



NANTUCKET
TOWN CLERK
2022 FEB 14 PM 3:15

Nantucket Planning Board

Application for an Amendment to a Previously Granted Special Permit

Date: February 14, 2022

Planning Board File No.: _____

Name of Development: Nanahumacke Preserve

Owner(s)' Name(s): Jeffrey Kaschuluk, Donald Clark and Francis Falck, Trustees of *

Mailing Address: c/o Reade, Gullicksen, Hanley & Gifford, LLP, P.O. Box 2669, Nantucket, MA 02584

Phone number: 508-228-3128 Fax number: 508-228-5630 E-mail: air@readelaw.com

Applicant's Name: (Same) *Nanahumacke Preserve Homeowners Association Trust; Nanahumacke, LLC

Mailing Address: Same

Phone number: _____ Fax number: _____ E-mail: _____

Engineer/Surveyor: _____

Mailing Address: _____

Phone number: _____ Fax number: _____ E-mail: _____

Location of Lots:

Street Address: Off Nanahumacke Lane; part of 141 Hummock Pond Road

Tax Assessor's Map: 65 Parcel: 85; part of 4

Nantucket County Registry of Deeds:

Land Court Plan 39280-F, Lot 21; ~~or Plan Book~~ ~~Page~~

~~or Plan File #:~~ 39280-G, Lot 24

Size of Parcel _____ square feet

Zoning District Limited Use General-3 (LUG-3)

Describe proposed modification in detail:

See attached addendum


Special Permit 18-05; registered as Document No. 114742 at Nantucket Registry District

I/we hereby certify that the applicant cited above have been authorized by me/us to file a Special Permit application with the Nantucket Planning Board on property that I/we own.

Owner(s)' Signature(s):

Trustees of Nanahumacke Homeowners Association Trust; Nanahumacke, LLC

By:



Arthur I. Reade, Jr., Attorney

Applicant's Signature:

I/we _____, the undersigned, hereby authorize _____ to act as agent(s) on my/our behalf and to make any necessary revision on this filed application as may be requested by the Board to meet its governing rules and guidelines.

Owner(s)' Signature(s):

This application must be accompanied by a filing fee of \$250.00 payable to Town of Nantucket plus \$6.74 per abutters notice payable to Pitney Bowes Reserved Funds to cover the mailing of the public notices to the abutters and for the notices to abutters of the Board's decision, four sets of mailing labels (1 inch in height and 2.63 inches in width), as well sufficient materials (e.g. site plan, list of proposed modifications, drainage calculations, engineering changes, etc.) as necessary to permit the Planning Board to adequately evaluate the proposal. A list of abutters may be obtained from the Nantucket Tax Assessors office at 37 Washington Street. Each abutters name and address shall be recorded on the mailing labels. If the special permit modification pertains to a Major Commercial Development (MCD) the establishment of an escrow account may be necessary.

***In addition, a "pdf" electronic copy of applications, plans and materials is requested. Electronic and pdf's can be submitted by disks or email to cancero@nantucket-ma.gov.

ADDENDUM TO APPLICATION FOR AMENDMENT TO SPECIAL PERMIT
NANAHUMACKE PRESERVE
TRUSTEES OF NANAHUMACKE PRESERVE HOMEOWNERS ASSOCIATION TRUST
and
NANAHUMACKE, LLC,
Owners/Applicants

In connection with the approval of a Special Permit for a Major Residential Development under the former §139-7.A of the Nantucket Zoning By-law. the land shown as Lot 18 on Land Court Plan 39280-E was dedicated as open space, to be subjected to a conservation restriction and owned by the Trustees of the Nanahumacke Preserve Homeowners Association Trust (the "HOA"). Nanahumacke, LLC, the present owner of Lot 16 on Plan 39280-E, has acquired the land shown as Lot 3 on Land Court Plan 39280-C, which is not a part of the Nanahumacke Preserve subdivision. Lot 16 and Lot 3 have been separated from each other by a portion of Lot 18. In order to provide a physical connection between Lot 16 and Lot 3, the HOA has divided Lot 18 into Lots 20, 21 and 22, with Lot 21 constituting a connection between Lot 16 and Lot 3. The HOA proposes to convey Lot 21 to Nanahumacke, LLC, to be merged with Lots 16 and a portion of Lot 3, now shown as Lot 23 on Plan 39280-G, as a single lot, and with Lot 21 remaining subject to the existing conservation restriction held by the Nantucket and Council, Inc. In exchange, Nanahumacke, LLC, will convey the other portion of Lot 3, being Lot 24 on Plan 39280-G, to the HOA, which will subject Lot 24 to the conservation restriction. This application is made to modify the Special Permit to reflect the reconfiguration of the open space accordingly.

