

Executed and sealed on ~~April~~ ^{May} 5, 2008.


DIANE A. O'NEIL

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 5th ^{May} ~~April~~ 2008, before me, the undersigned notary public, personally appeared Diane A. O'Neil, proved to me through satisfactory evidence of identification, which was ___ photographic identification with signature issued by a federal or state government agency, ___ oath or affirmation of a credible witness, or X personal knowledge of the undersigned, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.

apply stamp



Notary Public Paul S. Jevore
My commission expires: 6/22/2014

NANTUCKET LAND BANK CERTIFICATE	
<input type="checkbox"/> Paid \$	
<input checked="" type="checkbox"/> Exempt	
<input type="checkbox"/> Non-applicable	
No. <u>2050</u>	Date <u>5/5/08</u>
Authorization <u>[Signature]</u>	



6 parking spaces



LOT 6
Area 89004 ± sq. Ft.

SEP 15 1998

132811

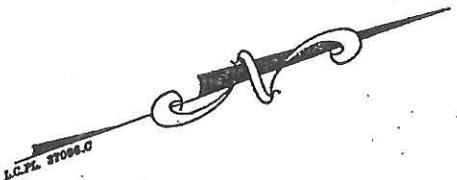
NOTE: LOTS 5 THRU 8 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER NANTUCKET ZONING BY LAWS BUT STILE MAY BE SUBJECT TO PROTECTIONS UNDER STATE AND LOCAL WETLANDS BY LAWS DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

NOTE: BEING A SUBDIVISION OF LOT 4 LC 3701-B
CERT 7707
PART TO BE RELOCATED PRIOR TO TRANSFER OF LOTS 6 OR 7
FRONTAGE AVERAGED 909.97 - 5 = 18199 FEET

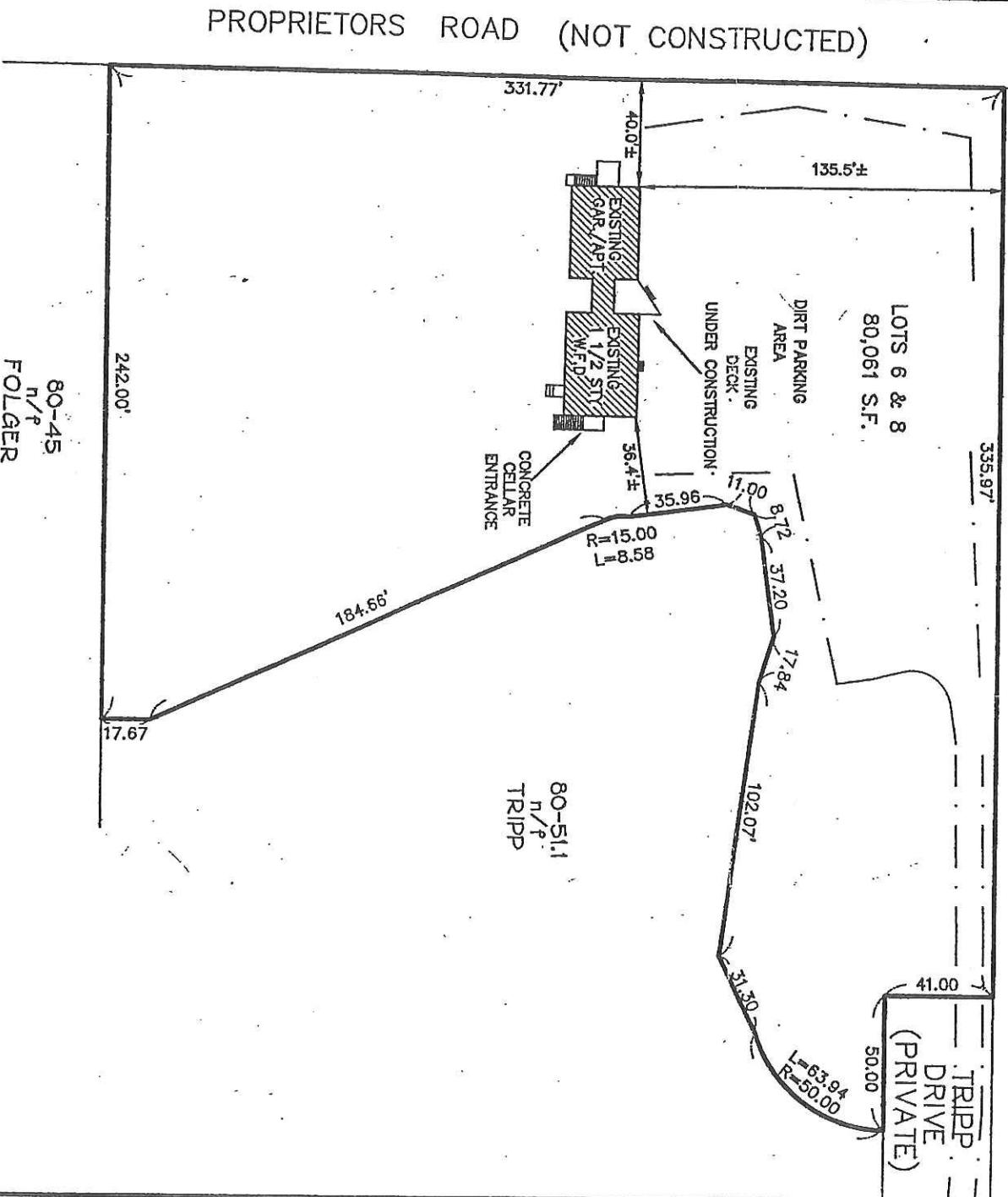
LEGEND

DONALD T. + PHYLLIS J. WISCO
K.C. 13648B

ZONING CLASSIFICATION: L.U.G. 2 EXISTING:
 MIN. AREA: . . . 80,000 S.F. 80,061 S.F. ±
 MIN. FRONTAGE: . . . 150 FT. SEE PLAN
 FRONT YARD S.B.: . . . 35 FT. SEE PLAN
 REAR & SIDE S.B.: . . . 15 FT. SEE PLAN
 GROUND COVER (%): . . . 4. % 2.43. % ±
 HOUSE = 1112 ± S.F.
 GARAGE \APT. = 830 ± S.F.

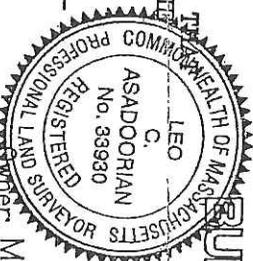


ONLY ORIGINALLY STAMPED AND
 ENDORSED COPIES OF THIS PLAN
 SHALL BE ACKNOWLEDGED BY
 THE CERTIFYING LAND SURVEYOR



I CERTIFY, AS OF 1-7-2000
 THE BUILDING(S) IS/ARE LOCATED ON THE
 GROUND AS SHOWN HEREON.

Leo C. Asadoorian
 PROFESSIONAL LAND SURVEYOR



BUILDING LOCATION PLAN

NANTUCKET, MASS.

SCALE: 1" = 60' DATE: 12/15/1999
 MICHAEL & DIANE A. O'NEIL

THIS PLOT PLAN WAS PREPARED FOR THE TOWN
 OF NANTUCKET BUILDING DEPARTMENT ONLY AND
 SHOULD NOT BE CONSIDERED A PROPERTY LINE
 SURVEY. THIS PLAN SHOULD NOT BE USED TO
 ESTABLISH PROPERTY LINES, FENCES, HEDGES OR
 ANY ANCILLARY STRUCTURES ON THE PREMISES.
 THE PROPERTY LINES SHOWN RELY ON CURRENT
 DEEDS AND PLANS OF RECORD.
 THIS PLOT PLAN IS NOT A CERTIFICATION AS TO
 TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.
 OWNERS OF ADJOINING PROPERTIES ARE SHOWN
 ACCORDING TO CURRENT ASSESSOR RECORDS.

Deed/Cert. l.c. DOC. 83309 Plan: L.C.P.L. 37096-C
 Tax Map: 80-51.4. Locus: #. 14. TRIPP DRIVE.

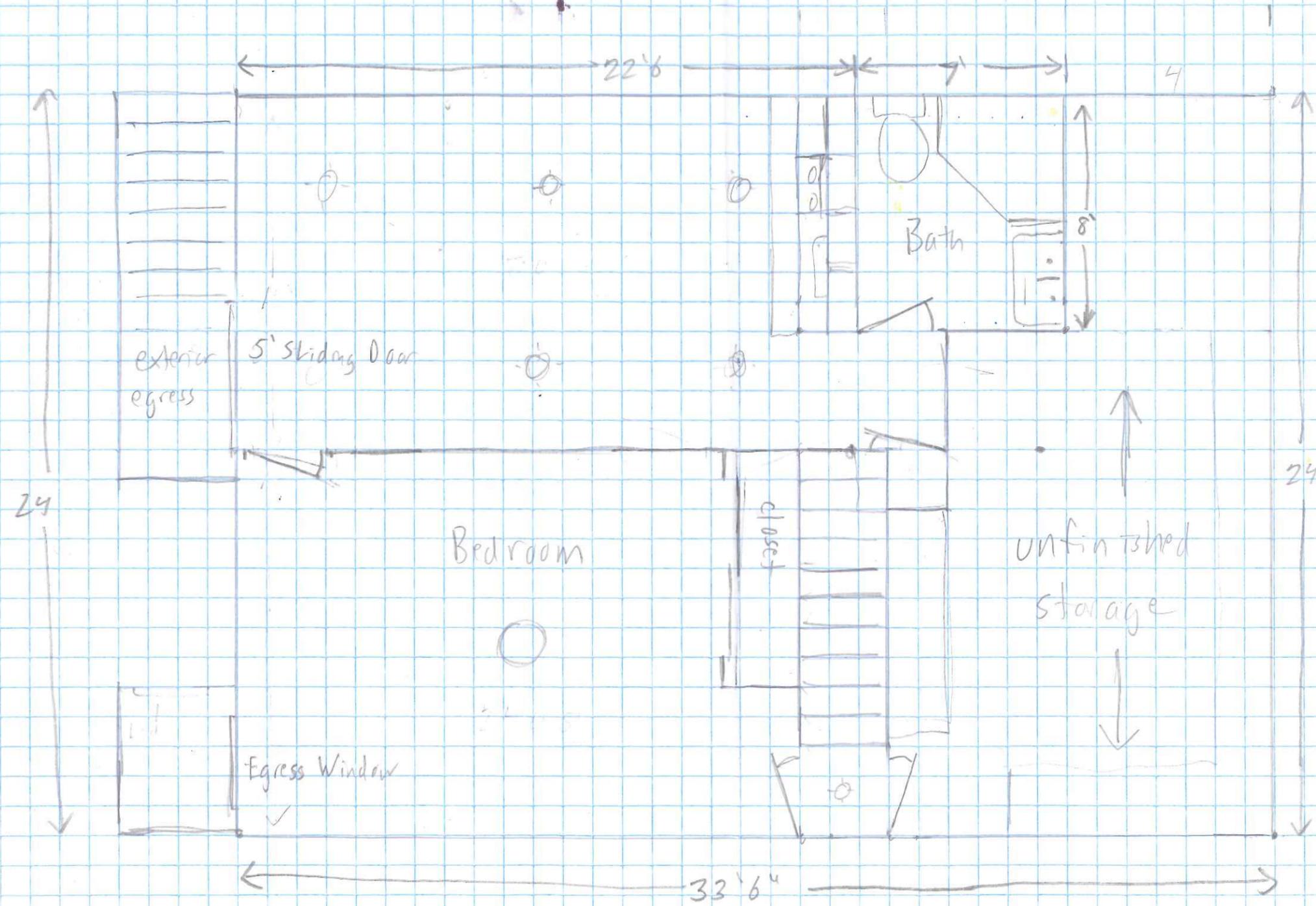
BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 20 TEASDALE CIRCLE
 Nantucket, Massachusetts 02554

Diane O'Neil
14 Tripp Drive

Basement Floor Plan

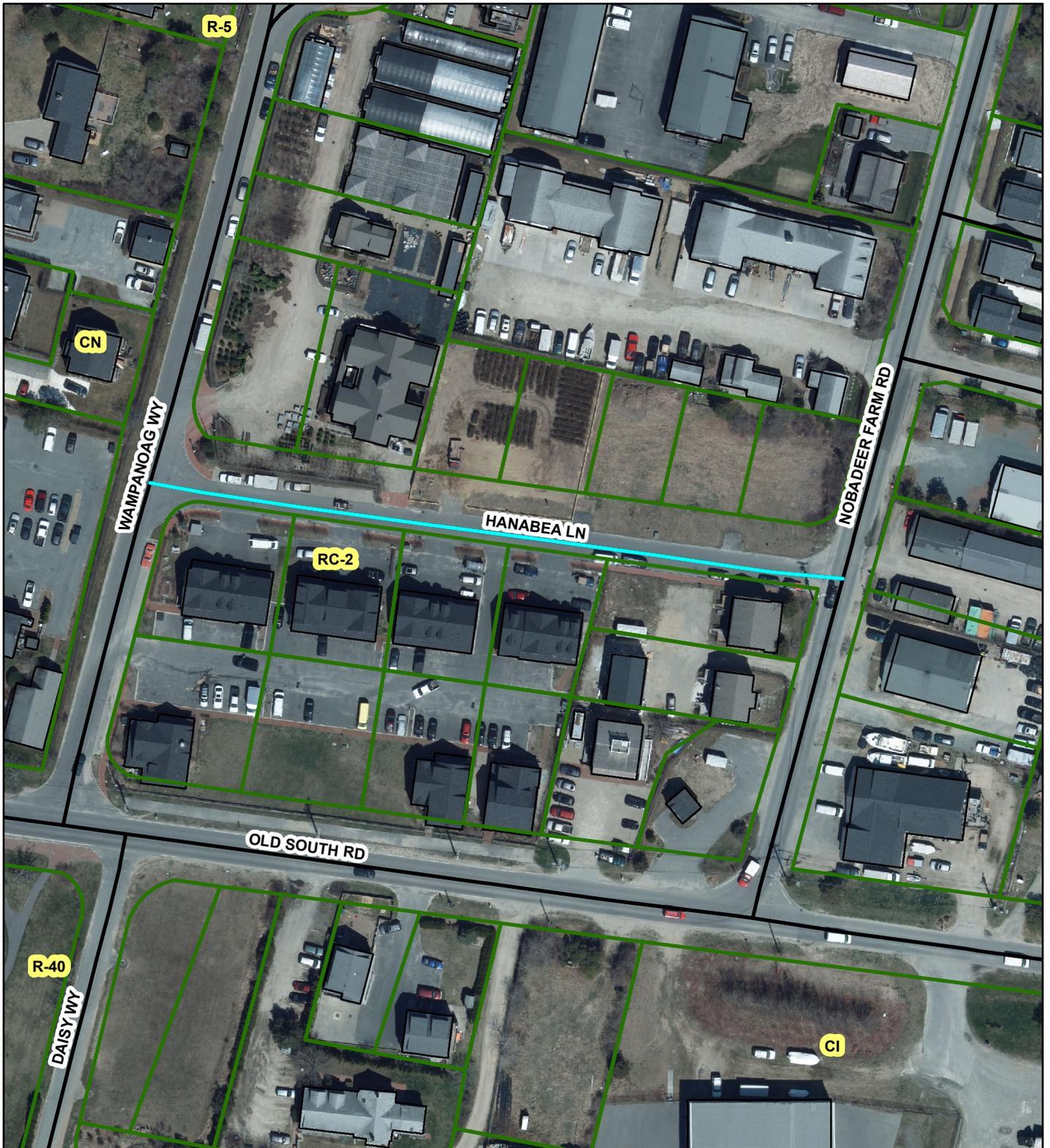
$24 \times 19 = 456$
 $9 \times 9 = 81$

 537





#6654 Hanabea Lane Subdivision
Form J Release
Lots 738 & 741



Monday, April 11, 2016 Planning Board Packet

GLIDDEN & GLIDDEN, P.C.
ATTORNEYS AT LAW
P. O. Box 1079
37 CENTRE STREET
NANTUCKET, MASSACHUSETTS 02554
508-228-0771
FAX 508-228-6205
OFFICE@GLIDDENANDGLIDDEN.COM

RICHARD J. GLIDDEN
JESSIE GLIDDEN BRESCHER
JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

March 29, 2016

Nantucket Planning Board
2 Fairgrounds Road
Nantucket, MA 02554

Re: Hanabea Lane Subdivision
Lots 738 and 741

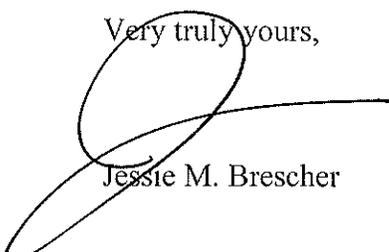
Dear Boardmembers:

Enclosed please find a Form J Release for the above-referenced lots in the Hanabea Lane Subdivision. The Form J Release for Lot 741 was originally signed November 14, 2005 (copy enclosed), but it appears that said release was never recorded with the Registry of Deeds, and the original cannot be located. As such, I request that Lot 741 be re-released.

The Form J Release for Lot 738 was also requested in November 2005, but was denied at that time. It is my understanding that the required subdivision improvements have been completed since that time and that there are no items remaining.

If you have any questions or need any additional documentation, please do not hesitate to contact me. Trusting you find everything in order and thanking you for your time, I remain,

Very truly yours,



Jessie M. Brescher



Nantucket Planning Board

Form J Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security

Date: March 29, 2016 Planning Board File # 6654

Subdivision Name: Hanabea Lane Subdivision

Owner: Marsha Kotalac

Owner's Address: 1/0 Glidden + Glidden, PC - 37 Centre St., Nantucket, MA

Phone number: 508-228-0771 Fax number: 508-228-6205 E-mail: Jessie@glidden 02554
andglidden.com

Applicant, (if other than owner): SAME

Applicant's Address: _____

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

Date of Subdivision Plan: May 7, 2003 (reversion) - endorsed December 13, 2004

Land Location: Hanabea Lane (Nobadeer Farm Rd)

Plan Recorded: Nantucket Registry of Deeds Plan Book _____ Page _____

Plan Registered: Nantucket Land Registry, Land Court Plan Number 16514-63

Type of Performance Security:

Covenant dated: December 13, 2004
Covenant recorded: Nantucket Registry of Deeds, Book _____ Page _____

or
Covenant registered: Nantucket Land Registry District as Document # 110820 and noted on
Certificate of Title # 24458 in Registration Book _____ Page _____

Deposit of money, agreement dated: _____
Bank (if bank passbook): _____
Address of Bank: _____

Other Security, agreement dated: _____

Letter of credit, agreement dated: _____

Monday, April 11, 2016 Planning Board Packet

Nantucket Planning Board, Form J, page 2

Bank: _____

Address of Bank: _____

The undersigned, being a majority of the Planning Board of Nantucket, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been completed partially completed by the applicant in accordance with the Board's rules and regulations to adequately serve the following enumerated lots:

LOTS 738 + 741, LC Plan # 16514-63

Pursuant to Section 81.U of Chapter 41, M.G.L. and in consideration of said construction and installation, the Town of Nantucket, a Massachusetts corporation, acting through its Planning Board, hereby releases its interest in the Performance Security referred to above, as to the lots enumerated in the preceding paragraph only.

Duly executed as a sealed instrument this _____ day of _____, _____.
(Date) (Month) (Year)

Barry G. Rector

Nat Lowell

Linda Williams

John McLaughlin

Joseph Marcklinger

Signed by a Majority of the Town of Nantucket Planning Board

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS _____, 2016

On the _____ day of _____, 2016, before me, the undersigned notary public,

Personally appeared _____, 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 acknowledge that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public

My commission expires:

Nantucket Planning Board

Form J

Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security

Date: 2005
 Planning Board File # 6654
 Subdivision Name: Hanabea Lane
 Owner: Myles M. Reis, Jr., as Trustee of Beezer Trust
 Owner's Address: Post Office Box 125, Nantucket, Massachusetts 02554
 Applicant, (if other than owner): N.A.
 Applicant's Address: _____
 Date of Subdivision Plan: October 22, 2002, revised through May 7, 2003
 Land Location: Off Nobadeer Farm Road
 Plan Recorded: Nantucket Registry of Deeds Plan _____
 Plan Registered: Nantucket Land Registry, Land Court Plan Number 16514-63

Type of Performance Security:

- Covenant dated: December 13, 2004
 Covenant recorded: Nantucket Registry of Deeds, Book _____ Page _____
 or
 Covenant registered: Nantucket Registry District as Document # 110820 and noted on
 Certificate of Title # 18611
 Bond, agreement dated: _____
 Surety Company: _____
 Address of Surety: _____
 Deposit of money, agreement dated: _____
 Bank (if bank passbook): _____
 Address of
 Bank: _____
 Other Security, agreement dated: _____
 Letter of credit, agreement dated: _____
 Bank: _____
 Address of Bank: _____

The undersigned, being a majority of the Planning Board of Nantucket, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been completed partially completed

by the applicant in accordance with the Board's rules and regulations to adequately serve the following enumerated lots:

Lot 741 (Hanabea Lane), only.

Pursuant to Section 81.U of Chapter 41, M.G.L. and in consideration of said construction and installation, the Town of Nantucket, a Massachusetts corporation, acting through its Planning Board, hereby releases its interest in the Performance Security referred to above, as to the lots enumerated in the preceding paragraph only.

Duly executed as a sealed instrument this 14th day of November, 2005.

Signed by a Majority of the Planning Board
of the Town of Nantucket

Donald Wisco
Edward A. Howard
J. M. Smith 11/16/05

Commonwealth of Massachusetts

Nantucket, SS

Date: November 14, 2005

Then personally appeared Donald Wisco one of the above-named members of the Planning Board of Nantucket, Massachusetts, and acknowledged the foregoing instrument to be his/her free act and deed before me,

LESLIE ERIN WOODSON
Notary Public

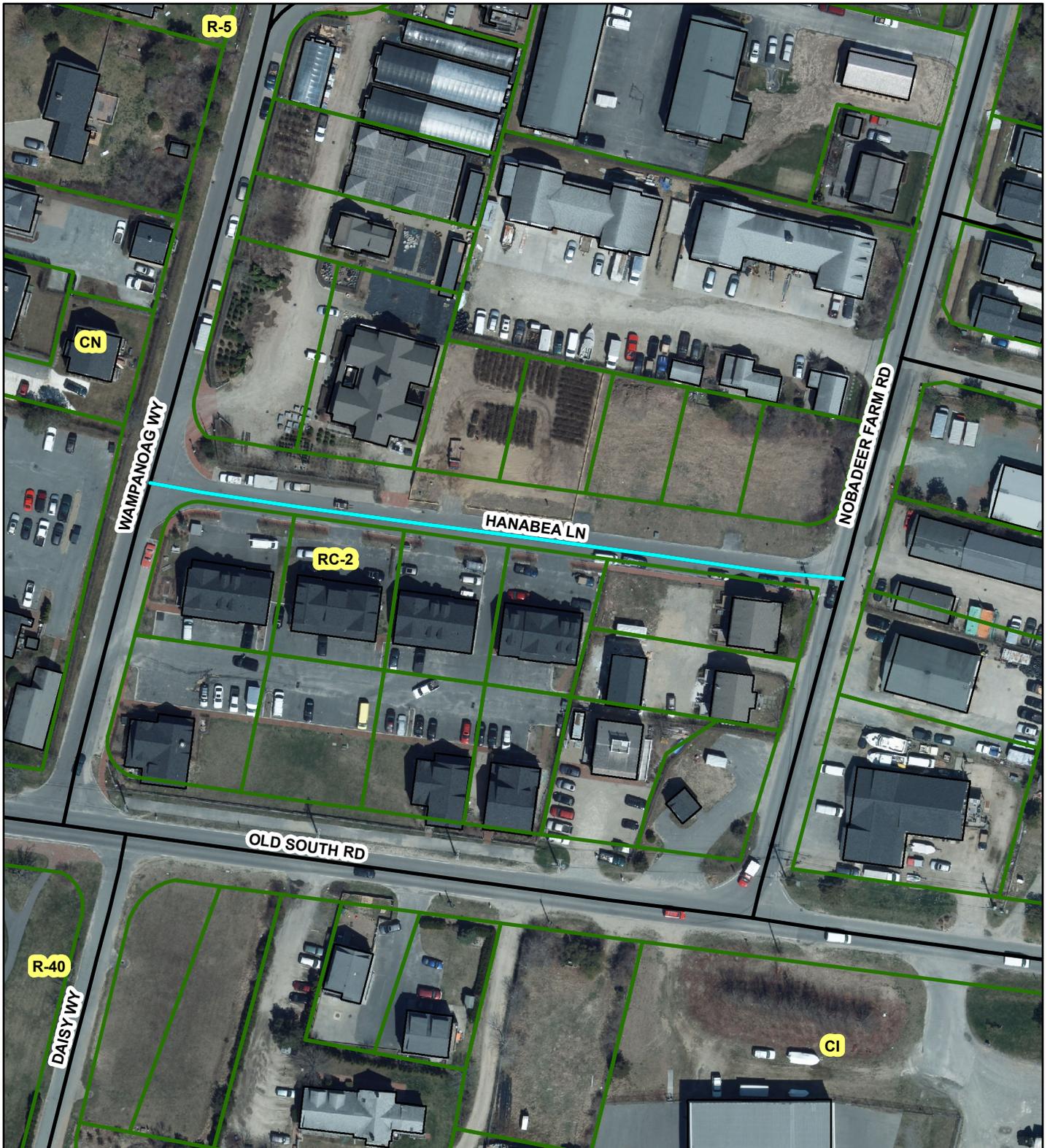
My Commission Expires: _____



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



#6654 Hanabea Lane Subdivision
Form J Release
Lots ~~738 & 741~~ **736, 754 & 755**



Monday, April 11, 2016 Planning Board Packet

GLIDDEN & GLIDDEN, P.C.

ATTORNEYS AT LAW
P. O. BOX 1079
37 CENTRE STREET
NANTUCKET, MASSACHUSETTS 02554
508-228-0771
FAX 508-228-6205
OFFICE@GLIDDENANDGLIDDEN.COM

RICHARD J. GLIDDEN
JESSIE GLIDDEN BRESCHER
JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

April 4, 2016

Nantucket Planning Board
2 Fairgrounds Road
Nantucket, MA 02554

Re: Hanabea Lane Subdivision
Lot 736, Land Court Plan No. 16514-63
Lots 754 & 755, Land Court Plan No. 16514-68

Dear Boardmembers:

Enclosed please find a Form J Release for the above-referenced lots in the Hanabea Lane Subdivision. Please add the above to the previously submitted request for Form J Releases for Lots 738 & 741 on Land Court Plan No. 61514-63.

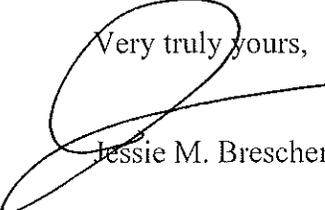
In total, my client is seeking that the following lots be released:

Lots 736, 738, and 741 on Land Court Plan No. 16514-63; and
Lot 754 and 755 on Land Court Plan No. 16514-68.

As indicated in my correspondence dated March 29, 20156, it is my understanding that the required subdivision improvements have been completed since that time and that there are no items remaining.

If you have any questions or need any additional documentation, please do not hesitate to contact me. Trusting you find everything in order and thanking you for your time, I remain,

Very truly yours,


Jessie M. Brescher



Nantucket Planning Board

Form J
Certificate of Completion and
Release of Municipal Interest in
Subdivision Performance Security

Date: March 29, 2016 Planning Board File # 6654

Subdivision Name: Hanabea Lane Subdivision

Owner: Marsha Kotalac

Owner's Address: 1/0 Glidden + Glidden, PC - 37 Centre St., Nantucket, MA

Phone number: 508-228-0771 Fax number: 508-228-6205 E-mail: jessie@glidden 02554
andglidden.com

Applicant, (if other than owner): SAME

Applicant's Address: _____

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

Date of Subdivision Plan: May 7, 2003 (reversion) - endorsed December 13, 2004

Land Location: Hanabea Lane (Nobadeer Farm Rd)

Plan Recorded: Nantucket Registry of Deeds Plan Book _____ Page _____

Plan Registered: Nantucket Land Registry, Land Court Plan Number 16514-63
16514-68

Type of Performance Security:

Covenant dated: December 13, 2004
Covenant recorded: Nantucket Registry of Deeds, Book _____ Page _____

or
Covenant registered: Nantucket Land Registry District as Document # 110820 and noted on
Certificate of Title # 24458 in Registration Book _____ Page _____

Deposit of money, agreement dated: _____
Bank (if bank passbook): _____
Address of Bank: _____

Other Security, agreement dated: _____

Letter of credit, agreement dated: _____

Monday, April 11, 2016 Planning Board Packet

Nantucket Planning Board, Form J, page 2

Bank: _____

Address of Bank: _____

The undersigned, being a majority of the Planning Board of Nantucket, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been completed partially completed by the applicant in accordance with the Board's rules and regulations to adequately serve the following enumerated lots:

LOT 736, LC Plan No. 16514-63

LOTS 754 + 755, LC Plan No. 16514-68

Pursuant to Section 81.U of Chapter 41, M.G.L. and in consideration of said construction and installation, the Town of Nantucket, a Massachusetts corporation, acting through its Planning Board, hereby releases its interest in the Performance Security referred to above, as to the lots enumerated in the preceding paragraph only.

Duly executed as a sealed instrument this _____ day of _____, _____
(Date) (Month) (Year)

Barry G. Rector

Nat Lowell

Linda Williams

John McLaughlin

Joseph Marcklinger

Signed by a Majority of the Town of Nantucket Planning Board

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS _____, 2016

On the _____ day of _____, 2016, before me, the undersigned notary public,

Personally appeared _____, 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 acknowledge that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public

My commission expires:

SUBDIVISION PLAN OF LAND IN NANTUCKET

Nantucket Surveyors, LLC., Surveyors

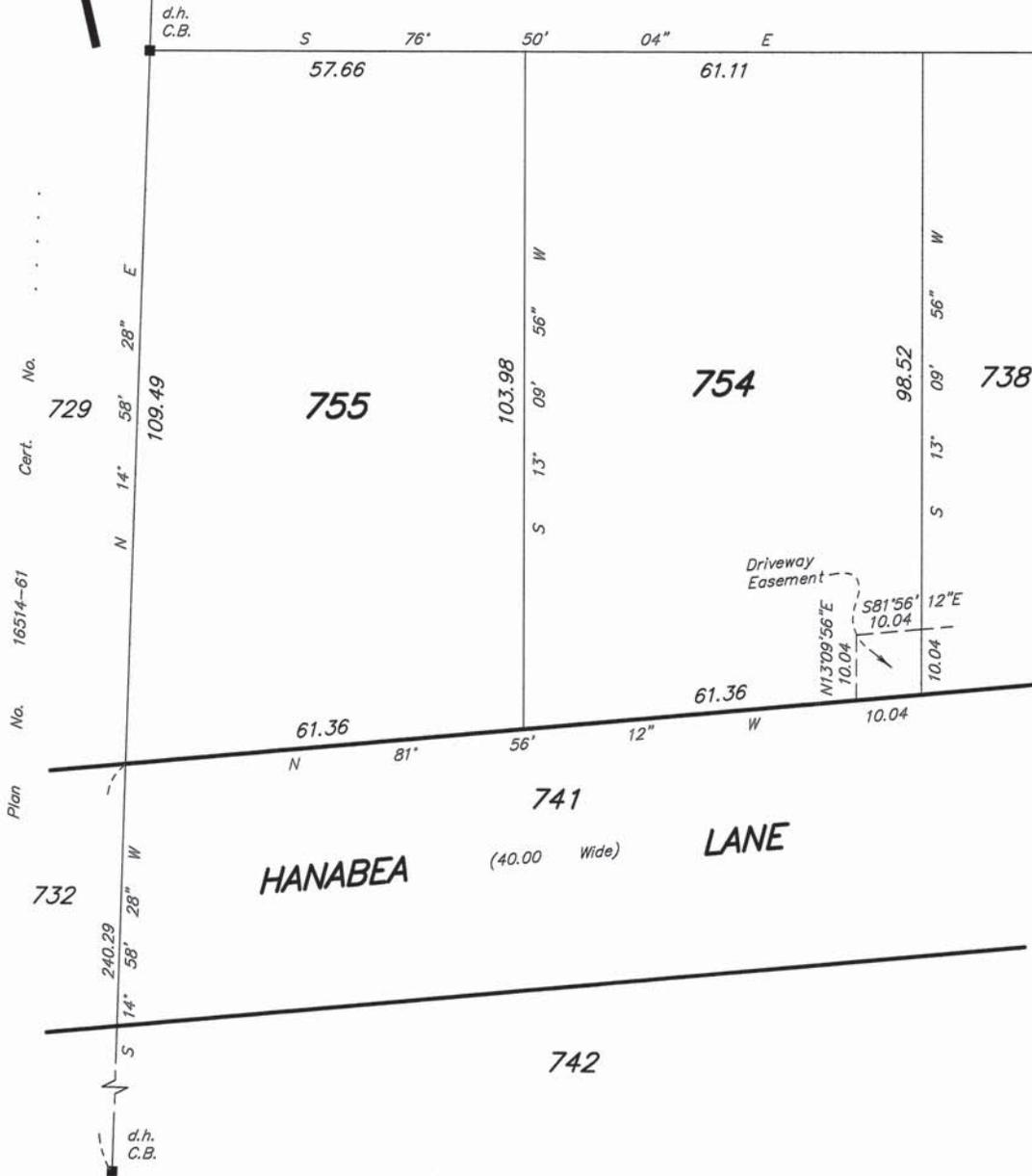
16514-68

November 4, 2005



Plan No. 16514-26 Cert. No. 13989

540



Subdivision of Lots 739 and 740
 Shown on Plan 16514-63
 Filed with Cert. of Title No.
 Registry District of Nantucket County

Separate certificates of title may be issued for land
 shown hereon as Lots 754 and 755
 By the Court.

Deborah S. Patterson
 Recorder

Dec. 5, 2005

SJK-07CO

Copy of part of plan
 filed in
LAND REGISTRATION OFFICE
 DEC. 5, 2005
 Scale of this plan 20 feet to an inch
 G.T. Capellanis, Engineer for Court

THIS PLAN FILED WITH CERTIFICATE NO. 18611

Monday, April 11, 2016 Planning Board Packet

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

TWO SOUTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

TELEPHONE: 508-228-1118 FACSIMILE: 508-228-8004

SARAH F. ALGER
sfa@sfapc.com

CHRISTINE A. JENNESS
caj@sfapc.com

FIVE PARKER ROAD • POST OFFICE BOX 449
OSTERVILLE • MASSACHUSETTS • 02655
TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER
1931-2007

March 22, 2016

BY HAND DELIVERY

Nantucket Planning Board
Two Fairgrounds Road
Nantucket, Massachusetts 02554

Re: Planning Board File No. 7426- Micheme Lane

Dear Sir or Madam,

It is my understanding that the above project is complete and that all inspections have been done. As a result, I am requesting that the escrow account be closed and that any balance of funds be issued to Micheme Lane LLC.

Thank you for your attention in this matter.

