



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2023 SEP 19 AM 09:01
NANTUCKET TOWN CLERK
Posting Number:T 827

Committee/Board/s | Parks and Recreation Commission

Day, Date, and Time | Thursday, September 21, 2023 at 4:00 PM

Location / Address | ☐ REMOTE PARTICIPATION VIA ZOOM
The meeting will be aired at a later time on the Town's Government TV YouTube Channel <https://www.youtube.com/channel/UC-sgxAlfdoxteLNzRAUHlxA>
☐

Signature of Chair or Authorized Person | Charlie Polachi, Parks & Recreation Manager

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/86777230153?pwd=RIZBRkFwLzlrQjFpYWZYZm92MU5Bdz09>

Meeting ID: 867 7723 0153

Passcode: 597607

Call to Order

This meeting is being audio and video recorded

Approval of Agenda for September 21, 2023

Approval of Minutes from August 17, 2023

Marina Dzvonik- Licensing Office Request for Use

- Request from Nantucket Atheneum to use Children's Beach on November 23, 2023 (10am-11am, set-up at 7am, tear down at 12pm) for the 22nd Annual Cold Turkey Plunge.

Charlie Polachi- Parks and Recreation Manager

- Discussion of Nobadeer Athletic Complex Expansion Project
- Fall Field Usage

Public Comment

Adjournment

This meeting is being audio and video recorded.

Approval of Agenda for August 17, 2023

- No additions or comments on the agenda

Marina Dzvonik- Licensing Office Request for Use

• **Nantucket Island Fair** to use Children's Beach on September 24th, 2023 10am-4pm) for Agricultural Fair with fair games and contests, local musicians and exhibitions

- Suzanne from Nantucket Island Fair committee: one day for a few hours, a smaller fair than the usual Island Fair that happens in October. The Nantucket Island Fair is now a charitable foundation under the Community Foundation of Nantucket
- David Sharpe's concerns are parking and how the tents will be secured in the lawn
- The 10x10' tents should not be an issue for securing in the lawn
- Food trucks are not allowed at Children's Beach, but the restaurant will be opened with limited provisions - avoid conflict of interest
- Animals are a concern - requesting a list of what animals would be present
- Marina is concerned with the number of people that are present: more than 250 people the event needs to be cleared through the Select Board because it is considered a public assembly
- Bathrooms are a concern because there are only 2 bathrooms in the building and there are 2 port-o-potties on site
 - Should there be more bathrooms for the event?
- Parking - the number of people could become an issue; the area is small to begin with and the park will not be shut down
- Abbey Slosek joins the meeting
 - Mike Cozort is asking about the animals and Slosek says they will be on the path by the beach
 - Charlie Polachi needs to double check with Board of Health (Health Department)
- Hoping to do a dog show but dogs are not allowed at park, but if they are leashed and off the grass it should be fine - keeping the dog show to the surrounding bike paths
- Nantucket Island Fair bringing 4-5 picnic tables to add to the food court
- 20 x 20 tent will need larger stakes so off-island irrigation company will need to mark out irrigation lines
- Boat ramp concern - causes lots of traffic
- Approved however contingent on getting final approvals for animals and food vendors

• **Nantucket Magic** to use Tennis Courts at the Jetties Beach on October 7, 2023 (11am-3pm) for Pickleball Tournament. It's been tabled from July 20th meeting, but they have changed the date to October 7th

- 70 attendees, 60 or so participants, 10 people on staff
- All proceeds will go to Housing Nantucket. The proceeds are coming in the form of sponsors and those participating in the event
- Waiting on Certificate of Insurance

- They have not spoken with local pickleball group to get input or seek approval
- Marina is looking into insurance certificate
- Lower parking lot is reserved for Sandbar patrons so only the upper parking lot could be used by pickleball tournament
- Michael Cozort makes a motion to approve pending insurance and it is approved

• **Nantucket Project** to use Children's Beach for beach breathing and stretching class on October 6th and 7th (7am-8:30am)

- Friday and Saturday morning - breathing and stretching class can be signed up for on the Ack Project app
- Anyone walking by would be able to participate
- Headsets for instructor to use to guide the classes
- This event was approved by the committee

Charlie Polachi -

- Not much to report; everything is running pretty smoothly
- Cameras will be installed in October
- Hosting high school soccer for preseason at the Nobadeer Fields for double sessions for two weeks starting next week (August 21- September 1)
- Requests for use of the turf field by the high school - working these out with coaches and athletic department
- As much as they can get people using the turf field the better
- A lot of athletes play on turf fields for playoff games so as much as they can play on that field the better
- Finding a new vendor to service the turf field and increase the visits they make to a few times a season

Justin Quinn -

- 6 to 8 groups that will use the turf field just in one night
- A lot of people are out there when it gets dark and we are wondering about the lights that were approved for funding
- Feasibility study questions
- Getting Nobadeer Field approval onto the agenda of Special Town Meeting this November

Meeting adjourned

Dzvonik, Marina

From: noreply@civicplus.com
Sent: Friday, September 15, 2023 1:13 PM
To: Dzvonik, Marina
Subject: Online Form Submittal: 2023 Special Event Permit Application

[EXTERNAL EMAIL]: Please do not click links or open attachments if you don't recognize the sender.

