

Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair
Jason Bridges
Matt Fee
Kristie L. Ferrantella
Melissa Murphy



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD FEBRUARY 3, 2021 - 5:00 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020 ORDER REGARDING OPEN MEETING LAW NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/l0eAnJXPvhc>

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. Introduction of Town's New Diversity Equity and Inclusion Director.

IV. COVID-19 WEEKLY UPDATE

1. Public Comment.
2. Report(s) from Public Health Director and/or Nantucket Cottage Hospital President:
 - COVID-19 Case Metrics, Including Massachusetts COVID-19 Community-Level Data Map
 - COVID-19 Testing
 - Stop the Spread Testing Program
 - Vaccine Distribution Plan Update
 - COVID19 Task Force: Weekly Report
 - Economic Task Force Update
 - Board of Health Orders
 - Other
 - Select Board Comments/Questions

V. PUBLIC COMMENT* FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of January 27, 2021 at 5:00 PM.
2. Approval of Treasury Warrants for February 3, 2021.
3. Approval of Pending Contracts for February 3, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. PRESENTATIONS

1. Per- and Polyfluoroalkyl Substances (PFAS) Special Counsel Presentation/ Recommendation.

IX. CONSENT ITEMS

1. Gift Acceptance: Human Services (Saltmarsh Senior Center); Our Island Home.

X. PUBLIC HEARINGS

1. Public Hearing to Consider Application for Transfer of Seasonal Wine and Malt Beverages Restaurant License from Nantucket Rotary, LLC d/b/a Lola Burger, Clovett Miller, Manager to Lola Burger Restaurant Nantucket, LLC d/b/a Lola Burger, Heather Weyandt, Manager, for Premises Located at 1 Sparks Avenue.
2. Public Hearing to Consider Application for Transfer of Annual All Alcoholic Beverages Restaurant License from Lola 41 Restaurant, LLC d/b/a Lola 41, Joseph Burgess, Manager to Lola 41 Restaurant Nantucket, LLC d/b/a Lola 41, Joseph Burgess, Manager, for Premises Located at 15 South Beach Street.

XI. TOWN MANAGER'S REPORT

1. Review of Proposed FY 2022 General Fund Budget Amendment; Potential 2021 Annual Town Meeting Warrant Article(s) for Affordable Housing Trust Funding.
2. 2021 Annual Town Meeting: Warrant Development Update.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports.

XIII. ADJOURNMENT

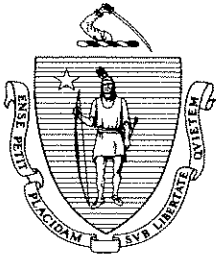
****Identified on Agenda Protocol Sheet***

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.*



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

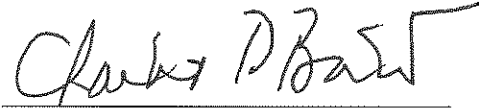
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 8:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in dark ink, reading "Charles D. Baker". The signature is written in a cursive style with a large, stylized "C" and "B".

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
February 3, 2021

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Memorandum of Agreement - Amendment	Town of Nantucket	Veterans of Foreign Wars (VFW) Sidney and Robert Henderson Post #8606	\$8,500	Continuation of rental of VFW facility for use by Nantucket Cottage Hospital for vaccine administration site	CARES Act Funding	April 1, 2021 - April 28, 2021
Purchase Agreement	Our Island Home	Direct Supply	\$72,259	Contract for the purchase of 45 new beds, mattresses, and bed accessories for Our Island Home	Our Island Home Budget	February 3, 2021 - June 30, 2021
Service Agreement	Our Island Home	Unitech Sound & Security Systems	\$6,985	Contract for installation of web-based reporting software	Article 12/2017 ATM	February 3, 2021 - December 31, 2021
Amendment to Professional Service Agreement	DPW	Fuss & O'Neill	n/a	Amend existing contract for Children's Beach storm water evaluation to extend completion date	n/a	February 3, 2021 - May 22, 2021
Sale Agreement	Town of Nantucket	Steven Zanazzi	(\$2,805)	Purchase of various DPW surplus equipment items (listed below)	n/a	February 3, 2021 - June 30, 2021
Grant Agreement	Council on Aging	Executive Office of Elder Affairs	(TBD; lowest amount would be \$21,588)	FY 2021 Formula Grant/Allocation (annual grant)	n/a	July 1, 2020 - June 30, 2021
Professional Services Agreement	Town of Nantucket (Select Board/Town Admin)	Arcadis	TBD	Baxter Road Alternative Access Options Study	Article 10 from 2019 ATM	Feb 3, 2021 - Dec 31, 2021

DPW Surplus Equipment Sale items:

- one (1) Cross Country equipment/utility trailer
- one (1) Premier 2006 "Hotshot" trailer mounted de-icer
- one (1) 1999 Le Roi compressor on skid
- one (1) 2007 Ford F-550 dump truck
- one (1) Gravely walk-behind mower
- one (1) Skidsteer Solutions skid steer mounted sicklebar mower
- one (1) tire machine

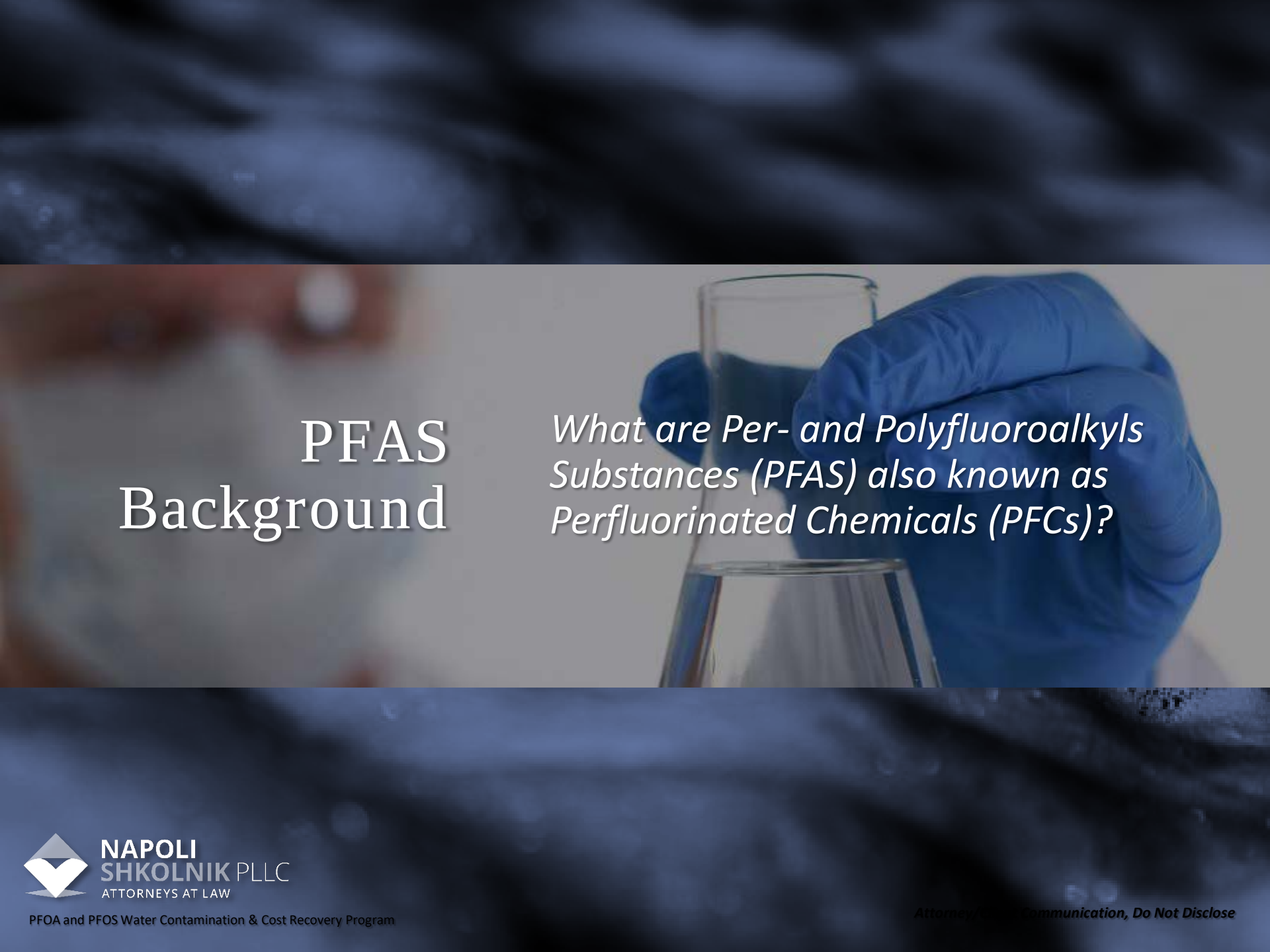
PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)



**WORKING TO FIGHT
WATER CONTAMINATION**

NAPOLI SHKOLNIK PLLC
PFOA AND PFOS WATER CONTAMINATION
& COST RECOVERY PROGRAM





PFAS Background

*What are Per- and Polyfluoroalkyls
Substances (PFAS) also known as
Perfluorinated Chemicals (PFCs)?*

What are Perfluorinated Chemicals (PFCs) and their relation to PFAS?

Scientists use “PFCs” as an abbreviation for two distinct but related sets of chemicals.

Whenever you see the abbreviation, make sure you understand how the author or publisher is using it.

PFCs can be an abbreviation for either:

- [perfluorinated chemicals](#), or
- a subset of perfluorinated chemicals called [perfluorocarbons](#)

The term Perfluorinated Chemicals (PFCs) refer to Perfluoroalkyl compounds, which are human-made substances that do not occur naturally in the environment. PFCs include but are not limited to:

- **Perfluorooctanoic acid (PFOA)**
- **Perfluorooctane sulfonic acid (PFOS)**

Citations

1. Kissa 2001
2. Schultz et al. 2003
3. 3M 1999
4. Hekster et al. 2003;
5. DuPont 2008
6. EPA 2008a

PFC Emissions

PFCs have been manufactured for more than 50 years where the substances PFOS and PFOA are part of a group of old-generation PFCs which will be used to a lesser extent in the future due to their potential hazards.

These hazards have resulted and will result in [litigation] and a number of [national] and international legislative bans worldwide.

Source: epa.gov

Posner: Perfluorinated compounds – occurrence and uses in products: 1-14. 2011.

**Attorney/Client Communication,
Do Not Disclose**

PFCs Background

What are PFCs?

Environmental - Perfluoroalkyls are very stable compounds and are resistant to biodegradation, direct photolysis, atmospheric photooxidation, and hydrolysis (3M 2000; EPA 2008a; OECD 2002, 2007; Schultz et al. 2003). The chemical stability of perfluoroalkyls and the low volatility of these substances in ionic form indicate that perfluoroalkyls will be persistent in water and soil (3M 2000; Prevedouros et al. 2006).

[Indicating that the compounds do not easily chemically react with their environment or break down]

Bioavailability

Perfluoroalkyls are widely detected in humans and animals, indicating that several of these substances are bioavailable. (de Vos et al. 2008; Furdui et al. 2007; Martin et al. 2004b).

[Suggesting that absorption by the human body occurs relatively easily]

In living organisms, perfluoroalkyls bind To protein albumin in blood, liver, and [reproductive organs] (de Vos et al. 2008; Kissa 2001)

A firefighter's nozzle is shown spraying a thick, white foam onto a large fire. The fire is bright orange and yellow, with thick black smoke rising in the background. The foam is being directed at the base of the fire, creating a large splash of white liquid.

Firefighting Foam

*Aqueous Film-Forming Foam (AFFF)
containing PFCs*

AFFF Background

How are AFFFs used?

- In the military, airports across the country, fire training centers and fire stations, PFCs were most commonly used in firefighting foams, referred to as **Aqueous Film-Forming Foam (AFFF)**.
- The foam and film layers act to separate oxygen from the fuel surface, and are therefore able to stop the chemical reaction from burning.
- Military and airport personnel have practiced putting out fires with AFFF at numerous Fire/Crash Training Areas located at airports and military bases nationwide.

Oftentimes, this training occurred in **burn pits**, recognizable by a blackened, repeatedly-burned airplane frame at the center of an unlined dirt pit.



**NAPOLI
SHKOLNIK** PLLC
ATTORNEYS AT LAW

PFOA and PFOS Water Contamination & Cost Recovery Program

Military Specification (MILSPEC)

AFFF is either **3%** or **6%** by volume in a solution of water.

MILSPEC AFFF is used to extinguish **Class B (flammable liquid)** fuel fires.



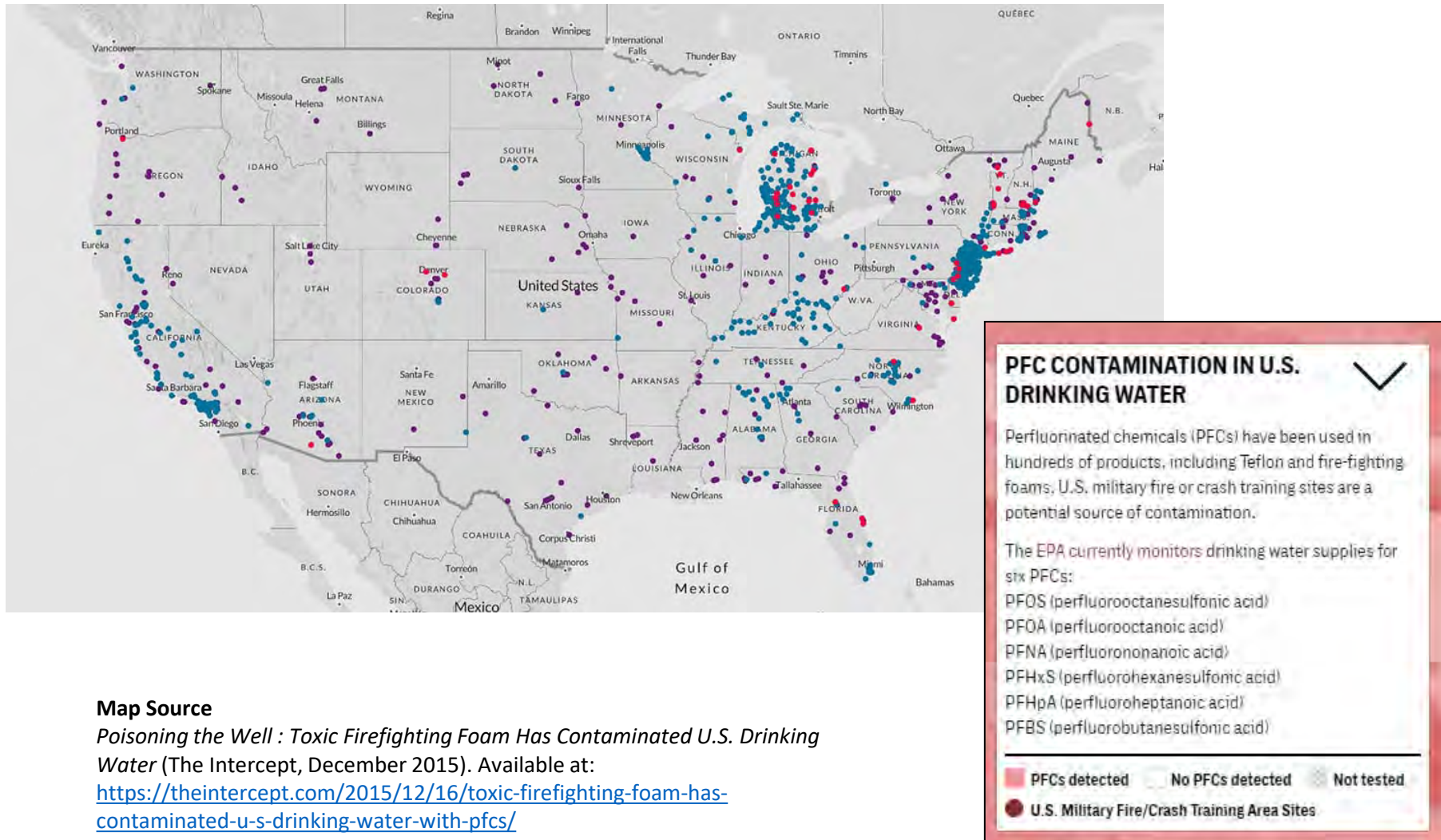
Marines extinguish a blaze during a live fire training exercise at the Marine Corps Air Station Cherry Point, in Havelock, North Carolina, on Aug. 28, 2013. Photo: Lance Cpl. Shawn Valosin/U.S. Marines

AFFF Background *Fire Fighter Training*

- While all fire fighting requires training, **putting out fuel fires via AFFF requires more rigorous *[and repeated]* training** due to the complicated nature of the equipment used and various techniques of application.
- The repetitive nature of AFFF training can lead to increased likelihood of contamination to the nearby environment.

Where was AFFF used?

PFC Contamination Sites Across the Country



Map Source

Poisoning the Well : Toxic Firefighting Foam Has Contaminated U.S. Drinking Water (The Intercept, December 2015). Available at:
<https://theintercept.com/2015/12/16/toxic-firefighting-foam-has-contaminated-u-s-drinking-water-with-pfcs/>

Why are PFCs
Bad?

What are the Adverse Effects?



Why Are PFCs Bad?

Effects of Exposure per the Center for Disease and Control Prevention (CDC) and the Environmental Protection Agency (EPA)

- CDC: PFAS are extremely persistent in the environment and resistant to typical environmental degradation processes.
- CDC: PFOS and PFOA also persist in the human body and are eliminated slowly, with a half life of 2 to 9 years.
- EPA: Exposure to PFOA and PFOS over certain levels may result in adverse health effects, including developmental effects to fetuses during pregnancy or to breastfed infants (e.g., low birth weight, accelerated puberty, skeletal variations), cancer (e.g., testicular, kidney), liver effects (e.g., tissue damage), immune effects (e.g., antibody production and immunity), thyroid effects and other effects (e.g., cholesterol changes).

Suits and Regulations

*Federal, State and Local
Litigation and Legislation*

Suits and Regulations

EPA Regulations

2009 Provisional Health Advisory

400 parts per trillion (ppt) combined
PFOA & PFOS



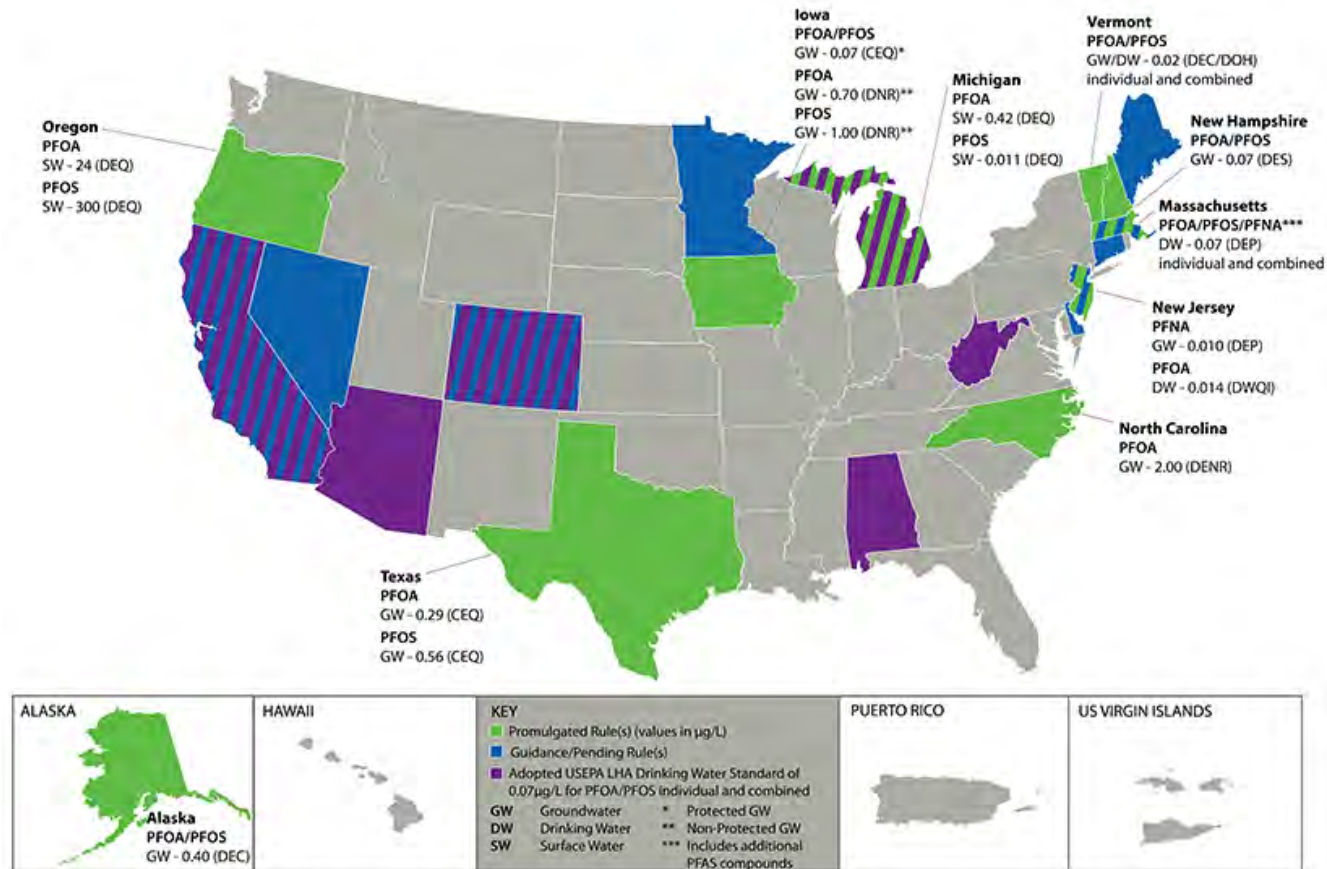
2016 Lifetime Health Advisory

70 parts per trillion (ppt) combined
PFOA & PFOS

*“If water sampling results confirm that drinking water contains PFOA and PFOS at individual or combined concentrations greater than 70 parts per trillion, water systems should **promptly notify their State drinking water safety agency** and consult with the relevant agency on the best approach to conduct additional sampling.”*

*“Drinking water systems and public health officials should also **promptly provide consumers with information** about the levels of PFOA and PFOS in their drinking water.”*

States with numerical PFAS Limits



Treatment & Remediation

Filtration Systems

- **Water Treatment**
 - **Granular Activated Carbon (GAC):**
 - **Ion Exchange:**
- **Soil Treatment**
- **Cleaning up Legacy Sites**

How We Can Help

The hazards of PFOA and PFOS contamination are coming to light, and thanks to Napoli Shkolnik's nationwide resources, we can speak out for your municipalities and contamination victims across the country.



PFOA and PFOS Water Contamination & Cost Recovery Program

Attorney/Client Communication, Do Not Disclose

How We Can Help

1. Free Evaluation For Your District
2. Investigate the Source of the Contamination
3. Sue Chemical Manufacturers
 - Products liability for defective design of AFFF
 - Failure to warn about the health effects of AFFF
4. We can help you recover capital costs associated with the installation of treatment systems at NO COST to your municipality
 - We charge solely on a contingency basis, pay all costs, and only take a fee if we are successful

The Napoli Shkolnik Difference

Our Investment in PFOA and PFOS Costs Recovery Program

- The Napoli Shkolnik investment into the **PFOA and PFOS Costs Recovery Program** is a risk we take because we care and believe that we can be successful
- Most firms cannot invest what is required to be successful in similar litigation
- Many firms do not have the resources to properly calculate your damages, and that can be disastrous if your municipality does not get a full return on the damages rightfully owed
- Napoli Shkolnik is committed to utilizing every resource in order to achieve a win for your community

About Our Principals

Marie Napoli, Partner

Ms. Napoli is a driving force behind the push to have Congress create a Victim's Compensation Fund for families affected by contaminated water. This fund could draw from federal and state money to pay for residents' health costs. Marie and the NS legal team visited Washington D. C. with families affected by contaminated water so that the families could share their stories with Members of Congress.

Hunter J. Shkolnik, Partner

Mr. Shkolnik has appeared on national networks such as NBC and Fox News to discuss the Water Crises occurring across the country. He is also a sought-after speaker on water contamination, Co-Chairing and speaking at several Litigation Conferences focusing on Lead Poisoning. Mr. Shkolnik's legal achievements have been industry and peer recognized by Super Lawyers®.

Named Co-Liaison Counsel in the Flint Water Crisis Litigation by U.S. District Judge Judith E. Levy.

Paul J. Napoli, Of Counsel

Mr. Napoli has litigated extensively on behalf of municipal clients for contamination to land and water supplies resulting from petroleum and related chemical spills. He led the team who obtained more than \$50million for environmental contamination of municipal water supplies by leaks of petroleum additive.

Named Co-Lead Counsel in the AFFF Products Liability Litigation by U.S. District Judge Richard Mark Gergel.

Named Liaison Counsel in the Colorado PFOA/PFOS Toxic Tort Litigation by U.S. District Judge R. Brooke Jackson.

Your Environmental Team



Louise R. Caro
Partner



Andrew W. Croner
Partner



Hank Naughton
Partner



Lilia Factor
Associate



Patrick J. Lanciotti
Associate



Michelle Greene
Associate



RETAINER AGREEMENT

TO: NAPOLI SHKOLNIK PLLC
360 Lexington Avenue, 11th Floor
New York, New York 10017

I, _____ of the Town of Nantucket, Massachusetts (Nantucket) retain the law office of *Napoli Shkolnik PLLC*, as the attorney to investigate and prosecute a claim against any and all parties individuals and/or corporations that are found to be liable under the law, for wrongs and injury suffered by me arising out of groundwater supply contamination by Per- and Polyfluoroalkyl Substances ("PFAS"), 1,4 Dioxane, and any emerging chemicals of concern of Nantucket.

Napoli Shkolnik has both the financial and legal resources to provide Nantucket with the highest level of representation. Napoli Shkolnik is prepared to investigate the PFAS, 1,4-Dioxane, or any emerging unregulated contaminant contamination of the groundwater on behalf of Nantucket upon the signing of this retainer agreement. If upon the conclusion of Napoli Shkolnik's initial investigation it is determined there are actionable claims for PFAS, 1,4-Dioxane, or any emerging unregulated contaminant, Napoli Shkolnik shall bring suit on behalf of Nantucket. Napoli Shkolnik is prepared to finance the entire litigation including all out of pocket expenses and disbursements and handle the lawsuit on a contingent fee basis. This guarantees that will not be responsible for any costs of this litigation whether we are successful or not.

1. COMPENSATION: As compensation for its services, Nantucket agrees to pay a contingent fee of Twenty-Five Percent (25%) of the sum recovered, whether by suit, settlement or otherwise. All costs and disbursements of the litigation will be paid by Napoli Shkolnik and will be reimbursable at the end of the litigation out of the proceeds of any recovery or settlement.

