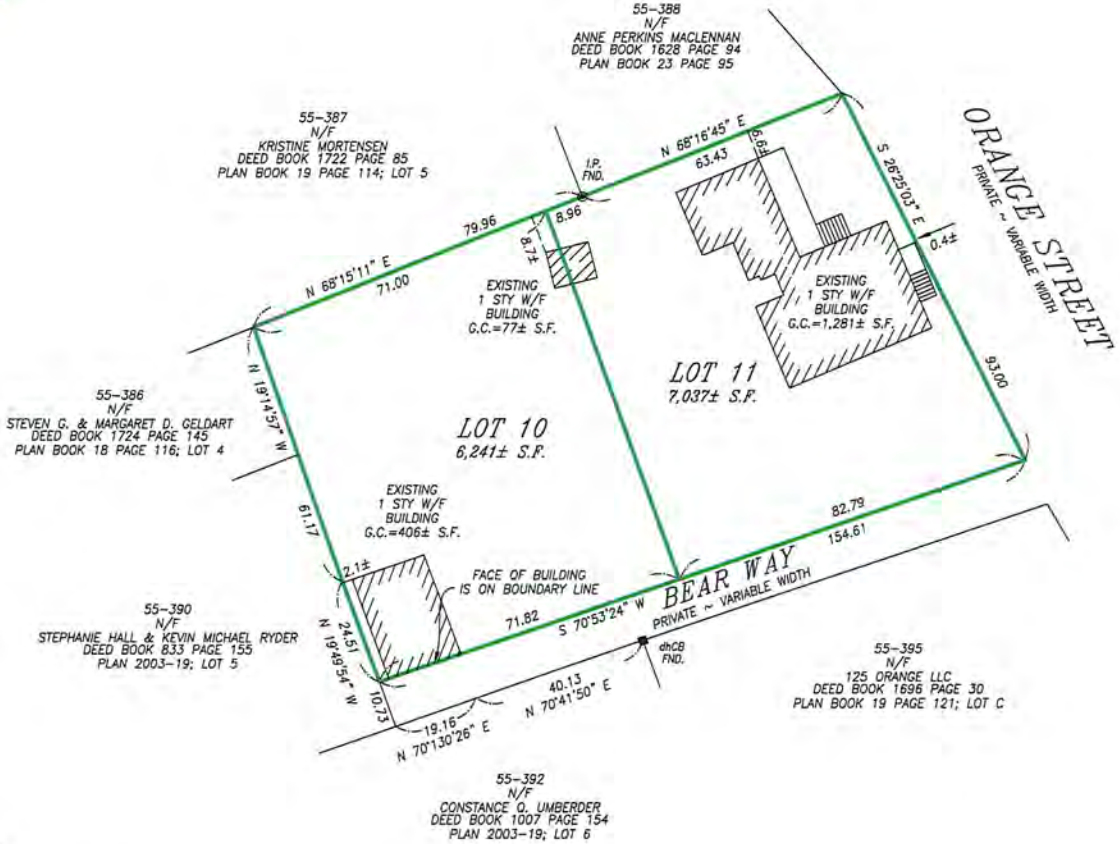


LOCUS MAP SCALE: 1"= 800'±

CURRENT ZONING CLASSIFICATION:
Commercial Mid Island (CMI)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: none
GROUND COVER % : 50%





LEGEND

C.R.B. FND. ■ DENOTES COUNTY ROAD BOUND FOUND

dhCB FND. ■ DENOTES DRILL HOLE IN CONCRETE BOUND FOUND

S.M. FND. DENOTES STEEL MARKER FOUND

MB FND. ■ DENOTES MARBLE BOUND FOUND

I.P. FND. ◉ DENOTES IRON PIPE FOUND

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

COMMONWEALTH OF MASSACHUSETTS
EDWARD F. KING, JR. No. 45711
REGISTERED LAND SURVEYOR

Edward F. King Jr.
PROFESSIONAL LAND SURVEYOR DATE

BEING A SUBDIVISION OF LAND
SHOWN ON PLAN BOOK 24 PAGE 70

PLAN OF LAND
IN
NANTUCKET, MASS.

PREPARED FOR
121 ORANGE STREET, LLC

DEED BOOK 1913 PAGE 201

SCALE: 1"= 20' DATE: JANUARY 30, 2023

ISLAND SURVEYORS, LLC
Professional Land Surveyors
90 OLD SOUTH ROAD
NANTUCKET, MASS. 02554
(508) 228–2720

Nantucket Planning Board
APPROVAL UNDER THE 41B1L
SUBDIVISION CONTROL LAW

DATE SIGNED FILE #

C:\SC\K1091\ANP
D:\TK 1/29

ASSESSORS MAP 55 PARCEL 389

K–1091

Date Filed: 2/20/2023 1:44 PM
Housing - Southeast - Barnstable
Docket Number: 20H83CV00052CI

DWD ENGINEERING, INC.

5 MICHAEL ROAD. EAST BRIDGEWATER, MA 02333
(508) 378-9602
domdean@aol.com

January 26, 2023

Mr. Paul Murphy-Building Commissioner
Nantucket Building Department
2 Fairgrounds Road
Nantucket, MA 02554

RE: Existing Conditions
121 Orange Street-Nantucket, MA

Dear Mr. Murphy,

On Wednesday, January 18th, I visited the above referenced site to review the existing conditions and make a determination as to the overall structural integrity of the buildings. I was unable to access the entire house since some of the floors have caved in. The entire left side of the first floor framing (looking in from the street) has collapsed. In addition a portion of the rear first floor framing (at the entrance) has also collapsed. Because of the exposure to the elements the framing has rotted and is structurally unsound. The second floor framing, although intact, has settled considerably due to the deterioration of the exterior walls. I was able to access the eaves and found that the roof framing has also deteriorated to the point where the rafters are no longer bearing on the walls and have been compromised by their exposure to rain and snow. The exterior walls and sills have been exposed to weather for an extended period of time and have severe rot. In some areas the foundation wall has collapsed and the wood framed walls no longer bear on it.

In addition to the main house, I reviewed the barn located in the rear of the property. It is totally dilapidated and is in complete disrepair.

Based on my observations it is my professional opinion that both structures are not salvageable and should be torn down. The front structure, due to its proximity to the sidewalk also poses a potential safety hazard to the public if it should collapse while someone is in the vicinity. If you have any questions concerning this letter or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Dominic W. DeAngelo, P.E.
President

COMMONWEALTH OF MASSACHUSETTS
DOMINIC W. DeANGELO
STRUCTURAL
No. 35062
REGISTERED
PROFESSIONAL ENGINEER

Cc: Clarke Brothers Construction

5. Bob Constable	3 Barrett Farm Rd	New garage		40/80.1	Thornewill Design
Voting	Pohl, Welch, Coombs, Oliver, Patten				
Alternates	Dutra				
Recused	Thornewill				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Carrie Thornewill				
Public	None				
Concerns	No concerns.				
Motion	**Motion to Approve as submitted (Coombs)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, Pohl-aye			Certificate #	**HDC2023-**

6. Mark Hubbard	45 Milk St	New studio		56/20	Mark Hubbard
Voting	Pohl, Welch, Coombs, Oliver, Thornewill				
Alternates	Patten, Dutra				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Mark Hubbard				
Public	N/A				
Concerns	**Backus-** Structure not clear on site, very vertical, 3rd dwelling should be subordinate. Ganged four light windows are odd, they should be a 6/6 double hung. Application indicates a grade change a cross section should be submitted for commissions review. **Oliver-** Appreciates the simplicity, height is not clear. Mitigate by bringing down maybe add dormer? **Welch-** Shorter 1st floor, primary concern is height. Coombs- **Thornewill-** concern on height, retaining wall might be needed, a section through would be helpful. Incorporate some porch roof deck to mitigate height on one side. **Pohl-** looking a topo plan, some implied grade change, and height is a concern.				
Motion	**Motion to hold for revisions, covered porch and a cross section of the site from north to south. (Welch)**				
Roll-call Vote	Carried 5-0 // Coombs, Coombs, Welch, Oliver, and Pohl-aye			Certificate #	**HDC2023-**

7. Barbara Charder Trust **03-8126**	121 Orange st	Emergency Demo dwelling		55/389	Michael Wilson, ESQ.
Voting	Pohl, Welch, Coombs, Oliver, Dutra				
Alternates	Patten, Thornewill				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Linda Williams				
Public	None				
Concerns	**Backus-** Circa 1850's One- and three-quarter story with high brick basement ridge chimney four bay façade with a pilaster doorway with two or one window or even six/six. Conditions of the inside of dwelling are horrible according to other departments, it would be a shame to lose but would like for any future development to replicate this structure. **Welch-** This is a demolition by neglect, this structure has been rotting for the last 15 years.				
Motion	**Motion to Approve as submitted due to nature of court order. (Welch)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, and Pohl-aye.			Certificate #	**HDC2023-03-8126**

8. Barbara Charder Trust **03-8125**	121 Orange st	Emergency Demo barn/garage		55/389	Michael Wilson, ESQ.
Voting	Pohl, Welch, Coombs, Oliver, Dutra				
Alternates	Patten, Thornewill				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Linda Williams				
Public	None				
Concerns	No concerns.				
Motion	**Motion to Approve as submitted due to nature of court order. (Welch)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, and Pohl-aye.			Certificate #	**HDC2023-03-8125**

Rest held for next meeting-

9. Stark Point LLC	16 Easton St	fenestration Rev22-04-6121	42.1.4/11	Botticelli + Pohl
10. 4 Bailey Rd LLC	4 Bailey Rd	Add egress window & door	55/106.6	Sanne Payne
11. 5 Surfside LLC	5 Surfside Rd	Revise window well	55/253	LINK
12. Kimberly Walin	56 Eel point rd.	Fenestration revision	32/27	CWA

IX. OLD BUSINESS 03/07/23

PROPOSED

COMMONWEALTH OF MASSACHUSETTS

Bristol, Plymouth, Barnstable ss **Nantucket and Dukes, ss**	**HOUSING COURT DEPARTMENT** **Docket No. 20H83CV0052CI**
TOWN OF NANTUCKET, by and through its Building Commissioner and Health Director **Plaintiff** **v.** **BARBARA CHARDER A/K/A ARA CHARDER** **Defendant**	**ORDER**

This Matter having come before the Court for hearing on February 21, 2023, the Court hereby orders as follows;

a. That based upon an inspection and report provided by DWD Engineering, Inc. it has been determined and the Court finds that the House and Barn on the subject premises located at 121 Orange Street, Nantucket, Massachusetts are in such disrepair that they present as a health and safety hazard to the surrounding neighborhood, workers on site and are not salvageable;
b. That as a result of the aforementioned report, the original plan to clean up and repair the House and Barn is amended to allow the Receiver and its agents to take any and all steps reasonably necessary to seek and secure a permit from the Town of Nantucket and any other necessary entity allowing for the demolition and removal of the said House and Barn;
c. All costs related to same shall be reflected in an updated budget and plan for the ultimate reclamation and restoration of the aforementioned premises;
d. All other aspects of the original order and further orders of this Court not impacted by this amended order shall remain in full force and effect;

JOSEPH L. MICHAUD
ASSOCIATE JUSTICE

February 21, 2023

CC: Alex Weisheit, Esq.
Michael Wilson, Esq.
Ara Charder

CERTIFICATE NO: HDC2023-03-8126

DATE ISSUED: 3/28/23

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 55 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET

Owner of record: BARBARA CHARDER TRUSTEE

Mailing Address: PO BOX 734 NANTUCKET, MA 02554

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: MICHAEL J. WILSON, ESQ.

Mailing Address: 1 HOOPER FARM ROAD NANTUCKET, MA 02554

Contact Phone #: 508-228-1929 E-mail: MJW@MJWLSON LAW.COM

FOR OFFICE USE ONLY 1077 108

Date application received: 3/15/23 Fee Paid: $

Must be acted on by: 5/5/23

Extended to: _____

Approved: [signature] Disapproved: _____

Chairman: [signature]

Member: _____

Member: _____

Member: [signature]

Member: [signature]

Notes - Comments - Restrictions - Conditions

Motion to approve as submitted

2023 APR -7 PM 12:55

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☒ Demolition ☐ Revisions to previous Cert. No. _____

☐ Pool (Zoning District ____) ☐ Roof ☐ Other _____

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor

Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: @1850

Original Date:

Original Builder:

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

DEMOLISH DWELLING

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____ Type: _____ Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

[signature]

CERTIFICATE NO: _____ DATE ISSUED: 3/28/23

HDC2023-03-8125

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

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Street & Number of Proposed Work: 121 ORANGE STREET

Owner of record: BARBARA CHARDER TRUSTEE

Mailing Address: PO BOX 734 NANTUCKET, MA 02554

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

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Mailing Address: 1 HOOPER FARM ROAD NANTUCKET, MA 02554

Contact Phone #: 508-228-1929 E-mail: MJW@MJWILSON LAW.COM

FOR OFFICE USE ONLY 4077

Date application received: 3/28/23 Fee Paid: $ 100

Must be acted on by: 5/5/23

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

Motion to approve as Submitted

RECEIVED 2023 APR 11 PM 1:15

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☑ Demolition ☐ Revisions to previous Cert. No. _____

☐ Pool (Zoning District ____) ☐ Roof ☐ Other _____

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Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: @ 1850

Original Date:

Original Builder:

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

DEMOLISH BARN/GARAGE

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____

Type: _____

Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission any revisions to this application will initiate a new sixty-day review period.

121 Orange St HDC File

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587 Fax: 508.228.7298

COMMISSIONERS

Ray Pohl
Chairman

Stephen Welch
Vice-Chairman

Diane Coombs

Val Oliver

Abigail Camp

ASSOCIATE COMMISSIONERS

Carrie Thornewill

Connie Patten

Joe Paul

STAFF

Esmeralda Martinez
Land Use Specialist
emartinez@nantucket-ma.gov

STAFF LIAISON

Holly E. Backus
Preservation Planner
hbackus@nantucket-ma.gov

July 6, 2023

Dear Select Board,

On behalf of the Nantucket Historic District Commission ("HDC"), I am responding to the appeal filed by Ara Charder with the Select Board related to the issuance of COA # HDC2023-03-8125 and COA# HDC2023-03-8126 ("COA's"), issued March 28, 2023, for the demolition of the house and barn, respectively, at 121 Orange Street. The HDC granted approval for emergency demolition of these structures supported by a separate court order. The structures were deemed to be dangerous by the Court and the Building Commissioner due to public health and safety issues. The discussion and subsequent approval of the above noted COA's at the public hearing can be viewed at the following link: Nantucket Historic District Commission – March 28, 2023. Fast forward to minute 04:27:25 – 04:40:00.

The Commission reviewed this Applications on March 28, 2023. The record also incorporates the prior complaint from an abutter that expressed concerns that the property had been used as a junkyard and that the structures were dangerous and deteriorating.

As with any application, the HDC file includes extensive material submitted for the Commission's consideration in the review of the application, including the court order, historical information and extensive photographic evidence of the condition of the structures. A representative was present at the public hearing to explain the situation.

At the public hearing on these projects on March 28, 2023, five (5) sitting members were present. The motion was duly made and a unanimous vote was taken to approve the demolitions. As both structures were proven to be "contributing" to the historic character of the area, a thorough considerate discussion took place as to the loss of these structures and their lack of structural integrity due to negligence. The HDC requests that the Select Board uphold the HDC approvals of the noted COA's and overturn the appeal which would result in COA # HDC2023-03-8125 and COA #HDC2023-03-8126 remaining in full force and effect.

Sincerely,

Esmeralda C. Martinez
Land Use Specialist / HDC Compliance Coordinator


Nantucket Historical Association

From:	Holly Backus
To:	Esmeralda Martinez
Subject:	FW: 121 Orange
Date:	Thursday, July 6, 2023 2:56:10 PM
Attachments:	image002.png image003.png Orange Street, 121 PH14-74.jpg

For 121 Orange St file.

Holly E. Backus
Preservation Planner**
Local CLG Coordinator
Local Hazard Mitigation Plan Coordinator
Town of Nantucket
hbackus@nantucket-ma.gov

**Staff liaison to the Nantucket Historic District Commission (HDC)
& Nantucket Historical Commission (NHC)**

From: Holly Backus
Sent: Tuesday, March 28, 2023 9:44 AM
To: Mary Bergman <mbergman@nantucketpreservation.org>
Subject: RE: 121 Orange

Good Morning Mary,

My understanding is that yes, the court order can supersede HDC. However, the order indicates “to take any and all steps reasonable necessary to seek and secure a permit from the Town of Nantucket and other necessary entity allowing for the demolition and removal of the said house and barn.” This at least makes them submit to the HDC for review of the demolition and provide the historic documentation needed. I’m sad that the court is demanding for demolition, but at the same time understand from the Health Department that it is horrible inside! Demolition by neglect indeed. (I wish they could provide drawings of the structure, if not – laser scan.)

Although the commission can’t hold one COA to another, I agree with you that anything built in its place should be a reconstruction of the current house (1 ¾ story, high brick basement, ridge chimney, 4-bayed façade, pilastered doorway…with either 2/1 windows or 6/6, based on the photo. Lancaster lists it at 119 Orange St.)
I will advocate for that.

Holly E. Backus
Preservation Planner**
Local CLG Coordinator
Local Hazard Mitigation Plan Coordinator
Town of Nantucket
hbackus@nantucket-ma.gov

**Staff liaison to the Nantucket Historic District Commission (HDC)
& Nantucket Historical Commission (NHC)**

From: Mary Bergman <mbergman@nantucketpreservation.org>
Sent: Tuesday, March 28, 2023 9:07 AM
To: Holly Backus <hbackus@nantucket-ma.gov>
Subject: 121 Orange

Hi Holly,

Reading over the demo application for 121 Orange, do you know if that court order to demolish (rather than rebuild) can supersede the HDC? Seems the most reasonable thing if the HDC was going to allow the demolition (when this situation was not created by a natural disaster or fire, but rather years and years of neglect) would be to allow the house to be demolished but only if the new house was a reconstruction of the current house.

Ughhhhh
mary

Mary Bergman
Executive Director

NANTUCKET PRESERVATION TRUST
11 Centre Street
PO Box 158
Nantucket, MA 02554
508.228.1387
mbergman@nantucketpreservation.org
Become a MEMBER and support our work!

NANTUCKET PRESERVATION TRUST
Preserving the Island's Architectural Heritage

5. Bob Constable	3 Barrett Farm Rd	New garage		40/80.1	Thornewill Design
Voting	Pohl, Welch, Coombs, Oliver, Patten				
Alternates	Dutra				
Recused	Thornewill				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Carrie Thornewill				
Public	None				
Concerns	No concerns.				
Motion	**Motion to Approve as submitted (Coombs)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, Pohl-aye			Certificate #	**HDC2023-**

6. Mark Hubbard	45 Milk St	New studio		56/20	Mark Hubbard
Voting	Pohl, Welch, Coombs, Oliver, Thornewill				
Alternates	Patten, Dutra				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Mark Hubbard				
Public	N/A				
Concerns	**Backus-** Structure not clear on site, very vertical, 3rd dwelling should be subordinate. Ganged four light windows are odd, they should be a 6/6 double hung. Application indicates a grade change a cross section should be submitted for commissions review. **Oliver-** Appreciates the simplicity, height is not clear. Mitigate by bringing down maybe add dormer? **Welch-** Shorter 1st floor, primary concern is height. Coombs- **Thornewill-** concern on height, retaining wall might be needed, a section through would be helpful. Incorporate some porch roof deck to mitigate height on one side. **Pohl-** looking a topo plan, some implied grade change, and height is a concern.				
Motion	**Motion to hold for revisions, covered porch and a cross section of the site from north to south. (Welch)**				
Roll-call Vote	Carried 5-0 // Coombs, Coombs, Welch, Oliver, and Pohl-aye			Certificate #	**HDC2023-**

7. Barbara Charder Trust **03-8126**	121 Orange st	Emergency Demo dwelling		55/389	Michael Wilson, ESQ.
Voting	Pohl, Welch, Coombs, Oliver, Dutra				
Alternates	Patten, Thornewill				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Linda Williams				
Public	None				
Concerns	**Backus**- Circa 1850's One- and three-quarter story with high brick basement ridge chimney four bay façade with a pilaster doorway with two or one window or even six/six. Conditions of the inside of dwelling are horrible according to other departments, it would be a shame to lose but would like for any future development to replicate this structure. **Welch-** This is a demolition by neglect, this structure has been rotting for the last 15 years.				
Motion	**Motion to Approve as submitted due to nature of court order. (Welch)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, and Pohl-aye.			Certificate #	**HDC2023-03-8126**

8. Barbara Charder Trust **03-8125**	121 Orange st	Emergency Demo barn/garage		55/389	Michael Wilson, ESQ.
Voting	Pohl, Welch, Coombs, Oliver, Dutra				
Alternates	Patten, Thornewill				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Linda Williams				
Public	None				
Concerns	No concerns.				
Motion	**Motion to Approve as submitted due to nature of court order. (Welch)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, and Pohl-aye.			Certificate #	**HDC2023-03-8125**

Rest held for next meeting-

9. Stark Point LLC	16 Easton St	fenestration Rev22-04-6121	42.1.4/11	Botticelli + Pohl
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12. Kimberly Walin	56 Eel point rd.	Fenestration revision	32/27	CWA

IX. OLD BUSINESS 03/07/23

PROPOSED

CERTIFICATE NO: _____ DATE ISSUED: 3/28/23

HDC2023-03-8125

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

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for structural work.

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Mailing Address: PO BOX 734
NANTUCKET, MA 02554

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: MICHAEL J. WILSON, ESQ.

Mailing Address: 1400 HOOPER FARM ROAD
NANTUCKET, MA 02554

Contact Phone #: 508-228-1929 E-mail: MJW@MJWILSON LAW.COM

FOR OFFICE USE ONLY

Date application received: 3/28/23 Fee Paid: $ 100

Must be acted on by: 5/5/23

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

Motion to approve as Submitted

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
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Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: @ 1850

Original Date:

Original Builder:

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

DEMOLISH BARN/GARAGE

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

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Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

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Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
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Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____
☐ Other _____

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B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
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☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission any revisions to this application will initiate a new sixty-day review period.

Date 3/14/2023 Signature of owner of record _____ Signed under penalties of perjury



Property Information

Property ID	55 389
Location	121 ORANGE ST
Owner	CHARDER BARBARA TR ETAL

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/14/2022
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

MAR 1 5 '23

CERTIFICATE NO: _____ DATE ISSUED: _____

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 55 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET

Owner of record: BARBARA CHARDER TRUSTEE

Mailing Address: PO BOX 734
NANTUCKET, MA 02554

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: MICHAEL J. WILSON, ESQ.