Sincerely,



SFA/jtd

cc: Micheme Lane, LLC (by e-mail)

Nantucket Planning Board Engineering Escrow Account

#7426 Micheme Lane

File No.	Development	Date	Engineer	Invoice No.	Chk#	Debit	Credit	Balance
7426	Oscar Squared, Inc.	5/11/2012			7101		\$5,000.00	\$5,000.00
7426	Oscar Squared, Inc.	5/4/2012	Ed Pesce	2012-925		\$1,399.81		\$3,600.19
7426	Oscar Squared, Inc.	5/31/2012	Ed Pesce	2012-945		\$398.75		\$3,201.44
7426	Oscar Squared, Inc.	8/8/2014	Pesce Eng.	2014-1048		\$1,244.58		\$1,956.86
7426	Oscar Squared, Inc.	9/26/2014	Pesce Eng.	2014-1070		\$543.75		\$1,413.11
7426		10/30/2014					\$5,000.00	\$6,413.11
7426	Oscar Squared, Inc.	10/30/2014	Pesce Eng.	2014-1076		\$1,605.45		\$4,807.66
7426	Oscar Squared, Inc.	12/9/2014	Pesce Eng.	2014-1084		\$1,606.65		\$3,201.01
7426	Oscar Squared, Inc.	12/31/2014		2014-1099		\$810.04		\$2,390.97
7426	Oscar Squared, Inc.	2/14/2015	Pesce Eng.	2014-1110		\$1,035.12		\$1,355.85
7426	Oscar Squared, Inc.	3/4/2015	Pesce Eng.	2015-1125		\$692.69		\$663.16
7426		4/14/2015					\$1,836.84	\$2,500.00
7426		4/14/2015	Pesce Eng.	2015-1137		\$697.40		\$1,802.60
7426		4/30/2015	Pesce Eng.	2015-1149		\$360.44		\$1,442.16
7426		5/27/2015	Pesce Eng.	2015-1159		\$1,439.11		\$3.05
7426		6/26/2015	Pesce Eng.	2015-1172		\$2,093.84		(\$2,090.79)
7426	Oscar Squared, Inc.	7/29/2015	Pesce Eng.	2015-1187		\$2,284.96		(\$4,375.75)
7426	Micheme Lane, LLC	8/11/2015	DEPOSIT		130		\$6,875.75	\$2,500.00
7426	Pesce	8/30/2015	Pesce Eng.	2015-1201		\$822.11		\$1,677.89
7426	Micheme Lane, LLC	9/9/2015	DEPOSIT		136	\$822.11		\$2,500.00
7426	Pesce	10/13/2015	Pesce Eng.	2015-1223		\$1,254.47		\$1,245.53
7426	Micheme Lane, LLC	10/27/2015	DEPOSIT		138		\$1,254.47	\$2,500.00
7426	Micheme Lane, LLC	10/25/2015	Pesce Eng.	2015-1236		\$396.00		\$2,104.00
							Total Balance:	\$2,104.00

Monday, April 11, 2016 Planning Board Packet

GLIDDEN & GLIDDEN, P.C.

ATTORNEYS AT LAW
P. O. Box 1079
37 CENTRE STREET
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508-228-0771
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OFFICE@GLIDDENANDGLIDDEN.COM

RICHARD J. GLIDDEN
JESSIE M. GLIDDEN BRESCHER
JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

April 7, 2016

Via _____
Leslie

RE: 101 Low Beach Road
Fisher Lane
Nantucket, Massachusetts

Dear Leslie,

In accordance with our conversation enclosed please find the following documents:

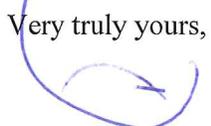
1. Statement of Conditions of Planning Board Approval
2. Covenant
3. Grant of Right of Enforcement
4. Declaration of Restrictions
5. Road Maintenance and Endowment Agreement
6. Declaration of Trust

Numbers 1, 2 and 5 need the signatures of the Planning Board. These are the same documents that the Board signed last summer, but the Land Court just approved the plan for recording. In December of 2015 Clara Urbahn did estate planning and transferred the property into a family trust. As a result, all of the documents had to be resigned by the trustee as the new title holder. I do not think this needs to be done at a meeting as the Board already voted to execute these documents and in fact signed the same documents (except for name of owner) last year.

I am going on vacation tomorrow but I have an appointment with the Land Court in Boston the last week in April. If I could pick up the executed documents on or about April 25th that would work for me.

Thanking you for your time and consideration, I remain,

Very truly yours,



Richard J. Glidden

RJG:jl
enclosures

STATEMENT OF CONDITIONS OF SUBDIVISION APPROVAL

Clara R. Urbahn (the "Owner") has submitted an application dated January 14, 2014, to the NANTUCKET PLANNING BOARD (the "Planning Board") for approval of a definitive plan (the "Plan") of a subdivision of land, prepared by Site Design Engineering, LLC, dated January 13, 2014, of land located off Low Beach Road on Fisher Lane, Nantucket, Massachusetts, and showing two (2) building lots, one lot with a preexisting dwelling and a new roadway entitled "Fisher Lane" (the "Subdivision"). The Planning Board has approved the Plan on July 14, 2014 subject to the terms and conditions of subdivision approval herein set forth. The property is now owned by Jeffrey Samuel Horowitz, Trustee of the Clara R. Urbahn 2015 Management Trust by virtue of deed registered as Document No. 150381 at the Nantucket Registry District.

In consideration of the Planning Board's approval of the Plan, the Owners hereby subject all of the land in the Subdivision to all conditions, terms and provisions set forth in the following:

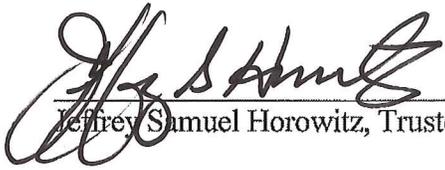
(a) The Plan, as approved and endorsed pursuant to the Subdivision Control Law by the Planning Board.

(b) The Subdivision Control Law and the Planning Board's Rules and Regulations Governing the Subdivision of Land which were in effect on January 14, 2014, the date of filing of the Plan.

(c) The Planning Board's letter of approval dated July 14, 2014, a copy of which is attached hereto as Exhibit "A".

All of the conditions, terms and provisions shall constitute restrictions running with the land, and shall be enforceable in perpetuity by the Inhabitants of the Town of Nantucket, acting by and through the Planning Board.

For title to all of the land in the Subdivision, see Certificate of Title No. 24149 at the Nantucket Registry District for the Land Court.


Jeffrey Samuel Horowitz, Trustee

STATE OF _____

County of _____

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ (a) _____ personally known to me, or (b) _____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My Commission expires:

See Attached California Acknowledgment Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Alameda)

On 04-01-2016 before me, Simarjit Manhas, Notary Public, (here insert name and title of the officer)

personally appeared Jeffrey Samuel Horowitz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Statement of Conditions of Subdivision Approval containing pages, and dated 04/01/2016.

The signer(s) capacity or authority is/are as:

- Individual(s)
Attorney-in-Fact
Corporate Officer(s)
Guardian/Conservator
Partner - Limited/General
Trustee(s)
Other:

representing: Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
form(s) of identification
credible witness(es)

Notarial event is detailed in notary journal on:

Page # Entry #

Notary contact:

Other

- Additional Signer(s)
Signer(s) Thumbprint(s)

ACCEPTANCE BY PLANNING BOARD

We, as a majority of members of the Nantucket Planning Board, hereby accept and approve the foregoing statement of Conditions of Subdivision Approval.

Dated: _____, 2016

Commonwealth of Massachusetts

Nantucket,ss _____, 2016

On the ___ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, 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.

Notary Public
My Commission Expires:

FORM I
COVENANT

_____, 2016
Nantucket, Massachusetts

KNOW ALL MEN by these presents that Clara Urbahn has submitted an application dated January 14, 2014, to the Nantucket Planning Board for approval of a definitive plan of a subdivision of land entitled: FISHER LANE, dated January 13, 2014, and owned by Clara Urbahn, having an address of 101 Low Beach Road, Nantucket, Massachusetts of land located off Low Beach Road, on Fisher Lane and showing two building lots and one roadway lot called Fisher Lane. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond. The property is now owned by Jeffrey Samuel Horowitz, Trustee of the Clara R. Urbahn 2015 Management Trust by virtue of deed registered as Document No. 150381 at Nantucket Registry District.

IN CONSIDERATION of said Planning Board of Nantucket in the county of Nantucket approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Nantucket as follows:

1. That the undersigned is the owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
2. That the undersigned will not sell or convey any lot in the subdivision except for the conveyance of Fisher Lane (Lot ___) to the Association Trust or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. The Definitive Plan as approved by the Board on July 14, 2014 and endorsed on _____ and given Planning Board File No. 7640.
 - b. The Subdivision Control Law and the Planning Board's Rules & Regulations governing this subdivision which were in effect on January 14, 2014.
 - c. The conditions and agreements included in the Planning Board's letter of approval dated July 14, 2014.
 - d. Other subdivision documents, namely:
 - i – Road Maintenance and Endowment Agreement;
 - ii - Declaration of Protective Covenants;
 - iii – Grant of Right of Enforcement
 - iv – Declaration of Trust of Fisher Lane Homeowners Association

However, a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released.
5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
6. That the undersigned agrees to record this covenant with the Nantucket county Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in Section 81-U, Chapter 41, M.G.L.
8. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before July 14, 2017 (date when construction and installation is to be completed) the Planning Board shall release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.
10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to the property, see Certificate of Title No. 25924 on file at the Nantucket Registry District.

IN WITNESS WHEREOF the undersigned applicant does hereunto set his hand and seal this 1 day of April, 2016.


Jeffrey Samuel Horowitz, Trustee

STATE OF _____

County of _____

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ (a) _____ personally known to me, or (b) _____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My Commission expires: Feb 02, 2020

See Attached California Acknowledgment Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Alameda)

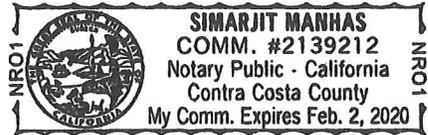
On 04-01-2016 before me, Simarjit Manhas, Notary Public
(here insert name and title of the officer)

personally appeared Jeffrey Samuel Horowitz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Simarjit Manhas

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Form 1 Covenant

containing _____ pages, and dated 04/01/2016.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____ Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

Additional Signer(s) Signer(s) Thumbprint(s)

IN WITNESS THEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____ 2016,

Acceptance by a Majority of the Nantucket Planning Board

Commonwealth of Massachusetts

Nantucket,ss _____, 2016

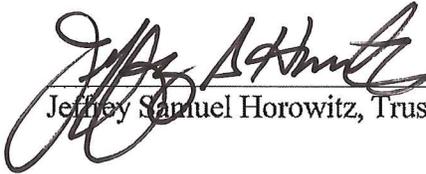
On the ___ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public
My Commission Expires:

GRANT OF RIGHT OF ENFORCEMENT OF RESTRICTIONS

Jeffrey Samuel Horowitz, Trustee of the Clara R. Urbahn 2015 Management Trust, in consideration of the approval by the Nantucket Planning Board of a certain subdivision plan approved by the Nantucket Planning Board on July 14, 2014 (Planning Board File No. 7640), hereby grant to the Town of Nantucket, acting by and through its Planning Board, the right to enforce the deed restrictions dated April ____, 2016 and recorded at the Nantucket Registry District as Document No. _____.

Witness my hand and seal this day of April 1, 2016.


Jeffrey Samuel Horowitz, Trustee

STATE OF _____

County of _____

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared Jeffrey Samuel Horowitz, Trustee (a) ____ personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
My Commission expires: Feb 02, 2020

See Attached California Acknowledgment Certificate.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Alameda)

On 04-01-2016 before me, Simarjit Manhas, Notary Public,
(here insert name and title of the officer)

personally appeared Jeffrey Samuel Horowitz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature Simarjit Manhas

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Grant of Right of Enforcement of Restrictions, containing _____ pages, and dated 04/01/2016.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____ Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence: <input type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)	
Notarial event is detailed in notary journal on: Page # _____ Entry # _____	
Notary contact: _____	
Other	
<input type="checkbox"/> Additional Signer(s)	<input type="checkbox"/> Signer(s) Thumbprint(s)
<input type="checkbox"/> _____	

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

DECLARATION OF PROTECTIVE COVENANTS

Jeffrey Samuel Horowitz, Trustee of the Clara R. Urbahn 2015 Management Trust, of 101 Low Beach Road, Nantucket, Massachusetts 02554, being the owner of a three lot subdivision (2 building lots and a roadway lot) being shown as Lots _____, _____ and _____, on Land Court Plan 5004-____, his ownership evidenced by Certificate of Title No. 25924 on file at the Nantucket Registry District for the Land Court, declare as follows:

I. STATEMENT OR PURPOSE

It is the purpose of this declaration to insure that development and conduct of activity on the land will:

- (a) Preserve the natural and scenic features of the land for the benefit of present and future owners; and
- (b) Provide for privacy of the home on each lot. I hereby subject the land to these restrictions.

II. RESTRICTIONS, COVENANTS AND EASEMENT

1. Single-family residential use only - Building lots shall be used exclusively for single-family residential purposes and no part of the land nor any structures thereon shall be used in connection with the conduct of any trade, business or occupation other than personal activity, by the occupants, only, incidental to their off-site business or occupation. Second dwellings in compliance with Nantucket Zoning By-law are allowed.

2. No Subdivision - All lots are prohibited from further subdivision. Minor lot line adjustments which do not result in the creation of any additional building lots shall be permitted through the Approval Not Required process.

3. Adjacent Conservation Land - A split rail fence will be installed and maintained between the boundary of the subdivision and land owned by the "Sconset Trust" and the land owned by the Nantucket Conservation Foundation.

III. RESERVATION OF EASEMENTS

1. Utilities - Owners hereby reserve for themselves and the appropriate utilities companies, agencies, franchises or governmental agencies, easements upon the Lots to provide for the installation, service, repair, replacement and maintenance of equipment, conduits and lines to provide utility services to the Lots, including, but not limited to, power, electric transmission, light, telephone, television cable, data, gas, or water, sewer, drainage and governmental services (including police and fire protection) together with reasonable rights of access for persons and equipment necessary for such purposes. Such easement or easements are to be generally located within Fisher Lane, and adjacent to lot lines separating each lot, with exact location to be established upon the installation of such services by the recording of a plan identifying the limits of such easement.

IV. ENFORCEMENT OF RESTRICTIONS

1. Restrictions in Gross - The Homeowners Association and the Owners shall have the right, to be held in gross and not as appurtenant to any real property interest, to enforce all of the Restrictions.

2. Restrictions Enforceable by Others - The Owners shall have the right to grant to the Nantucket Land Bank or the Town acting by and through the Planning Board or an appropriate charitable institution, the right to enforce any or all of the Restrictions. Such grant shall be in the form of a writing signed and acknowledged by the Owners and accepted in writing by the signature of a majority of the Planning Board or board of the charitable institution, and filed for record with the Nantucket Registry District for the Land Court. Upon the registration of such a grant with the Nantucket Registry District for the Land Court no provision hereof relating to any right or Restriction, the enforcement of which has been granted to the Town or charitable institution, may be amended without the written consent of a majority of the Planning Board or the Board of such charitable institution.
3. Appurtenant Restrictions - Each Owner of a Building Lot shall have the right directly and through the Homeowners Association to enforce any Restriction, as appurtenant to such Lot, upon any violation of any Restrictions upon any of the Land, and each part of the Land shall be deemed to be benefitted hereby.
4. Enforcement of Judicial Proceedings - Any party entitled to enforce any of the Restrictions shall have the right to enforce the same by securing injunctive relief from a Court of competent jurisdiction and shall have the right to recover money damages by reason of any violation of any of the Restrictions.
5. Restrictions Run with the Land - Upon the registration of this instrument with the Nantucket Registry District for the Land Court, the Restriction and all other provisions of this instrument shall run with and bind the land and every portion thereof.

V. GENERAL TERMS

1. Notices - All notices hereunder shall be effective only when mailed by certified mail, return receipt requested, addressed to the owner of record of any lot at the address listed with the Nantucket Assessors office.
2. Severability - Invalidation of any provision hereof by judicial determination shall not affect the remaining provisions, which shall remain in full force and effect.
3. Construction - This instrument shall be construed under the laws of Massachusetts. References herein contained or language relating to any gender shall also refer to the other gender as appropriate.

Witness my hand and seal this 1 day of April, 2016



Jeffrey Samuel Horowitz, Trustee

STATE OF _____

County of _____, ss

On this ~~1~~ day of _____ 2016, before me, the undersigned notary public, personally appeared _____ as aforesaid (a) _____ personally known to me, or (b) _____ proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public
 My commission expires: Feb 02, 2020

See Attached California Acknowledgment Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)
County of Alameda)

On 04-01-2016 before me, Simarjit Manhas, Notary Public, (here insert name and title of the officer)

personally appeared Jeffrey Samuel Horowitz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Declaration of Protective Covenants containing ___ pages, and dated 04/01/2016.

The signer(s) capacity or authority is/are as:

- Individual(s)
Attorney-in-Fact
Corporate Officer(s)
Guardian/Conservator
Partner - Limited/General
Trustee(s)
Other:

representing: Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information
Method of Signer Identification
Proved to me on the basis of satisfactory evidence:
Notarial event is detailed in notary journal on:
Notary contact:
Other

ROAD MAINTENANCE AND ENDOWMENT AGREEMENT

This Agreement is made as of June 1, 2015 by and among Jeffrey Samuel Horowitz, Trustee of the Clara R. Urbahn 2015 Management Trust (the "Successor Developer"); Richard J. Glidden and Jeffrey Samuel Horowitz, individually, as Trustees of Fisher Lane Homeowners Association Trust and the Inhabitants of the Town of Nantucket, acting by and through the Nantucket Planning Board (the "Board").

RECITALS

- A. The Developer, the owner of certain land located off Low Beach Road, in Nantucket, Massachusetts shown on definitive subdivision plans prepared by Site Design Engineering, LLC, dated January 14, 2014 and recorded as Land Court Plan No. 5004-___ at the Nantucket Registry District (the "Plan").
- B. As a condition of approval, the Board required that the Owner establish a Maintenance Endowment Fund, for the purposes of providing maintenance of privately owned roadways, drainage structures and other common property of the Association.
- C. The Developer has paid the sum of \$ 2,000.00 to the Association so as to "sufficiently endow" the Association as required by the rules and regulations of the Nantucket Planning Board ("Endowment Fund").

COVENANTS

- 1. The Association shall hold and invest the Endowment Fund, with principal and income thereof to be held, invested and used solely for the maintenance of all roadways,

drainage structures, sidewalks/bicycle paths and common landscaping constructed or installed as shown upon the Plan in accordance with Paragraph 8 of the approval letter.

2. After all roadway construction has been completed as per the endorsed Plan, the Association shall clean all catch basins on Fisher Lane, once yearly and additionally as need to ensure proper long-term maintenance.

3. In consideration for the release of lots from the Covenant recorded as Document No. _____ by the Board, in the event that the Association shall fail to perform its obligations under Paragraph 1 hereof, the Board shall have the right to enforce such obligations and maintain Fisher Lane and all drainage systems required therein as shown on approved plans (File No 7640), with the power to assess the Association for their fair share of the expenses to so maintain in the event the Association fails to perform said maintenance properly, or to take appropriate legal action against the Association for a mandatory injunction to compel the Association to perform such obligations or for the other applicable legal remedies. Prior to the Board performing the required maintenance, the Board will notify the Association in writing of the Board's determination that the maintenance is required and give the Association a reasonable time (not less than thirty (30) days) to accomplish said maintenance.

4. This Agreement shall be effective as a sealed instrument under Massachusetts law.

Executed and sealed as of the day and year first written above.

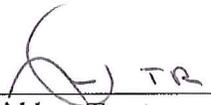
DEVELOPER

NANTUCKET PLANNING BOARD



Jeffrey Samuel Horowitz, Trustee of
Clara R. Urbahn 2015 Management Trust

FISHER LANE HOMEOWNERS ASSOCIATION TRUST



Richard J. Glidden, Trustee



Jeffrey S. Horowitz, Trustee

See Attached California Acknowledgment Certificate

STATE OF _____

County of _____

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ (a) ____ personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My Commission expires: Feb 02, 2020

See Attached California Acknowledgment Certificate

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ (a) ____ personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My Commission expires:

STATE OF _____

County of _____

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ (a) ____ personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My Commission expires: Feb 03, 2020

See Attached California Acknowledgment Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Alameda)

On 04-01-2016 before me, Simarjit Manhas Notary Public,
(here insert name and title of the officer)

personally appeared Jeffrey Samuel Horowitz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Simarjit Manhas

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Road Maintenance and Endowment Agreement, containing _____ pages, and dated 04/01/2016.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____ Title(s) _____
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer(s) Signer(s) Thumbprint(s)
- _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Alameda)

On 04-01-2016 before me, Simarjit Manhas, Notary Public,
(here insert name and title of the officer)

personally appeared Jeffrey S. Horowitz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature Simarjit Manhas

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Fisher Lane Homeowners Association Trust (Road Maintenance and Endowment Agreement) containing pages, and dated 04/01/2016.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____
Title(s) _____
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

Additional Signer(s) Signer(s) Thumbprint(s)

Commonwealth of Massachusetts

Nantucket,ss _____, 2016

On the ___ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, 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.

Notary Public
My Commission Expires:

FISHER LANE HOMEOWNERS ASSOCIATION

DECLARATION OF TRUST

This Declaration of Trust is made this 1st day of June 2015 at Nantucket, Massachusetts by Jeffrey Samuel Horowitz, individually and Richard J. Glidden (hereinafter the "Trustees" which term and any pronoun referring thereto shall be deemed to include their successors in trust hereunder and to mean the trustee or trustees for the time being hereunder whenever the context so permits). The business address for the Trust shall be 37 Centre Street, Nantucket, MA 02554

ARTICLE ONE - NAME OF TRUST

The Trust hereby created shall be known as Fisher Lane Homeowners Association Trust and under that name so far as legally convenient and practical shall all business carried on by the Trustees be conducted and shall all instruments in writing by the Trustees be executed.

ARTICLE TWO - THE TRUST AND ITS PURPOSE

2.01 Purposes - This trust has been formed for the purpose of acting as an association of the Owners of the Lots and, in connection therewith, to maintain, plant, improve, repair and replace the roads, drainage systems, common landscaping, Utility Lines and the Electric Easement, if any, serving the Land; to enforce the Restrictions and such rules and regulations as the Trustees may from time to time adopt; to collect and enforce the Assessments; and generally to promote the common enjoyment by the Owners of their respective Lots and the best interests of all Owners with respect to the Land, as the same may from time to time be determined by the Owners, acting in accordance with the provisions hereof; this trust being the Association referred to in the Restrictions.

2.02 Relationship of Parties. It is hereby expressly declared that a trust and not a partnership has been created and the Lot Owners are cestuis que trustent and not partners or associates nor in any other relation whatever between themselves with respect to the trust property; and hold no relation to the Trustees other than of cestuis que trustent, with only such rights as are conferred upon them as such cestuis que trustent hereunder.

ARTICLE THREE – DEFINITIONS

3.01 "Subdivision" shall refer to the land and improvements thereon within the subdivision known as Fisher Lane Subdivision Plan of Land in Nantucket, Ma, approved by the Nantucket Planning Board on July 14, 2014, filed in the Nantucket Registry District and shown as lots ____, ____, and ____ on Land Court Plan 5004-____, filed with Certificate of Title No. _____.

3.02 "Owner or Homeowner" shall refer to an owner of a fee or the collective owners of undivided fee interests in any Lot within the subdivision.

3.03 "Utility Easement" shall refer to utility services as are now or may in the future be customarily installed to service said lots.

3.04 The "Assessments" shall mean the assessment and charges deemed necessary to provide and pay for maintenance of the roads, utilities and common areas with the subdivision.

3.05 "Association" shall mean the association of Owners of Lots created by Declaration of Trust of Fisher Lane Homeowners Association Trust, dated as of June 1, 2015 acting by its Trustees.

3.06 The "Declarants" are Jeffrey S. Horowitz and Richard J. Glidden, individually.

3.07 "Dwelling" shall mean a structure used for human habitation.

3.08 The "Lots" are all of the lots shown upon the Plan and designated by the letters ____, ____, and _____. (All references herein to any "Lot" by number shall be deemed to be the lot so designated upon the Plan.)

3.09 The "Plan" is Land Court Plan No. 5004-_____.

3.10 "Restrictions" shall mean the restrictions (and, where the context indicates, all other relevant provisions) of a Declaration of Protective Covenants dated April _____, 2016, executed by Jeffrey S. Horowitz, Trustee of the Subdivision.

3.11 "Utility" shall refer to any telephone, electric, water, sewer, gas transmission, cable television or other service, which is customarily used in the Town of Nantucket from time to time.

3.12 "Utility Lines" shall mean the pipes, wires, cables, or other means of transmission of electric, telephone, and, if now or in the future applicable, water, sewer, cable television, and such other utility services as are now or may in the future be customarily installed to serve residential and/or commercial building lots in Nantucket, Massachusetts, which serve any two (2) or more of the Lots (but not any such means of transmission which serves any one (1) Lot only).

ARTICLE FOUR - THE TRUSTEES

4.01 Election of Trustees. There shall be at all times a board of trustees (hereinafter called the "Board of Trustees" or the "Board") hereunder consisting of such number, not less than two (2) as shall be determined from time to time by vote, at the annual meeting of the Owners, of Owners of Lots entitled to not less than fifty-one (51%) percent of the beneficial interest hereunder. The Trustees hereinabove named shall serve until the next Annual Meeting of Owners of Lots but shall not expire until filled as hereinafter set forth.

Thereafter, the terms of office of the Trustees shall, except as hereinafter provided, be two (2) years, and such terms of one-half (1/2) of the Trustees shall expire each year; provided that, in order to establish and maintain such staggering of the terms, the terms of the Trustees first elected pursuant hereto shall be one (1) year, two (2) years, respectively, determined by lot, and thereafter, upon any increase or decrease in the number of Trustees, the terms of any then newly appointed Trustee or Trustees shall be one (1) year and two (2) years determined in so far as possible. If and whenever the number of such Trustees shall become less than two (2) or less than the number of Trustees then determined as aforesaid, a vacancy or vacancies in said office shall be deemed to exist. Each such vacancy shall be filled by instrument in writing setting forth (a) the appointment of natural person to act as Trustee, (b) the acceptance of such appointment, signed and acknowledged by the person so appointed, and (c) certification that the person so appointed has been duly elected a Trustee hereunder by a majority vote at a meeting of the Owners duly called and held, which instrument is signed by a majority of the then remaining Trustee if only one (1), or by Owners entitled to not less than twenty-five (25%) percent of the beneficial interest hereunder. Such appointment shall become effective upon the registration with Nantucket Registry District of such instrument, and such person shall then be and become such Trustee and shall be vested with the powers of the Trustees and title to the trust property, jointly with the remaining or surviving Trustee or Trustees, without the necessity of any act of transfer of conveyance.

If for any reason any vacancy in the office of Trustee shall continue for more than sixty (60) days and shall at the end of that time remain unfilled, a Trustee or Trustees to fill such vacancy or vacancies may be appointed by any court of competent jurisdiction upon the

application of any Owner or any Trustee and notice to all Owners and Trustees and to such other parties in interest, if any, to whom the court may direct that notice be given. The foregoing provisions of this section to the contrary notwithstanding, despite any vacancy in the office of Trustee, however caused and for whatever duration, the remaining or surviving Trustees, subject to the provisions to exercise and discharge all of the powers, discretion and duties hereby conferred or imposed upon the Trustees.

4.02 Majority Vote. In any matters relating to the administration of the trust hereunder and the exercise of the powers hereby conferred, the Trustees may act by a majority vote at any duly called meeting at which a quorum is present as provided in Section 6.07, provided, however, that in no event shall a majority consist of less than two (2) Trustees hereunder and, if and whenever the number of Trustees hereunder shall become less than two (2), the then remaining or surviving Trustees, if any, shall have no power of authority whatsoever to act with respect to administration of the trust hereunder or to exercise any of the powers hereby conferred, except as provided in Section 4.01. The Trustees may also act without a meeting by instrument signed by a majority of their number.

4.03 Resignation or Removal. Any Trustee may resign at any time by instrument in writing, signed and acknowledged in the manner required in Massachusetts for the acknowledgment of deeds, and such resignation shall take effect upon the registration of such instrument with Nantucket County Registry District. After reasonable notice and opportunity to be heard before the Board of Trustees, a Trustee may be removed from office with or without cause by an instrument in writing executed by Owners entitled to not less than fifty-one (51%) percent of the beneficial interest hereunder, such instrument to take effect upon the registration thereof with Nantucket Registry District.

4.04 Bonds. No Trustee named or appointed as hereinbefore provided, whether as original Trustee or as successor to or as substitute for another, shall be obliged to give any bond or surety or other security for the performance of any of his duties hereunder, provided, however, that the Owners entitled to not less than fifty-one (51%) percent of the beneficial interest hereunder may at any time, by instrument in writing signed by them and delivered to the Trustee or Trustees affected, require that any one or more of the Trustees shall give bond in such amount and with such sureties as shall be specified in such instrument. All expenses incident to any such bond shall be charged as a common expense of the trust.

4.05 Personal Liability. No Trustee hereinbefore named or appointed as hereinbefore provided shall under any circumstance or in any event be held liable or accountable out of his personal assets or be deprived of compensation by reason of any action taken, suffered, or omitted in good faith, or be so liable or accountable for more money or other property than he actually receives, or for allowing one or more of the other Trustees to have possession of the trust bonds or property, or be so liable, accountable, or deprived by reason of honest errors of judgement or mistakes of fact or law or by reason of the existence of any personal or adverse interest or by reason of anything except his own personal and willful malfeasance and defaults.

4.06 Dealing with Trustees. No Trustee shall be disqualified by his office from contracting or dealing with the Trustees or with one or more Owners (whether directly or indirectly because of his interest individually or the Trustees interest or any Owner's interest in any corporation, firm, trust, or other organization connected with such contracting or dealing or because of any other reason) as vendor, purchaser, or otherwise, nor shall any such dealing, contract, or arrangement entered into in respect of this trust in which any Trustee shall be in

any way interested or avoided, nor shall any Trustee so dealing or contracting or being so interested be liable to account for any profit realized by any such dealing, contract or arrangement by reason of such Trustee's holding office of the fiduciary relation hereby established, provided the Trustee shall act in good faith and shall disclose the nature of his interest before the dealing, contract, or arrangement is entered into.

4.07 Indemnity. The Trustees, and each of them, shall be entitled to indemnity both out of the trust property and by the Owners against any liability incurred by them, or any of them, in the execution hereof, including, without limiting the generality of the foregoing, liabilities in contract and in tort and liabilities for damages, penalties and fines. Nothing in this paragraph contained shall be deemed, however, to limit in any respect the powers granted to the Trustees in this instrument.

ARTICLE FIVE - BENEFICIARIES AND THE BENEFICIAL
INTEREST IN THE TRUST

5.01 Beneficiaries. The cestuis que trustent or beneficiaries shall be the Owners from time to time of each of the Lots. The beneficial interest in the trust hereunder shall be divided among the Owners in equal fractional interests appertaining to the Lots with the numerator of such fraction being one (1) and its denominator being the total number of Lots.

5.02 Multiple Owners. The beneficial interest of each Lot shall be held and exercised as a unit and shall not be divided among several owners of any such Lot. To that end, whenever any of the Lots are owned of record by more than one (1) person, the several owners of such Lot shall (a) determine and designate which one of such owners shall be authorized and entitled to cast votes, execute instruments, and otherwise exercise the rights appertaining to such Lot hereunder and (b) notify the Trustees of such designation by a notice in writing signed by all of the records owners of such Lot. Any such designation shall take effect upon

receipt by the Trustees and may be changed at any time and from time to time by notice as aforesaid. In the absence of any such notice of designation, the Board of Trustees may, by majority vote, designate any one such owners for such purposes.

ARTICLE SIX - BY-LAWS

The provisions of this Article Six shall constitute the by-laws of this trust and the organization of Owners established hereby; to wit:

6.01 Powers of the Trustees. The Trustees shall have the absolute control, management and disposition of the trust property as if they were the absolute owners thereof, free from the control of the Owners and, without, by the following enumeration, limiting the generality of the foregoing or of any item in enumeration, with full power and uncontrolled discretion, subject only to the limitations and conditions hereof, at any time and from time to time and without the necessity of applying to any court or to the Owners for leave so to do.

6.02 Inspection of Records. Books, accounts and records of the Trustees shall be open to inspection to any one or more of the Trustees at all times and to the Owners at reasonable times as determined by the Trustees. The Trustees shall, however, as soon as reasonably possible, after the close of the fiscal year, or more often if convenient for them, submit to the Owners a report of the operations of the Trustees for such year, which shall include a profit and loss statement, an analysis of surplus charges during the year, and a balance sheet as of the close of each year, all in such summary form and only in such details as the Trustees shall deem proper. Any person who has been furnished with such report and shall have failed to object thereto by notice in writing to the Trustees given by registered mail within a period of six (6) months of the date of the receipt by him shall be deemed to have assented thereto.

6.03 Common Expenses, Profits and Funds. The owners shall be liable for common expenses and entitled to common profits of the Trust in proportion to their respective percentages of beneficial interest as set forth in ARTICLE FIVE hereof, except as hereinafter provided. The Trustees may at any time or times distribute common profits among the Owners in such proportions. The Trustees may, to such extent as they deem advisable, set aside common funds of the Trust as reserve or contingent funds and may use the funds so set aside for reduction of indebtedness or other lawful capital purpose, or, subject to provisions of this Declaration of Trust, for repair, rebuilding, or restoration of facilities maintained by the Association or for improvements thereto, and the funds so set aside shall not be deemed to be common profits available for distribution.

6.04 Assessments. At least thirty (30) days prior to the commencement of the fiscal year of this trust, the Trustees shall estimate the common expenses expected to be incurred during such fiscal year together with a reasonable provision for contingencies and reserves and, after taking into account any undistributed common profits for prior years, shall determine the assessment to be made for such fiscal year. The Trustees shall promptly render statements to the Owners for their respective shares of such assessment, according to their percentages of undivided beneficial interest in the Trust as set forth in ARTICLE FIVE, and such statements shall, unless otherwise provided herein, be due and payable thirty (30) days after same are rendered. In the event that the Trustees shall determine during any fiscal year that the assessment so made is less than the common expenses actually incurred, or in the reasonable opinion of the Trustees likely to be incurred, the Trustees shall make a supplemental assessment or assessments and render statements therefore in the manner aforesaid, and such statements shall be payable and take effect as aforesaid. The Trustees

may, in their discretion, provide for payments of statements in monthly or other installments. The amount of each such statement, together with interest thereon, if not paid when due, at the rate of eighteen (18%) percent per annum, shall constitute a lien on the Lot of the Owner assessed, in the same manner as set forth with respect to condominium unit owners in Massachusetts General Laws, Chapter 183A. The Trustees shall enforce collection of all of such assessments by all lawful means and shall have the right to collect, and each Owner who has not paid any such assessment as and when due shall be liable to pay to the Trustees, all costs and expenses incurred by the Trustees in enforcing such collection and, in addition thereto, such lawful fines and penalties as the Trustees may determine by rules and regulations promulgated pursuant hereto.