2. COSTS AND EXPENSES: This employment is upon a contingent basis and unless a recovery is made there will be no obligation by to pay costs incurred by the Napoli Shkolnik. If a recovery is made, then will be responsible for all costs and expenses incurred in the handling of the case.

In the event there is no recovery, Nantucket shall not be obligated to pay Napoli Shkolnik any disbursements or any legal fee for services rendered. Disbursements may include the following expenses: court filing fees, sheriff fees, medical and hospital report/record fees, doctor's report, court stenographer fees, deposition costs, expert fees for record review, costs of preparation of exhibits and reports, expert depositions costs and court appearance costs, trial exhibits, computer on-line search fees, express mail, postage, and long-distance telephone charges. At the time of the final settlement, these expenses shall be deducted prior to the computation of the Attorney's Fee.

Initials

The firm may, at their own expense, use or associate other attorneys in the representation of the aforesaid claims of Nantucket. Nantucket understands that Napoli Shkolnik is a professional limited liability company with a number of attorneys. Several of those attorneys are anticipated to work on Nantucket's case.

3. COMPUTATION OF FEE: The contingency fee of 25% shall be calculated based on Nantucket's net recovery, which shall be calculated by subtracting from Nantucket's gross recovery all of the Nantucket's out of pocket costs as described in Paragraph 2, above. The contingency fee does not contemplate any appeal. Napoli Shkolnik is under no duty to perfect or prosecute such appeal until a satisfactory fee arrangement is made in writing regarding costs and counsel fees for such work.

In addition, if Napoli Shkolnik borrows money from any lending institution to finance the cost of the client's case, the amounts advanced by this firm to pay the cost of prosecuting or defending a claim or action or otherwise protecting or promoting the client's interest will bear interest at the lesser of (i) the Bank Rate Monitor National Index for personal loans effective on the date of the initial advance and (ii) the highest lawful rate allowed by applicable law. In no event will the interest be greater than the amount paid by Napoli Shkolnik to the lending institution. This interest will be included as a disbursement at the end of the case and will not in any be recoverable unless there is a recovery in the case by suit settlement or otherwise.

4. WITHDRAWAL: Napoli Shkolnik expressly reserves the right to withdraw their representation at any time upon reasonable notification to Nantucket. In the event that Nantucket advises: Napoli Shkolnik to transfer the handling of this claim to another law firm, or if Nantucket fails to cooperate with Napoli Shkolnik in the handling of this claim, Nantucket agrees to compensate Napoli Shkolnik a reasonable amount for their services, and for the time spent on this claim on an hourly basis or under such other arrangement that may be agreed upon by the parties, out of any ultimate recovery. Nantucket shall not be responsible for any costs if it decides to terminate the prosecution of this claim altogether. Nantucket understands that Napoli Shkolnik has conditionally accepted this case based upon independent confirmation of all facts and injuries claimed to have been sustained by Nantucket. In the event that Nantucket desires to transfer the file from these offices, Nantucket shall be responsible to compensate Napoli Shkolnik for the reasonable value of their services. Such transfer shall not include documents or attorney work product regarding the general liability of the defendants.

5. ATTORNEYS' LIEN: Napoli Shkolnik shall have a general lien, in addition to any statutory lien, upon cause of action, claim, and/or counterclaim which shall attach to a *final* recovery in favor of the firm to proceeds thereof in whatever hands they may come.

6. STATUTE OF LIMITATIONS: This Agreement is made subject to an investigation of the Statute of Limitations period for the case, as well as an investigation of the Nantucket entire case. Nantucket shall not be charged for the firm's time to complete that investigation, regardless of its outcome.

Initials

7. RESULTS NOT GUARANTEED: No attorney can accurately predict the outcome of any legal matter, accordingly, no representations are made, either expressly or impliedly, as to the final outcome of this matter. This Retainer Agreement is a binding legal contract. Nantucket will fully and freely cooperate with Napoli Shkolnik in all aspects required for the prosecution of this legal matter and Nantucket will take no actions that frustrate or impair the success of this action.

8. APPROVAL NECESSARY FOR SETTLEMENT: Napoli Shkolnik is hereby granted a power of attorney so that they may have full authority to prepare, sign and file all legal instruments, pleadings, drafts, authorizations, and papers as shall be reasonably necessary to conclude this representation, including settlement and/or reducing to possession any and all monies or other things of value due to Nantucket under the claim as fully as Nantucket could do. Nantucket retains final approval over the amount of any potential settlement. Napoli Shkolnik is also authorized and empowered to act as Nantucket's negotiator in any and all negotiations concerning the subject of this Agreement, subject to Nantucket's approval of the amount of any potential settlement.

9. ARBITRATION: Any and all disputes, controversies, claims, demands, or disputes arising out of the terms of this Contract or Nantucket's representation by the firm, whether in contract, tort or otherwise, at law or in equity, for damages or any other relief, shall be resolved by binding arbitration pursuant to the laws of Massachusetts under the applicable statutes then in effect. Judgment upon an award rendered through arbitration in any such proceeding may be entered and enforced in any court of competent jurisdiction.

10. PARTIES BOUND: This Agreement shall be binding upon and inure to the benefit of the parties, hereto, and their respective heirs, executors, administrators, legal representative, successors, guardians, and assigns.

11. LEGAL CONSTRUCTION: In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

12. PRIOR AGREEMENTS SUPERSEDED: This Agreement constitutes the sole and only Agreement of the parties hereto and supersedes any prior understandings or written or oral agreement between the parties respecting the within subject matter.

Initials

I certify and acknowledge that I have had the opportunity to read this Agreement and have answered any questions pertaining thereto. I further state that I have voluntarily entered into this Agreement fully aware of the terms and conditions. This contract may be cancelled by written notification to the attorney at any time within 3 business days of the date the contract was signed, as shown below, and if cancelled the client shall not be obligated to pay any fees to the attorney for the work performed during that time. If the firm has advanced funds to others in representation of Nantucket, the firms are entitled to be reimbursed for such amounts as the attorneys have reasonably advanced on behalf of the client. The undersigned has, before signing this contract, received and read the **Statement of Client's Rights** and understand each of the rights set forth therein. The undersigned client has signed the statement and received a signed copy to refer to while being represented by the undersigned attorneys.

SIGNED AND ACCEPETED ON THIS _____ day of _____



NAPOLI SHKOLNIK, PLLC

TOWN OF NANTUCKET
BY ITS SELECT BOARD

NOTICE: This agreement contains provisions resuming arbitration of fee disputes. Before you sign this agreement, you should consider consulting with another lawyer about the advisability of making an agreement with mandatory arbitration requirements. Arbitration proceedings are ways to resolve disputes without use of the court system. By entering into agreements that require arbitration as the way to resolve fee disputes, you give up (waive) your right to go to court to resolve those disputes by a judge or jury. These are important rights that should not be given up without carefull consideration.

Initials

CONSENT AGENDA ITEMS FOR 2/3/2021 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Human Services (Saltmarsh Senior Center):
 - o Gift of \$100 from Thomas and Kathleen Cahill for the Saltmarsh Senior Center
- Our Island Home:
 - o Gifts totaling \$650 from various donors for the Our Island Home Gift Account

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.

MEMO



Date: January 26, 2021

TO: Dawn Hill Holdgate, Select Board Chair

CC: Jerico Mele, Director of Human Services

FROM: Laura Stewart, Saltmarsh Senior Center, Program Coordinator

RE: Request for acceptance of gift

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

From Thomas & Kathleen Cahill: \$100.00 gift for the Saltmarsh Center

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



OUR ISLAND HOME

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

January 26, 2021

Nantucket Select Board
Nantucket, MA. 02554

Dear Chair 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 C. Michael & Katherine Costa
- A check in the amount of \$150.00 from Maureen Glowacki in memory of Albert

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,

Robert Eisenstein, Interim Administrator
Our Island Home



Agenda Item Summary

Agenda Item #	X. 1.
Date	2/3/2021

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application – License Transfer – Lola Burger, 1 Sparks Avenue

Executive Summary

Application for Transfer of a Seasonal Wine and Malt Beverages Restaurant License # 00199-RS-0762 at 1 Sparks Avenue from: Nantucket Rotary, LLC, Clovett Miller, Manager to Lola Burger Restaurant Nantucket, LLC, Heather Weyandt, Manager.

OPERATIONS:

The License under a transfer application is still valid with the original LLC in charge of operations and with full liability for staffing, liquor sales and all aspects of the license until such time that the transfer is approved by the LLA (Select Board) and ABCC. The establishment does not need to close during the application process as is the case with a surrender and a new license application. The applicant is also agreeing to take on the License with all current conditions and is responsible for any previous violations or outstanding debts, etc. The history of the license travels with the transfer to the new LLC.

As this is a SEASONAL License, operations are only valid April 1 – January 15 so this license is not currently active.

Staff Recommendation

There are no objections to this transfer. All required paperwork and financial documentation have been submitted. All Departments issuing permits to the establishment must be updated with new ownership upon approval by ABCC. Additional permits or inspections may be required.

*Please note the original application submitted in December contained a different LLC listing as transferee that was updated in early January. The Public Notice and Abutter notification were updated and resent. The Public Hearing was rescheduled from January 20 to February 3, 2021.

Background/Discussion

N/A



Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Inquirer and Mirror Public Notice; Abutter Notification

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

N/A

Attachments

ABCC Transfer of License Application; Lola Burger Liquor License; Select Board Public Hearing Process



Select Board Liquor License Public Hearing Process

Liquor License Public Hearing Process

1. The chairman opens the public hearing and may outline the procedure to be followed.
2. The applicant reviews their pending application.
3. Public comment is taken.
 - If applicable, read into record any written objections received from school, church or hospital located within 500 feet.
4. The chairman invites questions from the Board and closes the public hearing.
5. The Board makes a decision to approve or deny.
6. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, denials must be based on reasonable grounds; ABCC and courts prefer findings based on:
 - the appropriateness of a liquor license at a particular location
 - the number of existing dispensaries in Town
 - the views of the inhabitants of the locality in which a license is sought
 - traffic, noise, size (typically applies to a new location)
 - the sort of operation that carries the license
 - the reputation of the applicant
7. A written decision is required to be sent to the applicant. No need for reasons if the application is simply approved, but if there is a denial or conditions are imposed, the reasoning for this is required to be in the decision. Therefore, the Board should vote on basis for denial or conditions as well [concerns with traffic, another licensee located adjacent to property, limiting hours, etc.].



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00199-RS-0762

Nantucket

12/31/2020

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| ☐ New License | ☐ Change Corporate Name | ☐ Pledge of Collateral (i.e. License/Stock) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☒ Transfer of License | ☐ Change of DBA | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change of Hours |
| ☐ Change of Manager | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Issuance/Transfer of Stock/New Stockholder |
| ☐ Change of Beneficial Interest | ☐ Change of Location | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Lola Burger Restaurant Nantucket LLC

D/B/A Lola Burger

ADDRESS: 1 Sparks Avenue

CITY/TOWN: Nantucket

STATE: MA

ZIP CODE: 02554

Manager: Heather Weyandt

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Seasonal

Wines and Malt Beverages

If Yes, Chapter
of the Acts of (year)

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

(i.e. Wines and Malts / All Alcohol)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority: Approves this Application

Please indicate what days and hours
the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is
downgrading the License
Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area

Total Square Footage

Seating Capacity

Indoor Area

Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☒ No ☐

Date of Abutter
Notification 11/20/2020

Date of
Advertisement 01/21/2021

Please add any
additional remarks or
conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

02/03/2021

Date APPROVED by LLA

VAUGHAN, DALE, HUNTER, BEAUDETTE AND SWAIN

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

BRYAN J. SWAIN

WILLIAM F. HUNTER
OF COUNSEL

December 21, 2020

VIA HAND DELIVERY

Amy Baxter, Licensing Administrator
4 Fairgrounds Road
Nantucket, MA 02554

Re: Nantucket Rotary, LLC
Liquor License Transfer Application

Dear Amy:

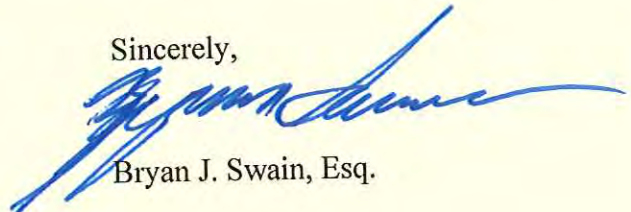
This letter will serve to confirm that I represent Nantucket Rotary, LLC in the above-captioned matter. My client is seeking to transfer its Seasonal, Restaurant, Wine and Malted Beverages Liquor License to Lola Burger Restaurant Nantucket, LLC. Enclosed, please find the following documents in support of its application:

1. Completed Transfer Application;
2. DOR and DUA certificates of compliance;
3. Business structure documents;
4. CORI applications for all members with an interest in the license;
5. CORI for the proposed Manager of the liquor license;
6. Completed manager application;
7. Proof of citizenship;

8. Vote of corporate board;
9. Legal right to occupy the premises;
10. Floor plans;
11. Monetary transmittal application;
12. A certified lists of abutters,
13. The local filing fee;
14. A check payable to the Inquirer and Mirror, representing the legal notice fee;
15. Proof of payment of the ABCC filing fee, and
16. TIPS certification of the proposed manager;

The Applicant reserves the right to supplement this application with additional materials at a later time. Please do not hesitate to contact me if you have any questions, or would like to discuss this application in greater detail. Please schedule this matter for the next available Select Board's public hearings. Can you please send me the legal advertisement when it is available?

Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan J. Swain", with a long, sweeping horizontal stroke extending to the right.

Bryan J. Swain, Esq.

Encls.

CC: Lola Burger Restaurant Nantucket, LLC



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- ☒ Transfer of License
☐ Alteration of Premises
☐ Change of Location
☐ Management/Operating Agreement
- ☐ Pledge of Inventory
☐ Pledge of License
☐ Pledge of Stock
☐ Other
- ☐ Change of Class
☐ Change of Category
☐ Change of License Type
(\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The Applicant, Nantucket Rotary, LLC, desires to transfer its liquor license to Lola Burger Restaurant Nantucket LLC. The restaurant theme and concept, and operation of the business will remain the same.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

On-Premises-12

TYPE

\$12 Restaurant

CATEGORY

Wines and Malt Beverages

CLASS

Seasonal

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number

FEIN

Entity Name

DBA

Manager of Record

Street Address

Phone

Email

Add'l Phone

Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

1152 s.f. structure. Service of alcoholic beverages will take place inside the structure, which is a restaurant, and on the enclosed porch on the right-hand side of the structure, shown with 4 picnic tables. The restaurant has 6 exterior doors, two of which open from the restaurant to the side porch. The side porch has a handicap ramp.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name Nantucket Rotary, LLC By what means is the license being transferred? Purchase

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<u>Marco Coelho</u>	<u>Manager</u>	<u>45%</u>
<u>Ofer Nemouriski</u>	<u>Member</u>	<u>50%</u>
<u>Mark Daley</u>	<u>Member</u>	<u>5%</u>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<u>Marco Coelho</u>	<u>358 Maddock Street, W. Palm Beach, FL 33405</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<u>Manager of Gratus LLC</u>	<u>30% interest in license</u>	☒ Yes ☐ No	☒ Yes ☐ No
<u>Mark Daley</u>	<u>15 Vesper Lane, Nantucket, MA 02554</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<u>Manager of Gratus LLC</u>	<u>5% in license</u>	☒ Yes ☐ No	☒ Yes ☐ No
<u>Edward P. Grace, IV</u>	<u>701 S. Olive Ave, W. Palm Beach, FL 33401</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<u>Manager, NDT, LLC</u>	<u>5.4% interest License</u>	☒ Yes ☐ No	☐ Yes ☒ No
<u>Damien Norman Barr</u>	<u>3215 Vincent Rd, W. Palm Beach, FL, 33405</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<u>Member NDT, LLC</u>	<u>5.4% interest in License</u>	☒ Yes ☐ No	☐ Yes ☒ No

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
Timothy Mullen	760 S. County Road, W. Palm Beach, FL, 33480	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Member of NDT, LLC & Lola Investment Co.	7.4% interest in License	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident			☐ Yes ☒ No
Name of Principal	Residential Address	SSN	DOB
Samuel Peys Grace	301 Lytle Street, W. Palm Beach, FL, 33405	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Member in NDT, LLC	1.8% interest in License	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident			☐ Yes ☒ No
Name of Principal	Residential Address	SSN	DOB
Paul Stevens Lawler	165 Beacon Lane, Jupiter, FL 33469	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
member NDT, LLC	5.4% in NDT, LLC	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident			☐ Yes ☒ No

Additional pages attached? ☒ Yes ☐ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Marco Coelho	Restaurant	Lola 42	Boston
Marco Coelho	Restaurant	Lola Burger	Nantucket

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	
Marco Coelho	Restaurant	Roco, LLC	Nantucket County

ADDENDUM A

6. PROPOSED OFFICER, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Percentage of Ownership in Entity being Licensed
(Write "NA" if this is the entity being licensed)

Lola Burger Restaurant Nantucket LLC

Name of Principal	Residential Address	SSN	DOB
Stephen Robert Karp	3 Possum Rd, Weston, MA 02493		
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Member NDL, LLC and Lola Investment	4.4% interest in license	☒ Yes ☐ No	☒ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Douglass E Karp	193 W. Brookline St., Boston, MA 02118		
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Member NDT & Lola Investment Co.	4.4% interest in license	☒ Yes ☐ No	☒ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Steven S Fisch	60 E Colbert Rd., Newton, MA 02465		
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Member NDT & Lola Investment Co.	4.4% interest in license	☒ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Paul Jude Salem	41 Nayatt Rd. Barington, RI 02806		
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Member Lola Investment, Co, LLC	15% Interest in License	☒ Yes ☐ No	☐ Yes ☒ No
Name of Principal	Residential Address	SSN	DOB
Joshua P Gold	39 Inverness Rd, Wellesley, MA 02481		
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Member Lola Investment, Co, LLC	.08% interest in license	☒ Yes ☐ No	☐ Yes ☒ No
Name of Principal	Residential Address	SSN	DOB
Matthew Keith Sidman	297 Commonwealth Ave, Boston MA 02115		
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Member Lola Investment Co., LLC	3.6% Interest in License	☒ Yes ☐ No	☒ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB
Hope Sidman	6 Newbury Street, 5th Fl., Boston, MA 02116		
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
Member, Lola Investment, Co., LLC	3.6% Interest in License	☒ Yes ☐ No	☒ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

ADDENDUM A

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name		Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed)		
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
William Harold Jennings, II	876 Village Rd, N.Palm Beach, FL 33408			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member, Lola Invenstment Co, LLC	3% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No
Name of Principal	Residential Address	SSN	DOB	
Sol Jamshid Kumin	37 Chestnut Street, Boston, MA 02108			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
member, Lola Investment Co. LLC	2% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Erica Gervais	164 Brattle Street, Cambridge, MA 02138			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☐ No

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure

Date of Incorporation

State of Incorporation

Is the Corporation publicly traded? ☐ Yes ☒ No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☒ Yes ☐ No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other* (Please specify)	
D. Total Cost	1,300,000.00

*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
LLC Members	1,300,000.00
Total:	1,300,000.00

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Funding will come from the private assests and funds of the LLC Members.

11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 13.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

13A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

13F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Management Agreement Entity Officer/LLC Manager

Signature:

Signature:

Title:

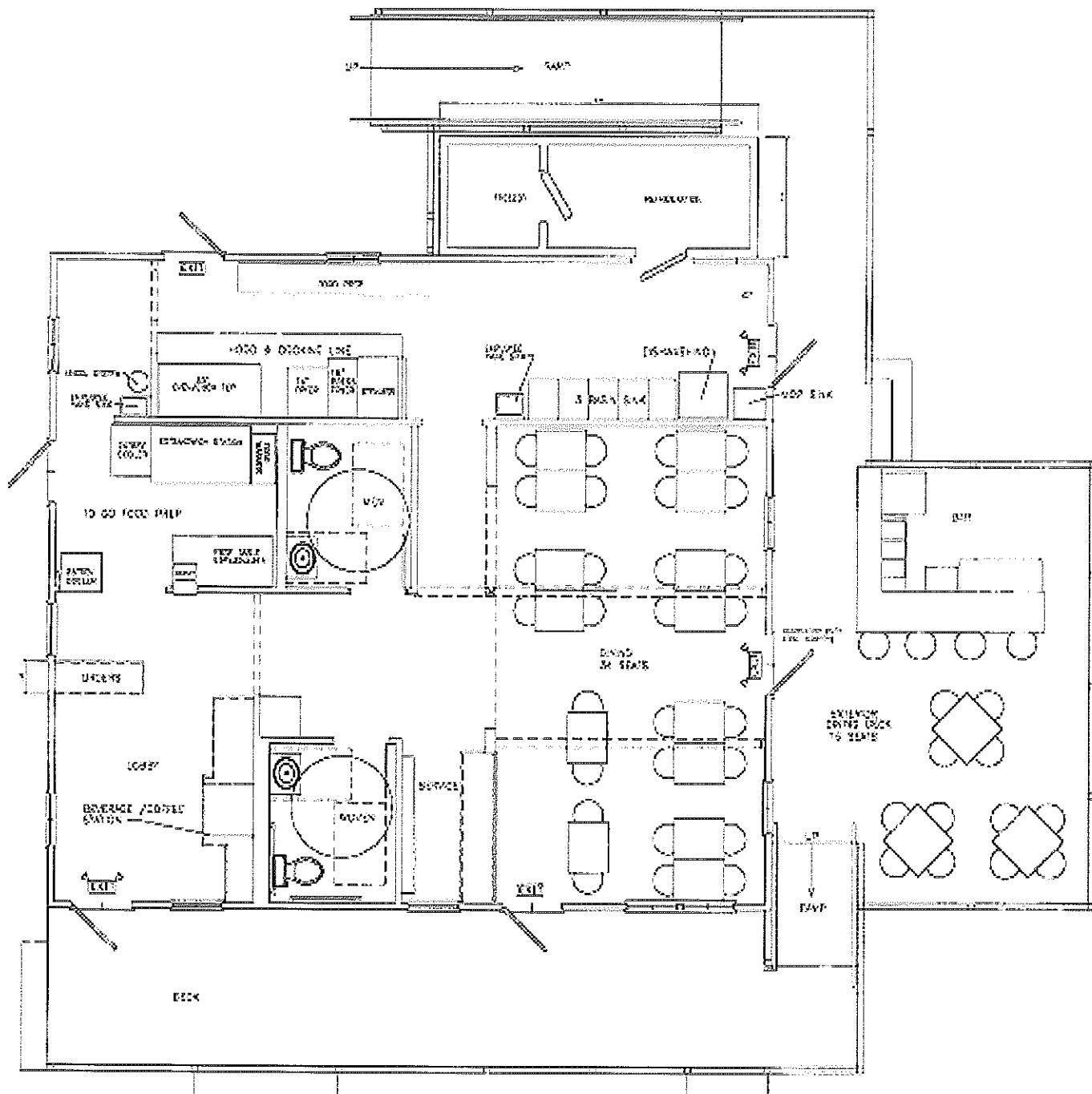
Title:

Date:

Date:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.



LICENSE #: 00199-RS-0762

LICENSE FEE: \$2,600.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
WINE AND MALT BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Nantucket Rotary, LLC

DBA: LOLA BURGER

PREMISES: 1 Sparks Avenue
Nantucket, MA 02554

MANAGER: pending ABCC

ON PREMISES DESCRIBED AS:

1152 sq. ft. structure. Service of alcoholic beverages will take place inside the structure, which is a restaurant, and on the enclosed porch on the right hand side of the structure, shown with four picnic tables. The restaurant has 6 exterior doors, two of which open from the restaurant to the side porch. Side porch has a handicapped ramp.

ELECTRONIC COPY

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. No alcohol service is permitted after 1:00AM and patrons must be off the license premises and said premises must be closed by 1:30AM. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 11th day of March 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE IS VALID BEGINNING APRIL 1, 2020

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.

APPLICANT'S STATEMENT

I, Marco Coelho the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager

Authorized Signatory

of Nantucket Rotary, LLC

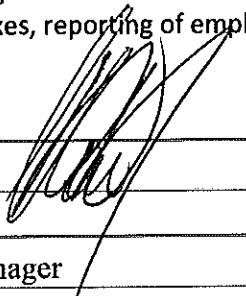
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

Title:

Manager

CORPORATE VOTE

The Board of Directors or LLC Managers of Nantucket Rotary, LLC
Entity Name

duly voted to apply to the Licensing Authority of Nantucket and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on December 19 2020
Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☒ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | ☐ Change of DBA | |

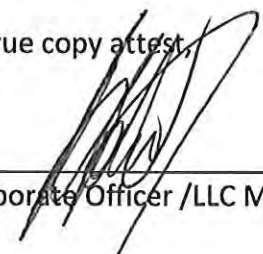
"VOTED: To authorize Marco Coelho
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint Heather Weyandt
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

Marco Coelho

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ☒ Yes ☐ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

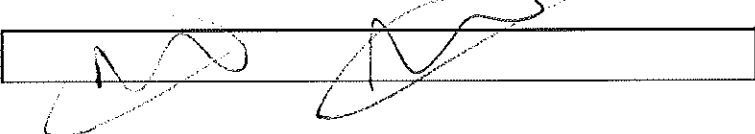
Start Date	End Date	Position	Employer	Supervisor Name
2/20	Present	Manager	Lola 41	Marco Coelho
7/19	2/20	Manager	Hillstone Restaurant	Naveen Bousi
1/18	4/19	Front of House Supervisor	Cafe Laura	Kevin Johnston
5/18	8/18	Intern	Biltmore Estate	Reed McGregor

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

Start	End	Position	Employer	Supervisor
5/17	9/17	F&B Intern	The Reeds @ Shelter Haven	Justin Mugavero
6/16	4/17	Banquet Captain	Penn Starter Conference Center and Hotel	Kitty Johnson
8/14	4/15	Hostess	Texas Roadhouse	Dave Veeder



eTIPS On Premise 3.0

CERTIFIED

Issued: 6/6/2020

Expires: 6/6/2023

ID#: 5345836

Heather M Weyandt

1 Sparks Ave

Nantucket, MA 02554-3952

For service visit us online at www.gettips.com



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L2086224192
Notice Date: November 17, 2020
Case ID: 0-000-798-409



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



MARCO COELHO
NANTUCKET ROTARY L L C
PO BOX 5241
NANTUCKET MA 02554-5241

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, NANTUCKET ROTARY L L C is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 8:30 a.m. to 4:30 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Charles D. Baker
GOVERNOR

Karyn E. Polito
LT. GOVERNOR



286545511

Rosalin Acosta
SECRETARY

Richard A. Jeffers
DIRECTOR

Nantucket Rotary, L.L.C.
9 CLIFF ROAD
NANTUCKET, MA 02554

EAN: 10070774
November 17, 2020

Certificate Id:42910

The Department of Unemployment Assistance certifies that as of 11/17/2020, Nantucket Rotary, L.L.C. is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Richard A. Jeffers, Director

Department of Unemployment Assistance



Beneficial Ownership in Lola Hospitality Holdings LLC and Liquor License



Edward Grace IV – 5.4%
 Damien Barr – 5.4%
 Timothy Mullen – 5.4%
 Samuel Grace – 1.8%
 Paul Lawler – 2.0%



Marco Coelho – 30%
 Mark Daley – 5%



Paul Salem – 15%
 Steve Karp – 1.7%
 Doug Karp – 1.7%
 Steve Fischman – 1.7%
 Joshua Gold – 0.8%
 Matthew Sidman – 3.6%
 Hope Sidman – 3.6%
 William Jennings – 3.0%
 Sol Kumin – 2.0%
 Ted Pappendick – 2.0%

TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER. BVS ROTARY INVESTORS

MAILING ADDRESS. C/O VDHB&S 2 Whalers Lane, PO BOX 659, Nantucket, MA 02554

PROPERTY LOCATION. 1 SPARKS AV

ASSESSORS MAP/PARCEL. 55 / 180.1

SUBMITTED BY. Bryan J. Swain, Esq.