Mailing Address: 1 HOOPER FARM ROAD
NANTUCKET, MA 02554

Contact Phone #: 508-228-1929 E-mail: MJW@MJWILSON LAW.COM

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: $ _____

Must be acted on by: _____

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☒ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District _____) ☐ Roof ☐ Other _____

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name: @ 1850

Original Date:

Original Builder:

REVISIONS* (describe)
1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

DEMOLISH BARN/GARAGE

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____
☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____
B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____
☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 3/14/2023 Signature of owner of record _____ Signed under penalties of perjury



Property Information

Property ID	55 389
Location	121 ORANGE ST
Owner	CHARDER BARBARA TR ETAL

MAP FOR REFERENCE ONLY
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Geometry updated 11/14/2022
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

MAR 15 2023

COMMONWEALTH OF MASSACHUSETTS

Bristol, Plymouth, Barnstable ss **Nantucket and Dukes, ss**	**HOUSING COURT DEPARTMENT** **Docket No. 20H83CV0052CI**
TOWN OF NANTUCKET, by and through its Building Commissioner and Health Director **Plaintiff** **v.** **BARBARA CHARDER A/K/A ARA CHARDER** **Defendant**	**ORDER**

This Matter having come before the Court for hearing on February 21, 2023, the Court hereby orders as follows;

a. That based upon an inspection and report provided by DWD Engineering, Inc. it has been determined and the Court finds that the House and Barn on the subject premises located at 121 Orange Street, Nantucket, Massachusetts are in such disrepair that they present as a health and safety hazard to the surrounding neighborhood, workers on site and are not salvageable;
b. That as a result of the aforementioned report, the original plan to clean up and repair the House and Barn is amended to allow the Receiver and its agents to take any and all steps reasonably necessary to seek and secure a permit from the Town of Nantucket and any other necessary entity allowing for the demolition and removal of the said House and Barn;
c. All costs related to same shall be reflected in an updated budget and plan for the ultimate reclamation and restoration of the aforementioned premises;
d. All other aspects of the original order and further orders of this Court not impacted by this amended order shall remain in full force and effect;

JOSEPH L. MICHAUD
ASSOCIATE JUSTICE

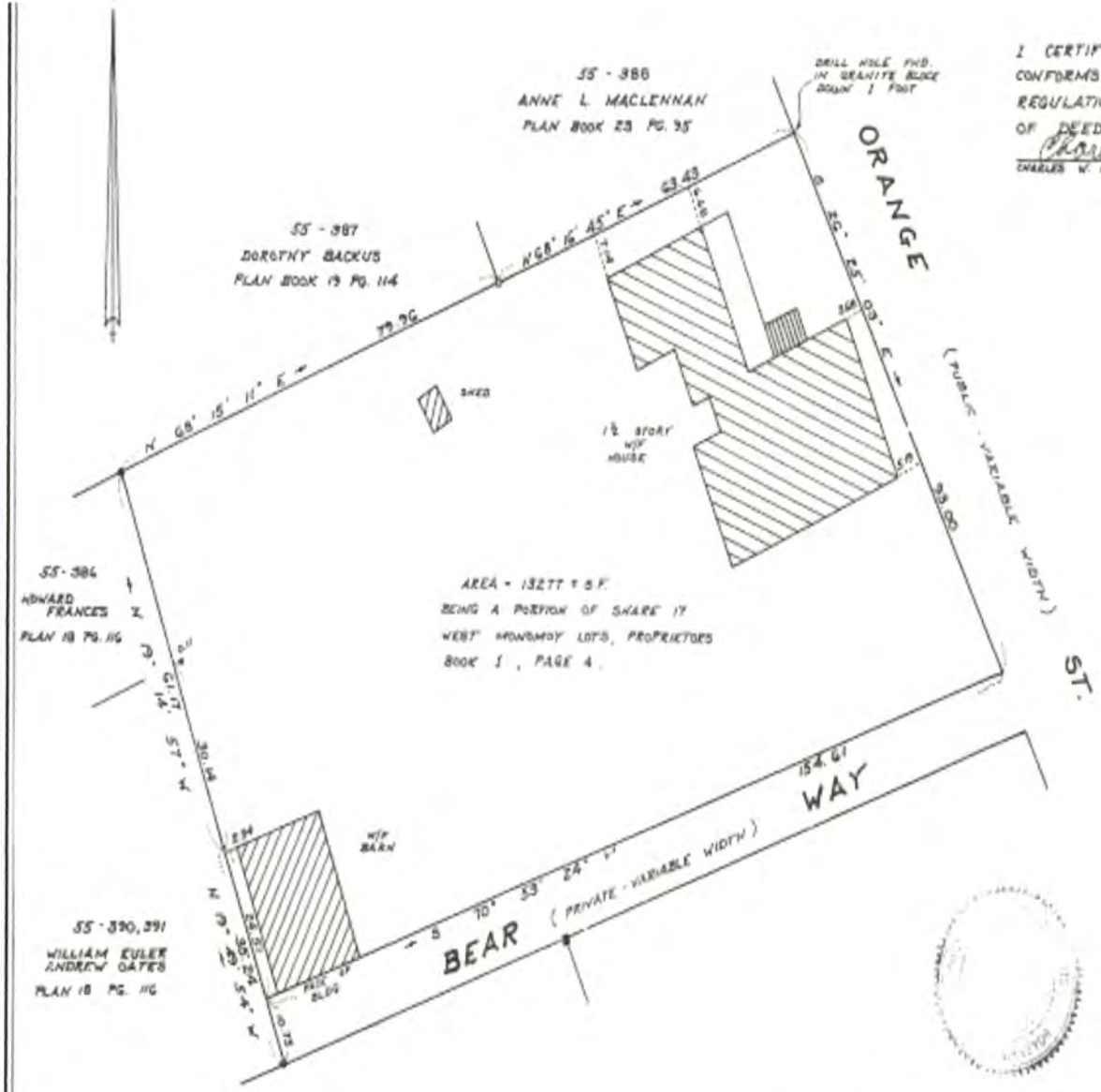
February 21, 2023

CC: Alex Weisheit, Esq.
Michael Wilson, Esq.
Ara Charder

STATUS REPORT
121 ORANGE STREET
ASSESSOR'S MAP 55 PARCEL 389
FEBRUARY 4, 2023
DOCUMENTATION OF STRUCTURES' STATUS, DWELLILNG AND BARN

The property contains a 2-story single-family dwelling (@1281 SF) and separate barn (@406 SF). The property has 13,270 SF of lot area, in CMI zoning district, which requires a minimum lot size of 5,000 SF.





I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Charles W. Hart
CHARLES W. HART P.L.S.

JUN 13 1988 3:30
RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF
PLANS NO. 34 PAGE 70
ATTEST REGISTER
Sandra M. Chadwick

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSORS RECORDS.

Charles W. Hart
CHARLES W. HART P.L.S.

5-6-88
DATE

MAR 15 2023

NOTE	SEE DEED BOOK	PAGE
o DENOTES IRON PIPE FOUND	79	135
• DENOTES STEEL SURVEY MARKER FND.	57	268
■ DENOTES d.h. IN CONCRETE BOUND FND.	42	214

NANTUCKET, MASS.

PREPARED FOR: BARBARA ANN CHARDER
SCALE: 1" = 20' MAY 6, 1988

HART · BLACKWELL & ASSOC., INC.
6 YOUNG'S WAY NANTUCKET, MA.

0 20 40 60

HB-477

EXISTING SITE PLAN

BARN ON THE LEFT – DWELLING ON THE RIGHT



APPROVED

HDC2023-08-812S

NO EXTERIOR CHANGES WITHOUT HDC APPROVAL

NORTH ELEVATION –DWELLING – ORANGE STREET FRONTAGE



APPROVED

EAST ELEVATION – BEAR WAY

HDC2023-03-8125

NO EXTERIOR CHANGES WITHOUT HDC APPROVAL



WEST ELEVATION



SOUTH-REAR ELEVATION

APPROVED

HDC 2023-03-8128

NO EXTERIOR CHANGES WITHOUT HDC APPROVAL



NORTH ELEVATION OF THE BARN



EAST ELEVATION

HDC 2023-03-8125





WEST– REAR



BEAR WAY





TOWN OF NANTUCKET

HISTORIC DISTRICT COMMISSION

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

PROPERTY OWNER **BARBARA CHARDER**

MAILING ADDRESS **PO BOX 734, NANTUCKET, MA 02554**

PROPERTY LOCATION **121 ORANGE STREET**

ASSESSORS MAP/PARCEL **55-389**

SUBMITTED BY:.. **Linda Williams 580-221-0432**

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

March 14, 2023

Mary L. Haley Digitally signed by Mary L. Haley Date: 2023.03.14 13:25:17 -04'00'

ASSESSOR'S OFFICE

DATE

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
55	386		GELDART STEVEN G & MARGARET D		147 CEDAR ST	LEXINGTON	MA	02421	6 CHERRY ST
55	387		MORTENSEN KRISTINE		4 CHERRY ST	NANTUCKET	MA	02554	4 CHERRY ST
55	388		MACLENNAN ANNE PERKINS TR	MACLENNAN ANNE PERKINS REV TRUST	PO BOX 423	NANTUCKET	MA	02554	119 ORANGE ST
55	390		HALL STEPHANIE & RYDER KEVIN MICHAEL		PO BOX 431	NANTUCKET	MA	02554	5 BEAR ST
55	392		UMBERGER CONSTANCE Q		PO BOX 171	NANTUCKET	MA	02554	3 BEAR ST
55	394		125 ORANGE LLC		3005 HAMMOCK WAY	VERO BEACH	FL	32963	125 ORANGE ST
55	403		CHARDER BARBARA TR ETAL	SALTY 3 MASSACHUSETTS R/E TRUST	PO BOX 734	NANTUCKET	MA	02554	114 ORANGE ST

Count: 7

GELDART STEVEN G & MARGARET D
147 CEDAR ST
LEXINGTON, MA 02421

MORTENSEN KRISTINE
4 CHERRY ST
NANTUCKET, MA 02554

MACLENNAN ANNE PERKINS TR
MACLENNAN ANNE PERKINS REV TRUST
PO BOX 423
NANTUCKET, MA 02554

HALL STEPHANIE & RYDER KEVIN MICHAEL
PO BOX 431
NANTUCKET, MA 02554

UMBERGER CONSTANCE Q
PO BOX 171
NANTUCKET, MA 02554

125 ORANGE LLC
3005 HAMMOCK WAY
VERO BEACH, FL 32963

CHARDER BARBARA TR ETAL
SALTY 3 MASSACHUSETTS R/E TRUST
PO BOX 734
NANTUCKET, MA 02554

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road

Nantucket, Massachusetts 02554 Telephone: 508.325.7587 Fax: 508.228.7298

NOTICE OF HDC APPLICATION

ABUTTERS AND INTERESTED PARTIES

Please be informed that the Nantucket Historic District Commission will be considering the following proposal:

Address of Proposed Work: 121 ORANGE STREET

Tax Map Number: 55 Parcel Number: 389

Owner of Record: BARBARA CHARDER

Description of Proposal: DEMOLISHT GARAGE/BARN AND DWELLING

Anticipated HDC Submission Date: TUESDAY, 3/14/2023, FOR HEARING 3/21 9/2023

You have been identified either as an abutter or interested party to the above property and are being notified in accordance with the Town Bylaw. Please note that the above submission date is an estimate only; the actual meeting date will be determined once the HDC staff has established that a complete application has been submitted. Please contact the HDC office to verify the date. Please note that notification is only required at the time of initial submission of an application, not for each time an application goes before the Commission. Abutters are responsible for monitoring the status of applications.

If you wish to comment on the above proposal, you are encouraged to submit your comments in writing to the HDC office. If you wish to testify at a Commission meeting please be aware that your testimony may be limited by the Commission in accordance with Commission policies, which are included on the back of this form. Due to the large sizes of most applications, the HDC office may not be able to send faxed copies of the plans. Off-island abutters wishing more detailed information may enlist an on-island representative to view the plans in the HDC office.

If you have any questions, please contact the HDC office at 508.325.7587.

7019 2970 0001 3014 7225

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☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$
Postage	$0.63
$	
Total	$8.13

0554 08

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NANTUCKET, MA 02554

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Postage	$0.63
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Total Pr	$8.13

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SALTY 3 MASSACHUSETTS R/E TRUST
PO BOX 734
NANTUCKET, MA 02554

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HALL STEPHANIE & RYDER KEVIN
MICHAEL
PO BOX 431
NANTUCKET, MA 02554

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GELDART STEVEN G & MARGARET D
147 CEDAR ST
LEXINGTON, MA 02421

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MORTENSEN KRISTINE
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NANTUCKET, MA 02554

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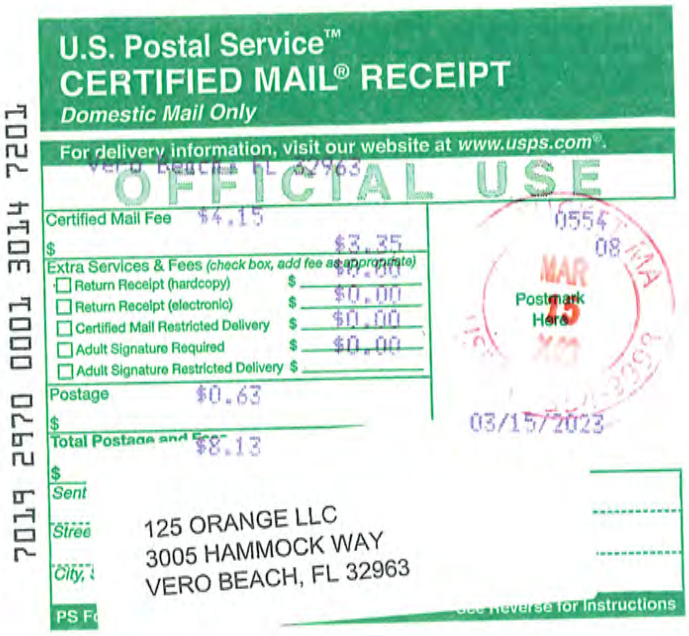
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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage $0.63

Total Postage and Fees $8.13

Postmark Here
MAR
03/15/2023

Sent
Street
City,

125 ORANGE LLC
3005 HAMMOCK WAY
VERO BEACH, FL 32963

PS Form

See Reverse for Instructions

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5. Bob Constable		3 Barrett Farm Rd	New garage	40/80.1	Thornewill Design
Voting	Pohl, Welch, Coombs, Oliver, Patten				
Alternates	Dutra				
Recused	Thornewill				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Carrie Thornewill				
Public	None				
Concerns	No concerns.				
Motion	**Motion to Approve as submitted (Coombs)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, Pohl-aye			Certificate #	**HDC2023-**

6. Mark Hubbard		45 Milk St	New studio	56/20	Mark Hubbard
Voting	Pohl, Welch, Coombs, Oliver, Thornewill				
Alternates	Patten, Dutra				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Mark Hubbard				
Public	N/A				
Concerns	**Backus-** Structure not clear on site, very vertical, 3rd dwelling should be subordinate. Ganged four light windows are odd, they should be a 6/6 double hung. Application indicates a grade change a cross section should be submitted for commissions review. **Oliver-** Appreciates the simplicity, height is not clear. Mitigate by bringing down maybe add dormer? **Welch-** Shorter 1st floor, primary concern is height. Coombs- **Thornewill-** concern on height, retaining wall might be needed, a section through would be helpful. Incorporate some porch roof deck to mitigate height on one side. **Pohl-** looking a topo plan, some implied grade change, and height is a concern.				
Motion	**Motion to hold for revisions, covered porch and a cross section of the site from north to south. (Welch)**				
Roll-call Vote	Carried 5-0 // Coombs, Coombs, Welch, Oliver, and Pohl-aye			Certificate #	**HDC2023-**

7. Barbara Charder Trust **03-8126**		121 Orange st	Emergency Demo dwelling	55/389	Michael Wilson, ESQ.
Voting	Pohl, Welch, Coombs, Oliver, Dutra				
Alternates	Patten, Thornewill				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Linda Williams				
Public	None				
Concerns	**Backus**- Circa 1850's One- and three-quarter story with high brick basement ridge chimney four bay façade with a pilaster doorway with two or one window or even six/six. Conditions of the inside of dwelling are horrible according to other departments, it would be a shame to lose but would like for any future development to replicate this structure. **Welch-** This is a demolition by neglect, this structure has been rotting for the last 15 years.				
Motion	**Motion to Approve as submitted due to nature of court order. (Welch)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, and Pohl-aye.			Certificate #	**HDC2023-03-8126**
8. Barbara Charder Trust **03-8125**		121 Orange st	Emergency Demo barn/garage	55/389	Michael Wilson, ESQ.
Voting	Pohl, Welch, Coombs, Oliver, Dutra				
Alternates	Patten, Thornewill				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, correspondence, historical documents, advisory comments.				
Representing	Linda Williams				
Public	None				
Concerns	No concerns.				
Motion	**Motion to Approve as submitted due to nature of court order. (Welch)**				
Roll-call Vote	Carried 5-0 // Dutra, Coombs, Welch, Oliver, and Pohl-aye.			Certificate #	**HDC2023-03-8125**

Rest held for next meeting-

9. Stark Point LLC	16 Easton St	fenestration Rev22-04-6121	42.1.4/11	Botticelli + Pohl
10. 4 Bailey Rd LLC	4 Bailey Rd	Add egress window & door	55/106.6	Sanne Payne
11. 5 Surfside LLC	5 Surfside Rd	Revise window well	55/253	LINK
12. Kimberly Walin	56 Eel point rd.	Fenestration revision	32/27	CWA

IX. OLD BUSINESS 03/07/23

PROPOSED

CERTIFICATE NO: HDC2023-03-8126

DATE ISSUED: 3/28/23

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 55 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET

Owner of record: BARBARA CHARDER TRUSTEE

Mailing Address: PO BOX 734 NANTUCKET, MA 02554

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: MICHAEL J. WILSON, ESQ.

Mailing Address: 1 HOOPER FARM ROAD NANTUCKET, MA 02554

Contact Phone #: 508-228-1929 E-mail: MJW@MJWLSON LAW.COM

FOR OFFICE USE ONLY 1077 108

Date application received: 3/15/23 Fee Paid: $ _____

Must be acted on by: 5/15/23

Extended to: _____

Approved: _____ Disapproved: _____

Chairman: _____

Member: _____

Member: _____

Member: _____

Member: DONZ COMBS

Notes - Comments - Restrictions - Conditions

Motion to approve as Submitted

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shec

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☒ Demolition ☐ Revisions to previous Cert. No. _____

☐ Pool (Zoning District ____) ☐ Roof ☐ Other _____

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor

Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name:

Original Date: @1850

Original Builder:

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

DEMOLISH DWELLING

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____

Type: _____

Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission any revisions to this application will initiate a new sixty-day review period.

Date 3/14/2023 Signature of owner of record _____ Signed under penalties of perjury



Property Information

Property ID	55 389
Location	121 ORANGE ST
Owner	CHARDER BARBARA TR ETAL

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/14/2022
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

MAR 15 2023



Property Information

Property ID	55 389
Location	121 ORANGE ST
Owner	CHARDER BARBARA TR ETAL

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/14/2022
Data updated Jan. 2021

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

MAR 15 2023

COMMONWEALTH OF MASSACHUSETTS

Bristol, Plymouth, Barnstable ss **Nantucket and Dukes, ss**	**HOUSING COURT DEPARTMENT** **Docket No. 20H83CV0052CI**
TOWN OF NANTUCKET, by and through its Building Commissioner and Health Director **Plaintiff** **v.** **BARBARA CHARDER A/K/A ARA CHARDER** **Defendant**	**ORDER**

This Matter having come before the Court for hearing on February 21, 2023, the Court hereby orders as follows;

a. That based upon an inspection and report provided by DWD Engineering, Inc. it has been determined and the Court finds that the House and Barn on the subject premises located at 121 Orange Street, Nantucket, Massachusetts are in such disrepair that they present as a health and safety hazard to the surrounding neighborhood, workers on site and are not salvageable;
b. That as a result of the aforementioned report, the original plan to clean up and repair the House and Barn is amended to allow the Receiver and its agents to take any and all steps reasonably necessary to seek and secure a permit from the Town of Nantucket and any other necessary entity allowing for the demolition and removal of the said House and Barn;
c. All costs related to same shall be reflected in an updated budget and plan for the ultimate reclamation and restoration of the aforementioned premises;
d. All other aspects of the original order and further orders of this Court not impacted by this amended order shall remain in full force and effect;

JOSEPH L. MICHAUD
ASSOCIATE JUSTICE

February 21, 2023

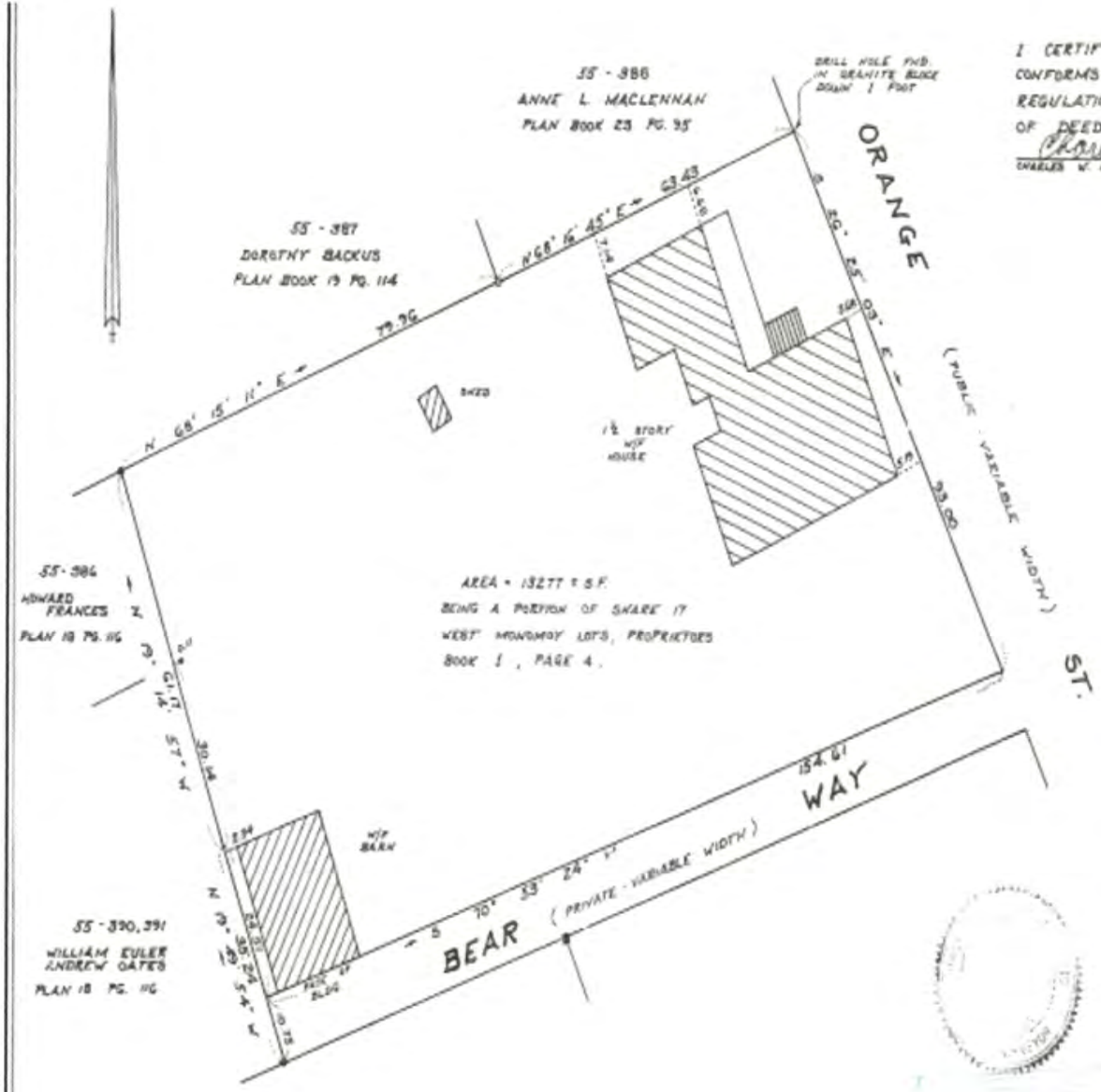
CC: Alex Weisheit, Esq.
Michael Wilson, Esq.
Ara Charder

STATUS REPORT
121 ORANGE STREET
ASSESSOR'S MAP 55 PARCEL 389
FEBRUARY 4, 2023
DOCUMENTATION OF STRUCTURES' STATUS, DWELLILNG AND BARN

The property contains a 2-story single-family dwelling (@1281 SF) and separate barn (@406 SF). The property has 13,270 SF of lot area, in CMI zoning district, which requires a minimum lot size of 5,000 SF.