SUBDIVISION PLAN OF LAND IN NANTUCKET

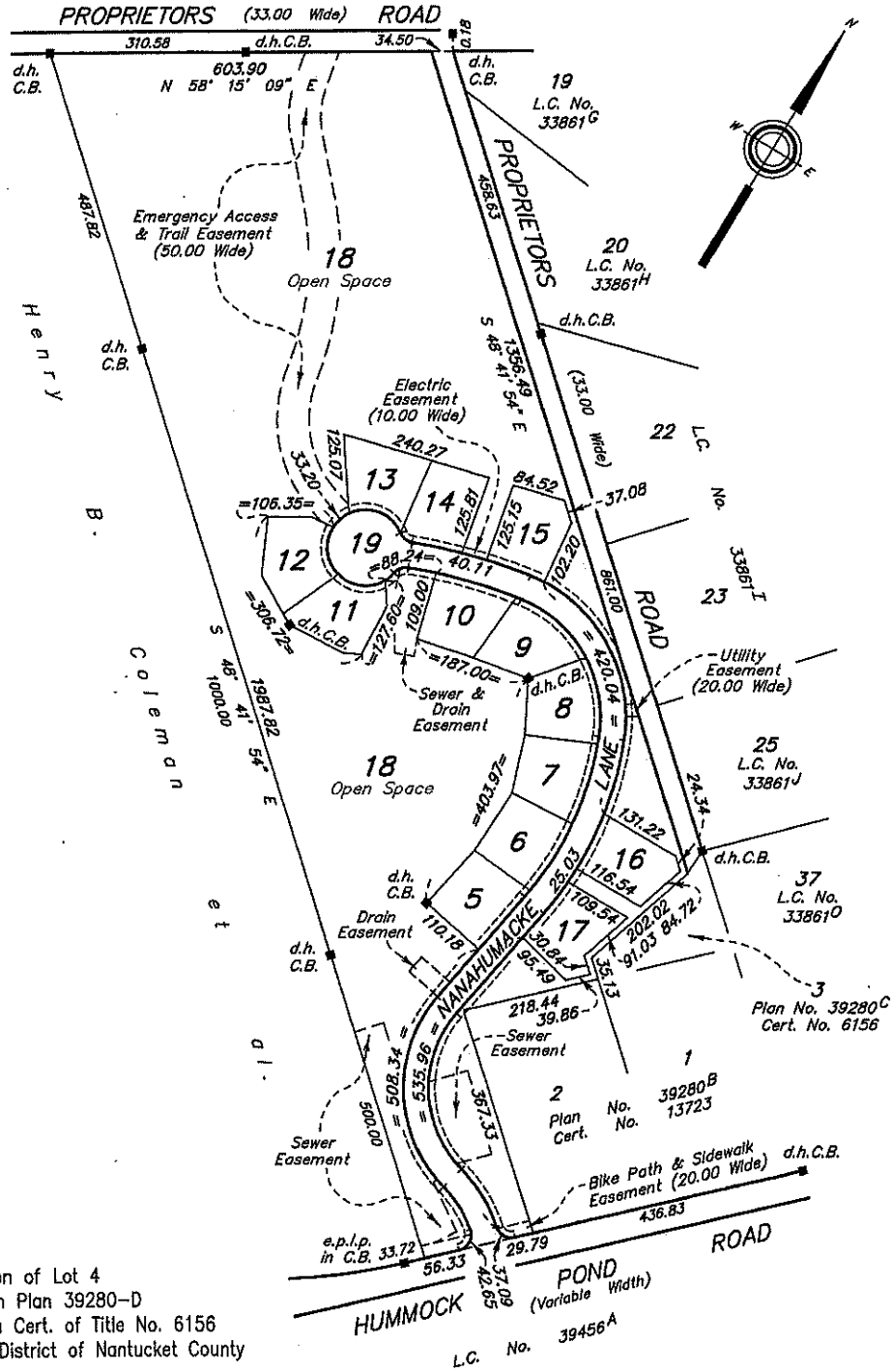
Hayes Engineering, Inc., Surveyors

August 19, 2005

L.C. No. 9949A

39280E

KEY SHEET
Sheet 1 of 3



Subdivision of Lot 4
Shown on Plan 39280-D
Filed with Cert. of Title No. 6156
Registry District of Nantucket County

Separate certificates of title may be issued for land shown hereon and on Sheets 2 and 3 as Lots 5 through 19 By the Court.

Deborah J. Patterson
Recorder

July 19, 2006

SJK-07M4

Abutters are shown as on original decree plan.

Copy of part of plan filed in
LAND REGISTRATION OFFICE
July 19, 2006

Scale of this plan 200 feet to an inch
G.T. Copellanis, Engineer for Court



NOTE:
REFERENCE CONSERVATION
RESTRICTION Doc. #137858

LEGEND

- Ø/ØB (FD) ■ DENOTES CONCRETE BOUND WITH EXHAUSTIVE FINISH
- Ø/ØP (FD) ■ DENOTES CONCRETE BOUND WITH FINISH FROCK IN LEAD FINISH FROCK
- (R) ■ DENOTES RECORDED EASEMENT
- P: E ■ DENOTES PROPOSED CONCRETE BOUND TO BE SET

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG 3)
MINIMUM LOT SIZE: 100,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER %: 5%

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (LUG 2)
MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER %: 4%

OWNER INFORMATION

JEFFREY MASCHUK, TRUSTEE
DONALD CLARK, TRUSTEE
NANAHUMACKE PRESERVE HOMEOWNERS ASSOCIATION TRUST
CERT. OF TITLE #2203
L.C.C. 39280-E, LOTS 18 & 19
ASSESSOR'S MAP 85, PARCEL 85
NANAHUMACKE LAKE

NANAHUMACKE, LLC
CERT. OF TITLE #28208
L.C.C. 39280-C, LOT 3
ASSESSOR'S MAP 85, PARCEL 04 (PORTION)
#141 NANAHUMACKE ROAD

NOTICE OF PENDING EASEMENT ORDER
This order is a notice of pending easement and is
subject to the provisions of the Massachusetts
Registration Act, Chapter 266B, § 27B.
It is the order of the Registrar of Deeds,
Nantucket, Massachusetts, that the
proposed easement be recorded in the
Registry of Deeds for the County of
Nantucket, Massachusetts, and that the
proposed easement be subject to the
provisions of the Massachusetts
Registration Act, Chapter 266B, § 27B.
This order is subject to the provisions of the
Massachusetts Registration Act, Chapter 266B,
§ 27B, and to the provisions of the
Massachusetts Registration Act, Chapter 266B,
§ 27B.

39280 F
LAND COURT
DCT 4 2021
FILED
Sheet 2 of 3

UNADJUSTED TRAVERSE DATA
SURVEY PRECISION : 1:182,371
LINEAR ERROR OF CLOSURE : 0.043'
DIRECTIONAL ERROR OF SURVEY : N48°42'25.6"E
CEM ACCURACY (ICMA 8516) : ± 0.1 (DIN 17520)



"I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE
MOVEMENTS CONTROLLING PRIOR PLANS ARE IN THE
GROUND AS SHOWN AND DESCRIBED HEREIN. I FURTHER
CERTIFY THAT ANY ADDITIONAL MOVEMENTS SHOWN
HEREIN 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 OF THE GROUND IN ACCORDANCE WITH THE
LAND COURT INSTRUCTIONS OF 2006 IN OR BETWEEN
01/21/2021 AND 05/24/2021."

