



#7640 Fisher Lane Subdivision
Form J Release & Legal Documents



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RICHARD J. GLIDDEN
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JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

August 31, 2016

Via Email (lwsnell@nantucket-ma.gov)

Leslie Snell
Nantucket Planning Department
2 Fairgrounds Road
Nantucket, MA 02554

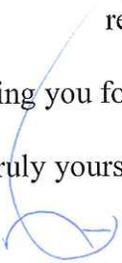
RE: Fisher Lane
Form J Release
Nantucket, Massachusetts

My client has contracted to sell Lot 2 (vacant lot) at Fisher Lane. The closing is scheduled for September 11, 2016. I would request that the Planning Board sign Form J Release at their September 12th meeting. I propose the following:

1. I have an estimate from Dan Mulloy that the total cost of utilities, road construction and engineering will be \$175,000.00 (letter attached).
2. At the time of the sale I will deduct \$225,000.00 from the Seller's proceeds and deliver same to Planning Board to hold as security for the road work.
3. I attach a draft escrow agreement for your review.
4. Upon delivery of the escrow funds and a signed escrow agreement the Board will release the Form J for me to record at the Registry of Deeds.

Thanking you for your time and consideration, I remain.

Very truly yours,


Richard J. Glidden

RJG:jl
attachments

cc: William H. Hunter (via email, wmfhunter@hotmail.com)

Richard Glidden

From: Dan Mulloy <dmulloy@sde-ldec.com>
Sent: Tuesday, August 30, 2016 3:40 PM
To: Richard Glidden (richard@gliddenandglidden.com)
Subject: FW: 101 Low Beach Road utilities

From: Dan Mulloy
Sent: Tuesday, August 16, 2016 10:45 AM
To: Richard Glidden (richard@gliddenandglidden.com) <richard@gliddenandglidden.com>
Subject: 101 Low Beach Road utilities

I spoke with Dave Fredericks, formerly NGRID/Nantucket Electric, who now works with KOBO installing utilities on Nantucket. We reviewed the project and developed the following estimate to bring services from Low Beach Road to the end of Fisher Lane/Lot 2.

1,000+/- feet of conduit with wire installed, electric, cable, telephone Work with NGRID on transformer installation
NGRID fees Estimated cost for above is \$30,000.

I would recommend budgeting \$45,000 to cover it. Holdgate estimated \$35,000 and Toscana was also carrying the trenching work but didn't give a line item cost. Holdgates total is \$102,605 and Toscana is \$96,728.84 which are basically the same. I would think carrying a roadway construction cost of \$150,000 with another \$25,000 available for layout, inspections and other unknowns for a total budget of \$175,000.00

*please note my new email [address.....dmulloy@sde-ldec.com](mailto:dmulloy@sde-ldec.com)

Daniel C. Mulloy, PE.
Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346
Main: (508) 967-0673 x110
Direct: (508) 503-3500
Mobile: (508) 468-0679
Fax: (508) 967-0674
dmulloy@sde-ldec.com<<mailto:dmulloy@sde-ldec.com>>
www.sde-ldec.com<<http://www.sde-ldec.com/>>

ESCROW AGREEMENT

This Escrow Agreement entered into on September _____, 2012 by and among the NANTUCKET PLANNING BOARD (hereinafter "the Board"), CLARA R. URBAHN (hereinafter "the Applicant/Seller") and ADAM ROSS, (hereinafter "the Buyer"), in connection with the Buyer's purchase of Lot 1022 upon plan numbered 5004-104, drawn by Site Design Engineering, dated January 13, 2014 and filed with Certificate of Title No. 25924 at the Nantucket Registry District and also shown as Lot #2 upon plan titled Fisher Lane Definitive Subdivision Plan, 101 Low Beach Road, Assessor's Map 75, Parcel 32 Nantucket, MA, drawn by Site Design Engineering, dated January 13, 2014, approved July 14, 2016 and endorsed by the Nantucket Planning Board on September 8, 2016, P.B. File No.: 7640 (hereinafter "the Premises").

