

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

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD OCTOBER 23, 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/Ek3TBtnuRE>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_P4ZU1iUqQwW_Q4nE2jncXw

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. May 3, 2025 Annual Town Meeting Warrant Open for Citizen Warrant Article Submittals through November 18, 2024 at 4:00 PM. Citizen Warrant Article Guide: <https://www.nantucket-ma.gov/DocumentCenter/View/49076/Guide-to-Preparing-a-Citizen-Warrant-Article-PDF>.
 3. No Select Board Meeting on Wednesday, October 30, 2024 (5th Wednesday).
 4. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of October 16, 2024 at 5:30 PM.

2. Approval of Treasury Warrants for October 23, 2024.
3. Approval of Pending Contracts for October 23, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Board of Health Update on Massachusetts Institute of Technology (MIT) Project to Reduce the Incidence of Lyme Disease on Nantucket.
2. Housing Office: Request for Approval and Execution of Third Amendment to Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for 12 Rental Units in Meadows II Workforce Rental Housing Development Project Phase V and VI Known as Gooseberry Place.

IX. REAL ESTATE MATTERS

1. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement of Two Town-owned Yard Sale Parcels Shown as Lots 33 and 34, Ames Avenue, in Block No. 31, Shown on Land Court Plan No. 2408, Dated April 30, 1912 and Filed with the Nantucket Registry District of the Land Court, Pursuant to Vote on Article 81 of 2013 Annual Town Meeting.

X. TOWN MANAGER'S REPORT

1. Overview of Proposed Sewer Rate Increase; Request to Schedule Public Hearing.
2. Review of Departmental Comments for Surfside Crossing 40B Zoning Board of Appeals Remand Hearing.
3. Continued Preliminary Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting.
4. Monthly Town Management Report.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports.

XII. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Michael and Mindy Pearlstein of Historic District Commission Approval of Certificate of Appropriateness No. HDC2024-08-10993 for a Fence at 2 Derry Lane, Map 41, Parcel 219.

XIII. 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

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept this email requesting a date change of the previously approved noise bylaw waiver that the Select Board granted on 10/9 to support the Sewer Extension Project on Nobadeer Farm Road.

Revised dates of work 11/4 – 11/15

PROPOSED SEWER INSTALLATION

NOBADEER FARM ROAD

STATIONING: 11/4, 11/5, 11/6, 11/7, 11/8, 11/11, 11/12, 11/13, 11/14, 11/15

CALLOUTS:

- SEWER LINE FOR 11/4 TO 11/5
- SEWER LINE FOR 11/5 TO 11/6
- SEWER LINE FOR 11/6 TO 11/7
- SEWER LINE FOR 11/7 TO 11/8
- SEWER LINE FOR 11/8 TO 11/11
- SEWER LINE FOR 11/11 TO 11/12
- SEWER LINE FOR 11/12 TO 11/13
- SEWER LINE FOR 11/13 TO 11/14
- SEWER LINE FOR 11/14 TO 11/15

SCALE:

- 1 inch = 3 feet (vertical)
- 1 inch = 30 feet (horizontal)

PLAN SCALE



Mashpee, MA 02649

From: Chase Terrio
Sent: Tuesday, October 1, 2024 4:11 PM
To: Erika Mooney <EMooney@nantucket-ma.gov>; Angus Macvicar <amacvicar@police.nantucket-ma.gov>; Gentry, Edward <EGentry@chasolutions.com>; Matt Galvin <mgalvin@pearlcompany.net>
Cc: Noah Karberg <nkarberg@NantucketAirport.com>; Preston Harimon <pharimon@nantucketairport.com>; Road Information <roads@fire.nantucket-ma.gov>; Kevin Ramos <kramos@fire.nantucket-ma.gov>; Andrew Patnode <apatnode@nantucket-ma.gov>; DPWPermits <dpwpermits@nantucket-ma.gov>; Sewer <sewer@nantucket-ma.gov>; water <water@nantucket-ma.gov>; Cindy Clarkson <yir@nantucket-ma.gov>; Kristen Woodbury <kwoodbury@pearlcompany.net>

COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR STATE ELECTION

SS.

To the Constables of the City/Town of NANTUCKET,

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Elections to vote at:

0/1
(Ward & Precinct)

NANTUCKET HIGH SCHOOL, 10 Surfside Road
(Polling location)

on **TUESDAY, THE FIFTH DAY OF NOVEMBER, 2024**, from 7:00 A.M. TO 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENTFOR THESE UNITED STATES
SENATOR IN CONGRESS FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS NINTH DISTRICT
COUNCILLOR..... FIRST DISTRICT
SENATOR IN GENERAL COURT CAPE & ISLANDS DISTRICT
REPRESENTATIVE IN GENERAL COURT Barnstable, Dukes & Nantucket DISTRICT
CLERK OF COURTS..... NANTUCKET COUNTY
REGISTER OF DEEDS.....NANTUCKET DISTRICT

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

This proposed law would specify that the State auditor has the authority to audit the legislature.

A YES VOTE would specify that the State auditor has the authority to audit the legislature.

A NO VOTE would make no change in the law relative to the State Auditor's authority.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

This proposed law would eliminate the requirement that a student pass the Massachusetts Comprehensive Assessment System (MCAS) tests (or other statewide or district-wide assessments) in mathematics, science and technology, and English in order to receive a high school diploma. Instead, in order for a student to receive a high school diploma, the proposed law would require the student to complete coursework certified by the student's district as demonstrating mastery of the competencies contained in the state academic standards in mathematics, science and technology, and English, as well as any additional areas determined by the Board of Elementary and Secondary Education.

A YES VOTE would eliminate the requirement that students pass the Massachusetts Comprehensive Assessment System (MCAS) in order to graduate high school but still require students to complete coursework that meets state standards.

A NO VOTE would make no change in the law relative to the requirement that a student pass the MCAS in order to graduate high school.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

The proposed law would provide Transportation Network Drivers ("Drivers") with the right to form unions ("Driver Organizations") to collectively bargain with Transportation Network Companies ("Companies")-which are companies that use a digital network to connect riders to drivers for pre-arranged transportation-to create negotiated recommendations concerning wages, benefits and terms and conditions of work. Drivers would not be required to engage in any union activities. Companies would be allowed to form multi-Company associations to represent them when negotiating with Driver Organizations. The state would supervise the labor activities permitted by the proposed law and would have responsibility for approving or disapproving the negotiated recommendations. The proposed law would define certain activities by a Company or a Driver Organization to be unfair work practices. The proposed law would establish a hearing process for the state Employment Relations Board ("Board") to follow when a Company or Driver Organization is charged with an unfair work practice. The proposed law would permit the Board to take action, including awarding compensation to adversely affected Drivers, if it found that an unfair work practice had been committed. The proposed law would provide for an appeal of a Board decision to the state Appeals Court. This proposed law also would establish a procedure for determining which Drivers are Active Drivers, meaning that they completed more than the median number of rides in the previous six months. The proposed law would establish procedures for the Board to determine that a Driver Organization has signed authorizations from at least five percent of Active Drivers, entitling the Driver Organization to a list of Active Drivers; to designate a Driver Organization as the exclusive bargaining representative for all Drivers based on signed authorizations from at least twenty-five percent of Active Drivers; to resolve disputes over exclusive bargaining status, including through elections; and to decertify a Driver Organization from exclusive bargaining status. A Driver Organization that has been designated the exclusive bargaining representative would have the exclusive right to represent the Drivers and to receive voluntary membership dues deductions. Once the Board determined that a Driver Organization was the exclusive bargaining representative for all Drivers, the Companies would be required to bargain with that Driver Organization concerning wages, benefits and terms and conditions of work. Once the Driver Organization and Companies reached agreement on wages, benefits, and the terms and conditions of work, that agreement would be voted upon by all Drivers who has completed at least 100 trips the previous quarter. If approved by a majority of votes cast, the recommendations would be submitted to the state Secretary of Labor for approval and if approved, would be effective for three years. The proposed law would establish procedures for the mediation and arbitration if the Driver Organization and Companies failed to reach agreement within a certain period of time. An arbitrator would

consider factors set forth in the proposed law, including whether the wages of Drivers would be enough so that Drivers would not need to rely upon any public benefits. The proposed law also sets out procedures for the Secretary of Labor's review and approval of recommendations negotiated by a Driver Organization and the Companies and for judicial review of the Secretary's decision. The proposed law states that neither its provisions, an agreement nor a determination by the Secretary would be able to lessen labor standards established by other laws. If there were any conflict between the proposed law and existing Massachusetts labor relations law, the proposed law would prevail. The Board would make rules and regulations as appropriate to effectuate the proposed law. The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would provide transportation network drivers the option to form unions to collectively bargain with transportation network companies regarding wages, benefits, and terms and conditions of work

A NO VOTE would make no change in the law relative to the ability of transportation network drivers to form unions.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

This proposed law would allow persons aged 21 and older to grow, possess, and use certain natural psychedelic substances in certain circumstances. The psychedelic substances allowed would be two substances found in mushrooms (psilocybin and psilocyn) and three substances found in plants (dimethyltryptamine, mescaline, and ibogaine). These substances could be purchased at an approved location for use under the supervision of a licensed facilitator. This proposed law would otherwise prohibit any retail sale of natural psychedelic substances. This proposed law would also provide for the regulation and taxation of these psychedelic substances. This proposed law would license and regulate facilities offering supervised use of these psychedelic substances and provide for the taxation of proceeds from those facilities' sales of psychedelic substances. It would also allow persons aged 21 and older to grow these psychedelic substances in a 12-foot by 12-foot area at their home and use these psychedelic substances at their home. This proposed law would authorize persons aged 21 or older to possess up to one gram of psilocybin, one gram of psilocyn, one gram of dimethyltryptamine, 18 grams of mescaline, and 30 grams of ibogaine ("personal use amount"), in addition to whatever they might grow at their home, and to give away up to the personal use amount to a person aged 21 or over. This proposed law would create a Natural Psychedelic Substances Commission of five members appointed by the Governor, Attorney General, and Treasurer which would administer the law governing the use and distribution of these psychedelic substances. The Commission would adopt regulations governing licensing qualifications, security, recordkeeping, education and training, health and safety requirements, testing, and age verification. This proposed law would also create a Natural Psychedelic Substances Advisory Board of 20 members appointed by the Governor, Attorney General, and Treasurer which would study and make recommendations to the Commission on the regulation and taxation of these psychedelic substances. This proposed law would allow cities and towns to reasonably restrict the time, place, and manner of the operation of licensed facilities offering psychedelic substances, but cities and towns could not ban those facilities or their provision of these substances. The proceeds of sales of psychedelic substances at licensed facilities would be subject to the state sales tax and an additional excise tax of 15 percent. In addition, a city or town could impose a separate tax of up to two percent. Revenue received from the additional state excise tax, license application fees, and civil penalties for violations of this proposed law would be deposited in a Natural Psychedelic Substances Regulation Fund and would be used, subject to appropriation, for administration of this proposed law. Using the psychedelic substances as permitted by this proposed law could not be a basis to deny a person medical care or public assistance, impose discipline by a professional licensing board, or enter adverse orders in child custody cases absent clear and convincing evidence that the activities created an unreasonable danger to the safety of a minor child. This proposed law would not affect existing laws regarding the

operation of motor vehicles while under the influence, or the ability of employers to enforce workplace policies restricting the consumption of these psychedelic substances by employees. This proposed law would allow property owners to prohibit the use, display, growing, processing, or sale of these psychedelic substances on their premises. State and local governments could continue to restrict the possession and use of these psychedelic substances in public buildings or at schools. This proposed law would take effect on December 15, 2024.

A YES VOTE would allow persons over age 21 to use certain natural psychedelic substances under licensed supervision and to grow and possess limited quantities of those substances in their home and would create a commission to regulate those substances.

A NO VOTE would make no change in the law regarding natural psychedelic substances.

QUESTION 5: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 1, 2024?

SUMMARY

The proposed law would gradually increase the minimum hourly wage an employer must pay a tipped worker, over the course of five years, on the following schedule:

- To 64% of the state minimum wage on January 1, 2025;
- To 73% of the state minimum wage on January 1, 2026;
- To 82% of the state minimum wage on January 1, 2027;
- To 91% of the state minimum wage on January 1, 2028; and
- To 100% of the state minimum wage on January 1, 2029

The proposed law would require employers to continue to pay tipped workers the difference between the state minimum wage and the total amount a tipped worker receives in hourly wages plus tips through the end of 2028. The proposed law would also permit employers to calculate this difference over the entire weekly or bi-weekly payroll period. The requirement to pay this difference would cease when the required hourly wage for tipped workers would become 100% of the state minimum wage on January 1, 2029.

Under the proposed law, if an employer pays its workers an hourly wage that is at least the state minimum wage, the employer would be permitted to administer a “tip pool” that combines all the tips given by customers to tipped workers and distributes them among all the workers, including non-tipped workers.

A YES VOTE would increase the minimum hourly wage an employer must pay a tipped worker to the full state minimum wage implemented over five years, at which point employers could pool all tips and distribute them to all non-management workers.

A NO VOTE would make no change in the law governing tip pooling or the minimum wage for tipped workers. Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2024.

Brooke Mohr, Chair

Matthew G. Fee, Vice Chair

Thomas Dixon

Dawn E. Hill Holdgate

Malcom W. MacNab

Select Board of: NANTUCKET

(Indicate method of service of warrant)

Constable Signature

_____, 2024.
(Month and Day)

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
October 23, 2024

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
No Funding Agreements						
Contract Amendment	Sewer	CDM Smith, Inc.	N/A	Extension of time only – Surfside WWTF Aeration Tank Foam & Landfill Leachate Baseline Study	N/A	Jul 1, 2023 – Jun 30, 2025
Contractual Services						
License Agreement	Information Technology	LCN	\$40,515	Support & maintenance renewal of Barracuda backup appliance	IT Budget – Professional Services	Nov 18, 2024 – Nov 17, 2025
Licenses Agreement	Culture & Tourism	Placer Labs, Inc.	\$20,000	Renewal of collection & analysis of tourism traffic data	Culture & Tourism Budget	Jul 1, 2024 – Jun 30, 2025
Professional Services Agreement	Our Island Home	Robert Shain	\$26,000	Maintenance of OIH's 280- gallon saltwater aquarium	OIH Budget – Gift Account	Oct 1, 2024 – Sep 30, 2025
Professional Services Agreement	Police	Certified Safe Electric	\$16,700	Install electrical switch gear at Marine Department maintenance building	Article 10 ATM 2020 – Layup Yard Workshop	Oct 23, 2024 – Oct 22, 2027
Professional Services Agreement	Public Works	Setronics Corp.	\$84,798	Install surveillance cameras at 7 Nantucket park locations	Article 10 ATM 2023 - Professional Services	Oct 23, 2024 – Oct 22, 2025
Professional Services Agreement	Public Works	SMRT, Inc.	\$224,604	Concept & design of Nantucket Municipal Restroom Improvements Project	DPW Capital – Town Bathrooms; DPW Capital – Town Facilities	Oct 24, 2024 – Oct 23, 2025
Contract Amendment	Public Works	CDM Smith, Inc.	Add \$34,500 to original contract amount of \$148,700 for amended contract amount of \$183,200	Extension of time for completion of the PFAS landfill groundwater sampling initiative	Article 10 2021 ATM	Jul 1, 2023 – Jun 30, 2025
Professional Services Agreement	Public Works	Sarah B. Cleaning	\$265,860	Town-wide public restroom cleaning services	Public Facilities – General: Custodial	Nov 1, 2024 – Oct 31, 2027

Purchase Agreement	Public Works	Elk Creek Trailers, LLC	\$96,460	Purchase of portable restroom trailer for Children's Beach	DPW Capital – ADA Access; Parks & Rec Budget – Professional Services	Oct 23, 2024 – Oct 22, 2025
Purchase Agreement	Sewer	Carlsen Systems, LLC	\$38,500	Purchase replacement draft pump at Surfside WWTF	Waste Water – Repair & Maint: Equipment	Oct 23, 2024 – Oct 22, 2025
Professional Services Agreement	Sewer	CDM Smith, Inc.	\$272,600	Additional PFAS sampling in the Surfside WWTF for PFAS Destruction Technology Pilot Project	Article 22 ATM 2022 – PFAS Removal Pilot Program	Oct 23, 2024 – Dec 31, 2025



Mice Against Ticks

Progress update

Oct 23, 2024

Nantucket Select Board Meeting

Community-driven
science starts,
continues and ends
with you!



Slide from First Mice Against Ticks Community Meeting
Nantucket Board of Health, June 2016

Open, Community-Driven Science

- Clear benefits to citizens
- Discussions before experiments
- Safeguards agreed upon early
- Developed/run by nonprofit groups
- Independent monitoring and analysis
- Open and *responsive* science

**The project is only a concept and can only
move forward if embraced by the community**

It could supplement, ***not replace***, existing control
efforts

I have less than 10 minutes to tell you a lot of things

Material
we're
going to
cover:



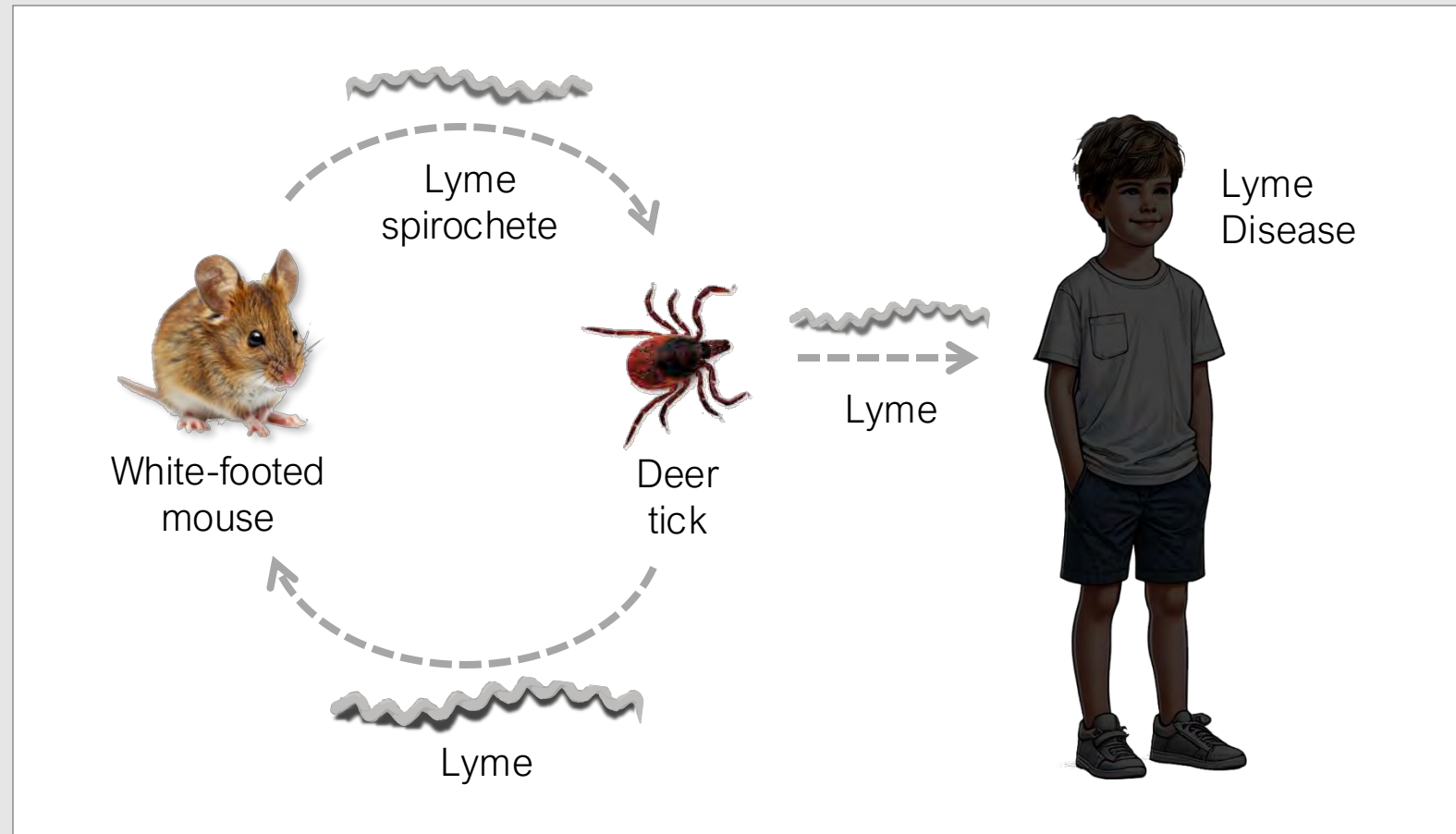
- 1 What do mice have to do with Lyme disease?
- 2 What does Mice Against Ticks propose?
- 3 How do you engineer mice?
- 4 How do you make mice immune to Lyme disease?
- 5 What's next for Mice Against Ticks?

Email Jo for more information
buchthal@mit.edu

What do mice have to do with Lyme disease?

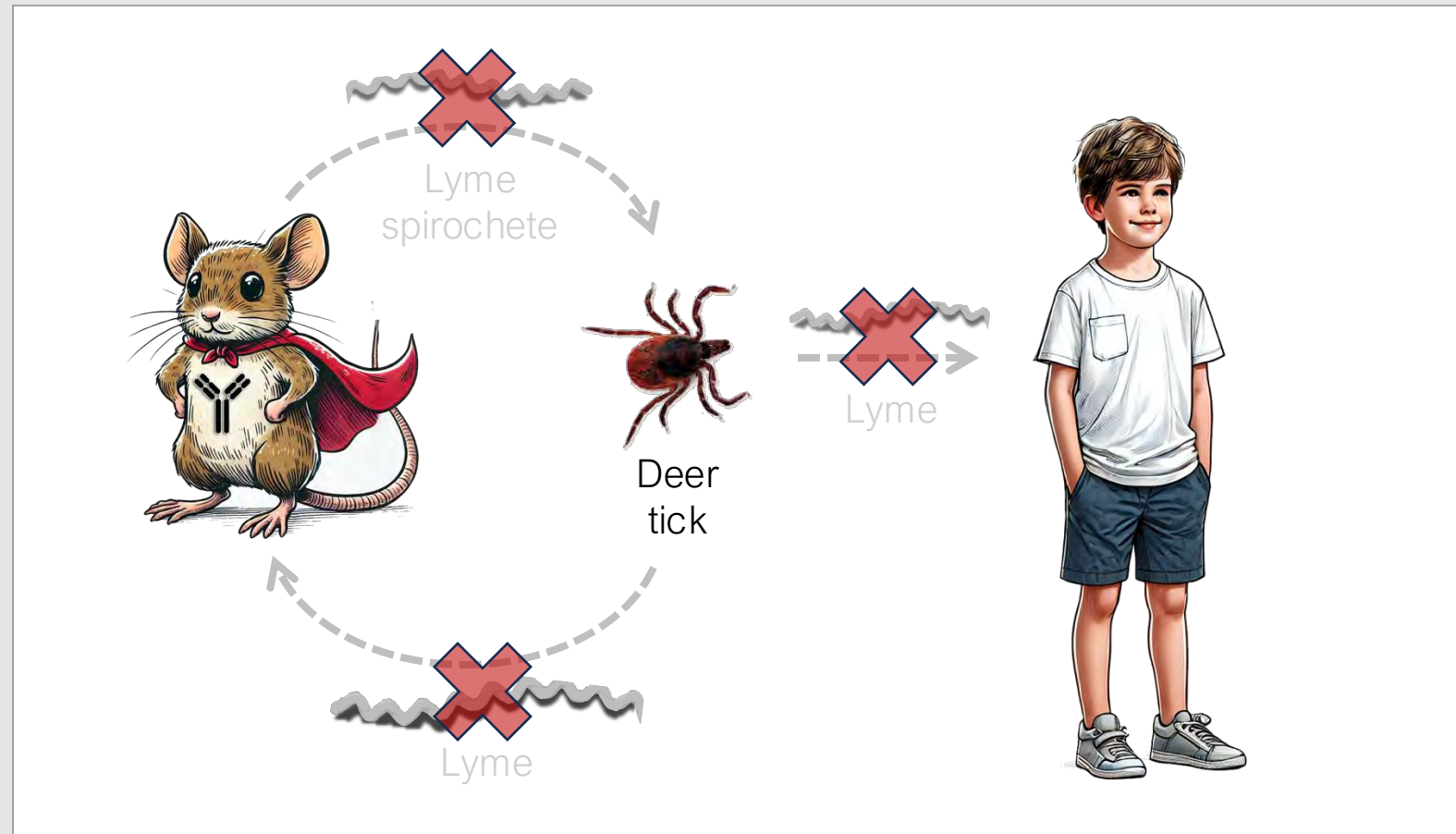
White-footed mice harbor the bacteria responsible for Lyme disease

These mice infect more ticks than any other animal



Engineered Mice Could Break this Cycle

Mice Against Ticks aims to make Lyme-immune mice to prevent ticks from getting Lyme disease



Vaccinating mice reduced Lyme disease in mice and ticks

In this study, by-hand vaccination reduced *Borrelia* prevalence by

- 42% in mice
- 25% in ticks

This study did not control for unvaccinated mice migrating into the area.

An ecological approach to preventing human infection: Vaccinating wild mouse reservoirs intervenes in the Lyme disease cycle

Lin I. Tsao^{*,†,‡}, J. Timothy Wootton[†], Jonas Bunikis[§], Maria Gabriela Luna[¶], Durland Fish^{*}, and Alan G. Barbour

^{*}Department of Epidemiology and Public Health, Yale University School of Medicine, New Haven, CT 06520; [†]Department of Ecology and Evolution, University of Chicago, Chicago, IL 60637; [‡]Department of Fisheries and Wildlife, Michigan State University, East Lansing, MI 48824; and [§]Department of Biology and Molecular Genetics and of Medicine, University of California, Irvine, CA 92697

Received by Emil C. Gotschlich, The Rockefeller University, New York, NY, and approved November 11, 2004 (received for review August 6, 2004)

Pathogens, such as the agents of West Nile encephalitis and Lyme disease, are maintained in nature by animal reservoirs and transmitted to humans by arthropod vectors. Efforts to reduce disease risk usually rely on vector control or immunization of humans, but for many diseases, no human vaccine is currently available. Lyme disease, for which no human vaccine is currently available, is a commonly reported vector-borne disease in North America and Europe. In a recently developed, ecological approach to disease prevention, we intervened in the natural cycle of the disease agent (*Borrelia burgdorferi*) by immunizing wild mouse reservoirs (*Peromyscus leucopus*), a reservoir host species, with a recombinant antigen of the pathogen, outer surface protein A (OspA). In a field study with paired experimental and control grids stratified by mouse density, OspA vaccination significantly reduced the prevalence of *B. burgdorferi* in nymphal blacklegged ticks (*Ixodes scapularis*) collected at the sites the following year in both mice and ticks. The magnitude of the vaccine's effect at a given site was correlated with the tick infection prevalence found on the control grids, in turn correlated with mouse density. These data, as well as previous studies, indicate that nonmouse hosts contribute to the infection dynamics of *B. burgdorferi*. Thus, where mice play a large role in infection dynamics, vaccination of mice may reduce the prevalence of *B. burgdorferi* at additional species.

Keywords: *Ixodes* | *Peromyscus* | tick

Lyme disease is a zoonotic, vector-borne disease caused by the spirochete *Borrelia burgdorferi*. It is maintained in nature by a cycle involving vertebrate hosts and arthropod vectors. Several of these human pathogens are maintained in nature by animal reservoirs and transmitted to humans by arthropod vectors (2, 3). For most vector-borne diseases, no human vaccines exist; the main approach for reducing the public's risk for disease transmission is vector control. Vaccines directed at animal reservoirs provide additional opportunities to intervene in natural cycles and reduce disease risk by the criterion of number of infected vectors (4). If vaccination would decrease the availability of infected vectors, resulting in a lower proportion of vectors that transmit the pathogen to humans, and thus, a lower probability of pathogen transmission to humans.

We tested this hypothesis by using Lyme disease (LD), a zoonotic bacterial disease of the northern hemisphere whose pathogenic agents are maintained by several vertebrate host species. In the eastern United States humans acquire LD when an infected *Ixodes scapularis* tick attaches and transmits the spirochete *Borrelia burgdorferi*. The recent surge in the incidence of LD, in the face of the commercial withdrawal of the human vaccine and a general reluctance to apply pesticides, prompts consideration of new approaches to reducing disease risk (6, 7).

Because nymphal *I. scapularis* cause the majority of LD cases (8), lower disease incidence could be achieved by limiting the overall nymphal abundance, by lowering nymphal infection prevalence (i.e., the proportion of nymphs infected), or both (4).

With the second aim in mind, we vaccinated wild populations of the white-footed mouse (*Peromyscus leucopus*), which is considered to be the main reservoir host species for *B. burgdorferi* in eastern North America (9, 10). The strategy was to convert phenotypes of reservoir host populations from competent to noncompetent for *B. burgdorferi* transmission to *I. scapularis* larvae, thereby reducing the proportion of larvae that molt into infectious nymphs.

We immunized mice with recombinant *B. burgdorferi* outer surface protein A (OspA) (11, 12), which is the basis of a current available vaccine for dogs (13). *B. burgdorferi* commonly express OspA in tick, but not mouse hosts, and consequently, OspA-vaccinated mice, even infected ones, develop antibodies that kill *B. burgdorferi* in the tick while it feeds (12, 14, 15). A study of our field site revealed that >90% of white-footed mice were infected during the larval host-seeking period and confirmed that these hosts rarely had antibodies to OspA (16).

Although the main end-point of the study was infection prevalence among nymphal ticks, the vaccine was targeted at an abundant vertebrate host species, from whom some proportion of nymphs would have obtained blood meals as larvae in the preceding year. Larval *I. scapularis* are not host-specific and have been found to feed on many vertebrate species (17). On the basis of previous studies (18, 19), we anticipated that the impact of vaccination on reducing nymphal infection prevalence would correlate positively with the proportional role that mice play in infecting larvae. In other words, a determinant of vaccine effect would be the degree to which alternative hosts infect feeding larvae. The extent to which this happened was a second end-point of the study and was inferred from vaccination results, as well as by comparing the population structure of *B. burgdorferi* among tick and mouse populations.

Materials and Methods

Field Site. The study grids were located in a 1,400-hectare private mixed hardwood forest in southern Connecticut, where LD is common (7) (Fig. 4, which is published as supporting information on the PNAS web site). From 1998 to 2003, per sampling at our field site found nymphal infection prevalence vary from 23% to 50% at various locations and an average

This paper was submitted directly (Track II) to the PNAS office.

Freely available online through the PNAS open access option.

Abbreviations: LD, Lyme disease; OspA, outer surface protein A; EIA, enzyme immunoassay; CI, confidence interval; C-M-H, Cochran-Mantel-Haenszel; OR, odds ratio.

[†]Present address: Centro de Estudios Parasitológicos y de Vectores, Consejo Investigaciones Científicas y Técnicas de Argentina-Universidad Nacional de La Plata (1900) La Plata, Argentina.

To whom correspondence should be addressed. E-mail: albarbour@yale.edu

^{††}A.G.B. is an inventor on several issued and some pending patents against *Borrelia burgdorferi* and other Lyme disease agents; some in regard to the use of recombinant OspA as a vaccine.

© 2004 by The National Academy of Sciences of the USA





Unfortunately,
we can't
vaccinate
every mouse
on Nantucket!



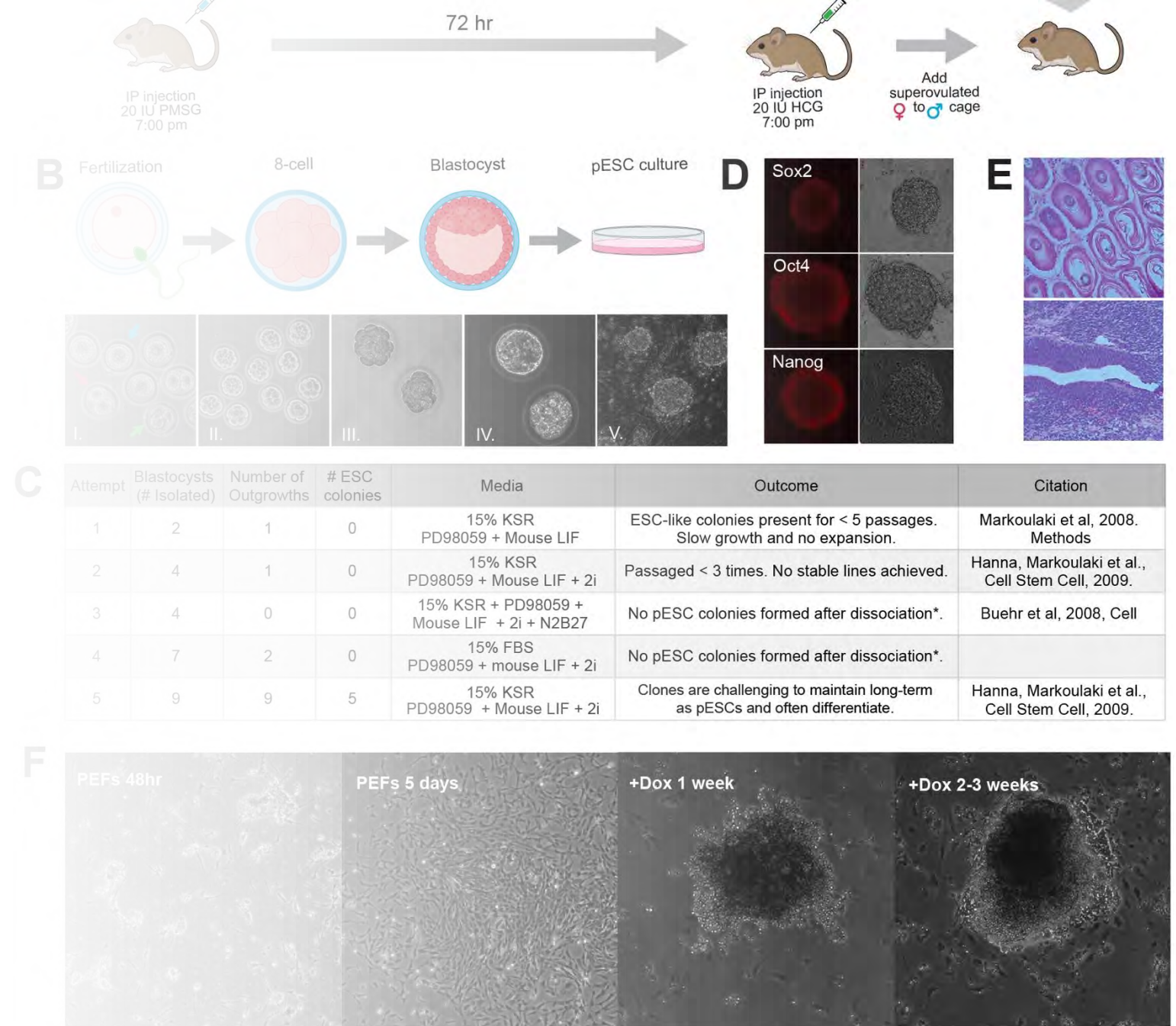
But what if we could give your mice the same protection as the vaccine from birth?

—

To start, we
needed to figure
out how to get
new DNA into
embryos from
white-footed mice

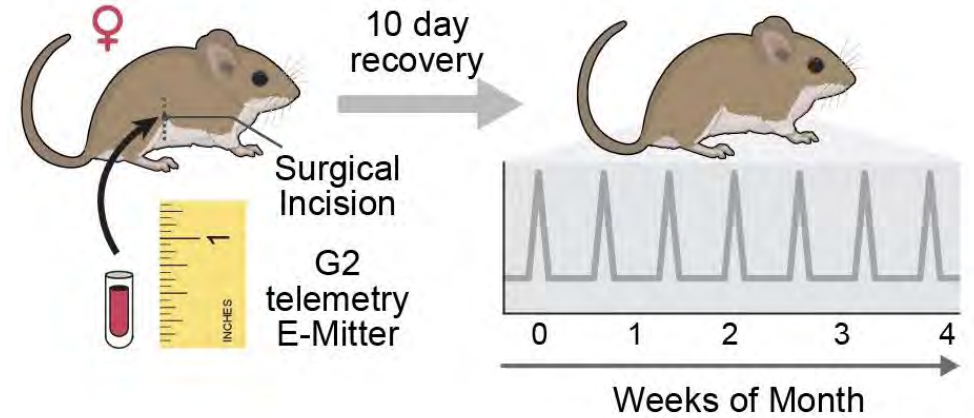


Turns out,
white-footed
mice are very
hard to
engineer



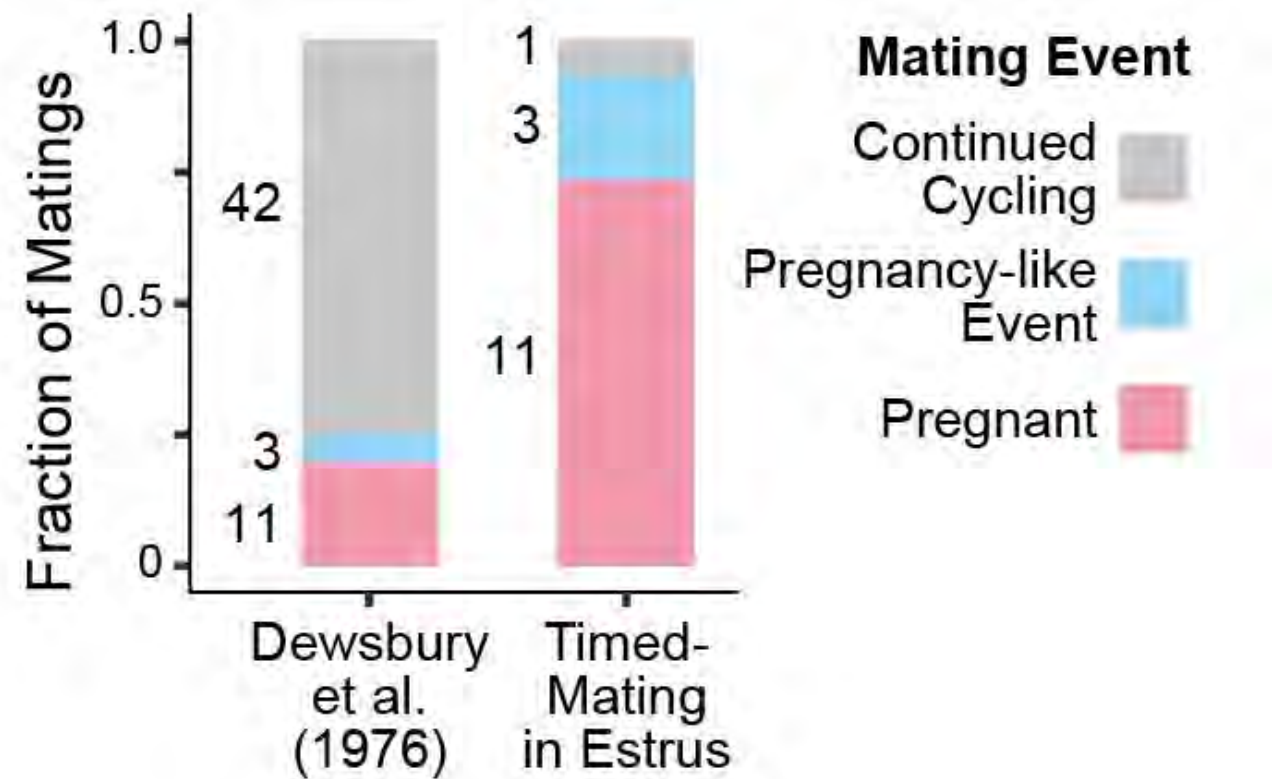
To generate embryos for experiments, we tracked mouse ovulation cycles using their body temperature

We implanted temp sensors



We created mouse ovulation calendars!

