

Town and County of Nantucket Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
MARCH 6, 2024 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS
AMENDED MARCH 4, 2024***

***YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/POWMET8TAWA>***

***ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_DxLlyX3oT52qV9y8SUSadQ***

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Public Health Director: Short-term Rental Registration Program Update.
 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 AND WARRANTS***
 1. Approval of Minutes of February 20, 2024 at 6:00 PM; February 21, 2024 at 5:30 PM.
 2. Approval of Payroll Warrants for March 3, 2024
 3. Approval of Treasury Warrants for February 28, 2024; March 6, 2024.

4. Approval of Pending Contracts for March 6, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CONSENT ITEMS

1. Gift Acceptances: Our Island Home.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Nantucket Housing Authority Tenant Board Member Seat Appointment.
2. Request to Declare a Certain Portion of Town-owned Land Located off South Shore Road, Described in an Order of Taking by Eminent Domain of Land in Nantucket for Municipal Sewage Treatment Purposes dated February 27, 1986, Recorded with Nantucket County Registry of Deeds in Book 246, Page 263, which Portion is Shown as "Parcel B, Conservation Area" on Plan of Land Entitled "Division Plan of Surfside Wastewater Treatment Facility Land in Nantucket Showing Parcels A & B," Dated April 23, 2023, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2023-25 as Surplus Property.

X. TOWN MANAGER'S REPORT

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review and Vote to Revise Language of House Bill No. 4046 (Conveyance of 50 Altar Rock Road to Nantucket Conservation Foundation Inc. for Open Space, Recreational, and Conservation Purposes) as Requested by Representative Fernandes.
2. Committee Reports.

XII. ADJOURNMENT

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

SELECT BOARD AGENDA PROTOCOL:

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

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. 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

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
March 6, 2024

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Grant Agreement	Culture and Tourism	Massachusetts Cultural Council	(\$5,500)	Annual funds to support island artists, cultural organizations, communities & schools	N/A	Oct 1, 2023 - Jan 16, 2024
Agreement for Energy Conservation Measures	Energy Office	RISE Engineering	\$32,322	Agreement for installation of new HVAC system at 2 Fairgrounds Road	Article 10 2019 ATM	March 6, 2024 - March 5, 2025
Purchase Agreement	Fire	New England Fire Equipment & Apparatus Corporation	\$942,424	2025 Custom Pumper Fire Truck - trade in allowance of \$45,000	Article 10 2023 ATM	March 6, 2024 - March 5, 2027
Professional Services Agreement	Human Resources	Ricoh USA, Inc.	\$7,335	Ricoh printer yearly lease renewal	Human Resources Budget	May 1, 2024 - April 30, 2025
Purchase Agreement	Marine	Glyn's Marine	\$26,912.50	P2 outboard motor replacement	Waterways Budget	Mar 6, 2024 - Sep 5, 2024
Purchase Agreement	Marine	Glyn's Marine	\$30,803.13	P3 outboard motor replacement	Waterways Budget	Mar 6, 2024 - Sep 5, 2024
Purchase Agreement	Natural Resources	Colonial Ford of Marlboro, Inc.	\$48,687.40	2024 Ford F250XL	Article 10 2022 ATM	Mar 6, 2024 - Sep 5, 2024
Professional Services Agreement	Our Island Home	SMRT, Inc	\$12,200	Design services for repair of several doors & fire dampers	Article 12 2018 ATM	Mar 6, 2024 - Sep 5, 2024
Purchase Agreement	Our Island Home	Fully Managed, Inc.	\$9,179.02	Replace stationary kiosk for electronic medical records	Article 12 2018 ATM	Mar 6, 2024 - Sep 5, 2024
Professional Services Agreement	Parks & Recreation	LMC Contracting, Inc.	\$9,750	Tom Nevers baseball back stop repair	Parks & Rec: Repair & Maintenance - Grounds	March 6, 2024 - March 5, 2025

