

Town and County of Nantucket Select Board • County Commissioners

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



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Nantucket, Massachusetts 02554

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD APRIL 27, 2022 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:

https://youtu.be/Aiui_VzxNj8

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_bz9cb3C2SomT4IslcwH47g

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. 2022 Annual Town Meeting is Monday, May 2, 2022 at 5:00 PM at Nantucket High School, Mary P. Walker Auditorium, 10 Surfside Road.
 3. Annual Town Election Scheduled for Tuesday, May 10, 2022 from 7:00 AM to 8:00 PM at Nantucket High School, 10 Surfside Road.
 4. 2022 Committee/Board/Commission Vacancies.
 5. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES AND WARRANTS***
 1. Approval of Minutes of April 13, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for April 17, 2022.
3. Approval of Treasury Warrants for April 20, 2022; April 27, 2022.
4. Approval of Pending Contracts for April 27, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. PUBLIC HEALTH DEPARTMENT

1. Monthly COVID Report/Update.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Salt Marsh Senior Center: Request for Gift Acceptance.
2. Bartlett Tree Experts: Request for Waiver of Town Noise Bylaw from 5:00 AM to 8:00 AM, April 28 to October 1, 2022 for Multiple Locations for Spraying.
3. Nantucket Preservation Trust: Request for Preliminary Review of Historic Preservation Restriction to be Held by Nantucket Preservation Trust, Inc. for Property Located at 55 Union Street.
4. Human Services Contract Review Committee: Review of FY 2023 Reports (2) and Recommendations for 2022 Annual Town Meeting.
5. Request for Approval and Execution of Release of Easements for Areas "E1" and "E2," Shown on Plan of Land Entitled "Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts," Dated October 26, 2021, Prepared by Earle & Sullivan, Inc., Pursuant to Vote on Article 105 of 2021 Annual Town Meeting, to be Granted to:
 - a) Kristopher Megna and Douglas Carlson, Easement "E-1," Hancock Street;
 - b) Randi A. Alberry, Easement "E-2," Hancock Street.

X. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from Verizon New England Inc. and Nantucket Electric Company for Plan #MA2021-26 to Relocate Two Jointly Owned Poles (Pole 19/1 and Pole 19/2) on North Beach Street at Easton Street, and Associated Wires, Cables and Fixtures to Facilitate the Visibility of a Stop Sign (Continued from April 13, 2022; Request to Continue to May 11, 2022).
2. Public Hearing to Consider the Taking of Portions of Hawthorne Street, as Shown as Parcels 3, 4 and 5 on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Dated September 23, 2021, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2021-67 for Public Access and/or General Municipal Purposes and for the Purpose of Conveyance of the Fee Title or Lesser Interests, Together with any Public or Private Rights of Passage, as Authorized by MGL Chapter 79 and Vote on Article 98 of 2011 Annual Town Meeting.
3. Public Hearing to Consider Application for Amended Bulk Fuel Storage License for Nantucket Memorial Airport to Change One 20,000-gallon UST from AvGas to

Jet A fuel, for Property Located at 14 Airport Road, Nantucket (Map 78, Parcel 1), Pursuant to MGL Ch. 148 § 13.

4. Public Hearing to Consider Sidewalk Dining Permit Fees and Applications for 2022.

XI. TOWN MANAGER'S REPORT

1. Request for Review and Approval of Host Community Agreement Policy Terms for Marijuana Cultivators.
2. FY 2022 Third Quarter Budget Reports: General Fund; Our Island Home Enterprise Fund; Solid Waste Enterprise Fund.
3. Update on Airport Water Main Extension Project and Cost Repaving/Repairing Private Road.
4. Update on Request for Proposals for Shooting Range Facility at Portion of 1 Shadbush Road.
5. Monthly Town Management Report.
6. State of the Town Report.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports.

XIII. ADJOURNMENT

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

SELECT BOARD AGENDA PROTOCOL:

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

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 2021

Select Board
2022 Committee Appointments Timeline
As of 4/7/2022

April 6 – Select Board review list of openings.

April 12 – Notify members of committees whose terms are expiring.

April 21 and 28; May 5 and 12 – Advertise committee openings in newspaper and on Town's website; put on Select Board agenda as announcement starting mid-April.

May 20 at 12:00 PM – Deadline for submitting applications for committee openings that will be reviewed on June 1 to Town Administration office. This includes applications for:

- Agricultural Commission;
- Airport Commission;
- Board of Health;
- Cannabis Advisory Committee;
- Capital Program Committee;
- Cemetery Commission;
- Coastal Resiliency Advisory Committee;
- Conservation Commission;
- Contract Review Committee, Human Services;
- Council for Human Services;
- Council on Aging;
- Cultural Council;
- Finance Committee.

May 25 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board's packet.

June 1 – Meeting for above listed committee applicants to introduce themselves and review their applications.

May 27 at 12:00 PM – Deadline for submitting applications for committee openings that will be heard June 9 to Town Administration office. This includes applications for:

- Historic District Commission Associate;
- Nantucket Affordable Housing Trust;
- Nantucket Historical Commission;
- Nantucket Historical Commission Alternate;
- Planning Board Alternate;
- Real Estate Assessment Committee;
- Roads and Right-of-Way Committee;
- Scholarship Committee;
- Tree Advisory Committee;
- Zoning Board of Appeals; and
- Zoning Board of Appeals Alternate.

June 1 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board's packet.

June 8 – Meeting for above listed committee applicants to introduce themselves and review their applications.

June 22 – Committee appointments.

2022 Committee Openings Information
As of 4/26/2022

Committee	# seats open	Term Expiration	Notes
Agricultural Commission	2	2023	vacant
Agricultural Commission	2	2025	vacant
Airport Commission	1	2025	
Board of Health	1	2025	
Capital Program Committee	1	2025	
Cemetery Commission	1	2025	
Coastal Resiliency Advisory Committee	1	2023	
Coastal Resiliency Advisory Committee	1	2024	
Coastal Resiliency Advisory Committee	1	2025	
Conservation Commission	3	2025	
Contract Review Committee, Human Services	1	2025	
Council for Human Services	3	2025	
Council on Aging	3	2025	
Cultural Council	3	2025	
Finance Committee	3	2025	
Historic District Commission Associate	1	2025	
Nantucket Affordable Housing Trust	2	2024	2-year term; at-large
Nantucket Affordable Housing Trust	1	2024	2-year term; real estate agent/broker
Nantucket Historical Commission	2	2025	
Nantucket Historical Commission Alternate	1	2025	
Planning Board Alternate	1	2025	
Real Estate Assessment Committee	1	2025	
Roads and Right of Way Committee	3	2025	
Scholarship Committee	2	2025	
Tree Advisory Committee	2	2025	
Zoning Board of Appeals	1	2027	5-year term
Zoning Board of Appeals Alternate	1	2025	3-year term

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
April 27, 2022

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Purchase Agreement	Public Works	C.N. Wood Enviro LLC	\$262,590.00	Purchase of Replacement Sweeper Truck	Article 10 ATM 2021 Article 10 ATM 2017	April 1, 2022 June 30, 2022
Professional Service Agreement	Our Island Home	Citrin Cooperman, LLC	\$90,000.00	Preparation of Annual Nursing Home Cost Report	OIH Budget	April 1, 2022 March 30, 2025
Professional Service Agreement	Our Island Home	Favorite Healthcare Staffing	\$200,000.00	Traveling Nurse Services, as needed	OIH Budget	May 1, 2022 June 30, 2024
Professional Service Agreement	Sewer	Hazen & Sawyer, P.C.	\$568,033.00	Children's Beach Area Stormwater Drainage System Assessment: CCTV Pipe and Structure Inspection Services	Article 13, ATM 2021	April 1, 2022 June 30, 2023
Collective Bargaining Agreement	Select Board	AFSCME (DPW and Sewer)	Varies by year and category	Ratification of Agreement	Various Departmental Budgets	July 1, 2020 - June 30, 2023
Collective Bargaining Agreement	Select Board	Police Patrol Officers 330	Varies by year and category	Ratification of Agreement	Police Dept Budget; Contractual Obligations	July 1, 2020 - June 30, 2023
Collective Bargaining Agreement	Select Board	Police Superior Officers 330a	Varies by year and category	Ratification of Agreement	Various Town Budget	July 1, 2020 - June 30, 2023
Collective Bargaining Agreement	Select Board	1099 SEIU (Our Island Home)	Varies by year and category	Ratification of Agreement	Various Town Budget	July 1, 2020 - June 30, 2023
Collective Bargaining Agreement	Select Board	LiUNA 1249 (Deputy Police Chief)	Varies by year and category	Ratification of Agreement	Various Town Budget	July 1, 2020 - June 30, 2024
Professional Service Agreement	Marine Department	KOBO Utilities	\$48,759.00	Install primary electrical service to Marine Maintenance building on Shadbush Rd.	Waterways Improvement Fund	April 1, 2022 June 30, 2022
Lease	Town Admin/Select Board	Maria Mitchell Association	\$4000/mo, plus utilities	Seasonal and year-round rental property at 31 Washington St	FY 22/23 Police/Marine/Town Admin budgets	May 1, 2022 - TBD

CONSENT AGENDA ITEMS FOR 4/27/2022 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Human Services (Saltmarsh Senior Center):
 - o Gift of \$250 from Aileen Hart

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

Town Administration will ensure that letters of thanks are sent.



MEMO

Date: April 20, 2022
TO: Jason Bridges, Select Board Chair
CC: Jerico Mele, Director of Human Services
FROM: Laura Stewart, Saltmarsh Senior Center, Program Coordinator
RE: Request for acceptance of gift

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

From Aileen Hart: \$250.00 a gift for the Saltmarsh Center

Thank you,

Laura Stewart

from the desk of.....

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

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



Agenda Item Summary

Agenda Item #	IX. 2.
Date	4/27/2022

Staff

Erika D. Mooney, Operations Administrator

Subject

Bartlett Tree Experts request for waiver of Town Noise Bylaw

Executive Summary

Bartlett Tree Experts is requesting a waiver of the Town Noise Bylaw from 5:00 AM to 8:00 AM for tick, mosquito and tree/shrub treatment from April 7 to October 1 in multiple locations. This has been an annual request, approved by the Select Board, since 2016.

Staff Recommendation

Approve the waiver of the Town Noise Bylaw as requested.

Background/Discussion

In 2021, members of the public commented that the noise generated is an issue. Board Member Melissa Murphy commented that if there is a significant problem during the summer of 2021, neighborhood associations such as Brant Point should send a letter to the Board. No letters of complaint have been received. Town Administration also checked with the Police Department about potential complaints against Bartlett Tree Experts during the 2021 season and none were called in or filed specific to Bartlett.

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

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

Email from Bartlett Tree Experts



From: [James Cook](#)
To: [Erika Mooney](#)
Subject: Town Noise Bylaw Waiver
Date: Friday, April 8, 2022 10:30:21 AM

Dear Erika,

Bartlett Tree Experts would like to request a waiver of the Town Noise Bylaw from 5am to 8am for tick, mosquito and tree/shrub treatment from April 15 to Oct 1. Please advise.

Best,

Jim Cook

JAMES COOK ARBORIST REPRESENTATIVE
BCMA ISA Board Certified Master Arborist ISA TRAQ NE-6588B

BARTLETT TREE EXPERTS

1 Salros Road, Nantucket, MA 02554

p (508) 813-6245

e jcook@Bartlett.com

facebook.com/bartletttreeexperts

bartlett.com

JAMES COOK ARBORIST REPRESENTATIVE
BCMA ISA Board Certified Master Arborist ISA TRAQ NE-6588B

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Agenda Item Summary

Agenda Item #	IX. 3.
Date	4/27/2022

Staff

Erika D. Mooney, Operations Administrator

Subject

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

Executive Summary

Pursuant to the Board's Conservation Restriction and Preservation Restriction Policy, when an HPR is submitted, it is preliminarily reviewed by the Select Board to give Members opportunity for comments before being sent to Town Counsel for review and an issuance of a report.

Staff Recommendation

Review the HPR and vote to forward to Town Counsel for review and issuance of a report.

Background/Discussion

N/A

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

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

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Master Plan conservation policy



Attachments

Conservation Restriction and Preservation Restriction Policy; cover letter from Nantucket Preservation Trust; draft HPR for 55 Union St; letter from Mass. Historical Commission





TOWN OF NANTUCKET

CONSERVATION RESTRICTION AND PRESERVATION RESTRICTION POLICY

Effective date: February 23, 2011

Adopted: February 23, 2011

I. Purpose

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

II. Policy

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

III. Process

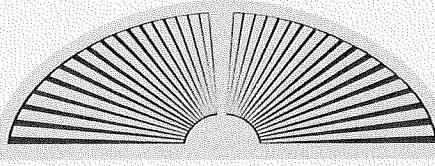
Proponents must submit a copy of a preliminary restriction to the Board of Selectmen requesting review and comment. Once the Board's preliminary review is complete, and the state has reviewed the restriction and it is in its final form, the proponent must then submit the final document to Town Administration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

IV. Fee

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

V. Noncompliance

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



NANTUCKET PRESERVATION TRUST

Preserving the Island's Architectural Heritage

BOARD OF DIRECTORS

Executive Committee

Ken Beaugrand, *Chairman*

Alison Potts, *President*

David Brown, *Vice Chairman*

Anne Troutman, *Vice President*

Christian Hoffinan, *Vice President*

Bill Moore, *Treasurer*

Barbara Halsted, *Secretary*

Directors

Mary-Randolph Ballinger

Andrew Forsyth

Al Forster

Susan Zises Green

Jon King

Michael Kovner

Mary-Adair Macaire

Angus MacLeod

Albert Messina

Bernadette Meyer

Craig Muhlhauser

Mickey Rowland

Michael Sweeney

Debra Treyz

Advisors

Kathy Arvay

Susan Boardman

Caroline Ellis

Michelle Elzay

Mary Helen Fabacher

Michael Fabacher

Nancy Forster

Betsy Grubbs

Carol Kinsley

Marcia Richards

Esta-Lee Stone

Marie Sussek

Pam Waller

Executive Director

Mary Bergman

April 14, 2022

Mr. Jason Bridges, Chair

Select Board

Town of Nantucket

16 Broad Street

Nantucket, MA 02554

Dear Mr. Bridges,

I am writing regarding a pending preservation restriction agreement requiring the Select Board's review.

55 Union Street (the Nicholson-Andrews House) was constructed in 1835. Much of the building remains in nearly unaltered condition and retains a range of elements that represent local building practices and architectural tastes during the height of Nantucket's prosperity during the whaling industry. The Nicholson-Andrews House is a notable example of transitional Federal/Greek Revival architecture on Nantucket that preserves all the major elements of a local vernacular house type, known as a "Typical Nantucket House." The building was conserved in 2015 after a nearly sixty-year interval where it remained vacant.

We hope the Select Board will agree this property highlights important aspects of Nantucket's cultural and architectural history and should be preserved in this meaningful way.

Sincerely,

Mary Bergman

Executive Director

HISTORIC PRESERVATION RESTRICTION

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

WITNESSETH:

WHEREAS, Grantor is owner in fee simple of certain real property located at 55 Union Street in the Town and County of Nantucket, Commonwealth of Massachusetts, as more particularly described in Grantor's deed of title, recorded with the Nantucket Registry of Deeds in Book 1458, Page 294, and in Exhibit A, attached hereto and incorporated herein by reference (hereinafter "the Property"), and as further depicted and described on a plan, titled "Perimeter of Land in Nantucket, Massachusetts", prepared for B.P.A. Nominee Trust and G.E.A. NomineeTrust, by Emack Surveying, LLC, dated October 4, 2014, and recorded with the Nantucket Registry of Deeds as Plan 2014-92, a copy of which is attached hereto and incorporated herein by reference as Exhibit B, said Property including the following structure:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. GRANTOR'S COVENANTS

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

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

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

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

3. GRANTOR'S CONDITIONAL RIGHTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. ADMINISTRATION AND ENFORCEMENT

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

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

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

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

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

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

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

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

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

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

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

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

13. BINDING EFFECT; ASSIGNMENT.

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

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

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

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

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

14. PERCENTAGE INTERESTS; EXTINGUISHMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GRANTOR
George Gray, LLC

Michelle Elzay, General Partner

Penelope Austin, General Partner

GRANTEE
Nantucket Preservation Trust, Inc.

Alison Potts, *President*

Bill Moore, *Treasurer*

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

Notary Public

My Commission Expires:

APPROVAL BY SELECT BOARD OF THE TOWN OF NANTUCKET

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

Select Board of the
Town of Nantucket

Jason Bridges, Chair

Dawn E. Hill Holdgate, Vice Chair

Matt Fee

Kristie L. Ferrantella

Melissa Murphy

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

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

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

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

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

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

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

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

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

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

Notary Public

My Commission Expires: _____

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

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

Brona Simon
Executive Director and Clerk
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

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

Notary Public

My Commission Expires _____

SCHEDULE OF EXHIBITS

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

EXHIBIT A

LEGAL DESCRIPTION

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

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

**Plan of "Perimeter of Land in Nantucket, Massachusetts" dated October 4, 2014.
Recorded at Nantucket County Registry of Deeds as Plan 2014-92.**



EXHIBIT C



Photo #1 – façade (east elevation)



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

EXHIBIT C



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

EXHIBIT C



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



Photo #5 – west elevation of Rear Ell

EXHIBIT C



Photo #6 – north elevation of Rear Ell



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

EXHIBIT C



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



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

EXHIBIT C



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



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

EXHIBIT C



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



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

EXHIBIT C



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



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

EXHIBIT C



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



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

EXHIBIT C

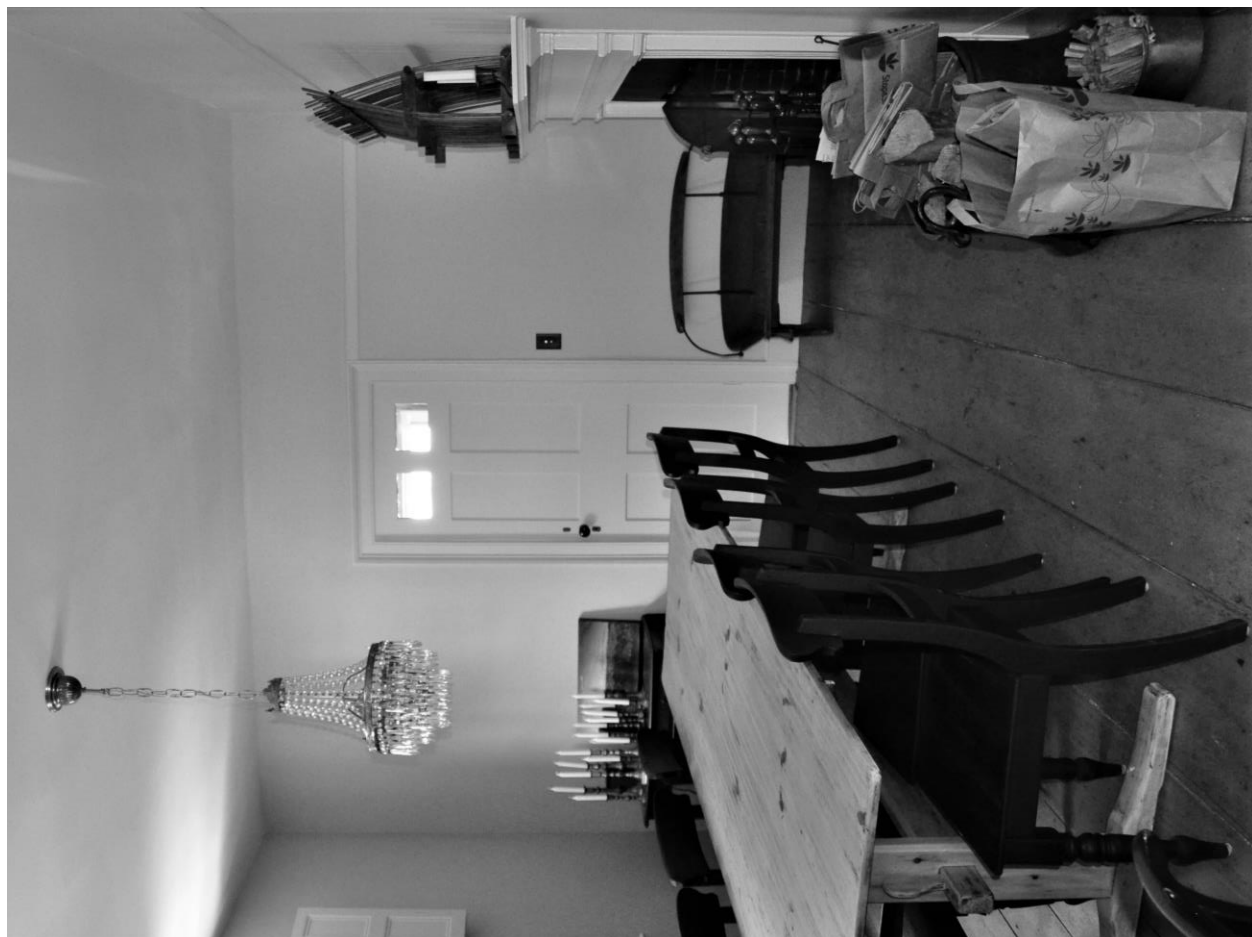


Photo #18 – interior 1st storey dining groom (northwest room)



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

EXHIBIT C



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



Photo #21 – interior 2nd storey southeast chamber

EXHIBIT C



Photo #22 – interior 2nd storey southeast chamber



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

EXHIBIT C

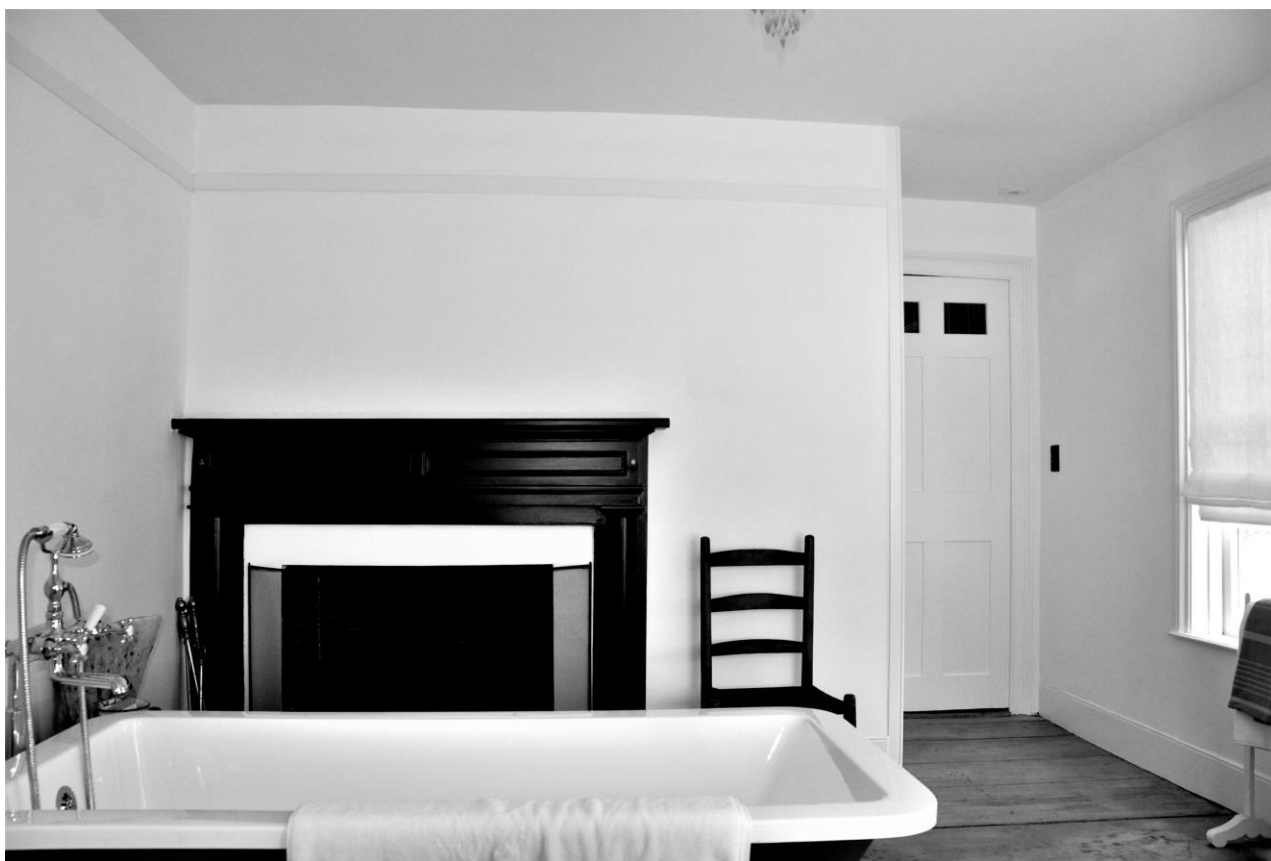


Photo #24 – interior 2nd storey southwest chamber (bathroom)

