

Town and County of Nantucket Select Board • County Commissioners

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD JANUARY 31, 2024 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/-XXWn0bmLkA>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_PgJUD4oZSGyU4slOo_xZww

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Finance Committee Public Hearing Regarding 2024 Annual Town Meeting Warrant Articles (<https://www.nantucket-ma.gov/DocumentCenter/View/46789/2024-Annual-Town-Meeting-and-Election-Warrant-as-adopted-by-the-Select-Board-PDF>) to be Held Monday, February 5, 2024 at 4:00 PM in PSF Community Room at 4 Fairgrounds Road and by Remote Participation via Zoom Webinar.
 3. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of January 24, 2024 at 5:30 PM.
 2. Approval of Treasury Warrants for January 31, 2024.

VIII. CONSENT ITEMS

1. Gift Acceptances: Department of Public Works (Solid Waste).

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Capital Program Committee: Review of FY 2024 Capital Program Committee Report.

X. REAL ESTATE MATTERS

1. Request for Approval of Subdivision Plan of Town-owned Parcel D, Sandwich Road as Shown on Land Court Plan No. 10937-30 into Lots 169 and 170 as Shown on Pending Land Court Plan Entitled "Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Prepared by Island Surveyors, Inc. and Dated October 25, 2023 for 8 Chatham Road.
2. Request for Approval and Execution of Amended Order of Taking by Eminent Domain of 0 Alabama Avenue, 43 New Hampshire Avenue, 9 New Hampshire Avenue, 0 Missouri Avenue, Assessor's Map 61.1.1 as Parcels 159 And 175, 0 Wisconsin Avenue, 0 New York Avenue, Assessor's Map 36.3.2 as Parcels 2, 5 and 8 Nichols Road, as Authorized by MGL Chapter 79 and Votes on Article 80 of 2013 Annual Town Meeting and Article 16 of 2023 Special Town Meeting.
3. Nantucket Land and Water Council: Request for Approval of Conservation Restriction to be Held by Nantucket Land Council, Inc. for Land Located at 120 Miacomet Road.

XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Taking of the Fee or Lesser Interests, Together with any Public or Private Rights of Passage, of Parcels A and B, Morgan Square as Shown on Plan of Land Entitled "Plan to Acquire Land for General Municipal Purposes, Morgan Square, Nantucket, Massachusetts, Assessors Map 80 & 87, Prepared for Town of Nantucket," Dated October 26, 2022, Prepared by Site Design Engineering, LLC and Recorded at Nantucket County Registry of Deeds as Plan No. 2023-10, as Authorized by MGL Chapter 79 and Vote on Article 102 of 2021 Annual Town Meeting (Continued from December 20, 2023).

XII. TOWN MANAGER'S REPORT

1. Monthly Town Management Report.

XIII. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports.

XIV. ADJOURNMENT

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

SELECT BOARD AGENDA PROTOCOL:

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

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

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with the United States Constitution and the Massachusetts Declaration of Rights.

The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.

All speakers are encouraged to present their remarks in an orderly and peaceable manner, without disruption to other speakers.

All remarks will be addressed through the Chair of the meeting.

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not protected under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

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

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

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on

the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

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

Approved: April 26, 2023

CONSENT AGENDA ITEMS FOR 1/31/2024 SELECT BOARD MEETING

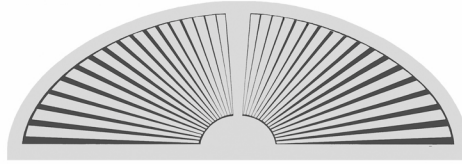
1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Department of Public Works:
 - Gift of \$2,057 from the Nantucket Preservation Trust for the Solid Waste Manager to attend the 2024 Deconstruction and Reuse Conference

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.



NANTUCKET PRESERVATION TRUST

Preserving the Island's Architectural Heritage

BOARD OF DIRECTORS

Executive Committee

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Executive Director

Mary Bergman

January 23, 2024
Nantucket Select Board
Dawn Hill Holdgate, Chair
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

via email

Dear Chair Holdgate,

I am writing in the hopes that Nantucket Select Board will recommend acceptance of the following gift of \$2,057 to cover the travel, accommodations, and conference registration of Solid Waste Manager Christopher Lowe at the 2024 Deconstruction and Reuse Conference ("Decon & Reuse 2024") in Savannah, GA. The conference will be held February 12 through 14, 2024.

Decon & Reuse 2024 will focus conversations on the theme "Salvaging the Past, Building a Low Carbon Future." This conference topic fits within the Town of Nantucket's strategic plan principle of sustainability.

This gift is based on the following expense breakdown:

Registration	\$475
Flight	\$330
Airport Parking	\$125
Mileage allowance	\$125
Airport taxi (\$50 x2)	\$100
Lodging	\$600
Meal allowance (\$53/day)	\$212
Misc Cab or Uber (\$30x3)	\$90
Total	\$2,057

This gift of \$2,057 is made possible via a grant from ReMain Nantucket to the Nantucket Preservation Trust for work relating to projects about deconstruction and architectural salvage of building materials.

Sincerely,


Mary Bergman
Executive Director

TOWN OF NANTUCKET – CAPITAL PROGRAM COMMITTEE

FY2025 REPORT AND RECOMMENDATIONS

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Appendix F – Typical MA Municipal Capital Funding Sources

INTRODUCTION

The Town of Nantucket (Town) continues to recognize that procurement, construction, and maintenance of its capital assets are critical activities essential to its future fiscal health and the appropriate delivery of services to citizens and businesses.

With that in mind, the primary objective of the Capital Program Committee (CapCom) is to develop, diligently plan, and to maintain a comprehensive Capital Improvement Plan (CIP) that promotes stability and stewardship for Nantucket. All aspects of this report, per revisions to Town Financial Policies & Procedures (FP&P), were recommended to be adopted by the Select Board on November 16, 2016. The FP&P represents a best practice requirement of the Town to participate in, and benefit from, the Massachusetts Community Compact Program.

This report is the culmination of many dedicated hours of the CapCom, our Town Manager and town administration, the Finance Department, department heads and others. CapCom is grateful for their ongoing assistance and input. The appropriate development and success of the CIP depends on the diligent efforts and objective professionalism of all relevant constituencies. We take this opportunity to thank all involved for their timely contributions.

Furthermore, the Chair takes this opportunity to thank each of the committee members listed below. Your continued interest and regular engagement is a testament to community involvement. Your patience through seemingly endless meetings is a worthwhile endeavor. You are planting trees whose shade you may never sit in. Thank you for your efforts.

Respectfully, the Town of Nantucket Capital Program Committee:

Chair, At-large Representative – Stephen Welch
Vice Chair, At-large Representative – Peter T. Kaizer
Secretary, At-large Representative – Christy Kickham
At-Large Representative – Howard Matz
Finance Committee Representative – Jill Vieth
NP&EDC Representative – Barry Rector
Select Board Representative – Brooke Mohr

SUMMARY OF CAPITAL ALLOCATIONS (BY ACCOUNT)

For Fiscal Year 2025 (FY25), the CapCom evaluated 84 requests totaling \$113.2M and recommends capital allocations for 77 requests totaling \$102.7M:

GENERAL FUND & ENTERPRISE ACCOUNTS TOTAL: \$102.68M

GENERAL FUND

Department of Public Works (DPW)	
Central Fleet	\$.81M
Facilities	\$1.20M
General	\$.34M
Parks	\$4.69M
Transportation	\$8.42M
Fire Department	\$3.65M
IS/GIS	\$.20M
Natural Resources	\$.62M
Police Department	\$5.08M
School Department	\$1.55M
Solid Waste	\$9.46M
Stormwater	\$.63M
Town Administration	\$4.75M
General Fund Total:	
	\$41.40M

ENTERPRISE ACCOUNTS

Airport	\$10.46M
Sewer	\$39.92M
Solid Waste	\$.15M
Stormwater	\$8.10M
Nantucket Water Company	\$2.65M
Enterprise Accounts Total:	
	\$61.28M

- See Appendix A – Capital Requests by Account & Department (w/Request Descriptions)

SUMMARY OF FUNDING SOURCES

Shown are funding sources for General Fund & Enterprise Accounts:

GENERAL FUND & ENTERPRISE ACCOUNTS TOTAL: \$102.68M

GENERAL FUND

Ambulance Reserve	\$0.52M
Borrowing ¹	\$1.16M
Capital Exclusion ²	\$4.34M
Debt Exclusion ³	\$20.16M
Free Cash	\$12.71M
Other	\$1.00M
Raise & Appropriate ⁴	\$1.53M

General Fund Total: \$41.40M

¹ = Town Manager anticipates these may be funded w/in Prop. 2-1/2 Levy Limit

² = See "Capital Exclusions" in Projected Taxpayer Impacts on page 5

³ = See Projected Taxpayer Impacts on page 5

⁴ = Funded by Annual Required Capital Investment (1% of prior year's total Local Receipts + 1% of prior year's total collected Real Estate & Personal Property Taxes) = \$1,588,947 (FY25)

ENTERPRISE ACCOUNTS

Borrowing ^{1&2}	\$59.21M
Retained Earnings	\$2.07M

Enterprise Accounts Total: \$61.28M

¹ = Typically paid by user fees (unless a General Fund subsidy is required; if such subsidy is required, prior to the issuance of debt, individual projects must be analyzed for impact on tax rates).

² = AIP Grant funding sought to pay up to 90% cost; MASSPORT funding may be available to cover up to 5%

- See Appendix B – Capital Requests by Funding Source
- See Appendix F – Typical MA Municipal Capital Funding Sources

FY25 REQUESTS ≥ \$1M (BY ACCOUNT)

Shown are capital requests of greater than or equal to \$1M, by fund-type:

GENERAL FUND

SOLID WASTE	Landfill Cell B Expansion	\$5.06M
POLICE	Public Safety Auxiliary Building	\$5.00M
SOLID WASTE	Transfer Station Purchase	\$3.40M
DPW-TRAN	Island-Wide Road Improvements (SB Strategic Plan)	\$3.00M
TOWN ADMIN	Town Employee Housing: Feasibility, Design, Permitting	\$3.00M
DPW-PARKS	Tom Nevers Debris Removal & Dune Restoration	\$2.00M
DPW-TRAN	Newtown Road Improvements (supplemental)	\$2.00M
FIRE	Ladder Truck Replacement	\$2.00M
DPW-PARKS	Reconstruction of Jetties Tennis Courts	\$1.90M
TOWN ADMIN	Coastal Resiliency Planning	\$1.25M
DPW-FAC	DPW Facility: Design(supplemental)	\$1.20M
DPW-TRAN	Sidewalk Improvement Plan (SB Strategic Plan)	\$1.16M
DPW-TRAN	Multi-Use Path Maintenance (SB Strategic Plan)	\$1.00M
FIRE	Engine 2 Replacement	\$1.00M
SOLID WASTE	Composter Purchase	\$1.00M

ENTERPRISE ACCOUNTS

SEWER	SiaSconset Area Sewer Redesign & Reconstruction	\$12.10M
SEWER	108-120 Baxter Road Sewer Design/Construction	\$10.00M
SEWER	Surfside Maintenance/Admin Facility (supplemental)	\$7.00M
SEWER	Somerset Needs Area Sewer Extension	\$5.40M
STORMWATER	Somerset Raceway Road & Infrastructure Improvements	\$4.00M
AIRPORT	Groundwater & Soil Investigation/PFAS Part 2	\$4.00M
AIRPORT	Employee Housing Supplemental Construction & Design	\$3.20M
WATER	Pump Station Upgrades (new pump station N. Pasture)	\$2.16M
STORMWATER	Island-wide Drainage Improvements	\$2.10M
SEWER	Capacity, Management, Operation & Maint. (CMOM)	\$2.00M
SEWER	Hummock Pond Area North Sewer Extension	\$2.00M
STORMWATER	Capacity, Management, Operation & Maint. (CMOM)	\$2.00M
AIRPORT	AIP: Runway 6-24 Repair	\$1.20M

- See Appendix A – Capital Requests by Account & Department

PROJECTED COST OF BORROWING IMPACTS

Project/Purpose	Type of Exclusion	Residential		Com./Ind./PP		Open Space	
		Projected Rate	Projected Increase	Projected Rate	Projected Increase	Projected Rate	Projected Increase
Capital Exclusion	Capital	\$3.25	\$0.1166	\$5.50	\$0.1976	\$3.12	\$0.1120
DPW Facility: Design (supplemental)	Debt	\$3.13	\$0.0024	\$5.31	\$0.0040	\$3.01	\$0.0023
Newtown Road Improvements(supplemental)	Debt	\$3.13	\$0.0040	\$5.31	\$0.0067	\$3.01	\$0.0038
Town Employee Housing: Feasibility & Design	Debt	\$3.14	\$0.0059	\$5.31	\$0.0101	\$3.01	\$0.0057
Tom Nevers Debris Removal/Dune Restoration	Debt	\$3.13	\$0.0040	\$5.31	\$0.0067	\$3.01	\$0.0038
Reconstruction Jetties Beach Tennis Courts	Debt	\$3.13	\$0.0038	\$5.31	\$0.0064	\$3.01	\$0.0036
Public Safety Auxiliary Building	Debt	\$3.14	\$0.0099	\$5.32	\$0.0168	\$3.02	\$0.0095
Landfill Cell 3B Expansion	Debt	\$3.14	\$0.0100	\$5.32	\$0.0170	\$3.02	\$0.0096
	Average Increase	\$3.15	\$0.0196	\$5.34	\$0.0331	\$3.02	\$0.0188

Assumptions:

- Assumptions are based on FY 2024 approved values and tax rates using a shift of 1.70 and Residential Exemption of 25%
- FY24 Residential Tax Rate before the Debt Exclusion or Capital Expenditure is \$3.13 per thousand.
- FY24 Commercial Tax Rate before the Debt Exclusion or Capital Expenditure is \$5.30 per thousand
- CIP=Commercial, Industrial and Personal Property. The FY24 average assessed value is \$2,742,475 for commercial properties.
- FY24 Open Space Rate before the Debt Exclusion or Capital Expenditure is \$3.01 per thousand.
- Principal and Interest charges are based on 4% over 20 years

Notes:

- There are currently 18 properties classified as Open Space. Their average value is \$155,005
- Nantucket has not adopted an "Open Space Discount". The only difference between the Open Space and Residential Rates is the cost of the Residential Exemption

- See Appendix D – Town of Nantucket Tax Rate History

ENTERPRISE ACCOUNTS – RATEPAYER IMPACTS

Water & Sewer: The Nantucket Water Co. Commission sets revenue requirements resulting in a rate schedule adequate for its needs, including for ongoing operations, existing and anticipated capital improvements, and anticipated necessary reserves. Modifications to its rate schedule are effected through a public hearing process. (See <https://www.nantucket-ma.gov/1901/Rates-Charges>) The foregoing is generally accurate for the Town of Nantucket Sewer Dept., through the Town of Nantucket Sewer Commission. For sewer usage, a tiered rate structure, a sewer privilege and a capacity usage fee, as applicable, are intended to equitably generate revenue for sewer operations. (See <https://www.nantucket-ma.gov/1621/Sewer-Usage-Fees>)

Airport: The Nantucket Memorial Airport pays its obligations from operating revenue derived from a rate schedule of fees and charges for aeronautical, non-aeronautical, ground transportation, advertising, and other services. Its rate schedule is determined by the Nantucket Memorial Airport Commission through a public hearing process. Borrowings authorized (other than for AIP Projects) are typically funded under Bond Anticipation Notes (BANs), which are short term debt obligations that are typically repaid from certified Retained Earnings. Latest posted rate activity is found here: <https://www.nantucket-ma.gov/DocumentCenter/View/23237/Notice-2020-Rates-and-Charges-PDF>.

DEBT SERVICE – PRINCIPAL & INTEREST

General Fund and Enterprise Accounts Amortization Tables provide a projection of debt service schedule, including principal, coupon interest rate, interest expense, and total payments. Bond projections are based on the assumptions provided below. At the time of this report, as a function of budgetary cycle, General Fund and Enterprise Accounts Amortization Tables were not available to link from this report.

General Fund Amortization Tables*

General Fund: Principal is assumed to be fully amortized over 20 years and based on an interest rate of 4% p.a.

Enterprise Accounts Amortization Tables*

Enterprise Accounts: Principal is assumed to be fully amortized over 20 years and based on an interest rate of 4% p.a.

*= General Fund and Enterprise Fund amortization tables are available through the Nantucket Finance Department.

STATEMENT OF PROCEDURES

In keeping with its mandate (<https://tinyurl.com/uj95b7t>) to help guide the Town's capital-related investments and objectives, the Capital Program Committee (CapCom) employs defined and transparent procedures. CapCom also conducts an annual self-examination of its process.

- **Capital Project Request Forms:** CapCom starts its review process by collecting and evaluating comprehensive capital project request forms provided by every department head detailing each capital request. By design, form data is entered directly into a relational database. CapCom accesses this information in a secure online environment. After evaluating forms for completeness and clarity, CapCom invites each department head, the Town Manager (TM), the Finance Director, and the Assistant Finance Director for in-depth Q&A sessions. Supplemental information may be requested to help CapCom complete its evaluation process.
- **Prioritization & Ranking:** After comprehensive analysis and evaluation, CapCom prioritizes and scores each capital request for the ensuing fiscal year.
 - For integrity of process, CapCom's evaluation considers the needs of the community and Nantucket's goals (e.g., service objectives, health and regulatory requirements, and strategic and master plans) employing a transparent, unbiased methodology.
 - To help address this task, CapCom designed and utilizes an Analytical Hierarchy Process (AHP) framework keyed to the Town's Financial Policies & Procedures (FP&P) criteria. AHP provides a comprehensive, rational framework and systematizes evaluation and application of multiple, diverse criterion, incorporating the diversity of members' expertise that has the end result of smoothing subjectivity.

Wildly oversimplified, it is a mathematics based, human and social science, informed, blind framework where each capital request is subject to a single set of objective review standards and analyzed in the context of community-wide needs. Using a weighted, scoring methodology for each requested capital expenditure, the AHP produces a numerical Rank of Relative Importance (RORI) per request. These RORI rankings form the basis of the CapCom's deliberations and approval process. It is important to note that every rating criterion in the AHP (and its respective value) may not apply to every capital request. As a result, a RORI value of "80" is actually quite high.

- Refining of the RORI to better reflect financial and social impacts, risk-management variables and total cost concepts, etc. is integral to achieving the FP&P objectives, with the goal to improve the scoring methodology to better align the Town's capital investment with goals.

It is valuable to highlight that higher-valued RORI requests are typically recommended for funding. Lower-scored RORI requests are typically moved, as out-year review, into the Town's 10-year CIP List. Whenever reliable cost forecasting is available, respective cost is included in the 10-Year CIP List and in the alternative, order of magnitude placeholder values are often requested.

STATEMENT OF PROCEDURES (CONT.)

▪ ***Annual Timeline & Related***

- CapCom typically meets via hybrid Zoom and in-person meetings. CapCom meetings are available to be viewed on the Town’s YouTube channel.
- In June, the Chair and Finance began to discuss the upcoming capital budget cycle.
- Due to the volume of capital requests and often the complexity and high costs of requests, CapCom’s preparation and review (including to work its broader charge under the Financial Policies & Procedures (FP&P)) require weekly meetings that span several months. This season, there were eighteen (18) meetings.
- CapCom prefers to begin to access detailed capital project requests in July of each year. This year, the review began in late August.
- Beginning in October, the Assistant Finance Director provides the Select Board with a monthly Capital Program update where interested member of the Town are introduced to then anticipated requests with a sense of costs and TON intentions. FinCom (and CapCom) members are invited to attend.
- In mid-November, CapCom meets with FinCom and SB to jointly review all of the capital requests and the 10-year CIP List. CapCom fields process-related questions and the Town Manager is available to field request-specific questions.
- In mid-December, to facilitate planning of funding sources for its recommendations and as a material update to the SB (through TM), FinCom (through its CapCom liaison) and NP&EDC (through its CapCom liaison) presents a preliminary list of requests to be funded in the upcoming fiscal year.
- In early-mid January, as a function of other budgetary matters, potential funding sources are identified by the Town’s Finance Director and TM, CapCom meets to review, discuss, and vote its recommendation on funding sources and to reconcile discrepancies, if any.
- In mid-January, after funding sources recommendations (from the Finance Director and TM) are firmed up and the SB preliminarily adopts capital funding sources, related matters such as tax rate impacts are tallied for inclusion in the CapCom report and for notice (per Commonwealth regulation).
- In late-mid January, with relevant information in hand, CapCom prepares its draft report of recommendations. Given the strong interrelationship between its recommended requests, funding and capacity, tax impacts and the like, CapCom drafts its final report of recommendations after relevant information is fully, or at least reasonably, gathered.
- In late January, after final review by its membership, CapCom issues its final annual report with recommendations, with original copy provided to the SB and FinCom at a joint meeting hosted by the SB. Facing extensive requests and large funding requirements, and consistent with the FP&P, CapCom provides accurate funding source and tax impact information in its annual report.