Purchase Agreement	Police	Atlantic Tactical, Inc.	\$27,844	Firearms replacement (50)	Police Asset Forfeiture Fund	Mar 6, 2024 - Sep 5, 2024
Purchase Agreement	Public Works	Marcotte Ford Sales, Inc.	\$36,140	2023 Ford Escape Hybrid	Article 10 2022 ATM	Mar 6, 2024 - Sep 5, 2024
Purchase Agreement	Public Works	Marcotte Ford Sales, Inc.	\$50,475	2023 Ford Explorer	Article 10 2022 ATM	Mar 6, 2024 - Sep 5, 2024
Purchase Agreement	Sewer	Zenon Environmental Corporation	\$2,383,016	Supply & delivery of membrane bioreactor equipment at Surfside Wastewater Treatment Facility	Article 12 2017 ATM Article 14 2016 ATM	March 6, 2024 - March 5, 2025
Professional Services Agreement	Sewer	Insituform Technologies, LLC	\$382,250	CCTV pipe and structure inspection services FY24	Article 10 2022 ATM	March 6, 2024 - March 5, 2025
Grant Agreement	Town Admin/Community Preservation Committee	The Hospital Thrift Shop	\$30,390	FY 2024 Community Preservation Act Funding	Article 34 2023 ATM	Length of Project
Grant Agreement	Town Admin/Community Preservation Committee	Nantucket Interfaith Council Rental Assistance Program	\$315,000	FY 2024 Community Preservation Act Funding	Article 34 2023 ATM	Length of Project
Termination	Select Board	Solar Star Tranquility, LLC*	n/a	Mutual agreement to terminate Amended & Restated Lease Agreement; Agreement for Payment in Lieu of Taxes as amended; Amended & Restated Net Metering Credit Purchase Agreement re: installation of solar photovoltaic facility at 1 Milestone Road	n/a	n/a
Permit	Select Board	Division of Fisheries and Wildlife	n/a	Conservation & Management Permit for Expansion of Surfside Wastewater Treatment Facility	n/a	n/a

*by its sole member TotalEnergies Distributed Generation Assets, USA, LLC; by its sole member TotalEnergies Distributed Generation USA, LLC

CONSENT AGENDA ITEMS FOR 3/6/2024 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Our Island Home:
 - Gift of \$100 from Maureen Glowacki
- ~~Planning and Land Use Services (PLUS):~~
 - ~~Gift of \$6,000 from 156 Cliff Road Nominee Trust and 158 Cliff Road Nominee Trust for pedestrian and bike path improvements in connection with Abel Way subdivision~~

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

Town Administration will ensure that letters of thanks are sent.



OUR ISLAND HOME

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

February 9, 2024

Nantucket Select Board
Nantucket, MA. 02554

Dear Chairman Hill-Holdgate,

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

- A check in the amount of \$100.00 from Maureen Glowacki (in memory of Albert) for the residents.

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

Thank you in advance for your acceptance.

Sincerely,

Michelle L. Munroe
Assistant Administrator
Our Island Home



Agenda Item Summary

Agenda Item #	IX. 1.
Date	3/6/2024

Staff

Erika D. Mooney, Operations Administrator

Subject

Nantucket Housing Authority Tenant Board Member Seat Appointment

Executive Summary

On January 14, 2021, Governor Baker signed Chapter 358 of the Acts of 2020, "An Act Enabling Partnerships for Growth" into law. Sections 70-72 and 88-91 of this law made changes to Chapter 121B, §1, §5 and §5A regarding Tenant Board Members in Towns by providing for one member appointed by the Governor, three members elected by the Town, and one "tenant board member" to be appointed by the Town.

The "tenant board member" seat is currently filled by Marvia Hendricks, who was elected to a five-year term at the 2019 Annual Town Election. Ms. Hendricks is a tenant of Nantucket Housing Authority. Now that Ms. Hendricks' term is coming up, it is up to the Select Board to appoint a tenant board member. The term will continue to be five years.

Please see attached timeline which outlines how applications were solicited and reviewed and are now being presented to the Select Board. All three applicants meet the criteria of "tenant member". Where federal law requires the Town to maintain a member who is a federally-subsidized tenant, a federally-subsidized tenant shall be given preference for the appointment. One applicant is a federally subsidized tenant.

Staff Recommendation

Appoint Marvia Hendricks as she meets the requirements for a "tenant board member" and is a federally subsidized tenant.

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Board/Commission Recommendation

n/a



Public Outreach

Notice of NHA tenant board member seat opening was given to NHA tenants

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

n/a

Attachments

Appointment timeline

NHA notice of open tenant board member seat

Applications (3)



Select Board
Nantucket Housing Authority Tenant Board Member Seat Appointment Timeline
As of 1/30/2024

On January 14, 2021, Governor Baker signed Chapter 358 of the Acts of 2020, “An Act Enabling Partnerships for Growth” into law. Sections 70-72 and 88-91 of this law made changes to Chapter 121B, §1, §5 and §5A regarding Tenant Board Members in Towns by providing for one member appointed by the Governor, three members elected by the Town, and one “tenant board member” to be appointed by the Town.

The Tenant Board Member seat term is five years.

January 17 – Notice to Nantucket Housing Authority (NHA) Tenants of Seat Opening

NHA Executive Director sends written notices to each public housing tenant household and posts notices in common areas informing residents that if they wish to be considered for the Town Appointed Tenant Board Member seat, they must submit their names to the Town Clerk within 30 days. The notices must include contact information for the Town Clerk, as well as information about training programs available to Tenant Board Members.