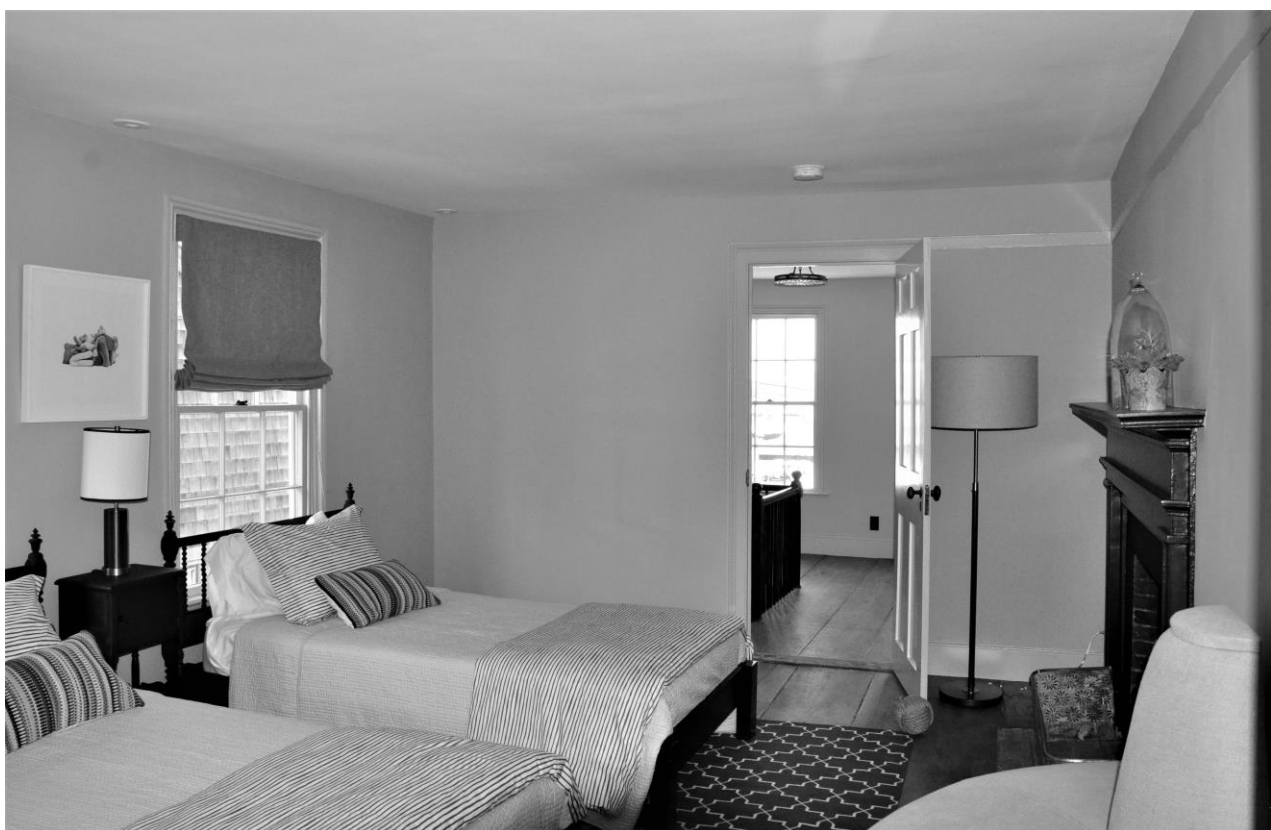


Photo #25 – interior 2nd storey – northwest chamber

EXHIBIT C



Photo #26 – interior 2nd storey northwest chamber



Photo #27 – interior 2nd storey staircase to attic

EXHIBIT C



Photo #28 – interior attic south wall



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

EXHIBIT C



Photo #30 – interior attic north room



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

EXHIBIT C



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

EXHIBIT D

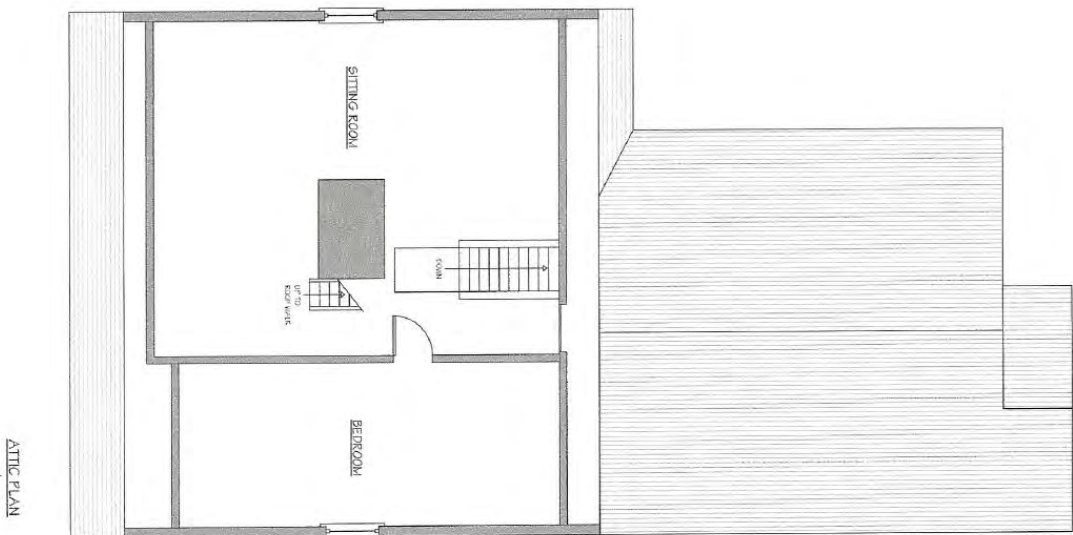
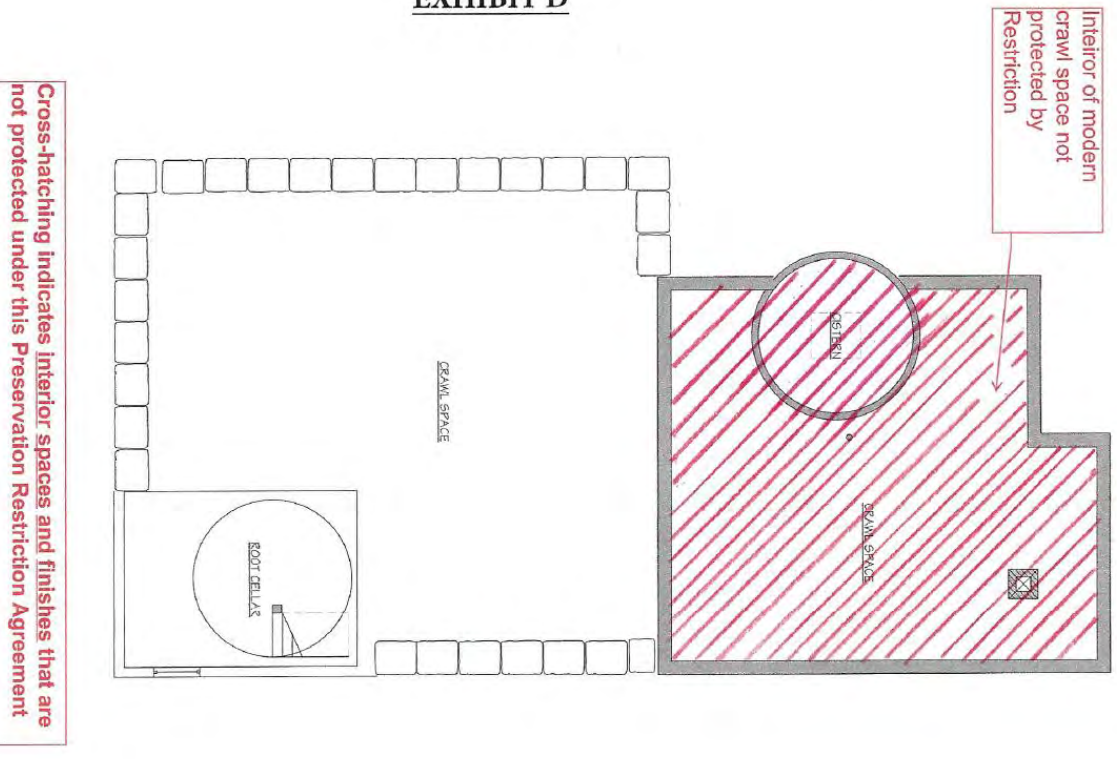
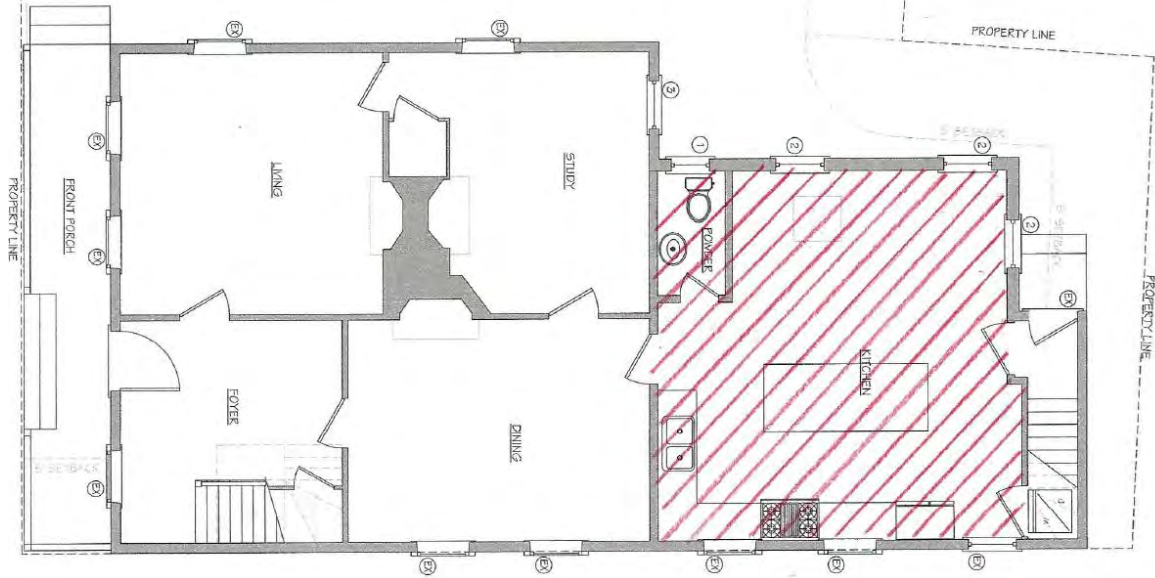


EXHIBIT D



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

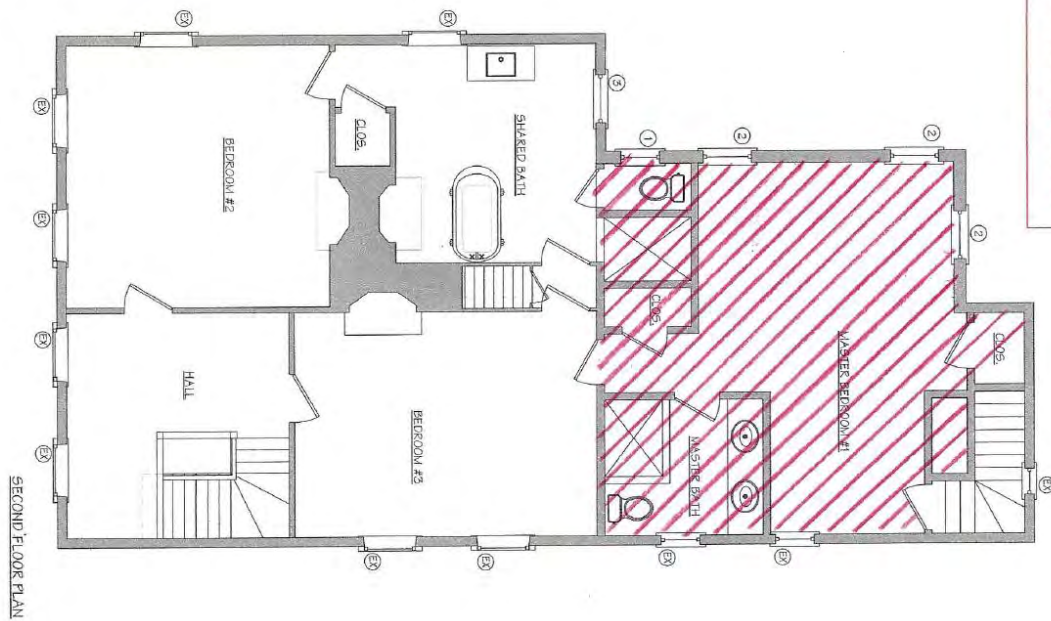


EXHIBIT E

FORM B – BUILDING

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

Photograph



Locus Map



Recorded by: Brian Pfeiffer

Organization: Nantucket Preservation Trust

Date (month / year): May 11, 2016

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

55.1.4 89

Town/City: Nantucket

Place: (neighborhood or village): Old Town

Address: 55 Union Street

Historic Name: Nicholson-Andrews House

Uses: Present: single-family residence

Original: single-family residence

Date of Construction: 1835

Source: deeds

Style/Form: Greek Revival

Architect/Builder: John Nicholson, housewright

Exterior Material:

Foundation: brick & rubble stone

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

Roof: wood shingle

Outbuildings/Secondary Structures: none

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

Condition: excellent

Moved: no ☒ yes ☐ Date:

Acreage: 0.10 acres

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

EXHIBIT E

INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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

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

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

ARCHITECTURAL DESCRIPTION:

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

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

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

MAIN BLOCK:

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

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

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

Continuation sheet 1

EXHIBIT E

INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION

220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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

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

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

REAR ELL:

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

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

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

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

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

Continuation sheet 2

EXHIBIT E

INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION

220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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HISTORICAL NARRATIVE

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

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

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

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

BIBLIOGRAPHY and/or REFERENCES

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

Nantucket Registry of Deeds.

EXHIBIT F

RESTRICTION GUIDELINES

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

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

PAINT

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

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

WINDOWS AND DOORS

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

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

EXTERIOR

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

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

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

LANDSCAPING/OUTBUILDINGS

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

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

WALLS/PARTITIONS

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

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

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor: Repair of existing systems.

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

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

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

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



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

April 13, 2022

Mary Bergman
Executive Director
Nantucket Preservation Trust
PO Box 158
Nantucket, MA 02554

RE: Preservation Restriction Agreement, 55 Union Street (aka Nicholson-Andrews House), Nantucket, Massachusetts

Dear Ms. Bergman:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the revised draft Preservation Restriction Agreement for the above-referenced property. The following comments are provided under the MHC's approval authority for preservation restrictions under M.G.L. Chapter 184, Section 32.

The MHC is prepared to approve the Preservation Restriction Agreement for the Nicholson-Andrews House, 55 Union Street, Nantucket, conditional upon the incorporation of the following comments:

- 1) Page 9. Paragraph 8. Section 2. Line 9. Please replace the word "above" at the end of this section with "hereof".
- 2) Page 16. Paragraph 17. Line 5 and 6. Please insert a comma after the word "Act" at the end of line 5, and after the word "Code" on line 6. The phrase should read "...including the Act, Section 501 (c) (3) of the Code, and the laws of the Commonwealth...".

Once these final edits are completed the Agreement can be executed by Grantor and Grantee. No further review by MHC is needed. Once approved by the Nantucket Select Board, the complete original Agreement (or multiple originals if they have been created) with all Exhibits should be forwarded to the MHC for its signature approval. Before forwarding please review all the notary signature verifications to assure they have been correctly completed. Notary errors and omissions are common, and MHC will not approve Agreements with any irregularities in the signature verifications.

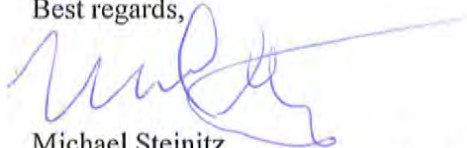
Once approved we will return the Agreement to you for recording at the Registry of Deeds. Once the Agreement has been recorded, we ask that you return to us a Registry facsimile copy of the complete agreement, showing the Registry recording and date-received stamps, for our files.

In its March 24, 2022 letter, MHC requested that you provide us with the original, digital Word file for the Form B -Building included as Exhibit E of the Agreement. We have not received this to date. It

can be as an email attachment as long as the digital file is less than the 15 mb size limit of the state email system.

Please don't hesitate to contact me with any questions regarding the comments included in this letter.

Best regards,



Michael Steinitz
Deputy State Historic Preservation Officer
Director, Preservation Planning Division
Massachusetts Historical Commission
Michael.steinitz@sec.state.ma.us
978-836-2438 (mobile)

CONTRACT REVIEW COMMITTEE

February 23rd 2023

REPORT AND RECOMMENDATIONS:

FY 2023 HUMAN SERVICES GRANT AGREEMENTS

This presents the independent report and recommendations of the Contract Review Committee (CRC) regarding the placement on the Town Warrant of Proposed Awards of Town Human Services Grant Agreements for FY2023. This report is submitted to the Finance Committee and the Select Board as required by Chapter 12 Section 6 of the Code of the Town of Nantucket.

In support of our recommendations, the CRC also forwards the following attachments:

- Will add all attachments
-

Note: do to the size of some of the above attachments; they may be available only in hardcopy by request.

SUMMARY

The Town Administration has earmarked \$650,000 for Human Services Grants in FY2023, the continued allocation of funds confirms for all residents Town Managements understanding of the importance and value of the Town's support of human service providers in the community. The CRC maintains that the economy, public health ,safety concerns, as well as changing population and demographics, increases human service's needs, while amply justifying the sum that the Town has budgeted for this purpose

The CRC acknowledges the monies allocated and the efforts of the town to maintain the funding, although would like to discuss additional funding.

For FY2023 the CRC received 11 grant applications totaling \$888,635.24, in FY22 the CRC received 13 grants totaling \$773,852.14, reflecting a 14.83% increase in requests. The grant request is 36.71% higher than the allocated funds available.

Human Service Grant Application Review Process

The CRC has done their due diligence and deliberated carefully in crafting the recommendations for FY2023 allocation of grant monies to the private nonprofits providing human services. In doing so, a public service can be identified.

The Human Service Grant application process provides us with a precise, complete and informative understanding of each of the human service providers. The following methodology is applied in the grant process.

- Members Review of each grant proposal for FY2022
- Proposed programs and services
- What impact does your service have to the client?
- How does your service differ from other providers?
- How sustainable will the delivery of services be?
- How do you cover deficits in budgeted programs?
- Do you search for other grants and funding?
- Do you pursue insurance reimbursements when applicable?

- Did the provider collaborate effectively with other human service providers?
- Did the provider reach the goals set in the previous year?
- Where services expanded within the previous FY?
- The CRC board members then paired up to do on-site and zoom interviews with grant applicants allowing CRC members to gather more detailed and accurate information in respect to the programs day-to-day functions.
- The CRC members presented the individual findings on the applications. In some instances, the CRC met with individual human service grant providers on multiple times to answer questions
- The CRC then held deliberations on the findings

The Human Service Grant application process provides us with a precise, complete and informative understanding of each of the human service providers.

The CRC recognizes that each of the grant applications provides crucial human services that parallel the public services the Town provides. The allocation of funds is made with an understanding of the financial needs and means as outlined by the applicants. In reviewing each proposal, we have determined that a public purpose is served by the services, that the provider has demonstrated that the proposal is cost-effective, and the services meet a specific need level identified by the Council for Human Services 2010 Back to Basics report to the Board of Selectmen on Human Services Contracting, and The Nantucket Community Health Assessment

FY21. The CRC is honored to be a part of this longstanding partnership.

Non- Profit Human Services providers and their community impact

The Islands nonprofit human service providers are essential in aligning the social and economic factors facing our community. The island community is experiencing an increased population of citizens who work hard and are above the poverty line however due to the tremendous cost of living and factors often beyond their control struggle to live paycheck to paycheck.

Human service providers tend to become embedded in our communities and have a much greater knowledge and depth of issues residents are experiencing. It is important to recognize all the work that has been done by the Providers to help address the underlying conditions or the root causes of personal, family and community problems. The cause may be addiction, domestic violence, physical or behavioral health, food and housing instability, legal issues or disabilities as well as any of the other problems people have solving on their own.

Ultimately the services they provide affect the community as a whole, while reducing the strain on the local and state resources, our nonprofit human service providers provide some of the most important work in our community. Ultimately they are tasked with a much greater responsibility than providing services they are the advocates for change.

The Town's grant funding of human service providers focuses on service delivered which has been the national trend. However, recent studies suggest if grant funding focused on outcomes achieved we would systematically allow for more innovative approaches that could maximize impact.

When human service providers can break down their deep-rooted barriers and probe nontraditional partnerships with other nonprofits, as well as in the private sector, new outcomes will take shape. This new ecosystem for human service providers will enhance independent and interactive partnerships that are mutually beneficial while aiming to a common goal. Working together enables the providers to collectively find ways for greater function and subtle system-wide impact at less cost while gaining greater strength in securing funds through grants and private donors. Stronger collaboration will ultimately create a client community -based approach with community-based accountability.

By turning our focus to shared outcomes, we will change the perception of the human service providers, opening the doors for a more successful and greater impact.

The Community impact

The COVID-19 pandemic highlighted the rise of economic uncertainty and social distancing while exposing women and children to violence and the important role A Safe Place has in our community.

Mental Health Providers saw marked increases in the number of adults reporting symptoms of stress, anxiety, insomnia and depression during the pandemic, and many turned to alcohol and drugs to help cope with their fears. There was a significant increase in adolescence admitted to programs and hospitals with eating disorders attributed to the changes in day-to-day activities, such as school and organized sports which contributed to a sense of loss of control. When everything else feels out of control, adolescence will try to control the one thing they can- their eating.

Community-based Healthcare provider clinics remained open and had marked increases in patients as well as services. Providing healthcare and preventive health care measures became even more

inaccessible for so many due to the influx of COVID-19 sufferers and the strain it put on hospitals.

Covid 19 exasperated the struggles of individuals and families to meet their basic needs. There was unprecedented use of the food pantries and housing assistance programs. The Interfaith Council emergency food pantry, and rental assistance program, remained essential partners in providing the basic needs of members of our community. Access to enough food plays an important role in the overall health and wellbeing of the community, when economic triggers bring unprecedented food and housing cost.

The Meals on wheels program may be small in size, but the impact they have is immeasurable. The isolation of being stuck at home can affect one's mental, emotional and physical health. Community events that drew seniors and the elderly out of their regular spheres are no longer happening, and these populations have less reason than ever to leave the house and interact with others on a social level. Many elderly people may not have access to social media, an important tool in combating loneliness and connecting with loved ones in this unprecedented time. So the few minutes of guaranteed contact helps the individual, loved ones and elder service keep up this vital link. Meals on wheels became some of the only contact our elders had. The impact of the recent pandemic, both immediate and repercussive, cannot be overstated

The Healing Through the Arts Program has provided a venue to allow participants of all ages to find stress relief through sensory and creative means. Creating art boosts self-esteem while also promoting a sense of accomplishment .By creating art, dopamine is produced in the brain and markers for stress can be reduced.

Stable and reliable childcare programs continue to enhance our community. Allowing workers to have access to stable childcare improves labor productivity, allows caregivers to enter the labor

Stable and reliable childcare programs continue to enhance our community. Allowing workers to have access to stable childcare improves labor productivity, allows caregivers to enter the labor market and pays for itself through increases in family income.

Martha's Vineyard Community services support services for the most vulnerable members of the community with developmental disabilities by providing access to resources and accessibility to programming helps families navigate through some of life's most essential needs. Their advocacy for the rights of both the disabled and their families is surpassed by none. They are a constant and steady ally to our island community.

The ability to access free legal advocacy and representation to help navigate the judicial system is crucial.

The impact of the recent pandemic, both immediate and repercussive, cannot be overstated. That is why it is paramount to recognize the resilience Human service providers demonstrated and their ability to adapt to the needs of our community throughout the COVID-19 epidemic, without disruption of services.

The Towns continued partnership with these Human Service providers demonstrates both the investment Town government and residents have continued to make to the providers and the essential programs they offer.

Supporting data

United States Census Bureau in 2010 identified the Island population at 10,172, the 2020 census estimates the island population at 14,255 this is a 40.14% increase in population over the last decade.

According to the United States Census Bureau and the Massachusetts census data Nantucket County had the largest

population change in the state by percentage at 40.14%, it is important to note that Nantucket County is the smallest in Massachusetts. The second largest growth seen in the state over the same period is Dukes County at 24.5% increase in population. Nantucket has had a 63.83% increase in our population over Dukes County in the last decade. When estimating population per square mile Dukes County has 200 persons per square mile Nantucket County has 298.2 persons per square mile. The significance of these two county's data is the parallel needs of our communities in terms of reliance on natural resources, and sustainability.

The below chart identifies the top ten towns or cities on population growth in Massachusetts according to the US Census and Massachusetts Census Data as identified on the chart six of the top ten are identified in Nantucket and Dukes County .Nantucket is second on the list to Aquinnah who had a population growth of 41.10% from 311 to 439.

Town	2020	2010	population change	% change
Aquinnah	439	311	128	41.10%
Chilmark	1112	866	346	39.95%
Edgartown	5168	4067	1106	27.07%
Hopkinton	18,758	14,925	3833	25.68%
Nantucket	14,255	10,172	4083	40.14%
Oaks bluff	5341	4527	814	17.9%
Plainville	9945	8264	1681	20.34%
Tisbury	4815	3949	866	21.93%
Tyringham	427	327	100	30.58%
Wellfleet	3566	2750	816	29.67%

The Town of Nantucket's 2021 annual census sets the population at 13,200 the annual Town census for 2022 identifies 13,600 as of the date of this report a 3.03% increase from the previous year. There is a 15.79% discrepancy between the U.S. Census Bureau's estimate of 14,255 and the Town of Nantucket census .In contrast to this data, The Nantucket Data Platforms 2018 report earmarked the island population at 17,200 reflecting a 50.8 % discrepancy between the Nantucket Data Platform estimator and the United States Census Bureau census estimate. There are many factors that could speak to some of this such as a possible reluctance among non-documented individuals to identify themselves or family members on official US Government forms but it is difficult to account for the full size of this discrepancy.

Town clerks use an adage formulation that for every registered voter there is a non-registered resident. Using this formulation and Nantucket's registered voter population of 9600 would imply the islands total resident population exceeds 19,200. This would place the total population 34.68% over the current US census.

The US Census identifies 6.6% of the population to be children under the age of five, that would identify 940 children, the recorded births on Nantucket for children under the age of five in the same time period is identified at 740 that is a 27.2% differential. The Census identifies 20.8% of our population to be under the age of 18 that would be 2965.04 individuals. There are 2144 Children under the age of 18 identified by the MA Department of Education and the Massachusetts Department of Early Education in licensed and accredited primary, secondary education, and early education and daycare programs on Nantucket. Using the US Census numbers, that would identify 821.04 children in alternative programs.

The Town of Nantucket Town Clerk registered 158 births for 2022 identifying the parents respectfully as 41.77% of Foreign Nationality,

9.49% as US and Foreign Nationality and 48% registering as US nationality.

The Massachusetts department of Education Public School report shows that we have a 3.27% increase in student population over the last year while their record of enrollment by race and gender continues to show the marked change in our schools demographic makeup again this year. Caucasian students have declined by 8.16%, African-American students have declined by 12.24%, Asian students have declined by 11.11% while Hispanic students have increased by 15.2% Multi race students have increased 15.38 %.

When further reviewing the reports by the MDE Select Population Data (2021-2022) in reference to the Cape and Islands, the district of Nantucket has the lowest population percentage of Caucasian students, as well as the highest Hispanic and African American student populations.

The above data continues to highlight the challenges in all aspects of island services, whether public or private. It also puts a focus on the significance of the diverse and partially unremunerated population, the latter having the effect of reducing formulaic allotments of State and Federal Human Services support. This focuses attention on the importance of the advocacy of the local service providers in their continued effort to gain access to such support and grant funding.

As a community we must be prudent to our obligation to the future of Nantucket as a whole. It is important that we honor what has been given to us by our forefathers, by preserving the history and the beauty that makes Nantucket unique. No community can sustain such growth with limited land and resources. It is our responsibility to make decisions based on the Seventh generation

law, not by what makes our town better today, but where will it stand generations from now. Nantucket has had rapid and unprecedented changes to the island community in the last decade, presented in the data above. It is imperative to engage in honest and frank discussions in the private and public sector of the Island community. Nantucket does not have the natural, public or private resources to sustain this kind of growth.

CRC FY 2023 Article 9 Funding Recommendations

	Agency	FY 2021 Award	FY 2022 Award	FY 2023 Request	FY 2023 CRC Recommendations
1	A Safe Place	\$55,000	\$55,000	\$70,000	\$70,000
2	NAMI/Alliance for Substance Abuse Prevention	\$44,200	\$50,000	\$150,000	\$101,823
3	Elder Services of Cape Cod	\$20,000	\$20,000	\$21,000	\$21,000
4	Health Imperatives	\$75,000	\$90,000	\$120,000	\$120,000
5	Fairwinds	\$116,3	\$176,3	\$191,477	\$191,477

		91.87	23		
6	MV Community Services	\$18,000	\$18,000	\$18,000	\$18,000
7	South Coastal Legal Services	\$4,500	\$4,600	\$4,500	\$4,500
8	Interfaith Council (Rental, Fuel & Food Pantry)	\$70,000	\$70,000	\$80,000	\$80,000
9	NCH Social Services	\$113,950	\$130,671.20	\$190,458.24	\$0
10	Small Friends	\$15,000	\$15,000	\$20,000	\$20,000
11	Artist Association	\$18,200	\$18,200	\$23,200	\$23,200
12	Cape mediation	\$2578.80	\$2205.80	0	\$0
	Totals	\$650,000	\$650,000	\$888635.24	\$650,000

Contract monitoring;

The CRC now meets to go over all quarterly reports submitted by Grant recipients. Quarterly reports are then sent as approved to the Human Service Director before being submitted for allocation of funding.

Adherences to the previous year grants will play a vital role in the

application process and allocation of the grant funding.

In FY2023 contracts the CRC will add provisions to help better monitor the providers. Any additional recommendations will be made on all individual contracts.

Additional comments:

The CRC would like to recognize Kathy Hackett from Martha's Vineyard Community services who retired from her full time position as of January 1st 2022. Kathy was an advocate for some of our most precious and underserved residents. Kathy has dedicated 30 years of her life to advocating and educating families, individuals and the educational community on the rights of the developmentally disabled. Her love, determination, imagination, dedication and magnificent soul will be missed by so many. The impact she has had for generations in this community is compared by very few. We wish her the best of luck!

CONTRACT REVIEW COMMITTEE

FEBUARY 23rd 2022

REPORT AND RECOMMENDATIONS:

FY 2023 CANNABIS GRANT AGREEMENTS

This presents the independent report and recommendations of the Contract Review Committee (CRC) regarding the placement on the Town Warrant of Proposed Awards of Town Cannabis Grant Agreements for FY2023. This report is submitted to the Finance Committee and the Select Board as required by Chapter 12 Section 6 of the Code of the Town of Nantucket.

The CRC acknowledges Town management and the Finance Director for the efforts made to identify the increase in funds to be used for this purpose. The allocation of these funds confirms the community and TOWNS support in efforts to combat and navigate the perils of the DISEASE of ADDICTION.

The CRC received three grant Applications totaling \$299,040 A 49.52% increase over last year's request. In parallel the Town increased funding by 75% from \$100,000 to \$175,000 .The CRC supports this increase.

In support of our recommendations, the CRC also forwards the following attachments:

BUZZFEAD: Here's What The Overdose Death Trial Of Major League Baseball Pitcher Tyler Skaggs Missed About America's Opioid Crisis; Dan Vergano February 20,2022

DEA Warns that International and Domestic Criminal Drug Networks are Flooding the United States with Lethal Counterfeit Pills September 27th,2021

CDC National Center for Health Statistics Provisional Drug Overdose Death Counts UPDATE 2/16/2022

THE SURGEON GENERAL GOV: The Surgeon General's Report on Alcohol, Drugs, and Health 2016 RENEUROBIOLOGY OF SUBSTANCE USE, MISUSE, AND ADDICTION

Psychology Today Is Addiction Really a Biological Disease? [Adi Jaffe Ph.D.](#) July 17th 2018

World health organization Alcohol, Drugs and Addictive Behaviors Unit: The Third WHO Forum on Alcohol, Drugs and Addictive Behaviors June 22-25, 2021 Accelerating Public Health Actions and Addressing New Challenges During the Pandemic.

The reward circuit; how the brain responds to natural rewards and drugs YouTube

The Chemistry of Addiction YouTube

The National Institute on Drug Abuse: Drugs, Brains and Behavior; The Science of Addiction Drugs and The Brain July 2020

The New England Journal of Medicine: Microbiological Advances from the brain Disease Model of Addiction January 28, 2016

The National Institute on Drug Abuse: Drugs, Brains, and Behavior; the Science of Addiction Drug Misuse and Addiction July 20 20

Shatterproof: Addiction in America ;Addiction is a Public Health Crisis

ABC News: Why Opiate Overdose Prevention Programs work as New York City leads Nation with 1st Center, February 19, 2022

The Guardian: Americans are Overdosing on Drugs they don't know they're taking. Zachary B Wolf November 18, 2021

The Guardian Killed by a Pill bottle on Social Media the Counterfeit Drugs poisoning the US Erin McCormick December 23, 2021

The Guardian: Fentanyl Is Spreading Nationwide And Will Lead To A "Fourth Wave" Of Overdose Deaths Dan Vergano May 28th 2021

American Addiction Centers; Oxford Treatment center :How does Stress Relate to Drug Abuse? February 18th 2021

The Town of Nantucket Board of Health: Nantucket Chronic Disease report 2020

Nantucket Community Health Assessment FY2021

https://www.theguardian.com/us-news/2022/feb/17/black-native-americans-fentanyl-deaths-rise-opioid-crisis?CMP=oth_b-aplnews_d-1

<https://www.mass.gov/doc/roadmap-for-behavioral-health-reform-overview-of-the-community-behavioral-health-program/download>

<https://www.mass.gov/lists/current-opioid-statistics>

Science Daily: Alcohol consumption during the COVID-19 pandemic projected to cause more liver disease and deaths December 21st 2021

Note: do to the size of some of the above attachments; they may be available only in hardcopy by request.