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

11-20-2020

DATE

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2020.11.20 08:21:36 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
55	180	2	MOONEY ROBERT L		175 ORANGE ST	NANTUCKET	MA	02554	175 ORANGE ST
55	180	3	MOONEY ROBERT L		175 ORANGE ST	NANTUCKET	MA	02554	3 SPARKS AV
Count:	2								



Agenda Item Summary

Agenda Item #	X. 2.
Date	2/3/2021

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application – License Transfer – Lola 41, 15 South Beach Street

Executive Summary

Application for Transfer of an Annual All Alcohol Restaurant License # 00175-RS-0762 at 15 South Beach Street from: Lola 41 Restaurant, LLC, Joseph Burgess, Manager to Lola 41 Restaurant Nantucket, LLC, Joseph Burgess, Manager.

OPERATIONS:

The License under a transfer application is still valid with the original LLC in charge of operations and with full liability for staffing, liquor sales and all aspects of the license until such time that the transfer is approved by the LLA (Select Board) and ABCC. The establishment does not need to close during the application process as is the case with a surrender and a new license application. The applicant is also agreeing to take on the License with all current conditions and is responsible for any previous violations or outstanding debts, etc. The history of the license travels with the transfer to the new LLC.

Staff Recommendation

There are no objections to this transfer. All required paperwork and financial documentation have been submitted. All Departments issuing permits to the establishment must be updated with new ownership upon approval by ABCC. Additional permits or inspections may be required.

*Please note the original application submitted in December contained a different LLC listing as transferee that was updated in early January. The Public Notice and Abutter notification were updated and resent. The Public Hearing was rescheduled from January 20 to February 3, 2021.

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A



Public Outreach

Inquirer and Mirror Public Notice; Abutter Notification

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

N/A

Attachments

ABCC Transfer of License Application; Lola 41 Liquor License; Select Board Public Hearing Process



Select Board Liquor License Public Hearing Process

Liquor License Public Hearing Process

1. The chairman opens the public hearing and may outline the procedure to be followed.
2. The applicant reviews their pending application.
3. Public comment is taken.
 - If applicable, read into record any written objections received from school, church or hospital located within 500 feet.
4. The chairman invites questions from the Board and closes the public hearing.
5. The Board makes a decision to approve or deny.
6. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, denials must be based on reasonable grounds; ABCC and courts prefer findings based on:
 - the appropriateness of a liquor license at a particular location
 - the number of existing dispensaries in Town
 - the views of the inhabitants of the locality in which a license is sought
 - traffic, noise, size (typically applies to a new location)
 - the sort of operation that carries the license
 - the reputation of the applicant
7. A written decision is required to be sent to the applicant. No need for reasons if the application is simply approved, but if there is a denial or conditions are imposed, the reasoning for this is required to be in the decision. Therefore, the Board should vote on basis for denial or conditions as well [concerns with traffic, another licensee located adjacent to property, limiting hours, etc.].



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00175-RS-0762

ABCC License Number

Nantucket

City/Town

12/31/2020

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| ☐ New License | ☐ Change Corporate Name | ☐ Pledge of Collateral (i.e. License/Stock) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☒ Transfer of License | ☐ Change of DBA | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change of Hours |
| ☐ Change of Manager | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Issuance/Transfer of Stock/New Stockholder |
| ☐ Change of Beneficial Interest | ☐ Change of Location | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Lola 41 Restaurant Nantucket, LLC

D/B/A Lola 41

ADDRESS: 15 South Beach Street

CITY/TOWN: Nantucket

STATE MA

ZIP CODE 02554

Manager Joseph Alan Burgess

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Annual

All Alcoholic Beverages

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

Category
(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter
of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the
Local Licensing Authority: Approves this Application

Please indicate what days and hours
the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is
downgrading the License
Category (approving only Wines
and Malts if applicant applied for All
Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area
Total Square Footage

Seating Capacity

Indoor Area
Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☒ No ☐

Date of Abutter
Notification 11/20/2020

Date of
Advertisement 01/21/2021

Please add any
additional remarks or
conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

02/03/2021

Date APPROVED by LLA

LICENSE #: 00175-RS-0762

LICENSE FEE: \$3,900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES
TO BE CONSUMED ON THE PREMISES

BUSINESS: LOLA 41 Restaurant, LLC

DBA: LOLA 41

PREMISES: 15 South Beach St.

Nantucket, MA 02554

MANAGER: Joseph Burgess

ON PREMISES DESCRIBED AS:

One story building located at 15 South Beach Street. 1,370 sq. ft. inclusive of kitchen. Front door with handicap ramp facing South Beach Street. Second entrance/exit on east side of Building. Third door at rear of building off kitchen. Outdoor patio.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of December 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.

VAUGHAN, DALE, HUNTER, BEAUDETTE AND SWAIN

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 639

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

BRYAN J. SWAIN

WILLIAM F. HUNTER
OF COUNSEL

December 21, 2020

VIA HAND DELIVERY

Amy Baxter, Licensing Administrator
4 Fairgrounds Road
Nantucket, MA 02554

Re: Lola 41 Restaurant, LLC
Liquor License Transfer Application

Dear Amy:

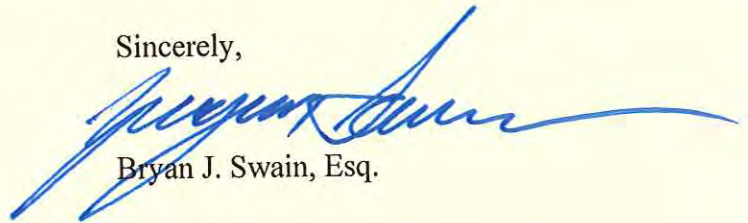
This letter will serve to confirm that I represent Lola 41 Restaurant, LLC in the above-captioned matter. My client is seeking to transfer its Liquor License to Lola 41 Restaurant Nantucket, LLC. Enclosed, please find the following documents in support of its application:

1. Completed Transfer Application;
2. DOR and DUA certificates of compliance;
3. Business structure documents;
4. CORI applications for all members with an interest in the license;
5. CORI for the proposed Manager of the liquor license;
6. Completed manager application;
7. Proof of citizenship;
8. Vote of corporate board;

9. Legal right to occupy the premises;
10. Floor plans;
11. Monetary transmittal application;
12. A certified lists of abutters,
13. The local filing fee;
14. A check payable to the Inquirer and Mirror, representing the legal notice fee;
15. Proof of payment of the ABCC filing fee, and
16. TIPS certification of the proposed manager;

The Applicant reserves the right to supplement this application with additional materials at a later time. Please do not hesitate to contact me if you have any questions, or would like to discuss this application in greater detail. Please schedule this matter for the next available Select Board's public hearings. Can you please send me the legal advertisement when it is available?

Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan J. Swain", with a long horizontal flourish extending to the right.

Bryan J. Swain, Esq.

Encls.

CC: Lola 41 Restaurant Nantucket, LLC



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- ☒ Transfer of License
☐ Alteration of Premises
☐ Change of Location
☐ Management/Operating Agreement
- ☐ Pledge of Inventory
☐ Pledge of License
☐ Pledge of Stock
☐ Other
- ☐ Change of Class
☐ Change of Category
☐ Change of License Type
(\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The Applicant, Lola 41 Restaurant, LLC, desires to transfer its liquor license to Lola Hospitality Holdings, LLC. The Restaurant theme and concept of the business operation will remain the same.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

TYPE

CATEGORY

CLASS

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number

FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

See Additional Space.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Marco Coelho	Manager	45%
Ofer Nemouriski	Member	50%
Mark Daley	Member	5%

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB	Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Marco Coelho	358 Maddock Street, W. Palm Beach, FL 33405			Manager of Gratus LLC	30% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No
Mark Daley	15 Vesper Lane, Nantucket, MA 02554			Manager of Gratus LLC	5% in license	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No
Edward P. Grace, IV	701 S. Olive Ave, W. Palm Beach, FL 33401			Manager, NDT, LLC	5.4% interest License	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No
Damien Norman Barr	3215 Vincent Rd, W. Palm Beach, FL, 33405			Member NDT, LLC	5.4% interest in License	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
Timothy Mullen	760 S. County Road, W. Palm Beach, FL, 33480	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Member of NDT, LLC & Lola Investment Co.	7.4% interest in License	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident			
☐ Yes ☒ No			
Name of Principal	Residential Address	SSN	DOB
Samuel Peys Grace	301 Lytle Street, W. Palm Beach, FL, 33405	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Member in NDT, LLC	1.8% interest in License	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident			
☐ Yes ☒ No			
Name of Principal	Residential Address	SSN	DOB
Paul Stevens Lawler	165 Beacon Lane, Jupiter, FL 33469	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Member NDT, LLC	5.4% in NDT, LLC	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident			
☐ Yes ☒ No			

Additional pages attached? ☒ Yes ☐ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☐ No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Marco Coelho	Restaurant	Lola 42	Boston
Marco Coelho	Restaurant	Lola Burger	Nantucket

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐

If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	
Marco Coelho	Restaurant	Roco, LLC	Nantucket County

ADDENDUM A

6. PROPOSED OFFICER, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Percentage of Ownership in Entity being Licensed
(Write "NA" if this is the entity being licensed)

Lola 41 Restaurant Nantucket LLC

Name of Principal	Residential Address	SSN	DOB
Stephen Robert Karp	3 Possum Rd, Weston, MA 02493	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member NDL, LLC and Lola Investment	4.4% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Douglass E Karp	193 W. Brookline St., Boston, MA 02118	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member NDT & Lola Investment Co.	4.4% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Steven S Fisch	60 E Colbert Rd., Newton, MA 02465	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member NDT & Lola Investment Co.	4.4% interest in license	☒ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Paul Jude Salem	41 Nayatt Rd. Barington, RI 02806	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member Lola Investment, Co, LLC	15% Interest in License	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

Name of Principal	Residential Address	SSN	DOB
Joshua P Gold	39 Inveness Rd, Wellesley, MA 02481	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member Lola Investment, Co, LLC	.08% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

Name of Principal	Residential Address	SSN	DOB
Matthew Keith Sidman	297 Commonwealth Ave, Boston MA 02115	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member Lola Investment Co., LLC	3.6% Interest in License	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Hope Sidman	6 Newbury Street, 5th Fl., Boston, MA 02116	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member, Lola Investment, Co., LLC	3.6% Interest in License	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

ADDENDUM A

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed)			
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
William Harold Jennings, II	876 Village Rd, N.Palm Beach, FL 33408			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Member, Lola Invenstment Co, LLC	3% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No
Name of Principal	Residential Address	SSN	DOB	
Sol Jamshid Kumin	37 Chestnut Street, Boston, MA 02108			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
member, Lola Investment Co. LLC	2% interest in license	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Erica Gervais	164 Brattle Street, Cambridge, MA 02138			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☐ No

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure

LLC

Date of Incorporation 10/20/2020

State of Incorporation

Massachusetts

Is the Corporation publicly traded? ☐ Yes ☒ No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

NIR Retail, LLC

Landlord Phone

C/O 508-228-4455

Landlord Email

c/o bryan@vdhlaw.com

Landlord Address

1 Wells Avenue, Newton, MA 02459

Lease Beginning Date

1/1/2021

Rent per Month

22,984.25

Lease Ending Date

12/31/2024

Rent per Year

275,811.00

Will the Landlord receive revenue based on percentage of alcohol sales?

☒ Yes ☐ No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Bryan J. Swain

Phone:

508-228-4455

Title:

Attorney

Email:

bryan@vdhlaw.com

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other* (Please specify)	
D. Total Cost	1,300,000.00

*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
LLC Members	1,300,000.00
Total	1,300,000.00

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
N/A			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Funding will come from the private assests and funds of the LLC Members.

11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ☐ Yes ☒ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2012	Present	Chef	Lola 41 Restaurant, LLC	Marco Coelho
4/2011	4/2012	Chef	Embargo	N/A
11/2008	4/2011	Chef	Roo Bar	Establishment Closed

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 13.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

13A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

13F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Management Agreement Entity Officer/LLC Manager

Signature:

Signature:

Title:

Title:

Date:

Date:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

Description of Licensed Premises: One story building located at 15 South Beach Street. 1,370 sq. ft. inclusive of kitchen. Front door with handicap ramp facing South Beach Street. Second entrance/exit on east side of Building. Third door at rear of building off kitchen. Sushi Bar containing approximately 12 seats and bar area containing approximately 7 seats. 480 S.F. outdoor covered patio with exterior knee walls and zippered plastic coverings and exit only egress."

APPLICANT'S STATEMENT

I, Marco Coelho the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Lola 41 Restaurant, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

12/21/2020

Title:

CORPORATE VOTE

The Board of Directors or LLC Managers of	Lola 41 Restaurant, LLC
	Entity Name

duly voted to apply to the Licensing Authority of Nantucket and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on December 2020
Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☒ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other <input type="text"/> | | ☐ Change of DBA |

"VOTED: To authorize

Marco Coelho

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Joseph Burgess

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,

Corporate Officer /LLC Manager Signature

Marco Coelho
(Print Name)

For Corporations ONLY

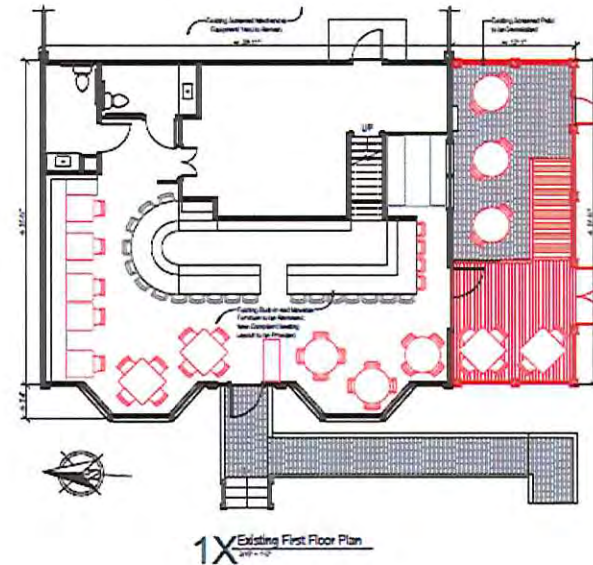
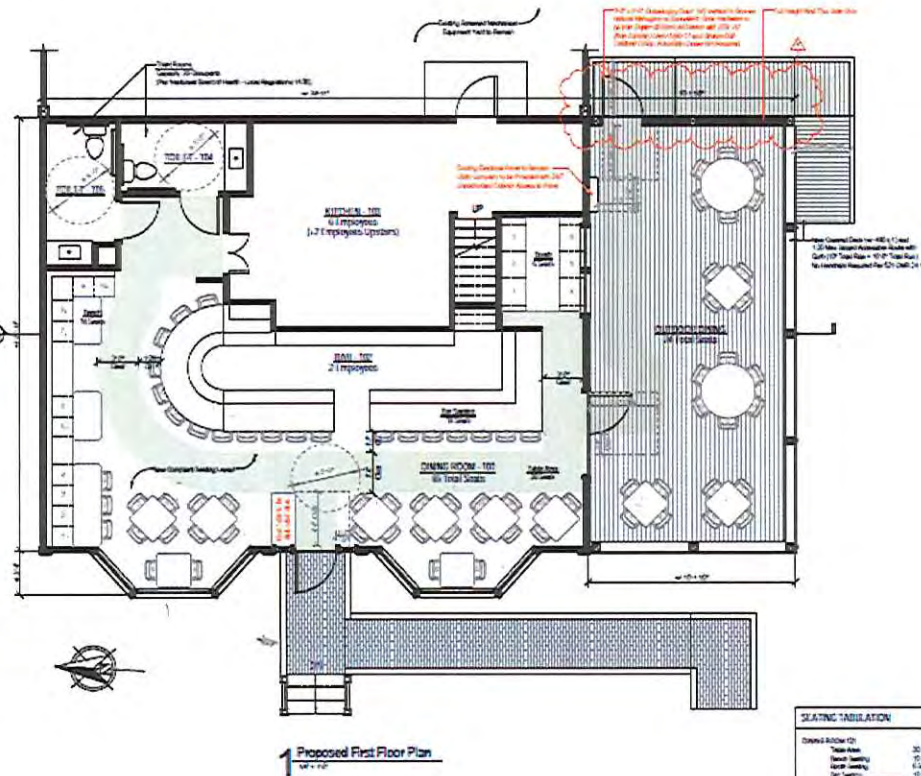
A true copy attest,

Corporation Clerk's Signature

(Print Name)

For Construction (Revised)

03.07.19



1631

LoLa 47 - Covered Deck

15 South Beach St.
Nantucket, MA 02554



First Floor Plan

Site Information

Map Sheet	42-2-1-10
Current Zoning	20A
Minimum Setback	25'
Front Setback	25'
Side Setback	5'-0"
Lot Area	5,284 sq. ft.
Lot Width	270'-0"
Lot Depth	770'-0" x 180'-0"
Building F.C.	1,380'-0"
Proposed F.C.	1,380'-0"
Total Proposed F.C.	1,380'-0"

Information for this plan was taken from:
The Nantucket Zoning Ordinance and
the Nantucket Planning Board. All setbacks
shown are minimum setbacks. Setbacks
shown are not to be used for construction.

SHEET INDEX

0-1	Site Plan
0-2	Site Plan
0-3	Site Plan
0-4	Site Plan
0-5	Site Plan
0-6	Site Plan
0-7	Site Plan
0-8	Site Plan
0-9	Site Plan
0-10	Site Plan



Revisions
1. Porch Wall, Ceiling, Electrical 03.07.19

A.1.1
1631



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1366839616
Notice Date: November 17, 2020
Case ID: 0-000-783-676



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



LOLA 41 RESTAURANT LLC
PO BOX 5241
NANTUCKET MA 02554-5241

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, LOLA 41 RESTAURANT LLC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 8:30 a.m. to 4:30 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Charles D. Baker
GOVERNOR
Karyn E. Polito
LT. GOVERNOR



286542284

Rosalin Acosta
SECRETARY
Richard A. Jeffers
DIRECTOR

LOLA 41 RESTAURANT LLC
15 S Beach St
Nantucket, MA 02554-3578

EAN: 60081020
November 17, 2020

Certificate Id:42906

The Department of Unemployment Assistance certifies that as of 11/17/2020 ,LOLA 41 RESTAURANT LLC is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

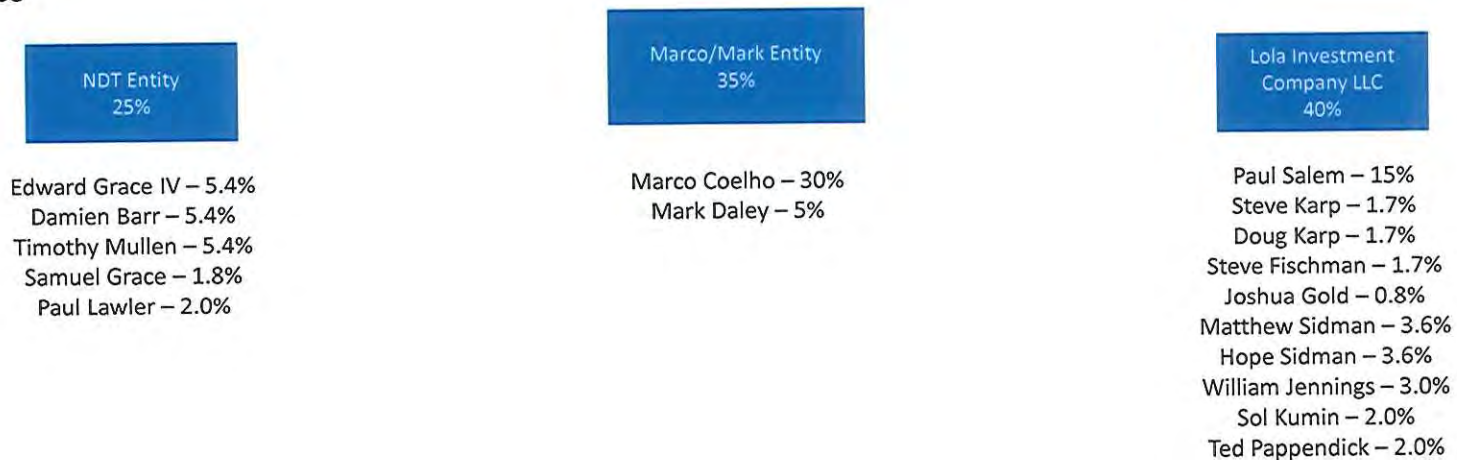
This certificate expires in 30 days from the date of issuance.

Richard A. Jeffers, Director

Department of Unemployment Assistance



Beneficial Ownership in Lola Hospitality Holdings LLC and Liquor License



TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... NIR RETAIL LLC
MAILING ADDRESS..... C/O VDHB&S 2 Whalers Lane, PO BOX 659, Nantucket, MA 02554
PROPERTY LOCATION..... 15 S. BEACH ST
ASSESSORS MAP/PARCEL..... 42.4.2 / 57.1
SUBMITTED BY..... Bryan J. Swain, Esq.

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

11-20-2020

DATE

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2020.11.20 08:26:39 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State
4242	7		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA
4242	7	1	NANTUCKET COUNTY OF		16 BROAD ST	NANTUCKET	MA
4242	7	2	NANTUCKET COUNTY OF	SHERBURNE ASSOCIATES R T	16 BROAD ST	NANTUCKET	MA
4242	8		NANTUCKET YACHT CLUB		PO BOX 667	NANTUCKET	MA
Count:		4					

Zip	Location
02116	11 S BEACH ST
02554	S BEACH ST
02554	S BEACH ST
02554	3 HARBOR VIEW WY

Certificate of Completion

This Certificate of Completion of
eTIPS On Premise 3.1
For coursework completed on December 9, 2020
provided by Health Communications, Inc.
is hereby granted to:

Joseph Burgess

Certification to be sent to:

**Lola 41
15 S Beach St
Nantucket MA, 02554-3578 USA**



HEALTH COMMUNICATIONS INC.



This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.



Agenda Item Summary

Agenda Item #	XI. 1.
Date	February 3, 2021

Staff

Tucker Holland, Municipal Housing Director

Subject

Town Administration Recommendation for Affordable Housing Trust ("AHT" or the "Trust") Funding for FY22

Executive Summary

Following the Select Board directive for funding the AHT for FY22, a workgroup was established by the Town Manager which included: Town Manager, Select Board member Kristie Ferrantella, Finance Director, Chair of FinCom, Real Estate Specialist, Municipal Housing Director and Town Counsel. After exploring various approaches for funding the AHT, the workgroup is recommending funding the Trust as follows: \$475,000 in the general Town budget for operations and a \$7.5 million override for Safe Harbor maintenance (serving incomes between 30% and 200% AMI).

Staff Recommendation

Recommend support of the two funding mechanisms.

Background/Discussion

As the Board is aware, the Trust is in the midst of deploying the capital appropriated at the 2019 ATM to assist in addressing the significant shortage of suitable, stable, affordable year-round housing and in furtherance of the Town's Subsidized Housing Inventory state-requirements alongside the Select Board's strategic goal of remaining in Safe Harbor. The attached spreadsheet ("AHT_Financial Discussion_19January2021 – Current") illustrates where monies have been allocated to date. The second spreadsheet ("AHT_Financial Discussion_19January2021 – Forward") illustrates where monies are required for Safe Harbor maintenance and other programs looking over the next 3-5 years. At this time, the recommendation is for funding the FY 22 operational requirements in addition to what potentially may be required in local subsidy support for the development of approximately 24 units at 135-137 Orange Street, which is part of the plan for Safe Harbor continuity. The Trust will be seeking additional funding subsequent to the 2021 ATM to meet the outer years' requirements, including from the CPC and other sources as illustrated in the "Forward" spreadsheet.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

Addressing the housing crisis; Select Board strategic goal around Safe Harbor maintenance; Housing Office / AHT operations.



Board/Commission Recommendation

It is anticipated at the AHT's 2/2 meeting the Trust will endorse this recommendation.