February 16 – Applications due to the Town Clerk

The Town Clerk will forward applications to Town Administration and the NHA Executive Director for review to ensure applicants meet criteria of the law. A list of applicants will be prepared for the Select Board with the appointment criteria. The Town [Select Board] is required to make an appointment within 30 days after the deadline for tenants to submit names.

March 6 – Select Board appoints Tenant Member to NHA

"Tenant member", a member of the board of a housing authority who is: (i) a tenant who has signed a lease for a public housing unit owned and operated by the housing authority; (ii) a tenant in a public housing unit owned and operated on behalf of a housing authority; (iii) a participant in a rental assistance program administered by a housing authority; or (iv) an adult over the age of 18 years old who is authorized to reside in the unit of another pursuant to clause (i), (ii) or (iii).

The [Select Board] shall appoint a tenant member from the list; provided, however, that where federal law requires the town to maintain a member who is a federally-subsidized tenant, a federally-subsidized tenant shall be given preference for the appointment.

Nantucket Housing Authority

3 Manta Drive

Nantucket, MA 02554

Tel: (508) 228-0296; Fax: (508) 760-2352 TTD: (800) 439-2370

admin@nantuckethousingauthority.org

NOTICE OF OPEN TOWN APPOINTED TENANT BOARD MEMBER SEAT

January 17, 2024

Nantucket Housing Authority Tenants,

Dear Tenant:

This Notice is to inform you that the Town of Nantucket is soliciting names for consideration to fill the Town Appointed Tenant Board Member seat of the Nantucket Housing Authority. Pursuant to changes made to M.G.L. c. 121B, §§ 5 & 5A by Chapter 358 of the Acts of 2020, “An Act Enabling Partnerships for Growth,” Towns are now required to appoint a tenant of the Local Housing Authority (“LHA”) to the LHA Board. This position is known as the Town Appointed Tenant Board Member Seat.

The Board is the governing body of the LHA which is responsible for adopting policy, approving contracts, budgets and annual plans, and hiring and overseeing an executive director to run the day-to-day operation of the LHA. The Board acts by a majority votes which are cast by Board members at open meetings.

As a Tenant Member of the LHA Board, you will receive training provided by the Department of Housing and Community Development (DHCD) as well as other training that may be required for public officials by law. DHCD partners with the Mel King Institute which provides a comprehensive overview of the role of tenant board members and the operations of LHAs in a three-hour training. This is then followed up with the opportunity to participate in ongoing trainings throughout the year on topics such as:

- Role of LHA Board and DHCD
- LHA Budgets
- Capital Improvement Plan (CIP)
- Annual Plans
- Performance Management Reviews (PMR)
- State-wide online tenant selection system (CHAMP)

In addition, the Mel King Institute offers opportunities for Tenant Board members to connect with one another and share experiences and questions in unstructured peer-to-peer learning sessions.

If you or an adult authorized household member wishes to be considered for the Town Appointed Tenant Board Member Seat, you must fill out the attached “Notice of Intent to be Considered for Town Appointed Board Member Seat” and return it to the Nantucket Town Clerk at the following address:

ATTACHMENT B: LHA Notice to Tenants (No LTO)

Nancy Holmes
16 Broad Street
Nantucket, MA 02554

PLEASE NOTE: In order to be considered for the LHA Town Appointed Board Member Seat, you must fill out the attached form and return it to the Town Clerk at the above address no later than **2/16/2024**

If you have questions about this Notice, the accompanying Notice of Intent to be Considered for Town Appointed Tenant Board Member Seat, or the Town Appointed Tenant Board Member Seat generally, please contact the LHA with questions.

Sincerely,

Nantucket Housing Authority

Enc. Notice of Intent to be Considered for Town Appointed Board Member Seat

ATTACHMENT C: Tenant Form to Submit Name to Town for Consideration

NOTICE OF INTENT TO BE CONSIDERED FOR TOWN APPOINTED TENANT BOARD
MEMBER SEAT

January 17, 2024

Dear Town Clerk:

Please accept this Notice as my intent to be considered for the Town Appointed Tenant Board Member seat of the Nantucket Housing Authority.

I am providing you with the following information for your consideration:

NAME: Denise Black Khatri
ADDRESS: 1 MANTA DR 1b
Nantucket ma 02554

TENANCY TYPE: (Check One)

- ☐ State-Aided Public Housing
☐ Federally Subsidized Public Housing
☐ Section 8 Housing Choice Voucher
☐ Massachusetts Rental Voucher Program
☐ Alternative Housing Voucher Program

☒ Other Elderly - handicapped

PHONE NUMBER: 508-221-1000 (508-332-0570)

EMAIL ADDRESS: deniseblackkhatri@gmail.com

If you need additional information, do not hesitate to contact me using the information provided above.

