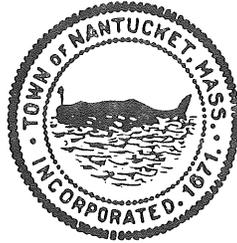


Town and County of Nantucket
Board of Selectmen • County Commissioners

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

C. Elizabeth Gibson
Town & County Manager

**AGENDA FOR THE MEETING OF THE
BOARD OF SELECTMEN
JULY 6, 2016 - 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS**

- I. CALL TO ORDER**
- II. BOARD ACCEPTANCE OF AGENDA**
- III. ANNOUNCEMENTS**
 1. The Board of Selectmen Meeting is Being Video/Audio Recorded.
 2. Next Board of Selectmen Meeting is Wednesday, July 20, 2016 (Summer Schedule).
- IV. PUBLIC COMMENT***
- V. NEW BUSINESS***
- VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS**
 1. Approval of Payroll Warrants for Weeks Ending June 26, 2016; July 3, 2016.
 2. Approval of Treasury Warrants for June 29, 2016; July 6, 2016.
 3. Approval of Pending Contracts for July 6, 2016 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.
- VII. CONSENT ITEMS**
 1. Gift Acceptance: Natural Resources Department; Human Services (Saltmarsh Senior Center).
- VIII. CITIZEN/DEPARTMENTAL REQUESTS**
 1. Town Manager Appointments: Parks and Recreation Commission; Visitor Services Advisory Committee.

2. Friends of Nantucket Public Schools: Request for Waiver of Town Noise Bylaw from 10:00 PM to 10:30 PM for M'Ocean Pix Drive-In Movie to be held Wednesday, August 10, 2016 (Rain Date Thursday, August 11, 2016) at Tom Nevers Field.
3. 22 Federal, LLC: Request for Approval and Execution of License Agreement to Allow for Encroachment of Planting Beds, Trees and Benches in Town-owned Property at 22 Federal Street.
4. Request for Approval of Change of Manager of Seasonal All-Alcoholic Beverages Club License for Westmoor Club Management, LLC d/b/a Westmoor Club from J. Brent Tartamella, Manager to Geoffrey W. Hume, Manager, for Premises Located at 10 Westmoor Lane.
5. White Heron Theatre Company: Request for Total Blocking of Whalers Lane for Dedication/Ribbon Cutting Ceremony on Friday, July 22, 2016 from 1:00 PM to 3:00 PM.
6. Finance Department: Request for Authorization for Debt Refunding.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Seasonal Wine/Malt Beverages Package Store License for 167Raw, Inc. d/b/a 167Raw, Jesse Sandole, Manager, for Premises Located at 167 Hummock Pond Road (Continued from June 22, 2016).
2. Public Hearing to Consider Application for 2:00 AM Closing Time for Bug and Birdcage LLC d/b/a Town Pool, for Premises Located at 31 Easy Street.

X. TOWN MANAGER'S REPORT

1. Fourth of July Follow-up (Public Safety).
2. Town Administration: Request for Approval of Final FY 2016 Year End Budget Transfers.
3. Review of Boulevardde Project.
4. Review of Draft Sewer Fee Waiver Policy.
5. Update Regarding 6 Fairgrounds Road Housing Project.
6. Insurance Coverage Update.
7. Review of October 17, 2016 Special Town Meeting Timeline; Pending Potential Warrant Articles.
8. Monthly Town Management Activities Report.

XI. SELECTMEN'S REPORTS/COMMENT

1. Discussion Regarding Traffic Safety Work Group Recommendation Regarding Installation of Three-Way Stop at Intersection of Sherburne Turnpike and Kimball Avenue; and/or Schedule Public Hearing.
2. Review of Pending Legislation: "An Act Promoting Housing and Sustainable Development" (Senate No. 2311).
3. Update on Strategic Planning.
4. Committee Reports.

XII. ADJOURNMENT

** Identified on Agenda Protocol Sheet*

Board of Selectmen Agenda Protocol:

- **Roberts Rules:** *The Board of Selectmen follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment:** *For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Board of Selectmen. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board 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.*

Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.

- **New Business:** *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- **Public Participation:** *The Board 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 Selectmen may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.*
- **Selectmen Report and Comment:** *Individual Selectmen may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Selectmen will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Selectmen Comment.*

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY BOARD OF SELECTMEN
July 6, 2016

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding
Town Contracts for Health & Human Services	Town Admin/Council for Human Services	Family & Children's Services	\$120,000	Allocation as approved per 2016 Annual Town Meeting	Article 9, 2016 ATM \$389,340
Memorandum of Understanding	Town Admin/Council on Aging	Elder Services of Cape Cod and the Islands, Inc.	n/a	Annual MOU for use of Saltmarsh Senior Center by ESCCI for Weekly Nutrition Programs	n/a
Professional Services Agreement	Town Admin	The Executive Suite	\$22,000	Search services for position of new Sewer Director position in FY 17 Sewer Enterprise Fund budget	Sewer Enterprise Fund
Supply Agreement	Various Town Departments	Harbor Fuel Oil Corp.	Not to exceed \$3,600,000	3-year contract for fuel	Various Town Budgets
Service Agreement	DPW	Harbor Light Properties	\$2,500	Annual contract for mowing of Town cemeteries	DPW Budget
Service Agreement	Town Administration	NCTV 18	\$25,000	To provide additional technical support and recording services for Committee meetings	Town Administration Budget
Amendment to Service Agreement	DPW	Victor-Brandon Corp.	Adds \$332,327.60 to current contract of \$875,000 for total of \$1,207,327.60	Amendment # 2 to annual paving bid to complete Bartlett Road multi-use path paving and curbing; extend contract end date to July 30, 2016	Article 10 2016 ATM
Service Agreement	DPW	Dobbert Heating and Air Conditioning, Inc.	\$6,500	Amendment #1 to increase contract for on-call plumbing services for Town building; total contract now \$31,249	DPW Budget

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

2 BATHING BEACH ROAD
NANTUCKET, MA 02554

(508) 228-7230



June 24, 2016

Board of Selectmen
16 Broad Street
Nantucket, MA 02554

Dear Board Members,

On behalf of the Natural Resources Department we are requesting that the Board of Selectmen accept a gift of \$1,500.00 from The Nantucket Shellfish Association. This donation will be used for the Oyster Predator Study.

We will be in attendance at the upcoming meeting of the Board to answer any questions that you have in regards to this gift and program. Thank you for your attention to this matter.

Sincerely,

Jeff Carlson,
Town of Nantucket
Natural Resources Coordinator



MEMO

Date: June 27, 2016

TO: Rick Atherton

FROM: Laura Stewart, Saltmarsh Senior Center, Program Coordinator

RE: Request for acceptance of gift

I am writing to request acceptance of the following gift donation:

From Ann Kellogg: \$100.00 to the Saltmarsh Senior Center

From Barbara Cohen: \$100.00 to the Saltmarsh Senior Center in gratitude to the The Rossini Club

Thank you,

Laura Stewart

from the desk of.....

Laura Stewart
Program Coordinator,
Senior Services
81 Washington Street
Nantucket, MA 02554
508-228-4490

phone: 508-228-4490
fax: 508-325-5366
e-mail: lstewart@nantucket-ma.gov



10 Surfside Road Nantucket MA 02554
508.228-7285, ext. 1168

June 20, 2016

Dear Board of Selectmen;

On behalf of the Friends of Nantucket Public Schools ("FONPS"), I would like to ask for your support with our 3rd Annual summer fundraiser scheduled on Wednesday, August 10, 2016, from 6:30 pm – 10:30 pm at Tom Nevers Park. In the event of inclement weather, this event will take place on Thursday August 11, 2016, at the same time.

This family event is called the **M'Ocean Pix Drive-In Movie**, and will take place on the Tom Nevers's Field. A giant movie screen will be erected, and families can either secure a parking spot in one of eight rows or enjoy the movie on a designated general admission portion of the lawn. Audio will be transmitted via FM radio reception in the car as well as from large speakers strategically placed on the lawn for those attending without a car.

Given that this event is a Drive-In Movie, and the film cannot begin until dark (approximately 8:40 pm), we will carefully select a family-friendly film that will not exceed 120 minutes. We anticipate the venue to be completely empty of movie-goers, their cars, volunteer staff, detritus, and equipment by 11:00 pm on the evening of event.

We will be placing the screen in compliance with the Tom Nevers Civic Association ("TNCA") parameters so that it will face towards the ocean and away from residences in the area to minimize any noise and lighting disruption in the Tom Nevers area.

We hereby request that the Board of Selectmen please consider waiving the Town Noise Ordinance to enable us to run our successful "Premier" event and allow our clean-up crew adequate time to return the Tom Nevers Park back to its pristine natural state.

Please consider helping us to make this 3rd Annual event another great success so that we can continue to provide funding for Nantucket Public School students in the form of extracurricular enrichment programs, scholarships for after school events and activities, help with expenses for off-island educational trips, purchase of needed supplies, equipment, and programs for the schools requested by the classroom teachers that are not covered by the school budget.

Thank you for your consideration in helping the Friends of Nantucket Public Schools as we continue to help the students and staff of the Nantucket Public Schools.

Sincerely,

Marian Wilson
President, Friends of the Nantucket Public Schools

From: [Randy Ringer](#)
To: [Erika Mooney](#)
Cc: mperrywilson@yahoo.com; [Eleanor Antonietti](#)
Subject: FONPS Drive In Movie Night
Date: Wednesday, July 06, 2016 8:28:36 AM

Hello Erika:

I am president of the Tom Nevers Civic Association and was contacted by Marian Wilson and Eleanor Antonietti of FONPS regarding the upcoming Drive In movie scheduled for August 10 at Tom Nevers field. We discussed this at our TNCA Board meeting last night and unanimously agreed that this was both a worthwhile event and an excellent use of the property at Tom Nevers. The previous year's drive in movies have gone off without a hitch and without any complaint from neighbors.

Could you please pass on our recommendation to the Board of Selectman that they waive the Town Noise Ordinance for this event on August 10 (rain date August 11).

Thank you.

Randy Ringer
rskeringer@hotmail.com
206 660 7377

LICENSE AGREEMENT

This LICENSE AGREEMENT (hereinafter referred to as the "License") is executed this _____ day of July, 2016 by and between the TOWN OF NANTUCKET, a Massachusetts municipal corporation acting by and through its Board of Selectmen, having an address of Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554 (the "LICENSOR"), and 22 FEDERAL, LLC, a Massachusetts limited liability company having its principal office at 58 Main Street, Nantucket, MA 02554 (the "LICENSEE").

WHEREAS, the LICENSEE is the owner of record of a certain parcel of land at 22 Federal Street, Nantucket, Massachusetts as evidenced by Certificate of Title No. 25127 at the Registry District of Nantucket County and shown on Land Court Plan 37392-A drawn by Schofield Brothers Inc, Surveyors, and dated February 11, 1972 ("22 Federal Street");

WHEREAS, the LICENSEE proposes to construct and maintain planting beds for plantings, plant and maintain trees and other plantings, place and maintain benches, and construct and maintain a brick sidewalk between the planting beds to the edge of the street pavement as shown on a plan attached hereto entitled "22 Federal Corner Table L1 Site Plan dated 6.3.2016" and "22 Federal Corner Table L2 Materials dated 6.3.2016" both drawn by The Gardin Design Company (collectively, the "Plan") copies of which are attached hereto as Exhibit A (the "Planting Work");

WHEREAS, the LICENSOR is the owner of the sidewalks adjacent to 22 Federal Street, and the land in the layout of Broad Street and Federal Street as shown on the Plan (the "Property");

WHEREAS, the Planting Work will encroach onto portions of the Property;

WHEREAS, the LICENSEE has requested the LICENSOR'S permission to construct the planting beds, plant trees and other plantings in the planting boxes and construct and maintain a brick sidewalk from the building in the proposed locations of the Property shown on the Plan;

WHEREAS, the LICENSOR is willing to permit the LICENSEE to construct and maintain the planting boxes and the brick sidewalk, place and maintain benches, and plant and maintain the trees and plantings, subject to the terms set forth herein;

NOW THEREFORE, the LICENSOR hereby grants a non-exclusive entry and license to use portions of the Property to the LICENSEE, subject to the following terms and conditions:

I. USE, PURPOSE, TERM

Entry and use are limited to the portions of the Property on which are or will be situated the planting beds, benches, brick sidewalk and the land surrounding the trees shown on the Plan (the "Licensed Premises").

Entry and use are specifically, but not exclusively, granted to the LICENSEE, its contractors, agents, representatives, and invitees, solely for the purposes of constructing, repairing and maintaining the planting beds and the sidewalk, placing and maintaining benches, and for planting and caring for the trees and plantings, as shown on the Plan, and for all purposes and uses incidental to the purposes stated herein, including but not limited to the planting and maintenance of the landscaping improvements, benches, and brick sidewalk, at its sole cost and expense, provided there are no changes to the location of the encroachment and landscaping improvements as shown on the Plan.

Such entry and use by the LICENSEE, its contractors, agents, representatives, and invitees, shall be exercised from the date of the execution of this License and shall continue unless sooner terminated in accordance with the provisions of Section VII below. Such entry and use shall be further limited by the provisions of Section VI.

II. CONSIDERATION

The consideration for this License shall be \$1.00, the payment of all costs and expenses associated with the exercise of the rights granted hereunder, together with the observation and performance by the LICENSEE of all the obligations and covenants set forth within this agreement to the reasonable satisfaction of the LICENSOR.

III. INSURANCE

The LICENSEE shall maintain during the term of this License public liability insurance, including coverage for bodily injury, wrongful death and property damage, in an amount acceptable to the LICENSOR set forth herein to support the obligations of the LICENSEE under the terms and conditions of this License to indemnify, defend and hold harmless the LICENSOR. The insurance coverage required hereunder shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and have a Best's rating of B+ or better.

Prior to entering upon the Licensed Premises, and thereafter annually upon renewal of the required insurance policy, the LICENSEE shall provide the LICENSOR with a certificate of insurance indicating the LICENSOR is an additional insured on the policy and showing compliance with the foregoing provisions. The LICENSEE shall require the insurer to give notice of cancellation in accordance with policy provisions.

The LICENSEE or the LICENSEE'S contractors shall maintain worker's compensation insurance during any construction, maintenance or repair of the Licensed Premises, as required by law. The LICENSEE agrees that any contractor performing work on behalf of the LICENSEE at the Licensed Premises shall carry liability insurance in amounts satisfactory to the LICENSOR, and shall name the LICENSOR as an additional insured party. Prior to any maintenance or repair work performed by the LICENSEE or any contractor on behalf of the LICENSEE on the Licensed Premises, the LICENSEE shall provide the LICENSOR with a copy of the contractor's insurance certificate indicating liability insurance coverage as herein

specified, and copies of any approvals, including any permits, necessary or obtained to conduct said construction.

IV. INDEMNIFICATION

The LICENSEE shall indemnify, defend and hold harmless the LICENSOR from and against any and all claims, demands, suits, actions, costs, judgments, whatsoever, including reasonable attorney's fees and expenses, which may be imposed upon, incurred by, or asserted against the LICENSOR or its agents, employees, successors and assigns by reason of (a) any failure on the part of the LICENSEE to comply with any provision or term required to be performed or complied with by the LICENSEE, its agents, employees, contractors, representatives or invitees or under this License, or (b) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct of any person whomsoever, other than the LICENSOR relating in any way, to the LICENSEE'S exercise of its rights under this License. The provisions of this Section shall survive the termination of this Agreement.

V. CONDITION OF THE PREMISES

The LICENSEE acknowledges and agrees that it accepts the Licensed Premises in "AS IS" condition for the purpose of this License, and that the LICENSOR has made no representation or warranty regarding the fitness of the Licensed Premises.

VI. CONDUCT

The LICENSEE shall procure all necessary permits before undertaking any work on the Licensed Premises. The LICENSEE, and its contractors, employees and agents, shall be responsible, at its sole expense and expense for constructing the planting boxes and the brick sidewalk, planting the trees and other plantings as shown on the Plan and maintaining improvements in good condition, and watering the plantings. The LICENSEE also agrees to maintain the trees at a height so as to not interfere with the sight lines on the roadway for safe walking and driving. During the exercise of the rights hereby granted, the LICENSEE shall at all times conduct itself so as not to unreasonably interfere with the operations of the LICENSOR, and observe and obey applicable laws, statutes, ordinances, regulations and permitting or licensing requirements. The LICENSEE shall at all times comply with (i) plans and specifications (which shall be prepared by and at the expense of the LICENSEE and approved by the LICENSOR); and (ii) all applicable local, state and federal rules, regulations, statutes and by-laws. If there are any changes in the location of the improvements on the Licensed Premises, then the LICENSEE must obtain the LICENSOR'S prior written approval to change the location of the encroachment in the Licensed Premises and the trees and plantings in the Licensed Premises.

The LICENSEE shall not permit any mechanics' liens or similar liens, to remain upon the Licensed Premises for labor and material furnished to the LICENSEE or claimed to have been furnished to the LICENSEE in connection with work of any character performed or claimed to

Licensee: 22 Federal, LLC
Attn: Melissa Philbrick
58 Main Street
PO Box 868
Nantucket, MA 02554

These addresses are subject to change, and the parties hereto agree to inform each other of such changes as soon as practicable.

X. RIGHTS OF THE TOWN TO ENTER

The LICENSOR reserves the right and the LICENSEE shall permit the LICENSEE to enter upon and use the Licensed Premises at any time and for any and all purposes at the LICENSOR'S sole discretion.

XI. NO ESTATE CREATED

This License shall not be construed as creating or vesting in the LICENSEE any estate in the Premises, but only the limited right of possession as hereinabove stated.

XII. EXHIBITS and ATTACHMENTS

Any and all exhibits and attachments referenced herein or attached hereto are duly incorporated within this agreement.

XIII. SURVIVAL of TERMS and PROVISIONS

All appropriate terms and provisions relating to the restoration of the Licensed Premises shall survive the termination of this License.

Remainder of Page Intentionally Left Blank. Signatures on Following Page.

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed as a sealed instrument and signed in duplicate by their duly authorized representatives, on the date first indicated above.

LICENSOR:

TOWN OF NANTUCKET
By its Board of Selectmen

James R. Kelly

Date: _____

Dawn E. Hill Holdgate

Rick Atherton

Robert DeCosta

Matthew G. Fee

LICENSEE: 22 Federal, LLC
By: Centre of Town, LLC, its Manager

By: Melissa Philbrick, VP
Melissa Philbrick, Vice President

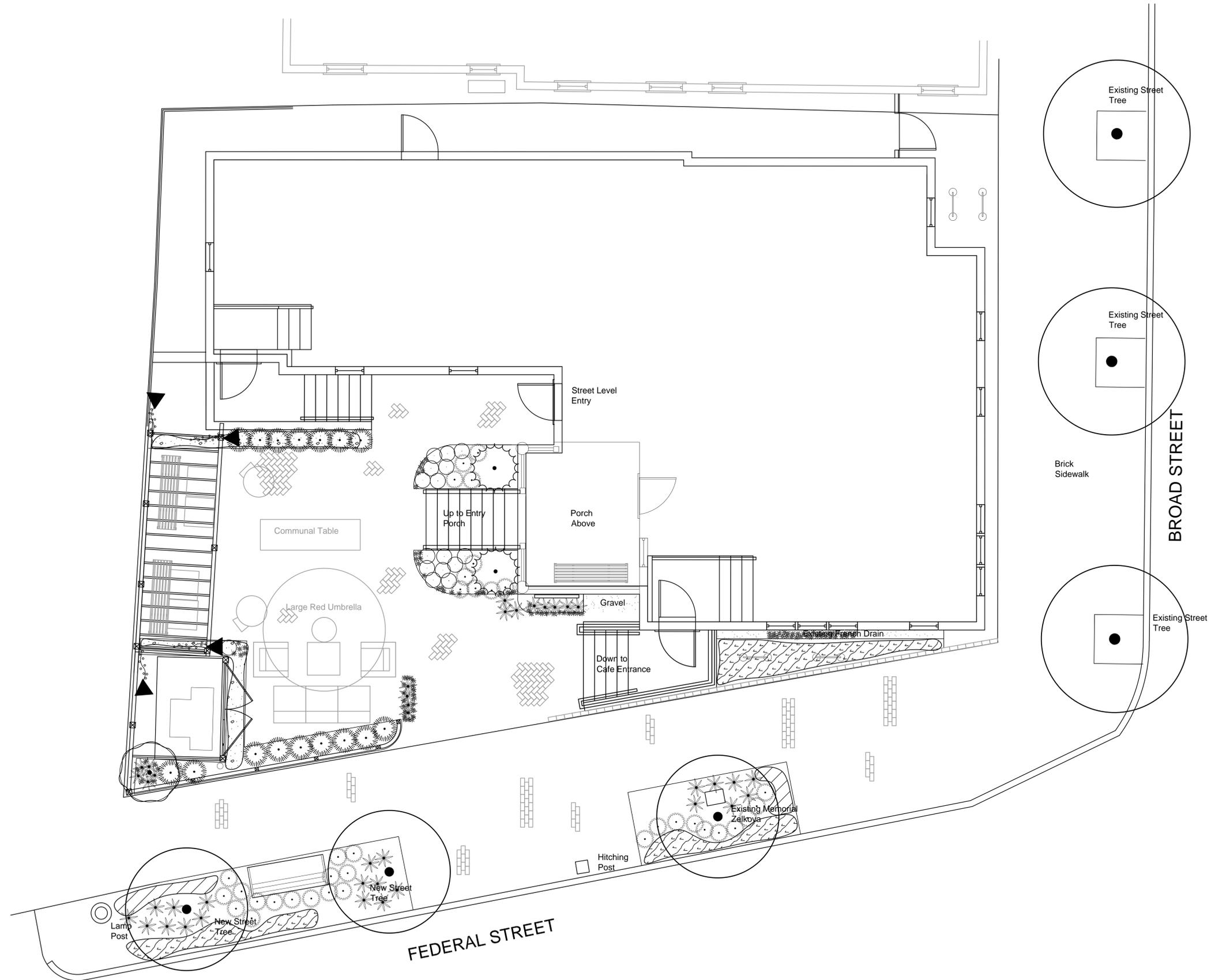
Date: 6/30/16



558324NANT19713/0001

General Notes

Drawing are based on drawings provided by Mickey Rowland & Assoc. dated 8/20/15. Please notify designer of any discrepancies.



