

Town and County of Nantucket  
Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair  
Jason Bridges  
Matt Fee  
Kristie L. Ferrantella  
Rita Higgins



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

*AGENDA FOR THE MEETING OF THE  
SELECT BOARD  
JANUARY 8, 2020 - 6:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS*

- I. CALL TO ORDER*
- II. SELECT BOARD ACCEPTANCE OF AGENDA*
- III. ANNOUNCEMENTS*
  1. The Select Board Meeting is Being Audio/Video Recorded.
- IV. PUBLIC COMMENT\**
- V. NEW BUSINESS\**
- VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS*
  1. Approval of Minutes of August 7, 2019 at 6:00 PM.
  2. Approval of Payroll Warrants for Week of December 29, 2019.
  3. Approval of Treasury Warrants for January 8, 2020.
  4. Approval of Pending Contracts for January 8, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.
- VII. CONSENT ITEMS*
  1. Gift Acceptance: Natural Resources Department; Our Island Home; Human Services (Saltmarsh Senior Center); Town Administration.
- VIII. CITIZEN/DEPARTMENTAL REQUESTS*
  1. Committee Appointments: Conservation Commission; Finance Committee.

2. Nantucket Land Council: Request for Approval and Execution of Conservation Restriction to be Held by Nantucket Land Council, Inc. for Portion of 16 Medouie Creek Road.
3. Affordable Housing Trust Neighborhood First Program Update.

*IX. PUBLIC HEARINGS*

1. Public Hearing Regarding Proposed FY 2021 General Fund Budget.

*X. TOWN MANAGER'S REPORT*

*XI. SELECT BOARD'S REPORTS/COMMENT*

1. Continued Review of 2020 Annual Town Meeting Warrant Articles.
2. Committee Reports.

*XII. ADJOURNMENT*

*\*Identified on Agenda Protocol Sheet*

*Select Board Agenda Protocol:*

- **Roberts Rules:** *The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment:** *For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*

*Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.*

- **New Business:** *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- **Public Participation:** *The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.*
- **Select Board Report and Comment:** *Individual Board Members may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.*

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD**  
*January 8, 2020*

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Grant Agreement	Town Admin/Culture & Tourism	Massachusetts Cultural Council	(\$5,000)	Grant award for Nantucket Cultural District for improvement of online calendar of events	Commonwealth of Massachusetts/Mass. Cultural Council	January 8, 2020 - June 30, 2020
Grant Agreement	Fire	Exec. Office of Public Safety & Security & Department of Fire Services	(\$2,475)	Grant award for purchase of firefighting gloves	n/a	January 8, 2020 - June 30, 2020
Professional Service Agreement	Fire	Specialty Vehicles, Inc.	\$316,757	Contract for purchase of replacement ambulances	Article 10/2019 ATM	January 8, 2020 - June 30, 2020
Professional Service Agreement	Our Island Home	Pegasus Solutions	\$50,000	Contract for medical billing (Medicare, Medicaid, co-insurance)	OIH Budget	January 1, 2020 - December 31, 2022
Professional Service Agreement	Our Island Home	CliftonLarsonAllen	\$111,125	Contract for consulting services for compliance & reimbursement for long-term care	OIH Budget	January 1, 2020 - June 30, 2022
Amendment to Professional Service Agreement	DPW	Overseas Cleaning Services	Add \$13,300 to original contract amount of \$268,200 for new contract total of \$281,500	Amend public buildings cleaning contract to include cleaning of new fire station	Facilities Budget	January 8, 2020 - March 31, 2020

## ***CONSENT AGENDA ITEMS FOR 1/8/2020 SELECT BOARD MEETING***

### **1. Gift Acceptances**

Recommend the acceptance of the following gifts to Town agencies:

- Natural Resources Department:
  - Gifts totaling \$2,908 (\$336 from Proud Pour Inc.; \$2,572 from Sandbar) for the Brant Point Shellfish Propagation Facility
- Our Island Home:
  - Gifts totaling \$850 (\$500 from St. Paul's Church; \$100 from Kipper Hughes; \$150 from Maureen Glowacki; \$100 from Colleen Clopeck) for the Our Island Home Gift Account
- Human Services Department:
  - Gifts totaling \$220 (\$70 from Rob & Kelly Noll/Sophie T's; \$150 from Aileen Hart) for Saltmarsh Senior Center
- Town Administration:
  - Gift of \$44,914.31 from Sandbar for Alliance for Substance Abuse Prevention (ASAP)

*Recommended Motion: To accept all gifts for their designated purposes, with thanks to the donors.*

Town Administration will ensure that letters of thanks are sent.

# TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

2 BATHING BEACH ROAD  
NANTUCKET, MA 02554

(508) 228-7230



Select Board  
16 Broad Street  
Nantucket, MA 02554

12/26/2019

Dear Board Members,

On behalf of the Natural Resources Department we are requesting that the Select Board accept the following gift of \$336.00 from Proud Pour Inc. This donation will be put towards the Shellfish Hatchery. We will attend at the upcoming meeting of the Board to answer any questions that you have in regards to this gift and program. Thank you for your attention to this matter.

Sincerely,

Jeff Carlson,  
Town of Nantucket  
Natural Resources Director

Town of Nantucket

Select Board

To Whom It May Concern:

This year the Sandbar is pleased to donate \$2,572.00 to the Natural Resources Department. We created this yearly donation through our sales of our signature cocktail The Harbor Breeze. A one dollar donation for every drink sold went to our fund for the Natural Resources Department. We are excited to continue this program year after year and help support our neighbors and friends at Natural Resources.

Thank you!

George Kelly & Nick Nass

*George Kelly*      *Nick Nass*

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND SECURE DOCUMENT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

**Sandbar ACK LLC**  
4 Bathing Beach Road  
Nantucket, MA 02554

Cape Cod 5  
PO Box 10  
Orleans, MA 02653  
53-7107/2113

**20759**

DATE: 12/23/2019

➔ **PAY ONLY** 2,572.00 **CENTS**  
Two Five Seven Two

**\$2,572.00**

PAY Two Thousand Five Hundred Seventy-Two and 00/100 Dollars

TO THE ORDER OF Town of Nantucket  
Town of Nantucket  
Natural Resources Division

*[Signature]*

⑈ 20759 ⑈





## OUR ISLAND HOME

9 East Creek Road  
Nantucket, Massachusetts 02554  
(508) 228-0462  
FAX (508) 228-6875

December 12, 2019

Nantucket Select Board  
Nantucket, MA. 02554

Dear Chairman Hill-Holdgate,

I am writing to request that the Board accept the following gifts for Our Island Home:

- A check in the amount of \$500.00 From St. Pauls Church Nantucket

All donations will go to the Our Island Home Gift Account and the funds will be used to assist in means to enrich the daily lives of our residents.

Thank you in advance for your acceptance.

Sincerely,

Brett Lennerton, Administrator  
Our Island Home



## OUR ISLAND HOME

9 East Creek Road  
Nantucket, Massachusetts 02554  
(508) 228-0462  
FAX (508) 228-6875

December 20, 2019

Nantucket Select Board  
Nantucket, MA. 02554

Dear Chairman Hill-Holdgate,

I am writing to request that the Board accept the following gifts for Our Island Home:

- A check in the amount of \$100.00 From Kipper Hughes
- A check in the amount of \$150.00 From Maureen Glowacki in the name of Albert Glowacki

All donations will go to the Our Island Home Gift Account and the funds will be used to assist in means to enrich the daily lives of our residents.

Thank you in advance for your acceptance.

Sincerely,

Brett Lennerton, Administrator  
Our Island Home



## OUR ISLAND HOME

9 East Creek Road  
Nantucket, Massachusetts 02554  
(508) 228-0462  
FAX (508) 228-6875

December 31, 2019

Nantucket Select Board  
Nantucket, MA. 02554

Dear Chairman Hill-Holdgate,

I am writing to request that the Board accept the following gifts for Our Island Home:

- A check in the amount of \$100.00 From Colleen Clopeck

All donations will go to the Our Island Home Gift Account and the funds will be used to assist in means to enrich the daily lives of our residents.

Thank you in advance for your acceptance.

Sincerely,

Brett Lennerton, Administrator  
Our Island Home

# MEMO



**Date:** December 31, 2019

**TO:** Rachel Day

**FROM:** Laura Stewart, Saltmarsh Senior Center, Program Manager

**RE:** Request for acceptance of gift

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**I am writing to request acceptance of the following gift donation:**

**From Rob & Kelly Noll from Sophie T's who donated the dinner money collected back to the saltmarsh when they sponsored dinner at the Saltmarsh: \$70.00**

**From Aileen Hart: \$150.00**

**Thank you,**

**Laura Stewart**

*from the desk of.....*

Laura Stewart  
Program Coordinator,  
Senior Services  
81 Washington Street  
Nantucket, MA 02554  
508-228-4490

phone: 508-228-4490  
fax: 508-325-5366  
e-mail: [lstewart@nantucket-ma.gov](mailto:lstewart@nantucket-ma.gov)

Town of Nantucket

Select Board

To Whom It May Concern:

This year the Sandbar would like to donate our 2019 percentage rent of liquor revenues to The Alliance for Substance Abuse Prevention, Inc or ASAP. This year that total comes to \$44,914.31. We feel it appropriate to donate funds to a group that will be giving back to the community through their support and prevention of substance abuse. Hopefully, this can help their mission in some small way. The Sandbar is committed to helping and supporting island groups and causes in any way that we can.

Thank you and best of luck!

George Kelly & Nick Nass

*George Kelly*      *Nick Nass*

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND SECURE DOCUMENT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

**Sandbar ACK LLC**  
4 Bathing Beach Road  
Nantucket, MA 02554

**20763**

Cape Cod 5  
PO Box 10  
Orleans, MA 02653  
53-7107/2113

DATE: 12/23/2019

 **PAY ONLY** 4 4 , 9 1 4 31  
Four Four Nine One Four GENTS

\$44,914.31

PAY Forty-Four Thousand Nine Hundred Fourteen and 31/100 Dollars

TO THE ORDER OF Town of Nantucket Rent  
Town of Nantucket  
Attn: Collectors Office  
37 Washington Street  
Nantucket, MA 02554  
MEMO: % Rent for Liquor Sales



⑈ 20763 ⑈

**January 8, 2020 Select Board Committee Vacancy Appointments:**

**Conservation Commission**

**1 Seat Available; 4 Applicants**

**Current Committee Members:**

Ashley Erisman, Chair	2020
Ian Golding, Vice Chair	2021
<b>VACANT</b>	<b>2020</b>
Joseph Topham	2021
Seth Engelbourg	2022
David LaFleur	2022
Maureen Phillips	2022

**Applicants:**

Sean C. Perry  
Julie Jordin  
C. Marshall Beale  
Douglas P. Scholm, Jr.

**Finance Committee**

**1 Seat Available; 1 Applicant**

**Current Committee Members:**

Denice Kronau, Chair	2020
Stephen Maury, Vice Chair	2022
Joanna Roche	2020
Joseph T. Grause, Jr.	2020
Peter A. McEachern	2021
Peter N. Schaeffer	2021
<b>VACANT</b>	<b>2021</b>
Christopher Glowacki	2022
Jill Vieth	2022

**Applicants:**

George Harrington



TOWN OF NANTUCKET  
COMMITTEE INTEREST FORM/NEW APPLICANT  
For Appointment by the Select Board

RECEIVED

NOV 26 2019

Please return this form to the Town Administration offices by the advertised due date.  
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

NANTUCKET TOWN ADMINISTRATION

Name: Sean C. Perry Home Phone: 508 221 1987

Mailing Address: 14 S. Shore road Alternate Phone: \_\_\_\_\_

Email Address: scperry11@gmail.com Date Submitted: 11/26/19

REQUESTING APPOINTMENT TO: Conservation Commission

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Yes, attended several meetings and site visits throughout life on the island. I have a vested interest in the natural environment of the island and its waters, I am prepared to make the commitments required to meetings and the commission.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Bachelors of Science Marine Biology

Life long use and interest in the Nantucket outdoors, open spaces and surrounding waters

Hope to help maintain the Nantucket ecosystem and its natural environments/recreate into the future

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. Board member, Nantucket Tipping Point
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? Amanda Perry, Director of Human Resources



**TOWN OF NANTUCKET**  
**COMMITTEE INTEREST FORM/NEW APPLICANT**  
*For Appointment by the Select Board*

*Please return this form to the Town Administration offices by the advertised due date.  
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

**Name:** Julie Jordin **Home Phone:** (508)560-6611

**Mailing Address:** PO BOX 3153 02584 **Alternate Phone:** \_\_\_\_\_

**Email Address:** Julie@juliejordin.com **Date Submitted:** 12/15/19

REQUESTING APPOINTMENT TO: Conservation Commission

*Reasons for Committee Interest*

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Yes, I am a landscape designer and find myself in front of this commission periodically. I am interested in landowners and professionals taking responsibility for enhancing and protecting our pristine and fragile eco systems through the proper approvals. I have reviewed the meeting schedule and only see one meeting conflict in February, so yes I am prepared to commit to the schedule.

*Relevant Experience*

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I believe I can bring knowledge of plants, the local landscape business practices and a balanced approach to the process. I would like to help applicants provide reasonable solutions to the enviable development of our island.

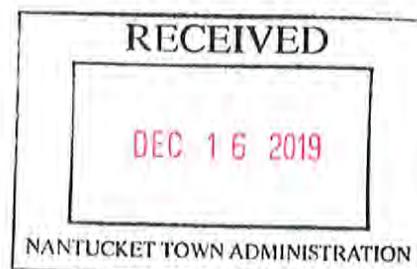
*Potential Conflicts of Interest*

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

None

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No





**TOWN OF NANTUCKET**  
**COMMITTEE INTEREST FORM/NEW APPLICANT**  
*For Appointment by the Select Board*

*Please return this form to the Town Administration offices by the advertised due date.  
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

**Name:** C. Marshall Beale      **Home Phone:** 508 228 5422

**Mailing Address:** 9 Gay St Nantucket MA 02554      **Alternate Phone:** \_\_\_\_\_

**Email Address:** mbeale297@gmail.com      **Date Submitted:** 12/16/2019

**REQUESTING APPOINTMENT TO:** Conservation Commission

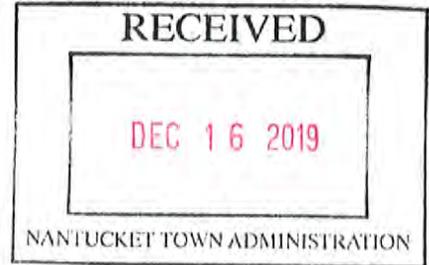
*Reasons for Committee Interest*

- Have you ever attended a meeting of the committee/board/commission? YES
- Why are you interested in this committee/board/commission? SEE ATTACHED LETTER
- Are you prepared to commit to the meeting schedule of the committee/board/commission? YES

*Relevant Experience*

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

SEE ATTACHED LETTER



*Potential Conflicts of Interest*

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. NONE
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No

C Marshall (Mark) Beale  
9 Gay St, Nantucket, MA 02554  
[mbeale297@gmail.com](mailto:mbeale297@gmail.com)

December 15, 2019

Nantucket Select Board  
Broad Street  
Nantucket, MA 02554

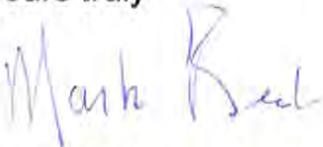
Dear Ladies and Gentlemen,

I'm submitting my name for a position on the Nantucket Conservation Commission. I've been on Nantucket all my life beginning as a summer person and now year-round. I've worked for the Nantucket Conservation Foundation as Finance Manager and more recently was the Executive Director of the Nantucket Historical Association. I've served on numerous non-profit boards on Nantucket and additionally have served on two town boards; six years on the Zoning Board of Appeals (4 as chairman) and 12 years on the Planning Board (8 as Chairman).

With Nantucket under constant development pressure, the need is paramount for a board concerned with the management, watchful eye and permit issuing for our wetlands and waterfront. The Wetlands Protection Act and our Wetland Bylaws were written to protect our resources, and as such I would serve on the Board as one who wants to see the rules and regulations reasonably followed. This was my history on the ZBA and the Planning Board.

I would come to the Board with a long time love of Nantucket, and the desire to see us continuing to protect our wetlands and shorefront. We are fortunate to have so much land owned by conservation organizations and the Land Bank. Coincidentally, it puts pressure on the balance of our land and this requires active oversight on the lands subject to conservation rules and regulations.

Yours truly



Mark Beale



TOWN OF NANTUCKET  
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

Please return this form to the Town Administration offices by the advertised due date.  
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Douglas P. Seholm Jr. Home Phone: 508/680-6346

Mailing Address: 61 Old South Road 107  
Nantucket, MA 02554 Alternate Phone: N/A

Email Address: Dougseholm@gmail.com Date Submitted: \_\_\_\_\_

REQUESTING APPOINTMENT TO: Con Com

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? Yes
- Why are you interested in this committee/board/commission? Yes
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes

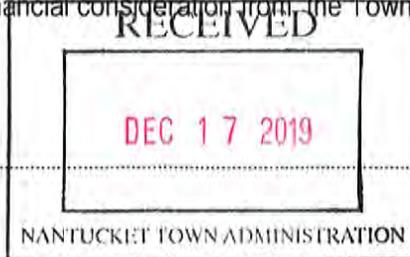
I am interested in being involved with the conservation commission as I see the environmental conservation of the island as one of the most important things for the island. I believe there should be fair, balanced, and realistic decisions with the longevity of the island in mind.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?
- Nantucket has been a part of my life for over forty years. I have owned and operated my own construction company and underground utility contracting company.
- I hope to bring a fair and balanced voice to the Commission as the island evolves and develops.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.  
Sons of American Legion, NHA employee
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? no





**TOWN OF NANTUCKET  
FINANCE COMMITTEE INTEREST FORM**

*For Appointment by the Select Board*

*Please return this form to the Town Administration offices by the advertised due date.  
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

*George Harrington*

**Name:** \_\_\_\_\_

**Home Phone:** 508-228-2394

**Mailing**

**Address:** 12 Evergreen Way, Nantucket, MA 02554

**Alternate Phone:** 508-221-2722

**Email Address:** ghack@comcast.net

**Date Submitted:** 01/02/20

**REQUESTING APPOINTMENT TO FINANCE COMMITTEE**

(No member of the Finance Committee shall be a Town or County officer or directly interested in the expenditures of the Town's appropriations (Nantucket Code Chapter 11-1).)

*Reasons for Committee Interest*

- Why are you interested in being on the Finance Committee? I believe that the town faces considerable ongoing
- challenges in accomodating its recent overall growth, environmental challenges, and our ongoing national and international attraction to visitors. I would like to work within the town to find solutions for these challenges.

---

*Relevant Experience*

- What experience, skills or insight would you bring to the Finance Committee? 20 years of business experience on Nantucket, B/S in Management, minor studies in Accounting and Economics, 4 years National and International experience with Toyota Motors USA, first came here in summers, 1955 through 1969, moved here in 1971.
- 
- What would you hope to accomplish on the Finance Committee? I would like to bring my experience on Nantucket ,and in business, to the committee's work as a team player. I believe that clear and concise communication in these efforts is the most important element in the process .

---

*Ability to Participate*

- Are you prepared to commit to the meeting schedule of the Finance Committee? I am prepared to commit to the FinCom meeting schedule.
- 
- Have you attended meetings of the Finance Committee and if so how many/how often? I have attended fewer than 10 meetings over the last 40 years.

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*Potential Conflicts*

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. None Presently.
  - Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? My wife is a Teaching Assistant at the Nantucke Intermediate School.
-

Dec 1, 2019

Dear Members of the Select Board,

I am writing in support of Sean Perry as a member of the Conservation Commission.

Sean is a Nantucket native who owns his own business, is a local waterman/fisherman, grew up on Nantucket and is currently raising his family here on island.

Additional Sean has a degree in Marine Biology and has a vast understanding of Nantucket and its unique environment. He has a working knowledge of the construction industry on Nantucket and the associated permitting processes.

In working with him I have found him to be fair minded and able to work well with others under many different circumstances. He represents the younger generation stepping up and giving back to the community.

I strongly urge you to support him in the appointment to the Conservation Commission.

Sincerely,

Gretchen Callahan

Dear Select board,

I am writing to you in support of Sean Perry for Conservation Commission.

I have known Sean for many years and can say without reservation that he has many qualities that would serve the commission and our community well.

Sean was born and raised on Nantucket. This experience has instilled in him a great love for the island as well respect for our community. Sean is an outdoorsman that coupled with a degree in biology gives him a unique perspective that would be an asset to the Commission. Furthermore, Sean has worked in the trades on island for over a decade giving him a depth of knowledge that would enable him to understand the complex issues before the board.

In appointing Sean to The Conservation Commission, you would get a thoughtful intelligent young man who works well with others who cares deeply for our island its community and its environment. I urge you to give Sean your consideration for this seat.

Sincerely

David Iverson

**From:** [Sue Ellen Delcourt](#)  
**To:** [Erika Mooney](#)  
**Subject:** Letter to Select Board, regarding the opening for Con Com  
**Date:** Monday, December 2, 2019 2:53:56 PM

---

Dear Select Board;

I am writing to you in hopes that you will consider the appointment of Sean Perry to the open position on the Conservation Commission Board.

I have known Sean for years and I think he would be an asset to the board with his dedication and commitment to this island and its preservation of our coastal banks, waters, and habitats. It is wonderful to see our younger generation committed to such wonderful causes. Sean grew up on Nantucket and has deep roots in this community, he shows his love of the land and the waters through his work here as a Captain and a fisherman, which leaves him a great respect for our natural resources and our island.

Sean is great to work with and exhibits the skills to work well with others, be a team player, and he is considerate and respectful to all those around him. He is grounded firmly on this island in which he cares deeply about.

So I am asking again that you please take the time to consider him as a possible candidate for the Conservation Commission Board opening.

Thank you

Sincerely;

Sue Ellen Delcourt  
Broken Roads Inc, President  
91 Hummock Pond Road  
Nantucket Ma02554

Sent from my iPad

December 13, 2019

Dear Members of the Nantucket Select board:

I am writing a letter of support for Sean Perry to become a member of the Conservation Commission.

Sean Perry is a neighbor, friend and hardworking Nantucket native that has always been passionate about the care and use of our island and surrounding waters. Sean is dedicated to Nantucket and I feel would represent the island and people in a positive light by serving on the Conservation Commission.

There are several reasons I would support Sean in his efforts to become a Conservation Commission member that I would like to share with you.

First, Sean is qualified. He holds a degree in Marine Biology and has been local fisherman and on the waters since he was old enough to hold a rod and drive a boat. He respects and honors the resources of our unique island.

Second, he is invested in our community. He and his wife are currently raising their young family on island, he owns his own business and is intertwined with knowledge of the construction trades which gives him a working understanding of the processes, policies and people that are involved in our community and conservation.

Lastly, he has integrity. Sean has always been kind, willing to give input in a constructive positive manner and goes out of his way to be respectful of others and their ideas. When collaborating on neighborhood issues he has been insightful, offers solutions to challenges and is valued as a team player.

I am proud to support Sean on his bid to become a Conservation Commission member and urge you to support this fine young man.

Sincerely,

*Stacey Williams*

Stacey Williams  
13 Folger Ave, Nantucket  
bewsw@comcast.net

To:

12/15/19

Members of the Nantucket Select Board,

I am writing to you in support of Sean Perry being appointed as a member of the Conservation Commission.

Sean has Marine Biology degree and as a local waterman and fisherman has an understanding of Nantucket's various ecological environments. He has also worked in the construction industry and is familiar with the permitting process.

Sean is a Nantucket native raising his own family here. I believe he will be open minded and able to work fairly with all parties.

I urge you to support his appointment to the Conservation Commission.

Sincerely,

Benjamin Moore



## Agenda Item Summary

Agenda Item #	VIII. 2.
Date	1/8/20

### Staff

Ken Beaugrand, Real Estate Specialist

### Subject

Conservation Restriction - 16 Medouie Creek Road

### Executive Summary

A Conservation Restriction (“CR”) on a 4.6-acre parcel at Medouie Creek has been granted by Water’s Edge Nominee Trust to the Nantucket Land Council to maintain the property in its current condition for conservation purposes in perpetuity. This restriction has been approved by the Commonwealth in a letter dated December 10, 2019 pursuant to the Massachusetts Endangered Species Act (MESA) under the National Heritage and Endangered Species Program (NHESP) as the entire parcel falls within an area designated as a “Priority Habitat for State Protected Rare Species”.

### Staff Recommendation

For the Board to approve and execute the CR and find that the CR is in the public interest.

### Background/Discussion

The land under the CR contains sandplain grassland and preserves the coastal area and wetland resources. The majority of the site lies within the 100-year flood plain of Polpis harbor so that the undisturbed environment will provide for groundwater recharge and protect the wetland resource area.

**Impact: Environmental**     **Fiscal**     **Community**     **Other**

Positive impact on the environment as noted above and additional conserved open space for the community.

### Board/Commission Recommendation

N/A

### Public Outreach

N/A

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

Fits under the Open Space and Recreational plan goals of the Town’s 2009 Master Plan.

### Attachments

Town Counsel report, CR and letter from the Commonwealth.



January 2, 2020

**Vicki Marsh**  
vmarsh@k-plaw.com

Hon. Dawn E. Hill Holdgate and  
Members of the Select Board  
Town & County Building  
16 Broad Street  
Nantucket, MA 02554

Re: Conservation Restriction – 16 Medouie Creek Road, Nantucket, MA

Dear Members of the Select Board:

I have been asked to review a proposed Conservation Restriction (the “CR”) for a portion of a parcel of land at 16 Medouie Creek Road in the Town of Nantucket (the “Premises”) to be granted by Kevin F. Dale, Successor Trustee of Water’s Edge Nominee Trust (the “Grantor”) to the Nantucket Land Council, Inc. (the “NLC”), and to provide a report to the Select Board. The Premises are shown as a parcel of land consisting of approximately 4.6 acres on a plan entitled “Conservation Restriction Plan in Nantucket, MA Prepared for Water’s Edge Nominee Trust,” dated January 8, 2015, prepared by Blackwell & Associates, Inc. (the “Restriction Plan”), a copy of which is attached to the CR as Exhibit A. As explained below, the proposed CR does not grant any interest in the affected parcel to the Town or to the general public, but the CR is being presented to the Select Board for its approval, before being submitted to the Secretary of Energy and Environmental Affairs (“Secretary”) for the Secretary’s approval as being in the public interest.

I have been provided with copies of: (i) the proposed CR, as executed by the Grantor; (ii) the Restriction Plan; letters issued by the Commonwealth of Massachusetts Division of Fisheries and Wildlife acting through the Natural Heritage and Endangered Species Program (“NHESP”) dated February 6, 2012 and July 26, 2013 (Exhibit B to the CR), and (iii) the Land Management Plan, dated June 20, 2013, revised July 15, 2013 (Exhibit C to the CR). John Gioia, the conservation Restriction Reviewer of the Division of Conservation Services (“DCS”) has given preliminary approval to the CR. Based upon my review of the CR and the accompanying documents, I approve the CR as to form.

