

ZBA PACKET THURSDAY JANUARY 14, 2021

1pm *via* ZOOM WEBINAR¹

REGISTRATION LINK:

https://zoom.us/webinar/register/WN_P-tIvYCuTweg7gHIVTrtvw

To view the LIVE broadcast of the meeting, see YouTube Link at

https://youtu.be/Ujmtd_t56uw

¹ Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link above to register for Zoom participation. Contact eantoniotti@nantucket-ma.gov with any questions.*



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Agenda

(Subject to Change)

Thursday, January 14, 2021

1:00 PM

www.nantucket-ma.gov

Participation in Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the link below to register for Zoom participation. Contact cantonietti@nantucket-ma.gov with any questions.

ZOOM WEBINAR REGISTRATION LINK:

https://zoom.us/webinar/register/WN_P-tIvYCuTweg7gHIVTrtw

To view the LIVE broadcast of the meeting, see *YouTube Link* at

https://youtu.be/UjmtD_t56uw

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

Pages 5 - 7

- December 10, 2020

IV. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN):

- 051-03 David S. Gesner & Julie A. Gesner 6 Fox Grape Lane Beaudette
Action Deadline January 14, 2021 *to determine and notify Applicant if requested modification is deemed substantial or insubstantial*
The Applicant seeks to ratify a previous determination that a proposed modification to the Comprehensive Permit, as amended, and the plans approved therewith, may be considered insubstantial pursuant to 760 CMR 56.05 (11)(a)(b), and as such, may be authorized and ratified by

Pages 9 - 183

the Zoning Board of Appeals. Specifically, applicants seek to confirm that the bedroom count upon Lot 8 is three and the bedroom count upon Lot 9 is four. Furthermore, and to the extent necessary, Applicant requests the assent of the Zoning Board of Appeals to amend the Declaration of Restrictions and Easements, so as to effectuate and memorialize the foregoing request. The Locus is situated in the Beach Plum Village 40B, is known as 6 Fox Grape Lane, is shown on Assessor's Map 67 as Parcel 808, and as Lot 9 upon Plan No 2006-61. Evidence of owner's title is recorded in Book 1611, Page 116 on file at the Nantucket Registry of Deeds. The site is located in the Limited Use General Two (LUG-2) zone.

- 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr.,
Mackay/Phaneuf Family Trust 21 & 25 Monohansett Road Alger
Action Deadline May 13, 2021 **CONTINUED TO MAY 13, 2021**

V. NEW BUSINESS (INITIAL PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

- 01-21 Michael Metz 16 Western Av. Reade
Action Deadline April 14, 2021
Applicant seeks relief by Special Permit pursuant to Zoning By-law Sections 139-30.A and 139-33.A to alter, replace, and vertically extend a pre-existing nonconforming dwelling and accessory garage structure. Applicant proposes to relocate the detached garage to be attached to the house, thus decreasing the existing front yard encroachment. Further alterations are proposed to the dwelling. The structures are currently sited within the front and side yard lot lines. The altered structures would maintain encroachments, but would not get closer to the lot lines than the existing structures or otherwise increase the nonconformities. The Locus is split between the R-20 and the LUG-2 zoning districts. The lot has a limited available building envelop due to shape, zoning setbacks, soil conditions, wetlands with associate buffer zones, and split zoning. The Locus is situated at 16 Western Avenue, is shown on Assessor's Map 87 as Parcel 72, and as Lot 3 upon Land Court Plan 8256-C. Evidence of owner's title is registered on Certificate of Title No. 22820 at the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20) and Limited Use General 2 (LUG-2).

Pages 185 - END

VI. OTHER BUSINESS: (Votes may be taken)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)

MINUTES



ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice chair), Ed Toole (Clerk), Michael J. O'Mara, Kerim Koseatac
Alternates: Mark Poor, Geoff Thayer, Jim Mondani

~~ MINUTES ~~

Thursday, December 10, 2020

This meeting was held via remote participation using ZOOM and YouTube,

Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law

Called to order at 1:07 p.m. and announcements made by Ms. McCarthy

Staff in attendance: Eleanor Antonietti, Zoning Administrator; T. Norton, Town Minutes Taker

Attending Members: McCarthy, O'Mara, Koseatac, Poor, Thayer, Mondani

Absent: Botticelli, Toole

Adoption of the Agenda

Motion **Motion to Approve the Agenda.** (made by: O'Mara) (seconded)

Roll-call vote Carried 5-0//McCarthy, O'Mara, Koseatac, Thayer, and Mondani-aye

I. APPROVAL OF MINUTES

1. November 12, 2020

Motion **Motion to Approve the Minutes of November 12, 2020.** (made by: Mondani) (seconded)

Roll-call vote Carried 5-0//McCarthy, O'Mara, Thayer, Mondani, and Koseatac-aye

II. OLD BUSINESS

1. 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr., Mackay/Phaneuf Family Trust
21 & 25 Monohansett Road Alger

REQUEST TO CONTINUE TO MAY 13, 2021

Voting McCarthy, O'Mara, Koseatac, Thayer, Mondani

Alternates Poor

Recused None

Documentation File with associated plans, photos and required documentation

Representing None

Public None

Discussion Not opened at this time.

Motion **Motion to Approve the request for a continuance to May 13, 2021.** (made by: O'Mara) (seconded)

Roll-call vote Carried 5-0//McCarthy, O'Mara, Mondani, Koseatac, and Thayer

2. 23-20 Jeffrey R. Sayle And Katherine R. Sayle, Trustees, Tigertail Realty Trust

REQUEST TO WITHDRAW WITHOUT PREJUDICE

Voting O'Mara (acting chair), Koseatac, Thayer, Mondani

Alternates None

Recused McCarthy & Poor

Documentation None

Representing None

Public None

Discussion **Mondani** – Asked the effect of this.

Antonietti – Marcus Silverstein will have to double back with them to ensure enforcement. Without prejudice means they can come back with a similar request. Withdrawal of the appeal implies they will comply.

Motion **Motion to Accept the withdrawal without prejudice.** (made by: Mondani) (seconded)

Roll-call vote Carried 4-0//O'Mara, Thayer, Mondani, and Koseatac-aye

3. 25-20 Gunnar P. Wilmot 3 Summer Street Hanley
- Applicant is requesting Modification of relief by Special Permit pursuant to Zoning By-law Section 139-33.A. Specifically, Applicant proposes to alter and extend the dwelling, which is pre-existing nonconforming as to easterly side yard setback, by building an addition at the rear of the dwelling which will come no closer to the easterly lot line than the existing structure. In the alternative and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32. The property is located at 3 Summer Street, shown on Assessor's Map 42.3.3 as Parcel 115 and as Lot 3 upon Land Court Plan 14466-C. Evidence of owner's title is registered on Certificate of Title No. 23275 at the Nantucket County District of the Land Court. The site is zoned Residential Old Historic (ROH).
- Voting McCarthy, Koseatac, Poor, Thayer, Mondani
- Alternates None
- Recused O'Mara
- Documentation File with associated plans, photos and required documentation
- Representing Marianne Hanley, Reade, Gullicksen, Hanley, & Gifford LLP
- Ethan Griffin, Gryphon Architects
- Public None
- Discussion (1:23) **Hanley** – Summer Street Church provided consent to access their property during work; Mr. Griffin provided the construction protocols.
- Thayer** – He is happy with the information provided.
- Antonietti** – They have final Historic District Commission (HDC) approval.
- McCarthy** – She has no further concerns.
- Koseatac** – Satisfied with what was submitted.
- Poor** – Page 31 of the packet, ZBA 1, the dimension for the new slab foundation is a little bizarre.
- Griffin** – The property line angles and that is representative of the angle closest to the house. Plus-or-minus might have been a better way to show that.
- Poor** – He would prefer a hard number that the enforcement officer can reference.
- Mondani** – Has no concerns.
- Antonietti** – Asked that the revised distance be sent for inclusion in the file. In the staff report, she has recommended conditions; read the conditions.
- Motion **Motion to Approve the relief as requested with conditions as read.** (made by: Koseatac) (seconded)
- Roll-call vote Carried 5-0//McCarthy, Koseatac, Thayer, Poor, and Mondani-aye

III. NEW BUSINESS

1. 26-20 Jacqueline R. McCoy, Trustee, Savel Nom. Tr. 47 Pocomo Road Gifford
- Applicant is requesting relief by Variance pursuant to Section 139-32 for a waiver from the 3% ground cover ratio provisions of Section 139-16. Specifically, Applicant proposes to construct an addition to the primary dwelling in order to house an elevator and mechanical room to enable a disabled family member. The ground cover ratio would increase from 2.97% to roughly 3.05% as a result of the addition. The property is located at 47 Pocomo Road, shown on Assessor's Map 15 as Parcel 19 and as Lot 5 upon Land Court Plan 20689-D. Evidence of owner's title is registered on Certificate of Title No. 22538 at the Nantucket County District of the Land Court. The site is zoned Limited Use General Three (LUG-3).
- Voting McCarthy, O'Mara, Koseatac, Poor, Thayer
- Alternates Mondani
- Recused None
- Documentation File with associated plans, photos and required documentation
- Representing Whitney Gifford, Reade, Gullicksen, Hanley, & Gifford LLP
- Public None
- Discussion (1:31) **Gifford** – Presented the request.
- O'Mara** – This meets our requirements for a variance owing to the disability situation.
- Koseatac** – Same answer.
- Thayer** – He agrees.
- Poor** – This is a definite hardship case.
- Mondani** – He concurs.
- McCarthy** – Read the requirements for granting the variance.
- Motion **Motion to Grant the relief as requested.** (made by: Thayer) (seconded)
- Roll-call vote Carried 5-0//McCarthy, O'Mara, Koseatac, Thayer, and Poor-aye

2. 27-20 7 Starbuck Court, LLC 7 Starbuck Court Dale
- Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A(1). Specifically, the applicant proposes to change the use of a pre-existing non-conforming garage to a garage/studio. The garage is pre-existing nonconforming as to side yard setback. There will be no change in footprint or ground cover as a result of the change of use. The Locus, pre-existing nonconforming as to frontage, is situated at 7 Starbuck Court and is shown on Assessor's Map as Parcels 6 and 7 and as Lots A and D upon Land Court Plan No. 11898-B and as Lots 2 and 3 upon LCP No. 11898-C. Evidence of Owner's title is registered on Certificate of Title No. 27874 at the Nantucket County District of the Land Court. The site is zoned Residential Old Historic (ROH).
- Voting McCarthy, O'Mara, Koseatac, Poor, Thayer,
 Alternates Mondani
 Recused None
 Documentation File with associated plans, photos and required documentation
 Representing Kevin Dale, Vaughan, Dale, Hunter, and Beaudette P.C.
 Mark Cutone, Mark Cutone Architecture
 Public None
 Discussion (1:38) **Dale** – Presented situation leading to this request. They have a Certificate of Appropriateness from the HDC. The garage has been used as a studio for decades. An abutter wrote a letter of support, stating the conversion of the garage will preserve an interesting and historical structure.
O'Mara – He has no concerns.
Koseatac – He can't imagine there will be parking issues and sees no need for conditioning the approval.
Thayer – No concerns.
Poor – Asked if there is a fire safety requirement for the structure within the setback.
Cutone – Current drawings accommodate the fire wall.
Mondani – No concerns.
Antonietti – Most of the work seems to be interior.
 Motion **Motion to Approve the relief as requested.** (made by: Koseatac) (seconded)
 Roll-call vote Carried 5-0//McCarthy, O'Mara, Koseatac, Thayer, and Poor-aye

IV. OTHER BUSINESS

1. **Antonietti** – Will send out pertinent Planning Board articles to the members. Also asked to be told who might be traveling and when in order to be able to get necessary signatures on decisions.

V. ADJOURNMENT

- Motion **Motion to Adjourn at 1:51 p.m.** (made by: Koseatac) (seconded)
 Roll-call vote Carried 5-0//McCarthy, O'Mara, Koseatac, Mondani, and Thayer-aye

Sources used during the meeting not found in the files or on the Town website:

1. None

Submitted by:
 Terry L. Norton

OLD BUSINESS

RUGGED SCOTT
051-03

Bedroom Count

LOT 9

6 FOX GRAPE LANE

MAP 67 PARCEL 808

VAUGHAN, DALE, HUNTER, BEAUDETTE AND SWAIN

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

BRYAN J. SWAIN

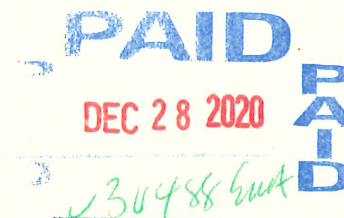
WILLIAM F. HUNTER

OF COUNSEL

December 23, 2020

VIA ELECTRONIC MAIL

Nantucket Zoning Board of Appeals
Eleanor W. Antonietti, Administrator
2 Fairgrounds Road
Nantucket, MA 02554



Re: David and Julie Gesner
6 Fox Grape Lane, Nantucket, MA 02554
Request for an insubstantial modification to
Beach Plum 40(B) Comprehensive Permit

Dear Eleanor:

On behalf of David and Julie Gesner, owners of 6 Fox Grape Lane, Nantucket, Massachusetts 02554 (the "Premises") desire to confirm the bedroom count on the Premises (the "Request"). The Applicants are seeking a determination from the Zoning Board of Appeals that the Request is an insubstantial modification to the Beach Plum 40(B) Comprehensive Permit, as amended of record. To that end, enclosed please find an application for such, together with supporting documentation.

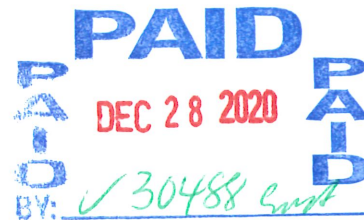
Enclosed please also find a check in the amount of \$450.00 made payable to the Town of Nantucket representing the filing fee. Thank you for your attention to this matter, please do not hesitate to call me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Beaudette".

Richard P. Beaudette, Esq.

CC: Attorney Gordon Meyer
Encs.



**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**



APPLICATION

Fee: \$450.00

File No. 51-03

Owner's name(s): GESNER DAVID S & JULIE A

Mailing address: C/O VDHB&S, 2 Whalers LANE PO BOX 659 Nantucket, AM 02554

Phone Number: 508-228-4455 E-Mail: c/o rick@vdhlaw.com

Applicant's name(s): same as above

Mailing Address: same as above

Phone Number: same as above E-Mail: same as above

Locus Address: 67 Assessor's Map/Parcel: 808

Land Court Plan/Plan Book & Page/Plan File No. Lot 9 on Plans No. 2006-19 & 2006-61

Deed Reference/Certificate of Title: 01611/0116 Zoning District LUG-2

Uses on Lot- Commercial: None: (describe) None

Residential: Number of dwellings 1 Duplex N/A Apartments N/A

Date of Structure(s): all pre-date 7/72 N/A or

Building Permit Numbers: N/A

Previous Zoning Board Application Numbers: N/A

2 Fairgrounds Road Nantucket Massachusetts 02554
508 325-7587 telephone 508-228-7298 facsimile

State below or attach a separate addendum of specific special permits or variance relief applying for:

See Addendum "A" Attached hereto.

I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: Julius Owner*

SIGNATURE: _____ Applicant/Attorney/Agent*

*If an Agent is representing the Owner or the Applicant, please provide a signed proof of agency.

OFFICE USE ONLY

Application received on: ___/___/___ By: _____ Complete: _____ Need Copies: _____
Filed with Town Clerk: ___/___/___ Planning Board: ___/___/___ Building Dept.: ___/___/___ By: _____
Fee deposited with Town Treasurer: ___/___/___ By: _____ Waiver requested: _____
Granted: ___/___/___ Hearing notice posted with Town Clerk: ___/___/___ Mailed: ___/___/___
I&M ___/___/___ & ___/___/___ Hearing(s) held on: ___/___/___ Opened on: ___/___/___
Continued to: ___/___/___ Withdrawn: ___/___/___ Decision Due By: ___/___/___ Made: ___/___/___
Filed w/Town Clerk: ___/___/___ Mailed: ___/___/___

ADDENDUM

I. Introduction

David and Julie Gesner (the "Applicant"), are the owners of 6 Fox Grape, Nantucket Town and County, Commonwealth of Massachusetts, identified as Lot 9 on Plan No. 2006-19 and 2006-61 recorded at the Nantucket Registry of Deeds (the "Plan," a copy of which is attached hereto as Exhibit "A"), and is further identified as parcel 67, on Nantucket Tax Assessor's Map 808 (the "Premises" or "Parcel").

As shown in the attached letter dated August 4, 2006 by Joshua Posner, the developer, it was requested that the proposed house on the Premises (Lot 9), switch with the proposed house on Lot 8 (now known as 9 Wood Lily). Attached hereto as Exhibit B. This had the effect of changing the allowed bedroom count on the Premises from 3 bedrooms to 4 bedrooms and conversely, changed the allowed bedrooms on Lot 8 from 4 bedrooms to 3 bedrooms. I also attach a copy of the agenda from August 11, 2006, which shows the Rugged Scott 40B Modification Request as an agenda item. Attached hereto as exhibit C. It is our understanding and belief that this request was approved at either the August 11, 2006 hearing or the regularly scheduled September meeting of the Nantucket Zoning Board of Appeals (the "Board"). However, we have been unable to find confirmation of the Board's decision either on record at Nantucket Registry of Deeds, within the Board's administrative files or within the minutes at the Nantucket Town Clerk. Nonetheless, as further evidence of the approval, the Premises (Lot 9) was constructed as a four (4) bedroom dwelling and received a Certificate of Occupancy on August 13, 2007. Likewise, Lot 8 (9 Wood Lily) was constructed as a three (3) bedroom dwelling and received a Certificate of Occupancy on November 21, 2014.

The purpose of this application is to ratify the Board's prior decision and document it. In addition, the Applicant is seeking the Board's consent to amend the Declaration of Restrictions and Easements by changing the bedroom count on Lot 9 to 4 Bedrooms and by changing the bedroom count on Lot 8 to 3 bedrooms.

II. Request for a determination that the proposed modification is an insubstantial modification to the Comprehensive Permit, and the plans approved therewith.

Modifications to Comprehensive Permits are governed 760 CMR 56.05 (11)(a)(b), which provides in pertinent part that:

" after a Comprehensive Permit is granted by the Board, an Applicant desires to change the details of its Project as approved by the Board or the Committee, it shall promptly notify the Board in writing, describing such change. Within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4)"

760 CMR 56.07(4)(c) provides that the following matters generally will be **substantial changes**: (1) an increase of more than 10% in the height of the building(s); (2) an increase of more than 10% in the number of housing units proposed; (3) a reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed; (4) a change in

building type (e.g., garden apartments, townhouses, high-rises); or (5) a change from one form of housing tenure to another.

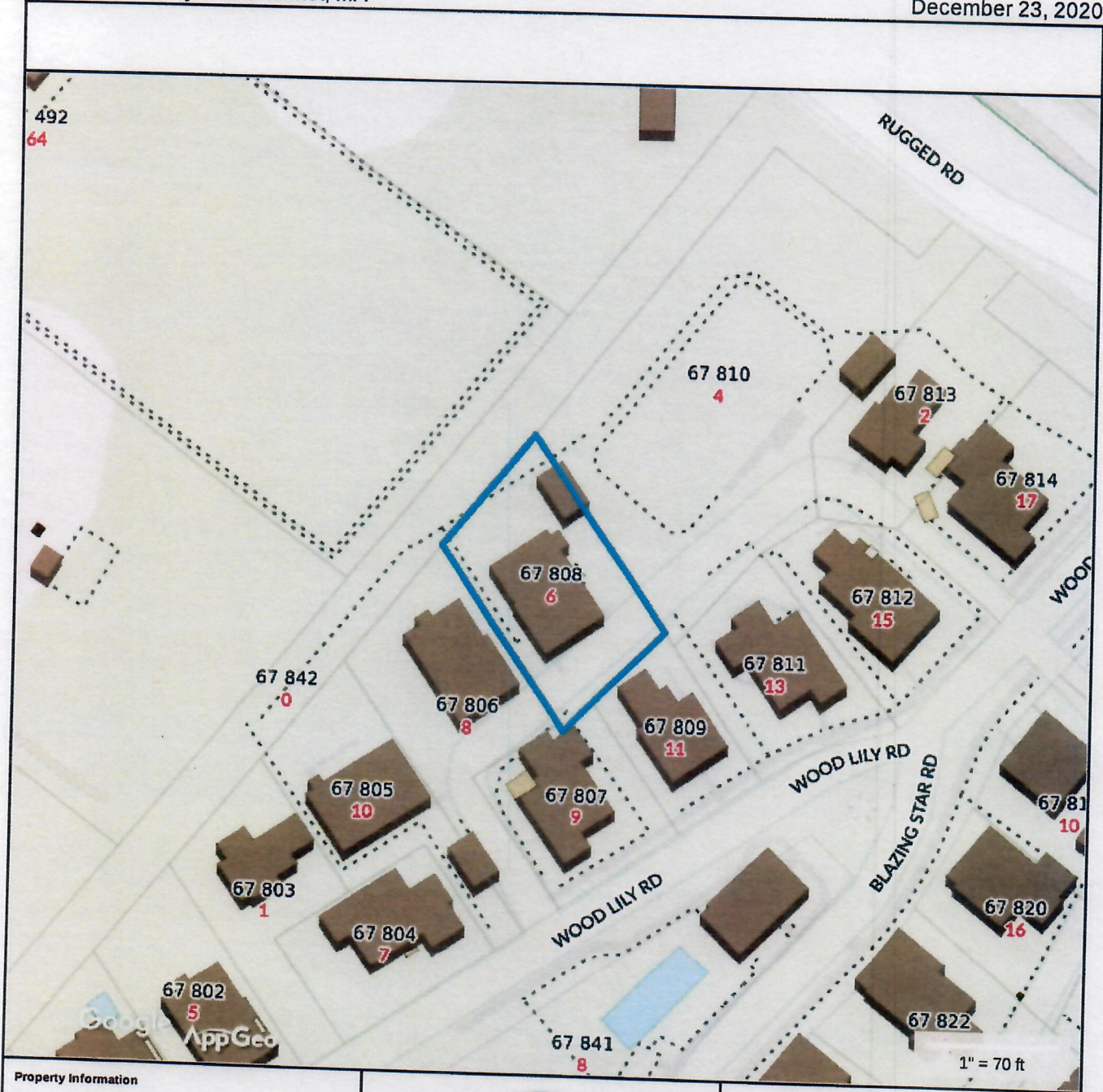
760 CMR 56.07(4)(c) provides that the following matters generally *will not be substantial changes*: (1) a reduction in the number of housing units proposed; (2) a decrease of less than 10% in the floor area of individual units; (3) a change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%; (4) a change in the color or style of materials used; or (5) a change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.

As indicated above, insubstantial changes are generally defined as administrative modifications such as changing the number of bedrooms, building materials, financing programs, and changes to structures and bedroom counts that are less than 10% of the entire development.

The Applicant's request to change the bedroom counts in the documents and in the record decisions does not expand or alter any structure, building type or building tenure on Premises, and does not affect the overall bedroom count in the development. To the contrary, it confirms the existing bedroom counts in the respective dwellings.

Therefore, the Applicant respectfully requests that the Board determine that its request to confirm the bedroom counts, is not a substantial change to the 40(b) Comprehensive Permit, and further consent to the Applicant's proposed amendment to the declaration of restrictions and covenants.

EXHIBIT A



Property Information

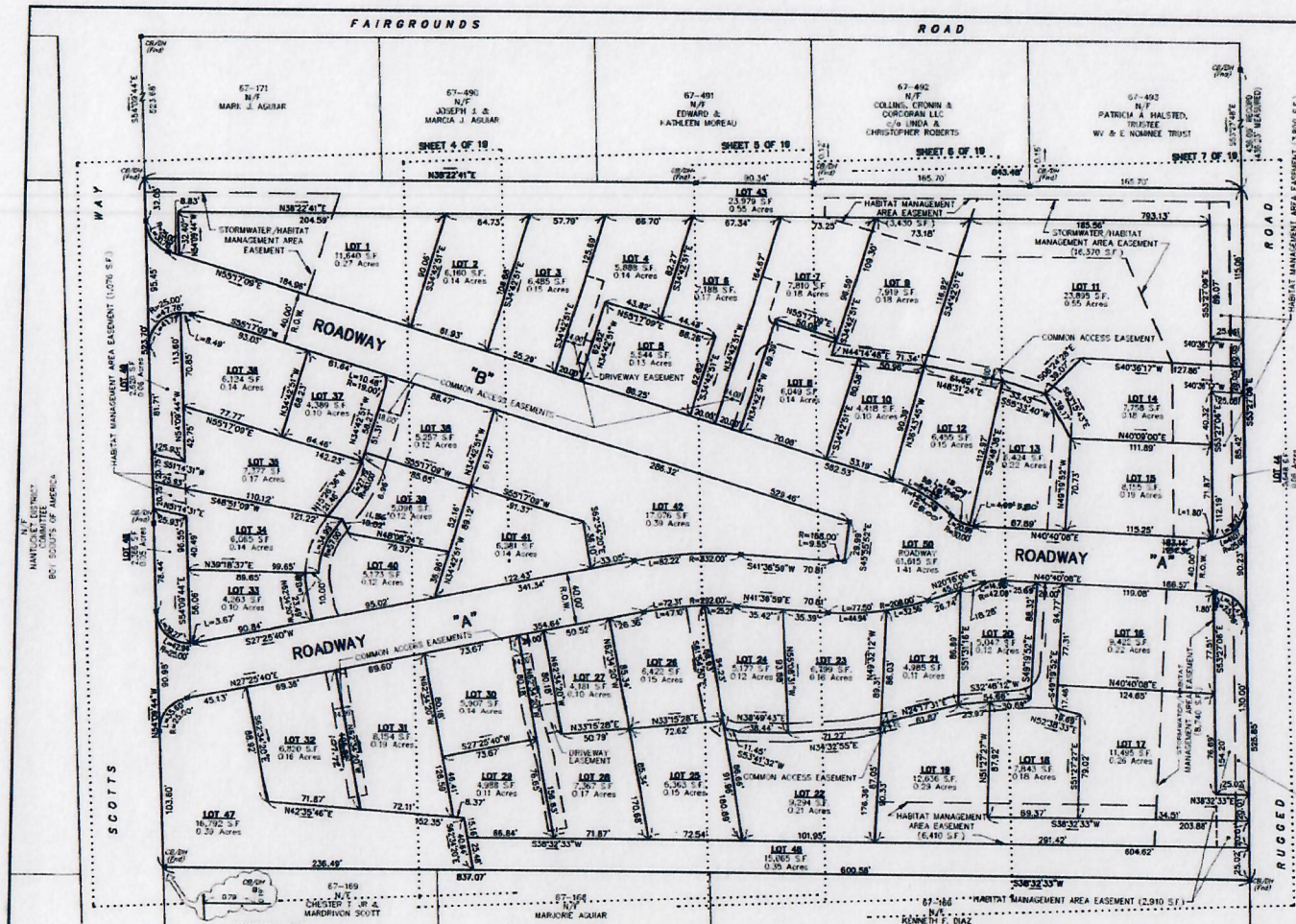
Property ID 67 808
 Location 6 FOX GRAPE LN
 Owner GESNER DAVID S & JULIE A



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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

Geometry updated 11/13/2018
 Data updated 11/19/2018



GENERAL NOTES

- THIS PLAN REPRESENTS A SUBDIVISION OF MAP 67, LOTS 170, 170.1, 170.2 & 170.3, AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET.
- THE OWNER OF RECORD AND APPLICANT IS RUGGED SCOTT LLC, c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET, CAMBRIDGE, MASSACHUSETTS 02140.
- THE SITE DOES NOT LIE WITHIN THE SPECIAL FLOOD AREA (100 YEAR FLOOD) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 250330 0012 D, DATED NOVEMBER 6, 1996.
- THE SITE IS LOCATED WITHIN AN ADJUTANT PROTECTION ZONE AS DETERMINED FROM THE TOWN OF NANTUCKET WATER RESOURCES PROTECTION PLAN DATED JANUARY 1990.
- THERE ARE NO KNOWN WETLAND RESOURCE AREAS WITHIN 100 FEET OF THE SUBJECT PARCEL.
- NONE OF THE LOTS 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 BYLAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE NANTUCKET CONSERVATION COMMISSION.
- WATER SERVICE SHALL BE PROVIDED BY EXTENDING THE EXISTING PUBLIC WATER SUPPLY LINES THROUGH THE DEVELOPMENT. ALL DWELLINGS WILL RECEIVE WATER FROM THE PUBLIC WATER SUPPLY SYSTEM.
- SANITARY SEWER SERVICE SHALL BE PROVIDED BY EXTENDING THE EXISTING PUBLIC SEWER LINES THROUGH THE DEVELOPMENT. ALL DWELLINGS WILL BE CONNECTED TO THE PUBLIC SEWER SYSTEM.

LOT NO.	FRONTAGE	LOT AREA	**MGCA	**MA	LOT NO.	FRONTAGE	LOT AREA	**MGCA	**MA
1	184.84	11,480 S.F.	3,460	2,500	22	80.33	5,294 S.F.	2,789	2,000
2	184.84	11,480 S.F.	3,460	2,500	23	80.33	5,294 S.F.	2,789	2,000
3	184.84	11,480 S.F.	3,460	2,500	24	80.33	5,294 S.F.	2,789	2,000
4	200.07	5,896 S.F.	1,766	2,254	25	73.45	6,432 S.F.	1,909	2,500
5	88.25	5,544 S.F.	2,318	2,318	26	50.52	4,181 S.F.	1,628	2,500
6	200.07	7,198 S.F.	2,156	2,520	27	50.52	7,367 S.F.	2,210	2,500
7	200.07	7,198 S.F.	2,156	2,520	28	50.52	7,367 S.F.	2,210	2,500
8	70.05	6,049 S.F.	1,875	2,420	29	73.67	4,985 S.F.	1,486	1,926
9	70.05	6,049 S.F.	1,875	2,420	30	69.60	6,148 S.F.	1,772	2,363
10	53.15	7,419 S.F.	2,376	2,500	31	69.60	6,148 S.F.	1,772	2,363
11	53.15	7,419 S.F.	2,376	2,500	32	69.60	6,148 S.F.	1,772	2,363
12	70.05	23,895 S.F.	7,169	2,500	33	69.60	6,148 S.F.	1,772	2,363
13	72.88	6,424 S.F.	1,927	2,500	34	69.60	6,148 S.F.	1,772	2,363
14	200.07	7,419 S.F.	2,376	2,500	35	69.60	6,148 S.F.	1,772	2,363
15	72.88	6,424 S.F.	1,927	2,500	36	69.60	6,148 S.F.	1,772	2,363
16	72.88	6,424 S.F.	1,927	2,500	37	69.60	6,148 S.F.	1,772	2,363
17	72.88	6,424 S.F.	1,927	2,500	38	69.60	6,148 S.F.	1,772	2,363
18	72.88	6,424 S.F.	1,927	2,500	39	69.60	6,148 S.F.	1,772	2,363
19	72.88	6,424 S.F.	1,927	2,500	40	69.60	6,148 S.F.	1,772	2,363
20	72.88	6,424 S.F.	1,927	2,500	41	69.60	6,148 S.F.	1,772	2,363
21	72.88	6,424 S.F.	1,927	2,500	42	69.60	6,148 S.F.	1,772	2,363
22	72.88	6,424 S.F.	1,927	2,500					

** MAXIMUM GROUND COVER ALLOWABLE (MGCA) IN S.F.
 *** MAXIMUM IMPERVIOUS AREA (MA)-40% OF A MAXIMUM OF 2,500 S.F., WHICHEVER IS LESS

SCALE: 1" = 40' FEET

NANTUCKET REGISTRY OF DEEDS

Date: 03-10-2006
 Time: 2:25
 Plan No. 2006-19
 Sheet 1 of 5

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

Professional Land Surveyor (P.L.S.)

- #### DISPOSITION OF LOTS
- LOTS 1 THROUGH 10 AND LOTS 12 THROUGH 41 ARE BUILDABLE LOTS.
 - LOT 11 IS A BUILDABLE LOT TO BE CONVEYED TO THE ASSOCIATION FOR USE AS A COMMUNITY TENNIS COURT AREA.
 - LOT 42 IS A BUILDABLE LOT TO BE CONVEYED TO THE ASSOCIATION FOR USE AS A COMMUNITY CENTER WITH A SWIMMING POOL AND A COMMUNITY BUILDING.
 - LOTS 43 THROUGH 46 ARE NOT BUILDABLE LOTS, AND WILL BE CONVEYED TO THE ASSOCIATION FOR DEEDS AS TWO DISTURBED BUFFER AREAS CONSIDERED PERMANENTLY PROTECTED OPEN SPACE.
 - LOT 47 IS NOT A BUILDABLE LOT AND IS TO BE CONVEYED TO THE ASSOCIATION AS A CONSERVATION RESTRICTION AREA.
 - LOTS 48 AND 49 ARE NOT BUILDABLE LOTS AND ARE TO BE CONVEYED TO THE ASSOCIATION FOR DEEDS AS UNDISTURBED HABITAT MANAGEMENT AREAS CONSIDERED PERMANENTLY PROTECTED OPEN SPACE.
 - LOT 50 IS NOT A BUILDABLE LOT AND IS TO BE CONVEYED TO THE ASSOCIATION TO BE USED FOR ROADWAY PURPOSES INCLUDING INFRASTRUCTURE AND MAINTENANCE.

ZONING TABLE

LOT AREA	REQUIRED
4,000 - 15,000 S.F.	20 FT
15,000 - 25,000 S.F.	25 FT
25,000 - 35,000 S.F.	30 FT
35,000 - 45,000 S.F.	35 FT
45,000 - 55,000 S.F.	40 FT
55,000 - 65,000 S.F.	45 FT
65,000 - 75,000 S.F.	50 FT
75,000 - 85,000 S.F.	55 FT
85,000 - 95,000 S.F.	60 FT
95,000 - 105,000 S.F.	65 FT
105,000 - 115,000 S.F.	70 FT
115,000 - 125,000 S.F.	75 FT
125,000 - 135,000 S.F.	80 FT
135,000 - 145,000 S.F.	85 FT
145,000 - 155,000 S.F.	90 FT
155,000 - 165,000 S.F.	95 FT
165,000 - 175,000 S.F.	100 FT
175,000 - 185,000 S.F.	105 FT
185,000 - 195,000 S.F.	110 FT
195,000 - 205,000 S.F.	115 FT
205,000 - 215,000 S.F.	120 FT
215,000 - 225,000 S.F.	125 FT
225,000 - 235,000 S.F.	130 FT
235,000 - 245,000 S.F.	135 FT
245,000 - 255,000 S.F.	140 FT
255,000 - 265,000 S.F.	145 FT
265,000 - 275,000 S.F.	150 FT
275,000 - 285,000 S.F.	155 FT
285,000 - 295,000 S.F.	160 FT
295,000 - 305,000 S.F.	165 FT
305,000 - 315,000 S.F.	170 FT
315,000 - 325,000 S.F.	175 FT
325,000 - 335,000 S.F.	180 FT
335,000 - 345,000 S.F.	185 FT
345,000 - 355,000 S.F.	190 FT
355,000 - 365,000 S.F.	195 FT
365,000 - 375,000 S.F.	200 FT
375,000 - 385,000 S.F.	205 FT
385,000 - 395,000 S.F.	210 FT
395,000 - 405,000 S.F.	215 FT
405,000 - 415,000 S.F.	220 FT
415,000 - 425,000 S.F.	225 FT
425,000 - 435,000 S.F.	230 FT
435,000 - 445,000 S.F.	235 FT
445,000 - 455,000 S.F.	240 FT
455,000 - 465,000 S.F.	245 FT
465,000 - 475,000 S.F.	250 FT
475,000 - 485,000 S.F.	255 FT
485,000 - 495,000 S.F.	260 FT
495,000 - 505,000 S.F.	265 FT
505,000 - 515,000 S.F.	270 FT
515,000 - 525,000 S.F.	275 FT
525,000 - 535,000 S.F.	280 FT
535,000 - 545,000 S.F.	285 FT
545,000 - 555,000 S.F.	290 FT
555,000 - 565,000 S.F.	295 FT
565,000 - 575,000 S.F.	300 FT
575,000 - 585,000 S.F.	305 FT
585,000 - 595,000 S.F.	310 FT
595,000 - 605,000 S.F.	315 FT
605,000 - 615,000 S.F.	320 FT
615,000 - 625,000 S.F.	325 FT
625,000 - 635,000 S.F.	330 FT
635,000 - 645,000 S.F.	335 FT
645,000 - 655,000 S.F.	340 FT
655,000 - 665,000 S.F.	345 FT
665,000 - 675,000 S.F.	350 FT
675,000 - 685,000 S.F.	355 FT
685,000 - 695,000 S.F.	360 FT
695,000 - 705,000 S.F.	365 FT
705,000 - 715,000 S.F.	370 FT
715,000 - 725,000 S.F.	375 FT
725,000 - 735,000 S.F.	380 FT
735,000 - 745,000 S.F.	385 FT
745,000 - 755,000 S.F.	390 FT
755,000 - 765,000 S.F.	395 FT
765,000 - 775,000 S.F.	400 FT
775,000 - 785,000 S.F.	405 FT
785,000 - 795,000 S.F.	410 FT
795,000 - 805,000 S.F.	415 FT
805,000 - 815,000 S.F.	420 FT
815,000 - 825,000 S.F.	425 FT
825,000 - 835,000 S.F.	430 FT
835,000 - 845,000 S.F.	435 FT
845,000 - 855,000 S.F.	440 FT
855,000 - 865,000 S.F.	445 FT
865,000 - 875,000 S.F.	450 FT
875,000 - 885,000 S.F.	455 FT
885,000 - 895,000 S.F.	460 FT
895,000 - 905,000 S.F.	465 FT
905,000 - 915,000 S.F.	470 FT
915,000 - 925,000 S.F.	475 FT
925,000 - 935,000 S.F.	480 FT
935,000 - 945,000 S.F.	485 FT
945,000 - 955,000 S.F.	490 FT
955,000 - 965,000 S.F.	495 FT
965,000 - 975,000 S.F.	500 FT
975,000 - 985,000 S.F.	505 FT
985,000 - 995,000 S.F.	510 FT
995,000 - 1,005,000 S.F.	515 FT
1,005,000 - 1,015,000 S.F.	520 FT
1,015,000 - 1,025,000 S.F.	525 FT
1,025,000 - 1,035,000 S.F.	530 FT
1,035,000 - 1,045,000 S.F.	535 FT
1,045,000 - 1,055,000 S.F.	540 FT
1,055,000 - 1,065,000 S.F.	545 FT
1,065,000 - 1,075,000 S.F.	550 FT
1,075,000 - 1,085,000 S.F.	555 FT
1,085,000 - 1,095,000 S.F.	560 FT
1,095,000 - 1,105,000 S.F.	565 FT
1,105,000 - 1,115,000 S.F.	570 FT
1,115,000 - 1,125,000 S.F.	575 FT
1,125,000 - 1,135,000 S.F.	580 FT
1,135,000 - 1,145,000 S.F.	585 FT
1,145,000 - 1,155,000 S.F.	590 FT
1,155,000 - 1,165,000 S.F.	595 FT
1,165,000 - 1,175,000 S.F.	600 FT
1,175,000 - 1,185,000 S.F.	605 FT
1,185,000 - 1,195,000 S.F.	610 FT
1,195,000 - 1,205,000 S.F.	615 FT
1,205,000 - 1,215,000 S.F.	620 FT
1,215,000 - 1,225,000 S.F.	625 FT
1,225,000 - 1,235,000 S.F.	630 FT
1,235,000 - 1,245,000 S.F.	635 FT
1,245,000 - 1,255,000 S.F.	640 FT
1,255,000 - 1,265,000 S.F.	645 FT
1,265,000 - 1,275,000 S.F.	650 FT
1,275,000 - 1,285,000 S.F.	655 FT
1,285,000 - 1,295,000 S.F.	660 FT
1,295,000 - 1,305,000 S.F.	665 FT
1,305,000 - 1,315,000 S.F.	670 FT
1,315,000 - 1,325,000 S.F.	675 FT
1,325,000 - 1,335,000 S.F.	680 FT
1,335,000 - 1,345,000 S.F.	685 FT
1,345,000 - 1,355,000 S.F.	690 FT
1,355,000 - 1,365,000 S.F.	695 FT
1,365,000 - 1,375,000 S.F.	700 FT
1,375,000 - 1,385,000 S.F.	705 FT
1,385,000 - 1,395,000 S.F.	710 FT
1,395,000 - 1,405,000 S.F.	715 FT
1,405,000 - 1,415,000 S.F.	720 FT
1,415,000 - 1,425,000 S.F.	725 FT
1,425,000 - 1,435,000 S.F.	730 FT
1,435,000 - 1,445,000 S.F.	735 FT
1,445,000 - 1,455,000 S.F.	740 FT
1,455,000 - 1,465,000 S.F.	745 FT
1,465,000 - 1,475,000 S.F.	750 FT
1,475,000 - 1,485,000 S.F.	755 FT
1,485,000 - 1,495,000 S.F.	760 FT
1,495,000 - 1,505,000 S.F.	765 FT
1,505,000 - 1,515,000 S.F.	770 FT
1,515,000 - 1,525,000 S.F.	775 FT
1,525,000 - 1,535,000 S.F.	780 FT
1,535,000 - 1,545,000 S.F.	785 FT
1,545,000 - 1,555,000 S.F.	790 FT
1,555,000 - 1,565,000 S.F.	795 FT
1,565,000 - 1,575,000 S.F.	800 FT
1,575,000 - 1,585,000 S.F.	805 FT
1,585,000 - 1,595,000 S.F.	810 FT
1,595,000 - 1,605,000 S.F.	815 FT
1,605,000 - 1,615,000 S.F.	820 FT
1,615,000 - 1,625,000 S.F.	825 FT
1,625,000 - 1,635,000 S.F.	830 FT
1,635,000 - 1,645,000 S.F.	835 FT
1,645,000 - 1,655,000 S.F.	840 FT
1,655,000 - 1,665,000 S.F.	845 FT
1,665,000 - 1,675,000 S.F.	850 FT
1,675,000 - 1,685,000 S.F.	855 FT
1,685,000 - 1,695,000 S.F.	860 FT
1,695,000 - 1,705,000 S.F.	865 FT
1,705,000 - 1,715,000 S.F.	870 FT
1,715,000 - 1,725,000 S.F.	875 FT
1,725,000 - 1,735,000 S.F.	880 FT
1,735,000 - 1,745,000 S.F.	885 FT
1,745,000 - 1,755,000 S.F.	890 FT
1,755,000 - 1,765,000 S.F.	895 FT
1,765,000 - 1,775,000 S.F.	900 FT
1,775,000 - 1,785,000 S.F.	905 FT
1,785,000 - 1,795,000 S.F.	910 FT
1,795,000 - 1,805,000 S.F.	915 FT
1,805,000 - 1,815,000 S.F.	920 FT
1,815,000 - 1,825,000 S.F.	925 FT
1,825,000 - 1,835,000 S.F.	930 FT
1,835,000 - 1,845,000 S.F.	935 FT
1,845,000 - 1,855,000 S.F.	940 FT
1,855,000 - 1,865,000 S.F.	945 FT
1,865,000 - 1,875,000 S.F.	950 FT
1,875,000 - 1,885,000 S.F.	955 FT
1,885,000 - 1,895,000 S.F.	960 FT
1,895,000 - 1,905,000 S.F.	965 FT
1,905,000 - 1,915,000 S.F.	970 FT
1,915,000 - 1,925,000 S.F.	975 FT
1,925,000 - 1,935,000 S.F.	980 FT
1,935,000 - 1,945,000 S.F.	985 FT
1,945,000 - 1,955,000 S.F.	990 FT
1,955,000 - 1,965,000 S.F.	995 FT
1,965,000 - 1,975,000 S.F.	1,000 FT
1,975,000 - 1,985,000 S.F.	1,005 FT
1,985,000 - 1,995,000 S.F.	1,010 FT
1,995,000 - 2,005,000 S.F.	1,015 FT
2,005,000 - 2,015,000 S.F.	1,020 FT
2,015,000 - 2,025,000 S.F.	1,025 FT
2,025,000 - 2,035,000 S.F.	1,030 FT
2,035,000 - 2,045,000 S.F.	1,035 FT
2,045,000 - 2,055,000 S.F.	1,040 FT
2,055,000 - 2,065,000 S.F.	1,045 FT
2,065,000 - 2,075,000 S.F.	1,050 FT
2,075,000 - 2,085,000 S.F.	1,055 FT
2,085,000 - 2,095,000 S.F.	1,060 FT
2,095,000 - 2,105,000 S.F.	1,065 FT
2,105,000 - 2,115,000 S.F.	1,070 FT
2,115,000 - 2,125,000 S.F.	1,075 FT
2,125,000 - 2,135,000 S.F.	1,080 FT
2,135,000 - 2,145,000 S.F.	1,085 FT

BL: 0000000000
 Plan No: 02142008 02-23 PV

NANTUCKET REGISTRY OF DEEDS

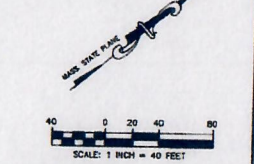
Date: 8/14/08
 Time: 2:38 PM
 Plan No: 02142008 02-23 PV
 Sheet: 1 OF 5

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES SHOWN EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR SHOWN OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

THE ABOVE CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

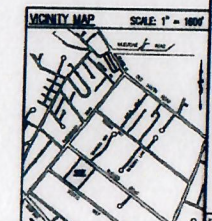
I FURTHER CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Professional Land Surveyor
 Date: 8/14/08



GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO SUPERSEDE THE DEFINITIVE SUBDIVISION PLANS LISTED BELOW PREVIOUSLY APPROVED BY THE NANTUCKET ZONING BOARD BY APPEALS TO RECORD ANY PUBLISHED INFORMATION REGARDING ARCHITECTURAL, BUILDING AREAS, LAYOUTS, OR COVERAGES.
2. THIS PLAN REPRESENTS AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3, AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006. PREPARED BY CULLINAN ENGINEERING CO., INC. APPROVED AND ENDORSED BY TOWN OF NANTUCKET ZONING BOARD OF APPEALS ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 02142008. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS PLAN NO. 0206-08 ON 08/07/2008.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.



- LEGEND**
- 49-178 ASSESSOR'S MAP 49 LOT 178
 - DHC# DRILL HOLE CONCRETE BOUND
 - PCB PROPOSED CONCRETE BOUND

OWNER'S REFERENCE

RUGGED SCOTT LLC
 ASSESSOR MAP, 67, PARCELS: 170,
 170.1, 170.2 & 170.3
 32 ARLINGTON STREET
 CAMBRIDGE, MASSACHUSETTS

**OVERALL LAYOUT PLAN OF LAND
 SITE DEVELOPMENT FOR BEACH PLUM VILLAGE AT
 RUGGED ROAD AND SCOTTS WAY
 NANTUCKET, MASSACHUSETTS**

RISING TIDE DEVELOPMENT, LLC
 32 ARLINGTON STREET, CAMBRIDGE, MASSACHUSETTS 02140



**CULLINAN
 ENGINEERING**

32 ARLINGTON STREET
 CAMBRIDGE, MASSACHUSETTS 02140
 TEL: 617.552.1100
 FAX: 617.552.1101
 WWW.CULLINAN-ENG.COM

LOTS SHOWN HEREON ARE SUBJECT TO A COVENANT DATED 8/14/08 AND RECORDED IN THE REGISTRY OF DEEDS AS DOCUMENT NO. 02142008 02-23 PV

EXHIBIT B

rising tide

FILE

RISEING TIDE DEVELOPMENT LLC
32 ARLINGTON STREET • CAMBRIDGE • MASSACHUSETTS • 02140
617.549.3232 TEL • 617.492.1143 FAX • joshposner@comcast.net

BY HAND DELIVERY

August 31, 2006

Ms. Nancy Severns, Chair
Board of Appeals
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

Dear Ms. Severns:

At the August 11 ZBA meeting you asked that I put together a package of materials to be distributed to you and the other Board members to further explain our requests for three minor modifications to our comprehensive permit for housing off Rugged Road, now called Beach Plum Village.

First let me review our requests, with a brief explanation of the reason for each:

1. **Request:** That the homes proposed for Lots 8 and 9 be swapped for each other.
Reason: A buyer wants a particular house on a different lot. The change will have no visual impact on the adjacent property. In general we try to keep potential buyers focused on the current plan, but in this case the request was so minor that we thought it would not be a problem. It would be very helpful to us if we could have a slightly broader discussion about how we should handle these kind of situations in the future.
2. **Request:** That the garage on Lot 6 be relocated to a different place on its lot.
Reason: Final engineering required a revision because the prior plan did not allow enough space between porch and garage.
3. **Request:** That the Phasing Plan be revised to allow for the homes nearest to Rugged Road to be built out at the beginning of the project, in response to the request of adjacent neighbors.
Reason: Neighbors on Rugged Road requested that we prioritize the home construction on the Rugged Road end of the site so that their disruption would be consolidated over a shorter time period. This ~~does~~ not change the impact on other abutters who would have the same duration of adjacent construction pushed somewhat later in the overall project time frame.

Enclosed are a number of items that support our requests:

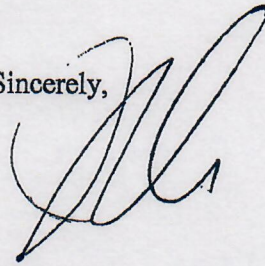
1. Letter of August 3, 2006 from Arthur Reade, Esq. to Linda Williams, delivered a week in advance of the August 11 meeting, with the original request.
2. Two site plans showing the Lot 8/9 house swap and garage relocation:
 - a. One plan (Hand-marked Plan 1) shows the entire site showing the proposed house swap for Lots 8 and 9. The house currently approved for Lot 8 would go to Lot 9 and the house currently approved for Lot 9 would go to Lot 8. Lot 8 is currently a 4 bedroom lot and it would become a 3 bedroom lot. Lot 9 is currently a 4 bedroom lot and would become a 4 bedroom lot. No relief from setbacks or any other dimensional matters is requested, however in the spirit of cooperation and a good working relationship, we are requesting approval.
 - b. One plan (Hand-marked Plan 2) shows a closer view of the area with the changes.
3. Two Phasing Plans
 - a. Current Phasing Plan approved with final project approval in February
 - b. Proposed Revised Plan
4. Email from Lisa Dias, largest abutter and primary appellant supporting revised phasing plan and house swap.
5. Letter of Peter Freeman, Esq. providing some perspective on the procedures built into the 40B law for making insubstantial changes. Mr. Freeman is one of the most experienced lawyers in Massachusetts in the 40B area and has provided specialized services for our project included handling appeals.
6. Arthur Reade has separately requested (through the normal procedure) that three lots be released: Lot 19 (previously requested but postponed at the last meeting), and Lots 22 and 9. The formal request is not included in this package. These requests will bring the total lots released to 6 out of 40. You have previously approved 3 lot releases. We expect to request up to 9 additional lot releases between now and the spring.
7. Andrew Vorce has agreed to come to the ZBA meeting to discuss the role of his department in overseeing the project, especially with respect to infrastructure installation. We hope to receive a letter from his department recommending approval of the lot releases requested in advance of the meeting. Infrastructure has been under construction for 8 weeks and is expected to have major portions completed by February 2007.

I hope that this package provides the information you have requested and supports our requests for these minor changes. As you know, this project has gone through a

number of stages including controversy, disagreement, negotiation, court action, creative compromise and finally, settlement and cooperation. Since our reconciliation last November, all parties have been working successfully and in a spirit of cooperation, something that we very much wish to continue. Given the size and complexity of this project, and given the very detailed nature of the permit that has been issued, it is not realistic to expect that we can build out the project without some minor adjustments. Establishing a process that can do this, that complies with the 40B procedures, and that is open and accountable is therefore very important.

I look forward to discussing this with you at the September 8 meeting.

Sincerely,

A handwritten signature in black ink, appearing to be 'JP' with a stylized flourish at the end.

Joshua Posner

Cc: Board of Appeals members
Linda Williams, Administrator, Board of Appeals
✓ Andrew Vorce, Director, Planning Board

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

ARTHUR I. READE, JR., P.C.
KENNETH A. GULLICKSEN

MARIANNE HANLEY
WHITNEY A. GIFFORD

STEVEN L. COHEN

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554

(508) 228-3128
FAX: (508) 228-5630

MAILING ADDRESS:

POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

August 3, 2006

BY HAND DELIVERY

Linda F. Williams,
Zoning Administrator
Town of Nantucket
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: Rugged Scott 40B project
ZBA File No. 051-03

Dear Linda:

Would you kindly place the above matter upon the agenda for the Board of Appeals meeting on August 11, 2006, for the following purposes:

1. To execute a decision waiving the sewer connection fee for the affordable lots only, as previously voted by the Board.
2. To issue Form J releases (enclosed) for Lots 13, 14 and 19 from the Covenant. As per the decision, inspections as to the status of the subdivision infrastructure are to be made by the Planning staff. Please note that Lot 14 will be one of the ten affordable units.
3. To review a revised site plan showing reversal of the house designs for Lots 8 and 9, and relocation of the garage for Lot 6. The Board of Appeals has the power to determine whether a change in a 40B project constitutes an insubstantial change, and if it so finds the Board has the power to modify the decision without public notice or hearing.
4. Modification of the phasing plan for the project, pursuant to a proposal to be submitted.

I enclose copies of the documents which have been recorded to date, as you requested.

READE, GULLICKSEN, HANLEY & GIFFORD, LLP

Linda F. Williams
August 2, 2006
Page Two

This request for modification is being filed pursuant to 760 CMR 31.01(3)(a), and the applicant respectfully requests that it be treated as an insubstantial change pursuant to 760 CMR 31.03(3)(b). By making this request for modification, the Applicant does not waive any of its rights under the existing Comprehensive Permit, as modified, any and all of which are expressly reserved.

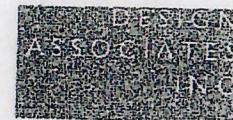
Thank you for your cooperation.