2023 Special Event Permit Application

This form is not a permit. Please read this application in full. Completion of this application does not constitute an automatic approval and does not guarantee that a permit will be issued. Event organizers are encouraged not to issue any press releases, advertise, sell tickets, etc. until the necessary approvals and/or permits have been issued. Event organizers are encouraged to include maps, plans and any pertinent supporting documentation with this application. Any event permitting questions can be directed to the Town's Events Coordinator at 508-325-4166.

APPLICANT INFORMATION - REQUIRED

First Name of Primary Contact	Lisa
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Last Name of Primary Contact	Lothian
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Address of Primary Contact	1 India Street
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Company/Organization of Primary Contact (If Applicable)	Nantucket Atheneum
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Town/City	Nantucket
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State	MA
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Zip	02554
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Email Address	Llothian@nantucketatheneum.org
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Phone Number	5082217630
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Cell Phone	
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On-site Contact	Lisa Lothian
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Cell Phone for On-site
Contact

Host Organization (If
Different from Above) *Field not completed.*

Host Type Non-Profit

Please Attach 501(c)(3)
Documentation [IRS 501 \(c\)\(3\) Letter.pdf](#)

EVENT OVERVIEW - REQUIRED

Event Name Cold Turkey Plunge

Requested Location of
Event (please specify
INDOOR or OUTDOOR) Children's Beach

Is this Event open to the
public? Yes

Is there an admission /
registration fee? Yes

Date of Event 11/23/2023

Start Time 10 am

End Time 11am

Rain Date *Field not completed.*

All events must comply with the 10:00 pm Noise Ordinance. Requests for extension
past 10:00 pm must be approved by the Select Board

Set-up Date & Time 11/23/2023 7:00 AM

Tear-Down Date & Time 11/23/2023 12:00 PM

MULTIPLE DATE
EVENTS *Field not completed.*

Full Schedule of Events *Field not completed.*

Est. # of Participants 900

Est. # of Staff 4

Important Notice - Events Over 250

*Any event anticipating over 250 participants requires a Public Hearing at a
regularly-scheduled Select Board meeting. Public Hearings must be noticed in the*

Inquirer and Mirror for two consecutive weeks prior to the hearing (at Applicant's expense). Public Hearings may be waived for recurring events. Events anticipating under 250 participants may require a Public Hearing at Town Administration's discretion.

Have You Held This Event On-Island Before?	Yes
If Yes, Where And When?	2001-2022, Children's Beach
Description of Event (Attach additional documents below)	The 22nd Annual Cold Turkey Plunge will take place at Children's Beach this Thanksgiving morning, Thursday November 23rd at 10 am. This event raises vital funds for the Weezie Library for Children. Plungers can participate in person or virtually. Registration and fundraising information available at nantucketatheneum.org
Event Description (optional)	<i>Field not completed.</i>
Course Map	<i>Field not completed.</i>
Event Layout/Diagram	<i>Field not completed.</i>

EVENT LAYOUT / DIAGRAM: Required for Events with Tents/Temporary Structures and/or Events on Public Property. A detailed site plan is required - applications will not be processed without it. Attach separate document(s) that clearly show the location of the event, fencing, entry /exit points, tents (include dimensions), stages, generators, bars, tables / chairs, portable restrooms, trash cans, dumpsters, signs, etc.

STEP 1: LOCATION - BEACH EVENTS ONLY

Details regarding allowable activities can be found here	Click for Beach Allowable Activity List
Select Town of Nantucket Beach	Children's Beach (Parks & Rec)
Click Here For Beach Ownership Contacts for all Public Beaches	Beach and Ownership Listing
Beach Event Structures	(2) 8 ft tables under the bandstand, (3) 8 ft tables with (12) chairs on the grass for registration.
Beach and Endangered Species Protection <i>Safety of endangered species habitat and beach maintenance are prime concerns</i>	

for any beach-related activity on the island. Nesting birds, erosion and endangered plants exist throughout the island. Natural Resource approval is required to make sure protection laws are not being violated and proper precautions are being taken.

STEP 2: ALCOHOL

Will Alcohol Be Served? No

Click Here For [Temporary Pouring Permit Regulations for the State of Massachusetts:](#)

Alcohol To Be Served *Field not completed.*

Only Non-Profit Organizations are permitted to serve ALL Alcoholic Beverages. For Profit Organizations are only permitted to serve Beer and Wine.

