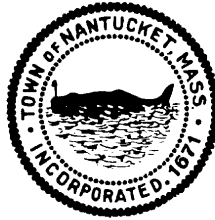


Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab
Brooke Mohr



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
COUNTY COMMISSIONERS
FEBRUARY 22, 2023 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS***

***YOU TUBE LINK FOR VIEWING ONLY:
<https://youtu.be/xStaOQnoKeY>***

***ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_u93LNafWRpm3UgY1x081Sw***

I. CALL TO ORDER

II. ANNOUNCEMENTS

1. The County Commission Meeting is Being Audio/Video Recorded.

III. PUBLIC COMMENT*

IV. NEW BUSINESS*

V. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of January 25, 2023 at 5:30 PM.
2. Approval of Payroll and Treasury Warrants for February, 2023.

VI. OFFICIAL BUSINESS

1. Request for Approval and Authorization for Town Counsel to Execute Assent to Petition for Approval of a Plan to Recognize 1975 Order of Taking of Somerset Road and Approve Registration of Subdivision Plan of Lot 73 Showing Lots 213 and 214 on Land Court Plan No. 28933-11 for 126 Somerset Road.

VII. COMMISSIONERS REPORTS/COMMENTS

VIII. ADJOURNMENT

****Identified on Agenda Protocol Sheet.***

COUNTY COMMISSION AGENDA PROTOCOL:

Roberts Rules: The County Commission follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Commission. The Commission welcomes concise statements on matters that are within the purview of the County Commission. At the Commission's discretion, matters raised under Public Comment may be directed to County Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Commission takes action, if any. Except in emergencies, the Commission will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Commission to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular County Commission meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Commission to take up first. This time is reserved for speakers to address the Commission on matters that are not related to any other Agenda item. If a speaker wishes to address the Commission on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Commission's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Commission. Comments made during the Public Comment period do not reflect the views or positions of the Commission. Because of constitutional free speech principles, the Commission

does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Commission welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Commission Members may have questions on the clarity of the information presented. The Commission will hear any staff input and then deliberate on a course of action.

Commissions Reports and Comments: Individual Commission Members may have matters to bring to the attention of the Commission during a meeting. If the matter contemplates action by the Commission, Commission Members will consult with the Chair and/or County Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Commission meeting. Otherwise, except in emergencies, the Commission will not normally take action on County Commission Comment.

Approved on March 24, 2021



Agenda Item Summary

Agenda Item #	VI. 1.
Date	2/22/2023

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Request for Approval and Authorization for Town Counsel to Execute Assent to Petition for Approval of a Plan to Recognize 1975 Order of Taking of Somerset Road and Approve Registration of Subdivision Plan of Lot 73 Showing Lots 213 and 214 on Land Court Plan No. 28933-11 for 126 Somerset Road.

Executive Summary

The Land Court requires that the County assent to the Petition filed by the registered owner of 126 Somerset Road. This petition results in the approval of the subdivision plan.

Staff Recommendation

Approve the form of Petition and then authorize the COUNTY, by its Attorneys, to execute the document.

Background/Discussion

Town Counsel has reviewed the documentation and has opined that this documentation does not adversely affect the County and has approved the form of the Petition and the Assent.

Impact: Environmental Fiscal Community Other

Allows for the normal subdivision process to proceed

Board/Commission Recommendation

N/A

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Fits within the plan goals of efficient County and Town operations

Attachments

Assent, Plan, 1975 Taking



COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court Department

Petition

No. 22-SBQ-28933-02-001

John Fones. Mary Lee Weber)
 and Nancy Dearling) ASSENT TO PETITION FOR
) APPROVAL OF A PLAN
 Petitioners

The County of Nantucket hereby acknowledges receipt and sufficient notice of the Petition for Approval of a Plan, and assents to the Petition, the Plan filed by the Petitioners, and the lines of the taking of Somerset Road shown on said plan, and hereby assents that an Order may issue for the relief requested therein, namely (1) recognizing the Order of Taking by eminent domain pursuant to the provisions of G.L> c. 79 of Somerset Road by the County of Nantucket dated October 29, 1975, filed with the Nantucket Registry District of the Land Court as Document No. 16521, and (2) approving for registration the Subdivision Plan of Lot 73 showing Lots 213 and 214 on Land Court Plan No. 28933-11, without further notice to it.