Temp
sensors
quadrupled
pregnancy
efficiency

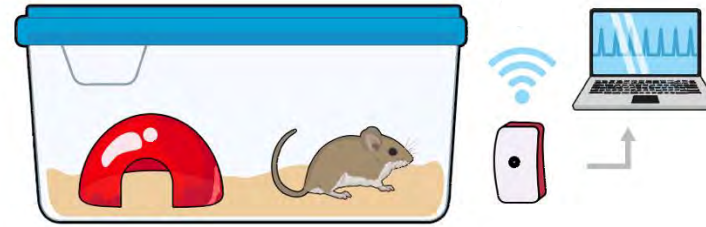


We realized
that we
could also
track
ovulation
using activity



We learned
that we
could track
ovulation
using
cameras

We tracked mice with
cheap cameras



We now have
hundreds of cameras!



Using cameras, we collected embryos & engineered the first white-footed mice



Camera-based estrous tracking enables transgenesis in *Peromyscus leucopus*, a model for Lyme disease and aging

Joanna Buchthal^{1,2,*,*}, Emma J. Chory^{1,3,4,*}, Zachary Hill¹, Christy Dennison¹, Boqiang Tu^{1,3}, Rick P. Wierenga¹, Çağrı Çevrim⁵, Stefan Golas¹, Gabriel Meier^{6,7}, Tammy C.T. Lan^{8,9}, Hattie Chung¹⁰, Magalie Boucher¹¹, Sam R. Telford¹², Kara L. McKinley^{5,13}, Rudolf Jaenisch^{5,14}, Styliani Markoulaki⁸, Kevin M. Esvelt^{1,*,*}

Affiliations

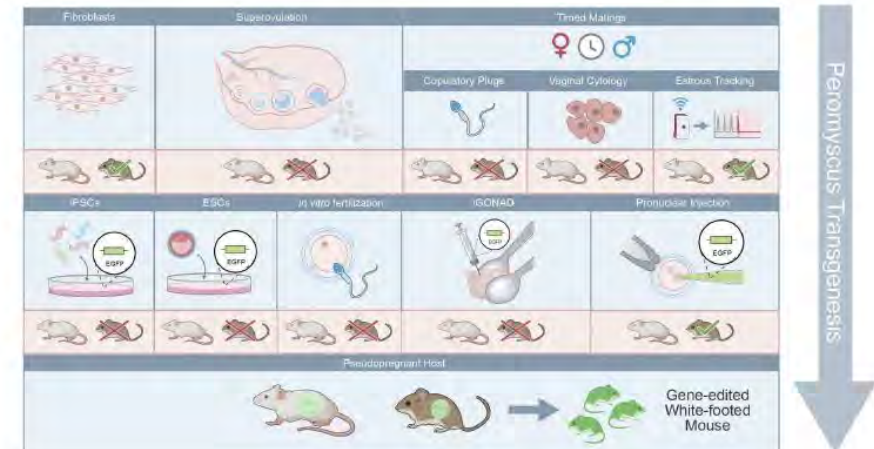
- ¹ Media Laboratory, Massachusetts Institute of Technology, Cambridge, MA 02139, USA.
- ² Mice Against Ticks, Lincoln, MA 01773, USA.
- ³ Department of Biological Engineering, Massachusetts Institute of Technology, Cambridge, MA 02139, USA.
- ⁴ Department of Biomedical Engineering, Duke University, Durham, NC 27705, USA.
- ⁵ Department of Stem Cell and Regenerative Biology, Harvard University, Cambridge, MA 02138, USA.
- ⁶ Whitehead Institute for Biomedical Research, Cambridge, MA 02142, USA.
- ⁷ RNA Biology and Molecular Physiology, Faculty for Biology, Bielefeld University, Bielefeld, Germany.
- ⁸ Broad Institute of Harvard and MIT, Cambridge, MA 02142, USA.
- ⁹ Department of Molecular and Cellular Biology, Harvard University, Boston, MA, USA.
- ¹⁰ Yale University School of Medicine, New Haven, CT 06520, USA.
- ¹¹ Division of Comparative Medicine, Massachusetts Institute of Technology, Cambridge, MA 02139, USA.
- ¹² Department of Infectious Disease and Global Health, Tufts University, Grafton, MA 01536, USA.
- ¹³ Howard Hughes Medical Institute, Cambridge, MA 02138, USA.
- ¹⁴ Department of Biology, Massachusetts Institute of Technology, Cambridge, MA 02139, USA.

✉ Mice Against Ticks correspondence directed to: buchthal@mit.edu

✉ Correspondence: esvelt@mit.edu

* Designates equal contribution

CRISPR/Cas9 has streamlined the production of genome-engineered mice, but most non-model rodents remain challenging to engineer due to our limited understanding of their reproductive biology. Here we present a low-cost, camera-based estrous tracking technology enabling transgenesis in the white-footed mouse *Peromyscus leucopus*, the primary reservoir for Lyme disease. We demonstrate the efficient generation of pregnant and pseudopregnant mice via timed ovulation, provide protocols for embryo generation, cultivation, and transplantation as well as an accurate developmental timeline, and report the first engineered *Peromyscus*. The same technology successfully tracked conserved estrous-linked cycling behavior in other rodents, including hamsters. Finally, estrous tracking differentiated reproductively-healthy, geriatric female *Peromyscus* from those with declining fertility based solely on their activity, providing a non-invasive method for studying reproductive senescence. Collectively, these tools advance the long-lived *Peromyscus* as a model organism and will prove essential to heritably immunizing wild rodent populations against Lyme disease.

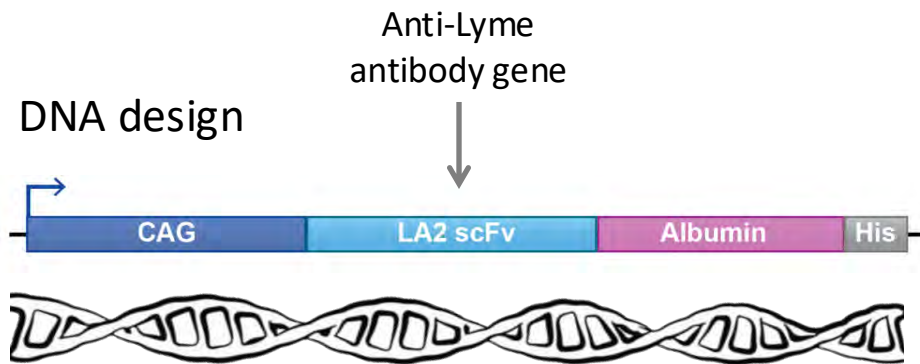




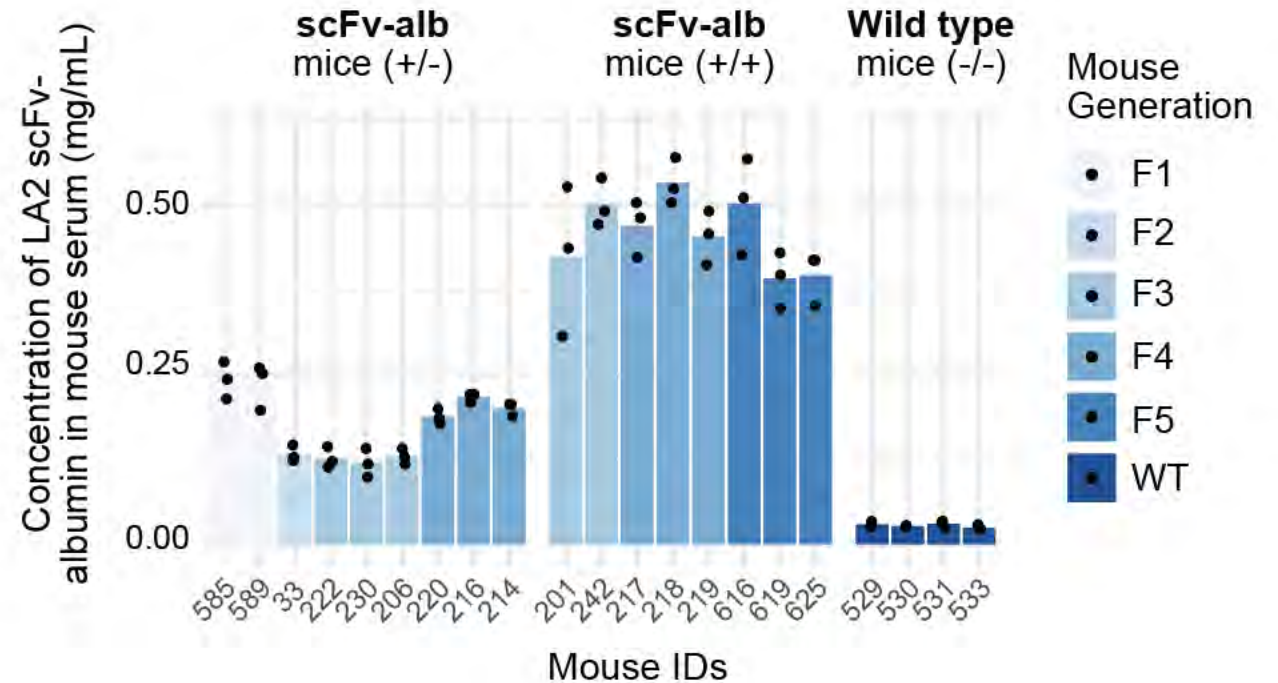
Now, we can engineer white-footed mice.

But how do you make Lyme-immune mice?

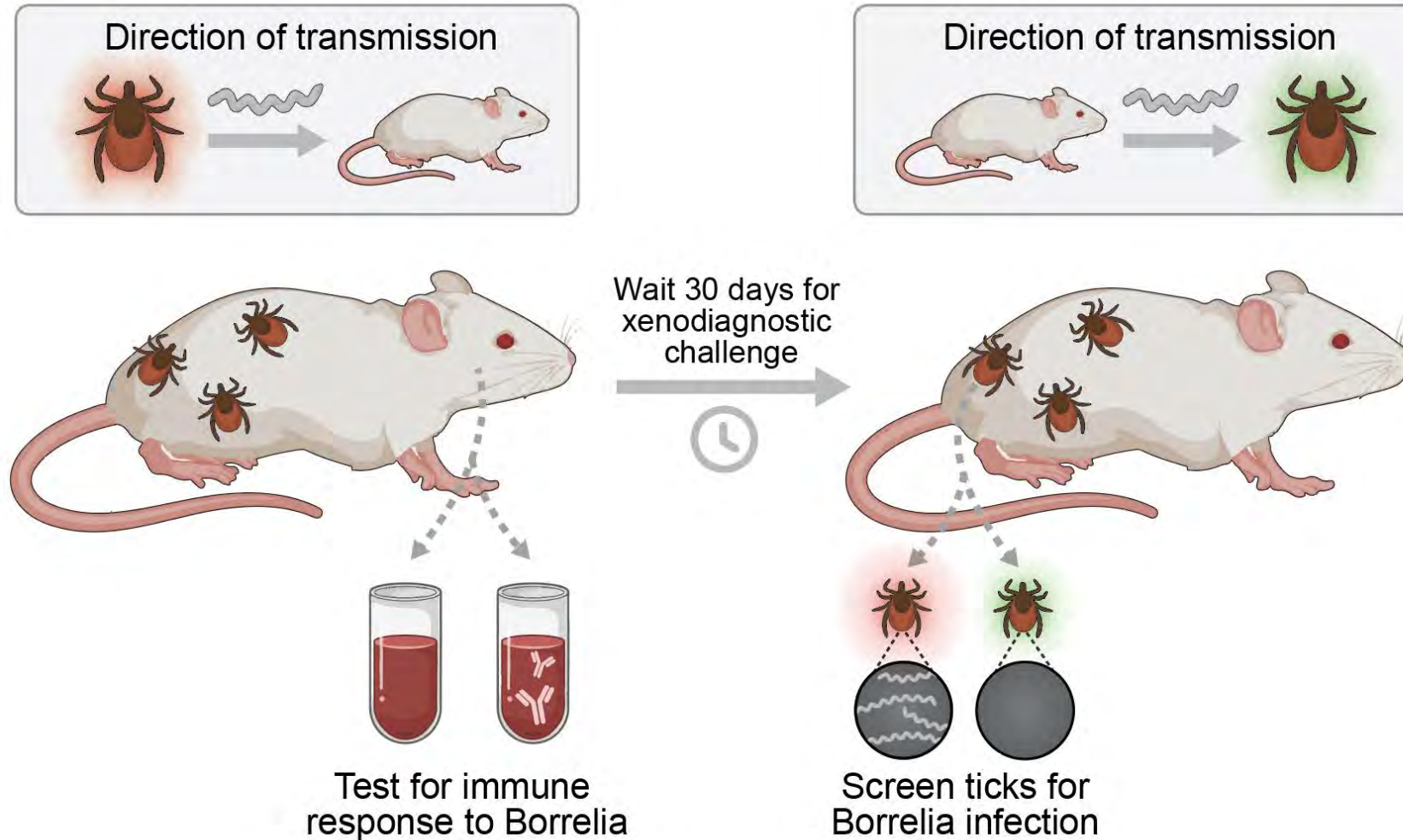
We took a well-known anti-Lyme antibody and inserted it into the genome of a lab mouse



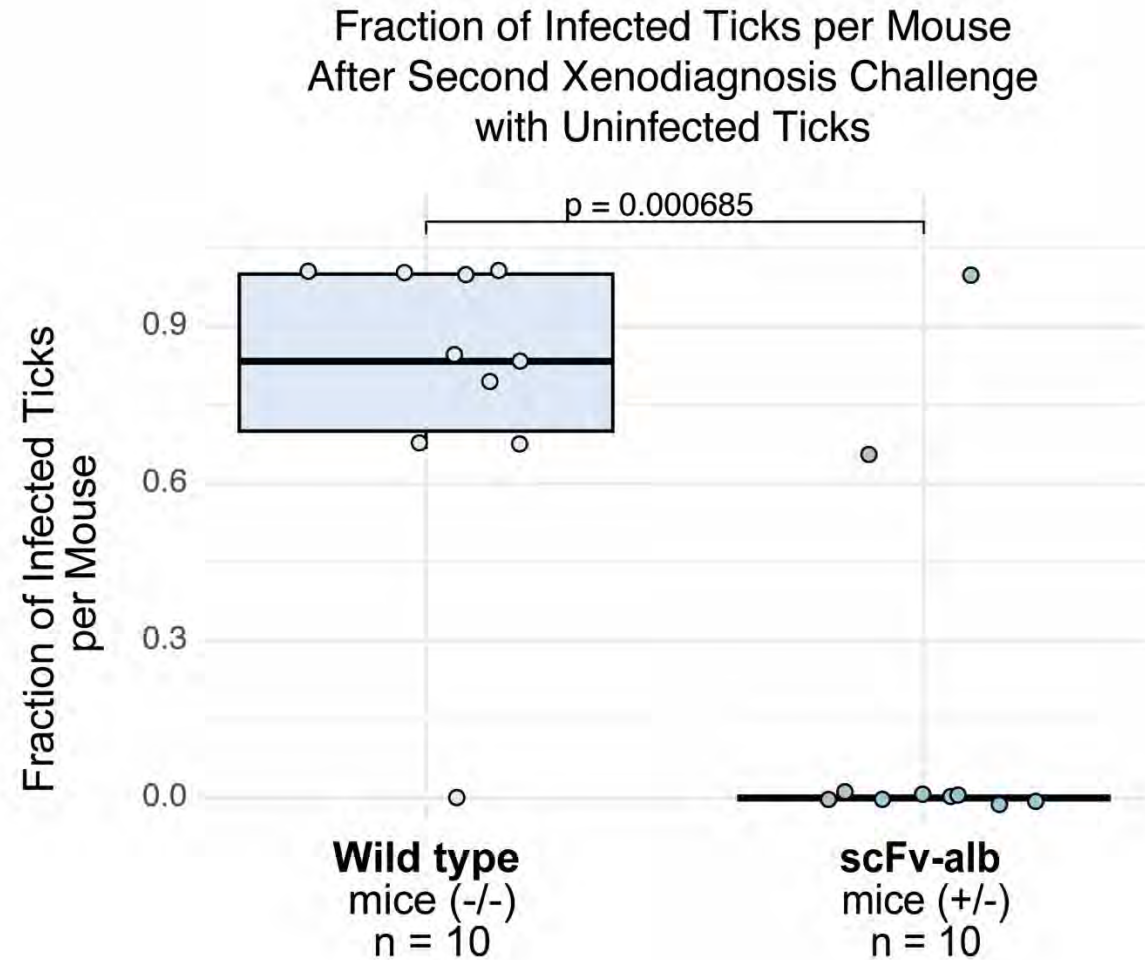
Our lab
mice produce
anti-Lyme
antibodies for at
least 6
generations



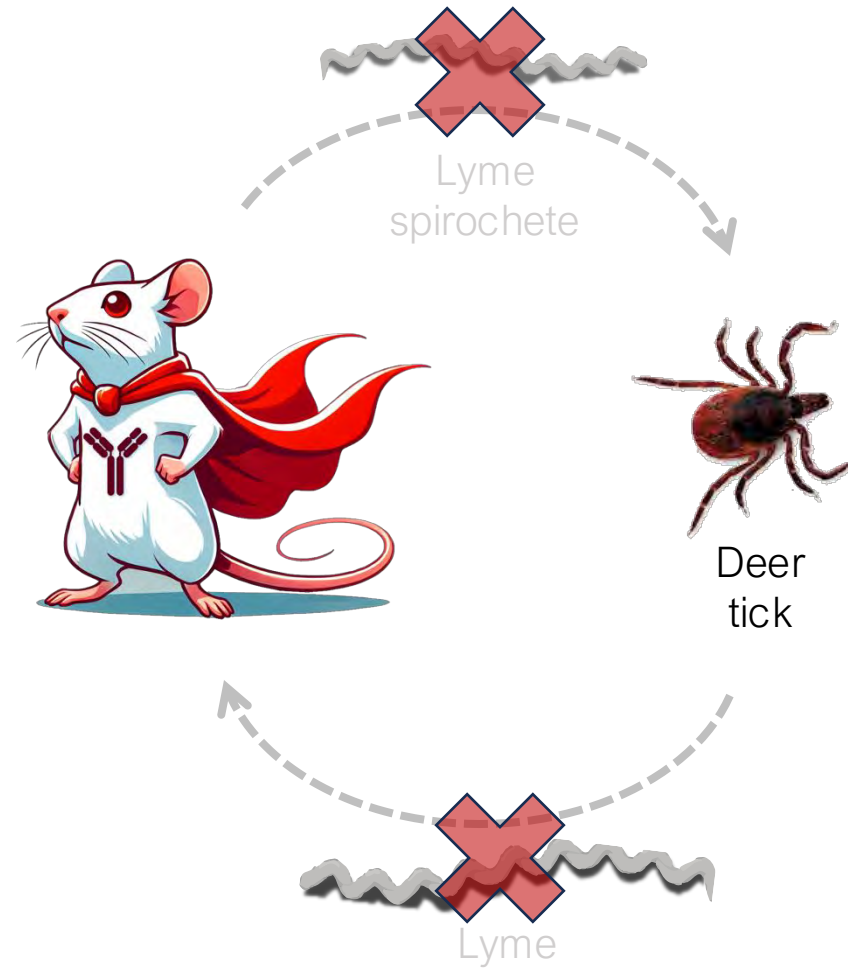
This is how Sam tests Lyme-immunity in the lab



Most
engineered
mice did not
transfer
Lyme to clean
ticks



Engineered mice break the disease transmission cycle



What's next for Mice Against Ticks?



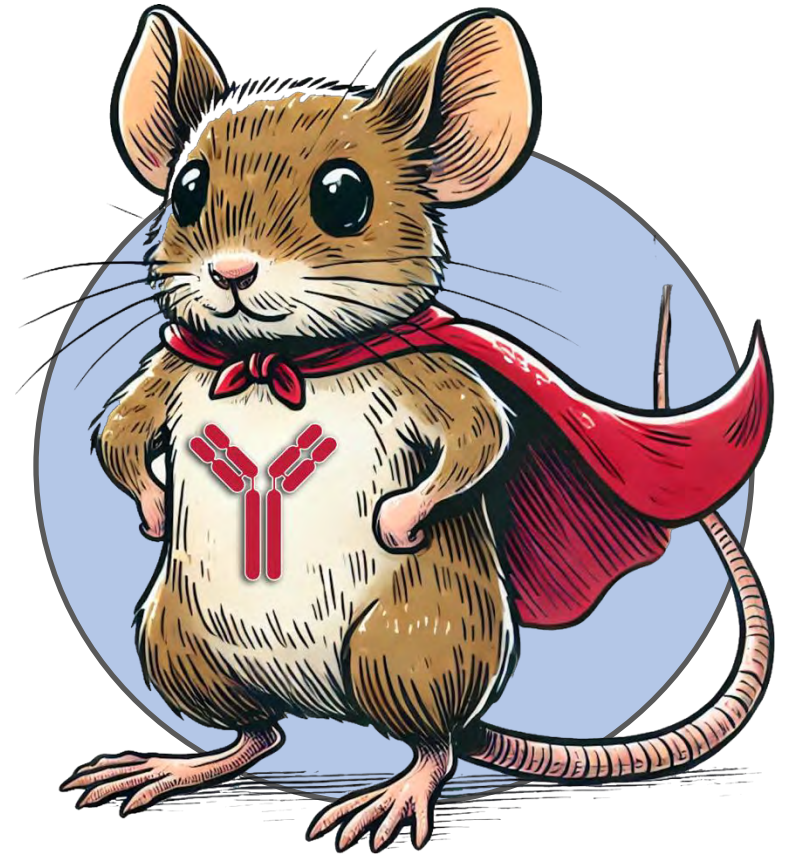
Combine our
Lyme-immune lab
mouse design...

+



with our
engineering
protocol and...

=



make Lyme-immune
white-footed mice!



Got questions or comments?

Get permethrin-treated socks!



Sam Telford



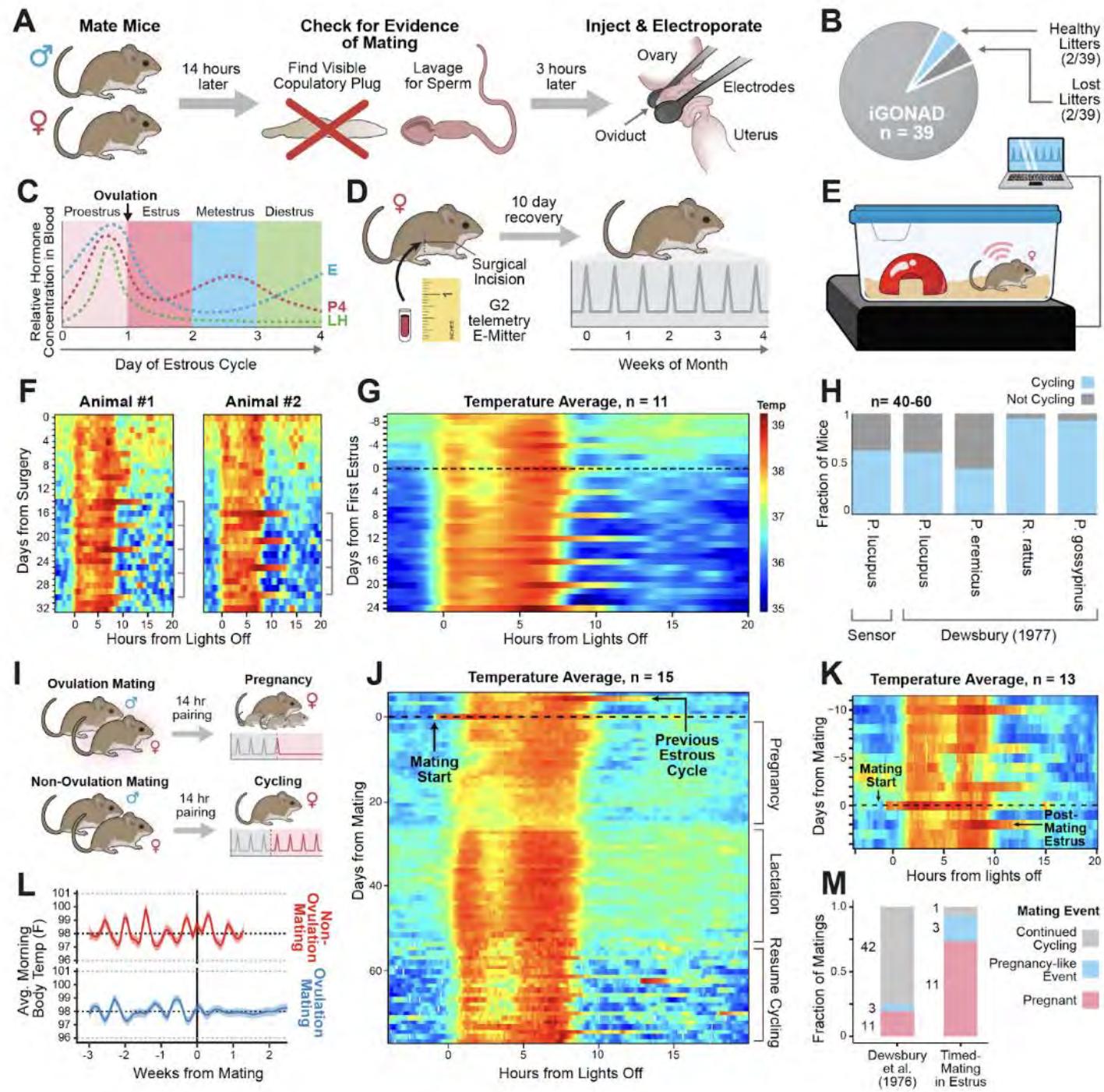
Kevin Esvelt

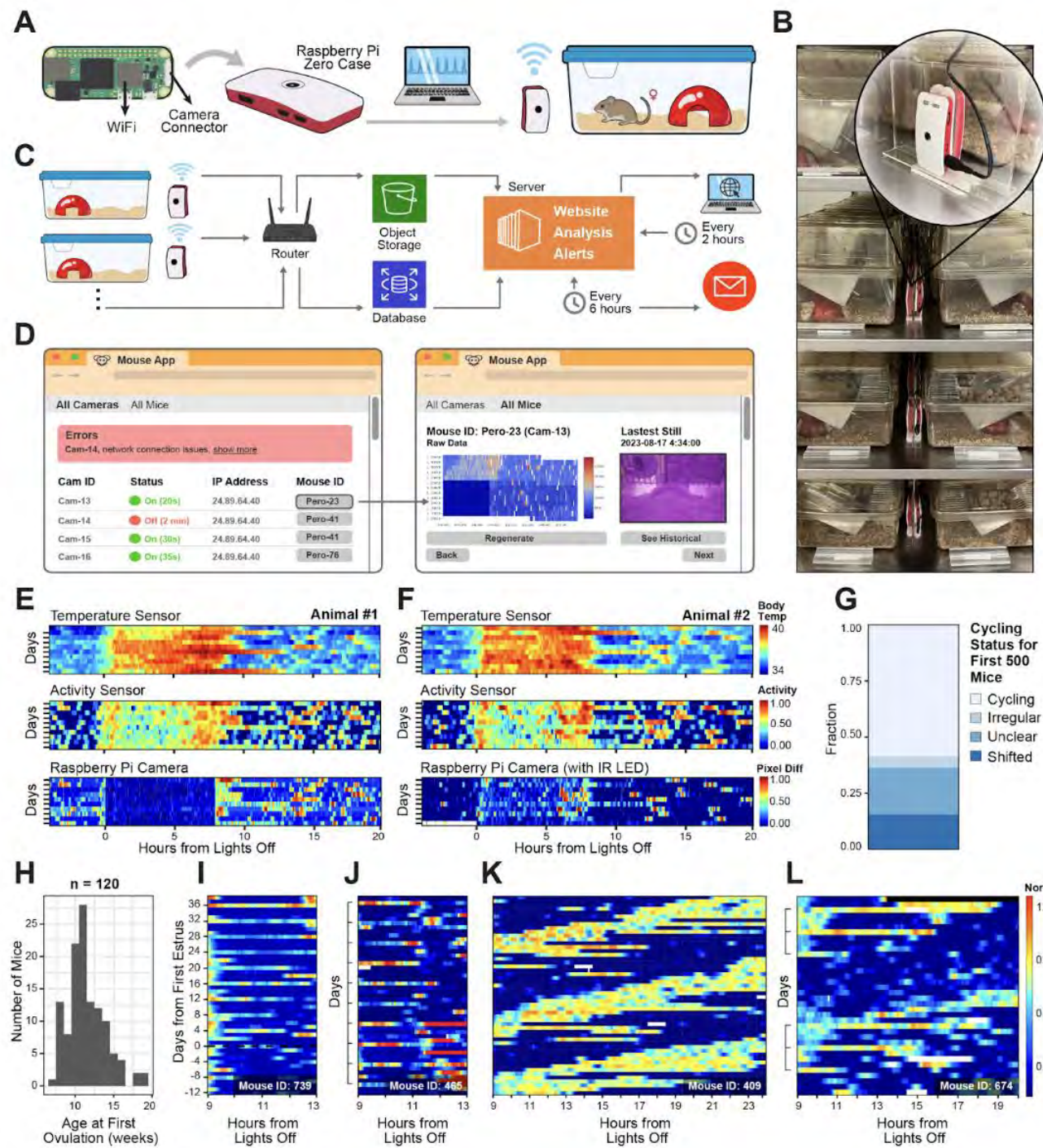


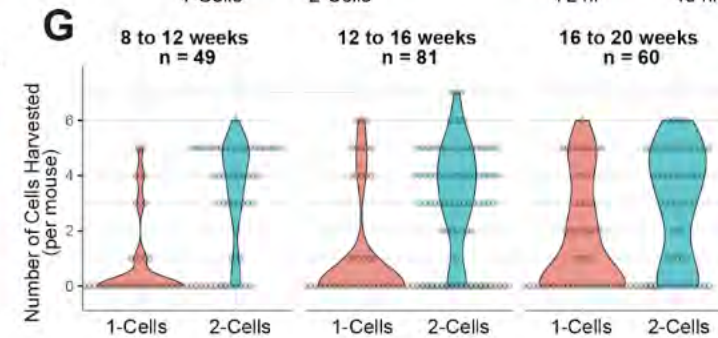
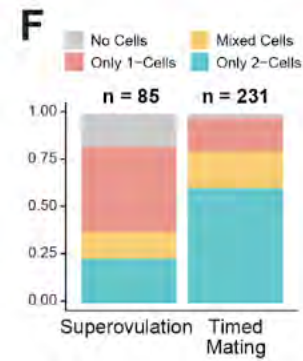
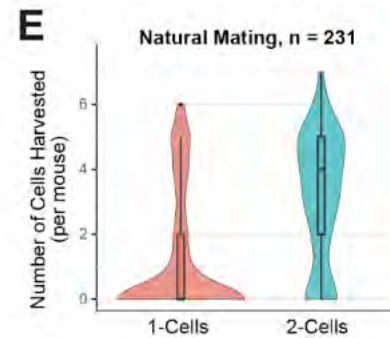
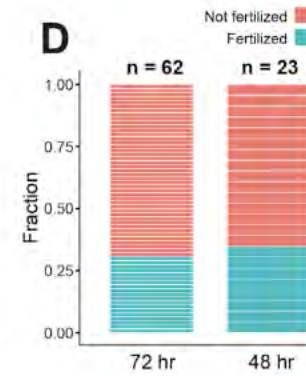
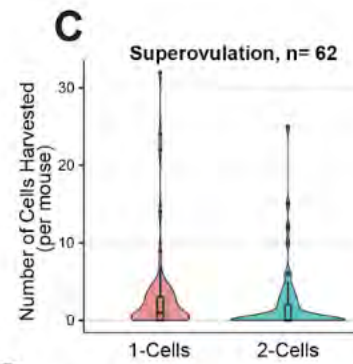
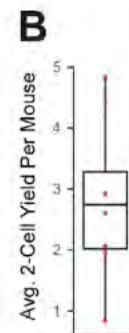
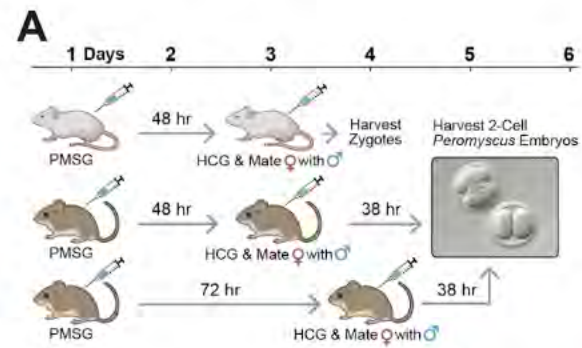
Jo Buchthal

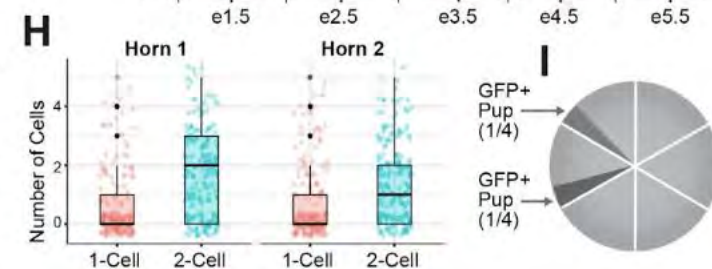
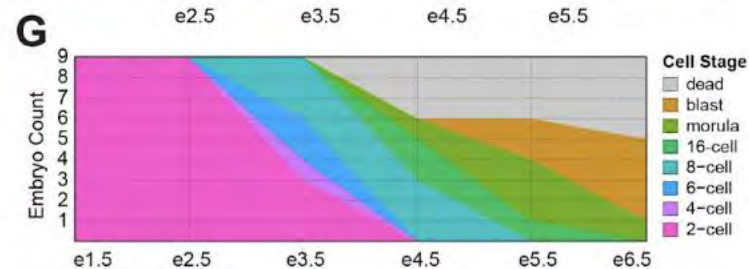
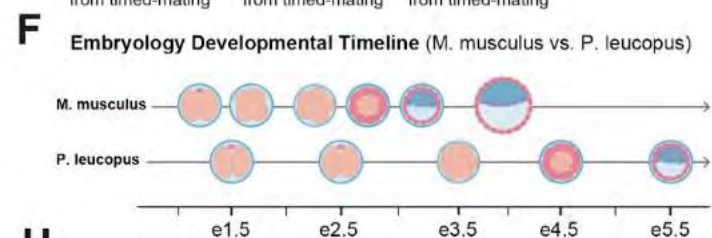
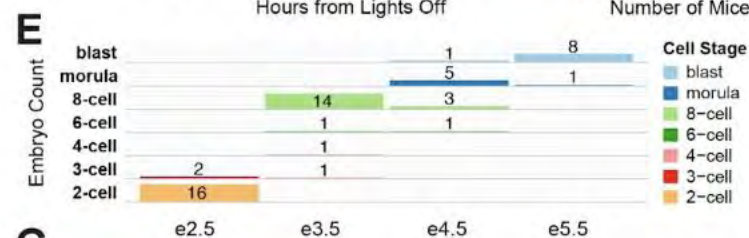
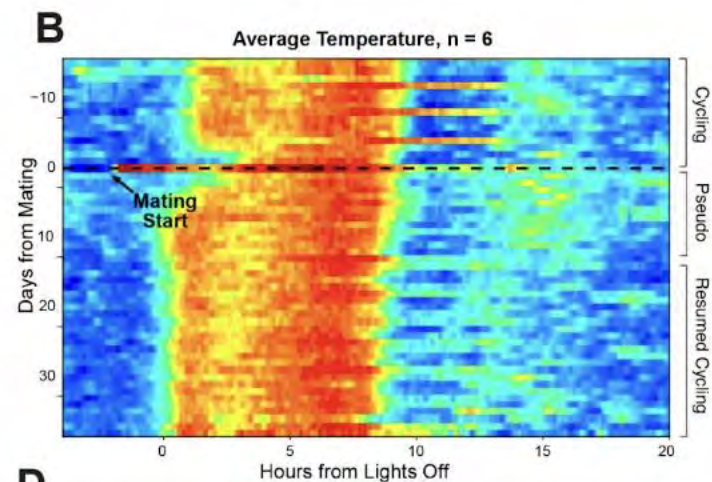
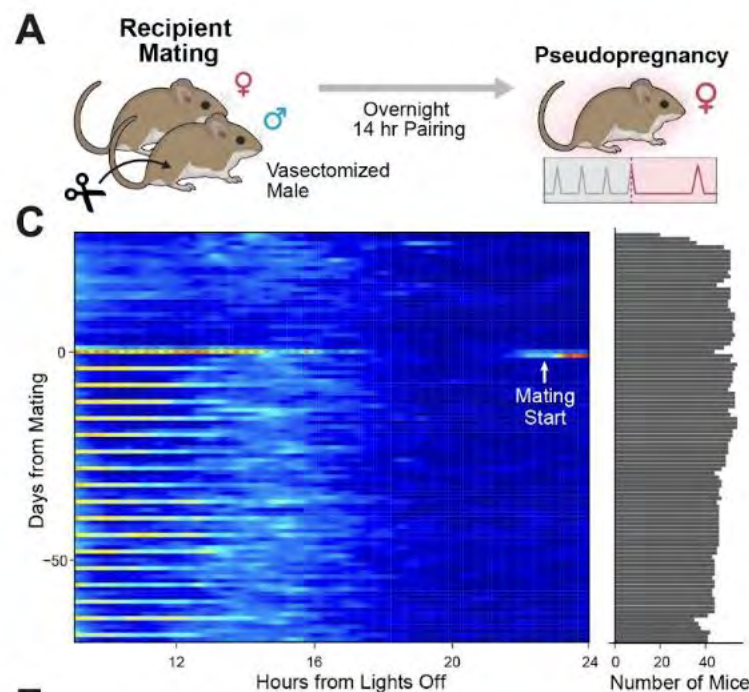
Insect Shield Sizing Chart