Source of Alcohol/Approved Distributor(s) N/A

CLICK HERE FOR LIST OF AUTHORIZED SOURCES TO PURCHASE ALCOHOL: [AUTHORIZED SOURCES \(in PDF\)](#)

STEP 3: ENTERTAINMENT

Will There Be Entertainment? Yes

Will The Entertainment Be Amplified? Yes

Will The Entertainment Be Outside? Yes

Description of Entertainment MC will be playing music and amplifying a "countdown" to the event.

All events must comply with the 10:00 pm Noise Ordinance. Requests for extension past 10:00 pm must be approved by the Select Board.

STEP 4: STREET AND/OR SIDEWALK BLOCKING

Will Event Require Any Road Or Sidewalk To Be Blocked Or Closed?

Full Blocking

Address Of Blocking

Harborview Way

Purpose Of Blocking:

EMS/Police

STEP 5: TENTS / TEMPORARY STRUCTURES / STAGES / GENERATORS

Will There Be A Tent Or Other Temporary Structure Erected?

No

Date Tent/Structure To Be Installed

Field not completed.

Describe Size/Type of Tent/Structure / Stage

Field not completed.

Tent Company

Field not completed.

Will this event utilize a generator(s)?

no

Will you be using any lighting?

no

STEP 6: FOOD

Will Food Be Served?

Yes

Name of Caterer/Food Service Provider

Brant Point Grill, Downyflake, Wicked Island Bakery

Attach Town of Nantucket Catering License (Optional)

Field not completed.

Food service providers must have a current license Issued by the Town Of Nantucket Health Department. If they are not licensed on Nantucket, they must be approved by the Health Department at least 14 days prior to the event. Any event with more than One (1) caterer / food service provider is required to apply for Temporary Food Permits for each food service provider regardless of license.

TEMPORARY FOOD PERMIT INFO:

General Information regarding Temporary Food Permit Events

Temporary Food Permit Checklist

Temporary Food Event Permit Application

Events with 10 or more food vendors are required to submit the below form at least **30 days prior to the event.**

Temporary Food Event Coordinator Application

Should you have any questions about temporary food permits, please contact the Nantucket Health Department health@nantucket-ma.gov , 508-228-7200 or visit at 131 Pleasant Street, Nantucket, MA

STEP 7: RESTROOM FACILITIES

Describe the number of restrooms available at the event site and if you plan to order portable restrooms. You may be required to provide portable toilets and hand washing stations, unless you can substantiate the sufficient availability of both Americans with Disabilities Act (ADA) and non-accessible facilities in the immediate area of the event site which will be available during your event.

Portable Toilets at public events: For single user portable toilets clustered at a single location, at least 5% but not less than one accessible toilet unit shall be installed at each cluster

# of Restrooms/Portable Toilets Provided	4
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Name of Restroom / Portable Toilet Provider	Mark Willett
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STEP 8: PARKING PLAN

Event Parking	Attendees will park in town and walk to the event.
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STEP 9: WASTE MANAGEMENT

Effective June 1, 2020, Nantucket's Single-Use Plastics Ban prohibits these single-use petroleum based plastic products from being commercially used, sold or distributed at special events: straws and drink stirrers, six-pack can and bottle flexible yokes, drinking cups and lids, non-compostable plates and eating utensils, drinking water in polyethylene terephthalate (PET or PETE) containers of 1 liter (34 ounces) or less, non-recyclable coffee pods.

Please note,
biodegradable packaging
is already required under
Nantucket's 1990
Biodegradable Packaging
Bylaw.

[Biodegradable Packaging Bylaw\(\\$ 125-2.1\)](#)

HOLD HARMLESS AGREEMENT

In consideration of permission to use the public property, facility or services described herein, the Applicant agrees to save and hold the Town of Nantucket, its agents, servants, and employees harmless from any and all liabilities or costs arising out of the use of the described premises by the Applicant, the Applicant's guests, employees, subcontractors, and/or other persons. The Applicant acknowledges that the permission to utilize the facilities is limited to the portion of the premises herein described (if applicable), and that the permission is valid only for the activity herein described. Notwithstanding the foregoing, this Hold Harmless Agreement shall be applicable to any claim asserted against the Town of Nantucket, its agents, servants, and employees, and for any loss incurred arising out of the Applicant's activity whether or not such claim or loss extends beyond the permitted type or locale of activity or occurs on a different date than specified. Commercial General Liability is required in the amount of \$1,000,000 CSL (combined single limit) with the Town and County of Nantucket added as an additional insured.

