

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
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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
APRIL 5, 2021 - 4:00 PM
REMOTE PARTICIPATION VIA ZOOM
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020
ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS***

Join Zoom Meeting

<https://zoom.us/j/93984005990?pwd=VIA0d2VYZUdlOEZabDdLdnpaT0QwZz09>

Meeting ID: 939 8400 5990

Passcode: 577709

- I. JOINT MEETING WITH FINANCE COMMITTEE AND PLANNING BOARD TO REVIEW
FINAL 2021 ANNUAL TOWN MEETING WARRANT WITH MOTIONS***
- II. ADJOURNMENT***

Final Draft as of 4/2 12:30 pm (EDM)

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2021 ANNUAL TOWN MEETING**



Saturday, June 5, 2021 - 9:00 AM
Nantucket Public Schools
BACKUS PLAYING FIELD
Saturday, June 5, 2021 - 9:00 AM
RAIN DATE: Sunday, June 6, 2021 - 9:00 AM

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

SELECT BOARD

Dawn E. Hill Holdgate, Chair
Jason M. Bridges, Vice Chair
Matthew G. Fee
Kristie Ferrantella
Melissa K. Murphy

FINANCE COMMITTEE

Denice Kronau, Chair
Stephen Maury, Vice Chair
Christopher Glowacki
Joseph T. Grause, Jr.
George Harrington
Peter A. McEachern
Joanna Roche
Peter N. Schaeffer
Jill Vieth

PLANNING BOARD

Judith Wegner, Chair
John F. Trudel III, Vice Chair
David Iverson
Nathaniel Lowell
Frederick "Fritz" McClure

MODERATOR

Sarah F. Alger

AMERICANS WITH DISABILITIES ACT NOTICE

The Town of Nantucket advises applicants, participants and the public that it does not discriminate on the basis of disability in, admission to, access to, treatment or employment in its programs, services and activities. The Town of Nantucket will provide auxiliary aids and services to access programs upon request. Inquiries, requests and complaints should be directed to the Town Manager, 16 Broad Street, Nantucket, MA 02554, (508) 228-7255.

**IF YOU NEED A LARGE PRINT
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(508) 228-7255**

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2021 ANNUAL TOWN MEETING
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NOTES:

1. ***PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS.***
2. ***UNLESS OTHERWISE NOTED UNDER THE FINANCE COMMITTEE MOTION, ALL VOTES NEEDED FOR PASSAGE OF ARTICLES IS A SIMPLE MAJORITY.***

**SENSE OF THE MEETING REQUEST
REGARDING SMALL MESH FISHING GEAR CLOSURE**

In the continuing efforts to be excellent stewards of the waters and fisheries around Nantucket Island the citizens of Nantucket are requesting improved management of our waters for present and future generations. Protection of spawning squid and squid mops, river herring, and sea herring are critical components to managing these resources. To that end Nantucket is requesting equivalent protection to the other 90% of Massachusetts coastal communities as shown on the attached map. This map shows 70 coastal communities in Massachusetts, 63 of which have a great level of habitat and fisheries protection. Nantucket has not been afforded such protection to date. The citizens of Nantucket are all taxpayers in the Commonwealth of Massachusetts like the other coastal communities on the attached map and should be afforded the same protection as the majority of the Commonwealth's coastal communities.

The citizens of Nantucket are requesting a mobile gear closure (bottom and midwater draggers and hydraulic and regular clam dredges) with no waivers, letters of authorization or other means of waving the closure. This area would extend out to 3 miles from the Nantucket archipelago including Nantucket, Tuckernuck and Muskeget from May 1 thru October 31.

(Select Board)

**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)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as are printed in the Fiscal Year 2020 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

**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)

FINANCE COMMITTEE MOTION: Moved that Twenty-eight Thousand Eight Hundred Thirty-eight Dollars and Eight Cents (\$28,838.08) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Five Thousand Two Hundred Twenty-five Dollars and Seventy-eight Cents (\$5,225.78) be appropriated from Retained

Earnings of Our Island Home Enterprise Fund to pay Our Island Home Enterprise Fund unpaid bills from prior fiscal years;

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Fire	Ricoh	\$ 125.64
Fire	Nantucket Cottage Hospital	\$ 627.00
PLUS	Earle&Sullivan	\$ 3,418.75
DPW	Associated Elevator	\$ 199.00
DPW	Ricoh	\$ 227.12
DPW	Nantucket Islands Land Bank	\$ 1,200.00
DPW	Terminix	\$ 145.00
DPW	Superior Industrial	\$ 278.52
DPW	Dobbert Heating	\$ 9,700.00
DPW	Dobbert Heating	\$ 1,249.00
DPW	Dobbert Heating	\$ 3,170.00
DPW	Environmental Partners	\$ 2,101.15
DPW	Environmental Partners	\$ 2,466.07
DPW	Kenneth C Howard	\$ 1,418.45
DPW	Ricoh	\$ 77.98
DPW	Carey Auto Inc.	\$ 416.96
Culture and Tourism	Ricoh	\$ 56.02
Finance	WB Mason	\$ 24.00
Finance	WB Mason	\$ 8.67
PLUS	Pesce Engineering & Assoc	\$ 1,336.58
PLUS	Pesce Engineering & Assoc	\$ 474.08
Parks and Rec	W.B. Mason	\$ 8.67
NRD	Ricoh	\$ 109.42
Subtotal General Fund		\$ 28,838.08
OIH	Cross Country Staffing	\$ 2,421.25
OIH	e-solutions	\$ 404.53
OIH	Einstein Flaherty	\$ 2,400.00
Subtotal OIH Enterprise Fund		\$ 5,225.78

ARTICLE 3

(Appropriation: Prior Year Articles)

To see what sum 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)

FINANCE COMMITTEE MOTION: Moved that the following appropriations and transfers are made for prior year **articles:**

Commented [LG1]: LG look at this again

<i>DEPARTMENT</i>	<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
DPW	Article 10 of the 2016 Annual Town Meeting (Surfside/Bartlett Roads Round-about)	Article 10 of the 2019 Annual Town Meeting (Island-wide Road Repairs)	\$98,528.29
DPW	Article 10 of the 2017 Annual Town Meeting (Old South Road/ Fairgrounds Roads Rotary)	Article 10 of the 2019 Annual Town Meeting (Island-wide Road Repairs)	\$105,989.75
DPW	Article 38 of the 2015 Annual Town Meeting (Archival Vault System)	Article 10 of the 2019 Annual Town Meeting (Island-wide Road Repairs)	\$19,400.00
Information Technology	Article 10 of the 2016 Annual Town Meeting (Implement Comprehensive E-Permitting) (\$17,423.92) & Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images) (\$4,788.65)	Information Technology, Professional Services	\$22,212.57
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	Information Technology, Professional Services	\$7,533.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	Information Technology, Professional Services	\$25,000.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	Information Technology, Professional Services	\$9,150.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	Information Technology, Professional Services	\$6,157.65
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	Information Technology, Professional Services	\$5,500.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	Information Technology, Professional Services	\$5,000.00
<u>Subtotal General Fund</u>			<u>\$304,471.26</u>

Airport	Article 12 of the 2018 Annual Town Meeting (Temporary Seasonal Passenger Hold Room)	Article 20 of the 2019 Annual Town Meeting (Repair Fuel Farm)	\$130,347.58
Airport	Article 20 of the 2019 Annual Town Meeting (Replace Maintenance Vehicle Truck)	Article 20 of the 2019 Annual Town Meeting (Repair Fuel Farm)	\$49,869.20
Airport	Article 20 of the 2019 Annual Town Meeting (Buy EcoRestoration Equipment)	Article 20 of the 2019 Annual Town Meeting (Repair Fuel Farm)	\$95,783.68
Airport	Article 12 of the 2016 Annual Town Meeting (Professional Services associated with reviewing employee housing options)	Article 20 of the 2019 Annual Town Meeting (Repair Fuel Farm)	\$216,026.00
<u>Subtotal Airport Enterprise Fund</u>			<u>\$492,026.46</u>
Our Island Home	Article 12 of the 2014 Annual Town Meeting (Medical Records Software)	Article 12 of the 2017 Annual Town Meeting (Building Improvements, Maintenance, and Quality Measures)	\$74,088.00
<u>Subtotal Our Island Home Enterprise Fund</u>			<u>\$74,088.00</u>

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)

FINANCE COMMITTEE MOTION: Moved that the revolving funds listed below be hereby authorized to continue during Fiscal Year 2022 as follows:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Select Board	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information	\$576,000
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of town owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.	\$100,000
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility	\$ 1
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications	\$35,000
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	\$85,000
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	\$78,000
Lifeguard Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of lifeguard housing facilities	\$67,500
Road Repairs	Road opening fees, funds received for Town roadway projects	Town Manager with approval of Select Board	Repairs to Town roads as needed due to road openings	\$100,000
Public Works Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of public works housing facilities	\$75,000
Low Beach Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Low Beach housing facilities	\$67,500
Municipal Aggregation Operational Adder	Operational Adder from the energy aggregation program	Town Manager with approval of Select Board	Rebates for residential solar energy systems and other uses authorized by the Town's Municipal Aggregation Plan	\$150,000

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel and repairs and maintenance of the Fuel Farm	\$4,000,000

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)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2022 tax levy and other general revenues of the Town to establish a Reserve Fund for Fiscal Year 2022 pursuant to Chapter 40, section 6 of the General Laws.

