

Town and County of Nantucket Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
COUNTY COMMISSIONERS
MAY 1, 2024 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS***

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/DmOkS9lcj-w>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_9xNPYJ2pSdSAASrsezvEjA

- I. CALL TO ORDER***
- II. ANNOUNCEMENTS***
 1. The County Commission Meeting is Being Audio/Video Recorded.
- III. PUBLIC COMMENT****
- IV. NEW BUSINESS****
- V. APPROVAL OF MINUTES AND WARRANTS***
 1. Approval of Minutes of January 31, 2024 at 5:30 PM.
 2. Approval of Payroll and Treasury Warrants for February, March and April 2024.
- VI. OFFICIAL BUSINESS/CITIZEN REQUESTS***
 1. Request for Approval and Execution of Assent to Complaint to Recognize 1975 Order of Taking of Old South Road and Approve Registration of Subdivision Plan of Lot 30 as Shown on Land Court Plan No. 16514-G into Lot 1167 on Pending Land Court Plan No. 16514-162 for 117 Old South Road.
- VII. COMMISSIONERS REPORTS/COMMENTS***
- VIII. ADJOURNMENT***

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



AGENDA PROTOCOL

For all Town of Nantucket Boards, Committees, Commissions, Work Groups, Councils and Trusts
(herein collectively referred to as "Committees" in this document)

Roberts Rules: Town of Nantucket Committees follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

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

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

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

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

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

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not protected under the United States Constitution and the Massachusetts Declaration of

Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

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

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

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

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

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

Approved: March 27, 2024



Agenda Item Summary

Agenda Item #	VI. 1.
Date	May 1, 2024

Staff

Tracy R. MacDonald, Real Estate Specialist

Subject

County approval and assent to petition for Land Court approval and registration of ANR Subdivision Plan for 117 Old South Road, being a subdivision of Lots 30 on Plan 16514-G to Lot 1167 on Land Court Plan 16514-162.

Executive Summary

The Land Court requires County Commissioners' Assent for all petitions of land court plan approval of lots abutting a Public roadway. Attorney Bryan Swain on behalf of his client Fair City, LLC has submitted a petition to the Land Court for approval of an Approval Not Required Plan endorsed by the Nantucket Planning Board for the subdivision of Lots 30 and 33 on Land Court Plan 16514-G, into Lots on Plan 16514-162. The plan recognizes the line of the Taking in fee by the County of Old South Road for Lot 1167 on Plan 16514-162 and therefore requires County Commissioners' Assent.

Staff Recommendation

Recommend the County Commissioners approve and execute the Assent

Background/Discussion

Town Counsel has reviewed the Petition for Approval of a Plan and the Assent, the ownership Certificate of Title No. 27834 and the approved Subdivision Plan of 1167 on Land Court Plan 16514-162. The County is the fee owner of Old South Road by virtue of the Order of Taking by Eminent Domain dated October 29, 1975 registered as Document No. 16561 and shown more particularly on Plan filed in Drawer #1, Plan No. 200. Town Counsel opinion is that this documentation does not adversely affect the County's ownership of the fee in Old South Road and does not change the lines of the taking or its use as a public road. Town Counsel approves of the form of Assent and recommends approval and execution.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☒

Allows for the Land Court's approval and final registration of the ANR Subdivision Plan

Board/Commission Recommendation

Planning Board has endorsed the plan on May 9, 2022 File No. PLSUB-2022-04-00267; benefited by a Planning Board Major Commercial Development Special Permit Decision dated March 13, 2023 and registered as Document No. 177523.



Public Outreach

N/A

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

Meets the plan goals of efficient County Operations

Attachments

Copy of ANR Approved plan stamped as Lot 1167 on Plan 16514-162, Copy of Certificate of Title, Copy of Land Court Petition, Copy of Special Permit Decision, Copy of Order of Taking, County Commissioners' Assent to the Land Court Petition for signature.