SIGNATURE OF
APPLICANT

Lisa Lothian

Email not displaying correctly? [View it in your browser.](#)

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

**Tuesday, November 7, 2023 SPECIAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
5:00 PM**

**Town of Nantucket
16 Broad Street
Nantucket, MA 02554
(508) 228-7255
www.nantucket-ma.gov**

To the Constables of the Town of Nantucket:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Nantucket High School Auditorium at 10 Surfside Road in said Nantucket, on

***TUESDAY, NOVEMBER 7, 2023 AT 5:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:***

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

ARTICLE 1

(General Bylaw Amendment - Chapter 123 of the Town Code - Regulating the Operation of Short-Term Rentals)

To see if the Town will vote to amend Chapter 123 of the Town Code (Short-Term Rentals) as follows *(language to be inserted shown in highlight; language to be deleted shown in strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 123

Short-Term Rentals

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, § 14 and is intended to:

(1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to insure that such short-term rentals do not create or cause any nuisance conditions within the Town;

(2) protect the time-honored tradition of home rentals on Nantucket and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time on Nantucket;

(3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending;

(4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences;

(5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods;

(6) limit the conversion of residential units to Short-Term Rentals. which has had the deleterious effect of removing residential units from the available year-round rental housing stock; and

(7) provide a regulatory structure that reduces the threat of litigation challenging Short-Term Rental use by full-time and part-time residents.

§ 123-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APARTMENT BUILDING

Shall have the same meaning as in Chapter 139 of the Town Code.

CORPORATION

All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, § 4, respectively.

COTTAGE COLONY

A group of four or more detached dwellings, legally in existence at the time of adoption of this bylaw, located on a single lot, which is customarily occupied on a seasonal basis.

DEED-RESTRICTED UNIT

A dwelling unit that is subject to a deed restriction held by the Town for affordable, workforce homeownership housing, or workforce rental housing as these terms are defined in Chapter 139 of the Town Code or is subject to a deed restriction under the Nantucket Housing Needs Covenant program pursuant to Chapter 301 of the Acts of 2002, as amended.

DWELLING UNIT

Shall have the same meaning as in Chapter 139 of the Town Code.

HOSTED STAYS

An overnight stay whereby a short-term renter occupies a portion of a dwelling unit where the owner is present. An owner is considered present when the owner is on the premises except during the daytime and/or work hours.

OPERATOR

A person or other legal entity operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental. It is the intent of this bylaw that the operator shall have the same meaning as set forth in General Laws c. 64G, § 1.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a short-term rental.

TOWNHOUSE

A single structure consisting of three or more dwelling units, each with one or more abutting walls and entrances opening directly to the outside at grade.

TRANSIENT RESIDENTIAL FACILITY

Shall have the same meaning as in Chapter 139 of the Town Code.

Unless otherwise specifically provided in this bylaw, terms used in this bylaw shall have the same meaning as set forth in G.L. c. 64G.

§ 123-3. Registration, Permitting, Inspection and Fees.

- A. No person or other legal entity shall operate a short-term rental without having first obtained a certificate of registration from the Board of Health. An application for a certificate of registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The operator shall provide with the application a certificate of

registration issued by the Department of Revenue in accordance with § 67 of Chapter 62C of the General Laws.

- B. The annual fee for such certificate of registration shall be set forth in the regulations issued pursuant to § 123-4.
- C. The application for the certificate of registration shall include an attestation that the owner and/or operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the owner and/or operator of the property is current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 through 18, of the Town Code. Any property offered for a short-term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the owner or operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.
- D. The Board of Health shall not issue any certificate of registration unless the Operator has:
 - (1) submitted a complete application and paid all associated fees;
 - (2) Provided contact information for the operator and persons designated to address any issues at the short-term rental within two hours' notice; and
 - (3) Provided the Town with a certificate of insurance evidencing liability insurance coverage for the short-term rental in an amount to be determined by the regulations issued pursuant to § 123-4.
- E. Operators are subject to inspection of the short-term rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.
- F. Certificates of registration are valid for one year and may be renewed at the discretion of the Town, provided that the operator has complied with the provisions of this chapter and any associated regulations during the preceding year. An application for renewal of a certificate of registration shall be submitted along with the annual fee no later than November 1 of the next year. A renewal application shall include an attestation that the Short-Term Rental was operated in accordance with all bylaws and regulations of the Town during the previous year.

