

Town and County of Nantucket Select Board • County Commissioners

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD DECEMBER 4, 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/dm4_dVdCfnM

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_vk42X3xAQNOXwcZqNFY65w

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio and Video Recorded.
 2. 2024 Committee Vacancies - Round 3: Capital Program Committee; Council for Human Services; Council on Aging; Cultural Council; Real Estate Assessment Committee; Town of Nantucket Scholarship Committee; Zoning Board of Appeals.
 3. 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 November 18, 2024 at 11:00 AM; November 19, 2024 at 5:00 PM; November 20, 2024 at 5:30 PM.
 2. Approval of Payroll Warrants for November 24, 2024.

3. Approval of Treasury Warrants for November 27, 2024; December 4, 2024.
4. Approval of Pending Contracts for December 4, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CONSENT ITEMS

1. Gift Acceptances: Human Services; Natural Resources Department.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Ticcoma Green:
 - a) Request for Approval of Draft Commitment Letters from Town of Nantucket to HallKeen Management for Workforce Housing Rental Project at 6 Fairgrounds Road.
 - b) Request for Extension of Land Development Agreement for Workforce Housing Rental Project at 6 Fairgrounds Road (Approved January 17, 2024).
2. Request for Waiver of Sewer Connection Permit Fees and Sewer Capacity Fees for Ticcoma Green Workforce Housing Rental Project at 6 Fairgrounds Road.
3. Housing Office: Affordable Housing Trust Quarterly Report.

X. PUBLIC HEARINGS

1. Public Hearing to Consider Increasing Sewer User Fees, Monthly Flat Fee and Quarterly Flat Fee.
2. Public Hearing to Consider Amending the Commercial Landfill Fee Schedule.
3. Public Hearing to Determine Tax Allocation by Classification (Chapter 369, Acts of 1982, as Amended); Percentage of Residential Exemption to be Granted for Fiscal Year 2025.

XI. TOWN MANAGER'S REPORT

1. Monthly Departmental Report: Police Department.
2. Continued Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting; Preliminary Review of Citizen Warrant Articles.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Review Letter of Engagement for Zoning Board of Appeals Independent Special Counsel and/or Consultant for Surfside Crossing, LLC Application 25-24; Possible Votes Taken.
2. Announcement of Response to Bureau of Energy Management (BOEM) Mitigation Proposal for SouthCoast Wind (Offshore Wind Project).
3. Announcement as to Status of Memorandum of Understanding with Nantucket Hunting Association for Lease of Town Property at 1 Shadbush Road.

4. Committee Reports.

XIII. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of 43A Union Street Trust, Steven Russon, Trustee of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2024-08-11015 to Demolish/Move Off a Garage at 43A Union Street, Map 42.3.2, Parcel 29.1.

XIV. 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

Select Board
2024 Committee Vacancy Appointments Timeline
Round 3
As of 11/14/2024

November 15 – Advertise committee vacancies on Town’s website

November 20 and December 4 – Committee vacancies to be added to Select Board agendas as announcement

November 21 and November 27 – Advertise committee vacancies in the Inky

December 6 at 12:00 PM – Deadline for submitting applications for the following committee vacancies:

- Capital Program Committee, 1 seat, term expires 2025
- Council for Human Services, 1 seat, term expires 2027
- Council on Aging, 1 seat, term expires 2026
- Cultural Council, 1 seat, term expires 2026
- Real Estate Assessment Committee (*Real Estate Professional*), 1 seat, term expires 2026
- Town of Nantucket Scholarship Committee, 1 seat, term expires 2027
- Zoning Board of Appeals, 1 seat, term expires 2025

December 11 and December 18– The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

January 8, 2025 – Meeting for applicants to introduce themselves and review their applications; committee appointments made.

NOTICE OF COMMITTEE VACANCIES

The Select Board is accepting applications for committee vacancy appointments. Interested individuals may obtain a “Committee Interest Form” from the Town of Nantucket’s [website](#). Completed applications can be mailed to Town Administration, 16 Broad Street, Nantucket, MA 02554 or emailed to emooney@nantucket-ma.gov. Information on the responsibilities of the various committees may also be obtained from the Town’s website. **All appointments will be made by the Select Board at its January 8, 2025 meeting.**

Applications for **all** committee vacancies must be submitted by **12:00 PM on Friday, December 6, 2024.**

Capital Program Committee	1 seat	Term Ends 2025
Council for Human Services	1 seat	Term Ends 2027
Council on Aging	1 seat	Term Ends 2026
Cultural Council [^]	1 seat	Term Ends 2026
Real Estate Assessment Committee (<i>Real Estate Professional</i>)	1 seat	Term Ends 2026
Town of Nantucket Scholarship Committee	1 seat	Term Ends 2027
Zoning Board of Appeals	1 seat	Term Ends 2025

[^] Pursuant to the Massachusetts Cultural Council’s Local Cultural Council Program Guidelines, “The term of membership for a council member is three years; members can serve a maximum of two consecutive terms, or a total of six years, unless the appointing authority removes a member before the expiration of a term. Members must remain off the council for a one-year interval before serving additional terms.”

December 11 and December 18 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

January 8, 2025 – Meeting for applicants who applied for committee vacancies to introduce themselves and review their applications; committee appointments made.

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
December 4, 2024

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Contractual Services						
Professional Services Agreement	Fire	National Medical Education & Training Center (NMETC)	\$21,600	Paramedic training for two (2) firefighters	Fire Budget - Training	Jan 1, 2025 - Jun 30, 2026
Purchase Agreement	Fire	Industrial Protection Services, Inc.	\$64,897	Purchase of first responder battery powered rescue tools	Article 10 2023 ATM	Dec 1, 2024 - Mar 31, 2025
Professional Services Agreement	Housing	SMRT, Inc.	\$32,827	Provide construction plans for bidding on renovations at 71 Surfside Rd	Affordable Housing Trust Fund - Professional Services	Nov 21, 2024 - Nov 20, 2025
Professional Services Agreement	Our Island Home	TEAMHealth	\$54,000	Medical Director services for Our Island Home	OIH Budget - Professional Services	Dec 1, 2024 - Nov 30, 2027
Professional Services Agreement	Parks & Recreation	New England Recreation Group	\$8,640	Installation of playground equipment at Children's Beach	Parks & Recreation: Professional Services	Dec 1, 2024 - May 31, 2025
Professional Services Agreement	Public Works	Weston & Sampson	\$1,132,250	Design development phase of new Public Works facility	Article 16 2018 ATM	Dec 5, 2024 - Jun 30, 2025
Purchase Agreement	Sewer	Aerzen USA Corporation	\$55,249.05	Replacement of three (3) blowers at Surfside WWTP	Waste Water - Repair & Maint: Equipment	Dec 1, 2024 - Nov 30, 2025
Purchase Agreement	Sewer	New England Kenworth	\$249,411.63	Purchase of replacement dump truck	Article 22 2024 ATM	Dec 1, 2024 - Nov 30, 2025
Contract Amendment	Sewer	Robert B. Our, Inc.	Add \$40,000 to original contract amount of \$200,000 for amended contract amount of \$240,000	Increase to on-call emergency & general excavating services for sewer & stormwater needs	Article 18 2018 ATM; Sewer Operating Budget	Sep 21, 2022 - Sep 20, 2025

Professional Services Agreement	Sewer	Environmental Partners Group	\$529,705	Owner's Project Representative Services for Somerset Needs Area Sewer extension project	Article 22 2024 ATM	Nov 1, 2024 - Apr 30, 2026
Contract Amendment	Sewer	Hazen & Sawyer	Add \$42,724 to original contract amount of \$542,704 for an amended contract amount of \$585,428	Design & engineering services in support of Phase 2 upgrades to Surfside WWTF - additional sampling & lab analysis	Article 12 2018 ATM	Nov 1, 2023 - Dec 31, 2025

CONSENT AGENDA ITEMS FOR 12/4/2024 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Human Services:
 - o Gift of \$10,000 from the Sandbar for the Nantucket STAR Program
- Natural Resources Department:
 - o Gift of \$5,298 from The Sandbar for 2023
 - o Gift of \$5,176 from The Sandbar for 2024

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

Town Administration will ensure that letters of thanks are sent.

Town of Nantucket

Health & Human Services

ATTN: Jerico Mele

The Sandbar would like donate funds this year to help support a local nonprofit. We have enclosed a check of \$10,000 to be given to the Health and Human Services department as a donation to the Nantucket STAR organization. We hope this donation can help support their fundraising efforts.

Thank you and best of luck!

George Kelly & Nick Nass

Two handwritten signatures in black ink. The first signature on the left is a large, stylized 'G' followed by a horizontal stroke. The second signature on the right is a more compact, cursive-style signature.

Town of Nantucket

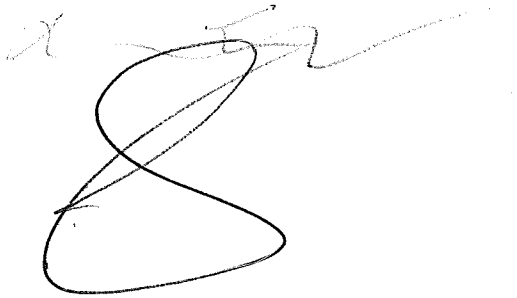
Select Board

To Whom It May Concern:

The Sandbar is pleased to donate \$5,298.00 for the year 2023 to the Natural Resources Department. We created this yearly donation through our sales of our signature cocktail The Harbor Breeze. A one-dollar donation for every drink sold as well as one dollar matched from Sandbar went to our fund for the Natural Resources Department. We are excited to continue this program year after year and help support our neighbors and friends at Natural Resources.

Thank you!

George Kelly & Nick Nass

A handwritten signature in black ink, appearing to be a stylized 'G' or 'N' with a long horizontal stroke extending to the right.

Town of Nantucket

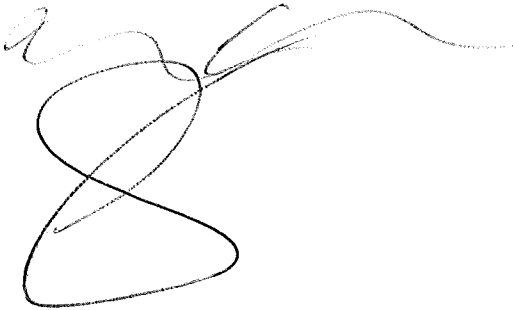
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A handwritten signature in black ink, featuring a large, stylized loop and a long, sweeping horizontal stroke extending to the right.



Agenda Item Summary

Agenda Item #	IX.1.a.
Date	12/4/24

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Review and Approve Draft Commitment Letters from Town of Nantucket to HallKeen Management for Ticcoma Green Project at 6 Fairgrounds Road.

Executive Summary

HallKeen, the developer of Ticcoma Green, is requesting a commitment letter from the Town of Nantucket and Affordable Housing Trust for a financial contribution of \$8.7m towards the construction of the development of 64 rental units. There are two phases of the project and two commitment letters for review and approval.

Staff Recommendation

Approve

Background/Discussion

As the Board is aware, there have been significant delays resulting from the neighbor appeal of the Planning Board Special Permit, which has resulted in increased construction cost for the project. In 2022 the board provided a letter of commitment for \$6.5 million towards the gap in funding. The developers are now requesting \$8.7m structured as both grants and loans, to help cover the gap in financing this project.

The Housing office has been working closing with HallKeen to ensure all units are eligible for inclusion on our SHI list and are eligible for certification of our Housing Production Plan and will allow the Town to apply for safe harbor when the deal closes and building permits are pulled.

The Project consists of 4% and 9% LIHTC, resulting in two letters of commitment. Phase I, the 9% deal, will construct 31 units and will include a \$2,000,000 commitment from the Trust and Town. The interest will be 4%.

Phase II, the 4% deal, will construct 33 units and will include a \$6,700,000 commitment from the Trust and Town. The interest will be 1.5%.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Addressing the housing crisis; Select Board strategic goal around maintaining Safe Harbor.



Board/Commission Recommendation

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Public Outreach

N/A

Attachments

1. Draft Commitment Letter for Phase I
2. Draft Commitment Letter for Phase II



December____, 2024

Andrew Burnes
HK Ticcoma, LLC
1400 Providence Highway, Suite 1000
Norwood, MA 02062

RE: Ticcoma Green Project- Loan Commitment for Phase I (9% Low Income Housing Tax Credits)

Dear Mr. Burnes:

This letter is a commitment from the Town of Nantucket (the “Municipality”) and the Town of Nantucket Affordable Housing Trust Fund (“NAHT” or the “Trust”, together with the “Municipality,” the “Town”) to increase its financial support to HK Ticcoma, LLC(the “Developer”) for the development of the Ticcoma Green affordable rental housing project (the “Project”) to be located at 6 Fairgrounds Road. The Developer is constructing this Project in two phases, Phase I and Phase II. The Town agrees to loan \$2 million (the “Phase I Loan”) for the portion of the Project to be developed as Phase I. With this Phase I Loan, the Town agrees to increase its already significant financial contributions to the Project from a \$6.5 million loan to loans totaling \$8.7 million for the entire Project, subject to terms and conditions set forth herein, and subject to the approval of the Town of Nantucket Select Board and the NAHT. The Town hopes to assist the Developer in developing and operating an important affordable housing project on Nantucket.

The Town understands that, in addition to the funding under this commitment, the Developer will be pursuing grants or loans from the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities, MassHousing and any state agencies/entities and private lenders (including the Town and the Trust, the “Funders”) for additional funding to the Project.

Project Description

The Project will contain sixty-four (64) newly constructed residential rental units (the “Units”) in four (4) buildings to be constructed in two separately financed phases in a so-called “9/4 twinning structure to be allocated between one phase being financed by 9% Low Income Housing Tax Credits (the Trust funding for this phase will not be sourced with tax exempt bonds) and the other phase by 4% Low Income Housing tax credits (the Trust funding for Phase II may be sourced with tax exempt bonds).

There will be in the aggregate, twelve (12) studio Units, fourteen (14) one-bedroom Units, twenty-six (26) two-bedroom Units and twelve (12) three- bedroom Units in the Project. Each Unit will include washer and dryer. The Developer has also committed to constructing basements, an elevator and storage spaces in each of the buildings and subject to HDC approval, solar facilities constructed for the Project. In the event that HDC does not approve of the solar facilities proposed for the Project, then the amount allocated for the solar facilities of \$450,000, net the tax credit equity attributable to the \$450,000 of the solar, shall be deducted from the Phase I Loan and Phase II Loan in the amounts allocated to each Phase.

Phase I of the Project shall contain thirty-one (31) Units in two (2) buildings which shall be financed by 9% Low Income Housing Tax Credits. There will be six (6) studio Units, six (6) one-bedroom Units, thirteen (13) two-bedroom Units and six (6) three-bedroom.

Affordability Requirements

Of the thirty-one (31) Units in Phase I, twenty-seven (27) shall be income-restricted Units of which no fewer than eight (8) will be available at or below thirty percent (30%) of the area median income (AMI), no fewer than five (5) available at or below sixty percent (60%) of AMI and no fewer than fourteen (14) available at or below one hundred twenty percent (120%) of AMI. There will be no more than four (4) market rate units. All of the income-restricted Units are expected to remain affordable in perpetuity pursuant to a recordable affordable housing restriction as agreed to by the parties in the closing documents (the "Affordability Requirement") and the Municipality shall be a holder of the affordable housing restriction in perpetuity. Since 27 of the Units shall be income-restricted in perpetuity as affordable rental units, all of the 31 Units in Phase I are eligible to be added to the Town's Subsidized Housing Inventory ("SHI"), and will be fully compliant with all EOHLC requirements for the Project. The Affordability Requirements will be documented through a regulatory agreement to be recorded on the Project at the closing of the Trust Loan, as noted below.

The Developer also agrees that at least seventy (70%) percent of all affordable Units in Phase I shall be rented pursuant to a local preference (which shall include current Municipality residents, employees of local businesses, and nonprofits located in the Municipality, households whose children attend municipal schools and municipal employees) subject to the extent it is permitted by federal or state law and by EOHLC regulations.

Town Financial Support Already Committed

The Town's support of the Project has already included, but is not limited to the following:

1. As previously agreed with the Developer, the Municipality shall make a land contribution in the form of a 99-year ground lease of the project site at 6 Fairgrounds Road, under very favorable terms, for a \$1/year rent.
2. As previously agreed, the Municipality has already incurred the cost of bringing a road

and utilities to the Project site which is not expected to be reimbursed.

3. As previously completed, the Municipality has incurred the legal costs in the amount of \$59,071.58 plus interest to defend the lawsuit appealing the issuance of the Special Permit, which will be reimbursed by Developer at the closing for the financing of the Project (the "Closing").
4. The Town has obtained favorable votes of Article 10 by the 2022 Annual Town Meeting for funding to NAHT of \$1,000,000; and of Article 20 of the 2022 Annual Town Meeting for the Town to borrow \$10,000,000 for affordable housing. The Town intends to borrow a portion of the funds authorized in Article 20 for Phase II of the Ticcoma Green Project.

Borrower

It is our understanding that the borrower entity ("Borrower") will be a limited liability company or limited partnership which will own the Project. The Developer or affiliated parties are expected to serve as managing member or general partner. The names of the entities and their organizational documents shall be delivered to the Town for its review and approval prior to Closing.

Interest Rate and Loan Repayment

The loan of \$2,000,000 shall be evidenced by a Promissory Note to NAHT in the amount of \$2,000,000 and secured by a leasehold mortgage on the Phase I property described on a final site plan to NAHT to secure the repayment of the full amount of the Phase I Loan. The Phase I Loan shall accrue interest at the rate of four and seven hundredths percent (4.07%) per annum, which is a significantly reduced rate of interest from the Town's anticipated borrowing. Interest shall accrue as of the date the Phase I Loan proceeds are drawn. Interest due on the Phase I Loan shall be calculated on the basis of a 360 day year comprised of twelve thirty-day months. Unpaid interest shall accrue and the outstanding balance will be compounded monthly. The Town agrees that the interest on the Phase I Loan is to be repaid from cash flow after payment of operating expenses, the MassHousing loan and the 65% cash paid on the deferred developer fee, and any other higher tier priorities as may be approved by all of the Funders. The Town will then receive 60% of cash flow as the next tier priority. All outstanding principal and accrued interest, if any, under the Phase I Loan is due and payable in full at the earlier of forty-three years (the maturity date of the Promissory Note) or the sale of the Project.

General Terms of the Town Loan

This Commitment Letter is not intended to set forth all of the terms and conditions of the Trust Loan or the related documents. It is our understanding that some terms may be affected and revised as a result of due diligence and underwriting and may be determined in collaboration with EOHLC and the other Funders prior to the Closing. The Town and NAHT, including their Counsel and advisors, shall be included in all Funding and Development calls and meetings, including the MassDocs calls and meetings in preparation for Closing, with the other Funders.

The Town and NAHT shall receive and have the right to review and comment on all draft documents, due diligence, project agreements, and legal opinions that are shared with any and all other Funders including but not limited to the following documents:

1. Environmental Reports engaged or provided to or by MassHousing, EOHLC, and/or the LIHTC equity investor, appraisals, market studies, constructions contracts, architect's contract, and plans and specifications.
2. Financial documents including payment and performance bonds, construction draw schedule and milestone schedule, developer and guarantor financial statements, insurance quotes and binders, staffing plan and projected operating expenses, total development and operating budgets, Project sources & uses and LIHTC investor operating agreement drafts and proforma financial projections, and other loan documents from other Funders.
3. Legal documents including copies of all permits and approvals, opinions for land use and zoning matters, title insurance commitments and endorsements, and ALTA survey. Prior to Closing, the Borrower shall provide the Town with all documents, instruments and opinions as the Town and legal counsel may reasonably require to evidence or assist the Borrower's compliance with the terms and conditions of the Loans. These documents shall include their organizational documents and opinion from counsel as to the validity of the organizational documents for the Borrower and its entities, and all MassDocs documents prepared for the Closing, which if the Municipality becomes a member of the MassDocs program prior to Closing (which is in the Municipality's sole discretion) , which shall include the Phase I documents.
4. All documents, instruments, certificates and opinions required in connection thereto shall be in form and substance acceptable to the Town. Closing is subject to the satisfaction of all closing requirements determined necessary by the Town.
5. Affordable Housing Restriction and Survivability- If the Municipality becomes a member of the MassDocs program prior to Closing (which is in the Municipality's sole discretion) the affordable housing restriction shall be entered into between the Borrower and EOHLC in the form of a MassDocs Affordable Housing Restriction (the "Restriction" or the "Regulatory Agreement"). The Restriction shall be a permanent restriction held by EOHLC and the Town, on terms acceptable to EOHLC and the Town, which shall (i) be recorded prior to any mortgages and other liens encumbering the Phase I Property or said encumbrances shall be expressly subordinated to the Restriction, (ii) state therein that the Affordable Units shall remain affordable in perpetuity and shall survive foreclosure, deed in lieu of foreclosure or any similar action, regardless of whether it is financially infeasible to do so, (ii) grant the Municipality the independent permanent right to enforce the terms thereof without regard to whether EOHLC or any other subsidizing agency remains as a party thereto, and (iv) ensure that all the Phase I Units are included in the Town's SHI in perpetuity.
6. The Borrower shall inform all lenders and investors that all mortgages or other liens now or later encumbering the Phase I Property shall be subordinate to the Restriction, and that the Affordable Units shall remain affordable as required herein, notwithstanding

the foreclosure of any lien, including the lien of any senior mortgages. The Restriction shall not be subordinated without the prior written consent of the Municipality, which may be withheld in its sole and absolute discretion.

7. All documents, instruments, certificates and opinions required in connection thereto shall be in form and substance acceptable to the Town. Closing is subject to the satisfaction of all closing requirements determined necessary by the Town and the other Funders.

Fees and Costs

There shall be no upfront commitment fee due from the Borrower, however it is responsible for reimbursing the Town for documents preparation, legal, consulting, recording and other costs incurred by the Town in connection with the evaluation and documentation for the Phase I Loan and for the review of all documents included in the MassDocs and other Funder closing and its participation in the calls and meetings for the Funders in preparation for the Closing.

In addition, the Borrower is responsible for reimbursing the Municipality for all legal costs plus interest of defending the appeal of the issuance of the Special Permit, as well as all costs incurred by the Municipality in connection with the Municipality's anticipated bond issuance which will provide the borrowed funds for the Trust Loan. The Town shall be reimbursed in full for all such expenses at Closing.

Loan Security

The Phase I mortgage shall be pari passu with other MassDocs mortgages to the extent agreed to by EOHLC and the other MassDocs Funders. If the Municipality becomes a member of the MassDocs Program prior to Closing (which is in the Municipality's sole discretion) the Phase I Loan documents shall be in MassDocs forms as set forth above and included in the MassDocs Subordination Agreement at Closing.

Right of First Offer and Refinancing Approval

The Town or its designee will receive a right of first offer (not a Section 42ROFR) to be exercisable in the event that the Borrower or General Partner/Managing Member proposes to sell the Project or sell its Managing Member or General Partner interest in the Project. The right of first offer applies to any subsequent offer that the Borrower or General Partner/Managing Member wants to accept that has more favorable terms to the buyer than was offered to the Town or designee or is below the originally proposed selling price to the Town or its designee. The Town will also have the right to approve any sale, refinancing, or change in ownership or management agent. In the event that the Developer wishes to refinance the loans on the Project or any portion thereof, Town and NAHT approval will not be required as long as (a) the other Funders have similarly waived their approvals; (b) the new loans are on commercially reasonable terms, (c) no cash out to the Managing Member or General Partner, and their affiliates, and (d) the refinance of the new loans will not impair or

reduce the Phase I Loan's repayment or delay it past the original maturity date.

Indemnification of the Town

The Developer shall defend, indemnify and hold the Town harmless from and against any and all liabilities, losses, costs, expenses (including reasonable attorneys' fees), causes of action, suits, claims, damages, demands, judgments, from any and all claims, actions or suits, actions, injuries or damages related to the development and construction of the Project, or any act or omission of the Developer, its contractors, licensees, agents, employees, invitees, guest, or anyone claiming, by, through or under the Developer. This indemnity agreement shall include indemnity against all costs, expenses, or liabilities incurred or in connection with any such claim or proceeding brought thereon, and the defense thereof.

Additional Conditions

Developer shall deliver to the Town and Trust copies of all funding commitment letters from all other Funders for this Project no later than sixty (60) days prior to Closing.

Developer shall pull the building permits from the Municipality for thirty-one (31) units in Phase I and deliver copies of the building permits by Closing.

This Commitment is expressly conditioned on the accuracy and completeness of the information provided by the Developer/Borrower relating to all aspects of the Project and its financing, development and construction.

Termination of the Commitment Letter

The Town may terminate this Commitment Letter at any time prior to Closing by written notice to Developer in the event that Developer fails to comply with any of the terms and conditions of this Commitment Letter, or there is any material adverse change in the financial condition of the Developer and/or Borrower or the condition of the Project or other pledged collateral. This Commitment Letter shall automatically terminate upon an insolvency or bankruptcy event with respect to the Borrower or General Partner/Managing Member. This Commitment Letter will expire if the Project contemplated in this Commitment Letter has not closed by June 30, 2025. However, this Commitment may be extended on a month-to-month basis at the Town's discretion and if other Funders agree to any similar extensions.

If the foregoing terms and conditions are acceptable, please indicate your acceptance of the same by countersigning the letter below, where indicated, and returning a copy of the signed letter to the Town and the Trust by _____, 2024.

Very truly yours,

TOWN OF NANTUCKET
By its Select Board

By: _____
Brooke Mohr, Chair

TOWN OF NANTUCKET AFFORDABLE HOUSING TRUST FUND
By its Board of Trustees

By: _____
Brian Sullivan, Chair

TERMS ACCEPTED: HK Ticcoma, LLC hereby agrees to and accepts the foregoing terms by setting forth its signature below:

DEVELOPER: HK TICCOMA, LLC

By: _____
Name: Andrew Burnes
Title: Manager

cc:

December ____, 2024

Andrew Burnes
HK Ticcoma, LLC
1400 Providence Highway, Suite 1000
Norwood, MA 02062

RE: Ticcoma Green Project- Loan Commitment for Phase II (4% Low Income Housing Tax Credits)

Dear Mr. Burnes:

This letter is a commitment from the Town of Nantucket (the “Municipality”) and the Town of Nantucket Affordable Housing Trust Fund (“NAHT” or the “Trust”, together with the “Municipality,” the “Town”) to increase its financial support to HK Ticcoma, LLC (the “Developer”) for the development of the Ticcoma Green affordable rental housing project (the “Project”) to be located at 6 Fairgrounds Road. The Developer is constructing this Project in two phases, Phase I and Phase II. The Town agrees to loan \$6.7 million (the “Phase II Loan”) for the portion of the Project to be developed as Phase II. With this Phase II Loan, the Town agrees to increase its already significant financial contributions to the Project from a \$6.5 million loan to loans totaling \$8.7 million for the entire Project, subject to terms and conditions set forth herein, and subject to the approval of the Town of Nantucket Select Board and the NAHT. The Town hopes to assist the Developer in developing and operating an important affordable housing project on Nantucket.

The Town understands that, in addition to the funding under this commitment, the Developer will be pursuing grants or loans from the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities, MassHousing and any state agencies/entities and private lenders (including the Town and the Trust, the “Funders”) for additional funding to the Project.

Project Description

The Project will contain sixty-four (64) newly constructed residential rental units (the “Units”) in four (4) buildings to be constructed in two separately financed phases in a so-called “9/4 twinning structure to be allocated between one phase being financed by 9% Low Income Housing Tax Credits (the Trust funding for this phase will not be sourced with tax exempt bonds) and the other phase by 4% Low Income Housing tax credits (the Trust funding for Phase II may be sourced with tax exempt bonds).

There will be in the aggregate, twelve (12) studio Units, fourteen (14) one-bedroom Units, twenty-six (26) two-bedroom Units and twelve (12) three- bedroom Units in the Project. Each Unit will include washer and dryer. The Developer has also committed to constructing basements, an elevator and storage spaces in each of the buildings and subject to HDC approval, solar facilities constructed for the Project. In the event that HDC does not approve of the solar facilities, then the amount allocated for the solar facilities of \$450,000, net the tax credit equity attributable to the \$450,000 of the solar, shall be deducted from the Phase I Loan and the Phase II Loan in the amounts allocated to each Phase.

Phase II of the Project shall contain thirty-three (33) Units in two (2) buildings which shall be financed by 4% Low Income Housing Tax Credits. There will be six (6) studio Units, eight (8) one-bedroom Units, thirteen (13) two-bedroom Units and six (6) three-bedroom Units.

Affordability Requirements

Of the thirty-one (33) Units in Phase II, twenty-seven (28) shall be income-restricted Units of which no fewer than four (4) will be available at or below thirty percent (30%) of the area median income (AMI), no fewer than ten (10) available at or below sixty percent (60%) of AMI and no fewer than fourteen (14) available at or below one hundred twenty percent (120%) of AMI. There will be no more than five (5) market rate units. All of the income-restricted Units are expected to remain affordable in perpetuity pursuant to a recordable affordable housing restriction as agreed to by the parties in the closing documents (the "Affordability Requirement") and the Municipality shall be a holder of the affordable housing restriction in perpetuity. Since 28 of the Units shall be income-restricted in perpetuity as affordable rental units, all of the 33 Units in Phase II are eligible to be added to the Town's Subsidized Housing Inventory ("SHI"), and will be fully compliant with all EOHLC requirements for the Project. The Affordability Requirements will be documented through a regulatory agreement to be recorded on the Project at the closing of the Phase II Loan, as noted below.

The Developer also agrees that at least seventy (70%) percent of all affordable Units in Phase II shall be rented pursuant to a local preference (which shall include current Municipality residents, employees of local businesses, and nonprofits located in the Municipality, households whose children attend municipal schools and municipal employees) subject to the extent it is permitted by federal or state law and by EOHLC regulations.

Town Financial Support Already Committed

The Town's support of the Project has already included, but is not limited to the following:

1. As previously agreed with the Developer, the Municipality shall make a land contribution in the form of a 99-year ground lease of the project site at 6 Fairgrounds Road, under very favorable terms, for a \$1/year rent.
2. As previously agreed, the Municipality has already incurred the cost of bringing a road

- and utilities to the Project site which is not expected to be reimbursed
3. As previously completed, the Municipality has incurred the legal costs in the amount of \$59,071.58 to defend the lawsuit appealing the issuance of the Special Permit, which will be reimbursed by Developer plus interest at the closing for the financing of the Project (the "Closing").
 4. The Town has obtained favorable votes of Article 10 by the 2022 Annual Town Meeting for funding to NAHT of \$1,000,000; and of Article 20 of the 2022 Annual Town Meeting for the Town to borrow \$10,000,000 for affordable housing. The Town intends to borrow a portion of the funds authorized in Article 20 for Phase II of the Ticcoma Green Project.

Borrower

It is our understanding that the borrower entity ("Borrower") will be a limited liability company or limited partnership which will own the Project. The Developer or affiliated parties are expected to serve as managing member or general partner. The names of the entities and their organizational documents shall be delivered to the Town for its review and approval prior to Closing.

Interest Rate and Loan Repayment

The loan of \$6,700,000 shall be evidenced by a Promissory Note to NAHT in the amount of \$6,700,000 and secured by a leasehold mortgage on the Phase II property described on a final site plan to NAHT to secure the repayment of the full amount of the Phase II Loan. The Phase II Loan shall accrue interest at the rate of one and fifty-one hundredths percent (1.51%) per annum, which is a significantly reduced rate of interest from the Town's anticipated borrowing. Interest shall accrue as of the date the Phase II Loan proceeds are drawn. Interest due on the Phase II Loan shall be calculated on the basis of a 360 day year comprised of twelve thirty-day months. Unpaid interest shall accrue and the outstanding balance will be compounded monthly. The Town agrees that the interest on the Phase II Loan is to be repaid from cash flow after payment of operating expenses, the MassHousing loan and the 85% cash flow paid on the deferred developer fee, and any other higher tier priorities as may be approved by all of the Funders. The Town will then receive 60% of cash flow as the next tier priority. All outstanding principal and accrued interest, if any, under the Phase II Loan is due and payable in full at the earlier of forty-three years (the maturity date of the Promissory Note) or the sale of the Project.

General Terms of the Town Loan

This Commitment Letter is not intended to set forth all of the terms and conditions of the Trust Loan or the related documents. It is our understanding that some terms may be affected and revised as a result of due diligence and underwriting and may be determined in collaboration with EOHLC and the other Funders prior to the Closing. The Town and NAHT, including their Counsel and advisors, shall be included in all Funding and Development calls and meetings,

including the MassDocs calls and meetings in preparation for Closing, with the other Funders.

The Town and NAHT shall receive and have the right to review and comment on all draft documents, due diligence, project agreements, and legal opinions that are shared with any and all other Funders including but not limited to the following documents:

1. Environmental Reports engaged or provided to or by MassHousing, EOHLC, and/or the LIHTC equity investor, appraisals, market studies, constructions contracts, architect's contract, and plans and specifications.
2. Financial documents including payment and performance bonds, construction draw schedule and milestone schedule, developer and guarantor financial statements, insurance quotes and binders, staffing plan and projected operating expenses, total development and operating budgets, Project sources & uses and LIHTC investor operating agreement drafts and proforma financial projections, and other loan documents from other Funders.
3. Legal documents including copies of all permits and approvals, opinions for land use and zoning matters, title insurance commitments and endorsements, and ALTA survey. Prior to Closing, the Borrower shall provide the Town with all documents, instruments and opinions as the Town and legal counsel may reasonably require to evidence or assist the Borrower's compliance with the terms and conditions of the Loans. These documents shall include their organizational documents and opinion from counsel as to the validity of the organizational documents for the Borrower and its entities, and all MassDocs documents prepared for the Closing, which if the Municipality becomes a member of the MassDocs program prior to Closing (which is in the Municipality's sole discretion) , which shall include the Phase II documents.
4. All documents, instruments, certificates and opinions required in connection thereto shall be in form and substance acceptable to the Town. Closing is subject to the satisfaction of all closing requirements determined necessary by the Town.
5. Affordable Housing Restriction and Survivability- If the Municipality becomes a member of the MassDocs program prior to Closing (which is in the Municipality's sole discretion) the affordable housing restriction shall be entered into between the Borrower and EOHLC in the form of a MassDocs Affordable Housing Restriction (the "Restriction" or the "Regulatory Agreement"). The Restriction shall be a permanent restriction held by EOHLC and the Town, on terms acceptable to EOHLC and the Town, which shall (i) be recorded prior to any mortgages and other liens encumbering the Phase II Property or said encumbrances shall be expressly subordinated to the Restriction, (ii) state therein that the Affordable Units shall remain affordable in perpetuity and shall survive foreclosure, deed in lieu of foreclosure or any similar action, regardless of whether it is financially infeasible to do so, (ii) grant the Municipality the independent permanent right to enforce the terms thereof without regard to whether EOHLC or any other subsidizing agency remains as a party thereto, and (iv) ensure that all the Phase II Units are included in the Town's SHI in perpetuity.
6. The Borrower shall inform all lenders and investors that all mortgages or other liens now or later encumbering the Phase II Property shall be subordinate to the Restriction, and

that the Affordable Units shall remain affordable as required herein, notwithstanding the foreclosure of any lien, including the lien of any senior mortgages. The Restriction shall not be subordinated without the prior written consent of the Municipality, which may be withheld in its sole and absolute discretion.

7. All documents, instruments, certificates and opinions required in connection thereto shall be in form and substance acceptable to the Town. Closing is subject to the satisfaction of all closing requirements determined necessary by the Town and the other Funders.

Fees and Costs

There shall be no upfront commitment fee due from the Borrower, however it is responsible for reimbursing the Town for documents preparation, legal, consulting, recording and other costs incurred by the Town in connection with the evaluation and documentation for the Phase II Loan and for the review of all documents included in the MassDocs and other Funder closing and its participation in the calls and meetings for the Funders in preparation for the Closing.

In addition, the Borrower is responsible for reimbursing the Municipality for all legal costs plus interest of defending the appeal of the issuance of the Special Permit, as well as all costs incurred by the Municipality in connection with the Municipality's anticipated bond issuance which will provide the borrowed funds for the Phase II Loan. The Town shall be reimbursed in full for all such expenses at Closing.

