

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
AUGUST 17, 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. Vote Registration Deadline for September 8, 2016 State Primary is Friday, August 19, 2016 at 5:00 PM.
3. Town Offices Closed Monday, September 5, 2016 in Observation of Labor Day.
4. Next Board of Selectmen Meeting is Wednesday, September 14, 2016 (Summer Schedule).

*IV. PUBLIC COMMENT**

*V. NEW BUSINESS**

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of March 18, 2015 at 6:00 PM; October 7, 2015 at 6:00 PM; July 20, 2016 at 6:00 PM.
2. Approval of Payroll Warrants for Weeks Ending August 7, 2016; August 14, 2016.
3. Approval of Treasury Warrants for August 10, 2016; August 17, 2016.
4. Approval of Pending Contracts for August 17, 2016 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VII. CITIZEN/DEPARTMENTAL REQUESTS

1. Cape and Islands Suicide Prevention Coalition: Request for Proclamation Regarding "Suicide Prevention Week" September 6-13, 2015.
2. Nantucket Holidays for Heroes: Request for Waiver of Town Noise Bylaw from 10:00 PM to 11:00 PM for American Dream Tribute and Gala to be held Saturday, September 10, 2016 at Nantucket Boys and Girls Club, 61 Sparks Avenue.
3. Faros 17 Broad LLC: Request for Execution of License Agreement to Allow for Encroachment of Exterior Sign over Town-owned Property.
4. Request for Approval of Change of Manager of Annual All-Alcoholic Beverages Hotel/Restaurant License for Faros 17 Broad LLC d/b/a Greydon House from Alexander Leventhal, Manager to Jeffrey Allan David, Manager, for Premises Located at 17 Broad Street, Nantucket.
5. Request for Approval of Change of Manager of Seasonal All-Alcoholic Beverages Restaurant License for Grey Lady Group LLC d/b/a Grey Lady from Ryan Chadwick, Manager to Mark Watson, Manager, for Premises Located at 2 Chins Way, Nantucket.
6. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Lot 6, Woodbine Street as Shown on Land Court Plan No. 36593-C, Dated January 7, 2015, Prepared by Bracken Engineering, Inc. and Filed with Land Registration Office, Pursuant to Vote on Article 77 of 2010 Annual Town Meeting.
7. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel A, Poplar Street as Shown on Plan of Land Entitled "Roadway Acquisition Plan in Nantucket, Mass.," Dated August 31, 2012, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2012-68, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting.

VIII. PUBLIC HEARINGS

1. Public Hearing to Consider Utility Petition for National Grid/Nantucket Electric Company Plan # 21685551 to Install 2-3" Conduits from Pole 25 Union Street Along the Sidewalk to Mariner Way to Provide Electric Service to New 5 Lot Subdivision Called Mariner Way.

IX. TOWN MANAGER'S REPORT

1. Town of Nantucket Awarded Certificate of Achievement for Excellence in Finance Reporting by Government Finance Officers Association for Comprehensive Annual Financial Report.
2. Review of Draft Updated Housing Production Plan.
3. Review/Update Regarding Municipal Parking Lot Improvement Project/37 Washington Street.
4. Review/Update First Way Sewer and Road Improvement Projects.
5. Review/Update Milk Street Bicycle Path Extension Project.
6. Recommendation Regarding Work Groups for Fire Station Project; Our Island Home.
7. Jetties Concession Lease Request for Proposals/Clarification.
8. Update Regarding Future Development/Potential Plans for Wilkes Square Area/Harbor Front Property.

X. SELECTMEN'S REPORTS/COMMENT

1. Hearings Regarding Sanctions Against the following Establishments Resulting from Liquor License Violations, Pursuant to Town of Nantucket Rules and Regulations Governing Alcoholic Beverages Section XV, "Sanctions for Violations of the Regulations":
 - a) 29 Fair Street;
 - b) Arno's Italian Bistro;
 - c) Barcos Y Tacos;
 - d) Grey Lady;
 - e) Nantucket Trading Post.
2. Adoption of October 17, 2016 Special Town Meeting Warrant.
3. Committee Reports.

XI. 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
August 17, 2016

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding
Professional Services Agreement	DPW	TBD	TBD	Reconstruction of Boulevarde	Article 10 2015 ATM & Chapter 90 funds
Service Agreement	DPW, School, Wannacomet Water, Airport	TBD	TBD	FY17 Annual roadwork and paving	Article 10, 2016 ATM; Chapter 90 funds; various dept budgets
Amendment to Professional Services Agreement	Planning	Bracken Engineering	n/a	Extension of termination date for Mill Hill Bike Path engineering services	n/a
Grant Application	Council on Aging	Executive Office of Elder Affairs	(\$1,799)	FY 2017 Formula Grant/Allocation (annual grant)	n/a
Professional Services Agreement	Town Admin/ DPW	Woodard & Curran	Up to \$45,000	Madaket/Warren's Landing/Somerset Sewer Project public participation & outreach support	Sewer Enterprise Fund budget
Service Agreement	DPW	Hayes Pump Inc.	Not to exceed \$12,000	3-year contract for cell alarm monitoring RTU's at 2 pumping stations; plus misc. pump parts	Article 14 2016 ATM
Professional Services Agreement	Human Resources	Concentra	\$27,000	3-year contract to provide services related to drug screening, monitoring and tracking as required for certain groups of Town employees	Human Resources budget
Professional Services Agreement	Human Resources	Benelogic	\$29,700	One-year agreement to provide filing for federally required Affordable Care Act reporting	Human Resources budget
Professional Services Agreement	OIH	Northern Energy Services, Inc.	\$24,840	Demand Control Ventilation Project	Article 10 2015 ATM
Professional Services Agreement	OIH	Northern Energy Services, Inc.	\$93,450	Boiler Replacement Project	Article 10 2015 ATM
Professional Services Agreement	OIH	Northern Energy Services, Inc.	\$83,200	Air Handler Energy Recovery Project	Article 10 2015 ATM

Professional Services Agreement	OIH	Northern Energy Services, Inc.	\$69,414	High Efficiency Cooling Retrofit	Article 10 2015 ATM
Professional Services Agreement	OIH	Northern Energy Services, Inc.	\$81,550	Energy Management System (EMS)	Article 10 2015 ATM
Professional Services Agreement	OIH	Northern Energy Services, Inc.	\$8,640	Hot Water Pumping Retrofit	Article 10 2015 ATM
Professional Services Agreement	Fire	National Medical Education & Training Center	Up to \$90,000	Advanced Life Support (ALS) training classes through December 31, 2017	Fire Dept budget
Grant Agreement	Town Admin/ Community Preservation Committee	American Legion Post 82	\$64,300	FY 2017 Community Preservation Act Funding	Article 30 2016 ATM
Grant Agreement	Town Admin/ Community Preservation Committee	Town of Nantucket Natural Resources Department	\$200,000	FY 2017 Community Preservation Act Funding	Article 30 2016 ATM
Grant Agreement	Town Admin/ Community Preservation Committee	Housing Nantucket	\$157,500	FY 2017 Community Preservation Act Funding	Article 30 2016 ATM

Town of Nantucket



OFFICE OF THE
**TOWN & COUNTY
CLERK**
16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

townclerk@nantucket-ma.gov

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



August 9, 2016

Dear Mr. Kelly:

Would you please place the following announcement on the agenda for the Selectmen's meetings of August 10th and 17th :

The Voter Registration deadline for the September 8, 2016 State Primary will be Friday, August 19th at 5 PM. Please use the Federal Street entrance after 4 PM.

Many thanks for your kind assistance and support.



*PROCLAMATION
SUICIDE PREVENTION WEEK*

WHEREAS, in the United States, one person dies by suicide every 12.3 minutes and 117 people die by suicide each day; and

WHEREAS, 22 veterans die by suicide each day; and

WHEREAS, suicide is the second leading cause of death for Massachusetts residents ages 15-44 and the suicide rate on the Cape and Islands is 1.4 times higher than the State average; and

WHEREAS, suicide is a tragic and disruptive event for families and communities ~ it is estimated that annually, there are 6.3 million suicide loss survivors who have lost a loved one to suicide; and

WHEREAS, suicide is a public health issue and a community concern, and through increased education and awareness of the issue a great number of suicides can be prevented;

THEREFORE, we, the Nantucket Board of Selectmen, do hereby officially designate the week of September 5 - 11, 2016 as “**SUICIDE PREVENTION WEEK**” in Nantucket, Massachusetts.

Signed this 17th day of August, 2016.

James R. Kelly, Chairman

Rick Atherton

Robert R. DeCosta

Matt Fee

Dawn E. Hill Holdgate

From: [Carolyn Walsh](#)
To: [Erika Mooney](#)
Cc: [Carlisle Jensen](#); [Maureen Maher](#)
Subject: Sept 10 Permit and application for noise waiver
Date: Friday, August 12, 2016 12:40:53 PM

To the Nantucket Board of Selectmen
Aug 12, 2016

Regarding the Holidays for Heroes annual fundraising event Sept 10, 2016 at the ACK Boys & Girls Club. We request a waiver from the Town noise ordinance to continue the amplified music program inside the building u Gil 11:00pm.

Thank you for your consideration!

Carolyn Walsh

--



Carolyn (Lynn) Walsh, Executive Director

508-680-4672

cwalshACK@gmail.com

cw@holidaysforheroes.com

www.HolidaysforHeroes.com

LICENSE AGREEMENT

This LICENSE AGREEMENT (hereinafter referred to as the "License") is executed this ___ day of August, 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 FAROS 17 BROAD LLC, a Delaware limited liability company, having an address at c/o 551 Fifth Avenue, Suite 413, New York, New York 10176, (hereinafter referred to as the "LICENSEE").

WHEREAS, the LICENSOR is the owner of the public sidewalks located adjacent to 21 South Water Street, shown on Exhibit A (the "LICENSOR'S Property");

WHEREAS, the LICENSEE is the owner of record of a certain parcel of land now known as 17 Broad Street, Nantucket, Massachusetts as described in a deed dated June 25, 2014, recorded with Nantucket Registry of Deeds in Book 1440, Page 128 and shown as Lot 1A on a plan dated June 3, 2013, recorded as Plan No. 2013-44 (the "Property");

WHEREAS, the sign on the building on the Property that was approved by the Nantucket Historic District Commission, as evidenced by Certificate of Appropriateness No. 65894 issued on May 24, 2016 (the "Sign"), encroaches on the LICENSOR'S Property; and

WHEREAS, the LICENSEE requested the Board of Selectmen for permission to allow the Sign to remain in its existing location upon and over the LICENSOR'S Property; and

WHEREAS, the LICENSOR is willing to permit the LICENSEE to allow the encroachment of the Sign upon the LICENSOR'S Property, subject to the terms set forth herein;

NOW THEREFORE, the LICENSOR hereby grants such entry and license to use the Licensor's Property to the LICENSEE, subject to the following terms and conditions:

I. USE, PURPOSE, TERM

Use of the Sign is limited to the portion of the LICENSOR'S Property over which the Sign encroaches as shown on the Plan which is attached hereto and incorporated herein (the "Licensed Premises").

The Sign shall be maintained securely attached to the building on the Property at all times.

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.

LICENSEE shall forthwith provide, and thereafter on or before January 1 of each year of the term of this License, a certificate of insurance in each case indicating the LICENSOR is an additional insured on the policy and showing compliance with the foregoing provisions. LICENSEE shall request that the insurer to give at least thirty (30) days' written notice of termination, reduction or cancellation of the policy to TOWN.

IV.

INDEMNIFICATION

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 in connection with (a) the use, repair and maintenance of the Sign on the LICENSOR'S Property or (b) 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

LICENSEE acknowledges and agrees that it accepts the LICENSOR'S Property 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 Licensor's Property.

VI.

CONDUCT

LICENSEE, and its contractors, employees and agents, shall be responsible, at its sole expense for repairing, using and maintaining the Sign in good condition. During the exercise of the rights hereby granted, the LICENSEE shall at all times observe and obey applicable laws, statutes, ordinances, regulations and permitting or licensing requirements. If there are any changes in the location of the Sign encroaching on the LICENSOR'S Property, then the LICENSEE must obtain the LICENSOR'S prior written approval to change the location of the encroachment.

The LICENSOR shall not, under any circumstances, be liable for the payment of any expenses incurred, or for the value of any work done or material furnished to the Licensed Premises or any part thereof, but all such improvements and alterations shall be done and materials and labor furnished at LICENSEE'S expense, and the laborers and materialmen's furnishing labor and materials for the work shall release the LICENSOR from any liability.

Nothing in this Agreement shall be construed as requiring the LICENSOR to maintain the LICENSOR'S Property, in any manner, and any maintenance which may be performed on the LICENSOR'S Property by the LICENSOR shall be at the sole and absolute discretion of the LICENSOR.

The provisions of this Section shall survive the expiration or termination of this License.

VII. TERMINATION and REVOCATION

This License shall be revocable by either party upon written notice of revocation at least sixty (60) days prior to the termination date stated within said notice. During said sixty (60) day period, if the LICENSOR requests, the LICENSEE, at its sole cost, will remove that portion of Sign which encroaches over the LICENSOR'S Property.

VIII. MODIFICATIONS and AMENDMENTS

Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

IX. NOTICE

For purposes of this License, the parties shall be deemed duly notified in accordance with the terms and provisions hereof, if written notices are mailed to the following addresses:

Town:	Town of Nantucket Board of Selectmen Town & County Building 16 Broad Street Nantucket, MA 02554
With a copy to:	KP Law, P.C. 101 Arch Street 12 th Floor Boston, MA 02110 ATTN: Vicki S. Marsh, Esq.
Licensee:	Faros 17 Broad LLC 551 Fifth Avenue, Suite 413 New York, New York 10176

With a copy to: Sarah F. Alger, Attorney
Sarah F. Alger, P.C.
Two South Water Street
Nantucket, Massachusetts 02554

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

X. NO ESTATE CREATED

This License shall not be construed as creating or vesting in the LICENSEE any estate in the LICENSOR'S Property, but only the limited right of possession as hereinabove stated. This License is personal and exclusive to the LICENSEE and is not intended to run with the land. This License may be transferred or assigned only upon the written consent of the LICENSOR.

XI. EXHIBITS and ATTACHMENTS

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

XII. SURVIVAL of TERMS and PROVISIONS

All appropriate terms and provisions relating to the restoration of the property affected hereby, shall survive the termination of this License.

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: FAROS 17 BROAD LLC

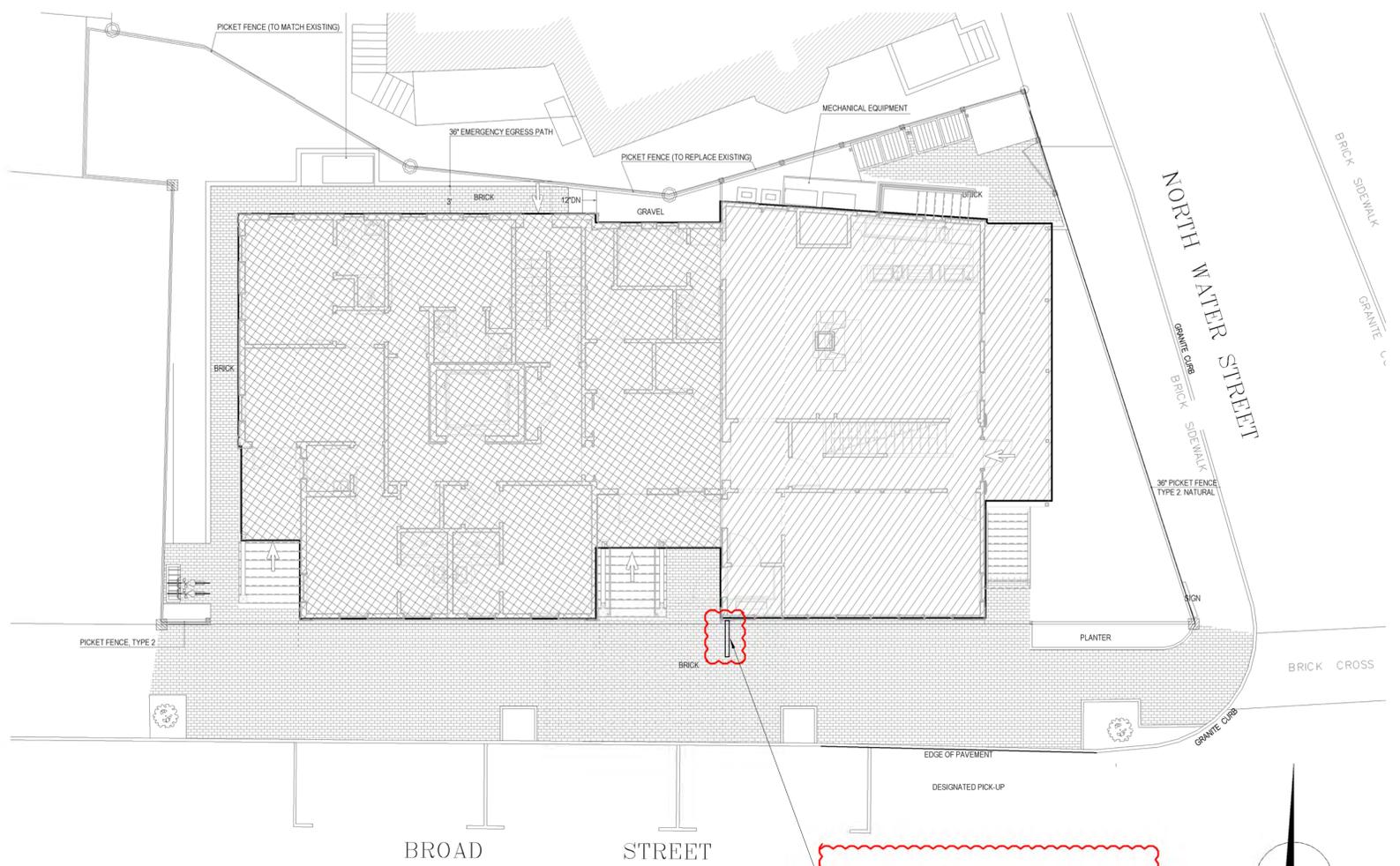
By:_____
Alexander Leventhal, Manager

Date:_____

Faros Properties, LLC

17 Broad Street
Nantucket, MA 02554

07.26.16



1317
Faros Properties, LLC
17 Broad Street
Nantucket, MA 02554



Cover Page

Site Information

Map & Parcel:	4242-74
Current Zoning:	RCDT
Minimum Frontage:	35 ft
Front Setback:	None
Side/Rear Setback:	None/5 ft
Lot Size:	14,983 sq. ft. +/-
Min. Lot Size:	5,398 sq. ft.
Allowable G.C.:	75% or 4,049 sq. ft.
Existing G.C.:	2,481 sq. ft.
Proposed G.C.:	3,490 sq. ft.
Total Proposed G.C.:	

Information for this site plan was taken from the Nantucket G.I.S. This drawing does not constitute a registered survey. All site work should be verified by a Registered Land Surveyor prior to and during construction.

SHEET INDEX

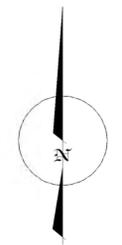
- BH.01 Restaurant Plan
- BH.02 Unnamed
- SK.26 Bar Plan
- SK.27 Bar Built-In's Plan
- SK.28 BackBar Built-In
- G.001 Cover Page
- G.002 Site Plan
- LS.01 Code Review Page
- LS.11 Basement & First Floor Life Safety Plans
- LS.12 Second & Third Floor Life Safety Plans
- A.100 Basement Plan
- A.101 First Floor Plan
- A.102 Second Floor Plan
- A.103 Third Floor Plan
- A.202 Exterior Elevations
- A.301 Building Section

BOS SUBMISSION ONLY

1 Locus Map
Not to Scale

2 Plot Plan
1/8" = 1'-0"

PROJECTION SIGN LOCATION



3 South El.
3/16" = 1'-0"



4 East El.
3/16" = 1'-0"

Revisions

Revision 1, Building Permit Amendment 12.29.15

G.001
1317

THIS DRAWING AND THE SITE PLAN ILLUSTRATIONS ARE THE SOLE PROPERTY OF EMERITUS DEVELOPMENT LTD. AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF EMERITUS DEVELOPMENT LTD. ANY UNAUTHORIZED USE OF THIS DRAWING OR SITE PLAN IS PROHIBITED. THE USER OF THIS DRAWING OR SITE PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



NO EXTENSION CHANGES
WITHOUT THE APPROVAL
MAY 24 2016 # 65 894

APPROVED

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

TWO SOUTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

TELEPHONE: 508-228-1118 FACSIMILE: 508-228-8004

SARAH F. ALGER
sfa@sfapc.com

CHRISTINE A. JENNESS
caj@sfapc.com

FIVE PARKER ROAD • POST OFFICE BOX 449
OSTERVILLE • MASSACHUSETTS • 02655
TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER
1931-2007

August 11, 2016

Erika D. Mooney,
Project Administrator
Board of Selectmen
Town of Nantucket
16 Broad Street
Nantucket, Massachusetts 02554

Re: Faros 17 Broad LLC
d/b/a Greydon House
Liquor License
17 Broad Street
Nantucket, Massachusetts

Dear Erika:

I am enclosing in the above matter a Petition for Change of Manager. This petition is required to appoint Jeffrey Allan David as Manager under the Liquor License.

Please place this matter on the agenda for review by the Board at its next meeting.

If you have any questions or need anything further, please let us know.

Thank you for your attention to this matter.

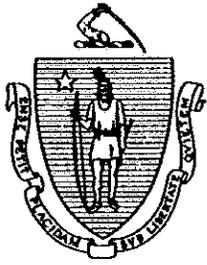
Sincerely,



SFA/hv

Enclosures

cc: Faros 17 Broad LLC



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

076200221

ABCC License Number

Nantucket

City/Town

08/17/2016

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:

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:

17 Broad Street in Nantucket is a four story (including basement), wood frame hotel, with a 60 seat restaurant and bar, located on the first floor. Twenty hotel guest rooms are located throughout four stories: garden, first, second and third. The licensed area will include the bar and restaurant, as well as the hotel rooms, for the purpose of room service. The gross square footages of each story are as follows: Garden 3446 SF, 1st Floor: 3105 SF, 2nd Floor: 3074 SF, Third Floor: 1371 SF, Building Total: 10,996 SF. The hotel has four guest entrances, one staff entrance, one additional guest egress door and a restaurant entrance door.

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: _____

CONSENT OF MANAGERS AND MEMBERS

OF

FAROS 17 BROAD LLC

The undersigned, Alexander Leventhal, Jeremy Leventhal, and Elliott Gould, as Managers of FAROS 17 BROAD LLC, a Massachusetts limited liability company (the "LLC") with a business mailing address of 551 Fifth Avenue, Suite 413, New York, New York 10176, hereby certify, as of the date hereof, to the following:

1. That the LLC is hereby authorized to file a Change of Manager Application with the Alcohol Beverages Control Commission of the Commonwealth of Massachusetts; and
2. That Jeffrey Allan David has been appointed as the new Manager under Liquor License No. 076200221.

Dated as of this 31st day of July, 2016.

Faros 17 Broad LLC

By:



Alexander Leventhal, Manager

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 (d/b/a):

Address:

City/Town: State: Zip Code:

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

2. Manager Information:

Name: Cell Phone Number:

Are you a U.S. Citizen: Yes No Court and Date of Naturalization:

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

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

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

If yes, attach an affidavit as to all charges and disposition.

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:

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:

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

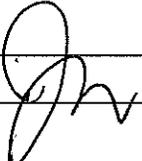
If yes, please describe:

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

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

Additional Space

Please note which question you are using this space for.

THE KNICKERBOCKER (Opening) New York, New York • 2012 - 2016
Managing Director

VICEROY HOTEL GROUP - FORMALLY THE KOR GROUP 2007- 2012 (6 years)

VICEROY ANGUILLA (Opening) British West Indies • 2007 – 2009, 2010-2012
General Manager

VICEROY SNOWMASS (Opening) Aspen-Snowmass, Colorado • 2009 – 2010
General Manager

VICEROY PALM SPRINGS California • 2007 (regional role Anguilla & Palm Springs)
General Manager

CHATHAM BARS INN Cape Cod, Massachusetts • 2006 -2007
Resort Manager – Ownership Transition

THE CHANLER AT CLIFFWALK Newport, Rhode Island • 2005 –2006
General Manager

OCEAN EDGE RESORT & GOLF CLUB Brewster, Cape Cod, Massachusetts • 2004 -2005
General Manager



eTIPS On Premise 3.0 SSN: XXX-XX-XXXX

Issued: 7/3/2016

Expires: 7/3/2019

ID#: 4293734

D.O.B.: XXXX/XXXX

Jeffrey Allan David
Greydon House
Faros 17 Broad Street LLC
17 Broad St
Nantucket, MA 02554-3502

For service visit us online at www.gettips.com



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.

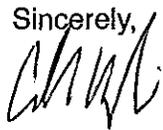
Signature: _____

8/11/16



To the Board of Selectmen,

We are hereby requesting a change of manager of record for Grey Lady Group, LLC from Ryan Chadwick to Mark Watson as Ryan is no longer available full time on Nantucket and Mark is living on island full time and is currently running the restaurant.

Sincerely,


Callum McLaughlin
Member, Grey Lady Group, LLC



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

PETITION FOR CHANGE OF LICENSE

076200214

ABCC License Number

NANTUCKET

City/Town

The licensee **GREY LADY GROUP LLC** respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager
- Alteration of Premises
- Pledge of License/Stock
- Cordial & Liqueurs
- Change of Corporate Name/DBA
- Change of Location
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Change of Manager

Last-Approved Manager: **RYAN CHADWICK**

Requested New Manager: **MARK WATSON**

Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)

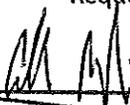
Description of Alteration:

Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee



(If a Corporation/LLC, by its authorized representative)

Date Signed

8/11/16



2 Chins Way
Nantucket, MA
E-Mail: greyladyack@gmail.com
Web: www.greyladyack.com

03/17/2016

To Whom It May Concern:

Grey Lady Group LLC (Members: Ryan Chadwick & Callum McLaughlin) called a meeting on March 13th 2016 and have agreed to appoint Mark Watson as Manager of Liquor License for Grey Lady Restaurant in Nantucket, MA.

Sincerley,

Ryan Chadwick
Partner – Grey Lady Group LLC

Callum McLaughlin
Partner – Grey Lady Group LLC



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: Phone Number of Premise:
(if existing licensee)

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



ID NO. 4307809

CARD NO. 11214818

ServSafe Alcohol[®] CERTIFICATE

MARK WATSON

Card expires three years from the date of the examination. Local laws apply.

DATE OF EXAMINATION

6/18/2014

HEIGHT 5' 11"

WEIGHT 165

... Hollywood film star Fredric Stahl is
... the Nazis know he's coming — a secret

To: Board of Selectmen
From: Real Estate Assessment Committee
Date: August 10, 2016
Subject: Public Hearings for August 17th BOS Meeting

The Real Estate Assessment Committee met on Tuesday, August 9, 2016, to discuss, among other things, the following two properties that are on your agenda for your meeting next week.

- (a) Fitzpartick - Woodbine Street, Plan No. 2011-10, which received approval as Article 77 at the 2010 Annual Town Meeting and
- (b) Swaim Elliot – Poplar Street, Plan No. 2012-68, which received approval as Article 99 at the 2011 Annual Town Meeting.

At our previous meeting in June, our Committee spent considerable time discussing whether we should be making recommendations on properties that had already been approved by Town Meeting and the Attorney General's Office and the consensus was that we should not. We also felt that we should not be changing pricing on ones that had already had a price committed by the Town before our Committee was formed and our pricing schedule adopted. Having discussed this, but not having taken an actual vote on it at our previous meeting, it was raised again at yesterday's meetings since both of the properties on our agenda had been approved by ATM and the AG's office. We agreed that these properties, and all future ones in the same set of circumstances, would go on our agenda under CONSENT unless there were special concerns raised about them. Thus, the following two motions were made, seconded and approved.

The first motion was to put all properties on our agenda under Consent that had been voted on and approved at Town Meeting and approved by the Attorney General's office as well as properties where prices had previously been agreed upon by the Town and the abutter purchasing the property and

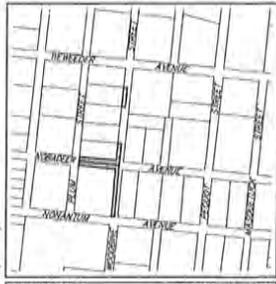
The second motion was to approve items under Consent on our August 10, 2016 agenda.

Real Estate Items - 8/17/2016

CITIZEN/DEPARTMENTAL REQUESTS ITEMS

<u>Parcel</u>	<u>Purchaser</u>	<u>Purchase Price</u>	<u>Town Meeting Vote</u>	<u>Plan No.</u>	<u>Attorney</u>
Lot 6, Woodbine Street	William R. & Susan L. Fitzpatrick	\$2,500	A77/2010 ATM	LC Plan No. 36593-C	John Brescher
Parcel A, Poplar Street	Jill D. Swaim Elliot	\$2,600	A99/2011ATM	2012-68	--

Lot 6, Woodbine St



36593 C
LAND COURT
 001 09 2015
FILED
 For New Lot 6 (only)

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON DECEMBER 22, 2014.

I CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY.

7/20/15
 DATE
 ALAN M. GRADY, P.E. #17333

TRAVERSE CLOSURE
 ANGULAR ERROR: 00° 00' 05"
 LINEAR ERROR: 0.030'
 DIRECTION OF ERROR: N 36° 30' 21" W
 PRECISION: 1:70,914

EDM ACCURACY
 ±(2mm + 2ppm x D) m.e.m.

- NOTES:**
- LOCUS: WOODBINE STREET
 HOBAGEER AVENUE
 - PLAN REF: LCC #17745-A (LOT 2-C)
 LCC #36593-B (LOTS 1 and 8)
 Plan No. 2010-06
 Plan No. 2011-10
 Plan No. 2011-53
 Plan No. 2012-61
 Plan No. 2013-14
 Plan No. 2014-55

THE PLANNING BOARD DETERMINES THAT:

(h) LOTS 6, 7, 8 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

ZONE: R-20

MINIMUM LOT SIZE	20,000 s.f.
MINIMUM FRONTAGE	75'
FRONT YARD SETBACK	35'
REAR/SIDE YARD SETBACK	10'
ORCHARD COVER RATIO	12.5%

PLAN OF LAND
 IN
NANTUCKET, MASS.
 BEING A SUBDIVISION OF:
 PORTIONS OF UNCONSTRUCTED
 "WOODBINE STREET"
 SHOWN ON L.C. PLAN 36593-B
 - AND -
 BEING A SUBDIVISION OF:
 PORTIONS OF UNCONSTRUCTED
 "WOODBINE STREET"
 and "NOBADEER AVENUE"
 SHOWN ON L.C. PLAN 17745-A
 PREPARED BY
BRACKEN ENGINEERING, INC.
 19 OLD SOUTH ROAD
 NANTUCKET, MA 02554
 tel: (508) 325-0044
 fax: (508) 833-2282
 SCALE: 1" = 30' JANUARY 7, 2015

APPROVAL BY THE NANTUCKET PLANNING BOARD NOT REQUIRED

FILE NUMBER: 9929
 DATE APPROVED: 1-10-11

Small text at the bottom left corner, likely a disclaimer or reference to a specific surveying standard.

NANTUCKET REGISTRY
 OF DEEDS
 Date: 8/11/12
 File: 833-25
 Plan No.: 0812-03
 YOUNG & FELLOWS
 ARCHITECTS

Sheet 1 of 1

RESERVED FOR REGISTRY USE

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

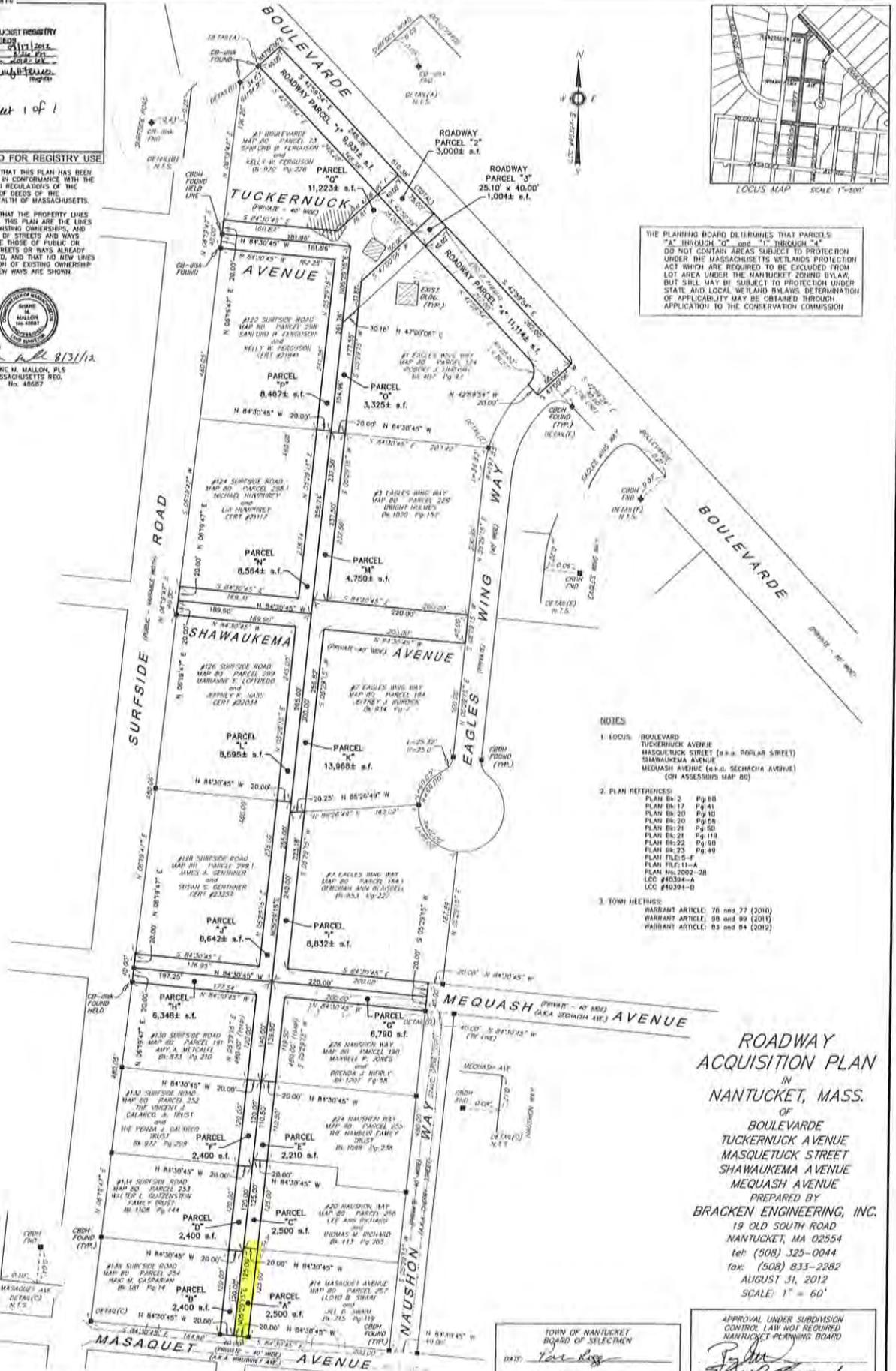
I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DEDUCED FROM THE RECORDS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.



SHARIE M. MALLOTT, PLS
 MASSACHUSETTS REG.
 No. 45687



THE PLANNING BOARD DETERMINES THAT PARCELS "A" THROUGH "D" AND "F" THROUGH "I" DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT SHALL BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.



NOTES

1. LOCUS: BOULEVARDE, TUCKERNUCK AVENUE (a.k.a. POPLAR STREET), SHAWAUKEMA AVENUE, MEQUASH AVENUE (a.k.a. SECHUCHA AVENUE) (ON ASSESSORS MAP 80)
2. PLAN REFERENCES:
 PLAN Bk-2 Pg. 88
 PLAN Bk-17 Pg. 41
 PLAN Bk-20 Pg. 10
 PLAN Bk-20 Pg. 69
 PLAN Bk-21 Pg. 50
 PLAN Bk-21 Pg. 119
 PLAN Bk-22 Pg. 60
 PLAN Bk-25 Pg. 49
 PLAN FILE 5-F
 PLAN FILE 11-A
 PLAN No. 2002-28
 LCC #40394-A
 LCC #40394-B
3. TOWN MEETINGS:
 WARRANT ARTICLE: 76 and 77 (2010)
 WARRANT ARTICLE: 88 and 89 (2011)
 WARRANT ARTICLE: 83 and 84 (2012)

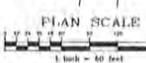
ROADWAY ACQUISITION PLAN
 IN
 NANTUCKET, MASS.

OF
 BOULEVARDE
 TUCKERNUCK AVENUE
 MASQUETUCK STREET
 SHAWAUKEMA AVENUE
 MEQUASH AVENUE

PREPARED BY
BRACKEN ENGINEERING, INC.
 19 OLD SOUTH ROAD
 NANTUCKET, MA 02554
 tel: (508) 325-0044
 fax: (508) 833-2282
 AUGUST 31, 2012
 SCALE: 1" = 60'

ZONING CLASSIFICATION: LU-1

MINIMUM LOT SIZE	40,000 s.f.
MINIMUM FRONTAGE	100'
FRONT YARD SETBACK	35'
REAR/SIDE YARD SETBACK	10'
GROUND COVER RATIO	75%



TOWN OF NANTUCKET
 BOARD OF SELECTMEN

DATE: 7/24/12

Paul Atherton

APPROVAL UNDER SUBMISSION
 CONTROL LAW NOT REQUIRED
 NANTUCKET PLANNING BOARD

Paul Atherton

FILE NUMBER: 7497

DATE ENCLOSED: 09-10-12

PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of _____, 2016.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Board of Selectmen having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and William R. Fitzpatrick and Susan L. Fitzpatrick of 56 Turner Way, Norwell, Massachusetts 02061 hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises is a certain parcel of land in Nantucket, Massachusetts shown as Lot 6, Woodbine Street, containing 2,000 square feet, more or less, (the “Premises” or “Property”) shown on Land Court Plan No. 36593-C, prepared by Bracken Engineering, Inc., dated January 7, 2015, and filed with Land Registration Office (the “Plan”). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

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

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

to pay at the time of delivery of the deed;

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

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

(g) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property known as 13 Plum Street, Nantucket, Massachusetts, which is shown as Town Assessor's Map 80 as Parcel 29 for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with said existing property; and

(h) Said Premises is conveyed subject to an easement for a 4' wide walking path easement shown on said Plan.

5. PLANS

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

6. REGISTERED TITLE

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

7. PURCHASE PRICE

The agreed purchase price for said premises is Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00), of which

\$ 125.00	was paid with the Proposal
\$ 2,375.00	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s).
<hr/>	
\$ 2,500.00	Total

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 21st day of July, 2016, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

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

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

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

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

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

12. BUYER'S ELECTION TO ACCEPT TITLE

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

13. ACCEPTANCE OF DEED

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

14. USE OF MONEY TO CLEAR TITLE

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

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

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

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

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

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

21. BUYER’S DEFAULT; DAMAGES

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

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

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

25. WARRANTIES AND REPRESENTATIONS

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

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

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

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

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

29. NOTICES

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

In the case of BUYER:

Mr. and Mrs. William R. Fitzpatrick
56 Turner Way
Norwell, MA 02061

With a copy to:

Jessie M. Glidden, Esq.
Glidden & Glidden, P.C.
37 Centre Street
P.O. Box 1079
Nantucket, MA 02554
(508) 228- 0771
Facsimile: (508) 228- 6205

In the case of SELLER:

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

With a copy to:

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

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

30. NO BROKER WARRANTY

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

31. SELLER’S CONTINGENCY

SELLER’S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of the premises and obtaining all necessary authority to sell the

premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

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

33. EXTENSION AUTHORITY

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

34. CLOSING DOCUMENTS

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

35. MERGER OF PREMISES

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

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

"The Grantor's conveyance of the parcel(s) described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel(s) shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 13 Plum Street and shown on Town Assessor's Map 80 as Parcel 29 previously acquired by Grantee pursuant to Deed filed as Document No. 113942 noted on Certificate of Title No. 21993 filed with Nantucket Registry District of the Land Court (collectively, the "Combined Premises"), and that no part of the Combined Premises shall be hereafter divided, subdivided or

conveyed, unless prior written permission is granted by the Town of Nantucket Board of Selectmen and such permission is filed with said Registry District of the Land Court.. Accordingly, the parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Board of Selectmen and filed with said Registry District of the Land Court."

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

36. CONDITION OF PREMISES

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

hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the Premises.

37. REPRESENTATION BY COUNSEL

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

38. ASSIGNMENT AND RECORDING OF AGREEMENT

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

39. SEVERABILITY

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

Signature Page to follow

SELLER:
TOWN OF NANTUCKET
By its Board of Selectmen:

ESCROW AGENT:
TOWN TREASURER

BUYER:

By:

William R. Fitzpatrick

By:

Susan L. Fitzpatrick

558788v2 NANT 19712/0005

QUITCLAIM DEED

Lot 6, Woodbine Street, Nantucket, Massachusetts

The **TOWN OF NANTUCKET**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Board of Selectmen (the “Grantor”), in consideration of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 77 voted upon at the 2010 Annual Town Meeting, a certified copy of which is attached hereto, grants to **William R. Fitzpatrick and Susan L. Fitzpatrick**, husband and wife as tenants by the entirety, of 56 Turner Way, Norwell, Massachusetts 02061 (the “Grantee”), with QUITCLAIM COVENANTS, a certain lot of land in Nantucket, Massachusetts shown as Lot 6, Woodbine Street, on Land Court Plan No. 36593-C prepared by Bracken Engineering, Inc., dated January 7, 2015, filed with Land Registration Office (the “Plan”). The premises hereby conveyed are a portion of Woodbine Street in Nantucket, Massachusetts and contain approximately 2,000 square feet of vacant land (the “Parcel”).

The Parcel is conveyed subject to a four foot (4’) wide walking path easement over the Walking Path shown on said Plan (the “Walking Path Easement”) reserved by the Grantor for the following purposes:

1. Public access only by foot or non-motorized transportation over the Walking Path, except for use of motorized wheelchairs or other mobility devices for the disabled or vehicles used in the construction, maintenance, repair, replacement or relocation of the Walking Path; and
2. The right to cut or trim trees, shrubbery or vegetation in order to construct and maintain the Walking Path and to re-surface the Walking Path with any materials in the Grantor’s sole discretion.

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting lot at 13 Plum Street, in said Nantucket and shown on Town Assessor’s Map 80 as Parcel 29 previously acquired by Grantee pursuant to Deed noted on Certificate of Title No. 21993 as Document No. 113942 filed with Nantucket Registry District of the Land Court (collectively with the Parcel, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Board of Selectmen and such permission is filed with said Registry District of the Land Court. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket

Code, prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Board of Selectmen and filed with said Registry District of the Land Court.

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

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

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

For Grantor's title, see Order of Taking dated September 22, 2010 filed with said Registry District of the Land Court as Document No. 131791 and Order of the Land Court dated June 2, 2016 filed with said Registry District of the Land Court as Document No. 152068.

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

EXECUTED under seal this _____ day of _____, 2016.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

James R. Kelly

Dawn E. Hill Holdgate

Rick Atherton

Robert DeCosta

Matthew G. Fee

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

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

Notary Public
My Commission Expires:

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
William R. Fitzpatrick and Susan L. Fitzpatrick ("Buyer")
Lot 6, Woodbine Street, Nantucket, MA (Property)
July 21, 2016 (Closing Date)

Purchase Price: \$ 2,500.00

Less:

Deposit \$ 125.00

Plus:

Payment in Lieu of Tax Adjustment
7/21/16-6/30/17 \$ 8.80

Reimbursement of Town's Legal Fees \$ 1,500.00

Net Amount Due Seller: \$ 3,883.80

Checks:

Town of Nantucket \$ 3,883.80

BUYER:

**SELLER: TOWN OF NANTUCKET
BOARD OF SELECTMEN**

By: _____
William R. Fitzpatrick

By: _____
Susan L. Fitzpatrick

PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of _____, 2016.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Board of Selectmen having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Jill D. Swaim Elliot, of 1 Candida Lane, Action, Massachusetts 01720, hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises is a parcel of land in Nantucket, Massachusetts shown as Parcel A, Poplar Street containing 2,500 square feet more or less, shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Mass. of Boulevard, Tuckernuck Avenue, Masquetuck Street, Shawaukema Avenue, Mequash Avenue, Prepared by Bracken Engineering, Inc.," dated August 31, 2012 recorded with Nantucket County Registry of Deeds as Plan No. 2012-68 (the "Property" or "Premises"). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

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

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

time of delivery of the deed;

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

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

(g) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property known as 14 Masaquet Avenue, Nantucket, Massachusetts, which is shown as Town Assessor's Map 80 as Parcel 257, for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with said existing property,

5. PLANS

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

6. REGISTERED TITLE

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

7. PURCHASE PRICE

The agreed purchase price for said premises is Two Thousand Six Hundred and 00/100 Dollars (\$2,600.00), of which

\$ 130.00	was paid with Proposals
\$ 2,470.00	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s).
<hr/>	
\$ 2,600.00	Total

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 18th day of August, 2016, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

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

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

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

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

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

12. BUYER'S ELECTION TO ACCEPT TITLE

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

13. ACCEPTANCE OF DEED

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

14. USE OF MONEY TO CLEAR TITLE

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

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

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

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

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

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

21. BUYER'S DEFAULT; DAMAGES

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

22. RELEASE BY HUSBAND OR WIFE

The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interest in said premises, if applicable.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

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

25. WARRANTIES AND REPRESENTATIONS

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

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

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

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

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

29. NOTICES

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

In the case of BUYER:

Ms. Jill D. Swaim Elliot
1 Candida Lane
Acton, MA 01720

In the case of SELLER:

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

With a copy to:

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

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

30. NO BROKER WARRANTY

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

31. SELLER'S CONTINGENCY

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

32. VENUE

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

33. EXTENSION AUTHORITY

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

34. CLOSING DOCUMENTS

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

35. MERGER OF PREMISES

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

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

"The Grantor's conveyance of the parcel(s) described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel(s) shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 14 Masaquet Avenue and shown on Town Assessor's Map 80 as Parcel 257, previously acquired by Grantee pursuant to the deed recorded with said Deeds in Book 1344, Page 165 (collectively, the "Combined Premises"), and that no part of the Combined Premises shall be hereafter divided, subdivided or conveyed, unless prior written permission is

granted by the Town of Nantucket Board of Selectmen and such permission is recorded at the Registry. Accordingly, the parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Board of Selectmen and recorded with said Deeds."

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

36. CONDITION OF PREMISES

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

37. REPRESENTATION BY COUNSEL

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

38. ASSIGNMENT AND RECORDING OF AGREEMENT

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

39. SEVERABILITY

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

SELLER:
TOWN OF NANTUCKET
By its Board of Selectmen:

ESCROW AGENT:
TOWN TREASURER

BUYER:

Jill D. Swaim Elliot

QUITCLAIM DEED

**Parcel A, Poplar Street
Nantucket, Massachusetts**

The **TOWN OF NANTUCKET**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Board of Selectmen (the “Grantor”), in consideration of Two Thousand Six Hundred and 00/100 Dollars (\$2,600.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Jill D. Swaim Elliot formerly known as Jill D. Swaim** of 1 Candida Lane, Acton, Massachusetts 01720 (the “Grantee”), with QUITCLAIM COVENANTS, a certain plot of land shown as Parcel A, Poplar Street, Nantucket, Massachusetts, containing 2,500 square feet, more or less, as shown on a plan of land entitled “Roadway Acquisition Plan in Nantucket, Mass. of Boulevard, Tuckernuck Avenue, Masquetuck Street, Shawaukema Avenue, Mequash Avenue, Prepared by Bracken Engineering, Inc.,” dated August 31, 2012, recorded with Nantucket County Registry of Deeds as Plan No. 2012-68. The premises hereby conveyed is a portion of Poplar Street and a vacant nonconforming lot (the “Parcel”).

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 14 Masaquet Avenue, in said Nantucket and shown on Town Assessor’s Map 80 as Parcel 257 previously acquired by Grantee pursuant to Deed recorded with said Deeds in Book 1344, Page 165 (collectively with the Parcel, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Board of Selectmen and such permission is recorded at the Registry. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee’s existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Board of Selectmen and recorded with said Deeds.

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

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

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

For Grantor's title, see Order of Taking dated January 23, 2013 recorded with said Deeds in Book 1368, Page 23.

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

EXECUTED under seal this _____ day of _____, 2016.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN

James R. Kelly

Dawn E. Hill Holdgate

Rick Atherton

Robert DeCosta

Matthew G. Fee

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

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

Notary Public
My Commission Expires:

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Jill D. Swaim Elliot("Buyer")
Parcel A, Poplar Street, Nantucket, MA (Property)
August 18, 2016 (Closing Date)

Purchase Price: \$ 2,600.00

Less:

Deposit \$ 130.00

Plus:

Payment in Lieu of Tax Adjustment
8/18/16-6/30/17 \$ 9.51

Reimbursement of Town's Legal Fees \$ 875.00

Net Amount Due Seller: \$ 3,354.51

Checks:

Town of Nantucket \$ 3,354.51

BUYER:

**SELLER: TOWN OF NANTUCKET
BOARD OF SELECTMEN**

By: _____
Jill D. Swaim Elliot

UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: Nantucket Electric Company
TYPE: Manhole and Duct Locations
SITE ADDRESS: Union Street/Mariner Way
HEARING DATE: August 17, 2016

COMMENTS

NPD: The NPD has no concerns with this project. Police Details may be required.
-- William Pittman
Police Chief

FIRE: The Fire Dept. does not have any issues with or comments for this application.
-- Paul Rhude
Fire Chief

PLANNING: No concerns. The Planning Board required the installation of underground utilities for this subdivision (Mariner Way).
-- Leslie Snell
Deputy Director

DPW: The utility must restore the brick sidewalk to original immediately after installation of the conduit. The sidewalk may not be left open overnight.
-- Kara Buzanoksi
Director

WWCo: Wannacomet Water has no objection to this petition.
-- Bob Gardner
General Manager

nationalgrid

June 22, 2016

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

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit please contact:

Arlene Wright: (781) 907 – 3553

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Angela Birch; 280 Melrose Street; Providence, RI

Very truly yours,



Christopher Raymond, Engineering
Supervisor, Distribution Design

Enclosures



PETITION FOR MANHOLE AND DUCT LOCATIONS

Town Copy

Nantucket, MA 02554

June 22, 2016

To the Board of Selectmen
of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along the following public way:

Union Street

**NGRID request install 2-3" conduits from P25
Union St along the sidewalk to Marier Way to
provide electric service to new 5 Lot subdivision
called Mariner Way.**

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:--

NANTUCKET ELECTRIC COMPANY

Plan No. **21685551** Dated: **06/21/2016**

NANTUCKET ELECTRIC COMPANY

By: *Christopher Raymond*
Manager of Distribution Design *CR*

ORDER FOR MANHOLE AND DUCT LOCATIONS

Nantucket, MA 02554

June 22, 2016

By the Board of Selectmen
of the Town of Nantucket, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition of said Company dated the **22nd day of June, 2016**

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked--

NANTUCKET ELECTRIC COMPANY

Plan No. **21685551** Dated: **06/21/2016**

The following are the public ways or parts of ways along which the underground electric conduits above referred to may be laid--

Union Street

**NGRID request install 2-3" conduits from P25
Union St along the sidewalk to Mariner Way to
provide electric service to new 5 Lot subdivision
Called Mariner Way.**

Also, there shall be a reservation of one (1) underground conduit for the fire, police, telephone, internet and telegraph signal wires belonging to and used by the municipality for any municipal purpose.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Nantucket, Massachusetts

held on the _____ day of _____ 2016

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, 20_____, at _____ o'clock, _____ M.,
at _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2016 and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk

Pole & UG Petition/Permit Request Form

City
Town of Nantucket WR # 21685551
(circle one)

Install _____ SO
(quantity) (circle one) JO Poles on _____
(street name)

Remove _____ SO
(quantity) (circle one) JO Poles on _____
(street name)

Relocate _____ SO
(quantity) (circle one) JO Poles on _____
(street name)

Beginning at a point approximately 50 feet North of the centerline
(distance) (compass heading)

of the intersection of Beaver St
(street name)

and continuing approximately 80 feet in a southerly direction.
(distance) (compass heading)

Install underground facilities:

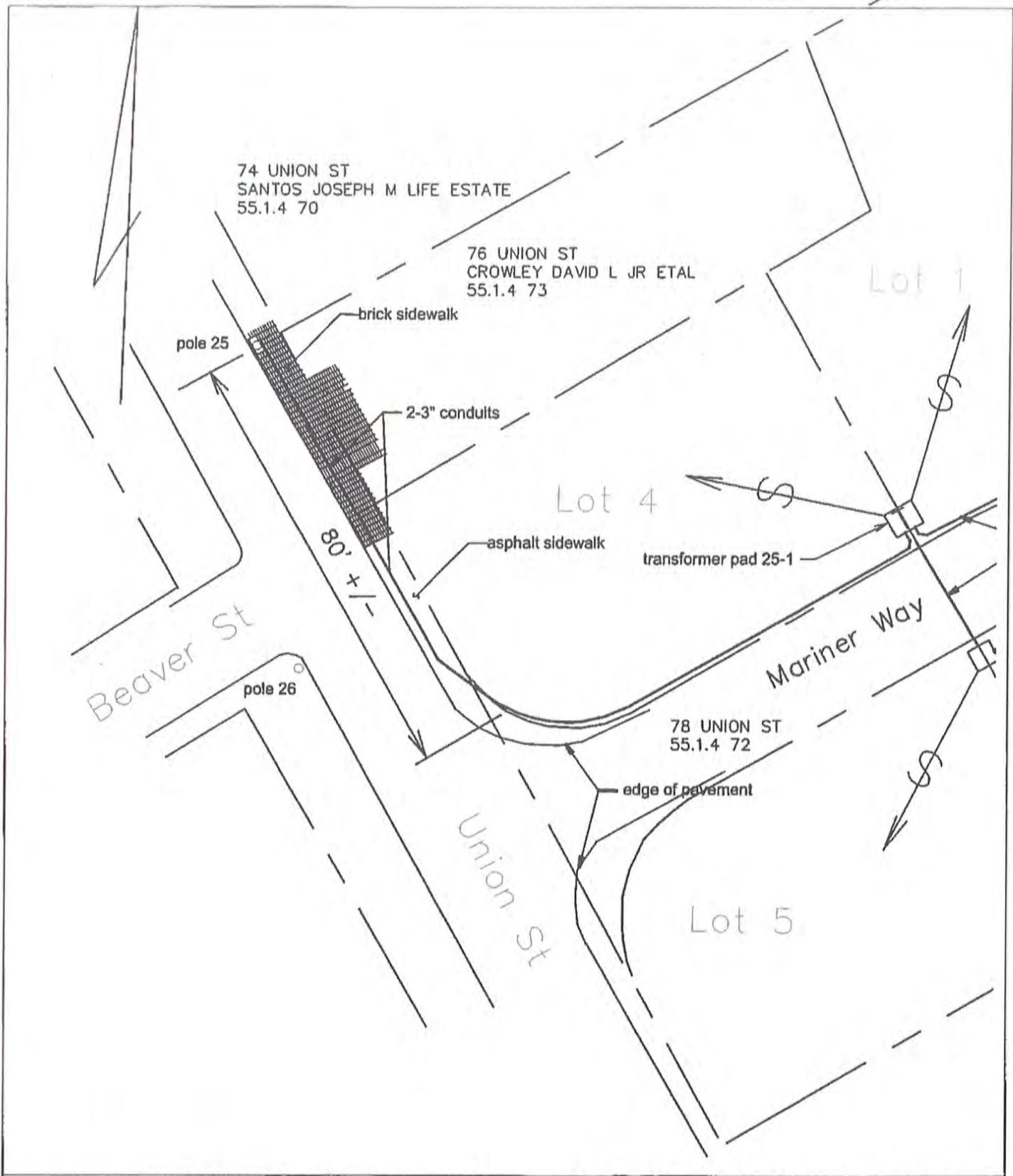
Street(s) Union St

Description of Work:

Install 2-3" conduits from pole 25 Union St along the sidewalk to Mariner Way to provide electric service to new 5 lot subdivision called Mariner Way.

ENGINEER S.Breton

DATE 6/21/16



74 UNION ST
SANTOS JOSEPH M LIFE ESTATE
55.1.4 70

76 UNION ST
CROWLEY DAVID L JR ETAL
55.1.4 73

78 UNION ST
55.1.4 72

pole 25
brick sidewalk
2-3" conduits
80' +/-
asphalt sidewalk

transformer pad 25-1

edge of pavement

Beaver St

Union St

Mariner Way

Lot 1

Lot 4

Lot 5

LEGEND

- Existing jointly owned pole
- Proposed 2-3" conduits

Mariner Way Nantucket

Date 06/06/16
Designer S. Breton
Work Request 21685551





Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

07/28/2016

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Town of Nantucket** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Brian E. Turbitt, Director of Municipal Finance

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

nantucket housing production plan

~~DRAFT FOR LOCAL REVIEW~~

~~05-~~

~~July 2016~~

Nantucket Affordable Housing Trust

Prepared for:

Nantucket Department of Planning and Land Use Services

Prepared by:
in association with



JM Goldson

community preservation
+ planning

Table of Contents

1	INTRODUCTION	2
	Background.....	2
	What has Nantucket done to provide affordable housing?	3
	Why have a Housing Production Plan?	5
	Notes on Census Data and Demographic Maps.....	7
2	HOUSING NEEDS ANALYSIS	9
	Population Trends.....	10
	Household Trends.....	21
	Housing Characteristics	26
	Existing Inventory	27
	Occupancy, Tenure, and Household Size	30
	Income, Tenure, and Housing Costs.....	32
	Price-Restricted Housing.....	39
	Chapter 40B.....	40
	Affordable Housing Providers	41
3	AFFORDABLE HOUSING GOALS	45
	Principles	45
	Qualitative Goals	47
	Quantitative Goals: 2016-2020.....	48
4	IMPLEMENTATION STRATEGIES	51
	Appropriate locations for higher-density housing	52
	Local resources for affordable housing.....	56
	Fair housing and affordable housing.....	58
	Capacity for development, education, and advocacy.....	59
5	APPENDIX	73
	Appendix A: Glossary	75
	Appendix B. Affordable Housing Timeline: Nantucket	83
	Appendix C. Master Plan Implementation: Housing and Land Use, 2009 – Present	87
	Appendix D. “Safe Harbor” Status through Housing Plan Certification	91
	Appendix E. Affirmative Fair Housing Marketing Plan Requirements	93
	Appendix F. Disposition of Municipal Property for Affordable Housing	99
	Appendix G. Town of Amherst: Tax Incentive Legislation for Affordable Housing.....	109
	Appendix H. Town of Provincetown: Tax Exemptions for Affordable Housing	111

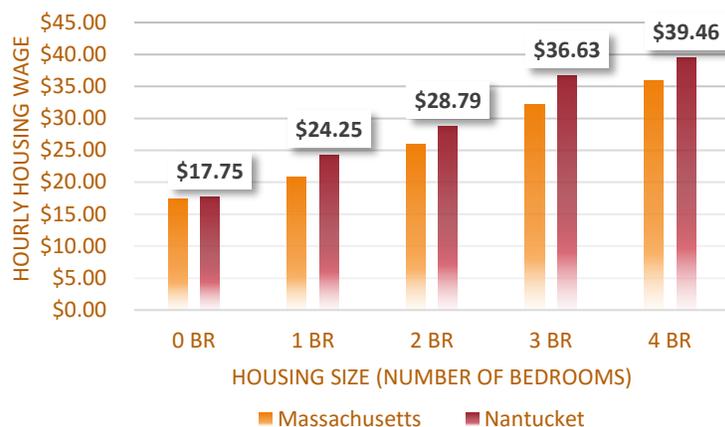
1 Introduction

Background

It is June, which means the shoulder season in Nantucket ended a month ago and hospitality businesses have already started to staff up for the summer. It also means that for many Nantucket residents – from teachers to postal workers, nurses, and town employees – the seasonal “shuffle” begins again. From June to September, year-round renters often have no choice but to move in order to make way for vacationers who spend as much as \$7,000 per week to rent a private cottage. The demand for housing in Nantucket for the summer comes not only from wealthy tourists, but also seasonal workers. By July, the number of people working in Nantucket will be twice as high as in January, with five-fold growth occurring in accommodations and food service employment.¹ Those flocking to Nantucket for seasonal jobs run the gamut from immigrants shuttling between winter and summer resorts to college students, artists, and others hoping to escape the mainland for a few months. Although some of the larger hospitality businesses on Nantucket offer dormitory housing to their summer employees, the number of beds does not begin to accommodate the number of workers who need a place to stay.

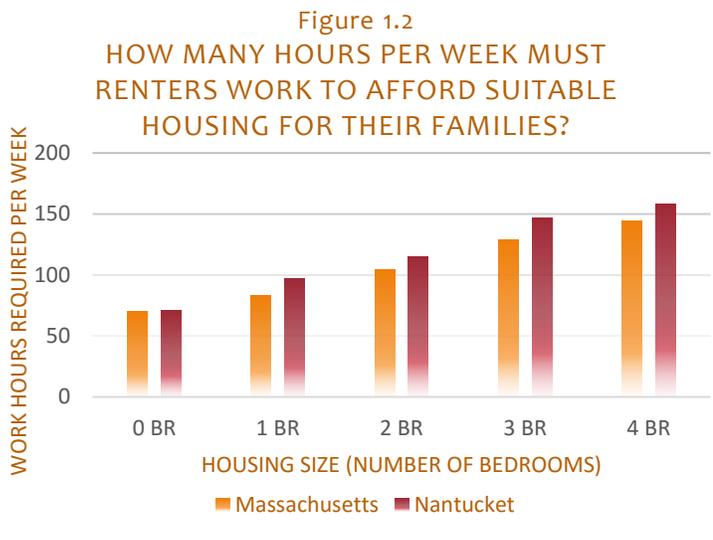
Housing is the most coveted real estate in Nantucket. The monthly rents for year-round homes and apartments in Nantucket match or exceed what landlords charge in Greater Boston. In fact, Nantucket is the state’s most expensive county, with a rental housing wage of \$28.79 (Figure 1.1). Since the

Figure 1.1
HOW MUCH MUST RENTERS EARN IN ORDER TO AFFORD FAIR MARKET RENTS?



¹ Executive Office of Labor and Workforce Development, ES-202 Employment and Wages, Nantucket, Massachusetts, 2015 Annual Report.

actual hourly wage in Nantucket is far less than \$28.79, households with lower incomes would have to work longer hours to pay for their housing, as shown in Figure 1.2.



Moreover, for-sale housing prices place Nantucket on par with Boston’s exclusive west suburbs. While Nantucket wages do run high relative to the state as a whole, they do not really compensate for the even-

higher cost of housing – as evidenced by the high incidence **housing cost burden** among year-round residents. Unlike Boston, Cambridge, and Worcester and the smaller urban centers that dot the Commonwealth’s rivers, there are no suburbs or outlying towns that can shoulder some of the regional need for affordably priced housing. Nantucket is an island situated thirty miles out in the ocean. There is no “next town over” that people can look to for more housing options. As a result, stories abound of residents leaving Nantucket because they have lost housing, people turning down jobs because they cannot find housing, and overcrowded housing conditions as lower-income families try to double up in order to avoid homelessness.

What has Nantucket done to provide affordable housing?

While very high housing costs often act as a magnet for Chapter 40B comprehensive permits, this has not really been the case on Nantucket. In fact, Nantucket has a relatively small **Subsidized Housing Inventory (SHI)**: 121 affordable units, or 2.5 percent of the town’s year-round housing stock.² Creating affordable housing in Nantucket is very difficult – far more difficult than in most mainland communities. Just about all of the affordable housing that does exist in Nantucket came about because of some type of local initiative. For example:

² The 121 affordable units on Nantucket’s SHI do not include any of the ten moderate-income units at Sachem’s Path. When the project is finished, Nantucket’s revised SHI will consist of 131 affordable units or 2.7 percent of the town’s year-round housing – assuming the affordable housing restriction for Academy Hill is extended beyond December 2016.

1 Introduction

The Nantucket Housing Plan builds upon four previous plans and studies: a housing needs assessment and housing action plan, both completed in 2002; the Town's 2009 Housing Production Plan; and a workforce housing needs analysis prepared for Housing Nantucket in 2015. Overarching guidance for this and any other Town-commissioned plan is Nantucket's own master plan, which the Town adopted in 2009.

This new Housing Production Plan, like its predecessor, promotes ways to address housing needs by increasing Nantucket's affordable housing inventory. By providing its "fair share" of housing affordable for low- or moderate-income people, Nantucket will have more flexibility in the future to decide when, where, and how much affordable housing should be built and if necessary, to deny unwanted Chapter 40B comprehensive permits. In addition, this plan documents and reinforces Nantucket's efforts to implement the previous plan and outlines a policy framework to guide such efforts over the next five years. Toward these ends, this plan is intended to help Nantucket create more affordable housing on a gradual but steady basis until the Town reaches the 10 percent minimum under Chapter 40B, consistent with the state's housing plan regulations at 760 CMR 56.03(4).

Why Have a Housing Production Plan?

The primary reason for any town to create a housing plan is to set goals and choose strategies that will give the community's affordable housing efforts focus and direction. In Massachusetts—because communities need to comply with Chapter 40B—there are added reasons for developing a housing plan, notably because having a plan and implementing it can help to protect communities from large, unwanted comprehensive permit developments.

To qualify for the flexibility that a DHCD-approved Housing Production Plan offers, Nantucket will need to create (through the issuance of permits and approvals) at least 24 new low- or moderate-income housing units (or an amount equal to or greater than the 0.50 percent production goal) in a given calendar year and obtain certification from DHCD that the Housing Production

~~Plan standard had been met.³ Housing Plan certification would allow Nantucket's Board of Appeals to deny comprehensive permits for 12 months (or 24 months, as applicable), or continue to approve projects based on merit. However, if the Board decides to deny a comprehensive permit or impose conditions during the certification period, it has to follow a process outlined in the Chapter 40B regulations. Notably, within 15 days of opening the comprehensive permit public hearing, the Board has to notify the applicant (with a copy to DHCD)~~

- **Sachem's Path.** ~~A mixed-income housing development known as Sachem's Path would not have happened without land donated by the Nantucket Housing Authority (NHA), public funds from several sources (including the Town), a mission-based developer, Housing Assistance Corporation of Cape Cod (HAC), and a "friendly" comprehensive permit. When completed, Sachem's Path will offer forty homeownership units for households with incomes at 80 percent, 100 percent, and 150 percent of the Nantucket County Area Median Income (AMI). Ten of these units will be for moderate-income homebuyers (with incomes at or below 80 percent AMI), which means they will qualify for the SHI, including three constructed by Habitat for Humanity.~~
- **Nantucket Housing Needs Covenant Program.** ~~Nantucket's zoning, the NHA's leadership, and Executive Order 418 gave birth to the Nantucket Housing Needs Covenant Program, which helps income-eligible families purchase their first home. In all of the residential districts, Nantucket allows up to two dwelling units per lot as long as both units remain in one ownership. A resident who no longer needs or wants responsibility for a second dwelling unit can sell it, but the unit must be sold for a price affordable at 150 percent AMI and must remain affordable over time under a recorded covenant. Administered by Housing Nantucket, the Covenant Program has helped sixty-one year-round residents become homeowners. Though not eligible for the SHI, units in the Covenant Program help Nantucket address the affordable housing needs of many employed residents, thereby supporting the health of the island's economy.~~
- **Funding.** ~~Nantucket has adopted the Community Preservation Act (CPA), established an Affordable Housing Trust under G.L. c. 44, § 5C, and most recently appropriated \$1 million from Town funds to help the Trust create affordable housing in Nantucket. At the same town~~

³Units eligible for the Subsidized Housing Inventory (SHI) will be counted for the purpose of certification in accordance with 760 CMR 56.03(2). Requests for certification may be submitted at any time. DHCD will determine whether Nantucket complies within 30 days of receipt of the Town's request. If DHCD finds that Nantucket complies with the Housing Production Plan, the certification will be effective on the date upon which Nantucket met its numerical target for the calendar year, in accordance with the rules for counting units on the SHI under 760 CMR 56.03(2). The certification will remain in effect for one year from its effective date. If DHCD finds that Nantucket has increased its number of SHI Eligible Housing units in a calendar year by at least 1 percent of its total housing units, the certification will remain in effect for two years from its effective date.

meeting that approved \$1 million for the Affordable Housing Trust, residents voted to file a **home rule petition** with the legislature to institute a real estate transfer fee that would help Nantucket create a permanent source of revenue for affordable housing. The legislation exempts the first \$2 million of the sale price of any individual real property transfer, so many routine sales of existing homes would not be subject to the fee. Nantucket’s home rule petition is currently before the legislature (H. 4317) along with a similar request from Provincetown. Despite opposition from the real estate industry, the House Committee on Municipalities and Regional Government favorably reported the bill in late June 2016 and referred it to the House Committee on Steering, Policy, and Scheduling.

- **Fairgrounds Road.** The Town acquired land at 6 Fairgrounds Road for the specific purpose of creating new affordable housing. Discussions are currently underway about the disposition process for the Fairgrounds Road property: number of units, affordability targets, SHI eligibility, and so forth. The Town hopes to make many of the units available to municipal and school department employees.
- **Richmond Great Point Development.** In November 2015, Nantucket Town Meeting overwhelmingly supported a proposed zoning change to allow construction of 325 housing units on a 32-acre mid-island site. The zoning provides for single-family dwellings at nine units per acre and apartments up to twenty-three units per acre. While this development also has **Project Eligibility** (PE) approval from MassHousing and could proceed with the comprehensive permit process, the Town partnered with Richmond to pursue the zoning change so Nantucket would have more local control.⁴ As of July 2016, Richmond has applied for a special permit to construct 225 rental units (Meadows II) and 50 homeownership units (“Sandpiper Place”). In each component, 25 percent of the units will be affordable to households with incomes at or below 80 percent AMI.
- ~~**Rental Housing.** that denying the permit or imposing conditions or requirements would be consistent with local needs, the grounds that it believes has been met (e.g., a Housing Plan certification is in effect), and the factual basis for that position, including supportive documentation. The applicant can challenge the Board’s assertion, also in writing, and ultimately DHCD will issue a decision to resolve the dispute. The Board has the burden of proving that a denial or approval with conditions would be consistent with local needs, but any failure of DHCD to issue a timely decision constitutes a determination in favor of the Town. While this process is underway, it tolls the requirement to complete the public hearing and final action within 180 days.~~

⁴ See Appendix B for a complete list of housing-related land use regulations adopted since the 2009 master plan.

What has Nantucket done About Affordable Housing?

The Town of Nantucket, the Nantucket Housing Authority, Housing Nantucket, and other organizations have taken steps to increase the supply of affordably priced housing. For example:

- The Town provides zoning incentives to create housing for lower- and middle-income households, including but not limited to “bonus lots” in cluster subdivisions, provisions for “employer dormitories,” accessory apartments, and multifamily housing in selected locations.⁵
- Nantucket has appointed a municipal housing trust (Nantucket Affordable Housing Trust) and hired a part-time Housing Coordinator in order to increase town government’s capacity in affordable housing development and finance.
- In November 2015, a special town meeting approved a major zoning change that paved the way for a proposed 325-unit housing development on Old South Road.
- In 2002, the Town created what is now known as the Nantucket Housing Needs Covenant Program under a special act of the legislature.⁶ The program allows the owners of a lot with two dwelling units to sell one subject to a covenant that perpetually restricts the sale price and limits homebuyer eligibility to households with income not exceeding 150 percent AMI.⁷
- The Town also operates a skilled nursing facility for seniors and owns several units for town and school employees.
- Nantucket has other types of housing assistance for individuals and families with lower incomes, such as 31 public housing units [at Miacomet Village](#) owned and managed by the [Nantucket Housing Authority NHA](#), and a rental housing assistance program managed by Nantucket’s Interfaith Council. These and other initiatives are described later in this report. Nevertheless, the force of Nantucket’s housing market and shrinking supply of developable land have simply overpowered the noble efforts of housing advocates and the Town.

⁵ *Nantucket Master Plan (2009)*, 51–52.

⁶ Authorized by Chapter 301 of the Acts of 2002. At the time that Nantucket petitioned the legislature for this program, the governor’s office gave priority consideration for state grants to communities that could prove they were producing new housing for a broad range of incomes, up to 150 percent AMI. Upon demonstrating that they met the governor’s housing production goals under Executive Order 418, communities became eligible for certification. Nantucket was among the communities that qualified for certification.