- G. The certificate of registration is issued to the operator and does not run with the land. If the short-term rental is sold or transferred out of ownership, a new application for a certificate of registration shall be filed by the new operator before short-term rentals can continue or resume.
- H. Any person or other legal entity who receives a certificate of registration to operate a Short-Term Rental from the Commonwealth of Massachusetts pursuant to G.L. c. 64G, § 6 prior to the November 7, 2023 Special Town Meeting, and who (1) submits proof of the state registration to the Board of Health, and (2) submits proof that the owner has collected and paid the rooms excise tax required for Short-Term Rentals under General Laws c. 64G in at least one Calendar Third Quarter between January 1, 2019, and November 7, 2023, shall be exempt from the requirements of subsections I, J, K, and L of this chapter. The provisions of subsection M shall, however, apply to such Short-Term Rentals. When a dwelling unit is transferred or conveyed, or the certificate of registration issued by the Town pursuant to § 123-3 of this chapter is not renewed, any subsequent Short-Term Rental of the dwelling unit shall be subject to all of the requirements of this chapter, except that if a dwelling unit is bequeathed to a person or other beneficiary through a will or trust, any Short-Term Rental activities shall be exempt from subsections I, J, K, and L. Any Short-Term Rental contract for a period of time in Calendar Year 2024 that is entered into prior to the effective date of this bylaw shall be exempt from the provisions of subsections I through M.
- I. An owner may register to operate only one property as a Short-Term Rental. The property can contain up to two dwelling units in a single registration, as long as both dwelling units covered by the registration are located on the same lot and are rented to the same person or legal entity. Multiple dwelling units within the same property may not be registered or rented as separate short-term rentals. An owner may hire a property management company to list and manage a short-term rental, but the registration must be in the owner's name.
- J. Dwelling units owned by a Corporation shall not be eligible to receive a certificate of registration. Short-Term Rentals are eligible to receive a certificate of registration for dwelling units owned by an LLC, Trust, or a solely family-owned corporation such as an S Corporation, only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration. The Board of Health may adopt regulations pursuant to § 123-4 establishing the documentation required to establish eligibility under this section.
- K. Short-Term Rentals may not be operated in any Deed-Restricted unit or in an unrestricted unit in an Apartment Building or Townhouse owned, operated, and managed as rental housing.
- L. Short-Term Rentals shall only be allowed in detached single-family dwelling units, accessory dwellings, or residential garage apartments that may be attached or detached to a single-family dwelling. The terms used in the preceding

sentence shall have the same meaning as they are used in Chapter 139 of the Town Code. The Owner of a dwelling unit in a structure containing more than one dwelling unit, except for single-family dwelling units attached to residential garage apartments, or a structure containing at least one commercial unit and at least one dwelling unit is eligible to receive a certificate of registration, provided the unit is not deed-restricted, and only on a condition contained in the certificate of registration that limits Short-Term Rentals in such units to a maximum of four weeks each year. No dwelling unit that is subject to a lease shall be eligible to receive a certificate of registration for a Short-Term Rental.

- M. No person or other legal entity holding a certificate of registration for a dwelling unit may engage in the Short-Term Rental of said property that has a change of occupancy of more than four times during July and August unless that person or other legal entity complies with subsection H of this chapter in which case that person or other legal entity may engage in a Short-Term Rental of said property that has a change in occupancy up to nine times during the months of July and August. If a property is sold or transferred other than through inheritance or bequest, after the effective date of this bylaw, the new owner shall not engage in a Short-Term Rental of an existing or new dwelling unit that has a change in occupancy of more than four times during the months of July and August. After the effective date of this bylaw, if there is any change in the members, shareholders, or partners of an LLC, Trust or S Corporation other than the addition of immediate family members, the Short-Term Rental of a dwelling unit shall be limited to a change in occupancy of not more than four times during the months of July and August. The owner shall provide with the renewal application a report on the rental activities the prior year, as set forth more fully in the regulations adopted pursuant to § 123-4 of this Bylaw.
- N. The Select Board may designate a Town Official or Town Board to grant a waiver from any of the provisions contained in Paragraphs I through M of this chapter upon a showing that such a waiver is necessary in order to prevent an undue hardship.
- O. Hosted Stays and Cottage Colonies shall be exempt from subsections I, K, L, and M of this section.

§ 123-4. Regulations.

The Board of Health, subject to the approval of the Select Board, shall promulgate regulations to carry out and enforce the provisions of this chapter. Such regulations may also include but are not limited to requirements to insure that the operation of the short-term rental does not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, and other nuisance conditions.

§ 123-5. Enforcement.

- A. Whoever violates any provision of this bylaw or a regulation promulgated

hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D and the Town's non-criminal disposition bylaw (Chapter 1 of the Town Code). If noncriminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of \$100 for the first offense; \$200 for the second offense; and \$300 for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.
- C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the operator or the owner of the property by the Board of Health or its designee, after a certificate of registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said certificate of registration until the violation has been cured or otherwise resolved. Multiple violations by any operator may, at the discretion of the Board of Health and after a hearing, disqualify that operator from obtaining a certificate of registration for a period of up to three years.
- D. In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

If any provision in this chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

~~§ 123-7. Effective date.~~

~~The provisions of this Chapter shall become effective pursuant to General Laws Chapter 40, §21, or January 1, 2023, whichever is later;~~
Or take any other action relative thereto.

(Select Board)

ARTICLE 2

(Zoning Bylaw Amendment Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows, provided that the provisions of this chapter shall take effect upon approval by Town Meeting pursuant to G.L. c. 40A, § 5 and G.L. c. 40, § 21, but in no event shall these amendments take effect unless and until Chapter 123 (General Bylaw) of the Town Code regulating short-term rentals is amended in substantially the form set forth in Article 1 of the Warrant for the November 7, 2023, Special Town Meeting and is approved by the Attorney General:

1. Amend § 139-2 (Definitions and Word Usage), by inserting the following new term and definition and inserting it in alphabetical order.