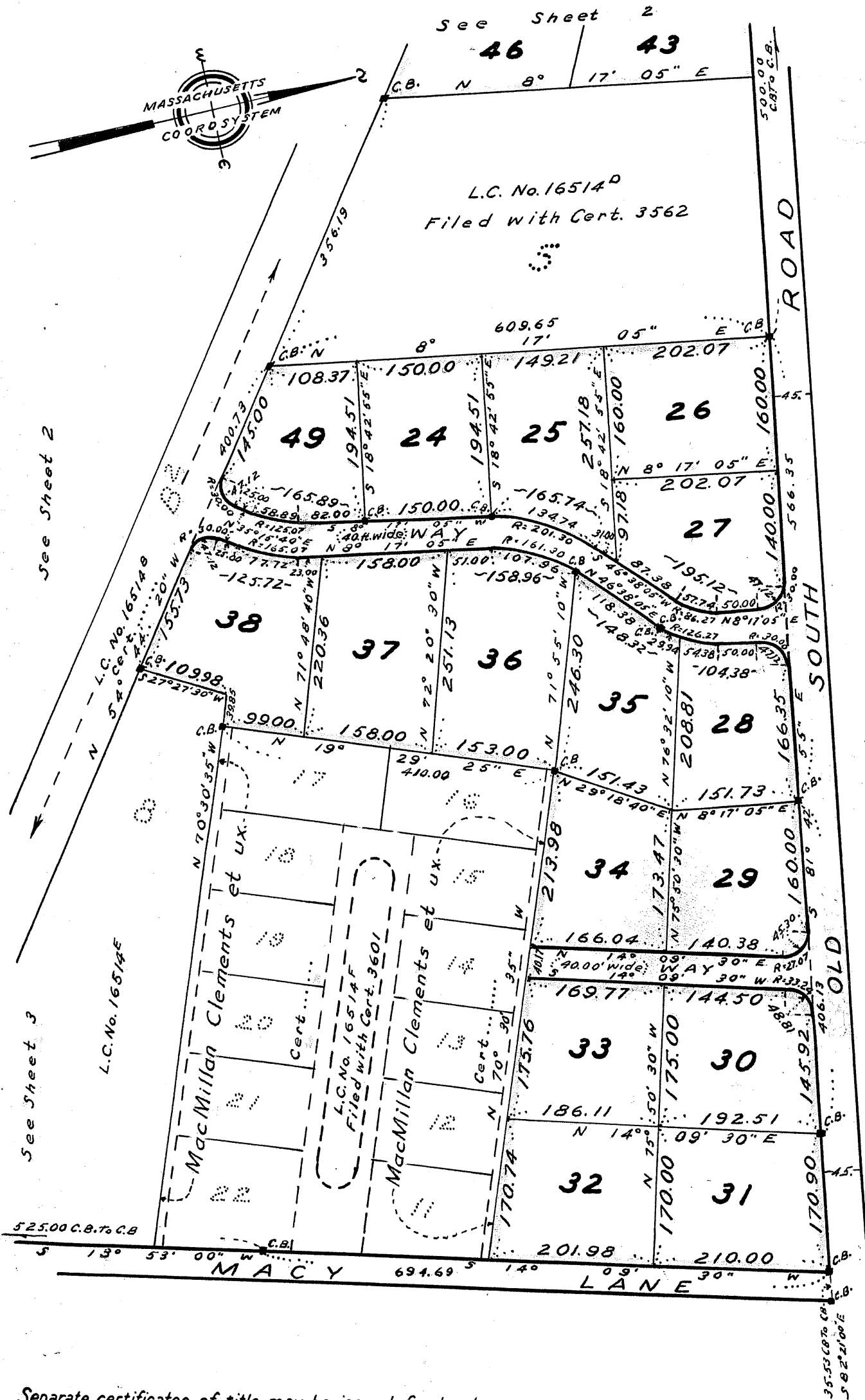


SUBDIVISION PLAN OF LAND IN NANTUCKET

Schofield Brothers, Civil Engineers

May 1955

16514^G
SHEET 1



Subdivision of Lots 3&4 & Part of Lots 7&9
Shown on Plans 16514^D & 16514^E
Filed with Cert. of Title No. 3562 & 3597
Registry District of Nantucket County

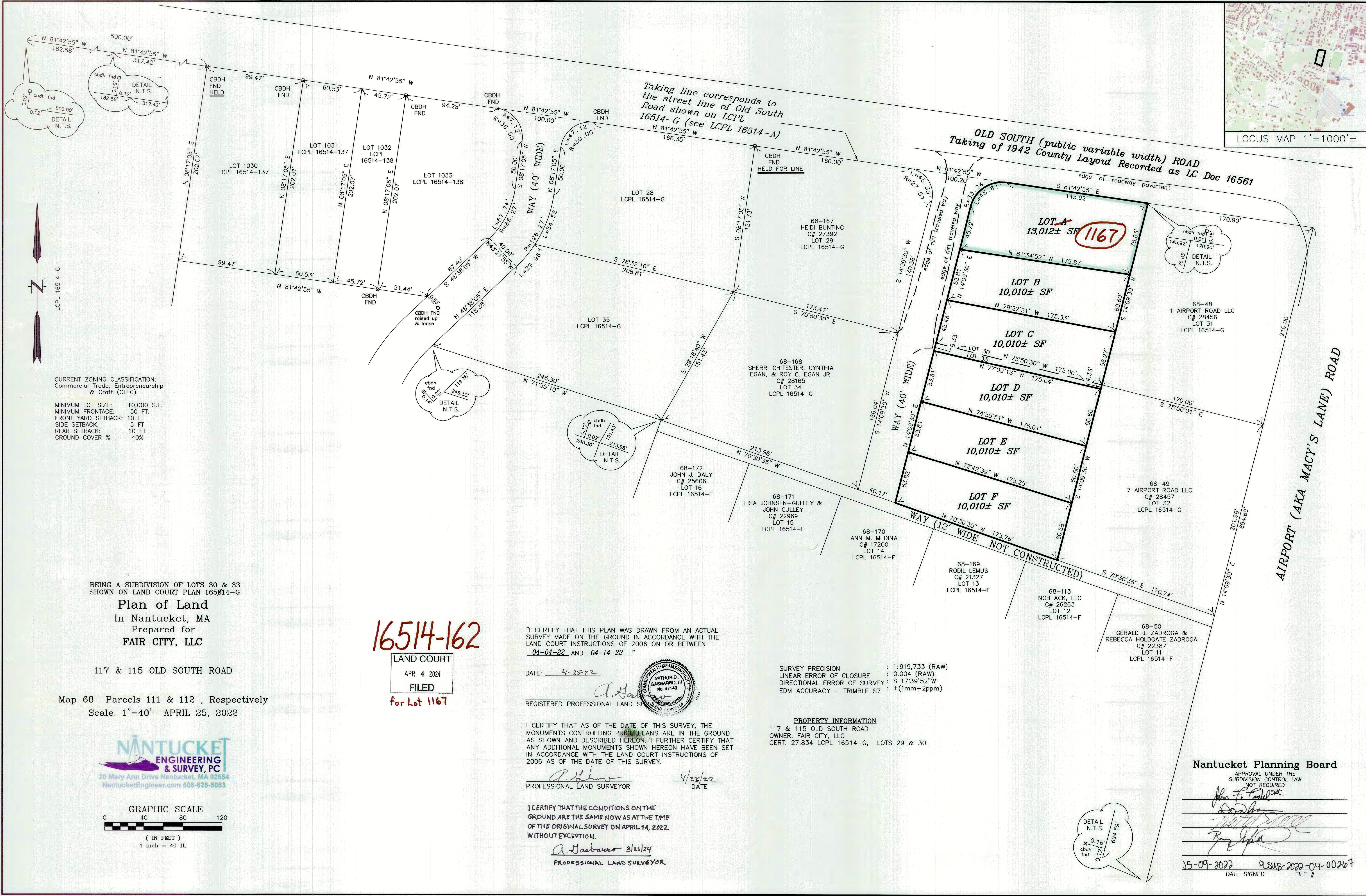
This plan filed with Certificate No. 4357

Separate certificates of title may be issued for land shown hereon and on Sheets 2&3 as Lots 24-49 Incl. By the Court.