⁷ Unless the owner of a two-unit property agrees to an affordability covenant, both units must remain in one ownership.

Why have a Housing Production Plan?

The primary reason for any town to create an affordable housing plan is to set goals and choose strategies that will give a community's affordable housing efforts focus and direction. In Massachusetts – because communities have to comply with Chapter 40B – there are added reasons for developing a housing plan. The Department of Housing and Community Development (DHCD), which administers Chapter 40B, offers some incentives to communities that adopt a Housing Production Plan and implement it by creating new **low- and moderate-income housing**. Accordingly, the purpose of this plan is to help Nantucket create more affordable housing on a gradual but steady basis until the Town reaches the 10 percent minimum under Chapter 40B, consistent with the state's housing plan regulations at 760 CMR 56.03(4).

There are other reasons that Nantucket needs to develop and implement a Housing Production Plan at this time. Notably:

- **Public Education.** Nantucket needs more (and more effective) public education about affordable housing. Nantucket's affordable housing crisis has been obvious to community leaders for a very long time, and many groups have tried to find, promote, and implement solutions. However, people have different ideas about what the island's priorities should be, and not everyone understands the relationship between Nantucket's housing shortage and economic development.
- **Capacity Building.** The Affordable Housing Trust has a critical role to play in affordable housing leadership, finance, and development. Like other housing trusts in Massachusetts, Nantucket's needs an action plan to guide its activities, but it also needs training, professional staff support, and an administrative plan for the trust fund: funding and strategy goals, program design(s), grant and loan standards and decision criteria, and procedures. As a governmental body, the Affordable Housing Trust may be called upon at any time to be accountable for the investment decisions it makes to create affordable housing. Written procedures and standards will help the Trust answer to the public, increase its credibility with other funding sources, and address basic questions from the Town's auditors.
- **Responsibilities of Local Government.** Nantucket has an Affordable Housing Trust, but the Trust alone cannot address Nantucket's affordable housing needs. The Board of Selectmen, Planning Board, Zoning Board of Appeals, Planning and Land Use Services (PLUS) Department, Board of Health, Building Inspector, Community Preservation Committee (CPC), Historic District Commission (HDC), Nantucket Housing Authority, and others have responsibilities, too. All of these entities need to understand how their actions either exacerbate the island's housing problems or contribute to solutions, and they need to work together.

- **Fair Housing.** Nantucket's economy depends heavily on hospitality and tourism. Industries like accommodations and food service, recreation, retail, and others act as a driving force in Nantucket's employment base, providing as much as 50 percent of all local employment but only 36 percent of local wages. The prevalence of lower-wage jobs in Nantucket plays a significant role in the racial and ethnic make-up of the island's resident population. Since monthly rents far exceed what lower-wage workers can afford on their own, many of Nantucket's minority and foreign-born residents live in shared quarters in some mid-island neighborhoods. In these locations, single-family and two-family homes have essentially been converted to congregate residences where the tenants pay rent on a per-room basis. The result is geographic concentration of minorities and low-income people in over-occupied, substandard housing. While these conditions did not happen "by design," there are unique ways that populations protected under the federal Fair Housing Act have been affected by Nantucket's housing shortage.
- **Expertise in Affordable Housing Development.** Nantucket has several non-profit, community-based organizations with an interest in affordable housing, but it does not have a community-based housing developer. Housing Nantucket administers affordable housing assistance programs and is recognized as a community leader in affordable housing education and advocacy. The Community Foundation for Nantucket, ReMain Nantucket, the Nantucket Rental Assistance Program (Nantucket Interfaith Council), and others provide leadership, funding, and advocacy, and these are all important for building a base of support for affordable housing at all market levels. However, the absence of a qualified, knowledgeable non-profit housing developer limits Nantucket's capacity to create, monitor, and preserve affordable units. In a matter of weeks, the Affordable Housing Trust will have a large fund to administer, but the benefits of that fund may be curtailed by the lack of non-profit development capacity.
- **Land Supply.** Nantucket is a nationally recognized leader in land conservation. Residents are justifiably proud of the success of organizations like the Nantucket Conservation Foundation, Nantucket Islands Land Bank, the Massachusetts Audubon Society, , the 'Sconset Trust, and others. Through their collective efforts, about half of Nantucket's land area is protected in perpetuity from development. Nantucket's success with land conservation creates a challenge for affordable housing development, first because the supply is severely constrained and second, the available supply is very expensive. Nantucket has pursued creative ways to "make land" through **upzoning** initiatives, but other measures are needed, such as an inventory and prioritization of Town-owned, unrestricted property that can be used for housing. There also must be closer collaboration between Town government, affordable housing proponents, and the Nantucket Islands Land Bank to meet island-wide needs for conservation, economic prosperity, and social fairness. In support of addressing common needs, the Land Bank

Commission has adopted a policy to guide “cooperative acquisitions” with affordable housing organizations.⁸

Notes on Census Data and Demographic Maps

This studyplan incorporates data from a wide variety of sources, including Housing Nantucket, the Town of Nantucket, the Community Foundation of Nantucket, previous plans and studies for the Town and other organizations, state agencies such as MassGIS and the Department of Housing and Community Development (DHCD), and various federal agencies, including the U.S. Department of Housing and Urban Development, and the U.S. Department of Commerce, Bureau of the Census. Since “the Census” actually encompasses many different surveys and programs, we have combined information from multiple datasets.

- **The Decennial Census of Population and Housing.** The decennial census is the official source for determining a community's year-round population and year-round housing stock. Statistics from Census 2010, Census 2000, and in some cases earlier census tables appear throughout this report. However, the decennial census does not provide socioeconomic characteristics that are critical for a housing study, e.g., household income or poverty, or housing characteristics such as housing age, prices, and sizes. For these statistics, planners must turn to the American Community Survey (ACS).
- **-The American Community Survey (ACS).** ~~Since the late 1990s, the Census Bureau has been developing a new sample of the population that now replaces the old “long form” census tables known as Summary File 3. The ACS is a fairly new program, the ACS, generates of the Census Bureau and it is critical for any housing analysis. It provides~~ estimates from a small survey sample, but the Census Bureau conducts a new survey each month and the results are aggregated to provide a similar, “rolling” dataset on a wide variety of topics. For ~~geographies with 65,000 people or more, such as counties, states, and large metro areas, ACS data are released every year; for~~ small towns like Nantucket, ~~the data~~ACS estimates are reported as five-year rolling tabulations. The most recent ACS five-year dataset covers the period 2010-

Demographic and housing data presented in this plan are reported for the Town of Nantucket as a whole and its several census tracts, which are shown in Map 1.1.

⁸ “Nantucket Islands Land Bank Affordable Housing Policy,” adopted by Land Bank Commission on November 10, 2015.

2014. It is important to note that ACS data are estimates, not actual counts. As a result, it can be challenging to compare ACS with the decennial census.

- ~~HUD Consolidated Planning/~~HUD Comprehensive Housing Affordability Strategy (CHAS) **Data.** Created through a combined effort of the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau, this dataset represents a “special tabulation” of the American Community Survey (ACS) data to provide information on HUD-specific income categories and housing data used for Consolidated Planning at the local level. According to the HUD guidance, “these special tabulation data provide counts of the numbers of households that fit certain combinations of HUD-specified criteria such as housing needs, HUD-defined income limits (primarily 30, 50, and 80 percent of median income) and household types of particular interest to planners and policy-makers.” The most recent CHAS Data are based on ACS estimates for ~~2007-2011~~2008-2012.

2 Housing Needs Analysis

Nantucket is home to approximately 10,856 year-round residents.⁹ Its population and household characteristics differ from those of the state as a whole, though in fairly predictable ways given Nantucket's island environment and seasonal resort economy. On one level, Nantucket has qualities in common with some communities on Cape Cod and Martha's Vineyard: extraordinarily high housing values, high household wealth, and an economy that depends heavily on coastal tourism. On another level, Nantucket is quite different. Its population is comparatively young and diverse, and Nantucket is more remote. While communities like Chatham and Falmouth have become havens for retirees, Nantucket has gained both older and young residents, as can be seen in the island's school enrollment trends. In addition, Nantucket is both actually multiple jurisdictions in a single geography: a town ~~and~~, a county, and a regional planning commission, which is very unusual.

Due to the prevalence of unbuildable land and protected open space on Nantucket, the island is a remarkably low-density community with about 226 people per square mile (sq. mi.): roughly one-fourth of the population density per sq. mi. for the Commonwealth. Nantucket is a national model for open space protection, due in large part to the Nantucket Islands Land Bank and the special legislation that created it in 1983. Over time, the Nantucket Land Bank ~~Commission~~ and other conservation groups have successfully acquired and taken steps to protect about half of Nantucket's land. With Nantucket's golf courses and other recreation facilities added to the mix, over 60 percent of the island is undevelopable. The extensive open space and recreation network that exists on Nantucket today has had an indelible impact on housing values, first because open space is a valuable residential amenity and second, very little of the island's land supply is available for housing growth. According to a report by the Nantucket Planning Department in 2009, 32 percent of the island is substantially built out under existing zoning, leaving about 8

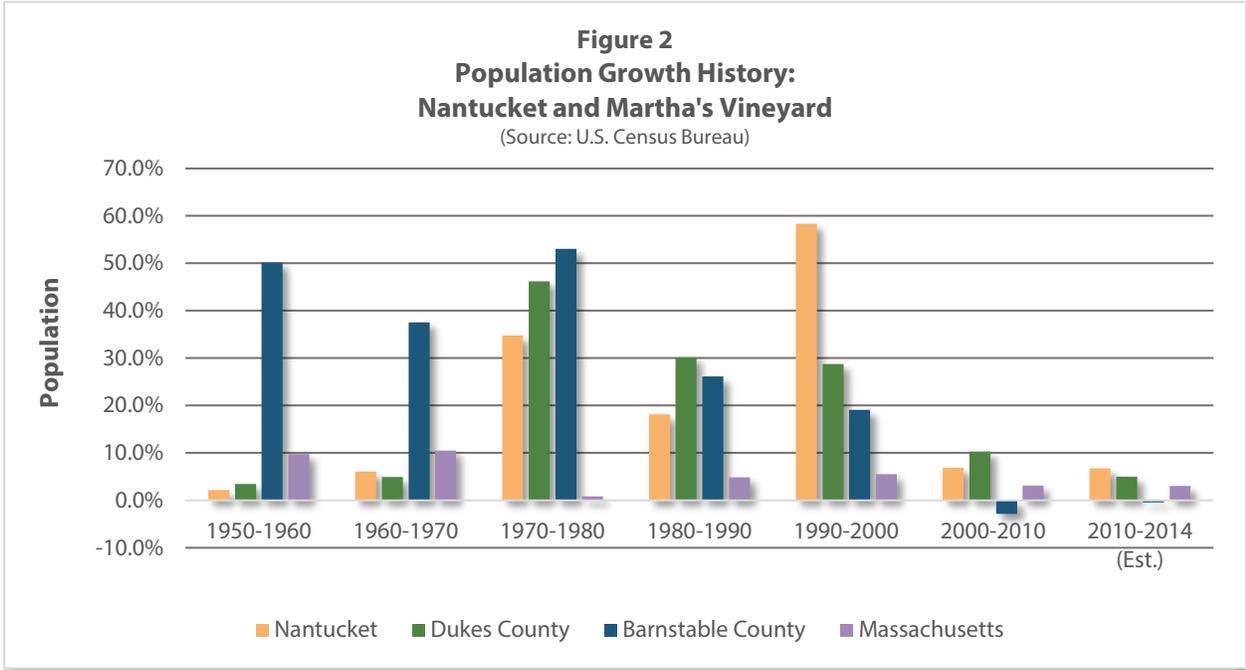
⁹ U.S. Census Bureau, State & County Quick Facts 2014. Some residents believe the Census Bureau undercounts the total year-round population.

percent potentially available for new development.¹⁰ Together, Nantucket’s open space and fairly restrictive zoning constrain the land supply and in turn, the housing supply.

Nantucket’s expensive homes, limited range of housing, small employment base, and abundance of protected land help to explain its extremes: affluence on one hand, and seasonal workers with very low-paying jobs on the other hand. ~~People with incomes in the ordinary “middle” — the main focus of this study — can be hard to find on Nantucket. There~~ Furthermore, there is an undeniable shortage of price-appropriate housing for people with year-round, living-wage employment: the professional, technical, administrative, education, and health care employees of public- and private-sector establishments. Nantucket is a very expensive place to live, and there are not that many jobs in the pay ranges required to afford Nantucket’s high housing costs. The island’s beauty conveys an image of Nantucket that masks the hardships many households contend with in order to live and work there. In addition, Nantucket has pockets of poverty, racial and ethnic minorities, and foreign-born populations in two of its five federal census tracts. Overcrowded housing conditions and substandard if not illegal units exacerbate these problems. For seasonal and year-round workers without living-wage jobs, Nantucket’s housing barriers are even more complicated and difficult to address.

Population Trends

Many Nantucket residents might find it hard to imagine their town in 1980, when the population (5,087) was only half the number reported in Census 2010 (10,172). It makes sense that in 1983,



¹⁰ Nantucket Housing Production Plan (2009), 12.

a decade after adopting its first zoning bylaw, Nantucket completed a growth management plan and took further steps to reduce the island's development potential.¹¹ With special legislation, Nantucket created the Land Bank Commission and instituted a funding mechanism to pay for acquiring open space. During the 1970s, Nantucket's population had jumped 35 percent after several decades of relatively little change, and new homes were under construction at the rate of over one hundred per year. What had been a fairly small population difference between Nantucket and all of Martha's Vineyard during the Great Depression had gradually increased (Figure 2.1). This, together with unprecedented growth occurring throughout much of Cape Cod, formed the backdrop for actions taken on Nantucket to protect the town's land and water resources and its historic resources as well. Astute leaders at the time could foresee that as household formation rates and housing demand accelerated in the 1980s, Nantucket stood to absorb a considerable amount of new housing growth, perhaps more than it had the capacity to serve. Nantucket instituted rate-of-development controls and an annual cap on building permits in order to manage the impact of new growth on infrastructure and services.¹²

More recently, Nantucket's total year-round population increased from 9,520 to 10,172 between 2000 and 2010, or 6.8 percent, surpassing all other Massachusetts counties except Dukes County, where the population rose by over 10 percent. According to the American Community Survey (ACS), Nantucket's population grew another 6.7 percent between 2010 and 2014: more than double the statewide growth rate. The Census Bureau's most recent population estimate for Nantucket is 10,856 (July 2014). Nantucket is currently classified as one of the 100 fastest growing counties in the nation, based on 2013-2014 one-year growth estimates.¹³

¹¹ Nantucket Planning & Economic Development Commission (NP&EDC), *Comprehensive Growth Management Plan, Vol. I, Goals and Objectives for Balanced Growth* (1983).

¹² N.B. These provisions lapsed in 2001.

¹³ U.S. Census Bureau, Population Division, "Resident Population Estimates for the 100 Fastest Growing U.S. Counties with 10,000 or More Population in 2013: July 1, 2013 to July 1, 2014 - United States - County." March 2015.

Nantucket has gained population faster than the UMass Donohue Institute (UMDI) predicted when it developed 25-year population projections in 2010. According to those projections (Figure 32.2), Nantucket’s 2035 population will be approximately 12,004, including significant growth in the school-age and young adult age cohorts – unlike the state as a whole – and a 56 percent increase in seniors (65 and over).

Nantucket also stands to lose ground in terms of working-age population 35 and over between now and 2035.¹⁴

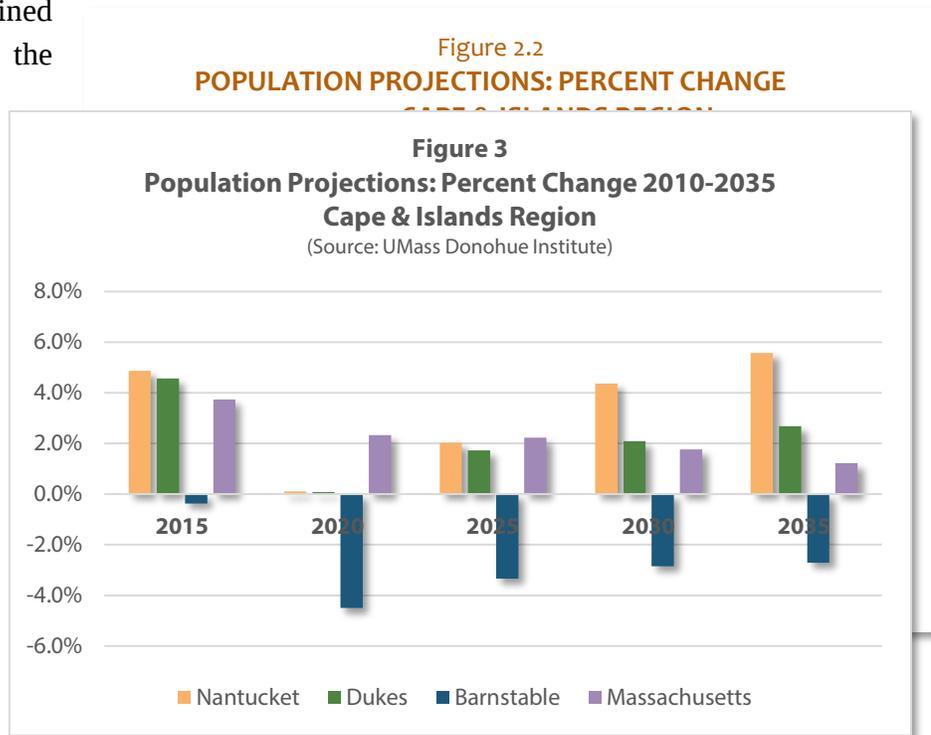


Table 2.1. Population Projections by Age Group, Percent Change 2015-2035: Cape & Islands

Age	Nantucket	Dukes	Barnstable	State	Age	Nantucket	Dukes	Barnstable	State
0-4	44.3%	5.5%	-9.6%	-0.2%	50-54	-24.0%	6.3%	-36.0%	-8.7%
5-9	10.2%	-9.6%	-14.2%	-0.1%	55-59	-7.0%	-6.9%	-39.1%	-10.9%
10-14	15.9%	-7.4%	-12.9%	-1.1%	60-64	4.9%	-28.7%	-30.6%	-0.7%
15-19	18.2%	10.8%	-20.6%	-1.5%	65-69	23.3%	-10.0%	-17.2%	19.3%
20-24	32.3%	12.3%	-26.8%	-7.7%	70-74	52.2%	47.9%	15.0%	68.0%
25-29	86.1%	-20.3%	-18.4%	-7.2%	75-79	86.0%	139.3%	44.0%	102.6%
30-34	18.2%	-22.7%	-17.6%	-2.1%	80-84	103.8%	161.7%	39.5%	88.7%
35-39	-19.1%	-3.6%	-11.4%	7.0%	85+	59.0%	76.7%	18.4%	45.8%
40-44	-26.4%	6.6%	-9.0%	14.1%	Total	12.5%	6.7%	-12.7%	7.8%
45-49	-37.5%	2.3%	-23.3%	3.7%	Change	1,337	1,162	-27,399	526,878

UMDI, Population Projections for Massachusetts Municipalities: Age and Sex (March 2015); and RKG Associates.

Nantucket has some unique characteristics in terms of the age make-up of its year-round residents. Measured by median population age, Nantucket is not much different from the state: 39.4 years on

¹⁴ UMass Donohue Institute (UMDI), *Population Projections for Massachusetts Municipalities*, prepared for the Massachusetts Secretary of State, March 2015.

Nantucket and 39.1 years statewide. However, there tend to be pockets of older and younger people in settlement patterns that coincide, in part, with other population characteristics such as race and income. For example, families with children under 18 make up a relatively large share of the population in Nantucket's Airport/Mid-Island and Surfside neighborhoods. In these areas, the median age drops to 35.2, and school-age children account for at least one-fourth of the total population; seniors, almost 10 percent.¹⁵

RACE, ETHNICITY, AND CULTURE

Nantucket has more racial and cultural diversity than the state as a whole. This can be seen both in federal census data and demographic profiles of the Nantucket Public Schools. The Massachusetts Department of Elementary and Secondary Education (DESE) reports comparative socioeconomic data for all of the state's public school districts. According to the agency's website, 12 percent of Nantucket's school students are African American and 24 percent are Hispanic compared with 9 percent and 18 percent (respectively) for all of Massachusetts.¹⁶ Minorities comprise approximately 19.5 percent of the population town-wide and 16.8 percent of the population in Massachusetts.

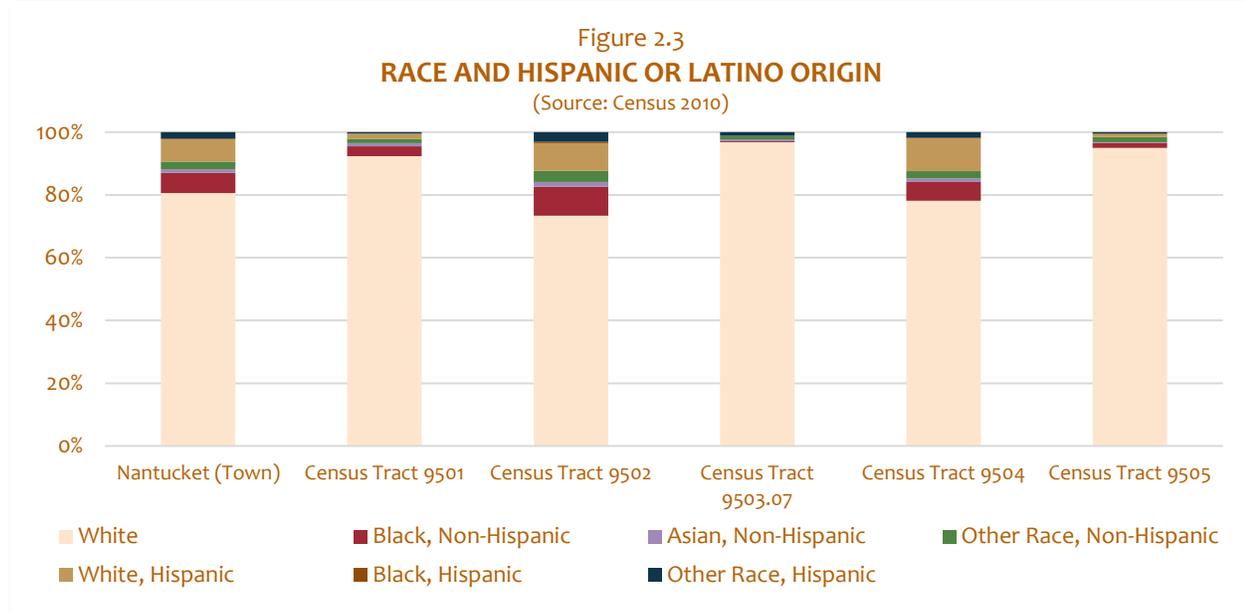
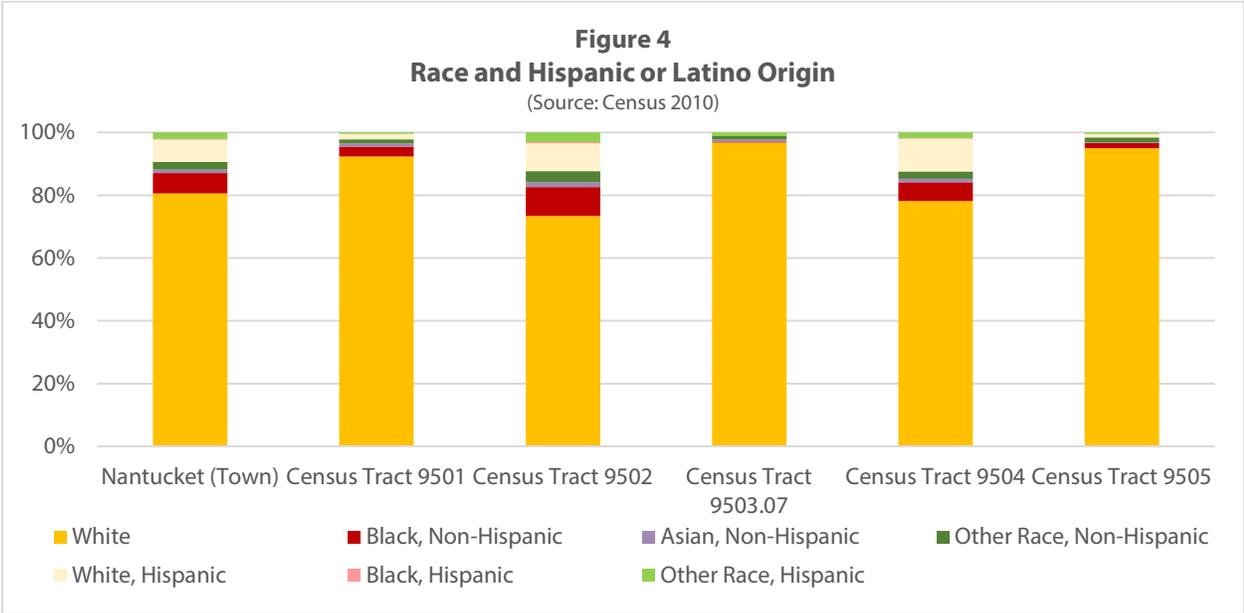
Racial and ethnic population characteristics matter, first for social equity reasons and second, because much tougher regulations under the federal Fair Housing Act (FFHA), a 1968 civil rights law, will be released in 2015. The FFHA prohibits housing discrimination against people on the basis of race or color, religion, sex, national origin, familial status (families with children under 18), or disability. Among other requirements, the new regulations will obligate local governments to affirmatively further fair housing and eliminate policies and practices that have the effect (however unintended) of housing discrimination against groups the FFHA is designed to protect ("protected classes"). Eventually, enforcement and compliance will be linked to most federal funding programs – not only programs that provide funds for housing.

Although Nantucket is home to many minorities, community-wide race statistics mask the fact that Nantucket's minority population is largely housed in one area- [\(Map 2.1\)](#). Ninety percent of Nantucket's minority residents live in Airport/Mid-Island/Surfside neighborhoods and south of Town. For example, Nantucket's most densely populated census tract, 9502 (Miacomet/Mid-Island/Cisco), houses 48 percent of the entire town-wide population but 69 percent of the African American population and 63 percent of the Hispanic population ([Figure 42.3](#)). From a fair housing perspective, differences such as these are known as **minority concentration areas**. Promoting higher-density housing in areas close to goods and services makes good planning and land use

¹⁵ U.S. Census Bureau, Census 2010, DP-1.

¹⁶ Massachusetts Department of Elementary and Secondary Education (DESE), School Profiles: Nantucket Public Schools.

sense. However, when people have no choice but to live in certain parts of a community, local officials and housing advocates need to work closely with minority neighborhoods to provide more housing choices.



The percentage of **foreign-born** residents on Nantucket (16.6 percent) is larger than that of the state (15 percent). Most of Nantucket’s foreign-born population hails from countries such as the Dominican Republic and Jamaica in the Caribbean or from Central American countries such as Mexico or El Salvador.¹⁷ In many cases, they come to Nantucket for work in the hospitality, food service, and recreation sectors, all of which depend on unskilled labor and provide a major source of jobs for immigrants throughout the U.S. Nantucket’s immigrant groups tend to concentrate

Over one-fourth of the population in census tract 9504 includes people from other countries, and these neighborhoods also house a majority of Nantucket’s Spanish- and Portuguese-speaking residents.

in the Mid-Island area, as suggested in Table 2.2. Over one-fourth of the population in census tract 9504 includes people from other countries, and these neighborhoods also house a majority of Nantucket’s Spanish- and Portuguese-speaking residents.¹⁸ An unusually large percentage of children in the Nantucket Public Schools speak a language other than English at home.

Table 2.2. Foreign-Born Population by Citizenship and Origin (Estimated; 2013)

Location	Estimated Population	Foreign-Born	Foreign-Born Percent	Not Naturalized Citizen	Percent Foreign-Born from Latin America
Massachusetts	6,605,058	991,708	15.0%	49.5%	35.5%
Nantucket (Town)	10,224	1,694	16.6%	59.5%	66.5%
Census Tract 9501	1,650	124	7.5%	83.9%	34.7%
Census Tract 9502	4,481	878	19.6%	68.1%	70.2%
Census Tract 9503.07	340	7	2.1%	71.4%	0.0%
Census Tract 9504	2,402	620	25.8%	45.6%	70.6%
Census Tract 9505	1,351	65	4.8%	27.7%	46.2%

ACS 2009-2013, B05002, B05006, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Whether native or foreign-born, Nantucket’s current population includes a much larger percentage of people with out-of-state origins than the state as a whole (Table 2.3). Less than half of Nantucket’s residents are originally from Massachusetts, but of the population born out of state, one-fourth moved to Nantucket from elsewhere in New England or another part of the Northeast.

¹⁷ American Community Survey (ACS) 2009-2013 Five-Year Estimates, B05006, B16007.

¹⁸ ACS 2009-2013, B16007.

The numbers are fairly small because Nantucket’s population is small, but the percentages of Nantucket residents coming from other parts of the U.S. are noteworthy.

Table 2.3. Current Population by Place of Birth (Estimated; 2013)

Location	Est. Population	Born in Massachusetts	Native, Born Out of State					Foreign-Born
			Northeast	Midwest	South	West	Abroad	
Massachusetts	6,605,058	62.8%	11.8%	2.6%	3.3%	1.9%	2.5%	15.0%
Nantucket (Town)	10,224	46.0%	23.6%	4.3%	5.3%	2.6%	1.8%	16.6%
Census Tract 9501	1,650	43.1%	28.2%	5.6%	10.2%	1.6%	3.7%	7.5%
Census Tract 9502	4,481	50.6%	17.1%	3.3%	4.5%	2.9%	2.0%	19.6%
Census Tract 9503.07	340	49.4%	34.1%	2.9%	5.6%	1.8%	4.1%	2.1%
Census Tract 9504	2,402	41.8%	23.2%	2.4%	2.8%	3.7%	0.3%	25.8%
Census Tract 9505	1,351	40.6%	37.5%	9.3%	6.1%	1.1%	0.6%	4.8%

ACS 2009-2013, B05002, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

LABOR FORCE

Compared with Massachusetts overall, Nantucket has a larger percentage of the population in the **labor force**, and in some parts of town the **labor force participation** rate is very high. Seventy-six percent of Nantucket’s 16-and-over population is in the labor force (Table 2.4), and for the most part they are also employed – at least seasonally. Unemployment on Nantucket can range from a low of 2 percent in July to a high of 15 percent in January,¹⁹ but when seasonally adjusted, unemployment does not appear to be a major problem for the island’s year-round residents – many of whom are self-employed. Approximately 6 percent of Nantucket’s labor force works in a home occupation at least part of the work week, and this statistic run as high as 13 percent in downtown neighborhoods. By contrast, just 2 percent of the workers in Mid-Island neighborhoods have home occupations, probably because so many have hospitality and food service jobs that require commuting to an employer establishment.

Nantucket has a reasonably well educated population. Its labor force matches the state for working-age population percent with a college degree or more (42.6 percent). Island-wide, Nantucket’s population without a high school diploma is less than the state’s, but many workers living in Mid-Island neighborhoods have limited education levels: nearly on par with the state for percent without a high school diploma. Education levels, wages, and poverty tend to go hand-in-hand.

¹⁹ Executive Office of Labor and Workforce Development (EOLWD), Labor Force and Unemployment Data (2010-2014).

Table 2.4. Labor Force and Education Levels (Estimated; 2013)

Location	Population 16 and Over		Educational Attainment				
	Total (Estimated)	In Labor Force	Population 16-64 (Estimated)	Less than high school	High school graduate	Some college	Bachelor's degree or higher
Massachusetts	5,371,252	67.7%	3,576,934	8.4%	23.6%	25.3%	42.6%
Nantucket (Town)	8,245	76.3%	6,164	4.4%	24.9%	28.1%	42.6%
Census Tract 9501	1,421	63.1%	778	5.0%	21.6%	23.0%	50.4%
Census Tract 9502	3,468	81.7%	2,800	7.1%	29.0%	27.4%	36.5%
Census Tract 9503.07	280	66.4%	212	0.0%	14.2%	17.0%	68.9%
Census Tract 9504	1,901	85.1%	1,666	0.5%	27.8%	27.7%	44.0%
Census Tract 9505	1,175	64.1%	708	3.1%	8.9%	40.7%	47.3%

ACS 2009-2013, B23025, B23006, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

WORKING ON NANTUCKET

The Executive Office of Labor and Workforce Development (EOLWD) reports that Nantucket has about 920 **employer establishments** with a combined total of 3,900 payroll jobs with an average weekly wage of \$963.²⁰ The employment base is quite small for a community with 4,400 year-round housing units. A sustainable local economy typically has about 1.5 jobs per housing unit: enough jobs to give residents meaningful opportunities to work locally. The **jobs-to-housing ratio** on Nantucket is only 0.89, so it is no surprise that Nantucket also has many “non-employer” establishments, too: people who work for themselves as sole proprietors, either full-time or as a part-time supplement to a payroll job. Evidence of reliance on self-employment income can be seen in census statistics for sources of household income. For example, 11 percent of the state’s households derive some income from self-employment, but 27 percent of Nantucket’s households have self-employment income and in some neighborhoods, it is as high as 33 percent.²¹ Together, the number of self-employed people and the employers that provide jobs for others form the base of over 3,000 firms doing business on Nantucket.²²

²⁰ EOLWD, Employment and Wages Report, ES-202: Nantucket, 2009-2013.

²¹ ACS 2009-2013 Five-Year Estimates, B19053.

²² County Business Patterns, 2012.

The size and composition of Nantucket's economy present some important challenges for developing a workforce-housing strategy for any income group.

- **The employment base fluctuates seasonally.** The seasonal changes on Nantucket are substantial. At the peak season for visitors in August, local employers have 2.3 jobs on payroll for every one job that still remains in February, when employment reaches its lowest point in the year. These changes mirror fluctuations in the unemployment rate. Nantucket essentially achieves full employment in the summer, when the unemployment rate drops to well below 2 percent, but by February it has one of the highest unemployment rates in Massachusetts (about 13 percent).²³
- **The employment base has a narrow range of strengths.** Arguably, the arts and recreation and accommodations and food service sectors perform well during the summer and into the shoulder season, but they generally provide low-wage jobs. Workers in these industries earn better pay on Nantucket than in other parts of the state – roughly 1.4 times the average weekly wage for similar jobs elsewhere – so many of them may be able to pay rents of \$900 to \$1,100 over the summer. Once the hospitality industry contracts after Columbus Day, this is no longer the case.

Year-round jobs such as health care and professional services pay decent wages, but Nantucket does not have a large base of professional employment. The Town of Nantucket, the public schools, and the Nantucket Cottage Hospital are relatively large employers with professional and semi-professional workers, and clearly there are small establishments with higher-paying jobs, too. In many cases, however, the industries with higher-wage employment on Nantucket have low **location quotients**.²⁴ Relative

to the larger regional economy – Cape Cod and the Islands – health care and professional services make up a small share of Nantucket's employment base, as evidenced by location quotients substantially below 1.00 (Fig. 52.4). Measured by their share of local jobs, Nantucket's strongest

Measured by their share of local jobs, Nantucket's strongest industries are the construction trades, transportation services, real estate and leasing, support services (e.g., housecleaning, waste management, or security services), arts and recreation, and accommodations and food services (the hospitality industry). All of these industries are vulnerable to seasonal change.

²³ Executive Office of Labor and Workforce Development, Local Area Unemployment Statistics (2007-2014).

²⁴ A location quotient is the ratio of an industry's share of local employment to that industry's share of employment in a larger reference economy, in this case the Cape & Islands Workforce Investment Area. It is a fairly simple tool for identifying strengths and weaknesses in the local economy. A ratio > 1.10 generally signals an industry that is strong in the local market.

industries are the construction trades, transportation services, real estate and leasing, support services (e.g., housecleaning, waste management, or security services), arts and recreation, and accommodations and food services (the hospitality industry). All of these industries are vulnerable to seasonal change, however. Most industries that offer high-wage employment, such as information, finance and insurance, real estate and leasing, professional services, health care, and public administration, do not provide many jobs on Nantucket.

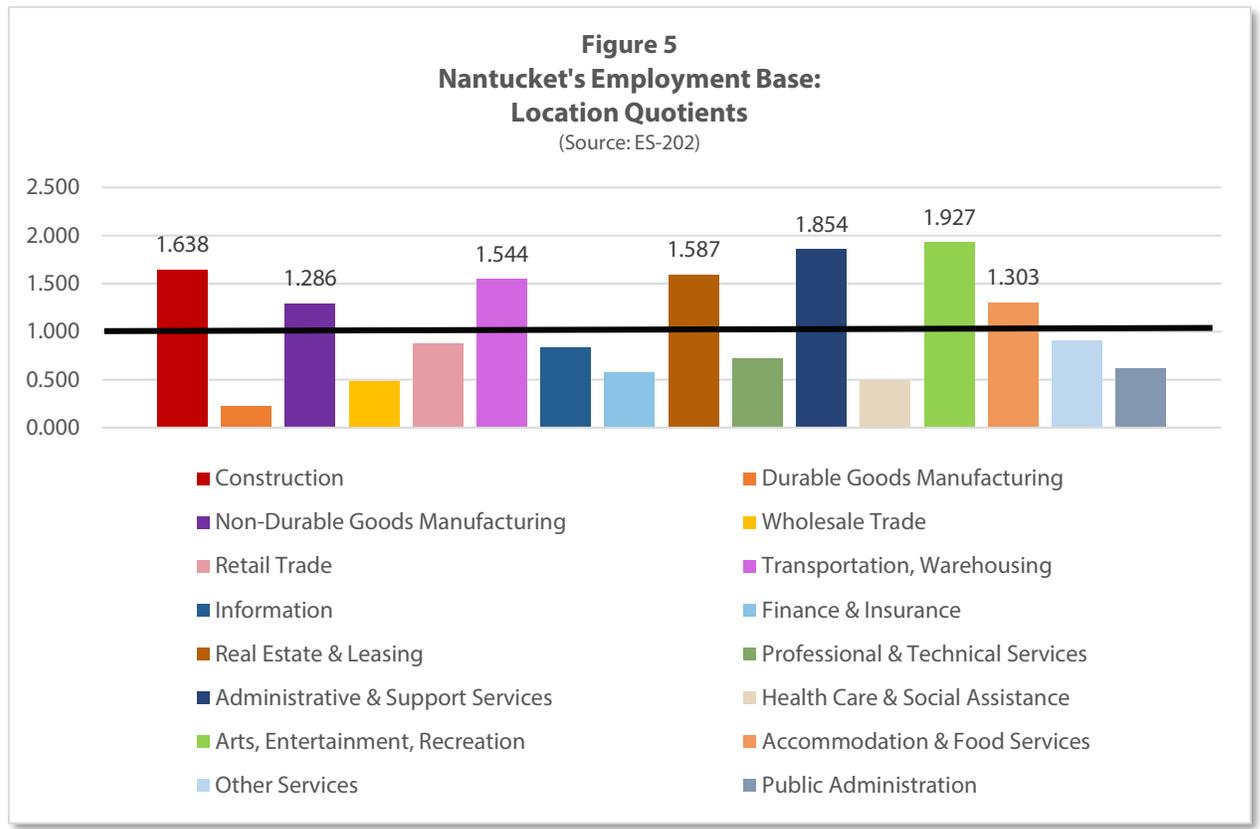
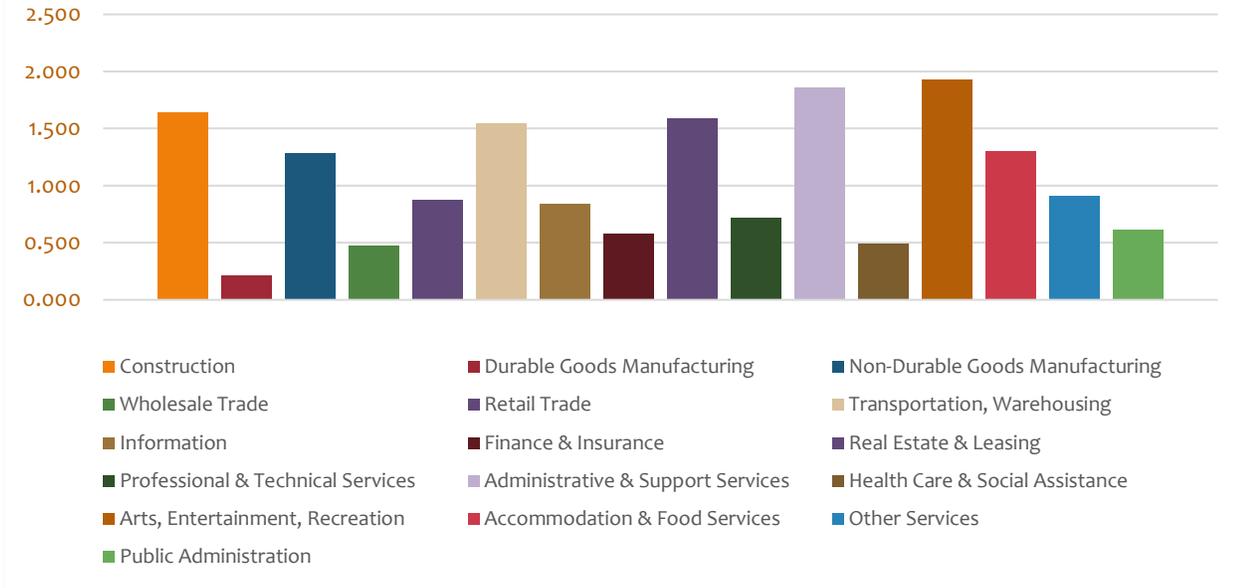


Figure 2.4
NANTUCKET'S EMPLOYMENT BASE:
LOCATION QUOTIENTS
(Source: ES-202)



Despite Nantucket’s generally favorable pay scales for municipal employees, the Town has lost at least four employees and at least three applicants turned down municipal job offers because they could not find affordably priced housing.²⁵

EARNINGS

Since the vast majority of Nantucket residents work on the island, either for themselves or as a wage or salary worker for some other establishment, reported income from employment sheds further light on wages paid by Nantucket businesses. For most industries, there is a wage differential that recognizes the higher cost to live and work on Nantucket, yet in relation to Nantucket’s extraordinarily high housing costs, the wage difference does not seem that significant. For example, Table 2.5 shows that the median annual earnings of a year-round service worker in Massachusetts is \$33,365, but on Nantucket, it is \$41,981, for a local wage ratio of 1.26. The Nantucket service worker with income at the median wage can afford to spend \$1,050 per month for rent and basic utilities. However, Nantucket’s median gross rent is \$1,443,²⁶ which represents a housing cost differential of 1.46. It is little wonder that Nantucket workers on the lower end of the wage spectrum often share housing units in an effort to make ends meet.

²⁵ Amanda Johnson, Town of Nantucket Human Resources Department, March 10, 2015.
²⁶ ACS 2009-2013 Five-Year Estimates, B25064.

Table 2.5. Median Annual Earnings: Selected Occupations and Industries (Estimated; 2013)

	Median Earnings	Occupations		Industries				
		Mgt.	Svcs.	Construction	Retail	Finance, Real Estate	Education	Hospitality
Massachusetts	54,594	73,085	33,365	43,916	24,064	56,907	40,967	16,663
Nantucket (Town)	51,869	73,339	41,981	50,323	38,281	56,023	41,605	25,023
Census Tract 9501	55,263	61,520	37,750	63,750	25,625	61,875	45,556	14,000
Census Tract 9502	51,110	66,848	43,750	45,865	44,632	33,203	28,750	25,510
Census Tract 9503.07	81,806	81,111	-	102,188	-	81,818	26,161	56,563
Census Tract 9504	45,962	85,625	41,596	46,250	43,542	42,993	61,750	38,472
Census Tract 9505	52,179	73,750	68,417	-	25,083	11,000	75,724	39,375

Source: ACS 2009-2013 B24021, B24031, and RKG Associates.
Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Household Trends

Households – more than population per se – drive demand for housing, so a housing strategy for any community must account for market area household formation trends and household characteristics. The size and composition of a community’s households, the age of its householders, and the resources they have to purchase or rent housing all have an indelible impact on demand. Nantucket’s household trends are also affected by demand from the seasonal housing market. Over the past decade, Nantucket attracted considerable household growth. As of Census 2010, Nantucket had about 4,200 year-round households, representing a 14.3 percent increase between 2000 and 2010. However, the Census Bureau estimates that since 2010, Nantucket has lost about 160 households as it gained over 400 seasonal housing units, mainly due to conversions of year-round housing.²⁷

Nantucket’s year-round homes are predominantly owner-occupied.²⁸ Its householders tend to be younger than their counterparts statewide, and unlike many towns on the Cape and around Boston, Nantucket has many young renters. In addition, while Nantucket is still a white, non-Hispanic town, it has many minority families. Most of Nantucket’s African American and Hispanic households live in Mid-Island neighborhoods, which is also where most of the rental housing on Nantucket can be found.

Just about everyone living year-round on Nantucket is part of a household. (Some people lived in shared or **group quarters**, e.g., the seniors at Our Island Home.) Nantucket’s households are

²⁷ Census 2000, 2010, H1, H5; ACS 2009-2013 Five-Year Estimates, B25003, B25004.

²⁸ Census 2010, H4.

primarily **families**, which can also be said for most communities, but Nantucket has a larger percentage of **non-family households** than the state as a whole. “Non-family” is a federal census term that includes single people living alone and households of two or more unrelated people. Most non-family households are one-person households, whether measured nationally, in Massachusetts, or on Nantucket. In Massachusetts, for example, single people living alone represent 80 percent of all non-family households. However, the percentage of one-person households is smaller on Nantucket: 75 percent, and it is much smaller in some neighborhoods where the percentage of one-person non-family households drops as low as 64 percent (Table 2.6).

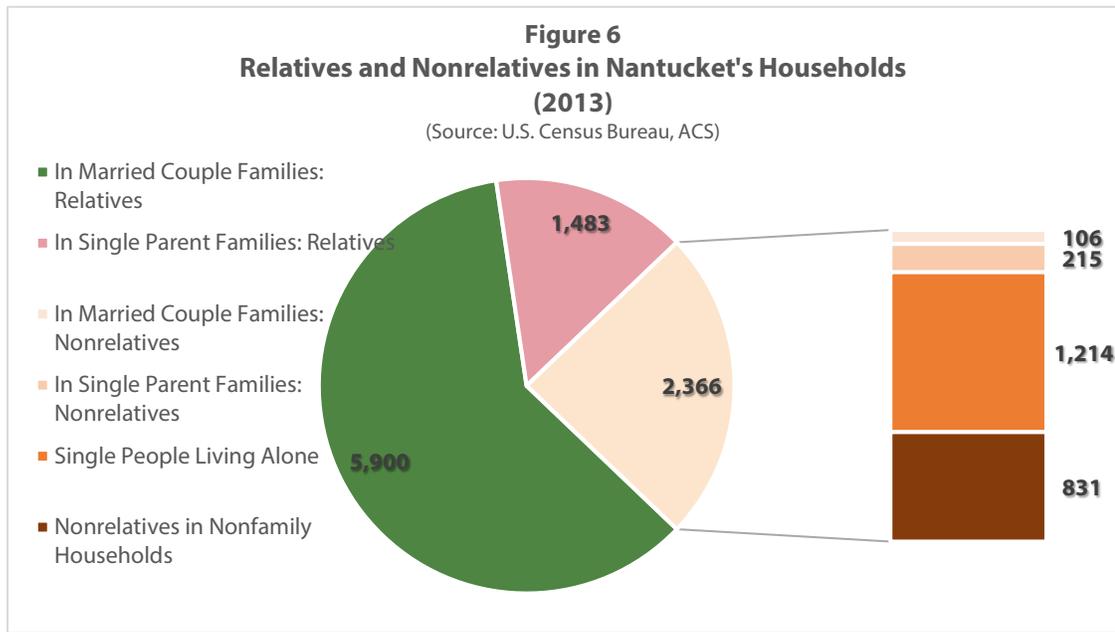
Table 6. Household Types (Estimated; 2013)

Location	American Community Survey (ACS) Estimates				
	Total Households	Families (Related People)	Single Parent Families	Non-Family Households	Single People % Non-Families
Massachusetts	2,530,147	1,607,082	26.1%	923,065	79.5%
Nantucket (Town)	4,069	2,462	21.5%	1,607	75.5%
Census Tract 9501	690	356	29.8%	334	89.8%
Census Tract 9502	1,657	1,093	26.7%	564	75.0%
Census Tract 9503.07	156	100	0.0%	56	78.6%
Census Tract 9504	951	500	9.4%	451	64.3%
Census Tract 9505	615	413	20.3%	202	77.7%

Source: ACS 2009-2013 B1101, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

In the Airport/Mid-Island/Surfside area, Nantucket has a relatively large number of households with unrelated people living together in the same house. This matters for a housing study because a larger-than-average number of unrelated people in shared housing often signals the presence of

housing problems: lack of affordability, lack of suitable housing for a community’s household types, crowded housing units, code violations, off-street parking conflicts, and others.

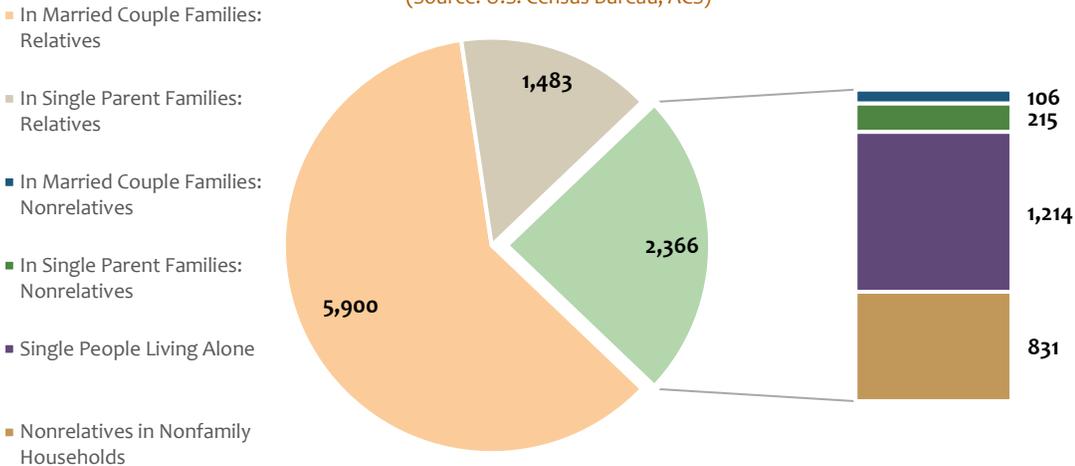


Not surprisingly, the presence of households with both related and unrelated people has an impact on household sizes and the types of housing a community may need. While Nantucket’s homeowner households are somewhat smaller than their counterparts statewide, the opposite is

true for renters. On Nantucket, the average-size household for renter-occupied housing ranges from 2.35 to 2.60, compared with 2.18 people per household for the state as a whole.²⁹

Figure 2.5
RELATIVES AND NONRELATIVES IN NANTUCKET'S HOUSEHOLDS
(2013)

(Source: U.S. Census Bureau, ACS)



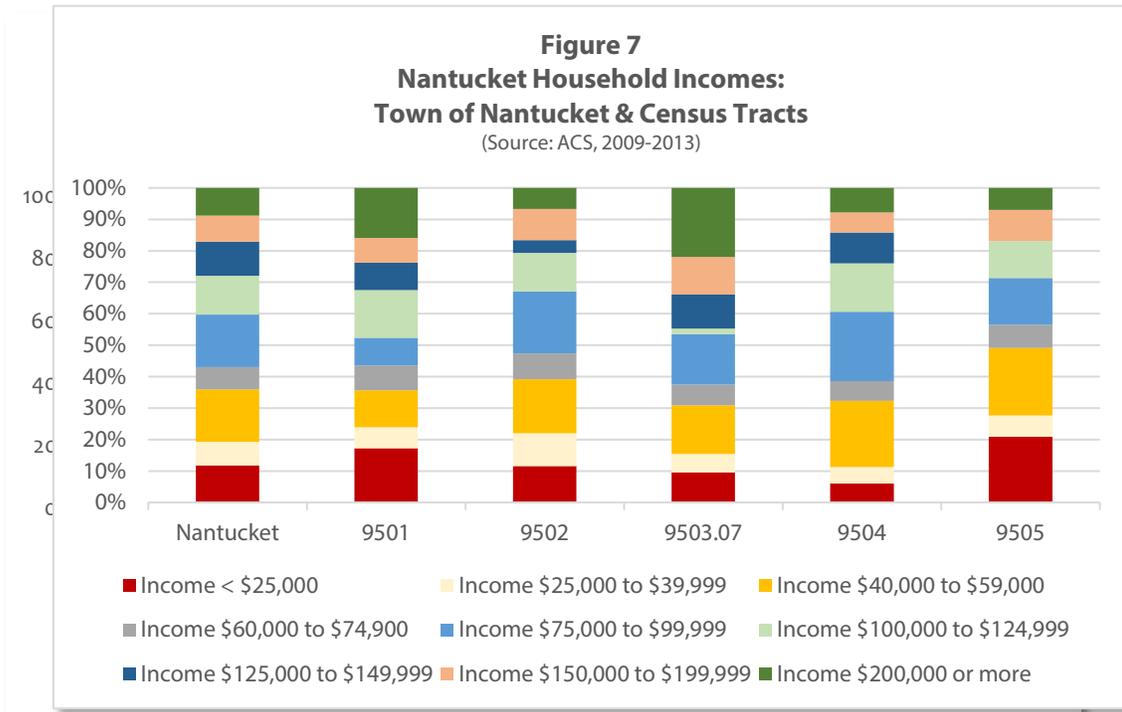
INCOMES

Massachusetts ranks fifth in the nation for median household income, which means that overall, its resident households enjoy a comparatively high standard of living. Nantucket is one of the wealthiest communities in the state, so its households tend to be fairly well-off. For example, households with incomes below \$25,000 comprise 12 percent of all year-round households on Nantucket, but 20 percent throughout the Commonwealth. Approximately 27 percent of Nantucket households and 22 percent of the state’s households have incomes over \$125,000. Still, Nantucket’s household wealth is not evenly distributed throughout the island. As shown in Figure 72.6, the percentage of upper-income households on the west side of the island is larger than any other area. By contrast, moderate-income households tend to be most prevalent in Mid-Island neighborhoods and along the south side of Nantucket.

Household wealth on Nantucket is unevenly distributed by race and ethnicity, too, but the differences are more difficult to quantify. First, when the number of people in a population sample is very small, the Census Bureau does not publish income statistics. As a result, there are no race and income estimates for some parts of Nantucket. Second, the Census Bureau reports household income as the sum of income of all people 18 and over in the household, regardless of familial status. Accordingly, household income for a group of unrelated people occupying a single housing

²⁹ Census 2010, H12.

unit is the sum of their individual incomes. Poverty indicators shed more light on income differences on Nantucket because poverty is reported for households, families, and individuals. For example, 14 percent of Nantucket’s year-round population has incomes below poverty, but the corresponding statistics for African American residents is almost 20 percent, and for Hispanic or Latino residents, 30 percent.³⁰ Hispanic or Latino households in the Mid-Island area have the lowest median income of any group on Nantucket: \$26,939.³¹



As in most communities, the economic position of families in Nantucket is generally better than that of all households (including families and nonfamilies). This is true for a few reasons: first, family households tend to be younger, so they are more likely to be in the labor force, and second, married-couple families in particular (which still make up the majority of families with children) often have more than one wage earner. The situation for single-parent families is quite different. Among the working-age population, single-parent families and one-person households have fairly low incomes – low relative to the cost of Nantucket’s market-rate housing and even relative to price-controlled housing such as units available through the Housing Needs Covenant Program.

³⁰ ACS 2009-2013 Five-Year Estimates, B06012, B170011.

³¹ ACS 2009-2013 Five-Year Estimates, B190311.

Table 2.7. Median Income: Families with Children by Family Type and Working-Age One-Person Households

	Median Family Income	Families with Dependent Children		Ages 15-64	
		Married Couples	Single Parents	Men Living Alone	Women Living Alone
Massachusetts	\$84,900	\$113,187	\$28,116	\$43,901	\$40,542
Nantucket (Town)	\$92,500	\$106,667	\$53,505	\$51,280	\$46,947
Census Tract 9501	\$101,042	\$106,591	\$60,784	\$76,953	\$53,500
Census Tract 9502	\$86,769	\$95,917	\$44,022	\$37,869	\$46,108
Census Tract 9503.07	\$122,500	\$61,875	-	-	-
Census Tract 9504	\$110,288	\$114,750	\$55,000	\$55,096	\$51,583
Census Tract 9505	\$81,989	\$88,641	\$21,406	-	\$48,906

Source: ACS 2009-2013, B19215, B19216, and RKG Associates, Inc.

Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Housing Characteristics

It is harder to confirm the number of housing units in a community than many people realize. To the general public, a housing unit is a single-family home or two-family home, an accessory apartment, an apartment in a multi-family building or a townhouse condominium: “A room or enclosed floor space used, or to be used, as a habitable unit for one family or household, with facilities for sleeping, cooking and sanitation” - that is, a dwelling unit as defined in Nantucket’s zoning bylaw. However, the official housing count reported by the Census Bureau every ten years is a little different. Under the Census Bureau’s broad definitions of “housing,” rooms in boarding houses and retirement homes ~~can may~~ qualify as housing units. The federal definition also includes structures or portions thereof that are not classified (or regulated) as housing under the State Building Code, e.g., mobile homes, recreational vehicles, and boats, and rooms or groups of rooms without separate cooking or sanitation facilities. For purposes of this ~~study housing plan~~, “housing unit” means what most people generally think of as housing, i.e., it does not include recreational vehicles. It could include some types of shared quarters, such as single-room occupancy (SRO) units, but not employer-owned dormitory housing ~~or elder care facilities~~ such as ~~the units owned by Nantucket~~ Our Island Resorts for its summer workers Home.

Nantucket has absorbed a higher rate of housing growth than most parts of the state. Between 2000 and 2010, Nantucket’s housing inventory increased by 2,408 units, or 26.1 percent. However, seasonal housing increased 30 percent, from 5,170 units in 2000 to 6,722 units in 2010, outpacing total housing growth – that is, demand for seasonal housing on Nantucket appeared to be reducing the supply of year-round housing. More recent estimates from the American Community Survey place seasonal housing on Nantucket at 7,137 units, i.e., an increase of about 400 units since 2010. Moreover, the ACS estimates that the total number of year-round occupied units has fallen to 4,069

(from 4,229 in 2010) while the number of year-round owner-occupied units has increased to 2,667 units (from 2,475 in 2010).³² Most of the drop in year-round units has occurred among rental units. Together, these trends seem to provide some support for the perceptions of Nantucket residents who say that year-round rental options have decreased significantly. They say that today, rental vacancies are often filled by word-of-mouth and other informal means because anyone advertising an apartment for rent will likely receive hundreds of requests.

Existing Inventory

One of Nantucket’s greatest housing challenges involves its limited range of housing choices and price points, which in turn reflect the town’s land use regulations and infrastructure (notably a limited sewer service area), and market expectations. The overwhelming majority of housing units on Nantucket are detached single-family homes. This makes sense given the town’s historic development patterns, but it is not a very efficient use of land or an economical way to create affordably priced units. Mixed residential uses exist in the more densely settled areas of Nantucket, notably downtown and the Mid-Island neighborhoods. These settings include two-family homes or row houses, some multifamily dwellings, and sometimes apartments above commercial space as well, and it is in the Mid-Island neighborhoods that over 80 percent of Nantucket’s year-round renters live.³³ In many parts of Nantucket there are privately owned residential lots with two detached single-family homes, i.e., a principal dwelling and a cottage, with both units under common ownership unless one is conveyed subject to an affordable housing restriction (Nantucket Housing Needs Covenant). Table 2.8 summarizes Nantucket’s housing inventory by unit types.

Location	Total Housing Units	1-Family Detached	Townhouse	Duplex	Multi-Family 3-9 Units	Multi-Family 10+ Units	RV, Boats
Massachusetts	2,808,549	52.3%	5.1%	10.3%	17.0%	14.5%	0.9%
Nantucket (Town)	11,650	85.0%	3.4%	6.3%	3.6%	0.6%	1.2%
Census Tract 9501	2,989	89.7%	0.7%	5.6%	2.4%	0.5%	1.2%
Census Tract 9502	3,114	73.9%	7.4%	10.7%	5.7%	0.4%	1.9%
Census Tract 9503.07	1,191	89.8%	4.1%	1.1%	1.8%	0.0%	3.3%
Census Tract 9504	1,640	78.7%	3.5%	11.2%	6.5%	0.0%	0.0%
Census Tract 9505	2,716	94.3%	1.3%	1.3%	1.3%	1.5%	0.4%

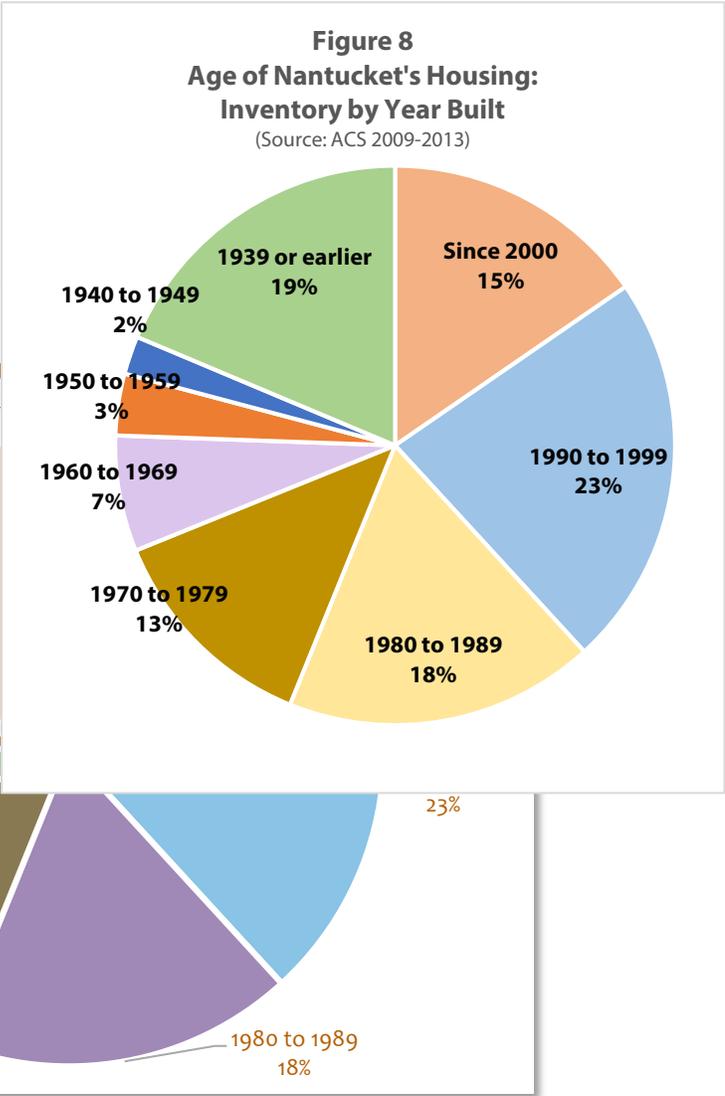
Source: ACS Five-Year Estimates 2009-2013, B25024.
 Note: Census 2010 reported Nantucket’s actual housing count as 11,618 units.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

³² Census 2010, Census 2000, H1, H3, H4; and ACS 2009-2013 Five-Year Estimates, B25003.

³³ ACS 2009-2013 Five-Year Estimates, B25032.

HOUSING AGE AND SIZE

Compared with the state as a whole, Nantucket has fairly new housing units. This may come as a surprise to some Nantucket residents or visitors, especially since Nantucket’s iconic downtown has such an enviable collection of well-



preserved historic residences. However, Nantucket has grown so much since the 1970s (Figure 82.7) that all of its late-twentieth century homes have a dramatic impact on the island’s housing age profile. Today, the median year built for all housing on Nantucket (year-round and seasonal) is 1983, compared with 1958 for the state.³⁴

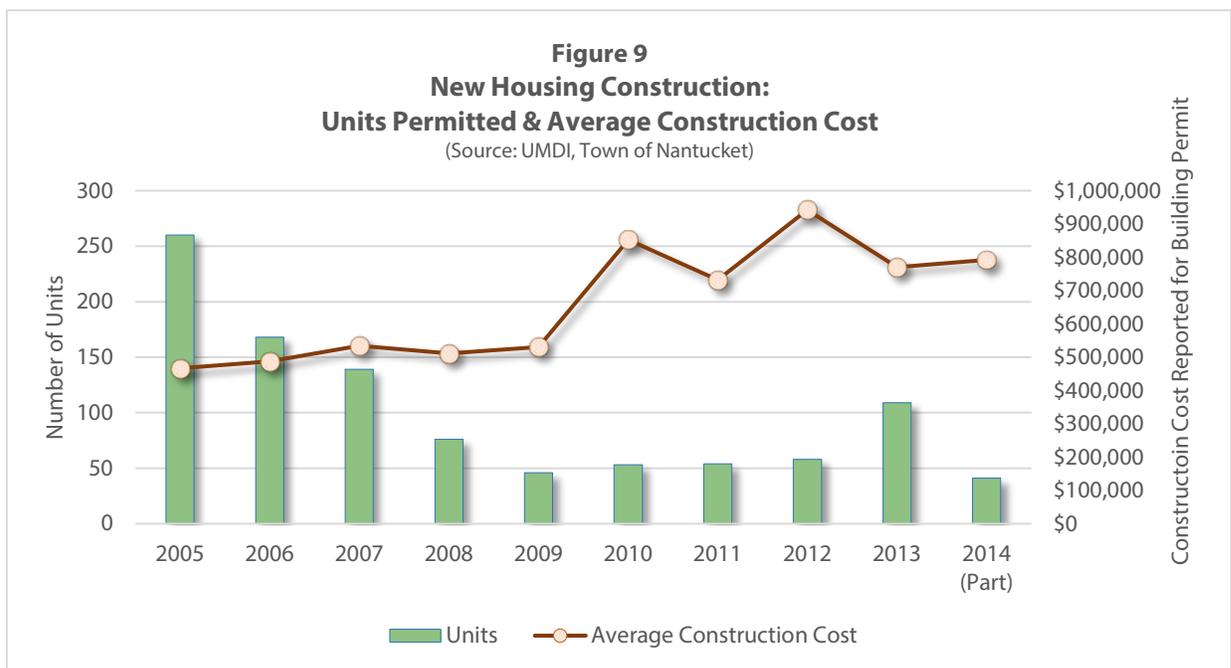
Nantucket’s owner-occupied housing is similar in size and basic amenities to owner-occupied units throughout Massachusetts. The most significant differences can be found in and around the downtown area, where there are many large historic houses that tend to dominate the housing

³⁴ ACS 2009-2013 Five-Year Estimates, B25035.

inventory. Overall, however, the majority of owner-occupied homes in Massachusetts and Nantucket are three- or four-bedroom dwellings with cooking and plumbing facilities, basic utilities, and reasonable space for vehicle parking. While renter-occupied units elsewhere in the state are comprised primarily of one- or two-bedroom apartments, Nantucket’s rental units tend to be a little larger, and this is due to the composition of Nantucket’s rental stock: many single-family and two-family homes as opposed to multi-family apartment developments.

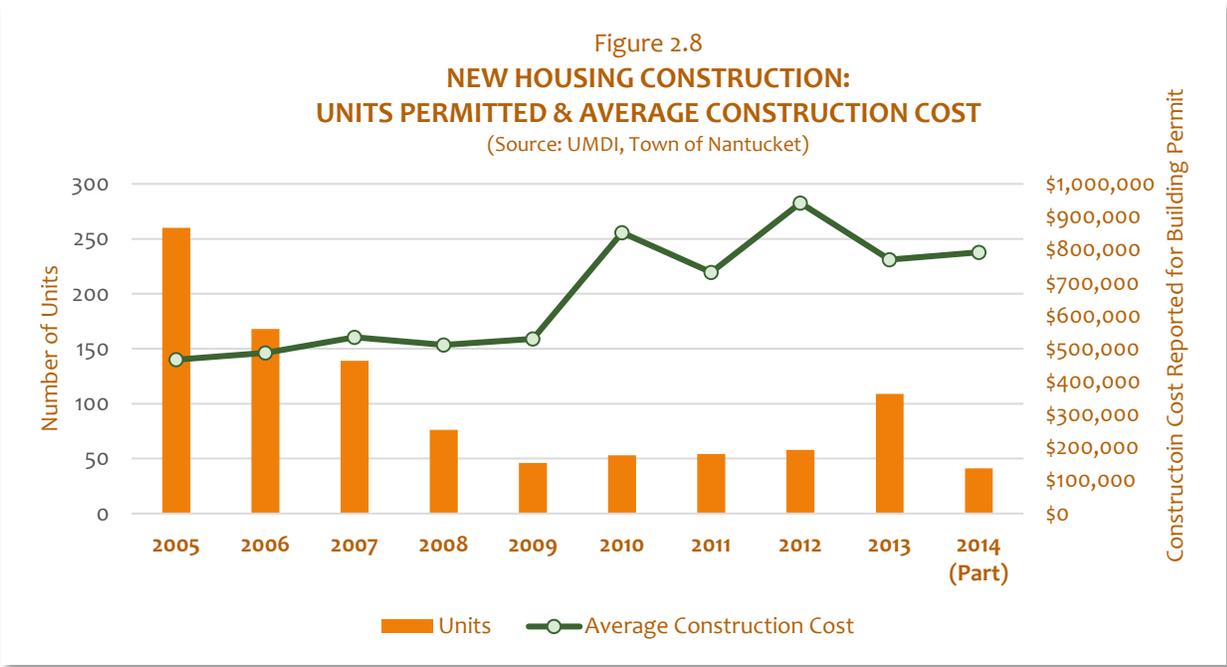
RESIDENTIAL CONSTRUCTION

Data from the UMass Donohue Institute (UMDI) indicate that between 2005 and 2013, Nantucket issued building permits for 975 new homes, nearly all detached single-family dwellings. It is little wonder that Nantucket housing sale prices are so high. In 2013, the most recent year for which annual data have been released, the average construction cost reported for new units, excluding the land cost, was \$770,225.³⁵ Though less than the average reported in 2012, an average reported construction cost of over \$770,225 is very high – higher than the average reported in Boston’s affluent west suburbs. Figure 9 shows that the average construction cost per unit increased sharply in 2010, and while it has fluctuated since then, there appears to be an emerging pattern of rising costs per unit. For the portion of 2014 that is available from the Town, the average cost is up slightly: \$782,000.³⁶



³⁵ N.B. Local governments (including Nantucket) report new residential permits and average construction cost per unit on a monthly basis to the federal government. UMDI simply summarizes the locally generated data. In RKG’s experience the federal numbers are largely accurate for new single-family homes, but new multifamily units tend to be under-reported.

³⁶ Town of Nantucket, Building Department, April 2015.

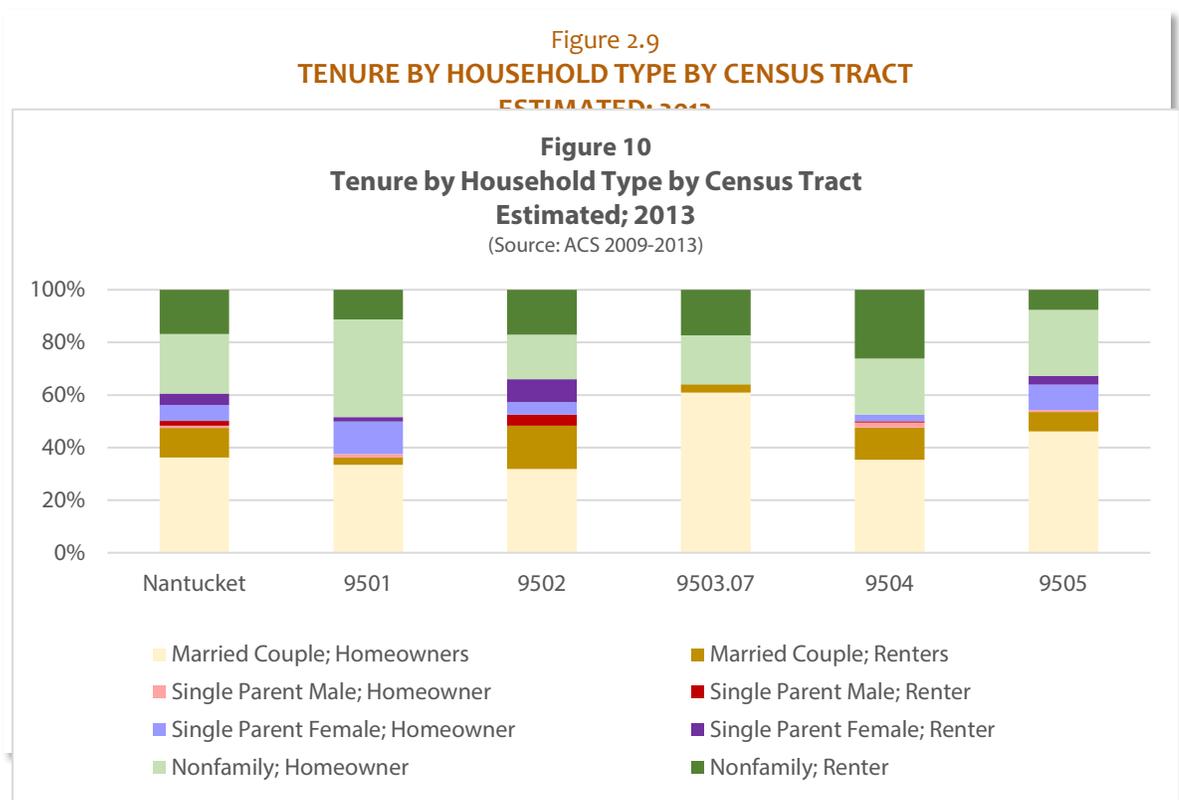


In addition to new home construction permits, Nantucket issues almost twice the number of permits for renovation and alteration projects that increase the value of local homes. Some of the new single-family units are actually replacements for demolished older residences, too. In the first four months of 2014, for example, Nantucket issued eleven residential demolition permits (excluding sheds).³⁷

Occupancy, Tenure, and Household Size

³⁷ Ibid.