6.05 Insurance. The Trustees shall obtain and maintain to the extent available, master policies of insurance with respect to the areas and facilities maintained by, or within the jurisdiction of, the Trustees (but not covering any areas or facilities in the possession or control of the Owner of any one Lot) for the benefit and protection of the Trustees and all of the Owners for (a) comprehensive public liability, (b) workmen's compensation and employer's liability with respect to any manager, agent, or employee of the trust, but excluding any independent agent or manager, and (c) such other risks as the Trustees in their discretion deem it appropriate to insure. All such insurance shall be in such amounts and forms as the Trustees, in their discretion, deem appropriate and shall, insofar as practicable, contain provisions as above set forth with respect to non-cancellation, waiver of subrogation, waiver of defense based on conduct of any insured, and non-contribution. The cost of all such insurance obtained and maintained by the Trustees, pursuant to provisions of this section, shall be a common expense; provided, however, that, if the Trustees shall

determine in their reasonable discretion that the cost of any such insurance has been increased because of any addition or improvement within any Lot or Lots, then the amount of such increased cost shall be separately assessed to and paid by the Owner or Owners of such Lot or Lots.

6.06 Rules, Regulations, Restriction, Requirements. The Board of Trustees may at any time and from time to time adopt and amend and rescind administrative rules and regulations governing the details of the operation and use of the facilities maintained by the Association and other matters within the jurisdiction of the Trustees.

6.07 Meetings of Trustees. The Board of Trustees shall meet annually on the date of the annual meeting of the Owners and at such meeting shall elect the Chairman, Treasurer, and Secretary hereinbefore provided for. Other meetings may be called by the Chairman and in any other manner as the Trustees may establish, provided, however, that written notice of each meeting stating the place, day, and hour thereof shall be given at least four (4) days before such meeting to each member of the Board of Trustees. One-half (1/2) of the number of Trustees shall constitute a quorum at all meetings, and such meetings shall be conducted in accordance with such rules the Board of Trustees may adopt.

6.08 Meetings of Owners. There shall be an annual meeting of the Owners on or about the second Saturday of September in each year at 11:00 a.m. at such reasonable place and time (not more than fifty (50) days before or twenty (20) days after said date) as may be designated by the Board of Trustees by written notice given to the Owners at least fourteen (14) days prior to the date so designated. Special meetings of the Owners may be called at any time by the Board of Trustees and shall be called by them upon written request of Owners entitled to more than thirty-three (33%) percent of the beneficial interest hereunder.

Written notice of any such meeting designating the place, day, and hour thereof shall be given by the Board of Trustees to the Owners at least fourteen (14) days prior to the date so designated. At the annual meeting of the owners, the Board of Trustees shall submit reports of the management and finances of the trust. Whenever at any meeting the Board of Trustees proposes to submit to the Owners any matter with respect to which approval of or action by the Owners is necessary or appropriate, the notice of such meeting shall so state and reasonably specify such matter.

6.09 Notice to Owners. Every notice to any Owner required under the provisions hereof, or which may be deemed by the Trustees necessary or desirable in connection with the execution of the trust created hereby, or which may be ordered in any judicial proceeding, shall be deemed sufficient and binding if a written or printed copy of such notice shall be given by one or more of the Trustees to such Owner by mailing it, postage prepaid and addressed to such Owner at his address as it appears upon the records of the Trustees, at least seven (7) days prior to the date fixed for the happening of the matter, thing, or event of which such notice is given.

6.10 Checks, Notes, Drafts, and Other Instruments. Checks, notes, drafts and other instruments for the payment of money drawn or endorsed in the names of the Trustee or of the trust may be signed by any two (2) Trustees or by any person or persons to whom such power may, at any time or from time to time, be delegated by not less than a majority of the Trustees.

6.11 Seal. The seal of the Trustees shall be circular in form, bearing the inscription Fisher Lane Homeowners Association Trust - _____, but such seal may be altered by the Trustees

at pleasure, and the Trustees may, at any time or from time to time, at their option, adopt a common or safer seal which shall be valid for all purposes.

6.12 Fiscal Year. The fiscal year of the trust shall be the year ending with the last day of December or such other date as may, from time to time, be determined by the Trustees.

ARTICLE SEVEN - RIGHTS AND OBLIGATIONS OF THIRD
PARTIES DEALING WITH THE TRUSTEES

7.01 Act of Trustees. No purchaser, mortgagee, lender, or other person dealing with the Trustees as they then appear of record at Nantucket Registry District shall be bound to ascertain or inquire further as to the persons who are then Trustees hereunder or be affected with any notice, implied or actual, or otherwise than by a certificate thereof, and such record or certificate shall be conclusive evidence of the personnel of the Trustees and of any changes therein. The receipts of the Trustees, or any one or more of them, for moneys or things paid or delivered to them, or him, shall be effectual discharges therefrom to the persons paying or delivering the same and no person from whom the Trustees, or any one or more of them, shall receive any money, property, or other credit shall be required to see to the application thereof. No purchaser, mortgagee, lender, or other person dealing with the Trustees or with any real or personal property which then is or formerly was trust property shall be bound to ascertain or inquire as to the existence or occurrence of any event or purpose in or for which a sale, mortgage, pledge, or charge is herein authorized or directed, or otherwise as to the purpose or regularity of any of the acts of the Trustees, or any one or more of them, purporting to be done in pursuance of any of the provisions or powers herein contained, or as to the regularity of the resignation or appointment of any Trustee, and any instrument of appointment of a new Trustee or of an old Trustee purporting to be executed by the Owners of Lots or other persons herein required to execute the same shall be

conclusive evidence in favor of any such purchaser or other person dealing with the Trustees of the matters therein recited relating to such discharge, resignation, or appointment, or the occasion thereof.

7.02 Transfer of Securities. No corporation, company, trust, association, body politic, or other body having outstanding shares, bonds, or other securities shall be affected by notice that any of its shares or bonds or other securities are subject to this trust or be bound to see to the execution hereof or to ascertain or inquire whether any transfer of any such shares, bonds, or other securities by the Trustees is authorized, notwithstanding such authority may be disputed by some other person.

7.03 Recourse Against Trustee. No recourse shall be at any time, had upon or under any note, bond, contract, order, instrument, certificate, undertaking, obligation, covenant, or agreement, whether oral or written, made, issued, or executed by the Trustees or by any agent or employee of the Trustees, or by reason of anything done or omitted to be done by or on behalf of them, or any of them, against the Trustees individually, or against any such agent or employee or against any beneficiary or the holder of any security issued by the Trustees, either directly or indirectly, by legal or equitable proceeding, or by virtue of any suit or otherwise, and all persons extending credit to, contracting with, or having any claim against the Trustees shall look only to the trust property for payment under such contract or claim or for the payment of any debt, damage, judgment or decree, or of any money that may otherwise become due or payable to them from the Trustees, so that neither the Trustees nor the beneficiaries or holders of such other securities, present or future, shall be personally liable therefor.

7.04 Execution by Trustees. Every note, bond, contract, order, instrument, certificate, undertaking, obligation, covenant, or agreement, whether oral or written, made, issued, or executed by the Trustees or by any agent or employee of the Trustees shall be deemed to have been entered into subject to the terms, conditions, provisions, and restrictions hereof, whether or not express reference shall have been made to this instrument.

7.05 Recording. This Declaration of Trust and any amendments hereto and any certificate herein required to be recorded and any other certificate or paper signed by said Trustees, or any of them, which it may be deemed desirable to record, shall be recorded with Nantucket Registry District, and such recording shall be deemed conclusive evidence of the contents and effectiveness thereof according to the tenor thereof; and all persons dealing in any manner whatsoever with the Trustees or the trust property shall be held to have notice of any alteration or amendment of this Declaration of Trust, or change of Trustee or Trustees, when the same shall be recorded with Nantucket Registry District. Any certificate signed by the Trustees in office at the time, setting forth as facts any matters affecting the trust, including statements as to who are Owners, as to what action has been taken by the Owners, and as to matters determining the authority of the Trustees to do any act, when duly acknowledged and recorded with Nantucket Registry District, shall be conclusive evidence as to the existence of such alleged facts in favor of all third persons, including the Trustees, acting in reliance thereon; and any certificate signed by the President, Vice President, Secretary, Treasurer, or Trust Officer of a trust company or bank engaged in business in the City of Boston or the Town of Nantucket, Massachusetts, stating who, upon inspection of the records of Nantucket County Registry District and Registry of Deeds, are Owners, and the amount of interest of each, or as to what action has been taken by the Owners, shall be

conclusive evidence as to who are such Owners and the amount of interest of each and the action taken as aforesaid, in favor of all third persons, including the Trustees, acting in reliance thereon. Any certificate executed by any Trustee hereunder, setting forth the existence of any facts, the existence of which is necessary to authorize the execution of any instrument or the taking of any action by such Trustee or majority, as the case may be, shall, as to all persons acting in good faith in reliance thereon be conclusive evidence of the truth of the statements made in such certificate and of the existence of the facts therein set forth.

ARTICLE EIGHT - AMENDMENTS AND TERMINATION

8.01 Amendments. The Trustees, with the consent in writing of Owners entitled to not less than fifty-one (51%) percent of the beneficial interest hereunder may, at any time and from time to time, amend, alter, add to, or change this Declaration of Trust in any manner or to any extent; the Trustees first, however, being duly indemnified to their reasonable satisfaction against outstanding obligations and liabilities; provided always, however, that no such amendment, alteration, addition, or change (a) according to the purport of which the percentage of the beneficial interest hereunder of any Owner would be altered or in any manner or to any extent whatsoever modified or affected, so as to be different than the percentage of the individual interest of such Owner in the beneficial interest in this trust as herein provided, or (b) which would render this trust contrary to or inconsistent with any requirements or provisions of law shall be valid or effective. Any amendment, alteration, addition, or change pursuant to the foregoing provisions of this paragraph shall become effective upon registration with Nantucket Registry District of any instrument or amendment, alteration, addition, or change, as the case may be, signed, sealed, and acknowledged in the manner required in Massachusetts for the acknowledgment of deeds,

by the Trustees, setting forth in full the amendment, alteration, addition, or change and reciting the consent of the Owners herein required to consent thereof. Such instrument, so executed and recorded, shall be conclusive evidence of the existence of all facts and of compliance with all prerequisites to the validity of such amendment, alteration, addition, or change, whether stated in such instrument or not, upon all questions as to title or affecting the rights of third persons and for all other purposes. No such amendment shall be effective unless it has been consented to in writing by the Planning Board, and such consent shall be attached to instruments of amendment at the time of its record. Nothing in this paragraph contained shall be construed as making obligatory upon the Trustees to amend, alter, add to, or change the Declaration of Trust upon obtaining the necessary consent as hereinbefore provided.

8.02 Termination. The trust hereby created shall terminate only upon the written agreement of all Owners and the Planning Board.

8.03 Liquidation. Upon the termination of this trust, the Trustees may sell and convert into money the whole of the trust property, or any part or parts thereof, and, after paying or retiring all known liabilities and obligations of the Trustees and providing for indemnity against any other outstanding liabilities and obligations, shall divide the proceeds thereof among, and distribute in kind, at valuations made by them which shall be conclusive, all other property then held by them in trust hereunder to, the Owners according to their respective percentages of beneficial interest hereunder; and making any sale under this provision, the Trustees shall have the power to sell or vary any contract of sale and to resell without being answerable for loss, and for said purposes, as may by their performance thereof be shown to be in their judgment necessary or desirable in connection therewith.

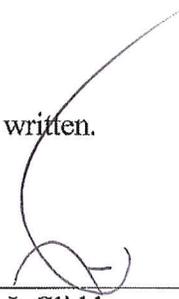
The powers of sale and all other powers herein given to the Trustees shall continue as to all property at any time remaining in their hands or ownership, even though all times herein fixed for distribution of trust property may have passed.

CONSTRUCTION AND INTERPRETATION

In the construction hereof, whether or not so expressed, words used in the singular or in the plural respectively include both the plural and singular, words denoting males include females, and words denoting persons include individuals, firms, associations and companies (joint stock or otherwise), trusts, and corporations, unless a contrary intention is to be inferred from or required by the subject matter or context. The cover, title, headings of different parts hereof, the table of contents, and the marginal notes, if any, are inserted only for convenience of reference and are not to be taken to be any part hereof or to control or affect the meaning, construction, interpretation, or effect hereof. All the trust, powers, and provisions herein contained shall take effect and be construed according to the law of the Commonwealth of Massachusetts.

Executed and sealed as of the day and year first above written.


Jeffrey Samuel Horowitz


Richard J. Glidden

STATE OF _____

County of _____

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ (a) ____ personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My Commission expires: Feb 03 2020

See Attached California Acknowledgment Certificate.

Commonwealth of Massachusetts

County of _____

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ (a) ____ personally known to me, or (b) ____ proved to me through satisfactory evidence of identification, which was _____, (type of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My Commission expires:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of Alameda)

On 04-01-2016 before me, Simarjit Manhas, Notary Public (here insert name and title of the officer)

personally appeared Jeffrey Samuel Horowitz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature [Handwritten Signature]

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Declaration of Trust

containing pages, and dated 04/01/2016

The signer(s) capacity or authority is/are as:

- Individual(s)
Attorney-in-Fact
Corporate Officer(s)
Guardian/Conservator
Partner - Limited/General
Trustee(s)
Other:

representing: Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
Form(s) of identification
credible witness(es)

Notarial event is detailed in notary journal on:

Page # Entry #

Notary contact:

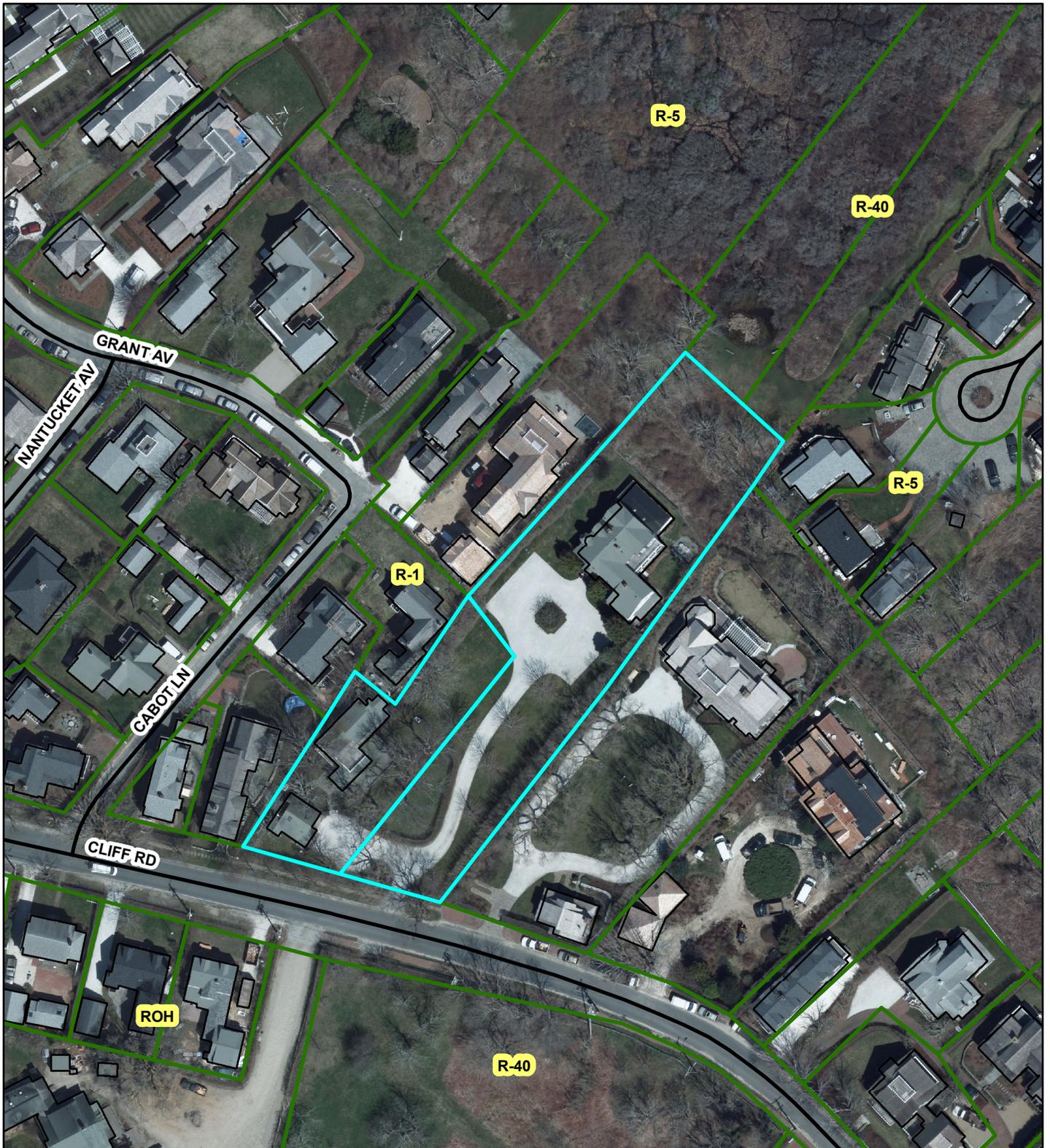
Other

Additional Signer(s) Signer(s) Thumbprint(s)

Monday, April 11, 2016 Planning Board Packet



#7786 Vinecliff Lane
47 Cliff Road
Form J release for Lots 6 & 7



April 4, 2016

SDE No. 14123

Nantucket Planning Board
2 Fairgrounds Road
Nantucket, MA 02554

**Subject: Vinecliff Lane Subdivision
Form J Lot Release
Planning Board File #7786**

Dear Members of the Board:

The owners of a recently approved subdivision road known as Vinecliff Lane are requesting the Board release the remaining two building lots via a Form J lot release. The owner is offering to post a deposit of money in an amount and bank location agreeable with the Board. We have reviewed the cost of the roadway construction and the owner has signed a contract with Toscana Corp to complete the work. A copy of the Toscana contract is attached which indicates a roadway construction cost of \$170,160.40. The owner is offering to place 120% of that amount (\$204,192.48) in the required account.

The owner intends to build the roadway following completion of major site and building work on the remaining lots so as not to damage what would otherwise be a newly constructed road. We ask that this request be placed on the agenda for the Boards April 11, 2016, meeting. Please call me with any questions at (508) 503-3500 or email dmulloy@sitedesigneng.com.

Respectfully,
Site Design Engineering, LLC.



Daniel C. Mulloy, PE.

Enclosures:

Form J Lot Release Request dated 4/4/16

Toscana Corp roadway construction proposal dated 3/26/16



Nantucket Planning Board

Form J Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security

Date: April 4, 2016

Planning Board File # 7786

Subdivision Name: Vinecliff Lane

Owner: 47 Cliff Road Realty Trust & Vinecliff Association Trust

Owner's Address: c/o Arthur Reade, Jr., Trustee, 6 Youngs Way, Nantucket, MA 02554

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

Applicant, (if other than owner): _____

Applicant's Address: _____

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

Date of Subdivision Plan: 3/12/2015

Land Location: 47 Cliff Road, Vinecliff Lane

Plan Recorded: Nantucket Registry of Deeds Plan Book _____ Page _____

Plan Registered: Nantucket Land Registry, Land Court Plan Number 13193 - D

Type of Performance Security:

Covenant dated: _____
Covenant recorded: Nantucket Registry of Deeds, Book _____ Page _____.

or

Covenant registered: Nantucket Land Registry District as Document # _____ and noted on
Certificate of Title # _____ in Registration Book _____ Page _____.

Deposit of money, agreement dated: _____
Bank (if bank passbook): _____
Address of Bank: _____

Other Security , agreement dated: _____

Letter of credit, agreement dated: _____

Monday, April 11, 2016 Planning Board Packet

Nantucket Planning Board, Form J, page 2

Bank: _____

Address of Bank: _____

The undersigned, being a majority of the Planning Board of Nantucket, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been completed partially completed by the applicant in accordance with the Board's rules and regulations to adequately serve the following enumerated lots:

Pursuant to Section 81.U of Chapter 41, M.G.L. and in consideration of said construction and installation, the Town of Nantucket, a Massachusetts corporation, acting through its Planning Board, hereby releases its interest in the Performance Security referred to above, as to the lots enumerated in the preceding paragraph only.

Duly executed as a sealed instrument this _____ day of _____, _____ .
(Date) (Month) (Year)

Barry G. Rector

Nat Lowell

Linda Williams

John McLaughlin

Joseph Marcklinger

Signed by a Majority of the Town of Nantucket Planning Board

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS _____, 2016

On the _____ day of _____, 2016, before me, the undersigned notary public,

Personally appeared _____, 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 acknowledge that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public

My commission expires:



Excavation & Site Work
Ready Mix Concrete
Building Relocation

toscanacorp.com

Tel: 508-228-1418 Fax: 508-228-5402 Email: info@toscanacorp.com 19 Arrowhead Drive, Nantucket Island, MA 02554

Proposal

Submitted To: SITE DESIGN ENGINEERING	Date: Thursday, March 26, 2015
Address: 11 CUSHMAN STREET	Job Name: VINECLIFF LN
City, State, Zip: Middleboro, MA 02346	Location: 47 & 47B CLIFF RD
Job Description:	JOBNO: 4178

THE COST TO:

1 - ROTOTILL, STRIP LOAM FROM AREAS TO BE DISTURBED AND HAUL OFF SITE	\$6,425.00
2 - CONSTRUCT CONSTRUCTION ENTERANCE ACCESS	\$4,639.00
3 - INSTALL DRAINAGE AND GRADE FOR VEGETATED DEPRESSION	\$25,424.90
4 - INSTALL DOG HOUSE SMH IN CLIFF ROAD W/ 8" MAIN ONTO LOT - (3) 2" WATER SERVICES ONTO LOT.	\$14,124.00
5 - ASPHLT PATCH FOR SEWER AND WATER	\$3,500.00
6 - INSTALL 8" SEWER WITH (3) 6" LATERALS	\$24,829.00
7 - INSTALL (3) 2" WATER SERVICES	\$12,270.00
8 - INSTALL ELECTRIC / CATV / TEL DISTRIBUTION SYSTEM - CONDUITS / HANDHOLE AND TRANSFORMER PADS / GROUNDING RODS - NO CABLE / WIRES / PEDESTALS / TRANSFORMERS - \$24,750 (THIS IS A ALLOWANCE - A FIXED PRICE CAN BE GIVEN WHEN THE NGRID PLAN IS AVAILABLE)	\$25,000.00
9 - GRADE ROAD WAY - PLACE 8" OF RECYLCED BASE MIX - GRADE AND COMPACT	\$14,882.50
10 - GREADE SWALES - SPREAD SCREENED LOAM AND ROUGH GRADE	\$8,124.00
11 - INSTALL BELGIUM BLOCK ENTRANCE	\$12,500.00
12 - SUPPLY AND INSTALL STEEL EDGING FOR ROADWAY	\$6,625.00
13 - SURFACE DRIVEWAY WITH MARBLE / LIMESTONE STONE	\$11,817.00

NOT INCLUDED ITEMS:

- 14 - Removal or replacement of any landscaping.
- 15 - Disposal of any underground oil tanks.
- 16 - Disconnecting or reconnecting telephone, gas, electric or plumbing.
- 17 - Permits.
- 18 - Survey - layout - as built
- 19 - Cost of disposal and replacment of unsuitable soil
- 20 - Moving trees prior to construction

We Propose hereby to furnish material and labor in accordance with the above specifications for the sum of: \$170,160.40

Payment is to be made as follows:

BILLING IS WEEKLY. PAYMENT IS DUE WITHIN TEN DAYS.

Proposal

Submitted To: SITE DESIGN ENGINEERING	Date: Thursday, March 26, 2015
Address: 11 CUSHMAN STREET	Job Name: VINECLIFF LN
City, State, Zip: Middleboro, MA 02346	Location: 47 & 47B CLIFF RD
Job Description:	JOBNO: 4178

All material is guaranteed to be as specified. All work is to be completed in a professional manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner shall carry all risk property insurance, to include but not limited to, fire, windstorm and flood coverage. Our workers are fully covered by Workman's Compensation Insurance. We carry \$250,000 of care, custody and control legal liability insurance for of any building being moved. Coverage in excess of this amount is the sole responsibility of the Owner.

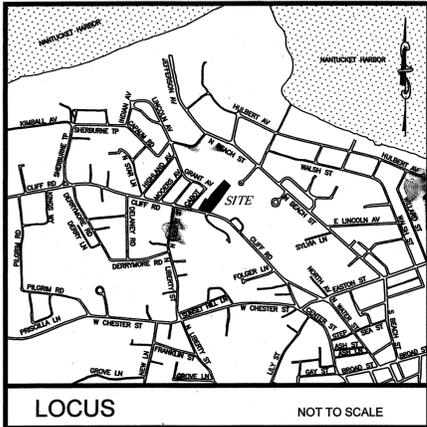
After ten (10) days, unpaid invoices accrue interest at a rate of 1 1/2% per month (18% per year). If Owner fails to make payment(s) as required under this Proposal or commits any other breach or default under this Proposal, Toscana shall have the right to immediately cease all work to be performed and to recover from Owner all moneys owed to Toscana for any work performed as well as any costs and expenses incurred by Toscana including reasonable attorney's fees, as a result of any default or non-payment.

Note: This proposal may be withdrawn by us if not accepted with 30 days.

Authorized Signature: _____

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: H. Brown Smith **Date of Acceptance:** 10/8/15



NOTES:

1. THIS PLAN REPRESENTS A SUBDIVISION OF MAP 29, PARCELS 43 AND 43.1 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET.
2. THIS PLAN REPRESENTS A SUBDIVISION OF LOTS 3 AND 4 SHOWN ON LAND COURT CASE PLAN #13193-C.
3. A PORTION OF THE SITE IS LOCATED WITHIN FLOOD HAZARD ZONE AE (EL. 8) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
4. 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.

OVERLAY DISTRICT APPLICABILITY	
TOWN OVERLAY	YES
EMPLOYEE HOUSING	-
FLOOD HAZARD	-
HUMMOCK POND WATERSHED ZONE	-
HDC OLD HISTORIC	YES*
HARBOR WATERSHED PROTECTION	YES-B
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIASCONSET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WELLHEAD PROTECTION	-
MA DEP ZONE II	-
*PARTIALLY WITHIN	-

ZONING REQUIREMENTS	
ZONING DISTRICT: RESIDENTIAL 1 (R-1)	
REQUIRED	REQUIRED
LOT AREA	5,000 S.F.
LOT FRONTAGE	50 FT.
LOT FRONTAGE (CUL-DE-SAC)	35 FT.
FRONT YARD SETBACK	10 FT.
REAR YARD SETBACK	5 FT.
SIDE YARD SETBACK	5 FT.
MAX. GROUND COVER RATIO	30 %
REGULARITY FACTOR	≥0.55

LOT COMPLIANCE TABLE

LOT NO.	FRONTAGE	LOT AREA	"R"
5	35.36'	21,381 S.F.	0.94
6	132.02'	10,008 S.F.	0.93
7	56.42'	11,164 S.F.	0.95

REGULARITY FACTOR CALCULATIONS INCLUDE ENTIRE AREA AND PERIMETER.

DISPOSITION OF LOTS

- LOTS 5, 6 AND 7 ARE BUILDABLE LOTS.
- LOT 8 IS A ROADWAY LOT FOR FUTURE CONVEYANCE TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION.

LEGEND

- CB/DH CONCRETE BOUND W/DRILL HOLE (FOUND)
- CONCRETE BOUND W/DRILL HOLE (TO BE SET)
- ⊗ IRON PIPE (FOUND)

SITE DESIGN ENGINEERING, LLC.
 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	APPROVED
1	3/12/15	REVISED FOR PLANNING BOARD APPROVAL	RUM/DCM

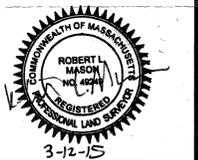
PLAN REVISIONS

DATE: DECEMBER 16, 2014

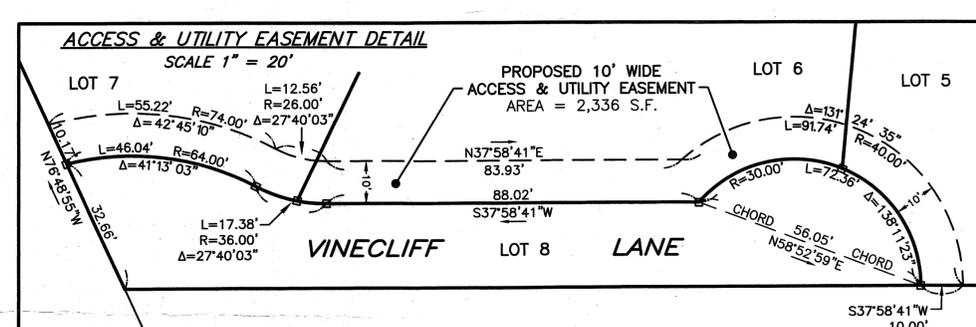
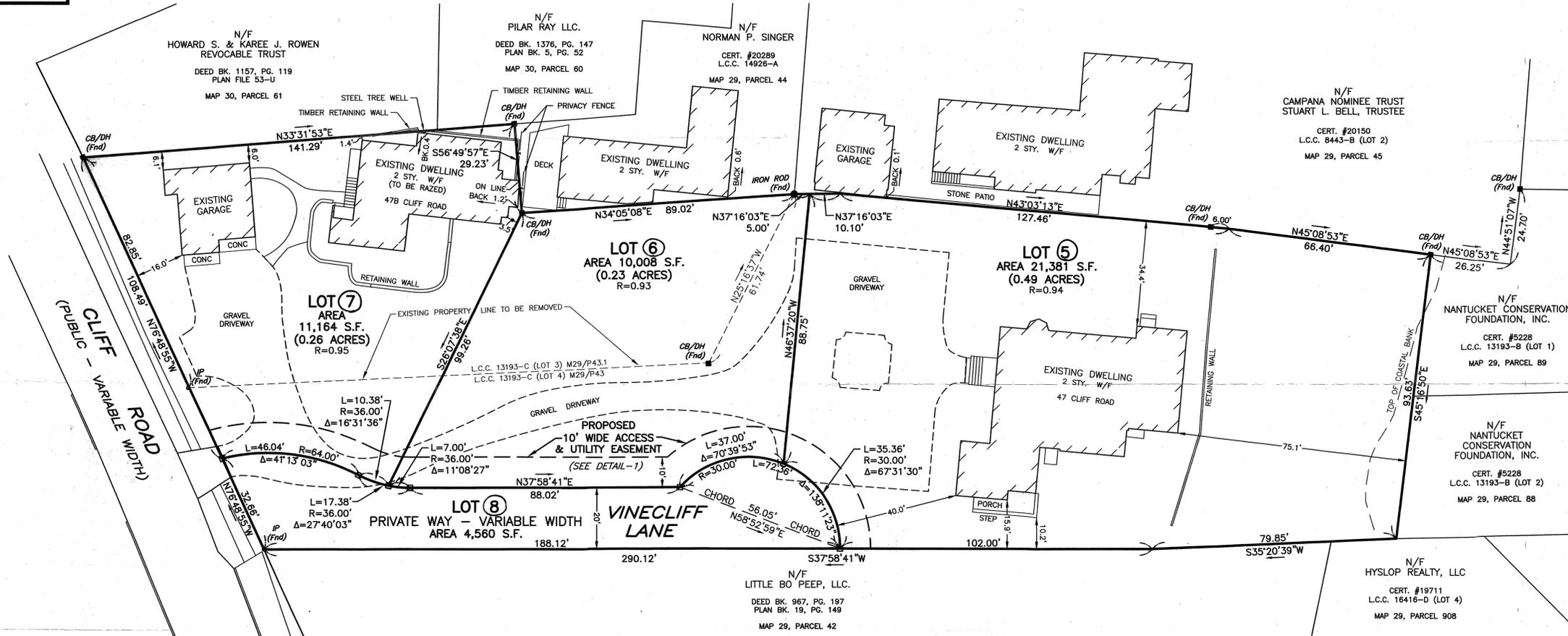
DRAWN BY: SKD/RLM DESIGN BY: DCM CHECK BY: DCM/RLM

PROJECT NO. 14123

ISSUED FOR: APPROVAL



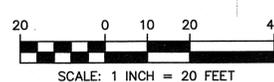
DEFINITIVE SUBDIVISION PLAN
VINECLIFF LANE SUBDIVISION
 47 & 47B CLIFF ROAD, NANTUCKET, MA
 BEING A SUBDIVISION OF LOTS 3 & 4
 SHOWN ON LAND COURT PLAN 13193-C
 ASSESSORS MAP 29, PARCELS 43 & 43.1
 PREPARED FOR H. BROOKS SMITH



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 FURTHER CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN 11/4/14 AND 11/21/14.

Robert J. Mason
 PROFESSIONAL LAND SURVEYOR
 3-12-15
 DATE



"I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NANTUCKET PLANNING BOARD WAS RECEIVED AND RECORDED 2-26-15 AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE."

Clara M. Hines
 TOWN CLERK, NANTUCKET, MA
 5-13-15
 DATE

CURRENT OWNER & APPLICANT

FORTY-SEVEN CLIFF ROAD REALTY TRUST
 ARTHUR I. READE, JR., TRUSTEE
 6 YOUNG'S WAY
 PO BOX 2669
 NANTUCKET, MA 02584

TITLE REFERENCE:
 L.C. CERTIFICATE #25553

PLAN REFERENCE:
 L.C.C. PLAN 13193-C (LOTS 3 & 4)

SITE LOCATION:
 47 & 47B CLIFF ROAD
 NANTUCKET, MASSACHUSETTS

ASSESSORS REFERENCE:
 MAP 29, LOTS 43 & 43.1

THE PLANNING BOARD DETERMINES THAT:
 LOTS 5, 6 AND 7 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 BYLAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE NANTUCKET CONSERVATION COMMISSION.