Public Outreach

N/A

Attachments

1. AHT_Financial Discussion_19January2021 - Current
2. AHT_Financial Discussion_19January2021 - Forward



Affordable Housing Trust - Funding

Discussion Document - 19 January 2021

AMI Restriction Level
Select Board Authorization Level

Totals	Neighborhood First (\$20M bonding)	Town of Nantucket (one-time \$1M)	Town of Nantucket (annual funding)	CPC (\$5M bonding)	CPC (annual funding)	Short Term Rental Tax %	Housing Bank (RE transfer fee)	NCH CHIP (grant)
	200%	175%	175%	200%	100%	175%	175%	150%
	\$1	\$1	\$100K	\$100K	\$100K	\$100K	\$100K	\$100K

Sources

Starting Balance				\$ 296,788				
2016 ATM - Article 10 (\$1M one-time kick-start)	\$ 1,000,000		\$ 1,000,000					
2017 ATM - Article 26 (\$500k general appropriation)	\$ 500,000		\$ 500,000					
2017 ATM - Article 37 (\$400k CPC annual appropriation)	\$ 400,000				\$ 400,000			
2017 CHIP Grant (for CCAP - 150% AMI)	\$ 75,000							\$ 75,000
2018 ATM - Article 27 (\$300k general appropriation)	\$ 300,000		\$ 300,000					
2018 ATM - Article 34 (\$400k CPC annual appropriation)	\$ 400,000				\$ 400,000			
2018 CHIP Grant (for CCAP - 150% AMI)	\$ 50,000							\$ 50,000
2019 ATM - Article 28 (\$5M CPC bonding)	\$ 5,000,000			\$ 5,000,000				
2019 ATM - Article 32 (\$750k CPC annual appropriation)	\$ 750,000				\$ 750,000			
2019 ATM - Article 37 (\$20M bonding)	\$ 20,000,000	\$ 20,000,000						
2019 CHIP Grant (for CCAP - 150% AMI)	\$ 25,000							\$ 25,000
2019 - Proceeds from closing on 47 Fairgrounds lot	\$ 250,000		\$ 250,000					
2020 ATM - Article 32 (\$150k CPC annual appropriation)	\$ 150,000				\$ 150,000			
Article 32 also provides for \$350k toward the \$5M bonding in FY21	\$ -							
2021 ATM - CPC Recommended Funding	\$ 800,000				\$ 800,000			
Total =	\$ 29,996,788	\$ 20,000,000	\$ 1,000,000	\$ 1,346,788	\$ 5,000,000	\$ 2,500,000	\$ -	\$ 150,000

Grand Total Sources = \$ 29,996,788

Uses

Operational

Expended

Consultants
Legal
Other Professional Services
Travel / Education / Training / Supplies
To Be Expended in FY21 (estimated)
Consultants
Legal
Other Professional Services
Travel / Education / Training / Supplies

\$ 71,685			\$ 71,685					
\$ 15,953			\$ 15,953					
\$ 91,299			\$ 91,299					
\$ 4,163			\$ 4,163					
\$ 395,000	\$ 300,000		\$ 95,000					
\$ 175,000	\$ 145,000		\$ 30,000					
\$ 35,000			\$ 35,000					
\$ 15,000			\$ 15,000					

Programs

Closing Cost Assistance Program (CCAP)

Expended

80% AMI + 100% AMI
150% AMI
To Be Expended
80% AMI + 100% AMI
150% AMI

\$ 213,407				\$ 213,407				
\$ 220,233			\$ 70,233					\$ 150,000
\$ 195,000				\$ 195,000				
\$ 120,000			\$ 120,000					

Town / Trust sponsored Projects

Expended

Infrastructure (Waitt Drive contribution)
7 Amelia Drive property (land acquisition)
135 Orange Street (NFAC Pocket Development Strategy) - land
137 Orange Street (NFAC Pocket Development Strategy) - land

\$ 400,000		\$ 400,000						
\$ 600,000		\$ 300,000		\$ 300,000				
\$ 1,424,753	\$ 1,068,565			\$ 356,188				
\$ 1,949,953	\$ 1,462,465			\$ 487,488				

Affordable Housing Trust - Funding

Discussion Document - 19 January 2021

AMI Restriction Level
Select Board Authorization Level

To Be Expended

NFAC Pocket Development Strategy - #2 - land
NFAC Pocket Development Strategy - #2 - development
NFAC Pocket Development Strategy - #3 - land + development
NFAC Pocket Development Strategy - #4 - land
NFAC Pocket Development Strategy - #4 - development
135 + 137 Orange Street - development
NFAC Dispersed Site Purch & Develop Strategy - #1 - 1 Hatch Circle - land
NFAC Dispersed Site Purch & Develop Strategy - #1 - 1 Hatch Circle - develop
NFAC Dispersed Site Purch & Develop Strategy - #2 - property
NFAC Dispersed Site Purch & Develop Strategy - #3 - property
7 Amelia Drive - development
NFAC Buy Down Strategy - #1

Habitat for Humanity

Expended

Waitt Drive home (construction)
31 Beach Grass Road (land acquisition)
31 Beach Grass Duplex (construction)

To Be Expended

Benjamin Drive (3 units - Duplex and Single Family -SHI eligible)

Housing Nantucket

Expended

18 Ticcoma Way (2nd dwelling construction)
Financial Support to Allow 7 Surfside to go on SHI
Covenant Formation Assistance Program

To Be Expended

Covenant Formation Assistance Program
Fall 2020 House Move Project - 46 Okorwaw
Richmond Lot - Duplex (SHI-eligible)

Total Uses =

Net Balance Available =

Totals	Neighborhood First (\$20M bonding)	Town of Nantucket (one-time \$1M)	Town of Nantucket (annual funding)	CPC (\$5M bonding)	CPC (annual funding)	Short Term Rental Tax %	Housing Bank (RE transfer fee)	NCH CHIP (grant)
200%	200%	175%	175%	200%	100%	175%	175%	150%
\$1	\$1	\$1	\$100K	\$100K	\$100K	\$100K	\$100K	\$100K
\$ 3,500,000	\$ 2,625,000			\$ 733,824	\$ 141,176			
\$ -								
\$ 10,350,000	\$ 7,762,500			\$ 2,587,500				
\$ -	\$ -							
\$ 2,600,000	\$ 2,600,000							
\$ -								
\$ 550,000	\$ 550,000							
\$ -								
\$ -								
\$ -								
\$ 1,482,000	\$ 1,482,000							
\$ -								
\$ 150,000		\$ 150,000						
\$ 375,000				\$ 375,000				
\$ 545,000			\$ 85,000	\$ 460,000				
\$ 975,000					\$ 975,000			
\$ 225,000					\$ 225,000			
\$ 8,000					\$ 8,000			
\$ 20,000			\$ 20,000					
\$ 90,000			\$ 90,000					
\$ 350,000			\$ 107,583		\$ 242,417			
\$ 700,000		\$ 150,000	\$ 350,000		\$ 200,000			
\$ 27,846,445	\$ 17,995,530	\$ 1,000,000	\$ 1,200,915	\$ 5,000,000	\$ 2,500,000	\$ -	\$ -	\$ 150,000
\$ 2,150,343	\$ 2,004,470	\$ -	\$ 145,873	\$ -	\$ 0	\$ -	\$ -	\$ -

Grand Total Uses = \$ 27,846,445
Grand Total Uncommitted= \$ 2,150,343

Anticipated Needs

Discussion Document - 19 January 2021

Safe Harbor Maintenance	Period & Additional Requirement									
	2021		2022		2023		2024		2025	
135 + 137 Orange Street (~24 units)			\$ 6,849,657							
NFAC Pocket Development Strategy #2 (~20 units)					\$ 7,500,000					
Old Fire Station - (~32 units w/ LIHTC)							\$ 5,200,000			
Totals =	\$ -	\$ -	\$ 6,849,657	\$ -	\$ 7,500,000	\$ -	\$ 5,200,000	\$ -	\$ -	\$ -
Total =										\$ 19,549,657

Operations & Other Projects / Programs

Habitat unit creation			\$ 721,000		\$ 735,420		\$ 750,128		\$ 765,130.97	
Housing Nantucket unit creation			\$ 721,000		\$ 735,420		\$ 750,128		\$ 765,130.97	
Closing Cost Assistance			\$ 150,000		\$ 150,000		\$ 150,000		\$ 150,000	
Shared Equity / Downpayment Assistance					\$ 7,500,000				\$ -	
Professional Services			\$ 150,000		\$ 150,000		\$ 150,000		\$ 150,000	
Marketing / Public Outreach / Advertising			\$ 25,000		\$ 25,500		\$ 26,010		\$ 26,530	
Education / Training / Travel / Supplies			\$ 20,000		\$ 20,000		\$ 20,000		\$ 20,000	
Administrative Assistant (salary + benefits)			\$ 75,000		\$ 77,250		\$ 79,568		\$ 81,955	
Office Space			\$ 50,000		\$ 51,500		\$ 53,045		\$ 54,636	
Totals =	\$ -	\$ -	\$ 1,912,000	\$ -	\$ 9,445,090	\$ -	\$ 1,978,879	\$ -	\$ 2,013,383	\$ -
Total =										\$ 15,349,352
Combined Totals =										
										\$ -
Grand Total =										\$ 34,899,009

Potential Sources

											Totals
CPC - New Bonding	\$ -	\$ -	\$ 3,154,414	\$ -	\$ 3,345,840	\$ -	\$ 2,800,257	\$ -	\$ 1,530,262	\$ -	\$ 10,830,773
Town Budget - Annual Allocation	\$ -	\$ -	\$ 470,000	\$ -	\$ 474,250	\$ -	\$ 478,623	\$ -	\$ 483,121	\$ -	\$ 1,905,994
Override Article #1 - Safe Harbor Maintenance	\$ -	\$ -	\$ 5,137,242	\$ -	\$ 5,625,000	\$ -	\$ 3,900,000	\$ -	\$ -	\$ -	\$ 14,662,242
Override Article #2 - Shared Equity Pilot	\$ -	\$ -	\$ -	\$ -	\$ 7,500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,500,000

Outline #6 for June 5, 2021 Annual Town Meeting Warrant

For 02/03/21 SB review

As of 02/01/21

NOTE: Numbering & Order is NOT FINAL

Articles/Ballot Questions Needing Board Action for Town Sponsorship

- FY 22 Budget Amendment for Affordable Housing Trust Expenses (\$475,000) – would be a stand-alone article, revenue to come from increased projection for Rooms Occupancy Tax*
- Authorization to Borrow \$7.5M for Affordable Housing Trust in connection with maintaining “Safe Harbor” from 40B developments – would be a stand-alone article with a companion Debt Exclusion ballot question*

**Both of these are contained in a separate 2/3/21 Select Board agenda item*

ZONING* BYLAW AMENDMENTS

**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*

- Zoning articles from Planning x 11

<https://nantucket-ma.gov/DocumentCenter/View/38401/2021-Annual-Town-Meeting---Zoning-Articles>

GENERAL BYLAWS (Town-sponsored)

- Noise bylaw – draft in draft Warrant/still in progress
- CHS now wants to go BACK to 9 members vs the 7 it was changed to at 2019 ATM – article in the draft Warrant
- Increase to dog fines – draft article in Warrant, needs SB review as to fine increase # \$\$
- Town sewer district amendments - draft in draft Warrant
- Airport request for amendment to c. 58 of Town Code (Rental Cars) – draft article in draft Warrant

BALLOT QUESTIONS

1. Operating Override – OIH

Debt exclusion(s) and/or capital exclusion(s) for capital projects:

- Debt Exclusion – Newtown Rd -- ?
- Debt Exclusion – Lover’s Lane -- ?
- Debt Exclusion – Supplemental Funding for Nobadeer Field House
- Debt Exclusion – Children’s Beach Storm Water Pump Station
- Capital Outlay Exclusion Items

Nantucket Memorial Airport
Proposed Bylaw to Amend Chapter 58-3 of the Code of Nantucket
(February/January 2021)

Purpose: The purpose of this paper is to provide the reader with ~~some~~ insight into ~~the~~ current ground transportation situation at the Airport and ~~on the island-wide,~~ and why ~~it is believed that~~ action is ~~recommended~~ needed to amend the current Town bylaw governing Car Rental Agencies. The proposed Bylaw will, in order to provide the flexibility to ~~do business~~ equitably engage with vendors that bring the most value and ensure ~~allow more of~~ an open and competitive rental car market.

Overview: ~~From a ground transportation perspective,~~ Rental cars are a significant ground transportation option at ~~most~~ airports for travelers arriving at a destination and for residents, ~~or for locals~~ that need a vehicle for a limited period. ~~In addition to rental cars,~~ Other ground transportation options typically available include; taxi, bus, limo, hotel courtesy shuttles, bicycle/scooters, and more recently Transportation Network eCompanies (TNC's) such as Uber and Lyft and car sharing companies (such as Turo). ~~Historically,~~ Airports or their sponsor~~owners~~ (government ~~entities~~ such as State or local Towns) had previously the ability to ~~been able to~~ regulate and control the activities of ~~the various~~ ground transportation providers. However, with new technology, TNC and car sharing providers (app-based) have outpaced the ability ~~either advanced faster or ahead of~~ these regulatory bodies ability to adapt their rules.

In Massachusetts, TNC providers successfully lobbied and had legislation passed that pre-empted most local regulation, including prohibiting regulation by the Airport or Town. ~~permitted only Massport to regulate them.~~ ACK has petitioned our representatives to have this legislation amended, but, ~~However,~~ this effort has stalled in the State Legislature. The Airport will continue to pursue the TNC legislation with ~~is with our local~~ representatives. ~~The Car sharing~~ Share legislation efforts are currently being debated. Without ~~some the mechanism ability for airports and Towns~~ to regulate these car service providers, Airports and Towns they are limited in their ability to ensure that the public is provided quality safe service in a manner equitable across providers.

Airport ~~CK~~ **Background:** The three ~~With the three~~ current car rental agreements were set to expire in December of 2020. State procurement requirements require that these agreements are competitively solicited to promote fair and open access. ~~at the end of the calendar year, in the fall 2020 the Airport began drafting a Request for Proposals (RFP) to meet the required procurement rules. Previously consideration was given to the addition of a fourth operator. However, given the impacts of the Covid Pandemic, it was decided to stay with three. Within the past six months, two additional companies have expressed interest in operating at the Airport.~~ During the RFP development process, ACK staff determined that it was uncovered that the current Town bylaw (Chapter 58) could preclude a new business entrant from replacing an existing tenant, due to entering the market due to the limited number of available medallions and the ability of current licensees to control them. Concurrently, the Airport determined not to seek a fourth operator, given the current effects of the COVID-19 pandemic on demand for car rentals.

After communicating the Bylaw findings with the Town Licensing Administrator, who confirmed the Airport's determination, this information was confirmed, and additional issues ~~associated~~ with the current Bylaw were expressed relating to control and use of medallions, enforcement abilities, the cap on number of vehicles and the process of transferring medallions.

Subsequently, conversations ~~have been~~ held between Town Administration, Airport staff, and legal counsel ~~(both Airport and Town),~~ as well as discussion at ~~at a~~ recent Select Board meetings has advanced discussion further. A draft Warrant Article has been developed by Airport Counsel in coordination with Town Administration and is included at the end of this document.

Current Situation: The key components of the existing bylaw include:

- A Licenses are issued on a calendar year basis for \$100/annual fee unless excise tax for vehicle is paid to Nantucket.
- B Total number of vehicle medallions on island limited to 700, based on a temporary action taken in 1996 ATM. (+ 2 Additional)
- C Medallions are non-expiring and transferrable with or without consideration
- D Transfers can take place with only notice to Select Board, not permission.

A total of 590 medallions are held between the three operators at the airport: the -
The remaining medallions are controlled by four other operators on the island.

Airport passenger traffic has declined by 23% between FY16 and FY20, yet gross receipts for car rentals have remained flat. This appears to indicate that the rates charged to customers are increasing.

Implications and Impacts: The if the initial logic in creating a cap on the number of rental car medallions in 1996 was to restrict the number of vehicles on the island. While well-intentioned, it was well intentioned but over time has created challenges that need to be addressed, the passage of time and evolution of technology have created challenges to the efficacy of the cap. Prior to recent large-scale the TNC/Car Share_ adoption evolution by consumers, the limited supply of medallions commensurately limited the number of commercially-available ground transportation vehicles. The cap no longer serves this purpose: by industry estimates, up to 18% of ground transport trips at ACK involve unregulated TNC/Car sharing transactions. This traffic that results from this shadow market occurs in addition to the traffic generated by the current 700 medallion cap. as demand for rental cars increased, the value of the medallion increased due to the limited availability of supply. With the advent of these new app-based technologies, competition has been created that can impact the rates of car rentals. This can equate to more vehicles in the overall ground transportation market by continuing with the traditional regulated operators and adding the unknown number of unregulated providers. A Rental Car cap contributes to the shadow economy of TNC/Car Sharing through supply and demand. The proliferation of TNC/Car sharing has not resulted in a reduced demand for Rental Car medallions: in fact, rental contract values continue to increase on a per-passenger basis. The Airport's review of the current evidence is that a limited medallion supply may be making car rentals more expensive, which promotes consumer adoption of the alternative ap-based service providers.

The existence of the cap without a well-defined process to measure and enforce compliance and reallocation of medallions among existing and potential market provides a barrier to new market entrants. Removal of the cap allows the most direct way to manage this deficiency, and deficiency and is unlikely to affect the number of vehicles on the road.

If the adage that you can't manage something unless you measure it is true, then it would make sense that if you can't measure it, you can't manage it. The inability to measure the new app-based providers impacts the business operations of the operators that are managed/regulated. This scenario may also be true to some extent with the existing traditional operators. While there is a cap of 700 medallions issued, that does not always guarantee that that there are only 700 rental cars on island. Given the deficiencies in the current bylaw, it is challenging to develop an implementation and enforcement strategy that ensures the traditional operators are adhering to the intent of this regulation.

Proposed Resolution: The Airport is proposing a Warrant Article to amend Chapter 58-3 of the Code of the Town of Nantucket as follows; or to take any other action related thereto:

1. Amending the third sentence of Section A thereof to read as follows “Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle for rental agencies renting x-x motor vehicles; \$ per motor vehicle for rental agencies renting y-y motor vehicles; and \$ per motor vehicle for rental agencies renting zz or more motor vehicles.” [NOTE: TIERS AND FEES SHOULD BE DEVELOPED BY TOWN]

2. Replacing Section B with the following:

The total number of motor vehicles available for lease on the island of Nantucket shall not exceed a number to be determined annually by the Board of Selectmen, provided that said number shall not be below 700. The Board of Selectmen shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle to be licensed. Each RVM constitutes the right to lease one motor vehicle for one year. An RVM shall be non-transferable without the consent of the Town Manager. All RVMs issued prior to January 1, 2021 shall expire on December 31, 2021 and shall be non-transferable thereafter.

3. Deleting Section D thereof.

VOTERS’ GUIDE

This Article would amend the Town’s Car Rental Bylaw to allow the Selectmen to adjust the current cap on the number of rental car licenses available in the Town. The cap was implemented in 1996, and all of the licenses have previously been issued, although not all are used. The cap prevents competition by new entrants into the rental car market, especially at the airport, and, given the rise in ridesharing and car-sharing apps, no longer serves as a meaningful restraint on car traffic on the island. Under this article, the Board of Selectmen would be able to adjust the cap to meet current conditions. In addition, RVMs would no longer be transferable, preventing car rental agencies from holding onto licenses without using them in order to limit competitors from accessing them.

~~The Airport is proposing a Warrant Article to amend Chapter 58-3 of the Code of the Town of Nantucket by deleting the first sentence of Section B thereof; or to take any other action related thereto. Section B currently reads:~~

~~“The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700. The Board of Selectmen shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its 1996 application and which received a rental sticker. Each RVM constitutes the nonexpiring right to lease one motor vehicle. A rental agency shall possess one RVM for each motor vehicle listed in its application beginning in 1998.~~

~~[Amended 4-13-1998 ATM by Art. 54, approved 7-31-1998; 4-10-2000 ATM by Art. 53, approved 8-2-2000]”~~

VOTERS’ GUIDE

~~This Article would amend the Town's Car Rental Bylaw to remove the current cap on the number of rental car licenses available in the Town. The cap was implemented in 1996, and all of the licenses have previously been issued, although not all are used. The cap prevents competition by new entrants into the rental car market, especially at the airport, and, given the rise in ridesharing and car sharing apps, no longer serves as a meaningful restraint on car traffic in the Town.~~

The intent of these changes is to allow the Town to determine the appropriate number of medallions to be issued based on public need, much like taxi and liquor licenses, establish a tiered rate structure and provide the necessary ability for the Licensing Department to develop an implementation process that allows for better to measurement and control of the operators.

ARTICLE XX

To see if the Town will vote to amend Chapter 58-3 of the Code of the Town of Nantucket as follows; or to take any other action related thereto:

1. Amending the third sentence of Section A thereof to read as follows “Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle for rental agencies renting 1-10 motor vehicles; \$250 per motor vehicle for rental agencies renting 11-50 motor vehicles; and \$500 per motor vehicle for rental agencies renting 51 or more motor vehicles.” **[NOTE TO CLIENT: TIERS AND FEES ARE PLACEHOLDERS AND SHOULD BE REVIEWED]**

Commented [GJC1]: Please note that these amendments do not address the issue of ride shares or people who rent out their vehicles along with their house rentals.

2. Replacing Section B with the following:

The total number of motor vehicles available for lease on the island of Nantucket shall not exceed a number to be determined annually by the Board of Selectmen, provided that said number shall not be below 700. The Board of Selectmen shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle listed in its annual application to be licensed. Each RVM constitutes the right to lease one motor vehicle for one year. An RVM shall be non-transferable without the consent of the Town Manager. All RVMs issued prior to January 1, 2021 shall expire on December 31, 2021 and shall be non-transferable thereafter.

Commented [GJC2]: Please note that the fee structure in the current version of the Bylaw is established pursuant to a special act of the Legislature, Chapter 266 of the Acts of 1989. Therefore, it is my opinion that the fee structure cannot be changed without an amendment of the special act.

Commented [GJC3]: There are a number of issues with this requirement. When is the determination going to be made? What is it going to be based on? If all of the RMVs are up-for-grabs each year, how are they going to be distributed? What if the first applicant in line takes all of them? What if the Board raises the cap to 1,000 one year and then lowers it back to 700 the following year, how can companies plan?

Commented [GJC4]: If the RMV expires at the same time as the license, why do you need it?

Commented [GJC5]: What standards is the Town Manager going to apply in determining whether or not to allow a transfer?

3. Deleting Section D thereof.

VOTERS' GUIDE

This Article would amend the Town's Car Rental Bylaw to allow the Selectmen to adjust the current cap on the number of rental car licenses available in the Town. The cap was implemented in 1996, and all of the licenses have previously been issued, although not all are used. The cap prevents competition by new entrants into the rental car market, especially at the airport, and, given the rise in ridesharing and car-sharing apps, no longer serves as a meaningful restraint on car traffic on the island Town. Under this article, the Board of Selectmen would be able to adjust the cap to meet current conditions. In addition, RVMs would no longer be transferable, preventing car rental agencies from holding onto licenses without using them in order to limit competitors from accessing them.

Commented [GJC6]: I'm not sure that this conclusion is supported. Although the RMVs may not have monetary value in terms of being able to be sold, as long as there is a cap there may be an incentive for one company to have as many licenses as it can afford so that others can't have them.

AS OF 02/01/21

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET



WARRANT FOR

2021 ANNUAL TOWN MEETING

Nantucket High School

BACKUS PLAYING FIELD (?)

Saturday, June 5, 2021 - 9:00 AM

AND

ANNUAL TOWN ELECTION

Nantucket High School

Tuesday, June 15, 2021

7:00 AM - 8:00 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 **Backus Playing Field at Nantucket High School on Backus Lane** in said Nantucket, on*

**SATURDAY, JUNE 5, 2021 AT 9:00 AM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:**

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2020 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

**ARTICLE 2
(Appropriation: Unpaid Bills)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Select Board)

**ARTICLE 3
(Appropriation: Prior Year Articles)**

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

(Select Board)

**ARTICLE 4
(Revolving Accounts: Spending Limits for FY 2022)**

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2022; or take any other action related thereto.

(Select Board)

ARTICLE 5

(Appropriation: Reserve Fund)

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, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2022; said sum not to exceed five (5) percent of the Fiscal Year 2021 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6

(Fiscal Year 2021 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2021 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2022)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2022:

Commented [LG1]: Checking with HR on any changes

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	22.00
Dietician/Our Island Home (hourly)	41.00
Dispatcher (Per Diem - hourly)	30.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	20.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	20.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	28.00
Our Island Home Ancillary (Per Diem - hourly)	20.00
Paramedic, Certified (Per Diem - hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	38.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00

Reserve Police Officer (hourly)	30.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Lifeguard Supervisor (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

*Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 1, 2020 - April 1, 2021)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$16.00	\$17.00	\$18.00	\$19.50
B-Hourly*	\$17.00	\$18.00	\$19.00	\$20.00
C-Hourly*	\$18.00	\$19.00	\$20.00	\$21.00
D-Hourly*	\$20.00	\$20.50	\$21.00	\$21.50

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

- A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer
- D: Lead Dock Worker, Seasonal Recreational Coordinator, Seasonal Engineering Intern; Seasonal Waste Reduction Intern

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

Moderator	\$175 per year
Select Member, Chair	\$5,000/per year
Select Members	\$3,500/per year
Town Clerk	\$107,836

Commented [LG2]: 2% increase

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2022 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2022; or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2022, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for the offices, departments, boards and commissions of the Town of Nantucket; provided that one or more amounts to be raised and appropriated may be contingent upon a Proposition 2½ capital outlay exclusion ballot question; or to take any other action related thereto.

(Select Board)

ARTICLE 11

(Appropriation: Newtown Road Transportation Improvements)

Carried Over from 2020 Annual Town Meeting

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 various transportation-related improvements on Newtown 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; 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 12

(Appropriation: Reconstruction of Lover's Lane)

Carried Over from 2020 Annual Town Meeting

Commented [LG3]: Are we proceeding with this

Commented [LG4]: Proceeding with this?

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 various transportation-related improvements on Lover's Lane, 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; 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 14

(Appropriation: Construction and Improvements to Children's Beach Storm Water Pump Station)

Carried Over from 2020 Annual Town Meeting

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 various improvements to the Children's Beach Storm Water Pump Station, 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; 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)

Commented [LG5]: Include, yes?

ARTICLE

(Appropriation: Supplemental Funding for Construction of Nobadeer Field House)

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 NEED TO INSERT THE PROPER WORDING HERE 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; 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)

Commented [LG6]: NEEDS WORK

ARTICLE 15

(Appropriation: Fiscal Year 2022 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2022, out of anticipated revenues of the designated funds, for the purposes set forth above; provided that any amounts to be raised and appropriated to support the operation of Our Island Home for Fiscal Year 2022 shall be contingent on the passage of a Proposition 2 and ½ override ballot question; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 16

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of capital expenditures for the Enterprise Funds of the Town of Nantucket; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 17

(Enterprise Funds: Fiscal Year 2021 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2021 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 18

(Appropriation: Waterways Improvement Fund)

To see what sum the Town will vote to appropriate from the revenue received under Chapter 60B subsection (i) of section 2 and under Chapter 91section 10A of the Massachusetts General Laws and sums received from the Commonwealth or Federal Government for purposes established by Chapter 40 section 5G of the Massachusetts General Laws including but not limited to (1) maintenance , dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Select Board)

ARTICLE 19

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for ambulances, and other such related costs to operate the Town's ambulance services, including up to six (6) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Select Board)

ARTICLE 20

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by Chapter 46, section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Select Board)

ARTICLE 21

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2022, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of **One Hundred Seventy Thousand Two Hundred One Dollars (\$170,201)**; or to take any other action related thereto.

Commented [LG7]: Check with Brian on this #

(Select Board/County Commissioners)

ARTICLE 22

(Appropriation: Finalizing Fiscal Year 2022 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2022 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be

made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE

(Appropriation: Affordable Housing Trust Fund)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of Four Hundred Seventy-five Thousand Dollars (\$475,000) to deposit into the Affordable Housing Trust Fund established pursuant to Mass. General Law c. 44, section 55C for Fiscal Year 2022.

Or, to take any other action related thereto.

(Select Board)

Commented [LG8]: NEW – subject to SB approval; needs TC and FinDir review

ARTICLE

(Appropriation: Affordable Housing Trust Fund)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of Seven Million Five Hundred Thousand Dollars (\$7,500,000) for the purposes of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and also interest in and/or deed restrictions to properties for affordable housing purposes all of which must qualify for the Town's Subsidized Housing Inventory, to be spent by the Town Manager with the approval of the Select Board which may include a grant or grants to the Nantucket Affordable Housing Trust, with oversight by the Select Board; that to meet said appropriation the Treasurer, with the approval of the Select Board, is hereby authorized to borrow the sum Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Any affordable housing units developed pursuant to this vote shall be available to tenants with incomes of not less than 30% or more than 200% of area median income for the Town, as most recently determined by the United States Department of Housing and Urban Development, provided said units qualify for the Town's Subsidized Housing Inventory; further, the appropriated funds may only be spent while the Town's Subsidized Housing Inventory is below the Ten Percent (10%) state requirement.

