Town and County of Nantucket
Select Board • County Commissioners

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

16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE
SELECT BOARD
APRIL 14, 2021 – 5:00 PM
REMOTE PARTICIPATION VIA ZOOM WEBINAR
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020
ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:
https://youtu.be/nrTbFtCscLI

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.

2. DPW: Textile Reuse and Recycling Collection (Drop-off Only) at Take-It-or-Leave-It Area at Landfill to be Held Sunday, April 18, 2021 from 8:00 AM to Noon.

3. Surfside Road Sewer Improvements Project on Surfside Road between Miacomet Avenue and Vesper Lane Ongoing through Friday, June 25, 2021 – Road Blockings and Detours:
   - 4:00 PM to 2:00 AM, Sundays through Thursdays
   - 9:00 AM to 2:00 PM, Fridays
   First Phase is Surfside Road between Miacomet Avenue and Windy Way.
   https://www.nantucket-ma.gov/2106/Surfside-Road-Sewer

IV. COVID-19 WEEKLY UPDATE

1. Public Comment.

2. Report from Human Services Director.

3. Report from Economic Task Force.

4. Other Reports/Comments/Updates.

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

*VI. NEW BUSINESS**

VII. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of April 5, 2021 at 4:00 PM; April 7, 2021 at 5:00 PM.

2. Approval of Treasury Warrants for April 14, 2021.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Public Works: Request for Noise Bylaw Waivers for Spring and Fall Projects:

   a) Town-wide Line Painting (April through June)

   b) Waitt Drive Construction (May through June)

   c) Roadway Mill and Overlay – Easy Street and Lower Broad Street (Fall).

2. Nantucket Preservation Trust: Request for Preliminary Review of Historic Preservation Restrictions to be Held by Nantucket Preservation Trust for:

   a) Nantucket Island School of Design and the Arts (NISDA), 23-25 Wauwinet Road.

   b) 79 Orange LLC, 79 Orange Street.

3. Nantucket Preservation Trust: Request for Letter of Support to Nominate Nantucket for World Monuments Watch List 2022.

IX. PUBLIC HEARING

1. Public Hearing to Consider the Permanent Installation of a Stop Sign on Coffin Street, Siasconset at the Intersection of West Sankaty Road to Create a Three-way Stop.

X. TOWN MANAGER'S REPORT

1. Review Status of Baxter Road Feasibility Assessment.

2. Revisit of Request for Proposals and Term Sheet for Five-year Lease Agreement (2022 – 2026) for Jetties Beach Concession, Retail Shop, Bathhouse and Beach Event Area Regarding Awning (Tabled from April 7, 2021).

3. Review of 2021 Committee/Board/Commission Openings; Review of Modified Committee Appointment Process.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review/Adoption of Select Board Comments to 2021 Annual Town Meeting Warrant Articles.

2. Committee Reports.

XII. ADJOURNMENT

**Identified on Agenda Protocol Sheet*

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.

- All speakers are encouraged to present their remarks in a respectful manner.

- All remarks will be addressed through the Chair of the meeting.

- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 2021

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

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

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

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

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

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

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

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

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

PRINTED ON RECYCLED PAPER

NOW THEREFORE, I hereby order the following:

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

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

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

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

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

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

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

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

Given in Boston at 5:49 PM this 12th day of March, two thousand and twenty.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

TEXTILE REUSE & RECYCLING COLLECTION



Third Sunday of the Month
at the
Take-It-or-Leave-It (TIOLI)
8 AM – NOON

THESE ARE DROP-OFF ONLY EVENTS, EXPECTED TO BE IN PLACE UNTIL THE TIOLI REOPENS AFTER THE PANDEMIC, TO DIVERT THESE UNIVERSALLY NEEDED ITEMS FROM A LANDFILL.

Clean and bagged textiles ONLY
Shoes, belts, handbags, and ripped, stained, and well-loved textiles welcome

Upcoming dates:
Feb. 21, Mar. 21, Apr. 18, May 16, June 20

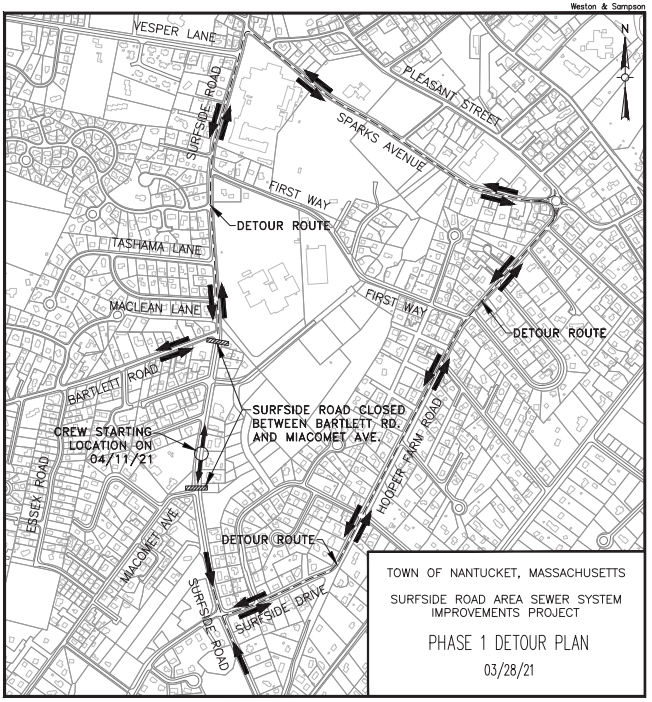
Contact the Department of Public Works with questions:
dpw@nantucket-ma.gov; 508-228-7244

Surfside Road Area Sewer System Improvements Project

NOTICE OF CONSTRUCTION

Construction of the Surfside Road Area Sewer System Improvements Project is scheduled to commence on Sunday, April 11, 2021. The scope of work includes the replacement of the Surfside Road Pump Station and the installation of approximately 3,800 linear feet of gravity sewers tributary to the new Surfside Road Pump Station. The installation of gravity sewers includes Surfside Road from Miacomet Avenue to Vesper Lane and Bartlett Road from Surfside Road to approximately 250 feet west of the Surfside Road intersection.

Construction will commence on the evening of Sunday, April 11, 2021 on Surfside Road between Miacomet Ave. and Windy Way. Considering the depth of excavation in some areas and the significant vehicular and pedestrian traffic volume along Surfside Road, particularly during school drop off and pick up hours, the Nantucket Select Board has granted a waiver of the Town Noise Bylaw to allow work in the evening hours (4pm-2am) until June 25, 2021 to complete the gravity sewer installations within the roadways.



Full road closures will be in effect during construction activities to maintain the greatest level of safety for the construction crew and public. Police detail officers and a resident engineer from Weston & Sampson will be on site throughout to assist abutters with access to and from their properties and manage the detour route around the work zone. Trench paving activities are scheduled for Fridays between 9am-2pm, which will require one lane closures with alternating traffic. All traffic is advised to seek alternate routes to mitigate traffic delays through the project corridor. The figure above depicts the approved detour route and Surfside Road closure locations planned for Phase 1 of the roadway work, which includes all pipeline installations between Miacomet Ave. and Bartlett Road. The Nantucket Sewer Department can be reached at (508) 228-7200 x7800 with any questions.

Residents are encouraged to visit the project webpage on the Town's website at https://www.nantucket-ma.gov/SurfsideRoadSewer for weekly updates on the progress of construction and the proposed schedule.

Agenda Item Summary

Agenda Item #	VIII. 1.
Date	4/14/2021

Staff

Rob McNeil, Public Works Director

Subject

Waiver requests to Town Noise Bylaw:

a. Town-wide Line Painting (centerlines, edgelines, stop lines, crosswalks, arrows, lettering, etc.) (April 19-June 30, 2021) - Contractor to be named.
b. Waitt Drive Construction Project - Utility Connections to Amelia Drive and Old South Road (May 3-June 30, 2021) - CC Construction
c. Roadway Milling/Overlay – Easy Street/Broad Street (Fall 2021) - Contractor to be named.

Executive Summary

DPW may be conducting nighttime construction activities to avoid the high-volume traffic during daytime hours. A waiver to the noise bylaw is required from the Select Board.

Staff Recommendation

Allow a waiver to the Noise Bylaw to allow discretionary flexibility to DPW operations to complete necessary public safety related work at a time that is more convenient to the traveling public.

Background/Discussion

Daytime roadway construction is disruptive to the island residents and businesses that are busy servicing clients/customers. A waiver of the Noise Bylaw would allow discretionary flexibility to DPW operations to complete necessary public safety related work at a time that is more convenient to the traveling public.

Impact: Environmental ☒ Fiscal ☒ Community☒ Other☐

Keeping cars moving and not stuck in traffic reduces idling and unnecessary emmissions. Night work costs more, however budget exists to perform this work at the higher overtime rate. Rather than the entire community suffering the congestion that daytime work brings to major intersections, night work will impact significantly fewer residents and businesses in the form of noise. Loudest equipment is typically the grinder/milling machine to prepare the area before paving/painting.

Board/Commission Recommendation

N/A

Public Outreach

Town Administration – Public Outreach Officer

DPW – direct mailing to abbuters Waitt Drive & Easy Street/Broad Street projects

Inky Ad

Attachments

Example Notice for distribution

TOWN OF NANTUCKET

Department of Public Works
188 Madaket Road
Nantucket, MA 02554

FOR IMMEDIATE RELEASE

Nighttime Pavement Markings Painting

The Department of Public Works and our vendor (name here) will be conducting nighttime painting Town-wide beginning April 19 and continuing through June 30, 2021, weather-permitting. This work includes but is not limited to center and edge lines, arrows, crosswalks, stop bars, lettering, bike sharrows, and other safety related pavement markings.

Please contact the DPW Office (508) 228-7244 ext. 0 if you have questions.

Agenda Item Summary

Agenda Item #	VIII. 2. a & b
Date	4/14/2021

Staff

Erika D. Mooney, Operations Administrator

Subject

Request for preliminary review of Historic Preservation Restrictions for a) NISDA, 23-25 Wauwinet Road and b) 79 Orange LLC, 79 Orange Street, to be held by Nantucket Preservation Trust.

Executive Summary

Pursuant to the Board's Conservation Restriction and Preservation Restriction Policy, when an historic preservation restriction is submitted, it is preliminarily reviewed by the Select Board to give Members opportunity for comments before being sent to Town Counsel for review and an issuance of a report.

a) In 2018, NISDA received Community Preservation Act funding for the preservation of the dairy barn, long shed and silos. The historic preservation restriction is a requirement of the CPA funding.

b) 79 Orange LLC is placing a voluntary historic preservation restriction on the building and property.

Staff Recommendation

Review the historic preservation restrictions and vote to forward them to Town Counsel for review and issuance of reports.

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community☐ Other☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments
Conservation Restriction and Preservation Restriction Policy; cover letter from Nantucket Preservation Trust; draft Historic Preservation Restrictions for a) NISDA, 23-25 Wauwinet Road and b) 79 Orange LLC, 79 Orange Street







TOWN OF NANTUCKET

CONSERVATION RESTRICTION AND PRESERVATION RESTRICTION POLICY
Effective date: February 23, 2011
Adopted: February 23, 2011

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

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

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

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

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

NANTUCKET PRESERVATION TRUST

Preserving the Island's Architectural Heritage

BOARD OF DIRECTORS

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Executive Director
Mary Bergman

April 1, 2021

Ms. Dawn Hill Holdgate, Chair
Select Board
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

Dear Ms. Holdgate,

I am writing with regards to two pending preservation restrictions for the Select Board's review.

23-25 Wauwinet Road, formerly known as the Sea View Dairy Farm, is the current site of the Nantucket Island School of Design and the Arts (NISDA). C.1950, it is the last surviving vestige of Nantucket's dairy farming history. In 2018, NISDA received Community Preservation Act funding for the preservation of the dairy barn, long shed, and silos. This preservation restriction is a requirement of the CPA funding.

79 Orange Street is a c. 1879 structure that was originally a grocery store run by Antone Sylvia, a well-known Portuguese resident of the island, originally born in the Azores. The façade on this structure was salvaged from a sister building, the former Monument Grocery at 106 Main Street—a building that was demolished in 2001 with considerable public controversy. The façade was detached from the structure and saved for future installation. In 2015-2016, the former Sylvia store was rehabilitated, installing the façade from 106 Main Street on its east elevation. The dimensions of the two buildings were substantially identical. 79 Orange now stands as a unique survivor from the Victorian streetscape that included small-scale commercial buildings in residential districts.

We hope the Select Board will agree that these two properties highlight important aspects of Nantucket's cultural and architectural history, and should be preserved in this meaningful way.

With best wishes,

Mary Bergman
Executive Director

11 Centre Street • Post Office Box 158 • Nantucket Island • Massachusetts • 02554 • 508.228.1387
www.NantucketPreservation.org

GRANT OF
HISTORIC PRESERVATION RESTRICTION

THIS HISTORIC PRESERVATION RESTRICTION is made this ____ day of _____, 2021, by and between the Nantucket Island School of Design and the Arts, Inc. (NISDA), a nonprofit Massachusetts entity with a mailing address of Post Office Box 1848, Nantucket, Massachusetts 02554 (hereinafter "Grantor") and the NANTUCKET PRESERVATION TRUST, INC., a nonprofit Massachusetts entity with a mailing address of Post Office Box 158, Nantucket, Massachusetts 02554 (hereinafter "Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of two parcels of land, together with the buildings thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 23-25 Wauwinet Road, being the property shown as Lot 103 on Land Court Plan 6283-12 and Lot 105 on Land Court Plan 6283-13 (hereinafter "the Property"). For Grantor's title, see Certificate of Title Nos. 10132 and 18379 at Nantucket Registry District. See also deed registered on May 18, 1998, Document No. 80244 at Nantucket Registry District, and deed registered on June 9, 1982, as Document No. 25539 at Nantucket Registry District. A description of the Property is attached hereto and incorporated herein by reference as Exhibit A, and copies of the above-referenced plans are attached hereto and incorporated herein by reference as Exhibit B. The Property and existing structures thereon standing are shown upon the Preservation Restriction Site Plan attached hereto and incorporated herein by reference as Exhibit C:

Known historically as "Sea View Farm" from its development as the island's largest and last dairy farm, the buildings that now comprise the Nantucket Island School of Design and the Arts (NISDA) were constructed with standardized components of The James Way, a system of architectural elements and equipment designed to promote "sanitary farming" in the early twentieth century; built in the late 1940s and early 1950s these structures were part of a major modernization of the Sea View Farm and preserve the major agricultural structures that defined the dairy farm. They consist of a large Dairy Barn for fifty cows with an attached Milk Room (hereinafter "the Barn"), two silos one of which is attached to the east elevation of the Barn and the other is free-standing subsequent to the removal in the 1970s of a Heifer Barn to which it was originally attached (hereinafter "the West Silo" and "the East Silo" respectively), and an equipment-storage shed (hereinafter "the Long Shed"). Collectively, these four structures (hereinafter "the Buildings") retain the characteristic architectural elements of their agricultural uses and provide rare surviving examples of farms that once existed to provide dairy products and perishable foods on Nantucket between the late 1840s when the maritime economy declined and the 1960s when the island's expanding tourist/summer visitor economy created land values that rendered farming economically unviable.

In addition to the Buildings, the Property contains a wooden pavilion constructed in 1995 (hereinafter "the Pavilion") that was built for NISDA as an educational program space unrelated to the agricultural history of the Property.

WHEREAS, the Property and the Buildings contribute to the historic setting of the surrounding historic district;

WHEREAS, the Community Preservation Committee of Nantucket (hereinafter the "CPC") has determined that it is important that the property and the exterior of the Buildings be preserved and that they remain available for the benefit of the people of the Town and County of Nantucket, and in support of such interest recommended that Town Meeting appropriate for the Community Preservation Fund the sum of $132,856 to be used for the preservation of the Property and the exterior of the Buildings (hereinafter the "Grant");

WHEREAS, the 2017 Annual Town Meeting, therefore voted under Article 37 to appropriate the funds recommended by the CPC for the Grant and required as a condition of this appropriation that the Grantor convey an appropriate historic preservation restriction to a qualified recipient, a copy of said vote is attached hereto and incorporated herein as Exhibit G;

WHEREAS, Grantee is authorized to accept historic preservation restrictions to protect property significant in local, state, and national history and culture under the provisions of Mass. Gen Laws c. 184, §§31, 32, and 33 (hereinafter "the Act");

WHEREAS, Grantee is a charitable corporation whose primary purposes include the preservation of historically significant buildings and is a qualified to accept preservation restrictions under the Act;

WHEREAS, the Buildings and Property are significant for their architectural design and historic uses that reflect the economic, aesthetic, and cultural history of Nantucket, Massachusetts, and that illustrate historic design, setting, materials, and workmanship;

WHEREAS, because of its architectural, historic, and cultural significance, the Buildings and Property are a contributing resource within the Nantucket Historic District, listed in the National Register of Historic Places and as a National Historic Landmark on November 13, 1966, as amended on October 16, 2013, is included in the Nantucket Historic District established by the Town of Nantucket on June 4, 1970;

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter the "preservation values") and significance of the Buildings and

Property, and have the common purpose of conserving and preserving the aforesaid preservation values and significance of the Buildings and Property;

WHEREAS, the preservation values of the Buildings and the Property are documented in a set of reports, drawings, and photographs (hereinafter the "Baseline Documentation") attached hereto and incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Buildings and Property as of the effective date of this grant;

WHEREAS, the Baseline Documentation shall consist of the following: (1) a Legal Property Description, attached hereto and incorporated herein by reference as Exhibit A; (2) Land Court Plans #6283-12 and #6283-13 copies of which are attached hereto and incorporated herein by reference as Exhibit B; (3) "Preservation Restriction Site Plan in Nantucket, Massachusetts" prepared by Bracken Engineering, Inc. and dated April 30, 2020, a copy of which is attached hereto and incorporated herein by reference as Exhibit C; (4) a set of twenty-seven (27) exterior photographs produced by Mary Bergman, dated October 8, 2020 copies of which are attached hereto and incorporated herein by reference as Exhibit D; and (5) historical documentation consisting of a Massachusetts Historical Commission Inventory Form A of the Property, prepared by Brian Pfeiffer and Betsy Tyler dated July 20, 2019, a copy of which is attached hereto and incorporated herein by reference as Exhibit E, said documentation to be kept on file at the offices of the Grantee.