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)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2021 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Medical Insurance	Retirement	\$434,927
Medical Insurance	School Department: Salaries	\$65,000

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:

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~~ July 1, 2021 - June 30, 2022)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	~~\$16.00~~ \$17.00	~~\$17.00~~ \$18.00	~~\$18.00~~ \$19.00	~~\$19.50~~ \$20.50
B-Hourly*	~~\$17.00~~ \$18.00	~~\$18.00~~ \$19.00	~~\$19.00~~ \$20.00	~~\$20.00~~ \$21.00
C-Hourly*	~~\$18.00~~ \$19.00	~~\$19.00~~ \$20.00	~~\$20.00~~ \$21.00	~~\$21.00~~ \$22.00
D-Hourly*	~~\$20.00~~ \$21.00	~~\$20.50~~ \$21.50	~~\$21.00~~ \$22.00	~~\$21.50~~ \$22.50

*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, Lead Natural
Resources Technician, Seasonal Laborer

*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	~~\$105,722~~
	\$107,836

**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)

FINANCE COMMITTEE MOTION: Moved that the following schedules be adopted:

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 July 1, 2021 - June 30, 2022)***

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$17.00	\$18.00	\$19.00	\$20.50
B-Hourly*	\$18.00	\$19.00	\$20.00	\$21.00
C-Hourly*	\$19.00	\$20.00	\$21.00	\$22.00
D-Hourly*	\$21.00	\$21.50	\$22.00	\$22.50

*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, Lead Natural Resources Technician, Seasonal Laborer

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

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)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2022 operating budget is established for the various offices, boards, and commissions of the Town as follows:

DEPARTMENT	Fiscal Year 2022			FY 2021
	PAYROLL	OPERATING	TOTAL BUDGET	ARTICLE 8 TOTAL
GENERAL GOVERNMENT				
Finance Committee		\$18,680	\$18,680	\$18,680
Finance & Operations	\$1,807,007	\$492,210	\$2,299,217	\$2,441,937
Human Resources	\$265,243	\$347,700	\$612,943	\$592,893
Information Systems / GIS	\$819,795	\$513,016	\$1,332,811	\$1,280,375
Legal		\$401,000	\$401,000	\$401,000
Moderator	\$183	\$1,500	\$1,683	\$1,683
Planning and Land Use Services	\$1,662,879	\$471,100	2,133,979	\$1,983,778
Natural Resources	\$787,562	\$154,812	\$942,354	\$930,039
Town Administration	\$1,338,956	\$796,850	2,145,806	\$1,659,216
Nantucket Housing Office	\$100,000	\$275,000	\$375,000	
Town Clerk	\$262,077	\$62,100	\$324,177	\$319,651
<i>Subtotal</i>	\$7,053,702	\$3,533,969	\$10,587,670	\$9,629,252
SAFETY & PROTECTION				
Emergency Management		\$8,000	\$8,000	\$8,000
Fire Department	\$2,896,894	\$308,500	\$3,205,394	\$3,182,889
Police Department	\$6,239,613	\$972,000	\$7,211,613	\$6,874,174
Street Lighting		\$165,000	\$165,000	\$165,000
<i>Subtotal</i>	\$9,136,507	\$1,453,500	\$10,590,007	\$10,230,063
MARINE & COASTAL RESOURCES				
Marine Department	\$877,449	\$284,950	\$1,162,399	\$895,641
<i>Subtotal</i>	\$877,449	\$284,950	\$1,162,399	\$895,641
MAINTENANCE				
Gas / Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$172,714	\$172,714	\$168,501
Public Buildings		1,271,900	\$1,271,900	\$1,083,900
Public Works	\$2,846,045	\$624,900	\$3,470,945	\$3,181,882
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600
<i>Subtotal</i>	\$2,853,645	\$2,519,514	\$5,373,159	\$4,891,883

HUMAN SERVICES

Health & Human Services	\$920,931	\$160,790	\$1,081,721	\$1,003,408
<i>Subtotal</i>	<u>\$920,931</u>	<u>\$160,790</u>	<u>\$1,081,721</u>	<u>\$1,003,408</u>

CULTURE & RECREATION

Atheneum		\$766,085	\$766,085	\$747,400
Town Clock		\$4,700	\$4,700	\$4,700
Visitor Services	\$315,928	\$148,650	\$464,478	\$464,577
<i>Subtotal</i>	<u>\$315,928</u>	<u>\$919,435</u>	<u>\$1,235,363</u>	<u>\$1,216,677</u>

CONTRACTUAL OBLIGATIONS	\$400,000		\$400,000	\$400,000
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**TOTAL OF DEPT OPERATING
BUDGETS**

28,266,924

EDUCATION

Community School	\$550,000		\$550,000	\$550,000
School Department	27,276,082	\$5,600,905	\$32,876,987	\$31,296,642
<i>Subtotal</i>	<u>\$27,826,082</u>	<u>\$5,600,905</u>	<u>\$33,426,987</u>	<u>\$31,846,642</u>

**GRAND TOTAL OF GEN GOV'T
OPER BUDGETS**

\$49,384,244	\$14,473,062	\$63,857,306	\$60,113,566
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DEBT SERVICE

Principal & Interest		\$9,758,430	\$9,758,430	\$9,310,589
<i>Subtotal</i>		<u>\$9,758,430</u>	<u>\$9,758,430</u>	<u>\$9,310,589</u>

INSURANCES

Auto Casualty		\$195,525	\$195,525	\$165,000
Blanket Liability		\$2,157,950	\$2,157,950	\$1,828,460
Claims Deductible		\$88,088	\$88,088	\$88,088
Insurance Consulting		\$49,500	\$49,500	\$49,500
Medical Insurance	\$14,785,595		\$14,785,595	\$13,375,877
Life Insurance	\$6,500		\$6,500	\$6,500
Unemployment	\$175,000		\$175,000	\$175,000

Workers Compensation	\$293,899		\$293,899		\$267,181
Laborer's Union Pension	\$75,000		\$75,000		\$45,778
<i>Subtotal</i>	\$15,335,993	\$2,491,063	\$17,827,056		\$16,001,384
ASSESSMENTS					
Barnstable Retirement		\$5,805,686	\$5,805,686		\$5,203,970
<i>Subtotal</i>		\$5,805,686	\$5,805,686		\$5,203,970
GRAND TOTAL OF OPERATING BUDGET	\$64,720,237	\$32,528,241	\$97,248,478		\$90,529,509

And to meet these appropriations, the sum of Ninety Six Million One Hundred Seventy-three Thousand Four Hundred Seventy-eight Dollars (\$96,173,478) be raised and appropriated from the Fiscal Year 2022 tax levy and other general revenues of the Town; and that One Million Seventy-five Thousand Dollars (\$1,075,000) be transferred from Free Cash in the Treasury of the Town, for one-time and operating expenses that are included in various departmental budgets.

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2022 is Thirty-three Million Four Hundred Twenty-six Thousand Nine Hundred Eighty-seven Dollars (\$33,426,987).

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)

FINANCE COMMITTEE MOTION: Moved that Six Hundred Fifty Thousand Dollars (\$650,000) be raised and appropriated from the Fiscal Year 2022 tax levy and other general revenues of the Town, and that Ninety-five Thousand Dollars (\$95,000) be transferred from the Special Stabilization Fund for Substance Abuse Efforts for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval

of the Select Board, execute grant agreements with the respective agencies for Fiscal Year 2022, which contracts shall stipulate mutually agreed upon terms and conditions:

AGENCY	AMOUNT
A Safe Place	\$ 55,000.00
ASAP	\$ 50,000.00
ELDER SERVICES of CAPE COD	\$ 20,000.00
HEALTH IMPERATIVES	\$ 90,000.00
FAIRWINDS	\$ 176,323.00
MV COMMUNITY SERVICES	\$ 18,000.00
SOUTH COASTAL LEGAL SERVICES	\$ 4,600.00
INTERFAITH COUNCIL	\$ 70,000.00
NCH SOCIAL SERVICES	\$ 130,671.20
SMALL FRIENDS	\$ 15,000.00
ARTIST ASSOCIATION	\$ 18,200.00
CAPE MEDIATION	\$ 2,205.80
NATIONAL ALLIANCE ON MENTAL ILLNESS	\$ 95,000.00
TOTAL	\$ 745,000.00

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)

FINANCE COMMITTEE MOTION: Moved that the following amounts be appropriated for the following capital outlay expenditures, including costs incidental and related thereto, with all such expenditures to be made by the Town Manager with the approval of the Select Board; except the School expenditures to be made by the School Superintendent with the approval of the School Committee, and further that the Town Manager with the approval of the Select Board or the School Superintendent with the approval of the School Committee as the case may be, is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Public Works/Facilities	Costs associated with Town-wide municipal facilities projects, including maintenance, design and engineering, and construction	Authorize the Treasurer, with the approval of the Select Board, to borrow \$6,500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, 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.	\$6,500,000
Public Works	CCTV - Phased Stormwater System Evaluation	Transfer \$266,552 from Free Cash into the Treasury of the Town	\$266,552
Public Works	Purchase of replacement six-wheel dump truck and accessories	Raise and appropriate \$180,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$180,000
Public Works	Purchase of replacement Ford F350-size pick-up truck and accessories	Raise and appropriate \$60,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$60,000