Or, to take any other action related thereto.

Commented [LG9]: NEW – subject to SB approval; needs TC and FinDir review

(Select Board)

ARTICLE 23

(Rescind Unused Borrowing Authority)

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

(Select Board)

ARTICLE 24

(Appropriation: Other Post-Employment Benefits Trust Fund)

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 deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2022.

Or, to take any other action related thereto.

(Select Board)

ARTICLE

(Renewal of Board of Health Septic System Betterment Loan Program)

To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise, or to take any other action relative thereto.

(Select Board for Board of Health)

Commented [LG10]: Re-review wording – this is from 2018 ATM

ARTICLE

(Special Stabilization Fund for Substance Abuse Efforts)

To see if the Town will vote, pursuant to General Laws Chapter 40, Section 5B, to dedicate, without further appropriation, one hundred percent (100%) of any community impact fee paid to the Town by a marijuana dispensary and/or a marijuana retail establishment, pursuant to a host community agreement, to the Special Stabilization Fund for Substance Abuse Efforts established pursuant to Article 30 of the 2018 Annual Town Meeting; said dedication to be in addition to fifty percent (50%) of the local option marijuana sales tax that was dedicated pursuant to the prior vote under

Article 30 of the 2018 Annual Town Meeting; or to take any further action relative thereto.

(Select Board)

ARTICLE 25

(Appropriation: Fiscal Year 2021 Senior Work-off Program)

Carried Over from 2020 Annual Town Meeting

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2021; or to take any other action related thereto.

(Select Board)

Commented [LG11]: Is this needed for FY 22?

ARTICLE 26

(Appropriation for Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities)

Carried Over from 2020 Annual Town Meeting

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Airport special purpose stabilization fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Nantucket Airport, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Select Board for Airport Commission)

Commented [LG12]: Is this in? Or?

ARTICLE 27

(Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Town Employee Accrued Liability Special Purpose Stabilization Fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Town of Nantucket General Fund (excluding the School Department), such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Select Board)

ARTICLE

(Appropriation: Fiscal Year 2022 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<u>Historic Preservation</u>	
Nantucket Historical Association Restoration of the exterior and interior integrity of the Hadwen and Barney Oil and Candle factory warehouse, including the replacement of the existing roof with a new slate roof, masonry repointing, window replacement and replacing the failed wheelchair lift to address potential sea level rise	\$395,000
Landmark House- Nantucket Community Service Inc. To restore the exterior trim, to include fascia, rakes, corner boards, soffits, freeze boards, gutters and downspouts on both the Landmark House and the Grossman wing	\$335,000
Sub-total	\$730,000
\$692,000 of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds, and the balance of the funds used in this category, \$38,000, are from the Historic Preservation reserves.	
<u>Community Housing</u>	
Nantucket Affordable Housing Trust Fund For the creation, preservation, support, rehabilitation and restoration of affordable housing for year-round Nantucket residents in support of plans developed by Habitat for Humanity and Housing Nantucket to create up to six new affordable units.	\$800,000
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$250,000
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2015 Nantucket Town Meeting for the balance of the infrastructure at the Sachem's Path affordable housing complex, to close out this obligation	\$296,600

Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$1,696,000
\$235,715 of the funds utilized in this category is from the Undesignated reserves and the balance of the funds utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Open Space Conservation/Recreation	
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road to close out this obligation	\$199,575
Sustainable Nantucket Community Farm Institute, phase 5 Funds for extension of farm heating system, new Bee yard shed, produce preservation equipment and infrastructure	\$55,000
Open Space Designated Reserves To meet 10 percent allocation	\$30,000
Sub-total	\$284,515
All the funds to be utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	\$125,000
Sub-total	\$125,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
TOTAL	\$2,835,515
All amounts to be appropriated from the following sources:	

SOURCES	AMOUNT
Raised and appropriated from FY 2019 Community Preservation Surcharge	\$2,250,000
From State matching funds for FY 2018, to be received in 2019	\$330,000
From Interest	\$20,000
From Designated Reserves for Historic Preservation	\$38,000
From Undesignated Reserves	\$235,515
Total Revenues	\$2,835,515
For fiscal year 2022 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee. Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

(Kenneth Beaugrand, et al)

ARTICLE

(Community Preservation Committee: Fiscal Year 2021 Budget Transfers)

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 32 ATM 2020 Town of Nantucket Nobadeer Field Complex Bond	Fiscal year 2022 Community Preservation Committee Community Open Space reserved Fund balance	\$1,325.00
Article 28 ATM 2012 Nantucket Land Council Hummock Pond Restoration	Fiscal year 2022 Community Preservation Committee Community Open Space Reserved Fund balance	\$20,449.00
Total Transfers to Community Open Space Reserved Fund Balance		\$21,774.00

Article 31 ATM 2013 Coffin School Historic wrought iron fence	Fiscal Year 2022 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$1,664.00
Article 35 ATM 2016 Coffin School Restoration of façade	Fiscal Year 2022 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$640.00
Article 37 ATM 2018 Hallkeen Management Restoration Academy Hill Windows	Fiscal year 2022 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$113.09
Total Transfers to Community Historic Preservation Reserved fund balance		\$2,417.09
Article 33 ATM 2020 Town of Nantucket Sachem's Path Bond	Fiscal year 2022 Community Preservation Committee Community Open Space Reserved Fund balance	\$91.67
Total Transfers to Community Housing Reserved Fund Balance		\$91.67
Total transfers back to Community Preservation Reserved Fund Balances		\$24,282.76

(Kenneth Beaugrand, et al)

ARTICLE

(Appropriation: Incineration of Solid Waste)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to contract with ECO WASTE SOLUTION, 5760 Shier-rings Road Dublin, OH 43016 or other suitable vendor. To provide the installation, operation and manage the incineration of up to 10 Tonnes/Per day of solid waste or to take any other action relative thereto.

(Clifford J. Williams, et al)

Commented [EM13]: Not sure how you want to note this?

Commented [LG14R13]: I think I want to do this a little different but this is good for now

ARTICLE

(Appropriation: Legal Opinion for Beach Access)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to provide funding for a legal opinion that would give a direction to allow free access to the tidal flat's in and around the coastal area's of Nantucket. By investigating indepth the rights given to the Town of Nantucket by the Proprietors in

1841 as set forth by the colonial act of 1693, but not limited to any other means that would benefit the community or take any other action relative thereto.

(Clifford J. Williams, et al)

ARTICLE
(Appropriation: Hazardous Waste)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: appropriate and also to raise or borrow pursuant to any applicable statute or transfer from available funds the sum of \$1,000,000. 1 million dollars or the amount there of to be spent by the Department of Public Works for the design, engineering, permitting, construction, and equipping a hazardous waste collection building to improve availability of disposal and transfer. The facility should be open to the public for a minimum of 4 days per month consisting of 3 business weekdays and 1 Saturday at 4 hours each day and/or by appointment. The facility shall be directed by the Department of Public Works and may be subcontracted to a private operator; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE
(Re-establish Parks and Recreation Department)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to direct Town Administration and the Select Board to reestablish the Parks and Recreation Department beginning in Fiscal Year 2021. The Department head, who shall be appointed by the Town Manager pursuant to Section 4-4(b) of the Town Charter, shall be an individual qualified (degree college or two years experience in recreational management), and shall be responsible for the maintenance of all parks and playing fields in the Town of Nantucket which are under the jurisdiction of the Nantucket Parks and Recreation Commission. The Department Head shall be responsible for ensuring that all recreational facilities are kept in good order to serve the public. He or she may coordinate projects with the Department of Public Works, subject to the approval of the Town Manager and the Parks and Recreation Commission. The salary and benefits shall be determined by the 2021 wage scale for the Town of Nantucket. The Department Head shall meet with the Parks and Recreation Commission on a monthly basis keeping them informed on the status of all current projects; and further to raise and appropriate or transfer from available funds a sum of money to fund the position for Fiscal Year 2021 or to take any other action relative thereto.

(Maria Zodda, et al)

ARTICLE
(Affordable and Year-round Housing Stabilization Fund)

To see if the Town will vote to dedicate, without further appropriation, into a special purpose Affordable and Year-Round Housing Stabilization Fund, created herein in accordance with M.G.L., Chapter 40, Section 5B, which was accepted by the Town at

the 2017 Annual Town Meeting, for the purpose of meeting affordable and year-round housing needs, two-thirds (2/3) of the local option rooms excise tax that the Town receives on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, pursuant to its acceptance of M.G.L., Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in fiscal year 2022;

or take other action with regard thereto.

(Arthur I. Reade, Jr., et al)

PB SPONSORED ARTICLES

ARTICLE __

(Zoning Map Change: CTEC to R-5 - Grey Lady Lane and Bartlett Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Commercial Trade Entrepreneurship and Craft (CTEC) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
66	701	2	Grey Lady Lane
66	702	4	Grey Lady Lane
66	703	6	Grey Lady Lane
66	704	8	Grey Lady Lane
66	705 (a portion of)	10	Grey Lady Lane
66	710 (a portion of)	9	Grey Lady Lane
66	711	7	Grey Lady Lane
66	712	5	Grey Lady Lane
66	713	3	Grey Lady Lane
66	100.5	54	Bartlett Road
66	531 (a portion of)	46	Bartlett Road

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ CTEC to R-5" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 43 (REVISED FOR 2021 ATM BASED ON OWNER PREFERENCES)

(Zoning Map Change: RC-2 to R-5 - 8 and 10 Appleton Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
67	476	8	Appleton Road
66	437	10	Appleton Road

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ RC-2 to R-5" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 43 (CARRIED OVER FROM 2020 ATM)
(Zoning Map Change: RC-2 to R-5 and CTEC - Appleton Road, Bartlett Road and Perry Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	19	32	Bartlett Road
67	110	30	Bartlett Road
67	111	28½	Bartlett Road
67	478	28	Bartlett Road
67	901	26	Bartlett Road
67	900	26½	Bartlett Road
67	425.5	24	Bartlett Road
67	900.1	1A	Perry Lane
67	902	1	Perry Lane
67	903	3	Perry Lane
67	112.3	5	Perry Lane
67	112.4	7	Perry Lane
67	112.5	9	Perry Lane
67	112.6	11	Perry Lane
67	112.1	12	Perry Lane
67	425.1	10	Perry Lane
67	425.2	8	Perry Lane
67	425.3	6	Perry Lane
67	425.4	4	Perry Lane

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ RC-2 to CTEC" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Map Change: R-5 to CN - Bartlett Road and Youngs Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
67	113.1	18	Bartlett Road
67	876	18 (R)	Bartlett Road
68	238	1	Young's Way

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article ____ R-5 to CN" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 44 (Revised for 2021 ATM TO MATCH 2020 ATM MOTION)

(Zoning Map Change: RC-2 to R-5 and/or CN - 33 Old South Road and 24 Ticcoma Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)
67	50	24	Ticcoma Way

2. By placing the following property currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	4	33	Old South Road (a portion of)

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article ____ RC-2 to R-5 and CN" dated October 2020.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE ____

(Zoning Map Change: RC-2 to R-5 - Toms Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	78	22	Toms Way
68	77	20	Toms Way
67	44	18	Toms Way
67	45	16	Toms Way
67	46	14	Toms Way
67	47	12	Toms Way
67	51	10	Toms Way
67	52	8	Toms Way
67	53	6	Toms Way
67	54	4	Toms Way
67	55	22	Ticcoma Way

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article ____ RC-2 to R-5" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 45 (Revised for 2021 ATM)

(Zoning Map Change: RC to CN - Francis, Union, and Washington Streets, and Salt Marsh Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
42.2.3	20	80B	Washington Street
42.2.3	20.2	80C	Washington Street
42.2.3	20.3	80D	Washington Street
42.2.3	20.4	80E	Washington Street
42.2.3	20.5	80F	Washington Street
42.2.3	20.6	80G	Washington Street
42.2.3	20.7	80H	Washington Street

42.2.3	25	81	Washington Street
42.2.3	24	81	Washington Street
42.2.3	23	83	Washington Street
55.1.4	81	89	Washington Street
55.1.4	109	89A	Washington Street
55.1.4	110	89B	Washington Street
55.1.4	111	89C	Washington Street
55.1.4	112	89D	Washington Street
42.2.3	21	90	Washington Street
55.1.4	5	91	Washington Street
42.2.3	22	92	Washington Street
55.1.4	7	95	Washington Street
55.1.4	8	96	Washington Street
55.1.4	6.1	97	Washington Street
55.1.4	6	97	Washington Street
55.1.4	36	11	Salt Marsh Way
55.1.4	35	9B	Salt Marsh Way
55.1.4	69	70	Union Street
55.1.4	66	64	Union Street
55.1.4	64	58	Union Street
55.1.4	33	56	Union Street
55.1.4	32	54	Union Street
55.1.4	3	52	Union Street
55.1.4	4	2	Francis Street

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ RC to CN" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Map Change: R-20 and LUG-2 to VR and/or LUG-1 - Osprey and Tautemo Way, and Hummock Pond Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential 20 (R-20) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
-----	-----	--------	--------

83	26	251	HUMMOCK POND ROAD
83	25	249	HUMMOCK POND ROAD
83	29.4	257	HUMMOCK POND ROAD
83	29	253	HUMMOCK POND ROAD
82	42	241	HUMMOCK POND ROAD
82	32	245	HUMMOCK POND ROAD
82	43	243	HUMMOCK POND ROAD
82	38	233	HUMMOCK POND ROAD
82	39	235	HUMMOCK POND ROAD
82	41	239	HUMMOCK POND ROAD
83	15	17	OSPREY WAY
83	21	16	OSPREY WAY
82	33	14	OSPREY WAY
82	44	12	OSPREY WAY
83	18	21 (a portion of)	OSPREY WAY
83	16	19	OSPREY WAY
83	10	23 (a portion of)	OSPREY WAY
82	35	13 (a portion of)	OSPREY WAY
82	37	5	OSPREY WAY
82	3	11 (a portion of)	OSPREY WAY
82	40	8	OSPREY WAY
82	4	7 (a portion of)	OSPREY WAY
82	5	3 (a portion of)	OSPREY WAY
83	27	2	TAUTEMO WAY
83	23	1	TAUTEMO WAY
83	28	4	TAUTEMO WAY
83	22	3	TAUTEMO WAY
83	19	6	TAUTEMO WAY
83	20	5	TAUTEMO WAY

83	17	7	TAUTEMO WAY
83	11	10 (a portion of)	TAUTEMO WAY
83	12	12 (a portion of)	TAUTEMO WAY
83	13	14 (a portion of)	TAUTEMO WAY
82	2	20 (a portion of)	TAUTEMO WAY
83	14	16 (a portion of)	TAUTEMO WAY
82	1	18 (a portion of)	TAUTEMO WAY

2. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
83	9	27	OSPREY WAY
83	18 (a portion of)	21	OSPREY WAY
83	10 (a portion of)	23	OSPREY WAY
82	35 (a portion of)	13	OSPREY WAY
82	3 (a portion of)	11	OSPREY WAY
82	4 (a portion of)	7	OSPREY WAY
82	5 (a portion of)	3	OSPREY WAY
83	11 (a portion of)	10	TAUTEMO WAY
83	12 (a portion of)	12	TAUTEMO WAY
83	13 (a portion of)	14	TAUTEMO WAY
82	2 (a portion of)	20	TAUTEMO WAY
83	14 (a portion of)	16	TAUTEMO WAY
82	1 (a portion of)	18	TAUTEMO WAY

3. By placing the following properties currently located in the Residential 20 (R-20) district within the Village Residential (VR) district or Limited Use General 1 (LUG-1) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	HUMMOCK POND ROAD
65	20.3 (a portion of)	207	HUMMOCK POND ROAD
65	20.2	205	HUMMOCK POND ROAD
65	22	199	HUMMOCK POND ROAD
65	26	193	HUMMOCK POND ROAD
65	26.1	191	HUMMOCK POND ROAD
65	21 (a portion of)	201	HUMMOCK POND ROAD
65	22.1 (a portion of)	199A	HUMMOCK POND ROAD
65	23 (a portion of)	195-195B	HUMMOCK POND ROAD
65	24 (a portion of)	205	HUMMOCK POND ROAD
65	27	189	HUMMOCK POND ROAD
65	74	187	HUMMOCK POND ROAD

4. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district within the Village Residential (VR) district or Limited Use General 1 (LUG-1) district:

MAP	LOT	NUMBER	STREET
65	20.4 (a portion of)	209	HUMMOCK POND ROAD
65	20.3 (a portion of)	207	HUMMOCK POND ROAD
65	21 (a portion of)	201	HUMMOCK POND ROAD
65	22.1 (a portion of)	199A	HUMMOCK POND ROAD
65	23 (a portion of)	195-195B	HUMMOCK POND ROAD
65	24 (a portion of)	205	HUMMOCK POND ROAD

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article __ R-20 and LUG-2 to VR and/or LUG-1" dated October 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE __

(Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket and to amend the Zoning Map, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; 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):*

1. Amend section 2A (definitions) as follows:

APARTMENT

A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s)...

2. Amend section 8B as follows:

QUALIFIED FAMILY MEMBER

The owner of the lot at the time the lot was subdivided into ~~primary and~~ secondary lots and the owner's spouse, and their parents, grandparents, children, brothers and sisters, or as otherwise defined within the Nantucket Housing Needs Program regulations or guidelines.

3. Amend section 8D(3)(c) as follows:

~~A minimum of One~~ One of the two lots shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction...

4. Amend section 12G(3)(b) as follows:

In reviewing a use or expansion requiring ~~either a minor or major~~ site plan review within the MIPOD, the Planning Board and/or the Director of Planning or his designee shall make a determination that the proposed use or improvements are generally consistent with site plan review standards contained in § ~~139-23~~, and with the standards set down in this § ~~139-12G~~.

5. Amend section 30H as follows:

Effect of zoning amendments on special permits issued. Construction or operation under a special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not ~~less~~ **more** than 12 months after the issuance of the special permit and, in cases involving construction, is continued through to completion as continuously and expeditiously as is reasonable.

6. Amend section 33B(1) as follows:

Unless the use or construction is commenced within a period of not more than ~~six~~ **12** months after the issuance of the permit; and

7. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 40 (R-40) district in the Residential 1 (R-1) district:

Map	Lot	Number	Street
55	928	8	Red Mill Lane
55	927	3	Old Mill Court
55	926	5	Old Mill Court
55	925	4	Old Mill Court

NOTE: The portion of these lots located in the R-40 district was formerly a portion of a paper street. The majority of these lots are located within the R-1 district.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 48 (REVISED for 2021 ATM TO MATCH 2020 ATM MOTION)

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; 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):*

1. Amend section 2A (definitions) as follows:

SWIMMING POOL - RESIDENTIAL

A structure designed ...

- In the VR District only...
- In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.

2. Amend section 7A (use chart) by replacing "A" with "A with lot $\geq$ 7,500 sq ft" in the "Swimming pool - residential" row in the R-1/SR-1 and R-5/R-5L columns.

Or, to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD 2020 ATM COMMENT: Impact of residential swimming pools have been an ongoing topic of discussion. Concerns have been expressed related to adding more structures that contribute to stormwater runoff, environmental issues related to draining water from residential swimming pools, noise and light impacts to neighbors, and other impacts that may degrade Nantucket's historic character. Other considerations include reducing the potential for an estate like development pattern that detracts from traditional neighborhoods, and ultimately housing that is attainable for year-round households.

CITIZEN ARTICLES

ARTICLE

(Zoning Map Change: RC-2 to CN and/or LUG-2, and LUG-2 to CN - Bartlett Farm Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing a portion of the following properties currently located in the Residential Commercial 2 (RC-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
82	502	23 (portion of)	Bartlett Farm Road
82	503	33 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road

2. By placing a portion of the following properties currently located in the Limited Use General 2 (LUG-2) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
65	16.1	19 (portion of)	Bartlett Farm Road
65	16	39 (portion of)	Bartlett Farm Road
82	602	23 (portion of)	Bartlett Farm Road
82	503	33 (portion of)	Bartlett Farm Road

3. By placing the following property currently located in the Residential Commercial 2 (RC-2) zoning district in the Limited Use General 2 (LUG-2) zoning district:

Map	Parcel	Number	Street
65	92	30	Bartlett Farm Road

(John W. Bartlett, et al)

ARTICLE

(Zoning Map Change: R-5 to CN - 10 and 12 Youngs Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential -5 (R-5) zoning district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
68	243	10	Youngs Way
68	244	12	Youngs Way

(David A. Schulz, et al)

ARTICLE

(Zoning Map Change: SR-10 to SR-1 or SOH - 10 Clifton Street)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following property currently located in the Sconset Residential-10 (SR-10) Zoning District in the Sconset Residential-1 (SR-1) Zoning District or the Sconset Old Historic District (SOH):

10 Clifton Street, Nantucket Tax Assessor's Map 73.4.1, Parcel 30

(John Brescher, et al)

ARTICLE 54

(Zoning Map Change: R-10 to CN - 3 Cobble Court) *Carried Over from 2020 Annual Town Meeting*

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	260	3	Cobble Court

All as shown on the attached map.

Or to take any other action related thereto.

(Susan C. Ottison, et al)

ARTICLE 55

(Zoning Map Change: VR to VN - Polpis Road and Chatham Road)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road
54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Village-Residential (V-R) district, to the Village-Neighborhood (VN) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

ARTICLE

(Zoning Map Change: VR to R-20 - Chatham Road, Monomoy Road, Milestone Road and Polpis Road)

To see if the Tow will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
54	48	1	Chatham Road
54	135	3	Chatham Road
54	68	1	Monomoy Road
54	136	5	Monomoy Road
54	130	16B	Milestone Road
54	130.8	16A	Milestone Road
54	130.2	16C	Milestone Road
54	130.3	16D	Milestone Road
54	130.4	16E	Milestone Road
54	130.5	16F	Milestone Road
54	130.6	16G	Milestone Road
54	130.7	16H	Milestone Road
54	128/188	2	Polpis Road
54	187	4	Polpis Road
54	186	11	Chatham Road
54	125	13	Chatham Road

54	124	10	Polpis Road
54	183	12	Polpis Road
54	181	16	Polpis Road
54	180	18	Polpis Road

(1) To place the foregoing properties noted, into the Town Overlay district; and,

(2) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Village-Residential (V-R) district, in the Residential-20 (R-20) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Robert Von Kampen, et al)

ARTICLE

(Zoning Map Change: LUG-1 to R-20 - Chatham Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
54	229	10	Chatham Road
54	230	8	Chatham Road

(1) To place the foregoing properties noted, into the Town Overlay district; and,

(2) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Limited Use General - 1 (LUG-1) district, in the Residential-20 (R-20) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Diane Ryder, et al) -

Commented [EM15]: From Jan. submission

ARTICLE

(Zoning Map Change: LUG-1 to VR - 8 and 10 Chatham Road)

To see if the Town will vote to: Approve the zoning map change from the existing LUG-1 zone to the VR zone affecting the following properties;

8 CHATHAM ROAD, identified as Nantucket Assessor's Map-54, Parcel-230 which property is immediately across the road from the existing VR zone;

10 CHATHAM ROAD, identified as Assessor's Map-54, Parcel-229, which property is immediately across the road from the exiting VR zone

; or otherwise act thereon.

(Diane Ryder, et al) - initial submital?

Commented [EM16]: Yes, from Nov.

ARTICLE

(Zoning Map Change: R-20 to R-5 - Mayflower Circle and Evergreen Way)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Parcel	Number	Street
68	728	2	Mayflower Circle
68	773	32	Evergreen Way

(1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties noted, currently located in the Residential-20 (R-20) zoning district into the Residential-5 (R-5) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(Zoning Map Change: R-20 to CTEC and/or CN - Old South Road and Airport Road)

To see if the Town will vote to take the following actions in regard to the following properties:

Map	Lot	Number	Street
68	167	111	Old South Road
68	168	113	Old South Road
68	112	115	Old South Road
68	111	117	Old South Road

68	48	1	Airport Road
68	49	7	Airport Road

(1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Residential-20 (R-20) district, in the CTWC (Commercial-Trade, Entrepreneurship and Craft) and/or CN (Commercial-Neighborhood) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Tom Hanlon, et al)

ARTICLE

(Zoning Map Change: LUG-1 to R-40 - 18 Evergreen Way)

To see if the Town will vote to: Approve the zoning map change from the existing LUG-1 zone to the R-40 zone affecting the following property;

18 EVERGREEN WAY, identified as Nantucket Tax Assessor's Map-68, Parcel 708 which property currently abuts the existing R-40 zone

; or otherwise act thereon.

(Brian Ryder, et al)

ARTICLE 56

(Zoning Map Change: LUG-2 to R-20 - Rugged Road)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
67	166	25	Rugged Road

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Limited Use General - 2 (LUG-2) district, to the Residential-20 (R-20) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(Irene Schreiber, et al)

ARTICLE 57

(Zoning Map Change: LUG-3 to LUG-1 - Driscoll Way) Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
76	4.1	2	Driscoll Way
76	4.2	6	Driscoll Way
76	4.3	10	Driscoll Way

- 1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Limited Use General - 3 (LUG-3) district, to the Limited Use General - 1 (LUG-1) zoning district:

All as shown on the attached map.

Or to take any other action related thereto.

(James M. Driscoll II, et al)

ARTICLE

(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the Town will vote to:

Proposed Amendments to Nantucket Zoning Bylaw Ch 139 S 22

§ 139-22. Island perimeter restrictions. [Amended 5-5-1992 ATM by Art. 38, AG approval 8-3-1992; 4-10-1995 ATM by Art. 50, AG approval 5-22-1995; 4 13-1998 ATM by Art. 35, AG approval 7-31-1998; 4-10-2000 ATM by Art. 29, AG approval 8-2-2000; 4-13-2005 ATM by Art. 45, AG approval 10-19-2005; 10-23-2006 STM by Art. 16, AG approval 3-21-2007; 4-9-2007 ATM by Art. 28, AG approval 6-28-2007; 4-8-2008 ATM by Art. 52, AG approval 8-18 2008]

A. There shall not be permitted in or upon the areas adjacent to Nantucket Sound and the Atlantic Ocean between the water and the primary coastal bank or, in the absence of a bank, the line of upland vegetation, any dwelling, except dwellings which have continued in lawful existence since April 6, 1982.