Most year-round residents of Nantucket and the state as a whole own the house they live in, yet in many ways Nantucket’s housing tenure statistics differ from those of the Commonwealth. Unlike Massachusetts as a whole, where the homeownership rate has incrementally increased over time,³⁸ Nantucket has experienced fluctuating owner-occupancy conditions, from 63 percent in 2000 to 58 percent in 2010 and most recently, an estimated 66 percent in 2013. Overall, Nantucket has more owner-occupant newcomers on one hand and more long-term renters on the other hand, but these differences do not apply town-wide. The neighborhoods with the largest shares of long-time homeowners lie along the island’s north side, and long-time renters, in the downtown area.³⁹ Also, non-family households and single-parent families headed by women are primarily homeowners in Nantucket, but statewide they are primarily renters. Similarly, single-parent families headed by



³⁸ U.S. Census Bureau, Current Population Survey/Housing Vacancy Survey (CPS/HVS), Housing Vacancies and Homeownership, Annual 2014 and Historical Tables.

³⁹ ACS 2009-2013 Five-Year Estimates, B25039.

men are primarily renters on Nantucket but homeowners elsewhere in Massachusetts.⁴⁰ Figure 102.9 reports tenure by household type for the town and its five census tracts.

Comparing ACS estimates with decennial census data can produce some distortions because the former is based on a comprehensive, monthly population survey and the latter, a point-in-time actual count. Nevertheless, trends that corroborate informal accounts from Nantucket residents can be gleaned from these sources. Since 2010, for example, the average renter household size has gradually increased, and the shift in the average statistic stems primarily from growth among large renter households, i.e., households with more than four people. Seventy percent of the island's large renter households live in Mid-Island neighborhoods near the airport, where a majority of Nantucket's African American, Hispanic or Latino, and lower-income households reside.⁴¹

The average renter household size has gradually increased in Nantucket . . . Seventy percent of the island's large renter households live in Mid-Island neighborhoods near the airport, where a majority of Nantucket's African American, Hispanic or Latino, and lower-income households reside.

Income, Tenure, and Housing Costs

Under a long-standing federal guideline, housing costs are considered affordable when they do not exceed 30 percent of a household's monthly gross income.⁴² Nantucket's local housing programs adopt the same definition of housing affordability to determine how much a household can afford to spend per month on housing. These amounts are shown in Table 2.9, along with area median income estimates by household size, along with the HUD Fair Market Rent (the maximum monthly rent for housing occupied by tenants with federal rental assistance).

⁴⁰ ACS 2009-2013 Five-Year Estimates, B11012.

⁴¹ Census 2010, H16 and HCT1; ACS Five-Year Estimates 2009-2013, B25009, DP03; HUD, Low- or Moderate-Income (LMI) Areas by Census Block Group, ACS 2007-2011.

⁴² M. Schwartz and E. Wilson, "Who Can Afford to Live in a Home? A Look at Data from the 2006 American Community Survey" Working Paper, U.S. Census Bureau. The conventional public policy indicator of housing affordability in the United States is the percent of income spent on housing. Housing expenditures that exceed 30 percent of household income have historically been viewed as an indicator of a housing affordability problem. The conventional 30 percent of household income that a household can devote to housing costs before the household is said to be burdened evolves from the United States National Housing Act of 1937, although the original standard was not 30 percent. In 1940, it was 20 percent and in 1969, Congress increased it to 25 percent. The 30 percent standard that applies today was established in 1981. See also, "Housing Affordability: Myth or Reality?," Wharton Real Estate Center Working Paper, Wharton Real Estate Center, University of Pennsylvania, 1992.

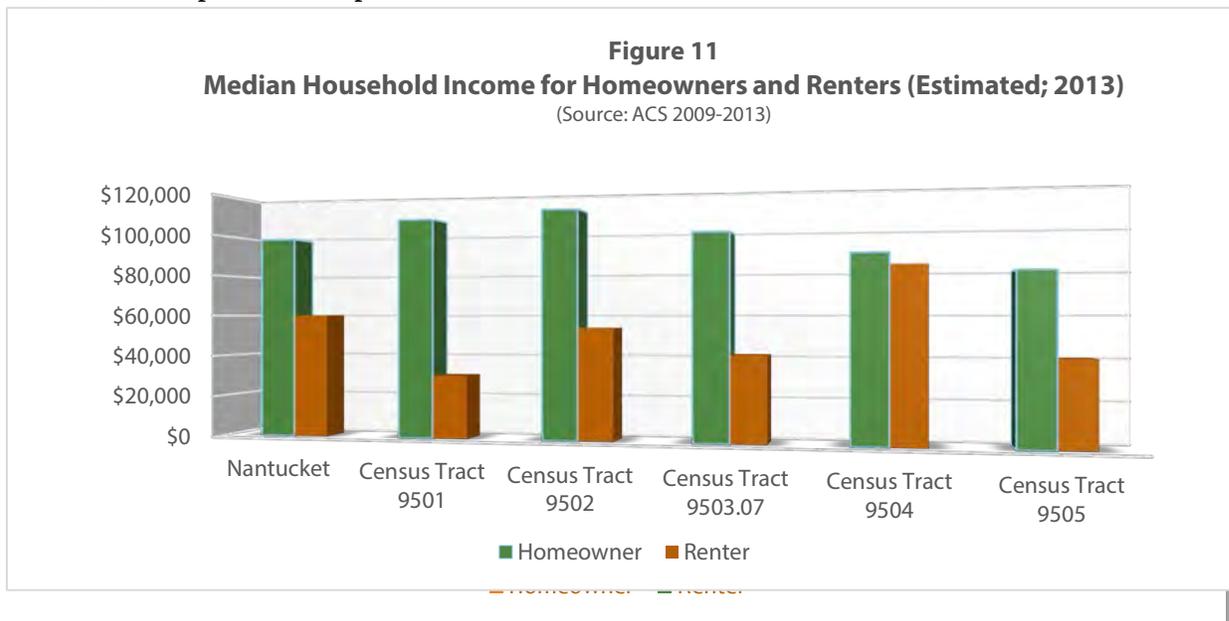
Table 2.9. Estimated Maximum Affordable Housing Cost by Household Type and Income (2015)

Household Size	2015 AMI	Unit Type	Maximum Affordable Housing Cost			HUD
			60% AMI	100% AMI	150% AMI	Fair Mkt. Rent
Single Person	\$69,813	studio or 1 BR	\$1,047	\$1,745	\$2,618	\$935
Two Person	\$79,750	1 or 2 BR	\$1,196	\$1,994	\$2,991	\$1,161
Three Person	\$89,750	2 or 3 BR	\$1,346	\$2,244	\$3,366	\$1,571
Four Person	\$99,688	2, 3, or 4 BR	\$1,495	\$2,492	\$3,738	\$2,205
Five Person	\$107,688	3 or 4 BR	\$1,615	\$2,692	\$4,038	\$2,213

Source: Housing Nantucket, 2015; HUD, Schedule B, Final 2015 FMRs for Existing Housing, Eff. 10/1/2014.
 Note: (1) Housing Nantucket’s 60% income limits are close to those established by the federal government for the Low-Income Housing Tax Credits (LIHTC) Program.
 (2) HUD Fair Market Rent is a payment standard for housing authorities that administer Section 8 assistance; it is not an affordable rent per se. HUD’s goal for the FMR is that it should be “high enough to permit a selection of units and neighborhoods and low enough to serve as many low-income families as possible.”
 (3) HUD Fair Market Rents do not precisely correspond with household size. For example, the FMR for a three-bedroom unit is \$2,205 regardless of whether the household includes three, four, or five people.

OWNER-OCCUPIED HOUSING

For many Nantucket homeowners, the cost of housing consumes a large share of their household income. Their income may be much higher than that of renters, but the purchase price of for-sale housing is also very high. In 2014, for example, Nantucket’s median single-family sale price was \$1,225,000 – up almost 20 percent over 2013.⁴³



⁴³ The Warren Group, Town Stats Database.

As indicated in Figure 112.10, Nantucket’s median homeowner household income is \$97,985, with a census tract-level range from a low of \$80,417 to a high of \$110,804.⁴⁴ The median monthly housing cost for owner-occupied housing with a mortgage payment in Nantucket is \$3,026,⁴⁵ a figure technically affordable to a household with income of \$121,040, or about 35 percent of Nantucket’s existing homeowners. In Massachusetts overall, approximately 34 percent of all homeowners spend more than 30 percent of their monthly income on a mortgage payment, taxes, and insurance – the basic components of homeowner housing costs. As such, these homeowners fit the federal definition of **housing cost burden**.⁴⁶ Significantly, Table 2.10 reports that over half of Nantucket’s year-round homeowners are housing cost burdened and nearly 30 percent are **severely cost burdened**, which means their housing costs exceed 50 percent of their monthly gross income.⁴⁷

Table 2.10. Comparison Homeowner Housing Values and Monthly Housing Cost Estimates*						
Location	Median Housing Cost	Lower Value Home	Median Value Home	Upper Value Home	Housing Cost Burden	Severe Cost Burden
Massachusetts	\$1,705	\$230,500	\$330,100	\$464,900	34.4%	13.6%
Nantucket	\$2,365	\$651,800	\$929,700	1,000,000+	53.0%	29.9%
Census Tract 9501	\$1,851	\$786,900	\$1,000,000+	1,000,000+	42.0%	23.5%
Census Tract 9502	\$2,739	\$581,100	\$832,000	1,000,000+	54.5%	28.6%
Census Tract 9503.07	\$1,583	\$475,000	\$890,600	1,000,000+	35.5%	28.0%
Census Tract 9504	\$2,771	\$632,000	\$891,300	1,000,000+	63.9%	37.4%
Census Tract 9505	\$1,948	\$777,100	\$1,000,000+	1,000,000+	53.3%	31.1%

Source: ACS 2009-2013 Five-Year Estimates, and RKG Associates.
 Notes: (1) The Census Bureau does not report specific housing values over \$1 million; (2) Homeowner housing cost burden includes homeowners both with and without a mortgage.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

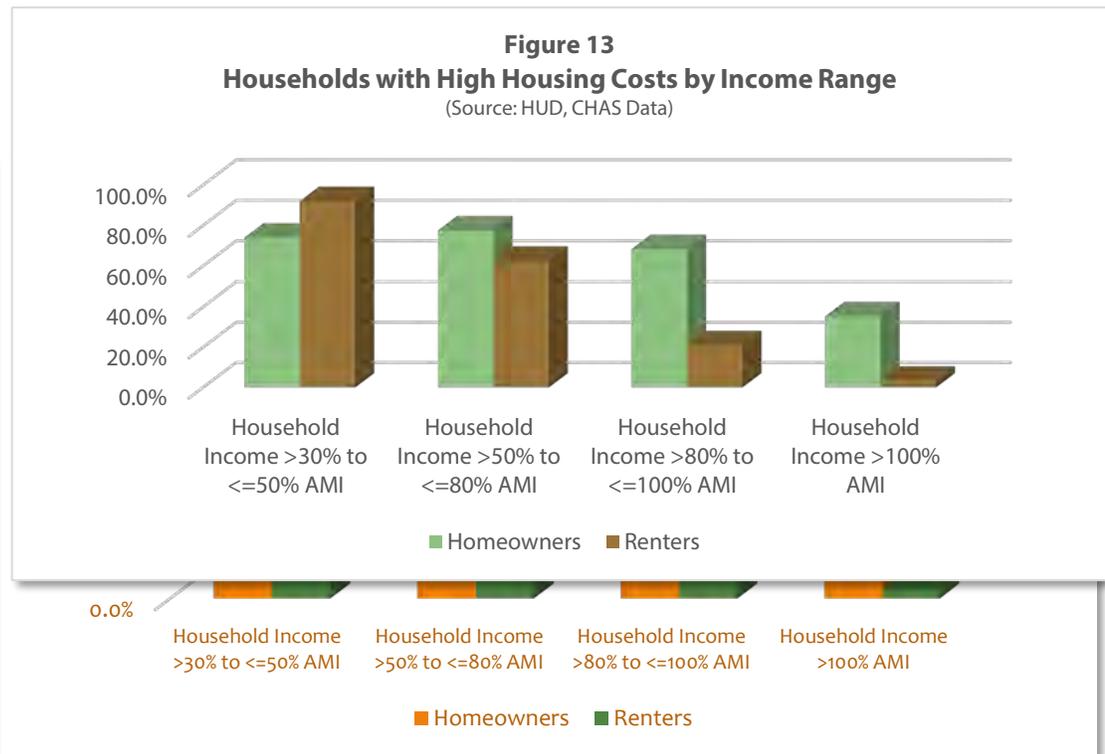
⁴⁴ ACS 2009-2013 Five-Year Estimates, B25119.

⁴⁵ ACS 2009-2013 Five-Year Estimates, B25008.

⁴⁶ N.B. California has the highest percent of mortgaged homeowners with housing burden of any state in the U.S, followed by Hawaii, Nevada, Florida, New Jersey, Rhode Island, and Massachusetts, although burden for all of these states is similar to California.

⁴⁷ ACS 2009-2013 Five-Year Estimates, B25092.

It is possible that some of Nantucket’s housing cost burdened homeowners have chosen to “buy up” to larger, amenity-laden homes instead of purchasing a more modest and affordable unit. However, available data indicate that this is not really the case. HUD’s Comprehensive Housing Affordability Strategy (CHAS) Data show that most technically affordable units are occupied by higher-income households and that at any given time, there is only a handful of vacant, modestly priced homes on the market.⁴⁸ The high cost of housing for Nantucket homeowners is particularly challenging for lower-income residents. According to a special tabulation of census data published by HUD, housing cost burden affects 78 percent of Nantucket homeowners with incomes between 50 and 80 percent AMI and 68 percent of homeowners with incomes between 80 and 100 percent



AMI. Nantucket’s homeownership affordability problems have little to do with ambitious homebuyers and everything to do with a severe shortage of appropriately priced supply.

RENTER-OCCUPIED HOUSING

Nantucket’s median renter household income is \$60,104, but the census tract median ranges widely from a low of \$30,625 to a high of \$83,512 (Figure 142.10).⁴⁹ The higher-end income is deceptive because it includes income from all sources for everyone in the household over 15 years, including relatives and nonrelatives.⁵⁰ This is significant for a census tract like 9504 (Airport/Mid-

⁴⁸ CHAS Data, Tables 15A, 17A.

⁴⁹ ACS 2009-2013 Five-Year Estimates, B25119.

⁵⁰ U.S. Census Bureau, *American Community Survey and Puerto Rico Community Survey 2013 Subject Definitions*, 82.

Island/Surfside), where many households include non-relatives who share housing costs in order to make ends meet.

Rents on Nantucket are much higher than throughout Massachusetts and in some cases, higher than market rents in the Greater Boston area. Town-wide, an estimated 41 percent of all renters are housing cost burdened, paying more than 30 percent of their monthly gross income for rent and basic utilities. Nantucket’s unaffordably housed renters are concentrated in the Town area and the island’s west end, where the percentages of rental housing cost burden exceed the state average (50 percent). Local sources say these statistics are skewed due to the very small number of rental units in Nantucket’s Town neighborhoods. This may be true, but since Nantucket’s supply of year-round rental units is so deficient, it would be a mistake to think that housing cost burdened renters simply choose to live in an expensive area.

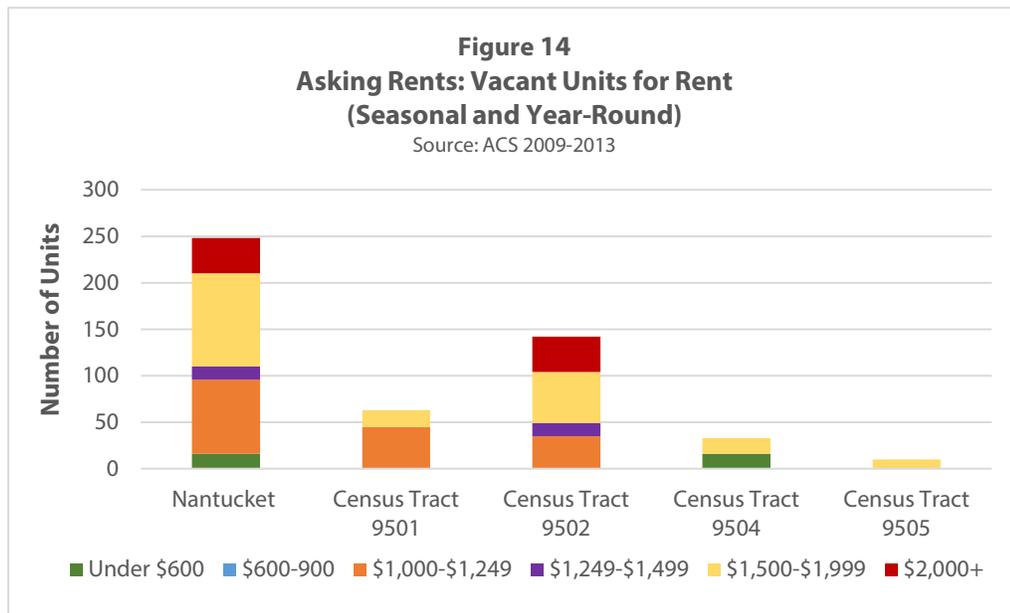
Table 2.11. Comparison Rent Estimates

	Median Gross Rent	Lower Contract Rent	Median Contract Rent	Upper Contract Rent	Housing Cost Burden	Severe Cost Burden
Massachusetts	\$1,069	\$614	\$936	\$1,320	50.3%	25.8%
Nantucket (Town)	\$1,564	\$900	\$1,443	\$1,858	40.8%	17.4%
Census Tract 9501	\$1,320	\$1,080	\$1,228	\$1,418	68.5%	33.3%
Census Tract 9502	\$1,700	\$821	\$1,543	\$2,000+	46.7%	17.9%
Census Tract 9503.07	-	-	-	-	66.7%	0.0%
Census Tract 9504	\$1,581	\$1,086	\$1,420	\$1,733	24.3%	16.4%
Census Tract 9505	\$1,200	\$388	\$1,200	\$1,750	42.7%	9.8%

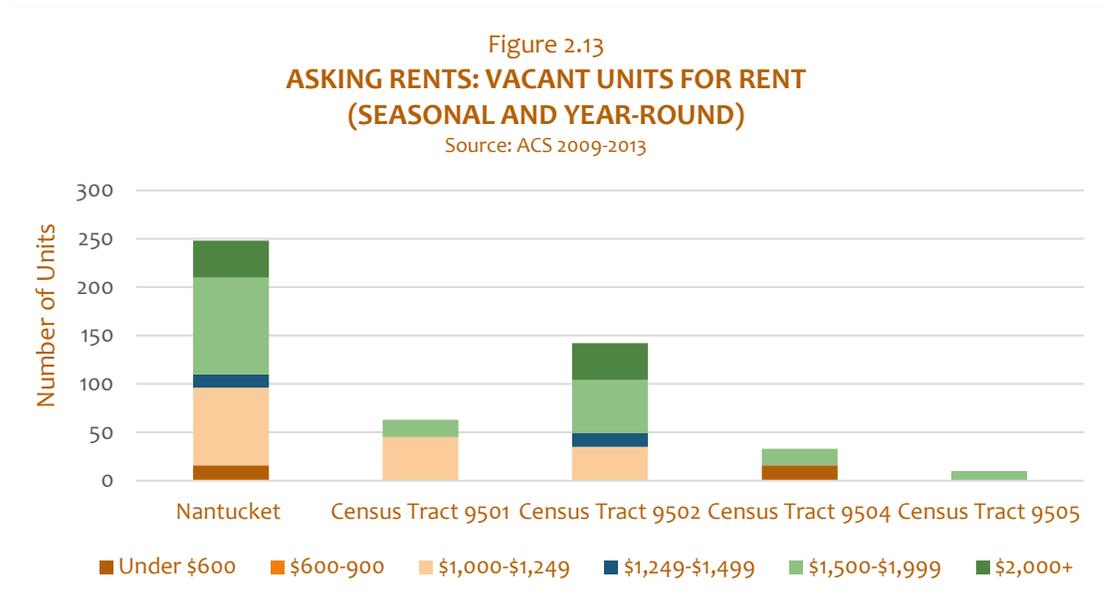
Source: ACS 2009-2013 Five-Year Estimates.
 Notes: The Census Bureau does not report gross and contract rent estimates for Tract 9503.07 because the number of rental units is so small.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Unlike conditions statewide, most of Nantucket’s housing cost burdened renters are working-age people – especially young people under 34 years – not senior citizens. The author estimates that the percentage of renters with housing cost burdens is considerably higher than the Census Bureau’s data suggest, based on informal interviews and anecdotal information obtained during site visits in January and February 2015. Furthermore, what the Census Bureau reports as affordably housed renters masks an underlying problem for many of Nantucket’s lower-income wage earners: housing units over-occupied by unrelated people who pool their resources in order to find housing they can afford.

Asking Rents. In the past few years, over half of all vacant rental units on Nantucket came with asking rents of \$1,500 or more, and less than 7 percent with asking rents below \$1,000.⁵¹ The ACS reports an average of 248 units offered for rent at any given time, including both year-round and seasonal units and private and public housing. These are **contract rents** (what the landlord will charge), not **gross rents** (contract rent plus basic utilities), though some rental units include utilities that tenants do not have to pay out of pocket. Figure 14.13 displays the distribution of asking rents for the island as a whole and the five census tracts based on monthly surveys conducted by the Census Bureau between 2009 and 2013.



⁵¹ ACS 2009-2013 Five-Year Estimates, B25061. Recent issues of *The Inquirer and Mirror* have included ads for some summer and winter rentals, but the only year-round rentals have been furnished rooms in a private residence, a partially furnished one-bedroom apartment in Madaket for \$2,000/month, and a four-bedroom home without a published asking rent.



Renters informally interviewed for [this study say Housing Nantucket's Workforce Housing Needs Study \(2015\) said](#) the Census Bureau's data underestimate actual market conditions on Nantucket and stop short of capturing the more compelling problems: lack of supply on one hand, and an existing supply that includes many units with code violations on the other hand. The perceptions of local renters are largely borne out through social media, where people looking for apartments often go, hoping for a more efficient source of information than word-of-mouth referrals.

LOW- OR MODERATE-INCOME RESIDENTS

According to the HUD, about 38 percent of Nantucket's year-round households have low or moderate incomes as that term is used in most housing programs (Map 2.2).⁵² Some people may find this surprising because Nantucket also has year-round household wealth and a seasonal population that is extraordinarily wealthy, but it is not uncommon for resort communities to have more low- or moderate-income residents than is readily apparent. HUD estimates that 30 percent of Nantucket's homeowners and 49 percent of its renters have incomes below 80 percent AMI. HUD's estimates shed even more light on the households most affected by Nantucket's very high housing costs, however. As illustrated in Figure 2.11, the highest incidence of housing cost burden occurs among the island's lowest wage earners: working-age people with incomes at or below 50 percent AMI. Housing cost burden affects anywhere from 74 to 86 percent of the residents in this lower-income group. In current dollars, this means a household of four with income under \$49,890 – or more accurately, a household of two with income under \$39,900.⁵³ For

⁵² HUD, Comprehensive Housing Affordability Strategy (CHAS) Data, retrieved from HUD/PDR.

⁵³ HUD, 2015 Income Limits, release date March 9, 2015.

the single people and very small families that make up most of the households with incomes below 50 percent AMI, the maximum affordable rent, including utilities, is \$998 (and usually much less). Nantucket does not have an adequate supply of affordably priced rentals for its working poor: people whose incomes are ~~at or below the 60 percent AMI threshold for “workforce housing” under Nantucket’s local housing assistance programs, too low for programs like the Nantucket Housing Needs Covenant Program and even most Chapter 40B rental units.~~

Price-Restricted Housing

Most communities have some modestly priced housing: small, older single-family homes that are less valuable than new homes, multi-family condominiums, or apartments that can be leased for relatively low monthly rents. This type of affordable housing often stays affordable as long as the market will allow. As Nantucket is well aware, market demand for luxury vacation homes can place tremendous pressure on these units, resulting in major renovations or demolition/reconstruction that effectively reduces the community’s supply of affordable housing. Under a Massachusetts law that went into effect in 1969, however, all communities are supposed to have housing that is affordable to low-income households and remains affordable to them even when home values appreciate under robust market conditions. These units remain affordable because their resale prices and rents are governed by a deed restriction that lasts for many years, if not in perpetuity. Both types of affordable housing meet a variety of housing needs and both are important. The crucial difference is that the market determines the price of unrestricted affordable units while a recorded legal instrument determines the price of deed restricted units. There are other differences, too. For example, any household - regardless of income - may purchase or rent an unrestricted affordable unit, but only a low- or moderate-income household is eligible to purchase or rent a deed restricted unit.

Chapter 40B

When less than 10 percent of a community's housing consists of deed restricted affordable units, M.G.L. c. 40B, Sections 20-23 ("Chapter 40B") authorizes the Zoning Board of Appeals to grant a comprehensive permit to qualified affordable housing developers. The 10 percent minimum is based on the total number of **year-round housing units** reported in the most recent decennial census; for Nantucket, this currently means that 490 units out of 4,896 must be affordable for low- and moderate-income households (Census 2010). A comprehensive permit is a type of unified permit: a single permit that replaces the approvals otherwise required from separate city or town permitting authorities. Sachem's Path is an example of a Chapter 40B comprehensive permit development. Chapter 40B supersedes zoning and other local regulations that make it too expensive to build low- and moderate-income housing. By consolidating the approval powers of multiple town boards, the state legislature hoped to provide more low-income housing options in suburbs and small towns. Under Chapter 40B, the Zoning Board of Appeals may approve, conditionally approve, or deny a comprehensive permit, but in communities that do not meet the 10 percent minimum, developers may appeal to the state Housing Appeals Committee (HAC). Although comprehensive permits may still be granted after a town achieves the 10 percent minimum, the HAC no longer has authority to overturn a local board's decision.

~~The Massachusetts Department of Housing and Community Development (DHCD) maintains a list of the deed restricted affordable units in each city and town. Known as DHCD maintains~~ the Chapter 40B Subsidized Housing Inventory (SHI), the list determines whether a community meets the 10 percent minimum. ~~The SHI is also is~~ used to track expiring use restrictions, i.e., when non-perpetual affordable housing deed restrictions will lapse. As shown in Table 2.12, Nantucket's SHI currently includes ~~121~~ 121 affordable units, or 2.5 percent of the island's year-round housing units. The ~~121~~ 121-unit affordable housing inventory represents a ~~21~~ 21-unit gain between 2000 and 2010: a fraction of the island's total housing growth of 2,400 units in the same period. Moreover, the affordable housing restriction for eighteen SHI units ~~is at Landmark House (HUD 202) was scheduled to expire this last year is at Landmark House, a HUD 202 development for the elderly. In addition, the, but it was reportedly extended. The~~ restriction controlling twelve of the twenty-seven units at the Academy Hill School – also reserved for seniors - will expire near the end of 2016.

Table 2.12. Nantucket’s Chapter 40B Inventory (2016)

Development	Location	Housing Type	SHI Units	Restriction Expires	Subsidizing Agency
Miacomet Village I	3 Manta Drive	Rental	10	Perpetual	DHCD
Miacomet Village I	3 Manta Drive	Rental	12	Perpetual	DHCD
Miacomet Village II	Norquarta Drive	Rental	19	5/1/2047	FHLBB, RHS
Housing Authority	Benjamin Drive	Rental	5	Perpetual	HUD
Academy Hill School	Westminster St.	Rental	27	12/1/2016	MassHousing, HUD
Landmark House	144 Orange St.	Rental	18	2015*	HUD 202, RHS
Landmark House II	Orange St.	Rental	8	2041	FHLBB, HUD
DMH Group Homes	Confidential	Rental	5	N/A	DMH
Norquarta Drive	Norquarta Drive	Rental	2	Perpetual	DHCD
Dartmouth Street	Dartmouth Street	Rental	2	Perpetual	Town of Nantucket
Norwood Street	Norwood Street	Rental	1	Perpetual	Town of Nantucket
Irving Street	Irving Street	Rental	1	Perpetual	Town of Nantucket
Clarendon Street	Clarendon Street	Rental	1	Perpetual	Town of Nantucket
Abrem Query	2-4-6-8 Folger Ave	Own	7	Perpetual	FHLBB
Beach Plum Village	15-19 Rugged Rd; 6-8 Scotts Way	Own	3	Perpetual	MassHousing
Sachem’s Path	Surfside Road	Own	4	Perpetual	DHCD

Sources: DHCD, Housing Nantucket
 *Use restriction extended; new term has not been verified.

Continuum of

Affordable Housing Providers

DHCD does not “count” all of Nantucket’s deed-restricted housing on the SHI. In most cases this is because Nantucket’s affordable units tend to be restricted for households with higher incomes than the state defines as low or moderate income. There are also developments with an approved comprehensive permit and partially under construction, but the SHI-eligible units have not been built or simply have not been added to the state’s list. The following local initiatives to create affordable housing are either ineligible or not ready for listing in the SHI.

NON-PROFIT ORGANIZATIONS

- **Housing Nantucket.** Twenty-four out of thirty-one rental units and fifty-six covenant homes for year-round residents with incomes up to 150 percent AMI.

- **Habitat for Humanity.** Six homeownership units and one currently under construction. ~~Habitat, one is also scheduled to construct four of the affordable units at Sachem's Path, and two more are planned.~~
- **Nantucket Housing Authority/Housing Assistance Corporation of Cape Cod.** Sachem's Path, a 36-unit homeownership development under construction on land owned by the Nantucket Housing Authority, will eventually generate eight SHI-eligible units. (The remaining twenty-eight units will be "Nantucket affordable," i.e., for households with incomes between 100 and 150 percent AMI.) The Town has made a considerable investment in Sachem's Path with Community Preservation Act (CPA) funds.
- **Nantucket Education Trust (NET).** Several years ago, the NET created twelve employer-assisted housing for teachers on Cow Pond Lane near the school complex. The project is not actually occupied by many teachers, but the units exist and they are available to the general public when there is not enough interest from school department employees. In 2015, the Cow Pond Lane units provide housing for four school department workers, three town employees, and five other Nantucket households unrelated to the schools.⁵⁴

TOWN OF NANTUCKET:

- **Town:** One year-round ~~well~~ingdwelling at 38 Westchester Street, used as entry housing for department heads.
- **Department of Public Works.** Four year-round units for employees at the Surfside Wastewater Treatment Facility (one one-bedroom unit, one two-bedroom unit, and two three-bedroom units).⁵⁵
- **Airport:** One year-round dwelling unit with six to eight beds.
- **Nantucket Police Department.** Seasonal housing at LORAN Station for summer reserve officers and community service officers; forty-two beds, including eight for female employees; and seasonal housing for lifeguards, including 47 Okorwaw Avenue (ten beds), 109 Washington Street Ext. (four beds), and 39 Washington Street (twelve beds).

EMPLOYER-ASSISTED HOUSING:

There is no comprehensive inventory of employer-owned housing on Nantucket, ~~but several and no organization focusing exclusively on developing and managing employer-owned housing.~~ Several private employers are known to provide short-term or seasonal housing for their workers.

⁵⁴ Caitlin Waddington, Nantucket Community School, by email, March 18, 2015.

⁵⁵ Kara Buzanoski, Nantucket DPW Director, by email, March 18, 2015.

- One of the island’s largest employers, **Nantucket Island Resorts, Inc.**, maintains 210 beds for seasonal employees of its five hotels and marina. Most of the beds are actually reserved for experienced hospitality workers returning to Nantucket for the summer season. Nantucket Island Resorts employs about 400 people at peak season, so the dormitory beds accommodate just a little over half of its seasonal workers.⁵⁶ -The company also employs fifty-five to fifty-six year-round workers, all of whom depend on other privately owned housing on Nantucket. ~~Other examples of employer-owned housing for workers include~~
- **Something Natural**, a popular sandwich and specialty foods shop owned by Selectman Matt Fee, which provides housing for approximately twenty-four of its fifty seasonal employees.⁵⁷ ~~Other entities such as Stop & Shop are known to rent units to house their workers as well.~~
- The **Nantucket Cottage Hospital** owns twenty-six workforce housing units (combined total of 58 bedrooms) and leases ~~seventeen~~ additional units (~~2124~~ bedrooms).
- **The U.S. Coast Guard** owns ten three-bedroom units at Gouin Village and at LORAN Station, eight three-bedroom and two four-bedroom units.

~~Other entities such as Stop & Shop are known to rent units to house their workers as well, but the number of units is unknown.~~

RENTAL ASSISTANCE PROGRAM:

Nantucket’s **Interfaith Council** provides temporary financial assistance to help year-round renters with housing emergencies due to family illness, loss of work, or other unforeseen conditions, or to help them move from substandard units to safe, decent, year-round housing. Since there are no shelter facilities for the homeless on Nantucket, the Rental Assistance Program plays a critical role in helping to prevent homelessness with a flexible “stop-gap” subsidy. To qualify for help, renters must have lived on Nantucket for at least two years, have some source of employment, and live in legal (code-compliant) housing. Many applicants live in illegal units, so they can receive help only if they move to better housing. In a given year, the Rental Assistance Program helps sixty to seventy households with an overall program budget of approximately \$150,000.

While the Town, non-profit organizations, and local employers have taken steps to provide affordable housing, the existing level of effort and the existing approaches are not enough. The present inventory of deed-restricted units does not begin to meet Nantucket’s needs for affordably priced units at all market levels, from households with very low incomes to those earning

⁵⁶ Nantucket Island Resorts, interview, January 19, 2015.

⁵⁷ Matt Fee, interview, January 18, 2015.

somewhat more than the maximum for the Nantucket Housing Needs Covenant Program. There are about 500 renter households with incomes in a range that might qualify for a covenant homeownership unit (generally 80-150 percent AMI), but the program currently includes just fifty-six units, most of which were created from conveyances that occurred on the eve of the last recession (pre-December 2007). A unit-by-unit approach like that of the covenant program makes sense for growth management and housing preservation reasons, but it is not an efficient way to create housing for people who need it.

~~In addition, while the Town of Nantucket has created or otherwise provides for some housing for municipal and school employees, the majority of units established through Town-sponsored or Town-supported efforts are actually not workforce units; rather, they are for seniors. It must be very difficult for elderly residents who spent their working years as Nantucket homeowners or renters, only to find themselves without suitable, affordable housing in retirement. Projects like Academy Hill Apartments and Our Island Home play a vital role in preserving age and income diversity on Nantucket. Town-sponsored workforce housing should complement, not compete with, these other humanitarian programs.~~

~~However, short~~Short of significantly increasing its housing supply, Nantucket will not be able to address the needs of any of the groups that need housing priced appropriately for their means—~~including but not limited to the people in the workforce: low-income, moderate-income, year-round workers, or seniors.~~ The existing supply is inadequate, and as numerous past studies and reports show, the supply has been inadequate for a very long time.

3 Affordable Housing Goals

The Department of Housing and Community Development (DHCD) encourages cities and towns to prepare, adopt, and implement an affordable housing plan that demonstrates an annual increase in units eligible for the Subsidized Housing Inventory equal to or greater than 0.50% of the community's year-round housing units. For Nantucket, this means 24 units per year to meet its production goals through 2020. If DHCD certifies that Nantucket has met its annual production goals, the Board of Appeals may deny comprehensive permit applications without opportunity for appeal by developers.

Using the strategies described in Chapter 3, Implementation Strategies, Nantucket has developed a Housing Production Plan to chart affordable housing production activity over the next five years. The projected goals are targets the Town has Nantucket's affordable housing goals are production targets that have been set based on best available information. There could be considerable fluctuation from year to year, but ultimately the purpose of this [Housing Production Plan](#) is to increase Nantucket's Subsidized Housing Inventory (SHI) by at least 120 new SHI-eligible housing units between 2016 and 2020. [The goals are based largely on the following principles.](#)

Principles

- [To the greatest extent possible, at least 50 percent of the units that are developed on Town-owned land should be affordable to households with incomes between 50 and 80 percent of area median income \(AMI\) and at least another 10 percent affordable to those earning up to 150 percent area median income, depending on project feasibility.](#)
 - [Rental developments will include some units for households earning at or below 60 percent of AM or lower, depending on subsidy program requirements.](#)
1. [Affordable and mixed-income housing developments should be located in areas where the Town's planning, zoning, and infrastructure support higher intensity of use. \(See Map 3.1\)](#)

~~1.2. Developers will~~should~~ be encouraged to produce new affordable housing through the Town's standard regulatory procedures or cooperative~~cooperatively planned~~ comprehensive permits. The Town will~~should~~ continue to work with private developers to improve their proposals, acculturate them to community interests in Nantucket, and increase affordability above and beyond the required 25 percent for a comprehensive permit. ~~The Town should be prepared to provide CPA or housing trust funds to write down the cost of rental units, wherever appropriate.~~~~

- ~~■ The Town will work with private developers to promote a diversity of housing types directed to different populations with housing needs including families, seniors, and individuals with disabilities, thereby offering a wider range of housing options for Nantucket residents.~~
- ~~■ The Town will work to provide a variety of types of affordable housing, appropriate to the needs of Nantucket residents and the region. The mix should include both rental and ownership; detached single family homes and compact development options (duplex, quads, townhouse, etc.); housing for families and individuals of all ages and units tailored specifically to the needs of senior citizens and those with special needs.~~
- ~~■ Nantucket will seek opportunities to combine affordable housing with open space protection through limited development on parcels acquired for conservation.~~
- ~~■ Distribute affordable housing equitably throughout the town seeking development in accordance with the State's smart growth policy and incentives. Residential growth in general, however, should be channeled to those areas that can sustain higher densities.~~
- ~~■ Encourage a range of incomes in multi-family developments (5+ units), unless restricted by funding source. Smaller projects (1-4 unit structures) may, as appropriate, serve entirely income-eligible households.~~

~~3. Seek opportunities to expandRecognize local government's responsibility for fair and affordable housing in Nantucket, and lead by example.~~

~~2.4. Whenever possible, the supply of affordable housing within the existing built environments~~should be increased~~ through redevelopment of disturbed sites, adaptive reuse of non-residential structures and increased density in, or conversion of existing residential properties to multiple dwellings.~~

5. The Town should provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law.
6. For developments on its own land, the Town should maximize the number of affordable housing units and create affordability at multiple levels, from incomes below 50 percent AMI up to 150 percent AMI.
7. Subsidies should be made available to rental developments in exchange for deeply affordable units for households with incomes below 50 percent AMI. These subsidies could be provided by the Affordable Housing Trust or Community Preservation Committee (or both), or through some type of partnership with non-profit community organizations.
8. To promote neighborhood compatibility of density and building forms that differ from surrounding properties, the Town should provide design guidance to developers and homebuilders. Models and specifications pre-approved by the Historic District Commission and others should be available for a variety of building forms and contexts.
9. Wherever possible, the Town should establish partnerships for affordable housing and encourage others to do the same.

Qualitative Goals

- Goal 1. Increase the variety of mixed-income housing ~~options~~choices in Nantucket, particularly in ~~and adjacent to~~ commercial centers and ~~services~~higher-density districts, to support Nantucket's economy and accommodate household growth.
- ~~Goal 2.~~—Create permanently affordable rental ~~affordable~~ housing for low- and very-low-income households.
- ~~Goal 3.~~Goal 2. ~~Promote construction in order to reduce the incidence of new smaller homes, especially as permanently affordable homes for low-income families over-occupied, substandard housing.~~
- ~~Goal 4.~~Goal 3. Work with ~~the island's~~Nantucket's large employers to increase the supply of employer-assisted housing, both for seasonal and year-round workers.
- ~~Goal 5.~~Goal 4. ~~Conduct~~Educate the community ~~outreach and education~~ about ~~the needs for~~Nantucket's affordable housing ~~in Nantucket.~~needs.
- ~~Goal 6.~~—Support aging in the community by ~~expanding affordable housing options for seniors.~~
- ~~Goal 7.~~Goal 5. Preserve the Town's existing affordable housing through monitoring and enforcement of affordable housing deed restrictions.

Quantitative Goals-: 2016-2020

Need: Individuals and families with incomes between 51-80 percent AMI

■ SHI-Eligible Production Targets:

- 10 homeownership units
- 70 year-round rental units
- 10 single-room occupancy (SRO) units

■ Potential Tools: Town-owned land, LIHTC, federal Affordable Housing Trust Fund, Nantucket Affordable Housing Trust, CPA, Chapter 40B

Need: Households with incomes between 31-50 percent AMI

■ SHI-Eligible Production Targets: 20 year-round rental units

■ Potential Tools: Town-owned land, LIHTC, Section 8 PBA, Nantucket Affordable Housing Trust, CPA, Chapter 40B

Need: Special needs populations

■ SHI-Eligible Production Targets:

- 10 group home units (beds)
- 8-10 congregate units for very-low-income seniors

■ Tools: Town-owned land, Nantucket Affordable Housing Trust, CPA, DMR/DMH, Nantucket Housing Authority

Need: Households with incomes between 81-120 percent AMI

■ Production Targets:

- 5 homeownership units
- 5 year-round rental units

■ Potential Tools: Town-owned land, Nantucket Affordable Housing Trust, Town funding (CPA for eligible units), Zoning

Need: Households with incomes between 121-150 percent AMI

■ Production Targets:

○ 20 homeownership units

○ 10 rental units

■ Potential Tools: Town funding, Zoning, Nantucket Housing Needs Covenant Program

4 Implementation Strategies

- ~~1. Provide adequate, predictable funding to subsidize low- and moderate-income housing, both for development and tenant assistance.~~

~~Nantucket Town Meeting recently approved a home rule petition to establish an affordable housing bank that would be funded with revenue from a 1 percent transfer fee on property sales over \$2 million. Town officials estimate that the transfer fee would yield about \$2.6 million per year. The funds would be administered by Nantucket's Affordable Housing Trust (NAHT). The home rule petition is crucial for Nantucket because the funding needed to create meaningful, lasting affordable housing options exceeds what can be obtained from sources like the Community Preservation Act. Town meeting also appropriated \$1 million in the capital budget for the NAHT to work with in the coming year, which is a remarkable achievement.~~

Develop DHCD encourages cities and towns to prepare, adopt, and implement a Housing Production Plan that demonstrates an annual increase in Chapter 40B units equal to or greater than 0.50% of the community's year-round housing units. By systematically increasing its low- and moderate-income housing inventory, Nantucket will have more flexibility in the future to decide when, where, and how much affordable housing should be built and if necessary, to deny unwanted Chapter 40B comprehensive permits. To qualify for the flexibility that a DHCD-approved Housing Production Plan offers, Nantucket will need to create (through the issuance of permits and approvals) at least twenty-four new low- or moderate-income housing units (or an amount equal to or greater than the 0.50 percent production goal) in a given calendar year and obtain certification from DHCD that the Housing Production Plan standard had been met.

The Town needs to consider ways to increase its affordable housing education, advocacy, and development capacity when implementing this plan. Nantucket has decided to fund a part-time housing coordinator in Fiscal Year (FY) 2017, and this will help to build some administrative capacity within town government. In addition, there needs to be leadership training and education for the Board of Selectmen, Community Preservation Committee, and Affordable Housing Trust.

Appropriate locations for higher-density housing

STRATEGY: AFFORDABLE HOUSING ON TOWN-OWNED LAND: FAIRGROUNDS ROAD.

Principle: For developments on its own land, the Town should maximize the number of affordable housing units and create affordability at multiple levels, from incomes below 50 percent AMI to 150 percent AMI.

In 2012, the Town acquired property on Fairgrounds Road for construction of affordable housing, mainly for town employees. To date, the project has been stalled for a variety of reasons, including differences of opinion about what kind of housing should be built on the site and for whom, and what the Town's role should be, and whether the Town can restrict some of the units for occupancy by municipal employees. There are scores of examples of affordable housing on town-owned land in Massachusetts. It is probably one of the easiest strategies for increasing the supply of affordable units in any city or town. The Massachusetts Housing Partnership maintains an inventory of land disposition Requests for Proposals (RFP). In Nantucket's case, the best approach will be one that provides a variety of unit types and is designed to accommodate both year-round and seasonal municipal workers. While SHI-eligible housing units have to be made available through an affirmative fair housing marketing plan, Nantucket could consider negotiating with the designated developer to set aside some of the market-rate units for rent by Town employees (with subsidies or rent guarantees provided by the Town, as necessary).

~~BUILD CAPACITY TO DEVELOP MIXED-INCOME~~ STRATEGY: THE MODERATE- AND HIGH-DENSITY ZONING DISTRICTS

Principle: Affordable and mixed-income housing developments should be located in areas where the Town's planning, zoning, and infrastructure support higher intensity of use.

Years ago, Nantucket made a conscious decision to zone areas for concentrated residential and commercial development and let most of the island evolve in a low-density land use pattern. In areas where the Town provides for concentrated development, Nantucket has fairly permissive zoning regulations with fewer barriers than one often finds in suburbs and small towns on the mainland. For example, apartments are allowed by right in commercial buildings in the commercial districts, and town meeting recently agreed to allow up to three units per lot "by right" in several residential zones. In November 2015, town meeting approved innovative zoning for "bonus lots" and a significant density bonus for affordable housing as long as at least 25 percent of a project's housing units would be eligible for the SHI. Nantucket also allows accessory apartments and two "as of right" dwelling units on a lot in all residential districts, which is almost unheard of in many small towns.

Nantucket has gradually revised its zoning bylaw to reflect the policies of the 2009 Master Plan. The overall planning framework in Nantucket divides the town into “Town” and “Country” zones, or areas designated for higher- and lower-density development, as shown on Map 3.1. Nantucket’s existing Chapter 40B developments – Sachem’s Path, Beach Plum Village, and Abrem Query – are all located within areas the Town has zoned for growth. The Town’s zoning framework makes sense, first because it responds to organic development patterns that pre-date zoning and second, the areas allocated to higher-intensity use tend to be sewered as well. Several times since 2009, Town Meeting has rezoned land by moving it into one of the “Town” districts or liberalizing the rules that govern development in the “Town” districts (see Appendix X). As with the Richmond Group in 2015, Nantucket should continue to pursue “upzoning” opportunities in areas that are consistent with the 2009 Master Plan and have adequate means of wastewater disposal.

STRATEGY: OPTIONS FOR REGULATORY REFORM

Principle: Developers should be encouraged to produce new affordable housing through the Town’s standard regulatory procedures or cooperatively planned comprehensive permits.

Nantucket has taken steps to increase the housing supply in ways that should produce modestly priced housing even if not deed restricted, e.g., the multifamily overlay district, the recently enacted tertiary unit program, and relaxation of requirements for accessory apartments. The Town could also consider some options that have been pursued in other communities:

- **Inclusionary Zoning.** partnerships with seasoned Nantucket could work with for-profit and non-profit developers to design an inclusionary housing bylaw that would apply throughout town or within selected areas of any high- or moderate-density zoning district. Inclusionary zoning is a bylaw that requires or provides incentives for developers to create affordable housing as a part of market-rate developments, either by including affordable housing in the development, building it off-site, or contributing land or money to a housing trust fund in lieu of construction. In Massachusetts, it was pioneered successfully in three communities – Brookline, Cambridge, and Newton – and has gradually spread to suburban areas, but with mixed results. Due to Nantucket’s very high land costs and seemingly relentless market interest in seasonal homes, inclusionary zoning will never provide a “cure-all” for the island’s workforce housing needs. By the same token, Nantucket has the basic ingredients found in most inclusionary zoning programs in the U.S.: strong housing demand and high housing costs that can provide an internal subsidy.

Nantucket currently gives the Planning Board special permit authority to require inclusionary housing units in major commercial developments. Consideration should be given to imposing

an actual requirement in commercial, multifamily, or higher-density districts and giving the Planning Board authority to waive the requirement in exchange for a reasonable alternative, e.g., a cash contribution to the Town's [affordable housing trust fund](#).

- **Infill Lots.** Study the potential to create small affordable units on nonconforming lots that are otherwise unbuildable. The units may require some form of subsidy, but making additional land available could support production of scattered-site units by mission-based organizations like [Habitat for Humanity](#) or [Housing Nantucket](#).

STRATEGY: CHAPTER 40BPrinciples:

Developers should be encouraged to produce new affordable housing through the Town's standard regulatory procedures or cooperatively planned comprehensive permits;

Continue to work with private developers to improve their proposals, acculturate them to community interests in Nantucket, and increase affordability above and beyond the required 25 percent for a comprehensive permit; and

Provide regular, predictable funding for creating and preserving affordable housing

Nantucket could make better use of Chapter 40B as a vehicle for creating affordable housing. Toward that end, the Town should continue to actively pursue partnerships with non-profit and for-profit developers that have collaborated with cities and towns on so-called "friendly" Chapter 40B developments. Nantucket could also provide financial support to friendly Chapter 40B developments (as was done for Sachus's Path). Having a mortgage interest in projects gives the Town even more control than the comprehensive permit or deed restriction. Investing in well thought-out rental projects should be a priority for the use of local funds, first for the added control it brings and second, because anything Nantucket can do to build partnerships with non-profit and for-profit entities will help to increase the Town's capacity and know-how.

Examples of potential funding mechanisms for homeownership could include purchase price buydowns from 80 percent AMI to lower income groups or market-rate units to 150 or 120 percent AMI. Unlike downpayment assistance, a purchase price buydown subsidizes the difference between an asking price and a price that is actually affordable to a low, moderate, or middle-income homebuyer.

STRATEGY: HISTORIC DISTRICT COMMISSION

Principle: To promote neighborhood compatibility of density and building forms that differ from surrounding properties, the Town should provide design guidance to developers and homebuilders. Models (prototypes) and specifications pre-approved by the Historic District Commission and others should be available for a variety of building forms and contexts.

Like many communities, Nantucket prefers to create affordable housing through its own planning and permitting systems, i.e., without Chapter 40B comprehensive permits where possible. A handful of Massachusetts towns have produced many affordable units – sometimes more than the 10 percent statutory minimum – without ever having to use the comprehensive permit process. To succeed in doing so, the Town needs ways to work with the Historic District Commission (HDC) to reduce development costs for projects with affordable units. The Town should consider retaining a preservation architect to work with the Planning and Land Use Services (PLUS) Department and

the HDC to develop prototypes for a variety of building forms and settings as well as design and construction specifications to be used for review of affordable and mixed-income housing proposals. Specific guidance for affordable housing projects could be created as a special supplement to the Commission’s existing publication, “Building with Nantucket in Mind.” Projects that simply adopt the Town’s prototypes and specifications could be made eligible for an expedited review process, thereby reducing the need for costly plan revisions, hearing extensions, and so forth. This may require amendments to the HDC bylaw and administrative regulations.

Local resources for affordable housing

STRATEGY: TRANSFER FEE, LOCAL APPROPRIATIONS

Principle: The Town should provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law.

Affordable housing production will not happen without predictable, adequate funding for acquisition, pre-development, development, management, and monitoring. Although Nantucket recently received a comprehensive permit application for a project many people do not like, the overall track record for Chapter 40B in Nantucket has been remarkably weak. Housing development in Nantucket is distorted by the seasonal market, so even though housing sale prices are very high, Nantucket does not attract many Chapter 40B developers. Like other vacation and resort areas around the country, Nantucket has to be pro-active and initiate affordable and mixed-income housing development.

Without local intervention, the island’s affordable housing needs are unlikely to be met. In order to work effectively, Nantucket needs to put significant resources into housing production just as it has committed significant resources to open space protection for well over thirty years. If the legislature fails to approve the proposed transfer fee for Nantucket, the Town will need to pursue other options, e.g., annual appropriations of local revenue (as town meeting did this year), more aggressive commitments of CPA funds, or payments from developers under an inclusionary zoning bylaw.

In addition, the Town needs to revisit limitations it has placed on the Affordable Housing Trust’s authority to manage and invest the resources it has at its disposal. A key reason for creating a housing trust is to facilitate affordable housing development and “depoliticize” decisions about the use of local resources to meet housing needs. (See also, Capacity for development, education, and advocacy below.)

STRATEGY: CPA FUNDS FOR AFFORDABLE HOUSING

Principle: The Town should provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law.

The Community Preservation Committee (CPC) currently makes CPA funds available for affordable housing on a project-by-project basis. The Affordable Housing Trust has to submit a funding application and potentially compete with other applicants, and ultimately each CPC-backed proposal requires approval from Town Meeting. However, Nantucket could institute a different model. The CPC could propose to appropriate each year's CPA affordable housing funds for use by the Affordable Housing Trust and allow the Trust to do its job: to create and preserve affordable housing, and to do so efficiently. This approach would go a long way toward supporting an annual housing budget for the Affordable Housing Trust and building the Trust's capacity to create affordable units. As the Community Preservation Coalition explains:

The CPA law states specifically in Section 5(f) that "A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund." Such trusts can have the power to purchase, sell, lease, manage, and improve real property for the purpose of creating and preserving affordable housing. At least 11 communities have appropriated CPA funds to an affordable housing trust.

CPA funds can be appropriated to both affordable housing trusts . . . as long as any ultimate expenditure of those funds is for CPA-eligible uses. Therefore, it is recommended that CPA appropriations to these trust funds be tracked separately from monies generated from other sources to ensure proper accountability of CPA funds.

If the concern is accountability, the CPC could use a system of grant agreements to provide blocks of funding to the Affordable Housing Trust, e.g., a block of funding to develop group homes, leaving it to the Trust to work with group home non-profits to secure sites for special needs housing. However, to require the Affordable Housing Trust to apply to the CPC for funding essentially defeats the purpose of having a housing trust. BOS needs to get on board.

STRATEGY: TOWN-OWNED LAND STUDY

Principle: Maximize the affordable housing benefits of developing Town-owned land.

Compared with organizations like the Nantucket Land Bank Commission, the Town of Nantucket is a relatively small landowner. The Town should consider creating an asset management plan that includes policies for identifying surplus property and disposing of it for various purposes,

including for public benefits like affordable housing. A planning study could be conducted to confirm the Town’s existing inventory, identify potential future needs for property to serve municipal and other public purposes, and create a policy with decision criteria for disposition by bid (highest price), for public benefits (price is irrelevant), or for unique conditions such as land swaps.

STRATEGY: TAX INCENTIVES

Principles:

- * Whenever possible, the supply of affordable housing should be increased through redevelopment of disturbed sites, adaptive reuse of non-residential structures, or conversion of existing residential properties to multiple dwellings.
 - * Subsidies should be made available to rental developments in exchange for deeply affordable units for households with incomes below 50 percent AML.
-

There is growing interest in Massachusetts (and beyond) in using local government tax policy as a mechanism for creating affordable housing. While there are very few models available, a few cities have established tax incentive programs and recently, the Town of Amherst secured passage of a home rule petition with broad powers to allow special incentives and tax increment financing agreements (TIF) for production of affordable units. (See Appendix G.) Nantucket should consider the potential instituting a similar approach and target it to encourage sustainable projects that can be difficult to carry out, e.g., redevelopment/reuse projects or intensification of existing uses, or to encourage development of employer-assisted housing. Another option is to provide property tax exemptions to owners who rent units to low- or moderate-income households, similar to a program that has existed in Provincetown for several years. (See Appendix H.)

Fair housing and affordable housing

STRATEGY: REDUCING THE POTENTIAL FOR DISPARATE IMPACT ON PROTECTED CLASSES

Principle: Recognize local government’s responsibility for fair and affordable housing in Nantucket, and lead by example

- 2.—All communities need to pay attention to fair housing concerns, in part because of HUD’s new Affirmative Furthering Fair Housing regulations and especially because of the “disparate impact” case, *Texas Housing and Community Development v. Inclusive Communities Project, Inc.* Nantucket should develop and adopt affirmative fair housing policies to guide the use of Town-owned resources (land, buildings, or funding) in order to ensure non-discrimination against groups protected under the federal Fair Housing Act, e.g.,

Develop families with children and people with disabilities. The Town could embrace a policy similar to that recently adopted by state (providing for a minimum percentage of three-bedroom units in any given development), or consider other policies such as making it a priority to fund group homes and “safe houses” for people recovering from addiction. Similarly, the Town could explore options for developing a subsidized assisted living residence to help low-income seniors who need some assistance with medications, meals, and housekeeping but do not need the advanced (and costly) level of care provided by nursing homes.

Capacity for development, education, and advocacy

STRATEGY: LEADERSHIP FROM THE TOP

Principle: Recognize local government’s responsibility for fair and affordable housing in Nantucket, and lead by example.

The Zoning Board of Appeals (ZBA) has exclusive authority to approve or deny Chapter 40B comprehensive permits. Chapter 40B was enacted in 1969 at a time when throughout the state, the ZBA was only town board that could grant special permits and variances, so it made sense to give ZBAs authority for comprehensive permits as well. However, in 1969 local governments did not play any role in creating affordable housing except through their own housing authorities or redevelopment authorities. The notion that municipalities might provide funding to create low- or moderate-income housing or work as partners with affordable housing developers was barely on the horizon at the end of the 1960s, other than in a handful of progressive towns like Lincoln, Massachusetts.

Since 1969, the roles and responsibilities of cities and towns have changed considerably. Many functions that seem ordinary or essential today did not exist in 1969, e.g., a Council on Aging, a Youth Commission or Human Services Department, or a municipally operated visitor services office. The Nantucket Historic District Commission was not created until 1970, and while Nantucket had a Conservation Commission as early as 1963, the authority of conservation commissions has changed considerably since then. In recent years, numerous Massachusetts towns have created a part-time or full-time Housing Coordinator position to help people who need affordable housing and to monitor compliance with affordable housing restrictions, but no community anticipated that one day it would be playing an activist role in affordable housing. At best, communities knew in 1969 that the legislature had imposed more permitting responsibilities on them and in many cases, they resented their new-found powers.

By the mid-1980s, it had become clear that local governments had to mobilize for affordable housing development and not simply wait for the arrival of comprehensive permit applications.

Over time, other municipal officials have taken on new duties and learned the value of collaboration for affordable housing. The economic development and social consequences of failing to have adequate affordable housing have become clear to most communities, and it is obvious that many groups in Nantucket understand this as well. Indeed, many Nantucket residents seem to understand because without broad public knowledge of the town’s housing crisis, it would have been difficult to secure passage of Article 82. Still, it is not clear that a culture of support for affordable housing has been institutionalized within Nantucket’s town government. The delayed disposition of the Fairgrounds Road property, constraints placed on the Affordable Housing Trust’s powers and duties, the absence of a professionally staffed Housing Office despite the existence of a widely recognized housing crisis, and the unpredictability of funding for affordable housing all point to the challenges of moving Nantucket forward with a comprehensive approach to affordable housing.

Training and Education Resources

The Board of Selectmen can help by providing leadership and support for meeting the island’s housing needs. For example, the Board recently made housing on Nantucket a core issue to be addressed in a strategic plan for the Town, and they have also supported the Affordable Housing Trust’s efforts to complete this Housing Production Plan. The Board could also play an instrumental role in building consensus among groups that need to work together to increase the supply of affordable housing in Nantucket. On a going-forward basis, the Town should pursue affordable and fair housing training resources for the Board of Selectmen and other policy-level bodies such as the Planning Board. The following non-profit advocacy and education organizations provide affordable housing training and technical assistance for local officials:

- Enterprise Community Partners
- Local Initiatives Support Corporation
- Massachusetts Housing Partnership

Local Initiatives: Request for Expressions of Interest

An activity that could be taken on by the Board of Selectmen involves recruiting affordable housing developers to partner with the Town. Following the lead of communities like Newton and Shrewsbury, Nantucket could issue a “Request for Expressions of Interest” (also known as RFI) to solicit proposals from for-profit and non-profit developers that want to create affordable units. Through the RFI process, Nantucket could identify the “most desired” components of an affordable housing proposal and invite developers and property owners to submit ideas. Of course, the RFI has to be grounded in reality or it will not work, but if done properly, the RFI can be an

effective tool for engaging developers to work with the Town. Developing the RFI should be led by the Selectmen in consultation with the Planning Board and Affordable Housing Trust.

Comprehensive Permit Guidelines

Some communities have had success with developing comprehensive permit **guidelines**. Unlike comprehensive permit rules and regulations adopted by the Board of Appeals, project guidelines are policy based. Developing project guidelines should be led, ideally, by the Planning Board or a joint Planning Board-Board of Selectmen effort, as was the case in the Town of Acton. Through guidelines, the Town can identify the criteria Nantucket wants affordable and mixed-income housing developments to meet; for conforming proposals, the Board of Selectmen could expedite the process of providing Project Eligibility comments to MassHousing or MHP. Although guidelines cannot tie the hands of the ZBA during the comprehensive permit process, the presence of guidelines can be very helpful to the ZBA in its review of development applications. Anything that can be done to streamline the permitting process under Chapter 40B could be seen as very attractive to developers. Moreover, if guidelines compliance was made one of the rating criteria the Affordable Housing Trust uses to evaluate funding requests, the Town would have an extra incentive to offer to prospective developers.

STRATEGY: DEVELOPMENT PARTNERSHIPS

Principle: Wherever possible, the Town should establish partnerships for affordable housing and encourage others to do the same.

Existing efforts to work with the Land Bank and others to collaborate, wherever possible, to address mutual needs should be continued and expanded. There are many examples of housing-open space alliances in Massachusetts, most notably the Town of Lincoln, a nationally recognized leader in forging partnerships between land conservation and development. In addition, Nantucket should encourage a working partnership between Housing Nantucket (for example) and an experienced non-profit or for-profit developer with a track record for “friendly” mixed-income housing developments in other communities. ~~Non~~Some examples of potential non-profit examples:partners include Neighborhood of Affordable Housing (NOAH) or The Community Builders in Boston, ~~or~~Housing Assistance Corporation ~~on the~~of Cape. ~~For-profit examples include Beacon Communities Cod in Hyannis, or MetroWest Collaborative Development in Newton.~~ Nantucket needs local, experienced development capacity to create SHI-eligible housing. It is a critical missing piece in the affordable housing “toolbox” and essential for the success of local housing initiatives. The entity for doing so could be Housing Nantucket or a community development organization that is formed specifically for this purpose.

BUILD LOCAL CAPACITY: NANTUCKET STRATEGY: AFFORDABLE HOUSING TRUST

Principle: Provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law

In order to carry out the strategies included in this Housing Production Plan, it will be important for Nantucket to build its capacity to promote and carry out affordable housing development and monitor and enforce affordable housing deed restrictions. Having capacity includes gaining access to greater resources – both financial and technical – as well as building local political support, developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production. This Housing Production Plan incorporates an organizational structure for implementing the strategies and continued oversight of housing policy and initiatives in Nantucket. ~~At the center~~The Affordable Housing Trust should have a leading role in many of ~~this structure is the Nantucket Affordable Housing Trust~~these strategies.

Statutory Purpose and Powers

At the 2009 Annual Town Meeting, Nantucket voted unanimously to accept G.L. c. 44, §55C and establish the Nantucket Affordable Housing Trust (Trust).– Per G.L. c. 44, §55C, the statutory purpose of the Trust is “. . . to provide for the creation and preservation of affordable housing in municipalities for the benefit of low- and moderate-income households.” The statute also includes sixteen specific powers granted to the Board of Trustees (Board) that require no further action or authorization from other municipal bodies (including Town Meeting and Board of Selectmen). The key powers are briefly summarized as follows:

- Accept and receive real property, personal property, or money, by gift, grant, or contribution including money, grants, and Community Preservation Act funds.
- Purchase and retain real or personal property, including investments.
- Sell, lease, convey, etc. any personal, mixed, or real property at public auction or by private contract.
- Execute deeds, assignments, transfers, etc., related to any transaction of the board for the accomplishment of the purposes of the Trust.
- Employ advisors and agents, such as accountants, appraisers, and lawyers.
- Borrow money and mortgage and pledge trust assets as collateral.

- Manage or improve real property.
- Abandon any property the Board deems appropriate.

Trust's Mission

The Trust's mission is "to provide for the creation and preservation of affordable housing in the Town of Nantucket, preferably in perpetuity, as a general policy, but subject to exceptions where it is practicable and reasonable to do so, for the benefit of year-round low and moderate income households who would otherwise have difficulty financial or otherwise, locating housing on Nantucket."

Source and Uses of Trust Funds

The Trust has generated revenue from two awards of Community Preservation Act Funds. The first award was in 2010 for \$525,789 for the "creation of affordable housing in numerous ways." The second award was in 2012 for \$160,000 for the construction of two dwelling units at 7 Surfside Road.

In 2010, the Trust funded the property acquisition at 7 Surfside Road, which was developed with a single-story one-bedroom dwelling unit. The Board vetted a variety of plans including increasing density of the site with multiple units and ultimately decided to issue a Request for Proposals (RFP) in 2014 for the acquisition and continued management of the site for affordable housing purposes. The Board awarded the property to Housing Nantucket, a private, non-profit organization, for \$1. Originally Housing Nantucket is workingproposed to develop the property with a total of create four dwelling units (includingon the site, but the existing single-family houseproject has changed and it now consists of only two units. There may be an opportunity to create three relocated single-family houses). additional units at 7 Surfside Road under current zoning if the Housing Trust can attract another partner.

Eligible Uses of Trust Funds & Legal Considerations

Uses of Trust funds must comply with the statutory purpose of the Trust – the creation and preservation of affordable housing for the benefit of low- and moderate-income households. The following briefly summarizes eligible activities for creation and preservation – for a more detailed description and examples, please refer to the Massachusetts Housing Partnership's *Municipal Affordable Housing Trust Operations Manual* (MHP Manual).

- **Creation.** Activities to create, or produce, affordable housing include the following:
 - New construction of affordable housing

- Rehabilitation of existing buildings to convert to affordable housing (could include conversion of surplus town buildings, such as surplus schools or libraries, or privately-owned buildings, such as former churches)
 - Purchase of existing market rate residential units, rehabilitation if necessary for health and safety purposes, and resell as affordable housing
 - Establish homebuyer assistance program to convert market rate units to affordable units
- **Preservation.** Preservation of affordable units refers to initiatives to perpetuate existing affordable units in light of restrictions that would otherwise expire. Preservation is sometimes also described as physically preserving the condition of existing affordable units, however it is unclear if this is the intent of the statute. Note that CPA funds cannot be used for rehabilitation until the property was previously acquired or created using CPA funds.
- **Low- and Moderate-Income.** Since the Trust statute ~~doesn't offer a definition of~~does define the term “low- and moderate-income²,” the MHP Manual advises Boards to use their judgment and consult other definitions commonly used in state and federal programs. It may be wise to consult with municipal counsel if the Board chooses to a definition that is not commonly used in state and federal program. It is unclear, for example, if the income limits that apply to the Nantucket housing needs covenants, which is defined as “middle income” at less than 150% percent of Nantucket county median household income, would be eligible for Trust funds.

Community Preservation Act and the Trust

As it currently stands, the Board is viewed as a candidate to apply for CPA funds. In the past, the Board applied and received CPA funds twice (2010 and 2014). These funds were primarily used in relation to the 7 Surfside Road property acquisition and proposed development project. However, there are three primary models for CPA allocations to housing trusts in Massachusetts:

- **Model #1: Trust as housing arm of the CPC.** CPA funds allocated for housing are included in annual budget to the Housing Trust. No annual application is necessary. CPC and Trust membership may overlap, which can increase regular communication and collaboration. This model has an expectation of standard designated percentage allocation of CPA funds to the Trust annually, which would consist of all intended CPA housing funds. Housing applicants would apply solely to the Trust.
- **Model #2: Hybrid. Standard Percentage Allocation and Ability for Additional Allocations.** Trust budgeted to receive a standard % and applies for additional funding on as-need basis based on anticipated project or programs. CPC and Trust membership may or may not overlap in this model. Somerville is an example of this model where there CPC and Trust membership

does not overlap but the Trust receives a percentage (roughly 45%) of CPA funds and Trust may request additional allocations, as needed.

- **Model #3. The Housing Trust submits an application to the CPC for CPA funds based on a specific project or program or an annual Trust budget that includes general Trust-initiatives anticipated.** This model is most typical in smaller communities where housing activity is low. Developers can apply separately to the CPC and the Trust for local housing funds (with possibly little or no coordination between the CPC and Trust in reviewing the separate applications). The trust cannot rely on CPA funds as a consistent revenue stream, which creates uncertainty year-to-year.

Trust capacity

- **Fund Balance.** [*We still need the current fund balance and source of funds.*]
- **Staffing Support.** The Trust has administrative support from the one of the Administrative Specialists in the Town’s Planning and Land Use Services Department. In addition, the Director of Planning provides professional support on an as-needed basis. The ~~Town’s part-time~~ part-time Housing Coordinator ~~is also a member of~~ serves on the Housing Trust.

Scope of Work and Approach

The consultant team worked with the Board to conduct a two-part prioritization process to gather the Board members’ opinions about where the Trust is succeeding or failing, and what direction it should take in the future to achieve the Trust’s mission.

- **Board Survey in December ~~2016~~2015**

The first part, conducted in December 2016, was a survey consisting of two parts. The first question, “How well have these Trust-funded initiatives addressed local housing needs?”, asked respondents to consider how the Trust’s use of funds has supported local housing efforts. The second question asked, “How important is it for that the Trust continue to pursue these initiatives?”.

Past initiatives the Board ranked highest for addressing local housing needs:

1. Development of housing at 7 Surfside Road
2. Acquire real property for new housing
3. Create in-law apartments with affordability restrictions
4. Matching funds under the Housing Innovations Fund (HIF)

Initiatives the Board indicated as most important to pursue:

1. Acquire real property for new housing

2. Rehab public/private property to convert to affordable units (mixed income)
3. Develop multi-family housing at Fairgrounds Road site
4. Homebuyer program
5. Preserve expiring use properties
6. Convert non-residential properties to affordable housing

■ Board Discussion Exercise in February 2016

The Board members at the February 19, 2016 Trust meeting participated in a discussion exercise that tied into the consultants' presentation tips to work on things that matter, support good projects, and clarifying the trust's role in relation to other housing entities.

First the Board discussed the six priority initiatives identified through the survey in December and answered the following questions:

- What opportunities, barriers, and compromises might be presented through each of these initiatives?
- If you could only focus on three of these initiatives, which three might be most effective to address local housing needs?
- The Board also discussed the following questions:
- What criteria should the trust consider when selecting initiatives to fund?
- How could the trust be best positioned to advance effectiveness of local housing initiatives and avoid redundancies? Put another way, how the trust can either fill an unmet need or reinforce/expand the work already being done by others?

The results of the Board's discussions indicated support to prioritize funding for projects that create units to count on the state's Subsidized Housing Inventory through the following priority initiatives:

- Continue to advocate for development at 4 Fairgrounds Road and utilize Trust funds to support the development, if needed.
- Foster projects on private land that do not require property acquisition, such as buy-down of units in private development projects.
- Establish a homebuyer program to convert existing market-rate houses to affordable houses.

Strategic Assets

The Trust has great potential to be an effective advocate for local affordable housing initiatives and make measurable gains in the production of affordable housing.

- Revived Board of Trustees with new membership with deep roots in the Nantucket community and highly relevant skills and experience
- Town staffing support including clerical staff and the planning director
- The island's housing needs are well documented
- Available funding sources include the CPA and other Town funds

Strategic Challenges

The Trust also faces significant challenges to effectively advocate for local affordable housing initiatives and make measurable gains in the production of affordable housing.

- The Trust has limited capacity - lacking dedicated professional planning staff and a consistent revenue stream.
- The extensive affordability gap and extent of housing needs on Nantucket presents significant challenge for all entities working to achieve housing affordability on the island.