Cannabis Grant Application Review Process

The Cannabis Grant application process provides us with, complete and informative understanding of each of the programs providing Addiction services. The areas of focus in this evaluation process are, statement of need, services to be provided, cost effectiveness, statement of goal, previous results, and collaboration. In addition actual- to -date operating budgets as well as projected operating budgets are required.

After thoroughly reviewing each grant proposal and grant presentations, held via Zoom for FY2023 the CRC employed the following methodology to determine the recommended allocation of the Cannabis Grant:

- Proposed programs and services
- What impact does your service have to the client?
- How does your service differ from other providers?
- How sustainable will the delivery of services be?
- The CRC board members then paired up to do on-site and zoom interviews with grant applicants allowing CRC members to gather more detailed and accurate information in respect to the programs day-to-day functions.
- The CRC members presented the individual findings on the applications.
- In some instances, the CRC met with individual human service grant providers on multiple times to answer questions

that arose after board members presentations of their findings.

- The CRC then met with the final findings and deliberated on the grant proposals.
- Follow up calls were conducted by this report preparer to ensure the most up-to-date information and statistics.

The CRC recognizes that each of the grant applications provides critical services to the Island community. The allocation of funds is made with an understanding of the financial needs and means as outlined by the applicants. In reviewing each proposal, we have determined that a public purpose is served by the services, that the provider has demonstrated that the proposal is cost-effective.

Addiction: The Disease

Substance use, Misuse and Addiction is a Neurobiological Disorder brought on by the repeated use of alcohol or drugs. To better understand this disorder, one must better understand how this Neurobiological disorder affects the brain. There are three regions of the brain affected.

The first is the basal ganglia located deep within the cerebral cortex that receives information from cortex, then transmits it to the motor centers, then returns it to the cerebral cortex that controls planning and modulation of movement, memory, eye movements, reward processing, and motivation. Dopamine is received by neurotransmitters to the basal ganglia, the chemical it produces is key in proper function. Alcohol, Opioids and Cocaine give pleasing waves to these neurotransmitters. As substance use increases, these circuits adapt. The reactivity of dopamine in the neurotransmitter circuits of the basal ganglia, alter the ability of the

substance to produce the “high” that comes from use. Defined as tolerance it determines the way the brain will balance to its new norm. This results in the need for a higher amount to reach that high. When substance use is absent the simple pleasures of food, social interaction and sex are often found unenjoyably.

The Extended Amygdala controls our responses to stress, producing dopamine which illuminates the wiring in the basal ganglia that drive the brain to escape unpleasant situations. Together, they control the spontaneous drives to seek pleasure and avoid stress. This produces physical and emotional distress commonly known as withdrawal. These feelings will intensify and deepen as the disorder takes a greater hold on you .There’s no longer a high reached; they’re now seeking not to feel so low.

The third part of brain function compromised is the prefrontal cortex that controls judgment and decision making. When the wiring is altered it compromises the ability to control their impulses, although they are aware of the consequences.

This disorder is a chronic Disease characterized by compulsive opioid, alcohol and cocaine misuse. The cravings they experience are real, as is the reason use continues is because not getting high actually makes you feel worse, then you could imagine. If you go long enough without it, you can vomit, lose control of your bowels, cold sweats, and experience extraordinary pain you want to die. So of course you'll do anything to get another high.

Failure rate for people trying to quit opioids on their own without continued treatment “is somewhere around 100%.” There should be no doubt that if the Alcohol or marijuana that circulated in our country decades ago, had been spiked with the heroin or fentanyl

now readily available across the country, a greater percentage of us would have ended up addicted.

Alcohol and its impact

During the pandemic alcohol sales in Massachusetts within the first four months we're up 485%. A recent study put out by Massachusetts General Hospital discusses the health risks of the increased sales in consumption of alcohol during the COVID-19 pandemic. In summary there is an increased level of alcohol related liver disease and mortality rates. National surveys show alcohol consumption rose by 21%. While identifying increases, by Populations of interest including women, minorities and households with children. Increases can I be identified by the isolation brought on by COVID-19. Can short term increases manifest into long-term trends?

Numerous studies have shown that indirect caregiver influences are associated with increased drinking. Caregivers drinking in front of children can display pro alcohol attitudes. While it can also lead to ineffective coping strategies, as well as behavioral issues. Some other highlighted factors are psychological and drug related problems.

The Pride survey done in 2019 identified that over 60% of high school seniors consumed alcohol. Staggering was the fact that there were 2.8 % of students in the sixth grade that responded to the survey identifying they were drinking at home.

There is a social acceptance for consumption of alcohol, in order to address the issue of alcohol we need to understand the impact of the social acceptance. Informed decisions by healthcare providers, policymakers, and individuals can only be done when we look at the long-term impact on both individuals and society as a whole.

Fentanyl and its impact

This epidemic was first viewed in the early 2010s as a White American problem, then a rural White American problem, and now because of the impact of Covid it's shifting its dynamics and evidence is showing It is showing no boundaries by race.

In unprecedented 100,306 people died between May 2020 and April 2021 from overdoses. That was a 31% increase from the previous year. To put that number in perspective during the same period of time 509,000 Americans died from Covid. That number alone should make us all sit down and take a deeper look at what's happening in our country and community.

There's been a fast rising Drug-related overdose in America by age in youth under the age of 24 according to 2020 federal data ,while accidental death rates increased by 50% in 2020. These drug related overdoses in high school and college-age students are being fueled by fentanyl. Fentanyl is 100 times more potent than heroin.

Experts point to synthetic opioids like fentanyl which have inundated the US market once found primarily in street drugs like heroin, cocaine and methamphetamines, has now found its way into pill form. Heroin on the street is being replaced with fentanyl and is 100 times more potent.

Access to counterfeit pills claiming to be Percocet, Xanax, Adderall and Oxycodone are actually fentanyl filled pills being sold on social media such as Snap chat, Instagram and Craigslist. That orchestrates purchases and home delivery straight to individuals. A report by Tech Transparency Project found Instagram offers an instant "drug pipeline".

In the first 3/4 of 2021 Federal agents confiscated 10 million counterfeit pills two out of every five of those had enough fentanyl to kill. In the last few years the US Government has seized enough

fentanyl to give every American a lethal dose.

In 2019 there was an estimated 10.1 million Americans suffering from addiction the age of 12 and above 9.7 million on prescription painkillers 745,000 heroin users.

Of the 100,306 overdose deaths between May 2020 and April 2021 over 64,000 of those can be accounted to fentanyl overdoses. Nantucket's recorded overdose death in 2020 and 2021 are attributed to fentanyl.

On **September 27, 2021** the **CDC** put out a **Public Safety Alert** the first one in six years in regards to the sharp increase in fentanyl in America.

Guidelines to Treatment Protocol

The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services .SAMHSA's developed The Treatment Improvement Protocol (TIP) as The guiding principles in detoxification and substance abuse treatment to reduce the impact of substance abuse and mental illness on America's communities.

The detoxification process consists of the following three sequential and essential components:

- Evaluation
- Stabilization
- Fostering patient readiness for and entry into treatment.

The guideline also notes that "Placement should be appropriate to the patient's needs".

Stigma

Substance abuse disorder is the most stigmatized health condition in the world. The stigma is perpetuated by the inaccurate and harmful way Substance abuse Disorder is viewed, moral compasses economic perceptions, as well as the continued shame and blame of not trying to stop.

Healthcare facilities sometimes miss read signs of acute intoxication and withdrawal, and the help they need. Staff fears that the person is only seeking more drugs ,so people are fast tracked or kicked out of health care facilities. This deters people suffering from addiction to seek help by highlighting shame and so they refuse treatment. The COVID-19 crisis highlighted the stigma as bystanders and first responders were reluctant to give care .While the danger of overcast hospitals passing over obvious drug problems by the need of directing life-saving resources. When we can recognize this complex Neurobiological Brain Disorder we can facilitate change.

We have criminalized the user and our judicial system has punished them instead of giving them the help they need. Our local systems are gravitating more towards trying to offer placement in programs then jail time.

Only 1 in every 10 people who need treatment receives it, with effective treatments hard to access and is rarely covered by insurance. The misunderstanding and stigma related to Substance misuse disorder makes it difficult to receive high quality, compassionate, evidence based care.

Failure rate for people trying to quit opioids on their own without continued treatment is near100%.

By providing ongoing education, discussions and access to pertinent informed information we can begin to change the stigma wrongfully associated with this disorder.

Nantucket Substance Abuse

The Nantucket Chronic Disease Report 2020 and Nantucket Community Health assessment FY 2021 both identify the tourist/Summer community as influential in the “glamorized” use of drugs and alcohol as key components to Substance abuse disorder in our community.

This reporter believes there are other variables that are of equal influence. The scientifically proven genetic component of substance abuse disorder, the shortage of diverse mental health programs, and the shortage of providers. High levels of stress, or chronic stress related to economic factors of living on Nantucket. Abuse at all ages whether, emotional, physical or sexual. A antiquated judicial system. The isolation of our community, limits the ability to access a variety of stimulating activities. Limited Adult education classes providing continuing education and college credits, as well as use of public indoor space for adult activities are among a handful that should be looked at. By placing the onus on the summer community we divert from finding the core problems and solutions in our year round community.

Substance misuse and abuse most likely affects one of the following: neighbors, coworkers, friends and/or our family. All of these fractions carry unforeseen emotional and financial burdens associated with this disorder. Living in such a tight-knit community has drawbacks due to the stigma of addiction. Caregivers will always try to protect their loved ones from the long term consequences of barriers that are placed due to the stigma, sometimes inadvertently closing doors for their own survival.

It is difficult for individuals who are not personal affected to understand the loss addiction brings even when one goes through recovery. Returning to the environment that the addiction began in is a tedious and sometimes unattainable goal, as the trigger markers are overwhelming. For some families it means years

without having their loved ones home to celebrate Christmas, Thanksgiving, birthdays and anniversaries.

Recovery programs come with big price tags; some portions are covered by insurance, while others limit time as well as services.

With the beginning foundation of the three programs that will be addressed in the next section there are greater possibilities for individuals and families struggling with this disorder. It will be paramount that a partnership of real collaboration of stakeholders is developed, that is not limited to these grant applicants but involves all Island programs addressing Substance Misuse and Abuse Disorders and Mental Health.

We must be willing to discuss the disease of addiction as a the epidemic it is with open minds and hearts, while in earnest find the funding and resources needed to provide the needed services. The Social cost of this is unquantifiable.

Town of Nantucket Cannabis Grant Applicants

Addiction solutions of Nantucket, Inc.

Addictions Solutions is a medically assisted treatment for opiate and alcohol addictions. Addiction Solution provides Suboxone Naltrexone and injectable Vivitrol for patients with opiate misuse. Patients with Alcohol addiction can access Naltrexone, Vivitrol, Disulfiram (Antabuse) and Campral. The program has the only two licensed Suboxone providers on Nantucket, as well as an RN with specialized certification in addiction. A limited amount of counseling is provided within the office.

Patients are seen Wednesday evenings from 5 to 8 PM and Fridays from 8 to 2. Notably anybody needing services can reach the hotline managed by Dr Lepore 24/7.

Gosnald, Inc.

Gosnald offers a Structured Outpatient Addiction Program with a dedicated LICSW /LMCH/LCSW/MA counselor with supervision within the existing outpatient program. SOAP sessions are held 3-5 days a week for 3.5 hours a day suited for patients whose primary diagnosis is substance-use disorder. SOAP aims to give patients a heightened level of self-awareness about their substance-use disorder, solid relapse prevention skills and a variety of coping skills to help them become independent adults in recovery. Patients are provided support through group therapy and a case manager will assist in creating an aftercare plan to meet the needs of each individual. Recovery management and relapse prevention

- Post-Acute Withdrawal Syndrome
- 12-step orientation
- Neurobiology of addiction
- Medication Assisted Treatment

Fairwinds, Inc.

Fairwinds offers Peer Recovery Coaches- This program promotes recovery by serving as a guide and mentor for individuals recovering from alcohol and substance dependence. Peer Recovery coaches are people who have been successful in the recovery process who help others experiencing similar situations. They have specialized training and receives supervision, to effectively provide non-clinical recovery support to individuals in or seeking recovery. empower the people in their personal journey towards recovery by offering hope while providing advocacy, guidance, support, and knowledge.

Until we are willing to discuss the disease of addiction as a the epidemic it is while in earnest find the funding and resources as

well as the true willingness to discuss addiction as a disease it is as we do other diseases such as diabetes and heart disease this will continue to affect us immensely .

Request:

The CRC respectfully request that the Select Board to adopt the funding recommendation set forth below and that the finance committee is your positive recommendation on these allocations with an article 9 of the town warrant.

CRC FY 2023 Article 9 Funding Recommendations

- No monies are to be applied to direct drug purchases or distribution

Contract monitoring;

The CRC now meets to go over all quarterly reports submitted by Grant recipients. Quarterly reports are then sent as approved to the Human Service Director before being submitted for allocation of funding.

Adherences to the previous year grants will play a vital role in the application process and allocation of the grant funding.

In FY20223 contracts the CRC will add provisions to help better monitor the providers. Any additional recommendations will be made on all individual contracts.

Additional Comments:

The success of all these programs and a collaborative partnership should be the most pertinent part of this grant .The CRC Chair will invite the stakeholders to a round table discussion before the grant begins hoping to set the foundation .We will continue to ask the participants to join us throughout the grant for continued round table discussions our hope is that through these efforts we can build better abilities and access to Federal and State grants to support the efforts of the stakeholders in the community.



Agenda Item Summary

Agenda Item #	IX. 5.
Date	4/27/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Release of two Easement areas in portions of Hancock Street, Surfside

Executive Summary

This is the release of the two easements that the Town took by eminent domain pursuant to Articles 104 and 105 of the 2021 ATM that authorized the taking and subsequent disposition of portions of Hancock Street located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) for public way, drainage and/or general municipal purposes. The proposed easement area is shown on plan entitled "Roadway Easement Acquisition Plan Hancock Street, Nantucket, Mass. Reference 2021 ATM-Article 104 and 105 dated October 26, 2021 prepared by Earle & Sullivan, Inc. " said easements having a combined area of 11,799 square feet.

Staff Recommendation

Proceed with the Release of the two easements. Town Counsel has reviewed, and drafted documentation. REAC approved unanimously on April 11, 2022.

Background/Discussion

The acquisition and this disposition of easements on a so called "paper street" in Surfside is part of the Yard Sale Program.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the previously authorized disposition at the 2021 ATM.

Board/Commission Recommendation

Public Outreach

Approved at Annual Town Meeting.

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

Conforms with the intent of the Yard Sale program

Attachments

Separate Release forms, Articles 104 and 105 of ATM 2021; Plan.



RELEASE OF EASEMENT

The **Town of Nantucket**, a Massachusetts municipal corporation, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts, acting by and through its Select Board (the “Town”), for consideration paid of One Dollar (\$1.00), receipt of which is hereby acknowledged, pursuant to the authority of the vote of Article 105 adopted at its 2021 Annual Town Meeting, a certified copy of which is attached hereto, hereby releases to **Kristopher Megna and Douglas Carlson**, as tenants in common, owners of property at Lot 2A, 28 South Shore Road, Nantucket, Massachusetts, described in a deed recorded with Nantucket County Registry of Deeds in Book 1796, Page 90 (the “Property”), all of the Town’s right, title and interest in the easement rights in the portions of the Property shown as Easement E-1, Hancock Street containing 7,122± s. f. on a plan of land entitled “Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts,” dated October 26, 2021, prepared by Earle & Sullivan, Inc., a copy of which is attached as Exhibit A to the Order of Taking. Said plan is recorded with said Deeds at Book 1883, Page 125.

For title to Town’s easement rights see Order of Taking dated February 23, 2022, recorded with said Deeds in Book 1883, Page 121.

Signature Page to Follow

EXECUTED under seal this _____ day of _____, 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Kristie L. Ferrantella

Matthew G. Fee

Dawn E. Hill Holdgate

Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

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

Notary Public
My Commission Expires:

RELEASE OF EASEMENT

The **Town of Nantucket**, a Massachusetts municipal corporation, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts, acting by and through its Select Board (the “Town”), for consideration paid of One Dollar (\$1.00), receipt of which is hereby acknowledged, pursuant to the authority of the vote of Article 105 adopted at its 2021 Annual Town Meeting, a certified copy of which is attached hereto, hereby releases to **Randi A. Alberry**, owner of property at Lot 2B, 28 South Shore Road, Nantucket, Massachusetts, described in a deed recorded with Nantucket County Registry of Deeds in Book 1828, Page 89 (the “Property”), all of the Town’s right, title and interest in the easement rights in the portions of the Property shown as Easement E-2, Hancock Street containing 4,687± s. f. on a plan of land entitled “Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts,” dated October 26, 2021, prepared by Earle & Sullivan, Inc., a copy of which is attached as Exhibit A to the Order of Taking. Said plan is recorded with said Deeds at Book 1883, Page 125.

For title to Town’s easement rights see Order of Taking dated February 23, 2022, recorded with said Deeds in Book 1883, Page 121.

Signature Page to Follow

EXECUTED under seal this _____ day of _____, 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Kristie L. Ferrantella

Matthew G. Fee

Dawn E. Hill Holdgate

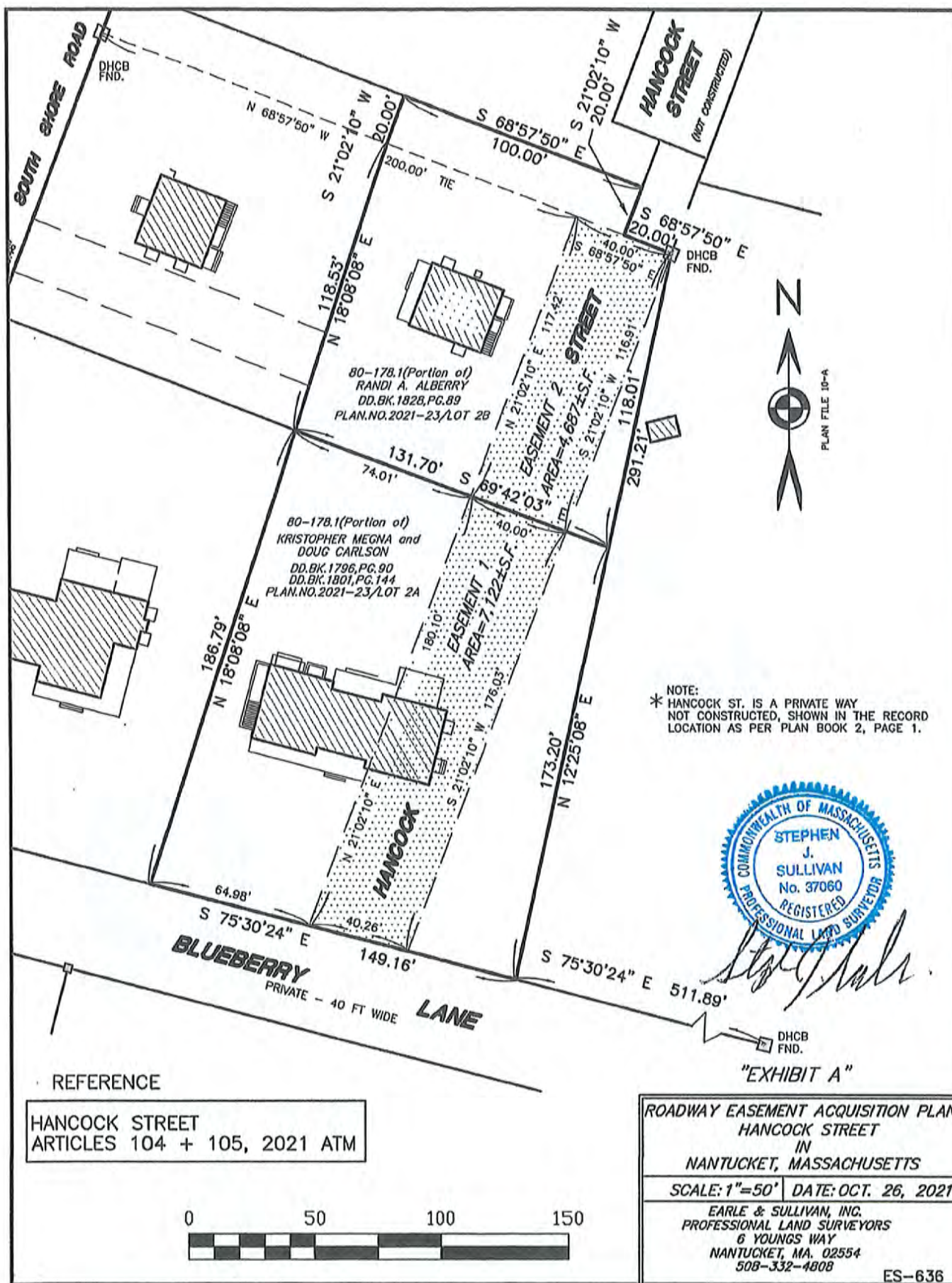
Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

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

Notary Public
My Commission Expires:





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Nancy L. Holmes, CMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313

Email: nholmes@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

June 5, 2021

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the June 5, 2021 ANNUAL TOWN MEETING adopted **Article :104** at the June 5, 2021 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 104

(Real Estate Acquisition: Hancock Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890. Or to take any other action related thereto. (*Beth Maier, et al*)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890.

VOTE: The vote on the motion pursuant to Article 104, as moved by the Finance Committee, was by 4/5ths Vote, Yes: 668 , No: 24 The motion was adopted.

Nancy L. Holmes, CMC
Town & County Clerk

ATM 21 Article 104 Page 1 of 1



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

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♦♦♦♦♦

June 5, 2021

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the June 5, 2021 ANNUAL TOWN MEETING adopted **Article : 105**, at the June 5, 2021 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 105

(Real Estate Conveyance: Hancock Street)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890.

Or to take any other action related thereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions, or take any action related thereto.

(Beth Maier, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890; subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sale" program on file at the Select Board's Office, such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

VOTE: The vote on the motion pursuant to Article 105, as moved by the Finance Committee, was by 4/5ths Vote, Yes: 668 , No: 24 The motion was adopted.

Nancy L. Holmes, CMC
Town & County Clerk



Agenda Item Summary

Agenda Item #	X. 2.
Date	4/27/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Order of Taking by Eminent Domain, of portions of Hawthorne Street, as shown as Parcels 3,4 and 5 on plan entitled "Taking and Disposition Plan of Land in Nantucket, Mass. prepared by the Town of Nantucket dated September 23, 2021 by Blackwell and Associates, Inc and recorded with Nantucket County Registry of Deeds as Plan No. 2021-67, for Public Access and Municipal purposes and for the purpose of Conveyance o the Fee Title or lesser interest, together with any public or private rights of passage as authorized by MGL Chapter 79 and votes at the 2011 Annual Town Meeting.

Executive Summary

Article 98 of the 2021 ATM authorized the taking of portions of Hawthorne Street as outlined above for public way, drainage and/or general municipal purposes. The proposed area is shown on plan entitled "Taking and Disposition Plan of land, Nantucket, Mass. Reference 2021 ATM-Article 98 and 99 dated September 23, 2021 prepared by Blackwell and Associate, Inc." said parcels having a combined area of 16,000 +/- square feet.

Staff Recommendation

Proceed with the taking by Eminent Domain. Town Counsel has reviewed, and drafted documentation. REAC approved unanimously on March 7, 2022.

Background/Discussion

This acquisition and a future subsequent disposition of a so called "paper street" in Surfside is part of the Yard Sale Program.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the taking of previously authorized acquisitions and increase taxable land area.

Board/Commission Recommendation

Public Outreach

Approved at Annual Town Meeting. Notice of taking published in paper and sent to abutters by certified mail.

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

Conforms with the intent of the Yard Sale program

Attachments



Order of Taking, Article 98 and 99 of ATM 2021; Plan.



COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
SELECT BOARD

ORDER OF TAKING BY EMINENT DOMAIN
OF PORTIONS OF HAWTHORNE STREET

The undersigned being the majority of the duly elected and serving members of the Select Board of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts (“Town”), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 98 adopted by the Town at its 2011 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of described below (“Parcels”) is required for general municipal purposes and public access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled “Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket,” dated September 23, 2021, prepared by Blackwell & Associates, Inc., recorded with the Nantucket County Registry of Deeds as Plan No. 2021-67 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel 3	Hawthorne Street	2,000± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 79, Parcel 122	Robert W. Hausslein	Book 573, Page 279

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel 4	Hawthorne Street	4,000± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 79, Parcel 159	Marcia J. Coyle	Book 1198, Page 342

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel 5	Hawthorne Street	10,000± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 79, Parcel 125	Fifty-Nine Pochick Avenue LLC	Book 1480, Page 272

Parcels

Parcels 3, 4 and 5 Hawthorne Street

Supposed Owners

William J. Braun, Robert F. Mooney, and John E. O'Brien
Trustees of Surfside Realty Trust u/d/t dated May 25, 1979,
recorded with said Deeds in Book 172, Page 338.

Any and all trees and vegetation on the Parcels are included in this Order of Taking. Any utility easements in the Parcels are to be excluded from this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Select Board in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

Adopted under seal this day , 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Kristie L. Ferrantella

Matthew G. Fee

Dawn E. Hill Holdgate

Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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

Notary Public
My commission expires:



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

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townclerk@nantucket-ma.gov

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♦♦♦♦♦

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 98: "Real Estate Acquisition: "Paper" Streets in Surfside"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 98 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 98

(Real Estate Acquisition: "Paper" Streets in Surfside)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of thirty-four (34) unconstructed rights of way in the Surfside area of Nantucket and identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

- Plum, Poplar and Holly Streets between the northern sideline of Pochick Avenue and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue; excluding any portion of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue));
- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street;
- Miacomet, Monomoy and Massasoit Avenues between the centerline of Irving and Hawthorne Streets;
- Masquetuck and Dunham Streets between the northern sideline of Pochick Avenue and the southern sideline of Boulevarde;
- Dunham Street and Irving Street: between the northern sideline of Nobadeer Avenue and the southern sideline of Weweeder Avenue;
- Irving Street and Hawthorne Street: between the northern sideline of Massasoit Avenue and the southern sideline of Miacomet Avenue (excluding any portion of Monomoy Avenue);
- Holly Street between the northern sideline of Nonantum Avenue to the southern sideline of Pochick Avenue (excluding any portion of Weweeder and Nobadeer Avenues);
- Maclean Street between the eastern sideline of Fairgrounds Road and the eastern sideline of Myrtle Street;
- Mequash Avenue (f.k.a. Sechacha Avenue) between the western sideline of Pequot Street (formerly or also known as Orange Street) and the eastern sideline of Naushon Way (f.k.a. Cherry Street);
- Pochick Avenue between the eastern sideline of Naushon Way (f.k.a. Cherry Street) to the western sideline of Masquetuck Street (excluding any portion of Pequot and Woodbine Streets);
- Masaquet Avenue (f.k.a. Wauwinet Avenue) between the eastern sideline of Pequot Avenue (formerly or also known as Orange Street) and the western sideline of Masquetuck Street and the terminus of a turning tee and the eastern sideline of Atlantic Avenue;
- Woodbine Street between the northern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue);
- Myles Standish Street (f.k.a. or a.k.a. Shimmo Street) between the northern lot line of property at 38 Pochick Avenue (Assessor Map 80 Parcel 11) and a northern and eastern sideline of a property at 36 Pochick Avenue (Assessor Map 80 Parcel 285) and the southern sideline of Boulevarde;
- Copeland Street between the southern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the eastern sideline of Atlantic Avenue;
- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western sideline of Surfside Road (f.k.a. Myrtle Street);

- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western sideline of Surfside Road (f.k.a. Myrtle Street);
- Station Avenue between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) west to the western sideline of Station Avenue;
- Curve Street between the northeastern sideline of Station Avenue and the western sideline of Cononicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Nonantum Avenue: between the western sideline of Laurel Street and the eastern sideline of Atlantic Avenue;
- Lovers Lane between the northern sideline of Weweeder Avenue and the southern sideline of Pochick Avenue;
- Weweeder Avenue between the western sideline of Irving Street to the eastern sideline of Surfside Road (f.k.a. Myrtle Street); excluding any portion of Boulevard (f.k.a. Central Street), Clifford Street, Pequot Street and Cherry Street (a.k.a. Naushon Way);
- Western Avenue between the eastern sideline of Surfside Road and its eastern terminus;
- Poplar Street between the northern sideline of Western Avenue and the southern sideline of Atlantic Avenue;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Cononicus Street and the southern sideline of Atlantic Avenue;
- Boulevard from the western sideline of Russell Street to the western lot line of Assessor Map 88 Parcel 31.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified in the Warrant under Article 99, as amended below, and subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street, and Laurel Street (n.k.a. Canoncus Street) between the northern sideline of an unnamed way and the southern sideline of Atlantic Avenue;
- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western northern sideline of Western Avenue excluding any portion of Surfside Road (f.k.a. Myrtle Street);

- Station Avenue Street between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) then west to the western sideline of Station Avenue Street;
- Curve Street between the northeastern sideline of Station Avenue Street and the western sideline of Canonicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia Auriga Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Canonicus Street and the southern sideline of Atlantic Avenue.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 98" dated January 2011.