RECEIVED
MAR 15 2023



I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Charles W. Hart
CHARLES W. HART P.L.S.

JUN 13 1988 3:30
RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF
PLANS NO. 34 PAGE 70
ATTEST REGISTER
Sandra M. Chadwick

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSORS RECORDS.

Charles W. Hart
CHARLES W. HART P.L.S.

5-6-88
DATE

	NOTE: SEE DEED BOOK	PAGE
o DENOTES IRON PIPE FOUND	79	135
• DENOTES STEEL SURVEY MARKER FND.	57	256
■ DENOTES d.h. IN CONCRETE BOUND FND.	42	214

MAR 16 2023

NANTUCKET, MASS.

PREPARED FOR: BARBARA ANN CHARDER
SCALE: 1" = 20' MAY 6, 1988

HART · BLACKWELL & ASSOC., INC.
6 YOUNG'S WAY NANTUCKET, MA.

0 20 40 60

HB-4677

EXISTING SITE PLAN

BARN ON THE LEFT – DWELLING ON THE RIGHT



APPROVED

HDC2023-03-8126

NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL

NORTH ELEVATION –DWELLING – ORANGE STREET FRONTAGE



EAST ELEVATION – BEAR WAY

APPROVED
HDC2023-03-8126
NO EXTERIOR CHANGES WITHOUT HDC APPROVAL



WEST ELEVATION



SOUTH-REAR ELEVATION

APPROVED
HDC2023.03-8126
NO EXTERIOR CHANGES WITHOUT HDC APPROVAL



NORTH ELEVATION OF THE BARN



APPROVED
HDC2023-03-8126

EAST ELEVATION





WEST– REAR

APPROVED
HDC2023-03-8126
NO EXTERIOR CHANGES WITHOUT HDC APPROVAL



BEAR WAY





TOWN OF NANTUCKET

HISTORIC DISTRICT COMMISSION

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

PROPERTY OWNER **BARBARA CHARDER**

MAILING ADDRESS **PO BOX 734, NANTUCKET, MA 02554**

PROPERTY LOCATION **121 ORANGE STREET**

ASSESSORS MAP/PARCEL **55-389**

SUBMITTED BY:.. **Linda Williams 580-221-0432**

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land directly adjacent to the subject property or directly opposite the subject property on any public or private street or way, all as they appear on the most recent applicable tax list.

March 14, 2023

Mary L. Haley Digitally signed by Mary L. Haley Date: 2023.03.14 13:25:17 -04'00'

ASSESSOR'S OFFICE

DATE

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
55	386		GELDART STEVEN G & MARGARET D		147 CEDAR ST	LEXINGTON	MA	02421	6 CHERRY ST
55	387		MORTENSEN KRISTINE		4 CHERRY ST	NANTUCKET	MA	02554	4 CHERRY ST
55	388		MACLENNAN ANNE PERKINS TR	MACLENNAN ANNE PERKINS REV TRUST	PO BOX 423	NANTUCKET	MA	02554	119 ORANGE ST
55	390		HALL STEPHANIE & RYDER KEVIN MICHAEL		PO BOX 431	NANTUCKET	MA	02554	5 BEAR ST
55	392		UMBERGER CONSTANCE Q		PO BOX 171	NANTUCKET	MA	02554	3 BEAR ST
55	394		125 ORANGE LLC		3005 HAMMOCK WAY	VERO BEACH	FL	32963	125 ORANGE ST
55	403		CHARDER BARBARA TR ETAL	SALTY 3 MASSACHUSETTS R/E TRUST	PO BOX 734	NANTUCKET	MA	02554	114 ORANGE ST

Count: 7

GELDART STEVEN G & MARGARET D
147 CEDAR ST
LEXINGTON, MA 02421

MORTENSEN KRISTINE
4 CHERRY ST
NANTUCKET, MA 02554

MACLENNAN ANNE PERKINS TR
MACLENNAN ANNE PERKINS REV TRUST
PO BOX 423
NANTUCKET, MA 02554

HALL STEPHANIE & RYDER KEVIN MICHAEL
PO BOX 431
NANTUCKET, MA 02554

UMBERGER CONSTANCE Q
PO BOX 171
NANTUCKET, MA 02554

125 ORANGE LLC
3005 HAMMOCK WAY
VERO BEACH, FL 32963

CHARDER BARBARA TR ETAL
SALTY 3 MASSACHUSETTS R/E TRUST
PO BOX 734
NANTUCKET, MA 02554

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road

Nantucket, Massachusetts 02554 Telephone: 508.325.7587 Fax: 508.228.7298

NOTICE OF HDC APPLICATION

ABUTTERS AND INTERESTED PARTIES

Please be informed that the Nantucket Historic District Commission will be considering the following proposal:

Address of Proposed Work: 121 ORANGE STREET

Tax Map Number: 55 Parcel Number: 389

Owner of Record: BARBARA CHARDER

Description of Proposal: DEMOLISHT GARAGE/BARN AND DWELLING

Anticipated HDC Submission Date: TUESDAY, 3/14/2023, FOR HEARING 3/21 9/2023

You have been identified either as an abutter or interested party to the above property and are being notified in accordance with the Town Bylaw. Please note that the above submission date is an estimate only; the actual meeting date will be determined once the HDC staff has established that a complete application has been submitted. Please contact the HDC office to verify the date. Please note that notification is only required at the time of initial submission of an application, not for each time an application goes before the Commission. Abutters are responsible for monitoring the status of applications.

If you wish to comment on the above proposal, you are encouraged to submit your comments in writing to the HDC office. If you wish to testify at a Commission meeting please be aware that your testimony may be limited by the Commission in accordance with Commission policies, which are included on the back of this form. Due to the large sizes of most applications, the HDC office may not be able to send faxed copies of the plans. Off-island abutters wishing more detailed information may enlist an on-island representative to view the plans in the HDC office.

If you have any questions, please contact the HDC office at 508.325.7587.

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Total $8.13

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City, State, ZIP+4®

UMBERGER CONSTANCE Q
PO BOX 171
NANTUCKET, MA 02554

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Total $8.13

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CHARDER BARBARA TR ETAL
SALTY 3 MASSACHUSETTS R/E TRUST
PO BOX 734
NANTUCKET, MA 02554

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HALL STEPHANIE & RYDER KEVIN
MICHAEL
PO BOX 431
NANTUCKET, MA 02554

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Postage $0.63
Total $8.13

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GELDART STEVEN G & MARGARET D
147 CEDAR ST
LEXINGTON, MA 02421

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- ☐ Adult Signature Required $0.00
- ☐ Adult Signature Restricted Delivery $

Postage $0.63
Total $8.13

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03/15/2023

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Street and Apt. No.
City, State, ZIP+4®

MORTENSEN KRISTINE
4 CHERRY ST
NANTUCKET, MA 02554

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Total $8.13

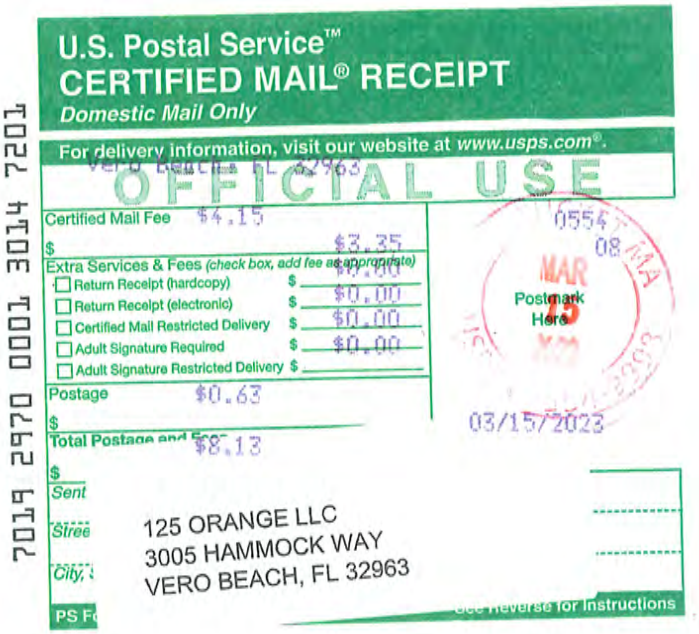
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MACLENNAN ANNE PERKINS TR
MACLENNAN ANNE PERKINS REV TRUS
PO BOX 423
NANTUCKET, MA 02554

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Postage $0.63

Total Postage and Fees $8.13

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Street

City,

125 ORANGE LLC
3005 HAMMOCK WAY
VERO BEACH, FL 32963

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AUG 2020
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7018 1130 0002 2710 3732

Ara Charder
P.O. Box 734
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

DATE: 01/02/2020

BY CERTIFIED MAIL
AND BY FIRST CLASS MAIL

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Re: 121 Orange Street, Nantucket, Massachusetts Map: 55 / Parcel: 389

COURTESY VIOLATION NOTICE

To whom it may concern:

The Nantucket Historic District Commission (the "Commission") has discovered that you or your representatives are in violation of Section 5 of the Nantucket Historic District Act (the "Act") and Section 124-8 of the Nantucket Town Code (the "Town Code") at the property located at 121 Orange Street, Nantucket (the "Property"). The following activities are in violation of the foregoing sections because they were performed without approval by the Commission pursuant to a duly issued Certificate of Appropriateness:

1. Plastic Shed.

The Commission hereby demands that you submit an application and plans for a Certificate of Appropriateness or remove the plastic shed from the property. Applications are available at the Planning and Land Use Service building located at 2 Fairgrounds Road or you may call 508-325-7587 between the hours of 7:30am and 4:30pm for assistance.

The Commission hopes that you will expeditiously comply with this notice so that it need not pursue enforcement measures against you. I look forward to your prompt response.

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Issued by: Cathy Flynn

Printed Name: Cathy Flynn

Dated: 1/2/20

cc: Raymond Pohl, Chair





7018 1130 0002 2710 0672 3640

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Ara Charder
P.O. Box 734
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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• Sender: Please print your name, address, and ZIP+4® in this box•

Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

121 Orange Street - HDC

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ara Charder
P.O. Box 734
Nantucket, MA 02554

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)* ARA CHARDER

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

9590 9402 2553 6306 2454 27

2. Article Number *(Transfer from service label)*
7018 1130 0002 2710 3640

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- Mail
- Mail Restricted Delivery
- 00)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

DATE: 10/06/2020

BY CERTIFIED MAIL

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Re: 121 Orange Street, Nantucket, Massachusetts Map: 55 / Parcel: 389

CITATION NOTICE

To whom it may concern:

Our department sent a Courtesy Violation Notice January 2, 2020 (attached) and a second violation notice August 10, 2020 (attached). Due to the lack of response, you are being issued this citation for $300.00.

The Nantucket Historic District Commission (the "Commission") has discovered that you or your representatives are in violation of Section 5 of the Nantucket Historic District Act (the "Act") and Section 124-8 of the Nantucket Town Code (the "Town Code") at the property located at 121 Orange Street, Nantucket (the "Property"). The following activities are in violation of the foregoing sections because they were performed without approval by the Commission pursuant to a duly issued Certificate of Appropriateness:

1. Plastic Shed.

The Commission hereby demands that you cease and desist from any further alteration and/or construction of exterior architectural features until you have received the necessary Certificate of Appropriateness from the Commission.

You are being issued this citation for placing a plastic shed without a Certificate of Appropriateness through the Commission. The Commission hereby demands that you properly secure the site and maintain the status quo pending approval through the Commission. Please contact the undersigned with any questions.

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Please be advised that the Town Code authorizes the Commission to impose a monetary penalty of $300 for a violation of any Town Code provision within the Commission's jurisdiction and that each day that the violation continues to exist shall be considered a separate violation. Please be further advised that the Act also provides that any person who violates any provisions of the Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount up to $500, and that each day a violation exists shall constitute a separate offense. The Act further provides that the Commission may seek injunctive relief against you in Nantucket Superior Court to remedy violations of the Act. No further notice will be provided prior to initiating enforcement litigation.

The Commission hopes that you will expeditiously comply with this notice so that it need not pursue the foregoing enforcement measures against you. I look forward to your prompt response.

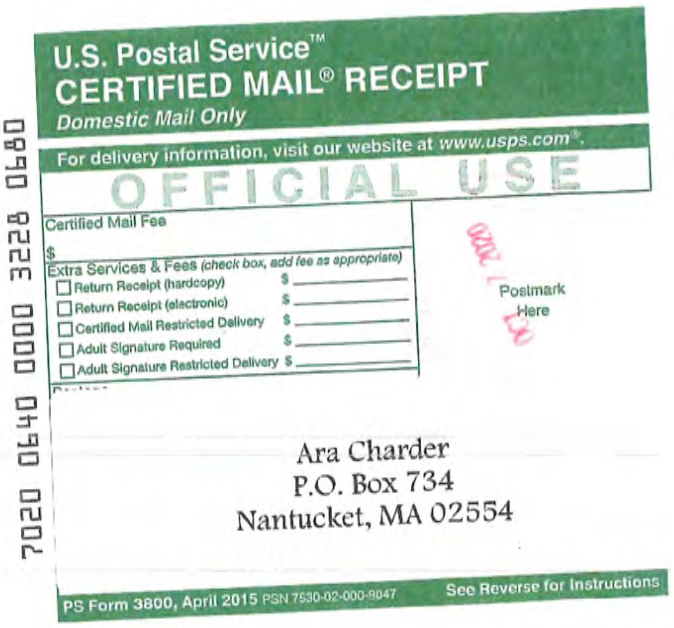
Issued by: Cathy F

Printed Name: Cathy Flynn

Dated: 10/6/20

cc: Raymond Pohl, Chair
Andrew Vorce, Director of Planning, Town of Nantucket
George Pucci, Kopelman and Paige, P.C., Town Counsel





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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

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7020 0640 0000 3228 0680

Ara Charder
P.O. Box 734
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

DATE: 08/10/2020

BY CERTIFIED MAIL
AND BY FIRST CLASS MAIL

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Re: 121 Orange Street, Nantucket, Massachusetts Map: 55 / Parcel: 389

SECOND VIOLATION NOTICE

To whom it may concern:

A Courtesy Violation Notice was sent January 2, 2020 (attached). You have been allowed more than sufficient response time due to the Covid -19 Pandemic. It is in your best interest to respond to this second Violation notice.
The Nantucket Historic District Commission (the "Commission") has discovered that you or your representatives are in violation of Section 5 of the Nantucket Historic District Act (the "Act") and Section 124-8 of the Nantucket Town Code (the "Town Code") at the property located at 121 Orange Street, Nantucket (the "Property"). The following activities are in violation of the foregoing sections because they were performed without approval by the Commission pursuant to a duly issued Certificate of Appropriateness:

1. Plastic Shed.

The Commission hereby demands that you either remove the plastic shed from your property or submit an application and plans for a Certificate of Appropriateness, forthwith, but no later than Tuesday August 25, 2020 for consideration at the Commission's August 31, 2020 meeting. Please contact the undersigned by Friday August 21, 2020 at (508) 325-7587 x 7027 if you have any questions.

Applications are available at the Planning and Land Use Service building located at 2 Fairgrounds Road or you may call 508-325-7587 between the hours of 7:30am and 4:30pm for assistance.

The Commission hopes that you will expeditiously comply with this notice so that it need not pursue enforcement measures against you. I look forward to your prompt response.

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Please be advised that the Town Code authorizes the Commission to impose a monetary penalty of $300 for a violation of any Town Code provision within the Commission's jurisdiction and that each day that the violation continues to exist shall be considered a separate violation. Please be further advised that the Act also provides that any person who violates any provisions of the Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount up to $500, and that each day a violation exists shall constitute a separate offense. The Act further provides that the Commission may seek injunctive relief against you in Nantucket Superior Court to remedy violations of the Act. No further notice will be provided prior to initiating enforcement litigation.

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Issued by: Cathy Flynn

Printed Name: Cathy Flynn

Dated: 8/10/20

cc: Raymond Pohl, Chair





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☐ Adult Signature Restricted Delivery $
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NANTUCKET, MA
AUG 17 2020
Postmark Here
USPS
7018 1130 0002 2710 3732
Ara Charder
P.O. Box 734
Nantucket, MA 02554
PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

DATE: 01/02/2020

BY CERTIFIED MAIL
AND BY FIRST CLASS MAIL

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Re: 121 Orange Street, Nantucket, Massachusetts Map: 55 / Parcel: 389

COURTESY VIOLATION NOTICE

To whom it may concern:

The Nantucket Historic District Commission (the "Commission") has discovered that you or your representatives are in violation of Section 5 of the Nantucket Historic District Act (the "Act") and Section 124-8 of the Nantucket Town Code (the "Town Code") at the property located at 121 Orange Street, Nantucket (the "Property"). The following activities are in violation of the foregoing sections because they were performed without approval by the Commission pursuant to a duly issued Certificate of Appropriateness:

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ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Issued by: Cathy Flynn

Printed Name: Cathy Flynn

Dated: 1/2/20

cc: Raymond Pohl, Chair





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- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage

JAN - 6 2022

Postmark Here

7018 1130 0002 2710 3640

Ara Charder
P.O. Box 734
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

USPS TRACKING #

9590 9402 2553 6306 2454 27

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

121 Orange Street - HDC

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ara Charder
P.O. Box 734
Nantucket, MA 02554

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☒ Addressee

B. Received by *(Printed Name)* ARA CHARDER

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

6/27/2019

9590 9402 2553 6306 2454 27

2. Article Number *(Transfer from service label)*

7018 1130 0002 2710 3640

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- Mail
- Mail Restricted Delivery
- 00)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

VIOLATOR COPY

DEPARTMENT FILE NO. 20-011664

Town of Nantucket Massachusetts

VIOLATION NOTICE

A 27566

DATE NOTICE WRITTEN: 10/6/20

DEPARTMENT: ☐ POLICE ☐ HEALTH ☐ BUILDING ☐ MARINE ☒ H.D.C. ☐ _____

VIOLATOR

NAME (Last, First, Initial): Chandler, Ann

ADDRESS: PO Box 734

CITY/TOWN: Nantucket STATE: MA ZIP: 02554

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor))

ADDRESS

CITY/TOWN STATE ZIP

OFFENSE(s)

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Private premises

DATE OF VIOLATION: 10/6/20

LOCATION OF VIOLATION: 121 Orange Street

TIME ☐ AM ☐ PM

	VIOLATION CODE	FINE
A.	124-8	300
B.		

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $300

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cathy Tupper

ID NO.

☐ BY HAND ☐ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE

X

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554
Telephone: (508) 325-7587 **Fax: (508) 228-7298**

Citizen Concern Form

Name of Concerned Party: Connie Umberger (Constance Q.)

Address of Concerned Party: 3 BEAR ST.

Concern (Violation of Chapter 395, as amended): proposal for 121 Orange St.

Location (if applicable): Proposed certificates #s 70002 & 70003

Details (use reverse/separate sheet): 121 Orange St has, for many years, presented as little more than a dump. Bear Lane has been taken over by Ms. Charder as a parking lot for vans and automobiles, most of which are parked long term—never being moved; the upshot is that no abutter can make use

see over →

Staff Use Only

Map - 55 Parcel - 392

Received: ( ) Letter ( ) In Person ( ) By Fax ( ) By Phone

Date: Time: Telephone:

Investigated: ( ) Yes ( ) No Investigated By:

Notes: _____

Response to Concerned Party: ( ) Yes ( ) No Date:

Signed: Date:

of the Lane because Ms. Charder refuses to move her cars. She has commandeered Bear Lane, in effect.

The barn at 121 Orange is an historic structure that has been allowed to become derelict; it is hardly still standing. No attempt has been made to attend to it in the 12 years I have lived next to it.

The once elegant house at 121 Orange is also derelict — at least it looks so from the outside, although there is a new-ish roof. Old rusted vehicles and various other types of what seems to be junk litter the entire property, and have done so for years and years.

121 Orange is surrounded on all sides by well-kept properties, my own being a very early historic house, and it is distressing to have to put up with what amounts to a rubbish heap next door. What evidence is there that Ms Charder's application to add additional structures would enhance the property rather than simply add to the forlorn state it is in already?

Thanks to all involved for considering this citizen's concerns.

C. Q. Umbruglia

tel. 508.228.0812
email: cqucqu@comcast.net

RECEIVED
MAY - 1 2018
NANTUCKET TOWN ADMINISTRATION

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

DATE: 01/02/2020

BY CERTIFIED MAIL
AND BY FIRST CLASS MAIL

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Re: 121 Orange Street, Nantucket, Massachusetts Map: 55 / Parcel: 389

COURTESY VIOLATION NOTICE

To whom it may concern:

The Nantucket Historic District Commission (the "Commission") has discovered that you or your representatives are in violation of Section 5 of the Nantucket Historic District Act (the "Act") and Section 124-8 of the Nantucket Town Code (the "Town Code") at the property located at 121 Orange Street, Nantucket (the "Property"). The following activities are in violation of the foregoing sections because they were performed without approval by the Commission pursuant to a duly issued Certificate of Appropriateness:

1. Plastic Shed.

The Commission hereby demands that you submit an application and plans for a Certificate of Appropriateness or remove the plastic shed from the property. Applications are available at the Planning and Land Use Service building located at 2 Fairgrounds Road or you may call 508-325-7587 between the hours of 7:30am and 4:30pm for assistance.

The Commission hopes that you will expeditiously comply with this notice so that it need not pursue enforcement measures against you. I look forward to your prompt response.