SHORT-TERM RENTAL

A dwelling unit or portion thereof registered and operated by the owner in accordance with Chapter 123 of the Town Code.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation Y in all district columns except the Commercial Industrial (CI) district, where the designation N shall be inserted.

Or take any other action relative thereto.

(Select Board)

NOTE: The Use Chart to be amended is shown in the Town Code and is on file with the Town Clerk.

ARTICLE 3

(Acceptance of Massachusetts General Law: Adoption of Community Impact Fee on Professionally Managed Short-Term Rentals)

To see if the Town will vote to accept the provisions of General Laws Chapter 64G, Section 3D(a), authorizing the imposition of a community impact fee of three percent (3%) on the transfer of occupancy of a short-term rental in a “professionally-managed unit”, which term is defined as one of two or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family, or three family dwelling that includes the operator’s primary residence; or take any action relative thereto.

(Select Board)

ARTICLE 4

(Establish Special Purpose Stabilization Fund for Affordable Housing and Dedicate 100 Percent of Short-Term Rental Community Impact Fees to the Fund)

To see if the Town will vote to establish, pursuant to the provisions of General Laws Chapter 40, Section 5B, a Special Purpose Stabilization Fund for Affordable Housing; and further to accept Paragraph 4 of Chapter 40, Section 5B of the General

Laws and dedicate, without further appropriation, 100 percent of any community impact fees received by the Town pursuant to General Laws Chapter 64G, Section 3D(a) or (b) on the transfer of occupancy of a short-term rental to the Special Purpose Stabilization Fund for Affordable Housing; provided that said dedication shall take effect beginning in Fiscal Year 2025 which begins on July 1, 2024; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto.

(Select Board)

ARTICLE 5

(Zoning Map Change: LUG-3 to CI - Nantucket Airport Land in Vicinity of Sun Island Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing a portion of the following property currently located in the Limited Use General 3 (LUG-3) district in the Commercial Industrial (CI) district:

MAP	LOT	DESCRIPTION
69	3.1 (a portion of)	Approximately 45,020 square feet of Lot 66 shown on Land Court Plan 26984-U and on a plan entitled "Lease Area Plot Plan at Nantucket Airport in Nantucket, Massachusetts" prepared by Earle & Sullivan, Inc. dated January 6, 2023

All as shown on a map filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Airport Commission)

ARTICLE 6

(Real Estate Conveyance: Conservation Area Adjacent to Surfside Wastewater Treatment Facility to Nantucket Islands Land Bank)

To see if the Town will vote to transfer the care, custody, management and control of a certain parcel of land off South Shore Road, adjacent to the Surfside Wastewater Treatment Facility, shown as "Parcel B, Conservation Area" containing 16.1853 ± acres on a plan of land entitled "Division Plan of Surfside Wastewater Treatment Facility Land in Nantucket, MA. Showing Parcels A & B," dated April 23, 2023, prepared by Blackwell & Associates, Inc., a copy of which is on file with the Office of the Town Clerk, being a portion of the land owned by the Town by virtue of Order of Taking dated February 27, 1986, recorded with the Nantucket County Registry of Deeds in Book 246, Page 263, from the Select Board held for municipal sewage treatment purposes to the Select Board held for purposes of conveyance; and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in the

above-described parcel of land, to the Nantucket Islands Land Bank for purposes of conservation of natural resources subject to the provisions of the Conservation and Management Permit issued by the Massachusetts Division of Fisheries & Wildlife, and further any such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

All as shown on a map entitled “2023 Special Town Meeting Warrant Article 6” dated November 2023 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 7

(Real Estate Acquisition: Easements in Lovers Lane, Okorwaw Avenue, Monohansett Road, Airport Road, Skyline Drive, Webster Road, Evergreen Way, Rugged Road, and Davkim Lane for the Surfside Area Transportation Enhancements Project)

To see if the Town will vote to (a) authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Surfside Area Transportation Enhancements Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Lovers Lane, Okorwaw Avenue, Monohansett Road, Airport Road, Skyline Drive, Webster Road, Evergreen Way, Rugged Road, and Davkim Lane and approximately shown on plan entitled “Surfside Area Transportation Enhancements, Lovers Lane, Okorwaw Avenue, Monohansett Road, Nantucket, MA,” dated August 9, 2023, prepared by GPI (Greenman-Pedersen, Inc.), and the drainage easements shown as D-1, D-2 and D-3 and the temporary easements shown as TE-1, TE-2, TE-3 and TE-4 on plan entitled “Plan of Easements on Lovers Lane in Nantucket, MA, Nantucket County, Prepared for the Town of Nantucket,” dated July 19, 2023, prepared by GPI (Greenman-Pedersen, Inc.), both plans on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, (c) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes.