WHEREAS, the grant of a preservation restriction by the Grantor to Grantee on the Exterior of the Buildings and Property will assist in preserving and maintaining the the Exterior of the Buildings and Property, and their architectural, historic, and cultural features for the benefit of the people of the Town and County of Nantucket, Commonwealth of Massachusetts, and the United States of America; and

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept, a preservation restriction in perpetuity on the Exterior of the Buildings and Property pursuant to the Act;

NOW, THEREFORE, in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and pursuant to the Act, Grantor does hereby voluntarily grant and convey unto the Grantee this preservation restriction (hereinafter "the Restriction"), in perpetuity, over the Exterior of the Buildings and Property, and expressly excluding any and all other property now or hereafter belonging to the Grantor.

1. PURPOSE. It is the Purpose of this Restriction to assure that the architectural, historic, and cultural features of the Exterior of the Buildings and Property and their internal structural elements as defined herein will be retained and maintained as set forth herein forever substantially in their current condition for preservation

purposes and that those original features which have been concealed or removed will be revealed, replaced and repaired as part of a long-term maintenance plan to restore the integrity of the Buildings' original character-defining architectural elements. To these ends, subject to Paragraphs 2 and 3 of this Restriction, the Exterior of the Buildings and will be retained and maintained forever substantially unchanged so that they continue to contribute to the historical setting and significance of the Nantucket Historic District; and any change of the Exterior of the Buildings or Property that will significantly impair or interfere with the preservation values of the Exterior of the Buildings or Property is hereby prohibited.

2. **GRANTOR'S COVENANTS.**

2.1 **Grantor's Covenants: Covenant to Maintain.** Grantor agrees at all times to maintain, replace, repair, and reconstruct the exteriors of the Buildings, as hereinafter set forth, as necessary to preserve the exteriors of the Buildings in substantially the same structural condition and state of repair as that existing on the effective date of this Restriction and to restore historic elements that have been removed with reproduction elements based upon documentation to enhance and strengthen the Buildings' historic appearance subject to review and approval by the Grantee. Grantor's obligation to maintain shall also require that the Property's open space area to the west, north, and east of the Buildings, be maintained in good appearance as open space. Subject to the casualty provisions of Paragraphs 7 and 8 of this Restriction, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the exteriors of the Buildings whenever necessary in accordance with *The Secretary of the Interior's Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (36 C.F.R. 67 and 68), as these may be amended from time to time (hereinafter "the Secretary's Standards"). For the purpose of identifying categories of Major Maintenance requiring review and approval by Grantee and Minor Maintenance that, pursuant to Paragraph 6(c) hereof, does not require such review, copies of maintenance guidelines are attached hereto and incorporated herein by reference as Exhibit F and hereinafter referred to as the "Restriction Guidelines." Grantor's obligation to maintain shall be subject to the provisions of Paragraphs 3.1(f) and 6(b) hereof.

2.2 **Grantor's Covenants: Prohibited Activities.** The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this Paragraph:

(a) the Buildings shall not be demolished, removed, or razed except as provided in Paragraphs 7 and 8 hereof;

(b) nothing shall be erected or allowed to grow on the Property that would block all visibility of the Buildings from Wauwinet Road; vegetation shall be maintained

in a manner that shall not completely obstruct the views of the Buildings from Wauwinet Road;

(c) the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property;

(d) the Property shall not be divided or subdivided in law or in fact, except for minor lot line adjustments that do not result in the creation of additional buildable lots; and

(e) no aboveground utility transmission lines, except those reasonably necessary for the existing Buildings or made pursuant to utility easements already recorded, may be created on the Property.

3. **GRANTOR'S CONDITIONAL RIGHTS.**

3.1 **Conditional Rights Requiring Approval by Grantee.** Without the prior express written approval of Grantee, which approval may not be unreasonably withheld, but which may be subject to such reasonable conditions as Grantee in its discretion may determine, Grantor shall not undertake any of the following actions on the Buildings:

(a) alter the following features of the Buildings, subject, however, to the maintenance covenants of Paragraph 2.1 hereof:

(1) the exterior massing, foundation walls, roof planes, and roof surfaces including without limitation:
   a. the concrete-block base wall of the Barn;
   b. metal roof ventilators on the Barn;
   c. existing dormers and skylights on the Barn or the removal or installation of additional dormers or skylights from the Barn;
   d. the existing brick chimney on the Barn;
   e. the concrete slabs, cylindrical forms and domed metal roofs of the East and West Silos,
   f. roof surfaces of the Barn and Long Shed which may be maintained with asphalt shingles or the installation of solar panels;

(2) exterior architectural features of all elevations including the primary façade (south elevation) and the east, west, and north elevations of the Barn; all elevations of the East and West Silos; and the façade (north elevation), east, south, and west elevations of the Long Shed; such protected architectural features shall include without limitation:
   a. all wood shingle walls, wooden rake boards, window cases, door cases, and wooden trimmings;

b. all doorways and doors, including doorways currently blocked with plywood;
c. all windows and window sash, both wooden and metal sash, including windows currently blocked with plywood;
d. the brickwork and flashings of the existing chimney at the Barn; and
e. the pre-cast concrete panels and exposed metal ring beams that form the walls of the East and West Silos; and

(3) internal timbers, trusses, girts, tie-beams, concrete piers, bearing partitions, and other structural elements necessary to the stability of the exteriors of the Buildings;

(b) erect or replace any external signs or external advertisements except: (i) such plaque permitted under Paragraph 12.8 of this Restriction; (ii) a sign stating solely the address of the Property; (iii) the signs currently located upon the Property; (iv) a sign permitted under Paragraph 6(b); and (v) signs as may approved from time to time by the Nantucket Historic District Commission;

(c) make permanent substantial topographical changes;

(d) construct additional buildings or structures, or enlarge or re-configure existing paving;

(e) change the use of the Buildings and the Property to any use which Grantee reasonably determines would conflict with the Purpose of the Restriction; and

(f) conduct activities identified as Major Maintenance and Minor Maintenance in the Restriction Guidelines that reasonably may be expected to make material changes in the exterior appearance, materials, or workmanship of the protected features of the Buildings, except as otherwise provided herein.

3.2 **Archaeological Activities.** The conduct of archaeological activities, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by Grantor and approved in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (Mass. Gen. Laws, c. 9, §27C, 950 C.M.R. 70.00).

3.3 **Review of Grantor's Requests for Approval.** In connection with Grantee's approval of the conditional rights set forth in Paragraphs 3.1 and 3.2 above, Grantor shall submit to Grantee two copies of information (including plans, specifications, and designs, and Nantucket Historic District Commission application and materials where appropriate) identifying the proposed activity with reasonable specificity. In connection

therewith, Grantor shall also submit to Grantee a timetable for the proposed activity sufficient to permit Grantee to monitor such activity. Within forty-five (45) days of Grantee's receipt of any plan or written request for approval hereunder, Grantee shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case Grantee shall provide Grantor with written suggestions for modification or a written explanation for Grantee's disapproval. Any failure by Grantee to act within sixty (60) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by Grantee of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted so long as the request sets forth the provisions of this Paragraph relating to deemed approval after the passage of time, provided nothing herein shall be construed to permit Grantor to undertake any of the activities prohibited hereunder.

4. **STANDARDS FOR REVIEW.** Grantee shall apply the Secretary's Standards in exercising any authority created by this Restriction to inspect the Property or the exterior of the Buildings or to the extent necessary to inspect the interior of the Buildings for the sole purpose of evaluating any construction to or alteration, repair, maintenance, or reconstruction of the exterior of the Buildings; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Buildings following casualty damage.

5. **PUBLIC ACCESS.** Grantor shall not completely block views of the Buildings from the public right of way on Wauwinet Road either by intentional planting or fencing; Grantor further agrees to permit Grantee to make baseline documentation available to interested members of the public at Grantee's offices and by depositing copies of such baseline documentation in Grantee's library.

6. **GRANTOR'S RESERVED RIGHTS NOT REQUIRING FURTHER APPROVAL BY GRANTEE.** Subject to the provisions of Paragraphs 2.1, 2.2, 3.1 and 3.2 of this Restriction, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by Grantee without further approval by Grantee:

(a) the right to engage in all those activities and uses that: (i) are permitted by governmental statute or regulation; and (ii) are not inconsistent with the Purpose of this Restriction;

(b) the right to maintain a sign similar in size to the "NISDA" sign currently affixed to the façade of the Barn which measures 12" x 60" identifying the owner of the Property and its use as a school; and the right to maintain a glazed display box for notices not to exceed 30" width x 40" height x 6" depth in size affixed to the façade (south elevation) of the Barn;

(c) the right to conduct Minor Maintenance of the Buildings, as such maintenance is defined in the Restriction Guidelines, that is not reasonably expected to make material changes in the exterior appearance, materials, or workmanship of the Buildings, provided such work is done strictly according to the Secretary's Standards, and provided that the Grantor uses in-kind materials, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Buildings. Changes in appearance, materials, or workmanship from that existing prior to the maintenance and repair require the prior approval of the Grantee in accordance with the provisions of Paragraph 3 of this Restriction;

(d) the right to maintain the Pavilion in its current size, configuration, and materials; to enclose portions of the structure beneath the existing roof provided that the Pavilion is not enlarged either in height or in footprint beyond its current dimensions; or to remove the Pavilion;

(e) the right to continue all manner of existing institutional use and enjoyment of the Buildings, the Pavilion, and Property, including but not limited to the right to maintain existing paved walkways, driveway access, parking, and easement areas with the use of same or similar surface materials; the right to maintain existing utility lines and plantings; the right to cut, remove, and clear grass or other vegetation, and the right to perform routine maintenance, landscaping, horticultural activities, and upkeep, consistent with the Purpose of this Restriction and Paragraphs 2 and 3 of this Restriction;

(f) the right to renovate, update, and otherwise alter or change the interiors of the Buildings provided that such renovations, updating or alterations shall not require the removal or alteration of structural elements which would undermine the stability of the exteriors of the Buildings;

(g) the right to conduct in the Buildings or on the Property activities that are not inconsistent with the protection of the preservation values of the Property and the exterior of the Buildings; and

(h) The right to make such modifications to the Buildings as may be required by governmental entities to comply with local, state or federal laws, provided that such changes are reviewed and approved by the Grantee whose approval shall not be unreasonably withheld.

7. **CASUALTY DAMAGE OR DESTRUCTION; INSURANCE.** In the event that the Buildings or any part thereof shall be damaged or destroyed by fire, flood,

windstorm, hurricane, earth movement, or other casualty, Grantor shall notify Grantee in writing within fourteen (14) days of such damage or destruction, such notification to include what, if any, emergency work has already been completed. Grantor shall undertake no repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Buildings and to protect public safety, without Grantee's prior written approval. Within thirty (30) days of the date of damage or destruction, if required by Grantee, Grantor at its expense shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer who are acceptable to Grantor and Grantee, which report shall include the following:

(a) an assessment of the nature and extent of the damage;

(b) a determination of the feasibility of the restoration of the Buildings and/or reconstruction of damaged or destroyed portions of the Buildings; and

(c) a report of such restoration/reconstruction work necessary to return the Buildings to the condition existing as of the date hereof.

8. **REVIEW AFTER CASUALTY DAMAGE OR DESTRUCTION.** If, after reviewing the report provided in Paragraph 7 above and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Buildings in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that restoration/reconstruction of the Property is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction, Grantor may, with the prior written consent of the Grantee, alter, demolish, remove, or raze the Buildings, and/or construct new improvements on the Property. Grantor and Grantee may then agree to seek to extinguish this Restriction in whole or in part in accordance with the laws of the Commonwealth of Massachusetts and Paragraph 14 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 of this Agreement, Grantor and Grantee are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts's arbitration statute then in effect, provided however that nothing

herein shall compel the Grantor to expend funds in excess of those received from insurance proceeds.

9. **Insurance.** Grantor shall keep the Property insured by an insurance company rated "A" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Such insurance shall include the Grantee's interest and name as an additional insured. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Buildings without cost or expense to Grantor or coinsurance from Grantor. Grantor shall deliver to Grantee, within ten (10) business days of the Grantee's written request thereof, certificates of such insurance coverage. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender of the insurance proceeds.

10. **INDEMNIFICATION.** Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, Grantee, its agents, directors, officers, and employees, or independent contractors from and against any and all claims, liabilities, expense, costs, damages, losses, and expenditures (including reasonable attorney's fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Property; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting, or contaminating substance; or other injury, death, or other damage occurring on or about the Property, unless such injury, death, or damage is caused by Grantee or any agent, director, officer, employee, or independent contractor of Grantee. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this Paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property.

11. **TAXES.** Grantor shall pay immediately, when first due and owing, all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property unless Grantor timely objects to the amount or validity of the assessment or charge and diligently prosecutes an appeal thereof, in which case the obligation hereunder to pay such charges shall be suspended for the period permitted by law for prosecuting such appeal and any applicable grace period following completion of such action. In place of Grantor, Grantee is hereby authorized, but in no event required or expected, to make or advance upon three (3) days prior written notice to Grantor any payment relating to taxes, assessments, water rates, sewer rentals and other governmental or municipality charge, fine, imposition, or lien asserted against the Property. Grantee may make such payment according to any bill, statement, or estimate procured from the appropriate public office without inquiry into

the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture. Such payment if made by Grantee shall constitute a lien on the Property.

12. ADMINISTRATION AND ENFORCEMENT

12.1. **Written Notice.** Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be delivered by one of the following methods – by overnight courier postage prepaid, registered, or certified mail with return receipt requested, or hand delivery; if to Grantor, then to the Nantucket Island School of Design and the Arts, 23 Wauwinet Road, P. O. Box 1848 Nantucket, Massachusetts 02554, and if to Grantee, then to Nantucket Preservation Trust, Inc., at 11 Centre Street, P.O. Box 158, Nantucket, Massachusetts 02554.

Each party may change its address set forth herein by a notice to such effect to the other party.

12.2. **Evidence of Compliance.** Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein or that otherwise evidences the status of this Restriction to the extent of Grantee's knowledge thereof.

12.3. **Inspection.** Grantee shall be permitted to conduct an annual inspection of the Property, including the exterior of the Buildings, in order to confirm Grantor's compliance with this Preservation Restriction Agreement. Such inspection shall be conducted at reasonable times and following advance notice to the Grantor of no less than ten (10) days. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

12.4. **Grantee's Remedies.** Grantee may, following thirty (30) days written notice to Grantor, institute suit(s) to enjoin any violation of the terms of this Restriction by *ex parte*, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Property and Buildings to the condition and appearance that existed prior to the violation complained of. Grantee shall also have available all legal and other equitable remedies to enforce Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, which violation has continued more than thirty (30) days after notice by the Grantee to the Grantor, Grantor shall reimburse Grantee for any reasonable costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including court costs and attorney's, architectural, engineering, and expert-witness fees.

In the event that Grantor is required to reimburse Grantee pursuant to the terms of this Paragraph, the amount of such reimbursement until discharged shall constitute a lien on the Property.

Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

12.5 **Notice from Government Authorities.** Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Property received by Grantor from any government authority within ten (10) business days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

12.6 **Notice of Proposed Sale.** Grantor shall promptly notify Grantee in writing of any proposed sale of the Property prior to sale closing.

12.7 **Liens.** Any lien on the Property created pursuant to any Paragraph of this Restriction may be confirmed by judgment and foreclosed by Grantee in the same manner as a mechanic's lien provided in Mass. Gen. Laws c. 254, §5, except that no lien created pursuant to this Restriction shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

12.8 **Plaque.** Grantor agrees that Grantee may provide and maintain a plaque on the Property, which plaque shall not exceed 6 inches by 24 inches in size, giving notice of the significance of the Buildings and the existence of this Restriction. The plaque shall be approved by Grantor prior to installation, such approval not to be unreasonably withheld.

13. **BINDING EFFECT; ASSIGNMENT.**

13.1 **Runs with the Land.** Except as provided in Paragraphs 8 and 14, the obligations imposed by this Restriction shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Buildings and Property. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest, and all persons hereafter claiming by, under, or through Grantor and Grantee, and the words "Grantor" and "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, an owner of the Buildings and the Property shall have no obligation pursuant to this instrument when such owner shall cease to have any ownership interest in the Buildings and the Property by reason of a *bona fide* transfer. The restrictions, stipulations, and covenants contained in this Restriction shall be included by Grantor, by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of the fee simple title to or any lesser estate in the Buildings and the Property or any part hereof, including by way of example and not limitation, a lease of all or a portion of the Property, but excluding any lease with a term of fewer than one hundred twenty (120) days.

13.2 **Assignment.** Subject to Grantor's consent, which consent shall not be unreasonably withheld, Grantee may convey, assign, or transfer this Restriction to a local, state, or national organization that qualifies under the Act to hold preservation restrictions whose purposes, *inter alia*, are to include the preservation of historically significant buildings or sites, or if no such organization agrees to accept such assignment, then to a unit of federal, state, or local government, provided than any such conveyance, assignment, or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out as a condition of the transfer. Grantee shall give Grantor sixty (60) days written notice prior to making any such assignment.

13.3. **Recording and Effective Date.** Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the land records of the County of Nantucket. Grantor and Grantee intend that the restrictions arising under this Restriction take effect on the day and year this instrument is recorded in the land records of the County of Nantucket.

14. **EXTINGUISHMENT**. Grantor and Grantee hereby recognize that circumstances may arise that may make impossible the continued ownership or use of the Property and the Buildings in a manner consistent with the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such circumstances may include, but shall not be limited to, partial or total destruction of the Buildings resulting from casualty. Extinguishment shall meet the requirements of the Act for extinguishment including approvals following public hearings by the Town of Nantucket and the Massachusetts Historical Commission as required by the Act to determine that such extinguishment is in the public interest. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or of any other property received in connection with an exchange or involuntary conversion of the Property) after such extinguishment, all expenses reasonably incurred by Grantor and Grantee in connection with such sale shall be paid out of the sale proceeds; and the net proceeds shall be paid to Grantor unless otherwise ordered by a court or other government authority of competent jurisdiction.

15. **CONDEMNATION.** If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds; and the net proceeds shall be paid to Grantor unless otherwise ordered by a court or other government authority of competent jurisdiction.

16. **INTERPRETATION.** The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction.

(a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Buildings and the Property shall not apply in the construction or interpretation of this Restriction, and this instrument shall be interpreted broadly to effect its Purpose and the transfer of rights and the restrictions on use herein contained.

(b) This instrument may be executed in two counterparts, one of which may be retained by the Grantor, and the other, after recording, to be retained by the Grantee. In the event of any discrepancy between the counterparts produced, the recorded counterpart shall in all cases govern. In the event of any discrepancy between two copies of any documentation retained by the parties, the copy retained by Grantee shall control.

(c) This instrument is made pursuant to the provisions of the Act, but the invalidity of the Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law, or private agreement in existence either now or hereafter. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter thereof.