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

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NANTUCKET, MASSACHUSETTS 02554-3590

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♦♦♦♦♦

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 99: "Real Estate Conveyance: "Paper" Streets, Surfside"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 99 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 99

(Real Estate Conveyance: "Paper" Streets, Surfside)

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Plum, Poplar and Holly Streets between the northern sideline of Pochick Avenue and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue; excluding any portion of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue));
- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street;
- Miacomet, Monomoy and Massasoit Avenues between the centerline of Irving and Hawthorne Streets;
- Masquetuck and Dunham Streets between the northern sideline of Pochick Avenue and the southern sideline of Boulevarde;
- Dunham Street and Irving Street: between the northern sideline of Nobadeer Avenue and the southern sideline of Weweeder Avenue;
- Irving Street and Hawthorne Street: between the northern sideline of Massasoit Avenue and the southern sideline of Miacomet Avenue (excluding any portion of Monomoy Avenue);
- Holly Street between the northern sideline of Nonantum Avenue to the southern sideline of Pochick Avenue (excluding any portion of Weweeder and Nobadeer Avenues);
- Maclean Street between the eastern sideline of Fairgrounds Road and the eastern sideline of Myrtle Street;
- Mequash Avenue (f.k.a. Sechacha Avenue) between the western sideline of Pequot Street (formerly or also known as Orange Street) and the eastern sideline of Naushon Way (f.k.a. Cherry Street);
- Pochick Avenue between the eastern sideline of Naushon Way (f.k.a. Cherry Street) to the western sideline of Masquetuck Street (excluding any portion of Pequot and Woodbine Streets);
- Masaquet Avenue (f.k.a. Wauwinet Avenue) between the eastern sideline of Pequot Avenue (formerly or also known as Orange Street) and the western sideline of Masquetuck Street and the terminus of a turning tee and the eastern sideline of Atlantic Avenue;
- Woodbine Street between the northern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue);
- Myles Standish Street (f.k.a. or a.k.a. Shimmo Street) between the northern lot line of property at 38 Pochick Avenue (Assessor Map 80 Parcel 11) and a north and east sideline of a property at 36 Pochick Avenue (Assessor Map 80, Parcel 285) and the southern sideline of Boulevarde;
- Copeland Street between the southern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the eastern sideline of Atlantic Avenue;

- Station Avenue between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) then west to the western sideline of Station Avenue;
- Curve Street between the northeastern sideline of Station Avenue and the western sideline of Cononicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Nonantum Avenue: between the western sideline of Laurel Street and the eastern sideline of Atlantic Avenue;
- Lovers Lane between the northern sideline of Weweeder Avenue and the southern sideline of Pochick Avenue;
- Weweeder Avenue between the western sideline of Irving Street to the eastern sideline of Surfside Road (f.k.a. Myrtle Street); excluding any portion of Boulevarde (f.k.a. Central Street), Clifford Street, Pequot Street and Cherry Street (a.k.a. Naushon Way) and between the western sideline of Everett Street to the western sideline of Russell Street;
- Western Avenue between the eastern sideline of Surfside Road and its eastern terminus;
- Poplar Street between the northern sideline of Western Avenue and the southern sideline of Atlantic Avenue;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Cononicus Street and the southern sideline of Atlantic Avenue;
- Everett Street between the southern sideline of Weweeder Avenue to the Atlantic Ocean, not including any portion of Boulevarde;
- Boulevarde from the western sideline of Everett Street to the western lot line of Assessor Map 88 Parcel 31; and

To see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 98" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen be authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portion of thirty-four (34) unconstructed rights of way in the Surfside area of Nantucket as identified in the Warrant under Article 98, together with any public and private rights of passage, for public ways and/or general municipal purposes, as amended below:

- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street, and Laurel Street (n.k.a. Canoncus Street) between the northern sideline of an unnamed way and the southern sideline of Atlantic Avenue;
- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western northern sideline of Western Avenue excluding any portion of Surfside Road (f.k.a. Myrtle Street);

- Station Avenue ~~Street~~ between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) then west to the western sideline of Station Avenue ~~Street~~;
- Curve Street between the northeastern sideline of Station Avenue ~~Street~~ and the western sideline of Canonicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia ~~Auriga~~ Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Canonicus Street and the southern sideline of Atlantic Avenue.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011.



CURRENT ZONING CLASSIFICATION:
 Limited Use General 1 (L.U.G.-1)
 MINIMUM LOT SIZE: 40,000 S.F.
 MINIMUM FRONTAGE: 100 FT.
 FRONT YARD SETBACK: 35 FT.
 REAR YARD SETBACK: 10 FT.
 SIDE YARD SETBACK: 10 FT.
 GROUND COVER: 25%

LEGEND

- (CB) = EXISTING CONCRETE DRIVE WITH DRAINAGE PAVING
- (D) = EXISTING DRIVE PAVING
- (P) = EXISTING DRIVE PAVING
- (O) = EXISTING DRIVE PAVING
- (O) = EXISTING DRIVE PAVING



NANTUCKET REGISTRY OF DEEDS
 Date: November 19, 2021
 Town: Nantucket
 Plan No.: 2021-67
 Registered: David J. Poirer
 SHEET 1 OF 1
 RESERVED FOR REGISTRY USE

NOTE:

PARCELS 3-5 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE DELAYED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
David J. Poirer 9-23-21
 PROFESSIONAL LAND SURVEYOR DATE



Nantucket Select Board

Being a majority:
Samuel J. Poirer
William J. Poirer
Robert J. Poirer
David J. Poirer
 DATE SIGNED: _____

PLANNING BOARD DISCUSSION DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

Nantucket Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

David J. Poirer
William J. Poirer
Robert J. Poirer
David J. Poirer

10-25-2020 0-210-2021-0-00010
 DATE SIGNED FILE #

TAKING AND DISPOSITION
 Plan of Land
 in
 Nantucket, Mass.
 Prepared for
 TOWN OF NANTUCKET

Scale: 1" = 30' SEPTEMBER 23, 2021
 BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 30 TREASURE CIRCLE
 NANTUCKET, MASS. 02554
 (508) 228-9928



B7162

NANTUCKET 000 33 NANTUCKET 000 33 NANTUCKET 000 33 9/23/2021 3:41:00 PM EDT

**NOTICE OF PUBLIC HEARING FOR THE
TAKING OF PORTIONS OF A PAPER
STREET AS AUTHORIZED BY THE
ANNUAL TOWN MEETING NOTED
BELOW:**

Please be advised that a public hearing will be held by the Nantucket Select Board on April 27, 2022 pursuant to the authority of Chapter 79 of Massachusetts General Law, or otherwise, to consider taking all or any portions of the following paper street described below for public access, and/or general municipal purposes and for the purpose of conveyance of the fee title or lesser interests, together with any public and private rights of passage.

- Portions of Hawthorne Street shown as "Parcels 3, 4, and 5" on Plan No. 2021-67, recorded at Nantucket County Registry of Deeds, as authorized by the affirmative vote of Warrant Articles 98 & 99 of the 2011 Annual Town Meeting.

The remote participation public hearing will be held via Zoom Webinar and broadcast on the Town Government YouTube channel at 5:30 PM.
Information on viewing the meeting can be found at:
<https://www.nantucketma.gov/138/Boards-Commissions-Committees>

B06

4/7/2022 p. 11A



Agenda Item Summary

Agenda Item #	X. 3.
Date	4/27/2022

Staff

Stephen Murphy, Fire Chief

Subject

Bulk Fuel Storage License - Nantucket Memorial Airport

Executive Summary

Nantucket Memorial Airport is requesting to amend its current bulk fuel storage license to reflect the correct amounts of fuel currently on hand. One 20,000-gallon underground storage tank (UST) is being converted from AvGas to Jet A, increasing JetA on hand by 20,000 gallons. The total aggregate gallons of all fuel is not changing.

Staff Recommendation

Staff recommends approval of the bulk fuel storage license amendment.

One condition I would recommend is the requirement to maintain the new Fire Alarm and Fire Suppression systems in service on the Fuel Farm.

Background/Discussion

This is an amendment to a current license for the Airport to store bulk fuel in support of the aircraft fueling operations of the Airport.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

The public hearing was advertised for two weeks in the newspaper and abutters received written notification by the Airport.

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

Strategic Plan (Environmental Leadership, Goal 2); Master Plan



Attachments

Cover letter from Airport; application for amended license; bulk fuel storage site plan; abutter notification materials



Town of Nantucket
NANTUCKET MEMORIAL AIRPORT
14 Airport Road
Nantucket Island, Massachusetts 02554

Thomas M. Rafter, Airport Manager
Phone: (508) 325-5300
Fax: (508) 325-5306



Commissioners
Arthur D. Gasbarro, Chairman
Andrea Planzer, Vice Chair
Anthony G. Bouscaren
Jeanette D. Topham
Philip Marks III

Erika D. Mooney
Operations Administrator
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

RE: Nantucket Memorial Airport – Update to Fuel Farm Storage Contents

Dear Erika,

Enclosed please find the Nantucket Memorial Airport's application for an Amended License under M.G.L. Chapter 148, Section 13. This is an application to amend the current permit; the only change from the prior application is the transition of one of the 20,000 gallon underground storage tanks from housing AvGas to instead housing Jet A Fuel. This modification to the storage at the Airport's Fuel Farm is in response to a surge in demand for Jet A Fuel at the airport over the past few years.

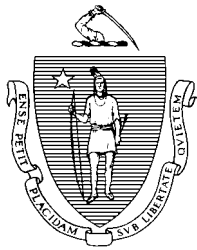
It should be noted that no additional volume of fuel storage is intended or anticipated as a result of this change; this is simply a swap in capacity towards Jet A fuel from AvGas.

If this application requires a public hearing, please let me know, and we will provide further information as needed to support such an effort. In the interim, please don't hesitate to let me know if you have any questions.

Thank you very much.

Noah J. Karberg, A.A.E., ACE
Assistant Airport Director
Nantucket Memorial Airport

Attachments:
-Bulk Fuel Application
-Site Plan for Modifications



FP-002A
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of NANTUCKET

Application For License

Massachusetts General Law, Chapter 148 §13

☐ New License ☒ Amended License

GIS Coordinates
<u>41° 15' 23" N</u>
LAT.
<u>70° 03' 55" W</u>
LONG.
<u>UNKNOWN</u>
License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 14 AIRPORT ROAD - 78//1// - PID: 7275

Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: TOWN OF NANTUCKET & NANTUCKET AIRPORT

Address of Land Owner: 16 BROAD STREET, NANTUCKET, MA 02554

Use and Occupancy of Buildings and Structures: 22 BUILDINGS FOR VARIOUS PURPOSES

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 1.00 Table 1.12.8.50; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
AVGAS	I	40,000	GAL	UST
JET A	II	20,000	GAL	UST
JET A	II	100,000	GAL	AST

Total quantity of all flammable liquids to be stored: 40,000 GALLONS

Total quantity of all combustible liquids to be stored: 120,000 GALLONS

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 1.00 Table 1.12.8.50)

- ❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

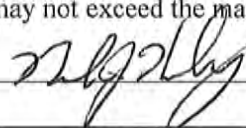
- ❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

- ❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Noah Karberg, AAE, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature  Date 4/11/22 Name Noah Karberg

Fire Department Use Only

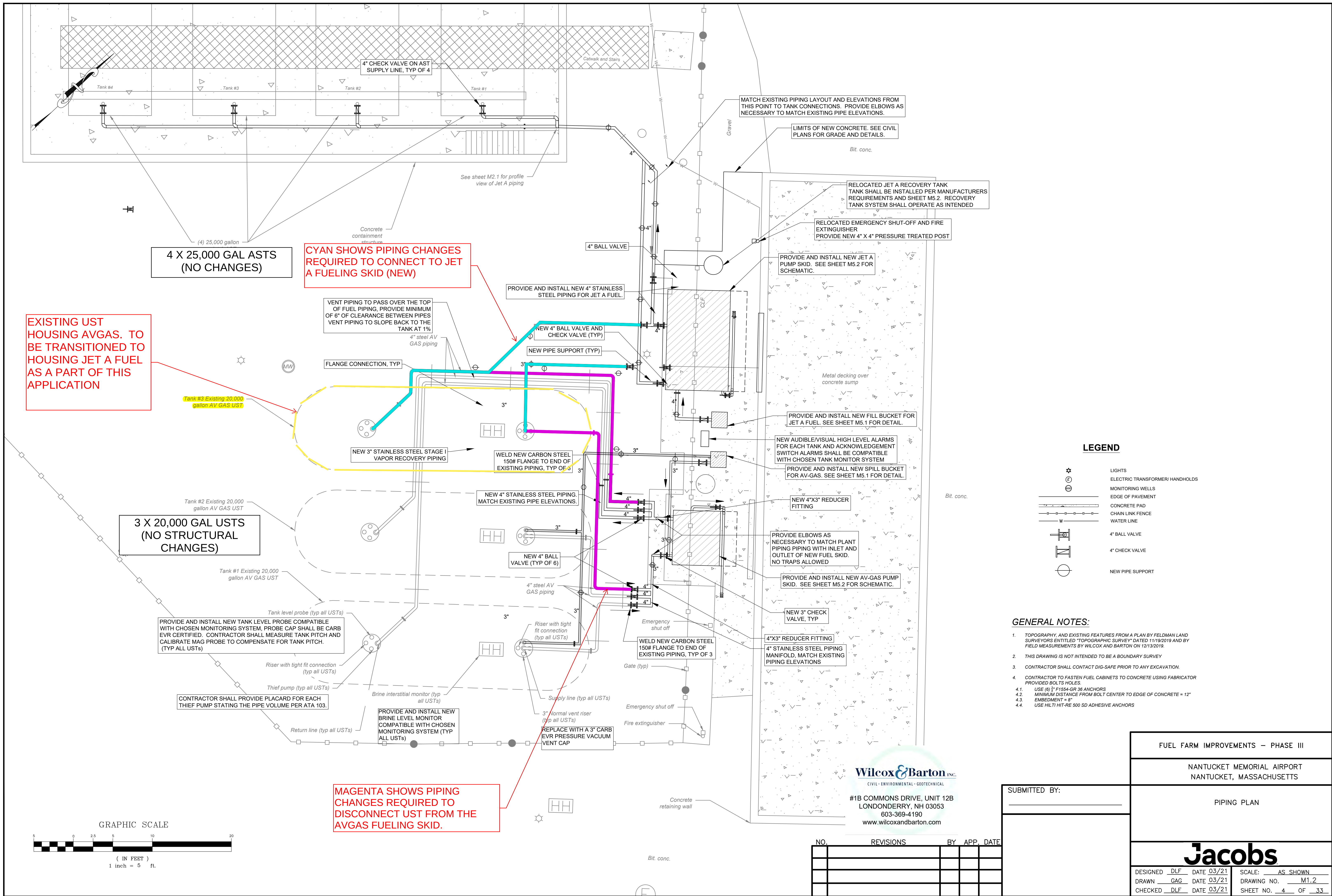
I, _____, Head of the _____ Fire Department endorse this application with my

☐ Approval ☐ Disapproval

Signature of Head of the Fire Department

Date

Recommendations: _____



4 X 25,000 GAL ASTS
(NO CHANGES)

CYAN SHOWS PIPING CHANGES
REQUIRED TO CONNECT TO JET
A FUELING SKID (NEW)

EXISTING UST
HOUSING AVGAS. TO
BE TRANSITIONED TO
HOUSING JET A FUEL
AS A PART OF THIS
APPLICATION

3 X 20,000 GAL USTs
(NO STRUCTURAL
CHANGES)

MAGENTA SHOWS PIPING
CHANGES REQUIRED TO
DISCONNECT UST FROM THE
AVGAS FUELING SKID.

LEGEND

- LIGHTS
- ELECTRIC TRANSFORMER/HANDHOLDS
- MONITORING WELLS
- EDGE OF PAVEMENT
- CONCRETE PAD
- CHAIN LINK FENCE
- WATER LINE
- 4" BALL VALVE
- 4" CHECK VALVE
- NEW PIPE SUPPORT

GENERAL NOTES:

- TOPOGRAPHY, AND EXISTING FEATURES FROM A PLAN BY FELDMAN LAND SURVEYORS ENTITLED "TOPOGRAPHIC SURVEY" DATED 11/19/2019 AND BY FIELD MEASUREMENTS BY WILCOX AND BARTON ON 12/13/2019.
- THIS DRAWING IS NOT INTENDED TO BE A BOUNDARY SURVEY.
- CONTRACTOR SHALL CONTACT DIG-SAFE PRIOR TO ANY EXCAVATION.
- CONTRACTOR TO FASTEN FUEL CABINETS TO CONCRETE USING FABRICATOR PROVIDED BOLTS HOLES.
 - USE (8) 3/8" F1554-GR 36 ANCHORS
 - MINIMUM DISTANCE FROM BOLT CENTER TO EDGE OF CONCRETE = 12"
 - EMBEDMENT = 8"
 - USE HILTI HIT-RE 500 SD ADHESIVE ANCHORS

Wilcox & Barton INC.
CIVIL • ENVIRONMENTAL • GEOTECHNICAL
#1B COMMONS DRIVE, UNIT 12B
LONDONDERRY, NH 03053
603-369-4190
www.wilcoxandbarton.com

NO.	REVISIONS	BY	APP.	DATE

FUEL FARM IMPROVEMENTS – PHASE III

NANTUCKET MEMORIAL AIRPORT
NANTUCKET, MASSACHUSETTS

PIPING PLAN

Jacobs

DESIGNED DLF DATE 03/21
DRAWN GAG DATE 03/21
CHECKED DLF DATE 03/21

SCALE: AS SHOWN
DRAWING NO. M1.2
SHEET NO. 4 OF 33

TOWN OF NANTUCKET

SELECT BOARD

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

PROPERTY OWNER Town of Nantucket + Nantucket Airport
MAILING ADDRESS 16 Broad St, Nantucket, MA 02557
PROPERTY LOCATION 14 Airport Rd
ASSESSORS MAP/PARCEL 7811
SUBMITTED BY Nantucket Airport

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.

April 12, 2022	Mary Haley,	Digitally signed by
	Senior Clerk,	Mary Haley, Senior
	Assessor's Office	Clerk, Assessor's Office
		Date: 2022.04.12
		10:01:20 -04'00'
DATE	ASSESSOR'S OFFICE	
	TOWN OF NANTUCKET	

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
55	701	4	SAMPIER VALERIE A		PO BOX 3268	NANTUCKET	MA	02584	96B PLEASANT ST
68	46	7	NANTUCKET AIRPORT COMMISSION	TOWN OF NANTUCKET	16 BROAD ST	NANTUCKET	MA	02554	5 DAISY WY
68	49		7 AIRPORT ROAD LLC		2 WAYDALE RD	NANTUCKET	MA	02554	7 AIRPORT RD
68	50		ZADROGA GERALD J & REBECCA H		12 NOBADEER WAY	NANTUCKET	MA	02554	1 NOBADEER WY
68	51		ZADROGA GERALD JR & REBECCA		12 NOBADEER WAY	NANTUCKET	MA	02554	12 NOBADEER WY
68	54		CONLON RAYMOND P TRUSTEE	THE REPEATER TRUST	PO BOX 1057	NANTUCKET	MA	02554	21 AIRPORT RD
68	700		WARD TONI L & JOHN E		44 MONOHANSETT RD	NANTUCKET	MA	02554	44 MONOHANSETT RD
68	727		VALERO RICHARD A & GALE L		1 GOOSE POND LN	NANTUCKET	MA	02554	1 EVERGREEN WY
68	800		VTT NANTUCKET INN LLC		1 MILLER LN	NANTUCKET	MA	02554	100 NANTUCKET INN
69	37		WELCH WOOD REALTY TRUST INC		PO BOX 324	WEST WAREHAM	MA	02576	132 OLD SOUTH RD
69	49		MAYHEW CHARLES & PHYLLIS TRS	MAYHEW FAMILY NOMINEE TR	8 DAISY WAY	NANTUCKET	MA	02554	8 DAISY WY
69	49	1	AMQ HOLDINGS INC		8A DAISY WAY	NANTUCKET	MA	2554	8A DAISY WY
69	50		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	137 OLD SOUTH RD
69	60		CHAMPOUX LANDSCAPE REALTY TR	C/O JESSIE M GLIDDEN TR	PO BOX 3195	NANTUCKET	MA	02584	140 OLD SOUTH RD
69	61		DUNN LEE H INC		PO BOX 1846	NANTUCKET	MA	02554	142 OLD SOUTH RD
69	64		END OF THE ROAD LLC		PO BOX 160	WEST BARNSTABL	MA	02668	144 OLD SOUTH RD
69	100		51 NOBADEER FARM RD LLC		130 OLD SOUTH RD	NANTUCKET	MA	02554	51 NOBADEER FARM RD
78	2	6	UPS	AIRPORT PROPERTIES	1400 N HURSTBOURNE PKWY	LOUISVILLE	KY	40223	OLD SOUTH RD
Count:		18							

Town of Nantucket
NANTUCKET MEMORIAL AIRPORT
14 Airport Road
Nantucket Island, Massachusetts 02554

Thomas M. Rafter, Airport Manager
Phone: (508) 325-5300
Fax: (508) 325-5306



Commissioners
Arthur D. Gasbarro, Chairman
Andrea Planzer, Vice Chair
Anthony G. Bouscaren
Jeanette D. Topham
Philip Marks III

ABUTTER NOTICE

PUBLIC HEARING

Please be advised that the Select Board, pursuant to MGL Ch. 148 § 13, will hold a public hearing on Wednesday, April 27, 2022 at 5:30 PM to consider an application for an amended bulk fuel storage license for Nantucket Memorial Airport to change one 20,000-gallon UST from AvGas to Jet A fuel, located at 14 Airport Rd, Nantucket, MA 02554 (Map 78, Parcel 1). The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road and by remote participation via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email TownManager@nantucket-ma.gov.

SELECT BOARD

7019 1120 0001 5067 9795

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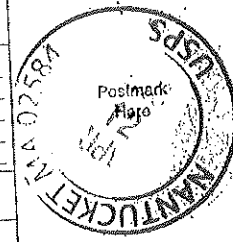
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☐ Adult Signature Restricted Delivery \$

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NIR RETAIL LLC
NEW ENGLAND DEVELOP-ACCTING DEP
75 PARK PLAZA #3
BOSTON, MA 02116

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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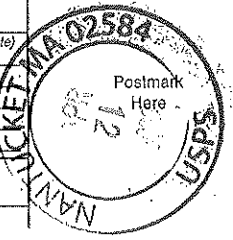
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☐ Adult Signature Restricted Delivery \$

Postage
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Total Postage and Fees
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VTT NANTUCKET INN LLC
1 MILLER LN
NANTUCKET, MA 02554

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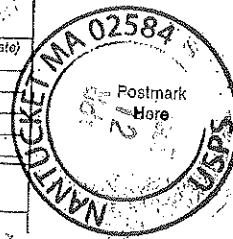
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END OF THE ROAD LLC
PO BOX 160
WEST BARNSTABL, MA 02668

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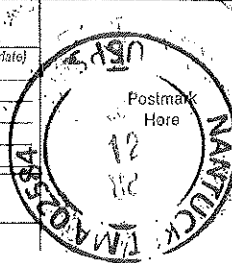
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☐ Return Receipt (electronic) \$
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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$

Total Postage and Fees
\$

Sent To
SAMPIER VALERIE A
PO BOX 3268
NANTUCKET, MA 02584

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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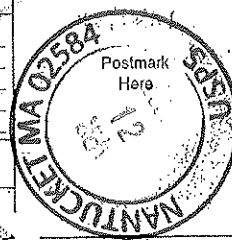
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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$

Total Postage and Fees
\$

Sent To
WARD TONI L & JOHN E
44 MONOHANSETT RD
NANTUCKET, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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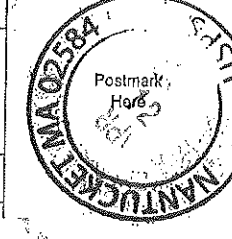
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☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$

Total Postage and Fees
\$

Sent To
WELCH WOOD REALTY TRUST INC
PO BOX 324
WEST WAREHAM, MA 02576

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7021 0350 0000 4029 0571

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☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

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Street and
City, State

UPS
AIRPORT PROPERTIES
1400 N HURSTBOURNE PKWY
LOUISVILLE, KY 40223

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To
Street and
City, State

CONLON RAYMOND P TRUSTEE
THE REPEATER TRUST
PO BOX 1057
NANTUCKET, MA 02554

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130 OLD SOUTH RD
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DUNN LEE H INC
PO BOX 1846
NANTUCKET, MA 02554

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8A DAISY WAY
NANTUCKET, MA 2554

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TOWN OF NANTUCKET
16 BROAD ST
NANTUCKET, MA 02554

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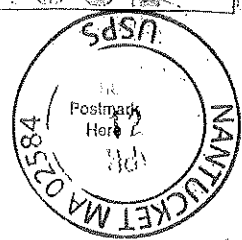
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Postage \$

Total Postage and Fees \$

CHAMPOUX LANDSCAPE REALTY TR
C/O JESSIE M GLIDDEN TR
PO BOX 3195
NANTUCKET, MA 02584

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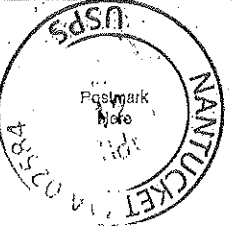
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MAYHEW CHARLES & PHYLLIS TRS
MAYHEW FAMILY NOMINEE TR
8 DAISY WAY
NANTUCKET, MA 02554

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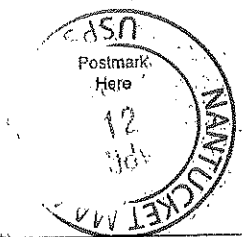
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VALERO RICHARD A & GALE L
1 GOOSE POND LN
NANTUCKET, MA 02554

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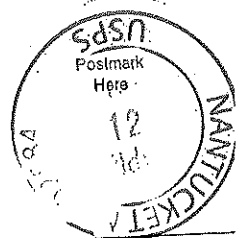
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Total Postage and Fees \$

ZADROGA GERALD JR & REBECCA
12 NOBADEER WAY
NANTUCKET, MA 02554

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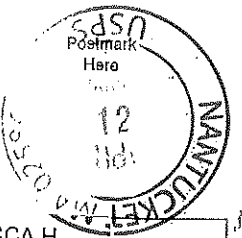
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ZADROGA GERALD J & REBECCA H
12 NOBADEER WAY
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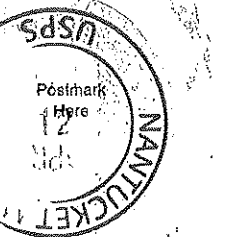
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City, St: NANTUCKET, MA 02554

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Agenda Item Summary

Agenda Item #	X. 4.
Date	4/27/22

Staff

Amy Baxter, Licensing Administrator

Subject

Outdoor Dining – Public Property Fees

Executive Summary

On April 1, 2022, the Governor signed Chapter 42 of the Acts of 2022 (the “Act”) into law. The Act includes extensions of pandemic-relief provisions related to restaurants. Section 27 of the Act extends the ability of cities and towns to approve requests for the expansion of outdoor table service until April 1, 2023. This section also extends a local licensing authority’s ability to approve, without further ABCC review or approval, changes in the description of a licensed premises for outdoor alcohol service until April 1, 2023

On April 13, the Select Board reviewed proposed public sidewalk dining permit fees and conditions and made recommendations that require a vote to establish the fees for the 2022 Season.

Staff Recommendation

The topics for discussion/review/approval are as follows:

1. Select Board to review and vote on recommended public sidewalk permit fees for 2022.
2. Select Board to review terms and conditions of public sidewalk permits.
3. Select Board to review terms of outdoor dining extension and approve temporary extensions where following conditions are met:
 - a. ADA pedestrian clearance requirements for Dining in Public Ways
 - b. Private Party owners have granted written consent/permission for use of proposed space.
 - c. Extension was previously approved and in operation for 2020/21 Seasons under State of Emergency Conditions



- d. No Planning Board or Zoning restrictions exist or have been approved/waived.
- e. Abutter impact and concerns must be taken in and considered before approval.
- 4. Select Board to review applications received as of 4/25/22
- 5. Additional applications may be reviewed on May 18 meeting.

Background/Discussion

All Liquor License and Common Victualler Establishments were sent the application and process review week of 4/18/22.

An Outdoor Dining Information Page with associated links is Live on the town website:

<https://www.nantucket-ma.gov/2449/2022-Outdoor-Dining-Program>

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

Click or tap here to enter text.

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

Click or tap here to enter text

Attachments

Outdoor Seating Presentation



2022 Outdoor Dining Program

Sidewalk Dining Permit and Fees

Select Board Public Hearing, April 27, 2022





OUTDOOR DINING STATUS

- April 1: Governor Baker signed an extension of the a local licensing authority's ability to approve, without further ABCC review or approval, changes in the description of a licensed premises for outdoor alcohol service until April 1, 2023.
- April 13: Select Board reviewed and made recommendations for Use of Public Sidewalks for Outdoor Dining and associated Permit Fees and Conditions.
- April 18: Outdoor Dining applications sent to restaurants.
- April 27: Select Board Public Hearing to establish Sidewalk Dining Permit Fees and Conditions. Review and vote to extend outdoor dining permits where approved conditions are met.
- May 1: Sidewalk and temporary outdoor extensions may begin service after paying fees, meeting approved conditions and signing sidewalk license agreement.