The CR is granted pursuant to and in accordance with the requirements issued by the NHESP Tracking No. 11-30084, as described in the letters attached as Exhibit B to the CR. Grantor proposes to construct a project involving a single family dwelling, guest house, garage and septic on a portion of the land at 16 Medouie Creek Road. NHESP determined that the proposed project is within the habitat of state-listed species which are protected by the Massachusetts Endangered

Hon. Dawn E. Hill Holdgate and  
Members of the Select Board  
January 2, 2020  
Page 2

Species Act, G.L. c. 131A and its implementing regulations. It was the opinion of the NHESP that the proposed project must be conditioned in order to avoid adverse effects to the Resource Area Habitats of the state-listed wildlife species. One of the conditions required by the NHESP is the recording of the CR.

The CR describes the conservation values that will be protected by the CR and that support the approval of the CR as being in the public interest. The entire Premises is located within an area designated as "Priority Habitat for State-Protected Rare Species" by NHESP. The CR will enable the protection of the wide variety of plant and animal species located within the Premises. Furthermore, the Premises is located in a coastal area consisting of Coastal Bank Vegetation and Vegetated Wetland and the area provides wetland habitat for native wildlife and plant species and communities. The preservation of this coastal area and wetland resources on the Premises will protect these habitats. The Premises also comprise part of a scenic landscape associated with a natural, undisturbed environment. The preservation of the approximately 4.6 acre Premises will further protect and enhance the area's scenic and open space attributes and the recreational, human enjoyment and ecological value of the conservation land and open space in the vicinity of the Premises. The majority of the Premises lies within the 100-year floodplain of Poplis Harbor. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events. The CR also helps to protect Nantucket's sole-source aquifer.

Activities prohibited within the Premises include the construction of buildings or other structures; excavation and removal of soils, sand, gravel; storing or dumping of soil, debris, or trash, cutting or removing of trees, grasses, and other vegetation, activities detrimental to drainage or flood control, parking or storage of motorized vehicles, except for public safety vehicles, subdivision of the Premises, or use of the Premises for business, residential or industrial use. The Premises may be used for the installation of a septic system in the location shown on the Restriction Plan, removal of non-native or invasive flora consistent with the Land Management Plan attached as Exhibit C, and the maintenance of the Premises in accordance with the Land Management Plan and the Nantucket Conservation Commission Order of Conditions SE48-2577 dated August 21, 2013.

NLC and NHESP have the right to enforce compliance with the terms of the CR, and certain activities within the Premises (such as the removal or control of non-native and invasive species) are permitted only with the prior approval of NLC and NHESP. The CR does not grant any enforcement authority to the Town, nor does the CR grant any public right of access to the Premises. The CR runs with the land, in perpetuity. The terms of the CR are to be incorporated in any deed conveying an interest in the Premises.

Where the CR is to be held by, NLC, a charitable corporation and not by the Town itself, G.L. c. 184, §32 requires that the CR must be approved by the Select Board, as well as by the



Hon. Dawn E. Hill Holdgate and  
Members of the Select Board  
January 2, 2020  
Page 3

Secretary, as being in the public interest. For this reason, the CR is being submitted to the Select Board for approval and signatures. After you have approved and signed the CR, it will then be submitted to the Secretary by NLC and, upon the Secretary's approval, will be filed with the Registry District of the Land Court.

Please feel free to contact me if you have any questions concerning this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Vicki S. Marsh".

Vicki S. Marsh

VSM/dmm

Enc.

cc: Town Manager  
Emily Molden (Nantucket Land Council, Inc.)

707897/NANT19718/0025

Grantor: Kevin F. Dale, Successor Trustee of Water's Edge Nominee Trust  
Grantee: Nantucket Land Council, Inc.  
Property Address: 16 Medouie Creek Road, Nantucket, Massachusetts 02554  
Title Reference: Lot L, Land Court Plan No. 6283-F, Certificate of Title No. 23898,  
Nantucket Registry District of the Land Court

## **CONSERVATION RESTRICTION**

I, KEVIN F. DALE, SUCCESSOR TRUSTEE OF WATER'S EDGE NOMINEE TRUST, u/d/t dated March 11, 2011 and registered as Document No. 133903 at the Nantucket Registry District of the Land Court, with an address of P.O. Box 659, Nantucket, Massachusetts 02554, being the sole owner, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grants WITH QUITCLAIM COVENANTS to the NANTUCKET LAND COUNCIL, INC., a not-for-profit corporation whose purposes include conservation of land in Nantucket, Massachusetts, with its offices located at 6 Ash Lane Nantucket, Massachusetts 02554, its permitted successors and assigns ("Grantee"), in perpetuity and exclusively for conservation purposes, for nominal consideration, the following Conservation Restriction on a 4.6-acre portion of a parcel of land located in the Town of Nantucket, Massachusetts shown as Lot L on Land Court Plan No. 6283-F filed with Certificate of Title No. 2992 at the Nantucket Registry District of the Land Court ("Premises"), more particularly shown as the Conservation Restriction Area on a plan entitled "Conservation Restriction Plan in Nantucket, MA Prepared for Water's Edge Nominee Trust," Prepared by Blackwell & Associates, Inc. dated January 8, 2015, a reduced copy of which is attached hereto as Exhibit "A". For Grantor's title, see Certificate of Title No. 23898 filed with the Nantucket Registry District of the Land Court.

### **I. PURPOSES:**

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in its current condition as set forth in the Baseline Documentation Report & Survey ("Baseline Report") in perpetuity and for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values.

This Conservation Restriction is granted pursuant to and in accordance with the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00) and requirements set forth in a letter issued by the Commonwealth of Massachusetts Division of Fisheries and Wildlife acting through the Natural Heritage and Endangered Species Program (“NHESP” or “Division”); NHESP Tracking No. 11-30084, dated February 6, 2012 and July 26, 2013, that conditioned the project to avoid a prohibited Take of the Northern Harrier (*Circus cyaneus*), and attached hereto as Exhibit “B” and incorporated herein by this reference (“Letter”).

- A. **Wildlife & Habitat Protection.** The entire Premises falls within an area designated as “Priority Habitat for State-Protected Rare Species” by NHESP. The Premises also provide a unique natural habitat for a wide variety of plant and animal species. The Premises is comprised of sandplain grassland characterized by NHESP as critically imperiled in Massachusetts, with a mixed coastal shrub understory, a pond edge and pond ecosystem all which provide unique foraging and nesting habitat for bird, mammal and insect species.
  
- B. **Nearby Natural Areas.** The Premises is located in a coastal area consisting of Coastal Bank vegetation and Vegetated Wetland species and is varied in plant community types and edge habitats which have generally been transitioning from a sandplain grassland to a more overgrown brushy community. The area provides wetland habitat for native wildlife and plant species and communities, including many species of native plants, mammals, birds, reptiles, amphibians, and invertebrates. The preservation of this coastal area and wetland resources on the Premises will protect these habitats.
  

The Premises is located north of Polpis Harbor and is adjacent to land protected by the Nantucket Conservation Foundation.

  
- C. **Scenic Landscape Preservation.** The Premises comprises part of a scenic landscape associated with a natural, undisturbed environment. The open space conservation land protected under this Conservation Restriction is an important public resource. The preservation of the approximately 4.5-acre Premises, by prohibiting significant alterations to the natural character thereof, will further protect and enhance the area’s scenic and open space attributes and the recreational, human enjoyment, and ecological value of the conservation land and open space in the immediate vicinity of the Premises.
  
- D. **Flood Plain Protection.** The majority of the Premises lies within the 100-year floodplain of Polpis Harbor. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events.

- E. **Water Quality Protection.** Preserving the natural, undisturbed environment will provide for groundwater recharge and protect wetland resource areas. The Premises are located on Nantucket Island which has a United States Environmental Protection Agency designated sole source aquifer for the use of its inhabitants. Protection of the Premises will further protect the water quality of the aquifer and surrounding wells. Protection of the premises will also reduce nutrient and pollutant leaching and runoff which will protect the down gradient water body of Nantucket Harbor, which abuts the property on several sides.
- F. **Furtherance of Government Policy.** Preservation of the Premises complies with the clearly delineated conservation policy expressed in Nantucket’s Master Plan, adopted by Nantucket’s voters at the Annual Town Meeting in April 2009, which states in the Town of Nantucket 2007 Open Space and Recreation Plan as Goal/Objectives 1C: “The town should encourage the use of creative regulatory and non-regulatory land protection tools such as conservation restrictions, tax abatements, gifts and zoning measures.” It further complies with the *The Nantucket Comprehensive Community Plan* (NCCP), including the following objectives therein: Objective 4.1, “To aggressively acquire land and conservation restrictions to protect natural ecosystems;” Objective 4.2, “To encourage land management activities by the Land Bank and nonprofit entities to provide permanent resource protection;”

Preservation of the Premises as open space is further pursuant to clearly delineated governmental conservation policy in accordance with "Nantucket's Goals and Objectives for Balanced Growth" which was adopted in November 1990 by Town Meeting and states as Objective A-1: "To identify and acquire critical open spaces through outright ownership or by less-than-fee means, such as conservation restrictions, scenic easements, and the purchase of development rights, in order to complete the Island's open space network.”

These conservation values and other current conditions of the Premises and public benefits of this Conservation Restriction are described in more detail in the Baseline Report to be kept on file at the office of the Grantee and incorporated herein by this reference. Grantor and Grantee agree that this Baseline Report provides an accurate representation of the current condition of the Premises as of the date of this Conservation Restriction, and is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

## II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

### A. PROHIBITED ACTS AND USES

Subject to the exceptions set forth herein, the Grantor will neither perform nor allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise make topographical changes to the area;
3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
6. Using, parking, storing, maintaining, and operating of snowmobiles, motorcycles, mopeds, all-terrain vehicles, bicycles, trail bikes, or any other motorized or non-motorized vehicles of any kind, except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their lawful duties;
7. Disrupting, removing, or destructing the stone walls or granite fence posts on the Premises;
8. Conveying of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards further building or development requirements on this or any other parcel, it being acknowledged by the Grantor and Grantee that this Conservation Restriction is required as a condition of the Letter.
9. Using the Premises for business, residential or industrial use, or for more than a *de minimus* commercial recreation.
10. Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. RESERVED RIGHTS AND EXCEPTIONS TO OTHERWISE PROHIBITED ACTS AND USES

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purpose of this Conservation Restriction or other significant conservation values:

1. Septic System: The installation, maintenance, repair and replacement of a septic system in the location as shown on Exhibit A, not to exceed a footprint of 12,900 square feet, to serve only the structures on the unrestricted portion of the Grantor's property abutting the Premises. Installation and/or replacement shall be approved by the Grantee in accordance with Paragraph II C. below.
2. Non-native flora. In accordance with the Land Management Plan, Water's Edge Nominee Trust, 16 Medouie Creek Road, Nantucket, MA, (hereinafter the "LMP"), by Wilkinson Ecological Design, dated June 20, 2013 revised July 15, 2013 (attached hereto as Exhibit C), which is the LMP described in the Letter, and/or with the written approval of the Grantee and NHESP, the removal of non-native or invasive flora and interplanting of indigenous species;
3. Wildlife Habitat Management. Maintenance of the Premises in accordance with the LMP, which is designed to restore, maintain, enhance or otherwise manage biotic communities and/or habitats for native species, rare species, and/or species listed pursuant to the MA Endangered Species Act ("MESA"), M.G.L. c.131A, and its implementing regulations, 321 CMR 10.00, that can include, but is not limited to, selective planting or removal of native vegetation, mowing of grasslands, forestry, modification of soils, and prescribed burning of vegetation; provided that any such maintenance activities are described in the LMP; Grantor is also permitted to maintain the Premises in accordance with the Nantucket Conservation Commission Order of Conditions SE48-2577 dated August 21, 2013, which allows driveway expansion, wetland replication, invasive species control, and indigenous plantings within the Premises. Copies of any monitoring reports required by these permits shall also be submitted to the Grantee.
4. Signs. The erection, maintenance and replacement of signs with respect to hunting, trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, and the protected conservation values provided such signs do not specifically reference species listed by MESA and its implementing regulations by scientific or common name or provide the actual location of said species. Signs may use generalized terms such as "Sensitive Ecological Community," "wildlife habitat", "rare animal habitat" or other generalized terms.

The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with the then-current Zoning, the Wetlands Protection Act, the MA Endangered Species Act (MGL c131A), and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position of whether such permit should be issued.

C. NOTICE AND APPROVAL.

Whenever notice to or approval by Grantee and/or Division is required under the provisions of paragraphs A or B, Grantor shall notify Grantee and/or Division in writing not less than 30 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, MESA Tracking Number and any other material aspect of the proposed activity in sufficient detail to permit the Grantee and/or Division to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee and/or Division's approval is required, Grantee and/or Division shall grant or withhold approval in writing within 30 days of receipt of Grantor's request. Said approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of Grantee and/or Division to respond in writing within 30 days shall be deemed to constitute approval by Grantee and/or Division (if in accordance with the law) of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 30 days in the notice the requested activity is not prohibited herein and the activity will not impair the conservation values or purposes of this Conservation Restriction.

**III. LEGAL REMEDIES OF THE GRANTEE AND DIVISION**

A. LEGAL AND INJUNCTIVE RELIEF

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee may have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee shall attempt to resolve issues concerning violations through negotiations with Grantor prior to resorting to legal means. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and permanent monumentation of the boundaries.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred.

This Conservation Restriction shall also be enforceable by the Commonwealth of Massachusetts acting through the Division and does not limit in any manner the Division's authorities or duties under MESA or its implementing regulations. If the Division in its sole discretion determines that Grantee is not taking satisfactory action to monitor and/or enforce this Conservation Restriction, the Division shall give written notice to Grantee of said unsatisfactory monitoring and/or enforcement and the reasons therefore, and Grantee shall have 30 days in which to take action satisfactory to the Division to monitor and enforce this Conservation Restriction. If the Division in its sole discretion subsequently determines that the Grantee has

failed to take satisfactory action within said 30-day period following written notice from the Division, the Division may in its sole discretion monitor and undertake whatever actions, including appropriate legal proceedings which include obtaining injunctive and other equitable relief, that the Division determines are reasonably necessary or appropriate to effect such corrections of any violations and/or to otherwise enforce the terms and provisions of this Conservation Restriction as provided herein.

If the Division in its sole discretion determines that immediate legal or other action is necessary to protect the Premises against injury or harm, the Division may waive this notice and 30-day Grantee response time period and take whatever legal and other action the Division deems as necessary or appropriate to protect the conservation values on the Premises.

Grantor covenants and agrees to reimburse to Division all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred.

**B. NON-WAIVER**

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

**C. DISCLAIMER OF LIABILITY**

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises not caused by the grantee or its agents pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts which are not caused by the Grantee or anyone acting under the direction of the Grantee.

**D. ACTS BEYOND THE GRANTOR'S CONTROL**

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Conservation Restriction agree that in the event of damage to the Premises from acts beyond the Grantor's control, that if it is desirable that the Premises be restored, the parties will cooperate in attempting to restore the Premises if feasible.

**IV. ACCESS**

This Conservation Restriction does not grant to the Grantee, to the public, or to any other person or entity any right to enter upon the Premises, except as follows:

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times for the purpose of inspecting the Premises to determine compliance herewith, or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after 30 days' notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to have a survey of boundary lines conducted at the Grantee's expense. This Conservation Restriction in no way limits, amends or alters the legal authority of the Division to access the property of the Grantor, its successors and assigns.

## V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law, after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs and the Division. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. PROCEEDS. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the gift, bears to the value of the unrestricted property at that time. Such proportionate value of the Grantee's property right shall remain constant.

### C. GRANTOR/GRANTEE COOPERATION REGARDING PUBLIC ACTION

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in shares equal to such proportionate value as described in Paragraph V(B), above. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

## **VI. ASSIGNABILITY**

### **A. RUNNING OF THE BURDEN**

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

### **B. EXECUTION OF INSTRUMENTS**

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on his behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

### **C. RUNNING OF THE BENEFIT**

The benefits of this Conservation Restriction shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out, and that the Assignee is not an owner of the fee in the Premises and that the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment shall comply with Article 97 of the Amendments to the Massachusetts Constitution if applicable.

## **VII. SUBSEQUENT TRANSFERS**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than 20 days prior to the execution of any such transfer. Failure to do so shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall be liable only for violations occurring during his or her ownership, or for any transfer, if in violation. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

## **VIII. ESTOPPEL CERTIFICATES**

Upon request by the Grantor, the Grantee shall, within twenty (20) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

## **IX. NON MERGER**

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner. If it is determined that a transfer or assignment of any interest will result in a merger, no deed shall be effective until this Conservation Restriction has been assigned or other action taken to avoid a merger and preserve the terms and enforceability of this Conservation Restriction. It is the intent of the parties that the Premises will be subject to the terms of this Conservation Restriction in perpetuity, notwithstanding any merger.

## **X. AMENDMENT**

If circumstances arise under which an amendment to or modification of this Conservation Restriction may be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction, provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, and in circumstances where in granting an amendment there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved in writing by the Massachusetts Secretary of Energy and Environmental Affairs and Division, and, if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution. Any amendment shall be recorded in the Nantucket Registry of Deeds.

## **XI. EFFECTIVE DATE**

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative Approvals required by Section 32 of Chapter 184 of the General

Laws have been obtained, and it has been filed in the Nantucket Registry District of the Land Court.

## **XII. RECORDATION**

The Grantee shall file this instrument in timely fashion in the Nantucket Registry District of the Land Court.

## **XIII. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Waters Edge Nominee Trust, Kevin F. Dale, Successor Trustee  
P.O. Box 659  
Nantucket, MA 02554

To Grantee: Nantucket Land Council, Inc.  
6 Ash Lane  
Nantucket, MA 02554

To the Division: Natural Heritage Endangered Species Program  
Mass. Division of Fisheries & Wildlife  
North Drive, Route 135  
Westborough, MA 01581

or to such other address as any of the above parties from time to time shall designate by written notice to each other, or if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

## **XIV. GENERAL PROVISIONS**

### **A. CONTROLLING LAW**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

### **B. LIBERAL CONSTRUCTION**

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. SEVERABILITY

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. ENTIRE AGREEMENT

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

**XIV. MISCELLANEOUS**

A. PRE-EXISTING PUBLIC RIGHTS.

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. HOMESTEAD

The Grantor hereby releases, agrees to waive, subordinate, and release any and all Massachusetts General Law Chapter 188 Homestead rights it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Easement, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to M.G.L. c.188 10(E)

C. SUBORDINATION OF MORTGAGE:

The Grantor shall record at the appropriate Nantucket County Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Property.

**XV. ATTACHMENTS HERETO AND INCORPORATED BY REFERENCE**

Signature Pages for Grantor and Grantee  
Approval by Nantucket Select Board  
Approval of the Secretary of Energy and Environmental Affairs  
Acknowledgement by the MA Division of Fisheries and Wildlife

Exhibit A "Conservation Restriction Plan." Nantucket, MA Prepared for Water's Edge Nominee Trust by Blackwell & Associates, Inc. dated January 8, 2015.

- Exhibit B Conditional No Take Letter dated February 6, 2012, and July 26, 2013, issued by the Commonwealth of Massachusetts Division of Fisheries and Wildlife acting through the Natural Heritage and Endangered Species Program
- Exhibit C Land Management Plan, Water's Edge Nominee Trust, 16 Medouie Creek Road, Nantucket, MA, by Wilkinson Ecological Design, dated June 20, 2013 revised July 15, 2013.

**GRANTING OF CONSERVATION RESTRICTION**

WITNESS my hand and seal this 2nd day of January, 2020.

Water's Edge Nominee Trust

By: [Signature]  
Kevin F. Dale, Successor Trustee

**COMMONWEALTH OF MASSACHUSETTS**

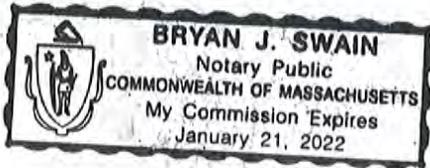
Nantucket, ss:

On this 2nd day of January, 2020 before me, the undersigned notary public, personally appeared Kevin F. Dale, proved to me through satisfactory evidence of identification which was Dale's license to be the person whose name is signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of the Water's Edge Nominee Trust.

SEAL

Notary Public

[Signature]  
My commission expires: \_\_\_\_\_



**ACCEPTANCE OF GRANT**

The above Conservation Restriction was accepted by the Nantucket Land Council, Inc. this 19 day of December 2019.

Nantucket Land Council, Inc.

By: *Lucy S. Dillon*  
LUCY S. DILLON, PRESIDENT

By: *Neil Mattila*  
Neil Mattila, Treasurer

**COMMONWEALTH OF MASSACHUSETTS**

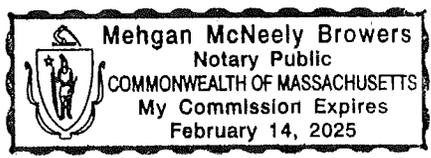
\_\_\_\_\_, ss:

On this 19 day of Dec, 2019, before me, the undersigned notary public, personally appeared Lucy Dillon, Neil Mattila, proved to me through satisfactory evidence of identification which was drivers license - MA to be the person(s) whose name is signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

SEAL

Notary Public  
*Mm Browers*

My commission expires: \_\_\_\_\_



**APPROVAL OF SELECT BOARD**

We, the undersigned, being a majority of the Select Board of the Town of Nantucket, Nantucket County, Massachusetts, hereby certify that at a meeting duly held on \_\_\_\_\_, 20 \_\_\_\_, the Select Board voted to approve the foregoing Conservation Restriction from Kevin Dale as Successor Trustee of the Water’s Edge Nominee Trust to the Nantucket Land Council, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

TOWN OF NANTUCKET  
By its Select Board

\_\_\_\_\_  
Dawn E. Hill Holdgate

\_\_\_\_\_  
Rita Higgins

\_\_\_\_\_  
Jason Bridges

\_\_\_\_\_  
Matthew G. Fee

\_\_\_\_\_  
Kristie L. Ferrantella

**COMMONWEALTH OF MASSACHUSETTS**

Nantucket, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Rita Higgins, Jason Bridges, Matthew G. Fee and Kristie L. Ferrantella, members of the Town of Nantucket Select Board proved to me through satisfactory evidence of identification which was personal knowledge of the undersigned to be the persons whose names are signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief, and are their free acts and deeds on behalf of the Select Board of the Town of Nantucket..

SEAL

Notary Public

\_\_\_\_\_

My commission expires: \_\_\_\_\_

Water’s Edge to  
Nantucket Land Council

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Kevin Dale as Successor Trustee of the Water's Edge Nominee Trust to the Nantucket Land Council, Inc. has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Kathleen A. Theoharides  
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

ACKNOWLEDGEMENT BY THE MA DIVISION OF FISHERIES AND WILDLIFE

This grant of Conservation Restriction set forth above from Kevin Dale as Successor Trustee of the Water's Edge Nominee Trust to the Nantucket Land Council, Inc. is acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ The MA Division of Fisheries and Wildlife (Division) acknowledges the reserved rights and obligations of the Division set forth herein.

\_\_\_\_\_  
Mark Tisa, Director

Date: \_\_\_\_\_

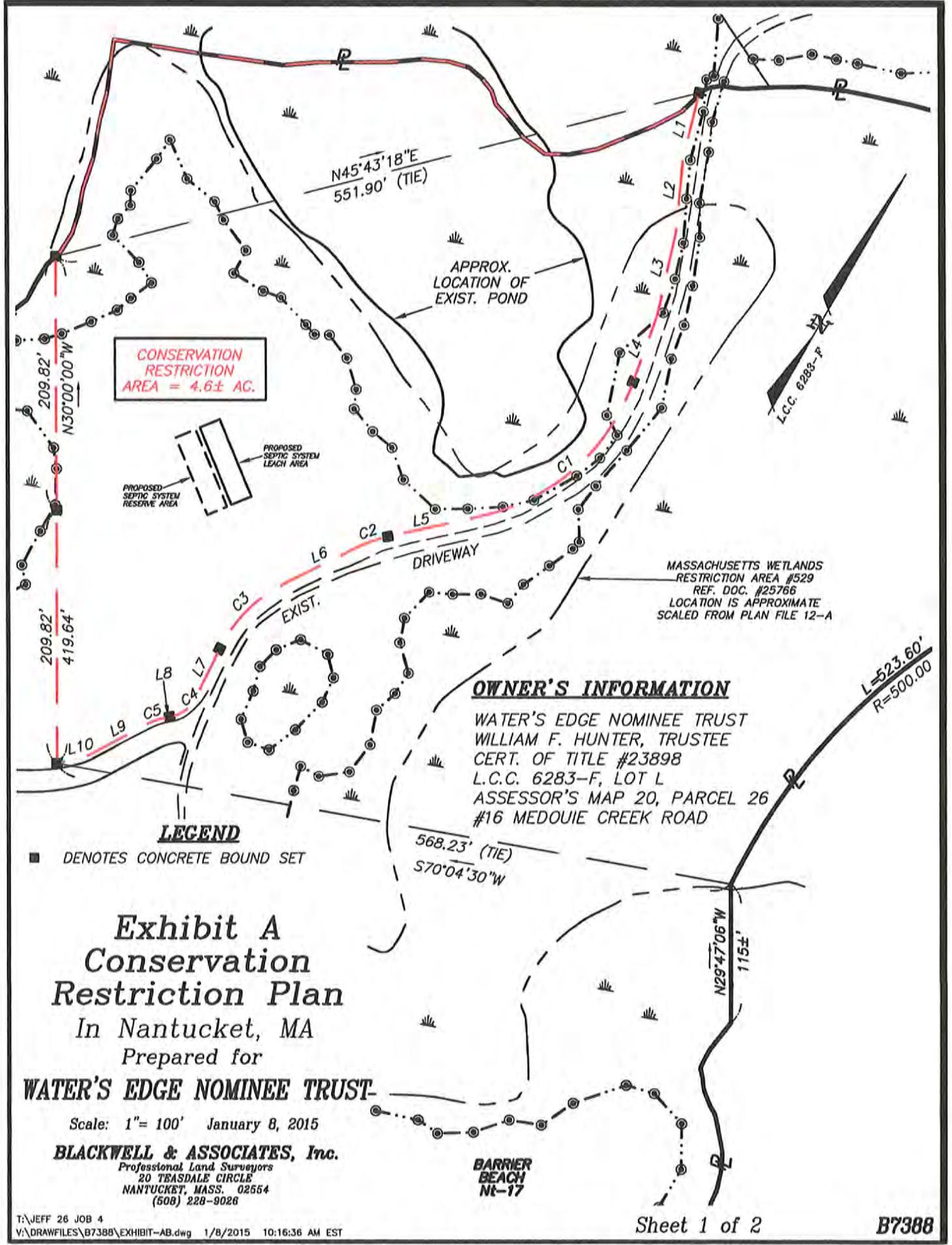
COMMONWEALTH OF MASSACHUSETTS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared Mark Tisa, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box):  a driver's license;  a valid passport;  personally known to be the person whose name is signed on the preceding or attached document; or  other \_\_\_\_\_, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Director of the Commonwealth of Massachusetts Division of Fisheries and Wildlife.