AUG. 12, 1955

Recorder.

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
AUG. 17, 1955
Scale of this plan 1/50 feet to an inch
C.M. Anderson, Engineer for Court



CURRENT ZONING CLASSIFICATION:
Commercial Trade, Entrepreneurship
& Craft (CTEC)

MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT
SIDE SETBACK: 5 FT
REAR SETBACK: 10 FT
GROUND COVER % : 40%

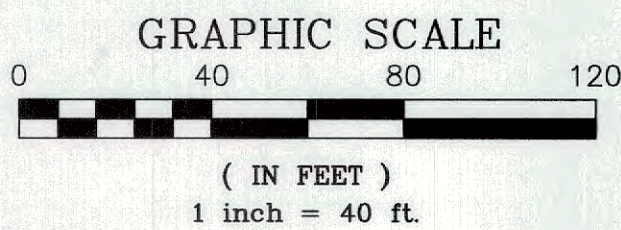
BEING A SUBDIVISION OF LOTS 30 & 33
SHOWN ON LAND COURT PLAN 16514-G

Plan of Land
In Nantucket, MA
Prepared for
FAIR CITY, LLC

117 & 115 OLD SOUTH ROAD

Map 68 Parcels 111 & 112 , Respectively
Scale: 1"=40' APRIL 25, 2022

NANTUCKET
ENGINEERING
& SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

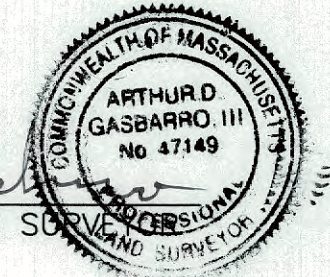


16514-162

LAND COURT
APR 4 2024
FILED
for Lot 1167

"I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL
SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE
LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN
04-04-22 AND 04-14-22."

DATE: 4-25-22



REGISTERED PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE
MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND
AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT
ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET
IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF
2006 AS OF THE DATE OF THIS SURVEY.

A. Gasbarro
PROFESSIONAL LAND SURVEYOR

4/25/22
DATE

I CERTIFY THAT THE CONDITIONS ON THE
GROUND ARE THE SAME NOW AS AT THE TIME
OF THE ORIGINAL SURVEY ON APRIL 14, 2022
WITHOUT EXCEPTION.

A. Gasbarro 3/23/24
PROFESSIONAL LAND SURVEYOR

SURVEY PRECISION : 1:919,733 (RAW)
LINEAR ERROR OF CLOSURE : 0.004 (RAW)
DIRECTIONAL ERROR OF SURVEY : S 17°39'52" W
EDM ACCURACY - TRIMBLE S7 : ±(1mm+2ppm)

PROPERTY INFORMATION

117 & 115 OLD SOUTH ROAD
OWNER: FAIR CITY, LLC
CERT. 27,834 LCPL 16514-G, LOTS 29 & 30

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

[Signature]
[Signature]
[Signature]

15-09-2022 PLSUB-2022-04-00267
DATE SIGNED FILE #



2020 00166296

Cert: 27834 Doc: DD

Registered: 09/10/2020 02:08 PM

DEED

I, JOAN BUNTING, of Nantucket, Massachusetts, for consideration paid in the amount of \$1,390,000.00, grant to FAIR CITY, LLC, a Massachusetts limited liability company, with a mailing address c/o Thomas Hanlon, 61 Old South Road, Suite 128, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS,

Those two certain parcels of vacant land situated in Nantucket, Nantucket County, Massachusetts, now known and numbered as 115 and 117 Old South Road, shown as Lots 30 and 33 on Land Court Plan 16514-G at Nantucket Registry District.

Said land is conveyed subject to the following matters:

(a) Order of Taking of Old South Road by the County of Nantucket as a public highway, dated October 29, 1975, registered with Nantucket Registry District as Document No. 16561.

(b) Real estate taxes assessed by the Town of Nantucket for the fiscal year 2021, commencing on July 1, 2020.

For title, see Certificate of Title No. 27386 at the Nantucket Registry District.

I, Joan Bunting, hereby state that I am unmarried and have no ex-spouse or civil union partner who occupies or intends to occupy the land as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise.

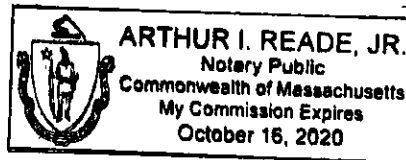
Executed and sealed on September 8, 2020.

Joan Bunting
Joan Bunting

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 8th day of September, 2020, before me, the undersigned notary public, personally appeared Joan Bunting, ~~proved to me through satisfactory evidence of identification, which was~~ personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed voluntarily, as her free act and deed, for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.



Arthur I. Reade, Jr.
Notary Public

My commission expires:

MASSACHUSETTS EXCISE TAX
Nantucket County ROD #16 001
Date: 09/10/2020 02:08 PM
Ctrl# 464588 05140 Doc# 00166296
Fee: \$6,338.40 Cons: \$1,390,000.00

NANTUCKET LAND BANK CERTIFICATE	
☒ Paid \$	<u>27800-</u>
☐ Exempt	
☐ Non-applicable	
No.	<u>42003</u>
Date	<u>9/10/20</u>
Authorization	<u>8th</u>

Doc No: 00166296

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Sep 10, 2020 at 02:08P

Document Fee: 155.00 Rec Total: \$7,068.