2022 PROPOSED PUBLIC SIDEWALK DINING FEES

No Alcohol Service	\$500.00	*May 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront and NOT extend to abutters. *Maximum 3 tables (4-top max) *Removed for closures more than 3 consecutive days.
Beer & Wine License	\$1000.00	*May 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront and NOT extend to abutters. *Maximum 3 tables or 12 seats *Removed for closures more than 3 consecutive days.
Beer & Wine License ++4 Tables (4-top max)	\$1500.00	*May 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront unless written approval received from Abutters. *Minimum 4 tables/16+ seats Maximum tbd based on storefront & location *Removed for closures more than 3 consecutive days.
All Alcohol License	\$2000.00	*May 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront and NOT extend to abutters. *Maximum 3 tables (4-top max) *Removed for closures more than 3 consecutive days.
All Alcohol License ++4 Tables (4-top max)	\$2500.00	*May 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront unless written approval received from Abutters. *Minimum 4 tables/16+ seats Maximum tbd based on storefront & location *Removed for closures more than 3 consecutive days.

ABCC GUIDELINES FOR OUTDOOR ALCOHOLIC BEVERAGE AREAS (Adopted April 7, 2022)

✱ GUIDELINES FOR OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS

- ✱ 1. The licensure of outdoor alcoholic beverage service areas that are outside of the “suitable building” as provided in M.G.L. c. 138, §1, must follow the license application and approval process as provided in Chapter 138 for retail on-premises consumption licenses.
- ✱ 2. Local Licensing Authorities (“LLAs”) have discretion to apply reasonable conditions to the outdoor alcoholic beverage service areas, such as the requirement of food service and/or seated service.
- ✱ 3. All applications for outdoor alcoholic beverage service areas must include documentation demonstrating the right of the Licensee to occupy or permission to use the outdoor alcoholic beverage service area(s). This must include permission to transport alcoholic beverages over public property, if applicable, such as over public sidewalks.
- ✱ 4. Outdoor alcoholic beverage service areas should be contiguous to the licensed building premises with a clear and direct view of the outdoor area from inside the licensed building premises. Further, the Licensee must actively supervise the outside alcoholic beverage service area.
- ✱ 5. Outdoor alcoholic beverage service areas that are noncontiguous to the premises’ building are permitted. However, they must be in the immediate vicinity of, and within clear and direct view of, the existing licensed building premises. Licensees are reminded that their applications may be denied if, in the LLA’s or ABCC’s discretion, it is determined that any proposed noncontiguous outdoor alcoholic beverage service area is in an unsuitable location, such as being too far from the premises’ building or being in an unsafe location.
- ✱ For noncontiguous outdoor alcoholic beverage service areas, the licensee must have an adequate number of employees that are physically present in the outdoor alcoholic beverage service area at all times when alcoholic beverages are being sold or consumed.
- ✱ 6. All outdoor alcoholic beverage service areas must be enclosed by a barrier, fence, or partition, sufficient for the licensee to maintain control of access to the area and to provide a safe environment for patrons.
- ✱ 7. The LLA should consider the type of neighborhood and the potential impact of noise in the environs before approving outdoor alcoholic beverage service areas.

PROPOSED SIDEWALK DINING LICENSE CONDITIONS AND AGREEMENT

✳ **Hours of Operation:** No outdoor sidewalk seating area shall be in use beyond 8am to 10pm daily.

✳ **Entertainment:** No Entertainment allowed on sidewalk seating areas.

✳ **Maintenance of Public Right of Way:** Restaurant owners are fully responsible for licensed area as follows:

- Food service personnel must constantly monitor the dining area for waste paper, garbage and other trash. Placement clips, cup holders and other such devices must be utilized to prevent blowing paper.
- A minimum of 48" but 60" preferred of sidewalk clearance must be maintained to always ensure ADA accessibility and a clear pedestrian path.

✳ **Sidewalk Dining Furniture and Accessories:**

- Outdoor seating areas must be easy to assemble on site and dismantle for storage or in case of emergency hazard situations.
- All outdoor furniture, plantings, and amenities will be of a high quality and add to the appearance and vibrancy of the public way. Areas that are determined to be in poor condition or of poor-quality materials that detract from the public way will be asked to upgrade or remove the outdoor dining area.

✳ **Proof of Consent by Third Parties:**

- Restaurants with proposed outdoor sidewalk seating on private property of third parties must submit proof of consent by the third party to for such use, such as a lease or other agreement.

✳ **Signage and Advertising Restrictions**

- While modest enhancement of outdoor seating areas is encouraged (e.g. with flower planters), signs and corporate logos (including that of the restaurant utilizing the outdoor dining space) may not be displayed in the outdoor seating area. No promotional signage or logos shall be allowed on any outdoor dining elements (umbrellas,enclosures, etc.).

✳ **Heaters:** Fire Department permit required for any proposed propane heating lamps

✳ **Liability:**

- Restaurants with outdoor seating on public property must provide certificate of liability insurance naming the Town of Nantucket as an additionally insured party in the amount of \$500,000/\$1 million providing coverage during the license period.
- Restaurants serving alcohol must provide proof that the Licensee's Liquor Liability Insurance policy covers the proposed outdoor seating area and that the Town is listed as additional insured.

PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, April 27, 2022 at 5:30 PM to consider Sidewalk Dining Permit Fees and Applications for 2022. 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.

B22

SELECT BOARD

Libby Gibson

From: Libby Gibson
Sent: Friday, April 15, 2022 3:30 PM
To: 'Nicole J. Costanzo'
Cc: John Giorgio; Katie Cabral; Erika Mooney; Maureen Coleman
Subject: RE: Draft HCA policy for marijuana cultivator license
Attachments: NANT_MJ - Draft HCA Policy (4_15_22).docx

Nicole – okay we are going to put this on the next SB agenda which is 4/27 – can you be available to come on to the that meeting (by Zoom)?

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

From: Nicole J. Costanzo <NCostanzo@k-plaw.com>
Sent: Friday, April 15, 2022 12:28 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>; Erika Mooney <EMooney@nantucket-ma.gov>
Cc: John Giorgio <JGiorgio@k-plaw.com>
Subject: RE: Draft HCA policy for marijuana cultivator license

Good Afternoon,

Please see my suggested revisions and comments attached. In my opinion, the Select Board should review and approve this policy. Once approved, I can send it to counsel for the Bartletts.

Best,
Nicole

Nicole Costanzo, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1832
C: (617) 519 4816
F: (617) 654 1735
NCostanzo@k-plaw.com
www.k-plaw.com

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From: Libby Gibson <LGibson@nantucket-ma.gov>
Sent: Thursday, April 14, 2022 11:44 AM
To: Erika Mooney <EMooney@nantucket-ma.gov>; Nicole J. Costanzo <NCostanzo@k-plaw.com>
Cc: John Giorgio <JGiorgio@k-plaw.com>
Subject: RE: Draft HCA policy for marijuana cultivator license

I had a question about sign-off also – I suggest we just go with it, administratively. The ultimate agreement needs to go to the SB anyway & there are limited parameters. I think as soon as Nicole says "OK" we get it to Bartletts

TOWN OF NANTUCKET

Host Community Agreement Policy and Procedure for Marijuana Cultivator License Applicants

As of 04/15/22

The Town of Nantucket has developed this Host Community Agreement Policy for the review of eligible marijuana cultivator applicants with which to enter into host community agreements.

Introduction

Chapter 334 of the Acts of 2016, entitled, “Regulation and Taxation of Marijuana Act”, as amended by Chapter 55 of the Acts of 2017, “An Act to Ensure Safe Access to Marijuana”, and the Cannabis Control Commission regulations 935 CMR 500.000, allows the Town of Nantucket to adopt local bylaws, regulations and policies concerning local licensing and permitting of Adult Use Marijuana Establishments, including Marijuana Cultivator operations.

Chapter 94G Sec. 3: The statute allows the Town to determine the “*the time, place and manner*” of marijuana operations. In accordance with the statute, the Town of Nantucket adopted General Bylaws (Chapter 95, Marijuana) and Zoning Bylaws (Chapter 139) to regulate Adult Use Marijuana Establishments.

Zoning Bylaws adopted by Town Meeting address legal, planning, public safety issues, and potential impacts of such facilities. The Nantucket Zoning Bylaws restrict the siting of Adult Use Marijuana Retail Establishments, including Marijuana Cultivator operations, to certain zoning districts and designate the Planning Board as the Special Permit Granting Authority for these uses.

Application Requirements

Applicants seeking a host community agreement for an Adult Use Marijuana Cultivation Establishment shall submit two (2) hardcopies and one electronic copy of the following materials to:

Town of Nantucket
Attn: Town Administration
16 Broad Street
Nantucket, MA 02554

Included in the envelope shall be a check made payable to “Town of Nantucket” in the amount of \$500.00 to cover the cost of the Submission Review.

Each Applicant shall submit the following information:

A. Cover Letter

A 1-2-page cover letter summarizing the Applicant’s proposal and indicating why the Applicant wishes to operate an Adult-Use Marijuana Cultivation Establishment in the Town of Nantucket.

B. Intent

1. Documentation that the entity applying for the Marijuana Cultivator license with the Cannabis Control Commission is an entity registered to do business in Massachusetts.
2. Certificate of Good Standing, issued by the Corporations Division of the Secretary of the Commonwealth within the previous ninety (90) days from the date of submission to the application to the Town.
3. Documentation of the proposed address for the Marijuana Cultivator Establishment on Nantucket and evidence of property interest or site control in the form of clear title, an option to purchase, a legally enforceable agreement to give title, or documentation evidencing legal authorization to use the premises, such as a lease or option to lease.
4. Evidence that the proposed location complies with applicable buffer zones and zoning requirements in the form of a survey plan or GIS mapping showing the location and all properties and uses within applicable buffers as set forth in the Town's Zoning Bylaw must be submitted by the Planning and Land Use Services (PUS) Department.

C. Management and Operations Profile

1. Contact Information for primary point of contact(s) to discuss application issues.
2. Names and resumes of all executives, managers, persons, or entities (such as the Applying Entity's local Chief Executive Officer, Chief Financial Officer, Chief Operating Officer and Director of Security) having direct or indirect authority over management, policies or security operations, including description of prior cannabis experience for each, if applicable, and the following additional information:
 - i. experience with growing and processing cannabis in Massachusetts or similar climate conditions;
 - ii. experience with growing and processing cannabis for targeted uses; testing and inspecting cannabis products;
 - iii. relationships with research entities, medical professionals;
 - iv. experience with product control, diversion prevention; and
 - v. any ties to the Nantucket community.
3. Proposed Timeline and Development Plan (building reuse, new build) to be operational, including local resources for building and opening facility.
4. Current Business Plan, including credit line, credit history, financing sources, financial records that show current and proposed sources of funding sufficient to demonstrate financial stability to ensure the Establishment's solvency and successful operation with a seasonal market.

5. Plan for employee staffing – number and type of jobs created, expected wage range, and potential benefit to the town; and employee training.
6. List of locations where applicant already has establishment(s) in other Massachusetts communities or has pending applications. List of locations in other states where applicant has applied for or has secured licenses or permits to operate adult use retail or medical dispensary locations.
7. Plan demonstrating an ability to grow marijuana products locally and maintain supply of locally grown product for sale.
8. Traffic and parking plan, including for any overflow parking, emergency vehicle access, pedestrian/bicycle access, loading/delivery capacity; and, traffic study if required pursuant to local zoning.
9. Plans for exterior nuisance mitigation (including light, noise, emissions, odor, debris), minimization of water use, wastewater treatment, use of renewable energy sources, pesticide control; fire safety, recycling and handling of solid waste, security plan (for location, facility, interior environment, data and products), and plan for testing of product(s).

D. Plan for Positive Community Impacts

A proposal demonstrating municipal benefits the Adult Use Marijuana Cultivation Establishment will provide to the Town, financial or otherwise, such as:

1. Description of ties to the community.
2. Proposed volunteer activities or sponsoring of educational programs/seminars related to substance abuse prevention and/or other matters of health education.
3. Proposed hours of operation.
4. Proposal for ensuring protection of public health and nuisance mitigation.
5. Local hiring preferences (within confines of law).
6. Security review and cooperation with local law enforcement.
7. Diversity plan to promote equity among minorities, women, veterans, people with disabilities, people of all gender identities and sexual orientation.
8. Status as Economic Empowerment or Social Equity Applicant as defined in 935 CMR 500.00.
9. Proposal for any additional community benefits, including non-monetary goals and local charitable benefits.

Community Outreach Meeting

Following the submission of the above-referenced materials, the Applicant shall schedule a Community Outreach Meeting, in coordination with the Town for purposes of selecting a date and location for the Community Outreach Meeting; the costs of the Community Outreach Meeting shall be the responsibility of the Applicant. This meeting should minimize conflict with the meeting schedules of other municipal boards requiring notification of this meeting and to ensure availability and attendance of appropriate municipal representatives at the meeting.

The Community Outreach Meeting shall include, at a minimum, disclosure of the following information:

1. The Tier of the Marijuana Cultivation Establishment to be located at the proposed address, with a plan demonstrating the location of the facility on the property.
2. Information adequate to demonstrate that the location will be maintained securely.
3. Steps to be taken by the Marijuana Cultivation Establishment operator to prevent diversion to minors.
4. A plan by the Marijuana Cultivation Establishment operator to positively impact the Town.

Application Review

Applications will be reviewed by Town Administration to determine if the Applicant has submitted the requisite information needed to proceed with negotiation of a host community agreement.

Applicants may be asked to appear before the Town Manager to present their information in person and respond to questions.

The Town reserves the right to reject any application it deems to be incomplete; however, the Town may, at its discretion, request that the omitted information or further clarifications be provided by the Applicant. The Town also reserves the right to reject any and all applications.

The Town does not discriminate on the basis of race, sex, age, color, national origin, religion, gender identity, disability, gender identity or expression, marital or parental status, sexual orientation, transgender status, veteran status, or any other protected status.

Negotiation Process

Applicants deemed qualified by the Town Manager will be invited to enter into negotiations for a host community agreement. Applicants will be asked to provide the Town \$2500 to be deposited into an escrow account for purposes of covering legal expenses associated with the negotiation of a host community agreement, with the balance of unused funds to be returned to the Applicant at the time the host community agreement is signed, or additional funds to be provided if the negotiations are protracted. Upon receipt of the funds, the Town shall engage in host community agreement negotiations with the Applicant. Any proposed draft host community agreement shall be subject to final review, approval, and execution by the Select Board.

Commented [LG1]: What is a "standard" or "generally used" amount?

Commented [NJC2R1]: In my opinion, costs typically range from \$3,000- \$5,000 for each host community agreement however, costs do vary based on a number of factors.

Commented [EM3R1]: So is \$2500 the proposed amount or do we want to make it more per Nicole's opinion?

Commented [NJC4R1]: This is a business and policy decision, left to the discretion of the Town.

Applicants may be asked to appear before the Select Board to present the proposed draft host community agreement in person and respond to questions. The Select Board may deny, approve or request an amendment to the negotiated proposed draft host community agreement in its sole discretion.

Transfer of any host community agreement shall require the prior written approval of the Select Board.

Ownership of Documents

Any material submitted by applicants shall become the property of the Town.

Public Record

Any personal or financial identifiers (e.g. SSNs, bank account numbers, etc.) contained in application documents shall be redacted by the Applicant prior to submittal.

All information contained in applications and not redacted as above may be open for public inspection. All security-related information furnished by the Applicant will be treated as confidential by the Town to the extent permitted by Massachusetts Public Records Law if submitted in a separate sealed envelope marked confidential.

Disclosure

Pursuant to G.L. c.94G §3, its implementing regulations at 935 CMR 500.000, et seq., any Marijuana Cultivator operator seeking to operate in the Town of Nantucket must execute a host community agreement with the Town. The host community agreement sets forth agreed conditions for location within the Town and may include, but is not limited to, stipulations of responsibilities between the Town and the Marijuana Cultivator Applicants. In addition to executing a host community agreement, Marijuana Cultivators must comply with all local bylaws and regulations, including, but not limited to, special permit requirements.



TOWN OF NANTUCKET

*Quarterly Financial Report
Third Fiscal Quarter Ended
March 31, 2022*



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Financial Highlights

General Fund Revenues

Third quarter General Fund ⁽¹⁾ revenues were \$34.2M, representing a \$11M (+48%) increase over the third quarter of last year. The main drivers behind the increase quarter-over-quarter are Real estate and personal property taxes collected, mostly because last year the Q3 bills were delayed and instead of the usual February due date, the period was extended, and the bills weren't due till May. The Local Meals tax was up \$41,452 (+\$54%) from the same period last year. The Rooms Tax had decreased with \$1.1M (-66%) over Q3/FY2021, but looking at YTD Rooms Tax revenue collected we had substantial increase compared to the first nine months of FY2021 ending in \$11,961,082, which represents \$4,573,925 (+62%) YTD increase. Revenue from Fees & Rentals saw a decrease of -13%, when compared to the third quarter of FY2021. Building Permits in particular were down \$57K (-13%). Other departmental revenue was up +\$60K (+62%) this quarter. The Revenue collected ended the quarter at 86% of the estimated budgeted revenue for the year.

General Fund Expenses

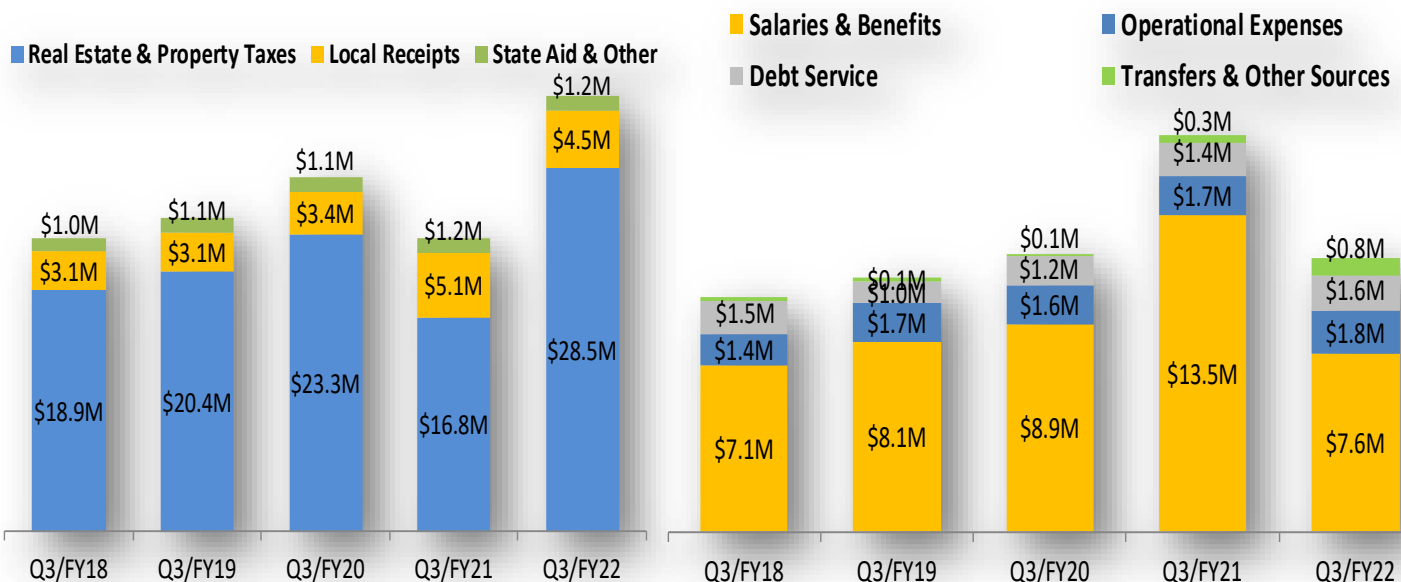
General Fund expenses ended the third quarter at \$30.7M with decrease of \$3.7M (-11%) over the same quarter in FY2021. General Government expenses were down by -\$192K (-9%), mainly because of salaries and unfilled positions in some departments. School spending increased \$418K (+6%) over the same period last year. Safety & Protection expenses and Maintenance were up +1% and +14%, respectively. There was an increase in Health & Human Services of \$41K (+18%) compared to FY21, that can be attributed to salaries and professional services. Debt Service and Debt Interest were up +7% and +10%, respectively. Other Expenditures decreased over the same quarter last year, because of paid Barnstable Retirement in Q3, this fiscal year we paid the retirement in Q2. Overall, the General Fund Expenses ended the quarter at 71% of the Annual Budget.

Third Quarter General Fund Revenues

5-Yr History
(in millions of dollars)

Third Quarter General Fund Expenditures ⁽²⁾

5-Yr History
(in millions of dollars)

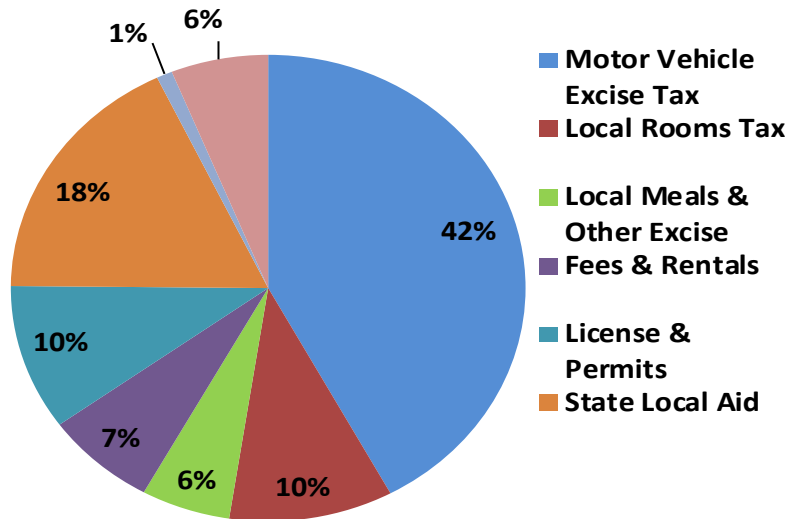


(1) General Fund: general government, safety & protection, marine department, maintenance, human services, culture & recreation, and contractual obligations.

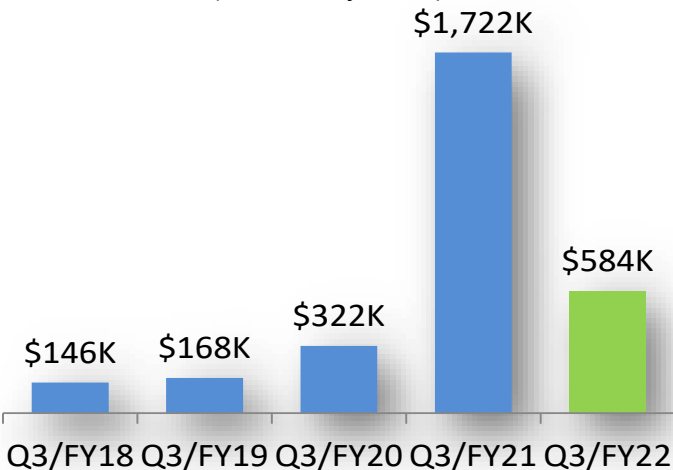
General Fund Revenues

Where does the money come from?

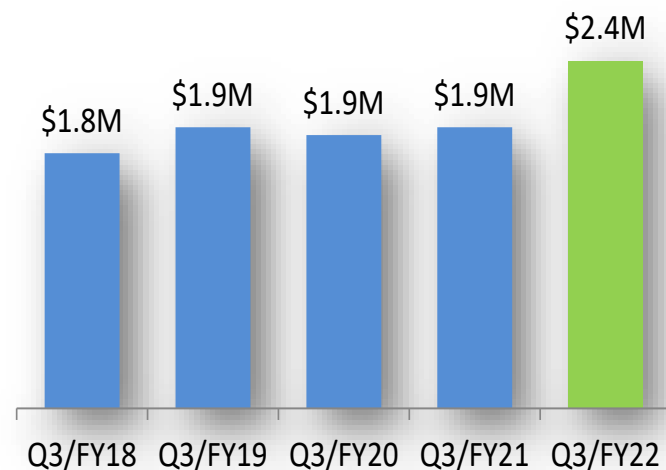
General Fund Revenues ⁽¹⁾
For Fiscal Quarter Ended March 31, 2022



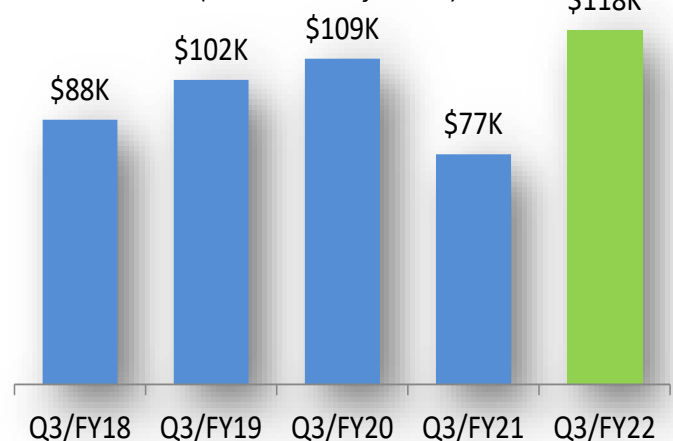
Third Quarter Rooms Tax
(in millions of dollars)



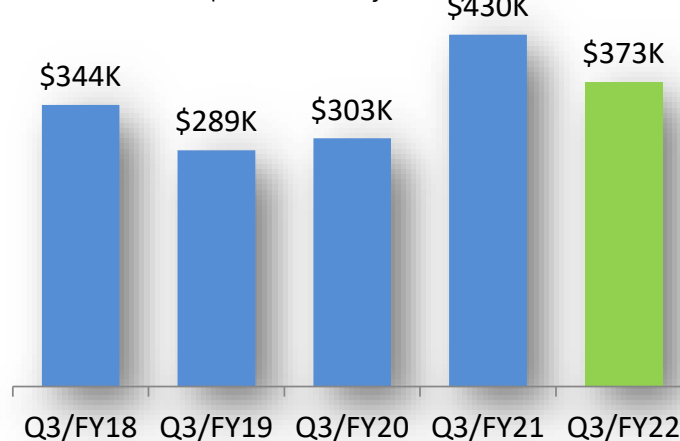
Third Quarter Motor Vehicle Excise Tax
(in thousands of dollars)



Third Quarter Meals Tax
(in thousands of dollars)



Third Quarter Building Permits
(in thousands of dollars)



⁽¹⁾ Excludes real estate and personal property tax revenue

General Fund Revenues

Results for most recent quarter

	Quarter Ended Mar 31		QTR/QTR		FY2022 Budget
	FY2022	FY2021	% Change	\$ Change	Quarter
Real Estate Taxes	\$ 27,733,994	\$16,281,825	70%	\$11,452,169	\$ 23,231,490
Personal Property Taxes	781,435	512,061	53%	269,374	636,061
Excise Taxes					
Motor Vehicle Excise Tax	2,385,780	1,930,628	24%	455,152	687,500
Local Rooms Tax	583,916	1,721,765	(66%)	(1,137,849)	1,687,500
Local Meals Tax	118,239	76,787	54%	41,452	175,000
Other - Includes Penalties & Interest	199,077	176,994	12%	22,083	134,631
Subtotal - Excise Taxes	3,287,012	3,906,175	(16%)	(619,162)	2,684,631
Charges for Services	8,573	2,535	238%	6,038	12,563
Fees & Rentals					
Planning Board Filing Fees	23,400	17,500	34%	5,901	18,750
Plumbing & Wiring Inspection Fees	116,375	109,975	6%	6,400	84,325
HDC Filing Fees	64,227	98,779	(35%)	(34,552)	82,500
Concession Rental Fees	-	-	na	-	43,653
Marine Moorings & Docking Fees	14,370	34,800	(59%)	(20,430)	51,813
Other	179,039	193,672	(8%)	(14,633)	117,710
Subtotal - Fees & Rentals	397,411	454,725	(13%)	(57,314)	398,750
License & Permits					
Building Permits	372,881	430,135	(13%)	(57,253)	202,481
Liquor Licenses	149,350	68,150	119%	81,200	54,750
Other	49,425	31,474	57%	17,951	68,288
Subtotal - License & Permits	571,657	529,759	8%	41,898	325,518
State Local Aid					
School Aid	912,534	900,060	1%	12,474	912,535
Other	93,234	74,502	25%	18,732	77,909
Subtotal - State Local Aid	1,005,768	974,562	3%	31,206	990,444
Fines & Forfeits					
Parking Fines	49,510	53,961	(8%)	(4,452)	52,000
Other	6,618	7,905	(16%)	(1,288)	5,500
Subtotal - Fines & Forfeits	56,127	61,866	(9%)	(5,739)	57,500
Investment Income	35,147	45,374	(23%)	(10,227)	41,250
Other Departmental Revenue					
Town Gas Sales	24,080	14,039	72%	10,041	13,500
Off Duty Police and Fire Personnel	18,154	21,182	(14%)	(3,028)	22,875
Other Departmental Revenue	114,788	61,505	87%	53,283	76,125
Subtotal - Other Dept'l Revenue	157,022	96,727	62%	60,296	112,500
Miscellaneous			na	-	-
Transfer & Other Sources					
Debt Premium	-	-	na	-	-
Indirect Costs	145,575	154,075	(6%)	(8,500)	145,575
Other	-	32,911	(100%)	(32,911)	-
Subtotal - Transfer & Other Sources	145,575	186,986	(22%)	(41,411)	145,575
Total General Fund Revenue	\$ 34,179,722	\$23,052,594	48%	\$11,127,128	\$ 28,636,281