Sincerely,

Denise Black Khatri

Tenant

Nantucket Housing Authority

ATTACHMENT C: Tenant Form to Submit Name to Town for Consideration

NOTICE OF INTENT TO BE CONSIDERED FOR TOWN APPOINTED TENANT BOARD
MEMBER SEAT

January 17, 2024

Dear Town Clerk:

Please accept this Notice as my intent to be considered for the Town Appointed Tenant Board Member seat of the Nantucket Housing Authority.

I am providing you with the following information for your consideration:

NAME: JENNIFER LEE ALLEN

ADDRESS: 43 MIACOMET ROAD.
(P.O. Box 3736)

TENANCY TYPE: (Check One)

- ☒ State-Aided Public Housing
☐ Federally Subsidized Public Housing
☐ Section 8 Housing Choice Voucher
☐ Massachusetts Rental Voucher Program
☐ Alternative Housing Voucher Program
☐ Other

PHONE NUMBER: 508-901-1820

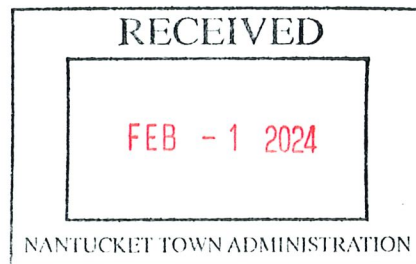
EMAIL ADDRESS: allenack591@gmail.com

If you need additional information, do not hesitate to contact me using the information provided above.

Sincerely,

Jennifer L Allen
Tenant

Nantucket Housing Authority



ATTACHMENT C: Tenant Form to Submit Name to Town for Consideration

NOTICE OF INTENT TO BE CONSIDERED FOR TOWN APPOINTED TENANT BOARD
MEMBER SEAT

January 17, 2024

Dear Town Clerk:

Please accept this Notice as my intent to be considered for the Town Appointed Tenant Board Member seat of the Nantucket Housing Authority.

I am providing you with the following information for your consideration:

NAME: Marvia Hendricks
ADDRESS: 12A Norquarta Drive
Nantucket MA, 02554

TENANCY TYPE: (Check One)

- ☐ State-Aided Public Housing
☒ Federally Subsidized Public Housing
☐ Section 8 Housing Choice Voucher
☐ Massachusetts Rental Voucher Program
☐ Alternative Housing Voucher Program
☐ Other

PHONE NUMBER: 508-680-2757

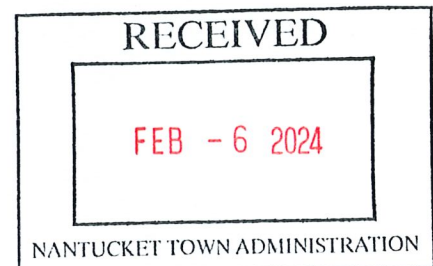
EMAIL ADDRESS: marviah1978@gmail.com

If you need additional information, do not hesitate to contact me using the information provided above.

Sincerely,

Marvia Hendricks
Tenant

Nantucket Housing Authority





Agenda Item Summary

Agenda Item #	IX. 2.
Date	3/6/2024

Staff

Erika D. Mooney, Operations Administrator

Vicki S. Marsh, Town Counsel

Subject

Surplus Vote of Parcel B, off South Shore Rd

Executive Summary

In preparation for the delivery of the Town's Deed to the Land Bank for Parcel B, South Shore Road, the Select Board will need to vote that it has determined that Parcel B is no longer needed by the Town for municipal sewage treatment facility purposes and may be transferred from the Select Board held for purposes of municipal sewage treatment facility to the Select Board to be held for purposes of conveyance. This property will be conveyed to the Land Bank for purposes of conservation of natural resources and was already authorized by the vote of Article 6 of the 2023 Special Town Meeting.

Staff Recommendation

Move approval – Motion prepared by Town Counsel attached

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

2023 Special Town Meeting

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

n/a

Attachments

Motion; Plan No. 2023-25; Article 6 of 2023 STM



SURPLUS PROPERTY VOTE OF SELECT BOARD

Motion:

We hereby determine, pursuant to G.L. c. 40, § 15A, that a certain portion of Town-owned land located off South Shore Road, described in an Order of Taking by Eminent Domain of Land in Nantucket for Municipal Sewage Treatment Purposes dated February 27, 1986, recorded with the Nantucket County Registry of Deeds in Book 246, Page 263, which portion is shown as “Parcel B, Conservation Area” on a plan of land entitled “Division Plan of Surfside Wastewater Treatment Facility Land in Nantucket Showing Parcels A & B,” dated April 23, 2023, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2023-25 (the “Surplus Parcel”), currently held by the Select Board for municipal sewage treatment purposes, is no longer needed by the Town for such purposes, and that said Surplus Parcel may be transferred to the Select Board for purposes of conveyance, on such terms and conditions as the Select Board deems appropriate.