STATEMENT OF PROCEDURES (CONT.)

▪ ***Other Communication & Planning***

- *Committee Updates:* CapCom affirms the utility of the SB, FinCom and NP&EDC receiving updates on material matters throughout the course of the budget cycle, and their voicing any related concerns, as reported by their respective CapCom representative.

In attempt to regularly report the progress of the CapCom, SB, FinCom, and NP&EDC liaisons, the preparation and presentation of an information transmittal sheet (the “Green Sheet”) was initiated early in this budgeting cycle.

Alternatives are addressed in the recommendations. Subject to development of database reporting capability, important information (e.g., projects, by year or otherwise; prior appropriations and expenditures to-date; project status, CapCom review status, etc.) are easily accessible to Select Board and FinCom at the click of mouse, through a secure portal. CapCom anticipates continued use of Green Sheets to convey timely information on topics such as Funding Capacity, Capital Reserves, etc.

- *Department Liaisons:* Ordinarily, CapCom designees serve as liaisons to departments to review current and out-year capital requests to develop a thorough understanding of department needs for insight during CapCom deliberation, and to observe capital maintenance and other reasonable concerns. Representation on CapCom by a member from each of the FinCom, NP&EDC, and SB), fosters integrational planning. CapCom reaffirms the importance of department liaisons.
- *Strategic Integrated Planning Sessions (SIPS):* SIPS, thanks to the TM, are conducted to broaden decision-maker and advisor communications and to provide an opportunity for discussion on emerging and long-term capital-related matters. These sessions have the added benefit of maintaining healthier perspective on “Causes of The Day”. Matters addressed or discussed at SIPS include i) Town Meeting Article guidance for citizens, including a Q&A format revision regards financial and social costs and related impacts and benefits, ii) discussion around the “Bear of a Task” engaging stakeholders and constituents such that they are informed about important capital expenditures, and iii) other matters not ordinarily addressed without group support. While SIPS were not conducted during the current budget-cycle, CapCom reaffirms the utility of brief agenda-driven SIPS.

PROCEDURAL RECOMMENDATIONS

As stated in previous CapCom reports, the Town's aging and lack of certain essential infrastructure and equipment requires a thoughtful and responsive capital investment program that includes purchasing, maintenance, and replacement, to address the pressures imposed by Nantucket's rapidly growing year-round and seasonal population on new capital investment in infrastructure and inventory. In addition, the capital requirements to fund the design and implementation of a coastal resiliency mitigation plan is also becoming a greater focus of the Town. Both of these factors are directly in response to changes to our natural environment.

The Town and community recognize the need to protect our existing infrastructure and sustain our natural resources by adaptation and mitigation efforts to address the damage of more frequent and increasingly severe storms and coastal flooding. This response requires considerable and escalating amounts of capital for to cover the cost of anticipatory remediation. Faced with these challenges, the stewardship of responsible governance, and the promotion of a robust, comprehensive, and effective Capital Improvement Plan (CIP) is becoming even more essential. The Town's FP&P objectives lay the groundwork to address growing pains and reality of increasing demands and the prospects of deteriorating infrastructure, CapCom makes the following recommendations:

- *Annual Process – Timeline:* Beginning early in the calendar year, CapCom, in conjunction with Finance Department should make a determination whether schedule enhancements or information-gathering adjustments are necessary to help ensure completion of CapCom's actions as required under the FP&P.
- *Biennial Procedure – CIP Capacity & Funding Analysis:* To reasonably inform CapCom recommendations, biennially modelling of the 10-year CIP to include a 5-year outlook of revenue and expenditure projections (including sub-reports for debt burden, prospective debt issuance, and other relevant metrics), is recommended. It is acknowledged that the Town's Finance Director performs more regular, shorter-term modeling of this nature. (See too, *Development of Reliable 10-Year Capital Improvement Plan (CIP)* below.)
- *Biannual Procedure – Capital Project Status Reporting:* CapCom should develop better bi-annual reporting sessions to monitor approved requests (to include expenditures to-date, the necessity for supplemental funds, scheduling exceptions, and cancellation of projects, if any) to help identify capital planning shortfalls, drawing on an active, readily accessible list of projects and their status from the previous year.
- *System-wide Capacity – Centralize Capital Asset Management:* As result of growing pains, the Town's capital asset management is fractured and critically required capital investment are continually subjected to competing priorities. These competing capital spending requests stress programming of capital expenditures in an annual budgeting process creating conflicting demands to prioritize and deliver cost-effective capital investment. Even the budgeting for the simplest capital requests is impacted by limited capacity and resources, funding all of the Town's rapidly growing appetite for capital expenditures to achieve the goals of Nantucket is unrealistic. Nantucket will continue to face competing demands for

PROCEDURAL RECOMMENDATIONS (CONT.)

limited funding dictated by a sensible and judicious annual budgeting process. As the volume, cost, demand and complexity of capital projects increases, capital programming needs to be an ongoing process to pragmatically decide how to appropriate available funding sources. A common enterprise-level solution is centralized capital asset management to streamline capital programming, budgeting to allocate limited resources as the Town currently experiences is essential. Specific examples include an ongoing employment of a comprehensive Town-wide capital asset needs assessment (CANA), and a centrally managed asset management plan (AMP) derived from the capital planning process to assure that capital budgeting is relatively simple, effective, and timely to ensure high-value returning capital planning will otherwise not be responsive to the needs of the community.

- *Further development of the Capital Project Request Form Relational Database:* In 2017, with bright eyes, CapCom undertook to redesign the departmental-level capital request form, by implementing a comprehensive capital projects data-collection and capital request management tool. This data portal provides many benefits, not the least of which is the elimination of duplicate data entry and the reduction of potential human input error. The database is intended to be an interactive repository of “all things capital” (past, present, and future), capable of providing usable wholesale reporting, transparency and efficiency that was not previously available. Generation of automated reports for the Select Board and FinCom that concisely provide a panoramic or sliced and diced picture that can match appropriations from previous years with current capital requests will become an irreplaceable budgeting tool that can be used for the entire capital planning process from submission through financial analysis, ranking, and allocation of projected funding sources. The database could also be a functional source of data input to debt modeling. Direct access to individual capital request forms can also be provided. Another important feature to incorporate in the database is personnel and operational costs associated with capital requests. We further recommend the capability to generate automated reports for the Select Board and FinCom. Obviously, department-level training and access is imperative. Substantial and ongoing improvements have been incorporated that to enhance the database tool based on the experiences shared by other municipalities in the State of Massachusetts. Properly maintained, the database can alleviate resource conflicts, freeing professional staff for other important tasks while providing timely access to information.
- *Review Town’s Debt and Reserve Policy in context of Capital Reserves:* (Self-explanatory)
- *Development of Comprehensive 10-Year Capital Improvement Plan (CIP):* (Self-explanatory)

Carefully developed and implemented, these recommendations will create efficiency, savings and increased credibility among taxpayers, ratepayers, and others. Facing an escalating spiral of capital investment demands, these and other initiatives will prove immensely helpful.

While some of these recommendations involve procedural changes achievable through longer-term scheduling of processes, others require funding to fulfill the stated objectives.

PROCEDURAL RECOMMENDATIONS (CONT.)

From a big picture perspective, CapCom suggests special attention be given to limit competing priorities and among and between Town staff and other department heads throughout the preparation and presentation of the annual operating budget.

The foregoing recommendations were listed within CapCom's FY19 Report & Recommendations, in greater detail, and subsequently summarized (largely as above) in the CapCom's FY20, FY21, FY22, FY23 and FY24 Report & Recommendations. More detailed aspects of our FY19 recommendations continue to be valid. Implementation of these recommendations will affirm confidence in the Town's capital programming practices. As it faces exploding capital investment requirements, there remains a real need to better equip current and future municipal leaders and decision makers with an objective planning tool that can be relied upon by leader to responsibly address the Town's existing assets and to plan for the future.

CapCom acknowledges its recommendations may appear to be ambitious and understands that perfection cannot happen overnight. However, we continue to strongly support the Town's actions towards data driven enterprise level capital asset management and budgeting practices.

Given additional vision and resolve, the proficiency and effectiveness of the Town's Capital Management Program is limited only by the sufficiency of suitable resources engaged in the endeavor. Properly administered over time, Nantucket can expect to achieve dramatic cost savings.

Appendix A – Capital Requests by Account & Department

GENERAL FUND				
Code	Department/Request	FY25 Request	CapCom Rec.	
	<u>DPW - Central Fleet</u>			
DPW-23-012	DPW Mechanic's Truck Replacement DPW Mechanic Truck for servicing breakdowns when equipment in out in the field. Replacing the current 2017 truck.	\$0.12M	\$0.12M	
	Dump Truck Replacement The purchase of a replacement dump truck for the Department of Public Works. This vehicle is intended to replace a 2003 Ford Ranger that is not suitable for most work the department of public works accomplishes. The 2003 Ford Ranger has exceeded its functional value and is no longer financially responsible to maintain . The purchase of a dump truck will enhance daily operations like road maintenance and waste management and also improve winter services with its snow and ice package. This investment will boost operational efficiency, ensure public safety, and maintain high-quality community living standards.	\$0.13M	\$0.13M	
TRAN-25-007	Facilities Dump Truck Replacement The Facilities Department within the Department of Public Works urgently needs an 8-foot stake body dump truck with a liftgate for enhanced efficiency and safety. This vehicle is essential for winter road plowing and ice treatment, and for securely housing day-to-day maintenance tools, a feature absent in our current 2003 Ford Ranger which it will be replacing. The new truck will cater to our facility maintenance needs more suitably than the outdated Ford Ranger, which offers inadequate tool storage and is ill-equipped for our multifaceted tasks. This investment will ensure smooth facility operations and safer community roads during winter.	\$0.12M	\$0.12M	
TRAN-25-009	Facilities Utility Body Truck Replacement The Facilities Department within the Department of Public Works is in need of a utility body vehicle, specifically ordered with a snow and ice package, to effectively carry out its duties. This Vehicle will replace a 2006 Ford Ranger which offers inadequate tool storage and is ill-equipped for our multifaceted tasks. This vehicle will not only provide secure storage for all tools required for large-scale facility projects, a feature lacking in our current 2006 Ford Ranger, but will also significantly enhance our winter snow plowing program. By equipping the truck with a snow and ice package, we can ensure safe and efficient road conditions during winter months. This upgrade from the Ranger to a utility body vehicle is vital in improving our operational efficiency and service delivery.	\$0.10M	\$0.10M	
TRAN-25-010	New: Dumping Stake Body Truck The Department of Public Works plays a critical role in maintaining the safety and functionality of our public infrastructure. The acquisition of a new 9-foot stake body dump truck is paramount to enhance the efficiency and effectiveness of this duty. This truck will enable the creation of a second roadside brush crew, which is vital in ensuring regular and thorough maintenance of our roadsides, consequently reducing the risk of accidents and facilitating smooth traffic flow. In addition, the truck's snow and ice package means it can be utilized year-round, augmenting our capacity to rapidly respond to winter conditions. This dual purpose enhances cost-effectiveness, as it eliminates the need for separate vehicles for each task. The new truck, therefore, is not just a purchase, but an investment in our community's safety, mobility, and quality of life.	\$0.12M	\$0.12M	
TRAN-25-006	New: Facilities Utility Van The Facilities department's need for a second utility van is linked to its growing team and the critical role it plays in maintaining all town-owned buildings and assets. As the department expands, the additional vehicle will equip the new employees to effectively manage and maintain the extensive portfolio of town properties, ensuring continued efficient service to the community.	\$0.08M	\$0.00M	
TRAN-25-008	New: Parks and Recreation Dump Truck The purchase of a dump truck to serve the parks and recreation staff. The Parks and Recreation staff does not have a designated vehicle. A designated vehicle is an investment that will significantly improve the department's operational efficiency, responsiveness, and professional presence.	\$0.13M	\$0.13M	
TRAN-25-005	New: Parks and Recreation Pickup Truck The purchase of a 4 door pickup truck to serve as the parks and recreation administration vehicle. The Parks and Recreation admin team does not have a designated vehicle. A designated vehicle is an investment that will significantly improve our department's operational efficiency, responsiveness, and professional presence.	\$0.08M	\$0.08M	
TRAN-24-002				
	DPW - Central Fleet Total:	\$0.89M	\$0.81M	
	<u>DPW - Facilities</u>			
	DPW Facility: Design (supplemental funding) & Construction (1) This project is for the design and construction of a new DPW campus, with possible location on Town property at 1 Shadbrush Road. Previously, this project was being considered for improvements to the existing facility at 188 Madaket Road or relocation to 10 Sun Island Road. A feasibility study was done to select the most appropriate location of the three. An additional request for \$60,000,000 is planned for the 2024 STM, when we plan to have a winning competitive bid in hand. The project is actively being developed by Weston and Sampson (designer) and Vertex Engineering (OPM). The Shadbrush Road site is being added as an additional location option at the STM 11/7/2023. If approved at 2023 STM, permitting and final design will commence immediately to further refine the design and develop bid and construction ready documents for fall of 2024.	\$1.20M	\$1.20M	
FAC-17-001	Street Light Audit As part of the Select Board's strategic plan and in line with the Green Community's designation, a comprehensive Streetlight Audit is being proposed for the Town of Nantucket. This audit, a key initiative of the Dark Sky's warrant article approved at last year's town meeting, aims to undertake an in-depth examination and assessment of all existing streetlights on the island. The audit will gather detailed information about each of the approximately 200 decorative lights and over 1,500 overhead cobra lights, and provide a comprehensive map of their locations. This data collection and assessment are crucial steps towards gaining a thorough understanding of their current conditions, and to have a comprehensive view of the infrastructure and total count of lights on the island.	\$0.10M	\$0.00M	
DPW-25-006				
	DPW - Facilities Total:	\$1.30M	\$1.20M	
	<u>DPW - Parks</u>			
PARKS-24-002	New Playground Facility at Nobadeer Fields Construction of a New Playground Facility at the Nobadeer Fields	\$0.64M	\$0.64M	
PARKS-24-001	Reconstruction of Jetties Tennis Courts Demolish and reconstruction of the Jetties Tennis Courts and surrounding fence. The plan will include bringing the courts back in a 4 tennis 4 pickleball configuration.	\$1.90M	\$1.90M	
FAC-24-002	Tom Nevers Debris Removal & Dune Restoration Project includes removal of buried construction debris, plus design, permitting and construction of an environmentally resilient berm at Tom Nevers Park. \$42,000 was earmarked in 2019 for permitting and embankment design.	\$2.00M	\$2.00M	
PARKS-24-003	Tom Nevers Playground Reconstruction Reconstruction of Tom Nevers Playground to Update the equipment and make ADA accessible.	\$0.16M	\$0.16M	
	DPW - Parks Total:	\$4.69M	\$4.69M	

<u>DPW - Transportation</u>				
	Cobblestone Improvements (2)			
TRAN-20-002	Proposed Cobblestone Improvements to our 18,000 SY of cobblestone streets. Annual program based on 2,000 SY and a 9-year life cycle and includes the cost of materials. Significant work undertaken on downtown cobblestones over last 18 months and continued funding required to complete Main St and other areas.	\$0.56M	\$0.56M	
	Decommission Fire Cisterns (3)			
TRAN-23-003	First year (of 2) request for funds to decommission fire cisterns. A previous allocation of \$50k will be used to identify and assess location, condition, risk and prioritization. This request is for the actual work to fill-in these under-road cisterns.	\$0.19M	\$0.19M	
	Ground Mapping Radar (for downtown historic sidewalks)			
ADMIN-25-007	This request is part of the Town's CPC Grant application. The Nantucket Preservation Trust (NPT) is collaborating with the University of Florida's Preservation Institute Nantucket (PIN) and the Nantucket Historical Commission (NHC) to complete a Historic Streetscape Preservation and Rehabilitation Plan. The partners propose to work closely with the elected officials and administration of the Town of Nantucket, residents, and other stakeholders to holistically record, evaluate, and study the historic streetscapes of the core historic district and develop a Historic Streetscapes Preservation and Rehabilitation Plan for preserving their character defining features.	\$0.10M	\$0.10M	
	Island-Wide Road Improvements (SBSP) (4)			
TRAN-17-002	Island-Wide maintenance of the town roadway network. Proposed roadway improvements per the Town's Pavement Management Plan.	\$3.00M	\$3.00M	
	Multi-Use Path Maintenance (SBSP) (5)			
TRAN-20-001	Annual funding request for the maintenance of the town-wide network of multi-use paths. Proposed Multi-Use Path (MUP) Improvements per our 31 mile inventory, specific locations to be determined by our MUP Pavement Management Report. Annual program based on a 15-year life cycle, current contract pricing, and is adjusted for 3% inflation.	\$1.00M	\$1.00M	
	Newtown Road Improvements (supplemental funding)			
TRAN-25-003	Supplemental funding request to the FY22 Newtown Road Improvements appropriation of \$1.2 million. Project scope includes sidewalk, paving, addition of speed tables, accommodation of bicyclists and pedestrians, a shared-use path along the north side of Newtown Road as recommended in the Town's Complete Streets Prioritization Plan and the NP&EDC's Long-Range Transportation Plan. The path also conforms with the Select Board's Transportation Strategic Goal #2 – completing a sidewalk connection between 6 Fairgrounds Road and the ferry terminals. There are minor rehabilitations recommended for Newtown Road in the Town's Pavement Management Plan to address deteriorating pavement quality and cracking. The current recommendation is to mill and overlay the paved surface. Supplemental funding is needed to complete the project in full.	\$2.00M	\$2.00M	
	Pleasant Street Repaving/Silver to Main (supplemental funding)			
TRAN-23-004	The project includes roadway and sidewalk improvements on Pleasant Street from Silver Street to Main Street, approximately ¼ of a mile. The project aims to improve sidewalk infrastructure to expand the accessible pedestrian network on the island. This corridor aims to help connect mid island with the downtown area, which aligns with the Select Board Strategic Plan. The project includes the following initial assumptions... two-inch full-width mill and overlay of the roadway and sidewalk restoration that includes replacing concrete curbing with new granite curbing and replacing asphalt and concrete sidewalks with new brick sidewalks.	\$3.00M	\$0.00M	
	The engineer for this project is working on updating the design for this corridor and based on the FY24 annual road works contract and other recent capital project bid prices additional funding will be necessary to accommodate all proposed improvements. Original appropriation of \$2 million approved at ATM 2022. Since that time, the overall scope and scale of work has changed, as well as the unit costs and the original amount would not be enough for design and construction.			
TRAN-21-001	'Sconset Footbridge Repairs (supplemental funding) Supplemental funding to do necessary temporary and long-term repairs to 'Sconset Footbridge to maintain and preserve the bridge. Original appropriation of \$100,000 was at ATM 2021.	\$0.41M	\$0.41M	
	Sidewalk Improvement Plan (SBSP)			
TRAN-17-001	Annual funding request for improvements to the town sidewalk network. This request provides funding for the continuation of the downtown plan. Work is planned from the waterfront area and expanding out through town.	\$1.16M	\$1.16M	
	Surfside Area Roads Reconstruction(supplemental funding) (6)			
TRAN-24-001	Transportation enhancements to the Surfside Area roads, including reconstruction of Lover's Lane, Monohansett Road, and Okorwaw Avenue. Proposed improvements including full-depth, full-width roadway construction and new, full-length bike paths along all three roadways to connect Old South Road and the airport to the Boulevard and the south shore. Proposed work includes new localized, on-site storm drain systems throughout the project corridor. The project has been coordinated with the Airport West Water Main Project to ensure successful installations and operations of water and drainage utilities, minimize disruption, and achieve the best financial outcome. The project is in the final stages of permitting, and the latest cost estimate still includes some assumptions. Value engineering work is forthcoming as part of the final design process and bid document development.	\$5.00M	\$0.00M	
		DPW - Transportation Total:	\$16.23M	\$8.42M
<u>Fire Department</u>				
	Ambulance 4 Replacement			
FIRE-25-001	Scheduled replacement of Ambulance 4. Expected replacement cycle is 8 years. This vehicle and its replacement date has been flagged in the Fire Dept's replacement schedule for several years and was moved out to FY25 by the former Chief.	\$0.52M	\$0.52M	
	Engine 1 Replacement (supplemental funding)			
FIRE-24-001	Replacement of Engine 1 which is the "work horse" engine and a 2008 model. This is a scheduled replacement and has been part of the CIP for several years. An additional \$50,000 will be requested in FY25 for fitting out the new vehicle.	\$0.05M	\$0.05M	
	Engine 2 Replacement			
FIRE-25-002	This will replace the current Engine 6, a 2006, nearly 20 year old vehicle.	\$1.00M	\$1.00M	
	Ladder Truck Replacement			
FIRE-26-001	Replacement of the current 2005 ladder truck.	\$2.00M	\$2.00M	
	NEW: Administration Car- EMS/Training Deputy Chief			
FIRE-25-004	Purchase a new Command vehicle for the newly established position of Deputy Chief of Training and EMS.	\$0.08M	\$0.08M	
		Fire Department Total:	\$3.65M	\$3.65M

IS/GIS

Maintain Network Infrastructure

The Town network provides the foundation for the delivery of mission critical services such as financial, human resources, communications, data storage and disaster recovery. It is essential that this network operates continuously with necessary spare equipment available in the event of a sudden failure. Technological advancements and aging out of equipment necessitates the regular replacement of network infrastructure hardware and related supplies. This capital request provides for regular annual funding to implement a 10-year replacement plan for network switches, as needed replacement of all other hardware and cabling and an inventory of spares for sudden failure of mission critical components.