Loan Security

The Phase II mortgage shall be pari passu with other MassDocs mortgages to the extent agreed to by EOHLC and the other MassDocs Funders. If the Municipality becomes a member of the MassDocs Program prior to Closing (which is in the Municipality's sole discretion) the Phase II Loan documents shall be in MassDocs forms as set forth above and included in the MassDocs Subordination Agreement at Closing.

Right of First Offer and Refinancing Approval

The Town or its designee will receive a right of first offer (not a Section 42 ROFR) to be exercisable in the event that the Borrower or General Partner/Managing Member proposes to sell the Project or sell its Managing Member or General Partner interest in the Project. The right of first offer applies to any subsequent offer that the Borrower or General Partner/Managing Member wants to accept that has more favorable terms to the buyer than was offered to the Town or designee or is below the originally proposed selling price to the Town or its designee. The Town will also have the right to approve any sale, refinancing, or change in ownership or management agent. In the event that the Developer wishes to refinance the loans on the Project or any portion thereof, Town and NAHT approval will not be required as long as (a) the other Funders have similarly waived their approvals; (b) the new loans are on commercially reasonable terms, (c) no cash out to the Managing Member or

General Partner, and their affiliates, and (d) the refinance of the new loans will not impair or reduce the Phase II Loan's repayment or delay it past the original maturity date.

Indemnification of the Town

The Developer shall defend, indemnify and hold the Town harmless from and against any and all liabilities, losses, costs, expenses (including reasonable attorneys' fees), causes of action, suits, claims, damages, demands, judgments, from any and all claims, actions or suits, actions, injuries or damages related to the development and construction of the Project, or any act or omission of the Developer, its contractors, licensees, agents, employees, invitees, guest, or anyone claiming, by, through or under the Developer. This indemnity agreement shall include indemnity against all costs, expenses, or liabilities incurred or in connection with any such claim or proceeding brought thereon, and the defense thereof.

Additional Conditions

Developer shall deliver to the Town and Trust copies of all funding commitment letters from all other Funders for this Project no later than sixty (60) days prior to Closing.

Developer shall pull the building permits from the Municipality for thirty-three (33) units in Phase II and deliver copies of the building permits by Closing.

This Commitment is expressly conditioned on the accuracy and completeness of the information provided by the Developer/Borrower relating to all aspects of the Project and its financing, development and construction.

Termination of the Commitment Letter

The Town may terminate this Commitment Letter at any time prior to Closing by written notice to Developer in the event that Developer fails to comply with any of the terms and conditions of this Commitment Letter, or there is any material adverse change in the financial condition of the Developer and/or Borrower or the condition of the Project or other pledged collateral. This Commitment Letter shall automatically terminate upon an insolvency or bankruptcy event with respect to the Borrower or General Partner/Managing Member. This Commitment Letter will expire if the Project contemplated in this Commitment Letter has not closed by June 30, 2025. However, this Commitment may be extended on a month-to-month basis at the Town's discretion and if other Funders agree to any similar extensions.

If the foregoing terms and conditions are acceptable, please indicate your acceptance of the same by countersigning the letter below, where indicated, and returning a copy of the signed letter to the Town and the Trust by _____, 2024.

Very truly yours,

TOWN OF NANTUCKET
By its Select Board

By: _____
Brooke Mohr, Chair

TOWN OF NANTUCKET AFFORDABLE HOUSING TRUST FUND
By its Board of Trustees

By: _____
Brian Sullivan, Chair

TERMS ACCEPTED: HK Ticcoma, LLC hereby agrees to and accepts the foregoing terms by setting forth its signature below:

DEVELOPER: HK TICCOMA, LLC

By: _____
Name: Andrew Burnes
Title: Manager

cc:



Agenda Item Summary

Agenda Item #	IX.1.b.
Date	12/4/24

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Request for Extension of Land Development Agreement for Workforce Housing Rental Project at 6 Fairgrounds Road

Executive Summary

HallKeen is seeking the board's approval of their request to extend the diligence period of the agreement for an additional 6 months through June 30, 2025

Staff Recommendation

Staff recommends approving the request through June 30, 2025. It is very important to the housing office that this closing happens in the first 6 months of 2025 and that the units contribute to a new period of safe harbor for the Town.

Background/Discussion

HallKeen is requesting an extension of their diligence period through June 30, 2025. HallKeen has been working diligently with their financiers and the Town to close on the deal to develop 64 units of rental housing at varying income levels from 30% of Area Median Income up to market rate. The goal when the LDA was extended at the January 17, 2024 select board meeting was to close on the deal in the 4th quarter of 2024. However, MassHousing hit their bond cap and moved the closing to the end of the first quarter of 2025.

The Project has substantial federal and state funding, as well as an \$8.7m contribution (in the form of grants and loans) from the Town and Trust.

It is also important that all units be eligible for inclusion on our SHI list and eligible for certification of our Housing Production Plan.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Addressing the housing crisis; Select Board strategic goal around maintaining Safe Harbor.

Board/Commission Recommendation

Click or tap here to enter text.

Public Outreach



N/A

Attachments

1. LDA Extension Request Letter from Hallkeen



**HK TICCOMA LLC
c/o HallKeen Management, Inc.
1400 Providence Highway, Suite 1000
Norwood, MA 02062**

November 18, 2024

By Email and Overnight Delivery

Town of Nantucket Select Board
Town & County Building
16 Broad Street
Nantucket, MA 02554

Re: 6 Fairgrounds Road/Land Development Agreement

Ladies and Gentlemen:

Reference is hereby made to that certain Land Development Agreement by and between the Town of Nantucket (the “Town”) and HK Ticcoma LLC (the “Developer”) dated February 14, 2018 (the “Agreement”) regarding the construction of an affordable housing development on the parcel of land located at 6 Fairgrounds Road, Nantucket (the “Project”). Capitalized terms not defined in this letter have the meanings ascribed to them in the Agreement.

Pursuant to Section I.A.3 of the Agreement, this letter shall serve as the Developer’s written request that the Town extend the Diligence Period under the Agreement from December 15, 2024 to June 30, 2025. The Developer has been engaged in good faith efforts to satisfy all of the Lease Contingencies set forth in the Agreement and, although significant progress has been made to overcome the challenges facing the Project, additional time is required in order for the Developer to satisfy the Lease Contingencies. The following is a summary of the challenges that continue to face the Developer, as well as the progress the Developer has made notwithstanding those challenges:

- Project Costs and Financing Commitments: As you are aware, there have been several economic factors that have significantly affected the feasibility of the Project over the past few years, including sharp increases in construction-related costs and the green energy commitments made by the Developer to the Executive Office of Housing and Livable Communities (“EOHLC”) and the Town, which green energy commitments are required for funding that is crucial to the viability of the Project. In the year since the Developer’s previous extension request, the Developer and its team have done a full valuation analysis of the Project and have implemented certain modifications and cost saving measures that will lower the construction-related costs, while simultaneously meeting the green energy objectives. While these efforts have been critical to lowering the costs and increasing the energy efficiency of the Project, a budget deficit still exists that required the Developer to seek additional financing from both EOHLC and the Town. The Developer is happy to report that it has secured verbal commitments from

Town of Nantucket Select Board

November 18, 2024

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EOHLC and the Nantucket Affordable Housing Trust (“NAHT”) to provide the additional funding needed for the Project. Now that the Project has a clear path forward, the Developer is expecting to receive updated commitment and award letters from EOHLC by the end of the year, from NAHT after the Select Board meeting on December 4, 2024 and from the Massachusetts Housing Finance Agency (“MassHousing”), who is providing permanent loan financing, after their January 2024 board meeting. Additionally, the Developer is in the process of negotiating the final terms of (i) the engagement of Stratford Capital, a Federal and State Low-Income Housing Tax Credit (“LIHTC”) syndicator, in connection with their arranging for equity capital for the Project and (ii) construction loans with Rockland Trust. Although, the Developer is working to obtain all of the funding commitments prior to the expiration of the Diligence Period on December 15, 2024, as required by the Agreement, it is likely that all of such commitments will not be received until after that expiration date.

- Permits and Approvals. As mentioned in the Developer’s previous extension request, the Nantucket Planning Board issued an extension to Special Permit (File No. 67-17) through April 12, 2027 and, since then, the Planning Board endorsed the final site plans for the Project on September 9, 2024. The Developer and Dellbrook Construction, the general contractor for the Project, have met with the Building Commissioner for the Town regarding the submission package for the building permits, including for four (4) building permits in connection with each of the four rental apartment buildings and two (2) building permits for each of the bike sheds to be constructed. Based on that meeting and a few follow-up conversations, the Developer is pleased to report that it has compiled a full submission package, addressing the comments and requests of the Building Commissioner. While we expected to submit the building permit application and package within the next few weeks, MassHousing has requested we postpone the submission until they have completed their environmental review of the Project, which review is estimated to conclude by January or February of 2025. As soon as MassHousing confirms the environmental review has been completed, the Developer intends to file the building permit promptly thereafter. Once the six (6) building permits are issued, the Certificates of Appropriateness (the “COAs”) issued by the Historic District Commission will then need to be modified due to the changes to the plans and specifications for the Project since the initial COAs issuance. With the assistance of Horsley Witten, the civil engineer for the Project, the Developer has also submitted the paperwork to request the sewer connection permit for the Project and will continue to work on obtaining all of the necessary permits and approvals required to construct the Project.

To provide the Select Board with an update on the closing for the debt and equity financing for the Project (the “Financing Closing”), the Developer has been advised by the lenders and investors that they expect to be prepared to close on the financing in the second quarter of 2025. Given the combination of funding sources for the Project, including 9% Federal LIHTC, 4% Federal LIHTC with tax exempt bond financing, state LIHTC, a grant and loan from NAHT, various loans from public lending programs administered by EOHLC and MassHousing and a construction loan from a commercial lender, and the funding terms of each of the lenders and

Town of Nantucket Select Board

November 18, 2024

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investors, the Developer anticipates that the Financing Closing will be extraordinarily complex and time consuming. Although the Developer will make every effort to close on the financing in the second quarter of 2025, that timeframe may be delayed by the lenders and investors as they perform their necessary closing diligence, including MassHousing's environmental review. The Developer will keep the Town apprised of any material delays as they present themselves.

For the reasons stated above and, although the Developer is working diligently to satisfy the Lease Contingencies, the Developer respectfully requests that the Town extend the Diligence Period until June 30, 2025 so that the Developer has ample time to navigate satisfaction of the Lease Contingencies. We will continue to communicate regularly with the Select Board to keep you apprised of the Project's further progress toward satisfaction of the Lease Contingencies and the Financing Closing.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact us.

Sincerely,

HK TICCOMA LLC

By: HKM Partners 2017, LLC, its Manager

Signed by:
By: Andrew P. Burnes
96610810001746P. Burnes, Manager

cc: Vicki S. Marsh, Esq., KP Law, P.C. (by email and overnight delivery)
Faith Glickman Rossi, Esq. (by email)
Katherine E. McGarr, Esq. (by email)
Daniel P. Holmes, Esq. (by email)



Agenda Item Summary

Agenda Item #	IX.2.
Date	12/4/24

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Request for Waiver of Sewer Connection Permit Fees and Sewer Capacity Fees for the 64-unit mixed-income workforce rental project at 6 Fairgrounds Road

Executive Summary

In accordance with the Board's Sewer Waiver Policy, HallKeen is requesting a waiver of the Sewer Fees in conjunction with the 64-units which is being developed to serve mixed -income workforce rental (30% to 120%AMI)

Staff Recommendation

The Staff recommends that the Select Board approve the sewer connection and capacity fee waiver, consistent with past practices. Staff recommends select board discussion on the waiver of market rate units.

Background/Discussion

The Project will consist of 64 units, including: (i) twelve (12) units that will be restricted at or below 30% of the area median income ("AMI"); (ii) fifteen (15) units that will be restricted at or below 60% of AMI; (iii) twenty-eight (28) units that will be restricted at or below 120% of AMI; and (iv) nine (9) units that will be rented at market rate.

HallKeen requests a full waiver of the Sewer Fees with respect to all fifty-five (55) of the Affordable Units. In addition to the waivers available for the Affordable Units, HK also requests a 95% reduction in the Sewer Fees that would otherwise be payable for the nine (9) market rate rental units, as they are part of a project in which at least 25% of the units are eligible for inclusion in the Town's Subsidized Housing Inventory.

In addition to providing sewer to the Project, HallKeen will be installing a sewer stub-ins for the Town-owned lots on Ticcoma Way, providing a benefit for the Town for any future housing development on those lots. This will be at the sole cost of HallKeen.

This is the second project to come forward with a request for a reduction on market rate units. The board waived 100% of the fees for Richmond because all units would be included on the SHI list and that there was a "material sewer infrastructure investment benefitting the public". For Ticcoma Green, all 64



units will be on the SHI list but only 55 will be deed restricted from 30% AMI to 120% AMI. Their contribution to the town-lots is a benefit to the Town.

The total impact of a 100% permit fee and capacity fee on the restricted units, as well as 95% reduction on the market rate units equates to a \$506,442.32 waiver.

Request from HallKeen							
AMI Level	# of Units	Permit Fee	Sewer Capacity Fee	% Waive Permit	% Waive SCF	Total Fee Waived	Total Fee Charged
30%	12	\$ 48,000.00	\$ 58,115.20	100%	100%	\$ 106,115.20	\$ -
60%	15	\$ 60,000.00	\$ 53,644.80	100%	100%	\$ 113,644.80	\$ -
120%	28	\$ 112,000.00	\$ 91,643.20	100%	100%	\$ 203,643.20	\$ -
Market	9	\$ 36,000.00	\$ 51,409.60	95%	95%	\$ 83,039.12	\$ 4,370.48
						\$ 506,442.32	\$ 4,370.48

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Compliance with the Town's Sewer Policy. Support of year-round housing

Board/Commission Recommendation

N/A

Public Outreach

N/A

Attachments

- HallKeen request
- Sewer Fee Waiver policy
- Sewer Fee Waiver Request History
- Sewer Department breakout of fees



HK TICCOMA LLC
c/o HallKeen Management, Inc.
1400 Providence Highway, Suite 1000
Norwood, MA 02062

November 14, 2024

Select Board of the Town of Nantucket, acting as the Nantucket Sewer Commission
16 Broad Street
Nantucket, MA 02554
Attention: Erika D. Mooney

Re: Ticcoma Green
6 Fairgrounds Road, Nantucket (the "Property")

Dear Ms. Mooney:

In accordance with the Policy for Sewer Fee Waiver Requests, last revised on November 2, 2022 (the "Policy") and in connection with the proposed workforce housing rental project that HK Ticcoma LLC or its nominee ("HK Ticcoma") intends to construct and operate at the Property (the "Project"), this letter shall serve as HK Ticcoma's request that the Select Board waive both the sewer connection fees and the sewer capacity fees for the Project (together, the "Sewer Fees") as doing so is in the public interest for the reasons set forth below, which waivers the Town agreed to assist HK Ticcoma in obtaining pursuant to Section III.B.2 of the Land Disposition Agreement by and between the Town and HK Ticcoma dated February 14, 2018 (the "Land Disposition Agreement").

The Project will consist of 64 units, including: (i) twelve (12) units that will be restricted at or below 30% of the area median income ("AMI"); (ii) fifteen (15) units that will be restricted at or below 60% of AMI; (iii) twenty-eight (28) units that will be restricted at or below 120% of AMI; and (iv) nine (9) units that will be rented at market rate (collectively, the "Units"). When HK Ticcoma enters into a ground lease with the Town (the "Ground Lease"), as contemplated by the Land Disposition Agreement, HK Ticcoma will, among other things, grant an affordable housing restriction for the benefit of the Town (the "Restriction"), which Restriction will subject the income restricted units (the "Affordable Units") to a permanent affordable housing restriction benefitting households earning 175% of AMI or less. Accordingly, HK Ticcoma requests a full waiver of the Sewer Fees with respect to all fifty-five (55) of the Affordable Units.

In addition to the waivers available for the Affordable Units, HK Ticcoma also requests a 95% reduction in the Sewer Fees that would otherwise be payable for the nine (9) market rate rental units (the "Market Rate Units"), as they are part of a project in which at least 25% of the units are eligible for inclusion in the Town's Subsidized Housing Inventory. The Market Rate Units consist of the following: (i) one unit with one bedroom; (ii) two units with two bedrooms; and (iii) six units with three bedrooms. HK Ticcoma sets forth the following reasons in support of its request:

Select Board of the Town of Nantucket

November 14, 2024

Page 2

1. The Market Rate Units will contribute to the viability of a workforce housing rental community that will greatly benefit the residents of the Town by providing a permanent source of affordable housing in the Town (which is currently experiencing a severe housing shortage) and simultaneously assisting the Town in achieving its end goal of at least ten percent (10%) of its housing stock being affordable to low and moderate income households.
2. A waiver of the Sewer Fees in connection with the Market Rate Units will lower the overall costs of construction in an area with extremely high building costs, which is essential to the economic feasibility of the Project.
3. HK Ticcoma is diligently working with the Town and the Executive Office of Housing and Livable Communities to satisfy the conditions necessary for the Units to be eligible for inclusion on the Town's Subsidized Housing Inventory upon issuance of the building permits and the execution of the Ground Lease.
4. To provide sewer service to the Project, together with future sewer service to eight (8) undeveloped lots of land owned by the Town (the "Town Lots"), HK Ticcoma will install, at HK Ticcoma's sole cost and expense, both (i) a sewer line that will connect to the Town's existing sewer system located on Ticcoma Way and run through the Project site along the northerly boundary lines of the Town Lots and (ii) sewer stub-ins from that sewer line into each of the Town Lots (collectively, the "Sewer Improvements"). The Sewer Improvements will benefit not only HK Ticcoma, but will also greatly benefit the Town (or any future developer of the Town Lots) by decreasing the time and expense of connecting each of the Town Lots to the Town's sewer system, which is located on the opposite side of Ticcoma Way from the Town Lots, and which connection work would otherwise require Ticcoma Way to be dug up in order to install eight sewer lines to each Town Lot. Additionally, and given the benefit to multiple, developable lots owned by the Town and the fact that the Sewer Improvements will negate any need for the Town to extend the Town's existing sewer system to the southerly boundary line of each of the Town Lots, HK Ticcoma believes that the Sewer Improvements are essentially improvements and upgrades to the Town's existing sewer infrastructure.
5. As mentioned above, the cost of installing the Sewer Improvements will be borne solely by HK Ticcoma. As estimated by the Nantucket Sewer Department, the Sewer Fees for the Market Rate Units would be approximately \$87,409.60 (\$36,000 for the connection fees and \$51,409.60 for the capacity fees) (the "MRU Sewer Fees"). Dellbrook Construction, the general contractor for the Project, estimates that the total cost borne by HK Ticcoma to construct the Sewer Improvements is greater than \$43,704.48, which amount represents fifty percent (50%) of the MRU Sewer Fees.

Select Board of the Town of Nantucket

November 14, 2024

Page 3

If you would kindly add the waivers requested by HK Ticcoma in this letter to the agenda for the Select Board's meeting on December 4, 2024, we would appreciate it.

Thank you for your assistance in this matter.

Sincerely,

HK TICCOMA LLC,
a Massachusetts limited liability company

By: HKM PARTNERS 2017 LLC,
a Massachusetts limited liability company, its manager

Signed by:
By: Andrew P. Burnes
Name: Andrew P. Burnes
Title: Manager



TOWN & COUNTY OF NANTUCKET
SELECT BOARD
POLICY FOR SEWER FEE WAIVER REQUESTS
Adopted: 07/20/2016; Revised 10/24/2018, 12/03/2020, 11/02/2022

I. Policy.

The Select Board, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with Chapter 38, Article III, section 38-3B of the Code of the Town of Nantucket, has the authority to waive any town fee or charge, upon a determination that the public interest so requires.

The Select Board hereby determines that it is in the public interest to encourage the production of affordable housing, including workforce housing units for the Island's working population. The Board hereby further determines that is in the public interest to encourage the production of housing units that qualify on the Town's Subsidized Housing Inventory, particularly where they contribute to a period of Safe Harbor relative to the Commonwealth's Chapter 40B law. Therefore, the Select Board will consider, on a case-by-case basis, waivers of one or both of the Town's fees relating to the connection of dwelling units that are located in an existing Sewer District as established under Chapter 396 of the Acts of 2008.

II. Sewer Connection and Sewer Capacity Fee Waivers.

The Select Board may, at its discretion, waive the sewer connection fee or the Sewer Capacity Fee upon the request of a property owner, developer, or public entity seeking to connect one or more dwelling units to the Town's sewer system if such unit or units are bound by a permanent affordable housing deed restriction in a form acceptable to the Town and enforceable by the Town, and provided that the dwelling unit or units are part of a project where a minimum of 25% of the units are eligible for inclusion on the Town's Subsidized Housing Inventory ("SHI") as maintained by DHCD or any successor agency and provided that the developer and/or unit owner shall cooperate fully with the Town in obtaining SHI status for the eligible unit or units by timely providing all required documentation and notifying the Town Manager when a building permit issues and when an occupancy permit issues.

In the case where less than all of the units in the project are income-restricted, the Select Board may waive up to 100% of both sewer fees where the unit is restricted at 80% AMI or less, up to 75% of both fees where the unit is restricted between 81% and 100% AMI, and up to 50% of both fees where the unit is restricted between 101% AMI and 150% AMI. In the case where all of the units in a project are income-restricted, 100% of both sewer fees may be waived as long as a minimum of 25% of the total number of units are SHI-eligible. In exercising its discretion, in applying the policy, the Select Board may consider the total value of Town subsidies for the

project, including closing cost assistance, direct grants, land contribution by the Town, other fee waivers, and market rate sales in the project.

In the case of dwelling units that are subject to a permanent affordable housing covenant meeting the requirements of Chapter 301 of the Acts of 2002, and Chapter 100 of the Code of Nantucket, or are subject to a permanent deed restriction serving households at 175% AMI or less that is satisfactory to the Town, the Select Board may, in its discretion, waive all or a portion of the sewer connection fee.

In addition to those waivers which the Select Board may grant for income-restricted dwelling units, during the period in which the Town is under its 10% requirement relative to the Commonwealth's Chapter 40B law, the Select Board may also determine that it is in the public interest to consider reductions only, on a case-by-case basis, to one or both of the Town's fees required as a condition of the connection of unrestricted, so-called 'market-rate', dwelling units within a Workforce Rental Community, as such is defined and described in Section 139-2 and Section 139-8(D)(2) of the Town of Nantucket Zoning Bylaw, that are located in an existing Sewer District as established under Chapter 396 of the Acts of 2008, to encourage the further development of mixed-income rental housing communities and private investment in the creation, upgrade, extension, replacement, and repair of private and public sewer infrastructure serving the Town of Nantucket and its citizens and landowners.

Accordingly, it is the Nantucket Sewer Commission's policy that the Select Board may, at its discretion, reduce the Sewer Connection Fee or the Sewer Capacity Fee, or both, upon the request of a property owner, developer, or public entity (i.e., the 'applicant') seeking to connect one or more unrestricted rental dwelling units to the Town's sewer system if:

- (1) The applicant's project or development has or will provide for the funding and / or physical construction of specific sewer system improvements which are deemed a benefit or improvement to nearby or abutting public and private landowners, in addition to the applicant's project or development; and
- (2) The applicant's project or development has or will provides for the funding and / or physical construction of approved* mitigation measures or capital improvements to the Town of Nantucket's municipal sewer system (or components thereof) including, for example, upgrades to one or more municipal sewer pumping station[s], upgrades to the diameter, capacity, or operating performance of municipal sewer mains, manholes, or other infrastructure); and
- (3) The cumulative cost of the sewer improvements and / or mitigation measures contemplated in subparagraphs (1) and (2) above incurred or reasonably estimated to be incurred by the applicant meets or exceeds a sum equal to fifty (50%) percent of the total amount** of sewer service connection fees and sewer capacity utilization fees that would be due and payable for all unrestricted units which the applicant is seeking connection if no waiver or reduction were to be granted pursuant to the Select Board's Policy for Sewer Fee Waiver Requests; and

- (4) All of the rental dwelling units within the applicant's project or development are eligible for certification to the Town of Nantucket Subsidized Housing Inventory (SHI), as such is established and maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD).

Provided that in the opinion of the Select Board the applicant's project or development is in the public interest and meets the foregoing criteria then the Select Board may, in its discretion, reduce (A) the per-unit Sewer Service Connection Fee to an amount not less than Five Hundred (\$500.00) Dollars per unrestricted / market rate dwelling unit, or such other amount as determined by the Select Board; and (B) the per-unit Sewer Capacity Fee to an amount not less than Seven Hundred (\$725.00) Dollars per bedroom (within each unrestricted / market rate dwelling unit), or such other amount as determined by the Select Board.

Sewer Fee Waiver Request History

DATE	REQUESTOR	LOCATION	REQUEST WAIVER FOR	BOS ACTION	NOTES
6/4/2009	Shannon Cronan	11A Mary Anne Drive	Reduced sewer connection permit fee	Denied	BOS policy not to waive fees
3/17/2010	Robert Shapiro	19 Old South Road	Relief from monthly sewer charge on vacant lots	No action	Would set precedent if approved
5/12/2010	Lindsay Winters	28 Young's Way	Sewer connection permit fees (2)	Waiver approved for renewal of permits	Permits were previously approved & paid for but construction did not commence due to down economy & permits expired
12/19/2012	SSA	Intersection of Broad & South Beach Streets	Sewer connection permit fee; Sewer Privilege Fee	Approved	SSA is a governmental agency which serves the island
11/20/2013	Nantucket Congregation of Jehovah's Witnesses	"Kingdom Hall" at 43 Milk Street	Reduction or abatement of sewer connection permit fee	Denied	Would set precedent if approved
11/5/2014	Habitat for Humanity	20 Ticcoma Way	Sewer connection permit fee; Sewer Privilege Fee	Approved	Affordable housing unit
8/5/2015	Habitat for Humanity	Lot # 13, Sachem's Path	Sewer connection permit fee; Sewer Privilege Fee	Approved	Affordable housing unit
1/20/2016	Museum of African American History	29 York Street	Sewer connection permit fee; Sewer Privilege Fee	Approved	Approval conditional that restroom facilities are open to public when museum is open
2/3/2016	Housing Nantucket	75B Old South Road and 7 Surfside Road	Sewer connection permit fees; Sewer Privilege Fees	Approved - waived (1) SCPF and (3) SPFs for 75B Old South Road; and (3) SCPFs and (3) SPFs for 7 Surfside Road	Affordable housing units

3/16/2016	Housing Nantucket	18 Ticcoma Way	Sewer connection permit fee; Sewer Privilege Fee	Approved - waived (2) SCPFs and (2) SPFs	Affordable housing units; approval conditional that units be placed on Town's SHI list
6/15/2016	David Fredericks	Newtown Court (off Newtown Road)	Sewer connection permit fees	Approved - waived (2) SCPFs	Covenant lots
10/5/2016	Richmond Great Point Development, LLC	Richmond Housing Development off Old South Rd	Sewer connection permit fees; Sewer Privilege Fees	Waiver part of Sewer Connection & Dedication Agreement	Only units eligible for inclusion on Town's SHI as maintained by DHCD & deeded income-restricted (estimated 57 units/rental & 19 units/ownership)
12/7/2016	Habitat for Humanity	Lots # 39 & #40, Sachem's Path	Sewer connection permit fees; Sewer Privilege Fees	Approved - waived (2) SCPFs and (2) SPFs	Affordable housing units
12/21/2016	Sachem's Path Phase II	Lots # 14 - 26, 30 - 38	Sewer connection permit fees	Approved - waived (22) SCPFs	Affordable housing units
2/15/2017	Donald & Frances Trott, Marjory Trott	8 Dukes Rd	Sewer connection permit fee	Approved - waived \$500 SCPF if connected by 10/31/2017	Dukes Rd SNAFU
2/15/2017	Christopher Witte	44 Dukes Rd	Sewer connection permit fee	Approved - waived \$500 SCPF if connected by 10/31/2017	Dukes Rd SNAFU
3/14/2017	AHTF	Lot 90, Off Ticcoma Way	Sewer connection permit fees; Sewer Privilege Fees	Town Admin approved - waived (2) SCPFs and (2) SPFs	Affordable/workforce housing on Town-owned land
3/15/2017	Dukes Road Residents	Dukes Rd	Sewer connection permit fees	Waived SCPF for 21 addresses	Dukes Rd SNAFU
4/9/2018	Nantucket Public Schools	32 First Way	Sewer connection permit fee; Sewer Privilege Fee	Town Admin approved	Town property

5/9/2018	Habitat for Humanity	Lot 86/87 on Road Lot 80 (aka Waitt Dr)	Sewer connection permit fee; Sewer Privilege Fee	Approved - waived (1) SCPF & (1) SPF	Affordable housing unit
10/24/2018	Sachem's Path HOA	Lots # 1-12, 14-38, Sachem's Path	Sewer Privilege Fees	Approved - waived 37 SPFs	Pursuant to revised Sewer Fee Waiver Policy, revised 10/24/18
3/20/2019	Nantucket Cottage Hospital	57 Prospect St	Sewer Connection Permit Fee	Fee should be \$56,408; SB approved fee of \$5,000	
8/7/2019	Lemberg Son & Daughter LLC	36 Hooper Farm Rd/3 Hull Ln	Sewer Connection Permit Fee	Approved	Covenant lot
8/21/2019	James A. Kuratek & Michel Kremer	27 Meadow View Dr	Sewer Connection Permit Fee	Approved	Covenant lot
9/25/2019	Richmond Great Point Development, LLC	Richmond Housing Development off Old South Rd	Sewer Permit Connection Fees (pursuant to 10/5/16 Sewer Connection & Dedication Agreement)	Approved - waived 24 units of 80% AMI-restricted apartments of Phase I, Meadows II	Affordable Housing
10/23/2019	Caitlin Parsons	17B Tashama Ln	Sewer Connection Permit Fee	Approved	Covenant Lot
5/27/2020	Jennifer Dubois & Peter Psaradelis	3 Dooley Ct	Sewer Connection Permit Fee	Approved	Covenant Lot
8/5/2020	Habitat for Humanity	31 Beach Grass Rd	Sewer connection permit fee; Sewer Capacity Fee	Approved	Affordable housing duplex
12/2/2020	Carol Pillion	16 Field Ave	Sewer Connection Fee reduction to rate effect prior to 6/1/2020 Sewer Regs/Fee Amendments	Denied	
1/13/2021	Holly and Peter Fernandes	5A Green Meadows Dr	Sewer Connection Permit Fee	Approved	Covenant home
3/3/2021	Melissa Pigue	39 Surfside Rd	Disconnect/Reconnect fees; Sewer Capacity Fee	Approved	Hardship waiver; home destroyed by fire from gas explosion

7/14/2021	Esmeralda & Jose Martinez	Lot 3, Larrabee Ln on Plan No. 2020-61	Sewer Connection Permit Fee	Approved	Covenant lot
8/18/2021	Linda Towne	Lot 1046, 5 Evergreen Way	Sewer Connection Permit Fee	Approved	Covenant lot
9/15/2021	Anne & Radcliffe Samuels	Lot 1047, 3 Evergreen Way	Sewer Connection Permit Fee	Approved	Covenant lot
11/3/2021	Richmond Great Point Development, LLC	Wildflower Acceleration portion of Meadows II	Sewer Permit Connection Fees (pursuant to 10/5/16 Sewer Connection & Dedication Agreement)	Approved - waived 100% for 6 units of 50% AMI and 75% for 6 units of 100% AMI	Affordable Housing
11/17/2021	John Vecchio & Robin London	Lot 191, 67 Fairgrounds Rd	Sewer Connection Permit Fee	Approved	Covenant lot
11/17/2021	Habitat for Humanity	9A (duplex) & 9B (sgl fam dw) Benjamin Dr	Sewer connection permit fees; Sewer Capacity Fees	Approved - waived (3) SCPFs & (3) SCFs	Affordable housing units - on SHI list
12/8/2021	Housing Nantucket	31 Fairgrounds Rd	Sewer connection permit fees; Sewer Capacity Fees	Approved - waived (22) SCPFs & (22) SCFs	Affordable housing rental apartments - on SHI list
1/12/2022	Adam Lockley & Ann Walker	10B Larrabee Ln (Lot 2 on Plan No. 2020-61)	Sewer Connection Permit Fee	Approved	Covenant lot
4/6/2022	Erin Zircher & Sam Shamoun	9 Field Ave (Lot A on Plan No. 2020-11)	Sewer Connection Permit Fee	Approved	Covenant lot
7/13/2022	Nantucket Property Owner LLC	Lot 74, 9 Honeysuckle Dr (68/877) & Lot 77, 10 Indigo Dr (68/874)	Sewer connection permit fees; Sewer Capacity Fees	Approved	80% AMI units in Sandpiper Place II (Richmond)
11/2/2022	Randi Alberry Herrick	28 South Shore Rd, Lot 2B	Sewer Connection Permit Fee	Approved	Covenant lot
11/2/2022	Housing Nantucket	8, 10, 12 Honeysuckle Dr	Sewer Connection Permit Fee	Approved	175% AMI units, pursuant to Sewer Fee Waiver Policy

					revised 11/2/2022
11/2/2022	Richmond	127 units in Meadows II Development Project	Sewer Connection Permit Fees; Sewer Capacity Fees	Approved	Pursuant to Sewer Fee Waiver Policy revised 11/2/2022
4/5/2023	Nantucket Property Owner LLC	5 Beach Grass Road - 80%; 2 Indigo Drive - 80%; 16 Honeysuckle Drive - 80%; 21 Honeysuckle Drive - 80%; 6 Beach Grass Drive - Duplex 80%; 13 Beach Grass Road - Duplex 80%; 15 Honeysuckle Drive - 175%	Sewer Connection Permit Fees & Sewer Capacity Fees for 80% AMI units Sewer Connection Permit Fees only for 175% AMI unit	Approved	MOA's with Richmond; Pursuant to Sewer Fee Waiver Policy revised 11/2/2022
4/5/2023	Richmond	1 Aster Court Drive - 80%; 29 Beach Grass Road - 80%; 3 Lilac Court - 80%; 7 Sandplain Drive - 80%; 24 Evergreen Way - 80%; 8 Bluet Court - 80%; 9 Bluet Court - 80%; 21 Beach Grass Road - 80%; 37 Beach Grass Road - 175%; 26 Honeysuckle Drive - 175%	Sewer Connection Permit Fees & Sewer Capacity Fees for 80% AMI units Sewer Connection Permit Fees only for 175% AMI units	Approved	MOA's with Richmond; Pursuant to Sewer Fee Waiver Policy revised 11/2/2022
2/7/2024	Habitat for	5A, 5B, 7A & 7B	Sewer Connection	Approved	Pursuant to Sewer Fee Waiver

	Humanity	(Duplex), 9A and 9B Waitt Drive	Permit Fees and Sewer Capacity Fees		Policy revised 11/2/2022; Affordable housing units - on SHI list
9/20/2024	Airport	Airport dorm at 10 Sun Island Rd	Sewer Connection Permit Fees and Sewer Capacity Fees	Approved by Town Admin	Municipal housing
9/20/2024	Town Admin	Dorm at 19 Waitt Dr	Sewer Connection Permit Fees and Sewer Capacity Fees	Approved by Town Admin	Municipal housing



Town of Nantucket Sewer Department
WASTEWATER MANAGEMENT

Fee estimates for Ticcoma Green

30% AMI (12 units total)

Application Fee			
Unit type	# of units	Application fee	Total by type
1-BDR unit	2	\$4,000.00	\$8,000.00
2-BDR unit	6	\$4,000.00	\$24,000.00
3-BDR unit	4	\$4,000.00	\$16,000.00

Application fee total: **\$48,000.00**

Sewer Capacity Fee (SCF)			
Unit type	# of units	SCF (per unit)	Total by type
1-BDR unit	2	\$2,235.20	\$4,470.40
2-BDR unit	6	\$4,470.40	\$26,822.40
3-BDR unit	4	\$6,705.60	\$26,822.40

Sewer capacity fee total: **\$58,115.20**

Grand total for 30% AMI units: \$106,115.20

60% AMI (15 units total)

Application Fee			
Unit type	# of units	Application fee	Total by type
1-BDR unit *	6	\$4,000.00	\$24,000.00
2-BDR unit	9	\$4,000.00	\$36,000.00

Application fee total: **\$60,000.00**

Sewer Capacity Fee (SCF)			
Unit type	# of units	SCF (per unit)	Total by type
1-BDR unit	6	\$2,235.20	\$13,411.20
2-BDR unit	9	\$4,470.40	\$40,233.60

Sewer capacity fee total: **\$53,644.80**

Grand total for 60% units: \$113,644.80

120% AMI (28 units total)

Application Fee			
Unit type	# of units	Application fee	Total by type
1-BDR unit *	17	\$4,000.00	\$68,000.00
2-BDR unit	9	\$4,000.00	\$36,000.00
3-BDR unit	2	\$4,000.00	\$8,000.00

Application fee total: **\$112,000.00**

Sewer Capacity Fee (SCF)			
Unit type	# of units	SCF (per unit)	Total by type
1-BDR unit *	17	\$2,235.20	\$37,998.40
2-BDR unit	9	\$4,470.40	\$40,233.60
3-BDR unit	2	\$6,705.60	\$13,411.20

Sewer capacity fee total: **\$91,643.20**

Grand total for 120% AMI units: \$203,643.20

MARKET RATE (9 units total)

Application Fee			
Unit type	# of units	Application fee	Total by type
1-BDR unit	1	\$4,000.00	\$4,000.00
2-BDR unit	2	\$4,000.00	\$8,000.00
3-BDR unit	6	\$4,000.00	\$24,000.00

Application fee total: **\$36,000.00**

Sewer Capacity Fee (SCF)			
Unit type	# of units	SCF (per unit)	Total by type
1-BDR unit	1	\$2,235.20	\$2,235.20
2-BDR unit	2	\$4,470.40	\$8,940.80
3-BDR unit	6	\$6,705.60	\$40,233.60

Sewer capacity fee total: **\$51,409.60**

Grand total for market rate units: \$87,409.60

* NOTE : Studios are counted as 1 BDR for calculation purposes.