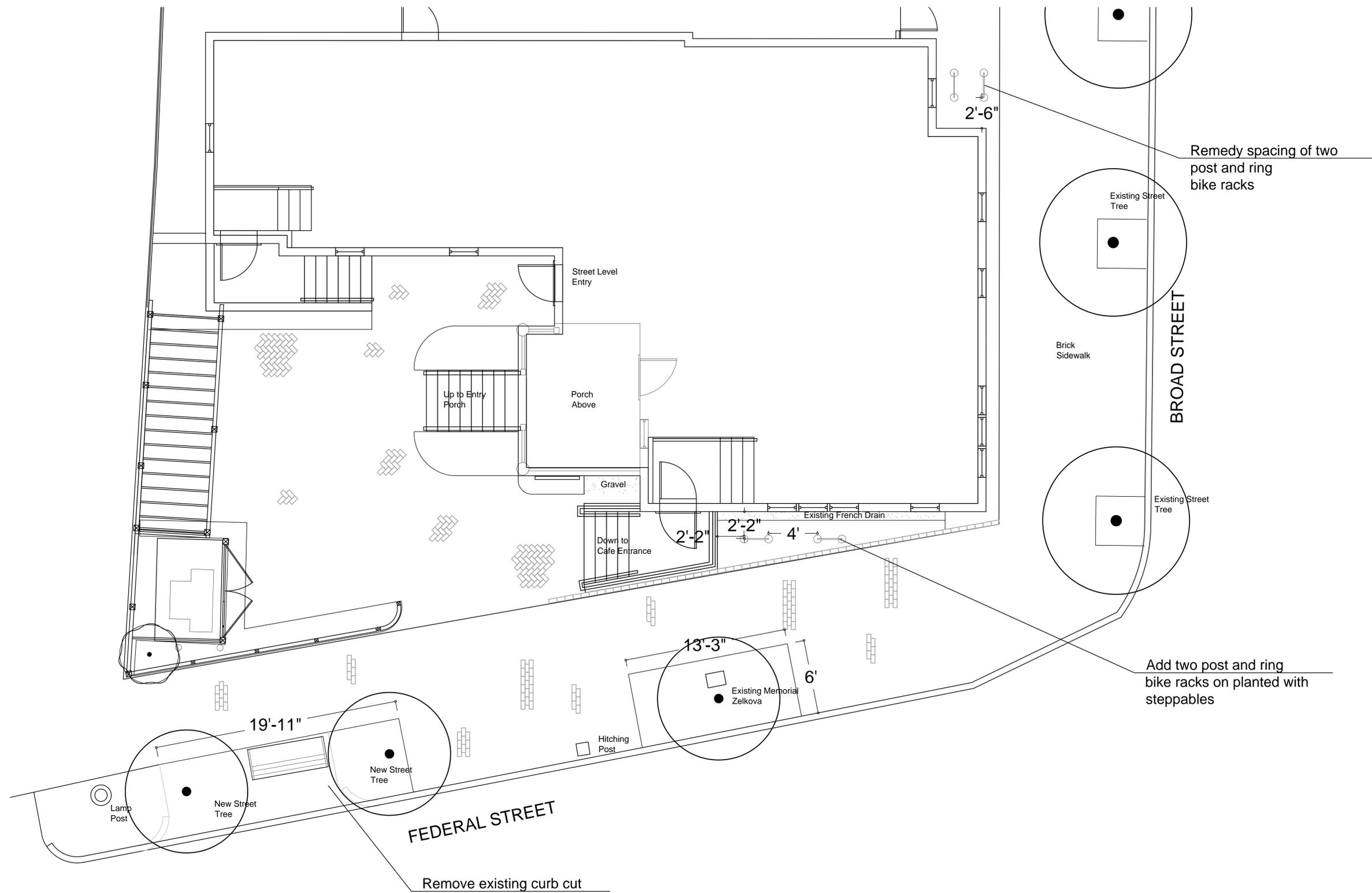
22 Federal Corner Table

DATE: 6.3.2016
SCALE: 1/8" = 1'
DRAWN BY: JULIE JORDIN
MAP / PARCEL: 42.42 / 31
ZONING: RCDT
REVISION:



JULIE@JULIEJORDIN.COM • OFFICE 508-925-4080
P.O. BOX 3153 • NANTUCKET, MA 02584

L1
SITE PLAN



Construction Notes

1. Drawing are based on drawings provided by Mickey Rowland & Assoc. dated 8/20/15. Please notify designer of any discrepancies.
2. All work shall comply with state and local building codes and specifications; contractor responsible for obtaining all necessary permits.
3. Use landscape drawings in conjunction with architectural drawings.
4. Contractor shall verify all drawings for coordination between trades and report any discrepancies to landscape designer.
5. Contractor is responsible for constructing restrictive barriers for protection of tree roots and trunks.
6. All dimensions, spot grade elevations, and quantities are approximate.
7. Contractor to verify locations of all below grade utilities and structures before excavation.
8. Contractor to verify all dimensions in field and report any discrepancies to landscape designer.
9. All angles are assumed to be 90° unless otherwise noted.
10. Do not scale drawings.
11. Contractor to provide sleeving through all walls and beneath paving for utilities and drainage as required; allowance for subsurface drainage to be provided.
12. All dimensions given to top of wall unless otherwise noted.
13. All bottom of wall grades to be adjusted in field and approved by landscape designer.

22 Federal
Corner Table

DATE: 6.3.2016
SCALE: 1/4" = 1'
DRAWN BY: JULIE JORDIN
MAP / PARCEL: 42.42 / 31
ZONING: RCDT
REVISION:



JULIE@JULIEJORDIN.COM • OFFICE 508-325-4080
P.O. BOX 3153 • NANTUCKET, MA 02584

L2
MATERIALS

© THE GARDEN DESIGN COMPANY, INC.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

For Reconsideration

FORM 43
 MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

076200170

ABCC License Number

Nantucket

City/Town

July 6, 2016

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

Name of Licensee EIN of Licensee

D/B/A Manager

ADDRESS: CITY/TOWN: STATE ZIP CODE

Seasonal All Alcohol Club Granted under Special Legislation? Yes No
 Annual or Seasonal Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt) Type: (Restaurant, Club, Package Store, General On Premises, Etc) If Yes, Chapter Year

Complete Description of Licensed Premises:

Application Filed: Advertiser: Abutters Notified: Yes No
 Date & Time Date & Attach Publication

Licensee Contact Person for Transaction Phone:

ADDRESS: CITY/TOWN: STATE ZIP CODE

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
 Ralph Sacramone
 Executive Director



ABCC Remarks:

1917



2005

THE WESTMOOR CLUB
nantucket

06/21/2016

Town of Nantucket
Board of Selectmen
16 Broad Street
Nantucket, MA 02554

Dear Board of Selectmen,

The Westmoor Club is applying for a change in name of our Manager on our Liquor License. The previous General Manager, J. Brent Tartamella, is no longer with The Westmoor Club. Our new General Manager is Geoffrey W. Hume. Mr. Hume is currently residing at 5 Westmoor Lane, Nantucket, MA 02554. Mr. Hume's permanent address is 4168 Holly Drive, Palm Beach Gardens, FL 33410, as indicated on his Florida State License. Enclosed with this is the completed Manager Application for the name change. We thank you for your time in this matter.

Yours Truly,

A handwritten signature in blue ink, appearing to read 'J. Graham Goldsmith', written over a horizontal line.

J. Graham Goldsmith

President

A handwritten signature in blue ink, appearing to read 'Alan Worden', written over a horizontal line.

Alan Worden

Vice President



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Date



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Westmoor Club Management, LLC	B. Business Name (dba)	Westmoor Club	
C. Address	10 Westmoor Lane	D. ABCC License Number (If existing licensee)	076200170	
E. City/Town	Nantucket	State	MA	Zip Code
F. Phone Number of Premise	508-228-9494	G. EIN of License	20-2215077	

2. PERSONAL INFORMATION:

A. Individual Name	Geoffrey W. Hume	B. Home Phone Number	561-715-5526	
C. Address	4168 Holly Drive			
D. City/Town	Palm Beach Gardens	State	FL	Zip Code
E. Social Security Number	331-72-3437	F. Date of Birth	01/02/1975	
G. Place of Employment	Westmoor Club			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes No 

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

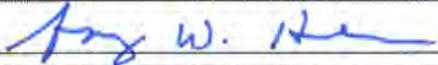
4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

None- employed as the General Manager

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
 *If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	06/21/2016
Title	General Manager (If Corporation/LLC Representative)		

Additional Space

Please note which question you are using this space for.

3) Driving Under the Influence

Date: 04/29/2000 Location: Lake County, Illinois

Penalty: 1 Year Court Supervision- \$700 fine+ court costs

On 7/21/2001 Charges were Dismissed with no Adjudication of Guilt & No Conviction

Case # 00DT2263



Issued: On Premise
ID#: 4276994

SSN: XXX-XX-XXXX
Expires: 6/3/2019
D.O.B.: XX/XX/XXXX

GEOFFREY W HUME
10 Westmoor Ln
Nantucket, MA 02554-2158

For service visit us online at www.gettips.com
Christopher Ferrara, 62233



HEALTH COMMUNICATIONS INC.
1400 Key Blvd., Suite 700
Arlington, VA 22209
703-524-1200
www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature:

LICENSE #: 076200170

LICENSE FEE: \$2,900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL CLUB LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

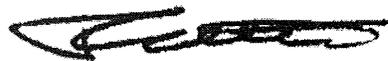
BUSINESS: Westmoor Club
Management, LLC
DBA: WESTMOOR CLUB
PREMISES: 10 Westmoor Lane
Nantucket, MA 02554
MANAGER: J. Brent Tartamella

ON PREMISES DESCRIBED AS:
Clubhouse with formal dining room, enclosed porch, informal bar/lounge area, kitchen, offices, restrooms.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of March 2016.



Robert De Costa
Chairman, Board of Selectmen

THIS LICENSE IS VALID APRIL 1, 2016 – JANUARY 15, 2017

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

From: mobk2174@gmail.com on behalf of [Michael Kopko](#)
To: [Erika Mooney](#)
Subject: Street closing request
Date: Wednesday, July 06, 2016 8:56:48 AM

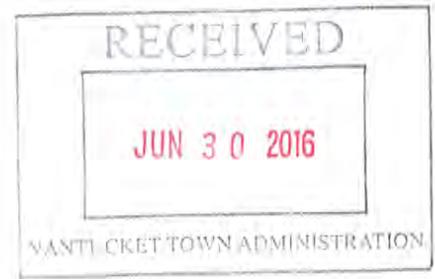
Hi Erika,

We'd like to withdraw our application for street closing, which, I believe, is scheduled to be heard tonight.

Michael



Michael Kopko
Executive Director
508.228.2156



June 30, 2016

Erika Mooney
Project Administrator
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

Erika Mooney,

Attached is our Application For Blocking of Street/Sidewalk form with the required three signatures.

The event that we are planning is a Dedication/Ribbon Cutting to celebrate the opening of the White Heron Theatre Company's new building. It is meant to be an inclusive event to which the Board of Selectmen, Town Officials, Planning Board, Historical District Commission, Chamber of Commerce, Arts Council, and all downtown businesses will be invited. There will be a ribbon cutting and the building will be open for tours.

I have had the opportunity to talk to some abutting neighbors about the possibility of this street closing.

Jane at Vaughan Dale and Hunter said that they have no problem with the event and that hope to be able to attend.

In the absence of Catherine Taylor, I spoke to Johanna Richard at the Nantucket Historical Association. Johanna asked me email her so that she could run it by Cathy. I explained to her that I had a deadline. As of the time of the writing of this letter I have not heard from them. She was, however, able to check the calendar for the building and did ascertain that they have no special event for that day so did not see a problem in asking those who park in the lot that is accessed by Whalers Lane to be sure that they would not need to move their cars between the hours of 1:00 and 3:00 on July 22nd.

I also spoke to Peter McEachern who thought the event sounded great and felt is has no impact on everyday operations of the Yacht Club.

I very much appreciate your help in applying for this permit and thank the Board of Selectman for their consideration.

Sincerely,

A handwritten signature in black ink that reads "Ivy Soricco".

Ivy Soricco
President, Board of Directors
White Heron Theatre Company
5 Water Street
Nantucket, MA



Town of Nantucket
APPLICATION FOR BLOCKING OF STREET/SIDEWALK

SECTION 1: (Applicant)

Applicant's Name: White Haven Theatre Company

Applicant's Address: 5 N Water St. Phone: 508 228 2154

Address of Blocking: Wharves Lane (small section behind Whaling Museum)

[X] Street OR [] Sidewalk Blocking

[X] Total OR [] Partial Blocking

Date(s) of Blocking: Friday July 22nd Time(s): 1:00 - 3:00

Purpose of Blocking: Block Party for Ribbon Cutting for Theatre

[] Dumpster/container (not permitted in the Old Historic District from June 1 to September 30)

(Fee: \$25.00/day - fee must be paid when obtaining final approval from the Town Administrator)

In consideration of permission to use the public area described above, the Applicant named above agrees to save and hold the Town of Nantucket, its agents, servants and employees, harmless from any and all liabilities or costs arising out of the use of the described premises by the Applicant, the Applicant's employees, subcontractors and/or other persons.

This permission is limited to the portion of the premises and the activity herein described.

Applicant's Signature: Jay Saicco Date: 6/28/16

SECTION 2:

Police Detail Required? Yes No Number of Officers Needed:
Nantucket Police Department (508-228-1212) [X] APPROVED [] DISAPPROVED
4 FAIRGROUNDS ROAD
Signature: [Signature] #386

Nantucket Fire Department (508-228-2323) [X] APPROVED [] DISAPPROVED
131 PLEASANT STREET (NEXT TO STOP & SHOP SUPERMARKET)
Signature: [Signature]

Department of Public Works (508-228-7244) [X] APPROVED [] DISAPPROVED
188 MADAKET ROAD (OFFICE ENTRANCE JUST PAST LANDFILL ENTRANCE OFF MADAKET RD)
Signature: [Signature] 6/29/2016

SECTION 3:

This application is hereby [] APPROVED [] DISAPPROVED with regard to the specified recommendations.
16 BROAD STREET

Town Manager Notes:

Date:

From: [Bob Dickinson](#)
To: [Erika Mooney](#)
Cc: [Brian Turbitt](#)
Subject: Refunding summary
Date: Friday, July 01, 2016 11:50:11 AM

Here are the amounts each fund will save because of the refunding of the February '08, March '08, and December '08 debt:

Fund	Savings
General Fund	\$ 491,654.00
Sconset Water	\$ 330,702.00
Wannacomet Water	\$ 556,635.00
Sewer	\$ 119,218.00
Solid Waste	\$ 26,681.00
	<u>\$1,524,890.00</u>

Please let me know if you need more information.

-Bob

Bob Dickinson
Assistant Town Accountant
Town of Nantucket
37 Washington Street
Nantucket, MA 02554
508 228 7200 Ext. 7033



TO: Board of Selectmen

FROM: Brian E. Turbitt, Director of Municipal Finance

CC: C. Elizabeth Gibson, Town Manager

DATE: July 5, 2016

RE: Debt Refunding

The Town has been presented an opportunity to refund some of its general obligation bonds. The table below identifies the funds and potential budgetary savings over the remaining life of the debt.

Fund	Savings
General Fund	\$ 491,654.00
Sconset Water	\$ 330,702.00
Wannacomet	
Water	\$ 556,635.00
Sewer	\$ 119,218.00
Solid Waste	\$ 26,681.00
	<u>\$1,524,890.00</u>

The analysis of current market conditions makes this an ideal time to refund this debt to reduce the interest costs over the remaining life of the debt. The debt being refunded has coupon rates of 3.625% or higher beginning in FY17 (see attached breakdown).

- Advance Refunding of 2/15/08: 9.963% present value savings or \$972,776 budgetary savings. Of the total amount of bonds being called \$2,455,000 are exempt from Proposition 2 ½.
- Current Refunding of 12/15/08 USDA loan: 15.713% present value savings or \$233,073 budgetary savings. All of the bonds being called are exempt from Proposition 2 ½.
- Advance Refunding of 3/15/09: 9.484% present value savings or \$586,103 budgetary savings.

Town of Nantucket, Massachusetts
\$14,180,000 General Obligation Refunding Bonds; Dated September 9, 2016
Advance Refunding of 2/15/08 & 3/15/09; Cur Ref of 12/15/08
National AA Scale as of 6/24/16 + 10bpts - Investments for 6/24/16

Refunding Analysis By Maturity

Maturity	Type of Bond	Coupon	Principal	Call Date	Total \$ Savings	Base Savings	Yield Blending	Total % Savings	Cumulative	Total %
February 15 2008 Landfill Cell (Solid Waste) (OSS)										
02/15/2019	Serial Coupon	3.625%	30,000	02/15/2018	64	-0.347%	0.560%	0.213%	26,681	8.894%
02/15/2020	Serial Coupon	4.000%	30,000	02/15/2018	860	1.935%	0.997%	2.932%	28,617	9.858%
02/15/2021	Serial Coupon	4.000%	30,000	02/15/2018	1,512	3.828%	1.212%	5.040%	25,738	10.724%
02/15/2022	Serial Coupon	4.000%	30,000	02/15/2018	2,057	5.684%	1.174%	6.858%	24,226	11.536%
02/15/2023	Serial Coupon	4.000%	30,000	02/15/2018	2,522	7.505%	0.902%	8.407%	22,168	12.316%
02/15/2024	Serial Coupon	4.125%	30,000	02/15/2018	3,132	9.973%	0.467%	10.440%	19,646	13.097%
02/15/2025	Serial Coupon	4.250%	30,000	02/15/2018	3,737	12.621%	-0.165%	12.456%	16,514	13.762%
02/15/2026	Serial Coupon	4.250%	30,000	02/15/2018	4,081	14.548%	-0.945%	13.603%	12,777	14.197%
02/15/2027	Serial Coupon	4.250%	30,000	02/15/2018	4,340	16.438%	-1.973%	14.466%	8,696	14.494%
02/15/2028	Serial Coupon	4.250%	30,000	02/15/2018	4,357	18.292%	-3.769%	14.523%	4,357	14.523%
Subtotal			\$300,000		\$26,681	9.048%	-0.154%	8.894%	\$26,681	8.894%
February 15 2008 Rehab & Administration Building (Water) (ISS)										
02/15/2019	Serial Coupon	3.625%	40,000	02/15/2018	65	-0.347%	0.560%	0.213%	28,362	8.104%
02/15/2020	Serial Coupon	4.000%	40,000	02/15/2018	1,173	1.935%	0.997%	2.932%	28,277	9.122%
02/15/2021	Serial Coupon	4.000%	40,000	02/15/2018	2,016	3.828%	1.212%	5.040%	27,104	10.039%
02/15/2022	Serial Coupon	4.000%	40,000	02/15/2018	2,743	5.684%	1.174%	6.858%	25,069	10.906%
02/15/2023	Serial Coupon	4.000%	40,000	02/15/2018	3,363	7.505%	0.902%	8.407%	22,345	11.761%
02/15/2024	Serial Coupon	4.125%	40,000	02/15/2018	4,178	9.973%	0.467%	10.440%	18,982	12.655%
02/15/2025	Serial Coupon	4.250%	40,000	02/15/2018	4,982	12.621%	-0.165%	12.456%	14,806	13.460%
02/15/2026	Serial Coupon	4.250%	35,000	02/15/2018	4,761	14.548%	-0.945%	13.603%	9,824	14.034%
02/15/2027	Serial Coupon	4.250%	35,000	02/15/2018	5,063	16.438%	-1.973%	14.466%	5,063	14.466%
Subtotal			\$350,000		\$28,362	7.807%	0.296%	8.104%	\$28,362	8.104%
February 15 2008 Source Well & Pump (Water) (OSS)										
02/15/2019	Serial Coupon	3.625%	65,000	02/15/2018	138	-0.347%	0.560%	0.213%	57,809	8.894%
02/15/2020	Serial Coupon	4.000%	65,000	02/15/2018	1,906	1.935%	0.997%	2.932%	57,671	9.858%
02/15/2021	Serial Coupon	4.000%	65,000	02/15/2018	3,278	3.828%	1.212%	5.040%	55,765	10.724%
02/15/2022	Serial Coupon	4.000%	65,000	02/15/2018	4,458	5.684%	1.174%	6.858%	52,489	11.536%
02/15/2023	Serial Coupon	4.000%	65,000	02/15/2018	5,465	7.505%	0.902%	8.407%	48,031	12.316%
02/15/2024	Serial Coupon	4.125%	65,000	02/15/2018	6,768	9.973%	0.467%	10.440%	42,567	13.097%
02/15/2025	Serial Coupon	4.250%	65,000	02/15/2018	8,096	12.621%	-0.165%	12.456%	35,780	13.762%
02/15/2026	Serial Coupon	4.250%	65,000	02/15/2018	8,842	14.548%	-0.945%	13.603%	27,684	14.197%
02/15/2027	Serial Coupon	4.250%	65,000	02/15/2018	9,403	16.438%	-1.973%	14.466%	18,842	14.494%
02/15/2028	Serial Coupon	4.250%	65,000	02/15/2018	9,440	18.292%	-3.769%	14.523%	9,440	14.523%
Subtotal			\$650,000		\$57,809	9.048%	-0.154%	8.894%	\$57,809	8.894%
February 15 2008 Water Storage Tank (OSS)										
02/15/2019	Serial Coupon	3.625%	250,000	02/15/2018	532	-0.347%	0.560%	0.213%	222,342	8.894%
02/15/2020	Serial Coupon	4.000%	250,000	02/15/2018	7,330	1.935%	0.997%	2.932%	221,811	9.858%
02/15/2021	Serial Coupon	4.000%	250,000	02/15/2018	12,600	3.828%	1.212%	5.040%	214,481	10.724%
02/15/2022	Serial Coupon	4.000%	250,000	02/15/2018	17,145	5.684%	1.174%	6.858%	201,681	11.536%
02/15/2023	Serial Coupon	4.000%	250,000	02/15/2018	21,018	7.505%	0.902%	8.407%	184,738	12.316%
02/15/2024	Serial Coupon	4.125%	250,000	02/15/2018	26,101	9.973%	0.467%	10.440%	163,718	13.097%
02/15/2025	Serial Coupon	4.250%	250,000	02/15/2018	31,139	12.621%	-0.165%	12.456%	137,617	13.762%
02/15/2026	Serial Coupon	4.250%	250,000	02/15/2018	34,007	14.548%	-0.945%	13.603%	106,477	14.197%
02/15/2027	Serial Coupon	4.250%	250,000	02/15/2018	36,164	16.438%	-1.973%	14.466%	72,471	14.494%
02/15/2028	Serial Coupon	4.250%	250,000	02/15/2018	36,306	18.292%	-3.769%	14.523%	36,306	14.523%
Subtotal			\$2,500,000		\$222,342	9.048%	-0.154%	8.894%	\$222,342	8.894%
February 15 2008 Water Mains (OSS)										
02/15/2019	Serial Coupon	3.625%	60,000	02/15/2018	128	-0.347%	0.560%	0.213%	53,362	8.894%
02/15/2020	Serial Coupon	4.000%	60,000	02/15/2018	1,759	1.935%	0.997%	2.932%	53,235	9.858%
02/15/2021	Serial Coupon	4.000%	60,000	02/15/2018	3,024	3.828%	1.212%	5.040%	51,475	10.724%
02/15/2022	Serial Coupon	4.000%	60,000	02/15/2018	4,115	5.684%	1.174%	6.858%	48,452	11.536%
02/15/2023	Serial Coupon	4.000%	60,000	02/15/2018	5,044	7.505%	0.902%	8.407%	44,337	12.316%
02/15/2024	Serial Coupon	4.125%	60,000	02/15/2018	6,264	9.973%	0.467%	10.440%	39,292	13.097%
02/15/2025	Serial Coupon	4.250%	60,000	02/15/2018	7,473	12.621%	-0.165%	12.456%	33,028	13.762%
02/15/2026	Serial Coupon	4.250%	60,000	02/15/2018	8,162	14.548%	-0.945%	13.603%	25,656	14.197%
02/15/2027	Serial Coupon	4.250%	60,000	02/15/2018	8,679	16.438%	-1.973%	14.466%	17,393	14.494%
02/15/2028	Serial Coupon	4.250%	60,000	02/15/2018	8,714	18.292%	-3.769%	14.523%	8,714	14.523%
Subtotal			\$600,000		\$53,362	9.048%	-0.154%	8.894%	\$53,362	8.894%
February 15 2008 Water System Distribution Improvement (OSS)										
02/15/2019	Serial Coupon	3.625%	50,000	02/15/2018	106	-0.347%	0.560%	0.213%	44,468	8.894%
02/15/2020	Serial Coupon	4.000%	50,000	02/15/2018	1,466	1.935%	0.997%	2.932%	44,362	9.858%
02/15/2021	Serial Coupon	4.000%	50,000	02/15/2018	2,520	3.828%	1.212%	5.040%	42,896	10.724%
02/15/2022	Serial Coupon	4.000%	50,000	02/15/2018	3,429	5.684%	1.174%	6.858%	40,376	11.536%
02/15/2023	Serial Coupon	4.000%	50,000	02/15/2018	4,204	7.505%	0.902%	8.407%	38,947	12.316%
02/15/2024	Serial Coupon	4.125%	50,000	02/15/2018	5,220	9.973%	0.467%	10.440%	32,744	13.097%
02/15/2025	Serial Coupon	4.250%	50,000	02/15/2018	6,228	12.621%	-0.165%	12.456%	27,523	13.762%
02/15/2026	Serial Coupon	4.250%	50,000	02/15/2018	6,801	14.548%	-0.945%	13.603%	21,295	14.197%
02/15/2027	Serial Coupon	4.250%	50,000	02/15/2018	7,233	16.438%	-1.973%	14.466%	14,494	14.494%
02/15/2028	Serial Coupon	4.250%	50,000	02/15/2018	7,261	18.292%	-3.769%	14.523%	7,261	14.523%
Subtotal			\$500,000		\$44,468	9.048%	-0.154%	8.894%	\$44,468	8.894%
February 15 2008 Water Mains 2 (OSS)										
02/15/2019	Serial Coupon	3.625%	5,000	02/15/2018	11	-0.347%	0.560%	0.213%	4,447	8.894%
02/15/2020	Serial Coupon	4.000%	5,000	02/15/2018	147	1.935%	0.997%	2.932%	4,436	9.858%
02/15/2021	Serial Coupon	4.000%	5,000	02/15/2018	252	3.828%	1.212%	5.040%	4,290	10.724%
02/15/2022	Serial Coupon	4.000%	5,000	02/15/2018	343	5.684%	1.174%	6.858%	4,038	11.536%
02/15/2023	Serial Coupon	4.000%	5,000	02/15/2018	420	7.505%	0.902%	8.407%	3,695	12.316%
02/15/2024	Serial Coupon	4.125%	5,000	02/15/2018	522	9.973%	0.467%	10.440%	3,274	13.097%
02/15/2025	Serial Coupon	4.250%	5,000	02/15/2018	623	12.621%	-0.165%	12.456%	2,752	13.762%
02/15/2026	Serial Coupon	4.250%	5,000	02/15/2018	680	14.548%	-0.945%	13.603%	2,130	14.197%
02/15/2027	Serial Coupon	4.250%	5,000	02/15/2018	723	16.438%	-1.973%	14.466%	1,449	14.494%
02/15/2028	Serial Coupon	4.250%	5,000	02/15/2018	726	18.292%	-3.769%	14.523%	726	14.523%
Subtotal			\$50,000		\$4,447	9.048%	-0.154%	8.894%	\$4,447	8.894%

