

## BOARD OF SELECTMEN

Minutes of the Meeting of 4 November 2009. The meeting took place in the Court Room, Town and County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, Allen Reinhard, and Patricia Roggeveen. Chairman Kopko called the meeting to order at 6:01 PM.

### ANNOUNCEMENTS

There will be no Board meetings Wednesday, 11 November 2009 and Wednesday, 25 November 2009.

The Nantucket Boosters Club will be holding the Nantucket High School Homecoming Parade Saturday, 7 November 2009.

The Second Annual Elder Expo will be held Saturday, 7 November 2009 from 10:00 AM to 2:00 PM at Nantucket High School.

November is National Preservation Month and the Town Clerk will be hosting an open house Friday, 13 November 2009 from 11:00 AM to 1:00 PM to display archival documents.

The Nantucket High School girls' field hockey team will be participating in a tournament on Friday, 6 November 2009 at 2:30 PM.

### PUBLIC COMMENT

Marilyn Barrett requested the Board send a letter of friendship to the Chinese government in connection with a trip she is taking to honor her great uncle, a photographer whose glass slides of a trip to China from 1911 are being displayed. The Board consented to do so.

Whitey Willauer, representing the Harbor and Shellfish Advisory Board, said it is holding a public hearing regarding proposed legislation on striped bass on Tuesday, 17 November 2009 at 4:30 PM at the Town Annex.

### APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Minutes of 5 March 2009 at 9:00 AM; 18 March 2009 at 6:00 PM. The minutes of 5 March 2009 at 9:00 AM and 18 March 2009 at 6:00 PM were approved by the unanimous consent of the meeting.

Approval of Payroll Warrant for Week Ending 1 November 2009. The payroll warrant for the week ending 1 November 2009 was approved by the unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for 4 November 2009. Police Chief William Pittman reviewed three Memorandums of Understanding between the Police Department and the Cape Cod Regional Law Enforcement Counsel. The treasury warrant and pending contracts for 4 November 2009 were approved by the unanimous consent of the meeting.

### CITIZEN/DEPARTMENTAL REQUESTS

Nantucket Land Council: Request for Approval of Conservation Restriction to be Held by Nantucket Land Council, Inc. for Portion of Land Located at 12 Sesachacha Road, Nantucket.

Nantucket Land Council Associate Executive Director Lynn Zimmerman spoke in favor of the application, noting the public benefit is protecting scenic views for the public from the road and protecting a component of the historic village of Quidnet. Mr. Chadwick said he feels the height of an existing hedge on the subject property is higher than Town bylaw allows and because of this sees no public benefit. After a brief discussion, Mr. Reinhard moved to approve the conservation restriction for a portion of land located at 12 Sesachacha Road, and to find that the restriction is in the public interest; Ms. Roggeveen seconded. So voted 4-1. Mr. Chadwick was opposed.

Nantucket Surveyors LLC: Request for Approval on Behalf of the Applicant, Irvine F. Holdgate, Jr., for Street Name Approval of Unnamed Way in 'Sconset. Elizabeth Maury of Nantucket Surveyors spoke in favor of the application, noting the requested street name for the unnamed way between Burnell Street and West Sankaty Road is "Sunset Ridge". Mr. Reinhard moved to approve naming the unnamed way "Sunset Ridge" as requested; Ms. Roggeveen seconded. All in favor, so voted.

Planning Office: Request for Formal Acceptance of Various Easements Granted to the Town of Nantucket. John Brescher of the Planning Office said his office is attempting to "tie up loose ends" with various real estate transactions and that the five easements in question have never been formally accepted by the Board as required to make the easements take effect, although they have been recorded at the Registry of Deeds. Mr. Chadwick thanked the Planning staff for its research. Mr. Reinhard moved to formally accept the five easements (attached) previously granted to the Town; Ms. Roggeveen seconded. All in favor, so voted.

Nantucket Tree Fund: Request for Acceptance of Gift of \$17,000 for Maintenance of Fifteen Town-owned Trees. Town Manager C. Elizabeth Gibson explained that the Nantucket Tree Fund held a fundraiser during the summer and the proceeds are now being gifted to the Town for the maintenance of specific Town owned trees. Mr. Reinhard moved to accept the gift of \$17,000 from the Nantucket Tree Fund for the maintenance of fifteen Town-owned trees; Ms. Roggeveen seconded. All in favor, so voted.

Roads and Right of Way Committee: Request for Acceptance of Gifts totaling \$2,168 in Connection with Founders Burial Ground Women's Monument. Allen Reinhard, representing the Roads and Right of Way Committee, spoke in favor of the request, noting that there have been over 400 donors to date and that the dedication of the new Women's Monument will be held Sunday, 6 December 2009 at 2:00 PM at the Founders Burial Ground. Mr. Atherton moved to accept the gifts totaling \$2,168 for the Women's Monument; Mr. Reinhard seconded. All in favor, so voted.

Request for Declarations of Surplus Property: 34 Nobadeer Avenue Pursuant to Vote on Article 85 of 2009 Annual Town Meeting; 6 Clifford Street Pursuant to Vote on Article 90 of 2009 Annual Town Meeting; Portions of Miller Lane Pursuant to Vote on Article 25 of 2006 Special Town Meeting and Article 105 of 2008 Annual Town Meeting. Ms. Gibson noted that the Board has agreed to issue requests for proposals for the properties in question, and it needs to take the statutory step of declaring them surplus property. Mr. Reinhard moved to declare 34 Nobadeer Avenue, 6 Clifford Street, and portions of Miller Lane surplus property not needed for municipal use; Mr. Atherton seconded. All in favor, so voted.

## TOWN MANAGER'S REPORT

No report.

## SELECTMEN'S REPORTS/COMMENTS

Finalization of Town Manager Performance Evaluation Protocol (continued from 28 October 2009). Chairman Kopko said the Board needs to formally approve the language of the Town Manager's performance evaluation protocol revised from last week's meeting. Ms. Roggeveen moved to approve the Town Manager performance evaluation protocol as revised; Mr. Atherton seconded. All in favor, so voted.

Finalize Scope of Services for Independent Review of Town's Legal Services (continued from 21 October 2009; 28 October 2009). No comments were offered from the Board on the revised version of the scope of services for independent review of the Town's legal services. Chairman Kopko suggested establishing a legal review work group to work with the Town Manager. Mr. Atherton moved to approve the draft scope of services as discussed; Mr. Reinhard seconded. The Board then appointed, by ballot vote, Mr. Reinhard and Mr. Atherton to the legal review work group.

Request to Re-establish Downtown Revitalization Committee; Streets and Sidewalks Advisory Committee. Ms. Roggeveen, at the request of the Downtown Revitalization Committee members, asked the Board to reconvene the committee to more formally be involved with the Wilkes Square redevelopment project and to continue exploring the Business Improvement District concept. Ms. Roggeveen then gave an update on the Wilkes Square project. Mr. Atherton moved to re-establish the Downtown Revitalization Committee; Mr. Reinhard seconded. All in favor, so voted. Mr. Atherton said the Streets and Sidewalks Committee has posted its final report on the Town's website, but in light of a recent application regarding improvements to a certain Town road, would like to see the Streets and Sidewalks Committee become an "advisory" committee to review applications before the Board regarding surfacing of streets and sidewalks, to be managed by the Town Manager. Mr. Reinhard moved to establish a Streets and Sidewalks Advisory Committee consisting of Mr. Atherton as the Board's representative, and a member each (or their designees) of the Planning Board, Conservation Commission, Historic District Commission, and Commission on Disability; Mr. Atherton seconded. All in favor, so voted.

Committee Reports. Mr. Willauer noted members of the Harbor Plan Implementation Committee met and are moving forward with a shellfish management plan. Town Counsel Paul DeRensis said a session today regarding how to draft citizen warrant articles was well attended. Mr. Atherton said the Nantucket Planning and Economic Development Commission met Monday night and discussed a draft letter to the state on its Ocean Management Plan. Chairman Kopko said the Community Preservation Committee has completed its review of applications for FY 2011 and at its next meeting will decide which applications do not meet the criteria for consideration. Mr. Atherton noted that the Capital Program Committee has been meeting regularly.

The meeting was unanimously adjourned at 7:23 PM.

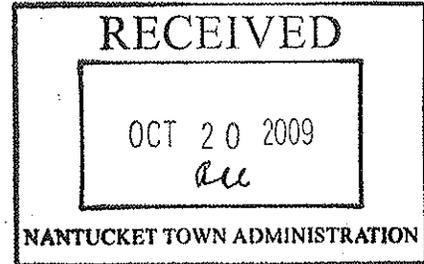
Approved the 6<sup>th</sup> day of January, 2010.



# Nantucket Planning Office

## MEMORANDUM

Date: October 13, 2009  
To: Board of Selectmen  
From: John B. Brescher, ZBA Administrator  
Re: Accepting Easements



Members of the Board of Selectmen,

The following easements have been granted to the Town of Nantucket. In order to effectuate these easements, they must be accepted by the Town of Nantucket. Below are the following easements the Town of Nantucket needs to accept:

Richard H. Brooks and Susan J. Brooks – New Lane and Grove Street. Book 132, Page 42. (July 14, 1969)

Open Land Fund, Inc. – Madaket Road. Book 194, Page 112. (September 10, 1982)

Vernon A. Hilts – 50 Union Street. Book 133, Page 251. (February 24, 1969)

Elizabeth H. Rose – School Street. Book 151, Page 335. (October 31, 1975)

George C. Metcalfe – North Beach Street. Book 170, Page 67. (April 26, 1979)

Respectfully submitted,



John B. Brescher



School Street- Sewer Pipe-Town  
11/3/75

EASEMENT GRANT

I, the undersigned, Elizabeth H. Rose of 1632 32nd Street, N.W., Washington, D.C. the owner of a certain parcel of land in the Town and County of Nantucket, Massachusetts, located at School Street in the Village of Siasconset and bounded and described as follows:

Beginning at the Northeast corner of the granted premises and property of the Town of Nantucket on School Street; thence Westerly, forty-five and 73/100 (45.73) feet to a bound; thence Southwesterly, one hundred twenty and 63/100 (120.63) feet to land formerly of Gouin; thence Southerly by land of said Gouin, twenty-four (24) feet; thence Northeasterly and Easterly by land of Hugh K. Wright et ux to School Street; the Easterly line being forty-five and 73/100 (45.73) feet parallel with the Northerly line first given; thence Northerly by School Street, forty (40) feet to the point of beginning.

In consideration of One Dollar (\$1.00) and other valuable consideration, do herewith for myself, my heirs and assigns grant to the Town of Nantucket a working space easement for the installation and or maintenance of an underground sewer pipe, said easement running in the manner and location as shown on the attached plan drawn by John Shugrue, Reg. Engr., dated October 27, 1975.

This Grant of Easement is conditioned on the said Grantee installing and or maintaining said sewer pipe in a safe, reasonable and workmanlike manner, and in the event it is necessary to disturb the ground surface to accomplish any of the foregoing, to be responsible to see that the property is returned to the condition it was previous to any such disturbance.

IN WITNESS WHEREOF, I, Elizabeth H. Rose, hereunto set my hand and seal this                    day of October, 1975.

Elizabeth H. Rose  
Elizabeth H. Rose

COMMONWEALTH OF MASSACHUSETTS

DISTRICT OF COLUMBIA  
Nantucket, Mass.

October 31, 1975

Then personally appeared the above named Elizabeth H. Rose and acknowledged the foregoing instrument to be her free act and deed before me,

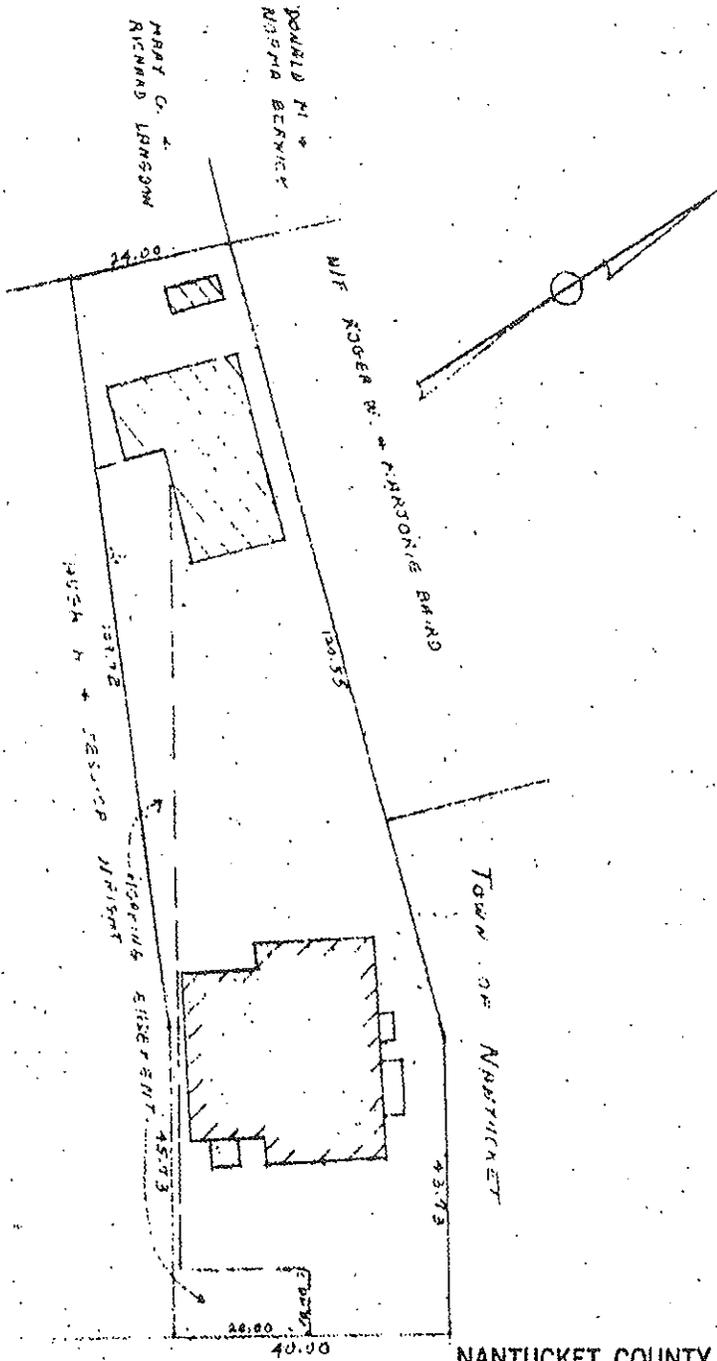
[Signature]  
Notary Public

My Commission Expires June 14, 1978



JAMES K. GLIDDEN, ESQ.  
RICHARD J. GLIDDEN, ESQ.  
OF CENTER STREET  
NANTUCKET, MASS. 02554  
TEL. (617) 234-6771

NOTE: FOR ADDITIONAL RECEIPT,  
LINE DATA SEE PLAN IN  
NANTUCKET REGISTER OF DEEDS  
BOOK 17 PAGE 74



PLAT PLAN OF LAND IN  
SIRSCONSET MASS.  
SHOWING WORKING RESERVEMENT  
SCALE 1" = 20' OCT 27, 1975  
SHUGART + HUNT INC.  
14 SOUTH WATER ST.  
NANTUCKET, MASS.  
PROPERTY OF ELIZABETH H. ROSE

NANTUCKET COUNTY.  
Received and Entered

Attest *Joseph S. Barrett*  
NOV 3 1975 3:40 P.M.

Register

# 129

N. Beach Street-Lots 2&4-Town  
Sewer/Drainage  
4/26/79

EASEMENT

I, the undersigned, GEORGE C. METCALFE, of Nantucket Town and County, Commonwealth of Massachusetts, the owner of lots 4, 5 and Lot 2 on Land Court Plan No. 9545-C, all as shown on a Plan recorded in Plan Book 19, Page 122, at the Nantucket Registry of Deeds, do herewith contract, stipulate and agree, with the Town of Nantucket, Department of Public Works, that there is an Easement appurtenant to the aforesaid Lot 2 for an underground Sewer Service line over that portion of Lot 4 as shown on the Plan attached hereto and made a part of this instrument, and that Lot 4 is subject to said Easement, and would be sold subject thereto.

WITNESS my hand and seal this 26<sup>th</sup> day of April in the year one thousand nine hundred and seventy-nine.

*George C. Metcalfe*  
George C. Metcalfe

COMMONWEALTH OF MASSACHUSETTS

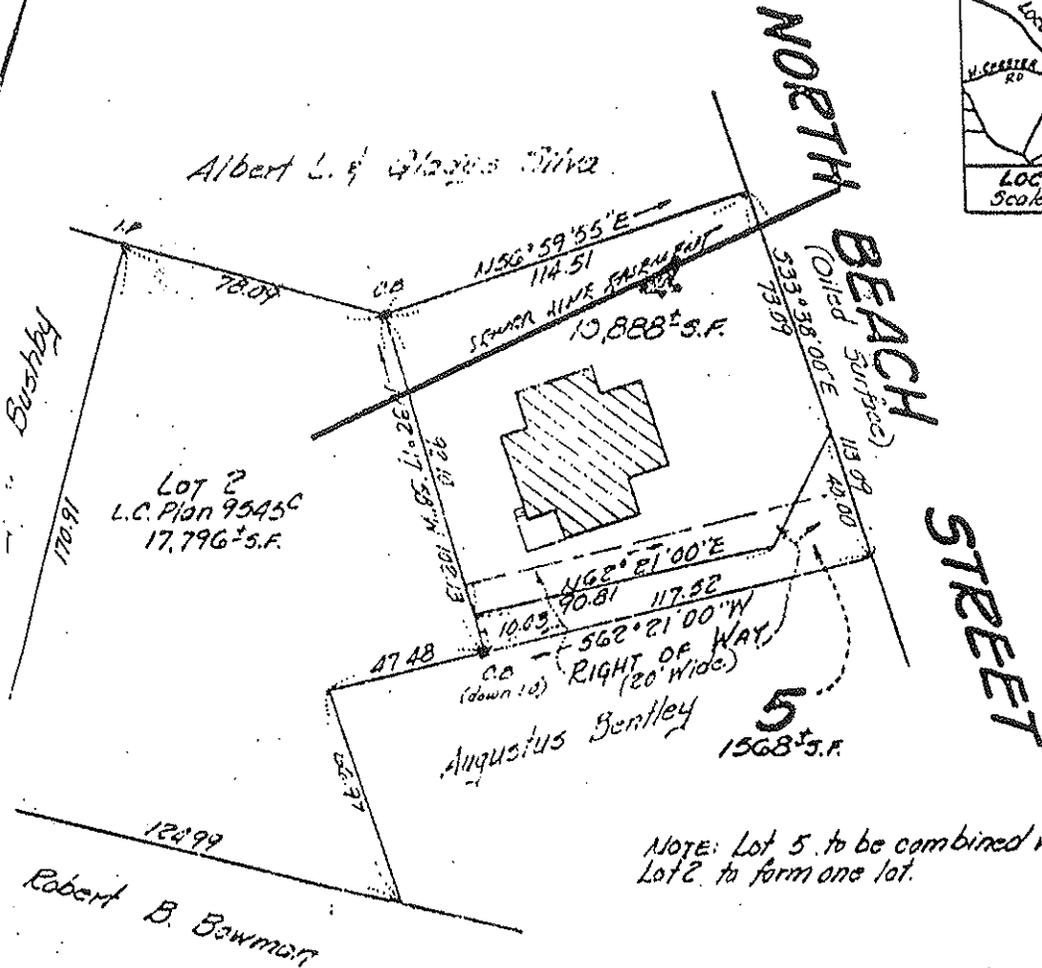
Nantucket, SS.

April 26<sup>th</sup> 1979

Then personally appeared the above named George C. Metcalfe and acknowledged the foregoing instrument to be his free act and deed, before me

*James K. Glidden*  
Notary Public  
My commission expires October 16, 1981

JAMES K. GLIDDEN, Esq.  
RICHARD J. GLIDDEN, Esq.  
87 CENTRE STREET  
NANTUCKET, MASS. 02554  
TEL. (508) 426-0771



NOTE: Lot 5 to be combined with Lot 2 to form one lot.

NANTUCKET COUNTY  
Received and Entered

Attest Joseph S. Bennett  
APR 26 1979  
3:47 PM  
Registrar

Approved under the Subdivision  
Control Law not required.  
NANTUCKET PLANNING BOARD

Joseph S. Bennett  
Registrar

That this plan was prepared in  
accordance with the Rules & Regulations  
governing the Office of Registrars  
of Deeds.

Valent L. ...  
Notary

...

Date: 6/20/79  
Pub. No. 1683

OFFICE OF DEEDS USE ONLY

11 93 AM  
ALL AGED ...  
19 ... 122  
part of 13 ...

PLAN OF LAND  
in  
NANTUCKET  
Property of  
GEORGE METCALF

Scale: 1" = 40' June 14, 1977

50 Union Street-Drainage  
2/25/69

Nantucket ss. February 24 19 69  
Then personally appeared the above-named Gerald E. Eldridge  
and acknowledged the foregoing instrument to be the free act and deed of said Nantucket

Institution for Savings  
NANTUCKET COUNTY  
Received and Entered  
FEB 25 1969 - 9:00 A.M.  
Attest Joseph H. Barrett  
Register

before me,  
*[Signature]*  
Notary Public - Justice of the Peace  
My commission expires Dec 1 1971

EASEMENT GRANT

I, the undersigned VERNON A. HILTS of Nantucket Town and County, Massachusetts, owner of certain property situate at No. 50 Union Street in said Nantucket, Massachusetts, do herewith for valuable considerations, for himself, his heirs and assigns, grant to the Town of Nantucket, a municipal corporation, forever, an easement for the installation and maintenance of an underground surface water drainage system and necessary connections and appurtenances thereto, in, under, through and across the property of the grantor herein to Francis Street.

Together with the right to enter on the said property at any and all reasonable times for the purposes of installing, maintaining, replacing, removing said drainage system and the connections and appurtenances thereto.

This Grant of Easement is conditioned on the said Town of Nantucket doing any of said work in a safe and proper manner and at a sufficient depth and location to not interfere with the use and enjoyment of said property and to be responsible to see that said property is returned to the condition it was before any said work, repairs or maintenance took place.

IN WITNESS WHEREOF, the said VERNON A. HILTS hereunto set my hand and seal this 21st day of February in the year one thousand nine hundred and sixty-nine.

*Vernon A. Hiltz*  
Vernon A. Hiltz

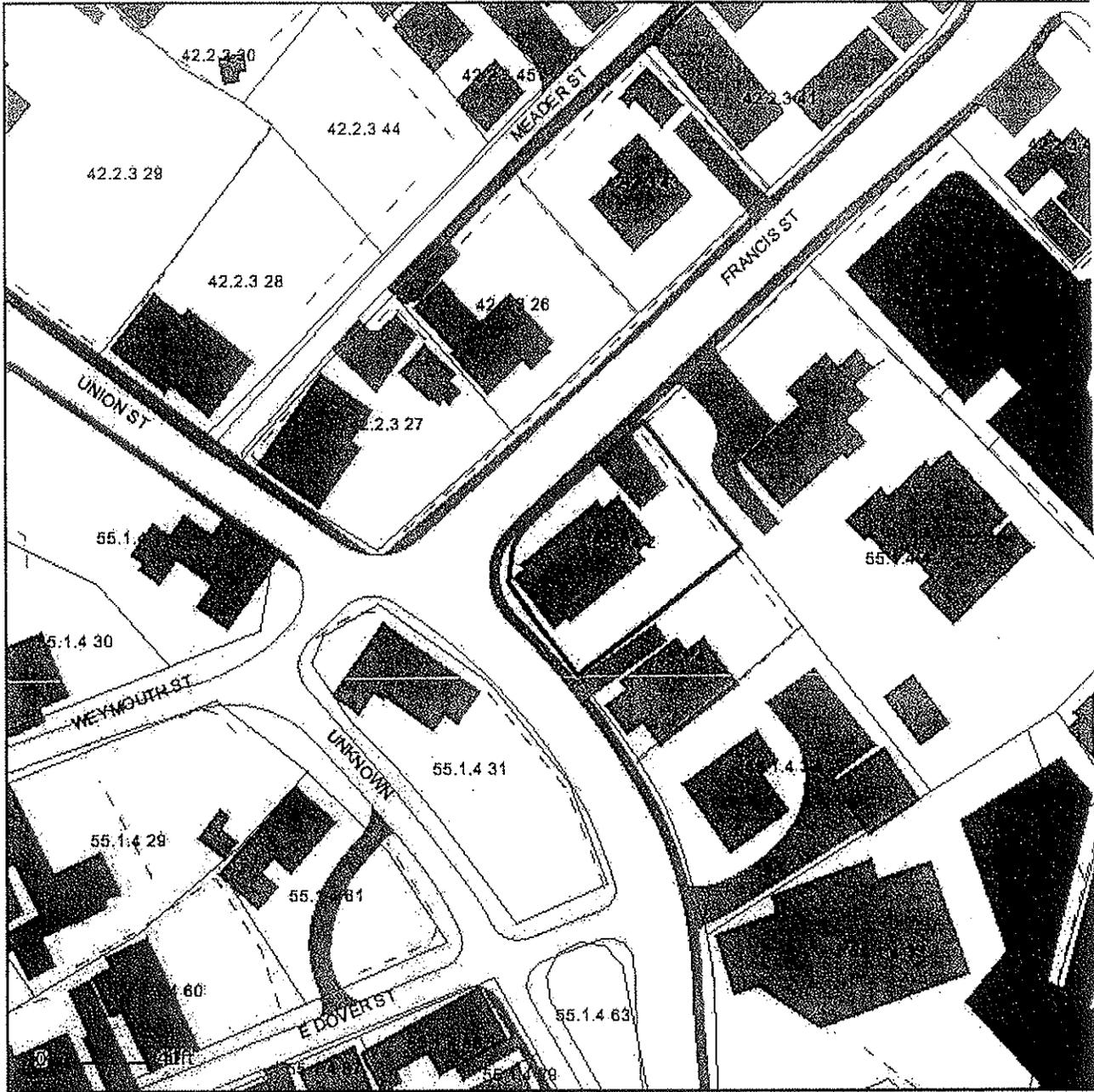
COMMONWEALTH OF MASSACHUSETTS

Nantucket ss. February 21st 1969  
Then personally appeared the above-named Vernon A. Hiltz and acknowledged the foregoing instrument to be his free act and deed, before me

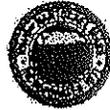
NANTUCKET COUNTY  
Received and Entered  
FEB 25 1969 10:10 A.M. by commission expires 25th 1974  
Attest Joseph H. Barrett  
Register

*[Signature]*  
Notary Public  
My commission expires 25th 1974

# Town of Nantucket Web GIS



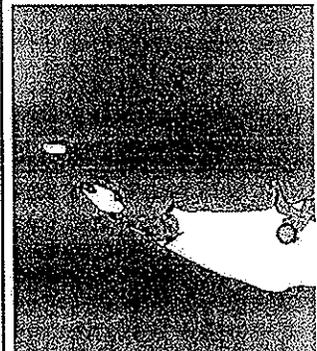
Prop ID	55.1.4 2
Address	50 UNION ST
Owner	BERLYN NICOLE D TRUSTEE UNION STREET TRUST 609 BROWNING LANE WORCESTER, MA 01609
Sale Date	05/07/2002
Sale Price	\$0
Book/Page	00809/0046
Lot Size	0.12 acres



### NOT A LEGAL DOCUMENT

For general reference only; Important caveats which must be considered when using this data are available from the Nantucket GIS Coordinator.

**Disclaimer:** The information displayed on this or any other map produced by The Town of Nantucket is for reference purposes only. The Town of Nantucket does not guarantee the accuracy of the data. Users are responsible for determining the suitability for individual needs. All information is from the Town of Nantucket Geographic Information System (GIS) database.



Town of Nantucket, Mass

Map Composed

Madaket Road-Bike Path-Town  
9/10/82

## GRANT OF EASEMENT

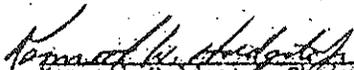
WHEREAS, OPEN LAND FUND, INC., (the "Fund") a Massachusetts corporation organized and existing under Chapter 180 of the General Laws having its place of business at 30 Main Street, Nantucket, Massachusetts, and the County of Nantucket, having its office in Nantucket, Massachusetts, have entered into an agreement dated February 25, 1982.

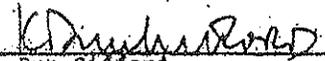
WITNESSETH, that the Fund, for consideration of one dollar and other valuable consideration, hereby grants to the Town of Nantucket a permanent easement, twenty feet wide, the southerly boundary of which is shown on a plan entitled "Plan of Land in Nantucket, Mass.", dated March 1, 1981, by J. E. Marcklinger & Associates, being plan number 35656-B, and being filed with Land Court Certificate No. 9987, and on a plan entitled "Plan of Land in Nantucket, Mass.", dated December 21, 1981, by J. E. Marcklinger & Associates, Inc., said plan being recorded in Plan Book 21, Page 87, for the purposes of constructing and maintaining a bicycle path. Further, the Fund assigns to the Town all of its right in certain easements reserved to the Fund in two deeds from the Fund to Sherburne Associates (Nantucket Registry District Document No. 25057, noted in Certificate Nos. 9560 and 9987, and Nantucket Registry of Deeds Book 189, Page 208).

The Fund also grants the Town a temporary easement over the land between the above-described permanent easement and the layout of Madaket Road for the purposes of constructing the said bicycle path for a period not to exceed three years.

Further, in consideration of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, the Town does hereby give and grant to the Fund, its successors or assigns, the right, privilege, and option to repurchase the easement for the purchase price of one dollar if and only if the Town has not commenced construction of the bicycle path within three years from the date of this instrument. The option to repurchase described in this paragraph shall expire in five years from the date of this instrument.

Witness our hands and seals this 10<sup>th</sup> day of September, 1982.

  
Kenneth Holdgate, Chairman  
Board of Selectmen  
Town of Nantucket

  
K. Dun Gifford  
President and Assistant Treasurer  
Open Land Fund, Inc.

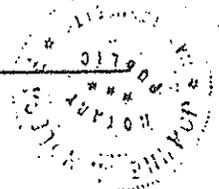
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

*September 9*, 1982

Then personally appeared K. Dun Gifford, a duly authorized representative of OPEN LAND FUND, INC., who acknowledged the foregoing to be his free act and deed, before me.

*James D. Holdgate*  
Notary Public  
My commission expires: *April 2, 1987*



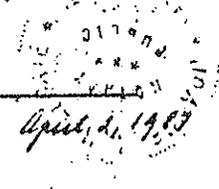
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

*September 9*, 1982

Then personally appeared Kenneth Holdgate, Chairman of the Board of Selectmen for the Town of Nantucket, who acknowledged the foregoing to be his free act and deed, before me.

*James D. Holdgate*  
Notary Public  
My commission expires: *April 2, 1987*



NANTUCKET COUNTY  
Received and Entered

Attest

*Joseph L. Bennett*

SEP 10 1982

2:30 PM

Register

1982

New Lane/Grove Street-Town-  
Drainage  
7/18/69

BOOK 133 PAGE 538

GRANT OF EASEMENT

We, RICHARD R. BROOKS and SUSAN J. BROOKS, husband and wife as tenants by the entirety, of Nantucket, Massachusetts, for consideration paid, grant to TOWN OF NANTUCKET, a municipal corporation in said Nantucket, an easement and right to install, maintain, repair and replace a drainage ditch for the purpose of draining surface water (including rainwater and pond water) upon, over and across the following described property in the Town and County of Nantucket:

A strip of land five feet in width running in a westerly direction from New Lane along the southerly boundary of the grantors' property located on New Lane and Grove Street, as described in a deed recorded in Nantucket Deeds,

Book 132, Page 342.

The grantees shall have the right and responsibility to enter upon the premises at all reasonable and necessary times for the purpose of installing, maintaining, repairing and replacing any ditch, culvert pipe or line for drainage purposes, all without expense to the grantors.

Provided, however, that, in the event the grantees shall not install pipes or culverts underground so that no open ditch remains on the grantors' property, within three years of the date of this instrument, this easement shall, at the option of the grantors, or their successors in title to the premises, be revoked and terminated. Any such installation shall be at the sole expense of the grantees. When and if such underground installation is completed to the satisfaction of the grantors, this ease-

- 2 -

ment shall become permanent, and run with the land.

In witness whereof the grantors have set their hands and seals this  
14<sup>th</sup> day of July 1969.

Richard R. Brooks

Susan J. Brooks