--majority vote

DIVISION PLAN OF
SURFSIDE WASTE WATER
TREATMENT FACILITY LAND
in
NANTUCKET, MA.
showing
PARCELS A & B

1"=120' APRIL 23, 2023

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

BUILDINGS and STRUCTURES KEY

- 1 ADMINISTRATION BUILDING
- 2 PROCESS ANALYSIS BUILDING
- 3 EQUIPMENT STORAGE BUILDING
- 4 SLUDGE PROCESSING BUILDING
- 5 ADVANCED TREATMENT BUILDING
- 6 PRIMARY TREATMENT BUILDING
- 7 CHEMICAL STORAGE BUILDING

- DENOTES REBAR WITH CAP AND STEEL FENCE POST WITNESS SET. OR 12" SPIKE SET (SEE PLAN)
- DENOTES CONCRETE BND AND STEEL FENCE POST WITNESS SET.

NANTUCKET REGISTRY OF DEEDS

Date: May 31, 2023

Time: 9:48 AM

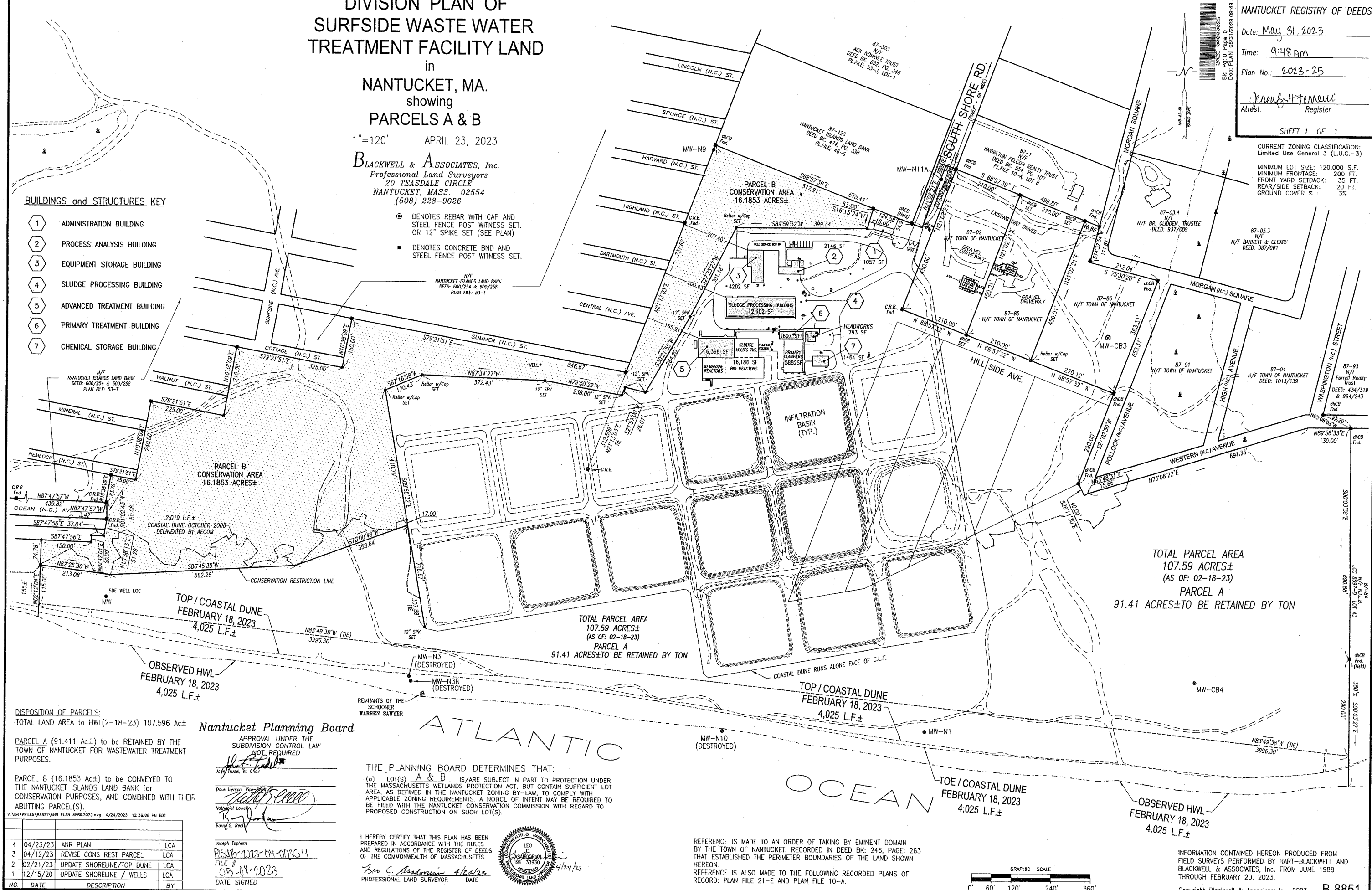
Plan No.: 2023-25

Attest: *James H. Fennell*
Register

SHEET 1 OF 1

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER %: 3%



TOTAL PARCEL AREA
107.59 ACRES±
(AS OF: 02-18-23)
PARCEL A
91.41 ACRES± TO BE RETAINED BY TON

TOTAL PARCEL AREA
107.59 ACRES±
(AS OF: 02-18-23)
PARCEL A
91.41 ACRES± TO BE RETAINED BY TON

DISPOSITION OF PARCELS:
TOTAL LAND AREA to HWL(2-18-23) 107,596 Ac±

PARCEL A (91.411 Ac±) to be RETAINED BY THE
TOWN OF NANTUCKET FOR WASTEWATER TREATMENT
PURPOSES.

PARCEL B (16.1853 Ac±) to be CONVEYED TO
THE NANTUCKET ISLANDS LAND BANK for
CONSERVATION PURPOSES, AND COMBINED WITH THEIR
ABUTTING PARCEL(S).

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

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Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

Barry C. Reel

THE PLANNING BOARD DETERMINES THAT:

(a) LOT(S) A & B IS/ARE SUBJECT IN PART TO PROTECTION UNDER
THE MASSACHUSETTS WETLANDS PROTECTION ACT, BUT CONTAIN SUFFICIENT LOT
AREA, AS DEFINED IN THE NANTUCKET ZONING BY-LAW, TO COMPLY WITH
APPLICABLE ZONING REQUIREMENTS. A NOTICE OF INTENT MAY BE REQUIRED TO
BE FILED WITH THE NANTUCKET CONSERVATION COMMISSION WITH REGARD TO
PROPOSED CONSTRUCTION ON SUCH LOT(S).

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

