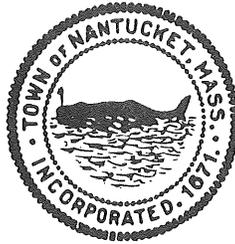


Town and County of Nantucket
Board of Selectmen • County Commissioners

James R. Kelly, Chairman
Rick Atherton
Robert R. DeCosta
Matt Fee
Dawn E. Hill Holdgate



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

*AGENDA FOR THE MEETING OF THE
COUNTY COMMISSIONERS
JUNE 22, 2016 - 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS*

I. CALL TO ORDER

II. ANNOUNCEMENTS

1. The County Commission Meeting is Being Video/Audio Recorded.

*III. PUBLIC COMMENT**

*IV. NEW BUSINESS**

V. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of May 25, 2016 at 6:00 PM; June 1, 2016 at 6:00 PM.
2. Approval of Payroll and Treasury Warrants for June, 2016.

VI. PUBLIC HEARINGS

1. Public Hearing to Consider Road Takings and Layouts and Acceptance of Access Easement, Pursuant to MGL Chapters 79 and 82, as Amended, as Follows (Continued from May 25, 2016):
 - a) Acceptance of Access Easement from Cape Cod Five Cents Savings Bank at 112 Pleasant Street Shown as "Proposed Driveway Easement D" on Plan No. 2014-73, Recorded with said Deeds.
2. Public Hearing to Consider the Acquisition of a Permanent Non-exclusive Easement in Gross to Use, for all Purposes for which a Public Sidewalk is Commonly used in the Town of Nantucket, Including Use by the General Public, those Portions of said Lots 3 and 4 Shown as "5' Wide Sidewalk Easement, Area = 1724 Sq. Ft." ("Easement Area") on Plan Entitled "Easement Plan of Land in Nantucket, Massachusetts, Prepared for: Stop & Shop," Prepared by Vanasse Hangen Brustlin, Inc. and Dated June 25, 2015.

VII. COMMISSIONERS REPORTS/COMMENTS

VIII. ADJOURNMENT

** Identified on Agenda Protocol Sheet.*

County Commission Agenda Protocol:

- **Roberts Rules.** *The County Commission follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment.** *Public Comment is for bringing matters of public interest to the attention of the Commission. The Commission welcomes concise statements on matters that are within the purview of the County Commission. At the Commission's discretion, matters raised under Public Comment may be directed to County Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Commission takes action. Except in emergencies, the Commission will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*
- **New Business:** *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- **Public Participation.** *The Commission welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Commissioners may have questions on the clarity of information presented. The Commission will hear any staff input and then deliberate on a course of action.*
- **Commissioner Report and Comment.** *Individual Commissioners may have matters to bring to the attention of the Commission. If the matter contemplates action by the Commission, Commissioners will consult with the Chair and/or County Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Commission will not normally take action on Commissioner Comment.*

REAL ESTATE SUMMARY
County Commissioners
June 17, 2016 by Andrew Vorce, AICP

VI. PUBLIC HEARINGS

1. a) Acceptance of Access Easement from Cape Cod Five Cents Savings Bank at 112 Pleasant Street Shown as “Proposed Driveway Easement D” on Plan No. 2014-73, Recorded with said Deeds.

The proposed action stitches together public access via Commons Lane through the bank parking lot connecting to earlier acquisitions. Interconnected ways in the Mid Island Planning Overlay District (MIPOD) provide alternative routes for traffic, bicycle and pedestrian circulation. The review by all parties is completed and I recommend the easement by accepted as part of the overall transportation network of the MIPOD.

2. Public Hearing to Consider the Acquisition of a Permanent Non-exclusive Easement in Gross to Use, for all Purposes for which a Public Sidewalk is Commonly used in the Town of Nantucket, Including Use by the General Public, those Portions of said Lots 3 and 4 Shown as “5’ Wide Sidewalk Easement, Area = 1724 Sq. Ft.” (“Easement Area”) on Plan Entitled “Easement Plan of Land in Nantucket, Massachusetts, Prepared for: Stop & Shop,” Prepared by Vanasse Hangen Brustlin, Inc. and Dated June 25, 2015.