February 15 2008 Sewer Construction (ISS)										
02/15/2019 Serial Coupon	3.625%	10,000	02/15/2018	21	-0.347%	0.560%	0.213%	8,894	8.894%	
02/15/2020 Serial Coupon	4.000%	10,000	02/15/2018	293	1.935%	0.997%	2.932%	8,872	9.856%	
02/15/2021 Serial Coupon	4.000%	10,000	02/15/2018	504	3.828%	1.212%	5.040%	8,579	10.724%	
02/15/2022 Serial Coupon	4.000%	10,000	02/15/2018	686	5.684%	1.174%	6.858%	8,075	11.536%	
02/15/2023 Serial Coupon	4.000%	10,000	02/15/2018	841	7.505%	0.902%	8.407%	7,389	12.316%	
02/15/2024 Serial Coupon	4.125%	10,000	02/15/2018	1,044	9.973%	0.467%	10.440%	6,549	13.097%	
02/15/2025 Serial Coupon	4.250%	10,000	02/15/2018	1,246	12.621%	-0.165%	12.456%	5,505	13.762%	
02/15/2026 Serial Coupon	4.250%	10,000	02/15/2018	1,360	14.548%	-0.945%	13.603%	4,259	14.197%	
02/15/2027 Serial Coupon	4.250%	10,000	02/15/2018	1,447	16.438%	-1.973%	14.466%	2,899	14.494%	
02/15/2028 Serial Coupon	4.250%	10,000	02/15/2018	1,452	18.292%	-3.769%	14.523%	1,452	14.523%	
Subtotal		\$100,000		\$8,894	9.048%	-0.154%	8.894%	\$8,894	8.894%	
February 15 2008 Sewer (ISS)										
02/15/2019 Serial Coupon	3.625%	45,000	02/15/2018	96	-0.347%	0.560%	0.213%	36,327	8.649%	
02/15/2020 Serial Coupon	4.000%	45,000	02/15/2018	1,319	1.935%	0.997%	2.932%	36,231	9.662%	
02/15/2021 Serial Coupon	4.000%	45,000	02/15/2018	2,268	3.828%	1.212%	5.040%	34,912	10.579%	
02/15/2022 Serial Coupon	4.000%	45,000	02/15/2018	3,086	5.684%	1.174%	6.858%	32,644	11.454%	
02/15/2023 Serial Coupon	4.000%	40,000	02/15/2018	3,363	7.505%	0.902%	8.407%	29,558	12.316%	
02/15/2024 Serial Coupon	4.125%	40,000	02/15/2018	4,176	9.973%	0.467%	10.440%	26,195	13.097%	
02/15/2025 Serial Coupon	4.250%	40,000	02/15/2018	4,982	12.621%	-0.165%	12.456%	22,019	13.762%	
02/15/2026 Serial Coupon	4.250%	40,000	02/15/2018	5,441	14.548%	-0.945%	13.603%	17,036	14.197%	
02/15/2027 Serial Coupon	4.250%	40,000	02/15/2018	5,788	16.438%	-1.973%	14.466%	11,595	14.494%	
02/15/2028 Serial Coupon	4.250%	40,000	02/15/2018	5,809	18.292%	-3.769%	14.523%	5,809	14.523%	
Subtotal		\$420,000		\$36,327	8.749%	-0.100%	8.649%	\$36,327	8.649%	
February 15 2008 Sewer 2 (ISS)										
02/15/2019 Serial Coupon	3.625%	70,000	02/15/2018	149	-0.347%	0.560%	0.213%	62,256	8.894%	
02/15/2020 Serial Coupon	4.000%	70,000	02/15/2018	2,052	1.935%	0.997%	2.932%	62,107	9.856%	
02/15/2021 Serial Coupon	4.000%	70,000	02/15/2018	3,528	3.828%	1.212%	5.040%	60,055	10.724%	
02/15/2022 Serial Coupon	4.000%	70,000	02/15/2018	4,801	5.684%	1.174%	6.858%	56,527	11.536%	
02/15/2023 Serial Coupon	4.000%	70,000	02/15/2018	5,885	7.505%	0.902%	8.407%	51,726	12.316%	
02/15/2024 Serial Coupon	4.125%	70,000	02/15/2018	7,308	9.973%	0.467%	10.440%	45,841	13.097%	
02/15/2025 Serial Coupon	4.250%	70,000	02/15/2018	8,719	12.621%	-0.165%	12.456%	38,533	13.762%	
02/15/2026 Serial Coupon	4.250%	70,000	02/15/2018	9,522	14.548%	-0.945%	13.603%	29,814	14.197%	
02/15/2027 Serial Coupon	4.250%	70,000	02/15/2018	10,126	16.438%	-1.973%	14.466%	20,292	14.494%	
02/15/2028 Serial Coupon	4.250%	70,000	02/15/2018	10,168	18.292%	-3.769%	14.523%	10,168	14.523%	
Subtotal		\$700,000		\$62,256	9.048%	-0.154%	8.894%	\$62,256	8.894%	
February 15 2008 Waste Water Treatment Facility (General 34%) (IE)										
02/15/2019 Serial Coupon	3.625%	6,800	02/15/2018	14	-0.347%	0.560%	0.213%	6,048	8.894%	
02/15/2020 Serial Coupon	4.000%	6,800	02/15/2018	199	1.935%	0.997%	2.932%	6,033	9.856%	
02/15/2021 Serial Coupon	4.000%	6,800	02/15/2018	343	3.828%	1.212%	5.040%	5,834	10.724%	
02/15/2022 Serial Coupon	4.000%	6,800	02/15/2018	466	5.684%	1.174%	6.858%	5,491	11.536%	
02/15/2023 Serial Coupon	4.000%	6,800	02/15/2018	572	7.505%	0.902%	8.407%	5,025	12.316%	
02/15/2024 Serial Coupon	4.125%	6,800	02/15/2018	710	9.973%	0.467%	10.440%	4,453	13.097%	
02/15/2025 Serial Coupon	4.250%	6,800	02/15/2018	847	12.621%	-0.165%	12.456%	3,743	13.762%	
02/15/2026 Serial Coupon	4.250%	6,800	02/15/2018	925	14.548%	-0.945%	13.603%	2,896	14.197%	
02/15/2027 Serial Coupon	4.250%	6,800	02/15/2018	984	16.438%	-1.973%	14.466%	1,971	14.494%	
02/15/2028 Serial Coupon	4.250%	6,800	02/15/2018	988	18.292%	-3.769%	14.523%	988	14.523%	
Subtotal		\$68,000		\$6,048	9.048%	-0.154%	8.894%	\$6,048	8.894%	
February 15 2008 Waste Water Treatment Facility (Sewer 66%) (IE-SS)										
02/15/2019 Serial Coupon	3.625%	13,200	02/15/2018	28	-0.347%	0.560%	0.213%	11,740	8.894%	
02/15/2020 Serial Coupon	4.000%	13,200	02/15/2018	387	1.935%	0.997%	2.932%	11,712	9.856%	
02/15/2021 Serial Coupon	4.000%	13,200	02/15/2018	655	3.828%	1.212%	5.040%	11,325	10.724%	
02/15/2022 Serial Coupon	4.000%	13,200	02/15/2018	905	5.684%	1.174%	6.858%	10,659	11.536%	
02/15/2023 Serial Coupon	4.000%	13,200	02/15/2018	1,110	7.505%	0.902%	8.407%	9,754	12.316%	
02/15/2024 Serial Coupon	4.125%	13,200	02/15/2018	1,378	9.973%	0.467%	10.440%	8,644	13.097%	
02/15/2025 Serial Coupon	4.250%	13,200	02/15/2018	1,644	12.621%	-0.165%	12.456%	7,266	13.762%	
02/15/2026 Serial Coupon	4.250%	13,200	02/15/2018	1,796	14.548%	-0.945%	13.603%	5,622	14.197%	
02/15/2027 Serial Coupon	4.250%	13,200	02/15/2018	1,909	16.438%	-1.973%	14.466%	3,826	14.494%	
02/15/2028 Serial Coupon	4.250%	13,200	02/15/2018	1,917	18.292%	-3.769%	14.523%	1,917	14.523%	
Subtotal		\$132,000		\$11,740	9.048%	-0.154%	8.894%	\$11,740	8.894%	
February 15 2008 Childrens Beach Ramp (IE)										
02/15/2019 Serial Coupon	3.625%	15,000	02/15/2018	32	-0.347%	0.560%	0.213%	1,661	3.323%	
02/15/2020 Serial Coupon	4.000%	15,000	02/15/2018	440	1.935%	0.997%	2.932%	1,630	4.656%	
02/15/2021 Serial Coupon	4.000%	10,000	02/15/2018	504	3.828%	1.212%	5.040%	1,190	5.949%	
02/15/2022 Serial Coupon	4.000%	10,000	02/15/2018	656	5.684%	1.174%	6.858%	656	6.858%	
Subtotal		\$50,000		\$1,661	2.379%	0.944%	3.323%	\$1,661	3.323%	
February 15 2008 Bikeway (IE)										
02/15/2019 Serial Coupon	3.625%	45,000	02/15/2018	96	-0.347%	0.560%	0.213%	6,769	3.761%	
02/15/2020 Serial Coupon	4.000%	45,000	02/15/2018	1,319	1.935%	0.997%	2.932%	6,673	4.943%	
02/15/2021 Serial Coupon	4.000%	45,000	02/15/2018	2,268	3.828%	1.212%	5.040%	5,354	5.949%	
02/15/2022 Serial Coupon	4.000%	45,000	02/15/2018	3,086	5.684%	1.174%	6.858%	3,086	6.858%	
Subtotal		\$180,000		\$6,769	2.775%	0.986%	3.761%	\$6,769	3.761%	
February 15 2008 Washington Street Building (IE)										
02/15/2019 Serial Coupon	3.625%	10,000	02/15/2018	21	-0.347%	0.560%	0.213%	8,894	8.894%	
02/15/2020 Serial Coupon	4.000%	10,000	02/15/2018	293	1.935%	0.997%	2.932%	8,872	9.856%	
02/15/2021 Serial Coupon	4.000%	10,000	02/15/2018	504	3.828%	1.212%	5.040%	8,579	10.724%	
02/15/2022 Serial Coupon	4.000%	10,000	02/15/2018	686	5.684%	1.174%	6.858%	8,075	11.536%	
02/15/2023 Serial Coupon	4.000%	10,000	02/15/2018	841	7.505%	0.902%	8.407%	7,389	12.316%	
02/15/2024 Serial Coupon	4.125%	10,000	02/15/2018	1,044	9.973%	0.467%	10.440%	6,549	13.097%	
02/15/2025 Serial Coupon	4.250%	10,000	02/15/2018	1,246	12.621%	-0.165%	12.456%	5,505	13.762%	
02/15/2026 Serial Coupon	4.250%	10,000	02/15/2018	1,360	14.548%	-0.945%	13.603%	4,259	14.197%	
02/15/2027 Serial Coupon	4.250%	10,000	02/15/2018	1,447	16.438%	-1.973%	14.466%	2,899	14.494%	
02/15/2028 Serial Coupon	4.250%	10,000	02/15/2018	1,452	18.292%	-3.769%	14.523%	1,452	14.523%	
Subtotal		\$100,000		\$8,894	9.048%	-0.154%	8.894%	\$8,894	8.894%	
February 15 2008 South Shore Road Bike Path (IE)										
02/15/2019 Serial Coupon	3.625%	25,000	02/15/2018	53	-0.347%	0.560%	0.213%	5,662	4.690%	
02/15/2020 Serial Coupon	4.000%	25,000	02/15/2018	733	1.935%	0.997%	2.932%	5,809	5.809%	
02/15/2021 Serial Coupon	4.000%	25,000	02/15/2018	1,260	3.828%	1.212%	5.040%	5,076	6.768%	
02/15/2022 Serial Coupon	4.000%	25,000	02/15/2018	1,715	5.684%	1.174%	6.858%	3,816	7.633%	
02/15/2023 Serial Coupon	4.000%	25,000	02/15/2018	2,102	7.505%	0.902%	8.407%	2,102	8.407%	
Subtotal		\$125,000		\$5,662	3.721%	0.969%	4.690%	\$5,662	4.690%	

February 15 2008 Nobadeer Farm Road Bike Path (IE)										
02/15/2019 Serial Coupon	3.625%	5,000	02/15/2018	11	-0.347%	0.560%	0.213%	1,172	4.690%	
02/15/2020 Serial Coupon	4.000%	5,000	02/15/2018	147	1.935%	0.997%	2.932%	1,162	5.609%	
02/15/2021 Serial Coupon	4.000%	5,000	02/15/2018	252	3.828%	1.212%	5.040%	1,015	6.768%	
02/15/2022 Serial Coupon	4.000%	5,000	02/15/2018	343	5.684%	1.174%	6.858%	763	7.633%	
02/15/2023 Serial Coupon	4.000%	5,000	02/15/2018	420	7.505%	0.902%	8.407%	420	8.407%	
Subtotal		\$25,000		\$1,172	3.721%	0.969%	4.690%	\$1,172	4.690%	
February 15 2008 NES Building Improvements 1 (IE)										
02/15/2019 Serial Coupon	3.625%	10,000	02/15/2018	21	-0.347%	0.560%	0.213%	7,441	8.268%	
02/15/2020 Serial Coupon	4.000%	10,000	02/15/2018	293	1.935%	0.997%	2.932%	7,420	9.275%	
02/15/2021 Serial Coupon	4.000%	10,000	02/15/2018	504	3.828%	1.212%	5.040%	7,127	10.181%	
02/15/2022 Serial Coupon	4.000%	10,000	02/15/2018	686	5.684%	1.174%	6.858%	6,623	11.038%	
02/15/2023 Serial Coupon	4.000%	10,000	02/15/2018	841	7.505%	0.902%	8.407%	5,937	11.874%	
02/15/2024 Serial Coupon	4.125%	10,000	02/15/2018	1,044	9.973%	0.467%	10.440%	5,096	12.741%	
02/15/2025 Serial Coupon	4.250%	10,000	02/15/2018	1,246	12.621%	-0.165%	12.456%	4,052	13.508%	
02/15/2026 Serial Coupon	4.250%	10,000	02/15/2018	1,360	14.548%	-0.945%	13.603%	2,807	14.034%	
02/15/2027 Serial Coupon	4.250%	10,000	02/15/2018	1,447	16.438%	-1.973%	14.466%	1,447	14.466%	
Subtotal		\$90,000		\$7,441	8.021%	0.246%	8.268%	\$7,441	8.268%	
February 15 2008 NES Building Improvements 2 (IE)										
02/15/2019 Serial Coupon	3.625%	20,000	02/15/2018	43	-0.347%	0.560%	0.213%	17,787	8.894%	
02/15/2020 Serial Coupon	4.000%	20,000	02/15/2018	586	1.935%	0.997%	2.932%	17,745	9.858%	
02/15/2021 Serial Coupon	4.000%	20,000	02/15/2018	1,008	3.828%	1.212%	5.040%	17,158	10.724%	
02/15/2022 Serial Coupon	4.000%	20,000	02/15/2018	1,372	5.684%	1.174%	6.858%	16,151	11.536%	
02/15/2023 Serial Coupon	4.000%	20,000	02/15/2018	1,681	7.505%	0.902%	8.407%	14,779	12.316%	
02/15/2024 Serial Coupon	4.125%	20,000	02/15/2018	2,088	9.973%	0.467%	10.440%	13,097	13.097%	
02/15/2025 Serial Coupon	4.250%	20,000	02/15/2018	2,481	12.621%	-0.165%	12.456%	11,009	13.762%	
02/15/2026 Serial Coupon	4.250%	20,000	02/15/2018	2,721	14.548%	-0.945%	13.603%	8,518	14.197%	
02/15/2027 Serial Coupon	4.250%	20,000	02/15/2018	2,893	16.438%	-1.973%	14.466%	5,798	14.494%	
02/15/2028 Serial Coupon	4.250%	20,000	02/15/2018	2,905	16.292%	-3.769%	14.523%	2,905	14.523%	
Subtotal		\$200,000		\$17,787	9.048%	-0.154%	8.894%	\$17,787	8.894%	
February 15 2008 CPS Building Improvements (IE)										
02/15/2019 Serial Coupon	3.625%	20,000	02/15/2018	43	-0.347%	0.560%	0.213%	14,883	8.268%	
02/15/2020 Serial Coupon	4.000%	20,000	02/15/2018	586	1.935%	0.997%	2.932%	14,840	9.275%	
02/15/2021 Serial Coupon	4.000%	20,000	02/15/2018	1,008	3.828%	1.212%	5.040%	14,254	10.181%	
02/15/2022 Serial Coupon	4.000%	20,000	02/15/2018	1,372	5.684%	1.174%	6.858%	13,248	11.038%	
02/15/2023 Serial Coupon	4.000%	20,000	02/15/2018	1,681	7.505%	0.902%	8.407%	11,874	11.874%	
02/15/2024 Serial Coupon	4.125%	20,000	02/15/2018	2,088	9.973%	0.467%	10.440%	10,193	12.741%	
02/15/2025 Serial Coupon	4.250%	20,000	02/15/2018	2,491	12.621%	-0.165%	12.456%	8,105	13.508%	
02/15/2026 Serial Coupon	4.250%	20,000	02/15/2018	2,721	14.548%	-0.945%	13.603%	5,614	14.034%	
02/15/2027 Serial Coupon	4.250%	20,000	02/15/2018	2,893	16.438%	-1.973%	14.466%	2,893	14.466%	
Subtotal		\$180,000		\$14,883	8.021%	0.248%	8.268%	\$14,883	8.268%	
February 15 2008 CPS Building Improvements 2 (IE)										
02/15/2019 Serial Coupon	3.625%	15,000	02/15/2018	32	-0.347%	0.560%	0.213%	13,341	8.894%	
02/15/2020 Serial Coupon	4.000%	15,000	02/15/2018	440	1.935%	0.997%	2.932%	13,309	9.858%	
02/15/2021 Serial Coupon	4.000%	15,000	02/15/2018	756	3.828%	1.212%	5.040%	12,689	10.724%	
02/15/2022 Serial Coupon	4.000%	15,000	02/15/2018	1,029	5.684%	1.174%	6.858%	12,113	11.536%	
02/15/2023 Serial Coupon	4.000%	15,000	02/15/2018	1,261	7.505%	0.902%	8.407%	11,084	12.316%	
02/15/2024 Serial Coupon	4.125%	15,000	02/15/2018	1,566	9.973%	0.467%	10.440%	9,823	13.097%	
02/15/2025 Serial Coupon	4.250%	15,000	02/15/2018	1,868	12.621%	-0.165%	12.456%	8,257	13.762%	
02/15/2026 Serial Coupon	4.250%	15,000	02/15/2018	2,040	14.548%	-0.945%	13.603%	6,389	14.197%	
02/15/2027 Serial Coupon	4.250%	15,000	02/15/2018	2,170	16.438%	-1.973%	14.466%	4,348	14.494%	
02/15/2028 Serial Coupon	4.250%	15,000	02/15/2018	2,178	16.292%	-3.769%	14.523%	2,178	14.523%	
Subtotal		\$150,000		\$13,341	9.048%	-0.154%	8.894%	\$13,341	8.894%	
February 15 2008 NHS Building Improvements (IE)										
02/15/2019 Serial Coupon	3.625%	45,000	02/15/2018	96	-0.347%	0.560%	0.213%	33,486	8.268%	
02/15/2020 Serial Coupon	4.000%	45,000	02/15/2018	1,319	1.935%	0.997%	2.932%	33,391	9.275%	
02/15/2021 Serial Coupon	4.000%	45,000	02/15/2018	2,268	3.828%	1.212%	5.040%	32,071	10.181%	
02/15/2022 Serial Coupon	4.000%	45,000	02/15/2018	3,086	5.684%	1.174%	6.858%	29,803	11.038%	
02/15/2023 Serial Coupon	4.000%	45,000	02/15/2018	3,783	7.505%	0.902%	8.407%	26,717	11.874%	
02/15/2024 Serial Coupon	4.125%	45,000	02/15/2018	4,698	9.973%	0.467%	10.440%	22,934	12.741%	
02/15/2025 Serial Coupon	4.250%	45,000	02/15/2018	5,605	12.621%	-0.165%	12.456%	18,236	13.508%	
02/15/2026 Serial Coupon	4.250%	45,000	02/15/2018	6,121	14.548%	-0.945%	13.603%	12,631	14.034%	
02/15/2027 Serial Coupon	4.250%	45,000	02/15/2018	6,510	16.438%	-1.973%	14.466%	6,510	14.466%	
Subtotal		\$405,000		\$33,486	8.021%	0.248%	8.268%	\$33,486	8.268%	
February 15 2008 NHS Building Improvements 2 (IE)										
02/15/2019 Serial Coupon	3.625%	35,000	02/15/2018	74	-0.347%	0.560%	0.213%	31,128	8.894%	
02/15/2020 Serial Coupon	4.000%	35,000	02/15/2018	1,028	1.935%	0.997%	2.932%	31,053	9.858%	
02/15/2021 Serial Coupon	4.000%	35,000	02/15/2018	1,764	3.828%	1.212%	5.040%	30,027	10.724%	
02/15/2022 Serial Coupon	4.000%	35,000	02/15/2018	2,400	5.684%	1.174%	6.858%	28,263	11.536%	
02/15/2023 Serial Coupon	4.000%	35,000	02/15/2018	2,943	7.505%	0.902%	8.407%	25,863	12.316%	
02/15/2024 Serial Coupon	4.125%	35,000	02/15/2018	3,654	9.973%	0.467%	10.440%	22,921	13.097%	
02/15/2025 Serial Coupon	4.250%	35,000	02/15/2018	4,360	12.621%	-0.165%	12.456%	19,268	13.762%	
02/15/2026 Serial Coupon	4.250%	35,000	02/15/2018	4,761	14.548%	-0.945%	13.603%	14,907	14.197%	
02/15/2027 Serial Coupon	4.250%	35,000	02/15/2018	5,063	16.438%	-1.973%	14.466%	10,146	14.494%	
02/15/2028 Serial Coupon	4.250%	35,000	02/15/2018	5,083	16.292%	-3.769%	14.523%	5,083	14.523%	
Subtotal		\$350,000		\$31,128	9.048%	-0.154%	8.894%	\$31,128	8.894%	
February 15 2008 New School Playing Fields (IE)										
02/15/2019 Serial Coupon	3.625%	80,000	02/15/2018	170	-0.347%	0.560%	0.213%	18,760	4.690%	
02/15/2020 Serial Coupon	4.000%	80,000	02/15/2018	2,346	1.935%	0.997%	2.932%	18,590	5.609%	
02/15/2021 Serial Coupon	4.000%	80,000	02/15/2018	4,032	3.828%	1.212%	5.040%	18,244	6.768%	
02/15/2022 Serial Coupon	4.000%	80,000	02/15/2018	5,486	5.684%	1.174%	6.858%	12,212	7.633%	
02/15/2023 Serial Coupon	4.000%	80,000	02/15/2018	6,728	7.505%	0.902%	8.407%	6,728	8.407%	
Subtotal		\$400,000		\$18,760	3.721%	0.969%	4.690%	\$18,760	4.690%	