Agenda Item Summary

Agenda Item #	IX.3.
Date	12/4/24

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Affordable Housing Trust Fund (AHTF) Quarterly Update to Select Board

Executive Summary

The AHT provides quarterly updates to the Select Board and the community. The purpose of the report is to provide a summary to the Board of the activities of the Trust and implementation of the Board's strategic goals on housing.

Staff Recommendation

N/A

Background/Discussion

The Trust is seeking ways to inform the public about their activities and believes a quarterly update to the Select Board assists in this goal.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

N/A

Attachments

Quarterly Report attached



Affordable Housing Trust Fund (AHTF)

Housing Department

Kristie Ferrantella

12/04/2024

Quarterly Report to Select Board

For July to September 2024



Highlights from the Quarter

- Closing Cost Assistance awarded to three families
- Affordable Homes Act – Seasonal Communities Designation (adopted)
- Grant to Housing Nantucket for the relaunch of Lease To Locals program
- Finalization of the Request for Proposals (RFP's) for the Trust's Vacant Land
- Year-Round Deed Restriction Pilot Program Guidelines approved by AHTF

Affordable Homes Act (Adopted)– Seasonal Communities Designation (Included)

- Establishes a year-round housing trust fund without the home rule process.
- Allows year-round housing occupancy restrictions to support the development of a middle-income year-round housing market.
- Allows towns to acquire and develop housing units specifically intended for public employees and artists.
 - Includes use of federal LIHTC funds
- Increases the residential property tax exemption up to 50% for primary homes of year-round residents.
- Towns may adopt bylaws or ordinances enabling the construction of tiny houses and units on undersized lots, designated as year-round housing



Lease to Locals Program Relaunch



The Lease to Locals program on Nantucket has been relaunched to increase year-round rental options for residents. With a \$450,000 grant from the Affordable Housing Trust, the program incentivizes homeowners to convert underutilized housing into affordable year-round rentals.

Key Highlights:

- Up to 22 new rentals expected.
- Provides subsidies for homeowners renting at affordable rates.
- Targets housing availability for year-round residents, strengthening the local community



Status: Construction and Land Acquisition: Vacant Land Developments

Vacant Land	Status	Potential Unit Count	Rent/Own
135 and 137 Orange Street	RFP released on October 4	32	R
16 Vesper	RFP released on October 4	17	R
12 and 12R Bartletts Rd	RFP released on October 4	12	R
7 Amelia	RFP released on October 4	3	R
8 White Street	RFP to be developed	3	O

Year-Round Deed Restriction Pilot Program

- The Select Board approved the Year-Round Deed Restriction Pilot Program to increase affordable housing for local residents. This initiative ensures properties are reserved for year-round occupancy through permanent deed restrictions.
- With \$2 million in initial funding, the program aims to enhance housing affordability and stability. The Affordable Housing Trust will oversee its implementation and provide updates on its progress.



Other Business

- **Annual Town Meeting Articles**

- Proposals focus on securing additional funding, updating policies, and creating new initiatives to enhance housing affordability and accessibility for the Nantucket community.
 - Good Landlord Tax Exemption
 - Local Opt-in to Seasonal Communities Designation
 - Potential Community Preservation Act bond authorization

- **Looking Ahead**

- Strengthening efforts to maintain and extend Safe Harbor status, ensuring continued protection from 40B developments.
- Expanding collaborations with local organizations, developers, and community stakeholders to address current and future housing needs.



Kristie Ferrantella
kferrantella@nantucket-ma.gov

NOTICE OF PUBLIC HEARING

Please be advised that the Select Board, acting as the Board of Sewer Commissioners, will hold a public hearing on Wednesday, December 4, 2024 at 5:30 PM to consider increasing sewer user fees, the monthly flat fee and the quarterly flat fee. The hearing will be held in-person in the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road and by remote participation via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please contact the Finance Department at 508-228-7200 x 7031.

**SELECT BOARD/BOARD OF SEWER
COMMISSIONERS**

T02



Agenda Item Summary

Agenda Item #	X. 1.
Date	12/4/2024

Staff

Brian E. Turbitt, Finance Director

Subject

Public Hearing to Increase Sewer Rates

Executive Summary

Hearing to increase the sewer rates and recommendation for a rate change effective January 1, 2025

Staff Recommendation

Recommend approval to increase 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



PUBLIC HEARING NOTICE

Please be advised that the Select Board/Board of Public Works will hold a public hearing on December 4, 2024 at 5:30 PM to consider amending the landfill fee schedule as follows:

<u>ITEM</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Commercial Landfill User Fees		
Class 1	\$225.00	\$232.00
Class 2A	\$448.00	\$463.00
Class 2B	\$882.00	\$911.00
Class 3	\$1,764.00	\$1,821.00
Class 4A	\$96.00 + \$25.18 per guest room	\$99.00 + \$26.00 per guest room
Class 4B	\$96.00 + \$25.18 per guest room + Class 3 fee	\$99.00+ \$26.00per guest room + Class 3 fee

Note: this proposal is based on an estimated CPI for fiscal year 2025 of 3.25%. The hearing will be held in the Public Safety Facility Community Room, 4 Fairgrounds Road and by remote participation via Zoom Webinar Please see meting posting for remote participation and viewing links. For further information please call 508-228-7200 x 7031.

Select Board/Board of Public Works

PUBLIC HEARING NOTICE

The Select Board will hold a public hearing on Wednesday, December 4, 2024 at 5:30 PM for the purposes of determining the tax allocation by classification (Chapter 369, Acts of 1982, as amended) and the percentage if any, of the residential exemption to be granted for the Fiscal Year 2025. The hearing will be held in the Public Safety Facility Community Room 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.

Department Update

Nantucket Police Department

Chief Jody D. Kasper

December 4, 2024

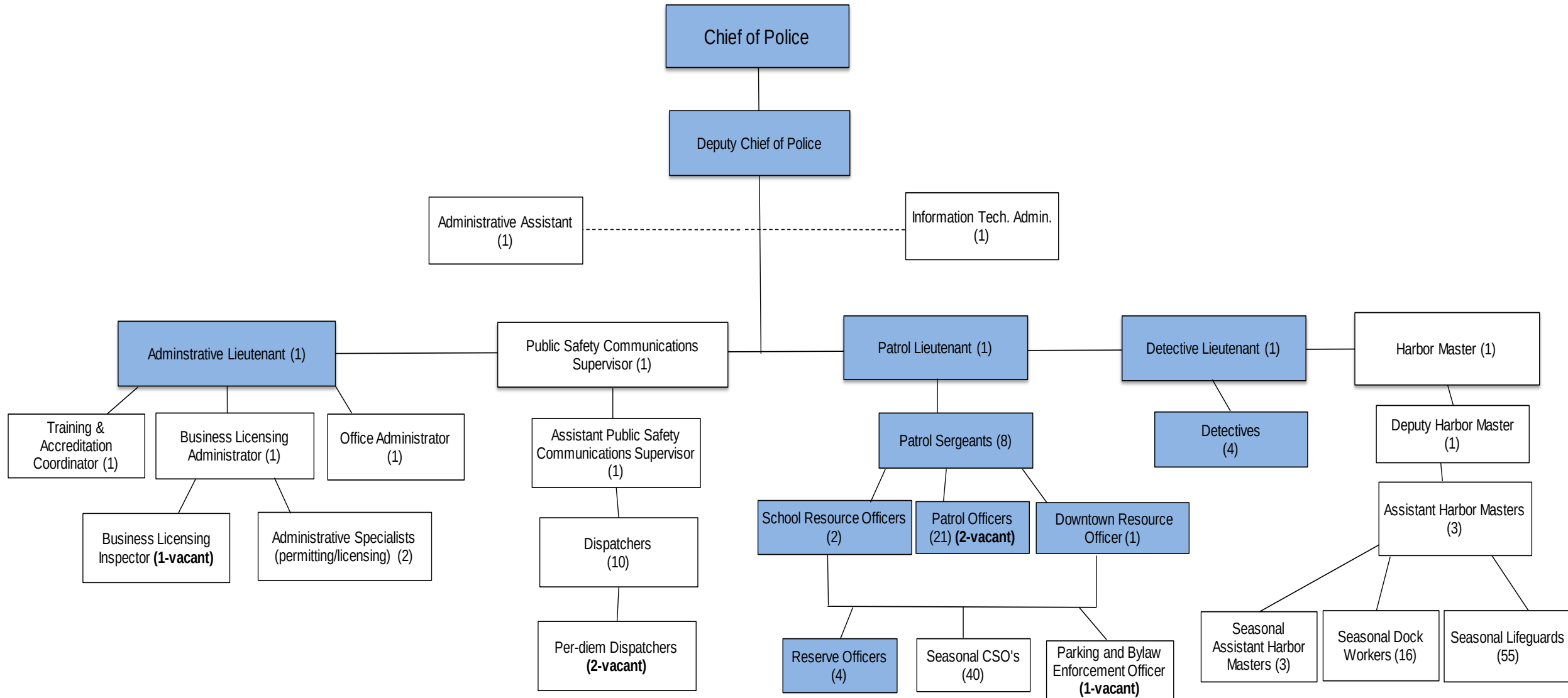


Agenda

1. Organizational Structure
2. FY25 Goals
3. FY25 Budget Summary
4. FY26 EIRs and Capital Requests
5. Recent Achievements
6. Department Activity
7. Challenges



Organizational Structure



FY25 Goals- Police Division

- ✓ POST Compliance: Manage officer recertification and monitor the development of a framework for law enforcement agency certification standards which are likely to be a requirement for all police agencies in the Commonwealth, and plan accordingly.
- ✓ Implement Targeted Traffic Enforcement Program: Implement a data-driven approach to traffic enforcement by collecting and analyzing speed and collision data and directing police resources to high-priority locations in order to improve roadway safety.
- Pursue State Accreditation: This multi-year project will move NPD forward and will ensure that we are meeting recommended professional standards.
- Update Department Policies: Review and update policies to ensure that they reflect present day operations and that they are compliant with mandatory and optional standards established by the Massachusetts Police Accreditation Commission.

FY25 Goals- Police Division

- ✓ Complete Computer Replacement Project: Replace approximately 70 (PD/FD) desktop computers to improve operability and enhance safety and security.
- ✓ Transition Special Event Licensing to Culture and Tourism
- ✓ Implement AED Replacement Cycle: The Department has 44 AED (Automated External Defibrillator) devices and they need to be replaced. We have implemented a multi-year replacement cycle.
- Hire Business License Inspector: Fill this vacant position to enhance inspection, compliance and enforcement capability regarding liquor licenses and business licenses.

FY25 Goals- Marine Division



- ✓ Acquisition of Public Safety Boat: Multi-mission boat capable of rapid response and firefighting to enhance emergency response and firefighting options on our waterways and on property bordering our waterways
- ✓ Train Staff on Aquaeye: Mobile search and rescue tool
- ✓ Continue Project Administration: Harbor Master's Facility, Shadbush Road building, and Town Pier
- Improve Pier Slip Lottery System: Increase transparency by creating webpage and earlier number assignment.



FY25 Goals- Emergency Management

- ✓ Emergency Operations Center (EOC)
Training: Conducted orientation for EOC group
- EOC Overview and Tabletop Exercise: Scheduled to occur in mid-December, the group will discuss roles and responsibilities and move through a disaster exercise
- Comprehensive Emergency Management Plan (CEMP): A document that we are currently updating and intend to have completed in 2025
- Increased focus on preparedness



FY 25 Budget Summary

	Budget
Police	\$7,386,227
Dispatch	\$1,281,026
Emergency Prep.	\$8,000
Marine	\$1,168,232
Total	\$9,843,485

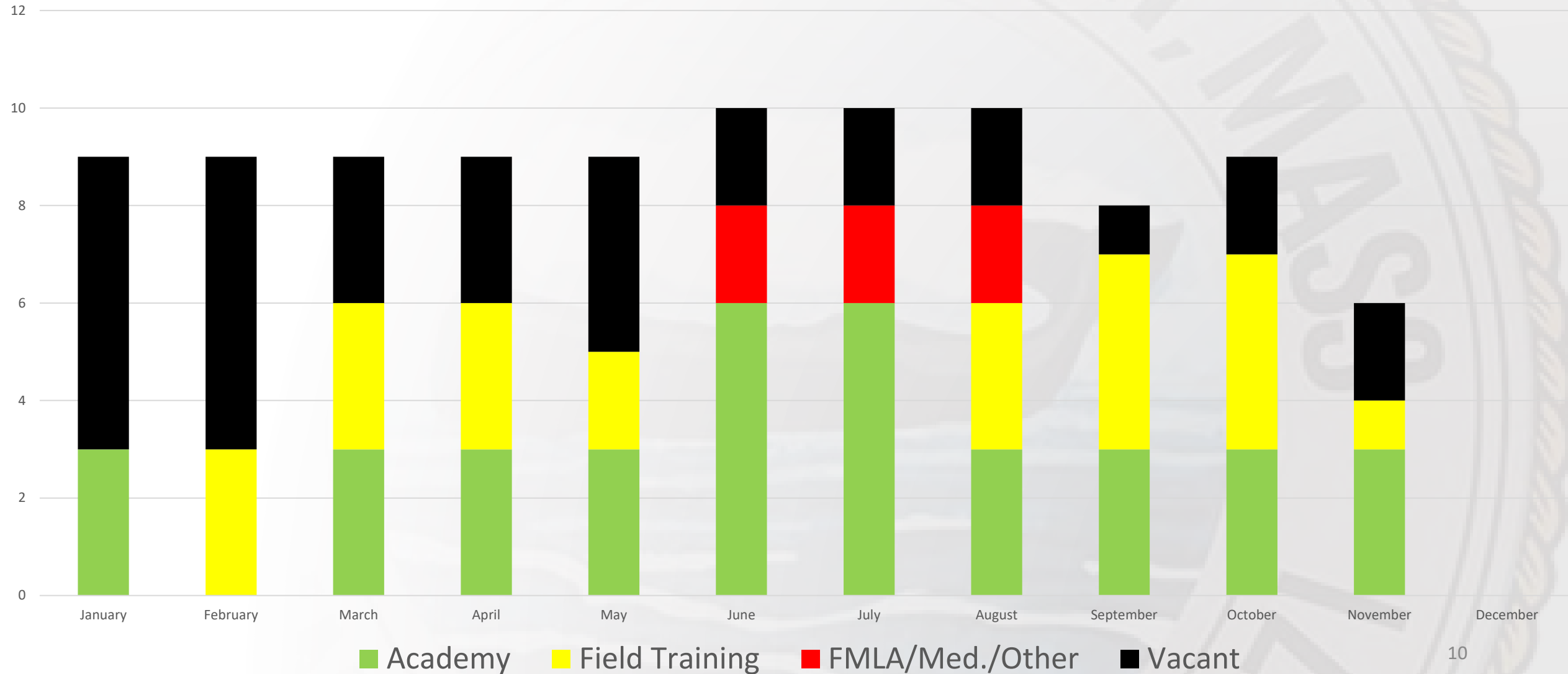


FY26 EIRs- Police

- **EIR #1:** Addition of 2 police officer positions (1 SRO, 1 Detective)
 - The “new normal” is employee turnover (housing issues, life circumstances, competition between police departments)
 - In 2024 we had an average of 9.1 full-time police positions not available (as of 11/2024)*
 - Limited ability for officers to attend training classes or take time off due to shift minimums
 - Officers experience burnout and fatigue, and this can negatively impact retention
 - We have no rapid mutual aid beyond MSP
 - Request: \$181,693



Unavailable Officers 2024 (out of 28)



FY26 EIRs- Police

- **EIR #2:** Increase to police academy tuition/hiring costs
 - Average cost of one new officer in FY25: **\$79,906**
 - \$450 Pre-employment Psychological Exam
 - \$3,200 Academy Tuition
 - \$3,600 Academy Housing Stipend
 - \$7,000 Uniforms and Equipment
 - \$30,920 Salary in Academy
 - \$24,736 Salary in Field Training
 - \$10,000 Hiring Bonus
 - Low retention = increased hiring costs
 - 2023 Student Officers: 4
 - 2024 Student Officers: 8
 - Request: \$17,500



FY26 EIRs- Police

- **EIR #3:** Increase new police vehicle budget
 - Base price for a police vehicle in 2022 was \$33,500. The same vehicle in 2024 is \$44,895
 - Costs have increased 34%
 - This will maintain our existing fleet
 - Request: \$47,600



FY26 Capital Request

- Replacement of PSF Building Lighting Control Systems
 - The electrical lighting switching system that controls area, room and site lighting was manufactured by Douglas Lighting.
 - Douglas filed for bankruptcy and ceased operation in 2023.
 - Currently there are several components not working and we are unable to obtain parts.
 - The system is now almost fifteen (15) years old and requires repairs. An alternative system should be installed.
 - The budget proposal covers engineering/design costs to establish procurement documents as well as the capital cost to replace the system.
 - Request: Unknown at this time, but expect to know mid-December

FY26 Capital Request

- Seasonal Dorm Buildings Roof Replacements
 - There are two buildings used for CSO seasonal housing located at the former Coast Guard LORAN barracks.
 - In 2000, both buildings had their flat roofs replaced with a rubber membrane roofing system.
 - The average life expectancy for these roofs is 25-30 years.
 - We are experiencing roof leaks in both dorm buildings.
 - Request: Unknown at this time, but expect to know mid-December



Recent Achievements- Police Division

- ✓ Body Worn Cameras: FY24 was the first complete fiscal year that the fully-integrated Body Worn Camera program was implemented.
- ✓ NPD Website Improvements: The website was restructured and updated. We focused on ensuring that information was accurate, that the site was easy to navigate, and that we targeted potential new employees.
- ✓ Training Records Software: Implemented new software and now all training requests are processed and tracked electronically. Eliminated paper system, greatly improving efficiency. Training records can be quickly searched.
- ✓ Police Reform: We secured POST recertification for those officers whose last names began with Q-Z for a three-year term.

Recent Achievements- Police Division

- ✓ Project Administration: Renovation of the LORAN Barracks, renovation/repair of the Harbor Master's Office, reconstruction of the Town Pier and wave barrier, replacement of the Town Pier concrete floating docks, and the development of the Shadbush Road building.
- ✓ Server Replacement: Concluded a multi-year technology project by acquiring and installing three servers to replace older servers that were at end of life. Servers house all police documents, the Records Management System, and the Genetec surveillance system.
- ✓ Assistant Public Safety Communications Supervisor: A new position of Assistant Public Safety Communications Supervisor was created and Patrick Considine was promoted to this position.
- ✓ Accreditation and Training Coordinator: We filled this new position to help us reach and maintain State accreditation.

Activity- Police Operations

	FY23	FY24
Arrests and Criminal Complaints	591	523
Reported Crimes	571	588
Other Calls for Service	12,692	13,011
MV Stops	2,158	2,485
MV Collisions	539	589



Activity- Communications/Dispatch

	FY23	FY24
NPD Calls	13,206	13,110
NFD Calls	4,469	4,388
911 Calls	5,124	5,572



Activity- Licenses and Permits

	FY23	FY24
Parking Permits	1,632	1,442
Alcohol and Entertainment	411	427
Town Pier, Shellfish, Beach	9,891	9,808
Misc. Permits	1,386	1,392





Recent Achievements- Marine Division

- ✓ New Pump-out Boat: A secondary pump-out boat was added to the Harbor Master fleet to provide pump-out back-up capabilities and patrol capabilities.
- ✓ Implemented Watchtower: New software allows all Harbor Master staff to input information into a database and replaces a paper-based system.
- ✓ Facilities:
 - ✓ Town Pier (timber pier/wave barrier): Completed 100-foot expansion of the timber pier and added a wave barrier to increase protection of the timber dock and floating docks.
 - ✓ Town Pier (floating dock): Floating docks were installed and operational for the 2024 summer season.
 - ✓ Shadbush Building: Although some finishing work remains, the building on Shadbush Road was operational in the spring of 2024. Marine Department supplies that had been outside and/or stored at various locations around the island, were moved to this centralized and protected storage location. The building is also used for minor construction, painting and prepping lifeguard stands and equipment boxes.



Activity- Marine

Lifeguards	FY23	FY24
Rescues	203	477
First Aid (minor)	603	839
First Aid (major)	8	26
Beach Headcounts	354,993	465,775

Waterways	FY23	FY24
Patrol Hours	1,104	1,309
Pump-out Volume (gallons)	25,312	30,058
Calls for Assistance	34	46
Mooring Inspections	221	263



Challenges- Hiring/Vacant Positions

- Long hiring timeline (11-15 months)
- Competitive job market
- Remoteness of island
- Cost of living
- Inability to buy/own a home



Challenges- Retention

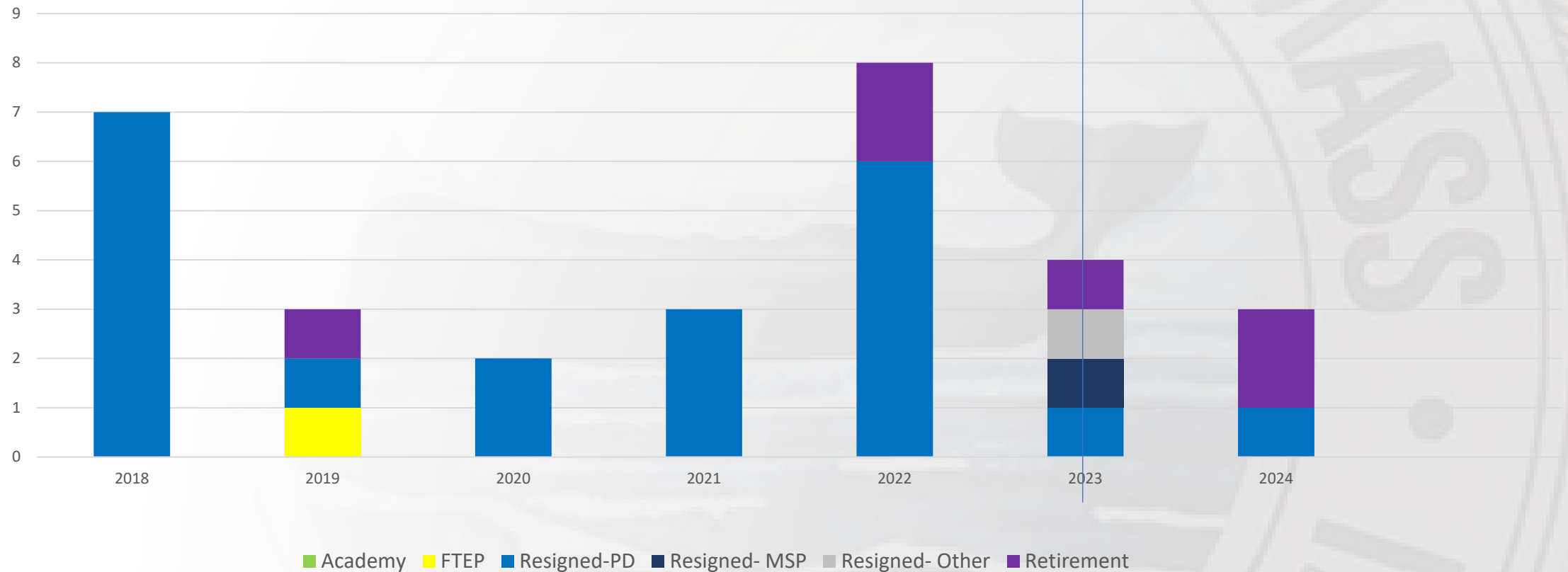
- 2018-YTD, we have had 25 officer separations that were not retirements
- 10 had less than 3 years of service with NPD
- Out of our 26 filled officer positions, 16 were hired after 1/1/2022



Challenges- Retention

7/1/23 New Contracts

Employee Separation 2018-YTD



Challenges- Succession Planning

- Most police administrators are near max retirement
- Future leaders need years of experience
- High officer turnover now is likely to negatively impact future department stability in about 10 years





TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
Citizen Warrant Article Submissions
Comments of Town Counsel

Article No.	Lead Petitioner	Article Description	Comment
A	Gillian Bloise	General Bylaw Amendment: Sewer District Map Changes – 42 Monohansett Rd.	Approved as to form. Proposes to add a parcel (Map 79, Lot 55) to the Town Sewer District. It appears this is the same as article 15 from the 2024 STM. All amendments to the Sewer District will require a two-thirds vote unless the Select Board recommends adoption.
B	Patricia Wright	General Bylaw Amendment - Short Term Rental Regulation	Because this article proposes to amend c. 123 of the Town Code, which is a general bylaw, to regulate Short-Term Rentals as an accessory use, it is not in proper legal form because the enactment of a use regulation must be done by an amendment to c. 139 of the Town Code, which is the Town's zoning bylaw. This distinction is important because of (1) the quantum of vote required for passage, and (2) legal protections that afford non-conforming status under zoning. If the proposal were to limit the operation of STRs without any reference or definition of use, it might be accomplished by a general bylaw, consistent with G.L. c. 64G, § 14. Because of the uncertainty whether the bylaw requires enactment as a zoning bylaw, it is recommended that the article be referred to the Planning Board for a public hearing and a report

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
Citizen Warrant Article Submissions
Comments of Town Counsel

Article No.	Lead Petitioner	Article Description	Comment
			and recommendation pursuant to G.L., c. 40A, §5.
C	Peter Mackay	Zoning Map Change: LUG-1 to R-20 and Overlay District Change (Country to Town) - Monohansett Rd	Approved as to form. Proposes to amend the zoning map by changing 25 Monohansett Road parcel (Map 79, Lot 112) from CTEC zoning to R-5. All proposed zoning bylaw amendments should be referred to the Planning Board for a public hearing, and a report and recommendation to Town Meeting
D	Toby Brown	Rescind Unused Borrowing Authority – Affordable Housing Trust	This article proposes to rescind unused borrowing authority under Article 18 of the 2023 annual town meeting. However, the motion under that article was to raise and appropriate \$6.5 million for affordable housing purposes contingent on a Proposition 2 and ½ override ballot question. The override passed, which resulted in a permanent increase in the Town’s real estate tax levy in the amount of \$6.5 Million. Because the vote did not authorize a borrowing , the proposal to rescind the unused borrowing authority is legally defected.
E	Ryan B Webb	Effect of Military Service on Salary, Seniority, and Leave of Public Employers (Acceptance of G.L. c. 33, § 59)	Approved as to form. This article proposes to accept a statute which ensures that public employees called to military duty will not lose

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
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Article No.	Lead Petitioner	Article Description	Comment
			pay or benefits while serving, which is a local acceptance statute and requires a majority vote.
F	Frederick McClure	Zoning Bylaw Amendment - Short-Term Rentals	Approved as to form. All proposed zoning bylaw amendments should be referred to the Planning Board for a public hearing, and a report and recommendation to Town Meeting. This article would amend the use chart to put an A in all columns instead of a Y for accessory STRs. The restrictions are that the lot be used by an owner for at least 30 days/year (including friends and family, or 6-month rentals); it is used as an accessory STR for 1 day less than days used by the owner; no owner shall have multiple STRs; and minimum stays in July/August must be 7 days, while minimum stays of 3 days the rest of year. This article should be referred to the Planning Board for a public hearing, and a report and recommendation.
G	Matthew Peel	General Bylaw – Short-Term Rentals	Approved as to form. Amends Chapter 123 of the Town Code (General Bylaw) by placing a cap on the number of certificates of registration per year (1350), which in Town Counsel’s opinion, is permissible under G.L. c. 64G, § 14. The article

TOWN OF NANTUCKET
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Article No.	Lead Petitioner	Article Description	Comment
			also places additional restrictions on the operation of Short Term Rentals. Requires only a simple majority vote for passage.
H	Isaiah Truymen	Appropriation – Teenage Recreation Center	In Town Counsel’s opinion, the Town’s funding to a private nonprofit for a mentorship and coaching program for local teenagers is likely considered a valid public purpose for which public funds may be appropriated under the anti-aid amendment, subject to a grant agreement, but the funding source will need to be identified in the motion (likely either free cash or raise and appropriate).
I	Campbell Sutton	Charter Amendment – Legislative Powers	This article proposes a charter amendment to have two annual town meetings per year (spring and fall). The spring ATM will be primarily for financing and operating budget, and the fall ATM will be primarily for zoning, land use, and bylaw matters. The Select Board would set the date for the submission of petitioned articles, and the Select Board would have discretion to divide the warrant articles between the 2 ATMs as it deems appropriate. This is likely consistent with the requirements of G.L. c. 39, § 10, which requires the Select Board to insert petitioned articles into

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Article No.	Lead Petitioner	Article Description	Comment
			the warrant if the requisite signatures have been obtained, so long as the Board inserts them into one of the 2 ATM warrants. A two-thirds vote will be required for passage at town Meeting, and a ballot question will be required as well.
J	Beth Jekanowski	Zoning Map Amendment – R20 to R10 32 Appleton Road	Approved as to form. Proposes to amend the zoning map by changing 32 Appleton Road (Map 66, Lot 37) from R-20 to R-10. This article should be referred to the Planning Board for a public hearing, and a report and recommendation.
K	Clifford J Williams	General Bylaw Amendment: Sewer District Map Changes – 44 Skyline Drive	Approved as to form. Proposes to add a parcel (Map 79, Lot 990) to the Town Sewer District. All amendments to the Sewer District will require a two-thirds vote unless the Select Board recommends adoption.
L	Clifford J Williams	Zoning Map Amendment – 44 Skyline Drive	Proposes to amend 44 Skyline Drive/13 Woodland Drive on the zoning map (Map 79, Lot 990) by changing it from LUG-2 to R-20, and to amend a different portion of the same property by changing it from COD to TOD. An analysis needs to be undertaken to determine whether this proposed amendment is subject to the repetitive zoning restrictions contained in G.L. c., 40A, §5 and will be subject to a separate opinion

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
Citizen Warrant Article Submissions
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Article No.	Lead Petitioner	Article Description	Comment
			from Town Counsel. This article should be referred to the Planning Board for a public hearing, and a report and recommendation.
M	David Visco	General Bylaw Amendment: Sewer District Map Changes (Felcon Drive and Rachel Drive)	Approved as to form. Proposes to add 13 parcels on Rachel Dr., South Shore Road, and Felcon Drive to the Town Sewer District. All amendments to the Sewer District will require a two-thirds vote unless the Select Board recommends adoption.
N	David Visco	Zoning Map Change – LUG-1 to VR (Rachel Drive)	Approved as to form. Proposes to amend the zoning for 9 parcels on Rachel Drive and South Shore Road by changing them from LUG-1 to VR. This article should be referred to the Planning Board for a public hearing, and a report and recommendation.
O	Meghan Glowacki	Real Estate Acquisition – 3,5,7, and 9 South Shore Dreive	Approved as to form but please refer to Town Counsel’s memorandum dated November 1, 2024, for the legal risks and concerns associated with the proposed taking, particularly under <u>Pheasant Ridge Association Limited Partnership v. Town of Burlington</u> , 399 Mass. 771, 777 (1986). Also, Town Meeting must appropriate sufficient funds before the taking may be conducted. In addition, the Town must

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
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Comments of Town Counsel

Article No.	Lead Petitioner	Article Description	Comment
			obtain at least one professional appraisal before taking the property. A positive vote, which will require a two-thirds vote, will only authorize the Select Board to take the property. Town Meeting cannot require the Select Board to take the property.
P	Stephen Maury	Zoning Map Amendment – 13A Woodland Dr.	Proposes to amend a portion of 13 Woodland Drive by changing it from LUG-2 to R-20. This is similar to article 12 of 2024 STM with modifications. An analysis needs to be undertaken to determine whether this proposed amendment is subject to the repetitive zoning restrictions contained in G.L. c., 40A, §5 and will be subject to a separate opinion from Town Counsel. This article should be referred to the Planning Board for a public hearing, and a report and recommendation.
Q	Stephen Maury	Zoning Map Amendment – 13A and 13 Woodland Dr.	Proposes to amend the zoning for 13 and 13A Woodland Drive by changing it from R-20 to R10. An analysis needs to be undertaken to determine whether this proposed amendment is subject to the repetitive zoning restrictions contained in G.L. c., 40A, §5 and will be subject to a separate opinion from Town Counsel. This article should

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
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Article No.	Lead Petitioner	Article Description	Comment
			be referred to the Planning Board for a public hearing, and a report and recommendation.
R	Stephen Maury	Zoning Map Amendment – 13 Woodland Dr.	Proposes to amend a portion of 13 Woodland Drive by changing it from LUG-2 to COD/TOD. It is contingent upon the passage of related articles above. An analysis needs to be undertaken to determine whether this proposed amendment is subject to the repetitive zoning restrictions contained in G.L. c., 40A, §5 and will be subject to a separate opinion from Town Counsel. This article should be referred to the Planning Board for a public hearing, and a report and recommendation
S	Stephen Maury	Town and Country Overlay District Change: 13A Woodland Drive and a portion of 13 Woodland Drive	Proposed to change portion of 13A Woodland Drive from COS to TOD, and a portion of 13 Woodland Drive located in R-20 to COD. It is unclear which portions of Woodland Drive are being rezoned and contingent on one another, so a reference to the attached maps is necessary. . An analysis needs to be undertaken to determine whether this proposed amendment is subject to the repetitive zoning restrictions contained in G.L. c., 40A, §5 and will be subject to a separate opinion from Town Counsel. This article should

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
Citizen Warrant Article Submissions
Comments of Town Counsel

Article No.	Lead Petitioner	Article Description	Comment
			be referred to the Planning Board for a public hearing, and a report and recommendation.
T	Stephen Maury	Sewer – 13A Woodland Dr.	Approved as to form. Proposes to add portion of 13 Woodland Drive and 13A Woodland Drive to the Town Sewer District. All amendments to the Sewer District will require a two-thirds vote unless the Select Board recommends adoption.
U	Stephen Maury	Sewer – 13A and 13 Woodland Dr.	Approved as to form. Proposes to add portion of 13 Woodland to the Town Sewer District. All amendments to the Sewer District will require a two-thirds vote unless the Select Board recommends adoption.
V	Jason Graziadei	General Bylaw Amendment - Notices of Public Hearings	Approved as to form. Seeks to amend Chapter 2.1 of the Town Code by allowing the publication of statutory public hearing notices in any print or electronic media if no manner is specified by state law. In Town Counsel's opinion, most statutes require publication of public hearing notices in a newspaper of general circulation, which would not include an online-only newspaper.
W	Emily Molden	Zoning Bylaw Amendment Relevant to Lots Under G.L. c. 41, § 81L	There are several potential legal issues with this proposed bylaw amendment. Town Counsel will provide a separate opinion. This article should be referred to the Planning Board for a public hearing, and a report and recommendation.