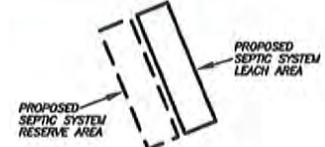
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

**Exhibit A**

“Conservation Restriction Plan in Nantucket, MA Prepared for Water’s Edge Nominee Trust,”  
by Blackwell & Associates, Inc. dated January 8, 2015.



**CONSERVATION RESTRICTION AREA = 4.6± AC.**



**OWNER'S INFORMATION**

WATER'S EDGE NOMINEE TRUST  
WILLIAM F. HUNTER, TRUSTEE  
CERT. OF TITLE #23898  
L.C.C. 6283-F, LOT L  
ASSESSOR'S MAP 20, PARCEL 26  
#16 MEDOUIE CREEK ROAD

**LEGEND**

■ DENOTES CONCRETE BOUND SET

**Exhibit A  
Conservation  
Restriction Plan  
In Nantucket, MA  
Prepared for  
WATER'S EDGE NOMINEE TRUST**

Scale: 1" = 100' January 8, 2015

**BLACKWELL & ASSOCIATES, Inc.**  
Professional Land Surveyors  
20 TEASDALE CIRCLE  
NANTUCKET, MASS. 02554  
(508) 228-9028

**BARRIER BEACH  
Nt-17**

## **CONSERVATION RESTRICTION LINE & CURVE TABLE**

<u>LINE</u>	<u>BEARING</u>	<u>DISTANCE</u>	<u>CURVE</u>	<u>RADIUS</u>	<u>ARC LENGTH</u>
L1	S16°03'19"E	56.54'	C1	175.00	175.72'
L2	S24°13'25"E	59.81'	C2	115.00	28.37'
L3	S17°11'33"E	70.56'	C3	120.00	77.67'
L4	S09°58'16"E	59.99'	C4	30.00	28.40'
L5	S47°33'40"W	79.33'	C5	50.00	16.29'
L6	S33°25'29"W	66.41'			
L7	S03°39'33"E	44.67'			
L8	S50°35'27"W	2.54'			
L9	S31°55'14"W	54.40'			
L10	S44°51'14"W	28.23'			

### **OWNER'S INFORMATION**

WATER'S EDGE NOMINEE TRUST  
 WILLIAM F. HUNTER, TRUSTEE  
 CERT. OF TITLE #23898  
 L.C.C. 6283-F, LOT L  
 ASSESSOR'S MAP 20, PARCEL 26  
 #16 MEDOUIE CREEK ROAD

## **Exhibit A Conservation Restriction Plan**

In Nantucket, MA  
 Prepared for

**WATER'S EDGE NOMINEE TRUST**

Scale: 1" = 100'    January 8, 2015

**BLACKWELL & ASSOCIATES, Inc.**

Professional Land Surveyors  
 20 TEASDALE CIRCLE  
 NANTUCKET, MASS. 02554  
 (508) 228-9028

## **Exhibit B**

Conditional No Take Letters dated February 6, 2012 and July 26, 2013 issued by the Commonwealth of Massachusetts Division of Fisheries and Wildlife acting through the Natural Heritage and Endangered Species Program.



MassWildlife

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

February 6, 2012

Nantucket Conservation Commission  
37 Washington Street  
Nantucket MA 02554

William Hunter  
Waters Edge Nominee Trust  
PO Box 659  
Nantucket MA 02554

RE: Applicant: William Hunter  
Project Location: 16 Medouie Creek Road  
Project Description: Single Family Dwelling, Guest House, Garage, Septic  
DEP File No.: 048-2417  
NHESP Tracking No.: **11-30084 (related to 07-21548)**  
Documents Reviewed: "Site Plan for Land Management" dated 1/31/12 (attached; herein the "Plan")  
Land Management Plan prepared by Wilkinson Ecological Design dated 1/25/12

Dear Applicant and Commissioners:

The applicant listed above has submitted a *Notice of Intent* and revised plans (dated January 31, 2012) to the Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife, in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). Additional materials were submitted for review pursuant to the Massachusetts Endangered Species Act (MESA; M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00) (MESA).

Based on a review of information that was submitted and the information that is contained in our database, the NHESP has determined that the proposed project footprint is within the habitat of the following state-listed species:

Scientific Name	Common Name	Taxonomic Group	MA Status
<i>Bagisara rectifascia</i>	Straight Lined Mallow Moth	Invertebrate Animal	Special Concern
<i>Circus cyaneus</i>	Northern Harrier	Vertebrate Animal	Threatened

These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00).

The proposed project includes the construction of single family dwelling, garage, guest house, barn, driveway, septic system, well, underground utilities, grading, landscaping and habitat management activities described in the Land Management Plan prepared by Wilkinson Ecological Design dated 1/25/12 as shown on the Plan. Additionally the project includes the protection of approximately 4.5 acres of the 32

[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife  
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890  
*An Agency of the Department of Fish and Game*

WATERS EDGE TO NANTUCKET LAND COUNCIL 23



MassWildlife

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

July 26, 2013

Nantucket Conservation Commission  
37 Washington Street  
Nantucket MA 02554

William Hunter, Trustee  
Waters Edge Nominee Trust  
PO Box 659  
Nantucket MA 02554

RE: Project Location: 16 Medouie Creek Road, Nantucket  
Project Description: Single Family Dwelling, Guest House, Garage, & Septic  
DEP Wetlands File No.: 048-2577 NHESP File No.: 11-30084

Dear Applicant:

The Natural Heritage & Endangered Species Program of the MA Division of Fisheries and Wildlife (the "Division") received and reviewed a *Notice of Intent* with revised plans (dated June 20, 2013, revised July 25, 2013; 11 Sheets) for the subject project.

The Division finds that the revised plans do not change our previous determination that this project **must be conditioned to avoid adverse effects** to the actual Resource Area Habitat of state-protected rare wildlife species and **must be conditioned to avoid a prohibited "take"** of state-listed rare species (Division letter dated 02/06/2012); *that determination stands and all conditions listed therein remain valid*. Issuance of an Order of Conditions approving the project as currently designed is consistent with the Interests of the WPA strictly related to rare species. A copy of any final Order of Conditions shall be mailed or hand delivered to the Division simultaneous with sending to the applicant as required pursuant to 310 CMR 10.05(6)(e)).

We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. Any activity not included in the current filing and located within *Priority Habitat* may require an additional filing with the Division for review if not otherwise exempt. If no physical work is commenced on the above proposed project within five years from the date of issuance of our original letter or there is a material change in the plans that were submitted to the Division, updated information and/or plans must be sent to the Division for review prior to any work.

Please contact Amy Coman-Hoenig, Endangered Species Review Biologist, at (508) 389-6364 with any questions or comments.

Sincerely,

Thomas W. French, Ph.D.  
Assistant Director

cc: MA DEP Southeast Region  
Arthur Gasbarro, Blackwell & Associates, Inc.

[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife

*Temporary Correspondence:* 100 Hartwell Street, Suite 230, West Boylston, MA 01583

*Permanent:* Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

*An Agency of the Department of Fish and Game*

WATER'S EDGE TO NANTUCKET LAND COUNCIL 24

acre parcel labeled on the Plan as Proposed Conservation Restriction. The applicant is proposing to protect this area with a Conservation Restriction granted to the Nantucket Conservation Foundation.

**WETLANDS PROTECTION ACT (WPA)**

For projects within Estimated Habitat, the WPA Regulations state that "...if a proposed project is found by the issuing authority to alter a resource area which is part of the habitat of a state-listed species, such project shall not be permitted to have any short or long term adverse effects on the habitat of the local population of that species" (310 CMR 10.37, 10.59), and that "no project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, ... or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent" (310 CMR 10.58(4)(b)).

Based on the information provided and the information contained in our database, it is the opinion of the NHESP that this project, as currently proposed **must be conditioned in order to avoid adverse effects** to the Resource Area Habitats of state-listed wildlife species (310 CMR 10.59). To avoid an adverse effect to the habitat of the Northern Harrier, the following conditions must be met:

- a) Prior to the start of work, the applicant shall submit proof to the NHESP of filing a draft Conservation Restriction (CR) with the MA Executive Office of Energy & Environmental Affairs-Division of Conservation Services. The CR shall be in substantially the same form as the draft submitted to the NHESP dated 1/27/12. Any changes to the CR other than typographical or grammatical changes must be approved in writing by the Division before said changes are submitted to the Secretary of the Executive Office of Energy & Environmental Affairs for approval.
- b) Said Conservation Restriction shall be executed and recorded in the Registry of Deeds or the Land Court for the district in which the Property is located so as to become a record part of the chain of title of the Property, no later than six (6) months from the initiation of work. Work shall cease if said Conservation Restriction is not recorded and copies thereof received by the NHESP by this date, provided, however, that the NHESP may extend this date from time to time if the failure to execute and record said Conservation Restriction results from circumstances beyond the control of applicant and so long as the applicant continues in good faith to seek to execute and record said Conservation Restriction.
- c) Prior to the start of work, the applicant shall monument the boundaries of the Proposed Conservation Restriction as shown on the plans.
- d) All work within the Land Management Areas shown on the plan, excluding the installation of the septic system, shall adhere to the Land Management Plan prepared by Wilkinson Ecological Design dated 1/25/12 (herein "LMP"). Any changes to the LMP must be pre-approved in writing by the NHESP.
- e) As described in the LMP, copies of the annual monitoring reports described in the Three Year Management section of the LMP shall be submitted to the NHESP. Additionally, as noted in the LMP, after the 3 years of annual monitoring reports, a monitoring report will shall be provided to the NHESP every additional 5 years for a total of 15 years.

Provided these conditions are included in any final approving Orders of Conditions, the project will not result in an adverse impact to the Resource Area Habitats of state-listed wildlife species. We ask that the Conservation Commission send a copy of the final Order of Conditions, approving or denying the project, to the NHESP simultaneous with the applicant.

**MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)**

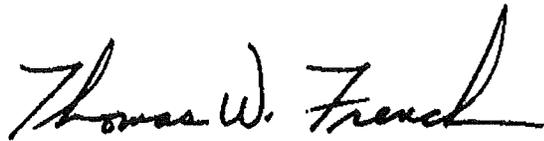
The MESA is administered by the NHESP of the MA Division of Fisheries & Wildlife, and prohibits the "take" of state-listed species. The "take" of state-listed species is defined as "in reference to animals, means to harass, harm, pursue, hunt, shoot, hound, kill, trap, capture, collect, process, disrupt the nesting, breeding, feeding or migratory activity or attempt to engage in any such conduct, or to assist such conduct, and in reference to plants, means to collect, pick, kill, transplant, cut or process or attempt to engage or to assist in any such conduct. Disruption of nesting, breeding, feeding or migratory activity may result from, but is not limited to, the modification, degradation or destruction of Habitat" (321 CMR 10.02).

Based on the information provided and the information contained in our database, the NHESP finds that this project, as currently proposed, **must be conditioned in order to avoid a prohibited "take" of state-listed species (321 CMR 10.18(2)(a))**, as outlined in the WPA section above.

Provided you comply with all the above-noted conditions and there are no changes to the project plans, this project will not result in a "take" of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the NHESP pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Amy Coman-Hoenig, Endangered Species Review Assistant, at (508) 389-6364.

Sincerely,



Thomas W. French, Ph.D.  
Assistant Director

Attachment

cc: MA DEP Southeast Region  
Arthur Gasbarro, Blackwell & Associates, Inc.  
Glenn Wood, Rubin and Rudman, LLP  
Seth Wilkinson, Wilkinson Ecological Services

## **Exhibit C**

Land Management Plan, Water's Edge Nominee Trust, 16 Medouie Creek Road, Nantucket, MA, by Wilkinson Ecological Design, dated June 20, 2013 revised July 15, 2013.

# LAND MANAGEMENT PLAN

water's edge nominee trust  
16 medouie creek road  
nantucket, MA

june 20, 2013

revised july 15, 2013

WILKINSON ecological design  
[www.wilkinsonecological.com](http://www.wilkinsonecological.com)





## INTRODUCTION & PROJECT GOAL

Located north of Polpis Harbor on Nantucket, the property at 16 Medouie Creek Road is varied in plant community types and edge habitats which have generally been transitioning from a sandplain grassland to a more overgrown brushy community. The goal of this land management plan is to manage the property at 16 Medouie Creek Road as a more open sandplain grassland landscape.

## LAND MANAGEMENT OBJECTIVES

1. Intensely manage invasive plants to stop further encroachment into the parcel.
2. Manage native woody vegetation to maintain and enhance an open landscape including, sandplain grasslands.
3. Encourage and embrace existing native plants with minimal management to preserve the open landscape.



SITE LOCATION ON NANTUCKET



## EXISTING CONDITIONS

The existing plant community zones observed onsite can be roughly described as follows:

### **Sandplain Grassland**

Sandplain Grassland communities are found on flat, low-lying glacial outwash plains most commonly in close proximity to the ocean. Vegetation is dominated by grass and sedge species such as little bluestem, poverty grass and Pennsylvania sedge. Small patches of shrubs such as scrub oak, bayberry and black huckleberry can also be found dispersed throughout. Grassland communities have historically been maintained by fire and grazing, activities which are no longer common in coastal communities in Massachusetts. According to the Natural Heritage and Endangered Species Program (NHESP), Sandplain Grasslands support a disproportionate share of threatened or rare plant, bird, reptile and mammal species in the northeastern United States.

### **Early Successional Maritime Shrubland**

Maritime Shrub plant communities are characterized by patches of dense shrubs interspersed with open areas of low growth or bare ground. These areas are often directly exposed to salt spray during storm events but are somewhat protected by bordering marshland or barrier beach under normal conditions. Invasive exotic plant species pose a threat to maritime shrubland communities because they can disrupt the diversity and distribution of the native plants upon which many species of birds and mammals are dependant. NHESP states that Maritime shrublands provide nesting habitat for many varieties of birds as well as cover and forage for a greater range of bird species during fall migrations. Various species of small mammals and reptiles are also dependant on this plant community type for cover, hunting and foraging.

### **Transitional Wetland Border**

Wetland Border communities are typically found in the 0'-50' wetland buffer zone, but can vary widely depending on the individual wetland resource. Plant that grow in this zone are usually a mix of facultative wetland and upland species. Wetland buffer zones help to protect the adjacent wetland resource against possible degradation from nearby human activity.

### **Salt Marsh Border**

Salt Marsh border communities thrive at an elevation just above the high marsh zone which is regularly inundated by water due to tides. Dominant plant species in the marsh border like switchgrass, common reed, and narrow-leaved cattail can withstand wet soils and occasional inundation but not the twice daily inundation experienced by marshland at lower elevations. According to NHESP, salt marsh, in particular, is one of the most productive and most endangered ecosystems in Massachusetts. Marshland vegetation is the foundation upon which an enormous variety of marine and terrestrial species depend for breeding, foraging and shelter. In addition, marshland acts as a buffer from damaging storms, protects adjacent lowlands from flooding, and uptakes pollutants contained in runoff.

## LAND MANAGEMENT PROTOCOLS

Invasive Plant Management addresses specific, adaptive techniques for managing invasive species observed on site as well as locates and describes land management strategies in 6 distinct and separate areas as shown on the Site Plan For Land Management by Blackwell & Associates, Inc. (Areas A, B, C, D, E & F). The predominant invasive species to be managed include border privet, Asiatic bittersweet, shrub honeysuckle, autumn olive and phragmites reed.

### Invasive Plant Management Protocol

Management protocols will utilize hand and mechanical treatment methods where feasible, while allowing for adaptive management strategies as site conditions dictate. The most recent science on invasive plant control underscores the importance of well-timed management treatments. Cutting will be scheduled when carbohydrates have been transferred from the roots to the above-ground portion of the plant, thus causing the most damage to the target plant and eliminating carbohydrate stores, which weaken the plant over time. Cutting will also be phased in order to steadily remove invasive species in favor of more suitable native plants. As the carbohydrate transfer is dictated primarily by weather, the management timeline is specified by season only, necessitating field expertise to initiate timely management procedures.

Note: Invasive Plant Management Protocols are designed to maximize the effectiveness of treatment and minimize disturbance to the natural resources. This requires well timed treatments based on individual plant life cycles, growing seasons, and levels of infestation. For more specifics on management of invasive plants refer to the Invasive Plant Management section and Three Year Land Management Timeline.

### Specific Plant Actions:

1. **Asiatic Bittersweet** (*Celastrus orbiculatus*) poses a great threat to the preservation of native plant communities. Asiatic bittersweet has been officially classified as an invasive plant in Massachusetts because it has the ability to overwhelm open fields and forests alike, forming dense stands of the aggressive vine.

A treatment schedule based on the phenology of the plant is outlined in the Three Year Land Management Timeline. As a pre-treatment, Asiatic Bittersweet will be treated by hand cutting stems and immediately

treating them with an ultra-low volume wipe of Triclopyr-based herbicide to neutralize root materials, a low volume foliar spray, or a basal bark treatment. Herbicide application will be scheduled when carbohydrates have been transferred from the roots to the above-ground portion of the plant. Translocation of the herbicide will reduce the plant's ability to re-sprout by attacking its established root system first, then mechanically uprooting the remains.

2. **Shrub Honeysuckle** (*Lonicera morrowii* & *bella*) could pose a threat to this site if very early stage invasion is not managed to prevent a major infestation later. This species aggressively out-competes other native shrubs in the edge habitat and along open coastal banks and early successional communities. Shrub honeysuckle will invade a wide variety of native habitats, with or without any previous disturbance. According to vegetation management guidelines published by the University of Illinois at Urbana-Champaign, shrub honeysuckle is suspected of producing allelopathic chemicals that inhibit the growth of other plants. Honeysuckle should be mechanically uprooted if conditions allow. Regular hand pulling of juvenile plants is also recommended for persistent re-sprouts and seedlings.

3. **Autumn Olive** (*Elaeagnus umbellata*) is small tree that has the ability to fix atmospheric nitrogen, allowing it to readily out-compete native species while amending the surrounding soils with nitrogen. This change in soil condition can make nitrogen more available for other invasive and aggressive plant species. Autumn Olive should be mechanically uprooted if conditions allow. Regular hand pulling of juvenile plants is also recommended for persistent re-sprouts and seedlings.

4. **Border Privet** (*Ligustrum obtusifolium*), which can grow into a small tree, is particularly aggressive in heavier soils and adjacent to wetland resources. Mature plants annually produce hundreds of viable seedlings, which spread the species rapidly. Plants up to 4 inch basal caliper can be mechanically uprooted where conditions allow.

5. **Phragmites Reed** (*Phragmites australis*) is a particularly aggressive species that has the ability to colonize large areas if left unmanaged; spreading vigorously by its underground rhizomes, forming dense thickets; thereby excluding native vegetation. Phragmites thrives in marsh border habitats as well as disturbed areas such as roadsides and waste places, and is very tolerant of salt and elemental exposure. Although difficult to eradicate, there

has been successful control with a protocol that combines mowing and well-timed, cut, bundle and wipe herbicide applications. This technique entails gathering the reeds into a bundle, tying with a biodegradable twine, cutting at waist height and hand-wiping with a Glyphosate-based herbicide (approved for wetland use by the U.S. EPA) directly onto the cut ends of the reeds.

#### Land Management for Areas A, B, C, D, E & F

##### Area A

- Create more edge habitat and enhance grassland by removing selected woody vegetation
- Protect large specimen maritime shrubs while thinning out small clonal growth and restoring sandplain grassland

##### Area B

- Mow 90% of woody vegetation to maintain small shrub colonies connected by sandplain grassland

##### Area C

- Mow 90% of woody vegetation to maintain small shrub colonies connected by sandplain grassland

##### Area D

- Manage Phragmites stand and other smaller patches using the cut, bundle and wipe technique
- Proposed seed mix if necessary for area of dense upland phragmites infestation with: Sandplain Grassland Supplemental Seed Mixture(see below)
- Maintain existing intact sandplain grassland community
- Allow growth of some intact clusters of shrubs
- Mow approximately 90% of woody vegetation within mitigation areas to create additional edge and open grassland habitat
- Supplement less rich/diverse areas with: Sandplain Grass land Supplemental Seed Mixture (see below)

##### Area E

- Maintain existing intact sandplain grassland community
- Allow growth of some intact clusters of shrubs
- Mow approximately 90% of woody vegetation within mitigation areas to create additional

edge and open grassland habitat

- Supplement less rich/diverse areas with Sandplain Grassland Supplemental Seed Mixture(see below)

##### Area F

- Manage Phragmites stand and other smaller patches using the cut, bundle and wipe technique
- Sow Native Wetland Border Supplemental Seed Mixture(see below)

#### Sandplain Grassland Supplemental Seed Mixture

Little bluestem	<i>Schizachyrium scoparium</i>
Creeping Red Fescue	<i>Festuca rubra</i>
Switchgrass	<i>Panicum virgatum</i>
Partridge Pea	<i>Chamaecrista fasciculata</i>
Crinkled Hair Grass	<i>Deschampsia flexuosa</i>
Virginia Wild Rye	<i>Elymus virginicus</i>
Purple Lovegrass	<i>Eragrostis spectabilis</i>
Showy Aster	<i>Aster spectabilis</i>
Butterfly Milkweed	<i>Asclepias tuberosa</i>
Broom Sedge	<i>Andropogon virginicus</i>
Heath Aster	<i>Aster pilosus</i>
Round Head Bush Clover	<i>Lespedeza capitata</i>

#### Wetland Border Supplemental Seed Mixture

Common Rush	<i>Juncus effusus</i>
Common 3 Square	<i>Scirpus pogens</i>
Wool Grass	<i>Scirpus Cyperinus</i>
Boneset	<i>Eupatorium perfoliatum</i>
Little Joe Pye Weed	<i>Eupatorium dubium</i>
Wild Bergamot	<i>Monarda fistulosa</i>
Swamp Milkweed	<i>Asclepias incarnata</i>

## LAND MANAGEMENT AREAS

### (A) Management for Open Habitat & Invasive Species

Selective hand and mechanical removal of invasive species will be required to ensure the native plant community will continue to flourish and remain an open habitat. Remove any invasive species which may be encountered.

### (B) Management for Open Habitat, Invasive Species & Grassland Enlargement

Selective hand and mechanical removal of invasive species will be required to ensure the native plant community will continue to flourish and remain an open habitat. A rotational mowing schedule is recommended as part of the overall land management strategy for this area. Existing maritime shrubs less than 3.5" in basal diameter should also be periodically mown.

### (D) Management for Invasive Species, Rotational Mowing & Supplemental Phragmites Control

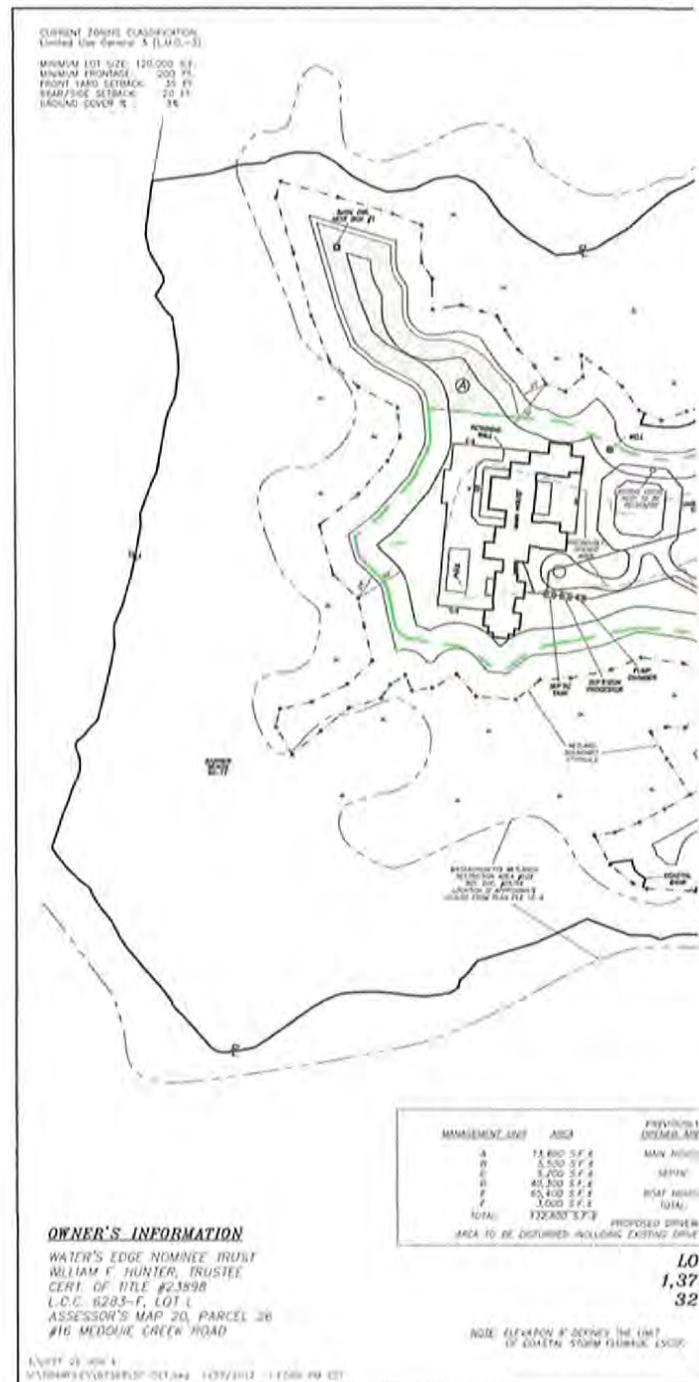
Preventing the spread of Phragmites reed within the management area and the mechanical removal of invasive shrub and vine species is necessary for the re-establishment of a native marsh border community. To sustain an open habitat, rotational mowing is recommended. Periodic cuttings of maritime shrubs less than 3" in basal diameter is also recommended.