NANTUCKET PLANNING BOARD
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED

APPROVED (DATE): JANUARY 12, 2015
 ENDORSED (DATE): 04-13-15
 P.B. FILE NUMBER: 7786

Joseph M. Mauldy
Barry J. Reed

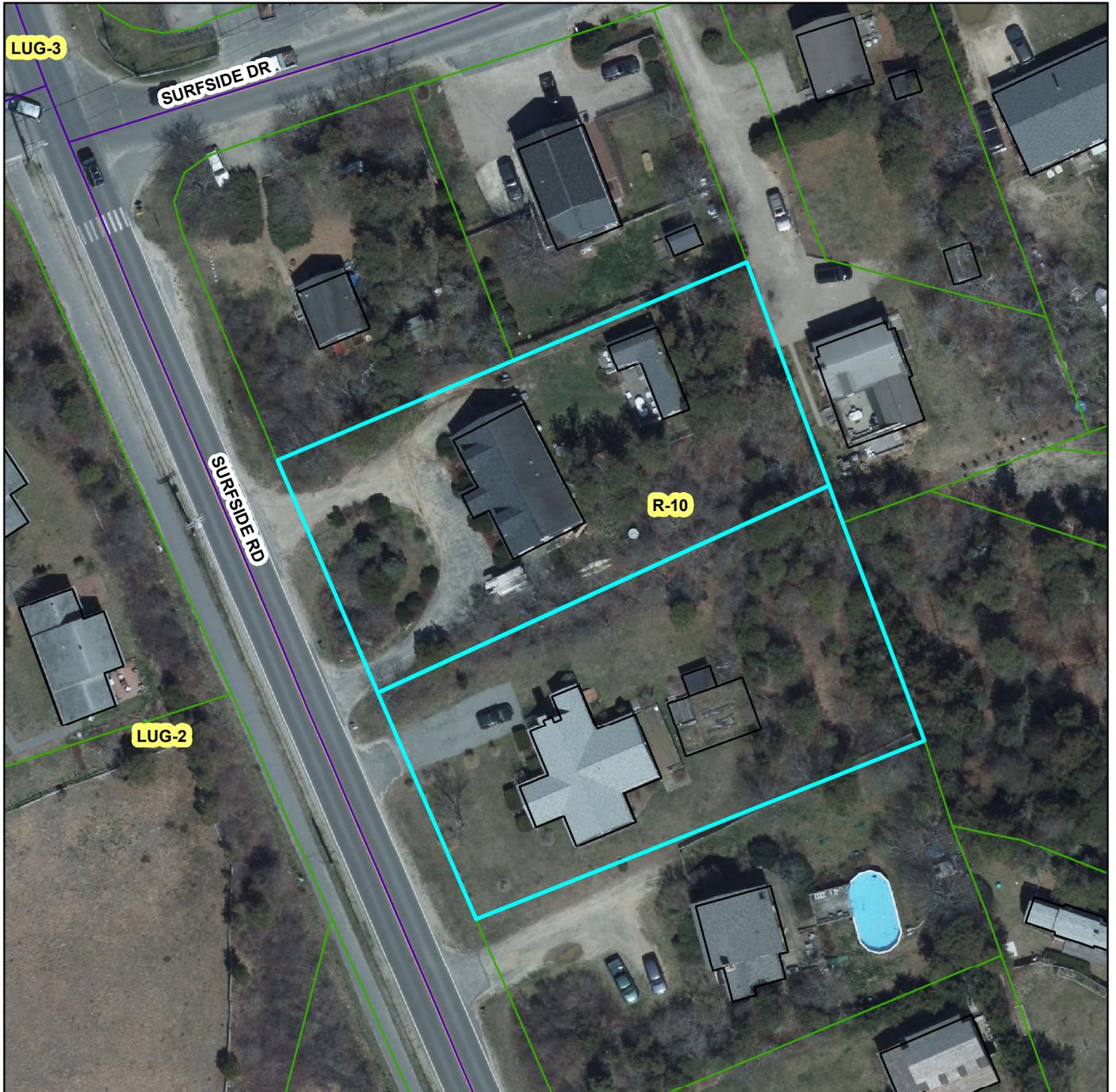
13193 D
 LAND COURT
 MAY 15 2015
 FILED

DRAWING TITLE:
LOTING PLAN

SCALE: 1" = 20'
 SHEET NO.
3 of 6



#7919 Hatikva Way Subdivision
Definitive Subdivision Plan
82 & 84 Surfside Road
Map 67 Parcels 193 & 343





Nantucket Planning Board

Plans to be Endorsed by the Board

Date: April 4, 2016

Type of Plan to be endorsed:

- Subdivision
Planning Board File # 7919
- Special Permit
Planning Board File # _____

Name of development: Hatikva Way Subdivision

Applicant's name: Surf ACK LLC and 84 Surf ACK LLC

Mailing address: c/o Cohen & Cohen Law PC, 34 Main Street, 2nd Flr., Nantucket, MA 02554

Phone number: 508-228-0337 Fax number: _____ E-mail: steven@cohenlegal.net

Engineer / surveyor's name: Site Design Engineering LLC

Mailing address: 11 Cushman Street, Middleboro, MA 02346

Phone number: 508-503-3500 Fax number: 508-967-0674 E-mail: dmulloy@sitedesigneng.com

Have these plans been submitted to the Town's Engineer: Yes/ No

If no, please submit a second set of plans for review prior to the next Planning Board Meeting.

Please list the Planning Board's conditions (if any) that refers to these plans:

(EX: "...Within six (6) months from the date of the decision and prior to the commencement of any construction, the applicant shall submit final plans including all engineering plans, landscaping plans, elevations, lighting plans, floor plans, etc. The set shall be subject to final review by the Planning Board's engineering consultant..." If you need additional space, please provide on a separate sheet.

See Planning Board subdivision approval

DEFINITIVE SUBDIVISION PLANS

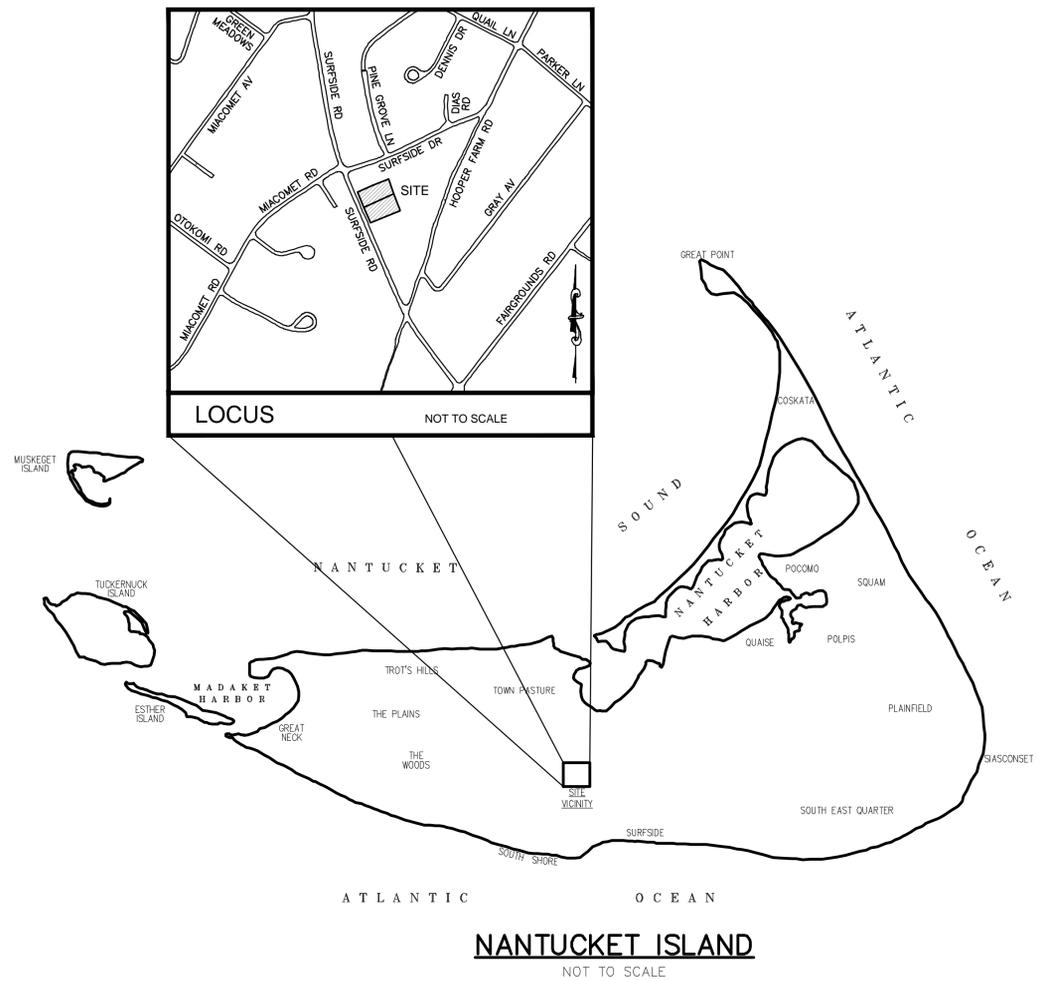
- for -

HATIKVA WAY SUBDIVISION

82 & 84 SURFSIDE ROAD
NANTUCKET, MASSACHUSETTS

PLAN INDEX

TITLE	SHEET NO.
COVER SHEET	1
LOTTING PLAN	2
SITE LAYOUT & LANDSCAPE PLAN	3
DRAINAGE & GRADING – PLAN & PROFILE	4
CONSTRUCTION DETAILS	5



"I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NANTUCKET PLANNING BOARD WAS RECEIVED AND RECORDED _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE."

TOWN CLERK, NANTUCKET, MA _____ DATE _____

APPROVED UNDER THE SUBDIVISION CONTROL LAW REQUIRED
NANTUCKET PLANNING BOARD

APPROVED (DATE): _____

ENDORSED (DATE): _____

P.B. FILE NO.: _____

**SITE DESIGN
ENGINEERING, LLC.**
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	DCM	APPROVED
1	3/29/16	REVISED PER ENGINEERING PEER REVIEW COMMENTS		

PLAN REVISIONS

DATE: JANUARY 11, 2016

DRAWN BY: SKD DESIGN BY: SKD / DCM CHECK BY: DCM

PROJECT NO. 15137

ISSUED FOR: APPROVAL

**HATIKVA WAY
DEFINITIVE SUBDIVISION PLANS**

 82 & 84 SURFSIDE ROAD
 ASSESSOR'S MAP 67, PARCELS 193 & 343
 NANTUCKET, MASSACHUSETTS

 PREPARED FOR SURF ACK, LLC. & 84 SURF ACK, LLC.

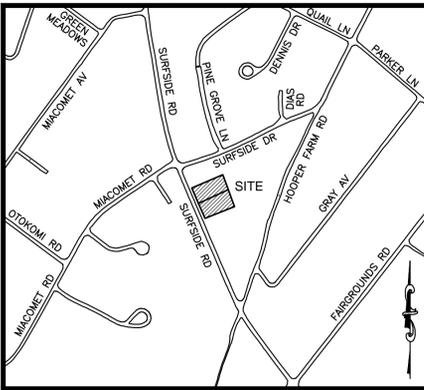
DRAWING TITLE:

COVER

SCALE: **NTS**

SHEET NO.

1 OF 5



LOCUS NOT TO SCALE



NOTES:

1. THIS PLAN REPRESENTS A SUBDIVISION OF MAP 67, PARCELS 193 & 343 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE TOWN OF NANTUCKET.
2. THIS PLAN REPRESENTS A SUBDIVISION OF LOT 12 SHOWN ON LAND COURT CASE PLAN #37210-C AND LOT 18 SHOWN ON LAND COURT CASE PLAN #37210-E.
3. THE SITE IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0088 G (EFFECTIVE DATE JUNE 9, 2014).
4. THIS PLAN AND THE ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.

LEGEND

- CB/DH CONCRETE BOUND W/DRILL HOLE
- CONCRETE BOUND TO BE SET
- x — FENCE (POST & RAIL)
- o — FENCE (STOCKADE)

CURRENT OWNERS & APPLICANTS

SURF ACK, LLC 82 SURFSIDE ROAD NANTUCKET, MA 02554	84 SURF ACK, LLC c/o PARKER SCHEER, LLP ONE CONSTITUTION CENTER BOSTON, MA 02129
TITLE REFERENCE: L.C. CERTIFICATE #25603	TITLE REFERENCE: L.C. CERTIFICATE #25820
PLAN REFERENCE: L.C.C. PLAN 37210-C (LOT 12)	PLAN REFERENCE: L.C.C. PLAN 37210-E (LOT 18)
SITE LOCATION: 82 SURFSIDE ROAD NANTUCKET, MASSACHUSETTS	SITE LOCATION: 84 SURFSIDE ROAD NANTUCKET, MASSACHUSETTS
ASSESSORS REFERENCE: MAP 67, PARCEL 193	ASSESSORS REFERENCE: MAP 67, PARCEL 343

OVERLAY DISTRICT APPLICABILITY

TOWN	YES
TOWN SEWER	YES
WELLHEAD PROTECTION	YES
MA DEP ZONE II	YES

ZONING REQUIREMENTS

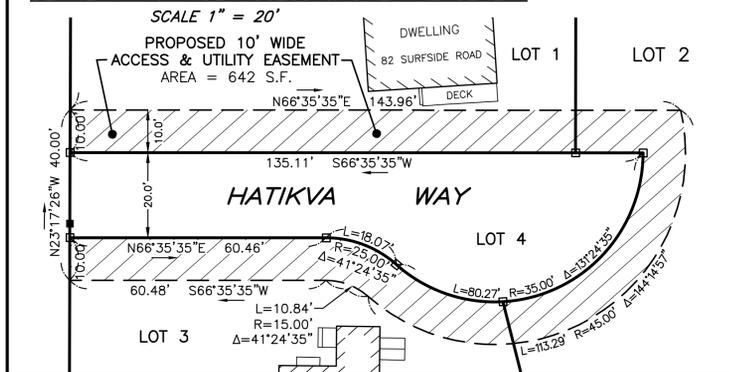
	ZONING DISTRICT: RESIDENTIAL 10 (R-10)			
	REQUIRED	LOT 1	LOT 2	LOT 3
LOT AREA	10,000 S.F.	10,425 S.F.	13,404 S.F.	10,595 S.F.
LOT FRONTAGE	75 FT.	87.29 FT.	-	89.71 FT.
LOT FRONTAGE ON CUL-DE-SAC	52.5 FT.	-	53.0 FT.	-
FRONT YARD SETBACK	20 FT.	64.2 FT.	41.6 FT.	-
REAR YARD SETBACK	10 FT.	18.3 FT.	11.7 FT.	-
SIDE YARD SETBACK	10 FT.	11.0 FT.	11.7 FT.	-
MAX. GROUND COVER RATIO	25 %	15.6 %	3.4 %	-
REGULARITY FACTOR "R"	≥0.55	0.98	0.72	0.61

REGULARITY FACTOR CALCULATIONS INCLUDE ENTIRE AREA AND PERIMETER.

DISPOSITION OF LOTS

- LOTS 1, 2 AND 3 ARE BUILDABLE LOTS.
- LOT 4 IS A ROADWAY LOT FOR FUTURE CONVEYANCE TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION.

DETAIL-1 10' WIDE ACCESS & UTILITY EASEMENT

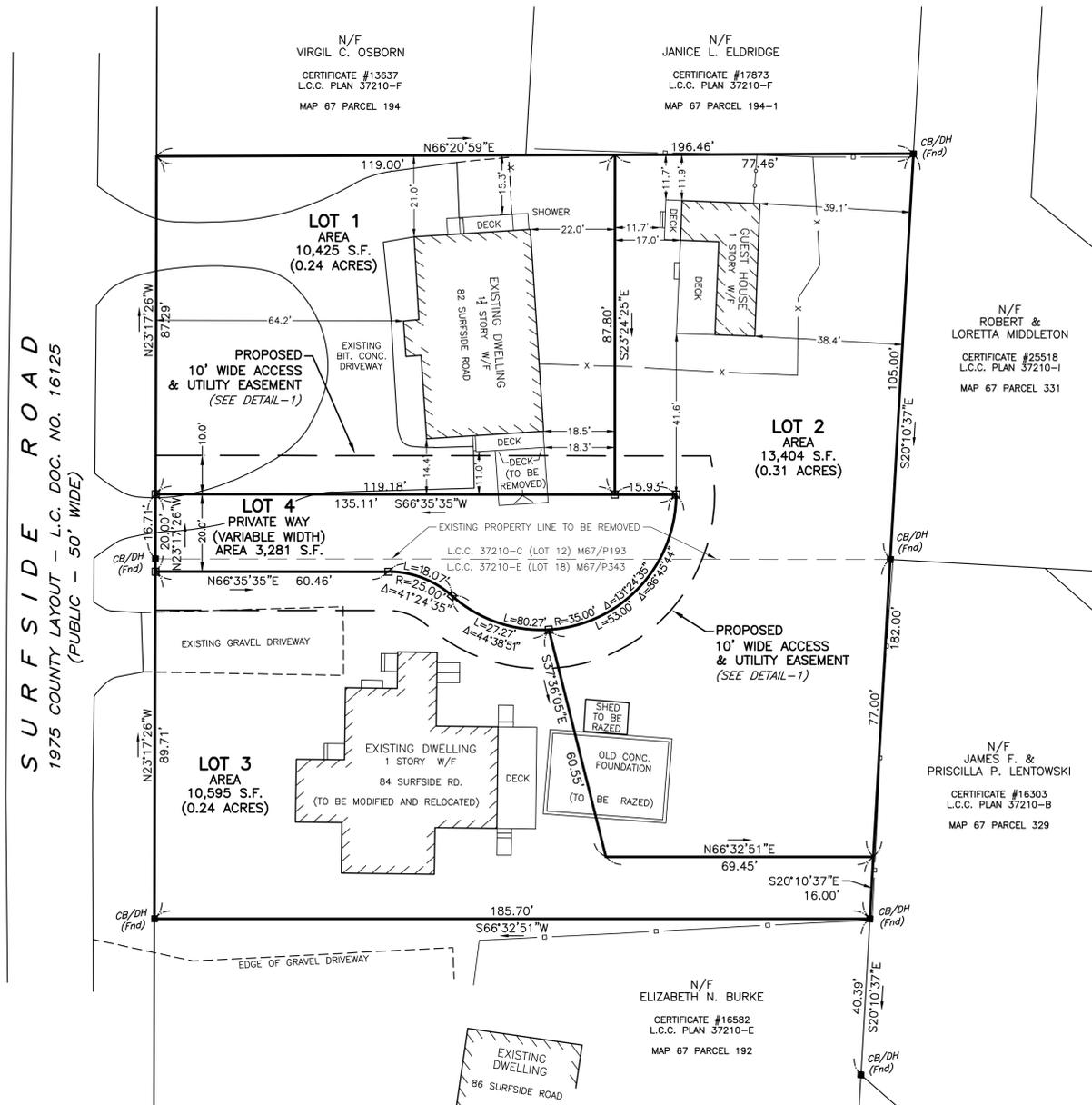


I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

I FURTHER CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN 11/16/15 AND 12/8/15.

PROFESSIONAL LAND SURVEYOR

DATE



LOTS SHOWN HEREON ARE SUBJECT TO A COVENANT DATED _____ AND RECORDED IN THE REGISTRY OF DEEDS AS DOCUMENT NO. _____

"I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NANTUCKET PLANNING BOARD WAS RECEIVED AND RECORDED _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE."

TOWN CLERK, NANTUCKET, MA _____ DATE _____

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED

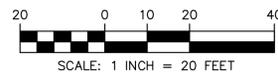
APPROVED (DATE): _____

ENDORSED (DATE): _____

P.B. FILE NUMBER: _____

THE PLANNING BOARD DETERMINES THAT:

LOTS 1, 2, 3 AND 4 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 BYLAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE NANTUCKET CONSERVATION COMMISSION.



SCALE: 1 INCH = 20 FEET

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

NO.	DATE	REVISIONS	DESCRIPTION
1	3/29/16	REVISED PER ENGINEERING PEER REVIEW COMMENTS	DCM APPROVED

DATE: JANUARY 11, 2016

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

PROJECT NO: 15137

ISSUED FOR: PLANNING BOARD APPROVAL/COMMENT

DEFINITIVE SUBDIVISION PLAN
HATIKVA WAY SUBDIVISION
82 & 84 SURFSIDE ROAD, NANTUCKET, MA
BEING A SUBDIVISION OF
LOT 12 ON LAND COURT PLAN 37210-C
LOT 18 ON LAND COURT PLAN 37210-E
ASSESSORS MAP 67, PARCELS 193 & 343
PREPARED FOR SURF ACK, LLC

DRAWING TITLE:

LOTING PLAN

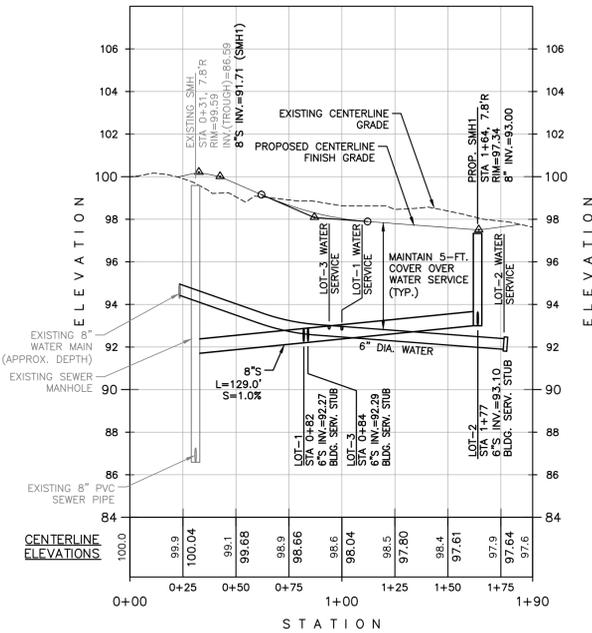
SCALE: 1"=20'

SHEET NO.

2 OF 5

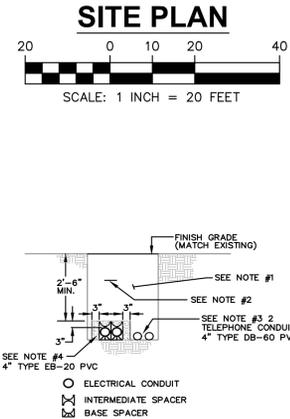
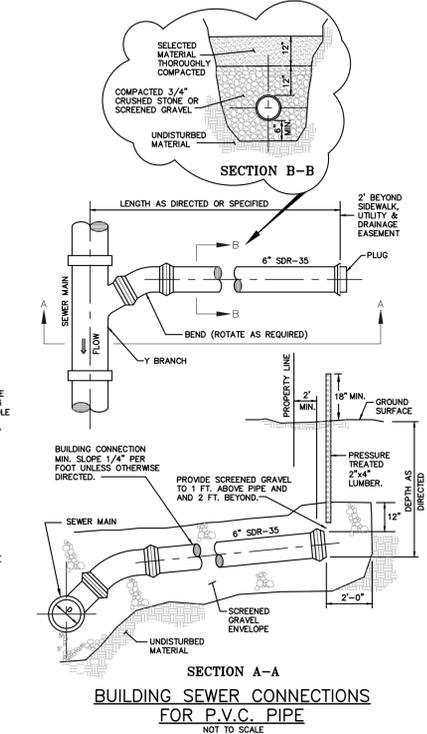
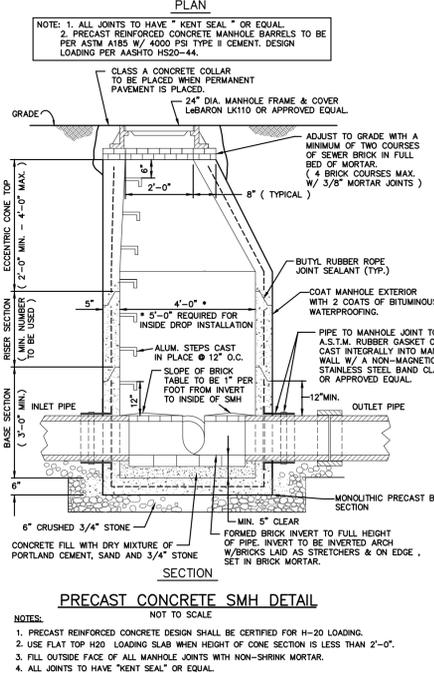
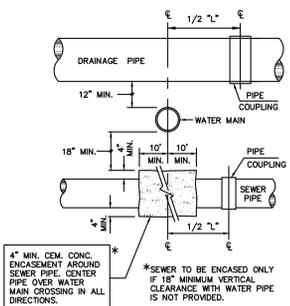
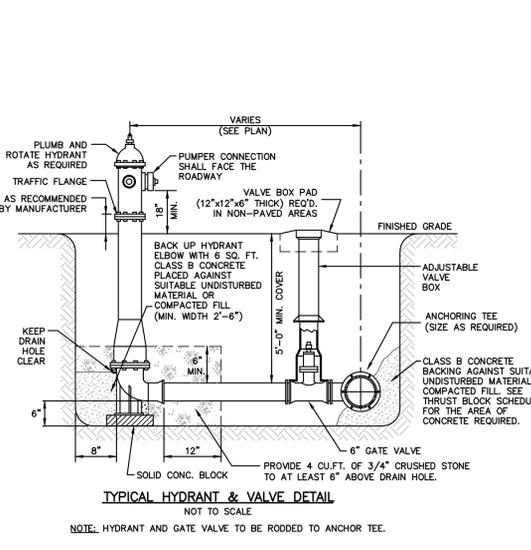
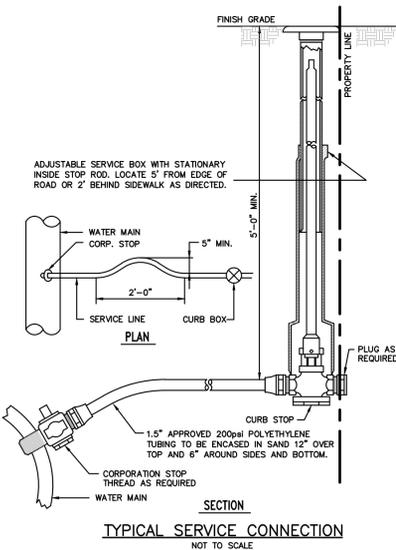
LEGEND

- EXISTING**
- AIR CONDITIONING UNIT
 - BUSH/SHRUB
 - CLEAN OUT
 - CONCRETE BOUND/DRILL HOLE FOUND
 - ELECTRIC METER
 - FENCE (POST & RAIL)
 - FENCE (STOCKADE)
 - IRRIGATION CONTROL VALVE
 - LANDSCAPED AREA
 - MAILBOX
 - PROPANE TANK
 - PROPERTY LINE
 - SEWER MANHOLE
 - SEWER MAIN
 - SPOT ELEVATION
 - SPRINKLER HEAD
 - TREE LINE
 - UTILITY POLE
 - WATER MAIN
 - WATER SHUT OFF
 - WATER SERVICE
- PROPOSED**
- ELECTRIC/CABLE TV/TELEPHONE SERVICE
 - HYDRANT
 - PROPERTY LINE
 - SEWER MANHOLE
 - SEWER MAIN
 - WATER MAIN
 - WATER GATE

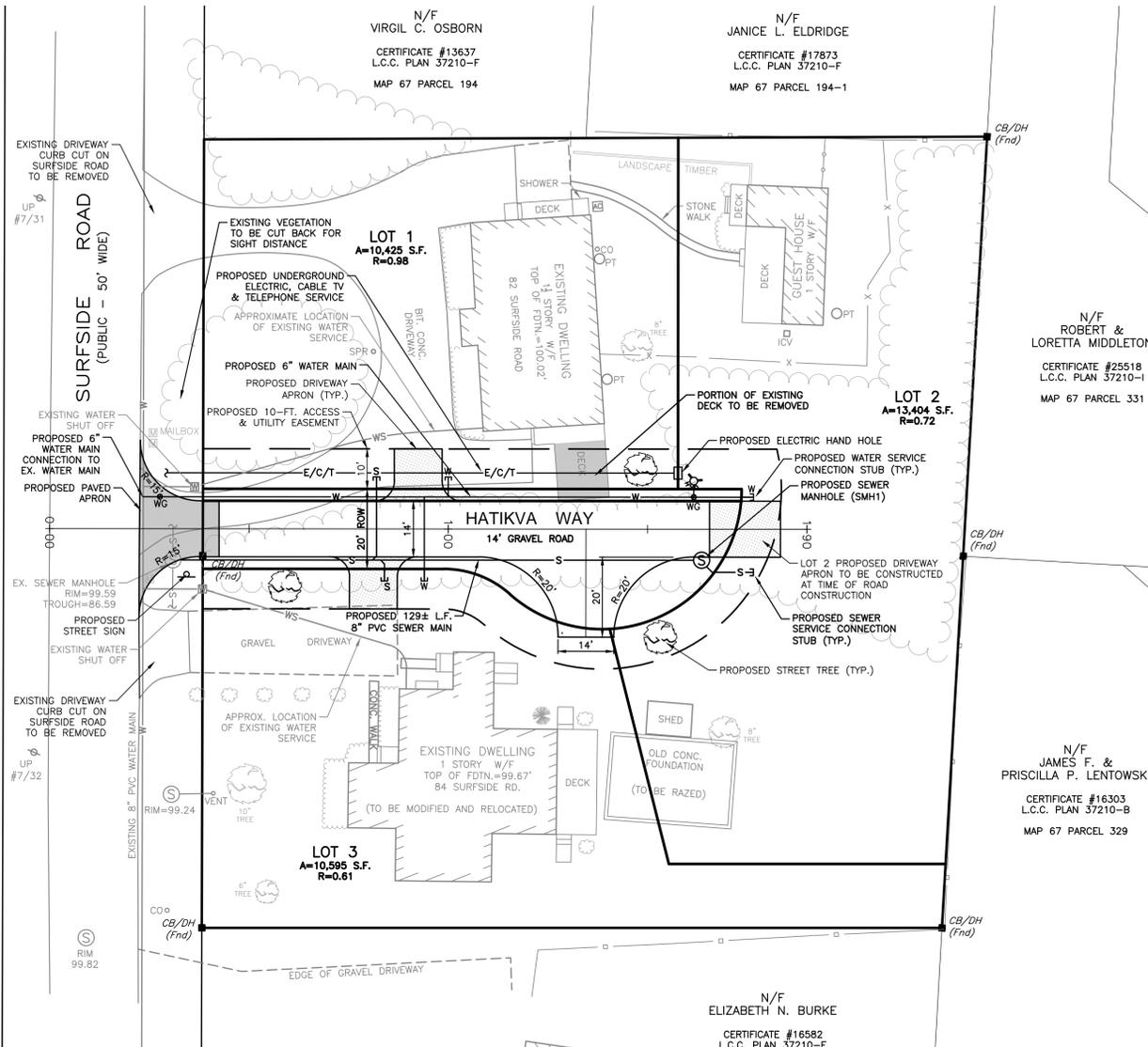


WATER MAIN CONSTRUCTION NOTES

- THE WATER SUPPLY SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE TOWN'S WATER DEPARTMENT. CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH APPLICABLE PERMITS TO BE OBTAINED BY THE CONTRACTOR. UNLESS OTHERWISE DIRECTED, ALL WATER PIPES SHALL BE INSTALLED 4'-0" BELOW GRADE. APPROPRIATE THRUST BLOCKING SHALL BE INSTALLED.
- THE CONTRACTOR SHALL MAINTAIN CLEARANCE BETWEEN THE NEW WATER MAIN AND OTHER EXISTING UTILITIES OF AT LEAST (12) TWELVE INCHES OR AS DETERMINED BY THE TOWN'S WATER DEPARTMENT IN THE FIELD.
- ALL CONSTRUCTION METHODS AND MATERIALS, AS WELL AS ALL MATERIAL SHOP DRAWINGS AND MANUFACTURERS DATA SHALL RECEIVE THE WRITTEN APPROVAL OF THE TOWN'S WATER DEPARTMENT AND THE PROJECT ENGINEER PRIOR TO FABRICATION AND INSTALLATION.
- ALL COMPLETED SECTIONS OF THE PROPOSED SYSTEM SHALL BE PRESSURE TESTED AND DISINFECTED IN ACCORDANCE WITH THE TOWN'S WATER DEPARTMENT SPECIFICATIONS. ANY PORTION OF THE WORK NOT MEETING THE REQUIRED TESTING STANDARDS SHALL BE CORRECTED BY THE CONTRACTOR AT HIS OWN EXPENSE.
- THE TOWN'S WATER SUPERINTENDENT AND THE PROJECT ENGINEER SHALL APPROVE ALL FIELD CHANGES IN THE WORK PRIOR TO IMPLEMENTATION. NO FIELD CHANGES SHALL BE MADE IN ANY SPECIFIED SITE WORK OR ANY MATERIALS FOR WHICH SHOP DRAWINGS HAVE BEEN SUBMITTED AND APPROVED WITHOUT PRIOR CONSULTATION OF THE WATER SUPERINTENDENT AND THE PROJECT ENGINEER. ANY CHANGES SO MADE WITHOUT THE CONSENT OF THE WATER SUPERINTENDENT AND THE PROJECT ENGINEER SHALL BE DEEMED UNACCEPTABLE BY EITHER PARTY, BE PROMPTLY REMOVED FROM THE WORK AT NO EXPENSE TO THE OWNER OF THE PROJECT.
- THE CONTRACTOR SHALL INTERRUPT WATER SERVICE AND DISRUPT THE NORMAL FUNCTIONING OF THE DISTRIBUTION SYSTEM AS LITTLE AS POSSIBLE. THE CONTRACTOR SHALL NOTIFY THE WATER DEPARTMENT 72 HOURS IN ADVANCE OF ANY REQUIREMENT FOR UNWATERING OF ISOLATING A SECTION OF THE MAIN.
- IN THE EVENT THAT NORMAL WATER SERVICE WILL BE INTERRUPTED FOR AN EXTENDED PERIOD, THE CONTRACTOR SHALL PROVIDE TEMPORARY SERVICE LINES.
- THE CONTRACTOR SHALL NOT OPERATE WATER DISTRIBUTION SYSTEM VALVES WITHOUT THE SUPERVISION OF THE WATER DEPARTMENT. IF SUCH SUPERVISION IS PROVIDED BY THE OWNER, AT TIMES OTHER THAN DURING REGULAR WORKING HOURS OF THE WATER DEPARTMENT, THE CONTRACTOR SHALL REIMBURSE THE WATER DEPARTMENT FOR ALL SALARY EXPENSES INCURRED BY THE WATER DEPARTMENT IN PROVIDING SUCH SUPERVISION.



- NOTES:**
- BACKFILL TO BE FREE OF STONES GREATER THAN ONE INCH AND SHALL NOT CONTAIN ASHES, CINDERS, SHELL, OR FROZEN MATERIAL.
 - WARNING TAPE TO BE PLACED 12" BELOW FINISH GRADE AND DIRECTLY ABOVE POWER CONDUIT.
 - MINIMUM SEPARATION BETWEEN ELECTRICAL CONDUIT AND FOREIGN CONDUIT OR PIPES IS AS FOLLOWS:
COMMUNICATION - 3" OF CONCRETE ENCASUREMENT
WATER, GAS, SEWER - 12" WHERE THE PATH OF THESE UTILITIES INTERSECT AT APPROXIMATELY RIGHT ANGLES WITH ELECTRICAL CONDUIT.
 - SEPARATION SHALL BE MAINTAINED BETWEEN PARALLEL PLACEMENT OF THESE UTILITIES AND ELECTRICAL CONDUIT.



SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	DCM	APPROVED
1	3/29/16	REVISED PER ENGINEERING PEER REVIEW COMMENTS		

PLAN REVISIONS

DATE: JANUARY 11, 2016

DRAWN BY: SKD	DESIGN BY: SKD/DCM	CHECK BY: DCM
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PROJECT NO. 15137

ISSUED FOR: APPROVAL

N/F JAMES F. & PRISCILLA P. LENTOWSKI
CERTIFICATE #16303
L.C.C. PLAN 37210-B
MAP 67 PARCEL 329

DEFINITIVE SUBDIVISION PLANS
HATIKVA WAY SUBDIVISION

82 & 84 SURFSIDE ROAD
ASSESSOR'S MAP 67, PARCELS 193 & 434
NANTUCKET, MASSACHUSETTS

PREPARED FOR SURF ACK, LLC & 84 SURF ACK, LLC.