Barry C. Reel 4/24/23
PROFESSIONAL LAND SURVEYOR DATE



REFERENCE IS MADE TO AN ORDER OF TAKING BY EMINENT DOMAIN
BY THE TOWN OF NANTUCKET, RECORDED IN DEED BK: 246, PAGE: 263
THAT ESTABLISHED THE PERIMETER BOUNDARIES OF THE LAND SHOWN
HEREON.
REFERENCE IS ALSO MADE TO THE FOLLOWING RECORDED PLANS OF
RECORD: PLAN FILE 21-E AND PLAN FILE 10-A.

GRAPHIC SCALE
0' 60' 120' 240' 360'

INFORMATION CONTAINED HEREON PRODUCED FROM
FIELD SURVEYS PERFORMED BY HART-BLACKWELL AND
BLACKWELL & ASSOCIATES, INC. FROM JUNE 1988
THROUGH FEBRUARY 20, 2023.

Copyright Blackwell & Associates, Inc. 2023 B-8851

ARTICLE 6

(Real Estate Conveyance: Conservation Area Adjacent to Surfside Wastewater Treatment Facility to Nantucket Islands Land Bank)

To see if the Town will vote to transfer the care, custody, management and control of a certain parcel of land off South Shore Road, adjacent to the Surfside Wastewater Treatment Facility, shown as "Parcel B, Conservation Area" containing 16.1853 ± acres on a plan of land entitled "Division Plan of Surfside Wastewater Treatment Facility Land in Nantucket, MA. Showing Parcels A & B," dated April 23, 2023, prepared by Blackwell & Associates, Inc., a copy of which is on file with the Office of the Town Clerk, being a portion of the land owned by the Town by virtue of Order of Taking dated February 27, 1986, recorded with the Nantucket County Registry of Deeds in Book 246, Page 263, from the Select Board held for municipal sewage treatment purposes to the Select Board held for purposes of conveyance; and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in the above-described parcel of land, to the Nantucket Islands Land Bank for purposes of conservation of natural resources subject to the provisions of the Conservation and Management Permit issued by the Massachusetts Division of Fisheries & Wildlife, and further any such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