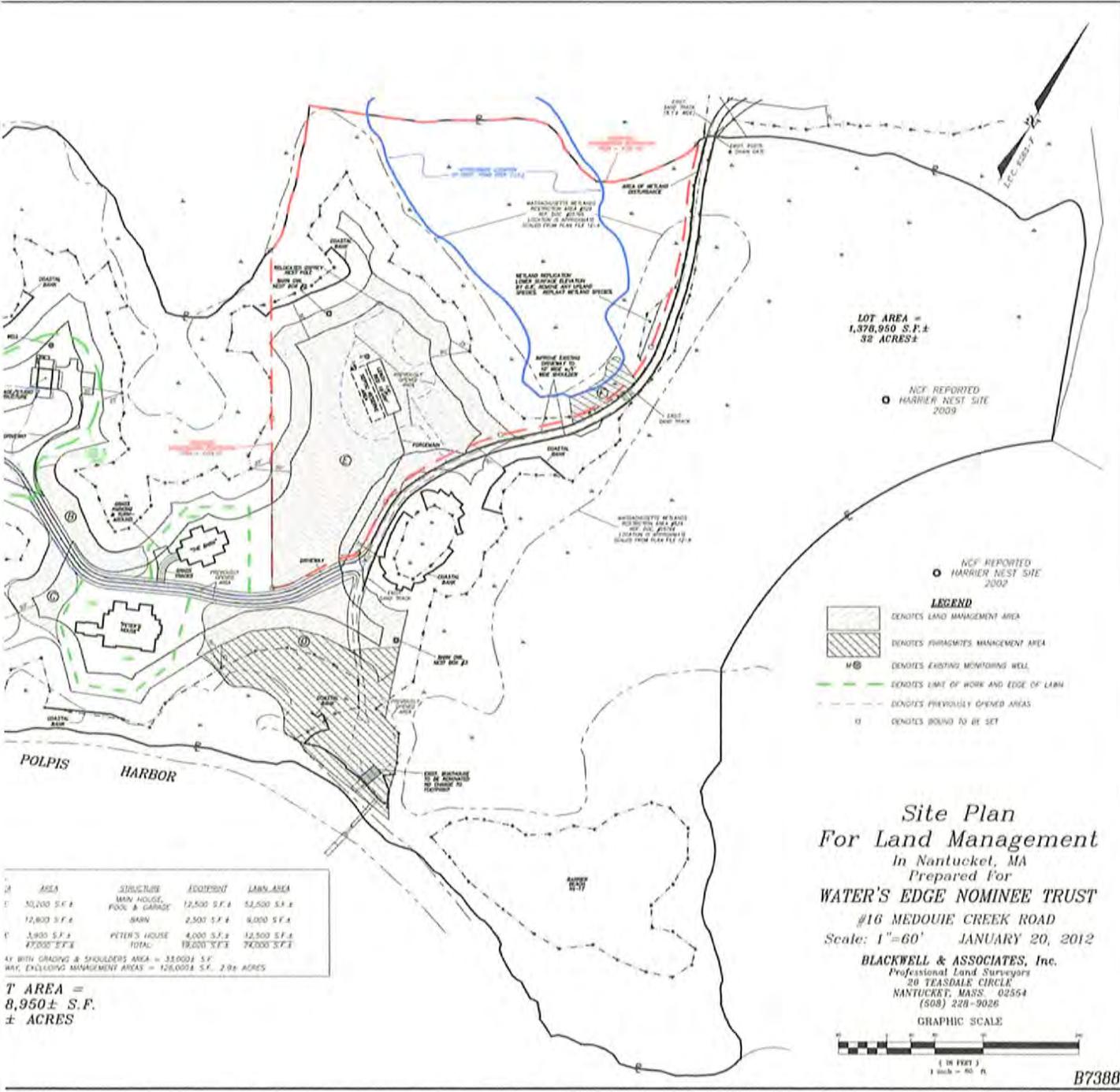
### (E) Enhancement of Sandplain Grassland

The existing sandplain grassland community is mostly intact. Sensitive and selective management of early successional maritime shrubland species is recommended to maintain mature shrub colonies and control further advancement of succession. Techniques include the periodic cutting of shrubs less than 3" basal diameter, as well as, mowing every 2-3 years in the month of March.

### (F) Supplemental Phragmites Control

Existing Phragmites stands pose a serious threat as they will continue to spread and displace native species. Eradication of the reed using the bundle, cut and wipe technique is recommended, as well as mechanical removal of invasive shrub species to stop the spread of invasive species further into the property.





LOT AREA =  
1,378,950 S.F. ±  
32 ACRES ±

○ NCF REPORTED  
HARRIER NEST SITE  
2009

○ NCF REPORTED  
HARRIER NEST SITE  
2007

**LEGEND**

-  DENOTES LAND MANAGEMENT AREA
-  DENOTES PHRAGMITES MANAGEMENT AREA
-  DENOTES EXISTING MONITORING WELL
-  DENOTES LIMIT OF WORK AND EDGE OF LAWN
-  DENOTES PREVIOUSLY OPENED AREAS
-  DENOTES BOUND TO BE SET

AREA	STRUCTURE	EGGMENT	LAWN AREA
A	MAN HOUSE,	12,500 S.F. ±	51,500 S.F. ±
B	POOL & GARAGE	2,500 S.F. ±	8,000 S.F. ±
C	BARN	4,000 S.F. ±	12,500 S.F. ±
D	PETER'S HOUSE	18,000 S.F. ±	74,000 S.F. ±
TOTAL:			

41 WITH GRADING & SHOULDERS AREA = 33,000 ± S.F.  
WAY, EXCLUDING MANAGEMENT AREAS = 126,000 ± S.F. 2.9± ACRES

**T AREA =**  
**8,950 ± S.F.**  
**± ACRES**

*Site Plan  
For Land Management  
In Nantucket, MA*

Prepared For  
**WATER'S EDGE NOMINEE TRUST**  
#16 MEDOUIE CREEK ROAD  
Scale: 1"=60' JANUARY 20, 2012

**BLACKWELL & ASSOCIATES, Inc.**  
Professional Land Surveyors  
20 TEASDALE CIRCLE  
NANTUCKET, MASS. 02554  
(508) 228-9026



B7388



## THREE YEAR LAND MANAGEMENT TIMELINE

### Year 1 - Winter

- Pre-treat Asiatic bittersweet by wiping a 13% concentration of a Triclopyr-based herbicide onto the base of the vines greater than 1/2" diameter.
- In all management areas, as indicated in the Land Management Protocols, mechanically uproot (using a hydraulic root grapple mounted on a compact piece of tracked equipment operating at approximately 3-4 p.s.i. ground pressure) Asiatic bittersweet, privet, shrub honeysuckle and autumn olive using specialized equipment with care to remove invasive root material, leaving native soils in place.
- Cut grassland as close to the ground as possible in degraded grassland portions of Area E.
- Using a slice seeder, over-seed any soils with the Sandplain Grassland Supplemental Seed Mixture (see page 7) in Area E.
- In areas A, B, C, D & E; selectively thin recently colonized grasslands by removing approximately 90% of woody vegetation and preserve high value native maritime shrubs such as Arrowwood Viburnum, Bayberry, Beach Plum, Winterberry Holly and Serviceberry.

### Year 1 - Spring

- In all management areas, in the month of March, mow all grassland areas to a height of approximately 4-6".
- Prior to April 30th, a simple monitoring report will be developed describing the management activities to date and how these activities have advanced the goals and objectives of this plan. Using the principle of adaptive management, recommendations on how the goals could be met more effectively will be included. A series of images taken from set photo points in each management area will also be included.

### Year 1 -Summer

- Within Areas E & F, in early June, pretreat Phragmites reed by cutting the stand to within 6 inches of the ground. Surrounding native vegetation within the stand will also be cut to protect this vegetation from coming in contact with herbicide later in the season. This non-target vegetation will re-sprout and thrive in the next growing season.

Approximately 4 weeks after cutting, when the height of the phragmites reed reaches an average of 18"-24" high, commence a bundle, cut and wipe treatment. Reeds will be gathered into a bundle, tied with a biodegradable twine, cut at waist height and hand-wiped with a Glyphosate-based herbicide (approved for wetland use by the U.S. EPA) directly on the cut ends of the reeds.

- Within Areas E & F, repeat cut and wipe herbicide application to persistent stalks every 2 to 4 weeks through the growing season as they reach an average of 18"-24".
- On or about August first, mow all areas to be maintained as grassland to discourage establishment of shrubs and exotic pasture grasses (presently observed in small quantities) which are capable of degrading sandplain grasslands.

### Year 1 - Fall

- In all management areas, continue management treatments as previously cut plants re-sprout and seed bank germinates, where continued root grappling is no longer feasible, mechanically uproot or hand-pull woody invasive plants.

### Year 2 - Spring

- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.
- If Phragmites control has reached 80%, replant Marsh Border Area according Plant Specifications. (Refer to Restoration Plan).
- Prior to April 30th, a simple monitoring report will be developed describing the management activities to date and how these activities have advanced the goals and objectives of this plan. Using the principle of adaptive management, recommendations on how the goals could be met more effectively will be included. A series of images taken from set photo points in each management area will also be included.

### Year 2 - Summer

- Within Areas E & F, in early June, pretreat Phragmites reed by cutting the stand to within 6 inches of the ground. Surrounding native vegetation within the stand will also be cut to protect this

vegetation from coming in contact with herbicide later in the season. This non-target vegetation will re-sprout and thrive in the next growing season.

Approximately 4 weeks after cutting, when the height of the phragmites reed reaches an average of 18"-24" high, commence a bundle, cut and wipe treatment. Reeds will be gathered into a bundle, tied with a biodegradable twine, cut at waist height and hand-wiped with a Glyphosate-based herbicide (approved for wetland use by the U.S. EPA) directly on the cut ends of the reeds.

- Within Areas E & F, repeat cut and wipe herbicide application to persistent stalks every 2 to 4 weeks through the growing season as they reach an average of 18"-24".
- On or about August first, mow all areas to be maintained as grassland to discourage establishment of shrubs and exotic pasture grasses (presently observed in small quantities) which are capable of degrading sandplain grasslands.

#### **Year 2 - Fall/Winter**

- In all management areas, continue management treatments as previously cut plants re-sprout and seed bank germinates, where continued root grappling is no longer feasible, mechanically uproot or hand-pull woody invasive plants.

#### **Year 3 - Spring**

- In the month of March, mow all grassland areas to a height of approximately 4"-6".
- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.
- Prior to April 30th, a simple monitoring report will be developed describing the management activities to date and how these activities have advanced the goals and objectives of this plan. Using the principle of adaptive management, recommendations on how the goals could be met more effectively will be included. A series of images taken from set photo points in each management area will also be included.

#### **Year 3 - Summer**

Within Areas E & F, in early June, pretreat Phragmites reed by cutting the stand to within 6 inches of the ground. Surrounding native vegetation within the

stand will also be cut to protect this vegetation from coming in contact with herbicide later in the season. This non-target vegetation will re-sprout and thrive in the next growing season.

Approximately 4 weeks after cutting, when the height of the phragmites reed reaches an average of 18"-24" high, commence a bundle, cut and wipe treatment. Reeds will be gathered into a bundle, tied with a biodegradable twine, cut at waist height and hand-wiped with a Glyphosate-based herbicide (approved for wetland use by the U.S. EPA) directly on the cut ends of the reeds.

- Within Areas E & F, repeat cut and wipe herbicide application to persistent stalks every 2 to 4 weeks through the growing season as they reach an average of 18"-24".
- On or about August first, mow all areas to be maintained as grassland to discourage establishment of shrubs and exotic pasture grasses (presently observed in small quantities) which are capable of degrading sandplain grasslands.

#### **Year 3 - Fall**

- In all management areas, continue management treatments as previously cut plants re-sprout and seed bank germinates, where continued root grappling is no longer feasible, mechanically uproot or hand-pull woody invasive plants.

#### **Ongoing Maintenance**

After the treatments of year 3, the management plan should be assessed and re-evaluated. If land management treatments have been successful, only monitoring, hand removal and rotational mowing will be required to keep species from being reintroduced (this will vary depending on actual carbohydrate stores in the roots and environmental conditions throughout the treatment period). Invasive plants generally take a minimum of three years of active management to reach a level of successful control. After 3 years of annual monitoring reports which will be submitted to the NHESP and Nantucket Conservation Commission (NCC), a monitoring report will then be provided every additional 5 years for a total of 15 years.

**General Note:** Herbicides used are to be applied by knowledgeable, licensed individuals only.

## DEFINITIONS

### 1. Native plants:

A native (indigenous) species is one that occurs in a particular region, ecosystem, and habitat without direct or indirect human actions. Native plants suited for our coastal areas bind sediments with their fibrous roots. Grasses and forbs create a groundcover that not only stabilize sediments, but improve the quality of wildlife habitat and slow water runoff. Many invasive plants lack fibrous root systems and often have allelopathic chemicals which inhibit the growth of surrounding vegetation, thus creating areas of bare earth which lead to faster rates of erosion, decreased wildlife habitat quality, and increased storm water runoff. The loss of native vegetation to invasive plant species degrades our wetlands and public interests (as stated below) and decreases the diversity of our biological community.

### 2. Invasive Plants:

As defined by the Massachusetts Invasive Plant Advisory Group, invasive plants are non-native species that have spread into native plant systems, causing economic or environmental harm by developing self-sustaining populations and dominating and/or disrupting those native systems. Invasive plant's biology and physiology equip them with the means to out-compete native plants, disrupting native plant communities and compromising the integrity of that ecosystem. Invasive plant species can alter hydrological patterns, soil chemistry, moisture holding capacity, and can accelerate erosion.

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"Southeast Exotic Pest Plant Council Invasive Plant Manual: Multiflora Rose." June, 2003. Southeast Exotic Pest Plant Council. 16 Nov. 2011.

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"Natural Community Fact Sheet: Salt Marsh." 2006. Natural Heritage & Endangered Species Program. 18 Nov. 2011.

"Natural Heritage Fact Sheet: Northern Harrier." 2010. Natural Heritage & Endangered Species Program. 03 Jan. 2012.



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

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December 10, 2019

Emily Molden  
Executive Director  
Nantucket Land Council, Inc.  
6 Ash Lane  
Nantucket 02554-

**Re: Draft Conservation Restriction Approved**

*CR Reference No.:* 16493

*CR Number:* NANTUCKET #145

*CR Address:* 16 Medouie Creek Road

*Town:* NANTUCKET

Dear Emily:

Please find attached to this email, a copy of the above-referenced conservation restriction that has been reviewed by EOEEA legal and cleared for local signatures. Do not make any substantive changes to this approved draft without informing us as any further changes will need to be reviewed. Minor changes such as formatting or to correct typos or misspellings do not require notification.

Please proceed according to the following steps:

1. Using the attached draft of the conservation restriction, obtain signatures of the Grantor(s), Grantee(s), and municipal approval(s) and signatures. Before collecting signatures, please carefully review the MA Deed Indexing Standards (2018) to ensure the CR will be accepted for recording. For example, documents must be single-sided per standard 16-1. Please note that we will not forward a CR to the Secretary if any of the signatures of the Grantor, Grantee, municipality, and the Division, are more than one year old.
2. Retain original signature pages, and send one copy of the fully executed conservation restriction to:

Massachusetts Division of Fisheries & Wildlife  
Attn: Regulatory Review  
1 Rabbit Hill Road  
Westborough, MA 01581

With your mailing to the Division, include:

- One pre-paid envelope addressed to my attention using the address below, and
  - One pre-paid envelope addressed for return mailing of the fully executed conservation restriction once acknowledged by the Director of DFW and approved by the Secretary of EOEEA. (*NOTE: If you provided a pre-paid envelope with your CR application to EOEEA/DCS, you do not need to include this second envelope with your mailing to the Division*)
3. DFW will obtain the signature of its Director and forward the conservation restriction to EOEEA.
  4. Once we receive the conservation restriction from DFW, we will deliver the conservation restriction to the Secretary of EOEEA for final review and approval. (*NOTE: Missing dates, un-notarized signatures, and other inconsistencies on signature pages or missing exhibits can delay this final step, so please ensure your final submission is complete.*)
  5. After the conservation restriction is approved by the Secretary of EOEEA, we will notify you and return it in a package including the copies you provided and the original signature pages of DFW and EOEEA using the envelope provided.

I look forward to finalizing this. Please remember to use to our internal CR Reference Number and CR Number in all correspondence or inquiries.

Sincerely,



John Gioia, Conservation Restriction Reviewer  
Division of Conservation Services  
MA Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
617-626-1138  
[John.gioia@mass.gov](mailto:John.gioia@mass.gov)



## Agenda Item Summary

Agenda Item #	VIII. 3.
Date	1/8/20

### Staff

Tucker Holland, Municipal Housing Director

### Subject

Request for representatives of the Affordable Housing Trust (AHT) to present the report and recommended strategies of the Neighborhood First Advisory Committee (NFAC).

### Executive Summary

With the Board's support for the \$20 million authorization last Annual Town Meeting and its role overseeing the Affordable Housing Trust on the expenditure of these funds, and following the Neighborhood First Advisory Committee's recent presentation to the AHT of its report and recommendations, it is timely for AHT members who also served on the NFAC to present these to the Select Board and receive any feedback the Board may have.

### Staff Recommendation

Include a brief presentation and feedback session at the January 8, 2020 Select Board meeting.

### Background/Discussion

The eleven-member NFAC met monthly between July and November 2019 to develop and present its report and recommended strategies for the deployment of the \$20 million for year-round, SHI-eligible housing as approved by the voters. This is an opportunity for members of the AHT (Brooke Mohr, Penny Dey and Dave Iverson) who also serve on the NFAC to present this work to the Select Board for their feedback.

Impact: Environmental  Fiscal  Community  Other

Addresses the critical year-round housing issue.

### Board/Commission Recommendation

AHT members will present the recommendations of the NFAC.

### Public Outreach

N/A

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

Strategic Plan – Housing



## Attachments

Slide deck, Initial Report, Strategies document.



Presentation of Initial Report  
and Evaluation of Strategies of  
the Neighborhood First Advisory Committee

to the Nantucket Select Board

By Brooke Mohr, Penny Dey and Dave Iverson  
Members of the Affordable Housing Trust and  
the Neighborhood First Advisory Committee

-----  
January 8, 2020

# Process

- Assemble team of thoughtful year-round and seasonal representatives with relevant expertise and no conflicts of interest
- Prepare a detailed analysis of the facts related to 40B and the Island's requirements to come in to compliance
- Thorough review of the language of the warrant article and accompanying ballot measure by Town Counsel, Bond Counsel and the Finance Director
- Development of possible strategies for deployment of funds
- Compare and contrast approach utilized in evaluation
- Public forum discussion of the draft initial report and comparison of alternatives and subsequent revisions

# Initial Report

- Intended to summarize the current status of year-round housing and Subsidized Housing Inventory (the 10% state-mandated requirement)
  - @ 191 units on the SHI presently (3.9%)
  - Known planned production would add 259\* units between now and 2023, bringing us to 435 units (8.9%)
  - We are presently in a two-year Safe Harbor period from 40B's until June 13, 2021
  - We are forecast presently to be between 19 and 21 units short of achieving Safe Harbor in each of the years 2021 -2023
  - Efforts to meet SHI requirements will take steady, sustained engagement
  - The 10% requirement is not the whole story – year-round households at a wide range of income levels struggle to find suitable, stable, affordable housing on Nantucket
- Given the complexity and controversy surrounding 40B, we believe it is important to have a document available for wide circulation that lays out the facts and a possible path to compliance

*\* 244 net, assuming that 15 Surfside Crossing units currently on the SHI list will drop off the list next June; given the state of legal affairs surrounding the development, it is uncertain as to the timing of when SSX might re-contribute units to the SHI list and how many*

# Recommendations Resulting from Evaluation

- Employ a multi-pronged approach
  1. Dispersed Site Purchases
  2. Buy Down of Existing Year Round Units
  3. Multiple Pocket Developments
- Within each approach, evaluate on case-by-case basis
  - Over a dozen different criteria
    - e.g., energy efficiency, scale + design, adherence to zoning, proximity to employment and services, cost, traffic & parking, creates new supply, potential displacement of year-rounders
- Adherence to three key principles:
  1. provide one or more years of Safe Harbor
  2. utilize multiple sites
  3. do so as fiscally efficiently as possible for the taxpayer

# Neighborhood First Advisory Committee

## Initial Report – Statement of the Housing Situation & SHI List Management

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November 15<sup>th</sup>, 2019 **FOR DISCUSSION WITH AHT**

The Neighborhood First Advisory Committee has been tasked with advising the Nantucket Affordable Housing Trust and Select Board on the most effective means, in accordance with the 2019 Annual Town Meeting article and accompanying ballot measure, to invest \$20,000,000 of Town resources specifically allocated to produce additional housing inventory that is affordable to the year-round community and counts on our Subsidized Housing Inventory.

It is widely acknowledged that Nantucket faces a housing affordability crisis. While Chapter 40B has been on the books since the 1960s, it is only in recent years that our community has begun to focus on “the high cost of doing nothing,” as a recent report by the Cape Cod Commission on the state of housing in our region is titled. Presently, the community is approximately 300 units short of the 490 required by the Commonwealth under Chapter 40B.

Many year-round Nantucket residents pay a high portion of their income in rent, leaving limited resources for other necessities. According to the 2015 Workforce Housing Needs Assessment prepared by RKG Associates, “half of all year-round households are housing cost burdened.” Given the high cost and lack of availability of housing, many residents live in crowded and unsafe living conditions. It is increasingly difficult for businesses, nonprofits and the Town to attract labor to support the economy and provide services to the Island’s year-round and seasonal residents.

The immediate challenge for Nantucket is twofold:

1. Take the lead in causing sufficient housing to be built or purchased to reach the 10% affordable target mandated by the State; and,
2. Provide the housing in a sequence and at a level that permits the Island to be in uninterrupted compliance with Chapter 40B’s Safe Harbor provisions until the 10% target is reached.

We believe with concerted action amongst all Town leaders and the community we can achieve number 1 within five years. Number 2 is more challenging. And even when the 10% requirement is reached, *there will remain an affordability challenge which the Town should address.*

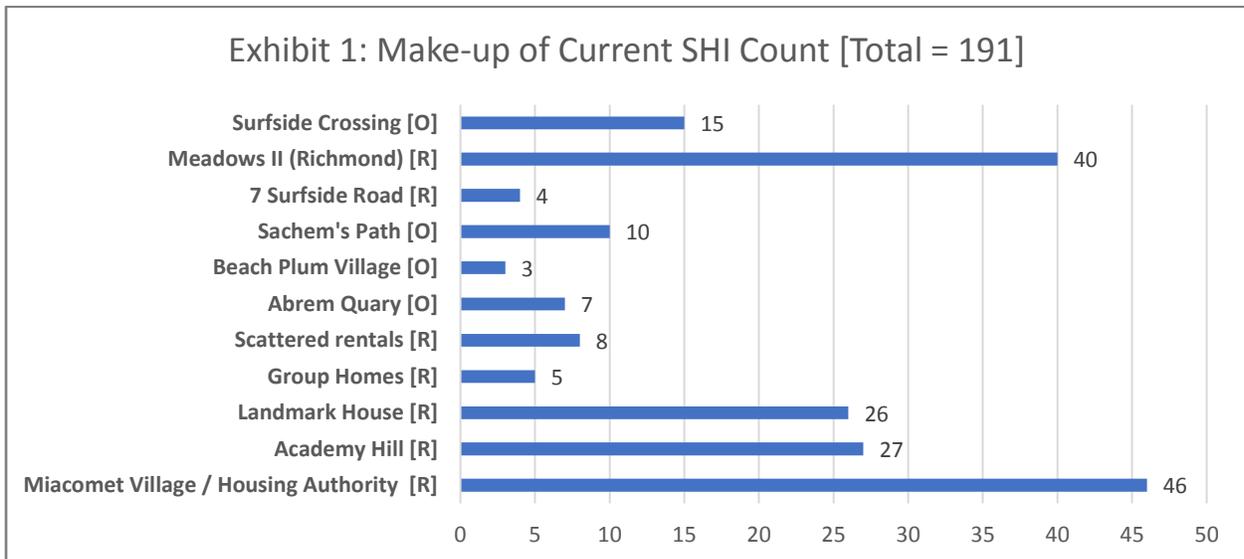
The first step of the Committee was to assess the Island’s housing market and compliance with Massachusetts Chapter 40B legislation. To help the public better understand the complexities of the market and 40B compliance, we have summarized our analysis as a basis for determining the appropriate strategy for this effort.

Massachusetts General Law Chapter 40B requires within all municipalities that 10% of the year-round housing inventory be eligible for inclusion on the Subsidized Housing Inventory (SHI) list. Per the 2010 Census, Nantucket has 4,896 year-round housing units (out of 11,650

total)<sup>i</sup>. Therefore, we need to have 490 units on our SHI list to achieve compliance. For a unit to be eligible for inclusion on the SHI list, it must be deed-restricted in the following manner:

1. If it is an ownership dwelling, it must be restricted at 80% AMI<sup>ii</sup> or less
2. If it is part of a rental housing development, at least 25% of the total number of units must be restricted at 80% AMI or less and in that case all the units within the development count on the SHI list (including the other 75% of units serving households earning above 80% AMI)

Nantucket only has 191 affordable units presently on its SHI list, or 3.9% of the total versus the 10% requirement (see Exhibit 1). That leaves the island with a large gap of 299 units.<sup>iii</sup>

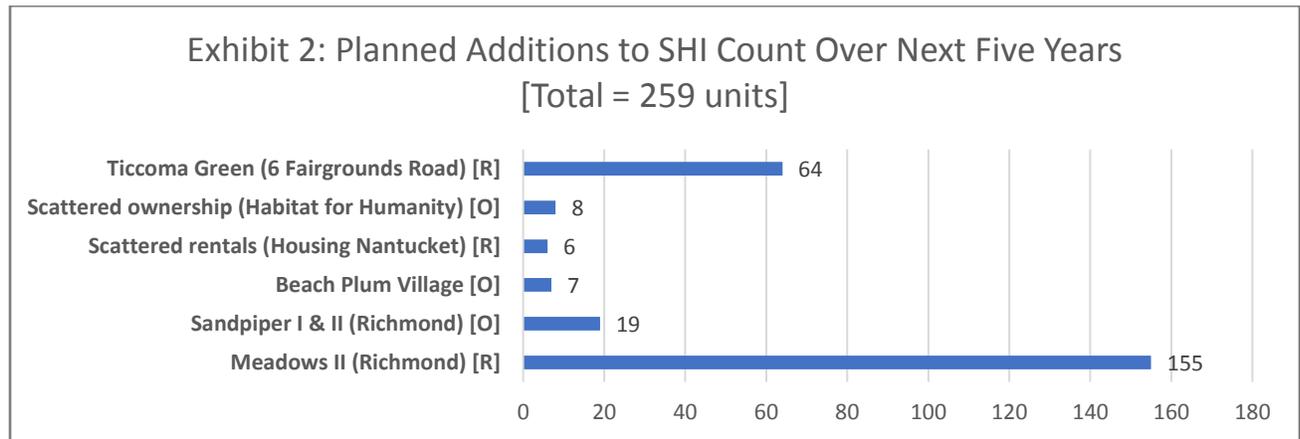


Notes: [R] denotes Rental units; [O] denotes Ownership units; Surfside Crossing and Richmond Meadows II units are still in development; all other units are completed

If the Island is well below the Chapter 40B 10% requirement, and not in Safe Harbor, developers can propose projects with an affordability component. The proposed Surfside Crossing development is an example. If the project does not gain the necessary local approvals through the ZBA, the developer may appeal to a State board (the Housing Appeals Committee or “HAC”) which can override local planning and zoning considerations. The State board is generally sympathetic to such applications. In many cases such projects may be at density levels that are well above the level permitted by local zoning. They may also be in locations not served by public services or proximate to employment and therefore may have an adverse impact on traffic, abutting properties, the environment and infrastructure.

There are a number of known units proposed to be developed in the coming years, plus a handful of existing units in the process of being added to the SHI list, which would add approximately 259 units<sup>iv</sup> to the inventory (see Exhibit 2) over the upcoming period. Assuming all the known units are added, Nantucket would still be 65 units short of the 10% target. (Because the Surfside Crossing development has been appealed by the developers to HAC, and that the litigation process could

take 3-5 years or more, the timing and final number of these units is unclear and therefore we are not including them in this current projection.)