ARA CHARDER
PO BOX 734
NANTUCKET, MA 02554

Issued by: Cathy Flynn

Printed Name: Cathy Flynn

Dated: 1/2/20

cc: Raymond Pohl, Chair







Cathy Flynn

From: John D. Hedden
Sent: Wednesday, August 14, 2019 9:31 AM
To: Cathy Flynn; Holly Backus; Marcus Silverstein
Subject: Shed, 121 Orange Street
Attachments: 08 12 2019 003.JPG; 08 12 2019 013.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

Dear All,

I noticed a plastic shed at 121 Orange Street on Monday. I could see the shed from Bear Street however I believe you also would have jurisdiction on Bear Way where it is clearly visible. This property has a number of other violations however I wanted to make sure this was noticed. Thanks



John Hedden
Health Inspector
Town of Nantucket
3 East Chestnut Street
Nantucket, MA 02554
508-228-7200

. Charder, Ara	121 Orange Street	Roof change	55-389	Self
Voting	Pohl, Coombs, Glazer, Camp, Oliver			
Alternates	None			
Recused	None			
Documentation	Photos, historical documentation, and roof tile samples.			
Representing	**Ara Charder** – Reviewed architectural shingles acceptable to the HDC.			
Public	None			
Concerns (1:29)	**Glazer** – The applicant has already purchased granite grey shingles. This structure is only visible from the parking lot of the neighboring property. She has no concerns with the granite grey shingles.			
	No concerns.			
Motion	**Motion to Approve as submitted and due to the fact the house is outside the OHD. (Camp)**			
Vote	Carried 4-0//Coombs abstain	**Certificate #**	67087	

8. Dueberry, Bob	4 Charter Street	Rev. 66760: change deck	42.3.2-167	Val Oliver
Voting	Pohl, Coombs, McLaughlin, Glazer, Camp			
Alternates	None			
Recused	Oliver			
Documentation	Architectural elevation plans, photos, and HSAB comments.			
Representing	**Val Oliver** – Presented project; not an as built. She would be happy for the board to view.			
Public	None			
Concerns (1:34)	**Pohl** – Read HSAB comments: application unclear if as-built; recommend view.			
	Coombs – Doesn't think it will be visible.			
Motion	**Motion to Approve due to lack of visibility. (Glazer)**			
Vote	Carried unanimously	**Certificate #**	67088	

9. Palleschi, Mark	36 Cliff Road	Window change	42.4.4-45	Val Oliver
Voting	Pohl, Coombs, McLaughlin, Glazer, Camp			
Alternates	None			
Recused	Oliver			
Documentation	Architectural elevation plans, photos, and HSAB comments.			
Representing	**Val Oliver** – Presented project; the location of the windows is visible.			
Public	None			
Concerns (1:38)	**Pohl** – Read HSAB comments: 4-light or 6-light, recommend view not appropriate window. He is not willing to view for one window.			
	Camp – Suggested using the approved windows and moving them to the side with the vent in between.			
	McLaughlin – These are not appropriate for this style of house.			
Motion	**Motion to Hold for revisions and a view. (Camp)**			
Vote	Carried unanimously	**Certificate #**		

10. Winters, Ronald	12 Gardner Street	Reno to cottage	42.3.3-12	Mark Avery
Voting	Pohl, Glazer, Coombs, McLaughlin, Camp			
Alternates	Oliver			
Recused	None			
Documentation	None			
Representing	None			
Public	None			
Concerns (1:41)	None at this time			
Motion	**Motion to Hold for representation. (Glazer)**			
Vote	Carried	**Certificate #**		

32. Maddalone, Greg	14 Western Avenue	Addition, fenestration	87-71	Emeritus

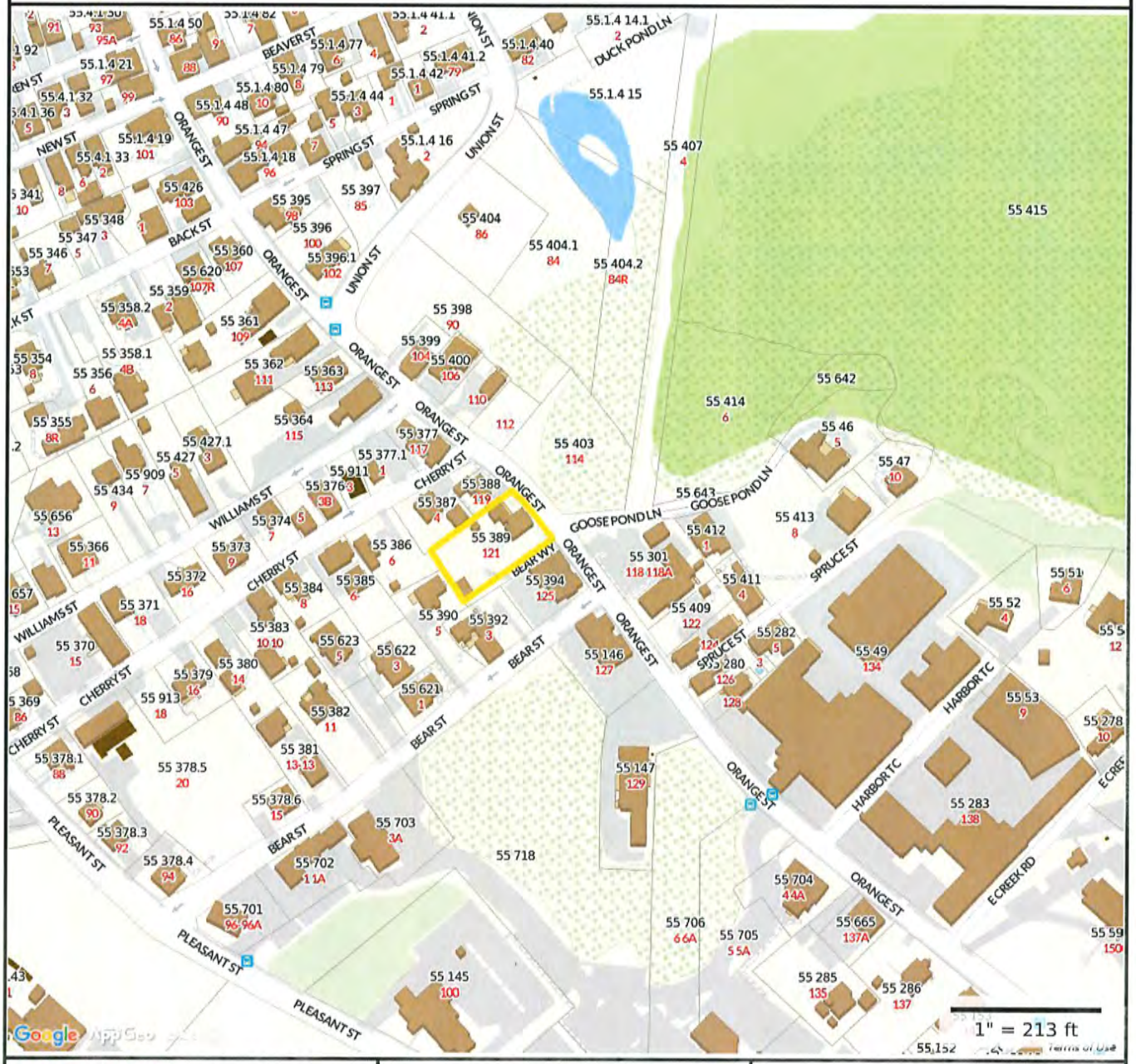
Voting	Pohl, Coombs, Glazer, Camp, Oliver
Alternates	Kuhnert
Recused	None
Documentation	Architectural elevation plans and photos.
Representing	**Matt MacEachern**, Emeritus Development – Presented project; circa 1980s or 1990s.
Public	None
Concerns (8:39)	**Glazer** – The south elevation slider, her concern is the width of the panes related to the windows below; that is accentuated by the picture windows. **Camp** – North elevation, would like the chimney to remain. Would prefer 2-over-2 windows to the picture windows. South elevation 2nd-floor, the sliders look fat. **Coombs** – The "B" windows are the wrong shape. Shutters with 2-over-2 windows doesn't work well. Would prefer the chimney to remain. **Oliver** – There is a lot of white proposed for this. **Pohl** – The back 2nd-floor deck is rendered like a roof walk; it should be a deck
Motion	**Motion to Hold for revisions. (Coombs)**
Vote	Carried unanimously **Certificate #**

33. Vinecliff LLC	1 Vinecliff Lane	Rev. 66150: door glass	29-43.1	Emeritus
34. Vinecliff LLC	1 Vinecliff Lane	Rev. 66792: omit skylght	29-43.1	Emeritus
35. Vinecliff LLC	3 Vinecliff Lane	Rev. 65554: door glass	29-43.1	Emeritus

Voting	Pohl, Coombs, Camp, Oliver, Kuhnert
Alternates	None
Recused	Glazer,
Documentation	Architectural elevation plans, photos, correspondence, and historical documentation as required.
Representing	Matt MacEachern, Emeritus Development
Public	None
Concerns	**Pohl** – The applicant requested these be held.
Motion	**Motion to Hold for Thursday, December 8, 2016. (Camp)**
Vote	Carried unanimously **Certificate #**

36. Charder, Ara	121 Orange Street	Roof change	55-389	Self

Voting	Pohl, Coombs, Glazer, Camp, Kuhnert
Alternates	Oliver
Recused	None
Documentation	Photos, historical documentation, and roof tile samples.
Representing	**Ara Charder** – Presented project; circa 1850; contends lack of visibility; window casings are deteriorated.
Public	None
Concerns (8:55)	**Coombs** – Will not approve architectural shingles on an 1850 structure. The roof and 2nd-floor are visible. It has been unde observation for several years and it is important for it to maintain the architectural history on it. The original windows shou be maintained. It shouldn't be allowed to become a modern house with no history. The new 3-tab has a 50-year guarantee. **Glazer** – The original windows should be salvaged. It does sit outside the OHD and this board has been more lenient in regards to roof material and windows. **Kuhnert** – If black architectural are permissible in the OHD for historic structures, it should be allowed here. **Camp** – This is an antique house and she would like to see the windows restored and black asphalt appropriate to an old house like this. **Pohl** – This application is for the roof alone. There is a majority that will permit black architectural; the board would unanimously support any 3-tab.
Motion	**Motion to Hold for further information and to come back Thursday December 8, 2016. (Coombs)**
Vote	Carried unanimously **Certificate #**



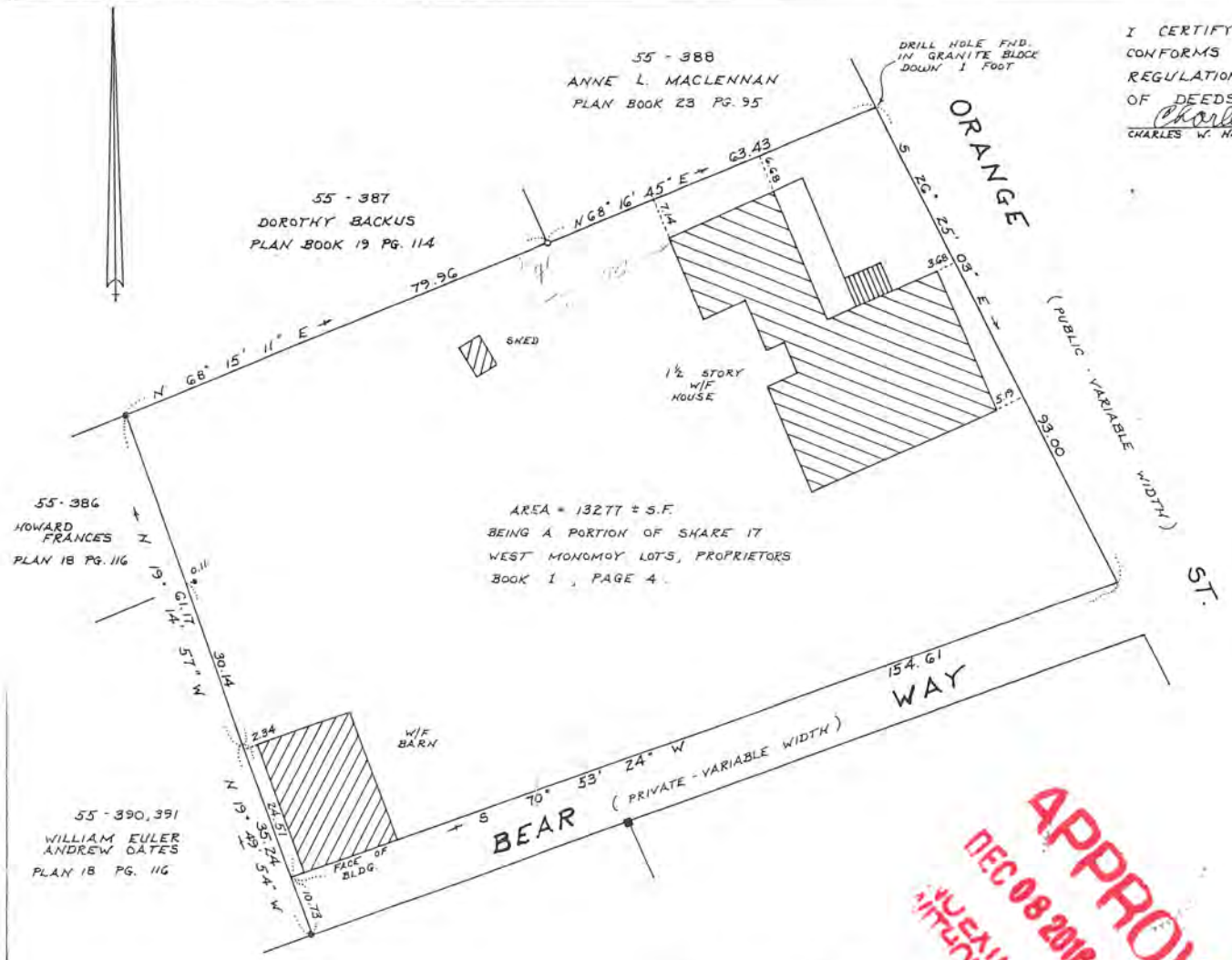
Property Information

Property ID	55 389
Location	121 ORANGE ST
Owner	CHARDER BARBARA

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated 11/30/2016



AREA = 13277 ± S.F.
BEING A PORTION OF SHARE 17
WEST MONOMOY LOTS, PROPRIETORS
BOOK 1, PAGE 4.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Charles W. Hart
CHARLES W. HART P.L.S.

JUN 13 1988 3:30
RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF
PLANS NO. 24 PAGE 70
ATTEST REGISTER
Sandra M. Chadwick

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSORS RECORDS.

Charles W. Hart
CHARLES W. HART P.L.S.

5-6-88
DATE

APPROVED
DEC 08 2016 # 67087
NANTUCKET PLANNING BOARD

o DENOTES IRON PIPE FOUND
• DENOTES STEEL SURVEY MARKER FND.
■ DENOTES d.h. IN CONCRETE BOUND FND.

NOTE: SEE DEED BOOK 79 PAGE 135; BOOK 57 PAGE 268; BOOK 42 PAGE 214

NANTUCKET, MASS.

PREPARED FOR: BARBARA ANN CHARDER
SCALE: 1" = 20' MAY 6, 1988

HART - BLACKWELL & ASSOC., INC.
6 YOUNG'S WAY NANTUCKET, MA.

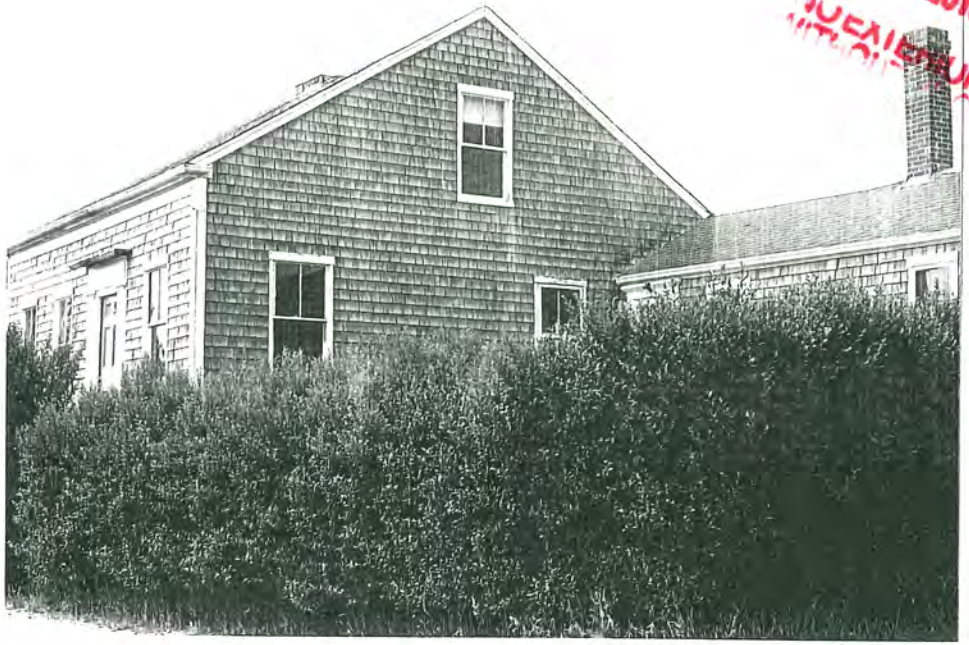
0 20 40 60

HB-1677





APPROVED
DEC 08 2016 # 67087
NO CHANGE











32. Maddalone, Greg	14 Western Avenue	Addition, fenestration	87-71	Emeritus
Voting	Pohl, Coombs, Glazer, Camp, Oliver			
Alternates	Kuhnert			
Recused	None			
Documentation	Architectural elevation plans and photos.			
Representing	**Matt MacEachern**, Emeritus Development – Presented project; circa 1980s or 1990s.			
Public	None			
Concerns (8:39)	**Glazer** – The south elevation slider, her concern is the width of the panes related to the windows below; that is accentuated by the picture windows. **Camp** – North elevation, would like the chimney to remain. Would prefer 2-over-2 windows to the picture windows. South elevation 2nd-floor, the sliders look fat. **Coombs** – The "B" windows are the wrong shape. Shutters with 2-over-2 windows doesn't work well. Would prefer the chimney to remain. **Oliver** – There is a lot of white proposed for this. **Pohl** – The back 2nd-floor deck is rendered like a roof walk; it should be a deck			
Motion	**Motion to Hold for revisions. (Coombs)**			
Vote	Carried unanimously	**Certificate #**		

33. Vinecliff LLC	1 Vinecliff Lane	Rev. 66150: door glass	29-43.1	Emeritus
34. Vinecliff LLC	1 Vinecliff Lane	Rev. 66792: omit skylght	29-43.1	Emeritus
35. Vinecliff LLC	3 Vinecliff Lane	Rev. 65554: door glass	29-43.1	Emeritus
Voting	Pohl, Coombs, Camp, Oliver, Kuhnert			
Alternates	None			
Recused	Glazer,			
Documentation	Architectural elevation plans, photos, correspondence, and historical documentation as required.			
Representing	Matt MacEachern, Emeritus Development			
Public	None			
Concerns	**Pohl** – The applicant requested these be held.			
Motion	**Motion to Hold for Thursday, December 8, 2016. (Camp)**			
Vote	Carried unanimously	**Certificate #**		

36. Charder, Ara	121 Orange Street	Roof change	55-389	Sen
Voting	Pohl, Coombs, Glazer, Camp, Kuhnert			
Alternates	Oliver			
Recused	None			
Documentation	Photos, historical documentation, and roof tile samples.			
Representing	**Ara Charder** – Presented project; circa 1850; contends lack of visibility; window casings are deteriorated.			
Public	None			
Concerns (8:55)	**Coombs** – Will not approve architectural shingles on an 1850 structure. The roof and 2nd-floor are visible. It has been under observation for several years and it is important for it to maintain the architectural history on it. The original windows should be maintained. It shouldn't be allowed to become a modern house with no history. The new 3-tab has a 50-year guarantee. **Glazer** – The original windows should be salvaged. It does sit outside the OHD and this board has been more lenient in regards to roof material and windows. **Kuhnert** – If black architectural are permissible in the OHD for historic structures, it should be allowed here. **Camp** – This is an antique house and she would like to see the windows restored and black asphalt appropriate to an old house like this. **Pohl** – This application is for the roof alone. There is a majority that will permit black architectural; the board would unanimously support any 3-tab.			
Motion	**Motion to Hold for further information and to come back Thursday December 8, 2016. (Coombs)**			
Vote	Carried unanimously	**Certificate #**		

CERTIFICATE NO: 31,650 DATE ISSUED: 2/10/98

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

Incomplete applications will not be reviewed by the HDC. All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 055 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET

Owner of record: BARBARA ANN CHARDER

Mailing Address: P.O. BOX 734

NANTUCKET MA 02554

Telephone: 508 228 1951 (on island) N/A (off island)

I hereby authorize the agent named below to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines.

Signature of Applicant/Owner of Record

AGENT INFORMATION (if applicable)

Name: N/A

Mailing Address:

Telephone: (on island) (off island)

FOR OFFICE USE ONLY

Date application received: 12-31-97 Fee Paid: $ 25.00

Must be acted on by: 2-24-98

Extended to:

Approved: Disapproved: ✓

Chairman:

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

DUE TO LACK OF REQUESTED INFORMATION.

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Garage/Apartment ☐ Commercial ☐ Historical Renovation ☐ Deck ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Paving ☒ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____

☐ Other (please specify) _____ (RELOCATE ON SAME LOT)

Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: _____ Decks: Size: _____ ☐ 1st floor ☐ 2nd floor

Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

Historic Name:

Original Date:

Original Builder:

Is there an HDC survey form for this building? ☐ Yes ☐ No

REVISIONS* (describe)

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

(DUPLICATE OF EXISTING)

Foundation: Height Exposed 5'6" ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____ FACED WITH STONE

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

Roofing material: ☐ Asphalt Manufacturer _____

☐ Fiberglass Manufacturer _____

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____ Length: _____ Type: _____

Skylights (flat only): Manufacturer _____ Model No. _____ Size _____ Location _____

Manufacturer _____ Model No. _____ Size _____ Location _____

Gutters: ☐ Wood (type) _____ ☐ Aluminum _____ ☐ Copper _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front only _____

☐ Other _____

Trim: Lumber type ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

Treatment ☐ Paint ☐ Stain-solid ☐ Natural to weather ☐ Clear oil finish

Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____

Frieze _____ Window Casing _____ Door Frame _____ Other _____

* Windows: ☐ Double Hung ☐ Casement ☐ Other _____

☐ True Divided Lights(muntins) ☐ Snap-in Grilles

* Doors (type and material): Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Landscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples.

Note: It is strongly recommended that the applicant be familiar with the HDC guidelines, Building with Nantucket in Mind, prior to submittal of application. Please see other side for submittal requirements.

I hereby agree to abide by and comply with the terms and conditions of this application

Date 18 December 1997 Signature of owner of record _____ Signed under penalties of perjury

HDC APPLICATION FILE STATUS AND STAFF RECOMMENDATION

APPLICANT NAME: CHARDER

DATE OF REVIEW: 2/10/98

FILE STATUS: (Last action)
viewing
DAC
revisions
representation

DESCRIPTION OF PROJECT AND ADDRESS:

MOVE HOUSE AT 121 ORANGE ST.

CONTEXT:

STAFF RECOMMENDATIONS: (with regard to issues of massing, scale, height, colors, materials,fenestration, landscaping, and details of elements such as roofwalks, cupolas, doors, trim, stairs, skylights, dormers, decks, chimneys, etc...)

- FOR CLARITY: PROPOSAL CALLS FOR HOUSE TO BE MOVED 21 FEET BACK FROM ITS PRESENT LOCATION AND 15 FEET TOWARDS THE SOUTH. IN THE NEW LOCATION, THE FRONT FOUNDATION EXPOSURE WILL REMAIN 4'8". THEREFORE, THE LEVEL OF THE HOUSE WILL BE RAISED BY 14".

- STAFF CONCERNS REGARDING MOVING CONTRIBUTING STRUCTURES WHICH HAVE BEEN ~~AS~~ A PART OF THE ORANGE STREET STREETSCAPE REMAIN.

- IF APPROVED, RECOMMEND THAT ALL OTHER ISSUES (MOVE OF "EL", ALTERATIONS, GATE, DORMER, ETC.) BE RE-REPRESENTED BASED UPON THIS LOCATION.

to be made smaller, the economics would not work. Mr. Pardi stated that all of the abutters are in favor of the project. He said that he has tried to please the HDC with the siting, and he asked for any suggestions for hiding the building. Mr. Parent told the Commissioners that Mr. Pardi "has gone above and beyond." Mr. Wiley and Ms. Hall responded that all of the applicant's efforts to date have been appreciated. Ms. Hall seconded Mr. St. Peter's earlier motion to hold for revisions. So voted. Ms. Hall made a motion to table the two additional Pardi commercial building applications. The motion was seconded by Mr. Avery and so voted.

Regarding the application of the Nantucket Electric Company for the demolition of all of the buildings except the 1903 boiler house at 2 Candle Street (Map #42.3.1, Parcel #92), Mr. Avery abstained. Motion for approval based on lack of architectural or historical significance was made by Ms. Hall, seconded by Mr. Humphrey and so voted. Certificate #31,598 was issued.