"I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NANTUCKET PLANNING BOARD WAS RECEIVED AND RECORDED _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE."

TOWN CLERK, NANTUCKET, MA _____ DATE _____

APPROVED UNDER THE SUBDIVISION CONTROL LAW REQUIRED NANTUCKET PLANNING BOARD

APPROVED (DATE): _____

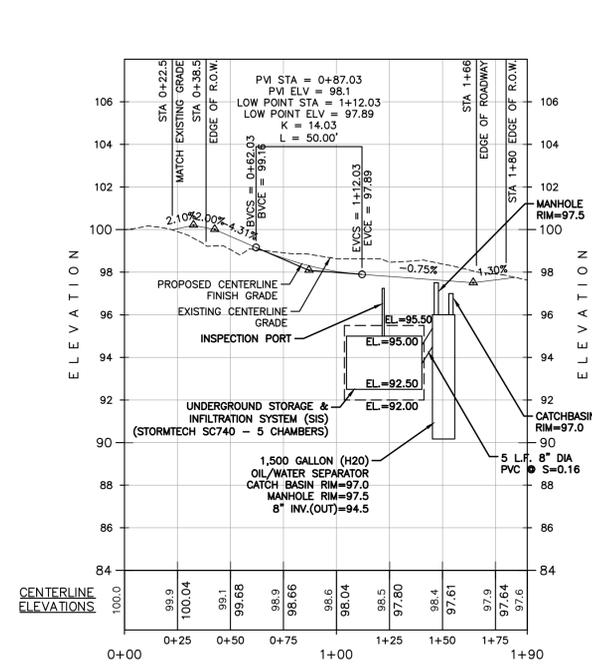
ENDORSED (DATE): _____

P.B. FILE NO.: _____

DRAWING TITLE: **SITE LAYOUT & UTILITY PLAN**

SCALE: **1"=20'**

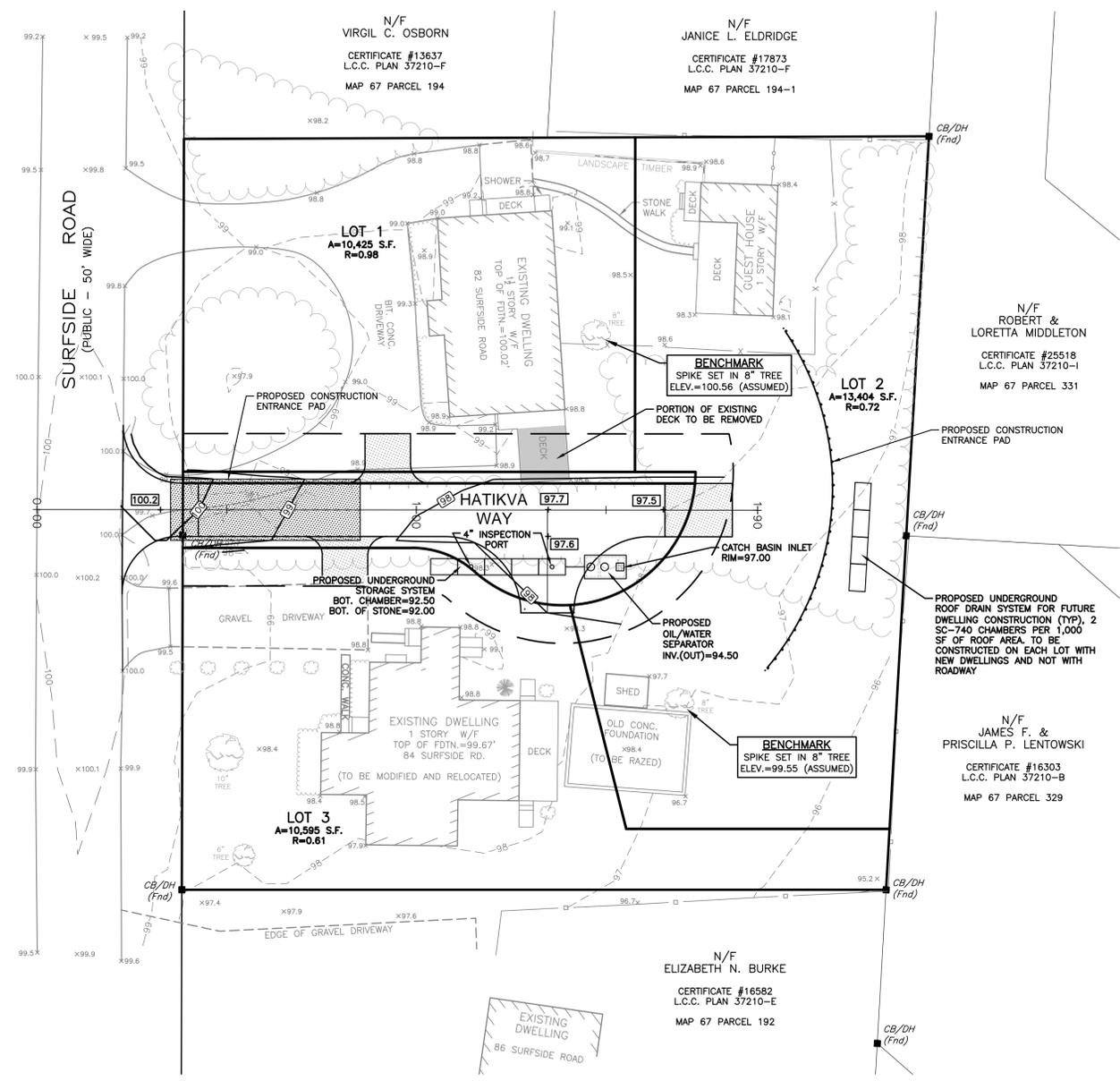
SHEET NO. **3 OF 5**



GRADING & DRAINAGE PROFILE
 SCALE: HOR. 1" = 40'
 VER. 1" = 4'

LEGEND

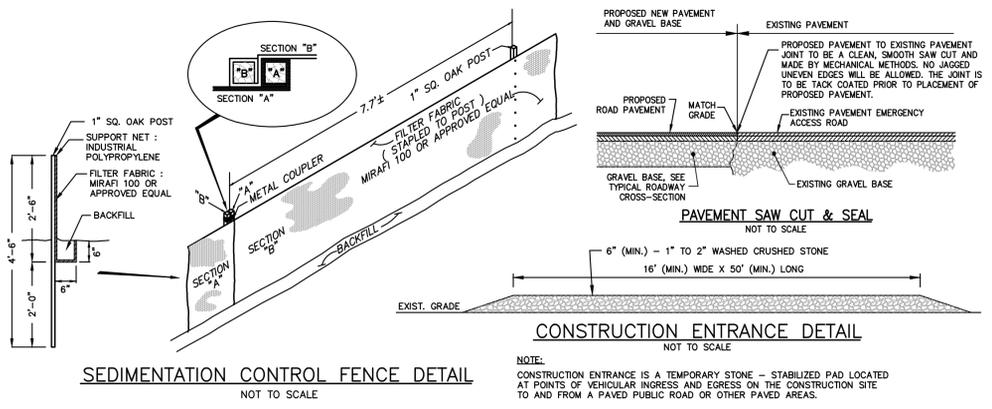
EXISTING	
[Symbol]	AIR CONDITIONING UNIT
[Symbol]	BUSH/SHRUB
[Symbol]	CONCRETE BOUND/DRILL HOLE FOUND
[Symbol]	FENCE (POST & RAIL)
[Symbol]	FENCE (STOCKADE)
[Symbol]	LANDSCAPED AREA
[Symbol]	PROPERTY LINE
[Symbol]	SPOT ELEVATION
[Symbol]	TOPOGRAPHIC CONTOUR
[Symbol]	TREE LINE
PROPOSED	
[Symbol]	PROPERTY LINE
[Symbol]	SPOT ELEVATION
[Symbol]	TOPOGRAPHIC CONTOUR



NOTE
 ALL DWELLINGS ARE TO UTILIZE ROOF DRAIN COLLECTION SYSTEMS TO CAPTURE ROOF TOP RUNOFF. THIS RUNOFF IS TO BE DIRECTED TO SUBSURFACE STORAGE AND INFILTRATION SYSTEMS ON THE RESPECTIVE LOT.

- SOIL EROSION AND SEDIMENTATION CONTROL NOTES**
- PRIOR TO INITIATING CONSTRUCTION, ALL SEDIMENTATION AND EROSION CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THE PLANS, AS DIRECTED BY THE ENGINEER AND/OR AS NECESSITATED BY FIELD CONDITIONS. THE CONTRACTOR SHALL MAINTAIN THESE MEASURES UNTIL ALL WORK IS COMPLETED AND ALL AREAS HAVE BEEN STABILIZED.
 - ACCUMULATED SEDIMENT SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR OR AS DIRECTED BY THE ENGINEER.
 - AFTER THE INSTALLATION OF DRAINAGE STRUCTURES, HAYBALES OR OTHER APPROVED MATERIALS SHALL BE PLACED TO PROTECT THE INTEGRITY OF THE STRUCTURES.
 - DISTURBED AREAS SHALL BE STABILIZED WITH THE APPLICATION OF A MINIMUM OF FOUR INCHES (4) OF LOAM AND SHALL BE SEEDED WITH AN APPROVED GRASS MIX OR SHALL BE RIPRAPPED AS SOON AS POSSIBLE AFTER THE FINISHED GRADE HAS BEEN MET. IF FINAL GRADING DOES NOT OCCUR DURING THE GROWING SEASON, THESE AREAS SHALL BE MULCHED WITH HAY AND SECURED BY QUOTE NETTING WITH STAPLES. SLOPES EXCEEDING 2:1 SHALL BE LOAMED AND STABILIZED WITH PEGGED SOD OR APPROVED EROSION CONTROL BLANKETS UNLESS OTHERWISE NOTED.
 - THE MOUTHS OF ALL CATCH BASINS SHALL BE FITTED WITH FILTER FABRIC DURING THE ENTIRE CONSTRUCTION PROCESS TO RETARD SILTATION.
 - WET SUPPRESSION WITHOUT WETTING AGENT SHALL BE APPLIED DURING LOAD IN / LOAD OUT AND EARTH MOVING CONSTRUCTION ACTIVITIES, SPECIALLY ON STOCKPILES.
 - INACTIVE STOCKPILES SHALL BE STABILIZED THROUGH APPLICATION OF SOIL STABILIZERS OR SEEDING.
 - WIND SCREENS OR BARRIERS AND PLASTIC TARP COVERS SHALL BE SECURED TO PREVENT WIND DISLodge AND DAMAGE. ANY DAMAGES SHALL BE REPAIRED OR REPLACED IMMEDIATELY.
 - CONTRACTOR SHALL CONSTRUCT A TEMPORARY CRUSHED STONE CONSTRUCTION ENTRANCE APPROXIMATELY 100 FEET LONG AND 16 FEET WIDE AT THE ENTRANCE TO THE SITE FROM VEHICLES. THE CONSTRUCTION ENTRANCE IS TO BE LOCATED AT THE ENTRANCE TO THE SITE FROM CLIFF ROAD.
 - CONTRACTOR SHALL COMPLETE STREET SWEEPING OF THE ADJACENT SECTION OF CLIFF ROAD ON AN APPROXIMATELY WEEKLY BASIS OR AS NEEDED.

- STORMWATER FACILITY OPERATION AND MAINTENANCE**
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER INSPECTION AND MAINTENANCE OF ALL STORMWATER FACILITIES UNTIL SUCH TIME AS THE ROADWAYS AND ASSOCIATED UTILITIES ARE ACCEPTED BY THE OWNER.
 - ALL STORMWATER FACILITIES SHOULD BE INSPECTED AFTER EVERY MAJOR RAINFALL EVENT FOR THE FIRST 3 MONTHS AFTER CONSTRUCTION TO ENSURE PROPER STABILIZATION AND CONSTRUCTION.
 - THE CONTRACTOR SHALL INSPECT AND CLEAN ALL FACILITIES OF SEDIMENT AND DEBRIS PRIOR TO THE OWNER'S ACCEPTANCE.
 - ACCUMULATED SILT AND SEDIMENT SHOULD BE REMOVED FROM ALL FACILITIES AT LEAST ONCE A YEAR OR MORE FREQUENTLY IF ACCUMULATED DEPTH OF SEDIMENT EXCEEDS THREE INCHES.
 - THE SIDE SLOPES AND BOTTOMS OF ALL DRAINAGE SWALES SHOULD BE MOWED TO A MINIMUM HEIGHT OF FOUR INCHES AT LEAST TWICE A YEAR. ALL GRASS CLIPPINGS AND ORGANIC MATTER SHOULD BE REMOVED FROM ALL DRAINAGE WAYS AND WETLAND BUFFER ZONES.
 - ALL REMOVED SEDIMENTS ARE TO BE PROPERLY DISPOSED AT A LOCATION TO BE APPROVED BY THE BOARD OF HEALTH. TRANSPORTATION AND DISPOSAL OF SEDIMENTS SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.
 - ANY DEFICIENCIES NOTED DURING MAINTENANCE SHALL BE REPORTED TO THE OWNER AND CORRECTED IMMEDIATELY.



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TOWN CLERK, NANTUCKET, MA _____ DATE _____

APPROVED UNDER THE SUBDIVISION CONTROL LAW REQUIRED NANTUCKET PLANNING BOARD

APPROVED (DATE): _____

ENDORSED (DATE): _____

P.B. FILE NO.: _____

SITE DESIGN ENGINEERING, LLC.
 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
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 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	APPROVED
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PLAN REVISIONS

DATE: JANUARY 11, 2016

DRAWN BY: SKD DESIGN BY: SKD/DCM CHECK BY: DCM

PROJECT NO: 15137

ISSUED FOR: APPROVAL

DEFINITIVE SUBDIVISION PLANS
HATKVA WAY SUBDIVISION

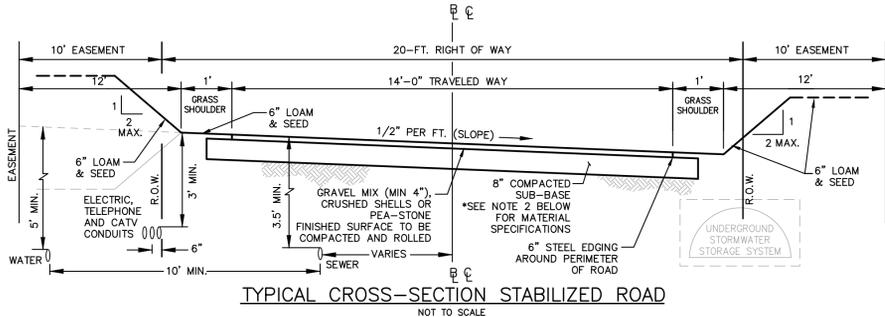
82 & 84 SURFSIDE ROAD
 ASSESSOR'S MAP 67, PARCELS 193 & 434
 NANTUCKET, MASSACHUSETTS

PREPARED FOR SURF ACK, LLC, & 84 SURF ACK, LLC.

DRAWING TITLE:
DRAINAGE & GRADING - PLAN & PROFILE

SCALE: **1"=20'**

SHEET NO.
4 OF 5

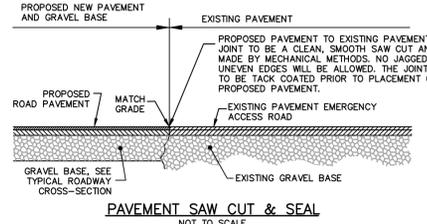
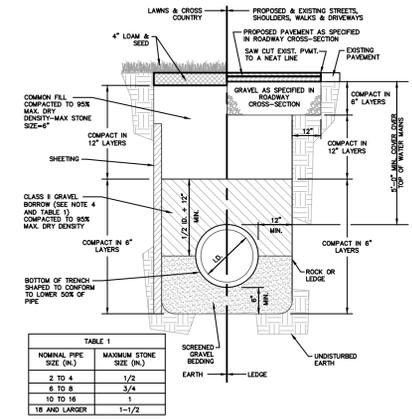
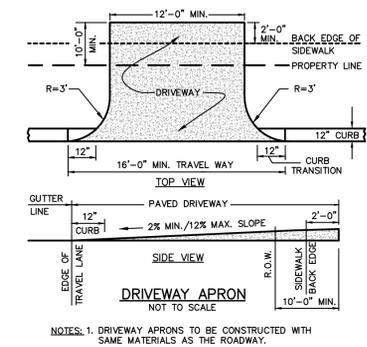


TYPICAL ROADWAY CONSTRUCTION MATERIAL NOTES

NOTES:

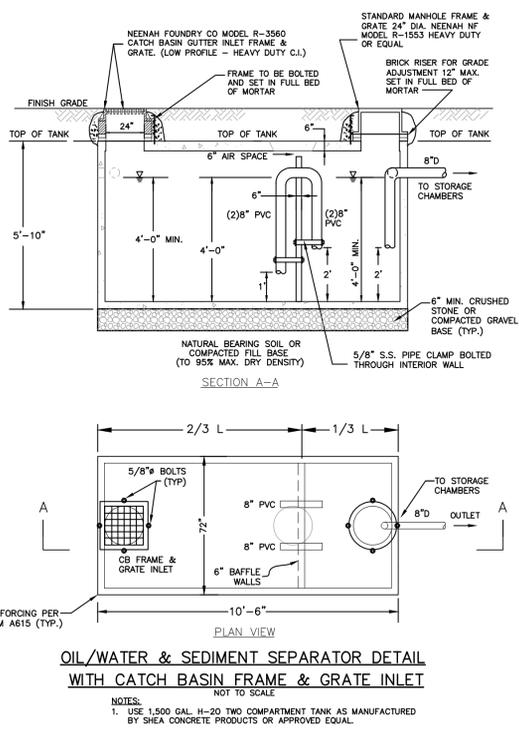
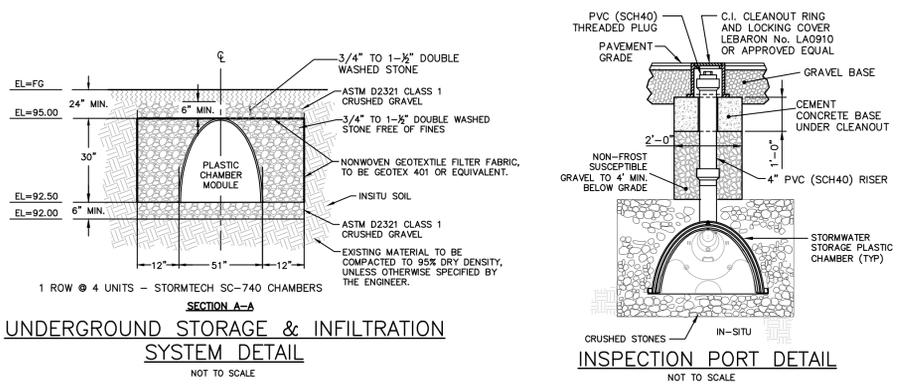
GRAVEL MIX	SIEVE DESIGNATION	PERCENT PASSING
1. GRAVEL MIX SHALL CONSIST OF INERT MATERIAL THAT IS HARD, DURABLE STONE AND COARSE SAND, FREE FROM LOAM AND CLAY, SURFACE COATINGS AND DELETERIOUS MATERIALS. MATERIAL SHALL CONFORM TO THE FOLLOWING GRADING REQUIREMENTS:	1/2 IN.	50-85
	NO. 4	40-75
	NO. 50	8-28
	NO. 200	0-10

COMPACTED SUB-BASE	SIEVE DESIGNATION	PERCENT PASSING
2. COMPACTED SUB-BASE: DENSE GRADED CRUSHED STONE, M.D.P.W. SPEC. M2.01.7 COARSE AGGREGATE SHALL CONSIST OF HARD, DURABLE PARTICLES OF FRAGMENTS OF STONE WITH A MAXIMUM STONE SIZE OF 2 INCHES. MATERIALS THAT BREAK UP WHEN ALTERNATIVELY FROZEN AND THAWED OR WETTED AND DRIED SHALL NOT BE USED. COARSE AGGREGATE SHALL HAVE A PERCENTAGE OF WEAR, BY THE LOS ANGELES TEST, OF NOT MORE THAN 45. FINE AGGREGATE SHALL CONSIST OF NATURAL OR CRUSHED SAND. GRADATION REQUIREMENTS FOR GRAVEL SHALL BE DETERMINED BY AASHTO-T11 AND T27. THE COMPOSITE MATERIAL SHALL BE FREE FROM CLAY, LOAM OR OTHER PLASTIC MATERIAL, AND SHALL CONFORM TO THE FOLLOWING GRADING REQUIREMENTS:	2 in.	100
	1-1/2 in.	70-100
	3/4 in.	50-85
	NO. 4	30-55
	NO. 50	8-24
	NO. 200	3-10



CONSTRUCTION NOTES

- THE CONTRACTOR SHALL MAKE APPLICATIONS FOR AND PAY ALL FEES FOR PERMITS REQUIRED TO CONSTRUCT THIS PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SITE PREPARATION NECESSARY FOR THE COMPLETE INSTALLATION OF THE PROJECT FACILITIES DURING CONSTRUCTION.
- THE LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES ARE APPROXIMATE ONLY. THE ENGINEER DOES NOT GUARANTEE THEIR ACCURACY OR THAT ALL UTILITIES AND SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY SIZE, LOCATION AND INVERT ELEVATIONS OF THE UTILITIES AND STRUCTURES, AS REQUIRED PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES WITH RECORD DATA SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY. THE CONTRACTOR IS CAUTIONED TO CONTACT DIG SAFE (1-888-344-7233) 72 HOURS BEFORE DIGGING.
- ALL MATERIALS AND CONSTRUCTION PRACTICES SHALL BE IN CONFORMANCE WITH THE MOST CURRENT EDITIONS OF THE TOWN OF NANTUCKET STANDARD SPECIFICATIONS, PLANNING BOARD RULES AND REGULATIONS, THE LATEST EDITION OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (MDPW) CONSTRUCTION STANDARDS, AND THE MDPW STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, UNLESS OTHERWISE SPECIFIED BY LOCAL AUTHORITY OR THE ENGINEER. ALL MATERIALS AND WORK NOT MEETING THESE SPECIFICATIONS SHALL BE IMMEDIATELY REMOVED FROM THE SITE AT THE FULL EXPENSE OF THE CONTRACTOR.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE HIS WORK WITH THE APPROPRIATE HIGHWAY & UTILITY DEPARTMENTS.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING AND NEWLY INSTALLED UTILITIES IN GOOD WORKING ORDER AND SHALL PROTECT THEM FROM DAMAGE AT ALL TIMES UNTIL THE WORK IS COMPLETED AND ACCEPTED BY THE OWNER.
- THE WATER SUPPLY SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE TOWN'S WATER DEPARTMENT. CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH APPLICABLE PERMITS (TO BE OBTAINED BY THE CONTRACTOR). UNLESS DIRECTED OTHERWISE, ALL WATER PIPES SHALL BE INSTALLED 5' - 0" BELOW GRADE. APPROPRIATE THRUST BLOCKING SHALL BE INSTALLED.
- THE SANITARY SEWER SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE TOWN'S SEWER DEPARTMENT. CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH APPLICABLE PERMITS (TO BE OBTAINED BY THE CONTRACTOR).
- ELECTRIC, GAS, TELEPHONE, AND CABLE TELEVISION UTILITY CONNECTIONS AND SERVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPECTIVE UTILITY.
- THE CONTRACTOR SHALL UTILIZE ALL MEASURES AND MATERIALS NECESSARY TO ENSURE THE SAFETY OF ALL PERSONS AND PROPERTIES AT THE SITE DURING CONSTRUCTION. ALL EXCAVATIONS SHALL CONFORM TO CURRENT OSHA STANDARDS.
- DEWATERING OPERATIONS SHALL BE PROVIDED, IF REQUIRED; ALL DISCHARGE SHALL PASS THROUGH SEDIMENTATION CONTROL DEVICES TO PREVENT IMPACTS UPON WATER BODIES, BORDERING VEGETATED WETLANDS, DRAINAGE SYSTEMS AND ADJUTING PROPERTIES.
- UNLESS OTHERWISE NOTED, ALL DISTURBED AREAS SHALL BE DRESSED WITH A MINIMUM OF FOUR INCHES (4) OF LOAM AND SHALL BE SEEDED WITH AN APPROVED GRASS MIX. SLOPES EXCEEDING 2:1 SHALL BE LOAMED AND STABILIZED WITH PEGGED SOD OR APPROVED EROSION CONTROL BLANKETS UNLESS OTHERWISE NOTED.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR(S) TO RECORD IN NOTE FORM (PREFERABLY IN A SURVEY FIELD NOTEBOOK) THE LOCATION OF ALL UTILITIES INSTALLED WHEN SURVEYORS ARE NOT AT JOB SITE. THESE NOTES WILL BE UTILIZED FOR THE PREPARATION OF REQUIRED AS-BUILT PLANS.
- THE CONTRACTOR SHALL NOTIFY THE PLANNING BOARD FOR REQUIRED INSPECTIONS AS PER SECTION OF THE PLANNING BOARD RULES AND REGULATIONS, LATEST EDITION.
- THE CONTRACTOR(S) SHALL NOTIFY THE DESIGN ENGINEER AND OR SURVEYOR FOR PROPER LOCATION OF PROPOSED UTILITIES AND IMPROVEMENTS PRIOR TO CONSTRUCTION.
- THE CONTRACTOR MUST PRESERVE ALL GRADE STAKES SET BY SURVEYORS. GRADE STAKES WILL BE USED BY SURVEYORS AND TOWN OF NANTUCKET ROADWAY ENGINEERS FOR FINAL GRADE INSPECTIONS.
- THE CONTRACTOR SHALL CONTACT THE LOCAL ELECTRIC COMPANY FOR CONSTRUCTION SPECIFICATIONS, STANDARDS AND RESPONSIBILITIES.
- ALL PROPOSED UTILITY CONNECTIONS (WATER, SEWER, ELECTRIC, ETC.) TO SERVICE ALL LOTS SHALL BE EXTENDED A MINIMUM OF 5' BEYOND ALL OTHER INFRASTRUCTURE TO AVOID UNNECESSARY DAMAGE TO EXISTING IMPROVEMENTS UPON CONSTRUCTION OF INDIVIDUAL LOTS.
- ALL DRAINAGE PIPES ARE TO BE 8-INCH AND 12-INCH DIAMETER WITH SMOOTH INTERIOR WALL. MODEL N-12 AS MANUFACTURED BY ADVANCED DRAINAGE SYSTEMS, INC. (ADS) OR APPROVED EQUAL REFER TO PLAN AND PROFILE DRAWINGS.



- NOTES:
- SHEETING IF USED, IN ALL CASES SHALL BE LEFT IN PLACE BELOW A LINE 1'-0" ABOVE THE TOP OF THE PIPE, UNLESS OTHERWISE INDICATED OR DIRECTED.
 - "COVER" AT ANY POINT SHALL BE DEFINED AS THE VERTICAL DISTANCE FROM THE UNDERMOST POINT OF THE PIPE TO A LINE WHICH CONNECTS THE SURFACE OF UNDISTURBED GROUND AT EITHER SIDE OF THE TRENCH AND IS AT RIGHT ANGLES TO THE DIRECTION OF THE PIPE.
 - SCREENED GRAVEL SHALL BE HARD, DURABLE, ROUNDED PARTICLES, FREE FROM SAND, LOAM, CLAY, EXCESS FINES AND DELETERIOUS MATERIAL, UNIFORMLY GRADED SUCH THAT NOT LESS THAN 80% WILL PASS A 1/2 INCH SIEVE AND NOT MORE THAN 5% PASS A NO. 4 SIEVE.
 - CLASS 1 GRAVEL BORROW SHALL BE A CLEAN, COARSE GRADED GRAVEL-SAND MIXTURE. THE MIXTURE SHOULD CONTAIN LESS THAN 2% PASSING THE 60# SIEVE AS WELL AS COMPLYING TO THE REQUIREMENTS OF TABLE 1.
 - WHERE FUTURE EXTENSION OF A PLUGGED PIPE OR A PLUGGED BRANCH WILL ENTAIL ROCK EXCAVATION, TRENCH EXCAVATION IN ROCK SHALL BE EXTENDED FOR A DISTANCE OF 5'-0" BEYOND THE PLUG.

"I HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE NANTUCKET PLANNING BOARD WAS RECEIVED AND RECORDED _____ AT THIS OFFICE, AND NO APPEAL WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT AFTER SUCH RECEIPT OF RECORDING OF SAID NOTICE."

TOWN CLERK, NANTUCKET, MA _____ DATE _____

APPROVED UNDER THE SUBDIVISION CONTROL LAW REQUIRED NANTUCKET PLANNING BOARD

APPROVED (DATE): _____

ENDORSED (DATE): _____

P.B. FILE NO.: _____

NO.	DATE	DESCRIPTION
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PLAN REVISIONS

DATE: JANUARY 11, 2016

DRAWN BY: SKD DESIGN BY: SKD / DCM CHECK BY: DCM

PROJECT NO. 15137

ISSUED FOR: APPROVAL

DEFINITIVE SUBDIVISION PLANS

HATKVA WAY SUBDIVISION

82 & 84 SURFSIDE ROAD
 ASSESSOR'S MAP 67, PARCELS 193 & 434
 NANTUCKET, MASSACHUSETTS

PREPARED FOR SURF ACK, LLC & 84 SURF ACK, LLC.

DRAWING TITLE: CONSTRUCTION DETAILS

SCALE: NOT TO SCALE

SHEET NO. 5 OF 5

WANNACOMET WATER COMPANY

COPY



Nantucket Water Commission

Nelson K. Eldridge
Allen Reinhard
Noreen Slavitz

Robert L. Gardner
General Manager

April 1, 2016

1 Milestone Road
Nantucket, MA 02554

Telephone (508) 228-0022
Facsimile (508) 325-5344
www.wannacomet.org

Via E-mail

Ms. Holly Backus
Land Use Specialist
Nantucket PLUS
2 Fairgrounds Road
Nantucket, MA 02554

RE: Certificate of Water Quality Compliance: 8B Greglen Avenue

Dear Holly,

I have been informed by Mr. Dan Mulloy, PE of Site Design Engineering, LLC that the owner of 8B Greglen Avenue will be asking the Planning Board to modify an existing MCD permit that includes this property and has provided me an engineering plan of the proposed work. I have reviewed the stormwater collection, treatment and recharge design for the above referenced project and as shown on a plan entitled *Sewer Connection Plan, 8B Greglen Avenue, Nantucket, Massachusetts, sheet 1 of 1*, as prepared by Site Design Engineering, LLC, dated February 12, 2016 with revisions dated March 23, 2016. As a result of my review I offer the following.

1. The stormwater collection, treatment and recharge system as designed is acceptable to the Wannacommet Water Company and the details of the various structural components including materials and installation are also acceptable.
2. Additionally, I have reviewed the location of the proposed water connection to the existing water main and that is acceptable to Wannacommet Water Co.

Summary

The Wannacommet Water Company finds that the stormwater collection, treatment and recharge system designed for this project meets the requirements of §139-12 of the *Town of Nantucket Zoning By-laws*. Therefore the Wannacommet Water Company issues a Certificate of Water Quality Compliance in accordance with §139-12B(3)(a) of the *Town of Nantucket Zoning By-laws*.

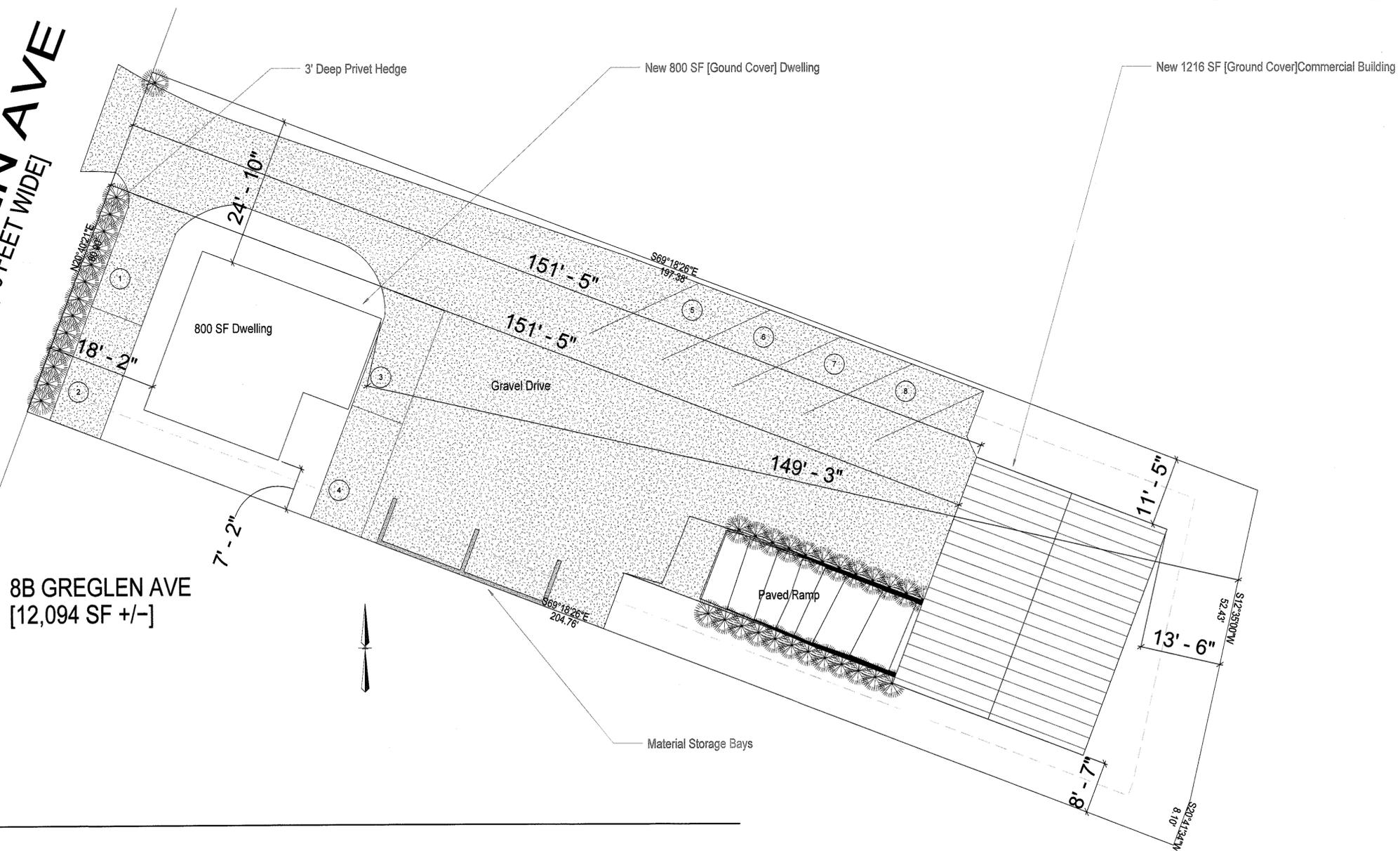
Sincerely,
WANNACOMET WATER COMPANY

Robert L. Gardner
General Manager

Cc: Mr. Daniel C. Mulloy, PE; Site Design Engineering, LLC, Via E-mail



GREGHEN AVE
[50 FEET WIDE]



1 Site Plan
1" = 10'-0"

Map & Parcel	68-179.1
Current Zoning	CTEC
Minimum Frontage	50 FT
Front Setback	10 FT
Side/Rear Setback	5/10 FT
Lot Size	10,000 SF
Lot Size	12,094 SF
Allowable G.C.	4,837 SF
Existing G.C.	0 SF
Proposed G.C.	2016 SF
Total Proposed G.C.	2016 SF

For Planning Board Review
03.31.16

Merlos Landscaping, LLC
8B Greghen Avenue
Nantucket, MA 02554

Residential Design & Plan

Concept Design

509.332.4634
33 S. Vesper Lane
Nantucket, MA 02554

These Designs / the Property / CONCEPT DESIGN / LLC and may be Used Beyond scope of this / Written Contract / Without Exp / Applicable Code / Laws will / Enforced



The Richmond Company, Inc.
23 Concord Street
Wilmington, Massachusetts 01887
(979) 988-3900

March 31, 2016

TOWN OF NANTUCKET
PLANNING BOARD
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Attention: Leslie Woodson Snell, AICP, LEED AP, Deputy Director of Planning

Subject: Request for Continuation of April 11, 2016 Public Hearing
Processing of "Valero Road" Definitive Subdivision
Valero Properties - # 60, # 62, # 64, # 66, and # 68 Old South Road

Dear Ms. Snell:

The purpose of this correspondence, issued in our capacity as the applicant and development manager, on behalf of the two owners of the subject properties (Old South Road Trust and Valero Realty Trust) is to respectfully request a further continuance of the public hearing related to the Planning Board's consideration and processing of the "Valero Road" definitive subdivision that has been submitted for the Valero properties located at 60, 62, 64, and 68 Old South Road.