Sincerely,

Arthur I. Reade, Jr.
air@readelaw.com

AIR/irv

cc: Josh Posner (by e-mail)



ARCHITECTURE
PLANNING
HISTORIC
PRESERVATION

432 Columbia Street
Cambridge MA 02141
617 661 9082
617 661 2550

PO Box 1520
Nantucket MA 02554
508 228 4342
508 228 3428

<http://www.design-associates.com>

Proposed Housing for:

RUGGED ROAD
&
SCOTT'S WAY

Nantucket, MA

MARK	DATE	REVISIONS
	2/21/06	ZBA APPROVAL
	8/1/06	HDC REVISIONS

COTTAGE TYPES

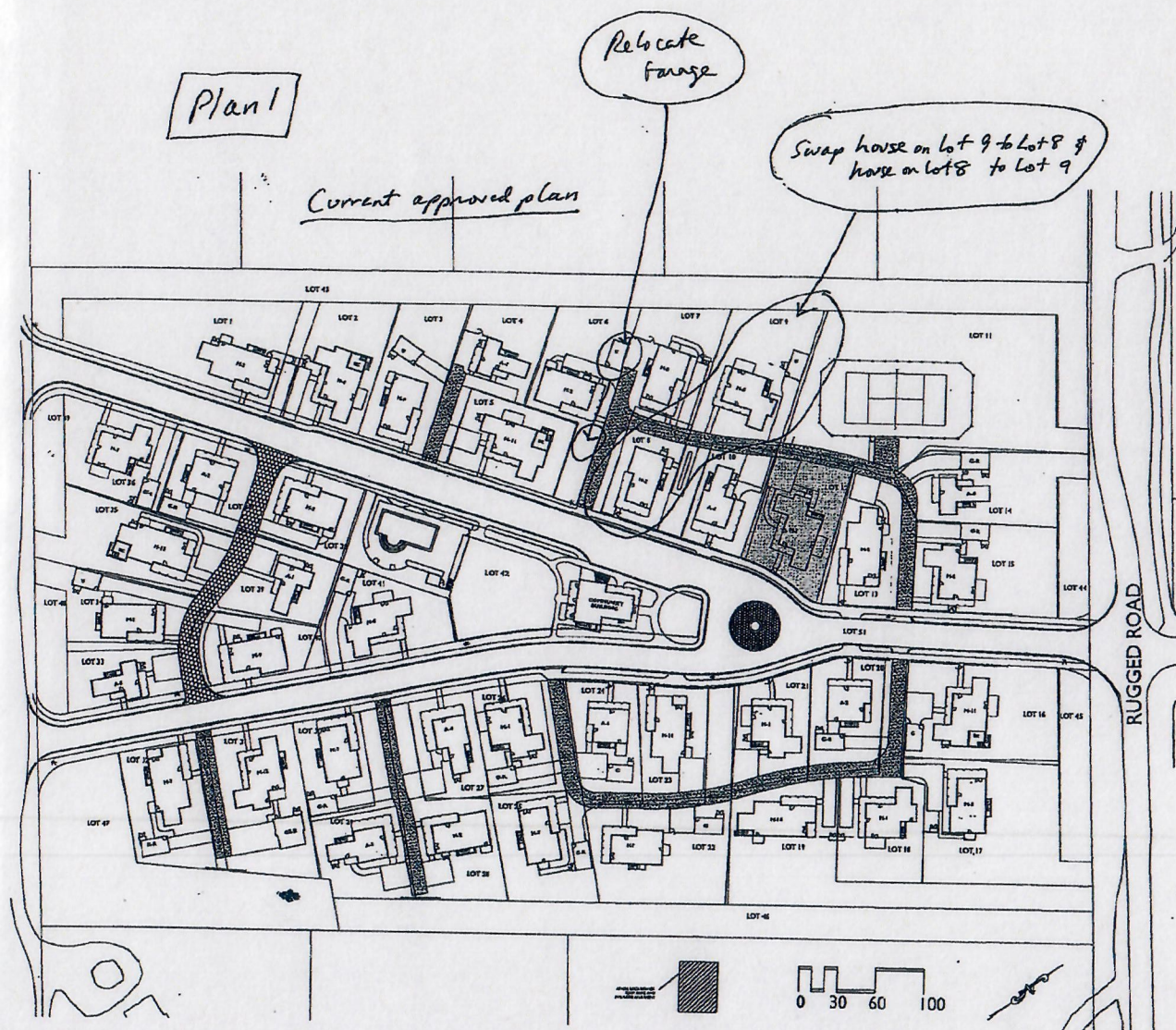
Name	#
M-1	5
M-2	5
M-3	3
M-4	1
M-5	2
M-6	1
M-7	3
M-8	2
M-9	2
M-10	2
M-11	2
M-12	1
M-13	1

Total 'M' Cottages 30

A-1	2
A-2	2
A-3	1
A-4	2
A-5	2
A-6	1

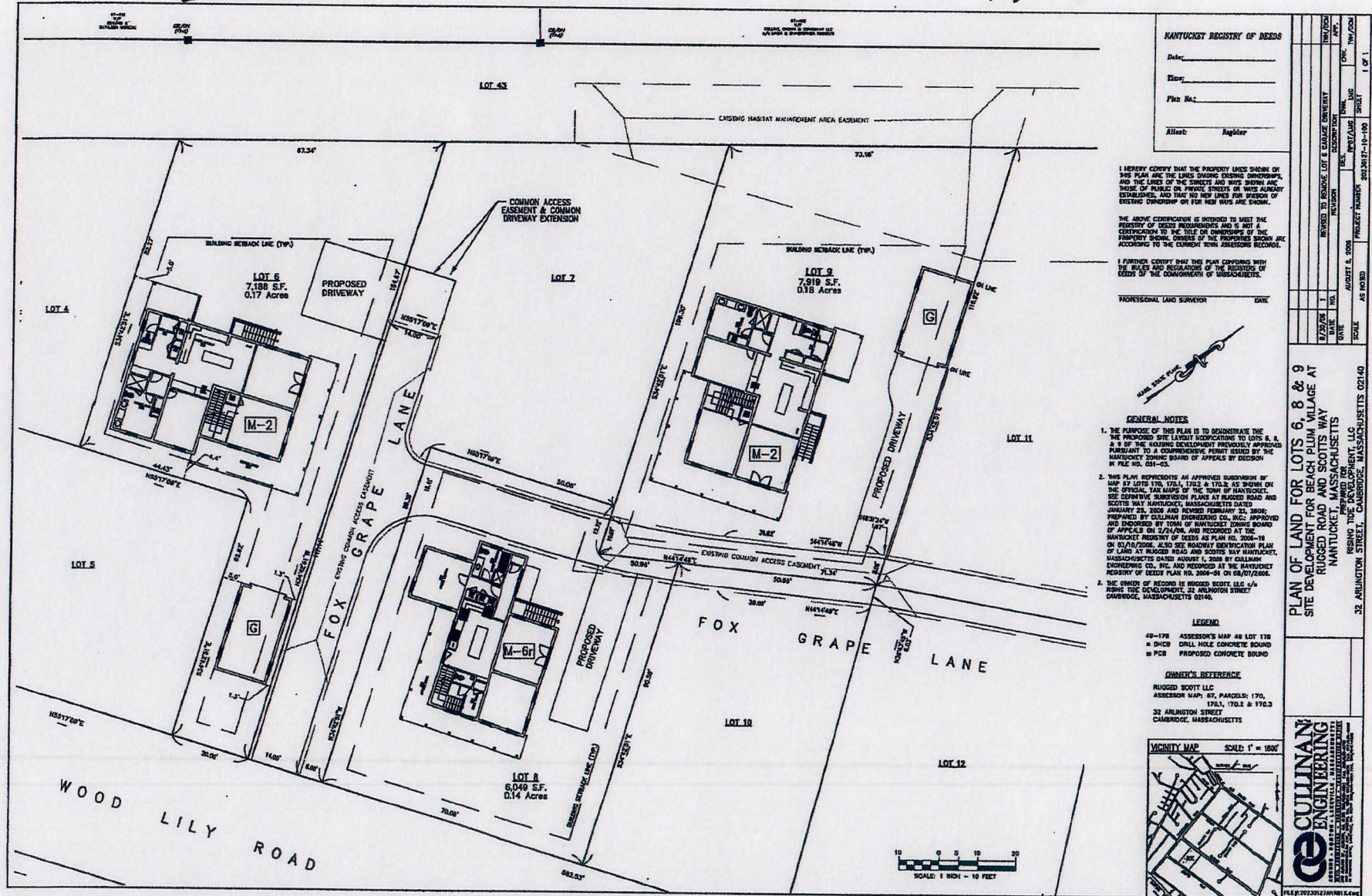
Total 'A' Cottages 10

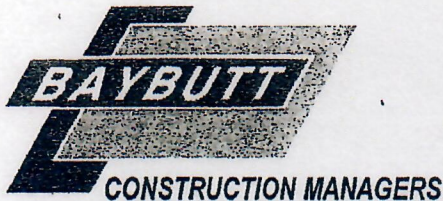
Total Cottages 40



Plan 2

Proposed Condition after swap & garage move.





25 AVON STREET. POST OFFICE BOX 463
KEENE, NEW HAMPSHIRE 03431-0463
NANTUCKET: 508-325-4962 FAX 508-325-4963
TELEPHONE 603-352-6846
FAX 603-352-6633 BID FAX 603-352-6663
www.baybutt.com email: info@baybutt.com

Current approved plan

January 26, 2006

Construction Phasing Plan for Rugged Scott LLC

**Ref.: Town Of Nantucket
Zoning Board of Appeals
File # 051-03
Sections 4.1.1, 4.5**

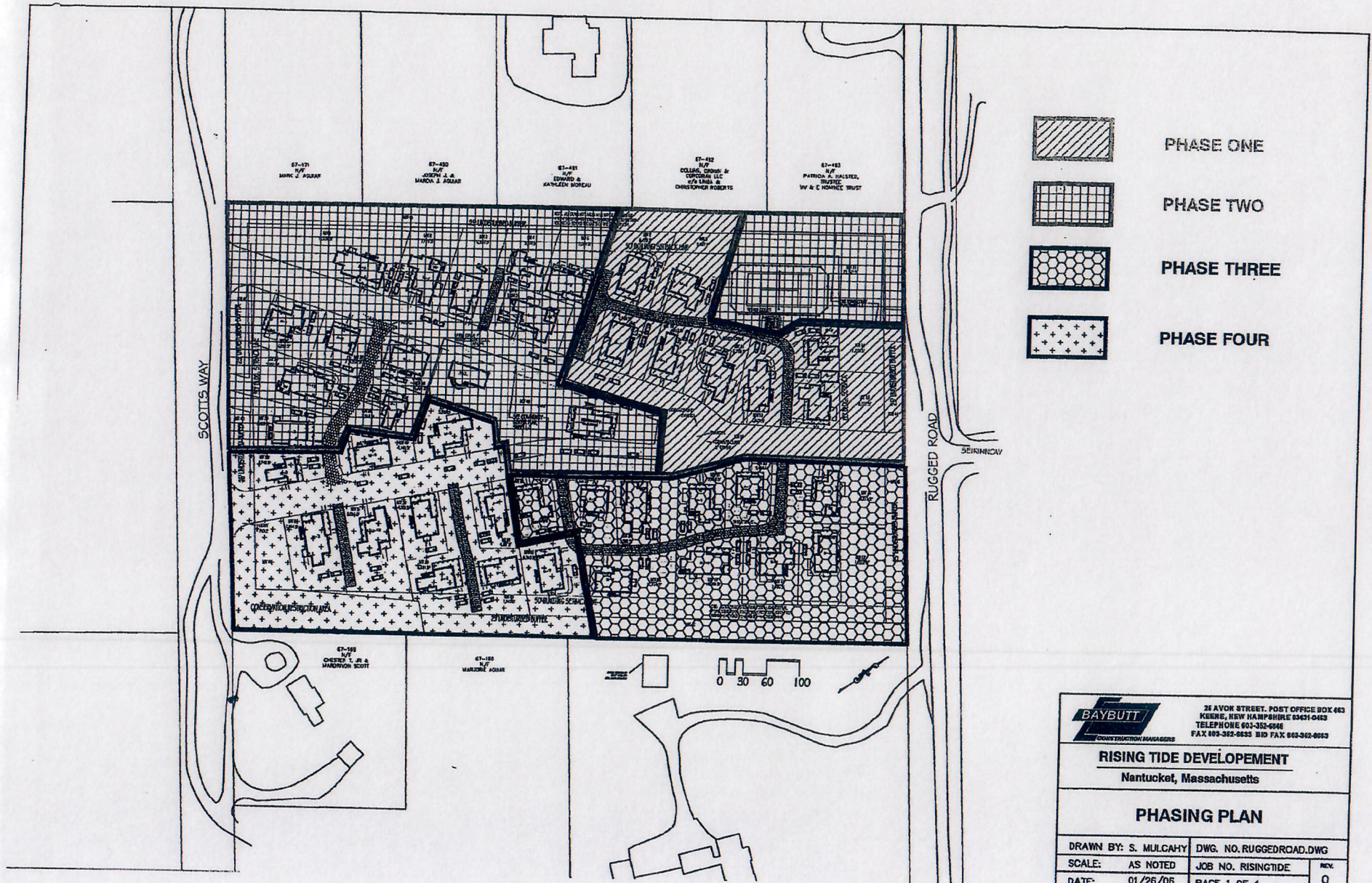
Description of phases:

Phase One consists of the construction of 8 housing units. The units consist of types M-1, M-2, M-3, M-5, M-6, M-8, A-1R, A-4, G and G-R. The location of Phase One is the Northeast corner of the property along the main entrance road adjacent to Rugged Road.

Phase Two consists of the construction 12 housing units, tennis court, pool and the Community Building Unit. The units consist of types M-1, M-2, M-3, M-4, M-9, M-11, M-13, A-1, A-2, G and G-R. The location of the tennis court is the far Northeast corner of the property. The pool and Community Building is located toward the center of the property. The housing units are located in the Northwest corner of the property along the Southern entrance road adjacent to Scott's Way.

Phase Three consists of the construction of 10 housing units. The units consist of types M-1, M-7, M-8, M-10, M-11, A-2, A-6, G and G-R. The location of Phase Three is the Southeast corner of the property along the main entrance road adjacent to Rugged Road.

Phase Four consists of the construction of 10 Housing Units. The units consist of types M-2, M-3, M-5, M-7, M-9, M-12, A-3, A-4, A-5, G-R and G2-R. The location of Phase Four is the Southwest corner of the property along the Southern entrance road adjacent to Scott's Way.





25 AVON STREET. POST OFFICE BOX 463
KEENE, NEW HAMPSHIRE 03431-0463
TELEPHONE 603-352-6846
FAX 603-352-6633 BID FAX 603-352-6663
www.baybutt.com email: info@baybutt.com
NANTUCKET: 508-325-4962 FAX 508-325-4963

August 4, 2006

Proposed

Revised Construction Phasing Plan for Rugged Scott LLC

Ref.: Town Of Nantucket
Zoning Board of Appeals
File # 051-03
Sections 4.1.1, 4.5

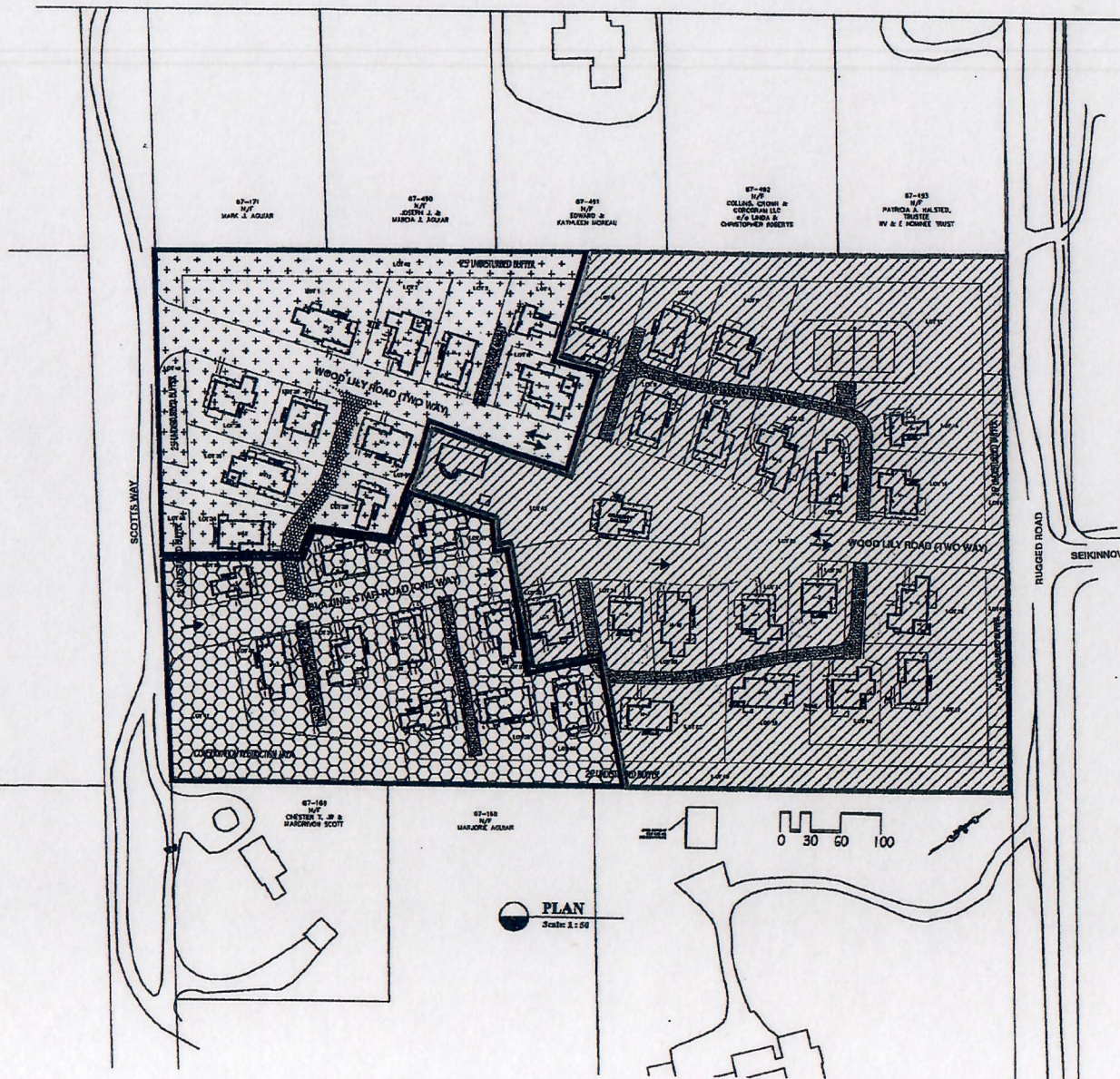
Note: Based on a request from neighbors, we are revising the phased build out of the project in order to prioritize completion of the Rugged Road portion of the site.

Description of phases:

Phase One consists of the construction of 18 housing units, Community Building and pool. The units consist of types M-1, M-2, M-3, M-5, M-6, M-7, M-8, M-10, M-11, A-2, A-4, A-5, and A-6. The location of Phase One is the North end of the property along the South side of the main entrance road, now called Wood Lily Road, adjacent to Rugged Road. The Community Building and Pool are located towards the center of the development.

Phase Two consists of the construction of 10 housing units. The units consist of types M-2, M-3, M-5, M-7, M-9, M-12, A-3, A-4 and A-5. The location of Phase Two is the Southwest corner of the property along the Southern entrance road adjacent to Scott's Way.

Phase Three consists of the construction of 11 Housing Units. The units consist of types M-1, M-2, M-3, M-4, M-9, M-11, M-13, A-1 and A-2. The location of Phase Three is the Northwest corner of the property along the Southern entrance road adjacent to Scott's Way.



PHASE ONE

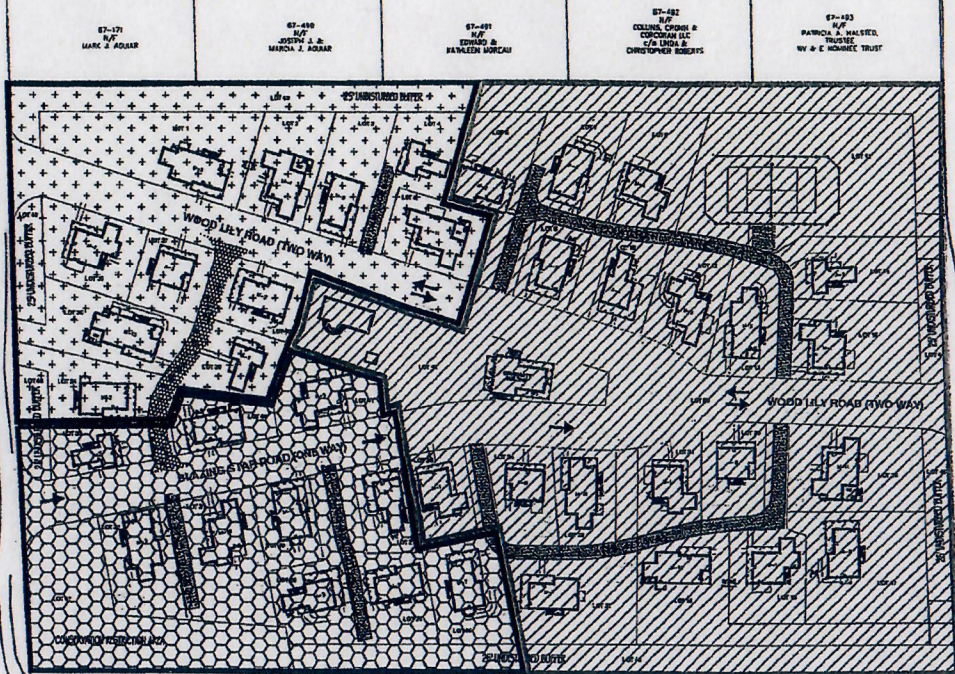


PHASE TWO



PHASE THREE

		25 AVON STREET, POST OFFICE BOX 463 KEENE, NEW HAMPSHIRE 03421-0463 TELEPHONE 603-352-6040 FAX 603-352-6039 BID FAX 603-352-6063	
BEACH PLUM VILLAGE Nantucket, Massachusetts			
REVISED PHASING PLAN			
DRAWN BY: S. MULCAHY		DWG. NO. RUGGEDROADPHASEREVISED	
SCALE: AS NOTED		JOB NO. RUGGEDSCOTT	
		REV. 2	



PHASE ONE



PHASE TWO



PHASE THREE

PLAN
Scale 1:60

		25 AVON STREET, POST OFFICE BOX 463 KEENE, NEW HAMPSHIRE 03431-0463 TELEPHONE: 603-352-6966 FAX: 603-352-6923 BID FAX: 603-352-6663	
BEACH PLUM VILLAGE Nantucket, Massachusetts			
REVISED PHASING PLAN			
DRAWN BY: S. MULCAHY		DWG. NO. RUGGEDROADPHASEREVISED	
SCALE: AS NOTED		JOB NO. RUGGEDSCOTT	
DATE: 8/4/06		PAGE 1 OF 1	
			REV. 2

Email from Lisa Dias

From: Lisa Dias [lpdias@nantucket.net]
Sent: Wednesday, August 23, 2006 7:29 AM
To: 'Josh Posner'
Subject: Phasing Plan

Good Morning, Josh,

We received a copy of the revised Phasing Plan. Thank you for listening to our concerns regarding the initial plan. We support the Revised Phasing Plan.

Additionally, we have no issues with swapping the houses on Lot 8 & 9.

Lisa

--
No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.405 / Virus Database: 268.11.5/425 - Release Date: 8/22/2006

8/31/2006

**Freeman Law Group
Attorneys at Law**

1597 Falmouth Road – Suite 3
Centerville, MA 02632

(508) 775-5010
(508) 775-9105 (fax)

10 Concord Avenue
Cambridge, MA 02138

(617) 876-6128
(617) 576-6612 (fax)

Peter L. Freeman
Joshua Davis
Janet R. Stearns
Meredith K. West
Albert E. Todino

e-mail: pfreeman@freemanlawgroup.com

TO: Nantucket Zoning Board of Appeals
FROM: Peter L. Freeman
DATE: August 27, 2006
RE: Rugged Scott, LLC Comprehensive Permit

This memorandum is intended to supplement my client, Rugged Scott, LLC's request to the Board for approval of certain changes as minor modifications pursuant to 760 CMR 31.03 (30(b)), as set forth in the letter to you from Arthur I. Reade, Jr., Esq., dated August 3, 2006. The two proposed changes are; 1.) reversal of the house designs for Lots 8 and 9, and relocation of the garage for Lot 6; and 2.) modification of the phasing plan for the project.

In my experience with many comprehensive permit projects over the last 20 years (almost 100, at this point), these changes are precisely the kind of changes that are typically treated as minor or insubstantial modifications that can be granted without the need for a public hearing. As to the houses, we are *not* proposing a change in the type of housing or size of houses – we will still have the variety of specific styles of single family houses that have been approved, only the designation of which lot will have which style (switching the ones for Lot 8 and 9) is being changed. The changes will essentially be non-recognizable from the neighborhood streets, and internally, the same pleasing mix that you have already approved will be approved. Likewise, we are not proposing to change any of the minimum yard setbacks that are required by the permit.

The regulations at 760 CMR 31.03 (2) give examples of the types of changes that are ordinarily treated as substantial, and changes that are ordinarily treated as insubstantial. Increasing the number of units, or the height, by more than 10%, or changes in building *types* (not *styles*), i.e., changing from garden apartments to townhouses, or changing from for-sale to rental, are typically treated as substantial changes. We do not fall in this category. The examples of insubstantial changes include a reduction in the number of housing units, a decrease in the floor area of units by less than 10%, a change in the number of bedrooms (if the total number for the project does not change by more than 10%), or a changes in the color or *style* or materials used. We respectfully submit that we are within this category, especially since the styles we are proposing are not really changing, rather, the locations of which lot will have which style are changing.

We also believe that this argument applies to the change in the phasing plan. The overall project will still be precisely as permitted, only the sequence of construction will slightly change. We also believe that the phasing changes will not create any negative impacts but will in fact improve things in that they respond to a specific request from neighbors for this change. In particular, neighbor Lisa Dias has written in support of the proposed changes to the phasing plan. As to neighbors, although based on the regulations and precedent from comprehensive permits in many other towns we do not believe that notice to abutters and a public hearing are required, we want you to know that we are informing the neighbors who were party to the appeal of your initial Decision of our proposed changes, and will invite them to attend the meeting on September 8, 2006.

We believe that the state regulations contemplate this simpler process for minor changes because it is recognized that such changes frequently occur, and to require that the formal notice and public hearing and appeal process be utilized every time would be contrary to the intent and spirit of the comprehensive permit statute, i.e., expediting the creation of affordable housing. The assessment of whether such changes are substantial or insubstantial certainly involves an assessment of whether there is any real chance that the proposed changes could be detrimental to the public, and we believe there is no such chance in this instance. From Mr. Reade I should point out that this is the same basic process used by the Nantucket Planning Board in determining whether a modification is insubstantial or not with respect to a project under their jurisdiction.

In terms of expediting the process, and to place less of a burden on your time, we would also propose that, in addition to your approving these changes as insubstantial, you approve a set of standards that would allow for future changes to house styles or locations to be approved administratively without the need for a hearing or meeting. We are thinking that as long as the required minimum yard setbacks are maintained, as long as we still have all of the different styles of houses represented on the site in the same numbers as presently approved (perhaps with leeway of no more than 10% up or down for any one style), and as long as we do not have the same style of house repeated more than once on adjoining lots, a change or changes meeting the foregoing could be approved by staff, administratively. The causation for all of this, of course, is that now that the realities of marketing are taking place, a buyer who likes a certain lot happens to like a style different than what is presently shown for that lot, and it is of course impossible to have predicted such preferences in advance. Again, we do not believe that any substantive aspects of the permit are being changed.

I hope that this is helpful to you as you consider our requests, and I look forward to seeing you on September 8, 2006.

cc: Kimberly Saillant, Esq.
Arthur I. Reade, Jr., Esq.
Josh Posner

NANTUCKET ZONING BOARD OF APPEALS
AGENDA

MEETING DATE: 1:00 PM, SEPTEMBER 8, 2006 CONFERENCE ROOM, TOWN ANNEX BUILDING, 2 FAIRGROUNDS ROAD, NANTUCKET, MA 02554 (ELECTRIC CO. BLDG.)

APPROVAL OF MINUTES:

OLD BUSINESS:

	LOCATION	REP.	ACTION
051-03	RUGGED SCOTT 40B MODIFICATION REQUEST		C
*CONTINUED FROM AUG. 2006 MEETING; SITTING: NS, DW, MO, KK, DWIL			
057-06	CARLSON 12 WESTERN AVENUE	JENSEN	C
*CONTINUED WITHOUT OPENING FROM JULY/AUG. 2006; APPLICATION WAS AMENDED AND RENOTICEDN FOR THIS MEETING			
067-06	BRYANS 105 SURFSIDE ROAD	READE	C
*TO BE CONTINUED TO OCT. 13, 2006 MEETING WITHOUT OPENING AFTER BEING CONTINUED FROM AUG. 2006 MEETING.			
069-06	NIR RETAIL LLC 2 STRAIGHT WHARF	PHILBRICK	C
*CONTINUED FROM AUG. 2006 MEETING AFTER OPENING; SITTING: NS, DW, KK, DWIL, BT			

NEW BUSINESS:

072-06	FARRELL	77 EEL POINT ROAD	PHILBRICK
073-06	RISEBOROUGH CAMPBELL	3 WEST YORK LANE	HUNTER
074-06	RISEBOROUGH CAMPBELL	7 WEST YORK LANE	HUNTER
075-06	CAMBPELL	5 WEST YORK LANE	HUNTER
076-06	MCGOVERN	32 WALSH STREET	ALGER
077-06	OVESON	22 WIGWAM ROAD	ALGER
078-06	NT. CAMPFIRE	64 MONOMOY ROAD	GLIDDEN
079-06	CHTFIELD-TYLOR	91 WASHINGTON STREET EXT.	GLIDDEN
080-06	KANE FAMILY	14 WARREN STREET	SELF

OTHER BUSINESS:

DUNN/WAINE/ZBA (094-98/060-99), 4 BROAD STREET, LAST CONTINUED WITHOUT OPENING FROM FEBRUARY 14, 2006,

MEMBERS: NANCY SEVRENS (NS); - CHAIR; DALE WAINE (DW) - VP; EDWARD TOOLE (ET) - CLERK; MICHAEL O'MARA (MO); KERIM KOSEATAC (KK).
ALTERNATES: DAVID WILEY (DWIL); BURR TUPPER (BT)

NANTUCKET ZONING BOARD OF APPEALS
AGENDA

MEETING DATE: 1:00 PM, AUGUST 11, 2006, CONFERENCE ROOM, 2 FAIRGROUNDS ROAD,
NANTUCKET, MA 02554 (ELECTRIC CO. BLDG)

APPROVAL OF MINUTES:

<u>OLD BUSINESS:</u>	<u>LOCATION</u>	<u>REP.</u>	<u>ACTION</u>
-----------------------------	------------------------	--------------------	----------------------

RUGGED SCOTT 40B MODIFICATION REQUEST

057-06	CARLSON	12 WESTERN AVENUE	JENSEN	C
*TO BE CONTINUED WITHOUT OPENING TO SEPT. 8, 2006 AFTER BEING CONTINUED FROM JULY MEETING WITHOUT OPENING/MATTER WILL BE RENOTICED				

NEW BUSINESS:

063-06	BENNETT	8 PINE GROVE	SELF
064-06	NHM REALTY LLC	77 EASTON STREET	ALGER
	(POINT BREEZE)		
065-06	PRESTANDREA	30 PILGRIM ROAD	HUNTER
066-06	MACDOUGALL	9 BAYBERRY LANE, SCONSET	READE
067-06	BRYANS	105 SURFSIDE ROAD	READE
*TO BE CONTINUED TO SEPT. 8, 2006 WITHOUT OPENING			
068-06	KNAUFT	18 EAT FIRE SPRING ROAD	WEINMAN
069-06	NIR RETAIL LLC	2 STRAIGHT WHARF	PHILBRICK
070-06	MADDEN/PEARL	21 WAUWINET ROAD	PHILBRICK
071-06	17A WASHINGTON STREET LLC	17A WASHINGTON STREET	GLIDDEN

OTHER BUSINESS:

MEMBERS: NANCY SEVRENS (NS); - CHAIR; DALE WAINE (DW) - VP; C. EDWARD TOOLE (ET) - CLERK; MICHAEL O'MARA (MO); KERIM KOSEATAC (KK).

ALTERNATES: DAVID WILEY (DWIL); BURR TUPPER (BT).

Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER: GESNER DAVID S & JULIE A

MAILING ADDRESS: C/O VDHBS, 2 Whalers Lane, PO BOX
659, Nantuket, MA 02554

PROPERTY LOCATION:..... 6 Fox Grape, Nantucket, MA 02554

ASSESSOR MAP/PARCEL:..... 67/ 8080

SUBMITTED BY:..... Richard P. Beaudette, Esq.

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 1 1 and Zoning Code Chapter 40A, Section 139-29B (2).

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

Date: 2020.12.14 10:45:35 -05'00'

12-14-2020

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
DELFMARK LP	C/O DELPHINE SOURIAN	2633 LINCOLN BLVD #940	SANTA MONICA	CA	90405	10 RUGGED RD
AGUIAR JOSEPH J & MARCIA J		PO BOX 2835	NANTUCKET	MA	02584	68 FAIRGROUNDS RD
BALLING DANIEL & SUSAN		66 FAIRGROUNDS RD	NANTUCKET	MA	02554	66 FAIRGROUNDS RD
HANLON FRANCIS M TR	FM HANLON TRUST	64 FAIRGROUNDS RD	NANTUCKET	MA	02554	64 FAIRGROUNDS RD
LIGHTHOUSE SCHOOL INC		1 RUGGED RD	NANTUCKET	MA	02554	1 RUGGED RD
NANTUCKET LIGHTHOUSE SCHOOL INC		1A RUGGED RD	NANTUCKET	MA	02554	1 A RUGGED RD
BETTY KYLE A & JENNIFER		90 DEAN RD	WESTON	MA	2493	3 WOOD LILY RD
DORFMAN ERIC J & DEBRA J		59 APPLETON PLACE	DOBBS FERRY	NY	10522	5 WOOD LILY RD
KING GREGOIRE M & CABRAL KATHERINE R		1 SCOTCH BROOM PATH	NANTUCKET	MA	02554	1 SCOTCH BROOM PATH
WOOSTER PETER & ANNE B TR	ANNE B & PETER WOOSTER REV LIV TRUST	PO BOX 627	ROSS	CA	94957	7 WOOD LILY RD
DELEON KEITH & TASHA N		249 NORTH WALNUT ST	RIDGEWOOD	NJ	07450	10 FOX GRAPE LN
BRESCHER JESSIE M TR	FOX GRAPE LANE REALTY TRUST	37 CENTER ST	NANTUCKET	MA	02554	8 FOX GRAPE LN
LENANE BRIAN & SUSAN		9 WOOD LILY RD	NANTUCKET	MA	02554	9 WOOD LILY RD
GESNER DAVID S & JULIE A		20 STURBRIDGE RD	WELLESLEY	MA	02481	6 FOX GRAPE LN
WELLINGTON FREDERICK		11 WOOD LILY RD	NANTUCKET	MA	02554	11 WOOD LILY RD
RUGGED SCOTT LLC	C/O RISING TIDE DEVELOPMENT	32 ARLINGTON ST	CAMBRIDGE	MA	02140	4 FOX GRAPE LN
EDELMAN KEITH D & HOWARD C		119 ANDOVER RD	ROCKVILLE CENTER	NY	11570	13 WOOD LILY RD
WILLMOT-SMITH AZRA	C/O FOGGED IN BOOKKEEPING	PO BOX 3531	NANTUCKET	MA	02584-3531	15 WOOD LILY RD
JOHNSON MICHELLE		2 FOX GRAPE LN	NANTUCKET	MA	02554	2 FOX GRAPE LN
ISRAELITE DAVID & MARIE		3911 THORNAPPLE ST	CHEVY CHASE	MD	20815	17 WOOD LILY RD
GOATER JAMES J JR & MARCIE		1065 CONCORD RD	SUDBURY	MA	1776	12 WOOD LILY RD
PLANDOWSKI RUTH M		10 THISTLE WAY	NANTUCKET	MA	02554	10 THISTLE WY
SPERO JOHN M & JENNY		3 BIRCHFIELD ROAD	AMESBURY	MA	01913	8 THISTLE WY
MACUMBER KAREN R		6 THISTLE WY	NANTUCKET	MA	02554	6 THISTLE WY
ROBINSON RICHARD L & ERIN J		PO BOX 2407	NANTUCKET	MA	02584	10 WOOD LILY RD
LEMBO DANIELLE M & MARK E		59 WINDSOR LN	MARSHFIELD	MA	02050	16 BLAZING STAR RD
ATTISTON JACOB A & DANA MARIE		9 CAMBRIDGE CROSSING	AVON	CT	06001	4 THISTLE WY

DELFMARK LP
C/O DELPHINE SOURIAN
2633 LINCOLN BLVD #940
SANTA MONICA, CA 90405

AGUIAR JOSEPH J & MARCIA J
PO BOX 2835
NANTUCKET, MA 02584

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66 FAIRGROUNDS RD
NANTUCKET, MA 02554

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1 RUGGED RD
NANTUCKET, MA 02554

NANTUCKET LIGHTHOUSE SCHOOL INC
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NANTUCKET, MA 02554

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90 DEAN RD
WESTON, MA 2493

DORFMAN ERIC J & DEBRA J
59 APPLETON PLACE
DOBBS FERRY, NY 10522

KING GREGOIRE M & CABRAL
KATHERINE R
1 SCOTCH BROOM PATH
NANTUCKET, MA 02554

WOOSTER PETER & ANNE B TR
ANNE B & PETER WOOSTER REV LIV
TRUST
PO BOX 627
ROSS, CA 94957

DELEON KEITH & TASHA N
249 NORTH WALNUT ST
RIDGEWOOD, NJ 07450

BRESCHER JESSIE M TR
FOX GRAPE LANE REALTY TRUST
37 CENTER ST
NANTUCKET, MA 02554

LENANE BRIAN & SUSAN
9 WOOD LILY RD
NANTUCKET, MA 02554

GESNER DAVID S & JULIE A
20 STURBRIDGE RD
WELLESLEY, MA 02481

WELLINGTON FREDERICK
11 WOOD LILY RD
NANTUCKET, MA 02554

RUGGED SCOTT LLC
C/O RISING TIDE DEVELOPMENT
32 ARLINGTON ST
CAMBRIDGE, MA 02140

EDELMAN KEITH D & HOWARD C
119 ANDOVER RD
ROCKVILLE CENTER, NY 11570

WILLMOT-SMITH AZRA
C/O FOGGED IN BOOKKEEPING
PO BOX 3531
NANTUCKET, MA 02584-3531

JOHNSON MICHELLE
2 FOX GRAPE LN
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ISRAELITE DAVID & MARIE
3911 THORNAPPLE ST
CHEVY CHASE, MD 20815

GOATER JAMES J JR & MARCIE
1065 CONCORD RD
SUDBURY, MA 1776

PLANDOWSKI RUTH M
10 THISTLE WAY
NANTUCKET, MA 02554

SPERO JOHN M & JENNY
3 BIRCHFIELD ROAD
AMESBURY, MA 01913

MACUMBER KAREN R
6 THISTLE WY
NANTUCKET, MA 02554

ROBINSON RICHARD L & ERIN J
PO BOX 2407
NANTUCKET, MA 02584

LEMBO DANIELLE M & MARK E
59 WINDSOR LN
MARSHFIELD, MA 02050

BATTISTON JACOB A & DANA MARIE
9 CAMBRIDGE CROSSING
AVON, CT 06001

CUNEO ANDREW & LAUREN
3 OWENOKE WAY
RIVERSIDE, CT 06878

WATTY SHAMALA
12 BLAZING STAR ROAD
NANTUCKET, MA 02554

WILLIAMS DIANNE K & CHRISTOPHER B
114 MERRIAM ST
WESTON, MA 2493

GREENSTEIN RANDY & KAREN G
3 SKINNER LN
LYNNEFIELD, MA 01940

ZEKAS SIMONAS & EDITA
8 BLAZING STAR RD
NANTUCKET, MA 02554

SHAPIRO DAVID A & WOO JULIANNE
19 PINE HILL LANE
SUDBURY, MA 1776

MAURY DUSTIN
54 OLD SOUTH RD
NANTUCKET, MA 02554

WINIKOFF BENJAMIN & LYNN
355 EAGLE DRIVE
JUPITER, FL 33477

RUGGED SCOTT LLC
C/O RISING TIDE DEVELOPMENT
32 ARLINGTON ST
CAMBRIDGE, MA 02140

RUGGED SCOTT LLC
C/O RISING TIDE DEVELOPMENT
CAMBRIDGE, MA 02140

**MATERIALS
PROVIDED BY
STAFF
TO SUPPLEMENT
REQUEST FROM
DAVID & JULIE GESNER
ZBA No. 051-03**

**LOT 9
6 FOX GRAPE LANE
MAP 67 PARCEL 808**

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT



Mitt Romney, Governor
Kerry Healey, Lt. Governor
Jane Wallis Gumble, Director

HOUSING APPEALS COMMITTEE

Werner Lohe, Chairman
Shelagh Ellman-Pearl, Hearing Officer
Robert Dickens Smith, Research Counsel
Lorraine Nessar, Clerk
617-573-1520



2006 00000775

Bk: 1010 Pg: 1 Page: 1 of 44
Doc: AGR 03/10/2006 02:25 PM

CERTIFICATION OF THE PUBLIC RECORD

I certify and attest that the attached copy of the filed Agreement and Stipulation for Entry of Judgment in the case of Rugged Scott, LLC v. Nantucket Board of Appeals, No. 2004-13, which I have initialed and dated, is a true copy of the document filed with the records of the Housing Appeals Committee.

In WITNESS WHEREOF I have hereunto set my hand and seal.

02/02/06

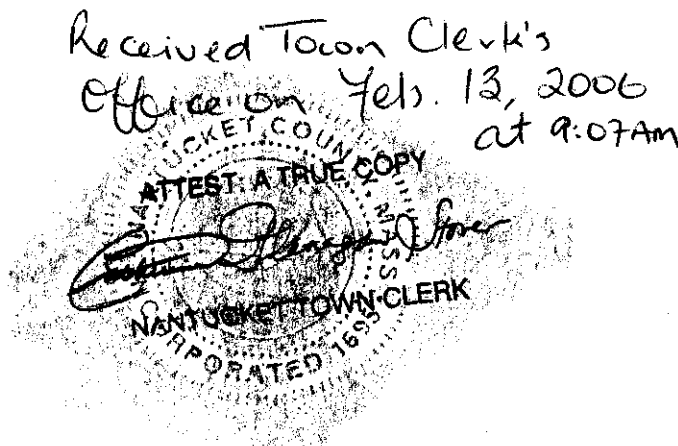
(Date)

Lorraine Nessar

Lorraine Nessar, Clerk
Keeper of the Records
Housing Appeals Committee

N.b. Research shows that physical seal is unnecessary, even though it says "hand and seal".

100 Cambridge Street, 3rd Floor
Boston, Massachusetts 02114
Phone: 617-573-1520 Fax: 617-573-1515
www.mass.gov/dhcd/components/hac



COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

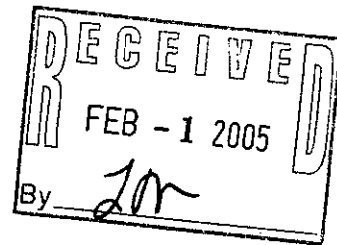
HOUSING APPEALS COMMITTEE
DOCKET NO. 04-13

RUGGED SCOTT LLC, Appellant
v.

TOWN OF NANTUCKET
ZONING BOARD OF
APPEALS, Appellee

and

LISA DIAS, Intervenor



AGREEMENT AND STIPULATION FOR ENTRY OF JUDGMENT

Now come Rugged Scott, LLC ("Rugged Scott") and the Town of Nantucket Zoning Board of Appeals ("the Board"), the Appellant and Appellee in the above-entitled action (the "parties"), and stipulate and agree that the Housing Appeals Committee shall enter a Decision on Stipulation and/or other Order approving the attached "Town of Nantucket Zoning Board of Appeals File No. 051-03 Decision on Application of Rugged Scott LLC As Modified Pursuant to the 'Agreement and Stipulation for Entry of Judgment' in Housing Appeals Committee Docket No. 04-13" (the "Modified Decision") as the Comprehensive Permit for this project.

I. **GRANT OF COMPREHENSIVE PERMIT**

The parties agree that by entering into this Agreement and Stipulation for Entry of Judgment, through the execution hereof by their respective counsel, they agree to, and are

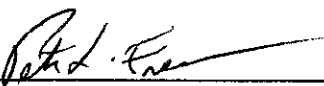
Jm
02-01-06

bound by the terms of the Modified Decision, whether or not this Agreement and Stipulation for Entry of Judgment is approved by the Housing Appeals Committee.

II. BINDING AGREEMENT

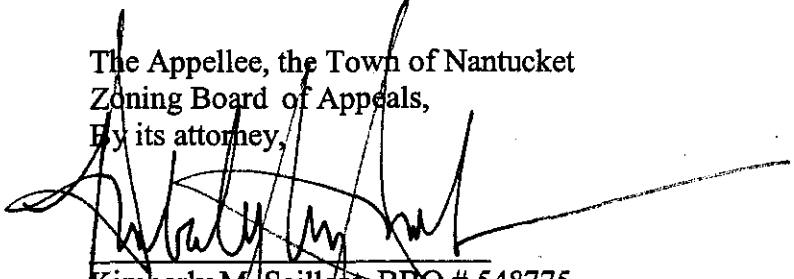
This Agreement and Stipulation for Entry of Judgment shall be enforceable as a Decision, Order, and/or Judgment of the Housing Appeals Committee, shall not be extinguished by merger as a result of incorporation in such Decision, Order and/or Judgment, shall in all events survive such Decision, Order and/or Judgment and be forever binding upon the parties, their heirs, successors and assigns; and shall retain its independent legal significance as a legally enforceable Agreement, whether or not approved by the Housing Appeals Committee. The parties agree that they will not appeal said Decision, Order, and/or Judgment, expressly waiving any right of appeal, whether statutory or otherwise, and acknowledge that they have been fully represented by counsel and informed of their rights, and that they have voluntarily entered into this Agreement and Stipulation for Entry of Judgment.

The Appellant,
Rugged Scott, LLC
By its Attorney,



Peter L. Freeman
BBO # 179140
Freeman Law Group
86 Willow Street – Suite 6
Yarmouthport, MA. 02675
508-362-4700

The Appellee, the Town of Nantucket
Zoning Board of Appeals,
By its attorney,



Kimberly M. Saillant, BBO # 548775
Deutsch Williams/Brooks
DeRensis & Holland
99 Summer Street
Boston, MA 02110
617-951-2300

APPROVED:

Housing Appeals Committee,

Date: _____

Werner Lohe, Chairman

Shelagh Ellman-Pearl, Hearing Officer

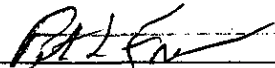
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CERTIFICATE OF SERVICE

I, Peter L. Freeman, do hereby certify that this day I served a true copy of the within Joint Motion of Appellant and Appellee to Adopt Agreement and Stipulation for Entry of Judgment, and to Stay Proceedings Pending Consideration of Motion and Agreement and Stipulation for Entry of Judgment by mailing same first class mail, postage paid to:

Jonathan D. Witten, Esquire
Daley and Witten, LLC
156 Duck Hill Road
Duxbury, MA 02332

Kimberly Saillant, Esquire
Duetsch Williams PC
99 Summer Street
Boston, MA 02110


Peter L. Freeman

DATED: February 1, 2005

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**TOWN OF NANTUCKET
ZONING BOARD OF APPEALS
FILE NO. 051-03**

DECISION ON APPLICATION OF RUGGED SCOTT LLC

**AS MODIFIED PURSUANT TO THE "AGREEMENT AND STIPULATION FOR
ENTRY OF JUDGMENT" IN HOUSING APPEALS COMMITTEE DOCKET NO.
04-13**

**COMPREHENSIVE PERMIT
FOR THE RUGGED SCOTT LLC DEVELOPMENT
15, 19 Rugged Road and 6, 8 Scott's Way (aka Scotts Way)
Assessor's Map 67, Parcels 170, 170.1, 170.2 and 170.3, Plan Book 21, Page 106, Lots 19A,
19B, 19C and 19D, Deed Reference 761/53, zoned Limited-Use-General-2**

I. BACKGROUND OF APPLICATION

An application for a Comprehensive Permit pursuant to Massachusetts General Laws ("MGL") Chapter 40B, Sections (§) 20-23 ("the statute") for 72 units of housing was filed with the Nantucket Zoning Board of Appeals ("the ZBA") by Rugged Scott LLC (the "Applicant" hereinafter) on April 30, 2003. The Applicant agreed that the initial Public Hearing could be scheduled for July 31, 2003 and granted an extension, which was duly filed with the Nantucket Town Clerk. The location of the property that is the subject of this application is four separate parcels at 15 and 19 Rugged Road and 6 and 8 Scott's Way. Notice of the Public Hearing on the Application was duly posted in the Town and County Building, was mailed to the Applicant, abutters, owners of land directly opposite on any public or private street or way, abutters to the abutters within three hundred feet of the property lines of the subject property, the Nantucket Planning Board and other Town Agencies, and was published in the Nantucket *Inquirer and Mirror* newspaper on July 10 and 17, 2003. A Public Hearing on the Application was first held in the Large Group Instruction Room of the Nantucket High School, 10 Surfside Road, Nantucket, Massachusetts at 6:00 PM on July 31, 2003, and was continued to September 25, 2003, October 30, 2003, November 20, 2003, December 17, 2003, January 29, 2004, February 19, 2004, and again to March 17, 2004, during which the ZBA, the neighbors, and other concerned parties discussed changes to the plan with the Applicant. The public hearing was closed on March 17, 2004. The ZBA was assisted by Mr. Edward Marchant, a consultant, hired to advise on the 40B statute and procedural questions. The ZBA also received a report from the Nantucket Planning Board, dated October 27, 2003, which commented on requested waivers, traffic issues, density, lot layout, housing type and location. The members of the ZBA hearing this application were Mr. Edward J. Sanford, Chairman, Mr. C. Richard Loftin, Mr. Edward Murphy, Mrs. Nancy J. Sevrens, and Mr. David R. Wiley.

The ZBA has adopted no local rules and regulations governing applications filed pursuant to MGL Chapter 40B, and accordingly, the model rules prepared by the Commonwealth of Massachusetts, Department of Housing and Community Development (DHCD), are the rules applicable to this Application.

The Public Record of this Decision includes, but is not limited to, the Application, including reports, plans, and specifications, supplemental materials listed in Exhibit B; the correspondence between the Applicant and the ZBA, agency and peer review reports, written material received during the public process; and such other information on file with the ZBA at the Nantucket Zoning Board of Appeals office.

The ZBA issued a Decision on this Application dated May 25, 2004, granting a Comprehensive Permit for construction of forty (40) units, with numerous conditions. The Applicant appealed the Decision to the Commonwealth of Massachusetts Housing Appeals Committee (Docket No. 04-13); and there was also an appeal of the Decision in Nantucket Superior Court (Lisa P. Dias, and Kenneth F. Dias and Lisa P. Dias as Trustees of Daisey

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Nominee Trust, and Peter Paul Meerbergen, and Nantucket Land Council, Inc., Plaintiffs, v. Town of Nantucket Zoning Board of Appeals, et al, Nantucket Superior Court Civil Docket No. 04-15.

This modified Decision restates the original Decision in its entirety, but with the revisions that have been agreed to between the ZBA and the Applicant, with the intention that this modified Decision shall be attached to the "Agreement and Stipulation for Entry of Judgment" signed by counsel for the Applicant and the ZBA and submitted to the Housing Appeals Committee in full settlement of the Applicant's appeal to the Housing Appeals Committee.

II. BACKGROUND OF MGL CHAPTER 40B

This is an application, pursuant to MGL Chapter 40B, § 20-23, for a Comprehensive Permit for the construction of 72 dwelling units in single-family and duplex structures. During the public hearing, the ZBA voted 3-2, with Sanford, Sevens, Murphy in favor and Loftin and Wiley opposed, on January 29, 2004, to support a maximum of 40 dwelling units consisting of 26 market-rate, ten (10) affordable (see III,B(2) below). Such revision eliminated 32 dwelling units from the original application due to density concerns and based on housing needs. The unit program was further modified during negotiations that resulted in the full settlement of the Applicant's appeal of the May 25, 2004 ZBA decision to consist of a maximum of 44 dwelling units including eleven (11) affordable and 33 market rate units. All units will be detached single-family homes in fee simple ownership, which the ZBA found to be consistent with the neighborhood. The housing is proposed pursuant to the Housing Starts Program of the Mass Housing Finance Agency (MHFA). 25% of the units or eleven units will be sold to households whose annual incomes do not exceed 80% of the annual median income for Nantucket as defined by the U.S. Department of Housing and Urban Development ("HUD"), with no more than 30% of their annual income going toward their interest and principal mortgage payments, real estate taxes, insurance, private mortgage insurance and any homeowners' association fees, hereinafter referred to as the "affordable units".

III. THE PUBLIC HEARING

A. Jurisdictional Requirements

At the first Public Hearing, Mr. Marchant gave a detailed presentation regarding the MGL Chapter 40B process and the floor was open for questions from the public. Mr. Marchant explained how the Applicant satisfied the jurisdictional requirements of the statute (see D. Findings of Fact, below) as well as the ZBA's role as the local permitting granting authority.

B. Project Description

The Applicant, represented by Mr. Joshua Posner, principal, outlined the Rugged Scott LLC Development proposal, with the assistance of the Applicant's consulting architect, Mr. Christopher Dalmus, AIA, of Design Associates, Inc.; consulting engineer, Mr. Dan Malloy, PE, Senior Project Manager of Cullinan Engineering, Inc; and the Applicant's counsel, Mr. Arthur Reade. As previously stated, the initial project proposed the construction of 72 dwelling units in single-family and duplex structures.

1.) Physical Characteristics

The land is a 10.0 +/- acre, vacant, wooded, site. The surrounding area is residential. Immediately abutting properties to the east and west contain single-family dwellings and outbuildings on lots of 50,000 to 80,000 square feet or greater. These properties are within the Limited-Use General-2 (LUG-2) zoning district, as is the subject site. To the north of the site, immediately across a paved private way, known as Rugged Road, is an area zoned Residential-2 (R-2) with a minimum lot size requirement of 20,000 square feet. Most lots in the area have been improved with single-family dwellings. To the south, across a separate dirt, private way, known as Scott's Way, is a 66.7 +/- acre, wooded, tract of land that is part of a Boy Scout camp. The site is level and the underlying soil type is "Evesboro association" according to the Soil Survey of Nantucket County Massachusetts. It is described as "Nearly level and gently sloping, excessively

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drained, sandy soils formed in outwash deposits." There is a sewer line and water line proximate the Locus on Rugged Road.

2.) **Affordability**

The proposed prices for the eleven (11) affordable units are estimated to be approximately between \$218,000 and \$235,000 for the three (3) and four (4) bedroom homes, respectively, based upon current income guide-lines and the pro forma submitted by the Applicant dated July 28, 2003. The maximum sales price would be based upon an assumption that no more than 30% of their annual income would be used for interest and principal mortgage payments, real estate taxes, insurance, private mortgage insurance and any Homeowners' Association fees.

Final prices for the affordable units shall be established in accordance with State regulations and NHNC requirements prior to unit marketing based upon pertinent income data and MassHousing or, if applicable, in accordance with the appropriate DHCD Guidelines for "Housing Programs in which Funding is Provided Through a Non-governmental Entity" in effect at the time the initial lottery is done. A "window of affordability" shall be created for the eleven (11) affordable units in that, although household eligibility will be based upon 80% or less of median family income, the initial sales prices for the eleven (11) affordable units will be established by assuming that household median family income is no greater than 70% of median family income.

C. **Public Comment**

At each session of the Public Hearing, the ZBA asked for public comment. Many residents from the surrounding area and other interested parties spoke at various times. They expressed concerns about density, traffic, drainage, site plan design, noise, and other "quality of life" issues. The ZBA also received many questions about the pro forma and the ability of the development to maintain long-term affordability.

In addition to input from several pertinent Town departments, including a report from the Nantucket Planning Board, dated October 27, 2003, which commented and made recommendations on the requested waivers, traffic issues, density, lot layout, housing type, buffers and location, the ZBA retained two (2) engineering firms at the Applicant's expense to conduct a peer review of the traffic and engineering submittals. The engineering peer review report submitted by Horsley and Witten, the ZBA's engineering consultant, is dated July 3, 2003, revised July 25, 2003 and updated March 26, 2004, and the traffic peer review report by Rizzo and Associates, the ZBA's traffic consultant, is dated October 2, 2003 and updated October 21, 2003.

D. **Findings of Fact**

1. **The ZBA has jurisdiction to issue a comprehensive permit in accordance with the Act, in accordance with the following:**
 - a. The Applicant, Rugged Scott LLC, is a limited dividend corporation within the meaning of the Act.
 - b. The MassHousing Housing Starts Program (the "Program") has been accepted as an eligible program under the Act by the Housing Appeals Committee. The Applicant proposes to fund the project with funding from MassHousing. The Applicant has received a Project Eligibility letter, pursuant to 760 CMR 31.01 (2), for the project from MassHousing; therefore, the Applicant fulfills the requirement of 760 CMR 31.01(1)(b) that: "The project shall be fundable by a subsidizing agency under a low and moderate income subsidy program." Thus, the project complies with the regulations concerning fundability by a subsidizing agency. Construction financing by a private bank lender

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operating under the New England Fund program of the Federal Home Loan Bank of Boston may be allowed provided that MassHousing remains the Project Administrator overseeing enforcement of the terms of the Regulatory and Monitoring Agreements and written permission from MassHousing and DHCD is received.

The Applicant has demonstrated that it has control of the property by providing the ZBA with a copy of the deed conveying the title in the property from Steven C. Jemison, aka Stephen C. Jemison, to the Applicant, Rugged Scott LLC c/o Rising Tide Development LLC, dated June 8, 2000, and recorded at the Nantucket Registry of Deeds, Deed Book 761, Page 53.