Actions to Build the NAHT's Capacity

Based on the Board's analysis of its strategic challenges and assets through this process and the key findings of the housing needs assessment:

- Review the Trust's mission and create a strategic action plan. The Board could benefit from creating a strategic action plan that engages Town officials and the broader community in helping the Board review its mission, identify goals and priority initiatives, and refine understanding of its role. A strategic action plan can organize and guide the Board's efforts to best achieve priority initiatives and would include an implementation plan and a multi-year budget.
- Focus Trust funds to address documented housing needs. When formulating a strategic action plan, it will be important to base the plan on documented housing needs. As is well documented in this Housing Production Plan (which is based on the 2015 Workforce Housing Needs Assessment), Nantucket's most critical housing needs are for rental units affordable for very low-income households (at or below 50 percent AMI) and year-round rental units at all market levels. ~~To a lesser extent, low~~Low-income and middle-income homeowners need assistance with homeownership costs, too.
- ~~Identify~~Clarify and strengthen the ~~Role~~role of the Board of Trustees. Especially with regard to its role with the CPC, the Board should work to clarify its role within the ~~municipality~~Town. Town housing efforts should be coordinated to reduce redundancies and increase the efficiency and effectiveness of local initiatives. The CPC and the Trust are two arms of the same body – the Town of Nantucket – and all municipal efforts to address local affordable housing needs should be integrated and coordinated to achieve the best results. The Board and CPC should

work together to determine an appropriate approach for allocation of CPA funds to the Trust – as explained above, there are three primary models that other communities have adopted that can help to guide discussions. Developing a strategic action plan can help foster such discussion and consideration.

Sources of Funds & Financial Sustainability.

The Trust would benefit from a regular and reliable source of revenue. ~~The~~Unless the legislature approves Nantucket’s home rule petition or the Town agrees to provide annual allocations of local revenue, the most likely and readily-available source ~~of revenue for housing~~ is Nantucket’s ~~Community Preservation Act~~ CPA funds. The CPC and ~~Board~~Trust should work together to reexamine the apportionment of funds committed to affordable housing initiatives under the Community Preservation Act. Nantucket Town Meeting has also voted to pursue special legislation for a “housing bank,” similar to the Nantucket Land Bank, so the Town can collect a transfer fee on property sales over \$2 million. Furthermore, Town Meeting supported a capital request for \$1 million for affordable housing activities, also to be administered by the NAHT.

In addition to ensuring a regular and reliable source of revenue, the Board should consider allocating its funds as an interest-free repayable loan or shared-equity agreement to strengthen long-term financial sustainability of the trust. Such repayable loans could be used for short-term financing for acquisition or development soft costs or longer term gap financing, which can help leverage state, federal, and private money. A shared-equity agreement is an arrangement that allows the Trust to share profit in a project if above a stated-threshold. For example, the Groton Affordable Housing Trust contributed \$400,000 to a development of affordable housing and executed an Investor Agreement that entitles the trust to receive 33.3 percent of any project profit.

Each funding source has restrictions and requirements for uses of funds. Certain programs and projects may not be eligible under all funding programs. Also, the Board must account for its use of funds by original funding source and must be prepared to demonstrate that the funds were used in compliance with the requirements of each funding source.

Board Training

A housing trust, as a municipal body, is subject to procurement, designer selection, and public construction laws as well as the state and federal fair housing laws, state’s Open Meeting Law, Conflict of Interest Law. The Board should have a high degree of familiarity with these various laws to ensure compliance and understanding of various nuances of the laws. For example, regarding the state’s procurement laws, G.L. c.30B regulate real property disposition, lease, or acquisition, however CPA-funded acquisitions (not dispositions) are exempt from c.30B s.16

provisions. The Board member could benefit from training either by bringing in expert guest speakers to Board meetings and/or sending members to the various trainings offered regularly throughout the state such as those offered by the Citizen Planner Training Collaborative, MA Department of Housing and Community Development, Massachusetts Housing Partnership, Massachusetts Association of Planning Directors, and the like.

Strategic Management

The Board's regular meetings will naturally be mostly focused on immediate responsibilities and achieving next steps on current initiatives. Strategic planning and management requires dedicated time where achievement of longer-term goals and objectives can receive regular attention. Toward this aim, the Board should will hold biannual strategic planning meetings per year, where the majority of the agenda is devoted to evaluating progress toward meeting Trust goals and developing implementation plans to stay on track.

Strive for an early success

The Board has recently been reconstituted with many new members. To help build momentum, it will be important for Board to strive for an early success as a way to demonstrate its effectiveness in furthering local affordable housing initiatives. If such a first success could be tied directly to the Board's efforts rather than an ongoing project, this may bolster the Board's demonstration of effectiveness.

If the Board adopts this strategic approach, it would continue to advocate for development at 4 Fairgrounds Road and possibly utilize some Trust funds to support its development, if needed, but would focus its energy on an initiative that it can spearhead directly. Two possible initiatives that Board members prioritized in its recent work with the planning consultants for this Housing Production Plan may present possibilities for an early success:

- Foster projects on private land that do not require property acquisition, such as buy-down of units in private development projects. For example, allocate trust funds to lower the price of units that are proposed to be affordable to households at 70-80 percent AMI to a price affordable to households below 50 percent AMI.
- Establish a homebuyer program to convert existing market-rate houses to affordable houses.

Note that each of these ideas may pose issues that could hamper success: 1) Buying down units in private development projects substantially relies on timing of the opportunity as well as receptiveness from the developer and 2) A homebuyer program is likely to be cost-prohibitive given the Nantucket's housing prices. However, there are active comprehensive permit

applications before the Zoning Board of Appeals and it is possible that buying down proposed affordable units in a pending proposal may pose an opportunity for the Board's immediate consideration. The Board should give serious consideration of these and possibly alternative/additional initiatives to undertake as part of a five-year strategic action plan.

Establish funding thresholds and underwriting criteria

To lay a foundation for the Trust to become an essential resource for addressing the need for affordable housing on Nantucket, the Board should adopt funding thresholds and underwriting criteria to ensure that its limited resources are utilized in the most effective manner possible.

- **Funding Thresholds.** The purpose of funding thresholds is to guide the Board's evaluation of potential initiatives to fund and help in its deliberations. Note, the following thresholds roughly follow the state's Affordable Housing Trust Fund thresholds in concept, but these have been tailored to local circumstances and housing needs.
- **Consistency with Nantucket's Community Development and Preservation Goals,** e.g., Nantucket Master Plan, Housing Production Plan, Workforce Housing Study, and other relevant community plans and policies.
- **Consistency with Fair Housing.** Allocation of Trust funds will be limited to initiatives that affirmatively encourage equity, promote housing choice, enhance mobility, and promote greater opportunity.
- **Term of Affordability.** Strive to produce affordable housing with an affordability term for as long as possible under the law and given the realities of the nature of projects/initiatives. For example, a homeownership project that utilizes the state's Universal Deed Rider would be affordable in perpetuity, whereas a buy-down of rental units in a private development project is likely to have a fixed term for a specified number of years (for example, 30 years).
- **Targeted Affordability.** Consider targeting the use of Trust funds to address Nantucket's most critical housing needs – namely, production of rental units affordable to households at or below 50% AMI.
- **Financial Feasibility.** Each Trust funded initiative should be evaluated with respect to financial feasibility, however consider flexibility to allow for the Trust funds to be used as the first dollars in on a case-by-case basis when demonstration of local support is beneficial at early stages of a project.
- **Leveraging Trust Funds.** Although, the Trust funds may sometimes be used as first dollars, it is critical to prioritize funding for initiatives that demonstrate substantial leveraging of trust

funds with other public and/or private funds to ensure Trust funds have maximum impact to address Nantucket's housing needs.

- **Regeneration of Trust Funds.** Give preference to funding structures that will help to regenerate Trust funds to ensure long-term viability of the trust and expand its financial capacity to have maximum impact. Such mechanisms to consider include short-term loans, longer-term gap financing loans, and shared-equity agreements.

Underwriting Criteria

The Board should adopt underwriting criteria for trust-funded development initiatives to ensure the Board appropriately fulfills its fiduciary responsibility as trustees of the trust. Standard underwriting criteria includes: maximum award amounts, approval of permits and any other government approvals, award terms, maximum developer and contractor profits and overhead, etc.

Advocacy Role

In addition to fostering initiatives to create or preserve affordable housing, the Board should advocate for creation and preservation of affordable housing on Nantucket and inform town official, residents, business owners, and the general public about the need for affordable housing and its community benefits. This could include advocacy and support for the Town's potential project on the Fairgrounds Road property as well as other projects and initiatives that meet local affordable housing needs.

~~3. Make better use of Chapter 40B to create affordable housing for working families.~~

~~Nantucket~~

5 Appendix

Appendix A: Glossary

Affirmative Fair Housing Marketing Plan (AFHMP). A plan that meets the fair housing and non-discrimination requirements of the Department of Housing and Community Development (DHCD) for marketing affordable housing units. The plan typically provides for a lottery and outreach to populations protected under the federal Fair Housing Act of 1968, as amended. The plan must be designed to prevent housing discrimination on the basis of race, creed, color, national origin, sex, age, disability, familial status, sexual orientation, gender identity, or any other legally protected class under state or federal law.

Affordable Housing. As used in this report, "affordable housing" is synonymous with low- or moderate-income housing, i.e., housing available to households earning no more than 80 percent of area median income at a cost that does not exceed 30 percent of their monthly gross income.

Affordable Housing Restriction. A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction runs with the land in perpetuity or for the maximum period allowed by law. It should be entered into and made enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

Affordable Housing Trust. The mechanism used to account for and report revenues and expenditures for affordable housing, including but not limited to Community Preservation Act (CPA) receipts and other affordable housing funding sources.

Area Median Income (AMI). The median family income, adjusted for household size, within a given metropolitan or non-metropolitan area, updated annually by HUD and used to determine eligibility for most housing assistance programs. For Nantucket, AMI is based on the Nantucket County Median Income.

Article 82. A home rule petition approved by Nantucket Town Meeting in 2016 to collect a transfer fee on real estate transactions and dedicate the revenue to affordable housing development.

Chapter 40A. G.L. c. 40A, the state Zoning Act. The current version of the Zoning Act was adopted in 1975 (1975 Mass. Acts 808).

Chapter 40B. G.L. c. 40B, § 20-23 (1969 Mass. Acts 774), the state law administered locally by the Board of Appeals in order to create affordable housing. It provides eligible developers with a unified permitting process that subsumes all permits normally issued by multiple

town boards. Chapter 40B establishes a basic presumption at least 10 percent of the housing in each city and town should be affordable to low- or moderate-income households. In communities below the 10 percent statutory minimum, affordable housing developers aggrieved by a decision of the Board of Appeals can appeal to the state Housing Appeals Committee, which in turn has authority to uphold or reverse the Board's decision.

Chapter 40R. G.L. c. 40R (2004 Mass. Acts 149, s. 92), a state law that provides for overlay districts with variable densities for residential development and multi-family housing by right (subject to site plan review). At least 25 percent of the units in a Chapter 40R district have to be affordable to low- or moderate-income people.

Chapter 44B. G.L. c. 44B (2000 Mass. Acts 267), the Community Preservation Act, allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees.

Comprehensive Permit. The unified permit authorized by Chapter 40B for affordable housing development.

Community Development Block Grant (CDBG). Under the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5300 et seq.), the U.S. Department of Housing and Urban Development (HUD) makes funds available each year for large cities ("entitlement communities") and each of the fifty states (the Small Cities or "non-entitlement" program). CDBG can be used to support a variety of housing and community development activities provided they meet one of three "national objectives" established by Congress. Housing activities are usually designed to meet the national objective of providing benefits to low- or moderate-income people. Funds may be used for housing rehabilitation, redevelopment of existing properties for residential purposes (in some cases), making site improvements to publicly owned land in order to support the construction of new housing, interest rate and mortgage principal subsidies, and downpayment and closing cost assistance. As a "non-entitlement community," Nantucket has received CDBG funds in the past from DHCD and can only do so again by submitting a competitive application in the future. It could be an advantageous mechanism for code enforcement. The state program is guided by a five-year Consolidated Plan and One-Year Action Plans required by HUD.

Community Housing. As defined under Chapter 44B, "community housing" includes housing affordable and available to (a) households with incomes at or below 80 percent AMI and (b) between 81 percent and 100 percent AMI.

Community Preservation Act. Chapter 44B. G.L. c. 44B (2000 Mass. Acts 267) allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees.

Comprehensive Permit. The unified permit authorized by Chapter 40B for affordable housing development.

Department of Housing and Community Development (DHCD). The state's lead housing agency, originally known as the Department of Community Affairs (DCA). DHCD oversees state-funded public housing and administers rental assistance programs, the state allocation of CDBG and HOME funds, various state-funded affordable housing development programs, and the Community Services Block Grant (CSBG) Program. DHCD also oversees the administration of Chapter 40B.

Extremely Low Income. See Very Low Income.

Fair Housing Act (Federal). Established under Title VII of the 1968 Civil Rights Act, the federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), sexual orientation, gender identity, and disability.

Fair Housing Law, Massachusetts. G.L. c. 151B (1946), the state Fair Housing Act prohibits housing discrimination on the basis of race, color religious creed, national origin, sex, sexual orientation, age, children, ancestry, marital status, veteran history, public assistance reciprocity, or physical or mental disability.

Fair Market Rent (FMR). A mechanism used by HUD to control costs in the Section 8 rental assistance program. HUD sets FMRs annually for metropolitan and non-metropolitan housing market areas. The FMR is the 40th percentile of gross rents for typical, non-substandard rental units occupied by recent movers in a local housing market. (See 24 CFR 888.)

Family. Under the Federal Fair Housing Act (FFHA), family includes any of the following:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

(2) A group of persons residing together, and such group includes, but is not limited to:

(a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

(b) An elderly family;

(c) A near-elderly family;

(d) A disabled family;

(e) A displaced family; and

(f) The remaining members of a tenant family.

Gross Rent. Gross rent is the sum of the rent paid to the owner plus any utility costs incurred by the tenant. Utilities include electricity, gas, water and sewer, and trash removal services but not telephone service. If the owner pays for all utilities, then gross rent equals the rent paid to the owner.

Group Home. A type of congregate housing for people with disabilities; usually a single-family home.

Household. One or more people forming a single housekeeping unit and occupying the same housing unit. (See definition of FAMILY)

Housing Appeals Committee (HAC). A five-member body that adjudicates disputes under Chapter 40B. Three members are appointed by the Director of DHCD, one of whom must be a DHCD employee. The governor appoints the other two members, one of whom must be a city councilor and the other, a selectman.

Housing Authority. Authorized under G.L. 121B, a public agency that develops and operates rental housing for very-low and low-income households.

Housing Cost, Monthly. For homeowners, monthly housing cost is the sum of principal and interest payments, property taxes, and insurance, and where applicable, homeowners association or condominium fees. For renters, monthly housing cost includes rent and basic utilities (oil/gas, electricity).

HUD. See U.S. Department of Housing and Urban Development.

Inclusionary Zoning. A zoning ordinance or bylaw that encourages or requires developers to build affordable housing in their developments or provide a comparable public benefit, such as

- providing affordable units in other locations ("off-site units") or paying fees in lieu of units to an affordable housing trust fund.
- Infill Development. Construction on vacant lots or underutilized land in established neighborhoods and commercial centers.
- Jobs-to-Housing Ratio. An indicator of the adequacy of employment and housing in a given community or area.
- Labor Force. The civilian non-institutionalized population 16 years and over, either employed or looking for work.
- Labor Force Participation Rate. The percentage of the civilian non-institutionalized population 16 years and over that is in the labor force.
- Local Initiative Program (LIP). A program administered by DHCD that encourages communities to create Chapter 40B-eligible housing without a comprehensive permit, e.g., through inclusionary zoning, purchase price buydowns, a Chapter 40R overlay district, and so forth. LIP grew out of recommendations from the Special Commission Relative to the Implementation of Low or Moderate Income Housing Provisions in 1989. The Commission prepared a comprehensive assessment of Chapter 40B and recommended new, more flexible ways to create affordable housing without dependence on financial subsidies.
- Low Income. As used in this report, low income means a household income at or below 50 percent of AMI. It includes the household income subset known as very low income.
- Massachusetts Housing Partnership (MHP). A public non-profit affordable housing organization established by the legislature in 1985. MHP provides technical assistance to cities and towns, permanent financing for rental housing, and mortgage assistance for first-time homebuyers.
- MassHousing. The quasi-public state agency that provides financing for affordable housing.
- Mixed-Income Development. A residential development that includes market-rate and affordable housing.
- Mixed-Use Development. A development with more than one use on a single lot. The uses may be contained within a single building ("vertical mixed use") or divided among two or more buildings ("horizontal mixed use").
- Moderate Income. As used in this report, moderate income means a household income between 51 and 80 percent of AMI.

Overlay District. A zoning district that covers all or portions of basic use districts and imposes additional (more restrictive) requirements or offers additional (less restrictive) opportunities for the use of land.

Regulatory Agreement. An affordable housing restriction, recorded with the Registry of Deeds or the Land Court, outlining the developer's responsibilities and rights

Section 8. A HUD-administered rental assistance program that subsidizes "mobile" certificates and vouchers to help very-low and low-income households pay for private housing. Tenants pay 30 percent (sometimes as high as 40 percent) of their income for rent and basic utilities, and the Section 8 subsidy pays the balance of the rent. Section 8 also can be used as a subsidy for eligible rental developments, known as Section 8 Project-Based Vouchers (PBV), which are not "mobile" because they are attached to specific units.

Shared Equity Homeownership. Owner-occupied affordable housing units that remain affordable over time due to a deed restriction that controls resale prices, thereby retaining the benefits of the initial subsidy for future moderate-income homebuyers.

Single Room Occupancy (SRO). A building that includes single rooms for occupancy by individuals and usually includes common cooking and bathroom facilities shared by the occupants.

Subsidized Housing Inventory (SHI). A list of housing units that "count" toward a community's 10 percent statutory minimum under Chapter 40B.

SHI-Eligible Unit. A housing unit that DHCD finds eligible for the Subsidized Housing Inventory because its affordability is secured by a long-term use restriction and the unit is made available to low- or moderate-income households through an approved affirmative marketing plan.

Subsidy. Financial or other assistance to make housing affordable to low- or moderate-income people.

Typical, Non-standard Rental Units. A term that defines the types of rental units that HUD includes and excludes in establishing the FMR for each housing market area. The term excludes: public housing units, rental units built in the last two years, rental units with housing quality problems, seasonal rentals, and rental units on ten or more acres.

U.S. Department of Housing and Urban Development (HUD). The lead federal agency for financing affordable housing development and administering the Fair Housing Act.

Very Low Income. As used in this report, very low income is a household income at or below 30 percent of AMI. In some housing programs, a household with income at or below 30 percent of AMI is called extremely low income.

Workforce. People who work or who are available for work, either in a defined geographic area or a specific industry.

Workforce Housing. There is no single industry standard that defines “workforce housing.” HUD defines it as housing affordable to households earning between 80 and 120 percent of AMI. The Urban Land Institute has traditionally used the term “workforce housing” to describe units affordable to households with incomes between 60 and 100 percent AMI. Nantucket has adopted a broad range of incomes for the term “workforce housing,” from 60 to 150 percent AMI. In general, workforce housing is housing for people who work in a community and the pricing methodology should account for wages paid by local employers.

Appendix B. Affordable Housing Timeline: Nantucket

(Original from Nantucket Antheneum, 2015; Revised and Updated for HPP, 2016).

- **October 9, 1948** – Veterans’ Housing Authority (VHA) appointed
 - Elected: Charles P. Flanagan, John L. Hardy, Frank L. Hardy, Leroy A. Pease
- **February 12, 1949** – VHA officially active
 - Open call for veteran applications; 42 received
- **April 30, 1949** – VHA program under “rental-purchase” plan (MGL Ch. 372)
 - Tenants may purchase houses after five years of inhabitanance
- **September 30, 1950** – VHA housing project complete; open for public inspection
 - 9 units on Orange Street
- **December 8, 1956** – VHA announces liquidation of all 9 houses
- **February 15, 1958** – VHA final report released
 - 8 homes purchased by original tenants; 1 sold to public bidder
 - Program officially dissolved
- **March 17, 1969** – First Nantucket Housing Authority vote at annual town election
 - Elected: Charles R. Morris, Francis W. Pease, George E. Pinault, John K. Wilson
- **July 10, 1969** – Nantucket Housing Authority public meeting on elderly housing proposal
- **August 23, 1969** – Massachusetts enacts the Comprehensive Permit Act (Chapter 40B)
- **February 19, 1970** – Elderly housing project cancelled due to lack of qualified applicants
- **November 3, 1971** – Nantucket Development Corporation (NDC) formed
 - Announces plans for elderly and low-income housing
 - President: Kenneth W. Holgate
- **November 18, 1971** – NDC housing project meeting
 - 125-unit Tashama Farm development for elderly/low-income residents
 - To be funded through Massachusetts Housing Finance Agency
- **April 12, 1977** – Nantucket Housing Authority abolished at town meeting
 - Article 28 by a vote of 153-61

- December 5, 1983 – New Housing Authority approved by vote at Town Meeting
- February 21, 1985 – Housing Authority to receive \$570,000 grant
 - Part of the Massachusetts Comprehensive Housing Act of 1983
- July 1985 – Applications accepted for new Academy Hill elderly housing development
 - 28 total units, 12 affordable elderly housing apartments
- August 1, 1985 – Town land transferred to Housing Authority
 - 19.9 acres to be developed for elderly and family housing,
 - Miacomet Village
 - 15 acres at the former Navy Base in Tom Nevers, to be used by six lottery applicants as a part of self-help housing program
- March 1986 – Landmark House elderly housing center opens to residents
 - Developed by Nantucket Community Services on Old Island Home property
 - Subsidized by the Farmers Home Administration (FmHA, terminated in 2006)
- October 25, 1986 – Nantucket Housing Needs Conference
- July 23, 1987 – Nantucket Planning Commission approves new Housing Partnership
 - Members from the Planning Board, Housing Authority, Historic District Commission, and Nantucket Commission Services
- December 23, 1987 – Native American burying ground found on Miacomet Village building site
- April 15, 1989 – Miacomet Village project dedication ceremony
- August 8, 1996 – Ground breaking for additional 19 units behind Miacomet Village location
- April 9, 2001 – Nantucket adopts Community Preservation Act (CPA)
 - Voluntary state legislation establishing a local community preservation fund; monies raised by a 3% property tax
 - 62% approval at annual Town Meeting
- May 25, 2004 – Groundbreaking Ceremony for Nantucket Public Schools’ new teacher housing project
 - 12 affordable units on Cow Pond Lane
 - Managed by the Nantucket Education Trust Fund (Nantucket Housing Office assumes responsibility in 2007)
- September 2, 2004 – Interfaith Council begins emergency rental assistance program

- February 2007 – Lottery conducted for five of ten affordable homeownership units at Beach Plum Village
- August 2007 – Abrem Quarry affordable 40B housing project complete
 - 28 units; originally proposed in 2001
- April 23, 2009 – Nantucket named most expensive county for rentals
 - National Low Income Housing Coalition study
- April 25, 2013 – “Quiet Crises”; rental housing shortage peaks
 - Seasonal and year-round rental shortage
 - Fair-market rental rates exceed those of Manhattan according to Department of Housing and Urban Development (HUD) statistics
- April 30, 2015 – Housing Nantucket produces Workforce Housing Needs Assessment
- June 2015 – Sachem’s Path Phase I affordable 40B housing project lottery
 - Two-phase, 36-unit development for first-time homeowners
 - Project originally proposed in December 2011
- November 9, 2015 – Nantucket Town Meeting approves zoning amendments to provide additional density in exchange for an affordable housing requirement in the CN and R5 districts. These changes were made so that Richmond Great Point Development could pursue a mixed-income, mixed residential use development off Old South Road.
- April 2015 – Completion of Sachem’s Path Phase I development.

Appendix C. Master Plan Implementation: Housing and Land Use, 2009 – Present

Compiled by Leslie Snell, Nantucket Planning and Land Use Services Department
June 6, 2016

■ 2009 ATM Amendments

- Article 26 – adoption of the Master Plan, which is a ten-year document containing, among other things, a section on housing.
- Article 27 – inserted an allowance for up to four apartments within a commercial building by-right in the CDT, CMI, and CN zoning districts.
- Articles 32, 33, 34, 35, 36 – removed residential areas from a commercial zoning district (RC-2) and placed them in a residential district (R-5) that allows detached dwelling units or duplexes.
- Article 41 – removed properties from the RC-2 district and placed them in the CN district, which allows apartments as approved in Article 27. The previous district allowed a maximum of two dwelling units per lot.

■ 2009 STM Amendments

- Articles 10 and 15 – reduced the minimum age to live in an Assisted Living Community from 65 to 55 and excludes affordable housing, in addition to employee housing, from the total number of units allowed.

■ 2010 ATM Amendments – nothing applicable

■ 2011 ATM Amendments

- Article 48 – removed a soon to be vacant from a commercial district (RC-2) and placed it in a residential district allowing detached dwelling units or duplexes (R-5). Placed a portion of that same land in the CN district, which allows up to four apartments per lot by-right in addition to light commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 57 – reduced the density of an existing residential area from essentially quarter acre zoning to eighth acre zoning. Provides potential for redevelopment of lots in that area for what would likely be year-round housing.
- Article 63 – expanded Bylaw provisions for secondary lots.

■ 2012 ATM Amendments

- Article 37 – expanded the CDT district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.

- Articles 41, 42, 43, 44 – removed residential areas from a commercial zoning district (RC-2) and placed them in a residential district (R-5) that allows detached dwelling units or duplexes.
- Article 46 – expanded the CN district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.

■ **2013 STM Amendments – nothing applicable**

■ **2013 ATM Amendments**

- Article 30 – expanded the apartment allowance to include the CTEC and CI districts.

■ **2014 ATM Amendments**

- Article 38 – expanded the CDT district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 42 – expanded the CN district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 45 – expanded the CN and CTEC districts, which allow up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 50 – reduced density from half acre to quarter acre in a re-developing residential area.
- Article 51 – combination of reducing density (R-20 to R-5) and removing commercial use potential (RC-2 to R-5) to rezone an area to a high density residential district allowing detached dwelling units or duplexes (R-5).
- Article 63 – expanded Bylaw provisions for secondary lots.
- Article 66 – revised apartment definition to be more flexible about the location of the apartments within a commercial structure.
- Article 67 – inserted a new use “apartment building” allowing up to six dwelling units with a total of no more than eight bedrooms in the CN and VN districts by special permit.

■ **2015 ATM Amendments**

- Article 45 – removed residential areas from a commercial zoning district (RC) and placed them in a residential district (ROH).
- Article 61 – removed certain accessory dwelling restrictions in an effort to encourage more accessory units.
- Article 62 – inserted an allowance for a third dwelling unit on residential properties in the following zoning districts: R-5, R-10, R-20, R-40, LUG-1, LUG-2, and LUG-3.

■ **2015 STM Amendments**

- Article 1 – reduced density from half acre to eighth acre (R-20 to R-5), two acres to less than a quarter acre (LUG-2 to CN), and two acres to eighth acre (LUG-2 to R-5) in a residential area to provide for the redevelopment of existing vacant lots.
- Article 2 – inserted workforce homeownership housing bonus lots and workforce rental community bylaw provisions that allow substantial increased density. Workforce homeownership housing bonus lots must be eligible for approval as Local Action Units must restrict at least 25% of the units to households earning at or below 80% of the AMI. Workforce rental community must also restrict at least 25% of the dwelling units to households earning at or below 80% of AMI.

■ **2016 ATM Amendments**

- Article 34 – removed properties in the mid-island area from the RC district (identified to be phased out in the 2009 Master Plan) and placed them in the CMI district, which allows up to four apartments on a lot by-right in a district that formerly only allowed two dwelling units per lot. CMI also allows apartment buildings – up to six dwelling units – by special permit.
- Article 35 – removed properties in the mid-island area from the RC-2 district (identified to be phased out in the 2009 Master Plan) and placed them in the CMI district, which allows up to four apartments on a lot by-right in a district that formerly only allowed two dwelling units per lot. CMI also allows apartment buildings – up to six dwelling units – by special permit.
- Article 36 – inserted allowance for apartment buildings in the CMI district at a density of one dwelling unit for each 1,250 square feet of lot area.
- Article 39 – removed properties from a commercial zoning district (RC-2) and placed them in a combination of a residential district (R-5) that allows detached dwelling units or duplexes and a commercial district (CN) that allows commercial uses, apartments, and apartment buildings. RC-2 density allowed two dwelling units per lot. CN allows up to six, depending on lot size.
- Article 48 – reduced density in a year-round residential neighborhood from two acres to one acre. Will allow subdivision potential on some lots.
- Article 51 – expanded Bylaw provisions for tertiary dwellings.
- Article 52 – inserted a new use “tiny house unit” to be allowed in the same zoning districts as a tertiary dwelling. Essentially the same as a tertiary dwelling.
- Article 54 – expanded Bylaw provisions for secondary lots.
- Article 55 – removed income and asset restrictions for family members to qualify for the covenant program.

Appendix D. “Safe Harbor” Status through Housing Plan Certification

In 2002, the Massachusetts Department of Housing and Community Development (DHCD) created an incentive for cities and towns to take an active role in increasing the supply of affordable housing. By developing a plan that met DHCD’s requirements under the Planned Production program, communities could become eligible to deny a comprehensive permit for twelve (or possibly twenty-four) months if they implemented their housing plan by meeting a minimum annual low-income housing production target. The Planned Production program was overhauled in 2008, at which time the planning component became known as the Housing Production Plan. Nantucket obtained Housing Production Plan approval in 2009, but the plan expired in 2014.

To qualify for the flexibility that a DHCD-approved Housing Production Plan offers, Nantucket would need to create (through the issuance of permits and approvals) at least twenty-four new low- or moderate-income housing units (or an amount equal to or greater than the 0.50 percent production goal) in a given calendar year and obtain certification from DHCD that the Housing Production Plan standard had been met. Units eligible for the Subsidized Housing Inventory (SHI) will be counted for the purpose of certification in accordance with 760 CMR 56.03(2).

(2) Subsidized Housing Inventory.

(a) The Department shall maintain the SHI to measure a municipality’s stock of SHI Eligible Housing. The SHI is not limited to housing units developed through issuance of a Comprehensive Permit; it may also include SHI Eligible Housing units developed under G.L. Chapters 40A, 40R, and other statutes, regulations, and programs, so long as such units are subject to a Use Restriction and an Affirmative Fair Marketing Plan, and they satisfy the requirements of guidelines issued by the Department.

(b) Units shall be eligible to be counted on the SHI at the earliest of the following:

1. For units that require a Comprehensive Permit under M.G.L. c. 40B, § 20 through 23, or a zoning approval under M.G.L. c. 40A or completion of plan review under M.G.L. c. 40R, the date when:

 - a. the permit or approval is filed with the municipal clerk, notwithstanding any appeal by a party other than the Board, but subject to the time limit for counting such units set forth at 760 CMR 56.03(2)(c); or
 - b. on the date when the last appeal by the Board is fully resolved;
2. When the building permit for the unit is issued;
3. When the occupancy permit for the unit is issued; or

4. When the unit is occupied by an Income Eligible Household and all the conditions of 760 CMR 56.03(2)(b) have been met (if no Comprehensive Permit, zoning approval, building permit, or occupancy permit is required.)

Requests for certification may be submitted at any time. DHCD will determine whether Nantucket complies within 30 days of receipt of the Town's request. If DHCD finds that Nantucket complies with the Housing Production Plan, the certification will be deemed effective on the date upon which Nantucket achieved its numerical target for the calendar year, in accordance with the rules for counting units on the SHI under 760 CMR 56.03(2). The certification will remain in effect for one year from its effective date. If DHCD finds that Nantucket has increased its number of SHI Eligible Housing units in a calendar year by at least 1 percent of its total housing units, the certification will remain in effect for two years from its effective date.

The certification process would allow Nantucket's Board of Appeals to deny a comprehensive permit for twelve months (or twenty-four months, as applicable), or continue to approve projects based on merit. However, if the Board decides to deny a comprehensive permit or impose conditions during the Housing Plan certification period, it must do so according to the following procedures. 760 CMR 56.05(3) and 56.03(8)

- Within fifteen days of opening the public hearing on a comprehensive permit application, the Board has to provide written notice to the applicant, with a copy to DHCD, that denying the permit or imposing conditions or requirements would be consistent with local needs, the grounds that it believes has been met (e.g., a Housing Plan certification is in effect), and the factual basis for that position, including supportive documentation.
- If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to DHCD, with a copy to the Board, within fifteen days of receiving the Board's notice, and include supportive documentation.
- DHCD will review the materials provided by the Board and the applicant and issue a decision within thirty days. The Board has the burden of proving that a denial or approval with conditions would be consistent with local needs, but any failure of DHCD to issue a timely decision constitutes a determination in favor of the Town.
- While this process is underway, it tolls the requirement to complete the public hearing and final action within 180 days.

Appendix E. Affirmative Fair Housing Marketing Plan Requirements

Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP)

Key Review Points

City/Town: _____	Reviewer: _____
Project Name: _____	Date of Review: _____
Address: _____	
RENTAL <input type="checkbox"/>	OWNERSHIP <input type="checkbox"/>
BOTH <input type="checkbox"/>	

Note: The checklist below is intended to assist with AFHMP review but does not replace the requirements of the DHCD AFHMP guidelines, available at <http://www.mass.gov/hed/docs/dhcd/hd/fair/afhmp.pdf> (see also section III of the DHCD Comprehensive Permit Guidelines at <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>). The AFHMP guidelines must be consulted in their entirety.

DEVELOPER/CONTRACTOR INFORMATION:

Are the developer staff and contractor qualifications consistent with the Guidelines? YES NO

Did developer/contractor representative(s) certify that the AFHMP is consistent with the Guidelines? YES NO

MARKETING:

Will the application period run for at least 60 days? YES NO

Will advertisements be placed in local and regional newspapers? YES NO

If YES, which newspapers: _____

Will advertisements be placed in newspapers that serve minority groups and other protected classes? YES NO

NO

If YES, which newspapers: _____

Will advertisements run at least two times over a 60-day period? YES NO

Are sample ads included? YES NO

Is marketing comparable in local, regional and minority newspapers? YES NO

If NO, explain: _____

Are outreach notices to be sent to local fair housing commissions? YES NO

To other local/regional religious institutions, housing authorities, social service agencies, nonprofits, etc? YES NO

If YES, where: _____

Is the outreach appropriate to the type of housing proposed (e.g., marketing to senior centers for elderly housing)?

YES NO Explain: _____

Are applications made available at public, wheelchair accessible locations including one that has some night hours?

YES NO

Does the advertisement and other marketing include a telephone number, including a TTY/TTD phone number, to call to request an application via mail? YES NO

Does the advertisement and other marketing indicate that applications may be submitted by mail, fax or e-mail?

YES NO

Does marketing include non-English publications? YES NO

If YES, which languages: _____

What is the basis for determining the languages? Explain: _____ Will available Metro Boston Area affordable units be reported to Metrolist? YES NO

Will available affordable and available accessible units be listed with MassAccess (CHAPA's Housing Registry)?

YES NO

Will available affordable ownership units be listed with MassAccess? YES NO

Will available affordable ownership units be listed with MAHA's lottery website? YES NO

Are Fair Housing logo and slogan included in all marketing materials? YES NO

Do applicant materials include a statement of the housing provider's obligation to not discriminate in the selection of applicants? YES NO

Do applicant materials state that persons with disabilities may request reasonable accommodations in rules, policies, practices or services or reasonable modifications in the housing? YES NO

Do informational materials provide notice of free language assistance to applicants, translated or to be translated into the languages of LEP populations anticipated to apply? YES NO

Does marketing refrain from describing characteristics of desirable applicants/residents (e.g., “for four persons only”, “active lifestyle community,” “empty nesters”)? YES NO

If NO, explain: _____

Does marketing convey unlawful preferences or limitations (e.g., only white models)? YES NO

If YES, explain: _____

Does marketing include reference to local residency preferences? YES NO [NOTE: not permitted]

Does marketing indicate resident selection by lottery or other random selection procedure? YES NO

RESIDENT SELECTION:

Are copies of a sample application and information packets for potential applicants included and acceptable?

YES NO

Are info sessions scheduled to allow for maximum opportunity to attend (i.e., evenings, weekends, accessible location)? YES NO

Are the eligibility criteria consistent with the Guidelines? YES NO

Is resident selection based on a lottery? YES NO

If NO, is it based on a fair and equitable procedure (i.e., not “first come, first served”) approved by the subsidizing agency? YES NO Explain: _____

If a lottery to be utilized, will the lottery be held at a public, wheelchair accessible location? YES NO

Are the lottery procedures consistent with the Guidelines? YES NO

Is the community choosing to implement a local selection preference? YES NO

If YES, is the need for the local preference demonstrated consistent with the Guidelines? YES NO

Explain: _____

[NOTE: 70% local preference is maximum permitted but percentage must be justified based on documented local need]

Does the demonstrated need correspond to the housing type and eligibility criteria of the project? (e.g., wait list at another rental development used to demonstrate need is for apartments to be rented at similar rents and for residents at similar income levels) YES NO Explain: _____

Are all the proposed preference types consistent with the Guidelines? YES NO

Are the geographic boundaries of the local preference area smaller than the municipal boundaries? YES NO

[NOTE: not permitted]

Does the AFHMP include efforts to address potential discriminatory effects of a local selection preference (e.g., will minority applicants be moved into the local selection pool to ensure it reflects the racial/ethnic balance of the region and/or other efforts consistent with the Guidelines)? YES NO Explain: _____

Is the working preference the only local preference? YES NO

If YES, are persons with disabilities and/or 62 years of age or older that live in the community given the benefit of the preference? YES NO

Are there durational requirements for living or working in the community? YES NO [NOTE: Not permitted]

Are local preference units subject to different or more beneficial terms (e.g., reduced prices) than other affordable units? YES NO

If YES, explain: _____

Are household size restrictions and preferences consistent with the Guidelines? YES NO

Does the AFHMP provide persons with disabilities in need of accessible units first preference for such units?

YES NO

Does the AFHMP address adaptable units consistent with the Guidelines? YES NO

Does the AFHMP provide for criminal background checks consistent with the Guidelines (e.g., not imposed prior to the lottery and consistent with DHCD model CORI policy)? YES NO

Does the AFHMP require any deposits or fees to be paid? YES NO

If YES, are they consistent with the Guidelines? YES NO

WAIT LISTS

After the lottery, are households that are not awarded a unit placed on a wait list in the order that they were drawn from the *general* pool? YES NO

For rental projects, is the procedure for ordering new applicants upon re-opening of the wait list based upon a random selection procedure after a minimum application period of no less than 10 business days? YES NO

If NO, explain: _____

Is there a procedure for wait lists that do not close, and does it address persons with disabilities consistent with the Guidelines? YES NO Explain: _____

Does the ongoing affirmative and general marketing/outreach materials provide explicit notice of the availability of reasonable accommodations in the application process and a corresponding telephone number? YES NO

For ownership projects, does the AFHMP include a method for ensuring continued compliance w/ the Guidelines upon resale? YES NO

OVERALL COMMENTS

Appendix F. Disposition of Municipal Property for Affordable Housing

As Nantucket already knows, local governments can create affordable housing by making town-owned land available for eligible projects. Properties disposed of for affordable housing can include underutilized public facilities, municipally owned land, or vacant, abandoned, and tax-delinquent private properties acquired through purchase or tax foreclosure. Land bank programs can strategically acquire and preserve multiple properties for affordable housing development. Land banking is one of the functions a municipal affordable housing trust can perform.

Following the procedures for real property disposition under G.L. c. 30B, § 16, a city or town may sell surplus property and prioritize the development of affordable housing. As a rule, municipalities are restricted from giving property to private individuals or offering it for less than fair market value. However, they can convey surplus property for less than market value if the property would be used for a public benefit purpose. Alternately, for publicly owned land in neighborhoods with increasing market demand or recent public investment, jurisdictions can sell land at market price to affordable housing developers before increases in value are realized in the price of the land.

Chapter 30B intends to serve two primary policy objectives: open, fair, competitive bidding and obtaining the best value for communities and other public agencies that are subject to the law. For these reasons, just about every procurement conducted by cities and towns involves some type of bid or proposal process that allows any interested party the opportunity to compete. Most towns today have enough experience with purchasing services and supplies that the requirements for those types of procurements are fairly well understood. However, the Chapter 30B requirements for acquiring or selling real property are different. Since the value of the Fairgrounds Road property obviously exceeds \$35,000 (current threshold under Chapter 30B), the Town will have to issue a Request for Proposals (RFP) to convey the land through a fair and open procurement process. Nantucket may want to request RFP assistance from the Massachusetts Housing Partnership (MHP), which has considerable experience with town property dispositions for affordable housing.

Below is a summary of the Chapter 30B procedures Nantucket will need to account for in disposing of the Fairgrounds Road property or other land that may be available for affordable housing development. The Town may have other steps it needs to take before it embarks on the disposition process, e.g., how much housing and what types of housing, how much of the housing can be limited for use as employer-assisted housing, how many units should be restricted for use as low- or moderate-income housing, whether the Town intends to provide any financing for the project

(e.g., through the affordable housing trust), and so forth. It may also be in the Town’s interest to work with other large employers on Nantucket by setting aside some of the market-rate units for those organizations to lease for year-round or temporary employee use, thereby essentially guaranteeing some of the rental income. These decisions, or at least a framework for making them, should be settled before the procurement process begins.

In addition, the Town may want to determine how much interest exists among developers and what their expectations might be. This could be done through an informal “Request for Expressions of Interest” (RFI) prior to initiating the Chapter 30B procurement process. It is important to note that the RFI process cannot be used to pre-qualify or pre-screen developers for purposes of creating a shortlist for the eventual RFP. For real property dispositions, Chapter 30B requires communities to make the RFP available to any interested party who requests it. Nevertheless, an advantage of the RFI is that it could help the Town understand what is feasible, what developers might be concerned about, and how to design a lease procurement if the Town wants to offer the land for long-term lease instead of offering it for sale.

Real Property Disposition for Public Purposes

FIRST STEPS

- Declare the property “surplus” and available for acquisition and development of mixed-income housing and employee housing. (A public determination made by the Board of Selectmen and documented in the record is fine.)
- Determine the market value of the property. This can be in the form of an opinion by the Town assessor (a formal appraisal is not required, though many towns commission one). The opinion or appraisal needs to be kept in the records of the real property disposition, as the Town’s auditors will most likely ask to review it.
- For public benefit dispositions that will result in a purchase price below market value, the Town must explain why in a notice published in the Central Register. There is a form for this purpose on the Central Register website.

RULE FOR AWARD

Selecting a buyer for surplus municipal property can be as simple as taking the highest-price offer, but when the end result is a project to promote public purposes, the selection process is more complicated. For affordable housing dispositions, the Town will need to decide how it plans to choose the best proposal, which means the developer selection process will be based primarily on qualitative criteria.

The RFP that will eventually be issued can state a fixed sale price and thereby remove price considerations from the selection process. Still, some communities set a below-market minimum sale price and give themselves the flexibility to consider price along with other qualitative factors. One problem with that approach is that if meeting all of the Town's expectations for the project involves a very high cost, a low minimum sale price can be enough to make the project infeasible and discourage good developers. A second problem that sometimes occurs with public benefit dispositions is that if a very desirable development proposal provides for a much lower purchase price than other proposals received, the developer selection process can become unduly complicated, with reviewers disputing the how far the Town should go to aim for quality over price. So, the rule for award is a critical decision that needs to be made before much time is spent on drafting the RFP.

PROPOSAL EVALUATION CRITERIA

The key to any public land disposition for affordable housing lies with the evaluation criteria. There are three groups of criteria that need to be created for the RFP: criteria for determining whether a proposer is responsive and responsible, for comparing proposals based on their merits, and for evaluating price – if price will even be considered.

- **Responsive and responsible** criteria involve considerations such as: is the proposal complete? Is the proposer willing to accept the Town's terms and conditions for sale of the property?
- **Comparative criteria** involve the non-price considerations that will allow the Town to identify the best proposals overall. Some examples of common non-price considerations include:
 - Developer's capacity, evidenced by the number of similar projects completed by the proposer within some specified period of time (e.g., five years); experience and qualifications of the development principals; prior working relationships involving members of the development team; and highly favorable references.
 - Financial capacity, evidenced by prior experience financing mixed-income housing developments of similar scale and complexity; ability to provide equity contribution, and ability to secure financing for the proposed project as demonstrated by letter(s) from prospective lender(s).
 - Experience and qualifications of the design team for the type of project submitted by the proposer, including past collaborations by the proposed design team.
 - Experience and qualifications of the general contractor (the firm as a whole, the principals, and senior management), evidenced by a track record of completing projects on time and within budget at a quality commensurate with the client's expectations.

- Desirability of proposed building and site design, including attention to the Historic District Commission’s design preferences and design principles identified in the RFP (if any).
- Sustainability, including proposed green building techniques and materials to be used in site design, building construction, and building operations.
- Project schedule, with preference for a shorter and achievable development schedule over a longer development schedule or a short but impractical development schedule, with justification via a basic market analysis for whatever the proposed schedule may be. (Note: some communities commission a market study and provide it to prospective developers – who may elect to obtain their own study or pay for a peer review or “second opinion” of the town’s study.)
- Feasibility of the proposed project, based on an analysis of the development budget, the developer’s demonstrated ability to resolve permitting issues as they may arise, the likely acceptability of the proposed designs by regulators and lenders, the likelihood of obtaining proposed financing for predevelopment costs, construction and soft costs as estimated, and the reasonableness of the budget overall. (Note: communities usually hire an independent consultant to review the financials submitted by proposers.)
- Purchase price (if price will be one of the rating factors).

These criteria can be rated according to a simple scheme, e.g., “best,” “acceptable,” or “unacceptable,” or some other system as long as the RFP is clear about what the rating method will be. If some criteria will carry more weight than others, the RFP should say so.

WRITING THE RFP

There is a basic structure to all real property disposition RFPs and some unique components that should be included in the RFP for a public benefit disposition. Although it may be tempting to start writing the RFP right away, it rarely makes sense until the “basics” described above have been settled:

- What kind of development is the Town looking for?
- How many units, or what is the acceptable minimum-maximum range?
- What are the most important outcomes?
- Does purchase (or lease) price matter?

- How will the Town evaluate the proposer's development team? What information will the Town need in order to evaluate the team?
- What design information will the Town need in order to reach some conclusions about the quality of the developer's proposal? A preliminary plan? Elevation drawings? Material specifications?
- How will the Town determine that proposers are competent and able to do the project?
- What information does the Town need in order to determine if a proposed project is feasible?

Once these questions are answered, the RFP is not difficult to prepare. Disposition RFPs typically include the following information and in the order shown below.

■ Introduction

- Statement of Authority (the legal basis upon which the Town can offer the property for sale or lease)
- Definitions of words and phrases used in the RFP
- Proposal deadline and summary-level submission instructions
- Date/time of property tour and pre-bid briefing (if the Town chooses to offer one)
- Purchase price (which be stated as a minimum or in the case of a public purposes disposition, a below-market fixed price)
- Miscellaneous provisions, e.g., how long bid proposals must remain valid, how proposal discrepancies will be resolved, and the rules governing withdrawal or modification of a submitted proposal.
- General conditions that will apply during the procurement process
- Instructions for communicating with the Town during the bid period

■ Property Description

- Ownership
- Location
- Zoning

- Existing conditions description
- Utilities
- Required easements (if any)
- Current use
- Surrounding land uses
- Site constraints
- Environmental concerns (if any)

■ Development Objectives

Here is where the Town should describe what it wants to accomplish with development of the Fairgrounds Road property. It will be important to reflect these objectives in the proposal evaluation criteria and the proposal submission requirements.

■ Project Schedule Requirements

The Town needs to specify any particular scheduling conditions that the selected developer has to meet. Common examples of project schedule requirements include the period within which the selected developer will have to enter into a disposition agreement with the Town and provide a deposit; how long the developer will have to enter into a Development Agreement with the Town; the anticipated completion date for the project, barring unforeseen market conditions; and how breaches of the agreement will be resolved.

■ Minimum Terms and Conditions

Here is where the Town needs to describe the terms and conditions the selected developer will be required to meet as a condition of the disposition agreement and the eventual Development Agreement. Common conditions include matters such as:

- Clarifying the developer's responsibility for all costs associated with obtaining permits and approvals and costs associated with constructing and operating the project;
- Clarifying the developer's due diligence obligations;
- Indemnification and "hold harmless" requirements protecting the Town from claims associated with the condition of the property or operation of the project;

- Limitations on assigning or subleasing the property to any other entity;
- Identification of any use restrictions that will be imposed on the property in order to protect the affordable housing units or achieve other objectives of the project;
- How and when the acquisition price must be paid.

Any terms and conditions the Town will eventually want Town Counsel to incorporate in a purchase and sale agreement should be disclosed in the RFP.

■ Proposal Instructions

In this section, the Town needs to identify the required proposal components and number of proposal copies required, describe what a responsive and responsible proposal must have, and indicate whether the proposal must follow a particular order. Some communities require proposals to adhere to a certain format; others simply require that proposals contain all of the specified information and leave it to proposers to package their proposals as they see fit. In any case, here are common submission requirements for disposition RFPs.

- Proposal Form
- Price Summary Form
- Comparable Experience
- Proposer's Qualifications Statement: a summary of the Developer's organization and experience; identification and resumes of all principals; roles of principals; identification of parties/entities who will have an equity interest in the project; a list of references for at least three recently completed projects; a financial statement; and a disclosure of any pending litigation, liens, foreclosures, bankruptcies, or other actions that would interfere with construction or permanent financing or delay the timely progress of the project.
- Architect's & Engineer's Profile, including references
- General Contractor's Profile, including references and a list of subcontractors
- Technical Proposal: a narrative description of the project that fully summarizes the project, including: the use(s), approximate allocation of space for each type of use, tenure type, a conceptual site plan, typical layout for each unit type, unit amenities and finishes including preliminary specifications, overall project (including common area) amenities, Energy Star and/or LEED-eligible components, and other planned improvements to the Property. The

proposal should identify expected sources of financing and any actions/support needed from the Town for such.

- Proposed Project Schedule
- Financial Qualifications
- Preliminary Pro Forma
- Certificate of Non-Collusion
- Disclosure of Beneficial Interest as required by M.G.L. c.7, Section 40J*
- Certification as to Payment of Taxes*
- Corporate Resolution, if a Corporation

**These certifications need to be updated prior to closing.*

■ Proposal Review Criteria and Evaluation Process

In this section of the RFP, the Town needs to describe how the proposal review process will be conducted and explain how the review criteria will be rated. (See “Proposal Evaluation Criteria” above.) A comparison criteria rating scheme such as best/acceptable/unacceptable is fairly simple to use. Another option is the rating and ranking system that Chapter 30B requires for RFPs to purchase contracts for services of \$35,000 or more (highly advantageous/advantageous/not advantageous/unacceptable).

■ Exhibits

- Locus map
- Assessor’s map
- Property deed
- Survey plan (if available)
- Easements required (if any)
- Sample affordable housing restriction
- Zoning summary or permitting chart

DISTRIBUTING THE RFP

The RFP for real property disposition must be advertised for two successive weeks in a newspaper with local circulation and, since the site exceeds 2,500 sq. ft, the RFP must be advertised in the Commonwealth's Central Register, too. To maximize the effectiveness of the proposal solicitation process, the Town may also advertise in newspapers with regional circulation, send the RFP to industry groups (such as Urban Land Institute or the Massachusetts Homebuilders Association) or affordable housing organizations such as Citizens Housing and Planning Association (CHAPA), or directly prospective developers. Throughout the proposal period, the Town must maintain a record of developers and others who received the RFP, and anyone who requests the RFP must be provided a complete copy. If the Town needs to issue an addendum before the proposal deadline, the record of original recipients will ensure that everyone with an interest in the site is properly notified.

RECEIVING & REVIEWING PROPOSALS

Every proposal received by the deadline must be opened and publicly announced on the date and time and in the location specified in the RFP for submission of proposals. Unlike RFPs for purchasing goods and services, where the proposal is divided into two parts (technical and price), the proposal for real property disposition must be submitted as a single package and its entirety becomes public information as soon as it is read into the record. (This differs from the procurement system the Town is most likely familiar with, where the technical proposal is confidential until reviewers have finished evaluating it and the price proposal is opened and considered later in the review process.)

Not surprisingly, the review process must be governed by the evaluation criteria stated in the RFP. Proposers who fall short of the "responsive" and "responsible" requirements can be eliminated before reviewers initiate the more time-consuming process of applying the comparative criteria (the criteria used to evaluate a proposal based on its merits). All of the reviews should be done in writing so there will be a clear record of the decision process. The proposal with the highest rating as a result of the review process should be selected as the designated developer. However, if for any reason the Town is unhappy with the proposals it receives, the procurement can be canceled as long as the cancellation occurs before the Town has entered into an agreement with any of the developers.

After choosing the developer for the project, the Town will need to file a notice with the Central Register, identifying the selected developer and explaining why the sale price for the land is less than market value. In addition, the developer is required by law to file a notice of beneficial interest with the Division of Capital Asset Management and Maintenance (DCAMM).



Appendix G. Town of Amherst: Tax Incentive Legislation for Affordable Housing

Chapter 148 of the Acts of 2015: AN ACT PROVIDING AFFORDABLE HOUSING PROPERTY TAX INCENTIVES IN THE TOWN OF AMHERST

SECTION 1. For the purposes of this act, “Low or moderate income housing”, shall mean housing for individuals or families with incomes at or below 95 per cent of area median income. Area median income shall be calculated by the United States Department of Housing and Urban Development, or any successor agency, and shall be adjusted for family size.

SECTION 2. Notwithstanding any general or special law to the contrary, the select board of the town of Amherst may enter into agreements for special tax assessments for properties that include low or moderate income affordable housing consistent with the terms of this act.

SECTION 3. For a residential or mixed use development with 10 or more dwelling units in which at least 10 per cent of the units are low or moderate income housing and subject to an affordable housing restriction as defined in section 31 of chapter 184 of the General Laws, the increase in assessed value resulting from such development shall be phased in increments over a period of up to 10 years to the full assessed value of the property; provided, however, that the maximum property tax incentive shall be based on the difference in net operating income for such development with affordable units and the net operating income without such affordable units. Determination of eligibility shall be made as of July 1 of each year for the fiscal year beginning on July 1.

Appendix H. Town of Provincetown: Tax Exemptions for Affordable Housing

Chapter 408 of the Acts of 2002: AN ACT RELATIVE TO PROPERTY TAX EXEMPTIONS FOR RENTAL PROPERTIES IN THE TOWN OF PROVINCETOWN USED AS AFFORDABLE HOUSING

SECTION 1. Notwithstanding any general or special law to the contrary, residential real estate in the town of Provincetown which is rented to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. The exemption shall be equal to the tax otherwise due on the parcel based on the full and fair assessed value, multiplied by the square footage of the housing units rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. For rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units. To be eligible for exemption, the housing unit shall be leased to a low income person at rents for the entire fiscal year for which the exemption is sought.

SECTION 3. The date of determination as to the qualifying factors required by this act shall be July 1 of each year for the fiscal year beginning on such July 1.

SECTION 4. This act shall be submitted to the voters of the town at the next annual or special town election, in the form of the following question which shall be placed upon the official ballot to be used at that election: "Shall an act passed by the general court in the year 2002 entitled, 'An Act relative to property tax exemptions for rental properties in the town of Provincetown used as affordable housing', be accepted?" If a majority of the votes cast in answer to that question is in the affirmative, then sections 1, 2 and 3 of this act shall thereupon take effect, but not otherwise.

SECTION 5. Section 4 of this act shall take effect upon its passage.

Approved December 19, 2002.

~~should continue to actively pursue partnerships with non-profit and for-profit developers that have collaborated with cities and towns on so-called "friendly" Chapter 40B developments. Nantucket~~

~~could also provide financial support to friendly Chapter 40B developments (as was done for Sachem's Path). Examples of potential funding mechanisms could include purchase price buydowns of affordable units from 80 percent AMI or market-rate units to 150 or 120 percent AMI. A purchase price buydown subsidizes the difference between an asking price and a price that is actually affordable to a low, moderate, or middle-income homebuyer.~~

~~Evaluate options for regulatory reform.~~

~~Nantucket has taken steps to increase the housing supply in ways that should produce modestly priced housing even if not deed restricted, e.g., the multifamily overlay district, the recently enacted tertiary unit program, and relaxation of requirements for accessory apartments. The Town could also consider some options that have been pursued in other communities:~~

- ~~■ **Remove Barriers to Supply.** Nantucket's present zoning imposes large-lot requirements on over 70 percent of the island. The desire to limit growth in rural areas makes good planning sense, but there needs to be offsetting development incentives — with or without affordability restrictions — in areas close to goods and services.~~

- ~~■ **Inclusionary Zoning.** Work with for-profit and non-profit developers to design an inclusionary housing bylaw that could work throughout or within selected areas of any high- or moderate-density zoning district. Inclusionary zoning is a bylaw that requires or provides incentives for developers to create affordable housing as a part of market rate developments, either by including affordable housing in the development, building it off-site, or contributing land or money to a housing trust fund in lieu of construction. In Massachusetts, it was pioneered successfully in three cities — Brookline, Cambridge, and Newton — and has gradually spread to suburban areas, but with mixed results. Due to Nantucket's very high land costs and seemingly relentless market interest in seasonal homes, inclusionary zoning will never provide a "cure-all" for the island's workforce housing needs. By the same token, Nantucket has the basic ingredients found in most inclusionary zoning programs in the U.S.: strong housing demand and high housing costs that can provide an internal subsidy.~~

~~Nantucket currently gives the Planning Board special permit authority to require inclusionary housing units in major commercial developments. Consideration should be given to imposing an actual requirement in commercial, multifamily, or higher density districts and giving the Planning Board authority to waive the requirement in exchange for a reasonable alternative, e.g., a cash contribution to the Town's housing trust.~~

- ~~4. **Pay attention to fair housing concerns, especially in light of HUD's Affirmative Fair Housing regulations and the "disparate impact" case, Texas Housing and Community Development v. Inclusive Communities Project, Inc.**~~

~~In 2015, HUD released new Fair Housing Act regulations based on a proposed rule published in 2013 (“Affirmatively Furthering Fair Housing; Proposed Rule). The regulations directly affect recipients of HUD grants and also have the potential to affect other communities through what is known as a “cross-cutting” impact on federal funds for other purposes, e.g., transportation, education, library, and so on. Nantucket should develop and adopt affirmative fair housing policies to guide the use of Town-owned resources (land, buildings, or funding) in order to ensure non-discrimination against groups protected under the federal Fair Housing Act, e.g., families with children, people with disabilities. The Town could embrace a policy similar to that recently adopted by state (providing for a minimum percentage of three-bedroom units in any given development).~~

NANTUCKET CHAPTER 40B HOUSING PRODUCTION PLAN

July 2016



Prepared for:
Nantucket Affordable Housing Trust
Nantucket Planning and Land Use
Services Department

RKG
ASSOCIATES INC

JM Goldson

community preservation
+ planning

Prepared by:
RKG Associates, Inc.
in association with
JM Goldson

NANTUCKET
CHAPTER 40B HOUSING
PRODUCTION PLAN

July 2016

Prepared for:
Nantucket Affordable Housing Trust
Nantucket Planning and Land Use
Services Department

Prepared by:
RKG Associates, Inc.
in association with
JM Goldson

Approved by the Nantucket
Board of Selectmen
August 3, 2016

Approved by the Nantucket
Planning Board
August 8, 2016

Table of Contents

1. INTRODUCTION	1
Background	1
What has Nantucket done to provide affordable housing?.....	2
Why have a Housing Production Plan?	3
Notes on Census Data and Demographic Maps	5
2. HOUSING NEEDS ANALYSIS	7
Introduction	7
Population Trends	8
Household Trends	14
Housing Characteristics.....	16
Existing Inventory.....	18
Occupancy, Tenure, and Household Size.....	19
Income, Tenure, and Housing Costs	20
Price-Restricted Housing.....	24
Chapter 40B.....	24
Affordable Housing Providers.....	25
3. HOUSING GOALS	27
Principles	27
Qualitative Goals.....	28
Quantitative Goals: 2016-2020.....	28
4. IMPLEMENTATION STRATEGIES	29
Appropriate locations for higher-density housing.....	29
Local resources for affordable housing	32
Fair housing and affordable housing	33
Capacity for development, education, and advocacy.....	34
APPENDIX	43
Appendix A: Glossary	43
Appendix B. Affordable Housing Timeline: Nantucket.....	49
Appendix C. Master Plan Implementation: Housing and Land Use, 2009 – Present	53
Appendix D. “Safe Harbor” Status through Housing Plan Certification.....	57
Appendix E. Affirmative Fair Housing Marketing Plan Requirements	59
Appendix F. Disposition of Municipal Property for Affordable Housing.....	63
Appendix G. Town of Amherst: Tax Incentive Legislation for Affordable Housing.....	69
Appendix H. Town of Provincetown: Tax Exemptions for Affordable Housing.....	71

1. INTRODUCTION

BACKGROUND

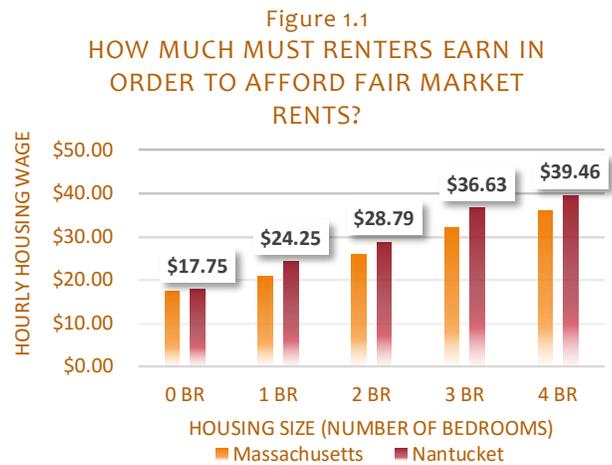
It is June, which means the shoulder season in Nantucket ended a month ago and hospitality businesses have already started to staff up for the summer. It also means that for many Nantucket residents – from teachers to postal workers, nurses, and town employees – the seasonal “shuffle” begins again. From June to September, year-round renters often have no choice but to move in order to make way for vacationers who spend as much as \$7,000 per week to rent a private cottage.

The demand for housing in Nantucket for the summer comes not only from wealthy tourists, but also seasonal workers. By July, the number of people working in Nantucket will be twice as high as in January, with five-fold growth occurring in accommodations and food service employment.¹ Those flocking to Nantucket for seasonal jobs run the gamut from immigrants shuttling between winter and summer resorts to college students, artists, and others hoping to escape the mainland for a few months. Although some of the larger hospitality businesses on Nantucket offer dormitory housing to their summer employees, the number of beds does not begin to accommodate the number of workers who need a place to stay.

Housing is the most coveted real estate in Nantucket. The monthly rents for year-round homes and apartments in Nantucket match or exceed what landlords charge in Greater Boston. In fact, Nantucket is the state’s most expensive county, with a rental housing wage of \$28.79 (Figure 1.1). Since the actual hourly wage in Nantucket is far less than \$28.79, households with lower incomes would have to work longer hours to pay for their housing, as shown in Figure 1.2.

¹ Executive Office of Labor and Workforce Development, ES-202 Employment and Wages, Nantucket, Massachusetts, 2015 Annual Report.

Housing is the most coveted real estate in Nantucket. The monthly rents for year-round homes and apartments in Nantucket match or exceed what landlords charge in Greater Boston. In fact, Nantucket is the state’s most expensive county.



Moreover, for-sale housing prices place Nantucket on par with Boston’s exclusive west suburbs. While Nantucket wages do run high relative to the state as a whole, they do not really compensate for the even-higher cost of housing – as evidenced by the high incidence **housing cost burden** among year-round residents. Unlike Boston, Cambridge, and Worcester and the smaller urban centers that dot the Commonwealth’s rivers, there are no suburbs or outlying towns that can shoulder some of the regional need for affordably priced housing. Nantucket is an island situated thirty miles out at sea. There is no “next town over” with more housing options. As a

result, stories abound of residents leaving Nantucket because they have lost housing, people turning down jobs because they cannot find housing, and overcrowded housing conditions as lower-income families try to double up in order to avoid homelessness.

WHAT HAS NANTUCKET DONE TO PROVIDE AFFORDABLE HOUSING?

While very high housing costs often act as a magnet for Chapter 40B comprehensive permits, this has not really been the case on Nantucket. In fact, Nantucket has a relatively small **Subsidized Housing Inventory (SHI)**: 121 affordable units, or 2.5 percent of the town's year-round housing stock.² Creating affordable housing in Nantucket is very difficult – far more difficult than in most mainland communities. Just about all of the affordable housing that does exist in Nantucket came about because of some type of local initiative. For example:

- **Sachem's Path.** A mixed-income housing development known as Sachem's Path would not have happened without land donated by the Nantucket Housing Authority (NHA), public funds from several sources (including the Town), a mission-based developer, Housing Assistance Corporation of Cape Cod (HAC), and a "friendly" comprehensive permit. When completed, Sachem's Path will offer forty homeownership units for households with incomes at 80 percent, 100 percent, and 150 percent of the Nantucket County Area Median Income (AMI). Ten of these units will be for moderate-income homebuyers (with incomes at or below 80 percent AMI), which means they will qualify for the SHI, including three constructed by Habitat for Humanity.
- **Nantucket Housing Needs Covenant Program.** Nantucket's zoning, the NHA's leadership, and Executive Order 418 gave birth to the Nantucket Housing Needs Covenant Program, which helps income-eligible families purchase their first home. In all of the residential districts, Nantucket allows up to two dwelling units per lot as long as both units remain in one ownership. A resident who no longer needs or wants responsibility



Nantucket officials and community leaders, following testimony at a hearing on H. 4317 in June.

for a second dwelling unit can sell it, but the unit must be sold for a price affordable at 150 percent AMI and must remain affordable over time under a recorded covenant. Administered by Housing Nantucket, the Covenant Program has helped sixty-one year-round residents become homeowners. Though not eligible for the SHI, units in the Covenant Program help Nantucket address the affordable housing needs of many employed residents, thereby supporting the health of the island's economy.

- **Funding.** Nantucket has adopted the Community Preservation Act (CPA), established an Affordable Housing Trust under G.L. c. 44, § 5C, and most recently appropriated \$1 million from Town funds to help the Trust create affordable housing in Nantucket. At the same town meeting that approved \$1 million for the Affordable Housing Trust, residents voted to file a **home rule petition** with the legislature to institute a real estate transfer fee that would help Nantucket create a permanent source of revenue for affordable housing. The legislation exempts the first \$2 million of the sale price of any individual real property transfer, so many routine sales of existing homes would not be subject to the fee. Nantucket's

² The 121 affordable units on Nantucket's SHI do not include any of the ten moderate-income units at Sachem's Path. When the project is finished, Nantucket's revised SHI will consist of 131 affordable units or 2.7 percent of the town's year-round housing – assuming the affordable housing restriction for Academy Hill is extended beyond December 2016.

home rule petition is currently before the legislature (H. 4317) along with a similar request from Provincetown. Despite opposition from the real estate industry, the House Committee on Municipalities and Regional Government favorably reported the bill in late June 2016 and referred it to the House Committee on Steering, Policy, and Scheduling.

- **Fairgrounds Road.** The Town acquired land at 6 Fairgrounds Road for the specific purpose of creating new affordable housing. Discussions are currently underway about the disposition process for the Fairgrounds Road property: number of units, affordability targets, SHI eligibility, and so forth. The Town hopes to make many of the units available to municipal and school department employees.
- **Richmond Great Point Development.** In November 2015, Nantucket Town Meeting overwhelmingly supported a proposed zoning change to allow construction of 325 housing units on a 32-acre mid-island site. The zoning provides for single-family dwellings at nine units per acre and apartments up to twenty-three units per acre. While this development also has **Project Eligibility** (PE) approval from MassHousing and could proceed with the comprehensive permit process, the Town partnered with Richmond to pursue the zoning change so Nantucket would have more local control.³ As of July 2016, Richmond has applied for a special permit to construct 225 rental units (Meadows II) and 50 homeownership units (“Sandpiper Place”). In each component, 25 percent of the units will be affordable to households with incomes at or below 80 percent AMI.
- **Rental Housing.** Nantucket has other types of housing assistance for individuals and families with lower incomes, such as 31 public housing units at Miacomet Village owned and managed by the NHA, and a rental housing assistance program managed by Nantucket’s Interfaith Council. These and other initiatives are described later in this report. Nevertheless, the force of Nantucket’s housing market and shrinking supply of developable land have simply overpowered the noble efforts of housing advocates and the Town.

WHY HAVE A HOUSING PRODUCTION PLAN?

The primary reason for any town to create an affordable housing plan is to set goals and choose strategies that will give a community’s affordable housing efforts focus and direction. In Massachusetts – because communities have to comply with Chapter 40B – there are added reasons for developing a housing plan. The Department of Housing and Community Development (DHCD), which administers Chapter 40B, offers some incentives to communities that adopt a Housing Production Plan and implement it by creating new **low- and moderate-income housing**. Accordingly, the purpose of this plan is to help Nantucket create more affordable housing on a gradual but steady basis until the Town reaches the 10 percent minimum under Chapter 40B, consistent with the state’s housing plan regulations at 760 CMR 56.03(4).

I'm still looking for any and all possible leads on housing. It could be but not limited to... A couch, floor, bed or bedroom and for any time periods examples a day, two days, a week or season and year-round ...
Nantucket Seasonal & Year-Round Rentals Group
 Facebook

There are other reasons that Nantucket needs to develop and implement a Housing Production Plan at this time. Notably:

- **Public Education.** Nantucket needs more (and more effective) public education about affordable housing. Nantucket’s affordable housing crisis has been obvious to community leaders for a very long time, and many groups have tried to find, promote, and implement solutions. However, people have different ideas about what the island’s priorities should be, and not everyone understands the relationship between Nantucket’s housing shortage and economic development.

³ See Appendix B for a complete list of housing-related land use regulations adopted since the 2009 master plan.

- **Capacity Building.** The Affordable Housing Trust has a critical role to play in affordable housing leadership, finance, and development. Like other housing trusts in Massachusetts, Nantucket's needs an action plan to guide its activities, but it also needs training, professional staff support, and an administrative plan for the trust fund: funding and strategy goals, program design(s), grant and loan standards and decision criteria, and procedures. As a governmental body, the Affordable Housing Trust may be called upon at any time to be accountable for the investment decisions it makes to create affordable housing. Written procedures and standards will help the Trust answer to the public, increase its credibility with other funding sources, and address basic questions from the Town's auditors.
- **Responsibilities of Local Government.** Nantucket has an Affordable Housing Trust, but the Trust alone cannot address Nantucket's affordable housing needs. The Board of Selectmen, Planning Board, Zoning Board of Appeals, Planning and Land Use Services (PLUS) Department, Board of Health, Building Inspector, Community Preservation Committee (CPC), Historic District Commission (HDC), Nantucket Housing Authority, and others have responsibilities, too. All of these entities need to understand how their actions either exacerbate the island's housing problems or contribute to solutions, and they need to work together.
- **Fair Housing.** Nantucket's economy depends heavily on hospitality and tourism. Industries like accommodations and food service, recreation, retail, and others act as a driving force in Nantucket's employment base, providing as much as 50 percent of all local employment but only 36 percent of local wages. The prevalence of lower-wage jobs in Nantucket plays a significant role in the racial and ethnic make-up of the island's resident population. Since monthly rents far exceed what lower-wage workers can afford on their own, many of Nantucket's minority and foreign-born residents live in shared quarters in some mid-island neighborhoods. In these locations, single-family and two-family homes have essentially been converted to congregate residences where the tenants pay rent on a per-room basis. The result is geographic concentration of minorities and low-income people in over-

The average home price in 1995 was approximately \$300,000 on Nantucket. Compare that to today where the average price is \$1,938,000 as of March 2016 – a whopping increase of 546 percent. According to the Bureau of Labor and Statistics, CPI has increased during the same period by only 57 percent.

-Ken Beaugrand

Testimony, H. 4317

June 14, 2016

occupied, substandard housing. While these conditions did not happen "by design," there are unique ways that populations protected under the federal Fair Housing Act have been affected by Nantucket's housing shortage.