B. Except as otherwise provided in Paragraphs C, D and E of this § 139-22, the construction of new docks and piers and wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) ~~for existing docks, piers or wharves~~ is prohibited for shorefront land in all districts, ~~except those docks, wharves and piers approved by the Nantucket Conservation Commission in the former Residential Commercial Districts as of July 31, 2005, and where a private pier previously existed on the premises.~~ Nothing in this § 139-22 shall prohibit nor regulate the repair, maintenance or like-kind replacement of any ~~lawfully existing~~ preexisting nonconforming dock, pier or wharf ~~so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto.~~

C. In the Harbor Overlay District and for commercial water-dependent uses only, (1) new docks, piers or wharves; ~~for commercial water-dependent use and~~ (2) the extension of any lawfully existing docks, piers or wharves; and (3) the addition of new appurtenant structures to any lawfully existing docks, piers or wharves; ~~for purposes of commercial water-dependent uses~~ are permitted uses.

D. Any proposed extension or reconfiguration of or addition or creation of new appurtenant structures to a preexisting ~~legally~~ nonconforming dock, pier or wharf must be reviewed and approved by the special permit granting authority in accordance with § 139-33A(41). In addition to the findings required by that section, the special permit granting authority shall find that the proposed extension, reconfiguration or addition does not result in a net increase of the structure's existing footprint and is not more detrimental to the marine environment than the existing structure. Such applications shall be referred by the special permit granting authority to the ~~Department of Marine and Coastal Resources~~ Harbor Master and the Natural Resources Department, or its successor agency, for comment and recommendation in accordance with the procedures of § 139-30.

E. In all districts new docks, wharves and piers of municipal, county, state, or federal agencies or public docks as defined below, and/or community docks serving areas that are not accessible by landbased transportation are permitted uses. The words "public docks" as used in this section shall be defined as a dock, pier or wharf that is open to the public at large, or at which services or goods for vessels are made available directly to the public.

(Emily Molden, et al)

ARTICLE 58

(Zoning Bylaw Amendment: Commercial Mid-Island - Height Restriction)

Carried Over from 2020 Annual Town Meeting

Reason and Intent;

At the 2016 Annual Town Meeting, Article 36 was adopted. The article had several sections, was complicated and in the case of changes in Section 17A, not in the best interests of Nantucket. The change in Section 17A involved the change of the height restriction for the SMI District from 30 feet to 40 feet. . This Article will reestablish the same height limitation as exist in the other districts referenced in Chapter 17 Section 17A.

The Article:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive 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):

To amend section 17A as follows:

A. Building and structure height is measured as the average height of all sides of a building or structure from the average mean grade to the highest point of the building and/or structure. There shall be only one highest point for each building and/or structure. No one building and/or structure side shall exceed 32 feet, except in the CDT and CMI districts, or as otherwise permitted. Height limitations, except as noted in the Village Height Overlay District, shall be as follows:

	Zoning District	Maximum Height
Country Overlay District	SR-1, SOH, SR-10, SR-20, LUG-1, LUG-2, LUG-3, MMD, VN, VTEC, VR	30
Town Overlay District	R-1, ROH, R-5, R-10, R-20, R-40, CDT, CN, CTEC, CI, RC, RC-2, LC	30
Town Overlay District	CMI	~~40~~ 30

Or to take any other action related thereto.

(Vallorie Oliver, et al)

ARTICLE 61

(Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)

Carried Over from 2020 Annual Town Meeting

Reason and Intent;

This article was included in the 2015 ATM. It was recommended for adoption by the Finance Committee, but was "Not adopted by Majority Voice Vote". With the passage of time, protecting the Town from liability due to climate change and seal level rise is only more important. The impact is prospective and the sooner action is taken, the sooner protection will begin. It is just a matter of property owners accepting personal responsibility. The article below is exactly the same as the one for 2015 and was drafted by Town Counsel.

The Article:

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 139-26, as follows (NOTE: new language is shown as highlighted text; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive 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); and to further authorize the Board of Selectmen to file a Home Rule Petition with the General Court to effectuate the purposes and intent of the zoning amendment should it be deemed necessary and/or prudent to do so by the Board of Selectmen:

Chapter 139 ZONING

Article V. Administration and Enforcement

§ 139-26. Issuance of building and use permits.

A. No building or structure shall be used, erected, constructed, relocated, added to or otherwise subjected to alteration, or demolished without a building or use permit having been issued by the Building Commissioner for any use or structure. No lot shall be changed from its use preexisting the July 27, 1972, effective date of this chapter, except to its natural condition allowed by § 139-7A(5) above, without a use permit or a building permit permitting such use. No such permit shall be issued until such construction, erection, relocation, addition, alteration, demolition or use, as proposed, shall comply in all respects with the provisions of this chapter as determined by the Zoning Enforcement Officer or with a decision rendered by the Board of Appeals, the Planning Board, or the courts in the case of appeals.

(1) Demolition delay.

(e) Issuance of building, use, or occupancy permit.

[1] If it has been determined that a building is subject to review, pursuant to Subsection A(1)(b) above, no building permits shall be issued for the erection of a new building on the site of such building subject to review before issuing a demolition permit for such building subject to review in compliance with this section.

[2] If it has been determined that a building subject to review has been voluntarily demolished in violation of this section, no building permits shall be issued for new construction, or any use or occupancy permit for any use other than a park or recreational open space, with respect to the premises of such building for a period of two years after the date of the determination. As used herein, "premises" includes the parcel of land upon which the demolished building was located and all abutting parcels under common ownership or control.

[3] The applicant (or the owner of record, if different from the applicant) shall be responsible for properly securing the building during the time that it is subject to review under this section. If a building is subject to demolition delay, pursuant to Subsection A(1)(b) above, and the applicant fails to secure the building, the loss of the building to fire or other causes shall be considered voluntary demolition for the purposes of this section.

[4] The issuance of a building permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

(2) Any applicant seeking a building permit pursuant to the terms of this Section for construction on Shorefront Land or property within 300 feet of Shorefront Land shall be required to, in consideration for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") acknowledging the potential for coastal erosion in the vicinity of the property at issue and the potential for impacts on or elimination of public access to said property due to coastal erosion. Pursuant to said Release and the issuance of a permit, the applicant shall understand and be advised that the proposed construction/reconstruction site at or within 300 feet of the Shorefront Land may be subject to extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence and said Owner shall assume full and sole risk for such hazards, including any restrictions on public access to said property. As such, the Owner shall unconditionally waive any present, future, and unforeseen causes of action and claims of liability on the part of the Town arising from the aforementioned or other natural hazards and relating to said permit approval and resultant construction, as a condition of approval. Further, the Owner shall agree to indemnify and hold harmless the Town and its departments, boards, officials and employees for any acts or omissions and related cost of defense, including, but not limited to, claims related to impacts on or reductions in public access to said property, arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner, Owner's successor-in-interest and/or third parties.

D. Issuance of permits. Upon receiving the application, the Building Inspector shall examine the same within a reasonable time after filing. The Zoning Enforcement Officer

shall provide the Building Commissioner with a certificate of compliance with this chapter. If the application does not conform to the provisions of all pertinent local laws, the Building Commissioner shall reject such application in writing, stating the reasons therefore, within 30 days of the submission of a complete application.

(1) He shall inform the applicant of his right of appeal to the Board of Appeals in the event such application is rejected.

(2) If satisfied that the proposed work and/or use conforms to the provisions of this chapter and all laws and ordinances applicable thereto, he shall issue a building or use permit thereto, within 30 days of the submission of a complete application.

(3) The issuance of a permit for construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of the building permit required by this Section, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion and impacts on or elimination of public access to the property at issue. Said Release shall be maintained by the Building Commissioner.

H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years. Applicants for a temporary permit to engage in construction on Shorefront Land or within 300 feet of Shorefront Land shall be required to, in exchange for the issuance of a temporary building permit, execute a release, hold harmless and indemnification agreement ("Release") relative to said permitting and the potential for coastal erosion or impacts on or elimination of public access to the property at issue.

I. Payment of fees. No building or use permit shall be issued until the fees prescribed by the Board of Selectmen shall be paid to the Building Inspector.

J. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

K. Disclaimer of Liability. This Bylaw shall not create any liability on the part of the Town, its departments, boards, officials and employees for any extraordinary hazards and damage from waves during storms, erosion, retreat, settlement, sinking, or subsidence damage that results from reliance on this Bylaw or any administrative decision made lawfully thereunder.

(Rick Atherton, et al)

ARTICLE 63
(Affordable Housing Requirements)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: To require the Town of Nantucket to create and enforce legislation and regulations to enact and enforce the attachment of the state mandated 10% affordable housing to our local building permit process. 10% of new residence permits issued annually (both year round and seasonal) shall be designated affordable. For each 10 residential permits issued 1 shall be affordable; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 64
(Public Property Damage)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: require the Town of Nantucket through the PLUS department to create and enforce regulations to hold accountable all land owners to repair damage to public property caused by permitted activity. All applicants to the PLUS Department must submit photos of surroundings 500 feet beyond each boundary to a public way areas of concern shall include streets/roads, shoulders, sidewalks, medians and bike paths. These areas shall be inspected and approved before a certificate of occupancy or completion is issued; or otherwise act thereon.

(Andrew G. Lowell, et al)

ARTICLE 67
(Prohibiting Roundabouts Near Schools)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Prohibit the construction of a rotary, a roundabout or a traffic circle by any other name on any public way within 1000 feet of a public school in the Town of Nantucket.

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

ARTICLE
(Real Estate Transfer: Land from Roadway/Roundabout Purposes to School Committee Control)

To see if the Town will vote to transfer the care, custody, management and control of the following parcels of land from the following boards for the purposes for which they are currently held from the Board of Selectmen back to the School Committee for the purposes as follows:

.Tax Assessor's Map 55, Parcel 137 (a portion of), 10 Surfside Road, from the Control of the Town to be returned to the School Committee and to be held for school purposes;

Or otherwise act thereon.

(John F. McGrady, Jr., et al)

ARTICLE 68 (Complaint Committee)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Approve that all Town of Nantucket Departments and Boards, staffed by employees, elected or howsoever constituted, or empowered, and including the office of Town Administration and its head, set full, clear and published standards for their performance and, included therewith, have a full and clear accessible complaints procedure together with appropriated redress for the user of the services when its alleged that wrongdoing or maladministration has occurred. Moreover, see if the Town will vote to approve, within any limitations set by the laws of the Commonwealth of Massachusetts, the formation of a committee to deal with complaints of wrongdoing or maladministration made against and employee of the Town of Nantucket, any Department of the Town of Nantucket or any Board of Member of a Board elected by voters of the Town of Nantucket.

(Theresa Williams, et al)

ARTICLE

(Bylaw Amendment: Noise)

To see if the Town will vote to amend Chapter 101 (Noise) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Chapter 101
Noise

§ 101-4 Prohibited activities; violations and penalties.

A. ~~It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year), occupying or having charge of any building, boat, vehicle, premises or any part thereof; the owner, the owner's agent or other legally responsible person or persons of any building, boat, vehicle, premises or any part thereof in the Town of Nantucket other than as specifically licensed by the Board of Selectmen, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the~~

Commented [LG17]: NOT FINISHED YET

reasonable quiet, comfort, repose or the health or safety of others by the operation of any radio, phonograph or other mechanical sound device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid or the making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Any person violating this section shall be punished by a fine of not more than \$200 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

- A. Prohibited Noises.** It shall be unlawful for any person or persons, unless specifically authorized by the Select Board, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by taking any of the following actions:
- a. making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel, or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section.
 - b. to operate, play or permit the operation or playing of any electronic sound producing device, radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel, or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle, vessel or premises in which or from which it originates shall constitute prima

facie evidence of a violation of this section.

- c. to load, unload, open, close or otherwise handle boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:00 a.m. so as to project sound across a real property line.
- d. operating or permitting the operation of any mechanically powered tools or equipment used in building construction, renovation, non-emergency maintenance, or demolition work is prohibited between the hours of 8:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts", dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 5:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day) Monday through Saturday and before 10:00 a.m. Sunday, that the sound therefrom is plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located. Work referenced in this section shall include any work for which a building, sidewall or roof, shingle, trench, tent, plumbing, gas, or wiring permit has been issued by the Town of Nantucket and any work for which a Certificate of Appropriateness has been issued by the Historic District Commission.
- e. operating or permitting the operation of any mechanically powered tool (such as saws, drills, sanders, grinders, nail guns) or mechanically powered lawn or garden tool, or similar device used outdoors shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year, except for in the Old Historic District (OHD) as shown on the map entitled "Core Historic Districts", dated April 9, 2019, as may be amended from time to time, where the prohibition is between the hours of 5:00 p.m. and 8:00 a.m. between and including July 1 and Labor Day) Monday through Saturday and before 10:00 a.m. Sunday, so as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited. Lawn and garden tools with gas powered engines shall be prohibited beginning July 1, 2025.
- f. repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday.

B. — It shall be unlawful for any person or persons, between the hours of 10:00 p.m.

and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year), being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof in the Town of Nantucket, other than as specifically licensed by the Board of Selectmen, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by the operation of any radio, phonograph or other mechanical sound device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid or the making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section.

B. Exemptions.

The following uses and activities shall be exempt from subsection A of this Chapter:

- a. Noises of safety signals, warning devices and emergency pressure-relief valves.
- b. Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
- c. Noises resulting from emergency and maintenance work as authorized by the Town, by the state or by public utility companies.
- d. Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town, but only to the extent such activities and the resulting noises are within the scope of such license or permit.
- e. The unamplified human voice.
- f. Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose.

G. Any person shall be deemed in violation of ~~§ 101-1~~, who shall make or aid in, cause or suffer or countenance or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of ~~§ 101-1~~ shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this section shall

be punished by a fine of not more than \$200 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

C. Permit for relief.

Application for a permit for relief from the requirements designated in this chapter on the basis of undue hardship may be made before the Select Board. Any permit granted by the Select Board shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement. Each such permit shall specify, to the extent applicable, the following:

- a. The specified dates and times of day the excess is permitted;
- b. The particular location, specifying outdoors, indoors or indoors open to the outdoors, and where on the premises the specified noise is permitted to originate; and
- c. The permitted type of noise: amplified music, amplified speaking or singing voice, live band, acoustic musical instrument, or other.

§ 101-1.1 Procedure upon violation.

- A. It shall be deemed a breach of the peace and it shall be the duty of any police officer of the Town to order any person or persons so acting as to violate the provisions of § 101-1 of this chapter to cease any prohibited activities which are specified in § 101-1 and, if the person or persons so ordered do not forthwith obey, to remove such person or persons or to arrest and/or cause such person or persons to be brought before the Trial Court of the Commonwealth District Court, Nantucket Division, upon a complaint made for a violation of the provisions of § 101-1.
- B. If the violation occurs on the premises of rental property, the owner and/or his agent of said property must be notified in writing by certified mail that a violation of § 101-1 has occurred on said rental property and that a complaint for violation of said section may be taken against him if said property owner and/or his agent fails to mitigate the activities of the person or persons who have rented said property.
- C. It shall be a defense to any violation of § 101-1 of this chapter that the noise is generated from a private dwelling with the express consent of the owner and that the noise is not clearly audible at any real property boundary of said dwelling.

D. Violations and penalties.

- a. A violation of this Chapter shall be deemed a breach of the peace. Violators shall first be given a verbal order by the enforcing police officer to cease or abate the noise immediately or within a specified period of time. If the person or persons so ordered do not comply with the verbal order, the enforcing police officer may arrest such person or persons for a violation of this Chapter.
- b. As an alternative to arrest, any police officer of the Town may utilize the noncriminal disposition specified in MGL c. 40, § 21D and Nantucket Code §§ 1-2

through 1-6.

c. Any person found in violation of this Chapter shall be punished by a fine of not more than \$300 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

§ 101-2 Noises prohibited; exemptions.

- A. ~~Use districts. It shall also be unlawful to project a sound or noise, excluding noise emanating from cars, trucks or other vehicles, from one property into another within the boundary of a use district, which noise exceeds the limiting noise spectra set forth in Table I below. Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.~~
- B. ~~Loading and unloading. It shall be unlawful to load, unload, open, close or otherwise handle boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:00 a.m. so as to project sound across a real property line, except as exempted under Subsection E below.~~
- C. ~~Construction. Operating or permitting the operation of any power tools or powered equipment used in actual new building construction or renovation, drilling, or demolition work is prohibited between the hours of 8:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday that the sound therefrom is plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located except for emergency work of public service utilities or by special variance issued by the Select Board.~~
 - (1) ~~Construction or renovation work shall be defined as any work for which a building permit has been issued by the Town.~~
- D. ~~Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday.~~
- E. ~~Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday so as to be plainly audible at a distance of 50 feet from the lot line of the lot on which said activity is located is prohibited.~~
- F. ~~Radios, television sets, musical instruments and similar devices. It shall be unlawful~~

to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) in such a manner as to create a noise disturbance across a real property boundary.

- G. Exemptions. The following uses and activities shall be exempt from noise level regulations: (1) Noises of safety signals, warning devices and emergency pressure-relief valves.
- (2) Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
- (3) Noises resulting from emergency and maintenance work as performed by the Town, by the state or by public utility companies.
- (4) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town, but only to the extent such activities and the resulting noises are within the scope of such license or permit.
- (5) The unamplified human voice.
- (6) Parades and public gatherings for which the Selectmen have issued a permit.
- (7) Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose.

§ 101-3 Measurement of noise.

- A. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by ANSI S1.4—1971 Type 1 or Type 2 and IEC 1979. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. During measurement, the microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.
- B. The slow meter response of the sound level meter shall be used in order to best determine that the amplitude has not exceeded the limiting noise levels set forth in Table I below.
- C. The measurement shall be made at the location that the noise is perceived by the complainant or upon a public way, at a level of five feet above the ground.

§ 101-4 Noise tables.

- A. Table I: Limiting Noise Level for Use Districts. (Use District A represents the LUG-1, LUG-2, LUG-3, ROH and SOH Residential and MMD, AHD, OIH, and ALC Special

Districts. Use District B represents the R-1, R-2 and R-10 and SR-1 and SR-2 Residential Districts. Use District C represents the LC, RC and RC-2 Commercial Zones, all as defined and delimited in the Nantucket Zoning Ordinance, as amended.)

Use District	Maximum Permissible A-Weighted Sound Level	
	Day	Night
District A:		
L-10 level	55	45
Maximum	68	58
District B:		
L-10 level	60	45
Maximum	70	58
District C:		
L-10 level	60	60
Maximum	70	70

NOTES:

1. "L-10" refers to a national guideline for measuring noise levels over time and is recommended by the Environmental Protection Agency.
 2. Sound levels are in decibels re: 20 micropascals, measured on the A-weighting network of a sound level meter meeting the standards referenced in § 101-3A.
- (1) For the purpose of this table, "day" shall be defined as 7:00 a.m. to 10:00 p.m. (7:30 a.m. between June 15th and September 15th in each year), and "night" shall be defined as 10:00 p.m. to 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year).
- (2) If the noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I of this section.

B. Table II: Type of Operation in Character of Noise.

Character of Noise	Correction
Impulsive (hammering, etc.)	-5
Periodic (hum, screech, etc.)	-5

§ 101-5 Application for special permit.

Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made before the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement. Each such permit shall specify, to the extent applicable, the following:

- A. Whether the specified noise permitted is in excess of the levels barred by §§ 101-2A, 101-3 and 101-4, as well as § 101-1A, B or C, and the extent of the permitted excess;
- B. The specified dates and times of day the excess is permitted;
- C. The particular location, specifying outdoors, indoors or indoors open to the

outdoors, and where on the premises the specified noise is permitted to originate;
and

D. ~~The permitted type of noise: amplified music, amplified speaking or singing voice,
live band, acoustic musical instrument, or other.~~

~~§ 101-6 Violations and penalties.~~

A. ~~Upon an apparent violation of this chapter, the offending party shall be given a
verbal order by the enforcing police officer to cease or abate the noise immediately
or within a specified period of time. If the order is not complied with, the person or
persons responsible for the noise shall be charged with a violation of this chapter.
Anyone who violated this chapter shall be subject to a fine of \$100. Written record
of all measured violations shall be kept by the Police Department.~~

B. ~~Any police officer of the Town may utilize the noncriminal disposition specified in
MGL c. 40, § 21D and Nantucket Code §§ 1-2 through 1-6.~~

(Select Board)

ARTICLE

(Bylaw Amendment: Noise)

To see if the Town will vote to: Under Section 101-2 Noises prohibited;
exemptions: add a new subsection to read as follows: Air handler units, heat
exchangers, air conditioners, condenser units, dehumidifiers and compressors whose
noise exceeds the limiting noise spectra set forth in Section 101-4 Table 1.

; or otherwise act thereon.

(Jacques Zimicki, et al)

ARTICLE

(Bylaw Amendment: Council for Human Services)

To see if the Town will vote to amend Chapter 12 (Council for Human Services),
section 12-2 (Membership; terms; vacancies) as follows *(NOTE: new language is
shown as highlighted text, language to be deleted is shown by strikeout; these methods
to denote changes are not meant to become part of the final text; non-substantive
changes to the numbering of this bylaw shall be permitted in order that it be in
compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 12

Council for Human Services

§12-2 Membership; terms; vacancies.

The Council shall consist of ~~seven~~ **nine** Nantucket residents who shall be appointed by
the Board of Selectmen for three-year terms; provided, however, that three of the initial
appointments shall be for a term of one year, three for a term of two years and three for
a term of three years. The term of office shall be based on a year commencing on July 1

of each calendar year. Vacancies occurring in any position during a term shall be filled for the balance of the unexpired term in the same manner as an original appointment. Each member of the Council serving at the time of the passage of this chapter shall remain in office until the end of his or her term and until the Board of Selectmen appoints a successor member. All members of the Council for Human Services shall be in full compliance with the provisions of Massachusetts General Law Chapter 268A.

(Select Board)

ARTICLE

(Bylaw Amendment: Animals)

To see if the Town will vote to amend Chapter 55 (Animals), section 55-5 (Violations and penalties) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Chapter 55

Animals

§12-2 Violations and penalties.

- A. Fine. Any violation of this chapter shall be subject to a fine of \$50. This chapter may be enforced by a police officer or Animal Control Officer utilizing the noncriminal disposition contained in Chapter 1 of this Code.

(Select Board)

ARTICLE

RENTAL CAR BYLAW AMENDMENT - AIRPORT/TOWN

To see if the Town will vote to amend Chapter 58-3 of the Code of the Town of Nantucket as follows; or to take any other action related thereto:

1. Amending the third sentence of Section A thereof to read as follows “Licenses for rental agencies shall be issued on a calendar-year basis and shall be issued after payment of an annual fee of \$100 per rental motor vehicle for rental agencies renting 1-10 motor vehicles; \$250 per motor vehicle for rental agencies renting 11-50 motor vehicles; and \$500 per motor vehicle for rental agencies renting 51 or more motor vehicles.” **[NOTE TO CLIENT: TIERS AND FEES ARE PLACEHOLDERS AND SHOULD BE REVIEWED]**

2. Replacing Section B with the following:

The total number of motor vehicles available for lease on the island of Nantucket

Commented [LG18]: Needs TC and NPD review

Commented [LG19]: SB – change to, what? Can go up to \$300

Commented [LG20]: This needs formatting work

shall not exceed a number to be determined annually by the Board of Selectmen, provided that said number shall not be below 700. The Board of Selectmen shall issue each rental agency one rental vehicle medallion (RVM) for each motor vehicle to be licensed. Each RVM constitutes the right to lease one motor vehicle for one year. An RVM shall be non-transferable without the consent of the Town Manager. All RVMs issued prior to January 1, 2021 shall expire on December 31, 2021 and shall be non-transferable thereafter.

3. Deleting Section D thereof.

VOTERS' GUIDE

This Article would amend the Town's Car Rental Bylaw to allow the Selectmen to adjust the current cap on the number of rental car licenses available in the Town. The cap was implemented in 1996, and all of the licenses have previously been issued, although not all are used. The cap prevents competition by new entrants into the rental car market, especially at the airport, and, given the rise in ridesharing and car-sharing apps, no longer serves as a meaningful restraint on car traffic on the island. Under this article, the Board of Selectmen would be able to adjust the cap to meet current conditions. In addition, RVMs would no longer be transferable, preventing car rental agencies from holding onto licenses without using them in order to limit competitors from accessing them.

ARTICLE 73

(Bylaw Amendment: Single-Use Plastics)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to:

- 1) make certain amendments to the bylaw "The Regulation of Commercial Sale, Distribution and Use of Single Use Plastics" as approved in Special Town Meeting 2018, Article 16 (Called "STM2018-16");
- 2) request that the Board of Public Works vote to rescind Board of Public Works Regulation 71.00 ("Regulation 71.00") as adopted by the Board of Public Works pursuant to the authority granted under section 125-3 of the Code of the Town of Nantucket and the general authority of the Board of Public Works pursuant to Chapter 169 of the Acts of 1965, as amended by Chapter 259 of the Acts of 1987, in order to incorporate the purpose and intent of that Regulation into the bylaw STM2018-16;
- 3) to remove from the Code of the Town of Nantucket § 125-3 Biodegradable Packaging [Amended 12-12-1989 STM by Art. 2, approved 3-14-1990]; and
- 4) once Regulation 71.00 is rescinded, and § 125-3 Biodegradable Packaging is removed from the Code of The Town of Nantucket, replace both with the revised bylaw "The Regulation of Commercial Sale, Distribution and Use of Certain Single Use

Plastics" the text of which follows (with underlined text below showing additions to the version of the bylaw that was approved at STM 2018 as printed in the Warrant, double strike throughs (==) to show deletions and underlined italic blue font to indicate language transferred from Regulation 71.00 and Code of the Town of Nantucket § 125-3 Biodegradable Packaging. None of these markings shall appear in the final version of the bylaw.);

the purpose of which is to make certain correction, clarifications; additions of definitions and items to be banned effective June 1, 2021 or take any other action relative thereto.

To Be Rescinded if Board of Public Works so votes:

Board of Public Works vote to rescind Board of Public Works Regulation 71.00 as adopted by the Board of Works pursuant to the authority granted under section 125-3 of the Code of the Town of Nantucket and the general authority of the Board of Public Works pursuant to Chapter 169 of the Acts of 1965, as amended by Chapter 259 of the Acts of 1987

To Be Removed:

§ 125-3 Biodegradable packaging. [Amended 12-12-1989 STM by Art. 2, approved 3-14-1990] All packaging added to or supplied by vendors or commercial establishments within the Town of Nantucket for merchandise of any type being removed from the establishment shall comply with such rules and regulations requiring the use of biodegradable packaging to the maximum extent reasonably practicable as might be established by the Board of Public Works after a public hearing; provided, however, that this section shall take effect April 15, 1990. "Biodegradable packaging" means any packaging other than plastic or Styrofoam.

To Be Replaced with The Following:

Section I. Definitions and Purpose

Definitions:

Single-use plastics - are petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this Bylaw are listed herein.

Commercial use - using the petroleum-based plastic products listed herein by a business, directly/indirectly for financial gain or convenience.
Petroleum -based plastic - plastics manufactured using petroleum derived polymers.
Plant-based plastics are exempted from this Bylaw.