2. The Project is consistent with local needs:

- a. Based on the statistics maintained by DHCD and presented by the Applicant, the Town has fallen significantly short (only 2.48%) of the goal of 10% of its year-round housing units dedicated to low and moderate-income level households. This is despite the fact that the Town and Nantucket Housing Authority (NHA) has produced 100 units of MGL Chapter 40B eligible housing based upon the DHCD inventory dated October 1, 2001 updated to April 24, 2002, and there have been numerous housing initiatives, including actions taken at recent Annual Town Meetings, all in an effort to meet the substantial community need for housing.
- b. Although the proposed density is significantly above that allowed by the current zoning district (LUG-2), the ZBA finds both higher and lower actual density within the area. The ZBA required modifications including a 39% decrease in the number of units, restriction of one dwelling unit per lot, creation of meaningful buffer areas, a 50-foot building setback line and other site changes agreed upon with the Applicant through the public hearing and meeting process that have significantly reduced and/or mitigated the impacts to the neighborhood.

3. The Project raises significant local health and safety issues:

- a. The Project must rely on municipal sewer and water service in order to support the density of development proposed by the Applicant. The project is within the Public Wellhead Recharge Overlay District. If on-site septic systems were proposed, the project would have an adverse impact on the Island's sole source aquifer. The nearest connections to public water and sewer are adjacent to the site, however the existing sewer line has reached capacity at a location far from the site at Newtown Road (a.k.a. New Town Road). The existing sewer line cannot receive substantial amounts of additional flow and a bypass sewer line needs to be constructed between Newtown Road (a.k.a. New Town Road) to a point near the Rotary. Construction of this bypass sewer line is essential to the issuance of a building permit for this project.

There are no constructed pedestrian facilities along Scott's Way, a dirt road. The nearest interconnected pedestrian and bicycle path is on Surfside Road although a planned facility along Fairgrounds Road is anticipated in the near future. The lack of these facilities is deemed to be an unsafe situation for

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pedestrians and bicyclists given the level of vehicular traffic proposed for the site. Although a combined bicycle and pedestrian path along the north side of Rugged Road exists, which path was installed as a condition of the nearby 19-lot "Seikinnow Place" subdivision, the path would be inadequate to serve the needs of the future residents of the area. As with any comparable subdivision, sidewalks through the site are necessary to ensure pedestrian and bicycle safety. Scott's Way must be upgraded from its current condition to accommodate the additional traffic generated from this development.

- b. To mitigate the traffic impacts identified in b., above, the ZBA believes that construction of interior sidewalks, construction of Scott's Way and an extension of a bike path along Scott's Way are minimum requirements necessary to ensure vehicular, pedestrian, and bicycle safety to and from the site. In addition, off-site improvements are warranted because of the project's impact on traffic in the immediate area. The ZBA hereby requires the contribution of \$35,555* to be placed in a segregated account prior to the issuance of a building permit, administered by the ZBA or its designee, for traffic mitigation measures within a one-mile radius of the site.

* Calculated as follows: \$24,000=Cost of Bus Pull Out
 \$40,000=Cost of Fairgrounds Road/Old South Road Intersection Reconstruction
 \$64,000 x 40/72 (unit reduction)=\$35,555
 Source of Costs: 3/17/04 Memo, Nantucket Electric Land Purchase by Doug Unruh

E. ZBA Discussion and Vote

After ZBA discussion at its meeting held on May 24, 2004, a Motion was made by Edward Murphy, seconded by C. Richard Loftin, to approve the Comprehensive Permit, and to allow only those exceptions from the Nantucket local By-laws and regulations, as shown on Exhibit A attached hereto and incorporated herein by reference, and to incorporate CONDITIONS into the Comprehensive Permit. The ZBA finds that relaxing certain restrictions are necessary to ensure affordability, but that the following conditions and restrictions are necessary to protect the public health, safety and environment and that such conditions and restrictions would not make the project uneconomic.

CONDITIONS

1. General

- 1.1 The Project shall be constructed in substantial compliance with the following plans of record subject to final revisions as stated herein. Any deviation, ruled by the ZBA to be substantial, from these plans and/or directly related conditions and documents shall be a modification of this Comprehensive Permit by the ZBA as set forth in 760 CMR 31.03.
- "Conceptual Plan" (4 sheets) dated April 28, 2003 by Weinmayr Associates, Inc.
 - "PRELIMINARY COMPREHENSIVE PERMIT PLANS, PROPOSED HOUSING FOR RUGGED ROAD AND SCOTTS WAY" (6 sheets) by Cullinan Engineering Co., Inc., dated April 30, 2003.
 - OVERALL LAYOUT PLAN, PROPOSED HOUSING FOR RUGGED ROAD AND SCOTTS WAY" (1 sheet) by Cullinan Engineering Co., Inc., dated September 24, 2003.
 - Drawing D15.28 "conceptual plan" dated February 17, 2004 and "mark-up" dated February 19, 2004 by Weinmayr Associates, Inc.
 - "Comprehensive Permit Application for Rising Tide LLC by Design Associates, Inc., dated April 2, 2003, (3 sheets)

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- 1.2 Revisions to plans. The following revisions shall be made to the plans to be submitted to the ZBA for final approval as required by 4.1 below:
- 1.2.1 The project shall be limited to no more than 44 detached, single-family dwelling units, 33 market rate units and, eleven (11) restricted to households at or below 80% of median family income as defined by HUD all held in fee simple. Total bedrooms for the site shall not exceed 155 and no unit shall have more than four (4) bedrooms. Total square footage (not including garages, basements and clubhouse) shall not exceed 85,500 square feet of habitable space. The clubhouse shall be limited to a maximum ground cover of 2,500 square feet. All plans, building schedules, etc. will be amended so as to address these limits.
 - 1.2.2 The final plan will show Road "A", Road "B", Road "C" and Road "E"; with Road "D" being eliminated. Roads "A", "B", and "E" will be fee-simple lots to be conveyed to the Homeowners Association (see 3.1). Road "C" will be an easement. The Roads shall be designated with names to be approved by the ZBA on the final plans.
 - 1.2.3 Road "A" shall be constructed to a width of 24 feet between curbs except (1) between its intersection with Rugged Road to its intersection with Road "E" and, (2) between its intersection with Scott's Way to its intersection with Road "C". In these two areas, the width shall be 20 feet between curbs and the pavement shall be marked with a "no parking" yellow line on both sides of the road. The western side of Road "A" shall be appropriately marked as "no parking." Additional signage may be required at the discretion of the ZBA.
 - 1.2.4 Road "B" shall be constructed to a width of 18 feet between curbs and the pavement shall be marked with a "no parking" yellow line on the eastern side of the road and both sides of the road between Scott's Way and Road "C". Additional signage may be required at the discretion of the ZBA.
 - 1.2.5 Road "C" shall be paved, 16 feet in width, similar to Roads "A" and "B".
 - 1.2.6 Twenty-five-foot wide perimeter lots to be owned by the Association, comprising a "no-disturb" buffer area as further discussed at 2.7 below, shall be shown upon the final plan.
 - 1.2.7 Interior sidewalks shall be constructed of brick pavers.
 - 1.2.8 Driveway aprons shall be shown on the plans.
 - 1.2.9 All parking areas shall be identified including the designation of all impervious improvements.
 - 1.2.10 The final plans shall show a "hybrid" drainage system that incorporates the use of vegetative swales to the extent practicable and without the necessity of impacting proposed "no disturb" buffer areas or existing trees. The ZBA must receive final comments from the ZBA's consulting engineers and the Wannacomet Water Company reviewing the adequacy of the final drainage system design.
- 1.3 Subsequent to the end of all applicable appeal periods and prior to the commencement of construction, the Applicant shall record this Decision in the Nan-

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tucket Registry of Deeds senior to any other liens on the property, and shall provide the ZBA and the Building Department, including the Zoning Enforcement Officer, with documentation of the filing of this Decision or a copy of the Decision with all recording information thereon.

- 1.4 The Applicant shall submit to the Historic District Commission ("HDC") the items listed in 4.1 a., f., g. and h. of this Decision and all information normally submitted to the HDC for a Certificate of Appropriateness ("COA") no later than 60 days prior to submitting the above plans to the ZBA. The Applicant shall meet in a reasonable manner with the HDC and make best efforts to satisfy HDC suggestions, requests and comments. The Applicant shall request in writing that the HDC prepare a formal comment letter for submission to the ZBA. Assuming that the HDC is willing to submit such a letter, the ZBA will review all HDC comments and make a Decision related to incorporating some or all of the HDC comments into the final plans. The ZBA retains final review authority on HDC-related design parameters on the above listed final plans and other documents relating to the initial permitting of the subject project.

The Applicant shall submit final architectural plans approved by the ZBA for the structures that are part of the project to the Building Department and the HDC. Final occupancy of all structures shall require a Certificate of Occupancy issued by the Building Department. The Applicant shall request inspections of completed buildings by the HDC staff and the ZBA hereby designates HDC staff as its agent to sign-off on the building permit card, confirming that the structure meets the requirements of the final ZBA approved plans.

After the issuance of a building permit, the ZBA hereby designates the HDC to review and approve any changes in accordance with their normal reviews that are not inconsistent with the original ZBA approval, by issuance of a COA.

- 1.5 This Comprehensive Permit shall not be transferable without the prior written approval of the ZBA.
- 1.6 The Applicant shall not cause any further site disturbance until all permits pursuant to 1.9 below have been issued and no tree removal, grading or layout, construction of roadways, drainage or other site disturbance shall be undertaken prior to the receipt of final approval of all required plans and legal documents required herein including but not limited to conditions contained in 1.2, 1.3, 1.4, 2.1, 2.2, 4.1, and 4.7, and the completion of any applicable appeal periods and/or the conclusion of any appeal(s) or legal action(s) except for:
- (1) Surveying activities at the perimeter of the site;
 - (2) Those activities necessary to conduct the endangered species study required by 1.9 below. Additional site testing of soil types and archaeology may commence, subject to the above conditions regarding tree removal/alteration.
 - (3) Other related testing, the exact nature of which is not known, but is related to environmental/archaeological/historic resource issues, may also occur subject to prior written notification to the ZBA to commencement of such disturbance.

The Applicant shall utilize the least intrusive means to conduct the activities described above such as hand-auger test pits. The Applicant shall not cause any trees greater than 4-inch caliper or 5 feet in height to be removed or significantly altered for the above-described activities. Minor, minimal removal of branches and shrubs for surveying sight lines and as part of on-site investigation shall be the only disturbance to the existing vegetation.

As a condition of this approval, the Applicant shall exercise care to not impact the intent of the "no disturb" buffer area's purpose of protecting adjacent residences from the visual and noise impacts by excessively trimming trees or trampling low-

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lying shrubs and brush. The ZBA reserves the right to require additional screening, including but not limited to the planting of new trees and/or shrubs beyond those required by 2.7 below, if it is presented with evidence that these above conditions have been violated.

The Applicant shall retain mature, healthy trees, as is practicable, within the general area to be disturbed by roadway and house construction consistent with the landscape plan required by 4.1g.

- 1.7 Except to the extent modified by the conditions, the Applicant shall be bound by the submissions contained in the Application (as revised) for approval and shall be bound by the representations made by it, or on its behalf, at the public hearings and meetings held to consider the granting of this permit.
- 1.8 The terms, provisions, and conditions of this Decision shall bind, burden, and benefit the successors and assigns of the Applicant and run with the land.
- 1.9 The Applicant shall provide the following permits and/or documentation of compliance with the following environmental programs and or requirements before any site clearing:
 - Massachusetts Historical Commission (MHC)
 - Sewer Extension Permit, Department of Environmental Protection (DEP)
 - Massachusetts Environmental Policy Act (MEPA)
 - Massachusetts Endangered Species Act (MESA)
 - Environmental Protection Agency (EPA)

It is a condition of this Decision that the above listed State and/or Federal requirements shall be met by the Applicant.

2. Programmatic Issues

- 2.1 The Applicant must identify an independent monitoring agent, acceptable to the ZBA, to monitor the project, pursuant to the Regulatory Agreement described in 2.2 below. The Applicant shall bear all reasonable costs for the monitoring agent's contract/services. The Nantucket Housing Office (NHO) as designated by the Nantucket Housing Authority (NHA) and/or the Citizens' Housing and Planning Association, of Boston, Massachusetts ("CHAPA") have been identified by the Applicant as potential monitoring agents, and either is acceptable to the ZBA.
- 2.2 The Applicant, the ZBA, and NHA-NHO/CHAPA, shall execute a Regulatory Agreement, subject to the review and approval of Town Counsel prior to recording in the Nantucket Registry of Deeds, which shall incorporate without limitation the following conditions as to affordability:
 - a.) Twenty-five (25%) percent of the units shall remain affordable in perpetuity or for as long as the project does not comply with local requirements, whichever is longer. Except as hereinafter stated, such units shall be sold to households whose annual income, adjusted for family size, does not exceed 80% percent of the median family income for Nantucket as defined by HUD. A Deed Rider, subject to the review and approval of Town Counsel, shall be executed and recorded for each

affordable unit. Applicant agrees that prior to the closing of the first affordable unit, Applicant will modify the form of Deed Rider used for the affordable units to include any additional reasonable provisions that will further protect the long-term affordability of the affordable unit, if such language is provided to the Applicant by the monitoring agent and/or ZBA in a timely manner. The purpose of this condition is to ensure that

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the actual Deed Rider used and recorded reflects the then current "state-of-the-art" for such deed riders to ensure that affordable units are protected for the longest possible legal period and to minimize the risk that such homes may be lost for any reason as an affordable housing resource.

- b.) The affordable units shall be marketed and sold to the fullest extent legally permissible, with preference for Nantucket residents, with monitoring of the lottery process by the ZBA or its designee.
 - c.) Any mortgage loan to an affordable unit owner/buyer that is secured by any of the eleven (11) affordable units shall be subject to the perpetual MGL Chapter 40B affordability requirement that is a fundamental condition of this Comprehensive Permit, unless Applicant/owner/buyer can demonstrate to the ZBA through clear and convincing evidence that this requirement prevents affordable unit buyers from securing reasonable mortgage loan financing satisfactory to allow the timely sale of the affordable units, despite Applicant's/owner's/buyer's best efforts to identify acceptable lenders willing to make such subordinated loans. Best efforts by the Applicant/owner/buyer would have to include earnest and timely discussions with local lenders, particularly with those that have participated as mortgage lenders in the NHNC program.
- 2.3 Prior to the start of construction, the Applicant shall record the aforesaid Regulatory Agreement, after execution by all required parties, at the Nantucket Registry of Deeds, with a marginal reference to the deed or deeds for the Locus to the Applicant.
 - 2.4 Applicant shall submit an audited cost certification of all revenues and expenses, including any rebates received from suppliers, prepared by a Certified Public Accountant acceptable to the Monitoring Agent. Such cost certification shall comply with the requirements established by the Monitoring Agent in conformance with MGL 40B guidelines.
 - 2.5 The Applicant shall employ no fewer than six (6) distinct styles of homes in accordance with a chart submitted by the Applicant entitled "Unit Program" dated February 19, 2004 (see Exhibit E, the "Chart"). Although the chart shows only four (4) styles, there will be distinctions among the designs subject to final approval by the ZBA. The units will generally correspond to the unit sizes contained in the Chart. No three-bedroom unit shall be less than 1200 square feet of habitable area (not including basements or garages) or any unit greater than 2700 square feet of habitable area (not including basements or garages). The unit styles shall be distributed to avoid a concentration of styles in any particular location. There shall be no more than ten (10) dwellings of any style home. There will be no "Cottage Type E" affordable units but a minimum of one (1) and a maximum of four (4) of the remaining three (3) styles of each home design shall be employed for affordable units.
 - 2.6 All units shall consist of individual lots owned in fee simple and approximately 4,000 to 15,000 sq. ft in lot area, each improved with one single-family dwelling. All lots shall have a minimum of 20 feet of frontage on a road or way. Lots with frontage on Rugged Road or Scott's Way shall be restricted from constructing any driveway access directly to Scott's Way or Rugged Road. Front-yard setbacks shall be a minimum of five (5) feet and a maximum of ten (10) feet with a minimum clearance of five (5) feet from the edge of any sidewalk for those lots fronting on Roads "A" and "B", except for those lots that the ZBA designates a waiver from this setback requirement on the final plans. It is expected that the Applicant may propose a small number of lots with larger front yard setbacks as shown on the "Drawing D15.28 (see 1.1). Minimum side/rear yard setbacks shall

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be five (5) feet, except for those lots affected by a 50-foot building setback line (see 2.8 below). Maximum ground cover on each lot shall be 30%. No more than 40% or a maximum of 2500 square feet of impervious surface (which includes the dwelling units), whichever is less, shall be allowed on any lot. Each lot shall be restricted to one dwelling unit only, except for the clubhouse/pool/lawn/tennis facility lot, which shall be restricted to no dwelling units.

- 2.7 The "no disturb" buffer area lots described in 1.2.6 above shall be a minimum of 25 feet in depth from the adjoining property lines and a minimum of 25 feet in depth from Rugged Road and Scott's Way, exempting the Road lots and lots that have "reverse frontage" as shown on the final site plan. The "no disturb" buffer area lots shall be considered permanently protected open space consistent with MGL Chapter 40A § 9.

Based upon the information presented, the ZBA determines that an adequate buffer standard should be at least one (1) tree per ten (10) linear feet of the "no disturb" buffer area perimeter, said trees being a minimum height of five (5) feet and minimum caliper of three (3) inches. Planting should occur within or at the edges of the "no disturb" buffer areas as directed by the ZBA or its designee. The total required planting of new trees based on a perimeter measurement (2,729.98 feet) minus the Road lots (3 Road lots, Road "A" at Scott's Way and Rugged Road, Road "B") $\times 40 \text{ ft} = 120 \text{ ft}$, is 261 trees (2,609.98 feet $\times 1 \text{ tree}/10 \text{ feet} = 260.98$). Trees shall be planted in a natural pattern, shall be offset where appropriate and are meant to supplement existing, mature vegetation. This condition shall be incorporated into the final landscaping plan required by 4.1 g. The ZBA reserves the right to alter any aspect of this standard and vary tree sizes and locations based upon a review of the detailed final landscape plan.

The Applicant shall stake the proposed locations for these required trees for review with the goal being to maximize the screening between the easterly and westerly properties and the proposed houses from Rugged Road. The final landscaping plan and a schedule for the planting of all required trees submitted for review by the ZBA shall identify species of conifers that would meet the above goal and be suitable for planting in the "no disturb" buffer areas to the satisfaction of the ZBA or its designee. The ZBA reserves the right to alter any aspect of this procedure and specify alternative tree types and species based upon a review of the detailed final landscape plan.

The Applicant shall be responsible for maintaining the health of these trees until the sale of the 44th lot. Thereafter, the Homeowner's Association shall maintain the trees of the "no disturb" buffer area, including the replacement of unhealthy, diseased or dead trees. This condition shall be included in the Homeowner's Association documents.

As stated in 1.8 above, the ZBA reserves the right to require additional plantings in the event that care in preserving existing vegetation of the "no disturb" buffer area is not undertaken by the Applicant until the completion of the project.

- 2.8 A 50-foot building setback line shall be established from the easterly and westerly property lines. This restriction shall be enforceable by the Town of Nantucket in perpetuity or the longest time period allowed by law and shall prevent the erection of any permanent structure or building within its limits. The Applicant shall execute a restriction granting said right of enforcement to the Town of Nantucket.

3. Management Issues

- 3.1 A Homeowner's Association (the "Association") shall be established by the Applicant for the maintenance of all common areas including the clubhouse/pool/lawn/tennis facility, roadways including drainage facilities, swales, sidewalks, bike paths, and shoulders. The Association shall be governed by By-

laws, submitted to the ZBA for review and approval as required pursuant to 4.1. The Association may be legally created, accept deeds to the Road lots and common facilities and undertake other administrative/organizational actions but shall not assume road, infrastructure maintenance or clubhouse/pool/lawn/tennis court facility management until all of the infrastructure is completed or the 30th lot is conveyed.

The Association shall be initially endowed by the Applicant in the amount of \$250.00 per lot and shall determine assessments for common area maintenance. The Association shall administer the fund and the ZBA shall be named as the third-party administration agent. The Association may promulgate rules and regulations, consistent and in compliance with the terms and conditions of this decision and those specific conditions in 3.2 below. These rules and regulations may include, but are not limited to, setting standards regarding (1) the conduct of its residents, (2) appearance of property, (3) minimum maintenance requirements, (4) procedures to address nuisance issues such as problematic pets, (5) parking, (6) rental terms and conditions for market-rate units, and (7) hours of operation and conditions related to the use of the clubhouse, pool and tennis courts.

3.2 The following conditions and rules and regulations shall be binding upon the Owners, the Occupants and the Association, under the authority of the Association, its agents, designees, and assigns:

a.) Affordable units may not be rented and they must remain owner-occupied. This condition shall be reflected in the Deed Rider.

Rentals of market rate units shall be undertaken by an agent of the Association so as to ensure compliance with the rules, regulations and standards governing the units.

b.) No more than two (2) adult persons per bedroom may occupy any of the units. This condition shall not apply to minor children under 18 years of age, except that in no case shall total occupancy of the units exceed three (3) persons per bedroom, including adults and minors. This condition is further restricted by 3.2 (d) below.

c.) Dwelling units may be expanded beyond the original "building footprint" shown on the final plans, subject to the following requirements:

- Expanded ground cover, as defined in the Nantucket Zoning By-law may not exceed 15% of the unit's original ground cover;
- Expansion may not increase the overall room count of the dwelling, said room count not including bathrooms; additional bedrooms being expressly prohibited; and
- Expansion must receive a COA from the HDC and be constructed pursuant to a duly issued building permit, and shall receive permission from the Association.

No Owner or Occupant may add secondary dwelling units, apartments, or studios.

Garages, new or expanded parking and/or impervious areas not shown on the final site plan, fences, and sheds for the storage of garbage receptacles, lawnmowers, bicycles, toys, and similar items may be allowed by written consent of the Association, must apply for and receive a COA from the HDC, and must be constructed pursuant to a duly issued building permit.

No garages, or parts thereof, shall be used for human habitation. A hose bib and/or utility-work sink shall be the only allowable plumbing fixtures within the interior area of a garage. No garage may contain a studio.

- d.) No units shall be occupied as a dormitory, employer dormitory, rooming house or like housing, as such housing may be defined by the Nantucket Zoning Bylaw. No more than five (5) individuals unrelated by marriage are allowed to reside in any dwelling unit except that, prior to the issuance of a Certificate of Occupancy or one (1) year from the issuance of the building permit for the 43rd dwelling, whichever occurs sooner, workers engaged in construction on the subject property may exceed the five (5) person limit by up to three (3) additional persons (eight total) provided that they occupy a dwelling unit as one household and abide by the conditions set forth in these rules and regulations. There must also be an acceptable plan to address any automobile parking issues related to such occupancies.
- e.) The Association shall have the authority and lien powers to collect fees for common area maintenance, including the power to impose reasonable fines for failure to comply with the conditions of the Comprehensive Permit.
- f.) Among other uses, Association fees collected may be used for contribution in common with other abutters whose properties front and gain access onto Rugged Road and Scott's Way to maintain adjacent portions of these streets, and to provide for snow removal, until, if and when, the Town or County of Nantucket assumes this responsibility.
- g.) The Owners and Occupants shall keep their exterior areas in a high state of maintenance and cleanliness, with the Association having the power to enforce compliance and to take such curative or remedial action as the Association may deem necessary, and to place liens on units for the Association's expenses incurred in so doing.
- h.) The Association shall keep the roads, catch basins, drainage infrastructure, clubhouse/pool/lawn/tennis facility and other common areas and common improvements in a high state of maintenance and cleanliness.
- i.) No unregistered, uninsured and inoperable vehicles, boats, campers or recreational vehicles shall be allowed on-site overnight unless enclosed in a garage. Commercial vehicles other than pickup trucks and passenger automobiles used in association with a resident's profession or business shall not be allowed.
- j.) Exterior/outdoor lighting shall be low-wattage, uni-directional, downward facing, and prevent glare from occurring on adjacent property.
- k.) No commercial signs of any kind, including "For Rent", or "For Sale" signs shall be posted.
- l.) There shall be no change in the By-laws of the Association without the approval of 75% of each of the two (2) income levels of the Owners as follows:

Market Rate	-33 units x 75%=(24.75)=25
Affordable	-11 units x 75%=(8.25) = 9

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Owners may not vote changes inconsistent with the Comprehensive Permit and any conditions thereto, the approved Regulatory Agreement and/or the approved Deed Rider.

- m.) Owners wishing to make changes to their units that the ZBA determines to be minor and that vary from the final plans identified at 4.1 a., f., g., and h. must apply for and receive a COA from the HDC if the changes are subject to normal H.D.C. jurisdiction and permission from the Association is granted.
 - n.) All driveways shall be either brick, cobblestone, Belgium block, white gravel or shell, with a minimum of two (2) off-street parking spaces on each lot. Driveway aprons shall be constructed at the intersection with all paved roadways in conformance with Chapter 139 (Zoning) §20.1 of the Nantucket Code.
 - o.) The clubhouse/pool/lawn/tennis court facility shown on the plans shall be available only to those residents of the site and their accompanied guests for personal use. The facility shall not be open to the public. The clubhouse may not function as a restaurant or bar as these terms are defined in the Nantucket Zoning Code. Use of the facility for functions with food and/or alcohol service may be allowed as an accessory use subject to all Zoning and other regulatory requirements. Memberships shall be provided to all residents on a fee schedule to be adopted by the Association provided, however, that any fee for an affordable unit is factored into the 30% maximum housing expense calculation. The Association shall establish hours of operation for the facility and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final ZBA approval. Notwithstanding the above resident restriction, abutting property owners as shown on a map attached hereto as Exhibit D shall be allowed access to the facility subject to a comparable fee structure and in accordance with rules and regulations established by the Association. A minimum of ten (10) non-resident family memberships shall be offered and a maximum of 30 non-resident family memberships may be allowed by vote of the Association.
- 3.3 Deeds to all units, including market rate units, shall include reference to the Association, and the Association's authority to impose maintenance fees and to enforce the rules and regulations of the Association.
 - 3.4 Affordable units shall be distributed throughout the development, and they shall be constructed in a ratio of not less than one (1) affordable unit to every three (3) market rate units until all units are sold. The proposed locations and building types for the affordable units must be submitted to the ZBA for approval prior to the issuance of a building permit.
 - 3.5 If the project generates a Development Fee in excess of 15% of Total Development Cost as determined by the final and approved Cost Certification, all such monies shall be divided between the Applicant and the Town of Nantucket evenly on a 50-50 basis.
 - 3.5.1 The Town's share of any funds received pursuant to 3.5 above shall be used to support affordable housing initiatives and will be administered by the Nantucket Housing Office, or in the event that it does not exist at the time, by another agency designated by the Town.
 - 3.5.2 These Town funds shall be divided evenly for use in supporting affordable housing initiatives with 50% targeted for households earning less than 80% of the area median income, and 50% units targeted to households earning up to 150% of median income.

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- 3.5.3 For the purposes of calculating whether a Development Fee greater than 15% has been generated by the project, the final approved Cost Certification will be used. The Applicant agrees for the purposes of Cost Certification that: a) expenses in the line item for Administrative/Overhead will be capped at \$250,000 or such other greater or lesser amount as may be approved by MassHousing but in no case shall the amount be greater than \$300,000; b) that expenses in the line item for Construction Administration will be capped at \$250,000 or such lesser amount as may be approved by MassHousing, except that if the Applicant serves as its own Construction Contractor, and thereby creates an "identity of interest" as determined by DHCD, that this Construction Administration line item will be eliminated; c) that if the Applicant serves as its own Construction Contractor then certain construction cost line items normally regulated by DHCD in "identity of interest" circumstances, including General Requirements, Builder's General Overhead and Builder's Profit and any other such line items as determined by DHCD will be limited to the amounts defined by DHCD; and 4) that if the Applicant serves as its own marketing agent, that the Marketing line item, including advertising, will be capped at 5% of sales of market rate units, and 3% of sales of affordable units; plus third party direct costs for promotional brochures and mailers, visual models, displays and video presentations, furnishings for model units, and the like, such costs not to exceed \$100,000.
- 3.5.4 In the event that the Applicant wishes to perform any other services in relation to the development of this project not listed in 3.5.3 above, then it shall notify the ZBA and will negotiate in good faith an "identity of interest" agreement for said service along the lines of the services described in 3.5.3 above. The general guideline shall be that the cost of any services provided by the Applicant shall be consistent with industry standards.
- 3.5.5 If the project generates a Development Fee such that the total Development Fee exceeds 20% of Total Development Cost as determined by the final and approved Cost Certification, 100% of all such Development Fees in excess of 20% shall be contributed to the Town in accordance with MGL 40B guidelines and shall be used as described in 3.5.2.

4. Construction

- 4.1 Prior to the application for a building permit for any dwelling unit, the Applicant shall submit the following information and/or plans for approval by the ZBA:
- a.) Definitive Subdivision Plan (see 1.4), suitable for recording, showing all lots with metes and bounds descriptions, common driveway easements, utility easements, drainage and swale easements (if applicable), and 50-foot building setback line from the easterly and westerly property lines of the site shown thereon. Separate sheets shall show the minimum setbacks, proposed building footprints, building style or types on all lots (see 2.5) identifying affordable and units, garages, and parking areas identifying impervious surfaces on each of the 44 house lots and all structures, decks, and the overall layout of the clubhouse/pool /tennis court lot.
 - b.) Roadway Plan or Plans showing cross-sections, grade, bicycle plans and specifications and drainage details.
 - c.) Utility Plan or Plans showing all electric, cable television, telephone, public water, and other infrastructure on site.

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- d.) Sewer Plan and Profile showing both the sewer line to be constructed within the site and off-site.
- e.) Final Grading and Erosion Control Plan.
- f.) Final Architectural Plans of all structures (see 1.4).
- g.) Landscape and Planting Plan. (see 1.4) The landscaping plan shall be designed to achieve the most attractive appearance, screening and sound buffering that is practical. The final landscaping plan shall screen parking areas as viewed from the street and along common driveways, to the extent feasible. In addition to other minimum requirements related to landscaping herein, a minimum of one deciduous tree per lot, 41 in total, shall be provided as street trees along Roads "A" and "B". A planting chart identifying species, sizes and quantities of trees and other plant materials and a maintenance schedule shall also be submitted.
- h.) Lighting Plan. (see 1.4 and 3.2 j)
- i.) Outline Building Specifications for all units indicating, if applicable, any differences among market rate and affordable units.
- j.) Legal documents in their final draft form including Association By-laws, Deed Rider, Regulatory Agreement, Declaration of Restrictions and Covenant.
- k.) All permits required by 1.9.
- l.) A construction mitigation/phasing plan (see 4.5).
- m.) Clubhouse, pool, tennis court hours of operation and guidelines (see 3.2 o.)
- n.) Proposed Association budget identifying all estimated Association fees for the affordable and market units.

The ZBA shall make a determination whether the plans and information above are consistent with the Applicant's representations to the ZBA during the Public Hearing and the materials submitted by the Applicant into the record of the Public Hearing.

4.2 The Applicant, at its expense or with the contribution of other parties, shall design to Town of Nantucket specifications, and construct, an extension of and connection to the municipal wastewater sewer system which shall service the structures on the site (the "project sewer system"). This Decision shall constitute all required local approvals for said project sewer system. However, prior to construction, the Applicant shall obtain all State approvals that may be required for the project sewer system, including but not limited to any permit and/or waiver from the Administrative Consent Order dated October 30, 2003 issued in the matter of "Surfside Wastewater Treatment Facility, ACOP-BO-03-1G002, Groundwater Discharge Permit, SE #1-200", if any. This system is projected to consist of an internal sewer network serving the 44 dwelling units and clubhouse, 12 (twelve)-inch sewer line to be constructed along the westerly side of Fairgrounds Road from Newton Road (a.k.a. New Town Road) to a manhole approximately 250 feet north of the Rotary. At Newton Road (a.k.a. New Town Road), the existing eight-inch sewer line must be capped off. Upon completion and acceptance of these improvements, the Applicant shall promptly convey the sewer line to the Town. An easement covering all portions of the sewer line within the site shall also be granted to the Town. No septic systems shall be allowed within the subject property.

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- 4.3 The Applicant shall construct at its expense, with the assistance of the Wannacomet Water Company, a new water main and a loop of supply pipe sized to service through the site and Scott's Way, between Road "B" and Fairgrounds Road. The water system shall have sufficient capacity to service other properties to the east of the site along Rugged Road and all of Scott's Way. This water main and loop shall contain fire hydrants as required by the Nantucket Fire Department, and shall be designed to Wannacomet Water Company and State specifications. Upon completion and acceptance of these improvements, the Applicant shall promptly convey the improvements to the Town. An easement covering all portions of the water line within the site shall also be granted to the Town. No water supply wells shall be allowed within the subject property.
- 4.4 The Applicant agrees to construct at its expense a bicycle path running parallel to Scott's Way connecting Roads "A" and "B" with the Fairgrounds Road Bicycle Path.
- 4.5 Prior to the start of construction, the Applicant shall submit a description and location of plans for the staging of equipment, construction materials, parking and soil stockpiles incorporated in the required construction/mitigation-phasing plan. Said plans shall be reviewed by the ZBA's engineering consultant, at the expense of the Applicant, and shall be acceptable to the ZBA.
- 4.6 The Applicant shall incorporate measures to control erosion, sedimentation, and dust during construction in the plans to the satisfaction of the ZBA's engineering consultant.
- 4.7 Prior to the start of construction, a pre-construction meeting shall be held among the Applicant; the Applicant's contractors; utility company representatives; the Board's representatives; representatives of the DPW and the Wannacomet Water Company; and the ZBA's engineering consultant who will be involved in the inspection of the road and drainage improvements. The Applicant shall select and have on-site a Project Representative responsible for on-site activities acceptable to the ZBA.
- 4.8 The traffic mitigation contribution of \$35,555 (see III D 3. [c]) shall be deposited in a segregated account prior to the issuance of a building permit, administered by the ZBA or its designee, for traffic mitigation measures within a one-mile radius of the site.
- 4.9 The Applicant shall install at its own expense, the improvements stated herein. Building permits shall be issued based upon a review of the progress of infrastructure installment. A Planning Board "Form J" release from the covenant shall be submitted by the Applicant. An exception to this requirement is hereby granted to the Applicant who is allowed to construct two (2) structures as marketing models only and not for occupancy.

The Planning Board has agreed to lend staff assistance to the ZBA and the ZBA hereby designates them as their agent to oversee and administer the completion of improvements in the same manner that it oversees subdivision improvements approved by the Planning Board.
- 4.10 The construction of road and drainage improvements cited in this Decision, shall be inspected by the ZBA's engineering consultant. The cost for such inspection shall be the responsibility of the Applicant in accordance with the standard protocol for such inspections required by the Planning Board for subdivisions.
- 4.11 There shall be no construction activity on Sundays and legal holidays. All exterior construction activity shall not begin prior to 7:30 am nor continue after 6:00 pm

on weekdays. All exterior construction activity shall not begin prior to 8:00 am nor continue after 5:00 pm on Saturdays.

- 4.12 Following completion of the road, bicycle path and drainage improvements described above, the Applicant shall prepare at its own expense as-built plans, which shall be reviewed and approved by the ZBA's engineering consultant. These plans shall document substantial compliance with the specifications of the improvements required by the ZBA.

(051-03, RUGGED SCOTT LLC)

INDEX OF EXHIBITS

- A: List of Exceptions
- B: Application Materials, Supplemental Information and Applicant Correspondence
- C: Capital Cost Pro Forma prepared by Edward Marchant 2/13/04
- D: Clubhouse/Pool/Lawn/Tennis Facility-Non-Resident Eligibility Area
- E: Chart – Unit Program 2/19/04

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EXHIBIT A

LIST OF EXCEPTIONS (aka WAIVER LIST)

(Please note: the following language that has been struck out are portions of requested exceptions that were not granted by the ZBA in this Decision.)

Chapter 139. Zoning

§ 139-7.A. Exception to permit a clubhouse/community building, ~~which may also contain a retail shop~~, within a Limited Use General-2 ("LUG-2") zoning district.

Granted except for allowance of retail shop. See Clubhouse/Pool/Lawn/Tennis Facility discussion at 3.2. o., page 11.

§ 139-12.B(3)(a). Exception from the requirement that the application be referred to the Nantucket Water Commission.

Granted. Comments included.

§ 139-16.A. Exception from the Intensity Regulations as to lot area, frontage, setbacks and ground cover ratio.

Granted. See 2.6, page 10.

§ 139-16.D. Exception from the regularity formula.

Granted.

§ 139-18. Exception from on-site parking requirements for the lot, which will contain the proposed clubhouse.

Granted.

§ 139-20. Exception from the provision of off-street loading facilities for the lot, which will contain the proposed clubhouse.

Granted.

§ 139-20.1. Exception from the regulations as to driveway access.

Granted to the extent necessary. See 3.2 n., page 13.

§ 139-23. Exception from the Site Plan Review provisions for the proposed clubhouse.

Granted.

§ 139-24.A. Exception from the Phased Development provisions.

Granted.

§ 139.26.C. Exception from the requirements under clause (1) for submission of a Certificate of Appropriateness from the Historic District Commission ~~and under clause (2)(b) for submission of a sewer connection permit from the Department of Public Works in connection with a building permit application.~~

Granted for submission of final plans only. See discussion at 1.4, page 6

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND ISSUED BY THE NANTUCKET PLANNING BOARD

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§ 2.06b(18). Exception to the required on-site disposal area.

Granted.

§ 4.03a(1). Exception from the street width standards to allow pavement widths for the various proposed subdivision roadways of 16 feet (one-way road with no on street parking), 20-feet (one-

way road with on street parking limited to one side), 20-feet (two-way road with no on street parking), and 24-feet (two-way road with on street parking limited to one side).

Granted. See discussion at 1.2.2, 1.2.3, 1.2.4. and 1.25, page 6.

§ 4.03e. Exception from the minimum design standards for streets to allow the use of a 30-foot right-of-way ("R.O.W.") in place of the required 40-foot right-of-way.

Granted for Road "C". See 1.2.2 and 1.2.5, page 6.

§ 4.03e. Exception from the minimum design standards for streets to allow pavement widths of 16-feet (one-way road with no on street parking), 20-feet (one-way road with on street parking limited to one side), 20-feet (two-way road with no on street parking), and 24-feet (two-way road with on street parking limited to one side).

Granted. See discussion at 1.2.2, 1.2.3, 1.2.4 and 1.25 page 6.

§ 4.04b. Exception to allow the use of a Turning "T" layout similar to that shown within Plate No. 4.

Granted.

§ 4.06b(3). Exception to allow the use of underground stormwater leaching/infiltration systems in place of the required leaching basins.

Granted. See discussion at 1.2.10, page 6.

§ 4.06b(5). Exception to allow the use of gas and oil separators designed in compliance with section 4.06b(6) and the Department of Environmental Protections Stormwater Management Policy in place of the gas and oil separator specified by Appendix A, Plate 13.

Granted.

§ 4.19. Exception to the requirement for a bicycle path within the boundaries of the project.

Granted. Sidewalks are being constructed within the site and a bicycle path along Scott's Way outside of the boundaries of the project.

HISTORIC DISTRICT COMMISSION

The Applicant requests an exception from all requirements for the submission of plans and materials to the Nantucket Historic District Commission ("HDC").

Granted for submission of final plans only. See discussion at 1.4, page 6

FEES AND SECURITY; GENERAL

The Applicant further requests an exception from any requirement to post a bond, cash, covenant or other security in connection with the construction of the proposed infrastructure improvements.

Conditionally granted. Applicant must execute a covenant that is equivalent to "Form I-Covenant" used by the Planning Board, see 4.8, page 1.

OTHER

The Applicant requests an exception from any Town by-law or regulation relative to local decision-making with regard to connection to the Town sewer system, including Warrant Article 56 approved at the April 2004 Town Meeting creating a new sewer district and any increased sewer connection fees as they may apply to this project.

Granted, consistent with the requirements stated in Condition No. 4.2..

Amend

Exhibit B
Rugged Scott LLC
Application Materials, Supplemental Information, and Applicant Correspondence

1. Application package, entitled: "New Housing for Rugged Road and Scotts Way, Nantucket, Massachusetts, Comprehensive Permit Application Under M.G.L. Chapter 40B, Section 20-23", submitted by Rugged Scott LLC, dated April 29, 2003. Package includes, but is not limited to:
 - Section 1: Project Summary and Data
 - Section 2: Applicant Status
 - Section 3: Site Approval Letter
 - Section 4: Development Team
 - Section 5: Site Control and Existing Zoning
 - Section 6: Plans and Drawings
 - Section 7: Department of Housing and Community Development Subsidized Housing Inventory
 - Section 8: List of Exceptions
 - Section 9: Site Engineering and Analysis Report
 - May 30, 2003 extension letter to Nantucket Board of Appeals from Joshua Posner
2. July 10, 2003 Technical Memorandum, from Michael R. Abend, Abend Associates, for the Applicant, regarding Traffic Impact Assessment.
3. July 28, 2003 letter to Nantucket Board of Appeals from Joshua Posner, regarding Pro Forma.
4. "Outline ZBA Presentation", dated July 31, 2003 from Joshua Posner
5. October 9, 2003 letter to Nantucket Zoning Board of Appeals from Daniel C. Mulloy, PE from Cullinan Engineering, for the Applicant.
6. October 10, 2003, Technical Memorandum from Michael R. Abend, Abend Associates, for the Applicant, regarding traffic report.
7. October 10, 2003 letter to Nantucket Zoning Board of Appeals from Paul R. Lelito, Executive Director of Ecological Services.
8. October 21, 2003 letter to Nantucket Board of Appeals from Joshua Posner, regarding Hard Costs, Soft Costs and Home Sales Prices.
9. November 12, 2003 letter (2 pages) to Nantucket Board of Appeals from Attorney Arthur I. Reade for the Applicant.
10. November 18, 2003 letter (3 pages) to Nantucket Board of Appeals from Joshua Posner, regarding Endangered Species Program, with attachments.
11. December 9, 2003 letter to Nantucket Board of Appeals from Joshua Posner, re: Source of Construction Estimates, Response to Marchant's Financial Model, Sales Prices, Development Costs-Fixed, not Variable Costs, Items that are particularly at risk being higher than the pro forma, A Pro Forma is a Balancing Act, A Revised Version of the Marchant Model, Where Do We Go From Here, and A Final Comment, with Attachments: #1 (2 pages, costs); #2 (2 pages (December 9, 2003 letter to Mr. Josh Posner from Edward Miano, President, Atlantic Homes, LLC); #3 (four pages, January 16, 2003 letter to Joshua Posner from Juliet Hunter, the Maury people, inc.); #4 (2 pages, "Comments on Ed Marchant's Financial Model"); #5a (2 pages); and #5b (2 pages).
12. January 23, 2004 letter (2 pages) to Nantucket Board of Appeals from Joshua Posner regarding Changes to the Plan.
13. January 29, 2004 letter (1 page) to Nantucket Board of Appeals from Daniel C. Mulloy, PE, of Cullinan Engineering, for the Applicant, regarding drainage issues.

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14. Plan, Drawing No. D1528, marked as "Conceptual Plan", dated February 17, 2004, done by Weinmayr Associates, Inc., for the Applicant, a reduced copy of which is attached hereto.
15. May 19, 2004 letter (1 page) to Nantucket Board of Appeals from Attorney Arthur I. Reade, for the Applicant, and signed by Joshua Posner, granting and extension for the filing of the Decision to May 25, 2004.

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EXHIBIT C

RUGGED SCOTT NANTUCKET, MA					
February 13, 2004					
	40	UNITS			
CAPITAL COST PROFORMA		Total Costs	Per Unit	Per Sq Foot	% of TDC
(a) Land Acquisition		\$1,683,000	\$42,075	\$22.56	9.0%
Hard Costs:					
(b) Site Work					
1. Roads, drives, utilities, site clearing		\$1,106,666	\$27,667	\$14.84	5.9%
2. House lot improvements (utilities, drives, walks, foundation hole and grade)		\$600,000	\$15,000	\$8.04	3.2%
3. Landscape plantings and hardscape		\$320,000	\$8,000	\$4.29	1.7%
(c) Clubhouse and Pool		\$400,000	\$10,000	\$5.36	2.1%
(d) Residential Construction		\$10,636,534	\$265,913	\$142.60	56.9%
(e) Subtotal Hard Costs (b+c+d)		\$13,063,200	\$326,580	\$175.13	69.9%
(f) Hard Cost Contingency	5%	\$653,160	\$16,329	\$8.76	3.5%
(g) Total Hard Costs (e + f)		\$13,716,360	\$342,909	\$183.89	73.4%
Soft Costs:					
Architectural [% of (e) above]	1.25%	\$163,290	\$4,082	\$2.19	0.9%
Engineering		\$140,000	\$3,500	\$1.88	0.7%
Permits/Backcharges [% of (e) above]	1%	\$130,632	\$3,266	\$1.75	0.7%
Legal Fees/Title		\$200,000	\$5,000	\$2.68	1.1%
Construction Administration		\$190,000	\$4,750	\$2.55	1.0%
Monitoring Agent/Lottery		\$45,000	\$1,125	\$0.60	0.2%
Appraisal Fees		\$10,000	\$250	\$0.13	0.1%
Accounting Fees		\$15,000	\$375	\$0.20	0.1%
Liability/Builder's Risk Insurance		\$33,320	\$833	\$0.45	0.2%
Real Estate Taxes (during construction)		\$40,000	\$1,000	\$0.54	0.2%
Marketing (Market Units)	5%	\$890,500	\$22,263	\$11.94	4.8%
Marketing (Nantucket Resident Units)	3%	\$42,000	\$1,050	\$0.56	0.2%
Marketing (Affordable Units)	1.5%	\$33,975	\$849	\$0.46	0.2%
Financing Costs		\$80,000	\$2,000	\$1.07	0.4%
Construction Interest		\$440,000	\$11,000	\$5.90	2.4%
Unit Closing Costs/Legal		\$40,000	\$1,000	\$0.54	0.2%
Maintenance Costs during Sellout		\$120,000	\$3,000	\$1.61	0.6%
Permitting Period Carrying Costs		\$300,000	\$7,500	\$4.02	1.6%
Project Overhead/Administration		\$240,000	\$6,000	\$3.22	1.3%
(h) Subtotal Soft Costs		\$3,153,717	\$78,843	\$42.28	16.9%
(i) Contingency (% of Subtotal - Marketing)	6%	\$131,235	\$3,281	\$1.76	0.7%
(j) Total Soft Costs (h + i)		\$3,284,952	\$82,124	\$44.04	17.6%
(k) Total Development Costs (a + g + j)		\$18,684,312	\$467,108	\$250.49	100.0%

Pro Forma

1

DEVELOPMENT FEE ANALYSIS					
<u>Revenue:</u>					
Affordable projected sales		\$2,265,000			
Nantucket Resident sales		\$1,400,000			
Market projected sales		\$17,810,000			
(A) Total Revenue		\$21,475,000			
<u>Expenses:</u>					
(B) Total Development Costs		\$18,684,312			
<u>Development Fee:</u>					
(C) Total Profit (A-B)		\$2,790,688			
(D) Percentage Profit (C/B)		14.94%			
PROJECT DESCRIPTION					
Total Units		40			
Residential Construction Cost per Sq Ft		\$142.60			
Affordable Units		10			
Nantucket Resident Units		4			
Market Units		26			
		40			Average Posner Size
Average Affordable Unit		1,400	Square Feet		1500
Average Nantucket Resident Unit		1,400	Square Feet		1525
Average Market Unit		2,115	Square Feet		2059
Total Gross Square Footage		74,590			
Gross Square Footage Average/Unit		1,864.75			
Sales Revenue		Units	Average Price Assumed	Revenue	Average Posner Estimate
Affordable Units		10	\$226,500	\$2,265,000	\$226,500
Nantucket Resident Units		4	\$350,000	\$1,400,000	\$350,000
Market Units		26	\$685,000	\$17,810,000	\$660,941
		40		\$21,475,000	
Marchant (2/13/04)					

Exhibit D
ZBA File 51-03
Rugged Scott LLC
Clubhouse/Pool/Lawn/Tennis Facility
Non-Resident Eligibility Area



May 25, 2004

Unit Program
2/18/2004

1. Objective: Accomplish ZBA program voted January 29, 2004—40 single family homes; 10 Affordables; 4 Moderates
2. Reduce average size of Affordable and Moderate units to approx 1400 SF.
3. 6 somewhat larger units with larger lots at approx. 2500 SF
4. Allow up to 6 garages (one or two car)

	Aff/ Mod			Total	Afford #	Mod #	Mkt #	Mkt \$	Aff SF	Mod SF	Mkt SF	Total SF
	Gr.	Mkt Gr	No. of									
	Sq.Ft.	Sq Ft	BRs									
Cottage Type A	1700	2200	4	13	2	1	10	704,000	3400	1700	22000	27100
Cottage Type B	1400	1800	3	15	4	1	10	812,000	5800	1400	18000	25000
Cottage Type E	2000	2500	4	6	0	0	6	775,000	0	0	15000	15000
Cottage Type F	1200		3	6	4	2	0	458,000	4800	2400	0	7200
Total Units				40	10	4	28		13800	5500	55000	74300
Percentage of total					25.0%	10.0%	65.0%	Avg SF	1380	1375	2115	1857.5

Area analysis

	Acres	Sq. Ft.
Total Site	10.1	439,956
Streets	0.9	39,000
Sidewalks	0.4	16,000
Club House	0.5	21,600
Lots	8.3	363,356
Avg Lot		9083.9

EXHIBIT E

BK: 01010 Pg: 30

SETTLEMENT AGREEMENT

Now come the parties in the case of Lisa P. Dias, et al, Plaintiffs, v. Town of Nantucket Zoning Board of Appeals, et al, Nantucket Superior Court Docket No. 04-15 (“the Superior Court case”) and the case of Rugged Scott, LLC v. Nantucket Zoning Board of Appeals, Housing Appeals Committee Docket No. 04-13 (“the HAC case”, and hereby agree that this Settlement Agreement settles all matters in dispute between the parties related to the property located at Rugged Road and Scotts Way, Nantucket, MA (hereinafter “the Property”) and that this Settlement Agreement shall be enforceable as set forth below between the parties, and be forever binding upon the parties, their heirs, successors and assigns; the parties further acknowledge that they have been fully represented by counsel and informed of their rights, and that they have voluntarily entered into this Settlement Agreement. The parties hereby agree as follows:

1. Number of Units: The project on the Property shall be comprised of forty (40) residential units, of which ten (10) shall be “affordable housing” units as defined in M.G.L. c. 40B, ss. 20-23, as further described in the attached chart (Attachment 1) which is a modified version of Exhibit E to the Decision of the Nantucket Zoning Board of Appeals (“ZBA”) dated May 25, 2004, as modified by the Agreement and Stipulation for Entry of Judgment dated January 27, 2005 executed by Rugged Scott, LLC and the Nantucket Zoning Board of Appeals (“the Board”) in the HAC case (both the Decision and the Agreement and Stipulation for Entry of Judgment being collectively referred to as “the Decision”).

2. Lighting: Rugged Scott, LLC ("Rugged Scott") agrees to achieve the mitigation requirements contained in Condition 3.2 of the Decision regarding the type and placement of exterior lighting so as not to create glare on adjacent homes, with particular attention to mitigation of any glare from such lighting in the direction of the residence of Kenneth F. Dias and Lisa P. Dias at 25 Rugged Road, Nantucket, Massachusetts, and the residence of Peter Paul Meerbergen at 20 Rugged Road, Nantucket, Massachusetts, and to comply with any and all Town of Nantucket light bylaws and regulations.
3. Screening/ Landscaping: Rugged Scott agrees to provide vegetation/plantings in the 25 foot buffer area lots described in Condition 1.2.6 of the Decision. This vegetation/ plantings will be consistent with Condition 2.7, Paragraph 2 of the Decision, and a plan entitled "Type 'B' and 'C' Buffer Planting" dated August 26, 2005, a copy of which is attached hereto as Attachment 2 and incorporated herein by reference. It is understood that the planting type shown on Attachment 2 is illustrative of the number and density of plantings to be installed, and establishes a proposed minimum density and number of plantings/vegetation to be installed within said buffer area lots rather than a specific number of any such plants to be used in every location. Additional indigenous deciduous shrubs and/or trees such as poplar, oak, ash or aspen may be included in the landscaping design for the development in an effort to create a natural looking buffer with somewhat better screening characteristics. Rugged Scott agrees to include flowering trees to be planted along Rugged Road for the Board's consideration in the landscape design for the project. Rugged Scott also agrees to install a reasonable amount

of drip irrigation in an effort to speed the growth of and strengthen the vegetated buffer. In addition, Rugged Scott will establish a Screening Contingency Fund in the amount of Twenty thousand Dollars (\$20,000.00) to be placed in escrow and held by the Homeowners Association to be used after the development is completed to supplement screening, if needed to reduce/mitigate lighting, mitigate sound transmission, and enhance the privacy of neighboring properties.

4. Fencing: Rugged Scott agrees to provide limited fencing in locations where necessary to reduce/mitigate/deflect direct lighting shine/glare off roads and headlights of vehicles and/or any lighting fixtures onto the property of abutters. Rugged Scott will propose the installation of four (4) to six (6) foot fencing with ancillary planting in those locations of a type designed to provide a complete visual block. (The plan entitled "Buffer Density Key" dated August 26, 2005, a copy of which is attached hereto as Attachment 3 and incorporated herein by reference, is an example of the type of fencing Rugged Scott agrees to propose for said installation.

5. Siting of Dwellings: Rugged Scott agrees to preserve mature trees (defined as "a healthy tree with visible characteristics of growth, minimal, if any, infestation and a minimum height of 15 feet and a minimum caliper of 8 inches") to the maximum extent that is reasonably possible, it being understood that it may be necessary that certain of such trees be cleared for the construction of infrastructure, roadways, driveways and houses. Additionally, Rugged Scott agrees to perform clearing of the project site in phases, with clearing for roadways and infrastructure installation first, then the clubhouse

area, and then individual house lots and driveways. Also, Rugged Scott will draft proposed final home siting plans in a manner generally consistent with the locations as shown on Exhibit 3, which illustrates such proposed siting. The 7 lots marked "See Note 1" on Attachment 3 will contain a deed restriction requiring that no "hoop barn," other similar storage structure, nor any structure which requires the issuance of a permit will be placed closer than 80 feet from the nearest lot line of the Rugged Scott property as it abuts Rugged Road.

6. Catch Basins and Oil/Gas Separators: Rugged Scott agrees to a minimum separation of catch basins and oil/gas separators of one hundred (100) feet from the properties of abutters to the Rugged Scott residential housing development site. The placement and design of all such catch basins and oil/gas separators will be subject to engineering review and Board approval.

7. Setbacks: Rugged Scott acknowledges and agrees to building setbacks of a minimum of 50 feet from its bordering lot line, except for the 7 properties marked "See Note 1" on Attachment 3, as described in #5 above.

8. Secondary Dwellings: Rugged Scott acknowledges and agrees that the approved plan permanently prohibits the construction of secondary dwellings, and that there shall be a restriction in each of the deeds conveying the separate lots created in the Rugged Scott residential housing development prohibiting the construction of secondary dwellings.