- **Expertise in Affordable Housing Development.** Nantucket has several non-profit, community-based organizations with an interest in affordable housing, but it does not have a community-based housing developer. Housing Nantucket administers affordable housing assistance programs and is recognized as a community leader in affordable housing education and advocacy. The Community Foundation for Nantucket, ReMain Nantucket, the Nantucket Rental Assistance Program (Nantucket Interfaith Council), and others provide leadership, funding, and advocacy, and these are all important for building a base of support for affordable housing at all market levels. However, the absence of a qualified, knowledgeable non-profit housing developer limits Nantucket's capacity to create, monitor, and preserve affordable units. In a matter of weeks, the Affordable Housing Trust will have a large fund to administer, but the benefits of that fund may be curtailed by the lack of non-profit development capacity.
- **Land Supply.** Nantucket is a nationally recognized leader in land conservation. Residents are justifiably proud of the success of organizations like the Nantucket Conservation Foundation, Nantucket Islands Land Bank, the Massachusetts Audubon Society, the 'Sconset Trust, and

others. Through their collective efforts, about half of Nantucket's land area is protected in perpetuity from development. Nantucket's success with land conservation creates a challenge for affordable housing development, first because the supply is severely constrained and second, the available supply is very expensive. Nantucket has pursued creative ways to "make land" through **upzoning** initiatives, but other measures are needed, such as an inventory and prioritization of Town-owned, unrestricted property that can be used for housing. There also must be closer collaboration between Town government, affordable housing proponents, and the Nantucket Islands Land Bank to meet island-wide needs for conservation, economic prosperity, and social fairness. In support of addressing common needs, the Land Bank Commission has adopted a policy to guide "cooperative acquisitions" with affordable housing organizations.⁴

NOTES ON CENSUS DATA AND DEMOGRAPHIC MAPS

This plan incorporates data from a wide variety of sources, including Housing Nantucket, the Town of Nantucket, the Community Foundation of Nantucket, previous plans and studies for the Town and other organizations, state agencies such as MassGIS and the Department of Housing and Community Development (DHCD), and various federal agencies, including the Bureau of the Census. Since "the Census" actually encompasses many different surveys and programs, we have combined information from multiple datasets.

- **The Decennial Census of Population and Housing.** The decennial census is the official source for determining a community's year-round population and year-round housing stock. Statistics from Census 2010, Census 2000, and in some cases earlier census tables appear throughout this report. However, the decennial census does not provide socioeconomic characteristics that are critical for a housing study, e.g., household income or poverty, or housing characteristics such as housing age, prices, and sizes. For these statistics, planners must turn to the American Community Survey (ACS).

Demographic and housing data presented in this plan are reported for the Town of Nantucket as a whole and its several census tracts and census block groups, as depicted in maps in Chapter 2.

- **The American Community Survey (ACS).** The ACS is a fairly new program of the Census Bureau and it is critical for any housing analysis. It provides estimates from a small survey sample, but the Census Bureau conducts a new survey each month and the results are aggregated to provide a similar, "rolling" dataset on a wide variety of topics. For small towns like Nantucket, ACS estimates are reported as five-year rolling tabulations. The most recent ACS five-year dataset covers the period 2010-2014. It is important to note that ACS data are estimates, not actual counts. As a result, it can be challenging to compare ACS with the decennial census.
- **HUD Comprehensive Housing Affordability Strategy (CHAS) Data.** Created through a combined effort of the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census Bureau, this dataset represents a "special tabulation" of the American Community Survey (ACS) data to provide information on HUD-specific income categories and housing data used for Consolidated Planning at the local level. According to the HUD guidance, "these special tabulation data provide counts of the numbers of households that fit certain combinations of HUD-specified criteria such as housing needs, HUD-defined income limits (primarily 30, 50, and 80 percent of median income) and household types of particular interest to planners and policy-makers." The most recent CHAS Data are based on ACS estimates for 2008-2012.

⁴ "Nantucket Islands Land Bank Affordable Housing Policy," adopted by Land Bank Commission on November 10, 2015.

2. HOUSING NEEDS ANALYSIS

INTRODUCTION

Nantucket is home to approximately 10,856 year-round residents.¹ Its population and household characteristics differ from those of the state as a whole, though in fairly predictable ways given Nantucket's island environment and seasonal resort economy. On one level, Nantucket has qualities in common with some communities on Cape Cod and Martha's Vineyard: extraordinarily high housing values, high household wealth, and an economy that depends heavily on coastal tourism. On another level, Nantucket is quite different. Its population is comparatively young and diverse, and Nantucket is more remote. While communities like Chatham and Falmouth have become havens for retirees, Nantucket has gained both older and young residents, as can be seen in the island's school enrollment trends. In addition, Nantucket is actually multiple jurisdictions in a single geography: a town, a county, and a regional planning commission, which is very unusual.

Due to the prevalence of unbuildable land and protected open space on Nantucket, the island is a remarkably low-density community with about 226 people per square mile (sq. mi.): roughly one-fourth of the population density per sq. mi. for the Commonwealth. Nantucket is a national model for open space protection, due in large part to the Nantucket Islands Land Bank and the special legislation that created it in 1983. Over time, the Nantucket Land Bank and other conservation groups have successfully acquired and taken steps to protect about half of Nantucket's land. With Nantucket's golf courses and other recreation facilities added to the mix, over 60 percent of the island is undevelopable. The extensive open space and recreation network that exists on Nantucket today has had an indelible impact on

housing values, first because open space is a valuable residential amenity and second, very little of the island's land supply is available for housing growth. According to a report by the Nantucket Planning Department in 2009, 32 percent of the island is substantially built out under existing zoning, leaving about 8 percent potentially available for new development.² Together, Nantucket's open space and fairly restrictive zoning constrain the land supply and in turn, the housing supply.

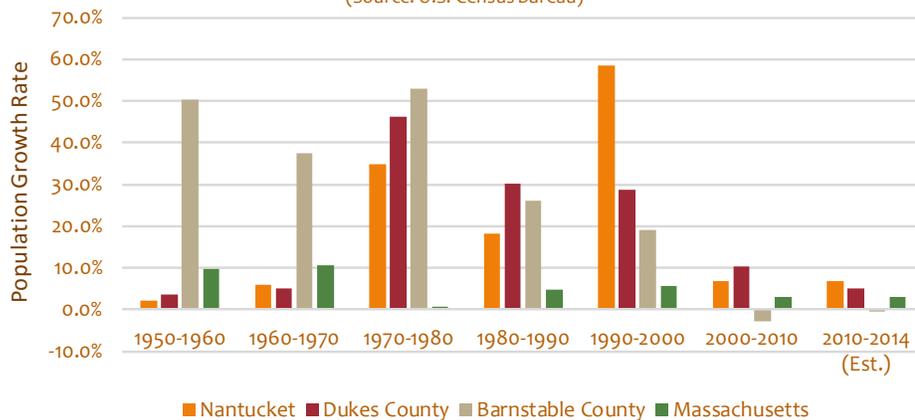
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Nantucket's expensive homes, limited range of housing, small employment base, and abundance of protected land help to explain its extremes: affluence on one hand, and seasonal workers with very low-paying jobs on the other hand. Furthermore, there is an undeniable shortage of price-appropriate housing for people with year-round, living-wage employment: the professional, technical, administrative, education, and health care employees of public- and private-sector establishments. Nantucket is a very expensive place to live, and there are not that many jobs in the pay ranges required to afford Nantucket's high housing costs. The island's beauty conveys an image of Nantucket that masks the hardships many

¹ U.S. Census Bureau, State & County Quick Facts 2014. Some residents believe the Census Bureau undercounts the total year-round population.

² *Nantucket Housing Production Plan (2009)*, 12.

Figure 2.1
**POPULATION GROWTH HISTORY:
 NANTUCKET AND MARTHA'S VINEYARD**
 (Source: U.S. Census Bureau)



households contend with in order to live and work there. In addition, Nantucket has pockets of poverty, racial and ethnic minorities, and foreign-born populations in two of its five federal census tracts. Overcrowded housing conditions and substandard if not illegal units exacerbate these problems. For seasonal and year-round workers without living-wage jobs, Nantucket's housing barriers are even more complicated and difficult to address.

POPULATION TRENDS

Many Nantucket residents might find it hard to imagine their town in 1980, when the population (5,087) was only half the number reported in Census 2010 (10,172). It makes sense that in 1983, a decade after adopting its first zoning bylaw, Nantucket completed a growth management plan and took further steps to reduce the island's development potential.³ With special legislation, Nantucket created the Land Bank Commission and instituted a funding mechanism to pay for acquiring open space. During the 1970s, Nantucket's population had jumped 35 percent after several decades of relatively little change, and new homes were under construction at the rate of over one hundred per year. What had been a fairly small population difference between Nantucket and all of Martha's Vineyard during the Great Depression had gradually increased (Figure 2.1). This, together with unprecedented growth occurring throughout much of Cape Cod, formed the backdrop for actions taken

on Nantucket to protect the town's land and water resources and its historic resources as well. Astute leaders at the time could foresee that as household formation rates and housing demand accelerated in the 1980s, Nantucket stood to absorb a considerable amount of new housing growth, perhaps more than it had the capacity to serve. Nantucket instituted rate-of-development controls and an annual cap on building permits in order to manage the impact of new growth on infrastructure and services.⁴

More recently, Nantucket's total year-round population increased from 9,520 to 10,172 between 2000 and 2010, or 6.8 percent, surpassing all other Massachusetts counties except Dukes County, where the population rose by over 10 percent. According to the American Community Survey (ACS), Nantucket's population grew another 6.7 percent between 2010 and 2014: more than double the statewide growth rate. The Census Bureau's most recent population estimate for Nantucket is 10,856 (July 2014). Nantucket is currently classified as one of the 100 fastest growing counties in the nation, based on 2013-2014 one-year growth estimates.⁵

Nantucket has gained population faster than the UMass Donohue Institute (UMDI) predicted when it developed 25-year population projections in 2010. According to those projections (Figure 2.2), Nantucket's 2035 population will be approximately 12,004, in-

⁴ N.B. These provisions lapsed in 2001.

⁵ U.S. Census Bureau, Population Division, "Resident Population Estimates for the 100 Fastest Growing U.S. Counties with 10,000 or More Population in 2013: July 1, 2013 to July 1, 2014 - United States - County," March 2015.

³ Nantucket Planning & Economic Development Commission (NP&EDC), *Comprehensive Growth Management Plan, Vol. I, Goals and Objectives for Balanced Growth* (1983).

Table 2.1. Population Projections by Age Group, Percent Change 2015-2035: Cape & Islands

Age	Nantucket	Dukes	Barnstable	State	Age	Nantucket	Dukes	Barnstable	State
0-4	44.3%	5.5%	-9.6%	-0.2%	50-54	-24.0%	6.3%	-36.0%	-8.7%
5-9	10.2%	-9.6%	-14.2%	-0.1%	55-59	-7.0%	-6.9%	-39.1%	-10.9%
10-14	15.9%	-7.4%	-12.9%	-1.1%	60-64	4.9%	-28.7%	-30.6%	-0.7%
15-19	18.2%	10.8%	-20.6%	-1.5%	65-69	23.3%	-10.0%	-17.2%	19.3%
20-24	32.3%	12.3%	-26.8%	-7.7%	70-74	52.2%	47.9%	15.0%	68.0%
25-29	86.1%	-20.3%	-18.4%	-7.2%	75-79	86.0%	139.3%	44.0%	102.6%
30-34	18.2%	-22.7%	-17.6%	-2.1%	80-84	103.8%	161.7%	39.5%	88.7%
35-39	-19.1%	-3.6%	-11.4%	7.0%	85+	59.0%	76.7%	18.4%	45.8%
40-44	-26.4%	6.6%	-9.0%	14.1%	Total	12.5%	6.7%	-12.7%	7.8%
45-49	-37.5%	2.3%	-23.3%	3.7%	Change	1,337	1,162	-27,399	526,878

UMDI, Population Projections for Massachusetts Municipalities: Age and Sex (March 2015); and RKG Associates.

cluding significant growth in the school-age and young adult age cohorts – unlike the state as a whole – and a 56 percent increase in seniors (65 and over). Nantucket also stands to lose ground in terms of working-age population 35 and over between now and 2035.⁶

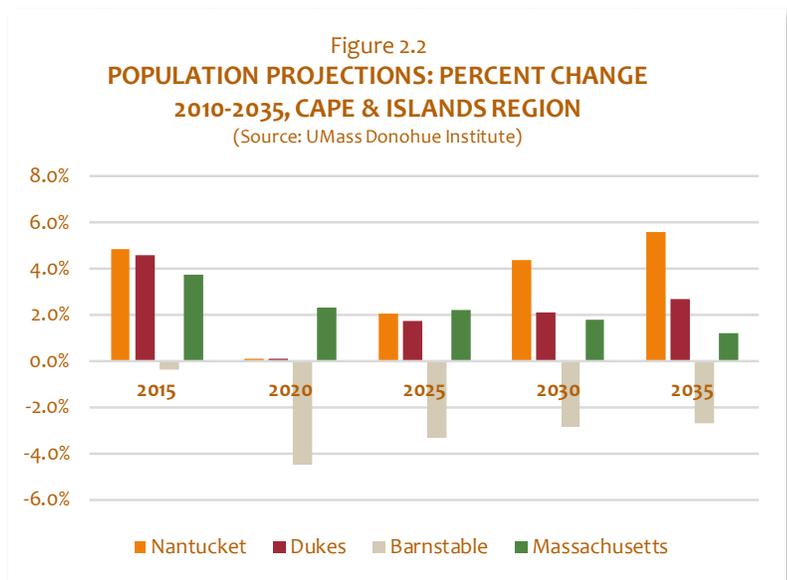
Nantucket has some unique characteristics in terms of the age make-up of its year-round residents. Measured by median population age, Nantucket is not much different from the state: 39.4 years on Nantucket and 39.1 years statewide. However, there tend to be pockets of older and younger people in settlement patterns that coincide, in part, with other population characteristics such as race and income. For example, families with children under 18 make up a relatively large share of the population in Nantucket’s Airport/Mid-Island and Surfside neighborhoods. In these areas, the median age drops to 35.2, and school-age children account for at least one-fourth of the total population; seniors, almost 10 percent.⁷

Race, Ethnicity, and Culture

Nantucket has more racial and cultural diversity than the state as a whole. This can be seen both in federal census data and demographic profiles of the Nantucket Public Schools. The Massachusetts Department of Elementary and Secondary Education (DESE) reports comparative socioeconomic data for

⁶ UMass Donohue Institute (UMDI), *Population Projections for Massachusetts Municipalities*, prepared for the Massachusetts Secretary of State, March 2015.

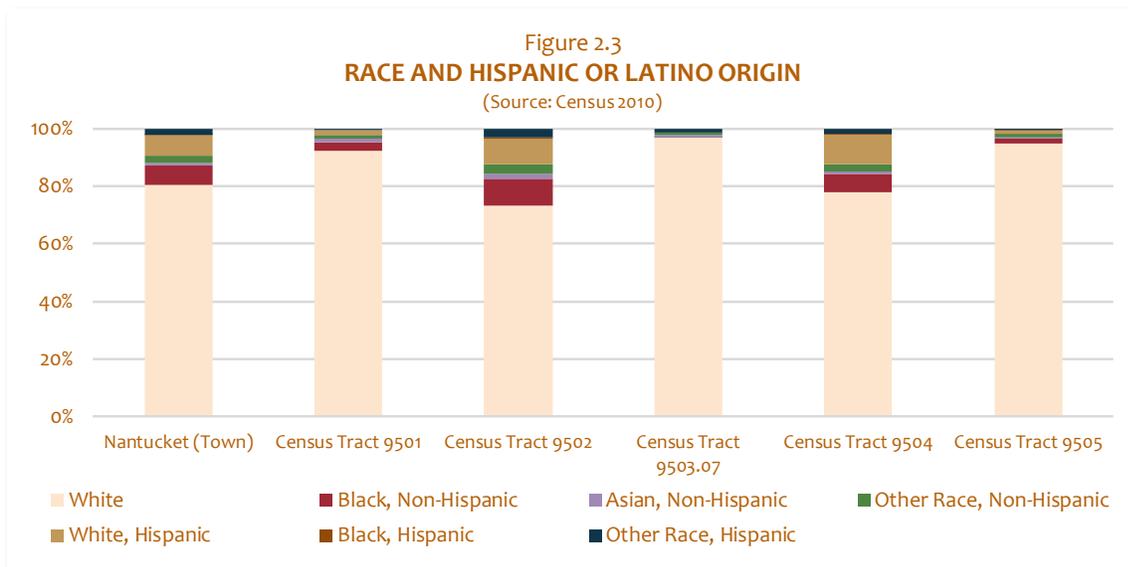
⁷ U.S. Census Bureau, *Census 2010, DP-1*.



all of the state’s public school districts. According to the agency’s website, 12 percent of Nantucket’s school students are African American and 24 percent are Hispanic compared with 9 percent and 18 percent (respectively) for all of Massachusetts.⁸ Minorities comprise approximately 19.5 percent of the population town-wide and 16.8 percent of the population in Massachusetts.

Racial and ethnic population characteristics matter, first for social equity reasons and second, because much tougher regulations under the federal Fair Housing Act (FFHA), a 1968 civil rights law, will be released in 2015. The FFHA prohibits housing discrimination against people on the basis of race or color, religion, sex, national origin, familial status (families with children under 18), or disability. Among other requirements, the new regulations will obligate lo-

⁸ Massachusetts Department of Elementary and Secondary Education (DESE), *School Profiles: Nantucket Public Schools*.



cal governments to affirmatively further fair housing and eliminate policies and practices that have the effect (however unintended) of housing discrimination against groups the FFHA is designed to protect (“protected classes”). Eventually, enforcement and compliance will be linked to most federal funding programs – not only programs that provide funds for housing.

Although Nantucket is home to many minorities, community-wide race statistics mask the fact that Nantucket’s minority population is largely housed in one area (Map 2.1). Ninety percent of Nantucket’s minority residents live in Airport/Mid-Island/Surfside neighborhoods and south of Town. For example, Nantucket’s most densely populated census tract, 9502 (Miacomet/Mid-Island/Cisco), houses 48 percent of the entire town-wide population but 69 percent of the African American population and 63 percent of the Hispanic population (Figure 2.3). From a fair housing perspective, differences such as these are known as **minority concentration areas**. Promoting higher-density housing in areas close to goods and services makes good planning and land use sense. However, when people have no choice but to live in certain parts of a community, local officials and housing advocates need to work closely with minority neighborhoods to provide more housing choices.

The percentage of **foreign-born** residents on Nantucket (16.6 percent) is larger than that of the state (15 percent). Most of Nantucket’s foreign-born population hails from countries such as the Dominican Republic and Jamaica in the Caribbean or from Central American countries such as Mexico or El Salvador.⁹

⁹ American Community Survey (ACS) 2009-2013 Five-Year Estimates, B05006, B16007.

Over one-fourth of the population in census tract 9504 includes people from other countries, and these neighborhoods also house a majority of Nantucket’s Spanish- and Portuguese-speaking residents.

In many cases, they come to Nantucket for work in the hospitality, food service, and recreation sectors, all of which depend on unskilled labor and provide a major source of jobs for immigrants throughout the U.S. Nantucket’s immigrant groups tend to concentrate in the Mid-Island area, as suggested in Table 2.2. Over one-fourth of the population in census tract 9504 includes people from other countries, and these neighborhoods also house a majority of Nantucket’s Spanish- and Portuguese-speaking residents (Map 2.2).¹⁰ An unusually large percentage of children in the Nantucket Public Schools speak a language other than English at home.

Whether native or foreign-born, Nantucket’s current population includes a much larger percentage of people with out-of-state origins than the state as a whole (Table 2.3). Less than half of Nantucket’s residents are originally from Massachusetts, but of the population born out of state, one-fourth moved to

¹⁰ ACS 2009-2013, B16007.

Table 2.2. Foreign-Born Population by Citizenship and Origin (Estimated; 2013)

Location	Estimated Population	Foreign-Born	Foreign-Born Percent	Not Naturalized Citizen	Percent Foreign-Born from Latin America
Massachusetts	6,605,058	991,708	15.0%	49.5%	35.5%
Nantucket (Town)	10,224	1,694	16.6%	59.5%	66.5%
Census Tract 9501	1,650	124	7.5%	83.9%	34.7%
Census Tract 9502	4,481	878	19.6%	68.1%	70.2%
Census Tract 9503.07	340	7	2.1%	71.4%	0.0%
Census Tract 9504	2,402	620	25.8%	45.6%	70.6%
Census Tract 9505	1,351	65	4.8%	27.7%	46.2%

ACS 2009-2013, B05002, B05006, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Table 2.3. Current Population by Place of Birth (Estimated; 2013)

Location	Est. Population	Born in Massachusetts	Native, Born Out of State					Foreign-Born
			Northeast	Midwest	South	West	Abroad	
Massachusetts	6,605,058	62.8%	11.8%	2.6%	3.3%	1.9%	2.5%	15.0%
Nantucket (Town)	10,224	46.0%	23.6%	4.3%	5.3%	2.6%	1.8%	16.6%
Census Tract 9501	1,650	43.1%	28.2%	5.6%	10.2%	1.6%	3.7%	7.5%
Census Tract 9502	4,481	50.6%	17.1%	3.3%	4.5%	2.9%	2.0%	19.6%
Census Tract 9503.07	340	49.4%	34.1%	2.9%	5.6%	1.8%	4.1%	2.1%
Census Tract 9504	2,402	41.8%	23.2%	2.4%	2.8%	3.7%	0.3%	25.8%
Census Tract 9505	1,351	40.6%	37.5%	9.3%	6.1%	1.1%	0.6%	4.8%

ACS 2009-2013, B05002, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Nantucket from elsewhere in New England or another part of the Northeast. The numbers are fairly small because Nantucket’s population is small, but the percentages of Nantucket residents coming from other parts of the U.S. are noteworthy.

Labor Force

Compared with Massachusetts overall, Nantucket has a larger percentage of the population in the **labor force**, and in some parts of town the **labor force participation** rate is very high. Seventy-six percent of Nantucket’s 16-and-over population is in the labor force (Table 2.4), and for the most part they are also employed – at least seasonally. Unemployment on Nantucket can range from a low of 2 percent in July to a high of 15 percent in January,¹¹ but when seasonally adjusted, unemployment

does not appear to be a major problem for the island’s year-round residents – many of whom are self-employed. Approximately 6 percent of Nantucket’s labor force works in a home occupation at least part of the work week, and this statistic run as high as 13 percent in downtown neighborhoods. By contrast, just 2 percent of the workers in Mid-Island neighborhoods have home occupations, probably because so many have hospitality and food service jobs that require commuting to an employer establishment.

Nantucket has a reasonably well educated population. Its labor force matches the state for working-age population percent with a college degree or more (42.6 percent). Island-wide, Nantucket’s population without a high school diploma is less than the state’s, but many workers living in Mid-Island neighborhoods have limited education levels: nearly on par with the state for percent without a high school

¹¹ Executive Office of Labor and Workforce Development (EOLWD), Labor Force and Unemployment Data (2010-2014).

Table 2.4. Labor Force and Education Levels (Estimated; 2013)

Location	Population 16 and Over		Educational Attainment				
	Total (Estimated)	In Labor Force	Population 16-64 (Estimated)	Less than high school	High school graduate	Some college	Bachelor's degree or higher
Massachusetts	5,371,252	67.7%	3,576,934	8.4%	23.6%	25.3%	42.6%
Nantucket (Town)	8,245	76.3%	6,164	4.4%	24.9%	28.1%	42.6%
Census Tract 9501	1,421	63.1%	778	5.0%	21.6%	23.0%	50.4%
Census Tract 9502	3,468	81.7%	2,800	7.1%	29.0%	27.4%	36.5%
Census Tract 9503.07	280	66.4%	212	0.0%	14.2%	17.0%	68.9%
Census Tract 9504	1,901	85.1%	1,666	0.5%	27.8%	27.7%	44.0%
Census Tract 9505	1,175	64.1%	708	3.1%	8.9%	40.7%	47.3%

ACS 2009-2013, B23025, B23006, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

diploma. Education levels, wages, and poverty tend to go hand-in-hand.

WORKING ON NANTUCKET

The Executive Office of Labor and Workforce Development (EOLWD) reports that Nantucket has about 920 **employer establishments** with a combined total of 3,900 payroll jobs with an average weekly wage of \$963.¹² The employment base is quite small for a community with 4,400 year-round housing units. A sustainable local economy typically has about 1.5 jobs per housing unit: enough jobs to give residents meaningful opportunities to work locally. The **jobs-to-housing ratio** on Nantucket is only 0.89, so it is no surprise that Nantucket also has many “non-employer” establishments, too: people who work for themselves as sole proprietors, either full-time or as a part-time supplement to a payroll job. Evidence of reliance on self-employment income can be seen in census statistics for sources of household income. For example, 11 percent of the state’s households derive some income from self-employment, but 27 percent of Nantucket’s households have self-employment income and in some neighborhoods, it is as high as 33 percent.¹³ Together, the number of self-employed people and the employers that provide jobs for others form the base of over 3,000 firms doing business on Nantucket.¹⁴

The size and composition of Nantucket’s economy present some important challenges for developing a housing strategy for any income group.

The employment base fluctuates seasonally. The seasonal changes on Nantucket are substantial. At the peak season for visitors in August, local employers have 2.3 jobs on payroll for every one job that still remains in February, when employment reaches its lowest point in the year. These changes mirror fluctuations in the unemployment rate. Nantucket essentially achieves full employment in the summer, when the unemployment rate drops to well below 2 percent, but by February it has one of the highest unemployment rates in Massachusetts (about 13 percent).¹⁵

The employment base has a narrow range of strengths. Arguably, the arts and recreation and accommodations and food service sectors perform well during the summer and into the shoulder season, but they generally provide low-wage jobs. Workers in these industries earn better pay on Nantucket than in other parts of the state – roughly 1.4 times the average weekly wage for similar jobs elsewhere – so many of them may be able to pay rents of \$900 to \$1,100 over the summer. Once the hospitality industry contracts after Columbus Day, this is no longer the case.

Year-round jobs such as health care and professional services pay decent wages, but Nantucket does not have a large base of professional employment. The Town of Nantucket, the public schools, and the Nantucket Cottage Hospital are relatively

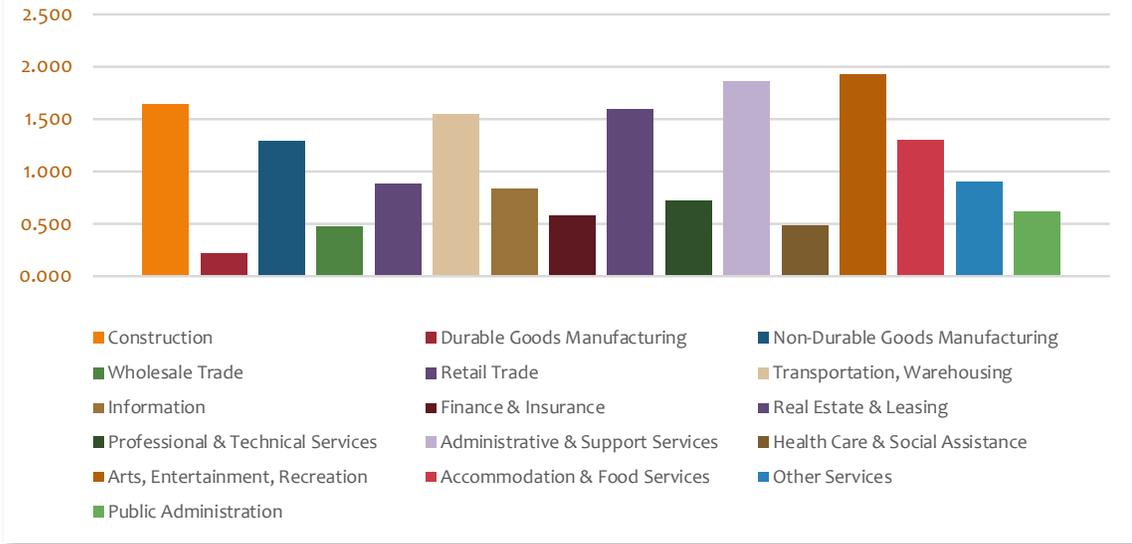
¹² EOLWD, Employment and Wages Report, ES-202: Nantucket, 2009-2013.

¹³ ACS 2009-2013 Five-Year Estimates, B19053.

¹⁴ County Business Patterns, 2012.

¹⁵ Executive Office of Labor and Workforce Development, Local Area Unemployment Statistics (2007-2014).

Figure 2.4
**NANTUCKET'S EMPLOYMENT BASE:
 LOCATION QUOTIENTS**
 (Source: ES-202)



large employers with professional and semi-professional workers, and clearly there are small establishments with higher-paying jobs, too. In many cases, however, the industries with higher-wage employment on Nantucket have low **location quotients**.¹⁶ Relative to the larger regional economy – Cape Cod and the Islands – health care and professional services make up a small share of Nantucket’s employment base, as evidenced by location quotients substantially below 1.00 (Fig. 2.4).

Measured by their share of local jobs, Nantucket’s strongest industries are the construction trades, transportation services, real estate and leasing, support services (e.g., housecleaning, waste management, or security services), arts and recreation, and accommodations and food services (the hospitality industry). All of these industries are vulnerable to seasonal change, however. Most industries that offer high-wage employment, such as information, finance and insurance, real estate and leasing, professional services, health care, and public administration, do not provide many jobs on Nantucket.

Despite Nantucket’s generally favorable pay scales for municipal employees, the Town has lost at least four employees and at least three applicants turned down

Measured by their share of local jobs, Nantucket’s strongest industries are the construction trades, transportation services, real estate and leasing, support services (e.g., housecleaning, waste management, or security services), arts and recreation, and accommodations and food services (the hospitality industry). All of these industries are vulnerable to seasonal change.

municipal job offers because they could not find affordably priced housing.¹⁷

Earnings

Since the vast majority of Nantucket residents work on the island, either for themselves or as a wage or salary worker for some other establishment, reported income from employment sheds further light on wages paid by Nantucket businesses. For most industries, there is a wage differential that recognizes the higher cost to live and work on Nantucket, yet in

¹⁶ A location quotient is the ratio of an industry’s share of local employment to that industry’s share of employment in a larger reference economy, in this case the Cape & Islands Workforce Investment Area. It is a fairly simple tool for identifying strengths and weaknesses in the local economy. A ratio > 1.10 generally signals an industry that is strong in the local market.

¹⁷ Amanda Johnson, Town of Nantucket Human Resources Department, March 10, 2015.

Table 2.5. Median Annual Earnings: Selected Occupations and Industries (Estimated; 2013)

	Median Earnings	Occupations		Industries				
		Mgt.	Svcs.	Construction	Retail	Finance, Real Estate	Education	Hospitality
Massachusetts	54,594	73,085	33,365	43,916	24,064	56,907	40,967	16,663
Nantucket (Town)	51,869	73,339	41,981	50,323	38,281	56,023	41,605	25,023
Census Tract 9501	55,263	61,520	37,750	63,750	25,625	61,875	45,556	14,000
Census Tract 9502	51,110	66,848	43,750	45,865	44,632	33,203	28,750	25,510
Census Tract 9503.07	81,806	81,111	-	102,188	-	81,818	26,161	56,563
Census Tract 9504	45,962	85,625	41,596	46,250	43,542	42,993	61,750	38,472
Census Tract 9505	52,179	73,750	68,417	-	25,083	11,000	75,724	39,375

Source: ACS 2009-2013 B24021, B24031, and RKG Associates.

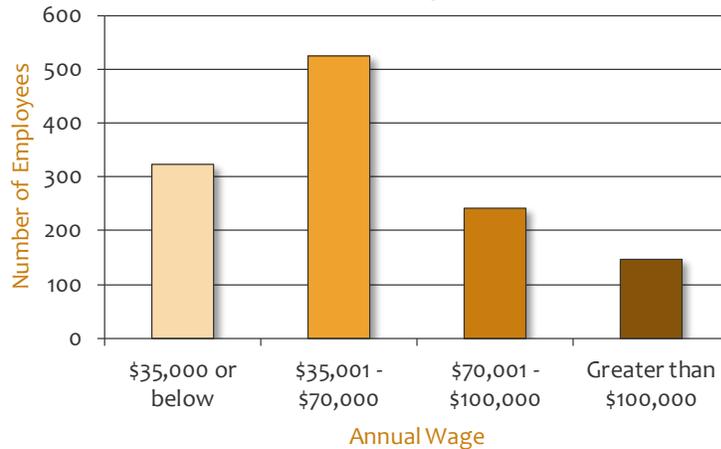
Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

relation to Nantucket’s extraordinarily high housing costs, the wage difference does not seem that significant. For example, Table 2.5 shows that the median annual earnings of a year-round service worker in Massachusetts is \$33,365, but on Nantucket, it is \$41,981, for a local wage ratio of 1.26. The Nantucket service worker with income at the median wage can afford to spend \$1,050 per month for rent and basic utilities. However, Nantucket’s median gross rent is \$1,443,¹⁸ which represents a housing cost differential of 1.46. It is little wonder that Nantucket workers on the lower end of the wage spectrum often share housing units in an effort to make ends meet. Indeed, a recent survey of 204 public and private employers in Nantucket indicates that some 26 percent of their workers earn wages that fall far below the minimum required to afford Nantucket rents (Fig. 2.4-1).

HOUSEHOLD TRENDS

Households – more than population per se – drive demand for housing, so a housing strategy for any community must account for market area household formation trends and household characteristics. The size and composition of a community’s households, the age of its householders, and the resources they have to purchase or rent housing all have an indelible impact on demand. Nantucket’s household trends are also affected by demand from the seasonal housing

Figure 2.4-1
NUMBER OF EMPLOYEES BY WAGE GROUP
(Source: Nantucket Housing Survey, 2016)



market. Over the past decade, Nantucket attracted considerable household growth. As of Census 2010, Nantucket had about 4,200 year-round households, representing a 14.3 percent increase between 2000 and 2010. However, the Census Bureau estimates that since 2010, Nantucket has lost about 160 households as it gained over 400 seasonal housing units, mainly due to conversions of year-round housing.¹⁹

Nantucket’s year-round homes are predominantly owner-occupied.²⁰ Its householders tend to be younger than their counterparts statewide, and unlike many towns on the Cape and around Boston, Nantucket has many young renters. In addition, while Nantucket is still a white, non-Hispanic town, it has many minority families. Most of Nantucket’s

¹⁸ ACS 2009-2013 Five-Year Estimates, B25064.

¹⁹ Census 2000, 2010, H1, H5; ACS 2009-2013 Five-Year Estimates, B25003, B25004.

²⁰ Census 2010, H4.

Table 2.6. Household Types (Estimated; 2013)

Location	American Community Survey (ACS) Estimates				
	Total Households	Families (Related People)	Single Parent Families	Non-Family Households	Single People % Non-Families
Massachusetts	2,530,147	1,607,082	26.1%	923,065	79.5%
Nantucket (Town)	4,069	2,462	21.5%	1,607	75.5%
Census Tract 9501	690	356	29.8%	334	89.8%
Census Tract 9502	1,657	1,093	26.7%	564	75.0%
Census Tract 9503.07	156	100	0.0%	56	78.6%
Census Tract 9504	951	500	9.4%	451	64.3%
Census Tract 9505	615	413	20.3%	202	77.7%

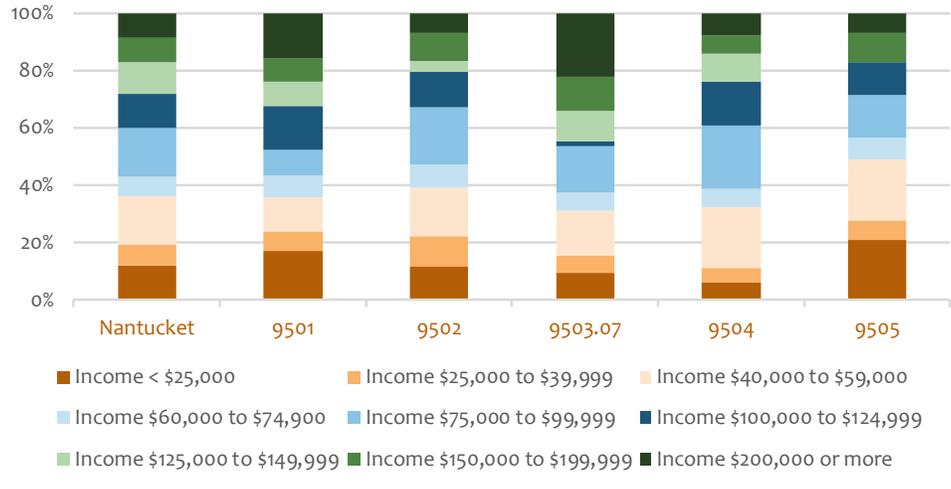
Source: ACS 2009-2013 B1101, and RKG Associates.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

African American and Hispanic households live in Mid-Island neighborhoods, which is also where most of the rental housing on Nantucket can be found.

Just about everyone living year-round on Nantucket is part of a household. (Some people lived in shared or **group quarters**, e.g., the seniors at Our Island Home.) Nantucket’s households are primarily **families**, which can also be said for most communities, but Nantucket has a larger percentage of **non-family households** than the state as a whole. “Non-family” is a federal census term that includes single people living alone and households of two or more unrelated people. Most non-family households are one-person households, whether measured nationally, in Massachusetts, or on Nantucket. In Massachusetts, for example, single people living alone represent 80 percent of all non-family households. However, the percentage of one-person households is smaller on Nantucket: 75 percent, and it is much smaller in some neighborhoods where the percentage of one-person non-family households drops as low as 64 percent (Table 2.6).

In the Airport/Mid-Island/Surfside area, Nantucket has a relatively large number of households with unrelated people living together in the same house.

Figure 2.5
**NANTUCKET HOUSEHOLD INCOMES:
 TOWN OF NANTUCKET & CENSUS TRACTS**
 (Source: ACS, 2009-2013)



This matters for a housing study because a larger-than-average number of unrelated people in shared housing often signals the presence of housing problems: lack of affordability, lack of suitable housing for a community’s household types, crowded housing units, code violations, off-street parking conflicts, and others. Not surprisingly, the presence of households with both related and unrelated people has an impact on household sizes and the types of housing a community may need. While Nantucket’s homeowner households are somewhat smaller than their counterparts statewide, the opposite is true for renters. On Nantucket, the average-size household for renter-occupied housing ranges from 2.35 to 2.60, compared with 2.18 people per household for the state as a whole.²¹

²¹ Census 2010, H12.

Table 2.7. Median Income: Families with Children by Family Type and Working-Age One-Person Households

	Median Family Income	Families with Dependent Children		Ages 15-64	
		Married Couples	Single Parents	Men Living Alone	Women Living Alone
Massachusetts	\$84,900	\$113,187	\$28,116	\$43,901	\$40,542
Nantucket (Town)	\$92,500	\$106,667	\$53,505	\$51,280	\$46,947
Census Tract 9501	\$101,042	\$106,591	\$60,784	\$76,953	\$53,500
Census Tract 9502	\$86,769	\$95,917	\$44,022	\$37,869	\$46,108
Census Tract 9503.07	\$122,500	\$61,875	-	-	-
Census Tract 9504	\$110,288	\$114,750	\$55,000	\$55,096	\$51,583
Census Tract 9505	\$81,989	\$88,641	\$21,406	-	\$48,906

Source: ACS 2009-2013, B19215, B19216, and RKG Associates, Inc.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Incomes

Massachusetts ranks fifth in the nation for median household income, which means that overall, its resident households enjoy a comparatively high standard of living. Nantucket is one of the wealthiest communities in the state, so its households tend to be fairly well-off. For example, households with incomes below \$25,000 comprise 12 percent of all year-round households on Nantucket, but 20 percent throughout the Commonwealth. Approximately 27 percent of Nantucket households and 22 percent of the state's households have incomes over \$125,000. Still, Nantucket's household wealth is not evenly distributed throughout the island. As shown in Figure 2.5, the percentage of upper-income households on the west side of the island is larger than any other area. By contrast, moderate-income households tend to be most prevalent in Mid-Island neighborhoods and along the south side of Nantucket.

Household wealth on Nantucket is unevenly distributed by race and ethnicity, too, but the differences are more difficult to quantify. First, when the number of people in a population sample is very small, the Census Bureau does not publish income statistics. As a result, there are no race and income estimates for some parts of Nantucket. Second, the Census Bureau reports household income as the sum of income of all people 18 and over in the household, regardless of familial status. Accordingly, household income for a group of unrelated people occupying a single housing unit is the sum of their individual incomes. Poverty indicators shed more light on income differences on Nantucket because poverty is reported for households, families, and individuals. For example, 14 percent of Nantucket's year-round population

has incomes below poverty, but the corresponding statistics for African American residents is almost 20 percent, and for Hispanic or Latino residents, 30 percent.²² Hispanic or Latino households in the Mid-Island area have the lowest median income of any group on Nantucket: \$26,939.²³

As in most communities, the economic position of families in Nantucket is generally better than that of all households (including families and nonfamilies). This is true for a few reasons: first, family households tend to be younger, so they are more likely to be in the labor force, and second, married-couple families in particular (which still make up the majority of families with children) often have more than one wage earner. The situation for single-parent families is quite different. Among the working-age population, single-parent families and one-person households have fairly low incomes – low relative to the cost of Nantucket's market-rate housing and even relative to price-controlled housing such as units available through the Housing Needs Covenant Program.

HOUSING CHARACTERISTICS

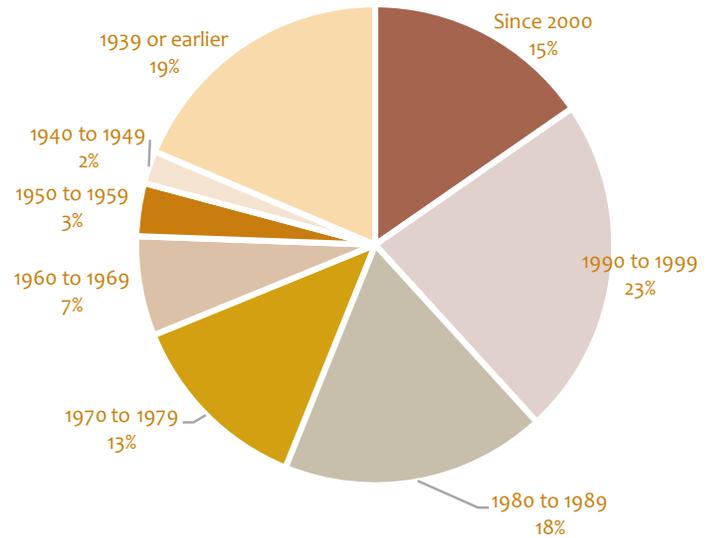
It is harder to confirm the number of housing units in a community than many people realize. To the general public, a housing unit is a single-family home or two-family home, an accessory apartment, an apartment in a multi-family building or a townhouse condominium: "A room or enclosed floor space used, or to be used, as a habitable unit for one family or household, with facilities for sleeping, cooking and sanitation" – that is, a dwelling unit as defined in

²² ACS 2009-2013 Five-Year Estimates, B06012, B170011.

²³ ACS 2009-2013 Five-Year Estimates, B190311.

Nantucket’s zoning bylaw. However, the official housing count reported by the Census Bureau every ten years is a little different. Under the Census Bureau’s broad definitions of “housing,” rooms in boarding houses and retirement homes may qualify as housing units. The federal definition also includes structures or portions thereof that are not classified (or regulated) as housing under the State Building Code, e.g., mobile homes, recreational vehicles, and boats, and rooms or groups of rooms without separate cooking or sanitation facilities. For purposes of this housing plan, “housing unit” means what most people generally think of as housing, i.e., it does not include recreational vehicles. It could include some types of shared quarters, such as single-room occupancy (SRO) units, but not employer-owned dormitory housing or elder care facilities such as Our Island Home.

Figure 2.6
AGE OF NANTUCKET'S HOUSING: INVENTORY BY YEAR BUILT
 (Source: ACS 2009-2013)



Nantucket has absorbed a higher rate of housing growth than most parts of the state. Between 2000 and 2010, Nantucket’s housing inventory increased by 2,408 units, or 26.1 percent. However, seasonal housing increased 30 percent, from 5,170 units in 2000 to 6,722 units in 2010, outpacing total housing growth – that is, demand for seasonal housing on Nantucket appeared to be reducing the supply of year-round housing. More recent estimates from the American Community Survey place seasonal housing on Nantucket at 7,137 units, i.e., an increase of about 400 units since 2010. Moreover, the ACS es-

the number of year-round owner-occupied units has increased to 2,667 units (from 2,475 in 2010).²⁴ Most of the drop in year-round units has occurred among rental units. Together, these trends seem to provide some support for the perceptions of Nantucket residents who say that year-round rental options have decreased significantly. They say that today, rental vacancies are often filled by word-of-mouth and other informal means because anyone advertising an apartment for rent will likely receive hundreds of requests.

Table 2.8. Housing Types (Estimated; 2013)

Location	Total Housing Units	1-Family Detached	Townhouse	Duplex	Multi-Family 3-9 Units	Multi-Family 10+ Units	RV, Boats
Massachusetts	2,808,549	52.3%	5.1%	10.3%	17.0%	14.5%	0.9%
Nantucket (Town)	11,650	85.0%	3.4%	6.3%	3.6%	0.6%	1.2%
Census Tract 9501	2,989	89.7%	0.7%	5.6%	2.4%	0.5%	1.2%
Census Tract 9502	3,114	73.9%	7.4%	10.7%	5.7%	0.4%	1.9%
Census Tract 9503.07	1,191	89.8%	4.1%	1.1%	1.8%	0.0%	3.3%
Census Tract 9504	1,640	78.7%	3.5%	11.2%	6.5%	0.0%	0.0%
Census Tract 9505	2,716	94.3%	1.3%	1.3%	1.3%	1.5%	0.4%

Source: ACS Five-Year Estimates 2009-2013, B25024.
 Note: Census 2010 reported Nantucket’s actual housing count as 11,618 units.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

timates that the total number of year-round occupied units has fallen to 4,069 (from 4,229 in 2010) while

²⁴ Census 2010, Census 2000, H1, H3, H4; and ACS 2009-2013 Five-Year Estimates, B25003.

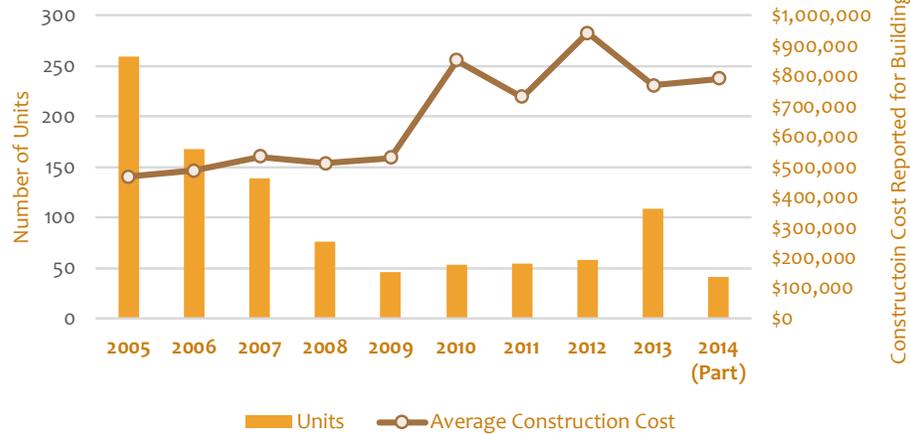
EXISTING INVENTORY

One of Nantucket’s greatest housing challenges involves its limited range of housing choices and price points, which in turn reflect the town’s land use regulations and infrastructure (notably a limited sewer service area), and market expectations. The overwhelming majority of housing units on Nantucket are detached single-family homes. This makes sense given the town’s historic development patterns, but it is not a very efficient use of land or an economical way to create affordably priced units. Mixed residential uses exist in the more densely settled areas of Nantucket, notably downtown and the Mid-Island neighborhoods. These settings include two-family homes or row houses, some multifamily dwellings, and sometimes apartments above commercial space as well, and it is in the Mid-Island neighborhoods that over 80 percent of Nantucket’s year-round renters live.²⁵ In many parts of Nantucket there are privately owned residential lots with two detached single-family homes, i.e., a principal dwelling and a cottage, with both units under common ownership unless one is conveyed subject to an affordable housing restriction (Nantucket Housing Needs Covenant). Table 2.8 summarizes Nantucket’s housing inventory by unit types.

Housing Age and Size

Compared with the state as a whole, Nantucket has fairly new housing units. This may come as a surprise to some Nantucket residents or visitors, especially since Nantucket’s iconic downtown has such an enviable collection of well-preserved historic residences. However, Nantucket has grown so much since the 1970s (Figure 2.6) that all of its late-twentieth century homes have a dramatic impact on the island’s housing age profile. Today, the median year built for

Figure 2.7
**NEW HOUSING CONSTRUCTION:
 UNITS PERMITTED & AVERAGE CONSTRUCTION COST**
 (Source: UMDI, Town of Nantucket)



all housing on Nantucket (year-round and seasonal) is 1983, compared with 1958 for the state.²⁶

Nantucket’s owner-occupied housing is similar in size and basic amenities to owner-occupied units throughout Massachusetts. The most significant differences can be found in and around the downtown area, where there are many large historic houses that tend to dominate the housing inventory. Overall, however, the majority of owner-occupied homes in Massachusetts and Nantucket are three- or four-bedroom dwellings with cooking and plumbing facilities, basic utilities, and reasonable space for vehicle parking. While renter-occupied units elsewhere in the state are comprised primarily of one- or two-bedroom apartments, Nantucket’s rental units tend to be a little larger, and this is due to the composition of Nantucket’s rental stock: many single-family and two-family homes as opposed to multi-family apartment developments.

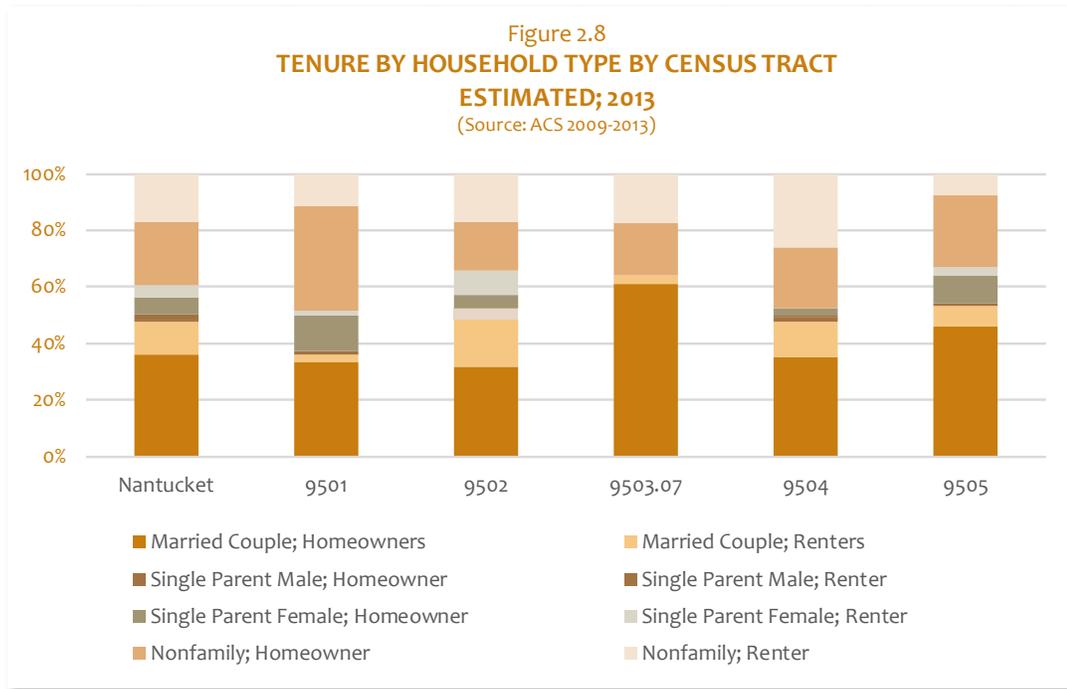
Residential Construction

Data from the UMass Donohue Institute (UMDI) indicate that between 2005 and 2013, Nantucket issued building permits for 975 new homes, nearly all detached single-family dwellings. It is little wonder that Nantucket housing sale prices are so high. In 2013, the most recent year for which annual data have been released, the average construction cost reported for new units, excluding the land cost, was \$770,225.²⁷

²⁶ ACS 2009-2013 Five-Year Estimates, B25035.

²⁷ N.B. Local governments (including Nantucket) report new residential permits and average construction cost per unit on a monthly basis to the federal government. UMDI simply summa-

²⁵ ACS 2009-2013 Five-Year Estimates, B25032.



Though less than the average reported in 2012, an average reported construction cost of over \$770,225 is very high – higher than the average reported in Boston’s affluent west suburbs. Figure 2.7 shows that the average construction cost per unit increased sharply in 2010, and while it has fluctuated since then, there appears to be an emerging pattern of rising costs per unit. For the portion of 2014 that is available from the Town, the average cost is up slightly: \$782,000.²⁸

In addition to new home construction permits, Nantucket issues almost twice the number of permits for renovation and alteration projects that increase the value of local homes. Some of the new single-family units are actually replacements for demolished older residences, too. In the first four months of 2014, for example, Nantucket issued eleven residential demolition permits (excluding sheds).²⁹

OCCUPANCY, TENURE, AND HOUSEHOLD SIZE

Most year-round residents of Nantucket and the state as a whole own the house they live in, yet in many ways Nantucket’s housing tenure statistics differ from those of the Commonwealth. Unlike Massachusetts as a whole, where the homeownership

rate has incrementally increased over time,³⁰ Nantucket has experienced fluctuating owner-occupancy conditions, from 63 percent in 2000 to 58 percent in 2010 and most recently, an estimated 66 percent in 2013. Overall, Nantucket has more owner-occupant newcomers on one hand and more long-term renters on the other hand, but these differences do not apply town-wide. The neighborhoods with the largest shares of long-time homeowners lie along the island’s north side, and long-time renters, in the downtown area.³¹ Also, non-family households and single-parent families headed by women are primarily homeowners in Nantucket, but statewide they are primarily renters. Similarly, single-parent families headed by men are primarily renters on Nantucket but homeowners elsewhere in Massachusetts.³² Figure 2.8 reports tenure by household type for the town and its five census tracts.

Comparing ACS estimates with decennial census data can produce some distortions because the former is based on a comprehensive, monthly population survey and the latter, a point-in-time actual count. Nevertheless, trends that corroborate informal accounts from Nantucket residents can be gleaned from these sources. Since 2010, for example, the average renter household size has gradually increased, and the

rizes the locally generated data. In RKG’s experience the federal numbers are largely accurate for new single-family homes, but new multifamily units tend to be under-reported.

²⁸ Town of Nantucket, Building Department, April 2015.

²⁹ Ibid.

³⁰ U.S. Census Bureau, Current Population Survey/Housing Vacancy Survey (CPS/HVS), Housing Vacancies and Homeownership, Annual 2014 and Historical Tables.

³¹ ACS 2009-2013 Five-Year Estimates, B25039.

³² ACS 2009-2013 Five-Year Estimates, B11012.

Table 2.9. Estimated Maximum Affordable Housing Cost by Household Type and Income (2015)

Household Size	2015 AMI	Unit Type	Maximum Affordable Housing Cost			HUD
			60% AMI	100% AMI	150% AMI	Fair Mkt. Rent
Single Person	\$69,813	studio or 1 BR	\$1,047	\$1,745	\$2,618	\$935
Two Person	\$79,750	1 or 2 BR	\$1,196	\$1,994	\$2,991	\$1,161
Three Person	\$89,750	2 or 3 BR	\$1,346	\$2,244	\$3,366	\$1,571
Four Person	\$99,688	2, 3, or 4 BR	\$1,495	\$2,492	\$3,738	\$2,205
Five Person	\$107,688	3 or 4 BR	\$1,615	\$2,692	\$4,038	\$2,213

Source: Housing Nantucket, 2015; HUD, Schedule B, Final 2015 FMRs for Existing Housing, Eff. 10/1/2014.

Note: (1) Housing Nantucket's 60% income limits are close to those established by the federal government for the Low-Income Housing Tax Credits (LIHTC) Program.

(2) HUD Fair Market Rent is a payment standard for housing authorities that administer Section 8 assistance; it is not an affordable rent per se. HUD's goal for the FMR is that it should be "high enough to permit a selection of units and neighborhoods and low enough to serve as many low-income families as possible."

(3) HUD Fair Market Rents do not precisely correspond with household size. For example, the FMR for a three-bedroom unit is \$2,205 regardless of whether the household includes three, four, or five people.

Nantucket's median homeowner household income is \$97,985. The median monthly housing cost for owner-occupied housing with a mortgage payment in Nantucket is \$3,026: a figure technically affordable to a household with income of \$121,040, or about 35 percent of Nantucket's existing homeowners.

shift in the average statistic stems primarily from growth among large renter households, i.e., households with more than four people. Seventy percent of the island's large renter households live in Mid-Island neighborhoods near the airport, where a majority of Nantucket's African American, Hispanic or Latino, and lower-income households reside.³³

INCOME, TENURE, AND HOUSING COSTS

Under a long-standing federal guideline, housing costs are considered affordable when they do not exceed 30 percent of a household's monthly gross in-

³³ Census 2010, H16 and HCT1; ACS Five-Year Estimates 2009-2013, B25009, DP03; HUD, Low- or Moderate-Income (LMI) Areas by Census Block Group, ACS 2007-2011.

come.³⁴ Nantucket's local housing programs adopt the same definition of housing affordability to determine how much a household can afford to spend per month on housing. These amounts are shown in Table 2.9, along with area median income estimates by household size, along with the HUD Fair Market Rent (the maximum monthly rent for housing occupied by tenants with federal rental assistance).

Owner-Occupied Housing

For many Nantucket homeowners, the cost of housing consumes a large share of their household income. Their income may be much higher than that of renters, but the purchase price of for-sale housing is also very high. In 2014, for example, Nantucket's median single-family sale price was \$1,225,000 – up almost 20 percent over 2013.³⁵

As indicated in Figure 2.9, Nantucket's median homeowner household income is \$97,985, with a census tract-level range from a low of \$80,417 to a

³⁴ M. Schwartz and E. Wilson, "Who Can Afford to Live in a Home? A Look at Data from the 2006 American Community Survey" Working Paper, U.S. Census Bureau. The conventional public policy indicator of housing affordability in the United States is the percent of income spent on housing. Housing expenditures that exceed 30 percent of household income have historically been viewed as an indicator of a housing affordability problem. The conventional 30 percent of household income that a household can devote to housing costs before the household is said to be burdened evolves from the United States National Housing Act of 1937, although the original standard was not 30 percent. In 1940, it was 20 percent and in 1969, Congress increased it to 25 percent. The 30 percent standard that applies today was established in 1981. See also, "Housing Affordability: Myth or Reality?," Wharton Real Estate Center Working Paper, Wharton Real Estate Center, University of Pennsylvania, 1992.

³⁵ The Warren Group, Town Stats Database.

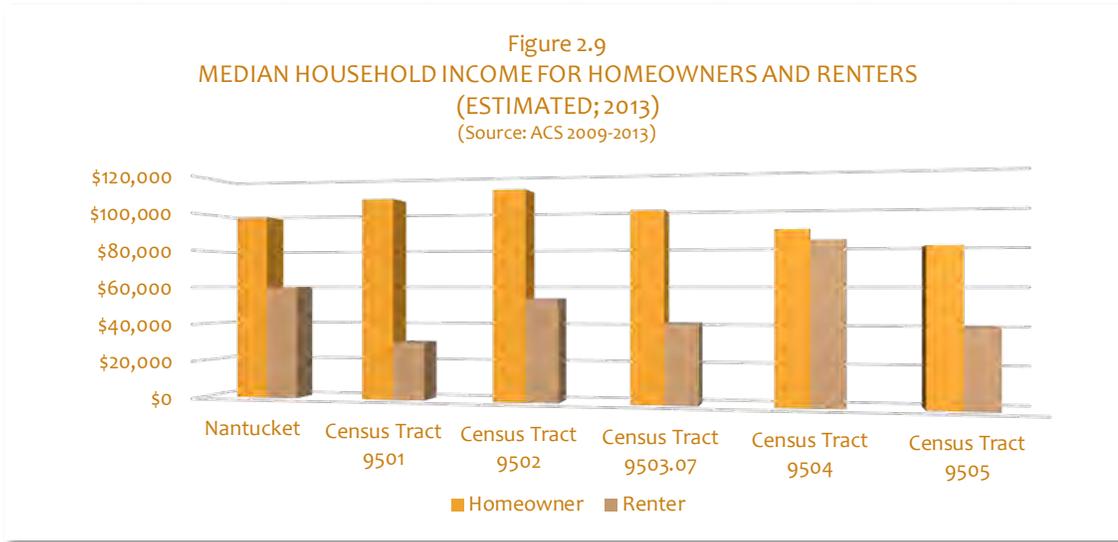


Table 2.10. Comparison Homeowner Housing Values and Monthly Housing Cost Estimates*

Location	Median Housing Cost	Lower Value Home	Median Value Home	Upper Value Home	Housing Cost Burden	Severe Cost Burden
Massachusetts	\$1,705	\$230,500	\$330,100	\$464,900	34.4%	13.6%
Nantucket	\$2,365	\$651,800	\$929,700	1,000,000+	53.0%	29.9%
Census Tract 9501	\$1,851	\$786,900	\$1,000,000+	1,000,000+	42.0%	23.5%
Census Tract 9502	\$2,739	\$581,100	\$832,000	1,000,000+	54.5%	28.6%
Census Tract 9503.07	\$1,583	\$475,000	\$890,600	1,000,000+	35.5%	28.0%
Census Tract 9504	\$2,771	\$632,000	\$891,300	1,000,000+	63.9%	37.4%
Census Tract 9505	\$1,948	\$777,100	\$1,000,000+	1,000,000+	53.3%	31.1%

Source: ACS 2009-2013 Five-Year Estimates, and RKG Associates.

Notes: (1) The Census Bureau does not report specific housing values over \$1 million; (2) Homeowner housing cost burden includes homeowners both with and without a mortgage.

Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

high of \$110,804.³⁶ The median monthly housing cost for owner-occupied housing with a mortgage payment in Nantucket is \$3,026,³⁷ a figure technically affordable to a household with income of \$121,040, or about 35 percent of Nantucket’s existing homeowners. In Massachusetts overall, approximately 34 percent of all homeowners spend more than 30 percent of their monthly income on a mortgage payment, taxes, and insurance – the basic components of homeowner housing costs. As such, these homeowners fit the federal definition of **housing cost burden**.³⁸ Significantly, Table 2.10 reports that over half

Nantucket’s year-round homeowners are housing cost burdened and nearly 30 percent are **severely cost burdened**, which means their housing costs exceed 50 percent of their monthly gross income.³⁹

It is possible that some of Nantucket’s housing cost burdened homeowners have chosen to “buy up” to larger, amenity-laden homes instead of purchasing a more modest and affordable unit. However, available data indicate that this is not really the case. HUD’s Comprehensive Housing Affordability Strategy (CHAS) Data show that most technically affordable units are occupied by higher-income households and that at any given time, there is only a handful of vacant, modestly priced homes on the market.⁴⁰ The high cost of housing for Nantucket homeowners

³⁶ ACS 2009-2013 Five-Year Estimates, B25119.

³⁷ ACS 2009-2013 Five-Year Estimates, B25008.

³⁸ N.B. California has the highest percent of mortgaged homeowners with housing burden of any state in the U.S, followed by Hawaii, Nevada, Florida, New Jersey, Rhode Island, and Massachusetts, although burden for all of these states is similar to California.

³⁹ ACS 2009-2013 Five-Year Estimates, B25092.

⁴⁰ CHAS Data, Tables 15A, 17A.

is particularly challenging for lower-income residents. According to a special tabulation of census data published by HUD, housing cost burden affects 78 percent of Nantucket homeowners with incomes between 50 and 80 percent AMI and 68 percent of homeowners with incomes between 80 and 100 percent AMI. Nantucket’s homeownership affordability problems have little to do with ambitious homebuyers and everything to do with a severe shortage of appropriately priced supply.

Renter-Occupied Housing

Nantucket’s median renter household income is \$60,104, but the census tract median ranges widely from a low of \$30,625 to a high of \$83,512 (Figure 2.9).⁴¹ The higher-end income is deceptive because it includes income from all sources for everyone in the household over 15 years, including relatives and nonrelatives.⁴² This is significant for a census tract like 9504 (Airport/Mid-Island/Surfside), where many households include non-relatives who share housing costs in order to make ends meet.

Rents on Nantucket are much higher than throughout Massachusetts and in some cases, higher than market rents in the Greater Boston area. Town-wide, an estimated 41 percent of all renters are housing cost burdened, paying more than 30 percent of their monthly gross income for rent and basic utilities. Nantucket’s unaffordably housed renters are concentrated in the Town area and the island’s west end, where the percentages of rental housing cost burden exceed the state average (50 percent). Local sources say these statistics are skewed due to the very small number of rental units in Nantucket’s Town neighborhoods. This may be true, but since Nantucket’s supply of year-round rental units is so deficient, it would be a mistake to think that hous-

Figure 2.10
HOUSEHOLDS WITH HIGH HOUSING COSTS BY INCOME RANGE

(Source: HUD, CHAS Data)

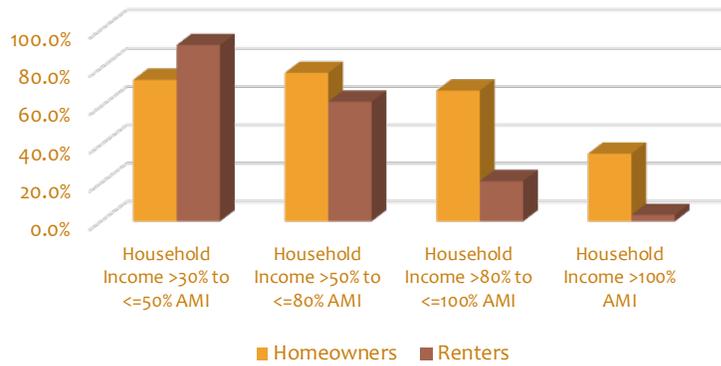
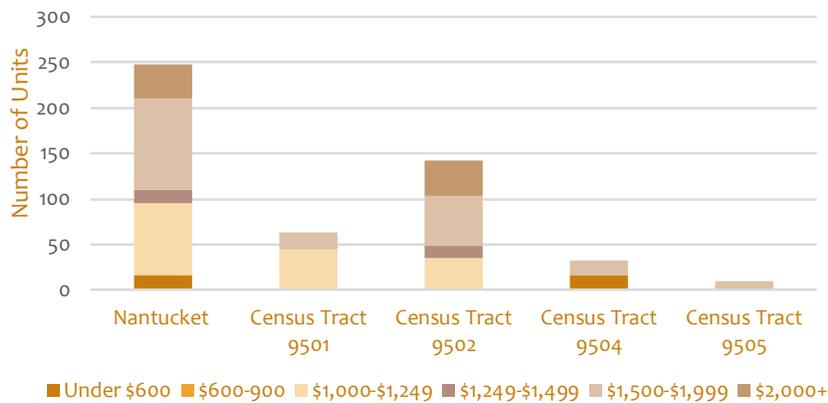


Figure 2.11
ASKING RENTS: VACANT UNITS FOR RENT (SEASONAL AND YEAR-ROUND)

Source: ACS 2009-2013



ing cost burdened renters simply choose to live in an expensive area.

Unlike conditions statewide, most of Nantucket’s housing cost burdened renters are working-age people – especially young people under 34 years – not senior citizens. The author estimates that the percentage of renters with housing cost burdens is considerably higher than the Census Bureau’s data suggest, based on informal interviews and anecdotal information obtained during site visits in January and February 2015. Furthermore, what the Census Bureau reports as affordably housed renters masks an underlying problem for many of Nantucket’s lower-income wage earners: housing units over-occupied by unrelated people who pool their resources in order to find housing they can afford.

⁴¹ ACS 2009-2013 Five-Year Estimates, B25119.

⁴² U.S. Census Bureau, *American Community Survey and Puerto Rico Community Survey 2013 Subject Definitions*, 82.

	Median Gross Rent	Lower Contract Rent	Median Contract Rent	Upper Contract Rent	Housing Cost Burden	Severe Cost Burden
Massachusetts	\$1,069	\$614	\$936	\$1,320	50.3%	25.8%
Nantucket (Town)	\$1,564	\$900	\$1,443	\$1,858	40.8%	17.4%
Census Tract 9501	\$1,320	\$1,080	\$1,228	\$1,418	68.5%	33.3%
Census Tract 9502	\$1,700	\$821	\$1,543	\$2,000+	46.7%	17.9%
Census Tract 9503.07	-	-	-	-	66.7%	0.0%
Census Tract 9504	\$1,581	\$1,086	\$1,420	\$1,733	24.3%	16.4%
Census Tract 9505	\$1,200	\$388	\$1,200	\$1,750	42.7%	9.8%

Source: ACS 2009-2013 Five-Year Estimates.
 Notes: The Census Bureau does not report gross and contract rent estimates for Tract 9503.07 because the number of rental units is so small.
 Census Tract Legend: 9501: Town; 9502: Miacomet/Mid-Island/Cisco; 9503.07: Madaket/Dionis/Clif; 9504: Airport/Mid-Island/Surfside; 9505: Polpis/Sconset/Tom Nevers

Asking Rents. In the past few years, over half of all vacant rental units on Nantucket came with asking rents of \$1,500 or more, and less than 7 percent with asking rents below \$1,000.⁴³ The ACS reports an average of 248 units offered for rent at any given time, including both year-round and seasonal units and private and public housing. These are **contract rents** (what the landlord will charge), not **gross rents** (contract rent plus basic utilities), though some rental units include utilities that tenants do not have to pay out of pocket. Figure 2.11 displays the distribution of asking rents for the island as a whole and the five census tracts based on monthly surveys conducted by the Census Bureau between 2009 and 2013.

Renters informally interviewed for Housing Nantucket's Workforce Housing Needs Study (2015) said the Census Bureau's data underestimate actual market conditions on Nantucket and stop short of capturing the more compelling problems: lack of supply on one hand, and an existing supply that includes many units with code violations on the other hand. The perceptions of local renters are largely borne out through social media, where people looking for apartments often go, hoping for a more efficient source of information than word-of-mouth referrals.

Low- and Moderate-Income Residents

According to the HUD, about 38 percent of Nantucket's year-round households have low or moderate in-

comes as that term is used in most housing programs (Map 2.3).⁴⁴ Some people may find this surprising because Nantucket also has year-round household wealth and a seasonal population that is extraordinarily wealthy, but it is not uncommon for resort communities to have more low- or moderate-income residents than is readily apparent. HUD estimates that 30 percent of Nantucket's homeowners and 49 percent of its renters have incomes below 80 percent AMI. HUD's estimates shed even more light on the households most affected by Nantucket's very high housing costs, however. As illustrated in Figure 2.10, the highest incidence of housing cost burden occurs among the island's lowest wage earners: working-age people with incomes at or below 50 percent AMI. Housing cost burden affects anywhere from 74 to 86 percent of the residents in this lower-income group. In current dollars, this means a household of four with income under \$49,890 – or more accurately, a household of two with income under \$39,900.⁴⁵ For the single people and very small families that make up most of the households with incomes below 50 percent AMI, the maximum affordable rent, including utilities, is \$998 (and usually much less). Nantucket does not have an adequate supply of affordably priced rentals for its working poor: people whose incomes are too low for programs like the Nantucket Housing Needs Covenant Program and even most Chapter 40B rental units.

⁴³ ACS 2009-2013 Five-Year Estimates, B25061. Recent issues of *The Inquirer and Mirror* have included ads for some summer and winter rentals, but the only year-round rentals have been furnished rooms in a private residence, a partially furnished one-bedroom apartment in Madaket for \$2,000/month, and a four-bedroom home without a published asking rent.

⁴⁴ HUD, Comprehensive Housing Affordability Strategy (CHAS) Data, retrieved from HUD/PDR.

⁴⁵ HUD, 2015 Income Limits, release date March 9, 2015.

Table 2.12. Nantucket's Chapter 40B Inventory (2016)

Development	Location	Housing Type	SHI Units	Restriction Expires	Subsidizing Agency
Miacomet Village I	3 Manta Drive	Rental	10	Perpetual	DHCD
Miacomet Village I	3 Manta Drive	Rental	12	Perpetual	DHCD
Miacomet Village II	Norquarta Drive	Rental	19	5/1/2047	FHLBB, RHS
Housing Authority	Benjamin Drive	Rental	5	Perpetual	HUD
Academy Hill School	Westminster St.	Rental	27	12/1/2016	MassHousing, HUD
Landmark House	144 Orange St.	Rental	18	2015*	HUD 202, RHS
Landmark House II	Orange St.	Rental	8	2041	FHLBB, HUD
DMH Group Homes	Confidential	Rental	5	N/A	DMH
Norquarta Drive	Norquarta Drive	Rental	2	Perpetual	DHCD
Dartmouth Street	Dartmouth Street	Rental	2	Perpetual	Town of Nantucket
Norwood Street	Norwood Street	Rental	1	Perpetual	Town of Nantucket
Irving Street	Irving Street	Rental	1	Perpetual	Town of Nantucket
Clarendon Street	Clarendon Street	Rental	1	Perpetual	Town of Nantucket
Abrem Query	2-4-6-8 Folger Ave	Own	7	Perpetual	FHLBB
Beach Plum Village	15-19 Rugged Rd; 6-8 Scotts Way	Own	3	Perpetual	MassHousing

Sources: DHCD, Housing Nantucket

*Use restriction extended; new term has not been verified.