DATE: 5-24-2021
Jeffrey Maschuk
REGISTERED PROFESSIONAL LAND SURVEYOR

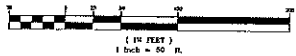
BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 BEAULIE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 278-2026
www.blackwell-survey.com

NOTE

LOTS 20, 21, 22 AND 24 ARE TO
BE CONSIDERED AN OPEN SPACE.

THE PLANNING BOARD DETERMINES THAT:
LOTS 20-24 DO NOT CONTAIN AREAS
SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS
WETLAND PROTECTION ACT WHICH ARE REQUIRED TO BE
EXCLUDED FROM LOT AREA UNDER THE NANAHUMACKE
ZONING BYLAW, BUT STILL MAY BE SUBJECT TO
PROTECTION UNDER STATE AND LOCAL WETLAND
BYLAWS. DETERMINATION OF APPLICABILITY MAY BE
OBTAINED THROUGH APPLICATION TO THE
CONSERVATION COMMISSION.

GRAPHIC SCALE

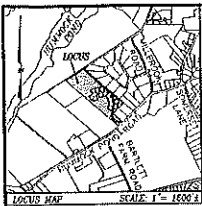


Nantucket Planning Board

APPROVAL UNDER THE
SUBMISSION CONTROL LAW
NOT REQUIRED

DATE SIGNED: 05/24/2021
FILE #

BEING A DIVISION OF LCC 39280-E, LOT 18
AND LCC 39280-C, LOT 3
DIVISION PLAN OF LAND
in Nantucket, MA
Prepared for
NANAHUMACKE LLC



NOTE:
REFERENCE CONSERVATION
RESTRICTION Doc. #137858

LEGEND

- (FC) CONCRETE FOUND WITH DRINKABLE FOUND
- (FD) CONCRETE FOUND WITH POUGH FRACK IN LEAK FLAG FOUND
- (F) FENCED FRONT YARD
- (F) FENCED FRONT YARD
- (F) FENCED FRONT YARD
- (F) FENCED FRONT YARD

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (LUG-3)
MINIMUM LOT SIZE: 100,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER %: 3%

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (LUG-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

JEFFREY KASOMARU, TRUSTEE
DONALD CLARK, TRUSTEE
NANTUCKET PRESERVE HOMEOWNERS ASSOCIATION TRUST
CERT. OF TITLE #72331
L.C.C. 39280-E, LOT 18
ASSESSOR'S MAP 85, PARCEL B5
NANTUCKET LANE

NANTUCKET, LLC
CERT. OF TITLE #28285
L.C.C. 39280-C, LOT 3
ASSESSOR'S MAP 85, PARCEL 04 (PORTION)
#141 (NANTUCKET ROAD)

NOTICE OF FENCIBLE EASEMENT ORDER

This order is subject to the provisions of the
Nantucket Planning Board's Subdivision Control Law
and the Massachusetts Wetlands Protection Act.
The order is subject to the provisions of the
Nantucket Planning Board's Subdivision Control Law
and the Massachusetts Wetlands Protection Act.
This order is subject to the provisions of the
Nantucket Planning Board's Subdivision Control Law
and the Massachusetts Wetlands Protection Act.

39280-E

LAND COURT
OCT 4 2021
FILED

UNADJUSTED TRAVERSE DATA

SURVEY PRECISION: 1:52,371
LOCAL ERROR OF CLOSURE: 0.043
DIRECTIONAL ERROR OF SURVEY: 148°42'26.8"E
EDM ACCURACY LEICA 1516: ±(2mm+2ppm)

CLOSED CONNECTING LOOP:
SURVEY PRECISION: 1:55,374
LINEAR ERROR OF CLOSURE: 0.029
DIRECTIONAL ERROR OF SURVEY: 142°53'49.7"W
EDM ACCURACY LEICA 1516: ±(2mm+2ppm)