WITNESSETH:

WHEREAS, the Premises is subject to and encumbered by that certain FORM 1 COVENANT, registered as Document 152105 with the Nantucket Registry District, wherein the Applicant agrees and covenants with the Board not to sell or convey the Premises until the construction of ways and installation of municipal services necessary to adequately serve such Premises have been completed in accordance with conditions, terms and provisions specified in the Fisher Lane Definitive Subdivision Plan approved and endorsed in P.B. File No. 7640 as first describer hereinabove; and,

WHEREAS, the Applicant/Seller now wishes to sell and the Buyer wishes to purchase the Premises and have agreed to purchase terms setting a closing date in advance of the completion of the construction of ways and municipal services described hereinabove; and,

WHEREAS, the Applicant / Seller, in consideration of the Board issuing a FORM J Covenant Release in advance of the construction of the ways and installation of services, has agreed to escrow and deposit \$262,500.00 with the Board, or one and one half times the amount needed to complete such construction as evidenced by the estimate received from Daniel C. Mulloy, P.E., (hereinafter "the Mulloy Estimate" attached hereto) such escrow to guarantee Applicant / Seller's performance under the terms of the subdivision approval described hereinabove.

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Seller agrees to deposit the sum of \$262,500.00 from the sale proceeds for the Premises in an interest bearing escrow account. The parties authorize Attorney Richard P. Beaudette and Attorney Richard J. Glidden to act as Co-Escrow Agents to hold the escrow sum, \$262,500.00, in an interest bearing escrow account at the Nantucket Bank for the purposes set forth herein. The parties acknowledge that Co-Escrow Agents are not acting as agents for their respective clients alone, notwithstanding the fact that the Attorney Beaudette is counsel to the Buyer and Attorney Glidden is counsel to the Applicant / Seller. All such interest earned on the Escrow Account shall be paid to the Applicant / Seller. The parties hereby agree to indemnify and hold the Co-Escrow Agents harmless against any and all losses, damages, costs and expenses that may be incurred by them by reason of their compliance in good faith with the terms of this Agreement.

2. In the event that on or before March 1, 2017, the Applicant / Seller has failed to perform fully her obligations under this agreement, then, in that event, the Co-Escrow Agents are authorized to use said escrow funds, or any portions thereof, to complete the work and said

obligations. After the work has been certified by the Board as completed, any surplus escrow funds shall be paid to the Applicant /Seller. Provided however, should the escrow funds prove insufficient to complete the construction of the way and installation of municipal services Applicant / Seller hereby covenants and agrees to escrow further funds in amounts necessary to complete the work as described.

This Escrow Agreement shall be binding upon an inure to the benefit of the parties hereto and their respective heirs, representatives, successors and assigns. This agreement shall be governed by the laws of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this

_____ day of September 2016.

APPLICANT / SELLER:

BUYER:

CLARA R. URBAHN

ADAM ROSS

NANTUCKET PLANNING BOARD:

RICHARD P. BEAUDETTE, CO-ESCROW AGENT

RICHARD J. GLIDDEN, CO-ESCROW AGENT



Nantucket Planning Board

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

Date: 9/6/2016 Planning Board File # 7640

Subdivision Name: Fisher Lane

Owner: Clara R. Urbahn

Owner's Address: 101 Low Beach Road, Siasconset, MA 02564

Phone number: 508-228-0771 Fax number: 508-228-6205 E-mail: richard@gliddenandglidden.com

Applicant, (if other than owner): _____

Applicant's Address: _____

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

Date of Subdivision Plan: January 24, 2014

Land Location: off Low Beach Road, Siasconset, MA

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

Plan Registered: Nantucket Land Registry, Land Court Plan Number 5004-104

Type of Performance Security:

Covenant dated: _____

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

or

Covenant registered: Nantucket Land Registry District as Document # 152105 and noted on
Certificate of Title # 25924 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: _____

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 1022, LCPL 5004-104

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 Trudel, III

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 and Land Use Services ▪ 2 Fairgrounds Road ▪ Nantucket ▪ MA ▪ 02554 ▪ (508) 325-7587



RECEIVED

2014 AUG 27 AM 10 22

Nantucket Planning Board

NANTUCKET TOWN CLERK

APPROVAL OF A DEFINITIVE SUBDIVISION PLAN (AR)

FISHER LANE SUBDIVISION

Planning Board File #7640

Owner: Clara Urbahn

Applicant: Clara Urbahn

101 Low Beach Road

Nantucket Tax Assessors Map 75 Parcel 32

Registered in the Nantucket Registry District of the Land Court, Certificate of Title #24149

JULY 14, 2014

The Nantucket Planning Board at its July 14, 2014 meeting voted 4-0 to approve the three (3) lot (two (2) buildable) Definitive Subdivision Plan (AR) for property located at 101 Low Beach Road at Assessors Map 75 Parcel 32. An application for this definitive subdivision plan was received by the Planning Board on January 14, 2014.