Note: Sachem's Path is not currently listed on Nantucket's SHI, probably because building permits were not issued within one year of the comprehensive permit. The Town will need to submit copies of the building permits and certificates of occupancy to DHCD, at which time the units will be added to the SHI.

PRICE-RESTRICTED HOUSING

Most communities have some modestly priced housing: small, older single-family homes that are less valuable than new homes, multi-family condominiums, or apartments that can be leased for relatively low monthly rents. This type of affordable housing often stays affordable as long as the market will allow. As Nantucket is well aware, market demand for luxury vacation homes can place tremendous pressure on these units, resulting in major renovations or demolition/reconstruction that effectively reduces the community's supply of affordable housing. Under a Massachusetts law that went into effect in 1969, however, all communities are supposed to have housing that is affordable to low-income households and remains affordable to them even when home values appreciate under robust market conditions. These units remain affordable because their resale prices and rents are governed by a deed restriction that lasts for many years, if not in perpetuity. Both types of affordable housing meet a variety of housing needs and both are important. The crucial difference is that the market determines the price of unrestricted affordable units while a recorded legal instrument determines the price of deed restricted units. There are other differences, too. For example, any house-

hold - regardless of income - may purchase or rent an unrestricted affordable unit, but only a low- or moderate-income household is eligible to purchase or rent a deed restricted unit.

CHAPTER 40B

When less than 10 percent of a community's housing consists of deed restricted affordable units, M.G.L. c. 40B, Sections 20-23 ("Chapter 40B") authorizes the Zoning Board of Appeals to grant a comprehensive permit to qualified affordable housing developers. The 10 percent minimum is based on the total number of **year-round housing units** reported in the most recent decennial census; for Nantucket, this currently means that 490 units out of 4,896 must be affordable for low- and moderate-income households (Census 2010). A comprehensive permit is a type of unified permit: a single permit that replaces the approvals otherwise required from separate city or town permitting authorities. Sachem's Path is an example of a Chapter 40B comprehensive permit development. Chapter 40B supersedes zoning and other local regulations that make it too expensive to build low- and moderate-income housing. By consolidating the approval powers of multiple town boards, the state legislature hoped to provide more low-in-

come housing options in suburbs and small towns. Under Chapter 40B, the Zoning Board of Appeals may approve, conditionally approve, or deny a comprehensive permit, but in communities that do not meet the 10 percent minimum, developers may appeal to the state Housing Appeals Committee (HAC). Although comprehensive permits may still be granted after a town achieves the 10 percent minimum, the HAC no longer has authority to overturn a local board's decision.

DHCD maintains the Chapter 40B Subsidized Housing Inventory (SHI), the list determines whether a community meets the 10 percent minimum. The SHI is also used to track expiring use restrictions, i.e., when non-perpetual affordable housing deed restrictions will lapse. As shown in Table 2.12, Nantucket's SHI currently includes 125 affordable units, or 2.6 percent of the island's year-round housing units. The 125-unit affordable housing inventory represents a 25-unit gain between 2000 and 2010: a fraction of the island's total housing growth of 2,400 units in the same period. Moreover, the affordable housing restriction for eighteen SHI units at Landmark House (HUD 202) was scheduled to expire last year, but it was reportedly extended. The restriction controlling twelve of the twenty-seven units at the Academy Hill School – also reserved for seniors - will expire near the end of 2016.

AFFORDABLE HOUSING PROVIDERS

DHCD does not “count” all of Nantucket's deed-restricted housing on the SHI. In most cases this is because Nantucket's affordable units tend to be restricted for households with higher incomes than the state defines as low or moderate income. There are also developments with an approved comprehensive permit and partially under construction, but the SHI-eligible units have not been built or simply have not been added to the state's list. The following local initiatives to create affordable housing are either ineligible or not ready for listing in the SHI.

Non-Profit Organizations

- **Housing Nantucket.** Twenty-four out of thirty-one rental units and fifty-six covenant homes for year-round residents with incomes up to 150 percent AML.

- **Habitat for Humanity.** Six homeownership units and one currently under construction, one is at Sachem's Path and two more are planned.
- **Nantucket Housing Authority/Housing Assistance Corporation of Cape Cod.** Sachem's Path, a 36-unit homeownership development under construction on land owned by the Nantucket Housing Authority, will eventually generate eight SHI-eligible units. (The remaining twenty-eight units will be “Nantucket affordable,” i.e., for households with incomes between 100 and 150 percent AML.) The Town has made a considerable investment in Sachem's Path with Community Preservation Act (CPA) funds.
- **Nantucket Education Trust (NET).** Several years ago, the NET created twelve employer-assisted housing for teachers on Cow Pond Lane near the school complex. The project is not actually occupied by many teachers, but the units exist and they are available to the general public when there is not enough interest from school department employees. In 2015, the Cow Pond Lane units provide housing for four school department workers, three town employees, and five other Nantucket households unrelated to the schools.⁴⁶

Town of Nantucket

- **Town:** One year-round dwelling at 38 Westchester Street, used as entry housing for department heads.
- **Department of Public Works.** Four year-round units for employees at the Surfside Wastewater Treatment Facility (one one-bedroom unit, one two-bedroom unit, and two three-bedroom units).⁴⁷
- **Airport:** One year-round dwelling unit with six to eight beds.
- **Nantucket Police Department.** Seasonal housing at LORAN Station for summer reserve officers and community service officers; forty-two beds, including eight for female employees; and seasonal housing for lifeguards, including 47 Okorwaw Avenue (ten beds), 109 Washington

⁴⁶ Caitlin Waddington, Nantucket Community School, by email, March 18, 2015.

⁴⁷ Kara Buzanoski, Nantucket DPW Director, by email, March 18, 2015.

Street Ext. (four beds), and 39 Washington Street (twelve beds).

Employer-Assisted Housing

- There is no comprehensive inventory of employer-owned housing on Nantucket and no organization focusing exclusively on developing and managing employer-owned housing. Several private employers are known to provide short-term or seasonal housing for their workers.
- One of the island's largest employers, **Nantucket Island Resorts, Inc.**, maintains 210 beds for seasonal employees of its five hotels and marina. Most of the beds are actually reserved for experienced hospitality workers returning to Nantucket for the summer season. Nantucket Island Resorts employs about 400 people at peak season, so the dormitory beds accommodate just a little over half of its seasonal workers.⁴⁸ The company also employs fifty-five to fifty-six year-round workers, all of whom depend on other privately owned housing on Nantucket.
- **Something Natural**, a popular sandwich and specialty foods shop owned by Selectman Matt Fee, which provides housing for approximately twenty-four of its fifty seasonal employees.⁴⁹
- The **Nantucket Cottage Hospital** owns twenty-six workforce housing units (combined total of 58 bedrooms) and leases nine additional units (24 bedrooms).
- **The U.S. Coast Guard** owns ten three-bedroom units at Gouin Village and at LORAN Station, eight three-bedroom and two four-bedroom units.

Other entities such as Stop & Shop are known to rent units to house their workers as well, but the number of units is unknown.

Rental Assistance Program

Nantucket's **Interfaith Council** provides temporary financial assistance to help year-round renters with housing emergencies due to family illness, loss of work, or other unforeseen conditions, or to help them move from substandard units to safe, decent, year-round housing. Since there are no shelter facil-

ities for the homeless on Nantucket, the Rental Assistance Program plays a critical role in helping to prevent homelessness with a flexible "stop-gap" subsidy. To qualify for help, renters must have lived on Nantucket for at least two years, have some source of employment, and live in legal (code-compliant) housing. Many applicants live in illegal units, so they can receive help only if they move to better housing. In a given year, the Rental Assistance Program helps sixty to seventy households with an overall program budget of approximately \$150,000.

While the Town, non-profit organizations, and local employers have taken steps to provide affordable housing, the existing level of effort and the existing approaches are not enough. The present inventory of deed-restricted units does not begin to meet Nantucket's needs for affordably priced units at all market levels, from households with very low incomes to those earning somewhat more than the maximum for the Nantucket Housing Needs Covenant Program. There are about 500 renter households with incomes in a range that might qualify for a covenant homeownership unit (generally 80-150 percent AML), but the program currently includes just fifty-six units, most of which were created from conveyances that occurred on the eve of the last recession (pre-December 2007). A unit-by-unit approach like that of the covenant program makes sense for growth management and housing preservation reasons, but it is not an efficient way to create housing for people who need it. Short of significantly increasing its housing supply, Nantucket will not be able to address the needs of any of the groups that need housing priced appropriately for their means: low-income, moderate-income, year-round workers, or seniors. The existing supply is inadequate, and as numerous past studies and reports show, the supply has been inadequate for a very long time.

⁴⁸ Nantucket Island Resorts, interview, January 19, 2015.

⁴⁹ Matt Fee, interview, January 18, 2015.

3. HOUSING GOALS

Nantucket's affordable housing goals are production targets that have been set based on best available information. There could be considerable fluctuation from year to year, but ultimately the purpose of this plan is to increase Nantucket's Subsidized Housing Inventory (SHI) by at least 120 new SHI-eligible housing units between 2016 and 2020.

PRINCIPLES

1. Affordable and mixed-income housing developments should be located in areas where the Town's planning, zoning, and infrastructure support higher intensity of use. (See Map 3.1)
2. Developers should be encouraged to produce new affordable housing through the Town's standard regulatory procedures or cooperatively planned comprehensive permits. The Town should continue to work with private developers to improve their proposals, acculturate them to community interests in Nantucket, and increase affordability above and beyond the required 25 percent for a comprehensive permit.
3. Recognize local government's responsibility for fair and affordable housing in Nantucket, and lead by example.
4. Whenever possible, the supply of affordable housing should be increased through redevelopment of disturbed sites, adaptive reuse of non-residential structures, or conversion of existing residential properties to multiple dwellings.
5. The Town should provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law.
6. For developments on its own land, the Town should maximize the number of affordable housing units and create affordability at multiple levels, from incomes below 50 percent AMI up to 150 percent AMI.
7. Subsidies should be made available to rental developments in exchange for deeply affordable units for households with incomes below 50 percent AMI. These subsidies could be provided by the Affordable Housing Trust or Community Preservation Committee (or both), or through some type of partnership with non-profit community organizations.
8. To promote neighborhood compatibility of density and building forms that differ from surrounding properties, the Town should provide design guidance to developers and homebuilders. Models and specifications pre-approved by the Historic District Commission and others should be available for a variety of building forms and contexts.

Developers should work within the Town's standard permitting procedures or pursue cooperatively planned comprehensive permits. Nantucket has demonstrated its ability to work with housing developers when developers are willing to work with the Town.

9. Wherever possible, the Town should establish partnerships for affordable housing and encourage others to do the same.

QUALITATIVE GOALS

- Increase the variety of mixed-income housing choices in Nantucket, particularly in commercial centers and higher-density districts, to support Nantucket’s economy and accommodate household growth.
- Create permanently affordable rental housing for low- and very-low-income households in order to reduce the incidence of over-occupied, sub-standard housing.
- Work with Nantucket’s large employers to increase the supply of employer-assisted housing, both for seasonal and year-round workers.
- Educate the community about Nantucket’s affordable housing needs.
- Preserve the Town’s existing affordable housing through monitoring and enforcement of affordable housing deed restrictions.

QUANTITATIVE GOALS: 2016-2020

NEED: INDIVIDUALS AND FAMILIES WITH INCOMES BETWEEN 51-80 PERCENT AMI

- SHI-Eligible Production Targets:
- 10 homeownership units
- 70 year-round rental units
- 10 single-room occupancy (SRO) units

Potential Tools: Town-owned land, LIHTC, federal Affordable Housing Trust Fund, Nantucket Affordable Housing Trust, CPA, Chapter 40B

NEED: HOUSEHOLDS WITH INCOMES BETWEEN 31-50 PERCENT AMI

- SHI-Eligible Production Targets: 20 year-round rental units

Potential Tools: Town-owned land, LIHTC, Section 8 PBA, Nantucket Affordable Housing Trust, CPA, Chapter 40B

NEED: SPECIAL NEEDS POPULATIONS

- SHI-Eligible Production Targets:
- 10 group home units (beds)
- 8-10 congregate units for very-low-income seniors

Tools: Town-owned land, Nantucket Affordable Housing Trust, CPA, DMR/DMH, Nantucket Housing Authority

NEED: HOUSEHOLDS WITH INCOMES BETWEEN 81-120 PERCENT AMI

- Production Targets:
- 5 homeownership units
- 5 year-round rental units

Potential Tools: Town-owned land, Nantucket Affordable Housing Trust, Town funding (CPA for eligible units), Zoning

NEED: HOUSEHOLDS WITH INCOMES BETWEEN 121-150 PERCENT AMI

- Production Targets:
- 20 homeownership units
- 10 rental units

Potential Tools: Town funding, Zoning, Nantucket Housing Needs Covenant Program

4. IMPLEMENTATION STRATEGIES

DHCD encourages cities and towns to prepare, adopt, and implement a Housing Production Plan that demonstrates an annual increase in Chapter 40B units equal to or greater than 0.50% of the community's year-round housing units. By systematically increasing its low- and moderate-income housing inventory, Nantucket will have more flexibility in the future to decide when, where, and how much affordable housing should be built and if necessary, to deny unwanted Chapter 40B comprehensive permits.

Nantucket needs to create at least twenty-four new low- or moderate-income housing units per year.

To qualify for the flexibility that a DHCD-approved Housing Production Plan offers, Nantucket will need to create (through the issuance of permits and approvals) at least twenty-four new low- or moderate-income housing units (or an amount equal to or greater than the 0.50 percent production goal) in a given calendar year and obtain certification from DHCD that the Housing Production Plan standard had been met.

The Town needs to consider ways to increase its affordable housing education, advocacy, and development capacity when implementing this plan. Nantucket has decided to fund a part-time housing coordinator in Fiscal Year (FY) 2017, and this will help to build some administrative capacity within town government. In addition, there needs to be leadership training and education for the Board of Selectmen, Community Preservation Committee, and Affordable Housing Trust.

APPROPRIATE LOCATIONS FOR HIGHER-DENSITY HOUSING

Strategy: Affordable Housing on Town-Owned Land / Fairgrounds Road

Principle: For developments on its own land, the Town should maximize the number of affordable housing units and create affordability at multiple levels, from incomes below 50 percent AMI to 150 percent AMI.

In 2012, the Town acquired property on Fairgrounds Road for construction of affordable housing, mainly for town employees. To date, the project has been stalled for a variety of reasons, including differences of opinion about what kind of housing should be built on the site and for whom, what the Town's role should be, and whether the Town can restrict some of the units for occupancy by municipal employees.

There are scores of examples of affordable housing on town-owned land in Massachusetts. It is probably one of the easiest strategies for increasing the supply of affordable units in any city or town. The Massachusetts Housing Partnership maintains an inventory of land disposition Requests for Proposals (RFP).¹ In Nantucket's case, the best approach will be one that provides a variety of unit types and is designed to accommodate both year-round and seasonal municipal workers. While SHI-eligible housing units have to be made available through an affirmative fair housing marketing plan, Nantucket could consider negotiating with the designated developer to set aside some of the market-rate units for rent by Town employees (with subsidies or rent guarantees provided by the Town, as necessary).

¹ See Appendix F, "Disposition of Municipal Property for Affordable Housing."

In Nantucket, apartments are allowed by right in commercial buildings in the commercial districts, and town meeting recently agreed to allow up to three units per lot “by right” in several residential zones.

Strategy: the Moderate- and High-Density Zoning Districts

Principle: Affordable and mixed-income housing developments should be located in areas where the Town’s planning, zoning, and infrastructure support higher intensity of use.

Years ago, Nantucket made a conscious decision to zone areas for concentrated residential and commercial development and let most of the island evolve in a low-density land use pattern. In areas where the Town provides for concentrated development, Nantucket has fairly permissive zoning regulations with fewer barriers than one often finds in suburbs and small towns on the mainland. For example, apartments are allowed by right in commercial buildings in the commercial districts, and town meeting recently agreed to allow up to three units per lot “by right” in several residential zones.

In November 2015, town meeting approved innovative zoning for “bonus lots” and a significant density bonus for affordable housing as long as at least 25 percent of a project’s housing units would be eligible for the SHI. Nantucket also allows accessory apartments and two “as of right” dwelling units on a lot in all residential districts, which is almost unheard of in many small towns.

Nantucket has gradually revised its zoning bylaw to reflect the policies of the 2009 Master Plan. The overall planning framework in Nantucket divides the town into “Town” and “Country” zones, or areas designated for higher- and lower-density development, as shown on Map 3.1. Nantucket’s existing Chapter 40B developments – Sachem’s Path, Beach Plum Village, and Abram Quarry – are all located within areas the Town has zoned for growth. The Town’s zoning framework makes sense, first because it responds to

organic development patterns that pre-date zoning and second, the areas allocated to higher-intensity use tend to be sewered as well. Several times since 2009, Town Meeting has rezoned land by moving it into one of the “Town” districts or liberalizing the rules that govern development in the “Town” districts (see Appendix C). As with the Richmond Group in 2015, Nantucket should continue to pursue “up-zoning” opportunities in areas that are consistent with the 2009 Master Plan and have adequate means of wastewater disposal.

Strategy: Options for Regulatory Reform

Principle: Developers should be encouraged to produce new affordable housing through the Town’s standard regulatory procedures or cooperatively planned comprehensive permits.

Nantucket has taken steps to increase the housing supply in ways that should produce modestly priced housing even if not deed restricted, e.g., the multi-family overlay district, the recently enacted tertiary unit program, and relaxation of requirements for accessory apartments. The Town could also consider some options that have been pursued in other communities.

INCLUSIONARY ZONING

Nantucket could work with for-profit and non-profit developers to design an inclusionary housing bylaw that would apply throughout town or within selected areas of any high- or moderate-density zoning district. Inclusionary zoning is a bylaw that requires or provides incentives for developers to create affordable housing as a part of market-rate developments, either by including affordable housing in the development, building it off-site, or contributing land or money to a housing trust fund in lieu of construction. In Massachusetts, it was pioneered successfully in three communities – Brookline, Cambridge, and Newton – and has gradually spread to suburban areas, but with mixed results.

Due to Nantucket’s very high land costs and seemingly relentless market interest in seasonal homes, inclusionary zoning will never provide a “cure-all” for the island’s workforce housing needs. By the same token, Nantucket has the basic ingredients found in most inclusionary zoning programs in the U.S.:

strong housing demand and high housing costs that can provide an internal subsidy.

Nantucket currently gives the Planning Board special permit authority to require inclusionary housing units in major commercial developments. Consideration should be given to imposing an actual requirement in commercial, multifamily, or higher-density districts and giving the Planning Board authority to waive the requirement in exchange for a reasonable alternative, e.g., a cash contribution to the Town's affordable housing trust fund.

INFILL LOTS

Study the potential to create small affordable units on nonconforming lots that are otherwise unbuildable. The units may require some form of subsidy, but making additional land available could support production of scattered-site units by mission-based organizations like Habitat for Humanity or Housing Nantucket.

Strategy: Chapter 40B

Principles:

Developers should be encouraged to produce new affordable housing through the Town's standard regulatory procedures or cooperatively planned comprehensive permits;

Continue to work with private developers to improve their proposals, acculturate them to community interests in Nantucket, and increase affordability above and beyond the required 25 percent for a comprehensive permit; and

Provide regular, predictable funding for creating and preserving affordable housing

Nantucket could make better use of Chapter 40B as a vehicle for creating affordable housing. Toward that end, the Town should continue to actively pursue partnerships with non-profit and for-profit developers that have collaborated with cities and towns on so-called "friendly" Chapter 40B developments. Nantucket could also provide financial support to friendly Chapter 40B developments (as was done for Sachem's Path). Having a mortgage interest in projects gives the Town even more control than the comprehensive permit or deed restriction. Investing in well thought-out rental projects should be a priority for the use of local funds, first for the added control it brings and second, because anything Nantuck-

et can do to build partnerships with non-profit and for-profit entities will help to increase the Town's ca-

The Town needs ways to work with the Historic District Commission (HDC) to reduce development costs for projects with affordable units.

capacity and know-how.

Examples of potential funding mechanisms for homeownership could include purchase price buy-downs from 80 percent AMI to lower income groups or market-rate units to 150 or 120 percent AMI. Unlike downpayment assistance, a purchase price buy-down subsidizes the difference between an asking price and a price that is actually affordable to a low, moderate, or middle-income homebuyer.

Strategy: Historic District Commission

Principle: To promote neighborhood compatibility of density and building forms that differ from surrounding properties, the Town should provide design guidance to developers and homebuilders. Models (prototypes) and specifications pre-approved by the Historic District Commission and others should be available for a variety of building forms and contexts.

Like many communities, Nantucket prefers to create affordable housing through its own planning and permitting systems, i.e., without Chapter 40B comprehensive permits where possible. A handful of Massachusetts towns have produced many affordable units – sometimes more than the 10 percent statutory minimum – without ever having to use the comprehensive permit process. To succeed in doing so, the Town needs ways to work with the Historic District Commission (HDC) to reduce development costs for projects with affordable units.

The Town should consider retaining a preservation architect to work with the Planning and Land Use Services (PLUS) Department and the HDC to develop prototypes for a variety of building forms and settings as well as design and construction specifications to be used for review of affordable and

mixed-income housing proposals. Specific guidance for affordable housing projects could be created as a special supplement to the Commission’s existing publication, “Building with Nantucket in Mind.” Projects that simply adopt the Town’s prototypes and specifications could be made eligible for an expedited review process, thereby reducing the need for costly plan revisions, hearing extensions, and so forth. This may require amendments to the HDC bylaw and administrative regulations.

LOCAL RESOURCES FOR AFFORDABLE HOUSING

Strategy: Transfer Fee, Local Appropriations

Principle: The Town should provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law.

Affordable housing production will not happen without predictable, adequate funding for acquisition, pre-development, development, management, and monitoring. Although Nantucket recently received a comprehensive permit application for a project many people do not like, the overall track record for Chapter 40B in Nantucket has been remarkably weak. Housing development in Nantucket is distorted by the seasonal market, so even though housing sale prices are very high, Nantucket does not attract many Chapter 40B developers. Like other vacation and resort areas around the country, Nantucket has to be pro-active and initiate affordable and mixed-income housing development.

Nantucket needs to put significant resources into housing production just as it has committed significant resources to open space protection for well over thirty years. If the legislature fails to approve the proposed transfer fee for Nantucket, the Town will need to pursue other options.

Without local intervention, the island’s affordable housing needs are unlikely to be met. In order to work effectively, Nantucket needs to put significant resources into housing production just as it has committed significant resources to open space protection for well over thirty years. If the legislature fails to approve the proposed transfer fee for Nantucket, the Town will need to pursue other options, e.g., annual appropriations of local revenue (as town meeting did this year), more aggressive commitments of CPA funds, or payments from developers under an inclusionary zoning bylaw.

In addition, the Town needs to revisit limitations it has placed on the Affordable Housing Trust’s authority to manage and invest the resources it has at its disposal. A key reason for creating a housing trust is to facilitate affordable housing development and “depoliticize” decisions about the use of local resources to meet housing needs. (See also, Capacity for development, education, and advocacy below.)

Strategy: CPA funds for affordable housing

Principle: The Town should provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law.

The Community Preservation Committee (CPC) currently makes CPA funds available for affordable housing on a project-by-project basis. The Affordable Housing Trust has to submit a funding application and potentially compete with other applicants, and ultimately each CPC-backed proposal requires approval from Town Meeting. However, Nantucket could institute a different model. The CPC could propose to appropriate each year’s CPA affordable housing funds for use by the Affordable Housing Trust and allow the Trust to do its job: to create and preserve affordable housing, and to do so efficiently. This approach would go a long way toward supporting an annual housing budget for the Affordable Housing Trust and building the Trust’s capacity to create affordable units. As the Community Preservation Coalition explains:

The CPA law states specifically in Section 5(f) that “A city or town may appropriate money in any year from the Community Preservation Fund to an af-

fordable housing trust fund.” Such trusts can have the power to purchase, sell, lease, manage, and improve real property for the purpose of creating and preserving affordable housing. At least 11 communities have appropriated CPA funds to an affordable housing trust.

CPA funds can be appropriated to both affordable housing trusts . . . as long as any ultimate expenditure of those funds is for CPA-eligible uses. Therefore, it is recommended that CPA appropriations to these trust funds be tracked separately from monies generated from other sources to ensure proper accountability of CPA funds.

If the concern is accountability, the CPC could use a system of grant agreements to provide blocks of funding to the Affordable Housing Trust, e.g., a block of funding to develop group homes, leaving it to the Trust to work with group home non-profits to secure sites for special needs housing. However, to require the Affordable Housing Trust to apply to the CPC for funding essentially defeats the purpose of having a housing trust. BOS needs to get on board.

Strategy: Town-Owned Land Study

Principle: Maximize the affordable housing benefits of developing Town-owned land.

Compared with organizations like the Nantucket Land Bank Commission, the Town of Nantucket is a relatively small landowner. The Town should consider creating an asset management plan that includes policies for identifying surplus property and disposing of it for various purposes, including for public benefits like affordable housing. A planning study could be conducted to confirm the Town’s existing inventory, identify potential future needs for property to serve municipal and other public purposes, and create a policy with decision criteria for disposition by bid (highest price), for public benefits (price is irrelevant), or for unique conditions such as land swaps.

Strategy: Tax Incentives

Principles:

Whenever possible, the supply of affordable housing should be increased through redevelopment of disturbed sites, adaptive reuse of non-residential structures, or conversion of existing residential properties to multiple dwellings.

Subsidies should be made available to rental developments in exchange for deeply affordable units for households with incomes below 50 percent AMI.

There is growing interest in Massachusetts (and beyond) in using local government tax policy as a mechanism for creating affordable housing. While there are very few models available, a few cities have established tax incentive programs and recently, the Town of Amherst secured passage of a home rule petition with broad powers to allow special incentives and tax increment financing agreements (TIF) for production of affordable units. (See Appendix G.) Nantucket should consider the potential instituting a similar approach and target it to encourage sustainable projects that can be difficult to carry out, e.g., redevelopment/reuse projects or intensification of existing uses, or to encourage development of employer-assisted housing. Another option is to provide property tax exemptions to owners who rent units to low- or moderate-income households, similar to a program that has existed in Provincetown for several years. (See Appendix H.)

FAIR HOUSING AND AFFORDABLE HOUSING

Strategy: Reducing the potential for disparate impact on protected classes

Principle: Recognize local government’s responsibility for fair and affordable housing in Nantucket, and lead by example

All communities need to pay attention to fair housing concerns, in part because of HUD’s new Affirmative Furthering Fair Housing regulations and especially because of the “disparate impact” case, *Texas Housing and Community Development v. Inclusive Communities Project, Inc.* Nantucket should develop and adopt affirmative fair housing policies to guide the use of Town-owned resources (land, buildings, or funding) in order to ensure non-discrimination against groups protected under the federal Fair Housing Act, e.g., families with children and people with disabilities. The Town could embrace a policy similar to that recently adopted by state (providing for a minimum percentage of three-bedroom units in any given development), or consider other policies such as making it a priority to fund group homes and “safe houses” for people recovering from addiction.

Similarly, the Town could explore options for developing a subsidized assisted living residence to help low-income seniors who need some assistance with medications, meals, and housekeeping but do not need the advanced (and costly) level of care provided by nursing homes.

CAPACITY FOR DEVELOPMENT, EDUCATION, AND ADVOCACY

Strategy: Leadership from the Top

Principle: Recognize local government's responsibility for fair and affordable housing in Nantucket, and lead by example.

The Zoning Board of Appeals (ZBA) has exclusive authority to approve or deny Chapter 40B comprehensive permits. Chapter 40B was enacted in 1969 at a time when throughout the state, the ZBA was only town board that could grant special permits and variances, so it made sense to give ZBAs authority for comprehensive permits as well. However, in 1969 local governments did not play any role in creating affordable housing except through their own housing authorities or redevelopment authorities. The notion that municipalities might provide funding to create low- or moderate-income housing or work as partners with affordable housing developers was barely on the horizon at the end of the 1960s, other than in a handful of progressive towns like Lincoln, Massachusetts.

Since 1969, the roles and responsibilities of cities and towns have changed considerably. Many functions that seem ordinary or essential today did not exist in 1969, e.g., a Council on Aging, a Youth Commission or Human Services Department, or a municipally operated visitor services office. The Nantucket Historic District Commission was not created until 1970, and while Nantucket had a Conservation Commission as early as 1963, the authority of conservation commissions has changed considerably since then. In recent years, numerous Massachusetts towns have created a part-time or full-time Housing Coordinator position to help people who need affordable housing and to monitor compliance with affordable housing restrictions, but no community anticipated that one day it would be playing an activist role in affordable housing. At best, communities knew in 1969 that the legislature had imposed more permitting responsibilities

on them and in many cases, they resented their new-found powers.

By the mid-1980s, it had become clear that local governments had to mobilize for affordable housing development and not simply wait for the arrival of comprehensive permit applications. Over time, other municipal officials have taken on new duties and learned the value of collaboration for affordable housing. The economic development and social consequences of failing to have adequate affordable housing have become clear to most communities, and it is obvious that many groups in Nantucket understand this as well. Indeed, many Nantucket residents seem to understand because without broad public knowledge of the town's housing crisis, it would have been difficult to secure passage of **Article 82**. Still, it is not clear that a culture of support for affordable housing has been institutionalized within Nantucket's town government. The delayed disposition of the Fairgrounds Road property, constraints placed on the Affordable Housing Trust's powers and duties, the absence of a professionally staffed Housing Office despite the existence of a widely recognized housing crisis, and the unpredictability of funding for affordable housing all point to the challenges of moving Nantucket forward with a comprehensive approach to affordable housing.

TRAINING AND EDUCATION RESOURCES

The Board of Selectmen can help by providing leadership and support for meeting the island's housing needs. For example, the Board recently made housing on Nantucket a core issue to be addressed in a strategic plan for the Town, and they have also supported the Affordable Housing Trust's efforts to complete this Housing Production Plan. The Board could also play an instrumental role in building consensus among groups that need to work together to increase the supply of affordable housing in Nantucket. On a going-forward basis, the Town should pursue affordable and fair housing training resources for the Board of Selectmen and other policy-level bodies such as the Planning Board. The following non-profit advocacy and education organizations provide affordable housing training and technical assistance for local officials:

- Enterprise Community Partners
- Local Initiatives Support Corporation
- Massachusetts Housing Partnership

LOCAL INITIATIVES: REQUEST FOR EXPRESSIONS OF INTEREST

An activity that could be taken on by the Board of Selectmen involves recruiting affordable housing developers to partner with the Town. Following the lead of communities like Newton and Shrewsbury, Nantucket could issue a “Request for Expressions of Interest” (also known as RFI) to solicit proposals from for-profit and non-profit developers that want to create affordable units. Through the RFI process, Nantucket could identify the “most desired” components of an affordable housing proposal and invite developers and property owners to submit ideas. Of course, the RFI has to be grounded in reality or it will not work, but if done properly, the RFI can be an effective tool for engaging developers to work with the Town. Developing the RFI should be led by the Selectmen in consultation with the Planning Board and Affordable Housing Trust.

COMPREHENSIVE PERMIT GUIDELINES

Some communities have had success with developing comprehensive permit **guidelines**. Unlike comprehensive permit rules and regulations adopted by the Board of Appeals, project guidelines are policy based. Developing project guidelines should be led, ideally, by the Planning Board or a joint Planning Board-Board of Selectmen effort, as was the case in the Town of Acton. Through guidelines, the Town can identify the criteria Nantucket wants affordable and mixed-income housing developments to meet; for conforming proposals, the Board of Selectmen could expedite the process of providing Project Eligibility comments to MassHousing or MHP.

Although guidelines cannot tie the hands of the ZBA during the comprehensive permit process, the presence of guidelines can be very helpful to the ZBA in its review of development applications. Anything that can be done to streamline the permitting process under Chapter 40B could be seen as very attractive to developers. Moreover, if guidelines compliance was made one of the rating criteria the Affordable Housing Trust uses to evaluate funding requests, the Town would have an extra incentive to offer to prospective developers.

Strategy: Development Partnerships

Principle: Wherever possible, the Town should establish partnerships for affordable housing and encourage others to do the same.

Existing efforts to work with the Land Bank and others to collaborate, wherever possible, to address mutual needs should be continued and expanded. There are many examples of housing-open space alliances in Massachusetts, most notably the Town of Lincoln, a nationally recognized leader in forging partnerships between land conservation and development. In addition, Nantucket should encourage a working partnership between Housing Nantucket (for example) and an experienced non-profit or for-profit developer with a track record for “friendly” mixed-income housing developments in other communities. Some examples of potential non-profit partners include Neighborhood of Affordable Housing (NOAH) or The Community Builders in Boston, Housing Assistance Corporation of Cape Cod in Hyannis, or MetroWest Collaborative Development in Newton. Nantucket needs local, experienced development capacity to create SHI-eligible housing. It is a critical missing piece in the affordable housing “toolbox” and essential for the success of local housing initiatives. The entity for doing so could be Housing Nantucket or a community development organization that is formed specifically for this purpose.

Strategy: Affordable Housing Trust

Principle: Provide regular, predictable funding for creating and preserving affordable housing and empower the Affordable Housing Trust to perform the functions it is authorized to perform by state law

In order to carry out the strategies included in this Housing Production Plan, it will be important for Nantucket to build its capacity to promote and carry out affordable housing development and monitor and enforce affordable housing deed restrictions. Having capacity includes gaining access to greater resources – both financial and technical – as well as building local political support, developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production. This Housing Production Plan incorporates an organizational structure for implementing the strategies and continued oversight of housing policy and initiatives in Nantucket. The Affordable Housing Trust should have a leading role in many of these strategies.

STATUTORY PURPOSE AND POWERS

At the 2009 Annual Town Meeting, Nantucket voted unanimously to accept G.L. c. 44, §55C and establish

the Nantucket Affordable Housing Trust (Trust). Per G.L. c. 44, §55C, the statutory purpose of the Trust is “. . . to provide for the creation and preservation of affordable housing in municipalities for the benefit of low- and moderate-income households.” The statute also includes sixteen specific powers granted to the Board of Trustees (Board) that require no further action or authorization from other municipal bodies (including Town Meeting and Board of Selectmen). The key powers are briefly summarized as follows:

- Accept and receive real property, personal property, or money, by gift, grant, or contribution including money, grants, and Community Preservation Act funds.
- Purchase and retain real or personal property, including investments.
- Sell, lease, convey, etc. any personal, mixed, or real property at public auction or by private contract.
- Execute deeds, assignments, transfers, etc., related to any transaction of the board for the accomplishment of the purposes of the Trust.
- Employ advisors and agents, such as accountants, appraisers, and lawyers.
- Borrow money and mortgage and pledge trust assets as collateral.
- Manage or improve real property.
- Abandon any property the Board deems appropriate.

TRUST'S MISSION

The Trust's mission is “to provide for the creation and preservation of affordable housing in the Town of Nantucket, preferably in perpetuity, as a general policy, but subject to exceptions where it is practicable and reasonable to do so, for the benefit of year-round low and moderate income households who would otherwise have difficulty financial or otherwise, locating housing on Nantucket.”

SOURCE AND USES OF TRUST FUNDS

The Trust has generated revenue from two awards of Community Preservation Act Funds. The first award was in 2010 for \$525,789 for the “creation of affordable housing in numerous ways.” The second award

was in 2012 for \$160,000 for the construction of two dwelling units at 7 Surfside Road.

In 2010, the Trust funded the property acquisition at 7 Surfside Road, which was developed with a single-story one-bedroom dwelling unit. The Board vetted a variety of plans including increasing density of the site with multiple units and ultimately decided to issue a Request for Proposals (RFP) in 2014 for the acquisition and continued management of the site for affordable housing purposes. The Board awarded the property to Housing Nantucket, a private, non-profit organization, for \$1. Originally Housing Nantucket proposed to create four units on the site, but the project has changed and it now consists of only two units. There may be an opportunity to create three additional units at 7 Surfside Road under current zoning if the Housing Trust can attract another partner.

ELIGIBLE USES OF TRUST FUNDS & LEGAL CONSIDERATIONS

Uses of Trust funds must comply with the statutory purpose of the Trust – the creation and preservation of affordable housing for the benefit of low- and moderate-income households. The following briefly summarizes eligible activities for creation and preservation – for a more detailed description and examples, please refer to the Massachusetts Housing Partnership's *Municipal Affordable Housing Trust Operations Manual* (MHP Manual).

Creation. Activities to create, or produce, affordable housing include the following:

- New construction of affordable housing
- Rehabilitation of existing buildings to convert to affordable housing (could include conversion of surplus town buildings, such as surplus schools or libraries, or privately-owned buildings, such as former churches)
- Purchase of existing market rate residential units, rehabilitation if necessary for health and safety purposes, and resell as affordable housing
- Establish homebuyer assistance program to convert market rate units to affordable units

Preservation. Preservation of affordable units refers to initiatives to perpetuate existing affordable units in light of restrictions that would otherwise expire. Preservation is sometimes also described as physi-

cally preserving the condition of existing affordable units, however it is unclear if this is the intent of the statute. Note that CPA funds cannot be used for rehabilitation until the property was previously acquired or created using CPA funds.

Low- and Moderate-Income. Since the Trust statute does define the term “low- and moderate-income,” the MHP Manual advises Boards to use their judgment and consult other definitions commonly used in state and federal programs. It may be wise to consult with municipal counsel if the Board chooses to a definition that is not commonly used in state and federal program. It is unclear, for example, if the income limits that apply to the Nantucket housing needs covenants, which is defined as “middle income” at less than 150 percent of Nantucket county median household income, would be eligible for Trust funds.

COMMUNITY PRESERVATION ACT AND THE TRUST

As it currently stands, the Board is viewed as a candidate to apply for CPA funds. In the past, the Board applied and received CPA funds twice (2010 and 2014). These funds were primarily used in relation to the 7 Surfside Road property acquisition and proposed development project. However, there are three primary models for CPA allocations to housing trusts in Massachusetts:

Model #1: Trust as housing arm of the CPC. CPA funds allocated for housing are included in annual budget to the Housing Trust. No annual application is necessary. CPC and Trust membership may overlap, which can increase regular communication and collaboration. This model has an expectation of standard designated percentage allocation of CPA funds to the Trust annually, which would consist of all intended CPA housing funds. Housing applicants would apply solely to the Trust.

Model #2: Hybrid. Standard Percentage Allocation and Ability for Additional Allocations. Trust budgeted to receive a standard % and applies for additional funding on as-need basis based on anticipated project or programs. CPC and Trust membership may or may not overlap in this model. Somerville is an example of this model where there CPC and Trust membership does not overlap but the Trust receives a percentage (roughly 45%) of CPA funds and Trust may request additional allocations, as needed.

Model #3. The Housing Trust submits an application to the CPC for CPA funds based on a specific project or program or an annual Trust budget that includes general Trust-initiatives anticipated.

This model is most typical in smaller communities where housing activity is low. Developers can apply separately to the CPC and the Trust for local housing funds (with possibly little or no coordination between the CPC and Trust in reviewing the separate applications). The trust cannot rely on CPA funds as a consistent revenue stream, which creates uncertainty year-to-year.

TRUST CAPACITY

Staffing Support. The Trust has administrative support from the one of the Administrative Specialists in the Town’s Planning and Land Use Services Department. In addition, the Director of Planning provides professional support on an as-needed basis. The part-time Housing Coordinator also serves on the Housing Trust.

SCOPE OF WORK AND APPROACH

The consultant team worked with the Board to conduct a two-part prioritization process to gather the Board members’ opinions about where the Trust is succeeding or failing, and what direction it should take in the future to achieve the Trust’s mission.

BOARD SURVEY IN DECEMBER 2015

The first part, conducted in December 2015, was a survey consisting of two parts. The first question, “How well have these Trust-funded initiatives addressed local housing needs?”, asked respondents to consider how the Trust’s use of funds has supported local housing efforts. The second question asked, “How important is it for that the Trust continue to pursue these initiatives?”.

Past initiatives the Board ranked highest for addressing local housing needs:

1. Development of housing at 7 Surfside Road
2. Acquire real property for new housing
3. Create in-law apartments with affordability restrictions
4. Matching funds under the Housing Innovations Fund (HIF)

Initiatives the Board indicated as most important to pursue:

1. Acquire real property for new housing
2. Rehab public/private property to convert to affordable units (mixed income)
3. Develop multi-family housing at Fairgrounds Road site
4. Homebuyer program
5. Preserve expiring use properties
6. Convert non-residential properties to affordable housing

BOARD DISCUSSION EXERCISE IN FEBRUARY 2016

Board members at the February 19, 2016 Trust meeting participated in a discussion exercise that tied into the consultants' presentation tips to work on things that matter, support good projects, and clarifying the trust's role in relation to other housing entities.

First the Board discussed the six priority initiatives identified through the survey in December and answered the following questions:

- What opportunities, barriers, and compromises might be presented through each of these initiatives?
- If you could only focus on three of these initiatives, which three might be most effective to address local housing needs?
- The Board also discussed the following questions:
- What criteria should the trust consider when selecting initiatives to fund?
- How could the trust be best positioned to advance effectiveness of local housing initiatives and avoid redundancies? Put another way, how the trust can either fill an unmet need or reinforce/expand the work already being done by others?

The results of the Board's discussions indicated support to prioritize funding for projects that create units to count on the state's Subsidized Housing Inventory through the following priority initiatives:

- Continue to advocate for development at 4 Fairgrounds Road and utilize Trust funds to support the development, if needed.

- Foster projects on private land that do not require property acquisition, such as buy-down of units in private development projects.
- Establish a homebuyer program to convert existing market-rate houses to affordable houses.

STRATEGIC ASSETS

The Trust has great potential to be an effective advocate for local affordable housing initiatives and make measurable gains in the production of affordable housing.

- Revived Board of Trustees with new membership with deep roots in the Nantucket community and highly relevant skills and experience
- Town staffing support including clerical staff and the planning director
- The island's housing needs are well documented
- Available funding sources include the CPA and other Town funds

STRATEGIC CHALLENGES

The Trust also faces significant challenges to effectively advocate for local affordable housing initiatives and make measurable gains in the production of affordable housing.

- The Trust has limited capacity - lacking dedicated professional planning staff and a consistent revenue stream.
- The extensive affordability gap and extent of housing needs on Nantucket presents significant challenge for all entities working to achieve housing affordability on the island.

ACTIONS TO BUILD THE NAHT'S CAPACITY

Based on the Board's analysis of its strategic challenges and assets through this process and the key findings of the housing needs assessment:

- **Review the Trust's mission and create a strategic action plan.** The Board could benefit from creating a strategic action plan that engages Town officials and the broader community in helping the Board review its mission, identify goals and priority initiatives, and refine understanding of its role. A strategic action plan can organize and guide the Board's efforts to best achieve priority initiatives and would include an implementation plan and a multi-year budget.

Town housing efforts should be coordinated to reduce redundancies and increase the efficiency and effectiveness of local initiatives. The CPC and the Trust are two arms of the same body – the Town of Nantucket – and all municipal efforts to address local affordable housing needs should be integrated and coordinated to achieve the best results.

■ **Focus Trust funds to address documented housing needs.**

When formulating a strategic action plan, it will be important to base the plan on documented housing needs. As is well documented in this Housing Production Plan (which is based on the 2015 Workforce Housing Needs Assessment), Nantucket’s most critical housing needs are for rental units affordable for very low-income households (at or below 50 percent AMI) and year-round rental units at all market levels. Low-income and middle-income homeowners need assistance with homeownership costs, too.

■ **Clarify and strengthen the role of the Board of Trustees.**

Especially with regard to its role with the CPC, the Board should work to clarify its role within the Town. Town housing efforts should be coordinated to reduce redundancies and increase the efficiency and effectiveness of local initiatives. The CPC and the Trust are two arms of the same body – the Town of Nantucket – and all municipal efforts to address local affordable housing needs should be integrated and coordinated to achieve the best results. The Board and CPC should work together to determine an appropriate approach for allocation of CPA funds to the Trust – as explained above, there are three primary models that other communities have adopted that can help to guide discussions. Developing a strategic action plan can help foster such discussion and consideration.

SOURCES OF FUNDS & FINANCIAL SUSTAINABILITY.

The Trust would benefit from a regular and reliable source of revenue. Unless the legislature approves Nantucket’s home rule petition or the Town agrees to provide annual allocations of local revenue, the most likely and readily-available source for housing is Nantucket’s CPA funds. The CPC and Trust should

work together to reexamine the apportionment of funds committed to affordable housing initiatives under the Community Preservation Act. Nantucket Town Meeting has also voted to pursue special legislation for a “housing bank,” similar to the Nantucket Land Bank, so the Town can collect a transfer fee on property sales over \$2 million. Furthermore, Town Meeting supported a capital request for \$1 million for affordable housing activities, also to be administered by the NAHT.

In addition to ensuring a regular and reliable source of revenue, the Board should consider allocating its funds as an interest-free repayable loan or shared-equity agreement to strengthen long-term financial sustainability of the trust. Such repayable loans could be used for short-term financing for acquisition or development soft costs or longer term gap financing, which can help leverage state, federal, and private money. A shared-equity agreement is an arrangement that allows the Trust to share profit in a project if above a stated-threshold. For example, the Groton Affordable Housing Trust contributed \$400,000 to a development of affordable housing and executed an Investor Agreement that entitles the trust to receive 33.3 percent of any project profit.

Each funding source has restrictions and requirements for uses of funds. Certain programs and projects may not be eligible under all funding programs. Also, the Board must account for its use of funds by original funding source and must be prepared to demonstrate that the funds were used in compliance with the requirements of each funding source.

BOARD TRAINING

A housing trust, as a municipal body, is subject to procurement, designer selection, and public construction laws as well as the state and federal fair housing laws, state’s Open Meeting Law, Conflict of Interest Law. The Board should have a high degree

of familiarity with these various laws to ensure compliance and understanding of various nuances of the laws. For example, regarding the state's procurement laws, G.L. c.30B regulate real property disposition, lease, or acquisition, however CPA-funded acquisitions (not dispositions) are exempt from c.30B s.16 provisions. The Board member could benefit from training either by bringing in expert guest speakers to Board meetings and/or sending members to the various trainings offered regularly throughout the state such as those offered by the Citizen Planner Training Collaborative, MA Department of Housing and Community Development, Massachusetts Housing Partnership, Massachusetts Association of Planning Directors, and the like.

STRATEGIC MANAGEMENT

The Board's regular meetings will naturally be mostly focused on immediate responsibilities and achieving next steps on current initiatives. Strategic planning and management requires dedicated time where achievement of longer-term goals and objectives can receive regular attention. Toward this aim, the Board should will hold biannual strategic planning meetings per year, where the majority of the agenda is devoted to evaluating progress toward meeting Trust goals and developing implementation plans to stay on track.

STRIVE FOR AN EARLY SUCCESS

The Board has recently been reconstituted with many new members. To help build momentum, it will be important for Board to strive for an early success as a way to demonstrate its effectiveness in furthering local affordable housing initiatives. If such a first success could be tied directly to the Board's efforts rather than an ongoing project, this may bolster the Board's demonstration of effectiveness.

If the Board adopts this strategic approach, it would continue to advocate for development at 4 Fairgrounds Road and possibly utilize some Trust funds to support its development, if needed, but would focus its energy on an initiative that it can spearhead directly. Two possible initiatives that Board members prioritized in its recent work with the planning consultants for this Housing Production Plan may present possibilities for an early success:

- Foster projects on private land that do not require property acquisition, such as buy-down of units in private development projects. For ex-

ample, allocate trust funds to lower the price of units that are proposed to be affordable to households at 70-80 percent AMI to a price affordable to households below 50 percent AMI.

- Establish a homebuyer program to convert existing market-rate houses to affordable houses.

Note that each of these ideas may pose issues that could hamper success: 1) Buying down units in private development projects substantially relies on timing of the opportunity as well as receptiveness from the developer and 2) A homebuyer program is likely to be cost-prohibitive given the Nantucket's housing prices. However, there are active comprehensive permit applications before the Zoning Board of Appeals and it is possible that buying down proposed affordable units in a pending proposal may pose an opportunity for the Board's immediate consideration. The Board should give serious consideration of these and possibly alternative/additional initiatives to undertake as part of a five-year strategic action plan.

ESTABLISH FUNDING THRESHOLDS AND UNDERWRITING CRITERIA

To lay a foundation for the Trust to become an essential resource for addressing the need for affordable housing on Nantucket, the Board should adopt funding thresholds and underwriting criteria to ensure that its limited resources are utilized in the most effective manner possible.

Funding Thresholds. The purpose of funding thresholds is to guide the Board's evaluation of potential initiatives to fund and help in its deliberations. Note, the following thresholds roughly follow the state's Affordable Housing Trust Fund thresholds in concept, but these have been tailored to local circumstances and housing needs.

Consistency with Nantucket's Community Development and Preservation Goals, e.g., Nantucket Master Plan, Housing Production Plan, Workforce Housing Study, and other relevant community plans and policies.

Consistency with Fair Housing. Allocation of Trust funds will be limited to initiatives that affirmatively encourage equity, promote housing choice, enhance mobility, and promote greater opportunity.

Term of Affordability. Strive to produce affordable housing with an affordability term for as long as possible under the law and given the realities of the

nature of projects/initiatives. For example, a homeownership project that utilizes the state's Universal Deed Rider would be affordable in perpetuity, whereas a buy-down of rental units in a private development project is likely to have a fixed term for a specified number of years (for example, 30 years).

Targeted Affordability. Consider targeting the use of Trust funds to address Nantucket's most critical housing needs – namely, production of rental units affordable to households at or below 50% AMI.

Financial Feasibility. Each Trust funded initiative should be evaluated with respect to financial feasibility, however consider flexibility to allow for the Trust funds to be used as the first dollars in on a case-by-case basis when demonstration of local support is beneficial at early stages of a project.

Leveraging Trust Funds. Although, the Trust funds may sometimes be used as first dollars, it is critical to prioritize funding for initiatives that demonstrate substantial leveraging of trust funds with other public and/or private funds to ensure Trust funds have maximum impact to address Nantucket's housing needs.

Regeneration of Trust Funds. Give preference to funding structures that will help to regenerate Trust funds to ensure long-term viability of the trust and

expand its financial capacity to have maximum impact. Such mechanisms to consider include short-term loans, longer-term gap financing loans, and shared-equity agreements.

UNDERWRITING CRITERIA

The Board should adopt underwriting criteria for trust-funded development initiatives to ensure the Board appropriately fulfills its fiduciary responsibility as trustees of the trust. Standard underwriting criteria includes: maximum award amounts, approval of permits and any other government approvals, award terms, maximum developer and contractor profits and overhead, etc.

ADVOCACY ROLE

In addition to fostering initiatives to create or preserve affordable housing, the Board should advocate for creation and preservation of affordable housing on Nantucket and inform town official, residents, business owners, and the general public about the need for affordable housing and its community benefits. This could include advocacy and support for the Town's potential project on the Fairgrounds Road property as well as other projects and initiatives that meet local affordable housing needs.

APPENDIX

APPENDIX A: GLOSSARY

Affirmative Fair Housing Marketing Plan (AFHMP). A plan that meets the fair housing and non-discrimination requirements of the Department of Housing and Community Development (DHCD) for marketing affordable housing units. The plan typically provides for a lottery and outreach to populations protected under the federal Fair Housing Act of 1968, as amended. The plan must be designed to prevent housing discrimination on the basis of race, creed, color, national origin, sex, age, disability, familial status, sexual orientation, gender identity, or any other legally protected class under state or federal law.

Affordable Housing. As used in this report, “affordable housing” is synonymous with low- or moderate-income housing, i.e., housing available to households earning no more than 80 percent of area median income at a cost that does not exceed 30 percent of their monthly gross income.

Affordable Housing Restriction. A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction runs with the land in perpetuity or for the maximum period allowed by law. It should be entered into and made enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

Affordable Housing Trust. The mechanism used to account for and report revenues and expenditures for affordable housing, including but not limited to Community Preservation Act (CPA) receipts and other affordable housing funding sources.

Area Median Income (AMI). The median family income, adjusted for household size, within a given metropolitan or non-metropolitan area, updated annually by HUD and used to determine eligibility for most housing assistance programs. For Nantucket, AMI is based on the Nantucket County Median Income.

Article 82. A home rule petition approved by Nantucket Town Meeting in 2016 to collect a transfer fee on real estate transactions and dedicate the revenue to affordable housing development.

Chapter 40A. G.L. c. 40A, the state Zoning Act. The current version of the Zoning Act was adopted in 1975 (1975 Mass. Acts 808).

Chapter 40B. G.L. c. 40B, § 20-23 (1969 Mass. Acts 774), the state law administered locally by the Board of Appeals in order to create affordable housing. It provides eligible developers with a unified permitting process that subsumes all permits normally issued by multiple town boards. Chapter 40B establishes a basic presumption at least 10 percent of the housing in each city and town should be affordable to low-

or moderate-income households. In communities below the 10 percent statutory minimum, affordable housing developers aggrieved by a decision of the Board of Appeals can appeal to the state Housing Appeals Committee, which in turn has authority to uphold or reverse the Board's decision.

Chapter 40R. G.L. c. 40R (2004 Mass. Acts 149, s. 92), a state law that provides for overlay districts with variable densities for residential development and multi-family housing by right (subject to site plan review). At least 25 percent of the units in a Chapter 40R district have to be affordable to low- or moderate-income people.

Chapter 44B. G.L. c. 44B (2000 Mass. Acts 267), the Community Preservation Act, allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees.

Comprehensive Permit. The unified permit authorized by Chapter 40B for affordable housing development.

Community Development Block Grant (CDBG). Under the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5300 et seq.), the U.S. Department of Housing and Urban Development (HUD) makes funds available each year for large cities ("entitlement communities") and each of the fifty states (the Small Cities or "non-entitlement" program). CDBG can be used to support a variety of housing and community development activities provided they meet one of three "national objectives" established by Congress. Housing activities are usually designed to meet the national objective of providing benefits to low- or moderate-income people. Funds may be used for housing rehabilitation, redevelopment of existing properties for residential purposes (in some cases), making site improvements to publicly owned land in order to support the construction of new housing, interest rate and mortgage principal subsidies, and downpayment and closing cost assistance. As a "non-entitlement community," Nantucket has received CDBG funds in the past from DHCD and can only do so again by submitting a competitive application in the future. It could be an advantageous mechanism for code enforcement. The state program is guided by a five-year Consolidated Plan and One-Year Action Plans required by HUD.

Community Housing. As defined under Chapter 44B, "community housing" includes housing affordable and available to (a) households with incomes at or below 80 percent AMI and (b) between 81 percent and 100 percent AMI.

Community Preservation Act. Chapter 44B. G.L. c. 44B (2000 Mass. Acts 267) allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees.

Comprehensive Permit. The unified permit authorized by Chapter 40B for affordable housing development.

Department of Housing and Community Development (DHCD). The state's lead housing agency, originally known as the Department of Community Affairs (DCA). DHCD oversees state-funded public housing and administers rental assistance programs, the state allocation of CDBG and HOME funds, various state-funded affordable housing development programs, and the Community Services Block Grant (CSBG) Program. DHCD also oversees the administration of Chapter 40B.

Extremely Low Income. See Very Low Income.

Fair Housing Act (Federal). Established under Title VII of the 1968 Civil Rights Act, the federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), sexual orientation, gender identity, and disability.

Fair Housing Law, Massachusetts. G.L. c. 151B (1946), the state Fair Housing Act prohibits housing discrimination on the basis of race, color religious creed, national origin, sex, sexual orientation, age, children, ancestry, marital status, veteran history, public assistance reciprocity, or physical or mental disability.

Fair Market Rent (FMR). A mechanism used by HUD to control costs in the Section 8 rental assistance program. HUD sets FMRs annually for metropolitan and non-metropolitan housing market areas. The FMR is the 40th percentile of gross rents for typical, non-standard rental units occupied by recent movers in a local housing market. (See 24 CFR 888.)

Family. Under the Federal Fair Housing Act (FFHA), family includes any of the following:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
 - (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (b) An elderly family;
 - (c) A near-elderly family;
 - (d) A disabled family;
 - (e) A displaced family; and
 - (f) The remaining members of a tenant family.

Gross Rent. Gross rent is the sum of the rent paid to the owner plus any utility costs incurred by the tenant. Utilities include electricity, gas, water and sewer, and trash removal services but not telephone service. If the owner pays for all utilities, then gross rent equals the rent paid to the owner.

Group Home. A type of congregate housing for people with disabilities; usually a single-family home.

Household. One or more people forming a single housekeeping unit and occupying the same housing unit. (See definition of FAMILY)

Housing Appeals Committee (HAC). A five-member body that adjudicates disputes under Chapter 40B. Three members are appointed by the Director of DHCD, one of whom must be a DHCD employee.

The governor appoints the other two members, one of whom must be a city councilor and the other, a selectman.

Housing Authority. Authorized under G.L. 121B, a public agency that develops and operates rental housing for very-low and low-income households.

Housing Cost, Monthly. For homeowners, monthly housing cost is the sum of principal and interest payments, property taxes, and insurance, and where applicable, homeowners association or condominium fees. For renters, monthly housing cost includes rent and basic utilities (oil/gas, electricity).

HUD. See U.S. Department of Housing and Urban Development.

Inclusionary Zoning. A zoning ordinance or bylaw that encourages or requires developers to build affordable housing in their developments or provide a comparable public benefit, such as providing affordable units in other locations (“off-site units”) or paying fees in lieu of units to an affordable housing trust fund.

Infill Development. Construction on vacant lots or underutilized land in established neighborhoods and commercial centers.

Jobs-to-Housing Ratio. An indicator of the adequacy of employment and housing in a given community or area.

Labor Force. The civilian non-institutionalized population 16 years and over, either employed or looking for work.

Labor Force Participation Rate. The percentage of the civilian non-institutionalized population 16 years and over that is in the labor force.

Local Initiative Program (LIP). A program administered by DHCD that encourages communities to create Chapter 40B-eligible housing without a comprehensive permit, e.g., through inclusionary zoning, purchase price buydowns, a Chapter 40R overlay district, and so forth. LIP grew out of recommendations from the Special Commission Relative to the Implementation of Low or Moderate Income Housing Provisions in 1989. The Commission prepared a comprehensive assessment of Chapter 40B and recommended new, more flexible ways to create affordable housing without dependence on financial subsidies.

Low Income. As used in this report, low income means a household income at or below 50 percent of AMI. It includes the household income subset known as very low income.

Massachusetts Housing Partnership (MHP). A public non-profit affordable housing organization established by the legislature in 1985. MHP provides technical assistance to cities and towns, permanent financing for rental housing, and mortgage assistance for first-time homebuyers.

MassHousing. The quasi-public state agency that provides financing for affordable housing.

Mixed-Income Development. A residential development that includes market-rate and affordable housing.

- Mixed-Use Development.** A development with more than one use on a single lot. The uses may be contained within a single building (“vertical mixed use”) or divided among two or more buildings (“horizontal mixed use”).
- Moderate Income.** As used in this report, moderate income means a household income between 51 and 80 percent of AMI.
- Overlay District.** A zoning district that covers all or portions of basic use districts and imposes additional (more restrictive) requirements or offers additional (less restrictive) opportunities for the use of land.
- Regulatory Agreement.** An affordable housing restriction, recorded with the Registry of Deeds or the Land Court, outlining the developer’s responsibilities and rights
- Section 8.** A HUD-administered rental assistance program that subsidizes “mobile” certificates and vouchers to help very-low and low-income households pay for private housing. Tenants pay 30 percent (sometimes as high as 40 percent) of their income for rent and basic utilities, and the Section 8 subsidy pays the balance of the rent. Section 8 also can be used as a subsidy for eligible rental developments, known as Section 8 Project-Based Vouchers (PBV), which are not “mobile” because they are attached to specific units.
- Shared Equity Homeownership.** Owner-occupied affordable housing units that remain affordable over time due to a deed restriction that controls resale prices, thereby retaining the benefits of the initial subsidy for future moderate-income homebuyers.
- Single Room Occupancy (SRO).** A building that includes single rooms for occupancy by individuals and usually includes common cooking and bathroom facilities shared by the occupants.
- Subsidized Housing Inventory (SHI).** A list of housing units that “count” toward a community’s 10 percent statutory minimum under Chapter 40B.
- SHI-Eligible Unit.** A housing unit that DHCD finds eligible for the Subsidized Housing Inventory because its affordability is secured by a long-term use restriction and the unit is made available to low- or moderate-income households through an approved affirmative marketing plan.
- Subsidy.** Financial or other assistance to make housing affordable to low- or moderate-income people.
- Typical, Non-standard Rental Units.** A term that defines the types of rental units that HUD includes and excludes in establishing the FMR for each housing market area. The term excludes: public housing units, rental units built in the last two years, rental units with housing quality problems, seasonal rentals, and rental units on ten or more acres.
- U.S. Department of Housing and Urban Development (HUD).** The lead federal agency for financing affordable housing development and administering the Fair Housing Act.
- Very Low Income.** As used in this report, very low income is a household income at or below 30 percent of AMI. In some housing programs, a household with income at or below 30 percent of AMI is called extremely low income.

Workforce. People who work or who are available for work, either in a defined geographic area or a specific industry.

Workforce Housing. There is no single industry standard that defines “workforce housing.” HUD defines it as housing affordable to households earning between 80 and 120 percent of AMI. The Urban Land Institute has traditionally used the term “workforce housing” to describe units affordable to households with incomes between 60 and 100 percent AMI. Nantucket has adopted a broad range of incomes for the term “workforce housing,” from 60 to 150 percent AMI. In general, workforce housing is housing for people who work in a community and the pricing methodology should account for wages paid by local employers.

APPENDIX B. AFFORDABLE HOUSING TIMELINE: NANTUCKET

(Original from Nantucket Antheneum, 2015; Revised and Updated for HPP, 2016).

- **October 9, 1948** – Veterans’ Housing Authority (VHA) appointed
 - Elected: Charles P. Flanagan, John L. Hardy, Frank L. Hardy, Leroy A. Pease
- **February 12, 1949** – VHA officially active
 - Open call for veteran applications; 42 received
- **April 30, 1949** – VHA program under “rental-purchase” plan (MGL Ch. 372)
 - Tenants may purchase houses after five years of inhabitation
- September 30, 1950** – VHA housing project complete; open for public inspection
 - 9 units on Orange Street
- **December 8, 1956** – VHA announces liquidation of all 9 houses
- **February 15, 1958** – VHA final report released
 - 8 homes purchased by original tenants; 1 sold to public bidder
 - Program officially dissolved
- **March 17, 1969** – First Nantucket Housing Authority vote at annual town election
 - Elected: Charles R. Morris, Francis W. Pease, George E. Pinault, John K. Wilson
- **July 10, 1969** – Nantucket Housing Authority public meeting on elderly housing proposal
- **August 23, 1969** – Massachusetts enacts the Comprehensive Permit Act (Chapter 40B)
- **February 19, 1970** – Elderly housing project cancelled due to lack of qualified applicants
- **November 3, 1971** – Nantucket Development Corporation (NDC) formed
 - Announces plans for elderly and low-income housing
 - President: Kenneth W. Holgate
- **November 18, 1971** – NDC housing project meeting
 - 125-unit Tashama Farm development for elderly/low-income residents
 - To be funded through Massachusetts Housing Finance Agency
- **April 12, 1977** – Nantucket Housing Authority abolished at town meeting
 - Article 28 by a vote of 153-61
- **December 5, 1983** – New Housing Authority approved by vote at Town Meeting
- **February 21, 1985** – Housing Authority to receive \$570,000 grant
 - Part of the Massachusetts Comprehensive Housing Act of 1983

- **July 1985** – Applications accepted for new Academy Hill elderly housing development
 - 28 total units, 12 affordable elderly housing apartments
- **August 1, 1985** – Town land transferred to Housing Authority
 - 19.9 acres to be developed for elderly and family housing,
 - Miacomet Village
 - 15 acres at the former Navy Base in Tom Nevers, to be used by six lottery applicants as a part of self-help housing program
- **March 1986** – Landmark House elderly housing center opens to residents
 - Developed by Nantucket Community Services on Old Island Home property
 - Subsidized by the Farmers Home Administration (FmHA, terminated in 2006)
- **October 25, 1986** – Nantucket Housing Needs Conference
- **July 23, 1987** – Nantucket Planning Commission approves new Housing Partnership
 - Members from the Planning Board, Housing Authority, Historic District Commission, and Nantucket Commission Services
- **December 23, 1987** – Native American burying ground found on Miacomet Village building site
- **April 15, 1989** – Miacomet Village project dedication ceremony
- **August 8, 1996** – Ground breaking for additional 19 units behind Miacomet Village location
- **April 9, 2001** – Nantucket adopts Community Preservation Act (CPA)
 - Voluntary state legislation establishing a local community preservation fund; monies raised by a 3% property tax
 - 62% approval at annual Town Meeting
- **May 25, 2004** – Groundbreaking Ceremony for Nantucket Public Schools’ new teacher housing project
 - 12 affordable units on Cow Pond Lane
 - Managed by the Nantucket Education Trust Fund (Nantucket Housing Office assumes responsibility in 2007)
- **September 2, 2004** – Interfaith Council begins emergency rental assistance program
- **February 2007** – Lottery conducted for five of ten affordable homeownership units at Beach Plum Village
- **August 2007** – Abrem Quarry affordable 40B housing project complete
 - 28 units; originally proposed in 2001

- **April 23, 2009** – Nantucket named most expensive county for rentals
 - National Low Income Housing Coalition study
- **April 25, 2013** – “Quiet Crises”; rental housing shortage peaks
 - Seasonal and year-round rental shortage
 - Fair-market rental rates exceed those of Manhattan according to Department of Housing and Urban Development (HUD) statistics
- **April 30, 2015** – Housing Nantucket produces Workforce Housing Needs Assessment
- **June 2015** – Sachem’s Path Phase I affordable 40B housing project lottery
 - Two-phase, 36-unit development for first-time homeowners
 - Project originally proposed in December 2011
- **November 9, 2015** – Nantucket Town Meeting approves zoning amendments to provide additional density in exchange for an affordable housing requirement in the CN and R5 districts. These changes were made so that Richmond Great Point Development could pursue a mixed-income, mixed residential use development off Old South Road.
- **April 2015** – Completion of Sachem’s Path Phase I development.

APPENDIX C. MASTER PLAN IMPLEMENTATION: HOUSING AND LAND USE, 2009 – PRESENT

Compiled by Leslie Snell, Nantucket Planning and Land Use Services Department

June 6, 2016

2009 ATM Amendments

- Article 26 – adoption of the Master Plan, which is a ten-year document containing, among other things, a section on housing.
- Article 27 – inserted an allowance for up to four apartments within a commercial building by-right in the CDT, CMI, and CN zoning districts.
- Articles 32, 33, 34, 35, 36 – removed residential areas from a commercial zoning district (RC-2) and placed them in a residential district (R-5) that allows detached dwelling units or duplexes.
- Article 41 – removed properties from the RC-2 district and placed them in the CN district, which allows apartments as approved in Article 27. The previous district allowed a maximum of two dwelling units per lot.

2009 STM Amendments

- Articles 10 and 15 – reduced the minimum age to live in an Assisted Living Community from 65 to 55 and excludes affordable housing, in addition to employee housing, from the total number of units allowed.

2010 ATM Amendments – nothing applicable

2011 ATM Amendments

- Article 48 – removed a soon to be vacant from a commercial district (RC-2) and placed it in a residential district allowing detached dwelling units or duplexes (R-5). Placed a portion of that same land in the CN district, which allows up to four apartments per lot by-right in addition to light commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 57 – reduced the density of an existing residential area from essentially quarter acre zoning to eighth acre zoning. Provides potential for redevelopment of lots in that area for what would likely be year-round housing.
- Article 63 – expanded Bylaw provisions for secondary lots.

2012 ATM Amendments

- Article 37 – expanded the CDT district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Articles 41, 42, 43, 44 – removed residential areas from a commercial zoning district (RC-2) and placed them in a residential district (R-5) that allows detached dwelling units or duplexes.
- Article 46 – expanded the CN district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.

2013 STM Amendments – nothing applicable**2013 ATM Amendments**

- Article 30 – expanded the apartment allowance to include the CTEC and CI districts.

2014 ATM Amendments

- Article 38 – expanded the CDT district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 42 – expanded the CN district, which allows up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 45 – expanded the CN and CTEC districts, which allow up to four apartments per lot by-right in addition to commercial use. The previous district allowed a maximum of two dwelling units per lot.
- Article 50 – reduced density from half acre to quarter acre in a re-developing residential area.
- Article 51 – combination of reducing density (R-20 to R-5) and removing commercial use potential (RC-2 to R-5) to rezone an area to a high density residential district allowing detached dwelling units or duplexes (R-5).
- Article 63 – expanded Bylaw provisions for secondary lots.
- Article 66 – revised apartment definition to be more flexible about the location of the apartments within a commercial structure.
- Article 67 – inserted a new use “apartment building” allowing up to six dwelling units with a total of no more than eight bedrooms in the CN and VN districts by special permit.

2015 ATM Amendments

- Article 45 – removed residential areas from a commercial zoning district (RC) and placed them in a residential district (ROH).
- Article 61 – removed certain accessory dwelling restrictions in an effort to encourage more accessory units.
- Article 62 – inserted an allowance for a third dwelling unit on residential properties in the following zoning districts: R-5, R-10, R-20, R-40, LUG-1, LUG-2, and LUG-3.

2015 STM Amendments

- Article 1 – reduced density from half acre to eighth acre (R-20 to R-5), two acres to less than a quarter acre (LUG-2 to CN), and two acres to eighth acre (LUG-2 to R-5) in a residential area to provide for the redevelopment of existing vacant lots.
- Article 2 – inserted workforce homeownership housing bonus lots and workforce rental community bylaw provisions that allow substantial increased density. Workforce homeownership housing bonus lots must be eligible for approval as Local Action Units must restrict at least 25% of the units to households earning at or below 80% of the AMI. Workforce rental community must also restrict at least 25% of the dwelling units to households earning at or below 80% of AMI.

2016 ATM Amendments

- Article 34 – removed properties in the mid-island area from the RC district (identified to be phased out in the 2009 Master Plan) and placed them in the CMI district, which allows up to four apartments on a lot by-right in a district that formerly only allowed two dwelling units per lot. CMI also allows apartment buildings – up to six dwelling units – by special permit.
- Article 35 – removed properties in the mid-island area from the RC-2 district (identified to be phased out in the 2009 Master Plan) and placed them in the CMI district, which allows up to four apartments on a lot by-right in a district that formerly only allowed two dwelling units per lot. CMI also allows apartment buildings – up to six dwelling units – by special permit.
- Article 36 – inserted allowance for apartment buildings in the CMI district at a density of one dwelling unit for each 1,250 square feet of lot area.
- Article 39 – removed properties from a commercial zoning district (RC-2) and placed them in a combination of a residential district (R-5) that allows detached dwelling units or duplexes and a commercial district (CN) that allows commercial uses, apartments, and apartment buildings. RC-2 density allowed two dwelling units per lot. CN allows up to six, depending on lot size.
- Article 48 – reduced density in a year-round residential neighborhood from two acres to one acre. Will allow subdivision potential on some lots.
- Article 51 – expanded Bylaw provisions for tertiary dwellings.
- Article 52 – inserted a new use “tiny house unit” to be allowed in the same zoning districts as a tertiary dwelling. Essentially the same as a tertiary dwelling.
- Article 54 – expanded Bylaw provisions for secondary lots.
- Article 55 – removed income and asset restrictions for family members to qualify for the covenant program.

APPENDIX D. "SAFE HARBOR" STATUS THROUGH HOUSING PLAN CERTIFICATION

In 2002, the Massachusetts Department of Housing and Community Development (DHCD) created an incentive for cities and towns to take an active role in increasing the supply of affordable housing. By developing a plan that met DHCD's requirements under the Planned Production program, communities could become eligible to deny a comprehensive permit for twelve (or possibly twenty-four) months if they implemented their housing plan by meeting a minimum annual low-income housing production target. The Planned Production program was overhauled in 2008, at which time the planning component became known as the Housing Production Plan. Nantucket obtained Housing Production Plan approval in 2009, but the plan expired in 2014.