9. Clubhouse/Pool/Tennis Courts Facility: The Decision clearly states allowable and prohibited uses and further establishes a procedure under which Rugged Scott and the Homeowners' Association must establish hours of operation for the facility, and guidelines for occupancy, noise, and lighting that preserve the rights of nearby residents to quiet enjoyment of their property, which shall be subject to final Board approval. Rugged Scott agrees to impose a requirement that the tennis and pool facilities will be closed no later than 7 PM and will operate only between May 1 and October 31 in any given year. Rugged Scott also agrees to comply with Condition 3.2 (o) of the Decision and in addition will present and discuss with a representative group of abutters its proposed guidelines on these matters before submitting them to the Board for approval.
10. Access off Scott's Way: Rugged Scott agrees to the current plan which has two roads entering the site from Scotts Way and only one from Rugged Road.
11. Water Line Extension: In order to mitigate any potential impact of the Rugged Scott residential development on the private water wells of abutters Dias, Meerbergen and Glidden, Rugged Scott agrees to extend the water line with appropriate tap connections in Rugged Road in the grassed portion of the Right of Way up to the Glidden driveway at 24 Rugged Road, in an effort to facilitate any opportunity for Dias, Meerbergen and/or Glidden to connect to Town of Nantucket (Wannacomet) water. Rugged Scott agrees to make every effort not to disturb the existing vegetation/plantings/landscaping (already existing and recently planted) within the right of way known as Rugged Road and located in front of the property lines of the

Meerbergen residence (20 Rugged Road) and homeowner Edward G. Jalbert (1 Seikinnow Place – corner of Rugged Road and Seikinnow Place); in the event such vegetation/plantings/landscaping are disturbed, Rugged Scott agrees to re-plant/landscape the disturbed area. In addition, Rugged Scott will request that the Board recommend approval of any and all applications that would allow said Dias, Meerbergen, and Glidden to connect to the newly extended water line in the future; the parties specifically agree, however, that should such approvals be denied, such denial will in no way invalidate the terms of this Settlement Agreement. By signing this Settlement Agreement, the Board agrees only that it shall duly consider Rugged Scott's request, but makes no commitment one way or the other as to an approval or denial of such request.

12. By signing this Settlement Agreement the parties recognize both that the substantive terms of the agreement do not vitiate the role of the Board in dealing with post-Comprehensive Permit matters, including but not limited to the review by the Board of final plans by Rugged Scott pursuant to various conditions of the Comprehensive Permit, and that the public hearing procedure and public input shall continue to be part of the process for such review.

13. To the extent that there may be future disagreements between the plaintiffs in the Superior Court case and Rugged Scott concerning the performance of the obligations hereunder, the parties recognize and agree that the Board will not and does not assume any duties of enforcement as a result of the Settlement Agreement; in addition the parties

recognize that the Settlement Agreement is not intended to limit any power that the Board may inherently have under the Comprehensive Permit, G.L. c. 40B and the regulations promulgated thereunder.

14. Mediation: The plaintiffs in the Superior Court case and Rugged Scott agree that in the event a disagreement should arise during the implementation of these terms as to their meaning or interpretation, that they will meet together with counsel on a non-binding basis to make a good faith attempt to resolve their differences. If such mediation is not successful after a ten (10) day period, then the plaintiffs and/or Rugged Scott shall be entitled to pursue all rights and remedies available at law or in equity.

15. By entering into this Settlement Agreement, the parties agree that the Decision shall be deemed to be modified so as to incorporate the provisions, terms and obligations herein.

16. Upon execution of this Settlement Agreement by all parties, counsel for all parties shall execute and forthwith file Stipulations of Dismissal, with prejudice and without costs to any parties, dismissing the Superior Court case and the HAC case.

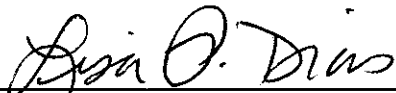
17. All of the parties hereto hereby waive any and all rights of appeal, statutory or otherwise, in the Superior Court case and the HAC case.

DATED: November 21, 2005

PLAINTIFFS IN SUPERIOR COURT CASE:



Lisa P. Dias, Trustee, Daisey Nominee
Trust



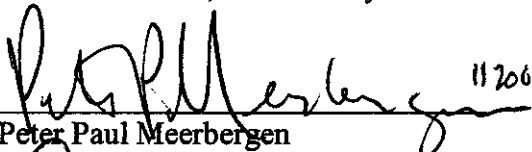
Lisa P. Dias, Individually



Kenneth F. Dias, Trustee, Daisey Nominee
Trust



Kenneth F. Dias, Individually

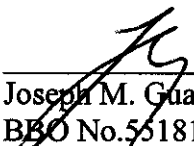
 112065

Peter Paul Meerbergen

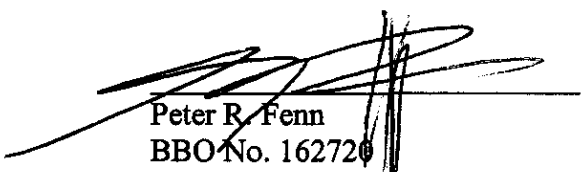


Nantucket Land Council, Inc.

COUNSEL FOR PLAINTIFFS IN SUPERIOR COURT CASE:



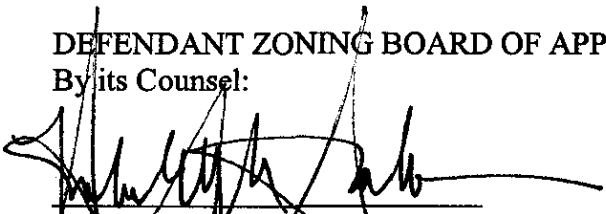
Joseph M. Guay
BBO No. 551814
P.O. Box 1294
108 Surfside Road
Nantucket, MA 02554
(508) 825 9099



Peter R. Fenn
BBO No. 162720
Peter R. Fenn & Associates
71 South Street
Jamaica Plain, MA 02130
(617) 522-9292

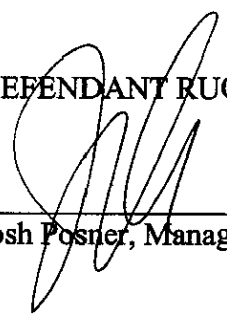
DEFENDANT ZONING BOARD OF APPEALS IN SUPERIOR COURT CASE:

By its Counsel:



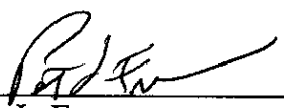
Kimberly M. Saillant
BBO No. 548775
Deutsch Williams Brooks
DeRensis & Holland
99 Summer Street
Boston, MA 02110
(617) 951-2300

DEFENDANT RUGGED SCOTT LLC IN SUPERIOR COURT CASE:



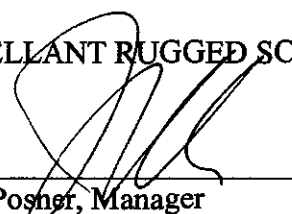
Josh Posner, Manager

COUNSEL FOR DEFENDANT RUGGED SCOTT LLC IN SUPERIOR COURT
CASE:



Peter L. Freeman
BBO No. 179140
Freeman Law Group
1597 Falmouth Road, Suite 3
Centerville, MA 02632
(508) 775-5010

APPELLANT RUGGED SCOTT LLC IN HAC CASE



Josh Posner, Manager

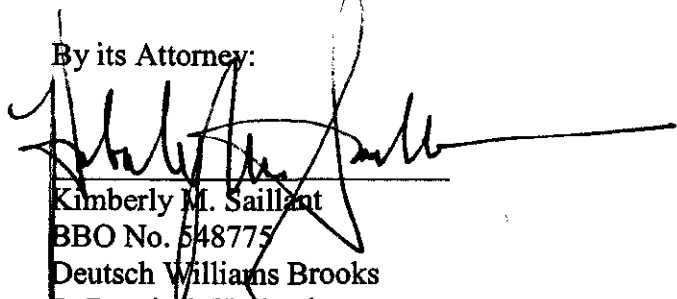
COUNSEL FOR APPELLANT RUGGED SCOTT LLC IN HAC CASE



Peter L. Freeman
BBO No. 179140
Freeman Law Group
1597 Falmouth Road, Suite 3
Centerville, MA 02632
(508) 775-5010

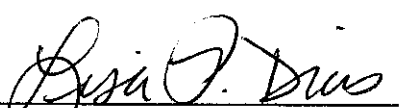
APPELLANT NANTUCKET ZONING BOARD OF APPEALS IN HAC CASE

By its Attorney:



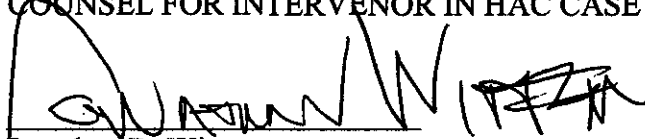
Kimberly M. Saillant
BBO No. 548775
Deutsch Williams Brooks
DeRensis & Holland
99 Summer Street
Boston, MA 02110
(617) 951-2300

INTERVENOR IN HAC CASE



Lisa Dias

COUNSEL FOR INTERVENOR IN HAC CASE



Jonathan D. Witten
BBO No.636337
Daley and Witten, LLC
156 Duck Hill Road
Duxbury, MA 02332
(781) 939-0084

DWL1B 191414v1
289/99

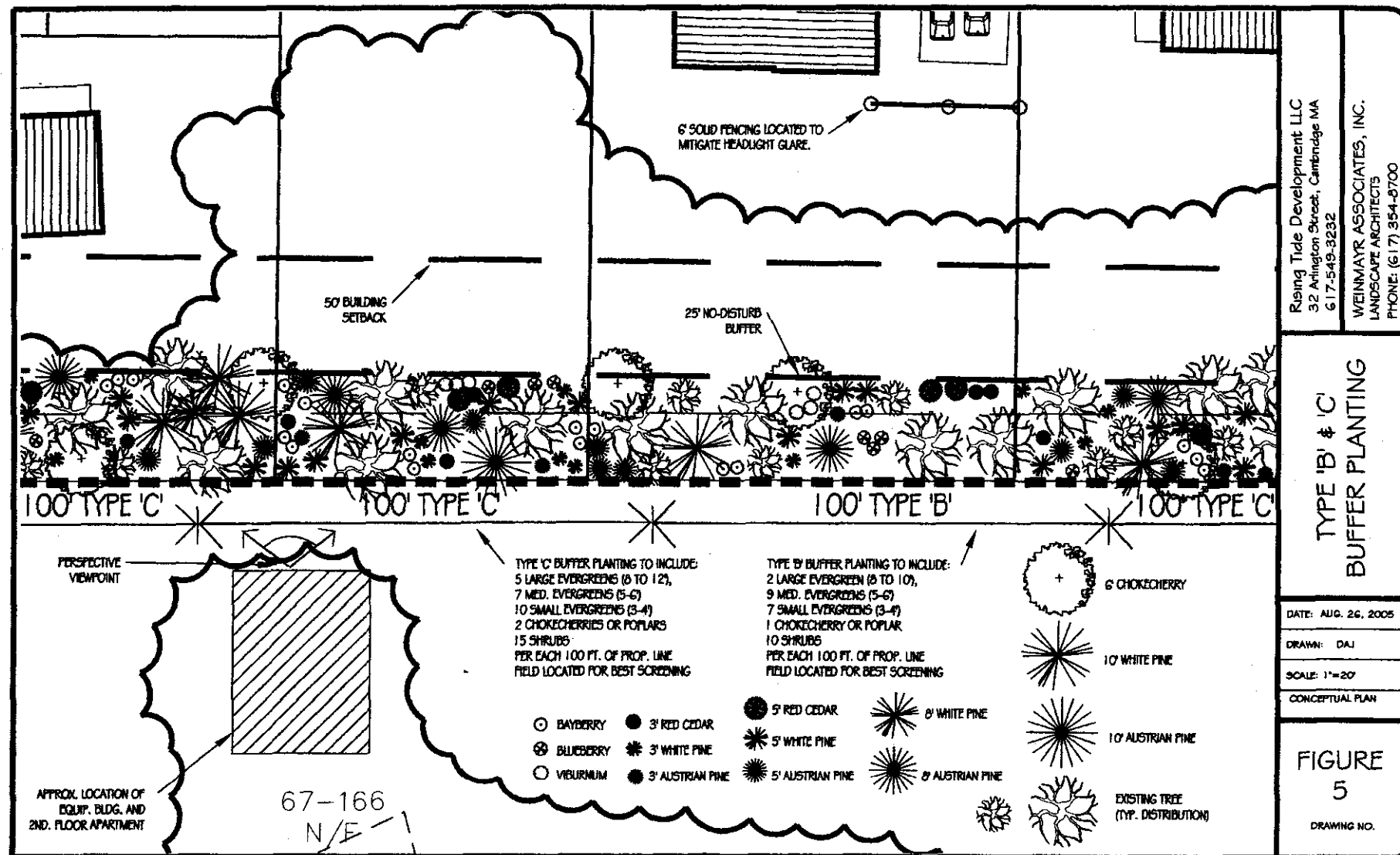
Unit Program
7/26/2005

	Aff/ Mod Gr. Sq.Ft.	Mkt Gr Sq Ft	No. of BRs	Total	Afford #	Mod #	Mkt #	Mkt \$	Aff SF	Mod SF	Mkt SF	Total SF
Cottage Type A	1700	2400	4	15	3	0	12	704,000	5100	0	28800	33900
Cottage Type B	1400	2000	3	15	3	0	12	612,000	4200	0	24000	28200
Cottage Type E	2000	2500	4	6	0	0	6	775,000	0	0	15000	15000
Cottage Type F	1200		3	4	4	0	0		4800	0	0	4800
Total Units				40	10	0	30		14100	0	67800	81900
Percentage of total					25.0%	0.0%	75.0%	Avg SF	1410		2260	2047.5

Bk: 01010 Pg: 42

ATTACHMENT 1

ATTACHMENT 2



Rising Tide Development LLC
 32 Arlington Street, Cambridge MA
 617-543-3232

WEINMAYR ASSOCIATES, INC.
 LANDSCAPE ARCHITECTS
 PHONE: (617) 354-8700

**TYPE 'B' & 'C'
 BUFFER PLANTING**

DATE: AUG. 26, 2005

DRAWN: DAJ

SCALE: 1"=20'

CONCEPTUAL PLAN

**FIGURE
 5**

DRAWING NO.

21CA

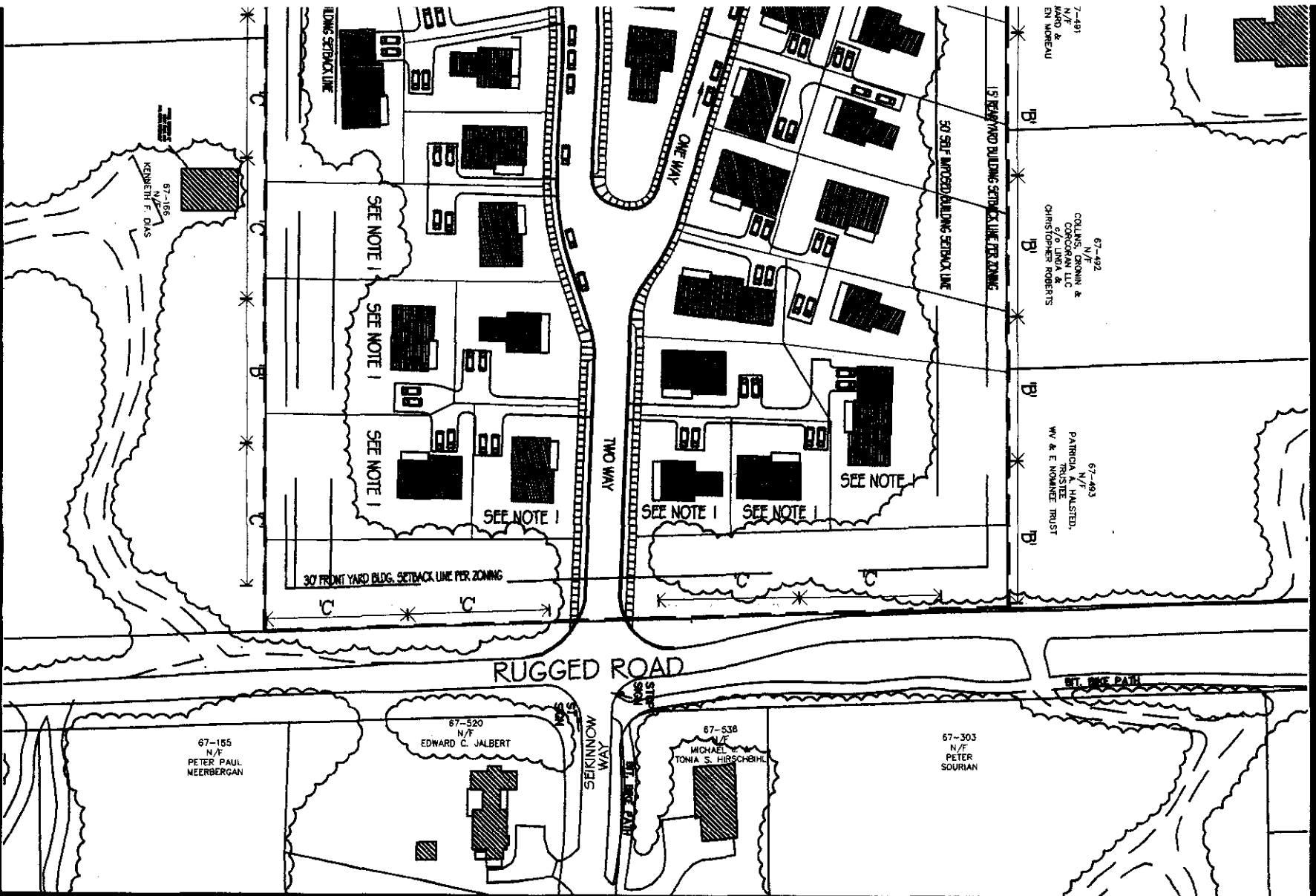


FIGURE 6 DRAWING NO.	DATE: AUG. 26, 2005		2168
	DRAWN: DAU		
SCALE: 1"=100'		CONCEPTUAL PLAN	
BUFFER DENSITY KEY			
Rising Tide Development LLC 32 Arlington Street, Cambridge MA 617-549-3232			
WEINMAYR-JAY ASSOCIATES, INC. LANDSCAPE ARCHITECTS & LAND PLANNERS PHONE: (617) 354-8700			



2008 00001620

Bk: 1142 Pg: 1 Page: 1 of 43
Doc: PERMIT 06/13/2008 10:28

**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MASSACHUSETTS 02554**

Date: May 9 2008

08 MAY 12 P 59

To: Parties in Interest and Others concerned with the Decision of the BOARD OF APPEALS in the Application of the following:

Application No.: 051-03

Owner/Applicant: Rugged Scott, LLC

Enclosed is the Decision of the BOARD OF APPEALS which has this day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17 of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a complaint in Land Court within TWENTY (20) days after this day's date. Notice of the action with a copy of the complaint and certified copy of the Decision must be given to the Town Clerk so as to be received within such TWENTY (20) days.

Michael J. O'Mara (vm)
Michael J. O'Mara, Chairman

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32 (VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS OFFICE AT 508-228-7215.

**NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554**

CLARIFICATION AND TECHNICAL CORRECTION:

1. At a public meeting of the Nantucket Zoning Board of Appeals, on Friday, July 13, 2007, at 12:00 noon, in the Conference Room, in the former Electric Company building, 2 Fairgrounds Road, Nantucket, Massachusetts, the Board of Appeals made the following clarification and technical correction to the Comprehensive Permit in the matter of the RUGGED SCOTT, LLC, project (File No. 051-03):

2. The language in the Comprehensive Permit issued by the Board of Appeals set forth, in Condition 2.6, certain setback requirements, "except for those lots that the ZBA designates a waiver from this setback requirement on the final plans". In fact, the final plans approved by the Board of Appeals showed the proposed location of all buildings, and in certain instances the setbacks were not in conformity with the requirements set forth in the Comprehensive Permit.

3. A memorandum submitted to the Board of Appeals by the Planning Staff sets forth the staff's recommendation that the effect of the approval of the final plans overrides the specific setback provisions in the Comprehensive Permit, by virtue of the language quoted in the preceding paragraph.

4. In order to eliminate any question or controversy regarding the status of the present plans with regard to setbacks and building locations, the Board of Appeals acted, by UNANIMOUS vote of the members participating, to issue this Clarification and Technical Correction to the Comprehensive Permit, by specifically approving the location and siting of buildings upon the lots in this project, as shown upon the individual lot plans

by Site Design Engineering LLC and Cullinan Engineering attached hereto.

Dated: May 12, 2008

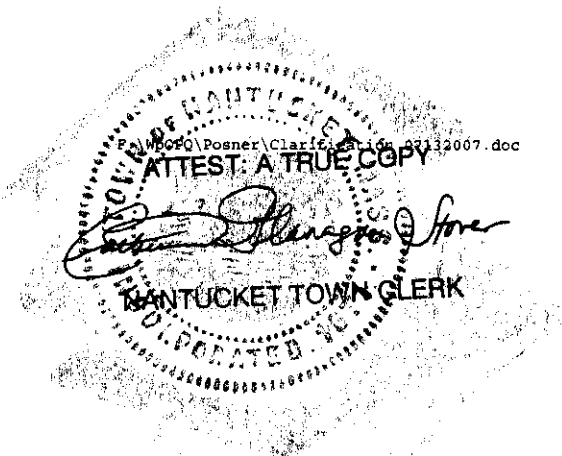
[Signature]
[Signature]
Nancy Severens
[Signature]

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 12th day of May, 2008, before me, the undersigned notary public, personally appeared Nancy Severens, proved to me through satisfactory evidence of identification, which was , to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed voluntarily for its stated purpose, on behalf of the Nantucket Zoning Board of Appeals

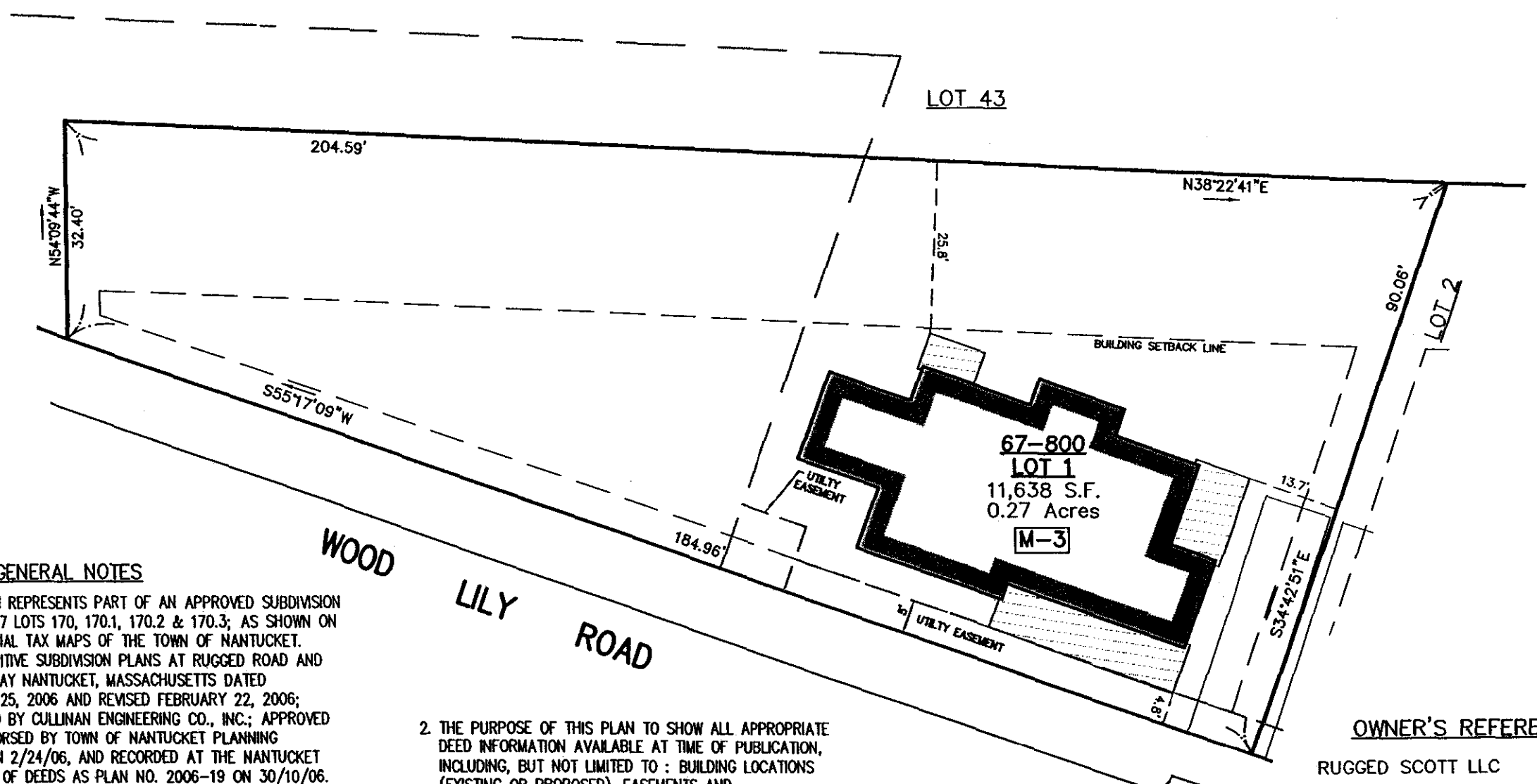
[Signature]
 Notary Public
 Printed Name: Venessa K. Moore
 My Commission Expires: March 22, 2013



I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11.

[Signature]
 TOWN CLERK

JUN 12 2008



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.

2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.

3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

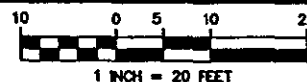
OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 800
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM

**CULLINAN
ENGINEERING**
AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
10 WINDRICE DRIVE, LAKEVILLE, MA 02347 508/946-9911 FAX 508/946-9925

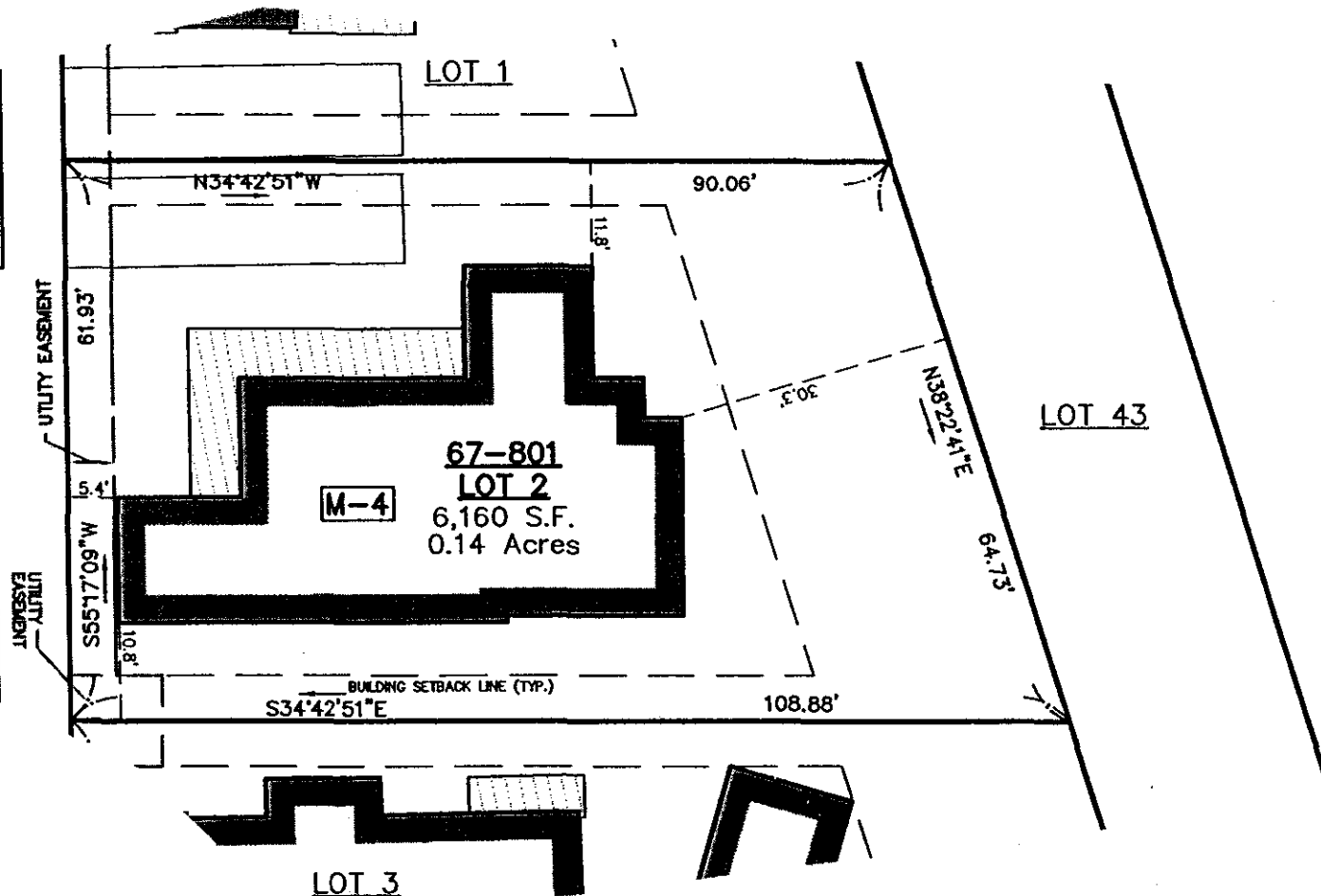


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PROJ. NO. : 6013



LOT 1 SITE PLAN OF LAND
1 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

WOOD LILY ROAD



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

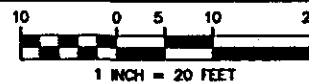
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 801
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
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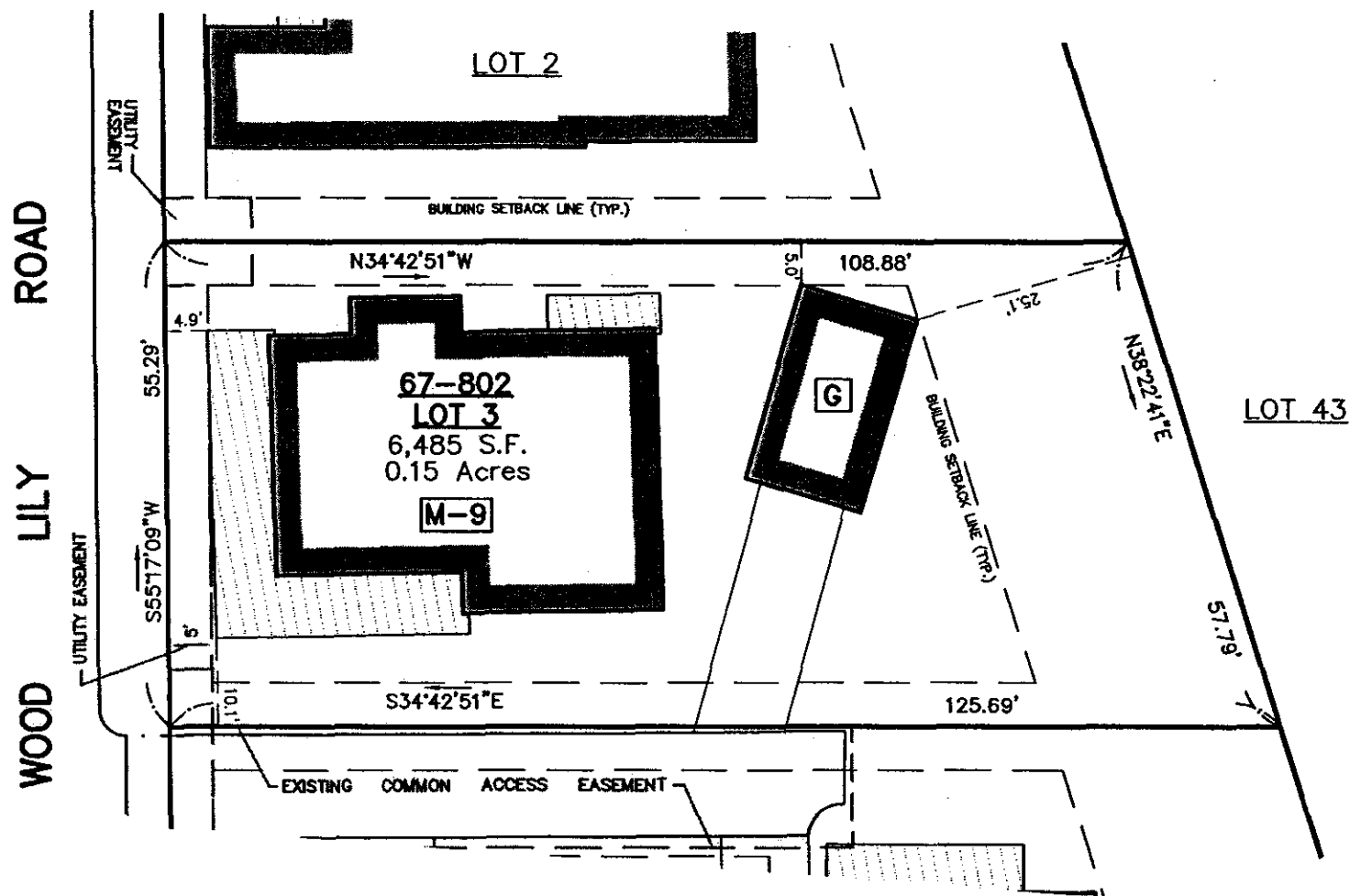
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
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LOT 2 SITE PLAN OF LAND
3 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 802
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
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DATE : JUNE 18, 2007
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LOT 3 SITE PLAN OF LAND
5 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

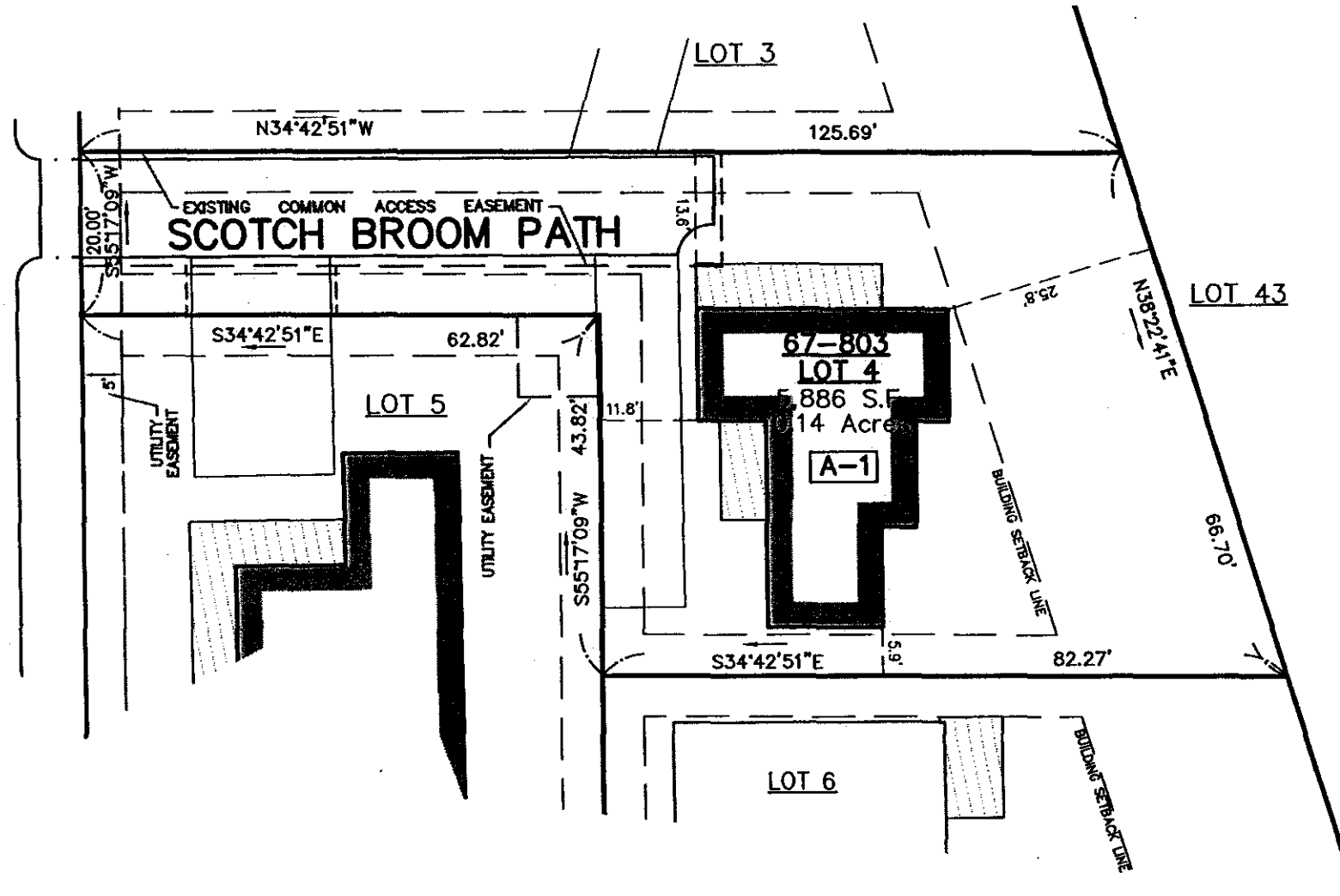
GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

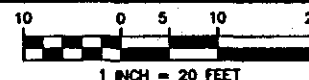
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 803
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS

WOOD LILY ROAD



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ENGINEERING, LLC.**
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
80 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 808/946-3011 FAX 808/946-8055

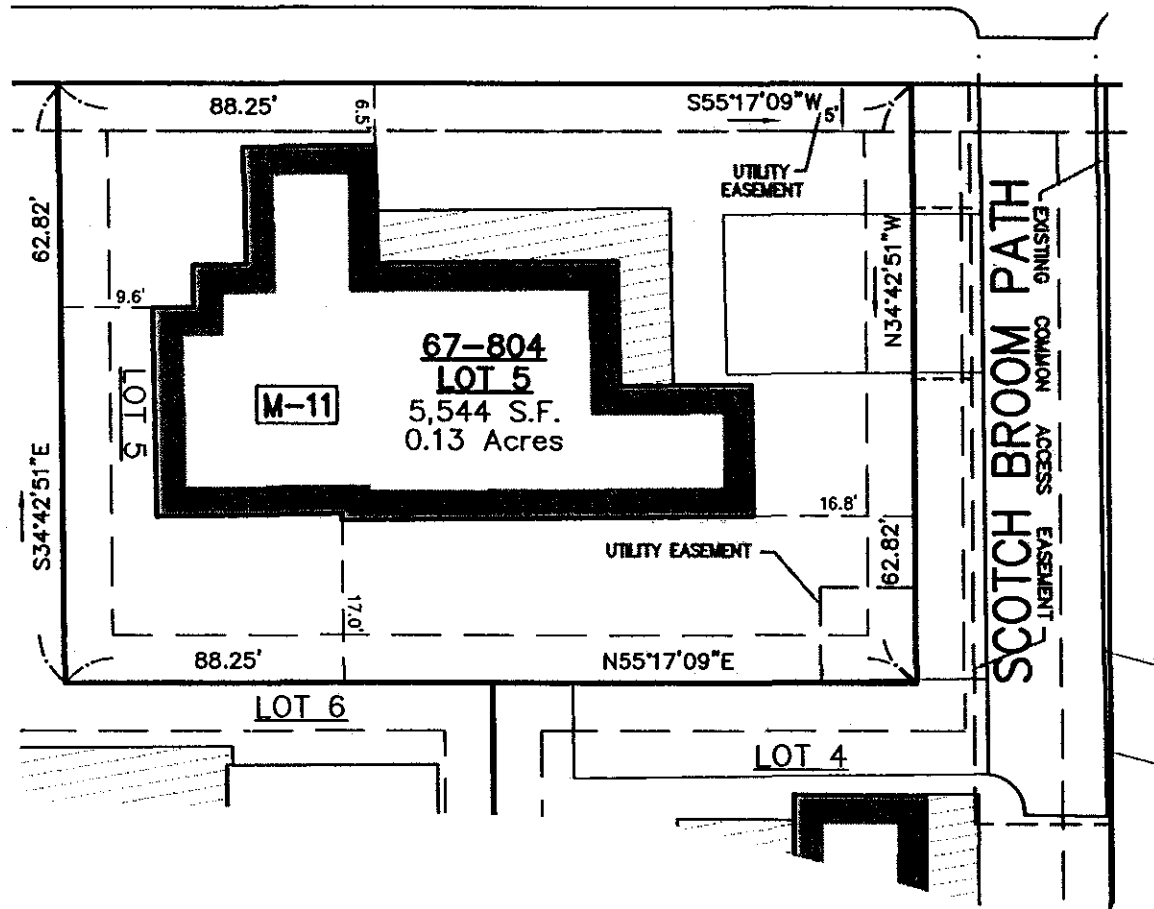


DATE : JUNE 18, 2007
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LOT 4 SITE PLAN OF LAND
1 SCOTCH BROOM PATH BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

WOOD LILY ROAD



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 804
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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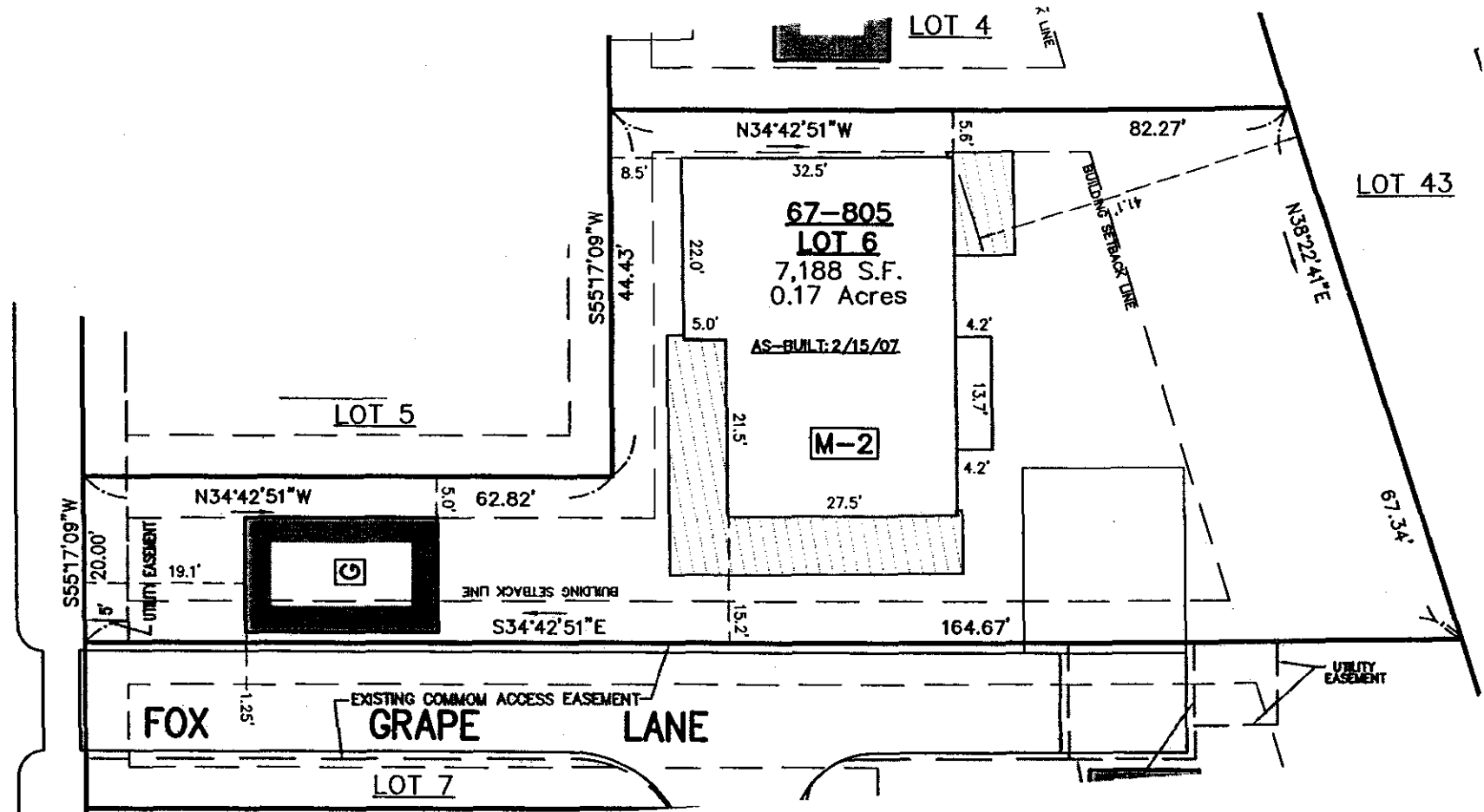
DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 5 SITE PLAN OF LAND
7 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

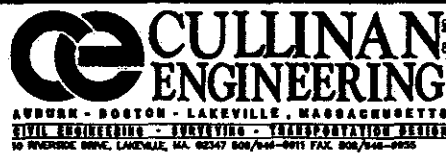


OWNER'S REFERENCE

RUGGED SCOTT LLC.
ASSESSOR MAP: 67, PARCEL 805
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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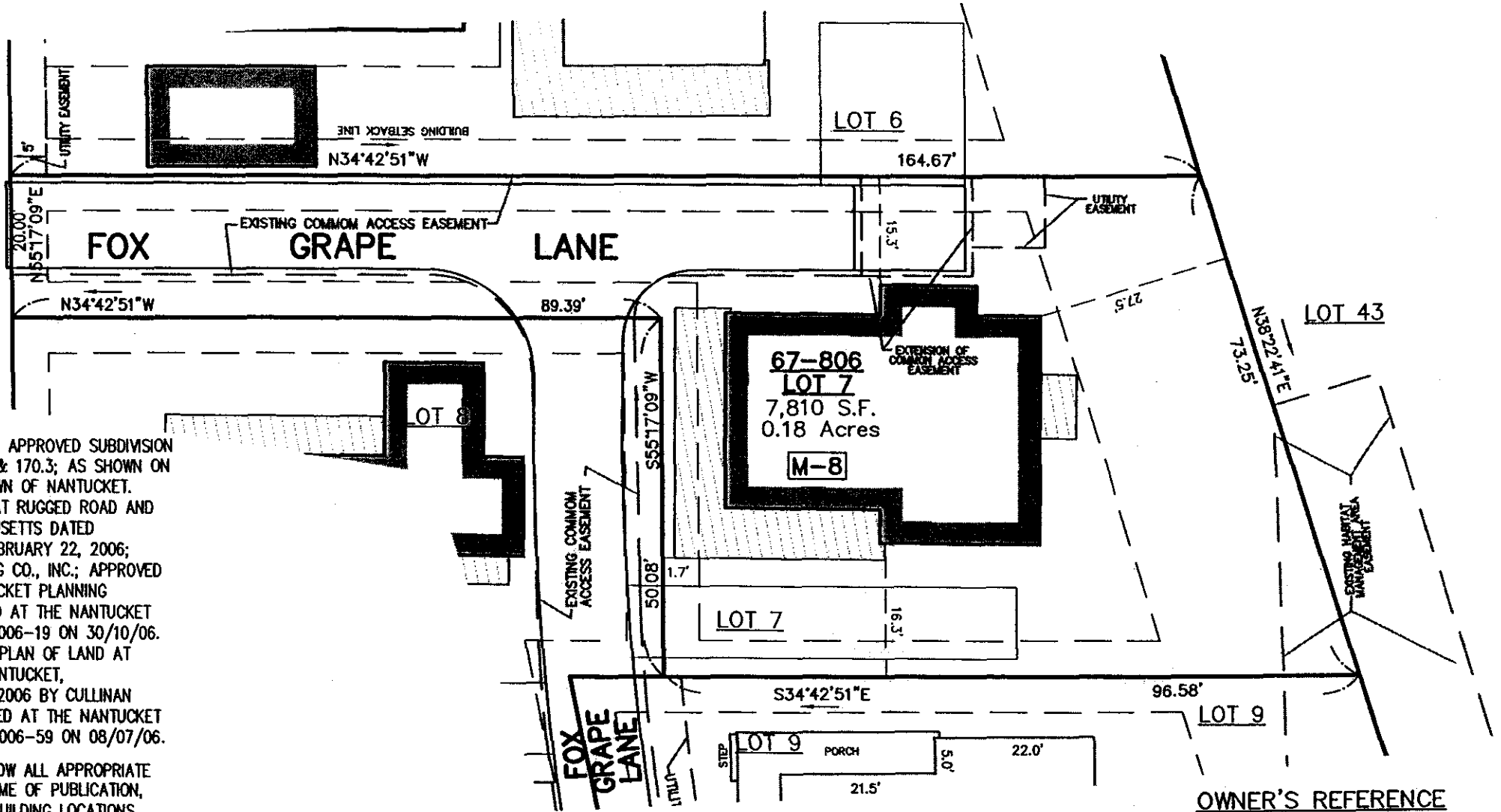


LOT 6 SITE PLAN OF LAND
10 FOX GRAPE LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

WOOD LILY ROAD

GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.