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
Citizen Warrant Article Submissions
Comments of Town Counsel

Article No.	Lead Petitioner	Article Description	Comment
X	Carolyn Baltzer	Zoning Bylaw: Regulating Hort-Term Rentals - Nantucket Vacation Rentals (NVR)	Approved as to form. This article proposes a new definition for short-term Nantucket Vacation Rental (NVR), which would amend the use chart to allow it in all districts except CI. There are no proposed restrictions, other than maintaining a valid certificate and complying with Chapter 123 and other bylaws. This article should be referred to the Planning Board for a public hearing, and a report and recommendation.
Y	Stephen Welch	C. 124 Signs, Satellite Dishes, Rooflines	Proposes that the Town consider unspecified amendments to Chapter 124 of the Town Code relating to Signs. Satellite Dishes, Rooflines. This article is in the nature of a non-binding directive to Town officials to develop proposed bylaw language. Although the articles references actions to be taken at the 2025 ATM, the earliest a non-binding vote can take place is the 2025 ATM itself.
Z	Stephen Welch	Re-Used Structure Allowances	Proposes that the Town consider amendments to the Town Code within the timeframe of submission of Town sponsored warrant articles for the 2025 ATM that would allow an increase in the allowable ground coverage and setback requirements to promote the re-use of third-party residential structures that may be carted to the dump. This article is in the nature of a non-binding directive to Town officials. Although the articles references actions to be taken at the 2025

TOWN OF NANTUCKET
May 3, 2025, Annual Town Meeting
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Comments of Town Counsel

Article No.

Lead Petitioner

Article Description

Comment

			ATM, the earliest a non-binding vote can take place is the 2025 ATM itself.
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Link to 2025 Annual Town Meeting Citizen Warrant Articles

[https://www.nantucket-
ma.gov/DocumentCenter/View/49733/2025-
Annual-Town-Meeting-Citizen-Warrant-
Articles-PDF](https://www.nantucket-ma.gov/DocumentCenter/View/49733/2025-Annual-Town-Meeting-Citizen-Warrant-Articles-PDF)

From: [William Saad](#)
To: [Susan McCarthy](#); [Erika Mooney](#)
Cc: [Leslie Snell](#); [Libby Gibson](#)
Subject: RE: [External] Letter of engagement?
Date: Tuesday, December 3, 2024 9:12:12 AM
Attachments: [image001.png](#)

I have nothing further to add. Mr. Marchant is unavailable given the time frame.

Best,

Billy Saad

Zoning Administrator/Land Use Specialist

wsaad@nantucket-ma.gov

Town of Nantucket

Planning & Land Use Services

2 Fairgrounds Road

Nantucket, MA 02554

Tel: 508-325-7587 X 7071

Fax: 508-325-5346

www.nantucket-ma.gov



Town & County of
NANTUCKET, MA

From: Susan McCarthy <sem@sgriffinlaw.com>
Sent: Tuesday, December 3, 2024 9:10 AM
To: Erika Mooney <EMooney@nantucket-ma.gov>
Cc: William Saad <wsaad@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>; Libby Gibson <LGibson@nantucket-ma.gov>
Subject: Re: [External] Letter of engagement?

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.

Erika,

Billy and I met before Thanksgiving. Billy has communicated with Ed Marchant (sp), we had a recommendation to Goulston Storrs, and I tasked Mr. Mondani to provide a third option. As far as I know, we have not heard back from Mr. Mondani on that third option. Billy may have more information to add.

Susan

Susan E. McCarthy, *of counsel*

Griffin Law LLC

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On Dec 3, 2024, at 8:55 AM, Erika Mooney <EMooney@nantucket-ma.gov> wrote:

Hi Billy and Susan:

I am checking on the status of an engagement letter for the ZBA. Do you think you will have something in hand for the 12/4 SB meeting, or will this item need to be tabled to 12/11?

Erika

Erika D. Mooney
Operations Administrator
Town of Nantucket
16 Broad Street, Room 113
Nantucket, MA 02554
508-228-7266

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CONFIDENTIAL DRAFT | ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

December ____, 2024

Marissa J. Moshier, Historian, Section 106 Team
Bureau of Ocean Energy Management
Office of Renewable Energy Programs
45600 Woodland Road
Sterling, Virginia 20166

Re: SouthCoast Wind | Mitigation Proposal Response
Docket No. BOEM-2023-0011

Dear Ms. Moshier:

On behalf of the Town of Nantucket, we appreciated the opportunity to meet with you and members of your team at BOEM and others associated with SouthCoast Wind on November 21, 2024, about BOEM's proposed mitigation to resolve SouthCoast Wind's adverse effects to the Nantucket Historic District. Although we concur with BOEM's determination that mitigation is needed to offset adverse effects that will not be avoided—and have expressed our preference for avoidance measures so that SouthCoast will not be visible from Nantucket—we disagree with BOEM's approach to provide \$150,000 for historic property surveys and archaeological assessments. This proposed mitigation is not sufficient to offset the harm that SouthCoast is expected to cause to Nantucket Historic District for at least the next thirty years.

Although BOEM will need to help the Town determine appropriate pricing, the following categories of mitigation taken together as a package, and if they are fully funded, would offer more meaningful mitigation than what BOEM has proposed:

- Funding to guarantee complete decommissioning if BOEM plans to allow a delay in bonding requirements based on number of turbines and anticipated turbine failure rate, and actual cost of removal
- Funding to guarantee restoration of all Town beaches during SouthCoast Wind's lifetime in the event of turbine failure(s)
- Heritage tourism economy mitigation funding to offset losses to business owners and property owners
- Funding to support implementation of island-wide coastal resiliency projects (*e.g.*, shoreline maintenance and shoreline restoration). Representative examples include:
 - **Tom Nevers Debris Removal and Erosion Control /Coastal Resiliency**
Tom Nevers Field is a municipal property with recreational facilities. It is also a former naval base. The site is about 20 acres and has a coastal bluff a little over

1,000 feet long on an east-west alignment. The bluff face is eroding like all the south and east coastline of Nantucket. This continuous erosion has caused debris to erode out of the bluff face littering the beach. Material ranges from very large building materials to pipes, large and small masonry chunks, gravel, old holding tanks and similar- all associate with the former Naval base. To rectify this situation, the Town of Nantucket is developing a project to remove debris from the beach, remove debris from the coastal bank inland a set distance, backfill with clean material, and create a resilient bank face. This resilient bank face will slow erosion using Coir logs and natural plantings, keeping the park usable for a longer period of time. When it does erode, it will only contribute clean bank sands to the beach. Permitting, remediation, and construction is estimated at \$8 million to \$9 million.

- **Erosion Control/Coastal Resiliency at Surfside WWTF**

Nantucket Sewer Department is located at the end of South Shore Road. It is an ideal location for the Sewer Department with its 15 beds that percolate gray water extremely efficiently in sandy soil and reduce the effects on surrounding habitats. When the Sewer Department went through upgrades around 2012, this location was still ideal, where the beds were not in an erosion zone, but was in one of the few stable, and slightly accreting zones on the South shore. However, over the last 4-5 years the area began to erode, and over the last two years the pace of erosion increased considerably. Natural Resources Department and Sewer Department noticed this and began to monitor, recording about 110 feet of coastal bank retreat from December of 2021 to November 2024. This led to the beginning phases of considering how to respond. Currently, Sewer Dept & NRD are working with Weston & Sampson to develop a feasibility assessment for different protection methods and retreat methods to increase the longevity of the beds. There is no plan yet, and the general direction is that it may be a combination of retreating some beds and working to protect others, but as of yet undecided protection methods. This study continues and we are waiting on an estimate of services. Cost estimates will depend on the selected strategy and methods. Considering that beds may have to retreat at a minimum, the total is likely to be several million dollars.

- **Erosion Control/Coastal Resiliency at Ames Ave/Madaket Rd**

Options for the Madaket area by Chicago Street and Ames Avenue have long been discussed. The Coastal Resilience Plan (CRP) recommends dune nourishment and bank stabilization measures. These efforts would protect Chicago Street to Macy Road, the end of Madaket Road, Ames Avenue and Ames Bridge (better known as Millie's Bridge). The corner of Chicago Street and Macy Road was lost earlier in 2024. The corner of Madaket Road and Ames Avenue is only about 40 feet from the edge of the coastal bank. Possible solutions have been discussed with state agencies and with other groups as part of possible grants based on the CRP proposal. This area has the highest erosion rate of any continuously populated area in the County. Erosion rates in Madaket are around 10 feet per year. The CRP project to slow erosion in the Madaket and Smith's Point area is listed as \$91 million.

- **Airport Runway Erosion Control**

The CRP investigated the risk to the airport fence, runway, and FAA required installations. The CRP found that the fence and some lighting installations were in jeopardy in the coming decades and that the runway may be impacted close to the end of this century. The CRP recommended a dune enhancement system with an estimated cost of \$28 million. In discussions with the Airport leadership after the CRP was published, some points were made clear. First, the runway has scope to expand north, and the fence and FAA installations can move piecemeal as dictated by erosion over time. Second, the FAA is undertaking a study of coastal hazards on airports and will make recommendations. The Airport will follow those recommendations and will need funding to implement them.

- **Nonantum Road erosion at Lovers Lane**

This intersection is at risk of erosion in the several year to decades and is listed as a priority 2 project in the CRP. The coastal bank lost about 60 feet in early 2024 and about 50 feet remain. This lack of remaining bank elevates the risk to this area and warrants study sooner than later. Alternative methods of continuing east west movement are possible as there are unpaved roads nearby that could be paved or upgraded to continue access. Options include using Dunham Street or Myles Standish Street. This is a relatively straightforward project and could be resolved for a few tens to low hundred thousand dollars. A secondary option may be to allow the area to erode and redirect access down the existing Boulevard access. In any event, access would not be lost due to rerouting considerations and there is no known isolation risk. The main consideration is east west access parallel to the shore.

- **Codfish Park Dune Restoration**

The Coastal Resilience Plan described a Dune Restoration project for the area in front of Gully Road and Codfish Park. This project would have an estimated cost of \$15 million.

- **Baxter Road Alternative Access**

Recommended in both the CRP (2021) and the Baxter Road Long Term Planning Memo (2021), Alternative Access represents the Town's long term planning initiative. Baxter Road runs parallel to the coastal bank and the northern part of Baxter Road has sections that are as little as 36 feet from the edge of the road to the edge of the coastal bank. Once the bank is within 25 feet of the road, an engineering review will be triggered. Other plans for toe stabilization are in planning with the Town and a homeowner group. Should these efforts fail, Alternative Access planning is prudent. The access tracks as well as Town sewer and water services are planned to cross private property with easements to continue to provide legal access and services, as well as public walking access to Sankaty lighthouse. This public access would be achieved with a series of access ways from Sankaty Road. The project is nearing final design and is estimated to cost \$36 million.

- **Downtown Neighborhood Flood Barrier (DNFB)**

Coastal Resilience Advisory Committee voted the DNFB the highest and first priority project from the CRP to start work on. The Town has responded to this priority and the critical needs for the Downtown area by beginning this project in two of the most flood prone areas. The whole DNFB would take decades and several phases to construct. It is valued at \$120 million. The two current active phases are described below.

- **DNFB - Easy Street**

Coastal flooding affects many parts of Downtown Nantucket and the first place to flood is always Easy Street due to its low elevation. Easy Street is the arterial main route access to Steamboat Wharf and the Steamship Authority as a critical access point on and off island for people, goods and services. The project is to undertake public engagement and a reimagining of the area to 30% design – enough to then seek larger federal grants for full design and construction. This project is ongoing and we are nearing the point where an option will be selected. The current options range from flood barrier walls to raising the road and have construction costs ranging from \$30 million to \$70 million.

- **DNFB - Washington Street at Frances Street Beach**

The Town has partnered with the Land Bank and Remain to undertake 30% design for a reinforced dune system and public park areas around the Washington Street & Frances Street intersection. Properties include the Frances Street Beach areas for a dune project, the former Artist Colony area for a water retention park and investigating resilient parking area and recreation areas around the Saltmarsh Senior Center. This Frances Street Beach project is still in progress and has not advanced to a selected design as yet and so no construction cost estimate is available. Operation, maintenance, and construction estimates will be completed by June 2025.

- Funding to support independent monitoring projects to gather data on lighting impacts, effects on local economy, and effects on property values
- Immediate implementation of ADLS as turbines are installed with penalties payable to the Town for noncompliance based on \$1 million per turbine
- A community mitigation payment of \$4.1 million per year could allow the Town to extend a 10% electric rate discount to all Nantucket residential accounts; \$10.4 million per year would allow a 25% electric rate discount.

Please let us know whether BOEM will be willing to meet again to discuss how to price and administer these mitigation proposals. The Town would prefer to play a role in the distribution of funding because the Town will be in a better position to deploy the funding as adverse effects become known and could use either use the Town's existing Offshore Wind Community Fund on behalf of the Town (the preferred alternative because of its existing board and oversight by

the Community Foundation for Nantucket) or accept a direct payment to facilitate execution of the proposals described above.

In the meantime, we urge BOEM, SouthCoast, other required signatories such as the Massachusetts and Rhode Island State Historic Preservation Officers not to execute the MOA until BOEM resolves the Town's concerns.

Respectfully submitted,

William J. Cook, Partner

cc: Sarah Stokely, Bureau of Ocean Energy Management
Christopher Koepfel, Advisory Council on Historic Preservation
Christopher Daniel, Advisory Council on Historic Preservation
Ruth Ann Brien, U.S. Army Corps of Engineers
Emily P. Webb, Massachusetts Department of Energy Resources
Brona Simon, Massachusetts Historical Commission
Jeffrey Emidy, Rhode Island Historical Preservation & Heritage Commission
Betsy Merritt, National Trust for Historic Preservation

MEMORANDUM OF UNDERSTANDING
TOWN OF NANTUCKET
AND
NANTUCKET HUNTING ASSOCIATION, INC.

This Memorandum of Understanding (MOU) is made this 29 day of Sept., 2024, by and between the TOWN OF NANTUCKET, a Massachusetts municipal corporation, acting by and through its Select Board, having its offices at Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554 ("Town") and the NANTUCKET HUNTING ASSOCIATION, INC., a Massachusetts non-profit corporation, having its address at 20 Amelia Dr Nantucket, Massachusetts 02554 ("NHA").

RECITALS

WHEREAS, the Town is the owner of a certain parcel of land located at 1 Shadbush Road, Nantucket, Massachusetts, containing 27± acres, shown as Parcel 5, on Assessor's Map 78 and shown as Lot 3 on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 (the "Premises"). The Town is the owner of the Premises by virtue of a Deed recorded with said Deeds in Book 62, Page 170;

WHEREAS, the Town is planning to develop a portion of the Premises containing 7.9± acres for a new Department of Public Works (DPW) Facility and reserving 15.8 ± acres of the Premises for mitigation and a conservation restriction subject to the conditions which may be required by Massachusetts Natural Heritage & Endangered Species Program ("NHESP");

WHEREAS, NHA has proposed to the Town to develop a portion of the Premises for an indoor and/or underground pistol/rifle range, an accessory administration building with a small apartment for employee housing, parking lot and outdoor archery range in a phased construction project as shown on Exhibit B attached hereto;

WHEREAS, the Town is considering a proposal from NHA for the development of the shooting range recreational facility on a portion of the Premises containing 1.1± acres with a reservation of 2.2± acres for mitigation and a conservation restriction on a portion of the Premises and to enter into a Ground Lease with NHA for the lease of 1.1 acres;

WHEREAS, the Town and NHA agree that their respective interests for the development of the Premises will best be served by cooperating for purposes of filing permitting through NHESP and Massachusetts Environmental Policy Act ("MEPA") and with any other local and state approvals for the development of the projects on the Premises and for completion of the projects in a timely manner;

NOW THEREFORE, in consideration of the foregoing and in consideration of other good and valuable consideration, the Parties agree as follows:

1. Mitigation and Permitting:

- (a) NHA and the Town agree to cooperate with respect to seeking permitting and the mitigation for the development of NHA's and the Town's respective projects on a portion of the Premises as shown on the proposed plans attached hereto. The Parties acknowledge that of the 27± acres of the Premises, NHA shall use 1.1± acres of the Premises for the development by NHA of an indoor shooting range and 2.2± acres of the Premises will be reserved for mitigation and conservation purposes attributable to the NHA project. The Parties further agree that the Town shall use 7.9± acres of the Premises for its new DPW facility, with 15.8± acres of the Premises reserved for mitigation and conservation purposes attributable for the Town's project, as proposed on Exhibit A attached hereto. The proposed acreage for the mitigation and permitting for these projects is subject to the approval of NHESP and any approvals pursuant to MEPA, the State agencies and local boards.
- (b) The Town agrees to undertake the permitting for the development of the Premises and NHA agrees to cooperate with the Town in undertaking the joint permitting of the Town's and NHA's projects as one project through NHESP and MEPA. The Town and NHA agree to deliver in a timely manner any required documents and execute the applications necessary to complete the permitting applications.
- (c) NHA agrees to cooperate and support the Town regarding any appropriations for 2025 Annual and Special Town Meeting approvals and funding sought as part of the design, permitting, development and construction costs for the project.

2. Design:

- (a) The Town agrees that the proposed project design by the Town for the DPW facility will include all utility extensions (water, electric and communications) and Town shall install all utilities to the boundary of the NHA site; a Town designed and approved shared septic system; shared parking for large events; and an improved roadway from Industry Road down Shadbush Road to both the Town DPW site and NHA site. NHA shall be responsible for their connections to the utilities at their cost and expense by its contractors. Town shall be responsible for any and all maintenance of and repairs to the utility lines up to the boundary of the NHA site. Any utility repairs and maintenance required on the NHA site are the sole responsibility of NHA at its cost and expense.

(b) The Town and NHA agree the proposed design by NHA will be an indoor facility as follows: a main building facility approximately 60' x 36' to include a range administration area; a below grade 50 yard rifle/pistol range; a future 100 yard below grade range; an above ground covered structure as minimally required with bullet trap access and air inlet/exhaust ports with access for potential future use of roof top for other operational needs; and 30 spaces of parking all as shown on Schematic Layout attached as Exhibit B, subject to permitting approvals by all local boards and state agencies and any NHA approved design changes provided they do not conflict with any regulatory requirements or local by-laws or state or federal laws or impact the environmental permitting process. Any future changes to the proposed uses of and activities on the Premises by NHA must have the Town's prior written approval and the approval of all requisite local, state or federal regulatory and permitting agencies, and may not be unreasonably denied by the Town.. The Town agrees to be responsible for the costs of initial re-designing of the NHA site plan with NHA's prior approval for the purposes of permitting the project. NHA shall bear any and all costs of its building and construction plans.

3. Ground Lease: The Town and NHA agree to negotiate a Ground Lease for the Town's lease of a portion of its Premises for the NHA site containing 1.1± acres and to complete its negotiations of a Ground Lease within ninety (90) days after the filing of the joint permitting application. The final terms of the Ground Lease may be subject to change depending on the terms of the permitting approvals. The Ground Lease shall set forth a yearly rent of an amount equal to the proportion which the 1.1 ± acre NHA site bears to the 9± developable acres for the rent proposed in the Request for Proposals. The Town agrees to enter into a final Ground Lease with NHA within thirty (30) days upon (a) Town's receipt of Annual and/or Special Town Meeting favorable votes of the appropriations for the design and construction of the DPW project, occurring no later than the 2027 Annual Town Meeting; (b) Town's and NHA's receipt of all necessary permitting approvals; (c) NHA's delivery to Town of satisfactory evidence of funding for the construction and operation of its project as described herein; and (d) Town's final approval of NHA's final plans and specifications for NHA project not later than forty-five (45) calendar days after receipt by the Town of documents and/or phased portions of NHA's plans and specifications, which final approval may not be delayed more than thirty (30) calendar days nor unreasonably denied. NHA shall deliver to the Town all of the required documents in the above subsections (b), (c) and (d) no later than ninety (90) day after approval of the design and construction appropriations by the Annual and/or Special Town Meetings occurring no later than the 2027 Annual Town Meeting and the subsequent vote(s) to approve of any necessary ballot question. The final Ground Lease shall include, but not be limited to the following terms:

(a) Term of Ground Lease;

- (b) Base Rent and Increased Rent Adjustments in accordance with a schedule to be included in the Lease;
- (c) Commencement and Substantial Completion dates for last phase of construction of NHA Project, dates for securing financing and permit approvals. Substantial Completion shall be defined for these purposes as the issuance of an unconditional certificate of occupancy for use of the NHA Site and completion of all landscaping improvements as agreed upon, weather permitting and all final permitting approvals by any regulatory agencies;
- (d) Approved Plans - NHA shall prepare final plans and specifications for the construction of the improvements and show in detail, location, layout and size of the buildings, parking and other improvements, if any, to be constructed. The plans and specifications shall be submitted to the Town for its review and approval and may be subject to change depending upon review and approval of all governmental authorities, local and state having jurisdiction;
- (e) Repair and Maintenance - NHA shall maintain the Leased Premises and the improvements thereon including landscaping, parking and fencing in good, sanitary and neat order and condition and shall make all necessary repairs;
- (f) Insurance - NHA shall be obligated to provide insurance coverage for the construction of any improvements on the Leased Premises for general commercial liability, casualty insurance, insurance carried by contractors, umbrella and excess liability insurance and automobile liability insurance coverage in amounts required by the Town. All certificates of insurance shall also name the Town as an additional insured during the construction term and during the term of the Lease;
- (g) Environmental - NHA shall not allow any Hazardous Materials [NOTE: Town to provide definition for review and approval of NHA] to be on the Leased Premises, stored, located, discharged or handled on the Leased Premises and shall strictly comply with all environmental laws. NHA agrees to take all actions necessary to the reasonable satisfaction of the Town to remediate all releases of Hazardous Materials on the Leased Premises including removal, containment and remedial activities as determined by regulatory authorities, at NHA's sole cost and expense unless determined to be caused by the Town or its agents, employees, contractors or invitees or from property sources under the care, custody, and control of the Town.
- (h) Indemnification of Town - NHA shall agree to indemnify the Town from and against all claims of any kind or nature whatsoever which may at any

time be imposed upon or incurred or awarded against the Town arising from any act, use or operation of the Leased Premises or on the Town's Property;

- (i) Assignment/Subletting - NHA shall not be able to assign the Lease or sublease all or any portion the Leased Premises without the Town's prior written consent, which consent may be withheld in its sole discretion; and
- (j) Events of Default and Remedies for Default - In the event that NHA does not commence construction of the buildings and improvements upon receipt of all necessary permits to commence construction by the construction start date and/or substantially completes construction of phased improvements by the Substantial Completion date, the Ground Lease may be terminated by the Town by giving NHA ninety (90) days' written notice to cure a default, and if NHA has not cured the default within said ninety (90)- day period all obligations of the Ground Lease shall terminate. In the event that NHA has commenced construction, the Town may also pursue any and all available rights and remedies and to recover any costs incurred by the Town under the terms of the Ground Lease.

4. Additional Information: NHA agrees to deliver to the Town the following additional information required for the joint permitting application for NHA's and the Town's project for the Town's review and approval by October 1st, 2024, including, but not limited to:

- (a) Preliminary design plans;
- (b) Programming: hours of operation, membership, public use and fee structure;
- (c) Completed responses to questions for joint MEPA filing (attached hereto as Exhibit C).

In addition, NHA shall submit to Town for its review and approval:

- (a) Lead Testing and Remediation Plan;
- (b) Plan for operation and maintenance;
- (c) Safety Plan and Safety Training Plan;
- (d) Plan for Noise Mitigation within pre-established and agreed upon metrics;
- (e) Comments on draft Habitat Management Plan, Environmental Stewardship Plan and Conservation Restriction.

5. Termination of MOU: In entering into this MOU, the Parties acknowledge and agree that a Ground Lease is contingent on funding, design, permitting and mitigation approvals for both parties, as well as Town Meeting approval for appropriations for the Town's project. Either Party may terminate this MOU by written notice to the other Party for any reason, including but not limited to, failure to proceed diligently to secure the necessary financing for their respective project, obtain all requisite permit approvals, to deliver all requisite materials on time as set forth in this MOU, failure to comply with any other terms of this Agreement and failure to reach an agreement on the terms of the Ground Lease within the time periods provided.

6. Revisions: If the appropriations for the design and construction of the Town's DPW project is not approved prior to or at the 2027 Annual Town Meeting, and neither Party has terminated this MOU, the Town and NHA agree to work cooperatively to revise the joint site plan to accommodate alternative Town use and the NHA project on the property and establish and record permanent conservation restriction on the parcel.

7. Notices: All notices required or to be given hereunder, shall be in writing and delivered by hand or mailed, postage prepaid by certified or registered mail, or by overnight express delivery with receipt required, or by facsimile, in the case of the DPW to:

C. Elizabeth Gibson, Town Manager
Town of Nantucket
16 Broad Street
Nantucket, MA 0254

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street- 12th Floor
Boston, MA 02110

In the case of NHA to:

Steven J. Holdgate, President
Nantucket Hunting Association, Inc.
20 Amelia Drive
Nantucket, MA 02554

Exhibits:

- A. TOWN OF NANTUCKET DPW SITE PLAN
- B. NANTUCKET HUNTING ASSOCIATION SITE & DESIGN PLANS
- C. MEPA LIST OF QUESTIONS IN PROGRESS
- D. ANTICIPATED PROJECT SCHEDULE

Executed the day and year first above written, by the parties as follows:

TOWN OF NANTUCKET
By its Select Board

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

Dawn E. Hill Holdgate

NANTUCKET HUNTING ASSOCIATION

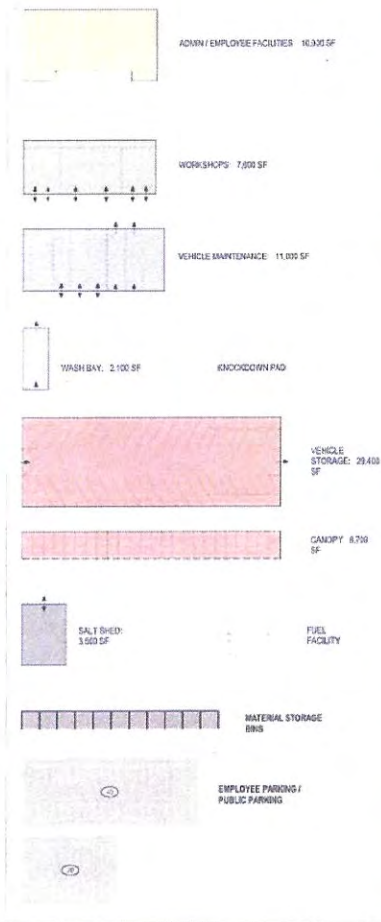


By: Steven Holdgate
Its: President

939596v2/19713/0070

EXHIBIT A
TOWN OF NANTUCKET DPW SITE PLAN

SUMMARY OF PROPOSED DPW PROGRAM / SITE AMENITIES:



① SITE PLAN - FLOOR PLAN OPTION 2
1" = 60'-0"

Project: TOWN OF NANTUCKET DPW SHOOTING RANGE

TOWN OF NANTUCKET MA

Weston & Sampson
Weston & Sampson Engineers, Inc.
55 William Street, Suite 100
Reading, MA 01867
978.337.1000
www.westonsampson.com

Comments:

Revisions	No.	Date	Description

Scale: NTS (1" = 60'-0")

North Arrow

Date: MARCH 27, 2024

Drawn By: Author

Reviewed By: Checker

Approved By: Approver

Notes: TO VERIFY REGULATIONS FOR THE SHOOTING RANGE, SEE THE TOWN OF NANTUCKET, MASSACHUSETTS, AND FEDERAL AND STATE LAWS.

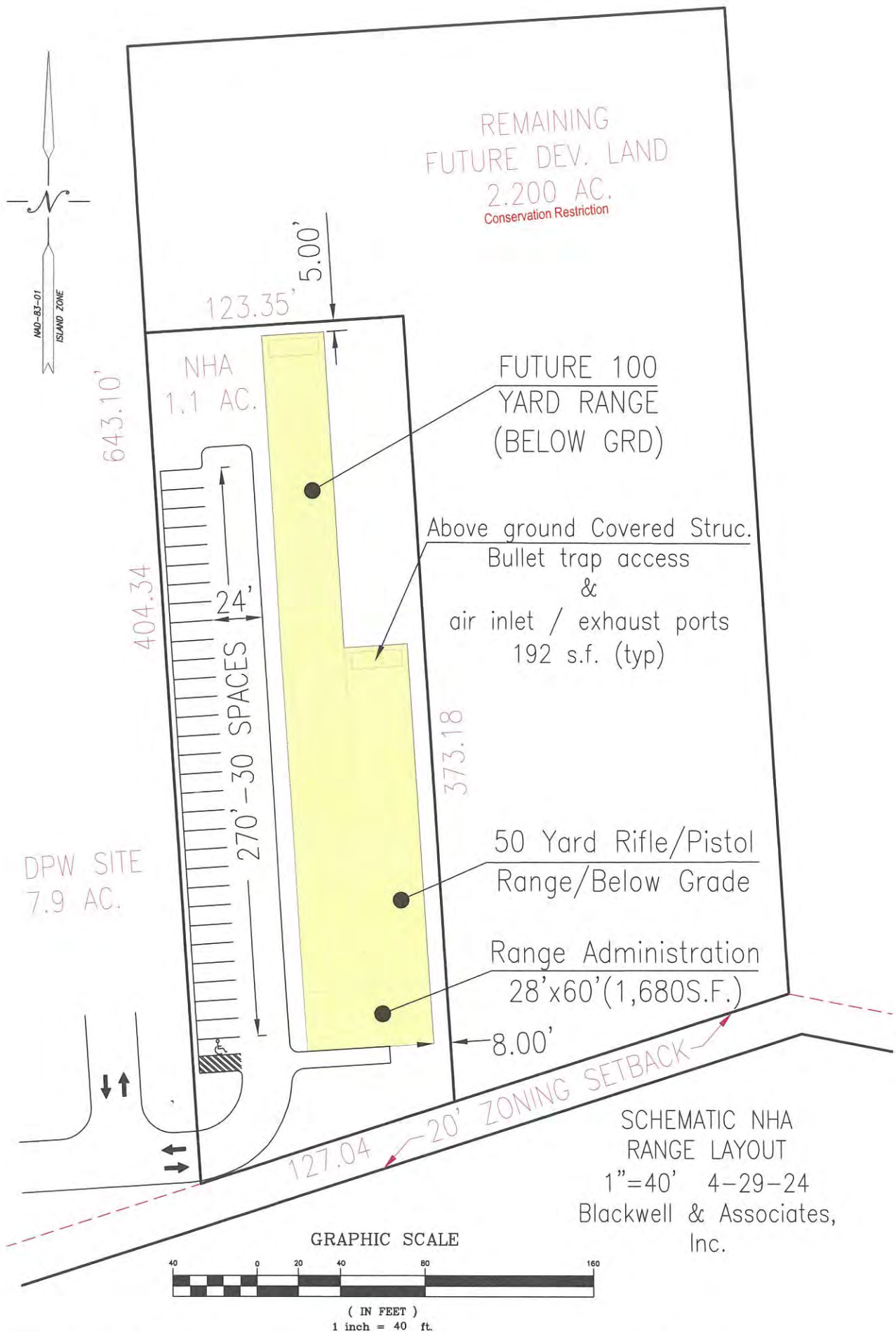
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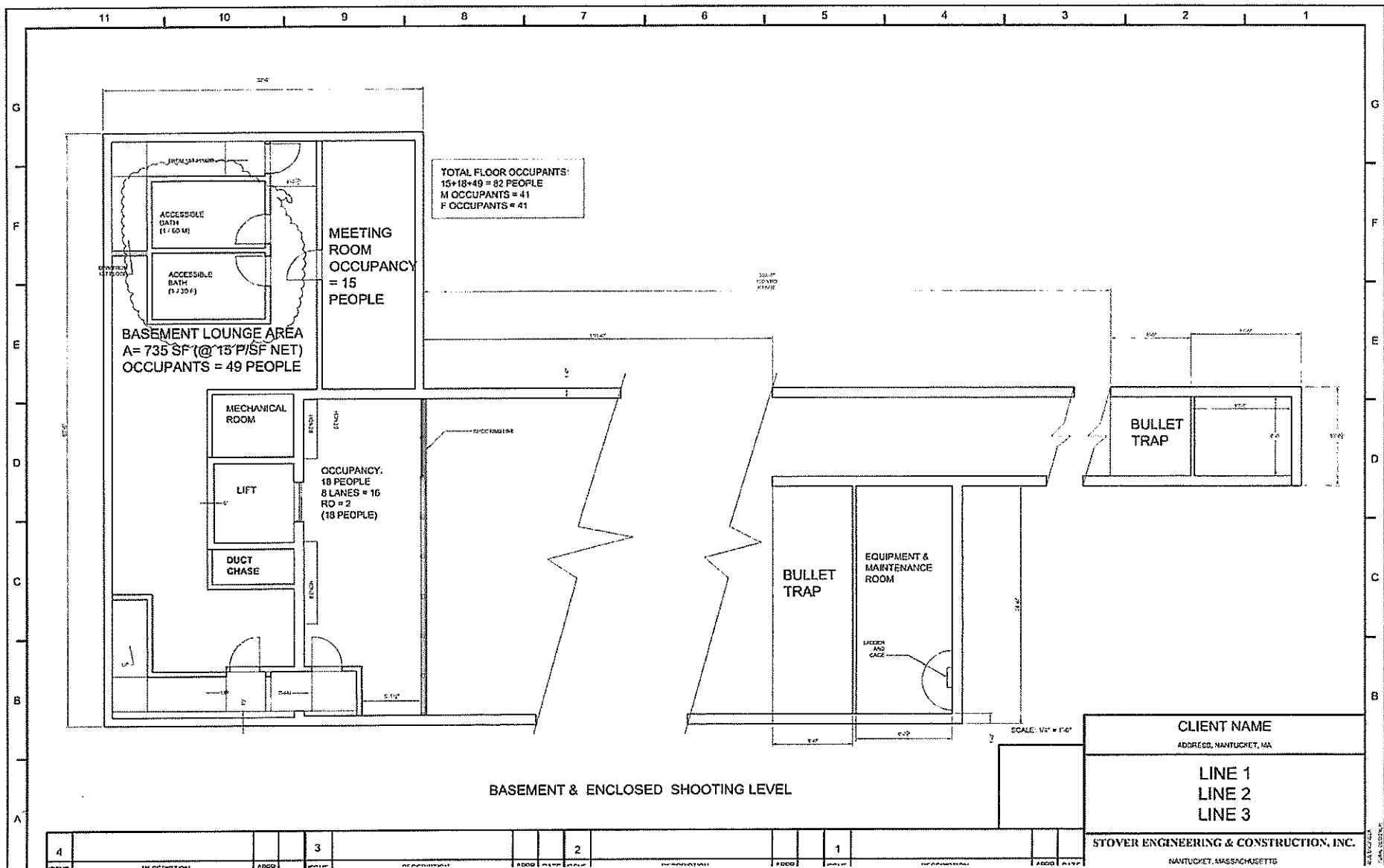
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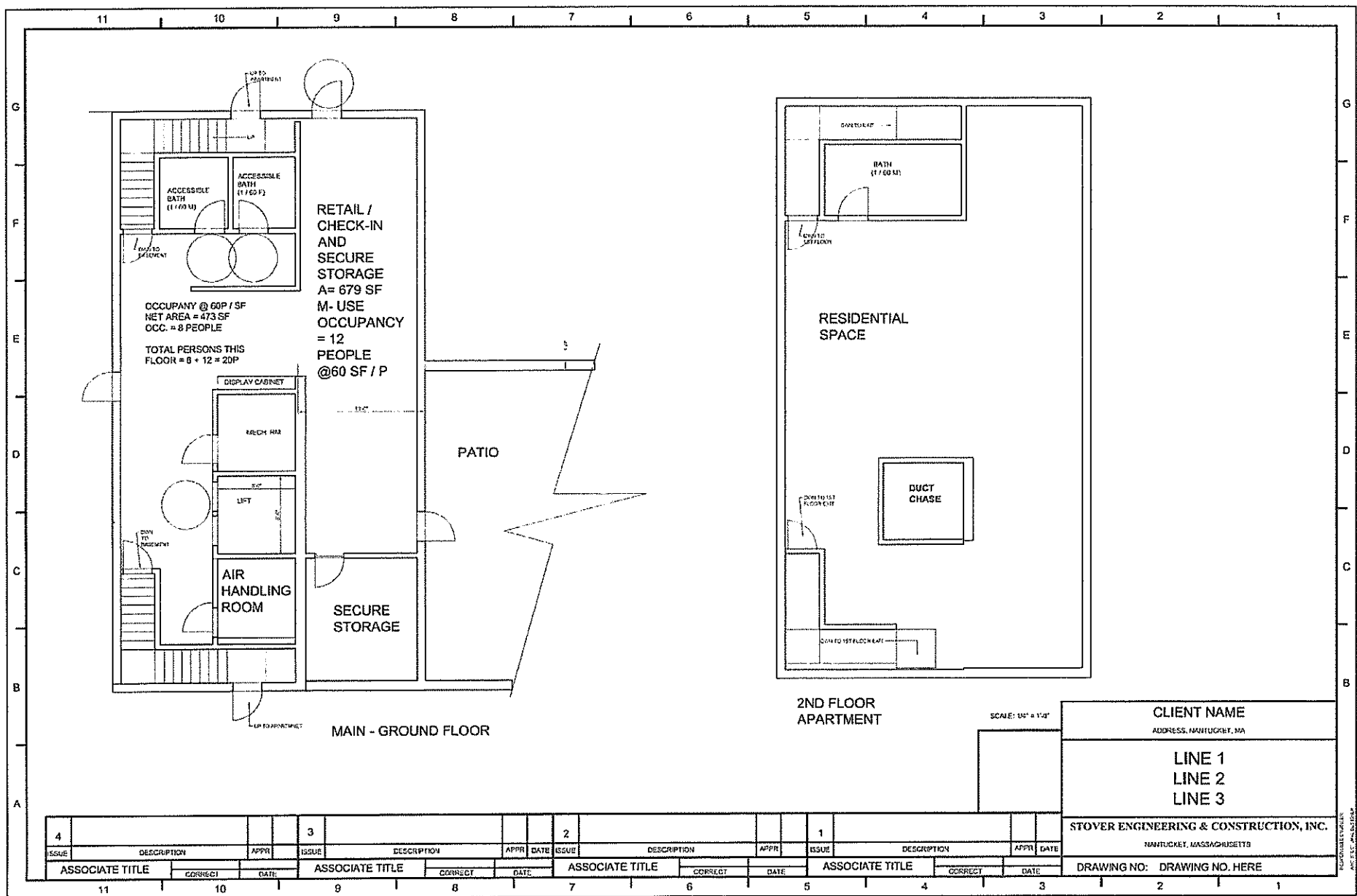
Final Site Concept
OPT 2

