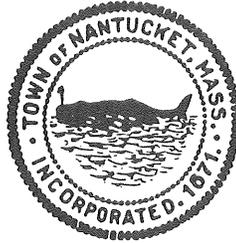


Town and County of Nantucket
Board of Selectmen • County Commissioners

Rick Atherton, Chairman
Robert R. DeCosta
Matt Fee
Tobias Glidden
Bruce D. Miller



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
1 OCTOBER 2014 - 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS*

I. BOARD ACCEPTANCE OF AGENDA

II. ANNOUNCEMENTS

1. Parking Ticket Hearing Officer Charles "Jack" Gardner to Retire After 24 Years of Service.

*III. PUBLIC COMMENT**

*IV. NEW BUSINESS**

V. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Payroll Warrant for Week Ending 28 September 2014.
2. Approval of Treasury Warrant for 1 October 2014.
3. Approval of Pending Contracts for 1 October 2014 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VI. CONSENT AGENDA ITEMS

1. Gift Acceptances for: Human Services; Our Island Home; Natural Resources Department.

VII. APPOINTMENTS

1. Nantucket Historical Commission: Alternate Seat Appointment.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Planning Office: Request for Acceptance of Union Street Sidewalk and Roadway Improvements Easement On, Over and Under a Portion of Certain Property Known as Assessor Map 55.1.4, Parcel 2, Located at 50 Union Street and Shown as "Proposed Sidewalk and Roadway Improvement Easement (633 SF ±) on Plan Entitled "Subdivision Plan of Land in Nantucket, MA, Prepared for: Nantucket Islands Land Bank and Town of

Nantucket,” Dated September 2, 2014, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket Registry of Deeds as Plan 2014-82, Pursuant to Vote on Article 92 of 2011 Annual Town Meeting.

2. Planning Office: Request for Execution of Quitclaim Deed for the Following Town-owned Parcels:
 - a) 7 Miacomet Road, 11 Miacomet Road and 13 Miacomet Road, Shown as Lots B, C and D on Plan of Land Entitled “Being a Subdivision of Lots A4, A5 & A7 Shown on Plan No. 02-04, Plan of Land in Nantucket, MA., Prepared for Town of Nantucket,” Dated August 20, 2009, Prepared by Blackwell & Associates, Inc. and recorded with Nantucket County Registry of Deeds as Plan No. 2010-35, Pursuant to Vote on Article 113 of 2008 Annual Town Meeting;
 - b) Three Certain Parcels of Land Located at 15 Miacomet Road, Shown as Parcel B, Road Parcel 1 and Road Parcel 2 on Plan of Land Entitled “Plan of Land in Nantucket, Mass., Prepared for Town of Nantucket,” Dated January 6, 1999, Prepared by Blackwell & Associates, Inc. and Recorded with said Deeds as Plan 56-D, Pursuant to Votes on Articles 86 and 102 of 2014 Annual Town Meeting and Chapter 2017 of the Acts of 2014 of the Commonwealth of Massachusetts.

IX. TOWN MANAGER'S REPORT

1. Quarterly Energy Office Update; Including Review of National Grid Rate Increase Issue.
2. Town Administration FY 2016 Capital Project Recommendations.
3. Review of Sewer Connection Fees Collection Protocol; Prior Years Collections Issue.

X. SELECTMEN'S REPORTS/COMMENT

1. Discussion Regarding Town of Chatham's Requested Letter of Support Regarding US Fish and Wildlife's Draft Comprehensive Conservation Plan for Monomoy National Wildlife Refuge.
2. Appointment of Mosquito Control Commission Pursuant to Chapter 209 of the Acts of 2014.
3. Acknowledgement with Thanks to Senator Wolf and Representative Madden Regarding Telecommunications Collocation Language in Commonwealth Economic Development Bond Bill.
4. Baxter Road Alternative Access Update.
5. 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
October 1, 2014

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding
Amendment to Repair and Service Agreement	Fire Department	Kosciuk Construction Company	\$14,950	Amendment to contract for roof repair at Sconset Fire Station for rotting areas	CPC funds
Amendment to Repair and Service Agreement	Fire Department	Kosciuk Construction Company	\$4,000	Amendment to contract for gutter repair at Sconset Fire Station for rotting areas	CPC funds
Professional Services Agreement	PLUS	Bracken Engineering, Inc.	\$15,000	Engineering services for Mill Hill Path design	Art. 10, 2014 and 2001 ATM for Prospect Street bike path

CONSENT AGENDA ITEMS FOR 10/01/14 SELECTMEN'S MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Human Services: Gifts Totaling \$610 from Various Donors for Saltmarsh Senior Center (list attached)
- Our Island Home: Gifts Totaling \$150 from Various Donors for Our Island Home Gift Fund (list attached)
- Natural Resources Department: Gifts Totaling \$2,200 from the Various Donors for the Town's Shellfish Propagation Program at Brant Point (list attached)

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

Town Administration will ensure that letters of thanks are sent.



MEMO

Date: September 26, 2014
TO: Rick Atherton
FROM: Laura Stewart, Saltmarsh Senior Center, Program Coordinator
RE: Request for acceptance of gift

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

From Marion and Robert Pearson: \$60.00 to the Saltmarsh Senior Center

From Elizabeth O'Hearn: \$500.00 to the Saltmarsh Senior Center

From Mary Richrod: \$50.00 to the Saltmarsh Senior Center

Thank you,

Laura Stewart

from the desk of....

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

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



OUR ISLAND HOME

9 East Creek Road
Nantucket, Massachusetts 02554
(508) 228-0462
FAX (508) 228-6875

September 24, 2014

Nantucket Board of Selectmen
Nantucket, MA. 02554

Dear Chairman Atherton,

I am writing to request that the Board accept the following gifts received by Our Island Home in memory of Charlie Fisher:

- A check in the amount of \$50.00 from George and Kathleen Butterworth
- A check in the amount of \$100.00 from Howard Jelleme and Robin Kuhn

The total amount of the above donations is \$150.00. All donations will go to the Our Island Home Gift Account and the funds will be used to assist in activity programming and other means to enrich the daily lives of our residents.

Thank you in advance for your acceptance.

Sincerely,

Rachel K Chretien, Administrator
Our Island Home

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES COORDINATOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



9/26/2014

Board of Selectmen
16 Broad Street
Nantucket, MA 02554

Dear Board Members,

On behalf of the Natural Resources Department we are requesting that the Board of Selectmen accept gifts made to the Natural Resources Department for use at the Brant Point Shellfish Propagation Facility made in the memory of Linda Zarella. Linda was an excellent supporter of the program and a strong advocate for the health of our harbors. The following gifts were made in her memory:

Jane Palmisano - \$2000

Darcy & Rick Nopper - \$100

Nantucket Community Sailing - \$100

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Carlson", with a long horizontal flourish extending to the right.

Jeff Carlson,
Town of Nantucket
Natural Resources Coordinator

Nantucket Historical Commission

Ian Golding		2015
Diane Coombs		2015
Susan Handy		2015
Deborah Timmermann	Chairman	2016
Jascin N. Leonardo		2016
Michael May		2017
Kevin Kuester		2017
VACANT	Alternate	2015
VACANT	Alternate	2016
Philip Gallagher	Alternate	2017

Applicant: Caroline Ellis



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Board of Selectmen



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Caroline Ellis Home Phone: 508-228-1134

Mailing Address: PO box 368 Alternate Phone: 508 642-7754

Email Address: carolinequaise@gmail.com Date Submitted: 9-3-2014

REQUESTING APPOINTMENT TO: NHC alternate

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Should not have resigned but
couldn't make the Monday meetings
days of meetings have been changed

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

past NHC
still attending meetings

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

none

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

no

Union Street Sidewalk and Roadway Improvements Easement

(50 Union Street)

Valerie Swett, Trustee of Crescent Realty Trust under Declaration of Trust dated October 1, 2014, recorded with Nantucket Registry of Deeds in Book ____ Page _____, having an address of One Design Center Place Suite 600, Boston, Massachusetts 02210 (the “Grantor”), for consideration received, the receipt and sufficiency of which is hereby acknowledged, grants to the TOWN OF NANTUCKET acting by and through its Board of Selectmen, a political subdivision of the Commonwealth of Massachusetts, having its principal place of business at the Town and County Building, 16 Broad Street, Nantucket, Massachusetts 02554 (the “Grantee”), with quitclaim covenants, a permanent, non-exclusive right and easement on, over and under a portion of that certain property known as Assessor Map 55.1.4, Parcel 2, located at 50 Union Street, Nantucket, Massachusetts, and shown as “Proposed Sidewalk and Roadway Improvement Easement (633 SF ± on that certain plan entitled “Subdivision Plan of Land in Nantucket, MA, Prepared for: Nantucket Islands Land Bank and Town of Nantucket,” dated September 2, 2014, and prepared by Blackwell & Associates, Inc., which plan is recorded with Nantucket Registry of Deeds as Plan 2014-82 (the “Easement Area”).

Grantee may use the Easement Area for the purposes of installing, grading, paving, sloping, maintaining, repairing and replacing a sidewalk and any roadway improvements, including but not limited to curbing and signage, and for all purposes for which sidewalks are commonly used in the Town and County of Nantucket, including, by way of illustration and without limitation, pedestrian uses such as walking and jogging, and recreational bicycle use; provided, however, that there shall be no use of motorized vehicles within the Easement Area except motorized vehicles for the handicapped, motorized vehicles of the Grantor or its guests, invitees and licensees crossing the Easement Area to access the Grantor’s premises, motorized vehicles of the Grantee being used in connection with construction and maintenance rights authorized hereby, and emergency vehicles.

This grant of easement includes the temporary right of the Grantee, from time to time, to enter upon and use the Grantor's land immediately adjacent to the Easement Area, to the minimum extent reasonably necessary for the purposes authorized by this grant of easement, including but not limited to the right to utilize motorized vehicles for construction and maintenance purposes. For as long as the Grantee uses the Easement Area for sidewalk purposes, the Grantee shall keep the Easement Area in a reasonably safe and orderly condition.

Grantor reserves the right to use the Easement Area in any manner which does not materially interfere with the rights conveyed hereunder, provided, however, in the event such use damages the

Easement Area, then the Grantor shall promptly restore the Easement Area to a condition substantially similar to the condition that existed immediately prior to such damage.

This grant of easement shall be perpetual in duration and run with title to Grantor's land. If for any reason this grant of easement shall be deemed an easement in gross or otherwise subject to sun-setting provisions or other principles requiring duration less than perpetual, the rights, title and interests granted hereunder shall be deemed to be appurtenant to and run with Grantee's title to Union Street and Francis Street.

For title of Grantor, see the deed of Nichole D. Berlyn Katz, Trustee of Union Street Trust, dated _____ and recorded at the Nantucket County Registry of Deeds in Book _____, Page _____.

Executed as a sealed instrument as of this 15th day of October, 2014.

Crescent Realty Trust

Valerie Swett, Trustee, and not individually

COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss

On this _____ day of October, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person(s) whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Notary Public
My commission expires



Bk: Pg: 0 Page: 0
Doc: PLAN 09/15/2014 03:23 PM

NANTUCKET REGISTRY OF DEEDS

Date: 9/15/2014

Time: 3:23 pm

Plan No.: 2014-82

Attest: *Janily H Ferreira*
Register

SHEET 1 OF 1
RESERVED FOR REGISTRY USE



CURRENT ZONING CLASSIFICATION:
Residential Commercial (R.C.)
MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 40 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 50%

OWNERS REFERENCE:
UNION STREET TRUST, NICOLE D. BERLYN, TRUSTEE
DEED BK: 809, PG: 46
TAX MAP: 55.1.4, PARCEL: 02
50 UNION STREET

NOTE: THIS IS A CONFIRMATORY PLAN FOR A SURVEY RECORDED AT THE NANTUCKET COUNTY REGISTRY OF DEEDS AS PLAN NO: 2014-72. SAID PLAN WAS SIGNED BY THE NANTUCKET PLANNING BOARD ON SEPTEMBER 8, 2014 (PLANNING BD, FILE NO: 7737) AND APPROVED UNDER THE SUBMISSION CONTROL LAW AS APPROVAL NOT REQUIRED.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
Leo C. Asadourian 9/13/14
PROFESSIONAL LAND SURVEYOR DATE

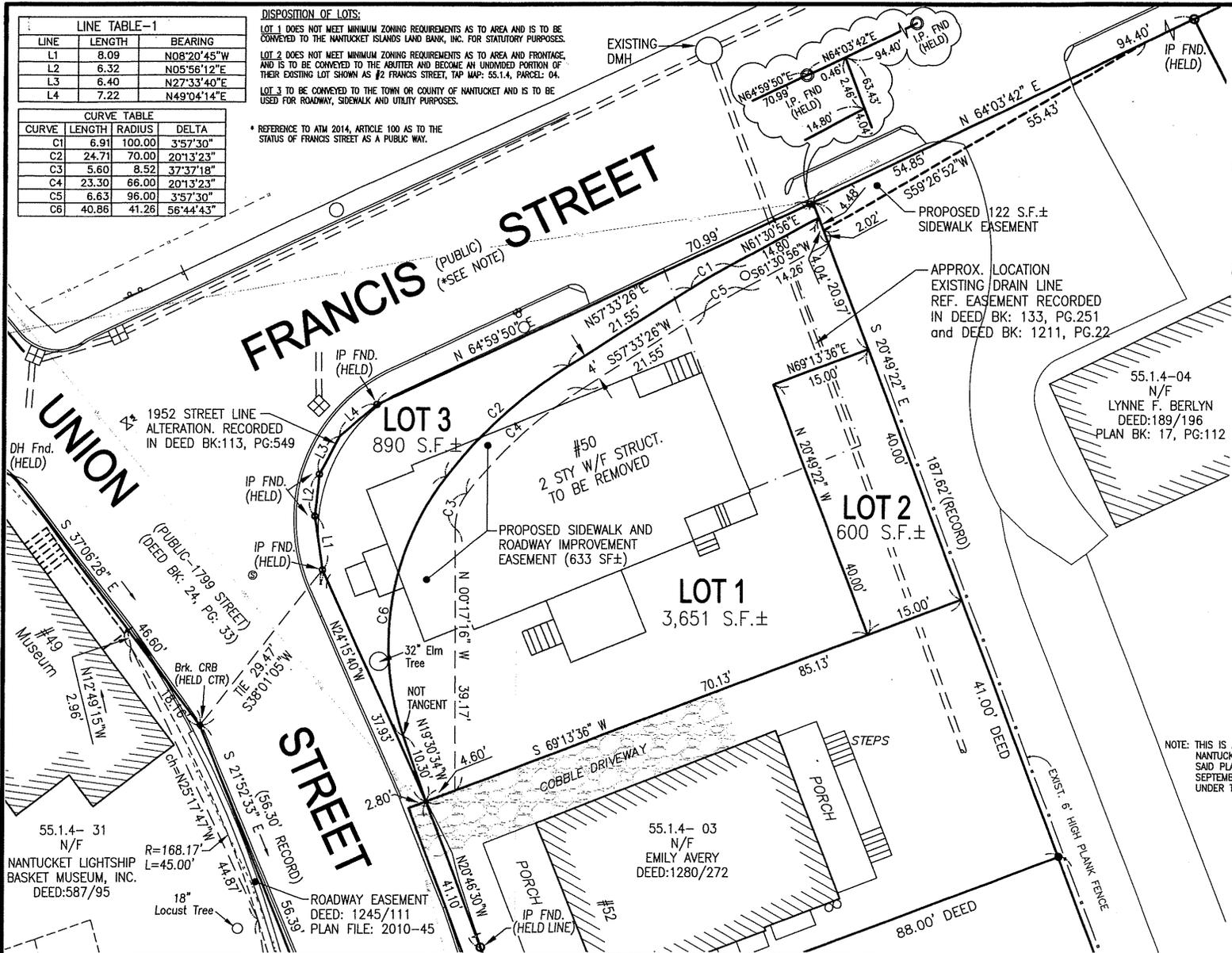
LINE TABLE-1

LINE	LENGTH	BEARING
L1	8.09	N08°20'45"W
L2	6.32	N05°56'12"E
L3	6.40	N27°33'40"E
L4	7.22	N49°04'14"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	6.91	100.00	3°57'30"
C2	24.71	70.00	20°13'23"
C3	5.60	8.52	37°37'18"
C4	23.30	66.00	20°13'23"
C5	6.63	96.00	3°57'30"
C6	40.86	41.26	56°44'43"

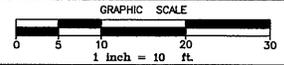
DISPOSITION OF LOTS:
 LOT 1 DOES NOT MEET MINIMUM ZONING REQUIREMENTS AS TO AREA AND IS TO BE CONVEYED TO THE NANTUCKET ISLANDS LAND BANK, INC. FOR STATUTORY PURPOSES.
 LOT 2 DOES NOT MEET MINIMUM ZONING REQUIREMENTS AS TO AREA AND FRONTAGE, AND IS TO BE CONVEYED TO THE ABUTTER AND BECOME AN UNDIVIDED PORTION OF THEIR EXISTING LOT SHOWN AS #2 FRANCIS STREET, TAX MAP: 55.1.4, PARCEL: 04.
 LOT 3 TO BE CONVEYED TO THE TOWN OR COUNTY OF NANTUCKET AND IS TO BE USED FOR ROADWAY, SIDEWALK AND UTILITY PURPOSES.
 * REFERENCE TO ATM 2014, ARTICLE 100 AS TO THE STATUS OF FRANCIS STREET AS A PUBLIC WAY.



PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

NOTE:
LOT(S) 1, 2, & 3 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 BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
Leo C. Asadourian 9/13/14
PROFESSIONAL LAND SURVEYOR DATE



BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com

BEING A SUBDIVISION OF LOT SHOWN ON PLAN FILE: 11, PAGE 55
SUBDIVISION PLAN of LAND
in Nantucket, MA

Prepared for:
NANTUCKET ISLANDS LAND BANK & TOWN OF NANTUCKET
1 INCH = 10 FEET
Calc./Drawn by: LCA
Approved by: LCA
SEPTEMBER 2, 2014

SHEET 1 OF 1 B-7460

QUITCLAIM DEED

THE TOWN OF NANTUCKET, a Massachusetts municipal corporation, acting by and through its Board of Selectmen, having an address of Nantucket Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554 (“Grantor”) for consideration of One Dollar (\$1.00) hereby grants with quitclaim covenants to the NANTUCKET ISLANDS LAND BANK, established pursuant to Chapter 669 of the Acts of 1983, as amended, acting by and through the Nantucket Islands Land Bank Commission, having an address of 22 Broad Street, Nantucket, Massachusetts 02554 (“Grantee”) for open space purposes the following parcels of land:

LOTS B, C AND D, MIACOMET ROAD

Three certain parcels of land located 7 Miacomet Road, 11 Miacomet Road and 13 Miacomet Road in, Nantucket, Massachusetts and shown as Lots B, C and D, on a plan of land entitled “Being a Subdivision of Lots A4, A5 & A7 Shown on Plan No. 02-04, Plan of Land in Nantucket, MA., prepared for Town of Nantucket,” dated August 20, 2009, prepared by Blackwell & Associates, Inc. (the “Plan 1”) and recorded with the Nantucket County Registry of Deeds as Plan No.2010-35.

Said Lot B, known as the “Wild Rose Pasture” contains 9,410 square feet, more or less; Lot C, known as the “Valley View Site” contains 7,898 square feet, more or less; and Lot D, known as the “Poison Meadow Site” contains 8,653 square feet, more or less, according to said Plan 1.

For Grantor’s title see Order of Taking recorded with said Deeds in Book 644, Page 237. Grantor conveys Lots B, C and D to Grantee pursuant to the Town Meeting Vote under Article 113 of the 2008 Annual Town Meeting, a certified copy of which is attached hereto.

PARCEL B AND ROAD PARCELS 1 AND 2, MIACOMET ROAD

Three certain parcels of land located at 15 Miacomet Road in Nantucket, Massachusetts and shown as Parcel B, Road Parcel 1 and Road Parcel 2 on a plan of land entitled “Plan of Land in Nantucket, Mass., Prepared for Town of Nantucket,” dated January 6, 1999, prepared by Blackwell & Associates, Inc. (the “Plan 2”) and recorded with said Deeds as Plan 56-D.

Said Parcel B contains 6.23 acres, more or less; Road Parcel 1 contains 10,471 square feet, more or less; and Road Parcel 2 contains 9,776 square feet, more or less according to said Plan 2.

For Grantor's title see Order of Taking recorded with said deeds in Book 644, Page 241. Grantor conveys Parcel B, and Road Parcels 1 and 2 to Grantee pursuant to the Town Meeting Votes under Articles 86 and 102 of the 2014 Annual Town Meeting, certified copies of which are attached hereto and Chapter 217 of the Acts of 2014.

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

Remainder of Page is Intentionally Left Blank

Executed under seal this ____ day of _____, 2014.

TOWN OF NANTUCKET
BOARD OF SELECTMEN

Rick Atherton

Robert DeCosta

Bruce D. Miller

Matthew G. Fee

Tobias B. Glidden

COMMONWEALTH OF MASSACHUSETTS

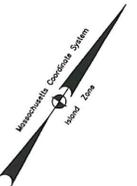
Nantucket, ss

On this ____ day of _____, 2014, before me, the undersigned Notary Public, personally appeared, Rick Atherton, Robert DeCosta, Bruce D. Miller, Matthew G. Fee and Tobias B. Glidden, members of the Town of Nantucket Board of Selectmen and proved to me through satisfactory evidence of identification, which were personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Town of Nantucket Board of Selectmen.

Notary Public
My Commission Expires:

NANTUCKET REGISTRY OF DEEDS
Date: 07.23.2010
Time: 11:15 AM
Plan No.: 2010-35
Attorney: *Yvonne H. Fenech*
RESERVED FOR REGISTRY USE

Sheet 1 of 1



- LEGEND**
- DENOTES EXIST. WETLAND DELINEATION BY OUR RESEARCH LABORATORY, INC.
 - ▣ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 - CRB DENOTES COUNTY ROAD BOUND FOUND
 - SSM DENOTES STEEL SURVEY MARKER FOUND
 - MAG DENOTES MAG. NAIL FOUND
 - ⊕ DENOTES EXIST. CATCHBASIN
 - ⊙ DENOTES EXIST. SEWER MANHOLE
 - ⊖ DENOTES EXIST. UTILITY POLE
 - ⊕ DENOTES EXIST. WATER SHUT OFF
 - ⊕ DENOTES EXIST. WATER METER
 - ⊕ DENOTES EXIST. WATER VALVE

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF PERFORMANCE UNDER ZONING.

Nantucket Planning Board

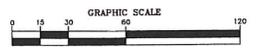
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

[Signature]
DATE SIGNED 08-24-09 FILE # 224

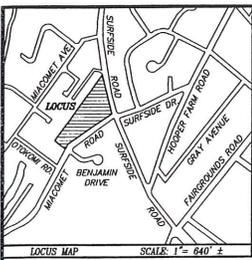
BEING A SUBDIVISION OF LOTS A4, A5, A6 & A7 SHOWN ON PLAN No. 02-04

PLAN OF LAND in NANTUCKET, MA.

prepared for
TOWN OF NANTUCKET
1"=30' AUGUST 20, 2009



DES./DRW.: P80
APPROVED: JLB
SHEET 1 OF 1 **B6922**



CURRENT ZONING CLASSIFICATION:
Residential 10 (R-10)

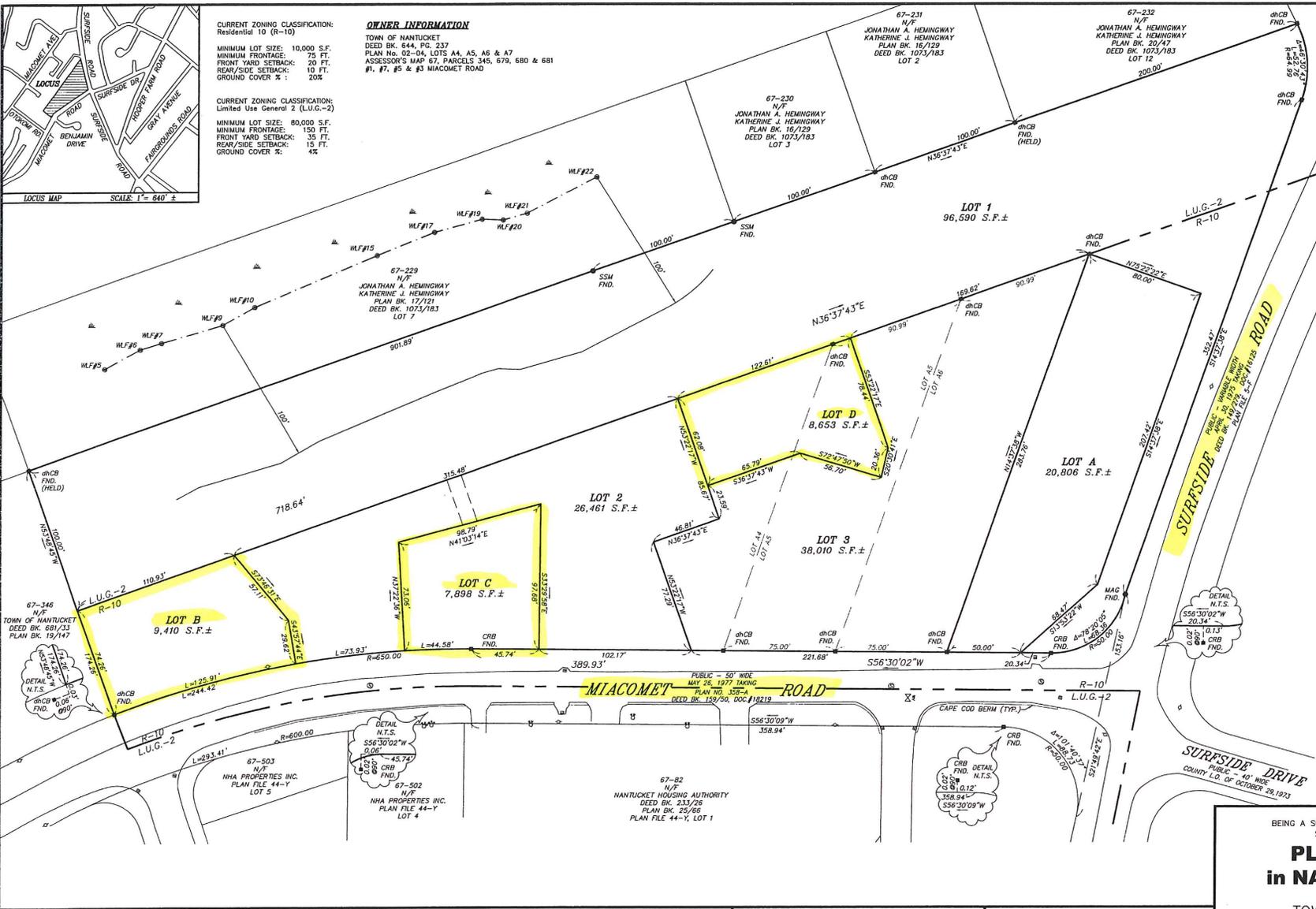
MINIMUM LOT SIZE: 10,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 20 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER %: 20%

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)

MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER %: 4%

OWNER INFORMATION

TOWN OF NANTUCKET
DEED BK. 644, PG. 237
PLAN No. 02-04, LOTS A4, A5, A6 & A7
ASSESSOR'S MAP 67, PARCELS 345, 679, 680 & 681
#1, #7, #5 & #3 MIACOMET ROAD



NOTE:
LOTS A, B, C & D ARE SHOWN PER ARTICLE 67, 2008 ANNUAL TOWN MEETING.

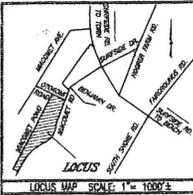
THE PLANNING BOARD DETERMINES THAT:
(c) LOT(S) A, B, C & D ARE SUBJECT IN PART TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT, BUT CONTAIN SUFFICIENT LOT AREA AS DEFINED IN THE NANTUCKET ZONING BY-LAW, TO COMPLY WITH APPLICABLE ZONING REQUIREMENTS. A NOTICE OF INTENT MAY BE REQUIRED TO BE FILED WITH THE NANTUCKET CONSERVATION COMMISSION WITH REGARD TO PROPOSED CONSTRUCTION ON SUCH LOT(S).

THE PLANNING BOARD DETERMINES THAT:
(c) LOT(S) A, B, C, D, 2 & 3 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 BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

[Signature] 8-20-09
PROFESSIONAL LAND SURVEYOR DATE

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



LOCUS MAP SCALE: 1" = 1000'

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)
MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER %: 4%

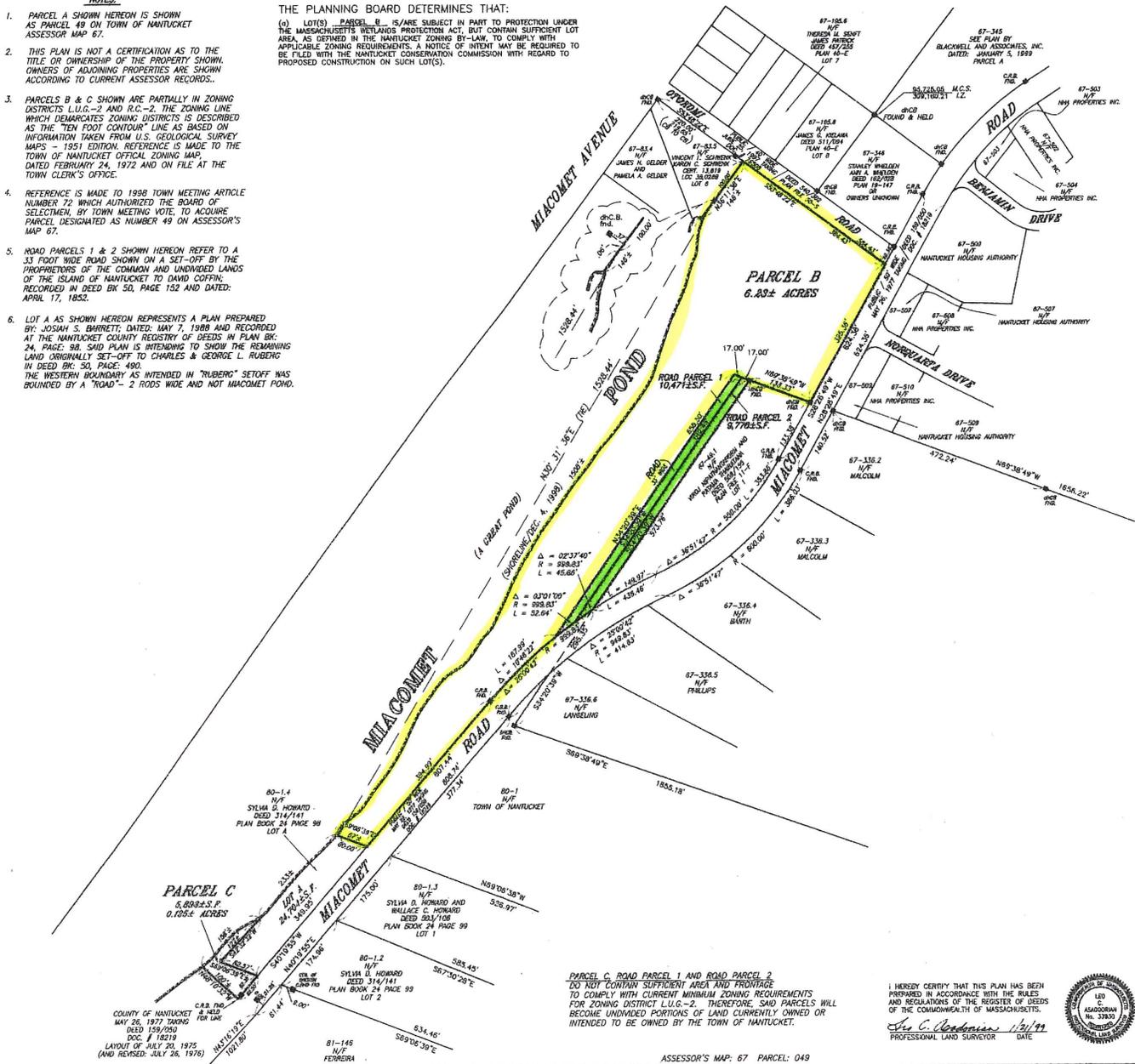
CURRENT ZONING CLASSIFICATION:
Residential Commercial (RC-2)
MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 40 FT.
FRONT YARD SETBACK: 20 FT.
REAR/SIDE SETBACK: 5 FT.
GROUND COVER %: 50%

NOTES:

1. PARCEL A SHOWN HEREON IS SHOWN AS PARCEL 49 ON TOWN OF NANTUCKET ASSESSOR MAP 67.
2. THIS PLAN IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.
3. PARCELS B & C SHOWN ARE PARTIALLY IN ZONING DISTRICTS L.U.G.-2 AND RC-2. THE ZONING LINE WHICH DEMARCATES ZONING DISTRICTS IS DESCRIBED AS THE "TEN FOOT CONTOUR" LINE AS BASED ON INFORMATION TAKEN FROM U.S. GEOLOGICAL SURVEY MAPS - 1951 EDITION. REFERENCE IS MADE TO THE TOWN OF NANTUCKET OFFICIAL ZONING MAP, DATED FEBRUARY 24, 1972 AND ON FILE AT THE TOWN CLERK'S OFFICE.
4. REFERENCE IS MADE TO 1988 TOWN MEETING ARTICLE NUMBER 72 WHICH AUTHORIZED THE BOARD OF SELECTMEN BY TOWN MEETING VOTE TO ACQUIRE PARCEL DESIGNATED AS NUMBER 49 ON ASSESSOR'S MAP 67.
5. ROAD PARCELS 1 & 2 SHOWN REFER TO A 33 FOOT WIDE ROAD SHOWN ON A SET-OFF BY THE PROPRIETORS OF THE COMMON AND UNDIVIDED LANDS OF THE ISLAND OF NANTUCKET TO DAVID COFFIN, RECORDED IN DEED BK 50, PAGE 152 AND DATED: APRIL 17, 1852.
6. LOT A AS SHOWN HEREON REPRESENTS A PLAN PREPARED BY JOSIAH S. BARRETT, DATED: MAY 7, 1888 AND RECORDED AT THE NANTUCKET COUNTY REGISTRY OF DEEDS IN PLAN BK. 24, PAGE 98. SAID PLAN IS INTENDING TO SHOW THE REMAINING LAND ORIGINALLY SET-OFF TO CHARLES & GEORGE L. RUBERG IN DEED BK. 50, PAGE 490. THE WESTERN BOUNDARY AS INTENDED IN "RUBERG" SET-OFF WAS BOUNDED BY A "ROAD" - 2 RODS WIDE AND NOT MACOMET POND.

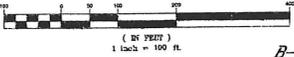
THE PLANNING BOARD DETERMINES THAT:

(a) LOT(S) PARCEL B IS/ARE SUBJECT IN PART TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT, BUT CONTAIN SUFFICIENT LOT AREA AS DEFINED IN THE NANTUCKET ZONING BY-LAW TO COMPLY WITH APPLICABLE ZONING REQUIREMENTS. A NOTICE OF INTENT MAY BE REQUIRED TO BE FILED WITH THE NANTUCKET CONSERVATION COMMISSION WITH REGARD TO PROPOSED CONSTRUCTION ON SUCH LOT(S).



PARCEL C, ROAD PARCEL 1 AND ROAD PARCEL 2 DO NOT CONTAIN SUFFICIENT AREA AND FRONTAGE TO COMPLY WITH CURRENT MINIMUM ZONING REQUIREMENTS FOR ZONING DISTRICT L.U.G.-2. THEREFORE, SAID PARCELS WILL BECOME UNDIVIDED PORTIONS OF LAND CURRENTLY OWNED OR INTENDED TO BE OWNED BY THE TOWN OF NANTUCKET.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
Sheila C. Rodriguez 1/21/89
 PROFESSIONAL LAND SURVEYOR DATE



NANTUCKET REGISTRY OF DEEDS
 Date: Dec. 20, 1989
 Time: 11:18 AM
 Plan Bk.: Pg.:
 Plan File: 56-D
 Attest: *James J. Vello*
 Register
 RESERVED FOR REGISTRY USE

Nantucket Planning Board
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
Michael Deane
James Barron
 1-25-89
 1-25-89
 DATE SIGNED FILE # 6325

NANTUCKET BOARD OF SELECTMEN
 Being a majority:
John J. Scarsch
Timothy J. Brennan
James J. Vello
Debbie Ann Small
 Date:

PLAN OF LAND
 IN
 NANTUCKET, MASS
 PREPARED FOR
 TOWN OF NANTUCKET
 SCALE: 1" = 100' DATE JANUARY 6, 1989
 BLACKWELL and ASSOCIATES, Inc.
 Professional Land Surveyors
 6 YOUNG'S WAY
 NANTUCKET, MASS. 02554
 (508) 228-9028

Preliminary Town Admin Recs for FY 16 Capital Project Requests
as of 09/25/14

Dept	Item Submitted	Amount	Funding Source	Recommendation	Comments
GENERAL FUND					
Police	Upgrade of UPS in Data Center	\$95,000	GF	Recommended - Tier 1	
	Subtotal Police	\$95,000			
Police/Fire	Server, PC replacements	\$50,000	GF	Recommended - Tier 1	
	Subtotal Police/Fire	\$50,000			
Police/Marine	Renovation Town Pier Office Bldg/Public Restrooms	\$1,200,000	GF	Recommended - Tier 1	
Police/Marine	Town Pier/Timber Repairs	\$350,000	Waterways	Recommended - Tier 1	
	Subtotal Police/Marine	\$1,550,000			
DPW	Consue Springs/Harbor Outfall Stormwater Improvements	\$3,500,000	GF	Recommended - Tier 1	
DPW	Update Stormwater Master Plan	\$500,000	GF	Recommended - Tier 1	
DPW	Baxter Rd - Alt Access Construction	\$500,000	GF	Recommended - Tier 1	<i>Can repay thru betterments; wouldn't borrow until needed</i>
DPW	Boulevard Reconstruction	\$1,000,000	GF	Recommended - Tier 1	
DPW	Road Repairs/Maintenance	\$900,000	GF	Recommended - Tier 1	
DPW	Replacement Street Sweeper	\$150,000	GF	Recommended - Tier 1	
DPW	Replacement Pick-up Trucks (2) w/Plows	\$100,000	GF	Recommended - Tier 1	
DPW	Replacement Wood Chipper	\$50,000	GF	Recommended - Tier 1	
	Subtotal DPW	\$6,700,000			
DPW/Emerg Mgt	Repairs to Easy St Bulkhead	\$1,200,000	GF/State Loan/Grant	Recommended - Tier 1	
	Subtotal DPW/Emerg.Mgt	\$1,200,000			
Planning/DPW	Extension of multi-use path: Hummock Pond Rd bike path to Vestal St	\$530,000	GF: partial offset by HP BP gift acct	Recommended - Tier 1	

DRAFT

Preliminary Town Admin Recs for FY 16 Capital Project Requests
as of 09/25/14

Dept	Item Submitted	Amount	Funding Source	Recommendation	Comments
Planning/DPW	Prospect St sidewalk: end of existing bike path to intersection at Prospect/Milk/Quaker	\$380,000	GF	Recommended - Tier 1	
Planning/DPW	ADA Improvements	\$50,000	GF	Recommended - Tier 1	
Planning/DPW	Sparks Ave sidewalk improvements: Round-about to Rotary	\$95,000	GF	Recommended - Tier 2	
Planning/DPW	Bartlett Rd multi-use path improvements: Surfside Rd to Mizzenmast	\$500,000	GF	Recommended - Tier 1	
Planning/DPW	Subtotal Planning/DPW	\$1,555,000			
Town Admin	Repairs to Town Bldg	\$250,000	GF	Recommended - Tier 1	
Town Admin	Design for replacement admin bldg at 2 FG	\$400,000	GF	Recommended - Tier 1	
Town Admin	20 S Water St renovation/expansion	\$7,000,000	GF	Recommended - Tier 1	Cost increasing annually
Town Admin	Continuation of electronic data mgt system	\$100,000	GF	Recommended - Tier 1	
Town Admin	Facility Security Upgrades Review	\$50,000	GF	Recommended - Tier 1	
Town Admin	Contribution toward Pond Harvester	\$50,000	GF	Recommended - Tier 1	
	Subtotal Town Admin	\$7,850,000			
Fire	Plan Completion, Construction & Assoc Costs for New Station at 4 FG	\$14,700,000	GF	Recommended - Tier 1	Cost increasing annually
Fire	Replacement of Scott Air Packs	\$50,000	GF	Recommended - Tier 1	
Fire	Replacement Admin Vehicle	\$35,000	GF	Recommended - Tier 1	
	Subtotal Fire Dept.	\$14,785,000			
IT/GIS	Desktops, Printers Replacement	\$50,000	GF	Recommended - Tier 1	
	Subtotal IT/GIS	\$50,000			
Dept	Item Submitted	Amount	Funding Source	Recommendation	Comments
Natural Resources	Replacement Vehicle	\$40,000	GF	Recommended - Tier 1	
	Subtotal Natural Resources	\$40,000			
School	NES Emergency Generator Replacement	\$200,000	GF		
School	CPS Modular Classroom	\$300,000	GF		
School	Central Office Modular Office	\$300,000	GF		
School	NHS Window Replace./Phase II	\$100,000	GF		
School	Backus Lane Storage Building	\$150,000	GF		
School	New School	\$30,000,000	GF		
	Subtotal School	\$31,050,000			
TOTAL GF ITEMS		\$64,925,000			
TOTAL GF ITEMS less other funding sources:					

DRAFT

Preliminary Town Admin Recs for FY 16 Capital Project Requests
as of 09/25/14

Proceeds from Real Estate Sales	TBA			
Prior Year Capital Article Reappropriations	TBA			
Free Cash	TBA			
Capital from Operating Budget	\$700,000			
Waterways	\$350,000			
Debt Service from Operating Budget w/in Levy Limit	TBA			
Debt Service from Excluded Debt (if approved)	TBA			
DRAFT				
Sale of Fire Station Property IS NOT included in here -- but could be factored in to offset cost of new station				
NOTES:				
1 -- 1 citizen request "submitted" pertaining to dredging at Pocomo: Not Recommended or included here				
2 -- VSAC submitted request for \$100,000 for Cisco Beach bathhouse; not supported by Land Bank; not supported by Town Admin				

Preliminary Town Admin Recs for FY 16 Capital Project Requests
as of 09/25/14

Dept	Item Submitted	Amount	Funding Source	Recommendation	Comments
ENTERPRISE FUNDS					
Airport	Purchase New High Speed Snow Blower/Plow	\$917,000	AP/Grants		
Airport	Ramp Rehab	\$1,012,500	AP/Grants		
Airport	Environmental Impact Report/Prof Services	\$500,000	AP/Grants		
Airport	FBO Relocation/Site Rehab	\$55,000	AP		
Airport	1988 Loader Overhaul	\$60,000	AP		
Airport	Fuel Truck Regeneration Pad	\$50,000	AP		
Airport	GSE Garage Design	\$60,000	AP		
Airport	Purchase new Lektro Aircraft Tug	\$125,000	AP		
Airport	Paint/Repair Fuel Farm Pipes	\$100,000	AP		
Airport	Purchase of Passenger Stair Truck	\$85,000	AP		
Airport	Purchase New Utility Vehicle	\$65,000	AP		
Airport	Subtotal Airport	\$3,029,500	Offsets from Fed/State grants		
Our Island Home	Design for New Facility	\$500,000	OIH/GF		
Our Island Home	Repair/Replace Boiler & related systems	\$220,000	OIH		
Our Island Home	Install Central Heat Recovery System	\$190,000	OIH		
Our Island Home	Replace Roof	\$207,000	OIH		
Our Island Home	Purchase of New Resident Transport Vehicle	\$60,000	OIH		
	Subtotal OIH	\$1,177,000			
Sewer	Baxter Road Alternate Access Sewer Design	\$250,000	SEF/GF		Can be bettered
Sewer	Surfside WWTF Modifications	\$8,800,000	SEF		
Sewer	Surfside WWTF Pump Station Upgrade	\$100,000	SEF		
Sewer	Subtotal Sewer	\$9,150,000			
Solid Waste	Continuation of Landfill Mining (6th Year)	\$700,000	GF		
Solid Waste	Additional Lined Landfill Cell Engineering & Cons	\$1,000,000	SWEF		
Solid Waste	Subtotal Solid Waste	\$1,700,000			
					?
Wannacomet	Replacement of Wyer's Valley tubular wellfield	\$1,750,000	WWCO		
Wannacomet	Replacement of Admin & Op Facilities	\$3,500,000	WWCO		
Wannacomet	Subtotal WWCO	\$5,250,000			
	SUBTOTAL ALL EF	\$20,306,500			
	Less funding sources	(\$3,508,025)			
	TOTAL EF	\$16,798,475			
Tier 1:	Items that are critical or are about to be; or can be at least partly reimbursed; or are of a public safety nature				
Tier 2:	Items that will be critical or necessary or beneficial to the public; but which could be deferred				
Tier 3:	Items of benefit but which are not critical in nature				
<i>Other consideration criteria: ability of Town to maintain additional infrastructure; condition of current infrastructure/equipment; whether or not the items are mandated</i>					

DRAFT

[DATE] – Please note comments are due by October 10, 2014

Ms. Libby Herland, Project Leader
Eastern Massachusetts National Wildlife Refuge Complex
73 Weir Hill Road
Sudbury, MA 01776

[Via Email - northeastplanning@fws.gov or FAX (978) 443–2898]

RE: Monomoy Refuge Draft CCP/EIS

Dear Ms. Herland:

The Board of Selectmen of the Town of _____ is responding to the request of the US Fish and Wildlife (FWS) for public comment regarding the Monomoy National Wildlife Refuge (MNWR) Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS). Though the MNWR solely lies within the borders of the Town of Chatham, the lands and waters surrounding the MNWR are utilized by all Cape communities. These areas have provided vital fishing grounds for local commercial fishermen as well as important recreational opportunities for generations of Cape Cod residents and visitors.

Among many other issues, the draft CCP/EIS contains two major and troubling assertions concerning the re-defining of ownership and jurisdiction over certain lands and waters adjacent to the MNWR. If implemented, these changes would have a substantial adverse effect on Chatham and its citizens and would likely cause reverberating effects throughout all the Cape communities.

First, the FWS has laid claim to 717 acres of Chatham-owned land know as South Beach. If left unchallenged, those activities which are currently allowed and enjoyed by ALL Cape visitors will be greatly restricted as these lands would now be managed as a federal Wilderness Area. Picnicking, jogging, kite flying and various other beach sports are only a few of the recreational activities that have been enjoyed by the public for many years on South Beach but would now be prohibited under the recommendations of the draft CCP/EIS. We respectfully support Chatham in its claim of their continued ownership and management over all of South Beach.

Second, the FWS now asserts jurisdiction over more than 4,000 acres of waters and submerged lands of Nantucket Sound within the area referred to as the Declaration of Takings (DOT). For hundreds of years, Chatham shellfishermen and Cape Cod fishermen have traditionally harvested fish and shellfish from these waters under the oversight and enforcement of state and local regulations. Both the local and state authorities have historically and successfully managed these fisheries in a sound and sustainable

manner. We are disappointed to read that the FWS now claims jurisdiction over these waters and proposes to prohibit many of the traditional harvesting methods undertaken within these areas; the bounties of which are shared in restaurants and markets throughout the Cape. These fisheries have been properly managed for decades and they contribute to the job security of year-round fishermen and shellfishermen which in turn benefits the economic stability of all of Cape Cod. We, therefore, respectfully support Chatham's contention that both local and state authorities maintain management over the shellfishing and fishing activities within the DOT and we DO NOT support the FWS unfounded claim of jurisdiction of these waters.

The Town of Chatham has indicated that they are willing to work with the FWS to resolve these issues in a manner that respects the interests and mission of the FWS and the wilderness character of the lands. However, these efforts must recognize the continued management and rights presently held by both the Town and the Commonwealth. We support Chatham's position and would urge you to reconsider those proposals that dramatically alter the historical boundary delineations, and work cooperatively with Chatham prior to the issuance of a final CCP/EIS.

Thank you.

Sincerely,

Cc: Senator Elizabeth Warren
Senator Edward Markey
Representative William Keating
State Senator Dan Wolf
State Representative Sarah Peake
Chatham Board of Selectmen

From: John Giorgio <JGiorgio@k-plaw.com>
Date: September 22, 2014 at 11:59:32 AM EDT
To: Libby Gibson <LGibson@nantucket-ma.gov>
**Subject: RE: Follow-up from CC Selectmen & Councilors Association Meeting of 9/12;
Request by Chatham for Comments on the Monomoy Comprehensive Management Plan**

Hi Libby;

I don't see any legal reason why the Board should not send a letter to FWS.

Although I have not conducted any research to determine whether FWS might have the same basis to claim ownership rights to historic fishing and shell fishing areas used by residents of Nantucket, my understanding from just reading about this issue in the Chatham newspaper is that FWS is taking a very aggressive posture with respect to its assertion of rights in the waters off of Chatham by virtue of the Monomoy National Wildlife Refuge. If the FWS is successful in Chatham (which just appropriated \$300,000 to fight the FWS), there is no telling how far they might push similar claims that would be adverse to Nantucket. Furthermore, to the extent any Nantucket fishermen have used any of the areas to which FWS now lays claim, the interests of those fisherman would obviously be adversely impacted as well.

John

John W. Giorgio, Esq.
Kopelman and Paige, P.C.

Chapter 209

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Fourteen

AN ACT ESTABLISHING THE NANTUCKET MOSQUITO CONTROL PROJECT.

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

SECTION 1. Notwithstanding section 2 of chapter 169 of the acts of 1965 or any other general or special law to the contrary, the area included in the county and town of Nantucket is hereby constituted a mosquito control project under section 5A of chapter 252 of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section 5A of said chapter 252 and the improvements herein authorized shall be undertaken under the identifying name of the Nantucket Mosquito Control Project.

SECTION 2. There shall be a commission as provided in section 5A of chapter 252 of the General Laws which shall consist of 5 members. The members shall be appointed by the board of selectmen, subject to approval of the state reclamation board. Of the members first appointed hereunder, 1 shall be appointed for a term of 1 year, 1 shall be appointed for a term of 2 years, 1 shall be appointed for a term of 3 years, 1 shall be appointed for a term of 4 years and 1 shall be appointed for a term of 5 years. Each member shall serve until their respective successors are appointed and qualified. Upon the expiration of the term of any member, a successor shall be appointed in like manner for a term of 5 years. The commission shall elect its own chairperson and clerk and shall keep accurate records of its meetings.

House of Representatives, July 24, 2014.

Passed to be enacted,

Paul Donato, Speaker.

In Senate, July 24, 2014.

Passed to be enacted,

Kevin Dwyer, President.

3 July, 2014.
Approved,

[Signature]
Governor.

Mosquito Control Advisory Committee

Kenneth Giles		2014
Charles Stott		2014
Kara Buzanoski	DPW	2014
Helene M. Weld, RN	Board of Health rep.	2014
Sarah Oktay	ConCom rep	2014

From: [Madden, Timothy - Rep. \(HOU\)](#)
To: [Rick Atherton](#)
Cc: [Libby Gibson](#); [Erika Mooney](#)
Subject: Telecom collocation language in economic development bond bill
Date: Wednesday, August 20, 2014 11:26:06 AM
Attachments: [Letter to Econ Dev conference committee re. wireless antenna and Chappy broadband amendments 7.16.14.docx](#)

Rick,

In response to the Board of Selectmen's letter dated August 7, 2014, I am writing to let you know that I did support MMA's position on the collocation permit language (sections 74 and 75) that was added to the House version of the economic development bill and advocated for the language to be removed during the conferencing of the bill. It was removed by the conference committee and was not included in the final version of the bill (H.4377). Attached is the letter I sent to the conference committee.

If you have any questions, feel free to give me a call.

All the best,
Tim

July 16, 2014

The Honorable Stephen Brewer
State House, Room 212

The Honorable Joseph Wagner
State House, Room 42

The Honorable Gale Candaras
State House, Room 309

The Honorable Ann-Margaret Ferrante
State House, Room 36

The Honorable Donald Humason
State House, Room 213A

The Honorable Susan Gifford
State House, Room 542

Dear Conference Committee Members,

I am writing in **opposition to Sections 74 and 75 of the House version** of the Economic Development bill, H.4181, ...

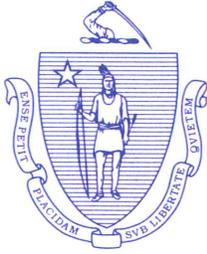
Added through an amendment crafted by the telecommunications industry and adopted by a voice vote, Sections 74 and 75 would give these companies overarching authority to install wireless antennas and equipment in Massachusetts without regard for municipal zoning provisions, ordinances and/or bylaws. Specifically, these sections would allow telecom companies to collocate unlimited new wireless antennas and equipment on any and all existing buildings and structures. To obtain a collocation permit, a provider would simply need to submit an application to the municipality, which would then have only 90 days to review and act on the application and could only deny an application if it fails to meet the state building code. This would allow the telecom companies to bypass any municipal zoning bylaws, including height limits, set-back requirements, or the ability to require aesthetic modifications. This amendment aims to thwart public input, accountability and basic zoning protections that the residents of the Commonwealth expect and deserve. This is merely an attempt by these companies to exact full control over what should be a local and thoroughly vetted process. This language was not included in the Senate version of the legislation and I urge you not to include it in the final bill.

...

I appreciate your consideration of these items.

Sincerely,

Timothy R. Madden
State Representative
Barnstable, Dukes and Nantucket



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR DANIEL A. WOLF

Cape and Islands District

STATE HOUSE, ROOM 511C
BOSTON, MA 02133-1053

TEL. (617) 722-1570

FAX (617) 722-1271

DANIEL.WOLF@MASENATE.GOV

WWW.MASENATE.GOV

Chairman
LABOR AND WORKFORCE DEVELOPMENT

Vice Chairman
STATE ADMINISTRATION AND
REGULATORY OVERSIGHT

ENVIRONMENT, NATURAL
RESOURCES AND AGRICULTURE

COMMUNITY DEVELOPMENT
AND SMALL BUSINESS

PUBLIC SERVICE

TOURISM, ARTS AND
CULTURAL DEVELOPMENT

VETERANS AND FEDERAL AFFAIRS

August 12, 2014

Mr. Rick Atherton, Chairman
Town and County of Nantucket Board of Selectmen
16 Broad Street
Nantucket, MA 02554

Dear Rick,

Thank you for contacting me on behalf of the Nantucket Board of Selectmen with your concerns regarding Senate Bill 2183 and the language on wireless broadband infrastructure upgrades and municipalities that was originally included in House Bill 4181. Since the Board of Selectmen's original vote on June 18th, the House and Senate have produced a compromise economic development bill, House Bill 4377, which no longer includes any of the language in question. This legislation was passed on July 31st.

Senate Bill 2183, "An Act upgrading mobile broadband coverage in the Commonwealth," was released from the Joint Committee on Telecommunications, Utilities, and Energy earlier this year, and is now in the Senate Committee on Ways and Means. Since the formal legislative session has adjourned, this bill will not be heard on the floor of the House or Senate, and will have to be filed again when a new session begins.

I have openly supported the concerns raised by the Massachusetts Municipal Association (Rep. Madden and I sent a joint letter to the conference committee for the economic development bill on July 16, 2014), and will continue to do so if a similar bill comes up in the future. Please do not hesitate to let me know if you have any other questions.