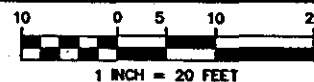
OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 806
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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ENGINEERING, LLC.**
11 CUSHMAN STREET
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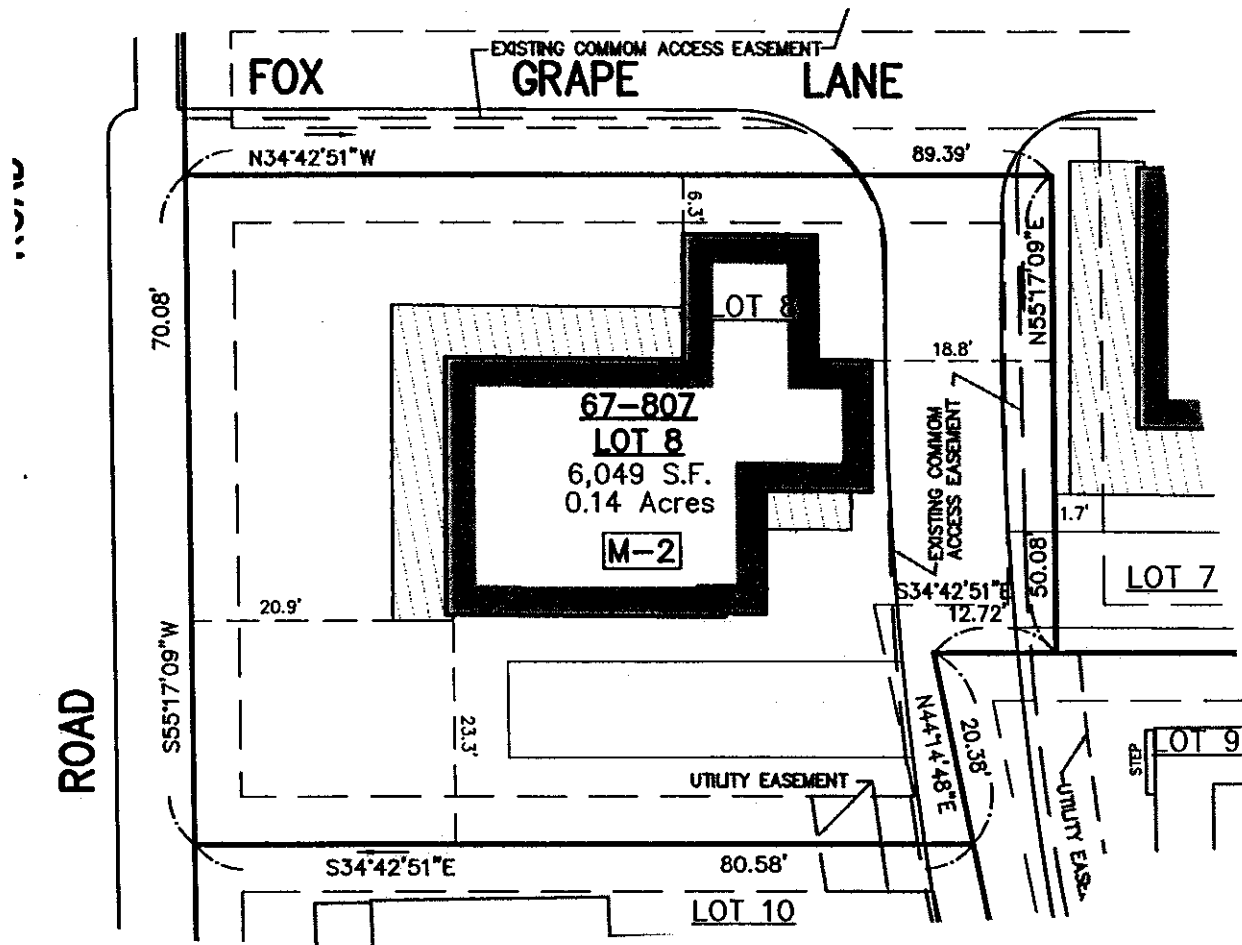
**CULLINAN
ENGINEERING**
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
30 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 808/944-8011 FAX: 808/944-8025



DATE : JUNE 18, 2007
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**LOT 7 SITE PLAN OF LAND
8 FOX GRAPE LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS**



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 807
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



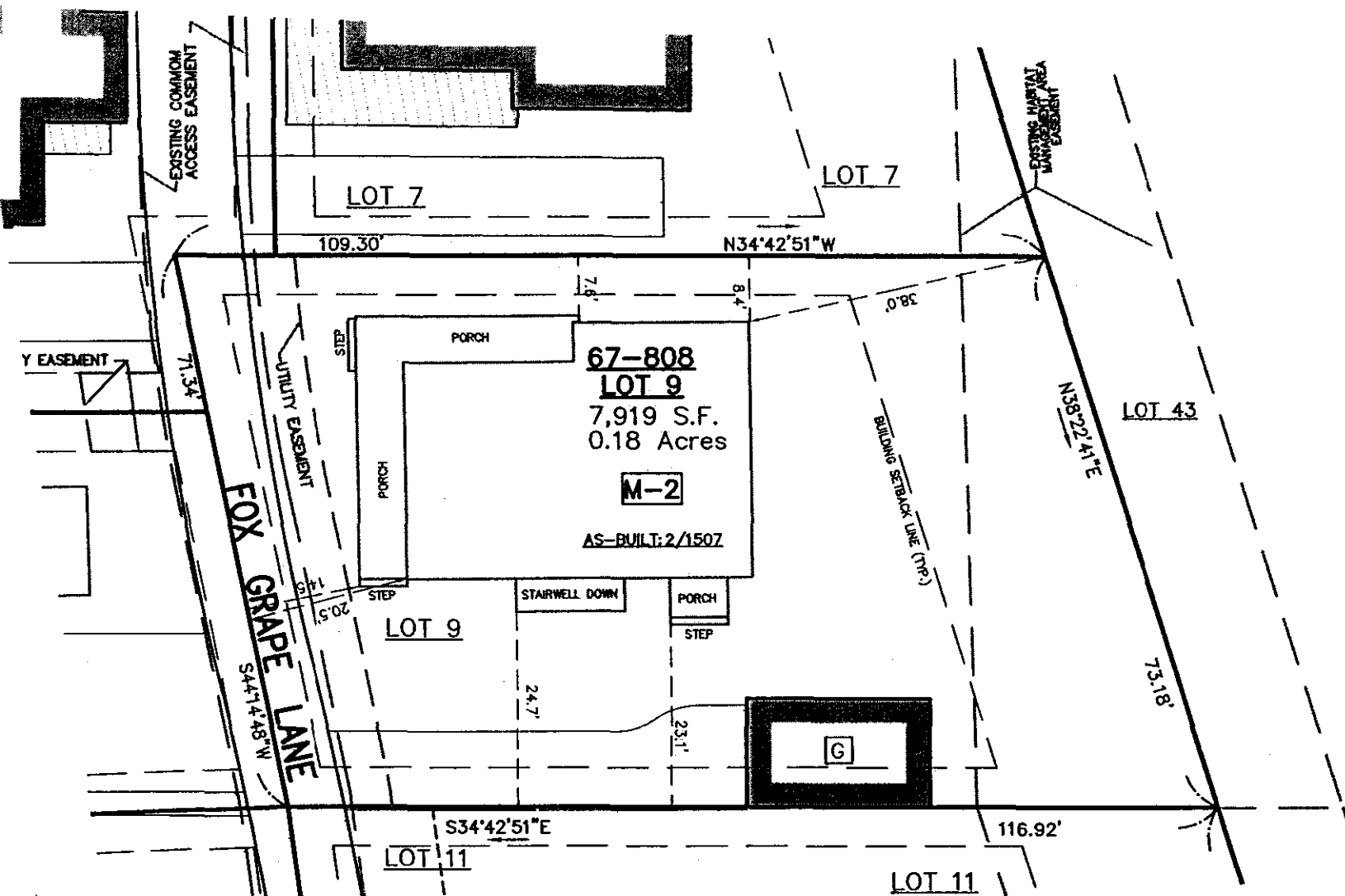
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11 CUSHMAN STREET
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PROJ. NO. : 6013



LOT 8 SITE PLAN OF LAND
9 FOX GRAPE LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 808
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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11 CUSHMAN STREET
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
90 REVERSHIDE DRIVE, LAKEVILLE, MA 02347 802/946-0011 FAX: 802/946-0055



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PROJ. NO. : 6013



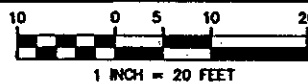
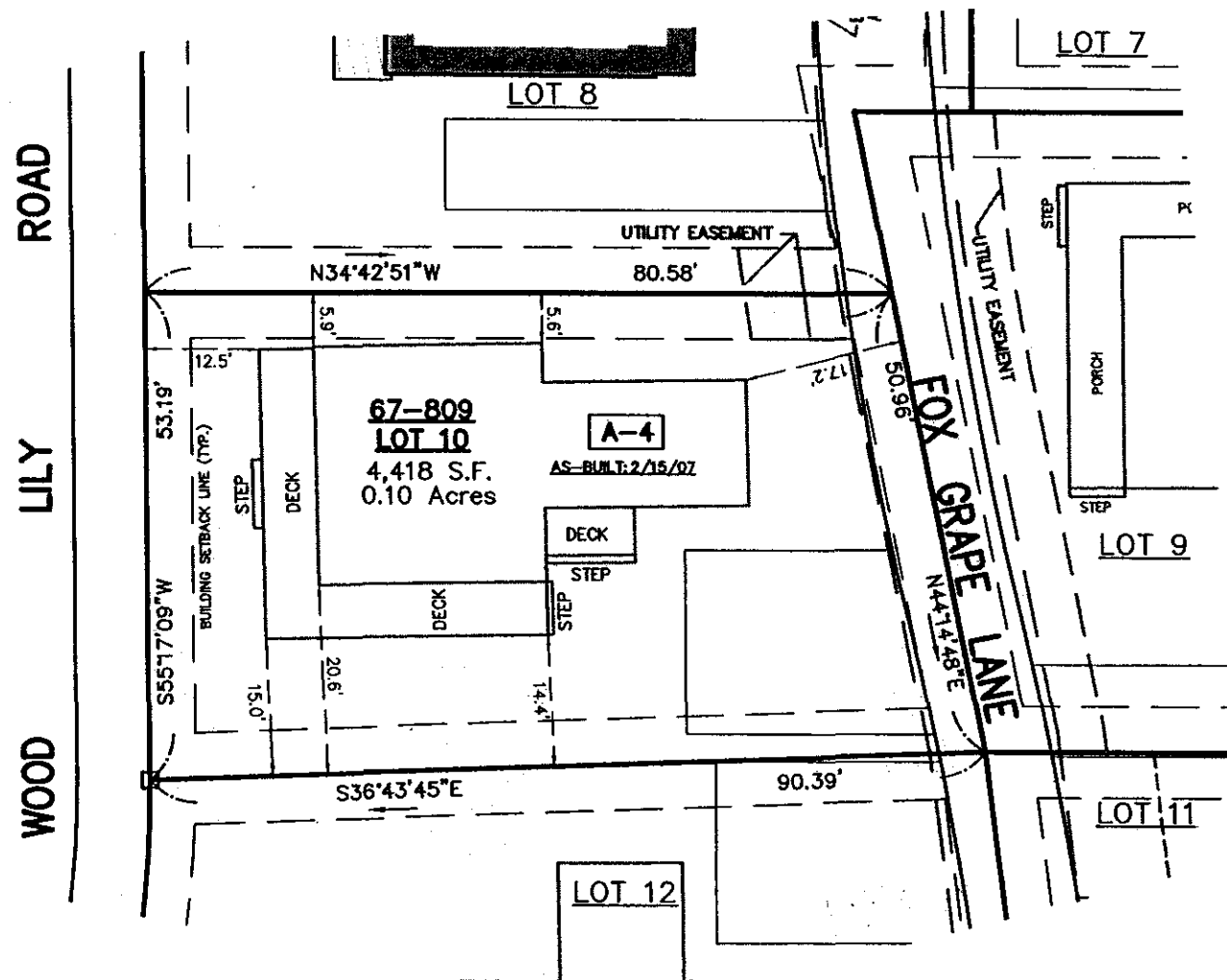
LOT 9 SITE PLAN OF LAND
6 FOX GRAPE LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 809
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



DATE : JUNE 18, 2007
PROJ. NO. : 6038



LOT 10 SITE PLAN OF LAND
8 FOX GRAPE LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

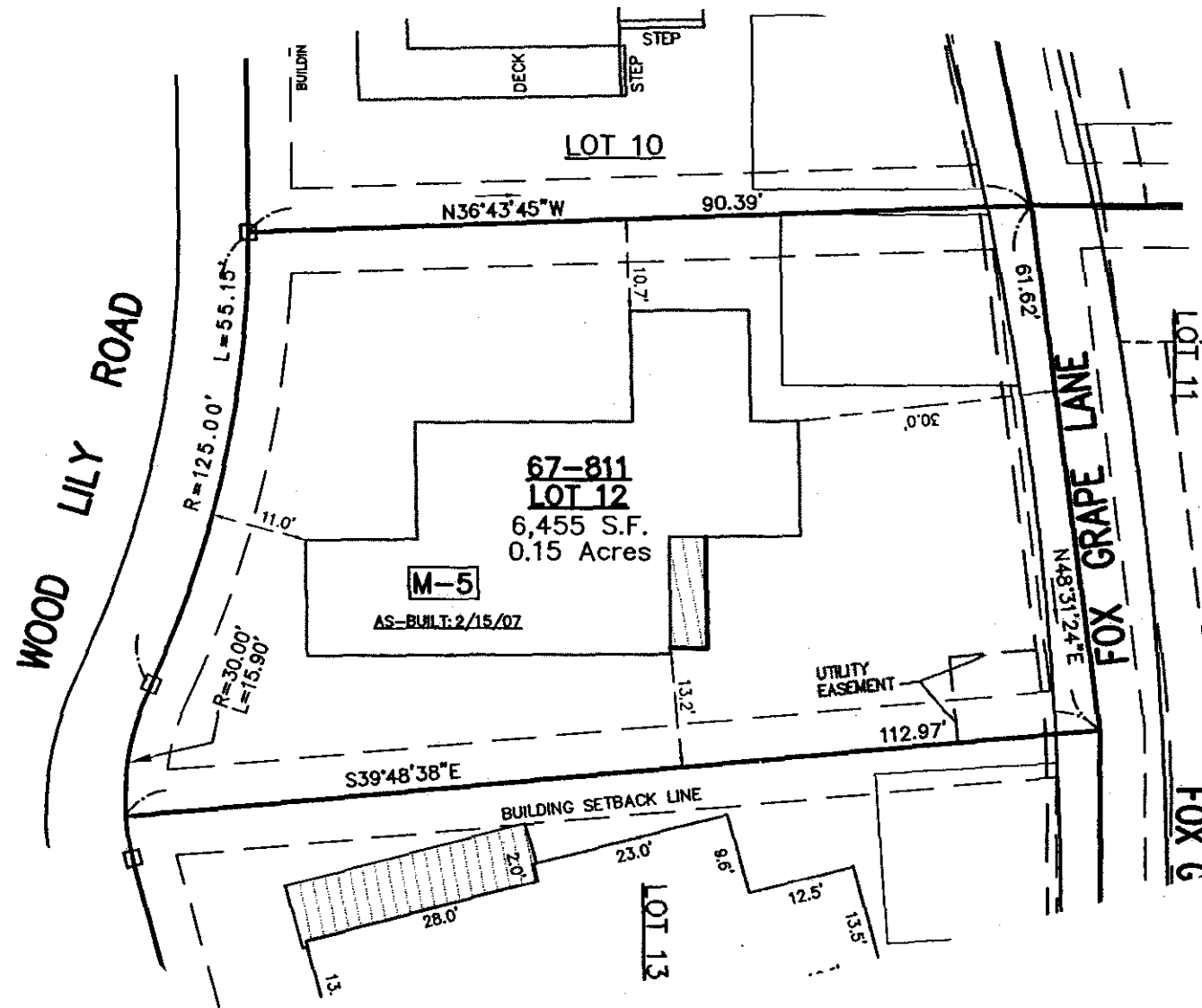


**SITE DESIGN
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CULLINAN ENGINEERING

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CIVIL ENGINEERING • SURVEYING • TRANSPORTATION DESIGN
 10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-8911 FAX 508/946-8035



GENERAL NOTES

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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

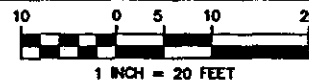
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 811
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
10 BINGHAM DRIVE, LAKEVILLE, MA 02347 508/946-4911 FAX 508/946-4900

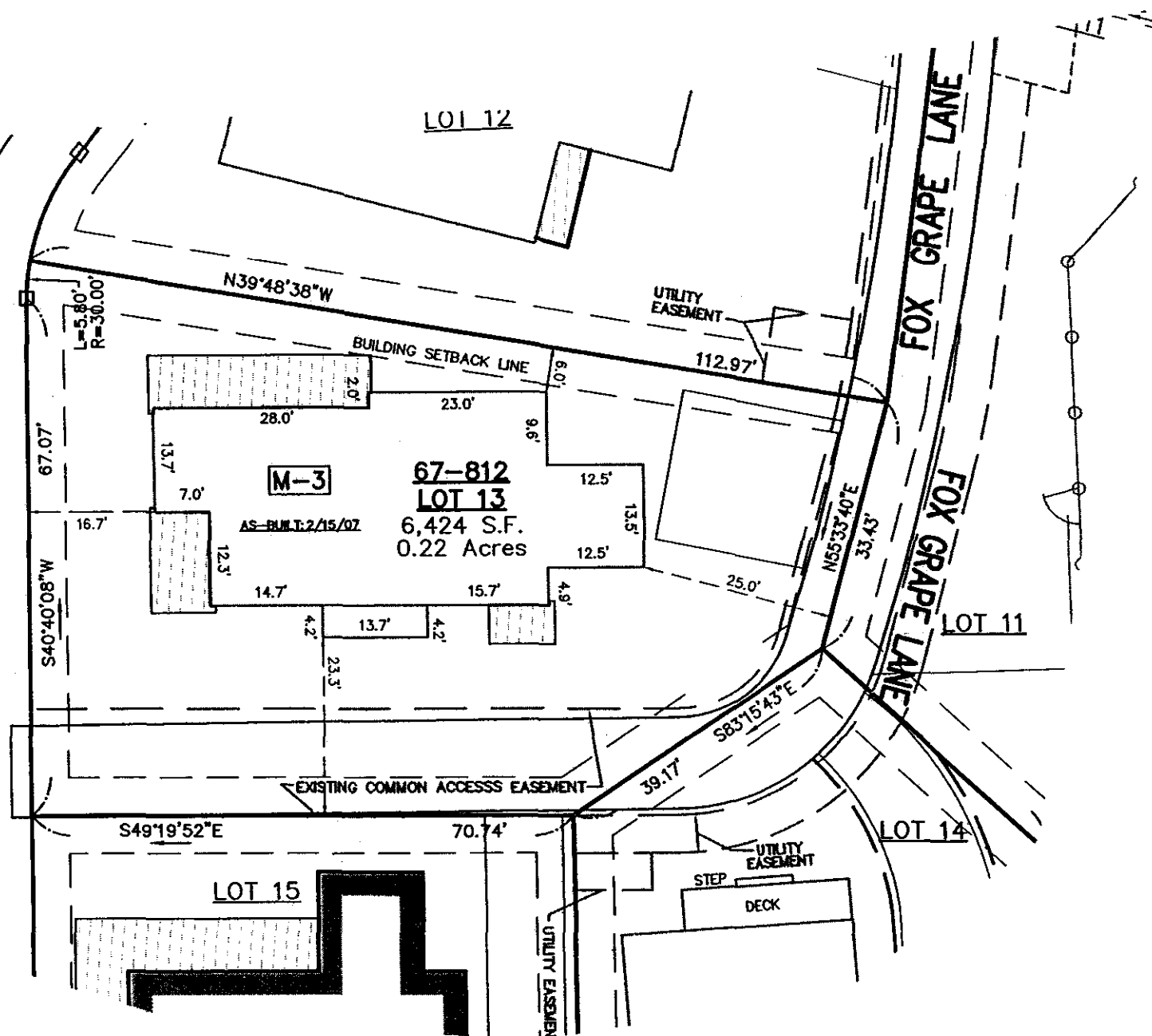


DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 12 SITE PLAN OF LAND
13 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

WOOD LILY ROAD



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 812
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



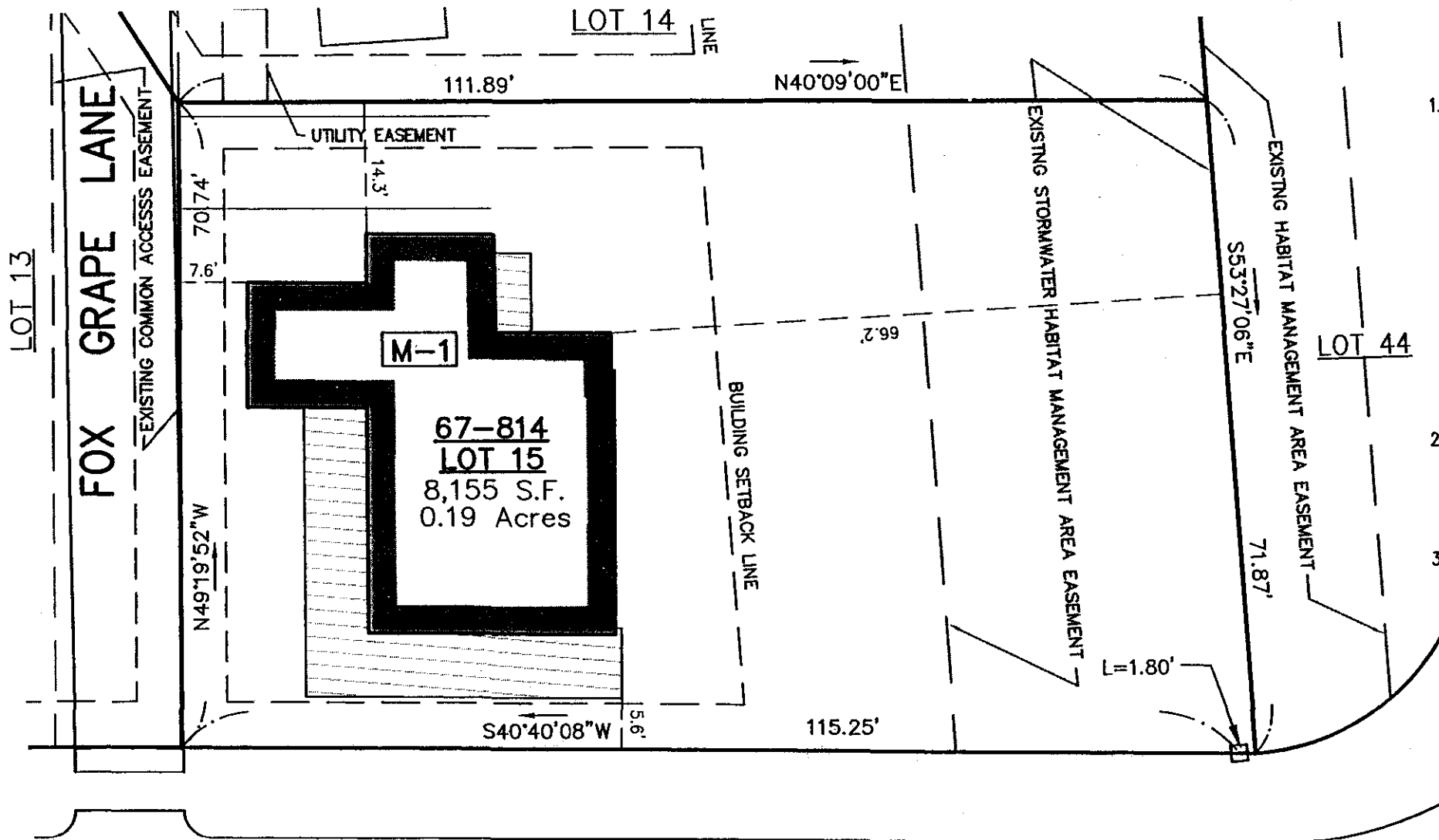
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DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 13 SITE PLAN OF LAND
15 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

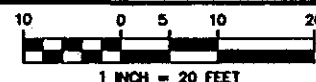
OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 814
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS

WOOD LILY ROAD



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PROJ. NO. : 6013



LOT 15 SITE PLAN OF LAND
17 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

119.08' UTILITY EASEMENT
 BUILDING SETBACK LINE (TYP.)
 N40°40'08"E
 15.6'
 6.55'
 EXISTING STORMWATER HABITAT MANAGEMENT AREA EASEMENT
 1.80'
 S53°27'06"E
 EXISTING HABITAT MANAGEMENT AREA EASEMENT
 77.51'
 124.66'
 LOT 45
 LOT 17
 27.5'
 UTILITY EASEMENT
 S40°40'08"W
 5.1'
 77.31'
 N49°19'52"W
 1.5'
 UTILITY EASEMENT
 G
 67-815
 LOT 16
 9,422 S.F.
 0.22 Acres
 M-11
 THISTLE WAY
 LOT 18

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 815
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS

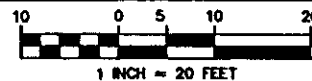


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CULLINAN ENGINEERING

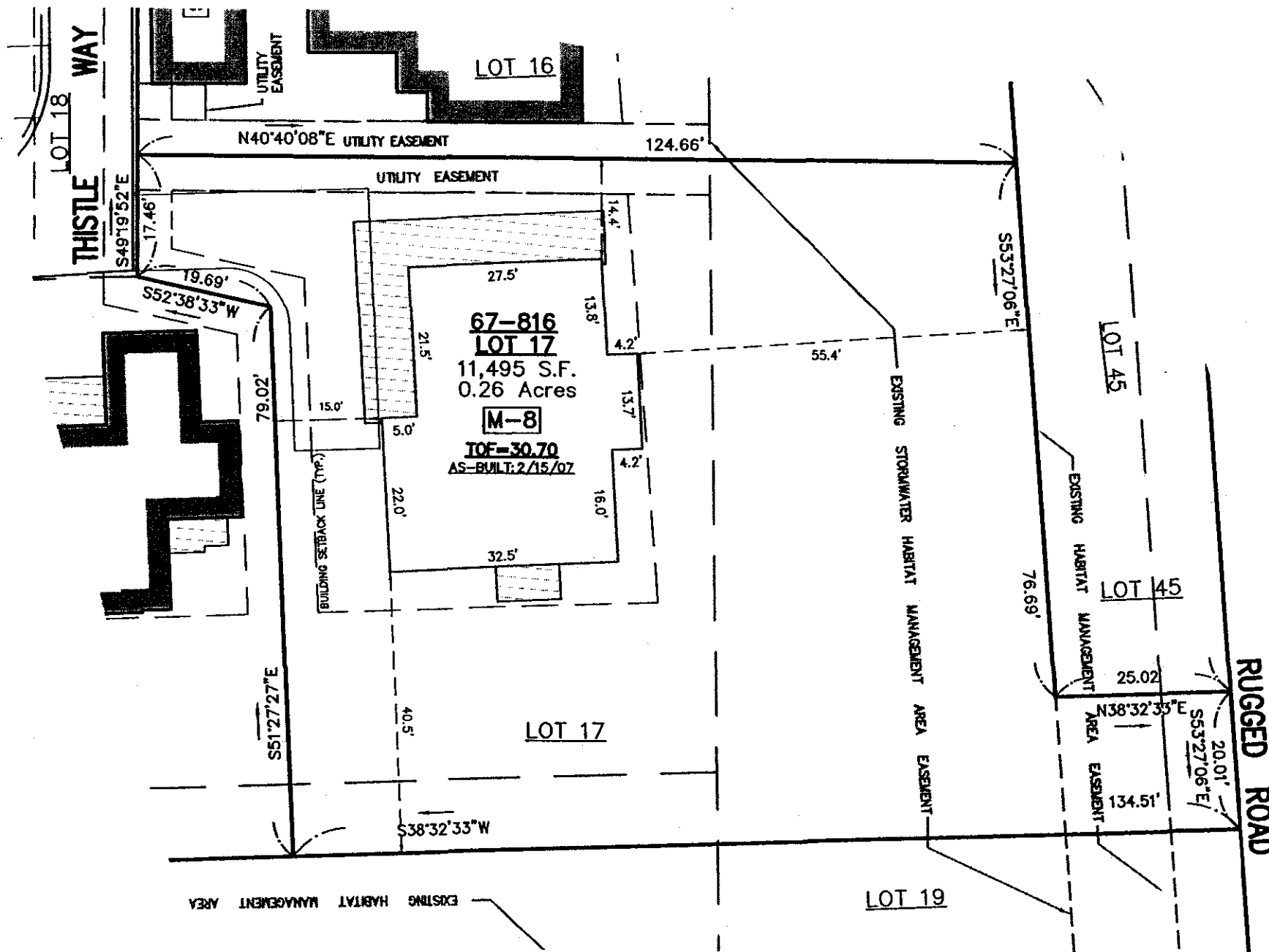
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 10 HENDERSON DRIVE, LAKEVILLE, MA 02347 808/846-8001 FAX 808/846-8055



DATE : JUNE 18, 2007
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**LOT 16 SITE PLAN OF LAND
12 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS**



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 816
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-0911 FAX: 508/946-9905



DATE : JUNE 18, 2007
PROJ. NO. : 6013

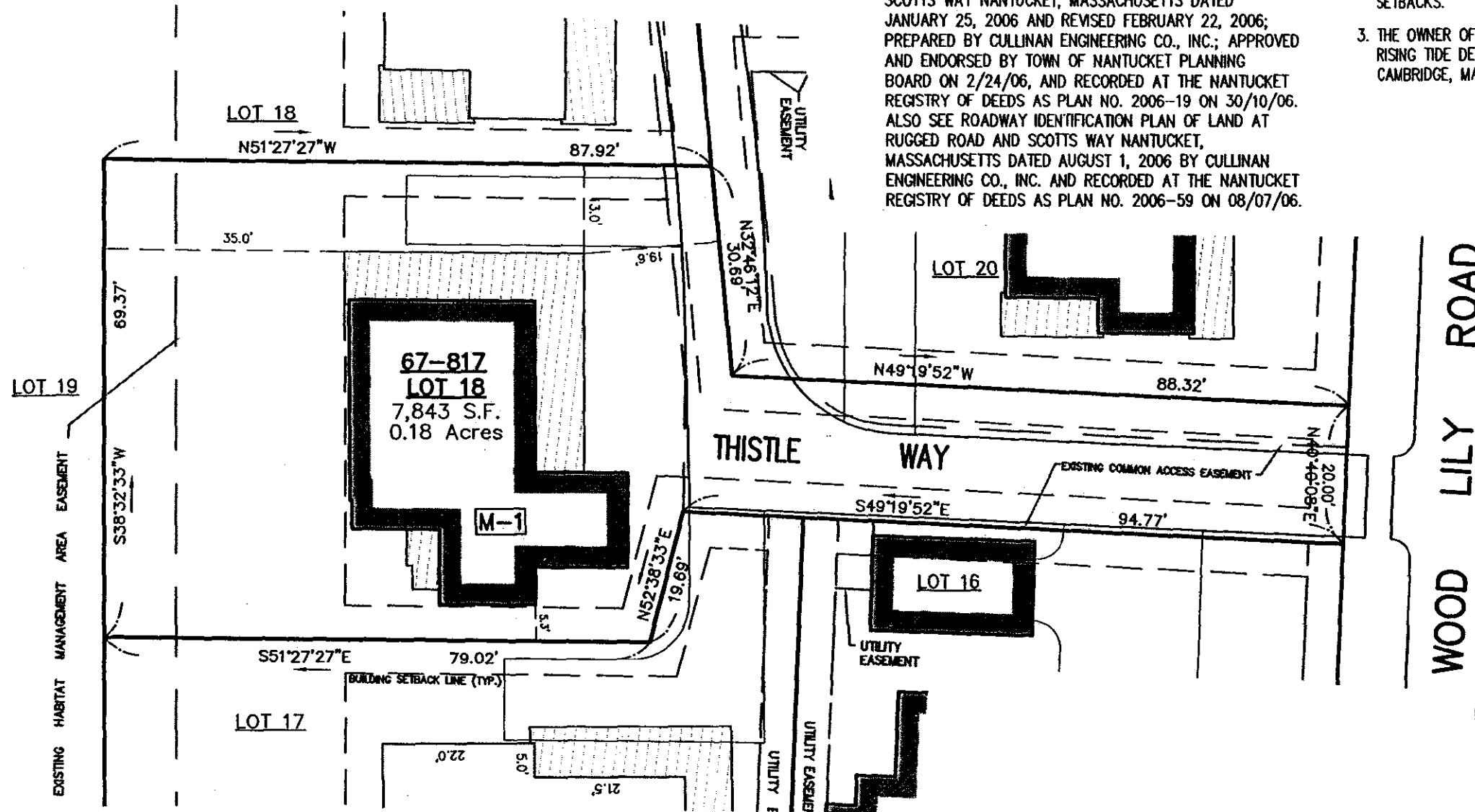


**LOT 17 SITE PLAN OF LAND
10 THISTLE WAY BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS**

GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.

2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.



OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 817
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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CULLINAN ENGINEERING

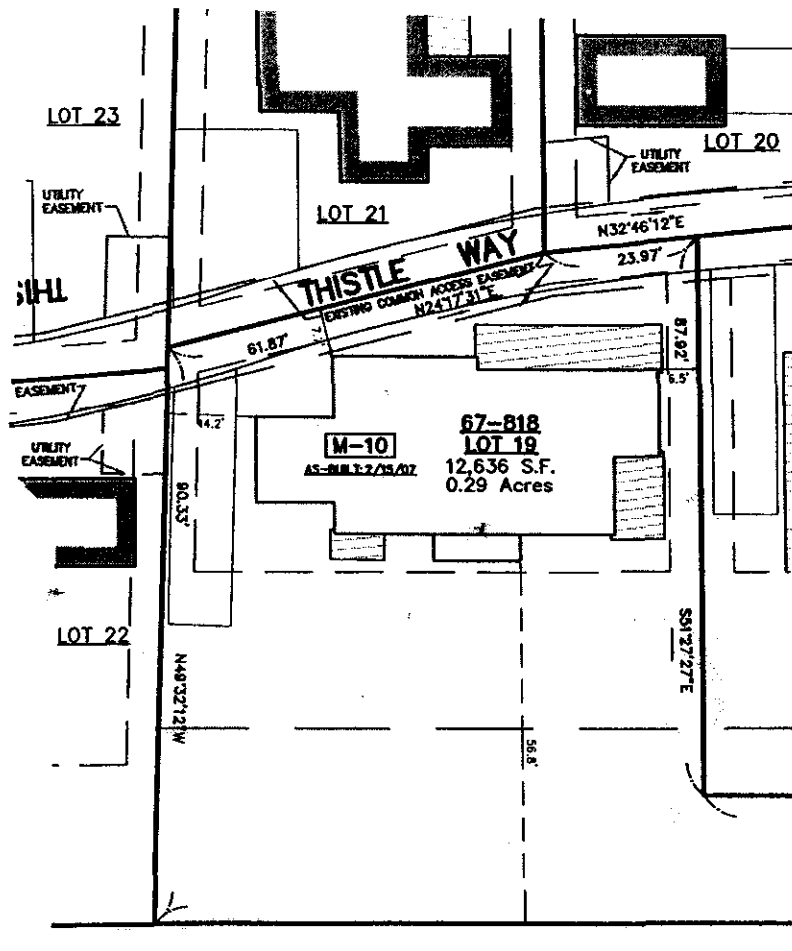
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 10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-0911 FAX 508/946-0935



DATE : JUNE 18, 2007
PROJ. NO. : 6013



**LOT 18 SITE PLAN OF LAND
8 THISTLE WAY BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS**



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.

2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.

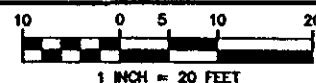
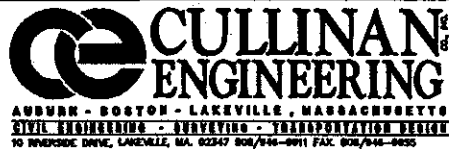
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 818
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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DATE : APRIL 18, 2007
PROJ. NO. : 6017



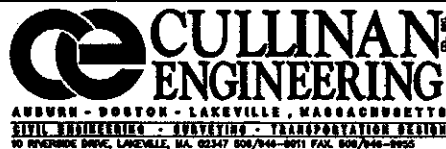
**LOT 19 SITE PLAN OF LAND
6 THISTLE WAY BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS**



1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

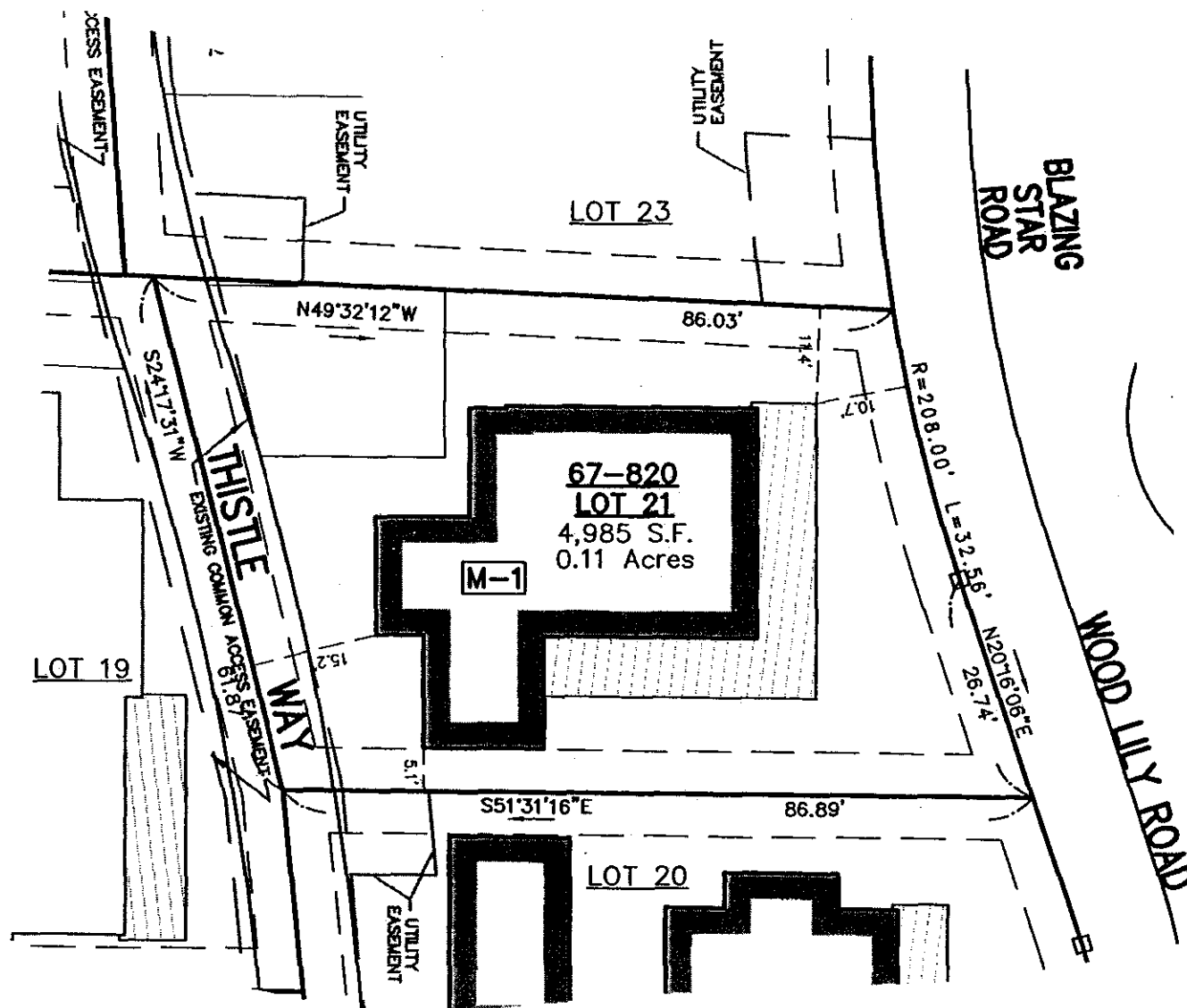
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 819
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 20 SITE PLAN OF LAND
10 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 820
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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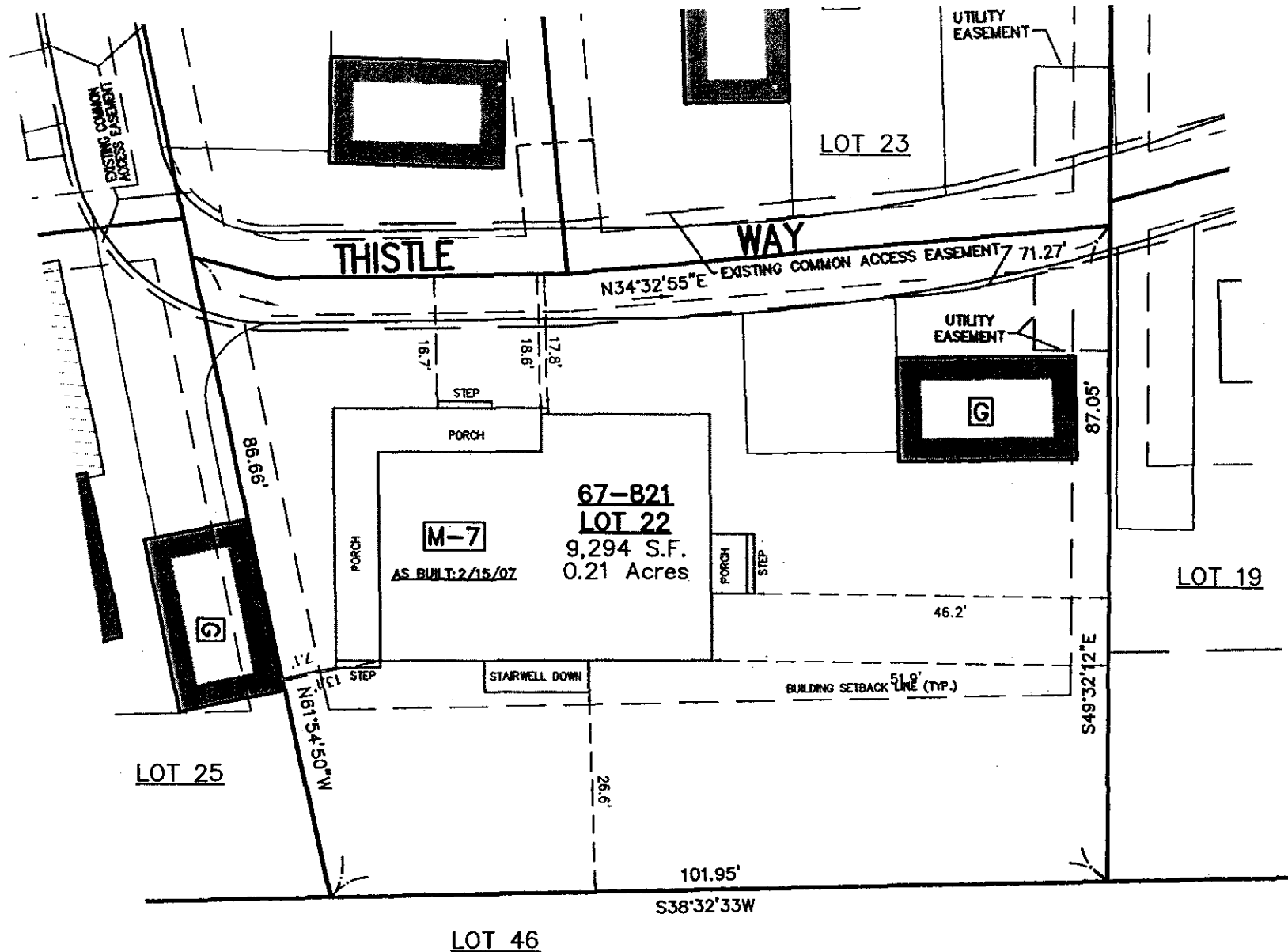
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DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 21 SITE PLAN OF LAND
16 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 821
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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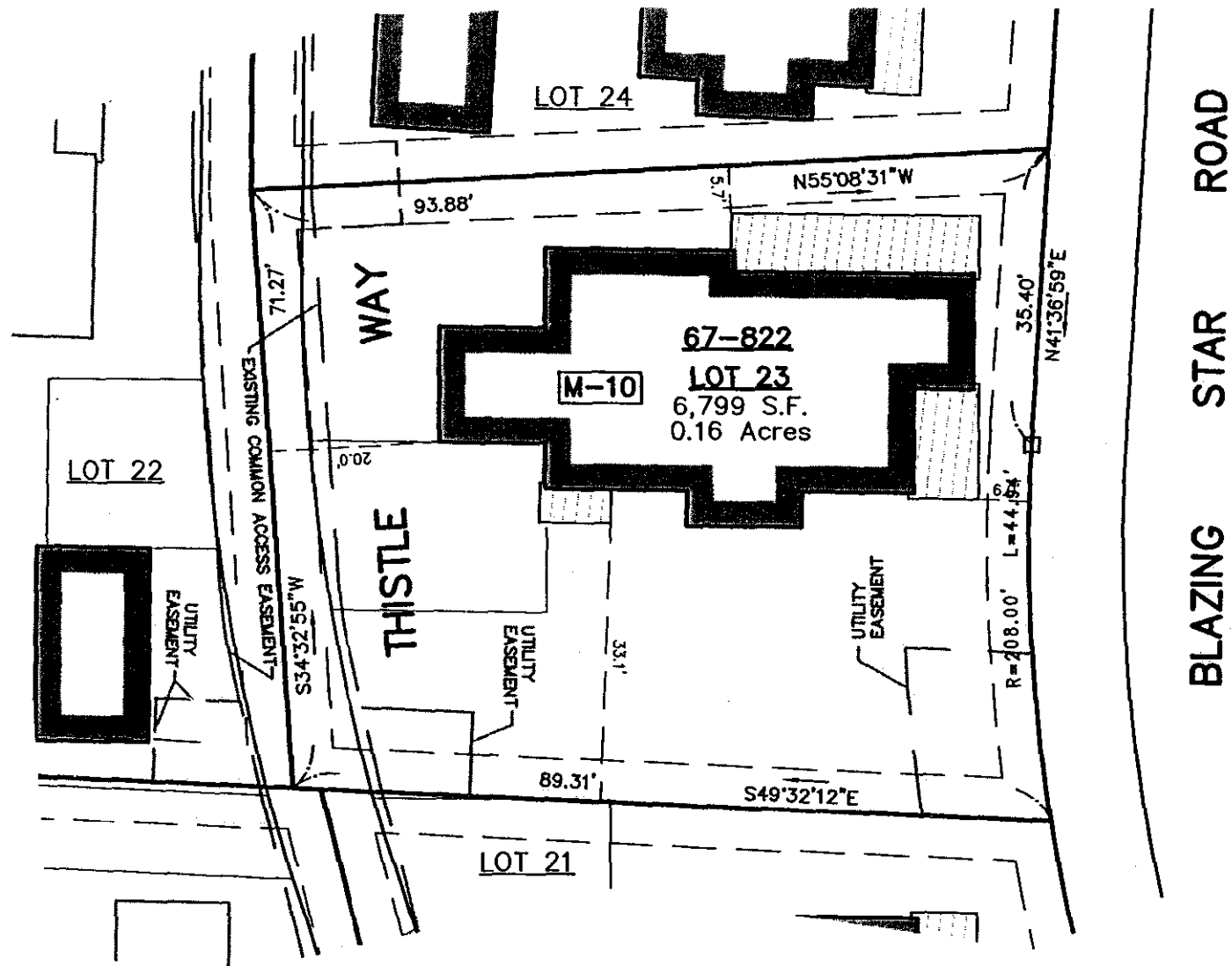
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10 WINDSIDE DRIVE, LAKEVILLE, MA 02347 508/946-8811 FAX 508/946-8855



DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 22 SITE PLAN OF LAND
4 THISTLE WAY BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

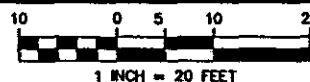
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 822
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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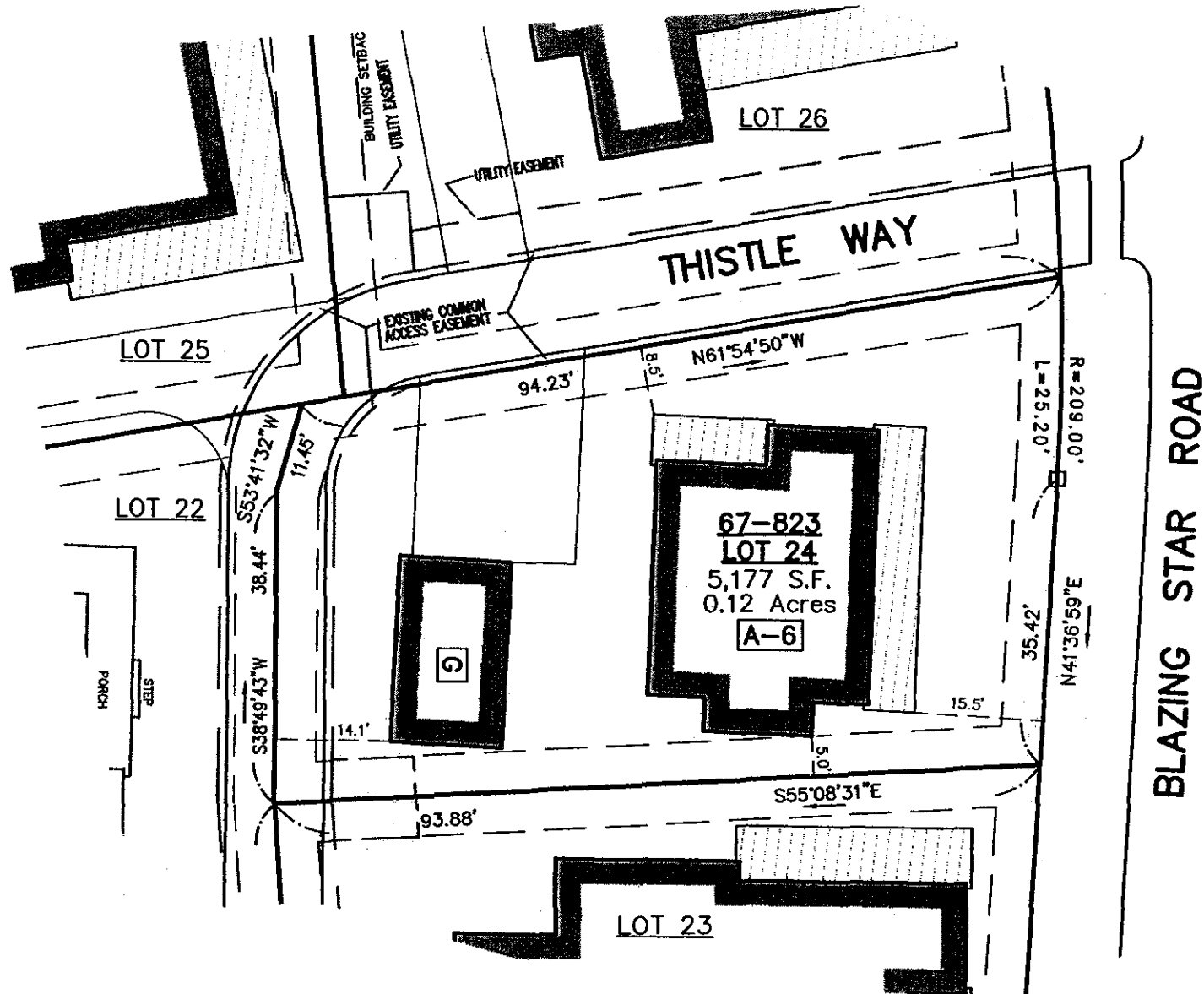
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
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DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 23 SITE PLAN OF LAND
14 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 823
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
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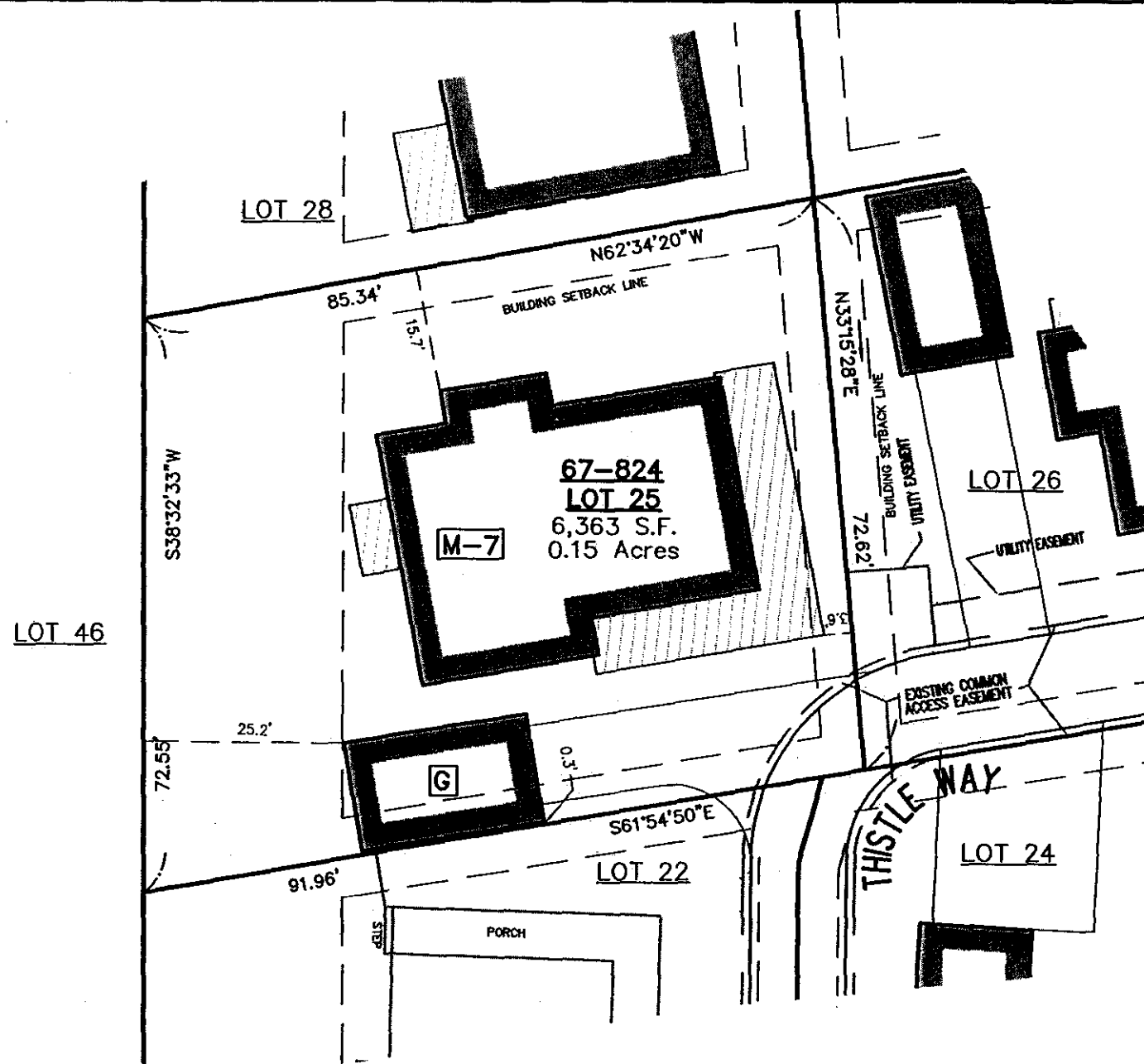
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10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/944-0911 FAX 508/944-8955



DATE : JUNE 18, 2007
PROJ. NO. : 601311



LOT 24 SITE PLAN OF LAND
12 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 824
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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MIDDLEBORO, MA 02346
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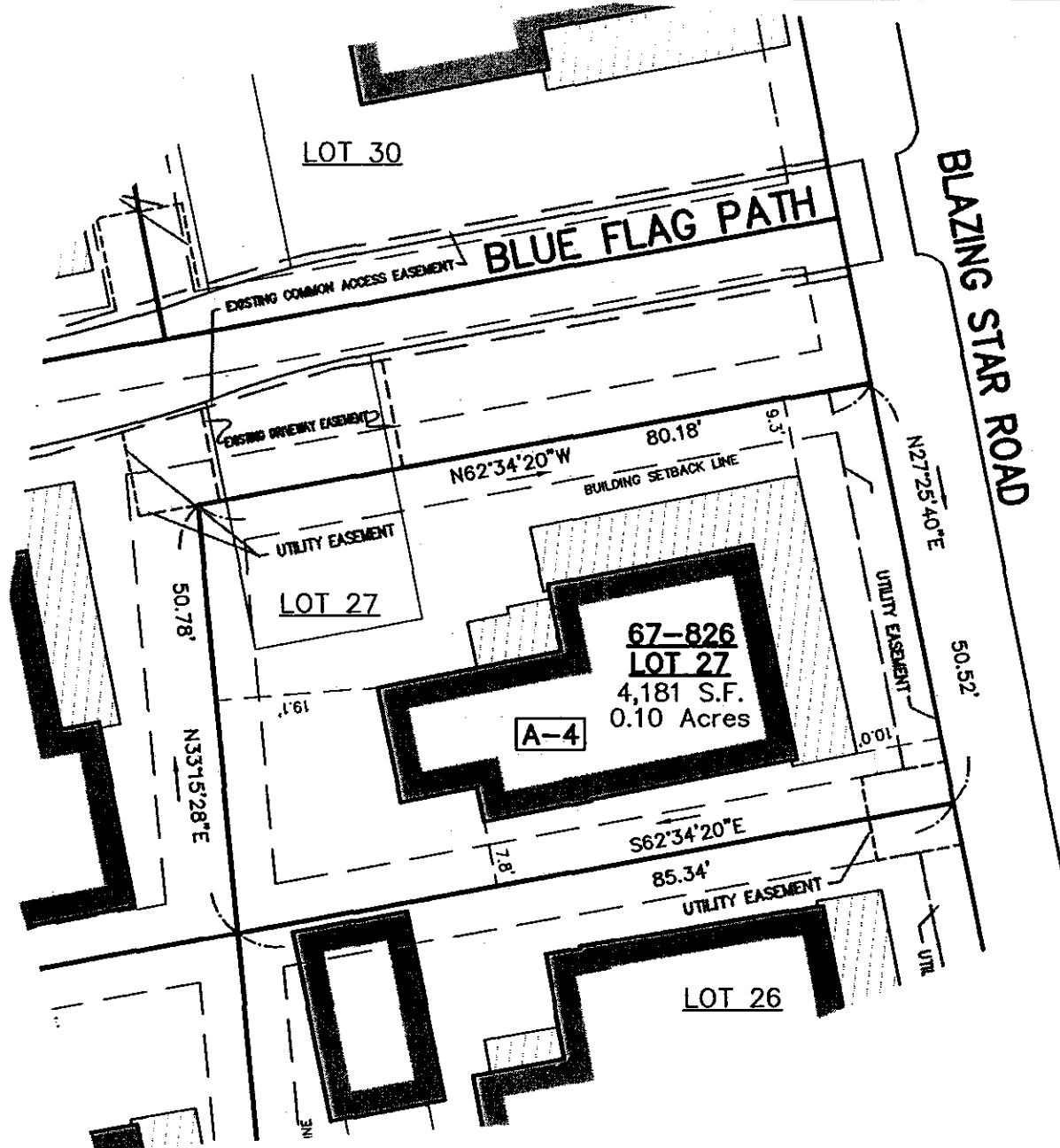
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10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/944-0011 FAX: 508/944-0055



DATE : JUNE 18, 2007
PROJ. NO. : 60112



LOT 25 SITE PLAN OF LAND
2 THISTLE WAY BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 826
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
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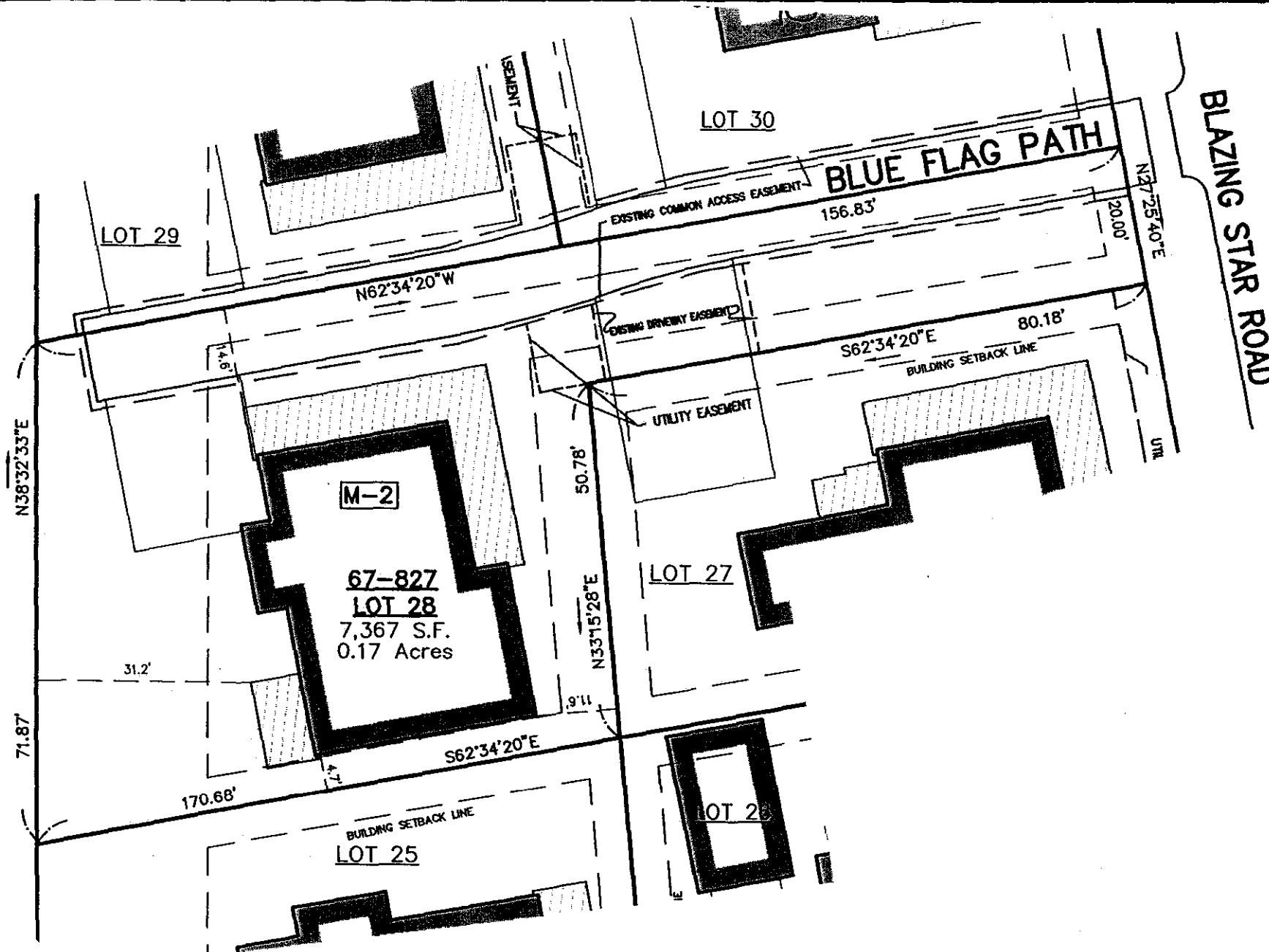
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10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/944-8011 FAX 508/944-8055