The Planning Board required that the Stop and Shop offer permanent easements from portions of sidewalks that crossed the edges of the public way onto their property as part of the Special Permit for reconstruction of their store. The easements are generated at the end of construction so they are accurate to as-built conditions. I recommend that these easements be accepted.

GRANT OF EASEMENT

THE CAPE COD FIVE CENTS SAVINGS BANK, a savings bank corporation organized and existing under the laws of Massachusetts (the "Grantor"), having its principal place of business at Orleans, Barnstable County, Massachusetts, for consideration paid, grants to the COUNTY OF NANTUCKET, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having its principal place of business at the Town and County Building, 16 Broad Street, Nantucket, Massachusetts 02554, with QUITCLAIM COVENANTS,

A permanent, non-exclusive easement over that certain portion of the land of the Grantor situated in Nantucket, Nantucket County, Massachusetts, now known and numbered as 112 Pleasant Street, shown as Lot C upon a plan entitled "Being a subdivision of Plan No. 2010-29 and Plan Book 22, Page 38, Lot 1, Plan of Land in Nantucket, Mass., Prepared for Atlantic Development", prepared by Blackwell & Associates, Inc., dated June 27, 2012, revised August 1, 2012, recorded with the Nantucket Registry of Deeds as Plan No. 2012-87, which is shown as "Proposed Driveway Easement 'D'", containing 3,344 square feet, more or less, upon a plan entitled "Easement Plan of Land at 'The Commons' in Nantucket, Massachusetts, Prepared for: Town of Nantucket", prepared by Nantucket Surveyors, LLC, dated February 13, 2014, revised June 12, 2014, recorded with said Deeds as Plan No. 2015-49, for public access for purposes for which streets and ways are commonly used in the County of Nantucket, from Pleasant Street to land now or formerly of the Town of Nantucket shown as Assessor's Map 55, Parcel 428 as shown upon said Plan No. 2015-49.

It is the Grantor's responsibility to maintain, snowplow and sand said Driveway Easement "D".

For title of the Grantor, see deed recorded with Nantucket Deeds in Book 1361, Page 190.

Executed and sealed for and on behalf of The Cape Cod Five Cents Savings Bank by _____, its _____, and _____, its _____, each hereunto duly authorized, on May ____, 2016.

THE CAPE COD FIVE CENTS SAVINGS BANK
By :

[Name] [Title]

[Name] [Title]

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of June, 2016, personally appeared the above-named _____ and _____, as _____ and _____, respectively, of The Cape Cod Five Cents Savings Bank, personally known to me to be the persons whose names are signed above, and acknowledged to me that they signed the foregoing instrument voluntarily for its stated purpose on behalf of The Cape Cod Five Cents Savings Bank as its free act and deed, before me,

Notary Public

My commission expires:

ACCEPTANCE BY THE COUNTY OF NANTUCKET

The undersigned, being the majority of the duly elected and serving members of the County Commissioners of the County of Nantucket, acting by the authority of Article II, Section 2.5 of the County Charter and Chapter 290 of the Acts of 1996, hereby accepts the foregoing Grant of Easement from the Cape Cod Five Cents Savings Bank.

Executed under seal on this ____ day of _____, 2016.

COUNTY OF NANTUCKET

By its County Commissioners

Robert DeCosta

Rick Atherton

Matthew G. Fee

Dawn E. Hill Holdgate

James R. Kelly

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of May, 2016, before me, the undersigned notary public personally appeared, Rick Atherton, Robert DeCosta, Matthew G. Fee, Dawn E. Hill Holdgate and James R. Kelly as members of the County Commissioners of the County of Nantucket, and proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the County Commissioners of the County of Nantucket.