ADMIN-17-001	Equipment falling under this funding article includes network switches, wireless access points, wireless communication antennas, firewalls, security appliances, storage appliances, network cabling both copper and fiber and related installation, maintenance, and construction costs.	\$0.05M	\$0.05M
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Some anticipated costs include the following:

- * Upgrading network infrastructure to various department buildings including wired and wireless connections;
- * Replacement of aging switches, routers, firewalls, and other equipment to maintain a robust and secure network;
- * Internal network improvements as needed, including servers and wiring;
- * Maintaining an equipment inventory to accommodate sudden failure and/or storm damage.

Replace Town Computers

ADMIN-18-001	Replacement of town desktops and laptops using a replacement cycle of five years for desktops and three years for laptops. Continuous technology advancements and aging out of equipment necessitates the replacement of desktop and laptop computers on a regular basis. The new equipment is used to replace aged out and nonoperational units as well as add to the inventory to accommodate new staff positions and COVID-related demand.	\$0.07M	\$0.07M
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Server Virtualization and Maintenance

The Town network provides the foundation for the delivery of mission critical services such as financial, human resources, communications, data storage and disaster recovery. The virtual server installation is an essential component of the Town network. Regular health check and proactive monitoring is a part of this maintenance. Expanding the storage access network (SAN) to accommodate increasing need for digital storage is another essential component.

ADMIN-17-002		\$0.08M	\$0.08M
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This request for \$75,000 on alternate years provides sufficient funding to maintain the virtual server installation. Any major upgrades will be submitted as separate projects in future years if necessary.

IS/GIS Total: \$0.20M \$0.20M

Natural Resources

Baseline Environmental Data Program (on-going)

Through a strategic planning process, the Select Board identified environmental leadership as one of the primary goals for the Town. As the Natural Resources Department (NRD) and Health Department have been tasked with developing this program these departments have endeavored to provide scientifically valid, data-based recommendations to the Town and Select Board for the best environmental stewardship possible. State and Federal programs have been providing a significant number of funding opportunities to projects that improve environmental health through measurable results. These water quality goals are beginning to be codified by the state as recent meetings with MassDEP are driving towards Total Maximum Daily Load (TMDL) compliance and having a solid data collection program is key to meeting these regulatory goals. The key to these recommendations and measurable results is to have current data collected on a regular basis in standardized ways. To achieve this goal NRD and Health working with both Wannacomet Water and the Sewer Department are proposing to add a yearly capital expense to develop a baseline environmental data collection program to ensure all decisions are based on facts and to be able to measure results and provide proper project review in these environmentally important areas.

NRD-24-001		\$0.50M	\$0.50M
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Climate Action Plan

The Town needs its first Climate Action Plan (CAP). As the most remote island-community in the Commonwealth, Nantucket is perhaps more vulnerable to the devastating impacts of climate change and rising sea levels than any other Massachusetts city or town. Nantucket's isolation, 30 miles from Cape Cod, creates a heightened duty to protect its residents and resources, and to use its local assets wisely. The Town is experiencing many impacts directly related to development pressures, climate change, surging peak load (energy) growth, and affordable housing challenges. However, without the relief or security of neighboring towns to rely upon (or take shelter in), the consequences of these impacts are amplified and resonate deeply with the community. Some of these vulnerabilities have already been identified in the 2018 Hazard Mitigation Plan and the 2021 Coastal Resilience Plan. The Climate Action Plan will establish community-wide climate mitigation goals and identify potential measures for, and benefits from achieving them. The CAP will be an action-driven plan that lays a path toward a sustainable, resilient, healthy and safer community for both islanders and visitors. Goals for Net Zero will for part of the plans development and implementation.

HMP-24-003		\$0.25M	\$0.00M
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Environmental Justice Assessment & Policy Development

Based on results from the 2020 census, the State now maps six Environmental Justice areas on Nantucket, where each area is a mapped census tract area. This is a substantial increase from the previous one Environmental Justice area mapped on Nantucket. All 6 are mapped under the category Minority Populations, see definition below. The State has an EJ policy and strategy, and we need to catch up and understand where Nantucket stand and may enact improvements to better serve our Environmental Justice populations and improve quality of life. Minority: The block group minority population is >= 40%, or the block group minority population is >= 25% and the median household income of the municipality the block group is in is <150% of the Massachusetts median household income.

HMP-24-006		\$0.12M	\$0.12M
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Folger's Marsh Bridge Culvert: Design & Permitting

Both the Hazard Mitigation Plan and the Coastal Resilience Plan identified Polpis Road at Folger's Marsh (by Lifesaving Museum) as current and future flood zones problems. In Winter Strom Grayson in 2018 the current culvert and road surface area flooded over. In the same storm Sesachacha pond flooded onto the Polpis Road and waves undermined the road. This meant that the roughly 500 homes between these two flooded points were cutoff and isolated from the rest of the island with no reliable way of getting to essential goods or services – and emergency vehicles would have trouble servicing this area. As sea levels rise this will be a more frequent event. The current culvert is also in a state of disrepair and causing insufficient flow to the wetland on the south side of the road and environmental condition of the marsh to deteriorate. The CRP discusses converting the Polis Road at Folgers Marsh into a bridge and elevating the road out of the flood zone. In the CRP the planning estimate cost of converting the culvert to a bridge at Folger's Marsh is \$21m. The cost of works to make Sesachacha Causeway into a bridge have a planning estimated at \$45m. Works at Folgers Marsh alone represent a single purpose and cheaper alternative to eliminate the current a future isolation risk for the northeast quarter of the island.

HMP-24-004		\$1.21M	\$0.00M
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Natural Resources Total: \$2.08M \$0.62M

<u>Police Department</u>			
	Public Safety Auxiliary Building (7)		
PUBL-20-001	Construction of an auxiliary building at the public safety complex. This building is designed to be used by the Police and Fire Departments to store equipment and to perform light maintenance on department vehicles and equipment. This building design was included as part of the public safety complex design.	\$5.00M	\$5.00M
	Public Safety Technology Upgrades		
PUBL-25-001	Replace public safety (police & fire) computer workstations (approximately 70). Workstations are over 4 years old and with the recent implementation of security dual authentication software are suffering from severe performance issues.	\$0.08M	\$0.08M
Police Department Total:		\$5.08M	\$5.08M
<u>DPW-Operations</u>			
DPW-25-003	Cat 420 Backhoe Replacement Replacement of old CAT Backhoe	\$0.15M	\$0.15M
DPW-25-004	Kubota M4070 Tractor Replacement Scheduled Replacement of Kubota M4070 tractor with like kind	\$0.08M	\$0.08M
DPW-24-005	Turf Maintenance Equipment Replacement/Upgrade Purchase of equipment for the Parks and Rec department for the care of both the turf and grass fields.	\$0.10M	\$0.10M
DPW-Operations Total:		\$0.33M	\$0.34M
<u>School Department</u>			
	24 Surfside Road Property Upgrades (supplemental funding)		
NPS-24-003	The School recently gained access to 24 Surfside and appropriated \$1,650,000 at the 2024 Annual Town Meeting. The request for supplemental funds is due to the new estimated total cost of \$2,237,392. After the bid package was received, additions were made that were not in the original scope of work. This included removing the basement floor to allow for structural columns. Removal of all interior wall material and use of foam insulation throughout the project. It was determined that this would add \$300,000 to the bid package. The added \$900,000 would cover the cost to complete the project.	\$0.90M	\$0.90M
	Campus-wide Improvements		
NPS-23-002	Currently the school is conducting space needs with regard to classroom usage. We are currently meeting with the architectural group SMRT to develop a "Campus Wide Plan" for our future needs. In the past year we have been focusing on the Athletic fields but because of the PFAS in the synthetic turf we are on hold. This year the focus is to look at the CPS Middle School. We need to develop a plan to either renovate the buildings or build a new middle school. The middle school is our oldest building and currently has a little over 400 students. We have allotted 750,000 each year to keep us moving forward in our future plans.	\$0.75M	\$0.00M
	IT Infrastructure		
NPS-21-002	The School Technology Department underwent a huge shift due to Covid. Various funding that was made available for the last 2 two years went to provide devices and upgraded equipment essential to teaching and learning in a hybrid environment. These devices, purchased in 2020 and 2021 for teachers and students, will begin to be out of warranty in 2024. The initial plan of upgrading our Virtual Server Farm was tabled and has become critical for next year for replacement due to obsolescence. In addition, we hope to expand our 1:1 program to provide Windows laptops for our Juniors and Seniors, giving substantial benefits going into college and/or the workforce.	\$0.06M	\$0.06M
	NPS Building Improvements		
NPS-23-003	Annual request for general building upgrades. Costs associated with campus wide building improvements to include, but not limited to roof replacements, flooring replacements, interior & exterior painting and replacement of the kitchen style cabinets in the elementary school classrooms.	\$0.45M	\$0.45M
	NPS Grounds Improvements		
NPS-25-003	With over 45 acres of property with grossly overused playing fields, hundreds of linear feet of fencing and aging irrigation systems we need to upgrade some areas of our grounds. Sod needs to be installed to replace bare spots annually, some of our fencing is deteriorating and the irrigation systems in some areas needs replacement.	\$0.15M	\$0.15M
School Department Total:		\$2.31M	\$1.55M
<u>Solid Waste (G)</u>			
	Landfill Cell 3B Expansion (8)		
SWEF-25-005	Design, engineering, permitting & construction of Cell 3B. Based on current data and projections, cell 3A will no longer have space available in the next 18-24 months. The DPW and Waste Options are working on performing an updated survey of cell 3a to confirm exact volume remaining at this time. A recent cost estimate for design and construction of cell 3b is attached, based on a two possible total volumes: 28,000 CY and 42,700 CY. MassDEP had previously approved cell 3a, but held off on officially approving cell 3b. Final design and, ultimately, the actual size of cell 3b to be constructed is based on the review and determination by MassDEP. We are confident that MassDEP would approve the 42,700 CY cell. The funding being requested would cover the cost of the 42,700 CY cell so that we are prepared to construct either size based on the outcome of the MassDEP review and approval process.	\$5.06M	\$5.06M
	Purchase Composter		
SWEF-25-001	The purchasing of the composter and associated building and equipment has been discussed and evaluated extensively as part of the Long-Term Solid Waste Planning Work Group efforts. Owning these assets are a critical aspect to the development of the RFP for a new Waste Services Agreement and both current and future operation of the landfill.	\$1.00M	\$1.00M
	Purchase of Transfer Station		
SWEF-25-002	The purchasing of the transfer station building and associated equipment has been discussed and evaluated extensively as part of the Long-Term Solid Waste Planning Work Group efforts. Owning these assets are a critical aspect to the development of the RFP for a new Waste Services Agreement and both current and future operation of the landfill.	\$3.40M	\$3.40M
Solid Waste (G) Total:		\$9.46M	\$9.46M

<u>Stormwater</u>			
	Consue Springs Stormwater Study		
HMP-21-010	Update: Coordinate with Land Bank to pursue a study of best options for managing stormwater around Consue Springs Complete Consue Springs project (including Orange St. and Pleasant St. systems) to improve drainage and outfall discharge in that area. The outfall serves a drainage area of 36 acres with several retention/detention systems. The project scope has been revised to address the restoration of the pond and creek to improve water quality	\$0.20M	\$0.20M
	Ground Penetrating Radar, GPS Equipment and Software Licenses., Locating Equipment and Mapping		
STRWTR-25-010	Seeking funds to purchase a ground penetrating radar locating unit and all applicable services and software required. This would be a highly advanced piece of locating equipment with the ability to upload all data directly into our GIS systems database. With all the upcoming and ongoing work having to depend on an outside vendor is very burdensome. In the past year we have had extremely poor service provided by a DIGSAFE vendor which has cost us and our contractors time and a lot of money in fines. This piece of equipment and the trained operators would use this across all departments of the town to assist in locating utilities safely.	\$0.10M	\$0.10M
	New F-350 Utility Truck with Plow (or equivalent)		
STRWTR-25-008	The Stormwater Division became an enterprise fund at annual town meeting 2024, this vehicle will be used by the Stormwater Division and Manager for daily operations. This vehicle could also be used to assist with snow plowing operations if needed but its primary use will be for Stormwater operations, inspections, field investigations etc. The Sewer Department does not have a vehicle to spare for this division.	\$0.08M	\$0.08M
	Stormwater CCTV and Management		
HMP-22-004	In the Downtown area (including Brant Point to Orange St.), complete CCTV inspection and Stormwater Management Program. Prioritize improvements to reduce flooding.	\$0.10M	\$0.10M
	Stormwater Management Plan Implementation (Downtown)		
HMP-21-009	Develop an operations & maintenance policy for retention/detention and water quality treatment (Stormceptors) systems for Town and privately-owned facilities. Conduct Master Drainage Study for the Downtown area and its watershed. Identify needs for storm water drainage improvement, including backflow devices at outfalls at the harbor.	\$0.05M	\$0.05M
	Stormwater Management Plan Implementation-Inland		
DPW-23-001	Conduct master drainage studies for problematic inland areas to ensure that individual repairs and upgrades fit seamlessly with upstream and downstream drainage systems.	\$0.10M	\$0.10M
		Stormwater Total:	\$0.63M \$0.63M
<u>Town Administration</u>			
	Coastal Resiliency (9)		
ADMIN-23-005	Coastal Resiliency Planning is a priority of the Select Board. While specific uses of the funds are as yet not determined, we expect costs for professional services to secure grants and in-kind contributions, permitting and engineering. This will be an annual request over the next ten years. One of the successes of the CRP is that the public has been actively engaged and both planning and financial support have been provided to the Town based on the priorities identified in the CRP. The Town is focused on the first two tiers of action items identified by the CRP. The additional funds in FY25 will be used for the Strategic Retreat and Relocation Program.	\$1.25M	\$1.25M
	EV Charging Stations (10)		
ADMIN-24-003	Purchase and installation of (8) additional dual-port universal Level 2 EV Charging Stations.	\$0.10M	\$0.00M
	Potential MA DEP PFAS Requirement		
ADMIN-25-005	To Be Provided	\$0.25M	\$0.00M
	Town Employee Housing: Feasibility, Design & Permitting (11)		
HOUS-25-001	Feasibility, design and permitting for employee housing on various town-owned properties to support the Select Board's strategic plan priority to create affordable housing to attract and retain municipal employees. The Town owns several properties which may be suitable for employee housing. Each has unique characteristics which may or may not suit the mix of housing the Town requires. The Town is also actively acquiring properties, some with existing housing structures. The tentative acquisition of one other property may also impact the type and location of additional housing we will need to build. The dynamic nature of both the acquisitions and employee housing needs require maximum planning flexibility. While Ticcoma Way remains our probable site for use of the funds, we are also considering building on other Town-owned properties.	\$3.00M	\$3.00M
	Town-wide Document Management System		
ADMIN-20-003	Costs associated with the continuation of an electronic document management system. Project entails scanning, categorizing and archiving hard documents into a cloud based storage system. FY24 funds will be focused on the Planning and Land Use Services department.	\$0.50M	\$0.50M
		Town Administration Total:	\$5.10M \$4.75M
Footnotes:		GENERAL FUND SUBTOTAL:	\$51.95M \$41.40M
1. Final location selection is undetermined. Suggest consideration of central fleet garage for indoor storage and maintenance. 2. Considerable catch up for cobblestone improvements to address neglected areas. 3. Confirm if cistern decommissioning is a potential safety issue and if there is an option to upgrade cisterns to serve as storm water catch basins rather than filling them. 4. There is a considerable back log of paving work to achieve 15-year life cycle due to limitations of single sourced contractor to complete work. Recommend prioritization plan for work to reflect limitations of paving contractor capacity. Suggest considering expanding requests for proposals to off-island contractors to increase paving capacity. Requests for funding should be with synchronized with reality of capacity to complete projects by contractor. 5. Bicycle paths need to be widened and repaved for safety and yet nothing was spent in 2023 for work. 6. Coordinate with water main extension that will be started soon. Desire is to bid entire job rather than phasing. Size of project is likely to attract many off island bidders. 7. Clarify HDC requirements for building cladding to reduce construction cost. Consider shingle cladding for a prefabricated steel construction to comply with HDC requirements. 8. Approved amount is the cost of expansion of landfill for estimated 11 year useful life, rather than lower amount for expansion of lesser capacity. 9. Recommend that all requests regarding coast resilience planning be considered together for context and prioritizing. Specific uses of requested amounts should be identified. Requests should include prospects for state and federal grants and prioritization of specific projects. 10. Develop need optimization strategy, locating, fee framework and specifications for charging stations. 11. Requested amount is for entire project cost. Suggest staged funding in future to comport with contract letting.			