(d) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

(e) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable

zoning or similar ordinance the Property may be developed to use more intensive (in terms of height, bulk, or other objective criteria related by such ordinances) than the Property and Buildings are devoted as of the date hereof, such development rights shall not be exercisable on, above, or below the Property and the Buildings during the term of the Restriction, nor shall they be transferred to any adjacent parcel and exercised in a manner that would interfere with the Purpose of the Restriction.

17. **AMENDMENT.** If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of the Restriction or the status of Grantee under any applicable laws, including Section 501(c) (3) of the Code and the laws of the Commonwealth of Massachusetts. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit additional development on the Property other than the development permitted by this Restriction on its effective date; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural, historic, and open space values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the land records of the County of Nantucket. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

18. **COMPLIANCE WITH BUILDING LAWS.** Grantor and Grantee recognize that there may be circumstances where alterations are required to be made to the exterior of the Buildings in order to comply with local, state, and/or federal ordinances and laws which might otherwise not be permissible under this Restriction without Grantee's approval. In such event, Grantor agrees to notify Grantee in writing of such requirement and, if requested by Grantee within 45 days of such notification, to cooperate with Grantee in seeking a variance or waiver from such requirement or a modification of such requirement to mitigate any adverse effect of such compliance.

THIS RESTRICTION reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

TO HAVE AND TO HOLD, the said Historic Preservation Restriction, unto the said Grantee and its successors and permitted assigns forever. This HISTORIC PRESERVATION RESTRICTION may be executed in two counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, but both of which together shall constitute one instrument.

EXECUTED and SEALED on _____, 2021.

GRANTOR

Nantucket Island School of Design & the Arts

BY: _____
Kathy Kelm, President

BY: _____
Denese Allen, Treasurer

GRANTEE

Nantucket Preservation Trust, Inc.

BY: _____
Alison Potts, President

BY: _____
Bill Moore, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kathy Kelm in her capacity as President of the Nantucket Island School of Design and the Arts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as President of the Nantucket Island School of Design and the Arts, a nonprofit entity.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared the above-named Denese Allen in her capacity as Treasurer of the Nantucket Island School of Design and the Arts proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as Treasurer of the Nantucket Island School of Design and the Arts , a nonprofit entity.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared the above-named Alison Potts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as President of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared the above-named Bill Moore, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as Treasurer of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

_____
Notary Public
My Commission Expires:

APPROVAL BY THE SELECT BOARD OF THE TOWN OF NANTUCKET

We, the undersigned members of the Select Board of the Town of Nantucket, Massachusetts, hereby certify that at a meeting held on _____, 2021, the Select Board voted to approve the foregoing Grant of Preservation Restriction by the Nantucket Island School of Design and the Arts (NISDA) to the Nantucket Preservation Trust, pursuant to Massachusetts General Laws, Chapter 184, Section 32, as being in the public interest.

Select Board of the
Town of Nantucket

_____ _____

Dawn E. Hill Holdgate, Chairman Jason Bridges, Vice Chairman

_____ _____

Matt Fee Kristie L. Ferrantella

_____

Melissa Murphy

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____

Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Jason Bridges, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Matt Fee, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kristie L. Ferrantella, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Melissa Murphy, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

APPROVAL BY MASSACHUSETTS HISTORICAL COMMISSION
COMMONWEALTH OF MASSACHUSETTS

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Mass. Gen. Laws c. 184, §32.

_____
Brona Simon
Executive Director and Clerk
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

_____,ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it in her capacity as Executive Director and Clerk of the Massachusetts Historical Commission for its stated purposes.

_____
Notary Public

My Commission Expires_____

SCHEDULE OF EXHIBITS

A. Legal Description

B. Registered Land Plans #6283-12 and #6283-13

C. "Preservation Restriction Site Plan in Nantucket, Massachusetts" prepared by Bracken Engineering, Inc. and dated April 30, 2020.

D. Documentary Photographs of the Buildings

E. Massachusetts Historical Commission – Survey Form A

F. Restriction Guidelines

G. 2017 Annual Nantucket Town Meeting, Article 37

EXHIBIT A

Property Description

(Historic Preservation Restriction - Nantucket Island School of Design and the Arts, Inc. to Nantucket Preservation Trust)

Those certain parcels of land, together with the buildings thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 23 and 25 Wauwinet Road, being shown as Lot 103 on Land Court Plan 6283-12, and Lot 105 on Land Court Plan 6283-13 at Nantucket Registry District.

Said premises are subject to the following matters:

(a) Matters set forth on the face of Certificates of Title Nos. 10132 and 18379 at Nantucket Registry District, to the extent in force and applicable.

(b) Grant of Easement and Release of Restrictions dated May 18, 1998, registered with Nantucket Registry District as Document No. 80251.

(c) Notice of Variance granted by the Nantucket Board of Appeals, dated September 23, 1980, registered with Nantucket Registry District as Document No. 24446, as affected by Grant of Variance dated April 2, 1998, registered as Document No. 80239.

(d) Order of Conditions dated May 5, 2020, registered as Document No. 165084 at Nantucket Registry District.

For title, see Certificates of Title Nos. 10,132 and 18,379 at the Nantucket Registry District for the Land Court.

EXHIBIT B

Subdivision Plan of Land in Nantucket, Hayes Engineering, Inc., Surveyors, March 30, 1998 – Registered Land Plan #6283-12

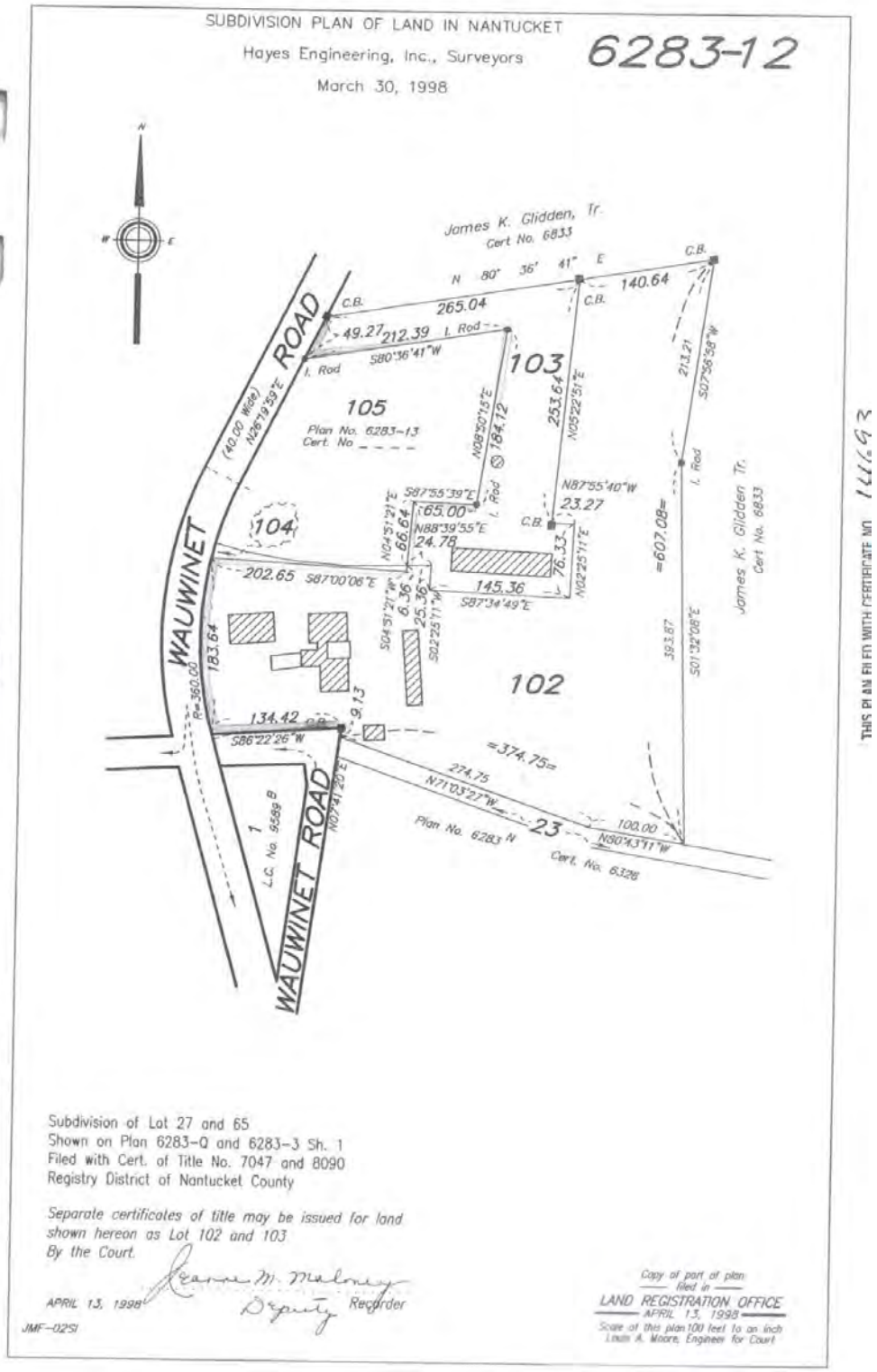


EXHIBIT B

Subdivision Plan of Land in Nantucket, Hayes Engineering, Inc., Surveyors, March 30, 1998 – Registered Land Plan #6283-13

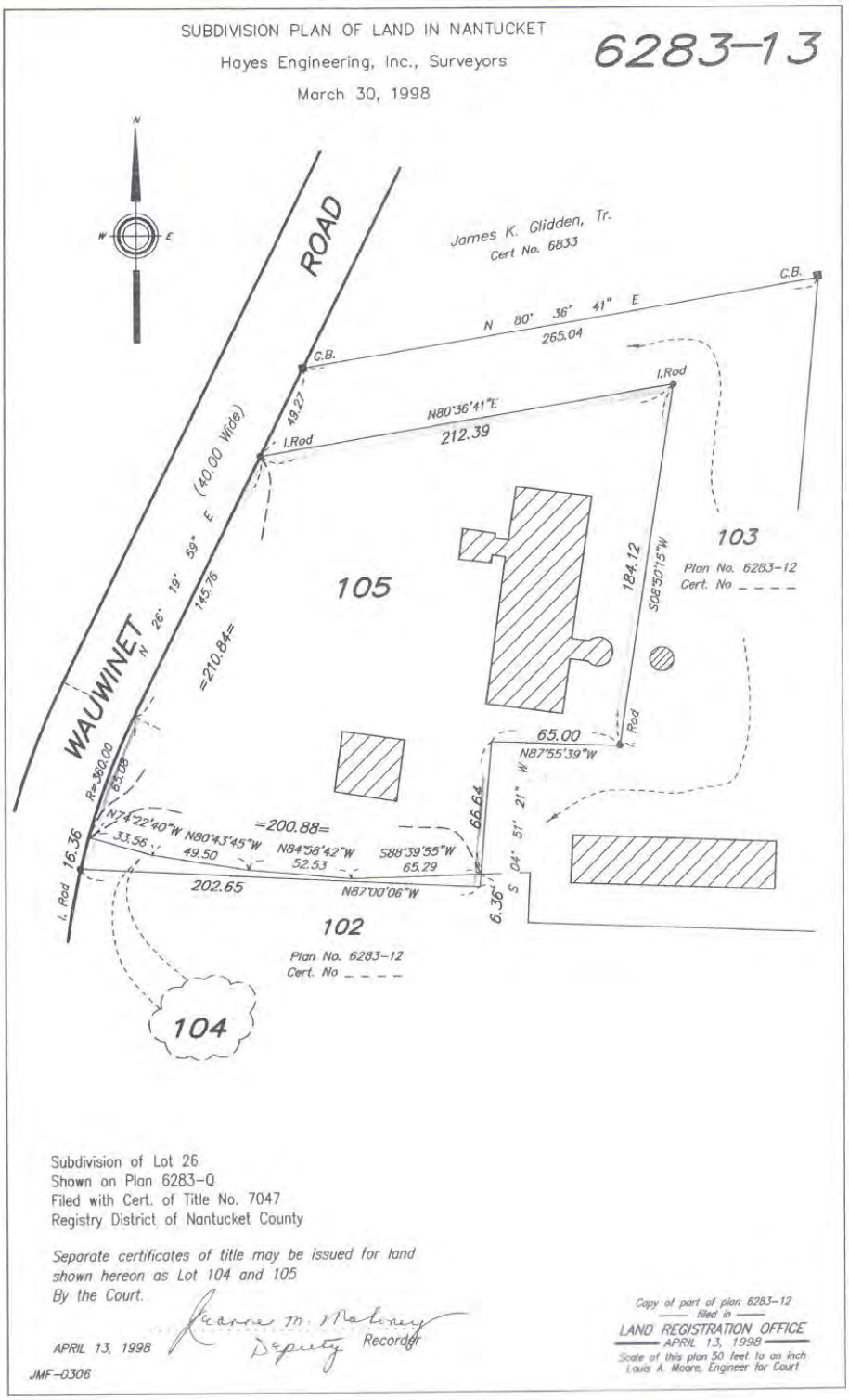


EXHIBIT C

Preservation Restriction Site Plan in Nantucket, Massachusetts" prepared by Bracken Engineering, Inc. and dated April 30, 2020

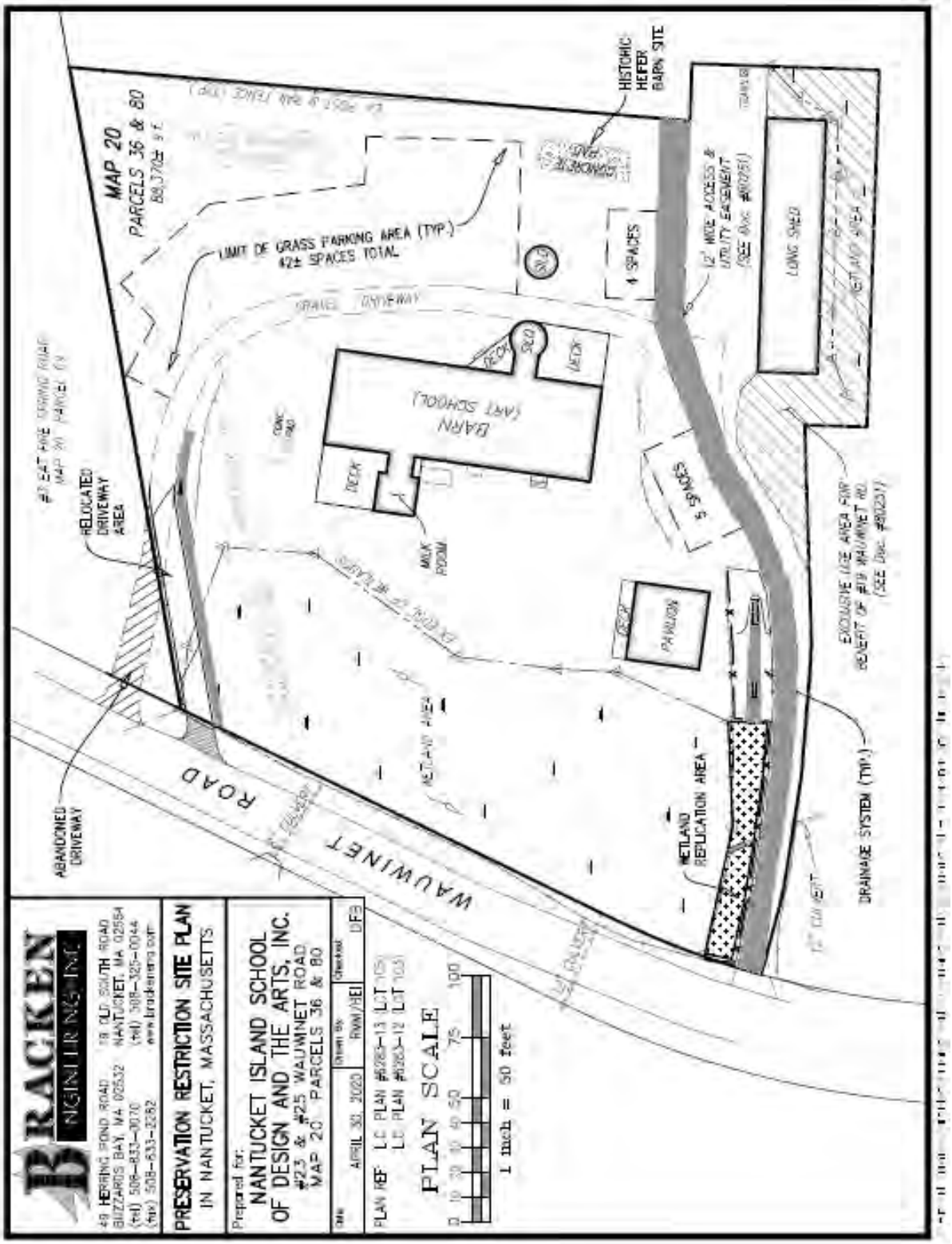


EXHIBIT D



Photo #1 – south elevation of the Barn



Photo #2 – south elevation of the Barn – detail of entry

EXHIBIT D



Photo #3 – south elevation of Barn – detail of gable windows & door



Photo #4 – east elevation of Barn, south elevations of connector to West Silo & Silo