CERTIFICATE No: 27834

Also noted on CERT 27386

From Transfer
Certificate No. 27386 Originally Registered August 1, 2019 at the Registry District of Nantucket County

This is to Certify that

FAIR CITY, LLC, a Massachusetts limited liability company

c/o Thomas Hanlon, 61 Old South Road, Suite 128, Nantucket in the County of Nantucket and the Commonwealth of Massachusetts, 02554 is the owner, in fee simple, of that land situated in Nantucket, in the County of Nantucket and said Commonwealth, bounded and described as follows:

Lots numbered 30 and 33 on plan numbered 16514-G, drawn by Schofield Brothers, Civil Engineers, dated May 1955, and filed with Certificate of Title No. 4357 at the Registry of Nantucket County.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

FAIR CITY, LLC

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting.

Witness GORDON H. PIPER, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the tenth day of September in the year two thousand and twenty at 2 o'clock and 8 minutes in the afternoon.

Jennifer H. Ferreira

Attest, with the Seal of said Court,

Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 115 & 117 Old South Road

Land Court Case No. 16514

CERTIFICATE OF TITLE NO. 27834

PART OF
LOT 30 ON PLAN No. 16514-G FILED
WITH CERTIFICATE No. 4357 HAS
BEEN SUBDIVIDED AND PLAN No. 16514-162
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. _____
FURTHER CERTIFICATES FOR SAID LOT PART
OF LOT 30 ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (NOW LOT 1167)
* THIS PLAN IS SUBJECT TO
AN ORDER OF COURT.

33 + remainder
OF LOT 30 ON PLAN No. 16514-G FILED
WITH CERTIFICATE No. 4357 HAS
BEEN SUBDIVIDED AND PLAN No. 16514-163
SHOWING SUCH CHANGES IS FILED WITH

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

PETITION FOR APPROVAL OF A PLAN

Case No. 16514

Upon the petition of Fair City, LLC, a Massachusetts Limited Liability Company
alleging that:

1. He/She is the registered owner in Certificate of Title No. 27834 issued
by the Nantucket Registry District of the Land Court

2. Petitioner has filed with The Engineering Department of The Land Court Plan
No. 16514-162

3. Said plan delineates the creation of new lot 1167 on Land Court Plan No. 16514-162,
being a subdivision of a part of Lot No. 30, as shown on Land Court Plan No. 16514-G, and the line
of taking by the County of Nantucket of Old South Road, as provided for in Document No. 16561.

Petitioner prays that Plan No. 16514 -162 be approved.

The forgoing statement is made under the pains and penalties of perjury.

By:

Name:

Bryan J. Swain, Esq.

Address:

35 D Old South Road, STE D

Nantucket, MA 02554

FROM THE OFFICE OF:

Beaudette and Swain, LLC

35 Old South Road, STE D

Nantucket, MA 02554

\$50.00 Filing Fee



2023 00177523

Cert: 27834 Doc: SP
Registered: 07/25/2023 11:53 AM



2023 JUL -3 AM 11:44

Nantucket Planning Board

MAJOR COMMERCIAL DEVELOPMENT (MCD) SPECIAL PERMIT DECISION

OWNER/APPLICANT:

Fair City, LLC

115 and 117 Old South Road

Nantucket Tax Assessors Map 68, Parcel 111 and 112
Commercial Trade, Entrepreneurship and Craft ("CTEC") Zoning District

Certificate of Title Number 27,834

Nantucket Land Court Plan 16514-G, Lots 30 and 33
Nantucket Registry District of the Land Court

March 13, 2023

INTRODUCTION

At the Nantucket Planning Board's November 14, 2022, and March 13, 2023 meetings, Fair City, LLC (the "Applicant"), sought approval of a Major Commercial Development (MCD) Special Permit, in connection with its proposed use and development of 115 and 117 Old South Road, Nantucket Town and County, Commonwealth of Massachusetts, in accordance with the Major Commercial Development plan attached hereto as Exhibit "A", and as further described in greater detail herein below.

115 Old South Road is currently shown as parcel 112 on Nantucket Tax Assessor's Map 68 and is further identified as Lot 33 on Nantucket Land Court Plan No. 16514-G ("115 Old South Road"). 117 Old South Road is currently shown as Parcel 111 on Nantucket Tax Assessor's Map 68 and is further identified as Lot 30 on Nantucket Land Court Plan No. 16514-G ("117 Old South Road"). The aggregate lot area of 115 Old South Road and 117 Old South Road is 63,062 $\pm$ s.f. (collectively, 115 Old South Road and 117 Old South Road shall hereinafter be referred to as the "Premises").

¹ Entitled "Site Plan of Land for a Major Commercial Development", dated February 23, 2023, drafted by Nantucket Engineering & Survey ("The MCD Plan").

PROPOSED MAJOR COMMERCIAL DEVELOPMENT

The Premises is located in the "Commercial, Trade, Entrepreneurship & Craft" (CTEC) Zoning District, which requires a minimum lot size of 10,000 square feet, maximum 40% ground cover-ratio, minimum ten (10) foot front and rear set-backs, and five (5) foot side yard set-backs. As shown on the MCD Plan, the buildout of the proposed structures will comply with the intensity regulations of chapter 139-16 of the Nantucket Zoning Bylaw.

As shown on the MCD Plan, the Premises will be used for multiple commercial uses that are permitted in the CTEC Zoning District, including but not limited to, contractor shops, landscaping contractors' businesses, a nursery area, commercial-industrial storage and warehousing, parking and maintaining² commercial equipment and trade machinery, and bulk material storage. As shown on the MCD Plan, the Applicant desires to buildout and improve the Premises with five (5) different structures, all of which will be serviced by municipal water and sewer, and to use each structure as follows:

<u>Structure</u>	<u>Aggregate Square Footage</u>	<u>Use(s)</u>
Proposed Structure "A"	3,642	Office space, a breakroom, and a separate three (3) bedroom inclusionary housing unit apartment.
Proposed Structure "B"	840	Greenhouse
Proposed Structure "C"	2,300	Equipment and Storage and Warehousing
Proposed Structure "D"	2,700	Four (4) separate commercial garage bays, and two separate two (2) bedroom apartment.
Proposed Structure "E"	2,700	Four (4) separate commercial garage bays, and two separate two (2) bedroom apartment.