To qualify for the flexibility that a DHCD-approved Housing Production Plan offers, Nantucket would need to create (through the issuance of permits and approvals) at least twenty-four new low- or moderate-income housing units (or an amount equal to or greater than the 0.50 percent production goal) in a given calendar year and obtain certification from DHCD that the Housing Production Plan standard had been met. Units eligible for the Subsidized Housing Inventory (SHI) will be counted for the purpose of certification in accordance with 760 CMR 56.03(2).

(2) Subsidized Housing Inventory.

(a) The Department shall maintain the SHI to measure a municipality's stock of SHI Eligible Housing. The SHI is not limited to housing units developed through issuance of a Comprehensive Permit; it may also include SHI Eligible Housing units developed under

G.L. Chapters 40A, 40R, and other statutes, regulations, and programs, so long as such units are subject to a Use Restriction and an Affirmative Fair Marketing Plan, and they satisfy the requirements of guidelines issued by the Department.

(b) Units shall be eligible to be counted on the SHI at the earliest of the following:

1. For units that require a Comprehensive Permit under M.G.L. c. 40B, § 20 through 23, or a zoning approval under M.G.L. c. 40A or completion of plan review under M.G.L. c. 40R, the date when:
 - a. the permit or approval is filed with the municipal clerk, notwithstanding any appeal by a party other than the Board, but subject to the time limit for counting such units set forth at 760 CMR 56.03(2)(c); or
 - b. on the date when the last appeal by the Board is fully resolved;
2. When the building permit for the unit is issued;
3. When the occupancy permit for the unit is issued; or
4. When the unit is occupied by an Income Eligible Household and all the conditions of 760 CMR 56.03(2)(b) have been met (if no Comprehensive Permit, zoning approval, building permit, or occupancy permit is required.)

Requests for certification may be submitted at any time. DHCD will determine whether Nantucket complies within 30 days of receipt of the Town's request. If DHCD finds that Nantucket complies with the Housing Production Plan, the certification will be deemed effective on the date upon which Nantucket achieved its numerical target for the calendar year, in accordance with the rules for counting units on the SHI under 760 CMR 56.03(2). The certification will remain in effect for one year from its effective date. If DHCD finds that

Nantucket has increased its number of SHI Eligible Housing units in a calendar year by at least 1 percent of its total housing units, the certification will remain in effect for two years from its effective date.

The certification process would allow Nantucket's Board of Appeals to deny a comprehensive permit for twelve months (or twenty-four months, as applicable), or continue to approve projects based on merit. However, if the Board decides to deny a comprehensive permit or impose conditions during the Housing Plan certification period, it must do so according to the following procedures. 760 CMR 56.05(3) and 56.03(8)

- Within fifteen days of opening the public hearing on a comprehensive permit application, the Board has to provide written notice to the applicant, with a copy to DHCD, that denying the permit or imposing conditions or requirements would be consistent with local needs, the grounds that it believes has been met (e.g., a Housing Plan certification is in effect), and the factual basis for that position, including supportive documentation.
- If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to DHCD, with a copy to the Board, within fifteen days of receiving the Board's notice, and include supportive documentation.
- DHCD will review the materials provided by the Board and the applicant and issue a decision within thirty days. The Board has the burden of proving that a denial or approval with conditions would be consistent with local needs, but any failure of DHCD to issue a timely decision constitutes a determination in favor of the Town.
- While this process is underway, it tolls the requirement to complete the public hearing and final action within 180 days.

APPENDIX E. AFFIRMATIVE FAIR HOUSING MARKETING PLAN REQUIREMENTS

Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP)

Key Review Points

City/Town: _____		Reviewer: _____
Project Name: _____		Date of Review: _____
Address: _____		
RENTAL	OWNERSHIP	BOTH

Note: The checklist below is intended to assist with AFHMP review but does not replace the requirements of the DHCD AFHMP guidelines, available at <http://www.mass.gov/hed/docs/dhcd/hd/fair/afhmp.pdf> (see also section III of the DHCD Comprehensive Permit Guidelines at <http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>). The AFHMP guidelines must be consulted in their entirety.

DEVELOPER/CONTRACTOR INFORMATION:

Are the developer staff and contractor qualifications consistent with the Guidelines? YES NO

Did developer/contractor representative(s) certify that the AFHMP is consistent with the Guidelines?

YES O

MARKETING:

Will the application period run for at least 60 days? YES NO

Will advertisements be placed in local and regional newspapers? YES NO

If YES, which newspapers: _____

Will advertisements be placed in newspapers that serve minority groups and other protected classes? YES NO

If YES, which newspapers: _____

Will advertisements run at least two times over a 60-day period? YES NO

Are sample ads included? YES NO

Is marketing comparable in local, regional and minority newspapers? YES NO

If NO, explain: _____

Are outreach notices to be sent to local fair housing commissions? YES NO

To other local/regional religious institutions, housing authorities, social service agencies, nonprofits, etc?

YES NO

If YES, where: _____

Is the outreach appropriate to the type of housing proposed (e.g., marketing to senior centers for elderly housing)?

YES NO Explain: _____

Are applications made available at public, wheelchair accessible locations including one that has some night hours?

YES NO

Does the advertisement and other marketing include a telephone number, including a TTY/TTD phone number, to call to request an application via mail? YES NO

Does the advertisement and other marketing indicate that applications may be submitted by mail, fax or e-mail?

YES NO

Does marketing include non-English publications? YES NO

If YES, which languages: _____

What is the basis for determining the languages? Explain: _____ Will available Metro Boston Area affordable units be reported to MetroList? YES NO

Will available affordable and available accessible units be listed with MassAccess (CHAPA's Housing Registry)?

YES NO

Will available affordable ownership units be listed with MassAccess? YES NO

Will available affordable ownership units be listed with MAHA's lottery website? YES NO

Are air Housing logo and slogan included in all marketing materials? YES NO

Do applicant materials include a statement of the housing provider's obligation to not discriminate in the selection of applicants? YES NO

Do applicant materials state that persons with disabilities may request reasonable accommodations in rules, policies, practices or services or reasonable modifications in the housing? YES NO

Do informational materials provide notice of free language assistance to applicants, translated or to be translated into the languages of LEP populations anticipated to apply? YES NO

Does marketing refrain from describing characteristics of desirable applicants/residents (e.g., "for four persons only", "active lifestyle community," "empty nesters")? YES NO

If NO, explain: _____

Does marketing convey unlawful preferences or limitations (e.g., only white models)? YES NO

If YES, explain: _____

Does marketing include reference to local residency preferences? YES NO [NOTE: not permitted]

Does marketing indicate resident selection by lottery or other random selection procedure? YES NO

RESIDENT SELECTION:

Are copies of a sample application and information packets for potential applicants included and acceptable?

YES NO

Are info sessions scheduled to allow for maximum opportunity to attend (i.e., evenings, weekends, accessible location)? YES NO

Are the eligibility criteria consistent with the Guidelines? YES NO

Is resident selection based on a lottery? YES NO

If NO, is it based on a fair and equitable procedure (i.e., not “first come, first served”) approved by the subsidizing agency? YES NO Explain: _____

If a lottery to be utilized, will the lottery be held at a public, wheelchair accessible location? YES NO

Are the lottery procedures consistent with the Guidelines? YES NO

Is the community choosing to implement a local selection preference? YES NO

If YES, is the need for the local preference demonstrated consistent with the Guidelines? YES NO

Explain: _____

[NOTE: 70% local preference is maximum permitted but percentage must be justified based on documented local need]

Does the demonstrated need correspond to the housing type and eligibility criteria of the project? (e.g., wait list at another rental development used to demonstrate need is for apartments to be rented at similar rents and for residents at similar income levels) YES NO Explain: _____

Are all the proposed preference types consistent with the Guidelines? YES NO

Are the geographic boundaries of the local preference area smaller than the municipal boundaries? YES NO

[NOTE: not permitted]

Does the AFHMP include efforts to address potential discriminatory effects of a local selection preference (e.g., will minority applicants be moved into the local selection pool to ensure it reflects the racial/ethnic balance of the region and/or other efforts consistent with the Guidelines)? YES NO Explain: _____

Is the working preference the only local preference? YES NO

If YES, are persons with disabilities and/or 62 years of age or older that live in the community given the benefit of the preference? YES NO

Are there durational requirements for living or working in the community? YES NO [NOTE: Not permitted]

Are local preference units subject to different or more beneficial terms (e.g., reduced prices) than other affordable units? YES NO

If YES, explain: _____

Are household size restrictions and preferences consistent with the Guidelines? YES NO

Does the AFHMP provide persons with disabilities in need of accessible units first preference for such units?

YES NO

Does the AFHMP address adaptable units consistent with the Guidelines? YES NO

Does the AFHMP provide for criminal background checks consistent with the Guidelines (e.g., not imposed prior to the lottery and consistent with DHCD model CORI policy)? YES NO

Does the AFHMP require any deposits or fees to be paid? YES NO

If YES, are they consistent with the Guidelines? YES NO

WAIT LISTS

After the lottery, are households that are not awarded a unit placed on a wait list in the order that they were drawn from the *general* pool? YES NO

For rental projects, is the procedure for ordering new applicants upon re-opening of the wait list based upon a random selection procedure after a minimum application period of no less than 10 business days? YES NO

If NO, explain: _____

Is there a procedure for wait lists that do not close, and does it address persons with disabilities consistent with the Guidelines? YES NO Explain: _____

Does the ongoing affirmative and general marketing/outreach materials provide explicit notice of the availability of reasonable accommodations in the application process and a corresponding telephone number? YES NO

For ownership projects, does the AFHMP include a method for ensuring continued compliance w/ the Guidelines upon resale? YES NO

OVERALL COMMENTS

APPENDIX F. DISPOSITION OF MUNICIPAL PROPERTY FOR AFFORDABLE HOUSING

As Nantucket already knows, local governments can create affordable housing by making town-owned land available for eligible projects. Properties disposed of for affordable housing can include underutilized public facilities, municipally owned land, or vacant, abandoned, and tax-delinquent private properties acquired through purchase or tax foreclosure. Land bank programs can strategically acquire and preserve multiple properties for affordable housing development. Land banking is one of the functions a municipal affordable housing trust can perform.

Following the procedures for real property disposition under G.L. c. 30B, § 16, a city or town may sell surplus property and prioritize the development of affordable housing. As a rule, municipalities are restricted from giving property to private individuals or offering it for less than fair market value. However, they can convey surplus property for less than market value if the property would be used for a public benefit purpose. Alternately, for publicly owned land in neighborhoods with increasing market demand or recent public investment, jurisdictions can sell land at market price to affordable housing developers before increases in value are realized in the price of the land.

Chapter 30B intends to serve two primary policy objectives: open, fair, competitive bidding and obtaining the best value for communities and other public agencies that are subject to the law. For these reasons, just about every procurement conducted by cities and towns involves some type of bid or proposal process that allows any interested party the opportunity to compete. Most towns today have enough experience with purchasing services and supplies that the requirements for those types of procurements are fairly well understood. However, the Chapter 30B requirements for acquiring or selling real property are different. Since the value of the Fairgrounds Road property obviously exceeds \$35,000 (current threshold under Chapter 30B), the Town will have to issue a Request for Proposals (RFP) to convey the land through a fair and open procurement process. Nantucket may want to request RFP assistance from the Massachusetts Housing Partnership (MHP), which has considerable

experience with town property dispositions for affordable housing.

Below is a summary of the Chapter 30B procedures Nantucket will need to account for in disposing of the Fairgrounds Road property or other land that may be available for affordable housing development. The Town may have other steps it needs to take before it embarks on the disposition process, e.g., how much housing and what types of housing, how much of the housing can be limited for use as employer-assisted housing, how many units should be restricted for use as low- or moderate-income housing, whether the Town intends to provide any financing for the project (e.g., through the affordable housing trust), and so forth. It may also be in the Town's interest to work with other large employers on Nantucket by setting aside some of the market-rate units for those organizations to lease for year-round or temporary employee use, thereby essentially guaranteeing some of the rental income. These decisions, or at least a framework for making them, should be settled before the procurement process begins.

In addition, the Town may want to determine how much interest exists among developers and what their expectations might be. This could be done through an informal "Request for Expressions of Interest" (RFI) prior to initiating the Chapter 30B procurement process. It is important to note that the RFI process cannot be used to pre-qualify or pre-screen developers for purposes of creating a shortlist for the eventual RFP. For real property dispositions, Chapter 30B requires communities to make the RFP available to any interested party who requests it. Nevertheless, an advantage of the RFI is that it could help the Town understand what is feasible, what developers might be concerned about, and how to design a lease procurement if the Town wants to offer the land for long-term lease instead of offering it for sale.

Real Property Disposition for Public Purposes

First Steps

- Declare the property "surplus" and available for acquisition and development of mixed-income housing and employee housing. (A public determination made by the Board of Selectmen and documented in the record is fine.)

- Determine the market value of the property. This can be in the form of an opinion by the Town assessor (a formal appraisal is not required, though many towns commission one). The opinion or appraisal needs to be kept in the records of the real property disposition, as the Town's auditors will most likely ask to review it.
- For public benefit dispositions that will result in a purchase price below market value, the Town must explain why in a notice published in the Central Register. There is a form for this purpose on the Central Register website.

Rule for Award

Selecting a buyer for surplus municipal property can be as simple as taking the highest-price offer, but when the end result is a project to promote public purposes, the selection process is more complicated. For affordable housing dispositions, the Town will need to decide how it plans to choose the best proposal, which means the developer selection process will be based primarily on **qualitative criteria**.

The RFP that will eventually be issued can state a fixed sale price and thereby remove price considerations from the selection process. Still, some communities set a below-market minimum sale price and give themselves the flexibility to consider price along with other qualitative factors. One problem with that approach is that if meeting all of the Town's expectations for the project involves a very high cost, a low minimum sale price can be enough to make the project infeasible and discourage good developers. A second problem that sometimes occurs with public benefit dispositions is that if a very desirable development proposal provides for a much lower purchase price than other proposals received, the developer selection process can become unduly complicated, with reviewers disputing the how far the Town should go to aim for quality over price. So, the rule for award is a critical decision that needs to be made before much time is spent on drafting the RFP.

Proposal Evaluation Criteria

The key to any public land disposition for affordable housing lies with the evaluation criteria. There are three groups of criteria that need to be created for the RFP: criteria for determining whether a proposer is responsive and responsible, for comparing propos-

als based on their merits, and for evaluating price – if price will even be considered.

- **Responsive and responsible** criteria involve considerations such as: is the proposal complete? Is the proposer willing to accept the Town's terms and conditions for sale of the property?
- **Comparative criteria** involve the non-price considerations that will allow the Town to identify the best proposals overall. Some examples of common non-price considerations include:
 - Developer's capacity, evidenced by the number of similar projects completed by the proposer within some specified period of time (e.g., five years); experience and qualifications of the development principals; prior working relationships involving members of the development team; and highly favorable references.
 - Financial capacity, evidenced by prior experience financing mixed-income housing developments of similar scale and complexity; ability to provide equity contribution, and ability to secure financing for the proposed project as demonstrated by letter(s) from prospective lender(s).
 - Experience and qualifications of the design team for the type of project submitted by the proposer, including past collaborations by the proposed design team.
 - Experience and qualifications of the general contractor (the firm as a whole, the principals, and senior management), evidenced by a track record of completing projects on time and within budget at a quality commensurate with the client's expectations.
 - Desirability of proposed building and site design, including attention to the Historic District Commission's design preferences and design principles identified in the RFP (if any).
 - Sustainability, including proposed green building techniques and materials to be used in site design, building construction, and building operations.
 - Project schedule, with preference for a shorter and achievable development schedule over

a longer development schedule or a short but impractical development schedule, with justification via a basic market analysis for whatever the proposed schedule may be. (Note: some communities commission a market study and provide it to prospective developers – who may elect to obtain their own study or pay for a peer review or “second opinion” of the town’s study.)

- Feasibility of the proposed project, based on an analysis of the development budget, the developer’s demonstrated ability to resolve permitting issues as they may arise, the likely acceptability of the proposed designs by regulators and lenders, the likelihood of obtaining proposed financing for predevelopment costs, construction and soft costs as estimated, and the reasonableness of the budget overall. (Note: communities usually hire an independent consultant to review the financials submitted by proposers.)
- Purchase price (if price will be one of the rating factors).

These criteria can be rated according to a simple scheme, e.g., “best,” “acceptable,” or “unacceptable,” or some other system as long as the RFP is clear about what the rating method will be. If some criteria will carry more weight than others, the RFP should say so.

Writing the RFP

There is a basic structure to all real property disposition RFPs and some unique components that should be included in the RFP for a public benefit disposition. Although it may be tempting to start writing the RFP right away, it rarely makes sense until the “basics” described above have been settled:

- What kind of development is the Town looking for?
- How many units, or what is the acceptable minimum-maximum range?
- What are the most important outcomes?
- Does purchase (or lease) price matter?

- How will the Town evaluate the proposer’s development team? What information will the Town need in order to evaluate the team?
- What design information will the Town need in order to reach some conclusions about the quality of the developer’s proposal? A preliminary plan? Elevation drawings? Material specifications?
- How will the Town determine that proposers are competent and able to do the project?
- What information does the Town need in order to determine if a proposed project is feasible?

Once these questions are answered, the RFP is not difficult to prepare. Disposition RFPs typically include the following information and in the order shown below.

■ Introduction

- Statement of Authority (the legal basis upon which the Town can offer the property for sale or lease)
- Definitions of words and phrases used in the RFP
- Proposal deadline and summary-level submission instructions
- Date/time of property tour and pre-bid briefing (if the Town chooses to offer one)
- Purchase price (which be stated as a minimum or in the case of a public purposes disposition, a below-market fixed price)
- Miscellaneous provisions, e.g., how long bid proposals must remain valid, how proposal discrepancies will be resolved, and the rules governing withdrawal or modification of a submitted proposal.
- General conditions that will apply during the procurement process
- Instructions for communicating with the Town during the bid period

■ Property Description

- Ownership
- Location

- Zoning
- Existing conditions description
- Utilities
- Required easements (if any)
- Current use
- Surrounding land uses
- Site constraints
- Environmental concerns (if any)

■ Development Objectives

Here is where the Town should describe what it wants to accomplish with development of the Fairgrounds Road property. It will be important to reflect these objectives in the proposal evaluation criteria and the proposal submission requirements.

■ Project Schedule Requirements

The Town needs to specify any particular scheduling conditions that the selected developer has to meet. Common examples of project schedule requirements include the period within which the selected developer will have to enter into a disposition agreement with the Town and provide a deposit; how long the developer will have to enter into a Development Agreement with the Town; the anticipated completion date for the project, barring unforeseen market conditions; and how breaches of the agreement will be resolved.

■ Minimum Terms and Conditions

Here is where the Town needs to describe the terms and conditions the selected developer will be required to meet as a condition of the disposition agreement and the eventual Development Agreement. Common conditions include matters such as:

- Clarifying the developer's responsibility for all costs associated with obtaining permits and approvals and costs associated with constructing and operating the project;
- Clarifying the developer's due diligence obligations;

- Indemnification and "hold harmless" requirements protecting the Town from claims associated with the condition of the property or operation of the project;
- Limitations on assigning or subleasing the property to any other entity;
- Identification of any use restrictions that will be imposed on the property in order to protect the affordable housing units or achieve other objectives of the project;
- How and when the acquisition price must be paid.

Any terms and conditions the Town will eventually want Town Counsel to incorporate in a purchase and sale agreement should be disclosed in the RFP.

■ Proposal Instructions

In this section, the Town needs to identify the required proposal components and number of proposal copies required, describe what a responsive and responsible proposal must have, and indicate whether the proposal must follow a particular order. Some communities require proposals to adhere to a certain format; others simply require that proposals contain all of the specified information and leave it to proposers to package their proposals as they see fit. In any case, here are common submission requirements for disposition RFPs.

- Proposal Form
- Price Summary Form
- Comparable Experience
- Proposer's Qualifications Statement: a summary of the Developer's organization and experience; identification and resumes of all principals; roles of principals; identification of parties/entities who will have an equity interest in the project; a list of references for at least three recently completed projects; a financial statement; and a disclosure of any pending litigation, liens, foreclosures, bankruptcies, or other actions that would interfere with construction or permanent financing or delay the timely progress of the project.

- Architect's & Engineer's Profile, including references
- General Contractor's Profile, including references and a list of subcontractors
- Technical Proposal: a narrative description of the project that fully summarizes the project, including: the use(s), approximate allocation of space for each type of use, tenure type, a conceptual site plan, typical layout for each unit type, unit amenities and finishes including preliminary specifications, overall project (including common area) amenities, Energy Star and/or LEED-eligible components, and other planned improvements to the Property. The proposal should identify expected sources of financing and any actions/support needed from the Town for such.
- Proposed Project Schedule
- Financial Qualifications
- Preliminary Pro Forma
- Certificate of Non-Collusion
- Disclosure of Beneficial Interest as required by M.G.L. c.7, Section 40J*
- Certification as to Payment of Taxes*
- Corporate Resolution, if a Corporation

**These certifications need to be updated prior to closing.*

■ Proposal Review Criteria and Evaluation Process

In this section of the RFP, the Town needs to describe how the proposal review process will be conducted and explain how the review criteria will be rated. (See "Proposal Evaluation Criteria" above.) A comparison criteria rating scheme such as best/acceptable/unacceptable is fairly simple to use. Another option is the rating and ranking system that Chapter 30B requires for RFPs to purchase contracts for services of \$35,000 or more (highly advantageous/advantageous/not advantageous/unacceptable).

■ Exhibits

- Locus map
- Assessor's map

- Property deed
- Survey plan (if available)
- Easements required (if any)
- Sample affordable housing restriction
- Zoning summary or permitting chart

Distributing the RFP

The RFP for real property disposition must be advertised for two successive weeks in a newspaper with local circulation and, since the site exceeds 2,500 sq. ft, the RFP must be advertised in the Commonwealth's Central Register, too. To maximize the effectiveness of the proposal solicitation process, the Town may also advertise in newspapers with regional circulation, send the RFP to industry groups (such as Urban Land Institute or the Massachusetts Homebuilders Association) or affordable housing organizations such as Citizens Housing and Planning Association (CHAPA), or directly prospective developers. Throughout the proposal period, the Town must maintain a record of developers and others who received the RFP, and anyone who requests the RFP must be provided a complete copy. If the Town needs to issue an addendum before the proposal deadline, the record of original recipients will ensure that everyone with an interest in the site is properly notified.

Receiving & Reviewing Proposals

Every proposal received by the deadline must be opened and publicly announced on the date and time and in the location specified in the RFP for submission of proposals. Unlike RFPs for purchasing goods and services, where the proposal is divided into two parts (technical and price), the proposal for real property disposition must be submitted as a single package and its entirety becomes public information as soon as it is read into the record. (This differs from the procurement system the Town is most likely familiar with, where the technical proposal is confidential until reviewers have finished evaluating it and the price proposal is opened and considered later in the review process.)

Not surprisingly, the review process must be governed by the evaluation criteria stated in the RFP. Proposers who fall short of the "responsive" and "responsible" requirements can be eliminated before

reviewers initiate the more time-consuming process of applying the comparative criteria (the criteria used to evaluate a proposal based on its merits). All of the reviews should be done in writing so there will be a clear record of the decision process. The proposal with the highest rating as a result of the review process should be selected as the designated developer. However, if for any reason the Town is unhappy with the proposals it receives, the procurement can be canceled as long as the cancellation occurs before the Town has entered into an agreement with any of the developers.

After choosing the developer for the project, the Town will need to file a notice with the Central Register, identifying the selected developer and explaining why the sale price for the land is less than market value. In addition, the developer is required by law to file a notice of beneficial interest with the Division of Capital Asset Management and Maintenance (DCAMM).

APPENDIX G. TOWN OF AMHERST: TAX INCENTIVE LEGISLATION FOR AFFORDABLE HOUSING

CHAPTER 148 OF THE ACTS OF 2015: AN ACT PROVIDING AFFORDABLE HOUSING PROPERTY TAX INCENTIVES IN THE TOWN OF AMHERST

SECTION 1. For the purposes of this act, “Low or moderate income housing”, shall mean housing for individuals or families with incomes at or below 95 per cent of area median income. Area median income shall be calculated by the United States Department of Housing and Urban Development, or any successor agency, and shall be adjusted for family size.

SECTION 2. Notwithstanding any general or special law to the contrary, the select board of the town of Amherst may enter into agreements for special tax assessments for properties that include low or moderate income affordable housing consistent with the terms of this act.

SECTION 3. For a residential or mixed use development with 10 or more dwelling units in which at least 10 per cent of the units are low or moderate income housing and subject to an affordable housing restriction as defined in section 31 of chapter 184 of the General Laws, the increase in assessed value resulting from such development shall be phased in increments over a period of up to 10 years to the full assessed value of the property; provided, however, that the maximum property tax incentive shall be based on the difference in net operating income for such development with affordable units and the net operating income without such affordable units. Determination of eligibility shall be made as of July 1 of each year for the fiscal year beginning on July 1.

APPENDIX H. TOWN OF PROVINCETOWN: TAX EXEMPTIONS FOR AFFORDABLE HOUSING

CHAPTER 408 OF THE ACTS OF 2002: AN ACT RELATIVE TO PROPERTY TAX EXEMPTIONS FOR RENTAL PROPERTIES IN THE TOWN OF PROVINCETOWN USED AS AFFORDABLE HOUSING

SECTION 1. Notwithstanding any general or special law to the contrary, residential real estate in the town of Provincetown which is rented to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. The exemption shall be equal to the tax otherwise due on the parcel based on the full and fair assessed value, multiplied by the square footage of the housing units rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. For rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units. To be eligible for exemption, the housing unit shall be leased to a low income person at rents for the entire fiscal year for which the exemption is sought.

SECTION 3. The date of determination as to the qualifying factors required by this act shall be July 1 of each year for the fiscal year beginning on such July 1.

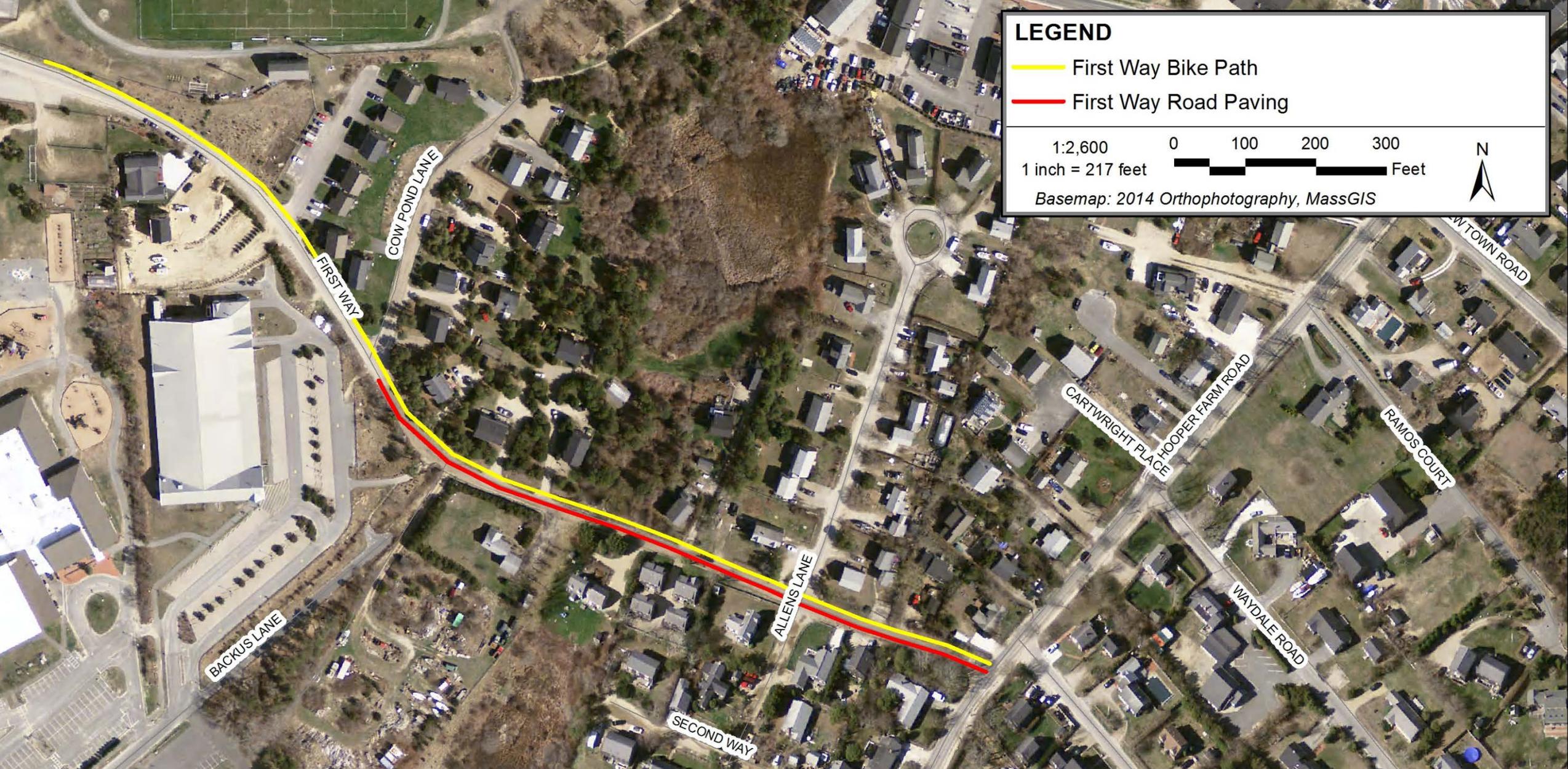
SECTION 4. This act shall be submitted to the voters of the town at the next annual or special town election, in the form of the following question which shall be placed upon the official ballot to be used at that election: "Shall an act passed by the general court in the year 2002 entitled, 'An Act relative to property tax exemptions for rental properties in the town of Provincetown used as affordable housing', be accepted?" If a majority of the votes cast in answer to that question is in the affirmative, then sections 1, 2 and 3 of this act shall thereupon take effect, but not otherwise.

SECTION 5. Section 4 of this act shall take effect upon its passage.

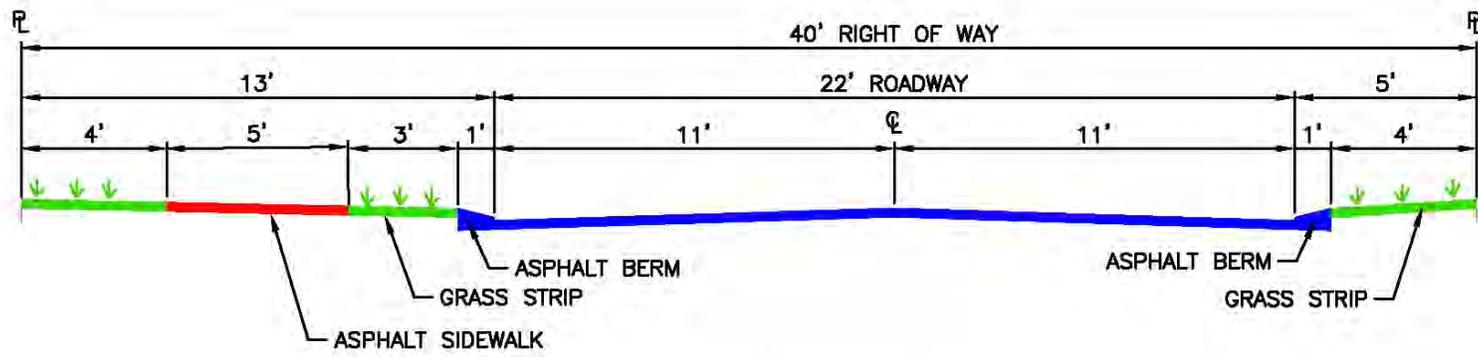
Approved December 19, 2002.



37 Washington Street Proposed Parking
Lot Paving and Maintenance

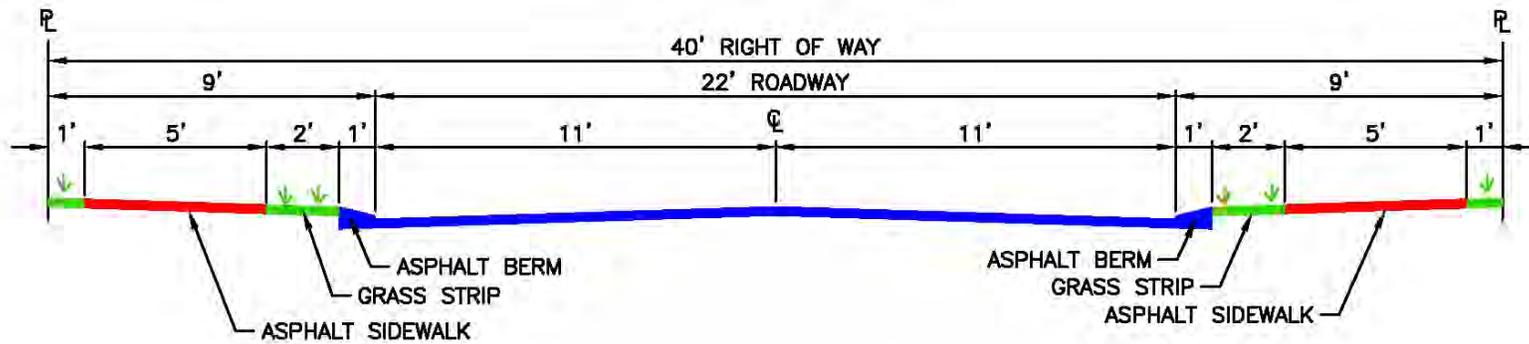


First Way Proposed Road
Paving and Bike Path



TYPICAL ROADWAY CROSS SECTION
22' ROADWAY/BERM/5' SIDEWALK

NOT TO SCALE



TYPICAL ROADWAY CROSS SECTION
22' ROADWAY/BERM/5' SIDEWALKS

NOT TO SCALE



**SITE DESIGN
ENGINEERING, LLC.**

11 CUSHMAN STREET, MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

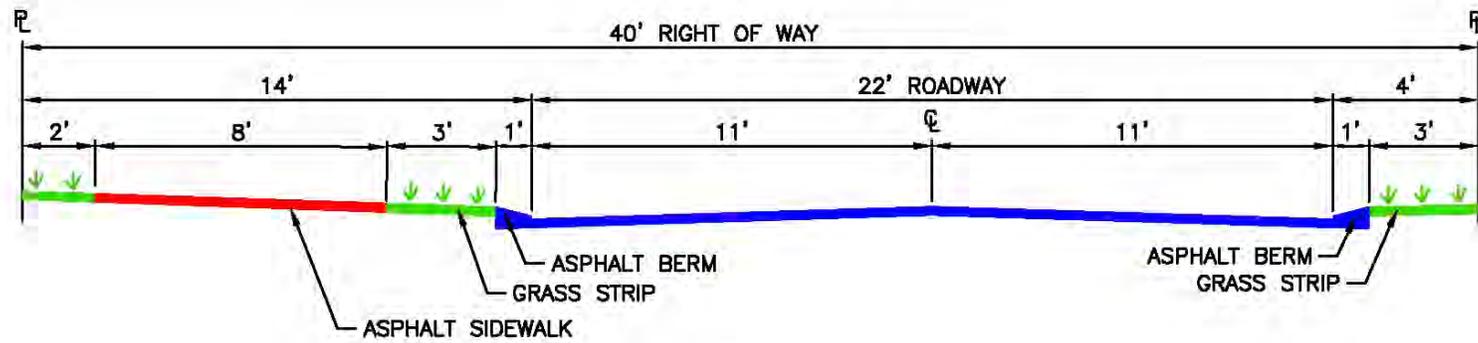
DATE : AUGUST 12, 2016
PROJ. NO. : 16060
SCALE: NOT TO SCALE

CROSS-SECTION

FIRST WAY

NANTUCKET, MASSACHUSETTS

2



TYPICAL ROADWAY CROSS SECTION
22' ROADWAY/BERM/8' SIDEWALK

NOT TO SCALE



**SITE DESIGN
ENGINEERING, LLC.**
 11 CUSHMAN STREET, MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SDE-LDEC.COM

DATE : AUGUST 12, 2016
 PROJ. NO. : 16060
 SCALE: NOT TO SCALE

CROSS-SECTION
 FIRST WAY
 NANTUCKET, MASSACHUSETTS



Milk Street Proposed
Bike Path Location



Hummock Pond Road Bike Path
Asphalt Curbing and Grass Strip



Madaket Road Bike Path
Asphalt Curbing No Grass Strip



Nobadeer Farm Road Bike Path
Granite Curbing No Grass Strip

New Fire Station Work Group

Established by Board of Selectmen: **date**

Appointed by: Board of Selectmen

Membership:

2 members of Board of Selectmen

1 member of Capital Program Committee

1 member of Finance Committee

2 citizens

Fire Chief

Staff/Professional Assistance as needed:

Town Administration

Owner's Project Manager (OPM)

Architect

Town Public Outreach Coordinator

Term: December 31, 2017

Charge:

This temporary advisory work group will:

1. Review the current plans and recent bids for a new Fire Station at 4FG and determine if there are valid ways in which to reduce building/project costs without compromising service and without additional funds (keep the project within the current appropriation) – including redesign, and taking into consideration the associated costs (including professional services) for redesign.
2. Submit recommendations to the Board of Selectmen, which include:
 - All options examined
 - The pros and cons of each option
 - Estimated costs and assumptions of each option
 - Recommendation as to proceeding

Based on these discussions, the work group will provide the Board of Selectmen a report with its findings and recommendations by November 1, 2016.

3. Provide suggestions and assistance with public outreach and education on the final project – by December 1, 2016. The work group may be requested to meet with other groups, following its report to the Board of Selectmen (such as Finance Committee, Capital Program Committee, civic groups).
4. Depending on outcome of discussions, recommendations, Town Meeting action, the work group may be asked to continue to meet, to assess progress on the project through the bidding, contract award and construction phases (in which case the term may need to be extended).

Note: Work Group is subject to the Open Meeting Law (must post meetings and keep minutes)

New Our Island Home Facility Work Group

*Established by BOS on: **date***

Appointed by: Board of Selectmen

Membership:

1 member of Finance Committee
1 member of Board of Selectmen
1 member of Capital Program Committee
Human Services Director/Our Island Home Administrator
3 citizens

Staff/Professional assistance as needed:

Town Administration
Architect
Town Public Outreach Coordinator

Term: December 31, 2017

Charge:

This temporary advisory work group will:

- Review the proposed operational model of the new facility and associated short-term and long-term financial impacts;
- Review the SK Advisors report when final;
- Review the design plans, as they are developed, for the facility;
- Review any concerns and questions brought to it by members of the work group or the public for discussion by the group.

Based on these discussions, compile a report for the Board of Selectmen with recommendations pertaining to the warrant article(s) specifically related to Our Island Home for the 2017 Annual Town Meeting warrant by February 1, 2017. The work group may hold one or more public forums in advance of the 2017 Annual Town Meeting in order to invite public input and address questions and concerns. The work group may be requested to meet with other groups, following its report to the Board of Selectmen (such as Finance Committee, Capital Program Committee, civic groups).

- Depending on outcome of discussions, recommendations, Town Meeting action, the work group may be asked to continue to meet, to assess progress on the project through the bidding, contract award and construction phases (in which case the term may be extended).

Note: Work Group is subject to the Open Meeting Law (must post meetings and keep minutes)

As of 08/12/16

TERM:

- 5 Year Lease

FINANCIAL STRUCTURE (Rent/Fees to be paid to the Town):

- Minimum base rent of \$108,380 in first year; increases 3%/year
- Plus fee of at least 5% of gross sales*
 - Gross sales is all revenue generated by the concession (including food and beverage sales, any costs charged by the lessee to any private party that rents the leased property for an event)
 - The minimum 5% fee on sales will be charged only on the amount in excess of \$1,000,000 in gross sales (per BOS vote 8/3/16)*
- Plus private event fees as shown below in Events

EVENTS:

- 4th of July Fireworks: The Town reserves the right to schedule this event any time between July 1 and July 6
- Private Event Fees to be paid to the Town:
 - \$500/event when restaurant remains open during the event
 - \$1,000/event when restaurant is closed to the public for the event
 - \$25,000 cap on fee for Nantucket Cottage Hospital/Pops event
- Private Event Restrictions:
 - A list of planned special events must be submitted to the Town, annually, by May 15
 - The restaurant is required to stay open an additional day in September for every day the restaurant is closed for a private event in June
 - The restaurant may be closed to the public for only one (1) private event in July and August (Pops on Nantucket). Any exceptions must be approved by the Board of Selectmen.

SERVICES/OPERATIONS:

- Typical snack bar-type operation with restaurant with “Family Friendly” menu (offering lunch and dinner, with option of breakfast) and retail sales
- Concession must be operated a minimum of 10:00 am – 5:00 pm, seven days
- Openings in May, June, September and October are “preferred but not required”; bidders are allowed to include options or compromises in their proposals which will be evaluated as Highly Advantageous, Advantageous or Not Advantageous to the Town.
- Concessionaire may occupy the premises from the second weekend in May through the Monday after Columbus Day
- Bathhouse shall be operated between 9:00 am and 5:30 pm, seven days a week from second weekend in May through Columbus Day weekend; Concessionaire must ensure cleanliness of restrooms in a condition satisfactory to the Town

OTHER:

- Concessionaire is responsible for all utility payments and certain other fees

***Town Administration recommends reconsideration of the fee so that there is a minimum % fee (5%) on total gross sales (eliminate the \$1,000,000 “floor”)**

Town of Nantucket
Jetties Lease

Current Lease			
Lease Year	Minimum Lease	Outside Events	Total
2012	95,001.00	7,500.00	102,501.00
2013	97,376.03	7,500.00	104,876.03
2014	99,810.43	7,500.00	107,310.43
2015	102,305.69	7,500.00	109,805.69
2016	105,222.69	7,500.00	112,722.69
	<u>499,715.84</u>	<u>37,500.00</u>	<u>537,215.84</u>

Per RFP that was put out 5% of Gross Revenue no minimum						
Lease Year	Minimum Lease	1,000,000.00	1,250,000.00	1,500,000.00	1,750,000.00	2,000,000.00
2017	108,380.00	50,000.00	62,500.00	75,000.00	87,500.00	100,000.00
2018	111,631.00	50,000.00	62,500.00	75,000.00	87,500.00	100,000.00
2019	114,980.00	50,000.00	62,500.00	75,000.00	87,500.00	100,000.00
2020	118,430.00	50,000.00	62,500.00	75,000.00	87,500.00	100,000.00
2021	121,983.00	50,000.00	62,500.00	75,000.00	87,500.00	100,000.00
	<u>575,404.00</u>	<u>250,000.00</u>	<u>312,500.00</u>	<u>375,000.00</u>	<u>437,500.00</u>	<u>500,000.00</u>

5% of sales over the minimum of \$1,000,000					
Lease Year	Minimum Lease	250,000.00	500,000.00	750,000.00	1,000,000.00
2017	108,380.00	12,500.00	25,000.00	37,500.00	50,000.00
2018	111,631.00	12,500.00	25,000.00	37,500.00	50,000.00
2019	114,980.00	12,500.00	25,000.00	37,500.00	50,000.00
2020	118,430.00	12,500.00	25,000.00	37,500.00	50,000.00
2021	121,983.00	12,500.00	25,000.00	37,500.00	50,000.00
	<u>575,404.00</u>	<u>62,500.00</u>	<u>125,000.00</u>	<u>187,500.00</u>	<u>250,000.00</u>



Nantucket Police Department

4 Fairgrounds Road

Nantucket, Massachusetts 02554-3597

Telephone (508) 228-1212

Fax (508) 228-7246

TO: Board of Selectmen
FROM: Amy Baxter, Licensing Administrator
SUBJ: Compliance Checks Violation Notice
DATE: July 25th, 2016

The first round of compliance checks of liquor licenses has been completed. There were three establishments with violations for the week of July 4th, 2016.

The attached document is the notice mandated by the Town of Nantucket's Rules and Regulation Governing Alcoholic Beverages promulgated under Chapter XV Section B [General Provisions] Paragraph (2) "All violations of the liquor laws and the terms of liquor licenses are to be reported to the board by the Nantucket Police Department within two weeks of said violations."

The notice document reports the Date, Time, Business, Manager of record, and violations.

Date	Time	Business	Tips Y/N	Manager	Violations
7/07/2016	17:18	Nantucket Trading Post	Y	Dora Yesenia Lemus	Procuring Liquor <21
7/07/2016	18:31	Barcos Y Tacos	N	Scott Kopp	Procuring Liquor <21
7/07/2016	19:23	Grey Lady	Y	Ryan Chadwick	Procuring Liquor <21



Nantucket Police Department

4 Fairgrounds Road

Nantucket, Massachusetts 02554-3597

Telephone (508) 228-1212

Fax (508) 228-7246

TO: Board of Selectmen
FROM: Amy Baxter, Licensing Administrator
SUBJECT: Compliance Checks Violation Notice
DATE: August 1, 2016

The second round of compliance checks of liquor licenses has been completed. There were two establishments with violations for the week of July 21th, 2016.

The attached document is the notice mandated by the Town of Nantucket's Rules and Regulation Governing Alcoholic Beverages promulgated under Chapter XV Section B [General Provisions] Paragraph (2) "All violations of the liquor laws and the terms of liquor licenses are to be reported to the board by the Nantucket Police Department within two weeks of said violations."

The notice document reports the Date, Time, Business, Manager of record, and violations.

Date	Time	Business	Tips Y/N	Manager	Violations
7/21/2016	19:20	Arno's Italian Bistro	N	Dylan Ray Barker	Procuring Liquor <21
7/21/2016	19:34	29 Fair Street	Y	Tracy Root	Procuring Liquor <21

Brian W. Riley
Kopelman and Paige, P.C.
September 2, 2015

LIQUOR LICENSE DISCIPLINARY HEARING PROCEDURE

- I. General Process
 - A. Give written notice to licensee pursuant to G.L. c.138, §23. If town personnel will supply pertinent information, you may request their presence at the hearing. Notice should include detailed statement of purpose of hearing (alleged violations of Chapter 138 and/or BOS Rules and Regulations) and potential for disciplinary action.
 - B. Chair calls the hearing to order, reads the notice and swears in the witnesses. Sworn testimony is not required by G.L. c.138, but always preferable when defending an order before the ABCC. All witnesses may be sworn in at once.
- II. Enforcement Hearing
 - A. The complainant or town officer bringing complaint testifies first followed by any witnesses that they might have. This typically includes members of the Police Department; it can include eyewitness testimony or referring to written reports. They may be questioned by the licensee (or licensee's attorney) and by Board members, through the chairman.
 - B. At the conclusion of the Town's case, the licensee should be allowed to testify followed by any witnesses that they might have. They may be questioned by the Board, and the Board may wish to recall the Police Department to answer additional questions.
 - C. Both parties should be given a reasonable opportunity to offer evidence, examine witnesses and make a concluding statement.
 - D. Although the public may attend the hearing, no questions or general public comment should be allowed during the hearing.
- IV. Closing the Hearing
 - A. After all testimony has been taken and all questions from the Board answered, a motion should be made to close the evidentiary portion of the hearing. Once closed, there should be no further testimony or documents accepted.
 - B. After closing the hearing, the Board should deliberate in open session and make a decision. A decision consists of two parts - findings of fact and the

action taken by the Board, and both must be in the written decision to be found satisfactory by the ABCC. I recommend that any finding of fact be made by motion, e.g. “I move that the Board find that on September 1, 2015, the licensee violated G.L. c.138, §34 by serving alcohol to a minor” or “I move that the Board find that on September 1, 2015, the licensee violated Chapter 250, Section XIV (8) of the Board’s Regulations by allowing patrons to remove drinks from the premises.” This can be done with multiple motions if needed. If no violations are found, the Board can make that finding and the hearing would be complete.

- C. After the Board has made its findings of fact and that a violation or violations occurred, the Chairman may then entertain a motion concerning the appropriate action to take – for example, written warning for first offense, suspension, revocation, cancellation for failure to exercise license (G.L. c.138, §77), etc. A motion should be made and the action voted on. The Board’s sanction schedule [Chapter 250, Section XV (G)] are guidelines but may be varied in appropriate circumstances.
- D. Written notice of the decision must be sent to the licensee. The notice should include the findings of fact and the action/discipline approved by the Board. The notice must also state that the licensee has five (5) days from receipt of the written decision to appeal the order to the ABCC.

XV. Sanctions for Violations of the Regulations

A. Purpose

The purpose of this section is to improve the ability of the Board to prevent alcohol abuse and violation of the liquor laws of the Commonwealth and the requirements of the Regulations. It is the intent of the Board that this section will help to achieve reasonable uniformity in the imposition of sanctions and to avoid confusion in the minds of the public, patrons and licensees due to a lack of understanding of the consequences of violating the liquor laws and the terms of liquor licenses. This section is intended to empower the Board to consider the circumstances of each case and provide a mechanism for which licensees can ensure their compliance with the Regulations.

B. General Provisions

1. No licensee shall permit any illegality to occur on the licensed premises. The manager shall at all times maintain order and decorum on the licensed premises and in the immediately surrounding area and shall cooperate with Town officials in ensuring safe and orderly licensed premises.
2. All violations of the liquor laws and the terms of liquor licenses are to be reported to the Board by the Nantucket Police Department or by any licensee or manager that becomes aware of an offense involving the licensed premises within two weeks of said violation. Failure to report a violation involving the licensed premises constitutes a violation of the Regulations and may subject the licensee to sanctions in accordance with the procedure set forth herein.
3. Sanctions for offenses shall be consistent with the Town's general goals of protecting public safety and the general welfare. Sanctions will also be imposed with the goal of preventing future offenses.
4. The nature and severity of the sanctions imposed by the Board will be decided according to the nature of the offense and the presence of aggravating or mitigating circumstances as further described herein.
5. Sanctions may consist of any one or more of the following as appropriate: revocation of license; suspension of license; criminal prosecution of offenders by the Nantucket Police Department, including customers and patrons as deemed appropriate by the Police Chief, and/or mandatory participation in alcohol abuse and offense prevention programs.
6. The Nantucket Police Department is encouraged to recommend to the Board the terms under which an offense be resolved. Any such recommended resolution must be in writing, signed by the manager of the licensed premises or license holder charged with the offense and approved by the Police Chief. The recommendation must include a statement detailing the facts determined in the Police report and found as part of the Department's investigation. The recommended resolution is not binding upon the Town unless and until approved by the Board.
7. Depending upon the nature of the violation, if the Police Department and the manager of the licensed premises and/or license holder charged cannot agree on a recommended resolution, the Police Department will make any additional investigation it deems necessary for a complete presentation of the facts and will file a detailed written report with the Board.

8. Notice is to be provided to a licensee of an alleged violation of the Regulations. The notice will include the date of the event giving rise to the possible disciplinary action, a description of the event, and a clear identification of the provision(s) of the Regulations that is/are alleged to have been violated as a result of the event. Said notice will also provide the licensee with the date upon which the Board will hold a hearing concerning the licensee's alleged violation. A notice containing the above-mentioned information shall be sent to the licensee via certified mail/return receipt requested no less than ten (10) days prior to the date of the hearing before the Board. Licensees are entitled to retain counsel to represent them at the hearing if they so desire.

9. The procedures stated in the Regulations shall be an indication of the range of sanctions available to the Board. The Board will refer to these guidelines in deciding whether to approve a negotiated recommended resolution.

10. The Board may consider, but is not required to accept a negotiated resolution recommended by the Nantucket Police Department. The Board is empowered to consider alternative sanctions consistent with Section XV of the Regulations, and applicable state law.

11. The Nantucket Police Department and the Board will maintain a public record of offenses and their dispositions that will be indexed according to the licensee/manager, server and purchaser involved.

12. In the event that the Board decides to deny an application for a new license, refuse to issue a license or modify, suspend, revoke or cancel a license, the Board will provide the licensee with a written statement of reasons such action was taken against the licensee, a copy of which will be simultaneously mailed to the ABCC.

C. Determination of Sanctions

Sanctions will be determined according to the following procedure:

1. Offenses for which the Board may issue sanctions include, without limitation, those offenses as listed in Section XV, Subsection D.

2. The Board may make adjustments according to the existence of factors that warrant an increase in the sanction described in Section XV, Subsection E ("Aggravating Circumstances") or a decrease in the sanction as described in Section XV, Subsection F ("Mitigating Circumstances").

3. The Board may take into consideration the number of violations involved in the particular offense.

4. The Board may take into consideration the alleged offender's acceptance of responsibility as described in Section XV, Subsection F.

5. The Board shall also consider any relevant actions taken by the ABCC.

6. The Board may take into consideration previous written warnings issued by the Town to the licensee. The Board may consider the date(s) of the written warning(s), the reasons therefore, and the similarity of the incident resulting in the warning with the incident at hand.

D. Common Offenses

1. Sale outside of permitted hours (Chapter 138, Section 12 – Note that all references in this subsection are to sections of Chapter 138.);

2. Purchase by person under age 21 (Sec. 34A);

3. Employment by licensee of person under age 18 for direct handling or selling of alcohol (Sec. 34);

4. Sale or delivery to a person under age 21 for own use or for use of another (Sec. 34);

5. Sale to an intoxicated person (Sec. 69);

6. Hindering or delaying an investigation by the ABCC or authorized agent of the Board (Sec. 63A);

7. Failure to post notice of penalty for driving under the influence and driving while drinking from open container of alcoholic beverage (Sec. 34D); and

8. Failure to comply with section 204 CMR 4.03 of the ABCC regulations, which, in pertinent part, provides as follows:

(a) No licensee or employee shall offer or deliver any free drinks to any person or group of persons;

(b) deliver more than two (2) drinks to one person at one time;

(c) sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;

(d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

(e) sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;

(f) sell, offer to sell or deliver malt beverages, wine or mixed drinks by the pitcher or in other community type container commonly referred to as a “scorpion bowl” (Nothing in this subsection shall be construed to prohibit the sale of pitchers of beer);

(g) increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; and

(h) encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

9. Failure to comply with section 204 CMR 9.00 of the ABCC regulations pertaining to retail sale of malt beverages in kegs.

E. Aggravating Circumstances

1. Failure to request identification card, operator's license or passport;
2. Juvenile appearance of underage purchaser;
3. Use of altered identification;
4. Refusal to cooperate in investigation;
5. Multiple sales to an underage purchaser on same occasion;
6. Quantity of beverage sold;
7. Staff not suitably trained;
8. Underage server;
9. Violations of other laws such as: prostitution, solicitation, drugs, gambling, disorderly conduct, cigarette sales to minor;
10. Concealing violation(s);
11. Furnishing false information to investigator;
12. Exceeding lawful capacity of licensed premises;
13. Intimidating or coercing witnesses or attempting to do so;
14. Offense occurring while under suspension of penalty;
15. Sale occurring while license suspended; and
16. The occurrence of any personal injuries or fatalities related to the underlying violation.

F. Mitigating Circumstances

1. Reasonable reliance upon identification card, an apparently valid motor vehicle operator's license, US passport, passport issued by a country recognized by the United States government or United States issued military identification card for proof of identity or age. (Sec. 34B);
2. Acceptance of responsibility by the licensee as shown by:
 - Substantial and voluntary assistance offered in investigation;
 - Acknowledgment of responsibility;
 - Agreement to participate in additional training; and/or

- Agreement to participate in a program to detect and prevent future offenses.

G. Imposition of Sanctions

The Board's imposition of sanctions will be consistent with the Regulations and any applicable state statutory provisions. Note that these are guidelines only. Those persons who violate said Regulations or state statutes may expect one or more of the following consequences as appropriate in the sole discretion of the Board:

(1) Suspension of license for a stated number of days. Licensees are advised that the following chart only represents guidelines for use by the Board when making its final decision in response to a liquor license violation. The Board, in accordance with the aggravating or mitigating factors as presented above, shall retain the authority to deviate from these guidelines in such cases as it deems appropriate.

First violation: written warning;

Second violation: 1-2 day suspension;

Third violation: 3-4 day suspension;

Fourth violation: 5-6 day suspension, regardless of amount of penalty suspended, if any;

Fifth violation: 7-15 day suspension;

Sixth violation: 16-30 day suspension;

Seventh violation: 31 days to one (1) year suspension, or revocation; or Revocation of license and prohibition on reapplying for a one (1) year period.

(2) Suspension of license for a stated number of days with a portion of the suspension deferred upon condition that no further offenses occur within a specified period of time and that licensee waives its right to hearing upon such further offense.

(3) Revocation of liquor license or suspension for a specified period of time after a hearing for cause.

(4) Mandatory participation in prevention program(s) by licensee/manager and server as appropriate.

(5) Public notice of the offense and disposition.

While the Board will endeavor to impose sanctions upon licensees in a manner consistent with the Regulations, where exigent or special circumstances warrant, such as a violation of the Regulations resulting in serious personal injury or death, the Board retains the authority in such circumstances to immediately order a full hearing, provide the licensee an opportunity to present evidence, and to revoke a license where the evidence so warrants such an action by the Board.

H. Reporting of Violations and Penalties Imposed

(1) The Board shall receive annual reports from the Nantucket Police Department detailing violations of the Regulations from the reporting period, and the sanctions imposed by the Board for said violations. Reports shall be submitted to the Board no later than November 1st of each year. The Board will use these reports to analyze the factors that are commonly associated with violations, such as over-serving, underage serving, absence of serving training or registration, etc.

(2) As previously stated, the Board reserves that right to amend the Regulations as it deems necessary. It is the responsibility of the licensee to keep abreast of any changes to the Regulations that may affect its establishment.



Nantucket Police Department

4 Fairgrounds Road

Nantucket, Massachusetts 02554-3597

Telephone (508) 228-1212

Fax (508) 228-7246

License Number: 076200017
NPD Case Number: 16-014628
Establishment: 1709 Associates LLC, dba 29 Fair Street

CHARGE:

Following completion of an investigation the Nantucket Police Department believes that enough cause exists to refer 1709 Associates LLC, dba 29 Fair Street (the "Licensee") which holds a Wine and Malt Beverage Seasonal Liquor License issued pursuant to M.G.L. c. 138, §12 to the Board of Selectmen for violation of the following Town of Nantucket Rules and Regulations and/or Massachusetts General Laws:

- 1 Count M.G.L c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty one (21) years of age;
- 1 Count Town of Nantucket Rules and Regulations, c. 250 §XV (D)(4) – Sale or Delivery by Licensee of person under age 21 for own use or for use of another (Sec. 34).

FACTS:

1. Town of Nantucket Rules and Regulations, Chapter 250 §II (7) provides that the Nantucket Police Department shall have the authority to investigate potential violations of the Regulations and to conduct other such enforcement as the Chief of Police deems appropriate, including the use of plainclothes Police Officers for the purpose of ensuring compliance with Chapter 138, the Regulations, and other state and local laws as may be applicable.
2. On Thursday, July 21, 2016, at approximately 7:34 pm, Detective Cook and Officer Kelly conducted an investigation of the business operation of 29 Fair Street located at 29 Fair Street.
3. Underage operatives, working with the officers, purchased alcoholic beverages, 2 Cisco Sankaty Light Beers. The underage operatives, age 19 and 20 were not asked for identification.
4. Esthefany Petit was identified by detectives as the person who sold the alcoholic beverage to the undercover operatives.

5 YEAR HISTORY:

2015 (1) Violation:

- July 22, 2015
 - One (1) Count: M.G.L. c138 §34 – Furnishing Alcoholic Beverages to Minors
 - One (1) Count: Town of Nantucket Rules and Regulations, c 250 §IV – Change of Manager: Failure to notify the Local Licensing Authority of a change of manager.
- Sanctions:
 - Fourteen (14) days suspension of Liquor License. Three (3) days were served July 24-26, 2016 and eleven (11) days will be held in abeyance for a period of one year ending July 26, 2017, pending no further violations of Chapter 138 or the Town of Nantucket Regulations occur.

AGGRAVATING CIRCUMSTANCES, CH 250, Sec. E:

1. Failure to request identification card, operator's license or passport.
2. Staff was not suitably trained. Petit was not TIPS trained at the time of the violation. A TIPS certificate was submitted with a testing date of July 23, (2) days after the violation.

BLUE BOOK GUIDELINES, CH 250, Sec. G:

1. Suspension of license for a stated number of days with a portion of the suspension deferred upon condition that no further offenses occur within a specified period of time and that licensee waives its right to hearing upon such further offense.
2. Second violation: 1-2 day suspension.

NPD RECOMMENDATION:

1. Eleven (11) days previously held in abeyance to be served immediately.
2. Two (2) days to be served for second violation: July 20-21, 2017.

LICENSE #: 076200017

LICENSE FEE: \$1,600.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: 1709 Associates, LLC
DBA: 29 FAIR STREET
PREMISES: 29 Fair Street
Nantucket, MA 02554
MANAGER: Tracy Root

ON PREMISES DESCRIBED AS:
First Floor: Six Rooms, Lobby, Residence.
Second Floor: Eight Guest Rooms.
Occupancy/Restaurant: 49

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.

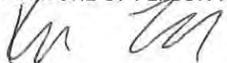


Robert De Costa
Chairman, Board of Selectmen

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.

NOTICE TO DEFENDANT RETURN OF SERVICE	LICENSE NUMBER	TOWN OF NANTUCKET BOARD OF SELECTMEN 
DATE: August 8, 2016	#076200017	Town of Nantucket Board of Selectmen 16 Broad Street Nantucket, MA 02554
BUSINESS: 1709 Associates, LLC, dba 29 Fair Street 29 Fair Street Nantucket, MA 02554		Date of Hearing: August 17, 2016
MANAGER OF RECORD: Tracy Root	Peter G. Karlson 7 Brewster Rd FL A K64a - 667-413-029-0 617 650 8387	
OFFENSE: 1) Violation of G.L. c.138 § 34: Furnishing Alcoholic Beverages to Minors. 2) Violation of Board of Selectmen Rules and Regulations Governing Alcoholic Beverages Chapter 250 § II: General Provisions Regarding the Administration of Licensed Premises ¶ (2) All employees engaged in service or selling alcoholic beverages and/or viewing of identification cards shall be certified within (30) days of employment at the licensed premises.		
<p align="center">TO ANY PERSON AUTHORIZED TO SERVE CRIMINAL PROCESS</p> <p align="center">You are hereby commanded to serve the defendant's copy upon the defendant named above, and make your return of service below.</p>		
<p align="center">RETURN OF SERVICE</p>		
I hereby certify that I have served a copy of this summons not less than 24 hours before the scheduled date and time of appearance by (x)		
<input checked="" type="checkbox"/> Delivering a copy of it personally to the defendant		
DATE OF SERVICE: 8/9/16 2:20	SIGNATURE OF PERSON MAKING SERVICE: 	TITLE OF PERSON MAKING SERVICE: Petrolman

16-252

HAND DELIVERED

August 8, 2016

**1709 Associates, LLC; dba 29Fair Street
Manager: Tracy Root**

Re: Alcoholic Beverages License #076200017
Notice of Hearing

Dear Mr. Root:

On August 17, 2016, at 6:00 p.m., the Nantucket Board of Selectmen will hold a hearing pursuant to G.L. c.138, §23, and a Violation of Board of Selectmen Rules and Regulations Governing Alcoholic Beverages Chapter 250 § II to discuss your alcoholic beverages license #076200017 for the business located at 29 Fair Street. The hearing will be held in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket. The hearing will concern the incidents set forth in the police report dated July 21, 2016, a copy of which you will find enclosed.

You may attend this hearing and be represented by counsel at your own expense if you wish. These allegations, if proven, may constitute violations of Massachusetts General Laws Chapter 138, §34 and/or the Board of Selectmen Rules and Regulations Governing Alcoholic Beverages, in that it is alleged that an alcohol compliance check conducted by the Nantucket Police Department resulted in violation of the above mentioned MGL Chapter 138, §34.

These allegations, if proven, would constitute grounds for disciplinary action, including warning, suspension, or revocation. If you have any questions, please contact this office.

BY ORDER OF THE NANTUCKET BOARD OF SELECTMEN

STATEMENT OF FACTS
IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

1 OF 1

Trail Court of Massachusetts
District Court Department



The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION

Nantucket District Court

On 7/21/2016, I, Detective Cook (#611), along with Officer Kelly (#676), CSO Sarah Glick, and CSO Paul Bronke, were all working in an undercover capacity for the Nantucket Police Department.

We were engaged in compliance checks of businesses that are permitted to sell alcoholic beverages to patrons. The purpose of this operation is to ensure establishments are not selling alcoholic beverages to those under the age of twenty-one. It should be noted that both CSO's Glick and Bronke are under the age of twenty-one.

On 7/21/2016 at 1934 hrs, we arrived at 29 Fair St Restaurant (29 Fair Street, Nantucket). CSO's Bronke and Glick entered the establishment and sat down at the bar. CSO's Bronke and Glick each ordered a Cisco Sankaty Light beer. The female server, later identified as Esthefany Petit (DOB: 7/9/1991), furnished the two beers to the two CSO's without requiring either of them to produce any type of identification.

As a result of the above, Esthefany Petit will be summonsed into court for one count of procuring liquor for a person under the age of twenty-one.

(Use affitional sheets if necessary)

PRINTED NAME

Michael J Cook

SIGNATURE

X

Under the Pains and Penalties of Perjury

I AM A:

LAW ENFORCEMENT OFFICER

CIVILIAN COMPLAINANT OR WITNESS

DATE SIGNED

07/21/16

ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS

SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE

X

DATE SIGNED



Nantucket Police Department

4 Fairgrounds Road

Nantucket, Massachusetts 02554-3597

Telephone (508) 228-1212

Fax (508) 228-7246

License Number: 076200205
NPD Case Number: 16-014627
Establishment: Tuscany Enterprises, Inc. dba Arno's at 41 Main Street

CHARGE:

Following completion of an investigation the Nantucket Police Department believes that enough cause exists to refer Tuscany Enterprises Inc., dba Arno's at 41 Main Street (the "Licensee") which holds an All Alcohol Seasonal Liquor License issued pursuant to M.G.L. c. 138, §12 to the Board of Selectmen for violation of the following Town of Nantucket Rules and Regulations and/or Massachusetts General Laws:

- 1 Count M.G.L c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty one (21) years of age;
- 1 Count Town of Nantucket Rules and Regulations, c. 250 §XV (D)(4) – Sale or Delivery by Licensee of person under age 21 for own use or for use of another (Sec. 34).

FACTS:

1. Town of Nantucket Rules and Regulations, Chapter 250 §II (7) provides that the Nantucket Police Department shall have the authority to investigate potential violations of the Regulations and to conduct other such enforcement as the Chief of Police deems appropriate, including the use of plainclothes Police Officers for the purpose of ensuring compliance with Chapter 138, the Regulations, and other state and local laws as may be applicable.
2. On Thursday, July 21, 2016, at approximately 7:20 pm, Detective Cook and Officer Kelly conducted an investigation of the business operation of Arno's at 41 Main Street located at 41 Main Street.
3. Underage operatives, working with the officers, purchased alcoholic beverages, two (2) Grey Lady Beers, for \$15. The underage operatives, age 19 and 20 were not asked for identification.
4. Christopher Andrews was identified by detectives as the person who sold the alcoholic beverage to the undercover operatives.

5 YEAR HISTORY:

New licensee, no prior violations.

AGGRAVATING CIRCUMSTANCES, CH 250, Sec. E:

1. Failure to request identification card, operator's license or passport.

BLUE BOOK GUIDELINES, CH 250, Sec. G:

1. Written Warning.

NPD RECOMMENDATION:

1. Written Warning.

LICENSE #: 076200205

LICENSE FEE: \$2,900.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: Tuscany Enterprises, Inc.
DBA: ARNO'S AT 41 MAIN STREET
PREMISES: 41 Main Street
Nantucket, MA 02554
MANAGER: Dylan Ray Barker

ON PREMISES DESCRIBED AS:
Two story brick building with approximately 1831 sq. feet on first and second floors. Dining and Bar on first and second floors, kitchens at the rear of first and second floors, basement office, food preparation area, refrigeration, receiving, supplies and storage. Main entrance in front, side entrance on left side of front to stairs and upstairs. Two additional exits (staff and emergency) and basement access to rear.

Maximum Occupancy/1st Floor: 78
Maximum Occupancy/2nd Floor: 78

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 20th day of April, 2016.



James R. Kelly
Chairman, Board of Selectmen

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

**Unless earlier suspended, cancelled, or revoked*

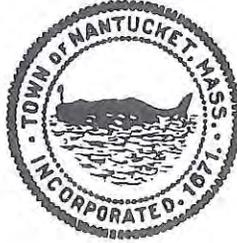
This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

<p align="center">NOTICE TO DEFENDANT RETURN OF SERVICE</p>	<p align="center">LICENSE NUMBER</p>	<p align="center">TOWN OF NANTUCKET BOARD OF SELECTMEN</p> 
<p>DATE: August 8, 2016</p>	<p>#076200205</p>	<p>Town of Nantucket Board of Selectmen 16 Broad Street Nantucket, MA 02554</p>
<p>BUSINESS:</p> <p>Tuscany Enterprises, Inc. dba Arno's at 41 Main Street 41 Main Street Nantucket, MA 02554</p>		<p>Date of Hearing: August 17, 2016</p>
<p>MANAGER OF RECORD:</p> <p>Dylan Ray Barker (moved to Kermed. th)</p> <p><i>Head chef</i> ← William Trinkle 2/4/77 239 471 6144 FL DL: T652-938-77-044-0</p>		
<p>OFFENSE:</p> <p>1) Violation of G.L. c.138 § 34: Furnishing Alcoholic Beverages to Minors.</p>		
<p align="center">TO ANY PERSON AUTHORIZED TO SERVE CRIMINAL PROCESS</p> <p align="center">You are hereby commanded to serve the defendant's copy upon the defendant named above, and make your return of service below.</p>		
<p align="center">RETURN OF SERVICE</p>		
<p>I hereby certify that I have served a copy of this summons not less than 24 hours before the scheduled date and time of appearance by (x)</p> <p><input checked="" type="checkbox"/> Delivering a copy of it personally to the defendant</p>		
<p>DATE OF SERVICE:</p> <p>8/9/16 1630</p>	<p>SIGNATURE OF PERSON MAKING SERVICE:</p> <p><i>Vin Miller</i></p>	<p>TITLE OF PERSON MAKING SERVICE:</p> <p>Patrolman</p>

16-253

Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
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

HAND DELIVERED

August 8, 2016

**Tuscany Enterprises, Inc.; dba Arno's at 41 Main Street
Manager: Dylan Ray Barker**

Re: Alcoholic Beverages License #076200205
Notice of Hearing

Dear Mr. Barker:

On August 17, 2016, at 6:00 p.m., the Nantucket Board of Selectmen will hold a hearing pursuant to G.L. c.138, §23, and a Violation of Board of Selectmen Rules and Regulations Governing Alcoholic Beverages Chapter 250 § II to discuss your alcoholic beverages license #076200205 for the business located at 41 Main Street. The hearing will be held in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket. The hearing will concern the incidents set forth in the police report dated July 21, 2016, a copy of which you will find enclosed.

You may attend this hearing and be represented by counsel at your own expense if you wish. These allegations, if proven, may constitute violations of Massachusetts General Laws Chapter 138, §34 and/or the Board of Selectmen Rules and Regulations Governing Alcoholic Beverages, in that it is alleged that an alcohol compliance check conducted by the Nantucket Police Department resulted in violation of the above mentioned MGL Chapter 138, §34.

These allegations, if proven, would constitute grounds for disciplinary action, including warning, suspension, or revocation. If you have any questions, please contact this office.

BY ORDER OF THE NANTUCKET BOARD OF SELECTMEN

STATEMENT OF FACTS
IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

1 OF 1

Trail Court of Massachusetts
District Court Department



The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION

Nantucket District Court

On 7/21/2016, I, Detective Cook (#611), along with Officer Kelly (#676), CSO Sarah Glick, and CSO Paul Bronke, were all working in an undercover capacity for the Nantucket Police Department.

We were engaged in compliance checks of businesses that are permitted to sell alcoholic beverages to patrons. The purpose of this operation is to ensure establishments are not selling alcoholic beverages to those under the age of twenty-one. It should be noted that both CSO's Glick and Bronke are under the age of twenty-one.

On 7/21/2016 at 1920 hrs, we arrived at Arno's Italian Bistro (41 Main Street, Nantucket). CSO's Bronke and Glick entered the establishment and sat down at the bar. CSO's Bronke and Glick each ordered a Grey Lady beer. The male working the bar, later identified as Christopher Andrews (DOB: 11/1/1990), sold them the two beers for \$15 without requiring either of the two CSO's to produce any type of identification.

As a result of the above, Christopher Andrews will be summonsed into court for one count of procuring liquor for a person under the age of twenty-one.