DATE : JUNE 18, 2007
PROJ. NO. : 60134



LOT 27 SITE PLAN OF LAND
8 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

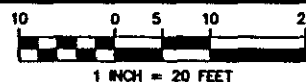
RUGGED SCOTT LLC
 ASSESSOR MAP: 67, PARCEL 827
 32 ARLINGTON STREET
 CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
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 11 CUSHMAN STREET
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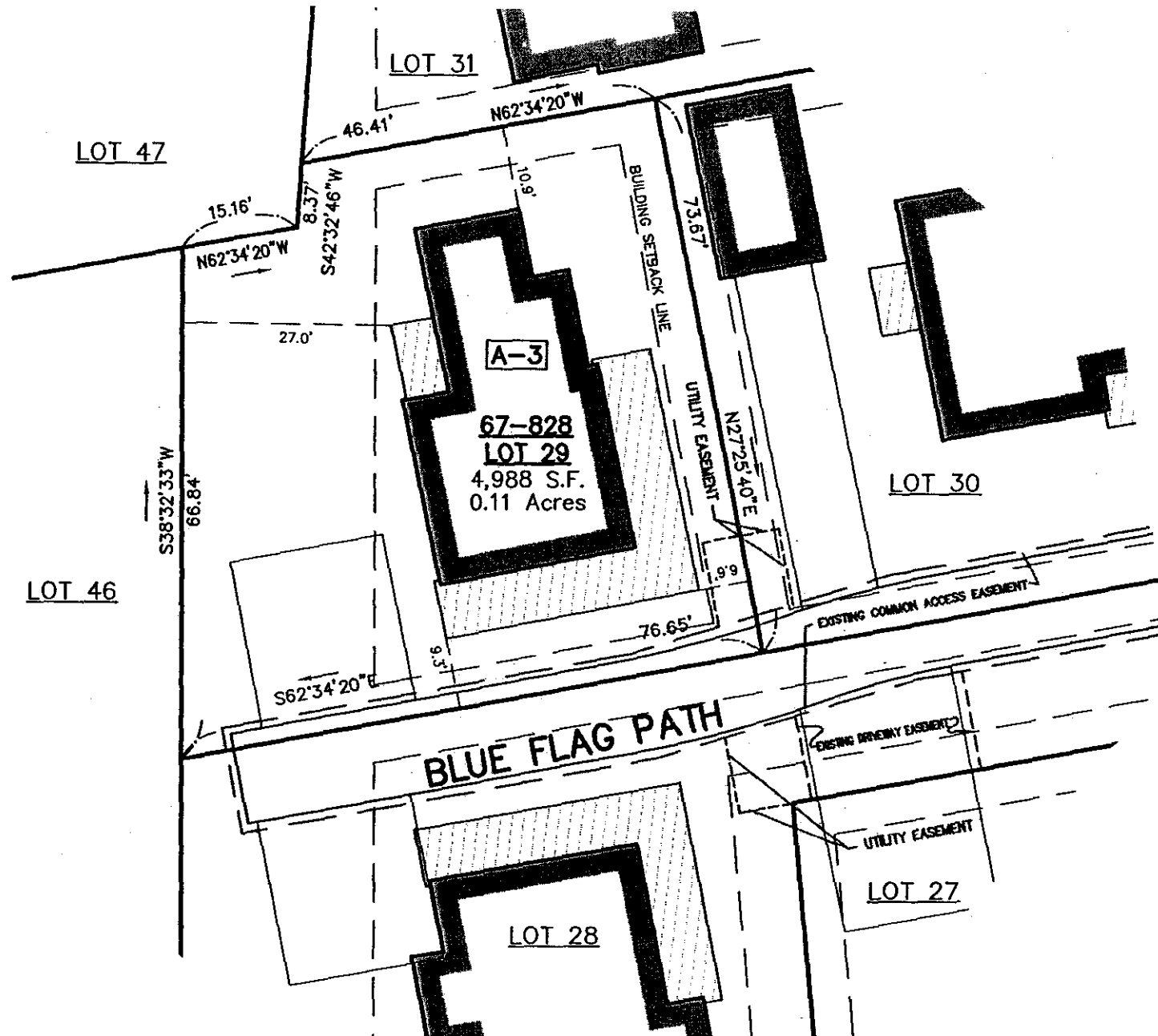
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 CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
 10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-4911 FAX 508/946-9930



DATE : JUNE 18, 2007
 PROJ. NO. : 6115



LOT 28 SITE PLAN OF LAND
1 BLUE FLAG PATH BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

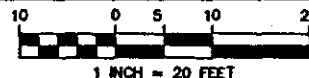
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 828
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
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11 CUSHMAN STREET
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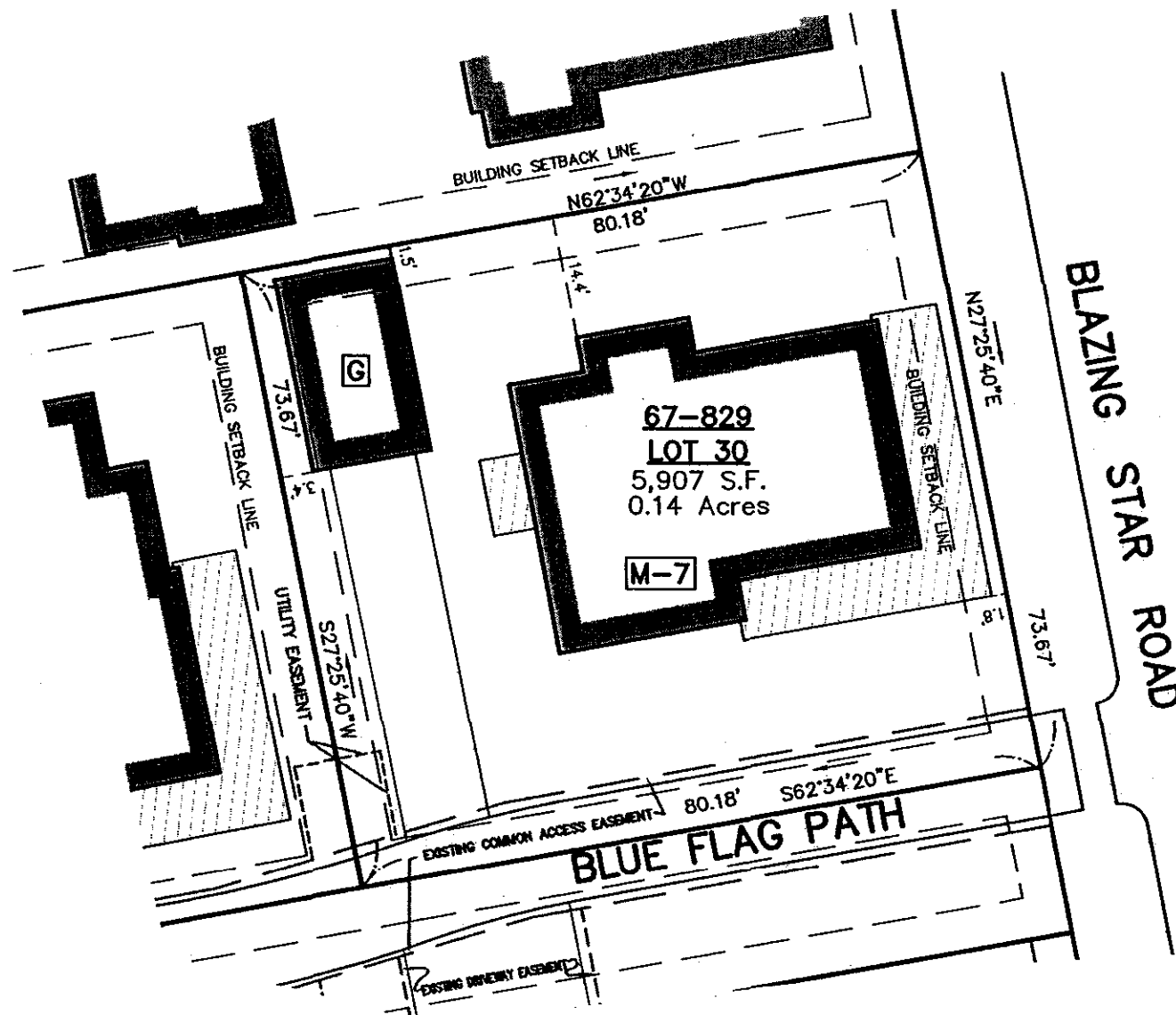
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/944-8011 FAX 508/944-8995



DATE : JUNE 18, 2007
PROJ. NO. : 6013



**LOT 29 SITE PLAN OF LAND
2 BLUE FLAG PATH BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS**



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 829
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS

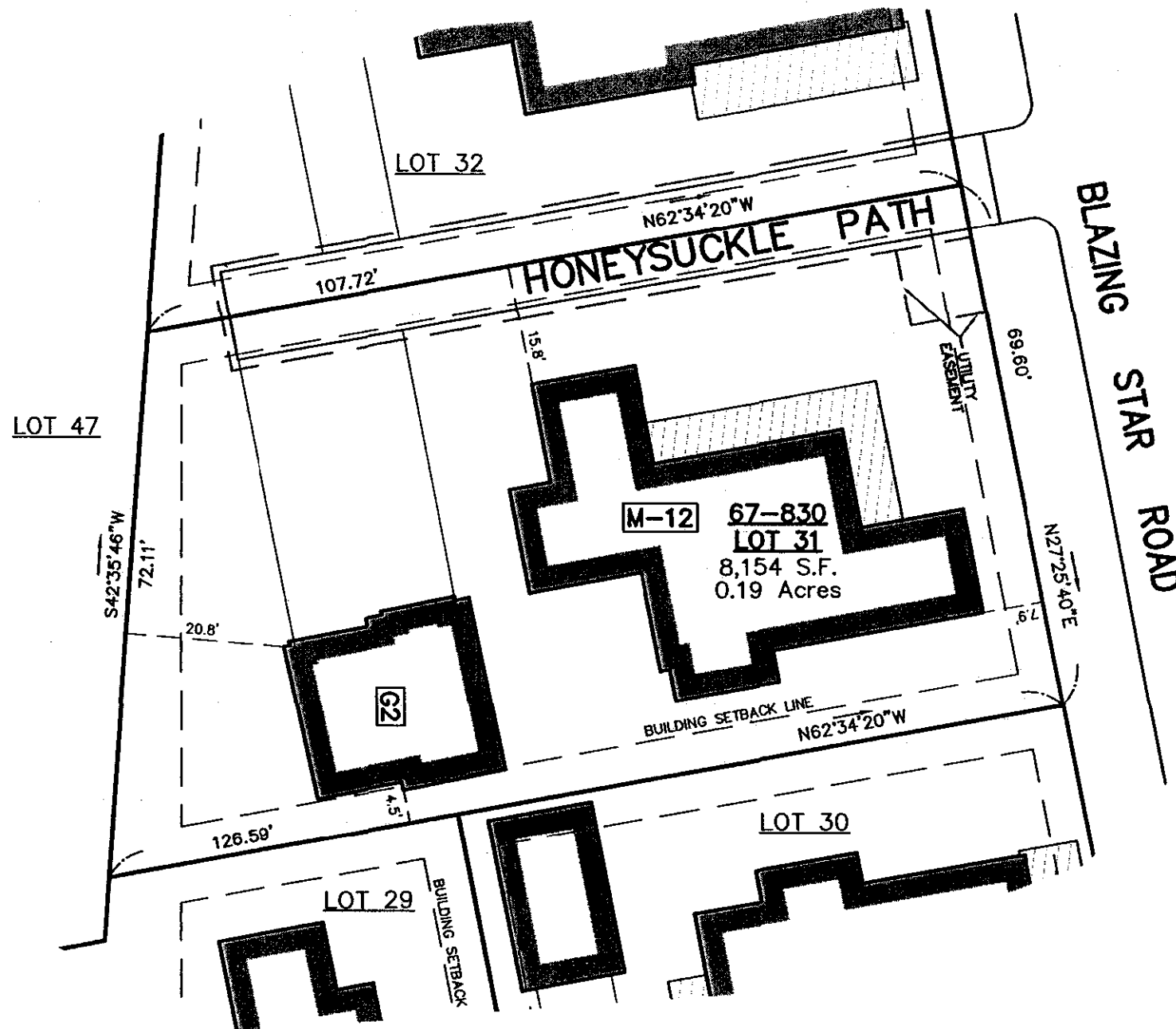


**SITE DESIGN
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DATE : JUNE 18, 2007
PROJ. NO. : 6013

**LOT 30 SITE PLAN OF LAND
6 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS**



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

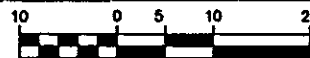
OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 830
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
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11 CUSHMAN STREET
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CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-9911 FAX 508/946-9955

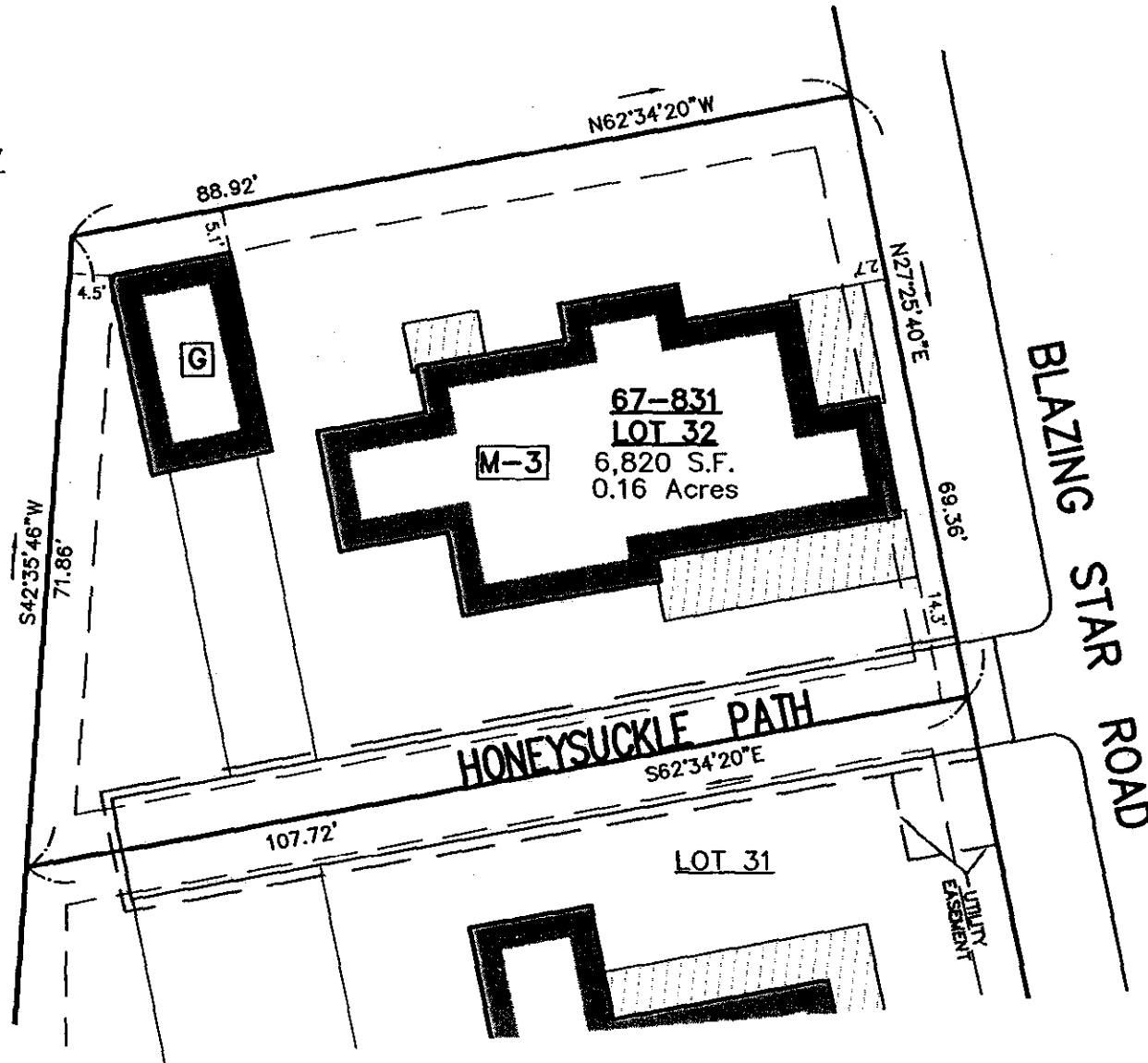


DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 31 SITE PLAN OF LAND
4 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

LOT 47



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

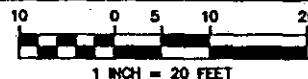
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 831
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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11 CUSHMAN STREET
MIDDLEBORO, MA 02346
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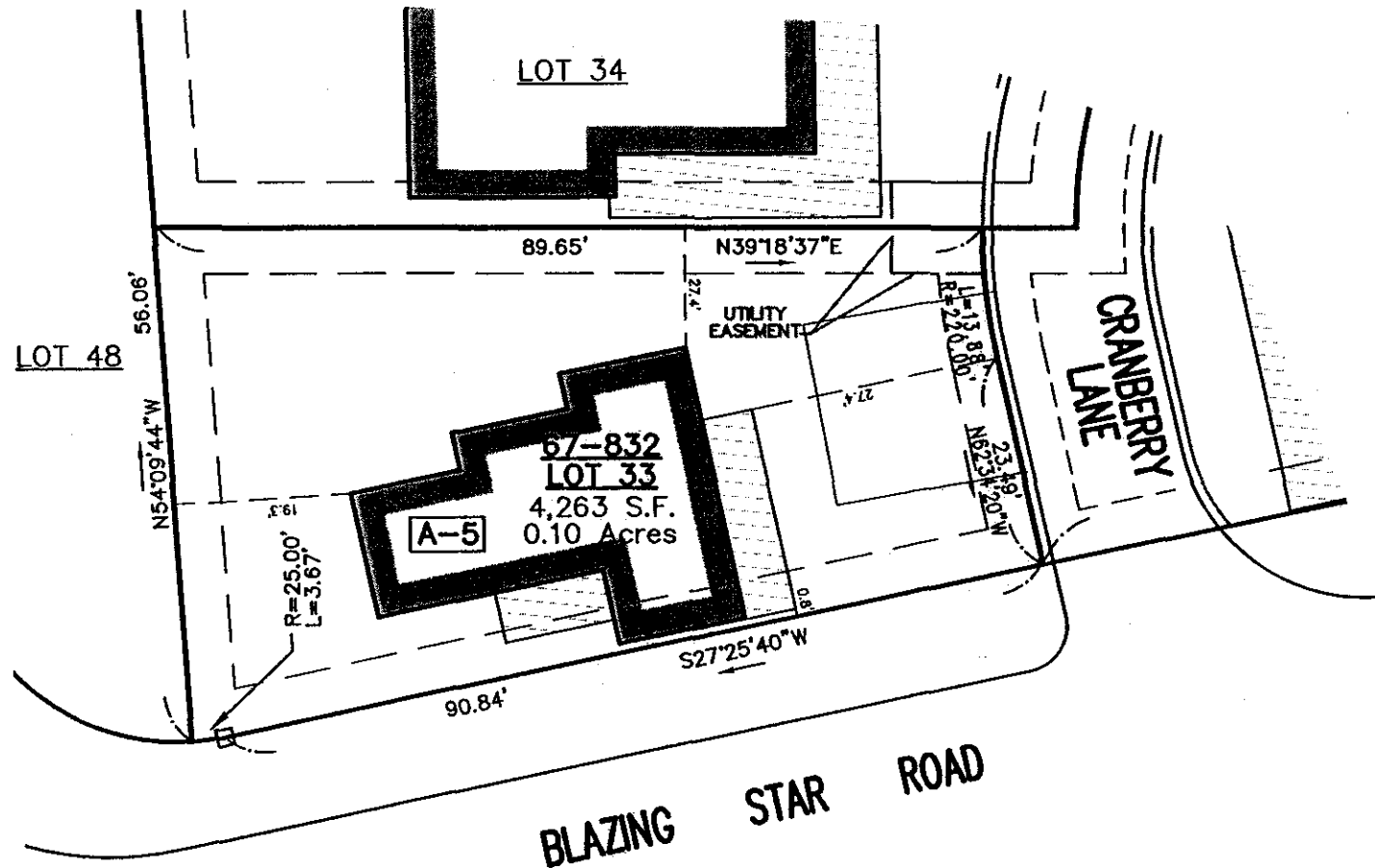
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10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/944-0911 FAX 508/944-9950



DATE : JUNE 18, 2007
PROJ. NO. : 6013



LOT 32 SITE PLAN OF LAND
2 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 832
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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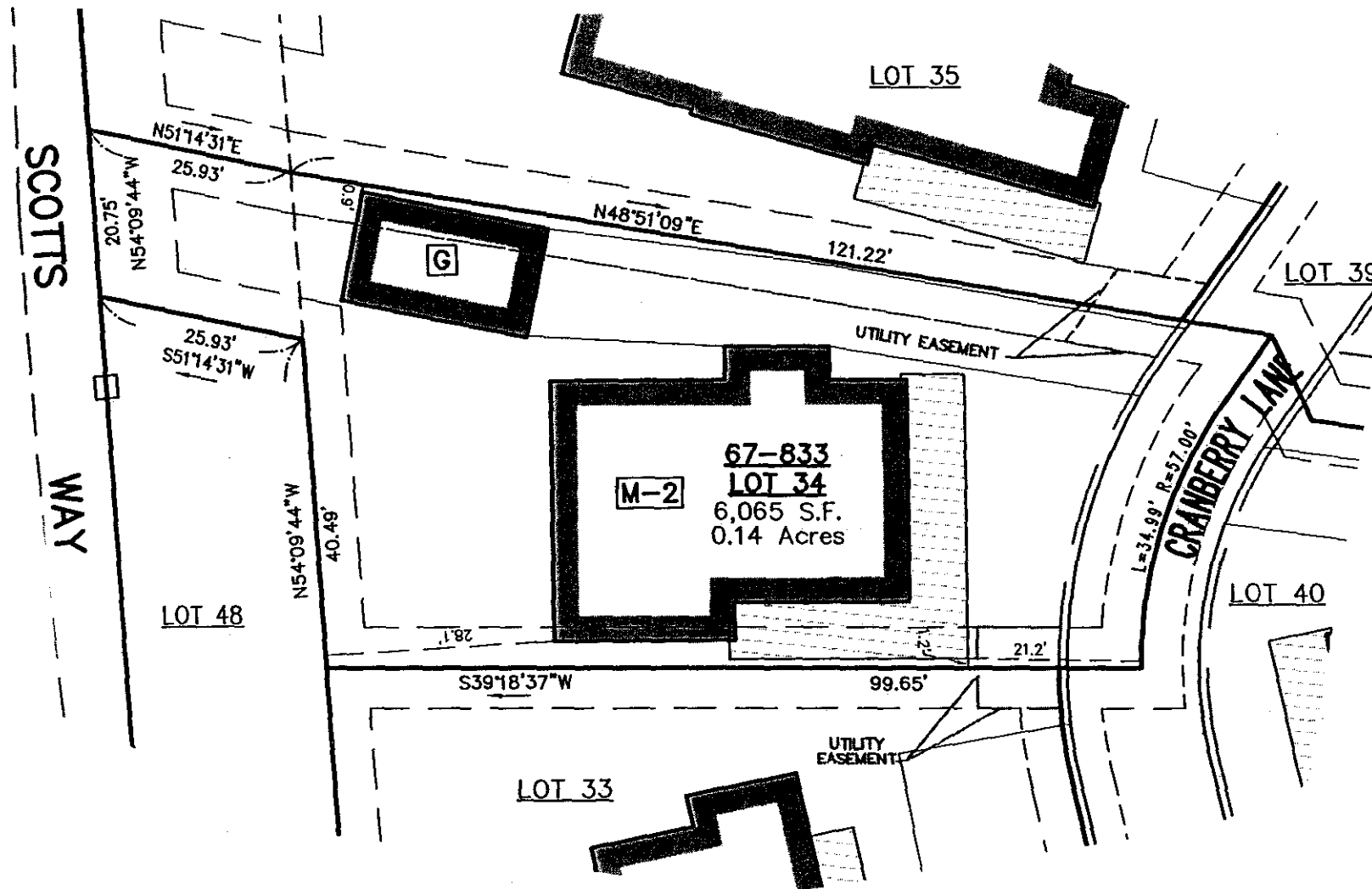
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DATE : JUNE 18, 2007
PROJ. NO. : 6012



LOT 33 SITE PLAN OF LAND
1 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 833
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



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10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-8911 FAX 508/946-9055



DATE : JUNE 18, 2007
PROJ. NO. : 60121



LOT 34 SITE PLAN OF LAND
4 CRANBERRY LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

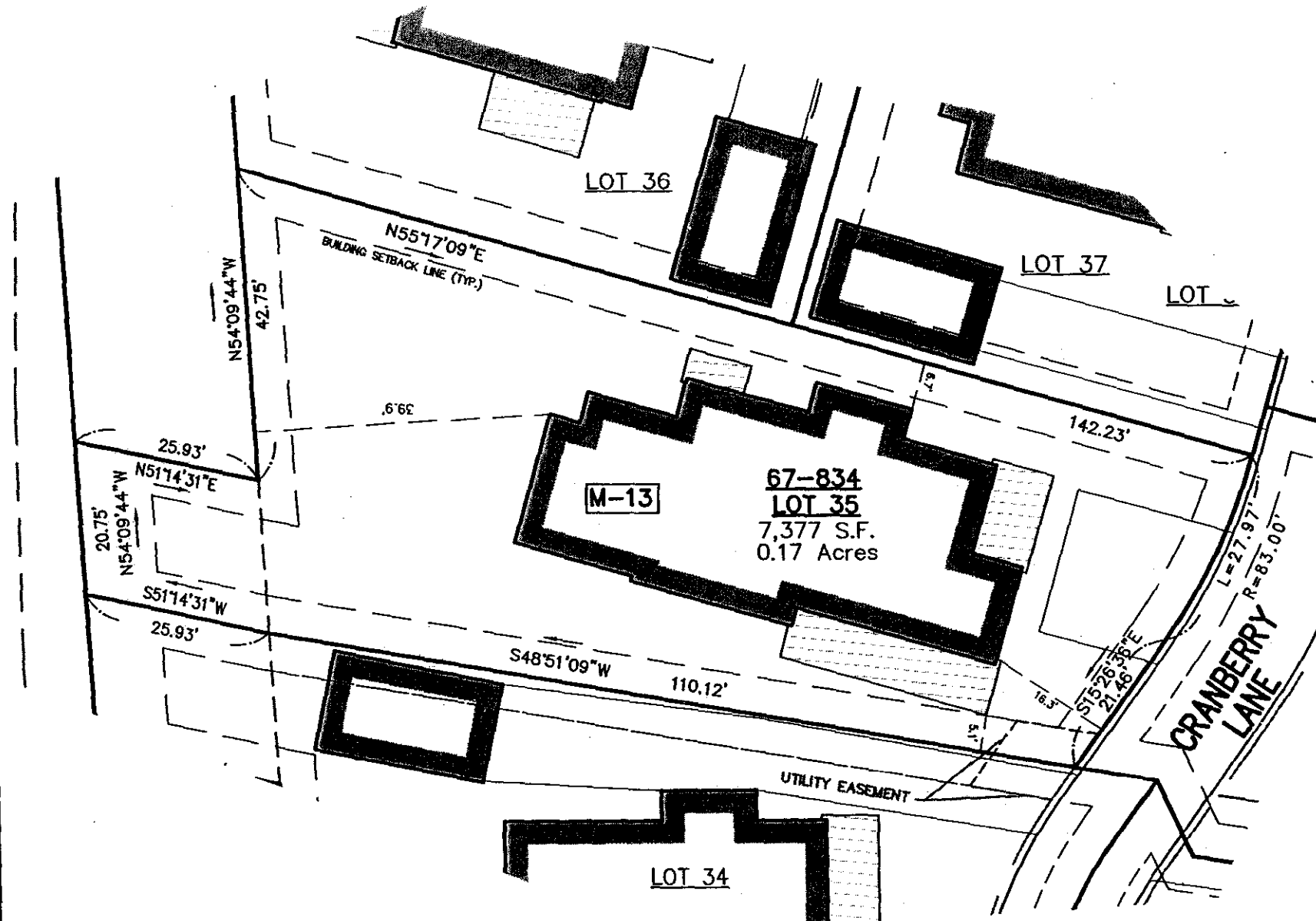
GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

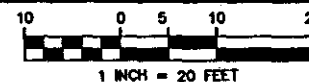
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 834
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS

LOT 35 SITE PLAN OF LAND
2 CRANBERRY LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



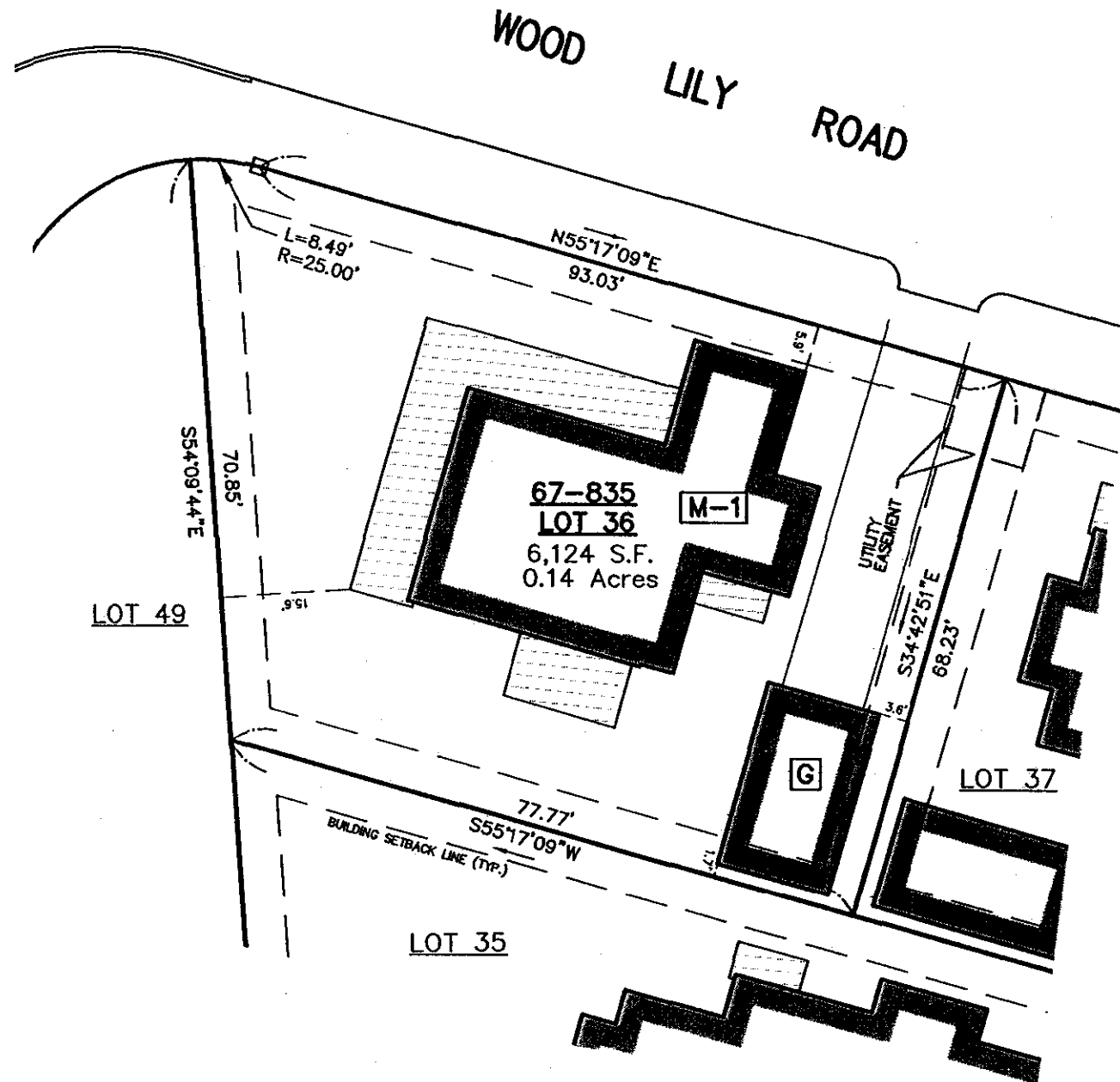
**SITE DESIGN
ENGINEERING, LLC.**
11 CLISHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM

**CULLINAN
ENGINEERING**
AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/944-9911 FAX 508/944-9955



DATE : JUNE 18, 2007
PROJ. NO. : 6022





GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

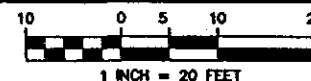
OWNER'S REFERENCE

RUGGED SCOTT LLC
 ASSESSOR MAP: 67, PARCEL 835
 32 ARLINGTON STREET
 CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDESIGNENG.COM

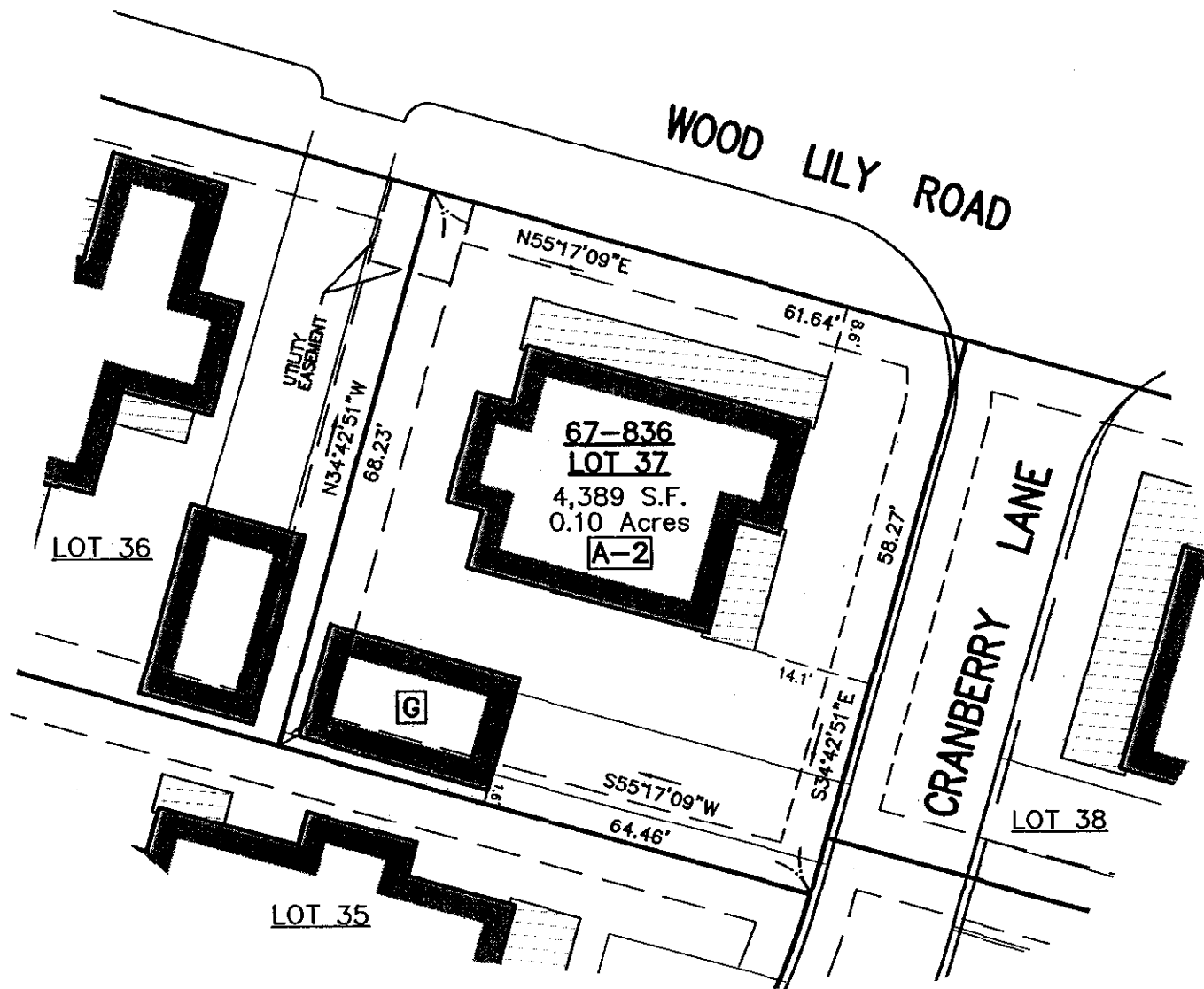
**CULLINAN
ENGINEERING**
 AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
 CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
 10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-8911 FAX: 508/946-8958



DATE : JUNE 18, 2007
 PROJ. NO. : 6012



LOT 36 SITE PLAN OF LAND
 2 WOOD LILY ROAD BEACH PLUM VILLAGE AT
 RUGGED ROAD AND SCOTTS WAY
 NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

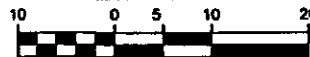
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 836
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
MIDDLEBORO, MA 02348
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM



**CULLINAN
ENGINEERING**
AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
10 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/946-8911 FAX: 508/946-8955



DATE : JUNE 18, 2007
PROJ. NO. : 6012



LOT 37 SITE PLAN OF LAND
4 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

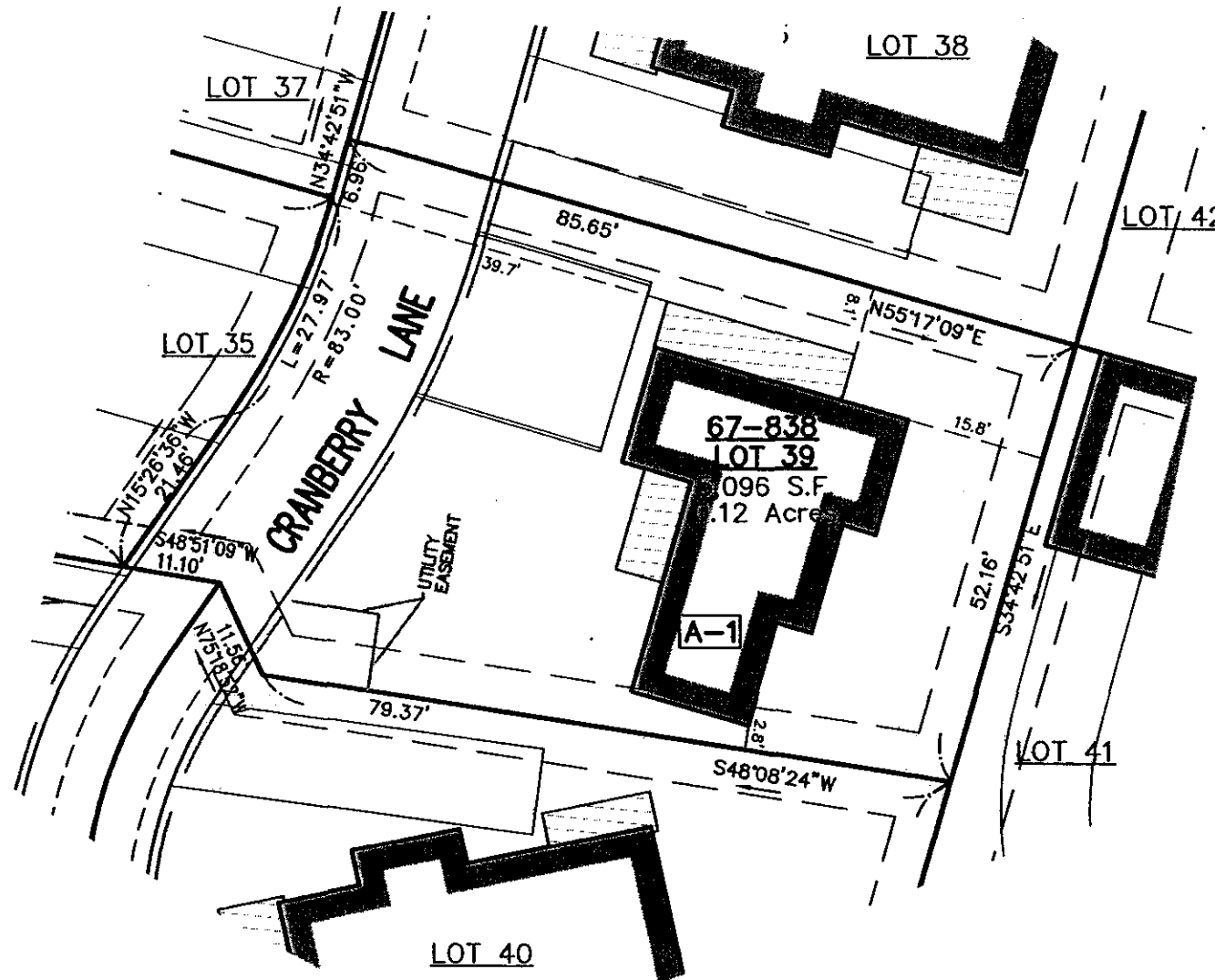
RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 837
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



DATE : JUNE 18, 2007
PROJ. NO. : 60135



LOT 38 SITE PLAN OF LAND
6 WOOD LILY ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

1. THIS PLAN REPRESENTS PART OF AN APPROVED SUBDIVISION OF MAP 67 LOTS 170, 170.1, 170.2 & 170.3; AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET. SEE DEFINITIVE SUBDIVISION PLANS AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED JANUARY 25, 2006 AND REVISED FEBRUARY 22, 2006; PREPARED BY CULLINAN ENGINEERING CO., INC.; APPROVED AND ENDORSED BY TOWN OF NANTUCKET PLANNING BOARD ON 2/24/06, AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-19 ON 30/10/06. ALSO SEE ROADWAY IDENTIFICATION PLAN OF LAND AT RUGGED ROAD AND SCOTTS WAY NANTUCKET, MASSACHUSETTS DATED AUGUST 1, 2006 BY CULLINAN ENGINEERING CO., INC. AND RECORDED AT THE NANTUCKET REGISTRY OF DEEDS AS PLAN NO. 2006-59 ON 08/07/06.
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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 838
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM

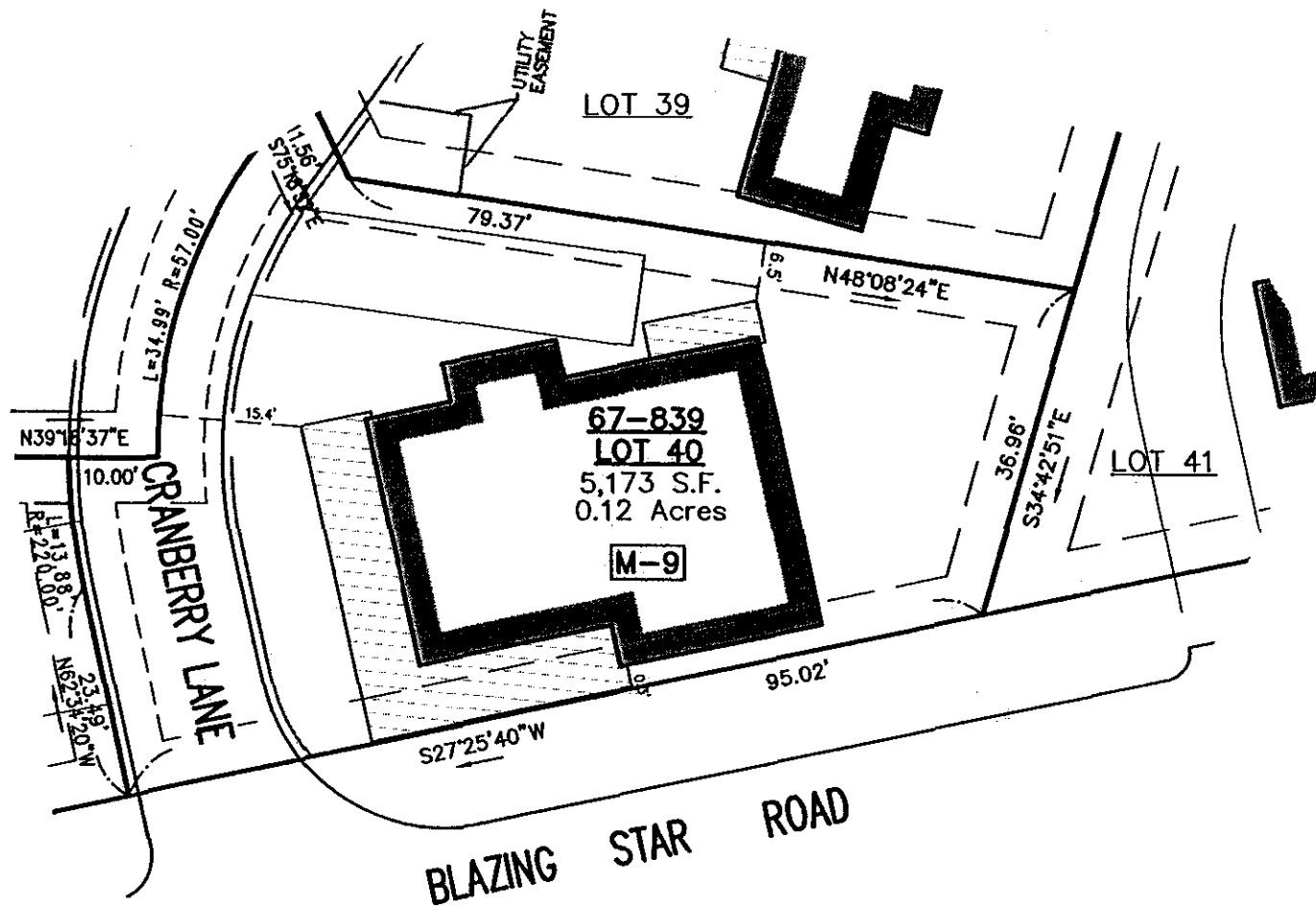
**CULLINAN
ENGINEERING**
AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
10 RIVERIDE DRIVE, LAKEVILLE, MA 02347 508/946-0811 FAX 508/946-0835



DATE : JUNE 18, 2007
PROJ. NO. : 6015



LOT 39 SITE PLAN OF LAND
1 CRANBERRY LANE BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

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3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

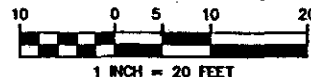
RUGGED SCOTT LLC
 ASSESSOR MAP: 67, PARCEL 839
 32 ARLINGTON STREET
 CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
 T: 508-967-0873 F: 508-967-0874
 WWW.SITEDESIGNENG.COM



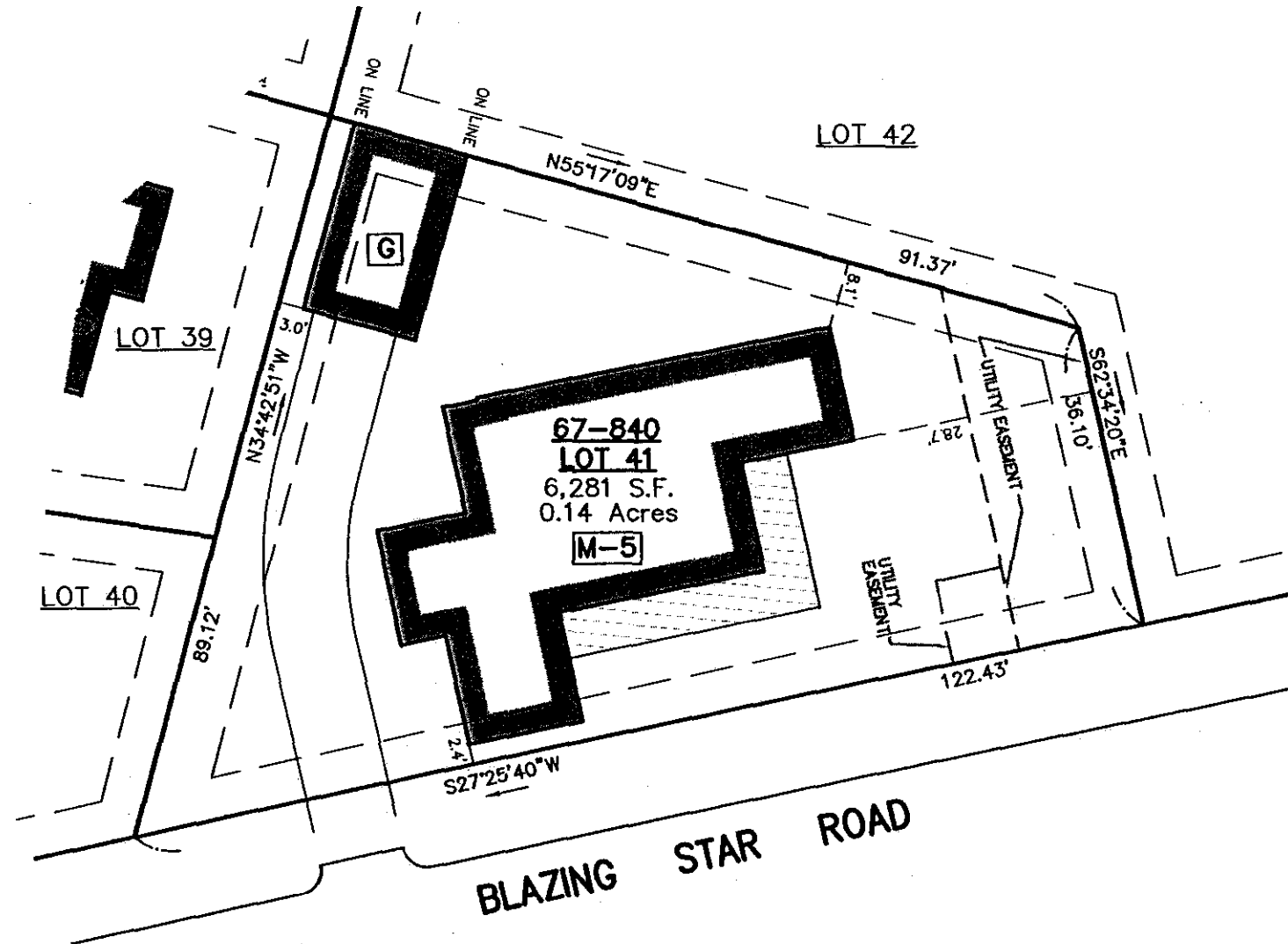
**CULLINAN
ENGINEERING**
 AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
 CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
 80 RIVERDE DRIVE, LAKEVILLE, MA 02347 508/944-8911 FAX: 508/944-8955



DATE : JUNE 18, 2007
 PROJ. NO. : 6013



LOT 40 SITE PLAN OF LAND
3 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS



GENERAL NOTES

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2. THE PURPOSE OF THIS PLAN TO SHOW ALL APPROPRIATE DEED INFORMATION AVAILABLE AT TIME OF PUBLICATION, INCLUDING, BUT NOT LIMITED TO : BUILDING LOCATIONS (EXISTING OR PROPOSED), EASEMENTS AND SETBACKS.
3. THE OWNER OF RECORD IS RUGGED SCOTT, LLC c/o RISING TIDE DEVELOPMENT, 32 ARLINGTON STREET CAMBRIDGE, MASSACHUSETTS 02140.

OWNER'S REFERENCE

RUGGED SCOTT LLC
ASSESSOR MAP: 67, PARCEL 840
32 ARLINGTON STREET
CAMBRIDGE, MASSACHUSETTS



**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM

**CULLINAN
ENGINEERING**
AUBURN - BOSTON - LAKEVILLE, MASSACHUSETTS
CIVIL ENGINEERING - SURVEYING - TRANSPORTATION DESIGN
90 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508/942-9011 FAX 508/942-9055



DATE : JUNE 18, 2007
PROJ. NO. : 6013



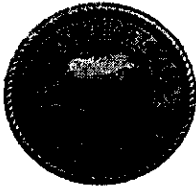
LOT 41 SITE PLAN OF LAND
5 BLAZING STAR ROAD BEACH PLUM VILLAGE AT
RUGGED ROAD AND SCOTTS WAY
NANTUCKET, MASSACHUSETTS

Attested: Jennifer H. Ferreira, Registered Professional Engineer
NANTUCKET COUNTY Received & Entered
Register of Deeds



2008 00002063

Bk: 1148 Pg: 63 Page: 1 of 3
 Doc: MOD 07/30/2008 01:20 PM



**TOWN OF NANTUCKET
 BOARD OF APPEALS
 NANTUCKET, MASSACHUSETTS 02554**

Date: July 28, 2008

To: Parties in Interest and Others concerned with the Decision of the BOARD OF APPEALS in the Application of the following:

Application No.: 051-03

Owner/Applicant: Rugged Scott, LLC

Enclosed is the Decision of the BOARD OF APPEALS which has this day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17 of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a complaint in Land Court within TWENTY (20) days after this day's date. Notice of the action with a copy of the complaint and certified copy of the Decision must be given to the Town Clerk so as to be received within such TWENTY (20) days.

Michael J. O'Mara (CSBB)

Michael J. O'Mara, Chairman

cc: Town Clerk
 Planning Board
 Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32 (VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD OF APPEALS OFFICE AT 508-228-7215.

**NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554**

CLARIFICATION AND TECHNICAL CORRECTION:

1. At a public meeting of the Nantucket Zoning Board of Appeals, on Friday, April 11, 2008, at 1 P.M., in the Conference Room, in the former Electric Company building, 2 Fairgrounds Road, Nantucket, Massachusetts, the Board of Appeals made the following MINOR MODIFICATION to the Comprehensive Permit in the matter of the RUGGED SCOTT, LLC project (File No. 051-03):

2. Applicant's attorney presented a request for two minor modifications to the Comprehensive Permit for the project, recorded at the Nantucket Registry of Deeds at Book 1010, Page 01. The first request was to modify the design and location of the pool and community center within Lot 42 to accommodate drainage needs for the project also served by that lot. Applicant's attorney presented plans and elevations showing the revised designs and location. The second request was to reduce the square footage of the dwelling units on up to eight unsold lots (Lots 7, 8, 15, 16, 18, 21, 25 and 26) by up to between 48 square feet less that prior to 354 square feet less than prior, in order to reduce the price point at which they would be marketed and sold. Applicant's attorney presented revised design plans for each of the unit types on these lots. Applicant's attorney also presented evidence that all of the existing purchasers had been provided notice of the application and supporting documents by email, and that the only current lot owner directly viewing the pool and community center responded, stating that he did not object to the alterations proposed.

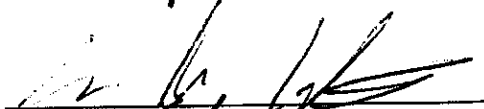
3. The Board of Appeals determined that the modifications requested constituted minor medications that posed no detrimental effect, and that no public hearing was necessary for the requested changes. The Board acted, by UNANIMOUS vote of the members participating, to accept and approve the following modification to the Comprehensive Permit:

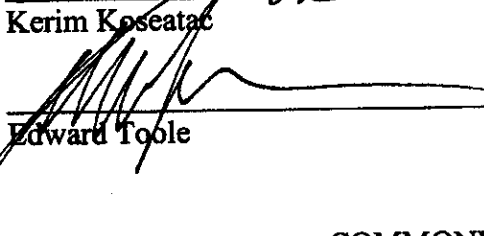
- (a) The location of the pool and community center are modified as per the attached site plan, on the condition that the former location will be a grass lawn area utilized for drainage purposes.
- (b) That the square footage for the dwelling units on Lots 7, 8, 15, 16, 18, 21, 25 and 26 may be constructed either as previously approved, or in the alternative, as per the table below and the plans in File 051-03.

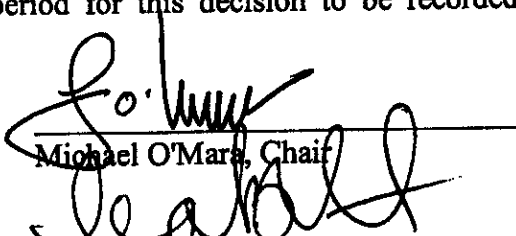
Lot #	Prior SF	Alternate SF
7	2314 SF	1960 SF
8	1947 SF	1899 SF
18	1947 SF	1899 SF
21	1947 SF	1899 SF
15	1947 SF	1899 SF
16	2122 SF	1925 SF
25	2314 SF	1960 SF
26	1947 SF	1899 SF

As a Minor Modification, there is no appeal period for this decision to be recorded at the Nantucket Registry of Deeds.