December 18 2008 USDA Sewer Loan (OE) Single Purpose										
12/18/2016 Serial Coupon	4.125%	34,500	10/15/2016	-76	0.241%	-0.481%	-0.220%	324,421	28.495%	
12/18/2017 Serial Coupon	4.125%	34,500	10/15/2016	1,090	2.375%	0.784%	3.159%	324,497	29.393%	
12/18/2018 Serial Coupon	4.125%	34,500	10/15/2016	2,194	4.469%	1.691%	6.360%	323,407	30.239%	
12/18/2019 Serial Coupon	4.125%	34,500	10/15/2016	3,216	6.522%	2.799%	9.321%	321,213	31.035%	
12/18/2020 Serial Coupon	4.125%	34,500	10/15/2016	4,154	8.536%	3.504%	12.041%	317,997	31.784%	
12/18/2021 Serial Coupon	4.125%	34,500	10/15/2016	4,998	10.512%	3.975%	14.486%	313,843	32.469%	
12/18/2022 Serial Coupon	4.125%	34,500	10/15/2016	5,754	12.448%	4.226%	16.677%	308,845	33.155%	
12/18/2023 Serial Coupon	4.125%	34,500	10/15/2016	6,440	14.349%	4.319%	18.658%	303,092	33.769%	
12/18/2024 Serial Coupon	4.125%	34,500	10/15/2016	7,051	16.213%	4.226%	20.338%	296,651	34.394%	
12/18/2025 Serial Coupon	4.125%	34,500	10/15/2016	7,606	18.041%	4.006%	22.047%	289,600	34.976%	
12/18/2026 Serial Coupon	4.125%	34,500	10/15/2016	8,070	19.834%	3.558%	23.392%	281,993	35.538%	
12/18/2027 Serial Coupon	4.125%	34,500	10/15/2016	8,499	21.592%	3.043%	24.635%	273,923	36.090%	
12/18/2028 Serial Coupon	4.125%	34,500	10/15/2016	8,987	23.317%	2.731%	26.049%	265,424	36.635%	
12/18/2029 Serial Coupon	4.125%	34,500	10/15/2016	9,439	25.009%	2.352%	27.360%	256,437	37.165%	
12/18/2030 Serial Coupon	4.125%	34,500	10/15/2016	9,861	26.668%	1.916%	28.584%	246,998	37.681%	
12/18/2031 Serial Coupon	4.125%	34,500	10/15/2016	10,267	28.295%	1.464%	29.759%	237,136	38.186%	
12/18/2032 Serial Coupon	4.125%	34,500	10/15/2016	10,641	29.891%	0.953%	30.845%	226,869	38.682%	
12/18/2033 Serial Coupon	4.125%	34,500	10/15/2016	10,982	31.457%	0.375%	31.832%	216,228	39.172%	
12/18/2034 Serial Coupon	4.125%	34,500	10/15/2016	11,301	32.992%	-0.237%	32.756%	205,246	39.651%	
12/18/2035 Serial Coupon	4.125%	34,500	10/15/2016	11,615	34.498%	-0.830%	33.659%	193,946	40.124%	
12/18/2036 Serial Coupon	4.125%	34,500	10/15/2016	11,908	35.979%	-1.459%	34.518%	182,330	40.593%	
12/18/2037 Serial Coupon	4.125%	34,500	10/15/2016	12,202	37.424%	-2.055%	35.369%	170,422	41.059%	
12/18/2038 Serial Coupon	4.125%	34,500	10/15/2016	12,534	38.845%	-2.514%	36.231%	158,220	41.522%	
12/18/2039 Serial Coupon	4.125%	34,500	10/15/2016	12,877	40.238%	-2.914%	37.124%	145,666	42.228%	
12/18/2040 Serial Coupon	4.125%	34,500	10/15/2016	13,239	41.605%	-3.230%	38.075%	132,809	42.773%	
12/18/2041 Serial Coupon	4.125%	34,500	10/15/2016	13,597	42.946%	-3.533%	39.013%	119,569	43.322%	
12/18/2042 Serial Coupon	4.125%	34,500	10/15/2016	13,945	44.261%	-3.840%	40.021%	105,972	43.881%	
12/18/2043 Serial Coupon	4.125%	34,500	10/15/2016	14,281	45.550%	-4.155%	41.395%	92,027	44.457%	
12/18/2044 Serial Coupon	4.125%	34,500	10/15/2016	14,606	46.815%	-4.480%	42.335%	77,746	45.070%	
12/18/2045 Serial Coupon	4.125%	34,500	10/15/2016	14,919	48.056%	-4.813%	43.242%	63,140	45.754%	
12/18/2046 Serial Coupon	4.125%	34,500	10/15/2016	15,220	49.272%	-5.155%	44.117%	48,221	46.591%	
12/18/2047 Serial Coupon	4.125%	34,500	10/15/2016	15,511	50.466%	-5.506%	44.860%	33,001	47.627%	
12/18/2048 Serial Coupon	4.125%	34,500	10/15/2016	17,490	51.636%	-0.942%	50.695%	17,490	50.695%	
Subtotal		\$1,138,500		\$324,421	28.495%		28.495%	\$324,421	28.495%	
March 15 2009 Siasconset Water Tank 1 (OSS)										
03/15/2020 Serial Coupon	4.000%	190,000	03/15/2019	-392	-1.542%	1.336%	-0.206%	202,217	8.908%	
03/15/2021 Serial Coupon	4.000%	195,000	03/15/2019	3,900	0.348%	1.653%	2.000%	202,608	9.741%	
03/15/2022 Serial Coupon	4.000%	200,000	03/15/2019	7,830	2.201%	1.714%	3.915%	198,708	10.542%	
03/15/2023 Serial Coupon	4.000%	210,000	03/15/2019	11,674	4.019%	1.540%	5.559%	190,878	11.328%	
03/15/2024 Serial Coupon	4.250%	220,000	03/15/2019	17,900	6.918%	1.218%	8.136%	179,204	12.149%	
03/15/2025 Serial Coupon	4.300%	230,000	03/15/2019	22,595	9.146%	0.678%	9.824%	161,304	12.853%	
03/15/2026 Term 1 Coupon	4.375%	240,000	03/15/2019	27,783	11.573%	0.003%	11.576%	138,710	13.533%	
03/15/2027 Term 1 Coupon	4.375%	250,000	03/15/2019	31,581	13.562%	-0.930%	12.632%	110,927	14.131%	
03/15/2028 Term 2 Coupon	4.500%	260,000	03/15/2019	37,849	16.486%	-1.928%	14.557%	79,346	14.831%	
03/15/2029 Term 2 Coupon	4.500%	275,000	03/15/2019	41,497	18.498%	-3.408%	15.090%	41,497	15.090%	
Subtotal		\$2,270,000		\$202,217	8.910%	-0.002%	8.908%	\$202,217	8.908%	
March 15 2009 Siasconset Water Tank 2 (OSS)										
03/15/2020 Serial Coupon	4.000%	120,000	03/15/2019	-247	-1.542%	1.336%	-0.206%	128,485	8.892%	
03/15/2021 Serial Coupon	4.000%	125,000	03/15/2019	2,500	0.348%	1.653%	2.000%	128,732	9.716%	
03/15/2022 Serial Coupon	4.000%	130,000	03/15/2019	5,090	2.201%	1.714%	3.915%	126,232	10.519%	
03/15/2023 Serial Coupon	4.000%	135,000	03/15/2019	7,505	4.019%	1.540%	5.559%	121,143	11.322%	
03/15/2024 Serial Coupon	4.250%	140,000	03/15/2019	11,391	6.918%	1.218%	8.136%	113,638	12.154%	
03/15/2025 Serial Coupon	4.300%	145,000	03/15/2019	14,244	9.146%	0.678%	9.824%	102,247	12.661%	
03/15/2026 Term 1 Coupon	4.375%	150,000	03/15/2019	17,364	11.573%	0.003%	11.576%	88,003	13.533%	
03/15/2027 Term 1 Coupon	4.375%	160,000	03/15/2019	20,212	13.562%	-0.930%	12.632%	70,638	14.128%	
03/15/2028 Term 2 Coupon	4.500%	165,000	03/15/2019	24,020	16.486%	-1.928%	14.557%	50,427	14.831%	
03/15/2029 Term 2 Coupon	4.500%	175,000	03/15/2019	26,407	18.498%	-3.408%	15.090%	26,407	15.090%	
Subtotal		\$1,445,000		\$128,485	8.889%	0.003%	8.892%	\$128,485	8.892%	
March 15 2009 Wannacomet Water Tank (OSS)										
03/15/2020 Serial Coupon	4.000%	135,000	03/15/2019	-278	-1.542%	1.336%	-0.206%	145,845	8.920%	
03/15/2021 Serial Coupon	4.000%	140,000	03/15/2019	2,800	0.348%	1.653%	2.000%	146,123	9.742%	
03/15/2022 Serial Coupon	4.000%	145,000	03/15/2019	5,677	2.201%	1.714%	3.915%	143,323	10.538%	
03/15/2023 Serial Coupon	4.000%	150,000	03/15/2019	8,338	4.019%	1.540%	5.559%	137,646	11.329%	
03/15/2024 Serial Coupon	4.250%	160,000	03/15/2019	13,018	6.918%	1.218%	8.136%	129,308	12.142%	
03/15/2025 Serial Coupon	4.300%	165,000	03/15/2019	16,209	9.146%	0.678%	9.824%	116,290	12.850%	
03/15/2026 Term 1 Coupon	4.375%	175,000	03/15/2019	20,258	11.573%	0.003%	11.576%	100,081	13.524%	
03/15/2027 Term 1 Coupon	4.375%	180,000	03/15/2019	22,739	13.562%	-0.930%	12.632%	79,822	14.128%	
03/15/2028 Term 2 Coupon	4.500%	190,000	03/15/2019	27,659	16.486%	-1.928%	14.557%	57,084	14.827%	
03/15/2029 Term 2 Coupon	4.500%	195,000	03/15/2019	29,425	18.498%	-3.408%	15.090%	29,425	15.090%	
Subtotal		\$1,635,000		\$145,845	8.920%	0.000%	8.920%	\$145,845	8.920%	
Total		\$15,113,500		\$1,524,890	10.090%	-	10.090%	\$1,524,890	10.090%	

Adjustments To Escrow Definition

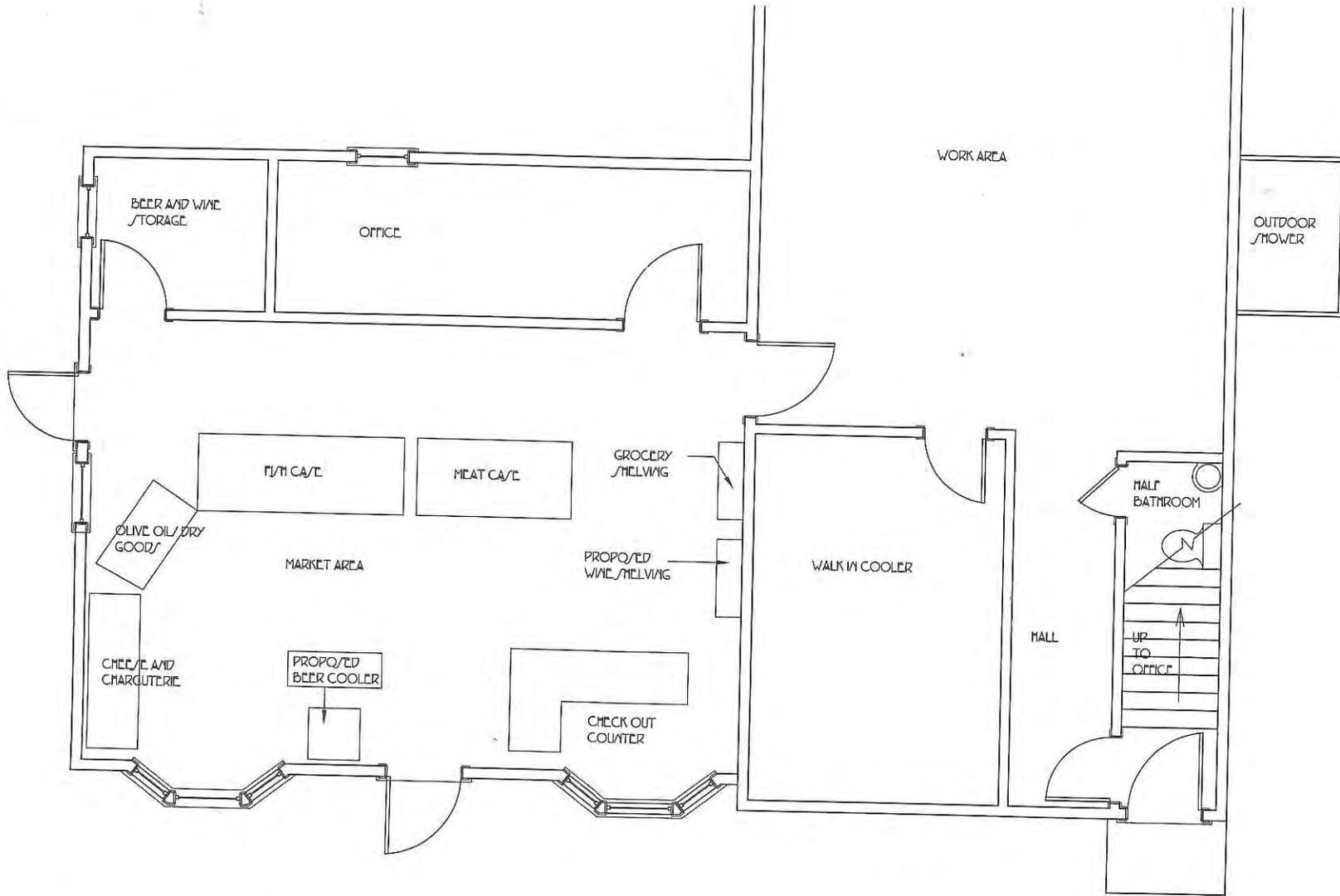
Proposed Refunding Date.....	9/09/2018
Present Value Savings Discount Rate.....	1.9475993%

FirstSouthwest, a Division of Hilltop Securities, Inc.
Public Finance

Board of Selectmen Liquor License Public Hearing Process

Liquor License Public Hearing Process

1. The chairman opens the public hearing and may outline the procedure to be followed.
2. The applicant reviews their pending application.
3. Public comment is taken.
 - If applicable, read into record any written objections received from school, church or hospital located within 500 feet.
4. The chairman invites questions from the Board and closes the public hearing.
5. The Board makes a decision to approve or deny.
6. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, denials must be based on reasonable grounds; ABCC and courts prefer findings based on:
 - the appropriateness of a liquor license at a particular location
 - the number of existing dispensaries in Town
 - the views of the inhabitants of the locality in which a license is sought
 - traffic, noise, size (typically applies to a new location)
 - the sort of operation that carries the license
 - the reputation of the applicant
7. A written decision is required to be sent to the applicant. No need for reasons if the application is simply approved, but if there is a denial or conditions are imposed, the reasoning for this is required to be in the decision. Therefore, the Board should vote on basis for denial or conditions as well [concerns with traffic, another licensee located adjacent to property, limiting hours, etc.].



1

FIRST FLOOR PLAN

Scale: 1/4" = 1'-0"

Memo

To: Board of Selectmen

From: Amy Baxter, Business License Inspector

cc: Libby Gibson, Town Manager; William Pittman, Chief of Police

Date: June 14, 2016

Re:

Public Hearing 6-22-16: 167Raw Liquor License application

Please find the attached documents for your review:

1. Form 43 for signature
2. Seasonal Package Store (Beer/Malt Beverages) Liquor License Application for 167Raw
3. Department Comments from Police; Fire; Building; Zoning



LIQUOR APPLICATION COMMENTS

167RAW

APPLICATION	LIQUOR (attached)
PREMISES	167 Hummock Pond Road
DBA	167Raw
LICENSE TYPE	SEASONAL – PACKAGE STORE – WINE & MALT WITH CORDIALS/LIQUERS PERMIT (attached)
MANAGER	Jesse Sandole
DESCRIPTION OF PREMISES	(Floor Plan attached) First Floor Licensed Premises (400 sq ft) 3 rooms; retail store; office; storage room; 3 entrances; 2 exits
PUBLIC HEARING	Wednesday, June 22

Police Department:

It is not clear from any of the information provided in this application what the actual plans are for the premises. It is currently a fish market with extremely limited space in the retail area for any type of display shelves or coolers. Is the applicant planning on continuing with the fish market and selling package liquor as an added product for their customers or are they discontinuing the fish market and going to be a seasonal package liquor store? In the past, when establishments that were dual use such as the Trading Post, Current Vintage and Bartlett's Farm applied for package liquor licenses they were required to clearly identify on their floor plans the area within the retail area(s) that would be used for the display and storage of alcoholic beverages and provide a specific square footage of space that would be dedicated to it. I don't see that with this application. Absent this information, I am unable to recommend that this application be approved.

Fire Department

The Fire Department has no concerns over this license

Building Department:

The building has never had a COI and therefore has not been evaluated for code compliance. I will have to reserve my comments until after we have done an inspection. If they are approved, we will contact them to apply for a COI.

Zoning:

My concern from a zoning perspective is that the lot is already taxed with regards to the current uses – retail fish sales and take-out food (via a food truck) -- and I am concerned about the ability of the 12,597-square foot lot to physically support the traffic that may be generated by the addition of alcohol sales. While it is likely that most alcohol sales would accompany purchase of take-out food and/or fish, I expect at least some clientele will stop expressly to purchase alcohol for a day at the beach. The sale of individual alcoholic beverages, as opposed to six packs, cases, or the like, would likely mitigate that concern.

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Nantucket, Mass

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) 167Raw Inc.

B. Business Name (if different): 167Raw

C. Manager of Record: Jesse Sandole

D. ABCC License Number (for existing licenses only):

E. Address of Licensed Premises: 167 Hummock Pond Rd

City/Town: Nantucket

State: MA

Zip: 02554

F. Business Phone: (508)228-2871

G. Cell Phone: (508)221-0776

H. Email: jesse@167raw.com

I. Website: www.167raw.com

J. Mailing address (If different from E.): 174 Meeting St Suite 200

City/Town: Charleston

State: SC

Zip: 29401

2. TRANSACTION:

- New License New Officer/Director Transfer of Stock Issuance of Stock Pledge of Stock
 Transfer of License New Stockholder Management/Operating Agreement Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual (6) Day to (7)-Day License Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- \$12 Restaurant \$12 Hotel \$12 Club \$12 Veterans Club \$12 Continuing Care Retirement Community
 \$12 General On-Premises \$12 Tavern (No Sundays) \$15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages Wines & Malt Beverages Wines Malt
 Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual Seasonal

6. Contact Person concerning this application (attorney if applicable)

NAME:

ADDRESS:

CITY/TOWN: STATE ZIP CODE

CONTACT PHONE NUMBER: FAX NUMBER:

EMAIL:

7. Description of Premises:

Please provide a complete description of the premises to be licensed. The description should include the location of all entrances and exits.

-2 story building
-1 bedroom 1 bath apartment on the 2nd floor for private use
-1st floor to be licensed , contains 3 rooms, retail store, office, storage room. 3 entrances, 2 exits

total square ft=400

IMPORTANT ATTACHMENTS: The applicant must attach a floor plan with dimensions and square footage for each floor & room.

Occupancy Number: Seating Capacity:

8. Occupancy of Premises:

By what right does the applicant have possession and/or legal occupancy of the premises?

IMPORTANT ATTACHMENTS: The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n): Other

Name Phone:

Address: City/Town: State Zip

Initial Lease Term: Beginning Date Ending Date

Renewal Term: Options/Extensions at Years Each

Rent: per year Rent: per month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?
Yes No

IMPORTANT ATTACHMENTS: If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest in the Landlord must be disclosed in §10 and must submit a completed [Personal Information Form](#) attached to this application. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.

9. Licensee Structure:

The Applicant is a(n): Other:

If the applicant is a Corporation or LLC, complete the following:

State of Incorporation/Organization: Date of Incorporation/Organization:

Is the Corporation publicly traded? Yes No

10. Interests in this License:

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

IMPORTANT ATTACHMENTS: All individuals or entities listed below are required to complete a [Personal Information Form](#).

Name	Title	Stock or % Owned	Other Beneficial Interest
Jesse Sandole	Owner	100	

*If additional space is needed, please use last page.

11. Existing Interests in Other Licenses:

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list said interest below:

Name	License Type	Licensee Name & Address
	<input type="text" value="Please Select"/>	

*If additional space is needed, please use last page.