As you know, the Planning Board re-opened the public hearing on this matter at its June 8, 2015 meeting and the Board, as well as you and Mr. Vorce, provided us with some preliminary input on certain changes that should be made to the subdivision plans and also asked a series of questions that would need to be addressed before the Board would be expected to close the public hearing and take action on the matter. Immediately prior to the June 8, 2015 meeting, we also received the "Engineering Review" letter issued by Pesce Engineering & Associates, Inc. containing the Town consulting engineer's comments and requests for certain technical clarifications and information with respect to some aspects of the design of the subdivision.

We are continuing to review this information and these questions with our civil engineer (Hayes Engineering) and with the property owners. A final decision with respect to the pending definitive subdivision has also been complicated by the Valero's need to consider the prospective impacts of the zoning bylaw changes that were approved at the November 9, 2015 Special Town Meeting on the future use and development of the subject property.

Accordingly, in order to allow us sufficient time to continue to complete this process, and to make any changes that may be necessary to the design and plans, we are respectfully requesting a further continuance of the public hearing related to the definitive subdivision from the April 11, 2016 meeting of the Planning Board to the June 13, 2016 meeting of the Planning Board.

Valero / Old South Road Properties
Definitive Subdivision – Continuance Request
March 31, 2016
Page Two

We appreciate your consideration and that of the Planning Board with respect to our request, and we look forward to continuing to work with you and Mr. Vorce, the Planning Board, and all the involved parties as the review of the matter progresses.

If you any immediate questions with respect to either this request or the matter in general, please feel free to contact me at 978-988-3900, Extension # 12.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Armanetti', is centered on a light-colored rectangular background.

David J. Armanetti
Director of Real Estate Development
The Richmond Company, Inc.
On Behalf of Old South Road Trust and Valero Realty Trust

Cc: Town of Nantucket Board of Health
Richard Valero, OSRT / VRT
Kenneth Valero, OSRT / VRT
Eliot Brais, Esq.
Philip Pastan, TRC
Kathryn Fossa, TRC
Andrew Burek, Esq., TRC
John Ogren, Hayes Engineering

Catherine Ancero

From: Steven Cohen [steven@cohenlegal.net]
Sent: Wednesday, April 06, 2016 10:51 AM
To: Catherine Ancero
Cc: Holly Backus
Subject: RE: 4 North Mill Court LLC

Actually, please continue until May 9th meeting.
Steven

Steven L. Cohen, Partner
Cohen & Cohen Law PC
34 Main Street, 2nd Floor
Mail: Post Office Box 786
Nantucket, Massachusetts 02554
Tel. (508) 228-0337
Fax (508) 228-0970
Steven@Cohenlegal.net
<http://cohenlegal.net>

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the persons responsible for delivering the email to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please contact Cohen & Cohen Law PC immediately at either (508) 228-0337 or Steven@Cohenlegal.net and destroy all copies of this message and any attachments. You will be reimbursed for reasonable costs incurred in notifying us.

To avoid cyber-fraud, please confirm all wiring instructions to our office via phone at (508) 228-0337, especially if you receive an e-mail or notice purporting to change wiring instructions.

SIGNATURE DISCLAIMER: UNLESS OTHERWISE EXPRESSLY STATED HEREIN, THIS EMAIL (1) DOES NOT INCLUDE AN ELECTRONIC SIGNATURE; (2) SHALL NOT BE DEEMED TO BE AN ELECTRONIC SIGNATURE FOR ANY PURPOSE; (3) SHALL NOT BE DEEMED TO CREATE A BINDING CONTRACT; AND (4) SHALL NOT CONSTITUTE AN OFFER OR ACCEPTANCE.

From: Steven Cohen
Sent: Tuesday, April 05, 2016 11:02 PM
To: Catherine Ancero <CAncero@nantucket-ma.gov>
Cc: Holly Backus <hbackus@nantucket-ma.gov>
Subject: RE: 4 North Mill Court LLC

yes

From: Catherine Ancero [<mailto:CAncero@nantucket-ma.gov>]
Sent: Tuesday, April 5, 2016 3:34 PM
To: Steven Cohen <steven@cohenlegal.net>

Monday, April 11, 2016 Planning Board Packet

Cc: Holly Backus <hbackus@nantucket-ma.gov>; 'Richard Beaudette' <rick@vdhlaw.com>

Subject: RE: 4 North Mill Court LLC

Okay and you still want to move forward for the April 11th meeting?

-Catherine

From: Steven Cohen [<mailto:steven@cohenlegal.net>]

Sent: Tuesday, April 05, 2016 3:26 PM

To: Catherine Ancero

Cc: Holly Backus

Subject: RE: 4 North Mill Court LLC

Nothing for now.

From: Catherine Ancero [<mailto:CAncero@nantucket-ma.gov>]

Sent: Tuesday, April 05, 2016 3:21 PM

To: Steven Cohen <steven@cohenlegal.net>

Cc: Holly Backus <hbackus@nantucket-ma.gov>

Subject: RE: 4 North Mill Court LLC

Hi Steven & Rick–

We have nothing new to put in the Planning Board packet for the April 11th meeting is that correct? If not, please submit immediately we are putting the packet together and Board will be picking up by Thursday, April 7th, 4:30PM.

Thank you,

*Catherine Ancero,
Administrative Specialist
Planning Board
Town of Nantucket*

*Planning and Land Use Services (PLUS)
Planning Board Office
2 Fairgrounds Road
Nantucket, MA 02554*

*Telephone#: 508.325.7587 (PLUS) Ext. 7008
Facsimile#: 508.228.7298*

Email: cancero@nantucket-ma.gov

Town website: <http://www.nantucket-ma.gov>





*The Richmond Company, Inc.
23 Concord Street
Wilmington, Massachusetts 01887
(979) 988-3900*

March 31, 2016

TOWN OF NANTUCKET
PLANNING BOARD
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Attention: Leslie Woodson Snell, AICP, LEED AP, Deputy Director of Planning

Subject: Request for Continuation of April 11, 2016 Planning Board Public Hearing
Processing of "Clay Street" Definitive Subdivision (File # 7918)
42 (Rear) 48 (Rear) and 54 (Rear) Skyline Drive Properties and 20 Davkim Lane Property

Dear Ms. Snell:

The purpose of this correspondence, issued in our capacity as the applicant and development manager, on behalf of the owner of the subject properties (Richmond Great Point Development LLC) is to respectfully request a continuance of the public hearing related to the Planning Board's consideration and processing of the "Clay Street" definitive subdivision that has been submitted for the series of adjoining properties located at 42 (Rear), 48 (Rear), and 54 (Rear) Skyline Drive, and 20 Davkim Lane.

As you know, the Planning Board opened the public hearing on this matter at its March 3, 2016 meeting (which had been postponed and continued, due to inclement weather, from its originally scheduled date of February 8, 2016). During the hearing, the Planning Board took public testimony and discussed the proposed subdivision, and provided comments and direction to our project team that will likely necessitate changes to the proposed subdivision plan and related calculations and technical reports that accompanied the proposal.

We are continuing to consider this input, review this information and these questions with our civil engineer (Hayes Engineering). Accordingly, in order to allow us sufficient time to continue to complete this process, and to make any changes that may be necessary to the design and the plans, we are respectfully requesting a further continuance of the public hearing related to the definitive subdivision from the April 11, 2016 meeting of the Planning Board to the May 9, 2016 meeting of the Planning Board.

We appreciate your consideration and that of the Planning Board with respect to our request, and we look forward to continuing to work with you and Mr. Vorce, the Planning Board, and all the involved parties as the review and consideration of the matter progresses.

Clay Street Definitive Subdivision – Continuance Request
March 31, 2016
Page Two

We note that the initial deadline for action on this matter is May 25, 2016, which will fall after the date of the 9, 2016 Planning Board meeting, so no extension of said deadline is necessary at this time.

If you any immediate questions with respect to either this request or the matter in general, please feel free to contact me at 978-988-3900, Extension # 12.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Armanetti', is displayed on a light-colored rectangular background.

David J. Armanetti
Director of Real Estate Development
The Richmond Company, Inc.
On Behalf of Richmond Great Point Development LLC

Cc: Town of Nantucket Board of Health
Philip Pastan, TRC
Kathryn Fossa, TRC
Andrew Burek, Esq., TRC
John Ogren, Hayes Engineering

Catherine Ancero

From: Catherine Ancero
Sent: Wednesday, April 06, 2016 9:33 AM
To: 'Rhoda Weinman'
Cc: Holly Backus
Subject: RE: Extension of Action Deadline
Attachments: Extension of Action Deadline.doc

Tracking:	Recipient	Delivery
	'Rhoda Weinman'	
	Holly Backus	Delivered: 4/6/2016 9:33 AM

Morning Rhoda-
That is fine. We will continue to the June 13th meeting. Please make sure to fill and email back to me.

Thank you,

*Catherine Ancero,
Administrative Specialist
Planning Board
Town of Nantucket*

*Planning and Land Use Services (PLUS)
Planning Board Office
2 Fairgrounds Road
Nantucket, MA 02554*

*Telephone#: 508.325.7587 (PLUS) Ext. 7008
Facsimile#: 508.228.7298*

Email: cancero@nantucket-ma.gov

Town website: <http://www.nantucket-ma.gov>



From: Rhoda Weinman [<mailto:weinman@nantucketislandlaw.net>]
Sent: Tuesday, April 05, 2016 9:19 PM
To: Catherine Ancero
Subject: RE: Extension of Action Deadline

Can we continue until June? The point is that we want to wait until the summer abutters show up and decide whether the new fan is working. Please let me know if that is ok.

Monday, April 11, 2016 Planning Board Packet

From: Catherine Ancero [<mailto:CAncero@nantucket-ma.gov>]
Sent: Tuesday, April 05, 2016 3:10 PM
To: 'Rhoda H. Weinman' <weinman@nantucketislandlaw.net>
Cc: Holly Backus <hbackus@nantucket-ma.gov>
Subject: Extension of Action Deadline

Hi Rhoda-

I have attached an action deadline extension form. Please sign and return. I will continue this matter to the May 9th meeting.

Thank you,

*Catherine Ancero,
Administrative Specialist
Planning Board
Town of Nantucket*

*Planning and Land Use Services (PLUS)
Planning Board Office
2 Fairgrounds Road
Nantucket, MA 02554*

*Telephone#: 508.325.7587 (PLUS) Ext. 7008
Facsimile#: 508.228.7298*

Email: cancero@nantucket-ma.gov

Town website: <http://www.nantucket-ma.gov>





Nantucket Planning Board

Withdrawal of a Planning Board Application

Date: 4/7/16

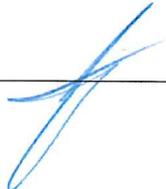
File #: 05-16

Name of owner(s)/applicant(s): Nantucket Boating Club, Inc.

Property address: 68 Graydon Ave

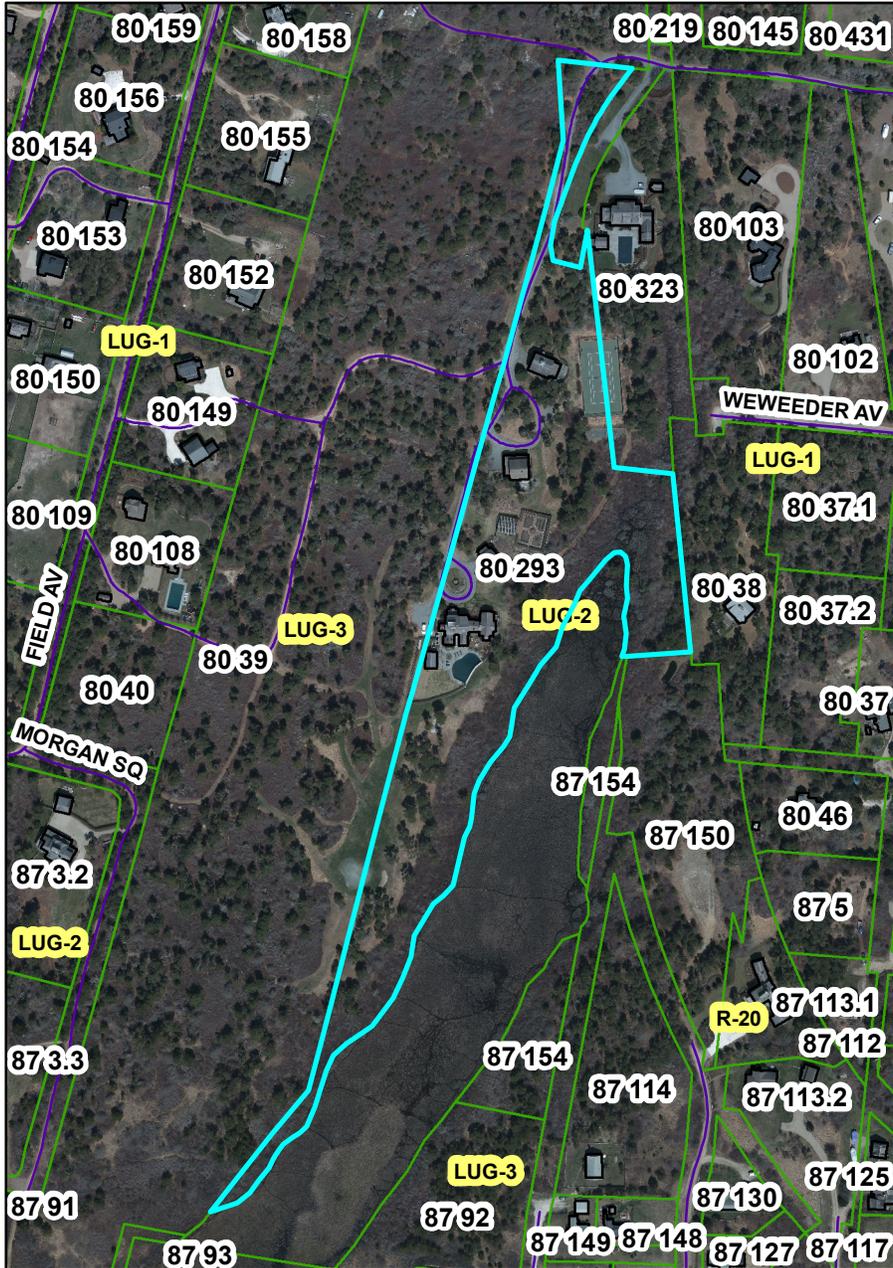
Map: 68, Parcel: 178.1

Please consider this a voluntary withdrawal of the above referenced application.

Signature of owner(s)/applicant(s):  Nantucket Boating Club, Inc.



Planning Board #02-16
1 Pochick Avenue
Map 80 Parcel 293



*Rec'd Town Clerk's
Town Clerk's
M. Holmes
Dec. 14 2015
3:03 p.m.
PB# 02-16*



Nantucket Planning Board

Form B1

Application for Approval of a Definitive Subdivision Modification

File one completed form with the Planning Board and one copy with the Town Clerk.

Date: December 14, 2015 File #: 6353

To the Planning Board of Nantucket:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision *modification* shown on a plan entitled Definite Plan of Land designed by Island Surveyors, LLC dated December 14, 2015, and described as follows: located on 1 Pochick Avenue, Nantucket

_____, number of lots proposed 4, 2 buildable, total acreage of tract 5, hereby submits said plan as a **definitive plan modification** in accordance with the *Rules and Regulations Governing the Subdivision of Land* of the Nantucket Planning Board and makes application to the Board for approval of said modification.

The undersigned's title to said land is derived from Mark and Maureen Lombardi by deed dated April 1, 2008 and recorded in the Nantucket Registry of Deeds Book 1142, Page 44, registered in the Nantucket Registry District of the Land Court, Certificate of Title # _____ and shown on Nantucket Assessor's Map # 80, Parcel 293, and said land is free of encumbrances except for the following: see attached

Said plan has has not evolved from a preliminary plan submitted to the Board on _____ (date) and approved disapproved on _____ (date).

The undersigned hereby applies for the approval of said **definitive plan modification** by the Board, in belief that the plan conforms to the Board's *Rules and Regulations*.

Name(s) and address(es) of the Applicant(s):
(to include all the names and addresses of the principals of the owner entity such as principal officers of the corporation, trustees

Monday, April 11, 2016 Planning Board Packet

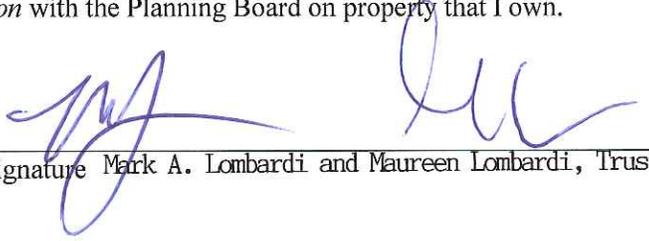
Planning Board, Form B, page 2
of a trust or partners of a partnership)

Contact Phone #: 508-325-1695 Contact Fax #: _____

Name of owner(s): Mark A. Lombardi and Maureen Lombardi, Trustees of Lombardi Realty Trust

Address of owner(s): Post Office Box 2364, Nantucket, Massachusetts 02584

I hereby certify that the applicant(s) listed above have been authorized by me to file a subdivision plan *modification* with the Planning Board on property that I own.



Owner's signature Mark A. Lombardi and Maureen Lombardi, Trustees

Received by Town Clerk:

Date: Dec. 14 2015
Time: 3:05 p.m.

Received by Board of Health:

Date: 12/14/15
Time: 3:00 pm

Planning Board File #: 02-16

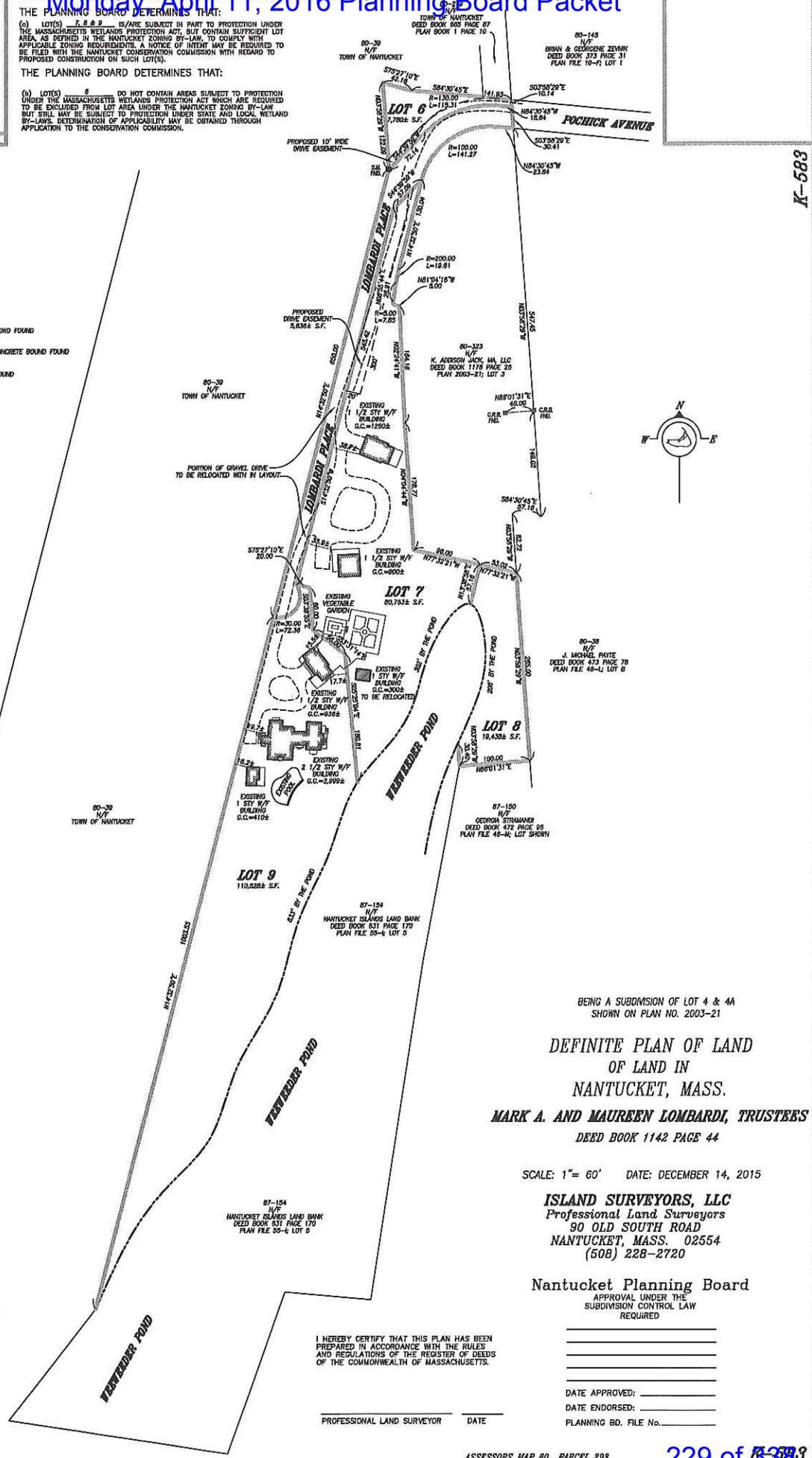


THE PLANNING BOARD DETERMINES THAT:
 (c) LOT(S) 7, 8 & 9 IS/ARE SUBJECT IN PART TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT, BUT CONTAIN SUFFICIENT LOT AREA AS DEFINED IN THE NANTUCKET ZONING BY-LAW, TO COMPLY WITH APPLICABLE ZONING REQUIREMENTS. A NOTICE OF INTENT MAY BE REQUIRED TO BE FILED WITH THE NANTUCKET CONSERVATION COMMISSION WITH REGARD TO PROPOSED CONSTRUCTION ON SUCH LOT(S).
 THE PLANNING BOARD DETERMINES THAT:
 (d) LOT(S) 8 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 BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

LOCUS MAP SCALE 1" = 2000'
 CURRENT ZONING CLASSIFICATION: Limited Use General 2 (L.U.G.-2)
 MINIMUM LOT SIZE: 80,000 S.F.
 MINIMUM FRONTAGE: 150 FT.
 FRONT YARD SETBACK: 35 FT.
 REAR/SIDE SETBACK: 10 FT.
 GROUND COVER R: 4%

LEGEND

- C.R. B. DENOTES COUNTY ROAD BOUND FOUND
- D.R. H. DENOTES DRILL HOLE IN CONCRETE BOUND FOUND
- S.M. DENOTES STEEL MARKER FOUND



BEING A SUBDIVISION OF LOT 4 & 4A
 SHOWN ON PLAN NO. 2003-21

**DEFINITE PLAN OF LAND
 OF LAND IN
 NANTUCKET, MASS.**

MARK A. AND MAUREEN LOMBARDI, TRUSTEES
 DEED BOOK 1142 PAGE 44

SCALE: 1" = 60' DATE: DECEMBER 14, 2015

ISLAND SURVEYORS, LLC
 Professional Land Surveyors
 90 OLD SOUTH ROAD
 NANTUCKET, MASS. 02554
 (508) 228-2720

Nantucket Planning Board
 APPROVAL UNDER THE
 SUBDIVISION CONTROL LAW
 REQUIRED

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN
 PREPARED IN ACCORDANCE WITH THE RULES
 AND REGULATIONS OF THE REGISTER OF DEEDS
 OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR _____ DATE _____

DATE APPROVED: _____
 DATE ENDORSED: _____
 PLANNING BD. FILE No. _____

Waivers requested:

Any applicable to original plan, plus if needed,

- 2.06a(2), (5), (9), (10), (11) and (12)
Submission Requirements
- 2.06b(6) Bounds
- 2.06b(10) Topography
- 2.06b(13) Utility Plan
- 2.06b(14) Landscape Plan
- 2.06b(16) Location of Curbs and Gutters
- 2.06b(17) Roadway Cross-section
- 2.06b(18) On-site Brush Disposal
- 2.06b(19) Storm Drainage
- 2.06b(20) Profiles of Streets and Utilities
- 2.06b(21) Erosion Control Plans
- 2.06e Staking of Subdivision
- 3.02 Public Open Space
- 4.04b Dead-End Street
- 4.05 Street Construction
- 4.16 Landscape Plan
- 4.18 Sidewalks
- 4.19 Bicycle Paths
- 4.20 Street Lights
- 4.22 Curbing and Berms
- 4.23 Soil Surveys
- 4.24 Driveway Aprons

ENCUMBRANCES

1 Pochick Avenue

1. Provisions of an Easement dated May 4, 1995, recorded with Nantucket Deeds in Book 473, Page 81.
2. Provisions of Statement of Conditions of Subdivision Approval dated August 6, 1999, recorded with Nantucket Deeds in Book 631, Page 25.
3. Provisions of Instrument of Trust of Lombardi Acres Homeowner's Association Trust, dated August 6, 1999, recorded with Nantucket Deeds in Book 631, Page 32.
4. Provisions of a Road Maintenance and Endowment Agreement dated August 6, 1999, recorded with Nantucket Deeds in Book 631, Page 53.
5. Provisions of Declaration of Restrictions and Easements dated August 6, 1999, recorded with Nantucket Deeds in Book 631, Page 58, as affected by an Amendment dated April 3, 2007, recorded with Nantucket Deeds in Book 1077, Page 22.
6. Provisions of Grant of Right of Enforcement of Restrictions in favor of the Nantucket Planning Board, dated August 6, 1999, recorded with Nantucket Deeds in Book 631, Page 70.
7. Provision of Grant of Easement in favor of the Nantucket Islands Land Bank dated August 6, 1999, recorded with Nantucket Deeds in Book 631, Page 161.
8. Provisions of an Easement Agreement dated December 10, 1999, recorded with Nantucket Deeds in Book 643, Page 338.
9. Grant of Easement dated April 16, 2007, recorded with Nantucket Deeds in Book 1132, Page 117.
10. Provisions of an Easement with the Nantucket Electric Company dated June 17, 2003, recorded with Nantucket Deeds in Book 831, Page 331.
11. Mortgage by Mark A. Lombardi and Maureen Lombardi, to ING Bank, FSB, dated March 26, 2008, recorded with Nantucket Deeds in Book 1132, Page 117.

Monday, April 11, 2016 Planning Board Packet
READE, GULLICKSEN, HANLEY & GIFFORD, LLP

SIX YOUNG'S WAY
NANTUCKET, MASSACHUSETTS 02554
(508) 228-3128

ARTHUR I. READE, JR., P.C.
KENNETH A. GULLICKSEN
MARIANNE HANLEY
WHITNEY A. GIFFORD

FAX: (508) 228-5630

MAILING ADDRESS
POST OFFICE BOX 2669
NANTUCKET, MASS. 02584

December 14, 2015



BY HAND DELIVERY

Catherine Ancero, Administrative
Assistant
Planning and Land Use Services
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Re: 1 Pochick Avenue

Dear Catherine:

Enclosed please find a Form B1 Application for Approval of a Definitive Subdivision Modification. Please place this matter on the agenda for the January 11, 2016 Planning Board meeting.

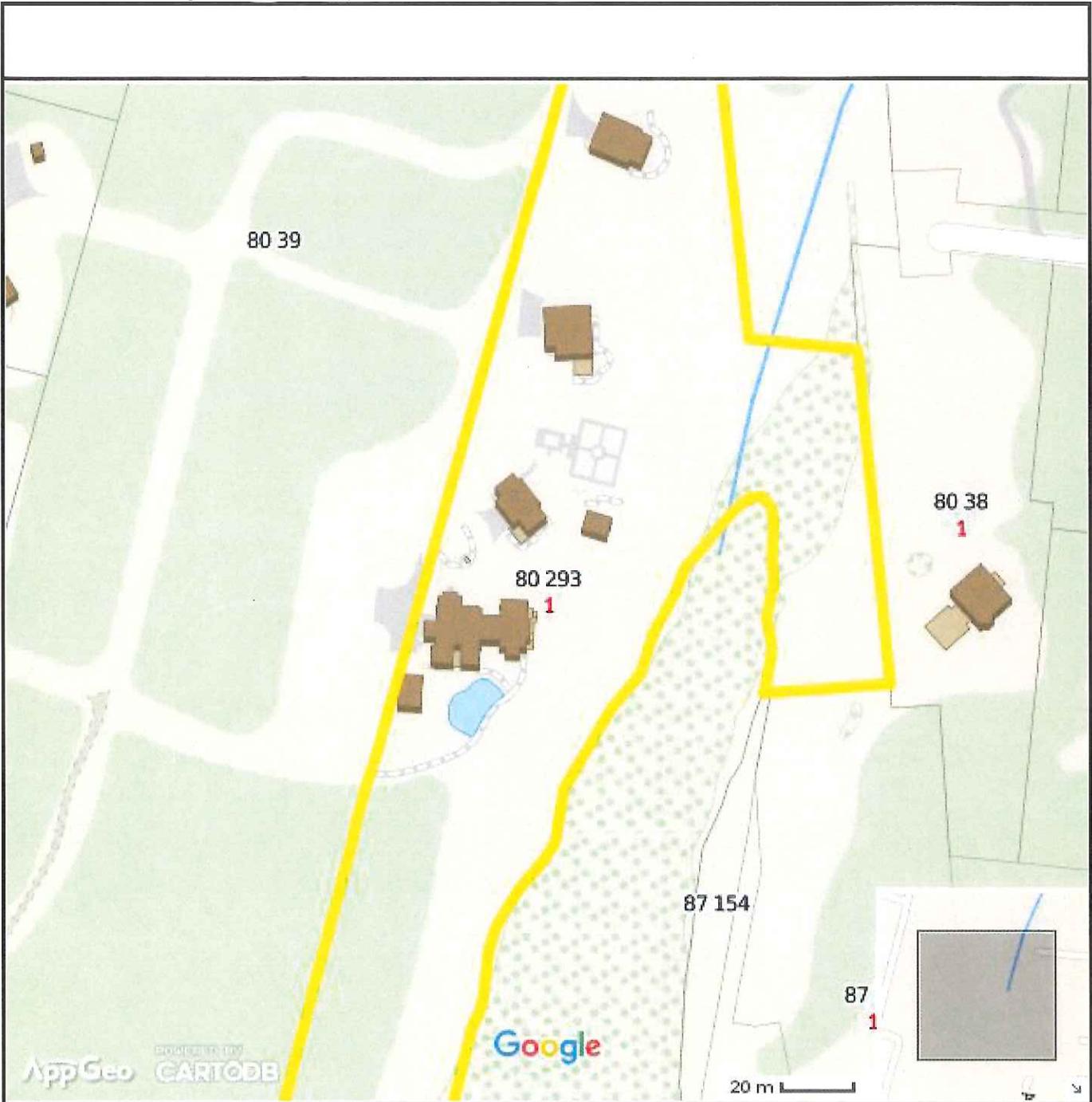
Please let me know if you need anything further. Thank you for your assistance.

Sincerely,

Marianne Hanley

Enclosures

Cc: Mr. & Mrs. Mark A. Lombardi



Property Information

Property ID 80%20293
Location 1 POCHICK AV
Owner LOMBARDI MARK A & MAUREEN TRST



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Monday April 11, 2016 Planning Board Packet
JUN 04 2003
Nantucket County Deeds
Book: 076 Page: 124
Joanne L. Kelley
Register of Deeds



COPY

(LOBARDI)
SUBDIVISION)POCHICK
AVENUE
05/13/2003 SUBDIVISION

NANTUCKET PLANNING BOARD

DECISION

Subdivision Modification
Mark Lombardi
(Map 80, Parcel 104 & 293)
Planning Board File # 6353

May 12, 2003

Requested Modification:

The applicant, Mark Lombardi, requested that the Planning Board modify the decision for the Lombardi Subdivision dated January 14, 1998, to modify the approved definitive subdivision plan as follows:

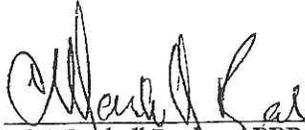
- Changing the asphalt apron to cobblestone
- Relocating the driveway layout from Pochick Avenue
- Relocating the catch basins
- Adjusting property lines
- Adjusting the road layout

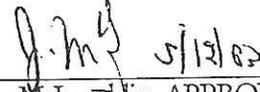
Findings:

The Planning Board, at its April 28, 2003 meeting found that the proposed modification of the Definitive Subdivision Plan did not affect the intent or findings of the original decision. Horsley & Witten (engineering consultants for the Town) recommended the proposed modification.

Decision and Vote:

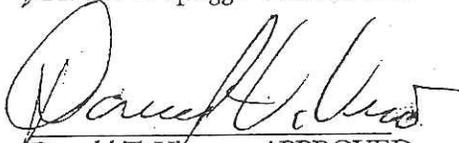
A motion was made and duly seconded to allow the Modification of the definitive subdivision plans for property owned by Mark Lombardi, located off of Pochick Avenue. On April 28, 2003 the Planning Board voted 5-0 to **APPROVE** this subdivision modification and on May 12, 2003 the Planning Board voted 5-0 to **ENDORSE** the revised definitive plans entitled "Subdivision of Land off of Pochick Avenue in Nantucket, MA, modified April 8, 2003" prepared for Mark Lombardi by Daylor Consulting Group, Braintree MA.


C. Marshall Beale APPROVED

 5/13/03
John McLaughlin APPROVED


Francis T. Spriggs APPROVED


Barry Rector APPROVED

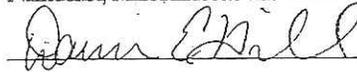

Donald T. Visco APPROVED

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

May 12, 2003

Then personally appeared John McLaughlin one of the above-named members of the Planning Board of Nantucket, Massachusetts and acknowledged the fore-going instrument to be his/her free act and deed before me.