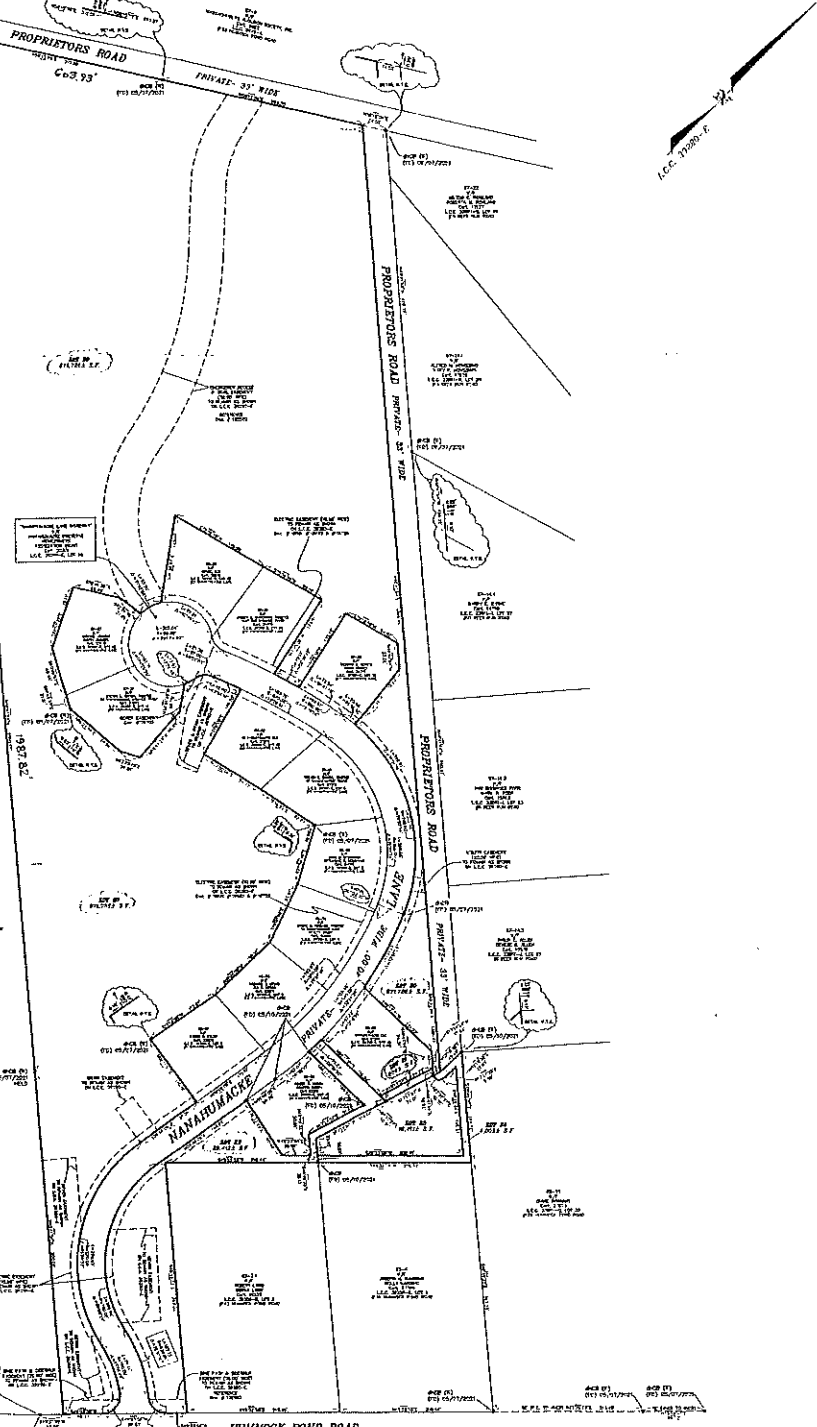


"I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HERIN. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HERIN HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY."

"I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN 08-11-2021 AND 08-07-2021."

DATE: 6-7-2021
Jeffrey Kasomar
REGISTERED PROFESSIONAL LAND SURVEYOR

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 HESBURN CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 248-9028
www.blackwell-survey.com



NOTE
LOTS 20, 21, 22 AND 24 ARE TO BE CONSIDERED AS OPEN SPACE.

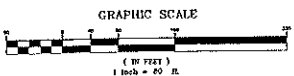
THE PLANNING BOARD DETERMINES THAT:
LOTS 20, 21, 22, AND 24 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BYLAW, BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BYLAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

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

Nantucket Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

DATE SIGNED: 06-18-2021
FILE #



3 3
Sheet 8 of 8

BEING A DIVISION OF LCC 39280-E, LOT 18 AND LCC 39280-C, LOT 3
DIVISION PLAN OF LAND
in Nantucket, MA
Prepared for
NANTUCKET LLC
REV. 9-22-20
Date: June 8, 2021
Scale: 1"=50'

TOWN OF NANTUCKET
PLANNING BOARD
(Special Permit)

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... Nanahumacke LLC
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 141 Hummock Pond Road (rear portion)
ASSESSOR MAP/PARCEL..... Map 65, Parcel 4 (rear portion)
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 139, Section 139-29B) (2).

February 14, 2022

DATE

Mary Haley,
Senior Clerk,
Assessor's
Office

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's Office
Date: 2022.02.14
14:40:28 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

POOR MARK W & ANN B
P O BOX 3363
NANTUCKET, MA 02584

JAKUBIK MICHAEL & NANCY
22 NANAHUMACK LN
NANTUCKET, MA 2554

TERRES RICHARD J & ROBIN
44 COTTAGE ST
HINGHAM, MA 02043

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

DOWNING DIANE
169 BEEDE ROAD
HOLDERNESS, NH 03245

HERMAN BRUCE M TRST
C/O GOULSTON & STORRS
400 ATLANTIC AVE
BOSTON, MA 02110

NANAHUMACKE LLC
C/O DONALD CLARK
3 WATER CLUB WAY UNIT 1101
NORTH PALM BEACH, FL 33408

BARTLETT FARM LLC
33 BARTLETT FARM RD
NANTUCKET, MA 02554

ALLEN PHILIP & DENESE
PO BOX 3194
NANTUCKET, MA 02584

ABAGC LLC
14 MILLER RD
DOVER, MA 02030

LAMB ROBERT W & DONNA M
143 HUMMOCK POND RD
NANTUCKET, MA 02554

~~NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554~~

FALCK KAREN H
91 MONTAUK AVE
STONINGTON, CT 06378

16 NANAHUMACK TRUST
PO BOX 786
NANTUCKET, MA 02554

KIMARICK FARM LLC
5 BARTLETT FARM ROAD
NANTUCKET, MA 02554

MCGRADY ROBERT W
PO BOX 244
NANTUCKET, MA 02554

COHEN STEVEN L TR
20 NANAHUMACKE NT
SALEM, NH 03079

MCKERNAN KELLY C TR
19 NANAHUMACKE
NANTUCKET, MA 02554

MANNING JOSEPH W & HARDING MOLLY
50 HUMMOCK POND RD
NANTUCKET, MA 02554

137 HUMMOCK POND RD LLC
92 SURFSIDE RD
NANTUCKET, MA 02554

ACKUNA MATATA LLC
530 ELM STREET
WESTFIELD, NJ 07090

HOBBY ROGER W & KRISTEN
1 CHESTNUT LANE
MEDFIELD, MA 02052

~~NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554~~

TOWN OF NANTUCKET
PLANNING BOARD
(Special Permit)

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... Nanahumacke Preserve Homeowners Association Trust
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... Nanahumacke Lane
ASSESSOR MAP/PARCEL..... Map 65, Parcel 85
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of abutting property, owners of land directly opposite on any public or private street or way; and abutters of the abutters and all other land owners within 300 feet of the property line of owner's property, all as they appear on the most recent applicable tax list (M.G.L. c. 40A, Section 11 Zoning Code Chapter 139, Section 139-29B) (2).