The site will be serviced by an existing, duly laid out roadway which abuts both 115 Old South Road and 117 Old South Road. As shown on the MCD Plan, the majority of the perimeter of the Premises will be surrounded by a security fence and the portion of the Premises abutting Old South Road shall be screened with dense evergreen vegetation.

REQUESTED RELIEF

Nantucket Zoning Bylaw Ch. 139(11)(B)(1)&(2) provides that five thousand (5,000) square feet of gross floor area of a commercial use and/or outdoor commercial use, require a Major Commercial Development Special Permit from the Nantucket Planning Board. As the proposed development of the Premises exceeds five thousand (5,000) square feet of Commercial Uses, the Applicant is required to obtain a Major Commercial Development Special Permit.

² Equipment maintenance shall be performed within the interior of structures that have sufficient drainage in conformity with all applicable laws.

Additionally, in the CTEC Zoning District, the Applicant's proposed Commercial-Industrial Storage or Warehousing use requires a separate Special Permit from the Nantucket Planning Board. Therefore, the Applicant is seeking relief from the Nantucket Planning Board in accordance with the following:

1.	139-11	Special Permit for a Major Commercial Development
2.	139-7A	Special Permit for interior or exterior storage or warehousing in the CTEC Zoning District

LANDSCAPING, SIGNAGE AND LIGHTING PLANS

The lighting fixtures to illuminate any outside area shall be shielded and aimed to direct light away from adjacent properties and shall otherwise comply with the lighting provisions of the Town of Nantucket Bylaw. If applicable, all landscaping and signage shall be duly approved by the Nantucket Historic District Commission.

INCLUSIONARY HOUSING

The inclusionary housing unit will be located within Proposed Structure "A".

OPEN AREA

As shown on the MCD Plan, the Premises complies with the 20% open space requirement of Nantucket Bylaw Ch. 139-11(E).

TRAFFIC STUDY

The Applicant is not required to perform a traffic study.

UTILITIES

The utilities servicing the Premises and the proposed structures thereon shall be installed underground.

PARKING

The proposed commercial use on the Premises requires twenty-three (23) parking spaces based upon the following calculation, as provided for in Chapter 139-18 of the Nantucket Zoning bylaw:

<u>BUILDING</u>	<u>SQUARE FOOTAGE</u>	<u>USE(S)</u>	<u>REQUIRED PARKING</u>
A	3,642	Office and break room, four (4) commercial garage bays,	4-spaces for Commercial Use(s)

		3 – Bedroom inclusionary housing unit.	3- Spaces for 3-bedroom, inclusionary housing unit.
B	840	Green House	3- Spaces
C	2,300	Equipment Storage	3- Spaces
D	2,700	Four (4) separate commercial garage bays Two (2) separate, Two (2) Bedroom Apartments	3- Spaces for Garages 4 – Spaces for the Apartments
E	2,700	Four (4) separate commercial garage bays Two (2) separate, Two (2) Bedroom Apartments	3- Spaces for Garages 4 – Spaces for the Apartments
Total Required Spaces			27

As shown on the MCD Plan, the Applicant plans to provide forty-seven (47) parking spaces, including 2 ADA parking spaces, and therefore complies with the parking requirements of Ch. 139-18 of the Nantucket Zoning Bylaw.

STORM DRAINAGE SYSTEM

Pesce Engineering & Associates reviewed the proposed MCD Application and evaluated the plans and drainage calculations associated therewith for consistency with the Town of Nantucket's Zoning Bylaw and confirmed that the proposed Storm Drainage systems conforms with the Town of Nantucket and Massachusetts Stormwater Management Regulations.

BASIS OF THE FINDINGS

Public hearings were held on November 14, 2022 and March 13, 2023, at which time the Planning Board heard testimony from the Applicant and its representation. The Planning Board based their decision on the following:

- An Application for a Special Permit dated September 29, 2022;
- Staff Reports dated November 14, 2022, and updated March 13, 2023;
- Representation and testimony received in connection with the public hearings held on November 14, 2022 and March 13, 2023; and,
- Other assorted documents and plans on file with the Planning Board.

The Planning Board closed the public hearing on March 13, 2023. Minutes from the November 14, 2022 and March 13, 2023 Planning Board meetings are on file with Planning and Land Use Services.

FINDINGS:

The Planning Board, at its March 13, 2023 meeting found that:

- A. That proposed Major Commercial Development and Commercial Storage and Warehousing Use Special Permit requests are in harmony with the general purpose and intent of the Bylaw;
- B. That the requested Special Permit for a Major Commercial Development meets the intent of the MCD Guidelines as amended and adopted by the Planning Board;
- C. That the proposed uses on the site provides important services that may not otherwise be provided to the island.

DECISION AND VOTE:

A motion was made by the Nantucket Planning Board Members, and duly seconded, to **APPROVE** this MCD Special Permit Amendment subject to the following conditions:

1. That the hours of operation shall be 7:00am – 8:00pm except during periods of snow removal operations.

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE**RECORD OF VOTE**

The Planning Board, at its public hearing held **March 13, 2023** voted **5-0** to close the public hearing, to **APPROVE** the relief requested herein, and to **ENDORSE** this decision.