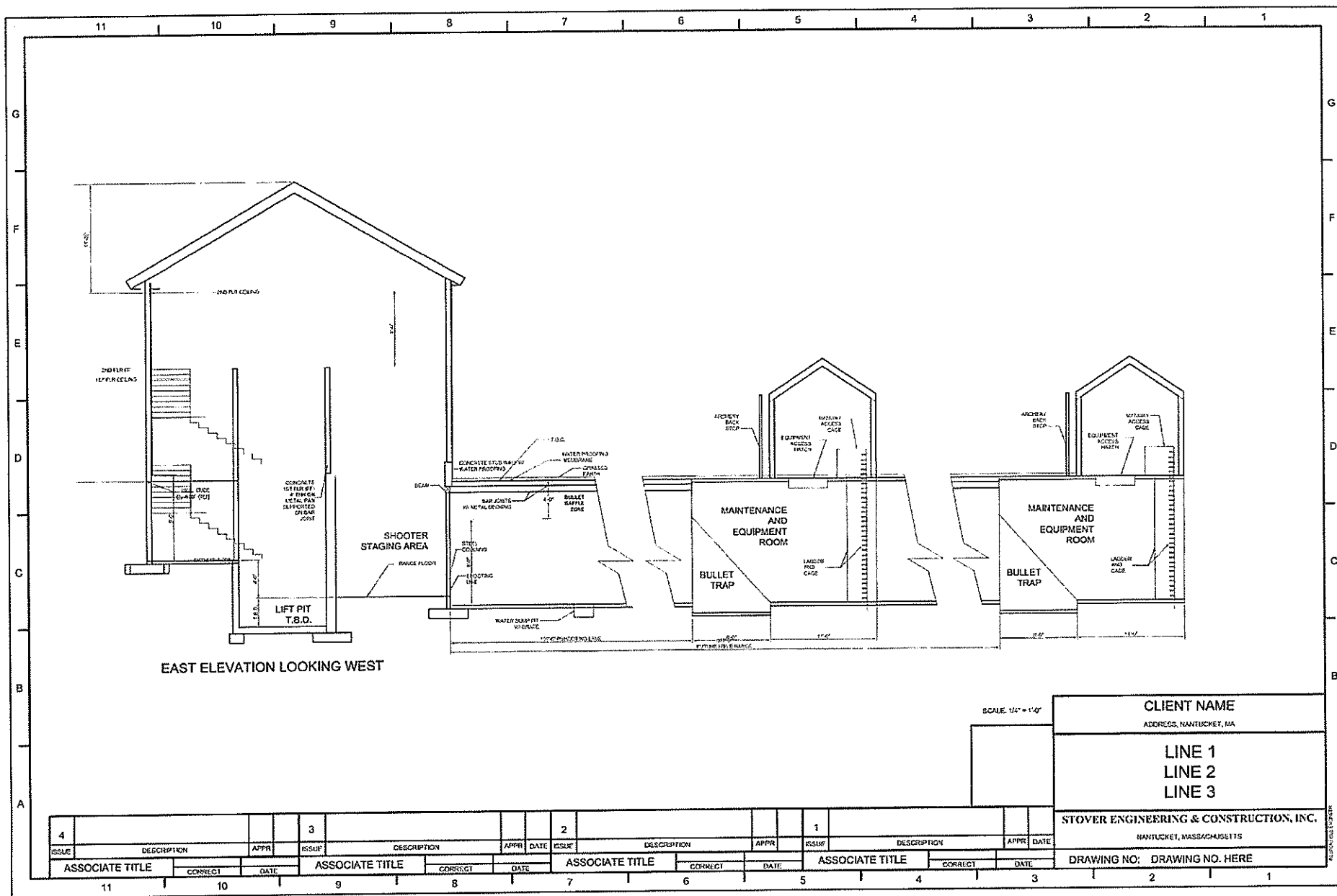
Option 4.2

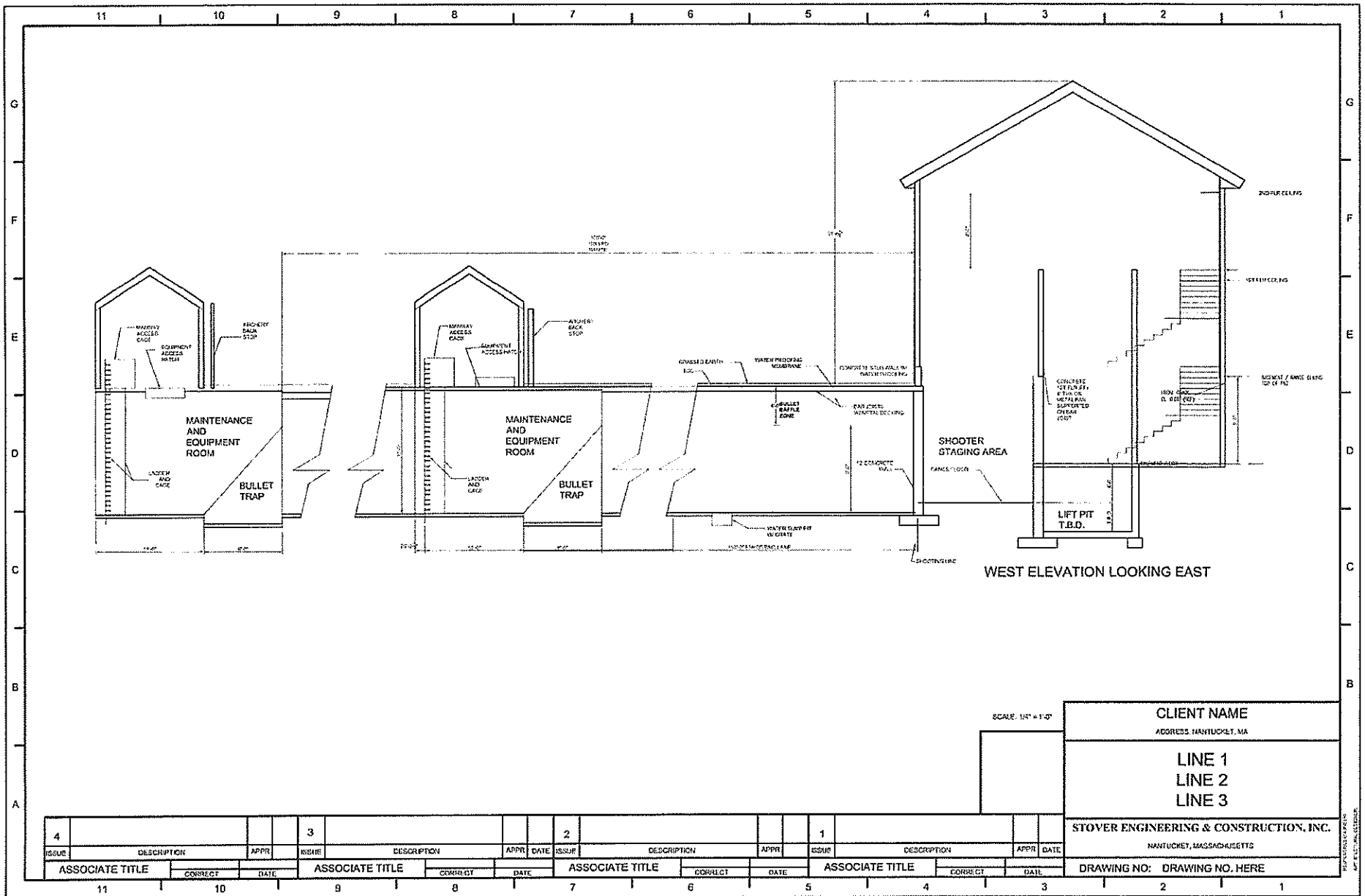
EXHIBIT B
NANTUCKET HUNTING ASSOCIATION
SITE & DESIGN PLANS











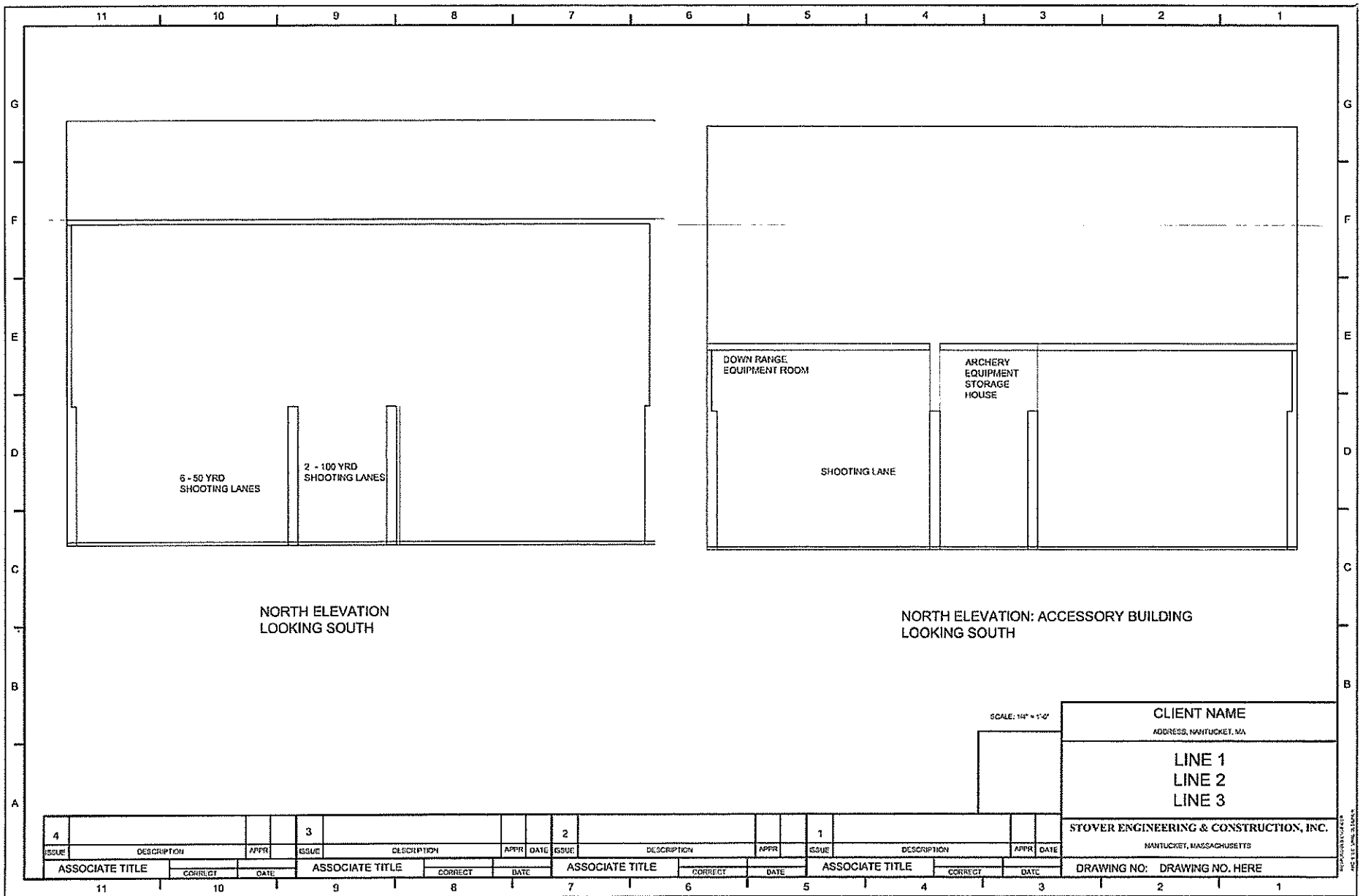


EXHIBIT C

MEPA LIST OF QUESTIONS IN PROGRESS

MEPA LIST OF QUESTIONS IN PROGRESS

INFORMATION REQUEST for MEPA

Here is the list we discussed. In order to prepare for filing with MEPA, we need the following information.
– please provide one list for Hunting Assoc and one for DPW

1. Is Town the applicant with Lease to NHA? Term of lease, requirement for open to public? **Yes. Terms of lease TBD. Range to be open to properly licensed members of the general public at pre-established times.**
2. Future Acres of land altered to construct – **1.1 acres for shooting range.**
3. Future Acres of impervious area (buildings plus pavement plus parking)
 - a. Footprint of buildings Main bldg. **approximately 60' x 32', Range equip access building 30'x12', future equip access building 24'x12'; 200 sf shed**
 - b. Internal roadways/driveways
 - c. Parking and other paved areas
 - d. Other altered areas
 - e. Undeveloped
 - f. Add up to total site acreage
4. Structures – gross square footage
5. Structures - Maximum height in feet **to be in accordance with the Building Code to accommodate elevator housing**
6. Elevations with materials, general colors
7. General floor plans to show use, offices/storage, maintenance bays, paint bays, meeting room, etc.
8. Landscaping & Lighting – proposed? **Basic parking lot pole lights with downlighting, walkway lighting, outdoor building lights at doors per code and industry standards. Area security lighting with motion sensors on building and posts as needed.**
9. Noise – expectations relative to zoning **No outdoor noises to exceed Town noise bylaw except during events with special prior permission.**
10. Traffic – vehicle trips per day – use ITE rates- specify ITE land use code
11. Parking spaces provided/surface – **In accordance with zoning.**
12. Water use in gallons per day – per title 5 calcs
13. Water withdrawal – assuming 0, no well?
14. Wastewater generation in gpd
15. Length of water main extension
16. Are shotfall curtains being used? If so, does this fully contain the shot and therefore no impact to CR area? If not, what is proposal? **No shot or projectiles are to leave the range boundaries.**
17. Cost of project

18. Any state or federal funding? **None anticipated for construction.**
19. % of project design complete at this time
- 0% - **Concept and draft design in work.**
20. Any project phasing proposed. **Yes. Simple Archery range on site while awaiting construction of 50-yard underground range with building. Future phase – additional 100-yard UG range built adjacent to 50-yard range.**
21. Proposed start time, proposed completion – for example – Fall 2024, Winter 2027 **Spring 2025, Fall 2029.**
22. Potential water quality concerns: salt storage covered? Where? Lead shot used? **No water quality issues. Spent lead rounds collected in specially designed bullet traps and removed periodically by trained personnel per local, state and federal laws and industry guidelines.**
23. Stormwater management designed? Does it comply with Mass Stormwater Regs **Not yet designed but will adhere to Mass stormwater regs.**
24. Anti Idling measures to limit emissions from construction equipment? **To be included in requirements of construction bid process.**
25. Final site plan at completion or at end of each phase, if phased **Site plan to show future phases.**
26. Solar – how much generation? **None for NHA.**
27. Heating source. **Heat pumps as determined at time of final design.**
28. Fuel storage- AST/UST/materials/volume, tank design concrete encased, dble walled, interstitial monitoring, etc. **For the range, ammunition storage to be in a secure, locked room, vault and/or safe with adequate fire rating.**

EXHIBIT D

ANTICIPATED PROJECT SCHEDULE

Anticipated Project Schedule:

- **June 13, 2024: Pre-filing consultation with NHESP (Natural Heritage)**
- **July 18, 2024: MEPA & EJ pre-filing consultation**
- **October 1, 2024: NHA plans and project information due to Town for permitting & public outreach**
- **October 2024: start of Advance notice, public outreach, & 45-day public comment period**
- **December 2024: Submit expanded ENF & EIR with NHESP & MEPA**
- **January 2025: ENF decision due**
- **March 2025: Submit Single EIR**
- **April/May 2025: MEPA permits for 1 Shadbush Project (DPW & NHA) approved**
- **Spring 2024: DPW design & permitting supplemental appropriation article on ATM warrant**
- **Summer 2025: Final Conservation Management Permit (CMP) approved by NHESP**
- **Fall 2025: DPW construction appropriation article on STM warrant**
- **Fall/Winter 2025: DPW & NHA construction commences**

HDC Appeal of 43A Union St

PUBLIC HEARING NOTICE

Please be advised that a public hearing will be held by the Select Board on Wednesday, December 4, 2024 at 5:30 PM to consider the appeal of 43A Union Street Trust, Steven Russon, Trustee of Historic District Commission disapproval of Certificate of Appropriateness No. HDC2024-08-11015 to demolish/move off a garage at 43A Union Street, Map 42.3.2, Parcel 29.1. 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.

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.

TO: SELECT BOARD

CC: TOWN CLERK, HDC

FROM: LINDA WILLIAMS

PROPERTY: 43A UNION STREET

DATE: OCTOBER 14, 2024

RE: HDC APPEAL OF DENIAL OF DEMOLITION OF GARAGE

RECEIVED

OCT 15 2024

NANTUCKET TOWN ADMINISTRATION

I represent 43A Union Street Trust, Steven Russon Trustee ("Owners"), of 43A Union Street. The Owners have an address of 58 Greenley Road, New Canaan, CT 06840. By this letter, the Owners are appealing the Historic District Commission ("HDC") DENIAL of Certificate of Appropriateness ("COA") No. 2024-08-11015 issued on October 1, 2024. The Denial was filed with the Town Clerk on October 3, 2024. With the statutorily required ten-day appeal period ending on Sunday, October 13, 2024, and Monday, October 14, 2024 being a federal holiday, the time period to file an appeal was extended to Tuesday, October 15, 2024. The Appeal is being brought as the Denial was arbitrary and capricious. Owners applied for the demolition/move off of a garage, the only structure on a lot that was created by a 41-81A division of property.

The first application to the HDC that was related to the garage structure was submitted in 2018 and heard on April 17, 2018. (the hearing can be viewed on YouTube). Initially the proposal involved altering the single-story one-car garage, sited at about zero feet from the southerly lot line, by constructing a substantial addition to the garage and converting the structure into a one-bedroom cottage. Owners' representative stated that the proposal was "to put the house where the garage is". The addition was considered "overwhelming" to the garage. There was an understanding that the garage section would no longer be a garage and the garage doors would be changed so it no longer looked like a functioning garage. Commissioners Pohl, Oliver, Welch, Dutra and Waterhouse were sitting. Commissioner Welch described the garage as "teeny tiny non-descript garage", further supporting that there was no architectural significance related to the garage. Commissioner Oliver asked "why are you keeping the garage at all".

Another Commissioner said to “eliminate the garage doors and make it look like a house”. Another Commissioner stated that the new addition wrapped the garage and it would “not be a garage anymore”. Commissioner Pohl stated that “it should not look like a garage” with the proposed addition.

The matter was held for “substantial” revisions and was heard as Old Business on June 5, 2018 (the hearing can be seen on YouTube). Owners’ representative made a presentation as to how the project was redesigned. The foundation was to be raised and placed on piers to protect the town tree. The new cottage was also reoriented so it faced Union Street. The overlay of the new cottage with the garage was clearly visible on the site plan. Commissioners Pohl, Oliver, Welch and Dutra were sitting. Commissioner Oliver stated that she “appreciated” the changed and it was a “simple structure”. Commissioner Welch agreed and “appreciated the changes” and found the new design “charming” and further mentioned that the new structure would be “larger than the garage”. This further indicated that there was an understanding the garage was to be removed from the site in order to build the new cottage. Again, the HDC did not note the lack of the separate application for demolition or move off. The HDC approved the new cottage via Certificate of Appropriateness No. 70375.

On May 26, 2020, the Owners applied for revisions to the previously approved alteration and expansion of the garage structure with conversion to a cottage. This proposal significantly reduced the size and scope of the project. The garage was essentially being eliminated as the new cottage would be sited outside of the required five-foot southerly setback area and be raised on piers to protect the town tree. The overlay of the cottage on the garage is clearly visible on the site plan. The agenda posting stated “new dwelling”. Holly Backus, the Town’s Preservation Planner, stated that new cottage “fit in with the Nantucket historic character and is appreciated”. Revisions were requested. Commissioners Pohl, Oliver, Camp, Welch and McLaughlin were sitting. Commissioner Camp stated that she was not familiar with the site but the design was “cute” and “sweet”. Commissioner Oliver stated that the design had a “sweet face”. Commissioner Welch stated that the reduced scale of the new cottage was appropriate as an “infill” structure. At no time did the HDC ask the status of a demolition or move off application.

At the June 16, 2020, meeting (which can be viewed on YouTube at the 10 minute 18 second mark), revisions were submitted as requested under Old Business. The cottage design was revised based on the Commissioners' comments and to further protect the town tree on the site, which severely limited the siting and size of the new cottage. The overlay of the new cottage was clearly visible with the garage. Again, the representative and Owners did not apply for the needed demolition or move off of the garage, nor did the HDC question the lack of a separate demolition or move off application. Generally, the process would have involved a separate application at the same time to demolish or move off the existing garage. Commissioners Pohl, Oliver and Camp were sitting. Commissioner Oliver stated Commissioner Camp stated that it "looks great" and made the motion for approval (COA HDC2020-05-0968). The approval of the new cottage again clearly presupposed that the garage would have to be removed from the lot.

The start of the project was substantially delayed due to various issues and the COVID-19 epidemic. HDC approvals expire after three (3) years, without a building permit obtained to begin construction. The 2020 COA expired. On April 9, 2024, the HDC approved a re-issue of COA No. 2020-05-0968, once again approving the cottage substantially in the same location as the garage. In this instance, the approval lacked any controversial issues and was placed on the "Consent Agenda". Commissioner Welch reviewed the application and placed it on the Consent Agenda. Items on the Consent Agenda are not heard individually but are contained in a blanket vote with other such applications. Again, the representative and Owners did not apply for a demolition or move off of the garage.

When the Owners applied for a building permit to construct the new cottage, the application was flagged as needing the demolition or move off permit prior to a new application for the cottage being approved. Owners were not aware that a separate HDC approval was needed given that the HDC had approved applications for the new cottage three times. The Owners had relied on their representative and the HDC to guide them through the process over the six (6) year period

Owners then made application to the HDC for the requisite demolition or move off of the garage. A hearing was held on October 1, 2024. On the applications in 2018 and 2020, Commissioners Welch and Camp had sat. Three new Commissioners (Thornewill, Patten, MacLeod) who had no institutional knowledge

of the project sat. Commissioner Welch approved the re-issuance on the Consent Agenda as well.

There appears to be a possibility of prejudicial testimony at this hearing that may have influenced the new members in particular. There were several attempts by neighbors to discuss the cottage and the negative impacts it would have. The chairman correctly refused to allow extended comments on the already approved cottage. After that, there was then neighbor objection to the removal of the garage as a means to prevent the cottage from being constructed.

Though the cottage had been shown overlapping with the existing garage on the previous plans, the sitting members expressed objection to the removal of the garage whether by demolition or move off. There was discussion about protecting the tree again. That had been addressed in previous hearings that the cottage was being placed on piers and the tree warden and town arborist had been consulted.

Commissioner Abby Camp, who had approved the prior applications for the new cottage, preferred that the garage remain. A reasonable person would construe that her objection to the removal of the garage was arbitrary and capricious considering her support for the replacement cottage. Commissioner Camp further stated that it was a "shame" that the Owners and representative did not obtain the demolition or move off approval from the HDC to begin with. It should be noted that Commissioner Camp never called that to the Owners or their representative. Now she was opposed to the project. Commissioner Camp was now concerned about the negative impact on the streetscape of the new cottage and removal of the garage in order to construct the approved cottage.

Commissioner Carrie Thornewill asked that the garage remain and the cottage constructed on another part of the lot. This indicated a complete unfamiliarity with the site, the included information in the packet, the garage itself or the limited size of the lot, and in particular, the extreme restrictions on siting of any structure due to the town tree. Commissioner Thornewill further stated that the HDC did not have to be "forced to make a decision to simply approve this just because they did before". Further adding that it was the Owners "mistake" that they did not get the demolition or move off before.

Commissioner Connie Patten agreed with Commissioner Camp and was not in favor of demolition or move off. Ms. Patten was also not familiar with the site, structure or tree location.

Commissioner Angus MacLeod, another new member, was not in favor of the demolition or move off stating that it was a unique valuable structure despite previous Commissioners' approval of the new cottage where the garage was sited.

Commissioner Stephen Welch, the Chair, agreed with the other Commissioners that the garage contributed to the character and setting of the street scape despite approving the new cottage in that location three times. He added that the previous approvals had "nothing to do with the current one".

The structure is a one-story simple garage sited within the five-foot required southerly side yard setback area. It does not have any architectural significance. It is contributing as the structure is over 50 years old. However, as previous and current town counsels have clearly stated over several years, 50 years in age is not dispositive as to the architectural significance by itself and should not be used to prevent alterations or removal of such structures. The HDC has approved removal of more substantial and significant structures throughout the Old Historic District over the past several years.

The motion to deny was made based on the determination that the garage contributed to the character of the streetscape and the garage should not be demolished or moved off site. The Owners relied on the approvals of the new cottage and undertook correcting the lack of the appropriate application with this application for the demolition or move off in good faith relying on the previous approvals for the new cottage. This Denial is arbitrary and capricious given the history of this project and amounts to reversal of decisions made by the sitting HDC's predecessors. Such a denial is unfair and causes harm to the Owners of the property and funds expended in the preparation of the plans over the past six years.

Accordingly, the appellant requests that the Select Board overturn the decision of the HDC and issue a Certificate of Appropriateness allowing the removal of the structure from the Property.

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

Fax: 508.325.5346

Property Owner's Name: 43A Union Trust c/o Matthews

Property Address: 43A Union Street

Map: 42.3.2 Parcel: 29.1

Certificate of Appropriateness # HDC2024-08-11015 move off demo of 188sqft garage (c.1947)

Meeting Date: October 1, 2024

NOTES – Comments – Restrictions - Conditions

This application was denied because:

- *The uniqueness of this small, mid-century structure (in this area) has helped define the character and setting of one of Nantucket's oldest historic streetscapes (Union Street) for nearly 80 years; as such, the structure is deemed by the sitting commission to be a contributing structure.*
- *The proposed demolition -move is therefore denied.*

-Motion made by Stephen Welch, HDC Chair



Holly E. Backus,
Preservation Planner / Local CLG Coordinator

CERTIFICATE NO: HDC2024-08-11015

DATE ISSUED: 10/1/24

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

TAX MAP N°: 42.3.2 PARCEL N°: 29.1
 Street & Number of Proposed Work: 43A UNION STREET
 Owner of record: 43A UNION TRUST
 Mailing Address: C/O MATTHEWS 258 GREENLEY RD
NEW CA NAHAN, CT 06840
 Contact Phone #: 203-536-2928 E-mail: MATTS HOUSE@AOL.COM

AGENT INFORMATION (if applicable)

Name: LINDA WILLIAMS
 Mailing Address: PO BOX 1446
NANTUCKET, MA 02554
 Contact Phone #: 508-221-0432 E-mail: CZARIN@LINDA@COMCAST.NET

FOR OFFICE USE ONLY	
Date application received: <u>9/26/24</u>	Fee Paid: \$ <u>100</u>
Must be acted on by: <u>10/24/24</u>	
Extended to: _____	
Approved: <u>[Signature]</u>	Disapproved: <u>[Signature]</u>
Chairman: <u>[Signature]</u>	
Member: _____	
Member: <u>[Signature] (NO)</u>	
Member: <u>[Signature] (NO)</u>	
Member: <u>[Signature] (NO)</u>	
Notes - Comments - Restrictions - Conditions <u>THE UNIQUENESS OF THIS SMALL, MID-CENTURY STRUCTURE</u> <u>(IN THIS AREA) HAS HELPED DEFINE THE CHARACTER AND SETTING</u> <u>OF ONE NANTUCKET'S OLDEST HISTORIC STREETS CAPES (UNION</u> <u>STREET) FOR NEARLY 80 YEARS. AS SUCH, THE STRUCTURE IS</u> <u>OBSERVED BY THE SITTING COMMISSION TO BE CONTRIBUTING</u> <u>STRUCTURES. THE PROPOSED DEMOLITION-MOVE IS A</u> <u>THREAT TO THE CHARACTER OF THE STREET. THEREFORE, DENIED.</u>	

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 _____
 Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: 188 SF 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: CONTRIBUTING

REVISIONS*

Historic Name: AFTER 1949 AND
 Original Date: BY 1957 (c.1947)
 Original Builder: OSWELL J. SMALL

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

DEMOLISH GARAGE
NEW DWELLING HAS BEEN
APPROVED BY HDC TO REPLACE

Is there an HDC survey form for this building attached? ☒ Yes ☐ N/A

*Cloud on drawings and submit photographs of existing elevations. IT

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.) _____
 Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
 Manufacturer _____ Rough Opening _____ Size _____ Location _____
 Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____
 Leaders (material and size): _____
 Siding: ☐ 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 _____ 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 this application will initiate a new sixty-day review period.

Date: 8/25/2024 Signature of owner or agent: [Signature]

2024 OCT -3 AM 10:27

NANTUCKET TOWN CLERK

ATTEST: TRUE COPY
[Signature]
 NANTUCKET TOWN & COUNTY CLERK

CERTIFICATE NO: _____

DATE ISSUED: 10/1/24

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FOR OFFICE USE ONLY

Date application received: 9/26/24 Fee Paid: \$ 100
 Must be acted on by: 10/24/24
 Extended to: _____
 Approved: [Signature] Disapproved: [Signature]
 Chairman: [Signature]
 Member: _____
 Member: [Signature] (NO)
 Member: [Signature] (NO)

DENIED

Notes - Comments - Restrictions - Conditions
 THE UNIQUENESS OF THIS SMALL, MID-CENTURY STRUCTURE IN THIS AREA HAS HELPED DEFINE THE CHARACTER AND SETTING OF ONE NANTUCKET'S OLDEST HISTORIC STREETS (UNION STREET) FOR NEARLY 60 YEARS. AS SUCH, THE STRUCTURE IS DEEMED BY THE SITTING COMMISSION TO BE A CONTRIBUTING STRUCTURE. THE PROPOSED DEMOLITION-MORE IS A THREAT TO THE STREET. **DENIED.**

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. _____
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 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: CONTRIBUTING REVISIONS: 1. East Elevation
 Historic Name: AFTER 1949 AND (describe) 2. South Elevation DEMOLISH GARAGE
 Original Date: By 1957 (c.1947) 3. West Elevation NEW DWELLING HAS BEEN
 Original Builder: OSWELL J. SMALL 4. North Elevation APPROVED BY HDC TO REPLACE

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

DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ Piers
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☐ Wood (Type: Red Cedar, White Cedar, Shakes, etc.) _____
 Skylights (flat only): Manufacturer _____ Rough Opening _____ Size _____ Location _____
 Manufacturer _____ Rough Opening _____ Size _____ Location _____
 Gutters: ☐ Wood ☐ Aluminum ☐ Copper ☐ Leaders (material) _____
 Leaders (material and size): _____
 Siding: ☐ 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
 Siding _____ Clapboard (if applicable) _____ Roof _____
 Trim _____ Sash _____ Doors _____
 Deck _____ Foundation _____ Fence _____ Shutters _____

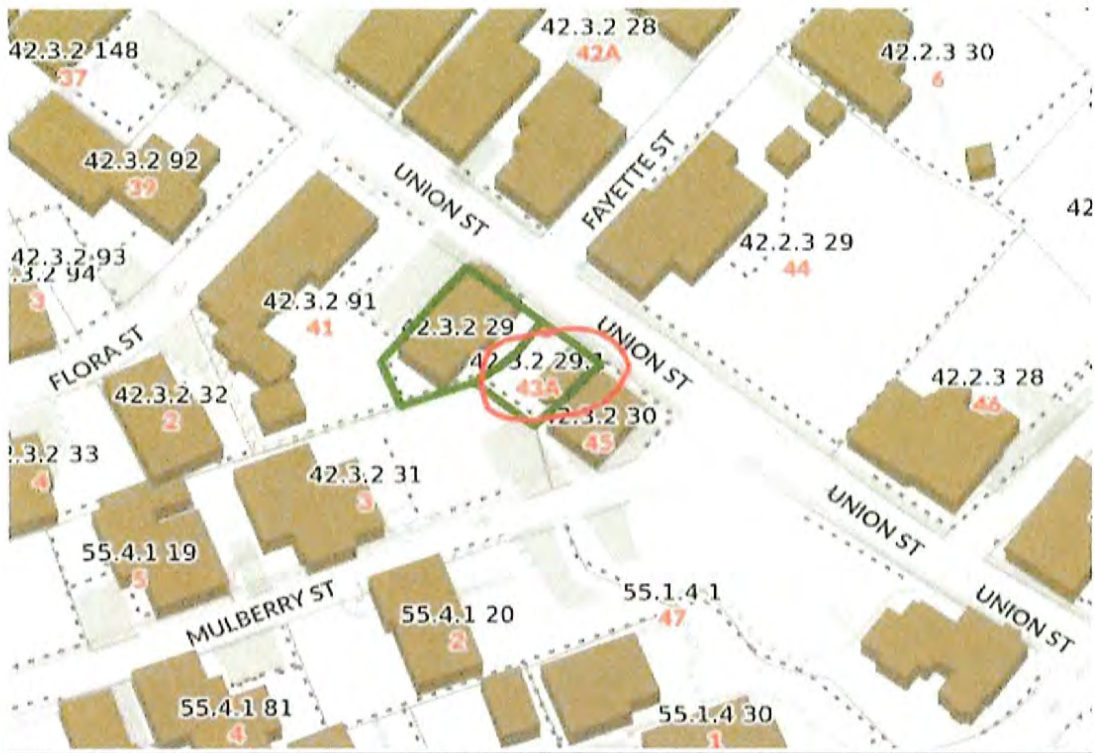
* Attach manufacturer's color samples if color is not from HDC approval list.