In addition to the aggregate target, the Town must also focus on the timing of the additions. There are “Safe Harbor” provisions designed to give municipalities temporary relief from 40B. If the Town is working in good faith and adding 24 units to the SHI list per year (in Nantucket’s case, as we have an approved Housing Production Plan<sup>v</sup>), the Town is in Safe Harbor and not subject to an unfriendly 40B proposal. Based on recent progress, the Town is presently in a Safe Harbor period which is valid through June 13, 2021 and under certain conditions<sup>vi</sup> it is possible that it could be foreshortened by as much as a year to June 2020.

The Safe Harbor rules are complex and require a comprehensive strategy if the community wishes to remain in Safe Harbor. We have prepared an estimate of possible additions to the current inventory of 191 units which demonstrates a deficit is likely in coming years (*see Exhibit3*).

<b>Exhibit 3: Estimated Timing for SHI Unit Additions</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Meadows II (Richmond) [R]	8	44	50	53	
Sandpiper I & II (Richmond) [O]		3	6	6	4
Ticcoma Green (6 Fairgrounds Road) [R]		64			
Beach Plum Village [O]	7				
Scattered rentals (Housing Nantucket) [R]	1	1	2	1	1
Scattered ownership (Habitat for Humanity) [O]		1	3	2	2
Surfside Crossing [O]		-15			
<i>Total =</i>	16	98	61	62	7*
<i>Cumulative total** =</i>	207	305	366	428	435
<i>Units potentially eligible to count for Safe Harbor =</i>	8***	0***	5	3	3
<i>Minimum Safe Harbor deficit**** =</i>	0	0	19	21	21

[R] denotes Rental units; [O] denotes Ownership units

\*There are an additional 30 rental units within Meadows II that may come on to the SHI list on or about this time; however, the property on which they would be built is subject to life estate benefitting Walter Glowacki, therefore there

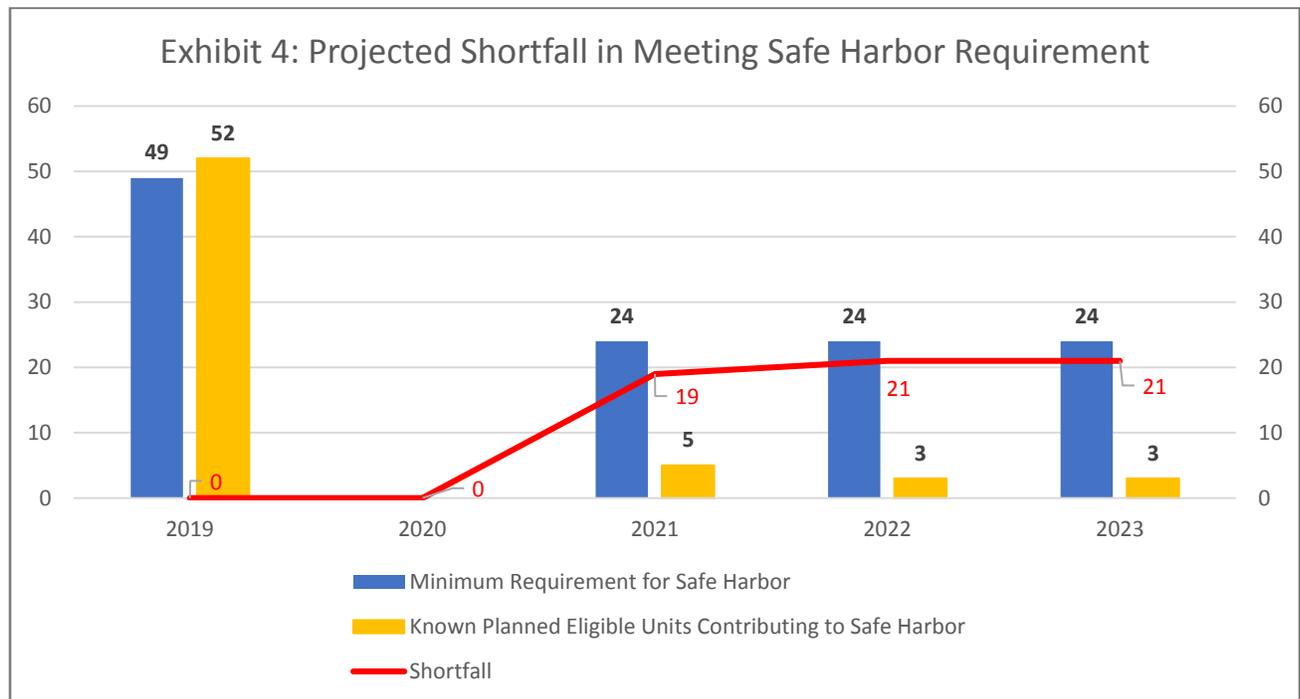
is no certainty around the timing for these specific units to be developed and they therefore are not reflected in the totals for the period

\*\* accounts for the 15 eligible Surfside Crossing units coming off the SHI list due to appeal / litigation

\*\*\* we are already in a two-year period of Safe Harbor (presently until June 13<sup>th</sup>, 2021)

\*\*\*\* assumes Town in Safe Harbor until June 2021; assumes all eligible planned unit creation would take place in first four months of the year and thus be eligible toward new and uninterrupted Safe Harbor periods

Based on what we know today about planned units that may contribute to a future Safe Harbor period, Nantucket is expected to be in a deficit situation for 2021, 2022 and 2023.



Note that in 2019 we have a minimum of 52 units that are eligible toward a two-year certification (Safe Harbor), not including the Surfside Crossing units; therefore, there is no requirement for additional units in 2020 to remain in Safe Harbor so long as the Meadows II units receive their Certificates of Occupancy within 18 months of issuance of Building Permit.

It is important to note that this analysis does not include the ultimate impact of additional investments such as the \$5 million bonding provided by the CPC, which the CPC authorized with the purpose of land acquisition for housing development. These funds can produce units with income restriction up to 100% AMI and may produce additional units that would be SHI and Safe Harbor (certification) eligible. The counts reflected are based upon the information we have available today. In general, multiple factors could accelerate or slow the pace reflected above.

In summary, without continued action by the Town today to plan for the foreseeable future, it is likely that Nantucket will return to being out of compliance with the Commonwealth's requirements and therefore subject to unfriendly 40B proposals. Following the 2019 Annual Town Meeting and the subsequent ballot vote authorizing the Town to borrow up to \$20 million to invest in additional workforce housing solutions for the community, the Neighborhood First Advisory

Committee was established to advise the Nantucket Affordable Housing Trust and the Select Board on the most efficient and effective use of those monies.

The next step is for the Committee to evaluate strategies to add inventory to the SHI list and to make recommendations for the most effective means to reach the 10% target and remain in Safe Harbor in the interim.

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<sup>i</sup> Note that the year-round inventory will be updated in late 2021 / early 2022 with the results of the 2020 census. The best current estimate is that there will not be a material change in our 10% requirement. While there is new construction there also has been an offsetting purchase by seasonal residents, or by investors who operate on a short-term rental basis, of units previously owned by year-round residents.

<sup>ii</sup> AMI = Area Median Income; in Nantucket's case, 100% of Area Median Income equates in 2019 to a family of four earning \$116,400 (gross) per year. The 80% AMI maximum income limit for a family of four on Nantucket is \$75,900.

<sup>iii</sup> Note that the year-round inventory will be updated in late 2021 / early 2022 with the results of the 2020 census. The best current estimate is that there will not be a material change in our 10% requirement. While there is new construction there also has been an offsetting purchase by seasonal residents, or by investors who operate on a short-term rental basis, of units previously owned by year-round residents.

<sup>iv</sup> 30 of the Richmond rental units are subject to a life estate benefitting Walter Glowacki, therefore when they will be constructed and count on the SHI list is unknown

<sup>v</sup> When a municipality has a Housing Production Plan that is approved by the Department of Housing and Community Development, the requirement for Safe Harbor by demonstrated annual production is reduced by half (0.5% versus 1%). In Nantucket's case, we need to "produce" 24 units in one calendar year to achieve one year of Safe Harbor. 49 units would gain us two years of Safe Harbor. Two years is the maximum before needing to reapply for certification.

<sup>vi</sup> Approved developments must pull building permits within 12 months of project approval by the local permitting board and the development must receive its certificate(s) of occupancy within 18 months of building permit issuance for units to remain on the SHI list and be eligible to contribute to Safe Harbor.

Neighborhood First Advisory Committee - Strategies to Add to Nantucket Affordable Housing Inventory

Evaluation Criteria

November 15, 2019

FOR DISCUSSION WITH AHT

Strategy	Effectiveness at		Proximity to Employment and Goods & Services	Access to Public Sewer / Water Infrastructure	Creates New Supply	Opportunity for Energy Efficient Design <sup>6</sup>	Total Cost Per Unit on SHI List	Ability to Use Off-Island Subsidy	Net Local Taxpayer Subsidy per Unit	Efficient Use of Town Financial Resources	Potential	Allocation % (Range)
	Effectiveness at Maintaining 40B Safe Harbor	Adding Supply to Meet 10% Requirement									Number of New Units Added for \$20MM	
1. Dispersed Site Purchases & Development	Moderate <sup>1</sup>	Low	Low <sup>3</sup>	Low	Low <sup>5</sup>	Moderate	\$ 688,514	Limited <sup>7</sup>	\$ 669,764 <sup>9</sup>	Low	30 across the entire island	~10-30%
2. Buy-down of Existing Year-Round Rentals	Moderate <sup>2</sup>	Low	Moderate <sup>4</sup>	Moderate	None	Low	\$ 250,000	None	\$ 250,000 <sup>10</sup>	Low	0 <sup>12</sup>	0-10% <sup>13</sup>
3. Multiple Pocket Developments (6-30 units)	High	High	High	High	High	High	\$ 488,630	Moderate/High <sup>8</sup>	\$ 62,500 <sup>11</sup>	High	60-80 total across several locations	~60-90%

**FOOTNOTES**

<sup>1</sup> There is a timing challenge to acquiring 11 properties, improving them, having them not sit vacant for an extended period, and having the timing of approval of multiple LAU applications sync to allow for one year of Safe Harbor

<sup>2</sup> Vacancies would need to be made available at each site which may result in the displacement of current year-round tenants

<sup>3</sup> Sites spread around the Island would, almost by definition, not necessarily be in proximity to employment and goods & services

<sup>4</sup> Dependent on the location of the existing rental units

<sup>5</sup> Some new units would be built under local zoning at acquired property locations (6 of 24 units according to the proponent pro-forma)

<sup>6</sup> Utility and energy costs go hand-in-hand with affordability

<sup>7</sup> Assumes \$25,000 per existing unit CDBG rehabilitation grant

<sup>8</sup> A factor is the timing of a tax credit award for 6 Fairgrounds Road (Ticcoma Green); this may or may not affect timing of next award to Nantucket depending on overall demand for tax credits and scoring of the next project

<sup>9</sup> According to the March 26, 2019 proponent proforma for Neighborhood First shared in advance of the 2019 Annual Town Meeting and incorporating \$25,000 of CDBG funding per existing unit for rehabilitation

<sup>10</sup> Per the proposal submitted by the owner of existing rental units on the Island: \$250,000 per unit the Town would like on the SHI list (25% would be restricted at 80% AMI and the rest would continue to be at market rate)

<sup>11</sup> Working on this analysis with respect to certain opportunities; for reference, 6 Fairgrounds Road (Ticcoma Green) economics equates to approximately \$62,500 per unit

<sup>12</sup> No new units would be added to Island housing inventory, only existing rentals would be converted to count on SHI list

<sup>13</sup> As originally proposed there are numerous issues; however a refined version with better economics and addressing other aspects like displacement, this type of program may merit consideration in filling gaps in achieving Safe Harbor

**COMMENTS**

General

There is a case-by-case nature to the implementation of each of these strategies; what may be suitable and appropriate in one location may not be so in another

There will be a number of criteria by which each opportunity will be evaluated; in addition to those noted in the chart above, the below have also been identified as factors. More may emerge.

Appropriateness of scale and density in a particular location, with attention paid to current zoning

Massing, design, site layout

Susceptibility to delay

Traffic / parking considerations

How many other SHI unit developments within a certain proximity

The case-dependent nature of the evaluation of opportunities is important to emphasize

Keeping flexibility is key

Strategy 1 - Dispersed Home Purchases:

1. Under the Dispersed Home Purchases & Development model, the Town could end up competing with potential year-round buyers

2. Maintenance costs for a diverse set of single family homes is unknown

3. Based on the original article proponent's economics, we would be paying \$690k to receive a \$12k annual benefit (1.7% ROI)

4. Could be attractive / more economical if a portion of sale price is donated

5. DHCD has noted concern as the sole strategy for maintaining Safe Harbor, coordinating 11 different sites and LAU applications presents multiple challenges, as well as the likelihood DHCD could not provide additional subsidy

6. Consider prioritizing opportunities where existing unit count exceeds three units

Strategy 2 - Buy-down of Existing Year-Round Rentals:

1. Buy-down of Existing Rental units results in no equity from Neighborhood First capital

2. Under the Buy-down of Existing Rentals model, as proposed, units are already in the year-round rental stock, therefore there would be no increase in year-round supply

3. Buy-down of Existing Rental units may require additional investment to ensure units are up to code

4. Buy-down of Existing Rentals may result in displacement of current year-round residents in order to meet program requirement of units counting on SHI list

5. While original proposition from a specific rental unit owner was not economically compelling, this concept may be worth exploring further

6. Exploration of an ownership buy-down program could be explored; units would need to be brought down to 80% AMI to be eligible to count on the SHI list (a requirement of the use of these funds)

Strategy 3 - New Affordable Developments:

1. Multiple projects can be organized as mixed-income communities of appropriate scale for the particular location

2. Massing, density and aesthetics need to be evaluated on a case-by-case basis; this is a significant concern of the community and the committee

3. Potential subsidy from state and federal sources could be in the range of 50% of the cost of new construction

4. The Town could seek sites near transportation, employment, school and other services and in so doing reduce reliance on travel by car



Town Administration  
Fiscal Year 2021  
General Fund Budget  
Recommendations

*For December 11, 2019*

*Select Board Meeting*

*As of 12/10/19*

# Administration & Select Board Goals and Priorities for FY 2021

- Balanced budget – within projected revenue
- Strategic Plan
  - Transportation
  - Housing
  - Environmental Leadership
  - Efficient Town Operations
  - Quality of Life
- Staffing Study
- Capital and operational investment in infrastructure/facilities
- Project management
- Housing (community and employee)

# Initiatives/Needs/Goals Addressed with Budget Recommendations

- Strategic Plan
  - Environmental Leadership
    - Coastal Resiliency/Hazard Mitigation
    - Water Quality
    - Sustainability
- Housing
- Transportation
  - Parking Demand Management
- Staffing Study
  - Continue to work towards filling vacant positions

# Efforts to Reduce Expenses and Increase Efficiency, Transparency

- Personnel
  - Review staffing when key positions become vacant
  - Combine/consolidate duties where appropriate
  - Cross-train staff where appropriate
  - Increase training and educational opportunities so as to reduce reliance on consultants, reduce legal fees and increase professional qualifications and expertise (i.e. technical skills such as project management)
- Review and refine internal controls/processes, procedures and policies
- Grants Awarded during FY2020
  - ReMain Grant (\$25,000) – Creation of a Sustainability Office

# FY 2021 General Fund Budget Overview

- Revenue – Total Projected Revenue of \$106,596,195
  - Net of Property Tax Abatements
- Expenses – Total Projected Expenses of \$106,242,704
- Projected FY 2021 Unused Levy Capacity \$ 353,491

# FY 2021 General Fund Budget Summary Comparison

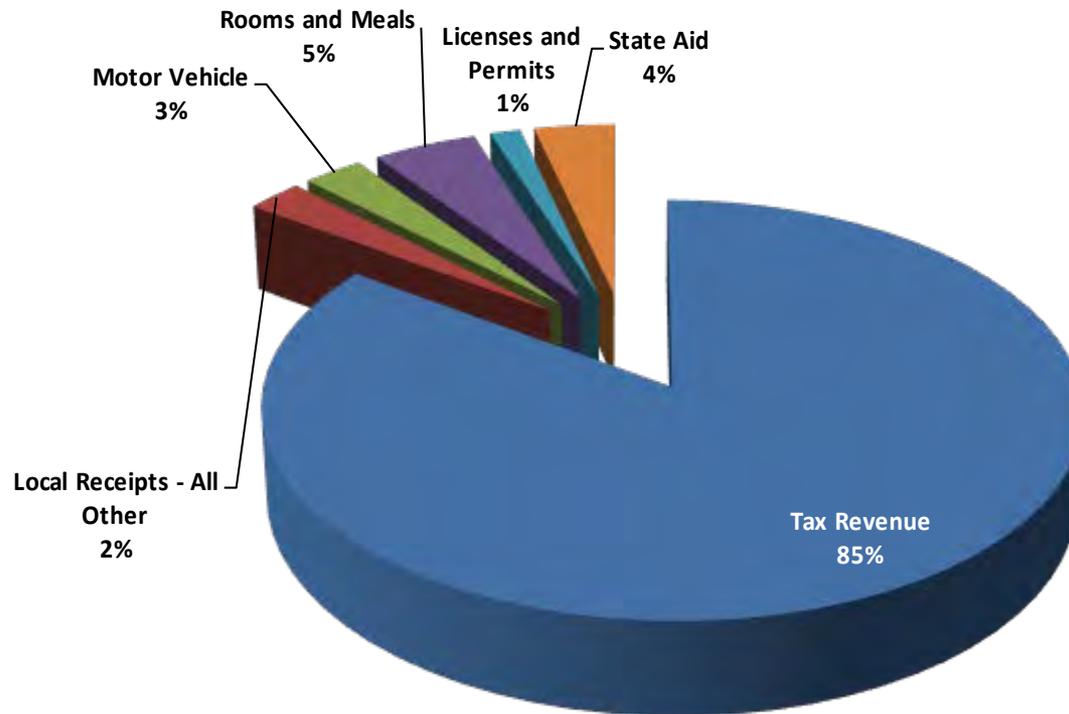
## THE FY2021 BUDGET

<b>REVENUES</b>	<b>FY20</b>	<b>FY2021</b>	<b>\$ Change</b>	<b>% Change</b>
Property Tax	85,639,814	89,272,054	3,632,240	4.2%
Local Receipts (All other)	2,605,300	2,719,148	113,848	4.4%
Motor Vehicle Excise	2,690,000	2,900,000	210,000	7.8%
Rooms and Meals Tax	4,394,800	5,001,800	607,000	13.8%
Licenses and Permits	1,450,000	1,467,500	17,500	1.2%
State Aid (1)	3,809,322	3,880,203	70,881	1.9%
Free Cash	885,000	1,002,000	117,000	13.2%
Other Available Funds	-	-	-	na
<b>TOTAL REVENUES</b>	<b>101,474,236</b>	<b>106,242,705</b>	<b>4,768,469</b>	<b>4.7%</b>
<b>EXPENDITURES</b>				
Municipal Departments	29,198,463	29,535,598	337,135	1.2%
School Department	30,636,642	32,346,642	1,710,000	5.6%
Non-Departmental	29,602,663	31,239,645	1,636,982	5.5%
Special Appropriations	12,036,468	13,120,820	1,084,352	9.0%
<b>TOTAL EXPENDITURES</b>	<b>101,474,236</b>	<b>106,242,705</b>	<b>4,768,469</b>	<b>4.7%</b>

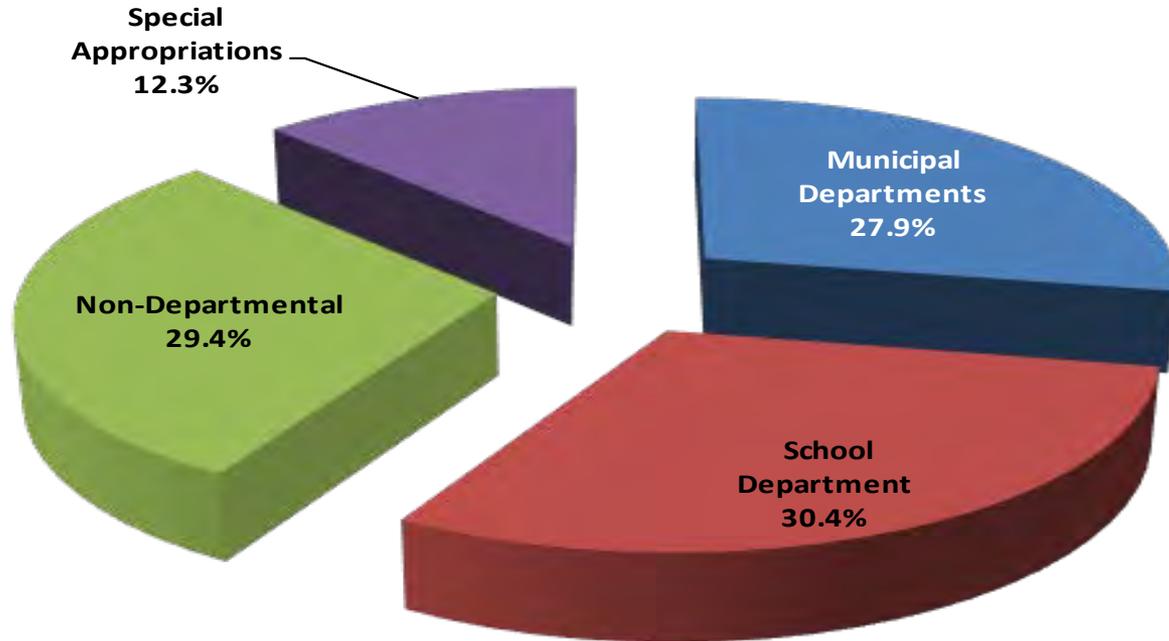
- See Appendix A for detailed breakdown.

(1) FY 2020 state aid represents level funding from FY 2019 approved figure.

# FY 2021 General Fund Budget Projected Revenue



# FY 2021 General Fund Budget Projected Expenditures



# FY 2021 General Fund Budget Expense Categories

Category	FY 2021 Current Projection	Notes
Town Operational Expenses	\$7,750,794	
Town Operational EIR's <sup>(1)</sup>	\$842,000	<i>Included in Town expenses</i>
Town Salaries	\$21,616,303	<i>Contracts in negotiations; c/b allowance</i>
Town Personnel EIR's	\$164,387	<i>Included in Town salaries</i>
School Operational Expenses	\$5,577,620	
School Operational EIR's	\$360,000	<i>Included in School expenses</i>
School Salaries	\$26,219,022	<i>Contracts in negotiations; c/b allowance</i>
School Personnel EIR's	<i>Included in School salaries</i>	
<small>(1) EIR = Expense Increase Request, excludes AHTF.</small>		

# FY 2021 General Fund Budget Fixed Costs

Category	FY 2021 Current Projection	% Change over FY 2020 Budget
Health Insurance		
Active	\$10,281,9028	<i>8.75% increase</i>
Retiree	\$3,333,975	<i>8.75% increase</i>
General Insurance	\$2,619,007	<i>10.0% increase</i>
Debt Service	\$9,800,792	<i>per established schedule</i>
Retirement	\$5,203,970	<i>8.5% increase</i>
Enterprise Fund Subsidies*	\$9,444,405	<i>11.55% Increase</i>

\* See Appendix A for detailed breakdown.