Dated: July 7, 2008


Kerim Koseatac


Edward Toole


Michael O'Mara, Chair

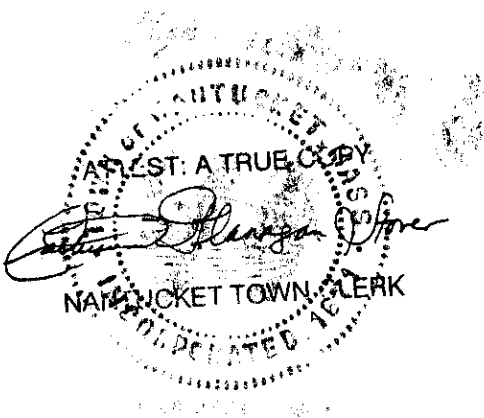

Lisa Botticelli


David Wiley

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 7th day of June, 2008, before me, the undersigned notary public, personally appeared Michael O'Mara, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed voluntarily for its stated purpose, on behalf of the Nantucket Zoning Board of Appeals




Notary Public

Printed Name: Venessa K. Moore

My Commission Expires: March 22, 2013

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11


2

TOWN CLERK

JUL 29 2008



2006 00003028

Bk: 1040 Pg: 66 Page: 1 of 2
Doc: REL 09/15/2006 10:22 AM**Nantucket Board of Appeals****Form J****Certificate of Completion and Release of Municipal Interest in
Performance Security**Date: September 8, 2006Board of Appeals File # 051-03Subdivision Name: Rugged ScottOwner: Rugged Scott LLCOwner's Address: 32 Arlington Street, Cambridge, Massachusetts 02140

Applicant, (if other than owner): _____

Applicant's Address: _____

Date of Subdivision Plan: January 25, 2006Land Location: Off Rugged RoadPlan Recorded: Nantucket Registry of Deeds Plan 2006-19**Type of Performance Security:**• ☒ Covenant dated: February 24, 2006Covenant recorded: Nantucket Registry of Deeds, Book 1010 Page 46

○ Bond, agreement dated: _____

Surety Company: _____

Address of Surety: _____

○ Deposit of money, agreement dated: _____

Bank (if bank passbook): _____

Address _____ of

Bank: _____

○ Other Security, agreement dated: _____

○ Letter of credit, agreement dated: _____

Bank: _____

Address of Bank: _____

The undersigned, being a majority of the Nantucket Board of Appeals, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been ☐ completed ☒ partially completed by the applicant in accordance with the Board's rules and regulations to adequately serve the following enumerated lots:

Lot 9, only

Pursuant to Section 81.U of Chapter 41, M.G.L. and in consideration of said construction and installation, the Town of Nantucket, a Massachusetts corporation, acting through its Planning Board, hereby releases its interest in the Performance Security referred to above, as to the lots enumerated in the preceding paragraph only.

Duly executed as a sealed instrument this 24th day of September, 2006.

Signed by a Majority of the Board of Appeals
of the Town of Nantucket

Nancy J. Seyrens
Nancy J. Seyrens

Michael J. O'Mara
Michael J. O'Mara

Dale W. Waine
Dale W. Waine

Kerim Koseatac
Kerim Koseatac

David R. Wiley
David R. Wiley

Commonwealth of Massachusetts

Nantucket, SS

Date: September 8, 2006

Then personally appeared Nancy J. Seyrens one of the above-named members of the Board of Appeals of Nantucket, Massachusetts, and acknowledged the foregoing instrument to be his/her free act and deed before me,

Arthur I. Read, Jr.
Notary Public

My Commission Expires: _____



ARTHUR I. READE, JR.
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 10, 2008

NANTUCKET COUNTY Received & Entered
Attest: Joanne L. Kelley, Register of Deeds



2006 00000779

Bk: 1010 Pg: 78 Page: 1 of 26
Doc: RES 03/10/2006 02:25 PM**DECLARATION OF RESTRICTIONS AND EASEMENTS**

This Declaration of Restrictions and Easements is made by RUGGED SCOTT LLC, a Delaware limited liability company (the "Initial Developer"), as the Owner of the Land herein described.

ARTICLE ONE
Definitions

1.01. **Affordable Units.** The single-family dwellings to be constructed upon Building Lots 4, 10, 14, 20, 24, 27, 29, 33, 37 and 39.

1.02. **Architectural Review Committee.** A committee of at least three natural persons, of which at least one shall be a Member, who shall be appointed from time to time by the Association, commencing at such time as the Developer (including any successor Developer) no longer owns any of the Building Lots. So long as the Developer owns any of the Building Lots, the Developer shall have all powers herein conferred upon the Architectural Review Committee.

1.03. **Association.** The Trustees from time to time of Rugged Scott Owners Association Trust under Declaration of Trust dated as of February 24, 2006, recorded herewith at the Nantucket Registry of Deeds.

1.04. **Board of Appeals.** The Nantucket Board of Appeals, as the Permit Granting Authority under the Comprehensive Permit.

1.05. Buffer Lot. Each of Lots 43 through 49, inclusive, on the Plan.

1.06. Building Lot. Each of Lots 1 through 10, inclusive, and each of Lots 12 through 41, inclusive, on the Plan.

1.07. Club. The organization of Club Members who shall have the use of the Club Lots, as set forth in Section 3.03.

1.08. Club Lots. Lots 11 and 42 on the Plan.

1.09. Club Members. Members and Outside Members.

1.10. Common Access Easements. The areas designated as Common Access Easements upon the Plan.

1.11. Comprehensive Permit. The Decision entered by the Board of Appeals in its File No. 051-03, as modified pursuant to the "Agreement and Stipulation for Entry of Judgment" in Housing Appeals Committee Docket No. 04-13, and the Settlement Agreement dated November 21, 2005, attached thereto, recorded with the Nantucket Registry of Deeds herewith.

1.12. Conservation Permit. The Conservation and Management Permit, No. 005-069.DFW, issued under the Massachusetts Endangered Species Act, M.G.L., c. 131A, by the Division of Fisheries and Wildlife dated January 17, 2006.

1.13. Covenant. The Covenant between the Developer and the Nantucket Board of Appeals dated February 24, 2006, in File No. 051-03, recorded with the Nantucket Registry of Deeds herewith.

1.14 Developer. Rugged Scott LLC, the present Owner of the Land, or such other persons or entities as shall hold the rights of the Developer hereunder by express written and registered instrument of assignment executed by Rugged Scott LLC, or its successors as the Developer.

1.15. Division of Fisheries and Wildlife. The Division of Fisheries and Wildlife of the Commonwealth of Massachusetts.

1.16. Habitat Management Areas. The Habitat Management Area Easements, including the Stormwater/Habitat Management Area Easements, as shown upon the Plan.

1.17. Land. The land in Nantucket, Nantucket County, Massachusetts, consisting of each of the Building Lots, the Roadway Lot, the Club Lots, and the Buffer Lots.

1.18. Lot. Each of the parcels designated by a number on the Plan.

1.19. Member. The Owner of a Building Lot.

1.20. Outside Members. Those persons who own land lying within the Non-Resident Eligibility Area as shown upon Exhibit D to the Comprehensive Permit, who shall have applied for membership in the Club and shall have been admitted to membership by the Association.

1.21. Owner. The person or persons or other entity, considered collectively, who are, from time to time, the owners of any Lot, according to the records at such time at the Nantucket Registry of Deeds.

1.22. Plan. The plan drawn by Cullinan Engineering, dated January 25, 2006, revised February 22, 2006, as endorsed by the Board of Appeals as approved under the Subdivision Control Law in File No. 051-03, recorded with the Nantucket Registry of Deeds as Plan 06-19

1.23. Restrictions. The restrictions imposed by this Declaration of Restrictions and Easements.

1.24. Roadway Lot. Lot 50 on the Plan.

1.25. Roadways. Roadway A and Roadway B, as shown upon the Plan, and designated thereon as Lot 50, and the Common Access Easements.

1.26. Town. The Town of Nantucket, Massachusetts.

1.27. Utility Lines. The pipes, wires, cables, or other means of transmission of electric, telephone, cable television, water, sewer, and such utility services as are now or may in the future be customarily installed to serve residential building lots in Nantucket, Massachusetts, which serve any of the Lots (but not any such means of transmission which lies within any Building Lot and serves only that Building Lot).

ARTICLE TWO

Recital of Purposes

2.01. General Purpose. The general purpose of this instrument is to restrict the use of the Land, and of each Lot, so that the development of the Land is done in conformity with the conditions of approval by the Board of Appeals as set forth

in the Comprehensive Permit. Furthermore, it is the purpose of this instrument to establish easements to enable the utilization of the Land in an appropriate manner.

2.02. Fulfillment of Conditions of Approval. In addition to the general purpose stated in Section 2.01, it is the further purpose of this instrument to establish restrictions and easements that have been required by the Board of Appeals in connection with its approval of the Plans.

ARTICLE THREE Restrictions

3.01. General. The Land shall be subject to the following Restrictions, as set forth in this Article Three.

3.02. Restriction Against Subdivision. No Building Lot shall be further subdivided. Nothing herein shall prohibit the redivision of Building Lots for boundary line adjustments, not creating any new Building Lots.

3.03. Restriction Upon Club Lots. Lots 11 and 42 shall be used exclusively for facilities relating to the Club, and shall not be used as residential or commercial building lots. Lot 11 shall be used exclusively for tennis courts and other recreational facilities for the personal use of Club Members and their tenants and guests, and Lot 42 shall be used exclusively for the clubhouse, swimming pool, and other recreational and social facilities for the personal use of Club Members and their tenants and guests. The facilities upon the Club Lots shall not

be open to the public. The clubhouse shall not be so used as to function as a restaurant or bar, as defined in the Nantucket Zoning By-law. Use of the clubhouse for functions with food and/or alcohol service may be allowed as an accessory use subject to all zoning and other regulatory requirements. Club Memberships shall be provided to all Members, at a fee schedule to be adopted from time to time by the Association, with the fees of Members to be proportionate to their share of beneficial interest as set forth in Exhibit A to the Declaration of Trust of the Association; provided, however, that the fee for an Affordable Lot shall be factored into the maximum housing expense calculation, as set forth in the Comprehensive Permit, for such Affordable Lot. The Association shall establish hours of operation for the Club facilities and guidelines for occupancy, noise and lighting that preserve the quiet enjoyment of the property of neighboring residents. The Association shall offer a minimum of ten and a maximum of thirty Outside Memberships, and Outside Members shall be granted memberships subject to payments in accordance with a comparable fee schedule and in accordance with rules and regulations established by the Association.

3.04. Restriction Upon Buffer Lots. The Buffer Lots shall be used exclusively as open space, with natural vegetation, except as expressly provided by the Comprehensive Permit, and shall not be used as residential or commercial building lots. No alteration of the surface or vegetation upon any portion of the Buffer Lots shall be conducted by any Member, nor by the

Association except as expressly provided in the Comprehensive Permit.

3.05. Habitat Management Areas. The Habitat Management Areas shall be maintained by the Association as the Permit Holder in conformity with the Conservation Permit, and no Owner of any of the Lots so affected shall perform any construction, alter any vegetation, or otherwise alter the condition of any portion of such Lot lying within these areas.

3.06. Restriction Upon Roadway Lot. The Roadway Lot shall be used exclusively for the construction, maintenance and repair of the Roadways, passage over and upon the Roadways, and the installation, maintenance and repair of Utility Lines, as well as utility connections to the individual Building Lots.

3.07. Structures Upon Building Lots. No structure, parking area or impervious surface shall be constructed upon any Building Lot, except for one single-family dwelling and appurtenant parking areas, garages, fences, and sheds for the storage of garbage receptacles, lawnmowers, bicycles, toys and similar items. No secondary dwellings, apartments or studios shall be constructed upon any Building Lot. All structures and improvements upon Building Lots shall conform to the requirements set forth in the Comprehensive Permit. After the Developer (including any successor Developer) shall no longer own any of the Building Lots, the Owner of any Building Lot may construct any alteration, addition, allowable additional structures, fences, driveways, parking areas or other impervious surfaces

upon such Owner's Building Lot, provided (a) that any such alteration, addition, additional structures, fences, driveways, parking areas or other impervious surfaces shall be consistent with the restrictions set forth in this instrument and with the Comprehensive Permit, (b) the ground cover, as defined in the Nantucket Zoning By-law, of any dwelling may not be expanded by more than 15%, and may not increase the overall room count of the dwelling, excluding bathrooms, additional bedrooms being expressly prohibited, and (c) each such alteration, addition, fence, driveway, parking area, impervious surface or additional structure has been approved, as to design and siting, by the Nantucket Historical District Commission (if applicable) and by the Architectural Review Committee, and a writing executed and acknowledged by the Architectural Review Committee, setting forth its approval, has first been recorded with the Nantucket Registry of Deeds. The Architectural Review Committee shall have the power to establish rules and regulations relating to the design and siting of structures and other improvements, and for the form and content of all submissions to it.

3.08. Building Setback Lines; Ground Cover. Buildings upon each Building Lot shall conform to the following setback requirements:

(a) Except as the Board of Appeals shall otherwise approve as shown upon the Plan, front yard setbacks, measured from any boundary of any Building Lot with the Roadway Lot, shall

be a minimum of five feet and a maximum of ten feet, with a minimum clearance of five feet from the edge of any sidewalk.

(b) Except as the Board of Appeals shall otherwise approve as shown upon the Plan, side and rear yard setbacks shall be a minimum of five feet from any lot line.

(c) No building shall be constructed or maintained within fifty feet from the northwesterly or southeasterly boundary of the Land.

(d) The maximum ground cover ratio, as defined in the Nantucket Zoning By-law, shall be 30%.

(e) The impervious surface, including the area covered by structures, upon any Building Lot shall not be more than the greater of 2,500 square feet or 40% of the lot area of such Building Lot.

(f) No structures requiring the issuance of a building permit, nor any "hoop barn" or other similar storage structure, shall be constructed or placed upon the portions of Building Lots 11, 14, 15, 16, 17, 18 and 19 which lie within 80 feet of the boundary line of any such Building Lot with the southeasterly boundary of the Land, nor within 80 feet of the boundary line of such Building Lot with the southwesterly line of Rugged Road.

3.09. Rental of Units. The Affordable Units shall not be rented, and shall be exclusively owner-occupied. All rentals of dwelling units on other Building Lots shall be undertaken by an agent designated by the Association, in order to ensure

compliance with these restrictions and provisions of the Comprehensive Permit.

3.10. Use For Human Habitation. No structure upon any Lot shall be used for human habitation, except for the one single-family dwelling permitted upon each Building Lot.

3.11. Use of Dwellings. No more than two adult persons per bedroom may occupy any dwelling upon the Land. This limitation shall not apply to persons less than eighteen years of age, except that in no case shall total occupancy in any dwelling exceed three persons per bedroom, including adults and minors. No dwelling shall be occupied as a dormitory, employer dormitory, rooming house or similar housing, as the same may be defined in the Nantucket Zoning By-law. No more than five individuals unrelated by blood or marriage shall occupy any dwelling. However, at any time prior to the earlier of (a) the issuance of a Certificate of Occupancy for that dwelling which is the subject of the thirty-ninth building permit for the construction of a dwelling upon the Land has been issued by the Nantucket Building Department, and (b) the expiration of one year following the issuance of such thirty-ninth building permit, up to eight workers engaged in construction upon the Land may be housed in any dwelling upon the Land, provided that they occupy the dwelling as one household and comply with all restrictions set forth herein and with all provisions of the Comprehensive Permit.

3.12. Maintenance of Lots and Facilities. It shall be the responsibility of the Owner of each Building Lot to keep the

exterior areas of such Building Lot in a high state of maintenance and cleanliness. In the event of the failure of the Owner of any Building Lot to comply with this requirement, the Association shall have the power to enforce compliance and to enter upon such Building Lot, by its agents and workmen, and to take such remedial or curative action as the Association shall in its discretion deem necessary, at the expense of the Owner of such Building Lot. If such Owner shall not pay such expense to the Association, it shall have a lien upon such Building Lot, to be enforced in the same manner as provided for Assessments under Article Six hereof. It shall be the responsibility of the Association to keep the roads, catch basins, drainage infrastructure, Club facilities, common areas and common improvements in a high state of maintenance and cleanliness.

3.13. Vehicles. No unregistered, uninsured or inoperable vehicles, boats, campers or recreational vehicles shall be parked on any portion of the Land overnight, unless enclosed in a garage. No commercial vehicles shall be parked on any portion of the Land overnight, except for pickup trucks and passenger automobiles used in connection with a resident's profession or business.

3.14. Lighting. All exterior lighting shall be low-wattage, unidirectional, downward-facing, and designed and arranged to prevent glare occurring on any adjacent property.

3.15. Commercial Signs. No commercial signs of any kind shall be placed upon the Land, and specifically there shall be no "For Sale" or "For Rent" signs.

3.16. Driveways and Aprons. All driveways shall be constructed of brick, cobblestone, Belgian block, white gravel or shell, and there shall be a minimum of two parking spaces upon each Building Lot. Driveway aprons shall be constructed and maintained at the intersection of each driveway with a paved roadway, in conformance with Nantucket Zoning By-law §139-20.1.

3.17. Hours of Construction.. No exterior construction activity shall take place prior to 7:30 A.M. nor after 6:00 P.M. on weekdays, nor prior to 8:00 A.M. nor after 5:00 P.M. on Saturdays. No exterior construction activity shall take place on Sundays or legal holidays.

3.18. Parking. There shall be no parking outside the lawfully constructed driveway and parking area upon any Building Lot. There shall be no parking on any of the Roadways except in areas designated by the Association, consistent with the Comprehensive Permit.

3.19. Number of Bedrooms. The maximum number of bedrooms upon each Building Lot shall be as set forth in Exhibit A, attached hereto.

3.20. Access. Except for Building Lots 1, 2, 36 and 41, no Building Lot shall use Roadway A or Roadway B for direct vehicular access; all direct vehicular access to each Building Lot shall be over the Common Access Easements, or over the

Driveway Easement appurtenant to such Building Lot. No Building Lot shall use Scott's Way, nor Rugged Road, for direct access for any purpose; all access to each of the Building Lots shall be by way of Roadway A and Roadway B.

ARTICLE FOUR **Easements**

4.01. **Roadway Easements**. The Owner of each Building Lot, and the Association, shall have a permanent easement to use the Roadways for all purposes for which streets are now or in the future may be customarily used in Nantucket, including passage and repassage by foot, in vehicles, or otherwise; installation, maintenance, repair, use, and replacement of underground Utility Lines and services, and individual utility connections; and improvements for such purposes.

4.02. **Sewer Easement**. The Town shall have a permanent, non-exclusive easement in gross in, over, and across the Roadways and Lot 42, to locate, relocate, erect, construct, reconstruct, install, lay, dig up, operate, maintain, patrol, inspect, repair, replace, alter, extend, or remove one or more lines for the purpose of providing a subsurface sewage disposal system, including but not limited to any and all necessary and proper underground wires, pipes, cables, foundations, terminal fittings, switches, anchors, supports, manholes, hand holes, pump stations, and other apparatus, equipment, and fixtures which the Town shall

deem necessary for the purposes specified above, as the Town shall from time to time determine.

4.03. Water Easement. Wannacomet Water Company shall have a permanent, non-exclusive easement in gross in, over, and across the Roadways, to locate, relocate, erect, construct, reconstruct, install, lay, dig up, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove one or more lines for the purpose of providing water, including, but not limited to any and all necessary and proper wires, pipes, cables, foundations, platforms, pedestals, terminals, fittings, switches, poles, anchors, supports, manholes, hand holes, fixtures, and other apparatus, equipment and fixtures deemed necessary for the purposes specified above, as Wannacomet Water Company may from time to time require.

4.04. Utility Easements. The Association, and the Owner of each Building Lot, shall have a permanent, nonexclusive easement to place, maintain, repair, improve, and replace Utility Lines and individual utility connections within the Roadways. The Developer, so long as the Developer (including any Successor Developer) shall own any of the Land, and thereafter the Association, shall have the power and right to grant easements for utility purposes to any public utility company or municipal agency within the Roadways.

4.05. Habitat Management Area Easements. The Division of Fisheries and Wildlife shall have a permanent easement to enter upon the Habitat Management Area, for the purpose of

monitoring and enforcing the obligations of the Permit Holder under the Conservation Permit. The Association shall have a permanent, exclusive easement to enter upon the portions of the Habitat Management Area which lie within Building Lots, for the purpose of performing all obligations of the Permit Holder under the Conservation Permit.

4.06. Stormwater Management Area Easements. The Association shall have the right to enter upon the portions of the Stormwater/Habitat Management Area Easements, as shown upon the Plan, which lie within Building Lots, for the purpose of maintaining and repairing the stormwater drainage structures and facilities therein.

4.07. Driveway Easements. The holder of the dominant estate in each of the Driveway Easements shown upon the Plan shall have a permanent, nonexclusive easement to pass, repass and install, maintain and replace utility connections within the Driveway Easement appertaining thereto, and to maintain and improve the surface thereof, as shown in the table attached hereto as Exhibit B. Upon any disturbance of the land within a Driveway Easement, the party making such disturbance shall promptly restore the disturbed area to grade and, insofar as possible, to the prior condition thereof, and shall indemnify the holder of the other estate in such Driveway Easement from and against all loss or damage sustained as a result of the making of such disturbance.

ARTICLE FIVE
Enforcement of Restrictions

5.01. **Restrictions in Gross.** The Association shall have the right, to be held in gross and not as appurtenant to any real property interest, to enforce all of the Restrictions.

5.02. **Restrictions Enforceable by Town.** The Developer shall have the right to grant to the Town, acting by and through the Board of Appeals, the right to enforce any or all of the Restrictions. Such grant shall be in the form of a writing signed and acknowledged on behalf of the Developer and accepted in writing by the signatures of a majority of the members of the Board of Appeals, and recorded with the Nantucket Registry of Deeds. Upon the registration of such a grant with the Nantucket Registry of Deeds, no provision hereof relating to any Restriction, the right of enforcement of which has been granted to the Town, may be amended without the written and recorded consent of a majority of the Board of Appeals.

5.03. **Appurtenant Restrictions.** Each Owner of a Lot shall have the right to enforce any Restriction, as appurtenant to such Lot, on or after the first date upon which the Developer shall no longer own any of the Lots, upon any violation of any Restriction upon any of the Land, and each part of the Land shall be deemed to be benefited hereby.

5.04. **Duration of Restrictions in Gross.** The rights of enforcement of the Restrictions held in gross, except the rights of enforcement assigned to the Town, which shall be permanent,

shall expire upon February 24, 2036, unless a notice of extension of restriction in accordance with Massachusetts General Laws, c. 184, §27, is registered with Nantucket Registry District on or before February 24, 2036, in which event the term for enforcement of such right shall be extended for a period of twenty years; and in the event of such extension, such right of enforcement may be extended for further successive periods of twenty years by the filing of further notices of extension, all as permitted by applicable law.

5.05. Duration of Appurtenant Restrictions. The Restrictions, as appurtenant to each Owner of a Lot, shall be deemed to be imposed as part of a common scheme applicable to four or more contiguous parcels, and shall expire on February 24, 2036, except that they may be extended from and after February 24, 2036, for further successive periods of twenty years in the manner provided by Massachusetts General Laws, c.184, §27.

5.06. Form of Notice of Extension of Restrictions. Any notice of extension of the Restrictions to be filed for record hereunder shall (a) be signed by a person or persons then entitled of record to the benefit of the Restrictions and shall contain a description of their benefited land, if any, (b) shall describe the Land, (c) shall name one or more of the persons appearing of record to own each portion of the Land at the time, and (d) shall refer to this instrument and its place of recording in the public records.

5.07. Enforcement by Judicial Proceedings. Any party entitled to enforce any of the Restrictions shall have the right to enforce the same by securing injunctive relief from a court of competent jurisdiction and shall have the right to recover money damages by reason of any violation of any of the Restrictions.

5.08. Restrictions to Run with Land. Upon the recording of this instrument with the Nantucket Registry of Deeds, the Restrictions and all other provisions of this instrument shall run with and bind the Land and every portion thereof.

5.09. Release or Waiver of Restrictions. The Developer, so long as the Developer (including any successor Developer) shall own any Lot, and thereafter the Association, shall have the right to release, waive, or modify any restriction hereunder, except those restrictions the right of enforcement of which has been granted to the Town of Nantucket, acting by and through its Board of Appeals as set forth in Section 5.02 hereof.

ARTICLE SIX Liens and Assessments

6.01. Assessments and Charges. Each Owner of every Lot, by accepting a deed therefor, whether or not the same shall be expressed in such deed, shall be deemed to covenant to pay to the Association annual assessments or charges, Club fees as provided in Section 3.04, and special assessments for capital improvements, such assessments to be fixed, established and collected from time to time as hereinafter provided. The annual

and special assessments, together with such interest thereon and costs of collection thereof (including attorneys' fees) as hereinafter provided, shall be a charge on each Lot and shall be a continuing lien upon the Lot against which each such assessment is made. Each assessment, together with such interest and costs, shall also be a personal obligation of each Owner of the Lot against which such assessment is made at the time when the same falls due.

6.02. Purposes of Assessments. All assessments shall be collected and held by the Association and shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the Owners, occupants and visitors to any of the Land, and in particular for the improvement, repair, and maintenance of the Roadways and the Utility Lines, and the common facilities upon the Club Lots, including but not limited to the payment of liability insurance premiums, maintenance of roads, paths, Utility Lines, equipment, drainage structures, landscaping, the costs of labor, equipment, materials, management and supervision thereof, and enforcement of the Restrictions.

6.03. Amount and Time of Payment of Assessments. The amount of each assessment and the time at which the same shall be payable shall be determined by the Association in accordance with its governing documents. Each Lot (including any Additional Lots) shall be assessed equally for each assessment, except for matters particularly for work done to serve a specific Lot or Lots.

6.04. Assessment for Enforcement of Restrictions. In the event that the Association shall enforce any of the Restrictions against the Owner of any Lot, the cost of such enforcement shall be assessed to the Owner of the Lot in question and shall be added to and become a part of the assessments and charges against such Lot hereunder.

6.05. Certification of No Lien. The Association shall, upon demand at any time, furnish to any Owner of a Lot a certificate, in form suitable for recording, signed by a Trustee of the Association, setting forth the amount and due date of all assessments upon such Lot, and whether the same have been paid. The signature thereof by such Trustee shall be conclusive evidence of his authority to make such certificate on behalf of the Association, and such certificate shall be conclusive evidence of the matters therein stated, except to the extent that the Owner of such Lot disputes the amount of any assessment therein stated to be unpaid.

6.06. Effect of Nonpayment of Assessments. If any assessment is not paid when due, the same shall be deemed delinquent and shall, together with interest and costs as herein provided, be a continuing lien upon the Lot upon which the same was assessed, and shall run with such Lot and bind it in the hands of its Owner at the time of such assessment and the successors in title to such Owner. The Association shall have the right to proceed to enforce such lien by the sale of the Lot in question, such sale to be conducted in the same manner

provided by Massachusetts law for a sale to enforce a mechanic's lien under a written contract. If any assessment is not paid within thirty days after it shall become due, it shall bear interest from the date when due at the rate of fifteen per cent (15%) per annum. In the event of any proceeding to enforce a lien hereunder, the Association shall be entitled to collect as a part thereof its reasonable costs of collection, including attorneys' fees.

ARTICLE SEVEN
General

7.01. **Amendment.** This instrument may from time to time be amended by written instrument executed and acknowledged by the Developer, so long as the Developer (including any successor Developer) shall own any of the Lots, and thereafter by Owners of a majority of the Lots; and any such amendment shall be effective when the same is recorded with the Nantucket Registry of Deeds. However, (a) no amendment, the effect of which will be more onerous upon the use of any Lot, shall be effective without the consent of the Owner of such Lot, and (b) no Restriction, the right of enforcement of which has been granted to the Town, shall be amended without the prior written consent of a majority of the Board of Appeals. Any such consent shall be attached to the instrument of amendment at the time of its recording.

7.02. **Notices.** All notices hereunder shall be effective only when mailed by certified mail, return receipt requested,

addressed (if to the Association) to Rugged Scott Owners Association Trust, c/o Joshua Posner, 32 Arlington Street, Cambridge, Massachusetts 02140, or such other address as the Association may, from time to time, designate by notice to each Owner, or addressed (if to an Owner) to such Owner at the street address of any Lot owned by such Owner, or such other address as such Owner may, from time to time, designate by notice to the Association.

7.03. Severability. Invalidation of any provision hereof by judicial determination shall not affect the remaining provisions, which shall remain in full force and effect.

7.04. Construction of Instrument. This instrument shall be construed under the laws of Massachusetts. References or language herein contained, relating to any gender, shall refer also to other genders as appropriate.

Executed and sealed as of February 24, 2006.

RUGGED SCOTT, LLC
By: 

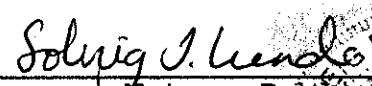
Joshua Posner, Manager

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

February 24, 2006

Then personally appeared the above-named Joshua Posner, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Rugged Scott, LLC, before me,


Notary Public

My commission expires: SOLVEIG I. LUND



Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 20, 2012

ACCEPTANCE BY BOARD OF APPEALS

We, as a majority of the members of the Nantucket Board of Appeals, hereby accept and approve the foregoing Declaration of Restrictions and Easements.

Dated: February 24, 2006

[Handwritten signatures of four members of the Nantucket Board of Appeals]

COMMONWEALTH OF MASSACHUSETTS

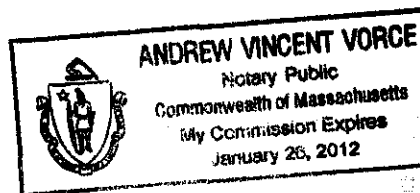
Nantucket, ss.

Feb. 24, 2006

Then personally appeared the above-named DALE WARD, being one of the members of the Nantucket ~~Planning~~ Board, and acknowledged the foregoing instrument to be his/her free act and deed, before me,

[Handwritten signature of Notary Public]
Notary Public

My commission expires:



CONSENT OF MORTGAGEE

TD BANKNORTH, N.A., being the holder of a certain mortgage from RUGGED SCOTT LLC to it, dated June 9, 2003, recorded with Nantucket Deeds in Book 827, Page 187, a Conditional Assignment of Leases and Rents and Security Agreement to it, dated June 9, 2003, recorded with Nantucket Deeds in Book 827, Page 195, and a Conditional Assignment of Plans, Permits, Licenses and Approvals to it, dated June 9, 2003, recorded with Nantucket Deeds in Book 827, Page 202, for consideration paid, hereby consents to the foregoing Declaration of Restrictions and Easements, and agrees that said mortgage shall be held subject to and with the benefit of said Declaration of Restrictions and Easements.

Executed and sealed on March 6th, 2006.

TD BANKNORTH, N.A.

By:

Jonathan K Ellis
 Name: Jonathan K Ellis
 Title: Vice-President

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

March 6th, 2006

Then personally appeared the above-named Jonathan K Ellis,
Vice President of BankNorth, N.A., and acknowledged
 the foregoing instrument to be the free act and deed of
 TD BankNorth, N.A., before me,

Amy A. Lawson
 Notary Public

My commission expires



AMEY A. LAWSON
 Notary Public
 Commonwealth of Massachusetts
 My Commission Expires
 May 25, 2012

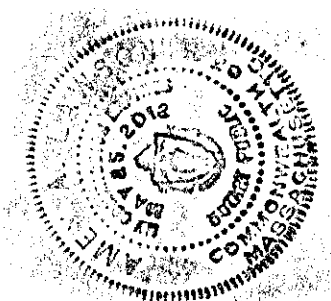


EXHIBIT AMaximum Number of Bedrooms for Each Building Lot

Building Lot	Number of Bedrooms
1	4
2	3
3	4
4	3
5	3
6	4
7	4
8	4
9	3
10	4
12	3
13	4
14	3
15	3
16	3
17	4
18	3
19	4
20	3
21	3
22	4
23	4
24	3
25	4
26	3
27	4
28	4
29	4
30	4
31	3
32	4
33	3
34	4
35	4
36	3
37	3
38	4
39	3
40	4
41	3
TOTAL	141

EXHIBIT BTable of Driveway Easements

Lot Holding Dominant Estate	Lot Holding Servient Estate
5	4
8	9
27	28

NANTUCKET COUNTY Received & Entered
Attest: Joanne L. Kelley, Registrar of Deeds

Certificate No: OP-2007-0460

Building Permit No.: BP-2006-0943

Commonwealth of Massachusetts

Town of Nantucket

Building Electrical Mechanical Permits

This is to Certify that the SINGLE FAMILY DWELLING located at
Dwelling Type

6 FOX GRAPE LANE
Address

in the

TOWN OF NANTUCKET
Town/City Name

**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

Modular dwelling full cellar 1306sf, 1st fl 1306sf 2nd fl 1013sf
4 bedrooms 4 baths CO for permit 1293-06 M/P 67-808

This permit is granted in conformity with the Statutes and ordinances relating thereto, and
expires _____ unless sooner suspended or revoked.

Expiration Date

Issued On: Fri Sep 7, 2007

[Signature]

GeoTMS® 2007 Des Lauriers Municipal Solutions, Inc.

MASSACHUSETTS

Lot 9

NANTUCKET

Map 67

Parcel 808

PARTMENT

Building Inspector

FEE \$ 1976.00

Nov 20 2006

PERMIT

He (John Posen)

HAS

*Full cellar 1306 sf, 1st fl 1306sf
6 Fox Grape Lane* PROVIDED THAT

CONFORM TO THE TERMS OF THE APPLICATION ON
PROVISIONS OF THE STATUTES AND THE
MAINTENANCE AND INSPECTION OF BUILDINGS
STATE BUILDING CODE 780 CMR.

ON RETURN OF THIS PERMIT ONLY AFTER ALL
REQUIREMENTS HAVE BEEN SATISFIED BY THE APPROPRIATE INSPECTOR.

FROM THE DATE OF ISSUE IF THE WORK
NEEDING CONTINUOUSLY TO COMPLETION AS

SPICUOUS PLACE ON THE PREMISES.

[Signature]

BUILDING INSPECTOR

TOWN OF NANTUCKET

Map 67 Parcel 808

BUILDING DEPARTMENT

No. 1293-06

Office of the Building Inspector

FEE \$ 1976⁰⁰

Nov 20 2006

BUILDING PERMIT

THIS PERMIT CERTIFIES THAT RUBBER SCOTT LLC (JOHN POSNER) HAS
PERMISSION TO CONSTRUCT MODULAR 120, UNFINISHED FULL CEILING 1306 SF, 125 FT 1306 SF
820 FT 1013 SF, 4 BEDROOMS & 4 BATHS LOCATED ON 6 FOX GRAPE LANE PROVIDED THAT

THE PERSON ACCEPTING THIS PERMIT SHALL CONFORM TO THE TERMS OF THE APPLICATION ON
FILE IN THE BUILDING DEPARTMENT AND TO THE PROVISIONS OF THE STATUTES AND THE
ORDINANCES RELATING TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS
IN THE TOWN OF NANTUCKET, AND THE MASSACHUSETTS STATE BUILDING CODE 780 CMR.

A CERTIFICATE OF OCCUPANCY WILL BE ISSUED UPON RETURN OF THIS PERMIT ONLY AFTER ALL
REQUIRED INSPECTIONS HAVE BEEN SIGNED AND DATED BY THE APPROPRIATE INSPECTOR.

THIS PERMIT SHALL BECOME INVALID 6 MONTHS FROM THE DATE OF ISSUE IF THE WORK
PERMITTED HAS NOT COMMENCED OR IS NOT PROCEEDING CONTINUOUSLY TO COMPLETION AS
FAR AS REASONABLY PRACTICABLE.

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.

CERTIFICATE OF OCCUPANCY NO. _____

Remond Butcher

BUILDING INSPECTOR

Lot 9 State 106074, 77, 78, 79, 80, 81, 82 210-709-3
 Labels

DEPARTMENT

PERMIT NO.

INSPECTOR

DATE

HEALTH

DPW

PLANNING
BOARD

PLUMBING

WIRING

GAS

HDC

FIRE DEPT.

ZONING

BUILDING

FINAL

ROUGH

FINAL

TEMPORARY

SERVICE

ROUGH

FINAL

ROUGH

✓ FINAL

FINAL

ALARM

FUEL & MECH

FINAL

FOOTINGS

FOUNDATION

ROUGH

INSULATION

FIREPLACE

FINAL

162

2/2/07

4/26/07

7/3/07

6-29-07

3/21/07

8/14/07

10/3/07

7/3/07

11/22/06

8.22.07

8.10.07

KENT ARLO...

#1017 Dec 5 01 057-03-408

9/6/7

5. IDENTIFICATION - To be completed by all applicants				
	Name	Mailing Address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee	Rugged Scott LLC Josh Posner	32 Arlington Street, Cambridge, MA	02140	617/549-3232
2. Contractor	Print Name Douglas Wiggin Signature <i>[Signature]</i>	Baybutt Construction, Site Superintendent Baybutt Construction 25 Avon Street, Keene NH 03431	Builder's License CS 086060	603-352-6846
3. Contact Person	Douglas Wiggin	104 Surfside Road, Nantucket MA 02554	Date <i>11/3/06</i> 4/3/06	508-325-4962

Works Compensation Insurance Certificate or Affidavit must be submitted with this application

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction

Signature of applicant <i>[Signature]</i> Douglas Wiggin Baybutt Construction Site Superintendent	Address 104 Surfside Road, Nantucket MA 02554	Telephone # 603-209-1692
--	--	-----------------------------

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For office use			
Plans Review Required			
HISTORIC DISTRICTS COMMISSION			
SEPTIC			
SEWER			
WATER WELL COMPLETION REPORT			
CONSERVATION COMMISSION			
FIRE CHIEF			
OVER-THE-ROAD (Board of Selectmen)			
ROAD OPENING PERMIT (DPW)			
PLUMBING			
ELECTRICAL			

7. VALIDATION

Building Permit Issued	FOR DEPARTMENT USE ONLY
	Use Group
	Occupancy Load
Building Permit Fee <i>\$1926.00</i>	Census No. <i>101</i>
Date of Issuance of Certificate of Occupancy	Approved by: <i>[Signature]</i> Building Commissioner

RECEIVED

NOV 08 2006

NANTUCKET
BUILDING DEPT.

Lot 9

1293-06
11-20-2006
BUILDING PERMIT NUMBER

APPLICATION FOR
BUILDING PERMIT

IMPORTANT - Applicant to complete all items in Section 1,2,3,4 and 5

1. LOCATION OF BUILDING	OWNERS NAME (print):	Rugged Scott, LLC	Josh Posner
	Last	First	Middle Initial
	6 Fox Grape Lane	Nantucket, MA	02554
	No. Street		
Assessor's Map No.	67	Assessor's Parcel No.	808

2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E

A. TYPE OF IMPROVEMENT	B. OWNERSHIP	D. DIMENSIONS	Total
☒ New Building	☒ Private	Dimensions of Structure	
☐ Addition	☐ Public	First Floor Area:	1306 SF
☐ Alteration		Second Floor Area:	1013 SF
☐ Repair, replacement		Third Floor Area:	N/A SF
☐ Demolition	C. COST	Total Floor Area:	2319 SF
☐ Moving	TOTAL COST OF IMPROVEMENT	Full Cellar Area:	1306
	\$200,000		

E. PROPOSED USE

Residential

Detail scope of work by floor & provide the square footage

☒ One Family

☐ Studio

☐ Two or more family - Enter

number of units

☐ Hotel, Motel, Dormitory

enter number of units

☐ Second Dwelling

☐ Garage

☐ Pool

☐ Other - Specify

Construction of a single family living unit with total floor area

of 2,319 SF as more completely detailed in the attached drawings.

3. SELECTED CHARACTERISTICS OF BUILDING

For new buildings and additions, complete Parts D-N

for Demolition, complete only Part 1, for all others skip to 4.

F. PRINCIPAL TYPE OF FRAME	H. TYPE OF SEWAGE PERMIT	K. ACCESSORY HEAT SOURCE
☒ Wood Frame	☒ Public	No. of fireplaces 0
☐ Other - Specify	☐ Private (septic, tank, etc.)	No. of Wood Stoves 0
		Other: 0
G. PRINCIPLE TYPE OF HEATING	I. TYPE OF WATER SUPPLY	L. RESIDENTIAL BUILDINGS
☒ Gas ☐ Electricity	☒ Public	Number Bedrooms 4
☐ Oil ☐ Heat Pump	☐ Private (well)	Number of Bathrooms 4
☐ Other Specify	J. SMOKE DETECTORS	Full 3 Partial 1
	No. of Detectors 9	
	See Plan for Location	

3. CONTINUED

M. ENERGY CONSERVATION

Type	Thickness	R Value
SEE ATTACHED COMPLIANCE REPORT 2/13/06		
Foundation or Floor Insulation	2"	R-10
Wall Insulation		R-19
Ceiling or Roof Insulation		R-38
Window Glazing	Insulated Glass _____ Double Glass <u>X</u> Storm _____	
Doors: Insulated	Yes <u>X</u> No _____ Weather Stripped: Yes <u>X</u> No _____	
Percentage of Window to Wall Area:	15%	

N. STRUCTURAL CHARACTERISTICS OF BUILDING

Applicant is required to submit complete structural framing plans with the application due to the complexity of the structure, if the following information is insufficient for the proper plan review.

Foundation **SEE ATTACHED DRAWINGS**

Footings size:	1'-0" X 2'-0"	Footings reinforcing:	N/A
Wall Material:	Concrete	Wall thickness:	8"
Wall Height:	7'-10"	Wall reinforcing:	#5 Rebar
Pier or column size:	3" Dia. Pipe	Pier or column spacing:	Varies
Pier or column footing size:	See Drawing	Pier or column reinforcing:	#4 Rebar
No. of crawl space vents:	N/A	Crawl space:	☐ Full ☐ Partial

FRAMING: Main Carrying members: Size: _____

First Floor Framing	Joist size: 2" x 10"	Maximum Span: 13'-6"	Maximum Spacing: 16" OC
Second Floor Framing	Joist size: 2" x 10"	Maximum Span: 13'-6"	Maximum Spacing: 16" OC
Ceiling Framing	Joist size: 2" x 6"	Maximum Span: 13'-6"	Maximum Spacing: 24" OC
Roof Framing	Joist size: 2" x 12"	Maximum Span: 14'-6"	Maximum Spacing: 24" OC
Roof Truss	Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer		

SKETCH OF PROPOSED WORK (minor projects)

NOTES AND DATE (For Department Use)

FEE CALCULATIONS

11/17/06 Left voice message-

2319 SF
316 SF Deck
2635
x .75
1976⁰⁰

4. ZONING COMPLIANCE to be completed by all applicants

SEE ATTACHMENTS

Applicant is required to submit a registered plot plan with application, showing location of all structures

Zoning District:	see comprehensive permit	Total Land Area:	7,919 SF
Frontage on Street:	0.0 LF	Lot No.:	9
Plan Book No. and Page	2006-19	Land Court Plan No.:	
Date Lot Purchased:	6/14/2002	Certificate No.:	
		Name of Previous Owner:	Steven C. Jemison

SUBDIVISION INFORMATION

Name of Owner:	Rugged Scott, LLC		
Date of Plan Approval:	2-24-06		
Type of Approval:	Comprehensive Permit	AR	<u>X</u>
Planning Board File No.:	ZBA File #051-03		
Is the Subdivision subject to Covenant:	YES	<u>X</u>	NO _____
Is a Release required:	YES	<u>X</u>	NO _____
Has Plan been filed with the Registry of Deed?	YES	<u>X</u>	NO _____
If YES: Plan Book and Page No.:	2006-19	Date	

TIME SHARING
INFORMATION
Is there a declaration of
Covenants and Restrictions
of Interval Ownership noted
on Your Title or Deed?

Yes _____ No X

DIMENSIONS

Distance from Property Line:	FRONT 20.5'	REAR 38.0'	LEFT 8.4'	RIGHT 24.6'
Distance between Principal and Secondary Dwelling:	N/A			
Height of structure above grade:	N 26'-11 3/4"	E 26'-11 3/4"	S 26'-11 3/4"	W 26'-11 3/4"
Number of off-street parking spaces:	Enclosed _____	On-Site	<u>2</u>	

GROUND COVER

SEE ATTACHMENTS

Principal Dwelling:	_____	Total:	1,064 SF
Secondary Dwelling:	_____	Allowable	2,375 SF
Addition:	_____		
Garage:	_____		
Accessory Building:	_____		
Swimming Pool:	_____		
Other:	_____		

MISCELLANEOUS

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Commission? YES _____ NO X

If answered YES, include a copy of the "Order of Conditions" with application.

What date was the "Order of Condition" with application.

What date was the "Order of Conditions" filed with the Registry of Deeds?

Is the property located within a Flood Hazard district?

Was Variance or Special Permit granted by the Board of Appeals?

If answered YES, what date was he decision filed with the Town Clerk?

N/A
YES _____ NO X

YES X NO _____ See Comprehensive Permit

February 13, 2006

FOR ZONING OFFICER

Minimum Lot Size:	_____	Ground Cover Ratio:	_____
Frontage on Street:	_____	Side and Rear Setback:	_____
Front Yard:	_____	Secondary Dwelling approval:	_____
Additional Comments:	_____	Board of Appeals:	_____
	_____	Lot Release Form:	_____
Date:	11/8/06	APPROVED BY:	_____
		Zoning Officer	_____



PERMIT SS - 4450

Lot 9

TOWN of NANTUCKET

DEPARTMENT OF PUBLIC WORKS

SEWER APPLICATION AND PERMIT

☒ RESIDENTIAL☐ COMMERCIAL☐ OTHER

FEE

\$2000.00

DATE PAID

11/2/06

ISSUE DATE

11/2/06

EXPIRATION DATE

11/2/07

OWNER:

RUGGED SCOTT

PHONE:

617/549-3222

AGENT:

DAUG WIGGIN

PHONE:

603/209-1642

ADDRESS:

32 ARLINGTON STREET CHANDLER, MA

ADDRESS:

NANTUCKET, MA

LOCATION

OF WORK:

6 FOX GRAPE LN

MAP#

67

CONTRACTOR:

RAYBUTT

PARCEL #

808

ADDRESS:

KEENE NH

PHONE:

603/552-6848

PLANS AND SPECIFICATIONS OF THE
PROPOSED WORK ARE AFFIXED
HERETO AS PART OF THIS RECORD.

NO.	TYPE
4	BEDROOMS
1	KITCHEN SINKS
4	LAVATORIES
0	LAUNDRY TUBS
0	URINALS
4	WATER CLOSETS
3	BATH TUBS
1	SHOWERS
1	DISPOSALS
1	DISHWASHERS
1	CLOTHES WASHER
0	OTHER (SPECIFY)

CONDITIONS OF THIS PERMIT

BY ACCEPTANCE OF THIS PERMIT THE UNDERSIGNED AGREES TO ACCEPT AND ABIDE BY THE SEWER USE RULES AND REGULATIONS OF THE TOWN AND COUNTY OF NANTUCKET ADOPTED SEPTEMBER, 1975, AND AS MAY BE SUBSEQUENTLY AMENDED. TO MAINTAIN SAID SEWER INSTALLATION AT NO EXPENSE TO THE TOWN OF NANTUCKET. TO GRANT AS MAY BE NECESSARY, ANY EASEMENTS ATTENDANT TO SAID SEWER INSTALLATION TO THE TOWN OF NANTUCKET AND ITS AGENTS. TO PROVIDE ANY BONDING BY CASH OR SURETY AS MAY BE DEEMED NECESSARY BY THE SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS TO ENSURE SATISFACTORY COMPLETION OF THE WORK AUTHORIZED BY THIS PERMIT. TO PROVIDE AMPLE NOTIFICATION TO THE SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS WHEN THE SEWER INSTALLATION IS/WILL BE READY FOR INSPECTION AND BEFORE ANY PORTION OF SAID WORK IS COVERED. TO HOLD HARMLESS AND INDEMNIFY THE TOWN OF NANTUCKET AGAINST ALL CLAIMS OF WHATEVER NATURE INCLUDING PROPERTY DAMAGE AND BODILY INJURY RESULTING FROM THE WORK PERFORMED UNDER THIS PERMIT. ALSO TO PROVIDE EVIDENCE OF COMPREHENSIVE PUBLIC LIABILITY INSURANCE IN FORCE TO THE SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS.

SIGNATURE OF APPLICANT

WITNESS

BOND

WHITE: DPW FILE - YELLOW: DPW SEWER DIV. - PINK: APPLICANT - GOLDENROD: PLUMBING INSPECTOR

APPROVED BY SUPERINTENDENT

TO: NANTUCKET BUILDING DEPARTMENT
FROM: LINDA F. WILLIAMS, ADMINISTRATOR
NANTUCKET ZONING BOARD OF APPEALS

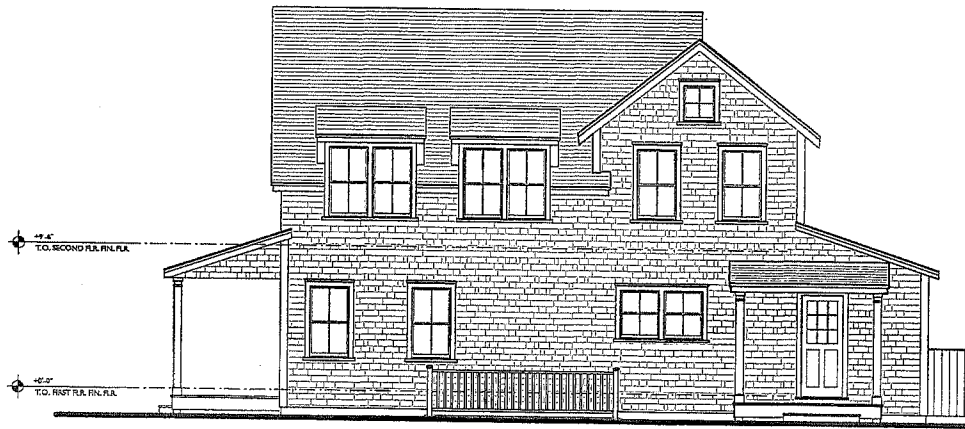
DATE: October 31, 2006

RE: Lot 9, Type M-2
RUGGED SCOTT 40B ARCHITECTURAL DRAWINGS

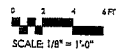
This Application for a building permit is related to a lot contained within the Rugged Scott LLC 40B project as granted in the Decision in BOA File No. 051-03. A copy of said Decision is on file with your department.

Under the 40B legislation, the Board of Appeals acts as the Nantucket Historic District Commission ("HDC") for the initial approval and the HDC staff has been charged with final sign-off of the structure's compliance upon completion of the construction project and prior to the issuance of the Certificate of Occupancy. Any changes to the structure after that are also under the sole purview of the HDC unless the Board of Appeals finds that the change is a substantial change from what was approved.

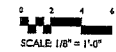
This house, applied for under said Decision, will be sited on Lot 9, and the building type is Cottage M-2. In accordance with the Decision and my ability to sign off on the individual designs as the project progresses in my capacity as the Zoning Board of Appeals Administrator, I have reviewed the plans attached with the building permit application and hereby find that they are consistent with those approved during final review at the meeting on Friday, February 24, 2006.



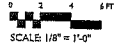
REAR ELEVATION



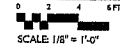
RIGHT ELEVATION



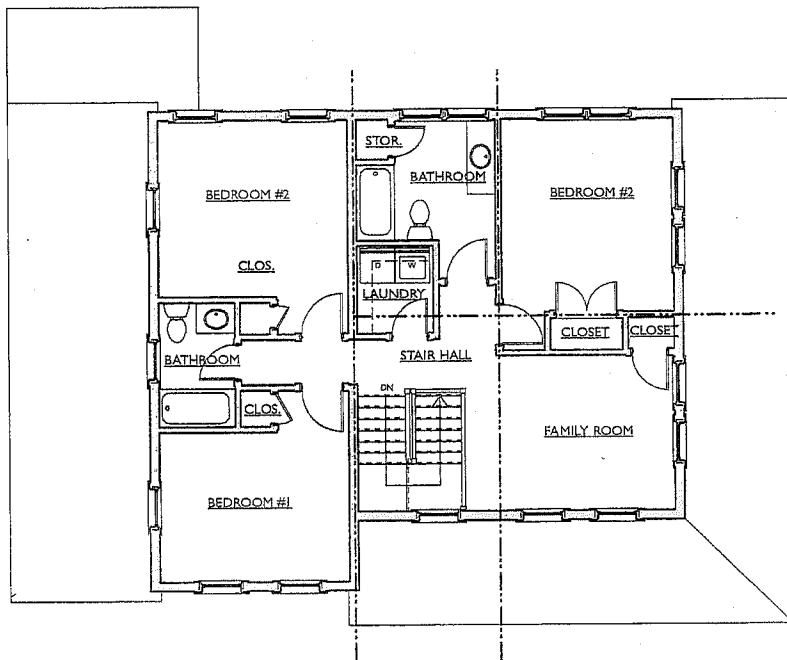
PRIMARY ELEVATION



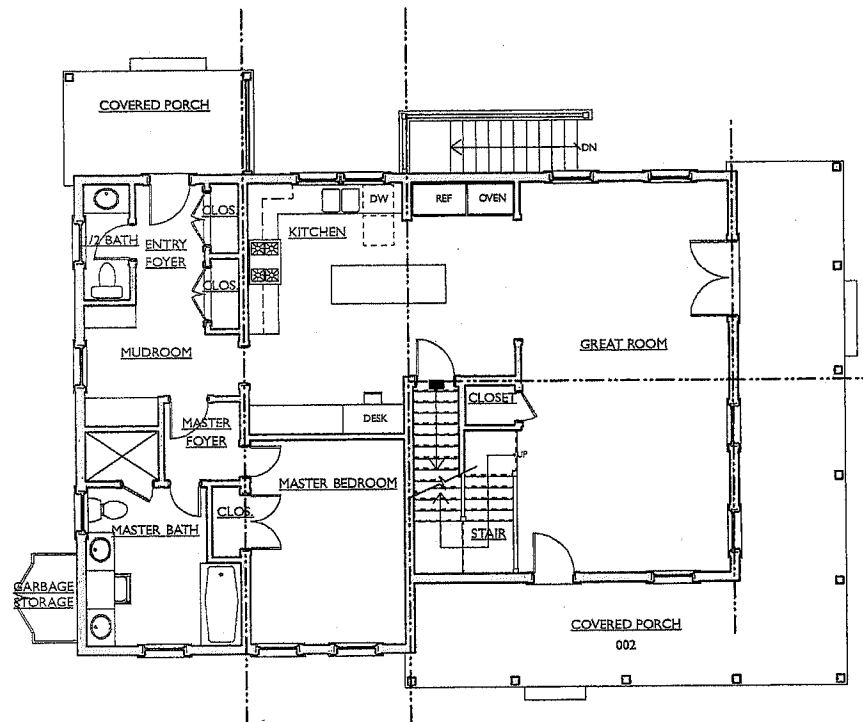
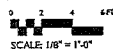
LEFT ELEVATION



M2 ELEVATIONS
THE JUNIPER



SECOND FLOOR



FIRST FLOOR



M2 FLOOR PLANS THE JUNIPER

Certificate No: OP-2012-0288

Building Permit No.: BP-2012-0128

Commonwealth of Massachusetts

Town of Nantucket

Building Electrical Mechanical Permits

This is to Certify that the ALTERATION located at
Dwelling Type

6 FOX GRAPE LANE
Address

in the

TOWN OF NANTUCKET
Town/City Name

**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

Finish basement of DU for gym, office & recreation room
CO for permit 255-12 M/P 67-808

This permit is granted in conformity with the Statutes and ordinances relating thereto.

Issued On: Wed Jul 25, 2012

GeoTMS® 2012 Des Lauriers Municipal Solutions, Inc.

STO RLB
FEB CMZ 7th

TOWN OF NANTUCKET

BUILDING DEPARTMENT

Fee \$968.00

No. 255-12

Office of the Building Inspector

March 9, 2012

BUILDING PERMIT

THIS PERMIT CERTIFIES THAT DAVID PRESCHLACK HAS

PERMISSION TO FINISH BASEMENT OF 1DU FOR GYM, OFFICE, REC ROOM

LOCATED ON 6 FOX GRAPE LN PROVIDED

THAT THE PERSON ACCEPTING THIS PERMIT SHALL CONFORM TO THE TERMS OF THE APPLICATION ON FILE IN THE BUILDING DEPARTMENT AND TO THE PROVISIONS OF THE STATUTES AND THE ORDINANCES RELATING TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE TOWN OF NANTUCKET, AND THE MASSACHUSETTS STATE BUILDING CODE 780 CMR 8th EDITION.