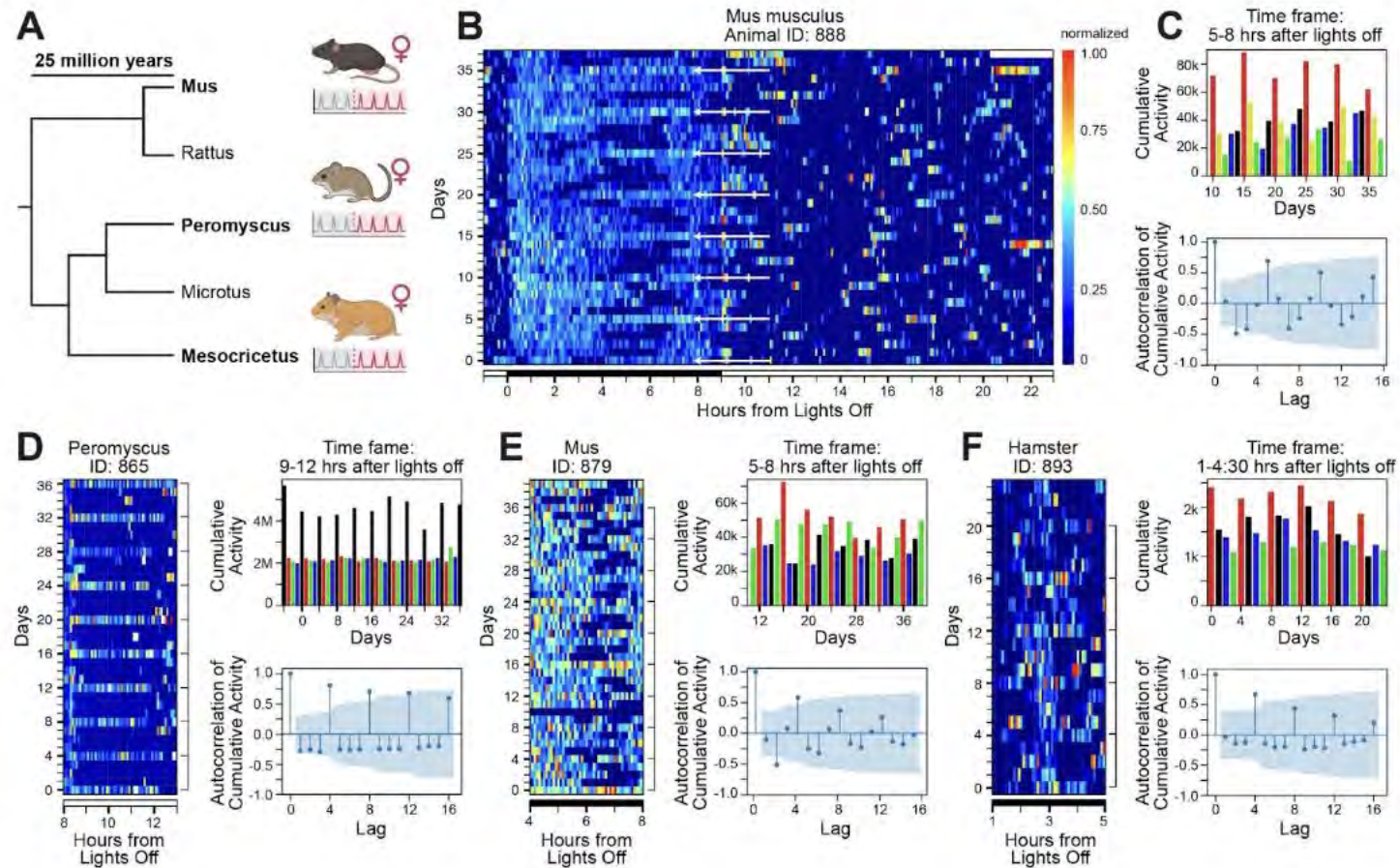
	M	L	XL
Sock Size	9 - 11	10 - 13	13 - 15
Men's Shoe	5 - 8	8½ - 12½	12½ - 15
Women's Shoe	5½ - 9	9½ - 12	12+
Foot Length	8½ - 10	10 - 11½	11½ - 12

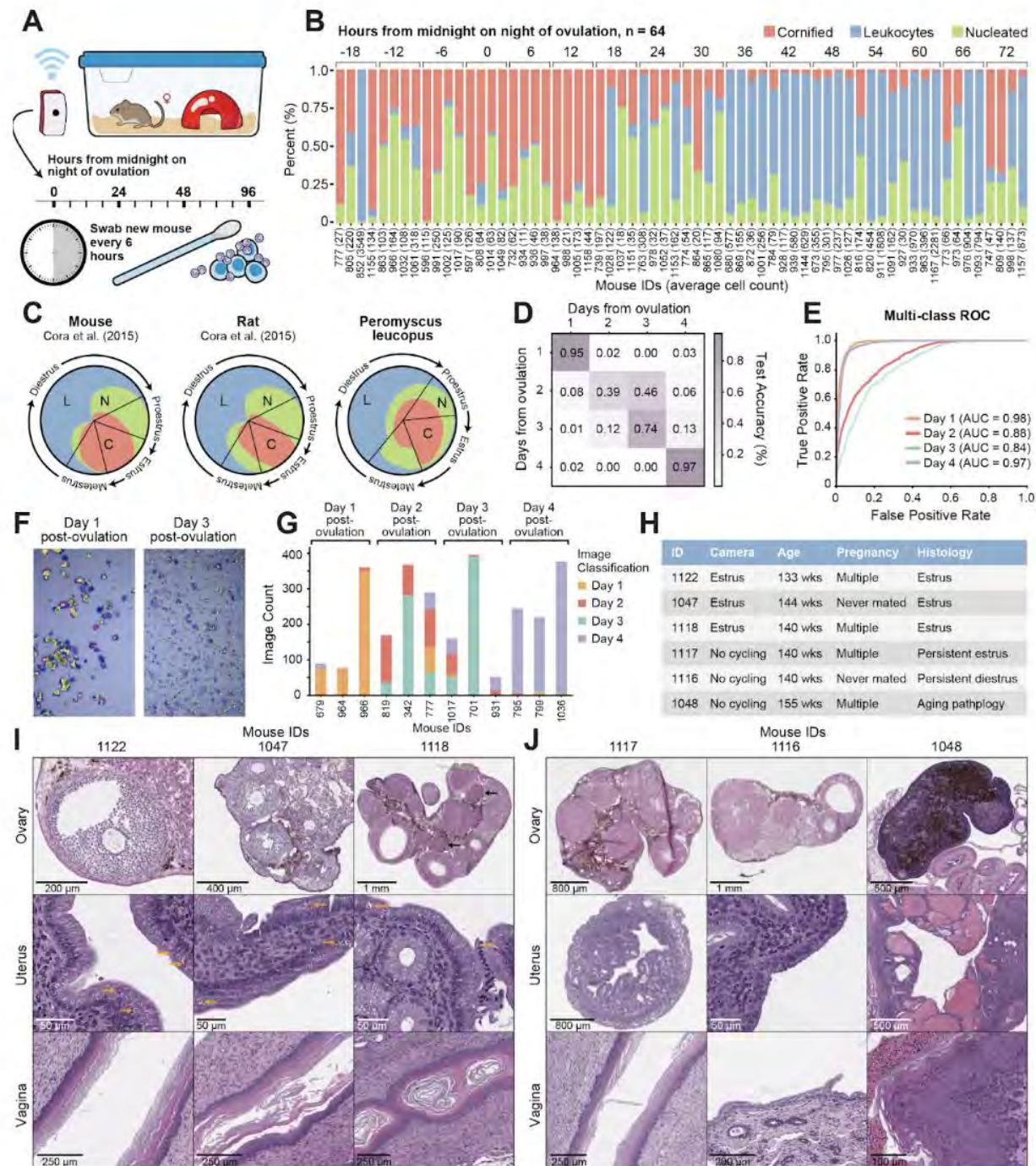














Agenda Item Summary

Agenda Item #	VIII. 2.
Date	10/23/2024

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Request of approval and execution of regulatory agreement and declaration of restrictive covenants for 12 Rental units in the Meadows II Workforce Rental Housing Development Project Phase V and VI known as Gooseberry Place.

Executive Summary

This is a routine request for the approval and execution of the Regulatory Agreement for the 12 rental units in Gooseberry Place. The document is reviewed by Town Counsel, EOHLC and The Richmond Company. The buy down of these twelve units ensures all 55 units will be added to our Subsidized Housing Inventory (SHI) list.

Staff Recommendation

Approve and execute the Regulatory Agreement.

Background/Discussion

The approval and execution of the Regulatory Agreement secures the long-term affordability of the 12 Rental Units, two (2) at the 80% AMI or less level, five (5) at the 110% AMI or less level and five (5) at the 120% AMI or less level further ensures their long-term inclusion in our SHI.

The Affordable Housing Trust is funding a \$6,725,000 grant to Richmond Development to buy-down the affordability of 12 market rate units to affordable rents in the Gooseberry Place development. Richmond Development is building 55 units of rentals in Gooseberry Place within Meadows II. Of these 55 units, only 15 were reserved for households making 80% AMI in their original LIP. The buy-down program would increase this to 27 of the 55 units being affordable and introduce rentals at the 110% AMI and 120% AMI. The units are scheduled to be completed in November of 2024.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

In furtherance of the development of affordable / year-round housing.

Board/Commission Recommendation

The Affordable Housing Trust unanimously approved this grant at their 4/30/24 meeting

Public Outreach

N/A



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

Strategic Plan – Housing Goal of remaining in Safe Harbor and providing greater housing opportunities to year-rounders

Attachments

- 1) Regulatory Agreement



**THE
RICHMOND
COMPANY, INC.**

**23 Concord Street
Wilmington, MA 01887
(978) 988-3900 • Fax (978) 988-3950**

October 3, 2024

VIA FEDERAL EXPRESS - Trk# 7790 0149 1233

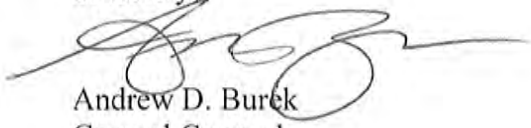
Kristie L. Ferrantella, Housing Director
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

RE: Third Amendment to Local Initiative Program Regulatory Agreement and
Declaration of Restrictive Covenants For "Meadows II" Workforce Rental
Housing Development Project – Local Action Units

Dear Kristie:

Enclosed with this correspondence please find the Developers' execution to the above-mentioned (3rd) Amendment to Regulatory Agreement, delivered in triplicate. I ask that you please obtain and return to me three (3) original, notarized executions given on behalf of the Town for my subsequent deliver to the Executive Office of Housing and Livable Communities (EOHLC). Kindly contact me by telephone at (617) 467-0192 or by e-mail to aburek@richmondco.com with any questions or concerns in this regard.

Sincerely,


Andrew D. Burek
General Counsel

Enc.

THIRD AMENDMENT TO
LOCAL INITIATIVE PROGRAM REGULATORY AGREEMENT
AND
DECLARATION OF RESTRICTIVE COVENANTS
FOR
“MEADOWS II” WORKFORCE RENTAL HOUSING DEVELOPMENT PROJECT
Local Action Units

This Third Amendment to Regulatory Agreement and Declaration of Restrictive Covenants for “Meadows II” Workforce Rental Housing Development Project (this “Amendment”) is made this ____ day of _____, 2024, by and among the Commonwealth of Massachusetts, acting by and through the Executive Office of Housing and Livable Communities (“EOHLC”), as they are the successor agency to the Department of Housing and Community Development, and duly organized and existing pursuant to G.L. c. 23B, as amended by Chapter 7 of the Acts of 2023, the Town of Nantucket (the “Municipality”), Richmond Great Point Development, LLC, a Delaware limited liability company, having an address at 23 Concord Street, Wilmington, Massachusetts 01887, and its successors and assigns, Richmond Meadows Two ACK, LLC, a Massachusetts limited liability company, having its address at 23 Concord Street, Wilmington, Massachusetts, and its successors and assigns, and Richmond Meadows Two P2A, LLC, a Massachusetts limited liability company, having its address at 23 Concord Street, Wilmington, Massachusetts, and its successors and assigns, and Richmond Meadows Two P3P4, LLC, a Massachusetts limited liability company, having its address at 23 Concord Street, Wilmington, Massachusetts, and Richmond Meadows Two P5P6, LLC, a Massachusetts limited liability company, having its address at 23 Concord Street, Wilmington, Massachusetts, and their respective successors and assigns (Richmond Great Point Development, LLC, Richmond Meadows Two ACK, LLC, and Richmond Meadows Two P2A, LLC, Richmond Meadows Two P3P4, LLC, and Richmond Meadows Two P5P6, LLC, being hereinafter collectively referred to as the “Developer”). Except as otherwise herein defined, capitalized terms used throughout this Amendment shall have the same meaning as given to them in the Agreement.

WITNESSETH:

WHEREAS, EOHLC, the Municipality, Richmond Great Point Development, LLC, Richmond Meadows Two ACK, LLC, Richmond Meadows Two P2A, LLC, and Richmond Meadows Two P3P4, LLC are the parties to that certain Regulatory Agreement and Declaration of Restrictive Covenants for “Meadows II” Workforce Rental Housing Development Project (the “Agreement”), dated as of May 3, 2019 and registered as Document No. 161871 with the Nantucket County Registry District of the Land Court; and

WHEREAS, the Agreement was first amended by a certain First Amendment to Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for “Meadows II” Workforce Rental Housing Development Project dated December 14, 2021 and registered with the Nantucket Registry District of the Land Court as Document No. 173044 and filed with Certificate of Title No. 28,341; and

WHEREAS, the Agreement was second amended by a certain Second Amendment to Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for “Meadows II” Workforce Rental Housing Development Project dated December 28, 2022 and registered with the Nantucket Registry District of the Land Court as Document No. 176183 and filed with Certificate of Title No. 26,865; and

WHEREAS, the Developer, by and through its affiliate Richmond Meadows Two P5P6, LLC, has proposed to construct subsequent phases of the Project containing an additional fifty-five (55) units on land located at 1, 2&4, and 3&5 Gooseberry Place (“Phase 6”) and 6, 7, and 8 Gooseberry Place (“Phase 5”), Nantucket, Massachusetts, which property is more particularly described in Exhibit A attached hereto and incorporated herein by this reference, to be known as Phase 5 and Phase 6 of the “Meadows II”; and

WHEREAS, Section 1(a) of the Agreement provides for categories and an allocation of the Low and Moderate Income Units to be constructed and made available to Eligible Tenants in the Project; and

WHEREAS, Section 2(a) of the Agreement defines an Eligible Tenant as a Family whose annual income does not exceed eighty (80%) percent of the Area median income adjusted for family size as determined by HUD; and

WHEREAS, with the agreement of EOHLC and the Municipality, the Developer previously modified certain aspects of the Project and the Regulatory Agreement to provide for six (6) units of rental housing available to households earning from less than fifty (50%) of AMI, and to convert six (6) units of market rate rental housing for rental to households earning less than one hundred (100%) percent of AMI; and

WHEREAS, with the agreement of EOHLC and the Municipality, the Developer also previously modified certain aspects of the Project and the Regulatory Agreement to provide for six (6) units of rental housing available to households earning from less than seventy (70%) of AMI, and to convert twelve (12) units of market rate rental housing for rental to households earning less than one hundred ten (110%) percent of AMI and one hundred twenty (120%) percent of AMI, evenly; and

WHEREAS, the Developer has proposed to further modify the Project and the Regulatory Agreement to provide for the conversion of two (2) additional units of rental housing available to households earning from less than eighty (80%) of AMI, and to convert an additional ten (10) units of market rate rental housing for rental to households earning less than one hundred ten (110%) percent of AMI and one hundred twenty (120%) percent of AMI, evenly; and

WHEREAS, Section 10(b) of the Agreement provides in part that the Developer shall not change the type or number of Low and Moderate Income Units without the prior written approval of EOHLC and the Municipality and an amendment to the Agreement; and

WHEREAS, EOHLC, the Municipality and the Developer have agreed to amend the Agreement to memorialize the proposed changes to the income-mix (type) of the Low and Moderate Income Units;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, EOHLC, the Municipality, and the Developer hereby covenant and agree as follows:

1. Amendments to the Agreement. (A) Notwithstanding the text of the Agreement, the Project is to consist of a total number of two hundred twenty-five (225) rental dwellings (the “Units”), fifty-nine (59) of which units will be rented at rents specified in this Agreement to Eligible Tenants as specified in Section 2 of this Agreement (the “Low and Moderate Income Units”), and twenty-eight (28) of which will be rented at rents specified in this Agreement to Workforce Eligible Tenants as specified in Section 2 of this Agreement (the “Workforce Program Units”).

(B) The text of Section 1(a) of the Agreement shall be deleted in its entirety and replaced with the following text:

“1. Construction.

(a) The Developer agrees to construct the Project in accordance with plans and specifications approved by the Municipality (the “Plans and Specifications”). In addition, all Low and Moderate Income Units to be constructed as part of the Project must be indistinguishable from other Units in the Project from the exterior (unless the Project has an approved “Alternative Development Plan” as set forth in the Guidelines) and must contain complete living facilities including but not limited to a stove, refrigerator, kitchen cabinets, plumbing fixtures, and washer / dryer hookups, all as more fully shown in the Plans and Specifications.

50% AMI Restricted Low and Moderate Income Units:

- 2 of the 50% Low and Moderate Income Units shall be studio units;
- 4 of the 50% Low and Moderate Income Units shall be one bedroom units;
- 0 of the 50% Low and Moderate Income Units shall be two bedroom units; and
- 0 of the 50% Low and Moderate Income Units shall be three bedroom units;

70% AMI Restricted Low and Moderate Income Units:

- 2 of the 70% Low and Moderate Income Units shall be studio units;
- 2 of the 70% Low and Moderate Income Units shall be one bedroom units;
- 1 of the 70% Low and Moderate Income Units shall be two bedroom units; and

1 of the 70% Low and Moderate Income Units shall be three bedroom units;

80% AMI Restricted Low and Moderate Income Units:

12 of the 80% Low and Moderate Income Units shall be studio units;
22 of the 80% Low and Moderate Income Units shall be one bedroom units;
9 of the 80% Low and Moderate Income Units shall be two bedroom units; and
4 of the 80% Low and Moderate Income Units shall be three bedroom units;

100% AMI Restricted Workforce Program Units:

2 of the 100% Workforce Program Units shall be studio units;
3 of the 100% Workforce Program Units shall be one bedroom units;
1 of the 100% Workforce Program Units shall be two bedroom units; and
0 of the 100% Workforce Program Units shall be three bedroom units;

110% AMI Restricted Low and Moderate Income Units:

1 of the 110% Workforce Program Units shall be studio units;
7 of the 110% Workforce Program Units shall be one bedroom units;
2 of the 110% Workforce Program Units shall be two bedroom units; and
1 of the 110% Workforce Program Units shall be three bedroom units;

120% AMI Restricted Low and Moderate Income Units:

3 of the 120% Workforce Program Units shall be studio units;
3 of the 120% Workforce Program Units shall be one bedroom units;
4 of the 120% Workforce Program Units shall be two bedroom units; and
1 of the 120% Workforce Program Units shall be three bedroom units;

Market Rate Units:

25 of the Market Rate Units shall be studio units;
73 of the Market Rate Units shall be one bedroom units;
24 of the Market Rate Units shall be two bedroom units; and
16 of the Market Rate Units shall be three bedroom units.

(C) Exhibit B to the Agreement shall be deleted and entirely replaced with the Exhibit B attached to this Amendment and incorporated herein by this reference.

2. **Section 10(b) Consent.** Insofar as applicable and necessary, EOHLC and the Municipality hereby consent to the changes to the type of Low and Moderate Income Units at the Project and to all other incidental related changes to the Project as are set forth in or resulting from this Amendment.

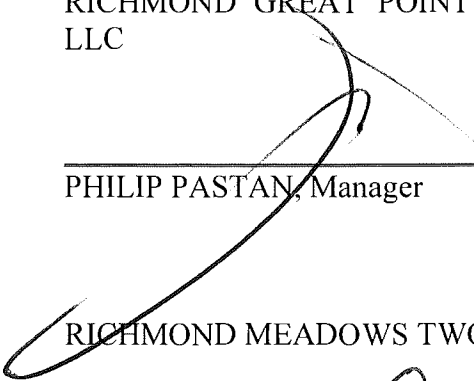
3. **Confirmation.** Except as hereinabove amended, the Agreement shall remain in full force and effect including specifically, but without implied limitation, the provision of Section

3 concerning eligibility of the entirety of the Units at the Project to be included in the Subsidized Housing Inventory of the Town of Nantucket and the term of the affordable housing restriction for the Project shall remain a perpetual restriction as described in Section 13 of the Agreement. Except as set forth herein, the parties agree as of the date of this Amendment that no condition of default exists and no condition has occurred which with the giving of notice or the passage of time, or both, would otherwise constitute a default under the Agreement.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.
SIGNATURES APPEAR ON THE FOLLOWING PAGE(S).]**

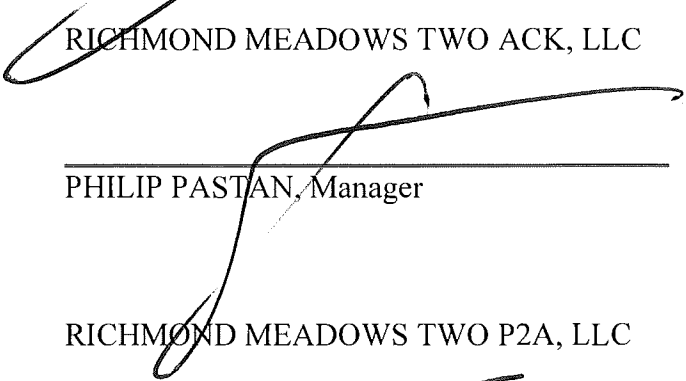
IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to Regulatory Agreement and Declaration of Restrictive Covenants to be executed as a sealed instrument as of the day and year first above written.

RICHMOND GREAT POINT DEVELOPMENT,
LLC



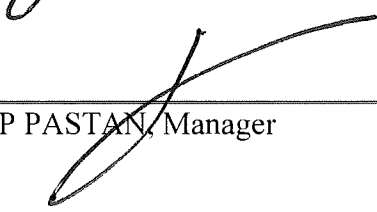
PHILIP PASTAN, Manager

RICHMOND MEADOWS TWO ACK, LLC



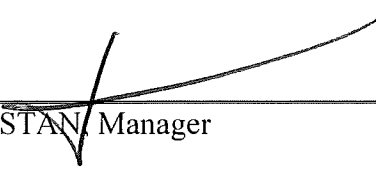
PHILIP PASTAN, Manager

RICHMOND MEADOWS TWO P2A, LLC



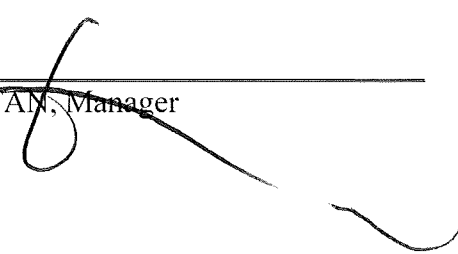
PHILIP PASTAN, Manager

RICHMOND MEADOWS TWO P3P4, LLC



PHILIP PASTAN, Manager

RICHMOND MEADOWS TWO P5P6, LLC



PHILIP PASTAN, Manager

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

By: _____
Its:

TOWN OF NANTUCKET
By its Select Board

By: _____
BROOKE MOHR, Chair

Attachments: Exhibit A - Legal Property Description
Exhibit B - Rents for Low and Moderate Income Units and for Workforce Program Units

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Middlesex, ss.

On this 1st day of October, 2024, before me, the undersigned notary public, personally appeared PHILIP PASTAN, proved to me through satisfactory evidence of identification, ~~which were~~ as he is personally known to me, to be the person whose name is signed on the preceding document, as Manager of RICHMOND GREAT POINT DEVELOPMENT, LLC and acknowledged to me that he signed it voluntarily for its stated purpose.

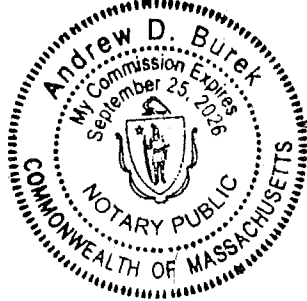



Notary Public
My Commission Expires: 9/25/2026

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Middlesex, ss.

On this 1st day of October, 2024, before me, the undersigned notary public, personally appeared PHILIP PASTAN, proved to me through satisfactory evidence of identification, ~~which were~~ as he is personally known to me, to be the person whose name is signed on the preceding document, as Manager of RICHMOND MEADOWS TWO ACK, LLC and acknowledged to me that he signed it voluntarily for its stated purpose.



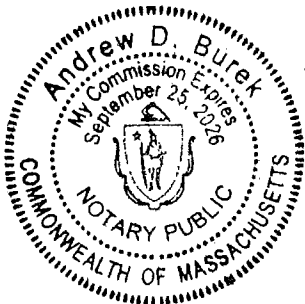

Notary Public

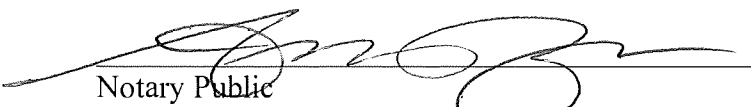
My Commission Expires: 9/25/2026

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Middlesex, ss.

On this 1st day of October, 2024, before me, the undersigned notary public, personally appeared PHILIP PASTAN, proved to me through satisfactory evidence of identification, ~~which were~~ as he is personally known to me, to be the person whose name is signed on the preceding document, as Manager of RICHMOND MEADOWS TWO P2A, LLC and acknowledged to me that he signed it voluntarily for its stated purpose.



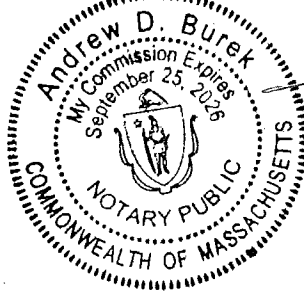

Notary Public

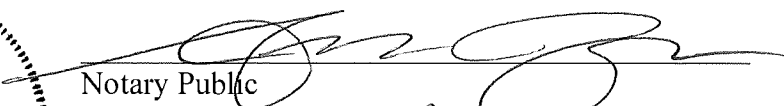
My Commission Expires: 9/25/2026

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Middlesex ss.

On this 1st day of October, 2024, before me, the undersigned notary public, personally appeared PHILIP PASTAN, proved to me through satisfactory evidence of identification, ~~which were~~ as he is personally known to me, to be the person whose name is signed on the preceding document, as Manager of RICHMOND MEADOWS TWO P3P4, LLC and acknowledged to me that he signed it voluntarily for its stated purpose.



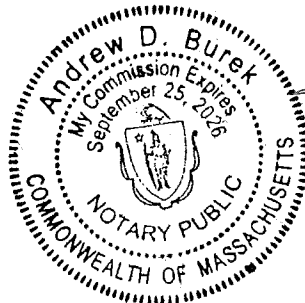

Notary Public

My Commission Expires: 9/25/2026

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Middlesex ss.

On this 1st day of October, 2024, before me, the undersigned notary public, personally appeared PHILIP PASTAN, proved to me through satisfactory evidence of identification, ~~which were~~ as he is personally known to me, to be the person whose name is signed on the preceding document, as Manager of RICHMOND MEADOWS TWO P5P6, LLC and acknowledged to me that he signed it voluntarily for its stated purpose.




Notary Public

My Commission Expires: 9/25/2026

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as _____ for the Commonwealth of Massachusetts acting by and through the Department of Housing and Community Development, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NANTUCKET, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared BROOKE MOHR, proved to me through satisfactory evidence of identification, which is personal knowledge of the undersigned to be the person whose name is signed on the preceding document, as Chair of the Select Board of the Town of Nantucket, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Re: Meadows II
Nantucket, Massachusetts
Richmond Great Point Development, LLC
Richmond Meadows Two ACK, LLC
Richmond Meadows Two P2A, LLC
Richmond Meadows Two P3P4, LLC
Richmond Meadows Two P5P6, LLC

Property Description

Two (2) certain parcels of land, with the buildings and improvements thereon, situated in Nantucket Town and County, Commonwealth of Massachusetts, shown as:

Lot 964 on Land Court Plan 16514-118; and

Lot 965 on Land Court Plan 16514-118

For title, see Certificate of Title No. 28,994.

EXHIBIT B

Re: “Meadows II” Workforce Rental Apartment Development Project
Nantucket, Massachusetts
Richmond Great Point Development, LLC
Richmond Meadows Two ACK, LLC
Richmond Meadows Two P2A, LLC
Richmond Meadows Two P3P4, LLC
Richmond Meadows Two P5P6, LLC

Initial Maximum Monthly Gross Rents,
Monthly Utility Allowances for Low and Moderate Income Units and for Workforce Program
Units; Net Initial Maximum Monthly Rents

	<u>Monthly Gross Rents</u> <u>Calculated Per</u> <u>Income Limits *</u>	<u>Monthly Utility</u> <u>Allowance **</u>	<u>Initial Maximum</u> <u>Monthly Rent Paid</u> <u>by Eligible</u> <u>Tenant***</u>
<u>50% Low and Moderate Income Units</u>			
Studio units	\$1,340	\$166	\$1,174
One bedroom units	\$1,531	\$195	\$1,336
Two bedroom units	\$ n/a	\$ n/a	\$ n/a
Three bedroom units	\$ n/a	\$ n/a	\$ n/a
Four bedroom units	\$ n/a	\$ n/a	\$ n/a
<u>70% Low and Moderate Income Units</u>			
Studio units	\$1,678	\$166	\$1,512
One bedroom units	\$1,919	\$195	\$1,724
Two bedroom units	\$2,159	\$254	\$1,905
Three bedroom units	\$2,398	\$312	\$2,086
Four bedroom units	\$ n/a	\$ n/a	\$ n/a
<u>80% Low and Moderate Income Units</u>			
Studio units	\$ 1,918	\$166	\$ 1,752
One bedroom units	\$ 2,193	\$195	\$1,998
Two bedroom units	\$2,467	\$254	\$2,213
Three bedroom units	\$2,741	\$312	\$2,429
Four bedroom units	\$ n/a	\$ n/a	\$ n/a
<u>100% Workforce Program Units</u>			
Studio units	\$ 2,380	\$ n/a	\$2,380

One bedroom units	\$2,867	\$ n/a	\$2,867
Two bedroom units	\$3,190	\$ n/a	\$3,190
Three bedroom units	\$ n/a	\$ n/a	\$ n/a
Four bedroom units	\$ n/a	\$ n/a	\$ n/a

110% Workforce Program Units

Studio units	\$2,380	\$ n/a	\$2,380
One bedroom units	\$3,173	\$ n/a	\$3,173
Two bedroom units	\$3,535	\$ n/a	\$3,535
Three bedroom units	\$3,898	\$ n/a	\$3,898
Four bedroom units	\$ n/a	\$ n/a	\$ n/a

120% Workforce Program Units

Studio units	\$2,380	\$ n/a	\$2,380
One bedroom units	\$3,317	\$ n/a	\$3,317
Two bedroom units	\$3,879	\$ n/a	\$3,879
Three bedroom units	\$4,281	\$ n/a	\$4,281
Four bedroom units	\$ n/a	\$ n/a	\$ n/a

* Note: The monthly gross rents set forth herein are based on the FY 2024 Low and Moderate Income Limits adjusted for household size, as determined and published by the United States Department of Housing and Urban Development (HUD).

** Note: The monthly utility allowances utilized herein are comprised of those published for electric heating, electric cooking, other electric, and electric water heating on the “*Allowances for Tenant-Furnished Utilities and Other Services*” dated 1/1/2024, for “Multi (5 + Unit) Unit Type, as determined and published by the Housing Assistance Corporation of Cape Cod (assuming that the Landlord pays for water and sewer services). Monthly Utility Allowances are not applicable to adjust gross rents calculated pursuant to applicable income limits.

*** Note: Initial maximum monthly rents calculated per applicable income limits for units restricted at AMI levels in excess of eighty (80%) percent may exceed applicable market-rate rents and will be adjusted down by the Developer to amounts not exceeding those charged for comparable unrestricted unit types.



Agenda Item Summary

Agenda Item #	IX. 1.
Date	10/23/2024

Staff

Tracy MacDonald, Real Estate Specialist

Subject

Conveyance of yard sale Parcel being a portion of 15 Ames Ave, Lots 33 and 34 in Block 31 on Land Court Plan 2408-M, owned by the Town of Nantucket by virtue of Certificate of Title No. 15829, as authorized by positive Vote on Article 81 of 2013 Annual Town Meeting.

Executive Summary

Conveyance of a portion of 15 Ames Avenue authorized by a positive Vote of Article 81 of the 2013 Annual Town Meeting being Lots 33 and 34 in Block 31 on Land Court Plan 2408-M owned by the Town of Nantucket by virtue of Certificate of Title No. 15829 and part of an RFP bid and assignment of rights to the owner of 17 Ames Avenue for \$8,000. Parcels are known as portion of Tax Assessor Map 60.2.4 Parcel 27 to be conveyed to the owner of Lots 23-30 in Block 31 shown on Plan 2408-M, owned by Lori Meinke pursuant to Certificate of Title No. The Real Estate Assessment Committee has reviewed and recommended this conveyance at their October 21, 2024 meeting. The Coastal Resilience Coordinator has reviewed and delivered an assessment as part of an assessment related to a larger scope of layout of Ames Avenue shown on Plan 2024-7.

Staff Recommendation

Proceed with the approval and execution of the documents. Town Counsel has prepared and reviewed the documents with buyer's counsel.

Background/Discussion

Order of Land Court dated April 30, 1993 and registered as Document No. 60952 on Certificate of Title No. 15829 and shown as Lots 33 and 34 in Block 31 on Land Court Plan 2408-M; acquired by the Town under a Tax Title foreclosure of Certificate of Title 618. These lots were successfully bid on by predecessor in title and assigned to the Meinekes at the time of their purchase of 17 Ames Avenue. As part of a larger scope of relocating Ames Avenue the Town will be doing a Taking and disposition which had required Article 97 legislation that was approved July 31, 2024. Dr. and Mrs. Meinke agreed to swap their remaining rights under the RFP in order to cooperate and facilitate the road relocation. This conveyance was not part of the overall road layout and therefore can be disposed in conjunction with the terms of the RFP for the consideration stated.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

To complete the conveyance of a previously authorized transaction at town meeting which will increase the tax base.



Board/Commission Recommendation

Real Estate Assessment Committee reviewed the conveyance on October 21, 2024; and the Coastal Resilience Coordinator reviewed.

Public Outreach

Conveyance approved at the 2013 Annual Town Meeting

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

Consistent with the Intent of the Yard Sale Program and Coastal Resilience Plans

Attachments

Purchase and Sale Agreement, Quitclaim Deed, certified ATM vote from Town Clerk, Settlement Statement, copies of plans, copy of GIS and Certificate of Title 15829.



PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of October 2024.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Select Board, having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Lori Meinke with a mailing address of 15 Dogwood Lane, Westport Connecticut hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises are comprised of a two certain parcels of land in Nantucket, Massachusetts located at Ames Avenue, shown as Lots 33 and 34 on Land Court Plan No. 2408-M containing 4,000± square feet, filed with the Nantucket Registry District of the Land Court(the "Property" or "Premises").

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Any liens for municipal betterments assessed after the date of this agreement;
- (b) Laws, by-laws, rules, and regulations, whether federal, state, or local, which affect the use of the Premises, including, but not limited to, rules and regulations of the Nantucket Conservation Commission, Nantucket Zoning By-Law, Nantucket Historic District Commission, Nantucket Building Department, Nantucket Planning Board and Nantucket Board of Health;
- (c) Real estate taxes for the then-current fiscal year and future periods, which are not due and payable at the time of delivery of the deed;
- (d) Any fee which may be imposed upon the transaction which is the subject of this agreement by the Nantucket Land Bank Commission, which the Buyer agrees to pay at the time of delivery of the deed;

(e) Any right, restrictions or easements and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises for residential purposes;

(f) Any public rights existing below mean high water, if applicable; and

(i) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property located at 17 Ames Avenue, Nantucket, Massachusetts, which is shown as Parcel 17 on Town Assessor's Map 60.2.4 for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with the existing property without the prior written permission of the Town of Nantucket Select Board.

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the BUYER shall deliver such plan with the deed in a form adequate for recording.

6. REGISTERED TITLE

In addition to the foregoing, if the title to the said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title to said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said premises is Eight Thousand and 00/100 Dollars (\$ 8,000.00), of which

\$ 400.00	was paid as a deposit
\$ 7,600.00	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or by attorney's IOLTA check.

<u>\$ 8,000.00</u>	Total
--------------------	-------

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 24th day of October, 2024, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then (a) in the same condition as they are now, and (b) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER

shall be entitled to personally inspect the premises prior to the delivery of the deed in order to determine whether the condition of the premises complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. In the event that such an extension occurs, BUYER agrees to close prior to expiration of the extension period and as soon as reasonably possible after SELLER is prepared to deliver the Premises in compliance with this Agreement. In no event shall SELLER be required to expend more than a total of \$1,000.00 to clear title to and deliver possession of the Premises.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

13. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

A payment in lieu of taxes shall be paid in accordance with G.L. c. 44, § 63A as of the day of performance of this Agreement and the amount thereof shall be added to the purchase price payable by BUYER at the time of delivery of the deed.

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

All deposits made hereunder shall be held in escrow by Town Treasurer, as escrow agent in a non-interest bearing account subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order by a Court having competent jurisdiction.

All deposits made hereunder shall be placed in a non-interest-bearing account. The escrow agent hereunder shall not be liable for any loss suffered with respect to the escrow account or for any action or inaction taken by the escrow agent in good faith with respect to the account or deposit. The escrow agent may resign at any time by transferring the deposit to a successor escrow agent reasonably acceptable to SELLER and BUYER which successor agrees in writing to act as escrow agent. BUYER and SELLER jointly and severally agree to indemnify and hold the escrow agent harmless for any and all costs and expenses, including reasonable attorney's fees, incurred in connection with any such dispute.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the SELLER'S sole and exclusive remedy at law and in equity for a breach of this agreement.

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER: NONE. SELLER and SELLER's agents have made no warranties or representations, express or implied, and BUYER is purchasing the premises in it's "AS IS" and without inspection.

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER or their respective counsel. The Parties may rely upon facsimile copies of such written instruments. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

Any matter relating to performance of this Agreement, which is the subject of a title, practice or ethical standard of the Real Estate Bar Association of Massachusetts shall be governed by such standard to the extent applicable.

29. NOTICES

All notices, demands, consents and approvals required or permitted hereunder shall be deemed to have been duly given if in writing addressed to BUYER or SELLER at:

In the case of BUYER:

Lori Meinke
15 Dogwood Lane
Westport, CT 06880-5022

With a copy to:

Arthur I. Reade, Jr., Esq.
Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way
Nantucket, MA 02554
(508) 228-3128

In the case of SELLER:

Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, MA 02554

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street, 12th Fl.
Boston, MA 02110
(617) 556-0007
Facsimile: (617) 654-1735

and shall be deemed delivered upon the earliest to occur of (a) receipt or refusal to accept delivery; or (b) upon delivery prior to 5:00 P.M. on any business day by telecopy evidenced by written or printed receipt confirmation, provided a copy of any such notice sent by telecopy is sent also by means of one of the above-described manners of delivery. BUYER and SELLER may change the address to which any notice is to be sent by giving reasonable notice to the other party of such new address in the manner specified.

30. NO BROKER WARRANTY

The parties warrant and represent each to the other that there is no broker involved with the transaction to which this agreement pertains. In the event of a breach of the foregoing representation, the breaching party shall indemnify and hold harmless the non-breaching party for all expenses, including attorney's fees, which arise from such breach. The provisions of this section shall survive delivery of the deed hereunder.

31. SELLER'S CONTINGENCY

SELLER'S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of the premises and obtaining all necessary authority to sell the premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

The parties hereto agree that all actions on this Agreement shall be brought in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Nantucket Division, to the extent that said Court shall have jurisdiction of the subject matter in any such action.

33. EXTENSION AUTHORITY

By executing this Agreement, Buyer and Seller hereby grant to their respective attorneys the actual authority to bind them by facsimile for the limited purpose of allowing them to grant extensions, and Buyer and Seller shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge that either party has disclaimed the authority granted herein to bind them.

34. CLOSING DOCUMENTS

BUYER agrees to sign at closing all forms reasonably required by SELLER including without limitation a disclosure statement pursuant to G.L. c. 7C, sec. 38. BUYER agrees to pay the legal costs incurred for preparing a Quitclaim Deed for the Premises.