Notary Public
My Commission Expires:

GRANT OF SIDEWALK EASEMENT

WJG REALTY COMPANY, LLC, a Massachusetts limited liability company, having a usual place of business at 1385 Hancock Street, Quincy, Massachusetts 02169 (the "Grantor"), as the owner of that certain parcel of land, together with the building and other improvements thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 31 Sparks Avenue, being Lots 3 and 4 on Land Court Plan No. 35560-C, by virtue of Certificate of Title No. 19138 at the Nantucket Registry District of the Land Court, for consideration paid, the receipt and sufficiency of which are hereby acknowledged, grants to the COUNTY OF NANTUCKET, a political subdivision of the Commonwealth of Massachusetts, acting by and through its County Commissioners, having a mailing address of 16 Broad Street, Nantucket, Massachusetts 02554 (the "Grantee"),

A permanent non-exclusive easement in gross to use, for all purposes for which a public sidewalk is commonly used in the Town of Nantucket, including use by the general public, those portions of said Lots 3 and 4 shown as "5' WIDE SIDEWALK EASEMENT, AREA = 1724 SQ. FT." (the "Easement Area") on a plan entitled "Easement Plan of Land in Nantucket, Massachusetts, Prepared For: Stop & Shop," prepared by Vanasse Hangen Brustlin, Inc., dated June 25, 2015, recorded with Nantucket County Registry of Deeds as Plan No. 2016-_____.

Grantor shall have the right to use the Easement Area, provided that Grantor shall not exercise its rights in a manner which unreasonably interferes with the easement rights granted to Grantee.

The Grantor shall remain responsible for the maintenance and repair of the sidewalk in the Easement Area, and the Grantee shall not be responsible for the condition and maintenance of the sidewalk and the Easement Area.

Executed and sealed as of _____, 2016.

WJG Realty Company LLC

By: The Stop & Shop Supermarket
Company LLC, a Delaware limited
liability company, its Manager

By:

Printed Name:
its Manager

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ___ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, as Manager of The Stop & Shop Supermarket Company LLC, as Manager of WJG Realty Company LLC (a) ___ personally known to me, or (b) ___ proved to me through satisfactory evidence of identification which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of The Stop & Shop Supermarket Company LLC, as Manager of WJG Realty Company LLC.

Notary Public

Printed name:
My commission expires:

ACCEPTANCE OF EASEMENT BY COUNTY OF NANTUCKET

We, as a majority of the duly elected and serving commissioners of the Nantucket County Commission, acting by authority of Section II, Section 2.5 of the County Charter of the County of Nantucket, hereby accept and approve the foregoing Grant of Sidewalk Easement.

Dated: _____, 20156

Robert DeCosta

Rick Atherton

Matthew G. Fee

James Kelly

Dawn E. Hill Holdgate

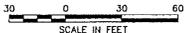
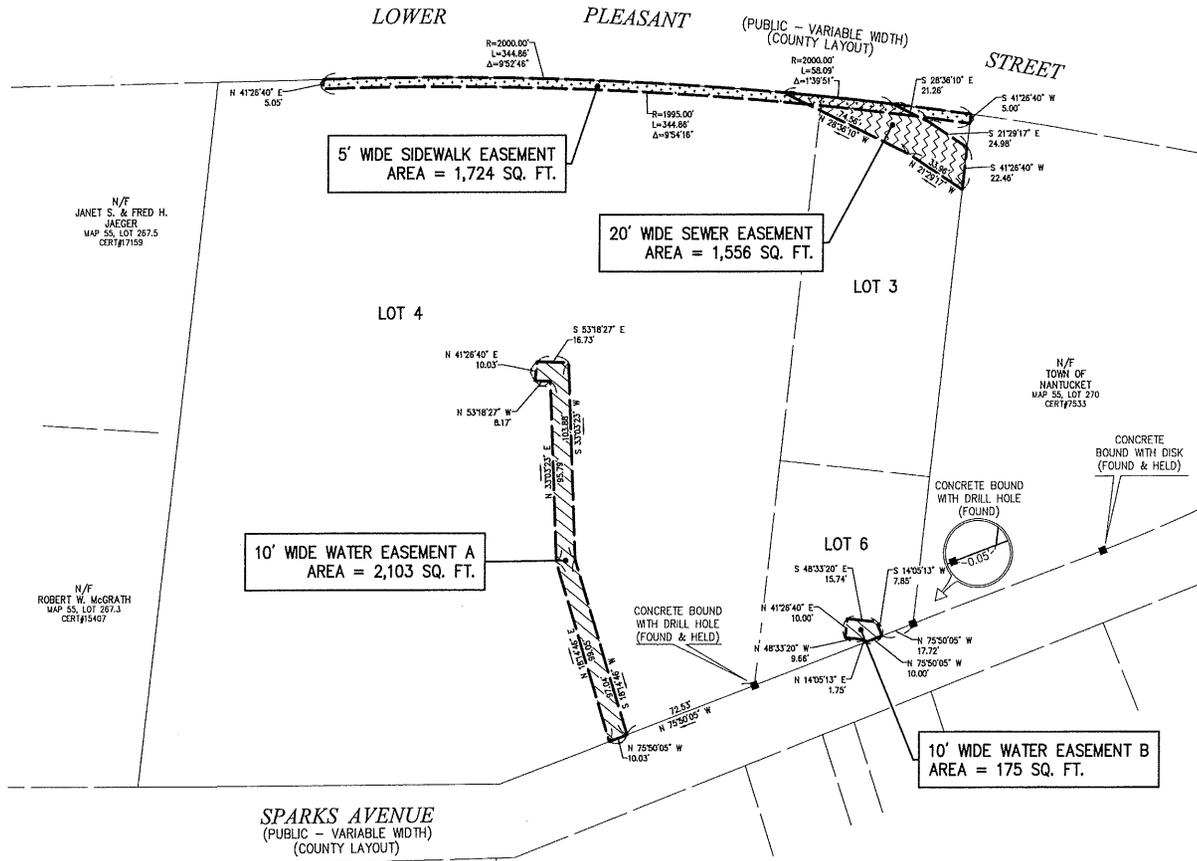
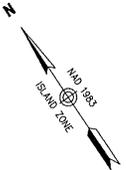
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, as one of the Commissioners of the County of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (s)he signed it voluntarily for its stated purpose on behalf of the County Commission of the County of Nantucket.