General Fund Revenues

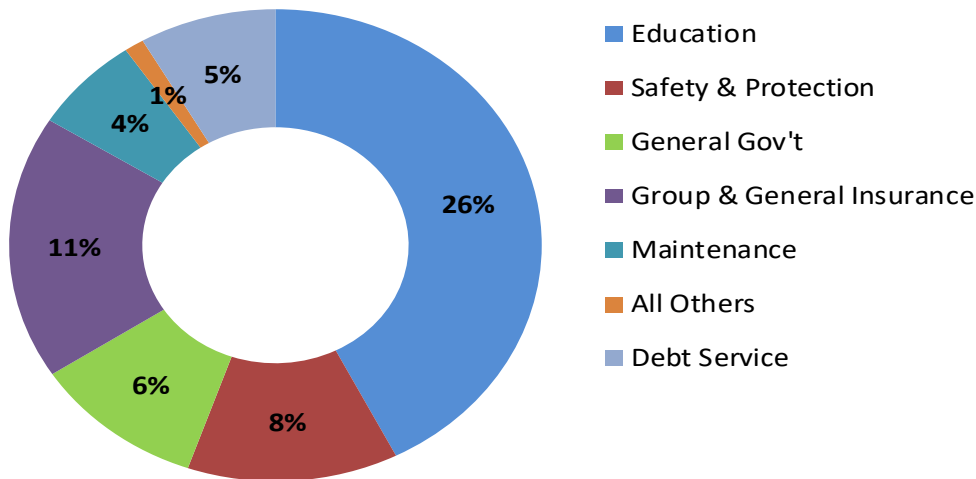
Results for 9 Months Ended March 31, 2022

	Nine Months Ended Mar 31		YTD/YTD		FY2022	% of Budget
	FY2022	FY2021	% Change	\$ Change	Budget	
Real Estate Taxes	\$72,435,694	\$57,612,660	26%	\$14,823,033	\$ 92,925,960	78%
Personal Property Taxes	1,854,305	1,391,116	33%	463,190	2,544,243	73%
Excise Taxes						
Motor Vehicle Excise Tax	3,278,828	2,511,532	31%	767,297	2,750,000	119%
Local Rooms Tax	11,961,082	7,387,157	62%	4,573,925	6,750,000	177%
Local Meals Tax	1,337,361	778,192	72%	559,169	700,000	191%
Other - Includes Penalties & Interest	768,385	806,883	(5%)	(38,498)	538,524	143%
Subtotal - Excise Taxes	17,345,656	11,483,764	51%	5,861,892	10,738,524	162%
Charges for Services	65,037	67,032	(3%)	(1,995)	50,250	129%
Fees & Rentals						
Planning Board Filing Fees	55,837	63,127	(12%)	(7,290)	75,000	74%
Plumbing & Wiring Inspection Fees	330,270	279,498	18%	50,773	337,300	98%
HDC Filing Fees	220,407	251,572	(12%)	(31,165)	330,000	67%
Concession Rental Fees	210,592	141,612	49%	68,980	174,610	121%
Marine Moorings & Docking Fees	190,500	205,631	(7%)	(15,131)	207,250	92%
Other	428,899	352,617	22%	76,282	470,840	91%
Subtotal - Fees & Rentals	1,436,505	1,294,057	11%	142,449	1,595,000	90%
License & Permits						
Building Permits	1,107,649	934,139	19%	173,510	809,922	137%
Liquor Licenses	247,600	111,405	122%	136,195	219,000	113%
Other	166,843	167,336	(0%)	(493)	273,150	61%
Subtotal - License & Permits	1,522,092	1,212,880	25%	309,212	1,302,072	117%
State Local Aid						
School Aid	2,737,602	2,700,180	1%	37,422	3,650,139	75%
Other	204,549	232,301	(12%)	(27,753)	311,635	66%
Subtotal - State Local Aid	2,942,151	2,932,481	0%	9,669	3,961,774	74%
Fines & Forfeits						
Parking Fines	328,669	208,468	58%	(4,452)	208,000	158%
Other	24,963	27,693	(10%)	(1,288)	22,000	113%
Subtotal - Fines & Forfeits	353,632	236,160	50%	117,471	230,000	154%
Investment Income	140,111	176,826	(21%)	(36,715)	165,000	85%
Other Departmental Revenue						
Town Gas Sales	53,064	39,895	33%	13,169	54,000	98%
Off Duty Police and Fire Personnel	58,431	69,406	(16%)	(10,975)	91,500	64%
Other Departmental Revenue	315,220	268,939	17%	46,281	304,500	104%
Subtotal - Other Dept'l Revenue	426,715	378,240	13%	48,475	450,000	95%
Miscellaneous			na	-		na
Transfer & Other Sources						
Debt Premium	-	-	na	-	-	na
Indirect Costs	436,725	462,225	(6%)	-	582,300	75%
Other	-	32,911	(100%)	(32,911)	-	na
Subtotal - Transfer & Other Sources	436,725	495,136	(12%)	(58,411)	582,300	75%
Total General Fund Revenue	\$98,958,622	\$77,280,352	28%	\$21,678,270	\$ 114,545,123	86%

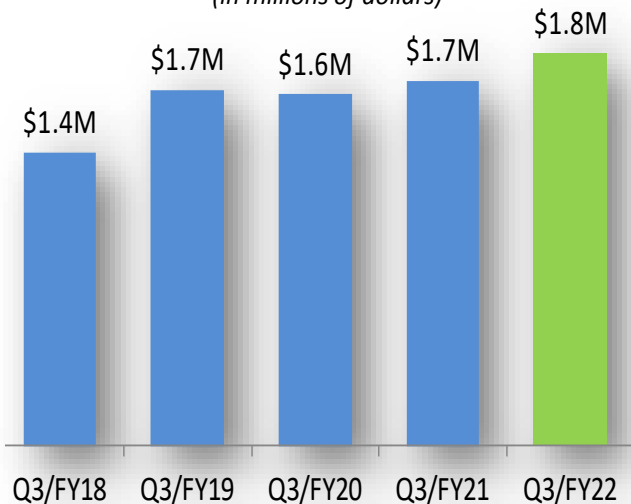
General Fund Expenses

Where does the money go?

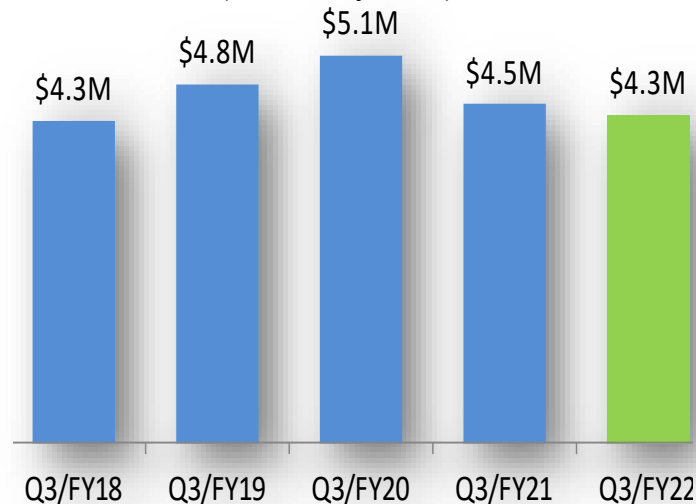
General Fund Expenses
For Fiscal Quarter Ended March 31, 2022



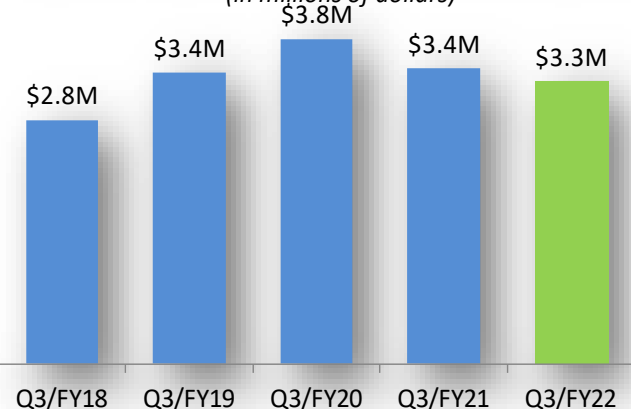
Third Quarter Operational Expenses ⁽¹⁾
(in millions of dollars)



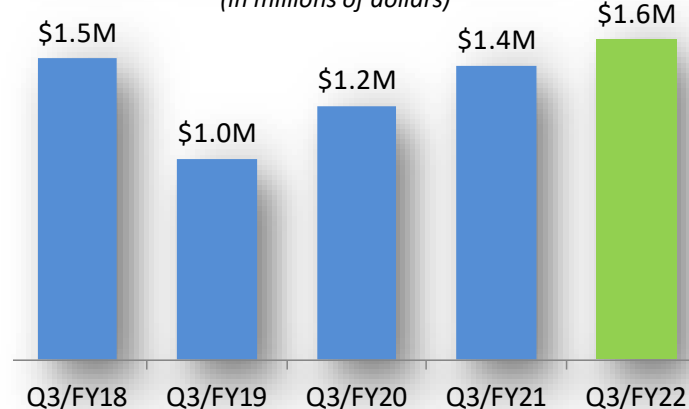
Third Quarter Salary Expenses ⁽²⁾
(in millions of dollars)



Third Quarter Health & Other Group Insurance
(in millions of dollars)



Third Quarter Debt Service (P&I)
(in millions of dollars)



⁽¹⁾ Excludes Debt Service, Transfers and State Assessments, which are subject to timing differences

⁽²⁾ Excludes Health Insurance & Other Group Insurance, Pension Costs and Contractual Obligations.

General Fund Expenses

Results for most recent quarter

	Quarter Ended Mar 31		QTR/QTR		FY2022 Budget
	FY2022	FY2021	% Change	\$ Change	Quarter
General Government					
Finance Committee	\$ 5,768	\$ 96	5,916%	\$ 5,672	\$ 4,670
Finance & Operations	481,455	541,895	(11%)	(60,440)	595,043
Human Resources	114,670	73,872	55%	40,798	154,300
Information Systems / GIS	219,758	240,095	(8%)	(20,337)	339,153
Legal / Town Counsel	76,815	128,862	(40%)	(52,047)	106,614
Moderator	-	-	na	-	421
Planning & Land Use Services	433,183	462,320	(6%)	(29,137)	534,022
Town Administration	334,360	448,243	(25%)	(113,883)	525,951
Housing Office	49,648	-	na	49,648	121,250
Natural Resources	169,995	177,759	(4%)	(7,764)	235,594
Town Clerk	72,917	77,214	(6%)	(4,297)	90,963
Subtotal	\$ 1,958,569	\$ 2,150,356	(9%)	\$ (191,787)	\$ 2,707,981
Safety & Protection					
Emergency Management	\$ -	\$ -	na	-	2,000
Fire Department	720,298	705,991	2%	14,307	801,349
Police & Animal Control	1,643,543	1,627,310	1%	16,233	1,850,378
Street Lighting	31,680	32,129	(1%)	(449)	41,250
Subtotal	\$ 2,395,521	\$ 2,365,430	1%	\$ 30,092	\$ 2,694,977
Marine & Coastal Resources					
Marine Department	\$ (48,005)	\$ 94,291	(151%)	(142,297)	290,887
Subtotal	\$ (48,005)	\$ 94,291	(151%)	\$ (142,297)	\$ 290,887
Maintenance					
Gas / Town Vehicles	\$ 82,117	\$ 77,465	6%	4,652	95,030
Mosquito Control	-	-	na	-	43,179
Public Buildings	328,737	284,715	15%	44,022	327,562
Public Works	722,210	661,344	9%	60,867	886,083
Snow & Ice Removal	103,411	63,757	62%	39,654	20,650
Subtotal	\$ 1,236,475	\$ 1,087,281	14%	\$ 149,195	\$ 1,372,504
Health & Human Services					
Health & Human Services	\$ 268,057	\$ 227,145	18%	40,912	272,148
Subtotal	\$ 268,057	\$ 227,145	18%	\$ 40,912	\$ 272,148
Culture & Recreation					
Atheneum	\$ 191,521	\$ 186,850	2%	4,671	191,521
Town Clock	225	130	73%	95	1,175
Visitor Services	60,567	63,491	(5%)	(2,924)	116,334
Subtotal	\$ 252,313	\$ 250,471	1%	\$ 1,842	\$ 309,030
Other Expenditures					
Debt Service Principal	\$ 611,860	\$ 571,330	7%	40,529	1,583,516
Debt Service Interest	941,871	857,306	10%	84,565	856,091
Group Insurance	3,270,937	3,425,675	(5%)	(154,738)	3,833,998
General Insurance	108,832	2,524	4,212%	106,308	624,702
Retirement Assessment	-	5,638,899	(100%)	(5,638,899)	1,451,422
Cherry Sheet Assessments	250,867	293,872	(15%)	(43,005)	253,201
Contractual Obligations	-	968	(100%)	(968)	100,000
Intergovernmental-SWEF	6,502,995	6,343,105	3%	159,890	1,625,749
Intergovernmental-OIH	5,000,000	3,500,000	43%	1,500,000	1,250,000
Intergovernmental-Cumm School	500,000	550,000	(9%)	(50,000)	125,000
Education	7,450,853	7,033,254	6%	417,599	8,219,247
Subtotal	\$24,638,215	\$28,216,933	(13%)	\$ (3,578,718)	\$ 19,922,926
Total General Fund Expenses	\$30,701,145	\$34,391,907	(11%)	\$ (3,690,762)	\$ 27,570,453

General Fund Expenses

Results for 9 Months Ended March 31, 2022

	Nine Months Ended Mar 31		YTD/YTD		FY22 Budget	% of
	FY2022	FY2021	% Change	\$ Change	Annual	Budget
General Government						
Finance Committee	\$ 5,948	\$ 96	6,104%	\$ 5,852	\$ 18,680	32%
Finance & Operations	1,509,628	1,545,372	(2%)	(35,745)	2,380,174	63%
Human Resources	319,905	246,464	30%	73,440	617,199	52%
Information Systems / GIS	986,012	1,045,888	(6%)	(59,877)	1,356,614	73%
Legal / Town Counsel	222,163	435,449	(49%)	(213,286)	426,456	52%
Moderator	-	-	na	-	1,683	-
Planning & Land Use Services	1,312,735	1,416,419	(7%)	(103,685)	2,136,089	61%
Town Administration	1,053,855	1,207,433	(13%)	(153,578)	2,103,803	50%
Housing Office	82,060	-	na	82,060	485,000	17%
Natural Resources	570,042	619,580	(8%)	(49,538)	942,374	60%
Town Clerk	261,160	234,440	11%	26,720	363,853	72%
Subtotal	\$ 6,323,507	\$ 6,751,142	(6%)	\$ (427,635)	\$ 10,831,925	58%
Safety & Protection						
Emergency Management	\$ 3,633	\$ -	na	3,633	8,000	45%
Fire Department	2,229,013	2,268,547	(2%)	(39,535)	3,205,394	70%
Police & Animal Control	4,869,833	4,777,842	2%	91,991	7,401,513	66%
Street Lighting	79,089	77,251	2%	1,838	165,000	48%
Subtotal	\$ 7,181,567	\$ 7,123,641	1%	\$ 57,927	\$ 10,779,907	67%
Marine & Coastal Resources						
Marine Department	\$ 683,332	\$ 864,619	(21%)	(181,287)	1,163,548	59%
Subtotal	\$ 683,332	\$ 864,619	(21%)	\$ (181,287)	\$ 1,163,548	59%
Maintenance						
Gas / Town Vehicles	\$ 208,274	\$ 197,300	6%	10,974	380,119	55%
Mosquito Control	69,500	64,500	8%	5,000	172,714	40%
Public Buildings	771,073	906,060	(15%)	(134,987)	1,310,250	59%
Public Works	1,892,826	2,100,547	(10%)	(207,721)	3,544,332	53%
Snow & Ice Removal	108,606	68,117	59%	40,490	82,600	131%
Subtotal	\$ 3,050,279	\$ 3,336,524	(9%)	\$ (286,245)	\$ 5,490,015	56%
Health & Human Services						
Health & Human Services	\$ 826,004	\$ 699,806	18%	126,198	1,088,594	76%
Subtotal	\$ 826,004	\$ 699,806	18%	\$ 126,198	\$ 1,088,594	76%
Culture & Recreation						
Atheneum	\$ 574,564	\$ 560,550	2%	14,014	766,085	75%
Town Clock	2,086	1,885	11%	201	4,700	44%
Visitor Services	225,941	195,377	16%	30,564	465,336	49%
Subtotal	\$ 802,591	\$ 757,812	6%	\$ 44,779	\$ 1,236,121	65%
Other Expenditures						
Debt Service Principal	\$ 6,539,971	\$ 6,053,467	8%	486,505	6,334,066	103%
Debt Service Interest	2,875,365	2,527,537	14%	347,828	3,424,364	84%
Group Insurance	9,204,605	9,894,306	(7%)	(689,701)	15,335,993	60%
General Insurance	2,037,414	1,732,570	18%	304,844	2,498,809	82%
Retirement Assessment	5,666,710	5,638,899	0%	27,812	5,805,686	98%
Cherry Sheet Assessments	685,086	725,492	(6%)	(40,406)	1,012,802	68%
Contractual Obligations	-	968	(100%)	(968)	400,000	-
Intergovernmental-SWEF	6,502,995	6,343,105	3%	159,890	6,502,995	100%
Intergovernmental-OIH	5,000,000	3,500,000	43%	1,500,000	5,000,000	100%
Intergovernmental-Cumm School	500,000	550,000	(9%)	(50,000)	500,000	100%
Education	20,339,820	19,237,433	6%	1,102,387	32,876,987	62%
Subtotal	\$59,351,967	\$56,203,777	6%	\$3,148,190	\$ 79,691,702	74%
Total General Fund Expenses	\$78,219,248	\$75,737,321	3%	\$2,481,927	\$ 110,281,812	71%

Capital Investments

Maintaining and improving the infrastructure

Top 15 Capital Projects YTD

Expenditures for Nine Months Ended March 31, 2022

ACCOUNT DESCRIPTION	YTD EXPENDED
A10'22 ISLAND-WIDE ROADS	972,057.50
A10'20 INFRA 6FG&WAITT	914,779.57
A14'22 NOBAD FIELDHOUSE SPPLMN	820,824.57
A10/'19 6FG AREA IMPROVEMENTS	694,395.69
A10'21 PHASED SIDEWALK IMPROVE	460,769.46
A10'22 GRNDWATER PFAS FIND&FIX	335,436.44
A10'22 CAMPUS IMPROVE PLAN	296,628.64
A10'20 REPLACE ENGINE 7	267,387.00
A10'20 COASTAL RESILNCY PLANNG	247,489.65
A10'19 SSIDE AREA ROADS	244,753.21
A21'22 COUNTY ASSESSMENT	174,455.00
A10'22 POOL PARKING ENTRANCE	157,902.00
A10'20 BACKUS LANE FIELDS PH3	150,004.40
A10'20 SEASONL EMP HSING MAINT	145,926.73
A10'20 INDSTRY RD LAYUP YARD	144,215.00

Financing Activity

How much do we owe?

The Town's Credit Rating

- External credit ratings have a direct influence on the Town's ability to:
 - Minimize borrowing costs
 - Successfully borrow funds to complete the improvement and construction of long-term assets and the Town's infrastructure
- In October 2018, Moody's affirmed the Town's rating of AAA- the highest rating on the municipal credit rating scale - and reaffirmed a positive outlook.
- In October 2016, Standard & Poor's initiated coverage on the Town of Nantucket's general obligation debt in a report establishing a AA rating. There has been no new rating since this initial report.

Type of Bond Issued	Moody's Rating	Standard & Poor's Rating
General Obligation	AAA	AA

Investment Report

How safe is our money?

Equity Markets - Review

In the final quarter of the Fiscal Year, U.S. Equity markets continued an impressive run higher.

Recent market momentum was based off additional economic stimulus and the expectation for economic recovery.

During the quarter, GDP, unemployment and corporate earnings data showed the recovery had arrived.

Overall for the quarter the S&P 500 returned 8.4%. The 21 Legal List stocks returned 3.1%.

Fixed Income - Review

During this recovery, one ongoing area of concern for investors has been the risk of rising inflation, which increased significantly throughout the quarter.

The Fed has acknowledged recent inflationary data and is continuing to adjust their outlook for future interest rate policy.

Ironically, while short-term interest rates have risen, the longer-term 10 Year Treasury rate has actually fallen since March.

The 10 Year Treasury ended the fiscal year at 1.44% as of June 30th.

Strategy Outlook

As we've seen throughout the Fiscal Year, portfolios with an allocation to Equities benefited from the continued economic recovery. We continue to favor making allocations to Legal List equities for Long Term funds.

Although we saw the 10 Year Treasury rate fall throughout the final quarter, our expectation is for rates to resume their trend higher driven by continued economic improvement, inflationary pressure and eventual changes in the Fed's interest rate outlook.

Advisory Fees - 4/1/2021 – 6/30/2021

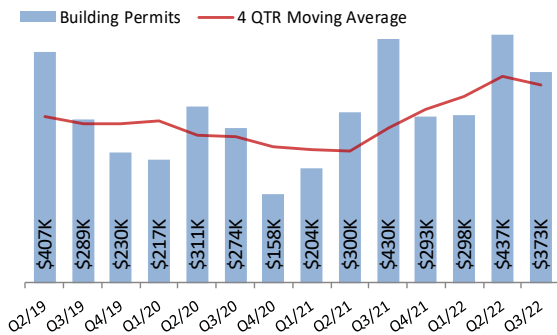
- Pooled Trust: \$7,589.08
- OPEB: \$3,104.14
- Airport Stab: \$109.13

Outlook

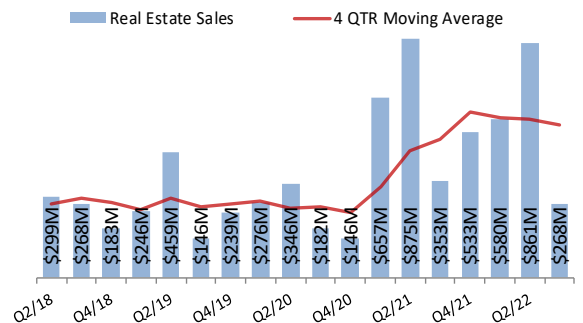
The Muni Watch as of March 31, 2022

Local Receipts	Periods based on fiscal calendar ⁽¹⁾				Trend ⁽²⁾		Details
	Last Qtr	Qtr/Qtr	LTM	Yr/Yr	3-Mo	LTM	
Building Permits	\$372,881	(13%)	\$1.4M	28%			<i>For Local Receipts categories:</i> - Green if trend is 5% or above - Yellow if trend is between +5% and -10% - Red if trend is below -10%
Rooms Tax	\$583,916	122%	\$12.6M	(5%)			
Meals Tax	\$118,239	54%	\$1.4M	74%			
Motor Excise Tax	\$2,385,780	24%	\$4.1M	36%			
Local Indicators (3)							
Real Estate - Sales (\$M)	\$268M	(24%)	\$2,243M	10%			<i>Real Estate categories:</i> - Green if trend ≥ 0%, Yellow if between 0% and -10%, Red if trend is < 10%
Real Estate - Transactions	87	(43%)	679	(6%)			
SSA Freight Revenue (\$M)	\$8.2M	8%	\$38M	23%			<i>SSA categories:</i> - Green if trend ≥ 0%, Yellow if between 0% and -3%, Red if trend is < 3%
SSA Nantucket Passengers	123,738	32%	531,844	50%			
GA Airport Landings ⁽⁴⁾	1,556	61%	21,828	41%			<i>Airport:</i> Private aircraft activity. Green if trend ≥ 5%, Yellow if 0% to 5%, Red if < 0%
Nat'l Leading Indicators	Current	3-Mo	12-Mo		3-Mo	LTM	
LIBOR T-Bill Yield Spread	0.07	0.11	0.15%				- Difference between 3mth LIBOR & 3 mth treasury bill (< 0.5% signals stability).
Sr Loan Officer Survey	-14.50	-18.20	5.50%				- Fed Reserve: % of loan officers seeing loan standards tightening for med/large firms (< 10% is positive).
S&P 500 Performance	4,530	4,766	3,972				- S&P 500 index as proxy of performance of risky equity assets. Level > 1950 is positive.
Weekly Initial Claims	178,000	199,750	723,500				- 4-wk average of unemployment insurance initial claims, < 300,000 is positive.

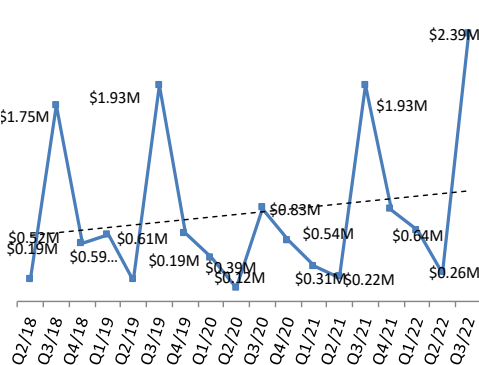
Building Permits - Historicals and Moving Average



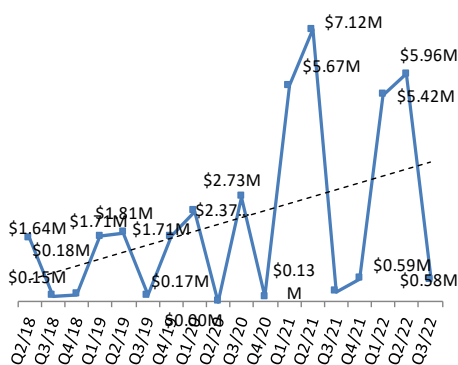
Real Estate Sales - Historicals and Moving Average



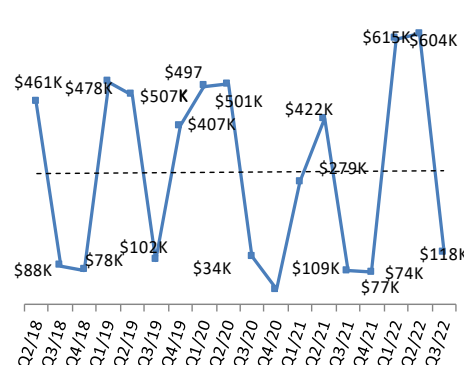
Motor Excise Tax (in millions)



Rooms Tax (in millions)



Meals Tax (in thousands)





Our Island Home Enterprise Fund

*Quarterly Financial Report
Third Fiscal Quarter Ended
March 31, 2022*



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Our Island Home Financial Highlights

Our Island Home Revenues

Total revenue for the third quarter of FY2022 was \$648,267, representing a \$248K (-28%) decrease over the same quarter last year. We can attribute the decrease to lower census and reduced Medicare admissions/patient revenue. Private Patient Revenue was up +15% compared to Q3/FY2021. The Revenue ended the quarter at 67% of the estimated budgeted revenue for the year.

Our Island Home Expenses

Expenses for the third quarter of FY2022 were down 31% (-\$719K) compared to the same quarter last fiscal year. Barnstable Retirement is the reason for the significant decrease quarter-over-quarter. This fiscal year we paid the retirement in Q2 and in FY2021 the retirement was paid in Q3. The most notable decreases in expenses are from salaries (-\$78K) and medical insurance (-\$5K), because of unfilled positions in various departments. Professional Services and Food expenses increased over Q3/FY2021 by +\$21K and \$10K, respectively. Overall, the OIH Expenses ended the quarter at 61% of the annual budget.