Public Works	Purchase of replacement street sweeper and accessories	Raise and appropriate \$250,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$250,000
Public Works	Purchase replacements of two Ford Ranger-size pick-up trucks and accessories	Raise and appropriate \$90,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$90,000
Public Works/ Transportation	Costs associated with sidewalk improvement program	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,060,900 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, 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.	\$1,060,900
Public Works/ Transportation	Costs associated with island-wide road improvements and maintenance	Transfer \$1,250,000 from Free Cash into the Treasury of the Town	\$1,250,000

Public Works/ Transportation	Costs associated with the maintenance and repair of Island-wide multi-use paths	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
Public Works/ Transportation	Costs associated with cobblestone roadway improvements and maintenance	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
Public Works/ Transportation	Costs associated with engineering, design and permitting, and construction of the 'Sconset Footbridge repairs	Transfer \$100,000 from Free Cash into the Treasury of the town	\$100,000
Public Works/ Transportation	Costs associated with permanent traffic data collection stations	Transfer \$175,000 from Free Cash into the Treasury of the Town	\$175,000
School	Costs associated with the campus-wide improvement plan	Transfer \$1,000,000 from Free Cash into the Treasury of the Town; and transfer \$107,136 from Article 10 of the 2018 Annual Town Meeting (NHS Internal Security Vestibule)	\$1,107,136
School	Costs associated with the reconfiguration of the pool parking lot entrance and exit	Transfer \$157,902 from Free Cash into the Treasury of the Town	\$157,902
School	Costs associated with School-wide building improvements	Transfer \$300,000 from Free Cash into the Treasury of the Town	\$300,000
School	Costs associated with the replacement of Bobcat machine	Transfer \$65,000 from Free Cash into the Treasury of the Town	\$65,000
Natural Resources	Cost associated with replacement vehicle	Raise and appropriate \$35,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$35,000

Planning & Land Use Services	Costs associated with replacement vehicle	Raise and appropriate \$35,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$35,000
Fire	Costs associated with the purchase of Advanced Life Support equipment	Transfer \$50,000 from the Ambulance Reserve Fund	\$50,000
Fire	Purchase of replacement self-contained breathing apparatus air packs (SCBAs)	Raise and appropriate \$101,160 from the Fiscal Year 2022 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$101,160
Fire	Costs associated with the replacement of Engine #4	Authorize the Treasurer, with the approval of the Select Board, to borrow \$705,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, 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.	\$705,000

Information Technology/Geographic Information Systems	Costs associated with the design of upgraded wireless network infrastructure	Transfer \$65,000 from Free Cash into the Treasury of the Town	\$65,000
Information Technology/Geographic Information Systems	Costs associated with the replacement and/or repair of network infrastructure and related equipment	Transfer \$50,000 from Free Cash into the Treasury of the Town	\$50,000
Information Technology/Geographic Information Systems	Costs associated with replacement of Town-wide computers, printers, associated equipment	Transfer \$62,800 from Free Cash into the Treasury of the Town	\$62,800
Police	Costs associated with replacement of portable radios for public safety	Transfer \$400,000 from Free Cash into the Treasury of the Town	\$400,000
Police	Costs associated with Loran barracks housing septic system removal and sewer connection	Raise and appropriate \$500,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town	\$500,000
Marine	Costs associated with repair of F Street Bulkhead	Raise and appropriate \$579,700 from the Fiscal Year 2022 tax levy and other general revenues of the Town	\$579,700
Marine	Costs associated with purchase of second sewage pump-out boat	Transfer \$150,000 from Free Cash into the Treasury of the Town	\$150,000
Town Administration	Costs associated with update to Nantucket and Madaket Harbors Action Plan to incorporate needs for hazard mitigation and coastal resilience	Transfer \$100,000 from Free Cash into the Treasury of the Town	\$100,000
Town Administration	Costs associated with Town-wide security measures	Transfer \$100,000 from Free Cash into the Treasury of the Town	\$100,000
Town Administration	Costs associated with Town-wide document management solution	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000

		Authorize the Treasurer, with the approval of the Select Board to borrow \$750,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. 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.	
Town Administration	Costs associated with Town's groundwater soil investigation and remediation of Per- and polyfluoroalkyl substances (PFAS)		\$750,000
Affordable Housing Trust	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto	Raise and appropriate \$1,625,000 from the Fiscal Year 2022 tax levy and other general revenues of the Town	\$1,625,000

Affordable Housing Trust	Costs of acquiring real estate, or interests in real estate, including but not limited to affordable housing restrictions, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$6,500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, 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.	\$6,500,000
TOTAL			\$24,121,150

And, to meet this appropriation that Four Million Nine Hundred Ninety-two Thousand Two Hundred Fifty-four Dollars (\$4,992,254) be transferred from Free Cash in the Treasury of the Town so specified; that One Hundred Seven Thousand One Hundred Thirty-six Dollars (\$107,136) be transferred from Article 10 of the 2018 Annual Town Meeting; that Fifty Thousand Dollars (\$50,000) be transferred from the Ambulance Reserve Fund; that Two Million Seven Hundred Four Thousand Seven Hundred Dollars (\$2,704,700) be raised and appropriated from the FY 2022 tax levy; that Seven Hundred Fifty-one Thousand Dollars (\$751,000) be raised and appropriated from the FY 2022 tax levy, provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); and that the Treasurer, with the approval of the Select Board be authorized to borrow Fifteen Million Five Hundred Fifteen Thousand Nine Hundred Dollars (\$15,515,900) under and pursuant to General Laws Ch. 44, sec. 7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor.

All of these sources totaling Twenty-four Million One Hundred Twenty-one Thousand One Hundred Fifty Dollars (\$24,121,150).

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)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) 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; that to meet this appropriation, the Treasurer with the approval of the Select Board, is hereby authorized to borrow the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) 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. 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.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 12

(Appropriation: Reconstruction of Lover's Lane)

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 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)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Three Million Two Hundred Seventy-two Thousand Eight Hundred Ninety-two Dollars (\$3,272,892) 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; that to meet this appropriation, the Treasurer with the approval of the Select Board, is hereby authorized to borrow the sum of Three Million Two Hundred Seventy-two Thousand Eight Hundred Ninety-two Dollars (\$3,272,892) 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. 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.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 13

(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)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Four Million Three Hundred Thousand Dollars (\$4,300,000) 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; that to meet this appropriation, the Treasurer with the approval of the Select Board, is hereby authorized to borrow the sum of Four Million Three Hundred Thousand Dollars (\$4,300,000) 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. 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.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 14

(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, to pay supplemental costs of designing, constructing, equipping and furnishing a field house to be located at Nobadeer Fields, and for the payment of all other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of One Million Dollars (\$1,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of designing, constructing, equipping and furnishing a field house to be located at Nobadeer Fields, and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Select Board, is hereby authorized to borrow the sum of One Million Dollars (\$1,000,000) 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. 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.

Quantum of vote required for passage of the motion is 2/3

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)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2022 operating budgets be approved for the Enterprise Funds, with the Airport appropriation to be expended through the Nantucket Airport Commission; with the Nantucket Water Department Enterprise Fund to be expended through the Nantucket Board of Water Commissioners; the remaining appropriations to be spent through the Select Board; provided that the \$5,000,000 to be raised on the Fiscal Year 2022 tax levy to support Our Island Home, shall be contingent on the passage of a Proposition 2 and ½ override:

FUND	FY2022 PAYROLL	FY2022 EXPENSES	FY2022 TOTAL BUDGET	FY2021 BUDGET
Airport	3,464,699	4,456,001	7,920,700	5,930,300
Our Island Home	6,869,870	1,919,980	8,789,850	8,767,818
Sewer	2,435,404	7,302,556	9,737,960	9,370,408
Solid Waste	280,344	10,684,849	10,965,193	11,288,235
Nantucket Water Department	2,170,779	4,605,872	6,776,651	6,555,371
Total	15,221,096	28,969,258	44,190,354	41,912,132

Further, that the above appropriations be funded as follows:

FUND	FUNDING SOURCE	AMOUNT
Airport	FY22 Anticipated Revenue	7,670,700
Airport	Retained Earnings - Passenger Facility Charge	250,000
Our Island Home	FY22 Anticipated Revenue	3,789,850
Our Island Home	FY22 Tax Levy and Other General Revenues	5,000,000
Sewer	FY22 Anticipated Revenue	9,020,408
Sewer	Retained Earnings	717,552
Solid Waste	FY22 Anticipated Revenue	3,530,000
Solid Waste	FY22 Tax Levy and Other General Revenues	6,502,995
Solid Waste	Retained Earnings	932,198
Nantucket Water Department	FY22 Anticipated Revenue	6,473,038
Nantucket Water Department	Retained Earnings	303,613

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)

FINANCE COMMITTEE MOTION: Moved that the following capital expenditures be appropriated for the Enterprise Fund departments with the Airport appropriations to be

expended through the Airport Commission; the Sewer Enterprise, Solid Waste Enterprise and Our Island Home Enterprise Fund appropriations to be expended by the Town Manager with the approval of the Select Board/Board of Public Works/Sewer Commissioners; the Water Department Enterprise Fund appropriation to be expended through the Nantucket Board of Water Commissioners:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Airport	Costs associated with Airport Improvement Projects	Authorize the Treasurer, with the approval of the Select Board to borrow \$907,500 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. 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.	\$907,500