# FY 2021 General Fund – Special Appropriations

Category	FY 2021 Current Projection	% Change over FY 2020 Budget
Health & Human Services	\$450,000	No change
County Assessment	\$170,201	No change
Reserve Fund	\$500,000	No change
Unpaid Bills	\$20,000	No change
Other Post Employment Benefits (OPEB)	\$500,000	No change
Overlay & Other Deficits	\$0	\$0
Cherry Sheet Charges	\$1,002,462	80% increase
Community School	\$550,000	11.0% Increase
Min Cap Funding Req.	\$1,033,750	n/a - 1% of prior year revenue
<b>TOTAL EXPENSES</b>	<b>\$106,242,704</b>	

# FY 2021 Town Expense Increase Requests

(included in recommended budget, excluding school)

- \$3,732,594 Submitted Requests
- \$1,072,387 Recommended
  - One-time \$842,000
  - On-going \$230,387
- To be funded through available tax levy, budget adjustments, alternate funding sources, free cash, potential revenue increases

# FY 2021 Recommended Town Expense Increase Requests

Department	Description of Expense Request	Ongoing	Approved EIRs (1)
<b>Personnel Expense Increase Requests (EIRs)</b>			
DPW	Construction Inspector	Ongoing	107,387
Police	Parking Enforcement Officer	Ongoing	83,000
Police	(3) Addntl CSO's for Expanded Parking Hours	Ongoing	40,000
<b>Total Personnel Expense Increase Requests</b>			<b>\$ 230,387</b>
<b>Operating Expense Increase Requests (EIRs)</b>			
Town Clerk	Elections Expenses- Voting Tabulators	One-Time	10,000
IT	Upgrade the Town Exchange Mail Server to most current version	One-Time	10,000
IT	Phase III Energov	One-Time	80,000
Fire	Equipment and Trailer for Mass Casualty Preparedness	One-Time	15,000
Fire	Active Shooter Hostile Event Response (ASHER) Equipment	One-Time	30,000
HR	Compensation & Classification Study	One-Time	50,000
PLUS	Professional Services Related to Update of 2009 Master Plan	One-Time	100,000
PLUS	Replacement Vehicle for PLUS Fleet	One-Time	27,000
PLUS	Prof. Svcs Related to update of Historic Architectural surveys from HDC	One-Time	100,000
Town Admin	Potential Data Collection Initiative	One-Time	60,000
Town Admin	Sustainability Office	One-Time	100,000
Town Admin	Strategic Plan Initiatives	One-Time	100,000
<i>Town Admin</i>	<i>Rental Regulations Assistance</i>	<i>One-Time</i>	<i>60,000</i>
Town Admin	Governance Workshops	One-Time	50,000
<i>Town Admin</i>	<i>Professional Administrative Support Services</i>	<i>One-Time</i>	<i>50,000</i>
<b>Total Operating Expense Increase Requests</b>			<b>\$ 842,000</b>
<b>Total Town Personnel &amp; Operational Expense Increase Requests</b>			<b>\$ 1,072,387</b>

# FY 2021 Town Expense Increase Requests Funding Source Detail

<b>Funding Source</b>	<b>Amount</b>
Tax Levy & Other General Revenues	\$230,387
Free Cash	\$842,000
<b>Total - All Funding Sources</b>	<b>\$1,172,387</b>

# Preliminary Free Cash Recommendation (Subject to Change)

General Fund Certified Free Cash	<b>\$10,334,761</b>
Fund Town Expense Increase Requests (one-time)	\$842,000
Fund School Expense Increase Requests (one-time)	\$160,000
Fund Town and School Capital Requests	\$6,000,000
Fund Town Stabilization Account	\$500,000
Fund Capital Stabilization Fund	\$750,000
Fund Town Accrued Leave Reserve	\$750,000
Unallocated Free Cash	\$1,332,761*

\*Reserved for potential FY20 additional subsidies to the Enterprise Funds. (Our Island Home and Solid Waste)

# FY21 Outstanding Items and Current Unknowns

- Potential Tax Override to Fund:
  - Our Island Home Operations
- State Aid Impact
- Harbor Place Project
- Citizen Warrant Articles Potential Cost Impact
- Health and Human Services Funding Allocations
- Fee Increases

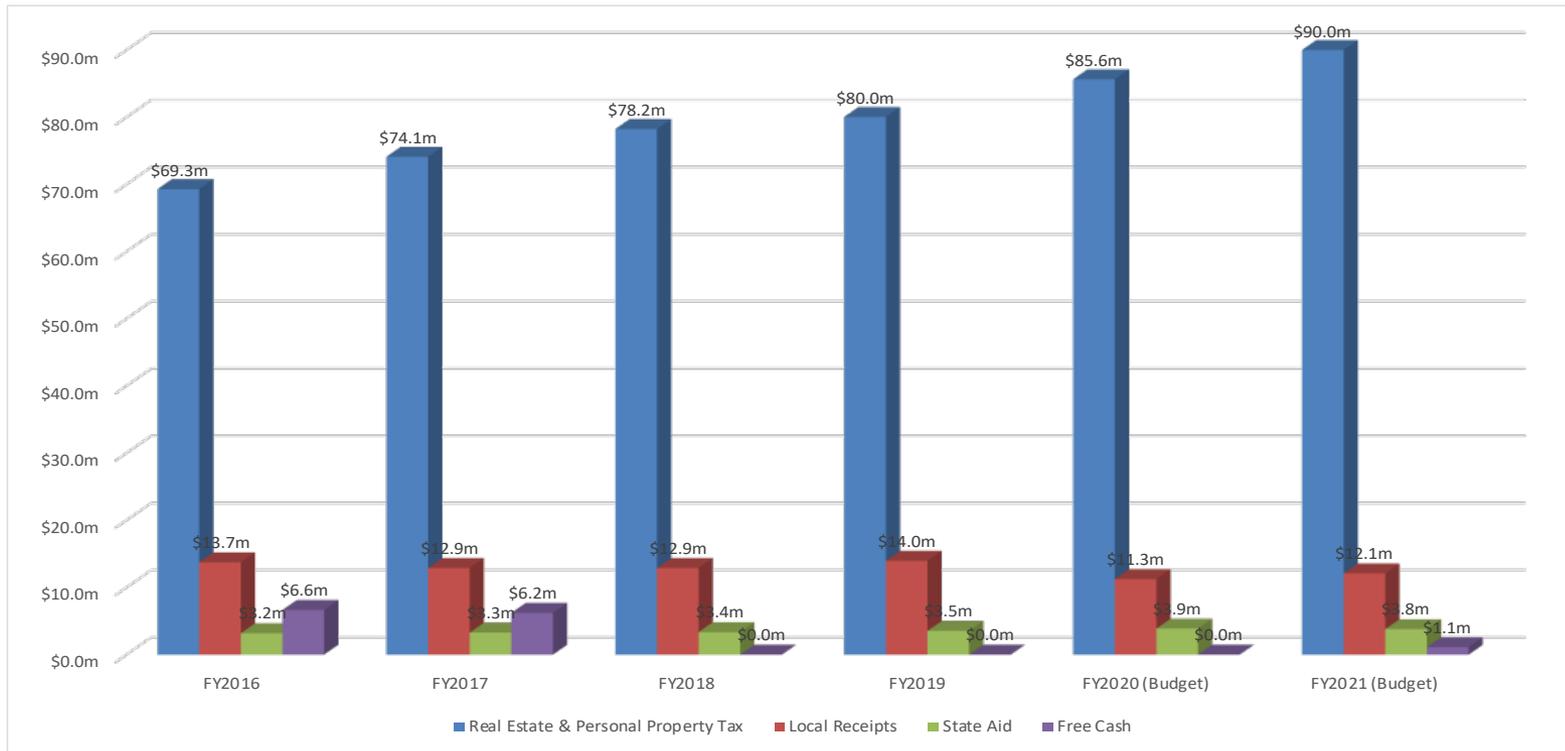
# Future Potential Costs

- Strategic Plan
- Staffing Study
- Commuter Shuttle System
- Update of 5 Year Forecast
- Open Space and Recreation Plan
- Parks and Recreation Master Plan
- Solid Waste
  - New Contract in 2025
- NRTA
  - Year Round Service Modifications
- Sustainability Office

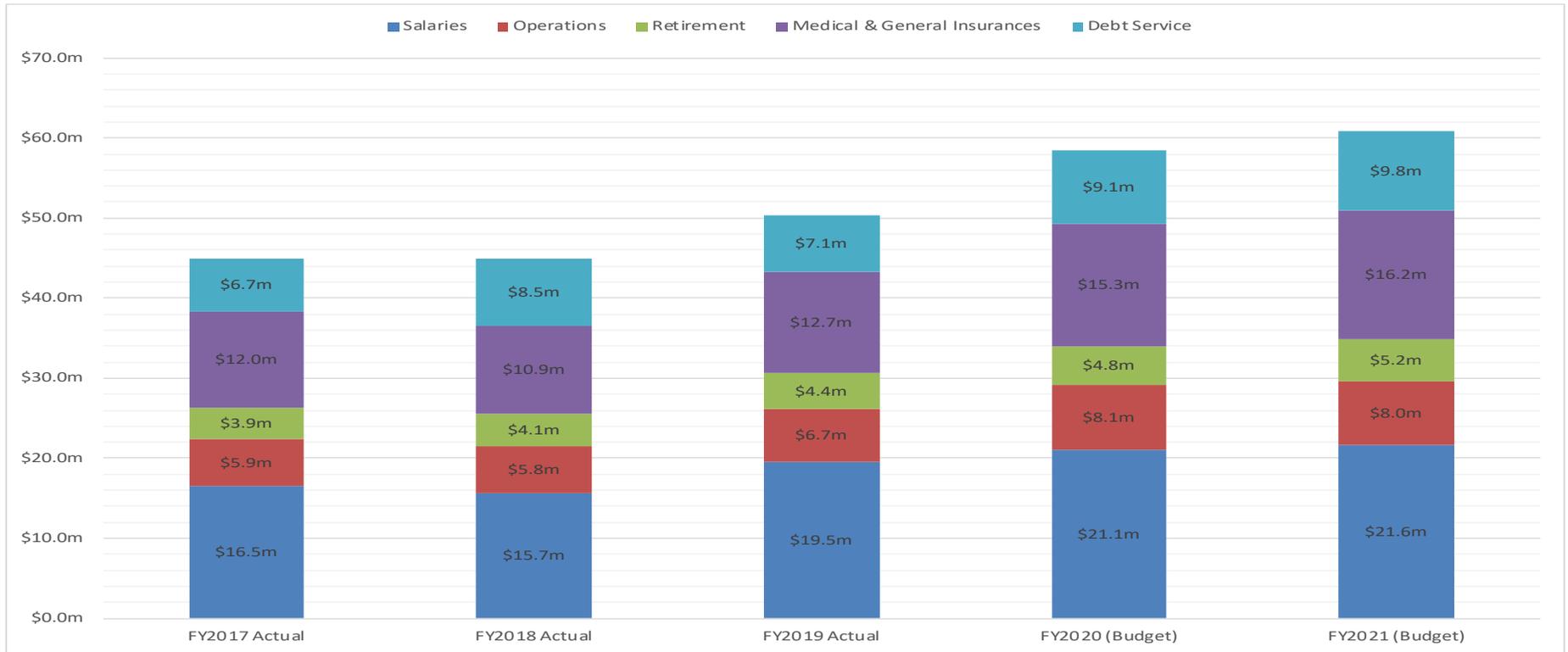
# Next Steps

- December 11: Town Administration FY 2021 Budget presentation to Select Board
- December 17: Town Administration FY 2021 Budget presentation to School Committee
- January 8: Select Board public hearing; endorsement of recommended FY 2021 General Fund Budget
- Mid-January – mid-March: Finance Committee review of General Fund & Enterprise Fund budgets; other financial appropriations
- Saturday, April 4: Annual Town Meeting (2020)

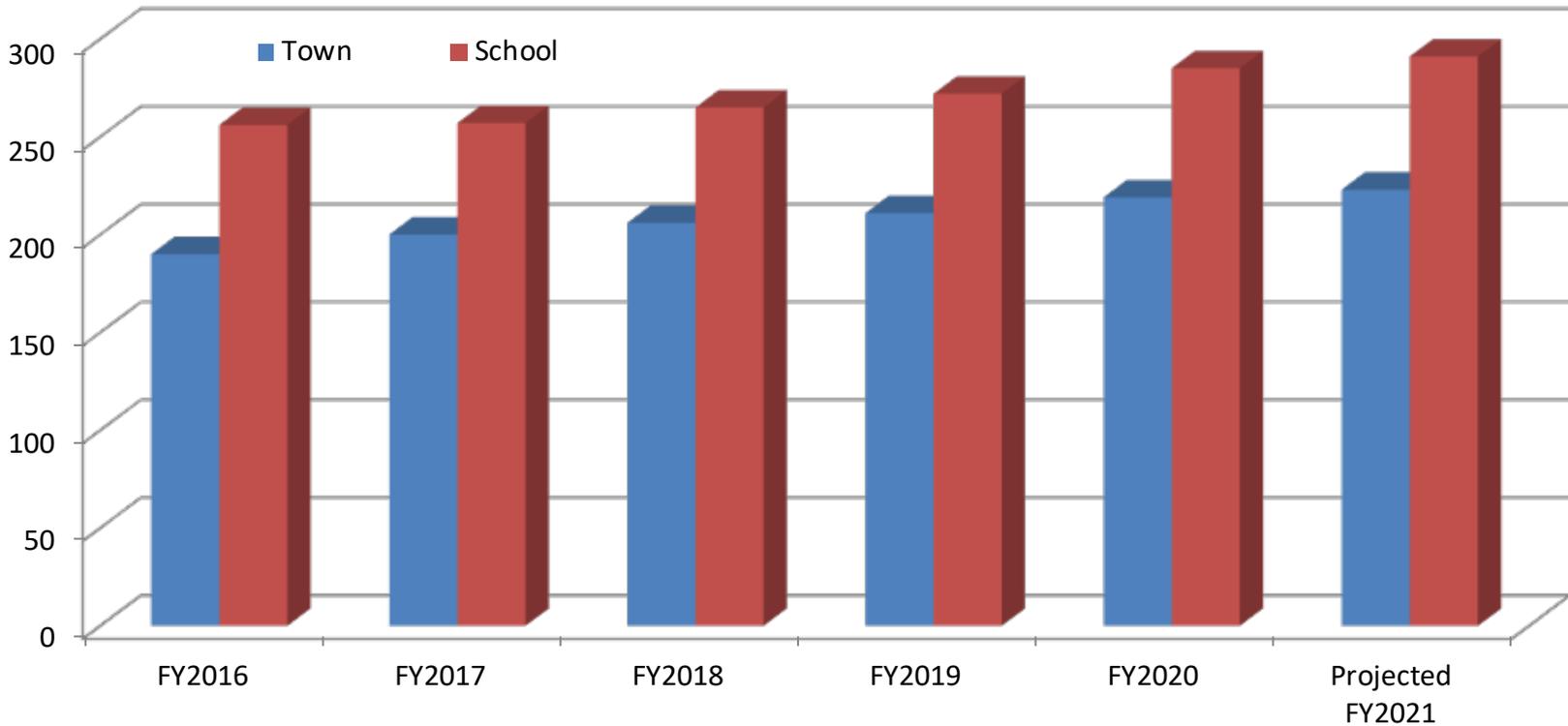
# General Fund Revenue Breakdown FY 2016-FY 2021



# Town Expense Breakdown FY 2017-FY 2021



# General Fund Personnel History



\* Full Time Equivalent Calculation = 33-40 Hrs 1.0; 20-32 Hrs 0.50; Seasonal = 0.25

\*\*For comparative purposes, Town Personnel History does not include Our Island Home

\*\*\* Education Personnel History includes Community School Employees

# FY 2021 Status of Capital Projects Requests General Fund

Department		Projects Submitted	Amount
<b>IS/GIS</b>			
Project #	Project Name		FY21
ADMIN-17-001	Network Infrastructure		\$100,000
ADMIN-18-001	Replace Town Computers		\$62,800
ADMIN-17-002	Server Virtualization		\$75,000
<b>IS/GIS Total</b>			<b>\$237,800</b>
<b>Marine Department</b>			
Project #	Project Name		FY21
PUBL-21-001	Patrol Boat Replacement		\$150,000
<b>Marine Department Total</b>			<b>\$150,000</b>
<b>Our Island Home (G)</b>			
Project #	Project Name		FY21
OIH-17-001	Our Island Home Facility		\$5,000,000
<b>Our Island Home (G) Total</b>			<b>\$5,000,000</b>
<b>School Department</b>			
Project #	Project Name		FY21
NPS-21-001	Bobcat Replacement		\$65,000
NPS-20-001	Campus Wide Improvement Plan		\$750,000
NPS-21-002	IT Infrastructure		\$150,000
NPS-21-003	NHS Boiler Replacement		\$300,000
NPS-17-001	NPS Building Improvements		\$300,000
<b>School Department Total</b>			<b>\$1,565,000</b>

# FY 2021 Status of Capital Projects Requests General Fund cont'd

Department	Projects Submitted	Amount
<b>Town Administration</b>		
<b>Project #</b>	<b>Project Name</b>	<b>FY21</b>
HMP-21-006	Childrens Beach Storm Water Pump (HMP ID #F9)	\$3,300,000
HMP-21-004	Fulling Mill Brook Road (HMP ID #F10)	\$700,000
ADMIN-20-003	Town-Wide Document Management System (Phase II)	\$250,000
ADMIN-21-001	Town-Wide Security Measures	\$100,000
ADMIN-21-002	Island Wide Underground Wiring Feasibility Study	\$500,000
<b>Town Administration Total</b>		<b>\$4,850,000</b>
<b>Police Department</b>		
<b>Project #</b>	<b>Project Name</b>	<b>FY21</b>
PUBL-21-002	Loran Housing (SEWER)	\$500,000
PUBL-20-001	Public Safety Auxiliary Building	\$3,000,000
<b>Police Department Total</b>		<b>\$3,500,000</b>
<b>Fire Department</b>		
<b>Project #</b>	<b>Project Name</b>	<b>FY21</b>
FIRE-20-001	ALS Equipment	\$100,000
FIRE-19-002	Replace SCBAs	\$101,160
FIRE-21-002	Trench Rescue Equipment	\$220,848
<b>Fire Department Total</b>		<b>\$422,008</b>

# FY 2021 Status of Capital Projects Requests General Fund cont'd

Department	Projects Submitted	Amount
<b>DPW - Facilities</b>		
Project #	Project Name	FY21
FAC-20-002	ADA Facility Upgrades	\$600,000
FAC-20-008	Annual Facilities Site Paving Updates	\$530,450
FAC-20-001	General Building Envelope Roof/Siding/Windows (Repairs/Replaceme	\$600,000
FAC-20-005	MUNICIPAL BUILDING GENERAL RENOVATIONS	\$600,000
FAC-20-007	MUNICIPAL FACILITY EQUIPMENT REPLACEMENT	\$150,000
FAC-20-004	REPAIR MUNICIPAL FACILITY BATHROOM	\$600,000
FAC-20-006	REPAIR MUNICIPAL FACILITY LIGHTING	\$200,000
FAC-20-003	REPAIR MUNICIPAL FACILITY UTILITY SYSTEMS	\$600,000
FAC-21-002	Town Wide Facilities Master Plan	\$346,000
<b>DPW - Facilities Total</b>		<b>\$4,226,450</b>
<b>Public Works</b>		
Project #	Project Name	FY21
DPW-18-001	CCTV Phased Work	\$266,552
DPW-21-005	Fleet - 6-wheel Dump Truck	\$180,000
DPW-21-002	Fleet - Electric Admin Vehicle	\$50,000
DPW-21-006	Fleet - Fleet Service Vehicle - Utility Body	\$180,000
DPW-21-004	Fleet - Ford F-350	\$60,000
DPW-21-001	Fleet - Sweeper	\$250,000
DPW-21-003	Fleet - Two Ford Ranger(s)	\$90,000
<b>Public Works Total</b>		<b>\$1,076,552</b>

# FY 2021 Status of Capital Projects Requests General Fund cont'd

Department	Projects Submitted	Amount
<b>DPW - Transportation</b>		
Project #	Project Name	FY21
TRAN-20-002	Cobblestone Improvements	\$515,000
TRAN-19-008	Massasoit Bridge Redesign w/Construction	\$1,000,000
TRAN-19-009	Millie's Bridge Redesign w/Construction	\$1,000,000
TRAN-20-001	Multi- Use Path Maintenance (SBSP)	\$218,545
TRAN-17-005	Newtown Road Improvements (SB SP)	\$1,154,105
TRAN-19-010	Permanent Traffic Data Collection Stations (SB SP)	\$150,000
TRAN-17-002	Road improvements/Maintenance Island Wide (SBSP)	\$3,650,000
TRAN-21-001	'Sconset Footbridge Construction	\$100,000
TRAN-17-001	Sidewalk Improvement Plan (SB Strategic Plan)	\$1,030,000
TRAN-17-004	Lovers Lane Road Improvements	\$3,272,892
TRAN-19-002	Waitt Drive/Amelia Drive	\$3,721,200
<b>DPW - Transportation Total</b>		<b>\$15,811,742</b>
 <b>TOTAL GF ITEMS</b>		 <b>\$36,839,552</b>
Proceeds from Real Estate Sales		TBD
Prior Year Capital Article Reappropriations		TBD
Free Cash*		\$6,000,000
CPC Funds		TBD
Capital from Operating Budget		\$1,033,750
Tax Levy - Capital Exclusion		\$1,250,000
Ambulance Reserve		TBD
<b>Total other funding sources</b>		<b>\$8,283,750</b>
<b>Items left to fund</b>		<b>\$28,555,802</b>

*\*Total Free Cash certified = \$10,334,791*

# FY 2021 General Fund Budget Breakdown – Revenues

## FY2021 General Fund Revenue Breakdown

	Budget FY2020	Budget FY2021	\$ Change	% Change
<b><u>Tax Revenue Limitations</u></b>				
Levy Limit from Prior Year	\$ 74,761,587	\$ 77,688,261	\$ 2,926,674	3.9%
Add: 2 1/2 % increase	1,869,040	1,942,210	73,170	3.9%
Add: Prop 2.5% operating override	-	-	-	na
Add: new growth <i>estimate</i>	800,000	925,000	125,000	15.6%
Add: operating override	-	-	-	na
Levy Limit for Current Year	77,430,627	80,555,471	\$ 3,124,844	4.0%
Add: Debt Exclusion	8,661,509	9,295,073	633,564	
<b>Maximum Allowable Levy for Current Year</b>	<b>\$ 86,092,136</b>	<b>\$ 89,850,544</b>	<b>\$ 3,758,408</b>	<b>4.4%</b>
<b>OVERLAY</b>	(450,000)	(225,000)	225,000	(50.0%)
<b>Net available:</b>	<b>\$ 85,642,136</b>	<b>\$ 89,625,544</b>	<b>\$ 3,983,408</b>	<b>4.7%</b>
<b>State Aid</b>	<b>\$ 3,809,322</b>	<b>\$ 3,880,200</b>	<b>\$ 70,878</b>	<b>1.9%</b>
Local Receipts:				
Motor Vehicle Excise	2,690,000	2,900,000	210,000	7.8%
Rooms and Meals Tax	4,394,800	5,006,671	611,871	13.9%
Licenses and Permits	1,450,000	1,450,100	100	0.0%
Local Receipts - All Other	2,605,300	2,731,680	126,380	4.9%
<b>Total Local Receipts</b>	<b>11,140,100</b>	<b>12,088,451</b>	<b>948,351</b>	<b>8.5%</b>
<b>Total Revenue</b>	<b>\$ 100,591,558</b>	<b>\$ 105,594,195</b>	<b>\$ 5,002,637</b>	<b>5.0%</b>
Other Sources				
Other Sources	-	-	-	na
Free Cash Used	885,000	1,102,000	217,000	24.5%
Excess Overlay	-	-	-	
<b>Total Revenue and Other Sources</b>	<b>\$ 101,476,558</b>	<b>\$ 106,696,195</b>	<b>\$ 5,219,637</b>	<b>5.1%</b>
<b>Total Expenses and Other Uses</b>	<b>\$ 101,024,235</b>	<b>\$ 106,342,704</b>	<b>\$ 5,318,469</b>	<b>5.3%</b>

353,491

# FY 2021 General Fund Budget Breakdown – Expenses

## FY2021 General Fund Expenditure Breakdown

	Budget FY2020	Budget FY2021	\$ Change	% Change
<b>General Fund Operating Budget Items:</b>				
Salaries - Town (includes allowance for collective bargaining)	\$ 20,439,402	\$ 21,451,916	\$ 1,012,514	5.0%
<i>Town Expense Increase Requests- Salaries</i>	673,807	164,387	(509,420)	(75.6%)
Salaries - School (includes allowance for collective bargaining)	24,379,022	24,919,022	540,000	2.2%
<i>School Expense Increase Requests- Salaries</i>	540,000	1,300,000	760,000	140.7%
Transfers to community school	500,000	550,000		
<b>Subtotal Salaries</b>	<b>\$ 46,532,231</b>	<b>\$ 48,385,325</b>	<b>\$ 1,853,094</b>	<b>4.0%</b>
Operating Expenses, Town:	6,772,836	6,908,794	135,958	2.0%
<i>+Town Expense Increase Requests-Operating</i>	1,148,026	942,000	(206,026)	(17.9%)
Operating Override - 2011 Mosquito Control	164,391	168,501	4,110	2.5%
Operating Expenses, School	5,057,620	5,417,620	360,000	7.1%
<i>+School Expense Increase Requests-Operating</i>	160,000	160,000	-	-
Transfers to community school			-	na
<b>Subtotal Expense</b>	<b>\$ 13,302,873</b>	<b>\$ 13,596,915</b>	<b>\$ 294,042</b>	<b>2.2%</b>
Group Medical Insurance- Active Employees	9,958,788	10,281,902	323,114	3.2%
Group Medical Insurance- Retired Employees	3,319,596	3,333,975	14,379	0.4%
General Insurance (all other insurance)	2,456,150	2,619,007	162,857	6.6%
<b>Subtotal Insurance</b>	<b>\$ 15,734,534</b>	<b>\$ 16,234,884</b>	<b>\$ 500,350</b>	<b>3.2%</b>
Debt Service	\$ 9,071,843	\$ 9,800,792	\$ 728,949	8.0%
Retirement	\$ 4,796,286	\$ 5,203,970	\$ 407,684	8.5%
<b>Total General Fund Operating Budget Items</b>	<b>\$ 89,437,767</b>	<b>\$ 93,221,886</b>	<b>\$ 3,784,119</b>	<b>4.2%</b>
<b>Other Articles</b>				
Unpaid Bills	20,000	20,000	-	-
Reserve Fund	500,000	500,000	-	-
Health and Human Services	450,000	450,000	-	-
County Assessment	170,201	170,201	-	-
Other Post Employment Benefits (OPEB / GASB45)	500,000	500,000	-	-
Affordable Housing Trust Fund		-	-	na
<b>Capital</b>				
General Fund budgeted from revenue (Town Bylaw 11-12.1)				na
Town Capital (Non-Recurring)	487,128	516,875	29,747	6.1%
School Capital (Non-Recurring)	487,128	516,875	29,747	6.1%
<b>Enterprise Fund Transfers</b>				
Transfer to Enterprise Fund (Our Island Home - Beginning FY2011)	2,276,181	3,100,000	823,819	36.2%
Add: Additional Subsidy from Free Cash (Our Island Home)			-	na
Transfer to Enterprise Fund (SWEF Operating Overrides 1999/2006)	3,565,008	3,654,133	89,125	2.5%
Add: Additional General Fund Subsidy to SWEF 2012-Forward	2,624,656	2,690,272	65,616	2.5%
<b>Total Other Article Appropriations</b>	<b>\$ 11,080,302</b>	<b>\$ 12,118,356</b>	<b>\$ 1,038,054</b>	<b>9.4%</b>
<b>Other Statutory Expenditures</b>				
Overlay and other deficits	-	-	-	na
Cherry Sheet Offsets and Charges	506,166	1,002,462	496,296	98.1%
<b>Total Appropriations and Other Statutory Expenditures</b>	<b>\$ 101,024,235</b>	<b>\$ 106,342,704</b>	<b>\$ 5,318,469</b>	<b>5.3%</b>

# Historical Information

## Our Island Home

	<u>FY2015</u>	<u>FY2016 (1)</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>FY2020</u>
General Fund Subsidy	\$ 2,267,598	\$ 2,295,000	\$ 2,762,535	\$ 1,511,446	\$ 1,511,446	2,276,181.00
Certified Retained Earnings	\$ 1,649,432	\$ 5,962,402	\$ 5,321,795	\$ 2,687,275	\$ 1,619,047	\$ -
CPE Payment	\$ 1,690,143	\$ 5,204,549	\$ 1,324,207	\$ 1,515,353	\$ 1,448,300	\$ -

## Stabilization and Trust Funds

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
General Stabilization	\$4,834,733	\$5,044,535	\$5,053,411	\$5,059,485.00	\$5,411,964.00
Capital Stabilization	\$1,000,000	\$1,250,000	\$1,250,000	\$1,250,000.00	\$1,250,000.00
OPEB Trust Fund	\$765,994	\$1,341,213	\$1,903,825	\$2,390,558.00	\$3,130,312.00

## Certified Free Cash

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Certified Free Cash	\$5,405,506	\$6,642,219	\$6,215,883	\$9,593,671	\$10,334,761

(1) CPE payment received in FY2016 represented two years of payments.



Town of Nantucket  
Fiscal Year 2021 Budget Message  
(July 1, 2020 – June 30, 2021)  
*December 11, 2019*  
*As of 12/10/19*



*A buoy is an anchored float that serves as a guide to show hazards or to keep something from sinking*

## TABLE OF CONTENTS

I.	Introduction.....	page 3
II.	Overview of FY 2021 General Fund Budget.....	page 8
	A. Projected FY 2021 General Fund Revenue	
	B. Projected FY 2021 General Fund Expenses	
III.	FY 2021 Town Administration General Fund Budget Recommendations.....	page 10
IV.	Current and Future Year Considerations.....	page 14
V.	Conclusion.....	page 18

## APPENDICES

- A. Enterprise Funds Subsidies and Retained Earnings
  - a. Our Island Home
  - b. Solid Waste Enterprise Fund
- B. FY 2020 Cherry Sheet and FY 2021 NRTA Letter
- C. Strategic Plan Summary (Adopted October 24, 2018 and updated September 11, 2019)
- D. Moody's Credit Rating Opinion, October 23, 2018
- E. Unused Levy Capacity and Free Cash
- F. Stabilization and Reserve Funds
- G. Town of Nantucket Financial Reserves Policy
- H. New Growth and Local Receipts History
- I. Other Postemployment Benefits (OPEB) Trust Fund
- J. Government Finance Review article, February 2019
- K. State of the Economy
  - a. *Nantucket Real Estate Market Insights*. Fisher Real Estate, October 2019
  - b. *United States Economic Forecast*. Deloitte Insights, 3<sup>rd</sup> Quarter 2019
  - c. *Global Economy Will Avoid Recession and See Some Recovery in 2020*. The Conference Board, PR Newswire, October 10, 2019
- L. FY 2021 General Fund Revenue Breakdown
- M. General Fund Debt Service Schedule
- N. FY 2021 General Fund Expenditure Breakdown
- O. FY 2021 Expense Increase Requests
- P. List of Collective Bargaining Agreements

## I. Introduction

Challenges. Continuity. Caution. These three “C’s” are the basis of our budget recommendations for FY 2021. The Town ended FY 2019 in a strong financial position and preliminary results for FY 2020 are positive overall. We remain confident but cautious going into FY 2021. We are monitoring several economic and financial indicators, some of which are showing continued signs of leveling off. The following demonstrate the Town’s challenges and successes in maintaining its strong financial condition:

### Challenges.

Our Island Home (OIH). The Town’s municipally-operated nursing home (the only municipal skilled nursing facility in Massachusetts), despite having been made an Enterprise Fund in 2011, is not an operation that generates enough revenue to fully fund its operations. There are a variety of reasons for this including the relatively small number of beds (licensed for 45), collective bargaining restrictions, regulatory requirements, condition – as nursing homes go, it is not a modern facility and as it ages it requires more and more maintenance and repairs. Federal and state reimbursements do not cover the daily cost of care for a resident – which varies, depending on what level of care they are receiving (*see chart below this paragraph*). Currently, in FY 2020, the OIH subsidy from the General Fund is budgeted at \$2,276,181.