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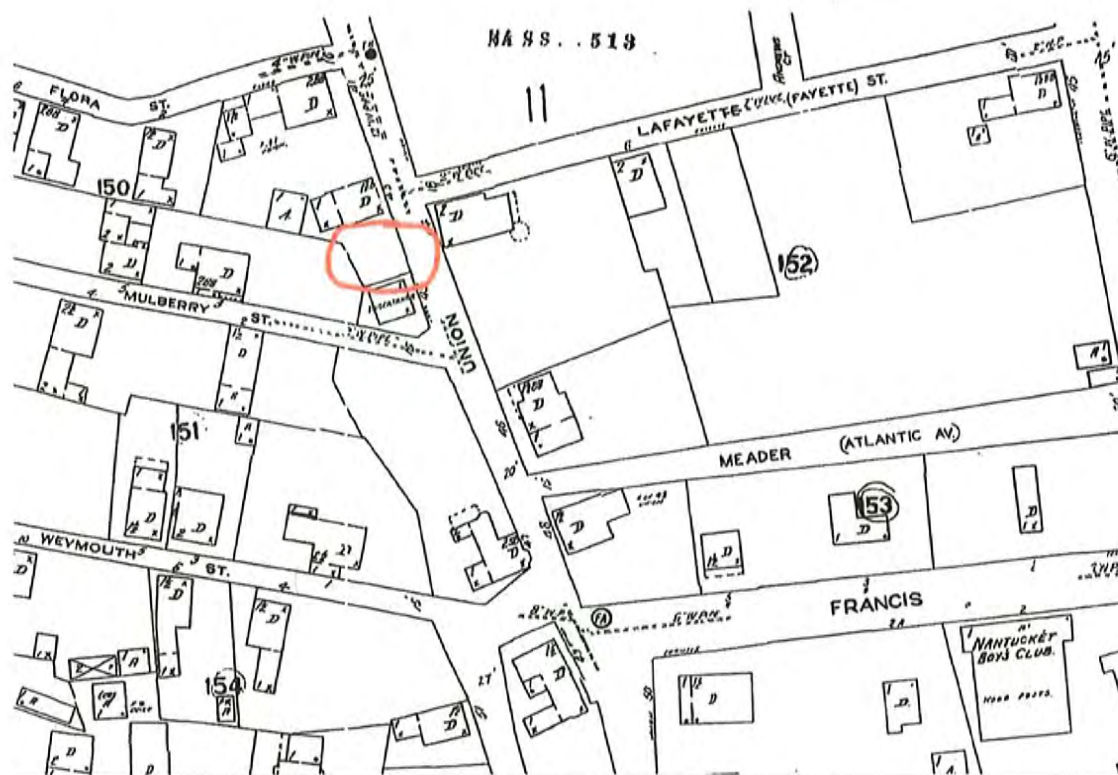
Signature of owner of record: [Signature] Signed under penalties of perjury

43A UNION STREET- DEMOLISH/MOVE GARAGE

NEW DWELLING HAS ALREADY BEEN APPROVED BY THE HDC TO REPLACE THE GARAGE



NHA 1949 SANBORN MAP – GARAGE NOT PRESENT



1957 AERIAL



43A UNION STREET – DEMOLISH/MOVE OFF GARAGE



BUILDING-STRUCTURE INVENTORY FORM

NANTUCKET HISTORIC DISTRICT COMMISSION
NANTUCKET, MASSACHUSETTS

SURVEY/

FILM ROLL #: 0110-40-18

MAP/PARCEL#: 4282-029

Recorded By: AEG Date: 10/20 Organization: NHC

IDENTIFICATION:

1. STREET NAME & NO.: 42 Union St. 2. BUILDING NAME: _____

3. OWNERSHIP: ☐ a. public ☒ b. private 4. PRESENT OWNER: Garage

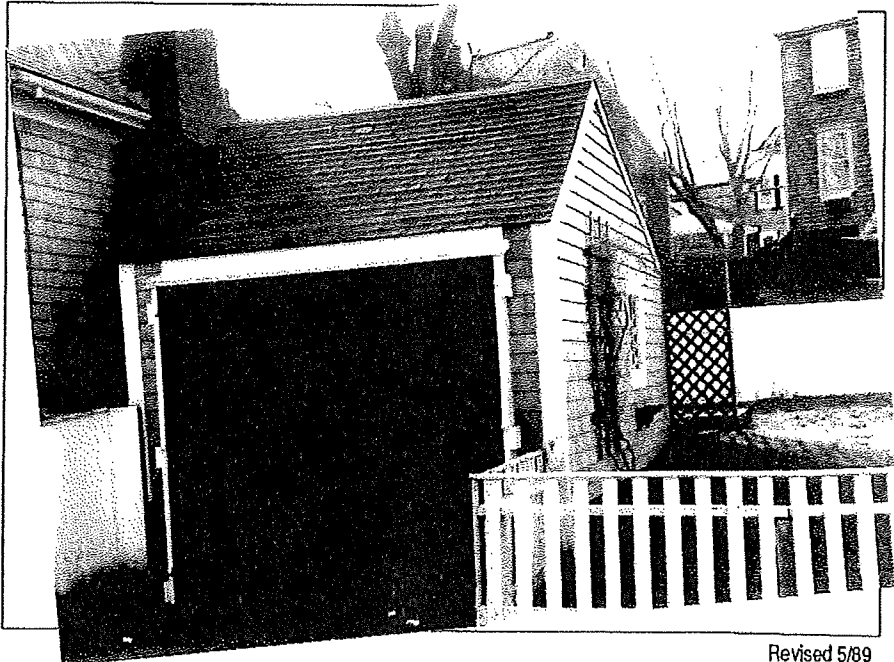
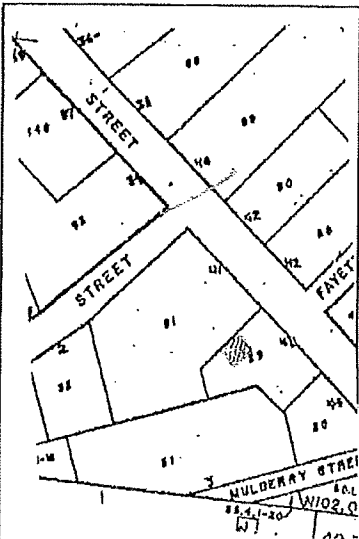
5. OWNERSHIP HISTORY: (include owner names, date(s) of ownership, and information source)

6. USE: Original: Garage Present: Garage
☐ a. seasonal ☐ b. year-round

7. ACCESSIBILITY TO PUBLIC:

Exterior visible from public road: ☒ a. Yes ☐ b. No
Interior accessible, explain: no

8. MAP -- 3 X 2"



DESCRIPTION:

10. FOUNDATION

- ☐ a. brick ☐ b. rubblestone ☒ c. concrete ☐ d. other: _____

11. STRUCTURAL SYSTEM

- ☐ a. post-and-beam ☐ c. masonry load-bearing walls
☐ b. balloon wood frame ☐ d. other: _____

12. EXTERIOR WALL MATERIAL: Front Facade:

- ☒ a. shingles - weathered ☐ c. brick ☐ e. board and batten
☐ b. shingles - painted ☐ d. clapboard ☐ f. flush boarding
☐ g. other: _____

13. EXTERIOR WALL MATERIAL: Side Elevations:

- ☒ a. shingles - weathered ☐ c. brick ☐ e. board and batten
☐ b. shingles - painted ☐ d. clapboard ☐ f. flush boarding
☐ g. other: _____

14. EXTERIOR WALL MATERIAL: Rear Elevation:

- ☒ a. shingles - weathered ☐ c. brick ☐ e. board and batten
☐ b. shingles - painted ☐ d. clapboard ☐ f. flush boarding
☐ g. other: _____

15. NUMBER OF STORIES:

- ☒ a. 1 ☐ c. 1 3/4 ☐ e. 2 1/2 ☐ g. other: _____
☐ b. 1 1/2 ☐ d. 2 ☐ f. 3

16. ROOF SHAPE:

- ☒ a. gable ☐ c. hip ☐ e. other: _____
☐ b. gambrel ☐ d. shed

17. ROOFING MATERIAL:

- ☒ a. composition shingle ☐ b. weathered cedar shingle ☐ c. slate

18. ROOF FEATURES:

- ☐ a. roof walk ☐ e. balustrade
☐ b. dormers on street facade ☐ f. skylight
☒ c. dormers on side elevations ☐ g. roof hatch
☐ d. dormers on rear elevation ☐ h. cupola
☐ i. other: _____

19. DORMER ROOF(S):

- ☐ a. gable ☐ b. hip ☐ c. shed ☐ d. other: _____

20. CHIMNEY MATERIAL:

- ☐ a. brick, unpainted ☐ c. brick, parged ☐ e. concrete block
☐ b. brick, painted ☐ d. rubblestone ☐ f. metal

21. CHIMNEY POSITION:

- ☐ a. center ☐ b. off-center ☐ c. end wall ☐ d. other: _____

22. NUMBER OF CHIMNEYS:

- ☐ a. one ☐ b. two ☐ c. three ☐ d. other: _____

23. CHIMNEY FEATURES:

- ☐ a. corbelling ☐ b. chimney pots/owls ☐ c. pilastered

24. FRONT/PRIMARY DOOR LOCATION:

- ☒ a. center ☐ b. off-center

25. FRONT/PRIMARY DOOR FRAME FEATURES:

(check several
if appropriate)

- ☐ a. sidelights
☐ b. transom
☐ c. plank frame
☐ d. flush frame
☐ e. Federal
- ☐ f. fanlight
☐ g. blind fan
☐ h. Greek Revival
☐ i. recessed
☐ j. other: 1750s

26. NUMBER OF BAYS:

- ☐ a. three
☐ b. four
- ☐ c. five
☐ d. N/A
☐ e. other: 1

27. WINDOW FRAME TYPE:

- ☐ a. flush
☐ b. plank frame
- ☐ c. bull-nose
☐ d. other:

28. WINDOW SASH TYPE(S) - FRONT FACADE:

- ☐ a. 12/12
☐ b. 9/9
☐ c. 6/6
- ☐ d. 2/2
☐ e. casement
☐ f. other:

29. PORCH:

- ☐ a. front
☐ b. side
☐ c. wrap

30. DETAILS:

(check several
if appropriate)

- ☐ a. corner boards (plain)
☐ b. corner boards (beaded)
☐ c. corner board (single)
☐ d. entry stairs w. balustrade
☐ i. other:
- ☐ e. blinds
☐ f. watertable
☐ g. pilasters
☐ h. trellis

31. CONDITION:

- ☐ a. excellent
☐ b. good
- ☐ c. fair
☐ d. deteriorated

32. INTEGRITY:

- ☐ a. original site
☐ b. moved if so, when?:

Major alterations or additions:

(with dates if known)

SIGNIFICANCE:

33. ROLE THE BUILDING PLAYS:

- ☐ a. individually significant
☐ b. contributing
☒ c. non-contributing

34. DATE OF INITIAL CONSTRUCTION: SOURCE:

ARCHITECT:

BUILDER:

35. BUILDING TYPE:

- ☐ a. box
☐ b. additive
- ☐ c. gable front
☐ d. gable ell
- ☐ e. side-gabled
☐ f. other:

36. STYLE OF ARCHITECTURE:

- | | |
|---|---|
| ☐ a. pre-1750, 2 1/2-story Lean-to | ☐ h. Italianate |
| ☐ b. post-1750, 1 3/4-story Lean-to | ☐ i. Second Empire |
| ☐ c. Typical Nantucket 4-bay | ☐ j. Queen Anne |
| ☐ d. 1 3/4 story, 3-bay | ☐ k. Colonial Revival |
| ☐ e. Federal | ☐ l. Shingle style |
| ☐ f. Greek Revival | ☐ m. Bungalow |
| ☐ g. Gothic Revival | ☐ n. Four Square |

☐ o. other: _____

37. HISTORICAL AND ARCHITECTURAL IMPORTANCE: _____

38. SOURCES:

- | |
|--|
| ☐ a. Registry of Deeds: _____ |
| ☐ b. Assessor's Records: _____ |
| ☐ c. Lancaster, <u>The Architecture of Historic Nantucket</u> , page: _____ |
| ☐ d. H. C. Forman, <u>Early Nantucket & Its Whaling Houses</u> , page: _____ |
| ☐ e. Sanborn Maps, date: _____ |
| ☐ f. NHA photos: _____ |
| ☐ g. HABS research: _____ |
| ☐ h. NHA plaque records: _____ |
| ☐ i. other: _____ |

GENERAL SETTING AND ORIENTATION OF BUILDING:

39. LOT SIZE: ☐ a. 1/2 acre or less ☐ b. 1/2 acre or more: _____

40. APPROXIMATE FRONTAGE: _____ feet

41. SETBACK FROM STREET: ☐ a. at sidewalk ☐ c. 20 feet or less
☒ b. 10 feet or less ☐ d. other: _____

42. ORIENTATION TO STREET ADDRESS: ☐ a. gabled ☒ b. ridge parallel ☐ c. other: _____

43. SURROUNDINGS: ☒ a. densely built-up ☒ d. residential
(check several ☐ b. scattered buildings ☐ e. commercial
if appropriate) ☐ c. open land ☒ f. old historic district

44. RELATED OUTBUILDINGS AND PROPERTY:

See form(s): _____

- | | | | |
|---|-------------------------------------|---|---|
| ☐ a. barn | ☐ b. privy | ☐ c. shop | ☐ d. arbor |
| ☐ e. carriage house | ☐ f. shed | ☐ g. gardens | ☐ h. deck |
| ☐ i. garage | ☐ j. greenhouse | ☒ k. fence | ☒ l. parking |
| ☐ m. scallop shanty | n. landscape features: _____ | | o. other: <u>well</u> |

45. OTHER NOTABLE FEATURES: _____

(Building or site including
interior features if known) _____

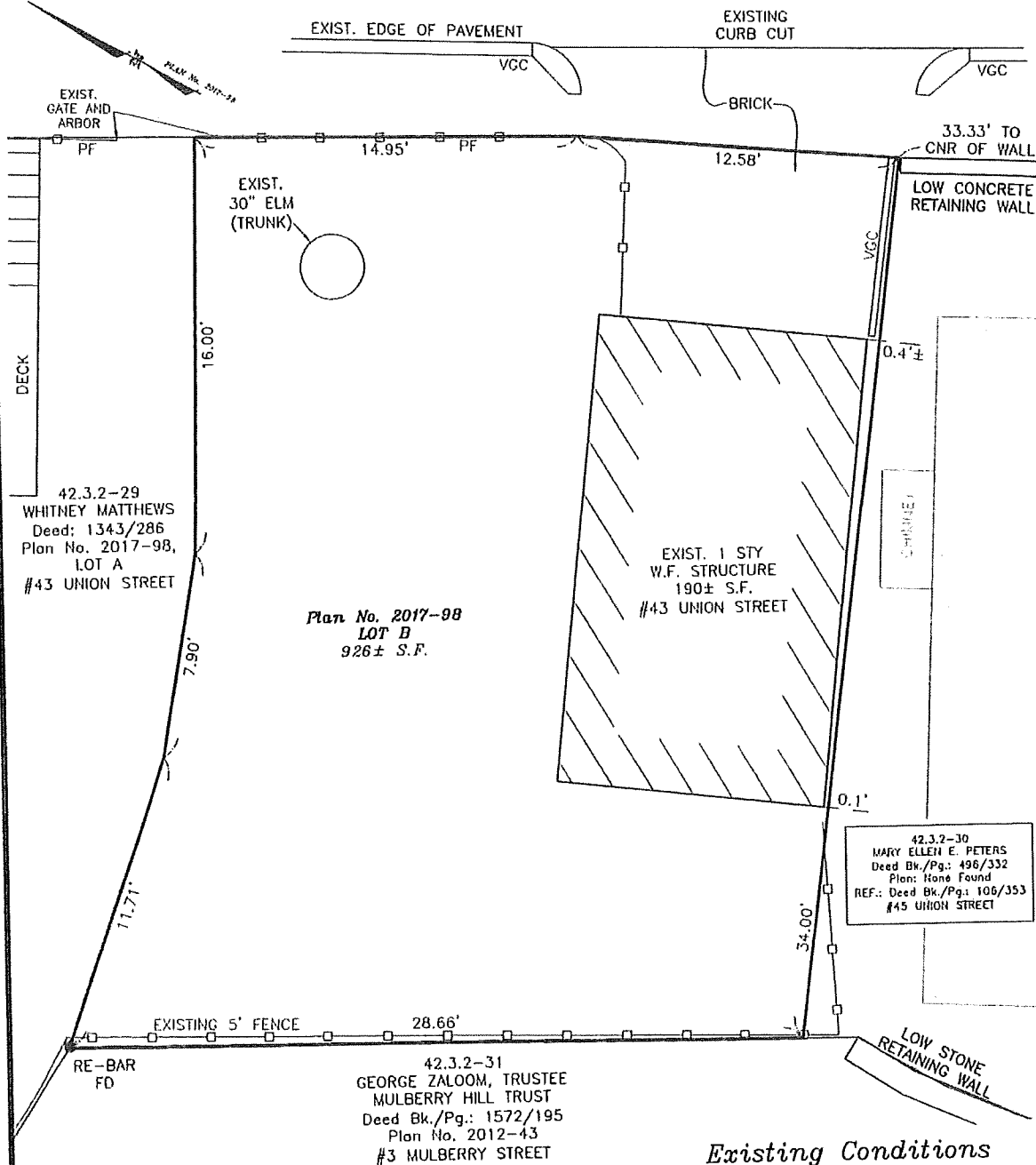
CURRENT ZONING CLASSIFICATION:
Residential Old Historic (R-OH)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER %: 50%

EXISTING:
926 S.F. ±
SEE PLAN
SEE PLAN
20.5% ±

LEGEND
RE-BAR FD ○ DENOTES REBAR FOUND
VCC DENOTES EXIST. VERTICAL GRANITE CURB

UNION PUBLIC-VARIABLE WIDTH STREET



Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application in Nantucket, Mass.

SCALE: 1" = 4' DATE: November 06, 2018

Owners: **WHITNEY H. MATTHEWS** LOT B
Deed Bk./Pg.: 1343/286 Plan Bk./Pg.: 2017-98
Tax Map-Parcel: . . . 42.3.2-29.1 . . .
Locust: . . . 43A, UNION STREET . . .

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

ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.

THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY AUXILIARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR RECORDS. THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.

© Blackwell & Associates Inc.

1938



CERTIFICATE NO: _____

DATE ISSUED: 4/9/24

HX2024-03-10145

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

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°: 42.3.2 PARCEL N°. 29
 Street & Number of Proposed Work: 43 UNION STREET
 Owner of record: MATT MATHEWS
 Mailing Address: 258 GREENLEY ROAD
NEW CANAN CT 06840
 Contact Phone #: 203 536 2928 E-mail: _____

AGENT INFORMATION (if applicable)

Name: EM DA ETHAN MORROW DESIGNS INC.
 Mailing Address: PO Box 1052
NANTUCKET MA 02554
 Contact Phone #: 228 0456 E-mail: ethan676comcast.net

FOR OFFICE USE ONLY	
Date application received: <u>3/24/24</u>	Fee Paid: \$ <u>50</u>
Must be acted on by: <u>[Signature]</u>	
Extended to: _____	
Approved: <u>[X]</u>	Disapproved: _____
Chairman: _____	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: _____	
Notes - Comments - Restrictions - Conditions <u>Motion to approve as submitted</u>	

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. 2020-50968
☐ Pool (Zoning District _____) ☐ Roof ☐ Other SMALL HOUSE RENEW COA

Size of Structure or Addition: Length: _____ 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
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 _____ Baffle _____ 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 BLACK

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ 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.



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



NEW EAST ELEVATION
SCALE: 1/4" = 1'-0"



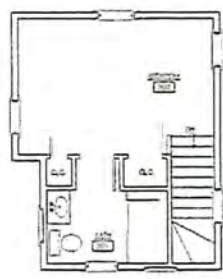
NEW NORTH ELEVATION
SCALE: 1/4" = 1'-0"



NEW WEST ELEVATION
SCALE: 1/4" = 1'-0"



NEW SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



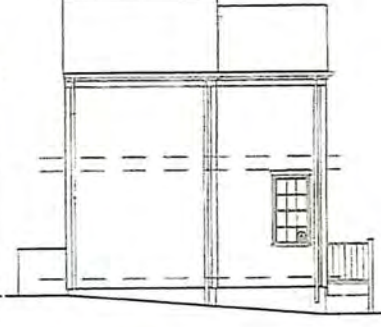
EAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

REVISIONS
2/10/2024 AS-BUILT MEASURING
3/10/2024 AS-BUILT PLANS
3/10/2024 PROPOSED FRONT
3/10/2024 KOC PRINT
3/10/2024 PROPOSED FRONT
4/10/2024 KOC REVISION
5/10/2024 KOC REVISION
6/10/2024 KOC REVISION

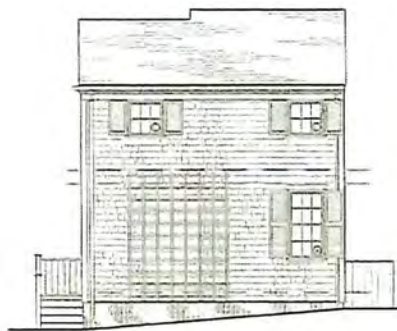
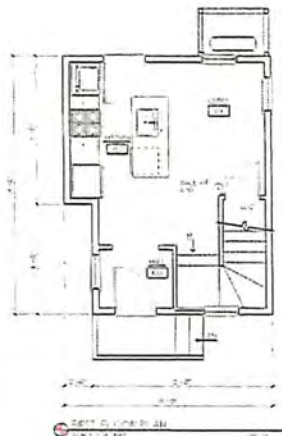
HDC 2024-03-10145

NOTE:
IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CAREFULLY REVIEW ALL WORKING DRAWINGS AND DETAILS FOR ACCURACY AND CONSISTENCY. THE DESIGNER/ENGINEER OF RECORD CANNOT BE HELD RESPONSIBLE FOR WORK INTRODUCED OR MODIFIED BY THE GENERAL CONTRACTOR OR ANY OTHER PARTY. IF THERE ARE ANY QUESTIONS AFTER THE STRUCTURAL DRAWINGS HAVE BEEN REVIEWED, PLEASE CALL THE ENGINEER OF RECORD BEFORE STARTING ANY WORK.

NOTE:
ALL SITE WORK SHOULD BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO AND DURING CONSTRUCTION FOR PROPER LOCATION OF PROPERTY & SETBACK LINES.

NOTE:
ALL FINAL DECISIONS SHALL BE VERIFIED IN THE FIELD. ANY DEVIATIONS FROM WHAT IS SHOWN SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IN CHARGE.

COPYRIGHT NOTICE This drawing is the property of Matthews Resobice. It is to be used only for the project and location specified. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without prior written permission from Matthews Resobice.	MATTHEWS RESOBICE		HOUSE PLANS		SHEET NO. a 1
	ADDRESS 1000 N. 10TH ST. TULSA, OK 74103	DATE 6/17/2024	SCALE 1/4" = 1'-0"		



NOTE:
IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE CLIENT DUE TO FAILURE TO OBTAIN NECESSARY PERMITS AND APPROVALS. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE CLIENT DUE TO FAILURE TO OBTAIN NECESSARY PERMITS AND APPROVALS.

NOTE:
ALL SITE WORK SHOULD BE COMPLETED PRIOR TO THE START OF CONSTRUCTION. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE CLIENT DUE TO FAILURE TO COMPLETED SITE WORK PRIOR TO THE START OF CONSTRUCTION.

NOTE:
ALL FINAL DIMENSIONS SHALL BE TOLERANCE IN THE FIELD. ANY DIMENSIONS FROM DRAWING SHALL BE SUBJECT TO THE ATTENTION OF THE ENGINEER IN CHARGE.

REVISIONS:
2/15/2024 - 1st BUILT MEASURING
1/24/2024 - 1st BUILT MEASURING
1/14/2024 - 1st BUILT MEASURING
1/14/2024 - 1st BUILT MEASURING
1/14/2024 - 1st BUILT MEASURING
1/14/2024 - 1st BUILT MEASURING
1/14/2024 - 1st BUILT MEASURING
1/14/2024 - 1st BUILT MEASURING

HDC 2024-03-10145

COPYRIGHT NOTICE	MATHews RESIDENCE	HOUSE PLANS		SHEET NO.
		DATE	SCALE	
1/15/2024	1/15/2024	1/15/2024	1/4" = 1'-0"	a 1



UPDATED MEETING POSTING
MEETING POSTING
ORIGINAL POSTING TIME: 2024 APR 05 PM 01:59
ORIGINAL POSTING NUMBER: T 327

RECEIVED

2024 APR 09 PM 02:20
NANTUCKET TOWN CLERK
Posting Number: T 333

TOWN OF NANTUCKET

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)

Committee/Board/s

Historic District Commission (HDC) – OLD Business

Day, Date, & Time

Tuesday, April 09, 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:

Ray Pohl, Chairman

**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: Ray Pohl, Chairman

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

https://us06web.zoom.us/webinar/register/WN_3c61xP5qSeuMp0cEkdzRew#/registration

To watch the live meeting, click here:

<https://www.youtube.com/watch?v=ESApB8aWUGk>

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

Associate Commissioners: Carrie Thornewill, Constance Patten, Joe Paul

Staff: Holly Backus, Esmeralda Martinez, Nicky Sheriff, Adrian Rodriguez, Fiona Johnson, Sara Johnson, and
William Saad

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. In addition, not all "New and Old

Business” applications submitted are listed on the agenda. Please check with the office on Wednesday after the Tuesday meeting for further information.

I. DISCUSSIONS & VOTE

- Updated meeting schedule April – July 2024 – Vote required
- Discussion of Article 38, ATM 2024

II. SIGNS

1. VTT Management	1 Miller Ln	Freestanding sign	68/888	Cara Marquis
-------------------	-------------	-------------------	--------	--------------

III. CONSENT

1. Newman, Robert	6 Topping Lift Road	Front door change	66/308	Self	RP
2. Jesse Dutra	80 Hummock Pond Road	Alpaca shed	56/124	Oliver	RP
3. US REIF Mar. Nan. Fee	6 Bayberry Court	Fenestration/add dormer	55/706	Emeritus	RP
4. Harimon Preston	9 Cedar Cir	New Shed	55/494	Self	SW
5. Steven Kara Gibson	5 Arrowhead Dr	Roof solar	69/304	Sunwind	SW
6. Wright, Bill	5 Goose Cove Ave	Garage	59.4/367	Oliver	SW
7. Charles Bruno	10 Monohansett Road	Hardscaping	79/142	LFW	SW
8. Cascabelles Dos, LLC	5 Shawkemo Hills Ln	Fenestration change	27/40.5	Jonathan Raith	SW
9. Owen Franks	2 Sherburne TP	Addition	30/179	Chip Webster	SW
10. Matt Matthews	43 Union St	Re-issue 2020-02-0968	43.3.2/29	EMDA	SW
11. Whitney Matthews	43 Union St	Re-issue 06-9920	43.3.2/29	EMDA	SW
12. Mark & Amy Tercek	30 Burnell St	Window & Door change	73/2.3	EMDA	SW
13. 256 Polpis LLC	256 Polpis Rd	MH Addition Pergola	25/25	Botticelli & Pohl	SW
14. 9B Crows Nest LLC	9B Crows Nest #2	Rev 2023-11-9497	12/20.2	Botticelli & Pohl	SW
15. Jacob Lilley	19 Ridge Ln	Fence	38/77	Self	SW
16. Anderson Duncan	31 Okorwaw	addition	79/153	NAG	SW
17. Danielle De Benedictis	1 Magnolia Ave	Deck extension	73.3.1/123	Emda	SW
18. Town Line LLC	4 Field Ave	New Dwelling	80/171	Kris Megna	SW
19. Town Line LLC	4 Field Ave	New Dwelling	80/171	Kris Megna	SW
20. Gregory & Angela Furtaw	11 Roberts Ln	New second dwelling	56/36	Normand Res.	SW
21. NHA	6 Norquarta Dr	Solar/ac	67/504	LFW	VO
22. NHA	7 Norquarta Dr	Solar/ac	67/504	LFW	VO
23. NHA	8 Norquarta Dr	Solar/ac	67/504	LFW	JP
24. NHA	9 Norquarta Dr	Solar/ac	67/504	LFW	JP
25. NHA	10 Norquarta Dr	Solar/ac	67/504	LFW	JP
26. NHA	11 Norquarta Dr	Solar/ac	67/504	LFW	JP
27. NHA	12 Norquarta Dr	Solar/ac	67/504	LFW	JP
28. 61 Fairgrounds LLC	63 Fairgrounds Road	Lot D Fencing	67/173.2	LFW	CT
29. 61 Fairgrounds LLC	15 Parker Lane	Shed	67/173	LFW	CT
30. Marybeth Ferro	104 Surfside Road	Move off cottage	67/349	Val Oliver	CP

IV. CONSENT WITH CONDITIONS –

1. NiSHA	1 Evergreen Wy	Move off demo	68/727	Emeritus	
•	Date of construction and elevations/dimensions of the structure to be included. (no heights provided for potential move)				SW
2. Macfarlane, Dudley	27 Bosworth	Pool, driveway	92.4/95	Atlantic	
•	Not visible at time of inspection or thereafter; no grade change from prior existing at time of application.				SW
3. 17 Cannonbury Lane LLC	17 Cannonbury Lane	Hardscaping	73/4.5	LFW	
•	Not visible at time of inspection or thereafter; no grade change from prior existing at time of application.				SW
4. 6 Todd Circle LLC	12 Willard Street	Rev Roofwalk color	42.4.1/53	LFW	
•	Color change (White to NTW) only.				SW
5. NHA	50 Prospect St	New door old mill	55.4.4/25	LFW	
•	Subject to door detail (1/2” scale of both interior and exterior) to reasonably match prior existing shown in historic records, to be reviewed by staff (Holly) for incorporation into the application and COA materials—prior to release of COA.				SW
6. NHA	50 Prospect St	Hardscape	55.4.4/25	LFW	
•	Subject to ½” scale plan drawing showing placement of edging, labeling materials, to be reviewed by staff (Holly) for incorporation into the application and COA materials—prior to release of COA.				SW
7. Gregory & Angela Furtaw	11 Roberts Ln	Addition to existing structure	56/36	Normand Residential	
•	Slightly increase overall width of arched-roof portico while transitioning from half-round to half-elliptical (to allow front door, frontispiece and casings room to breathe).				SW
8. Daly, Thomas	72A Hummock Pond Rd	Roof Solar	56/72.6	Cotuit Solar	
•	Subject to proposed evergreen plantings, as shown and annotated in submission/plan view.				SW
9. Kyle Ambrester	21 Berkley Ave	New basement windows	54/160	Mark Avery	

CERTIFICATE NO: _____

DATE ISSUED: 4/9/24

HDC2024-03-10145

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

TAX MAP N°: 42.3.2 PARCEL N°: 29
Street & Number of Proposed Work: 43 UNION STREET
Owner of record: MATT MATHEWS
Mailing Address: 258 GREENLEY ROAD
NEW CANAN CT 06840
Contact Phone #: 203 536 2928 E-mail: _____

AGENT INFORMATION (if applicable)

Name: EMMA ETHAN MORROW DESIGNS INC.
Mailing Address: PO BOX 1052
NANTUCKET MA 02554
Contact Phone #: 228 0456 E-mail: ethan676comcast.net

FOR OFFICE USE ONLY

Date application received: 8/21/24 Fee Paid: \$ 50
Must be acted on by: 5/25/24
Extended to: _____
Approved: X Disapproved: _____
Chairman: _____
Member: Randy P.
Member: Randy P.
Member: _____

Notes - Comments - Restrictions - Conditions

Motion to approve as submitted

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. 70375
☐ Pool (Zoning District _____) ☐ Roof ☐ Other SMALL HOUSE RENEW COA 2020-5-0968
Size of Structure or Addition: Length: _____ 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*

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

1. East Elevation
2. South Elevation
3. West Elevation
4. North Elevation

RENEW EXPIRED PERMIT FOR NEW Cottage
(NO CHANGES)

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 _____ Barge _____ 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 BLACK

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ 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: 1-20-2024 Signature of owner of record: _____ Signed under penalties of perjury

43 UNION

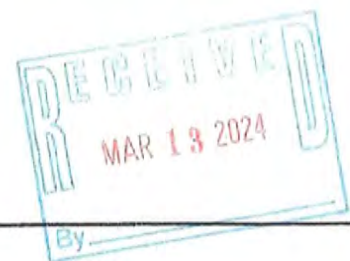


MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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.

Parcels updated December, 2014
Properties updated 03/30/2018

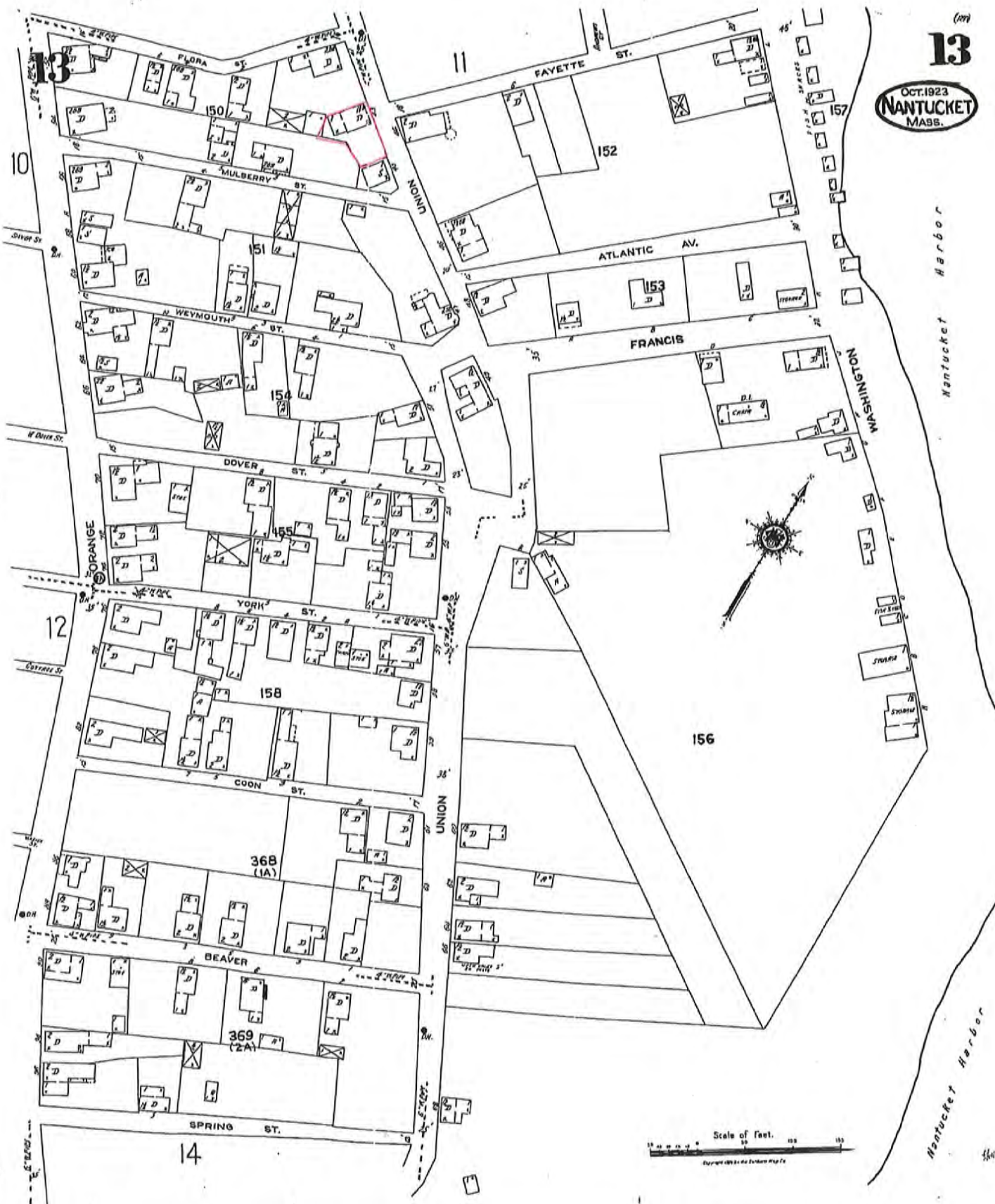
HDC 2024 - 03 - 10145



Vith: [illegible] APPROVA

13

OCT. 1923
NANTUCKET
MASS.