35. MERGER OF PREMISES

BUYER shall consolidate the Premises with the BUYER'S existing abutting lot as set forth in the provisions of the "Nantucket Yard Sale Program." This consolidation process includes but is not limited to obtaining a special permit from the Zoning Board of Appeals to alter any premises which is a nonconforming lot pursuant to Town Code 139-33A (8) and, filing a new perimeter plan with the Nantucket Planning Board and Massachusetts Land Court, if applicable.

BUYER warrants that the Premises shall not be used as separate buildable lots or resold as a separate buildable lot and shall be used for residential uses only. Notwithstanding any provision herein to the contrary, BUYER shall accept the deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce such restrictions and covenants as follows:

"The Grantor's conveyance of the parcels described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcels shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property located at 17 Ames Avenue, shown on Town Assessor's Map 60.2.4 as Parcel 17, previously acquired by Grantee by Deed registered with the Nantucket County Registry District of the Land Court as Document No. 148429 on Certificate of Title No. 25668 (together, the "Combined Premises"), and that no part of such Parcels or the Combined Premises shall hereafter be used for non-residential purposes nor be hereafter divided, subdivided or conveyed as a separate parcel or parcels unless prior written permission is granted by the Town of Nantucket Select Board and such permission is filed with said Registry District of the Land Court. Accordingly, the Parcels hereby granted to the Grantee are conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcels and the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as may be amended from time to time, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcels to the Grantor, if within twenty-four months of the Date of the Deed, the Parcels have not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner

inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Select Board and filed with said Registry District of the Land Court.”

These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be “other restrictions held by any governmental body” pursuant to G.L. c. 184, Section 26 such that the restrictions contained herein shall be enforceable for the full term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the grantee hereby appoints the grantor as its agent and attorney in fact to execute and record such notice and further agrees that the grantee shall execute and record such notice upon request. The representations, warranties and provisions of this Section 35 shall survive the delivery of this deed and any conveyance of the Premises, and BUYER shall accept a deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce these covenants.

36. CONDITION OF PREMISES

BUYER acknowledges that prior to the date of this Agreement, BUYER entered the Premises for the purpose of surveying and inspecting the Premises, as necessary for BUYER’s financing and purchasing of the Premises and BUYER agrees that BUYER and BUYER’s agents fully and completely inspected the Premises, and that BUYER is wholly satisfied with the condition of the Premises. SELLER and SELLER’s agents have made no warranties or representations with respect to the Premises, express or implied, on which BUYER has relied except as otherwise set forth in this Agreement. In the event that BUYER and/or BUYER’s agents, contractors and employees access the Premises to make any further inspections, assessments, surveys, appraisals or other non-invasive examination of the surface of the Premises, then such access shall be solely at the BUYER’s risk, and BUYER shall indemnify and save SELLER harmless from any and all claims, demands, suits or causes of action of any nature whatsoever arising from BUYER’s and its agents’, contractors’ and employees’ presence at and/or actions upon or about the Premises, including, without limitation, any claim for personal injury or property damage made by any such person afforded access to the Premises pursuant hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the Premises.

37. REPRESENTATION BY COUNSEL

BUYER and SELLER each acknowledge and agree that they have by counsel of their own choosing or have had an opportunity to be so represented by counsel, and both BUYER and SELLER have read and understand the terms of this Agreement.

38. ASSIGNMENT AND RECORDING OF AGREEMENT

BUYER shall not file this Agreement with any Registry of Deeds or recording office. BUYER shall not assign this Agreement to any party without SELLER’s prior written consent, which consent SELLER may withhold for any or no reason. In the event BUYER files or assigns this Agreement without SELLER’s prior written consent, then SELLER may elect, upon written notice to BUYER, to

terminate this Agreement and to retain any and all deposits.

39. SEVERABILITY

If this Agreement shall contain any term or provision which shall be invalid, then the remainder of the Agreement, as the case may be, shall not be affected thereby and shall remain valid and in full force and effect to the fullest extent permitted by law, provided such term or provision does not materially affect the obligations of either of the parties nor the essence of the Agreement.

Signature Page to Follow

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

Dawn E. Hill Holdgate

BUYER:

By: _____
Lori Meinke

9458282NANT19712/0001

QUITCLAIM DEED
Lots 33 and 34, Ames Avenue
Nantucket, Massachusetts

The **TOWN OF NANTUCKET**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the "Grantor"), in consideration of Eight Thousand and 00/100 Dollars (\$8,000.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 81 voted upon at the 2013 Annual Town Meeting, a certified copy of which is attached hereto, grants to **LORI MEINKE**, of 15 Dogwood Lane, Westport, Connecticut 06880-5022 (the "Grantee"), with QUITCLAIM COVENANTS, two certain parcels of land in Nantucket, Massachusetts shown as Lots 33 and 34, Ames Avenue, in Block No. 31, shown on Land Court Plan No. 2408, dated April 30, 1912 filed with the Nantucket Registry District of the Land Court containing 4,000± square feet. The premises hereby conveyed are vacant land (the "Lots").

The Grantor's conveyance of these Lots is based in part on the Grantee's warranty and representation to the Grantor that such Lots shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 17 Ames Avenue shown on Town Assessor's Map 60.2.4 as Parcel 17, previously acquired by Grantee pursuant to a Deed filed with said Registry District of the Land Court as Document No. 148429, noted on Certificate of Title No. 25668 (collectively, the "Combined Premises"), and that no part of such Lots or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate lot or lots, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is filed with said Registry District of the Land Court. Accordingly, the Lots hereby granted to the Grantee are conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Lots and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Lots to the Grantor, if within twenty-four (24) months of the date of this Deed, the Lots have not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and filed with said Registry District of the Land Court.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44, §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Certificate of Title No. 15829 filed with the Nantucket Registry District of the Land Court.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this _____ day of _____, 2024.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

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

Notary Public
My Commission Expires:

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.

ARTICLE 81

(Real Estate Conveyance: Various "Paper" Streets and Misc. Parcels)

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, (2) dedicate all or any portion of the subject land for open space and recreational purposes, and/or (3) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following 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);
- 5 (Lot 3 containing 38,010 square feet shown on Plan 2010-35 on file at the Nantucket Registry of Deeds) and 9 (Lot 2 containing 26,461 square feet shown on Plan 2010-35 on file at the Nantucket Registry of Deeds) Miacomet Road, Assessor Map 67 Parcels 680 and 679;
- 143B Surfside Road, Map 80 Parcel 101.3;
- 143A Surfside Road, Map 80 Parcel 101.2;
- 2 Ames Avenue, Map 60 Parcel 138 (Madaket);
- 15 Ames Avenue, Map 60.2.4 Parcels 27 and 29 (Madaket);

- Parcel G and a portion of Parcel C on Plan No. 2012-20 (formerly part of the Boulevarde (Madequecham));

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 81 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 (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the following subject land pursuant to Chapter 30B of the Massachusetts General Laws and guidelines established under the “Nantucket Yard Sales” program on file at the Board of Selectmen’s office or (2) dedicate all or any portion of the following land for open space and recreational purposes, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following subject 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 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);

- 143B Surfside Road, Map 80 Parcel 101.3;
- 143A Surfside Road, Map 80 Parcel 101.2;
- 2 Ames Avenue, Map 60 Parcel 138 (Madaket);
- 15 Ames Avenue, Map 60.2.4 Parcels 27 and 29 (Madaket);
- Parcel G and a portion of Parcel C on Plan No. 2012-20 (formerly part of the Boulevarde (Madequecham));

And further that the Board of Selectmen is authorized to (1) dedicate all or any portion of the following subject land for open space and recreational purposes, and/or (2) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the following subject land to the Nantucket Islands Land Bank,

- 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 provided that an easement to retain or develop walking trails for use by the general public is retained over any portion of the land that is conveyed to the Nantucket Islands Land Bank;
- 5 (Lot 3 containing 38,010 square feet shown on Plan 2010-35 on file at the Nantucket Registry of Deeds) and 9 (Lot 2 containing 26,461 square feet shown on Plan 2010-35 on file at the Nantucket Registry of Deeds) Miacomet Road, Assessor Map 67 Parcels 680 and 679;

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 81 Acquisition and Disposition of Various “Paper” Streets and Misc. Parcels” dated January 2013 and filed herewith at the Office of the Town Clerk.

ARTICLE 82

(Real Estate Acquisition: 42 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for roadway, bike path, pedestrian access, school-related or cemetery purposes, and if acquired for cemetery purposes, to place such property in the care, custody and control of the Nantucket Cemetery Commission:

- Assessors Map 55 Parcel 601 known as 42 Sparks Avenue shown as Lot A containing 13,816 square feet of land

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Lori Meinke ("Buyer")
Lots 33 and 34, Ames Avenue
Nantucket, MA (Property)
October 24, 2024 (Closing Date)

Purchase Price: \$ 8,000.00

Less:

Deposit \$ 400.00

Plus:

Payment in Lieu of Tax Adjustment
10/24/2024-06/30/2025 \$ 5.00

Reimbursement of Town's Legal Fees \$ 1,200.00

Net Amount Due Seller: \$ 9,605.00

Checks:

Town of Nantucket \$ 9,605.00

BUYER:

SELLER: TOWN OF NANTUCKET
By its Select Board

Lori Meinke

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

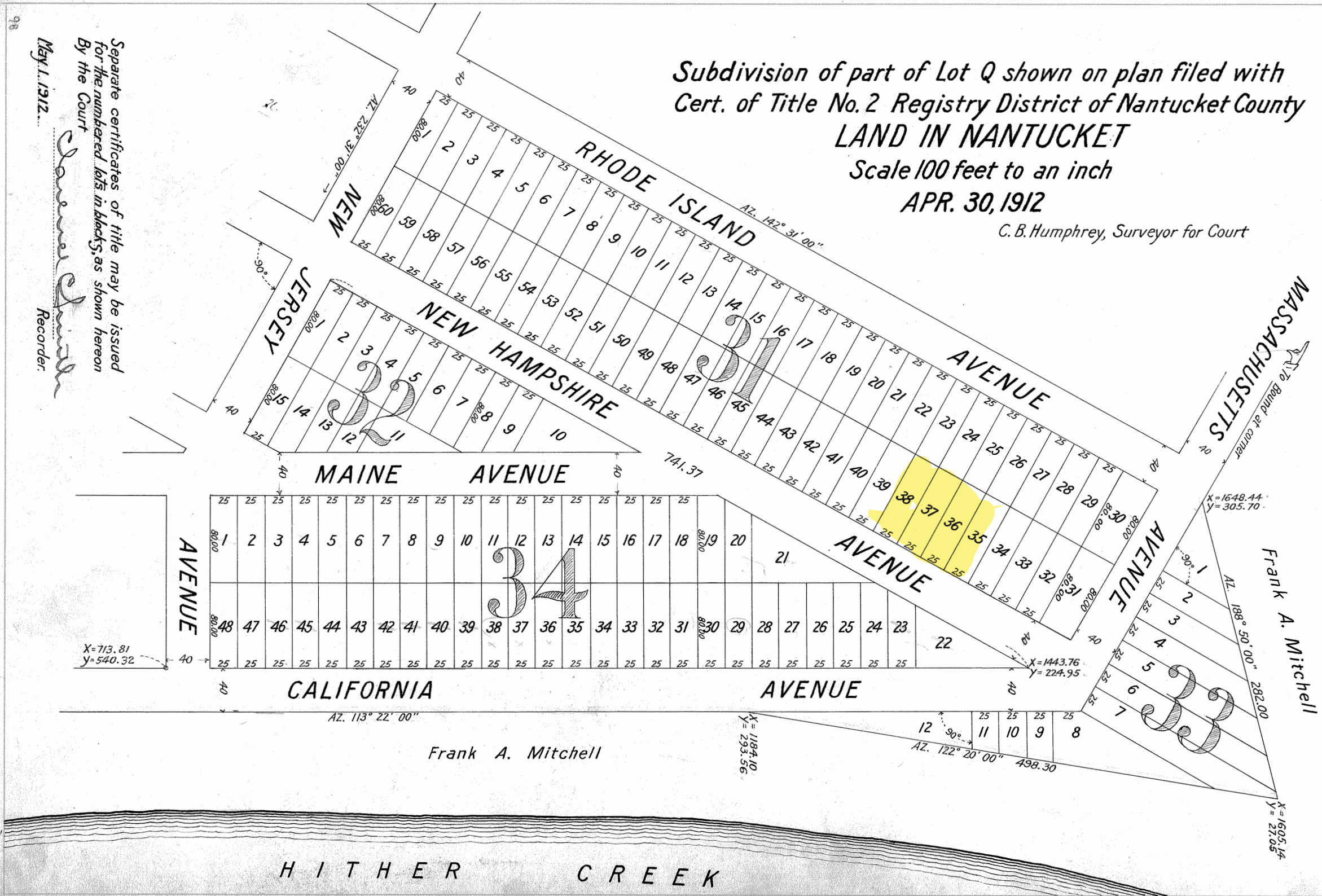
Malcolm W. MacNab

Dawn E. Hill Holdgate

Subdivision of part of Lot Q shown on plan filed with
Cert. of Title No. 2 Registry District of Nantucket County
LAND IN NANTUCKET
Scale 100 feet to an inch
APR. 30, 1912

C. B. Humphrey, Surveyor for Court

Separate certificates of title may be issued
for the numbered lots in blocks as shown hereon
By the Court
James Smith
Recorder
May 1, 1912.



2408 M

Lot No. on plan filed with Certificate.
No. and this Certificate cancelled as to such lot.

Sanitary Engineering Division

May 4, 1912

RECEIVED FOR REGISTRATION.

9 O'CLOCK .. m ..

Attest: Laminator & Binder
Assistant Recorder

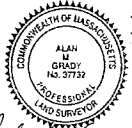
NANTUCKET REGISTRY
OF DEEDS
Date: May 3, 2024
Time: 2:14 PM
Plan No: 2024-7
Sheet 1 of 1



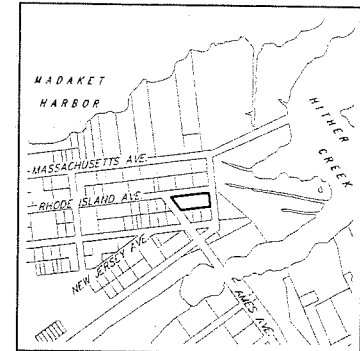
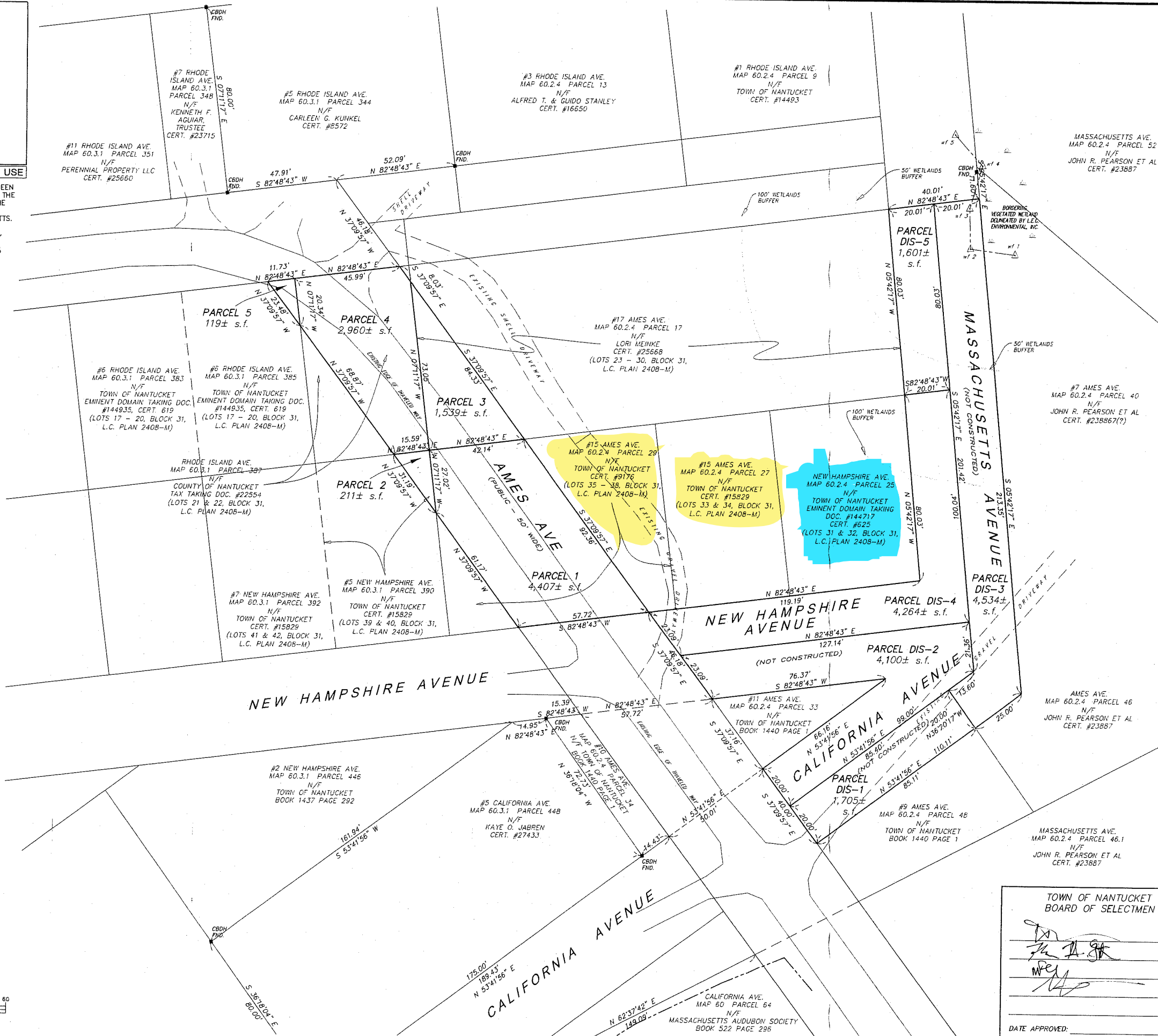
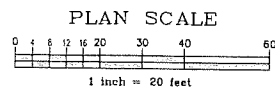
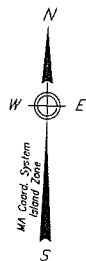
Blk: Pg: 0 Page: 0
Doc: PLAN 05/03/2024 02:14 PM

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

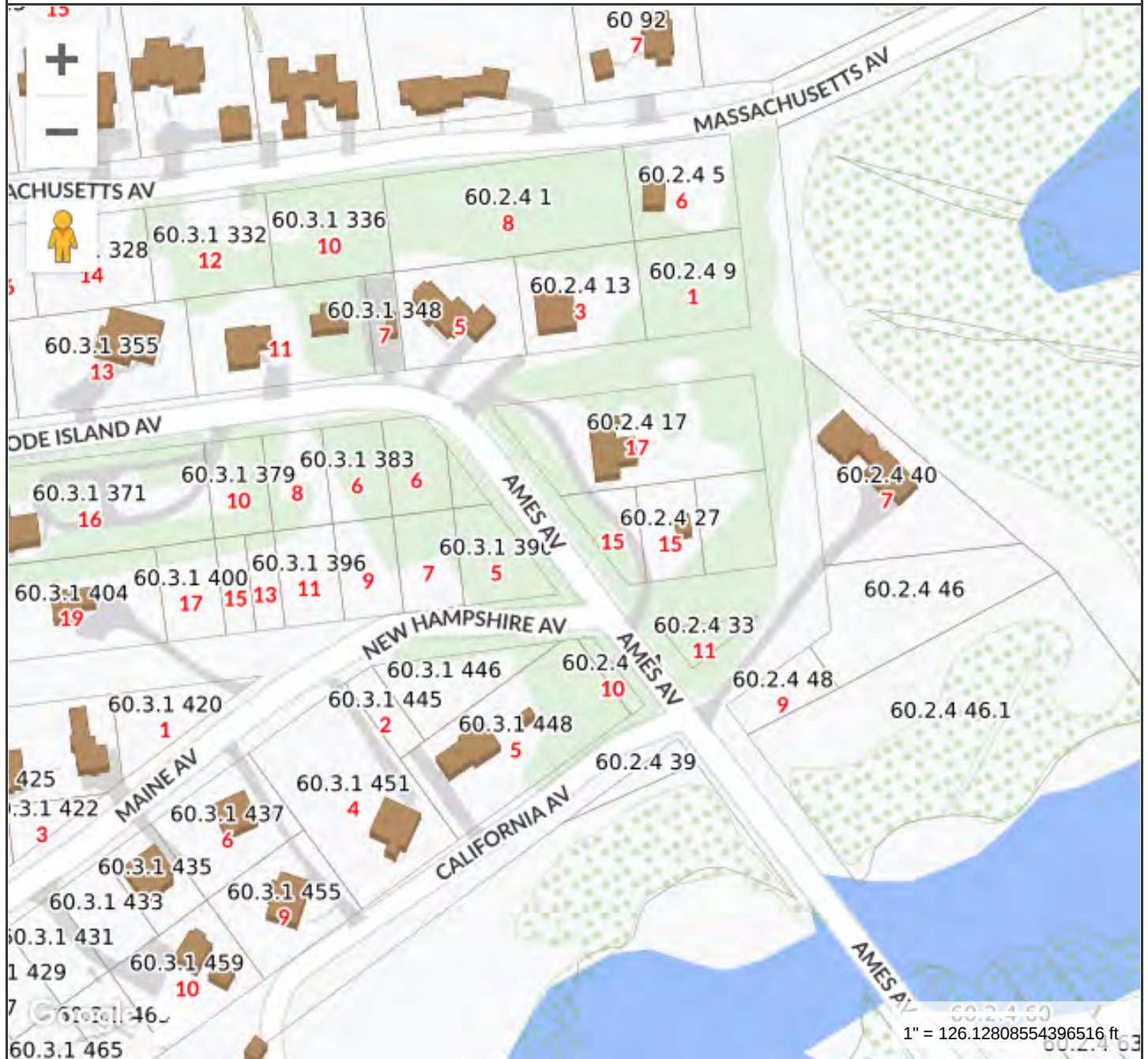
[Signature]
[Signature]
[Signature]

DATE APPROVED: _____

APPROVAL BY THE
NANTUCKET PLANNING BOARD
NOT REQUIRED

[Signature]
[Signature]
[Signature]

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



**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 02/08/2024
Data updated Jan. 2021

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Transfer Certificate of Title

Cert No:25668
Doc No:148429

From Transfer
Certificate Nos. 22120 & 22851 Originally Registered January 30, 2006 & December 26, 2007 at the
Registry District of Nantucket County

This is to Certify that

LORI MEINKE

of 15 Dogwood Lane, Westport in the State of Connecticut is the owner, in fee simple, of that land situated in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

Lots numbered twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty (30) in Block No. 31 on plan numbered 2408-M, dated April 30, 1912, filed with Certificate of Title No. 66 at the Registry District of Nantucket County, and all boundary lines are located on the ground as shown on said plan.

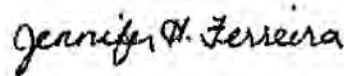
Subject to the restrictions that no spirituous liquors shall be sold, no manufacturing, mercantile or other business shall be carried on, and no swine, hens or other objectionable animals or fowl shall be kept upon the granted premises, and that no other offensive or obnoxious use shall be made of the premises, and that no building shall be erected or placed on the granted premises, except a one family dwelling,

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

LORI MEINKE

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, and subject also as aforesaid. Said land described herein is subject to the settlement of the estate of Bonnie L. Bartholomew. (Lots 29 & 30)

Witness **JUDITH C. CUTLER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the thirtieth day of June in the year two thousand and fifteen at 2 o'clock and 27 minutes in the afternoon.



Attest, with the Seal of said Court,

Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 17 Ames Avenue

Land Court Case No. 2408

CERTIFICATE OF TITLE NO. **25668**

**REGISTER
THIS
COPY**

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

CASE NO. 2408-S1993 - 04 F

(SEAL)

Upon the petition of the Town of Nantucket, representing that:

1. Certificate of Title No. 618 was issued by the Registry District of Nantucket County in the name of Emery C. Weller.

2. The Town of Nantucket made a Tax Taking of lots numbered 33 and 34, Block 31 Maddequet Terraces, being land described in Certificate of Title No. 618, by Collector's Deed dated January 18, 1919, filed as Document 1165 and noted on Certificate of Title No. 618 on February 8, 1919.

3. The Town of Nantucket filed a petition to foreclose its tax lien in Tax Lien Case No. 71331. No one appeared in said case asserting a cause of action claiming the right to redeem.

4. Tax Lien Case No. 71331 has been dismissed as of June 16, 1992.

5. By virtue of Chapter 334 of the Acts of 1990 title in petitioner is settled.

Petitioner prays that Certificate of Title No. 618 be cancelled and a new certificate issue to the Town of Nantucket.

After due proceedings, it is, **ORDERED**: that Certificate of Title No. 618 be cancelled.

FURTHER ORDERED: that a new Certificate of Title issue for the land described therein to the Town of Nantucket, a municipal corporation, with a usual place of business in Nantucket, in the County of Nantucket, and said Commonwealth.

FURTHER ORDERED: that said new Certificate of Title shall state that the same is issued pursuant to Chapter 334 of the Acts of 1990.

By the Court. (Kilborn, J.)

Attest:

Charles W. Trombly, Jr.
Recorder

Dated: April 30, 1993

AT TRUE COPY
ATTEST:

Charles W. Trombly, Jr.

RECORDER

Book 85
Page 112**Transfer Certificate of Title.**

No. 15,829

From Transfer Certificate No. 52, Originally Registered April 17th, 1912, in
Registration Book 1 Page 52* for the Registry District of Nantucket County.
*for additional Transfer Certificates see below

This is to Certify that

TOWN OF NANTUCKET
a municipal corporation

16 Broad Street,
of Nantucket in the County of Nantucket and Commonwealth of Massachusetts,
02554

~~nantucket~~

is
the owner in fee simple

of that certain parcel of land situate in Nantucket

in the County of Nantucket and said Commonwealth, bounded and described as follows:

No. 78 dated May 16, 1912; No. 79 dated May 16, 1912; No. 148 dated August 15, 1912; No. 149 dated August 15, 1912; No. 157 dated August 30, 1912; No. 177 dated October 17, 1912; No. 178 dated October 18, 1912; No. 184 dated October 31, 1912; No. 191 dated November 22, 1912; No. 192 dated November 22, 1912; No. 219 dated January 16, 1913; No. 225 dated January 24, 1913; No. 227 dated January 29, 1913; No. 234 dated February 10, 1913; No. 238 dated February 25, 1913; No. 255 dated April 11, 1913; No. 298 dated June 21, 1913; No. 321 dated July 30, 1913; No. 327 dated August 6, 1913; No. 350 dated September 26, 1913; No. 358 dated October 6, 1913; No. 365 dated October 17, 1913; No. 382 dated November 6, 1913; No. 436 dated February 2, 1914; No. 444 dated February 18, 1914; No. 445 dated February 18, 1914; No. 447 dated February 24, 1914; No. 450 dated February 27, 1914; No. 504 dated July 21, 1914; No. 526 dated August 28, 1914; No. 528 dated September 1, 1914; No. 529 dated September 1, 1914; No. 560 dated November 19, 1914; No. 561 dated November 19, 1914; No. 618 dated January 12, 1915; No. 633 dated January 20, 1915; No. 674 dated February 25, 1915; No. 693 dated March 27, 1915; No. 703 dated April 28, 1915; No. 743 dated August 10, 1915; No. 767 dated January 14, 1916; No. 796 dated August 4, 1916; No. 800 dated August 17, 1916; No. 900 dated March 17, 1917; No. 951 dated August 31, 1917; No. 966 dated November 1, 1917; No. 988 dated February 11, 1918; No. 1035 dated August 5, 1919; and No. 1941 dated September 23, 1932.

Lots thirty-one (31) and thirty-two (32) in Block No. 6 and lots fifty-seven (57), fifty-eight (58), fifty-nine (59) and sixty (60) in Block No. 25 on plan numbered 5004-G, Sheets 2 & 5, filed with Certificate of Title No. 813 at this Registry, being a subdivision plan of a plan entitled 'Plan of Tom Nevers Tract, Atlantic View, Section 5, Nantucket, Mass., owned by Nantucket Land Trust, Oct., 1916, H. A. Millhouse, C. E.,' filed at the Land Registration Office, Boston, Oct. 5, 1916, and all boundary lines are located on the ground as shown on said plan.

Subject to the restrictions that said land shall be used for residential purposes only, and no intoxicating liquors shall be manufactured or sold upon same, and no swine or other objectionable animals shall be kept upon said land, that no offensive or obnoxious use shall be made of the same, and no dwelling or any portion of the same shall be erected thereon nearer than ten feet to any street line, nor shall any stable or garage be erected thereon excepting upon the rear thirty feet of said land and at least ten feet from any street line. No residence shall be erected or placed on said land for a value of less than Five Hundred Dollars.

Subject also to a right reserved to Franklin E. Smith and Edgar C. Linn, trustees of Nantucket Land Trust, and their heirs, successors and assigns, to build, lay and maintain water, gas and sewer pipes or any other improvements usual to build, lay and maintain in streets, including telephone and electric light wires, on poles or otherwise, in and over all the roads on said Section 5, Plan above referred to, or to give permission to any person, corporation, or the Town of Nantucket to do any of the above things.

ALSO:

Lots numbered eighteen (18) and nineteen (19) in Block No. 139 on plan numbered 3092-D, dated August 6, 1913 filed with Certificate of Title No. 330 at the Registry District of Nantucket County.

Lots numbered fifteen (15), sixteen (16), forty-five (45) and forty-six (46) in Block No. 31 on plan numbered 2408-M, dated April 30, 1912, filed with Certificate of Title No. 66 at the Registry District of Nantucket County.

Lots numbered forty-five (45) and forty-six (46) in Block No. 53 on plan numbered 2408-P, dated May 16, 1912, filed with Certificate of Title No. 86 at the Registry District of Nantucket County.

Lots numbered thirty-seven (37) and thirty-eight (38) in Block No. 70 on plan numbered 2408-Q, dated June 6, 1912, filed with Certificate of Title No. 99 at the Registry District of Nantucket County.

Lots numbered twenty-eight (28), twenty-nine (29), thirty (30) and thirty-one (31) in Block No. 55, lots thirty-one (31) and thirty-two (32) in Block No. 56, and lots forty-one (41) and forty-two (42) in Block No. 57 all on plan numbered 2408-S, dated September 9, 1912, filed with Certificate of Title No. 165 at the Registry District of Nantucket County.

Lots numbered forty-seven (47) and forty-eight (48) in Block No. 18, lots twenty-one (21), twenty-two (22), twenty-three (23) and twenty-four (24), forty-nine (49), fifty (50), fifty-one (51) and fifty-two (52) in Block No. 19, all on plan numbered 2408-W, dated March 22, 1913, filed with Certificate of Title No. 259 at the Registry District 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

TOWN OF NANTUCKET

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, and subject also ~~to~~ as aforesaid; and said Certificate is issued pursuant to Chapter 334 of the Acts of 1990.

ROBERT V. CAUCHON,
WITNESS, ~~JOHN XXXXXXXXXXXXX~~ Esquire, Judge of the Land Court, at Nantucket in the County of
Nantucket the twenty-fifth day of June in the year nineteen hundred
and ninety-three at three o'clock and no minutes in the after noon.

Attest, with the Seal of said Court,

Land Court Case Nos. 3092, 5004
& 2408
Document Nos. 60917-60966

Sandra M. Chadwick
Assistant Recorder.

Lots numbered forty-five (45) and forty-six (46) in Block No. 30 on plan numbered 2408-Y, dated May 1, 1913, filed with Certificate of Title No. 288 at the Registry District of Nantucket County.

All of said lots are subject to the restriction that no building shall be erected or placed upon the granted premises except a one family dwelling.

ALSO:

Lots numbered twelve (12) and thirteen (13) in Block No. 144 on plan numbered 3092-H, dated July 23, 1915, filed with Certificate of Title No. 736 at the Registry District of Nantucket County.

Lots numbered fifty-one (51) and fifty-two (52) in Block No. 25 on plan numbered 2408-O, dated May 11, 1912, filed with Certificate of Title No. 85 at the Registry District of Nantucket County.

Lots numbered twenty-one (21), twenty-two (22), twenty-three (23) and twenty-four (24) in Block No. 79 on plan numbered 2408-T, dated November 21, 1912, filed with Certificate of Title No. 195 at the Registry District of Nantucket County.

Lots numbered six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twenty-five (25) and twenty-five A (25A) in Block No. 54 and lots thirty-two (32), thirty-three (33), thirty-four (34) and thirty-five (35) in Block No. 80 all on plan numbered 2408-U, dated November 26, 1912, filed with Certificate of Title No. 196 at the Registry District of Nantucket County.

All of said lots are subject to the restriction that no building shall be erected or placed upon the granted premises except a one family dwelling, to cost not less than fifteen hundred dollars, except a private garage.

ALSO:

Lots numbered twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26) in Block No. 64 on plan numbered 2408-P, dated May 16, 1912 filed with Certificate of Title No. 86 at the Registry District of Nantucket County.

Lots numbered one (1), two (2), three (3) and four (4) in Block No. 79 on plan numbered 2408-R, dated June 25, 1912, filed with Certificate of Title No. 127 at the Registry District of Nantucket County.

Lots numbered twenty-two (22), twenty-three (23), twenty-four (24) and twenty-five (25) in Block No. 66 on plan numbered 2408-T, dated November 21, 1912, filed with Certificate of Title No. 195 at the Registry District of Nantucket County.

All of said lots are subject to the restriction that no building shall be erected or placed upon the granted premises except a one family dwelling, to cost not less than two thousand dollars, except a private garage.

ALSO:

Lots thirteen (13) and fourteen (14) in Block No. 20 on plan numbered 2408-O, dated May 11, 1912, filed with Certificate of Title No. 85 at the Registry District of Nantucket County.

Lots numbered nine (9) and ten (10) in Block No. 65 on plan numbered 2408-P, dated May 16, 1912, filed with Certificate of Title No. 86 at the Registry District of Nantucket County.

All of said lots are subject to an attachment on the property of Charles A. Lind, Trustee of Massachusetts Coast Company filed at the Registry District of Nantucket County, August 25, 1915, Harvard Trust Company of Cambridge, Mass., being the plaintiff.

ALSO:

Lots numbered thirty-three (33) and thirty-four (34) in Block No. 39 on plan numbered 2408-J, dated March 28, 1912, filed with Certificate of Title No. 38 at the Registry District of Nantucket County.

Lots numbered twenty-two (22) and twenty-three (23) in Block No. 57 on plan numbered 2408-S, dated September 9, 1912, filed with Certificate of Title No. 165 at the Registry District of Nantucket County.

All of said lots are subject to the restrictions that no building shall be erected or placed upon said land except a one family dwelling; and also to an attachment on the property of Charles A. Lind, trustee of Massachusetts Coast Company filed at the Registry District of Nantucket County August 25, 1915 in which Harvard Trust Company of Cambridge, Mass., is the plaintiff.

ALSO:

Lots fourteen (14), fifteen (15), sixteen (16) and seventeen (17) in Block No. 55 on plan numbered 2408-S, dated September 9, 1912, filed with Certificate of Title No. 165 at the Registry District of Nantucket County.

Said lots are subject to the restrictions that no building shall be erected or placed upon said land except a one family dwelling, to cost not less than fifteen hundred dollars, except a private garage; and subject also to an attachment on the property of Charles A. Lind, Trustee of Massachusetts Coast Company filed at the Registry District of Nantucket County August 25, 1915 in which Harvard Trust Company of Cambridge, Mass., is the plaintiff.

ALSO:

Lots numbered thirty-three (33), thirty-four (34), thirty-nine (39), forty (40), forty-one (41) and forty-two (42) in Block No. 31, lots seven (7), eight (8), twelve (12) and thirteen (13) in Block No. 32, lots five (5) and six (6) in Block No. 34 all on plan numbered 2408-M, dated April 30, 1912, and filed with Certificate of Title No. 66 at the Registry District of Nantucket County.

Lots numbered thirty-one (31) and thirty-two (32) in Block No. 24, lots nineteen (19), twenty (20), twenty-one (21) and twenty-two (22) in Block No. 25 all on plan numbered 2408-O, dated May 11, 1912 and filed with Certificate of Title No. 85 at the Registry District of Nantucket County.

Lots numbered thirty-three (33), thirty-four (34), thirty-seven (37), thirty-eight (38), forty-three (43) and forty-four (44) in Block No. 64, lots one (1), two (2), thirty-three (33) and thirty-four (34) in Block No. 65 all on plan numbered 2408-P, dated May 16, 1912 and filed with Certificate of Title No. 86 at the Registry District of Nantucket County.

Lots numbered nine (9), ten (10), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), twenty-one (21) and twenty-two (22) in Block No. 69 on plan numbered 2408-Q, dated July 6, 1912 filed with Certificate of Title No. 99 at the Registry District of Nantucket County.

Lots numbered six (6), seven (7), eight (8) and nine (9) in Block No. 77 on plan numbered 2408-R, dated June 25, 1912 filed with Certificate of Title No. 127 at the Registry District of Nantucket County.

Lots numbered twelve (12), thirteen (13), thirty-nine (39) and forty (40) in Block No. 57 on plan numbered 2408-S, dated September 9, 1912 filed with Certificate of Title No. 165 at the Registry District of Nantucket County.

Lots fourteen (14) and fifteen (15) in Block No. 66 on plan numbered 2408-T, dated November 21, 1912 filed with Certificate of Title No. 195 at the Registry District of Nantucket County.

All of the land included in this Certificate is subject to the restrictions that no spirituous liquors shall be sold, no manufacturing, mercantile or other business shall be carried on, and no swine, hens or other objectionable animals or fowl shall be kept upon the granted premises, and that no other offensive or obnoxious use shall be made of the premises.

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

LEAH HILL, COASTAL RESILIENCE COORDINATOR
131 PLEASANT STREET
NANTUCKET, MA 02554



LHILL@NANTUCKET-MA.GOV
508-228-7200 EXT. 7603

Coastal Resilience Evaluation for 15 Ames Avenue

Coastal Resilience Recommendation: Two CRP recommendations are in close proximity to this property. #3-2 Ames Avenue Bridge Resilience and #3-4 Madaket Erosion Management Pilot and Ames Avenue Bridge Protection. #3-2 recommendation is to Maintain bridge for access to Smith's Point while protecting it from coastal erosion and flooding through dune restoration (see project 3-4). Continue maintenance and monitoring of existing Ames Avenue Bridge, with future elevation or relocation if necessary based on service population. #3-4 Dune restoration along shoreline from Madaket Road / Ames Avenue intersection to Esther's Island. Project involves natural dune construction techniques of sand and vegetation with fencing as needed. Project includes need for ongoing nourishment and maintenance of the dune at an interval determined through the design process. Both target implementation years for these projects are 2025.

Current Flooding: According to the FEMA flood map a portion of this property falls within AE9 zone and the 2% chance (Figure 1).



Figure 1. FEMA flood map for 15 Ames Ave. (blue square).

Hurricane Inundation: According to Town GIS layer this property will experience flooding during category 1-4 hurricanes (Figure 2).

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

LEAH HILL, COASTAL RESILIENCE COORDINATOR
131 PLEASANT STREET
NANTUCKET, MA 02554



LHILL@NANTUCKET-MA.GOV
508-228-7200 EXT. 7603



Figure 2. Hurricane inundation map for 15 Ames Ave. (blue square).

Storm Tide Pathways: According to Town GIS layer this property ranges from 9ft-11ft (Figure 3).