Airport	Costs associated with airport maintenance and equipment	Authorize the Treasurer, with the approval of the Select Board to borrow \$315,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. 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.	\$315,000
Airport	Supplemental Funding to Article 20 of the 2019 Annual Town Meeting Repair Fuel Farm	Authorize the Treasurer, with the approval of the Select Board to borrow \$300,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. 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; and transfer \$201,678 from NMA Certified Retained Earnings; and transfer \$1,000,000 from NMA Fuel Revolver	\$1,501,678
Airport	Costs associated with groundwater soil investigation	Authorize the Treasurer, with the approval of the Select Board to borrow \$8,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. 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.	\$8,000,000

Airport	Costs associated with Nantucket operations and AARF	Authorize the Treasurer, with the approval of the Select Board to borrow \$154,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. 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.	\$154,000
Subtotal of Airport Enterprise Fund			\$10,878,178
Water	Costs associated with Washington Street water main replacement	Transfer \$1,000,000 from Certified Retained Earnings in the Water Department Enterprise Fund	

			\$1,000,000
Subtotal of Water Department Enterprise Fund			\$1,000,000
Sewer	Costs associated with purchase of Jetter/Vac truck	Transfer \$400,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$400,000
Sewer	Costs associated with purchase of Ford F650 dump truck	Transfer \$100,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$100,000
Sewer	Costs associated with acquisition and installation of water tight manhole covers	Transfer \$50,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$50,000
Sewer	Costs associated with south shore road sewer	Authorize the Treasurer, with the approval of the Select Board to borrow \$3,500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund. 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.	\$3,500,000
Sewer	Costs associated with Capacity, Management, Operations and Maintenance	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund. 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.	\$2,000,000

Sewer	Costs associated with design of new garage maintenance facility	Authorize the Treasurer, with the approval of the Select Board to borrow \$325,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund. 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.	\$325,000
Sewer	Costs associated with the installation of a new centrifuge system at the Surfside Wastewater Treatment Plant	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund. 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.	\$1,500,000
Subtotal of Sewer Enterprise Fund			\$7,875,000
Total of all Enterprise Funds			\$19,753,178

Quantum of vote required for passage of the motion is 2/3

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)

FINANCE COMMITTEE MOTION: Moved that the following appropriations and transfers are made for prior year articles:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Retained Earnings	Airport Enterprise Fund, Operating Budget	\$250,000
Airport Retained Earnings	Airport Capital Projects, Preparation of Environmental Impact Report	\$75,000
Airport Retained Earnings	Airport Capital Projects, Removal of Pipeline Support Piles at Great Harbor Yacht Club	\$100,000
Airport Retained Earnings	Airport Capital Projects, Removal and Replacement of paint and beads and rubber markings	\$48,741
Airport Retained Earnings	Airport Capital Projects, Airport Maintenance and Equipment	\$188,000

Airport Retained Earnings	Airport Capital Projects, Replacement of equipment for general Airport Operations and Airport Rescue and Firefighting Operations	\$250,000
Airport Retained Earnings	Airport Capital Projects, Groundwater Soil Investigation	\$1,000,000
Airport Retained Earnings	Airport Capital Projects, Direct Digital Control System for Terminal Geothermal	\$200,000
Sewer Retained Earnings	Sewer Capital Projects, Sewer Force Main Failure Costs	\$75,000

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 91 section 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)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Sixty-seven Thousand Dollars (\$367,000) be appropriated from the Waterways Improvement Fund for the purpose of (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.

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)

FINANCE COMMITTEE MOTION: Moved that Seven Hundred Thirty-six Thousand Eight Hundred Forty-one Dollars (\$736,841) be appropriated from the Ambulance Reserve Fund for the purpose of purchasing 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 Chief, subject to the approval of the Town Manager.

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)

FINANCE COMMITTEE MOTION: Moved that Two Hundred Fifty Thousand Dollars (\$250,000) be appropriated from the Ferry Embarkation Fee Fund for the purpose of public safety protection, emergency services, and any other purpose allowed by applicable law.

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-four Thousand Four Hundred Fifty-five Dollars (\$174,455); or to take any other action related thereto.

(Select Board/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that One Hundred Seventy-four Thousand Four Hundred Fifty-five Dollars (\$174,455) be raised and appropriated from the Fiscal

Year 2022 tax levy and other general revenues of the Town to fund the Fiscal Year 2022 county assessment.

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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 23

(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)

FINANCE COMMITTEE MOTION: Moved to take no action.

FINANCE COMMITTEE COMMENT: As the funding proposed in Article 23 was subsumed into Article 8 of the Town's FY2022 Operating Budget, we recommended to Take No Action with the understanding that it is funded through the Town's operating budget. We fully support funding this activity in respect of the Town's Affordable Housing initiatives.

ARTICLE 24

(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) to pay costs of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and also for the acquisition of interests in and/or deed restrictions on properties for affordable housing purposes, including the payment of all costs incidental and related thereto; provided that all of such interests or deed restrictions add affordable housing units to the Town's Subsidized Housing Inventory,

within the meaning of G.L. c. 40B, 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 of Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to G.L. c. 44, §§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 2½ debt exclusion vote, or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Seven Million Five Hundred Thousand Dollars (\$7,500,000) to pay costs of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and also for the acquisition of interests in and/or deed restrictions on properties for affordable housing purposes, including the payment of all costs incidental and related thereto; provided that all of such interests or deed restrictions add affordable housing units to the Town's Subsidized Housing Inventory, within the meaning of G.L. c. 40B, 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 of Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to G.L. c. 44, §§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 2½ debt exclusion vote, or to take any other action relative thereto. Any premium received 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 G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 25

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 26

(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)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from the Fiscal Year 2022 tax levy and other general revenues of the Town to be deposited by the Treasurer into the Other Post-employment Benefits Trust Fund.

ARTICLE 27

(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)

FINANCE COMMITTEE MOTION: Moved that Two Million Dollars (\$2,000,000) be appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow Two Million Dollars (\$2,000,000) and issue bonds or notes therefore under M.G.L. c.111, s.127B½ and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Board of Health or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

ARTICLE 28

(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)

FINANCE COMMITTEE MOTION: Moved that pursuant to General Laws Chapter 40, Section 5B, 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, be dedicated 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.

Quantum of vote required for passage of the motion is 2/3.

ARTICLE 29

(Appropriation: Fiscal Year 2022 Senior Work-off Program)

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 2022; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Twenty-five Thousand Dollars (\$25,000) be transferred from the Overlay Surplus Account 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 2022

ARTICLE 30

(Appropriation for Special Purpose Stabilization Fund for Airport 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 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)

FINANCE COMMITTEE MOTION: Moved that One Hundred Thousand Dollars (\$100,000) be transferred from Certified Retained Earnings of the Nantucket Airport to be deposited into the Special Purpose Stabilization Fund for Nantucket Airport Employee Accrued Liabilities.

ARTICLE 31

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 32

(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
Historic Preservation	
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.	
Community Housing	
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)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2022 revenues or other available funds as indicated herein, 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 Fiscal Year 2022 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicated additions/modifications:

Purpose	Amount
Historic Preservation	
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~~ frieze 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.	
Community Housing	
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 Dollar 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 \$1,696,600
\$235,715 \$198,175 of the funds utilized in this category are 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.	
<u>Open Space Conservation/Recreation</u>	
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 \$284,575
All the funds to be utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
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~~ \$2,836,175
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY-2019 FY 2022 Community Preservation Surcharge	\$2,250,000
From State matching funds for FY 2021, to be received in 2022	\$330,000
From Interest	\$20,000
From Designated Reserves for Historic Preservation	\$38,000
From Undesignated Reserves	~~\$235,515~~ \$198,175
Total Revenues	~~\$2,835,575~~ \$2,836,175
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.	

ARTICLE 33

(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	\$1,325.00

	Fund balance	
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)

FINANCE COMMITTEE MOTION: Moved that the unspent funds of projects from prior years as listed below be transferred between the various accounts as follows:

FROM	TO	AMOUNT
Article 32 of the 2020 Annual Town Meeting Town of Nantucket Nobadeer Field Complex Bond	Fiscal Year 2022 Community Preservation Committee Community Open Space Reserved Fund balance	\$1,325.00
Article 28 of the 2012 Annual Town Meeting Nantucket Land Council	Fiscal Year 2022 Community Preservation Committee Community Open Space Reserved	

Hummock Pond Restoration	Fund balance	\$20,449.00
Total Transfers to Community Open Space Reserved Fund Balance		\$21,774.00
Article 31 of the 2013 Annual Town Meeting Coffin School Historic wrought iron fence	Fiscal Year 2022 Community Preservation Committee Community Historic Preservation Reserved Fund balance	\$1,664.00
Article 35 of the 2016 Annual Town Meeting Coffin School Restoration of façade	Fiscal Year 2022 Community Preservation Committee Community Historic Preservation Reserved Fund balance	\$640.00
Article 37 of the 2018 Annual Town Meeting 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 of the 2020 Annual Town Meeting 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

ARTICLE 34

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Finance Committee appreciates Mr. Williams' suggestion of innovative technologies that potentially could address the island's solid waste needs. The Town is encouraged to explore all available options as it prepares for the end of its current waste management contract in 2025, including suggestions from

the community. However, the Finance Committee voted not to adopt this Article for several significant reasons:

- An investment of this scale (over \$13 million) is normally reviewed by Town Administration, appropriate departments, including Finance, and the Capital Program Committee before being presented at Town Meeting.
- The current waste management contract does not expire until 2025 and does not permit the Town to utilize alternate waste disposal technologies.
- It is unclear whether or not the proposed technology is compatible with current state law.