ENTERPRISE ACCOUNTS

Code	Department/Request	FY25 Request	CapCom Rec.
	<u>Airport</u>		
NMA-25-002	AIP: Ramp High Mast Lights Existing lights are approaching the end of their useful life. Design and replace approximately 10 existing high-mast ramp lights with lower-impact alternative.	\$0.70M	\$0.70M
NMA-25-010	AIP: Runway 6-24 Repair (12) Mill & Overlay Runway 6-24 down the Centerline of the Runway, Mill 6' wide swath for the length of the Runway and repaint any disturbed markings	\$1.20M	\$1.20M
NMA-25-008	Catch Basin Cleaning, Installation and Replacement Design and Construct Drainage and Stormwater improvements to Car Rental overflow area; replace failing features as able per Stormwater plan.	\$0.40M	\$0.40M
NMA-25-011	Employee Housing Supplemental Construction (Dormitory) & Design (Townhouse) (13) Construction of additional crew quarters to provide housing for Aircraft Rescue and Firefighting Services and emergency personnel. This will allow for the workers to live on the island, while avoiding the housing shortage affecting people who work on Nantucket throughout the year and maintaining the reliability and safety of the airport. This project proposes 1) Supplemental Funding for the Dormitory/Neighborhood Employee Housing project, and 2) Design services for an additional Townhouse-style structure with two dwelling units. This is a supplemental funding request to the \$3,885,000 approved during the FY24 capital process. The total project will be \$7,085,000.	\$3.20M	\$3.20M
NMA-25-007	Grounding & Lightning Protection System Upgrades Design, bid, and provide construction phase services for the installation of new Surge Protection Devices (SPD); and engineering services for review of ground resistivity conditions and evaluation of the airport's lightning protection systems. Request includes estimate on installation.	\$0.14M	\$0.14M
	Groundwater & Soil Investigation/PFAS Part 2		
NMA-25-003	Professional, Engineering, and Licensed Site Professional Services for additional Soil and Ground Water Investigation in support of ongoing investigation activities resulting from the detection of per- and polyfluoroalkyl substances (PFAS) in area groundwater and drinking water supply wells and soils located in the vicinity of and at the Nantucket Memorial Airport. Ongoing monitoring and remediation will require additional effort to address Massachusetts Contingency Plan Requirements for continued investigation and remediation of PFAS Contamination.	\$4.00M	\$4.00M
NMA-25-004	Mill & Overlay Parking Lots and Airport Access Loop Road Mill and Overlay Landside Pavement; Passenger Parking Lot Entry and Exit points and the through lane.	\$0.40M	\$0.40M
NMA-25-009	Paint and Beads & Rubber & Markings Removal FAA Part 139 requires the airfield markings to meet certain standards. NMA has developed a multi year plan to break out the removal and repainting of the airfield. FAA has stressed during our Part 139 inspections that there should be no more than 4 layers of paint on the runway/taxiway before the layers need to be removed. This used to be previously performed by MassDOT but is now the responsibility of the airport. This request will be just for Taxiway Echo	\$0.42M	\$0.42M
	Airport Total:	\$10.46M	\$10.46M
	<u>Sewer</u>		
SEWER-17-001	108-120 Baxter Road Sewer Design/Construction Engineering, design and construction of a new sewer line to serve the Sconset Sewer District. Planning is active with Arcadis but full scope not yet known. Therefore in keeping with previous years, this project funding has been kept as a placeholder.	\$10.00M	\$10.00M
SEWER-24-011	10-wheel Western Star Dump Truck w/Plow and Sander Replacement This request is for a 10-wheel dump truck for construction projects and sludge hauling. This will replace a 2014 truck that is in very poor condition with extensive rust and corrosion damage. This truck has been a work horse for many years and is now deteriorating quickly.	\$0.38M	\$0.38M
SEWER-20-008	Capacity, Management, Operation and Maintenance (CMOM) The CMOM program ensures the Town of Nantucket operates with best practice for sewer line collection system owners and operators. Both comprehensive and holistic, the CMOM provides an information-based plan to effectively run the sewer collection system and help lower the risk of any (SSO) Sanitary Sewer Overflows or Massachusetts Discharge Monitoring permit violations. Nantucket is under a consent order and therefore this work is mandatory. As part of the consent order, Nantucket was to perform a complete CCTV video inspection of all sanitary sewer to include all mains and manholes. Once the initial round of CCTV work was completed, the town's consultant would develop a Capacity, Management, Operation and Maintenance (CMOM) manual that will be updated yearly going forward. In the years following the initial CCTV work, the consultant will work with the Town to review, develop, design and help create the documents needed to bid out each years prior repair or replacement designs based on the (NASSCO) National Association of Sewer Service Companies MACP, PACP, LACP scoring system.	\$2.00M	\$2.00M
SEWER-21-012	Coastal Erosion Surfside and SiaSconset Discharge Beds This request is mostly for design and permitting, complicated process. 7.11.22 Update: Working with Weston and Samson on this. We are trying to get a meeting with DEP. At this time we have permission from DEP to take the 3 ocean side beds in Surfside offline until further notice because of erosion. The Sconset beach has actually shown less erosion by few hundred feet, so we are stable for now. Due to severe erosion along the South Shore especially during the last two hurricanes that passed way off shore we will need to start a planning and discussion process with MA DEP. This issue needs to be on the radar now and ongoing for years until we can get a consulting firm on board to start the conversations on the potential options that may be available. DEP expected on island to do a site visit and possibly make a recommendation. During the winter of 2020-21 more than 30 feet of erosion was suffered at SSWWTF	\$0.50M	\$0.50M

SEWER-24-001	Hummock Pond Area North Sewer Extension Install sewers in needs area, please see supplemental docs	\$2.00M	\$2.00M
SEWER-25-006	New Loader/Backhoe Purchase a new loader that can be used for heavy construction without the need for a trailer of Class A CDL.	\$0.40M	\$0.40M
SEWER-21-003	Siasconset Area Sewer Redesign and Reconstruction Replace sewer in the village of Siasconset that were installed in 1914 and are in very poor condition.	\$12.10M	\$12.10M
SEWER-21-002	Somerset Needs Area Sewer Extension Design and engineering for Installation of sewers in listed needs areas based on 2004 and 2014 CWMP's. Current expectation is that an additional \$35,600,000 will be required in FY26 for construction. Please see supplemental documents for additional information on location.	\$5.40M	\$5.40M
SEWER-22-002	Surfside Maintenance and Administration Facility (Supplemental Funding) Design money was approved in FY22 for a new garage at SWTF which will provide maintenance bays as well as vehicle garaging and administrative offices and conference room.	\$7.00M	\$7.00M
SEWER-25-012	Upgrade & Replacement of SCADA and PLCs Replace and upgrade all current SCADA computers and networking as well as all AB PLCs that are no longer supported throughout the facilities. This will be a multi-year process in order to allow for continued uninterrupted operations. This is also to further protect critical systems with updated software and security programs.	\$0.15M	\$0.15M
Sewer Total:		\$39.92M	\$39.92M
<u>Solid Waste (E)</u>			
SWEF-25-003	TIOli Roll-off Truck Purchase The "Take it or leave it" crew, vital to our local recycle and reuse program, would significantly benefit from a hook truck. This truck would enable them to manage their dumpster independently, thereby streamlining operations. The existing vehicle isn't suitable for their heavy-duty tasks. The hook truck, complete with a snow and ice package, would also support the Department of Public Works' winter program, enhancing overall operational efficiency. The roll-off truck is a Ford F550 equipped with Switch n Go roll-off frame and (2) 10cy roll-offs. A CDL is not required to drive.	\$0.15M	\$0.15M
Solid Waste (E) Total:		\$0.15M	\$0.15M
<u>Wannacomet</u>			
WANN-25-001	Distribution System Improvements Project Code: Wann-25-001 FY25 Request: \$498,125 Hydrant/Fire Flow Modernization Project. This project includes sand blasting, painting, fire flow testing and color coding each hydrant based upon the fire flow. The hydrants need attention and at the completion of this project when the Nantucket Fire Department hooks up to a hydrant they will know exactly what the gallons per minute flow from that hydrant will be based upon the color code on it. There are approximately 825 hydrants between Wannacomet and Siasconset Water. - Sand blast and paint per hydrant cost = \$325.00 - Fire flow test each hydrant that is painted = \$125.00 - Color code each hydrant based on Flow = \$75.00 - 825 hydrants x \$525 = \$433,125.00 - 15% contingency = \$65,000.00 Total Project Cost = \$498,125.00 from Retained Earnings	\$0.50M	\$0.50M
WANN-24-002	Pump Station Upgrades (new pump station North Pasture) The new Public Water Supply Well is on a MADEP timeline to be approved during FY25. Based upon that timeline Wannacomet is planning on the construction of a new pump station for that well. The below prices are based off phone conversations with contractors involved with pump station construction and reflect the current price structure. - 20x20 wood framed on slab construction = \$775,000.00 - Motor control/VFD for pump = \$450,000.00 - Emergency Treatment and Alarms = \$250,000.00 - Remote SCADA control = \$175,000.00 - Engineering/Design = \$247,000.00 - 15% contingency = \$258,000.00 Total Pump Station Cost = \$2,155,000.00 from Borrowing	\$2.16M	\$2.16M
Wannacomet Total:		\$2.65M	\$2.65M
<u>Stormwater</u>			
STRWTR-25-003	Capacity, Management, Operation and Maintenance (CMOM) Initial funding for "CMOM-like" program for Stormwater. This program will involve inventorying, camera-ing, cleaning of island-wide stormwater infrastructure.	\$2.00M	\$2.00M
STRWTR-24-010	Island-wide Drainage Improvements Due to climate change, sediment build-up and increasingly heavy vehicles travelling over catch basins, increased cleaning and repair is required. The current issues include connectivity issues, undersized systems, systems adjacent to dirt roads, lack of outlet piping, lack of available records, maintenance and general upkeep, paving and grading issues, enforcement issues (nearby construction) and erosion issues (stabilization and seeding of side slopes).	\$2.10M	\$2.10M
STRWTR-25-004	Somerset Raceway Road and Infrastructure Improvements Improvements to Somerset Raceway Road will include repaving, new water lines, dryline sewer lines and re-doing the bike path.	\$4.00M	\$4.00M
Stormwater Total:		\$8.10M	\$8.10M
ENTERPRISE FUND SUBTOTAL:		\$61.28M	\$61.28M
Footnotes:			
		GENERAL FUND & ENTERPRISE ACCOUNTS TOTALS:	
		\$113.23M	\$102.68M

12. Requests for infrastructure upgrades should indicate if federally mandated. Breakdown of requests by task is recommended. Future requests should reflect projected enterprise fund balance to repay short term borrowings.

13. Administration indicated that entire requested amount could not be staged over multiple years due to letting of single construction contract.

Appendix B – Capital Requests by Funding Source

GENERAL FUND

Dept.	Code	Request by Funding Source	CapCom Rec.
General Fund			
NAT RESRCE	NRD-24-001	Baseline Environmental Data Program (on-going)	\$0.50M
SCHOOL	NPS-23-003	NPS Building Improvements	\$0.45M
SCHOOL	NPS-25-003	NPS Grounds Improvements	\$0.15M
PARKS	DPW-24-005	Turf Maintenance Equipment Replacement/Upgrade	\$0.10M
TOWN ADMIN	ADMIN-17-002	Server Virtualization and Maintenance	\$0.08M
POLICE	PUBL-25-001	Public Safety Technology Upgrades	\$0.08M
IS/GIS	ADMIN-18-001	Replace Town Computers	\$0.08M
SCHOOL	NPS-21-002	IT Infrastructure	\$0.06M
IS/GIS	ADMIN-17-001	Maintain Network Infrastructure	\$0.05M
Total General Fund:			1.53M
Free Cash			
SOLID WASTE	SWEF-25-002	Purchase of Transfer Station (1)	\$3.40M
DPW-T	TRAN-17-002	Island-Wide Road Improvements (SBSP)	\$3.00M
TOWN ADMIN	ADMIN-23-005	Coastal Resiliency	\$1.25M
SOLID WASTE	SWEF-25-001	Purchase Composter (2)	\$1.00M
DPW-T	TRAN-20-001	Multi-Use Path Maintenance (SBSP) (3)	\$1.00M
DPW-PARKS	PARKS-24-002	Maintain Network Infrastructure	\$0.64M
DPW-T	TRAN-20-002	Cobblestone Improvements	\$0.56M
TOWN ADMIN	ADMIN-20-003	Town-wide Document Management System	\$0.50M
DPW-T	TRAN-21-001	'Sconset Footbridge Repairs (supplemental funding)	\$0.41M
NAT RESRCE	HMP-24-003	Climate Action Plan	\$0.25M
DPW-T	TRAN-23-003	Decommission Fire Cisterns	\$0.19M
NAT RESRCE	HMP-24-006	Environmental Justice Assessment & Policy Development	\$0.12M
Total Free Cash:			\$12.71M
Capital Exclusion			
FIRE	FIRE-26-001	Ladder Truck Replacement	\$2.00M
FIRE	FIRE-25-002	Engine 2 Replacement	\$1.00M
DPW-PARKS	PARKS-24-003	Tom Nevers Playground Reconstruction	\$0.16M
DPW	DPW-25-003	Cat 420 Backhoe Replacement	\$0.15M
DPW-FLEET	TRAN-25-005	New: Parks and Recreation Dump Truck	\$0.13M
DPW-FLEET	TRAN-25-007	Dump Truck Replacement	\$0.13M
DPW-FLEET	TRAN-25-009	Facilities Dump Truck Replacement	\$0.12M
DPW-FLEET	TRAN-25-006	New: 9-foot Dumping Stake Body Truck	\$0.12M
DPW-FLEET	DPW-23-012	DPW Mechanic's Truck Replacement	\$0.12M
DPW-FLEET	TRAN-25-010	Facilities Utility Body Truck Replacement	\$0.10M
DPW	DPW-25-004	Kubota M4070 Tractor Replacement	\$0.08M
DPW-FLEET	TRAN-24-002	New: Parks and Recreation Pickup Truck	\$0.08M
FIRE	FIRE-25-004	NEW: Administration Car- EMS/Training Deputy Chief	\$0.08M
FIRE	FIRE-24-001	Engine 1 Replacement (supplemental funding)	\$0.05M
Total Capital Exclusion:			\$4.34M
Reserve			
FIRE	FIRE-25-001	Ambulance 4 Replacement	\$0.52M
Total Reserve:			\$0.52M
Borrowing			
DPW-T	TRAN-17-001	Sidewalk Improvement Plan (SBSP) (4)	\$1.16M
Total Borrowing:			\$1.16M

Debt Exclusion

SOLID WASTE	SWEF-25-005	Landfill Cell 3B Expansion	\$5.06M
POLICE	PUBL-20-001	Public Safety Auxiliary Building	\$5.00M
HOUSING	HOUS-25-001	Town Employee Housing: Feasibility, Design & Permitting	\$3.00M
DPW-FACILITIES	FAC-24-002	Tom Nevers Debris Removal & Dune Restoration	\$2.00M
DPW-T	TRAN-25-003	Newtown Road Improvements (supplemental funding)	\$2.00M
DPW-PARKS	PARKS-24-001	Reconstruction of Jetties Tennis Courts	\$1.90M
DPW-FACILITIES	FAC-17-001	DPW Facility: Design (supplemental funding) & Construction	\$1.20M
Total Debt Exclusion:			\$20.16M

Other

SCHOOL	NPS-24-003	24 Surfside Road Property Upgrades (supplemental funding)	\$0.90M
TOWN ADMIN	ADMIN-25-007	Ground Mapping Radar (for downtown historic sidewalks) (5)	\$0.10M
Total Other:			\$1.00M

Footnotes:

GENERAL FUND SUBTOTAL: \$41.40M

1. & 2. Retained earning are anticipated offset short term borrowings. Future requests should reflect project annual balance of enterprise fund retained earning balances expect to offset and repay short term borrowings.
3. Carry over is projected to be \$210k.
4. The unspent balance for current year of \$686k is due to paving contractor capacity limitations. Request that sidewalk repair work to be coordinated with other infrastructure repair work. Since ability to complete proposed projects is limited by paving contactor's capacity, suggest considering expanding contractor pool.
5. Potential grant amount is not included in request.

ENTERPRISE ACCOUNTS

Dept.	Code	Request by Funding Source	CapCom Rec.
Free Cash			
STRWTR	HMP-21-010	Consue Springs Stormwater Study	\$0.20M
STRWTR	HMP-22-004	Stormwater CCTV and Management	\$0.10M
STRWTR	DPW-23-001	Stormwater Management Plan Implementation-Inland	\$0.10M
STRWTR	STRWTR-25-010	Ground Penetrating Radar, GPS Equipment and Software Licenses., Locating Equipment and Mapping	\$0.10M
STRWTR	STRWTR-25-008	New F-350 Utility Truck with Plow (or equivalent)	\$0.08M
STRWTR	HMP-21-009	Stormwater Management Plan Implementation (Downtown)	\$0.05M
Total Free Cash:			\$0.63M
Retained Earnings			
WATER	WANN-25-001	Distribution System Improvements	\$0.50M
SEWER	SEWER-21-012	Coastal Erosion Surfside and SiaSconset Discharge Beds	\$0.50M
SEWER	SEWER-25-006	New Loader/Backhoe	\$0.40M
SEWER	SEWER-24-011	10-wheel Western Star Dump Truck w/Plow and Sander Replacement	\$0.38M
SEWER	SEWER-25-012	Upgrade & Replacement of SCADA and PLCs	\$0.15M
SOLID WASTE	SWEF-25-003	TIOLI Roll-off Truck Purchase	\$0.15M
Total Retained Earnings:			\$2.08M
State			
AIRPORT	NMA-25-010	AIP: Runway 6-24 Repair	\$0.06M
AIRPORT	NMA-25-002	AIP: Ramp High Mast Lights	\$0.04M
Total State:			\$0.10M
Federal			
AIRPORT	NMA-25-010	AIP: Runway 6-24 Repair	\$1.08M
AIRPORT	NMA-25-002	AIP: Ramp High Mast Lights	\$0.63M
Total Federal:			\$1.71M

Borrowing

SEWER	SEWER-21-003	SiaSconset Area Sewer Redesign and Reconstruction	\$12.10M
SEWER	SEWER-17-001	108-120 Baxter Road Sewer Design/Construction	\$10.00M
SEWER	SEWER-22-002	Surfside Maintenance and Administration Facility (Supplemental Funding)	\$7.00M
SEWER	SEWER-21-002	Somerset Needs Area Sewer Extension	\$5.40M
STRWTR	STRWTR-25-004	Somerset Raceway Road and Infrastructure Improvements	\$4.00M
AIRPORT	NMA-25-003	Groundwater & Soil Investigation/PFAS Part 2 (6)	\$4.00M
AIRPORT	NMA-25-011	Employee Housing Supplemental Construction (Dormitory) & Design (Townhouse) (7)	\$3.20M
WATER	WANN-24-002	Pump Station Upgrades (new pump station North Pasture)	\$2.16M
STRWTR	STRWTR-24-010	Island-wide Drainage Improvements	\$2.10M
SEWER	SEWER-24-001	Hummock Pond Area North Sewer Extension	\$2.00M
STRWTR	STRWTR-25-003	Capacity, Management, Operation and Maintenance (CMOM)	\$2.00M
SEWER	SEWER-20-008	Capacity, Management, Operation and Maintenance (CMOM)	\$2.00M
AIRPORT	NMA-25-009	Paint and Beads & Rubber & Markings Removal	\$0.42M
AIRPORT	NMA-25-008	Catch Basin Cleaning, Installation and Replacement	\$0.40M
AIRPORT	NMA-25-004	Mill & Overlay Parking Lots and Airport Access Loop Road	\$0.40M
AIRPORT	NMA-25-007	Grounding & Lightning Protection System Upgrades	\$0.14M
AIRPORT	NMA-25-010	AIP: Runway 6-24 Repair	\$0.06M
AIRPORT	NMA-25-002	AIP: Ramp High Mast Lights	\$0.04M
Total Borrowing:			\$57.41M
ENTERPRISE FUND SUBTOTAL:			\$61.28M

Footnotes:

GENERAL FUND & ENTERPRISE ACCOUNTS TOTALS: \$102.68M

6. Retained earnings are anticipated to offset short term borrowing. Entire requested amount is not required in FY 2025. Suggest staged funding request in future.

7. Retained earning are anticipated offset short term borrowings. Future requests should reflect project annual balance of enterprise fund retained earning balances expect to offset and repay short term borrowings.