EXHIBIT D



Photo #5 – south elevation of West Silo

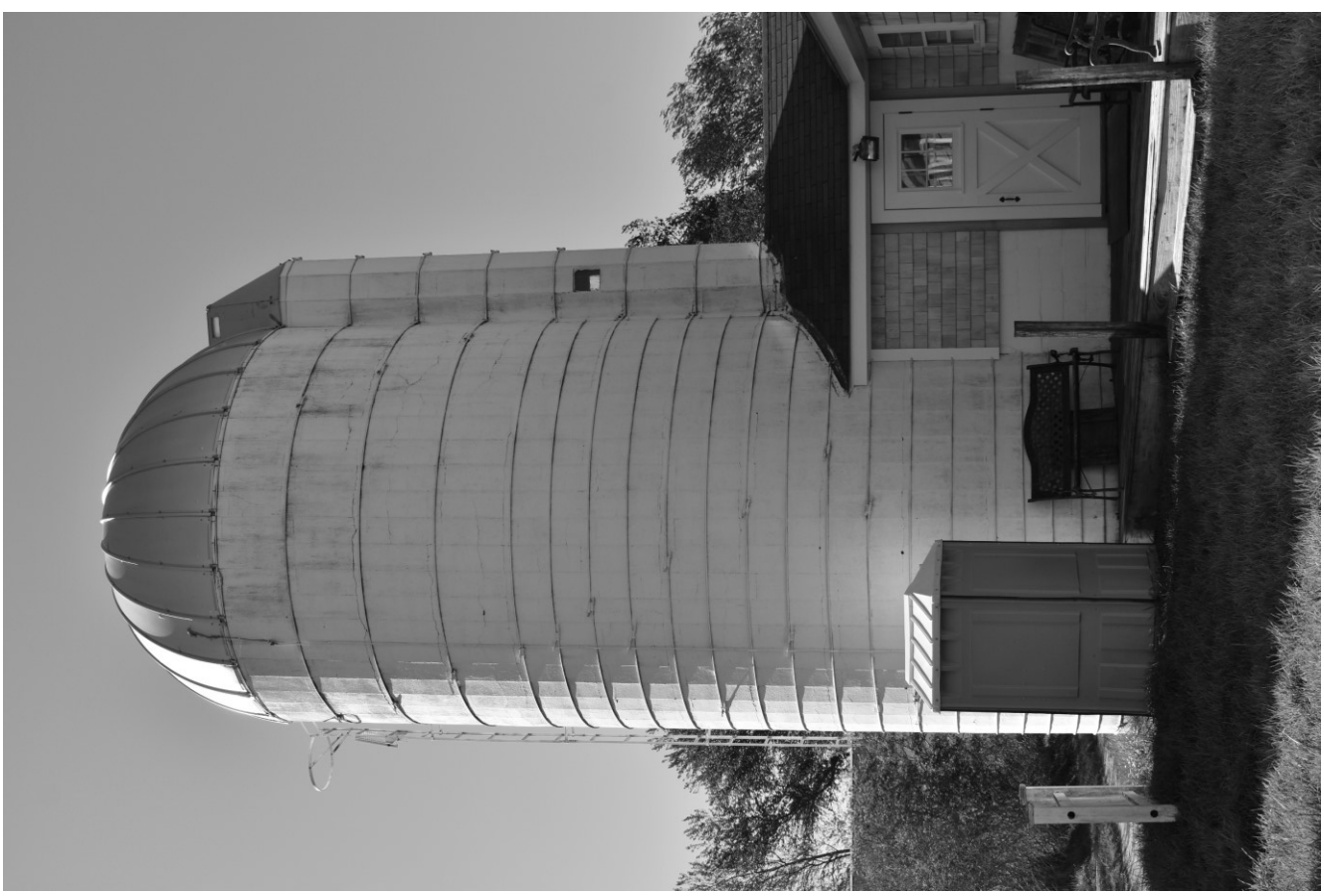


Photo #6 – north elevation of West Silo

EXHIBIT D



Photo #7 – north elevation of West Silo; east & north elevations of Barn



Photo #8 – north elevation – barn door – center doorway

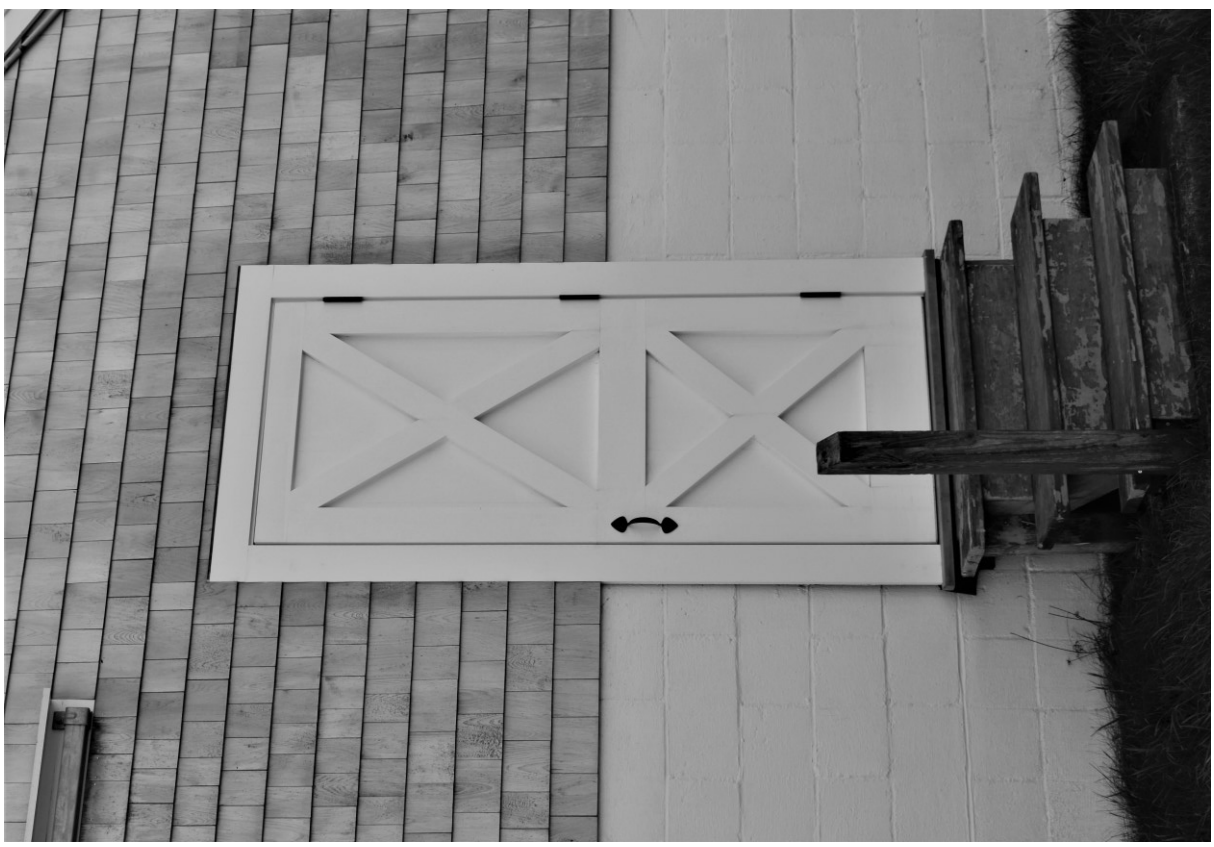


Photo #9 – north elevation – west doorway



Photo #10 – north & west elevations of the Barn; north elevations of the connector, Milk House & deck



Photo #11 – Barn - north façade of connector & Milk House



Photo #12 – Barn - west & south elevations of the Milk House



Photo #13 – Barn – west elevation with west & south elevations of the Milk House (photo left) and the West Sill (background photo right)



Photo #14 – Barn – west elevation at connector to Milk Room (photo left)



Photo #15 – Barn – west elevation (mid-section between the Milk Room connector & south end)

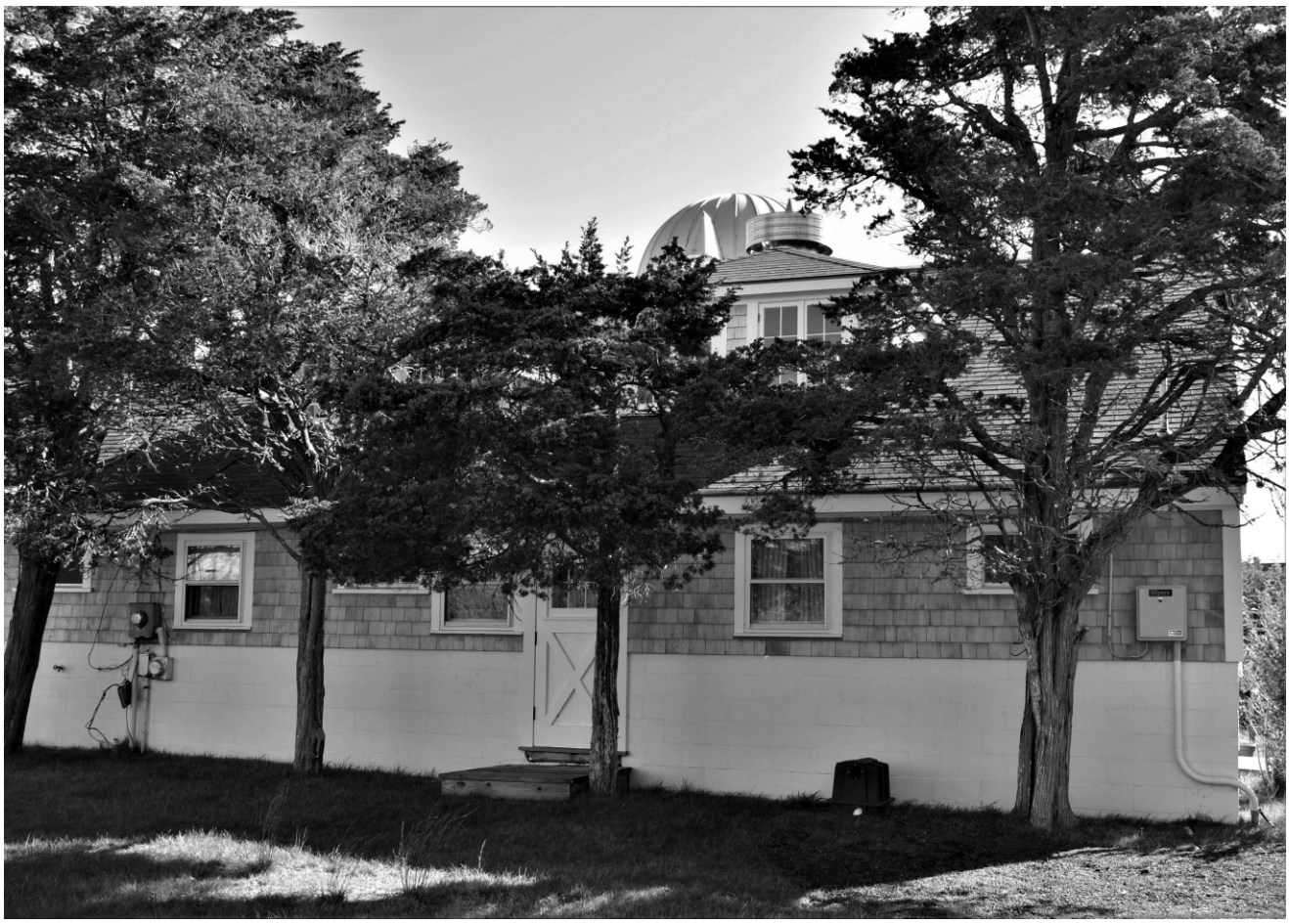


Photo #16 – Barn – west elevation (south end) with dome of West Silo photo background)



Photo #17 – Barn – west elevation – north dorner

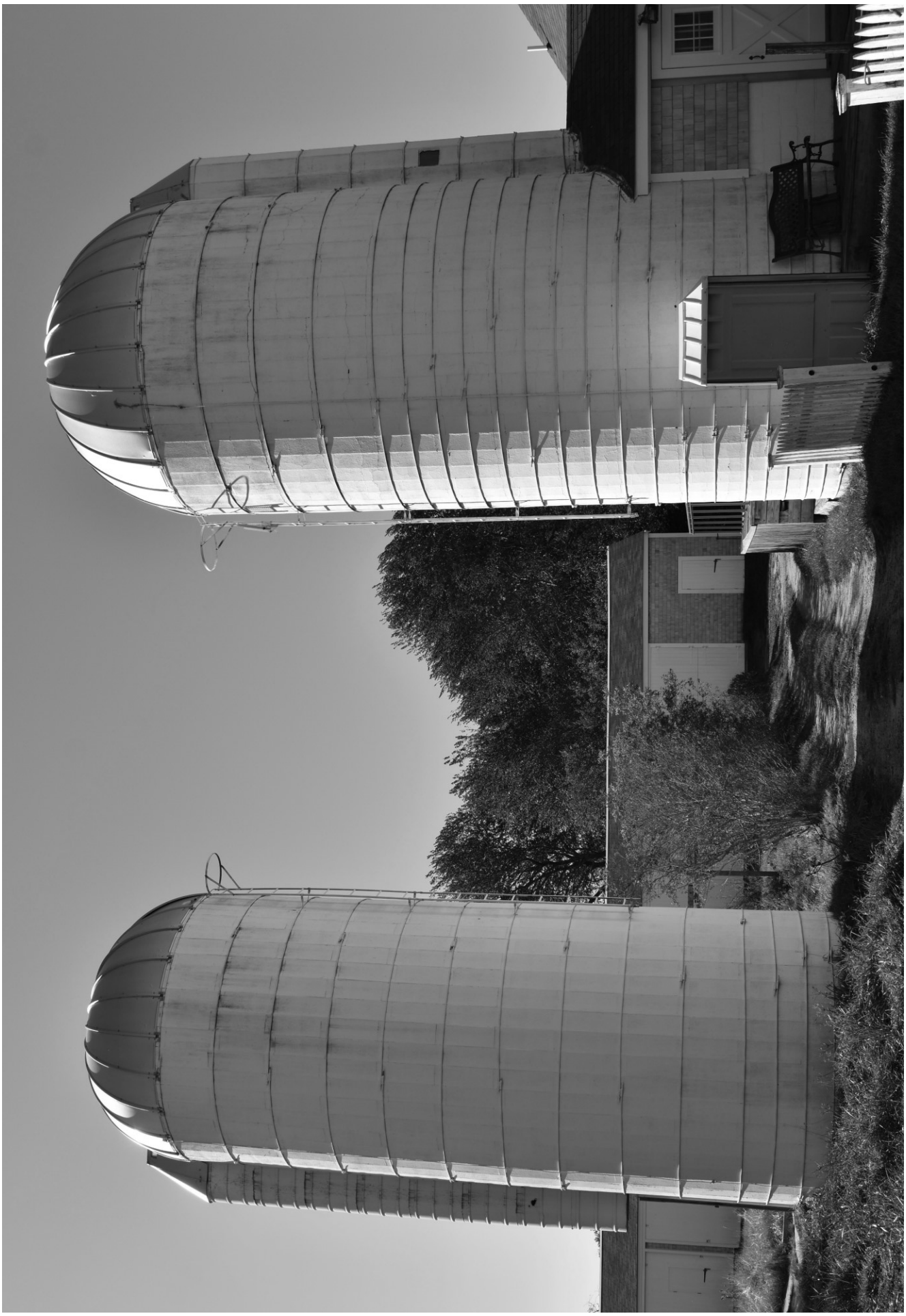


Photo #18 – left to right: East & West Silos – north elevations

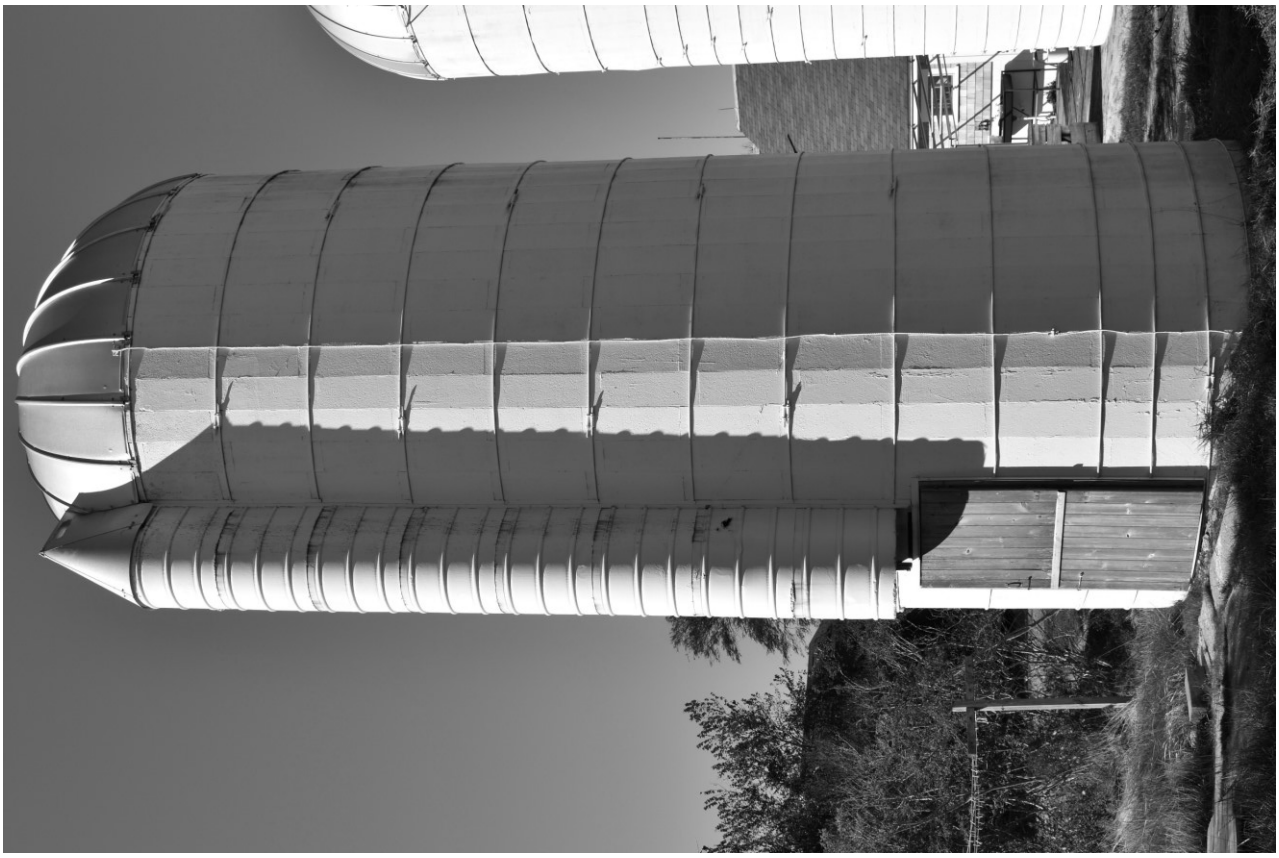


Photo #19 – East Silo – north & east elevations



Photo #20 – Long Shed – north elevation showing typical finishes at western bays



Photo #21 – Long Shed – north elevation



Photo #22 – Long Shed – north elevation - door cut into sliding door at 2nd bay from east



Photo #23 – Long Shed – east elevation



Photo #24 – Long Shed – south elevation – viewed from east end looking westward



Photo #25 – Long Shed – south elevation viewed from west end looking eastward

EXHIBIT D



Photo #26 – Long Shed – west gable elevation



Photo #27 – the Pavilion – north elevation

EXHIBIT E

FORM A - AREA

Assessor's Sheets	USGS Quad	Area Letter	Form Numbers in Area
20-36 & 20-80	Siasconset		

MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

Photograph



Town/City: Nantucket

Place *(neighborhood or village)*: Polpis

Name of Area: Sea View Farm (historic name)
Nantucket Island School of Design & Art

Present Use: art school, studios, classrooms

Construction Dates or Period: 1950-1960

Overall Condition: good

Major Intrusions and Alterations:

Acreage: 2.0 acres

Recorded by: Betsy Tyler & Brian Pfeiffer

Organization: Nantucket Preservation Trust

Date *(month/year)*: March 14, 2020

Locus Map



☒ *see continuation sheet*

EXHIBIT E

INVENTORY FORM A CONTINUATION SHEET

NANTUCKET Sea View Farm

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area Letter | Form Nos.