Regarding the application of Barbara Charder to move a house at 121 Orange Street (Map #55, Parcel #389), Ms. Charder attended the meeting. She told the Commissioners that although her property is outside the Old Historic District, she is happy to be held to OHD standards. Mr. Wiley read the following staff comments: "For clarity, the proposal calls for the house to be moved 21 feet back from its present location and 15 feet towards the south. In the new location, the front foundation exposure will remain 4' 8". Therefore, the level of the house will be raised by 14". Staff concerns regarding moving contributing structures which have been a part of the Orange Street streetscape remain. If approved, recommend that all other issues (move of 'el,' alterations, gate, dormer, etc.) be re-represented based upon this location." Ms. Charder stated that she wants a dormer and a 4' rear addition. She said that the dormer is not visible from the street. Mr. Humphrey said that the Commission needs as-built drawings and proposed drawings of all elevations. Mr. Wiley noted that the drawings had already been requested but were not submitted. Mr. Humphrey said that he would be opposed to moving the house, as it is part of the street pattern. Observing that 21' is not much, Mr. Avery stated that he was not as concerned with the move. Ms. Charder requested that the board consider moving the house at this meeting. Mr. Wiley responded that more information is needed. Ms. Hall explained that moving a house involves considerations other than just the moving. After reading the previous minutes, Mr. Wiley stated that the proposal is not unusual but that the HDC needs to *see* it. Mr. St. Peter made a motion to hold for revisions and for more information. The motion was seconded by Ms. Hall and so voted. Mr. Avery stated that, for the record, he had no problem with moving the house 21'. Mr. St. Peter said that moving the house was not a concern for him as long as all of it is moved, not just part of it. Mr. Humphrey stated that he had no particular concerns with the move, but the Commission needs all of the information. Ms. Hall stated that she could not comment until she has the drawings before her.

HDC Business:

reopening the Smith approval (ref. Certificate #31,439) for discussion: Mr. Avery abstained. Mr. and Mrs. Smith and their attorney, Melissa Philbrick, were present. Mr. Rivers stated that there

HISTORIC DISTRICT COMMISSION

37 WASHINGTON STREET
NANTUCKET, MASSACHUSETTS 02554
TELEPHONE 508-228-7231 • FAX 508-325-7572

March 9, 1998

Barbara Ann Charder
P.O. Box 734
Nantucket, MA 02554

Dear Ms. Charder:

Regarding your applications for moving and altering the house at 121 Orange Street, the HDC, meeting on February 19, 1998, voted for the disapproval of both applications.

The reason for the disapprovals is that the review period for the applications was due to expire, and the majority of the HDC members did not feel that they had sufficient information about what was being proposed to vote for approval.

If you have any questions regarding this issue, please contact the HDC office at 228-7231.

Sincerely,

David Wiley
Chairman

228-1951

HDC APPLICATION FILE STATUS AND STAFF RECOMMENDATION

APPLICANT NAME: Charder

DATE OF REVIEW: 1/6/98

FILE STATUS: (Last action)
viewing
DAC
revisions
representation

DESCRIPTION OF PROJECT AND ADDRESS:

Addition and gate at 121 Orange Street.

CONTEXT: oHD.

STAFF RECOMMENDATIONS: (with regard to issues of massing, scale, height, colors, materials, fenestration, landscaping, and details of elements such as roofwalks, cupolas, doors, trim, stairs, skylights, dormers, decks, chimneys, etc...)

- Recommend a viewing, hold for representation. Contributing mid 1800's structure and part of the Orange Street streetscape Recommend it remain in its present location.
- French doors on the side are not appropriate
- Unclear what all the levels are on the west elevation, is the proposal to make this a three story house?

HDC APPLICATION FILE STATUS AND STAFF RECOMMENDATION

APPLICANT NAME: CHARDER

DATE OF REVIEW: 1/6/98

FILE STATUS: (Last action)
viewing
DAC
revisions
representation

DESCRIPTION OF PROJECT AND ADDRESS:

Move dwelling at 121 Orange Street.

CONTEXT: OHD.

STAFF RECOMMENDATIONS: (with regard to issues of massing, scale, height, colors, materials,fenestration, landscaping, and details of elements such as roofwalks, cupolas, doors, trim, stairs, skylights, dormers, decks, chimneys, etc...)

- Contributing mid 1800's house. Recommend it remain in its existing location.

January 27, 1998

Regarding the application of Barbara Ann Charder to relocate a building on the same lot at 121 Orange Street (Map #55, Parcel #389), the applicant attended the meeting and indicated to the Commissoners on the site plan what she proposes to do. She explained that the reason for the moving is that she has water in her basement. Mr. Avery noted that this is a very old building (prior to mid-19th century) and that its siting up near the road fits the historic pattern of the area. He expressed concern that moving the house would leave a vacant spot where historically a house would be. Mr. St. Peter made a motion to hold for a viewing and a topo map. Ms. Hall seconded the motion and requested a site plan showing the proposed driveway. So voted.

Regarding the application of Barbara Ann Charder for an addition and a gate at 121 Orange Street (Map #055, Parcel #389), Ms. Charder attended the meeting. Mr. Avery stated that the Commission needs the elevation that is not shown. Mr. St. Peter said that the 31' overall height is a problem. He asked for a topo. Ms. Hall made a motion to hold for a viewing. The motion was seconded by Mr. Avery and so voted.

Regarding the application of the Nantucket Housing Authority for a sign on Norquarta Drive (Map #67, Parcel #501), Mr. Foster told the Commissioners that the applicant is willing to remove the words "for information" and to shrink the rest of the verbage. Mr. St. Peter made a motion to continue to hold for revisions. The motion was seconded by Mr. Avery and so voted.

Regarding the application of Point House Realty Trust for a new dwelling at 59 Goldfinch Drive (Map #68, Parcel #557), Mr. Wiley read the staff comments. Ms. Hall made a motion for approval with a single window in the north elevation gable and with the half round to have typical trim. The motion was seconded by Mr. St. Peter and so voted. Certificate #31,530 was issued.

Regarding the preliminary application of Bruce Killen for a new dwelling at 5 Lily Street, Bruce Killen, Guy Grassi and Kathy Anderson attended the meeting. Mr. Wiley read the following staff comments concerning the revised design: "Massing is not appropriate. Additions in the OHD are to the side or rear of the main mass." Mr. Grassi stated that he was asked by the DAC to break up the mass as much as possible into smaller components. He showed the Commissioners options for the elevations, an aerial view, and photographs taken from a model scope of what would be visible from Lily Street. He said that, as the house is set to the rear of the lot, it would be visible only through "view corridors". DAC member Jeff Bump, who was in the audience, stated that at their last meeting the DAC had looked at three or four options. He said that the applicant had lowered the building and had tried to address the concerns of both the HDC and the DAC. The following minutes from the 1/6/98 DAC meeting were circulated for the Commissioners to read: "Looked at several options and thought Option #3 was the most satisfactory. Some minor details still need attention. On the right track." Ms. Hall stated that the new design is a vast improvement. Mr. Wiley concurred and said that he preferred Option C. Mr. Avery stated that while he also agreed that it is an improvement, he would like to see the carriage house flavor carried through the rest of the design (e.g., plank frames) and not confined to the entry elements. He said that the hipped cupola is more typical and appropriate, and he suggested that perhaps the

Draft

St. Peter concurred. Mr. Wiley said that the 12" grade change specified on the application is not possible. Mr. DaSilva made a motion to hold for a viewing, a topo and retaining information. The motion was seconded by Mr. St. Peter and so voted.

Regarding the application of Chris Maury for a new dwelling at 13 Whitetail Circle (Map # , Parcel #), Mr. DaSilva made a motion to hold for a viewing, a topo and retaining information. The motion was seconded by Mr. St. Peter and so voted.

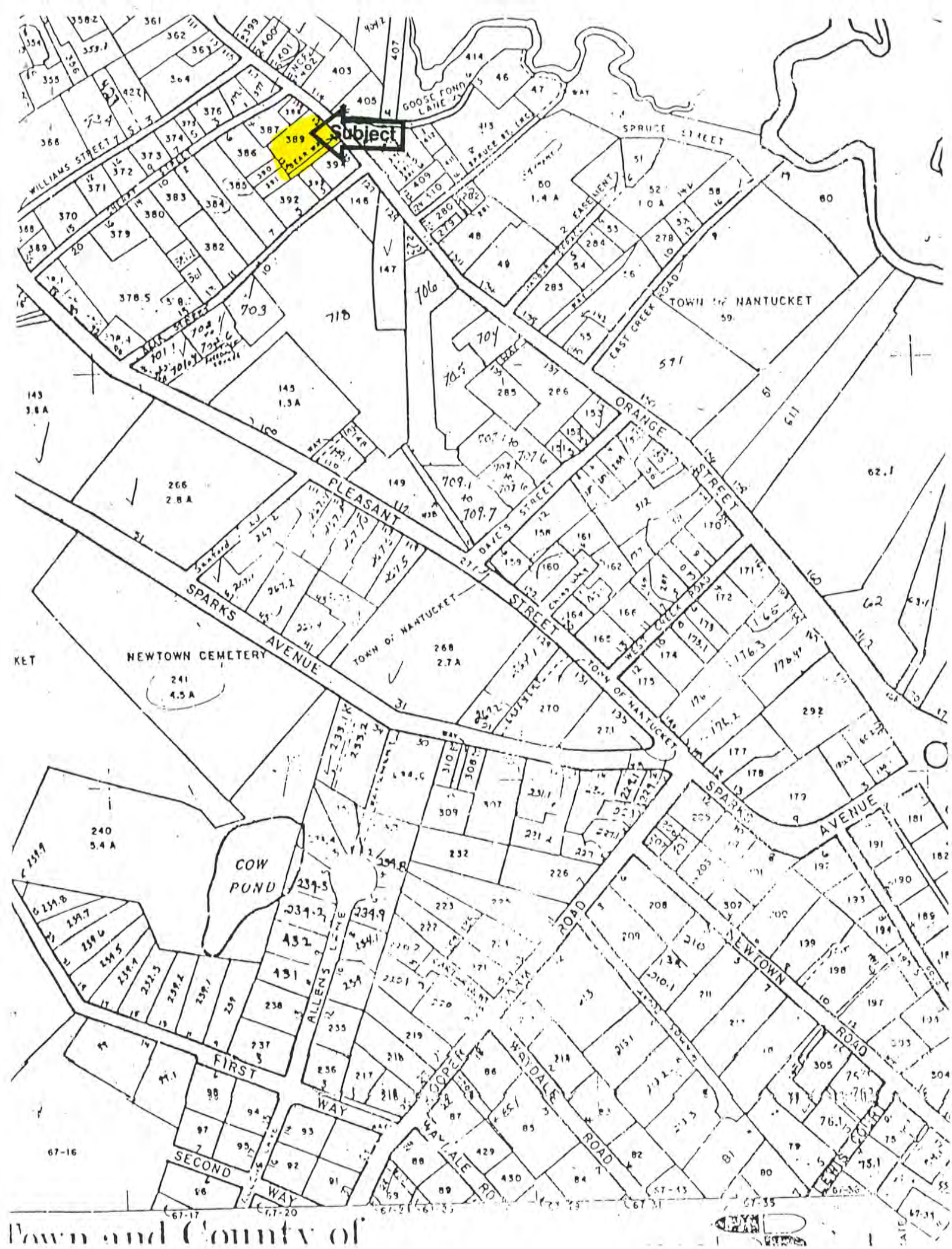
Regarding the application of Point House Realty Trust for a new dwelling at 59 Goldfinch Drive (Map #68, Parcel #557), Chip Webster attended the meeting. Mr. Humphrey was out of the room, and Ms. Hall sat in. Mr. Avery stated that the front entry door needs heavier trim. Mr. Webster explained that the entry is recessed. Mr. Avery stated that the recess should be bigger and wider and more substantial. Mr. Wiley said that he did not think that the entry should be recessed at all. Mr. Avery suggested increasing the pane size on the first floor windows by 1" or so. An additional concern of Mr. Avery was with the lack of casing on the half round. Mr. St. Peter made a motion to hold for revisions. The motion was seconded by Mr. Avery and so voted.

Regarding the application of Barbara May Bowman to raise a building up four blocks at 2 North Beach Street (Map #4241, Parcel #0064), Scott Bowman attended the meeting. Mr. Humphrey was out of the room, and Ms. Hall sat in. Mr. St. Peter asked how much foundation will be exposed and whether any grade will be brought in. Mr. Bowman responded that at least three blocks will show. After some discussion, Mr. St. Peter made a motion for approval with the stipulations 1) that two blocks maxium will be exposed and 2) that the foundation will be parged. The motion was seconded by Mr. DaSilva and so voted. Certificate #31,431 was issued.

Regarding the applications (2) of Barbara Ann Charder for an addition and a gate and the moving of a dwelling at 121 Orange Street (Map #55, Parcel #389), Mr. Wiley read the following staff comments: "Recommend viewing and holding for representation. Contributing mid-1800's structure and part of the Orange Street streetscape. Recommend it remain in its present location. French doors on the side are not appropriate. Unclear what all the levels are on the west elevation. Is the proposal to make this a three-story house?" Mr. Wiley stated that no proposed grade changes are noted on the application. Mr. Avery said that, judging from the elevation, he did not think that that is correct. Mr. DaSilva made a motion to hold for better drawings and for representation. The motion was seconded by Mr. St. Peter and so voted.

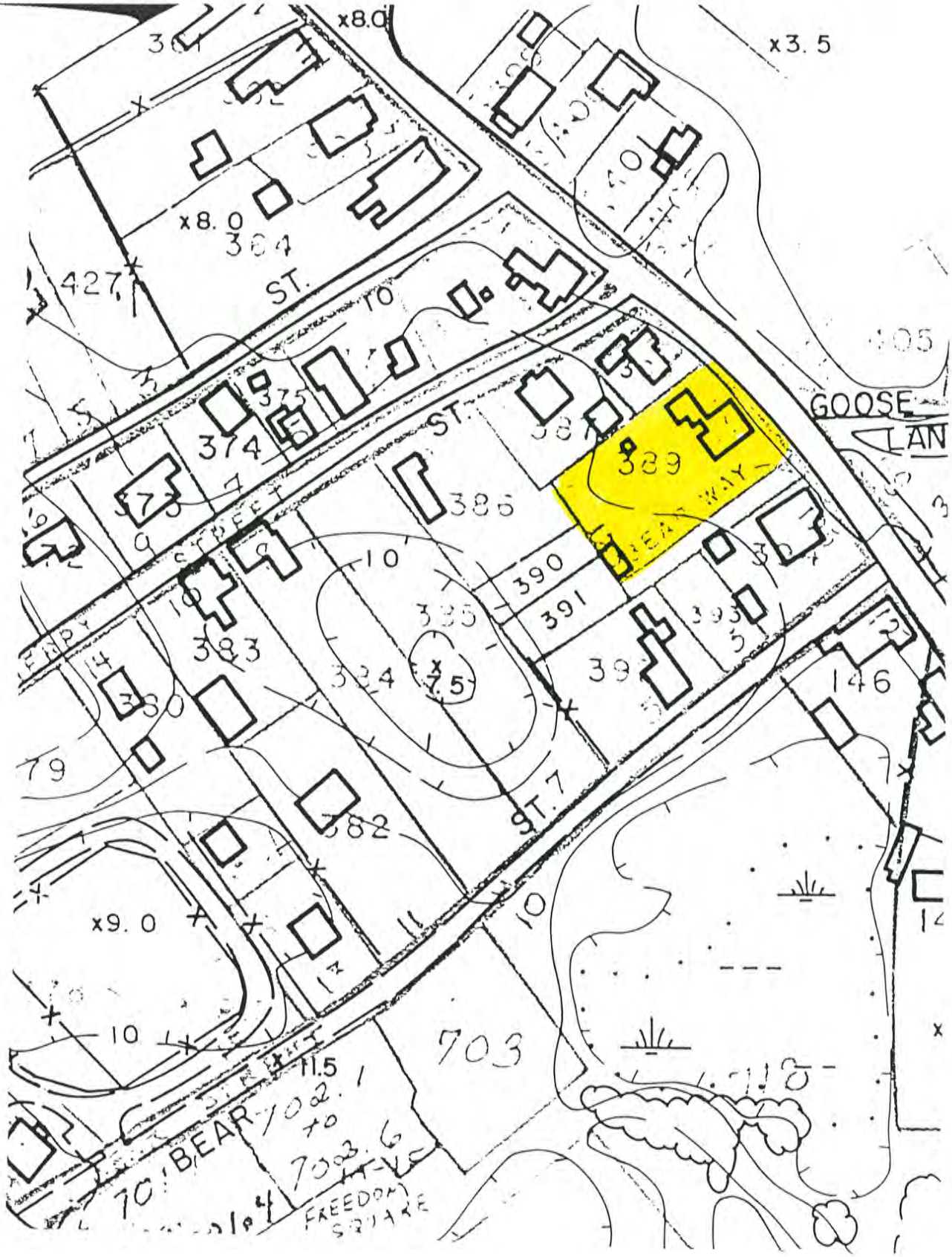
Regarding the application of Charles Tapper to move a garage off the lot at 10 Orange Street (Map #42.3.1, Parcel #103), Mr. Wiley and Mr. Avery abstained. Ms. Hall sat in. Mr. DaSilva took the chair. Mr. St. Peter made a motion for approval. The motion was seconded by Ms. Hall and so voted. Certificate #31,432 was issued.

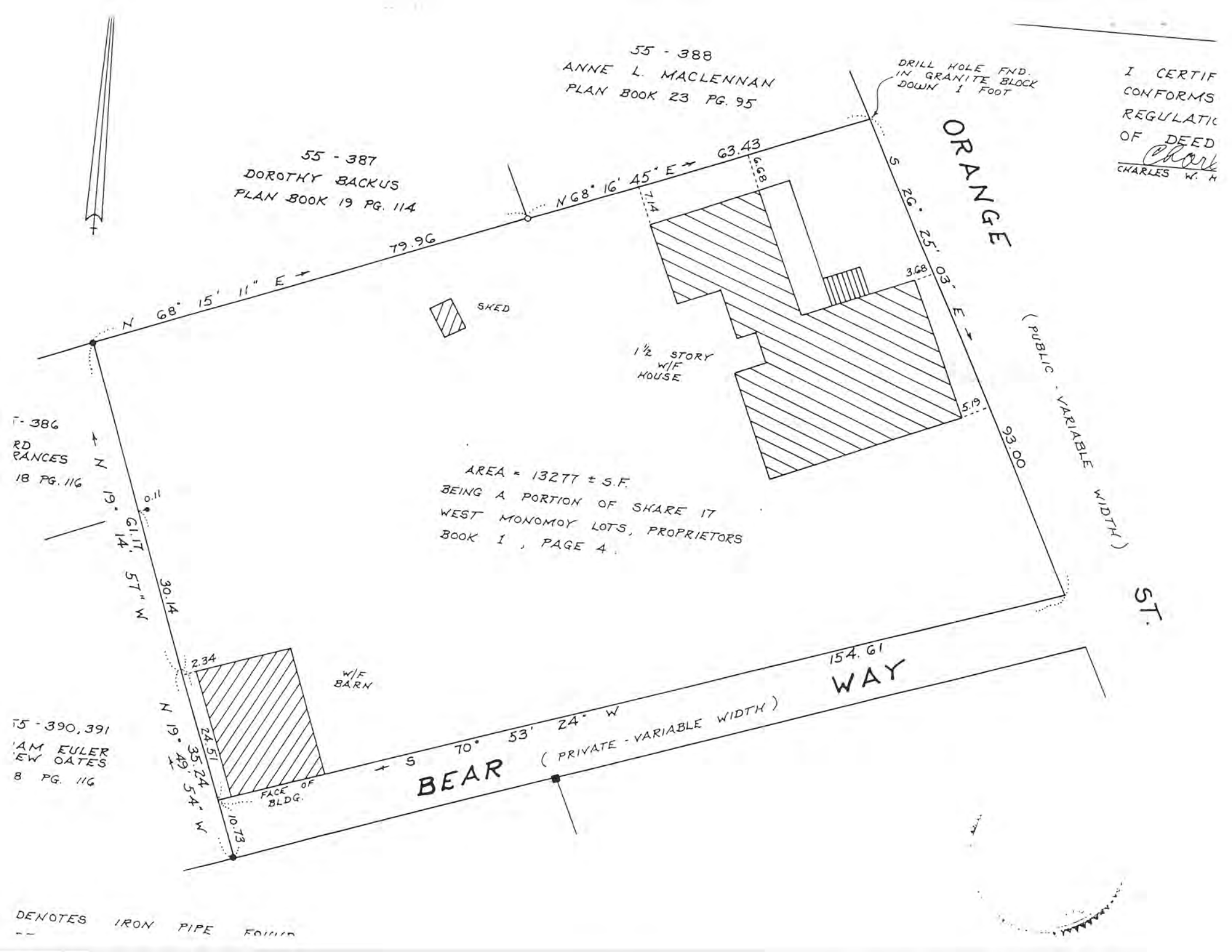
Regarding the applicatiion of Frank P. And Lia K. Marks to move a garage onto the lot at 44 Hooper Farm Road (Map #67, Parcel #273), Mr. Wiley and Mr. Avery abstained. Ms. Hall sat in.