Appendix C - Appropriations & Expenditures to-date (FY25 Capital Requests)

GENERAL FUND				
Code	Department/Request	Prior Appropriation	Expended	Balance
DPW - Facilities				
FAC-17-001	Public Works Facility: Design (Supplemental)	\$.15M	\$.00M	\$.15M
DPW - Transportation				
TRAN-17-001	Sidewalk Improvement Plan (SBSP)	\$5.32M	\$3.76M	\$1.55M
TRAN-17-002	Road improvements/Maintenance Island Wide (SBSP)	\$8.37M	\$5.95M	\$2.42M
TRAN-20-001	Multi-Use Path Maintenance (SBSP)	\$1.85M	\$.50M	\$1.35M
TRAN-20-002	Cobblestone Improvements	\$1.58M	\$.48M	\$1.10M
TRAN-21-001	'Sconset Footbridge Construction	\$.10M	\$.01M	\$.09M
TRAN-25-003	Newtown Road Improvements	\$1.20M	\$.06M	\$1.14M
IS/GIS				
ADMIN-17-001	Maintain Network Infrastructure	\$.50M	\$.17M	\$.33M
ADMIN-17-002	Server Virtualization and Maintenance	\$.42M	\$.36M	\$.05M
ADMIN-18-001	Replace Town Computers	\$.36M	\$.32M	\$.04M
School Department				
NPS-17-001	NPS Building Improvements	\$1.25M	\$.99M	\$.26M
NPS-21-002	IT Infrastructure	\$.50M	\$.43M	\$.07M
NPS-25-003	NPS Grounds Improvements	\$.07M	\$.06M	\$.01M
Town Administration				
ADMIN-20-003	Town-Wide Document Management System	\$1.35M	\$.16M	\$1.19M
ADMIN-23-005	Coastal Resiliency Planning	\$2.55M	\$.71M	\$1.84M
Airport				
NMA-25-011	Employee Housing Supplemental Construction (Dormitory) & Design (Townhouse)	\$3.89M	\$.00M	\$3.89M
Sewer				
SEWER-20-008	Capacity, Management, Operations and Maintenance (CMOM)	\$15.75M	\$7.21M	\$8.54M
SEWER-22-002	Surfside Maintenance & Administration Facility (Supplemental)	\$.83M	\$.00M	\$.83M

Appendix D – Town of Nantucket Tax Rate History

Year	Rate
1971	\$73.00
1972	\$73.00
1973	\$38.00
1974	\$82.00
1975	\$86.00
1976	\$90.00
1977	\$115.00
1978	\$129.00
1979	\$134.00
1980	\$128.00

Note: In FY 1981 Nantucket was one of the first communities to classify property according to use, conduct a full revaluation of all properties and adopt a split tax rate and residential exemption.

Fiscal Yr	Residential	<u>Rates</u> Open Spac	Com/Ind/PP	<i>Residential</i> Exemption	<i>\$\$ Value of</i> Exemption	CPA
1981	\$8.60	\$6.87	\$12.94	\$10,000	\$86.00	
1982	\$8.88	\$6.85	\$13.03	\$10,000	\$88.80	
1983	\$6.34	\$6.20	\$9.45	\$11,967	\$75.87	
1984	\$6.90	\$6.76	\$10.98	\$12,000	\$82.80	
1985	\$7.17	\$7.02	\$11.34	\$12,004	\$86.07	
1986	\$4.03	\$3.96	\$6.37	\$20,363	\$82.06	
1987	\$4.67	\$4.61	\$7.44	\$17,485	\$81.65	
1988	\$5.54	\$5.47	\$8.88	\$17,383	\$96.30	
1989	\$4.03	\$3.91	\$7.66	\$63,666	\$256.57	
1990	\$4.30	\$4.17	\$8.16	\$63,972	\$275.08	
1991	\$4.52	\$4.44	\$8.68	\$61,771	\$279.20	
1992	\$5.41	\$5.31	\$10.35	\$51,608	\$279.20	
1993	\$6.26	\$6.12	\$11.89	\$44,585	\$279.10	
1994	\$6.34	\$6.20	\$12.40	\$44,889	\$284.60	
1995	\$6.56	\$6.40	\$12.42	\$45,235	\$296.74	
1996	\$6.58	\$6.42	\$12.47	\$46,052	\$303.02	
1997	\$6.74	\$6.53	\$12.58	\$59,456	\$400.73	
1998	\$5.25	\$5.08	\$9.71	\$80,598	\$423.14	
1999	\$5.83	\$5.62	\$10.71	\$87,689	\$511.23	
2000	\$5.77	\$5.55	\$10.57	\$89,600	\$516.99	
2001	\$3.94	\$3.79	\$7.14	\$151,337	\$596.27	
2002	\$4.21	\$4.05	\$7.62	\$153,165	\$644.82	\$19.34
2003	\$3.42	\$3.29	\$6.11	\$210,261	\$719.09	\$21.57
2004	\$3.13	\$3.00	\$4.73	\$245,258	\$767.66	\$23.03
2005	\$3.30	\$3.16	\$4.99	\$248,178	\$818.99	\$24.57
2006	\$2.84	\$2.73	\$5.06	\$316,472	\$898.78	\$26.96
2007	\$2.49	\$2.39	\$4.46	\$376,097	\$936.49	\$28.09
2008	\$2.67	\$2.56	\$4.77	\$374,402	\$999.65	\$29.99
2009	\$2.76	\$2.65	\$4.92	\$375,319	\$1,035.88	\$31.08
2010	\$3.01	\$2.88	\$5.35	\$360,135	\$1,084.01	\$32.52
2011	\$3.58	\$3.42	\$6.41	\$304,992	\$1,091.87	\$32.76
2012	\$3.62	\$3.46	\$6.47	\$297,869	\$1,078.29	\$32.35
2013	\$3.67	\$3.51	\$6.51	\$303,664	\$1,114.45	\$33.43
2014	\$3.76	\$3.60	\$6.68	\$299,187	\$1,124.94	\$33.75
2015	\$3.61	\$3.45	\$6.38	\$336,917	\$1,216.27	\$36.49
2016	\$3.36	\$3.22	\$5.93	\$362,525	\$1,218.08	\$36.54
2017	\$3.39	\$3.24	\$5.99	\$373,635	\$1,266.62	\$38.00
2018	\$3.53	\$3.34	\$5.97	\$486,050	\$1,715.76	\$51.47
2019	\$3.36	\$3.20	\$5.71	\$518,251	\$1,741.32	\$52.24
2020	\$3.45	\$3.29	\$5.86	\$528,618	\$1,823.73	\$54.71
2021	\$3.63	\$3.43	\$6.30	\$522,914	\$1,898.18	\$56.95
2022	\$3.74	\$3.53	\$6.40	\$541,019	\$2,023.41	\$60.70
2023	\$3.21	\$3.05	\$5.46	\$668,999	\$2,147.49	\$64.42
2024	\$3.13	\$3.01	\$5.30	\$799,150	\$2,501.34	\$75.04

Appendix E - Capital Project Request Form

(Specimen of data fields within Capital Request Database)

Town of Nantucket
FY ____ Capital Project Request Form

PROJECT INTRODUCTION

Department:

Project Title:

Project Summary:

Project Location:

Project related to other depts/agencies, explain:

Submittal Date:

Contact Person:

CLASSIFICATION

Type: (Check all applicable)

- ☐ Land or Land Improvements
☐ Building or Building Improvement
☐ Infrastructure
☐ Outdoor Asset (park, playing fields, etc.)
☐ Soft Cost (design, study, plans, permitting)
☐ Vehicles (on or off-road, specialty)
☐ Equipment, Machinery, Fixture, Furniture (long-life, durable)
☐ Intangible (software, other licenses, permits, covenants)

Nature: (Check all applicable)

- ☐ New Asset--if new operation too, explain:
☐ Upgrade/Improvement
☐ Replacement
☐ Renovate/Repair
☐ Decommissioning
☐ Heritage/Culture/Legacy/Tradition
☐ Purchase
☐ Lease

PRIORITIZATION

- ☐ Low/Elective - Dept quality or functional enhancement if funding permits
☐ Med./Recommended - Dept necessary functions impaired -- explain:
☐ High/Required - Dept mission critical -- explain:

☐ If not funded, Alternative Action available--explain:

(Check all applicable)

- ☐ Imminent threat to public safety or property, explain:
☐ Preservation of operations
☐ Legal requirement of Federal, State or Local agencies
☐ Improvement to infrastructure
☐ Improvement in the efficiency and effectiveness of service delivery, explain:

☐ Minor

☐ Major

- ☐ Alleviation of an overstressed/overburdened situation
☐ Supports strategic plan (i.e. master plan, housing prod. plan, facilities maint plan, CWMP, etc.)
☐ Results in lower energy consumption
☐ Results in lower operations and maintenance costs
☐ Phased funding/included in a prior year's budget
☐ Scheduled replacement (i.e. motor vehicles, roofs, computers)
☐ Placeholder -- explain:

COSTS & FUNDING

Basis for Cost:

Source of Quote or Estimate:

- ☐ Informal (name source):
☐ Comparable Valuation
☐ Historic Reference
☐ Other -- explain:
☐ Quote (written)
☐ Bid

Cost Breakdown:

\$ Amounts (±)	FY19	FY20	FY21	FY22	FY23	Totals
☐ Land	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐ Aquisition Cost(s):						
☐ ± Appraisal(s)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐ ± Survey(s)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐ Other Legal:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐ Design	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

☐	Permitting	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Construction	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Equipment or Fixture:	\$	-	\$	-	\$	-	\$	-	\$	-
☐	±Installation Cost(s)	\$	-	\$	-	\$	-	\$	-	\$	-
☐	±Trade-in/Redemption Cost(s)	\$	-	\$	-	\$	-	\$	-	\$	-
☐	OPM (Owner's Project Manager)	\$	-	\$	-	\$	-	\$	-	\$	-
☐	O+M or Post-Const.	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Disposal	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Contingency	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Financing	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Insurance	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Other, explain in cost doc.	\$	-	\$	-	\$	-	\$	-	\$	-
Total		\$	-	\$	-	\$	-	\$	-	\$	-

☐	'Green' Component(s):	\$	-	\$	-	\$	-	\$	-
☐	Compliance requirement:	\$	-	\$	-	\$	-	\$	-
Explain:									

Net effect on Operating Budget:		FY19	FY20	FY21	FY22	FY23	Totals
☐	Maintenance Cost	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐	Personnel Cost	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐	Utilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Maintenance Plan:		FY19	FY20	FY21	FY22	FY23	Totals
☐	Annual Cost	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Anticipated Useful Life: _____
Average Use Hrs/Day (approx.): _____
Annual Days-in-use (approx.): _____

Outsourcing Alternative(s) Applicable(Yes/No) -- explain:

PROJECT TIMELINE

Project Manager:

Other Departments Involved in the Project:

Timeline (leading to anticipated completion date):

	FY19	FY20	FY21	FY22	FY23
☐	Procurement	--	--	--	--
☐	Aquisition	--	--	--	--
☐	Design	--	--	--	--
☐	Permitting	--	--	--	--
☐	Construction	--	--	--	--
☐	Substantial Comp.	--	--	--	--
☐	Full Completion	--	--	--	--
☐	One-time:				
☐	Decommission	--	--	--	--
☐	Removal	--	--	--	--
☐	Installation	--	--	--	--
☐	Final Delivery	--	--	--	--

SUPPLEMENTAL DOCUMENTS REQUIRED

- ☐ Detailed Project Description and Photos
- ☐ Basis for Cost
- ☐ Documentation for Operating Budget Impact
- ☐ Summary Plan for Maintenance

Appendix F – Typical MA Municipal Capital Funding Sources

Local

1) Borrowing:

- a) **General Obligation Bonds (aka, "GO Bonds").** These are issued for a period of time ranging from 5 to 30 years, during which time principal and interest payments are made. Making payments over time has the advantage of allowing the capital expenditures to be amortized over the life of the project. Funding sources used to pay back the debt can include:
 - i) **Bonds funded within the tax limits of Proposition 2 ½:** Debt service for these bonds must be paid within the tax levy limitations of proposition 2 ½. Funds used for this debt must be carefully planned in order to not impact the annual operating budget.
 - ii) **Bonds funded outside the tax limits of Proposition 2 ½ -- Debt Exclusion Bonds¹:** Debt service for these bonds is paid by increasing local property taxes in an amount needed to pay the annual debt service. Known as a Debt Exclusion, this type of funding requires approval by 2/3 vote of the local appropriating authority (e.g., city council or town meeting) and approval of majority of voters participating in a ballot vote. Prior to the vote, the impact on the tax rate must be determined so voters can understand the financial implications.
 - iii) **Bonds funded with Enterprise Funds:** Debt service for these bonds is typically paid by user fees, such as water and sewer revenue. Depending upon the type of project, interest costs may be subsidized by the Commonwealth and at times partial grant funds may be available (see below). Enterprise funds do not affect the general operating budget unless general funds are needed to subsidize revenues from the enterprise. Prior to the issuance of debt, the projects must be analyzed for their impact on rates.
- b) **Capital Exclusion:** Capital Exclusion projects are similar to Direct Appropriation (Pay-as-You-Go, below) except taxes are raised outside the limits of Proposition 2 ½ and are added to the tax levy only during the year in which the project is being funded. As with a Debt Exclusion, Capital Exclusion funding requires approval by 2/3 vote of the local appropriating authority (e.g., city council or town meeting) and approval of a majority of voters participating in a ballot vote. Prior to the vote, the impact on the tax rate must be determined so voters can understand the financial implications. Capital Exclusions may be authorized for any municipal purpose for which the city or town would be authorized to borrow money.

¹ = Debt Exclusion is different from a property tax override in that an exclusion is temporary, it is only in place until the incurred debt is paid. An override becomes a permanent part of the levy limit base.

2) Other:

- a) **Bond Proceeds:** Municipalities sell bonds at a premium over par, which premium funds bond issuance and service; any excess is reserved for specific uses based on the type of account (General Fund, Enterprise Fund, or School) with that excess available to fund like capital projects.
- b) **Free Cash:** Free Cash is the difference between annual revenues and expenditures and is certified by the Commonwealth each year. After certification, free cash is available for appropriation for any municipal purpose, including capital projects.
- c) **Direct Appropriation/ Pay-as-You-Go:** Direct Appropriation capital projects are funded with current revenues, and the entire cost is paid off within one year so no borrowing takes place. Projects funded with current revenues are customarily lower in cost than those funded by general obligation bonds because there are no interest costs. However, funds to be used for this purpose must be carefully planned in order to not impact the annual operating budget. For this reason, Pay-as-You-Go capital projects are typically lower in value than projects funded by borrowing.
- d) **Sale of Surplus Real Property:** Pursuant to Massachusetts General Laws, when real estate is sold, the proceeds must first be used to pay any debt incurred in the purchase of the property. If no debt is outstanding, the funds "may be used for any purpose or purposes for which the city, town or district is authorized to incur debt for a period of five years or more...except that the proceeds of a sale in excess

of five hundred dollars of any park land by a city, town, or district shall be used only by said city, town, or district for acquisition of land for park purposes or for capital improvements to park land" (MGL Chapter 44, Sec. 63).

e) **Stabilization Fund:**

- i) **Capital Stabilization Fund:** Local officials can set aside money in a stabilization fund -outside of the general fund- to pay for all or a portion of future capital projects. A 2/3 vote of city council or town meeting is required to appropriate money into and out of this fund.
- ii) **Enterprise Retained Earnings (as a form of Stabilization Fund):** Enterprise operations, such as water and sewer, are able to maintain an operating surplus that can be utilized for future enterprise fund costs. These funds can be used to stabilize the user rates, apply to annual budget needs, and/or invest in capital replacement and expansion.

f) **Special Purpose Funds:** Communities also have established numerous "Special Purpose Funds" for which the use is restricted to a specific purpose, some of which may be investment in department facilities and equipment. Numerous state statutes that govern the establishment and use of these separate accounts. Examples include the sale of cemetery lots and off-street parking fees accounts.

Federal, State, and Private Grants and Loans

- 1) **Office of Aviation Airport Improvement Program (AIP):** Funding is available to airports that are part of the National Plan of Integrated Airport Systems by the FAA. The AIP provides funds for projects to improve infrastructure, including runways, taxiways, aprons, noise control, land purchases, navigational aids, safety and security.
- 2) **Massachusetts Chapter 90 Roadway Funds:** Each year, the Massachusetts Department of Transportation (MassDOT) allocates funds to cities and towns for roadway construction, maintenance, or improvement. Funds may also be used for other work incidental to roadway work, such as the construction of a garage to house related vehicles, or the purchase of related vehicles, equipment, and tools. Chapter 90 is a 100% reimbursable program. Funding is accomplished through the issuance of transportation bonds and apportioned to municipalities based on three factors: 1) accepted road miles, 2) population, and 3) total employment within the municipal borders. The number of accepted road miles is the most heavily weighted factor at 58.33%; the others are each weighted at 20.83%.
- 3) **Massachusetts Department of Environmental Protection's State Revolving Funds (SRF):** The Clean Water State Revolving Fund (CWSRF) provides financing for sewer and drainage projects intended to reduce sewer overflows and the Drinking Water State Revolving Fund (DWSRF) provides financing to improve the quality of the drinking water system. The CWSRF and DWSRF programs typically offer a mix of low interest (2%) loans and grant funds. Repayment does not begin until two years after the monies have been borrowed.
- 4) **Massachusetts School Building Authority (MSBA):** The MSBA provides funding for school feasibility, design, and construction. Projects must be accepted into the process in response to the submission of a Statement of Interest which identifies a facility problem to be solved. Subsequently, the community must appropriate funding for schematic design and later for construction before the MSBA will commit to its share of the project. If accepted, the MSBA determines the amount of reimbursement it will offer based upon community need, with a minimum base rate of 31%. The percent of reimbursement can then be increased based upon three factors: community income factor, community property wealth factor, and community poverty factor.
- 5) **Mass DOT Complete Streets.** Funding program that allows up to \$400,000 in construction funds.
- 6) **MA Community Compact Grants** (fit in where/how?)... eg. funds upwards of \$68,000 for a particular MA town's IT equipment.
- 7) **MA Other.** Many Commonwealth departments also offer annual grant opportunities that are available to municipalities typically through a competitive application process. State grant programs that may be used for capital expenses include, but are not limited to the Green Community grants (project to improve sustainability) and Parkland Acquisitions and Renovations for Communities (PARC) grants.



Agenda Item Summary

Agenda Item #	X. 1.
Date	1/31/2024

Staff

Erika Mooney, Operations Administrator

Subject

Request for Approval of Subdivision Plan of Town-owned Parcel D, Sandwich Road

Executive Summary

Pursuant to an affirmative vote on Article 101 of the 2017 Annual Town Meeting, the Select Board approved an order of taking by eminent domain of portions of Sandwich Road, shown as parcels A, B, C and D on Plan No. 2019-7 on April 24, 2019. The intent of the warrant article and the taking was to convey the parcels to abutting property owners through the Nantucket Yard Sale Program. As the parcels are registered land, a Land Court Plan creating the Parcels had to be approved by the Land Court. Parcel D is intended to be conveyed to the owners of 8 and 10 Chatham Road (Ryder), who entered into a Covenant with the Nantucket Planning Board to restrict any future subdivision of 8 and 10 Chatham Road to a total of three buildable lots in exchange for Planning Board support of a zoning change of the property at the 2021 Annual Town Meeting. The subdivision plan submitted shows 8 Chatham Road subdivided into two lots, Lots 167 and 168 and subdivides Parcel D into Lots 169 and 170. Upon the conveyance by the Town of Lots 167 and 168 pursuant to the Yard Sale Program, Lots 167 and 168 will be combined with Lots 169 and 170 respectively.

Staff Recommendation

Recommend approval.

