

Town and County of Nantucket

Select Board • County Commissioners

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



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
NOVEMBER 20, 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/svf6-6_JakM

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_utl5YtIDSRiRmPwfmJoO4w

- I. CALL TO ORDER***
- II. ANNOUNCEMENTS***
 1. The County Commission Meeting is Being Audio and Video Recorded.
- III. PUBLIC COMMENT****
- IV. NEW BUSINESS****
- V. APPROVAL OF MINUTES AND WARRANTS***
 1. Approval of Minutes of September 25, 2024 at 5:30 PM.
 2. Approval of Payroll and Treasury Warrants for October and November, 2024.
- VI. PUBLIC HEARINGS***
 1. Public Hearing to Consider an Order of Taking by Eminent Domain of Portions of Ames Avenue, Shown on Plan of Land Entitled "Roadway Acquisition & Disposition Plan in Nantucket, MA of Portions of Unconstructed 'New Hampshire Avenue' 'Massachusetts Avenue' 'California Avenue'," Dated March 6, 2023, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2024-7, Pursuant to MGL Chapter 79 and Chapter 82 and Vote on Article 80 of 2013 Annual Town Meeting.
- VII. COMMISSIONERS REPORTS/COMMENTS***
- VIII. ADJOURNMENT***

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



Agenda Item Summary

Agenda Item #	VI. 1.
Date	11/20/2024

Staff

Tracy MacDonald, Real Estate Specialist

Subject

Request for County Commission approval and execution of Order of Taking of a Portion Ames Avenue, shown on Plan 2024-7, pursuant to Massachusetts General Laws Chapter 82, as amended.

Executive Summary

Common convenience and necessity require the Order of Taking of a portion of Ames Avenue as a public way. The boundaries of said taking are Parcels 1 through 5, inclusive as shown on a plan entitled "Roadway Acquisition and Disposition Plan" in Nantucket, MA prepared for County of Nantucket, dated March 6, 2024, prepared by Bracken Engineering, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2024-7, a copy of which is filed with the office of the Town Clerk.

This matter has been advertised for Public Hearing in the November 7, 2024 and November 14, 2024 Inquirer & Mirror and posted on the Town Bulletin Board and filed with the Town Clerk pursuant to MGL c. 82 and Article I of the Nantucket County Charter, St. 1996, c. 290, § 4. The Order of Taking and Layout was prepared by Town Counsel.

Staff Recommendation

To approve and execute the Order of Taking

Background/Discussion

This matter has been part of an effort to clean up and allow future flexibility for the road layout and maintain and dispose lots as necessary for future mitigation in this area. The original layout Plan recorded with the Nantucket Registry of Deeds as Plan 48-P and filed with the office of the Town Clerk, and by an Order of Taking dated April 25, 1946 and recorded as Document No. 4422 and by an Order of Layout and Taking dated May 21, 1996 and recorded as Document No. 72236 by the County, is no longer applicable.



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

To take the parcels indicated and dispose of the unused portions for ease in execution of future coastal resilience planning.

Board/Commission Recommendation

Planning; Real Estate Assessment Committee 10/21/2024; Coastal Resilience Assessment

Public Outreach

Advertised in November 7, 2024 and November 14, 2024; Planning Board Hearing April 10, 2023, Posted on Bulletin Board

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

Strategic Plan, Master Plan, Coastal Resilience

Attachments

Order of Taking of a Portion of Ames Avenue for approval and execution; Plan No. 2024-7; certified copy of Article 80 of 2013 ATM.