☐ Recommended for listing in the National Register of Historic Places.
If checked, you must attach a completed National Register Criteria Statement form.

Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.

ARCHITECTURAL DESCRIPTION

Describe architectural, structural and landscape features and evaluate in terms of other areas within the community.

Located at 23-25 Wauwinet Road, the Nantucket Island School of Design occupies the former barnyard and core of the Sea View Dairy Farm on the east side of Wauwinet Road in the Polpis section of Nantucket. Once the center of the island's largest farm, the property contains 88,370 square feet of land on which stand the former Dairy Barn and Milk Room, now the Art School, the East and West Silos, the Long Shed (built as an equipment storage shed, now used as studios), and an open Pavilion. Land west of the buildings is open field and some wetlands along the road; east and north of the buildings is open field that rises eastward. Buildings on the property are:

Former Dairy Barn & Milk Room: Constructed in 1950, the Barn and Milk Room are constructed entirely from elements provided by the James Manufacturing Company which promoted its methods of "sanitary dairy barns" through catalogues of "The James Way" of building and planning dairy farms. The main block of the barn is a simple rectangular structure set on a poured concrete slab and enclosed by a pitched roof with gables at its north and south elevations. Materials of which the building is constructed are uniform at all elevations. All walls sit on a 4' high base of concrete blocks laid in running bond. Above this base, walls are of wood-frame construction clad with weathered wooden shingles and trimmed with painted flat-stock at door & window cases, building corners, and rake boards. The roof is covered with three-tab asphalt shingles.

The facade (south elevation) of the Barn is symmetrically arranged. At the center of the ground floor is a wide doorway containing two leaves of batten construction with ornamental 9-light upper panels. The doors are flanked by wooden six-light casements set above more recent concrete-block infill that marks the dimensions of the original barn doors. The current doorway and windows are contained within the same frame that has a projecting cap of flat stock set at an angle to shed rainwater. This doorway is, in turn, flanked by two metal hoppers containing three lights each; these hoppers and others that match them bear the stamp of the James Manufacturing Company that marks them as part of The James Way system. At the center of the gable are a pair of loading doors of batten construction with six-pane lights as the upper panel of each. Above the loading door is a projecting beam that served hoisting equipment to the loft. Flanking the loading doors are two wooden six-light casements.

The west elevation of the Barn is divided into two sections by the hallway that connects the Milk Room to the building. The southern half of the elevation extends approximately 2/3 of the building's entire length. Reflecting the interior's original use as cow stalls, the south part of the elevation retains three evenly spaced window openings for 3-light hoppers set directly beneath the eaves. Two of these three windows retain original metal sash. These openings have been interspersed by modern openings installed in the 1970s. Between the southernmost two original windows, there are two modern 1/1 wooden windows flanking a batten door with two panels, the lower of which has cross braces and the upper a six-pane light. Between the middle and northern original window opening (now closed with painted wood but retaining its opening) a single 1/1 wooden window has been added. North of this part of the wall (north of an internal chimney) original fenestration remains in the form of three windows set directly beneath the eaves. The southern two of these windows retain their original 3/3 metal sash; the northern window is now closed but retains its original opening. Set between the northernmost blind window and the center 3/3 window is a single added doorway, containing a batten door with two panels framed with cross braces. North of the Milk Room, the west elevation retains its original fenestration consisting of three evenly spaced 3/3 windows with metal sash. The angle created by the west elevation of the Barn and the north elevation of the Milk Room is filled by an open wooden deck (ca. 1970-80). The deck is set on concrete-block piers and

Continuation sheet 1

has wooden stairs centered on its north and west sides. The deck is constructed of unpainted, weathered wood consisting of 4" decking, and a partial perimeter wall of vertical boards with a cap of flat-stock.

The north elevation of the Barn is asymmetrically arranged about a pair of sliding batten barn doors with cross-braced upper and lower panels at the wall's center. West of the double doors, is a single batten door with upper and lower panels framed with cross braces. East of the double doors is a single window with original 3/3 metal sash. The center of the gable has a single 12/12 wooden sash, added in the 1970s

The east elevation of the Barn is divided into two sections by the passage that connects it to the West Silo. The northern portion of the west elevation extends approximately 2/3 the length of the building. This portion of the east elevation contains eight 3/3 window openings, all but one of which retain their original metal sash. The north elevation of the connector to the West Silo contains a single batten door composed of a cross-braced lower panel and a glazed upper panel with six lights. The south elevation of the connector to the West Silo contains a single 3-light hopper with metal sash set beneath the eaves. The southern portion of the east elevation contains a 3/3 metal window at its junction with the connector to the West Silo; moving south it contains a doorway with single batten door composed of a cross-braced lower panel and a glazed upper panel with six lights; next south is a single 3-light hopper with metal sash; and finally at the southeast corner a modern two-panel slider door with single-pane leaves has been added (ca. 1970-80). Filling the angled area created by the southern portion of the west elevation and the south elevations of the connector and West Silo, is an added wooden deck (ca. 1970-80). The deck is constructed of unpainted, weathered wood consisting of 4" decking, and a partial perimeter wall of vertical boards with a cap of flat-stock.

The Milk Room stands out from the west elevation of the Barn to which it is connected by an enclosed corridor. The structure rises from a concrete-block base. The concrete-block walls are capped with a wide wooden bevel that extends back to shingle-clad wood-frame walls. The structure is enclosed by a low hip roof that is connected to the Barn by a pitched roof over the connector. Centered on the south elevation of the connector is a single batten door composed of a cross-braced lower panel and a glazed upper panel with six lights. The south wall of the Milk Room rises from a concrete-block base which has been modified at its west end by the blocking of a former double door. Evidence of the door remains in a concrete apron on grade and in the seam lines between original concrete-blockwork and the infill. Above the concrete-block base, the wall has two widely spaced windows framed with flat stock and containing 4-light metal inward-tilting hopper windows. The west elevation of the Milk Room contains a single 4-light metal hopper centered on the wall. The north elevation contains paired 4-light metal hoppers centered on its wall. The north elevation of the connector contains a single batten door composed of a cross-braced lower panel and a glazed upper panel with six lights.

Roofs: The roof of the Barn is a simple pitched roof covered with asphalt shingles. Evenly spaced along the ridge are three galvanized solid-hood James ventilators. The west slope of the roof has been modified by the addition (ca. 1970-1980) of two wood-frame dormers with hipped roofs at its south end. Each dormer is covered with weathered wood shingle and trimmed with painted flat-stock. The face (west elevation) of each dormer contains two pairs of wood 6-light casements. Moving northward, the roof is penetrated by a flat skylight and a red brick chimney. The east slope of the Barn roof contains 7 skylights unevenly spaced across the length of the roof. All skylights are flat with single-panes. Skylights appear to date from 1970-1980. Roofs of the connectors to the Milk Room and West Silo are simple pitched roofs with no penetrations. The Milk Room is covered by a hipped roof with no penetrations.

West Silo: Set on a poured concrete slab, this structure is made of pre-cast concrete staves set in a circular plan and joined together by iron tension bands. On the west side of the Silo, a nine-sided polygonal projection rises the height of the Silo, presumably for use in feeding sileage into the top of the structure. On the east side, a single iron ladder rises from the head of the first storey to the roof. The Silo is enclosed by a domed roof of galvanized metal with applied ribs covering standing seams between the panels. The roof of the polygonal projection is roofed with the same material rising to a peak. Access to the interior of the Silo is through a doorway on its west elevation contained within the connector to the Barn. The method of construction used for the Silo is illustrated in James Way Catalogues beginning in the early twentieth century at which time the staves were made of terracotta blocks rather than pre-cast concrete.

Continuation sheet 2

East Silo: Set on a poured concrete slab with its floor approximately 2' below current grade, the East Silo is a mirror image of the West Silo with the minor difference that its concrete staves are bound with more closely spaced tension bands than the West Silo. Its ground-level entry was once concealed by a connector to the Heifer Barn which was moved off the property in 1977-78. The former entry is now blocked by a batten door.

Long Shed: Located at the south end of the barnyard, the Long Shed is a one-storey stick-built structure set on a concrete-block footing. Exterior elevations are clad in weathered wood shingles trimmed with painted flat-stock. The structure is enclosed by a lean-to roof, the south slope of which descends to a height slightly less than one storey above current grade. The roof is covered by asphalt shingle. The building's façade (north elevation) contains a series of large sliding and swinging doors to allow access for the storage of agricultural equipment. Moving from west to east, the façade's first bay contains a single pedestrian entry with a batten door made of tongue-and-groove boarding. The next bay contains oversized double doors each leaf of which is divided horizontally to create Dutch doors. Each leaf of this doorway is made of tongue-and-groove boarding framed by flat-stock into a single panel. The next four bays contain single sliding doors made of tongue-and-groove boarding. These doors are hung from iron tracks. The easternmost two bays contain two large sliding doors like those of the central bays except that the door second from the east end has a smaller pedestrian doorway cut into its face.

The east elevation of the Long Shed is a windowless gable end. The rear (south elevation) rises slightly less that one storey on a low wall of concrete block above which the elevation is constructed of wood and clad with shingles. It has 8 windows spaced evenly along its length. Each window contains a 6-light wood sash set in a flat-stock case. The west end is a gable end, the southern portion of which has a partially height wall of concrete block that extends the base of the south wall onto the west. The rest of the elevation is wood-frame construction. Three 6-light windows are evenly spaced across this west elevation.

Pavilion: An open wood-frame structure, the Pavilion stands near the southwest corner of the property set away from the original barnyard buildings. The structure is set on concrete-block piers and wooden posts which frame the structure into two bays' width (east-to-west) and three bays' depth (north to south). A continuous set of steps extends across the north elevation to provide access. The east, south, and west sides of the Pavilion have a low wall formed by the back of a continuous bench that runs the perimeter. The roof is low pitched and is covered with asphalt shingles.

HISTORICAL NARRATIVE

Explain historical development of the area. Discuss how this relates to the historical development of the community.

Now the last surviving vestiges of Nantucket's dairy-farming history, the former barnyard of Sea View Farm preserves a small complex of agricultural buildings constructed from the James Way system of "sanitary" dairy farming that began in the early twentieth century and continued throughout the century.

Although the economy of Nantucket was always dominated by whaling and maritime trade, agriculture has played a changing role. The island's unoccupied moorlands served as grazing for sheep and some household cows during the eighteenth and early nineteenth centuries. The failure of whaling in the mid-nineteenth century led islander to turn to agriculture out of necessity. An interest in new methods, crops, and livestock brought many retired mariners to the field. By 1850, there were more than a hundred small farms on the island. The Nantucket Agricultural Society was founded in 1856, and did much to recognize and encourage local efforts, sponsoring annual exhibitions and awards for animal husbandry and the cultivation of an impressive variety of crops.

Sea View Farm (also known as the Eat Fire Spring Farm) in Squam at the east end of the Great Harbor probably dates back to the eighteenth century. It was owned by the prominent Mitchell family in the 1830s, when it comprised thirty-eight acres. Henry B. Worth acquired the farm in 1905 and expanded the acreage with the purchase of five adjacent parcels.

Continuation sheet 3

The greatly enlarged tract was sold to Henry H. Fay, who subsequently sold the land to men who formed the Eat Fire Spring Farm Company. In 1948, the 400-plus acre farm—the largest on the island—was bought by Sherman J. Sexton of Chicago, who modernized the dairy operation. The Sextons renamed the farm Sea View Farm. On May 13, 1950, the *Inquirer and Mirror* reported: "Stuart Chadwick became the manager of Sea View Farms on Tuesday of this week. . . A new barn is being built on the property on the Wauwinet Road and all new machinery will be installed. The main Dairy Barn with its attached Milking Room and two silos are constructed of elements manufactured by the James Manufacturing Company of Fort Atkinson, Wisconsin. Founded in 1903 by William James, a dairy farmer and blacksmith, built a more efficient cow stanchion that improved the sanitation in dairy barns. This invention and James's ideas about dairy management attracted the attention of a manufacturer in Fort Atkinson, Wisconsin where James moved to help develop a full line of products for dairy farmers, including the design of dairy barns and related structures. In the introduction to the company's 1918 *James Way Catalogue*, James stated:

> It has been the privilege of the James Manufacturing Company to originate Sanitary dairy barn equipment ideas that make it easy to maintain the conditions of cleanliness in the stable required by law; equipment that not only helps in keeping the barn clean but effects great savings of labor, time and feed, forces cows to give more milk and prevents in many ways losses by accidents and disease.

Representative of the late nineteenth and early twentieth-century quest to apply scientific principles to the management of all aspects of contemporary life, the James Way System was one of a number of commercial companies that sought to apply scientific knowledge, modern ideas of motion efficiency, and improved sanitation to farming. To that end, the company developed designs for barns, milk rooms, silos and other related structures which it adapted to the needs of individual clients using standardized elements of its own design. The firm manufactured complete buildings that included metal windows set as hoppers which it recommended over double-hung sash to promote the movement of air, roof-top ventilators, the use of concrete slab floors and concrete-block walls at the lower levels of barns, stanchions, and hoisting equipment for the efficient movement of feed and manure, all of which were shipped for assembly on site. The Barn, Milk Room, and Silos of Sea View Farm preserve a high proportion of these original architectural elements stamped with the James Manufacturing Company's name.

Despite the thorough-going design and layout of the barnyard in 1950 and the assembly of a farm that was very large by Nantucket standards, the venture had a relatively short life due to changing national trends in food production and the acceleration of land values as Nantucket became more dominated by tourism. At the time of the barn's construction, the *Inquirer & Mirror* reported that milk from the farm's herd of Brown Swiss cows would be pasteurized at the Nantucket Dairy on Polpis Road. By 1964, Sea View Farm, under the ownership of Samuel Dunlap, was the only remaining dairy farm on the island and the sole supplier of milk to Nantucket Dairy, which was the only milk processing plant on the island. At that time, the large barn "with some renovations" was described as housing fifty cows. (*Inquirer & Mirror* 10/22/1964)

In 1968, the closing of the Nantucket Dairy marked the end of on-island production of milk. Abraham Glasser, then owner of Sea View Farms, subdivided the extensive farm property. In 1973, Dr. Howard and Hedda Marsh purchased a small parcel of land on which stood the Dairy Barn, Milk Room, and West Silo. The Marshes leased the property to the Nantucket Island School of Design and the Arts (NISDA) beginning in 1979, and the *Inquirer and Mirror* announced: "The Wauwinet Barn at Eat Fire Springs Farm in Wauwinet is the new home of the Nantucket Island School of Design and the Arts. The two-story facility, overlooking Polpis Harbor, will house all of the classrooms and the new office." (10/11/1979). After fundraising for three years, NISDA purchased the property in 1982 converted the Barn into classrooms, studios, and gallery space. Adjacent land with the Long Shed and East Silo was purchased in 2000. The two silos were restored by Amish craftsmen in 2018.

EXHIBIT E

BIBLIOGRAPHY and/or REFERENCES

Inquirer & Mirror. 10/22/1964; 5/13/1950; 10/11/1979; 6/10/1982.

Nantucket Registry of Deeds. Land Court Certificates: 6833 (1973); 7047 (1973); 10,132 (1982).

James Manufacturing Company. *The James Way. Catalogue #24*. (Fort Atkinson, Wisconsin: pub. by The James Manufacturing Co.,1918)
https://ia800207.us.archive.org/4/items/cu31924051998791/cu31924051998791.pdf.

Valmetal-Jamesway Co. website: https://jamesway.valmetal.com/about-us/

Vogel, Robert C. "Common Farm Barns of South Dakota, 1857-1958." National Register Multiple-Resource Nomination, 2008. Online copy: https://history.sd.gov/preservation/docs/FarmBarnsSouthDakotaMPS.pdf

EXHIBIT E

INVENTORY FORM A CONTINUATION SHEET NANTUCKET Sea View Farm

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area Letter | Form Nos.

AREA DATA SHEET – Sea View Farm

Assessors Parcel ID #	MHC #	Historic Name	Address	Date (Source)
20-36		Dairy Barn & Milk Room	23 Wauwinet Road	1950 (I&M)
20-36		West Silo	23 Wauwinet Road	1950 (I&M)
20-36		The Pavilion	23 Wauwinet Road	1995 (NISDA)
20-80		East Silo	25 Wauwinet Road	1950 (I&M)
20-80		The Long Shed	25 Wauwinet Road	ca. 1950-60

Continuation sheet 6

EXHIBIT E

INVENTORY FORM A CONTINUATION SHEET NANTUCKET Sea View Farm

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area Letter | Form Nos.

Representative Photographs



Main Barn & West Silo (south elevations)



Main Barn & Milk Room (north & west elevations

EXHIBIT E

INVENTORY FORM A CONTINUATION SHEET NANTUCKET Sea View Farm

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area Letter | Form Nos.

Representative Photographs (continued)



(left to right) West Silo and Main Barn – north & east elevations



(left to right) East and West Silos – north elevations

Representative Photographs (continued)



Long Shed – north elevation



Pavilion – north elevation

EXHIBIT F

RESTRICTION GUIDELINES

The purpose of these Restriction Guidelines is to clarify the terms of this Historic Preservation Restriction that deal with maintenance and alteration to the Buildings, Property, and the Pavilion. Under Paragraph 3, prior permission from the Nantucket Preservation Trust (NPT) is required for any Minor Maintenance that is reasonably expected to materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance and for any Major Maintenance. Minor Maintenance that is part of ordinary maintenance and repair and does not materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance does not require NPT review and approval.

In an effort to explain what constitutes Minor Maintenance and Major Maintenance, the following list is provided. The list is by no means comprehensive. It is a sampling of common structural alterations.

PAINT
Minor: Exterior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.
Major: Painting or fully stripping decorative surfaces or distinctive stylistic features, including murals, stenciling, ornamental woodwork, stone, and decorative or significant original plaster.

WINDOWS AND DOORS
Minor: Regular maintenance including caulking, painting, and necessary re-glazing. Repair or in-kind replacement of existing individual decayed window parts.
Major: Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

EXTERIOR
Minor: Spot repair of existing cladding and roofing including in-kind replacement of clapboard, shingles, slates, etc.

Major: Large scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e., removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot or full re-pointing of masonry. Structural stabilization of the property is also considered a major alteration.

EXHIBIT F

LANDSCAPING/OUTBUILDINGS
Minor: Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.
Major: Moving or subdividing buildings or property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, and ground disturbances affecting archaeological resources, installation of paving, or re-location of access driveways.