Figure 3. Map of stormtide pathways for 15 Ames Ave (blue square).

Future Coastal Flooding: According to the Massachusetts Coast Flood Risk Model there are no risks of coastal flooding to the property for 2030 (Figure 4.), 2050 (Figure 5.), or 2070 (Figure 6.). As soon as 2030, portions of this property may experience coastal flood exceedance probabilities ranging from 1% (100 year storm) to 5% (20 year storm). As soon as 2050, portions of this property may experience coastal flood exceedance probabilities ranging from 5% (20 year storm) to 20% (5 year storm). As soon as 2070, portions of this property may experience coastal flood exceedance probabilities ranging from 50% (2 year storm) to 20% (5 year storm).

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

LEAH HILL, COASTAL RESILIENCE COORDINATOR
131 PLEASANT STREET
NANTUCKET, MA 02554



LHILL@NANTUCKET-MA.GOV
508-228-7200 EXT. 7603

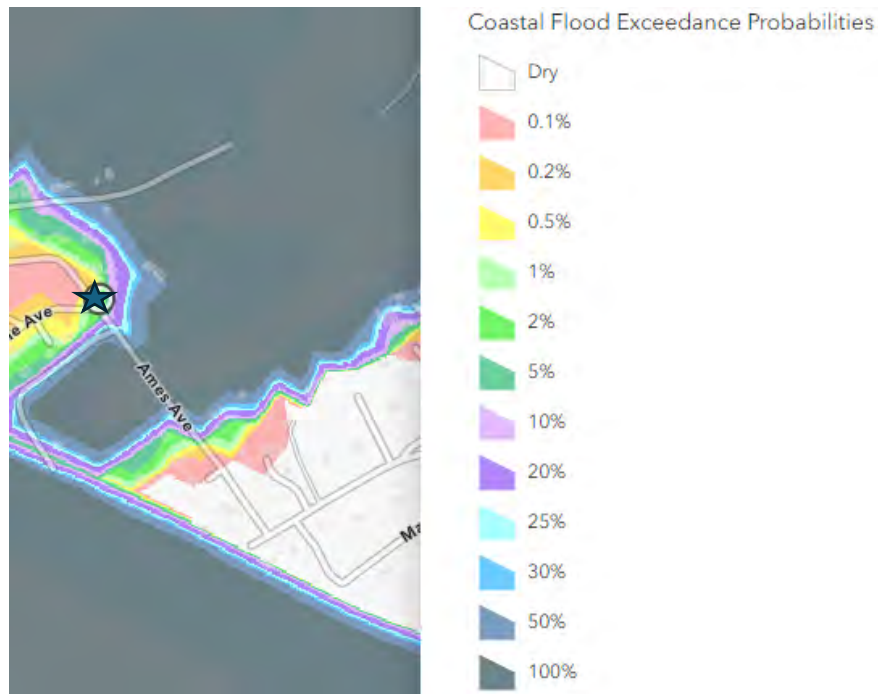


Figure 4. 2030 coastal flooding projections for 15 Ames Ave. (star) from the Massachusetts Coastal Flood Risk Model.

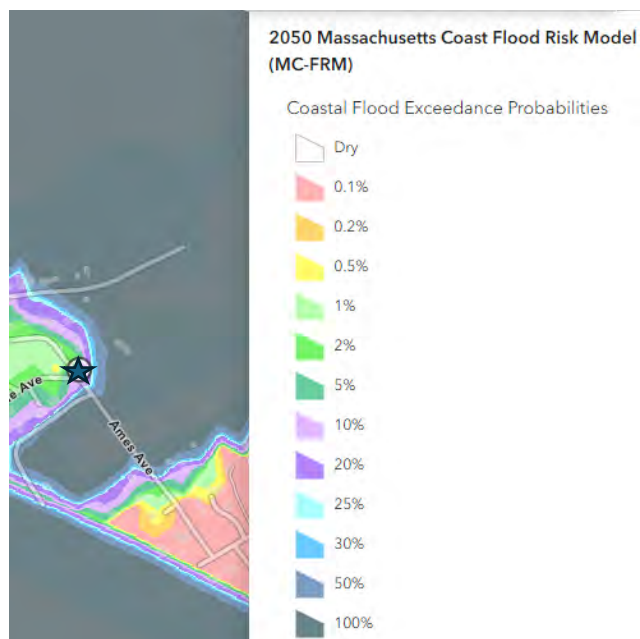


Figure 5. 2050 coastal flooding projections for 15 Ames Ave. (star) from the Massachusetts Coastal Flood Risk Model.

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

LEAH HILL, COASTAL RESILIENCE COORDINATOR
131 PLEASANT STREET
NANTUCKET, MA 02554



LHILL@NANTUCKET-MA.GOV
508-228-7200 EXT. 7603

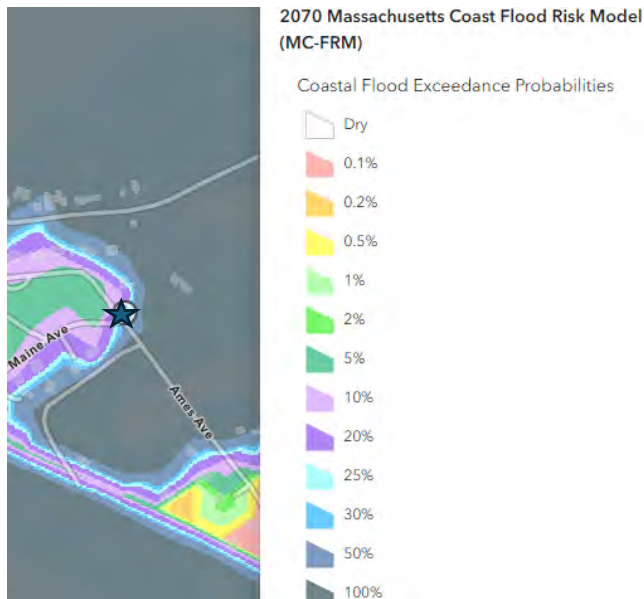


Figure 6. 2070 coastal flooding projections for 15 Ames Ave. (star) from the Massachusetts Coastal Flood Risk Model.

Current erosion: This property is not in a current erosion zone.

Future erosion: This property is located in a future erosion zone according to FEMA's Coastal Erosion Hazard Map. NOAA's 2012 intermediate low sea level scenario (6.43ft by 2100) was used for this map because it is almost equivalent to the 2022 NOAA high sea level rise scenario (6.66ft by 2100). The Select Board adopted NOAA's high sea level rise scenario for planning purposes. This property is within the 2100 erosion projections (Figure 7 below).

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

LEAH HILL, COASTAL RESILIENCE COORDINATOR
131 PLEASANT STREET
NANTUCKET, MA 02554



LHILL@NANTUCKET-MA.GOV
508-228-7200 EXT. 7603



Figure 7. FEMA erosion projection map for 15 Ames Ave (blue star).



Agenda Item Summary

Agenda Item #	X. 1.
Date	10/23/2024

Staff

Brian E. Turbitt, Finance Director

Subject

Preliminary Sewer Rate Discussion

Executive Summary

Discussion on the sewer rate and recommendation for a rate change effective January 1, 2025

Staff Recommendation

Recommend a public hearing to approve a change in the sewer user fee, monthly flat fee and the quarterly flat fee.

Background/Discussion

The sewer rate has remained unchanged since December of 2019. We are proposing to change the rates as follows change from \$8.80 per 100 cubic feet (May 1 – October 31) to 9.70 per 100 cubic feet, change from \$6.60 per 100 cubic feet (from Nov 1 – April 30) to 7.30 per 100 cubic feet of water for the same time. A change in the Minimum Sewer Charge from 33 per month to 36 per month. A change in the Sewer Charge for non-metered accounts from \$248.33/quarter for up to 3 bedrooms to \$273.16/quarter for up to 3 bedrooms and a change from \$414.13/quarter for 4 bedrooms and over to \$455.54/quarter for over 4 bedrooms. The changes as proposed are estimated to bring in approximately \$990,000 in additional revenue to support the operating budget. This is the first step in a conversion to a new billing model with a tiered rate structure to more accurately charge for sewer usage.

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Increase in the sewer rates of approximately 10% for FY24

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

None

Attachments

N/A



Link for

Surfside Crossing 40B

**Surfside Crossing Remand
Hearing Documents**

<https://www.nantucket-ma.gov/1219/Surfside-Crossing-40B>

From: [Libby Gibson](#)
To: [Katie Cabral](#)
Subject: FW: Surfside Crossing 40B
Date: Tuesday, September 24, 2024 6:53:14 PM
Attachments: [image001.png](#)

Please consolidate and note that Police has responded

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Kasper, Jody <jkasper@police.nantucket-ma.gov>
Sent: Tuesday, September 24, 2024 11:51 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: RE: Surfside Crossing 40B

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

I have reviewed the revised project plans for Surfside Crossing. My feedback is as follows:

1. Access to Development: There is only one access point to the facility off of South Shore Road. A second, emergency access point should be added. This could be gated and locked and only opened during emergencies. With the current design, if a truck flipped and blocked access to the complex, emergency personnel/equipment would not be able to access it.
2. Parking: With 156 planned units with 283 bedrooms, the proposed 281 (291 if deemed necessary) parking spaces will likely not be enough spaces and will likely result in parking challenges. Those challenges will occur within the development and on surrounding streets which could experience an increase in parked/stored vehicles.
3. Traffic: The four-way intersection at Surfside/South Shore/Fairgrounds is likely to experience increased back-up during commuter and school hours. Drivers taking a left out of the development onto South Shore are likely to back up into the development.
4. Locating Residences: It is difficult to tell from the plan if there is adequate signage that would

aide public safety personnel who were responding to an emergency. Building numbers/addresses should be clearly marked on buildings and clearly visible from the roadway. Adequate signs inside the development to guide emergency responders are recommended.

Please let me know if you need anything further.

Jody D. Kasper
Chief of Police
Nantucket Police Department
4 Fairgrounds Road
Nantucket, MA 02554

508-228-1212

[NPD Website](#)

From: Libby Gibson <LGibson@nantucket-ma.gov>
Sent: Sunday, September 22, 2024 11:02 AM
To: Kasper, Jody <jkasper@police.nantucket-ma.gov>; Michael Cranson <mcranson@fire.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Mark Willett <mwillett@nantucket-ma.gov>; Kristie Ferrantella <kferrantella@nantucket-ma.gov>; Andrew Patnode <apatnode@nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>; Roque Miramontes <rmiramontes@nantucket-ma.gov>
Cc: Leslie Snell <LSnell@nantucket-ma.gov>; William Saad <wsaad@nantucket-ma.gov>; Lauren Sinatra <lsinatra@nantucket-ma.gov>; Town Manager <townmanager@nantucket-ma.gov>
Subject: FW: Surfside Crossing 40B
Importance: High

ALL: please see below. Departmental comments are needed on the revisions to this project. Please get your comments to my office no later than Friday, Oct 4. The revised project information may be found at the link below. Attached for your reference is the Town's prior letter to the ZBA on the original project. Any questions, please LMK. We are tentatively planning to put this on the SB agenda for its comments (for which, yours are needed) on or about November 6. Thank you.

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail

From: [Libby Gibson](#)
To: [Katie Cabral](#)
Subject: FW: Surfside Crossing 40B
Date: Thursday, October 10, 2024 11:44:45 AM
Attachments: [image001.png](#)

Add to police

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Kasper, Jody <jkasper@police.nantucket-ma.gov>
Sent: Thursday, October 10, 2024 11:32 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: RE: Surfside Crossing 40B

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have already sent in my comments regarding Surfside Crossing. This was my first review of the project, so my comments haven't changed and are instead based on my first analysis of the plan.

Jody D. Kasper
Chief of Police
Nantucket Police Department
4 Fairgrounds Road
Nantucket, MA 02554

508-228-1212

[NPD Website](#)

From: Libby Gibson <LGibson@nantucket-ma.gov>
Sent: Thursday, October 10, 2024 10:42 AM
To: Mark Willett <mwillett@nantucket-ma.gov>; Andrew Patnode <apatnode@nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>

From: [Libby Gibson](#)
To: [Katie Cabral](#)
Subject: FW: Surfside Crossing 40B
Date: Thursday, October 10, 2024 10:32:30 AM
Attachments: [image001.png](#)

This too

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Michael Cranson <mcranson@fire.nantucket-ma.gov>
Sent: Monday, October 7, 2024 12:49 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: RE: Surfside Crossing 40B

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Libby,

The concerns of the fire department as listed in the Town's prior letter to the ZBA are still relevant. The fire department's position has not changed.

V/r,

Michael Cranson, MPA
Chief of Department
Nantucket Fire Department
4 Fairgrounds Road
Nantucket, MA 02554
Tel: (508) 228-2323 ext.3110
Fax: (508) 325-7500

From: Libby Gibson <LGibson@nantucket-ma.gov>
Sent: Sunday, September 22, 2024 11:02 AM
To: Kasper, Jody <jkasper@police.nantucket-ma.gov>; Michael Cranson <mcranson@fire.nantucket-ma.gov>

From: [Libby Gibson](#)
To: [Katie Cabral](#)
Subject: FW: Surfside Crossing 40B
Date: Thursday, October 10, 2024 11:21:42 AM
Importance: High

Please add this to the file I'm about to give you

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Michael Cranson <mcranson@fire.nantucket-ma.gov>
Sent: Thursday, October 10, 2024 11:05 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: Re: Surfside Crossing 40B
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Libby,

The original comments on this project were made by retired Chief Murphy. Since my arrival in 2022, I have gone over the project with the former deputy chief, and the former fire prevention officer. It is agreed that access was considered the primary concern for our response. The buildings are being constructed in accordance with the Ma Fire Code and are equipped with sprinkler systems. Adequate access to the buildings will continue to be required in accordance with the fire code and I believe this echoes Chief Murphy's original concerns.

V/r,
Michael Cranson
Fire Chief

On Oct 10, 2024, at 10:42 AM, Libby Gibson <LGibson@nantucket-ma.gov>

From: [Andrew Patnode](#)
To: [Libby Gibson](#)
Cc: [Town Manager](#)
Subject: RE: Surfside Crossing 40B
Date: Friday, October 18, 2024 12:03:41 PM
Attachments: [image002.png](#)
[image003.png](#)

Libby,

Sorry for the delay in getting this to you. My comments and questions on the revisions to the project as proposed for the Remand Hearing are below.

- Is it intended that these roads would become public, Town-owned after completion? Or will these remain private roads, owned and maintained by the Surfside Crossing Condo Assoc., HOA, or Developer?
- **Parking –**
 - The new proposal of 283 bedrooms to 281 (or 291) parking spaces is much more appropriate than the previous proposal of 389 bedrooms with only 266 parking spaces. My concern is still that parking spaces will be insufficient for residents of the development, but lessened by the new bedroom to parking spaces ratio. Concern would be that parking will spill out onto S. Shore Road (public way), causing damage to public property and safety issues.
- **Sewer –**
 - The Final Plans still show a proposed pump station connecting to the South Valley Force Main (FM):
 - Final Civil Plans state “(design to be finalized if preferred gravity connection cannot be made)”. Do we have a timeline for this project (date by which they would be producing wastewater) and a timeline for completion of a new Pump Station (PS) at the Surfside WWTF? Town (and developer) would be much better served by having this development connect by gravity.
 - Previous decision by... the judge?... determined that the developer could connect via PS and FM to South Valley FM or pay (I think) \$1M to Town for construction of new PS at WWTF. Is that decision now invalid? Did conversations with developers ever happen about contributing dollars towards construction of new PS at WWTF, which is needed anyways to serve the Miacomet Needs Area?
- **Roadways & sidewalks –**
 - 4 ft. wide sidewalks proposed on Civil Plans. MassDOT recommends a walking surface width not less than 5'-0". Would recommend increasing sidewalk width.
 - Plan Comparison PDF, Site Finishes Sheet depicts Cape Cod Berm, however Vertical Concrete Curbing (VCC) is proposed for roadway edges on Civil Plans. Nantucket typically has granite curbing or asphalt Cape Cod Berm. Need clarification.
 - Poor interior circulation for pedestrians:

- No curb ramps shown anywhere around public/shared spaces in middle “island” of development.
- No crosswalks depicted on Civil Plans.
- No sidewalks along edge of road on outside/condominium side of street near buildings #5, #6, #7, #8, #9, #10, #11, #12, #13,
 - Sidewalks are provided from condo buildings to parking areas, but very few proper interconnections between any two condo buildings or from condo buildings to shared spaces
 - How do people walk from condo to shared spaces in the center of the development (playground, lawn area, game court, pool, community building)? Appears that people would be expected to traverse grass areas or walk through parking lots and down the travel lanes of roadways. Not appropriate for those with mobility challenges.
- Traffic signage not included or called out on Civil Plans.

I think that's all I have from a DPW/civil perspective.

Thanks,
Drew

Andrew B. Patnode

Director
Department of Public Works
188 Madaket Road
Nantucket, MA 02554
508-228-7200 ext. 7512



From: Libby Gibson <LGibson@nantucket-ma.gov>

Sent: Thursday, October 10, 2024 10:42 AM

To: Mark Willett <mwillett@nantucket-ma.gov>; Andrew Patnode <apatnode@nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>

Cc: Town Manager <townmanager@nantucket-ma.gov>; Jody Kasper <jkasper@TownofNantucket.onmicrosoft.com>; Michael Cranson <mcranson@fire.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Kristie Ferrantella <kferrantella@nantucket-ma.gov>; Roque Miramontes <rmiramontes@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>

Subject: FW: Surfside Crossing 40B

Importance: High

From: [Libby Gibson](#)
To: [Katie Cabral](#)
Subject: FW: Surfside Crossing 40B
Date: Thursday, October 10, 2024 11:44:55 AM
Attachments: [image001.png](#)

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Mark Willett <mwillett@nantucket-ma.gov>
Sent: Thursday, October 10, 2024 11:43 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: RE: Surfside Crossing 40B

Wannacomet has no new comments. Our permit can support the connection. As stated, there is no moratorium on connections but it is something to keep in mind.

Mark

From: Libby Gibson <LGibson@nantucket-ma.gov>
Sent: Thursday, October 10, 2024 10:42 AM
To: Mark Willett <mwillett@nantucket-ma.gov>; Andrew Patnode <apatnode@nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>
Cc: Town Manager <townmanager@nantucket-ma.gov>; Jody Kasper <jkasper@TownofNantucket.onmicrosoft.com>; Michael Cranson <mcranson@fire.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Kristie Ferrantella <kferrantella@nantucket-ma.gov>; Roque Miramontes <rmiramontes@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>
Subject: FW: Surfside Crossing 40B
Importance: High

Mark – Drew – Jeff: We need your comments as indicated below. ASAP please. If you have already sent them, please just confirm that.

Libby Gibson

From: David Gray
Sent: Monday, October 7, 2024 4:19 PM
To: Leslie Snell; Megan Trudel; Holly Backus; Michael Cranson; Jody Kasper; Mark Willett; Andrew Patnode; Roque Miramontes; Jeff Carlson; Mike Burns; Kristie Ferrantella
Cc: Rick Sears; Libby Gibson
Subject: Re: Surfside Crossing 40B REVIEW REQUEST

I have no new comments except for the new sewer gravity (dry) line that has been installed and stubs with manholes have been installed at the site. Gravity sewer is the only viable option to connect sewer.

Stormwater comment we will be looking for the operating and maintenance plan.

Thanks

David C Gray Sr.
Director
Nantucket Sewer Department
81 S.Shore Rd
Nantucket, MA 02554
Telephone 508.228-7200 EXT 7801
Cell 401-413-8370
dgray@nantucket-ma.gov



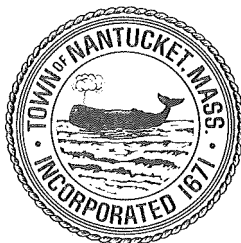
From: Leslie Snell <LSnell@nantucket-ma.gov>
Sent: Tuesday, September 24, 2024 16:59
To: Megan Trudel <mtrudel@nantucket-ma.gov>; Holly Backus <hbackus@nantucket-ma.gov>; Michael Cranson <mcranson@fire.nantucket-ma.gov>; Jody Kasper <jkasper@TownofNantucket.onmicrosoft.com>; David Gray <dgray@nantucket-ma.gov>; Mark Willett <mwillett@nantucket-ma.gov>; Andrew Patnode <apatnode@nantucket-ma.gov>; Roque Miramontes <rmiramontes@nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>; Mike Burns <mburns@nantucket-ma.gov>; Kristie Ferrantella <kferrantella@nantucket-ma.gov>
Cc: Rick Sears <rsears@nantucket-ma.gov>; Libby Gibson <LGibson@nantucket-ma.gov>
Subject: Surfside Crossing 40B REVIEW REQUEST

All –

You should have received the below email from Billy Saad last week. Some of you have reached out with questions about the scope of your requested review. I spoke with Town Counsel this morning and his advice was for you to compare the original submission to the ZBA with the project as approved by the Housing Appeals Committee. In addition to other information that was provided to you, there is an exhibit plan that shows a site plan comparison of the two projects that you may find helpful. Note that your initial comments are now over 5

Town and County of Nantucket Select Board ^{II} County Commissioners

Jason Bridges, Chair
Matt Fee
Rita Higgins
Dawn E. Hill Holdgate
James R. Kelly



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

July 13, 2018

Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Re: Surfside Crossing 40B Comments

Applicant: Surfside Crossing, LLC

Project: Surfside Crossing in Nantucket/156 ownership units on 12.87 acres
Location: 3, 5, 7 and 9 South Shore Road, Nantucket, MA

Subsidizing Agency: MassHousing (Massachusetts Housing Finance Agency)

Dear Members of the Zoning Board of Appeals:

On June 27, 2018 and July 11, 2018, the Select Board reviewed the pending application by Surfside Crossing, LLC ("Applicant") for a comprehensive permit for 12.87 acres of land at 3, 5, 7 and 9 South Shore Road ("Property") to construct 156 ownership units (with 39 affordable units) made up of 60 stand-alone single-family dwellings and 96 condominiums in six multi-family buildings, with 389 bedrooms and 266 parking spaces and a clubhouse with a pool (the "Project"); and the Select Board voted 5 to 0 to recommend to the Zoning Board of Appeals ("ZBA") that any grant of a comprehensive permit shall be conditioned upon the following requirements:

1. Sewer Connection. The Property is located in the Town Sewer District and a sewer connection is proposed by the Applicant to the Town's municipal sewer system. The Applicant's Plan Sheet 9 of 11, entitled "Plan, Profile and Utilities," dated February 15, 2018, depicts a "Proposed Pump Station Wet Well" on "Open Space A" and depicts a sewer force main that would be installed and exit the subject property on South Shore Road and connect to a "FORCEMAIN TO DISCHARGE AT SEWER TREATMENT FACILITY" as noted on the Plan. **A NEW GRAVITY SEWER SYSTEM DRY HAS BEEN INSTALLED FROM SURFSIDE RD TO THE TREATMENT FACILITY THIS IS THE ONLY PREFERRED CONNECT OPTION.**

The Plans indicate that the Applicant intends to build a sewer pump station for the Project and connect it to an existing sewer force main in South Shore Road. **AS STATED ABOVE THE PREFERRED CONNECTION IS BY GRAVITY WITH NO CONNECTIONS TO THE EXISTING 12" FORCEMAIN.** This force main connects the wastewater treatment plant located at the end of South Shore Road. plans and application materials do not indicate the size of the existing sewer force main. This sewer force main already is handling the flow from four existing pump stations and the capacity of this main must be fully assessed and analyzed to determine whether it has the capacity to serve the additional sewer flow that the Project will generate.

Based upon the plan materials; and, based upon the October 2017 Downstream Sewer Capacity Analysis Report of Weston and Sampson, the Select Board recommends that the ZBA require the Applicant to provide full details of the proposed sewer infrastructure and the infrastructure to which it is proposed to connect and that the details be peer reviewed by a qualified consultant who is or becomes familiar with the municipal infrastructure. It is possible that a new sewer main (either a gravity or force main) may be necessary. Plans and application materials do not indicate the size of the existing sewer force main. This sewer force main already is handling the flow from four existing pump stations and the capacity of this main must be fully assessed and analyzed to determine whether it has the capacity to serve the additional sewer flow that the Project will generate.

Based upon the plan materials; and, based upon the October 2017 Downstream Sewer Capacity Analysis Report of Weston and Sampson, the Select Board recommends that the ZBA require the Applicant to provide full details of the proposed sewer infrastructure and the infrastructure to which it is proposed to connect and that the details be peer reviewed by a qualified consultant who is or becomes familiar with the municipal infrastructure. It is possible that a new sewer main (either a gravity or force main) may be necessary.

2.

Sewer Costs. The Applicant has requested waivers of sewer fees. The Town through the Sewer Department assesses both Sewer Connection Fees and Sewer Privilege Fees. If the Property obtains a comprehensive permit from the ZBA, the Select Board recommends that the Applicant be required to pay Sewer Connection Fees and Sewer Privilege Fees, at the very least for the market rate units. A waiver of these fees for the affordable units would result in a waiver of \$266,058 (\$500 per sewer connection; \$6,322 per sewer privilege fee x 39 units). **THE ABOVE STATED FEES ARE INCORRECT THE REGULATIONS, PERMITTING AND FEES HAVE ALL BEEN UPDATED IN CH 396. WAIVERS ARE ANTICIPATED FOR THIS PROJECT WE WILL NEED FINAL COUNTS PER STRUCTURE OF BEDROOMS AND WHICH WOULD BE AMI RESTRICTED.**

IN THE HAC DECISION A FEE PAYMENT OF 1,000,000 WAS TO BE PAID TO THE TOWN FOR THE CONSTRUCTION OF A NEW MUNICIPAL PUMP STATION AT THE TREATMENT FACILITY.

3. Town's Sewer Easement. The Town has a sewer force main easement that crosses the entire Property. The Project proposes to place buildings very close to the easement, including one or more buildings on the actual edge of the easement or even slightly within the easement area; and the Project proposes the planting of trees above the sewer force main easement.

The Select Board requests that the ZBA impose conditions to require that any crossing of the Town's sewer easement area on the Property be done in a manner to promote public health and safety and prevent damage to any main, either at the time of construction or through stress to any main from traffic above it. The Applicant must be required to design crossings that will not damage or compromise any sewer main and the design must be carefully peer reviewed.

The Select Board requests that the ZBA work with the Applicant for a design that would provide that no structure shall touch or intrude into the Town's sewer force main easement and no tree or other landscaping be placed above the easement, except for grass. In the event of the need to maintain, repair or replace any sewer force main or portion of same in the Town's sewer easement, the Town must have unfettered access to the easement area. In addition, the Town needs to have access through the Project to reach the easement area. In the event of an emergency relating to any sewer infrastructure in the Town's sewer easement, the Town needs immediate and unobstructed access. The ZBA should also make sure that the peer review reports on all setback requirements from sewer infrastructure and that they be strictly observed.

In the event that the Project were to proceed, there must be an accurate survey of the location of the existing sewer force main easement that crosses the Property before

construction begins, to provide an accurate current as-built location of both the easement area and the sewer infrastructure located in the easement area, and there must be a survey of all staked foundations adjacent to the easement area in relation to the sewer force main easement, before any adjacent foundations are poured.

4. Water Infrastructure. The Property is served by municipal water.

- The Massachusetts Department of Environment Protection (MassDEP), under the Water Management Act Program, is still reviewing Wannacomet Water Company's (WWCo) water withdrawal permit. MassDEP's Water Management Act Program regulates the amount of water withdrawn from both surface and groundwater resources to ensure adequate supplies for current and future needs. The water pump numbers will be increased but it is unknown at this time by how much. WWCo is concerned that the Project will put additional stress on the water system and that there may not be sufficient capacity when the development seeks to connect, although there is no moratorium at this time. The Select Board recommends that the applicant be informed of this concern.
- In addition, WWCo is concerned about impacts from the amount of impervious surface proposed and that storm water control be adequate. The Select Board recommends that the ZBA impose conditions to minimize impervious surfaces in order to maintain recharge in the Lower Nantucket Wellhead Protection District (DEP Zone II) and we recommend that the impact of the proposed impervious surface should be peer reviewed for the ZBA by a qualified professional at the Applicant's expense. In addition, the impact of the development on the Town's water supply must be peer reviewed. The Select Board recommends that no waiver be granted from the requirements of Zoning Code §139-12.B (Public Wellhead Recharge District), especially the requirements of §139-12.B.2.q.
- We recommend, if the Property obtains a comprehensive permit from the ZBA, that a maintenance program for the storm water collection system be designed and be required to be implemented and monitored carefully. The system should be checked and inspected and certified on an annual basis, to make sure the required maintenance is being done. All storm water that is recharged needs to be clean. We recommend that the ZBA impose conditions that require all stormwater runoff to go into a proper storm water collection system to prevent contamination of Zone II, to protect the Town's drinking water supply.
- The proposed 266 parking spaces equals too many cars parked in a small area and must be guarded against.

From: [Libby Gibson](#)
To: [Katie Cabral](#)
Subject: FW: Surfside Crossing 40B
Date: Thursday, September 26, 2024 2:10:25 PM
Importance: High

For the list

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Lauren Sinatra <lsinatra@nantucket-ma.gov>
Sent: Monday, September 23, 2024 9:33 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: Re: Surfside Crossing 40B
Importance: High

Libby,

I reviewed the documents, but could not easily find a reference to their total estimated electrical load. It would be helpful to know this, along with how they aim to comply with the stretch code (i.e. renewable energy, EV chargers, and even the outdoor lighting bylaw, which requires low wattage fixtures and dimming, etc).

I can also connect with Billy about these questions today.

Thanks,
Lauren

On Sep 22, 2024, at 11:01 AM, Libby Gibson <LGibson@nantucket-ma.gov> wrote:

ALL: please see below. Departmental comments are needed on the

Environmental Sensitivity. The Application notes that the entire Property contains Priority Habitats of Rare Species. We understand that the Project will disturb the entire acreage, per the representations in the PEL application. Virtually the only open space to be provided would be atop the drainage infrastructure and above the Town's sewer force main easement. The Project is located within mapped protected species habitat and has obtained a Conservation and Management Permit from the Division of Fisheries & Wildlife (NHESP File No. 12-31035). While it requires the use of native species in the conservation restriction areas, we are requesting that similar species be used on the remainder of the site. Should any invasive species be found on the site at any time they should be immediately removed using best management practices.

The Property is located entirely within the Miacomet Pond Watershed and a portion of #3 South Shore Road is within the area of direct runoff to Miacomet Pond.

The Select Board recommends that the ZBA require that any development of the Property shall be properly conditioned to prevent any direct runoff and to properly treat any surface waters before leaving the Property or being infiltrated to groundwater. This shall include roof runoff. A development of this density, given its location could have a negative impact to environmental health of Miacomet Pond.

Fertilizers and irrigation should be responsibly managed or limited as well to minimize and excess nutrient laden runoff leaving the site. The use of native species can aid in this as typically their need for supplemental fertilization and watering can be minimal.

Town and County of Nantucket
Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Rita Higgins
Dawn E. Hill Holdgate
James R. Kelly



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

July 13, 2018

Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Re: Surfside Crossing 40B Comments

Applicant: Surfside Crossing, LLC
Project: Surfside Crossing in Nantucket/156 ownership units on 12.87 acres
Location: 3, 5, 7 and 9 South Shore Road, Nantucket, MA
Subsidizing Agency: MassHousing (Massachusetts Housing Finance Agency)

Dear Members of the Zoning Board of Appeals:

On June 27, 2018 and July 11, 2018, the Select Board reviewed the pending application by Surfside Crossing, LLC ("Applicant") for a comprehensive permit for 12.87 acres of land at 3, 5, 7 and 9 South Shore Road ("Property") to construct 156 ownership units (with 39 affordable units) made up of 60 stand-alone single-family dwellings and 96 condominiums in six multi-family buildings, with 389 bedrooms and 266 parking spaces and a clubhouse with a pool (the "Project"); and the Select Board voted 5 to 0 to recommend to the Zoning Board of Appeals ("ZBA") that any grant of a comprehensive permit shall be conditioned upon the following requirements:

1. Sewer Connection. The Property is located in the Town Sewer District and a sewer connection is proposed by the Applicant to the Town's municipal sewer system. The Applicant's Plan Sheet 9 of 11, entitled "Plan, Profile and Utilities," dated February 15, 2018, depicts a "Proposed Pump Station Wet Well" on "Open Space A" and depicts a sewer force main that would be installed and exit the subject property on South Shore Road and connect to a "FORCEMAIN TO DISCHARGE AT SEWER TREATMENT FACILITY" as noted on the Plan.

The Plans indicate that the Applicant intends to build a sewer pump station for the Project and connect it to an existing sewer force main in South Shore Road. This force main connects the wastewater treatment plant located at the end of South Shore Road. The

plans and application materials do not indicate the size of the existing sewer force main. This sewer force main already is handling the flow from four existing pump stations and the capacity of this main must be fully assessed and analyzed to determine whether it has the capacity to serve the additional sewer flow that the Project will generate.

Based upon the plan materials; and, based upon the October 2017 Downstream Sewer Capacity Analysis Report of Weston and Sampson, the Select Board recommends that the ZBA require the Applicant to provide full details of the proposed sewer infrastructure and the infrastructure to which it is proposed to connect and that the details be peer reviewed by a qualified consultant who is or becomes familiar with the municipal infrastructure. It is possible that a new sewer main (either a gravity or force main) may be necessary.

2. Sewer Costs. The Applicant has requested waivers of sewer fees. The Town through the Sewer Department assesses both Sewer Connection Fees and Sewer Privilege Fees. If the Property obtains a comprehensive permit from the ZBA, the Select Board recommends that the Applicant be required to pay Sewer Connection Fees and Sewer Privilege Fees, at the very least for the market rate units. A waiver of these fees for the affordable units would result in a waiver of \$266,058 (\$500 per sewer connection; \$6,322 per sewer privilege fee x 39 units).

3. Town's Sewer Easement. The Town has a sewer force main easement that crosses the entire Property. The Project proposes to place buildings very close to the easement, including one or more buildings on the actual edge of the easement or even slightly within the easement area; and the Project proposes the planting of trees above the sewer force main easement.

The Select Board requests that the ZBA impose conditions to require that any crossing of the Town's sewer easement area on the Property be done in a manner to promote public health and safety and prevent damage to any main, either at the time of construction or through stress to any main from traffic above it. The Applicant must be required to design crossings that will not damage or compromise any sewer main and the design must be carefully peer reviewed.

The Select Board requests that the ZBA work with the Applicant for a design that would provide that no structure shall touch or intrude into the Town's sewer force main easement and no tree or other landscaping be placed above the easement, except for grass. In the event of the need to maintain, repair or replace any sewer force main or portion of same in the Town's sewer easement, the Town must have unfettered access to the easement area. In addition, the Town needs to have access through the Project to reach the easement area. In the event of an emergency relating to any sewer infrastructure in the Town's sewer easement, the Town needs immediate and unobstructed access. The ZBA should also make sure that the peer review reports on all setback requirements from sewer infrastructure and that they be strictly observed.

In the event that the Project were to proceed, there must be an accurate survey of the location of the existing sewer force main easement that crosses the Property before

construction begins, to provide an accurate current as-built location of both the easement area and the sewer infrastructure located in the easement area, and there must be a survey of all staked foundations adjacent to the easement area in relation to the sewer force main easement, before any adjacent foundations are poured.

4. Water Infrastructure. The Property is served by municipal water.

- The Massachusetts Department of Environment Protection (MassDEP), under the Water Management Act Program, is still reviewing Wannacomet Water Company's (WWCo) water withdrawal permit. MassDEP's Water Management Act Program regulates the amount of water withdrawn from both surface and groundwater resources to ensure adequate supplies for current and future needs. The water pump numbers will be increased but it is unknown at this time by how much. WWCo is concerned that the Project will put additional stress on the water system and that there may not be sufficient capacity when the development seeks to connect, although there is no moratorium at this time. The Select Board recommends that the applicant be informed of this concern.
- In addition, WWCo is concerned about impacts from the amount of impervious surface proposed and that storm water control be adequate. The Select Board recommends that the ZBA impose conditions to minimize impervious surfaces in order to maintain recharge in the Lower Nantucket Wellhead Protection District (DEP Zone II) and we recommend that the impact of the proposed impervious surface should be peer reviewed for the ZBA by a qualified professional at the Applicant's expense. In addition, the impact of the development on the Town's water supply must be peer reviewed. The Select Board recommends that no waiver be granted from the requirements of Zoning Code §139-12.B (Public Wellhead Recharge District), especially the requirements of §139-12.B.2.q.
- We recommend, if the Property obtains a comprehensive permit from the ZBA, that a maintenance program for the storm water collection system be designed and be required to be implemented and monitored carefully. The system should be checked and inspected and certified on an annual basis, to make sure the required maintenance is being done. All storm water that is recharged needs to be clean. We recommend that the ZBA impose conditions that require all stormwater runoff to go into a proper storm water collection system to prevent contamination of Zone II, to protect the Town's drinking water supply.
- The proposed 266 parking spaces equals too many cars parked in a small area and must be guarded against.

We recommend that the ZBA require the Applicant to pay all attendant water connection costs and fees, at the very least for the market rate units. The anticipated cost of the water connections is \$765,000 (\$5,000 per service connection/153 connections).

5. Wellhead Protection District Issues. The majority of the Property is located in the Water Resource Protection District/Zone II and the Lower Nantucket Wellhead Protection District (DEP Zone II) and, during the public hearing, all of the requirements in Zoning Bylaw ("ZBL") §139-12B for the Public Wellhead Recharge District should be carefully examined and the Project and any waivers requested for the Project should be specifically and carefully peer reviewed.

The Select Board urges that the Zoning Board of Appeals not grant any waiver of any requirement that is designed to protect local and municipal water supplies, including the following provisions.

ZBA §139-12B.2:

ZBL §139-12B.2(q) prohibits any land use in the District, including all buildings and accessory structures, that would result in impervious surfaces of more than 2500 s.f. or 15% of a lot, whichever is greater, unless a system for artificial recharge of 95% of annual precipitation is provided that will not result in the degradation of groundwater quality.

The Project contains 12.87 acres of land and 15% of the Property would be 1.93 acres; however, the Project proposes total impervious surfaces of 48.3% of the Property, for a total of 6.21 acres of land, more than 3 times what is allowed. The Zoning Board of Appeals must carefully review this proposal in light of the prohibitions and requirements set forth under ZBL §139.12, B.

Specifically, under ZBL §139-12B.2(q), the Zoning Board of Appeals may and should require the Applicant to provide evidence of groundwater protection, including the history of treatment effectiveness of the proposed design/treatment technology proposed and may require monitoring of on-site, pre-and post-development ground water quality for potential pollutants.

ZBL §139-12B.3(a):

A determination must be made as to whether the Project triggers the thresholds that would result in the requirement for a water compliance finding under ZBL §139-12B.3. That determination should be made in consultation with the Wannacomet Water Company. If the Project triggers the requirement for the finding, then the finding must be made, either by the Zoning Board of Appeals under G.L. c.40B, in consultation with the Wannacomet Water Company, or, if the applicant agrees, the Applicant could go directly to the Wannacomet Water Company for the review.

ZBL §139-12B.3(c):

Since the Project proposes a new nonconforming use for the Water Protection District, the Project should undergo the review required under ZBL §139-12B.3(c), with the Zoning Board of Appeals acting for the Planning Board, to make the finding that Project shall be constructed and managed in a way that will eliminate threats to the aquifer through the proposed life of the use and structures proposed. While the special permit requirement of this section does not apply under G.L. c.40B, the Zoning Board of Appeals should impose any conditions that are reasonably necessary to protect the integrity of the aquifer and the Town's drinking water supply.