COMMONWEALTH OF MASSACHUSETTS
COUNTY OF NANTUCKET
COUNTY COMMISSIONERS

ORDER OF TAKING BY EMINENT DOMAIN OF
PORTIONS OF AMES AVENUE

The undersigned being the majority of the duly elected and serving members of the County Commissioners of the County of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts (the “County”), acting by authority of Massachusetts General Laws Chapter 79 and Chapter 82, as amended, Article I of the Nantucket County Charter, St. 1996, c. 290, §4, pursuant to a vote of Article 80 of the 2013 Annual Town Meeting and pursuant to Chapter 153 of the Acts of 2024, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land shown as Parcels 1, 2, 3, 4 and 5 Ames Avenue described below (“Parcels”) and the easements therein is required for roadway purposes, do hereby adopt and decree this Order of Taking and do hereby take from the supposed owners of the Parcels and, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan of land entitled “Roadway Acquisition & Disposition Plan in Nantucket, Mass., of Portions of Unconstructed ‘New Hampshire Avenue’ ‘Massachusetts Avenue’ ‘California Avenue’,” prepared by Bracken Engineering, Inc., dated March 6, 2023, recorded with the Nantucket County Registry of Deeds as Plan No. 2024-7 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel 1	Ames Avenue	4,407 ± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 60.2.4, Parcel 29	Town of Nantucket	Certificate of Title No. 9176 filed with Nantucket Registry District of the Land Court

<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel 2	Ames Avenue	211 ± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 60.3.1, Parcel 380	Town of Nantucket	Certificate of Title No. 15829 filed with Nantucket Registry District of the Land Court
<u>Parcel</u>	<u>Address/Location</u>	<u>Area ±</u>
Parcel 3	Ames Avenue	1,539 ± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 60.2.4, Parcel 17	Lori Meinke	Certificate of Title No. 25666 filed with Nantucket Registry District of the Land Court
<u>Parcel</u>	<u>Address/Location</u>	<u>Area±</u>
Parcel 4	Ames Avenue	2,960 ± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 60.3.1, Parcel 397	John J. McGrath and County of Nantucket	Certificate of Title No. 1946, Document No. 22554 Document No. 72236 filed with Nantucket Registry District of the Land Court
<u>Parcel</u>	<u>Address/Location</u>	<u>Area± s. f.</u>
Parcel 5	Ames Avenue	119 ± s. f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 60.3.1, Parcel 385	Town of Nantucket	Document No. 14435 and Certificate of Title No. 619 Filed with Nantucket Registry District of the Land Court

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

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

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

SIGNATURE PAGE TO FOLLOW

Adopted under seal this _____ day of _____ 2024

COUNTY OF NANTUCKET
BY ITS COUNTY COMMISSIONERS

Thomas M. Dixon

Malcolm W. MacNab

Matthew G. Fee

Brooke Mohr

Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this _____ day of _____ 2024, before me, the undersigned notary public, personally appeared Thomas M. Dixon, Malcolm W. MacNab, Matthew G. Fee, Brooke Mohr and Dawn E. Hill Holdgate as County Commissioners of the County of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the County Commissioners of the County of Nantucket.

Notary Public
My commission expires:



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

flanaganstover@yahoo.com

townclerk@nantucket-ma.gov

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

♦♦♦♦♦

April 3, 2013

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 2, 2013 ANNUAL TOWN MEETING adopted **Article 80: "Real Estate Acquisition: Various "Paper" Streets and Misc. Parcels"** at the April 2, 2013 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

VOTE: The vote on the motion pursuant to Article 80 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 80

(Real Estate Acquisition: Various “Paper” Streets and Misc. Parcels)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purpose and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways or parcels of land:

- Macy Street, New York Avenue and Clinton Street (Monomoy) from the southern sideline of Monomoy Road (f.k.a. DeWolfe Avenue) to their southern termini;
- Tennessee Avenue (Madaket) between the eastern sideline of C Street and the western sideline of D Street;
- Saccacha Avenue (Cisco) from a line across said street approximately 300 feet from its terminus to its terminus;
- South Miacomet Road (Cisco) from the western sideline of Westerwyck Way to its terminus;
- California and New Hampshire Avenues (Madaket) between the eastern sideline of Ames Avenue and the western sideline of Massachusetts Avenue;
- Massachusetts Avenue (Madaket) between the a line extending the southern sideline of Rhode Island Avenue and the southern sideline of California Avenue;
- Hinsdale Road (Mid-Island) between a line extending the westerly sideline of a Proprietors Road across said street to a line extending the western lot line of a property shown as Assessor Map 68, Parcel 404 (72A Old South Road) across said street;
- Weweeder Avenue between the eastern sideline of and the western sideline of Barker Street (Maddequecham);
- Monomoy Street between the northern sideline of East Lincoln Street to the southern sideline of Northern Avenue; a portion of Galen Street from a line extending the easterly property line of Assessor Map 29 Parcel 116 across Galen Street to the eastern sideline of Monomoy Street and all of Northern Avenue as shown on Land Court Plan 14993A (Brant Point);
- 143 B Surfside Road, Assessor Map 80 Parcel 101.3;
- Assessor Map 60.2.4 Parcel 53, Alabama Avenue (Madaket);
- Assessor Map 92.4 Parcel 139, Nichols Road (Tom Nevers);
- Assessor Map 60.3.1 Parcels: 192 and 394, New Hampshire Avenue (Madaket);
- Assessor Map 61.1.1 Parcels: 159 and 175, Missouri Avenue (Esther’s Island);

- Assessor Map 61.1.4 Parcels 75 and 76, Wisconsin Avenue (Esther's Island);
- Assessor Map 36.3.2 Parcels 2, 5 and 8, New York Avenue (Esther's Island/Smith's Point);
- 2408 F Sheet 1, all lots in Blocks 6,7,8,9,and 10; 2408F Sheet 2, all lots in Blocks 1,2,3,4 and 5; 2408P Block 63, Lots 31 and 32, 2408R Block 78 Lots 8 and 9; 2408 S Block 50 Lots 1-14; Block 57, Lots 16, 17, 20,21, 26-31; and Block 58 Lots 25-41, Block 64 1 and 2; 2408 T Block 67 Lots 6 and 7 (Esther's Island/Smith's Point);

All as shown on a map entitled "2013 Annual Town Meeting Warrant Article 80 Acquisition and Disposition of Various "Paper" Streets and Misc. Parcels" dated January 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purpose and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways or parcels of land:

- Macy Street, New York Avenue and Clinton Street (Monomoy) from the southern sideline of Monomoy Road (f.k.a. DeWolfe Avenue) to their southern termini;
- Tennessee Avenue (Madaket) between the eastern sideline of C Street and the western sideline of D Street;
- Saccacha Avenue (Cisco) from a line across said street approximately 300 feet from its terminus to its terminus;
- South Miacomet Avenue (Cisco) from the western sideline of Westerwyck Way to its terminus;
- California and New Hampshire Avenues (Madaket) between the eastern sideline of Ames Avenue and the western sideline of Massachusetts Avenue;
- Massachusetts Avenue (Madaket) between the a line extending the southern sideline of Rhode Island Avenue and the southern sideline of California Avenue;
- Weweeder Avenue between the eastern sideline of Jefferson Street and the western sideline of Barker Street (Maddequecham);
- Monomoy Street between the northern sideline of East Lincoln Street to the southern sideline of Northern Avenue; a portion of Galen Street from a line extending the easterly property line of Assessor Map 29 Parcel 116 across Galen

Street to the eastern sideline of Monomoy Street and all of Northern Avenue as shown on Land Court Plan 14993A (Brant Point);

- 143 B Surfside Road, Assessor Map 80 Parcel 101.3;
- Assessor Map 92.4 Parcel 139, Nichols Road (Tom Nevers);

And further that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain, for open space and for the purpose of conveyance to the Nantucket Islands Land Bank, the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways or parcels of land:

- Hinsdale Road (Mid-Island) between a line extending the westerly sideline of a Proprietors Road across said street to a line extending the western lot line of a property shown as Assessor Map 68, Parcel 404 (72A Old South Road) across said street;
- Assessor Map 60.2.4 Parcel 53, Alabama Avenue (Madaket);
- Assessor Map 60.3.1 Parcels: 192 and 394, 43 and 9 New Hampshire Avenue (Madaket);
- Assessor Map 61.1.1 Parcels: 159 and 175, Missouri Avenue (Esther's Island);
- Assessor Map 61.1.4 Parcels 75 and 76, Wisconsin Avenue (Esther's Island);
- Assessor Map 36.3.2 Parcels 2, 5 and 8, New York Avenue (Esther's Island/Smith's Point);
- 2408 F Sheet 1, all lots in Blocks 6,7,8,9,and 10; 2408F Sheet 2, all lots in Blocks 1,2,3,4 and 5; 2408P Block 63, Lots 31 and 32, 2408R Block 78 Lots 8 and 9: 2408 S Block 50 Lots 1-14; Block 57, Lots 16, 17, 20,21, 26-31; and Block 58 Lots 25-41, Block 64 1 and 2; 2408 T Block 67 Lots 6 and 7 (Esther's Island/Smith's Point).

All as shown on a map entitled "2013 Annual Town Meeting Warrant Article 80 Acquisition and Disposition of Various "Paper" Streets and Misc. Parcels" dated January 2013 and filed herewith at the Office of the Town Clerk.

NANTUCKET REGISTRY
OF DEEDS
Date: May 3, 2024
Time: 2:14 PM
Plan No: 2024-7
Sheet 1 of 1



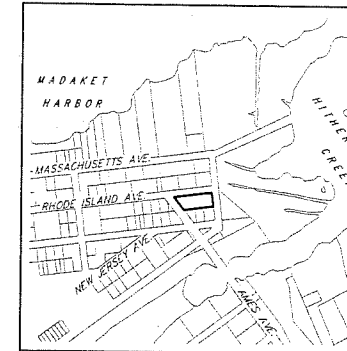
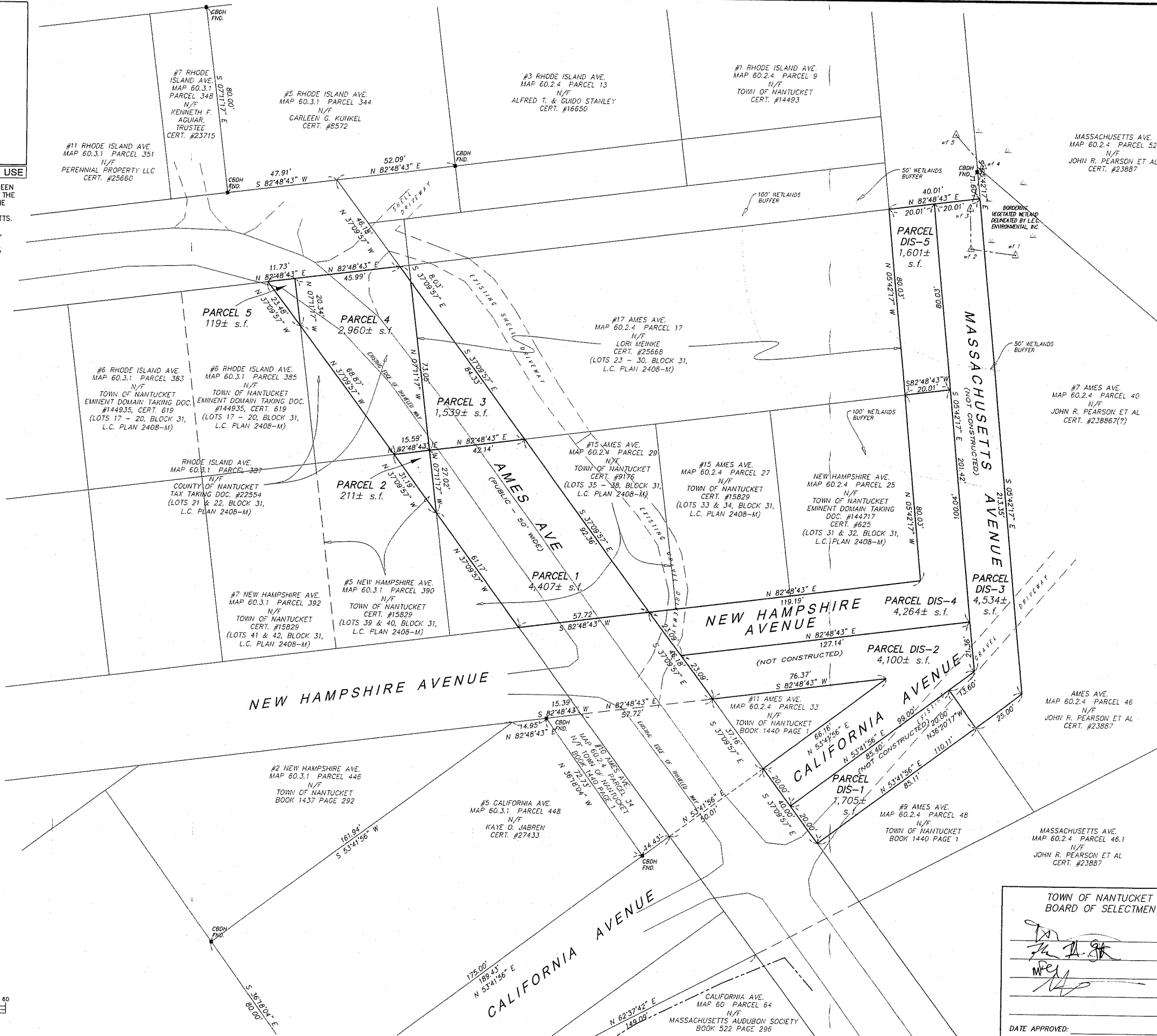
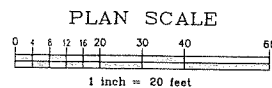
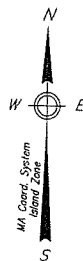
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Doc: PLAN 05/03/2024 02:14 PM