WALLS/PARTITIONS
Minor: Making fully reversible, temporary exterior changes (i.e. sealing off doors *in situ*, leaving doors and door openings fully exposed).
Major: Creating new openings in exterior walls or permanently sealing off existing openings.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS
Minor: Repair of existing systems.
Major: Installing or upgrading systems which will result in major exterior appearance changes (i.e. exterior ducts, piping, ventilators, HVAC units); the removal of substantial quantities of original materials in the course of construction.

Changes classified as Major Maintenance are not necessarily unacceptable. Under the Historic Preservation Restriction such changes must be reviewed by the NPT in order to assess their impact on the historic integrity of the Property and Buildings. Changes to the Pavilion shall not be regarded as Major Maintenance unless they may result in the enlargement of the structure's footprint or height.

It is the responsibility of the Grantor to notify NPT in writing when any Minor Maintenance that is reasonably expected to materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance or any Major Maintenance is contemplated. Substantial alterations identified as Major Maintenance may necessitate review of plans and specifications.

The intent of this Historic Preservation Restriction is to enable the NPT to review proposed alterations and assess their impact on the integrity of the Property and the Buildings, and to assure that changes to the Pavilion will not expand the structure, not to preclude future change. NPT staff will attempt to work with the Grantor to develop mutually satisfactory solutions which are in the best interests of the Property.

EXHIBIT G

ARTICLE 37
(Appropriation: FY 2018 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2018 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 First phase of digitizing the Nantucket Whaling logbooks and Journals	$40,000
Museum of African American History Fifth phase of restoration; interior carpentry, painting and floor finishes and exterior painting of Boston Higginbotham House, restoration of garage and restoration of driveway and accessible paths.	$225,735
St. Paul's Church Restoration of Bell Tower	$100,000
Nantucket Preservation Trust in collaboration with Preservation Institute Nantucket Completion of database and properties summary for Nantucket interiors inventory	$23,600
American Legion Post 82 Second phase of conservation and restoration of exterior brick walls on east and north facades	$93,000
Nantucket Atheneum First phase, conservation of four historic paintings	$17,500
Nantucket Island School of Design & the Arts Preservation and restoration of two silos and stabilization of long barn	$132,856
St Mary, Our Lady of the Isle Restoration of exterior doorways and entryways, exterior	

EXHIBIT G

painting of all wood trim and foundation and brick repair , and detail carpentry	$55,000
Town of Nantucket, Department of Public Works Restoration and erection of the base of the Sconset Flag Pole	$45,000
Nantucket Town Clerk Phase one of the restoration and microfilming of the Lewis funeral ledgers and burial records	$50,000
Sub-total	**$782,691**
$55,000 of the funds utilized for this category is from the Reserve for Historic Preservation with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Community Housing	
Nantucket Affordable Housing Trust Fund Allocation to the fund subject to the fund obtaining approval from the CPC commissioners before the grant funds are expended on each particular project for affordable housing	$400,000
Nantucket Interfaith Council Housing and rental assistance program	$110,000
Habitat for Humanity Nantucket Inc. Construct additional houses at Sachem's Path and Ticcoma Way	$200,000
Housing Nantucket Rehabilitation of community housing units created with CPA funds	$ 94,204
Sachem's Path Nantucket, LLC Phase two infrastructure	$250,000
HallKeen Management Restoration of the east and south windows in Academy Hill Apartment building	$250,600
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	$112,000
Sub-total	**$1,416,600**
$8,500 of the funds utilized in this category is from the Reserve for Community Housing with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	

EXHIBIT G

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.	$125,000
Linda Loring Foundation Funds to create a shed and for invasive species removal	$16,500
Sustainable Nantucket Community Farm Institute, phase 2 Funds to enclose and prepare and additional 6.5 acres for farming	$85,400
Preservation Institute Nantucket Document historic Nantucket waterfront, identify vulnerable areas, streets, properties and resources and time frame of increased flooding and create tools to assist the community to make informed decisions about protection and adaptation.	$72,105
Sub-total	**$299,005**
$60,000 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	$120,000
Sub-total	**$120,000**
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
TOTAL	**$2,618,500**
All amounts to be appropriated from the following sources:	
SOURCES	**AMOUNT**
Raised and appropriated from FY 2018 Community Preservation Surcharge	$2,087,000
From State matching funds for FY 2017, to be received in 2018	$ 395,000
From Interest	$ 13,000

EXHIBIT G

From Designated Reserves for Historic Preservation	$ 55,000
From Designated Reserves for Open Space	$ 60,000
From Designated Reserves for Community Housing	$ 8,500
Total Revenues	$ 2,618,500
For fiscal year 2018 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 2018 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 2018 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 First phase of digitizing the Nantucket Whaling logbooks and Journals	$40,000
Museum of African American History Fifth phase of restoration; interior carpentry, painting and floor finishes and exterior painting of Boston Higginbotham House, restoration of garage and restoration of driveway and accessible paths.	$225,735
St. Paul's Church Restoration of Bell Tower	$100,000
Nantucket Preservation Trust in collaboration with Preservation Institute Nantucket	

EXHIBIT G

Completion of database and properties summary for Nantucket interiors inventory	$23,600
American Legion Post 82 Second phase of conservation and restoration of exterior brick walls on east and north facades	$93,000
Nantucket Atheneum First phase, conservation of four historic paintings	$17,500
Nantucket Island School of Design & the Arts Preservation and restoration of two silos and stabilization of long barn	$132,856
St Mary, Our Lady of the Isle Restoration of exterior doorways and entryways, exterior painting of all wood trim and foundation and brick repair , and detail carpentry	$55,000
Town of Nantucket, Department of Public Works Restoration and erection of the base of the Sconset Flag Pole	$45,000
Nantucket Town Clerk Phase one of the restoration and microfilming of the Lewis funeral ledgers and burial records	$50,000
Sub-total	$782,691
$55,000 of the funds utilized for this category is from the Reserve for Historic Preservation with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Community Housing	
Nantucket Affordable Housing Trust Fund Allocation to the fund subject to the fund obtaining approval from the CPC commissioners before the grant funds are expended on each particular project for affordable housing	$400,000
Nantucket Interfaith Council Housing and rental assistance program	$110,000
Habitat for Humanity Nantucket Inc. Construct additional houses at Sachem's Path and Ticcoma Way	$200,000
Housing Nantucket Rehabilitation of community housing units created with CPA funds	$94,204
Sachem's Path Nantucket, LLC Phase two infrastructure	$250,000
~~HallKeen Management~~ ~~Restoration of the east and south windows in Academy Hill Apartment building~~	~~$250,600~~

EXHIBIT G

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	$112,000
Sub-total	~~$1,416,600~~ $1,166,000
$8,500 of the funds utilized in this category is from the Reserve for Community Housing with the balance of the funds to be used in this category 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.	$125,000
Linda Loring Foundation Funds to create a shed and for invasive species removal	$16,500
Sustainable Nantucket Community Farm Institute, phase 2 Funds to enclose and prepare and additional 6.5 acres for farming	$85,400
Preservation Institute Nantucket Document historic Nantucket waterfront, identify vulnerable areas, streets, properties and resources and time frame of increased flooding and create tools to assist the community to make informed decisions about protection and adaptation.	$72,105
Sub-total	$299,005
$60,000 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	$120,000
Sub-total	$120,000
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	

EXHIBIT G

TOTAL	~~$2,618,500~~ $2,367,900
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2018 Community Preservation Surcharge	~~$2,087,000~~ $1,836,400
From State matching funds for FY 2017, to be received in 2018	$395,000
From Interest	$13,000
From Designated Reserves for Historic Preservation	$55,000
From Designated Reserves for Open Space	$60,000
From Designated Reserves for Community Housing	$8,500
Total Revenues	~~$2,618,500~~ $2,367,900
For fiscal year 2018 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.	

BOARD OF SELECTMEN COMMENT: At the Annual Town Meeting, the Board intends to move to request restoration of funding in the amount of $250,600 removed by the Finance Committee motion for HallKeen Management for the restoration of the east and south windows in the Academy Hill Apartment building.

GRANT OF
HISTORIC PRESERVATION RESTRICTION

THIS HISTORIC PRESERVATION RESTRICTION is made this ____ day of _____, 2021, by and between the 79 Orange LLC, a Massachusetts corporation with a mailing address of c/o 50 Cliff Road, Nantucket, Massachusetts 02554 (hereinafter "Grantor") and the NANTUCKET PRESERVATION TRUST, INC., a nonprofit Massachusetts corporation with a mailing address of Post Office Box 158, Nantucket, Massachusetts 02554 (hereinafter "Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of that certain parcel of land, together with the building thereon, located in Nantucket, Nantucket County, Massachusetts, now known the Antone Sylvia Grocery Store and numbered as 79 Orange Street, being the property described in Exhibit A, attached hereto and incorporated herein by reference (hereinafter the "Property"), being the same Property shown as Lot A on that certain map entitled "Division Plan of Land in Nantucket, MA, Prepared for 79 Orange LLC," prepared by Blackwell & Associates, Inc, Land Surveyors, dated February 28, 2016 and recorded at the Nantucket County Registry of Deeds on Plan No. 2018-46, a copy of which is attached hereto and incorporated herein by reference as Exhibit B, by virtue of Grantor's deed dated July 29, 2014 and recorded July 30, 2014 in Nantucket County Registry of Deeds in Book 1444, page 75, said Property including the following structures:

> The Antone Sylvia Grocery Store (hereinafter "the Building") is a one-storey, wood-frame commercial structure with a simple rectangular floor plan extended by a lean-to addition at its southwest corner. Built in 1879 and restored in 2015-2016, the building is a notable local example of small-scale Victorian commercial architecture that was once more common within the Nantucket Historic District. The Building stands near the sidewalk at the southwest corner of Orange and West Dover Streets on an irregularly shaped lot with a lawn surrounded by a capped picket fence (south), a narrow passage between the Building and a neighboring structure (west), a narrow unpaved strip of land at West Dover Street (north), and a narrow piece of land filled with a stoop (east). The Building stands on a foundation wall of rubble stone and concrete blocks, above which all elevations are clad with weathered wooden shingles trimmed with flat-stock wood, excepting the east elevation (façade) which has ornate Italianate style trimmings consisting of paneled pilasters, a wide corbeled entablature with and a deep cornice on its gabled parapet. A pre-fabricated, wood-frame garden shed (hereinafter "Garden Shed") installed on site ca. 2015 stands south of the Building

and constitutes a modern element that does not contribute to the historical significance of the Property.

WHEREAS, the Property and the Building contribute to the historic setting of the surrounding historic district;

WHEREAS, Grantee is qualified to accept historic preservation restrictions to protect buildings and sites historically significant for their architecture, associations and/or archaeology under the provisions of Mass. Gen. Laws c. 184, ss. 31, 32, and 33 (hereinafter "the Act")";

WHEREAS, Grantee is a publicly supported, tax-exempt, non-profit organization whose primary purposes include the preservation and conservation of sites, buildings, and objects of local, state, and national significance and is a qualifying recipient of qualified conservation contributions under Section 170(h) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (hereinafter "the Code");

WHEREAS, the Building and Property are significant for its architectural design and historic uses that reflect the economic, aesthetic, and cultural history of Nantucket, Massachusetts, and that illustrate historic design, setting, materials, and workmanship;

WHEREAS, because of its architectural, historic, and cultural significance the Building and Property are a contributing resource within the Nantucket Historic District, listed in the National Register of Historic Places and as a National Historic Landmark on November 13, 1966, as amended on October 16, 2013, is included in the Nantucket Historic District established by the Town of Nantucket on June 4, 1970, is included in the Massachusetts State Register of Historic Places, and was designated a Certified Historic Structure under Section 170(h)(4)(B) of the Code on November 13, 2017;

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter the "preservation values") and significance of the Building and Property, and have the common purpose of conserving and preserving the aforesaid preservation values and significance of the Building and Property;

WHEREAS, the preservation values of the Building and the Property are documented in a set of reports, drawings, and photographs (hereinafter the "Baseline Documentation") attached hereto and incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Building Property as of the effective date of this grant;

WHEREAS, the Baseline Documentation shall consist of the following: (1) "Division Plan of Land in Nantucket, MA, Prepared for 79 Orange LLC, by Blackwell &

Associates, Inc, Land Surveyors, February 28, 2016" a copy of which is attached hereto and incorporated herein by reference as Exhibit B; (2) a set of fourteen (14) exterior photographs produced by Brian Pfeiffer, dated September 27, 2018, copies of which are attached hereto and incorporated herein by reference as Exhibit C; and (3) historical documentation consisting of a Massachusetts Historical Commission Inventory Form B of the Property, prepared by Brian Pfeiffer, dated October 30, 2018, a copy of which is attached hereto and incorporated herein by reference as Exhibit D, said documentation to be kept on file at the offices of the Grantee.

WHEREAS, the grant of a preservation restriction by the Grantor to Grantee on the Property and the exterior of the Building will assist in preserving and maintaining the Property and the exterior of the Building, and its architectural, historic, and cultural features for the benefit of the people of the Town and County of Nantucket, Commonwealth of Massachusetts, and the United States of America; and

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept, a preservation restriction in perpetuity on the Property and the exterior of the Building pursuant to the Act;

NOW, THEREFORE, in consideration of Ten ($10.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, and pursuant to Section 170(h) of the Code and M.G.L. chapter 184, sections 31, 32, and 33, Grantor does hereby voluntarily grant and convey unto the Grantee this preservation restriction (hereinafter "the Restriction") in gross in perpetuity over the Building and the Property.

1. PURPOSE. It is the Purpose of this Restriction to assure that the architectural, historic, and cultural features of the Property and the exterior of the Building as defined herein will be retained and maintained as set forth herein forever substantially in their current condition for conservation and preservation purposes. To these ends, subject to Paragraphs 2 and 3 of this Restriction, the Property and the exterior of the Building will be retained and maintained forever substantially unchanged so that they continue to contribute to the historical setting and significance of the Nantucket Historic District; and any change of the Property or the exterior of the Building that will significantly impair or interfere with the preservation values of the Property or the exterior of the Building is hereby prohibited.

2. **GRANTOR'S COVENANTS.**

2.1 **Grantor's Covenants: Covenant to Maintain.** Grantor agrees at all times to maintain, replace, repair, and reconstruct the exterior of the Building, as hereinafter set forth, as necessary to preserve the exterior of the Building in substantially the same structural condition and state of repair as that existing on the effective date of this Restriction. Grantor's obligation to maintain shall also require that the Property's open

space area to the south of the Building be preserved as open space. Subject to the casualty provisions of Paragraphs 7 and 8 of this Restriction, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the exterior of the Building whenever necessary in accordance with *The Secretary of the Interior's Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (36 C.F.R. 67 and 68), as these may be amended from time to time (hereinafter "the Secretary's Standards"). For the purpose of identifying categories of Major Maintenance requiring review and approval by Grantee and Minor Maintenance that, pursuant to Paragraph 6(c) hereof, does not require such review, copies of maintenance guidelines are attached hereto and incorporated herein by reference as Exhibit E and hereinafter referred to as the "Restriction Guidelines." Grantor's obligation to maintain shall be subject to the provisions of Paragraphs 3.1(f) and 6(b) hereof.

2.2 **Grantor's Covenants: Prohibited Activities.** The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this Paragraph:

(a) the Building shall not be demolished, removed, or razed except as provided in Paragraphs 7 and 8 hereof;

(b) nothing shall be erected or allowed to grow on the Property that would impair the visibility of the Building from Orange or West Dover Streets;

(c) the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property;

(d) the Property shall not be divided or subdivided in law or in fact, except for minor lot line adjustments that do not result in the creation of additional buildable lots; and

(e) no aboveground utility transmission lines, except those reasonably necessary for the existing Building or made pursuant to utility easements already recorded, may be created on the Property.

3. **GRANTOR'S CONDITIONAL RIGHTS.**

3.1 **Conditional Rights Requiring Approval by Grantee.** Without the prior express written approval of Grantee, which approval may not be unreasonably withheld, but which may be subject to such reasonable conditions as Grantee in its discretion may determine, Grantor shall not undertake any of the following actions on the Building:

(a) alter the following features of the Building, subject, however, to the maintenance covenants of Paragraph 2.1 hereof:

(1) the exterior massing, foundation walls, roof planes, and internal wood-frame construction, including:
   a. brick, stone and concrete-block walls of the foundation below and above grade; and
   b. existing roof surfaces which may be maintained with asphalt or wooden shingles, and wooden rake boards;

(2) exterior architectural features of all elevations including the façade (east elevation) and the north, west, and south elevations; such protected architectural features shall include:
   a. all walls including their shingle cladding; corner boards and friezes; window and door cases with their flat-stock trimmings; all existing doors; and all existing sash;
   b. the façade storefront (east elevation), including its flush-board siding, paneled pilasters, and gabled parapet with corbeled cornice; two display windows each of which contains a large lower pane surmounted by three smaller panes and framed by half-round casings; and double doors each leaf of which contains a single recessed panel surmounted by a rectangular light together with the half-round casing that frames the doorway; and
   c. the existing front stairs that extend the length of the façade together with their treads, risers and landing that extends the length of the façade, and the wooden railing at the north end of the stairway;

(b) erect or replace any external signs or external advertisements except: (i) such plaque permitted under Paragraph 12.8 of this Restriction; (ii) a sign stating solely the address of the Property; (iii) the sign currently affixed to the façade of the Building identifying the "Antone Sylvia, Grocer – 1879"; and (iv) a sign permitted under Paragraph 6(b);

(c) make permanent substantial topographical changes, nor remove or replace the capped picket fence along the Orange Street side of the property;

(d) construct additional service structures, or enlarge or re-configure existing service structures or paving;

(e) change the use of the Building and the Property to any use which Grantee reasonably determines would conflict with the Purpose of the Restriction; and

(f) conduct activities identified as Major Maintenance and Minor Maintenance in the Restriction Guidelines that reasonably may be expected to make material changes in the exterior appearance, materials, or workmanship of the protected features of the Building, except as otherwise provided herein.

3.2 **Archaeological Activities.** The conduct of archaeological activities, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by Grantor and approved in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (Mass. Gen. Laws, c. 9, §27C, 950 C.M.R. 70.00).

3.3 **Review of Grantor's Requests for Approval.** In connection with Grantee's approval of the conditional rights set forth in Paragraphs 3.1 and 3.2 above, Grantor shall submit to Grantee two copies of information (including plans, specifications, and designs, and Nantucket Historic District Commission application and materials where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to Grantee a timetable for the proposed activity sufficient to permit Grantee to monitor such activity. Within forty-five (45) days of Grantee's receipt of any plan or written request for approval hereunder, Grantee shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case Grantee shall provide Grantor with written suggestions for modification or a written explanation for Grantee's disapproval. Any failure by Grantee to act within forty-five (45) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by Grantee of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted so long as the request sets forth the provisions of this Paragraph relating to deemed approval after the passage of time, provided nothing herein shall be construed to permit Grantor to undertake any of the activities prohibited hereunder.