Compostable - This category of plastic is comprised of two basic types. 1) a material that breaks down without mechanical assistance, which is defined herein as "compostable"; and 2) materials requiring mechanical assistance such as the application

of high temperatures not achievable in backyard compost piles for a period of several days, which is defined herein in as “commercially compostable”.

Compostable plastic is defined by the standards association ASTM International (ASTM) as “a plastic that undergoes degradation by biological processes during composting to yield carbon dioxide (CO₂), water, inorganic compounds, and biomass at a rate consistent with other known compostable materials and that leaves no visible, distinguishable, or toxic residue.” All petroleum-based plastics that are compostable break eventually breakdown into smaller pieces of petroleum-based plastics, some of which are not visible to the unaided human eye. These particles are known as micro-plastic particles and have been found in most bottled waters and in the human and other animals’ bodies due to ingestion of affected food sources.

They are made from materials that can naturally breakdown into usable compost material in back yard compost piles. These materials will enrich the soil and returns nutrients to the earth. According to the US Federal Trade Commission Green Guide updated October 2012, “Some materials break down into usable compost material that enriches the soil and returns nutrients to the earth.”

Compostable plastics are typically made from some type of renewable raw material. Corn starch is one of the most common materials, as is hemp, but there are other similar options. Regardless of what compostable plastic is made from, it’s transformed into a polymer that looks and feels like traditional plastic. Compostable plastics can be difficult to recycle. Most of them require commercial/industrial composting facilities. Compostable plastic material cannot breakdown through natural processes and must be sent off island to a commercial composting facility where it is processed at high heat for several days. Nantucket currently does not have the commercial composting capabilities.

Commercially Compostable - The American Society for Testing and Materials (now known as ASTM International) has published specific guidelines that must be met for a material to be labeled as commercially compostable. In broad terms, those guidelines are:

- “It must able to be broken down by biological treatment at a commercial or industrial composting facility”;
- “Decomposition of the plastic must occur at a rate similar to the other elements of the material being composted (within 6 months)”;
- It will “Leave no toxic residue that would adversely impact the ability of the finished compost to support plant growth”

It is compostable material that cannot breakdown through natural processes and must be sent off island to a commercial composting facility where it is processed at high heat for several days.

Biodegradable - According to the US Federal Trade Commission Green Guide updated October 2012, “Something that’s biodegradable, like food or leaves, breaks down and

decomposes into elements found in nature when exposed to light, air, moisture, certain bacteria, or other organisms.”

According to the Federal Trade Commission (FTC), a biodegradable product is one that in its entirety will “*completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time (one year) after customary disposal*”.

The American Society for Testing and Materials (now known as ASTM International) defines biodegradable plastic as “*a plastic in which all the organic carbon can be converted into biomass, water, carbon dioxide, and/or methane via the action of naturally occurring microorganisms such as bacteria and fungi, in timeframes consistent with the ambient conditions of the disposal method*.”

Currently there is no data to support that many of the things claiming to be biodegradable will be broken down in landfills.

Drinking Water - is potable, unflavored, non-carbonated water that is safe to drink or to use for food preparation.

Flavored Water - a category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals and other “enhancements”. (source: Medical Dictionary)

Carbonated Water - water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonation causes small bubbles to form, giving the water an effervescent quality. Also known as “sparkling water”, “tonics”, “soda water”, “club soda”, “tonic water”, “seltzer” “pop” and the like. (source: Wikipedia and The Free Dictionary)

Boxed Water - Any type of drinking water, flavored water, carbonated water packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest of it is often a set of plastic parts such as a cap and pouring ring and internal layers made from petroleum-based plastics such as polyethylene and aluminum.

Energy Drink - a type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or packaged in a paper or similar fiber package like the containers used for Boxed Water.

Purpose:

The purpose of the Bylaw 2018-16 and the amendments to Bylaw 2018-16 proposed herein is to protect the health and safety of Nantucket’s present and future generations, protect the Town’s single source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general

environment, protect marine animals and food sources and save the citizens of the Town money. There are safe alternatives for each of the single-use ~~petroleum-based~~ plastic items banned. This bylaw applies to commercial sale, distribution and use of these plastic products. However, individuals need to do their part to strive to conserve, protect and preserve our environment.

The Town of Nantucket recognizes that discarded packaging constitutes the largest single category of waste within the Town and County of Nantucket's waste stream and is, therefore, a necessary focus of any effort towards reducing the filling of the Towns landfill as well as towards reducing the economic and environmental costs of waste management.

The Town finds that discarded non-biodegradable packaging and plastic contained within the waste stream of Nantucket is a fundamental cause of problems associated with solid waste disposal.

The Town understands that the landfill space within the Town and County of Nantucket is diminishing rapidly; that the availability of solid waste receiving areas outside the Island of Nantucket is becoming increasingly uncertain and expensive; and, that for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby, to streamline solid waste management must be vigorously pursued.

The Town finds that the chemical composition and the ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs.

The Town finds and determines that the use of plastics and other non-biodegradable packaging has become widespread throughout the island and the resulting mixed substance waste stream is a serious impediment to solid management programs for the Town and County of Nantucket.

The Town further finds that the widespread use of plastics and non-biodegradable packaging poses a threat to the environment on the Island of Nantucket by causing rapid filling of the landfill space and by the possible introduction of toxic by-product into the groundwater and general environment of the island of Nantucket.

The economic and environmental problems associated with the mixed substance waste stream are so severe that a program of incrementally simplify the chemical composition of solid waste, thereby encouraging the composting of putrescible wastes and encouraging other forms of recycling of solid waste substances, is a policy goal of the Town of Nantucket.

BY-LAW:

Section II. Commercial Sale, distribution and commercial use of petroleum-based single use plastic products.

It shall be unlawful to commercially sell, distribute or otherwise ~~commercially~~ use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

Straws and drink stirrers;

~~Six-pack~~ Can and bottle flexible yokes (no limit on capacity size);

Single use drinking cups and lids;

Plates and ~~non-compostable~~ eating utensils;

Drinking water in single-serve polyethylene terephthalate (PET) containers of 1 liter (34 ounces) or less; ~~and~~

Single use, non-biodegradable ~~recyclable~~ coffee or other beverage pods

It shall be unlawful to commercially sell, distribute or use the following single-use petroleum-based plastic and other listed products in the Town and County of Nantucket on or after June 1, 2022:

Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;

Cellulose acetate and or any other type of plastic fiber cigarette filters;

Plastic mesh tea bags;

Any type of non-deposit, plastic beverage container of 63 ounces or less, including, but not limited to water, flavored water, sparkling water, soda, energy drinks;

Boxed water containers with components of petroleum based plastic materials such as pouring spouts, caps and as a liner;

Plastic and glass nip bottles with capacities of up to 200ml;

Plastic stick ear buds;

Small, individual plastic bottles of body wash, shampoo, conditioner, body lotion with capacities of up to 200ml;

Plastic shopping bags, take-out bags, take-out containers, clam-shell containers and similar containers;

Any and all non-recyclable petroleum based plastic products with resin identification codes #3 through #7

Any and all packaging added to or supplied by a vendor within the Town of Nantucket for the purpose of transporting merchandise of any type shall be biodegradable and compostable.

Reusable compostable ~~containers~~ and recyclable paper or cardboard containers are allowable alternatives and, where not a health hazard as determined by the Board of Health or public law, vendors shall encourage the use of such containers by allowing customers to bring their own containers or by providing such reusable containers at no charge or for a reasonable fee.

Each vendor within the Town of Nantucket shall display a notice proximate to the point of sale device ~~each register~~ and plainly visible to its patron stating the following:

"All packaging added or supplied by this vendor or commercial establishment for merchandise of any type being removed from this establishment must be biodegradable, compostable packaging. No non-biodegradable packaging may be added to or supplied by this vendor or commercial establishment for merchandise of any type being removed from the establishment."

Section III. Exemption for Emergencies and other

Drinking water (plain, unflavored) - Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

Medical packaging and medically required usage are exempted providing no recyclable alternatives are available.

Plant-based, biodegradable or compostable plastics are exempted from this Bylaw.

Section IV. Enforcement Process

Enforcement of this Bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and Health Agents have the authority to enforce this Bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this Bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under M.G.L. Chapter 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D and Article II of Chapter 1 of the Code of the Town of Nantucket.

V. Suspension of the Bylaw

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

VI. Severability

The provisions of this bylaw and article are severable. If any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw or article, and the remainder of the bylaw or article shall stay in full force and effect.

(Bruce Mandel, et al)

NOTE: Due to formatting restrictions, the references to "underlined italic blue" are shown in underlined italic black text.

ARTICLE 75
(Bylaw Amendment: Bicycles)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Code, Chapter 57 (Bicycles and Mopeds) by adding the following new Article IV, or take action relative thereto:

Article IV. Bicycle Right of Way

§57-13. Authority and Purpose

This article is enacted in accordance with G.L. c. 40, §22 to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicycles and motor vehicles.

§57-14. Right of Way for Users of Multi-Use/Shared Use Paths

- A. At any location at which a multi-use/shared path intersects with or is crossed by a public or private way or driveway with the exception of major intersections to be determined by the TON, bicyclists, pedestrians and other users of the paths shall have the right of way and any person operating a motor vehicle shall stop and yield to such bicyclist, pedestrian or other user.
- B. At any location at which a multi-use/shared path intersects with or is crossed by a public or private way with the exception of major intersections to be determined by the TON, the Town shall install informative path-crossing signs and separate stop signs facing the motor vehicle approach to the intersection so that drivers of motor vehicles are warned to use all caution necessary and to yield the right of way to any bicyclist, pedestrians or other users of the path.

For the purposes of paragraphs A and B in §57-14, a major intersection shall be considered to be the intersection between a main road, e.g. the Milestone Road, or secondary road that bears as much vehicular traffic as a main road, and a multi-use path.

§57-15. Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(Ian Golding, et al)

ARTICLE 76
(Bylaw Amendment: Bicycles)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Code, Chapter 57 (Bicycles and Mopeds) by adding the following new Article IV, or take action relative thereto:

Article IV. Bicycle Passing Buffer Zone

§57-16. Authority and Purpose

This article is enacted in accordance with G.L. c. 40, §22 to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicycles and motor vehicles.

§57-17. Bicycle Passing Buffer Zone

No person operating a motor vehicle on a public way within the Town of Nantucket shall overtake or pass a bicyclist proceeding in the same direction of travel unless a three-foot separation can be given between the right side of the driver's vehicle, including all mirrors and other projections, and the left side of the bicyclist at all times.

§57-18. Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(Ian Golding, et al)

ARTICLE 114

(Bylaw Amendment: Bicycles)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Code, Chapter 57 (Bicycles and Mopeds) by adding the following new Article IV, or take action relative thereto:

Article IV. Bicycle Accident Database

§57-19. Authority and Purpose

This article is enacted in accordance with G.L. c. 40, §22 to promote public safety by establishing certain rules and regulations concerning the use of the Town's roadways by bicycles and motor vehicles.

§57-20. Bicycle Accident Database

To see if the Town will vote to use up to \$50,000 (fifty thousand) from collected Motor Vehicle Excise Taxes to develop and maintain a database of all motor vehicle accidents involving bicycles. Said database shall be a public record and shall be made available to the public via a link on the Town's website. The database shall include the date, time and location of the accident, the number of vehicles and bicycles involved and whether

the bicyclist suffered any injury. Any doctor, nurse, or first responder or other medical provider providing treatment to an individual injured as a bicyclist in an accident with a motor vehicle shall be requested to make a report to the Chief of Police for inclusion in the Bicycle Accident Database. For purposes of this section, neither the Database, nor any report issued by a medical provider, shall include the name or any identifying information concerning an injured individual.

§57-21. Severability.

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(Ian Golding, et al)

ARTICLE 78
(Bylaw Amendment: Outdoor Lighting)
Carried Over from 2020 Annual Town Meeting

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-14-2005, Art. 52, approved 10-18-2005. Amendments noted where applicable.]

To see if the Town will vote to amend Chapter 102. Outdoor Lighting. of the Code of the Town of Nantucket by adding the following amendments:

- A. Authorize a special monthly inspection night shift, with a pay differential for night time work.
- B. Follow up to date State of the Art Standards to integrate new technology available to ensure the continuing attraction and potential expansion of Nantucket as a tourist destination for star gazing, if necessary using private-public funding.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 79
(Bylaw Amendment: Noise - Gas-powered Leaf Blowers)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to amend the Town of Nantucket Noise Bylaw in the following manner: Amend Section 101-2 of the Town's Code of Bylaws to prohibit, on a Town-wide basis commencing on December 1, 2020, the use of gas-powered leaf blowers at all times of the day on all days of the year, by any commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee; or take any other action on the matter.

Explanation: Complaints regarding gas-powered leaf blowers by property owners and gardening contractors have been increasing as the use of these tools has also increased. The environmental impact of such gas-powered equipment has also become a growing concern. Finally, it appears that some local commercial landscaping companies have already adopted battery-powered leaf blowers as an effective alternative with much reduced noise levels.

(Julia Lindner, et al)

ARTICLE

(Bylaw Amendment: Community Preservation Committee)

To see if the Town will vote to amend Section 11-12 of the Town Code regarding the Committee Preservation Committee as follows, with bold text representing additions to the bylaw and strike through text representing deletions; provided that if, at any annual town election occurring after the effective date of this amendment, the terms of both of the elected members are expiring at the same time, the person receiving the highest number of votes shall serve for a three year term and the person receiving the next highest number of votes shall serve for an initial two year term:

§ 11-21. Establishment; membership; appointment; term.

The Community Preservation Committee is established in accordance with MGL c. 44B, §§ 3 through 7. The Committee shall consist of nine members. The members shall include an appointed designee from each of the following boards, commissions or authorities: the Conservation Commission; the Historic District Commission; the Land Bank; the Planning Board; the Park and Recreation Commission; the Nantucket Housing Authority; the Board of Selectmen. The respective board, commission or authority shall appoint each designee and, whenever necessary, fill unexpired terms. These members shall serve ~~their initial appointments respective of the sequence they are listed above, as follows: three members for three year terms; two members for two year terms; and two members for one year terms; thereafter all appointments shall be~~ for three-year terms. There shall also be two members-at-large **elected for three year terms by the voters of Nantucket from the community.** ~~The Board of Selectmen shall appoint these members for one year terms; thereafter these members shall be determined each third year through normal Town election and balloting procedures. Whenever necessary, these members at large shall be appointed by the Board of Selectmen to fill an unexpired term.~~

Or to act in relation thereto.

(Ken Beaugrand, et al)

ARTICLE

(Bylaw Amendment: Chapter 127 - Streets and Sidewalks: Road Construction)

To see if the Town will vote to limit and minimize traffic signs on the island of Nantucket by amending Chapter 127, Sections 19 and 20 of the Code of the Town of Nantucket, by adding new language as highlighted:

§ 127-19 Limitations on road improvements and construction.

A. The Town will preserve the historic character of its road system by prohibiting the following improvements or construction for any publicly owned way or street on Nantucket unless an exception of any of the following standards is expressly authorized by a vote of Town Meeting:

- (1) The installation of automated traffic signals;
- (2) Road widenings for the purpose of increasing motor vehicle travel capacity;
- (3) The construction of travel lanes dedicated as turning lanes for motor vehicles;
- (4) The construction of new public streets; and
- (5) Paving of any unimproved publicly owned streets, ways, or roads.

(6) Reserved

(7) The installation of regulatory signs larger than the smallest or "minimum" size, as defined in the Massachusetts Department of Highways current Manual on Uniform Traffic Control Devices (MUTCD); the installation of any non-regulatory or MUTCD warning or guide sign with a dimension greater than 24"; the use of fluorescent background colors on signs; the use of LED or other lights in a sign; the installation of a warning sign within 1000 feet of another sign, unless such warning sign is defined by the MUTCD as an intersection warning sign or a pedestrian warning sign posted directly at a crosswalk.

B. This section shall not apply to state roads, ways pursuant to the Subdivision Control Law, and common driveways.

§ 127-20 Exceptions.

Exceptions to the above prohibitions are:

A. Areas located within the Town Overlay District (not including traffic signals or road widenings for vehicle capacity or installation of signs) as depicted on the map entitled "Town and County Overlay District," dated January 2, 2002, Nantucket Planning and Economic Development Commission (Article 37, 2002 ATM) as duly amended and on file at the Town Clerk's office.

B. Reconstruction of road beds and resurfacing of paved roads in existence prior to the effective date of this article.

C. Road improvements (not including traffic signal systems or installation of signs) as required by the Planning Board in conjunction with the approval of subdivision plans.

D. Reconstruction of existing road drainage systems or construction of new drainage systems, provided that such systems are equipped with petroleum separation and capture per Massachusetts Department of Environmental Protection standards.

E. Bike paths and bike lanes.

F. Installation of warning signs in a school zone. Temporary installation of warning signs during construction.

G. Road improvements on First Way required by the Planning Board or the Board of Selectmen to support affordable housing, such housing defined herein as that housing intended primarily for year-round residents earning up to 150% of median family income as determined by the U.S. Department of Housing and Urban Development, and sponsored by a municipal entity, the Housing Authority or its designated nonprofit; housing required in connection with § 139-11J (MCD); or housing on lots subject to a Nantucket Housing Needs Covenant.

(Kevin Kuester, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by taking the following actions:

Add the following parcels to the Town Sewer District:

Map	Lot	Number	Street
		2A	Evergreen Way
		4	Evergreen Way
		4A	Evergreen Way
		6	Evergreen Way
		8	Evergreen Way
		8	Evergreen Way
		10	Evergreen Way
		12	Evergreen Way
		14	Evergreen Way
		16	Evergreen Way
		16B	Evergreen Way
		18	Evergreen Way
		44	Monohansett Road

And to take any other action as may be related thereto.

Commented [LG21]: Not complete

(Select Board/Sewer Commissioners)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 18 Evergreen Way)

To see if the Town will vote to: Amend the core sewer district map to include 18 Evergreen Way identified as Nantucket Tax Assessor's Map-68, Parcel 708 which property currently abuts the existing sewer district

; or otherwise act thereon.

(Brian Ryder, et al)

ARTICLE 83

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 154R Cliff Road)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Amend the sewer district map to include 154R Cliff Road, identified as Nantucket Tax Assessor's Map 41, Parcel 73.1, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

ARTICLE 84

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 18 Kimball Avenue)

Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to: Amend the sewer district map to include 18 Kimball Avenue, identified as Nantucket Tax Assessor's Map 30, Parcel 109, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Change - 8 Isobels Way)

To see if the Town will vote to amend the Siasconset Sewer District map to include the following properties, currently outside the district, to within the district:

Map	Lot	Number	Street
49	113	8	Isobels Way

All as shown on the attached map.

Or to take any other action related thereto.

(Richard Beaudette, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 1 Morgan Square)

To see if the Town will vote to amend the Sewer District Map to include the following property, currently outside the district, to within the district:

Map	Parcel	Address
87	3.3	1 Morgan Square

As shown on the attached map or to take any other action related thereto

(Lori A. Geddes, et al)

ARTICLE

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - Kimball Avenue and Heather Lane)

To see if the Town will vote to amend the Core Sewer District map to include the following properties, currently outside of the district, to within the district:

Map	Parcel	Number	Street
30	109	18	Kimball Avenue
30	283	3	Heather Lane
30	108	4	Heather Lane
30	24.1	5	Heather Lane
30	24.2	7	Heather Lane

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE

(New General Bylaw: Licensing of Short-Term Rentals)

To see if the Town will vote to amend the Town Code by adding a new Chapter 142 as follows, and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto.

CHAPTER 142: SHORT-TERM RENTALS

§ 142-1 PURPOSE.

The purposes of this Bylaw is to:

- Provide a process through which Nantucket can continue the historic tradition of a vibrant vacation rental market by owner-occupied homes such that they may be permitted and registered with the Town of Nantucket for lawful use as Short-Term Rentals (as defined below);
- Help ensure equity and sufficiency of housing stock for year-round residents
- Protect the health and safety of renters and residents for those lawful Short-Term Rentals;
- Ensure that Short-Term Rentals will not be detrimental to the character and livability of the Island and the residential neighborhoods surrounding such Short-Term Rentals; and
- Ensure proper regulation of exclusively commercial uses of homes in Nantucket's residential areas.

§ 142-2 DEFINITIONS.

Short-Term Rental: Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not a Transient Residential Facility.

Short-Term Renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a Short-Term Rental.

Short-Term Rental Operator: The person or persons offering a dwelling unit or bedroom for short-term rental with (if not the owner) the written permission of the owner, and the condominium association or homeowners association, where applicable.

Resident Short-Term Rental: The short-term rental of a dwelling unit, or of individual bedrooms within a dwelling unit, that is a residence of, or accessory to the residence of, a Nantucket resident, which residency shall be determined by the Town using one or more of the following methods - voter registration, driver's license, school enrollment, or state and federal tax filing address.

§ 142-3 REQUIREMENTS AND LIMITATIONS ON FREQUENCY AND USE.

(a) Short-Term Rentals are permitted as an accessory use to a permitted principal residential use, subject to the following requirements:

1. No residential premises may be used as a Short-Term Rental except in compliance with this bylaw.
2. The following residential housing units may not be used as short-term rentals: (i) Any residential property in violation of the State Sanitary Code, 105 CMR 410; and (ii) residential units designated as affordable or otherwise income-restricted,

which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

3. Resident Short-Term Rentals shall not exceed, in the aggregate, ninety (90) consecutive or nonconsecutive days per calendar year.
4. Other than Resident Short-Term Rentals, Short-Term Rentals shall not exceed, in the aggregate, forty-five (45) consecutive or nonconsecutive days per calendar year.
5. Short-Term Rental Operators shall offer all Short-Term Rentals, other than Resident Short-Term Rentals, to only one party of Short-Term Renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties.
6. Occupancy within a Short-Term Rental shall be limited to 2 people per bedroom for the maximum number of bedrooms lawfully available at the Short-Term Rental pursuant to its current Title V certification.
7. A Short-Term Renter shall be limited to parking one (1) vehicle per Short-Term Rental.
8. No Short-Term Rentals shall be for a period of less than seven (7) consecutive days.
9. Short-Term Rental Operators shall provide all Renters with contact information for the Short-Term Rental Operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities. Short-Term Rental Operators shall also provide all Short-Term Renters with all applicable trash, noise, parking and other local regulations.

§ 142-4 REGULATIONS. The Board of Health shall have the authority to promulgate regulations to carry out and enforce the provisions of this Chapter 142 "Short-Term Rentals."

§ 142-5 REGISTRATION, PERMITTING, INSPECTION AND FEES.

(a) All Short-Term Rental Operators shall apply for a "Short-Term Rental Operator Permit" (the "Permit") with the Town's Planning Office prior to offering the Short-Term Rental use and occupancy.

- (b)** The fees for such Permit shall be as follows:
- a. Operator-Occupied Short-Term Rentals - \$150 per year, exclusive of any other applicable local fees or costs; and

b. All other Short-Term Rentals - \$500 per year, exclusive of any other applicable local fees or costs.

(c) Permit applicants must be current with all town taxes, water, and sewage charges, and shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. If a violation or other order is issued to the Short-Term Rental Operator after a Permit is granted, the Town may suspend or revoke said Permit until the violation has been cured or otherwise resolved. Multiple violations by any one Short-Term Rental Operator may, at the Town's discretion, disqualify that Short-Term Rental Operator from obtaining a permit in the future. Short-Term Rental Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.

(d) If a Permit is granted, the Short-Term Rental Operator shall register with the Town all such Short-Term Rentals, and secure a Certificate of Registration according to standards set forth by the Building Commissioner. Such registration shall include an attestation that the Permit-holder is in compliance with all applicable federal, state and local laws. The Building Commissioner shall not grant any Certificate of Registration unless the Permit-holder has (1) paid all associated fees; (2) provided contact information for person to address issues at the Short-Term Rental within two (2) hours' notice; and (3) provided the Town with a Certificate of Insurance evidencing appropriate liability insurance coverage for the Short-Term Rental.

(e) At all times, the Short-Term Rental Operator shall maintain an up-to-date log of all occupants that occupy the Short-Term Rental. This log shall contain the name of at least one Short-Term Renter, the total number of guests for the stay, and dates of each rental period. The log shall be available for inspection by the Town's Board of Health upon request, and kept accessible for a period of three (3) years.

(f) Permit-holders are subject to inspection of the Short-Term Rental by the Town upon reasonable notice, or without such notice in the event of imminent concern or threat to public health or safety.

(g) Permits are valid for one (1) year, and may be renewed at the Board of Health's discretion, provided that the Short-Term Rental Operator has complied with the provisions of this Chapter and any associated regulations during the preceding year and the Building Department issues a new Certificate of Registration.

(h) Permits are granted to named Short-Term Rental Operators and do not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new Permit application needs to be filed before Short-Term Rentals can continue or resume.

(i) The Town, through its Town Manager, may procure services to assist in any aspect of administering this Bylaw.

§ 142-6 ENFORCEMENT

All violations of this section may be penalized by a noncriminal disposition as provided for in G.L. c. 40, § 21D. Each day of violation shall be deemed a separate and distinct offense. The provisions of this section may also be enforced, if applicable, by the Town seeking an injunction from a court of competent jurisdiction prohibiting the offering of the Short-Term Rental. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

§ 142-9 SEVERABILITY.

If any provision in this section 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.

§ 142-8 EFFECTIVE DATE.

The provisions of this Chapter 142 "Short-Term Rentals" shall take effect on October 1, 2021.

(Tobias Glidden, et al) *initial submittal??*

Commented [EM22]: Yes, from November. This version is anticipated to be withdrawn.

ARTICLE

(New General Bylaw: Licensing of Short-Term Rentals)

To see if the Town will vote to amend the Town Code by adding a new Chapter 142 as follows, and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto.

CHAPTER 142: SHORT-TERM RENTALS

§ 142-1 PURPOSE.

The purposes of this Bylaw are to:

- Provide a process through which Nantucket can continue the historic tradition of a vibrant vacation rental market by owner-occupied homes such that they may be permitted and registered with the Town of Nantucket for lawful use as Short-Term Rentals (as defined below);
- Help ensure equity and sufficiency of housing stock for year-round residents
- Protect the health and safety of renters and residents for those lawful Short-Term Rentals;
- Ensure that Short-Term Rentals will not be detrimental to the character and livability of the Island and the residential neighborhoods surrounding such Short-Term Rentals; and
- Ensure proper regulation of exclusively commercial uses of homes in Nantucket's residential areas.

§ 142-2 DEFINITIONS.

Short-Term Rental: Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not a Transient Residential Facility.

Short-Term Renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a Short-Term Rental.

Short-Term Rental Operator: The person or persons offering a dwelling unit or bedroom for short-term rental with (if not the owner) the written permission of the owner, and the condominium association or homeowners association, where applicable.

Resident Short-Term Rental: The short-term rental of a dwelling unit, or of individual bedrooms within a dwelling unit, that is a residence of, or accessory to the residence of, a Nantucket resident, which residency shall be determined by the Town using one or more of the following methods - proof of enrollment in the Nantucket residential exemption program, tenancy agreement along with photo ID, or an income tax return for the current year and a recent utility bill, both showing the current address of the operator as the address of the Short-Term Rental.