12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
			Please Select
			Please Select
			Please Select

13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes No If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :

A.) For Individual(s):

1. Are you a U.S. Citizen? Yes No
2. Are you a Massachusetts Residents? Yes No

B.) For Corporation(s) and LLC(s) :

1. Are all Directors/LLC Managers U.S. Citizens? Yes No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes No
3. Is the License Manager a U.S. Citizen? Yes No

C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes No

15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:

A.) For Individual(s):

1. Are you a U.S. Citizen? Yes No

B.) For Corporation(s) and LLC(s) :

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes No

C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes No

16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:

A. Purchase Price for Real Property:

B. Purchase Price for Business Assets:

C. Costs of Renovations/Construction:

D. Initial Start-Up Costs:

E. Purchase Price for Inventory:

F. Other: (Specify)

G: TOTAL COST

H. TOTAL CASH

I. TOTAL AMOUNT FINANCED

IMPORTANT ATTACHMENTS (5): Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):

N/A

*If additional space is needed, please use last page.

18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:

A.

Name	Dollar Amount	Type of Financing
N/A		
N/A		
N/A		

*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes No

If yes, please describe:

19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)

A.) Is the applicant seeking approval to pledge the license? Yes No

1. If yes, to whom:

2. Amount of Loan: 3. Interest Rate: 4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock? Yes No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory? Yes No

If yes, to whom:

IMPORTANT ATTACHMENTS (6): If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

20. CONSTRUCTION OF PREMISES:

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises: Yes No

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND
ATTACHMENTS ARE NOT COMPLETE
THE APPLICATION WILL BE
RETURNED**

APPLICANT'S STATEMENT

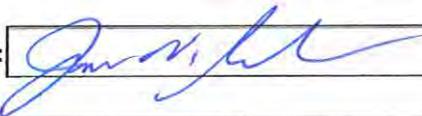
I, Jesse Sandole the: sole proprietor; partner; corporate principal; LLC/LLP member
Authorized Signatory

of 167Raw Inc., hereby submit this application for Seasonal Beer & Wine License
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: 

Date: 05/31/16

Title: Owner/Operator



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a [Personal Information Form](#), and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

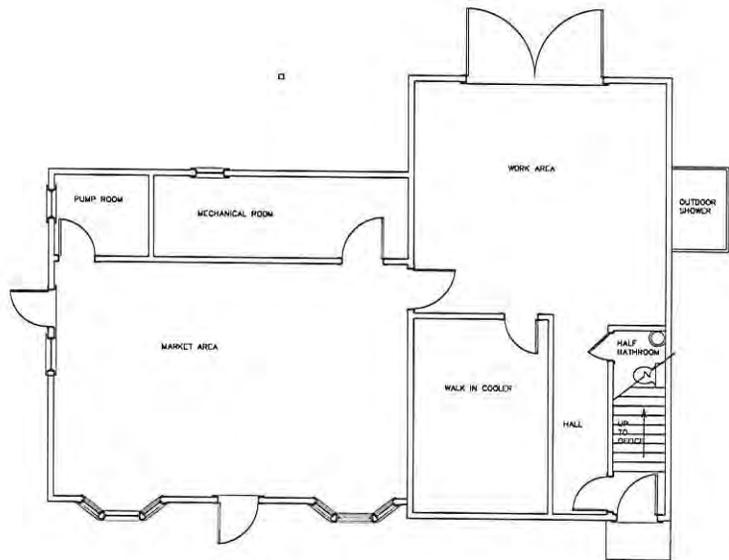
C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

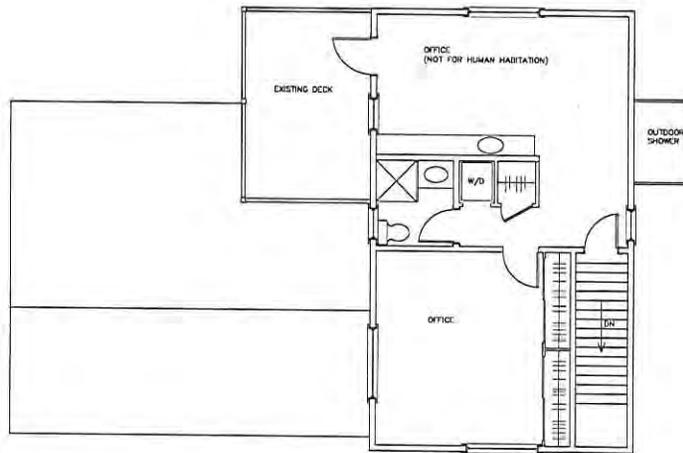
D. List your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Date



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



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

NANTUCKET ARCHITECTURE GROUP LTD.
POST OFFICE BOX 1814
NANTUCKET, MASSACHUSETTS, 02554
TELEPHONE 508.228.5631
WWW.NANTUCKETARCHITECTURE.COM

ADDITIONS AND ALTERATIONS FOR:
EAST COAST SEAFOOD
167 HUMMOCK POND RD
MAP: 65 PARCEL: 36

FOR
FIRST AND
SECOND
PLANS
HOC: XXXXXXX
BIDDING:
BLOG. DEPT:
REVISIONS:
REVISIONS:
REVISIONS:
REVISIONS:
D/G: mpj copyright nag 2011
1/20/12

VIA EMAIL
June 30, 2016

Board of Selectmen
16 Broad Street
Nantucket, MA 02554
Re: Extension of Hours of Operation for Town Pool

Bug and Birdcage, LLC, d/b/a Town Pool, requests an extension of Hours of Operation for their 2016 Common Victualler's License until 2am daily. Town Pool operates a take-out food and retail establishment located at 31 Easy Street.

The Common Victualler's License was approved by the Board of Selectmen on April 20, 2016 for Daily Operation from 9:00 am – 10:00 pm. The extension is requested to provide extended food service as is allowed for several establishments along Broad Street.

Thank you for your consideration,

Sean Dew
Sean@townpool.com

2016

\$50.00

TOWN OF NANTUCKET

**This is to certify that Bug and Birdcage LLC
d/b/a Town Pool
31 Easy Street, Nantucket MA 02554
Sean Dew, Manager**

In said establishment and at that place only and expires on December 31, 2016 unless sooner suspended or revoked for violations of laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws Chapter 140 and amendments thereto. **All licensees are responsible for maintaining a clean orderly appearance daily by sweeping and disposing of all trash and debris from the sidewalk area in front of the establishment.** In testimony whereof, the undersigned has hereunto affixed his official signature.

Licensed Premises
must be closed by 10:00 PM
Date Approved: 4/20/2016



James R. Kelly

Chairman, Board of Selectmen

2016 Year End Budget Transfers

Authorized under Chapter 44 Section 33B. Allows

budgetary transfers from May 1 through July 15, 2015, if approved by the BOS & Finance Committee. Amount transferred from any budget may not exceed 3% of the original budget amount or \$5,000, whichever is greater.

FROM:	TOTAL ORIGINAL BUDGET	3% of ORIGINAL BUDGET	BUDGET DECREASE	TO:	BUDGET INCREASE
Group Insurance	\$ 10,989,000	\$ 329,670	\$ 40,000	Human Resources, Salaries	\$ 18,000
				Town Clerk, Salaries	\$ 6,000
				Health Dept., Salaries	\$ 6,000
				PLUS, Salaries	\$ 10,000
TOTAL GENERAL FUND:			\$ 40,000		\$ 40,000

Approved by Board of Selectmen on _____

Approved by Finance Committee on _____



TOWN & COUNTY OF NANTUCKET
BOARD OF SELECTMEN
POLICY FOR SEWER FEE WAIVER REQUESTS
Adopted:

I. Policy.

The Board of Selectmen, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with~~pursuant to~~ 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.

In order to encourage the production of affordable housing, including workforce housing units for the Island's working population, the Board of Selectmen will consider, ~~on a case-by-case basis, waivers of one or both of the Town's fees relating to the connection of sewers.~~

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II. Sewer Connection and Sewer Privilege Fee Waivers.

The Board of Selectmen may, at its discretion, reduce or waive all or a portion of the sewer connection fee or the sewer privilege fee upon the request of an individual, non profit organization, 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 when requested, for non profits in connection with permanent affordable housing deed restriction in a form acceptable to the Town, or, in the case of an individual, affordable housing units and/or individuals in connection with a permanent affordable housing covenant meeting the requirements of Chapter 301 of the Acts of 2002, and Chapter 100 of the Code of Nantucket.

III. Public Interest Standard.

In determining whether it is in the public interest to grant a fee reduction or waiver, ~~t~~The Board shall take into consideration the following various factors: including (1) the number of affordable units units in the development or proposal, to be connected to the sewer; (2) whether the proposed project would be rendered financially infeasible without the requested fee reduction or waiver; and (3) the fiscal impact of the requested fee reduction or waiver on the Town's Sewer Enterprise Fund. In the case of the sewer privilege fee, the Board shall also take into consideration whether or not the property was included in the Surfside or Siasconset Wastewater Treatment Facility capacity calculation.

~~*III. Sewer Privilege Fee Waivers.*~~

~~The Board of Selectmen may, at its discretion, waive the sewer privilege fee for applicable units, when requested, for non profits in connection with permanent affordable housing units and/or individuals in connection with permanent affordable housing covenants. The Board shall take into consideration various factors, including the number~~

of units in the development or proposal; and whether or not the property was included in the Surfside or Siasconset Wastewater Treatment Facility capacity calculation.

DRAFT

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) SCPFs 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

DRAFT -- October 17, 2016 Special Town Meeting Timeline

as of 05-12-16

revised as of 06-28-16

Endorsed by BOS:

Date	Time	Activity
4-May		BOS schedules STM for 10/17/16
6-Jul		BOS endorses STM timeline
Thurs Jul 7 - 15		Warrant open for any non-Town articles
20-Jul	6pm	BOS determination of any ballot questions going to Nov election (vs STE before Nov)
Jul - Aug 11		Compilation of warrant articles
Wed, Aug 17	6pm	Adoption of warrant (and possibly ballot question(s))
Thurs, Aug 18		Warrant forwarded to FinCom; FinCom meets to review warrant
Mon, Aug 22		Warrant sent to newspaper
Thurs, Aug 25		Warrant published in newspaper
Fri, Sep 2		FinCom public hearing notice sent to newspaper for publication on Sep 8 for hearing on Sep 13
Mon, Sep 12		Planning Board adoption of motions on any zoning articles & forward to Town Admin
Tues, Sep 13	4pm	FinCom public hearing on warrant articles
Tues, Sep 20	4pm	FinCom adoption of motions to warrant articles
Wed, Sep 21	6pm	BOS review motions/comments; adopts any comments
Thurs, Sep 22		Warrant with motions sent to printer
Wed, Oct 5		Warrant with motions mailed out to voters*
Thurs, Oct 13	1pm	pre-STM FinCom meeting
Thurs, Oct 13	2pm	pre-STM conference with Moderator
Mon, Oct 17	6pm	STM starts
NOTES:		
Special Voter Registration Deadline: TBA		
Monday, October 10 is a holiday		
Planning Board public hearing needs to be confirmed		
Citizen articles require the signatures of 100 registered voters in order to be valid for inclusion on the warrant		
Citizen articles to be sent to Town Counsel as rec'd		
*by Charter, the warrant with motions must be mailed out to voters 7 days prior (reportedly people don't get them on time hence the additional time)		

revise?

Monthly Town Management Activities Report

7/6/16 -- BOS

Highlights:

Personnel

- Various grievance and disciplinary actions
- Beginning prep for upcoming 2016 union negotiations
- Seasonal hires
- Vacancies: Procurement Officer
- Initiation of hiring process for some of the new positions budgeted for FY 17 (Sewer Director, Human Resources Assistant)

Meetings:

- Department head weekly & monthly mtgs
- Food truck forum
- Nantucket Town Association re Madaket/Warren's Landing/Somerset Sewer Project
- Waste Options
- Cape Cod Managers (Chatham)
- Meeting with Provincetown BOS
- Projects meetings with OPM

Projects:

- Hummock Pond Rd (aka Milk St ext) bike path ext
- Fire Station – bids received (above appropriation)
- Sconset Rotary flagpole
- Brant Point Boat House
- 6FG Housing
- OIH financial analysis; siting
- E-permitting
- Visitor Services operational assessment
- Land Bank – Town properties transfer
- Financial policies (Compact Community project)

Other:

- 2016 STM prep
- Concession leases (upcoming)
- Tour of new SSA vessel



MEMO

TO: Town Manager

FROM: Traffic Safety Work Group

DATE: June 24, 2016

RE: Request for Public Hearing re: Stop Signs at Kimball Avenue and Sherburne Turnpike

At its June 21, 2016 meeting, Traffic Safety reviewed six new requests from neighborhood residents for stop signs at the intersection of Kimball Avenue and Sherburne Turnpike and feels that with the increase in traffic and the lack of a sidewalk, stop signs are warranted at this location. Traffic Safety respectfully requests that the Board of Selectmen schedule a public hearing for July 20 or August 3 to review this matter to allow for resident testimony.

Please note: a stop sign request for the Kimball Avenue/Sherburne Turnpike intersection was previously reviewed by Traffic Safety at its August 6, 2013 meeting and was recommended for approval. On September 25, 2013, the Board of Selectmen agreed to hold a public hearing on this request. The Board of Selectmen held a public hearing on the request at its December 18, 2013 meeting, and voted to deny the request 2-3 (Chairman Atherton and Mr. Fee in favor; Mr. DeCosta, Mr. Glidden and Mr. Miller opposed).

From: [Chris Ryder](#)
To: [Erika Mooney](#)
Cc: [Michael Haigley](#); [Rob](#)
Subject: New Stop Sign on Sherburne Turnpike
Date: Saturday, June 11, 2016 5:38:51 AM
Attachments: [ATT00002.txt](#)

Hi Erica

I hope you are well.

I am helping with a project in the Kimball Avenue and Sherburne Turnpike area. I have been told by a resident of the area and witnessed the vehicle traffic concerns specifically at the intersection of Kimball/Sherburne. There is a lot of foot and bicycle traffic in the area with no sidewalks or bike paths. I think the area would benefit from a new stop sign going west on Sherburne TPK headed toward Kimball Ave.

I have added a photo to help with my description.

Thank you in advance for any help with pursuing this.

Best

Chris

>

SHERBURNE WY

30 111

KIMBALL AV

SHERBURNE TP

SH

SHERBURNE TP

30 174.1

30

HAMBLIN RD

HAMBLIN



From: [Bonnie Sacerdote](#)
To: [Erika Mooney](#)
Subject: TWO STOP SIGNS JUNCTURE OF KIMBALL AND TWO SHERBURNE ROADS
Date: Sunday, June 12, 2016 10:28:43 AM

Dear Erica,

I am so glad for the safety of neighbors on Kimball Ave. and both Sherburnes, and for those who bike, walk, or drive at that juncture that there is this new initiative to get TWO new stop signs.

The cars coming from both Sherburnes do not stop but whip around the corners in a reckless manner.

This juncture where the three roads come together is extremely hazardous.

Over the years I have witnessed a number of "almost" disasters that would have resulted in loss of life or serious injury.

I am ready to help you in anyway I can to get two stop signs installed for the safety of all: residents and anyone driving/walking/biking in this area. And there are many who do.

(Some back ground: A couple of years ago, I wrote a letter to the police department regarding this issue, and they approved it as they realized the hazardous situation.

They said it had to be taken to Libby Gibson - town council - which was done, and it was turned down, as it was just a petition from one person.

I did not have the time then to go to all the neighbors for their support.)

Thank you for taking the initiative on this.

Bonnie Sacerdote

From: [Ann](#)
To: [Erika Mooney](#)
Subject: FW: Traffic Signs
Date: Monday, June 13, 2016 1:22:43 PM

Dear Erica,

Attached is the email I sent to Chris Ryder in answer to his offer for help. I am planning to attend your June 21st meeting as I understand you have put the issue on the agenda. If you have any questions regarding the area please ask and I will try to answer them.

Thank you for letting us get a hearing.

Ann Oliver
5 Kimball Ave

-----Original Message-----

From: Ann [<mailto:ann.b.oliver@gmail.com>]
Sent: Tuesday, May 24, 2016 9:35 AM
To: 'Chris Ryder'
Subject: RE: Traffic Signs

Thank you Chris, you would have the thanks of most of the neighbors of Kimball Ave because we all have grandchildren who are now venturing out on bikes or being walked in strollers.

Our basic thought is that Sherburne turnpike should have a stop sign west bound at a point where they can see traffic (foot and vehicle) coming from Cliff Rd. Coming from Lincoln Circle the traffic heading to Cliff Rd clips the corner. Kimball already has a stop sign. The traffic on Sherburne has increased so much over the 55 years that I have lived here that I always worry about the kids and the foot traffic from Step Beach not to mention getting clipped as I turn left. (PS I stop first before turning because I've seen too many surprised faces as I do).

Again thanks for the help

Ann

-----Original Message-----

From: Chris Ryder [<mailto:chris@reidnantucket.com>]
Sent: Tuesday, May 24, 2016 8:14 AM
To: ann.b.oliver@gmail.com
Subject: Traffic Signs

Hi Ann

I would like to offer to try and help with your signage request with the town at the intersection of Kimball/Sherburne. I have a few contacts in the town offices that I will gladly speak with.

If you can provide me a basic description of your thoughts I will take a couple photos to include.

Best
Chris
508-246-9513=

From: [Katherine Raphaelson](#)
To: [Erika Mooney](#)
Cc: [Chris Ryder](#); [craig Raphaelson](#)
Subject: Support for a New Stop Sign on Sherburne Turnpike and Kimball junction.
Date: Tuesday, June 14, 2016 9:48:04 PM

Hi Erica,

I have spoken with Ann Oliver and am writing in support of the proposed new stop sign on Sherburne Turnpike and Kimball Ave.

Having grown up in the neighborhood and watched the increase in traffic, I wholeheartedly support a measure that would work toward controlling the speed and flow of traffic at that corner/intersection.

Frequently over the past few years, a car or truck will travel at higher than expected speeds and clip that intersection. We have had a few near misses with strollers, bikes, and individual bodies. My fear is that someday, there won't be a miss.

The Kimball Ave and the Sherburne Turnpike neighborhoods have many grandchildren either in the age range or soon to be in the age range of riding their bikes to town without adult supervision. I have two boys who in a few short years will be riding their bikes without me. These riders will know the rules but will be building their experiences. If cars and trucks don't behave as expected and travel faster while disregarding the junction and corner, disastrous results may happen.

Please approve the new stop sign so hopefully, we can work towards making the intersection safer for all who travel on it.

Thanks,

Katherine and Craig Raphaelson

--

Katherine Raphaelson
katraphaelson@gmail.com
C: 603.387.1433

From: [The Reads](#)
To: [Erika Mooney](#)
Subject: Sherburne Turnpike/Kimbal Avenue Stop Sign
Date: Wednesday, June 15, 2016 1:47:28 PM

Several years ago I was asked if I thought a stop sign in this area was necessary. At that time I did not sense a serious problem, but with increasing year 'round use of these roads I have reconsidered my opinion. I wish to go on record as supporting the installation of a STOP sign at the Western end of the East/West section of Sherburne Turnpike prior to its turning left for the North/South portion of Sherburne Turnpike and the junction with Kimball Avenue.

North bound traffic on Sherburne Turnpike (coming from Cliff Road) whether turning West to Kimball Avenue or East towards Lincoln Circle/Steps Beach area is confronted by a blind intersection.

The lack of clear visibility, the faster than normal speed of vehicles headed away from town plus the year 'round parking by construction related vehicles creates an unsafe situation. Seasonal traffic, less familiar with that corner, only serves to compound the potential for an accident.

As a long term year 'round resident of this area I urge the Traffic Safety Committee to recommend the installation of this sign to the appropriate town agencies and officials.

Sincerely,

Philip W
Read
June 15, 2016
14 Sherburne Turnpike

From: [Carol Browne](#)
To: [Erika Mooney](#)
Subject: New Stop Sign on Sherburne Turnpike
Date: Monday, June 20, 2016 11:04:43 AM

Dear Erica,

My husband, Will Browne, and I are writing in support of adding a stop sign at the intersection of Kimball Avenue and Sherburne Turnpike.

We have lived at 17 Kimball Avenue almost 12 years and are grateful for the stop sign at the corner of Kimball Avenue and Sherburne Turnpike heading east (south west corner), however, it is the opposite corner, Sherburne Turnpike going west toward Kimball Avenue that desperately needs a stop sign. Every summer, Will and I say that it is an accident waiting to happen. When we approach the intersection coming from Cliff Road to make a left turn onto Kimball Avenue driving in a car, we always approach the intersection practically crawling because so many cars driving west on Sherburne toward Kimball are driving too fast and clip the corner when they make the left turn onto Sherburne to continue to Cliff Road.

When we are biking or walking, we are particularly cautious approaching the intersection from Cliff Road because a vehicle often flies around the corner on the pedestrian's side of the road.

There no bike paths or foot paths in the area and there are many walkers and bikers.

Each summer we remind family members and warn guests about this intersection. It has always been the wish of families living in the area to slow the traffic down at this intersection. A new stop sign would greatly improve the safety of this intersection for all residents and visitors.

We are not on island this week to be able to attend the meeting tomorrow morning of The Traffic Safety Work Group, but we are very grateful that a new stop sign is being considered.

Sincerely,

Carol and Will Browne

Carol and William Browne
17 Kimball Avenue
cadb48@gmail.com
Home: (508) 228-8517
Cell: (203) 979-8258

From: [David S. Wolff](#)
To: [Erika Mooney](#)
Subject: stop sign on Sherburn Pike
Date: Thursday, June 30, 2016 7:58:18 AM

I write to you on behalf of the effort to have a stop sign installed on Sherburn Pike westbound at the intersection with Kimball Avenue.

Having lived in this area for 18 years I can say with certainty that this is a dangerous intersection which would benefit from a stop sign at said location to slow down speeding traffic on Sherburn. The danger is increased by the poor visibility as one comes north on Sherburn preparing to turn westward onto Kimball. The visibility, being compromised by foliage, is so bad that I have even had my landscaping crew go down there to trim back the visibility-compromising vegetation. I have seen near accidents and believe it is only a matter of time until something tragic occurs there.

Thank you for your help in this effort.

David Wolff
25 Kimball
(508) 228-5905

Please note:

A stop sign request for the Kimball Ave/Sherburne Turnpike area was previously reviewed by Traffic Safety at its August 6, 2013 meeting and was recommended for approval. The Board of Selectmen held a public hearing on the request at its December 18, 2013 meeting, and voted to deny the request 2-3 (Chairman Atherton and Mr. Fee in favor; Mr. DeCosta, Mr. Glidden and Mr. Miller opposed).



MEMO

TO: Town Manager

FROM: Traffic Safety Work Group

DATE: September 6, 2013

RE: Stop Sign Recommendation at intersection of Sherburne Turnpike and Kimball Avenue

At its August 6, 2013 meeting, Traffic Safety discussed and voted to recommend that a three-way stop be installed at the intersection of Sherburne Turnpike and Kimball Avenue. Please see the enclosed graphic.