Executed and sealed on _____, 2023.

COUNTY OF NANTUCKET
By its attorneys
hereunto duly authorized:

KP Law, P.C.
By:

Vicki S. Marsh, Attorney
 (BBO # 307040)
 101 Arch Street
 Boston, MA 02110
 (617) 556-0007

ORDER OF TAKING

Pursuant to Chapter 434 of the Acts of 1975, and in accordance with the vote under Article 17 of the Town of Nantucket Annual Town Meeting, April, 1975, we, the duly elected and qualified Commissioners for the County of Nantucket, at a meeting held *Oct. 29,* 1975, have determined and adjudged upon consideration of the matter that common convenience and necessity require that Somerset Road

be laid out as and for a highway in accordance with Exhibit "A" attached hereto and made a part hereof, excluding however, from said layout all portions of the said Somerset Road which are unpaved as shown on the plan to be recorded herewith.

The preliminary requirements of law relating to notice of a meeting for the purpose of a public hearing of all parties interested in a petition for the laying out as a highway of Somerset Road

were complied with on April 21, 1934 as reported in the records of the Board of County Commissioners for the County of Nantucket, Vol. IV page(s) 331 .

NOW, THEREFORE, we, the undersigned, being a majority of the Board of County Commissioners for the County of Nantucket, by right of eminent domain under the provisions of Chapter 79 of the General Laws, and by the powers conferred by Chapter 434 of the Acts of 1975 above mentioned, and by right of any and every other power and authority in us, hereto take, and in fee simple, any and

A TRUE COPY 2/14/2022
 ATTEST: *Gennifer J. Jensen*
 REGISTER OF DEEDS NANTUCKET COUNTY

all right, title and interest of any nature or description in the land in said County bounded and described as set forth in Exhibit

"A" as amended, all for the purpose of the two paved sections of Somerset Road; one beginning at Hummock Pond Road and extending southerly for approximately 634 feet, and one beginning at Somerset Road Extension and extending along the south branch of Somerset Road for approximately 2100 feet,

hereby laid out.

IN WITNESS WHEREOF, we have hereunto set our hands and the seal of Nantucket County this 29th day of October, 1975.

Gestande E. Wheeler
Clerk

Charles J. Andros
Chairman

Robert H. Haley

Edwin W. Galt

Mitchell Todd

Bertrand J. Johnston

Somerset Road

Exhibit "A"

Certain land in Nantucket, Nantucket County, shown on a plan entitled "Layout of Somerset Road Surveyed for the Nantucket County Commissioners" (5 sheets) by Barrett and Jones, Surveyors, dated May 1934, including, however, only the two sections paved as of September 1975, described as follows:

1. Beginning at Hummock Pond Road and extending southerly for approximately 634 feet (Sheets 1 and 2);

2. beginning at the junction with Somerset Road Extension (not named on plan but south terminus indicated by dotted lines) and extending southerly to the junction of the two branches of Somerset Road, thence along the south branch for a total distance of approximately 2100 feet (Sheets 1, 4 and 5). Plan to be recorded herewith.

*See Road Plans Drawer-#1
Plan No. 173-5 Sheets*

SOMERSET ROAD

Exhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
HARDY, Ralph L. HARDY, Jane A.		\$ 1.00
JAECKLE, Matthew L. JAECKLE, Vera M.		1.00
MANCHESTER, Albert P. MANCHESTER, Margaret H.		1.00
MANCHESTER, George R.		1.00
MARTIN, Burnside MARTIN, Lenore M.		1.00
SERVENFE, George SERVENFE, Aldo SERVENTE, Viola M.		1.00
SHERBURNE ASSOCIATES WALTER BEINECKE, JR. Managing Partner		1.00
WOODMAN, Clinton J. WOODMAN, Carol S.		1.00
<u>SOMERSET ROAD S W SECTION</u>		
"COLEMAN LAND"		1.00
MARBLE, Ralph Jr.	5520	1.00

The names of owners herein given as supposed owners, although supposed to be correct, are such only as matters of information, opinion and belief, and are listed for information purposes only.