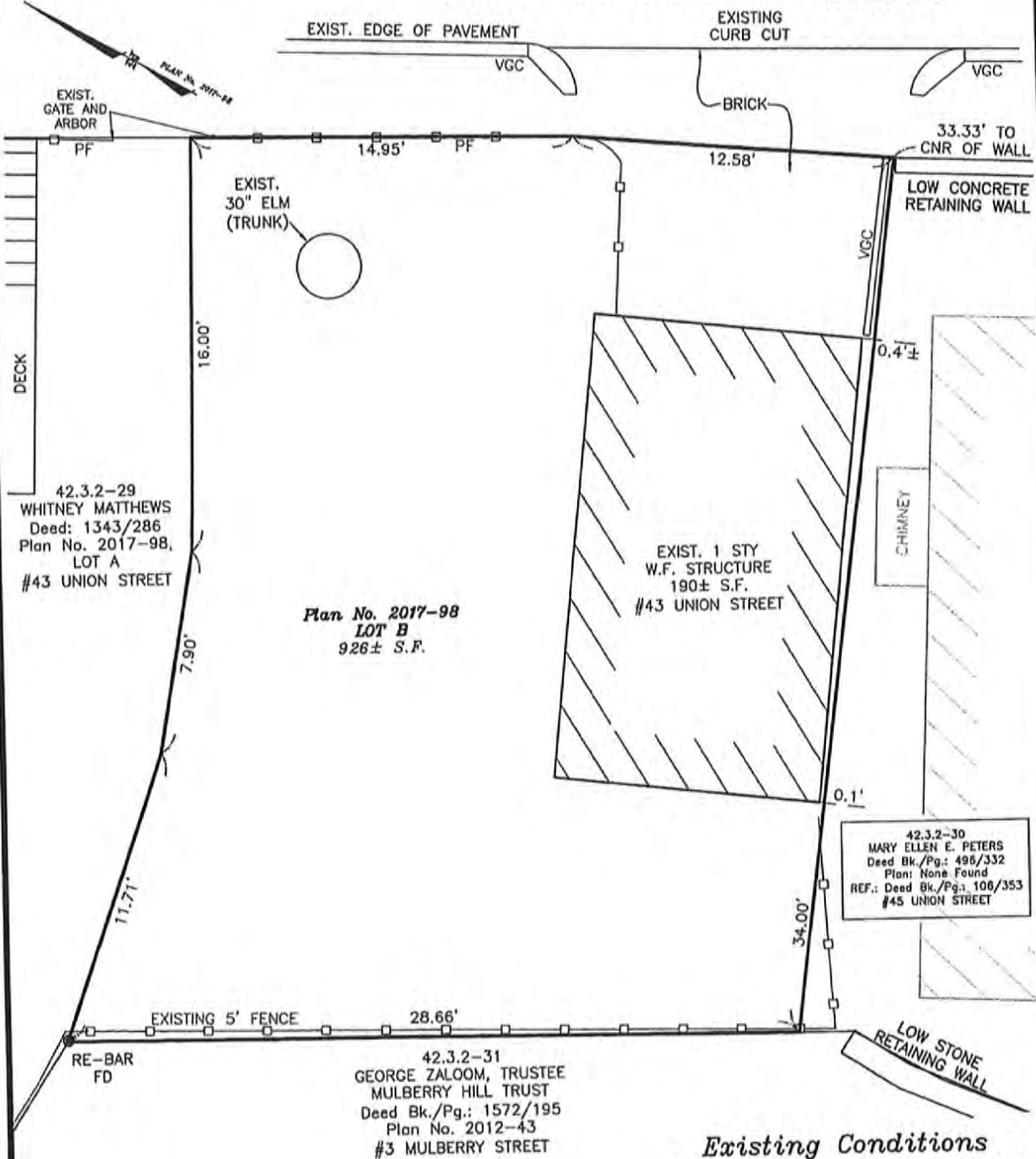
CURRENT ZONING CLASSIFICATION:
Residential Old Historic (R-OH)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER %: 50%

EXISTING:
926 S.F.±
SEE PLAN
20.5% ±

LEGEND
RE-BAR FD ◊ DENOTES REBAR FOUND
VGC ◊ DENOTES EXIST. VERTICAL GRANITE CURB

UNION PUBLIC-VARIABLE WIDTH STREET



Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application in Nantucket, Mass.

SCALE: 1" = 4' DATE: November 06, 2018

Owners: **WHITNEY H. MATTHEWS**,
LOT B
Deed Bk./Pg.: 1343/286 Plan Bk./Pg.: 2017-98
Tax Map-Parcel: . . . 42.3.2-29.1
Locus: . . . 43A UNION STREET

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

ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.

THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR RECORDS. THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.

©Blackwell & Associates Inc.

ZONING CLASSIFICATION: R.O.H.	
MAP 42.32 PARCEL 29	
MIN. AREA:	5,000 sqft.
MIN. FRONTAGE:	50 ft.
FRONT YARD S.B.:	0 ft.
SIDE S.B.:	5 ft.
REAR S.B.:	5 ft.
GROUND COVER (%):	50%



HDC 2024 -03-10145

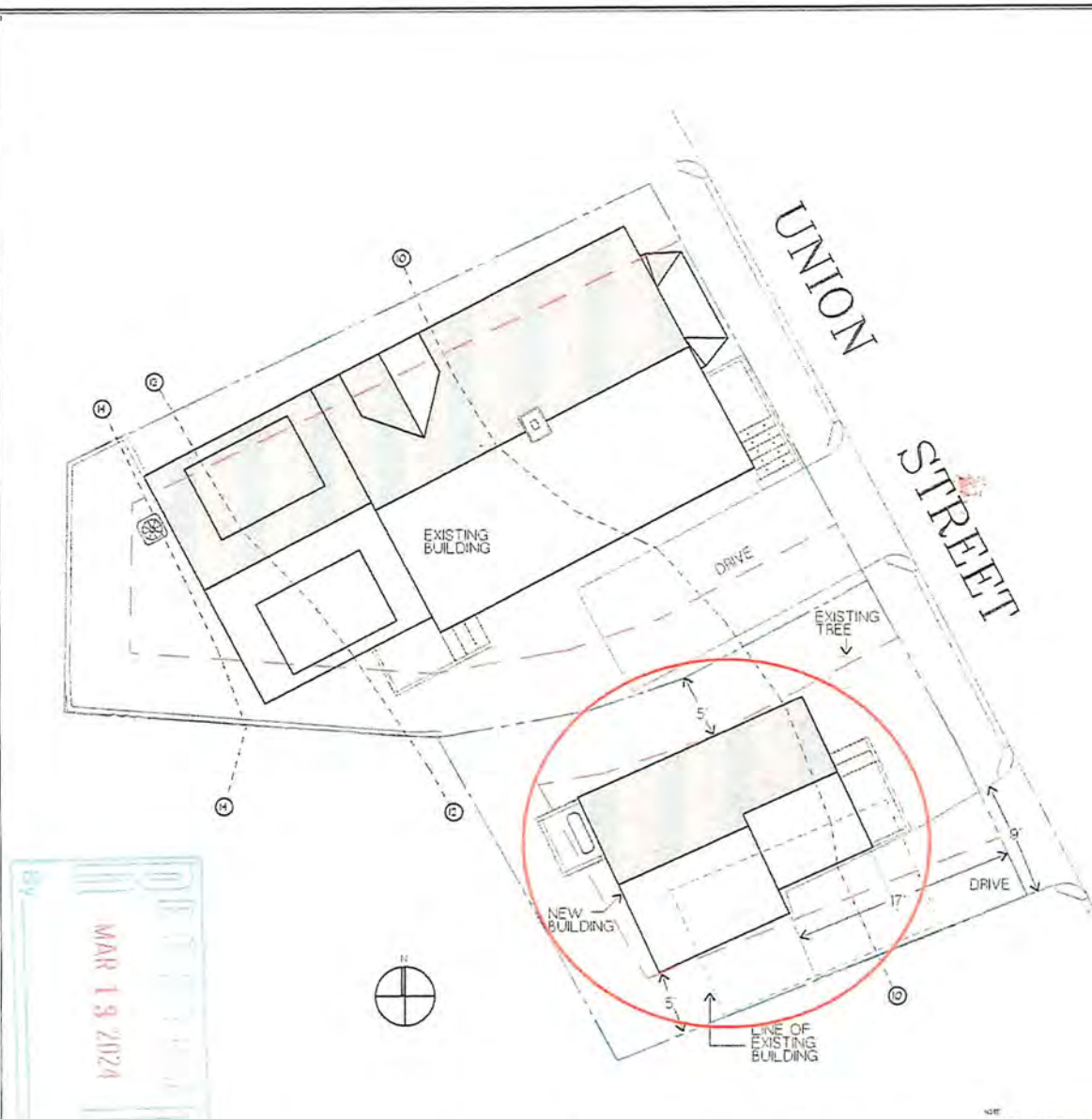
Vithoulas, Georgia

SYM	MANUFACTURER	WINDOW SIZE	QTY.	REMARKS
A	BOSTON SASH	2'-0" x 4'-0 1/2"	4	Lvs. OH
B	BOSTON SASH	2'-0" x 4'-0"	3	Lvs. OH
C	BOSTON SASH	2'-0" x 2'-0"	4	Lvs. OH
D	SPRIGN	3'-0" x 2'-0"	1	1 PER EXTERIOR WOOD DOOR
E	SPRIGN	3'-0" x 2'-0"	1	1 ST. 1 PM. EXTERIOR DOOR

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY ALL UNIT
DIMENSIONS PRIOR TO ORDERING.
IF THERE ARE ANY QUESTIONS OR DISCREPANCIES PLEASE CONTACT THE DESIGNER.

REVISION	DATE	BY
1/10/2016	AS-BUILT MEASUREMENTS	
3/09/2016	AS-BUILT PLANS	
1/14/2016	PROGRESS FRONT	
3/16/2016	HDC FRONT	
3/22/2016	PROGRESS FRONT	
4/06/2020	HDC REVISION	
5/26/2020	HDC REVISION	
6/7/2020	HDC REVISION	

COPYRIGHT NOTICE This drawing is the property of Matthews Residence, Inc. and may not be used without the written consent of Matthews Residence, Inc.	MATTHEWS RESIDENCE 1000 N. 10th St. Tomball, TX 77375 713-261-0000	HDC, SITE PLAN ONLY		SHEET NO. S 1
		DATE 6/17/2020	SCALE 1/4" = 1'-0"	



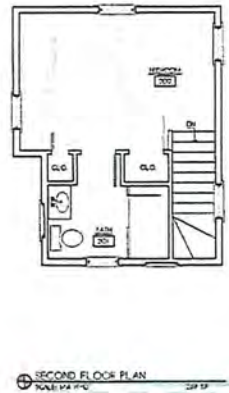
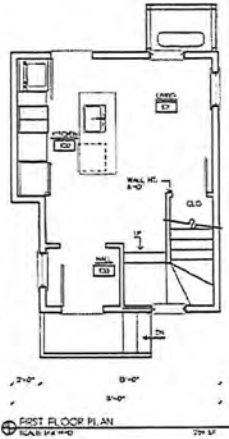
NOTE:
IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CAREFULLY REVIEW ALL ZONING DRAWINGS AND DETAILS FOR ACCURACY AND CONSISTENCY. THE DESIGNER / ENGINEER OF RECORD CANNOT BE HELD RESPONSIBLE FOR WORK INITIATED INCORRECTLY DUE TO MISUNDERSTANDING OR MISINTERPRETATION. IF THERE ARE ANY QUESTIONS, NOTICE THE STRUCTURAL DRAWINGS HAVE BEEN REVIEWED. PLEASE CALL THE ENGINEER OF RECORD BEFORE INITIATING ANY WORK.

NOTE:
ALL SITE WORK SHOULD BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO AND DURING CONSTRUCTION FOR PROPER LOCATION OF PROPERTY / SETBACK LINES.

NOTE:
ALL FINAL DIMENSIONS SHALL BE VERIFIED IN THE FIELD. ANY DEVIATIONS FROM WHAT IS SHOWN SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IN CHARGE.

NOTE:
REMARKS OF THE SET PLAN AND ELEVATIONS FROM THE MATTHEWS SITE PLAN AND A SUPPLEMENTAL SPREADSHEET ARE THE RESPONSIBILITY OF THE DESIGNER. THE DESIGNER DOES NOT CONDUCT A FIELD SURVEY. THE SET PLAN AND ELEVATIONS ARE THE RESPONSIBILITY OF THE DESIGNER. THE SET PLAN AND ELEVATIONS ARE THE RESPONSIBILITY OF THE DESIGNER. THE SET PLAN AND ELEVATIONS ARE THE RESPONSIBILITY OF THE DESIGNER.

MAR 13 2024



REVISIONS:
 2/10/2018 AS-BUILT MEASURING
 3/09/2018 AS-BUILT PLANS
 3/14/2018 PROGRESS PRINT
 3/16/2018 HDC PRINT
 3/27/2018 PROGRESS PRINT
 4/01/2020 HDC REVISION
 5/28/2020 HDC REVISION
 6/7/2020 HDC REVISION

HDC 2024 - 03 - 10145

NOTE:
 IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CAREFULLY REVIEW ALL WORKING DRAWINGS AND DETAILS FOR ACCURACY AND CONSISTENCY. THE DESIGNER / ENGINEER OF RECORD CANNOT BE HELD RESPONSIBLE FOR WORK INITIATED INCORRECTLY DUE TO MISUNDERSTANDING OR MISINTERPRETATION. IF THERE ARE ANY QUESTIONS AFTER THE STRUCTURAL DRAWINGS HAVE BEEN REVIEWED, PLEASE CALL THE ENGINEER OF RECORD BEFORE INITIATING ANY WORK.

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COPYRIGHT NOTICE These drawings are the property of Matthews Residences, Inc. and may not be used without the express or implied permission of Matthews Residences, Inc. or its affiliates. All Rights Reserved.	MATTHEWS RESIDENCE	HOUSE PLANS			SHEET NO.
	1000 N. 10TH ST. DALLAS, TX 75204 PHONE: 214.444.4444	ADDRESS	DATE	SCALE	a1
		1000 N. 10TH ST. DALLAS, TX 75204	6/15/2020	1/4" = 1'-0"	

 NEW EAST ELEVATION
CONCRETE

NEW NORTH ELEVATION
1000 1/4" = 1'-0"

 NEW WEST ELEVATION
"SCALE THE IMAGINATION"

NEW SOUTH ELEVATION
SCALE: 1/4"=1'-0"

SECOND FLOOR PLAN

EAST ELEVATION

North Elevation
Scale 1/4"=1'-0"

WEST ELEVATION
SCALE 1/8" = 1'-0"

SOUTH ELEVATION
SCALE 1/4" = 1'-0"

REVISIONS:

2/10/2018	AS-BUILT MEASUREMENTS
3/09/2018	AS-BUILT PLANS
1/14/2018	PROGRESS PRINT
3/18/2018	HDC PRINT
3/27/2016	PROGRESS PRINT
4/04/2020	HDC REVISION
5/28/2020	HDC REVISION
6/17/2020	HDC REVISION

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MATTHEWS RESIDENCE

[illegible]

HOUSE PLANS

ADDRESS _____
 CITY _____
 STATE _____

SHEET NO.

2	1
---	---

Building 1 : Section 1

Year Built: 1850
Living Area: 1,339
Replacement Cost: \$740,376
Building Percent Good: 86
Replacement Cost Less Depreciation: \$636,700

Building Attributes

Field	Description
Style	Antique
Model	Residential
Grade:	Very Good
Stories:	1.75
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	Clapboard
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	Average
Kitchen Style:	Modern

Building Photo

(<http://images.vgsi.com/photos/NantucketMAPhotos//\00\00\81\20.jpg>)

Building Layout

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	898	898
TQS	Three Quarter Story	588	441
PTO	Patio	240	0
STP	Stoop	112	0
UBM	Basement, Unfinished	898	0
		2,736	1,339

Extra Features**Extra Features****Legend**

No Data for Extra Features

Land**Land Use**

Use Code 1010
Description Single Fam M01
Zone ROH
Neighborhood 750
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 0.05
Frontage 0
Depth 0
Assessed Value \$518,700

Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE			188 S.F.	\$900	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$637,600	\$518,700	\$1,156,300
2017	\$607,900	\$518,700	\$1,126,600
2016	\$607,900	\$500,500	\$1,108,400
2015	\$418,600	\$822,800	\$1,241,400
2014	\$418,600	\$724,100	\$1,142,700

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Minutes for April 17, 2018, adopted May 1

16. Nielsen, Carl	15 Bassett Road	Window well	26-59	Ethan McMorrow
Voting	Pohl, Oliver, Welch, Watterson, Dutra			
Alternates	None			
Recused	None			
Documentation	Architectural elevation plans, site plan, and photos.			
Representing	Ethan McMorrow – Presented project.			
Public	None			
Concerns (5:52)	No concerns.			
Motion	Motion to Approve. (Oliver)			
Vote	Carried unanimously	Certificate #	70057	
17. Mathews, Whitney	43 Union Street	Garage addition	43.3.2-29	Ethan McMorrow
Voting	Pohl, Oliver, Welch, Watterson, Dutra			
Alternates	None			
Recused	None			
Documentation	Architectural elevation plans, site plan, and photos.			
Representing	Ethan McMorrow – Presented project.			
Public	None			
Concerns (5:54)	Oliver – Suggested eliminating the garage doors and make this look like a house. Watterson – It has a short ridge for its height. Welch – This is a dwelling built around an existing garage. The proportions on the east and west are way off. Wants to know what HSAB has to say. Dutra – Nothing to add. Pohl – The gable on the 1.5-story mass is running the wrong direction. This is too ornamental for the tiny, non-descript garage.			
Motion	Motion to Hold for more information on the existing garage and to go back to HSAB and revisions. (Oliver)			
Vote	Carried	Certificate #		
18. 13 Hoick Hollow RT	13 Hoicks Hollow Road	Rev. 69093: dmr & outdr shwr	48-13	BPC
Voting	Pohl, Oliver, Welch, Watterson, Dutra			
Alternates	None			
Recused	None			
Documentation	Architectural elevation plans, site plan, and photos.			
Representing	Joe Paul, BPC – Presented project; the chimney is for a conventional fireplace.			
Public	None			
Concerns (6:22)	(6:08) Motion to Hold for representation. (Oliver) Carried unanimously Motion to reopen. (Welch) Carried unanimously Welch – Not a fan of the dormer/chimney thing. Reducing the height of the chimney might help. Oliver – The chimney through the dormer is peculiar. Dutra – Okay with the 1 st -floor window and outdoor shower pergola. Agrees about the chimney through the dormer; suggested narrowing the chimney's width. Watterson – It's an unconventional fix; but in 3D the dormer won't be that noticeable. Pohl – The dormer comes too close to the rake boards of the eave; suggested running the eave across and using "D" windows instead of "C" windows.			
Motion	Motion to Hold for revisions. (Welch)			
Vote	Carried unanimously	Certificate #		
19. Town of Nantucket	54 Low Beach Road	Demo abandoned building	74-7	Charles Gibson
Voting	Pohl, Oliver, Welch, Watterson, Dutra			
Alternates	None			
Recused	None			
Documentation	Architectural elevation plans, site plan, and photos.			
Representing	None			
Public	None			
Concerns (6:09)	No concerns.			
Motion	Motion to Approve as submitted. (Welch)			
Vote	Carried unanimously	Certificate #	70058	

2.	Simone, James	20 Hussey Street	Hardscape: fence & paving	42.3.4-130	Atlantic Landscp
Voting	Pohl, Coombs, McLaughlin, Welch, Dutra				
Alternates	None				
Recused	None				
Documentation	Landscape design plans, site plan, and photos.				
Representing	Lindsay Congleton , Atlantic Landscaping – Reviewed changes made per previous concerns.				
Public	None				
Concerns (5:00)	Dutra – Suggested no stone trim where the brick meets the asphalt. Consensus agrees with Mr. Dutra.				
Motion	Motion to Approve through staff with no Goshen stone trim where the parking meets the sidewalk. (Welch)				
Vote	Carried 5-0		Certificate #	70374	
3.	Mathews, Mat	43 Union Street	New dwelling	43.3.2-29	Ethan McMorrow
Voting	Pohl, Oliver, Welch, Dutra				
Alternates	None				
Recused	Coombs				
Documentation	Architectural elevation plans, site plan, photos, and advisory board comments.				
Representing	Ethan McMorrow – Reviewed the project and explained the redesign to protect the root system of the large tree. Matt Mathews, owner				
Public	Diane Coombs , 44 Union Street – Her concern is saving the tree.				
Concerns (5:04)	Oliver – Appreciates the changes. Confirmed the piers won't be visible as piers. Mitered trim should be flat. She likes the shutters. The 6-light awning windows should be double hung or hoppers on the east and north elevations. Welch – Had reservations about this being dramatically larger than what exists today. The existing picket fence connects the structure to the street; would like that to remain. The front trim should have flat casing with thicker headpieces. Dutra – Agrees about flattening the trim. Likes the shutters. The north elevation jumps up; clarified that's due to the topography. Pohl – The windows and door should have flat soffit and 1X5 casings.				
Motion	Motion to Approve through staff with the "W" windows to be hoppers; window trim to be 5/4 (1¼)-inch sides with 6/4 (1½)-inch top on the front elevation and flat stock elsewhere; and shutters per Drawing 3. (Welch)				
Vote	Carried 4-0		Certificate #	70375	
4.	Paton, Kristen	33 Orange Street	Rev. 67837; rnvtn & addn	42.3.2-199	Val Oliver
Voting	Pohl, Coombs, McLaughlin, Welch, Dutra				
Alternates	None				
Recused	Oliver				
Documentation	Architectural elevation plans, site plan, historic documentation, and advisory board comments.				
Representing	Val Oliver – Reviewed changes made per previous concerns. Scott Paton , owner – The motion should stipulate that the rear ell is being "razed"; agreed to grey trim.				
Public	None				
Concerns (5:19)	McLaughlin – All that will be visible is the 2 nd floor rear corner from Plum Street; no concerns. Welch – No design concerns; however, any color but white. Dutra – No concerns. Coombs – Confirmed the antique windows and fabric will be reused. Pohl – Grey trim harkens back to the existing structure.				
Motion	Motion to Approve the razing of the rear ell and re-utilizing historic fabric to the extent possible, and through staff with the color to be a typically approvable grey trim, sash, and doors. (Welch)				
Vote	Carried 5-0		Certificate #	70376	
5.	Fiumara, Christopher	9 Pilgrim Road	New dwelling	41-216	Emeritus
Voting	Coombs (acting chair), McLaughlin, Dutra				
Alternates	None				
Recused	None				
Documentation	Architectural elevation plans, site plan, and photos.				
Representing	Matt MacEachern , Emeritus Development – Reviewed changes made per previous concerns.				
Public	None				
Concerns (5:33)	No concerns.				
Motion	Motion to Approve as submitted.				
Vote	Carried 3-0		Certificate #	70377	

VI. NEW BUSINESS

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Whitney Matthews 05-0968	43 Union Street	Rev. 70375: reduce size	43.3.2-29	Ethan McMorrow
Voting	Pohl, McLaughlin, Camp, Oliver, Welch				
Alternates	Dutra				
Recused	Coombs				
Documentation	Architectural elevation plans, site plan, photos, and advisory comments.				
Representing	Matt Matthews, owner Ethan McMorrow				
Public	Diane Coombs, 44 Union Street				
Concerns (6:32)	Matthews – Presented project. McMorrow – The structure is on piers to protect the Town tree. Backus – Subdividing the lot resulted in this smaller lot; appreciates that the elms were accommodated. Coombs (speaking as an abutter) – The existing elm is a Town tree and must be saved. There is one window on the south elevation; that elevation should have another window. North elevation, the 2nd-floor windows are very small. Camp – East elevation, the 2nd-floor windows should move apart. Suggested no shutters on the 2nd-floor north elevation windows. Oliver – Agrees with Ms. Camp about no shutters on the north elevation 2nd floor. On the south, the 2nd-floor should have two windows of the same size as the first floor. North elevation, suggested lattice with roses to mitigate the blank wall. McLaughlin – Nothing to add. Welch – This is generally appropriate and likes the reduction in scale; it's tall. The north elevation shutters aren't an issue due to the tree somewhat blocking the visibility. Agrees with Ms. Oliver about the south elevation and suggested adding shutters. All that is subject to the elm tree remaining in place. Pohl – Agrees. East elevation, it's okay for the door to be out of alignment but would prefer the 1st-floor window move in rather than moving the 2nd-floor windows.				
Motion	Motion to Hold for minor revisions. (Oliver)				
Roll-call Vote	Carried 5-0//Welch-aye; McLaughlin-aye; Camp-aye; Oliver-aye; Pohl-aye			Certificate #	
2.	Daniel Lawson 05-0966	11 Sesapana Road	Front deck/entrance	68-26	Ethan McMorrow
Voting	Pohl, Coombs, McLaughlin, Camp, Oliver				
Alternates	Welch, Dutra				
Recused	None				
Documentation	Architectural elevation plans, site plan, and photos.				
Representing	Ethan McMorrow				
Public	None				
Concerns (6:51)	McMorrow – Presented project. Camp – No concerns. McLaughlin – No comments. Oliver – Suggested a pergola over the deck to tie into the section of remaining roof. Coombs – No concerns.				
Motion	Motion to Approve as submitted. (Oliver)				
Roll-call Vote	Carried 5-0//Coombs-aye; Camp-aye; Oliver-aye; McLaughlin-aye; Pohl-aye			Certificate #	HDC2020-05-0966

III. CONSENT WITH CONDITIONS

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. Nancy Rubilus 06-1113	12 Sandpiper Way	Deck/steps/frnt door	76-86	LINK
• Due to minimal visibility				
2. Faro Strada, LLC 06-1101	20 Sankaty Head Road	Hardscape-pool	48-31	Jardins International
• Due to minimal visibility				
Voting	Pohl, Coombs, Camp, Oliver, Dutra			
Alternates	None			
Recused	None			
Documentation	None			
Representing	None			
Public	None			
Concerns	No additional concerns.			
Motion	Motion to Approve due to minimal visibility. (Coombs)			
Roll-call Vote	Carried 5-0//Camp, Oliver, Coombs, Dutra, and Pohl-aye		Certificate #	HDC2020-06-(as noted)

IV. SIGNS

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. ACK Treetops, LLC 06-1140	28 Center Street	Projecting sign	42.3.1-164	Emeritus
Voting	Pohl, Coombs, Camp, Oliver, Dutra			
Alternates	None			
Recused	None			
Documentation	Sign design plan, site plan, photos, and SAC comments.			
Representing	None			
SAC rep	None			
Concerns	Flynn – Approved per comments.			
Motion	Motion to Approve through staff per SAC comments. (Coombs)			
Roll-call Vote	Carried 5-0//Oliver, Camp, Coombs, Dutra, and Pohl-aye		Certificate #	HDC2020-06-1140

V. OLD BUSINESS

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. Whitney Matthews 05-0968	43 Union Street	Rev. 70375: reduce size	43.3.2-29	Ethan McMorow
Voting	Pohl, Camp, Oliver			
Alternates	None			
Recused	Coombs			
Documentation	Architectural elevation plans, site plan, photos, historic documentation, and advisory comments.			
Representing	Ethan McMorow			
Public	None			
Concerns (4:41)	McMorow – Reviewed changes made per previous concerns. Oliver – Appreciates the changes. Camp – Clarified that the front is clapboard and the setback front elevation shingled; would prefer they be the same material. Suggested removing the return on the setback piece and having a simple rake. Pohl – If the back piece were closer to the front, he'd agree with Ms. Camp, but it's set back about 7 feet.			
Motion	Motion to Approve through staff with the return on the secondary massing of the east elevation. (Camp)			
Roll-call Vote	Carried 3-0//Oliver, Camp, and Pohl-aye		Certificate #	HDC2020-05-0968
2. TLJ Properties 05-1032	24 Bartlett Farm Road	New dwelling	65-86	Emeritus
Voting	Pohl, Coombs, Camp, Oliver			
Alternates	None			
Recused	None			
Documentation	Architectural elevation plans, site plan, and photos.			
Representing	Matt MacEachern, Emeritus Development			
Public	None			
Concerns (4:50)	MacEachern – Reviewed changes made per previous concerns; anticipating heavy vegetation along the west side. Oliver – It's hard to tell scale without some sort of measure but this is larger than houses around it and completely visible. Would prefer the south elevation faced Bartlett Farm Road rather than Mioxie Way. East elevation, if the dormer were smaller, it would help mitigate the size of the house. Her approval would require screening. Would like to see height poles. Coombs – The building is too tall; needs to come down. This is a rural area and should follow the rural guidelines. Camp – Agrees with what's been said; if this were shrunk down, the saltbox idea would fit better. North elevation, the gable dormer overpowers the façade and the windows are swimming in a wall; preferred the shed dormer. Pohl – Shares the expressed views. North elevation dormer, window sills tower above the roof below; suggested pushing the dormer back so the windows are more rooted to the roof. Could reduce the plate height. Agrees about height poles.			
Motion	Motion to View with height poles at each end of the main gable and hold for revisions. (Camp)			
Roll-call Vote	Carried 4-0//Oliver, Camp, Coombs, and Pohl-aye		Certificate #	

43A Union St

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 Patten

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

November 25, 2024

Dear Select Board,

On behalf of the Nantucket Historic District Commission (HDC), I am responding to the appeal filed by Linda Williams on October 14, 2024. This appeal is related to the COA denial dated October 1, 2024, 43A Union Trust c/o Matthews for move off / demolition of a c.1947 garage (HDC2024-08-11015). To watch the discussion, at the HDC on October 1, 2024 meeting, [Nantucket Historic District Commission - October 1, 2024](#) Fast forward to 3:20 timestamp.

This application was reviewed by the Commission on October 1, 2024. During this hearing, there was much discussion about the historic nature of the structure, especially from abutters. It was represented from the appellant that since a new house was approved in its place, the proposed move off / demolition of the garage was just an after-thought. However, each application is reviewed on their own merits.

After due consideration, the HDC denied the move off/ demolition of the c.1947 garage due to *"the uniqueness of this small, mid-century structure (in this area) has helped define the character and setting of one of Nantucket's oldest historic streetscapes (Union Street) for nearly 80 years; as such, the structure is deemed by the sitting commission to be a contributing structure. The proposed demolition – move is therefore denied."* The full copy of the file has been submitted under separate cover, for the Select Board's consideration during the appeal process.

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

Sincerely,

Holly E. Backus
Preservation Planner
Local CLG Coordinator

HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

Fax: 508.325.5346

Property Owner's Name: 43A Union Trust c/o Matthews

Property Address: 43A Union Street

Map: 42.3.2 Parcel: 29.1

Certificate of Appropriateness # HDC2024-08-11015 move off demo of 188sqft garage (c.1947)

Meeting Date: October 1, 2024

NOTES – Comments – Restrictions - Conditions

This application was denied because:

- *The uniqueness of this small, mid-century structure (in this area) has helped define the character and setting of one of Nantucket's oldest historic streetscapes (Union Street) for nearly 80 years; as such, the structure is deemed by the sitting commission to be a contributing structure.*
- *The proposed demolition -move is therefore denied.*

-Motion made by Stephen Welch, HDC Chair



Holly E. Backus,
Preservation Planner / Local CLG Coordinator

CERTIFICATE NO: HDC2024-08-11015DATE ISSUED: 10/1/24

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 DESCRIPTIONTAX MAP N°: 42.3.2 PARCEL N°: 29.1Street & Number of Proposed Work: 43A UNION STREETOwner of record: 43A UNION TRUSTMailing Address: 40 MATTHEWS 258 GREENLEY RD
NEW CANAAN, CT 06840Contact Phone #: 203-536-2928 E-mail: MATTS HOUSES@aol.com**AGENT INFORMATION (if applicable)**Name: LINDA WILLIAMSMailing Address: PO BOX 1446NANTUCKET, MA 02554Contact Phone #: 508-221-0432 E-mail: CZARINA.LINDA@COMCAST.NET**FOR OFFICE USE ONLY**Date application received: 9/26/24 Fee Paid: \$ 100Must be acted on by: 10/24/24

Extended to: _____

Approved: [Signature] Disapproved: [Signature]

Chairman: _____

Member: _____

Member: Ann (No)

Member: _____

Member: [Signature] (No)

Notes - Comments - Restrictions - Conditions

THE UNIQUENESS OF THIS SMALL, MID-CENTURY STRUCTURE (IN THIS AREA) HAS HELPED DEFINE THE CHARACTER AND SETTING OF ONE NANTUCKET'S OLDEST HISTORIC STREETS CAPES (UNION STREET) FOR NEARLY 60 YEARS. AS SUCH, THE STRUCTURE IS DEEMED BY THE SITTING COMMISSION TO BE CONTRIBUTING STRUCTURE. THE PROPOSED DEMOLITION - MOVE IS A THEREFORE DENIED.

DENIED**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 _____Size of Structure or Addition: Length: _____ Sq. Footage 1st floor: 188 SF Decks/Patio: _____ Size: _____ ☐ 1st floor ☐ 2nd floorWidth: _____ 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: CONTRIBUTING REVISIONS* 1. East ElevationHistoric Name: AFTER 1949 AND (describe) 2. South ElevationOriginal Date: By 1957 (c.1947) 3. West ElevationOriginal Builder: OSWELL J. SMALL 4. North ElevationIs there an HDC survey form for this building attached? ☒ Yes ☐ N/A *Cloud on drawings and submit photographs of existing elevations.

DEMOLISH GARAGE
NEW DWELLING HAS BEEN
APPROVED BY HDC TO REPLACE

DETAIL OF WORK TO BE PERFORMEDFoundation: Height Exposed _____ ☐ Block ☐ Block Parged ☐ Brick (type) _____ ☐ Poured Concrete ☐ PiersMasonry 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): _____

Siding: ☐ 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

Siding _____ Clapboard (if applicable) _____ Roof _____

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ 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 this application will initiate a new sixty-day review period.