RESERVED FOR REGISTRY USE

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



ALAN M. GRADY, FLS
MASSACHUSETTS REG.
No. 37732



LOCUS MAP Scale: 1" = 500'

ZONE: ROH
REQUIRED
LOT AREA: 5,000 s.f.
FRONTAGE: 50'
FRONT YARD: 0'
SIDE/REAR YARD: 5'
GROUND COVER: 40% (MAX)

NOTES:

- LOCUS: PORTIONS OF UNCONSTRUCTED CALIFORNIA AVENUE, NEW HAMPSHIRE AVENUE AND MASSACHUSETTS AVENUE. SEE ASSESSORS MAPS 60.2.4
- SEE ARTICLES 80 & 81 OF THE 2013 ANNUAL TOWN MEETING WARRANT.
- PLAN REFERENCES:
L.C. PLAN #2408-M
L.C. PLAN #2408-Y
PLAN FILE 29-L
PLAN FILE 48-P
PLAN RBK 1-71

ROADWAY
ACQUISITION &
DISPOSITION PLAN
IN
NANTUCKET, MASS.
OF PORTIONS OF UNCONSTRUCTED
"NEW HAMPSHIRE AVENUE"
"MASSACHUSETTS AVENUE"
"CALIFORNIA AVENUE"

PREPARED BY
BRACKEN ENGINEERING, INC.
19 OLD SOUTH ROAD
NANTUCKET, MA 02554
tel: (508) 325-0044
fax: (508) 833-2282
SCALE: 1" = 20' MARCH 6, 2023

TOWN OF NANTUCKET
BOARD OF SELECTMEN

DATE APPROVED: _____

APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

FILE NUMBER: PLAN 2023-04-00359
DATE APPROVED: 04-10-2023