Primary Pay Source	Current Census (as of 12/3/2019)	Average Payment Rate Per Resident Per Day	Cost Per Resident Per Day (based on 2018 Cost Report)	Difference in Payment vs. Cost per day	Current loss per day based on Resident census
Medicaid/MassHealth	30	\$225.47	\$661.95	\$(436.48)	\$ (13,094.54)
Medicare A	5	\$521.67	\$661.95	\$ (140.28)	\$ (701.42)
Private	5	\$560.00	\$661.95	\$ (101.95)	\$ (509.75)

The topic of an override for Our Island Home (OIH) has been part of budget presentations and discussions for the last four years. For the last two years, we had the following comments in the Budget Messages:

#### *FY 2019 Budget Message*

*If we were not realizing savings from health insurance changes ... we would be proposing an operating override [in FY 2019] for Our Island Home ... Since we can fund some of the most important expense increase requests with available funds, we are not recommending that for this year. With no large projected savings – such as from health insurance – in FY 2020; considering funding challenges to meet demands; and other budgetary items on the “radar” for FY 2020, we recommend that a discussion regarding the possibility of an operating override to provide direct funding for Our Island Home take place now in anticipation of the FY 2020 budget.*

#### *FY 2020 Budget Message*

*As we progress through FY 2019, the operations at Our Island Home and also the Solid Waste Enterprise Fund have given Town Administration some cause for concern. During the tax rate setting process for FY 2019, the Department of Revenue asked the town about the amount of*

revenue projected for the enterprise funds. Based on the first quarter of FY 2019, it now appears to be possible that we may not meet the revenue targets established during the FY 2019 budget process. If this concern becomes reality, then the town will be required at the 2019 Annual Town Meeting to make transfers from other available funds, including the General Fund, or from certified free cash. Faced with this possible reality, which would not only impact FY 2019, but most certainly impact FY 2020 along with the future impact of year-round NRTA service coming in FY 2021, we are again recommending that we have serious discussions about the targeted override for Our Island Home that has routinely been raised, and quite possibly Solid Waste as well.

The projected gap for FY 2021 between OIH revenues and expenses is approximately \$5,300,000. In prior years this gap has been covered by a general fund subsidy and retained earnings. For FY 2021, closing the gap is projected to require approximately \$3,700,000 from the General Fund and \$1,600,000 from retained earnings\*. Retained earnings for OIH are uncertain going forward and facility expenses are increasing as well as regulatory pressures which are likely to require more improvements to the facility than are currently accounted for.

For FY 2021, we are recommending an override to fund the operations of Our Island Home so that:

- the General Fund subsidy may be:
  - reallocated to town and school operations
  - reserved for budgetary flexibility in the event of an economic downturn or one-time community need
- OIH reliance on its use of retained earnings in its operating budget may be reduced or eliminated
- we may ensure that there is an on-going funding source for OIH operations and potential capital needs without compromising town operations.

*\*Retained earnings is the amount of funds that is annually certified by the state Department of Revenue, following the close of the fiscal year. These funds are a combination of unspent budgeted expenditures and revenue which has been received above budgeted levels. See Appendix A for OIH Retained Earnings and General Fund Subsidy histories.*

NRTA Year-round Shuttle Service. In 2018, the NRTA began year-round shuttle service. NRTA operations are funded through state contributions as well as an assessment to the Town on the state's "Cherry Sheet". The FY 2021 Cherry Sheets are not out yet; however, we have been advised by the NRTA that the increase between FY 2020 and FY 2021 will be \$436,000. See Appendix B for the FY 2020 Cherry Sheet and NRTA FY 2021 letter.

Our FY 2019 Budget Message contained this comment:

*The Board of Selectmen voted on September 13, 2017 to implement year-round NRTA service beginning in FY 2019. The NRTA's estimated cost for year-round service is \$838,000 with an estimated off-set of \$427,000 from fares. The amount of the cost not covered by fares will be covered by a charge to the Town, beginning in FY 2021. This will mean that cost will have to be*

*covered in the Town's budget, unless an alternative source of funding is available. Town Administration is concerned about the impact of this potential cost to the General Fund budget and recommends that the Board seriously consider an override in FY 2020 to cover this cost.*

An override was not put forward, and the FY 2021 budget contains an additional assessment for the year-round service (\$436,000). Since there is no dedicated funding source at this time for the year-round service, there is less room for funding expanded programs, initiatives or new requests.

**Strategic Plan Initiatives.** The Board's Strategic Plan (Summary found in Appendix C) contains several initiatives that require funding. The challenge is to fund them, while continuing to fund existing operations. One of the Board's initiatives is a paid parking program that would go into effect in FY 2022; however, in order for that to happen, some items need to be budgeted in FY 2021, because they must be in place ahead of time. We anticipate that over time, a paid parking program could potentially pay for itself but there is a need for upfront funding to get it underway. With the additional pressure on the budget from new initiatives, plus the OIH and NRTA subsidies, it is very challenging to put forward a balanced budget that accommodates even existing services.

#### **Continuity and Financial Strengths.**

- The Town's bond rating was upgraded from an Aa1 to Aaa by Moody's Investor Services in October of 2018 (Appendix D) with a Stable Outlook. The Town continues to have a rating of Aa+ from S&P Global. The Moody's rating is the highest rating for a municipality and Nantucket is one of 15 (out of 351) cities and towns in Massachusetts to achieve this rating. The benefits of these high ratings include the opportunity to borrow at lower interest rates.
- Free Cash for use in FY 2020 and FY 2021 was certified by the Department of Revenue on October 21, 2019 in the amount of \$10,334,761 for the General Fund. This amount is believed to be the highest amount ever certified for the Town. Pursuant to Town policy and best management practices, Free Cash is only used for non-recurring items. Free Cash is typically used for capital projects or items or other one-time expenses. See Appendix E for a five-year history of certified Free Cash.
- The Stabilization Fund remains strong with a current balance of \$5,411,965 (Appendix F). A best management practice is to have reserves that are 10% of the budget. Using an approximate budget of \$100,000,000, the Stabilization Fund balance is approximately 5.41% of the budget. However, when we account for the Certified Free Cash (undesignated reserves) balance of \$10,334,761, the reserve amount exceeds the best management practice guideline as per the Town of Nantucket Financial Reserves Policy (Appendix G).
- The Town maintains a balance of \$1,250,000 in the Capital Projects Reserve Fund. The current balance represents 1.25% of expenditures while the target is 3%.

- Short-term and long-term capital project planning continues. In the fall of 2017, the Capital Program Committee, working with Town Administration began to develop a more robust review process, involving a standardized ranking system that allows for a consistent approach to prioritizing capital projects in a systematic manner, and provides additional transparency as well accommodates anomalies or unusual circumstances. Software was developed for the town to more efficiently review and process capital requests for all stakeholders involved in the capital planning process. The process was used for FY 2020 projects and continues with FY 2021 capital planning.
- Increased focus on Town infrastructure continues. The FY 2019 General Fund budget allocated additional funds to the DPW budget for a Deputy Director of Public Works, whose primary focus is on town-owned facilities. One of the first tasks for that position is to begin compiling a comprehensive listing of all town-owned facilities, along with condition assessments, current maintenance needs, and a maintenance schedule. The position was filled in the fall of 2018; however, less than 12 months later, the individual left the island for another opportunity and this process has become delayed. We are working toward filling the position again and anticipate getting this back on track during FY 2020. The FY 2021 Capital Project recommendations will continue the focus on infrastructure maintenance and improvement.
- Local receipts including meals excise tax and room occupancy tax revenues remain stable after a strong growth period in the aftermath of the Financial Crisis of 2007-2008. New growth may be showing signs of slowing. In FY 2020 it was certified at \$1,057,634, a \$225,364 decrease from FY 2019 (17.56% reduction). Comparatively, new growth increased 2.49% between FY 2018 to FY 2019 (Appendix H).

In January of 2019, the state enacted new legislation that expanded the hotel/motel room occupancy tax to cover certain short-term rentals. Link: <https://www.nantucket-ma.gov/1327/Short-Term-Rentals>. Collections began in early FY 2020. First quarter FY 2020 reports indicate a significant increase in room occupancy tax receipts. Based on this we will review the potential to increase our projected revenue; however, until we have seen a full year of the expansion being in place it would be unwise to budget more. Additionally, with regard to this new revenue source, the Board has had some discussion as to reserving some amount of it for specific purposes – this could require special legislation. Specific purposes which have been discussed include water quality programs, affordable housing, human services, infrastructure improvements/ maintenance. In order to determine what amount to potentially reserve, again, we should have a better picture of how much additional revenue we may be realizing from this expanded tax. Meanwhile, we should be cautious with its use.

- The Town maintains its commitment to funding the OPEB Trust Fund (Other Post-Employment Benefits) with annual contributions of \$500,000 since 2015 and therefore lower its net liability. The current balance of the OPEB Trust Fund is \$3,130,512 (Appendix I).
- The Town continues to make its annual required funding to the Barnstable County Retirement System. When compared to the rest of the Commonwealth’s municipalities, Nantucket remains in the top half in terms of retirement funding levels.
- In past fiscal years, the Town has realized significant savings in certain rapidly growing fixed costs, primarily in health insurance and the Town’s general insurance coverages. First, in FY 2018 the Town rebid all its insurance policies with the help of industry experts and secured comparable coverage at lower costs to the Town. Secondly, to address ever rising health insurance costs, the Select Board authorized plan design changes which generated a one-time cost reduction of approximately \$1,000,000 in FY 2019. This one-time action allowed for increased flexibility in the FY 2019 budget to focus on the items that were recommended. While that savings was helpful for FY 2019, nation-wide health insurance costs continue to rise, as do other costs and it will be difficult to continue to fund new programs, services and on-going expenses with projected costs outpacing revenue (See Appendix J, *Government Finance Review* article February 2019)
- For the fifth consecutive year, the Town was awarded the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the Town’s Fiscal Year 2018 Comprehensive Annual Finance Report (CAFR), <https://nantucket-ma.gov/ArchiveCenter/ViewFile/Item/400>. Our Fiscal Year 2019 CAFR is in the process of being submitted to GFOA.

**Caution.**

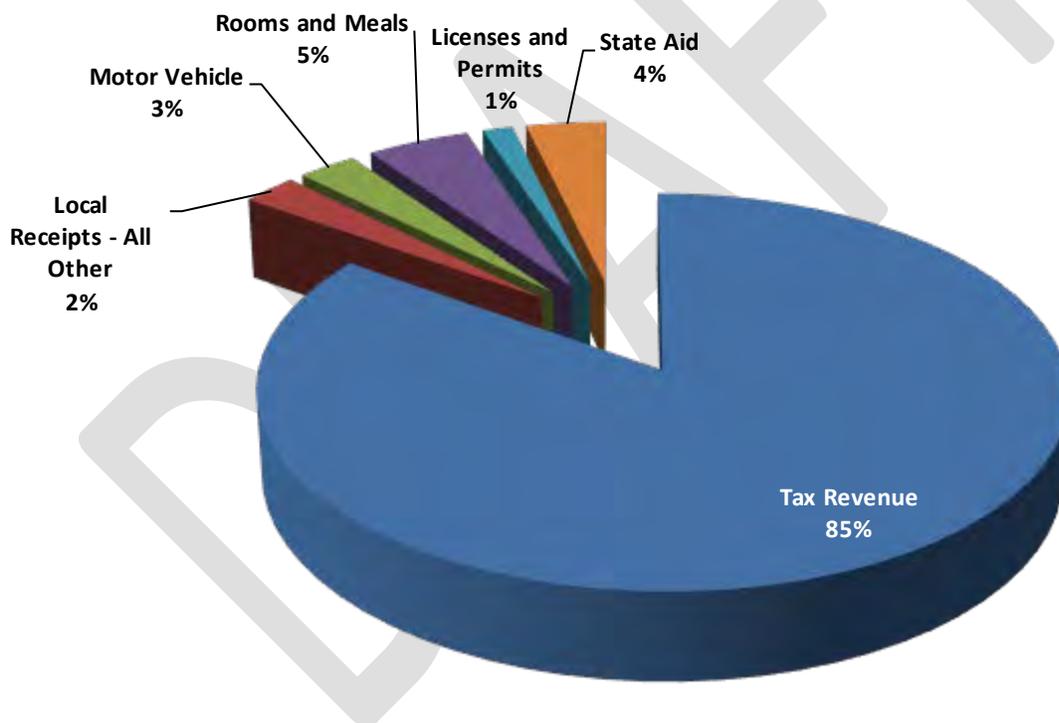
We are closely monitoring local economic trends – we want to be cautious with our revenue projections. Some retail sales reports indicate a downward trend; and, some real estate data is showing properties for sale are on the market longer and selling at less than the listing price. (See Appendix K, a. – “*Nantucket Real Estate Market Insights* by Fisher Real Estate”). Local economic conditions continue to appear stable despite a significant surge in activity on the Island in the last few years. At the national level, indicators are still largely positive with employment at stable levels and gross domestic product maintaining the momentum from the past few fiscal years, although growth in future years is predicted to start slowing. (Appendix K, b. – “*United States Economic Forecast* by Deloitte Insights”). On the other hand, interest rates are expected to continue to rise over the next year, the impacts of recently enacted tax legislation are beginning to wane, and wage growth is still mostly stagnant. Some might argue we are due for a market correction sooner rather than later (See Appendix K, c. – “*Global Economy Will Avoid Recession and See Some Recovery in 2020* by the Conference Board”). Here on the Island, the Town faces a balancing act between the increasing demands of a growing community, rising costs and financial flexibility. Again, this year, the growing needs of the community are putting pressure

on the Town's ability to fund programs, needs and requests and remain below the levy limit for FY 2021.

Each year, we must present a balanced budget which represents a plan of service for the community. Not all requests and competing needs can be met to the degree desired by individual groups and departments. We continue to be impacted by the effects of the current growth period on the island, which is straining Town resources. Fixed costs are always increasing, especially those of employee benefits, service contracts, supplies, insurance and (generally) utilities. The Town's levy capacity for FY 2021 allows for minimal increases to existing Town and School operations after allocations to Our Island Home and NRTA.

## ***II. Overview of FY 2021 General Fund Budget Projection***

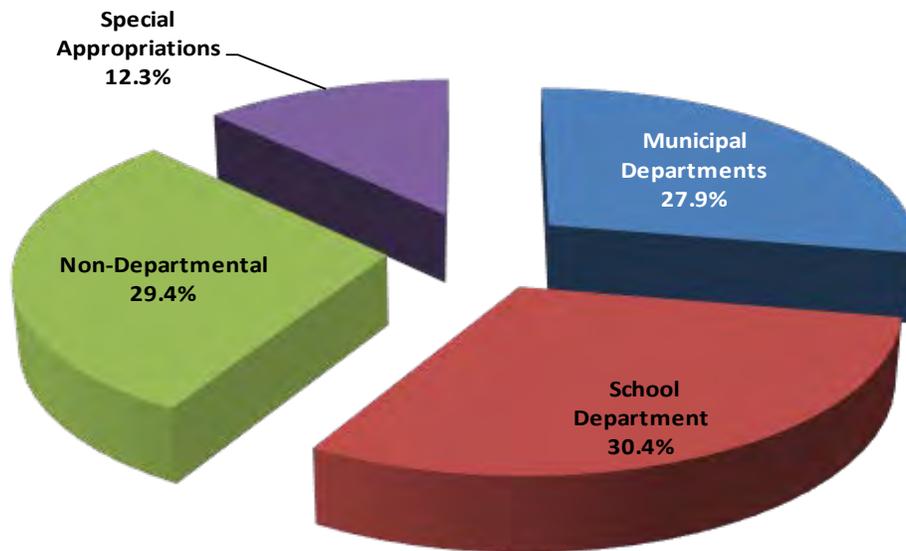
### **A. Projected FY 2021 General Fund Revenue**



As noted earlier, local economic revenue indicators are showing overall continued strength. In FY 2019 there were modest to significant increases in most areas of revenues such as: new growth, building permits, room occupancy taxes, meals taxes, ferry embarkation fees and

motor vehicle excise taxes. As we near the end of the first half of FY 2020, we are seeing increases in certain revenue categories while others (building permits, for example, see Appendix H) are showing signs of stabilizing or even slight decreases year-over-year. Refer to Appendix L for a detailed breakdown of the FY 2021 proposed General Fund budget revenue as compared to the FY 2020 approved budget.

**B. Projected FY 2021 General Fund Expenses**



The proposed FY 2021 General Fund budget will fund:

- Projected Town and School salaries and fixed/current operational expenses – with limited additional positions and programs.
- Fixed costs allocated between several expense categories including:
  - Health Insurance for active and retired employees, which is projected to rise at a rate of 8% for FY 2021. While the town did realize cost savings because of plan design changes in FY 2019, increased utilization of the plan, and the continued rise of medical rate inflation have had an impact on the FY 2021 health insurance budget.
  - General Insurance is projected to increase 13% from FY 2020 actuals based on current trends. The increase is resulting from the large losses that carriers have faced across the nation due to natural disasters over the past few years.
  - Debt Service is established by the current repayment schedule. Debt service has increased in FY 2021, which is a result of the town issuing debt for the Fire Station, as well as the first debt being issued for the Nantucket Harbor

Shimmo/PLUS Parcels sewer extension. The Town will see in the coming years a slow rise in debt service as new borrowings come on-line for prior approved projects. (Appendix M)

- Retirement assessment, in the Barnstable County Retirement System, is assumed to increase 8.5% in FY 2020.
- General Fund subsidies to the following Enterprise Funds:
  - Our Island Home – Proposed subsidy in the amount of approximately \$3,100,000 which is \$975,000 more than in FY 2020;
  - Solid Waste Enterprise Fund -- \$6,345,275 for landfill operations.
- Capital funds of \$1,033,750 within the budget, allocated equally between the Town and School departments for capital improvements, pursuant to a requirement of the Town Code:

*The Town shall spend on capital projects a minimum of 1% of total Town local receipts collected in the prior fiscal year plus 1% of the total real estate and personal property taxes collected in the prior fiscal year. If local receipts fall below the 1% minimum, the Town may forego the funding requirement. Nantucket Town Code Chapter 11, § 11-12.1*

- Other Annual Appropriations for the following:
  - \$500,000 to the Other Post-Employment Benefits (OPEB) Trust Fund, in accordance with the Town’s OPEB policy. FY 2021 will be the 7<sup>th</sup> consecutive year in which a deposit to this Trust Fund is made. The current balance of the fund through the first quarter of FY 2019 is \$3,130,312 (Appendix I);
  - \$500,000 to the Reserve Fund (see Appendix F);
  - State Cherry Sheet charges, the County Assessment and unpaid bills from prior fiscal years;
  - the annual Health and Human Services appropriation is level-funded at \$450,000.

*Refer to Appendix N for a detailed breakdown of the FY 2021 proposed General Fund expenses as compared to the FY 2020 approved budget*

### ***III. Town Administration Expense Increase Recommendations***

#### ***Background***

Over the past 6-7 years, Nantucket has experienced significant growth and the Town’s scope of responsibility has increased. We have taken on and/or funded initiatives in response to needs, requests and/or mandates yet staffing and service levels have not all kept up with the island’s growth, particularly in areas such as: infrastructure and public building maintenance, project management, code enforcement, parking enforcement, expansion of water quality initiatives, community and town employee housing efforts. In addition, global, national and regional issues of coastal resiliency and solid waste management are becoming more and more critical in terms of climate change, sea level rise and sustainability of natural resources. During FY 2020, the Select Board updated its Strategic Plan, which is intended to help focus Board initiatives and budgetary allocations toward the goals contained within the

Plan. Information as to the specifics of the Strategic Plan may be found on the Town website at <https://nantucket-ma.gov/1530/Strategic-Planning>. The FY 2018 budget contained funding for a Town-wide Staffing Study (excluding the School and all Enterprise Funds with the exception of Sewer) to help us determine if a) staffing levels are sufficient (based on industry standards, as applicable) to provide the level of services and programming necessary to meet the demands of the community; b) recommendations on any staffing needs, process or other improvements that will overall improve town operations and efficiencies. We engaged The Novak Group to conduct the study in June 2018 and the final report was presented to the Board on December 19, 2018, which can be found at <https://nantucket-ma.gov/DocumentCenter/View/23207/Nantucket-Staffing-Study-Report-December-2018>. During 2018, The Novak Group also prepared an Operational and Staffing Review of the Planning & Land Use Services (PLUS) Department, which was completed in February, 2019. That report also contained several recommendations, some of which will need to be funded in order to implement. Between the Staffing Study and the PLUS report, many of the recommendations that require funding will be considered by Town Administration and the Select Board over the next several budget cycles, not all requests and recommendations can be addressed at once. Both Reports can also be found on the Strategic Plan webpage at <https://www.nantucket-ma.gov/1530/Strategic-Planning>.

*FY 2021 Expense Increase Requests*

Departmental expense increase requests for FY 2021 are shown in Appendix O, separated into categories of:

- Personnel Requests
- Expense Requests – One-time
- Expense Requests – On-going.

Using a point system, with “Legal Mandate” being automatically supported, the requests were individually ranked and prioritized in accordance with the following criteria:

<u>Ranking Criteria</u>	<u>Scale</u>	<u>Description</u>
Legal Mandate	Y/N	Required by State/Fed or Local Bylaw (Y = Automatically Fund; Score of 9.0)
Staffing Study	0-2	Is it within the Staffing Study? If yes, 1 or 2 score would be determined by priority level (2 for higher priority)
Strategic Plan	0-2	Is it within the Strategic Plan? If yes, 1 or 2 score would be determined by priority level (2 for higher priority)
Staffing Study & Strategic Plan	0-1	Is it in <i>both</i> Staffing Study and Strategic Plan then 1 additional point to weight it higher
Department Operations & Efficiency	0-1	Funding necessary to support provide a department with necessary support for existing <i>or</i> new program
Approved New Programming	0-1	Funding necessary to support a new initiative

Necessary for Existing Programming	0-1	Funding necessary to support or expand ongoing initiatives
Continuation of Operations	0-1	Funding necessary to support unexpected increases or items already operationalized (eg. software licenses)

Since it will not be possible to fund most of the requests without either additional revenue or reductions elsewhere, we have:

- focused our recommendations on the Board’s Strategic Plan, the Staffing Study, the PLUS report and critical Town operational issues
- recommended use of funds from other sources (fund the one-time expenses from Free Cash)
- reallocated existing resources, where possible, to accommodate the request
- not recommended funding or a different approach (in other words, no action)
- recommended an operating override to fund the operations of Our Island Home

Even with the above actions, we do not have the funding to accommodate most of the FY 2021 expense increase requests (Appendix O). We have prioritized them using the system noted above, and recommendations follow:

Department	Description of Expense Request	Ongoing	Approved EIRs (1)
<b>Personnel Expense Increase Requests (EIRs)</b>			
DPW	Construction Inspector	Ongoing	107,387
Police	Parking Enforcement Officer	Ongoing	83,000
Police	(3) Addntl CSO's for Expanded Parking Hours	Ongoing	40,000
<b>Total Personnel Expense Increase Requests</b>			<b>\$ 230,387</b>
<b>Operating Expense Increase Requests (EIRs)</b>			
Town Clerk	Elections Expenses- Voting Tabulators	One-Time	10,000
IT	Upgrade the Town Exchange Mail Server to most current version	One-Time	10,000
IT	Phase III Energov	One-Time	80,000
Fire	Equipment and Trailer for Mass Casualty Preparedness	One-Time	15,000
Fire	Active Shooter Hostile Event Response (ASHER) Equipment	One-Time	30,000
HR	Compensation & Classification Study	One-Time	50,000
PLUS	Professional Services Related to Update of 2009 Master Plan	One-Time	100,000
PLUS	Replacement Vehicle for PLUS Fleet	One-Time	27,000
PLUS	Prof. Svcs Related to update of Historic Architectural surveys from HDC	One-Time	100,000
Town Admin	Potential Data Collection Initiative	One-Time	60,000
Town Admin	Sustainability Office	One-Time	100,000
Town Admin	Strategic Plan Initiatives	One-Time	100,000
Town Admin	Rental Regulations Assistance	One-Time	60,000
Town Admin	Governance Workshops	One-Time	100,000
Town Admin	Professional Administrative Support Services	One-Time	100,000
<b>Total Operating Expense Increase Requests</b>			<b>\$ 942,000</b>
<b>Total Town Personnel &amp; Operational Expense Increase Requests</b>			<b>\$ 1,172,387</b>

(1) Includes Health Insurance Benefits

## FY 2021 Personnel Expense Increases

### *1. Department of Public Works*

One (1) new position:

Construction Inspector

This position has been discussed for several years. With the increase in development, there is a growing impact to municipal infrastructure, including roadways, sidewalks, and storm water drainage. A recent issue has also been raised about utility petitions and associated roadway

and sidewalk work in connection with them. All of these need to be considered and reviewed in a more coordinated fashion with the appropriate departments (a more robust coordinated review process is a recommendation within the above-referenced PLUS report). There are many examples of costly impacts to town infrastructure caused by development, utility, storm water drainage issues and private activities which could be avoided and/or mitigated with a position focused on compliance with regulatory requirements. The Town of Nantucket does not have a meaningful fee structure in connection with private roadway, sidewalk and storm water drainage work – if we are able to put a structure in place, fees could potentially offset the cost of this position.

2. *Police Department (all related to Board’s Strategic Plan)*

Two (2) new year-round positions:

Parking Coordinator (1)

This position will be focused entirely on administering, overseeing, and monitoring the Town’s parking enforcement program. It will collect data to help determine how best to implement the Board’s Strategic Plan Transportation Goal #1 “Launch a downtown parking management system based on demand management principles that achieves (or is measured by) 85% occupancy of public parking spaces.” The position will be hired in FY 2020.