KIMBALL AV

SHERBURNE TP

SHERBURNE TP

HAMBLIN RD

SHERBURNE TP

Proposed Three-way Stop

0 50 100 200 Feet





THE 189TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

Print Document Close Preview

Actions for Bill S.2311

Date	Branch	Action
6/2/2016	Senate	Reported from the committee on Senate Ways and Means
6/2/2016	Senate	Recommended new draft for S2144
6/2/2016	Senate	Placed in the Orders of the Day for Thursday, June 9th, 2016
6/9/2016	Senate	Amendment #3 (Donoghue) rejected
6/9/2016	Senate	Amendment #6 (Donoghue) rejected
6/9/2016	Senate	Amendment #7 (Donoghue) adopted -see Roll Call #358 [Yeas 38 - Nays 0]
6/9/2016	Senate	Amendment #9 (Moore) adopted
6/9/2016	Senate	Amendment #10 (Humason) rejected
6/9/2016	Senate	Amendment #11 (Chang-Diaz) adopted
6/9/2016	Senate	Amendment #15 (Barrett) adopted
6/9/2016	Senate	Amendment #18 (Barrett) adopted
6/9/2016	Senate	Amendment #19 (Barrett) adopted
6/9/2016	Senate	Amendment #20 (Barrett) adopted
6/9/2016	Senate	Amendment #21 (Barrett) adopted
6/9/2016	Senate	Amendment #23 (Eldridge) adopted
6/9/2016	Senate	Amendment #24 (Timilty) rejected
6/9/2016	Senate	Amendment #27 (Eldridge) rejected
6/9/2016	Senate	Amendment #29 (Tarr) rejected
6/9/2016	Senate	Amendment #30 (O'Connor) rejected
6/9/2016	Senate	Amendment #31 (O'Connor) rejected
6/9/2016	Senate	Amendment #34 (Tarr) rejected
6/9/2016	Senate	Amendment #35 (Tarr) rejected
6/9/2016	Senate	Amendment #36 (Tarr) rejected
6/9/2016	Senate	Amendment #37 (Downing) rejected
6/9/2016	Senate	Amendment #38 (Downing) adopted
6/9/2016	Senate	Amendment #39 (Tarr) rejected
6/9/2016	Senate	Amendment #40 (Tarr) rejected
6/9/2016	Senate	Amendment #41 (Tarr) rejected
6/9/2016	Senate	Amendment #42 (Lovely) rejected
6/9/2016	Senate	Amendment #43 (Lovely) rejected
6/9/2016	Senate	Amendment #44 (Creem) rejected
6/9/2016	Senate	Amendment #45 (Lovely) rejected
6/9/2016	Senate	Amendment #48 (Tarr) rejected
6/9/2016	Senate	Amendment #51 (Lovely) rejected
6/9/2016	Senate	Amendment #52 (Tarr) rejected
6/9/2016	Senate	Amendment #54 (Creem) rejected
6/9/2016	Senate	Amendment #55 (Lovely) rejected
6/9/2016	Senate	Amendment #57 (Tarr) rejected
6/9/2016	Senate	Amendment #59 (Tarr) rejected
6/9/2016	Senate	Amendment #60 (Eldridge) rejected
6/9/2016	Senate	Amendment #62 (Tarr) rejected
6/9/2016	Senate	Amendment #63 (Tarr) adopted
6/9/2016	Senate	Amendment #1 (Tarr) rejected
6/9/2016	Senate	Amendment #22 (Forry) adopted
6/9/2016	Senate	Amendment #32 (O'Connor) rejected -see Roll Call #359 [Yeas 12 - Nays 26]
6/9/2016	Senate	Amendment #4 (Donoghue) rejected
6/9/2016	Senate	Amendment #5 (Donoghue) rejected
6/9/2016	Senate	Amendment #13 (Brownsberger) adopted
6/9/2016	Senate	Amendment #16 (Barrett) adopted
6/9/2016	Senate	Amendment #17 (Barrett) adopted

Date	Branch	Action
6/9/2016	Senate	Amendment #33 (Tarr) adopted
6/9/2016	Senate	Amendment #46 (Creem) adopted
6/9/2016	Senate	Amendment #47 (Creem) adopted
6/9/2016	Senate	Amendment #49 (Creem) adopted
6/9/2016	Senate	Amendment #50 (Creem) adopted
6/9/2016	Senate	Amendment #53 (Creem) adopted
6/9/2016	Senate	Amendment #56 (Lovely) rejected
6/9/2016	Senate	Amendment #58 (Lewis) rejected -see Roll Call #362 [Yeas 19 - Nays 20]
6/9/2016	Senate	Amendment #28 (O'Connor) rejected -see Roll Call #363 [Yeas 10 - Nays 28]
6/9/2016	Senate	Amendment #61 (Spilka) adopted
6/9/2016	Senate	Ways and Means amendment adopted, as amended
6/9/2016	Senate	Ordered to a third reading
6/9/2016	Senate	Read third
6/9/2016	Senate	Reprinted as amended, see S2327
6/9/2016	Senate	Passed to be engrossed -see Roll Call #364 [Yeas 23 - Nays 15]

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SENATE No. 2311

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Thursday, June 2, 2016

The committee on Ways and Means, to whom was referred the Senate Bill promoting the planning and development of sustainable communities (Senate, No. 2144),-- reports, recommending that the same ought to pass with an amendment substituting a new draft entitled "An Act promoting housing and sustainable development" (Senate, No. 2311) [Estimated cost: \$500,000].

For the committee,
Karen E. Spilka

SENATE No. 2311

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act promoting housing and sustainable development.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 23B of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after clause (v) the following subsection:-

3 (w) establish, conduct and maintain an annual program of education and training for
4 members of local planning boards and zoning boards of appeals; provided, however that the
5 department shall consult with the Massachusetts Association of Regional Planning Agencies
6 regarding development of the program; provided further, the department may contract with the
7 Massachusetts Citizen Planner Training Collaborative at the University of Massachusetts to
8 provide such education and training. The department may charge a reasonable fee to board
9 members to participate in the program. To the extent practicable, the education and training
10 programs shall be offered in various locations throughout the commonwealth.

11 SECTION 2. Said chapter 23B of the General Laws is hereby amended by adding the
12 following section:-

13 Section 31. (a) The secretary of housing and economic development, in consultation with
14 the secretary of energy and environmental affairs, the secretary of transportation and the attorney
15 general following a public hearing and opportunity for stakeholder feedback, shall develop a
16 municipal opt-in program to advance the state's economic, environmental and social well-being
17 through enhanced planning for economic growth, land conservation, workforce housing creation
18 and mobility. The program shall include guidelines and criteria to evaluate municipal
19 applications. Applications meeting program guidelines and criteria shall receive status as a
20 certified community. Certified communities shall be entitled to certain privileges and powers
21 and shall be required to provide certain incentives to benefit persons seeking local permits and
22 local land use approvals.

23 (b) The executive office of housing and economic development shall develop guidelines
24 for a city or town to receive status as a certified community. The guidelines shall promote: (i)
25 prompt and predictable permitting of commercial or industrial development within economic
26 development districts that allow for an appropriate amount of development to proceed as of right
27 and within a specific reasonable time; (ii) prompt and predictable permitting of residential
28 development within residential development districts that allow for the appropriate amount of
29 development to proceed as of right and within a specific reasonable time; (iii) open space
30 residential design for certain zoning districts meeting minimum lot area thresholds for single-
31 family residential development; (iv) low impact development techniques; (v) natural resource
32 protection zoning in areas of significant natural or cultural resources; (vi) development
33 agreement contracts between a municipality and a holder of development rights to express the
34 conditions to which the development will be subject; (vii) consolidated hearings and permitting
35 for large development projects; and (viii) joint applications from 2 or more contiguous

36 municipalities who together meet the goals of the program and agree to the requirements of
37 clauses (i) to (vii), inclusive.

38 (c) A city or town may apply to the executive office of housing and economic
39 development to become a certified community. A regional planning commission shall make
40 itself available to a city or town during the application process to facilitate best practices. A
41 regional planning commission, in consultation with stakeholders and after a public hearing, shall
42 develop model by-laws, ordinances and rules and regulations which may be used or incorporated
43 by communities within the planning commission region in its application to the executive office
44 of housing and economic development or the regional planning commission may make model
45 by-laws, ordinances and rules and regulations for a specific community within the region which
46 may be used or incorporated by a city or town in its application to the department.

47 (d) The executive office of housing and economic development shall develop criteria to
48 evaluate a submission by a city or town to become a certified community. Applications from a
49 city or town with the endorsement of a regional planning agency may be presumed to meet the
50 criteria or the endorsement may be favorably factored into a determination by the department. If
51 the executive office of housing and economic development determines that it is unable to issue a
52 certification, it shall provide the applicant with a written statement of the reasons for its
53 determination and the applicant shall be allowed to reapply. A municipality's certification shall
54 be for a period of up to 10 years and may be renewed at the discretion of the executive office of
55 housing and economic development.

56 (e) The executive office of housing and economic development shall develop incentives
57 based upon program goals and guidelines in certified communities. Incentives shall benefit both

58 municipal applicants and persons seeking municipal approval for permits and development.
59 Incentives shall be based upon the program guidelines and criteria. The incentives offered to
60 municipalities may include, but shall not be limited to: (i) reducing the minimum vesting period
61 for a definitive subdivision plan under section 6 of chapter 40A; (ii) authorizing zoning
62 ordinances or bylaws that impose natural resource protection zoning that requires percentages of
63 preserved land of 80 per cent or greater; and (iii) authorizing development impact fees imposed
64 pursuant to section 9E of said chapter 40A to be applied to additional off-site public capital
65 facilities; provided, however, that all impact fees shall have a rational nexus to, and shall be
66 roughly proportionate to, the impacts created by the development.

67 (f) To advance economic, environmental and social well-being through enhanced
68 planning for economic growth, land conservation, workforce housing creation and mobility, the
69 commonwealth, when awarding discretionary funds for municipal infrastructure or other
70 discretionary funds or grants administered through the executive office of housing and economic
71 development, the executive office of energy and environmental affairs, the Massachusetts
72 department of transportation and the executive office for administration and finance, shall give
73 priority consideration to certified communities.

74 State agencies responsible for regulatory or capital spending programs that have a
75 material effect on local land use and development shall take into account the land use goals,
76 objectives and policies as set forth in master plans adopted under section 81D of chapter 41 in
77 administering the programs in certified communities.

78 When awarding discretionary funds for municipal infrastructure and land preservation
79 investments within communities for which there exists a regional plan under section 5 of chapter

80 40B, under chapter 716 of the acts of 1989 or under chapter 831 of the acts of 1977, respectively,
81 the commonwealth shall cause the awards to be consistent with the plan to the maximum extent
82 feasible.

83 (g) The executive office of housing and economic development may issue regulations
84 necessary and appropriate for the implementation of this section.

85 SECTION 3. Section 1A of Chapter 40A of the General Laws, as appearing in the 2014
86 Official Edition, is hereby amended by striking out the definition of “Permit granting authority”
87 and inserting in place thereof the following 9 definitions:-

88 “Affordable housing”, a dwelling unit restricted for purchase or rent by a household with
89 an income at or below 80 per cent of the area median income for the applicable metropolitan or
90 non-metropolitan area, as determined by the United States Department of Housing and Urban
91 Development; provided, however, that affordable housing shall be subject to an affordable
92 housing restriction in accordance with sections 31 to 33, inclusive, of chapter 184 or, if ineligible
93 under said sections 31 to 33, inclusive, of said chapter 184, restricted by other means as required
94 in an ordinance or by-law.

95 “By-right” or “as of right”, development that may proceed under a zoning ordinance or
96 by-law without the need for a special permit, variance, zoning amendment, waiver or other
97 discretionary zoning approval; provided, however, that “by-right” or “as of right” development
98 may be subject to site plan review under section 9D.

99 “Cluster development or open space residential development”, a class of residential
100 development in which reduced dimensional requirements allow the developed areas to be

101 concentrated in order to permanently preserve open land for natural, agricultural or cultural
102 resources elsewhere on the plot.

103 “Development impact fee”, an assessment imposed by a zoning ordinance or by-law to
104 offset the impacts of a development, in an amount roughly proportionate to the impact of the
105 development, and in accordance with section 9E.

106 “Inclusionary housing”, an affordable housing unit or a housing unit restricted for
107 purchase or rent by a household with an income at or below 120 per cent of the median family
108 income determined by the United States Department of Housing and Urban Development for the
109 applicable metropolitan or nonmetropolitan area; provided, however, that a municipality may set
110 the income thresholds for inclusionary housing at a level at or below 120 per cent of median
111 income.

112 “Inclusionary zoning”, zoning ordinances or by-laws that require the creation of
113 affordable housing or inclusionary housing, in accordance with section 9F.

114 “Municipal affordable housing concessions”, measures adopted by a municipality to
115 contribute to the economic feasibility of an inclusionary-zoned residential or mixed use
116 development including, but not limited to, increases in the otherwise maximum allowable
117 density, floor-area ratio or height or reductions in otherwise applicable parking requirements,
118 permitting fees and timeframes.

119 “Natural resource protection zoning”, zoning ordinances or by-laws enacted principally
120 to protect natural resources by establishing higher underlying density divisors relative to other
121 areas, a formulaic method to calculate development rights and compact patterns of development
122 so that a significant majority of the land remains permanently undeveloped and available for

123 agriculture, forestry, recreation, watershed management, carbon sequestration, wildlife habitat or
124 other natural resource values.

125 “Permit granting authority”, the board of appeals or zoning administrator.

126 SECTION 3A. Said section 1A of said chapter 40A, as so appearing, is hereby further
127 amended by inserting after the definition of “Special permit granting authority” the following
128 definition:-

129 “Transfer of development rights”, the regulatory procedure whereby the owner of a
130 parcel may convey development rights to the owner of another parcel and where the
131 development rights so conveyed are extinguished on the first parcel and may be exercised on the
132 second parcel in addition to the development rights already existing regarding that parcel.

133 SECTION 4. Said chapter 40A is hereby further amended by inserting after section 1A
134 the following section:-

135 Section 1B. (a) This chapter shall be construed to give full effect to the home rule
136 authority of cities and towns. Nothing in this chapter shall be construed as limiting the
137 constitutional authority of cities and towns unless expressly stated by this chapter. Wherever the
138 language of this chapter purports to authorize or enable, it shall be so construed only where such
139 authority is not otherwise available to cities and towns under the constitution or laws of the
140 commonwealth, and in all other cases such language shall be considered illustrative only.

141 (b) Nothing in this chapter shall limit the authority of the regional planning agencies
142 under chapter 716 of the acts of 1989, chapter 561 of the acts of 1973 and chapter 831 of the acts
143 of 1977 or of any municipality within Barnstable or Nantucket County or the county of Dukes

144 County acting under said chapter 716, said chapter 561 and said chapter 831 including, but not
145 limited to, the designation of districts of critical planning concern, the adoption of regulations for
146 such districts, the review of developments of regional impact and the imposition development
147 impact fees. If this chapter conflicts with these special acts and any regulations, ordinances,
148 regional policy plans or decisions issued or adopted under these special acts, the latter shall
149 control.

150 SECTION 5. Section 3 of said chapter 40A, as appearing in the 2014 Official Edition, is
151 hereby amended by adding the following paragraph:-

152 No zoning ordinance or by-law shall prohibit or require a special permit for the use of
153 land or structures for an accessory dwelling unit or the rental thereof in a single-family
154 residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to
155 meet the requirements of title 5 of the state environmental code established by section 13 of
156 chapter 21A, if applicable, but such land or structures may be subject to reasonable regulations
157 concerning dimensional setbacks and the bulk and height of structures. The zoning ordinance or
158 by-law may require that the principal dwelling or the accessory dwelling unit be owner-occupied
159 and may limit the total number of accessory dwelling units in the municipality to a percentage
160 not lower than 5 per cent of the total non-seasonal housing units in the municipality. Not more
161 than 1 additional parking space shall be required for an accessory dwelling unit but, if parking is
162 required for the principal dwelling, that parking shall either be retained or replaced. As used in
163 this paragraph, "accessory dwelling unit" shall mean a self-contained housing unit, inclusive of
164 sleeping, cooking and sanitary facilities, incorporated within the same structure as the principal
165 dwelling or in a detached accessory structure and that: (i) is located on the same lot as the
166 principal dwelling; (ii) maintains a separate entrance, either directly from the outside or through

167 an entry hall or corridor shared with the principal dwelling; (iii) shall not be sold separately from
168 the principal dwelling; and (iv) is not larger in floor area than 1/2 the floor area of the principal
169 dwelling or 900 square feet, whichever is smaller. Nothing in this paragraph shall authorize an
170 accessory dwelling unit to violate the building, fire, health or sanitary codes or wetlands laws,
171 ordinances or by-laws.

172 SECTION 6. Said chapter 40A is hereby further amended by inserting after section 3 the
173 following section:-

174 Section 3A. (1) (a) For the purposes of this section, the following words shall have the
175 following meanings unless the context clearly requires otherwise:

176 “Department”, the department of housing and community development.

177 “Eligible locations”, as defined in section 2 of chapter 40R.

178 “Gross density”, a units-per-acre density measurement that includes in the calculation
179 land occupied by public rights-of-way, recreational, civic, commercial and other non-residential
180 uses.

181 “Lot”, an area of land with definite boundaries that are used or available for use as the
182 site of a building.

183 “Multi-family housing”, a residential building with 3 or more dwelling units or 2 or
184 more residential buildings on the same lot with more than 1 dwelling unit in each building.

185 “Rural town”, a municipality with a population density of less than 500 people per
186 square mile as determined by the most recent decennial federal census.

187 (b) Zoning ordinances and by-laws shall provide at least 1 district of reasonable
188 size in which multi-family housing is a permitted use as of right. For the purposes of this
189 section, “district” shall: (i) include multi-family housing without age restrictions which is
190 suitable for families with children; (ii) have a minimum gross density of 8 units per acre in rural
191 towns and a minimum gross density of 15 units per acre in all other municipalities, subject to any
192 further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental
193 code established by section 13 of chapter 21A; provided, however, that multi-family housing
194 districts shall align to the extent possible with existing or planned water, sewer and
195 transportation infrastructure; and (iii) be in eligible locations.

196 A city or town may satisfy the requirement of this subsection by obtaining a
197 determination from the department, acting directly or through a regional planning agency as its
198 designee, that the multi-family provisions of its zoning ordinance or by-law are consistent with
199 the department’s regulations established pursuant to subsection (c). If a city or town obtains a
200 determination from the department or regional planning agency under this section, the city or
201 town may use the determination as verification of compliance when applying for discretionary
202 funding by state agency programs that have included a preference or priority for multi-family
203 zoning pursuant to this section.

204 The department may waive or modify the requirements of this subsection for rural
205 municipalities or if a determination is made that no eligible locations exist within a municipality.

206 (c) The department shall promulgate regulations which shall be used to determine
207 if a city or town has satisfied the requirements established in this subsection.

208 (2) Zoning ordinances or by-laws shall provide for open space residential developments
209 as of right. These ordinances or by-laws shall provide that open space residential developments
210 shall be allowed either in a specific district within that district or in multiple districts through
211 overlay zoning. These ordinances or by-laws shall provide that open space residential
212 developments shall be permitted upon review and approval by a planning board pursuant to
213 section 81K to 81GG, inclusive, of chapter 41 and in accordance with a planning board's rules
214 and regulations governing subdivision control.

215 An open space residential development shall be permitted only on a plot of land of such
216 minimum size as a zoning ordinance or by-law may specify which is divided into building lots
217 with dimensional control, density, open land and use restrictions for such building lots varying
218 from those otherwise permitted by the ordinance or by-law. Such open land, when added to the
219 building lots, shall be at least equal in area to the land area required by the ordinance or by-law
220 for the total number of units or buildings contemplated in the development.

221 A municipality may require either a yield plan or a calculation that deducts for roadways,
222 wetlands and other site constraints in order to determine the yield of housing units in an open
223 space residential development. The open land may be situated to promote and protect maximum
224 solar access within the development. The open land shall either be conveyed to the city or town
225 and accepted by it for park or open space use or be conveyed to a nonprofit organization the
226 principal purpose of which is the conservation of open space or be conveyed to a corporation or
227 trust owned or to be owned by the owners of lots or residential units within the development. If
228 the corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or
229 residential units. Where the land is not conveyed to the city or town or other governmental

230 agency as dedicated open space, a restriction under sections 31 to 33, inclusive, of chapter 184
231 shall be recorded.

232 Allowance of open space residential development by right in accordance with this section
233 shall not preclude establishment of zoning districts which provide for increases in the
234 permissible density of population or intensity of a particular use within an open space residential
235 development by special permit as provided in section 9.

236 The department of housing and community development and the executive office of
237 energy and environmental affairs shall jointly publish guidelines which may be used to
238 determine if a city or town has satisfied the requirements established in this subclause.

239 (3) If a zoning ordinance or by-law fails to comply with this section, the superior court or
240 the land court may award appropriate declaratory and injunctive relief in a civil action brought
241 by the attorney general on behalf of the department or by an aggrieved applicant for a local
242 permit.

243 SECTION 7. Section 5 of said chapter 40A, as appearing in the 2014 Official Edition, is
244 hereby amended striking out, in line 78, the word “No” and inserting in place thereof the
245 following words:- Unless otherwise prescribed in a zoning ordinance or by-law, no.

246 SECTION 8. Said section 5 of said chapter 40A, as so appearing, is hereby further
247 amended by inserting after the word “meeting” in line 82, the following words:- “; provided,
248 however, that if a city or town has failed to meet the minimum requirements of clause (1) or (2)
249 section 3A, a zoning ordinance or by-law that is consistent with these requirements shall be
250 adopted by a vote of a simple majority of all members of the town council or of the city council

251 where there is a commission form of government or a single branch or of each branch where
252 there are 2 branches or by a vote of a simple majority of town meeting”.

253 SECTION 9. The fourth paragraph of said section 5 of said chapter 40A, as so appearing,
254 is hereby amended by inserting after the first sentence the following sentence:- The report shall
255 evaluate the consistency of the proposed ordinance or by-law or amendment thereto with a
256 master plan under section 81D of chapter 41, if any, in effect.

257 SECTION 10. The fifth paragraph of said section 5 of said chapter 40A, as so appearing,
258 is hereby amended by adding the following sentence:- Any change in the voting majority
259 required to adopt a zoning ordinance, by-law or amendment shall be made by the voting majority
260 then in effect and shall not become effective until 6 months have elapsed after the vote;
261 provided, however, that a voting change shall be limited to a range between a simple majority
262 and a 2/3 majority vote. A majority vote of less than 2/3 shall not be allowed for a specific
263 zoning amendment if the amendment is the subject of a landowner protest.

264 SECTION 11. Section 6 of said chapter 40A, as so appearing, is hereby amended by
265 striking out, in lines 3 to 5, inclusive, the words “or to a building or special permit issued before
266 the first publication of notice of the public hearing on such ordinance or by-law required by
267 section five,”.

268 SECTION 12. Said section 6 of said chapter 40A, as so appearing, is hereby further
269 amended by striking out, in lines 6 and 7, the words “to a building or special permit issued after
270 the first notice of said public hearing,”.

271 SECTION 13. Said section 6 of said chapter 40A, as so appearing, is hereby further
272 amended by striking out the second paragraph and inserting in place thereof the following
273 paragraph:-

274 If a complete application for a building permit or special permit is duly submitted and
275 received, including receipt of payment for any applicable fees, and written notice of the
276 submission has been given to the city or town clerk before the first publication of notice of the
277 public hearing on the ordinance or by-law as required by section 5, the permit shall be governed
278 by the applicable provisions of the zoning ordinance or by-law, if any, in effect at the time of the
279 first submission and receipt while any permit is being processed and, if the permit or an
280 amendment of the permit is finally approved, for 2 years in the case of a building permit and 3
281 years in the case of a special permit from the date of the granting of approval. The period of 2 or
282 3 years shall be extended by a period equal to the time a city or town imposes or has imposed
283 upon it by a state, a federal agency or a court, a moratorium on construction, the issuance of
284 permits or utility connections.

285 SECTION 14. The fourth paragraph of said section 6 of said chapter 40A, as so
286 appearing, is hereby amended by striking out the second sentence.