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

Planning Board approved the subdivision plan on 11/13/2023

Public Outreach

N/A

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

N/A



Attachments

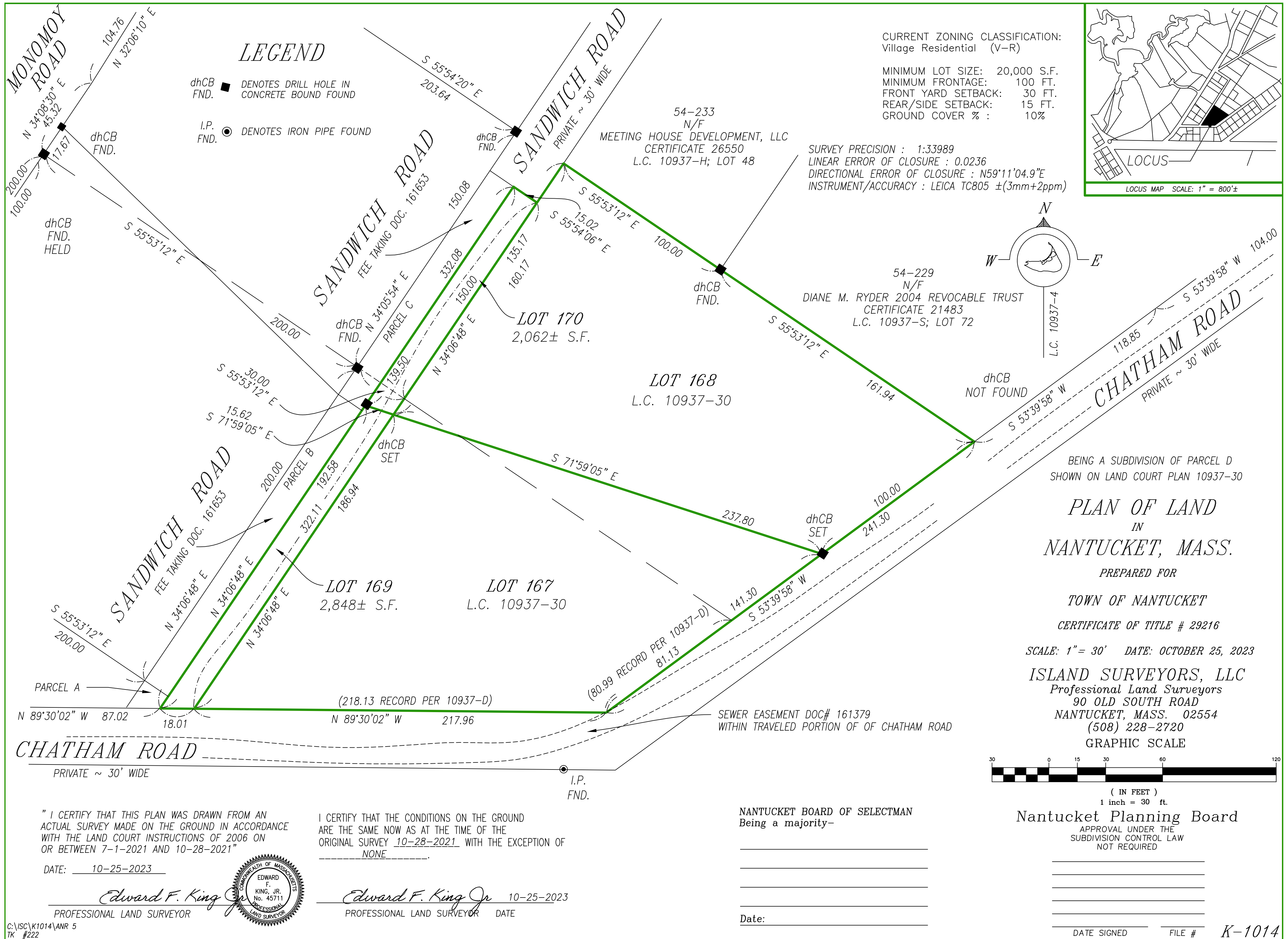
Pending Land Court Plan Entitled "Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket,"
Prepared by Island Surveyors, Inc. and Dated October 25, 2023 for 8 Chatham Road

Land Court Plan 10937-30

Order of Taking of Portions of Sandwich Road

Taking plan 2019-7





LEGEND

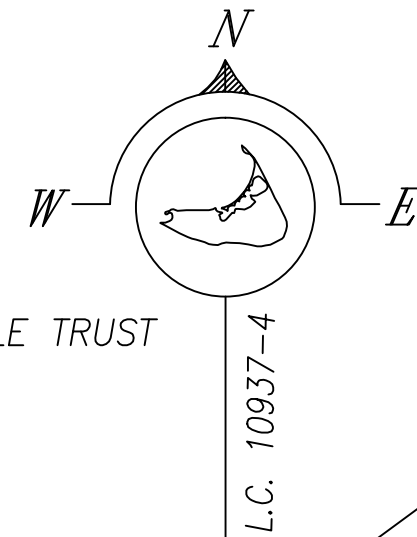
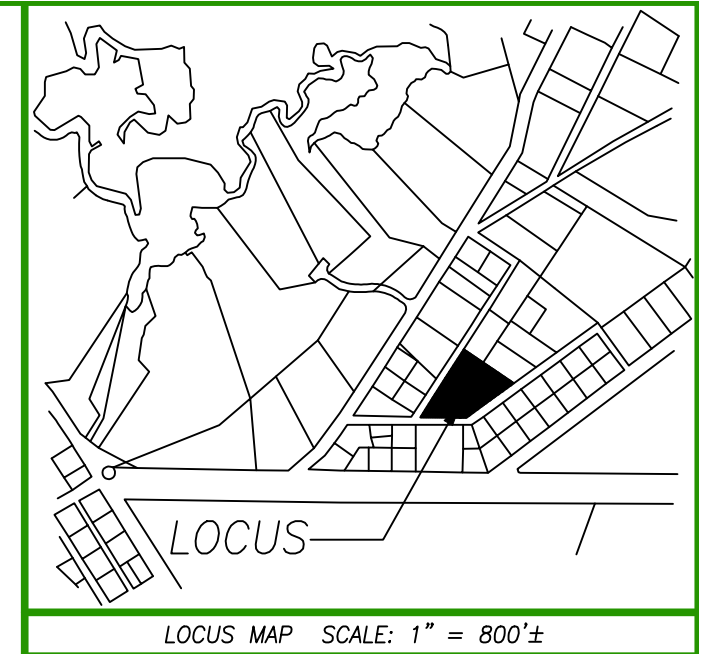
dhCB FND. ■ DENOTES DRILL HOLE IN CONCRETE BOUND FOUND

I.P. FND. ● DENOTES IRON PIPE FOUND

CURRENT ZONING CLASSIFICATION:
Village Residential (V-R)

MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 100 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER % : 10%

SURVEY PRECISION : 1:33989
LINEAR ERROR OF CLOSURE : 0.0236
DIRECTIONAL ERROR OF CLOSURE : N59°11'04.9"E
INSTRUMENT/ACCURACY : LEICA TC805 ±(3mm+2ppm)



BEING A SUBDIVISION OF PARCEL D
SHOWN ON LAND COURT PLAN 10937-30

PLAN OF LAND
IN
NANTUCKET, MASS.

PREPARED FOR

TOWN OF NANTUCKET

CERTIFICATE OF TITLE # 29216

SCALE: 1" = 30' DATE: OCTOBER 25, 2023

ISLAND SURVEYORS, LLC

Professional Land Surveyors

90 OLD SOUTH ROAD

NANTUCKET, MASS. 02554

(508) 228-2720

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

NANTUCKET BOARD OF SELECTMAN
Being a majority-

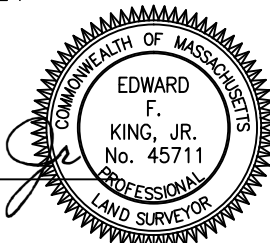
Date:

" I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN
ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE
WITH THE LAND COURT INSTRUCTIONS OF 2006 ON
OR BETWEEN 7-1-2021 AND 10-28-2021"

DATE: 10-25-2023

Edward F. King Jr.

PROFESSIONAL LAND SURVEYOR



I CERTIFY THAT THE CONDITIONS ON THE GROUND
ARE THE SAME NOW AS AT THE TIME OF THE
ORIGINAL SURVEY 10-28-2021 WITH THE EXCEPTION OF
NONE

Edward F. King Jr.

PROFESSIONAL LAND SURVEYOR

10-25-2023

DATE

MONOMOY ROAD

N 34°08'30" E
104.76
N 32°06'10" E

dhCB FND.
17.67

dhCB FND. HELD

S 55°53'12" E
200.00

SANDWICH ROAD

S 55°54'20" E
203.64

dhCB FND.

PRIVATE ~ 30' WIDE

54-233 N/F
MEETING HOUSE DEVELOPMENT, LLC
CERTIFICATE 26550
L.C. 10937-H; LOT 48

S 55°53'12" E
15.02
S 55°54'06" E
150.08
150.00
160.17

dhCB FND.

N 34°05'54" E
PARCEL C

dhCB FND.

N 34°06'48" E
332.08
150.00

54-229 N/F
DIANE M. RYDER 2004 REVOCABLE TRUST
CERTIFICATE 21483
L.C. 10937-S; LOT 72

S 55°53'12" E
100.00

dhCB FND.

S 55°53'12" E
161.94

dhCB NOT FOUND

S 53°39'58" W
118.85
CHATHAM ROAD

PRIVATE ~ 30' WIDE

LOT 168
30,639± S.F.

LOT 167
30,517± S.F.

PARCEL D
4,910± S.F.

S 71°59'05" E
237.80
100.00
241.30

(80.99 RECORD PER 10937-D)
81.13

SEWER EASEMENT DOC# 161379
WITHIN TRAVELED PORTION OF CHATHAM ROAD

I.P. FND.

CHATHAM ROAD

PRIVATE ~ 30' WIDE

N 89°30'02" W
87.02
18.01
217.96

PARCEL A

S 55°53'12" E
200.00

N 34°06'48" E
332.11
187.52

N 34°06'48" E
200.00

PARCEL B

LEGEND

dhCB FND. ■ DENOTES DRILL HOLE IN CONCRETE BOUND FOUND

I.P. FND. ● DENOTES IRON PIPE FOUND

LOCUS MAP SCALE: 1" = 800'±

PLAN OF LAND
IN
10937-30 NANTUCKET, MASS.
LAND COURT
JUL 27 2022
FILED

BEING A SUBDIVISION OF LOTS 33 & 34 SHOWN ON LAND COURT PLAN 10937-D

BEING A SUBDIVISION OF LOT 59 SHOWN ON LAND COURT PLAN 10937-J

PREPARED FOR
DIANE M. RYDER, TRUSTEE
CERTIFICATE OF TITLE # 15137
SCALE: 1"=30' DATE: APRIL 28, 2022

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

Nantucket Planning Board
APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

"I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN 7-1-2021 AND 10-28-2021"

DATE: 4/28/2022

EDWARD P. KING JR.
No. 45711
PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY 10/28/2021 WITH THE EXCEPTION OF NONE

EDWARD P. KING JR.
PROFESSIONAL LAND SURVEYOR DATE: 4/28/2022

SURVEY PRECISION : 1:33989
LINEAR ERROR OF CLOSURE : 0.0236
DIRECTIONAL ERROR OF CLOSURE : N59°11'04.9"E
INSTRUMENT/ACCURACY : LEICA TC805 ±(3mm+2ppm)

GRAPHIC SCALE

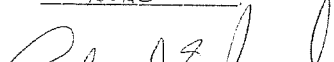
(IN FEET)
1 inch = 30 ft.

DATE SIGNED FILE # K-1014



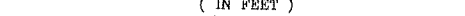
EDWARD
F.
KING, JR.
No. 45711
PROFESSIONAL
LAND SURVEYOR

I CERTIFY THAT THE CONDITIONS ON THE GROUND
ARE THE SAME NOW AS AT THE TIME OF THE
ORIGINAL SURVEY 01/28/2021 WITH THE EXCEPTION OF
NONE


ERNEST E. GHIL 4/28/2022
PROFESSIONAL LAND SURVEYOR DATE

SURVEY PRECISION : 1:33989
 LINEAR ERROR OF CLOSURE : 0.0236
 DIRECTIONAL ERROR OF CLOSURE : N59°11'04.9"E
 INSTRUMENT/ACCURACY : LEICA TC805 ±(3mm+2ppm)

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

John F. Rudek

John F. Rudek

John F. Rudek

06-13-2022 PL SUB-2022-06-00294

DATE SIGNED FILE #

K-1014



2019 00161653

 Cert: 24375 Doc: OOT
 Registered: 05/02/2019 02:08 PM

 TOWN OF NANTUCKET
 BOARD OF SELECTMEN

 ORDER OF TAKING BY EMINENT DOMAIN
 OF PORTIONS OF SANDWICH ROAD

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen 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 101 adopted by the Town at its 2017 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 Sandwich Road described below ("Parcels") is required for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, 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 "Roadway Acquisition Plan in Nantucket, Mass. of Portion of Unconstructed 'Sandwich Road,'" dated January 22, 2019, prepared by Bracken Engineering, Inc., recorded with the Nantucket County Registry of Deeds as Plan No. 2019-7 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel A	Sandwich Road	181± s. f.

<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 54, Parcel 136	Matthew P. Dwyer, Jr. and Marjorie D. Dwyer	Certificate of Title No. 24375

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel B	Sandwich Road	2,735± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 54, Parcel 138	9 Monomoy Road, LLC	Certificate of Title No. 27116
<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel C	Sandwich Road	2,141± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 54, Parcel 196	Ambler Sweedler	Certificate of Title No. 24883
<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel D	Sandwich Road	4,907± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 54, Parcel 230	Diane M. Ryder, Trustee of T and D Nominee Trust u/d/t dated January 6, 1992 filed as Document No. 55455 with the Nantucket Registry District of the Land Court	Certificate of Title No. 15137

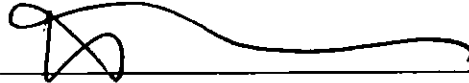
Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking. Any utility easements in the Parcels are to be excluded from this Order of Taking.

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 Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

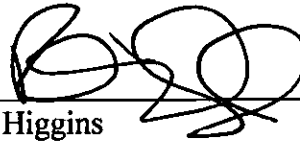
If any party named hereinabove as an owner of any Parcels taken hereby is not a true Owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

Adopted under seal this 24 day April , 2019.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN



Dawn E. Hill Holdgate



Rita Higgins



Jason Bridges



Matthew G. Fee



Kristie L. Ferrantella

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss

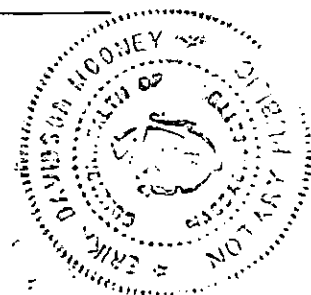
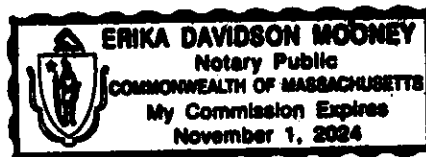
On this 2nd day of May , 2019, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Rita Higgins, Jason Bridges, Matthew G. Fee and Kristie L. Ferrantella, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, 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 Board of Selectmen of the Town of Nantucket.



Notary Public

My commission expires:

663190v2/NANTYDSALE 19712/0001



Town of Nantucket



.....◆◆◆.....

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

flanaganstover@yahoo.com

townclerk@nantucket-ma.gov

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

.....◆◆◆.....

April 4, 2017

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 1, 2017 ANNUAL TOWN MEETING adopted **Article 101: "Real Estate Acquisition: Sandwich Road"** at the April 1st 2017 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..."

TECHNICAL CORRECTION VIA THE MODERATOR: CHANGE: north easterly sideline of the land known and numbered at § 11 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length.

VOTE: The vote on the motion pursuant to Article 101 as recommended by the Finance Committee with a Technical Correction brought forward through the Moderator, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ATM 17 Article 101, Page 1 of 2

ARTICLE 101**(Real Estate Acquisition: Sandwich Road)**

To see if the Town will vote to: authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of Sandwich Road (Monomoy) lying between the northerly line of Chatham Road and the extended north easterly sideline of the land known and numbered at 8 Monomoy Road, shown upon Assessor Map 54 and Parcel 196, approximately 385+/- feet in length.

DOC No: 00161653

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: May 02/2019 at 02:08P

Document Fee: 300.00 Rec Total:\$300.00

CERTIFICATE No: 24375

Also noted on CERT 15137

CERT 24883
CERT 27116

2019 0000000
B/L Page 9
Doc: PLAN 03/07/2019 03:05 PM

NANTUCKET REGISTRY
OF DEEDS
Cadastral Map No. 7, 2019
Time: 1:02 PM
Plan No. 1453-3
NANTUCKET
Shet 1 of 1

RESERVED FOR REGISTRY USE

PROPOSED LOT CORNER POINT	PL. No.	Northing	Easting
8000	4453.9503	4895.0035	
8001	4453.7933	4913.0145	
8002	4459.6540	4916.9846	
8003	4468.0665	4904.5656	
8004	4619.0058	5006.8105	
8005	4610.5934	5019.2294	
8006	4633.6525	5016.7320	
8007	4625.2400	5029.1509	
8008	4737.1556	5086.8044	
8009	4728.7372	5099.2391	
8010	4720.3188	5111.6738	
8011	4453.6363	4931.0257	

FIELD POINT LOCATION	PL. No.	Northing	Easting
9100	4432.0662	4627.3722	
9101	4812.7658	4844.4239	
9102	4630.4756	5013.5788	
9103	4756.2975	5113.5214	
9104	4568.5325	5104.7789	
9105	4438.2767	4953.7999	
9106	4425.9494	4634.3576	
9107	4579.9502	4739.3928	
9108	4745.8205	4851.1603	
9109	4760.4222	4851.0133	
9110	4872.0905	4932.3339	
9111	4658.6878	4965.4914	
9112	4757.9330	5100.8721	
9113	4420.8996	5125.5257	
9114	4424.2107	4825.3723	

CALCULATED POINT LOCATION	PL. No.	Northing	Easting
9000	4421.4602	5125.3598	
9001	4424.2107	4825.3723	
9002	4425.9500	4634.2902	
9003	4580.2328	4738.9787	
9004	4745.8188	4851.1460	
9005	4760.4492	4851.0546	
9006	4872.0846	4932.2332	
9007	4658.6881	4965.7123	
9008	4757.9324	5100.8705	

LEGEND
CB/DK/PT CONCRETE BOUND WITH DISK FOUND
CB/DK/PT CONCRETE BOUND WITH DRILL HOLE FOUND
P/O IRON PIPE FOUND
SPKE SET O TRAVERSE SPIKE SET

THE PLANNING BOARD DETERMINES THAT:

- (b) PARCELS "A, B, C and D" DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.
- (c) PARCELS "A, B, C and D" CONTAIN INADEQUATE LOT AREA, AS DEFINED IN THE NANTUCKET ZONING BYLAW, TO COMPLY WITH MINIMUM AREA REQUIREMENTS APPLICABLE UNDER SUCH BYLAW.

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON DEC. 4, 2018.



1/22/19
DATE
Alan M. Grady
ALAN M. GRADY, PLS #17732

PLAN SCALE
0 10 20 30 40 50
1 inch = 30 feet

TRAVERSE CLOSURE
ANGULAR ERROR: 00' 00" 36"
LINEAR ERROR: 0.041'
DIRECTION OF ERROR: S 25° 25' 48" E
PRECISION: 1:37,674
EDM ACCURACY
±(2mm + 2ppm x D) m.s.e.

TOWN OF NANTUCKET
BOARD OF SELECTMEN

DATE APPROVED:

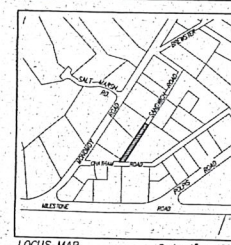
APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

FILE NUMBER: 8319
DATE APPROVED: 01-30-2019

ROADWAY ACQUISITION PLAN IN NANTUCKET, MASS. OF PORTION OF UNCONSTRUCTED "SANDWICH ROAD"

PREPARED BY
BRACKEN ENGINEERING, INC.
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
tel: (508) 325-0044
fax: (508) 833-2282

SCALE: 1" = 30' JANUARY 22, 2019



LOCUS MAP
Scale: 1" = 400'

ZONE: LUG-1	REQUIRED	ZONE: VR	REQUIRED
LOT AREA: 40,000 s.f.		LOT AREA: 20,000 s.f.	
FRONTAGE: 100'		FRONTAGE: 100'	
FRONT YARD: 35'		FRONT YARD: 20'	
SIDE/REAR YARD: 10'		SIDE/REAR YARD: 10'	
GROUND COVER: 75% (max)		GROUND COVER: 10% (max)	

NOTES:

- LOCUS: PORTION OF SANDWICH ROAD
- PLAN REFERENCES:
LAND COURT PLAN #10937-D
LAND COURT PLAN #10937-E
LAND COURT PLAN #10937-J
LAND COURT PLAN #10937-K
LAND COURT PLAN #10937-L
- SEE WARRANT ARTICLES 101 & 102 OF THE 2017 ANNUAL TOWN MEETING.
- PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER CURRENT ZONING.