Our Island Home Summary

TOWN OF NANTUCKET
OUR ISLAND HOME - ENTERPRISE FUND
Operating Revenue and Expenditures for Nine Months Ended Mar 31, 2022

	Budget	Nine Months Ended Mar 31		
	FY2022	FY2022	Actuals	FY2021 Actuals
Revenue	\$ 3,789,850	\$ 2,545,993	\$ 5,649,583	
Expenses	8,808,782	5,335,185	5,409,381	
Net Earnings	(5,018,932)	(2,789,192)	240,202	
Transfer from Retained Earnings	-	-	1,500,000	
NET EARNINGS	\$ (5,018,932)	\$ (2,789,192)	\$ 1,740,202	
Retained Earnings				
OTHER SOURCES/USES:				
General Fund Subsidy	\$ 5,000,000	\$ 5,000,000	\$ 3,500,000	
Encumbrance Carryforwards	18,932	18,932	21,687	
FinCom GF Reserve Fund Transfer	-	-	-	
Surplus(Deficit) Including Debt Service and Other Financing Sources	\$ 0	\$ 2,229,740	\$ 5,261,888	

Certified Retained Earnings as of July 01, 2021

\$ 6,188,036

Plus: Current Surplus as of Mar 31, 2022

2,229,740

Projected Balance as of Mar 31, 2022 ⁽¹⁾⁽²⁾

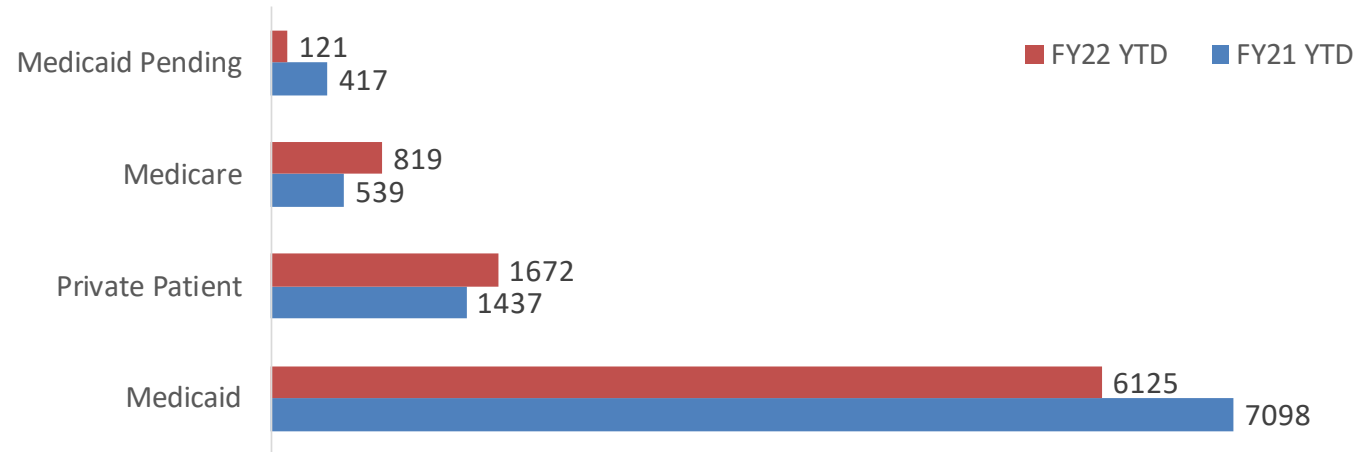
\$ 8,417,776

Our Island Home Revenues

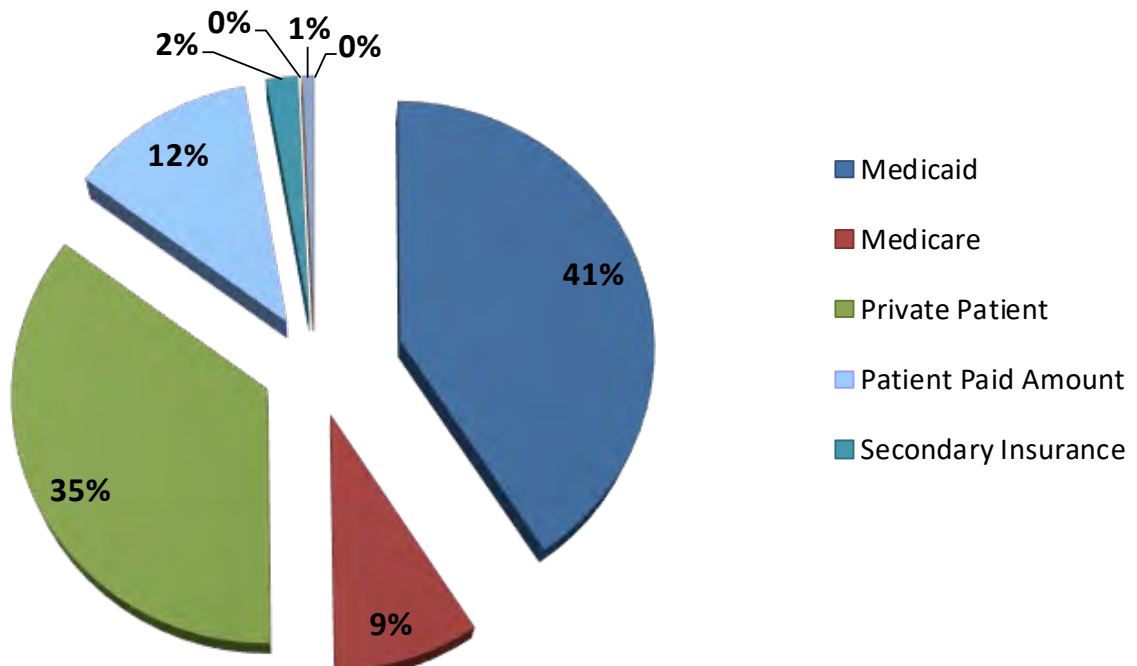
Where does the money come from?

Census Data Per Payor Source

YTD/YTD



FY2022 Revenue Breakdown - YTD Actuals





Our Island Home Revenues

Results for most recent quarter

OIH Revenue for Quarter Ended Mar 31, 2022

REVENUE	Quarter Ended Mar 31		QTR/QTR		FY2022 Budget	
	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change	Quarter	
Medicaid Patient Revenue	\$ 298,884	\$ 405,329	(26%)	\$ (106,446)	\$	462,923
Medicare Revenue	6,785	108,540	(94%)	(101,754)		79,370
Private Patient Income	244,500	212,880	15%	31,620		269,816
Patient Paid Amount	95,624	157,697	(39%)	(62,073)		110,213
Secondary Insurance	2,474	12,190	(80%)	(9,716)		25,141
Rental Fees	-	-	na	-		-
Direct Care Staff Payments	-	-	na	-		-
Prior Year CPE Receipts	-	-	na	-		-
Bounced Checks	-	-	na	-		-
Interest Earned	-	-	na	-		-
Total Revenue*	\$ 648,267	\$ 896,636	(28%)	\$ (248,369)	\$	947,463
OTHER FINANCING SOURCES						
	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change		QTR Budget
General Fund Subsidy	\$ -	\$ -	na	-		-
Voted Use of Certified Retained Earnings - Operations	-	-	na	-		-
FinCom Transfer	-	-	na	-		-
FY2021 Encumbrance Carryforward	-	-	na	-		-
Total Other Financing Sources	\$ -	\$ -	na	\$ -	\$	-
TOTAL REVENUE AND OTHER FINANCIAL SOURCES	\$ 648,267	\$ 896,636	(28%)	\$(248,369)	\$	947,463



Our Island Home Revenues

Results for 9 Months Ended March 31, 2022

OIH Revenue for Nine Months Ended Mar 31, 2022

REVENUE	Nine Months Ended Mar 31		YTD/YTD		FY2022 Budget		% of Budget Used
	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change	Annual w/ Carryfwd		
Medicaid Patient Revenue	\$ 1,037,376	\$ 1,248,500	(17%)	\$ (211,124)	\$ 1,851,691		56%
Medicare Revenue	229,435	286,530	(20%)	(57,095)	317,480		72%
Private Patient Income	899,389	850,970	6%	48,419	1,079,264		83%
Patient Paid Amount	309,051	395,399	(22%)	(86,348)	440,850		70%
Secondary Insurance	52,138	45,537	14%	6,600	100,565		52%
Rental Fees	18,604	-	na	18,604	-		na
Direct Care Staff Payments	-	-	na	-	-		na
Prior Year CPE Receipts	-	2,822,647	(100%)	(2,822,647)	-		na
Bounced Checks	-	-	na	-	-		na
Interest Earned	-	-	na	-	-		na
Total Revenue*	\$ 2,545,993	\$ 5,649,583	(55%)	\$ (3,103,590)	\$ 3,789,850		67%

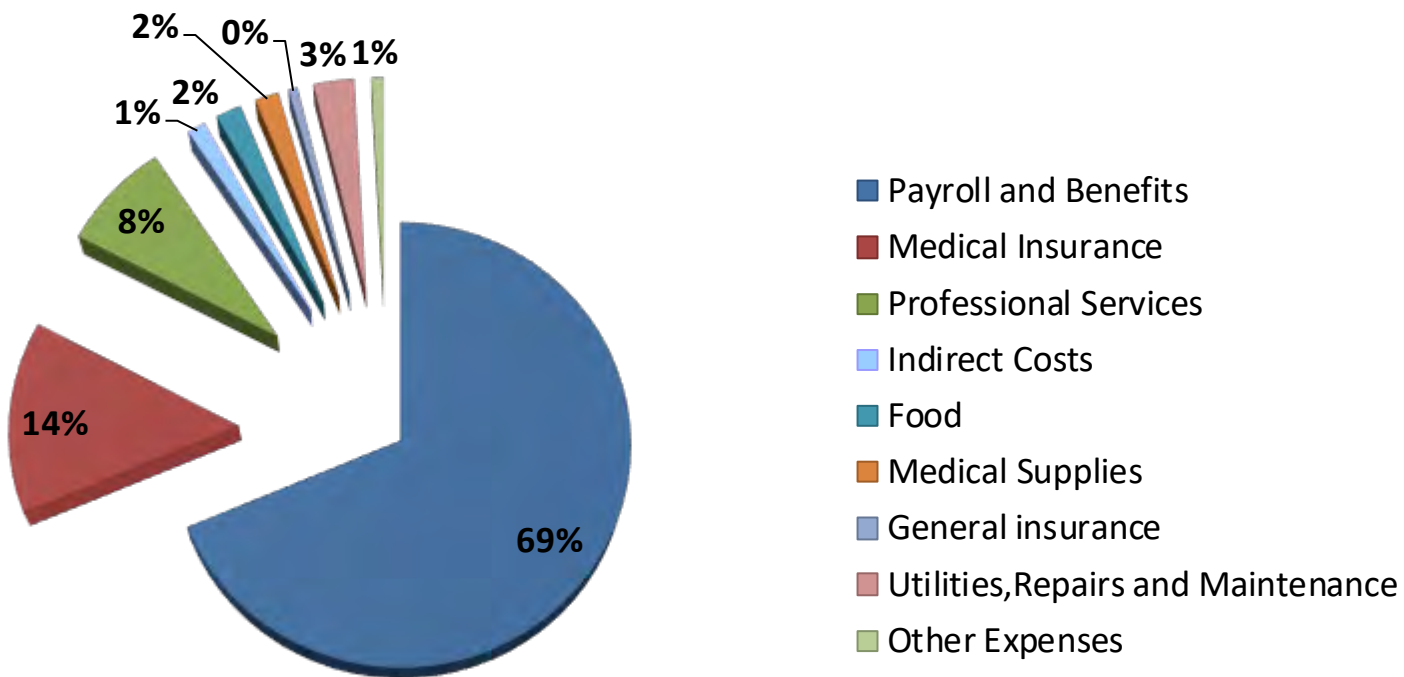
OTHER FINANCING SOURCES	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change	Annual Budget	Budget Used
General Fund Subsidy	\$ 5,000,000	\$ 3,500,000	43%	\$ 1,500,000	\$ 5,000,000	100%
Voted Use of Certified Retained Earnings - Operations	-	-	na	-	-	na
FinCom Transfer	-	-	na	-	-	na
FY2021 Encumbrance Carryforward	18,932	21,687	(13%)	(2,755)	18,932	100%
Total Other Financing Sources	\$ 5,018,932	\$ 3,521,687	43%	\$ 1,497,245	\$ 5,018,932	100%

TOTAL REVENUE AND OTHER FINANCIAL SOURCES	\$ 7,564,925	\$ 9,171,270	(18%)	\$(1,606,345)	\$ 8,808,782	86%
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Our Island Home Expenses

Where does the money go?

FY2022 Expenses Breakdown - YTD Actuals





Our Island Home Expenses

Results for most recent quarter

OIH Operating Expenses for Quarter Ended Mar 31, 2022

OPERATING EXPENSES WITHOUT DEBT	Quarter Ended Mar 31		QTR/QTR		FY2022 Budget
	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change	Quarter
Payroll - Salary	\$ 923,307	\$ 1,000,956	(8%)	\$ (77,649)	\$ 1,137,590
Medicare P/R Tax Expense	12,953	13,957	(7%)	(1,005)	13,961
Medical Insurance	249,931	255,328	(2%)	(5,397)	333,463
Barnstable County Retirement	-	684,034	(100%)	(684,034)	159,982
Contractual Obligations	-	-	na	-	72,472
Utilities	53,348	44,431	20%	8,917	41,767
Repairs & Maintenance	7,608	1,440	428%	6,168	15,242
Food	43,017	33,085	30%	9,932	36,563
Professional Services	198,972	178,394	12%	20,578	259,965
Medical Supplies	36,297	37,829	(4%)	(1,532)	34,501
General Insurance	11,030	-	na	11,030	24,668
Other Supplies	12,435	17,025	(27%)	(4,590)	15,670
Indirect Costs	23,075	23,075	(0%)	(0)	23,075
Other	8,430	9,718	(13%)	(1,287)	33,278
Transfer to Capital	-	-	na	-	-
Total Expenditures - Excluding Debt Service	\$ 1,580,402	\$ 2,299,271	(31%)	\$ (718,869)	\$ 2,202,195
DEBT SERVICE	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change	QTR Budget
Principal	\$ -	\$ -	na	-	\$ -
Interest	-	-	na	-	-
Issuance Costs	-	-	na	-	-
BAN Costs, Principal, Interest	-	-	na	-	-
Other	-	-	na	-	-
Total Debt Service	\$ -	\$ -	na	\$ -	\$ -
TOTAL OPERATING EXPENSES AND DEBT SERVICE	\$ 1,580,402	\$ 2,299,271	(31%)	\$ (718,869)	\$ 2,202,195



Our Island Home Expenses

Results for 9 Months Ended March 31, 2022

OIH Operating Expenses for Nine Months Ended Mar 31, 2022

OPERATING EXPENSES WITHOUT DEBT	Nine Months Ended Mar 31		YTD/YTD		FY2022 Budget		% of Budget Used
	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change	Annual w/ Carryfwd		
Payroll - Salary	\$ 2,949,826	\$ 2,860,722	3%	\$ 89,104	\$ 4,550,360		65%
Medicare P/R Tax Expense	41,235	39,769	4%	1,467	55,843		74%
Medical Insurance	742,829	838,244	(11%)	(95,416)	1,333,853		56%
Barnstable County Retirement	663,618	684,034	(3%)	(20,415)	639,928		104%
Contractual Obligations	-	-	na	-	289,886		0%
Utilities	119,277	100,536	19%	18,741	167,070		71%
Repairs & Maintenance	37,603	42,831	(12%)	(5,228)	60,967		62%
Food	98,480	92,324	7%	6,156	146,250		67%
Professional Services	426,455	520,499	(18%)	(94,045)	1,039,861		41%
Medical Supplies	91,148	80,975	13%	10,174	138,004		66%
General Insurance	35,086	20,096	75%	14,990	98,670		36%
Other Supplies	31,031	39,776	(22%)	(8,745)	62,680		50%
Indirect Costs	69,225	69,225	0%	0	92,300		75%
Other	15,509	20,351	(24%)	(4,842)	133,110		12%
Transfer to Capital	-	-	na	-	-		na
Total Expenditures - Excluding Debt Service	\$ 5,321,323	\$ 5,409,381	(2%)	\$ (88,058)	\$ 8,808,782		60%
DEBT SERVICE	FY2022 Actuals	FY2021 Actuals	% Change	\$ Change	Annual Budget	Budget Used	
Principal	\$ -	\$ -	na	\$ -	\$ -		na
Interest	13,861	-	na	13,861	-		na
Issuance Costs	-	-	na	-	-		na
BAN Costs, Principal, Interest	-	-	na	-	-		na
Other	-	-	na	-	-		na
Total Debt Service	\$ 13,861	\$ -	na	\$ 13,861	\$ -		na
TOTAL OPERATING EXPENSES AND DEBT SERVICE	\$ 5,335,185	\$ 5,409,381	(1%)	\$ (74,197)	\$ 8,808,782		61%



Solid Waste Enterprise Fund
Quarterly Financial Report
Third Fiscal Quarter Ended
March 31, 2022



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Solid Waste Financial Highlights

Solid Waste Revenues

The revenue for the third quarter of FY2022 was \$710,645, representing a \$18K (-3%) decrease over the same quarter last fiscal year. The Revenue ended the quarter at 67% of the estimated budgeted revenue for the year.

Solid Waste Expenses

The total Expenditures, excluding Debt Service, for the third quarter were higher +\$209K (+7%) compared to Q3/FY2021 and represented 77% of the annual budget. Professional Services - Collection & Disposal expenses were down over last year's third quarter with -1% (-\$23K). Professional Services - Recycle/MRF increased +\$141K (+35%). Debt service interest decreased -23% over the same quarter in FY2021.

Solid Waste Summary

**TOWN OF NANTUCKET
SOLID WASTE ENTERPRISE FUND
Operating Revenue and Expenses for Nine Months Ended Mar 31, 2022**

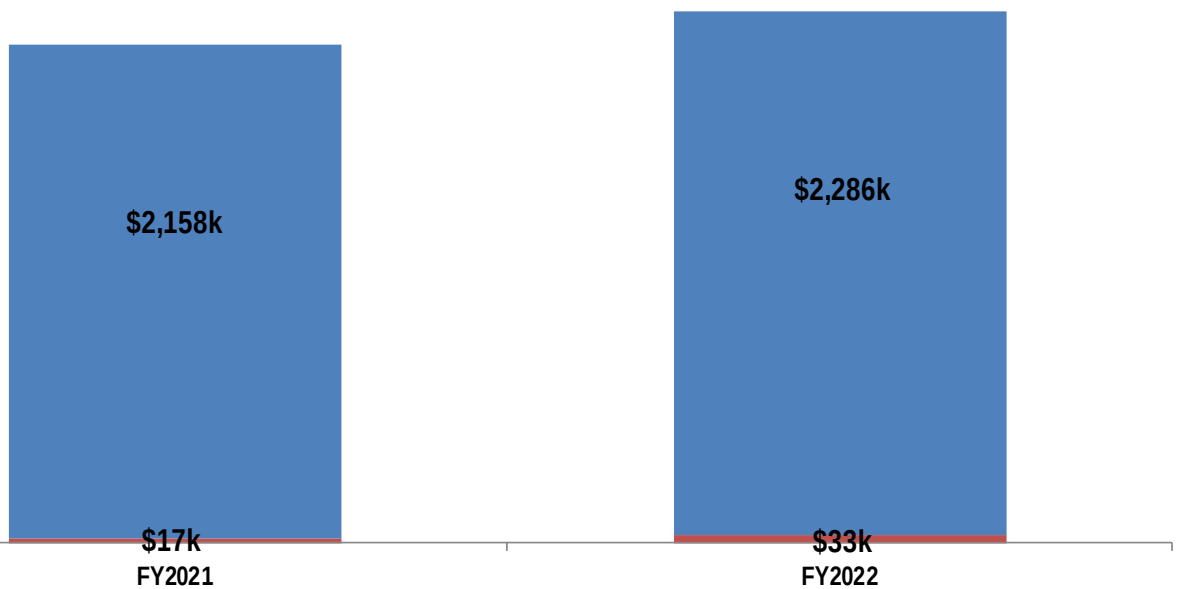
	Budget	Nine Months Ended Mar 31	
	FY2022	FY2022	FY2021
Revenue	\$ 3,530,000	\$ 2,359,381	\$ 2,174,959
Expenses	11,006,795	8,527,478	8,043,887
Gross Earnings	(7,476,795)	(6,168,098)	(5,868,928)
Transfer from Retained Earnings	932,198	932,198	1,358,530
Net Earnings	\$ (6,544,597)	\$ (5,235,900)	\$ (4,510,398)
Retained Earnings			
Net Sources (Uses)			
General Fund Subsidy - Override	-	-	-
General Fund Subsidy - Tax Levy	-		
General Fund Subsidy	6,502,995	6,502,995	6,343,105
Authorized use of free cash			
General Fund Subsidy - Shortfall Raised on Recap			
Encumbrance Carryforwards	41,602	286	430,673
FinCom GF Reserve Fund Transfer			
Surplus (Deficit)	\$ (0)	\$ 1,267,382	\$ 2,263,380
Certified Retained Earnings as of July 01, 2021	\$ 722,202		
Plus: Current Surplus as of Mar 31, 2022	\$ 1,267,382		
Projected Balance as of Mar 31, 2022 (1)(2)	\$ 1,989,584		

Solid Waste Revenues

Where does the money come from?

YTD Revenue Breakdown (in thousands)

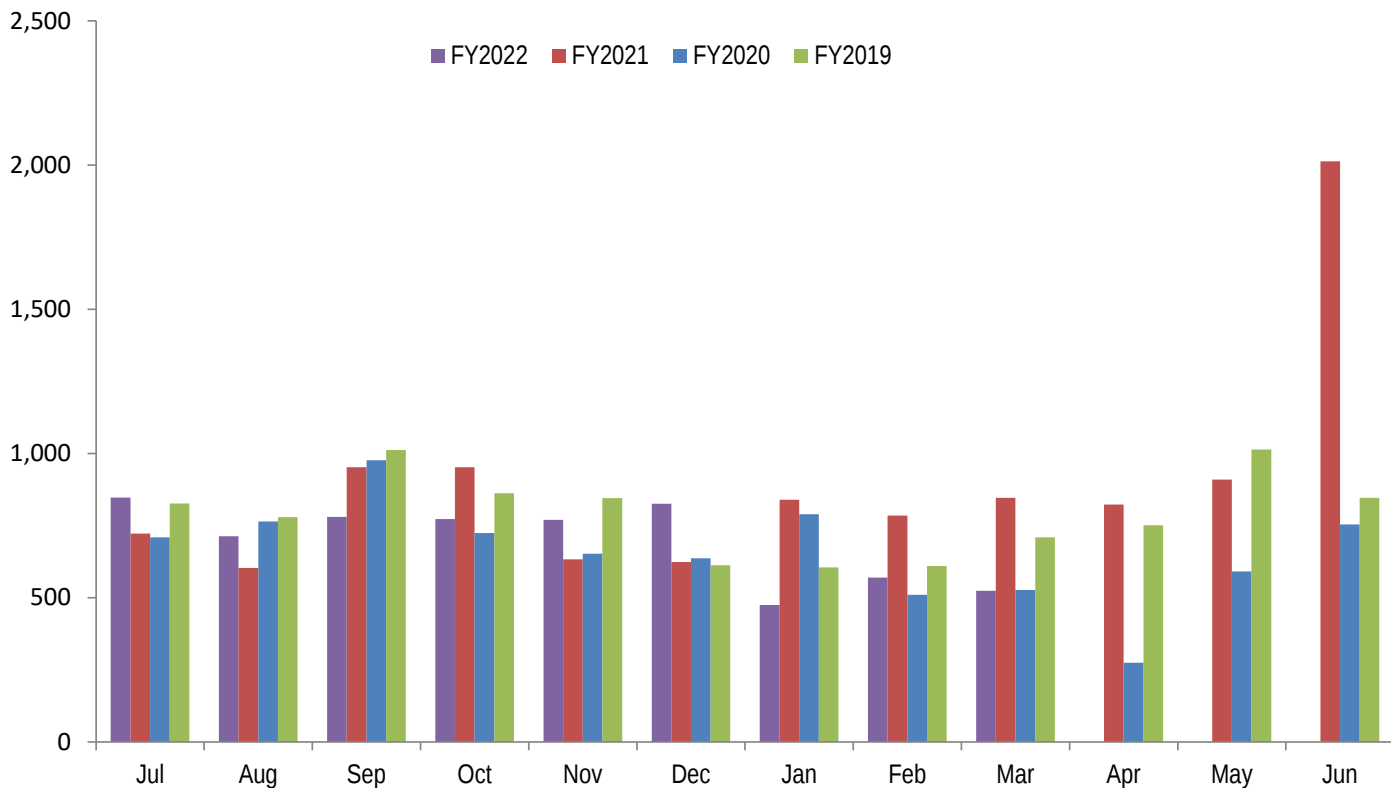
■ Landfill Fees ■ Tipping Fees



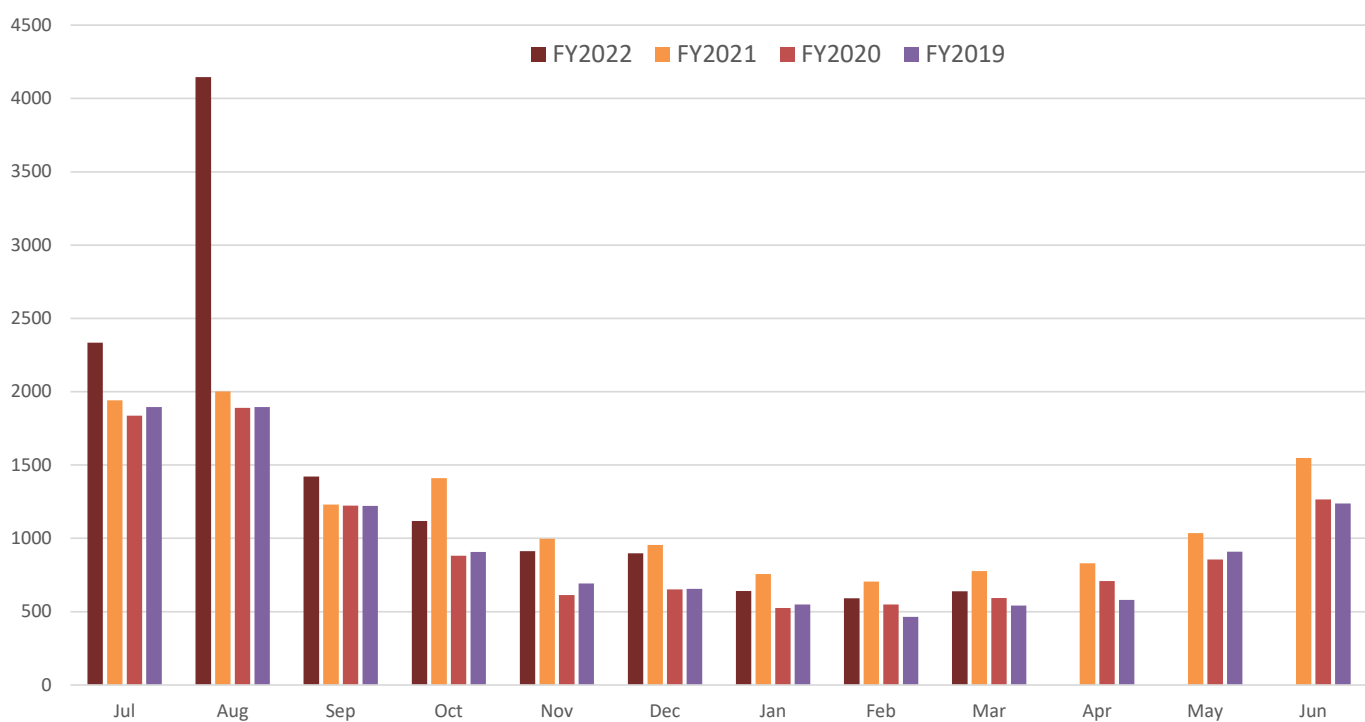
Solid Waste Revenues

Where does the money come from?