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Home Rule Petition: Acquisition of Bike Path Easement by County)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the amendment of a Conservation Restriction held by the Nantucket Land Council, Inc. dated January 14, 2004 recorded with Nantucket County Registry of Deeds in Book 872, Page 91 on land owned by Bartlett Farm, LLC, by virtue of a deed recorded with Nantucket County Registry of Deeds in Book 980, Page 17, located at 15 Somerset Lane, Nantucket, Massachusetts for the use of a portion of said land for bike path purposes and temporary easement purposes shown as Permanent Easement PE-2 and Temporary Easement TE-2 on a plan of land entitled "Easement Acquisition Plan for Somerset Bike Path in Nantucket, MA, Prepared for the County of Nantucket," dated October 19, 2022, prepared by Nantucket Engineering & Survey, P.C. and shown on a map entitled "2023 Special Town Meeting Warrant Article 8" dated November 2023 and filed with the Office of the Town Clerk, and further to authorize the grant of easement over a portion of said land for bike path purposes and for temporary easement purposes to the County of Nantucket provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage;

*AN ACT APPROVING THE AMENDMENT OF A CONSERVATION RESTRICTION
AUTHORIZING USE OF A PORTION OF CERTAIN LAND SITUATED IN THE
TOWN OF NANTUCKET FOR BIKE PATH PURPOSES AND AUTHORIZING
GRANT OF EASEMENT TO THE COUNTY OF NANTUCKET OVER A PORTION
OF SAID LAND FOR BIKE PATH PURPOSES AND TEMPORARY EASEMENT
PURPOSES*

*Be it enacted by the Senate and the House of Representatives in General Court
assembled, and by the authority of the same, as follows:*

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Conservation Restriction held by the Nantucket Land Council, Inc. on property located at 15 Somerset Lane in said Nantucket owned by Bartlett Farm, LLC, may be amended to allow the use of a portion of said land for bike path purposes and for temporary easement purposes.

Section 2. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the owner of said land situated in the Town of Nantucket, being a portion of a certain parcel of land located at 15 Somerset Lane may grant an easement to the County of Nantucket over a portion of said land for bike path purposes and for temporary easement purposes.

Section 3. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Transfer of General Fund Housing Appropriations)

To see if the Town will vote to transfer the sum of \$1,000,000 (One Million Dollars) which was appropriated in the annual operating budget under Article 8 of the 2022 Annual Town Meeting from the stated purpose of “a pilot program to help ease housing expenses for Town employees to the new purpose of “developing town employee housing”.

Or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: Nobadeer Playing Fields Complex - Field Addition; Associated Renovations to Adjacent Fields; Site Enhancements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making improvements to the Nobadeer Playing Fields complex including the addition of one (1) natural grass field and the renovation of the two (2) existing grass fields, parking and site enhancements, the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

NOTE: This project is intended to be funded through a Proposition Two and One-Half Debt Exclusion override. Debt Exclusions require two affirmative votes in order to be valid: a Town Meeting vote; and, a ballot vote at an election. At the 2023 Annual Town Meeting, this Article (Article 15) was not adopted; however, it was approved at the 2023 Annual Town Election (Question 4). Therefore, a Town Meeting vote is still required in order for this project to be funded.

ARTICLE 11

(Supplemental Appropriation: Upgrades to South Valley Sewer Pump Station)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding for the South Valley pump station upgrades including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

ARTICLE 12

(Supplemental Appropriation: Construction of Town Employee Housing)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding for the construction of town employee housing located at Town-owned property located at Fairgrounds Road/Waitt Drive including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

ARTICLE 13

(Supplemental Appropriation: Construction of Airport Housing)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding for the construction of employee housing on Airport property at Nobadeer Farm Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

ARTICLE 14

(National Opioid Settlement Payments - Special Purpose Stabilization Fund for Substance Abuse Efforts)

To see if the Town will vote to amend the prior votes under Article 28 of the 2021 Annual Town Meeting, Article 30 of the 2018 Annual Town Meeting and Article 32 of the 2022 Annual Town Meeting by dedicating 100% of any national opioid settlement payments to the Special Purpose Stabilization Fund for Substance Abuse Efforts established under Article 30 of the 2018 Annual Town Meeting; or take any other action relative thereto.

(Select Board)

ARTICLE 15

(Amend Description of Public Works Facility Improvements Design Location)

To see if the Town will vote to amend the vote taken under Article 16 of the 2018 Annual Town Meeting (Appropriation: Public Works Facility Improvements - Design) and Article 17 of the 2023 Annual Town Meeting (Amend Description of Public Works Facility Improvements Design Location) so that the location "1 Shadbush Road" is added to the description of the project as follows *(NOTE: new language is shown as highlighted text)*:

“To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of design improvements to the Department of Public Works facility at 188 Madaket Road and/or 10 Sun Island Road, and/or 1 Shadbush Road including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.”