February 14, 2022

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's Office
Date: 2022.02.14
14:39:24 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

IBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
57	9		MASSACHUSETTS AUDUBON SOCIETY		153 HUMMOCK POND RD	NANTUCKET	MA	02554	153 HUMMOCK POND RD
57	14	1	NOVISSIMO ALFRED H & MARY P		61 OLD SOUTH RD #315	NANTUCKET	MA	02554	14 DEER RUN RD
57	14	3	POOR MARK W & ANN B		P O BOX 3363	NANTUCKET	MA	02584	8 DEER RUN RD
57	14	4	BYRNE BARRY E		PO BOX 3328	NANTUCKET	MA	02584	10 DEER RUN RD
57	14	5	ALLEN PHILIP & DENESE		PO BOX 3194	NANTUCKET	MA	02584	6 DEER RUN RD
57	21		ANDERSON RICHARD A & PATRICIA		PO BOX 2429	NANTUCKET	MA	02584	13 DEER RUN RD
57	22		ROWLAND MILTON C & ROBERTA M		15 DEER RUN RD	NANTUCKET	MA	02554	15 DEER RUN RD
57	26		COHEN STEVEN L TR		20 NANA-HUMACKE LN	SALEM	NH	03079	20 NANA-HUMACKE LN
57	27		JAUBIK MICHAEL & NANCY		22 NANA-HUMACKE LN	NANTUCKET	MA	02554	22 NANA-HUMACKE LN
57	28		ABAGC LLC		14 MILLER RD	DOVER	MA	02030	21 NANA-HUMACKE LN
57	29		MCKERNAN KELLY C TR		19 NANA-HUMACKE	NANTUCKET	MA	02554	19 NANA-HUMACKE LN
57	30		TERRIS RICHARD J & ROBIN		44 COTTAGE ST	HINGHAM	MA	02043	17 NANA-HUMACKE LN
65	2		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	151 HUMMOCK POND RD
65	2	1	MASSACHUSETTS AUDUBON SOCIETY		153 HUMMOCK POND RD	NANTUCKET	MA	02554	151R HUMMOCK POND RD
65	3	1	LAMB ROBERT W & DONNA M		143 HUMMOCK POND RD	NANTUCKET	MA	02554	143 HUMMOCK POND RD
65	4		MANNING JOSEPH W & HARDING MOLLY		50 HUMMOCK POND RD	NANTUCKET	MA	02554	141 HUMMOCK POND RD
65	5		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	140 HUMMOCK POND RD
65	6		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	142 HUMMOCK POND RD
65	72		137 HUMMOCK POND RD LLC		92 SURF-SIDE RD	NANTUCKET	MA	02554	137 HUMMOCK POND RD
65	73		DOWNING DIANE		189 BEEDE ROAD	HOLDERNISS	NH	03245	139 HUMMOCK POND RD
65	77		FALCK KAREN H		91 MONTAUK AVE	STONINGTON	CT	06378	8 NANA-HUMACKE LN
65	78		ACKUNA MATATA LLC		530 ELM STREET	WESTFIELD	NJ	07090	10 NANA-HUMACKE LN
65	79		HERMAN BRUCE M TRST	C/O GOULSTON & STORRS	400 ATLANTIC AVE	BOSTON	MA	02110	12 NANA-HUMACKE LN
65	80		MCDONALD JOHN O & CATHERINE A		12 LENOX RD	SUMMIT	NJ	07901	14 NANA-HUMACKE LN
65	81		16 NANA-HUMACK TRUST		PO BOX 786	NANTUCKET	MA	02554	16 NANA-HUMACKE LN
65	82		18 NANA-HUMACKE LLC		46 EDGEWOOD RD	CHATHAM	NJ	07928	18 NANA-HUMACKE LN
65	83		HOBBY ROGER W & KRISTEN		1 CHESTNUT LANE	MEDFIELD	MA	02062	9 NANA-HUMACKE LN
65	84		NANA-HUMACKE LLC	C/O DONALD CLARK	3 WATER CLUB WAY UNIT 1101	NORTH PALM BEACH	FL	33408	11 NANA-HUMACKE LN
66	130		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	132 HUMMOCK POND RD
66	132		BARTLETT FARM LLC		33 BARTLETT FARM RD	NANTUCKET	MA	02554	15 SOMERSET LN
Count:									30