Agenda Item Summary

Agenda Item #	X. 2.
Date	1/31/2024

Staff

Vicki S. Marsh, Town Counsel

Subject

Amended Order of Taking by Eminent Domain, of fee in 8 Nichols Road

Executive Summary

Article 16 of the 2023 Special Town Meeting authorized to amend the taking of 8 Nichols Road shown on Tax Assessor's Map 92.4 as Parcel 199 which was originally authorized by Article 80 of the 2013 Annual Town Meeting and filed with the Nantucket Registry District of the Land Court as Document No. 144905. The purpose of the Amended Order of Taking was to correct an incorrect Parcel Number as Parcel "139" rather than as Parcel "199," in the original Town Meeting Article 80. This Parcel will ultimately be conveyed to the abutter and combined with the property for residential purposes.

Staff Recommendation

Proceed with the taking by Eminent Domain. Town Counsel has reviewed and drafted the Amended Order of Taking.

Background/Discussion

This acquisition and a future subsequent disposition will be disposed pursuant to the Yard Sale Program.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the taking of previously authorized acquisitions and convey the authorized disposition of the property by the Town Meeting.

Board/Commission Recommendation

N/A

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

Amended Order of Taking, Article 80 of ATM 2013 and Article 16 of the 2023 Special Town Meeting.



COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
SELECT BOARD

AMENDED ORDER OF TAKING BY EMINENT DOMAIN
OF 0 ALABAMA AVENUE, 43 NEW HAMPSHIRE AVENUE, 9 NEW HAMPSHIRE
AVENUE, 0 MISSOURI AVENUE, ASSESSOR'S MAP 61.1.1., AS PARCELS 159
AND 175, 0 WISCONSIN AVENUE, 0 NEW YORK AVENUE, ASSESSOR'S MAP
36.3.2 AS PARCELS 2, 5 AND 8 NICHOLS ROAD

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 votes on Article 80 adopted by the Town at its 2013 Annual Town Meeting, and on Article 16 adopted by the Town at its 2023 Special Town Meeting, certified copies of which are 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 including 0 Alabama Avenue, 43 New Hampshire Avenue, 9 New Hampshire Avenue, 0 Missouri Avenue, Assessor's Map 61.1.1, as Parcels 159 and 175, 0 Wisconsin Avenue, 0 New York Avenue, Assessor's Map 36.3.2 as Parcels 2, 5 and 8 Nichols Road in Nantucket Massachusetts ("Parcels") is required for general municipal purposes, and/or open space purposes, public access purposes and for purposes of conveyance, 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, described as follows:

0 Alabama Avenue

A certain parcel of land situated on 0 Alabama Avenue in said Nantucket, shown as Lot 5 on Land Court Plan numbered 3092-X, Sheet 1, drawn by C.B. Humphrey, Engineer for Court, dated April 20, 1933 and filed with Certificate of Title No. 1377 at the Nantucket Registry District of the Land Court.

The Supposed Owner of the Property, shown on Town Assessor's Map 60.2.4, Parcel 53, is V. Stephen Carberry and Michaela Carberry Early, by virtue of the Certificate of Title No. 7583 filed with said Registry District of the Land Court.

The Taking of 0 Alabama Avenue excludes the Easement for septic system purposes dated May 15, 1981 filed with said Registry District of the Land Court as Document No. 24002, and the Nantucket Coastal Wetlands Restriction Pursuant to G.L. c.130, §105 imposed by the

Commonwealth of Massachusetts, Department of Environmental Management filed with said Registry District of the Land Court as Document No. 25766.

43 New Hampshire Avenue

A certain parcel of land situated on 43 New Hampshire Avenue in said Nantucket, shown as Lots 47 and 48 in Block No. 26 on Land Court Plan numbered 2408-V, dated March 17, 1913 filed with Certificate of Title No. 249 with said Registry District of the Land Court.

The Supposed Owner of the Property, shown on Town Assessor's Map 60.3.1, as Parcel 192, is James D. Canan and his heirs or devisees, by virtue of the Certificate of Title No. 460 filed with said Registry District of the Land Court.

0 Wisconsin Avenue

A certain parcel of land situated on 0 Wisconsin Avenue in said Nantucket shown as Lots 49 and 50 on Block No. 56 on Land Court Plan numbered 2408-S, dated September 9, 1912, drafted by C.B. Humphrey, Surveyor for Court filed with said Registry District of the Land Court.

The Supposed Owner of the Property, shown on Town Assessor's Map 60.3.1 as Parcel 394, is Norman K. Smith and his heirs or devisees, by virtue of the Certificate of Title No. 277 filed with said Registry District of the Land Court.

9 New Hampshire Avenue

A certain parcel of land situated on 9 New Hampshire Avenue in said Nantucket shown as Lots 43 and 44, on Block No. 31 on Land Court Plan numbered 2408-M, dated April 30, 1912, drawn by C.B. Humphrey, Surveyor for Court filed with said Registry District of the Land Court.

The Supposed Owner of the Property, shown on Town Assessor's Map 60.3.1 as Parcel 394, is Thomas A. Nelson and his heirs or devisees, by virtue of the Certificate of Title No. 247 filed with said Registry District of the Land Court.

0 Missouri Avenue – Parcel 159

A certain parcel of land situated on 0 Missouri Avenue in said Nantucket shown as Lots 45, 46 and 47, on Block No. 55 on Land Court Plan numbered 2408-S, dated September 9, 1912, drawn by C.B. Humphrey, Surveyor for Court filed with said Registry District of the Land Court.

The Supposed Owners of the Property, shown on Town Assessor's Map 61.1.1 as Parcel 159 is Arthur A. Woodbury and Delia F. Woodbury and their heirs or devisees, by virtue of the Certificate of Title No. 602 filed with said Registry District of the Land Court.

0 Missouri Avenue – Parcel 175

A certain parcel of land situated on 0 Missouri Avenue in said Nantucket, shown as Lots 17 and 18 on Block No. 56 on Land Court Plan numbered 2408-S dated September 9, 1912 filed with said Registry District of the Land Court.

The Supposed Owner of the Property shown on Town Assessor's Map 61.1.1 as Parcel 175, is Loring T. Cushman and his heirs or devisees, by virtue of the Certificate of Title No. 343 filed with said Registry District of the Land Court.

0 New York Avenue – Parcels 2 and 8

Two certain parcels of land situated at 0 New York Avenue, shown as Lots 9, 10, 11 and 12 and Lots 16, 17, 18 and 19 on Block No. 78 on Land Court Plan numbered 2408-R filed with said Registry District of the Land Court.

The Supposed Owners of the Property shown on Town Assessor's Map 36.3.2 as Parcels 2 and 8 are Arthur R. Soden and Mary E. Soden and their heirs or devisees, by virtue of the Certificate of Title No. 544 filed with said Registry District of the Land Court.

0 New York Avenue – Parcel 5

A certain parcel of land situated at 0 New York Avenue, shown as Lots 13, 14 and 15 on Block No. 78 on Land Court Plan numbered 2408-R filed with said Registry District of the Land Court.

The Supposed Owners of the Property shown on Town Assessor's Map 36.3.2 as Parcel 5 are Mary and Solan Levett and their heirs or devisees, by virtue of the Certificate of Title No. 563 filed with said Registry District of the Land Court.

8 Nichols Road

A certain parcel of land situated at 8 Nichols Road in said Nantucket, shown as Lot 161 on Land Court Plan numbered 5004-D, Sheet 6, dated June 1916, drawn by H. A. Millhouse, C.E. filed with said Registry District of the Land Court.

The Supposed Owners of the property shown on Town Assessor's Map 92.4 as Parcel 199 is the Estate of Ella M. Ingraham and her heirs or devisees, by virtue of Certificate of Title No. 792 filed with said Registry District of the Land Court.

Any and all trees, vegetation, structures and improvements at the Parcels are included in 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 Board of Selectmen 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.

This Amended Order of Taking is filed for the purpose of clarifying the property description in the original Order of Taking dated May 28, 2014, filed with the Nantucket Registry District of the Land Court as Document No. 144905, noted on Certificate of Title No. 792. The Town Meeting Vote of Article 80 of the 2013 Annual Town Meeting authorizing the taking by eminent domain of 8 Nichols Road incorrectly referenced the Assessor's Map and Parcel Number for said premises as Map 92.4, Parcel 139 rather than Map 92.4, Parcel 199. The Vote of Article 16 of the 2023 Special Town Meeting correctly references the Parcel Number of 8 Nichols Road as Parcel 199. Nothing herein shall impair or otherwise affect the rights and title acquired by the Town pursuant to the original Order of Taking.

SIGNATURE PAGE TO FOLLOW

Adopted under seal this day , 2024

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this day of , 2024, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Matthew G. Fee, Thomas M. Dixon and Malcolm W. MacNab, 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:



Agenda Item Summary

Agenda Item #	X. 3.
Date	1/31/2024

Staff

Erika D. Mooney, Operations Administrator

Subject

Request for approval of Conservation Restriction (CR) for 120 Miacomet Road to be held by Nantucket Land Council, Inc.

Executive Summary

The Board preliminarily reviewed this CR at its Sept. 13, 2023 meeting and pursuant to the Board's Conservation Restriction and Preservation Restriction Policy, it was sent to Town Counsel for review and an issuance of a report which is enclosed.

Staff Recommendation

Recommend the Board vote approve the CR for 120 Miacomet Road and find it as being in the public interest.

Background/Discussion

The Town shall not responsible for the maintenance and care of the Property and is not responsible for the enforcement of the Conservation Restriction.

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

The CR purposes are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and to prevent any use or change that would materially impair the Conservation Values, including open space, wildlife habitat, public access, water quality, consistency with clearly delineated local governmental conservation policy and water supply.

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; Letter to Select Board from Town Counsel



January 26, 2024

Vicki S. Marsh
vmars@k-plaw.com

Hon. Dawn E. Hill Holdgate and
Members of the Select Board
Nantucket Town Hall
16 Broad Street
Nantucket, MA 02554

Re: Conservation Restriction – Bluefin Partners, LLC as Trustee of Ellen’s Way Homeowners’ Association Trust to Nantucket Land Council, Inc., 120 Miacomet Road, Nantucket

Dear Members of the Select Board:

I have been asked to review a proposed Conservation Restriction (“CR”) on a parcel of land located at 120 Miacomet Road, in the Town of Nantucket (the “Property”), and to provide you with a report. Bluefin Partners, LLC, as Trustee of the Ellen’s Way Homeowners’ Association Trust (“Grantor”), as the owner of the Property evidenced by Certificate of Title No. 24179 filed with the Nantucket Registry District of the Land Court, is granting the CR to the Nantucket Land Council, Inc. (“NLC”). The Property is approximately 22.42 acres in size and is shown on a plan of land as “Lot 30 Open Space” on Exhibit B to the CR, entitled “Subdivision Plan of Land in Nantucket,” dated June 15, 2006, prepared by Bracken Engineering, Inc. and filed with said Registry District of the Land Court as Land Court Plan No. 13648-D (the “Plan”). As explained below, the proposed CR does not grant any interest in the Property to the Town, but the CR is being presented to the Select Board for its approval, before being submitted to the Secretary of Energy and Environmental Affairs for the Secretary’s approval as being in the public interest.

I have reviewed a copy of the proposed CR, including Exhibit B as described above. It is my understanding that the Conservation Restriction Reviewer of the Division of Conservation Services (“DCS”) has given preliminary approval to the CR. I have also reviewed the deed by which the Grantor acquired the Property as well as the Land Court Plan No. 13648-D which describes the lot which comprises the Property. I approve of the final CR as to form, a copy of which is presented to you.

The CR describes the conservation values that will be protected by the CR and that support the approval of the CR as being in the public interest. The protection of the Property will contribute to the protection of abutting and surrounding permanently protected land, including 32.79 acres of contiguous open space owned by the Nantucket Islands Land Bank and will enhance the protection of the scenic and natural character of the Property and surrounding land. Since the Property is located in the Miacomet Pond watershed, the protection of the Property by the CR will reduce potential nutrient and pollutant leaching and runoff to the Miacomet Pond. In addition, the Property is comprised of several critical habitats which are categorized by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP) as “vulnerable” or “critically imperiled” Natural Communities. They include the Pitch Pine/Scrub Oak

Hon. Dawn E. Hill Holdgate and
Members of the Select Board
January 26, 2024
Page 2

Community, which is ranked as S2, or imperiled due to rarity, and Sandplain Grassland which is ranked as S1, or critically imperiled due to extreme rarity. Furthermore, the preservation of the Property through the acquisition of a CR is consistent with the conservation policy objectives of the Nantucket Master Plan, the Nantucket Comprehensive Community Plan, and Nantucket's Goals and Objectives for Balanced Growth.

With the exceptions described in the next paragraph, activities prohibited within the Property by the CR include the construction of temporary and permanent buildings or other structures; excavation and removal of soils, sand, and gravel; cutting or removing trees, grasses, and other vegetation (except for limited mowing and cutting to maintain the condition of the Property); and using, parking or storing motorized vehicles including, motorcycles, mopeds, snowmobiles, however, public safety vehicles may have a legal right to enter the Property.

Notwithstanding the general prohibitions of various activities, the CR preserves the rights of the Grantor and its successors and assigns to make use of the Property for several purposes including the right to use the Property for maintaining vegetation from disease, insect or fire damage, including pruning, trimming cutting and removing brush; removing non-native nuisance or invasive species; composting stumps, trees, brush and similar biodegradable materials from the Property; maintaining existing trails which may include widening trail corridors up to six (6) feet in width overall and which may include widening roadway corridor up to twelve (12) feet in width as provided in the Special Permit on the Property, and the construction of new trails with the prior written approval of NLC provided they conform to the width requirements for existing trails; constructing, maintaining and replacing signs and informational kiosks; and using the property for outdoor passive recreational and educational activities, including hiking, horseback riding, cross-country skiing, snowshoeing, nature observation, nature and educational walks and outings, and outdoor educational activities, and other non-motorized pedestrian outdoor recreational or educational activities. These reserved rights may be conducted on the Property provided they do not materially impair the conservation purposes of the CR and may be subject to NLC's approval as set forth in the CR.

As the Grantee of the CR, NLC has the right to enforce compliance with the terms of the CR. In addition, NLC has a limited right of access to the Property for the purpose of inspecting and ensuring compliance with the CR. As noted above, certain activities within the Property are permitted only with the prior approval of NLC. The CR does not grant any enforcement authority to the Town. However, the Grantor does grant access to the Property to the general public, and agrees not to take any action or prohibit access to and use of the Property by the general public, but only for daytime use and only for outdoor passive recreational and educational activities, provided that such agreement by the Grantor is subject to the Grantor's reserved right to establish reasonable rules,



Hon. Dawn E. Hill Holdgate and
Members of the Select Board
January 26, 2024
Page 3

regulations and restrictions on such permitted recreational use by the general public for the protection of the purposes and conservation values of the CR.

The CR runs with the Property in perpetuity. The terms of the CR are to be incorporated in any deed conveying an interest in the Property, and NLC is to be notified of any transfer of interests.

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

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

Very truly yours,

Vicki S. Marsh

VSM/dmm
cc: Town Manager
Nantucket Land Council, Inc.

887687NANTCR/19718/0028



Hon. Dawn E. Hill Holdgate and
Members of the Select Board
January 26, 2024
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Ms. C. Elizabeth Gibson
Town Manager
Nantucket Town Hall
16 Broad Street
Nantucket, MA 02554

Ms. Emily Molden
Executive Director
Nantucket Land Council, Inc.
6 Ash Lane
P.O. Box 502
Nantucket, MA 02554

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

FOUR NORTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

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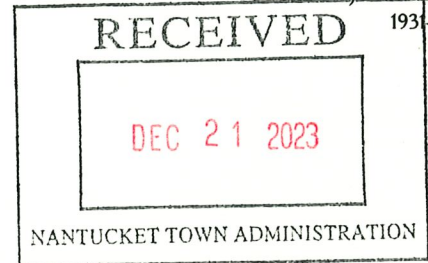
JOHN R. ALGER

1931-2007

December 20, 2023

BY HAND

Erika D. Mooney, Operations Administrator
Town of Nantucket
16 Broad Street, Room 113
Nantucket, Massachusetts 02554



Re: Conservation Restriction
Lot 30, Land Court Plan
No. 13648-D
120 Miacomet Road
Nantucket, Massachusetts

Dear Erika:

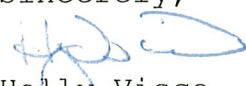
Enclosed please find in the above matter the revised Conservation Restriction, which has been reviewed and approved by the Massachusetts Executive Office of Energy & Environmental Affairs, as executed by the Nantucket Land Council, Inc. and Bluefin Partners, LLC, as Trustee of the Ellens Way Homeowners Association Trust.

Please place this matter on the agenda for the next available Select Board hearing for review.

If you need anything further, please let us know.

Thank you very much.

Sincerely,


Holly Visco, Legal Assistant
to Sarah F. Alger, P.C.

Enclosures

SARAH F. ALGER, P.C.

Erika D. Mooney, Operations Administrator
December 20, 2023
Page Two

cc: Vicki S. Marsh, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, Massachusetts 02110

GRANTOR: Bluefin Partners LLC, Trustee of the Ellen's Way Homeowners' Association Trust
GRANTEE: The Nantucket Land Council, Inc.
ADDRESS OF PREMISES: 120 Miacomet Road, Nantucket, MA 02554
FOR GRANTOR'S TITLE SEE: Document No. 136419 noted on Certificate of Title No. 24179 at Nantucket Registry District of the Land Court

CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

Bluefin Partners LLC, a Massachusetts limited liability company, as Trustee of the Ellen's Way Homeowners' Association Trust u/d/t dated October 5, 2010, registered with Nantucket County Registry District of the Land Court as Document No. 136420 and noted on Certificate of Title No. 24179 and also noted on Certificate of Title No. 22185, as amended by a First Amended Declaration of Trust registered as Document No. 136718, and noted on Certificate of Title No. 22185, with a mailing address of P.O. Box 650, Norfolk, MA 02056, being the sole owner of the Premises as defined herein, constituting all of the owner(s) of the Premises as defined herein, for my successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to the Nantucket Land Council, Inc., a Massachusetts non-profit corporation with a principal place of business at 6 Ash Lane, P.O. Box 502, Nantucket, MA 02554, their permitted successors and assigns ("Grantee"), for ten dollars IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the Town of Nantucket, Nantucket County, Commonwealth of Massachusetts, containing the entirety of a 22.42 acre parcel of land ("Premises"), which Premises is described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and to prevent any use or change that would materially impair the Conservation Values (as defined below).

Permit Requirement. This Conservation Restriction is required by Nantucket Planning Board Special Permit #24-06 for a Cluster Subdivision issued March 12, 2007, registered at the Nantucket County Registry District of the Land Court as Document No. 136334 and noted on Certificate of Title No. 22185 on March 12, 2012. This Special Permit approves a private roadway, Ellen's Way, to serve a 19 residential lot cluster subdivision providing a large open space lot of approximately 22.4 acres which will abut the 9.47-acre Nantucket Islands Land Bank open space to the north.