SELECT BOARD COMMENT: The Board supports the Finance Committee Motion and Comment. One of the Board's Strategic Plan Goals is: "Provide data-driven recommendations on island-wide solid waste management guided by principles of sustainability". As a result, all available options will be considered for long-term solid waste disposal and management. Long-term viability of a landfill adjacent to Long Pond storm tide pathways is of critical concern.

Commented [LG2]: Keep?

ARTICLE 35

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 36

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 37
(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 38
(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 39

(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 39 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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 39 CTEC to R-5 Grey Lady Lane and Bartlett Road" dated October 2020.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 40

(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 40 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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 40 RC-2 to R-5 8 and 10 Appleton Rd" dated October 2020.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 41

(Zoning Map Change: RC-2 to CTEC - Appleton Road, Bartlett Road and Perry Lane)

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 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 41 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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 41 RC-2 to CTEC Appleton Rd, Bartlett Rd, and Perry Ln" dated October 2020.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 42

(Zoning Map Change: R-5 to CN - Bartlett Road and Young's 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 42 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.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 42 R-5 to CN Bartlett Road and Young's Way" dated October 2020.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 43

(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 43 RC-2 to R-5 and CN" dated October 2020.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 43 RC-2 to R-5 and CN 33 Old South Rd and 33 Ticcoma Way" dated October 2020.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 44

(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 44 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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 44 RC-2 to R-5 Toms Way and Ticcoma Way" dated October 2020

Quantum of vote required for passage of the motion is 2/3

ARTICLE 45

(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 45 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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 45 RC to CN Francis, Union, and Washington Streets, and Salt Marsh Way" dated October 2020.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 46

(Zoning Map Change: R-20 and LUG-2 to VR - 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	Osprey 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:

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)	205R	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:

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 46 R-20 and LUG-2 to VR" 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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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	Osprey 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:

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)	205R	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:

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 46 R-20 and LUG-2 to VR Osprey and Tautemo Way, and Hummock Pond Road" dated October 2020.

PLANNING BOARD COMMENT: The lots subject to this article are located within the Country Overlay District and the Hummock Pond Watershed. Rezoning these properties to Village Residential (VR) reduces potential ground cover in the aggregate and removes the allowance of swimming pools by-right. This change to VR is consistent with goals established in the 2009 Master Plan and more closely aligns future development potential with the surrounding area.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 47

(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 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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket and the Zoning Map are hereby amended 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~~ 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

All as shown on a map entitled “2021 Annual Town Meeting Warrant Article 47 R-40 to R-1 Red Mill Lane and Old Mill Court” dated October 2020.

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.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 48

(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 MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket is hereby amended 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.

PLANNING BOARD COMMENT: This article reflects several years of deliberation by the Planning Board and received its unanimous support. It only addresses lots under 7,500 square feet in the R-1/SR-1 and the R-5/R-5L districts - not the island as a whole. In the proposed coverage area there have been a number of concerns including, the adverse effects of the impervious surface associated with swimming pools resulting in additional stormwater runoff affecting other properties and roads in areas prone to flooding. In addition, noise and lights associated with pool operation has an increased effect on neighbors abutting smaller lots, and in the areas closer to downtown, the historic character may be adversely impacted. The article imposes slightly increased setbacks to address these concerns, but in effect allows property owners with sufficient

land in the to choose how to allocate their space (for example, depending on the available land, they might opt for a pool in lieu of a secondary dwelling).

FINANCE COMMITTEE COMMENT: Finance Committee does not support the Planning Board motion

Quantum of vote required for passage of the motion is 2/3

ARTICLE 49

(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 (a portion of)	30	Bartlett Farm Road
82	500 (a portion of)	41	Bartlett Farm Road

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 49 RC-2 to CN and/or LUG-2 and LUG-2 to CN Bartlett Farm Road" dated March 2021.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 50

(Zoning Map Change: R-5 to CN - 10 and 12 Young's 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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 50: R-5 to CN 10 and 12 Young's Way" dated February 2021.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 51

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: The Planning Board determined that rezoning this property at this time is premature since an update to the Sconset Area Plan is underway, and the workgroup will be looking at zoning alternatives for all properties in Sconset that are currently within the SR-1 district.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 52

(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended 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 a map entitled "2021 Annual Town Meeting Warrant Article 52: R-10 to CN 3 Cobble Court" dated February 2021.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 53

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 54

(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended by placing the following properties currently located in the Village Residential (VR) district in the Residential 20 (R-20) district, and, to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 4E, by amending the Map entitled "Town and Country Designations" by placing the following properties currently located in the Country Overlay District in the Town Overlay District:

Map	Lot	Number	Street
54	48	1	Chatham Road
54	135	3	Chatham Road
54	132	5	Chatham Road
54	68	1	Monomoy Road
54	136	5	Monomoy Road
54	47	8	Milestone Road
54	133	10	Milestone 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

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 54: Zoning Map Change VR to R-20 and Town and Country Overlay District Change: Chatham Road, Monomoy Road, Milestone Road, and Polpis Road" dated February 2021.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 55
(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended by placing the following properties currently located in the Limited Use General 1 (LUG-1) district in the Residential 20 (R-20) district, and, to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 4E, by amending the Map

entitled "Town and Country Designations" by placing the following properties currently located in the Country Overlay District in the Town Overlay District:

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

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 55: Zoning Map Change LUG-1 to VR and Town and Country Overlay District Change: Chatham Road" dated February 2021.

PLANNING BOARD COMMENT: The Planning Board based its recommendation on a restriction offered by the applicant to reduce additional lots that may be created by this rezoning to 1. The creation of an additional lot in this location is consistent with the scale and density of surrounding properties.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 56

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 57

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 58

(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended by placing the following properties currently located in the Residential 20 (R-20) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

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
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All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 58: R-20 to CTEC: Old South Road and Airport Road" dated February 2021.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 59

(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)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket is hereby amended by placing the following property currently located in the Limited Use General 1 (LUG-1) district in the Residential 40 (R-40) district:

Map	Lot	Number	Street
68	708	18	Evergreen Way

All as shown on a map entitled "2021 Annual Town Meeting Warrant Article 59: LUG-1 to R-40: 18 Evergreen Way" dated February 2021.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 60

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: Extending the R-20 zoning district and Town Overlay District to include these properties was not supported and the Board found that Rugged Road should remain as the district boundary between LUG-2 and R-20. Following a lengthy discussion, the Planning Board determined that the potential impacts of this rezoning proposal, which was carried over from the 2020 ATM, would have a negative impact on the low density and rural character of the area east of the Beach Plum Village 40B.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 61

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: This Article was carried over from the 2020 Annual Town Meeting, at which time the Board did not support the Article based on extensive discussion during its public hearings. Prior to the Planning Board public hearing for the 2021 Annual Town Meeting, the proponent indicated to the Planning Board that they no longer wanted to advance this article.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 62

(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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 22, is hereby amended 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)*:

§ 139-22. Island perimeter restrictions.

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.

PLANNING BOARD COMMENT: The changes included in this Article are primarily non-substantive in nature and result in the use of more consistent terms used throughout the bylaw. The substantive change is the addition of a requirement that the special permit granting authority must make a finding that the proposed extension, reconfiguration, or addition of a dock, pier, or wharf is not more detrimental to the marine environment than the existing structure. Although an application must be referred to the Harbor Master and the Natural Resources Department for comment, the addition of this finding reiterates the importance of considering the impacts to the marine environment.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 63

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: This Article was carried over from the 2020 Annual Town Meeting, at which time the Board did not support the Article based on extensive discussion during its public hearings. Prior to the Planning Board public hearing for the 2021 Annual Town Meeting, the proponent indicated to the Planning Board that they no longer wanted to advance this article.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 64

(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)

PLANNING BOARD MOTION: Moved to take no action on the Article.

PLANNING BOARD COMMENT: The Board acknowledges that the intent of this Article may have merit, however, significantly more discussion is needed to develop this concept. Requiring such a waiver as a prerequisite to the issuance of a building permit may not be the most appropriate approach. Input from various town departments as well as boards/committees/commissions who are involved with coastal issues should occur before this type of concept is adopted.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 65
(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: Town Counsel has advised that this Article is not legally enforceable.

ARTICLE 66
(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The Finance Committee notes that the FY 2022 General Fund budget includes funding for a new position of Construction Supervisor in the DPW budget. When this position is filled, its responsibilities will include tracking and enforcing compliance with existing regulations, and potentially expanding or adopting new regulations, including any associated fees.

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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 68

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 69

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 70

(Bylaw Amendment: Noise)

To see if the Town will vote to amend Chapter 101 (Noise) by taking the following actions:

1. To delete, in its entirety, all existing language in Chapter 101; and
2. To insert the following new language:

§ 101-1. General Prohibitions, Exemptions, Relief, Violations and Penalties.