6. Public Safety Issues.

A. Police Issues.

The Select Board recommends, based upon the Police Chief's advice, that a peer review consultant trained in Crime Prevention Through Environmental Design should be hired to review the design of the Project to make sure that appropriate safety measures are designed and implemented (including lighting, landscaping and building access design) to protect the safety of the future residents and area residents.

Landscaping should be carefully designed to provide appropriate screening for the Project, which proposes great density, without creating opportunities for acts of violence to occur. Similarly, all exterior entrances and all internal hallways should be carefully designed to promote the safety of the future residents.

The Select Board urges that ZBA take all possible steps to require the Applicant design each common element of each residential unit (i.e., floors, ceilings and walls that are shared with an adjacent unit) very carefully and build them carefully, to provide noise and vibration controls, to protect the quality of life of the residents and prevent conflicts between and among the residents in such a dense development.

In particular, the parking requirement under ZBL §139-18 of one space per bedroom should not be waived as inadequate parking can and will create public safety issues, as noted by the Police Chief. Modifications to the Project must be required to provide for the required parking.

The Select Board urges that the ZBA require the Application to provide on-site recreational opportunities for children. The Police Chief has opined that the Project needs to provide areas where effective year-round recreation can take place. The children at the Project will need to be able to have paved areas where balls can be bounced and grassy areas where balls can be tossed and the Project needs to provide a safe area for bike riding.

B. Fire Issues.

The Select Board, based upon the Fire Chief's advice, urges the ZBA to impose conditions to ensure that all of the requirements of the new fire code are fully peer reviewed and fully satisfied:

Proper access for fire safety vehicles absolutely must be provided in order to protect both the future residents of the Project and the Town's public safety personnel. Failure to provide proper access to buildings will increase response time and allow dangerous conditions to develop that otherwise would be avoided.

The following issues must be carefully peer reviewed and the Select Board recommends that the ZBA have the Project carefully conditioned to address those issues as follows:

- The overall project must meet all requirements of the Fire Code.
- Access roads must be 20 feet in paved width, not including parking areas.
- Trees and vegetation must be maintained and not allowed to grow to block access for emergency vehicles. This would include vertical and horizontal growth.
- The access to the apartment buildings is inadequate and a serious safety concern for the occupants.
 - The secondary access at the rear of the apartment building driveway would be a difficult access for emergency vehicles if the area is not properly landscaped and maintained as the Fire Department would be unable to position multiple emergency vehicles in the event of an emergency.
 - There must be access around the apartment/condo building, including within the parking areas for all Fire Department equipment to assure access to all areas of the building. This would require the elimination of some of the proposed parking included in the plan.
 - Parking lot spaces that are perpendicular to the travel lanes must be 22 feet in paved length to avoid overhanging vehicles into the roadway.

The current plan does not provide emergency access to many sections of the parking. Modeling performed to evaluate the proposed access for all emergency equipment indicates minimal clearances for emergency vehicles. If the parking spaces were allowed to remain at 20 feet, larger vehicles would block the path of emergency access.

- No on-street parking should be allowed as that would narrow the roadway below 20 feet, impairing emergency response time.
- Final Fire Department access plans should be submitted to the department for review and confirmation of the accessibility by the largest piece of Fire Department equipment to the areas within the Project.
- The lack of accessibility to Lot 23, which has a shared driveway and is set back from the roadway and must be addressed to meet the Fire Code.

The Project, as designed, would place an overwhelming responsibility on the Fire Department if an emergency were to arise. The potential fire load of one empty apartment building would require 5,200 gallons of water a minute to extinguish, an impossible mark to meet for the Department, from the start. Many fire protection systems at critical facilities such as the Nantucket Cottage Hospital and Nantucket Public Schools are in place on the same water main. Any potential effects to these critical infrastructures must be determined by a hydraulic study of the system.

To meet these demanding needs and to address safety of the future occupants and the firefighters who risk their lives in emergency conditions, the requirements listed above must be met.

7. Public Health Issues.

- The Property is within the wellhead protection district (Zone II of a public drinking water supply) for our sole source aquifer. The Select Board recommends that the ZBA require that any decrease in permeability shall be mitigated 1.5-fold by the addition of groundwater infiltrators or bio-retention areas. This would minimize diversion of ground water recharge and protect the adjacent wetlands.
- Increased impervious surfaces will increase storm water runoff that can lead to potential flooding in adjacent areas. The Select Board recommends that the ZBA require that on-site storm water infiltration and oil/water separators with routine monitoring shall be located on site to prevent contamination of groundwater by tainted impervious surface runoff.
- The Select Board recommends that the ZBA require that before, during, and after construction, steps shall be taken to minimize rodent scattering due to habitat disturbance and that an integrated pest management plan shall be adhered to at all times.
- The Select Board recommends that the ZBA require that, due to its location within Zone II of a wellhead, any landscaping practices shall adhere to MassDEP and local fertilizer, herbicide, fungicide, and pesticide regulations. A landscape management plan shall be kept on-site at all times and shall subject to audit by Town personnel.
- The Select Board recommends, due to the Project's proximity to the adjacent bicycle paths and due to the expected increase in traffic, that the ZBA have peer review performed to evaluate the pedestrian safety before construction and design approval.
- All housing units must meet and be maintained in accordance to Massachusetts regulation 105 CMR 410.000 "Minimum Standards for Human Habitation."

8. Traffic, Parking, and Public Transportation.

A. Traffic Issues.

The increased traffic to and from the Property, during the summer season and the school year alike, must be appropriately evaluated from a vehicular as well as pedestrian/biking perspective. Before a comprehensive permit is granted, the Applicant must provide a comprehensive traffic study, with a scope that includes the Property and critical intersections within approximately one mile of the site and take into account both seasonal and off-seasonal (school year) peaks. The Select Board notes that it cannot overstate the importance of understanding and taking into account the impact that a development which would add 156 units and 389 bedrooms to a single access road will have on the South Shore Road neighborhood.

B. Parking Issues.

The Select Board understands from staff that the proposed parking may technically satisfy local requirements – because local requirements do not anticipate this kind of density because it is not allowed. The Select Board understands that the adjacent 40B development (Sachem's Path), where density is lower (4.38 units per acre versus 12 units per acres proposed here), has been routinely cited by residents as inadequate in practice now that the project is complete and occupied. The Select Board also notes that it understands that multiple parking spaces will need to be surrendered/removed to meet the access requirements of the Fire Department. The Select Board recommends that the ZBA impose conditions to increase parking and to require no parking may occur over the Town's Sewer Main Easement.

C. Public Transportation Issues.

Year-round public transportation became available in April 2018, although at this time the closest bus stop is located on Fairgrounds Road near the intersection of Surfside Road. The Select Board recommends that access for the proposed residents to this stop be evaluated.

9. Archeological/Cultural Importance. Prior investigation in the immediate vicinity noted significant Wampanoag activity, including a burial ground and artifacts. To that end, the Executive Director of the Massachusetts Historical Commission ("MHC"), by letter dated February 2, 2018, noted that: "Undisturbed portions of the project impact area are archaeologically sensitive by virtue of environmental characteristics, with level, sandy soils in proximity to recorded archaeological sites and the wetlands and water resources of Miacomet Pond, favorable for ancient and historic period Native American Habitation and land use."

The MHC Letter requests that development of the Project "be preceded by an intensive (locational) archaeological survey ... under a State Archaeologists Permit ... by a professional consulting firm retained by the project proponent ... to determine if the project will affect any significant historic or archaeological resources ... and to avoid, minimize, or mitigate adverse effects to identified significant archaeological resources."

In the event that any state permit is required, then compliance will be required under G.L. c.9, §§26-27C. We request that the Comprehensive Permit not be issued before an archeological study is conducted.

10. Environmental Sensitivity. The Application notes that the entire Property contains Priority Habitats of Rare Species. We understand that the Project will disturb the entire acreage, per the representations in the PEL application. Virtually the only open space to be provided would be atop the drainage infrastructure and above the Town's sewer force main easement. The Project is located within mapped protected species habitat; in our view, the Applicant should obtain a determination from Mass Natural Heritage regarding any habitat management areas/ requirements for the Property before a comprehensive permit is issued; and, of course, it must be obtained before any construction occurs. In the case of the 40B next door, on approximately nine acres, over 12 acres of off-site mitigation lands were obtained in that the case, as a Town-supported project, that project by the Nantucket Housing Authority was able to provide relief with off-site land. The Application does not speak to the Applicant's ability or willingness to do so here and we request that the Applicant be asked about this.

The Property is located entirely within the Miacomet Pond Watershed and a portion of #3 South Shore Road is within the area of direct runoff to Miacomet Pond.

The Select Board recommends that the ZBA require that any development of the Property shall be properly conditioned to prevent any direct runoff and to properly treat any surface waters before leaving the Property or being infiltrated to groundwater. This shall include roof runoff. A development of this density, given its location could have a negative impact to environmental health of Miacomet Pond.

11. Overcrowding of the Property and the Neighborhood. The proposed 12-units/acre for the Project would overwhelm and overcrowd the Property and the neighborhood. The size of the single-family lots ranges from 3,700 s.f. to 13,000 s.f. and at least 30 of the single-family parcels would have less than 5,000 s.f. The Town supported a 40B development with 40 single-family homes on small parcels right next door to the Property, but that development has a density of 4.38 units per acre, with more than two acres subject to a conservation restriction and with 12.75 acres of off-site open space mitigation land. Adding a second, even denser development right next door is not appropriate for this neighborhood.

The Select Board urges the ZBA not to allow any setback requirements be waived. At a minimum, the size of the smallest single-family lot should be increased to at least 5,000 s.f. (and the number of lots correspondingly decreased). We note that market rate single-family dwellings in a comparable 40B development in the vicinity have been selling for \$1.8 million or greater, so an increase in lot size (and a decrease in the number of dwellings) should be economically feasible for the Applicant and the market rate pricing should be noted in the Applicant's pro forma.

The Application recites that 30% open space will be provided within the Project; however, the proposed open space consists of: (1) thin strips of ineffective buffer around the perimeter of the Property, which are not usable for any open space purpose; (2) small parcels that consist of land above the underground drainage infrastructure; and (3) the land that runs the 20-foot width of the Town's easement for the sewer force main. As to the latter two areas, trees and landscaping must be prohibited. The overcrowding and lack of open space is wholly inappropriate and the Select Board recommends that the ZBA impose conditions requiring proper, usable open space.

12. Energy Issues. There is an important need to manage Nantucket's surging peak electric load. According to Nantucket's electric utility company, National Grid, the demand for electricity on the island is growing at more than five times the Massachusetts state average. If demand continues to increase at this rate, a third delivery cable will be necessary, at an estimated cost of \$150-175 million dollars to local ratepayers. We request that the Applicant carefully consider the Town's Housing Production Plan, in which key energy saving recommendations, goals and strategies are detailed. Additionally, according to National Grid, an engineering report would need to be commissioned in order to design and accommodate the Project's electric load. Significant electric service upgrade costs may be incurred by the developer to the extent allowed by the Department of Public Utilities.

13. School Impact. In order for the Town to plan appropriately, a school impact study should be provided by the Applicant for the Project. This has been required of other developers and was provided by The Richmond Company, Inc. for the Meadows II and Sandpiper Place developments.

14. Affordability Options. The Town has many projects underway or permitted in the 80% AMI category. We request that the Applicant consult the Town's approved Housing Production Plan and with the Town's local housing agencies and consider permanent deed restrictions that require income at other affordability levels for which the Town has a demonstrated need, including at moderate workforce levels like 120% AMI. The Select Board recommends that the ZBA discuss this with the Applicant, as the Board would like to see this kind of creative and year-round community-minded thinking brought to bear on this Project.

15. Other Important Issues. The Select Board recommends that the ZBA require the Applicant to provide a full analysis of pre and post-construction drainage conditions, including pre and post-construction drainage calculations and that a qualified professional engineer shall provide a peer report that compares and analyzes the pre and post construction drainage conditions for the Property and all adjoining land and all relevant watershed areas, at the Applicant's expense.

If the Applicant proposes to use pervious pavement for walkways and parking areas, then that, of course, could mitigate storm water runoff concerns; however, if that approach is contemplated, there must be a proper operation and maintenance plan that provides for maintaining the pervious pavement, which would be a significant annual expense and the

Select Board recommends that this be acknowledged and planned for in the reserves created for and required to be maintained by the various owners associations for the Project.

The Select Board recommends that the Applicant must be required to provide drainage information for peer review that shall:

- a) be supported by adequate testing of the Property's soils, both as to percolation and permeability rates, and the location of seasonal high ground water levels;
- b) be required to undergo peer review by a drainage consultant hired by the Town at the Applicant's expense;
- c) be confirmed through peer review, before any approval can take place, to result in no net increase in the volume and rate of storm water runoff from the Property, based upon drainage calculations that compare pre-construction and post-construction conditions;
- d) be confirmed, in particular, through peer review, to not result in any increase in the rate or volume of storm water runoff from the Property or any change in the runoff from existing adjoining properties, when pre-construction and post-construction conditions are compared;
- e) include water control runoff from roofs of the dwellings and any accessory structures that are separate from and not combined with storm water runoff from paved areas and not be introduced into any storm water drainage basin; and
- f) include operation and maintenance and replacement requirements for the access ways and storm water drainage infrastructure.

The Select Board recommends that the ZBA impose conditions that require that any trash receptacles shall be located so as to not disturb any adjacent residential property and that the Applicant be required to provide a detailed trash removal and recycling plan that identifies the frequency of trash pickup, the dumpster locations, all trash policies and enforcement procedures.

The Select Board recommends that the ZBA require the Applicant to obtain and provide a report that provides an estimate of the anticipated school aged children in the Project, so that the Town can plan ahead to serve the children.

The Select Board recommends, to the extent possible, that the ZBA impose conditions to require that the Project be designed and built so as to maximize energy efficiency in terms of building materials and heating and other infrastructure. That would reduce the cost to the residents and should be done in a manner that does not greatly increase the Applicant's costs to undertake the Project.

The Select Board recommends that the ZBA require that the Project shall include internal and off-site sidewalk improvements so as to facilitate pedestrian access to nearby neighborhoods and public transportation facilities. Sidewalks should be constructed of brick, concrete or asphalt (or a combination thereof) and meet AASHTO standards where appropriate.

The Select Board recommends that the ZBA require the Project to be designed to have adequate snow storage areas and a snow removal policy that provides for removal in the event of large or repetitive snow events.

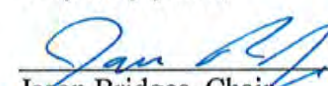
The Select Board recommends that the ZBA require the Applicant to provide a lighting plan, to provide safe lighting for residents, but without light intrusion onto adjacent properties.

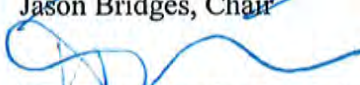
The Select Board urges that a limitation be placed on the rental of the market rate units so that rentals are at least one month in duration, to prevent transient population issues.

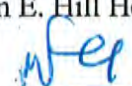
Because this project is so significant, the Board would like to see a requirement that the condition of South Shore Road be evaluated before the Project begins and after it is completed, with the Applicant to be responsible for any repairs necessary due to construction activity.

The Select Board thanks the Zoning Board of Appeals for its hard work on this important matter.

Very truly yours,



Jason Bridges, Chair

Dawn E. Hill Holdgate, Vice Chair

Matthew G. Fee

Rita Higgins

James R. Kelly

cc: Police Chief
Fire Chief
Sewer Director
Wannacomet Water Director
Director of Planning and Land Use Services
Town Counsel
Surfside Crossing, LLC

Preliminary Outline #2 for 2025 Annual Town Meeting Warrant

For 10/23/24 SB review

As of 10/22/24

NOTE: Numbering & Order is NOT FINAL

Annual Articles

1. Receipt of Reports
2. Appropriation: Unpaid Bills
3. Appropriation: Prior Year Articles
4. Revolving Accounts: Annual Authorization
5. Appropriation: Reserve Fund
6. FY 2025 General Fund Budget Transfers
7. Personnel Compensation Plans for FY 2026
8. Appropriation: FY 2026 General Fund Operating Budget
9. Appropriation: Health & Human Services
10. Appropriation: General Fund Capital Expenditures
11. Appropriation: FY 2026 Enterprise Funds Operations
12. Appropriation: Enterprise Funds Capital Expenditures
13. FY 2025 Enterprise Funds Budget Transfers
14. Appropriation: Waterways Improvement Fund
15. Appropriation: Ferry Embarkation Fee
16. Appropriation: Ambulance Reserve Fund
17. Appropriation: County Assessment
18. Appropriation: Finalizing FY 2026 County Budget
19. Rescind Unused Borrowing Authority (*if needed*)
20. Appropriation: OPEB Trust Fund
21. Appropriation: Free Cash
22. Appropriation: Stabilization Fund

Other Select Board Sponsored Articles

NOTE: most of these were reviewed/discussed by SB and/or Town Administration since the 2024 ATM

ZONING* BYLAW & GENERAL BYLAW AMENDMENTS

**Board discussion occurred in January 2018 regarding a request/directive that all zoning articles must be accompanied by a narrative explanation as to why the item is being put forward, along with any operational or financial impacts*

Zoning Bylaws

Preliminary Planning list attached

Rezone 8 White St (AHT)

General Bylaws

- Anything for E-bikes, E-scooters? (BPAC reviewing; could potentially be regs vs bylaw)
- Noise bylaw – any changes to hours/days/summer? (routinely brought up by ACNVT and Sconset Civic Assoc) **have advised Sconset Civic Assoc to seek a meeting with Nantucket Builder's Assoc**
- Rental car bylaw changes – in progress
- Anything from SB re STRs?
- Traffic calming signage exemption?
- Local bylaw to mirror c. 91 enforcement (conceptual right now)
- Wetlands bylaw “clean up” updates (bc of new ConCom wetlands regs)

- Any change to the Contract Review Committee membership/charge (per recent review of CRC, CHS and funding allocation process)

HOME RULE PETITIONS

Resubmittal of Pending HRP's from prior ATMs (if these have not been acted upon by the Legislature)*

- Bike path easement acquisition/County (Nov 2023 STM)
- Community Housing Bank (Article 76/2022 ATM; Article 79/2019 ATM; Article 70/2018 ATM; Article 88/2017 ATM; Article 82/2016 ATM)
- Sewer Act Amendment (Article 84/2023 ATM; Article 77/2022 ATM)
- Gov't Study Committee Recommendations (Article 85/2023 ATM; Article 78/2022 ATM)
- Fertilizer Ban (Article 86/2023 ATM)
- Real Estate Conveyances x 2 (1 – Article 87/2023 ATM, Article 94/2022 ATM: 50 Altar Rock Rd to NCF; 2 – Article 88/2023 ATM, Article 95/2022 ATM: Portion of Ames Ave)

NEW:

**several of these are currently in hearings; need to confirm their status; these need a thorough review*

MGL ACCEPTANCES

- “Good Landlord” tax exemption opt-in?
-

REAL ESTATE RELATED

Easement Conveyances/Acqs:

- Airport to NGrid for Airport Housing project
- Airport to NGrid for South Ramp
- Town to NGrid for Airport Sewer Pump Station
- Town to NGrid for Waitt Dr housing
- Town to NGrid for L1 project switching module at 16 Broad

OTHER

- Coastal erosion structure approval in connection with SBPF/Town project at Baxter Rd?
- Need to review any 2024 ATM Town-sponsored articles for potential resubmittal
- Town Council Charter? “Sense of the Meeting”? Or?

FINANCIAL AND/OR BALLOT QUESTIONS

possible debt exclusion(s) and/or capital exclusion(s) for capital projects; real estate:

- Supplemental design for new DPW facility
- OIH construction
- Baxter Rd alt access (tentative)

Establish Concession Revolving Fund?

Establish Town Employee Housing Revolving Fund?

Will need appropriation article for Community Impact Fee revenue adopted at 2023 STM

Opioid settlement proceeds allocation article?

CITIZEN ARTICLES

Submittal deadline Mon, November 18

2025 ATM Concept List as of 10.22.24

Map Changes

~~R_7.to.R_1.or.R_1.L.Hooper.Farm.Road-Gartwright-Shady.Maple-Allens-First-Second~~

RC-2 to CTEC or R-5 – Appleton (3 Properties)

RC-2 to R-5 or CN - 61 Surfside Road and 2 Miacomet Ave

RC-2 to ??? Rosebud/Hinsdale/Forrest

RC to CN - 103 Washington Street

43 Nobadeer, Rosemary, Teasdale (stand alone RC2 phase out)

R-40 to ROH (correction) - 0 Fair Street (portion of)

RC-2 to CTEC - Van Gilder Subdivision

RC-2 to ? Egan Lane

Bylaw Changes

139-2 and 139-7A - Pickle Ball Court – some prohibitions

139-9 NEW Inclusionary Housing Bylaw (possible Citizen Petition)

139-10 (?) NEW Solar Energy Bylaw (Lauren request)

139-2 and 139-8.NEW.Cottage Community

139-12 Flood Hazard Overlay District – move to a General Bylaw (may need to wait)

Height

~~VR. .possible.increase.in.GC?.FAR?.~~

~~Covenant.GC.bonus~~

Technical Amendments

139-13 MMD – remove Planning Board site plan review reference and change to ZBA

139-17(C)7 – move to 139-17(B)8 and may need technical updates based on FEMA/Building Code updates

139-37 – remove in its entirety. No longer needed.

HDC Appeal of 2 Derry Ln

APPEALS PROCEDURE before the Select Board

The appeal to the Select Board concerns the HDC decision and is not a new hearing of the matter already heard by the HDC. No new information may be brought forth during the appeal process before the Select Board. Any information not previously submitted to the HDC will not be allowed.

1. The chairman opens the public hearing and may outline the procedure to be followed including the time allotment for the statements and rebuttals.
2. The appellant states his/her case and the reason for the appeal.
3. The Historic District Commission defines its position.
4. Rebuttals follow.
5. Public comment may be taken although any separate interests that may be expressed will not become part of the argument.
6. The chairman invites questions from the Board and closes the public hearing.
7. The Board makes a decision or may take the matter under advisement.
8. A written decision is prepared for Board signature.

MICHAEL AND MINDY PEARLSTEIN

20 DERRYMORE RD

NANTUCKET MA 02554

9/19/24

215-514-7597

NANTUCKET TOWN ADMINISTRATION
BOARD OF SELECTMEN
ERIKA DAVIDSON MOONEY
16 BROAD ST
NANTUCKET, MA 02554



RE: BERLINS 2 DERRY LANE NANTUCKET MA 02554
HDC2024-08-10993 FENCE

DEAR TOWN ADMINISTRATION

PLEASE BE ADVISED WE ARE APPEALING THE FENCE APPLICATION WITHIN THE 10 DAY ABUTTER APPEAL PROCESS FOR ABOVE MATTER BASED ON THE ATTACHED DOCUMENTS AND THE FOLLOWING BACKGROIND.

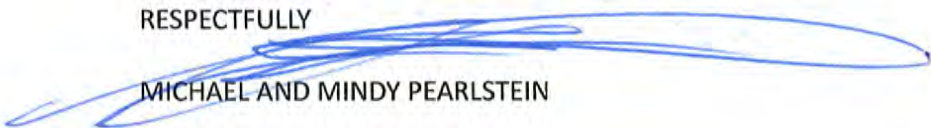
THE PROPERTY LOCATED AT 2 DERRY LANE PER THE NANTUCKET LAND CONSERVATION COMMISSION IS LOCATED WITHIN A WETLANDS PER THE TOPOGRAPHIC PLAN DATED 7/8/08 AND STAMPED BY THE NANTUCKET LAND CONSERVATION 7/10/08. IN ADDITION, THE HIGHLIGHTED BLUE 100 FT BUFFER ZONE OUTLINED ON THE PLAN IS CLEARLY MARKED ON THE PLAN RIGHT IN FRONT OF OUR REAR YARD LINE MARKED "PEARLSTEIN" WHICH DOES NOT PERMIT THIS NEW FENCE ON THE HDC APPLICATION. THE 100 FT BUFFER ZONE IS ACTUALLY POSSIBLY LESS THAN 50 FEET FROM OUR REAR PROPERTY LINE PER THE CONSERVATION COMMISSION MEETING WITH JEFF CARLSON NATURAL RESOURCES DIRECTOR. THE COMMISSION ENCOURAGES NEIGHBORS TO DISCUSS WITH AMICABLE RESOLUTION IN LIEU OF INSTALLING 6 FOOT SPITE FENCES ACROSS 100 FEET OF OUR REAR PROPERTY LINE IN WETLANDS AREA.

WE HAVE TRIED TO DISCUSS RESOLUTION WITH THE NEIGHBORS PER ALL THE ATTACHED EMAILS PICTURES OF OUR PROPERTY AND COMMUNICATIONS AND DECIDED TO INSTALL OUR OWN PRIVETS ON OUR SIDE OF PROPERTY LINE SPANNING 100 FEET ACROSS BOTH PROPERTIES LINES PICS ATTACHED AS THE NEIGHBORS PROPOSED WHICH WE AGREED AND COMPLETED RECENTLY COSTING US APPROXIMATELY \$14,000.00 INCLUDING ALL MATERIALS AND LABOR TO KEEP THE NATURAL BEAUTY OF THE WOODED AREA.

PER THE NANTUCKET LAND CONSERVATION COMMISSION AND TOPOGRAPHIC PLAN ATTACHED CLEARLY
SHOWING THE WETLANDS AND 100 FT BUFFER LINE FOR THE FENCE PERMIT APPLIED FOR ON 8/23/24
SHALL BE RESPECTFULLY DENIED IMMEDIATELY AND FOREVER.

WE ARE AVAILABLE FOR ZOOM MEETING ANYTIME SINCE WE LIVE IN VILLANOVA PA. ALSO ENCLOSED IS
THE CHECK PAYABLE TO INQUIRER MIRROR, HDC CERT OF DETERMINATION AND HDC MINUTES.

RESPECTFULLY



MICHAEL AND MINDY PEARLSTEIN

CC; FILES

JESSIE BRESCHER ESQ

HAND DELIVERED

HDC 2024-08-10993

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

Staff

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N^o: 41 PARCEL N^o: 219
Street & Number of Proposed Work: 2 Derry Ln.
Owner of record: Wittenstein Lisa Berlin Trs Etal
Mailing Address: 3510 Livingston St NW,
Washington DC, 20015
Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: _____
Mailing Address: _____
Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY

Date application received: 8/21/24 Fee Paid: \$ 50
Must be acted on by: 10/24/24
Extended to: _____
Approved: X Disapproved: _____
Chairman: _____
Member: _____
Member: _____
Member: _____
Member: _____

Notes - Comments - Restrictions - Conditions

Install Vining-type plant material on the
neighbor side, one per center of
each panel at the ends, alternate

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☒ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District _____) ☐ Roof ☐ Other New 6-foot board fence along eastside of property
Size of Structure or Addition: Length: 95 ft. Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks **REVISIONS*** 1. East Elevation 95 ft natural wood board fence 6-feet tall

Historic Name: _____ (describe) _____
Original Date: _____
Original Builder: _____

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers

Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____

Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____

Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ Side

☐ _____
☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____
B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____
C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____
Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____
☐ True Divided Lights(muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____
Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence DTW Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission any revisions to this application will initiate a new sixty-day review period.

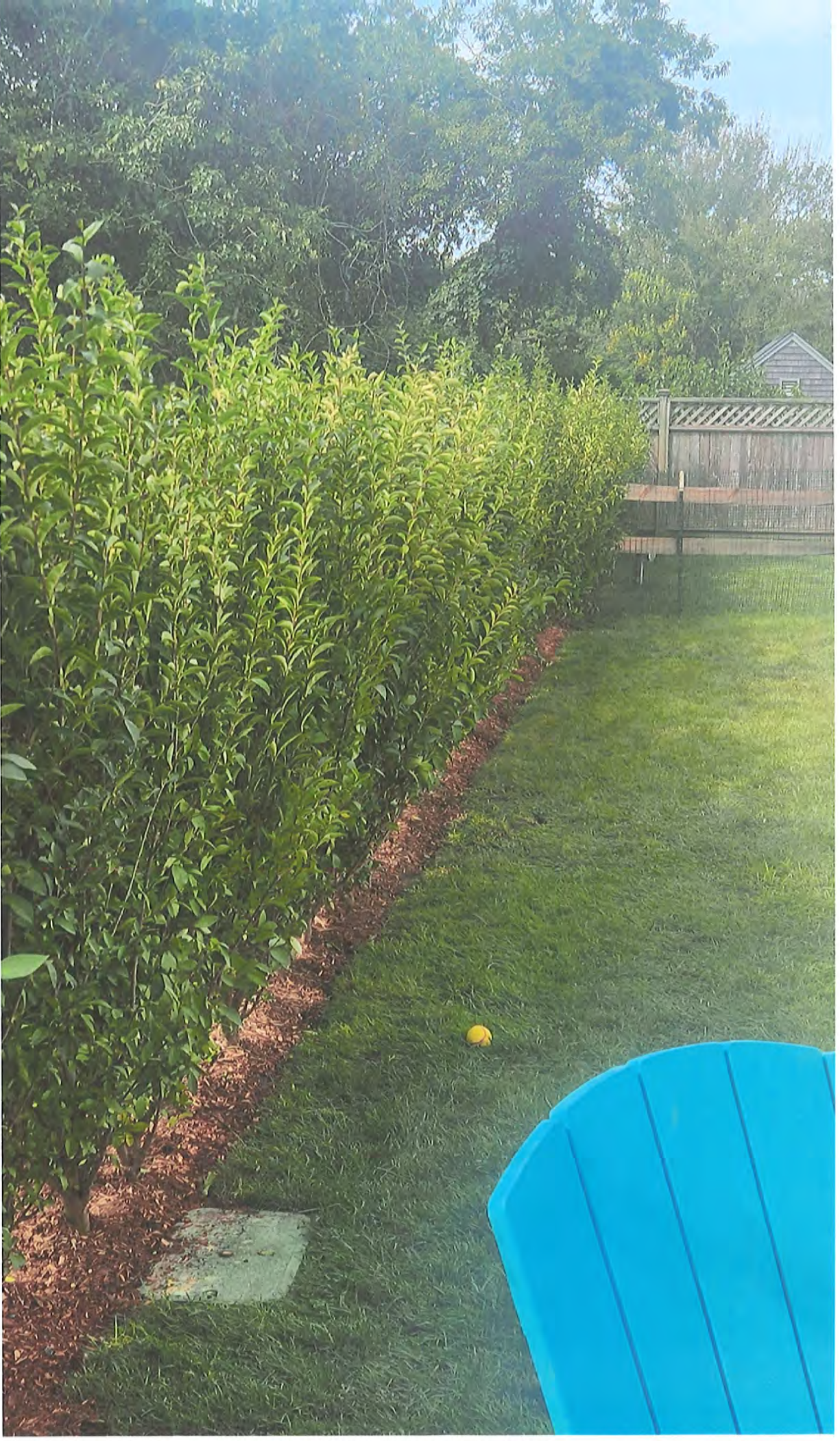
Date 8/20/2024 Signature of owner of record Doug Calhoun Signed under penalties of perjury

ATTEST: TRUMP COUNTY
NANTUCKET TOWN & COUNTY CLERK

20 Denmore



20 Perrymore



20 Don't know



**TOPOGRAPHIC PLAN OF LAND
TO ACCOMPANY REQUEST FOR AMENDED ORDER OF CONDITIONS
IN NANTUCKET, MASSACHUSETTS**

prepared for: IRA and MARTHA BERLIN

SCALE: 1"=20'

DATE: JULY 2, 2008

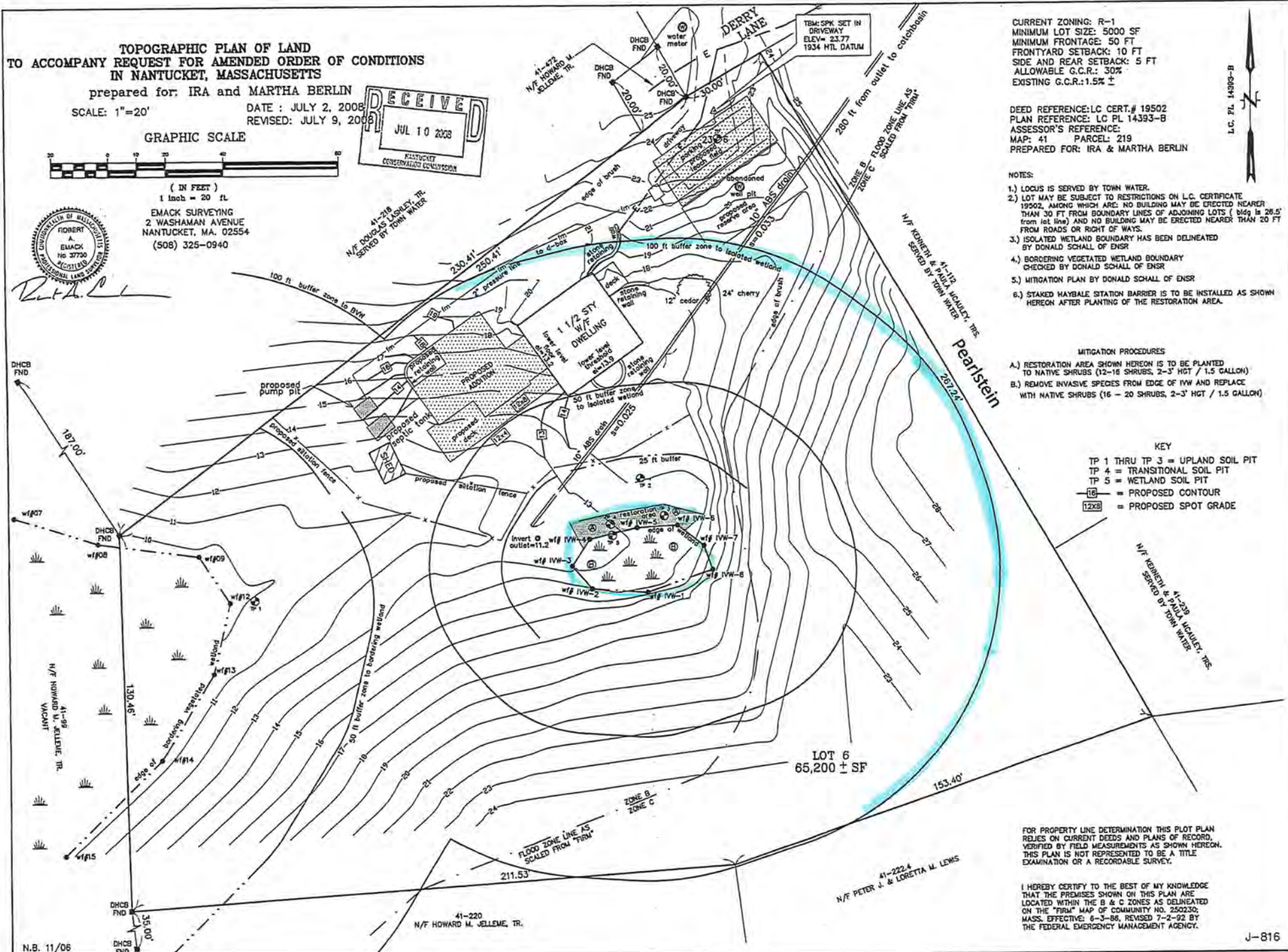
REVISED: JULY 9, 2008

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft

EMACK SURVEYING
2 WASHAM AVENUE
NANTUCKET, MA. 02554
(508) 325-0940



CURRENT ZONING: R-1
MINIMUM LOT SIZE: 5000 SF
MINIMUM FRONTAGE: 50 FT
FRONTYARD SETBACK: 10 FT
SIDE AND REAR SETBACK: 5 FT
ALLOWABLE G.C.R.: 30%
EXISTING G.C.R.: 1.5% ±

DEED REFERENCE: LC CERT. # 15052
PLAN REFERENCE: LC PL 14393-B
ASSESSOR'S REFERENCE:
MAP: 41 PARCEL: 219
PREPARED FOR: IRA & MARTHA BERLIN

NOTES:

- 1.) LOCUS IS SERVED BY TOWN WATER.
- 2.) LOT MAY BE SUBJECT TO RESTRICTIONS ON L.C. CERTIFICATE 19502, AMONG WHICH ARE: NO BUILDING MAY BE ERRECTED NEARER THAN 30 FT FROM BOUNDARY LINES OF ADJOINING LOTS (bldg is 28.5' from lot line) AND NO BUILDING MAY BE ERRECTED NEARER THAN 20 FT FROM ROADS OR RIGHT OF WAYS.
- 3.) ISOLATED WETLAND BOUNDARY HAS BEEN DELINEATED BY DONALD SCHALL OF ENSR
- 4.) BORDERING VEGETATED WETLAND BOUNDARY CHECKED BY DONALD SCHALL OF ENSR
- 5.) MITIGATION PLAN BY DONALD SCHALL OF ENSR
- 6.) STAKED WAYBALE STATION BARRIER IS TO BE INSTALLED AS SHOWN HEREON AFTER PLANTING OF THE RESTORATION AREA.

MITIGATION PROCEDURES

- A.) RESTORATION AREA SHOWN HEREON IS TO BE PLANTED TO NATIVE SHRUBS (12-16 SHRUBS, 2-3' HGT / 1.5 GALLON)
- B.) REMOVE INVASIVE SPECIES FROM EDGE OF WTW AND REPLACE WITH NATIVE SHRUBS (16 - 20 SHRUBS, 2-3' HGT / 1.5 GALLON)

KEY

- TP 1 THRU TP 3 = UPLAND SOIL PIT
TP 4 = TRANSITIONAL SOIL PIT
TP 5 = WETLAND SOIL PIT
10 = PROPOSED CONTOUR
12x8 = PROPOSED SPOT GRADE

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE B & C ZONES AS DELINEATED ON THE "TOWN" MAP OF COMMUNITY NO. 250230, MASS. EFFECTIVE: 6-3-88, REVISED 7-2-92 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Natural Resources Department
Town of Nantucket

Jeff Carlson
Natural Resources Director

131 Pleasant Street
Nantucket, MA 02554

508-228-7230
jcarlson@nantucket-ma.gov



GLIDDEN & BRESCHER, P.C.
ATTORNEYS AT LAW
P. O. Box 1079
37 CENTRE STREET
NANTUCKET, MASSACHUSETTS 02554
508-228-0771
FAX 508-228-6205
OFFICE@GLIDDENANDGLIDDEN.COM

RICHARD J. GLIDDEN
JESSIE M. GLIDDEN BRESCHER
JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

August 29, 2024

Via Express Mail and First Class Mail

Ms. Lisa Berlin Wittenstein
3510 Livingston Street NW
Washington DC 20015

Ms. Lisa Berlin Wittenstein
2 Derry Lane
Nantucket, MA 02554

RE: 2 Derry Lane, Nantucket, MA

Dear Ms. Wittenstein,

I represent Michael Pearlstein who owns the property at 20 Derrymore Road. It has come to Mr. Pearlstein's attention that you are planning to erect a 6-foot tall fence along the property line separating your property at 2 Derry Lane from his property. It is his assumption that the desire to install a fence is in response to his previous requests for you to trim / maintain the mature vegetation that exists along the shared property line with his property, which vegetation has at times encroached onto his property.

Rather than install a fence, Mr. Pearlstein would like to offer that he will be responsible for trimming / maintaining the existing vegetation along the shared property line so you do not need to incur that expense. If this is something you are willing to consider in lieu of putting up a fence, please let me know and we can prepare an agreement to document the agreed-upon terms.