The Conservation Values protected by this Conservation Restriction include the following:

- Open Space. The Premises contributes to the protection of the scenic and natural character of Nantucket and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including 32.79 acres of contiguous open space owned by the Nantucket Islands Land Bank.
- Wildlife Habitat. The Premises provide a unique natural habitat for a wide variety of plant and animal species. The Premises are comprised of little bluestem, switchgrass, Pennsylvania sedge, huckleberry, bayberry, scrub oak, pitch pine, and other native plant species. The Premises is generally comprised of several critical habitats which are described by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP) as “vulnerable” or “critically imperiled” Natural Communities (the “Communities”), and which are further described in the Baseline Report, and which align with NHESP’s wildlife and habitat protection objectives. These include Pitch Pine/Scrub Oak Community, which is ranked as S2, or imperiled due to rarity, and Sandplain Grassland which is ranked as S1, or critically imperiled due to extreme rarity. The sandplain grassland community is better classified as a “cultural grassland”, as defined by MA NHESP, due to its assemblage of plants, having been restored in recent years from intensive historical use as a sand pit. This habitat is further defined in the Baseline Report.
- Public Access. Public access to the Premises for passive outdoor recreation will be allowed as a stipulation of the Special Permit which states “...due to the bonus provision granted to the applicant, the open space areas, or portions thereof, shall be available to the public...”
- Water Quality. The entirety of the Premises falls within the Miacomet Pond watershed. Protection of the Premises will reduce potential nutrient and pollutant leaching and runoff which will protect the down gradient water resource, Miacomet Pond;
- Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy. Preservation of the Premises is pursuant to clearly delineated conservation policy expressed in Nantucket’s Master Plan, adopted by Nantucket’s voters at the Annual Town Meeting in April 2009, which states in the Town of Nantucket 2007 Open Space and Recreation Plan as Goal/Objectives 1C: “The town should encourage the use of creative regulatory and non-regulatory land protection tools such as conservation restrictions, tax abatements, gifts and zoning measures.”; and in The Nantucket Comprehensive Community Plan (NCCP), including the following objectives therein: Objective 4.1, “To aggressively acquire land and conservation restrictions to protect natural ecosystems;” Objective 4.2, “To encourage land management activities by the Land Bank and nonprofit entities to provide permanent resource protection;”

Preservation of the Premises as open space is further pursuant to clearly delineated governmental conservation policy in accordance with "Nantucket's Goals and Objectives

for Balanced Growth" which was adopted in November 1990 by Town Meeting and states as Objective A-1: "To identify and acquire critical open spaces through outright ownership or by less-than-fee means, such as conservation restrictions, scenic easements, and the purchase of development rights, in order to complete the Island's open space network.

- Water Supply. The Premises are located on Nantucket Island which has a sole source aquifer for the use of its inhabitants. Protection of the Premises will further protect the water quality of the aquifer which serves as Nantucket's public drinking water supply.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam (except those identified in pre-existing easements);
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;

7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
11. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;

5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
6. Trails. Maintaining and constructing, or allowing others to maintain and construct, trails as follows:
 - a. Existing Trails. Conducting routine maintenance of existing trails, as further identified in the Baseline Documentation Report, which may include widening trail corridors up to six feet in width overall, and of existing pervious alternative access roadway, which may include widening roadway corridor up to twelve feet (as stipulated in the special permit), .
 - a. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
 - b. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
8. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments, for land stewardship activities, or as necessary to carry out other uses and activities permitted in this Paragraph III.B, provided however the manner of such motorized vehicle use is approved in advance by Grantee unless such use is required by law.
9. Outdoor Passive Recreational and Educational Activities. Hiking, horseback riding, cross-country skiing, snowshoeing, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities;
10. Granting of Easements. Subject to the Grantee's prior written approval, granting of easements to the Town or County of Nantucket, or the Nantucket Islands Land Bank, to use existing trails or the portion of the Premises with frontage on Miacomet Road for passive recreational uses; to remove vegetation in areas covered by the easements; and to construct and maintain a recreational path, paved or unpaved, designed to be of

minimal width to protect the Conservation Values, extending from the Miacomet Road boundary of the Premises. Any such easement must require the public entity constructing said path to restore disturbed land areas and replace any impacted or removed vegetative buffer.

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval.

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief.

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration, and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a

survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver.

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

D. Disclaimer of Liability

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

E. Acts Beyond the Grantor's Control

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

V. PUBLIC ACCESS

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.9, provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.9. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

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

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

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

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the

restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

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

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive.

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Nantucket and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

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

To Grantor: Ellen's Way Homeowners' Association Trust
Attn: Bluefin Partners LLC, Trustee
P.O. Box 427
Nantucket, MA 02554

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

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

XIV. GENERAL PROVISIONS

A. Controlling Law

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

B. Liberal Construction

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

C. Severability

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

D. Entire Agreement

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

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premises change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

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

B. Release of Homestead

The Grantor attests that there is no residence on or abutting the Premises (including areas excluded from the Premises) that is occupied or intended to be occupied as a principal residence by a spouse, former spouse, or children of the grantor, or a spouse, former spouse, or children of a beneficiary of the trust, if Premises is owned by a trust.

C. No Surety Interest

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

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises, including those noted on Certificate of Title No. 22185 registered at the Nantucket County Registry District of the Land Court, which include nineteen (19) individual Sewer Easements registered at the Land Court granted for the respective benefit of Lots 10 through 28 shown on Land Court Plan 13648-D, and includes an electric distribution system and utility easement granted to the Nantucket Electric Company and registered as Document No. 114968 at the Land Court, and includes a Pedestrian Path Easement granted to Nantucket Islands Land Bank and registered as Document No. 175462 at the Land Court.

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

Signature pages

Grantor

Grantee Acceptance

Approval of Nantucket Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

Exhibits:

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

WITNESS my hand and seal this 15th day of December, 2023,

Ellen's Way Homeowners' Association Trust

By: Bluefin Partners LLC, as Trustee

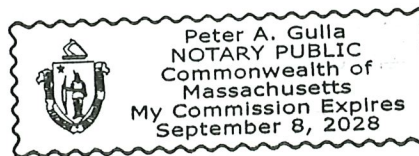
By: [Signature], Bluefin Partners LLCJ. Daniel Lugosch III, its Manager

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET County, ss:

On this 15th day of DECEMBER, 2023, before me, the undersigned notary public, personally appeared J. Daniel Lugosch III, Manager of Bluefin Partners LLC as Trustee of Ellen's Way Homeowners' Association Trust, and proved to me through satisfactory evidence of identification which was PERSONALLY KNOWN TO ME to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Bluefin Partners LLC, as Trustee of Ellen's Way Homeowners' Association Trust.

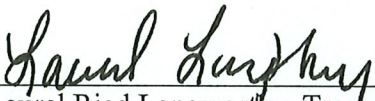
[Signature]
Notary Public
My Commission Expires:



ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from Bluefin Partners, LLC, Trustee of the Ellen's Way Homeowners' Association Trust was accepted by the Nantucket Land Council, Inc., this 28th day of AUGUST, 2023.

By: 
Lucy Dillon, President

By: 
Laurel Ried Langworthy, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss:

On this 28 day of August, 2023, before me, the undersigned notary public, personally appeared Lucy Dillon, and proved to me through satisfactory evidence of identification which was Drivers License to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires: April 20, 2029

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss:

On this 28 day of August, 2023, before me, the undersigned notary public, personally appeared Laurel Ried Langworthy, and proved to me through satisfactory evidence of identification which was Drivers License to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.


Notary Public
16 My Commission Expires: April 20, 2029

APPROVAL OF TOWN OF NANTUCKET SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Nantucket, hereby certify that at a public meeting duly held on _____, 2023, the Select Board voted to approve the foregoing Conservation Restriction from Bluefin Partners LLC, Trustee of the Ellen's Way Homeowners' Association Trust to Nantucket Land Council, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF NANTUCKET SELECT BOARD

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas W. Dixon

Malcolm W. MacNab

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Matthew G. Fee, Thomas W. Dixon and Malcolm W. MacNab, as Members of the Select Board of the town of Nantucket, and 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 Members of the Select Board of the Town of Nantucket.

Notary Public
My Commission Expires:

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

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Bluefin Partners LLC, Trustee of the Ellen's Way Homeowners' Association Trust to the Nantucket Land Council, Inc., has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2023

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

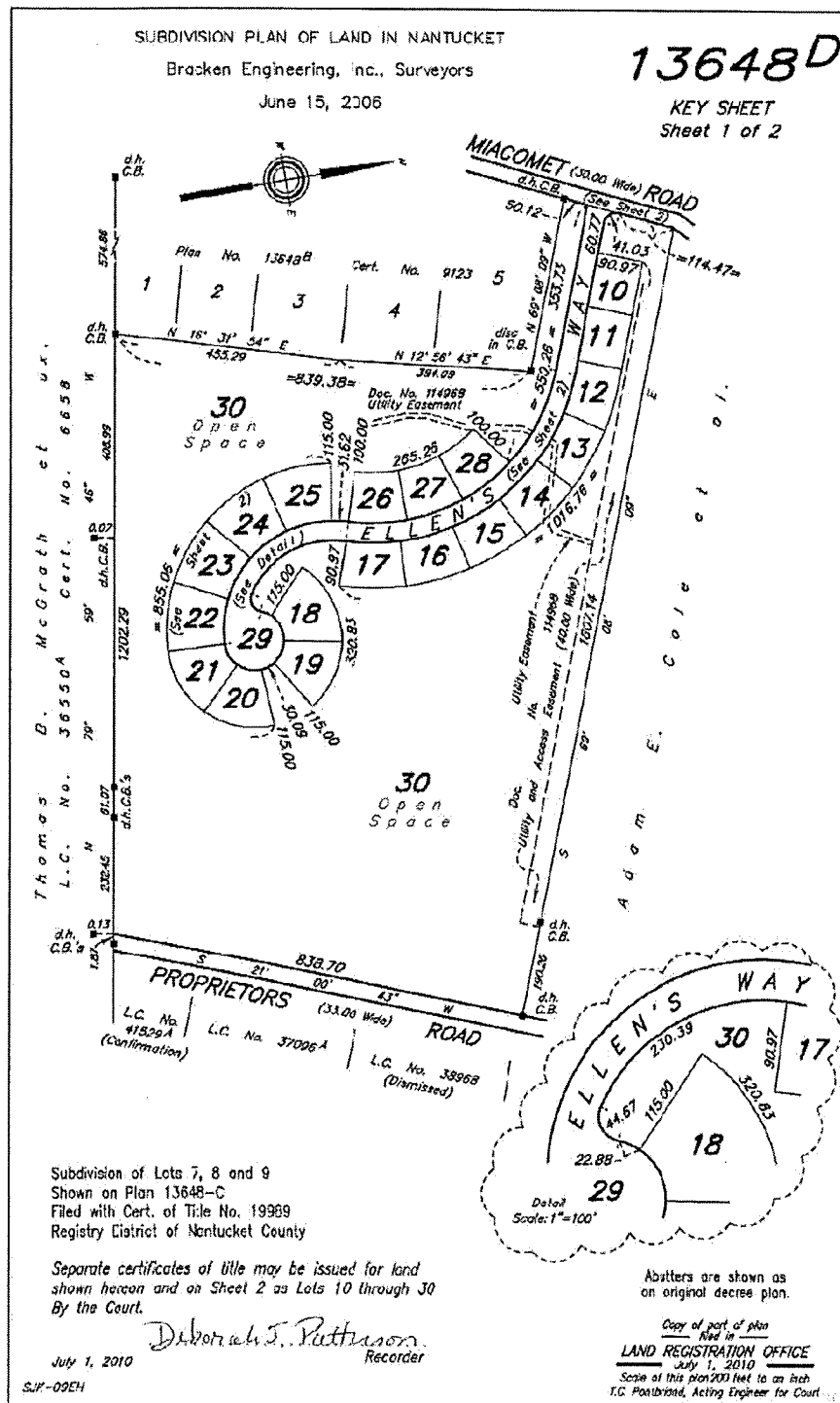
Legal Description of Premises.

The land in the Town of Nantucket, County of Nantucket, Commonwealth of Massachusetts, containing 22.42 acres +/-, and more particularly shown as Lot 30, Open Space on a plan of land titled "Subdivision Plan of Land in Nantucket" dated June 15, 2006, by Bracken Engineering, Inc., and registered at the Nantucket County Registry District of the Land Court as Plan No. 13648-D on July 1, 2010.

For Grantor's Title, see Document No. 136419 noted on Certificate of Title No. 24179 at Nantucket Registry District of the Land Court.

EXHIBIT B

Reduced Copy of Plan of Premises. Premises is Lot 30 Open Space.
For official full-size plan see Nantucket County Registry District of the Land Court, Plan No. 13648-D.





Agenda Item Summary

Agenda Item #	XI. 1.
Date	1/31/2024

Staff

Erika Mooney, Operations Administrator & Andrew Vorce, Planning Advisor

Subject

Order of Taking by Eminent Domain, of fee or lesser interests of portions of Morgan Square

Executive Summary

Article 102 of the 2021 ATM authorized the taking of portions of Morgan Square, shown as Parcels A and B, Morgan Square, on a plan entitled "Plan to Acquire Land for General Municipal Purposes, Morgan Square, Nantucket, Massachusetts, Assessors Map 80 & 87, Prepared for Town of Nantucket," prepared by Site Design Engineering, LLC and recorded with Nantucket Registry of Deeds as Plan No. 2023-10 for general municipal purposes and public way purposes. The proposed area of the parcels to be taken is approximately 20,281 square feet.

Staff Recommendation

Recommend approving the taking by Eminent Domain. Town Counsel has reviewed, and drafted documentation.

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 take the parcels for disposition pursuant to the Yard Sale Program and increase taxable land area.

Board/Commission Recommendation

N/A

Public Outreach

Approved at Annual Town Meeting. Notice of taking published in paper. Abutter notification.

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

Plan No. 2023-10



COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
SELECT BOARD

ORDER OF TAKING BY EMINENT DOMAIN OF
PORTIONS OF MORGAN SQUARE

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 102 adopted by the Town at its 2021 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 shown as Parcel A and Parcel B, Morgan Square, described below (“Parcels”) is required for general municipal purposes and public way 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 “Plan to Acquire Land for General Municipal Purposes, Morgan Square, Nantucket, Massachusetts, Assessors Map 80 & 87, Prepared for Town of Nantucket,” dated October 26, 2022, prepared by Site Design Engineering, LLC recorded with the Nantucket County Registry of Deeds as Plan No. 2023-10 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel A	Morgan Square	16,414 ± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 87, Parcel 3.1	David M. Callahan	Book 667, Page 148

Parcel B	Morgan Square	3,867 ± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 80, Parcel 42	21 Folger Avenue LLC	Book 1825, Page 222

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 gravel driveway and the rights of the owner of 4 Morgan Square to use the gravel driveway for the purposes to pass and re-pass over said driveway to Brook Lane as shown on said Plan are hereby 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 Board of Selectmen 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.

SIGNATURE PAGE FOLLOWS

Adopted under seal this day , 2024.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

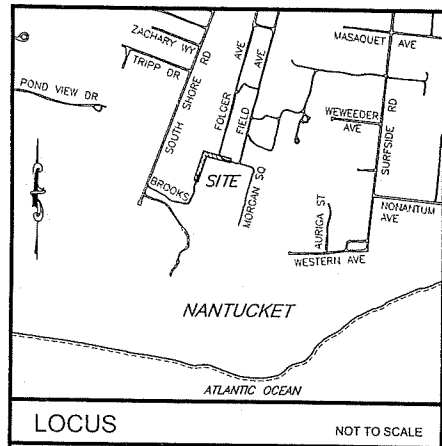
Malcolm W. MacNab

COMMONWEALTH OF MASSACHUSETTS

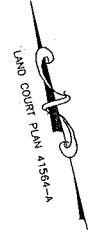
Nantucket, ss.

On this day of , 2024, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Matthew G. Fee, Thomas M. Dixon and Malcolm W. MacNab 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:



LOCUS NOT TO SCALE



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

10-26-2022
DATE

N/F
MATTHEW C. HERR
& TARA A. RILEY
DEED BK.1420/PG.86
PLAN FILE 10-A (LOT 11)
MAP 80 PARCEL 111

N/F
LISA VISOTSKY LIVING TRUST
DEED BK.1867/PG.52
PLAN FILE 10-A (LOT 10)
MAP 80 PARCEL 44

N/F
CODY PENOTTE &
BONNIE FITZ-GIBBON
DEED BK.1754/PG.180
PLAN FILE 10-A (LOT 9)
MAP 80 PARCEL 43

N/F
KNOWLTON FELCON REALTY TRUST
DEED BK.554/PG.107
PLAN FILE 10-A (LOT 8)
MAP 87 PARCEL 1

N/F
21 FOLGER AVENUE, LLC
DEED BK.1825/PG.222
PLAN BK.17/PG.50 (LOT 1)
MAP 80 PARCEL 42

PARCEL C
AREA=134 S.F.
L=39.27'
R=25.00'
Δ=90°00'00"

EXISTING ROADWAY EASEMENT
(GRANT OF EASEMENT BK.870/PG.302)

N/F
DAVID M. CALLAHAN
DEED BK.667/PG.148
PLAN FILE 8-D (PARCEL A1)
MAP 87 PARCEL 3.1

N/F
THE ANDREW TEMKIN ROANALAN TRUST
THE ALEXIS TEMKIN ROANALAN TRUST
DEED BK.1362/PG.246
DEED BK.1734/PG.170
PLAN FILE 8-D (PARCEL A4)
PLAN NO. 2012-3 (PARCEL 5.1)
MAP 87 PARCEL 3.4

N/F
TOWN OF NANTUCKET
DEED BK.246/PG.263
PLAN FILE 10-A (LOT 5)
PLAN FILE 21-E
MAP 87 PARCEL 86

N/F
TIMOTHY J. GRELL
& SUSAN RAE GRELL
DEED BK.1559/PG.198
PLAN BK.17/PG.50 (LOT 12)
MAP 80 PARCEL 41

PARCEL D
AREA=2,733 S.F.
L=39.27'
R=25.00'
Δ=90°00'00"

N/F
LAWRENCE A. & SHARON S. BOSSIDY
DEED BK.1725/PG.108
PLAN NO. 2018-61 (LOT A)
MAP 87 PARCEL 3.2

N/F
PHILIP D. & PAMELA MARTIN
DEED BK.1717/PG.201
PLAN NO. 2018-61 (LOT B)
MAP 87 PARCEL 3.5

N/F
PAUL D. CLEARY
DEED BK.387/PG.61
(SEE BK.1167/PG.59)
PLAN FILE 8-D (PARCEL A3)
MAP 87 PARCEL 3.3

N/F
TOWN OF NANTUCKET
PARCEL 8.1 (PLAN NO. 2012-3)
(FORMERLY MORGAN SQUARE)

N/F
NANTUCKET ISLANDS LAND BANK
DEED BK.1345/PG.256
PLAN NO. 2012-3
(PARCELS 4.1 & 7)
MAP 87 PARCEL 91

N/F
ANGLERS ALLEY, LLC
DEED BK.1682/PG.40
PLAN BK.17/PG.50 (LOT 23)
MAP 80 PARCEL 40

N/F
NANTUCKET ISLANDS
LAND BANK
DEED BK.1286/PG.126
PLAN NO. 2011-38
(PARCEL 1)
MAP 80 PARCEL 39

NANTUCKET REGISTRY
OF DEEDS
Date: March 10, 2023
Time: 12:26 PM
Plan No: 2023-01-00339
Sheet 1 of 1
Bk: Pg: 0 Page: 0
Doc: PLAN 03/10/2023 12:26 PM

FOR REGISTRY USE ONLY

LEGEND
■ CONCRETE BOUND W/DRILL HOLE
○ IRON PIPE

NOTES
1. THE SITE IS PARTIALLY LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 8) AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0151 G (MAP EFFECTIVE DATE JUNE 9, 2014).
2. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.

NANTUCKET BOARD OF SELECTMEN
APPROVED PURSUANT TO ARTICLES 102 & 103
OF ANNUAL TOWN MEETING APRIL 6, 2015
DATE: OCTOBER 26, 2022
DRAWN BY: RLM
COMPS. BY: RLM
CHECK BY: RLM/DCM
PROJECT NO. 21186
ISSUED FOR:
ANR ENDORSEMENT



PLAN TO ACQUIRE LAND FOR
GENERAL MUNICIPAL PURPOSES
MORGAN SQUARE
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 80 & 87
PREPARED FOR
TOWN OF NANTUCKET

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED
DATE ENDORSED: 01-09-2023
PLANNING BOARD FILE No.
PLS 2023-01-00339
PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE
A DETERMINATION OF CONFORMANCE UNDER ZONING

30 0 15 30 60
SCALE: 1 INCH = 30 FEET

DRAWING TITLE:
LOTING PLAN
SCALE: 1" = 30'
SHEET NO.
1 OF 1