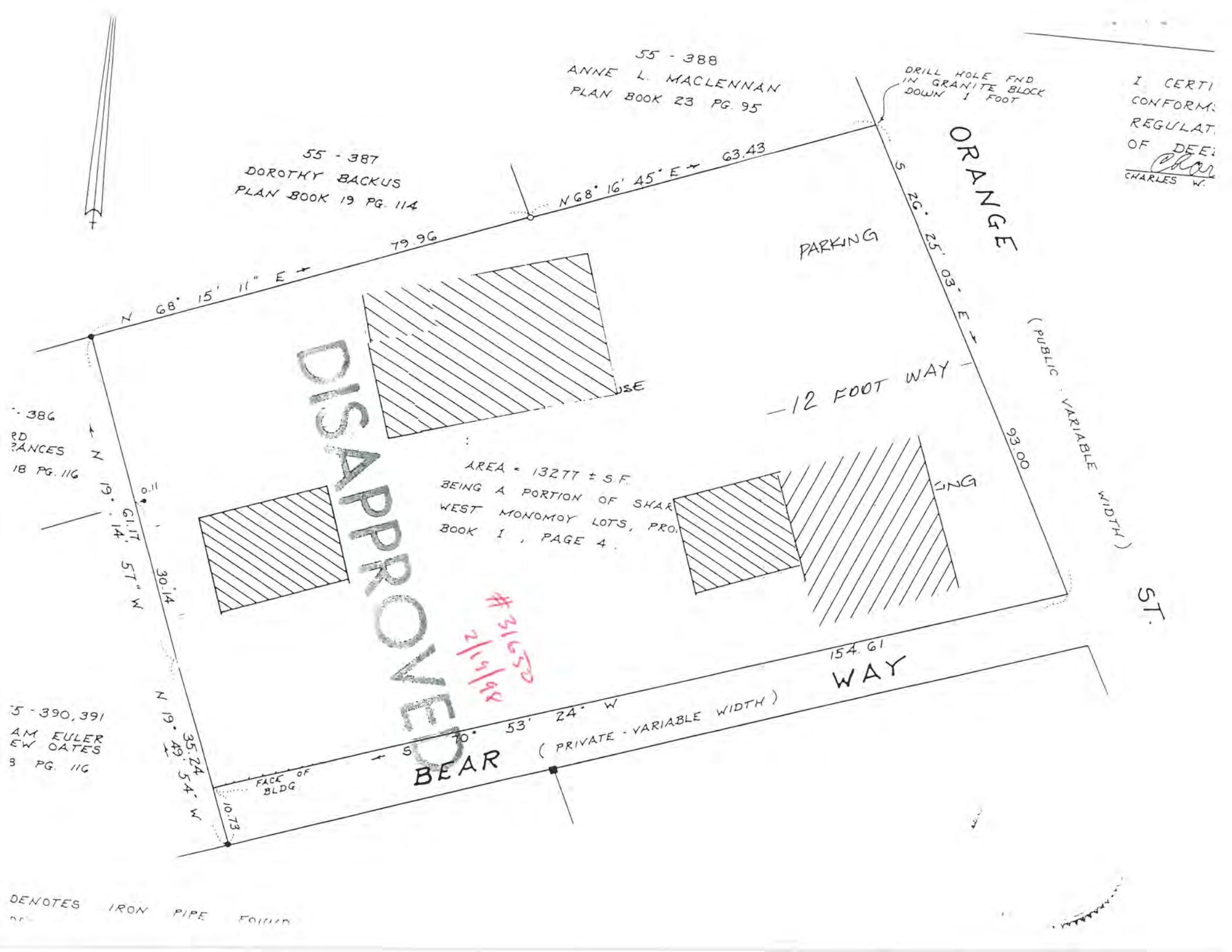


Town and County of


WARREN
NEW STREET
SPRING STREET
UNION STREET
BEAVER ST.
GOOSE POND LANE
WILLIAMS STREET
CHERRY
FREEDOM SQUARE
PLEASANT
SPARKS
AVENUE
TOWN OF NANTUCKET
242
12.8 A
NEWTOWN CEMETERY
241
4.5 A
268
2.7 A
285
147
146
149
159
383
389
WAY
703
143
3.5 A
266
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49


x8.0
x3.5
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427
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x9.0
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703
BEAR
702.1
703.6
FREEDOM
SQUARE


55 - 388
ANNE L. MACLENNAN
PLAN BOOK 23 PG. 95
DRILL HOLE FND. IN GRANITE BLOCK DOWN 1 FOOT
I CERTIF
CONFORMS
REGULATIC
OF DEED
CHARLES W. H
55 - 387
DOROTHY BACKUS
PLAN BOOK 19 PG. 114
N 68° 16' 45" E 63.43
6.68
7.14
N 68° 15' 11" E 79.96
S 26° 25' 03" E
3.68
5.19
93.00
ORANGE
(PUBLIC - VARIABLE WIDTH)
ST.
SHED
1½ STORY W/F HOUSE
AREA = 13277 ± S.F.
BEING A PORTION OF SHARE 17
WEST MONOMOY LOTS, PROPRIETORS
BOOK 1, PAGE 4.
55 - 386
RD
RANCES
18 PG. 116
N 19° 61.17' 14" W
0.11
30.14
2.34
W/F BARN
24.51
N 19° 49' 54" W 35.24
10.73
FACE OF BLDG.
S 70° 53' 24" W
154.61
BEAR WAY
(PRIVATE - VARIABLE WIDTH)
55 - 390, 391
AM EULER
EW OATES
8 PG. 116
DENOTES IRON PIPE FOUND


55 - 388
ANNE L. MACLENNAN
PLAN BOOK 23 PG. 95
55 - 387
DOROTHY BACKUS
PLAN BOOK 19 PG. 114
DRILL HOLE FND IN GRANITE BLOCK DOWN 1 FOOT
I CERTI
CONFORMS
REGULAT
OF DEE
CHARLES W.
N68° 16' 45" E ± 63.43
N 68° 15' 11" E ± 79.96
S 26° 25' 03" E ± 93.00
ORANGE
(PUBLIC - VARIABLE WIDTH)
ST.
PARKING
12 FOOT WAY
USE
ING
AREA = 13277 ± S.F.
BEING A PORTION OF SHAR
WEST MONOMOY LOTS, PRO
BOOK 1, PAGE 4.
DISAPPROVED
#31652
2/19/98
N 19° 14' 57" W 61.17
30.14
N 19° 49' 54" W 35.24
10.73
FACE OF BLDG
S 70° 53' 24" W 154.61
BEAR WAY
(PRIVATE - VARIABLE WIDTH)
386
RD
ANCES
18 PG. 116
390, 391
AM EULER
EW OATES
3 PG. 116
DENOTES IRON PIPE FOUND

CERTIFICATE NO: 70005 DATE ISSUED: 4/10/18

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work. Garage

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 55 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET HISTORICALLY KNOWN AS 119 ORANGE STREET

Owner of record: ARA CHARDER

Mailing Address: P.O. BOX 734

NANTUCKET MA 02554-0734

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: N/A

Mailing Address: _____

Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY 356

Date application received: 3/22/18 Fee Paid: $ 120 –

Must be acted on by: 6/15/18

Extended to: _____

Approved: ✓ Disapproved: _____

Chairman: Raymond Polk

Member: Peter Coombs

Member: _____

Member: Vallue

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation. Move on from 40 Jefferson

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____

☐ Pool (Zoning District ____) ☐ Roof ☒ Other MOVE ON (MOVE OFF APPROVED 7 FEB 2017 CERT NO. 67362

Size of Structure or Addition: Length: 20'0" Sq. Footage 1st floor: 600SF Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor

Width: 30'0" Sq. footage 2nd floor: N/A Size: _____ ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor: N/A

Difference between existing grade and proposed finish grade: North Ø South ~~12'~~ Ø East Ø West Ø

Height of ridge above final finish grade: North Ø 12' South Ø 12' East Ø 12' West Ø 12'

Additional Remarks

Historic Name: 119 ORANGE STREET

Original Date: FROM 40 JEFFERSON Ave (describe)

Original Builder: 1920

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

REVISIONS*
1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 4' ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

Masonry Chimney: N/A ☐ Block Parged ☐ Brick (type) _____ ☐ Other FORMS

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural ☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____ Type: _____ Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____

Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____

☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 21 MAR 2018 Signature of owner of record _____ Signed under penalties of perjury

24. Sconset Low Beach Rd	27 Low Beach Road	New dwelling	74-37.4	NAG

Voting	Pohl, Coombs, Camp, Oliver, Dutra
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, photos, and advisory board comments.
Representing	**Bill McGuire**, Nantucket Architectural Group, LTD – Reviewed changes made per previous concerns; submitted at the table a change on the south elevation porch roof.
Public	None
Concerns (7:49)	**Camp** – On West Chester Street, she measured a column that looked big and it was 12 inches; 11 is still large. Consensus agrees. **Pohl** – 9-inch columns would be better.
Motion	**Motion to Approve through staff Exhibit A with the column reduced to 9 inch square. (Camp)**
Vote	Carried 5-0 Certificate # **70001**

Motion to hear Ara Charder's projects next. (Camp) Carried unanimously

25. Charder, Ara	121 Orange Street	Move on house	55-389	Self

Voting	Pohl, Coombs, Camp, Oliver
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, and photos.
Representing	**Ara Charder**, owner – Reviewed what is new and what is existing and will be left.
Public	None
Concerns (7:57)	**Camp** – No concerns. **Oliver** – Asked for clarification of the plans and where the steps are. No concerns. **Coombs** – No concerns.
Motion	**Motion to Approve. (Camp)**
Vote	Carried 4-0 Certificate # **70002**

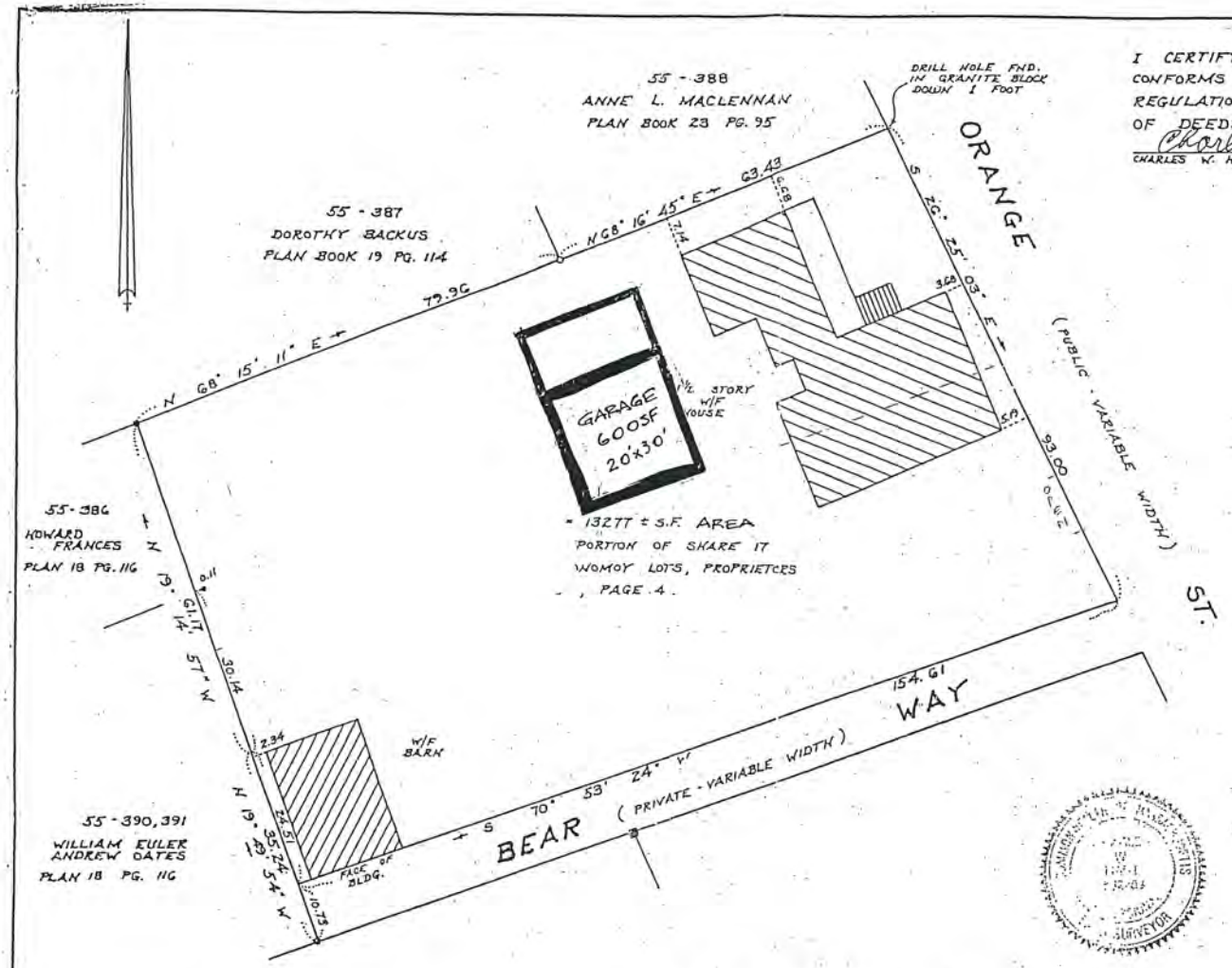
26. Charder, Ara	121 Orange Street	Move on garage	55-389	Self

Voting	Pohl, Coombs, Camp, Oliver
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, and photos.
Representing	**Ara Charder**, owner – Reviewed the project and changes made.
Public	None
Concerns (8:08)	**Oliver** – This is a garage that is jacked up two feet; that's atypical for a garage. **Pohl** – Should show the ramp on the elevations. No concerns.
Motion	**Motion to Approve. (Camp)**
Vote	Carried 4-0 Certificate # **70003**

27. Chandani, LLC	52 Lovers Lane	New dwelling	79-81	Val Oliver

Voting	Pohl, Coombs, Camp, Watterson, Dutra
Alternates	Welch
Recused	Oliver
Documentation	Architectural elevation plans, site plan, and photos.
Representing	**Val Oliver** – Presented project.
Public	None
Concerns (8:12)	**Watterson** – West elevation, the porch posts should align with the corners of the center gable with two more closer to the door. Discussion about relocating the porch posts.
Motion	**Motion to Approve through staff with the west elevation posts flanking the door moved to align with the cornerboards, per Exhibit A. (Watterson)**
Vote	Carried 5-0 Certificate # **70004**

PROPOSED



± 13277 ± S.F. AREA

PORTION OF SHARE IT WOMOY LOTS, PROPRIETORS , PAGE 4.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Charles W. Hart

CHARLES W. HART P.L.S.

JUN 13 1988 3:30
RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF
PLANS NO. 24 PAGE 70
ATTEST: REGISTER
Sandra M. Chadwick

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSORS RECORDS.

Charles W. Hart

CHARLES W. HART P.L.S.

5-6-88
DATE

o DENOTES IRON PIPE FOUND
• DENOTES STEEL SURVEY MARKER FND.
□ DENOTES d.h. IN CONCRETE BOUND FND.

NOTE: SEE DEED

BOOK	PAGE
79	135
57	268
42	214

NANTUCKET, MASS.

PREPARED FOR: BARBARA ANN CHARDER
SCALE: 1" = 20' MAY 6, 1988

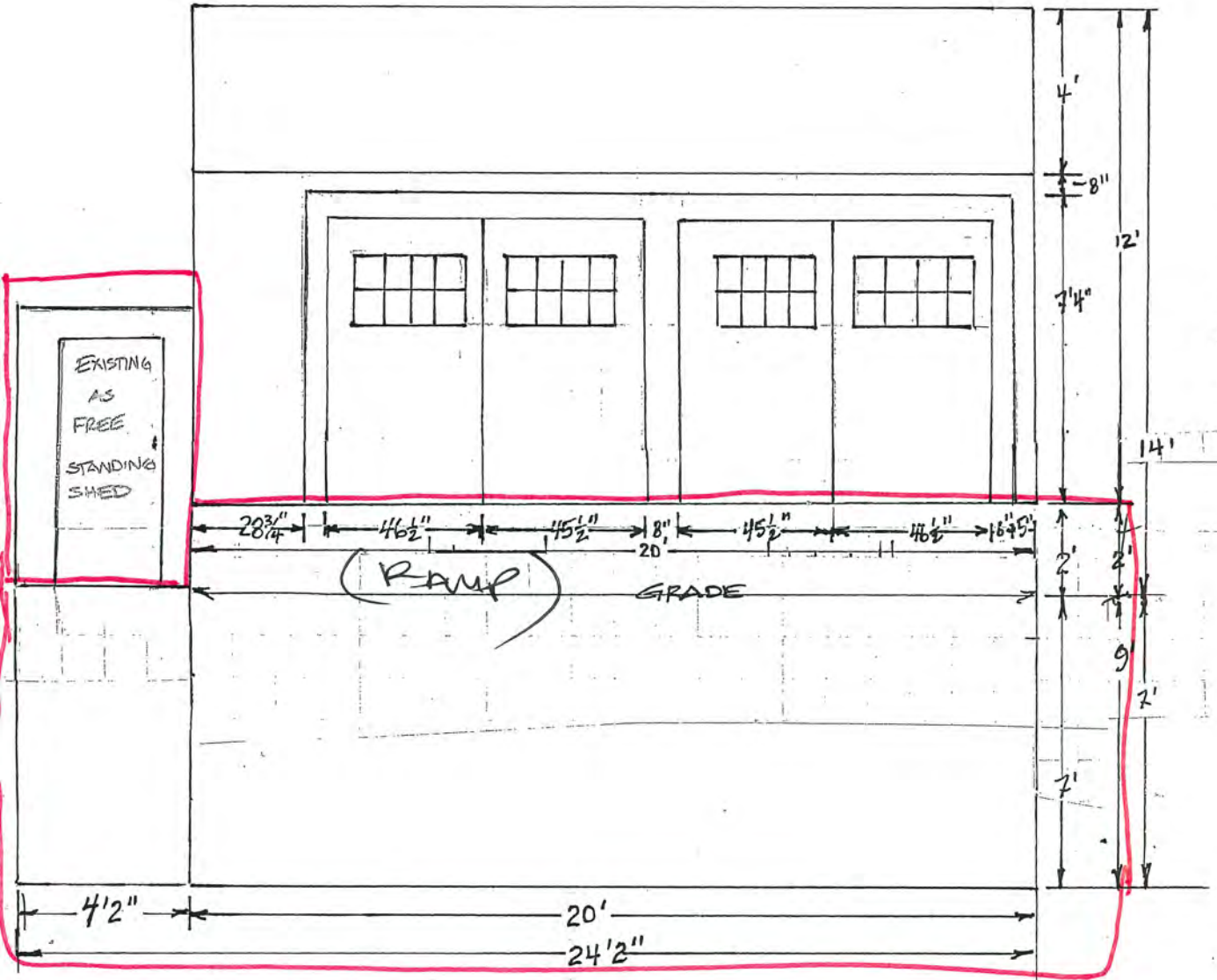
HART - BLACKWELL & ASSOC., INC.
6 YOUNG'S WAY NANTUCKET, MA.

0 20 40 60

HB-1677

RECEIVED
MAR 22 2018
By

NO EXTERIOR CHANGES WITHOUT HDC APPROVAL
APR 10 2018 #70003
APPROVED



40 JEFFERSON AVENUE
TO 121 ORANGE STREET
SCALE 1/4" = 1'
FOOTPRINT 20' x 30'
ARA CHARDER
GLASS 4/4
FRONT VIEW
BOTTOM OF DOORS
BEADED BARN DOOR

5 MARCH 2018

FRONT

RECEIVED
APR 19 2018
BY

APPROVED
APR 10 2018 # 70003
NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL

CERTIFICATE NO: 70003 DATE ISSUED: 4/10/18

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work. Garage

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 55 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET
HISTORICALLY KNOWN AS 119 ORANGE STREET

Owner of record: ARA CHARDER

Mailing Address: P.O. BOX 734
NANTUCKET MA 02554-0734

Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: N/A

Mailing Address: _____

Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY 356

Date application received: 3/22/18 Fee Paid: $ 120 –

Must be acted on by: 6/15/18

Extended to: _____

Approved: ✓ Disapproved: _____

Chairman: Raymond Paul

Member: Peter Coombs

Member: _____

Member: Vallely

Member: _____

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation. Move on from 40 Jefferson

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District ____) ☐ Roof ☒ Other MOVE ON (MOVE OFF APPROVED 7 FEB 2017 CERT NO. 67362

Size of Structure or Addition: Length: 20'0" Sq. Footage 1st floor: 600SF Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: 30'0" Sq. footage 2nd floor: N/A Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: N/A

Difference between existing grade and proposed finish grade: North Ø South AT Ø East Ø West Ø
Height of ridge above final finish grade: North Ø 12' South Ø 12' East Ø 12' West Ø 12'

Additional Remarks

Historic Name: 119 ORANGE STREET
Original Date: FROM 40 JEFFERSON AVE (describe)
Original Builder: 1920

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

REVISIONS*
1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 4' ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☒ Poured Concrete ☐ Piers

Masonry Chimney: N/A ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____ FORMS

Roof Pitch: Main Mass _____/12_____ Secondary Mass _____/12_____ Dormer _____/12_____ Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____
☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____
B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____
☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence _____ Shutters _____

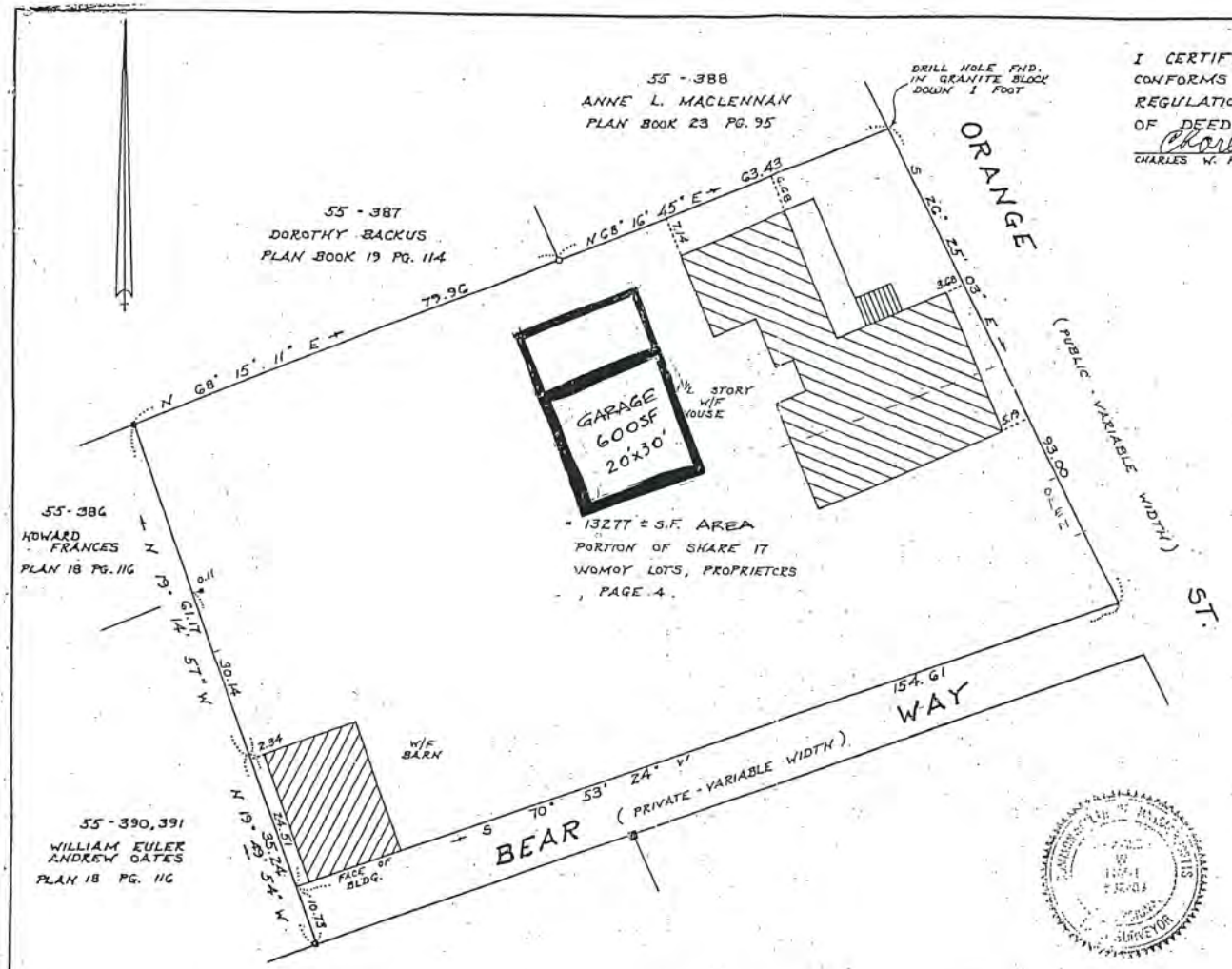
* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 21 MAR 2018 Signature of owner of record Ara Charder Signed under penalties of perjury

24. Sconset Low Beach Rd	27 Low Beach Road	New dwelling		74-37.4	NAG
Voting	Pohl, Coombs, Camp, Oliver, Dutra				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, photos, and advisory board comments.				
Representing	**Bill McGuire**, Nantucket Architectural Group, LTD – Reviewed changes made per previous concerns; submitted at the table a change on the south elevation porch roof.				
Public	None				
Concerns (7:49)	**Camp** – On West Chester Street, she measured a column that looked big and it was 12 inches; 11 is still large. Consensus agrees.				
	Pohl – 9-inch columns would be better.				
Motion	**Motion to Approve through staff Exhibit A with the column reduced to 9 inch square. (Camp)**				
Vote	Carried 5-0		Certificate #	**70001**	
Motion to hear Ara Charder's projects next. (Camp) Carried unanimously					
25. Charder, Ara	121 Orange Street	Move on house		55-389	Self
Voting	Pohl, Coombs, Camp, Oliver				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, and photos.				
Representing	**Ara Charder**, owner – Reviewed what is new and what is existing and will be left.				
Public	None				
Concerns (7:57)	**Camp** – No concerns.				
	Oliver – Asked for clarification of the plans and where the steps are. No concerns.				
	Coombs – No concerns.				
Motion	**Motion to Approve. (Camp)**				
Vote	Carried 4-0		Certificate #	**70002**	
26. Charder, Ara	121 Orange Street	Move on garage		55-389	Self
Voting	Pohl, Coombs, Camp, Oliver				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, and photos.				
Representing	**Ara Charder**, owner – Reviewed the project and changes made.				
Public	None				
Concerns (8:08)	**Oliver** – This is a garage that is jacked up two feet; that's atypical for a garage.				
	Pohl – Should show the ramp on the elevations.				
	No concerns.				
Motion	**Motion to Approve. (Camp)**				
Vote	Carried 4-0		Certificate #	**70003**	
27. Chandani, LLC	52 Lovers Lane	New dwelling		79-81	Val Oliver
Voting	Pohl, Coombs, Camp, Watterson, Dutra				
Alternates	Welch				
Recused	Oliver				
Documentation	Architectural elevation plans, site plan, and photos.				
Representing	**Val Oliver** – Presented project.				
Public	None				
Concerns (8:12)	**Watterson** – West elevation, the porch posts should align with the corners of the center gable with two more closer to the door.				
	Discussion about relocating the porch posts.				
Motion	**Motion to Approve through staff with the west elevation posts flanking the door moved to align with the cornerboards, per Exhibit A. (Watterson)**				
Vote	Carried 5-0		Certificate #	**70004**	

PROPOSED



± 13277 ± S.F. AREA
PORTION OF SHARE 17
WOMOY LOTS, PROPRIETORS
, PAGE 4.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Charles W. Hart
CHARLES W. HART P.L.S.