MASSACHUSETTS AUDUBON SOCIETY
153 HUMMOCK POND RD
NANTUCKET, MA 02554

BYRNE BARRY E
PO BOX 3328
NANTUCKET, MA 02584

ROWLAND MILTON C & ROBERTA M
15 DEER RUN RD
NANTUCKET, MA 02554

ABAGC LLC
14 MILLER RD
DOVER, MA 02030

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

MANNING JOSEPH W & HARDING MOLLY
50 HUMMOCK POND RD
NANTUCKET, MA 02554

137 HUMMOCK POND RD LLC
92 SURFSIDE RD
NANTUCKET, MA 02554

ACKUNA MATATA LLC
530 ELM STREET
WESTFIELD, NJ 07090

16 NANAHUMACK TRUST
PO BOX 786
NANTUCKET, MA 02554

NANAHUMACKE LLC
C/O DONALD CLARK
3 WATER CLUB WAY UNIT 1101
NORTH PALM BEACH, FL 33408

NOVISSIMO ALFRED H & MARY P
61 OLD SOUTH RD #315
NANTUCKET, MA 02554

ALLEN PHILIP & DENESE
PO BOX 3194
NANTUCKET, MA 02584

COHEN STEVEN L TR
20 NANAHUMACKE NT
SALEM, NH 03079

MCKERNAN KELLY C TR
19 NANAHUMACKE
NANTUCKET, MA 02554

MASSACHUSETTS AUDUBON SOCIETY
153 HUMMOCK POND RD
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

DOWNING DIANE
169 BEEDE ROAD
HOLDERNESS, NH 03245

HERMAN BRUCE M TRST
C/O GOULSTON & STORRS
400 ATLANTIC AVE
BOSTON, MA 02110

18 NANAHUMACKE LLC
46 EDGEWOOD RD
CHATHAM, NJ 07928

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

POOR MARK W & ANN B
P O BOX 3363
NANTUCKET, MA 02584

ANDERSON RICHARD A & PATRICIA
PO BOX 2429
NANTUCKET, MA 02584

JAKUBIK MICHAEL & NANCY
22 NANAHUMACKE LN
NANTUCKET, MA 02554

TERRES RICHARD J & ROBIN
44 COTTAGE ST
HINGHAM, MA 02043

LAMB ROBERT W & DONNA M
143 HUMMOCK POND RD
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD STREET
NANTUCKET, MA 02554

FALCK KAREN H
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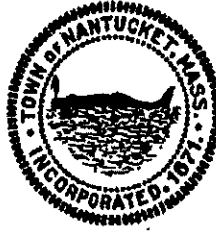
MCDONALD JOHN O & CATHERINE A
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SUMMIT, NJ 07901

HOBBY ROGER W & KRISTEN
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MEDFIELD, MA 02052

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33 BARTLETT FARM RD
NANTUCKET, MA 02554



2005 00114742
Cert: 21859 Doc: 6P
Registered: 12/30/2005 02:53 PM



4255 NAHAHUMACKE
PRESERVE NOMINEE TRUST
149 HUMMOCK POND ROAD
12/2/2005 APPROVAL /
SPECIAL PERMIT / MRD

Nantucket Planning Board

Approval of a Special Permit for a Major Residential Development

Nanahumacke Preserve
Planning Board Subdivision File #6901 and Special Permit #18-05

Owner/Applicant: Nanahumacke Preserve Nominee Trust

149 Hummock Pond Road

Land Court Plan 39280D at Certificate 21859

Parcel 3 Shown on Nantucket Tax Assessors Map 65

November 28, 2005

05 FEB -2 11:24

David Glawacki + Jeffrey Kaschulutz Trustees

PROPOSAL

The Nantucket Planning Board at its September 26, 2005, October 13, 2005, October 24, 2005 and November 14, 2005 meetings considered the application of Nanahumacke Preserve Nominee Trust for a Major Residential Development (MRD) Special Permit pursuant to section 139-7F of the Nantucket Zoning Bylaw and the *Rules and Regulations Governing the Subdivision of Land*. The applicant is proposing a thirteen (13) lot subdivision on a twenty-one and three quarter (21.74) acre tract of land located off of Hummock Pond Road. The site is located in the Limited Use General 2 (LUG-2) zoning district, which requires for an MRD a minimum tract area of fifteen (15) acres and a minimum open space of seventy-five (75) percent of the site.

DESCRIPTION OF THE PROPOSED PROJECT

The applicant is proposing to construct a private roadway off of Hummock Pond Road to serve a thirteen (13) lot cluster subdivision. The roadway is located on the north side of Hummock Pond Road approximately six-hundred (600) feet northeast of the Bartlett Farm Road/Hummock Pond Road intersection. The private roadway is approximately one-thousand and five hundred (1500) feet in length with a cul-de-sac at the terminus. Although the roadway will be designated as having a forty (40) foot wide right-of-way, the traveled surface of the roadway will be twenty (20) feet in width and will be constructed of bituminous concrete.

It should be noted that due to the length of the dead-end roadway, the applicant is required to provide a secondary emergency means of access through a proprietors road which is located along the rear of the lot. The proprietors road will connect the site to Millbrook Road and access from the cul-de-sac to the proprietors road will be indicated on the final set of definitive plans.

As part of the subdivision process, the applicant received approval for a preliminary plan prior to the submission of an Approval Required (AR) Subdivision application. Prior to the approval of the preliminary plan, the applicant submitted a proof plan containing eleven (11) lots. The purpose of the proof plan was to illustrate that the site could accommodate a conventional subdivision with the same number of lots as requested in the cluster subdivision proposal, excluding any "bonus" lots. All lots shown on the proof plan must meet minimum lot size, frontage, and regularity requirements for a conventional subdivision pursuant to Nantucket Zoning Bylaw section 139-16.

The applicant has represented that they will extend the existing water main from Bartlett Farm Road to the proposed development. Therefore, the development will connect to municipal water service and will be serviced by shared septic systems which will be located in the southern portion of the site near the entrance to the subdivision. Wastewater flow for the site will be to three (3) separate leaching fields.

BASIS OF THE FINDINGS

The Board's findings and decision refer to the following submitted by the applicant:

- An Application to the Planning Board for a Special Permit dated August 22, 2005;
- An Application for Approval of a Definitive Subdivision Plan dated August 22, 2005;
- A document entitled "Requested Waivers, Nanahumacke Preserve, Nantucket, Massachusetts" dated August 2005;
- Plans entitled "Definitive Plan Nanahumacke Preserve, Nantucket, Mass." prepared by Hayes Engineering, Inc., dated August 19, 2005 (as subject to minor changes as required by this decision);
- "Landscaping Plan in Nantucket Massachusetts" prepared by Hayes Engineering, Inc. dated October 13, 2005 (as subject to minor changes as required by this decision);
- Site Analysis Report & Drainage Assessment, Major Residential Development, Nanahumacke Preserve, Nantucket, Massachusetts, prepared by Hayes Engineering, Inc. dated August 2005;

Findings were also based upon:

- A letter for approval of a preliminary subdivision dated June 13, 2005 as well as numerous documents contained in the preliminary plan file;
- Letters from Hayes Engineering, Inc. dated October 12, 2005 and October 17, 2005;
- Reports by Pesce Engineering and Associates, the Planning Board's consulting engineers, dated October 6, 2005 and November 9, 2005;
- Representation, and testimony received in connection with the public hearings held September 6, 2005, October 13, 2005, October 24, 2005 and November 14, 2005. Minutes of these meetings are on file with the Planning Board; and
- Other assorted documents that are on file with the Planning Board.