(Use additional sheets if necessary)

PRINTED NAME

Michael J Cook

SIGNATURE

X

Under the Pains and Penalties of Perjury

I AM A:

LAW ENFORCEMENT OFFICER

CIVILIAN COMPLAINANT OR WITNESS

DATE SIGNED

07/21/16

ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS

SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE

X

DATE SIGNED



Nantucket Police Department

4 Fairgrounds Road

Nantucket, Massachusetts 02554-3597

Telephone (508) 228-1212

Fax (508) 228-7246

License Number: 076200220
NPD Case Number: 16-013318
Establishment: Climbing Everest LLC, dba Barcos Y Tacos

CHARGE:

Following completion of an investigation the Nantucket Police Department believes that enough cause exists to refer Climbing Everest LLC, dba Barcos Y Tacos (the "Licensee") which holds a Wine and Malt Beverage Annual Alcohol License issued pursuant to M.G.L. c. 138, §12 to the Board of Selectmen for violation of the following Town of Nantucket Rules and Regulations and/or Massachusetts General Laws:

- 1 Count M.G.L c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty one (21) years of age;
- 1 Count Town of Nantucket Rules and Regulations, c. 250 §XV (D)(4) – Sale or Delivery by Licensee of person under age 21 for own use or for use of another (Sec. 34).

FACTS:

1. Town of Nantucket Rules and Regulations, Chapter 250 §II (7) provides that the Nantucket Police Department shall have the authority to investigate potential violations of the Regulations and to conduct other such enforcement as the Chief of Police deems appropriate, including the use of plainclothes Police Officers for the purpose of ensuring compliance with Chapter 138, the Regulations, and other state and local laws as may be applicable.
2. On Thursday, July 7, 2016, at approximately 6:31 pm, Detective Cook and Officer Witherell conducted an investigation of the business operation of Barcos Y Tacos located at 2 Sanford Road.
3. Underage operatives, working with the officers, purchased alcoholic beverages, two (2) bottles of Corona Beer, along with Chips and Guacamole for \$21.45. The underage operatives, age 19 and 20 were not asked for identification.
4. Sujata Thapa was identified by detectives as the person who sold the alcoholic beverage to the undercover operatives.

5 YEAR HISTORY:

New License, no prior violations.

AGGRAVATING CIRCUMSTANCES, CH 250, Sec. E:

1. Failure to request identification card, operator's license or passport.
2. Staff was not suitably trained. Thapa was unable to provide a valid TIPS training certificate.

BLUE BOOK GUIDELINES, CH 250, Sec. G:

1. Written Warning.

NPD RECOMMENDATION:

1. One Day Suspension to be served on Thursday, July 6, 2017.

LICENSE #: 076200220

LICENSE FEE: \$1,500.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
WINE AND MALT BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Climbing Everest, LLC

DBA: BARCOS Y TACOS

PREMISES: 2 Sanford Road

Nantucket, MA 02554

MANAGER: Scott Kopp

ON PREMISES DESCRIBED AS:

1400 sq. ft., one floor, two rooms, no
outdoor seating.

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 General Laws, as amended and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of December 2015.



Robert De Costa
Chairman, Board of Selectmen

THIS LICENSE WILL EXPIRE DECEMBER 31, 2016

**Unless earlier suspended, cancelled, or revoked*

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

Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
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

HAND DELIVERED

July 27, 2016

Climbing Everest, LLC; dba Barcos Y Tacos
Manager: Scott Kopp

Re: Alcoholic Beverages License #076200220
Notice of Hearing

Dear Mr. Kopp:

On August 17, 2016, at 6:00 p.m., the Nantucket Board of Selectmen will hold a hearing pursuant to G.L. c.138, §23, and a Violation of Board of Selectmen Rules and Regulations Governing Alcoholic Beverages Chapter 250 § II to discuss your alcoholic beverages license #076200220 for the business located at 2 Sanford Road. The hearing will be held in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket. The hearing will concern the incidents set forth in the police report dated July 7, 2016, a copy of which you will find enclosed.

You may attend this hearing and be represented by counsel at your own expense if you wish. These allegations, if proven, may constitute violations of Massachusetts General Laws Chapter 138, §34 and/or the Board of Selectmen Rules and Regulations Governing Alcoholic Beverages, in that it is alleged that an alcohol compliance check conducted by the Nantucket Police Department resulted in violation of the above mentioned MGL Chapter 138, §34.

These allegations, if proven, would constitute grounds for disciplinary action, including warning, suspension, or revocation. If you have any questions, please contact this office.

BY ORDER OF THE NANTUCKET BOARD OF SELECTMEN

STATEMENT OF FACTS
IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

1 OF 1

Trail Court of Massachusetts
 District Court Department



The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION

Nantucket District Court

On 7/7/2016, I, Detective Cook (#611), along with Officer Witherell (#618), CSO Sarah Glick, and CSO Abigail Clapp, were all working in an undercover capacity for the Nantucket Police Department.

We were engaged in compliance checks of businesses that are permitted to sell alcoholic beverages to patrons. The purpose of this operation is to ensure establishments are not selling alcoholic beverages to those under the age of twenty-one. It should be noted that both CSO's Glick and Clapp are under the age of twenty-one.

On 7/7/2016 at 1831 hrs, we arrived at Barcos Y Tacos (2 Sanford Road, Nantucket). CSO's Clapp and Glick entered the establishment and selected two Corona beer bottles from a cooler and brought it the register along with chips and guacamole. The female working the register, later identified as Sujata Thapa (DOB: 12/22/1991), sold them the two Corona beer bottles and food for \$21.45 without requiring either of the two CSO's to produce any type of identification.

As a result of the above, Sujata Thapa will be summonsed into court for one count of procuring liquor for a person under the age of twenty-one.

(Use afftional sheets if necessary)

PRINTED NAME Michael J Cook	SIGNATURE X  <small>Under the Pains and Penalties of Perjury</small>	I AM A: <input checked="" type="checkbox"/> LAW ENFORCEMENT OFFICER <input type="checkbox"/> CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED 07/07/16
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ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS	SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE X	DATE SIGNED
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NOTICE TO DEFENDANT RETURN OF SERVICE	LICENSE NUMBER	TOWN OF NANTUCKET BOARD OF SELECTMEN 
DATE: July 27, 2016	#076200220	Town of Nantucket Board of Selectmen 16 Broad Street Nantucket, MA 02554
BUSINESS: Climbing Everest, LLC dba Barcos Y Tacos 2 Sanford Road Nantucket, MA 02554		Date of Hearing: August 17, 2016
MANAGER OF RECORD: Scott Kopp 26 Okorwan Ave Nantucket, MA 02554 (508)-332-9638		
OFFENSE: 1) Violation of G.L. c.138 § 34: Furnishing Alcoholic Beverages to Minors. 2) Violation of Board of Selectmen Rules and Regulations Governing Alcoholic Beverages Chapter 250 § II: General Provisions Regarding the Administration of Licensed Premises ¶ (2) All employees engaged in service or selling alcoholic beverages and/or viewing of identification cards shall be certified within (30) days of employment at the licensed premises.		
<p align="center">TO ANY PERSON AUTHORIZED TO SERVE CRIMINAL PROCESS</p> <p align="center">You are hereby commanded to serve the defendant's copy upon the defendant named above, and make your return of service below.</p>		
<p align="center">RETURN OF SERVICE</p>		
I hereby certify that I have served a copy of this summons not less than 24 hours before the scheduled date and time of appearance by (x)		
<input type="checkbox"/> Delivering a copy of it personally to the defendant Accepted by Raja Maharjan (cook/employee)		
DATE OF SERVICE: 7/27/16	SIGNATURE OF PERSON MAKING SERVICE: Michael Mantetam	TITLE OF PERSON MAKING SERVICE: Patrolman



Nantucket Police Department

4 Fairgrounds Road

Nantucket, Massachusetts 02554-3597

Telephone (508) 228-1212

Fax (508) 228-7246

License Number: 076200214
NPD Case Number: 16-013320
Establishment: Grey Lady Group LLC, dba Grey Lady

CHARGE:

Following completion of an investigation the Nantucket Police Department believes that enough cause exists to refer Grey Lady Group LLC (the "Licensee") which holds an All Alcohol Seasonal Liquor License issued pursuant to M.G.L. c. 138, §12 to the Board of Selectmen for violation of the following Town of Nantucket Rules and Regulations and/or Massachusetts General Laws:

- 1 Count M.G.L c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty one (21) years of age;
- 1 Count Town of Nantucket Rules and Regulations, c. 250 §XV (D)(4) – Sale or Delivery by Licensee of person under age 21 for own use or for use of another (Sec. 34).

FACTS:

1. Town of Nantucket Rules and Regulations, Chapter 250 §II (7) provides that the Nantucket Police Department shall have the authority to investigate potential violations of the Regulations and to conduct other such enforcement as the Chief of Police deems appropriate, including the use of plainclothes Police Officers for the purpose of ensuring compliance with Chapter 138, the Regulations, and other state and local laws as may be applicable.
2. On Thursday, July 7, 2016, at approximately 7:23 pm, Detective Cook and Officer Witherell conducted an investigation of the business operation of Grey Lady located at 2 Chins Way.
3. Underage operatives, working with the officers, purchased alcoholic beverages, two (2) Whales Tale Beer, for \$16. The underage operatives, age 19 and 20 were not asked for identification.
4. William McCrystal was identified by detectives as the person who sold the alcoholic beverage to the undercover operatives.

5 YEAR HISTORY:

2015 (2) Violations:

- September 6-7, 2015
 - Four (3) Counts: M.G.L. c138 §69 – Sale or Delivery of an alcoholic beverage to an intoxicated person.
 - Four (4) Counts: Town of Nantucket Rules and Regulations, c 250 §II (8) – Operating in violation of restrictions imposed by another Town Board or Commission.
- Sanctions:
 - Four (4) days suspension of Liquor License. Two (2) days to be served September 3-4, 2016 and two (2) days will be held in abeyance for a period of one year ending September 4, 2017, pending no further violations of Chapter 138 or the Town of Nantucket Regulations occur.

AGGRAVATING CIRCUMSTANCES, CH 250, Sec. E:

1. Failure to request identification card, operator's license or passport.

BLUE BOOK GUIDELINES, CH 250, Sec. G:

1. Suspension of license for a stated number of days with a portion of the suspension deferred upon condition that no further offenses occur within a specified period of time and that licensee waives its right to hearing upon such further offense.
2. Third violation: 3-4 day suspension.

NPD RECOMMENDATION:

1. Two (2) days previously held in abeyance to be served immediately following 2016 suspension for a total of four (4) days September 3-6, 2016.
2. Three (3) days to be served for third violation: July 6-8, 2017.

LICENSE #: 076200214

LICENSE FEE: \$2,900.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: Grey Lady Group, LLC

DBA: GREY LADY

PREMISES: 2 Chins Way
Nantucket, MA 02554

MANAGER: Ryan Chadwick

ON PREMISES DESCRIBED AS:

In one room on ground level with dining area, bar and kitchen in rear; main entrance on Chin's Way and exit/accessible entry to side, restrooms and office in rear; overflow dining with restrooms in upper level, patio. 16' x 24' patio addition for Emergency Exit only – not included in licensed premises.

Occupancy/1st Floor: 76

Occupancy/2nd Floor: 29

Patio: 23

MCD Special Permit #06-06 Conditions Apply:

- **Condition 4:** No Food or Alcohol shall be served on the patio after 10:00 pm.
- **Condition 5:** No Amplified Music shall take place on the patio after 10:00 pm.
- The above, and all other conditions of MCD #06-06 remain in effect. Any changes to the conditions in MCD #06-06 require additional relief through the Nantucket Planning Board.

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.

Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
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

HAND DELIVERED

July 27, 2016

Grey Lady Group, LLC; dba Grey Lady
Manager: Callum McLaughlin

Re: Alcoholic Beverages License #076200214
Notice of Hearing

Dear Mr. McLaughlin:

On August 17, 2016, at 6:00 p.m., the Nantucket Board of Selectmen will hold a hearing pursuant to G.L. c.138, §23, and a Violation of Board of Selectmen Rules and Regulations Governing Alcoholic Beverages Chapter 250 § II to discuss your alcoholic beverages license #076200214 for the business located at 2 Chins Way. The hearing will be held in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket. The hearing will concern the incidents set forth in the police report dated July 7, 2016, a copy of which you will find enclosed.

You may attend this hearing and be represented by counsel at your own expense if you wish. These allegations, if proven, may constitute violations of Massachusetts General Laws Chapter 138, §34 and/or the Board of Selectmen Rules and Regulations Governing Alcoholic Beverages, in that it is alleged that an alcohol compliance check conducted by the Nantucket Police Department resulted in violation of the above mentioned MGL Chapter 138, §34.

These allegations, if proven, would constitute grounds for disciplinary action, including warning, suspension, or revocation. If you have any questions, please contact this office.

BY ORDER OF THE BOARD OF SELECTMEN

STATEMENT OF FACTS
IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

1 OF 1

Trail Court of Massachusetts
 District Court Department



The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION

Nantucket District Court

On 7/7/2016, I, Detective Cook (#611), along with Officer Witherell (#618), CSO Sarah Glick, and CSO Abigail Clapp, were all working in an undercover capacity for the Nantucket Police Department.

We were engaged in compliance checks of businesses that are permitted to sell alcoholic beverages to patrons. The purpose of this operation is to ensure establishments are not selling alcoholic beverages to those under the age of twenty-one. It should be noted that both CSO's Glick and Clapp are under the age of twenty-one.

On 7/7/2016 at 1923 hrs, we arrived at Grey Lady Restaurant (2 Chins Way, Nantucket). CSO's Clapp and Glick entered the establishment and sat down at the bar. CSO's Clapp and Glick each ordered a Whale's Tale beer. The male working the bar, later identified as William McCrystal (DOB: 5/25/1990), sold them the two beers for \$16 without requiring either of the two CSO's to produce any type of identification.

As a result of the above, William McCrystal will be summonsed into court for one count of procuring liquor for a person under the age of twenty-one.

(Use additional sheets if necessary)

PRINTED NAME Michael J Cook	SIGNATURE X  <small>Under the Pains and Penalties of Perjury</small>	I AM A: <input checked="" type="checkbox"/> LAW ENFORCEMENT OFFICER <input type="checkbox"/> CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED 07/07/16
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ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS	SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE X	DATE SIGNED
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NOTICE TO DEFENDANT RETURN OF SERVICE		LICENSE NUMBER	TOWN OF NANTUCKET BOARD OF SELECTMEN 
DATE: July 26, 2016	#076200214		Town of Nantucket Board of Selectmen 16 Broad Street Nantucket, MA 02554
BUSINESS: Grey Lady Group, LLC dba Grey Lady 2 Chins Way Nantucket, MA 02554			Date of Hearing: August 17, 2016
MANAGER OF RECORD: <i>owner - off Island now</i> Callum McLaughlin <i>manager now</i> Vernon Crowley 15 Youngs way 774-768-3353			
OFFENSE: 1) Violation of G.L. c.138 § 34: Furnishing Alcoholic Beverages to Minors.			
TO ANY PERSON AUTHORIZED TO SERVE CRIMINAL PROCESS			
You are hereby commanded to serve the defendant's copy upon the defendant named above, and make your return of service below.			
RETURN OF SERVICE			
I hereby certify that I have served a copy of this summons not less than 24 hours before the scheduled date and time of appearance by (x)			
<input checked="" type="checkbox"/> Delivering a copy of it personally to the defendant <input type="checkbox"/>			
DATE OF SERVICE:	SIGNATURE OF PERSON MAKING SERVICE:	TITLE OF PERSON MAKING SERVICE:	
7/27/16	<i>[Signature]</i>	officer	



Nantucket Police Department

4 Fairgrounds Road

Nantucket, Massachusetts 02554-3597

Telephone (508) 228-1212

Fax (508) 228-7246

License Number: 076200181
NPD Case Number: 16-013312
Establishment: D & R Company Inc., dba Nantucket Trading Post

CHARGE:

Following completion of an investigation the Nantucket Police Department believes that enough cause exists to refer D & R Company Inc., dba Nantucket Trading Post (the "Licensee") which holds a Wine and Malt Beverage Annual Package Store License issued pursuant to M.G.L. c. 138, §12 to the Board of Selectmen for violation of the following Town of Nantucket Rules and Regulations and/or Massachusetts General Laws:

- 1 Count M.G.L c. 138, §34 – Sale or delivery of an alcoholic beverage to a person under twenty one (21) years of age;
- 1 Count Town of Nantucket Rules and Regulations, c. 250 §XV (D)(4) – Sale or Delivery by Licensee of person under age 21 for own use or for use of another (Sec. 34).

FACTS:

1. Town of Nantucket Rules and Regulations, Chapter 250 §II (7) provides that the Nantucket Police Department shall have the authority to investigate potential violations of the Regulations and to conduct other such enforcement as the Chief of Police deems appropriate, including the use of plainclothes Police Officers for the purpose of ensuring compliance with Chapter 138, the Regulations, and other state and local laws as may be applicable.
2. On Thursday, July 7, 2016, at approximately 5:18 pm, Detective Cook and Officer Witherell conducted an investigation of the business operation of Nantucket Trading Post located at 12 Nobadeer Farm Road.
3. Underage operatives, working with the officers, purchased an alcoholic beverage, a bottle of Nantucket Vineyard Sailor's Delight Wine for \$17.99. The underage operatives, age 19 and 20 were not asked for identification.
4. Darleny Camacho-Polanco was identified by detectives as the person who sold the alcoholic beverage to the undercover operatives.

5 YEAR HISTORY:

- New Licensee, no prior violations.

AGGRAVATING CIRCUMSTANCES, CH 250, Sec. E:

1. Failure to request identification card, operator's license or passport.

BLUE BOOK GUIDELINES, CH 250, Sec. G:

1. Written Warning.

NPD RECOMMENDATION:

1. Written Warning.

LICENSE #: 076200181

LICENSE FEE: \$800.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL PACKAGE STORE LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
WINE AND MALT BEVERAGES

TO BE CONSUMED OFF THE PREMISES

BUSINESS: D & R Company, Inc.
DBA: Nantucket Trading Post
PREMISES: 12 Nobadeer Farm Road
Nantucket, MA 02554
MANAGER: Dora Yesenia Lemus

ON PREMISES DESCRIBED AS:
First Floor of Three Story Wood Building With
Three Entrances/Exits including Front, Side
(Employee/Delivery) And Rear
(Employee/Delivery).

RESTRICTION: Approved by Board of Selectmen
on April 16, 2008 With the Stipulation that
establishment is limited to a Total of Six (6) Square
Feet of space for Wine & Malt Shelving/Coolers

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 after 11:00PM**, including Sundays, or after 11:30PM on the day immediately before a legal holiday. **Sunday sales shall not begin until 12:00 PM**. Package stores shall not sell or deliver alcoholic beverages on Memorial Day, Thanksgiving Day, Christmas Day, and the day following Christmas Day, when Christmas Day occurs on a Sunday. Any restrictions apply as are on file by 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 December 2015.



Robert De Costa
Chairman, Board of Selectmen

THIS LICENSE WILL EXPIRE DECEMBER 31, 2016

**Unless earlier suspended, cancelled, or revoked*

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

Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
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

HAND DELIVERED

July 27, 2016

D & R Company, Inc.; dba Nantucket Trading Post
Manager: Dora Yesenia Lemus

Re: Alcoholic Beverages License #076200181
Notice of Hearing

Dear Ms. Lemus:

On August 17, 2016, at 6:00 p.m., the Nantucket Board of Selectmen will hold a hearing pursuant to G.L. c.138, §23, and a Violation of Board of Selectmen Rules and Regulations Governing Alcoholic Beverages Chapter 250 § II to discuss your alcoholic beverages license #076200181 for the business located at 12 Nobadeer Farm Road. The hearing will be held in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket. The hearing will concern the incidents set forth in the police report dated July 7, 2016, a copy of which you will find enclosed.

You may attend this hearing and be represented by counsel at your own expense if you wish. These allegations, if proven, may constitute violations of Massachusetts General Laws Chapter 138, §34 and/or the Board of Selectmen Rules and Regulations Governing Alcoholic Beverages, in that it is alleged that an alcohol compliance check conducted by the Nantucket Police Department resulted in violation of the above mentioned MGL Chapter 138, §34.

These allegations, if proven, would constitute grounds for disciplinary action, including warning, suspension, or revocation. If you have any questions, please contact this office.

BY ORDER OF THE BOARD OF SELECTMEN

STATEMENT OF FACTS
 IN SUPPORT OF
 APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

1 OF 1

Trail Court of Massachusetts
 District Court Department



The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION

Nantucket District Court

On 7/7/2016, I, Detective Cook (#611), along with Officer Witherell (#618), CSO Sarah Glick, and CSO Abigail Clapp, were all working in an undercover capacity for the Nantucket Police Department.

We were engaged in compliance checks of businesses that are permitted to sell alcoholic beverages to patrons. The purpose of this operation is to ensure establishments are not selling alcoholic beverages to those under the age of twenty-one. It should be noted that both CSO's Glick and Clapp are under the age of twenty-one.

On 7/7/2016 at 1718 hrs, we arrived at Nantucket Trading Post (12 Nobadeer Farm Road, Nantucket). CSO's Clapp and Glick entered the establishment and selected a bottle of Nantucket Vineyard Sailor's Delight wine from the cooler and brought it the register. The female working the register, later identified as Darleny Camacho-Polanco (DOB: 10/13/1989), sold them the bottle of wine for \$17.99 without requiring either of the two CSO's to produce any type of identification.

As a result of the above, Darleny Camacho-Polanco will be summonsed into court for one count of procuring liquor for a person under the age of twenty-one.

(Use additional sheets if necessary)

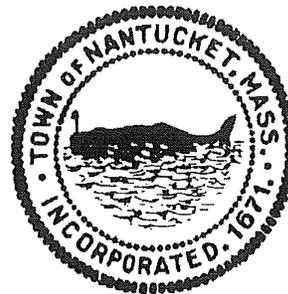
PRINTED NAME Michael J Cook	SIGNATURE X  <small>Under the Pains and Penalties of Perjury</small>	I AM A: <input checked="" type="checkbox"/> LAW ENFORCEMENT OFFICER <input type="checkbox"/> CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED 07/07/16
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ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS	SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE X	DATE SIGNED
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NOTICE TO DEFENDANT RETURN OF SERVICE		LICENSE NUMBER	TOWN OF NANTUCKET BOARD OF SELECTMEN 
DATE: July 27, 2016	#076200181		Town of Nantucket Board of Selectmen 16 Broad Street Nantucket, MA 02554
BUSINESS: D & R Company, Inc. dba Nantucket Trading Post 12 Nobadeer Farm Road Nantucket, MA 02554			
MANAGER OF RECORD: <i>owner</i> Dora Yesenia Lemus 12 Cynthia Ln 774-236-1308			Date of Hearing: August 17, 2016
OFFENSE: 1) Violation of G.L. c.138 § 34: Furnishing Alcoholic Beverages to Minors.			
TO ANY PERSON AUTHORIZED TO SERVE CRIMINAL PROCESS You are hereby commanded to serve the defendant's copy upon the defendant named above, and make your return of service below.			
RETURN OF SERVICE			
I hereby certify that I have served a copy of this summons not less than 24 hours before the scheduled date and time of appearance by (x)			
<input checked="" type="checkbox"/> Delivering a copy of it personally to the defendant			
DATE OF SERVICE: <i>7/27/16</i>	SIGNATURE OF PERSON MAKING SERVICE: <i>[Signature]</i>	TITLE OF PERSON MAKING SERVICE: <i>officer</i>	

TOWN/COUNTY OF NANTUCKET
TOWN ADMINISTRATION OFFICE



MEMO

TO: Anne McAndrew, Licensing Agent
Lt. Jerry Adams, NPD

FROM: Erika Mooney *edm*
Project Administrator

CC:

DATE: August 20, 2015

RE: Liquor License Violation Sanctions

At its August 19, 2015 meeting, the Board of Selectmen voted on the following liquor license violation sanctions:

- Café V Sushi - written warning
- Cowboys Market - written warning
- Meursault Wine Bar - 1 day suspension to be served on July 18, 2016
- Miacomet Golf Club - 1 day suspension to be served on July 21, 2016
- Old South Liquors - written warning
- Westmoor Club - 1 day suspension to be served on July 20, 2016

TOWN/COUNTY OF NANTUCKET
TOWN ADMINISTRATION OFFICE



MEMO

TO: Chief Pittman, NPD
Anne McAndrew, Licensing Agent
Amy Baxter, Business License Inspector

FROM: Erika Mooney
Project Administrator

CC:

DATE: September 21, 2015

RE: Liquor License Violation Sanctions

At its September 9, 2015 meeting, the Board of Selectmen voted on the following liquor license violation sanctions:

- Arno's - seven-day suspension to be served July 17-23, 2016 and seven days to be held in abeyance for two years from July 23, 2016 on, providing there are no further violations under MGL Chapter 138 or the Town of Nantucket Rules and Regulations Chapter 250
- Figs/29 Fair - seven-day suspension to be served July 24-30, 2016 and seven days to be held in abeyance for two years from July 30, 2016 on, providing there are no further violations under MGL Chapter 138 or the Town of Nantucket Rules and Regulations Chapter 250
- Islander Package Store - two-day suspension to be served August 2-3, 2016 and four days to be held in abeyance for two years from August 3, 2016 on, providing there are no further violations under MGL Chapter 138 or the Town of Nantucket Rules and Regulations Chapter 250

- Murray's Beverage - written warning
- 'Sconset Bookstore - one-day suspension to be held in abeyance for two years from August 1, 2016 on, providing there are no further violations under MGL Chapter 138 or the Town of Nantucket Rules and Regulations Chapter 250
- Table No. One - one-day suspension, to be served August 1, 2016
- VFW - written warning



TOWN AND COUNTY OF NANTUCKET

16 Broad Street
Nantucket, Massachusetts 02554

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

CERTIFIED MAIL

October 22, 2015

Grey Lady Group LLC dba GREY LADY
Manager: Ryan Chadwick

Re: Alcoholic Beverages License # 076200214
Notice of Disciplinary Action

Dear Mr. Chadwick:

This is to inform you that in accordance with Chapter 138 of the Massachusetts General Laws, the Nantucket Board of Selectmen, acting as the Local Licensing Authority for the Town of Nantucket, conducted a hearing at the request of the Nantucket Police Department on October 21, 2015, to determine if on September 6, 2015 and September 7, 2015 your establishment committed the following violations:

- 1) 3 Counts – Violation of G.L. c. 138 § 69 – Sale or Delivery of an alcoholic beverage to an intoxicated person.
- 2) 4 Counts – Violation of Town of Nantucket Rules and Regulations, c. 250 § II (8) – Operating in violation of restrictions imposed by another Town Board or Commission.

By a vote of 4-0, the Board of Selectmen voted that your establishment violated the General Law and Town of Nantucket Regulations as charged. The Board determined that on September 6, 2015, Chris O'Neil and Morgan Sigg, employees of your establishment, served alcoholic beverages to intoxicated persons and that the establishment was in violation of restrictions placed on the license by the Board by playing amplified music and serving alcoholic beverages on the Patio after 10:00 PM. The Board further found that on September 7, 2015, Terrence Ruggiero, an employee of your establishment, served an alcoholic beverage to an intoxicated person and that the establishment was again in violation of restrictions placed on the license by the Board by having a live DJ on the Patio and serving alcoholic beverages on the patio after 10:00 PM.

The Board, also by a vote of 4-0, voted to suspend your license for a period of four (4) days of which two (2) days will be served September 3-4, 2016 and two (2) days will be held in abeyance for a period of one (1) year ending September 4, 2017 provided no further violations of Chapter 138 or the Town of Nantucket Regulations occur. You must turn in your license to the Nantucket Police Department on the morning of September 3, 2016 and you may pick it up on the morning of August 5, 2016

Under Massachusetts General Laws, Chapter 138, Section 67, upon receipt of this notice, you will have five business days to appeal the Board's decision to the Alcoholic Beverages Control Commission.

By Order of the Nantucket Board of Selectmen

***** DRAFT *****

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

**Monday, October 17, 2016 SPECIAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
6:00 PM**

**Town of Nantucket
16 Broad Street
Nantucket, MA 02554
(508) 228-7255
www.nantucket-ma.gov**

To the Constables of the Town of Nantucket:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Nantucket High School Auditorium at 10 Surfside Road in said Nantucket, on

**MONDAY, OCTOBER 17, 2016 AT 6:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:**

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

ARTICLE 1

(Appropriation: Sewer Project/Madaket/Warren's Landing/Somerset)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs of professional services for design, permitting, engineering, construction supervision, and other related professional services, for the construction, installation and equipping of the extension of municipal sewer lines and associated infrastructure from the Surfside Wastewater Treatment Facility to the areas established in the Comprehensive Wastewater Management Plan Update adopted June 3, 2015 and described as "the Madaket, Warren's Landing, and Somerset Needs Areas" including the payment of all costs incidental and related thereto, and acquisition of any interests in land as may be necessary or appropriate; and further to authorize said Board of Selectmen to acquire any such interests in land by purchase, gift, and/or eminent domain; **and to authorize the Board of Selectmen acting as the Board of Sewer Commissioners to assess all or a portion of the project costs as betterments;** provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

BOS CONFIRM FUNDING INTENT

ARTICLE 2

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "Madaket/Warren's Landing/Somerset Needs Areas" designated within the Comprehensive Wastewater Management Plan adopted June 3, 2015 to the Town Sewer District:

Madaket

Map	Parcel	Number	Street
60.2.4	79	1	A Street
60.2.4	78	3	A Street
60.2.4	70	4	A Street
60	138	2	Ames Avenue
60	135	4	Ames Avenue
60.2.4	58	6	Ames Avenue
60.2.4	56	8	Ames Avenue
59.4	214	1	Arkansas Avenue
59.4	215	3	Arkansas Avenue
59.4	216	5	Arkansas Avenue
59.4	133.2	6	Arkansas Avenue
59.4	217	7	Arkansas Avenue
59.4	133.1	8	Arkansas Avenue
59.4	218	9	Arkansas Avenue
59.4	134	10	Arkansas Avenue
59.4	219	11	Arkansas Avenue
59.4	135	12	Arkansas Avenue
59.4	158	13	Arkansas Avenue
59.4	136	14	Arkansas Avenue
59.4	159	15	Arkansas Avenue
59.4	137	16	Arkansas Avenue
59.4	220	17	Arkansas Avenue
59.4	138	18	Arkansas Avenue
59.4	46	19	Arkansas Avenue
59.4	139	20	Arkansas Avenue
59.4	51	21	Arkansas Avenue
59.4	140	22	Arkansas Avenue
59.4	62	23	Arkansas Avenue
59.4	141	24	Arkansas Avenue
59.3	11	25	Arkansas Avenue
59.3	12	25	Arkansas Avenue
59.4	142	26	Arkansas Avenue
59.4	6	27	Arkansas Avenue
59.4	143	28	Arkansas Avenue
59.4	144	30	Arkansas Avenue
59.4	145	34	Arkansas Avenue
59.4	146	36	Arkansas Avenue
59.4	147	38	Arkansas Avenue
59.4	148	40	Arkansas Avenue
59.4	149	42	Arkansas Avenue
59.4	150	44	Arkansas Avenue

59.4	151	46	Arkansas Avenue
59.4	152	48	Arkansas Avenue
59.4	153	50	Arkansas Avenue
59.4	154	52	Arkansas Avenue
59.4	155	54	Arkansas Avenue
59.4	156	56	Arkansas Avenue
59.4	157	58	Arkansas Avenue
59.4	33	60	Arkansas Avenue
59.4	34	62	Arkansas Avenue
59.4	35	64	Arkansas Avenue
59.4	36	66	Arkansas Avenue
59.4	38	68	Arkansas Avenue
59.4	39	70	Arkansas Avenue
59.4	40	72	Arkansas Avenue
59.4	41	74	Arkansas Avenue
59.4	42	76	Arkansas Avenue
59.4	43	78	Arkansas Avenue
59.3	17	80	Arkansas Avenue
59.3	78	81	Arkansas Avenue
59.3	79	81	Arkansas Avenue
59.3	13	82	Arkansas Avenue
59.3	145	84	Arkansas Avenue
59.3	73	85	Arkansas Avenue
59.3	143	86	Arkansas Avenue
59.3	144	86	Arkansas Avenue
60.2.1	62	5	Baltimore Street
60	106	6	Baltimore Street
60.2.4	75	12	Baltimore Street
60.2.4	72	14	Baltimore Street
60.2.4	73	16	Baltimore Street
60.2.4	74	16	Baltimore Street
60.2.4	86	19	Baltimore Street
60.2.1	25	5	C Street
60.2.1	22	6	C Street
60.2.4	93	10	C Street
60.2.4	89	12	C Street
60.2.1	76	13	C Street
60.2.4	94		C Street
60	147	6	Chicago Street
59.3	174	3	Columbus Avenue
59.3	175	5	Columbus Avenue
59.3	113	7	Columbus Avenue
59.3	112	9	Columbus Avenue
59.3	212	10	Columbus Avenue
59.3	111	11	Columbus Avenue

59.3	173	12	Columbus Avenue
59.3	110	13	Columbus Avenue
59.3	172	14	Columbus Avenue
59.3	109	15	Columbus Avenue
59.3	171	16	Columbus Avenue
59.3	108	17	Columbus Avenue
59.3	107	19	Columbus Avenue
59.3	106	21	Columbus Avenue
38	93	2	Creek Lane
38	94	4	Creek Lane
38	95	6	Creek Lane
38	96	8	Creek Lane
38	97	10	Creek Lane
38	98	12	Creek Lane
38	99	14	Creek Lane
38	100	16	Creek Lane
38	101	18	Creek Lane
38	102	20	Creek Lane
38	103	22	Creek Lane
38	104	24	Creek Lane
38	105	26	Creek Lane
38	106	28	Creek Lane
38	107	30	Creek Lane
60.2.1	28	6	D Street
60.2.1	15	7	D Street
60.2.1	16	9	D Street
60.2.1	17	11	D Street
60.2.1	1	14	D Street
60.2.1	2	16	D Street
60.2.1	6	9	E Street
60.2.1	4	11	E Street
60.2.1	7.1	8	F Street
60.2.1	7.2	10	F Street
38	153	1	Fisher's Landing Road
38	154	2	Fisher's Landing Road
38	152	3	Fisher's Landing Road
38	157	4	Fisher's Landing Road
38	151	5	Fisher's Landing Road
38	150	7	Fisher's Landing Road
38	149	9	Fisher's Landing Road
38	148	11	Fisher's Landing Road
38	147	13	Fisher's Landing Road
59.3	96	1	Goose Cove Avenue
59.3	24	3	Goose Cove Avenue
59.3	23	5	Goose Cove Avenue

59.4	30	4	Goose Cove Way
59.4	367	5	Goose Cove Way
59.4	366	6	Goose Cove Way
60.1.2	65	1	H Street
60.1.2	54	5	H Street
60.1.2	22	11	H Street
59.4	181	4	I Street
59.4	74	7	I Street
60.1.2	32	9	I Street
59.4	261	2	L Street
59	29	1	Long Pond Drive
59	30	3	Long Pond Drive
59	27	4	Long Pond Drive
59	31	5	Long Pond Drive
59	26	6	Long Pond Drive
59	32	7	Long Pond Drive
59	25	8	Long Pond Drive
59	33	9	Long Pond Drive
59	24	10	Long Pond Drive
59	34	11	Long Pond Drive
59	23	12	Long Pond Drive
59	35	13	Long Pond Drive
59	22	14	Long Pond Drive
59	36	15	Long Pond Drive
59	21	16	Long Pond Drive
59	37	17	Long Pond Drive
59	20	18	Long Pond Drive
59	37.1	19	Long Pond Drive
59	19	20	Long Pond Drive
59	15	21	Long Pond Drive
59	18	22	Long Pond Drive
59	3	23	Long Pond Drive
59	17	24	Long Pond Drive
59.4	17	25	Long Pond Drive
59	16	26	Long Pond Drive
59.4	18	27	Long Pond Drive
59.4	109	28	Long Pond Drive
59.4	19	29	Long Pond Drive
59.4	15	30	Long Pond Drive
59.4	20	31	Long Pond Drive
59.4	108	32	Long Pond Drive
59.4	13	33	Long Pond Drive
59.4	14	34	Long Pond Drive
59.4	12	35	Long Pond Drive
59.4	117	36	Long Pond Drive

59.4	113	37	Long Pond Drive
59.4	116	38	Long Pond Drive
59.4	112	39	Long Pond Drive
59.4	115	40	Long Pond Drive
59.4	109	41	Long Pond Drive
59.4	114	42	Long Pond Drive
59.4	262	6	M Street
59.4	201	8	M Street
60	105	4	Macy Road
60	144	6	Macy Road
60	146	8	Macy Road
60	143		Macy Road
38	58.1	197 A	Madaket Road
59	58.1	199	Madaket Road
59	58.2	201	Madaket Road
59	51	203	Madaket Road
59	50	205	Madaket Road
59	49	207	Madaket Road
59	48	209	Madaket Road
59	47	211	Madaket Road
59	46	213	Madaket Road
59	45	215	Madaket Road
59	44	217	Madaket Road
59	43	219	Madaket Road
59	42	221	Madaket Road
59	41	223	Madaket Road
59	1.2	227	Madaket Road
59	2	229	Madaket Road
59.4	21	230	Madaket Road
38	10	231	Madaket Road
59.4	120.1	232	Madaket Road
59.4	120	234	Madaket Road
59.4	364	235	Madaket Road
59.4	119.1	238	Madaket Road
59.4	119	240	Madaket Road
59.4	10	241	Madaket Road
59.4	118.1	242	Madaket Road
59.4	118	244	Madaket Road
59.4	110	246	Madaket Road
59.4	16.1	248	Madaket Road
59.4	11	249	Madaket Road
59.4	213	250	Madaket Road
59.4	211	252	Madaket Road
59.4	210	253	Madaket Road
59.4	212	254	Madaket Road

59.4	265	255	Madaket Road
59.4	267	259	Madaket Road
59.4	268	261	Madaket Road
59.4	269	262	Madaket Road
59.4	271	264	Madaket Road
59.4	319	265	Madaket Road
59.4	273	266	Madaket Road
59.4	322	270	Madaket Road
59.4	356	271	Madaket Road
59.4	341	273	Madaket Road
59.4	329	274	Madaket Road
59.4	330	274	Madaket Road
59.4	331	274	Madaket Road
59.4	296	275	Madaket Road
59.4	335	277	Madaket Road
59.4	290	278	Madaket Road
59.4	291	280	Madaket Road
59.4	292	281	Madaket Road
59.4	68	282	Madaket Road
59.3	1	284	Madaket Road
60.2.1	67	291	Madaket Road
60.1.2	64	293	Madaket Road
60.2.1	70	300	Madaket Road
60.2.1	55	301	Madaket Road
60.2.1	54	303	Madaket Road
60.2.1	69	304	Madaket Road
60.2.1	51	305	Madaket Road
60.2.1	68	306	Madaket Road
60.2.1	50	307	Madaket Road
60.2.1	67	308	Madaket Road
60.2.1	66	310	Madaket Road
60.2.1	65	312	Madaket Road
60.2.1	45	313	Madaket Road
60.2.1	64	316	Madaket Road
60.2.1	38	317	Madaket Road
60.2.1	63	318	Madaket Road
60.2.1	35	321	Madaket Road
60.2.4	82	324	Madaket Road
60	104	326	Madaket Road
60	103	328	Madaket Road
60	102	330	Madaket Road
60	101	330	Madaket Road
60	100	332	Madaket Road
60.2.4	64.3	333	Madaket Road
60	141	334	Madaket Road

60.2.4	64.4	337	Madaket Road
60.2.4	64.2	341	Madaket Road
60.2.4	63	343	Madaket Road
60.2.4	63.1	345	Madaket Road
60	137	347	Madaket Road
60	130	353	Madaket Road
59.3	101	1	Midland Avenue
59.3	100	3	Midland Avenue
59.3	170	4	Midland Avenue
59.3	99	5	Midland Avenue
59.3	169	6	Midland Avenue
59.3	98	7	Midland Avenue
59.3	168	8	Midland Avenue
59.3	97	9	Midland Avenue
59.3	167	10	Midland Avenue
59.3	95	11	Midland Avenue
59.3	105	12	Midland Avenue
59.3	94	13	Midland Avenue
59.3	206	14	Midland Avenue
59.3	166	16	Midland Avenue
59.3	165	18	Midland Avenue
59.3	164	20	Midland Avenue
59.4	283	10	Mississippi Avenue
59.4	285	10	Mississippi Avenue
59.4	233	11	Mississippi Avenue
59.4	229/230		Mississippi Avenue
59.4	236/237		Mississippi Avenue
59.4	107	2	N. Cambridge Street
59.4	104	8	N. Cambridge Street
59.4	106	10	N. Cambridge Street
59.4	207	12	N. Cambridge Street
59.4	101	14	N. Cambridge Street
38	84	1	North Point
38	83	3	North Point
38	82	5	North Point
38	81	7	North Point
38	80	9	North Point
38	79	11	North Point
59.4	354	3	Oakland Street
59.4	348	7	Oakland Street
59.4	82	12	Oakland Street
59.4	255	14	Oakland Street
60.1.2	33		Oklahoma Avenue
60.1.2	38		Oklahoma Avenue
60.2.4	64	3	Pop's Lane

38	91	1	Ridge Lane
38	128	2	Ridge Lane
38	90	3	Ridge Lane
38	127	4	Ridge Lane
38	89	5	Ridge Lane
38	126	6	Ridge Lane
38	88	7	Ridge Lane
38	125	8	Ridge Lane
38	87	9	Ridge Lane
38	124	10	Ridge Lane
38	86	11	Ridge Lane
38	123	12	Ridge Lane
38	85	13	Ridge Lane
38	120	16	Ridge Lane
38	78	17	Ridge Lane
38	119	18	Ridge Lane
38	77	19	Ridge Lane
38	118	20	Ridge Lane
38	76	21	Ridge Lane
38	117	22	Ridge Lane
38	75	23	Ridge Lane
38	116	24	Ridge Lane
38	74	25	Ridge Lane
38	73	27	Ridge Lane
38	72	29	Ridge Lane
38	114	30	Ridge Lane
38	71	31	Ridge Lane
38	70	33	Ridge Lane
38	113	34	Ridge Lane
38	69	35	Ridge Lane
38	112	36	Ridge Lane
38	68	37	Ridge Lane
38	67	39	Ridge Lane
38	65	41	Ridge Lane
38	110	42	Ridge Lane
38	64	43	Ridge Lane
38	63	45	Ridge Lane
38	62	47	Ridge Lane
38	109	48	Ridge Lane
38	61	49	Ridge Lane
38	108	50	Ridge Lane
38	60	51	Ridge Lane
59.4	132.1	1	S. Cambridge Street
59.4	16	2	S. Cambridge Street
59.4	132.2	3	S. Cambridge Street

59.4	111	4	S. Cambridge Street
59.4	133	5	S. Cambridge Street
59.4	15.1	6	S. Cambridge Street
59.4	132	7	S. Cambridge Street
59.4	131	11	S. Cambridge Street
59.4	126	13	S. Cambridge Street
59.4	29	15	S. Cambridge Street
59.3	25	17	S. Cambridge Street
59.3	26	19	S. Cambridge Street
59.3	27	21	S. Cambridge Street
59.3	28	23	S. Cambridge Street
59.3	29	25	S. Cambridge Street
59.3	30	27	S. Cambridge Street
59.3	31	29	S. Cambridge Street
59.3	32	31	S. Cambridge Street
59.3	270.6	32	S. Cambridge Street
59.3	33	33	S. Cambridge Street
59.3	270.5	34	S. Cambridge Street
59.3	34	35	S. Cambridge Street
59.3	270.4	36	S. Cambridge Street
59.3	35	37	S. Cambridge Street
59.3	270.3	38	S. Cambridge Street
59.3	36	39	S. Cambridge Street
59.3	370.2	40	S. Cambridge Street
59.3	37	41	S. Cambridge Street
59.3	270.1	42	S. Cambridge Street
59.3	38	43	S. Cambridge Street
59.3	270	44	S. Cambridge Street
59.3	39	45	S. Cambridge Street
59.3	41	46	S. Cambridge Street
59.3	103	47	S. Cambridge Street
59.3	102	49	S. Cambridge Street
59.3	67	1	Starbuck Road
60	20	3	Starbuck Road
60	21	3	Starbuck Road
59.3	66.1	4	Starbuck Road
59.3	66	4	Starbuck Road
60	22	5	Starbuck Road
59.3	64	6	Starbuck Road
60	23	7	Starbuck Road
59.3	63	8	Starbuck Road
59.3	62	10	Starbuck Road
60	25	11	Starbuck Road
60	26	12	Starbuck Road
60	113	13	Starbuck Road

60	114	14	Starbuck Road
60	112	15	Starbuck Road
60	115	16	Starbuck Road
60	111	17	Starbuck Road
60	116	18	Starbuck Road
60	109	19	Starbuck Road
60	117	20	Starbuck Road
60	108	21	Starbuck Road
60	118	22	Starbuck Road
60	107	23	Starbuck Road
60	119	24	Starbuck Road
60	121	25	Starbuck Road
60	120	26	Starbuck Road
60	27	30	Starbuck Road
60	39	31	Starbuck Road
60	40	31	Starbuck Road
60	37	37	Starbuck Road
60	34	40	Starbuck Road
59.3	48	41	Starbuck Road
60	33	42	Starbuck Road
59.3	49	43	Starbuck Road
60	32	44	Starbuck Road
59.3	50	45	Starbuck Road
60	31	46	Starbuck Road
59.3	51	47	Starbuck Road
60	30	48	Starbuck Road
59.3	52	49	Starbuck Road
60	29	50	Starbuck Road
59.3	120	51	Starbuck Road
60	28	52	Starbuck Road
59.3	55	54	Starbuck Road
60	149	54R	Starbuck Road
59.3	129	56	Starbuck Road
59.3	135	58	Starbuck Road
59.3	176	59	Starbuck Road
59.3	140	60	Starbuck Road
59.3	179	61	Starbuck Road
59.3	141	62	Starbuck Road
59.3	242	63	Starbuck Road
59.3	69	64	Starbuck Road
59.3	68	66	Starbuck Road
59.4	67.1	67	Starbuck Road
59.4	67.2	69	Starbuck Road
59.4	69	71	Starbuck Road
59.3	65		Starbuck Road

60.2.4	83	1	Tennessee Avenue
60.2.4	84	2	Tennessee Avenue
60.1.2	21	6	Tennessee Avenue
60.1.2	8	9	Tennessee Avenue
60.1.2	4	10	Tennessee Avenue
60.1.2	5	12	Tennessee Avenue
60.1.2	6	14	Tennessee Avenue
60.1.2	43	15	Tennessee Avenue
60.1.2	18	18	Tennessee Avenue
60.1.2	47	19	Tennessee Avenue
60.1.2	56	21	Tennessee Avenue
60.1.2	25	22	Tennessee Avenue
60.1.2	57	23	Tennessee Avenue
60.1.2	27	24	Tennessee Avenue
60.1.2	60	25	Tennessee Avenue
60.1.2	29	26	Tennessee Avenue
60.1.2	31	28	Tennessee Avenue
60.1.2	41	32	Tennessee Avenue
59.4	75	34	Tennessee Avenue
59.4	247	35	Tennessee Avenue
59.4	79	36	Tennessee Avenue
59.4	245	37	Tennessee Avenue
59.4	253	38	Tennessee Avenue
59.4	365	39	Tennessee Avenue
59.4	84	40	Tennessee Avenue
59.4	259	41	Tennessee Avenue
59.4	310	43	Tennessee Avenue
59.4	88	44	Tennessee Avenue
59.4	89	46	Tennessee Avenue
59.4	202	51	Tennessee Avenue
59.4	95	52	Tennessee Avenue
59.4	94	52R	Tennessee Avenue
59.4	96	54	Tennessee Avenue
59.4	98	54R	Tennessee Avenue
59.4	363	55	Tennessee Avenue
59.4	6	58	Tennessee Avenue
59.4	8	60	Tennessee Avenue
59.4	102	61	Tennessee Avenue
59.4	103	63	Tennessee Avenue
38	155	2	The Grove
38	140	4	The Grove
38	141	6	The Grove
38	142	8	The Grove
38	143	10	The Grove
38	144	12	The Grove

38	145	14	The Grove
38	146	16	The Grove
59.3	58/59		Utah Avenue
38	129	7	Warren's Landing Road
60.2.4	81	1	Washington Avenue
60.2.1	29	3	Washington Avenue
60.2.4	35	4	Washington Avenue
60.2.4	66	6	Washington Avenue
60.2.1	36	7	Washington Avenue
60.2.1	40	9	Washington Avenue
60.2.1	23	10	Washington Avenue
60.2.1	41	11	Washington Avenue
60.2.1	24	12	Washington Avenue
60.2.1	42	15	Washington Avenue
60.2.1	44	17	Washington Avenue
60.2.1	14	18	Washington Avenue
60.2.1	48	19	Washington Avenue
60.2.1	13	20	Washington Avenue
60.2.1	12	22	Washington Avenue
60.2.1	11	24	Washington Avenue
60.2.1	52	25	Washington Avenue
60.2.1	53	27	Washington Avenue
60.1.2	66	41	Washington Avenue
59.4	243	51	Washington Avenue
59.4	294	53	Washington Avenue
59.4	299	54	Washington Avenue
59.4	347	56	Washington Avenue
59.4	315	62	Washington Avenue
59.4	361	68	Washington Avenue
59.4	266	69	Washington Avenue
38	138	1	West Way
38	132	2	West Way
38	137	3	West Way
38	133	4	West Way
38	136	5	West Way
38	134	6	West Way
38	135	7	West Way

Somerset

Map	Parcel	Number	Street
56	381	1	Austin Farm Road
56	359	2	Austin Farm Road
56	385	3	Austin Farm Road

56	384	5	Austin Farm Road
56	383	7	Austin Farm Road
56	367	8	Austin Farm Road
66	302	9	Austin Farm Road
56	368	10	Austin Farm Road
56	369	12	Austin Farm Road
65	76	20	Bartlett Farm Road
65	76.1	22	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
66	434	40	Bartlett Road
66	530	42	Bartlett Road
66	529	44	Bartlett Road
66	531	46	Bartlett Road
66	524	48	Bartlett Road
66	100	54	Bartlett Road
66	505	55	Bartlett Road
66	100.2	56	Bartlett Road
66	100.1	58	Bartlett Road
66	99	61	Bartlett Road
66	439	63	Bartlett Road
66	440	65	Bartlett Road
66	435	67	Bartlett Road
66	436	69	Bartlett Road
66	425	71	Bartlett Road
66	426	73	Bartlett Road
66	427.1	75A	Bartlett Road
66	427.2	75B	Bartlett Road
66	428	77	Bartlett Road
66	429	79	Bartlett Road
66	430	81	Bartlett Road
66	409	83	Bartlett Road
66	408	85	Bartlett Road
66	407	87	Bartlett Road
66	410	89	Bartlett Road

66	406	91	Bartlett Road
66	5	2	Catherine Lane
66	8	3	Catherine Lane
66	6	4	Catherine Lane
66	7	5	Catherine Lane
66	123	7	Catherine Lane
66	120	10	Catherine Lane
66	300	1	Clara Drive
66	299	3	Clara Drive
66	282	4	Clara Drive
66	283	6	Clara Drive
66	284	8	Clara Drive
66	291	9	Clara Drive
66	285	10	Clara Drive
66	290	11	Clara Drive
66	286	12	Clara Drive
66	289	13	Clara Drive
66	287	14	Clara Drive
66	288	15	Clara Drive
66	209	1	Doc Ryder Drive
66	221	2	Doc Ryder Drive
66	210	3	Doc Ryder Drive
66	220	4	Doc Ryder Drive
66	211	5	Doc Ryder Drive
66	219	6	Doc Ryder Drive
66	212	7	Doc Ryder Drive
66	218	8	Doc Ryder Drive
66	213	9	Doc Ryder Drive
66	217	10	Doc Ryder Drive
66	214	11	Doc Ryder Drive
66	216	12	Doc Ryder Drive
66	215	13	Doc Ryder Drive
66	177	1	Farm View Drive
66	176	2	Farm View Drive
66	178	3	Farm View Drive
66	179	5	Farm View Drive

66	180	7	Farm View Drive
66	181	9	Farm View Drive
66	183	10	Farm View Drive
66	182	11	Farm View Drive
66	507	1	Finback Lane
66	521	2	Finback Lane
66	508	3	Finback Lane
66	520	4	Finback Lane
66	509	5	Finback Lane
66	519	6	Finback Lane
66	510	7	Finback Lane
66	518	8	Finback Lane
66	511	9	Finback Lane
66	512	11	Finback Lane
66	513	13	Finback Lane
66	514	15	Finback Lane
66	515	17	Finback Lane
66	516	21	Finback Lane
66	517	23	Finback Lane
66	143	1	Golf View Drive
66	142	2	Golf View Drive
66	148	3	Golf View Drive
66	193	4	Golf View Drive
66	166	5	Golf View Drive
66	167	7	Golf View Drive
66	192	8	Golf View Drive
66	168	9	Golf View Drive
66	191	10	Golf View Drive
66	169	11	Golf View Drive
66	190	12	Golf View Drive
66	170	13	Golf View Drive
66	189	14	Golf View Drive
66	171	15	Golf View Drive
66	188	16	Golf View Drive
66	172	17	Golf View Drive
66	187	18	Golf View Drive

66	173	19	Golf View Drive
66	186	20	Golf View Drive
66	174	21	Golf View Drive
66	185	22	Golf View Drive
66	175	23	Golf View Drive
66	184	24	Golf View Drive
66	277	1	Hatch Circle
66	276	3	Hatch Circle
66	274	4	Hatch Circle
66	275	5	Hatch Circle
66	194	1	Hendersons Drive
66	206	2	Hendersons Drive
66	195	3	Hendersons Drive
66	205	4	Hendersons Drive
66	196	5	Hendersons Drive
66	204	6	Hendersons Drive
66	197	7	Hendersons Drive
66	203	8	Hendersons Drive
66	198	9	Hendersons Drive
66	202	10	Hendersons Drive
66	199	11	Hendersons Drive
66	201	12	Hendersons Drive
66	200	13	Hendersons Drive
66	301	2	High Brush Path
56	388	5	High Brush Path
56	370	8	High Brush Path
56	381	9	High Brush Path
56	374	15	High Brush Path
56	375	17	High Brush Path
56	376	19	High Brush Path
56	387	20	High Brush Path
56	377	21	High Brush Path
56	378	23	High Brush Path
56	379	25	High Brush Path
66	303	27	High Brush Path
66	446	1	Marble Way

66	446.1	1 #2	Marble Way
66	101	2	Marble Way
66	101.1		Marble Way
66	445	3	Marble Way
66	445.1	3 #2	Marble Way
66	102.1	4A	Marble Way
66	102	4B	Marble Way
66	444	5	Marble Way
66	444.1	5 #2	Marble Way
66	103	6	Marble Way
66	443.1	7 #2	Marble Way
66	442	9	Marble Way
66	442.1	9 #2	Marble Way
66	104	10	Marble Way
66	118	11	Marble Way
66	118.1	11 #2	Marble Way
66	105	12	Marble Way
66	119	13	Marble Way
66	106	14	Marble Way
66	106.1	16	Marble Way
66	75	2	Mikes Drive
66	76	4	Mikes Drive
65	89	3	Mioxes Way
65	87	4	Mioxes Way
65	88	6	Mioxes Way
56	366	1	New Hummock Circle
56	360	2	New Hummock Circle
56	365	3	New Hummock Circle
56	361	4	New Hummock Circle
56	364	5	New Hummock Circle
56	362	6	New Hummock Circle
56	363	8	New Hummock Circle
56	114	14	Oak Hollow
66	281	3	Raceway Drive
66	271	4	Raceway Drive
66	280	5	Raceway Drive

66	272	6	Raceway Drive
66	279	7	Raceway Drive
66	273	8	Raceway Drive
66	278	9	Raceway Drive
66	442.2	1 #1	Sleepy Hollow
66	118.2	2 #1	Sleepy Hollow
66	443	3	Sleepy Hollow
66	443.2	3	Sleepy Hollow
66	107.2	4	Sleepy Hollow
66	444.2	5 #1	Sleepy Hollow
66	453.2	6 #1	Sleepy Hollow
66	445.2	7 #1	Sleepy Hollow
66	452.2	8 #1	Sleepy Hollow
66	446.2	9 #1	Sleepy Hollow
66	451.2	10 #1	Sleepy Hollow
66	450.2	12 #1	Sleepy Hollow
66	449.2	14	Sleepy Hollow
66	448.2	16 #1	Sleepy Hollow
66	447.2	18 #1	Sleepy Hollow
56	301	8	Somerset Lane
56	464	8A #1	Somerset Lane
56	468	8B #2	Somerset Lane
56	300	10	Somerset Lane
56	55	12	Somerset Lane
66	2	14	Somerset Lane
66	3	16	Somerset Lane
66	4	18	Somerset Lane
66	4.1	20	Somerset Lane
66	9	22	Somerset Lane
66	125	24	Somerset Lane
66	10	26	Somerset Lane
66	134.4	27	Somerset Lane
66	70	28	Somerset Lane
66	134.3	29	Somerset Lane
66	71	30	Somerset Lane
66	134.2	31	Somerset Lane

66	72	32	Somerset Lane
66	134.1	33	Somerset Lane
66	73	34	Somerset Lane
66	135.6	35	Somerset Lane
66	135.3	37	Somerset Lane
66	135.4	39	Somerset Lane
66	74	40	Somerset Lane
66	135.5	41	Somerset Lane
66	77	42	Somerset Lane
66	135.2	43 #1	Somerset Lane
66	78	44	Somerset Lane
66	523	46	Somerset Lane
66	93	52	Somerset Road
66	94	54	Somerset Road
66	92	55	Somerset Road
66	95	56	Somerset Road
66	91	57	Somerset Road
66	96 (97)	58 (60)	Somerset Road
66	90	59	Somerset Road
66	89	61	Somerset Road
66	136	62	Somerset Road
66	88	63	Somerset Road
66	87	65	Somerset Road
66	86	67	Somerset Road
66	447	68	Somerset Road
66	447.1	68 #2	Somerset Road
66	85	69	Somerset Road
66	448	70	Somerset Road
66	448.1	70 #2	
66	449	72	Somerset Road
66	449.1	72 #2	Somerset Road
66	450	74	Somerset Road
66	450.1	74 #2	Somerset Road
66	451	76	Somerset Road
66	451.1	76 #2	Somerset Road
66	84	77	Somerset Road

66	452	78	Somerset Road
66	452.1	78 #2	Somerset Road
66	83	79	Somerset Road
66	453	80	Somerset Road
66	453.1	80 #2	Somerset Road
66	82	81	Somerset Road
66	107	82	Somerset Road
66	107.1	82 #2	Somerset Road
66	81	83	Somerset Road
66	80	85	Somerset Road
66	404	86	Somerset Road
66	539	86 ½	Somerset Road
66	79	87	Somerset Road
66	405	88	Somerset Road
66	135.1	89	Somerset Road
66	135.7	89 #2	Somerset Road
66	135	91	Somerset Road
66	147	97	Somerset Road
66	222	98	Somerset Road
66	146	99	Somerset Road
66	145	101	Somerset Road
66	144	103	Somerset Road
66	208	104	Somerset Road
66	207	108	Somerset Road
66	141	109	Somerset Road
66	140	111	Somerset Road
66	223	112	Somerset Road
66	139	113	Somerset Road
66	138	115	Somerset Road
66	137	117	Somerset Road
66	149	118	Somerset Road
66	151	126	Somerset Road
66	534	128	Somerset Road
66	533	128 1/2	Somerset Road
66	532	130	Somerset Road
66	150	130 1/2	Somerset Road

66	163	132	Somerset Road
66	152	1	Swayze's Drive
66	165	2	Swayze's Drive
66	153	3	Swayze's Drive
66	164	4	Swayze's Drive
66	154	5	Swayze's Drive
66	163	6	Swayze's Drive
66	155	7	Swayze's Drive
66	162	8	Swayze's Drive
66	156	9	Swayze's Drive
66	161	10	Swayze's Drive
66	157	11	Swayze's Drive
66	160	12	Swayze's Drive
66	158	13	Swayze's Drive
66	159	14	Swayze's Drive
66	298	1	Todd Circle
66	292	2	Todd Circle
66	297	3	Todd Circle
66	293	4	Todd Circle
66	296	5	Todd Circle
66	294	6	Todd Circle
66	295	7	Todd Circle
66	150.1	2	West Miacomet Road
81	160	4	West Miacomet Road
81	161	6	West Miacomet Road
81	164	6 1/2	West Miacomet Road
81	162	8	West Miacomet Road
81	150	12	West Miacomet Road

All as shown on maps entitled "October 17, 2016 Special Town Meeting Sewer District Map Changes" dated August, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

NEED THE MAP TO BE PUT ON FILE

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Town Sewer District:

MAP	LOT	NUMBER	STREET
43	209	2	Drew Lane
44	23.1	4	Drew Lane

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners)

NEEDS BOS REVIEW (IF DOING, DO APPROPRIATION AT 2017 ATM?)

ARTICLE 3

(Suspension of Madaket/Warren’s Landing/Somerset Sewer Extension Request)

To see if the Town will vote to: suspend until the next Annual Town Meeting, any and all consideration and final decisions regarding the expansion of the sewer district and appropriation of funds for including individual lots into the sewer district that are within the Madaket Harbor and Long Pond watershed area. The purpose of such deferral being to immediately allow creation of meetings and forums to try to resolve open financial issues and address other unanswered questions or open issues toward providing transparency in the decision making process and fully informing the voters in a timely manner ahead of any voting on the matters. Or to take any other action related thereto. Creation of a Madaket / Warren’s Landing sewerage work group is encouraged, consisting of one representative of the Madaket Conservation Association, one from Madaket Residents Association, one from Warrens Landing Association, Town Manager’s designated staff person, a representative of the Board of Selectmen, a representative from Finance Committee, a representative from SHAB. The Board of Selectmen, upon advice and consent of the workgroup, may make constructive changes to the language of the mission of the workgroup as may be necessary or advisable toward perfecting the role of the workgroup in order to achieve the intent of this article, which is to resolve open issues and attempt to generate broad consensus for the potential expansion of the sewer district and appropriation of funds for including individual lots into the sewer district that are within the Madaket Harbor and Long Pond watershed area.

(William Grieder, Jr., et al)

NEED BOS TO CONFIRM/CHANGE ARTICLE # ORDERING

ARTICLE 4

(Long-term Lease Extension Authorization - Academy Hill Property)

To see if the Town will vote to authorize the Board of Selectmen to extend the lease of the Academy Building located at 4 Westminster Street, on such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town,

for an additional 20 year period beyond what was authorized under Article 34 of the 1980 Annual Town Meeting, so that the extended lease would terminate on March 26, 2076, and, if necessary, to authorize the Board of Selectmen to file a Home Rule Petition exempting the lease extension from the public bidding requirements of G. L. c. 30B, § 16; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 5

(Suspension of Our Island Home Funding Request; Establishment of Work Group)

To see if the Town will vote to: suspend until the next Annual Town Meeting, any and all consideration and final decisions regarding the relocation, design, staffing, site control, and demographics of Our Island Home, the purpose of such deferral being to immediately create a workgroup to resolve financial and otherwise unanswered questions or open issues. Such a workgroup shall consist of two members of the Friends of Our Island Home, two members of the Our Island Home Family Council, a member from the Town Finance department or Finance Committee, a representative from the Board of Selectmen, a representative from Our Island Home Administration, and two Citizen-at-Large positions – one chosen by the BOS, one chosen by proponents of this article, and to include information, reports and input without limit from the Town of Nantucket's previously and/or currently engaged consultants as may be requested by the workgroup for the various aspects of implementing a new plan for the future Our Island Home. The first meeting of the new workgroup shall take place no later than November 1, 2016. Or to take any other action related thereto.

[The Board of Selectmen, upon advice and consent of the workgroup, may make constructive changes to the language of the mission of the workgroup as may be necessary or advisable toward perfecting the role of the workgroup in order to achieve the intent of this article, which is to resolve open issues and attempt to generate broad consensus for the successful future of Our Island Home while improving and maintaining the existing facility during the development of our new facility.]

(Frances E. Karttunen, et al)

ARTICLE 6

(Land Bank: Bond Refinancing)

To see if the Town will vote to pledge the full faith and credit of the Town under Chapter 669 of the Acts of 1983, as amended, to secure the principal of and interest on bonds or notes of the Nantucket Islands Land Bank to be issued to (a) refinance all or part of the remaining principal and redemption premium of, and interest on, the Land Bank's \$15,095,000 2007 Series A Bonds (Full Faith and Credit Issue) dated December 1, 2007, and (b) fund any debt service reserve or reserves that may be required in connection with the refinancing, provided that the amount of such bonds or notes of the Land Bank guaranteed by the Town pursuant to any vote passed under this article shall be in addition to amounts of Land Bank indebtedness that the Town has previously agreed to guarantee; or, to take any action relative thereto.

(Board of Selectmen for Nantucket Islands Land Bank Commission)

**ARTICLE 7
(Appropriation: Airport)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the purposes of supplemental funding for the following capital projects for the Airport, including other costs incidental and related thereto; or, to take any other action related thereto:

PROJECT	ARTICLE/TOWN MEETING	EXISTING APPROPRIATION
Replace Flight Information Display System and Public Address System	Article 12/2016 Annual Town Meeting	\$375,000
Costs Associated with Hardware and Software for Airport Security Purposes	Article 12/2016 Annual Town Meeting	\$200,000
Costs Associated with Renovation of Vault Room and Equipment Replacement	Article 12/2016 Annual Town Meeting	\$1,000,000

(Board of Selectmen for Airport Commission)

**ARTICLE 8
(Appropriation: Wannacomet Water)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the purposes of supplemental funding for the following capital project for Wannacomet Water, including other costs incidental and related thereto; or, to take any other action related thereto:

PROJECT	ARTICLE/TOWN MEETING	EXISTING APPROPRIATION
Costs Associated with Replacement of Administration and Operations Facilities	Article 14/2015 Annual Town Meeting	\$3,500,000

(Board of Selectmen for Nantucket Water Commission)

**ARTICLE 9
(Appropriation: Lined Landfill Cell)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to supplement the previous appropriation made under Article 14 of the 2015 Annual Town Meeting and Article 12 of

the 2016 Annual Town Meeting to pay costs for constructing a new lined landfill cell fire at the Nantucket Landfill, including the costs of professional services for design, permitting, engineering, construction supervision, materials, and other related professional services and any other costs incidental and related thereto; and to take any other action related thereto.

(Board of Selectmen)

WAS THIS GOING TO BE A DEBT EXCLUSION? OR A BORROWING

ARTICLE 10

(Appropriation: Fire Department)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, to pay costs for the acquisition, placement, professional services, and associated utility and other connections for an office trailer unit and any other costs incidental and related thereto; and to take any other action related thereto.

(Board of Selectmen)

NEEDS BOS APPROVAL

ARTICLE 11

(Appropriation: General Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the purposes of supplemental funding for the following capital projects for the Town of Nantucket; or, to take any other action related thereto:

PROJECT	ARTICLE/TOWN MEETING	EXISTING APPROPRIATION
Polpis Harbor Dredging	Article 10/2013 Annual Town Meeting	\$82,000

(Board of Selectmen)

ARTICLE 12

(Real Estate Acquisition: 40 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee interest in the parcel identified below for general municipal purposes, including without limitation funeral home purposes by a non-profit entity pursuant to Chapter 261 of the Acts of 2014, or for purposes of conveyance; and further if the property is acquired for the purposes of conveyance, to further authorize the Board of Selectmen to sell, lease or otherwise dispose of the fee or lesser interests in all or any portion thereof for a public purpose including without limitation, funeral home purposes by a non-profit entity pursuant to Chapter 261 of the Acts of 2014, subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate:

•Assessors Map 55 Parcel 602 known as 40 Sparks Avenue

As shown on a plan entitled “Plan of Land in Nantucket, Mass.” dated December 19, 1997 on file at the Nantucket Planning Board as Plan File 6235.

And to see if the Town will vote to borrow, appropriate, or transfer \$400,000 from the Reserve Fund for such purposes.

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 13

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Town Sewer District:

MAP	LOT	NUMBER	STREET
54	46	1	Milestone Road
54	45	1	Milestone Road

Or to take any other action related thereto.

(Board of Selectmen/Sewer Commissioners for Nantucket Water Commission)
NEEDS LEGAL REVIEW

ARTICLE 14

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to: amend the Siasconset Sewer District, as established under the Nantucket Code, Chapter 41, Section 3.B, by adding to it the following parcel:

Assessor’s Map 49, Parcel 91: 85 Sankaty Road, Siasconset

(Arthur I. Reade, Jr., et al)

ARTICLE 15

(Zoning Bylaw (Town and Country Overlay District) and Sewer District Amendment: 4, 6, and 8 Hawthorne Lane)

To see if the Town will vote to amend the Code of the Town of Nantucket by taking the following actions *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the*

numbering format of the Code of the Town of Nantucket):

1. Amend Chapter 139 (Zoning), section 4E, by placing the following properties currently located in the Country Overlay District in the Town Overlay District:

Map	Lot	Number	Street
56	215	4	Hawthorne Lane
56	216	6	Hawthorne Lane
56	220	8	Hawthorne Lane

2. Amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following properties to the Town Sewer District:

Map	Lot	Number	Street
56	215	4	Hawthorne Lane
56	216	6	Hawthorne Lane
56	220	8	Hawthorne Lane

All as shown on a map entitled “2016 Special Town Meeting Warrant Article ___: Zoning Bylaw (Town and Country Overlay District) and Sewer District Amendment: 4, 6, and 8 Hawthorne Lane” dated _____, 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Terry Sanford, et al)

ARTICLE 16

(Zoning Map Change: LUG-2 to LUG-1 Surfside West - South Shore Road, Rachel Drive, Zachary Way, Tripp Drive, Correia Lane, Felcon Drive and Marilyn Lane, Masaquet Avenue, Morgan Square)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties identified in the Surfside Area Plan as a portion of “Surfside West”, currently located in the Limited Use General 2 (LUG-2) zoning district, to the Limited Use General (LUG-1) zoning district:

Map	Lot	Number	Street
80	52	1	Zachary Way
80	51	8	Tripp Drive
80	51.1	12	Tripp Drive
80	51.2	4	Tripp Drive
80	51.3	2	Tripp Drive
80	53	3	Rachel Drive

80	53.1	47	South Shore Road
80	53.2	43	South Shore Road
80	53.3	2	Rachel Drive
80	53.4	4	Rachel Drive
80	53.5	5	Rachel Drive
80	54	16	Correia Lane
80	55	17	Correia Lane
80	56	15	Correia Lane
80	57	13	Correia Lane
80	58	9	Correia Lane
80	58.1	11	Correia Lane
80	59	12	Correia Lane
80	60	8	Correia Lane
80	61	4	Correia Lane
80	62	34	South Shore Road
80	63	3	Correia Lane
80	64	33	South Shore Road
80	115	52	South Shore Road
80	117	42	South Shore Road
80	118	36	South Shore Road
80	177	32	South Shore Road
80	294	1	Felcon Drive
80	296.1	29A	South Shore Road
80	296.2	29B	South Shore Road
80	296.3	29C	South Shore Road
80	296.4	29D	South Shore Road
80	311	53	South Shore Road
80	312	2	Zachary Way
80	313	3	Zachary Way
80	326	3	Marylin Lane
80	329	5	Felcon Drive
80	330	9	Felcon Drive
80	331	11	Felcon Drive
80	193	8	Masaquet Avenue
87	3.1	4	Morgan Square
87	3.2	2	Morgan Square
80	310	14	Tripp Drive

All as shown on a map entitled “2016 Special Town Meeting Warrant Article ___ Zoning Map Change: LUG-2 to LUG-1 Surfside West - South Shore Road, Rachel Drive, Zachary Way, Tripp Drive, Correia Lane, Felcon Drive, and Marilyn Lane, Masaquet Avenue, Morgan Square)” dated July 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Leona Tripp, et al)

ARTICLE 17

(Zoning Map Change: LUG-2 to R-40 - 4 Daffodil Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the property at 4 Daffodil Lane shown on Tax Assessor’s Map 68 as Parcel 719, currently located in the Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district, as shown on a map entitled “2016 Special Town Meeting Warrant Article ___ Zoning Map Change: LUG-2 to R-40 - 4 Daffodil Lane” dated May 2016 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Gina LeBrecht, et al)

DRAFT

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting and election aforesaid.

Given under our hands this 17th day of August in the year Two Thousand Sixteen.

James R. Kelly, Chairman

Dawn E. Hill Holdgate, Vice Chairman

Rick Atherton

Robert DeCosta

Matthew G. Fee

SELECTMEN OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant adopted August 17, 2016 I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Catherine Flanagan Stover, Constable