4. **STANDARDS FOR REVIEW.** Grantee shall apply the Secretary's Standards in exercising any authority created by this Restriction to inspect the Property or the exterior of the Building or to the extent necessary to inspect the interior of the Building for the sole purpose of evaluating any construction to or alteration, repair, maintenance, or reconstruction of the exterior of the Building; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage.

5. **PUBLIC ACCESS.** Grantor shall not block views of the Building from the public right of way on Orange and West Dover Streets either by intentional planting or fencing; Grantor further agrees to permit Grantee to make baseline documentation available to interested members of the public at Grantee's offices and by depositing copies of such baseline documentation in Grantee's library.

6. **GRANTOR'S RESERVED RIGHTS NOT REQUIRING FURTHER APPROVAL BY GRANTEE.** Subject to the provisions of Paragraphs 2.1, 2.2, 3.1 and 3.2 of this Restriction, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by Grantee without further approval by Grantee:

(a) the right to engage in all those activities and uses that: (i) are permitted by governmental statute or regulation; and (ii) are not inconsistent with the Purpose of this Restriction;

(b) the right to maintain a signboard over the front door of the storefront of the same size as the existing signboard up to a maximum size of four feet (4') in length and eight inches (8") in height, bearing the business name "Flock", and the right to change the name on that sign from time-to-time as business tenancies in the building may change;

(c) the right to conduct Minor Maintenance of the Building, as such maintenance is defined in the Restriction Guidelines, that is not reasonably expected to make material changes in the exterior appearance, materials, or workmanship of the Building, provided such work is done strictly according to the Secretary's Standards, and provided that the Grantor uses in-kind materials, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Building. Changes in appearance, materials, or workmanship from that existing prior to the maintenance and repair require the prior approval of the Grantee in accordance with the provisions of Paragraph 3 of this Restriction;

(d) the right to continue all manner of existing commercial and residential use and enjoyment of the Building and Property, including but not limited to the right to maintain existing paved walkways and handicapped access ramps with the use of same or similar surface materials; the right to maintain existing utility lines and plantings; the right to cut, remove, and clear grass or other vegetation, and the right to perform routine maintenance, landscaping, horticultural activities, and upkeep, consistent with the Purpose of this Restriction and Paragraphs 2 and 3 of this Restriction;

(e) the right to renovate, update, and otherwise alter or change the interior of the Building provided that such renovations, updating or alterations shall not require the removal or alterations of the original structural timbers, trusses, floor beam or other structural elements;

(f) the right to conduct in the Building or on the Property activities that are not inconsistent with the protection of the preservation values of the Property and the exterior of the Building; and

(g) The right to make such modifications to the Building as may be required by governmental entities to comply with local, state or federal laws, provided that such changes are reviewed and approved by the Grantee whose approval shall not be unreasonably withheld.

7. **CASUALTY DAMAGE OR DESTRUCTION; INSURANCE.** In the event that the Building or any part thereof shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, Grantor shall notify Grantee in writing within fourteen (14) days of such damage or destruction, such notification to include what, if any, emergency work has already been completed. Grantor shall undertake no repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and to protect public safety, without Grantee's prior written approval. Within thirty (30) days of the date of damage or destruction, if required by Grantee, Grantor at its expense shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer who are acceptable to Grantor and Grantee, which report shall include the following:

(a) an assessment of the nature and extent of the damage;

(b) a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and

(c) a report of such restoration/reconstruction work necessary to return the Building to the condition existing as of the date hereof.

8. **REVIEW AFTER CASUALTY DAMAGE OR DESTRUCTION.** If, after reviewing the report provided in Paragraph 7 above and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that restoration/reconstruction of the Property is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such

restoration/reconstruction, Grantor may, with the prior written consent of the Grantee, alter, demolish, remove, or raze the Building, and/or construct new improvements on the Property. Grantor and Grantee may then agree to seek to extinguish this Restriction in whole or in part in accordance with the laws of the Commonwealth of Massachusetts and Paragraph 14 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 of this Agreement, Grantor and Grantee are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts's arbitration statute then in effect, provided however that nothing herein shall compel the Grantor to expend funds in excess of those received from insurance proceeds.

9. **Insurance.** Grantor shall keep the Property insured by an insurance company rated "A" or better by Best's as currently insured. Such insurance shall include Grantee's interest and name Grantee as an additional insured. Grantor shall deliver to Grantee, within ten (10) business days of Grantee's written request thereof, certificates of such insurance coverage; provided, however, that whenever the Property is encumbered with a mortgage or deed of trust, nothing contained in this Paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds. If the Grantor conveys the Property to a person or entity, then the subsequent Property owner shall be obligated to keep the Property insured by an insurance company rated "A" or better by Best's for the guaranteed building cost against loss from perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage, such property damage insurance to include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Property and Building without cost or expense to Grantor or contribution or coinsurance from Grantor.

10. **INDEMNIFICATION.** Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, Grantee, its agents, directors, officers, and employees, or independent contractors from and against any and all claims, liabilities, expense, costs, damages, losses, and expenditures (including reasonable attorney's fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Property; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting, or contaminating substance; or other injury, death, or other damage occurring on or about the Property, unless such injury, death, or damage is caused by Grantee or any

agent, director, officer, employee, or independent contractor of Grantee. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this Paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property.

11. **TAXES.** Grantor shall pay immediately, when first due and owing, all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property unless Grantor timely objects to the amount or validity of the assessment or charge and diligently prosecutes an appeal thereof, in which case the obligation hereunder to pay such charges shall be suspended for the period permitted by law for prosecuting such appeal and any applicable grace period following completion of such action. In place of Grantor, Grantee is hereby authorized, but in no event required or expected, to make or advance upon three (3) days prior written notice to Grantor any payment relating to taxes, assessments, water rates, sewer rentals and other governmental or municipality charge, fine, imposition, or lien asserted against the Property. Grantee may make such payment according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture. Such payment if made by Grantee shall constitute a lien on the Property.

12. **ADMINISTRATION AND ENFORCEMENT**

12.1. **Written Notice.** Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be delivered by one of the following methods – by overnight courier postage prepaid, facsimile transmission, registered or certified mail with return receipt requested, or hand delivery; if to Grantor, then to 79 Orange Street LLC, c/o 50 Cliff Road, Nantucket, Massachusetts 02554, and if to Grantee, then to Nantucket Preservation Trust, Inc., at 11 Centre Street, P.O. Box 158, Nantucket, Massachusetts 02554 or to 508-228-1371 for facsimile transmission.

Each party may change its address set forth herein by a notice to such effect to the other party.

12.2. **Evidence of Compliance.** Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein or that otherwise evidences the status of this Restriction to the extent of Grantee's knowledge thereof.

12.3. **Inspection.** Grantee shall be permitted to conduct an annual inspection of the Property, including the exterior of the Building, in order to confirm Grantor's compliance with this Preservation Restriction Agreement. Such inspection shall be conducted at reasonable times and following advance notice to the Grantor of no less

than ten (10) days. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

12.4. **Grantee's Remedies.** Grantee may, following thirty (30) days written notice to Grantor, institute suit(s) to enjoin any violation of the terms of this Restriction by *ex parte*, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Property and Building to the condition and appearance that existed prior to the violation complained of. Grantee shall also have available all legal and other equitable remedies to enforce Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, which violation has continued more than thirty (30) days after notice by the Grantee to the Grantor, Grantor shall reimburse Grantee for any reasonable costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including court costs and attorney's, architectural, engineering, and expert witness fees.

In the event that Grantor is required to reimburse Grantee pursuant to the terms of this Paragraph, the amount of such reimbursement until discharged shall constitute a lien on the Property.

Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

12.5 **Notice from Government Authorities.** Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Property received by Grantor from any government authority within ten (10) business days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

12.6 **Notice of Proposed Sale.** Grantor shall promptly notify Grantee in writing of any proposed sale of the Property prior to sale closing.

12.7 **Liens.** Any lien on the Property created pursuant to any Paragraph of this Restriction may be confirmed by judgment and foreclosed by Grantee in the same manner as a mechanic's lien provided in Mass. Gen. Laws c. 254, §5, except that no lien created pursuant to this Restriction shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

12.8 **Plaque.** Grantor agrees that Grantee may provide and maintain a plaque on the Property, which plaque shall not exceed 6 inches by 24 inches in size, giving notice of the significance of the Building and the existence of this Restriction. The plaque shall be approved by Grantor prior to installation, such approval not to be unreasonably withheld.

13. **BINDING EFFECT; ASSIGNMENT.**

13.1 **Runs with the Land.** Except as provided in Paragraphs 8 and 14, the obligations imposed by this Restriction shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Building and Property. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest, and all persons hereafter claiming by, under, or through Grantor and Grantee, and the words "Grantor" and "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, an owner of the Building and the Property shall have no obligation pursuant to this instrument when such owner shall cease to have any ownership interest in the Building and the Property by reason of a *bona fide* transfer. The restrictions, stipulations, and covenants contained in this Restriction shall be included by Grantor, by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of the fee simple title to or any lesser estate in the Building and the Property or any part hereof, including by way of example and not limitation, a lease of all or a portion of the Property, but excluding any lease with a term of fewer than one hundred twenty (120) days.

13.2 **Assignment.** Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national organization that is a "qualified organization" under Section 170(h) of the Code and that qualifies under the Act as an eligible donee whose purposes, *inter alia*, are to promote preservation of buildings and sites historically significant for their architecture, associations, and/or archaeology, provided than any such conveyance, assignment, or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out as a condition of the transfer.

13.3. **Recording and Effective Date.** Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the land records of the County of Nantucket. Grantor and Grantee intend that the restrictions arising under this Restriction take effect on the day and year this instrument is recorded in the land records of the County of Nantucket.

14. **PERCENTAGE INTERESTS; EXTINGUISHMENT**

14.1 **Percentage Interests.** For purposes of allocating proceeds pursuant to paragraphs 14.2 and 14.3, Grantor and Grantee stipulate that as of the date of this Restriction, Grantor and Grantee are each vested with real property interests in the Property and that such interests have a stipulated percentage interest in the fair market value of the Property and the Building. Said percentage interests shall be determined by the ratio of the value of the Restriction on the effective date of this Restriction to the value of the Property and the Building, without deduction for the value of the Restriction, on the effective date of this Restriction. The values on the effective date of the Restriction shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Code. The parties shall include the ratio of those values with the Baseline Documentation (on file with Grantor and Grantee) and shall amend such values, if necessary, to reflect any final determination thereof by the Internal Revenue Service or court of competent jurisdiction. For purposes of this paragraph, the ratio of the value of the Restriction to the value of the Property unencumbered by the Restriction shall remain constant, and the percentage interest of Grantor and Grantee in the fair market value of the Property thereby determinable shall remain constant, except that the value of any improvements made by Grantor after the effective date of this Restriction is reserved to Grantor.

14.2 **Extinguishment.** Grantor and Grantee hereby recognize that circumstances may arise that may make impossible the continued ownership or use of the Property and the Building in a manner consistent with the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such circumstances may include, but are not limited to, partial or total destruction of the Building resulting from casualty. Extinguishment must be the result of a judicial proceeding in a court of competent jurisdiction and shall meet the requirements of the Act for extinguishment, including approvals by both the Town of Nantucket and the Massachusetts Historical Commission following public hearings to determine that such extinguishment is in the public interest. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or of any other property received in connection with an exchange or involuntary conversion of the Property) after such termination or extinguishment, and after the satisfaction of prior claims and any costs or expenses associated with such sale, Grantor and Grantee shall share in any net proceeds resulting from such sale in accordance with their respective percentage interests in the fair market value of the Property, as such interests are determined under the provisions of paragraph 14.1, adjusted, if necessary, to reflect partial termination or extinguishment of this Restriction. All such proceeds received by Grantee shall be used by Grantee in a manner consistent with Grantee's primary purposes. Net proceeds shall also include, without limitation, net insurance proceeds.

In the event of extinguishment, the provisions of this paragraph shall survive extinguishment and shall constitute a lien on the Property.

14.3 **Condemnation.** If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. After the satisfaction of prior claims and net expenses reasonably incurred by Grantor and Grantee in connection with such taking, Grantor and Grantee shall be respectively entitled to compensation from the balance of the recovered proceeds in conformity with the provisions of paragraphs 14.1 and 14.2 unless otherwise provided by law.

15. **CONDEMNATION.** If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds; and the net proceeds shall be paid to Grantor unless otherwise ordered by a court or other government authority of competent jurisdiction.

16. **INTERPRETATION.** The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction.

(a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Building and the Property shall not apply in the construction or interpretation of this Restriction, and this instrument shall be interpreted broadly to effect its Purpose and the transfer of rights and the restrictions on use herein contained.

(b) This instrument may be executed in two counterparts, one of which may be retained by the Grantor, and the other, after recording, to be retained by the Grantee. In the event of any discrepancy between the counterparts produced, the recorded counterpart shall in all cases govern. In the event of any discrepancy between two copies of any documentation retained by the parties, the copy retained by Grantee shall control.

(c) This instrument is made pursuant to the provisions of the Act, but the invalidity of the Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common

law, or private agreement in existence either now or hereafter. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter thereof.

(d) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

(e) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Property may be developed to use more intensive (in terms of height, bulk, or other objective criteria related by such ordinances) than the Property and Building are devoted as of the date hereof, such development rights shall not be exercisable on, above, or below the Property and the Building during the term of the Restriction, nor shall they be transferred to any adjacent parcel and exercised in a manner that would interfere with the Purpose of the Restriction.

17. **AMENDMENT.** If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of the Restriction or the status of Grantee under any applicable laws, including Section 501(c) (3) of the Code and the laws of the Commonwealth of Massachusetts. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit additional development on the Property other than the development permitted by this Restriction on its effective date; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural, historic, and open space values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the land records of the County of Nantucket. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

18. **COMPLIANCE WITH BUILDING LAWS.** Grantor and Grantee recognize that there may be circumstances where alterations are required to be made to the exterior of the Building in order to comply with local, state, and/or federal ordinances and laws which might otherwise not be permissible under this Restriction without Grantee's approval. In such event, Grantor agrees to notify Grantee in writing

of such requirement and, if requested by Grantee within 45 days of such notification, to cooperate with Grantee in seeking a variance or waiver from such requirement or a modification of such requirement to mitigate any adverse effect of such compliance.

19. SUBORDINATION OF PRIOR LIENS. Grantor represents and warrants to Grantee that the Property is not subject to any mortgages, liens, or leases prior in right to this Restriction other than the following: Mortgage granted by 79 Orange, LLC to The Cape Cod Five Cents Savings Bank, recorded with the Nantucket Registry of Deeds in Book 1486, Page255.

Kate W. Weld, Vice President of The Cape Cod Five Cents Savings Bank has subordinated The Cape Cod Five Cents Savings Bank mortgage to this Restriction with the Assent attached hereto and recorded herewith as Exhibit A-1. Grantor agrees not to enter into or permit other mortgages, liens or leases affecting the Property prior in right to this Restriction.

THIS RESTRICTION reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

TO HAVE AND TO HOLD, the said Historic Preservation Restriction, unto the said Grantee and its successors and permitted assigns forever. This HISTORIC PRESERVATION RESTRICTION may be executed in two counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, but both of which together shall constitute one instrument.

EXECUTED and SEALED on _____, 2021.

GRANTOR

79 Orange LLC

BY: _____
Sheila C. Fee, Manager

GRANTEE

Nantucket Preservation Trust, Inc.

BY: _____
Alison Potts, President

BY: _____
Bill Moore, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Sheila C. Fee, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as Manager of 79 Orange LLC.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared the above-named Alison Potts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as President of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared the above-named Bill Moore, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as Treasurer of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

_____
Notary Public
My Commission Expires:

APPROVAL BY SELECT BOARD OF THE TOWN OF NANTUCKET

We, the undersigned members of the Select Board of the Town of Nantucket, Massachusetts, hereby certify that at a meeting held on _____, 2021, the Select Board voted to approve the foregoing Grant of Preservation Restriction by 79 Orange LLC to the Nantucket Preservation Trust, pursuant to Massachusetts General Laws, Chapter 184, Section 32, as being in the public interest.

Select Board of the
Town of Nantucket

_____ _____
Dawn E. Hill Holdgate, Chairman Jason Bridges, Vice Chairman

Recused _____ _____
Matt Fee Kristie L. Ferrantella

_____
Melissa Murphy

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Jason Bridges, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kristie L. Ferrantella, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss.

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Melissa Murphy, proved to me through satisfactory evidence of identification, which was_____, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose, as a member of the Select Board for the Town of Nantucket.

_____
Notary Public

My Commission Expires: _____

APPROVAL BY MASSACHUSETTS HISTORICAL COMMISSION
COMMONWEALTH OF MASSACHUSETTS

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Mass. Gen. Laws c. 184, §32.

_____
Brona Simon
Executive Director and Clerk
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

_____,ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it in her capacity as Executive Director and Clerk of the Massachusetts Historical Commission for its stated purposes.

_____
Notary Public

My Commission Expires_____

SCHEDULE OF EXHIBITS

A. Legal Description

A-1. Subordination of Mortgage

B. Division Plan of Land in Nantucket, MA – Prepared for 79 Orange LLC, dated February 28, 2016, Blackwell & Associates, Inc, Surveyors, recorded at the Nantucket County Registry of Deeds on Plan No. 2018-46.

C. Documentary Photographs of the Building

D. Massachusetts Historical Commission – Survey Form B

E. Restriction Guidelines

EXHIBIT A

Legal Description

That certain parcel of land, together with the buildings thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 79 Orange Street:

Beginning at a point in the Westerly line of Orange Street that is South 39 degrees 12 minutes and 15 seconds East, 55.34' from the intersection of Orange Street and West Dover Street, said point being a rebar monument at the point of beginning.

Thence, South 55 degrees 01 minutes and 12 seconds West, a distance of 29.33' to a drill hole in a concrete monument.

Thence, North 34 degrees 58 minutes and 48 seconds West, a distance of 14.34' to a drill hole in a concrete monument.

Thence, South 55 degrees 01 minutes and 12 seconds West, a distance of 39.78'.

Thence, North 28 degrees 16 minutes and 27 seconds West, a distance of 38.43'.

Thence, North 33 degrees 43 minutes 46 seconds West, a distance of 15.78' to a point in the Southerly line of West Dover Street.