Notary Public

Printed name:
My commission expires:



RESERVED FOR REGISTRY USE ONLY

Record Owner
 LOTS 3 & 4
 WILLIAM J. ROZE ET AL TRUSTEE
 W&S REALTY TRUST
 MAP 55, LOT 288
 CERTIFICATE NO. 19138
 LOT 6
 MARC E SMITH ET AL TRUSTEE
 C/O STOP & SHOP SUPERMARKET
 MAP 55, LOT 289.2
 CERTIFICATE NO. 20282

Plan References
 *SUBDIVISION PLAN OF LAND IN NANTUCKET DATED MAY 23, 1975 BY SHUGRUE AND HART INC. RECORDED WITH MASSACHUSETTS LAND COURT (M.L.C.) AS PLAN 35560-B.
 *SUBDIVISION PLAN OF LAND IN NANTUCKET DATED AUGUST 1, 1975 BY SHUGRUE AND HART INC. RECORDED WITH MASSACHUSETTS LAND COURT (M.L.C.) AS PLAN 35560-C.
 *SUBDIVISION PLAN OF LAND IN NANTUCKET DATED JANUARY 30, 1979 BY SHUGRUE AND HART INC. RECORDED WITH MASSACHUSETTS LAND COURT (M.L.C.) AS PLAN 35560-D.

General Notes
 1) THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED UPON AN ACTUAL FIELD SURVEY CONDUCTED BY VANASSE HANGEN BRUSTLIN, INC. IN JUNE 1999 AND FROM DEEDS AND PLANS OF RECORD.
 2) THE PURPOSE OF THIS PLAN IS TO CREATE TWO WATER EASEMENTS TO BE CONVEYED TO THE NANTUCKET WATER COMPANY AND A SIDEWALK EASEMENT AND SEWER EASEMENT TO BE CONVEYED TO THE TOWN OF NANTUCKET.
 3) EXISTING EASEMENTS ARE NOT SHOWN FOR CLARITY.

Certification
 I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
 I HEREBY CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. (MASS. GEN. LAWS CHAPTER 41, SEC. 81-X)

Jan 23, 2015
 [Signature]
 PROFESSIONAL LAND SURVEYOR



EASEMENT PLAN OF LAND
 IN
NANTUCKET
 MASSACHUSETTS

PREPARED FOR: STOP & SHOP
 PREPARED BY: Vanasse Hangen Brustlin, Inc.
 Transportation, Land Development &
 Environmental Services
 101 Walnut Street, P.O. Box 9151
 Watertown, MA 02471-9151
 (617) 924-1770
 SCALE: 1 INCH = 30 FEET DATE: JUNE 25, 2015