(Select Board)

ARTICLE 16

(Real Estate Acquisition: 8 Nichols Road (Tom Nevers))

To see if the Town will vote to authorize the Select Board to acquire by eminent domain, gift or purchase for general municipal purposes and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in a certain parcel of land shown on Assessor’s Map 92.4, Parcel 199, located at 8 Nichols Road, and shown as Lot 161 on Land Court Plan No. 5004-D, Sheet 6, filed with the Nantucket Registry District of the Land Court, and to authorize the Select Board to amend the Order of Taking by Eminent Domain dated May 28, 2014, filed as Document No. 144905 with the Nantucket Registry District of the Land Court to correct the property description, and to authorize the Select Board to amend the Order of Taking to accomplish said purpose.

All as shown on a map entitled “2023 Special Town Meeting Warrant Article 16 Acquisition of 8 Nichols Road” dated November, 2023 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 17

(Elected Official Compensation Schedule Amendment)

To see if the Town will vote to amend the Elected Officials Compensation Schedule as follows:

*Schedule C -- Compensation Schedule for Elected Officials**

Moderator	\$175 per year
Select Board Member, Chair	\$5,000/per year
Select Board Members	\$3,500/per year
Town Clerk	\$133,030

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are*

excluded from the Personnel Bylaw of the Town.

Quantum of vote for passage of this article is 2/3rds

ARTICLE 18

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - Codfish Park Area)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Siasconset Sewer District) of the code of the town of Nantucket by adding the following properties, currently outside of the district. All as shown on the attached map.

Map	Lot	Number	Street
73.2.4	44.1	3	Elbow Lane
73.2.4	44.2	5	Gully Road
73.2.4	44.3	3	Gully Road
73.2.4	42	4	Codfish Park Road
73.2.4	41	7	Elbow Lane
73.2.4	40	8	Codfish Park Road
73.2.4	39	10	Codfish Park Road
73.2.4	9	12	Codfish Park Road
73.2.4	11	16	Codfish Park Road
73.2.4	7	1	Bank Street
73.2.4	8	5	Bank Street
73.2.4	10	10	Beach Street
73.2.4	5	5	Front Street
73.1.3	23	7	Beach Street
73.1.3	24	9	Beach Street
73.1.3	25	11	Beach Street
73.1.3	26	15	Beach Street
73.1.3	27	7	Bank Street
73.1.3	69	8	Bank Street
73.1.3	67	11	Bank Street
73.1.3	68	13	Bank Street
73.1.3	62	15	Bank Street
73.1.3	60	19	Bank Street
73.1.3	57	21	Bank Street
73.1.3	55	23	Bank Street
73.1.3	52	23R	Bank Street
73.1.3	51	25	Bank Street
73.1.3	50	27	Bank Street
73.1.3	49	29	Bank Street

73.1.3	92	23	Front Street
73.1.3	61.1	6	Jackson Street #1
73.1.3	61.2	6	Jackson Street #2
73.1.3	58	7	Jackson Street
73.1.3	64	7	Fawcett Way
73.1.3	45	-	-
73.1.3	121	-	Off North Gully Road
73.1.3	7	3	North Gully Road
73.1.3	7.1	5	North Gully Road
73.1.3	123	7	North Gully Road
73.1.3	48	8	North Gully Road
73.1.3	119	10	North Gully Road
73.1.3	66	24	Codfish Park Road
73.1.3	65	26	Codfish Park Road
73.1.3	56	30	Codfish Park Road
73.1.3	54	32	Codfish Park Road
73.1.3	53	34	Codfish Park Road
73.1.3	47	36	Codfish Park Road

Or to take any other action related thereto.

(Nicholas Amendolare, et al)

ARTICLE 19

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - Sankaty Road)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Siasconset Sewer District) of the code of the town of Nantucket by adding the following properties, currently outside of the district. All as shown on the attached map.

Map	Lot	Number	Street
49	80.2	62	Sankaty Road
49	80.1	64	Sankaty Road

Or to take any other action related thereto.

(Linda F. Williams, et al)

ARTICLE 20

**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change
- Burnt Swamp Lane)**

To add: #3, 5, 7, 8, 9, 11 & 14 Burnt Swamp Lane Map 56 Parcels 218, 219, 222, 279, 223, 227 & 2, Respectively to the adjacent Sewer District.

(Carl Borchert, et al)

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting and election aforesaid.

Given under our hands this 23rd day of August in the year Two Thousand Twenty-three.

Dawn Hill Holdgate, Chair

Brooke Mohr, Vice Chair

Matthew G. Fee

Malcolm MacNab

Thomas Dixon

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant adopted August 23, 2023, I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Constable