John Trudel, III APPROVED

Barry G. Rector APPROVED

Nathaniel Lowell APPROVED

David Iverson APPROVED

Joseph Topham APPROVED

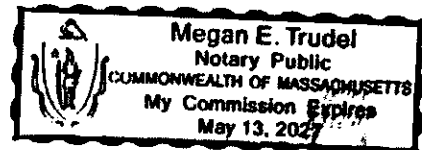
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On the 3rd day of July, 2023 before me, the undersigned notary public, personally appeared David Iverson, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public

My Commission Expires



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

Nancy Z. Holmes TOWN CLERK

JUL 25 2023

PREPARED FOR: FAIR ISLE LLC
ADDRESS: 115 & 117 OLD SOUTH ROAD
ASSESSOR MAP 68, PARCELS 112 & 111
DEED: CERT. # 27834
PLAN REF. LCPL 16514-C, LOTS 30 & 33

DOC No: 00177523

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Jul 25, 2023 at 11:53A

Document Fee: 105.00 Rec Total: \$105.00

CERTIFICATE No: 27834

ORDER OF TAKING

Pursuant to Chapter 434 of the Acts of 1975, and in accordance with the vote under Article 17 of the Town of Nantucket Annual Town Meeting, April, 1975, we, the duly elected and qualified Commissioners for the County of Nantucket, at a meeting held Oct. 29, 1975, have determined and adjudged upon consideration of the matter that common convenience and necessity require that Old South Road from Fairgrounds Road southeasterly and easterly to Nobadeer (Farm) Road

be laid out as and for a highway in accordance with Exhibit "A" attached hereto and made a part hereof, excluding however, from said layout all portions of the said Old South Road which are unpaved as shown on the plan to be recorded herewith.

The preliminary requirements of law relating to notice of a meeting for the purpose of a public hearing of all parties interested in a petition for the laying out as a highway of

Old South Road from Fairgrounds Road to Nobadeer Farm Road, as wide as possible consistent with Land Court cases were complied with on October 26, 1942 at 10:00 A. M.

as reported in the records of the Board of County Commissioners for the County of Nantucket, Vol. V page (xx) 21 .

NOW, THEREFORE, we, the undersigned, being a majority of the Board of County Commissioners for the County of Nantucket, by right of eminent domain under the provisions of Chapter 79 of the General Laws, and by the powers conferred by Chapter 434 of the Acts of 1975 above mentioned, and by right of any and every other power and authority in us, hereto take, and in fee simple, any and

A TRUE COPY 10/19/2023 GJS
 ATTEST: Jennifer Ferreira
 REGISTER OF DEEDS NANTUCKET COUNTY

all right, title and interest of any nature or description in the land in said County bounded and described as set forth in Exhibit "A" as amended, all for the purpose of Old South Road beginning at Fairgrounds (Road) and extending southeasterly and easterly to Nobadeer Farm Road hereby laid out.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of Nantucket County this 29th day of October 1975.

Gertrude E. Wheeler
Clerk

Charles J. Fawcett
Chairman

Mitchell Todak

Esther U. Gibbs

Robert S. Bailey

Bertrand J. Johnston

Old South Road

Exhibit "A"

Certain land in Nantucket, Nantucket County, shown on a plan entitled "Old South Road County Layout Nov. 5, 1942" by Josiah S. Barrett, Engr., dated Nov. 1942, including, however, only that portion from Fair Grounds (Fairgrounds Road) to Nobadeer Farm Road (Nobadeer Road), as voted by the County Commissioners on

November 5, 1942 and recorded in Volume V page 22 of the Records

of the Board of County Commissioners for the County of Nantucket;

plan to be recorded herewith. See Road Plans Drawer #1 -
Plan No. 200.

Old South RoadExhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Allen, Clifford W. & Allen, Helen T.	3930	\$1.00
Allen, Hilda A.	3929	1.00
Allen, Robert W. & Allen, Elizabeth G.	5888	1.00
Andrews, George & Andrews, J. Clinton & Andrews, Barbara		1.00
Bachman, Lester E.	5608	1.00
Bunting, Joan E.	6610	1.00
Campbell, Robert E. & Campbell, Mary L.		1.00
Cape Cod & Islands Construction Trust, Lawrence S. Tobey, Jr., Trustee & Donald A. Memmott, Trustee & Manuel Barrows, Trustee & Augusto Ramos, Trustee & John Peters, Trustee	6882	1.00
Christman, Robert H. (deceased) & Christman, Arlene B.	6200	1.00
Cinquini, Robert A. & Marques, Robert	6494	1.00
Delta Airlines, Inc.	6746	1.00
Dias, Antone	5783	1.00
Egan, Roy	4441 5410	1.00
Egan, Mary Ann	6391	1.00
Frech, John A.		1.00
Glowacki, Walter J. & Glowacki, Anne	3597 4825	1.00

Old South Road

Continued page two

Exhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Glowacki, Mary E.	6932	\$1.00
Glowacki, Walter F. & Glowacki, Mary E.	5183 3421	1.00
Glowacki, Walter F.	3597	1.00
Glowacki, Walter J.	4357	1.00
Holdgate, Donald W. Jr. & Holdgate, Claudia U.	6817	1.00
Holdgate, Donald W. & Holdgate, Gertrude	6818 5011	1.00
The Inquirer & Mirror, Inc., Thomas H.C. Giffin, Pres.		1.00
Jorgensen, Chester H.		1.00
Commonwealth of Massachusetts		1.00
McDevitt, James E., Jr. & McDevitt, Marianne R.		1.00
McLean, Florence		1.00
Nantucket Electric Co., Robert D. Congdon, Pres.	7250	1.00
Nantucket, Inhabitants of Town, Charles J. Gardner, Chairman Board of Selectmen	4338 2503 2511	1.00
Nickerson, Homes, Inc., Joshua A. Nickerson, Jr., Pres.		1.00
Picard, Roland R. & Picard, Doris I.	3937	1.00
Purdy, Warren		1.00
Reis, William L. & Reis, Elizabeth	4800	1.00