A. Prohibited Noises.

It shall be unlawful for any person or persons, 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 source of the noise or the property line of 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 its source or the property line of 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 source of the noise or the property line of 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 property line of 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 unreasonably project sound across a real property line.
- d. operating or permitting the operation of any mechanically powered tools or equipment actually being used in ongoing building construction, building renovations, non-emergency building maintenance, or building 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. The fact that the sound therefrom is plainly audible at a distance of 50 feet from its source or the property line of 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. 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. The fact that the sound is plainly audible at a distance of 50 feet from its source of the property line on which the tools are being used shall be prima facie evidence of a violation of this section. Hand-held 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 source of the sound or the property line of the premises 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. The fact that the sound is plainly audible at a distance of 50 feet from its source of the property line on which the work is being conducted shall be 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 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 a permit issued in accordance with this bylaw, but only to the extent such activities and the resulting noises are within the scope of such license or permit.
- e. Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons

C. Permit for relief.

- a. Upon written application, the Select Board, or its designee, may issue a permit authorizing an activity which is likely to result in noise that would otherwise be prohibited by Section 101-1(A) of this Bylaw.
- b. The application shall be in writing, and shall contain the following information:
 1. The name, address, e-mail address and phone number of the proponent of the activity;
 2. The specified dates and times of the proposed activity;
 3. The particular location, specifying outdoors, indoors or indoors open to the outdoors, and where on the premises the specified noise is to originate;
 4. Proof of ownership or the right to use the property in question; and
 5. The type of noise: i.e., amplified music, amplified speaking or singing voice, live band, acoustic musical instrument, or construction work, other.
- c. The Board or its designee will issue a decision on the application within seven days of receipt thereof, unless the applicant demonstrates a need for the permit in a lesser period of time, provided, however, that a timely decision cannot be guaranteed if less than forty-eight hours' notice is required.
- d. The Board or its designee may grant the permit subject to reasonable time, place and manner restrictions to protect public health, safety and welfare so as to advance the purposes of this Bylaw to the greatest extent possible.
- e. The Board or its designee may deny the application if the activity conflicts with another activity previously permitted, if the activity presents a threat to public health or safety or welfare, or if the activity is prohibited by the laws of the Commonwealth or the Town of Nantucket. If the application is denied, the Board or its designee shall provide the applicant with a statement of reasons.
- f. The Select Board may enact regulations to effectuate the purposes of this Bylaw.
- g. The issuance of a permit pursuant to this Bylaw shall not relieve the applicant of the requirements of any other applicable laws concerning the activity at issue.

§ 101-2. Air Conditioning and Air Handling Equipment, Pumps, Fans and Compressors Sound Level Limit, Measurement, Violations and Penalties.

A. Prohibited Noises.

- a. No person shall operate or cause to be operated any air conditioning or air-handling equipment, swimming pool or spa pump, or an exhaust fan, in such a manner as to exceed 55 dBA over a 10-minute period of time, measured from a distance of 40 feet or more from the source of the sound or the property line of the premises on which said activity is located at any time of the day or night.
- b. Upon written notice to the owner of the property as recorded with the Nantucket Assessor of a violation of paragraph §101-2 (A), and the property owner fails to mitigate the violation within fourteen (14) days, then the property owner shall be deemed to be in violation of paragraph §101-2 (A).

B. Sound Measurement.

- a. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by ANSI S1.4, as may be amended or superseded from time-to-time. 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. Sound levels limits pursuant to this rule shall be measured over a 10-minute period of time with a sound level meter. Sound levels which exceed the limits set forth in paragraph A above when measured are a violation of this rule.

§101-3. Enforcement and Penalties.

- A. This Bylaw may be enforced by Board of Health officials, Nantucket Police Department Employees, PLUS Inspectors, Natural Resources Enforcement Officers, and any other agents appointed by the Select Board.
- B. Whoever violates any provision of this Bylaw may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket.
- C. If non-criminal disposition is elected, then any person who violates any provision of this Bylaw shall be subject to a penalty in the amount of three hundred dollars (\$300.00) for each violation; provided, however, that a first offense may be the subject of a warning in the officer's discretion.
- D. Each such act which constitutes a violation of this Bylaw, which either continues or is repeated more than 30 minutes after the issuance of an order to cease said

activities, shall be considered a separate offense. If more than one, each condition violated shall constitute a separate offense.

- E. A violation of this Chapter may 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.
- F. Whoever violates any provision of this Bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- G. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 101- 1 (Noise: General Prohibitions, Exemptions, Relief, Violations and Penalties) of the Code of the Town of Nantucket is hereby amended 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):*

§ 101-1. General Prohibitions, Exemptions, Relief, Violations and Penalties.

A. Prohibited Noises.

It shall be unlawful for any person or persons, 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 source of the noise or the property line of 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 its source or the property line of 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 source of the noise or the property line of 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 property line of 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 unreasonably project sound across a real property line.
- d. operating or permitting the operation of any mechanically powered tools or equipment actually being used in ongoing building construction, building renovations, non-emergency building maintenance, or building 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 6:00 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. The fact that the sound therefrom is plainly audible at a distance of 50 feet from its source or the property line of 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. Work referenced in this section shall include any work for which a building, sidewalk 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 6:00 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. The fact that the sound is plainly audible at a distance of 50 feet from its source of the

property line on which the tools are being used shall be prima facie evidence of a violation of this section.

- 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 source of the sound or the property line of the premises 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. The fact that the sound is plainly audible at a distance of 50 feet from its source of the property line on which the work is being conducted shall be 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 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 a permit issued in accordance with this bylaw, but only to the extent such activities and the resulting noises are within the scope of such license or permit.
- e. Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons

C. Permit for relief.

- a. Upon written application, the Select Board, or its designee, may issue a permit authorizing an activity which is likely to result in noise that would otherwise be prohibited by Section 101-1(A) of this Bylaw.
- b. The application shall be in writing, and shall contain the following information:
 - 1. The name, address, e-mail address and phone number of the proponent of the activity;
 - 2. The specified dates and times of the proposed activity;
 - 3. The particular location, specifying outdoors, indoors or indoors open to the outdoors, and where on the premises the specified noise is to originate;

4. Proof of ownership or the right to use the property in question; and
 5. The type of noise: i.e., amplified music, amplified speaking or singing voice, live band, acoustic musical instrument, or construction work, other.
- c. The Board or its designee will issue a decision on the application within seven days of receipt thereof, unless the applicant demonstrates a need for the permit in a lesser period of time, provided, however, that a timely decision cannot be guaranteed if less than forty-eight hours' notice is required.
 - d. The Board or its designee may grant the permit subject to reasonable time, place and manner restrictions to protect public health, safety and welfare so as to advance the purposes of this Bylaw to the greatest extent possible.
 - e. The Board or its designee may deny the application if the activity conflicts with another activity previously permitted, if the activity presents a threat to public health or safety or welfare, or if the activity is prohibited by the laws of the Commonwealth or the Town of Nantucket. If the application is denied, the Board or its designee shall provide the applicant with a statement of reasons.
 - f. The Select Board may enact regulations to effectuate the purposes of this Bylaw.
 - g. The issuance of a permit pursuant to this Bylaw shall not relieve the applicant of the requirements of any other applicable laws concerning the activity at issue.

§ 101-2. Air Conditioning and Air Handling Equipment, Pumps, Fans and Compressors Sound Level Limit, Measurement, Violations and Penalties.

A. Prohibited Noises.

- a. No person shall operate or cause to be operated any air conditioning or air-handling equipment, swimming pool or spa pump, or an exhaust fan, in such a manner as to exceed 55 dBA over a 10-minute period of time, measured from a distance of 40 feet or more from the source of the sound or the property line of the premises on which said activity is located at any time of the day or night.
- b. Upon written notice to the owner of the property as recorded with the Nantucket Assessor of a violation of paragraph §101-2 (A), and the property owner fails to mitigate the violation within fourteen (14) days, then the property owner shall be deemed to be in violation of paragraph §101-2 (A).

B. Sound Measurement.

- a. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by ANSI S1.4, as may be amended or superseded from time-to-time. 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. Sound levels limits pursuant to this rule shall be measured over a 10-minute period of time with a sound level meter. Sound levels which exceed the limits set forth in paragraph A above when measured are a violation of this rule.

§101-3. Enforcement and Penalties.

- A. This Bylaw may be enforced by Board of Health officials, Nantucket Police Department Employees, PLUS Inspectors, Natural Resources Enforcement Officers, and any other agents appointed by the Select Board.
- B. Whoever violates any provision of this Bylaw may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket.
- C. If non-criminal disposition is elected, then any person who violates any provision of this Bylaw shall be subject to a penalty in the amount of three hundred dollars (\$300.00) for each violation; provided, however, that a first offense may be the subject of a warning in the officer's discretion.
- D. Each such act which constitutes a violation of this Bylaw, which either continues or is repeated more than 30 minutes after the issuance of an order to cease said activities, shall be considered a separate offense. If more than one, each condition violated shall constitute a separate offense.
- E. A violation of this Chapter may 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.
- F. Whoever violates any provision of this Bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

G. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

ARTICLE 71

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 72

(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)

FINANCE COMMITTEE MOTION: Moved that Chapter 12 (Council for Human Services), section 12-2 (Membership; terms; vacancies) is hereby amended 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.

ARTICLE 73

(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 **for the first offense; \$250 for the second offense; \$500 for the third and each subsequent offense**. 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)

FINANCE COMMITTEE MOTION: Moved that Chapter 55 (Animals), section 55-5 (Violations and penalties) is hereby amended 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 for the first offense; \$250 for the second offense; \$500 for the third and each subsequent offense. This chapter may be enforced by a police officer or Animal Control Officer utilizing the noncriminal disposition contained in Chapter 1 of this Code.

ARTICLE 74

(Bylaw Amendment: Car Rental Agencies, Registration of)

To see if the Town will vote to amend Chapter 58 (Car Rental Agencies, Registration of) of the Code of the Town of Nantucket, by adding a new Paragraphs B-1 and B-2 to §58-3 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*);

§ 58-1. Definitions.