NANTUCKET COUNTY
Received and Entered

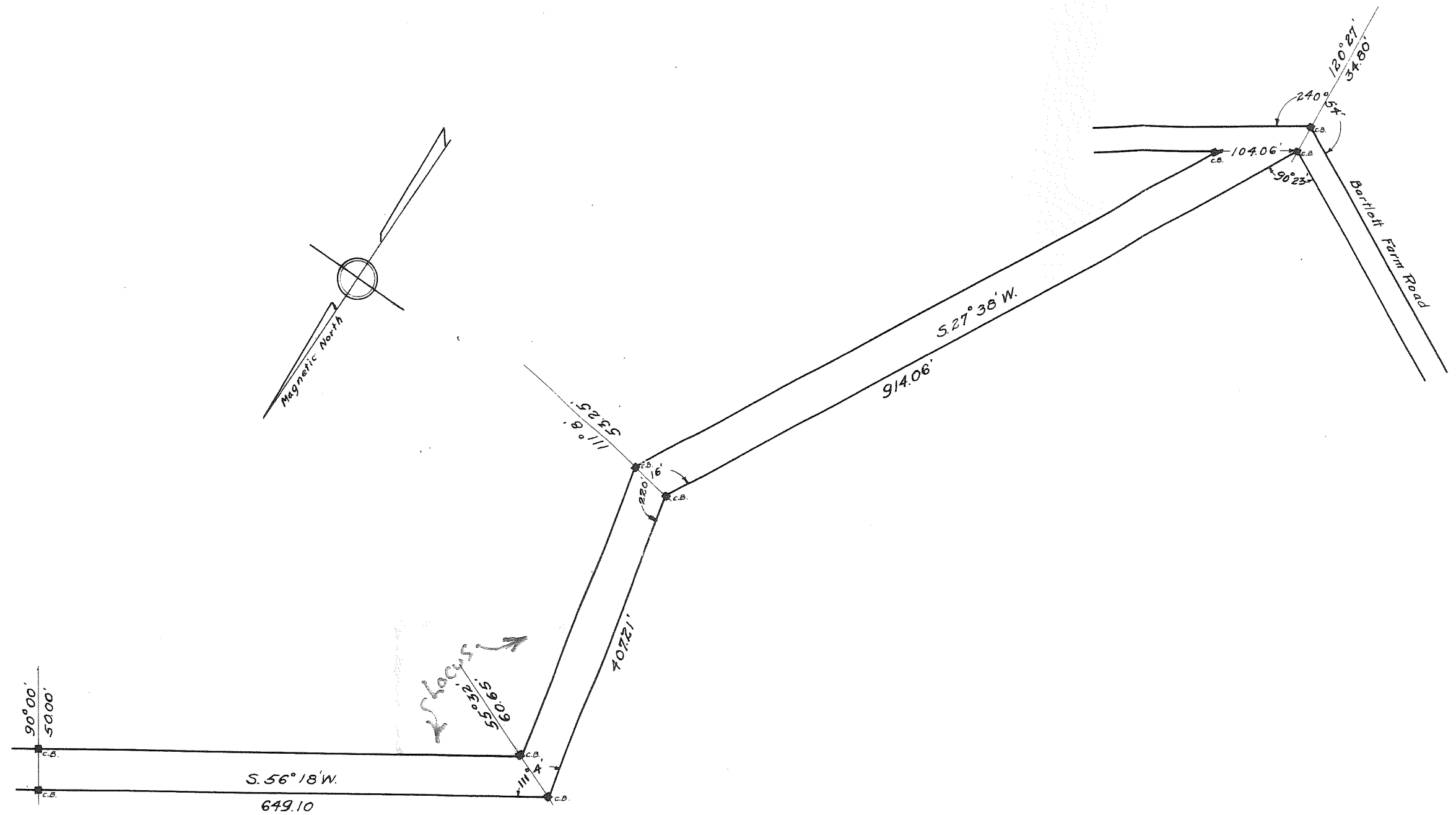
Attest *Joseph S. Barrett*

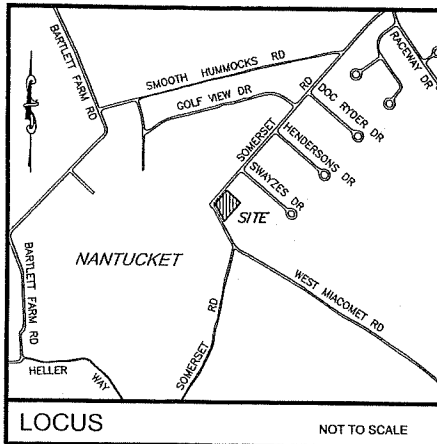
OCT 30 1975

1:39 P.M.