All as shown on a map entitled "2023 Special Town Meeting Warrant Article 6" dated November 2023 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to transfer the care, custody, management and control of a certain parcel of land off South Shore Road, adjacent to the Surfside Wastewater Treatment Facility, shown as "Parcel B, Conservation Area" containing 16.1853 ± acres on a plan of land entitled "Division Plan of Surfside Wastewater Treatment Facility Land in Nantucket, MA. Showing Parcels A & B," dated April 23, 2023, prepared by Blackwell & Associates, Inc., a copy of which is on file with the Office of the Town Clerk, being a portion of the land owned by the Town by virtue of Order of Taking dated February 27, 1986, recorded with the Nantucket County Registry of Deeds in Book 246, Page 263, from the Select Board held for municipal sewage treatment purposes to the Select Board held for purposes of conveyance; and further that the Select Board is authorized to sell, convey or otherwise dispose of the fee or lesser interests in the above-described parcel of land, to the Nantucket Islands Land Bank for purposes of conservation of natural resources subject to the provisions of the Conservation and Management Permit issued by the Massachusetts Division of Fisheries & Wildlife, and further any such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

All as shown on a map filed herewith at the Office of the Town Clerk.

Quantum of vote required for passage of the motion is 2/3.

VOTE: The vote on the motion pursuant to Article 6, as moved by the Finance Committee, was by 2/3rds Vote, Yes: 595 , No: 66. The motion was adopted.



Agenda Item Summary

Agenda Item #	XI. 1.
Date	3/6/2024

Staff

Erika D. Mooney, Operations Administrator

Subject

Approval by Select Board of General Court Revisions to House Bill No. 4046 - conveyance of 50 Altar Rock Road to Nantucket Conservation Foundation Inc. for Open Space, Recreational, and Conservation Purposes

Executive Summary

A vote on Article 87 of the 2023 Annual Town Meeting authorized the Select Board to file a Home Rule Petitions for the real estate conveyance of 50 Altar Rock Road. The General Court, upon review of the legislative Counsels and Staff, requested changes to the Home Rule Petition which requires approval by the Select Board. Enclosed please find clean and red-lined copies of the Bill, as well as Article 87 of the 2023 ATM. Town Counsel has reviewed the proposed revisions to the Bill and finds that they are acceptable.

Staff Recommendation

Proceed with the vote to approve of the requested revisions by the General Court to Bill No. 4046 for the Home Rule Petition.

Background/Discussion

The Home Rule Petition for the Real Estate Conveyance of 50 Altar Rock Road to the Nantucket Conservation Foundation, Inc. (NCF) is filed for Article 97 purposes. This property is held by the Town for park purposes and will be conveyed to NCF for open space, conservation and recreation purposes.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

The Home Rule Petition was approved by the 2023 Annual Town Meeting.

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

Open Space

Attachments

Clean and red-lined copies of the Bill; Article 87 of the 2023 ATM



H4046 FLOOR AMENDMENT

Mr. Walsh of Peabody moves to amend House, No. 4046 by striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Pursuant to article 97 of the amendments to the constitution of the commonwealth and notwithstanding any general or special law to the contrary, the town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion of a certain parcel of land, consisting of 5.74 acres more or less, located at 50 Altar Rock road in the town of Nantucket that was acquired by the town for park purposes to the Nantucket Conservation Foundation, Inc. for open space, recreational and conservation purposes, to be on any terms and conditions the select board deems appropriate, which may include the reservation of any easements and restrictions in regard to the property. The parcel is shown as parcel 9 on the Nantucket assessor’s map 45 and recorded as certificate number 1423 in the Nantucket registry district of the land court. Any such disposition shall be on such terms and conditions as the select board deems appropriate, which may include the reservation of restrictions and easements and acceptance of the conveyance of certain land from the Nantucket Conservation Foundation, Inc. to satisfy the executive office of energy and environmental affairs no net loss policy as determined by the select board, all as shown on a map entitled “2022 Annual Town Meeting Warrant Articles 93 + 94 Real Estate Conveyance: 50 Altar Rock Road (to Nantucket Conservation Foundation, Inc.)” dated January 2022 and filed with the office of the town clerk.

SECTION 2. This act shall take effect upon its passage.”.

HOUSE No. 4046

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes and Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled;

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Nantucket to convey a certain parcel of land situated in the town of Nantucket held for park purposes to the Nantucket Conservation Foundation Inc. for open space, recreational, and conservation purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>7/27/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>7/28/2023</i>

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HOUSE No. 4046

By Representative Fernandes of Falmouth and Senator Cyr, a joint petition (accompanied by bill, House, No. 4046) of Dylan A. Fernandes and Julian Cyr (by vote of the town) that the town of Nantucket be authorized to convey a certain parcel of land situated in said town held for park purposes to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act authorizing the town of Nantucket to convey a certain parcel of land situated in the town of Nantucket held for park purposes to the Nantucket Conservation Foundation Inc. for open space, recreational, and conservation purposes.