Old South RoadContinued page three
Exhibit "B"

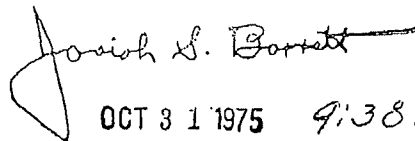
<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Rock, Virginia F.	4884	\$1.00
Sabol, John F.		1.00
Sherburne Associates, Walter Beinecke, Jr., Managing Partner	7300	1.00
Stevens, Caroline R.	6956	1.00
Stewart, Dr. K. Royal	6272	1.00
Toombs, Charles B. Toombs, Ellen Nora		1.00
Visco, Donald & Visco, Phyllis		1.00
Wannacomet Water Co., L.D. Mellendorf, Vice Pres.	1135	1.00
Ward, Joan E.	5263	1.00
Warren, Madge		1.00
Warren, Rupert & Warren, Dorothy M.		1.00
Young, Roger A. & Young, Cynthia		1.00

The names of owners herein given as supposed owners, although supposed to be correct, are such only as matters of information, opinion and belief and are listed for information purposes only.

NANTUCKET COUNTY

Received and Entered

Attest



OCT 31 1975

9:38 A.M.

Register

DOCUMENT No. 16561 (128)

OCT 3 1 1975 at 9 o'clock
and 38 minutes A M
Received and Entered with
Nantucket County Deeds.
Book 151 Page 298
Attest Joseph S. Barrett

Register

Nantucket Registry District

OCT 3 1 1975

RECEIVED FOR REGISTRATION
9 o'clock 40 m A M

NOTED ON CERTIFICATE NO. 4884
IN REGISTRATION BOOK 24 PAGE 149

NOTED ON CERTIFICATE NO. 5011
IN REGISTRATION BOOK 25 PAGE 95

~~Cancelled~~
NOTED ON CERTIFICATE NO. 5183
IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 5263
IN REGISTRATION BOOK 27 PAGE 3