If you prefer to proceed with the installation of the fence, please know that Mr. Pearlstein will pursue any and all rights in law and in equity in objecting to the fence.

If you are represented by counsel, please let me know and I will be sure to direct any future correspondence to your attorney.

Thanking you for your time and consideration, I remain,

Very truly yours,

Jessie M. Brescher

cc: Michael Pearlstein (via email only)
Douglas Collatz (via Express Mail and First Class Mail)

Lisa Wittenstein - Express - Washington, DC - sent 8/30/24

EI 231 140 670 US



Lisa Wittenstein - Express - Nantucket, MA - sent 8/30/24

EI 231 140 683 US



Douglas Collatz - Express - Nantucket, MA - sent 8/30/24

EI 231 140 697 US



See next page for proof of Regular Mail

GLIDDEN & BRESCHER, P.C.
ATTORNEYS AT LAW
P.O. BOX 1079
37 CENTRE STREET
NANTUCKET, MA 02554



Ms. Lisa Berlin Wittenstein
3510 Livingston Street NW
Washington, DC 20015

GLIDDEN & BRESCHER, P.C.
ATTORNEYS AT LAW
P.O. BOX 1079
37 CENTRE STREET
NANTUCKET, MA 02554



Ms. Lisa Berlin Wittenstein
2 Derry Lane
Nantucket, MA 02554

GLIDDEN & BRESCHER, P.C.
ATTORNEYS AT LAW
P.O. BOX 1079
37 CENTRE STREET
NANTUCKET, MA 02554



Mr. Douglas Collatz
6 Derry Lane
Nantucket, MA 02554



UPDATED MEETING POSTING
MEETING POSTING

TOWN OF NANTUCKET

ORIGINAL POSTING TIME: 2024 AUG 29 PM 02:44

ORIGINAL POSTING: T 793

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices & agendas** must be filed, & time stamped with the Town Clerk's Office
& posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays & Holidays)

RECEIVED

2024 SEP 03 PM 02:13
NANTUCKET TOWN CLERK
Posting Number: T 802

Committee/Board/s

Historic District Commission (HDC) – NEW Business

Day, Date, & Time

Tuesday, September 3, 2024, at 4:00 pm *HYBRID

Location / Address

COMMUNITY ROOM, 4 FAIRGROUNDS ROAD & REMOTE
PARTICIPATION VIA ZOOM

Information on viewing the meeting can be found at:

<https://www.nantucket-ma.gov/138/Boards-Commissions-Committees>

Please note:

**IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF
THE MEETING POSTING IS NOT IN COMPLIANCE WITH
THE OML STATUTE, NO MEETING MAY BE HELD.**

HISTORIC DISTRICT COMMISSION

Signature of Chair/Authorized Person: Stephen Welch, Chairman

To join the Historic District Commission meeting click on the Zoom Registration Link below:

https://us06web.zoom.us/webinar/register/WN_cMmiQKgkRH2IRas22PJkQA

To watch the live meeting, click here:

<https://youtube.com/live/T4SPbm2sBLQ>

Commissioners: Stephen Welch (Chair), Ray Pohl (Vice-Chair), Abby Camp, Val Oliver,
Angus MacLeod

Associate Commissioners: Carrie Thornewill, Constance Patten, Joe Paul

Staff: Holly Backus, Nicky Sheriff, Fiona Johnson, Sara Johnson

Building with Nantucket in Mind 1992 & Building with Sconset in Mind- Sconset Trust

<https://nantucket-ma.gov/537/Building-With-Nantucket-In-Mind>

AGENDA

Listed below are the topics the chair reasonably anticipates will be discussed at the meeting.

This agenda reflects what the chair reasonably expects to be discussed during this meeting.

However, due to time constraints, some applications on this agenda may not be heard at this meeting.

I. COMMISSIONER DISCUSSION

1. "Value of Written Submission & Submission Deadlines"

II. CONSENT

1. Chris Austin	10 Maple Ln	Rooftop Solar	67/303.5	Karen Alence	RP
2. Mark Dawson	17 Milestone Rd	Alteration	68/450	Val Oliver	RP
3. Raith, Jonathan	2 Goldstar Dr	Rev Shed add windows	55/190	Permits Plus	RP
4. Berry Pleasant LLC	15 Pleasant St	Rev change fence	42.3.3 123	LFW	RP
5. Fitzgerald	7 W Chester St	Color changes	42.4.3/13	Topham	SW
6. Seahorse Lane LLC	5 Grant Ave	Rev 9748	30/143	Botticelli & Pohl	SW
7. Perry, Chris & Stacie	3 Austin Farm Dr	New Cabana	56/385	Normand	JP
8. Saltaire Ack LLC	5 Doc Ryder Dr	Rev 8553	66/211	Normand	JP
9. Gibson, Denise	22 Woodbine St	New Garage	80/322	Normand	JP
10. N Cowger	73 Vestal St	New Fence	56/192	Natalie	JP
11. 20 Madequecham Nom Tr	20 Madequecham Villy	Move On Lot Main House	89/16	NAG	AM
12. 20 Madequecham Nom Tr	20 Madequecham Villy	Move On Lot 2nd Dwelling	89/16	NAG	AM
13. Brian Strachan	6 Cathcart Rd	Rev Hardscape	54/9	Lombardi Design	AM
14. Osprey Way Real Estate Trust	1 Osprey Way	Addition	65/19	Botticelli & Pohl	AM
15. Capry Island Holdings LLC	47 Crooked Ln	New Cabana	41/200.1	Workshop	AM
16. Steven Cohen Trust	2 Black Walnut Ln	New Shed (renewal)	48/1.2	LFW	CP
17. K22S LLC	126 Main St	New Fence (Type II)	42.3.3/98	LFW	CP

III. CONSENT WITH CONDITIONS

1. Joe Minella	9 Giny Ln	Rev color change cottage	41/851	John Shafer	SW
As-built fee to be assessed unless the balustrade will be changed to typical materials installed per typical design and layout. If balustrade is to be retained, requires Nikko Hydrangea, privet or other similar plant material to prevent street-side visibility.					
2. Town Of Nantucket	4 Bathing Beach Rd	Roof change	29/1	Brian Patch	SW
Date of construction added to the COA (HDC Survey NAN.162 = c.1915)					
3. Jaun Tejada	45 Essex Rd	Solar Roof Cottage	67/647	Complete Solar	SW
Approved due to limited visibility and on secondary structure at the rear of the lot.					
4. Island Energies	15 Bear St	New doors & windows	55/378.6	Val Oliver	SW
Approved windows as Andersen Woodright.					
5. Richard & Lisa Berlin	2 Derry Ln	New Fence	41/219	Self	SW
Install vining-type plant material on the neighbor side, one per center of each panel at the ends, alternate panels in between (give or take a panel.)					
6. Three N Gully Road LLC	7 N Gully Rd	Rev 10369	73.1.3/123	Botticelli & Pohl	SW
Windows as Boston Sash SDL, per original application.					
7. Caprys Island Holding	47 Crooked Ln	Pool Hardscape	41/200.1	Ahern	JP
Approved due to lack of visibility; not to be seen at the time of inspection and in perpetuity. No grade change from existing or as noted on the application.					
8. One Chester Smiley LLC	1 Chester St	Rev 6355	42.4.3/18	Normand	JP
As-built fee to be assessed; add date of construction to the COA (c.1810 Jonathan Barney, Sea Captain)					
9. Donovan Tom & Kerry	104 Surfside Rd	Pool Hardscape	67/349	Atlantic	VO
Not to be seen at the time of inspection and in perpetuity. No grade change from the existing or as noted on the application.					
10. Boland, Jody	7 Lyons Ln	Pool Hardscape	76/28	Atlantic	VO
Not to be seen at the time of inspection and in perpetuity. No grade change from the existing or as noted on the application.					
11. Windmoor N.T.	39 Chuck Hollow Rd	Pool Hardscape	75/109	Atlantic	VO
Not to be seen at the time of inspection and in perpetuity. No grade change from the existing or as noted on the application.					
12. Loftus Brothers	3 Parker Ln	Rev MH Fens	67/319.1	LFW	CP
As-built fee to be assessed.					
13. Loftus Brothers	3 Parker Ln	Rev 2nd dwell	67/319.1	LFW	CP
As-built fee to be assessed.					
14. Steven Cohen Trust	2 Black Walnut Ln	Pool Hardscape (renewal)	48/1.2	LFW	CP
Not to be seen at the time of inspection and in perpetuity. No grade change from the existing tor as noted on the application.					

IV. SIGNS

1. 3 Step Lane LLC 3 Step Ln (Veranda House) Projecting Sign (2) Revision 42 4.2/44 Plymouth Sign Co
 - *NO QUORUM FOR SAC MEETING – CONTINUED TO 9-17-24*

VI. OLD BUSINESS 08/27/2024

1. K22S LLC 126R Main St New Cottage 42.3.3/ 98.1 LFW
 - *Commissioners: Pohl, Welch, Camp, Oliver, Paul – Last heard August 13, 2024*
2. K22S LLC 126R Main St New Shed 42.3.3/98.1 LFW
 - *Commissioners: Pohl, Welch, Camp, Oliver, Paul – Last heard August 13, 2024*

VII. NEW BUSINESS 07/23/2024

1. Jeffery Ackseizer 14 Moors End Ln New Garage 43/216 EMDA
2. Dalibor & Liliana Kovacevic 3 Aster Ct Solar Roof 68/373 Ack Smart
3. Garret Roberts 1 South Mill St Rev change roof 55.4.1/61 EMDA

VIII. NEW BUSINESS 08/06/2024

1. Brandon Eldridge 26 Arlington St Solar Roof 76.1.3/281 Isaksen Solar RP
2. Suzanne & Thomas Albani 39 Wanoma Way Replace beach stairs 92.4/318 EMDA AM
3. Roberto & Amy Finzi 26 Pocomo Rd Addition 14/74 Smith & Hutton AM
4. Roberto & Amy Finzi 26 Pocomo Rd New Garage 14/74 Smith & Hutton AM
5. Marrett Victor 3 Baily Rd Egress window 56/426 Self AM
6. Big Batch LLC 69 Hummock Pond Renovate – Rev #8733 56/320 Emeritus LTD CT
7. Stark Point LLC 16 Easton St Hardscape 42.1.4/11 Botticelli & Pohl CT
8. Nantucket Electric Co 32 Bunker Rd New Commercial Bldg 78/2.7 LFW AC
9. Terry Anne Vigil Trst 26 Somerset Ln New main house 66/10 JBStudio CP
10. Terry Anne Vigil Trst 26 Somerset Ln New pool 66/10 JBStudio CP

IX. NEW BUSINESS 8/20/2024

1. Malony, Rosalie Grennan 15 Old N Wharf Renewal #72026 42.3.1/26 Val Oliver RP
2. Hubbell, Peter 87 Main St Onsite parking 42.3.4/30 Permit Plus JP
3. Verizon 215 Cliff Rd T-Mobile cell site modification 40/62 Adam Wolfrey RP
4. Ruddick, Girrard 6 Bayberry/ Sconset Rev's to #9023 49/92 Thornewill RP
5. Paige Mary Yates Trust 4 Coffin Sias New Dwelling 73.1.4/18 Val Oliver JP
6. Sulzer Jim Elder Barbara 12 Back St Fence as-built 55/352 Thornewill VO
7. Cameron Gammill 87 Somerset Rd Solar rooftop 66/79 AckSmart VO
8. 100 Wauwinet Trust 100 Wauwinet Rd New Dwelling 11/24.1 Botticelli & Pohl JP
9. 100 Wauwinet Trust 100 Wauwinet Rd New Garage GH 11/24.1 Botticelli & Pohl JP
10. Beth Maier 5A Field Ave Renew fence 80/415 Self JP
11. Keegan Hodges 35 India St Colors change door shutter 42.3.4/128 Thornewill JP
12. Nick Ray 37 Somerset Rd Rev #10545 56/108 Val Oliver AM
13. Pocomo LLC 61 Pocomo Rd Move bldg 15/15 Alexander Zara AM
14. Pocomo LLC 61 Pocomo Rd Hardscape 15/15 Alexander Zara AM
15. Pocomo LLC 61 Pocomo Rd Egress window basement 15/15 Alexander Zara AM
16. Azima Farhood 20 Liberty St Patio reno 42.3.4/143 SMRD AM
17. Azima Farhood 20 Liberty St Garage door & overhang ALT 42.3.4/143 SMRD AM
18. Bill Jennings 2 Marion Ave Pool hardscape 82/402 Jesse Dutra JP
19. 116 Baxter Rd B H Trust 116 Baxter Rd Alterations to fenestration 48/34 LFW VO
20. Fred Kudish 13 Meadow Ln Hardscape pool 56/87 LFW CT
21. Fred Kudish 13 Meadow Ln Move garage same site 56/87 LFW CT
22. Ack Offices LLC 18A Sparks Ave Move off / demo shop dwelling 55/231.2 LFW CT
23. Ack Offices LLC 18A Sparks Ave Move off / demo shed 55/231.2 LFW CT
24. Ack Mid Island LLC 18 Sparks Ave Move off / demo restaurant 55/231.1 LFW CT
25. Ack Mid Island LLC 20 Sparks Ave Move off / demo Dwelling 1 55/307 LFW CT
26. Ack Mid Island LLC 20 Sparks Ave Move off / demo Dwelling 2 55/307 LFW CT
27. Ack Mid Island LLC 24 Sparks Ave Move off / demo Dwelling 55/309 LFW CT
28. Hubbell, Elizabeth 43 Orange St Color change 42.3.2/222 LINK CP
29. Land Bank 65 Easton St Revise COA fence 42.4.1/115 E. Antonietti AC
30. Land Bank 67 Easton St Revise COA fence 42.4.1/115.1 E. Antonietti AC

X. NEW BUSINESS 9/03/2024

1. Bittersweet East N LLC	5 Mattapoissett Ave	Deck expanded	82/371	Val Oliver	RP
2. Ack MWG LLC	10 Silver St	Hardscape	55.4.1/187	Ahern, LLC	RP
3. Knight, Marc	60 Nobadeer Ave	Add roof, window shed	88/10	Permits Plus	RP
4. Knight, Marc	60 Nobadeer Ave	Hardscape	88/10	Permits Plus	RP
5. 25 N Pasture Ack LLC	25 N Pasture Rd	New dwelling	44/75	P+/James Golden	RP
6. 25 N Pasture Ack LLC	25 N Pasture Rd	New 2 nd dwelling	44/75	P+/James Golden	RP
7. Stephen & Kathy Lasota	8 Maple Ln	New dwelling	67/303.4	Kris Megna	SW
8. Orenstein	5 Crow's Nest Way	Window door revs	12/22.2	R. Newman	JP
9. LM Kelly	81 Cliff Rd	New garage	30/165	R. Newman	JP
10. LM Kelly	81 Cliff Rd	Hardscape arbor	30/165	R. Newman	JP
11. E Foley	76 Orange St	Relocate parking	55.1.4/25	R. Newman	JP
12. Orange Swordfish LLC	28 Orange St	Change color chimney	42.3.2/175	Emeritus LTD	VO
13. Laura Lorio	12 New St	New Fence	55/340	Self	VO
14. 19 FGR ACK LLC	19 Fairgrounds Rd	Move on from	67/156	Reid Yenor	VO
15. Nob Ack LLC	2 Nobadeer Wy	Demo move off	68/113	Reid Yenor	VO
16. America Trust Co.	7A New Ln	New Spa/ Patio	41/285.1	Atlantic	VO
17. Poodlin Around LLC	39A Milk St	New Spa/ Patio	56/198	Atlantic	VO
18. Goldman, Joshua	16 Polliwog Pond	Pool Hardscape	55/422.7	Atlantic	VO
19. Big Patch LLC	69 Hummock Pond Rd	Pool Hardscape	56/320	Atlantic	VO
20. Robert Jepson	32 Hinsdale Rd	As-built Shed	68/19.2	Ryan Jepson	AM
21. 14 Meadow Ln LLC	14 Meadow Lane	Change windows doors	41/405	Sanne Payne	AM
22. Stone Martin Edward	38 Hooper Farm Rd	Move on fen and roof change	67/129	JBStudio	AM
23. Krupp Est Trust	134 Miacomet Rd	New Cabana	81/6.4	Jeff Morash	AM
24. Dex Dog LLC	6B Arrowhead Dr	New Addition	69/58.1	Emeritus LTD	AM
25. Capry Island Holdings LLC	47 Crooked Ln	New garage studio	41/200.1	Workshop	AM
26. Christopher Stavos Trust	169 Eel Point Rd	Ground Solar	33/5	AckSmart	CT
27. Middlton	28 Nonantum Ave	Move garage onsite	87/21.1	LINK	CT
28. Rockbyrne LLC	30 Pocomo Rd	Garage infill	14/76	LINK	CT
29. Rockbyrne LLC	30 Pocomo Rd	Driveway gate	14/76	LINK	CT
30. Regen Horchow	33 Cliff Rd	Move cottage off	42.4.4/5	LINK	CT
31. Shawn Davis	11 Equator Dr	Move Cottage on	66/262	LINK	CT
32. Erica Kiley	78 Skyline Dr	New Pool	79/52	LINK	CT
33. GHYC	19 Nobadeer Farm Rd	Move off / Demo	69/83	LINK	CT
34. Andrew Vorce	40 Essex Rd	Basement Access	67/624	LFW	CT
35. Regen Horchow	33 Cliff Rd	Move off / Demo Main house	42.4.4/5	LFW	CT
36. Regen Horchow	33 Cliff Rd	Move off / Demo Garage	42.4.4/5	LFW	AC
37. Michael Pearlstein	20 Derrymore Rd	Hardscape Pool	41/112	LFW	AC
38. 43A Union Trust	43A Union St	Move off / Demo garage	42.3.2/29.1	LFW	AC
39. Joseph Motta	38 Cliff Rd	New Driveway	42.4.4/43	LFW	AC
40. Tommaso Conti	17 Miller Ln	New Pool	68/125	LFW	AC
41. 7 Brewster Rd LLC	7 Brewster Rd	New Dwelling	54/286	LFW	CP

Approve Minutes –

Review Minutes -

Other Business -

Potential Items for Discussion-

- Next HDC Meeting- September 10th @ 4pm. OLD BUSINESS
*HYBRID & IN-PERSON @ 4 FAIRGROUNDS RD. -COMMUNITY RM.
- 1. Review prior approved Best Practices.
- 2. Discussion on distinguishing between solid and veneer brick on chimneys and foundations.
- 3. Classification of street trees & vegetating mapping
- 4. Discussion of Wind Turbines
- 5. Review policy of Move/Demo hearings in relation to new dwellings and historic dwellings
- 6. Hardscaping
- 7. Discussion of salvaging demos
- 8. Discussion of options for house moves

Re: Follow Up Pearlstein 20 Derrymore and Berlin 2 Derry Lane Fence Nantucket Ma

From: empiremsp@aol.com (empiremsp@aol.com)

To: jessie@gliddenandglidden.com; kevin@nantucketlawfirm.com

Cc: empiremsp@aol.com; rberlin@gmail.com; LBERLIN@ssw.umaryland.edu

Date: Tuesday, September 17, 2024 at 02:18 PM EDT

Jessie

Please forward this email to Kevin Dale and Berlin neighbors the Pictures attached.

We have hired our landscaper and paid to install in excess of 80 Privets across our entire rear property line in front of our prior existing 4ft post and rail fence 6ft Privets per the pics attached. We have honored and agreed to the proposal













from the Berlins to install the 6ft privets per their proposal agreement below sent by Kevin Dale.

We hope the installation and completion of the 6ft privets as per their proposal agreement will put a friendly resolution to this matter, please let them know if a fence is erected we will have no other choice but to refer this to our off island Massachusetts litigator waiting on sidelines to pursue all rights in law and in equity to the breach of their proposal agreement and damages.

Respectfully

Michael S Pearlstein
Empire Realty Investments Inc
3901 Manayunk Ave
Suite 103
Phila Pa 19128

215-514-7597 Direct
215-232-5400 Main
215-482-3560 Fax

WWW.EMPIREREALTYINVESTMENT.COM

The information contained in this communication is confidential and privileged proprietary information intended only for the personal and confidential use of the individual or entity to whom it is addressed. If you are not the addressee indicated in this message (or an agent responsible for delivery of the message to such person), you are hereby notified that you have received this communication in error and that any review, dissemination, copying or unauthorized use of this message is prohibited

From: Kevin Dale <kevin@nantucketlawfirm.com>

Sent: Thursday, September 5, 2024 7:49 PM

To: Richard Berlin <richberlin@gmail.com>

Cc: Berlin, Lisa (LBERLIN@ssw.umaryland.edu) <LBERLIN@ssw.umaryland.edu>; Jessie Brescher <Jessie@gliddenandglidden.com>

Subject: RE: Pearlstein letter

Rich, I am sending a copy of this email to the Pearlstein's attorney, Jessie Brescher. I will let you know. Thanks Kevin

Kevin F. Dale, Esq.

Beaudette and Swain, PC

35 Old South Road, Suite D

Nantucket, MA 02554

508-228-4455

Cell: 508-280-5009

kevin@nantuckettlawfirm.com

From: Richard Berlin <richberlin@gmail.com>

Sent: Thursday, September 5, 2024 3:28 PM

To: Kevin Dale <kevin@nantuckettlawfirm.com>

Cc: Berlin, Lisa (LBERLIN@ssw.umaryland.edu) <LBERLIN@ssw.umaryland.edu>

Subject: Re: Pearlstein letter

How about 6 feet - same height as fence would be - and we have a deal.

On Thu, Sep 5, 2024 Kevin Dale <kevin@nantuckettlawfirm.com>

CERTIFICATE NO: _____

DATE ISSUED: _____

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

AX MAP N°: 41 PARCEL N°: 219
 Street & Number of Proposed Work: 2 Perry Ln.
 Owner of record: Wittenstein Lisa Berlin Trst Etal
 Mailing Address: 3510 Livingston St NW,
Washington DC, 20015
 Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: _____
 Mailing Address: _____
 Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY

Date application received: _____ Fee Paid: \$ _____
 Must be acted on by: _____
 Extended to: _____
 Approved: _____ Disapproved: _____
 Chairman: _____
 Member: _____
 Member: _____
 Member: _____
 Member: _____
 Notes - Comments - Restrictions - Conditions

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☐ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☒ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District _____) ☐ Roof ☐ Other New 6-foot board fence along east side of property
 Size of Structure or Addition: Length: 95 ft. Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
 Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
 Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____

Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

REVISIONS: 1. East Elevation 95 ft natural wood board fence 6-feet tall
 2. South Elevation
 3. West Elevation
 4. North Elevation

Historic Name:

(describe)

Original Date:

Original Builder:

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers
 Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____
 Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____
 Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
 Type: _____
 Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
 Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size): _____

Sidewall: ☐ White cedar shingles ☐ Clapboard (exposure: _____ inches) Front ☐ Side
☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____
☐ True Divided Lights (muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____
 Trim _____ Sash _____ Doors _____
 Deck _____ Foundation _____ Fence DTW Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

Date 8/20/2024

Signature of owner of record

Dana Callaway

Signed under penalties of perjury



Planning and Land Use Services
2 Fairgrounds Road, Nantucket, Massachusetts 02554
Telephone: 508.325.7587

THIS CHECKLIST IS TO BE SUBMITTED WITH ALL HDC APPLICATIONS

Rev Mar 2020

REQUIRED WITH ALL APPLICATIONS:

1. **Completed Application Form:** Description of ALL work must be indicated on application form.
2. **Property Owner's Signature:** Current owner's signature preferred; if the agent is signing the application written authorization from the owner (letter, fax, email) must be provided.
3. **Application Fee:** See back of application for fee schedule or call the office.
4. **Locus Map (3 copies):** Location Map must include north arrow, parcel boundaries, primary and secondary streets. (Town GIS Map Site) <https://www.nantucket-ma.gov/151/GIS-Maps>
5. **Site Plan (3 Copies):** must include the following: lot dimensions, north arrow, all existing structures, proposed work (highlighted) with dimension to lot lines, scale, driveway, grade changes, and *placement of HVAC units, electrical boxes, fuel tanks, etc.*
6. **8-1/2" x 11" Copies of ALL Application Materials:** Must include the following: application form (reduced 64%), locus map, plot plan, all elevations and floor plans, window schedule, photographs, other relevant supporting material. All material **MUST BE LEGIBLE** (font size no smaller than 12), collated and stapled.
7. **Photographs:** Required of ALL applications for alterations to an existing structure. Photographs must be clear and labeled with application address or contextual address.
8. **Electronic submission:** All documents submitted to the HDC office must be emailed to hdcsubmissions@nantucket-ma.gov.

REQUIRED WHERE APPLICABLE:

1. **Supplemental Information for Historic Buildings:** It is the applicant's responsibility to research the historical status of any and ALL buildings. Additional information may be obtained from the Nantucket Historical Association Library. If not historic, denote on application.
2. **Exterior Elevations and Floor Plans (3 copies):** Must be 1/4 inch scale and include all affected sides of the building, cardinal points (N, S, E, W), dimensions, heights, floor and ceiling heights, elevations of finished grade, window details and placement of HVAC units, electrical boxes, fuel tanks, etc. *All changes from approved or existing design must be clouded on drawings.* All material **MUST BE LEGIBLE**, collated and stapled. Reduced sets should maintain a font size of 12.
3. **As-Built Plans (1 copy):** of existing elevations
4. **Hardscaping Plans (3 copies):** To legible scale. This includes fences, decks, porches, arbors, retaining walls, tennis courts, swimming pool, driveways, gazebos etc. All material **MUST BE LEGIBLE**, collated and stapled.
5. **Topographic Map:** Must show existing and proposed grade for any change of more than one foot in height on grade. Retaining walls must be applied for separately (see hardscaping plan).
6. **Door and Window Schedule (3 copies):** Must include window type (true divided, simulated divided), number of lights, dimensions, materials, manufacturers type name and type number.
7. **I UNDERSTAND THAT A TRUE DIVIDED LIGHT WINDOW/DOOR IS DEFINED AS MULTIPLE INDIVIDUAL SINGLE PANES OF GLASS (i.e., NOT DOUBLE-PANED OR INSULATED) ASSEMBLED IN THE SASH/DOOR USING MUNTINS.**
8. **Abutter Notification Materials:** - Abutters list from Assessors Office, certified mail stubs, and a copy of letter are required for all applications for changes of 1000 square feet or more except in the Nantucket Historic Core and 'Sconset Historic Core where the requirement for new construction is 100 square feet.
9. **Approvals from Planning Board, Zoning Board of Appeals, Conservation Commission etc.**

(initial to indicate read and understand)



HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587
Email: hdcsubmissions@nantucket-ma.gov

COMMISSIONERS

Ray Pohl
Chair

Stephen Welch
Vice-Chair

Abigail Camp

Diane Coombs

Val Oliver

ASSOCIATE COMMISSIONERS

Jesse Dutra

Carrie Thornewill

Connie Patten

STAFF

Esmeralda C. Martinez

HDC Compliance

Coordinator/Land Use

Specialist

emartinez@nantucket-ma.gov

Billy Saad

LandUse Specialist

wsaad@nantucket-ma.gov

HDC Liaison

Holly Backus

Preservation Planner

hbackus@nantucket-ma.gov

Waiver of the HDC 10 Day Hearing Requirement

I Doug Collatz

AS AGENT FOR Richard & Lisa Berlin W.

STREET ADDRESS 2 Derry Ln.

MAP/PARCEL 41/219

UNDERSTAND THAT THE ABOVE REFERENCED APPLICATION SUBMITTED ON
08/21/2024

**WILL NOT BE REVIEWED BY THE HISTORIC DISTRICT COMMISSION, DUE
INCREASE DEMAND, WITHIN THE 10 DAY PERIOD AS REQUIRED BY:**

SECTION 8 of the HDC enabling legislation: ... The Commission shall meet
within ten (10) days of the receipt of an application for a certificate of
appropriateness or permit for removal...

AND I AGREE TO A WAIVER OF THE ABOVE MENTIONED REQUIREMENT.

Doug Collatz 08/21/2024
Signature Date



Adrian Rodriguez <arocfly@gmail.com>

Fwd: HDC Fence Application for 2 Derry Lane

1 message

Doug Collatz <doug@brantpointbuilding.com>
To: Adrian Rodriguez <arocfly@gmail.com>

Wed, Aug 21, 2024 at 9:51 AM

Sent from my iPhone Doug Collatz 508-221-0880

Begin forwarded message:

From: Richard Berlin <richberlin@gmail.com>
Date: August 21, 2024 at 9:51:11 AM EDT
To: Doug Collatz <doug@brantpointbuilding.com>
Cc: "Berlin, Lisa (LBERLIN@ssw.umaryland.edu)" <LBERLIN@ssw.umaryland.edu>
Subject: HDC Fence Application for 2 Derry Lane

Dear Doug:

We the owners of 2 Derry Lane give Brant Point Building permission to submit a HDC fence application on our behalf.

Should you or the HDC have any questions or concerns, please do not hesitate to contact us directly via email (richberlin@gmail.com) or phone (917-312-8914).

Thank you,

Richard Berlin & Lisa Berlin Wittenstein

2 DERRY LN

Location 2 DERRY LN

Mblu 41// 219//

Acct# 00001974

Owner WITTENSTEIN LISA BERLIN
TRST ETAL

Assessment \$2,920,600

PID 1974

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$1,126,000	\$1,794,600	\$2,920,600

Owner of Record

Owner WITTENSTEIN LISA BERLIN TRST ETAL
Co-Owner
Address 3510 LIVINGSTON ST NW
WASHINGTON , DC 20015

Sale Price \$0
Certificate
Book & Page C28473/0
Sale Date 09/14/2021
Instrument 99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WITTENSTEIN LISA BERLIN TRST ETAL	\$0		C28473/0	99	09/14/2021
BERLIN IRA & MARTHA C	\$0		C23052/0	99	08/29/2008
BERLIN IRA	\$323,333		C19502/0	1J	06/26/2000
BERLIN IRA ETAL	\$0		C08084/0		10/01/1977

Building Information

Building 1 : Section 1

Year Built: 1978
Living Area: 3,677
Replacement Cost: \$1,276,595
Building Percent Good: 88
Replacement Cost
Less Depreciation: \$1,123,400

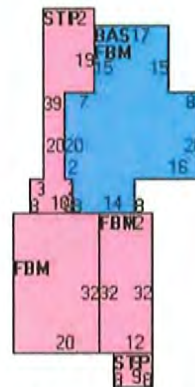
Building Attributes	
Field	Description
Style:	Cape Cod
Model	Residential
Grade:	Avg to Good
Stories:	1
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Carpel
Interior Flr 2	Pine/Soft Wood
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	5
Total Bthrms:	3
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Modern
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(<https://images.vgsi.com/photos/NantucketMAPhotos/A00\02\35\66.jpg>)

Building Layout



(https://images.vgsi.com/photos/NantucketMAPhotos/Sketches/1974_234)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,031	2,031
FBM	Basement, Finished	2,031	1,422
EAF	Attic, Expansion, Finished	640	224
STP	Stoop	480	0
		5,182	3,677

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description Single Fam M01
Zone R1
Neighborhood 850
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 1.49
Frontage 0
Depth 0
Assessed Value \$1,794,600

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			96.00 S.F.	\$2,600	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$1,126,000	\$1,794,600	\$2,920,600
2023	\$889,300	\$1,721,400	\$2,610,700
2022	\$744,500	\$1,478,200	\$2,222,700
2021	\$726,400	\$1,361,500	\$2,087,900
2020	\$726,400	\$1,361,500	\$2,087,900

CURRENT ZONING: R-1
 MINIMUM LOT SIZE: 5000 SF
 MINIMUM FRONTAGE: 50 FT
 FRONTYARD SETBACK: 10 FT
 SIDE AND REAR SETBACK: 5 FT
 ALLOWABLE G.C.R.: 30%
 EXISTING G.C.R.: 3.0% ±
 EXISTING G.C. DWELLING: 1965 SF ±
 EXISTING G.C. SHED: 100 SF ± (NOT INCL)

(so-called)
 DERRY LANE
 (LOT 7, LC 14393-B)

L.C. PL 14393-B

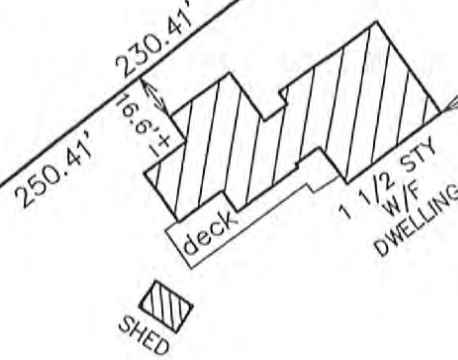
③

41-218
 N/F DOUGLAS LASHLEY, TR.

41-472
 N/F HOWARD M. JELLEME, TR.

41-112
 N/F KENNETH & PAULA MCAULEY, TRS.
 41-239
 N/F KENNETH & PAULA MCAULEY, TRS.

Natural Fence
 6' tall, 95' long



LOT 6
 65,200 ± SF

187.00'
 DHCB FND
 41-99 N/F HOWARD M. JELLEME, TR.

130.46'
 DHCB FND

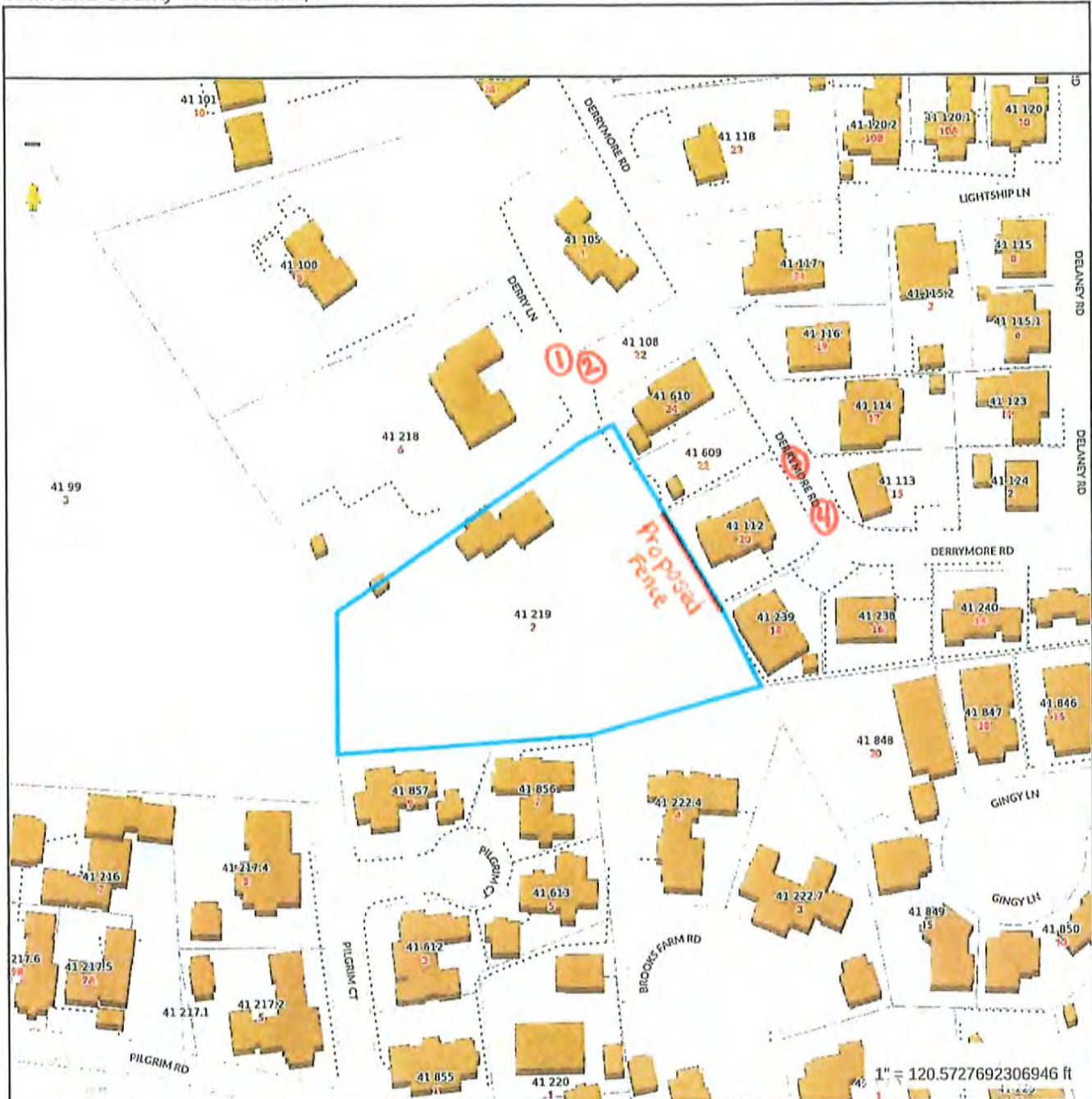
35.00'
 DHCB FND

41-220
 N/F HOWARD M. JELLEME, TR.