Register

Detail of Somerset Road
 Scale 100 Feet to an Inch

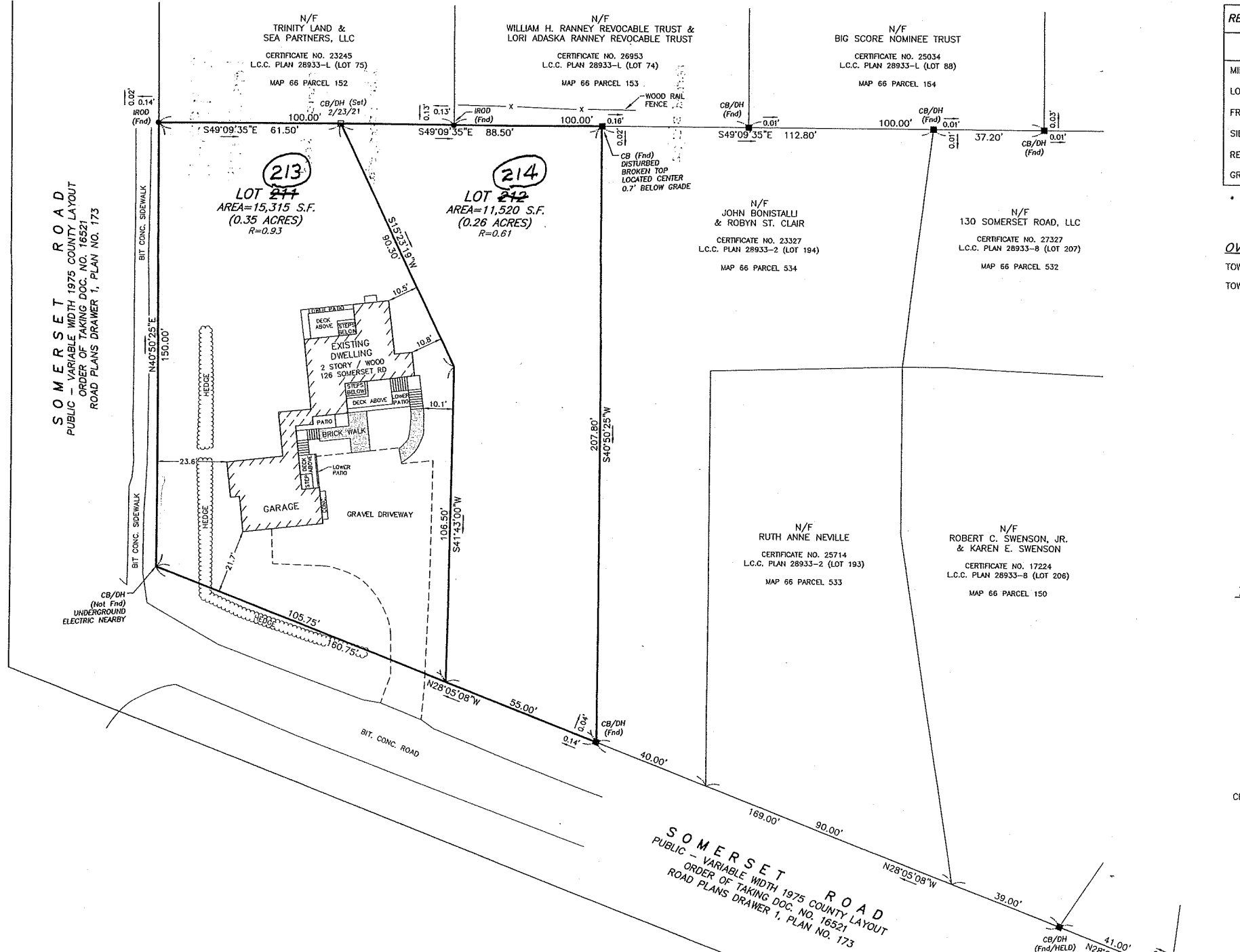




LOCUS NOT TO SCALE

NOTES

1. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE EXISTING PARCEL (MAP 66, PARCEL 151) TO CREATE LOT 1 AND LOT 2 AS SHOWN.
2. THIS PLAN REPRESENTS A SUBDIVISION OF LOT 73 SHOWN ON LAND COURT PLAN 28933-L.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD AREAS AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0088 G, DATED JUNE 9, 2014.
4. BUILDING OFFSET DISTANCES ARE FROM BUILDING CORNER BOARDS AT APPROXIMATELY 5' ABOVE GROUND LEVEL.
5. ALL DISTANCES WERE MEASURED BY EDM.
6. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.



LEGEND

- CB/DH CONCRETE BOUND W/DRILL HOLE
- IRON IRON ROD

RESIDENTIAL 10 (R-10) ZONING DISTRICT	
REGULATION	REQUIREMENT
MIN. LOT AREA	10,000 SQ. FT.
LOT FRONTAGE*	75'
FRONT SETBACK	20'
SIDE SETBACK	10'
REAR SETBACK	10'
GROUND COVER RATIO	25%

* LOT 2 HAS 55' OF FRONTAGE AS ALLOWED UNDER ZONING SECTION 139-16B(3), FRONTAGE AVERAGING.

OVERLAY DISTRICT APPLICABILITY

TOWN
TOWN SEWER

OWNERS & APPLICANTS

JOHN FONES
MARY LEE WEBER
NANCY DEARING
64 STAPLES ROAD
EASTON, CT 06612

TITLE REFERENCE:
L.C. CERTIFICATE NO. 21491

PLAN REFERENCE:
L.C. PLAN NO. 28933-L (LOT 73)

SITE LOCATION:
126 SOMERSET ROAD
NANTUCKET, MASSACHUSETTS

ASSESSORS REFERENCE:
MAP 66, PARCEL 151

TRAVERSE CLOSURE DATA