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

BATTERY ELECTRIC VEHICLE

A motor vehicle propelled by a motor powered by electrical energy from rechargeable batteries or other source onboard the vehicle.

MOTOR VEHICLE

The same meaning as defined in the General Laws.

RENTAL AGENCY

A person, business or corporation engaged in the Town of Nantucket in the business of renting, leasing or keeping for rent any motor vehicle.

RENTAL or LEASE

To grant or make available the use, possession or enjoyment of a motor vehicle for an agreed period of time in exchange for an agreed payment, whether or not such transaction is a separate agreement in itself or is part of a broader agreement between the parties thereto.

§ 58-2. License required to rent or lease vehicles; sticker required on rental vehicles.

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any motor vehicle without first being licensed annually by the Select Board to do so. It shall be unlawful for any motor vehicle to be rented, leased or made available for rental or lease in the Town of Nantucket without such motor vehicle displaying a rental sticker affixed to the rear bumper pursuant to this chapter.

§ 58-3. Annual fee; issuance of licenses and stickers.

- A. Each application for a rental agency license shall be accompanied by a nonrefundable application fee as established by the Select Board. The

application shall include a listing of the registration number of each motor vehicle available or to be available for lease for the year in which the license is to be valid. 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; provided, however, that no payment of such fee shall be required for a motor vehicle upon which an excise has been assessed, levied and paid to the Town of Nantucket under the provisions of Chapter 60A of the General Laws. The Select Board shall issue a license to each approved applicant, which shall be posted in a conspicuous manner at the place of business.

- B. The total number of motor vehicles available for lease on the island of Nantucket shall not exceed 700. The Select Board 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.

- B-1. The Select Board is authorized to enact regulations to effectuate the purposes of this Bylaw, which may include but not be limited to establishing the maximum number of vehicles that may be available for rent on the island, procedures for allocating rental vehicle medallions (RVMs) to rental agencies, and the establishment of fees, provided, however, that any fees established shall comply with the requirements of Chapter 266 of the Acts of 1989, as may be amended from time-to-time. Prior to enacting regulations, the Select Board shall conduct a public hearing. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts of the proposed regulation may be inspected shall be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, by posting such notice in a conspicuous place in the town hall and on the Town's website for a period of not less than fourteen days before the day of said hearing.

- B-2. Upon the effective date of any regulations enacted by the Select Board, Subsection 58.3-B of this Bylaw shall be replaced with Subsection 58.3-B-1, and Subsection 58-3.D shall expire and be stricken from the Bylaws of the Town; provided that any licenses and/or RVMs in effect at the time the regulations become effective shall remain in effect until the end of that calendar year. Notwithstanding anything in this Bylaw to the contrary, said Paragraphs B and D shall remain in full force and effect unless and until the Select Board enacts regulations in accordance with this Bylaw.

- C. Upon issuance of the license, the Select Board shall provide one annual rental sticker for each motor vehicle listed in the approved application, which shall be affixed by the licensee to the left rear bumper of each motor vehicle so listed. Each sticker shall recite the registration number of the vehicle to which it is affixed.

- D. RVM's are transferable, with or without consideration, to any other rental agency or entity. Such transfers may be made whenever, and to the extent that, the number of RVM's held by the transferor exceeds the number of unexpired annual stickers issued to the transferor. A transfer shall be effective upon written notice of the transfer, by the transferor, to the Select Board. Should a rental agency surrender its RVM rights to the Select Board, or should the Select Board possess surplus RVM's from any other cause, these RVM's may be retained by the Town and/or may be re-issued at a fee to be established from time to time by the Select Board. Any RVM's not obtained by any rental agency by the end of any calendar year shall be considered surplus as of January first and may be retired by the Town at that time.

§ 58-3.1. Licensee to pay fees.

No license pursuant to this chapter shall be issued unless or until the applicant shall have paid to the Town all lease or rental transaction surcharges established by MGL c. 90, § 20E(i).

§ 58-4. Nontransferability.

The license shall not be transferable between businesses, persons or corporations, nor between location of business premises; individual motor vehicle stickers shall not be transferable between different motor vehicles.

§ 58-5. Violations and penalties.

Violations of this chapter shall be punishable by a fine of \$300, each day being considered a separate offense.

§ 58-6. Vehicles with controls for disabled.

Any rental motor vehicle equipped with controls for the disabled and used by a disabled person shall not be required to have a rental vehicle sticker, without regard to the requirements and limitations of § 58-3B, C and D of this Code.

§ 58-7. Electric vehicles.

The Select Board may develop an exemption for up to 10 battery electric vehicles from the rental vehicle sticker, without regard to the requirements and limitations of § 58-3B, C and D of this Code.

(Select Board for Airport Commission)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 75

(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 be 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, soy milk, 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 ~~cash 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.

FINANCE COMMITTEE MOTION: Move to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) 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)*.

Chapter 125A. Single-Use Plastics

Article I. Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics

§125A-1. Definitions and Purpose

A. Definitions

BOXED WATER

Any type of drinking water, flavored water, carbonated water, energy drink 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 or linings made from petroleum-based plastics such as polyethylene and aluminum.

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.

COMMERCIAL USE

Use by a business, directly/indirectly for financial gain or convenience.

DRINKING WATER

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

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 plastic lined paper or similar fiber package.

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".

PETROLEUM-BASED PLASTIC

Plastic materials manufactured using petroleum-derived polymers. Compostable plastics as defined by ASTM International are exempted from this bylaw.

SINGLE-USE PLASTICS

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.

B. Purpose: The purpose of the bylaw 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.

§ 125A-2 Sale, distribution and commercial use of petroleum-based single-use plastic products.

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

- A. Straws and drink stirrers;
- B. Flexible can and bottle yokes;
- C. Drinking cups and lids;

D. Plates, bowls and eating utensils;

E. Drinking water in plastic or non-recyclable containers of one liter (34 ounces) or less; and

F. Single use, non-recyclable beverage pods.

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

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

H. Plastic stick ear swabs;

§ 125A-3 Exemption for emergencies and other.

A. Drinking water. 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 calendar days after such declaration has ended.

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

C. Compostable plastics are exempted from this bylaw.

§ 125A-4 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 MGL c. 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 of Chapter 1 of the Code of the Town of Nantucket.

§125A-5 Suspension of 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.

§125A-6. Severability.

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

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 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)

FINANCE COMMITTEE MOTION: Moved that Chapter 57 (Bicycles and Mopeds) of the Code of the Town of Nantucket is hereby amended by adding the following new Article (*NOTE: 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*):

**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 Town of Nantucket, 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 Town of Nantucket, 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.

ARTICLE 77

(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)

FINANCE COMMITTEE MOTION: Moved that Chapter 57 (Bicycles and Mopeds) of the Code of the Town of Nantucket is hereby amended by adding the following new Article: *(NOTE: 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):*

Article V

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.

ARTICLE 78
(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 79
(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 80

(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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: The Finance Committee is concerned about the undocumented and unverified assertions by the Article sponsor.

ARTICLE 81

(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)

FINANCE COMMITTEE MOTION: Moved that Chapter 11 (Committees), Article VI (Community Preservation Committee), Section 11-21 (Establishment; membership; appointment; term) of the Town Code is hereby amended as follows (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 *NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*);

§ 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.~~

ARTICLE 82

(Bylaw Amendment: Streets and Sidewalks)

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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 83

(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
68	700.1	2A	Evergreen Way
68	701.1	4	Evergreen Way
68	701.2	4A	Evergreen Way
68	702	6	Evergreen Way
68	703	8	Evergreen Way
68	703.1	8 -	Evergreen Way
68	704	10	Evergreen Way

68	705	12	Evergreen Way
68	706	14	Evergreen Way
68	707	16	Evergreen Way
68	707.1	16B	Evergreen Way
68	708	18	Evergreen Way
68	700	44	Monohansett Road

And to take any other action as may be related thereto.

(Select Board/Sewer Commissioners)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels to the Town Sewer District:

Map	Lot	Number	Street
68	700.1	2A	Evergreen Way
68	701.1	4	Evergreen Way
68	701.2	4A	Evergreen Way
68	702	6	Evergreen Way
68	703	8	Evergreen Way
68	703.1	8 -	Evergreen Way
68	704	10	Evergreen Way
68	705	12	Evergreen Way
68	706	14	Evergreen Way
68	707	16	Evergreen Way
68	707.1	16B	Evergreen Way
68	708	18	Evergreen Way
68	700	44	Monohansett Road

NOTE: At its meeting on March 10, 2021, the Select Board acting as the Sewer Commissioners, voted to add the parcel referenced in the Article to the Town Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

ARTICLE 84

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The parcel contained in the Article is included in Article 83.

ARTICLE 85

(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 Accessor's Map 41, Parcel 73.1, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

NOTE: At its meeting on March 10, 2021, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 86

(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 Accessor's Map 30, Parcel 109, which is currently outside the core sewer district.

; or otherwise act thereon.

(Bryan Swain, et al)

FINANCE COMMITTEE MOTION: Moved to not to adopt the Article.

NOTE: At its meeting on March 10, 2021, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer

District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 87

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

NOTE: At its meeting on March 10, 2021, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 88

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

NOTE: At its meeting on March 10, 2021, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

Quantum of vote required for passage of a positive motion is 2/3

ARTICLE 89

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

NOTE: At its meeting on March 10, 2021, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

Quantum of vote required for passage of a positive motion is 2/3

**ARTICLE 90
(Bylaw: 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.

(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. 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.
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 Board of Health prior to offering the Short-Term Rental use and occupancy.