287 SECTION 15. Said section 6 of said chapter 40A, as so appearing, is hereby amended by
288 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

289 If a complete application for a definitive plan, or a preliminary plan followed within 7
290 months by a definitive plan that is substantially similar to the preliminary plan, is duly submitted
291 to a planning board for approval under the subdivision control law and written notice of the
292 submission has been given to the city or town clerk before the public hearing on the ordinance or

293 by-law required by section 5, the land on the plan shall be governed by the applicable provisions
294 of the zoning ordinance or by-law, if any, in effect at the time of the first submission while any
295 plan is being processed under the subdivision control law and, if the definitive plan or an
296 amendment to the definitive plan is finally approved, for 8 years from the date of the
297 endorsement of the approval; provided, however, that in the case of a minor subdivision in a city
298 or town that has accepted section 81HH of chapter 41, the applicable provisions of the zoning
299 ordinance or by-law shall govern for 4 years from the date of the endorsement of approval. The
300 period of 8 or 4 years shall be extended by a period equal to the time which a city or town
301 imposes or has imposed upon it by a state, a federal agency or a court, a moratorium on
302 construction, the issuance of permits or utility connections.

303 SECTION 16. Section 9 of said chapter 40A, as so appearing, is hereby amended by
304 striking out the third to ninth paragraphs, inclusive.

305 SECTION 17. The twelfth paragraph of said section 9 of said chapter 40A, as so
306 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
307 following 2 sentences:- Unless a greater majority is specified in the zoning ordinance or by-law,
308 issuance of a special permit under this section shall require an affirmative vote of a simple
309 majority of the special permit granting authority. A greater majority vote requirement specified
310 in a zoning ordinance or by-law shall not exceed a vote of 2/3 of the special permit-granting
311 authority in a board with more than 5 members or a vote of 4 members in a 5-member board.

312 SECTION 18. Said section 9 of said chapter 40A, as so appearing, is hereby further
313 amended by striking out the fourteenth paragraph and inserting in place thereof the following 2
314 paragraphs:-

315 A special permit granted under this section shall state that it shall lapse within a period of
316 time specified by the special permit granting authority, which shall be not less than 3 years if a
317 substantial use thereof has not sooner commenced except for good cause or, in the case of a
318 permit for construction, if construction has not begun by the specified date except for good
319 cause. The minimum period of 3 years may, by ordinance or by-law, be increased to a longer
320 minimum period. The period of time before which a special permit shall lapse shall not include
321 the time required to pursue or await the determination of an appeal from the grant thereof, as
322 referenced in section 17.

323 Upon written application by the grantee of a special permit, the special permit-granting
324 authority, in its discretion, and after notice and a public hearing, unless under local ordinance or
325 by-law a public hearing is not required, vote by a majority to extend the time for the exercise of a
326 special permit for a period of time not to exceed the original duration of the special permit. The
327 application shall be filed not later than 65 days before the lapse of the special permit. If the
328 permit granting authority does not grant the extension within 65 days of the date of application
329 therefor, upon the lapse of the special permit, the special permit shall only be re-established
330 pursuant to the requirements of this section.

331 SECTION 19. Said section 9 of said chapter 40A, as so appearing, is hereby further
332 amended by inserting after the word “zoned”, in line 201, the following word:- principally.

333 SECTION 20. Said section 9 of said chapter 40A, as so appearing, is hereby further
334 amended by inserting after the word “zoned”, in line 216, the following word:- principally.

335 SECTION 21. Said chapter 40A is hereby further amended by inserting after section 9C
336 the following 4 sections:-

337 Section 9D. (a) As used in this section, “site plan” shall mean the submission made to a
338 municipality that includes documents and drawings required by an ordinance or by-law showing
339 the proposed on-site arrangement of buildings, structures, parking, pedestrian and vehicle
340 circulation, utilities, grading and other site features and improvements existing or to be placed on
341 a parcel of land in connection with the proposed use of land or structures.

342 (b) A zoning ordinance or by-law that requires site plan review for uses allowed by-right
343 shall: (i) establish the different types, scales or categories of uses of land, structures or
344 development subject to site plan review; (ii) specify the local boards or officials charged with
345 reviewing and approving site plans which may differ for different types, scales or categories of
346 uses of land or structures; (iii) set forth what shall be considered a complete application; (iv)
347 establish the process for submission, review and approval for a site plan; (v) establish standards
348 and criteria by which the project and its direct adverse impacts on that portion of properties and
349 public infrastructure located within 300 feet of the parcel boundary shall be evaluated; and (vi)
350 include provisions making the terms, conditions and content of the approved site plan
351 enforceable by the municipality which may include the requirement of performance guarantees.

352 (c) Approval of a site plan under this section, if reviewed by a board, shall require not
353 more than a simple majority vote of the full board and shall be made within the time limits
354 prescribed by ordinance or by-law not to exceed 120 days from the filing of a complete
355 application. Procedures for the administrative review and approval of a site plan by staff or other
356 municipal officials shall be as specified in the ordinance or by-law but the 120-day time limit for
357 a decision shall not be increased unless granted in writing by the person seeking the site plan
358 approval. If no decision is issued within the time limit prescribed and no written extension of the
359 time limit has been granted by the person seeking the site plan review, the site plan shall be

360 deemed constructively approved as provided in section 9; provided, however, that the petitioner
361 shall comply with the constructive approval procedures under said section 9. Copies of the
362 approved site plan submission shall be kept on file by the town or city clerk, the permit granting
363 authority and the municipal building department.

364 (d) A site plan submitted for the use of specific land or structures allowed by-right shall
365 not be denied unless: (i) the proposed site plan cannot be conditioned to meet the requirements
366 set forth in the zoning ordinance or by-law; (ii) the applicant fails to submit the information and
367 fees required by the zoning ordinance or by-law necessary for an adequate and timely review of
368 the design of the proposed land or structures; or (iii) there is no feasible site design change or
369 condition that would adequately mitigate any direct adverse impacts of the proposed
370 improvements on that portion of properties and public infrastructure located within 300 feet of
371 the parcel boundary.

372 (e) A site plan approved under this section may include reasonable conditions,
373 safeguards and limitations to mitigate the direct adverse impacts of the project on that portion of
374 properties and public infrastructure located within 300 feet of the parcel boundary. Conditions
375 may be approved that are directly related to standards and criteria described in the site plan
376 review ordinance or by-law; provided, however, that such conditions shall not conflict with or
377 waive any other applicable requirement of the zoning ordinance or by-law. The record of the
378 decision shall state the reasons for any conditions imposed. If conditions are adopted pursuant to
379 this subsection, the site plan shall be revised to include those conditions before the development
380 permit is issued.

381 (f) Site plan review may not require payment for or performance of any off-site
382 mitigation except when the site plan approval is subject to development impact fees imposed in
383 accordance with section 9E or when a site plan is required in connection with the issuance of a
384 special permit, variance or any other discretionary zoning approval.

385 (g) Except where site plan review is required in connection with the issuance of a special
386 permit, variance or other discretionary zoning approval, decisions made under this section may
387 be appealed pursuant to section 4 of chapter 249. Such civil action may be brought in the
388 superior court or in the land court and shall be commenced within 20 days after the filing of the
389 decision of the site plan review approving authority with the city or town clerk. Notice of such
390 appeal must be given to the city or town clerk so as to be received within 20 days. A complaint
391 by a plaintiff challenging a site plan approval under this section shall allege the specific reasons
392 why the project failed to satisfy the requirements of this section, the zoning ordinance or by-law
393 or other applicable law and shall allege specific facts establishing how the plaintiff is aggrieved
394 by such decision. A complaint by an applicant for site plan review challenging the denial or
395 conditioned approval of a site plan shall similarly allege the specific reasons why the project
396 properly satisfied the requirements of this section, the zoning ordinance or by-law or other
397 applicable law.

398 (h) A site plan, or any extension, modification or renewal thereof, shall not take effect
399 until a notice of site plan approval, identifying the permit granting authority and the date upon
400 which approval was granted, is recorded in the registry of deeds for the county or district in
401 which the land is located and indexed in the grantor index under the name of the owner of record
402 or is recorded and noted on the owner's certificate of title.

403 (i) Zoning ordinances or by-laws shall provide that a site plan approval for a use allowed
404 by-right shall lapse within a specified period of time, not less than 2 years from the date of the
405 filing of the approval with the city or town clerk, if a building permit has not been obtained or
406 substantial use or construction has not yet begun except where extended for good cause by the
407 permit-granting authority either with or without a public hearing, as provided in the zoning
408 ordinance or by-law. Such period of time shall not include the time required to pursue or await
409 the determination of an appeal and shall be measured from the date of the dismissal of the appeal
410 or the entry of final judgment in favor of the applicant.

411 (j) Where an ordinance or by-law provides that a variance, special permit or other
412 discretionary zoning approval shall also require site plan review, the review of the site plan shall
413 be integrated into the processing of the variance, special permit or other discretionary zoning
414 approval and shall not be made the subject of a separate proceeding, hearing or decision. In such
415 a case, the content requirements and approval criteria for a site plan as specified in the zoning
416 ordinance or by-law shall be followed but this section shall not otherwise apply.

417 Section 9E. (a) A local ordinance or by-law that requires the payment of a development
418 impact fee for a permit or approval shall comply with this section. A development impact fee
419 shall have a rational nexus to, and shall be roughly proportionate to, the impacts created by the
420 development. A development impact fee shall reasonably benefit the proposed development and
421 shall be used solely for the purposes of defraying the costs of off-site public capital facilities
422 necessary to support or compensate for the proposed development. Development impact fees
423 shall be applied in a consistent manner pursuant to a proportionate share development impact fee
424 study conducted in accordance with subsection (f).

425 (b) The development impact fee shall be imposed only on construction, enlargement,
426 expansion, substantial rehabilitation or change of use that results in a net increase of demand or
427 service. Impact fees shall be limited to mitigating the impact of the development on the
428 following capital facilities: (i) water supply, treatment and distribution, both potable and for
429 suppression of fires; (ii) wastewater treatment and sanitary sewerage; (iii) drainage, storm water
430 management and treatment; (iv) solid waste; (v) roads, intersections, traffic improvements,
431 public transportation, pedestrian ways and bicycle paths; and (vi) parks and recreational
432 facilities. Impact fees may be expended on such facilities for the payment of debt service or for
433 studies with a rational nexus to the development, including master plans made in accordance
434 with section 81D of chapter 41 and proportionate share impact fee studies under section 9F. A
435 development impact fee shall not be assessed or expended for personnel costs, normal operation
436 and maintenance costs or to remedy deficiencies in existing facilities; provided, however, that an
437 impact fee may be assessed for mitigation on a facility with a preexisting deficiency to the extent
438 that the preexisting deficiency is exacerbated and not solely to remedy the preexisting deficiency.

439 (c) No development impact fee shall be imposed on a farming or agricultural use
440 recognized in section 1A of chapter 128 or on a dwelling unit with an affordable housing
441 restriction, as defined by section 31 of chapter 184, of not less than 30 years. To the extent that a
442 development contains a nonexclusively farming or agricultural use or nonexclusively affordable
443 housing restricted unit, and the per cent of farming or agricultural use or affordable housing
444 restricted units is not trivial, the by-law or ordinance shall prorate or eliminate the development
445 impact fee.

446 Development impact fees shall be proportionately reduced to the extent that a
447 municipality imposes other fees or requirements, otherwise imposed by law, for mitigation of

448 development including, but not limited to, fees imposed under chapter 40C and section 40 of
449 chapter 131. No fee shall be assessed more than once for the same impact. If, and to the extent
450 that, a municipality receives state or federal funds for mitigation of the development impacts or
451 other grants or contributions for mitigation of development impacts, those funds shall be
452 accounted for in the development impact fee or applied to the development impact fee
453 proportional share development impact study.

454 (d) A development impact fee assessed under this section shall be due and payable not
455 earlier than the issuance of the building permit upon commencement of construction, which may
456 include site preparation work. The fee shall be deposited in a separate, segregated, interest-
457 bearing account in the city or town in which the proposed development is located and no
458 development impact fee shall be paid to the general treasury or used as general expenses of the
459 city or town.

460 Any funds not expended or encumbered by the end of the calendar quarter immediately
461 following 6 years from the date the development impact fee was paid shall be returned with
462 interest. If disagreement exists relative to who shall receive the unexpended or unencumbered
463 fees, the city or town may retain the development impact fee pending instructions given in
464 writing by the parties involved or by a court of competent jurisdiction.

465 (e) A zoning ordinance or by-law may provide that the applicant or developer may
466 construct the public capital facility or a portion thereof for which the development impact fee
467 was assessed or may enter into any other mutual agreement in lieu of paying the development
468 impact fee; provided, however, that the applicant or developer shall not be required to construct

469 the public capital facility or a portion thereof or enter into an alternative agreement if instead the
470 applicant or developer chooses to pay the assessed development impact fee.

471 (f) No development impact fee shall be assessed unless it is assessed pursuant to a valid
472 proportionate-share development impact fee study. A proportionate-share development impact
473 fee study shall establish the proportionate share development impact fee for capital facilities and
474 detail the methodology used to set the fee. The scope of the study may be jurisdiction-wide or
475 limited to a geographic area or category of public capital facilities that development impact fees
476 may be intended to address. A municipality may rely upon credible and professionally
477 recognized methodologies for the study. The study shall be updated not less than every 10 years
478 to reflect actual development activity, actual costs of infrastructure improvements completed or
479 underway, plan changes or amendments to the zoning ordinance or by-law. The study shall
480 identify any preexisting deficiencies in the public capital facilities and shall set forth a feasible
481 implementation plan for how those deficiencies shall be remedied. A proportionate share
482 development impact fee study shall not be valid and no development impact fees shall be
483 assessed if 10 years have passed since the study's creation or its most recent update.

484 An ordinance or by-law may waive or reduce the development impact fee for
485 development that furthers a public purpose as determined in a master plan adopted by the city or
486 town under section 81D of chapter 41 or other formally approved plan designed to set goals for
487 the development of land within the city or town.

488 Notwithstanding this section, a city or town authorized to impose development impact
489 fees pursuant to a special act shall comply with the standards set forth in the special act.

490 Section 9F. (a) A zoning ordinance or by-law may require the applicant for a residential
491 or mixed use development to provide inclusionary housing units in return for municipal
492 affordable housing concessions. In establishing any such ordinance or by-law, the city or town
493 shall consider the likely impacts of development on the affordable housing assets of the
494 municipality, the ability of the community to meet local and regional housing needs and the
495 economic feasibility of development.

496 (b) An inclusionary housing ordinance or by-law shall provide municipal affordable
497 housing concessions which shall be applied among affected developments in a reasonable and
498 consistent manner.

499 (c) In lieu of constructing the required inclusionary housing units onsite, the ordinance or
500 by-law may provide for the construction of such units off-site, the dedication of land for that
501 purpose or the payment of funds to a separate account created by the city or town sufficient for
502 and dedicated to inclusionary housing if the applicant demonstrates to the satisfaction of the local
503 approving authority that the units cannot be otherwise provided onsite or that an alternative
504 proposal better meets the needs of the city or town with respect to the provision of inclusionary
505 housing. Off-site units, land dedication or payment in lieu of units, in the opinion of the board or
506 official designated by ordinance or by-law to administer this section and in consideration of local
507 needs, shall provide inclusionary housing benefits substantially equivalent to the provision of
508 onsite units.

509 (d) A city or town may establish a separate dedicated account for the deposit of funds
510 received under this section, including a Municipal Affordable Housing Trust Fund account under
511 section 55C of chapter 44 or other dedicated accounts of similar purpose. These funds shall be

512 deposited with the treasurer and disbursed for inclusionary housing in accordance with the
513 ordinances, by-laws or regulations of the city or town. If the application of this section results in
514 less than a full dwelling unit, the board may accept a prorated payment of funds in lieu of unit
515 creation.

516 (e) The inclusionary housing units shall be subject to an affordable housing restriction for
517 not less than 30 years, in accordance with sections 31 to 33, inclusive, of chapter 184 or, if
518 ineligible under said sections 31 to 33, inclusive, of said chapter 184, restricted by other means
519 as required in an ordinance or by-law.

520 (f) The ordinance or by-law may require some or all of the inclusionary housing units to
521 be low-income or moderate-income housing as defined in sections 20 to 23, inclusive, of chapter
522 40B, and shall be eligible for inclusion on the local subsidized housing inventory subject to and
523 in accordance with applicable regulations and guidelines of the department of housing and
524 community development. Nothing in this section shall require the department to include
525 affordable units created under this section on the subsidized housing inventory.

526 Section 9G. No ordinance or by-law shall prohibit an owner of land or structures who
527 has applied or intends to apply for a building permit, any permit or approval required under this
528 chapter, an approval under sections 81K to 81GG, inclusive, of chapter 41 or a comprehensive
529 permit under sections 20 to 23, inclusive, of chapter 40B from requesting of the public official or
530 local board charged with acting on the application to undertake a land use dispute avoidance
531 process.

532 If the applicant and the public official or local board agree to a land use dispute
533 avoidance process, the mediator or facilitator for the dispute avoidance process may convene

534 meetings or conduct interviews that shall be confidential and privileged from discovery in
535 accordance with section 23C of chapter 233. The mediator or facilitator shall have the
536 protections provided under said section 23C of said chapter 233. To the extent that public bodies
537 are participants, their deliberations may be held in executive session to the extent permitted by
538 clause 9 of subsection (a) of section 21 of chapter 30A.

539 The applicant and the public official or local board shall, by an agreement in writing filed
540 with the city or town clerk, stipulate and agree to extend any otherwise applicable time
541 requirements of state or local law. Whether a resolution results, the applicant may proceed with
542 the application without prejudice for having participated in a conflict evaluation or resolution
543 effort and the application process shall proceed in due course as otherwise provided by law,
544 ordinance or by-law.

545 SECTION 22. Said chapter 40A is hereby further amended by striking out section 10, as
546 appearing in the 2014 Official Edition, and inserting in place thereof the following section:-

547 Section 10. Where literal enforcement of the zoning ordinance or by-law would result in
548 practical difficulty, financial or otherwise, to the petitioner, upon appeal or upon petition with
549 respect to particular land or structures, the permit-granting authority may grant a variance from
550 the terms of the applicable zoning ordinance or by-law following a public hearing for which
551 notice has been given by publication and posting as provided in section 11 and by mailing notice
552 to all interested parties. The practical difficulty necessitating the variance shall relate to the
553 physical characteristics including, but not limited to, soil conditions, shape or topography or
554 location of the site or of the structures thereon.

555 In making its determination, the permit-granting authority shall take into consideration
556 the benefit to the applicant if the variance is granted as well as the detriments to the health, safety
557 and welfare of the neighborhood or community if the variance is granted. In order to grant a
558 variance, the permit-granting authority shall make all of the following findings: (i) the benefit
559 sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue,
560 other than a variance; (ii) the variance will not have a disproportionately adverse effect on
561 nearby properties, the character of the neighborhood or the environment; (iii) the variance will
562 not nullify or substantially derogate from the intent or purpose of the ordinance or by-law or a
563 master plan under section 81D of chapter 41 if a master plan is in effect; and (iv) the claimed
564 difficulty relating to the property in question is unique and does not also apply to a substantial
565 portion of the district or neighborhood. The permit-granting authority may also take into
566 consideration the extent to which the claimed difficulty is self-created and may base a denial
567 solely upon a finding that the claimed difficulty is self-created. In the granting of variances, the
568 permit-granting authority shall grant the minimum variance that it deems necessary to relieve the
569 difficulty.

570 The permit-granting authority may impose conditions, safeguards and limitations both of
571 time and of use, including the continued existence of any particular structures, but excluding any
572 condition, safeguards or limitation based upon the continued ownership of the land or structures
573 to which the variance pertains by the applicant, petitioner or an owner.

574 Except where local ordinances or by-laws expressly permit variances for use, no variance
575 may authorize a use or activity not otherwise permitted in the district in which the land or
576 structure is located. No variance may authorize a use or activity not otherwise permitted in the
577 district in which the land or structure is located unless the permit-granting authority specifically

578 finds that owing to circumstances relating to the soil conditions, shape or topography of the land
579 or structures and especially affecting such land or structures but not affecting generally the
580 zoning district in which it is located, a literal enforcement of the ordinance or by-law would
581 involve substantial hardship, financial or otherwise, to the petitioner or appellant and that
582 desirable relief may be granted without detriment to the public good and without nullifying or
583 substantially derogating from the intent or purpose of such ordinance or by-law. Variances for
584 use shall be subject to all of this section and any more stringent criteria contained in an ordinance
585 or by-law. Variances for use properly granted prior to January 1, 1976 but limited in time, may
586 be extended on the same terms and conditions that were in effect for that variance upon the
587 effective date.

588 Once exercised, variances shall run with the land but a use variance may run with the
589 land only if determined by the permit-granting authority acting pursuant to an ordinance or by-
590 law enabling such a determination.

591 If the rights authorized by a variance are not exercised within 2 years after the date of the
592 grant of the variance, the variance shall lapse; provided, however, that upon written application
593 by the grantee of the variance, the permit-granting authority may extend, without a public
594 hearing unless so required by a zoning ordinance or by-law, the time to exercise such rights for
595 up to 1 year. The application shall be filed not later than 65 days before the lapse of the
596 variance. If the permit-granting authority does not grant the extension before the lapse of the
597 variance then, upon the lapse of the variance the variance may be reestablished only after notice
598 and a new hearing pursuant to this section.

599 SECTION 23. Section 11 of said chapter 40A, as so appearing, is hereby amended by
600 inserting after the word “town” , in line 15, the following words:- , the board of health of the city
601 or town.

602 SECTION 24. Section 17 of said chapter 40A, as so appearing, is hereby amended by
603 inserting after the sixth paragraph the following paragraph:-

604 The court, in its discretion, may require non-municipal plaintiffs in an action under this
605 section to post a surety or cash bond in an amount not to exceed \$15,000 to secure the payment
606 of costs in appeals of decisions approving special permits, variances and site plans where the
607 court finds that the harm to the defendants or to the public interest resulting from the delays of
608 appeal outweighs the burden of the surety or cash bond on the plaintiffs. When making a
609 decision regarding surety or cash bond requirements, the court may consider the relative merits
610 of the appeal and the relative financial means of the appellant and the defendants.

611 SECTION 25. Said chapter 41 is hereby further amended by striking out section 81D, as
612 so appearing, and inserting in place thereof the following section:-

613 Section 81D. (a) A planning board established in a city or town shall make a master plan
614 for the city or town in accordance with this section. The plan shall take effect upon adoption by
615 the legislative body as provided herein. The planning board shall, from time to time, not to
616 exceed 10 years from the date of adoption, conduct a comprehensive review of the plan and may
617 extend, revise or remake the plan subject to approval as provided in this section. The plan, once
618 adopted, shall be the official master plan of the city or town and shall replace any previously
619 adopted master plan.

620 (b) The plan shall be a comprehensive framework, through text, maps and illustrations
621 that provides a basis for decision-making about land use and the long-term physical development
622 of the municipality. The plan shall be internally consistent in its policies, forecasts and standards
623 and may support and provide a rationale for the municipality's zoning ordinance or by-laws,
624 subdivision regulations and other land use laws, regulations, policies and capital expenditures.