FINDINGS

The Board finds that the proposed Major Residential Development:

- Is in harmony with the purposes and intent of the Zoning Bylaw;
- The development, through the clustering of houses and the preservation of open space, is more in keeping with Nantucket's history than a conventional subdivision in this location;
- Will protect the ecological balance of the area through the re-vegetation of a substantial portion of the site, which was previously used as a sand pit. Approximately seventy-five (75) percent of the site will be maintained as open space whereas a conventional subdivision would not be required to protect any open space;
- Through reduced setbacks and substantial landscaping, the subdivision will have a village atmosphere which builds on Nantucket's architectural contextual theme and will result in a more traditional neighborhood;
- Generally meets the standards for public health, safety, convenience, and welfare as stated in the Planning Boards *Rules and Regulations Governing the Subdivision of Land*; and
- Will increase pedestrian connectivity in the area through the dedication of a walking trail which will connect to an existing system of trails to the rear of the site.

DECISION

The Planning Board is required to render a decision on the application based on Zoning Bylaw section 139-7F, which applies to cluster subdivisions, and based on the *Rules and Regulations Governing the Subdivision of Land in Nantucket* (as amended through December 20, 1999)

The Nantucket Planning Board hereby **APPROVES** this proposal based on a 5-0 vote in favor of approval. Finding that the application of Nanahumacke Preserve Nominee Trust, as modified by the following conditions, is in harmony with the general purpose and intent of the Nantucket Zoning Bylaw, the Planning Board of the Town of Nantucket hereby **GRANTS** a Special Permit for a Major Residential Development pursuant to section 139-7F of the Nantucket Zoning Bylaw.

The Board's approval is conditioned upon compliance with the "Description of Proposed Project" and "Findings" as set forth in this decision, and as shown on the plans referenced herein. The Planning Board also sets forth the following conditions:

1. That the following waivers from the *Rules and Regulations Governing the Subdivision of Land* shall be granted:

2.06(a)(6)	House Numbers Assigned by Planning Board Waiver Granted – the Tax Assessors Office will assign house numbers;
2.06(b)(14)	Landscape Plan Waiver Partially Granted – a landscape plan shall be presented with the final definitive plans indicating the proposed landscaping, however, there is essentially no existing vegetation on the site to be identified on the plans;
2.06(b)(21)	Erosion and Airborne Dust Control Plan Waiver Partially Granted – the applicant shall submit an erosion control plan with the final definitive plans;
4.04(a)	Dead-end Streets Waiver Partially Granted – the applicant shall be permitted to construct a dead-end street of approximately 1,500 feet in length. However, the applicant shall construct a secondary emergency means of access to the site through the proprietors road to the rear of the site;
4.06(b)	Storm Drains Waiver Granted – the applicant will not be required to install leaching basins and the treated stormwater runoff will be discharged directly into the man-made pond;
4.16	Landscape Plan Waiver Partially Granted – a landscape plan shall be presented with the final definitive plans indicating the proposed landscaping, however, there is essentially no existing vegetation on the site to be identified on the plans;
2. That the following waivers from the Nantucket Zoning Bylaw shall be granted:

139-7F(5)(b)(2)	Building Envelopes Waiver Granted – see paragraph 16 below
139-7F(7)(c)(1)(d)	Setbacks Waiver Granted – see paragraph 21 below
3. That the applicant submit a final set of definitive plans within six (6) months from the date of this decision (November 28, 2005). The final set of plans shall include the following:
 - a. The identification of the roadway as a numbered lot
 - b. The location of the secondary emergency access which will connect to the proprietors road;
 - c. A detailed landscape and lighting plan;
 - d. An erosion and sedimentation control plan; and
 - e. A final design for the "break away" gates (see condition 9 below);
4. That the installation of all ways and of all municipal services shall be completed in accordance with the applicable sections of the *Rules and Regulations Governing the Subdivision of Land* or as directed by the Planning Board within two (2) years of the date of endorsement of the Definitive Plan. The Planning Board may grant extensions of this deadline without holding a public hearing;
5. That recorded copies of all legal documents (Homeowners Association, Covenant, Statement of Conditions, Grant of Right of Enforcement, Road Maintenance and Endowment Agreement, Wastewater Treatment System Maintenance Plan, Stormwater Operation and Management Plan, Open Space

