



TOWN OF NANTUCKET

CONSERVATION RESTRICTION AND PRESERVATION RESTRICTION POLICY

Effective date: February 23, 2011

Adopted: February 23, 2011

I. Purpose

This policy is implemented to ensure that proposed conservation and preservation restrictions are submitted to the Board of Selectmen for preliminary review and comment to make certain that a restriction complies with the requirements of Massachusetts General Laws Chapter 184 section 31 and is found to be in the public interest.

II. Policy

Proposed conservation and preservation restrictions must be submitted to the Board of Selectmen for preliminary review and comment, either before or concurrently with a submission to the state Division of Conservation Services or Massachusetts Historical Commission.

III. Process

Proponents must submit a copy of a preliminary restriction to the Board of Selectmen requesting review and comment. Once the Board's preliminary review is complete, and the state has reviewed the restriction and it is in its final form, the proponent must then submit the final document to Town Administration which will forward it to Town Counsel for review (see checklist for assembly of Town Counsel package). Once Town Counsel has prepared its report and returned the restriction package to the Board of Selectmen, the restriction will be placed on a Board of Selectmen agenda for final review and approval.

IV. Fee

Proponents of conservation and preservation restrictions are responsible for prompt payment of Town Counsel legal review. The proponent will be sent the legal bill to pay through the Town to Town Counsel. If the Board of Selectmen approves the restriction and once the legal bill has been paid, the restriction will be processed. If timing is an issue, and payment is in process, exceptions may be made.

V. Noncompliance

Any conservation and preservation restrictions submitted to the Board of Selectmen at the final stage, without preliminary review and comment, risk a delay in their approval while the Board of Selectmen reviews the restriction and possibly offers new input on the restriction.

CONSERVATION AND PRESERVATION RESTRICTIONS CHECKLIST FOR ASSEMBLY OF TOWN COUNSEL PACKAGE

The following checklist is for use in assembling documents to be presented to Nantucket Town Counsel for its review of conservation and preservation restrictions. The proponent of a restriction should assemble all of the required documents and deliver them to Town Administration, which will transmit them to Town Counsel.

Care should be taken that the package is complete and accurate, since the Board of Selectmen requires a 10 day turnaround time for Town Counsel's review. If materials in the package are incomplete or incorrect, there may not be sufficient time for Town Counsel to request amendments or additions prior to issuing its report to the Board of Selectmen, in which event the Board of Selectmen may delay acting upon the proposed restriction.

1. Original restriction in final form as revised after review by the appropriate state supervisory authority. The restriction should be signed and properly acknowledged by the grantor, the grantee, and any subordinating lien holders. All exhibits, including plans, should be attached and in final form. The appropriate restriction application forms submitted to the state regulatory authority must also be provided.
2. Copy of deed to grantor as recorded at the Registry of Deeds, or Certificate of Title in the case of registered land. If the description in the restriction differs from that in the deed or Certificate of Title, as the case may be, a concise explanation should be included.
3. Copy of Assessor's map showing the property to be restricted.
4. If the restriction satisfies the requirements of a Community Preservation Committee grant or a permit, a copy of the grant or permit requirements.

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