 Notary Public

DAWN E. HILL Date my Commission Expires
Notary Public
My Commission Expires
October 24, 2008

REC'D
TOWN CLERK
MAY 13 AM 1:50 '03

ATTEST: A TRUE COPY


NANTUCKET TOWN CLERK

I CERTIFY THAT 30 DAYS HAVE ELAPSED AFTER MY DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED PURSUANT TO GENERAL LAWS 81A, SECTION 11



JUN 03 2003



NANTUCKET PLANNING BOARD

June 16, 1999

BY CERTIFIED MAIL

Mark A. Lombardi
14 Folger Avenue
Nantucket, MA 02554

Re: Definitive Plan of Land off Pochick Avenue (File #6353)

Dear Mr. Lombardi:

It is hereby certified that the Planning Board of the Town of Nantucket, at a meeting held on June 14, 1999, voted to Approve your Definitive Plan for a tract of land south of Pochick Avenue, north and west of Station Street, as shown on the Town of Nantucket Assessor's Map 80 Parcels 104 and 293. This subdivision approval is based on plans prepared by Daylor Consulting Groups, Inc., and entitled "Subdivision Plan of Land off Pochick Avenue in Nantucket, MA" dated April 7, 1999, and revised 5/20/99 (as further revised in accordance with the conditions of this decision), and is granted conditional upon compliance with the Town's *Rules and Regulations Governing the Subdivision of Land*, (as amended through January 28, 1991), and on the following additional requirements and agreements:

1. Lot 5 is not a buildable lot and is to be conveyed to the Nantucket Land Bank, which will be combined with abutting parcels also owned by the Nantucket Land Bank.
2. All required infrastructure improvements to Pochick Avenue shall be completed in accordance with the endorsed definitive plans within two years from the date of definitive plan endorsement. The Planning Board may grant extension of this deadline without a public hearing.
3. Pochick Avenue shall be graded to a width of 10', and vegetation cut to a width of 12' and a height of 13', in accordance with the standards for a stabilized gravel road as set down in Appendix A and Plate #6 of the *Rules and Regulations*. The definitive subdivision plans provide this information accordingly.
4. Upon receiving this subdivision approval, the Applicant has agreed to restrict any further subdivision of Lots 3, 4 and 5 that create additional building lots. Information to this effect has been added to the subdivision plans and the appropriate legal documentation shall be recorded with the Nantucket Registry of Deeds. Proof of recording shall be provided to the Planning Board prior to any lot release.

5. A Homeowner's Association shall be established by the applicant, along with a Road Maintenance Endowment Fund, for the maintenance of all required improvements for Pochick Street, including grading, drainage facilities, swales, and utilities. The Association shall be initially endowed in the amount of \$500 per building lot (\$1,000 total). Proof of said endowment should be presented to the Board prior to the release of the first building lot. This fund shall be administered by the Homeowner's Association, with the Planning Board named as a third party enforcing agent.

6. Per Section 1.05 of the *Rules and Regulations* the following waivers are granted:
 - Section 2.06a(5) - Master Plan of adjacent unsubdivided land
 - Section 2.06a(6) - House Lot Numbers
 - Section 2.06a(11) - Storm Drainage Runoff Flow Calculations
 - Section 2.06a(12) - Site Analysis Report and Map
 - Section 2.06b(6) - Mass Coordinate System. Waiver granted upon condition that subdivision information will be submitted in digital form upon Plan endorsement.
 - Section 2.06b(10) - Topographical Map
 - Section 2.06b(13) - Existing and Proposed Utilities
 - Section 2.06b(14) - Landscape Plan
 - Section 2.06b(16) - Location of Curbs and Gutters
 - Section 2.06b(18) - Location of On-Site Disposal Area
 - Section 2.06b(20) - Profiles of Streets and Utilities
 - Section 4.03 - Streets. Waiver granted to allow the Applicant to construct roadway under the Rural Road Alternative.
 - Section 4.04a - Dead End Streets, Length. Planning Board grants a waiver to allow roadway distance of 1,040 feet based on low-density of subdivision, Lot 5 being conveyed to the Nantucket Land Bank and condition that Applicant agrees to no further subdivision restriction.
 - Section 4.04b - Dead End Streets, Turnaround. Planning Board grants a waiver from construction of any turnaround.
 - Section 4.09 - Shoulders
 - Section 4.10 - Guard Rails and Posts
 - Section 4.12 - Water Pipes and Related Equipment
 - Section 4.13 - Dry Sewer Lines
 - Section 4.16 - Landscaping
 - Section 4.17 - *Fire Alarm Systems and Emergency Water Supply System*
 - Section 4.18 - Sidewalks
 - Section 4.19 - Bike Paths
 - Section 4.20 - Street Lights
 - Section 4.21 - Bridges
 - Section 4.22 - Curbing and Berms

7. Plans and all required legal documents shall be presented to the Planning Board for endorsement within three (3) months of the date of this approval (September 14, 1999). The Planning Board may grant extensions of this deadline without a public hearing.

- 8. Recorded copies of all legal documents (Homeowners' Association document, Road Maintenance and Endowment Agreement, Statement of Conditions, Grant of Right of Enforcement, and Covenant) shall be presented to the Planning Board prior to the release of any lot from the Covenant.
- 9. Lots 3 and 4 shall not be released from the covenant until the drainage structures and the specified improvements for the 10' wide gravel spec roadway of Pochick Avenue and the interior subdivision road have been installed and approved by the Planning Board.
- 10. Roadway and associated infrastructure improvements shall not commence until the definitive plan has been endorsed by the Planning Board.
- 11. The applicant agrees that no further clearing or construction for roadway and drainage systems shall occur until a pre-construction meeting has been held. Such meeting shall, at a minimum, include representatives from the Planning Board, Department of Public Works, the Nantucket Electric Company, the developer, and construction contractors.

APPROVED

Marshall Keane
James Guss
Ray [unclear]
Donald Visco
 NANTUCKET PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, SS

June 23, 1999

Donald Visco

Then personally appeared, one of the above-named members of the Planning Board of Nantucket, Massachusetts and acknowledged the fore-going instrument to be his her free act and deed before me.

Allen Donnelly Notary Public
 My Commission Expires:

RECEIVED
 TOWN CLERK'S OFFICE
 NANTUCKET, MA 02554

JUN 23 1999

TIME: 3:22 pm

Asst. CLERK: XL Carpenter

REGULARITY AREA

ZONE: LUG-2
 MINIMUM REGULARITY FACTOR = 0.55

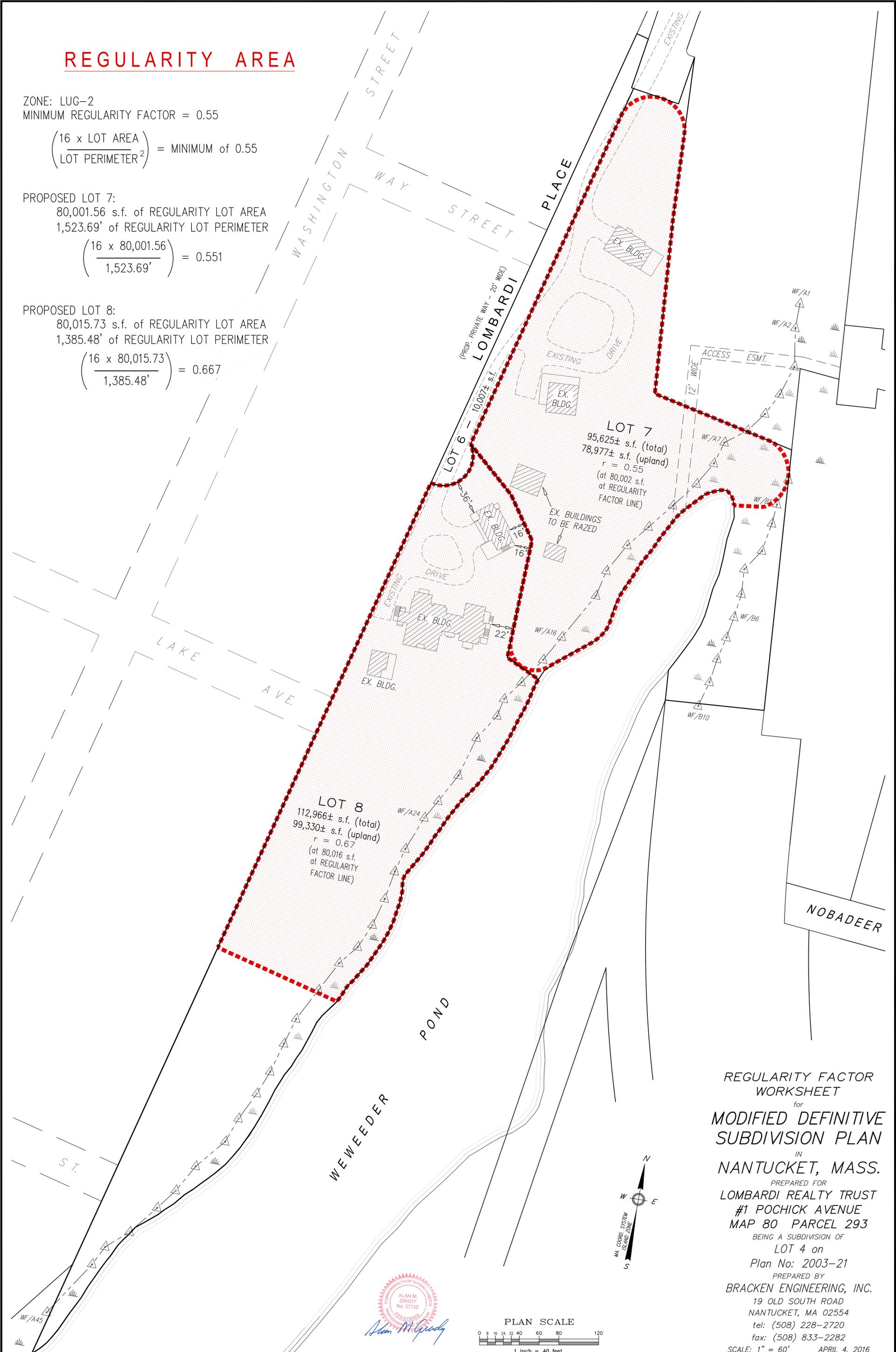
$$\left(\frac{16 \times \text{LOT AREA}}{\text{LOT PERIMETER}^2} \right) = \text{MINIMUM of } 0.55$$

PROPOSED LOT 7:
 80,001.56 s.f. of REGULARITY LOT AREA
 1,523.69' of REGULARITY LOT PERIMETER

$$\left(\frac{16 \times 80,001.56}{1,523.69^2} \right) = 0.551$$

PROPOSED LOT 8:
 80,015.73 s.f. of REGULARITY LOT AREA
 1,385.48' of REGULARITY LOT PERIMETER

$$\left(\frac{16 \times 80,015.73}{1,385.48^2} \right) = 0.667$$



REGULARITY FACTOR WORKSHEET
 for
MODIFIED DEFINITIVE SUBDIVISION PLAN
 IN
NANTUCKET, MASS.
 PREPARED FOR
LOMBARDI REALTY TRUST
 #1 POCHICK AVENUE
 MAP 80 PARCEL 293
 BEING A SUBDIVISION OF
 LOT 4 on
 Plan No: 2003-21
 PREPARED BY
BRACKEN ENGINEERING, INC.
 19 OLD SOUTH ROAD
 NANTUCKET, MA 02554
 tel: (508) 228-2720
 fax: (508) 833-2282
 SCALE: 1" = 60' APRIL 4, 2016

UPLAND AREA

ZONE: LUG-2
MINIMUM 80,000 s.f. of LOT AREA
MINIMUM 72,000 s.f. (90%) to be UPLAND AREA

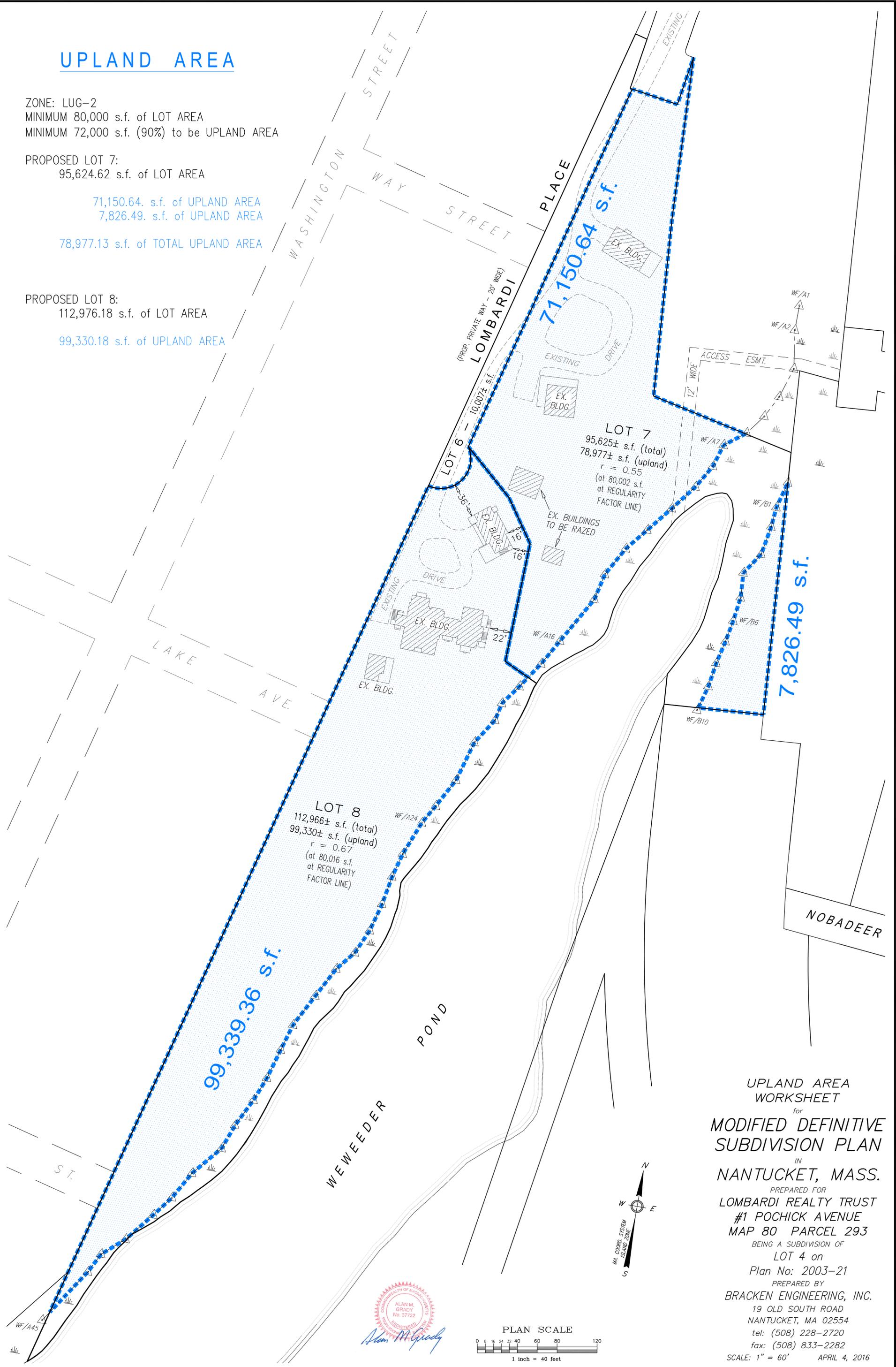
PROPOSED LOT 7:
95,624.62 s.f. of LOT AREA

71,150.64 s.f. of UPLAND AREA
7,826.49 s.f. of UPLAND AREA

78,977.13 s.f. of TOTAL UPLAND AREA

PROPOSED LOT 8:
112,976.18 s.f. of LOT AREA

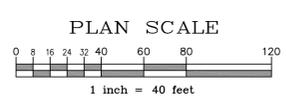
99,330.18 s.f. of UPLAND AREA



LOT 7
 95,625± s.f. (total)
 78,977± s.f. (upland)
 r = 0.55
 (at 80,002 s.f.
 at REGULARITY
 FACTOR LINE)

LOT 8
 112,966± s.f. (total)
 99,330± s.f. (upland)
 r = 0.67
 (at 80,016 s.f.
 at REGULARITY
 FACTOR LINE)

UPLAND AREA
 WORKSHEET
 for
**MODIFIED DEFINITIVE
 SUBDIVISION PLAN**
 IN
NANTUCKET, MASS.
 PREPARED FOR
LOMBARDI REALTY TRUST
 #1 POCHICK AVENUE
 MAP 80 PARCEL 293
 BEING A SUBDIVISION OF
 LOT 4 on
 Plan No: 2003-21
 PREPARED BY
BRACKEN ENGINEERING, INC.
 19 OLD SOUTH ROAD
 NANTUCKET, MA 02554
 tel: (508) 228-2720
 fax: (508) 833-2282
 SCALE: 1" = 60' APRIL 4, 2016



Main Office:

49 Herring Pond Road
Buzzards Bay, MA 02532
Tel (508) 833-0070
Fax (508) 833-2282



Nantucket Office:

19 Old South Road
Nantucket, MA 02554
Tel (508) 325-0044

April 4, 2016

Nantucket Planning Board
2 Fairgrounds Road
Nantucket, MA 02554

RE: 1 Pochick Avenue
Parcel 293 on Assessors Map 80
Mark A. & Maureen Lombardi, Trustees of Lombardi Realty Trust.

Dear Planning Board Members:

Please find accompanying this letter a revised plan for the above referenced application for Approval of a Definitive Subdivision Modification.

This previous plan submitted by Island Surveyors, LLC has been revised as follows:

1. Existing road layout has been added to the plan;
2. Layout of Lombardi Place has been change to accommodate the existing road layout and become an extension to the existing road layout thus, minimizing the extent of this modification;
3. Change from a four lot layout to a simpler two lot layout utilizing Regularity Factor Lines to demonstrate regularity zoning compliance;
4. Added location of wetland lines recently flagged by a qualified botanist and located by this firm. The plan now demonstrates that each lot complies with the required upland area requirements;
5. Added note that lots will utilize frontage averaging to meet lot frontage requirements.

We look forward to presenting this project to the Board at the next available meeting. Should you have any questions regarding this project, please contact me at 508-325-0044.

Sincerely,

Bracken Engineering, Inc.

A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', is written over a horizontal line.

Donald F. Bracken, Jr., P.E.
President

cc: Mark Lombardi
Marianne Hanley



Nantucket Land Council, Inc.

Six Ash Lane
Post Office Box 502
Nantucket, Massachusetts 02554

508 228-2818

Fax 508 228-6456

nlc@nantucketlandcouncil.org

www.nantucketlandcouncil.org

Board of Directors

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Paul P. Moran

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James W. Sutherland, Ph.D.

David Troast

Peter Watrous

Jon Wisentaner

March 3, 2016

Barry Rector, Chairman
Nantucket Planning Board
2 Fairgrounds Rd
Nantucket, MA 02554

Re: #7716 Lombardi Subdivision Modification Request Pochick Ave

Dear Mr. Rector,

As a follow up to the comments I made at the last Public Hearing regarding the above referenced request, I am submitting a memorandum authored by Jonathon Witten, an attorney with extensive experience in municipal law and is currently Town Counsel for Stow and Marion and Special Town Counsel for Middleborough, Wareham, Bourne and Hanover.

The Nantucket Land Council supports Mr. Witten's assertion that the restriction against subdivision is a distinct and separate recorded deed restriction which is an interest in land held by the Town of Nantucket. Although the Nantucket Planning Board were given certain powers as stated in the restriction, per Massachusetts General Law any release or waiver would ultimately need Town Meeting approval.

We welcome any additional opinion by Nantucket Town Council on this matter as it appears to be of the utmost importance for protecting the rights and authority of Town Meeting.

Honorary Directors

Jean Haffenreffer

Suzanne Mueller

Staff

Cormac Collier

Executive Director

Emily Molden

Resource Ecologist

Emma Johnson

Development Director

Thank you for your time and attention to this matter.

Sincerely,

Cormac Collier

Executive Director



HUGGINS AND WITTEN, LLC

156 Duck Hill Road
Duxbury, Massachusetts 02332 and
1172 Beacon Street, Suite 202
Newton, Massachusetts 02461
781-934-0084
781-934-2666 (facsimile)
jon@hugginsandwitten.com

MEMORANDUM

TO: Cormac Collier, Executive Director, Nantucket Land Council, Inc.

FROM: Jonathan Witten, Huggins and Witten, Inc. /s/ *Jonathan Witten*

RE: Restrictions recorded against lots on Pochick Avenue, Nantucket, MA

DATE: March 3, 2016

COPY: Peter Fenn, Esq.

As you have requested, I have reviewed the Declaration of Restrictions and Easements (“restrictions”) recorded on August 10, 1999 at Book 0631, Page 058 (Mark Lombardi, grantor) and recorded against Lots 3, 4, 4A and 5 off Pochick Avenue, Nantucket, and researched whether the Planning Board has the authority to “waive the restriction” as claimed by Sections 5.02 and 5.09 of the above noted instrument.¹

I have also reviewed the “Grant of Right of Enforcement of Restrictions” recorded by the grantor on August 10, 1999 at Book 0631, Page 70, which granted to the Town of Nantucket, “acting by and through the Planning Board”, the right to enforce the above noted restrictions.

¹ Section 5.02 reads in relevant part, “Upon the recordation of such a grant with Nantucket Registry of Deeds, no provision hereof relating to any Restriction, the right of enforcement of which has been granted to the Town, may be amended without the written and recorded consent of a majority of the Planning Board.”

Section 5.09 reads, in its entirety, “5.09 Release of Waiver of Restrictions. The Developer, so long as the Developer (including any successor Developer) shall own any Lot, and thereafter the Association, shall have the right to release, waive, or modify any restriction hereunder, except that restriction set forth in Paragraph 3.02 hereof, and those restrictions the right of enforcement of which has been granted to the Town of Nantucket, acting by and through its Planning Board as set forth in Paragraph 5.02 hereof.”

Cormac Collier
March 3, 2016
Page 2 of 2

Question Presented:

Is Town Meeting approval required to release the above noted restrictions or, does the language of Sections 5.02 and 5.09, purporting to grant that power solely to the Planning Board, control?

Discussion:

Assuming *arguendo* that the Planning Board can appropriately be delegated the authority to “enforce” (and arguably “release”) the restrictions, the restrictions are, nonetheless, interests in land granted to, accepted by and now held by the Town of Nantucket (see Blakeley v. Gorin, 365 Mass. 590, 596 (1974), deed restrictions are interests in real property, see also, Ward v. Prudential Insurance Co. of America, 299 Mass. 559, 565 (1938), “The right to enforce restrictions is an interest in land”).

As interests in real property, they can only be “released” or “waived” pursuant to the terms and conditions of G.L. c.40, s.3 (requiring a majority vote of Town Meeting to convey municipal property, see Harris v. Wayland, 16 Mass. App.Ct. 583 (1983)) or pursuant to the terms and conditions of G.L.c. 40, s.15A (requiring a more detailed process and a 2/3 vote of Town Meeting where the land is held for a “specific purpose”, see id.).

Regardless of which section applies (s.3 or 15A), it appears clear that the Town of Nantucket holds interests in land through the grants contained in 1999 instrument identified above and, although the grant oddly names the Town of Nantucket as the grantee and the Planning Board as empowered to “release” the same, the Town of Nantucket holds the interest in land and that interest, if it is to be released, must be released by Town Meeting and not solely by the Planning Board.

Please advise if you have any questions or if I can clarify the discussion above.

Thank you.

Monday, April 11, 2016 Planning Board Packet



#7946 AR

Stephen M. Waterhouse

20 Sparks Avenue

Map 55 Parcel 307

RC **pending ATM Article 34 to CMI**



PLANNING BOARD



FILE # 7946

Nantucket Planning Board

Form B

Application for Approval of a Definitive Subdivision Plan (AR)

File one completed form with the Planning Board and one copy with the Town Clerk.

Date: 3/14/2016

To the Planning Board of Nantucket:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled DEFINITIVE PLAN OF LAND designed by ISLAND SURVEYORS, INC dated 3/14/2016, and described as follows: located on 20 SPARKS AVENUE, number of lots proposed 4, total acreage of tract 21,038 S.F., hereby submits said plan as a **definitive** plan in accordance with the *Rules and Regulations Governing the Subdivision of Land* of the Nantucket Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from DANIEL M. D. WATERHOUSE by deed dated 2/5/2009 and recorded in the Nantucket Registry of Deeds Book 1169, Page 89, registered in the Nantucket Registry District of the Land Court, Certificate of Title # _____ and shown on Nantucket Assessor's Map # 55, Parcel 307, and said land is free of encumbrances except for the following: _____

Said plan has has not evolved from a preliminary plan submitted to the Board on _____ (date) and approved disapproved on _____ (date).

The undersigned hereby applies for the approval of said **definitive** plan by the Board, in belief that the plan conforms to the Board's *Rules and Regulations*.

Name(s) and address(es) of the Applicant(s):
(to include all the names and addresses of the principals of the owner entity such as principal officers of the corporation, trustees of a trust or partners of a partnership)

STEPHEN M. WATERHOUSE 20 SPARK'S AVE.

Monday, April 11, 2016 Planning Board Packet

Planning Board, Form B, page 2

Contact Phone #: (508) 294-4446 Fax #: () E-mail: _____

Name of owner(s): STEPHEN M. WATERHOUSE

Address of owner(s): 20 SPARK'S AVENUE

I hereby certify that the applicant(s) listed above have been authorized by me to file a subdivision plan with the Planning Board on property that I own.

 AGENT
Owner's signature
508-228-2720

Received by Town Clerk:

Date: _____

Time: _____

Received by Board of Health:

Date: _____

Time: _____

Planning Board File # 7946

Monday, April 11, 2016 Planning Board Packet

Approval of the subdivision is granted conditionally upon the aforementioned documents, compliance with the Planning Board's *Rules and Regulations Governing the Subdivision of Land* (as amended through December 20, 1999), and on the following additional requirements and agreements:

1. Requested waivers from the *Rules and Regulations Governing the Subdivision of Land*:

- | | |
|-----------|---|
| 2.06a(2) | Street Network Plan
Waiver Granted – the proposed subdivision does not warrant such plan for the scale of this subdivision; |
| 2.06a(5) | Master Plan
Waiver Granted – the proposed subdivision does not warrant such plan, as the owners do not own any property adjacent to said property; |
| 2.06a(10) | Storm Water Calculations
Waiver Granted – the proposed subdivision will not create any significant changes to the exiting drainage conditions; |
| 2.06a(11) | Site Analysis Report and Map
Waiver Granted – the proposed project consists of a small three-lot subdivision, only two of which are buildable. Only one new building lot is being created and the proposed subdivision plan set contains sufficient information to address the interests of this section for this subdivision; |
| 2.06a(12) | Traffic Study
Waiver Granted – only one additional building lot is being created and therefore the traffic impact along Quidnet Road will be minimal and adequate for the scale of this subdivision; |
| 2.06b(6) | Bounds
Waiver Granted – the proposed project is of small scale and providing all the roads and ways on the plan is unnecessary for the scale of this subdivision; |
| 2.06b(10) | Topography
Waiver Granted – the site of the proposed subdivision does not contain sufficient elevation changes to depict this contour interval and therefore are no proposed changes to the site that would require detailed elevation information due to the scale of the subdivision; |
| 2.06b(13) | Utility Plan
Waiver Granted – the proposed subdivision is only for two (2) lots and therefore does not warrant a Utility Plan; |
| 2.06b(14) | Landscape Plan
Waiver Granted – existing vegetation and landscape buffers will be maintained as shown on the subdivision plans; |
| 2.06b(16) | Location of Curbs and Gutters
Waiver Granted – the proposed subdivision will provide a rural road alternative that is better suited for the scale of this subdivision; |
| 2.06b(17) | Roadway Cross-section
Waiver Granted – the proposed project is of small scale and providing a roadway cross-section is unnecessary for the sale of this subdivision; |

Monday, April 11, 2016 Planning Board Packet

- 2.06b(18) One-Site Brush Disposal
Waiver Granted – there will be little brush cutting as part of the installation of this small subdivision;
- 2.06b(19) Storm Drainage
Waiver Granted – the proposed subdivision will not create any significant changes to the existing drainage conditions;
- 2.06b(20) Profiles of Street and Utilities
Waiver Granted – the proposed subdivision is of a small scale and providing street and utility profiles is unnecessary for the scale of this subdivision;
- 2.06b(21) Erosion Control Plan
Waiver Granted – the proposed subdivision is of a small scale and providing the plan is unnecessary for the scale of this subdivision;
- 3.02 Public Open Space
Waiver Granted – the proposed subdivision is of a small scale and providing public open space is unnecessary for the scale of this subdivision;
- 4.03a(1) Streets
Waiver Granted – the proposed subdivision will keep the existing 10-12 foot gravel roadway due to the scale of this subdivision;
- 4.04(b) Dead-End Street
Waiver Granted – the proposed subdivision will not provide access to the rear lot and therefore will not require the sixty (60) foot radius;
- 4.05 Street Construction
Waiver Granted – the proposed subdivision is of a small scale and the rural road alternative is better suited for a subdivision of this size;
- 4.06 Storm Drainage
Waiver Granted – the proposed subdivision is of a small scale and is providing only one (1) new building lot where the changes to the existing drainage conditions will be insubstantial;
- 4.16 Landscaping
Waiver Granted – the existing vegetation and landscape buffers will be maintained as shown on the subdivision plans;
- 4.18 Sidewalks
Waiver Granted – the proposed subdivision is of a small scale and sidewalks are unnecessary for the scale of this project;
- 4.19 Bicycle Paths
Waiver Granted – the proposed subdivision is of a small scale and a bike bath is unnecessary for the scale of this project;
- 4.20 Street Lights
Waiver Granted – the proposed subdivision is of a small scale and street lights are unnecessary for the scale of this project;
- 4.22 Curbing & Berms
Waiver Granted – the proposed subdivision will have a rural road alternative is proposed, therefore, curbing and berms are unnecessary;

Monday, April 11, 2016 Planning Board Packet

- 4.23 Soil Surveys
Waivers Granted – the proposed subdivision is of a small scale and soil surveys are unnecessary for the scale of this project;
- 4.24 Driveway Aprons
Waivers Granted – the proposed subdivision will be created off an existing driveway off Quidnet Road and will only be servicing two (2) lots.
2. That recorded copies of all legal documents (Homeowners Association documents, Statement of Conditions, Grant of Right of Enforcement, Grant of Easements for Utilities, Drainage, and Covenant) shall be presented to the Planning Board prior to the release of the second lot from the Covenant and within six (6) months from the date of this decision (June 18, 2015). The Planning Board may grant extensions of this deadline without holding a public hearing;
 3. That the roadway shall be constructed and maintained, as shown on the referenced definitive subdivision plans;
 4. That frontage and access utilizing the interior roadway shall be limited to lots within this subdivision. This restriction is based upon the significant waivers granted for interior roadway improvements. Any future modification of this condition shall require a public hearing;
 5. ~~That all lots shall be connected to the municipal sewer and water system;¹~~
 6. That all lots shall be prohibited from further subdivision. Minor lot line adjustments which do not result in the creation of any additional buildable lots shall be permitted through the Approval Not Required (ANR) process;
 7. That duplexes shall be a prohibited use upon any lot within the subdivision;
 8. That the applicant agreed to provide the Town of Nantucket an easement for the proposed drive QUIDNET PRESERVE DRIVE and utility easement;
 9. That the applicant agreed to one (1) dwelling unit per lot for a total of two (2) dwellings for said subdivision.

YES

SIGNATURE PAGE TO FOLLOW

¹ This condition was included by inadvertent error. There is no municipal water or sewer in the vicinity and there are no plans to extend it.