Year-round Parking Enforcement Officer (1)

This position will support year-round, consistent enforcement of parking regulations and will help support the implementation of paid parking in FY 2021.

Three (3) new seasonal positions:

Additional Community Service Officer positions to assist with parking enforcement. It is likely that the hours of parking enforcement will be increased in FY 2021 – it will be necessary to have additional staff on board to handle the expanded time frame.

Ultimately, it is anticipated that the implementation of paid parking, could generate an increase in revenue to offset the cost of these positions.

FY 2021 Operational Expense Increases (One-Time)

The items listed below are considered one-time and as such, may be funded through Free Cash.

1. *Town Clerk*

New voting tabulators - \$10,000

2. *Information Technology*

Upgrade Town’s Exchange Mail Server to most current version - \$10,000

Implement Phase III of Energov (e-permitting system) - \$80,000 (Relates to Strategic Plan)

3. *Fire Department*

Trailer with equipment for mass casualty preparedness - \$15,000  
Active Shooter Hostile Event Response (ASHER) equipment - \$30,000

4. *Human Resources*

Compensation & Classification Study - \$50,000

5. *Planning & Land Use Services (PLUS)*

Professional Services in connection with update of 2009 Master Plan - \$100,000  
Replacement of vehicle - \$27,000  
Professional Services in connection with update of historic architectural surveys for HDC - \$100,000

6. *Town Administration*

Commuter shuttle - \$100,000 (expected to start in late FY 2020)  
Data analysis initiative - \$60,000  
Sustainability Office - \$100,000 (pending the outcome of a plan, funded through a grant from ReMain, which is underway currently)  
Strategic Plan initiatives - \$100,000  
Governance workshops for Select Board - \$50,000  
Professional administrative support services - \$50,000

FY 2021 Operational Expense Increases (On-going)

None of these are funded.

#### ***IV. Current and Future Year Considerations***

##### *Sustainability*

There has been discussion at the Board level as to including a “Sustainability” component to Town government to oversee, initiate and coordinate activities such as examining the environmental, resiliency and other impacts of development projects or proposals, public outreach and education for sustainability-related programs, provide support for the implementation of Strategic Plan goals and other Plans (Harbors Plan, Hazard Mitigation Plan for example), and to seek and manage grants that could support these measures. In FY 2020, through a grant from ReMain, we secured a consultant to make recommendations as to how to structure a sustainability function within the Town’s government. The consultant’s report is pending; it may be that we evaluate the findings and design a course of action for FY 2022. We have programmed \$100,000 into FY 2021 for this initiative.

##### *Strategic Plan*

In the first quarter of FY 2020, the Board updated its multi-year Strategic Plan (Appendix C, <https://www.nantucket-ma.gov/1530/Strategic-Planning>) which contains several on-going goals and objectives, some of which are funded in FY 2020, some are funded and will begin in late FY 2020 and carry through into FY 2021 (several of the parking-related initiatives, for

example); and, some are funded to begin in FY 2021. It is expected that as the Strategic Plan continues, some goals will be met, some will need on-going funding, and some will need to be funded in future years in order to be realized. It is intended that the Strategic Plan goals will be kept at the forefront of funding recommendations.

### *Staffing Study*

The Staffing Study, <https://nantucket-ma.gov/DocumentCenter/View/23207/Nantucket-Staffing-Study-Report-December-2018>, will be a valuable tool when considering department personnel and resource requests. We intend to utilize it going forward and update it as needed. There are several items contained in the Study that could improve town operations, programs and services which could potentially be funded in future years. There also may be personnel/staffing issues that arise outside of the staffing study that need to or should be addressed.

### *Health Insurance*

The “Cadillac Tax”, a component of the Affordable Care Act (ACA), is a federally mandated excise tax on high-end plans and is scheduled to be implemented January 1, 2022 (extended from 2020 under Trump Administration). In summary, employers will pay a 40% tax on all costs for health insurance plans in excess of \$27,500 for family and \$10,200 for individual plans with some inflation adjustment in future years. The majority of the Town’s plans are in excess of these thresholds. Because of pending legislation at the federal level which would eliminate the “Cadillac Tax”, this potential (significant) cost is not currently considered in our budgetary forecasting.

### *Coastal Resiliency/Infrastructure/Planning*

Global warming, climate change and sea level rise have been more and more frequently appearing in the news media as growing issues for municipalities. In FY 2019, we completed an update to the Town’s Hazard Mitigation Plan, which can be found here <https://www.nantucket-ma.gov/1373/Hazard-Mitigation-Plan>. The plan contains over 50 projects that are supposed to be implemented over the next five years. The Select Board established a Coastal Resiliency Advisory Committee <https://www.nantucket-ma.gov/1391/Coastal-Resiliency-Advisory-Committee> to make recommendations about a variety of coastal resiliency issues, including a Coastal Resiliency Plan. In the next 2-3 years there will be an update to the Town’s Master Plan (<https://www.nantucket-ma.gov/1530/Strategic-Planning>) and an update to the Town’s Harbors Action Plan ([\) will commence in FY 2020. All of these are likely to include recommendations for capital or other expenditures to address ways in which the Town can be responsive to the impacts of environmental change on Town infrastructure. We need to pay attention to this because expenditures and/or impacts are imminent. Other impacts could include the loss of taxable real estate and the Town’s bond rating.](https://www.nantucket-ma.gov/DocumentCenter/View/29038/Harbor-Plan?bidId=)

### *Collective Bargaining*

Appendix P shows the list of collective bargaining contracts. The contracts can be found at

<https://nantucket-ma.gov/163/Collective-Bargaining-Agreements>. Contracts were settled with most units in FY 2018 and 2019 for three years. Negotiations for contracts expiring in FY 2019 and 2020 are commencing now. Earlier in 2019, we began working with the Select Board and other voting agencies (Airport Commission, Nantucket Water Commission, School Committee), to develop our approaches to upcoming collective bargaining and to review financial projections, employee benefit costs, and universal union contract language issues.

#### *Harbor Place*

Discussions with the Harbor Place owner's group continued into FY 2019; had stalled by the end of the year and we expect discussions to resume this fall/winter. Depending on how the project develops, there may be an impact on Town resources in connection with future infrastructure maintenance and capital costs. It is too preliminary to be more exact at this point, but it should remain in our thinking for future budgets.

#### *Per and Polyfluoroalkyl Substances (PFAS)* – <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>

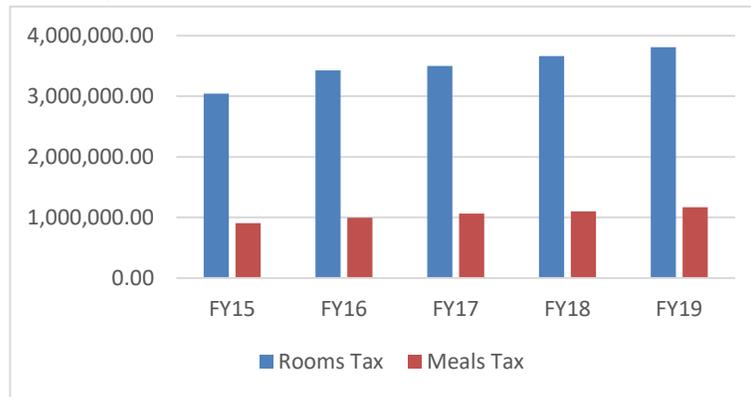
An emerging issue for municipalities across the country is PFAS contamination. As noted in material found on the state website, at all levels, governments are working toward developing ways to “holistically” address PFAS contamination. This issue is currently being discussed among the various Town departments that will be involved in determining the extent of PFAS issues on the island and this is likely to have a budgetary impact in both the General Fund and Enterprise Funds in the near future. It is unclear whether or not outside funding will be available to help offset what could be a substantial financial impact to cities and towns.

#### *New/Expanded Revenue Possibilities*

Although in the near future, current revenue sources appear to be stable, other areas to potentially look toward in the future for generating new revenue to cover needs and priorities include (several of these are part of a 2009 Ad Hoc Fiscal Committee Report - <https://www.nantucket-ma.gov/170/Ad-Hoc-Fiscal-Committee>):

- PILOT possibilities (Payment-in-Lieu-of-Taxes for entities that do not pay property tax, such as certain tax-exempt organizations such as hospitals, posts and churches – if all of these were taxed in FY 2020, taxes due would have exceeded \$16,300,000);
- parking fees (increase parking fines; implement paid parking downtown)
- taxi transaction fee (requires meters);
- increase Town permit fees other than those already at statutory maximum allowance (over the road permits, road closing, etc.);
- room occupancy tax – as noted above, this source could be substantial with the expansion of the tax to short-term rentals, and there is discussion as to how best to allocate it and/or put it aside for future needs, as mentioned earlier; we have projected a conservative increase for FY 2021 for General Fund operations; see chart below:

**Local Option Rooms and Meals Revenue FY 2015 – FY 2019 Actuals**



- increase to the ferry embarkation fee (requires substantial political work and coordination with the other ports);
- increase of real estate transfer tax for housing initiatives or another dedicated purpose (requires special legislation which was approved at 2016, 2017, 2018 and 2019 ATMs, efforts continue to further the legislation);
- tax on medical and recreational marijuana sales (local option tax approved at November 6, 2017 Special Town Meeting; Town Meeting subsequently authorized a special stabilization fund for 50% of these tax proceeds to be set aside for substance abuse programs); currently, we do not have enough information to make an informed projection on this revenue source;
- new local option surcharge on tax bills of up to 3% (similar to how the Community Preservation Act surcharge is applied) called the Municipal Water Infrastructure Investment Fund – we are examining how this could be used for Nantucket.

Some of these have been pursued by the Town, others are being pursued and some have remained stalled or not pursued. In addition to potential ways in which to generate additional revenue, we have begun to consider what measures we might need to put in place in the event of an economic downturn. So far, these would possibly include:

- review all municipal services for reduction or elimination – in other words, an “Austerity Budget”
- reduction-in-force of personnel
- enforce a hiring “freeze” or “chill”
- eliminate unexpended expense increases, including vacant positions
- reduce the NRTA year-round service (would have a delayed impact because of how/when NRTA is funded through the state)
- defer capital projects.

## **V. Conclusion**

As recommended, the FY 2021 General Fund budget can be funded within available revenue, with limited new initiatives, and continuity of current services. Our biggest challenges include funding the growing priorities of the community and increasing demands for services; retaining and attracting qualified employees and housing them and infrastructure maintenance. It will take additional resources in the coming year(s) to address these, as we have noted in this Message and in prior Messages.

Thanks to the Select Board, Town departments, Finance Committee, Capital Program Committee, and especially to the staff who spend many, many hours putting together the information necessary to develop the budget recommendations, especially Assistant Town Manager for Strategic Projects Gregg Tivnan, Assistant Town Manager for Administration Rachel K. Day, Director of Municipal Finance Brian E. Turbitt, and Financial Analyst Alexandria Penta.

***Prepared by:***

*Town Manager, pursuant to Article IV, Section 4.2(d)(3) of the Charter of the Town of Nantucket*

**Funding Sources**

Department	Description of Expense Request	Code	MUNIS Object	One-Time or Ongoing	Amount Requested	Health Insurance	Total Amount Requested	FTEs Requested	TOWN MANAGER RECOMMENDATION		Funding Sources					
									*includes health insurance	FTEs Recommended	Tax Levy & Other General Revenues	Free Cash	Revolving Funds	Other		
<b>Personnel Expense Increase Requests (EIRs)</b>																
Finance	Increase PT Collectors Administraitve Assistant to FT			Ongoing	30,230	33,000	63,230	1.0								
IT	IT Office Administrator			Ongoing	50,620	33,000	83,620	1.0								
Fire	Assistant Chief			Ongoing	142,000	33,000	175,000	1.0								
Fire	Addition of FT Fire Prevention Officer (Fire Inspector)			Ongoing	95,596	33,000	128,596	1.0								
Fire	Addition of 2 FF/Paramedics			Ongoing	123,496	66,000	189,496	2.0								
Health	Public Outreach Specialist			Ongoing	67,180	33,000	100,180	1.0								
Health	Community Health Education Specialist (CHES)			Ongoing	77,000	33,000	110,000	1.0								
DPW	Crew Chief (2)			Ongoing	123,926	66,000	189,926	2.0								
DPW	Sr. Equipment Operator (2)			Ongoing	117,811	66,000	183,811	2.0								
DPW	Facilities Foreman			Ongoing	63,814	33,000	96,814	1.0								
DPW	Facilities Laborer			Ongoing	52,686	33,000	85,686	1.0					107,387			
DPW	Construction Inspector			Ongoing	74,387	33,000	107,387	1.0	107,387		1.0					
PLUS	Administrative Assistant			Ongoing	60,000	33,000	93,000	1.0								
PLUS	Overtime		01174/01249	Ongoing	10,000	-	10,000	-								
NRD	Public Outreach Specialist			Ongoing	67,180	33,000	100,180	1.0								
Police	Parking Coordinator			Ongoing	70,000	33,000	103,000	1.0								
Police	Parking Enforcement Officers			Ongoing	100,000	66,000	166,000	2.0	83,000		1.0		83,000			
Police	(3) Addntl CSO's for Expanded Parking Hours			Ongoing	40,000	-	40,000	3.0	40,000		3.0		40,000			
<b>Department Personnel EIR</b>					<b>\$ 1,365,928</b>	<b>\$ 660,000</b>	<b>\$ 2,025,928</b>	<b>23</b>	<b>\$ 230,387</b>	<b>\$ 6</b>	<b>\$ 230,387</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	

**Funding Sources**

Department	Description of Expense Request	Code	MUNIS Object	One-Time or Ongoing	Amount Requested	Health Insurance	Total Amount Requested	FTEs Requested	TOWN MANAGER RECOMMENDATION	FTEs	Funding Sources			
									*includes health insurance	Recommended	Tax Levy & Other General Revenues	Free Cash	Revolving Funds	Other
<b>Operating Expense Increase Requests (EIRs)</b>														
Town Clerk	Elections Expenses- Voting Tabulators			One-Time	10,000		10,000		10,000				10,000	
IT	Upgrade the Town Exchange Mail Server to most current version			One-Time	10,000		10,000		10,000				10,000	
IT	Phase III Energov			One-Time	80,000		80,000		80,000				80,000	
IT	Small Unplanned Misc. Requests by Departments			One-Time	10,000		10,000							
Fire	Equipment and Trailer for Mass Casualty Preparedness			One-Time	15,000		15,000		15,000				15,000	
Fire	Active Shooter Hostile Event Response (ASHER) Equipment			One-Time	30,000		30,000		30,000				30,000	
HR	Compensation & Classification Study			One-Time	50,000		50,000		50,000				50,000	
PLUS	Professional Services Related to Update of 2009 Master Plan			One-Time	100,000		100,000		100,000				100,000	
PLUS	Replacement Vehicle for PLUS Fleet			One-Time	27,000		27,000		27,000				27,000	
PLUS	Prof. Svcs Related to update of Historic Architectural surveys from HDC			One-Time	100,000		100,000		-				100,000	
Town Admin	2FG Expansion for Commuter Service Shuttle			One-Time	100,000		100,000		100,000				100,000	
Town Admin	Data Collection Initiative			One-Time	60,000		60,000		60,000				60,000	
Town Admin	Sustainability Office			One-Time	100,000		100,000		100,000				100,000	
Town Admin	Strategic Plan Implementation (Operation)			One-Time	100,000		100,000		100,000				100,000	
Town Admin	Rental Regulations Assistance			One-Time	60,000		60,000		60,000				60,000	
Town Admin	Governance Workshops			One-Time	100,000		100,000		100,000				100,000	
Town Admin	Professional Administrative Support Services			One-Time	100,000		100,000		50,000					
Town Clerk	Elections Expenses- Extra labor expenses			Ongoing	5,000		5,000							
Town Clerk	Elections Expenses- Electronic Voting			Ongoing	30,000		30,000							
IT	Annual maintenance and support for CyberSecurity Awareness Training			Ongoing	6,000		6,000							
IT	Security Monitoring for Town Network Services			Ongoing	12,000		12,000							
IT	Team Dynamix Project Portfolio Management Software			Ongoing	28,000		28,000							
IT	Upgrade Adobe Acrobat			Ongoing	30,000		30,000							
IT	Off-Site Storage Unit to secure IT Equipment			Ongoing	3,500		3,500							
Fire	National Fire Protection Agency Subscription			Ongoing	3,000		3,000							
Fire	Purchase of Structural Fire Fighting Protective Equipment			Ongoing	10,000		10,000							
Fire	CBA Clothing Allowance Increase			Ongoing	5,200		5,200							
HR	Performace Appraisal Software			Ongoing	5,000		5,000							
C&T	Maintenance/Registration of Nissan Leaf			Ongoing	1,500		1,500							
C&T	New Fireworks Contract			Ongoing	5,350		5,350							
C&T	Expansion of Nantucket Cultural District (NCD) Programming			Ongoing	7,500		7,500							
DPW	Increase Propane budget to align with acutals			Ongoing	5,000		5,000							
DPW	Increase Rep&Main. Building budget to align with actuals			Ongoing	7,456		7,456							
DPW	Increase Rep&Maint:Equipment to align with actuals			Ongoing	3,400		3,400							
DPW	Increase Professional Services			Ongoing	100,000		100,000							
DPW	Increase Custodial Services			Ongoing	35,000		35,000							
DPW	Increase Bldg&Eq:Maint& Supplies to align with actuals			Ongoing	101,760		101,760							
DPW	Increase Rep&Maint. Office Equip. to align with actuals			Ongoing	10,000		10,000							
DPW	Increase Professional Services for Engineering Services			Ongoing	75,000		75,000							
DPW	Increase In-State:Seminars for Professional Development Opportunities			Ongoing	10,000		10,000							
Police	Expansion of Pay by Phone App to Residential Disctrict			Ongoing	100,000		100,000							
Town Admin	Housing Office Supplies			Ongoing	5,000		5,000							
Town Admin	Public Meeting Recording/Archiving with NCTV			Ongoing	50,000		50,000							
<b>Total Operating Expense Increase Requests</b>					<b>\$ 1,706,666</b>	<b>\$ -</b>	<b>\$ 1,706,666</b>	<b>0</b>	<b>\$ 842,000</b>	<b>0</b>	<b>\$ -</b>	<b>\$ 942,000</b>	<b>\$ -</b>	<b>\$ -</b>



**Outline #4 for 2020 Annual Town Meeting Warrant**

*For 01/08/2020 SB review*

*As of 01/06/2020*

*NOTE: Numbering & Order is NOT FINAL*

*Items added/revised since 12/18/19 Select Board meeting shown in bold*

**Annual Articles**

1. Receipt of Reports
2. Appropriation: Unpaid Bills
3. Appropriation: Prior Year Articles
4. Revolving Accounts: Annual Authorization
5. Appropriation: Reserve Fund
6. FY 2020 General Fund Budget Transfers
7. Personnel Compensation Plans for FY 2021 – *need to review for changes in connection with Paid Parking program; also: increase call FF pay from \$15/hr to \$20/hr; add per diem position to Seasonal Salary Schedule for certified paramedics to assist with Town’s ALS program upon implementation- as needed*
8. Appropriation: FY 2021 General Fund Operating Budget
9. Appropriation: Health & Human Services
10. Appropriation: General Fund Capital Expenditures
11. Appropriation: FY 2021 Enterprise Funds Operations
12. Appropriation: Enterprise Funds Capital Expenditures
13. FY 2020 Enterprise Funds Budget Transfers
14. Appropriation: Waterways Improvement Fund
15. Appropriation: Ferry Embarkation Fee
16. Appropriation: Ambulance Reserve Fund
17. Appropriation: County Assessment
18. Appropriation: Finalizing FY 2021 County Budget
19. Rescind Unused Borrowing Authority (*if needed*)
20. Appropriation: OPEB Trust Fund
21. Appropriation: Free Cash
22. Appropriation: Stabilization Fund
23. Appropriation: Senior Work-off Program (appropriation for FY 2021 - \$25,000)

**No # Transfer of Appropriation & Property Conveyance for Acquisition of 24 Surfside**

*Potential New Appropriations beginning in FY 2021 (or more likely FY 2022):*

- Local Marijuana Sales Tax (50% of proceeds to go into Special Fund for Substance Abuse programs – recommendations for use to come from Human Services Grant Review Committee)
  
- Short-term Rental Tax Proceeds – establishment Special Fund for Specific Uses? (**draft HRP is in**) (uses discussed: NRTA Year-round Service; Housing, Water Quality, Strategic Plan priorities; capital projects, anything else?)

**Other Select Board Sponsored Articles**

*NOTE: most of these were reviewed/discussed by SB and/or Town Administration since the 2019 ATM*

**OTHER APPROPRIATION or FINANCE RELATED**

1. Land Bank request for warrant article seeking Town's full faith & credit for additional \$25m in future bonding capacity – **IN**
2. Additional authorization for additional \$2m for Septic Betterment Loan program - **IN**

**ZONING BYLAW & GENERAL AMENDMENTS**

*Zoning\**

*See attached preliminary list from Planning*

**Updated final list expected by Wed**

**\*Board discussion occurred in January 2018 regarding a request/directive that all zoning articles must be accompanied by a narrative explanation as to why the item is being put forward, along with any operational or financial impacts Submitted (12/17/19) – for Planning Board-sponsored Zoning Map Change articles; 12/22/19 for Citizen-sponsored zoning articles**

*General Bylaws*

- Underground wiring bylaw potential amendments (?) – need to work on this – **has not progressed**
- Clearer “rules” for construction sites (ie, trash, impact to town infrastructure) – under internal discussion – **has not progressed**
- Potential clarification to Display of Merchandise & Wares bylaw – **has not progressed**
- Storm water - **IN**
- Sync Town bylaw(s) re: bicycles with State Law – **IN but now not recommended by BPAC (?)**
- Modify Revolving Funds for municipal aggregate “adder” uses
- Change all references from “Board of Selectmen” to “Select Board” (and “Selectmen”, “Selectman” etc) (per newly enacted legislation)
- Amendments to Plastics Ban bylaw for clarifications – **IN; note Mandel request**
- **Historical Commission bylaw amendment request – “IN” but needs work**
- **Sewer district addition/Sconset – new from PLUS**
- **Marijuana bylaw amendments from CAC – being reviewed by Town Counsel**

**HOME RULE PETITIONS or CHARTER AMENDMENTS**

*Resubmittal of Pending HRP's from 2019 ATM (these have not been acted upon by the Legislature as of now; some have been through more than one ATM)*

- Wannacomet – Sconset Water merger
- Community Housing Bank
- Authorization for affordable housing covenants

*New*

- TBD in connection with Land Bank land for future Milestone Rotary project – **may not be ready**
- Potential Charter Amendment/HRP for Airport re: capital project funding approval (Placeholder for now – needs legal review – legal review complete, will be HRP – **SB support?**)
- HRP & Charter change for Audit Committee (from Town Government Study Committee) (see attached) – **IN**
- **HRP from Planning – something to do with Angola St drainage**

### ***MGL ACCEPTANCES***

- Municipal Water Infrastructure Investment Fund (needs research, and would also require a ballot vote) – do we want to pursue this? [**Need to model the impact with and w/o; compare tax burden with this vs overrides**] **Info attached re: impact of WIIF on tax bill; still working on comparison with Cape & Islands Wastewater Protection Fund, using assumptions**
- MGL c. 30B, s. 12 – allows CPO to award contracts for up to 5 years in connection with quinquennial revaluation (Municipal Modernization Act amended revals from every 3 years to every 5)
- MGL c. 83, s. 16G – would allow low income individuals to be provided with sewer fee increase assistance (there are prerequisites to this)
- -- **MGL acceptance re: part-time Bldg inspector – new request from PLUS**

### ***REAL ESTATE RELATED***

- TBD in connection with additional land from Land Bank needed for future Milestone Rotary project – **may not be ready**
- Potential acquisition (appropriation) of 24 Surfside with potential disposition of other Town property – **IN & in progress**
- Long-term lease authorization for solar development contracts
- Acquisition of potential easements in various areas for drainage purposes (TBD)
- Acquisition of property for Senior Center\*
- Potential transaction(s) in connection with Surfside Sewer Pump Station relocation
- Potential transaction(s) in connection with Wannacomet Water & Land Bank and a future well site

### ***OTHER***

- Anything to do with pools? (some prior Board discussion re this) ?
- Drones (TBD) – **has not progressed**

### ***BALLOT QUESTIONS***

- possible debt exclusion(s) and/or capital exclusion(s) for capital projects
- Our Island Home operating override - ?
- \* Acquisition of property for Senior Center
- Non-binding ballot question: Should Nantucket move to Representative Town Meeting? (Gov't Study Committee potential recommendation)
- Sense of the Meeting: Should e-voting at Town Meeting be continued?

### ***CITIZEN ARTICLES***

53 submitted -

## Article Concepts for 2020 ATM (January 7, 2020)

### RC-2 Phase Out Articles

- RC-2 to R-5 and CN – 33 OSR and 24 Ticcoma Way
- RC-2 to R-5 – Miacomet Avenue in vicinity of Surfside Road
- RC-2 to R-5 – Boynton Lane (portion) and Bartlett Road
- RC-2 to CN – Boynton Lane, Surfside Road, and Bartlett Road
- RC-2 to CTEC – Appleton Road, Perry Lane, and Bartlett Road
- RC-2 to R-5 – Appleton Road between Cynthia Lane and Bartlett Road

### RC Phase Out Articles

- RC east of Francis Street – RC to CN

### R-1 Phase Out Articles

- SR-1 to SOH – Broadway

### Other Zoning Map Amendments

- R-20 to R-40 – Bayberry Lane
- R-40 to R-20 – 32 Crooked Lane (a portion of) – to be included with technical amendments

### Zoning Bylaw Amendments

- Amendment to Demolition Delay (clean-up)
- Modification to swimming pool allowance
- Modification to secondary dwelling definition
- Modification to setbacks for sheds 50 square feet or less
- Modification to driveway access to clarify that HDC approval is required for driveways
- Misc technical amendments
  - Modify landscape contractor definition
  - Re-organize 139-12
  - Modify 139-30 to reflect allowance of at-risk permits consistent with MGL c. 40A s. 11
  - Other misc items
- 1-2 Cannabis related zoning bylaw amendments from the CAC committee

### General Bylaw Amendments

- Poles and Wires – update
- ~~Noise – references zoning districts that no longer exist and omits new districts. More of a police issue since they enforce the noise bylaw, but could use attention.~~
- ~~Streets and Sidewalks – Paul and Leslie on workgroup. NOT Planning Board related.~~
- ~~Building permit application/building code/other permitting requirements added to a new chapter – Paul and Leslie on workgroup. NOT Planning Board related, but may be of interest since some information will be coming out of the Zoning Bylaw.~~
- ~~Swimming pools – Paul working on potential safety requirement of a fence in certain instances. Fence requirement removed from Building Code in lieu of an automatic cover~~

~~in the latest edition. Seems to be problematic for abutting property owners in small lot districts.~~

### **Home Rule Petitions**

- ~~HDC enabling legislation — allow staff review of certain application types. Other?~~

### **Real Estate**

- ~~North Tawpoot? (Valerie Norton, Land Bank — may have already been voted)~~