(b) 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.

(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, 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.

(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 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.

(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 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 via consent or administrative warrant, 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 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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 91

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 92

(Home Rule Petition: Real Estate Exchange of Nantucket Islands Land Bank's Nobadeer Playing Fields for the Town of Nantucket's Mill Hill Park)

To see if the Town will vote to authorize submission of a petition by the Town 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 respectively 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 92" dated June 5, 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 Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this article or in order to secure passage:

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, the Town of Nantucket and the Nantucket Islands Land Bank are hereby authorized to exchange 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 Playing Fields," now owned by the 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:

- a. 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 69, Parcel 1; and
- b. A parcel of land comprised of a portion of 2 Milestone Road, shown on Nantucket Tax Assessor's Map 55, Parcel 65 and a portion of 174 Orange Street, shown on Nantucket Tax Assessor's Map 55, Parcel 64 from the edge of asphalt road to include the existing bike path as shown on a plan entitled "Conceptual Plan for 174 Orange Street and 2 Milestone Road" containing 7,450 square feet more or less.

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 (37 Prospect Street);
- 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 shown as Lot D on Land Court Plan No. 12559A (39 Prospect Street);
- 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 shown as Lot C on Land Court Plan No. 12559A (47 Prospect Street);
- 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 shown on Land Court Plan No. 13837A (North Mill Street); and
- 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 shown as Lot 15 on the plan recorded in Nantucket Registry of Deeds Plan Book 24, Page 84 (29 Vesper Lane).

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)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

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, the Town of Nantucket and the Nantucket Islands Land Bank are hereby authorized to exchange 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 Playing Fields," now owned by the 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:

- a. 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 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 69, Parcel 1; and
- b. A parcel of land comprised of a portion of 2 Milestone Road, shown on Nantucket Tax Assessor's Map 55, Parcel 65 and a portion of 174 Orange Street, shown on Nantucket Tax Assessor's Map 55, Parcel 64 from the edge of asphalt road to include the existing bike path as shown on a plan entitled "Conceptual Plan for 174 Orange Street and 2 Milestone Road" containing 7,450 square feet more or less.

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 (37 Prospect Street);
- 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 shown as Lot D on Land Court Plan No. 12559A (39 Prospect Street);

- 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 shown as Lot C on Land Court Plan No. 12559A (47 Prospect Street);
- 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 shown on Land Court Plan No. 13837A (North Mill Street); and
- 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 shown as Lot 15 on the plan recorded in Nantucket Registry of Deeds Plan Book 24, Page 84 (29 Vesper Lane).

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.

ARTICLE 93

(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 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, as follows:

AN ACT RELATIVE TO THE MEMBERSHIP OF THE AUDIT COMMITTEE OF THE TOWN OF NANTUCKET.

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

SECTION 1. Subsection (c) of section 3.5 of article III 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 by striking out the words "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."

SECTION 2. Said article III of said charter is hereby further amended by inserting after said section 3.5 the following new section:

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.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

AN ACT RELATIVE TO THE MEMBERSHIP OF THE AUDIT COMMITTEE OF THE TOWN OF NANTUCKET.

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

SECTION 1. Subsection (c) of section 3.5 of article III 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 by striking out the words "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."

SECTION 2. Said article III of said charter is hereby further amended by inserting after said section 3.5 the following new section:

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.

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

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)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

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.

ARTICLE 95

(Home Rule Petition: Issuance of Pension Obligation Bonds and Notes)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation authorizing the Town to issue pension obligation bonds and notes, 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, as follows:

**AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ISSUE PENSION
OBLIGATION BONDS OR NOTES**

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

SECTION 2. The aggregate principal amount of the bonds or notes issued during any calendar year under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank as of a particular date as determined in accordance with this section, plus an amount to provide for issuance costs and other expenses necessary or incidental thereto. The Barnstable County retirement association shall first determine the amount sufficient to extinguish the unfunded pension liability of the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the Barnstable County retirement association, and which amount shall be approved by the public employee retirement administration commission. The report shall also set forth the present value savings to the town reasonably expected to be achieved as a result of the issuance of such bonds or notes.

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may require the establishment of a reserve to be created from a portion of the amount of the annual savings used to calculate the present value savings. Any such reserve shall be

held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, excepted as otherwise provided in this act, shall be subject to the provisions of said section 54.

SECTION 4. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of Nantucket County or the Nantucket Islands Land Bank, each of such entities shall be responsible for reimbursing the town of Nantucket for such proportion of the annual debt service expense paid by the town of Nantucket for bonds or notes issued hereunder as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes as relates to each of such entities. Notwithstanding any general or special law to the contrary, the Public Employee Retirement Administration Commission shall increase the annual amount to be certified under section 22 of the General Laws as the amount necessary to be paid by Nantucket County and the Nantucket County Land Bank as its proportionate share of the annual debt service expense as determined herein. The town of Nantucket shall have the same legal rights and authority as the retirement board of the Barnstable County retirement association to collect any amount so assessed to Nantucket County or the Nantucket Islands Land Bank.

SECTION 5. Notwithstanding chapter 70 of the General Laws or any other general or special law to the contrary, the portion of the annual debt service paid by the town of Nantucket for bonds or notes issued under this act applicable to school department personnel who are members of the Barnstable County retirement association shall be included in the computation of net school spending for the purposes of said chapter 70 or any other law.

SECTION 6. This act shall take effect upon its passage.

Or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

**AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO ISSUE PENSION
OBLIGATION BONDS OR NOTES**

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

SECTION 2. The aggregate principal amount of the bonds or notes issued during any calendar year under authority of this act shall not be greater than the amount sufficient to extinguish the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank as of a particular date as determined in accordance with this section, plus an amount to provide for issuance costs and other expenses necessary or incidental thereto. The Barnstable County retirement association shall first determine the amount sufficient to extinguish the unfunded pension liability of the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank in accordance with the report of a nationally recognized independent consulting firm, which may be the consulting actuary generally retained by the Barnstable County retirement association, and which amount shall be approved by the public employee retirement administration commission. The report shall also set forth the present value savings to the town reasonably expected to be achieved as a result of the issuance of such bonds or notes.

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may

require the establishment of a reserve to be created from a portion of the amount of the annual savings used to calculate the present value savings. Any such reserve shall be held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, excepted as otherwise provided in this act, shall be subject to the provisions of said section 54.

SECTION 4. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of Nantucket County or the Nantucket Islands Land Bank, each of such entities shall be responsible for reimbursing the town of Nantucket for such proportion of the annual debt service expense paid by the town of Nantucket for bonds or notes issued hereunder as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes as relates to each of such entities. Notwithstanding any general or special law to the contrary, the Public Employee Retirement Administration Commission shall increase the annual amount to be certified under section 22 of the General Laws as the amount necessary to be paid by Nantucket County and the Nantucket County Land Bank as its proportionate share of the annual debt service expense as determined herein. The town of Nantucket shall have the same legal rights and authority as the retirement board of the Barnstable County retirement association to collect any amount so assessed to Nantucket County or the Nantucket Islands Land Bank.

SECTION 5. Notwithstanding chapter 70 of the General Laws or any other general or special law to the contrary, the portion of the annual debt service paid by the town of Nantucket for bonds or notes issued under this act applicable to school department personnel who are members of the Barnstable County retirement association shall be included in the computation of net school spending for the purposes of said chapter 70 or any other law.

SECTION 6. This act shall take effect upon its passage.

ARTICLE 96

(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)

FINANCE COMMITTEE MOTION: Moved that Article II (Legislative Functions), Section 2.5 (Town Meeting Warrant) of the Charter of the Town of Nantucket be amended 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 Charter amendment be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

(c) The ~~Board of Selectmen~~ **Select Board** 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~~ **fourteen** days prior to the Town Meeting.

ARTICLE 97

(Home Rule Petition: Allocate Portion of 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)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 98

(Real Estate: Long-term Lease Authorization/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)

FINANCE COMMITTEE MOTION: Moved that the Airport Commission, as provided by Chapter 90, Section 51F of the General Laws of the Commonwealth of Massachusetts, is hereby authorized 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.

ARTICLE 99

(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 99 Acquisition of 114 Orange Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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.

ARTICLE 100
(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 100 Conveyance of 114 Orange Street," dated January 2020 and filed herewith at the office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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.

ARTICLE 101
(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 101 Acquisition of 64 North Liberty Street" dated January 2020 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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.

ARTICLE 102

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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.

ARTICLE 103

(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 Select deems 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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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 Sale" program on file at Select Board office, any such disposition to be such terms

and conditions as the Select Board deem appropriate, which may include the reservation of easements and restrictions, in the portion of Morgan Square laying 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.

ARTICLE 104

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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.

ARTICLE 105

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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; subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sale" 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.

ARTICLE 106

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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.

ARTICLE 107

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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; subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sale" 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.

ARTICLE 108

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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" located between the northern sideline of Hawthorne Lane and southern sideline of Vestal Street, as shown on a plan on file in the Office of the Town Clerk.

ARTICLE 109

(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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sale" 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.

ARTICLE 110

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 111

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 112

(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)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

INSERT PLANNING BOARD REPORT

&

ZONING ARTICLE GLOSSARY

&

ZONING DISTRICTS BY LAND AREA