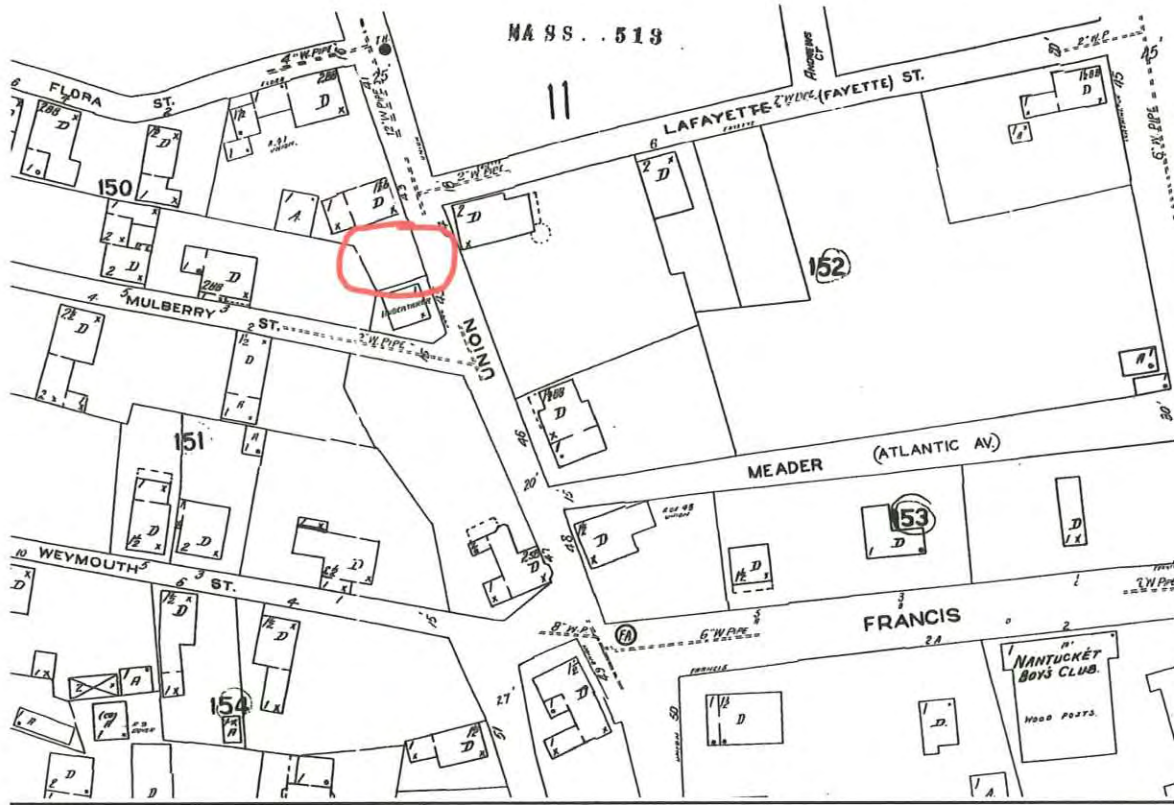
Date: 8/25/2024 Signature of owner of record: [Signature] Signed under penalties of perjury

43A UNION STREET- DEMOLISH/MOVE GARAGE

NEW DWELLING HAS ALREADY BEEN APPROVED BY THE HDC TO REPLACE THE GARAGE



NHA 1949 SANBORN MAP – GARAGE NOT PRESENT



1957 AERIAL



43A UNION STREET – DEMOLISH/MOVE OFF GARAGE



BUILDING-STRUCTURE INVENTORY FORM

NANTUCKET HISTORIC DISTRICT COMMISSION
NANTUCKET, MASSACHUSETTS

SURVEY/

FILM ROLL #: OND-40-18

MAP/PARCEL#: 4232-029

Recorded By: AEG Date: 10/20 Organization: HDG

IDENTIFICATION:

1. STREET NAME & NO.: 42 Union St. 2. BUILDING NAME: _____

3. OWNERSHIP: ☐ a. public ☒ b. private 4. PRESENT OWNER: Garage

5. OWNERSHIP HISTORY: (include owner names, date(s) of ownership, and information source)

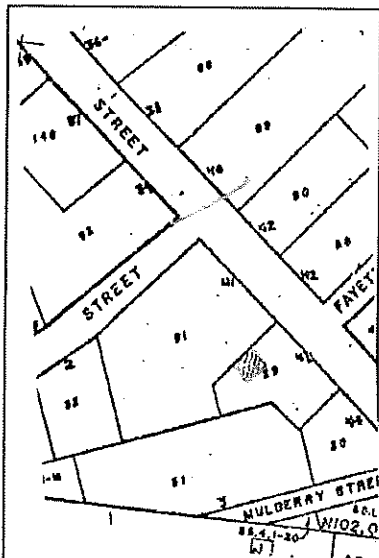
6. USE: Original: Garage Present: Garage
☐ a. seasonal ☐ b. year-round

7. ACCESSIBILITY TO PUBLIC:

Exterior visible from public road: ☒ a. Yes ☐ b. No

Interior accessible, explain: no

8. MAP -- 3 X 2"



DESCRIPTION:

10. FOUNDATION

- ☐ a. brick ☐ b. rubblestone ☒ c. concrete ☐ d. other: _____

11. STRUCTURAL SYSTEM

- ☒ a. post-and-beam ☐ c. masonry load-bearing walls
☐ b. balloon wood frame ☐ d. other: _____

12. EXTERIOR WALL MATERIAL: Front Facade:

- ☒ a. shingles - weathered ☐ c. brick ☐ e. board and batten
☐ b. shingles - painted ☐ d. clapboard ☐ f. flush boarding
☐ g. other: _____

13. EXTERIOR WALL MATERIAL: Side Elevations:

- ☒ a. shingles - weathered ☐ c. brick ☐ e. board and batten
☐ b. shingles - painted ☐ d. clapboard ☐ f. flush boarding
☐ g. other: _____

14. EXTERIOR WALL MATERIAL: Rear Elevation:

- ☒ a. shingles - weathered ☐ c. brick ☐ e. board and batten
☐ b. shingles - painted ☐ d. clapboard ☐ f. flush boarding
☐ g. other: _____

15. NUMBER OF STORIES:

- ☒ a. 1 ☐ c. 1 3/4 ☐ e. 2 1/2 ☐ g. other: _____
☐ b. 1 1/2 ☐ d. 2 ☐ f. 3

16. ROOF SHAPE:

- ☒ a. gable ☐ c. hip ☐ e. other: _____
☐ b. gambrel ☐ d. shed

17. ROOFING MATERIAL:

- ☒ a. composition shingle ☐ b. weathered cedar shingle ☐ c. slate

18. ROOF FEATURES:

- ☐ a. roof walk ☐ e. balustrade
☐ b. dormers on street facade ☐ f. skylight
☒ c. dormers on side elevations ☐ g. roof hatch
☐ d. dormers on rear elevation ☐ h. cupola
☐ i. other: _____

19. DORMER ROOF(S):

- ☐ a. gable ☐ b. hip ☐ c. shed ☐ d. other: _____

20. CHIMNEY MATERIAL:

- ☐ a. brick, unpainted ☐ c. brick, parged ☐ e. concrete block
☐ b. brick, painted ☐ d. rubblestone ☐ f. metal

21. CHIMNEY POSITION:

- ☐ a. center ☐ b. off-center ☐ c. end wall ☐ d. other: _____

22. NUMBER OF CHIMNEYS:

- ☐ a. one ☐ b. two ☐ c. three ☐ d. other: _____

23. CHIMNEY FEATURES:

- ☐ a. corbelling ☐ b. chimney pots/owls ☐ c. pilastered

24. FRONT/PRIMARY DOOR LOCATION:

- ☒ a. center ☐ b. off-center

25. FRONT/PRIMARY DOOR FRAME FEATURES:

(check several
if appropriate)

- ☐ a. sidelights
☐ b. transom
☐ c. plank frame
☐ d. flush frame
☐ e. Federal
☐ f. fanlight
☐ g. blind fan
☐ h. Greek Revival
☐ i. recessed
☐ j. other: 7080019100

26. NUMBER OF BAYS:

- ☐ a. three
☐ b. four
☐ c. five
☐ d. N/A
☐ e. other: 1

27. WINDOW FRAME TYPE:

- ☐ a. flush
☐ b. plank frame
☐ c. bull-nose
☐ d. other:

28. WINDOW SASH TYPE(S) - FRONT FACADE:

- ☐ a. 12/12
☐ b. 9/9
☐ c. 6/6
☐ d. 2/2
☐ e. casement
☐ f. other:

29. PORCH:

- ☐ a. front
☐ b. side
☐ c. wrap

30. DETAILS:

(check several
if appropriate)

- ☒ a. corner boards (plain)
☐ b. corner boards (beaded)
☐ c. corner board (single)
☐ d. entry stairs w. balustrade
☐ e. blinds
☐ f. watertable
☐ g. pilasters
☐ h. trellis
☐ i. other:

31. CONDITION:

- ☐ a. excellent
☒ b. good
☐ c. fair
☐ d. deteriorated

32. INTEGRITY:

- ☐ a. original site
☐ b. moved if so, when?:

Major alterations or additions:
(with dates if known)

SIGNIFICANCE:

33. ROLE THE BUILDING PLAYS:

- ☐ a. individually significant
☐ b. contributing
☒ c. non-contributing

34. DATE OF INITIAL CONSTRUCTION:

SOURCE:

ARCHITECT:

BUILDER:

35. BUILDING TYPE:

- ☐ a. box
☐ b. additive
☐ c. gable front
☐ d. gable ell
☐ e. side-gabled
☐ f. other:

36. STYLE OF ARCHITECTURE:

- | | |
|---|---|
| ☐ a. pre-1750, 2 1/2-story Lean-to | ☐ h. Italianate |
| ☐ b. post-1750, 1 3/4-story Lean-to | ☐ i. Second Empire |
| ☐ c. Typical Nantucket 4-bay | ☐ j. Queen Anne |
| ☐ d. 1 3/4 story, 3-bay | ☐ k. Colonial Revival |
| ☐ e. Federal | ☐ l. Shingle style |
| ☐ f. Greek Revival | ☐ m. Bungalow |
| ☐ g. Gothic Revival | ☐ n. Four Square |

☐ o. other: _____

37. HISTORICAL AND ARCHITECTURAL IMPORTANCE: _____

38. SOURCES:

- | |
|--|
| ☐ a. Registry of Deeds: _____ |
| ☐ b. Assessor's Records: _____ |
| ☐ c. Lancaster, <u>The Architecture of Historic Nantucket</u> , page: _____ |
| ☐ d. H. C. Forman, <u>Early Nantucket & Its Whaling Houses</u> , page: _____ |
| ☐ e. Sanborn Maps, date: _____ |
| ☐ f. NHA photos: _____ |
| ☐ g. HABS research: _____ |
| ☐ h. NHA plaque records: _____ |
| ☐ i. other: _____ |

GENERAL SETTING AND ORIENTATION OF BUILDING:

39. LOT SIZE: ☐ a. 1/2 acre or less ☐ b. 1/2 acre or more: _____

40. APPROXIMATE FRONTAGE: _____ feet

41. SETBACK FROM STREET: ☐ a. at sidewalk ☐ c. 20 feet or less
☒ b. 10 feet or less ☐ d. other: _____

42. ORIENTATION TO STREET ADDRESS: ☐ a. gabled ☒ b. ridge parallel ☐ c. other: _____

43. SURROUNDINGS: (check several if appropriate)

☒ a. densely built-up	☒ d. residential
☐ b. scattered buildings	☐ e. commercial
☐ c. open land	☒ f. old historic district

44. RELATED OUTBUILDINGS AND PROPERTY:

See form(s): _____

- | | | | |
|---|---|---|----------------------------------|
| ☐ a. barn | ☐ b. privy | ☐ c. shop | ☐ d. arbor |
| ☐ e. carriage house | ☐ f. shed | ☐ g. gardens | ☐ h. deck |
| ☐ i. garage | ☐ j. greenhouse | ☒ k. fence | ☐ l. parking |
| ☐ m. scallop shanty | n. landscape features: _____ o. other: <u>hedge</u> | | |

45. OTHER NOTABLE FEATURES: _____

(Building or site including interior features if known) _____

CURRENT ZONING CLASSIFICATION:
Residential Old Historic (R-OH)

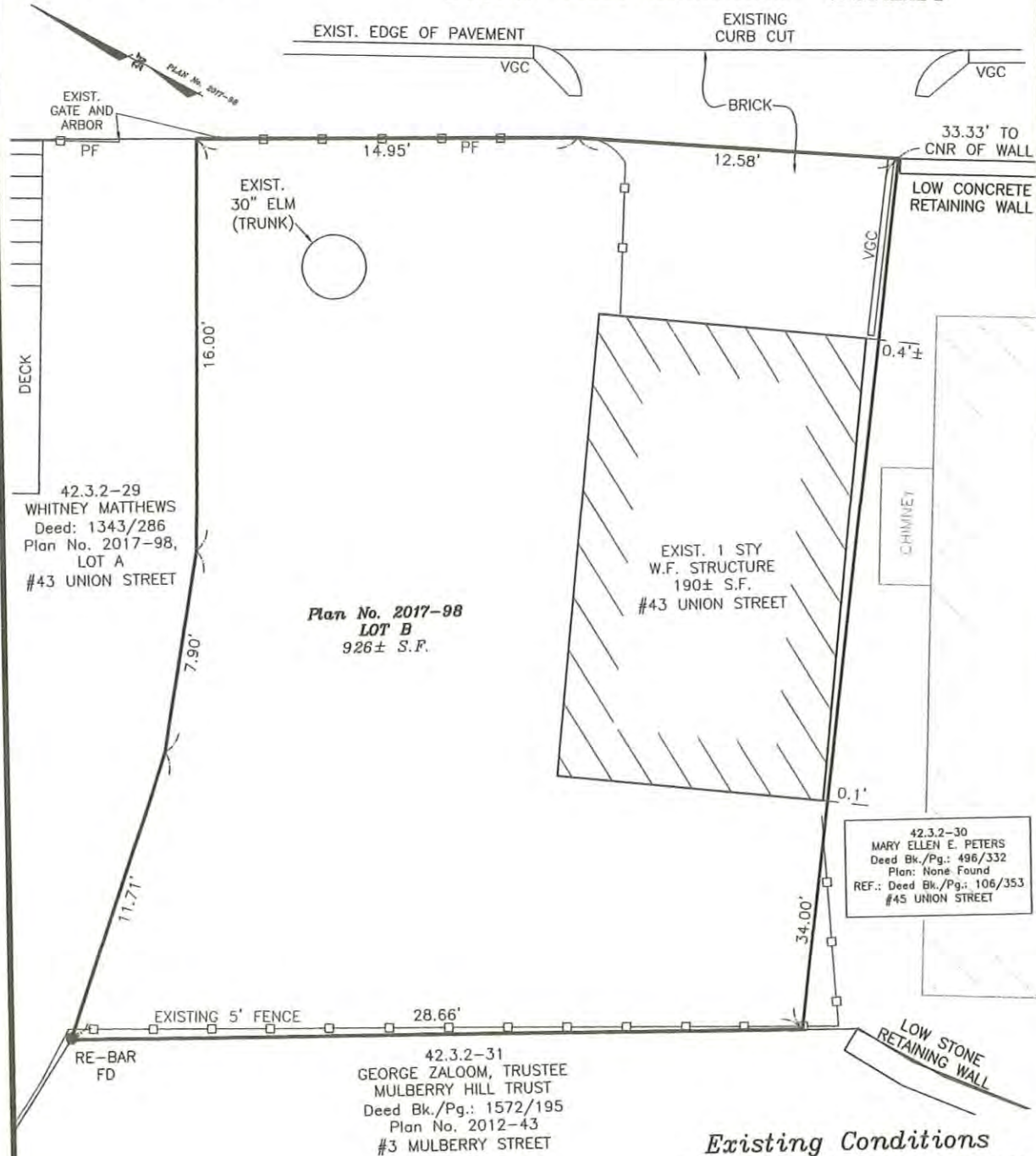
MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER %: 50%

EXISTING:

926 S.F. ±
SEE PLAN
SEE PLAN
20.5% ±

LEGEND
RE-BAR FD ◻ DENOTES REBAR FOUND
VGC ◻ DENOTES EXIST. VERTICAL GRANITE CURB

UNION PUBLIC-VARIABLE WIDTH STREET



Existing Conditions Site Plan to Accompany Zoning Board of Appeals Application

in
Nantucket, Mass.

SCALE: 1" = 4' DATE: November 06, 2018

Owners: **WHITNEY H. MATTHEWS**, LOT B
Deed Bk./Pg.: 1343/286 Plan Bk./Pg.: 2017-98
Tax Map-Parcel: . . . 42.3.2-29.1
Locus: . . . 43A UNION STREET

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

ORIGINAL SIGNED AND STAMPED COPIES OF THIS PLAN MAY BE PHOTOCOPIED BY THE BOARD OF APPEALS OR THE NANTUCKET REGISTRY OF DEEDS FOR RECORDING PURPOSES. IN CASES OF DISCREPANCIES REGARDING INFORMATION CONTAINED HEREON AND UNAUTHORIZED PHOTOCOPIES OF THIS PLAN, ONLY ORIGINALLY STAMPED AND ENDORSED COPIES SHALL BE ACKNOWLEDGED BY THE CERTIFYING LAND SURVEYOR.

THIS INSPECTION PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO THE NANTUCKET BOARD OF APPEALS AND IS NOT TO BE CONSIDERED A FULL INSTRUMENT SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.

THIS INSPECTION PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF NANTUCKET ASSESSOR RECORDS.

THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN ITS INTENDED USE STATED ABOVE.

© Blackwell & Associates Inc.

1938



CERTIFICATE NO: _____

DATE ISSUED: 4/9/24

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

CERTIFICATE OF APPROPRIATENESS

for structural work.

HDC 2024-03-10145

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°: 43.3.2 PARCEL N°: 29
Street & Number of Proposed Work: 43 UNION STREET
Owner of record: MATT MATHEWS
Mailing Address: 258 GREENLEY ROAD
NEW CANAAN CT 06840
Contact Phone #: 203 536 2928 E-mail: _____

AGENT INFORMATION (if applicable)

Name: EM DA ETHAN MORROW DESIGNS INC.
Mailing Address: PO Box 1052
NANTUCKET MA 02554
Contact Phone #: 228 0456 E-mail: ethan676comcast.net

FOR OFFICE USE ONLY	
Date application received: <u>3/21/24</u>	Fee Paid: \$ <u>50</u>
Must be acted on by: <u>[Signature]</u>	
Extended to: _____	
Approved: <u>[Signature]</u>	Disapproved: _____
Chairman: _____	
Member: <u>[Signature]</u>	
Member: <u>[Signature]</u>	
Member: _____	
Member: _____	
Notes - Comments - Restrictions - Conditions <u>Notion to approve as Submitted</u>	

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. 703-25
☐ Pool (Zoning District _____) ☐ Roof ☐ Other SMALL HOUSE Renew COA 2020-5-0968
Size of Structure or Addition: Length: _____ 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

2. South Elevation

3. West Elevation

4. North Elevation

RENEW EXPIRED PERMIT FOR NEW Cottage (NO CHANGES)

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 _____ Bake _____ 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 BLACK

Trim _____ Sash _____ Doors _____

Deck _____ Foundation _____ Fence _____ Shutters _____

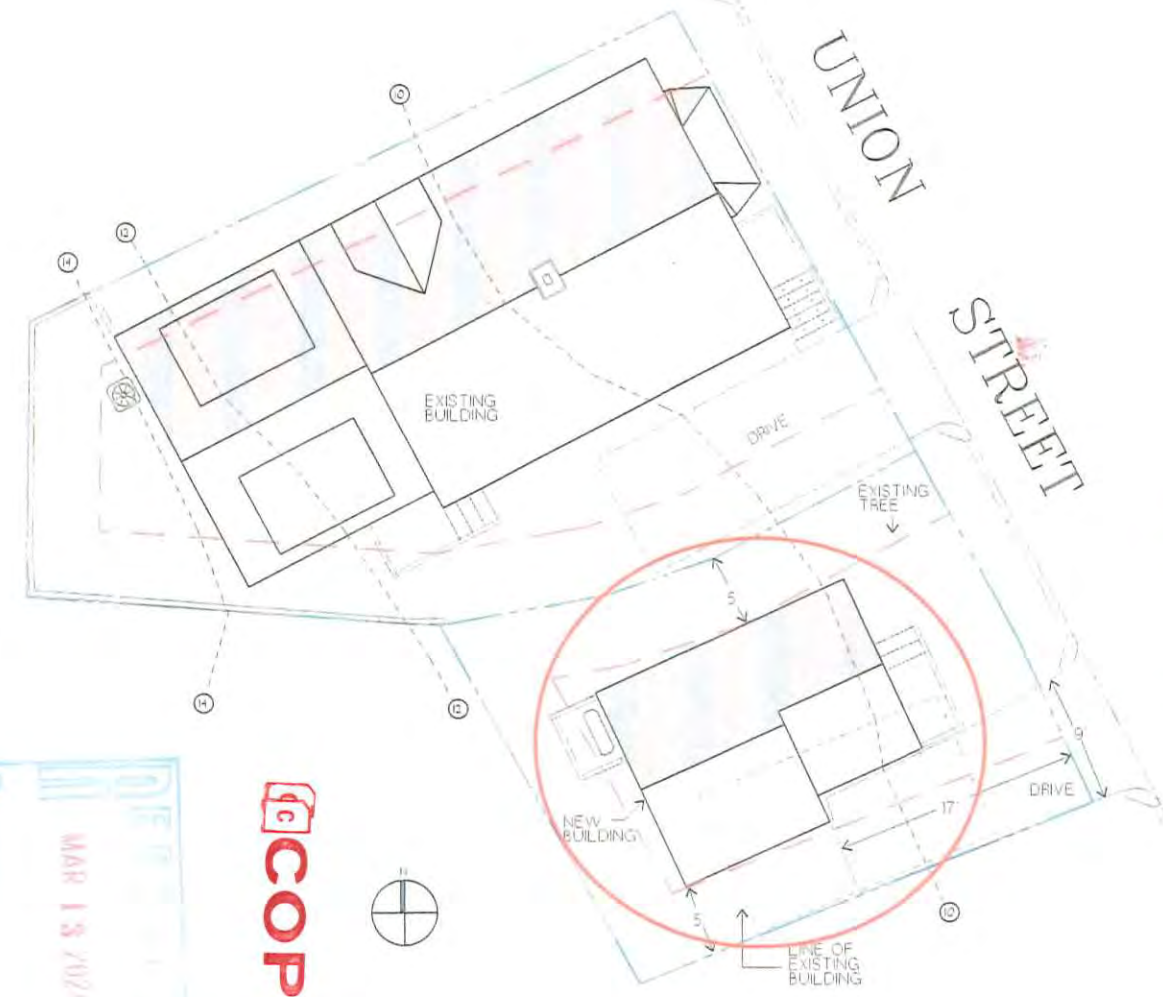
* Attach manufacturer's color samples if color is not from HDC approval list.

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.

ZONING CLASSIFICATION R.O.M.	
MAF 42.12	PARCEL 29
MIN. AREA	5,000 sqft
MIN. FRONTAGE	20 ft
FRONT YARD SB.	0 ft
SIDE SB.	5 ft
REAR SB.	5 ft
GROUND COVER IN	50%



UNION STREET



HDC 2024 - 03 - 10145

Vithnu

SYM	MANUFACTURER	WINDOW SIZE	QTY	REMARKS
A	BOSTON SASH	2'-0" x 4'-0" x 2"	4	4 1/2 IN
B	BOSTON SASH	2'-0" x 4'-0"	3	4 1/2 IN
C	BOSTON SASH	2'-0" x 2'-0"	4	4 1/2 IN
D	SWISS	2'-0" x 4'-0"	1	4 1/2 IN
E	SWISS	2'-0" x 4'-0"	1	4 1/2 IN

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY ALL VIT
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REVISIONS:
 2/10/2016 AS-BUILT MEASURING
 3/09/2016 AS-BUILT PLANS
 3/10/2016 PROGRESS PRINT
 3/16/2016 HDC PRINT
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 4/04/2020 HDC REVISION
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MAR 13 2024

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 INFORMATION FOR THE SITE PLAN AND FLOOR PLANS FROM THE SURVEYOR'S SURVEY AND A SET OF PLANS FROM THE LAND SURVEYOR'S OFFICE. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE. ALL SETBACKS ARE TO THE CENTERLINE OF THE DRIVE. ALL SETBACKS ARE TO THE CENTERLINE OF THE DRIVE. ALL SETBACKS ARE TO THE CENTERLINE OF THE DRIVE.

COPYRIGHT NOTICE		MATTHEWS RESIDENCE		HDC SITE PLAN ONLY		SHEET NO.	
Matthews Residence		Matthews Residence		Matthews Residence		1	
Matthews Residence		Matthews Residence		Matthews Residence		1	
Matthews Residence		Matthews Residence		Matthews Residence		1	



FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



NEW EAST ELEVATION
SCALE 1/4" = 1'-0"



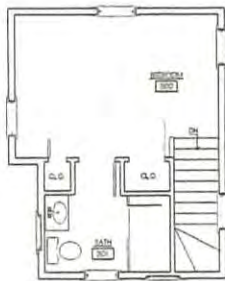
NEW NORTH ELEVATION
SCALE 1/4" = 1'-0"



NEW WEST ELEVATION
SCALE 1/4" = 1'-0"



NEW SOUTH ELEVATION
SCALE 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"

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HDC 2024-03-10145

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3/09/2016 AS-BUILT PLANS
3/14/2016 PROGRESS PRINT
3/16/2016 HOC PRINT
3/27/2016 PROGRESS PRINT
4/01/2020 HOC REVISION
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6/17/2020 HOC REVISION

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	DATE 6/11/2020	SCALE 1/4" = 1'-0"	ADDRESS 41 SOUTH STREET MATTHEWS, MA 02124		

Sheet No.	a 1
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STAFF REVIEW

Staff: HOLLY BACKUS, PP

Date: OCT 2024

Address: 43A UNION ST

Historic info: _____

HOC SURVEY = MN CONTRIBUTION
ON 1938 AERIAL

OZZIE
SMALL

Scope of Work: MOVE OFF DEMO

Staff Comments: THE RAGW STRUCTURE WAS
ORIGINALLY APPROVED PRE-2019 +
REMOVED IN 2020 + RECENTLY REMOVED.
* HOWEVER - IN 2020 I REMEMBER
THIS STRUCTURE (GAMMA) WAS
DISCUSSED + THE TREE.
WHEN IS THAT PREVIOUS APPROVAL?

Staff Recommendations: _____

MOVE GAMMA ONLY

From: [Dana Zaloom](#)
To: [Holly Backus](#)
Subject: Re: Opposition to Proposed demo of garage/ build out of new house at 43 A Union
Date: Tuesday, September 24, 2024 11:50:20 AM
Attachments: [image001.png](#)

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.

Thanks Holly!

I wanted to include one other thing about the tree.

It absorbs alot of the ground water (thank God). If it dies, that just adds more run off to collect in the street which is already saturated.

Ok. I've said enough!

Thanks again for your help!

All the best,

Dana Z.

Dana Zaloom

danazaloom@gmail.com

(310) 804-3049

On Tue, Sep 24, 2024 at 7:42 AM Holly Backus <hbackus@nantucket-ma.gov> wrote:

Good Morning Dana,

Thank you for your email.

I will forward to the board for their consideration.

Thank you,

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: Dana Zaloom <danazaloom@gmail.com>

Sent: Monday, September 23, 2024 12:32 PM

To: Sara Johnson <sjohnson@nantucket-ma.gov>

Cc: Holly Backus <hbackus@nantucket-ma.gov>; mary ellen peters <mep45union@yahoo.com>; treeman1218@msn.com; George Zaloom <georgezaloom@gmail.com>; Steven Cohen <steven@cohenlegal.net>

Subject: Opposition to Proposed demo of garage/ build out of new house at 43 A Union

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.

Hello Sarah,

Very nice speaking with you this morning! Since I will be traveling tomorrow and will most likely miss the HDC meeting, I am sending along my concerns in writing as you suggested. Thank you forwarding them on to the correct board members who will read them and respond.

My name is Dana Zaloom and I live at 3 Mulberry Street. I am an Abutter to 43A Union Street. Listed below are my grievances about this project:

1. I did not receive a notice that this project was about to proceed again. I found out through my Neighbor Mary Ellen Peters one week ago. There is no excuse for this as I was listed as an abutter every other time a notice had been sent out. I have spoken to the assessors office to get all of our addresses as abutters correct and still did not receive a notice. When things like

this happen, it makes me feel that the governing bodies don't want me to see what's going on in front of my property.

1A. This issue was handled by our attorney Steven Cohen over a year ago and dismissed. Why is it being brought up again? I am surprised that it is on the docket again.

2. I am deeply concerned that the demolition of this tiny garage which will allow for the build out of a new house will destroy one of the most beautiful Elm trees on Nantucket and that it is a gross misuse of the property. There have been many studies conducted about saving this tree and its root system, all of which conclude that any construction around it will eventually kill it.

3. Also, subdividing this lot and creating two non-conforming sized lots is absurd. Putting a two story house on a tiny lot with no yard or parking just doesn't make any sense. It would also require an additional parking space on a very congested part of Union Street because the new lot size cannot accommodate any parking whatsoever. Go look at it...and you'll see what I'm talking about!

4. The obstruction of an Historic Vista as one drives down Mulberry Street is also a major concern. I thought there was an effort being made by the HDC to preserve these few remaining open spaces which have been in place for centuries? That Elm tree and the beautiful vista it provides is what Nantucket looked like 100+ years ago. Killing it to make room for a new house with no parking makes no sense in reaching your goals of preserving old Nantucket. Dale Gary the town arborist has been to the property numerous times and has confirmed that any construction that close would kill the tree.

5. The effect that this new house would have on its most direct abutter, MaryEllen Peters is extreme. It will cut off any natural light to the entire side of her home which abuts it. I believe the set back is also non-conforming at 2 feet?

6. The water table in this area is another concern. It is very fragile and many times a year the sea water, heavy rains and sewage back up into the only storm drain available which abuttes Liz Coffin's property at 47 Union. Adding another dwelling which uses all water services will create more water than the system can handle. Water seeps up through the street itself all year long and creates a swamp-like pond at the bottom of Mulberry and Union.

7. I am requesting a Site Visit by the board members to see the above mentioned concerns

which I and my neighbors have about this project. I will be on Island Wednesday, September 25th and would be happy to show you all of these issues at your earliest convenience.

Thank you for your attention to my concerns. I know that you are very good at what you do and appreciate all the time and effort you take at keeping Historic Nantucket historic!

Best,

Dana Zaloom

Dana Zaloom

danazaloom@gmail.com

(310) 804-3049

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Oct. 29. Early
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at Nantucket

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—Plato
ilosopher

been reached.

The evening was moderat-
ed by Sarah Alger, who was a
model of clear instruction, good
explanations and the ability to
keep the train moving along
the tracks.

I do not write to discuss spe-
cific points or to take sides, but
to encourage all those wres-
tling with the topic not to give
up, no matter how long the dis-
cussion.

It is important to under-
stand, as did most of the speak-
ers, that the issues raised are
both important and wide-
spread.

Having lived and worked
abroad for several decades, I
write from the perspective of
other popular touristic islands
dealing with similar problems.

In Greece, the islands of
Mykonos, Paros and Santorini
are overrun by tourists during
the summer months, putting
tremendous stress on the local
inhabitants socially, economi-
cally, environmentally and on
much infrastructure.

While the benefits to the
local economy are real, so are
the costs, in terms of housing,
transportation and traffic, the
supply and quality of water,
sufficient electricity, excessive
noise and space generally.

Their very success in appeal-
ing to visitors has rendered
these islands and several oth-
ers almost inhabitable during
the tourist season. Finding af-
fordable housing for the neces-
sary seasonal workers is an an-
nual headache for businesses.
Sound familiar?

In Athens, the capital city
with 4 million inhabitants,
short-term rentals are credit-
ed with a lack of properties, for
sale at inflated prices, and the
government is struggling with
how to tax and manage this
branch of urban real estate.

Not just in Greece, either,
the Mediterranean islands
and coast of Spain are loudly
questioning the benefits of so
many tourists, while the island
of Venice is considering a sub-
stantial admission fee for all
visitors.

The solution? Who knows?
But the quality of the debate
at town meeting suggests that
those who have worked so long
on the problem of housing ren-
tals on Nantucket are asking
the right questions.

Not a matter of who won or
lost, but praise for so carefully
examining the possible conse-
quences of any final decisions.
Decisions that other islands
around the world are also
having to address at the same
time. As an island we may be
faraway, but we are not alone.

JOHN CAMP
Athens, Greece

ranonll earlier this month.

Can wind farms withstand a major storm?

To the Editor:

Efforts to protect Nantucket
Sound from development have
been with us for more than 20
years. Those efforts have been
aimed at the risks involved in
“industrializing” the sound
with the placement of dozens,
maybe even hundreds, of wind-
mills.

Much of the news the past
couple of weeks (and likely
over the next few weeks) has
been focused on hurricanes.
The death and destruction ma-
jor storms can bring to a com-
munity are awesome.

There have been three re-
ported windmill blade failures
over the past several months:
two in the U.K. and one off
Nantucket. Those failures all
took place in normal weather.
What would happen in a hur-
ricane?

Multiple failures would like-
ly bring environmental, eco-
nomic and cultural catastro-
phe to the region. Nantucket
Sound should never be the site
of a wind farm.

The comments above are not
a vote against green energy.
They are intended to illustrate
how important the location of
proposed wind farms is and
the risks they represent for our
communities.

If any of this commentary
seems exaggerated, please go
watch the videos of Hurricane
Helene’s march through North
Carolina.

BOB PUFF

HDC praised for saving “auto house”

To the Editor:

As a year-round resident of
Union Street, I want to com-
mend the Historic District
Commission for listening to
the voices of our neighborhood
opposing the demolition of a
small, historic structure at 43
Union St. in our Residential
Old Historic District.

At risk was an old, small
wooden garage facing direct-
ly on the street and seen by
pedestrians and passersby on
this main artery into town. Its
small-scale charm and histor-
ic character were slated to be
taken down to its foundation
with jackhammers and re-
placed with a pre-fabricated
residence. Due to its small size,
it was perceived as a throw-
away.

What looks like a modest
storage structure is actually
an “auto-house,” a late version
(1946) of an arts-and-crafts
building for storing an auto-
mobile. Two windows on three

sides and an exterior rose
trellis display its charm with
pride.

While it is now unique to
Union Street, these garages
were once seen all up and
down Weymouth Street and
surrounding lanes. It’s a great
little example of how Nantuck-
et Island finally accepted auto-
mobiles, after at first banning
them.

In denying this demolition
request, the Historic District
Commission indirectly saved
a nearby American elm tree,
called by the town tree warden
the “queen of the street.”

The Historic District Com-
mission has been under a bar-
rage of demolition requests
throughout the entire district,
besieged by stunning amounts
of paperwork and harassed by
cynical appeals in aid of mak-
ing money at the expense of
our neighborhoods.

Thanks are due to the com-
missioners for their clear and
careful consideration on the
merits of this small but signif-
icant contribution to our his-
tory. They have helped bring
a measure of social stability
and cultural pride to our year-
round community.

LIZ COFFIN

Select Board response to turbine blade failure

To the Editor:

Since the Vineyard Wind 1
turbine blade shattered and
fell into the ocean off Nantuck-
et and began washing ashore,
town leadership, like the pub-
lic, has been alarmed and deep-
ly concerned.

While our community is
committed to doing our part
to address climate change, we
have had to confront the very
real and lasting adverse im-
pacts of offshore wind develop-
ment.

The turbine blade failure
contaminated our coastal wa-
ters, restricted access to our
beaches, negatively impacted
our local businesses and has
required months of focused at-

tention to the aftermath which
continues unabated. Our en-
tire community has felt the
repercussions of the turbine
failure.

As your elected representa-
tives on the Nantucket Select
Board, my colleagues and I are
committed to holding compa-
nies and federal and state gov-
ernment leaders accountable
for the damage they caused.
We want Nantucket residents
to know what we are doing to
address the harm done to our
island and our community.

First, we are gathering infor-
mation about what it will cost
to repair the damage done by
the turbine blade failure. This
information is critical to secur-
ing fair compensation for Nan-
tucket’s government, residents
and businesses.

We are:

- Hiring a nationally recog-
nized damages expert to eval-
uate the short-, medium- and
long-term harms to Nantuck-
et’s environment and economy
- Soliciting information
from residents, business own-
ers and members of the fishing
industry to quantify economic
or other losses

• Researching the likelihood
of future turbine failures and
the potential costs involved.

Second, we are negotiating
directly with the companies
and government officials re-
sponsible for the operation of
Vineyard Wind 1.

We are:

- Insisting on additions to
our community benefit agree-
ment to improve communica-
tions and protocols for future
technology failures, exceeding
state and federal requirements

• Demanding compensation
for this event and establishing
future safeguards from Vine-
yard Wind’s owners and GE
Vernova, the manufacturer of
the turbine blades

• Collaborating with the
commonwealth to demand that
the Bureau of Ocean Energy
Management thoroughly as-
sess potential harm to the nat-
ural and human environment

LETTERS, PAGE 11A

The Inquirer and Mirror

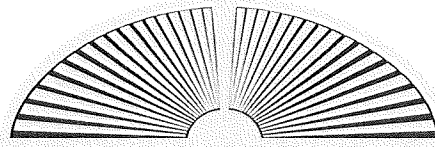
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Preserving the Island's Architectural Heritage

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Esta-Lee Stone

Marie Sussek

Pam Waller

Executive Director

Mary Bergman

December 3, 2024

Brooke Mohr, Chair
Nantucket Select Board
via email

Dear Chair Mohr,

I am writing to urge the Nantucket Select Board to uphold the Nantucket Historic District Commission's (HDC) denial of Certificate of Appropriateness (COA) Number 2024-08-11015 (demolition/move-off of the garage at 43A Union Street).

The HDC's decision to deny the COA at 43A Union Street was neither arbitrary nor capricious. The garage at 43A Union Street is a structure contributing to the Nantucket National Historic Landmark District. The HDC listened to evidence presented and determined that the garage is a unique, historic structure that has stood for nearly 80 years, and helps define the character and setting of one of Nantucket's oldest historic streetscapes (Union Street).

The HDC has denied the demolition of other garages in town, most recently 126R Main Street, allowing the garage to be moved and re-constructed on site, but not demolished. The garage at 126R Main Street was in arguably poorer condition than the garage at 43A Union Street, and still the 126R Main Street garage demolition was denied.

One of the "Goals for Construction in the Old Town of Nantucket" as cited in *Building with Nantucket in Mind* is "To preserve the integrity of the historic buildings that physically express the history of the island." (BWNIM, 9) The garage (or auto-house) at 43A Union Street is such a building. Nantucket voters banned automobiles via a Special Act that was in effect from 1908 until 1918. Within ten days of the repeal, historian Frances Karttunen notes there were 24 autos and a car dealer on the island. The construction of garages such as 43A Union Street, built in the years after the auto ban was repealed, are a physical expression of the history of Nantucket and the island's evolution.

The Nantucket Historic District Commission was well within their jurisdiction to deny the demolition of the COA at 43A Union Street, and the Nantucket Select Board should support the HDC in their efforts to preserve Nantucket's Local Historic District and National Historic Landmark District.

Sincerely,

Mary Bergman
Executive Director