Property Information

Property ID 55 307
Location 20 SPARKS AV
Owner WATERHOUSE STEPHEN M



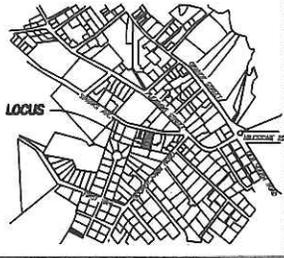
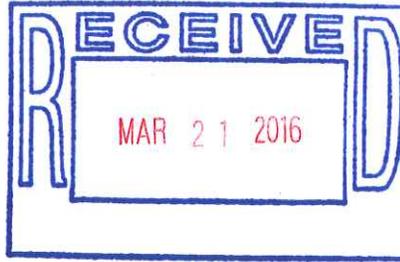
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

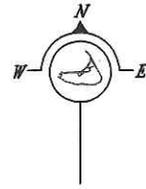
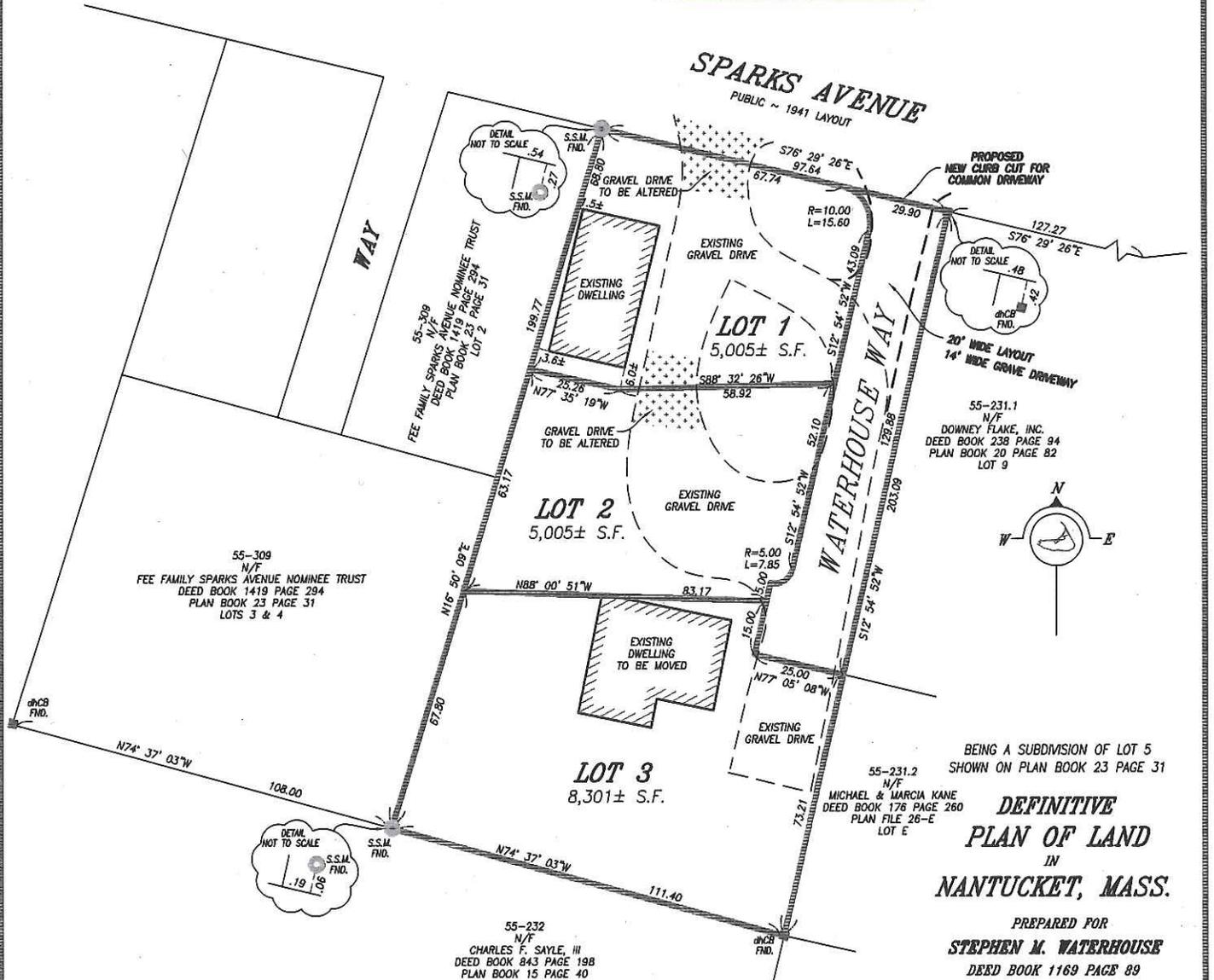
Parcels updated December, 2014
Properties updated January, 2015

CURRENT ZONING CLASSIFICATION:
Residential Commercial (R.C.)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 40 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER % : 50%



LOCUS MAP SCALE: 1"=1000±



BEING A SUBDIVISION OF LOT 5
SHOWN ON PLAN BOOK 23 PAGE 31

**DEFINITIVE
PLAN OF LAND
IN
NANTUCKET, MASS.**

PREPARED FOR
STEPHEN M. WATERHOUSE
DEED BOOK 1169 PAGE 89

SCALE: 1"= 20' DATE: MARCH 14, 2016

ISLAND SURVEYORS, LLC
Professional Land Surveyors
90 OLD SOUTH ROAD
NANTUCKET, MASS. 02554
(508) 228-2720

Nantucket Planning Board
APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
REQUIRED

DATE APPROVED: _____
DATE ENDORSED: _____
PLANNING BD. FILE No. _____

LEGEND

- chCB FND. DENOTES DRILL HOLE IN CONCRETE BOUND FOUND
- S.S.M. FND. DENOTES STEEL SURVEY MARKER FOUND

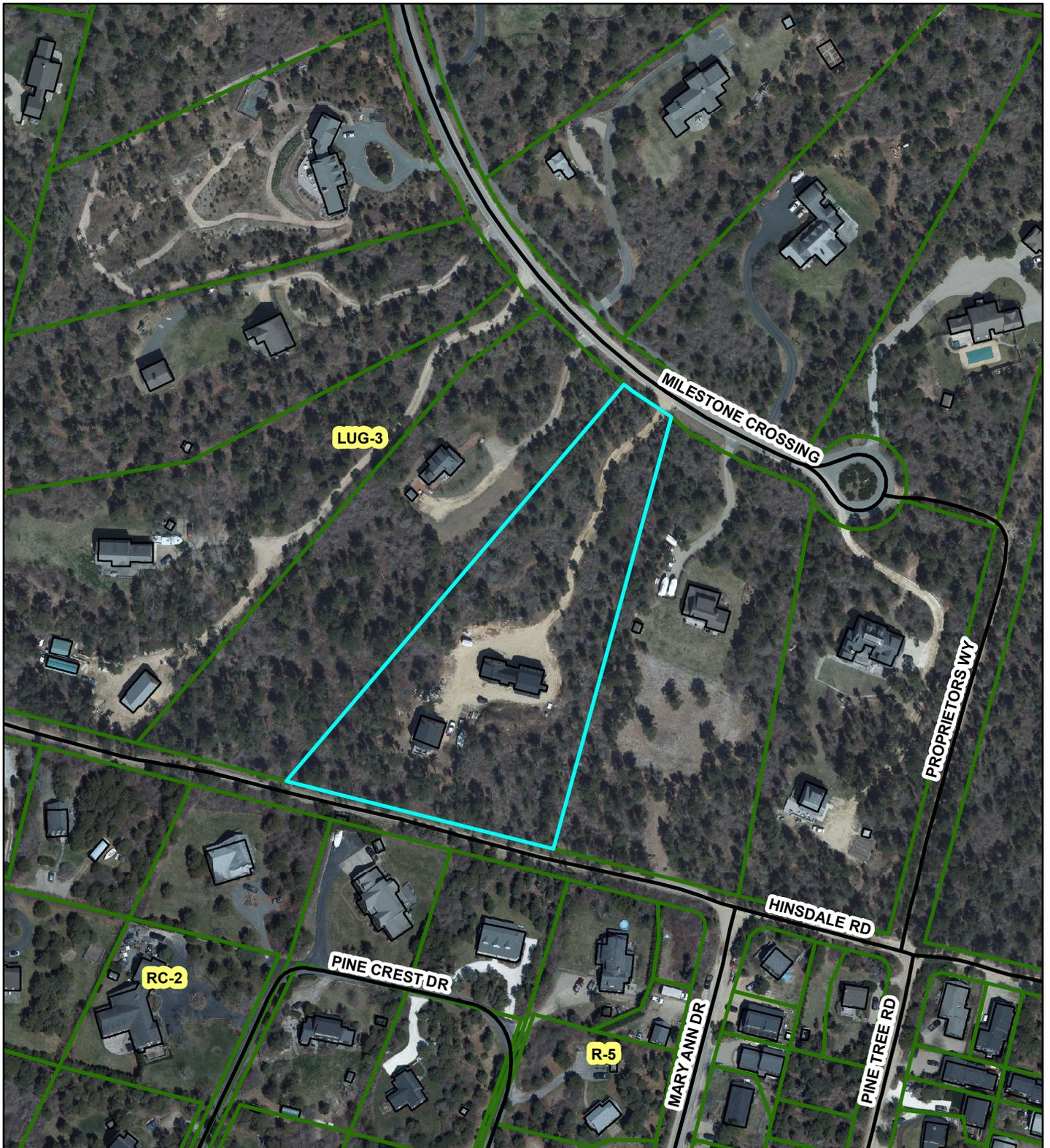
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

"I, CATHERINE STOVER, CLERK OF THE TOWN OF NANTUCKET, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE."

PROFESSIONAL LAND SURVEYOR _____ DATE _____ TOWN CLERK _____ DATE _____



#02-16 Christopher & Linda Roberts
13 Milestone Crossing
Map 68 Parcel 456
LUG-3



PLANNING BOARD

FILE # 02-16



RECEIVED
FEB 22 2016
By CHKS # 6918 & 6921 Fees
CHK # 6922 - Abulley

Nantucket Planning Board

Application for a Special Permit

Date: 2/22/16 File #: _____

Name of development: _____

Owner(s) name(s): Christopher/Linda Roberts

Mailing address: PO Box 445

Phone number: 508-228-2135 Fax number: _____ E-mail: christopherack@yahoo.com

Applicant's name: Same as Above

Mailing address: _____

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

Engineer / surveyor's name: _____

Mailing address: _____

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

Location of lot(s):

Street address 13 Milestone Crossing

Tax Assessors Map 68 Parcel 456

Nantucket Registry of Deed: Plan Book _____ and Page _____ OR

Plan File # _____ OR Land Court Plan # 36941-4 at Certificate # _____

LOT 31

Size of parcel: _____ sq. ft. Zoning District: LUG 3

Special Permit sought: (check one)

- Cluster subdivision
- Commercial WECS
- Driveway Access/Curb Cut Special Permit
- Harbor Overlay District (HOD)
- Major Commercial Development (MCD)

Monday, April 11, 2016 Planning Board Packet

- Multi-family Special Permit
- Moorlands Management District Subdivision or Construction (MMD)
- NEHOD (Neighborhood Employee Housing Overlay District)
- MRD (Major Residential Development)
- MIPOD (Mid-Island Planned Overlay District)
- Other Uses Requiring a Special Permit (specify all uses and *Nantucket Code* sections)

Section	Description
139-2	Tertiary Dwelling - 3rd dwelling unit located on a lot.

Specify all associated Zoning Code relief sought:

Section	Description
	Tertiary dwelling TO 696 SF

Only the zoning relief expressly requested above will be considered as part of this application.

If applying for a Major Commercial Development, specify how the application will comply with Section 139-11 (J) of the *Zoning Code of the Town of Nantucket*, also known as the Town's Affordable Housing Effort:

Planning Board filing fee due: \$ _____

Engineering Inspection Escrow Deposit due: \$ _____

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

Christopher M. Roberts

Owner(s)' Signature(s)

Christopher M. Roberts

Applicant's Signature

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

Owner(s)' signature(s)

Check List:

- Planning Board Special Permit abutters list – to be obtained at the Tax Assessor's office
- Completed application form entitled "Application to the Planning Board for a Special Permit"
- Application fee of \$250.00 payable to Town of Nantucket
- Abutters fee of \$6.74 per abutters payable to Pitney Bowes Reserved Funds
- Four (4) sets of mailing labels with each abutter's name and address
 - 1" x 2 5/8" size, typed labels, are preferred
 - duplicate labels are not necessary if the same owner is listed for more than one abutting property
- Completed application form
- Town Clerk's stamped application (provide 2 copies-one for Town Clerk and one for Planning Board)

PLANNING BOARD

FILE # 02-16



Nantucket Planning Board

APPLICATION FOR A TERTIARY (3rd) DWELLING PERMIT

Date Submitted: _____ Fee Amount: \$100- Number: #4

Applicant: Chris & Linda Roberts

Mailing address: 13 milestone Crossing Nantucket, MA 02554

Daytime phone number: (cell) 508 228 8284 Fax: _____

E-mail Address: christopherack@yahoo.com

Owner (if other than applicant): _____

Mailing address: 13 milestone Crossing Nantucket MA 02554

Signature of Property Owner(s) Linda M. Roberts

Location of proposed tertiary (3RD) dwelling:

Street Address: 13 milestone Crossing

Assessors Tax Map #: 0068-456 Parcel #: 456

Size of Parcel: 2.8 Ac Zoning District: LUG 3

Tertiary Dwelling # of Bedrooms: 1

Secondary Dwelling # of Bedrooms: 2 (boathouse garage)

Primary Dwelling # of Bedrooms: 3

Number of Parking Spaces required (See Chapter 139-18 of the Bylaw): 5

Number of Parking Spaces provided: 5

TKB

OCCUPANCY: (Circle which unit will be owner occupied)

Primary

Secondary

Tertiary

OWNERSHIP TITLE REFERENCES:

RECORDED LAND (Registry of Deeds Title References)

DEED noted in Book _____, Page _____

Lot(s) # _____ shown on Plan _____

REGISTERED LAND (Land Court Title References)

Certificate of Title Number 17210

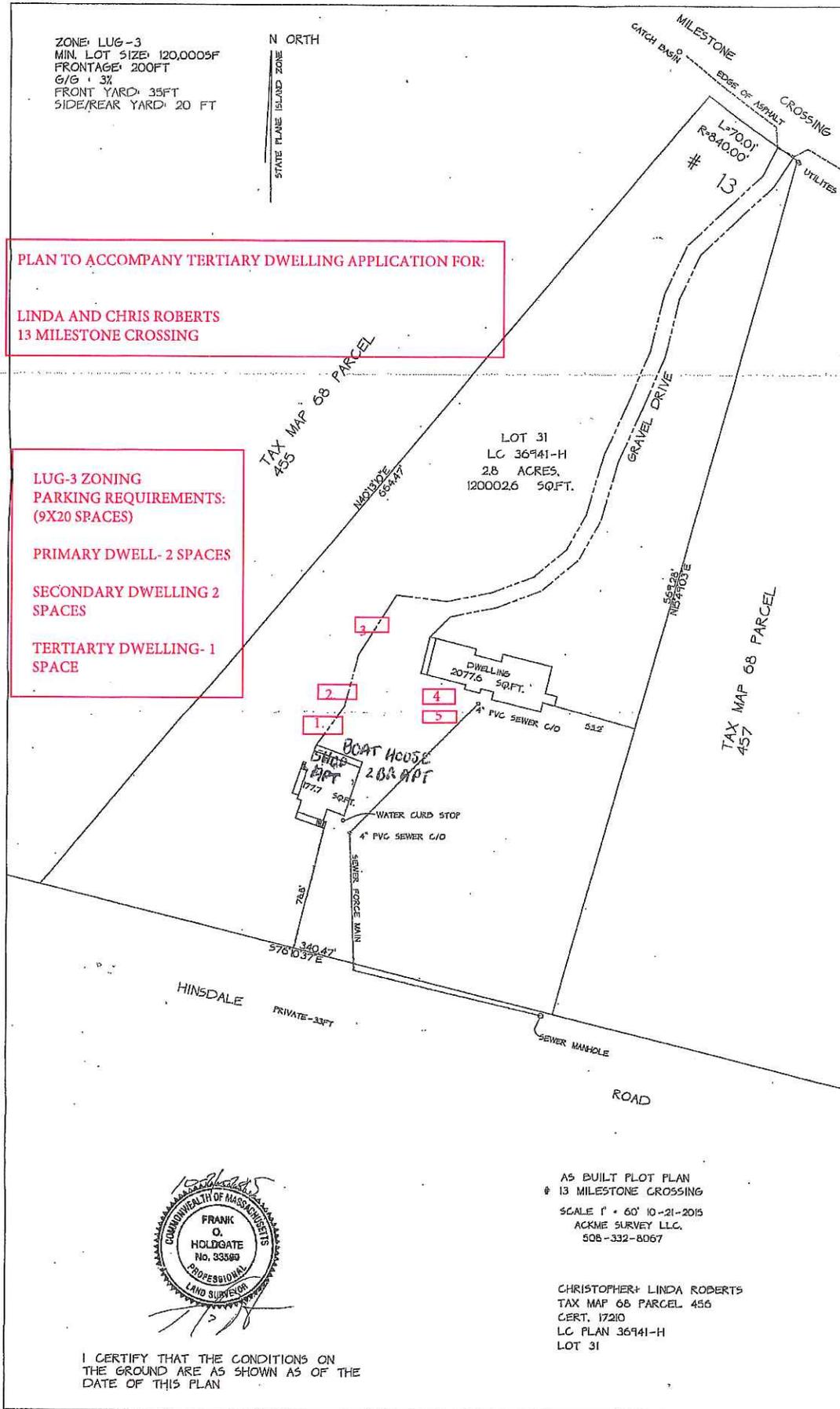
Lot (s) # 31 shown on Land Court Plan# 36941-H

Please provide a brief description of the proposed third dwelling:

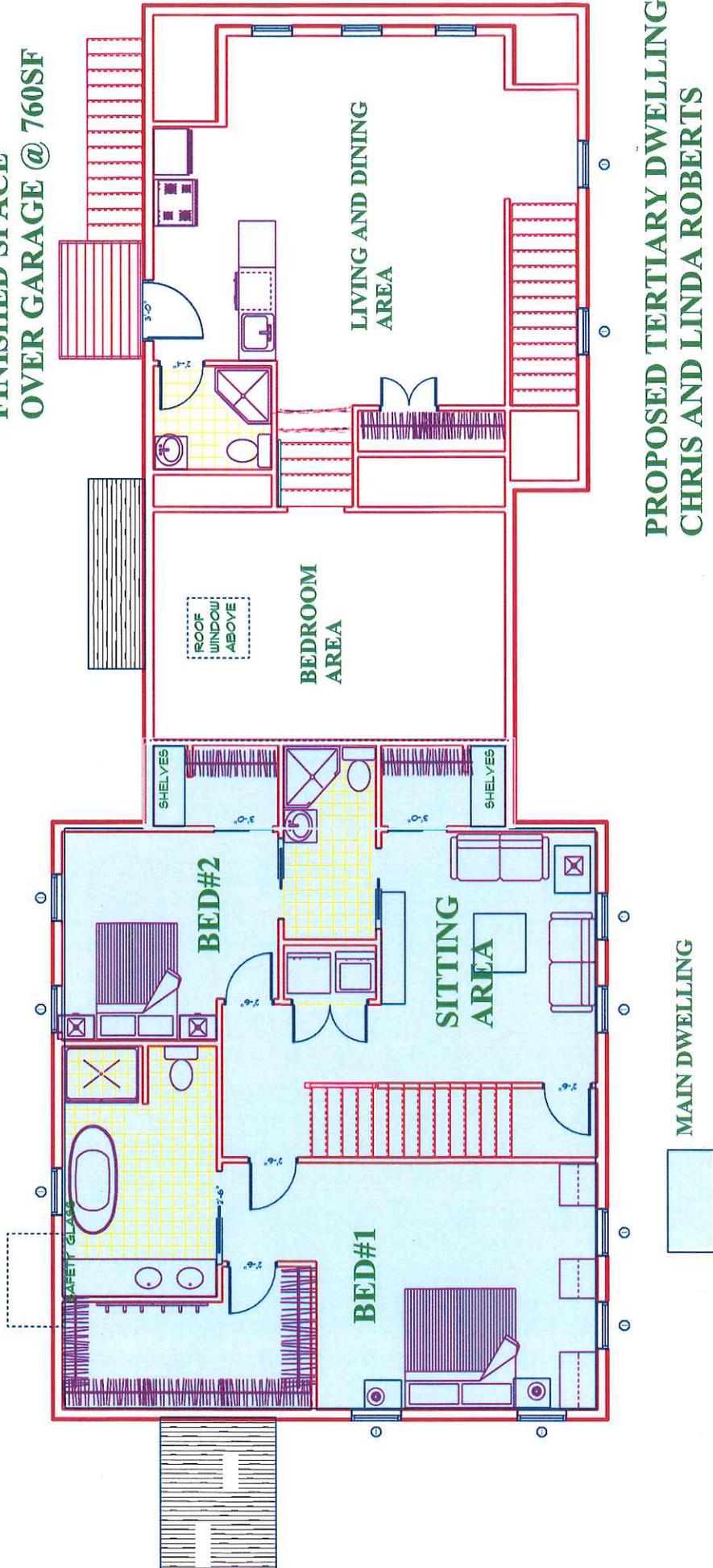
***PLEASE DO NOT WRITE "SEE ATTACHED."**

FINISH SPACE OVER GARAGE
TO BE A TERTIARY DWELLING
760 sf
Requires Planning approval to
Exceed the 550 sf
by Special permit

***Submission Requirements: See attached checklist:



FINISHED SPACE
OVER GARAGE @ 760SF



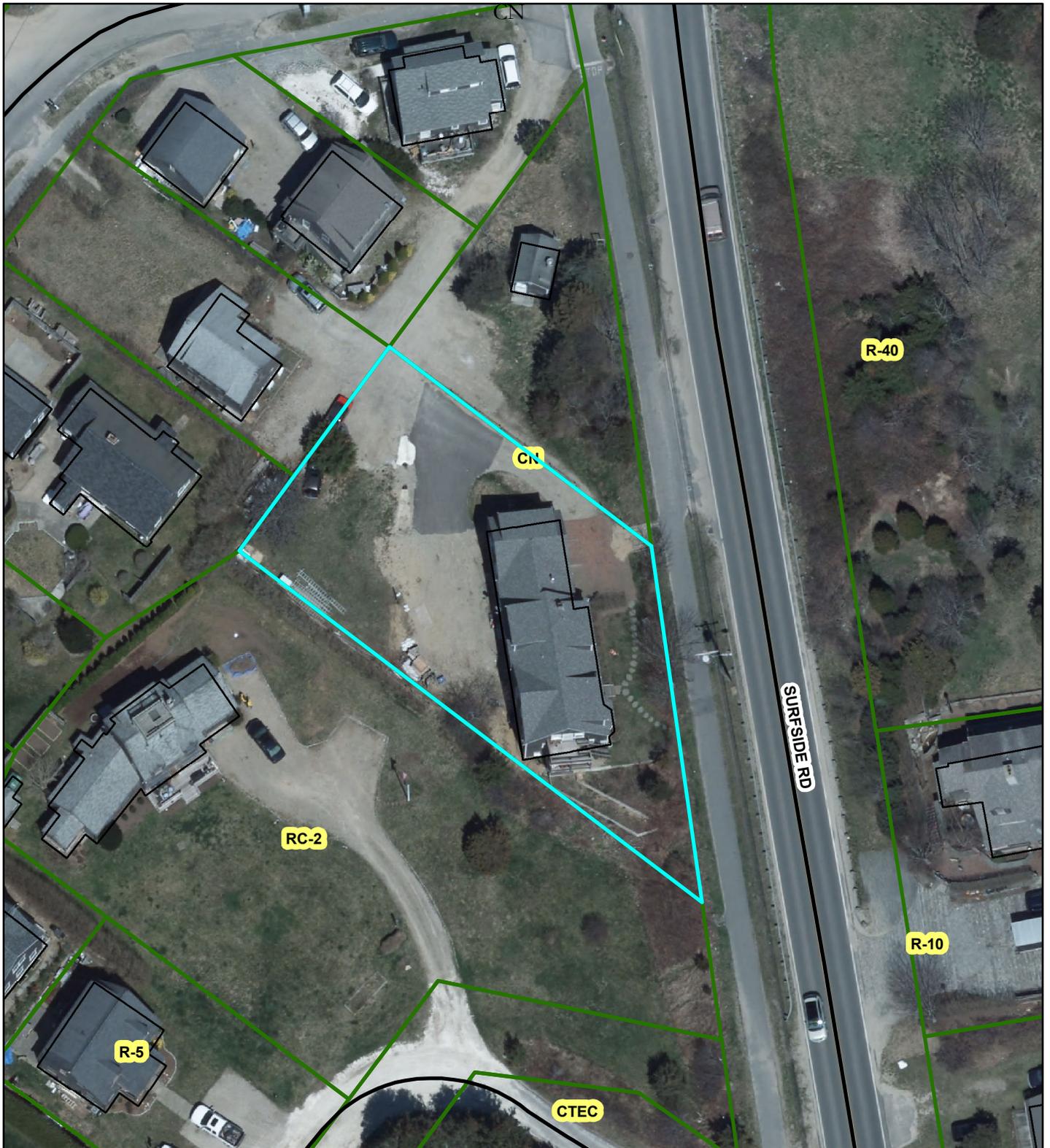
PROPOSED TERTIARY DWELLING F01
CHRIS AND LINDA ROBERTS

13 MILESTONE CROSSING

MAIN DWELLING

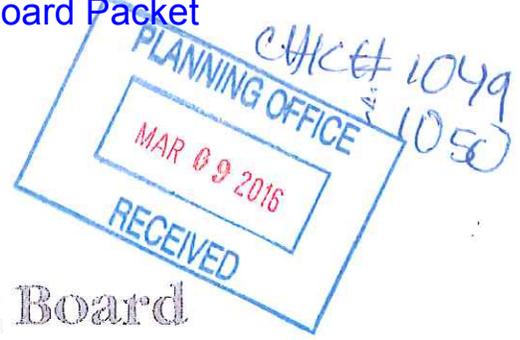
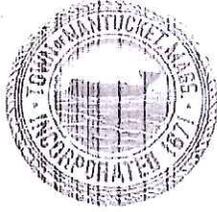


#13-16 Irina Dalgaard
Modification to #13-07
65 Surfside Road
Map 67 Parcel 222.1



PLANNING BOARD

FILE # 13-16



Nantucket Planning Board

Application for an Amendment to a Previously Granted Special Permit

Date: _____

Name of Development: Yummy

Planning Board File No.: 026-12

Owner(s)' Name(s): Irina Dalgaard

Mailing Address: 63 Surfside Rd., Nantucket, Ma, 02554

Phone number: 508-228-2712 Fax number: N/A E-mail: info@yumminantucket.com

Applicant's Name: Irina Dalgaard

Mailing Address: 65 Surfside Rd., Nantucket, Ma, 02554

Phone number: 347-433-3267 Fax number: N/A E-mail: ulyanova.irina@gmail.com

Engineer/Surveyor: Michel Connoly

Mailing Address: _____

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

Location of Lots:

Street Address: 63 63 Surfside Road

Tax Assessor's Map: 67 Parcel: 222.1

Nantucket County Registry of Deeds: 2

Land Court Plan _____ or Plan Book 25, Page 63; Plan Book 1256 Page 206

or Plan File #:

Size of Parcel 5000 square feet

Zoning District RC-2

Describe proposed modification in detail:

To extend the hours of operation. Current hours are 6 am to 7 pm. Proposed hours are 6 am to 9 pm.

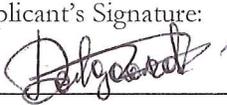
Monday, April 11, 2016 Planning Board Packet

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):



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 pdfs can be submitted by disks or email to cancero@nantucket-ma.gov.

NANTUCKET ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554

Assessor's Map 67, Parcel 222.1
63 Surfside Road
Residential Commercial - 2

Lot A, Plan Book 25, Page 63
Book 1256, Page 206

DECISION:

1. At a public hearing of the Nantucket Zoning Board of Appeals, on Thursday, April 12, 2012, at 1:00 P.M.; Thursday, May 10, 2012, at 12:00 P.M.; Thursday, June 14, 2012, at 12:00 P.M.; and, Thursday, July 12, 2012, at 12:00 P.M. at 4 Fairgrounds Road, Nantucket, Massachusetts, the Board made the following decision on the application of **FEATHERSTONAUGH FAMILY QUALIFIED SUBCHAPTER S TRUST**, 99 Pine Street, Albany, NY 12207, File No. 026-12:

2. Applicant is requesting Special Permit relief pursuant to Nantucket Zoning Bylaw Section 139-30 (special permits) to be allowed to operate a take-out food establishment as allowed in Section 139-7.A (allowed uses). The Applicant proposes to demolish the existing "shack" and build a new structure that will comply with all zoning intensity regulations to be used for take-out food. The Applicant also requests a Special Permit pursuant to Nantucket Zoning Bylaw Section 139-20.C. (loading zone) in order to waive the loading zone requirement and Section 139-18.B.(2) (parking requirements). The Applicant proposes to provide three (3) on-site parking spaces. The site is located at 63 Surfside Road, is shown on Nantucket Tax Assessor's Map 67 as Parcel 222.1, is shown as Lot A in Plan Book 25, Page 63, and title is recorded at the Nantucket County Registry of Deeds in Book 1256, Page 206. The site is zoned Residential Commercial - 2 (RC-2).

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearing. There was no Planning Board recommendation on the basis that no matters of planning concern were presented. There were no letters on file in support of, or in opposition to, the project. One abutter spoke at the hearing

and expressed concerns regarding the parking provided on the Locus and whether the Applicant had rights to the abutting way.

4. Ms. Tori Ewing represented the Applicant at the hearing. At the hearing, Ms. Ewing explained to the Board that the Applicant is requesting Special Permit relief in order to operate a take-out food establishment pursuant to Nantucket Zoning Bylaw Section 139-7a (uses - take-out).

The Applicant proposes to demolish the existing "shack" on the Locus and instead construct a new structure that will comply with all zoning intensity regulations. The new structure will be used for take-out food.

Furthermore, the Applicant is requesting waivers of the parking requirements pursuant to Nantucket Zoning Bylaw Section 139-18.B.(2) and the loading zone requirements of Section 139-20.C. The Applicant is proposing to provide three (3) spaces on the Locus.

The Applicant is proposing to have at most 3 people working at a peak shift, which requires 1 parking space. The Applicant is also proposing 5 picnic tables which will have 4 seats each, which requires a total of 5 parking spaces (1 for each 4 seats). The take-out station itself requires 5 parking spaces as well. Therefore, the Applicant is required to provide 11 parking spaces on the Locus, but can only provide for three (3) spaces. Accordingly, the parking waiver will be for a total of eight (8) spaces.

In an effort to mitigate the number of parking spaces required, the Applicant agreed to limit the number of picnic tables to two (2) in an effort to encourage a more transient business.

5. At the April 12th hearing, the Board and Ms. Ewing discussed whether or not there was an easement allowing her to traverse the way abutting her property. At subsequent meetings, an abutter questioned the right of the Applicant to access this way as well. After an extensive review of the deeds, it was determined that the Applicant does have rights in the abutting way.

6. The Board and the Applicant discussed the traffic considerations and how much parking the Applicant would be able to provide on the Locus. After a discussion between the Board and the Applicant, the Board found that Special Permit relief for a take-out use, a waiver of the loading zone requirements,

and a parking waiver of five (5) spaces would be appropriate given the location and zoning district in which the Locus is situated.

7. Accordingly, by a UNANIMOUS vote of the sitting Board, the Board of Appeals found that Special Permit relief for a take-out use, loading zone waiver, and a waiver of five (5) parking spaces on the Locus as shown on the plan entitled, "Proposed Landscape Plan," prepared by Link, dated July 31, 2012, attached hereto as "Exhibit A", is in harmony with the purpose and intent of the Zoning Bylaw and granted the relief with the following conditions:

- a. That the hours of operation shall be 6:00 A.M. to 7:00 P.M., Monday through Sunday;
- b. That the Applicant shall provide three (3) parking spaces, as shown on the attached "Exhibit A";
- c. That the required loading zone for the commercial take-out use shall be waived;
- d. That there shall be no music emanating from the structure;
- e. That the Applicant shall provide the employees of the business Nantucket Regional Transportation Authority (NRTA) passes; and,
- f. There shall be no more than three (3) workers at maximum peak shift.

SIGNATURE PAGE TO FOLLOW

Dated: _____, 2012

Edward Toole

Michael J. O'Mara

Lisa Botticelli

Kerim Koseatac

Susan McCarthy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

_____, 2012

On this _____ day of _____, 2012, before me, the undersigned Notary Public, personally appeared _____, who is personally known to me, and who is the person whose name is signed on the preceding or attached document, and who acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My commission expires:



Kenneth & Kathleen Wiggin
Secondary & Tertiary Dwelling Permit requests
15 Miacomet Avenue
Map 67 Parcel 213



PLANNING BOARD

FILE # 14-16



Town Clerk
Town & County Building
16 Broad St
Nantucket, MA 02554 *MJB*

MAR 11 2016 AM 10:24

Nantucket Planning Board

Application for a Special Permit

Date: MAR. 11, 2016

File #: 14-16

Name of development: TERTIARY Dwelling (BASEMENT APARTMENT)

Owner(s) name(s): KENNETH J. and Kathleen WIGGIN

Mailing address: 15 MIACOMET AVE

Phone number: 508 228 7494 Fax number: _____ E-mail: KENWIGGIN SA @ GMAIL .COM

Applicant's name: SELF

Mailing address: _____

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

Engineer / surveyor's name: _____

Mailing address: _____

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

Location of lot(s):

Street address 15 MIACOMET AVE

Tax Assessors Map 67-213 Parcel _____

Nantucket Registry of Deed: Plan Book 17 and Page 130 OR

Plan File # _____ OR Land Court Plan # _____ at Certificate # _____

Size of parcel: 12,040 ± sq. ft. Zoning District: R-5

Special Permit sought: (check one)

- Cluster subdivision
- Commercial WECS
- Driveway Access/Curb Cut Special Permit
- Harbor Overlay District (HOD)
- Major Commercial Development (MCD)

Monday, April 11, 2016 Planning Board Packet

- Multi-family Special Permit
- Moorlands Management District Subdivision or Construction (MMD)
- NEHOD (Neighborhood Employee Housing Overlay District)
- MRD (Major Residential Development)
- MIPOD (Mid-Island Planned Overlay District)
- Other Uses Requiring a Special Permit (specify all uses and *Nantucket Code* sections)

Section	Description
139-2	Tertiary Dwelling exceeding 550 sq ft

Specify all associated Zoning Code relief sought:

Section	Description
	existing
	Proposing 850 sq ft basement tertiary dwelling

Only the zoning relief expressly requested above will be considered as part of this application.

If applying for a Major Commercial Development, specify how the application will comply with Section 139-11 (J) of the *Zoning Code of the Town of Nantucket*, also known as the Town's Affordable Housing Effort:

Planning Board filing fee due: \$ 250.-

Engineering Inspection Escrow Deposit due: \$ _____

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

Owner(s)' Signature(s)

Applicant's Signature

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

Kenneth J. Wiggin
Kathleen Wiggin
Owner(s)' signature(s)

Check List:

- Planning Board Special Permit abutters list – to be obtained at the Tax Assessor's office
- Completed application form entitled "Application to the Planning Board for a Special Permit"
- Application fee of \$250.00 payable to Town of Nantucket
- Abutters fee of \$6.74 per abutters payable to Pitney Bowes Reserved Funds 66 LABELS LESS 3 dupl/cates = (63)
424.62
- Four (4) sets of mailing labels with each abutter's name and address
 - 1" x 2 5/8" size, typed labels, are preferred
 - duplicate labels are not necessary if the same owner is listed for more than one abutting property
- Completed application form
- Town Clerk's stamped application (provide 2 copies-one for Town Clerk and one for Planning Board)

PLANNING BOARD

FILE # SP # 14-16



Nantucket Planning Board

APPLICATION FOR A TERTIARY (3rd) DWELLING PERMIT

Date Submitted: _____ Fee Amount: _____ Number: #5

Applicant: _____

Mailing address: _____

Daytime phone number: _____ Fax: _____

E-mail Address: _____

Owner (if other than applicant): _____

Mailing address: _____

Signature of Property Owner(s) _____

Location of proposed tertiary (3RD) dwelling:

Street Address: _____

Assessors Tax Map #: _____ Parcel #: _____

Size of Parcel: _____ Zoning District: _____

Tertiary Dwelling # of Bedrooms: 2

Secondary Dwelling # of Bedrooms: 2

Primary Dwelling # of Bedrooms: 4

Number of Parking Spaces required (See Chapter 139-18 of the Bylaw): _____

Number of Parking Spaces provided: _____

OCCUPANCY: (Circle which unit will be owner occupied)

Primary

Secondary

Tertiary

67-385
N/F
GEORGE M.
&
DIANA M. HULL

67-214
N/F
PAUL D. CLARKSON
&
MONIQUE B. SEQUIN

67-212
N/F
LORIN M. CLARKSON

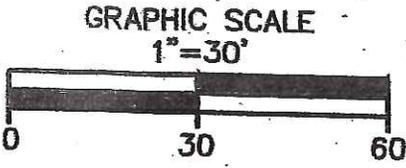


*BeLgian Block
NEW APA ON*

CURRENT ZONING: RC-2
MINIMUM LOT SIZE: 5,000 S.F.
MINIMUM FRONTAGE: 40 FT.
FRONTYARD SETBACK: 10 FT.
SIDE AND REAR SETBACK: 5 FT.
ALLOWABLE G.C.R.: 50%
EXISTING G.C.R.: 11%

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE "X" ZONE AS DELINEATED ON THE "FIRM" MAP OF COMMUNITY NO. 250230; MASS. EFFECTIVE: NOV. 6, 1996 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



N.B.332/38-356/61



MIACOMET AVENUE
BIT APRON
(PUBLIC - VARIABLE WIDTH)

AS-BUILT PLOT PLAN
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=30' DATE: AUG. 12, 2009
DEED REFERENCE: DDBK.341/PG.09
PLAN REFERENCE: PLBK.17/PG.130
ASSESSOR'S REFERENCE:
MAP:67 PARCEL:213
PREPARED FOR:
KENNETH J. & KATHLEEN WIGGIN

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

N-9476

EXISTING PRIMARY DWELLING