Sincerely,

Daniel A. Wolf

State Senator

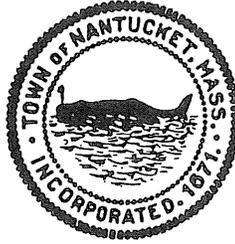
Cape and Islands



✓ BOS ✓ Avorce ✓ RF

Town and County of Nantucket
Board of Selectmen • County Commissioners

Rick Atherton, Chairman
Robert R. DeCosta
Matt Fee
Tobias Glidden
Bruce D. Miller



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

August 7, 2014

Senator Daniel A. Wolf
State House, Room 511B
Boston, MA 02133

Representative Timothy R. Madden
State House, Room 167
Boston, MA 02133

Dear Senator Wolf and Representative Madden:

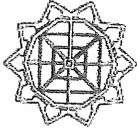
The Nantucket Board of Selectmen, per its June 18, 2014 vote, asks that you please support the Massachusetts Municipal Association's position regarding S. 2183 and the House's economic development bill (Sections 74 and 76 of H. 4181).

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Rick Atherton".

Rick Atherton
Chairman



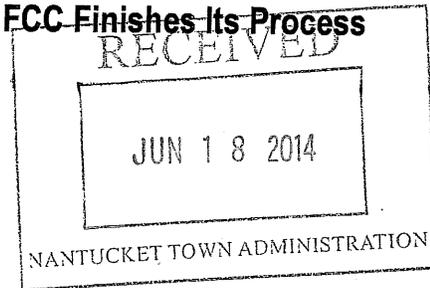
OPPOSE TELECOM INDUSTRY PROPOSALS TO REMOVE LOCAL AUTHORITY IN SITING OF WIRELESS ANTENNAS AND EQUIPMENT

**Industry Legislation in S. 2183 and House Economic Development Bill would Strip Cities,
Towns and Residents of any Effective Site Review of Wireless Facilities**

**The FCC Will Issue Nationwide Siting Standards for Wireless Antennas Later this Year,
and the Legislature Should Not Act until the FCC Finishes Its Process**

June 17, 2014

The Honorable Daniel A. Wolf
Senator
State House, Room 511B
Boston, MA 02133



Dear Senator Wolf,

The telecommunications industry is moving quickly to fast-track legislation to preempt virtually all municipal zoning or control over the siting of wireless antennas and equipment in Massachusetts. We respectfully ask you to oppose this far-reaching effort to prevent cities, towns and citizens from having any effective say in how the build-out of wireless networks impacts their neighborhoods.

These powerful companies are determined to pass a state law that would allow them to place wireless antennas and equipment on virtually any building or structure in any location in any community, and override all municipal zoning bylaws, ordinances, and local authority to protect neighborhoods and the public from unsightly and intrusive antennas.

The Telecom Industry is Pursuing Two Routes

- **The Legislature's Economic Development Bill.** Last week, by a voice vote, House members attached this industry-written language to the House's economic development bill (Sections 74 and 75 of H. 4181), which was passed by the House of Representatives and is now before you in the Senate. With your own economic development bill expected to emerge shortly, it is certain that the wireless telecommunications companies will attempt to attach the same language to override local control.
- **S. 2183 – "An Act Upgrading Mobile Broadband Coverage in the Commonwealth."** This stand-alone bill with language identical to Sections 74 and 75 of the House economic development bill has also been sent from the Committee on Telecommunications and Energy, and is now before the Senate Ways and Means Committee.

The Telecom Industry Bill Would Override All Local Decision-Making

S. 2183 and Sections 74 and 75 of the House economic development bill would allow telecommunications companies to "collocate" unlimited new antennas and equipment on any and all existing buildings and structures, regardless of the impact on neighborhoods or interference with public right-of-ways.

The legislation would allow all wireless telecommunications companies to install or upgrade wireless antennas and equipment on any building or structure in Massachusetts. These structures could include commercial or residential buildings, water towers, billboards and even homes – with NO effective local government authority to regulate. The telecom companies could ignore all municipal zoning provisions, ordinances and bylaws – including height limits, set-back requirements, or the ability to require aesthetic modifications to ensure the antennas and equipment blend in.

Municipalities would also have no recourse to ensure that unused or abandoned facilities must be removed in the future. The wireless telecommunications provider would only need to comply with the state building code, which is simply a technical construction standard.

The measure envisions no role for the general public, and fails to recognize that citizens have a right to basic zoning protections that guarantee accountability on the part of developers.

Under this proposal, in order to obtain a “collocation” permit, a mobile broadband provider would merely need to submit an application to the appropriate issuing authority in a municipality, and the city or town would have only 90 calendar days to review and act upon the “collocation” application, and could only reject applications that fail to meet the state building code. Under the language of the bill, telecom companies could start the “90-day shot clock” by submitting incomplete applications, and have up to 45 days to complete their submissions, leaving cities and towns only 45 days to review a completed application. If a municipality does not complete its review 90 days from the start of the “shot clock,” applicants could immediately go to court to compel the issuance of a license, short-circuiting the local process. This irresponsible provision would in no way benefit the community.

The cities and towns of the Commonwealth strongly support expanding and upgrading wireless telecommunications services throughout the state for the benefit of consumers, but the expansion simply cannot come at the expense of the quality of life for residents.

Specific provisions of the telecom industry’s legislation include:

- No zoning ordinance or bylaw could regulate, restrict or prohibit collocation of wireless facilities on existing structures in any way inconsistent with the industry legislation;
- The issuing authority of a city or town must grant approval of all applications for the “collocation” of wireless antennas and equipment on any existing building or structure (except utility poles), as long as the application complies with the state building code;
- Cities and towns must also approve all applications to expand existing stand-alone cell towers (including monopoles), unless the proposals would increase the height or width of the tower by more than 10 percent or 20 feet (whichever is more) – which means that the industry could take a current monopole with antennas hidden inside and attach a 20-foot wide antenna, and go up 20 feet, and communities would have NO say regarding this complete change of appearance;
- The issuing authority has only 90 days to approve the application – if cities and towns take longer than 90 days, then the telecom companies could immediately go to court, with approval virtually assured because the court’s only standard would be compliance with the state building code, and NO local bylaws, ordinances or zoning provisions would be allowed;
- Communities could NOT require companies to remove obsolete, abandoned or unused antennas and equipment;
- Telecom companies could even bypass local Historic Commissions and install antennas inside local historic districts, as long as the targeted building is not listed on the register of historic structures (it

could be right next to a listed building!), and could even get clearance from the state historic preservation officer to put an antenna directly on a building that is listed on the register; and

- Communities could not require a higher fee for reviewing an application than for other types of commercial applications, and fees for technical consulting would be capped at \$1,000.

The FCC is Promulgating National Standards on Wireless Antenna Siting – But the Telecomm Industry is Working Feverishly to Win More Favorable Rules in Massachusetts

In 2012, Congress and the President enacted “The Spectrum Act” that will implement a nationwide uniform process for the collocation of wireless antennas and equipment. At this moment, the FCC is promulgating final regulations (FCC 13-122) that will govern the build-out of the wireless telecommunications network, and it is expected that the FCC will give industry its often-stated top goal of a time-limited expedited application process. The FCC has received detailed input from all stakeholders in this process, including industry and municipal organizations. It is expected that the FCC will issue its final rules later this year.

Why is the telecom industry jumping to Massachusetts and other states to win a complete override of local zoning, when the FCC is on the verge of issuing its decision? The answer is clear: the FCC may give deference to local zoning rules, and allow cities and towns to act in the public interest. In particular, the FCC could allow municipalities to have zoning provisions, ordinances and bylaws on height limits, set-back requirements, or the ability to require aesthetic modifications to ensure the antennas and equipment blend in. In effect, the telecom industry wants to preempt all local rules AND preempt any FCC provisions to protect municipal authority and public input.

The Legislature should reject this fast-track attempt by the wireless industry to ignore the FCC process, and instead wait until the federal government issues its final rules on uniform national standards later this year.

Please oppose any attempt to pass S. 2183 or any amendment to the Senate’s economic development bill that would strip cities and towns of the ability to regulate wireless antennas. The Legislature should wait until the FCC makes its final ruling on national standards. If you have any questions, please do not hesitate to contact me, Catherine Rollins or John Robertson of the MMA staff at any time.

Thank you very much.

Sincerely,



Geoffrey C. Beckwith
Executive Director

cc: The Chief Municipal Officials in Aquinnah, Barnstable, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Gosnold, Harwich, Mashpee, Nantucket, Oak Bluffs, Orleans, Provincetown, Tisbury, Truro, Wellfleet, West Tisbury, and Yarmouth