LENGTH OF TRAVERSE = 1,096.68'
ANGULAR ERROR = 0'00'07"
CLOSURE DISTANCE = 0.029'
DIRECTION = N79°06'27"W
PRECISION = 1:37,046

INSTRUMENTATION

LEICA TS12 P 3 R400
SERIAL NO. 877939
EDM ACCURACY
±(1mm + 1.5ppm)
LEICA GEOSYSTEMS CALIBRATION
CERTIFICATE NO. 877939-12042018

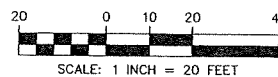
28933-11
LAND COURT
MAR 15 2022
FILED

I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 BETWEEN 2/21/2020 AND 8/12/2020.

I FURTHER CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY COMPLETED ON 8/12/2020.

Michael A. ...
PROFESSIONAL LAND SURVEYOR
DATE: 2-8-2022



NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

[Signatures]

DATE ENDORSED: 01-11-2021
PLANNING BOARD FILE NO. PLSUB-2021-01-00121

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



**SITE DESIGN
ENGINEERING, LLC.**

11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

NO.	DATE	DESCRIPTION	APPROVED
1	2/8/22	EDITS PER LAND COURT COMMENTS	RLM

PLAN REVISIONS

DATE: DECEMBER 22, 2020

DRAWN BY: RLM
COMPS. BY: RLM
CHECK BY: RLM/DCM

PROJECT NO. 18139

ISSUED FOR:
ANR ENDORSEMENT



PLAN OF LAND
BEING A SUBDIVISION OF LOT 73
SHOWN ON LAND COURT PLAN 28933-L
126 SOMERSET ROAD
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 66, PARCEL 151
PREPARED FOR
JOHN FONES

DRAWING TITLE:
**APPROVAL NOT
REQUIRED PLAN**

SCALE: 1" = 20'
SHEET NO.

1 of 1