JUN 13 1988 3:30
RECEIVED AND ENTERED WITH NANTUCKET COUNTY DEEDS BOOK OF
PLANS NO. 24 PAGE 70
ATTEST: REGISTER
Sandra M. Chadwick

I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSORS RECORDS.

Charles W. Hart
CHARLES W. HART P.L.S.

5-6-88
DATE

NOTE: SEE DEED BOOK PAGE
79 135
57 268
42 214

o DENOTES IRON PIPE FOUND
• DENOTES STEEL SURVEY MARKER FND.
■ DENOTES d.h. IN CONCRETE BOUND FND.

NANTUCKET, MASS.

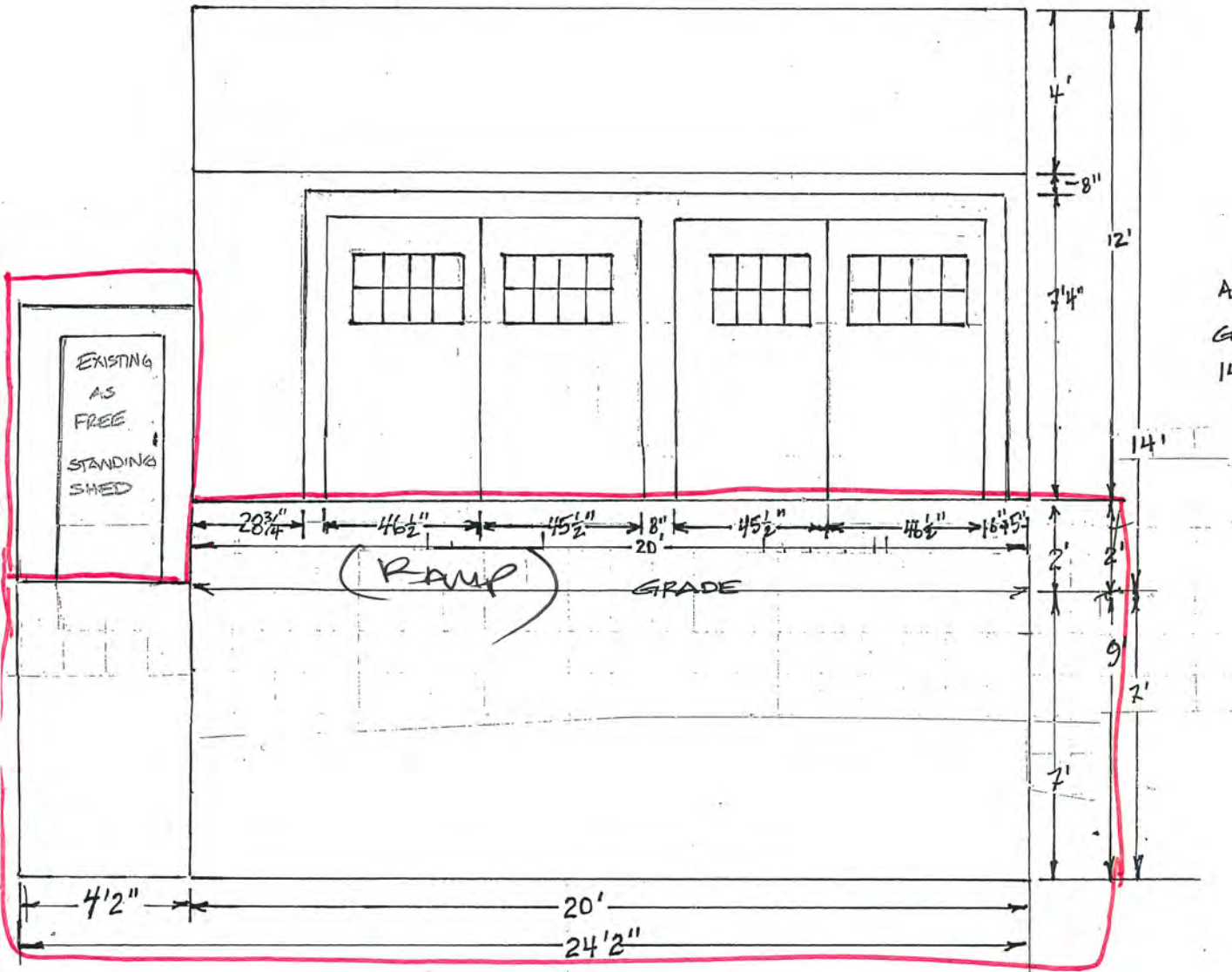
PREPARED FOR: BARBARA ANN CHARDER
SCALE: 1" = 20' MAY 6, 1988

HART - BLACKWELL & ASSOC., INC.
6 YOUNG'S WAY NANTUCKET, MA.

0 20 40 60

HB-1677

RECEIVED
MAR 22 2018
By
NO EXTENSION REQUESTED WITHOUT HDC APPROVAL
APPROVED
MAR 30 2018 #70003



40 JEFFERSON AVENUE
TO 121 ORANGE STREET
SCALE 1/4" = 1'
FOOTPRINT 20' x 30'
ARA CHARDER
GLASS 4/4
FRONT VIEW
BOTTOM OF DOORS
BEADED BARN DOOR

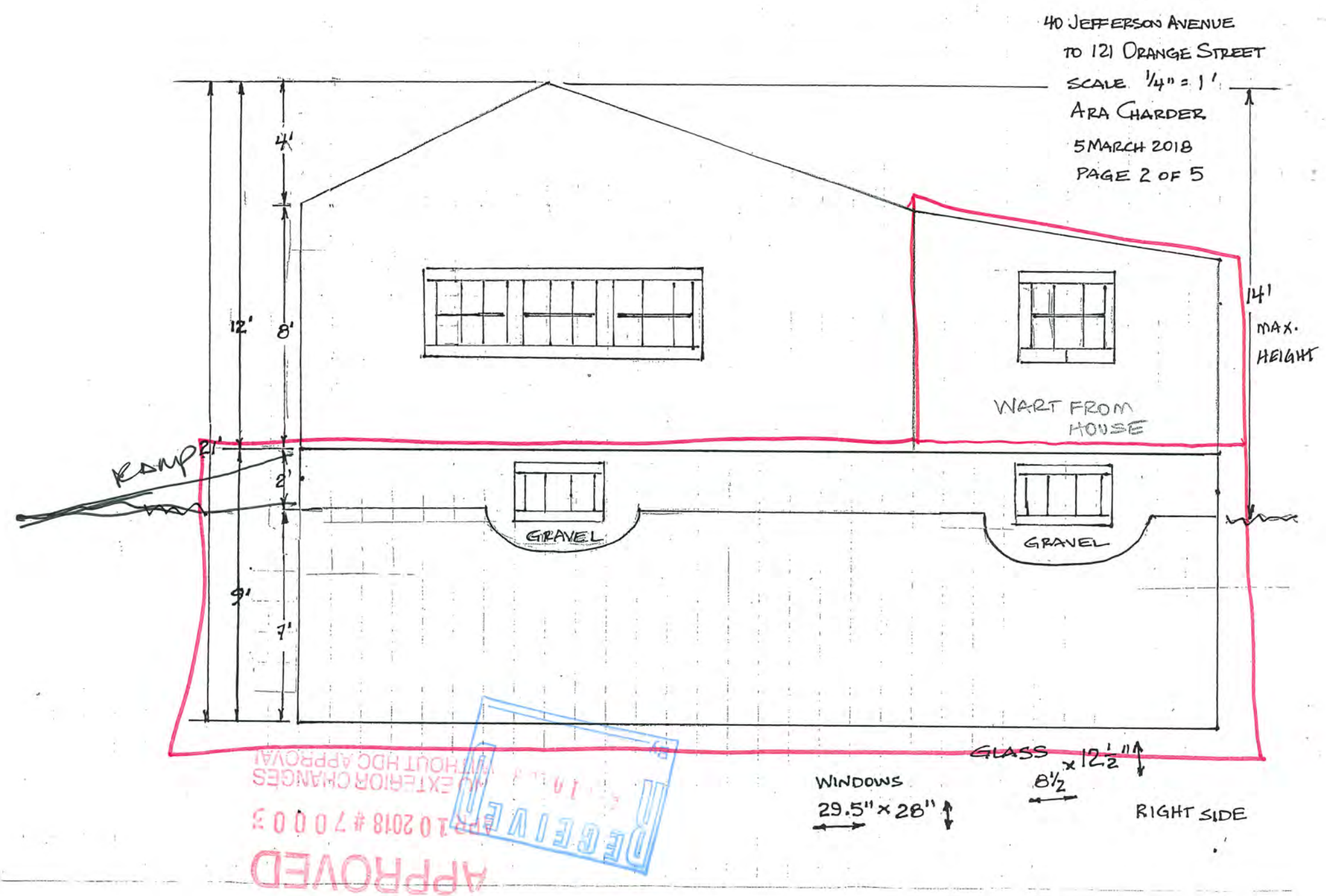
PAGE 1 OF 5

5 MARCH 2018

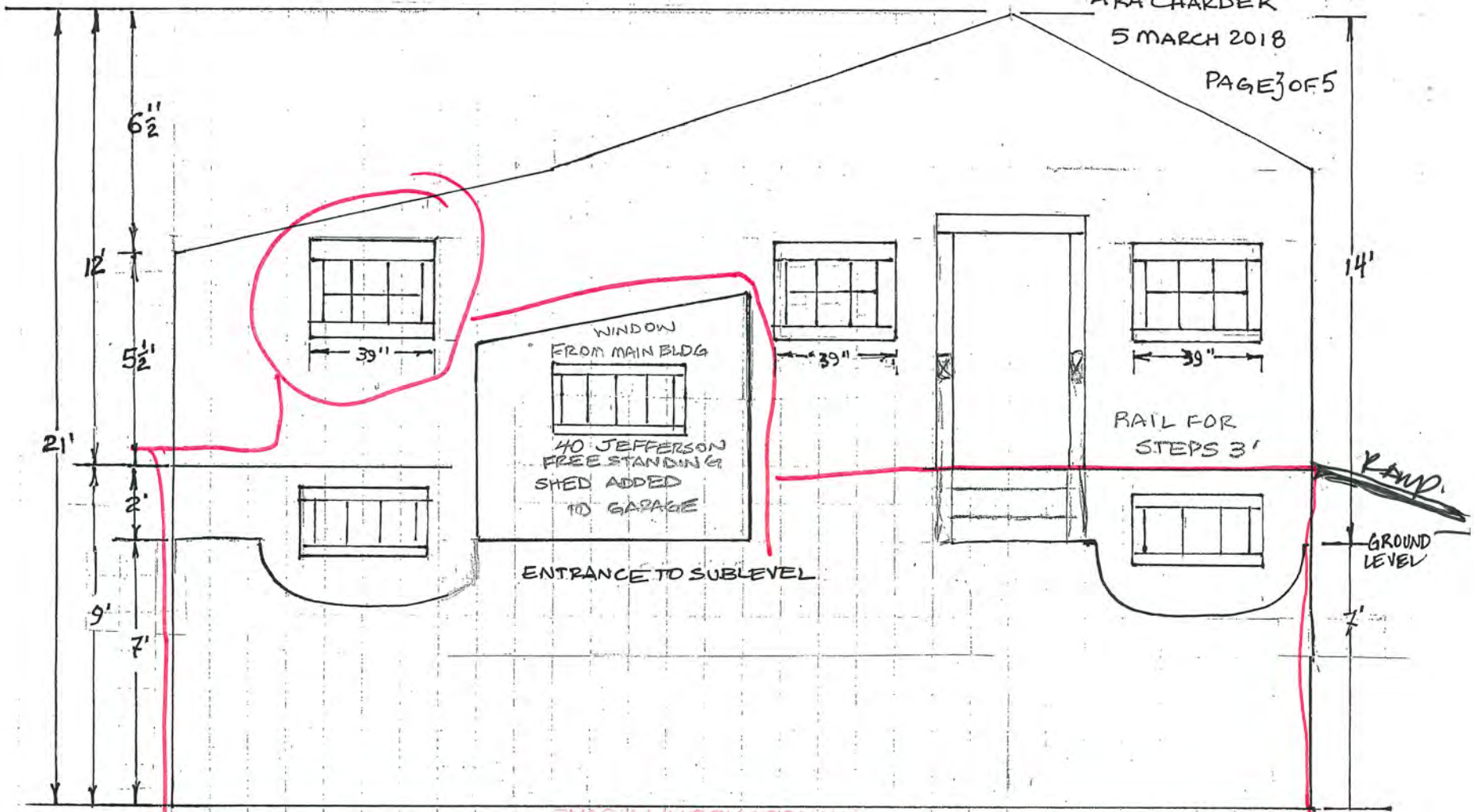
FRONT

RECEIVED
APR 19 2018
BY

APPROVED
APR 10 2018 # 70003
NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL

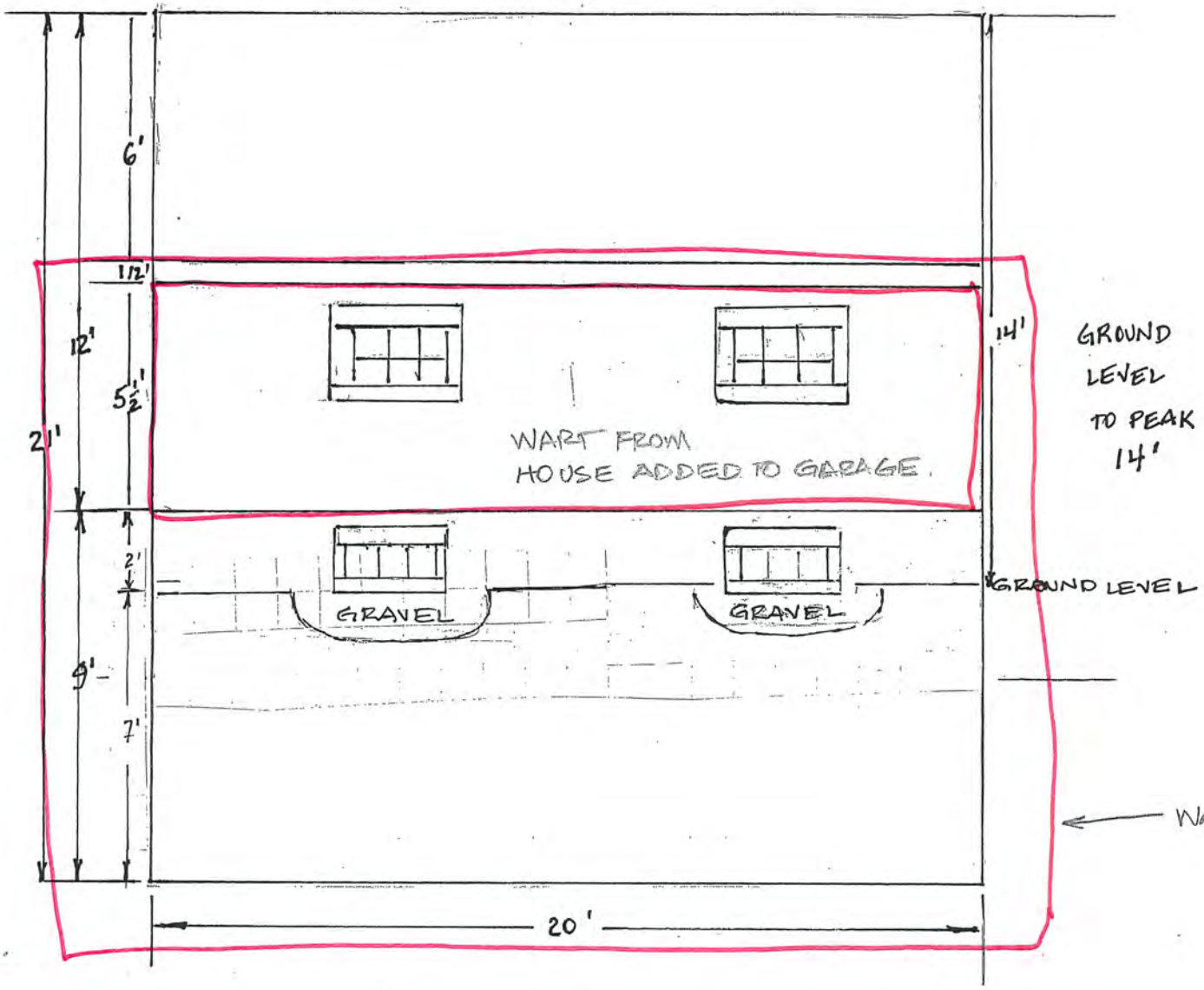

40 JEFFERSON AVENUE
TO 121 ORANGE STREET
SCALE 1/4" = 1'
ARA GHARDER
5 MARCH 2018
PAGE 2 OF 5
4'
12'
8'
14'
MAX.
HEIGHT
WART FROM
HOUSE
RAMP
2'
2'
GRAVEL
GRAVEL
9'
7'
GLASS
WINDOWS
29.5" x 28"
8½
x 12½"
RIGHT SIDE
NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL
APR 10 2018 #70003
APPROVED

40 JEFFERSON AVENUE
TO 121 ORANGE STREET
SCALE 1/4" = 1 FT
ARA CHARDER
5 MARCH 2018



LEFT SIDE

RECEIVED
APR 10 2018
BY
APPROVED
APR 10 2018 # 70003
NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL



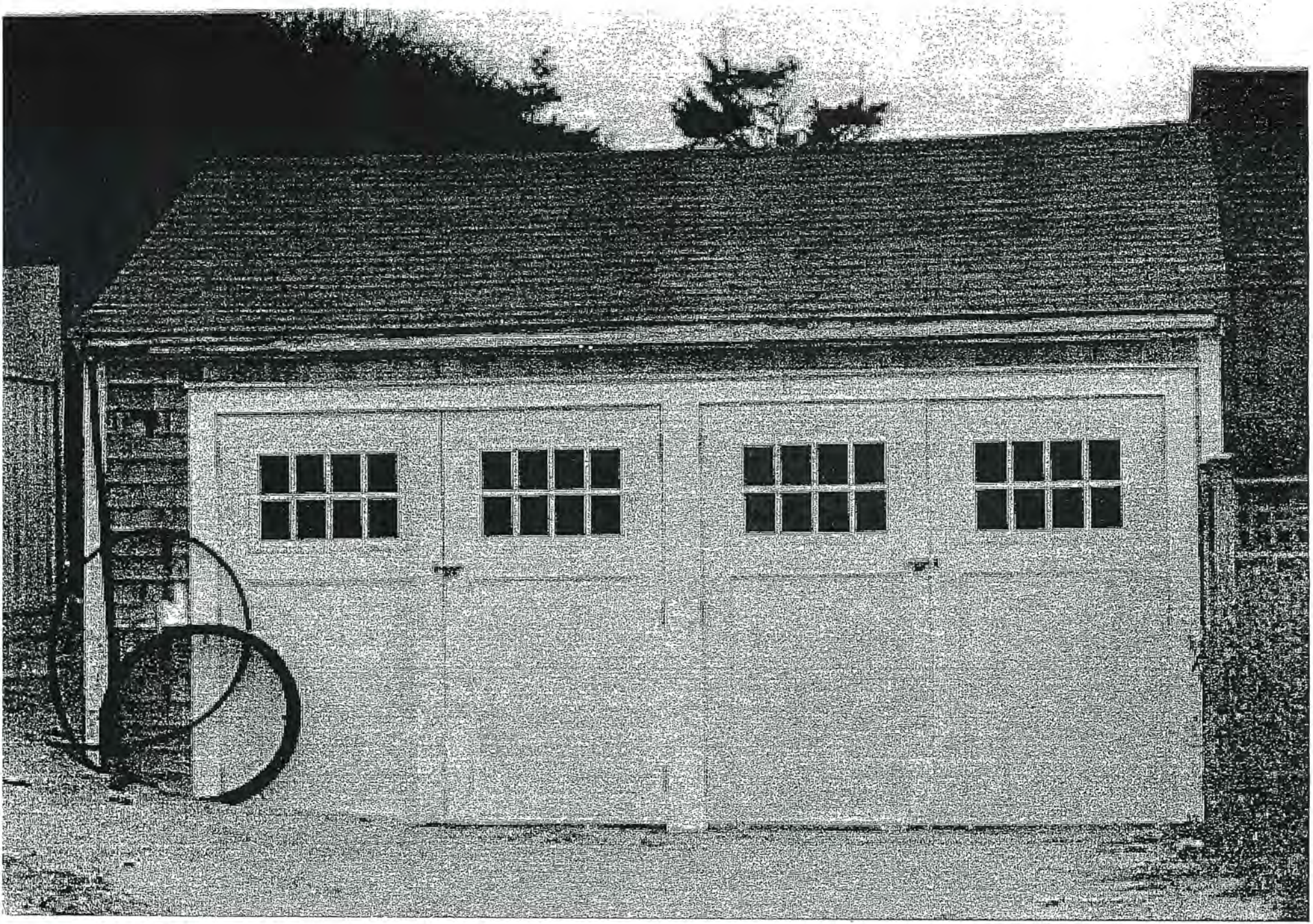
40 JEFFERSON AVENUE
TO 121 ORANGE STREET
SCALE 1/4" = 1'
ARA CHARDER
5 MARCH 2018
PAGE 4 OF 5

REAR VIEW

RECEIVED
APR 19 2018
By

NO EXTERIOR CHANGES
WITHOUT HDC APPROVAL
APR 10 2018 # 70003
APPROVED

REAR



CERTIFICATE NO: 70002 DATE ISSUED: 4/10/18

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work. House

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 55 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET

Owner of record: ARA CHARDER HISTORICALLY AKA 119 ORANGE ST

Mailing Address: P.O. Box 734

NANTUCKET MA 02554-0734

Contact Phone #: 5082281951 E-mail: AVX@SALTY3.COM

AGENT INFORMATION (if applicable)

Name:

Mailing Address: N/A

Contact Phone #: E-mail:

FOR OFFICE USE ONLY V354

Date application received: 3/22/18 Fee Paid: $ 172.60

Must be acted on by: 6/15/18

Extended to:

Approved: Disapproved:

Chairman:

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No.