A CERTIFICATE OF OCCUPANCY WILL BE ISSUED UPON RETURN OF THIS PERMIT ONLY AFTER ALL THE REQUIRED INSPECTIONS HAVE BEEN SIGNED AND DATED BY THE APPROPRIATE INSPECTOR.

THIS PERMIT SHALL BECOME INVALID SIX MONTHS FROM THE DATE OF ISSUE IF THE WORK PERMITTED HAS NOT COMMENCED OR IS NOT PROGRESSING CONTINUOUSLY TO COMPLETION AS FAR AS REASONABLY PRACTICABLE.

PERSONS CONTRACTING WITH UNREGISTERED CONTRACTORS DO NOT HAVE ACCESS TO THE GUARANTY FUND 780 CMR/MGL c142A

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.

SEE BACK

DEPARTMENT	PERMIT NUMBER	INSPECTOR	DATE
HEALTH	_____	FINAL _____	_____
DPW/SEWER	_____	FINAL _____	_____
PLANNING BOARD	_____	FINAL _____	_____
PLUMBING	<u>12-151</u>	ROUGH <u>Will Holt</u>	<u>3/24/12</u>
		FINAL <u>Will Holt</u>	<u>6/4/12</u>
WIRING	<u>259-12</u>	TEMPORARY _____	_____
		SERVICE _____	_____
		ROUGH <u>William W. Janssen</u>	<u>4-2-12</u>
		FINAL <u>Jeffrey J. Miller</u>	<u>6/8/12</u>
GAS	_____	ROUGH _____	_____
		FINAL _____	_____
	H.D.C.	FINAL _____	_____
FIRE DEPARTMENT	_____	ROUGH <u>William W. Janssen</u>	<u>4-2-12</u>
		FUEL & MECH/ALARM <u>J. Janssen</u>	<u>6-8-12</u>
SHEET METAL PERMIT	_____	ROUGH _____	_____
		FINAL _____	_____
ZONING	_____	FINAL <u>7/24/12</u>	_____
BUILDING	_____	FOOTINGS _____	_____
		FOUNDATION _____	_____
		ROUGH <u>ac</u>	<u>4/3/12</u>
		INSULATION <u>ac</u>	<u>4/5/12</u>
		FIREPLACE _____	_____
		FINAL <u>171</u>	<u>6/11/12</u>

RECEIVED
JUL 23 2012
NANTUCKET
BUILDING DEPT

5. IDENTIFICATION - To be completed by all applicants			
	Name	Mailing address - Number, street, city and state	Zip Code Telephone No.
1. Owner or Lessee	David Preschlack	6 Fox Grape Ln Nantucket MA 02554	203260801
2. Contractor	Print Name David Pekarik Signature <i>David Pekarik</i>	P.O. Box 2147 Nantucket 02554	Builder's License 81142
3. Contact Person	Lindsey Knepp	7 Otckemi Rd Nantucket MA	Date 2/21/12 5086806824

Works Compensation Insurance Certificate or Affidavit must be submitted with this application.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of applicant *David Pekarik* Address Telephone # 508.221.5708

Print name David Pekarik E-Mail Address:

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For Office Use			
Plans Review Required			
HISTORIC DISTRICTS COMMISSION			
SEPTIC			
SEWER			
WATER WELL COMPLETION REPORT			
CONSERVATION COMMISSION			
FIRE CHIEF			
OVER-THE-ROAD (Board of Selectmen)			
ROAD OPENING PERMIT (DPW)			
PLUMBING			
ELECTRICAL			

7. VALIDATION	
Building Permit Issued _____	FOR DEPARTMENT USE ONLY
Building Permit Fee 968	Use Group _____
Date of Issuance of Certificate of Occupancy _____	Occupancy Load _____
	Census No. 434
	Approved by: <i>STB Rott</i> 3-7-12 Building Commissioner

RECEIVED		RECEIVED	
FEB 27 2012		FEB 22 2012	
NANTUCKET BUILDING DEPT		NANTUCKET ZONING DEPT.	
255-12 3/09/2012 BUILDING PERMIT NUMBER		APPLICATION FOR BUILDING PERMIT	
IMPORTANT - Applicant to complete all items in Sections: 1, 2, 3, 4, and 5 Please Print			
1. LOCATION OF BUILDING	OWNERS NAME (print): Preschlack David Last First Middle Initial 6 Fox Grape Lane No. Street Assessor's Map No. 67 Assessor's Parcel No. 808		
2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E			
A. TYPE OF IMPROVEMENT	B. OWNERSHIP	D. DIMENSIONS	
☐ New Building	☒ Private	Dimensions of Structure	
☐ Addition	☐ Public	First Floor Area: _____	
☐ Alteration		Second Floor Area: _____	
☐ Repair, replacement		Third Floor Area: _____	
☐ Demolition		Total Floor Area: _____	
☐ Moving		Full Cellar Area: 43x30	
C. COST			
TOTAL COST OF IMPROVEMENT			
\$50,000.00			
E. PROPOSED USE			
Residential		Detail scope of work by floor & provide the square footage.	
☒ One Family		Finish Basement into Living area	
☐ Studio			
☐ Two or more family - Enter number of units _____			
☐ Hotel, Motel, Dormitory enter number of units _____			
☐ Second Dwelling			
☐ Garage			
☐ Pool			
☐ Other - Specify _____			
3. SELECTED CHARACTERISTICS OF BUILDING For new buildings and additions, complete Parts D-N for Demolition, complete only Part 1., for all others skip to 4.			
F. PRINCIPLE TYPE OF FRAME	H. TYPE OF SEWAGE DISPOSAL	K. ACCESSORY HEAT SOURCE	
☒ Wood frame	☒ Public	No. of fireplaces _____	
☐ Other - Specify _____	☐ Private (septic tank, etc.)	No. of Wood Stoves _____	
		Other: _____	
G. PRINCIPLE TYPE OF HEATING	I. TYPE OF WATER SUPPLY	L. RESIDENTIAL BUILDINGS	
☒ Gas ☐ Electricity	☒ Public	Number of Bedrooms _____	
☐ Oil ☐ Heat Pump	☐ Private (well)	Number of Bathrooms 4	
☐ Other - Specify _____	J. SMOKE DETECTORS	Full 3 Partial 1	
	No. of Detectors _____		
	See Plan for Location		

3. Continued**M. ENERGY CONSERVATION**

Type	Thickness	R Value
Foundation or Floor insulation		
Wall Insulation	Fiberglass	6"
Ceiling or Roof Insulation	Fiberglass	10"
Window Glazing: Insulated Glass		Double Glass
Storm		
Doors: Insulated Yes	No	Weatherstripped: Yes
Percentage of Window Area to Wall Area:	170	

N. STRUCTURAL CHARACTERISTICS OF BUILDING

Applicant is required to submit complete structural framing plans with application due to the complexity of the structure, if the following information is insufficient for proper plan review.

Foundation

Footing size:	Footing reinforcing:
Wall material:	Wall thickness:
Wall height:	Wall reinforcing:
Pier or column size:	Pier or column spacing:
Pier or column footing size:	Pier or column reinforcing:
No. of crawl space vents:	Crawl space: ☐ Full ☐ Partial

FRAMING: Main Carrying members: Size: Support Spacing:

First Floor Framing	Joist size:	Maximum Span:	Maximum Spacing:
Second Floor Framing	Joist size:	Maximum Span:	Maximum Spacing:
Ceiling Framing	Joist size:	Maximum Span:	Maximum Spacing:
Roof Framing	Joist size:	Maximum Span:	Maximum Spacing:

Roof Truss Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer.

SKETCH OF PROPOSED WORK (minor projects)**NOTES AND DATE (For Department Use)****FEE CALCULATIONS**

1290 x .75

4. ZONING COMPLIANCE To be completed by all applicants

Applicant is required to submit a registered plot plan with application, showing location of all structures.

Zoning District: See Comprehensive Permit Total Land Area: _____
Frontage on Street: _____ Lot No.: _____
Plan Book No. and Page: _____ Land Court Plan No.: _____
Date Lot Purchased: _____ Certificate No.: _____
Name of Previous Owner: _____

SUBDIVISION INFORMATION

Name of Owner: _____
Date of Plan Approval: _____
Type of Approval: ANR _____ AR _____
Planning Board File No.: _____
Is the Subdivision subject to a Covenant: YES _____ NO _____
Is a Release required: YES _____ NO _____
Has Plan been filed with the Registry of Deeds? YES _____ NO _____
If YES: Plan Book and Page No.: _____ Date _____

TIME SHARING INFORMATION
Is there a declaration of Covenants and Restrictions of Interval Ownership noted on your Title or Deed?
Yes _____ No _____

DIMENSIONS

Distance from Property Lines: FRONT _____ REAR _____ LEFT _____ RIGHT _____
Distance between Principal and Secondary Dwelling: _____ (12ft. minimum)
Height of structure above finish grade: N _____ E _____ S _____ W _____
Number of off-street parking spaces: Enclosed _____ On-site _____

GROUND COVER

Principal Dwelling: _____
Secondary Dwelling: _____
Addition: _____
Garage: _____
Accessory Building: _____
Swimming Pool: _____
Other: _____
Total: _____ SF.
Allowable: _____ SF.

MISCELLANEOUS

Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Committee? YES _____ NO _____
If answered YES, include "Order of Conditions" with application.
What date was the "Order of Conditions" with application.
What date was the "Order of Conditions" filed with the Registry of Deeds? _____
Is the property located within a Flood Hazard district? YES _____ NO _____
Was a Variance or Special Permit granted by the Board of Appeals? YES _____ NO _____
If answered YES, what date was the decision filed with the Town Clerk? _____

FOR ZONING OFFICER

Minimum Lot Size: _____ Ground Cover Ratio: _____
Frontage on Street: _____ Side and Rear Setback: _____
Front Yard: _____ Secondary Dwelling approval _____
Additional Comments: _____ Board of Appeals _____
Lot Release Form _____

Date: 2/22/12 APPROVED BY: [Signature] Zoning Officer

Certificate No: OP-2007-0423

Building Permit No.: BP-2007-0378

Commonwealth of Massachusetts

Town of Nantucket

Building Electrical Mechanical Permits

This is to Certify that the

GARAGE

located at

Dwelling Type

6 FOX GRAPE LANE

in the

TOWN OF NANTUCKET

Address

Town/City Name

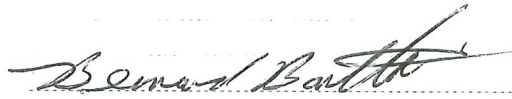
**IS HEREBY GRANTED A PERMANENT CERTIFICATE OF
OCCUPANCY**

**CONSTRUCT 316sf SINGLE CAR GARAGE
CO FOR PERMIT 440-07 M/P 67-808**

This permit is granted in conformity with the Statutes and ordinances relating thereto, and
expires unless sooner suspended or revoked.

Expiration Date

Issued On: Mon Aug 13, 2007



GeoTMS® 2007 Des Lauriers Municipal Solutions, Inc.

TOWN OF NANTUCKET

Map 67 Parcel 808

BUILDING DEPARTMENT

No. 440-07

Office of the Building Inspector

FEE \$ 237⁰⁰/_{1x}

May 2, 2007

BUILDING PERMIT

THIS PERMIT CERTIFIES THAT RUGGED SCOTT LLC JOSH POSNER HAS
PERMISSION TO CONSTRUCT 316 SF SINGLE CAR GARAGE

LOCATED ON 6 FOX GRAPE LANE PROVIDED THAT

THE PERSON ACCEPTING THIS PERMIT SHALL CONFORM TO THE TERMS OF THE APPLICATION ON
FILE IN THE BUILDING DEPARTMENT AND TO THE PROVISIONS OF THE STATUTES AND THE
ORDINANCES RELATING TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS
IN THE TOWN OF NANTUCKET, AND THE MASSACHUSETTS STATE BUILDING CODE 780 CMR.

A CERTIFICATE OF OCCUPANCY WILL BE ISSUED UPON RETURN OF THIS PERMIT ONLY AFTER ALL
REQUIRED INSPECTIONS HAVE BEEN SIGNED AND DATED BY THE APPROPRIATE INSPECTOR.

THIS PERMIT SHALL BECOME INVALID 6 MONTHS FROM THE DATE OF ISSUE IF THE WORK
PERMITTED HAS NOT COMMENCED OR IS NOT PROCEEDING CONTINUOUSLY TO COMPLETION AS
FAR AS REASONABLY PRACTICABLE.

THIS CARD MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES.

CERTIFICATE OF OCCUPANCY NO. _____

Bernard Bantle

BUILDING INSPECTOR

DEPARTMENT	PERMIT NO.	INSPECTOR	DATE
HEALTH	_____	FINAL _____	_____
DPW	_____	_____	_____
PLANNING BOARD	_____	_____	_____
PLUMBING	_____	ROUGH _____	_____
	_____	FINAL _____	_____
WIRING	_____	TEMPORARY _____	_____
	_____	SERVICE _____	_____
	_____	ROUGH _____	_____
	440.07	FINAL <i>As per</i>	7-11-07
GAS	_____	ROUGH _____	_____
	_____	FINAL _____	_____
HDC	N/A	FINAL _____	_____
FIRE DEPT.	_____	ALARM _____	_____
	_____	FUEL & MECH _____	_____
ZONING	<i>MSL 8/10/7</i>	FINAL _____	_____
BUILDING	_____	FOOTINGS <i>S Bab</i>	6-13-07
	_____	FOUNDATION _____	_____
	_____	ROUGH _____	_____
	_____	INSULATION _____	_____
	_____	FIREPLACE _____	_____
	_____	FINAL <i>S Bab</i>	7-30-07

5. IDENTIFICATION - To be completed by all applicants				
	Name	Mailing Address - Number, street, city and state	Zip Code	Telephone No.
1. Owner or Lessee	Rugged Scott LLC Josh Posner	32 Arlington Street, Cambridge, MA	02140	617/549-3232
2 Contractor	Print Name Douglas Wiggin Signature	Baybutt Construction, Site Superintendent 25 Avon Street, Keene NH 03431	Builder's License	CS 086060
3. Contact Person	Douglas Wiggin	104 Surfside Road, Nantucket MA 02554	Date	508-325-4962

Works Compensation Insurance Certificate or Affidavit must be submitted with this application

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction

Signature of applicant <i>Douglas Wiggin</i> Douglas Wiggin Baybutt Construction Site Superintendent	Address 104 Surfside Road, Nantucket MA 02554	Telephone # 603-209-1692
---	--	-----------------------------

DO NOT WRITE BELOW THIS LINE

6. PLAN REVIEW RECORD - For office use				
Plans Review Required				
HISTORIC DISTRICTS COMMISSION	<i>NA</i>	<i>NO</i>		
SEPTIC				
SEWER				
WATER WELL COMPLETION REPORT				
CONSERVATION COMMISSION				
FIRE CHIEF				
OVER-THE-ROAD (Board of Selectmen)				
ROAD OPENING PERMIT (DPW)				
PLUMBING				
ELECTRICAL				

7. VALIDATION		FOR DEPARTMENT USE ONLY	
Building Permit Issued		Use Group	
Building Permit Fee	<i>\$237.00</i>	Occupancy Load	
Date of Issuance of Certificate of Occupancy		Census No.	<i>328</i>
		Approved by:	<i>D. Smith</i> <i>4/24/07</i>
		Building Commissioner	

RECEIVED APR 18 2007 NANTUCKET BUILDING DEPT.		Lot 9 SINGLE CAR GARAGE RECEIVED APR 12 2007		440-07 5/02/2007 BUILDING PERMIT NUMBER	
APPLICATION FOR BUILDING PERMIT					
IMPORTANT - Applicant to complete all items in Section 1,2,3,4 and 5					
1. LOCATION OF BUILDING		OWNERS NAME (print): Rugged Scott, LLC Josh Posner Last First Middle Initial 6 Fox Grape Lane Nantucket, MA 02554 No. Street Assessor's Map No. 67 Assessor's Parcel No. 808			
2. TYPE AND COST OF BUILDING - All applicants complete Parts A-E					
A. TYPE OF IMPROVEMENT ☒ New Building ☐ Addition ☐ Alteration ☐ Repair, replacement ☐ Demolition ☐ Moving		B. OWNERSHIP ☒ Private ☐ Public C. COST TOTAL COST OF IMPROVEMENT \$20,000		D. DIMENSIONS Dimensions of Structure First Floor Area: 316 Second Floor Area: N/A Third Floor Area: N/A Total Floor Area: 316 Full Cellar Area: NA	
E. PROPOSED USE Residential Detail scope of work by floor & provide the square footage ☐ One Family ☐ Studio ☐ Two or more family - Enter number of units ☐ Hotel, Motel, Dormitory enter number of units ☐ Second Dwelling ☒ Garage ☐ Pool ☐ Other - Specify Construction of a single car garage with total floor area of 316 SF as more completely detailed in the attached drawings.					
3. SELECTED CHARACTERISTICS OF BUILDING For new buildings and additions, complete Parts D-N for Demolition, complete only Part 1, for all others skip to 4.					
F. PRINCIPAL TYPE OF FRAME ☒ Wood Frame ☐ Other - Specify		H. TYPE OF SEWAGE PERMIT ☐ Public ☐ Private (septic, tank, etc.)		K. ACCESSORY HEAT SOURCE No. of fireplaces No. of Wood Stoves Other:	
G. PRINCIPLE TYPE OF HEATING ☐ Gas ☐ Electricity ☐ Oil ☐ Heat Pump ☐ Other Specify		I. TYPE OF WATER SUPPLY ☐ Public ☐ Private (well) J. SMOKE DETECTORS No. of Detectors See Plan for Location		L. RESIDENTIAL BUILDINGS Number Bedrooms Number of Bathrooms Full Partial	

3. CONTINUED			
M. ENERGY CONSERVATION			
	Type	Thickness	R Value
	SEE ATTACHED DRAWINGS		
Foundation or Floor Insulation		1 1/2"	R-8
Wall Insulation			
Ceiling or Roof Insulation			
Window Glazing	Insulated Glass	Double Glass	Storm
Doors: Insulated	Yes	No ☒	Weather Stripped: Yes ☒ No
Percentage of Window to Wall Area:	10%		
N. STRUCTURAL CHARACTERISTICS OF BUILDING			
Applicant is required to submit complete structural framing plans with the application due to the complexity of the structure, if the following information is insufficient for the proper plan review.			
Foundation			
	SEE ATTACHED DRAWINGS		
Footing size:	1'-6" X 2'-0"	Footing reinforcing:	#5 Rebar
Wall Material:	Concrete	Wall thickness:	NA
Wall Height:	NA	Wall reinforcing:	NA
Pier or column size:	NA	Pier or column spacing:	NA
Pier or column footing size:	NA	Pier or column reinforcing:	NA
No. of crawl space vents:	N/A	Crawl space:	☐ Full ☐ Partial
FRAMING: Main Carrying members: Size: SEE DRAWINGS			
First Floor Framing	Joist size:	Maximum Span:	Maximum Spacing:
Second Floor Framing	Joist size:	Maximum Span:	Maximum Spacing:
Ceiling Framing	Joist size:	Maximum Span:	Maximum Spacing:
Roof Framing	Joist size:	Maximum Span:	Maximum Spacing:
Roof Truss	Applicant must submit design calculations for all wood trusses stamped by a Registered Professional Engineer		
SKETCH OF PROPOSED WORK (minor projects)			
NOTES AND DATE (For Department Use)		FEE CALCULATIONS	
4/27/07 - Spoke w/ Kevin- 		316 SF x .75 \$237.00	

4. ZONING COMPLIANCE to be completed by all applicants			
SEE ATTACHMENTS			
Applicant is required to submit a registered plot plan with application, showing location of all structures			
Zoning District:	see comprehensive permit	Total Land Area:	7,919 SF
Frontage on Street:	0.0 LF	Lot No.:	9
Plan Book No. and Page	2006-19	Land Court Plan No:	
Date Lot Purchased:	6/14/2002	Certificate No.:	
		Name of Previous Owner:	Steven C. Jemison
SUBDIVISION INFORMATION			
Name of Owner:		Rugged Scott, LLC	
Date of Plan Approval:		2-24-06	
Type of Approval:		Comprehensive Permit AR ☒	
Planning Board File No.:		ZBA File #051-03	
Is the Subdivision subject to Covenant:		YES ☒	NO
Is a Release required:		YES ☒	NO
Has Plan been filed with the Registry of Deed?		YES ☒	NO
If YES: Plan Book and Page No.: 2006-19		Date	
DIMENSIONS			
Distance from Property Line: FRONT		45'	REAR 0.0' LEFT 51' RIGHT 0.0'
Distance between Principal and Secondary Dwelling:		N/A	
Height of structure above grade:		N 15'-6"	E 15'-6" S 15'-6" W 15'-6"
Number of off-street parking spaces:		Enclosed 1	On-Site
GROUND COVER			
Principal Dwelling:		SEE ATTACHMENTS	
Secondary Dwelling::		1,064 SF	
Addition:			
Garage:		316 SF	
Accessory Building:			
Swimming Pool:			
Other:			
MISCELLANEOUS			
Was a request to "Determine Applicability of the Protection Act" filed with the Nantucket Conservation Commission?			YES NO ☒
If answered YES, include a copy of the "Order of Conditions" with application.			
What date was the "Order of Condition" with application.			
What date was the "Order of Conditions" filed with the Registry of Deeds?			N/A
Is the property located within a Flood Hazard district?			YES NO ☒
Was Variance or Special Permit granted by the Board of Appeals?			YES ☒ NO
If answered YES, what date was the decision filed with the Town Clerk?			February 13, 2006
FOR ZONING OFFICER			
Minimum Lot Size:		Ground Cover Ratio:	
Frontage on Street:		Side and Rear Setback:	
Front Yard:		Secondary Dwelling approval:	
Additional Comments:		Board of Appeals:	
		Lot Release Form:	
Date: 4/27		APPROVED BY:	



NANTUCKET
TOWN CLERK

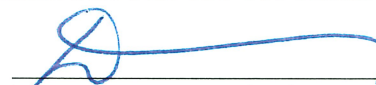
2020 AUG 13 PM 12:04

**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**

MEMORANDUM

Date: August 10, 2020
To: Town Clerk
From: Eleanor Weller Antonietti, Zoning Administrator
Re: **File No. 51-03 – INSUBSTANTIAL MODIFICATION to Comprehensive Permit**
Rugged Scott – Lot 9 (6 Fox Grape Lane)

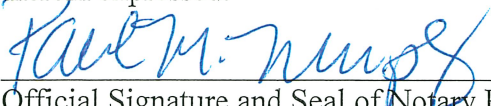
The above referenced Comprehensive Permit was granted by the Zoning Board of Appeals to Rugged Scott LLC, filed with the Town Clerk on February 13, 2006, and recorded at Book 1010, Page 1 with the Nantucket Registry of Deeds. At its meeting on July 9, 2020, the Zoning Board of Appeals made a determination that a requested modification entailing the installation of an in-ground residential swimming pool on Lot 9 (6 Fox Grape Lane) is deemed insubstantial. Please file the attached letter detailing this approval with the original Comprehensive Permit File No. 051-03. Thank you.

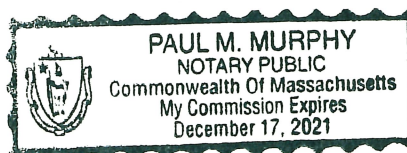

Eleanor W. Antonietti,
Zoning Administrator

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On the 12TH day of August, 2020, before me, the undersigned notary public, personally appeared Eleanor W. Antonietti, the above-named Zoning Administrator of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that she signed the foregoing instrument voluntarily for the purposes therein expressed.


Official Signature and Seal of Notary Public
My commission expires:



Nantucket Zoning Board of Appeals

NANTUCKET
TOWN CLERK
2020 AUG 13 PM 12:04



July 31, 2020

Nancy Holmes
Town & County Clerk
16 Broad Street
Nantucket, MA 02554-3590

Re: Lot 9; Plan No. 2006-61
Map 67, Parcel 808
6 Fox Grape Lane
Insubstantial modification
Rugged Scott 40B

Dear Town Clerk Holmes:

The above-referenced architectural modification relates to a lot created as part of the Rugged Scott LLC 40B Project as granted by the Decision in Zoning Board of Appeals File No. 051-03, known as the "Comprehensive Permit for the Rugged Scott LLC Development". A copy of said Decision, as well as two subsequent "Clarification and Technical Correction" decisions issued in 2008, are on file with your department.

At the Zoning Board of Appeals ("the Board") meeting on July 9, 2020, **David S. Gesner and Julie A. Gesner**, owners of **6 Fox Grape Lane** by virtue of deed recorded at Book 1611, Page 116, requested a determination that a proposed modification to the construction program upon **Lot 9** may be considered an insubstantial modification to the Comprehensive Permit, as amended, and the plans approved therewith, pursuant to 760 CMR 56.05 (11)(a)(b), and as such, may be authorized by the Board. The proposed modification for which applicant sought and received approval is:

- To the extent necessary, regarding Lot 9 :
 - Modification of the Comprehensive Permit and consent to **siting and installation of a 23' x 9.6' private residential swimming pool and related hardscaping** upon Market Rate Lot 9 as shown upon "Foundation As-Built Plan", prepared by David Maddigan, P.L.S., dated July 16, 2007, and "Schematic Layout Plan", prepared by Jardins Intl., Inc., dated June 16, 2020, each submitted in connection with the request and attached herewith as "Exhibit A" and "Exhibit B", respectively.

Nantucket Zoning Board of Appeals



Section 760 CMR 56.05 (11)(a)(b), for your reference, reads in relevant part:

(11) Changes after Issuance of a Permit.

(a) If after a Comprehensive Permit is granted by the Board, including by order of the Committee pursuant to 760 CMR 56.07(5), an Applicant desires to

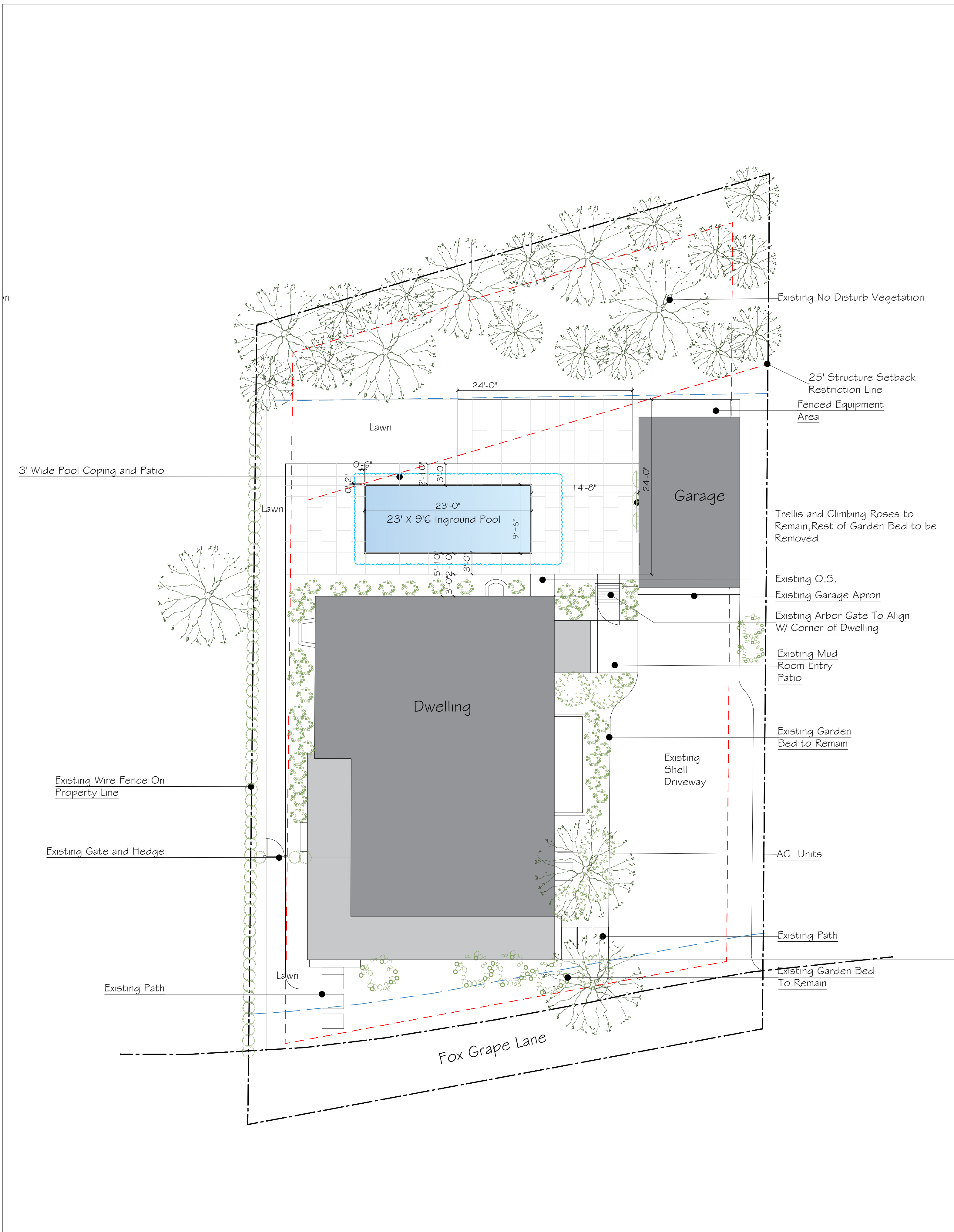
change the details of its Project as approved by the Board or the Committee, it shall promptly notify the Board in writing, describing such change. Within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4).

(b) If the change is determined to be insubstantial or if the Board fails to notify the Applicant by the end of such 20-day period, the Comprehensive Permit shall be deemed modified to incorporate the Change.

- 2 The Board made a finding that the above-referenced proposal, upon the condition that the pool and related equipment be sited outside of the twenty-five (25) foot Habitat Management Area Easement with a No Disturb zone to the rear and otherwise in full compliance with the setbacks as they apply specifically to Lot 9, may be considered an insubstantial modification. Accordingly, the Comprehensive Permit and the plans approved therewith are deemed duly modified to reflect this change.

Respectfully,

Susan McCarthy, Chairman
Nantucket Zoning Board of Appeals



NEW

BUSINESS

Michael METZ

16 WESTERN AVE.

FILE NO. 01-21

SPECIAL PERMIT



NANTUCKET
TOWN CLERK

2020 DEC 30 PM 3:09

PAID
DEC 15 2020
PAID

**TOWN OF NANTUCKET
BOARD OF APPEALS
NANTUCKET, MA 02554**



A P P L I C A T I O N

Fee: \$450.00

File No. 01-21

Owner's name(s): Michael Metz

Mailing address: c/o Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way, Post Office Box 2669, Nantucket, Massachusetts 02584

Phone Number: 508-228-3128 **E-Mail:** air@readelaw.com

Applicant's name(s): 16 Western Preservation Trust (Contract Purchaser)

Mailing Address: Same

Phone Number: Same **E-Mail:** Same

Locus Address: 16 Western Avenue **Assessor's Map/Parcel:** 87-72

Land Court Plan 8256-C, Lot 3 **Certificate of Title:** 22820

Zoning District Residential-20 (R-20) (part); Limited Use General-2 (LUG-2) (part)

Uses on Lot- Commercial: None

Residential: Number of dwellings One

Date of Structure(s): all pre-date 7/72 Yes

Building Permit Numbers:

Previous Zoning Board Application Numbers:

State below or attach a separate addendum of specific special permits or variance relief applying for:

The applicant proposes to alter, replace and extend upward certain portions of the pre-existing, nonconforming dwelling and accessory garage structure which lie within the front and side yard setback areas. The dwelling is now situated at 15.6± feet from the front lot line at the closest point (front steps at 13.7± feet), minimum setback in the R-20 district being 30 feet, with westerly side yard setback of about 5.6± feet; minimum side yard setback in the R-20 district being 10 feet. Front yard setback of the garage is now 0.2± feet; easterly side yard setback of the garage is 7.8± feet. The garage will be moved away from the street line and connected to the house, with its front yard setback being increased to 10.4± feet. Proposed window wells on each side of the house will extend into the setback areas. Locus is severely constrained by wetlands resource areas, as shown upon the Existing Conditions and Proposed Conditions plans by Nantucket Engineering and Survey P.C., dated December 14, 2020, filed herewith. All present and proposed structures are within the R-20 portion of locus. The applicant accordingly requests relief by Special Permit under Nantucket Zoning By-law §139-33.A, for the alteration of a pre-existing nonconforming dwelling and appurtenant structure.

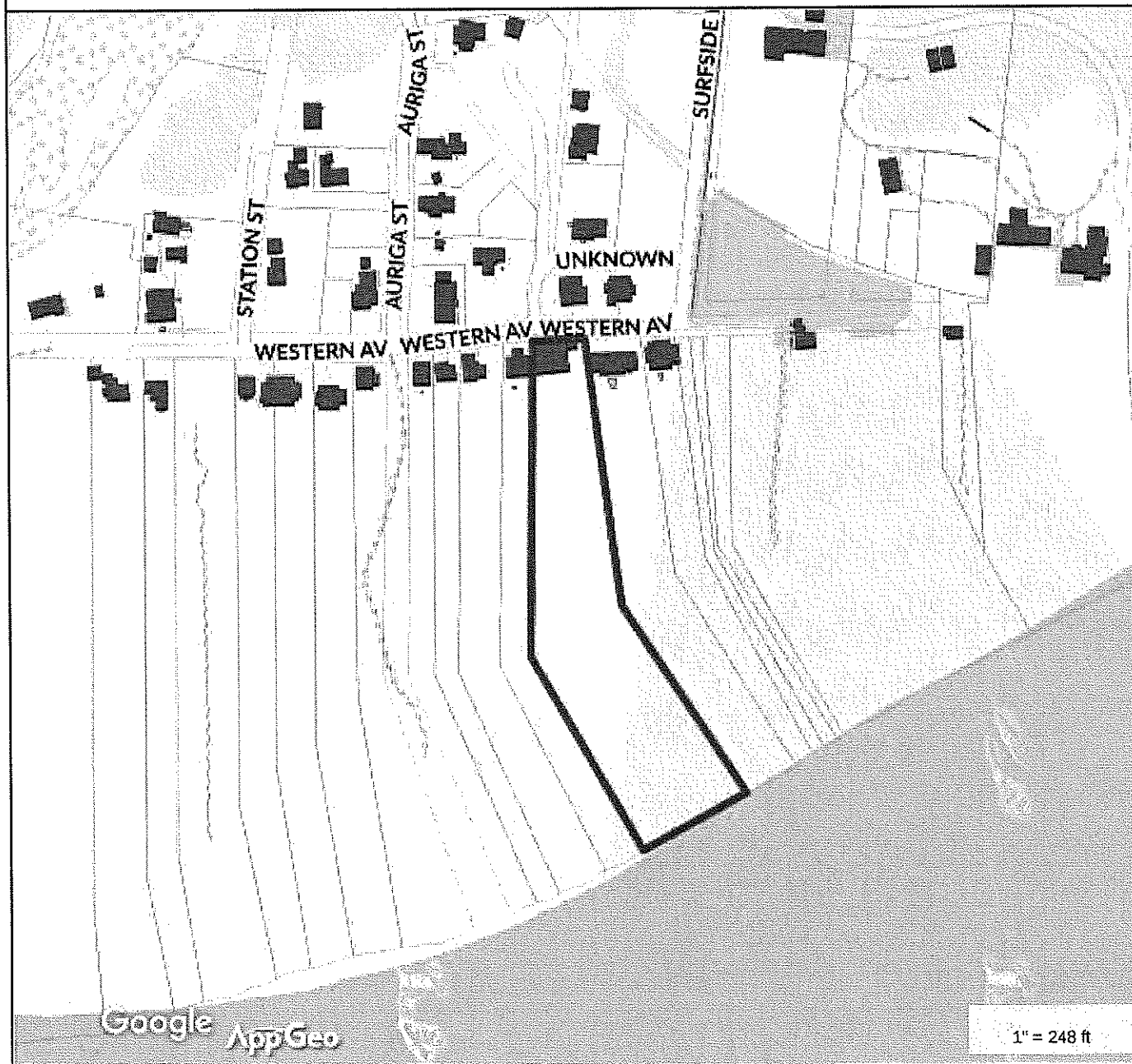
I certify that the information contained herein is substantially complete and true to the best of my knowledge, under the pains and penalties of perjury.

SIGNATURE: Michael Metz Owner*
By:

SIGNATURE: Arthur I. Reade, Jr. Applicant/Attorney/Agent
Arthur I. Reade, Jr.

OFFICE USE ONLY

Application received on: ___/___/___ By: ___ Complete: ___ Need Copies: ___
Filed with Town Clerk: ___/___/___ Planning Board: ___/___/___ Building Dept.: ___/___/___ By: ___
Fee deposited with Town Treasurer: ___/___/___ By: ___ Waiver requested: ___
Granted: ___/___/___ Hearing notice posted with Town Clerk: ___/___/___ Mailed: ___/___/___
I&M ___/___/___ & ___/___/___ Hearing(s) held on: ___/___/___ Opened on: ___/___/___
Continued to: ___/___/___ Withdrawn: ___/___/___ Decision Due By: ___/___/___
Made: ___/___/___ Filed w/Town Clerk: ___/___/___ Mailed: ___/___/___



Property Information

Property ID 87 72
 Location 16 WESTERN AV
 Owner METZ MICHAEL



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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

Geometry updated 11/13/2018
 Data updated 11/19/2018

WESTERN (public) AVENUE

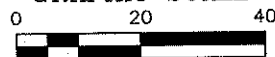
EDGE
ASPHALT

**EXISTING CONDITIONS
SITE PLAN OF LAND
IN NANTUCKET, MA
16 WESTERN AVENUE
DECEMBER 14, 2020
SCALE: 1"=20'**

OWNER: MICHAEL METZ
ASSESSOR MAP 87 PARCEL 72
DEED: CERT. # 22820
PLAN REF. LCPL 8256-F, LOT 3

THIS PLOT PLAN WAS PREPARED FOR
PLANNING PURPOSES ONLY AND SHOULD
NOT BE CONSIDERED A PROPERTY LINE
SURVEY. THIS PLAN SHOULD NOT BE USED TO
ESTABLISH PROPERTY LINES, FENCES, HEDGES OR
ANY ANCILLARY STRUCTURES ON THE PREMISES.
THE PROPERTY LINES SHOWN RELY ON CURRENT
DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO
TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.
OWNERS OF ADJOINING PROPERTIES ARE SHOWN
ACCORDING TO CURRENT ASSESSOR RECORDS.

GRAPHIC SCALE



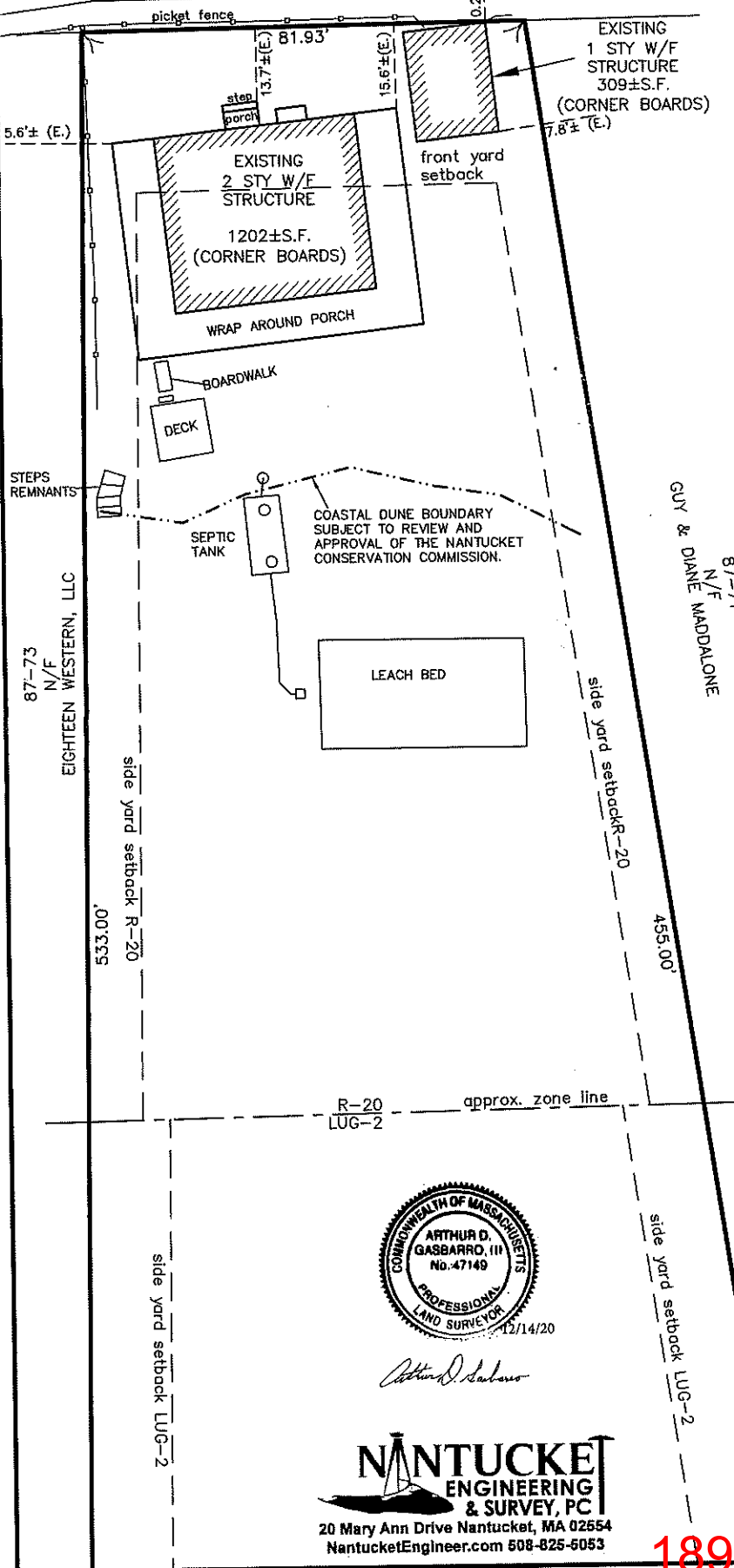
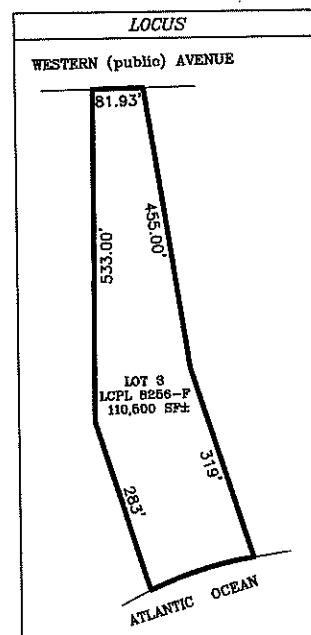
(IN FEET)
1 inch = 20 ft.

CURRENT ZONING CLASSIFICATION: MIXED

R-20
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

LUG-2
MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER % : 4%

LOT 3
LOT SIZE: 110,500 +/- S.F.
R-20: 19,561 SF± / LUG-2: 91,000 SF±
GC RATIO: MIXED 12.5% / 4%
ALLOWABLE GC: (0.125 X 19561)+
(0.04X91000) = 6,085 SF±



**PLOT PLAN OF LAND TO
APPLICATION TO ZBA
IN NANTUCKET, MA
16 WESTERN AVENUE
DECEMBER 14, 2020
SCALE: 1"=20'**

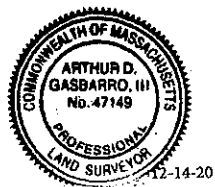
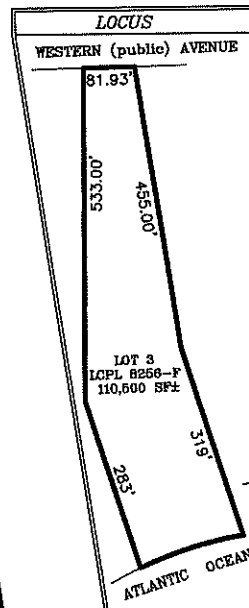
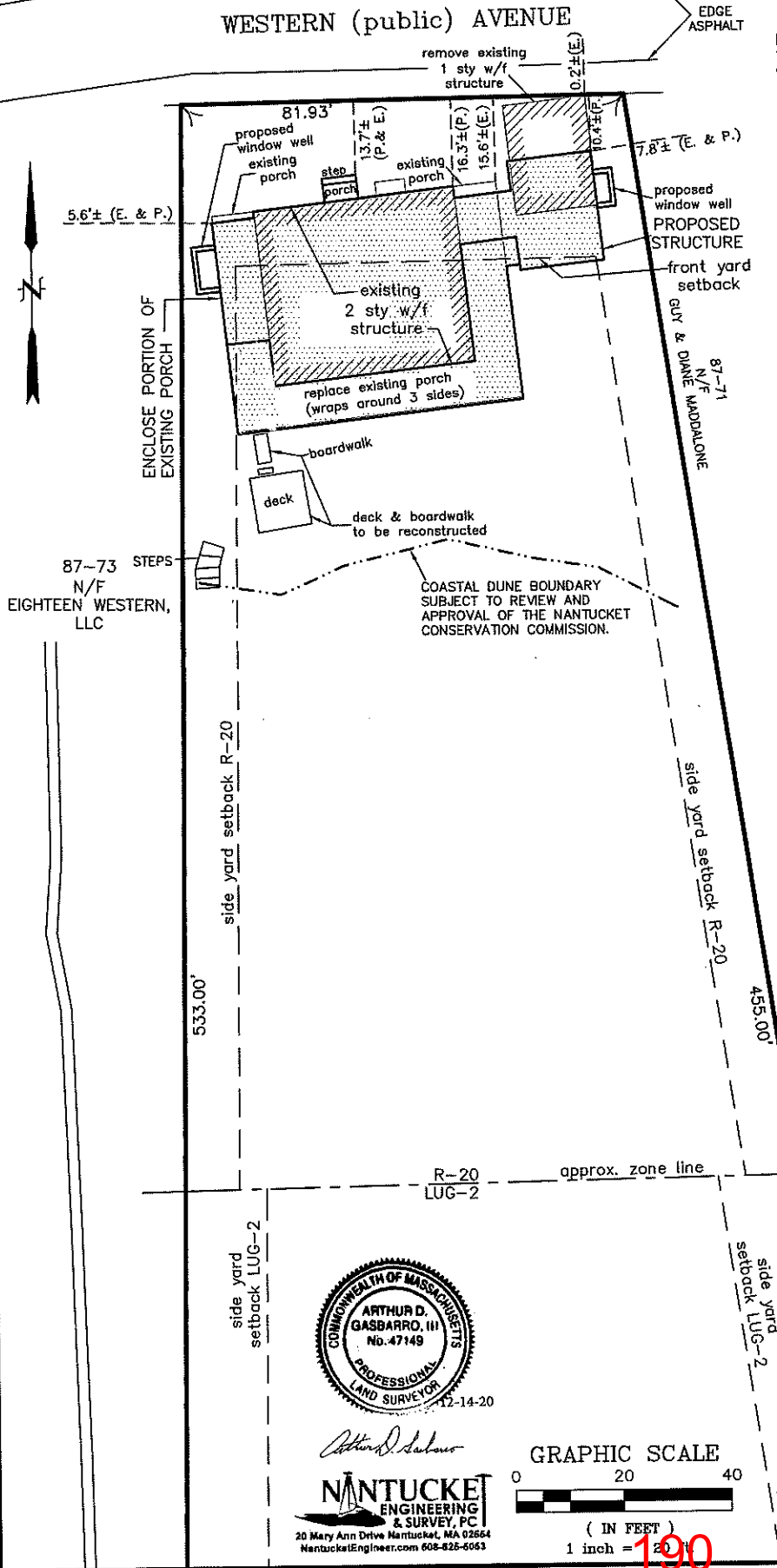
PREPARED FOR:
16 WESTERN PRESERVATION TRUST
OWNER: MICHAEL METZ
ASSESSOR MAP 87 PARCEL 72
DEED: CERT. # 22820
PLAN REF. LCPL 8256-F, LOT 3

THIS PLOT PLAN WAS
PREPARED FOR PERMITTING
PURPOSES ONLY AND SHOULD
NOT BE CONSIDERED A
PROPERTY LINE SURVEY. THIS
PLAN SHOULD NOT BE USED
TO ESTABLISH PROPERTY
LINES, FENCES, HEDGES, OR
ANY ANCILLARY STRUCTURES
ON THE PREMISES. THE
PROPERTY LINES SHOWN RELY
ON CURRENT DEEDS AND
PLANS OF RECORD.
THIS PLOT PLAN IS NOT A
CERTIFICATION AS TO TITLE OR
OWNERSHIP OF THE PROPERTY
SHOWN. OWNERS OF ADJOINING
PROPERTIES ARE SHOWN
ACCORDING TO CURRENT
ASSESSOR'S RECORDS.

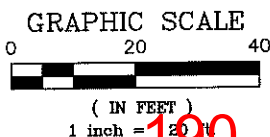
CURRENT ZONING CLASSIFICATION:

MIXED
R-20
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%
LUG-2
MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER % : 4%

LOT 3
LOT SIZE: 110,500 +/- S.F.
R-20: 19,561 SF± /
LUG-2: 91,000 SF±
GC RATIO: MIXED 12.5% / 4%
ALLOWABLE GC: (0.125 X 19561) +
(0.04 X 91000) = 6,085 SF±



**NANTUCKET
ENGINEERING
& SURVEY, PC**
20 Mary Ann Drive Nantucket, MA 02664
Nantucket@Engineer.com 608-825-6063



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Town of Nantucket

Zoning Board of Appeals

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

PROPERTY OWNER..... Michael Metz
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 16 Western Avenue
ASSESSOR MAP/PARCEL..... Map 87, Parcel 72
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

I certify that the foregoing is a list of all persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 and Zoning Code Chapter 40A, Section 139-29B (2)).

11-18-2020

DATE

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2020.11.18 11:00:37 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
87	60		NANTUCKET TOWN OF	C/O PARK & REC	2 BATHING BEACH RD	NANTUCKET	MA	02554	4 WESTERN AV
87	67		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	8 WESTERN AV
87	68		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	8 WESTERN AV
87	69		CARLSON WILLIAM J & SUSAN E		5225 140 AVE NE	BELLEVUE	WA	98005	12 WESTERN AV
87	70		CARLSON WILLIAM J & SUSAN E		5225 140 AVE NE	BELLEVUE	WA	98005	12 WESTERN AV
87	71		MADDALONE GUY & DIANE		16 FAIRHILL ROAD	CLIFTON PARK	NY	12065	14 WESTERN AV
87	72		METZ MICHAEL		4212 SAN FELIPE PMB 402	HOUSTON	TX	77027	16 WESTERN AV
87	73		EIGHTEEN WESTERN LLC		PO BOX 945	NANTUCKET	MA	02554	18 WESTERN AV
87	74		HEYDT MASON CHARLES & CANDICE M		705 N ATLANTIC DR	LANTANA	FL	33462	20 WESTERN AV
87	75		HARVEY ELEANOR K		5802 GREENLAWN DR	BETHESDA	MD	20814	22 WESTERN AV
87	76		AVESON STEVEN B & HEATHER A		478 WRIGHT ST	ARLINGTON	MA	02474	24 WESTERN AV
87	77		MCHUGH JAMES J & CATHERINE S		15 SAILERS WAY	RUMSON	NJ	07760	26 WESTERN AV
87	78		JEMISON CAROLYN H	C/O FIRST FIDUCIARY TRUST	4120 LEXINGTON WY	EGAN	MN	55123	28 WESTERN AV
87	96		DESAI SHEEROY D TRST ETAL		1221 OCEAN AVE APT 408	SANTA MONICA	CA	90401	25 WESTERN AV
87	97		MERCER STUART & KELLY MARY		761 KING STREET	CHAPPAQUA	NY	10514	21 WESTERN AV
87	99		FISHER DARCEY D TR	FISHER REALTY TRUST	15 WESTERN AV	NANTUCKET	MA	02554	15 WESTERN AV
87	100		169 SURFSIDE ROAD LLC	C/O COPLEY MANGMNT & DEV CORP	896 BEACON STREET	BOSTON	MA	02115	13 WESTERN AV
87	113	2	ENGLAND CARL D TR	TRACKSIDE REVOCABLE TRUST	6 CANONICUS ST	NANTUCKET	MA	02554	6 CANONICUS ST
87	116		CONWAY ALEXANDRA		129 SUMMER ST	WALTHAM	MA	02452	4 CANONICUS ST
87	117		CASPE JANE TRST	CONWAY FAMILY REALTY TRUST	149 ADAMS STREET	LEXINGTON	MA	02420	11 WESTERN AV
87	118		CONWAY LAURENCE ALEXANDER		149 ADAMS ST	LEXINGTON	MA	02420	167 SURFSIDE RD
87	125		HARTY THOMAS & HOLLY		100 MARKET ST #306	DES MOINES	IA	50309	5 CANONICUS ST
87	127		RAKOWSKI KATHERINE G ETAL		C/O 1300 CANYON RD	SANTA FE	NM	87501	3 AURIGA ST
87	130		GRIFO AMY P		381 ROBINSON VIEW RD	PAWLET	VT	05761	5 AURIGA ST
87	131		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	166 SURFSIDE RD
87	151		DESAI SHEEROY D & BARBARA M TR	DESAI REVOCABLE TRUST	1221 OCEAN AVE APT 408	SANTA MONICA	CA	90401	4 AURIGA ST
Count:	26								

NANTUCKET TOWN OF
C/O PARK & REC
2 BATHING BEACH RD
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

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NANTUCKET, MA 02554

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5225 140 AVE NE
BELLEVUE, WA 98005

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BELLEVUE, WA 98005

MADDALONE GUY & DIANE
16 FAIRHILL ROAD
CLIFTON PARK, NY 12065

METZ MICHAEL
4212 SAN FELIPE PMB 402
HOUSTON, TX 77027

EIGHTEEN WESTERN LLC
PO BOX 945
NANTUCKET, MA 02554

HEYDT MASON CHARLES & CANDICE M
705 N ATLANTIC DR
LANTANA, FL 33462

HARVEY ELEANOR K
5802 GREENLAWN DR
BETHESDA, MD 20814

AVESON STEVEN B & HEATHER A
478 WRIGHT ST
ARLINGTON, MA 02474

MCHUGH JAMES J & CATHERINE S
15 SAILERS WAY
RUMSON, NJ 07760

JEMISON CAROLYN H
C/O FIRST FIDUCIARY TRUST
4120 LEXINGTON WY
EGAN, MN 55123

DESAI SHEEROY D TRST ETAL
1221 OCEAN AVE APT 408
SANTA MONICA, CA 90401

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761 KING STREET
CHAPPAQUA, NY 10514

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FISHER REALTY TRUST
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NANTUCKET, MA 02554

169 SURFSIDE ROAD LLC
C/O COPLEY MANGMNT & DEV CORP
896 BEACON STREET
BOSTON, MA 02115

ENGLAND CARL D TR
TRACKSIDE REVOCABLE TRUST
6 CANONICUS ST
NANTUCKET, MA 02554

CONWAY ALEXANDRA
129 SUMMER ST
WALTHAM, MA 02452

CASPE JANE TRST
CONWAY FAMILY REALTY TRUST
149 ADAMS STREET
LEXINGTON, MA 02420

CONWAY LAURENCE ALEXANDER
149 ADAMS ST
LEXINGTON, MA 02420

HARTY THOMAS & HOLLY
100 MARKET ST #306
DES MOINES, IA 50309

RAKOWSKI KATHERINE G ETAL
C/O 1300 CANYON RD
SANTA FE, NM 87501

GRIFO AMY P
381 ROBINSON VIEW RD
PAWLET, VT 05761

NANTUCKET TOWN OF
16 BROAD ST
NANTUCKET, MA 02554

DESAI SHEEROY D & BARBARA M TR
DESAI REVOCABLE TRUST
1221 OCEAN AVE APT 408
SANTA MONICA, CA 90401

**END OF
PACKET**