41-222.4
 N/F PETER J. & LORETTA M. LEWIS



AS-BUILT PLOT PLAN



Property Information

Property ID 1974
Location 2 DERRY LN
Owner WITTENSTEIN LISA BERLIN TRST ETAL

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 06/04/2024
Data updated Jan. 2021

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



Property Information

Property ID 1974
 Location 2 DERRY LN
 Owner WITTENSTEIN LISA BERLIN TRST ETAL



**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.

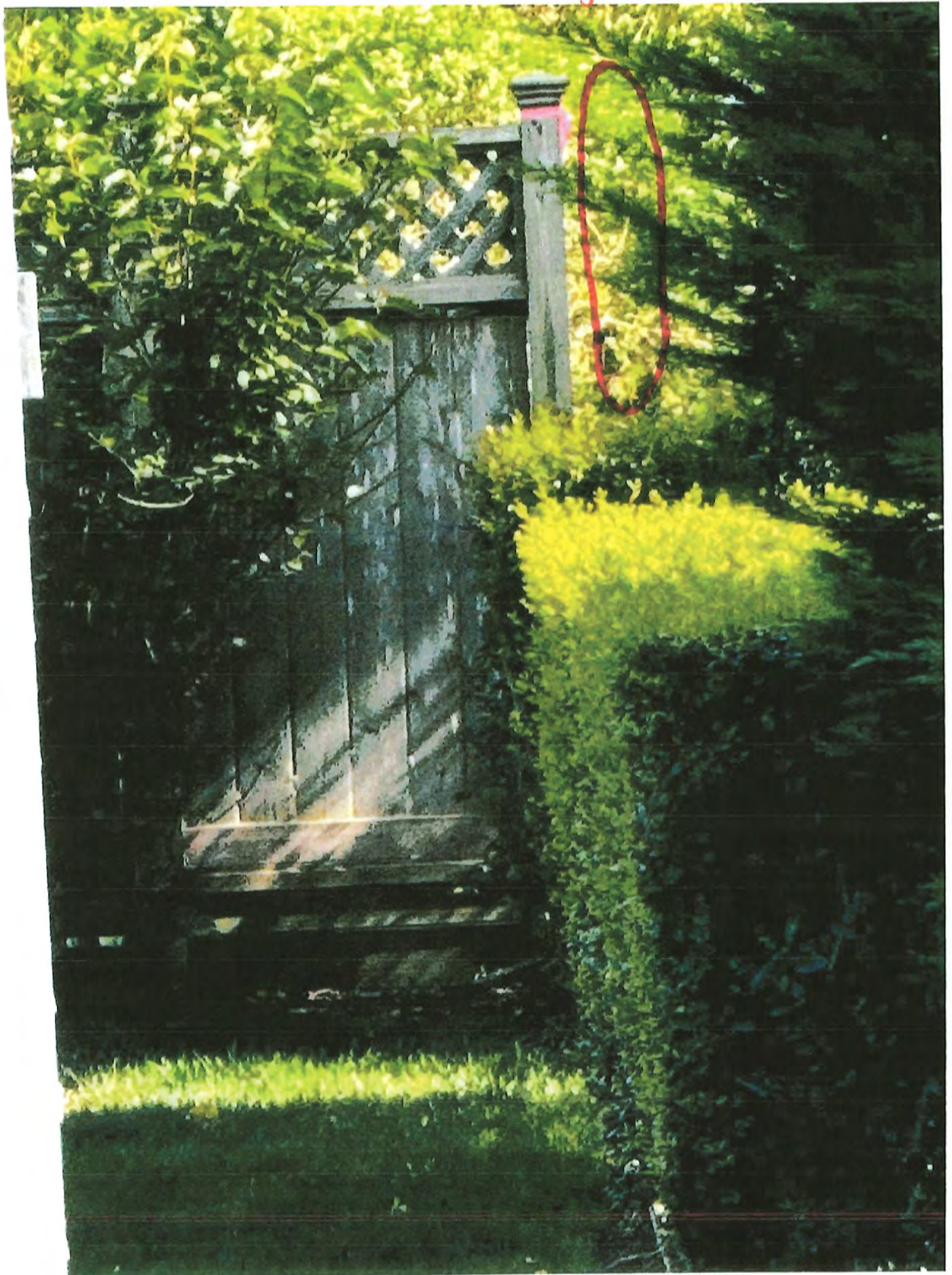
Geometry updated 06/04/2024
 Data updated Jan, 2021

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

View From Derry Ln. ①



View from Derry Ln. ②



View from 20 Derrymore Rd. ③



Potential view From 20 Derrymore Rd. ④

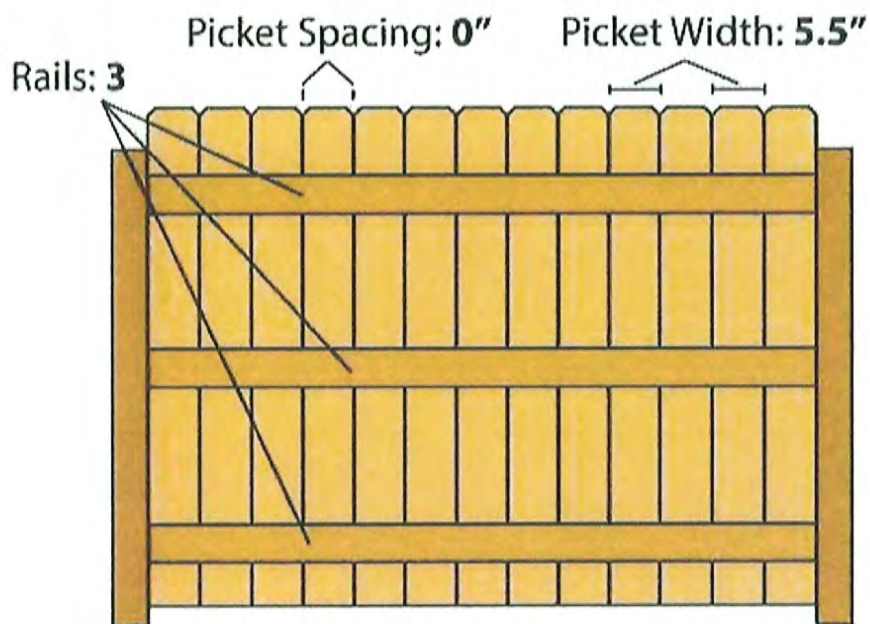


Example



Natural Wood Boards
Pressure treated posts
6 ft Tall - NTW

Example



Natural Wood Boards
Pressure treated posts
6 ft Tall - NTW

Erika Mooney

From: empiremsp@aol.com
Sent: Thursday, September 19, 2024 3:36 PM
To: Erika Mooney
Cc: empiremsp
Subject: Follow Up Pearlstein Appeal - Berlin 2 Derry Lane HDC2024-08-10993

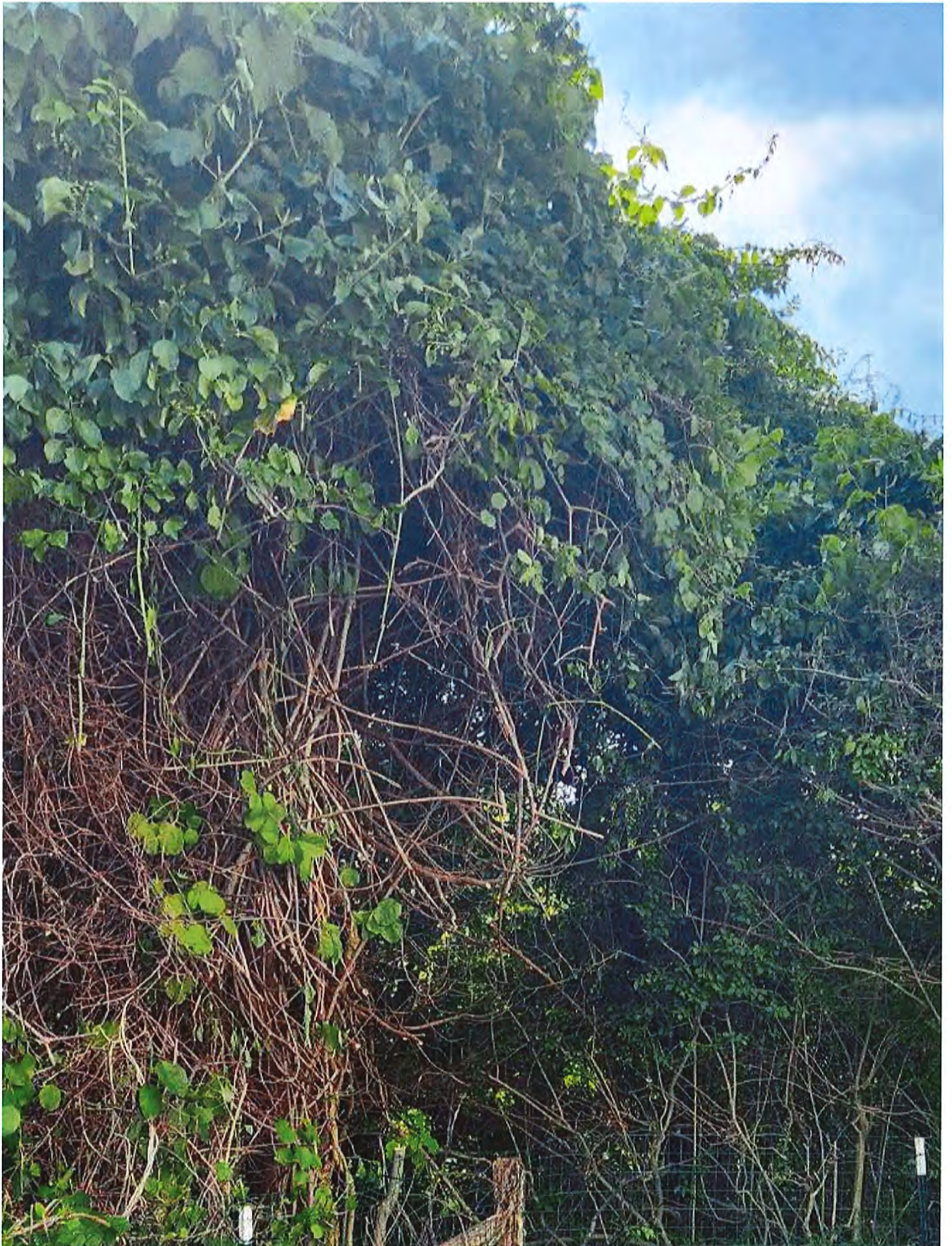
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

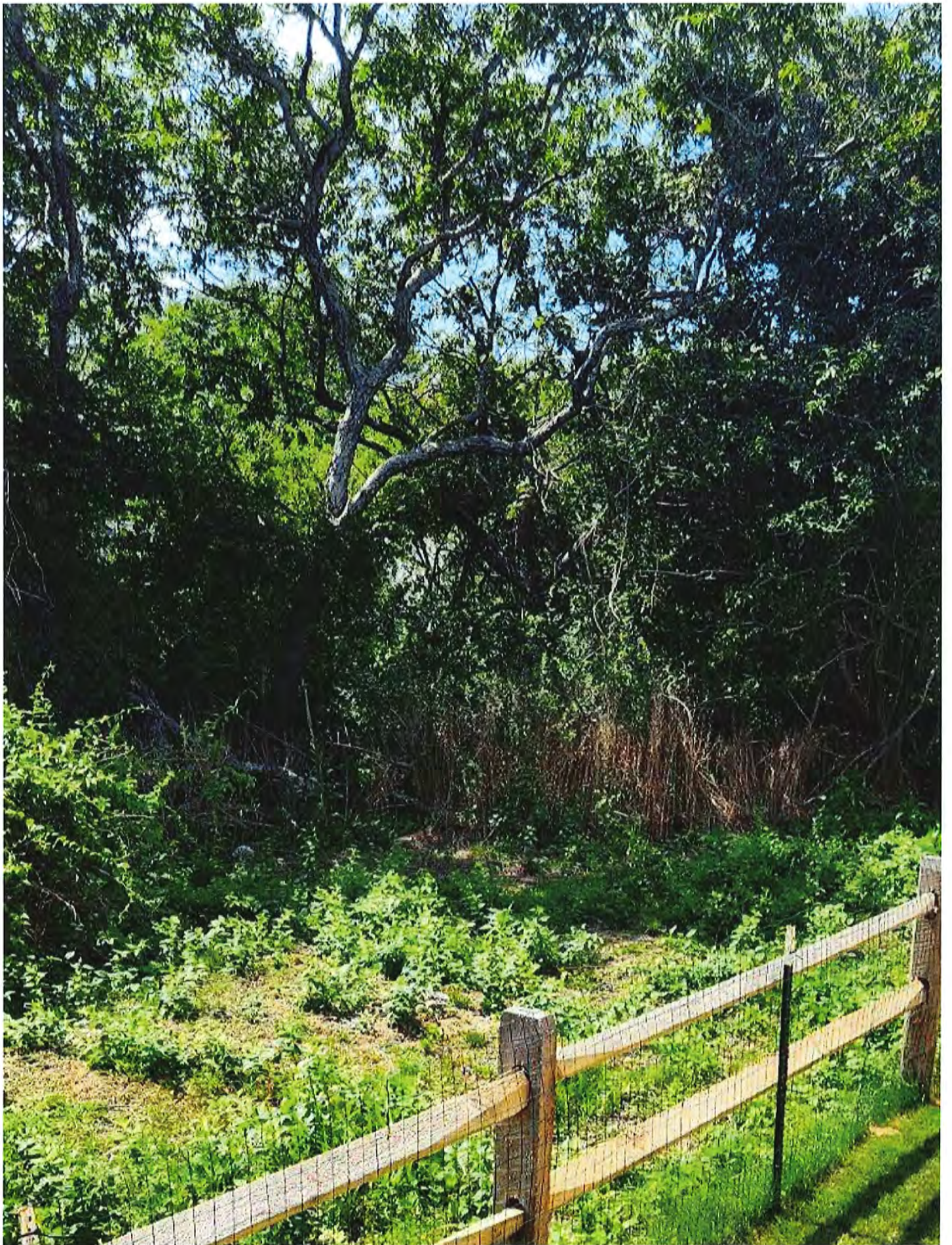
Hi Erika

Hope your doing well.

As a follow up, I did receive your voicemail and enclosed in the Appeal Packet the Inquirer & Mirror Check for \$369.42

Please print the attached additional Pics showing the view of the Berlin neighbors wooded wetlands area last year before they cut down Approximately 150 trees bushes and current view of wooded area before we installed our 6ft Privets recently Pics in the Packet on our property and attach to the Appeal Packet Stamped Received by your office I had delivered to your office today.





Our Home Address:

1235 Farview Rd
Villanova Pa 19085

Please confirm.

Thanks for your help.

Mike

Michael S Pearlstein
Empire Realty Investments Inc
3901 Manayunk Ave
Suite 103
Phila Pa 19128

215-514-7597 Direct
215-232-5400 Main

WWW.EMPIREREALTYINVESTMENT.COM

The information contained in this communication is confidential and privileged proprietary information intended only for the personal and confidential use of the individual or entity to whom it is addressed. If you are not the addressee indicated in this message (or an agent responsible for delivery of the message to such person), you are hereby notified that you have received this communication in error and that any review, dissemination, copying or unauthorized use of this message is prohibited.

Erika Mooney

From: empiremsp@aol.com
Sent: Thursday, September 19, 2024 8:31 PM
To: Erika Mooney
Cc: empiremsp
Subject: Re: Follow Up Pearlstein Appeal - Berlin 2 Derry Lane HDC2024-08-10993

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Erika

Also wanted to clarify we understand it's the Jurisdiction of the Nantucket Land Commission who is also getting involved with this appeal and will be contacting the applicant to arrange a inspection meeting and investigation of the matter. The Nantucket Land Commission recommended your Dept be notified on our official appeal so you know they will also be involved in the process as needed.

Please confirm understanding.

Respectfully.

Thanks for your help.

Mike

Michael S Pearlstein
Empire Realty Investments Inc
3901 Manayunk Ave
Suite 103
Phila Pa 19128

215-514-7597 Direct
215-232-5400 Main

WWW.EMPIREREALTYINVESTMENT.COM

The information contained in this communication is confidential and privileged proprietary information intended only for the personal and confidential use of the individual or entity to whom it is addressed. If you are not the addressee indicated in this message (or an agent responsible for delivery of the message to such person), you are hereby notified that you have received this communication in error and that any review, dissemination, copying or unauthorized use of this message is prohibited.

On Thu, Sep 19, 2024 at 3:36 PM, empiremsp@aol.com
<empiremsp@aol.com> wrote:

Hi Erika

PUBLIC HEARING NOTICE

Please be advised that a public hearing will be held by the Select Board on Wednesday, October 23, 2024 at 5:30 PM to consider the appeal of the Michael and Mindy Pearlstein of Historic District Commission approval of Certificate of Appropriateness No. HDC2024-08-10993 for a fence at 2 Derry Lane, Map 41, Parcel 219. The hearing will be held in the Public Safety Facility Community at 4 Fairgrounds Road and by remote participation via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email TownManager@nantucket-ma.gov.

2 Derry Ln

HDC File



HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

Fax: 508.228.7298

COMMISSIONERS

Stephen Welch
Chairman

Ray Pohl
Vice-Chairman

Val Oliver

Abigail Camp

Angus MacLeod

ASSOCIATE COMMISSIONERS

Carrie Thornewill

Joe Paul

Connie Patton

STAFF

Nicky Sheriff
Land Use Specialist
HDC Enforcement Officer
nsheriff@nantucket-ma.gov

Holly E. Backus
Preservation Planner
Local CLG Coordinator
hbackus@nantucket-ma.gov

October 21, 2024

Dear Select Board,

On behalf of the Nantucket Historic District Commission (HDC), I am responding to the appeal filed by Michael and Mindy Pearlstein of 20 Derrymore Road, Nantucket, MA on September 19, 2024. This appeal is related to the COA Approval dated September 3, 2024, to Lisa Berlin Wittenstein Trust Etal, for a new 6-foot board fence along the eastside of the property at 2 Derry Lane, Nantucket, MA. This application was placed on the HDC's **consent with conditions** agenda for the September 3, 2024, meeting and was approved in one motion with thirteen other applications. The meeting can be viewed here: [Nantucket Historic District Commission - 09/03/2024 - YouTube](#).

This application received a condition to "install vining-type plant material on the neighbor side, one per center of each panel at the ends, alternate panels in between (give or take a panel.) Staff received confirmation of the condition from the owner on September 5, 2024 via email, and the COA was then stamped and filed with the Town Clerk's office on September 11, 2024.

Staff was contacted by the appellant on September 4, 2024, via email, after the HDC approved the application, on the dissatisfaction of the proposed fence location and its relationship with wetlands. Staff responded on September 4, 2024, with the advisement that the application had been approved with conditions, that the HDC's purview does not include wetland regulations, and for the appellant to contact the Conservation Commission. It should be noted that these types of applications (of a fence), does not constitute an abutters notification requirement and therefore, the HDC did not act upon this application in an arbitrary or capricious manner.

Should you require any additional information, please do not hesitate to contact this office.

Sincerely,

Holly E. Backus,
Preservation Planner / Local CLG Coordinator

From: [Holly Backus](#)
To: empiremsp@aol.com
Cc: [Jessie Brescher](#)
Subject: RE: Urgent Important 2 Derry Lane Fence Application Wetlands New HDC Business Agenda 903
Date: Wednesday, September 4, 2024 4:35:00 PM
Attachments: [image001.png](#)

Good Afternoon Mr. Pearlstein,

Thank you for your email.

Please be advised that the HDC approved the proposed fence on this week's Tuesday agenda: https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_09032024-14221, under their **consent with conditions** agenda with the following condition: *"Install vining-type plant material on the neighbor side, one per center of each panel at the ends, alternate panels in between (give or take a panel.)"*

The HDC's purview does not include wetland regulations; that is the Conservation Commission's purview and unfortunately one regulatory body does not dictate another. If there are concerns with possible wetlands being encroached, I recommend you contacting the [Conservation Commission staff](#).

The fence application can be viewed here: [5794 \(nantucket-ma.gov\)](#)

Please be advised that the applicant must turn in a [staff approval submittal](#) including the requested conditions to be reviewed by staff for approval, before a COA will be issued. Currently, the applicant does not have the COA to proceed with the installation of the said fence.

Please let me know if you have any questions.
Thanks,

Holly E. Backus
Preservation Planner**
Local CLG Coordinator
Local Hazard Mitigation Plan Coordinator
Town of Nantucket
hbackus@nantucket-ma.gov

**Staff liaison to the Nantucket Historic District Commission (HDC)
& Nantucket Historical Commission (NHC)**



From: empiremsp@aol.com <empiremsp@aol.com>
Sent: Wednesday, September 4, 2024 4:11 PM
To: Holly Backus <hbackus@nantucket-ma.gov>
Cc: Jessie Brescher <jessie@gliddenandglidden.com>; empiremsp <empiremsp@aol.com>
Subject: Re: Urgent Important 2 Derry Lane Fence Application Wetlands New HDC Business Agenda 903

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Holly

Its been brough to our attention by our experts the above applicant plans to install a fence behind our property in a wetlands area listed on the wetlands map. We dispute this fence being installed not only since its potentially within the 100 foot area but its also a Spiteful Fence since the property owner is upset we want the wooded area maintained and they only plan to install this Spiteful Fence behind our property and not other adjoining neighbor. Please require the property owner to show proof the fence is not within the 100 foot wetlands area since most of their property is located within the wetland's zone.

Please also confirm when the hearing is scheduled for this matter so we can attend with our attorney copied on this email to protect our interest on this dispute to install fence.

Respectfully

Thanks

Michael S Pearlstein
20 Derrymore Rd
Nantucket Ma 02554

215-514-7597 Direct
215-232-5400 Main
215-482-3560 Fax

WWW.EMPIREREALTYINVESTMENT.COM

The information contained in this communication is confidential and privileged proprietary information intended only for the personal and confidential use of the individual or entity to whom it is addressed. If you are not the addressee indicated in this message (or an agent responsible for delivery of the message to such person), you are hereby notified that you have received this communication in error and that any review, dissemination, copying or unauthorized use of this message is prohibited

CERTIFICATE NO: _____

DATE ISSUED: 9/3/24

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

HDC2024-08-10993

CERTIFICATE OF APPROPRIATENESS for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference. The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

PROPERTY DESCRIPTION

TAX MAP N°: 41 PARCEL N°: 219
Street & Number of Proposed Work: 2 Derry Ln.
Owner of record: Wittenstein Lisa Berlin Trst Etal
Mailing Address: 3510 Livingston St NW,
Washington DC, 20015
Contact Phone #: _____ E-mail: _____

AGENT INFORMATION (if applicable)

Name: _____
Mailing Address: _____
Contact Phone #: _____ E-mail: _____

FOR OFFICE USE ONLY

Date application received: 8/21/24 Fee Paid: \$ 50
Must be acted on by: 10/24/24
Extended to: _____
Approved: X Disapproved: _____
Chairman: _____
Member: _____
Member: _____
Member: _____
Member: _____

Notes - Comments - Restrictions - Conditions

Install Vining-type plant material on the neighbor side, one per corner of each panel at the ends, alternate

DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

☐ New Dwelling ☒ Addition ☐ Garage ☐ Driveway/Apron ☐ Commercial ☐ Historical Renovation ☐ Deck/Patio ☐ Steps ☐ Shed
☐ Color Change ☒ Fence ☐ Gate ☐ Hardscaping ☐ Move Building ☐ Demolition ☐ Revisions to previous Cert. No. _____
☐ Pool (Zoning District _____) ☐ Roof ☐ Other New 6-foot board fence along eastside of property
Size of Structure or Addition: Length: 95 ft. Sq. Footage 1st floor: _____ Decks/Patio: Size: _____ ☐ 1st floor ☐ 2nd floor
Width: _____ Sq. footage 2nd floor: _____ Size: _____ ☐ 1st floor ☐ 2nd floor
Sq. footage 3rd floor: _____

Difference between existing grade and proposed finish grade: North _____ South _____ East _____ West _____
Height of ridge above final finish grade: North _____ South _____ East _____ West _____

Additional Remarks

REVISIONS*

1. East Elevation 95 ft natural wood board fence 6-feet tall
2. South Elevation
3. West Elevation
4. North Elevation

Is there an HDC survey form for this building attached? ☐ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers
Masonry Chimney: ☐ Block Parged ☐ Brick (type) _____ ☐ Other _____
Roof Pitch: Main Mass _____/12 Secondary Mass _____/12 Dormer _____/12 Other _____
Roofing material: ☐ Asphalt: ☐ 3-Tab ☐ Architectural
☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____

Fence: Height: _____
Type: _____
Length: _____

Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
Manufacturer _____ Rough Opening _____ Size _____ Location _____

Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____

Leaders (material and size):

Sidewall: ☐ White cedar shingles _____ ☐ Clapboard (exposure: _____ inches) Front ☐ _____ Side ☐ _____
☐ Other _____

Trim: A. Wood ☐ Pine ☐ Redwood ☐ Cedar ☐ Other _____

B. Treatment ☐ Paint ☐ Natural to weather ☐ Other _____

C. Dimensions: Fascia _____ Rake _____ Soffit (Overhang) _____ Corner boards _____ Frieze _____

Window Casing _____ Door Frame _____ Columns/Posts: Round _____ Square _____

Windows*: ☐ Double Hung ☐ Casement ☐ All Wood ☐ Other _____

☐ True Divided Lights (muntins), single pane ☐ SDL's (Simulated Divided Lights) Manufacturer _____

Doors* (type and material): ☐ TDL ☐ SDL Front _____ Rear _____ Side _____

Garage Door(s): Type _____ Material _____

Hardscape materials: Driveways _____ Walkways _____ Walls _____

* Note: Complete door and window schedules are required.

COLORS

Sidewall _____ Clapboard (if applicable) _____ Roof _____
Trim _____ Sash _____ Doors _____
Deck _____ Foundation _____ Fence DTW Shutters _____

* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission any revisions to this application will initiate a new sixty-day review period.

Date 8/20/2024

Signature of owner of record Dana Calvert

Signed under penalties of perjury



Adrian Rodriguez <arocfly@gmail.com>

Fw: 2 Derry Fence

1 message

douglas collatz <ackbullet@msn.com>
To: Adrian Rodriguez <arocfly@gmail.com>

Thu, Sep 5, 2024 at 9:09 AM

Doug Collatz

Brant Point Building & Property Management

PO Box 3430

Nantucket, MA 02584

Work phone: 508.221.0880

Fax: 508-825-0880

From: Richard Berlin <richberlin@gmail.com>
Sent: Thursday, September 5, 2024 8:56 AM
To: Doug Collatz <Doug@brantpointbuilding.com>
Cc: Berlin, Lisa (LBERLIN@ssw.umaryland.edu) <LBERLIN@ssw.umaryland.edu>
Subject: 2 Derry Fence

Doug:

Please to hear that our permit for a fence is approved - thanks for moving that along.

Want to confirm that we understand the stipulation that we include some vining type plant material on the fence, as well. No issue there.

Please let us know once installation is scheduled.

All the best,

rich

APPROVED
HDC 2024 - 08 - 10993
NO FENCE INSTALLATIONS
Without HDC Approval

DERRY LANE

(so-called)
DERRY LANE
(LOT 7, LC 14393-B)

CL)

DHCB

③

41-472
N/F HOWARD M.
JELLEME, TR.

N/F KENNETH & PAULA MCAULEY, TRS. 41-112
N/F KENNETH & PAULA MCAULEY, TRS. 41-239
267.24'

Natural
Board Fence
6' tall, 95' long

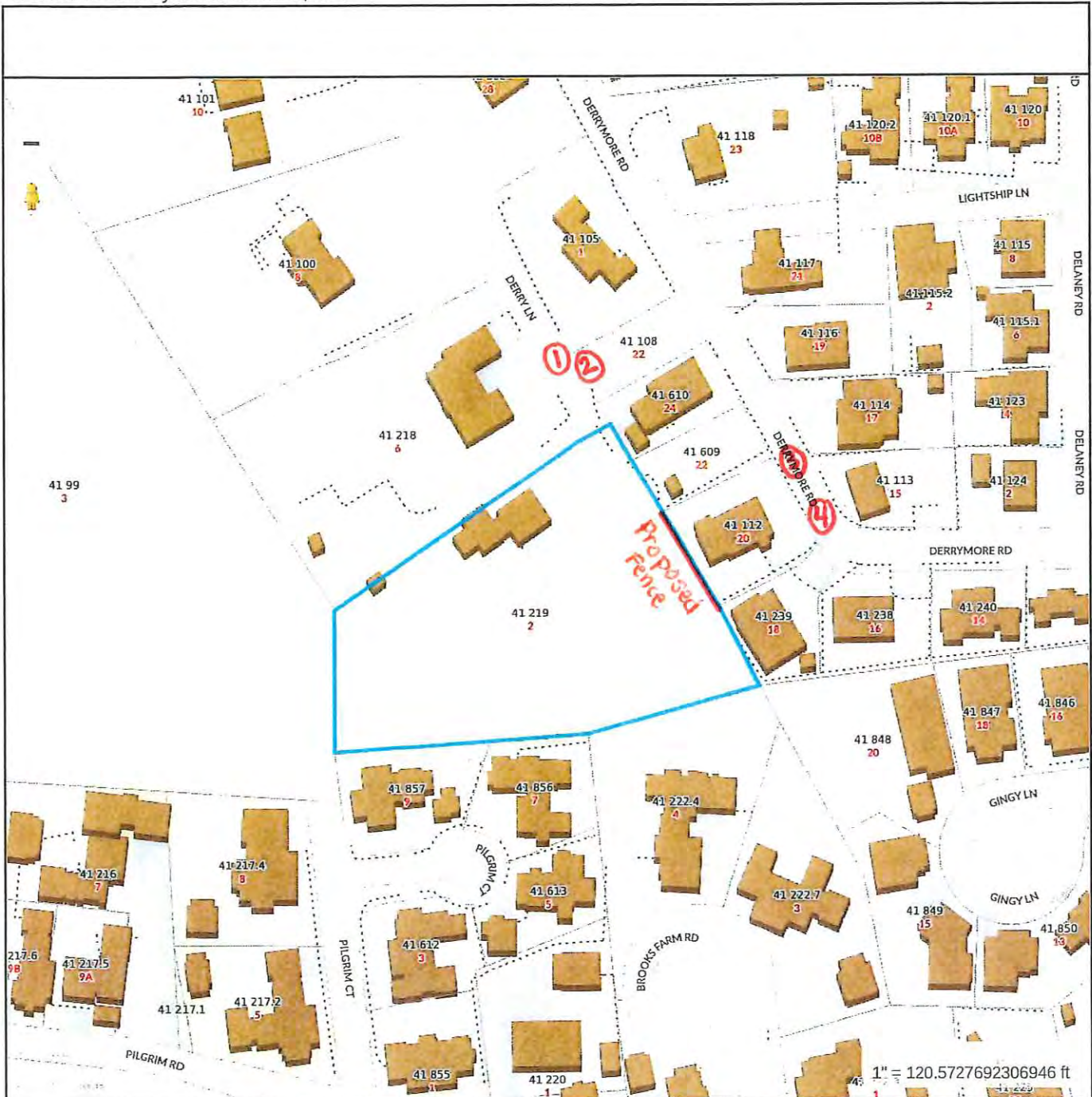
LOT 6
65,200 $\pm$ SF

41-220
N/F HOWARD M. JELLEME, TR.

41-222.4
N/F PETER J. & LORETTA M. LEWIS

HDC 2024 -08 -10993

AS-BUILT PLOT PLAN



Property Information

Property ID 1974
 Location 2 DERRY LN
 Owner WITTENSTEIN LISA BERLIN TRST ETAL



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 06/04/2024
 Data updated Jan. 2021

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

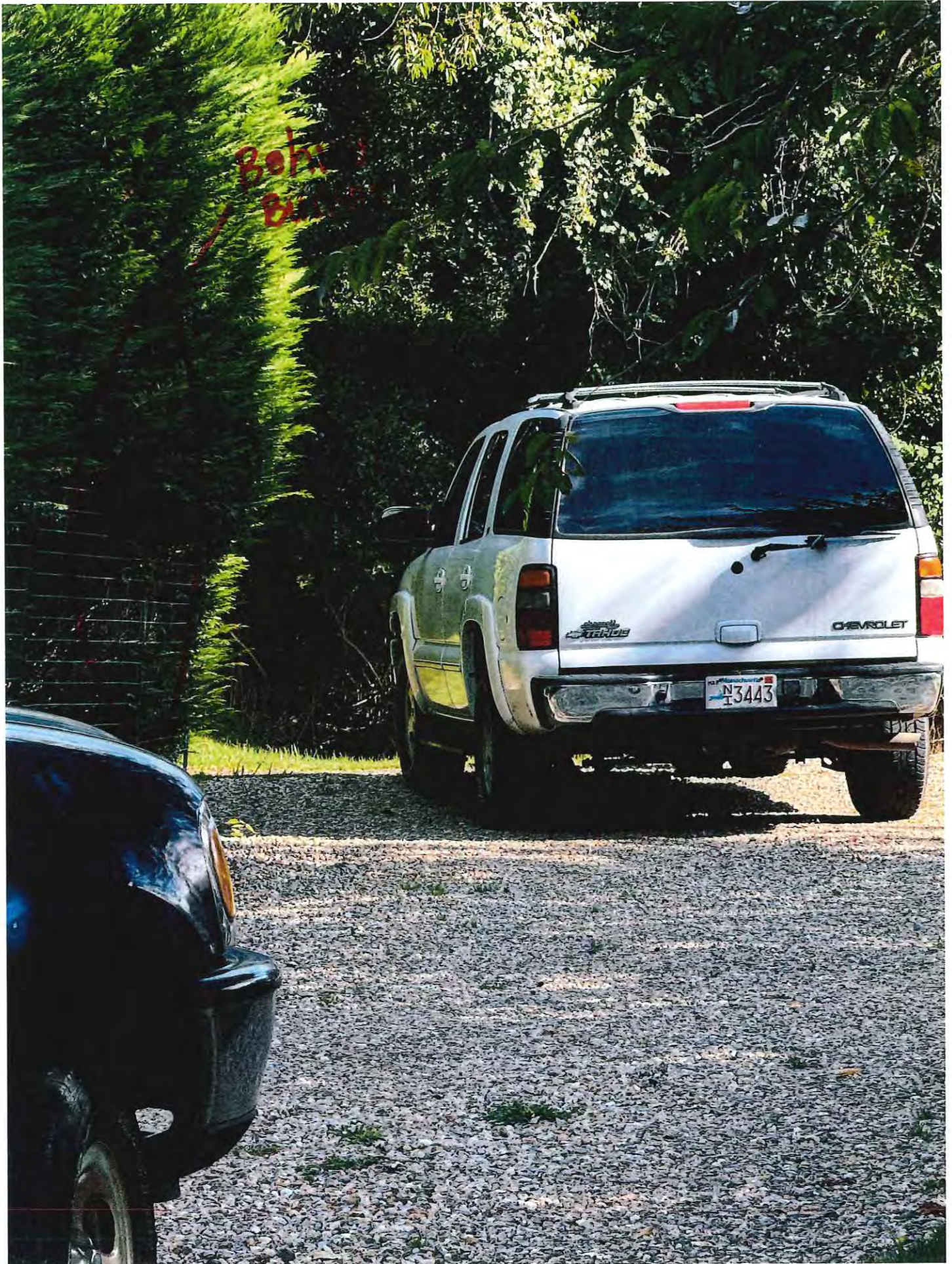
APPROVED

HDC 2024 - 08 - 10993

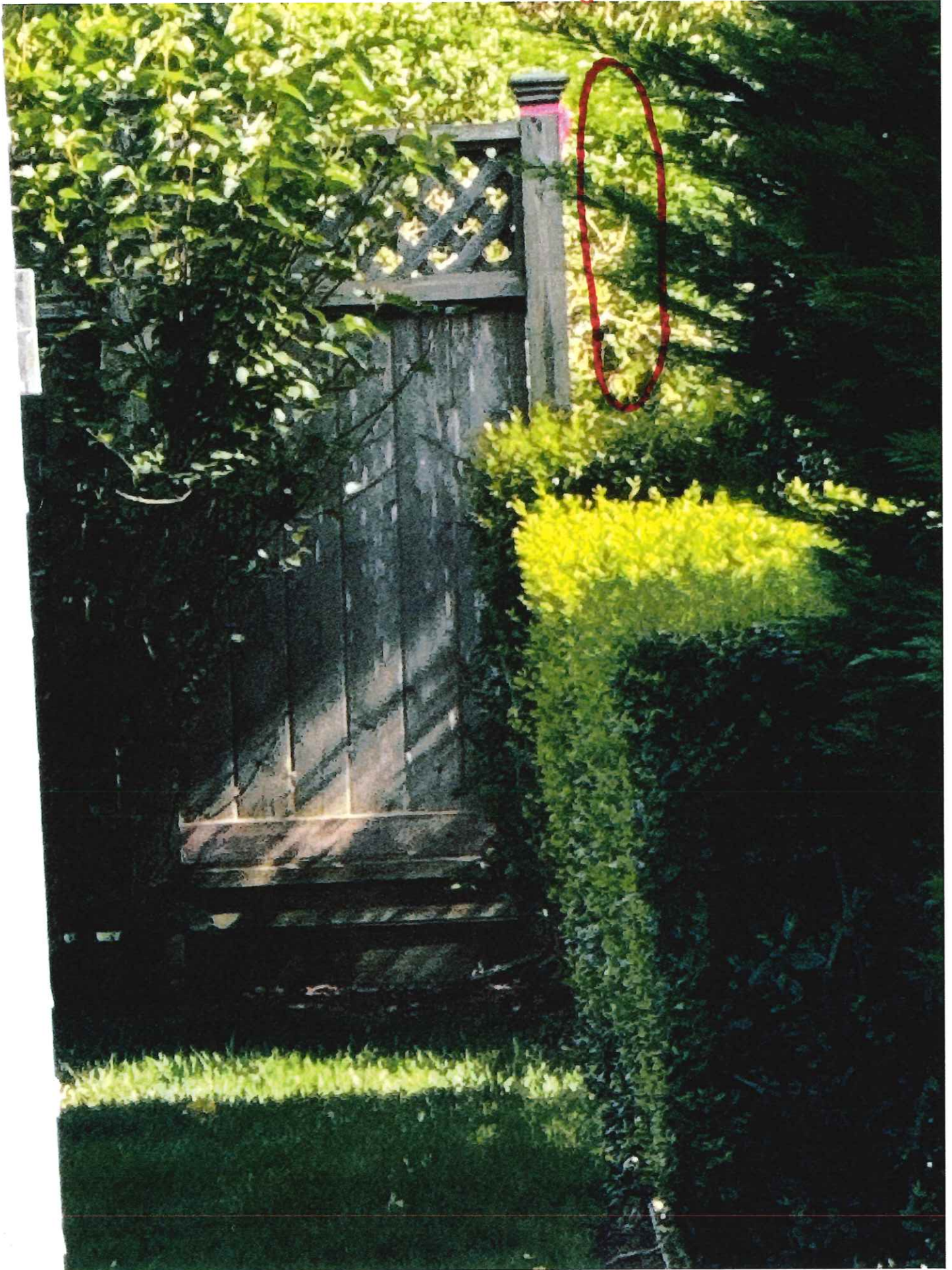


Property Information Property ID 1974 Location 2 DERRY LN Owner WITTENSTEIN LISA BERLIN TRST ETAL	 MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map. Geometry updated 06/04/2024 Data updated Jan. 2021	Print map scale is approximate. Critical layout or measurement activities should not be done using this resource. APPROVED HDC 2024 -08 -10993 Without
---	---	--

View From Derry Ln. ①



View From Derry Ln. ②



View from 20 Derrymore Rd. ③



Potential view From 20 Derrymore Rd. ④



Example

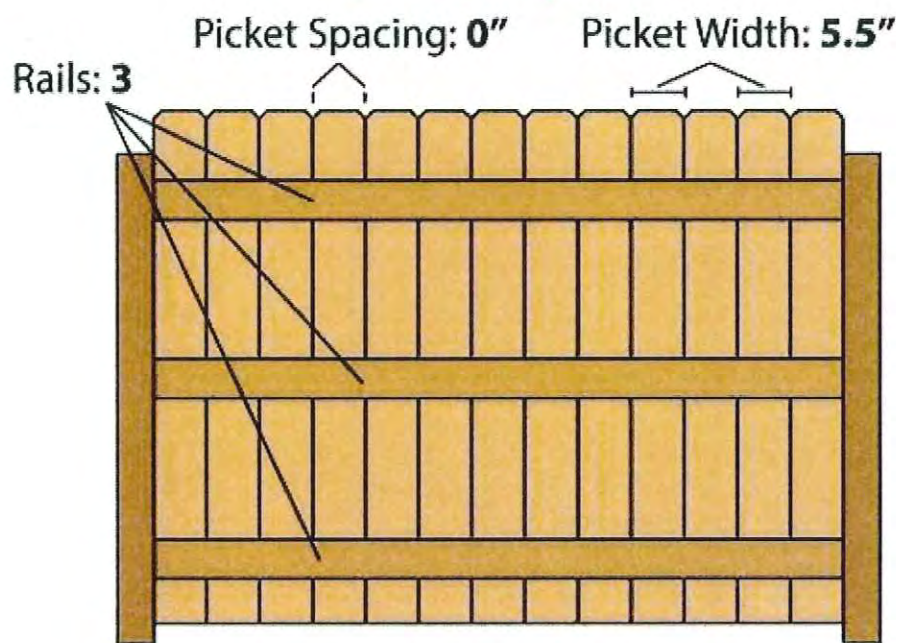


Natural Wood Boards
Pressure treated posts
6 ft Tall - NTW

APPROVED

HDC 2024 -08 -10993

Example



Natural Wood Boards
Pressure treated posts
6 ft Tall - NTW

APPROVED

HDC 2024-08-10993

Approval