Month-Over-Month C&D Volume (in thousands of tons)



Month-Over-Month MSW/Compostable Waste Volume (in thousands of tons)





Solid Waste Revenues

Operating Revenue for Quarter Ended Mar 31, 2022

REVENUE	Quarter Ended Mar 31		QTR/QTR		FY2022 Budget
	FY2022	FY2021	\$ Change	% Change	QUARTER
Landfill Fees	\$ -	\$ (380)	\$ 380	(100%)	\$ 100,000
Tipping Fees	710,645	729,502	(18,857)	(3%)	782,500
Debt Premium	-	-	-	na	-
Miscellaneous Revenues	0	3	(3)	(87%)	-
Total Revenue*	\$710,645	\$729,125	\$(18,481)	(3%)	\$ 882,500

OTHER FINANCING SOURCES	FY2022	FY2021	\$ Change	% Change	QUARTER
General Fund Subsidy - Override	\$ -	\$ -	\$ -	na	\$ -
General Fund Subsidy	-	-	-	na	-
General Fund Subsidy	-	-	-	na	1,625,749
General Fund Subsidy - Shortfall Raised on Recap	-	-	-	na	-
Voted Use of Certified Retained Earnings - Operations	-	-	-	na	-
Voted Use of Certified Free Cash - Operations	-	-	-	na	-
Encumbrance Carryforwards	-	-	-	na	-
Total Other Financing Sources	\$ -	\$ -	\$ -	na	\$ 1,625,749

Total Revenue and Other Financing Sources	\$710,645	\$729,125	\$(18,481)	(3%)	\$ 2,508,249
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Solid Waste Revenues

Operating Revenue for Nine Months Ended Mar 31, 2022

REVENUE	Nine Months Ended Mar 31		YTD/YTD		FY2022 Budget		% of Budget Used
	FY2022	FY2021	\$ Change	% Change	Annual w/ Carryfwd		
Landfill Fees	\$ 33,049	\$ 17,388	\$ 15,661	90%	\$ 400,000		8%
Tipping Fees	2,286,329	2,157,795	128,535	6%	3,130,000		73%
Debt Premium	-	-	-	na	-		na
Miscellaneous Revenues	40,003	(223)	40,226	(18,002%)	-		na
Total Revenue*	\$2,359,381	\$2,174,959	\$ 184,422	8%	\$ 3,530,000		67%

OTHER FINANCING SOURCES	FY2022	FY2021	\$ Change	% Change	Annual w/ Carryfwd		
General Fund Subsidy - Override	\$ -	\$ -	\$ -	na	\$ -		na
General Fund Subsidy	6,502,995	6,343,105	\$ 159,890		-		na
General Fund Subsidy			-	na	6,502,995		0%
General Fund Subsidy - Shortfall Raised on Recap	-	-	-	na	-		na
Voted Use of Certified Retained Earnings - Operations	-	-	-	na	932,198		0%
Voted Use of Certified Free Cash - Operations	-	-	-	na	-		na
Encumbrance Carryforwards	286	430,673	(430,387)	(100%)	41,602		1%
Total Other Financing Sources	\$6,503,281	\$6,773,778	\$ (270,497)	(4%)	\$ 7,476,795		87%

Total Revenue and Other Financing Sources	\$8,862,662	\$8,948,737	\$ (86,075)	(1%)	\$ 11,006,795		81%
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Solid Waste Expenses

Operating Expenses for Quarter Ended Mar 31, 2022

OPERATING EXPENDITURES WITHOUT DEBT	Quarter Ended Mar 31		QTR/QTR		FY2022 Budget
	FY2022	FY2021	\$ Change	% Change	Quarter
Payroll - Salary	\$ 47,436	12,765	\$ 34,671	272%	52,902
Medicare P/R Tax Expense	692	178	514	289%	684
Medical Insurance	4,337	-	4,337	na	16,500
Barnstable County Retirement	-	-	-	na	-
Utilities	100,960	87,020	13,940	16%	96,753
Repair & Maintenance	-	44,496	(44,496)	(100%)	56,125
Prof. Services - Collection & Disposal	1,705,306	1,728,589	(23,283)	(1%)	1,709,635
Prof. Services - Recycle / MRF	539,612	398,492	141,120	35%	211,250
Freight	682,889	625,643	57,246	9%	524,234
General Insurance	-	-	-	na	-
Indirect Costs	28,750	28,750	0	0%	28,750
Other (Contingency)	48,782	23,419	25,364	108%	44,213
Total Expenses - Excluding Debt Service	\$ 3,158,765	\$ 2,949,351	\$ 209,413	7%	\$ 2,741,046

DEBT SERVICE	FY2022	FY2021	\$ Change	% Change	Quarter
Principal	\$ -	\$ -	\$ -	na	\$ 8,500
Interest	250	325	(75)	(23%)	2,153
Issuance Costs	-	-	-	na	-
BAN Costs, Principal, Interest	-	-	-	na	-
Other	-	-	-	na	-
Total Debt Service	\$ 250	\$ 325	\$ (75)	(23%)	\$ 10,653

Total Expenses and Debt Service	\$3,159,015	\$2,949,676	\$ 209,338	7%	\$ 2,751,699
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Solid Waste Expenses

Operating Expenses for Nine Months Ended Mar 31, 2022

	Nine Months Ended Mar 31		YTD/YTD		FY2022 Budget	% of
OPERATING EXPENDITURES WITHOUT DEBT	FY2022	FY2021	\$ Change	% Change	Annual w/ Carryfwd	Budget
Payroll - Salary	\$ 125,966	\$ 12,765	\$ 113,201	887%	\$ 211,609	60%
Medicare P/R Tax Expense	1,740	178	1,562	879%	2,735	64%
Medical Insurance	12,529	-	12,529	na	66,000	19%
Barnstable County Retirement	-	-	-	na	-	na
Utilities	227,511	249,322	(21,810)	(9%)	387,013	59%
Repair & Maintenance	-	44,496	(44,496)	(100%)	224,500	0%
Prof. Services - Collection & Disposal	5,425,013	4,835,818	589,195	12%	6,838,538.85	79%
Prof. Services - Recycle / MRF	1,321,975	1,076,544	245,431	23%	845,000	156%
Freight	1,211,835	1,613,223	(401,388)	(25%)	2,096,936	58%
General Insurance	-	-	-	na	-	na
Indirect Costs	86,250	86,250	(0)	(0%)	115,000	75%
Other (Contingency)	76,517	86,321	(9,804)	(11%)	176,850	43%
						na
Total Expenses - Excluding Debt Service	\$8,489,337	\$8,004,916	\$ 484,421	6%	\$ 10,964,182	77%
DEBT SERVICE	FY2022	FY2021	\$ Change	% Change	Annual w/ Carryfwd	
Principal	\$ 33,925	\$ 34,000	\$ (75)	(0%)	\$ 34,000	100%
Interest	4,217	4,972	(755)	(15%)	8,613	49%
Issuance Costs	-	-	-	na	-	na
BAN Costs, Principal, Interest	-	-	-	na	-	na
Other	-	-	-	na	-	na
Total Debt Service	\$ 38,142	\$ 38,972	\$ (830)	(2%)	\$ 42,613	90%
Total Expenses and Debt Service	\$8,527,478	\$8,043,887	\$ 483,591	6%	\$ 11,006,795	77%



Agenda Item Summary

Agenda Item #	XI. 3.
Date	4/27/22

Staff

Town Manager, Airport Manager; Finance Director, Assistant Town Manager

Subject

Update to 11/10/22 AIS Re: Airport PFAS Water Main Curb-to-Curb Paving “Gap” Funding

Executive Summary

At the 11/10/21 Select Board Meeting, Town Administration sought and received Board approval to proceed to fund the “gap” between the cost to only patch over the Airport’s PFAS-related water line trenching effort versus the cost to pave curb-to-curb using ARPA fund. At that time the estimated “gap” was \$588,105 however after complete engineering plans provided by Environmental Partners Group (EPG) the new “gap” is \$1,545,105, or an increase of \$957,000.

Staff Recommendation

Fund the difference between the patching and full curb-to-curb paving using ARPA funds.

Background/Discussion

The Nantucket Memorial Airport is currently under a MassDEP Municipal Contingency Plan (MCP) to mitigate proven PFAS run-off from AFFF release. As a result, the Airport is extending Town water to the affected areas. Due to FAA restrictions the project can only fund the patching of roadway for a trenching project and not provide curb-to-curb. Town Administration believes the road should be brought back to proper condition with proper drainage improvements based on previous experience with patching. There is precedent for curb-to-curb paving on private roads for similar projects using taxpayer money, with the NHS Sewer Project.

The estimates originally presented at the 11/10/21 Select Board meeting:

- \$121,895: The cost to patch only.
- \$710,000: The cost to completely repave with survey, grading, milling, drainage engineering, etc. (rounded up).
- **\$588,105: The difference, or “gap” between patching and curb-to-curb paving.**

However, after engineered plans for paving and drainage delivered by EPG the week of 4/18/22, the new estimates are:

-
- \$1,667,000: New EPG engineered curb-to-curb estimate.
 - \$121,895: Airport's original contribution for trench only.
 - **\$1,545,105: New "gap" to be paid by Town.**

\$1,545,105 is an increase of \$957,000 over the original \$588,105 estimate

If approved, all residents affected by this paving project will be notified that it is their responsibility to maintain the road and basins upon completion of the project and not the responsibility of the Town or Nantucket Memorial Airport.

Impact: Environmental	☐	Fiscal	☒	Community	☒	Other	☒
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Other = long term deterioration of the road if not properly repaved.

Board/Commission Recommendation
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N/A

Public Outreach

N/A

Attachments

Trench Only Paving Estimate; Full Road Repaving Estimate

AIS

Libby Gibson

Subject: FW: Skyline Drive- Revised Cost Estimate
Attachments: Revised Skyline Drive Construction Cost Estimate- April 20, 2022.xlsx; AIS - Fund Paving Gap 11-10-2021.pdf; 18706.01_Estimate - Skyline Work (SKY - Full Road Pave).pdf; 18706.01_Estimate - Skyline Only (SKY - TRENCH ONLY).pdf

SB packet for 4/27/22

From: Gregg Tivnan
Sent: Thursday, April 21, 2022 8:11 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>; Brian Turbitt <bturbitt@nantucket-ma.gov>
Subject: FW: Skyline Drive- Revised Cost Estimate

The original "paving gap" was \$588,105 back in November based on MJJ estimates and what was presented to SB on 11/10/21 (see AIS): (attached)

\$710,000 (original MJJ non-engineered curb-to-curb estimate)
\$121,895 (Airport's contribution for trench only)
\$588,105 (Original "Gap" to be paid by Town)

Without any adjustments to the contribution by the Airport, based on EPG's new, more accurate engineered estimate the "gap" increases the Town amount \$957,000 which is \$247,000 over the original MJJ estimate for the whole project (\$710,000):

\$1,667,000 (new EPG engineered curb-to-curb estimate)
\$121,895 (Airport's original contribution for trench only)
\$1,545,105 (New "Gap" to be paid by Town – an increase of \$957,000 over the original estimate)

From: Ziad F. Kary <zfk@envpartners.com>
Sent: Wednesday, April 20, 2022 4:43 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>; Brian Turbitt <bturbitt@nantucket-ma.gov>
Subject: Skyline Drive- Revised Cost Estimate

Hi Libby and Brian,
I looked again at Skyline Drive today using the VB annual contract pricing (assuming he honors his 2021 prices). A copy is attached for your review.

Generally speaking, the road is in terrible shape and needs to be reconstructed. I have allowed for approximately 10 leaching pits to be installed. These pits will alleviate some of the flooding events provided that they are maintained by the DPW. As you are aware, drainage connectivity on island is fairly limited and detention ponds are not available to route the stormwater to therefore, leaching pits installed along the edge of the road will alleviate some of the drainage concerns however, they need maintenance. We have allowed 10 structures to be installed and a full depth construction of the roadway consisting of removing the existing asphalt and placing 6 inches of road base followed by a total of 5.5" of asphalt. The edges will consist of soft berms to convey the water to the drains. We have also accounted for the restoration of driveway aprons. I think this is the best approach to address this situation.

Based on the VB 2021 pricing, I have come up with \$1.7M construction cost which includes a 10% contingency and engineering services/oversight. I have lined up the surveyor to start the base line survey next week. Please let me know if you like to discuss this further.

Thanks

Ziad



— An Arco Company —

Ziad F. Kary, PE
Senior Principal
O: 617.657.0283 | C: 508.245.9371
Environmental Partners
envpartners.com



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Agenda Item Summary

Agenda Item #	
Date	11/10/21

Staff

Town Manager, Airport Manager

Subject

Airport PFAS Water Main Curb-to-Curb Paving "Gap" Funding

Executive Summary

Town Administration seeks Board direction on funding the "gap" between the cost to only patch over the Airport's PFAS-related water line trenching effort versus the cost to pave curb-to-curb.

Staff Recommendation

Fund the difference between the patching and full curb-to-curb paving.

Background/Discussion

The Nantucket Memorial Airport is currently under a MassDEP Municipal Contingency Plan (MCP) to mitigate proven PFAS run-off from AFFF release. As a result, the Airport is extending Town water to the affected areas. Due to FAA restrictions the project can only fund the patching of roadway for a trenching project and not provide curb-to-curb. Town Administration believes the road should be brought back to proper condition with proper drainage improvements based on previous experience with patching. There is precedent for curb-to-curb paving on private roads for similar projects using taxpayer money, with the NHS Sewer Project.

- \$121,895: The cost to patch only.
- \$710,000: The cost to completely repave with survey, grading, milling, drainage engineering, etc. (rounded up).
- **\$588,105: The difference, or "gap" between patching and curb-to-curb paving.**

The Town does not have an existing appropriation nor does the Town have borrowing authorization that fits this purpose. The Town could, with Board approval, pay from an existing appropriation and transfer the funds with a confirmatory vote at the 2022 ATM (Per the Director of Municipal Finance).

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☒

Other = long term deterioration of the road if not properly repaved.

Board/Commission Recommendation

N/A

Public Outreach

N/A

Attachments

Trench Only Paving Estimate; Full Road Repaving Estimate

MADEQUECHAM VALLEY ROAD WATERLINE
NANTUCKET, MA
PROJECT MJ-EN-01



ADDITIONAL WORK - SKYLINE DRIVE FULL ROAD PAVING
September 30, 2021

McFarland-Johnson, Inc.
Concord, NH

Item No	Description	Unit of Measure	Unit Price	Total Quantity	Total Price
170.	FINE GRADING AND COMPACTING - SUBGRADE AREA	SY	\$ 3.00	6,050.00	\$ 18,150.00
220.	DRAINAGE STRUCTURE ADJUSTMENT	EA	\$ 500.00	5.00	\$ 2,500.00
415.3	PAVEMENT MICRO MILLING	SY	\$ 15.00	6,050.00	\$ 90,750.00
443.	WATER FOR ROADWAY DUST CONTROL	MGL	\$ 100.00	5.00	\$ 500.00
450.22	SUPERPAVE SURFACE COURSE - 9.5 (SSC - 9.5)	TON	\$ 250.00	510.00	\$ 127,500.00
450.31	SUPERPAVE INTERMEDIATE COURSE - 12.5 (SIC -12.5)	TON	\$ 250.00	850.00	\$ 212,500.00
452.	ASPHALT EMULSION FOR TACK COAT	GAL	\$ 66.00	470.00	\$ 31,020.00
453.	HMA JOINT SEALANT	FT	\$ 9.00	5,000.00	\$ 45,000.00
748.	MOBILIZATION	LS	\$ 10,000.00	1.00	\$ 10,000.00
767.121	SEDIMENT CONTROL BARRIER	FT	\$ 10.00	5,000.00	\$ 50,000.00
TOTAL					\$ 587,920.00
10% CONTINGENCY					\$ 58,792.00
TOTAL CONSTRUCTION					\$ 646,712.00
	ENGINEERING AND SURVEY				\$ 60,000.00
SUB TOTAL PROJECT					\$ 706,712.00
ROUNDING					\$ 3,288.00
TOTAL PROJECT					\$ 710,000.00

MADEQUECHAM VALLEY ROAD WATERLINE
NANTUCKET, MA
PROJECT MJ-EN-01

ORIGINAL PROJECT - SKYLINE ROAD PATCH ONLY
September 30, 2021



McFarland-Johnson, Inc.
Concord, NH

Item No	Description	Unit of Measure	Unit Price	Total Quantity	Total Price
415.3	PAVEMENT MICRO MILLING	SY	\$ 37.00	760	\$ 28,120.00
450.22	SUPERPAVE SURFACE COURSE - 9.5 (SSC - 9.5)	TON	\$ 363.00	70	\$ 25,410.00
450.31	SUPERPAVE INTERMEDIATE COURSE - 12.5 (SIC -12.5)	TON	\$ 363.00	115	\$ 41,745.00
452.	ASPHALT EMULSION FOR TACK COAT	GAL	\$ 66.00	70	\$ 4,620.00
453.	HMA JOINT SEALANT	FT	\$ 8.80	2500	\$ 22,000.00
				TOTAL	\$ 121,895.00

2. Approval of Treasury Warrants for November 10, 2021.

3. Approval of Pending Contracts for November 10, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson and Sewer Director David Gray reviewed the bids submitted, and the appropriation for the construction of the 3rd Sewer Force Main. Brief discussion followed. Ms. Murphy moved approval of Pending Contracts; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy - Yes.

VIII. TOWN MANAGER'S REPORT

1. Traffic Safety Work Group Recommendations:

Traffic Safety Work Group member Art Gasbarro reviewed both recommendations.

a) Curb Cut at 134 Main Street, Resulting in Elimination of One On-Street Parking Space and Creation of Two Off-Street Parking Spaces. Mr. Fee commented on his frustration that "beautiful side yards" are being turned into parking yards and said there should be paid parking. Ms. Ferrantella asked if this property is eligible for a residential parking permit. Brief discussion followed. Ms. Murphy moved approval as recommended; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – No; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy - Yes.

b) Designate No Parking on South Side of Starbuck Road from Baltimore Street to Approximately 47 Starbuck Road to Allow for Emergency Vehicles and Residents to Pass Through. Some discussion followed as to a parking lot in the area and whether it could be expanded. Mr. Gasbarro and Ms. Murphy reviewed public safety access concerns. Michael Byrne, a Starbuck Road resident and member of the Madaket Conservation Land Trust, spoke in favor of the recommendation and spoke about the feasibility of enlarging the parking lot in question and parking options along the roadway near the beach and thanked the Board for its consideration. He suggested that parking be eliminated on the north side of Starbuck Road vs the south side. Joel Danziger, a Starbuck Road resident concurred with Mr. Byrne's comments. Some discussion followed. Ms. Murphy moved to approve that there be no parking on the north side of Starbuck Road from Baltimore Street to approximately 47 Starbuck Road; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy - Yes. Mr. Fee urged the residents to find a way to increase the parking in the parking lot.

IX. SELECT BOARD'S REPORTS/COMMENT

1. Town Administration: Request for Select Board Direction Regarding Funding for Private Road Repaving in Connection with Water Main Extension Project/Surfside Area. Ms. Gibson introduced the item, noting that some wording clarifications were submitted yesterday by the Airport to the Agenda Information Sheet, regarding the purpose of the project. She said that beginning with the Nantucket Harbor Shimmo – Plus areas sewer project, it has become a practice to plan for curb-to-curb paving, rather than patch the trench and the lateral connections. She said that due to Airport funding restrictions with FAA, the cost of this additional paving cannot be covered by the Airport and so what is before the Board is, should the Town cover that additional cost. She said there are a couple of possible funding possibilities, although this is not a budgeted project. As of today, unfortunately, an adequate cost estimate has not been developed, so this is mainly most likely an introduction of the issue to the Board with further information next week. She added that the estimate will probably be in the \$1,000,000 range. She referred to Assistant Town Manager Gregg Tivnan and Airport Manager Tom Rafter for any other details. Mr. Rafter said they would like to work with

the Town on this and reiterated that the Airport's funding will not cover the cost of full width paving. Mr. Tivnan reviewed clarifications received by the Airport on the purpose of the project overall, as provided by the Airport yesterday. She asked Finance Director Brian Turbitt to review potential funding sources. Mr. Turbitt said that the existing annual Island-wide road appropriation is a possibility although that would mean no additional road projects would be able to be funded from that source for spring paving. He said another possibility could be using funds that are owed to the Town by the Airport for prior, unrelated issues could be used as an offset on a short-term measure to be able to fund the paving and then do a transfer at town meeting from Free Cash or another funding sources. Mr. Fee expressed disappointment that the FAA will not pay for this and said that is not fair. Mr. Bridges commented on the private road aspect and reiterated that this is somewhat of a precedent with the aforementioned sewer project and would support the full paving. Ms. Murphy agreed. Some discussion followed with a general consensus to proceed pending confirmation of a more solid cost. Ms. Gibson commented that if cost is an issue this may not be able to proceed. Mr. Fee commented on ensuring that any and all connections are made prior to paving.

2. Continued Review/Potential Votes on Select Board-Sponsored 2022 Annual Town Meeting Warrant Articles. Ms. Gibson reviewed items needing Board review for Town Meeting articles, as to whether or not there will be Board sponsorship, as follows:

- Paid parking. Ms. Gibson reviewed a vote from the 2020 annual town meeting which requests that the Board seek a vote from town meeting prior to implementing paid parking. Mr. Fee said the vote is a non-binding advisory, the Board is not required to go to town meeting and shouldn't go to town meeting without a plan. It was suggested that the plan be developed for implementation when funding and resources are available. Mr. Fee spoke on the benefits of paid parking. He added that there should be a Parking Commission established to administer this. Ms. Ferrantella agreed and asked what is needed to make a plan happen. Ms. Holdgate commented that this is not a priority with her, given the lack of resources and volume of other activities. Ms. Ferrantella said it does not seem like a plan is ready and suggested this be put off until there is one. There were no objections to this suggestion.

- Short-term rental (STR) regulations. Mr. Fee said that following the 2021 annual town meeting, he suggested a committee be put together by the Select Board to examine this issue, which was not acted upon and that he was advised that such an effort should be handled by the Planning Department but that has not happened. He said there are impacts from STRs and there are likely to be citizen articles addressing these. Chair Bridges said he doesn't think the Board is ready to propose anything to the 2022 annual town meeting. Ms. Holdgate agreed and added that the problem to be addressed has not been defined. And, that because of the COVID pandemic, and resulting unusual STR activity, putting forward anything specific at this time, is premature. Mr. Fee said STRs are becoming an issue all around the island. He said he would like to see incentives to keep year-round and seasonal employee housing. He spoke on workforce housing issues and impacts. Ms. Murphy said that the Select Board did have a joint meeting with the Planning Board after the 2021 annual town meeting to discuss this issue and there really was no momentum by either Board to pursue anything specific or identify what problems are needing to be solved. She added that blanket regulations may not be an answer and she does not think the Board is ready to sponsor an article at the 2022 annual town meeting. Chair Bridges commented that he has not seen a solid link between STRs and year-round housing. Mr. Fee agreed there may be a lack of data, but he is also not sure anyone is working to gather the data. He said that regulating STRs at this point may not be politically possible. Mr. Fee said there are other ways to address this by classifying buildings as commercial with respect to fees. Ms. Ferrantella noted that staff resources have been limited and it is not surprising that this has not been a focus. Sarah Ellis said that STRs have an impact on the quality of life of year-round people

Libby Gibson

From: John Giorgio <JGiorgio@k-plaw.com>
Sent: Thursday, April 21, 2022 6:12 PM
To: Libby Gibson
Subject: Re: Shadbush Long-Term Lease

I think an agenda item would be appropriate

John

John W. Giorgio, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 556 0007
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jgiorgio@k-plaw.com
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On Apr 21, 2022, at 5:20 PM, Libby Gibson <LGibson@nantucket-ma.gov> wrote:

John: should we make telling the Board this, an agenda item for 4/27? Or could I just mention it under the TM Report?

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

From: Brian Turbitt
Sent: Thursday, April 21, 2022 12:20 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>

Cc: Ken Beaugrand <kbeaugrand@nantucket-ma.gov>

Subject: Shadbush Long-Term Lease

Hello;

Following up on our discussion from earlier this week. I have spoken to John Giorgio and we have determined that the recommendation for the lease based on the RFP does not have to be made prior to the ATM vote on the authorization for a 50-year lease. We both agree that during the SB meeting on 4/27, that we could inform them that we had one (1) respondent and tell them who it was. We could also at the ATM make that same disclosure and inform everyone that the review committee will be meeting publicly to review the proposals and a recommendation after the ATM.

Hope this helps, if you need anything further please let me know.

- Thanks,
Brian

Brian E. Turbitt
Director of Municipal Finance
Town of Nantucket
37 Washington Street
Nantucket, MA 02554
Office: 508-228-7200, Ext.7031
Fax: 508-228-7218

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Monthly Town Management Activities Report

April 27, 2022

As of 04/20/22

Highlights (major projects):

Plans/Reports/Studies*

- Coastal Resiliency Plan – endorsed by Board on 1/5; Next Steps: 2 day “Design Thinking Workshop” with Arcadis scheduled for 3/7-8; Workshop successful – outcome presentation in process/tentative for 4/6 SB; plus update re: CRP from Coastal Resilience Coordinator; **staff working on the “Visibility Projects” identified with the Design Thinking workshop for FY 22/23: Madaket Rd/Ames Ave dune nourishment; Easy Street flooding valves (done); Washington St-Francis planning for “Phase 2”; Sachacha Pond/Polpis Road elevation design**
- **Climate Action Plan/Sustainability framework from 2019/2020 KLA report to be resurrected and implemented; integration of HMP, CRP, St Plan, Master Plan and others needs to be managed; on hold until staffing available; internal staff meeting in April to discuss next steps to integrate CRP into more robust climate action plan**
- Strategic Plan (implementation on-going); **next solid waste long-term planning workshop 4/25; Staff to work on St Plan update; “State of the Town” update scheduled for 4/27 SB**
- Madaket Water Quality Improvement Plan – review of final Weston & Sampson report with updated Madaket sewer cost estimate and scope scheduled for Feb 2; staff meeting to follow up on 2/2 SB discussion; **in process of evaluating options**
- Facilities Master Plan – will need direction from SB re: DPW facility; continuing exploratory review of Delta area property; design funding request for central municipal facility on 2022 ATM warrant; **Energy Reduction Plan (Green Communities) needs to be integrated into Facilities Master Plan (Energy Office and Facilities Director)**
- Baxter Road long-term planning – scope of work approved at 1/12 SB meeting; **relocation planning efforts underway (some property owner meetings have occurred; regular internal meeting scheduled)**
- PFAS Town-wide Risk Assessment – report presented at 2/10/21 SB meeting; staff working with consultant on next steps; inquiries rec’d and responses provided to Airport area (and beyond) residents; update on PFAS efforts provided to SB on 7/7; working with CDM Smith on Phase II assessment; facilitated public information session 8/17/21; numerous PFAS issues being worked on; update provided to SB 9/22; next public info session October 21; Sampling plan submitted to MassDEP 12/1/21. Waste water PFAS destruction new technologies report an analysis compiled 10/30/21; UMASS private well sampling project almost completed; AFFF site visit report received 1/18/22; MassDEP SRF application for possible project; next public info session TBD after further info to be provided by DEP; **PFAS destruction technology presentation 4/20/22; PFAS Handling Protocols discussion 4/21/22; water expansion feasibility update 4/25/22;**

Meetings

- Department Heads and Assistant TMs weekly 1:1
- Cabinet Monthly
- Cabinet Problem-Focused Retreat quarterly (4/15/22 “Staffing and Retention” Retreat postponed)
- Town Admin Staff – 2 separate meetings monthly
- Agenda Prep – weekly meetings
- **2022 ATM outreach prep:** Voter’s Guide posted 4/15; videos in progress; outreach meetings with community groups scheduled
- **Cape Cod Managers** – monthly
- **Summer Issues Team** (this has transitioned into a business license/issues team)
 - meeting regularly re Spring/Summer prep
 - meeting with DPW regarding spring/summer prep
 - Beach Prep meeting(s) with staff and Land Bank
- **PFAS 2x-weekly** – communications, planning; MassDEP solid waste testing
- **Solid Waste Long-Term Planning** – 4/25/22 workshop update to Select Board
- **Stormwater/Children’s Beach**

- OIH
- SBPF
- Baxter Rd relocation

Events

- Daffodil Weekend prep (DPW, NPD, Events and Permitting)

*Projects/Other**

- **COVID-Related:** working on restoring “normalcy” with meetings, projects; addressing/dealing with COVID-related delays and impacts; **exploration of alternative work environments/arrangements (remote, commuting)**
- **Annual Water Quality Update for 2021 – 4/13/22 SB**
- **Nobadeer Field House** – construction underway
- **Town Pier** – waiting on final federal permitting; hope to bid out in spring 2022, start work fall 2022
- **Harbormaster Building – supplemental funding on 2022 ATM warrant**
- **Harbor Place** – no recent activity
- **Third Sewer Force Main**
 - project to commence in March – reviewed with SB 3/9/22
 - project underway as of 4/4/22 at South Shore Road
- **Waitt Dr** – construction underway
- Washington/Francis Street; **Divided into manageable Phases over next 5+ years: Phase 1 (FY22)** short-term fixes (paving, minor sidewalk work, ~~drainage, rounding of corner~~) underway for Spring 2022; **Phase 2 (FY23):** mid-term fixes (rounding corner, drainage, sidewalk re-do will be scheduled for Fall 2022; **Phase 3 (FY27+): CRP-related** long-term fix to elevate road and sidewalk, initial design concepts underway with Land Bank
- **SBPF/Baxter Rd** – on-going; **substantial** staff time
- **Coastal Resiliency Plan** “Design-Thinking” Workshop short-term projects: **Madaket/Ames fortification; Polpis/Sesachacha Pond; Washington Street widening and elevation project; operationalization of 20+ CRP projects into out-year CIP/budgets; all in development**
- **DEI Strategic Plan** – consultant engaged, Leadership Readiness Sessions completed with dept heads and some community members; **employee engagement underway**
- **Staffing/Personnel Management-Related:**
 - **Classification & Compensation Study** – project underway
 - **Succession Planning and Retention long-term strategy** – underway with consultant
 - **Staff On-Boarding/Training Program** – underway through HR
 - **Mid-Management Training and Retention Program** – new, in development
 - **“Grow Our Own” School-to-Career Development Program** – new, in development
- Development/update of spring projects map/timeline – regular monitoring, updating
- **Seasonal AND year-round employee housing site design** – employee survey sent - results under evaluation; other town employee housing initiatives under active discussion; pilot program for Town employee housing assistance under development
- **Procurements for:** shooting range RFP out, due back 4/15; evaluation of proposal underway
- **Prioritization of DPW projects - ongoing**
- **OIH (New Facility)** – outreach; design funding on 2022 ATM Warrant
- **Potential Water Main Extension West of Airport (PFAS-related)** – exploration underway/reviewed with SB 3/16/22; on 2022 ATM warrant
- **“State of the Town” update April 27**
- **Lamppost repair and LED lighting review project** – underway
- **USACE Supply Chain – Revisions by USACE underway; project stalled**

- **Parks Master Plan implementation, 4/20/22 field visit with Weston & Sampson for: Tom Nevers, Nobadeer & Delta Fields, DPW Facility evaluation at Delta property; Concessions Review Study – preparing for FY 24 capital requests**

MANY ITEMS HAVE HAD TO BE PUT ON HOLD DUE TO COVID-19 PANDEMIC RESPONSE – some of these include:

- *Revisions/Updates to the Real Estate Yard Sale Program – working on review of proposed revisions with Board*
- *Pool Discharge (**and/or Stormwater**) Regulations – **underway***
- *Marijuana License Regulations*
- *Sheep Pond Road – **working on alternative access options***
- *Regulations Codification project – have rec'd codified regs; need to schedule public hearings with 8 Boards/Commissions – ~~in-queue~~ **underway; SB approved all SB regs 4/13/22***
- *Sustainability/Climate Action Plan development*
- *PSA videos (bike safety, beach/dune etiquette; trash/recycling; keep ACK, ACK . . .)*
- *Citizens Academy (Government 101)*

Personnel (highlights)

- **Collective Bargaining Negotiations (all units; some concluding)**
- **Performance Reviews (on-going)**
- **Deputy DPW Director/Ops – HIRED!**
- **Assistant Town Manager for Administration – HIRED!**
- **Fire Chief (Sept)**
- **Collector (June)**
- **Town Accountant**
- **Culture & Tourism Director**
- **Procurement Assistant – HIRED!**