☐ Pool (Zoning District ____) ☐ Roof ☒ Other MOVE ON HOUSE

Size of Structure or Addition: Length: WIDEST 37'8" Sq. Footage 1st floor: 863 SF Decks/Patio: Size: 10'X19' ☒ 1st floor ☐ 2nd floor

Width: WIDEST 30' Sq. footage 2nd floor: Size: NA ☐ 1st floor ☐ 2nd floor

Sq. footage 3rd floor:

Difference between existing grade and proposed finish grade: North N/A ∅ South ∅ East ∅ West ∅

Height of ridge above final finish grade: North 12' South 12' East ~~18'~~ 12' MIN West ~~18'~~ 12' MIN

Additional Remarks: HDC APPROVAL 2/7/2018 CERTIFICATE 67361 MOVE OFF OR DEMOLISH

Historic Name: 40 JEFFERSON AVENUE

Original Date: 1920

Original Builder:

REVISIONS* (describe) TO 121 ORANGE STREET

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

*Cloud on drawings and submit photographs of existing elevations.

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 4' ☐ Block ☐ Block Parged ☐ Brick (type) ☒ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) ☐ Other N/A MOLD

Roof Pitch: Main Mass EXISTING/12 Secondary Mass /12 Dormer /12 Other

Roofing material: ☒ Asphalt: ☐ 3-Tab ☐ Architectural

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.)

Fence: Height: Type: Length:

Skylights (flat only): Manufacturer N/A Rough Opening Size Location

Manufacturer Rough Opening Size Location

Gutters: ☒ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material)

Leaders (material and size):

Sidewall: ☒ White cedar shingles ☐ Clapboard (exposure: inches) Front ☐ Side ☐

☐ Other

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other EXISTING

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other

C. Dimensions: Fascia Rake Soffit (Overhang) Corner boards Frieze

Window Casing Door Frame Columns/Posts: Round Square

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☒ Other COLLECTION OF DOUBLE HUNG, STATIONARY, TILT IN

☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer

Doors* (type and material): ☐ TDL ☐ SDL Front WOOD + GLASS Rear EXIT REAR / FALES SIDE / WOOD + GLASS Side 2 DOORS WOOD + GLASS

Garage Door(s): Type N/A Material N/A

Hardscape materials: Driveways SHELL Walkways BELGIUM BLOCK Walls RIVER STONES

* Note: Complete door and window schedules are required. EXISTING

COLORS

Sidewall Clapboard (if applicable) Roof

Trim Sash Doors

Deck Foundation Fence Shutters

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 21 March 2018 Signature of owner of record Ara Charder Signed under penalties of perjury

24. Sconset Low Beach Rd 27 Low Beach Road New dwelling 74-37.4 NAG

Voting	Pohl, Coombs, Camp, Oliver, Dutra
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, photos, and advisory board comments.
Representing	**Bill McGuire**, Nantucket Architectural Group, LTD – Reviewed changes made per previous concerns; submitted at the table a change on the south elevation porch roof.
Public	None
Concerns (7:49)	**Camp** – On West Chester Street, she measured a column that looked big and it was 12 inches; 11 is still large. Consensus agrees. **Pohl** – 9-inch columns would be better.
Motion	**Motion to Approve through staff Exhibit A with the column reduced to 9 inch square. (Camp)**
Vote	Carried 5-0 Certificate # **70001**

Motion to hear Ara Charder's projects next. (Camp) Carried unanimously

25. Charder, Ara 121 Orange Street Move on house 55-389 Self

Voting	Pohl, Coombs, Camp, Oliver
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, and photos.
Representing	**Ara Charder**, owner – Reviewed what is new and what is existing and will be left.
Public	None
Concerns (7:57)	**Camp** – No concerns. **Oliver** – Asked for clarification of the plans and where the steps are. No concerns. **Coombs** – No concerns.
Motion	**Motion to Approve. (Camp)**
Vote	Carried 4-0 Certificate # **70002**

26. Charder, Ara 121 Orange Street Move on garage 55-389 Self

Voting	Pohl, Coombs, Camp, Oliver
Alternates	None
Recused	None
Documentation	Architectural elevation plans, site plan, and photos.
Representing	**Ara Charder**, owner – Reviewed the project and changes made.
Public	None
Concerns (8:08)	**Oliver** – This is a garage that is jacked up two feet; that's atypical for a garage. **Pohl** – Should show the ramp on the elevations. No concerns.
Motion	**Motion to Approve. (Camp)**
Vote	Carried 4-0 Certificate # **70003**

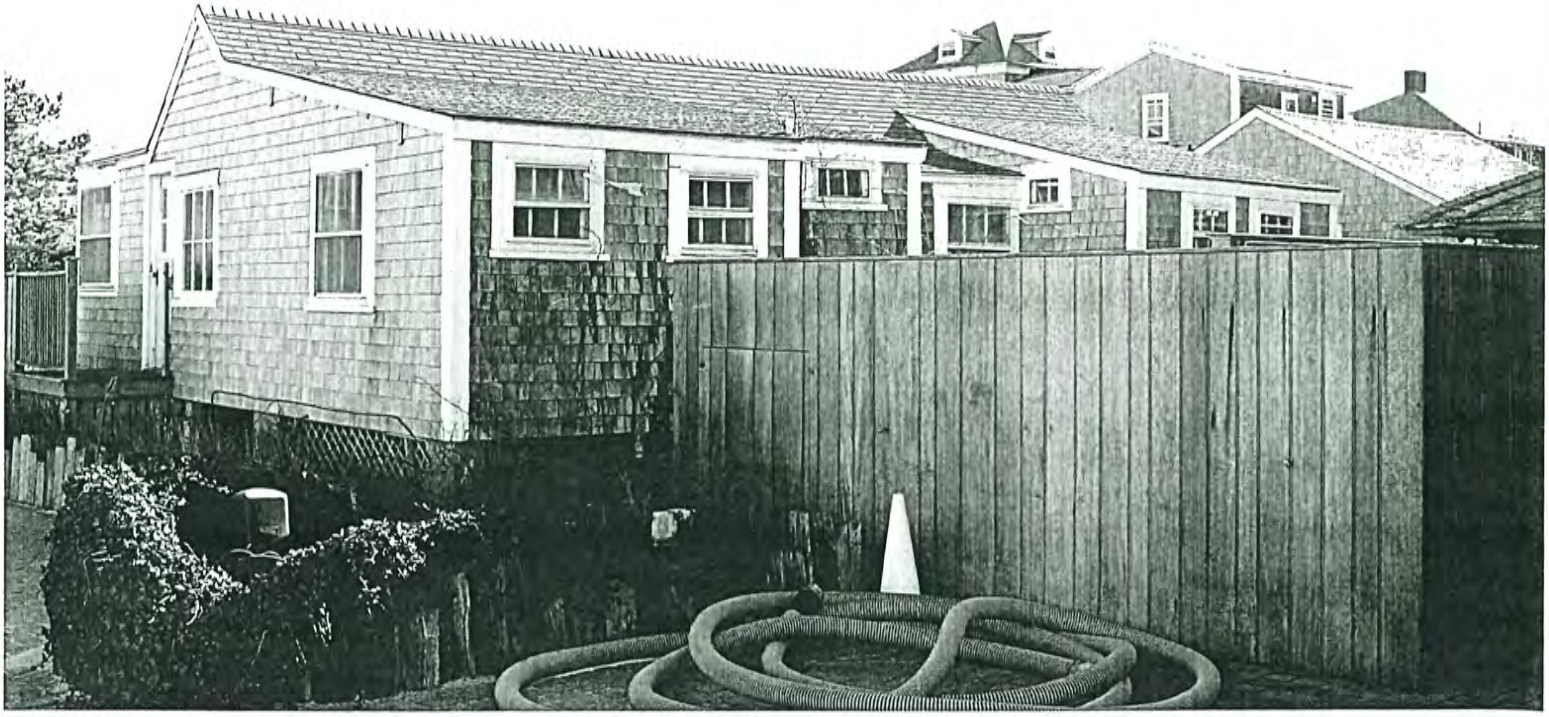
27. Chandani, LLC 52 Lovers Lane New dwelling 79-81 Val Oliver

Voting	Pohl, Coombs, Camp, Watterson, Dutra
Alternates	Welch
Recused	Oliver
Documentation	Architectural elevation plans, site plan, and photos.
Representing	**Val Oliver** – Presented project.
Public	None
Concerns (8:12)	**Watterson** – West elevation, the porch posts should align with the corners of the center gable with two more closer to the door. Discussion about relocating the porch posts.
Motion	**Motion to Approve through staff with the west elevation posts flanking the door moved to align with the cornerboards, per Exhibit A. (Watterson)**
Vote	Carried 5-0 Certificate # **70004**

PROPOSED



Existing East Elevation



Existing West Elevation

1626

Guest House

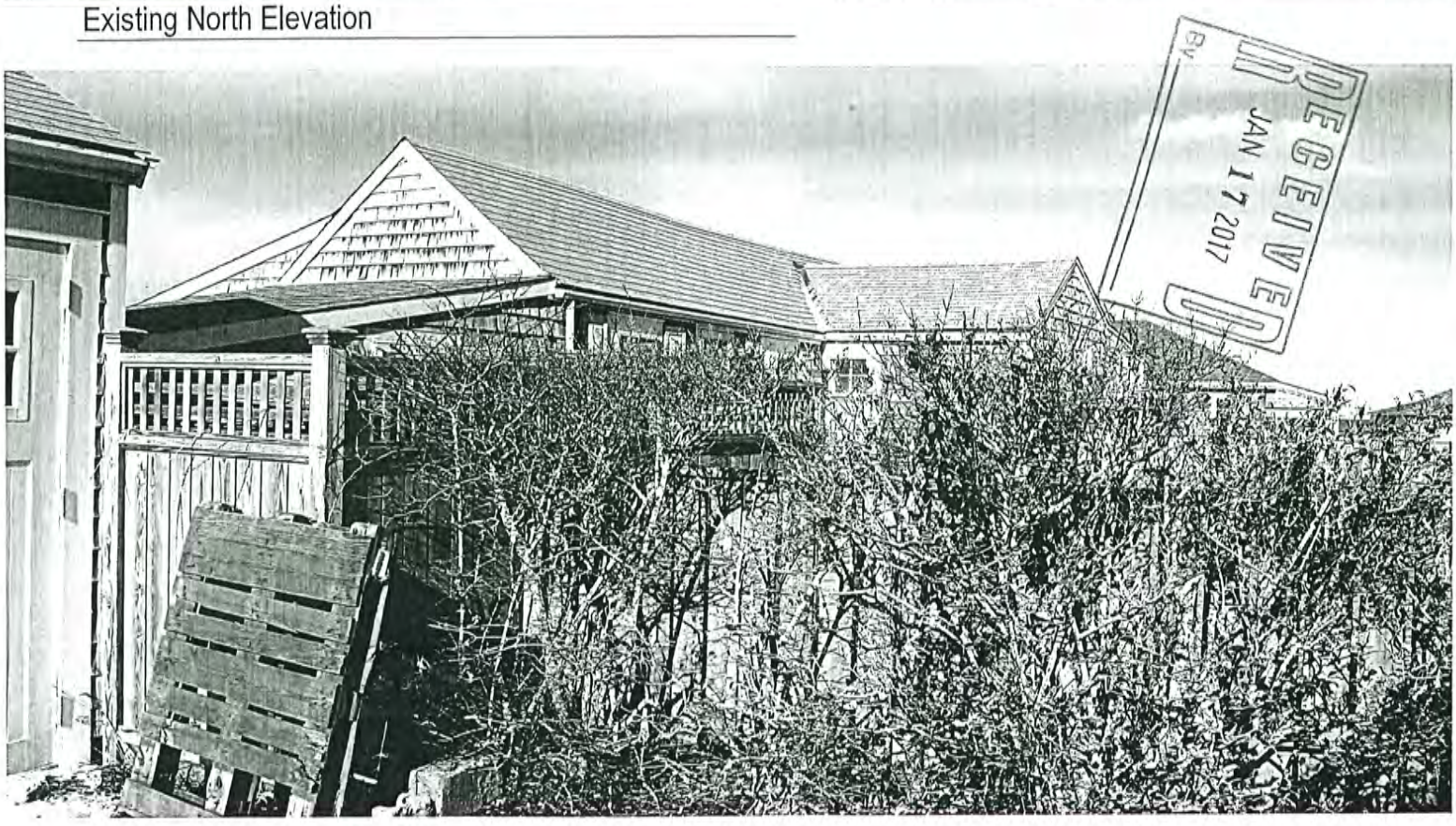
40 Jefferson Ave Lot 12
Nantucket, MA 02554

Zoning Information

Map & Parcel	30/119	Min. Lot Size	5,000 sq. ft.
Current Zoning	R 1	Allowable G.C.	3,078 sq. ft. +/-
Minimum Frontage	50 ft.	Lot Size	10, 263 SF +/-
Front Setback	10 ft.		
Side Setback	5 ft.		
Rear Setback	5 ft.		



Existing North Elevation



Existing South Elevation

HDC

Demo Existing Dwelling

01/ 18/ 17

emeritus
Development Ltd.

8 Williams Lane Nantucket, MA 02554
P. 508.325.4995
F. 508.325.8960
www.emeritusdevelopment.com

APPROVED 3 FEB 2017

HISTORIC DISTRICT COMMISSION

37 WASHINGTON STREET
NANTUCKET, MASSACHUSETTS 02554
TELEPHONE 508-228-7231 • FAX 508-325-7572

March 9, 1998

Barbara Ann Charder
P.O. Box 734
Nantucket, MA 02554

Dear Ms. Charder:

Regarding your applications for moving and altering the house at 121 Orange Street, the HDC, meeting on February 19, 1998, voted for the disapproval of both applications.

The reason for the disapprovals is that the review period for the applications was due to expire, and the majority of the HDC members did not feel that they had sufficient information about what was being proposed to vote for approval.

If you have any questions regarding this issue, please contact the HDC office at 228-7231.

Sincerely,

David Wiley
Chairman

CERTIFICATE NO: 31,650 A DATE ISSUED: 2/17/98

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

Incomplete applications will not be reviewed by the HDC. All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

√ PROPERTY DESCRIPTION

TAX MAP N°: 055 PARCEL N°. 389

Street & Number of Proposed Work: 121 ORANGE STREET

Owner of record: BARBARA ANN CHARDER

Mailing Address: P.O. BOX 734

NANTUCKET MA 02554

Telephone: 508 228 1951 (on island) N/A (off island)

I hereby authorize the agent named below to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines.

Barbara Ann Charder

Signature of Applicant/Owner of Record

AGENT INFORMATION (if applicable)

Name: N/A

Mailing Address:

Telephone: (on island) (off island)

FOR OFFICE USE ONLY

Date application received: 12-18-97 Fee Paid: $ 50.00

Must be acted on by: 2-10-98

Extended to:

Approved: Disapproved: ✓

Chairman: David Wiley

Member:

Member:

Member:

Member:

Notes - Comments - Restrictions - Conditions

DUE TO LACK OF REQUESTED INFORMATION

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☒ Addition ☐ Garage ☐ Garage/Apartment ☐ Commercial ☐ Historical Renovation ☒ Deck ☒ Steps ☐ Shed

☐ Color Change ☐ Fence ☐ Gate ☐ Paving ☒ Move Building ☐ Demolition ☐ Revisions to previous Cert. No.

☒ Other (please specify) DORMER + GATE WITH TRELLIS

Size of Structure or Addition: Length: 26' ON STR. Sq. Footage 1st floor: 1040 Decks: Size: (EXISTING) ☒ 1st floor ☐ ~~2nd floor~~ 26 x 6

~~Width: 28'~~ Sq. footage 2nd floor: 728 Size: ☐ 1st floor ☐ 2nd floor

DEPTH 40' Sq. footage 3rd floor:

Difference between existing grade and proposed finish grade: North ZERO South ZERO East ZERO West ZERO

Height of ridge above final finish grade: North 27' South 27' EACH East 27' West 27'

Additional Remarks MOVE STRUCTURE BACK ORANGE STREET

Historic Name:

Original Date:

Original Builder:

Is there an HDC survey form for this building? ☐ Yes ☐ No

REVISIONS* (describe)

1. East Elevation ADD TRELLIS GATE / EXTEND 4 FEET ADD ONE WINDOW CHANGE 2 WINDOWS, REMOVE ASH ADD 2 DOORS

2. South Elevation ADD SUNKEN GARDEN ADD DORMER W/ 4 WINDOWS

3. West Elevation REPOSITION 2 WINDOWS CHANGE SIZE, ADD DOOR REPOSITION DECK

4. North Elevation ADD ONE WINDOW FIRST FLOOR, EXTEND 4 FEET ADD TWO WINDOWS BASEMENT

*Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed ☐ Block ☐ Block Parged ☐ Brick (type) ☒ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) ☐ Other

Roof Pitch: Main Mass /12 Secondary Mass /12 Dormer /12 Other

Roofing material: ☒ Asphalt Manufacturer

☐ Fiberglass Manufacturer

☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.)

Fence: Height: Length: Type:

Skylights (flat only): Manufacturer Model No. Size Location

Manufacturer Model No. Size Location

Gutters: ☒ Wood (type) ☐ Aluminum ☐ Copper

Leaders (material and size):

Sidewall: ☒ White cedar shingles ☐ Clapboard (exposure: inches) Front only

☐ Other

Trim: Lumber type ☐ Pine ☐ Redwood ☒ Cedar ☐ Other

Treatment ☒ Paint ☐ Stain-solid ☐ Natural to weather ☐ Clear oil finish

Dimensions: Fascia Rake Soffit (Overhang) Corner boards

Frieze Window Casing Door Frame Other

* Windows: ☐ Double Hung ☐ Casement ☐ Other

☐ True Divided Lights(muntins) ☐ Snap-in Grilles

* Doors (type and material): Front WOOD Rear GLASS + WOOD Side WOOD + GLASS

Garage Door(s): Type Material

Landscape materials: Driveways SHELL Walkways Walls

* Note: Complete door and window schedules are required.

COLORS

Sidewall Clapboard (if applicable) Roof

Trim Sash Doors

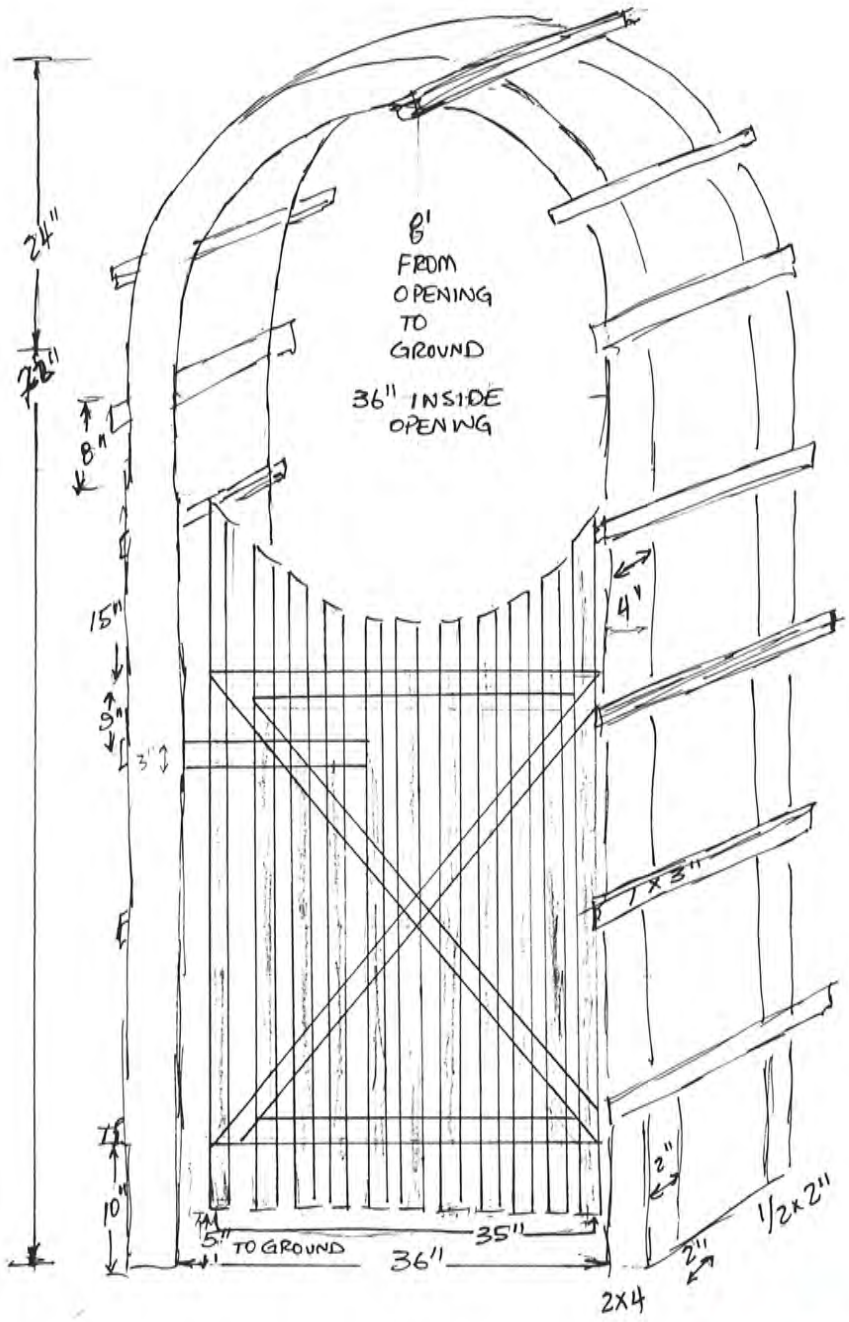
Deck Foundation Fence Shutters

* Attach manufacturer's color samples.

Note: It is strongly recommended that the applicant be familiar with the HDC guidelines, Building with Nantucket in Mind, prior to submittal of application. Please see other side for submittal requirements.

I hereby agree to abide by and comply with the terms and conditions of this application.

Date 18 DEC 97 Signature of owner of record Barbara Ann Charder Signed under penalties of perjury



#3
TOTALLY NEW

ENTRANCE

TRELLIS FOR

NEW DAWN

ROSES

1x3
SLATS EVERY 10½ - 12"

1SQ = 4"

DOOR 11 SLATS (½x2)
HINDGE RIGHT
LATCH 12"
36" OPENING

8' TALL
SLATS NOT DRAWN TO SCALE
121 ORANGE STREET
18 DECEMBER 97
EAST

#31650
2/19/98

DISAPPROVED

P.O. Box 734
Nantucket MA 02554
24 February 1998

BY HAND 24 February 1998

Historic District Commission
Nantucket, MA 02554

Dear Bob,

This is a written confirmation of our verbal conversation of 16 February 1998 requesting an extension of my requests before the HDC.

Thank you for your cooperation in this matter. I look forward to working with you in the future.

Sincerely,

Ara Chamber