625 (c) The plan shall include the elements required by this section and may include any
626 optional subjects at the discretion of the municipality. The plan shall address the following
627 elements:

628 (i) goals and objectives statement of the municipality for its future growth,
629 development, redevelopment, conservation and preservation; provided, however, that each
630 community shall conduct a public participation process to determine community values, establish
631 goals and identify patterns of development, redevelopment, conservation and preservation
632 consistent with these goals; and provided further, that at a minimum, the goals and objectives
633 statement shall address the elements required to be included in the plan;

634 (ii) a housing element that shall include: (A) an inventory of local demographic
635 characteristics, an assessment and forecast of housing needs and a statement of local housing
636 policies; (B) an analysis of housing units by type of structure, affordable housing and subsidized
637 housing, housing available for rental, special needs housing and housing for the elderly; (C) an
638 assessment of existing local policies, programs, laws or regulations that encourage the
639 preservation, improvement and development of housing; and (D) an evaluation of zoning and
640 other land use policies designed to meet local housing needs including, but not limited to, the
641 affordable housing needs of low, moderate and median income households and the accessible

642 housing needs of people with disabilities and special needs; provided, however, that a current
643 housing production plan consistent with sections 20 to 23, inclusive, of chapter 40B or any
644 regulations thereto may fulfill the evaluation requirement of this clause;

645 (iii) a natural resources and energy management element that shall include: (A)
646 identification of the significant natural and energy resources of the municipality; (B)
647 identification of protected and unprotected wetlands and water resources, lands critical to
648 sustaining surface and groundwater quality and quantity, environmentally sensitive lands, critical
649 wildlife habitat and biodiversity, agricultural lands and forests, protection of wildlife habitat,
650 water resources, vistas and key landscapes, outdoor recreation facilities and farm and forestry
651 land; provided, however, that in cities and towns with agricultural commissions created by the
652 legislative or executive body of the city or town, those elements of the plan dealing with
653 agricultural topics shall be prepared jointly by the agricultural commission and the planning
654 board; (C) an examination of local laws, regulations, policies and strategies to address needs for
655 the protection, restoration and sustainable management of natural resources; and (D) an energy
656 component that explores locally feasible land use strategies to maximize energy efficiency and
657 renewable energy opportunities, support land, energy, water and materials conservation
658 strategies, local clean power generation, distributed generation technologies and innovative
659 industries and addresses global climate change by reducing greenhouse gas emissions, which
660 may include addressing a development's impact on carbon emissions, and reducing the
661 consumption of fossil fuels;

662 (iv) a land use and zoning element that includes: (A) an identification of historic
663 settlement patterns and present land uses and designation of the proposed distribution, location
664 and interrelationship of public and private land uses; (B) land use policies and related maps

665 which shall be based upon a land use suitability analysis identifying areas most suitable for
666 development and related transportation infrastructure and facilities; (C) growth and development
667 areas that support the revitalization of city and town centers and neighborhoods by promoting
668 development that is compact and walkable, conserves land, protects historic resources, integrates
669 uses and coordinates the provision of housing with the location of jobs, transit and services and
670 new infrastructure; (D) an identification of areas for economic development and job creation,
671 related public and private transportation and pedestrian connections and encourages the creation
672 or extension of pedestrian-accessible districts and neighborhoods that mix commercial, civic,
673 cultural, educational and recreational activities with open space and housing; (E) consideration
674 of the relationship between proposed development intensity and the capacity of land and existing
675 and planned public facilities and infrastructure; and (F) a land use map illustrating the land use
676 policies and desired future development patterns of the municipality and a proposed zoning map;
677 and

678 (v) an implementation program element that defines and prioritizes the actions
679 necessary to achieve the goals and objectives of the master plan; provided, however, that the
680 implementation program shall specify the recommended course of action by which the
681 municipality's regulatory structures, including zoning and subdivision control regulations, may
682 need to be amended in order to be consistent with the master plan.

683 (d) In addition to elements required by this section, the master plan may include,
684 depending on community characteristics, any of the following elements:

685 (i) an economic development element that includes: (A) an inventory and
686 analysis of the local economic base; (B) an assessment of opportunities and barriers to economic

687 development; (C) an assessment of opportunities and barriers to agriculture, including all
688 branches of farming and forestry; and (D) an assessment of opportunities and barriers to self-
689 employment and home-based occupations;

690 (ii) a cultural resources element that identifies the significant cultural, scenic and
691 historic structures, sites and landscapes of the municipality, including archaeological resources
692 and policies and strategies to protect and manage the community's cultural resources;

693 (iii) an open space protection and recreation element that inventories recreational
694 facilities and open space areas of the municipality and policies and strategies for the
695 management, protection and enhancement of those facilities and areas as essential public health
696 infrastructure; provided, however, that an open space and recreational plan approved by the
697 division of conservation services shall constitute the open space protection and recreation
698 element under this subsection;

699 (iv) an infrastructure and capital facilities element to identify and analyze
700 existing and forecasted needs for infrastructure and facilities used by the public; provided,
701 however, that the element shall detail scheduled expansion or replacement of public facilities,
702 infrastructure components or circulation system components and the anticipated costs and
703 revenues associated with those activities;

704 (v) a transportation element including: (A) an inventory of existing and proposed
705 circulation, parking and transportation systems; (B) an assessment of opportunities and barriers
706 to increasing access to transportation options, including land and water-based public transit,
707 bicycling, walking, and transportation services for populations with disabilities; and (C)
708 identification of strategic investment options for transportation infrastructure to encourage smart

709 growth, maximize mobility, conserve fuel and improve air quality and to facilitate the location of
710 new development where a variety of transportation modes can be made available;

711 (vi) a water management element that shall include: (A) an inventory of current
712 and potential municipal sources of water supply, including capacity and safe yield and an
713 assessment of water demand including types of water users, changes in water consumption over
714 time and water billing rate structure; (B) an assessment of the adequacy of existing and proposed
715 water supplies to meet projected demands, water quality and treatment issues, existing measures
716 for water supply protection, water conservation drought management and emergency
717 interconnections; (C) an assessment of the ability of stormwater regulations and practices to
718 limit off-site stormwater runoff to levels substantially similar to natural hydrology through
719 decentralized management practices and the protection of onsite natural features; (D) an analysis
720 of municipal need and capacity for wastewater disposal, including the suitability of sites and
721 water bodies for the discharge of treated wastewater; and (E) recommended strategies for water
722 supply provision and protection, water conservation, wastewater disposal, stormwater
723 management, drought management and emergency interconnections and needed improvements
724 to meet future water resource needs; and.

725 (vii) a public health element that shall include: (A) an inventory of conditions and
726 assets in the natural and built environment which contribute to or constitute a barrier to health,
727 including a description of conditions with a disproportionate impact on residents based on
728 geography, ethnicity, income, immigration status or other characteristics; (B) an assessment of
729 opportunities and barriers to increasing access to conditions and assets in the natural or built
730 environment that contribute to health; and (C) recommendations of available implementation

731 policies and strategies, including zoning and other local laws and regulations, affecting health
732 needs related to the natural or built environment.

733 Any elements included in a master plan shall include a self assessment against similar
734 subject matter in a regional plan adopted by the regional planning agency under section 5 of
735 chapter 40B in effect, if any, or under any special act.

736 (e) A master plan shall only be made, extended, revised or remade by a simple majority
737 vote of the planning board after a public hearing, notice of which shall be posted and published
738 in the manner prescribed for zoning amendments under section 5 of chapter 40A. Following any
739 vote of the planning board, the planning board shall transmit the plan to the chief executive
740 officer of the city or town and the plan shall be an agenda item or warrant article on a subsequent
741 legislative session of the city or town. Adoption of the plan or the extension, revision or remake
742 of the plan shall be by a simple majority vote of the legislative body of the city or town;
743 provided, however, that no vote of the legislative body to alter the plan or amendment as
744 proposed by the planning board shall be other than by a 2/3 majority. The planning board, upon
745 adoption by the legislative body of a plan or report or any change or amendment to a plan or
746 report produced under this section, shall furnish a copy of the plan or report or any change or
747 amendment to the department of housing and community development.

748 (f) A municipality in Barnstable County or the county of Dukes County may adopt a local
749 comprehensive plan pursuant to chapter 716 of the acts of 1989 or chapter 831 of the acts of
750 1977 and the regulations and regional policy plans adopted thereunder. The regional planning
751 agency shall review the local comprehensive plan solely for consistency with the governing
752 special act and any applicable regulations and regional policy plans; provided, however, that the

753 time requirements of this section shall not apply to the review of local comprehensive plans. An
754 adopted local comprehensive plan certified by the regional planning agency as consistent with
755 this section shall be deemed a master plan in compliance with this section and shall entitle the
756 municipality to any statutory benefits of having an adopted master plan.

757 SECTION 26. Section 81L of said chapter 41, as so appearing, is hereby amended by
758 inserting after the word “thereon”, in line 72, the following words:- ; provided, however, that the
759 division may be deemed a minor subdivision if the city or town has adopted a minor subdivision
760 ordinance or by-law.

761 SECTION 27. Said section 81L of said chapter 41, as so appearing, is hereby further
762 amended by striking out the definition of the word “Lot” and inserting in place thereof the
763 following 2 definitions:-

764 “Lot”, an area of land in 1-ownership, with defined boundaries, used or available for use
765 as the site of 1 or more buildings.

766 “Minor subdivision”, in accordance with section 81HH, the division of a lot, tract or
767 parcel of land into 2 or more lots, tracts or parcels where, at the time when it is made, every lot
768 within the lot, tract or parcel so divided has frontage on: (i) a public way or a way which the
769 clerk of the city or town certifies is maintained and used as a public way; (ii) a way shown on a
770 plan approved and endorsed in accordance with the subdivision control law; or (iii) a way in
771 existence when the subdivision control law became effective in the city or town in which the
772 land lies having, in the opinion of the planning board, sufficient width, suitable grades and
773 adequate construction to provide for the needs of vehicular traffic in relation to the proposed use
774 of the land abutting thereon or served thereby and for the installation of municipal services to

775 serve the land and the buildings erected or to be erected thereon; provided, however, that the
776 frontage shall be of at least the distance as is then required by the zoning ordinance or by-law, if
777 any, of the city or town for erection of a building on the lot and, if no distance is so required, the
778 frontage shall be of at least 20 feet.

779 SECTION 28. Section 81O of said chapter 41, as so appearing, is hereby amended by
780 inserting after the word "effect", in line 2, the following words:- and a minor subdivision
781 ordinance or by-law is not in effect.

782 SECTION 29. Said section 81O of said chapter 41, as so appearing, is hereby further
783 amended by inserting after the word "feet", in line 17, the following words:- , unless the city or
784 town has adopted a minor subdivision ordinance or by-law, in which case it shall be approved
785 accordingly.

786 SECTION 30. Section 81Q of said chapter 41, as so appearing, is hereby amended by
787 inserting after the fourth sentence the following sentence:- Design and dimensional requirements
788 for total travel lane widths not greater than 24 feet shall be presumed not to be excessive.

789 SECTION 31. Section 81U of said chapter 41, as so appearing, is hereby amended by
790 striking out, in line 187, the words "for a period of not more than three years".

791 SECTION 32. Section 81X of said chapter 41, as so appearing, is hereby amended by
792 striking out the fourth paragraph and inserting in place thereof the following 2 paragraphs:-

793 Notwithstanding any other provision of this section, the register of deeds shall accept for
794 recording and the land court shall accept with a petition for registration or confirmation of title,
795 any plan bearing a professional opinion by a registered professional land surveyor that the

796 property lines shown are the lines dividing existing ownerships and the lines of streets and ways
797 shown are those of public or private streets or ways already established and that no new lines for
798 division of existing ownership or for new ways are shown.

799 The register of deeds and the land court shall accept for recording and the land court shall
800 accept with a petition for registration any plan showing a change in the line of any lot, tract or
801 parcel bearing a professional opinion by a registered professional land surveyor and a certificate
802 by the person or board charged with the enforcement of the zoning ordinance or by-law of the
803 city or town that the property lines shown: (i) do not create an additional building lot; (ii) do not
804 create, add to or alter the lines of a street or way; (iii) do not render an existing legal lot or
805 structure illegal; (iv) do not render an existing nonconforming lot or structure more
806 nonconforming; and (v) are not subject to alternative local rules and regulations for minor
807 subdivisions under section 81HH. A request for such a certificate shall be acted upon within 21
808 days and shall not be withheld unless a finding is made that the plan violates any of the aforesaid
809 criteria and the finding is stated in writing to the person making the request. Failure to so act
810 within 21 days shall be deemed an approval of the lot line change. All plans, if approved and as
811 recorded, shall be filed with the planning board and the board of assessors of the city or town.
812 The recording of such a plan shall not relieve any owner from compliance with the subdivision
813 control law or any other applicable law.

814 SECTION 33. Paragraph 1 of section 81BB of said chapter 41, as so appearing, is hereby
815 amended by striking out the second and third sentences and inserting in place thereof the
816 following 4 sentences:- Such civil action shall be in the nature of certiorari pursuant to section 4
817 of chapter 249. A complaint by a plaintiff challenging a subdivision or minor subdivision
818 approval under this section shall allege the specific reasons why the subdivision or minor

819 subdivision fails to satisfy the requirements of the board's rules and regulations or other
820 applicable law and allege specific facts establishing how the plaintiff is aggrieved by the
821 decision. A complaint by an applicant challenging a subdivision or minor subdivision denial or
822 conditioned approval under this section shall similarly allege the specific reasons why the
823 subdivision or minor subdivision properly satisfies the requirements of the board's rules and
824 regulations or other applicable law. The fourth to seventh paragraphs, inclusive, of section 17 of
825 chapter 40A shall govern the allowance of costs and the requirement of a surety or cash bond for
826 actions under this section.

827 SECTION 34. Said chapter 41 is hereby further amended by inserting after section
828 81GG the following section:-

829 Section 81HH. (a) Notwithstanding any general or special law to the contrary, a city or
830 town may, by 2/3 vote, to adopt an ordinance or by-law indicating the city's or town's intent to
831 regulate a minor subdivision consistent with this section.

832 (b) A minor subdivision shall, except as provided for in this section, be controlled by the
833 subdivision control law. An applicant for a minor subdivision may create up to 6 lots; provided,
834 however, that a local legislative body by a simple majority vote may increase the maximum
835 number of additional lots created in an application for a minor subdivision to a number greater
836 than 6.

837 (c) No application for a minor subdivision shall be: (i) subject to a public hearing if every
838 lot within the lot has frontage on an existing way; (ii) subject to the requirements of section 81S;
839 (iii) subject to requirements for the location of a way; (iv) subject to a requirement that total
840 travelled lanes' widths shall be greater than 22 feet in a residential minor subdivision; (v) subject

841 to a procedural or substantive requirement more stringent than those specified in this chapter or
842 contained in a city or town's local rules and regulations otherwise applicable to subdivisions; and
843 (vi) denied unless such denial is approved by a vote of 2/3 of the members of the planning board.

844 (d) For a minor subdivision on an existing way, the planning board shall take final action
845 and file with the city or town clerk a certificate of such action within 65 days. Failure to take
846 final action and file with the city or town clerk a certificate of such action within 65 days shall be
847 deemed an approval of a minor subdivision on an existing way.

848 (e) For a minor subdivision on a new way, the planning board shall take final action and
849 file with the city or town clerk a certificate of such final action within 95 days. Failure to take
850 final action and file such certificate within 95 days shall be deemed an approval of a minor
851 subdivision on a new way.

852 (f) Nothing in this section shall prohibit a city or town, subject to ratification by the local
853 legislative body by a simple-majority vote, from: (i) defining "minor subdivision" more broadly;
854 (ii) lessening or eliminating a requirement otherwise applicable to subdivisions; or (iii) creating a
855 means by which the planning board may, by agreement with the applicant, accept payments from
856 the applicant in lieu of otherwise required improvements to an existing way; provided, however,
857 that those improvements shall be completed by the city or town in a reasonable period of time.

858 (g) Notwithstanding any provision of this section, the owner of a parcel of land that is in
859 forest, agricultural or horticultural use and that has for at least the prior 2 years from the date of
860 application satisfied the statutory requirements for tax classification under chapter 61 or 61A,
861 may, in a 365-day period, submit to the planning board a plan of lots showing a division of the
862 parcel to create therefrom up to 2 additional lots as if the city or town had not adopted a minor

863 subdivision by-law or ordinance. The plan shall be accompanied by sufficient evidence upon
864 which the planning board shall find that the statutory requirements for tax classification of the
865 original parcel, other than the filing of an application, have been verified and that the number of
866 division lots created from the original parcel, including the lots shown on the plan, does not
867 cumulatively exceeded 6 lots. In any case where that area of the original parcel remaining after
868 any division under this paragraph would be insufficient to qualify the remaining original parcel
869 for tax classification, division lots created under this paragraph shall not exceed 2 acres or the
870 area required by the applicable zoning ordinance or by-law by more than 50 per cent, whichever
871 is greater. Where a division lot exceeds 2 acres or exceeds the area required by the applicable
872 zoning ordinance or by-law by more than 50 per cent, whichever is greater, the aggregate area of
873 all division lots shall not exceed 10 per cent of the total area of the original parcel as it existed on
874 the date of first application under this paragraph. Division lots created under this paragraph shall
875 be subject to the vested rights protections for minor subdivisions under the fifth paragraph of
876 section 6 of chapter 40A. Nothing in this paragraph shall prevent further division of any lots or
877 parcels under this chapter. Nothing in this paragraph shall be construed as a requirement to
878 retain the remainder parcel as open space to determine roll-back taxes under said chapter 61 or
879 61A. As used in this paragraph, an "original parcel" shall constitute the area of land bounded by
880 the parcel at the time of first application under this paragraph regardless of how later divided or
881 reconfigured. For the purposes of this paragraph, "original parcel" shall mean any parcel of land
882 that is in forest, agricultural or horticultural use and that has for at least 2 years prior to the date
883 of application satisfied the statutory requirements for tax classification under said chapter 61 or
884 chapter 61A, "division lots" shall mean the 2 additional lots divided from the original parcel
885 subject to the frontage requirements defined in section 81L under minor subdivisions and which

886 may be approved as if the city or town had not adopted a minor subdivision by-law or ordinance
887 and “remainder parcel” shall mean the area of the original parcel remaining after any division
888 under this paragraph.

889 SECTION 35. Section 3A of chapter 185 of the General Laws, as so appearing, is hereby
890 amended by striking out the third and fourth paragraphs and inserting in place thereof the
891 following 2 paragraphs:-

892 The permit session shall have original jurisdiction, concurrently with the superior court
893 department, over civil actions in whole or part: (1) based on or arising out of the appeal of any
894 municipal, regional, or state permit, order, certificate or approval, or the denial thereof,
895 concerning the use or development of real property for residential, commercial, or industrial
896 purposes (or any combination thereof), including without limitation appeals of such permits,
897 orders, certificates or approvals, or denials thereof, arising under or based on or relating to
898 chapter 21, sections 61 to 62H, inclusive, of chapter 30, chapters 30A, 40A to 40C, inclusive,
899 40R, 41, 43D, 91, 131, 131A, or sections 4 and 5 of chapter 249, or chapter 665 of the acts of
900 1956; or any local bylaw or ordinance; (2) seeking equitable or declaratory relief designed to
901 secure or protect the issuance of any municipal, regional, or state permit or approval concerning
902 the use or development of real property, or challenging the interpretation or application of any
903 municipal, regional, or state rule, regulation, statute, law, by-law, or ordinance concerning any
904 permit or approval; (3) claims under section 6F of chapter 231, or for malicious prosecution,
905 abuse of process, intentional or negligent interference with advantageous relations, or intentional
906 or negligent interference with contractual relations arising out of, based upon, or relating to the
907 appeal of any municipal, regional, state permit or approval concerning the use or development of
908 real property; and (4) any other claims between persons holding any right, title, or interest in land

909 and any municipal, regional or state board, authority, commission, or public official based on or
910 arising out of any action taken with respect to any permit or approval concerning the use or
911 development of real property but in all such cases of claims (1) to (4), inclusive, only if (a) the
912 action does not contain any claim of right to a jury trial, and (b) the underlying project or
913 development, in the case of a development that is residential or a mix of residential and
914 commercial components, involves either 25 or more dwelling units or the construction or
915 alteration of 25,000 square feet or more of gross floor area or both or, in the case of a
916 commercial or industrial development, involves the construction or alteration of 25,000 square
917 feet or more of gross floor area.

918 Notwithstanding any other general or special law to the contrary, any action not
919 commenced in the permit session, but within the jurisdiction of the permit session as provided in
920 this section, shall be transferred to the permit session upon the filing by any party of a notice
921 demonstrating compliance with the jurisdictional requirements of this section filed with the court
922 where the action was originally commenced with a copy to the chief justice of the land court.
923 Unless the court where the action was originally commenced receives notice within 10 days from
924 the land court that the case to be transferred does not meet the jurisdictional requirements of this
925 section, the original court shall transfer the case file to the land court permit session within 20
926 days after its receipt of the notice of transfer from the party. In the event the court receives
927 notice of noncompliance with jurisdictional requirements, the court where the action was
928 originally commenced shall decide the matter on motion filed by the party claiming
929 noncompliance. If a party to an action commenced in or transferred to the permit session claims
930 a valid right to a jury trial, then the action shall be transferred to the superior court for a jury trial.

931 SECTION 36. Section 4 of chapter 249 of the General Laws, as so appearing, is hereby
932 amended by striking out the second sentence and inserting in its place thereof the following
933 sentence:- Except as otherwise provided by law, such action shall be commenced within 60 days
934 after the proceeding complained of.

935 SECTION 37. A city or town that had adopted a zoning ordinance or by-law under
936 chapter 40A requiring a form of inclusionary zoning before the effective date of this act shall,
937 within 3 years after that effective date, revise the ordinance or by-law to conform to section 9F of
938 chapter 40A of the General Laws. Following 3 years after the effective date of this act, any
939 provision of such a preexisting inclusionary zoning ordinance or by-law that does not conform to
940 said section 9F of said chapter 40A shall only apply to the extent and in a manner consistent with
941 said section 9F of said chapter 40A.

942 SECTION 38. A master plan adopted pursuant to section 81D of chapter 41 of the
943 General Laws and in effect on or before the effective date of this act may continue in full force
944 and effect, including minor amendments to update or perfect the plan; provided, however, that
945 the plan shall be revised to conform to said section 81D of said chapter 41 within 10 years after
946 the effective date of this act.

947 SECTION 39. Any city or town that had adopted a zoning ordinance or by-law under
948 chapter 40A requiring site plan review before the effective date of this act shall, within 3 years
949 after that date, revise the ordinance or by-law to conform to section 9D of chapter 40A of the
950 General Laws. Following 3 years after the effective date of this act, any provision of a
951 preexisting site plan review ordinance or by-law that does not conform to said section 9D of said

952 chapter 40A shall only apply to the extent and manner consistent with said section 9D of said
953 chapter 40A.

954 SECTION 40. Any city or town that adopted a zoning ordinance or by-law relating to
955 zoning variances prior to the effective date of this act shall, within 3 years of the effective date of
956 this act, revise the ordinance or by-law to conform to section 10 of chapter 40A of the General
957 Laws, as amended by section 22. Three years after the effective date of this act, any provision of
958 a preexisting variance zoning ordinance or by-law that does not conform to said section 10 of
959 said chapter 40A shall only apply to the extent and manner that it is consistent with said section
960 10 of said chapter 40A.

961 SECTION 41. Any variance granted prior to the effective date of this act shall be
962 governed by the terms of the variance and shall run with the land unless a condition, safeguard or
963 limitation contained therein prescribes otherwise.

964 SECTION 42. Section 5 shall apply to local approvals submitted on or after July 1, 2017.

965 SECTION 43. Section 9E of chapter 40A, as inserted by section 21, shall take effect on
966 January 1, 2018.

967 SECTION 44. Sections 6 and 8 shall take effect on July 1, 2019.