- Management Plan, Utility, Drainage, and Septic Easements, and all deed restrictions including the conservation restriction of open space parcels) shall be presented to the Planning Board prior to the release of any building lots and within six (6) months from the date of this decision (November 28, 2005);
6. That a Homeowners Association shall be established and endowed by the applicant for the maintenance of all roadways, drainage, utilities, landscaping, and wastewater treatment. The Association shall be initially endowed at the rate of \$500 per lot (\$6,500.00 total);
 7. That documentation that the open space parcels have been conveyed to the Homeowners Association or other appropriate agency, with enforcement granted to the Nantucket Planning Board pursuant to Zoning By-law section 139-7F(7)(4), shall be presented to the Planning Board within twelve (12) months from the date of this decision (November 28, 2005). Ownership of the open space parcels which include components of the septic system shall be maintained by the Homeowners Association. Uses permitted in the areas designated as open space shall comply with the uses specified in Zoning Bylaw section 139-7(B)(6) and those uses specified in MGL c. 184, sections 31 and 32;
 8. That the applicant has volunteered to grant to the Town or County of Nantucket an easement across the subdivision roadway layout, the access leading to the proprietors road, and the proprietors road out to Millbrook Road for secondary emergency access. Said easement shall be presented to the Planning Board prior to the release of any lots from the covenant;
 9. That the applicant shall establish a secondary emergency access within the area of the proprietors road to the rear of the site. The secondary emergency access shall be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet. An on-site meeting shall take place with the applicant, Planning Board, and Planning Board staff to determine the exact limit of clearing. Said meeting shall be posted as a public meeting with notice given to abutters. This clearing shall follow the existing road to the extent possible, shall minimize disturbance to mature trees, shall utilize hand cutting and trimming to the greatest extent possible, and shall be sited in such a way as to minimize disruption to abutting properties. The secondary emergency access must be gated at the entrance to the development and at the intersection of Millbrook Road and the proprietors road with "break-away" type gates which are subject to approval by the Historic District Commission and the Fire Department. Design plans for the gate shall be submitted as part of the final definitive plans;
 10. That the secondary emergency access (within the development and along the proprietors road) shall be cleared free of vegetation and obstruction to a width of twelve (12) feet and a height of thirteen (13) feet biannually. The Planning Board and property owners directly abutting the areas where clearing will take place shall be notified by the Homeowners Association by mail a minimum of two (2) weeks prior to any work taking place;
 11. That the applicant has volunteered to grant to the Town or County of Nantucket an easement across the subdivision roadway layout and the proposed walking trail to connect Hummock Pond Road to the properties to the rear of the site. Said easement shall be presented to the Planning Board prior to the release of any lots from the covenant;
 12. That the applicant has volunteered to grant to the Town or County of Nantucket a twenty (20) foot bike path/sidewalk easement across the Hummock Pond Road frontage of the property. This easement shall be presented to the Planning Board prior to the release of any lots from the covenant;
 13. That the applicant has volunteered to make a contribution in the sum of \$20,000.00 to the Old South Road bike path in lieu of the future Hummock Pond Road/Cisco bike path. This contribution shall be received within six (6) months from the date of this decision (November 28, 2005);
 14. That the lots shall be prohibited from any further subdivision. However, minor lot line adjustments shall be permitted through the Approval Not Required (ANR) process;
 15. That fencing (to be approved by the Historic District Commission) shall be installed to prevent individual homeowners from encroaching on the preserved open space. Said fencing shall be along the following property lines:
 - Lot 1 – southern and western
 - Lots 2 through 5 – western
 - Lot 6 – southern
 - Lot 7 – southern and western
 - Lot 8 – eastern and western
 - Lot 9 – southwestern and northwestern
 - Lots 10 and 11 – western, northern, and eastern

- Lots 12 and 13 – northern, eastern and southern

16. That documentation regarding the conveyance of the roadway parcel to the Homeowners Association shall be provided to the Planning Board within six (6) months from the date of this decision (November 28, 2005). The Planning Board may grant extensions of this deadline without holding a public hearing;
17. That the Planning Board waives the requirement for the designation of building envelopes pursuant to Zoning Bylaw section 139-7(B)(3)(b) due to the following: the portion of the site where building will take place has a generally flat topography and the Historic District Commission (HDC) has the appropriate authority to determine building height and design features during their review process;
18. That a maximum of one (1) dwelling unit shall be permitted per lot. Absolutely no studios shall be permitted. Appropriate legal restrictions shall be submitted to the Planning Board before the release of any lots from the Covenant and within six (6) months from the date of this decision (November 28, 2005);
19. That all dwelling units shall be limited to a maximum of four (4) bedrooms;
20. That all driveways shall contain a driveway apron. Each apron shall be a minimum of ten (10) feet in depth behind the property line and shall comply with the dimensional requirements of Zoning Bylaw section 139-20.1;
21. That all lots be connected to municipal water;
22. That a construction entrance with a depth of at least one-hundred (100) feet shall be established at the intersection of the proposed interior roadway and Hummock Pond Road. The construction entrance shall be constructed of dense gravel as to remove construction debris from the tires of construction vehicles prior to entering Hummock Pond Road;
23. The following intensity regulations shall apply:
 - a. Ground Cover Ratio – 35%
 - b. Front Setback – 10 feet
 - c. Side/Rear Setback – 10 feet
 - d. Minimum Lot Size – 10,000 square feet
 - e. Frontage – 20 feet

RECORD OF VOTE

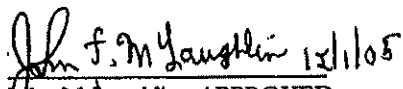
On November 14, 2005 the Planning Board voted 5-0 to APPROVE the applications for an Approval Required Subdivision and Major Residential Development Special Permit. On November 28, 2005 the Planning Board voted 4-0 to ENDORSE this decision.


 Donald T. Visco APPROVED


 Sylvia Howard APPROVED

Francis T. Spriggs APPROVED

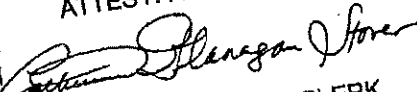

 Barry G. Restor APPROVED

 12/1/05
 John McLaughlin APPROVED

DEC 23 2005

ATTEST: A TRUE COPY

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS 40A, SECTION 11


 ELIZABETH STINSON
 NANTUCKET TOWN CLERK

C O M M O N W E A L T H O F M A S S A C H U S E T T S

Nantucket, SS

December 1 2005

On the 1st day of December, 2005, before me, the undersigned notary public,

personally appeared *Donald Weiss*, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

LESLIE ERIN WOODSON

Notary Public



LESLIE ERIN WOODSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 22, 2011

My Commission Expires

DOC No: 00114742

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Dec 30, 2005 at 02:53P

Document Fee: 75.00 Rec Total: \$75.00

CERTIFICATE No: 21859