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

Section Mr. Walsh of Peabody moves to amend House, No. 4046 by striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion of a certain parcel of land situated, consisting of 5.74 acres more or less, located at 50 Altar Rock road in the Town of Nantucket that was acquired by the town for park purposes to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described. The parcel is shown as follows:

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~~Tax Assessor's Map~~ parcel 9 on the Nantucket assessor's map 45, ~~Parcel 9, 50 Altar Rock Road;~~

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~~and recorded as certificate number 1423 in the Nantucket registry district of the land court.~~ Any such disposition shall be on such terms and conditions as the ~~Select Board~~

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~~deem~~ ~~select board deems~~, appropriate, which may include the reservation of restrictions and

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easements and acceptance of the conveyance of certain land from the Nantucket Conservation

Foundation, Inc. to satisfy the ~~Executive Office~~ ~~executive office~~ of ~~Energy~~ ~~energy~~ and ~~Environmental~~

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~~Affairs~~ ~~"environmental affairs no net loss policy"~~ as determined by the ~~Select Board~~ ~~select board~~,

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all as shown on a map entitled "2022 Annual Town Meeting Warrant Articles 93 + 94 Real

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Estate Conveyance: 50 Altar Rock Road (to Nantucket Conservation Foundation, Inc.)" dated

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January 2022 and filed with the ~~Office~~ ~~office~~ of the ~~Town Clerk~~ ~~town clerk~~.

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~~Section~~ ~~SECTION~~ 2. This act shall take effect upon its passage.

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Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Nancy L. Holmes, CMC
Town & County Clerk

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

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

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

♦♦♦♦♦

May 6, 2023

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the May 6, 2023 ANNUAL TOWN MEETING adopted **Article : 87** at the May 6, 2023 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 87

(Home Rule Petition: Real Estate Conveyance - 50 Altar Rock Road to
Nantucket Conservation Foundation, Inc.)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town of Nantucket for park purposes, as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance; and further to authorize the Select Board to convey the property described below to the Nantucket Conservation foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION, INC. FOR OPEN SPACE, RECREATIONAL AND CONSERVATION PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion a certain parcel of land situated in the Town of Nantucket and held by the Select Board for park purposes subject to Article 97 to the Nantucket Conservation Foundation, Inc. for open space, recreational and conservation purposes for roadway and/or any purposes to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road as shown on a map filed with the Office of the Town Clerk.

Section 2. No instrument conveying by or on behalf of the Commonwealth, any interest in the parcel of land described in Section 1, shall be valid unless such instrument: (i) provides that the land shall be used solely for open space, recreational and conservation purposes; (ii) if the instrument conveys a fee interest in the parcel of land, includes a clause that shall require the grantee to convey a conservation restriction over the land in perpetuity as defined in and subject to sections 31, 32 and 33 of Chapter 184; and (iii) includes a clause that shall state that if the land ceases to be used by the grantee, or its successors or assigns, solely for open space, recreational and conservation purposes at any time that said parcel of land shall revert to the Town of Nantucket, which shall dedicate it for park purposes subject to Article 97.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 94 of the 2022 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2022, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or a portion of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town for park purposes, as described in more detail below and as shown on a map entitled "2022 Annual Town Meeting Warrant Article 93 Conveyance of Altar Rock" dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance; and further to authorize the Select Board to convey the property described below to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK PURPOSES TO THE

**NANTUCKET CONSERVATION FOUNDATION INC. FOR OPEN SPACE, RECREATIONAL,
AND CONSERVATION PURPOSES**

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

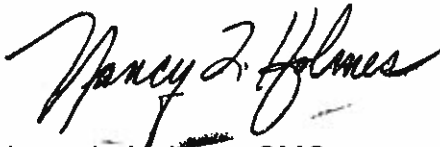
Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion of a certain parcel of land situated in the Town of Nantucket to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements and acceptance of the conveyance of certain land from the Nantucket Conservation Foundation, Inc. to satisfy the Executive Office of Energy and Environmental Affairs "no net loss policy" as determined by the Select Board, all as shown on a map entitled "2022 Annual Town Meeting Warrant Articles 93 + 94 Real Estate Conveyance: 50 Altar Rock Road (to Nantucket Conservation Foundation, Inc.)" dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

VOTE: The vote on the motion pursuant to Article 87, as moved by the Finance Committee, was by 4/5ths Vote, Yes: 707, No: 27. The motion was adopted.



Nancy L. Holmes, CMC
Town & County Clerk