NOTED ON CERTIFICATE NO. 5410
IN REGISTRATION BOOK 27 PAGE 150

NOTED ON CERTIFICATE NO. 5608
IN REGISTRATION BOOK 28 PAGE 168

NOTED ON CERTIFICATE NO. 5783
IN REGISTRATION BOOK 29 PAGE 163

NOTED ON CERTIFICATE NO. 5888
IN REGISTRATION BOOK 30 PAGE 88

NOTED ON CERTIFICATE NO. 6200
IN REGISTRATION BOOK 31 PAGE 200

DOCUMENT No. 16561

Nantucket Registry District

OCT 3 1 1975

RECEIVED FOR REGISTRATION
9 o'clock 40 m A M

NOTED ON CERTIFICATE NO. 6272
IN REGISTRATION BOOK 32 PAGE 72

NOTED ON CERTIFICATE NO. 6391
IN REGISTRATION BOOK 32 PAGE 191

NOTED ON CERTIFICATE NO. 6494
IN REGISTRATION BOOK 33 PAGE 94

NOTED ON CERTIFICATE NO. 6610
IN REGISTRATION BOOK 34 PAGE 10

NOTED ON CERTIFICATE NO. 6746
IN REGISTRATION BOOK 34 PAGE 146

NOTED ON CERTIFICATE NO. 6817
IN REGISTRATION BOOK 35 PAGE 17

NOTED ON CERTIFICATE NO. 6818
IN REGISTRATION BOOK 35 PAGE 18

NOTED ON CERTIFICATE NO. 6882
IN REGISTRATION BOOK 35 PAGE 82

NOTED ON CERTIFICATE NO. 6932
IN REGISTRATION BOOK 35 PAGE 132

NOTED ON CERTIFICATE NO. 6956
IN REGISTRATION BOOK 35 PAGE 156

NOTED ON CERTIFICATE NO. 7250
IN REGISTRATION BOOK 37 PAGE 50

NOTED ON CERTIFICATE NO. 7300
IN REGISTRATION BOOK 37 PAGE 100

NOTED ON CERTIFICATE NO.
IN REGISTRATION BOOK PAGE

NOTED ON CERTIFICATE NO. 1135
IN REGISTRATION BOOK 5 PAGE 85

NOTED ON CERTIFICATE NO. 2503
IN REGISTRATION BOOK 13 PAGE 163

NOTED ON CERTIFICATE NO. 2511
IN REGISTRATION BOOK 13 PAGE 171

NOTED ON CERTIFICATE NO. 3421
IN REGISTRATION BOOK 17 PAGE 208

NOTED ON CERTIFICATE NO. 3597
IN REGISTRATION BOOK 18 PAGE 160

NOTED ON CERTIFICATE NO. 3929
IN REGISTRATION BOOK 20 PAGE 42

NOTED ON CERTIFICATE NO. 3930
IN REGISTRATION BOOK 20 PAGE 43

NOTED ON CERTIFICATE NO. 3937
IN REGISTRATION BOOK 20 PAGE 50

NOTED ON CERTIFICATE NO. 4338
IN REGISTRATION BOOK 22 PAGE 4

NOTED ON CERTIFICATE NO. 4357
IN REGISTRATION BOOK 22 PAGE 23

NOTED ON CERTIFICATE NO. 4441
IN REGISTRATION BOOK 22 PAGE 106

NOTED ON CERTIFICATE NO. 4800
IN REGISTRATION BOOK 24 PAGE 65

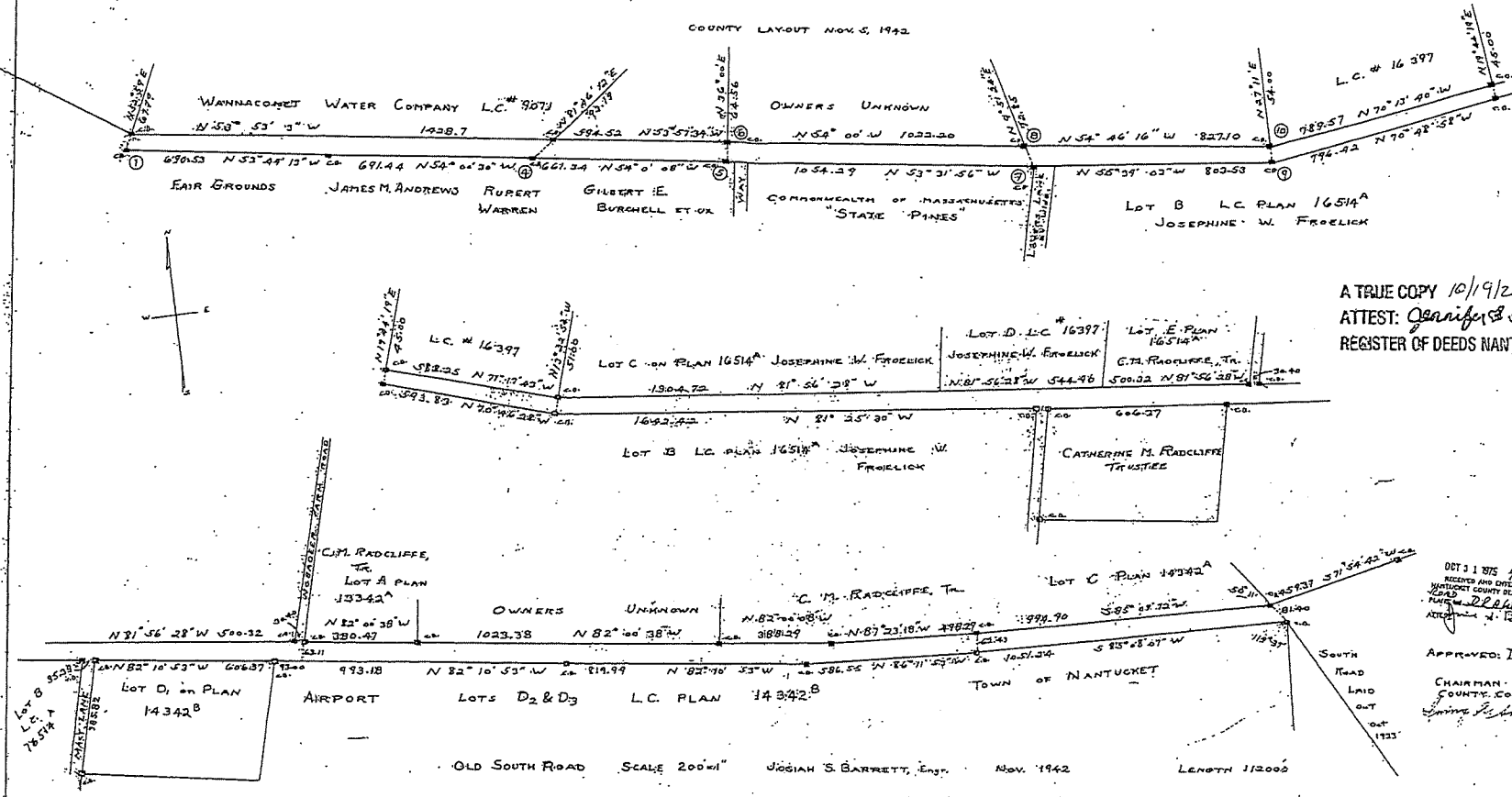
NOTED ON CERTIFICATE NO. 4825
IN REGISTRATION BOOK 24 PAGE 90

Attest Joseph S. Barrett
Assistant Recorder

Road plan
#200

OLD SOUTH ROAD

COUNTY LAYOUT NOV. 5, 1942



A TRUE COPY 10/19/2023
ATTEST: Jennifer S. Ferris
REGISTER OF DEEDS NANTUCKET COUNTY

OCT 31 1942 9:36 A.M.
RECEIVED AND OFFICED WITH
NANTUCKET COUNTY DEEDS REGISTER
FILED IN 226162
NOTARIAL N. 13
APPROVED: DEC. 3, 1942
CHAIRMAN
COUNTY COMMISSIONERS
James S. Lawrence

**COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT**

Fair City, LLC

Petitioner

**ASSENT TO PETITION TO APPROVE A
PLAN**

24 SBQ 16514 03 – 001

ASSENT TO PETITION FOR APPROVAL OF A PLAN

The County of Nantucket, the fee owner of a certain way in the Town of Nantucket, Commonwealth of Massachusetts, now known and identified as Old South Road, by virtue of an Order of Taking by eminent domain, filed as Document No. 16561 with the Nantucket Registry District of the Land Court, and recorded in Book 151, Page 298, with the Nantucket County registry of Deeds (the “Taking”), hereby: (a) recognizes the taking and assents to the relief requested in the above-referenced Petition to Approve a Plan, that the Petitioners filed with the Massachusetts Land Court on March 28, 2024, known as 24 SBQ 16514 03 – 001, Fair City, LLC, (b) assents to approve of the registration of the Subdivision Plan, showing Lot 1167 on Nantucket Land Court Plan No. 16514-162, and (c) confirms it concurs with the location of the boundary between the Plaintiff’s lot show as Lot 1167 on Land Court Plan No. 16514-162, and Old South Road.

SIGNATURE PAGE

EXECUTED under seal this _____ day of _____, 20____.

County of Nantucket,

By: Its County Commissioners

Malcolm W. MacNab, Chair

Thomas M. Dixon, Vice Chair

Dawn E. Hill Holdgate

Matthew G. Fee

Brooke Mohr

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Malcolm W. MacNab, Matthew G. Fee, and Thomas M. Dixon, as County Commissioners of the County of Nantucket, and proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the County Commission of the County of Nantucket.

Official Signature and Seal of Notary Public
My commission expires: