

DOCUMENT No. 26291

Nantucket Registry District

DEC 13 1982  
RECEIVED FOR REGISTRATION  
3 O'CLOCK 51 m P.M.

NOTED ON CERTIFICATE NO. 6692  
IN REGISTRATION BOOK 34 PAGE 92

NOTED ON CERTIFICATE NO. 10,333  
IN REGISTRATION BOOK 53 PAGE 183

Attest Margaret C. Pignato  
Assistant Recorder

TRANSFER CERTIFICATE OF TITLE ISSUED  
AND TRANSCRIBED INTO  
REGISTRATION BOOK 53 PAGE 184  
BEING CERTIFICATE NO. 10,334  
NANTUCKET COUNTY REGISTRY DISTRICT

DOCUMENT No. 26291

Nantucket Registry District

DEC 13 1982  
RECEIVED FOR REGISTRATION  
O'CLOCK m M

Deed

NCF  
to  
Town of Nantucket

DEC 13 1982 at 3 o'clock  
and 57 minutes P M  
Received and Entered with  
Nantucket County Deeds.  
Book 196 Page 230  
Attest Orin S. Barrett

Register

COMMONWEALTH OF MASSACHUSETTS



OFFICE OF THE  
TOWN CLERK

Nantucket, ...December... 19 82

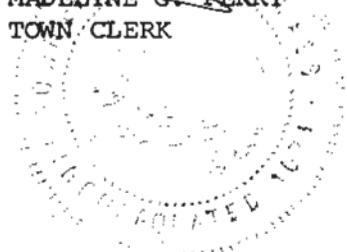
TO WHOM IT MAY CONCERN:

I, MADELYNE G. PERRY, TOWN CLERK FOR THE TOWN OF NANTUCKET, CERTIFY THAT THE ANNUAL TOWN MEETING HELD IN NANTUCKET ON APRIL 7, 1981 VOTED THE ADOPTION OF ARTICLE 109 with THE FOLLOWING CHANGE:

TO SEE IF THE TOWN WILL VOTE TO ACCEPT A GIFT FROM THE NANTUCKET CONSERVATION FOUNDATION OF A CERTAIN REAL PROPERTY SITUATED OFF WAUWINET ROAD, NANTUCKET, SHOWN AS PARCELS 14, 15, AND 16 ON MAP 20 OF ASSESSORS RECORDS.

VERY TRULY YOURS,

*Madelyn G. Perry*  
MADELYNE G. PERRY  
TOWN CLERK



**Article 109**

To see if the Town will vote to accept a gift from the Nantucket Conservation Foundation of a certain real property situated off Wauwinet Road, Nantucket, shown as parcel 14 on map 20 of Assessors records.

15 + 16

Submitted by Board of Selectmen

**WE RECOMMEND** this article.

DEED

NANTUCKET CONSERVATION FOUNDATION, INC., a corporation duly organized and existing under Chapter 180 of the General Laws of Massachusetts, for nominal consideration paid, grants to the TOWN OF NANTUCKET, a municipal corporation duly organized and existing under Massachusetts law, having its usual place of business at Town and County Building, Nantucket, Nantucket County, Massachusetts,

PARCEL ONE

That certain parcel of land situate in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY	two hundred fourteen and 29/100 (214.29) feet,
EASTERLY	forty (40.00) feet, and
NORTHERLY	one hundred seventy-four and 52/100 (174.52) feet, by Lot 42 as shown on the plan hereinafter referred to;
SOUTHEASTERLY	by Old Wauwinet Road, twenty-three and 08/100 (23.08) feet;
SOUTHERLY	by land now or formerly of Louis Coffin, three hundred seventy (370.00) feet; and
WESTERLY	by land now or formerly of William D. Jaffray, sixty and 44/100 (60.44) feet.

Said boundaries have been determined by the Land Court to be as shown on plan numbered 6283-T, by Cape Cod Survey Consultants, dated May, 1973, filed with Certificate of Title

No. 6864 with Nantucket Registry District, and said land is shown thereon as Lot 41.

Said land is conveyed subject to and with the benefit of the restrictions set forth in Certificate of Title No. 6864, to the extent now in force and applicable.

Said land is subject to the easement set forth in Document No. 14511 under Parcel 2.

For title of the grantor, see Certificate of Title No. 10,333 at Nantucket Registry District.

PARCEL TWO

The permanent easement and right to use, in compliance with the restrictions and conditions hereinafter set forth and not otherwise, that portion of the parcel of unregistered land situated in said Nantucket, described as Parcel Two in deed from Donal C. O'Brien, Jr., Trustee, dated November 30, 1982, recorded with Nantucket Deeds, Book 196, Page 219, which lies southerly of the boundary line shown on Land Court Plan 6283-T between Lots 41 and 42 on said plan, two hundred fourteen and 29/100 (214.29) feet long according to said plan, as extended in a straight line having the same bearing to the shore of Polpis Harbor.

The grantor expressly reserves and retains ownership of the fee and soil of Parcel Two and the subordinate estate in said easement.

PARCEL THREE

That certain parcel of land situate in Nantucket, in the Town of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

EASTERLY	by Wauwinet Road, twenty and 51/100 (20.51) feet;
SOUTHERLY	by lands now or formerly of Bernard D. Grossman et ux, about five hundred eighteen (518.±) feet;
WESTERLY	by Polpis Harbor, about twenty (20.±) feet; and
NORTHERLY	by land now or formerly of Henry H. Fay, and by the extension of the Wauwinet Road, about five hundred twelve (512.±) feet.

Said boundaries, except the water lines, have been determined by the Land Court to be located as shown upon plan numbered 9589-C, drawn by Schofield Brothers Inc., Surveyors, dated September 29, 1972, and filed with Certificate of Title No. 6692 at Nantucket Registry District, and said land is shown thereon as Lot 2.

Said Parcel Three is subject to the restrictions set forth in Certificate of Title No. 6692, to the extent now in force and

applicable.

For title of the grantor, see Certificate of Title No. 6692 at Nantucket Registry District.

\*\*\*\*\*

Said Parcels One, Two and Three (together hereinafter referred to as the "Locus") are hereby conveyed to the grantee (hereinafter referred to as the "Town") upon the condition, to which the Town agrees by accepting and recording this deed, that, prior to any use of the Locus by the Town, (a) review of the environmental impact of any proposed or contemplated development by the Town on the Harbor or Marsh area of Nantucket shall be conducted by the Nantucket Conservation Commission, and (b) review of the impact upon traffic safety of such development on the intersection of Wauwinet Road and the access road from Wauwinet Road to Polpis Harbor shall be conducted by the Town's traffic consultant and by the Massachusetts State Police trooper in charge of the Nantucket Barracks. Copies of final reports of such agencies shall be furnished to representatives of the Town, the grantor (hereinafter referred to as the "Foundation"), and all owners of property abutting the Locus, for their review and comment, which review and comment shall be limited to a period of 60 days from receipt of such copies of final reports by all such

parties. The Town agrees to be bound by such development and management recommendations as these reports, as finally set forth, shall provide, and shall use its best efforts to see that any permitted use of the Locus, as hereinafter provided, reflects reasonable consideration of all such comments made upon review.

The Locus is conveyed subject to the following restrictions, which are hereby imposed for the benefit of Nantucket Conservation Foundation, Inc. (hereinafter referred to as the "Foundation"), and which shall inure to the benefit of the Foundation in gross and as appurtenant to the land now or hereafter owned by the Foundation in the vicinity of the Locus, which land shall be deemed to include, but not be limited to, Lot 42 shown on Land Court Plan 6283-T, in which the Foundation holds an undivided interest under Certificate of Title No. 7562 at Nantucket Registry District.

Said restrictions are as follows:

The Town or its successors in title to the Locus may make no use of the Locus, or any portion thereof, except that the Town may develop and use the Locus as an access way or road to Polpis Harbor, a turning area and

parking area for vehicles and trailers, and a boat landing ramp thereon, if, and only if, all of the following conditions are complied with by the Town at all times:

(a) Fencing. The Town, at its expense, shall erect and install, and thereafter maintain and keep in good repair and condition: (a) a vertical board fence, of natural finish, on the north of such access way or road, turning area and landing ramp, from the high water mark of Polpis Harbor and extending 150 feet in length, with a split rail fence, of natural finish, extending from the end of said board fence, on the north of such access way or road, to a point at or near the place where the Locus is closest to Wauwinet Road; and (b) a split rail fence, of natural finish, on the south of such access way or road, turning area and landing ramp, from the high water mark of Polpis Harbor to a point at or near the place where the Locus is closest to Wauwinet Road. Where practical, each such fence shall be at least five feet from the northerly or southerly property line (referring to the fences on the north and south side of the access way or road, turning area and landing ramp, respectively) of the Locus. The fence on each side of the access way or road, turning area and landing ramp shall be of equal height. To the extent that natural

vegetation is not sufficient to screen the Locus from the adjoining properties shown as (a) Lot 42 on Land Court Plan 6283-T, and (b) the remaining portion of the land shown on Land Court Plan 9589-A, the Town shall, at its expense, plant and maintain thereafter a buffer strip of dense shrubbery between said fence and the abutting property lines, of plant species satisfactory to the Foundation.

(b) Cleanliness. The Town shall make a reasonable effort, and shall be obligated to take all reasonable steps necessary, to maintain the Locus in a clean condition, and shall regularly and frequently pick up and remove trash from the Locus. Camping and setting or maintaining of fires shall be prohibited on the Locus.

(c) Appearance. In connection with any development or use of the Locus, the Town shall make a reasonable effort to maintain the natural appearance of the area, including, if practical, the use of non-paved parking and driving surfaces.

(d) Parking. That portion of the Locus lying between Polpis Harbor and any turning area to be constructed upon the Locus shall not be used for parking areas for vehicles or trailers. Overnight parking shall be prohibited on the Locus, and the Town shall make a reasonable effort to promptly remove any vehicle or

trailer left on the Locus for a period of more than 24 hours. The Town, at its own expense, shall erect a sign incorporating the above restrictions on parking.

(e) Signs. Any signs required on the Locus shall be in size and form approved by the Nantucket Historic District Commission and shall be maintained and kept in good repair and condition by the Town.

(f) Management Advisory Group. If the Town shall make any use of the Locus for the purposes herein permitted, the Town shall establish a Management Advisory Group and schedule annual meetings (and such other meetings as shall be necessary) of the same, which shall review public use of the Locus. This Group shall consist of one representative each of the Nantucket Board of Selectmen; the Nantucket Department of Public Works; the Nantucket Conservation Commission; and Nantucket Conservation Foundation, Inc. This Group shall provide non-binding advisory services to the Town in connection with use and management of the Locus.

(g) Commercial Use. No commercial use of the Locus shall be made except for use as a boat landing ramp only, for boats then being actually used for commercial shellfishing purposes. "Commercial use" shall include any use of the Locus in connecton with any business or enterprise, and shall specifically include, but not be

limited to, transient or other food vendors; sale or rental of sailboats, motorboats, or other craft; water taxi services; and scuba-diving operations for hire.

(h) Effect. These restrictions shall take effect immediately and shall bind the Town and its successors in title to the Locus for so long a period of time, including extensions thereto, if effected in accordance with the law, as shall be permitted by applicable laws.

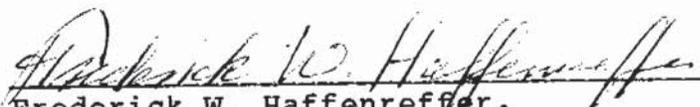
This conveyance is made without monetary consideration, as a transfer from the grantor to the grantee for the public benefit.

In witness whereof, this instrument has been executed and sealed on behalf of Nantucket Conservation Foundation, Inc., by George Allen Fowlkes and Frederick W. Haffenreffer, its President and Treasurer respectively, this sixth day of December, 1982.

NANTUCKET CONSERVATION  
FOUNDATION, INC.

By:

  
\_\_\_\_\_  
George Allen Fowlkes,  
President

  
\_\_\_\_\_  
Frederick W. Haffenreffer,  
Treasurer

STATE OF NEW YORK  
~~COMMONWEALTH OF MASSACHUSETTS~~

New York  
~~Nantucket~~, ss.

December 6, 1982

Then personally appeared the above-named George Allen Fowlkes, President of Nantucket Conservation Foundation, Inc., and acknowledged the foregoing instrument to be the free act and deed of Nantucket Conservation Foundation, Inc., before me,

Mark L. Iron

Notary Public

My commission expires: ~~Notary Public State of New York~~

MARK L. IRON

No. 31-4673095

Qualified in New York County  
Commission Expires March 30, 1984



COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

December 6, 1982

Then personally appeared the above-named Frederick W. Haffenreffer, Treasurer of Nantucket Conservation Foundation, Inc., and acknowledged the foregoing instrument to be the free act and deed of Nantucket Conservation Foundation, Inc., before me,

Arthur I. Reads, Jr.

Notary Public

My commission expires: Dec. 20, 1985

CERTIFICATE OF VOTE

I hereby certify that the following resolution was duly adopted by unanimous vote of the Trustees of Nantucket Conservation Foundation, Inc. (having the powers of Directors under Massachusetts law), at a meeting duly called and held on December 29, 1981, at which a quorum was present and voting:

VOTED: That Nantucket Conservation Foundation, Inc. ("NCF") convey to the Town of Nantucket Lot 41 on Land Court Plan 6283-T, Lot 2 on Land Court Plan 9589-C, and an easement over a portion the land described as Parcel 6 in deed of James K. Glidden, Trustee, recorded with Nantucket Deeds, Book 142, Page 74; and that George Allen Fowlkes, as President, and Frederick W. Haffenreffer, as Treasurer, be and they hereby are authorized and directed to execute and deliver on behalf of NCF a deed conveying such property to the Town of Nantucket, in such form and upon such terms and conditions as they shall approve, their execution and delivery thereof to be conclusive evidence of such approval.

I further certify that George Allen Fowlkes is now the duly elected and qualified President, and Frederick W. Haffenreffer is now the duly elected and qualified Treasurer, of Nantucket Conservation Foundation, Inc., and that the foregoing resolution is now in full force and effect, never having been modified, amended, rescinded or set aside.

Attest:

*Albert G. Brock*

Albert G. Brock  
Assistant Clerk

December 9, 1982

**NANTUCKET COUNTY**  
**Received and Entered**

Attest *Joseph S. Barrett*  
**DEC 13 1982**  
*3:51 PM* Register



2012 00003768

Bk: 1356 Pg: 256 Page: 1 of 3  
Doc: REG 12/04/2012 03:43 PM



2012 00139136

Cert: 10334 Doc: EOR  
Registered: 12/04/2012 03:39 PM

EXTENSION OF RESTRICTIONS

Nantucket Conservation Foundation, Inc. (hereafter "NCF") being the present owner of certain retained land described in a deed from Donal O'Brien to the NCF dated November 30, 1982 and recorded at the Nantucket Registry of Deeds in Book 196, Page 219 over which NCF has granted to the Town of Nantucket a permanent easement and the right to use such land subject to restrictions and conditions set forth therein and NCF being the present owner of benefited land known as lot 42 on Land Court Plan 6283-T, Certificate of Title 14,261, described in a deed from the NCF to the Town of Nantucket dated December 6, 1982 which appears as Document number 26,291 at the Nantucket Registry District of the Land Court and is also recorded at the Nantucket Registry of Deeds at Book 196, page 231, which deed imposes restrictions on the land thereby conveyed hereby, pursuant to M.G.L. c. 184, sec 29 extends the duration of the restrictions described in such deeds for an additional twenty (20) years to December 5, 2032. The names and addresses of the owners of the land subject to the above referenced restrictions and the title references to their deeds recorded in such registry are as follows:

Town of Nantucket	16 Broad Street Nantucket, MA 02554	Certificate of Title 10,334 Book 196, Page 231
Nantucket Conservation Foundation, Inc.	118 Cliff Road Nantucket, MA 02554	Book 196, Page 219 Cert 14261

Dated: at Nantucket, MA  
November 30, 2012

Nantucket Conservation Foundation, Inc.

By: David B. Poor  
David B. Poor, President

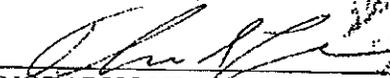
By: Priscilla G. Mleczko  
Priscilla G. Mleczko, Assistant Treasurer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

November 30, 2012

On this 30 day of November 2012, before me, the undersigned notary public, personally appeared David B. Poor, the President of the Nantucket Conservation Foundation, Inc. and proved to me through satisfactory evidence of identification, namely, DRIVERS LICENSE to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

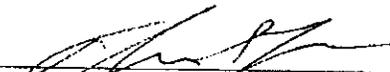
  
NOTARY PUBLIC  
My Commission Expires: **MY COMMISSION EXPIRES  
NOVEMBER 19, 2015**

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

November 30, 2012

On this 30 day of November 2012, before me, the undersigned notary public, personally appeared Priscilla G. Mieczko, the Assistant Treasurer of the Nantucket Conservation Foundation, Inc. and proved to me through satisfactory evidence of identification, namely, DRIVERS LICENSE to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
NOTARY PUBLIC  
My Commission Expires: **MY COMMISSION EXPIRES  
NOVEMBER 19, 2015**

Doc No: 00139136

NANTUCKET COUNTY LAND COURT  
REGISTRY DISTRICT

\*\* RECEIVED FOR REGISTRATION \*\*

On: Dec 04:2012 at 03:39P

Document Fee: 150.00 Rec Total:\$150.1

CERTIFICATE No: 10334

Also noted on CERT 14261

NANTUCKET COUNTY Received & Entered  
Attest: Jennifer H. Ferreira Register of Deeds