§ 142-3 REQUIREMENTS AND LIMITATIONS ON FREQUENCY AND USE.

(b) Short-Term Rentals are permitted as an accessory use to a permitted principal residential use, subject to the following requirements:

10. No residential premises may be used as a Short-Term Rental except in compliance with this bylaw.
11. The following residential housing units may not be used as short-term rentals: (i) Any residential property in violation of the State Sanitary Code, 105 CMR 410; and (ii) residential units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
12. Resident Short-Term Rentals shall not exceed, in the aggregate, ninety (90) consecutive or nonconsecutive days per calendar year.
13. Other than Resident Short-Term Rentals, Short-Term Rentals shall not exceed, in the aggregate, forty-five (45) consecutive or nonconsecutive days per calendar year.
14. Short-Term Rental Operators shall offer all Short-Term Rentals, other than Resident Short-Term Rentals, to only one party of Short-Term Renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties.

15. Occupancy within a Short-Term Rental shall be limited to 2 people per bedroom for the maximum number of bedrooms lawfully available at the Short-Term Rental pursuant to its current Title V certification.
16. A Short-Term Renter shall be limited to parking one (1) vehicle per Short-Term Rental.
17. No Short-Term Rentals shall be for a period of less than seven (7) consecutive days. Resident Short-Term Rentals shall be exempt from the minimum stay duration requirement set forth in this paragraph provided that such rental is for a single private room in a residence occupied by a Nantucket resident as defined in this Chapter.
18. Short-Term Rental Operators shall provide all Renters with contact information for the Short-Term Rental Operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities. Short-Term Rental Operators shall also provide all Short-Term Renters with all applicable trash, noise, parking and other local regulations.

§ 142-4 REGULATIONS. The Board of Health shall have the authority to promulgate regulations to carry out and enforce the provisions of this Chapter 142 "Short-Term Rentals."

§ 142-5 REGISTRATION, PERMITTING, INSPECTION AND FEES.

(j) All Short-Term Rental Operators shall apply for a "Short-Term Rental Operator Permit" (the "Permit") with the Town's Board of Health prior to offering the Short-Term Rental use and occupancy.

(k) The fees for such Permit shall be as follows:

- a. Resident Short-Term Rentals - \$150 per year, exclusive of any other applicable local fees or costs; and
- b. All other Short-Term Rentals - \$500 per year, exclusive of any other applicable local fees or costs.

(l) Permit applicants must be current with all town taxes, water, and sewage charges, and shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. If a violation or other order is issued to the Short-Term Rental Operator after a Permit is granted, the Town may suspend or revoke said Permit until the violation has been cured or otherwise resolved, subject to the requirements of Chapter 19, §§ 13 -18. Multiple violations by any one Short-Term Rental Operator may, at the Town's discretion, disqualify that Short-Term Rental Operator from obtaining a permit in the future. Short-Term Rental Operators

shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.

(m) If a Permit is granted, the Short-Term Rental Operator shall register with the Town all such Short-Term Rentals, and secure a Certificate of Registration according to standards set forth by the Board of Health. Such registration shall include an attestation that the Permit-holder is in compliance with all applicable federal, state and local laws. The Board of Health shall not grant any Certificate of Registration unless the Permit-holder has (1) paid all associated permit fees; (2) provided contact information for person to address any issues at the Short-Term Rental within two (2) 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 regulation by the Board of Health.

(n) At all times, the Short-Term Rental Operator shall maintain an up-to-date log of all occupants that occupy the Short-Term Rental. This log shall contain the name of at least one Short-Term Renter, the total number of guests for the stay, and dates of each rental period. The log shall be available for inspection by the Board of Health upon request, and kept accessible for a period of three (3) years.

(o) Permit-holders are subject to inspection of the Short-Term Rental by the Town upon reasonable notice via consent or administrative warrant, or without such notice in the event of imminent concern or threat to public health or safety.

(p) Permits are valid for one (1) year, and may be renewed at the Board of Health's discretion, provided that the Short-Term Rental Operator has complied with the provisions of this Chapter and any associated regulations during the preceding year and the Building Department issues a new Certificate of Registration.

(q) Permits are granted to named Short-Term Rental Operators and do not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new Permit application needs to be filed before Short-Term Rentals can continue or resume.

(r) The Town, through its Town Manager, may procure services to assist in any aspect of administering this Bylaw.

§ 142-6 ENFORCEMENT

All violations of this section may be penalized by a noncriminal disposition as provided for in G.L. c. 40, § 21D and imposing a fine of Three Hundred Dollars (\$300). Each day of violation shall be deemed a separate and distinct offense. The provisions of this section may also be enforced, if applicable, by the Town seeking an injunction from a court of competent jurisdiction prohibiting the offering of the Short-Term Rental. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

§ 142-9 SEVERABILITY.

If any provision in this section 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.

§ 142-8 EFFECTIVE DATE.

The provisions of this Chapter 142 "Short-Term Rentals" shall take effect on October 1, 2021.

(Tobias Glidden, et al)

Commented [EM23]: This is the new Jan. submission

ARTICLE

(New General Bylaw: Safety of Drinking Water)

To see if the town will vote to amend the General Bylaws of the town by inserting a new bylaw as follows:

Safety of Drinking Water

1. In addition to, as supplemental home rule requirements, and not in any way in derogation of any applicable federal or state water quality standards and requirements, public water suppliers or distributors, that are operated by the town of Nantucket or any of its instrumentalities, boards, committees, commissions or agencies, included but not limited to the Nantucket water department, Wannacomet Water Company, Nantucket Public Schools, Nantucket Memorial Airport, and Nantucket Land Bank shall have the quality of water tested at an independent laboratory at least once per calendar quarter, or more often as may be required by applicable federal or state requirements, which tests shall include at least tests for the presence of chemical compounds known as PFAS.

2. In the event any test described in section 1 of this Bylaw or any test however arising reports a test result for PFAS at a level of 15 parts per trillion, or higher, the foregoing described town of Nantucket public water supplier or distributor shall in addition to any other applicable federal or state requirement:

(A) issue a public alert by posting such test results in a newspaper of general circulation within the town and posting the test results on the town of Nantucket website; and

(B) present to the town of Nantucket Select Board at a public meeting within 90 days of the date of receipt of such test report, a corrective action plan and time table by which the presence of PFAS in drinking water supplies at the above stated level are to be addressed and remediated.

(Meghan P. Glowacki, et al)

ARTICLE

(Home Rule Petition: Real Estate Exchange of Nantucket Islands Land Bank's Nobadeer Ballfields for the Town of Nantucket's Mill Hill Park)

To see if the Town will vote to authorize submission of a joint petition by the Town and Nantucket Islands Land Bank to the General Court consistent with the requirements

of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of portions of certain parcels of land in the Town of Nantucket owned by the Town and Nantucket Islands Land Bank for recreational, open space, or public park purposes, as described in more detail below and as shown on a map entitled "2021 Annual Town Meeting Warrant Article ____" dated _____ 2021 and filed with the Office of the Town Clerk, provided, however, that the General Court may with the approval of both the Nantucket Islands Land Bank Commission and the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this article or in order to secure passage:

Commented [LG24]: Complete when numbering is final

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK AND THE TOWN OF NANTUCKET TO TRANSFER, CONVEY OR OTHERWISE DISPOSE TO EACH OTHER PORTIONS OF CERTAIN LANDS SITUATED IN THE TOWN OF NANTUCKET HELD FOR RECREATIONAL, OPEN SPACE, OR PUBLIC PARK 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. In order to promote the effective and efficient management of each property for the purposes that it is now used, we hereby authorize an exchange of ownership of the property commonly known as "Mill Hill Park", now owned by the Town of Nantucket as a public park, for the property commonly known as the "Nobadeer Ballfields", now owned by Nantucket Islands Land Bank for recreational purposes, all as more particularly described in the following sections of this Act.

Section 2. Pursuant to Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank may transfer, convey or otherwise dispose of portions of that certain parcel of land situated in the Town of Nantucket to the Town of Nantucket for recreational purposes, described as follows:

Approximately 14.8 Acres of Lot 1 on the plan entitled "Plan of Land North Pasture Milestone Road on Nantucket, MA" dated February 5, 1998, recorded with the Nantucket Registry of Deeds in Plan File 52A, being that Project Area called the Nobadeer Farm Recreational Facility permitted by the Division of Fisheries & Wildlife MA Endangered Species Act (G.L. c. 131A) Conservation and Management Permit Conservation Permit No. 008-126.DFW recorded in Nantucket Registry of Deeds Book 1167 Page 213, and also being a portion of Nantucket Tax Assessor's Map ____ Parcel ____.

Any such disposition shall be on such terms and conditions as the Nantucket Islands Land Bank Commission deems appropriate, which may include the reservation of restrictions and easements and which shall be conditioned upon receipt of the parcel described in the following Section 3.

Section 3. Pursuant to Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, convey or otherwise dispose of portions of those certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for passive recreational, open space, or public park purposes, described as follows:

Approximately 16.5 Acres of land comprised of five (5) parcels now used as a public park:

- a. Nantucket Tax Assessor's Map 55.4.4 Parcel 81, being the fourth parcel described in the deed recorded in Nantucket Registry of Deeds Book 124 Page 403.
- b. Nantucket Tax Assessor's Map 55.4.4 Parcel 57, being the first parcel described in the deed recorded in Nantucket Registry of Deeds Book 124 Page 403 and described as Lot D on Land Court Plan 12559A.
- c. Nantucket Tax Assessor's Map 55 Parcel 321, being the third parcel described in the deed recorded in Nantucket Registry of Deeds Book 124 Page 403 and described as Lot C on Land Court Plan 12559A.
- d. Nantucket Tax Assessor's Map 55 Parcel 319, being the second parcel described in the deed recorded in Nantucket Registry of Deeds Book 124 Page 403 and described on Land Court Plan 13837A.
- e. Nantucket Tax Assessor's Map 55 Parcel 1, being described in the deed recorded in Nantucket Registry of Deeds Book 663 Page 250 and described on the plan recorded in Nantucket Registry of Deeds Plan Book 24 Page 84.

Any such disposition shall be on such terms and conditions as the Town of Nantucket Select Board deems appropriate, which may include the reservation of restrictions and easements and which shall be conditioned upon receipt of the parcel described in the foregoing Section 2.

Section 4. This act shall take effect upon its passage.
Or to take any other action related thereto.

(Select Board)

ARTICLE 96

(Home Rule Petition: Amending the Town Charter Relative to the Audit Committee)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article III, Select Board, Section 3.5(c), Further Powers of the Select Board

The Select Board shall have the power:

...

(c) To establish as may be advisable or needed one or more advisory committees to conduct any inquiry or investigation or to make planning, policy or other recommendations; ~~further, to establish and shall so establish as a permanent standing committee of the town a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of~~

~~the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Select Board, the Chairman of the Finance Committee and one member of the Select Board appointed by the Select Board.~~

Article III, Select Board, insert Section 3.6 - Audit Committee

- (a) Members. In accordance with this charter, the Select Board shall establish a five-member Audit Committee consisting of the Chairman of the Select Board, the Chairman of the Finance Committee, one appointed member from the Select Board and two members of the Nantucket community. The public members will be appointed by the Select Board. Each member shall be a voting member and be appointed for 1-year terms.
- (b) Purposes, Duties, and Responsibilities of the Audit Committee. The Audit Committee shall represent the Select Board in discharging its responsibility relating to the accounting, reporting, and financial practices of the Town, and shall have general responsibility for surveillance of internal controls and accounting and audit activities of the Town. Specifically, the Audit Committee shall:
 - (1) Evaluate and recommend to the Select Board a firm of independent certified public accountants as auditors of the Town.
 - (2) Review with the independent auditors their audit procedures, including the scope, fees and timing of the audit, and the results of the annual audit examination and any accompanying management letters.
 - (3) Review the written statement from the outside auditor of the Town concerning any relationships between the auditor and the Town or any other relationships that may adversely affect the independence of the auditor and assess the independence of the outside auditor.
 - (4) Review and discuss with the Finance Director and the independent auditors the Town's annual audited consolidated financial statements, including an analysis of the auditors' judgment as to the quality of the Town's accounting principles.
 - (5) Review the adequacy of the Town's internal controls.
 - (6) Review significant changes in the accounting policies of the Town and accounting and financial reporting rule change that may have a significant impact on the Town's financial reports.
 - (7) Review material pending legal proceedings involving the Town and other contingent liabilities.

(8) Review the adequacy of the Audit Committee Charter on an annual basis.

(c) Meetings. The Audit Committee shall meet as often as may be deemed necessary. The Audit Committee shall meet in executive session (without the presence of staff) with the independent auditors at least annually. The Audit Committee shall report to the full Select Board with respect to its meetings. The majority of the members of the Audit Committee shall constitute a quorum.

Or to take any other action related thereto.

(Select Board)

ARTICLE 94

(Home Rule Petition: Town Charter - Select Board Amendment/Airport Capital Projects)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

SECTION 1. Section 2.1 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended as follows:

1. Striking out the first sentence of the second paragraph said section 2.1 and replacing it with the following:

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select Board, as specified in Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections 2.1(b), 3.3, and 3.6.

2. Striking out section 2.1(b) and replacing it with the following:

To veto any real estate acquisition voted by the Select Board pursuant to Section 3.3 or any vote regarding funding of capital projects at the Nantucket Airport pursuant to Section 3.6; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Select Board within the time permitted for inclusion of the article in the next Annual Town Meeting or Special Town Meeting warrant. The Select Board or the Nantucket Airport Commission,

as applicable may proceed with the real estate acquisition or use of funding of capital projects to benefit the Airport unless a petition to veto such acquisition or funding is filed with the Town Clerk within 15 days of the public notice provided for Section 3.6 of this Charter.

SECTION 2. Section 3.1 of article III of said charter is hereby amended by adding a new section 3.6 as follows:

Section 3.6 Funding for the Benefit of the Nantucket Airport

At the request of the Nantucket Airport Commission, the Select Board may, notwithstanding any law to the contrary, vote to appropriate, borrow or transfer from available funds any sum of money to be placed in the Airport enterprise fund, or any other fund established for the benefit of Nantucket Airport, in order to permit the Nantucket Airport Commission or the Nantucket Airport to qualify for available grants and loans; provided that the amount of such appropriation or borrowing shall not exceed the total cost of the Capital Project for which the appropriation or borrowing is authorized pursuant to Section 2.1(b) of this Charter; and provided further that any amount authorized to be appropriated, borrowed or transferred by the Select Board shall, subject to any applicable grant or loan requirements and applicable laws, be reduced by the amount of any such grant or loan funds received prior to the issuance of bonds or notes or the expenditure of funds by the Nantucket Airport Commission.

The Select Board shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such vote shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 15 days following the date such public notice is published.

Nothing in this section of the Charter shall affect the acceptance of gifts pursuant to Chapter 44, Section 53A of the General Laws.

(Select Board for Nantucket Memorial Airport Commission)

ARTICLE

(Charter Change: Mailing of Town Meeting Warrant)

To see if the Town will vote to: To change the requirement of mailing of a copy of the warrant from 7 days to 14 days. By changing the following words with in the Town of Nantucket Charter located at Ch A302 Pt 1 Town Charter, Art II: Legislative Functions, Section 2.5 Town Meeting Warrant that states the following:

(c) The Board of Selectmen shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting.

And change it to the following:

(c) The Board of Selectmen shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least fourteen (14) days prior to the Town Meeting.

; or otherwise act thereon.

(Thomas Barada, et al)

ARTICLE

(Home Rule Petition: Reallocate a Minor Portion of the Land Bank Real Estate Transfer Fee to Support Year-Round Housing)

Preamble:

Nantucket has long been experiencing an acute crisis of affordable and workforce housing that came further into focus during the pandemic. The shortage of stable, suitable housing that is affordable to year-rounders at a variety of income levels carries significant public health consequences with wide-ranging ripple effects. While the pandemic will end, the severe year-round housing shortage on Nantucket will not without further action.

Tremendous work has been done by conservation organizations over the past half century. As a result, over 50% of the Island is now in environmental conservation of one form or another. Thirty-five years after the Land Bank was conceived, it is perhaps time to discuss allocating a minor portion of this steady revenue stream -- for a defined temporary timeframe -- to preserving an equally important resource - our year-round community.

Town Meeting has on three occasions unanimously sent a Home Rule Petition to the State House seeking to establish a separate source of funding, also based on a real estate transfer fee. Yet the legislature has been reluctant to affirm the will of Nantucket voters. Feedback from Boston has suggested that the simple change proposed by this article may be viewed more favorably as it reallocates an existing fee versus adding a new one.

This article seeks to respond to the members of the community who have wondered if the revenue stream of the Land Bank could be shared in a manner that would allow the Land Bank to continue with its land conservation mission while simultaneously allowing another critical community mission to be addressed: to provide safe and stable housing for those who live and work on Nantucket year-round.

It should be noted this article is designed intentionally with a delayed implementation date, in order that it will not result in any financial insecurity or risk for the Land Bank or the Town of Nantucket. Delaying implementation until January 1, 2022 will allow the Land Bank to address the questions of how its outstanding debt and operating expenses can be reconfigured so that an ongoing 1.5% revenue will be adequate to serve their needs and mission during the 20 years the reallocation of the 0.5% portion would be in effect.

It is the intention of this article to ask the Land Bank to refrain from the incurring of any additional debt obligations until it can be determined that the existing and future debt obligations can be supported by 75% of its current fee (1.5%).

A reliable, steady source of funding would allow the Nantucket Affordable Housing Trust (NAHT) to be able to offer programs it has long envisioned: down-payment assistance for year-round home buyers, more housing options for our seniors, and the ability to incorporate greater buffers and green space in future housing development.

Article:

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to modify the Land Bank Act of 1983 (Chapter 669 of the Acts of 1983), as amended, to have 25% of the total Land Bank fee (1/4 of the 2% transaction fee prescribed therein) be transferred directly to the Nantucket Affordable Housing Trust Fund for a period of twenty (20) years to begin on January 1, 2022 for the purposes of the creation and preservation of affordable housing in the Town of Nantucket for the benefit of year-round low and moderate income households, consistent with the Trust's enabling legislation; provided that said special legislation shall include a requirement that the transfer of 25% of the Land Bank fee to the Affordable Housing Trust Fund shall be reduced in any given year by the amount necessary for the Land Bank to meet its then existing debt service obligations and other normal and customary operating expenses of the Land Bank as certified by the Land Bank to the Select Board each on or before June 30; and provided further that the Land Bank shall not incur any additional debt service obligations or other normal and customary operating expenses that cannot be supported by the remaining 75% of the Land Bank fee as so certified each year; and further to direct the Select Board that during the pendency of this Home Rule Petition not to enter into a Memorandum of Understanding as was contemplated in Article 30 of the 2020 Annual Town Meeting that would result in the incurring of a debt obligation of the Land Bank that would exceed its available revenue at the adjusted 1.5% fee; Or to take any other action related thereto.

(Brooke Mohr, et al)

ARTICLE

(Real Estate: Long-term Lease/Airport)

To see if the Town will vote to allow the Airport Commission, as provided by Chapter 90, Section 51F of the General Laws of the Commonwealth of Massachusetts, to extend the period for leasing land from twenty (20) years as referenced in Chapter 90, Section 51F to forty (40) years for parcels of land at the Nantucket Memorial Airport off Old South Road for hangar development or other airport purposes. Said land is described as Assessors Map 78, Parcel 1 and Assessors Map 69, Parcel 10.1 the approximate boundaries of which are described in plans on file in the Office of the Town Clerk; or, to take any other action in relation thereto.

(Select Board for Airport Commission)

ARTICLE 101
(Real Estate Acquisition: 114 Orange Street)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property known as 114 Orange Street, shown on Tax Assessor's Map 55 as Parcel 403.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 101 Acquisition of 114 Orange Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Commented [LG25]: update

Or to take any other action related thereto.

(Select Board)

ARTICLE 102
(Real Estate Conveyance: 114 Orange Street)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of 114 Orange Street shown on Assessor's Map 55 as Parcel 403 to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, to be on any terms and conditions the Select Board deem appropriate, and may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 102 Conveyance of 114 Orange Street," dated January 2020 and filed herewith at the office of the Town Clerk.

Commented [LG26]: update

Or to take any other action related thereto.

(Select Board)

ARTICLE 103
(Real Estate Acquisition: 64 North Liberty Street)
Carried Over from 2020 Annual Town Meeting

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, and/or general municipal purposes the fee title or lesser interests in all or portions of the property known as 64 North Liberty Street shown on Tax Assessor's Map 41 as Parcel 233.

All as shown on a map entitled "2020 Annual Town Meeting Warrant Article 103 Acquisition of 64 North Liberty Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Commented [LG27]: update

Or to take any other action related thereto.

(Select Board)

ARTICLE

(Real Estate Acquisition: Morgan Square)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal services and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of Morgan Square lying between the southwesterly corner of 4 Morgan Square (Map 87, Parcel 3.1) and the southeasterly corner of 21 Folger Avenue (Map 80, Parcel 42), approximately 621+/- feet in length, or to take any other action related thereto.

(David Callahan, et al)

ARTICLE

(Real Estate Conveyance: Morgan Square)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or a portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Morgan Square lying between the southwesterly corner of 4 Morgan Square (Map 87, Parcel 3.1) and the southeasterly corner of 21 Folger Avenue (Map 80, Parcel 42), approximately 621+/- feet in length, or to take any other action related thereto.

(David Callahan, et al)

ARTICLE

(Real Estate Acquisition: Hancock Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890. Or to take any other action related thereto.

(Beth Maier, et al)

ARTICLE

(Real Estate Conveyance: Hancock Street)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Hancock Street" located between the northern sideline of Blueberry Lane and the

southern sideline of Quaril Avenue (aka Quail Avenue) as shown on the plan attached hereto. Hancock Street is originally shown in Plan 2-C/1, filed November 19, 1890. Or to take any other action related thereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, 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, or take any action related thereto.

(Beth Maier, et al)

ARTICLE

(Real Estate Acquisition: "Way" off of Quail Lane)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Way" on Land Court Plan 26439-O, Sheet 4 of 4, which is the 100' x 20' remainder of the original "Way" shown on Land Court Plan 26439-I. The "Way" is located along the southeasterly property line of 5 Quail Lane (Tax Assessor's Map 67, Parcel 257) starting at the intersection of Quail Lane and running to its terminus at the property line of 3 Quail Lane (Tax Assessor's Map 67, Parcel 418.1), as shown on the plan attached hereto. Or to take any other action related thereto.

(Brenda A. Garnett, et al)

ARTICLE

(Real Estate Conveyance: "Way" off of Quail Lane)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Way" on Land Court Plan 26439-O, Sheet 4 of 4, which is the 100' x 20' remainder of the original "Way" shown on Land Court Plan 26439-I. The "Way" is located along the southeasterly property line of 5 Quail Lane (Tax Assessor's Map 67, Parcel 257) starting at the intersection of Quail Lane and running to its terminus at the property line of 3 Quail Lane (Tax Assessor's Map 67, Parcel 418.1), as shown on the plan attached hereto. Or to take any other action related thereto. shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, 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, or take any action related thereto.

(Brenda A. Garnett, et al)

ARTICLE

(Real Estate Acquisition: "Way" off Hawthorne Way)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance. The unnamed, variable width "Way" is located between the

northern sideline of Hawthorne Lane and southern sideline of Vestal Street, as shown on the plan attached hereto. Or to take any other action related thereto.

(Steven M. Roethke, et al)

ARTICLE

(Real Estate Conveyance: "Way" off Hawthorne Lane)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as the unnamed, variable width "Way", which is located between the northern sideline of Hawthorne Lane and southern sideline of Vestal Street, as shown on the plan attached hereto. Or to take any other action related thereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office, 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, or take any action related thereto.

(Steven M. Roethke, et al)

ARTICLE

(Adopt Indigenous Peoples' Day Locally in Place of Columbus Day)

To see if the Town will vote to: Adopt the following resolution locally to henceforth commemorate the second Monday of October as Indigenous Peoples' Day.

We recognize that, prior to the arrival of European settlers, Nantucket Island was inhabited for thousands of years by the Wampanoag people. We also acknowledge that the Wampanoag people were subjected to great suffering as result of the immigration of white settlers, including being exposed to disease ("Indian Sickness" was a novel virus for them), erosion of their cultural traditions, loss of land and forced conversion from their spiritual traditions to Christianity.

Save for a few articles in the Whaling Museum and a tiny plaque on the Surfside Bike Path marking a Wampanoag burial site, Nantucket Island pays virtually no homage to this long history of land stewardship by our original native population. We are all standing today, and building our homes and businesses, on the ancestral territory of the Wampanoag. As such, we request that the town vote to change locally the name of the October holiday known as "Columbus Day" to "Indigenous Peoples' Day" or otherwise act thereon.

(Emily Osley, et al)

ARTICLE 116

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an

Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2021 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 117
(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Select Board)

DRAFT

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

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE FIFTEENTH DAY OF JUNE, 2021
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Moderator	One for a term of one year
Select Board	One for a term of three years
School Committee	Two for terms of three years
Historic District Commission	One for a term of three years
Nantucket Housing Authority	One for a term of five years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Community Preservation Committee	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Water Commission	One for a term of two years
Nantucket Water Commission	Two for terms of three years

And, to cast their vote as "YES" or "NO" on the following ballot questions:

1. Operating Override

Shall the Town of Nantucket be allowed to assess an additional \$5,000,000 in real estate and personal property taxes for the purpose of supporting the operation of Our Island Home for the fiscal year beginning on July 1, 2021?

2. Debt Exclusion for Newtown Road Transportation Improvements

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Newtown 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?

Commented [LG28]: in or out?

3. Debt Exclusion for Reconstruction of Lover's Lane

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Lover's Lane, including the costs of professional services for design, permitting, engineering, construction, construction

Commented [LG29]: In?

supervision, materials, and other related professional services, and any other costs incidental and related thereto?

5. Debt Exclusion for Construction and Improvements to Children's Beach Storm Water Pump Station

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various improvements to the Children's Beach storm water pump station, 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?

Commented [LG30]: In?

5. Debt Exclusion for Supplemental Funding for Construction of Nobadeer Field House

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued for supplemental funding for the construction of the Nobadeer Field House, 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?

Commented [LG31]: Needs review

6. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$896,160 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2021?

Commented [LG32]: BRIAN – please update

DPW	6 wheel dump truck	180,000
DPW	Ford F350	60,000
DPW	Sweeper	250,000
DPW	2 Ford Rangers	90,000
Fire	SCBAs	101,160
NRD	Vehicle	35,000
Plus	Vehicle	<u>35,000</u>
	Total	751,160

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 17th day of February in the year Two Thousand Twenty-one.

Dawn E. Hill Holdgate, Chair

Jason M. Bridges, Vice Chair

Matthew G. Fee

Kristie Ferrantella

Melissa B. Murphy

SELECT BOARD OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of February 17, 2021 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