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November 25, 2013

VIA E-MAIL AND OVERNIGHT DELIVERY

Ernest Steinauer
Chair, Conservation Commission
Town of Nantucket
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Public Records Request

Dear Chairman Steinauer:

Pursuant to the Massachusetts Public Records Law, Massachusetts General Laws Chapter 66, Section 10, and on behalf of several unnamed individuals, I request that the Nantucket Conservation Commission provide me with records concerning coastal erosion, including, but not limited to, coastal erosion affecting Baxter Road. This request encompasses all records within the statutory definition of a "public record," *id.* ch. 4, § 7, in whatever form those records were created or maintained, including hardcopy, electronic, and handwritten. Please note that this request includes any responsive records created or maintained in the personal e-mail accounts of every member of the Nantucket Conservation Commission.

Specifically, please provide me with the following records:

- Any and all records concerning Baxter Road, including any proposals to extend, repair, alter, or maintain Baxter Road.
- Any and all communications concerning coastal erosion between any member of the Conservation Commission and any other party, including: Millone & MacBroom; the Nantucket Board of Selectman; the Nantucket Coastal Conservancy and/or any of its members or officers, including D. Anne Atherton and Mike Gillies; and the Nantucket Land Council, including Cormac Collier.

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- Any and all communications regarding Baxter Road between any member of the Conservation Commission and any other party, including: Millone & MacBroom; the Nantucket Board of Selectman; the Nantucket Coastal Conservancy and/or any of its members or officers, including D. Anne Atherton and Mike Gillies; and the Nantucket Land Council, including Cormac Collier.
- Any and all communications regarding the Siasconset Beach Preservation Fund between any member of the Conservation Commission and any other party, including: Millone & MacBroom; the Nantucket Board of Selectman; the Nantucket Coastal Conservancy or any of its members or officers, including D. Anne Atherton and Mike Gillies; and the Nantucket Land Council, including Cormac Collier.
- Any and all fees or expenses charged by the Conservation Commission or any other agency or officer of the Town and County of Nantucket to any other individual who has requested or been provided with any records concerning coastal erosion.
- Any and all fees or expenses charged by the Conservation Commission or any other agency or officer of the Town and County of Nantucket to any other individual who has requested or been provided with any records concerning Baxter Road.

As required by the Public Records Law and its accompanying regulations, I expect the Conservation Commission to comply with this request within ten days.

I understand the budgetary pressures facing the Town and County of Nantucket. Therefore, I authorize any costs or expenses up to \$5,000. Should you estimate that the costs or expenses of complying with this request will exceed \$5,000, please send a good-faith estimate of costs and expenses. Please include with your good faith estimate any and all records showing the actual costs and/or expenses charged to any other individual or entity who has requested or been provided with any records concerning either Baxter Road or coastal erosion.

Should you determine that any of the requested records are maintained by any other agency or officer of the Town and County of Nantucket, I request that you use your superior knowledge to assist in the prompt compliance with this request.

Finally, to the extent that any records concerning coastal erosion and/or Baxter Road, whether currently in existence or created at a future date, are not subject to express retention requirements under the Secretary of State's Municipal Records Retention Manual (2011 ed.), those records shall have continuing administrative use until current coastal erosion concerns are resolved. **Any custodian of a relevant record, including any member of the Conservation Commission who maintains records for a public purpose**

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in a personal e-mail account, must therefore refrain from destroying those records.
My clients reserve the right to pursue any available remedies if any individual violates this retention requirement or any provision of the Public Records Law, including, but not limited to, monetary penalties and possible imprisonment, Mass. Gen. Laws ch. 66, § 15.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Masterman", written over a horizontal line.

James D. Masterman

cc: C. Elizabeth Gibson, Town Manager (by e-mail only)
Erika Mooney, Executive Assistant to the Town Manager (by e-mail only)