Approval of the subdivision was based on the following documents:

- An Application for Approval of a Definitive Subdivision Plan (AR) dated January 14, 2014;
- A letter dated January 13, 2014 to the Planning Board from Daniel C. Mulloy, P.E. of Site Design Engineering, LLC;
- A list of waivers from the *Rules and Regulations Governing the Subdivision of Land* dated January 13, 2014;
- A set of plans entitled "Definitive Subdivision Plans for Fisher Lane Subdivision, 101 Low Beach Road, Nantucket, Massachusetts" consisting of sheets 1 through 5, scale 'as noted', dated January 13, 2014 prepared by Site Design Engineering, LLC.;
- Representation and testimony received in connection with the public hearings February 10, 2014, March 10, 2014, April 14, 2014, May 12, 2014, July 14, 2014. Minutes of these meetings are on file with the Planning Board; and
- Other assorted documents that are on file with the Planning Board.

The Planning Board closed the public hearing on July 14, 2014.

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:

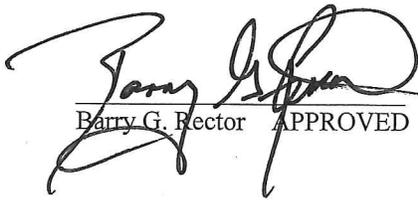
1. Requested waivers from the *Rules and Regulations Governing the Subdivision of Land*:

- 2.06a(10) Submission Requirements
Waiver Granted – to provide storm drainage runoff flow calculations;
- 2.06a(11) Submission Requirements
Waiver Granted – the subdivision application materials contain sufficient information so as to negate the need for a standalone site analysis report;
- 2.06b(14) Contents of the Definitive Plan
Waiver Granted – to provide landscape plan;
- 4.03a(1) Streets
Waiver Granted – to allow a twelve (12) foot wide gravel roadway;
- 4.03e Minimum Design Standards
Waiver Granted – to allow the use of a variable width right-of-way;
- 4.03e Minimum Design Standards
Waiver Granted – to allow the use of a twelve (12) roadway;
- 4.04b Dead-end Street
Waivers Granted – to allow a forty (40) foot layout radius and a twenty-four (24) foot landscape island in the center of the cul-de-sac;
- 4.05a(3) Street Construction Rural Road Alternative
Waivers Granted – to allow the roadway to be constructed as a rural road alternative with a twelve (12) foot roadway;
- 4.06 Storm Drainage
Waivers Granted – the requirement for a storm drain system;
- 4.09 Shoulders
Waiver Granted – the requirement of shoulders;
- 4.16 Landscaping –
Waiver Granted – the requirement of a landscape plan;
- 4.18 Sidewalks
Waiver Granted – the requirement of sidewalks;
- 4.19 Bicycle Paths
Waiver Granted – the requirement of bicycle paths;
- 4.22 Curbing and Berms
Waiver Granted – the requirement for curbing.

- 2. That the final definitive plans shall be presented to the Planning Board within six (6) months from the date of this decision (July 14, 2014). These plans shall include any outstanding revisions as required by Pesce Engineering & Associates, Inc. as well as any revisions discussed at the public hearings. The Planning Board may grant extensions of this deadline without holding a public hearing;
- 3. 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 (August 10, 2014). The Planning Board may grant extensions of this deadline without holding a public hearing;
- 4. That the applicant agrees to install a split rail fence between the boundary of the subdivision and the land owned by the Sconset Trust and the land owned by the Nantucket Conservation Foundation, or as otherwise required through review pursuant to the Natural Heritage and Endangered Species Program;
- 5. That the roadway shall be constructed as shown on the referenced definitive subdivision plans as revised per condition #2 above;
- 6. That one lot shall be released from the Covenant as of the date of this decision. The second lot shall be held in the Covenant until all conditions of this decision have been met.
- 7. 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;

8. That Planning Staff shall be notified prior to any roadway construction. A pre-construction meeting with Planning Staff and other town staff, the applicant, and applicable construction/engineering personnel may be required;
9. That all required infrastructure improvements shall be completed within two (2) years from the date of definitive plan endorsement;

On July 14, 2014 the Planning Board voted 4-0 to **APPROVE** this Approval Required (AR) Subdivision and to endorse this decision.


 Barry G. Rector APPROVED


 Linda Williams APPROVED


 John McLaughlin APPROVED


 Nat Lowell APPROVED

COMMONWEALTH OF MASSACHUSETTS

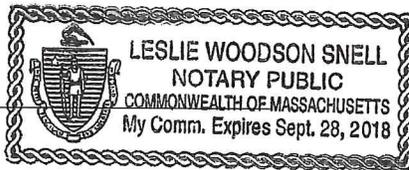
Nantucket, SS

August 26, 2014

On the 26 day of August, 2014, before me, the undersigned notary public,

personally appeared Barry Rector, 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