Thence along the southerly line of West Dover Street, North 67 degrees 17 minutes and 39 seconds East, a distance of 61.61' to the intersection of Orange Street and West Dover Street.

Thence along the Westerly line of Orange Street, South 39 degrees 12 minutes and 15 seconds East, a distance of 55.34' to the point of beginning.

Being Lot A shown on a plan titled "Division Plan Of Land" dated February 28, 2016. Prepared by Blackwell & Associates, Inc.

For title, see deed recorded with Nantucket Deeds in Book 1444, Page 75.

EXHIBIT A-1

SUBORDINATION OF MORTGAGE

The Cape Cod Five Cents Savings Bank, its successors and assigns, the Lending Company, holder of a mortgage from 79 ORANGE, LLC, dated June 12, 2015 and recorded in Book 1486, Page 255 at the Nantucket Registry of Deeds (Subordinated Mortgage) hereby subordinates said mortgage to the following:

1. Grant of Historic Preservation Restriction granted by the Nantucket Preservation Trust, Inc., dated _____, 2021, recorded with the Nantucket Registry of deeds herewith;

SIGNATURE PAGE FOLLOWS

EXHIBIT A-1

Executed as a sealed instrument the 22 day of May 2019.

The Cape Cod Five Cents Savings Bank

Attest

By: K Weld (sign)

Kate W. Weld (print)

Its VP, Commercial Lending (title)

STATE OF Massachusetts

Nantucket County

On this 22 day of May 2019, before me, the undersigned notary public, personally appeared Kate W. Weld, Vice President, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it on voluntarily for its stated purpose.

Official Signature and Seal of Notary Public

My Commission expires: 09/25/2020

LAUREN M ARD
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
September 25, 2020

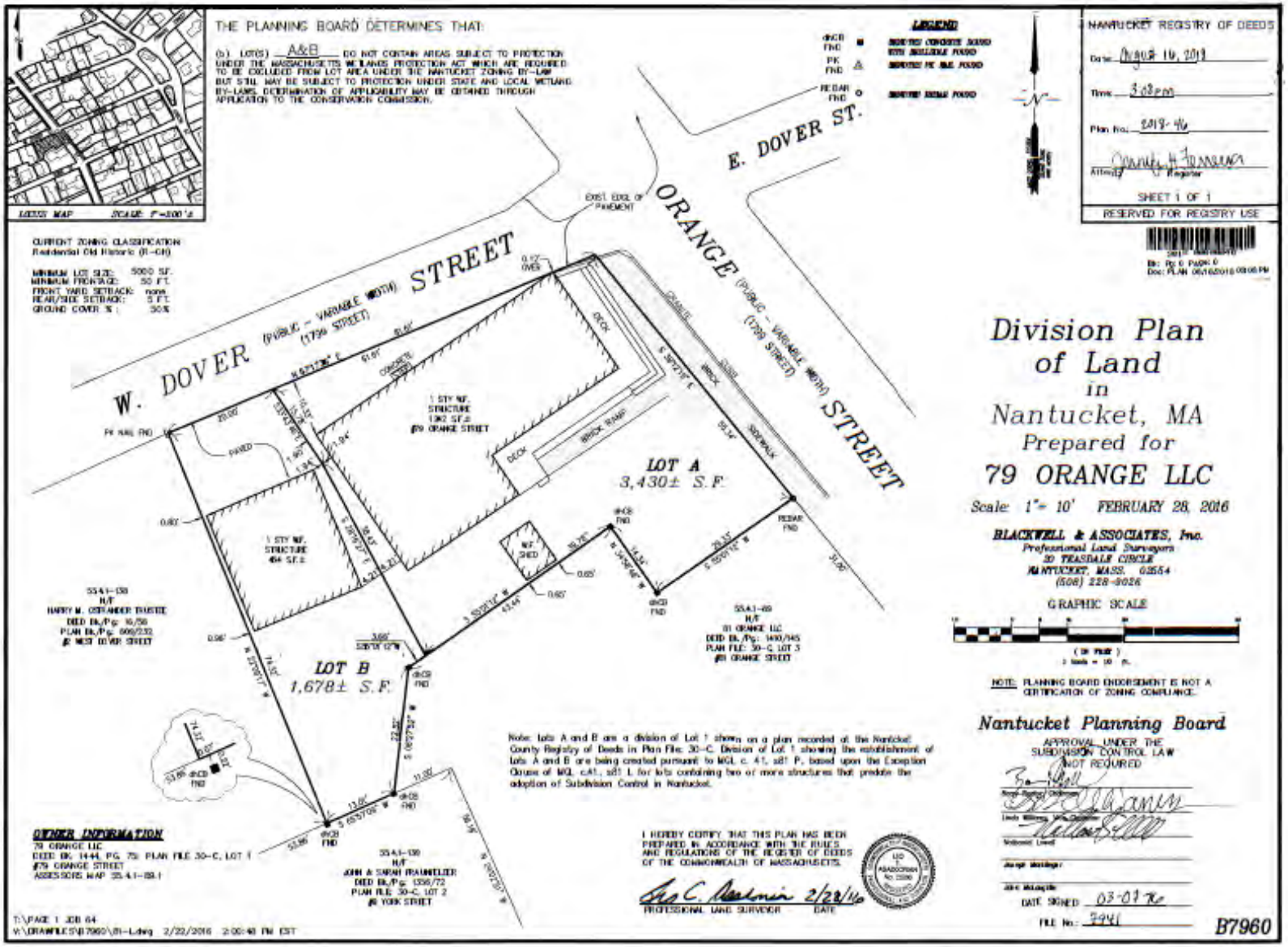

THE PLANNING BOARD DETERMINES THAT:
(b) LOT(S) A&B DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE EXCLUDED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.
LOCUS MAP SCALE: 1"=500'±
LEGEND
NANTUCKET REGISTRY OF DEEDS
Date: August 10, 2018
Time: 3:08 pm
Plan No.: 2018-46
SHEET 1 OF 1
RESERVED FOR REGISTRY USE
CURRENT ZONING CLASSIFICATION
Residential Old Historic (R-OH)
MINIMUM LOT SIZE: 5000 SF.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: none
REAR/SIDE SETBACK: 5 FT.
GROUND COVER %: 30%
W. DOVER STREET (PUBLIC - VARIABLE WIDTH) (1799 STREET)
E. DOVER ST.
ORANGE STREET (PUBLIC - VARIABLE WIDTH) (1799 STREET)
EXIST. EDGE OF PAVEMENT
1 STY WF. STRUCTURE 1362 S.F.± #79 ORANGE STREET
1 STY WF. STRUCTURE 464 S.F.±
WF SHED
DECK
BRICK RAMP
BRICK
SIDEWALK
CONCRETE
PAVED
LOT A
3,430± S.F.
LOT B
1,678± S.F.
S 33-41-138
H/T
HARRY M. OSTRANDER TRUSTEE
DEED BK./Pg: 16/56
PLAN BK./Pg: 006/232
#0 WEST DOVER STREET
S 33-41-139
H/T
81 ORANGE LLC
DEED BK./Pg: 1410/145
PLAN FILE: 30-C, LOT 3
#81 ORANGE STREET
S 33-41-139
H/T
JOHN & SARAH TRAUNFELDER
DEED BK./Pg: 1336/72
PLAN FILE: 30-C, LOT 2
#0 YORK STREET
OWNER INFORMATION
79 ORANGE LLC
DEED BK. 1444, PG. 75; PLAN FILE 30-C, LOT 1
#79 ORANGE STREET
ASSESSORS MAP 33-41-139.1
Note: Lots A and B are a division of Lot 1 shown on a plan recorded at the Nantucket County Registry of Deeds in Plan File: 30-C. Division of Lot 1 showing the establishment of Lots A and B are being created pursuant to MGL c. 41, s81 P, based upon the Exception Clause of MGL. c41., s81 L for lots containing two or more structures that predate the adoption of Subdivision Control in Nantucket.
I HEREBY CERTIFY THAT THIS PLAN WAS BEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
PROFESSIONAL LAND SURVEYOR
2/22/16
DATE
Division Plan of Land in Nantucket, MA Prepared for 79 ORANGE LLC
Scale: 1"= 10' FEBRUARY 28, 2016
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026
GRAPHIC SCALE
NOTE: PLANNING BOARD ENDORSEMENT IS NOT A CERTIFICATION OF ZONING COMPLIANCE.
Nantucket Planning Board
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
DATE SIGNED 03-01-16
FILE No.: 5941
B7960
T:\PAGE 1 JOB 64
W:\DRAWINGS\B7960\81-1.dwg 2/22/2016 2:00:48 PM EST

EXHIBIT B

EXHIBIT C



Photo #1 – façade (east elevation)

EXHIBIT C



Photo #2 – east property line showing capped picket fence and façade

EXHIBIT C

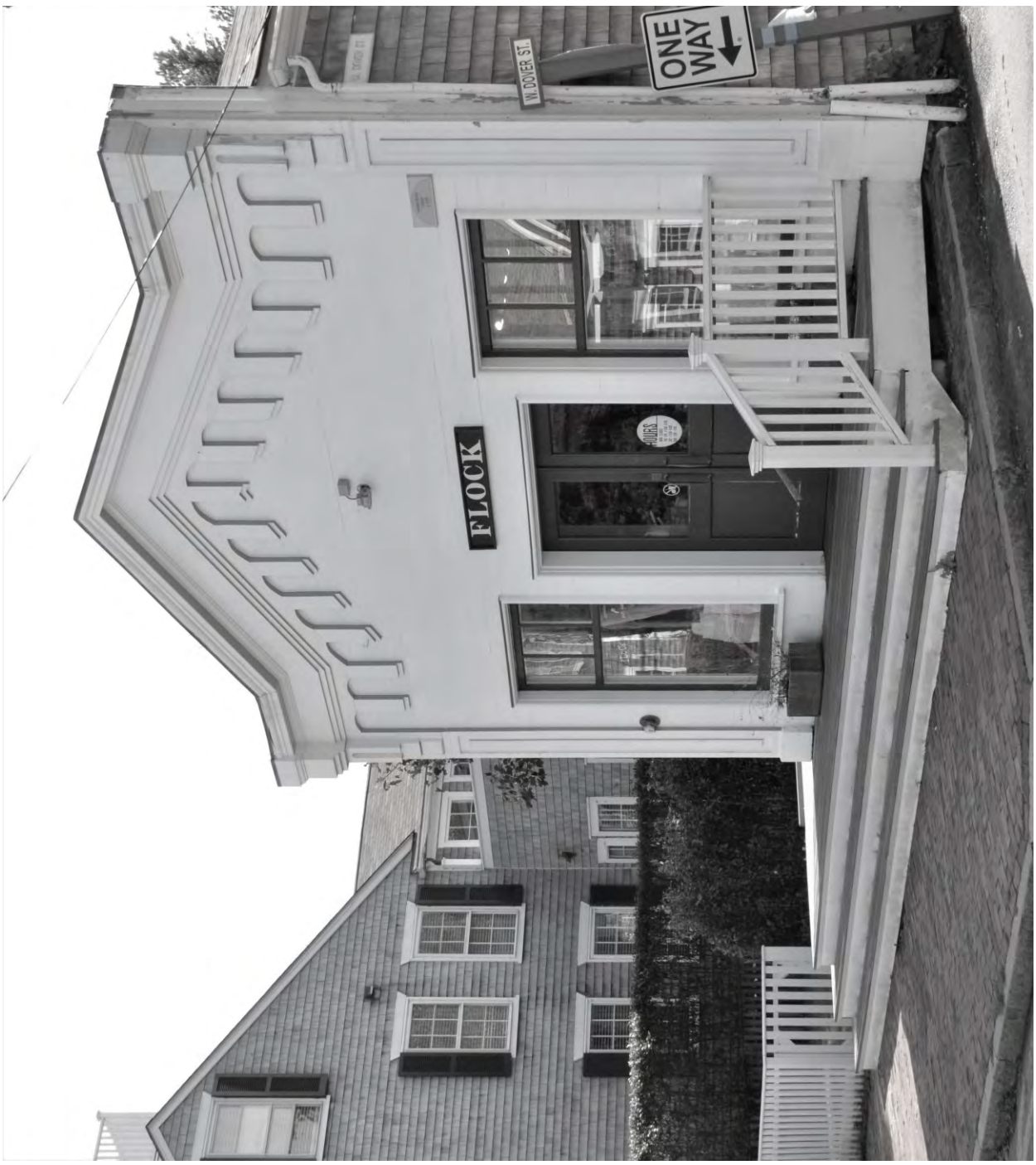


Photo #3 – east elevation (façade)

EXHIBIT C



Photo #4– north elevation

EXHIBIT C



Photo #5– north elevation – door & stoop



Photo #6 – west elevation

EXHIBIT C



Photo #7– west elevation – entry with screen door closed



Photo #8 – west elevation - entry

EXHIBIT C



Photo #9– south elevation



Photo #10 – south elevation - entry

EXHIBIT C



Photo #11 – south elevation and partial east elevation (photo left)

EXHIBIT C



Photo #12 – south yard showing lawn and capped picket fence on Orange Street

EXHIBIT C



Photo #13 – garden shed – north and west elevations



Photo #14 – garden shed – north and east elevations

EXHIBIT D

FORM B – BUILDING

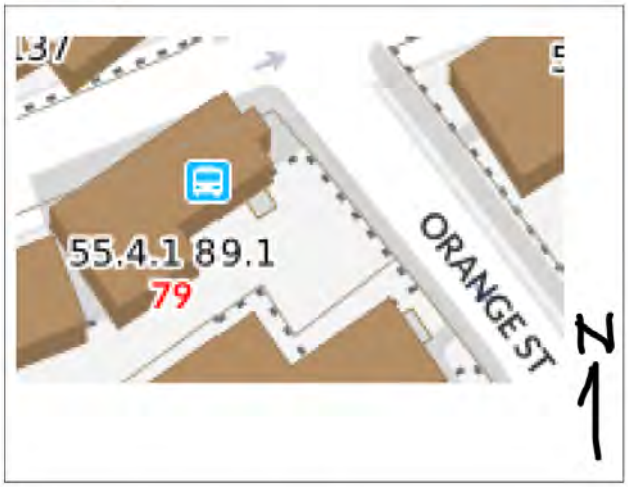
MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

Assessor's Number	USGS Quad	Area(s)	Form Number
55.4.1 89.1	Siasconset	NAN.C NAN.D	

Photograph



Locus Map



Town/City: Nantucket

Place: *(neighborhood or village)*: Old Town Historic Area

Address: 79 Orange Street

Historic Name: Antone Sylvia Grocery

Uses: Present: commercial – yarn store

Original: commercial – grocery store

Date of Construction: 1869 &1879

Source: Deeds

Style/Form: Italianate

Architect/Builder: unknown

Exterior Material:

Foundation: rubble stone & concrete block

Wall/Trim: flush boarding (façade) & shingles (all other elevations)

Roof: asphalt shingles

Outbuildings/Secondary Structures: prefabricated storage shed set on concrete-block footings

Major Alterations *(with dates)*: 2015-16 (repair of existing building & installation of salvaged 1869 façade)

Condition: excellent

Moved: no ☐ yes ☒ **Date:** 2016 (façade only)

Acreage: 3,340 square feet

Setting: densely built residential district of free-standing timber houses at the southwest corner of Orange and West Dover Streets

Recorded by: Brian Pfeiffer & Mary Bergman

Organization: Nantucket Preservation Trust

Date *(month / year)*: December 15, 2020

12/12 *Follow Massachusetts Historical Commission Survey Manual instructions for completing this form.*

EXHIBIT D

INVENTORY FORM B CONTINUATION SHEET NANTUCKET 79 Orange Street

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.
NAN.C & NAN.D

☐ Recommended for listing in the National Register of Historic Places.
If checked, you must attach a completed National Register Criteria Statement form.

Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.

ARCHITECTURAL DESCRIPTION:
Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.

The former Antone Sylvia Grocery Store is an Italianate style, one-storey structure of wood-frame construction set on a frost wall of rubble stone and concrete block which encloses a shallow crawl space. The original structure is constructed of a mixture of salvaged heavy timbers from earlier timber-frame structures and sawn stock from 1879; it is enclosed by a low-pitched, asphalt-shingled roof, the ridge of which extends east to west perpendicular to the Orange Street. A small addition with a shed roof was added to the west end of the building's south elevation around 1950-60. The façade (east elevation) has a false front with a gabled parapet and Italianate style ornamental details. All other sections of the building are undecorated and clad in weathered shingles trimmed with flat-stock boards; windows are set in flat-stock casings with 2" sills and wooden storm windows except as noted. Fenestration is irregular except at the façade.

As originally constructed, the façade (east elevation) contained a pair of double doors flanked by two display windows with 15/15 pane glazing; all openings were trimmed with half-round mouldings. Each end of the façade was trimmed with wooden quoins that rose to a wide entablature with a paneled frieze, brackets, and a deep cornice. This arrangement was partially modified in the early twentieth century by the introduction of new shop windows composed of large single lights surmounted by three narrower panes. Later in the twentieth century (ca. 1950-60), ornamental wooden trimmings were removed and the façade was shingled. At the same time double doors were replaced with a narrower single door and a one-bay gabled vestibule was added in front of the entry.

In 2015-16, the façade was restored with the installation of a salvaged façade of nearly identical detail and dimensions built at 106 Main Street in 1869 for the same original owner as 79 Orange Street. This façade was salvaged for re-installation when that building was demolished in 2001. As the façade currently stands, it is symmetrically arranged about a pair of double doors (fabricated 2015-16) each leaf of which is composed of a recessed panel surmounted by a rectangular light. Flanking the doorway are two display windows, each of which is composed of a large plate-glass light surmounted by a narrower panel of three lights; these windows were retained from the existing building fabric found at 79 Orange Street, as they closely matched the widths of display windows on the salvaged façade from 106 Main Street. Ends of the façade are trimmed with paneled pilasters that rise to stylized brackets and a wide corbeled entablature salvaged from 106 Main Street. All other flat sections of the façade are finished with horizontal flush boarding and half-round mouldings at openings that match original conditions at both 106 Main Street and 79 Orange Street. Extending along the base of the façade and connected on the south to a handicapped access ramp is a stoop composed of three steps and broad platform. The north end of the platform has a contemporary wooden railing compose of square balusters and newels with pyramidal caps.

A second portion of east elevation extends from the south elevation and is part of the shed addition (1950-60). It contains a single set of paired windows with 6/6 single-glazed sash that date from the first half of the twentieth century.

Continuation sheet 1

The north elevation is asymmetrically arranged. It rises from a low base of rubble masonry that is largely concealed by lead flashing. A wooden door (ca. 1900) flanked by two windows stand near the center of the elevation. The doorway is cased with flat stock and approached from a single concrete step. The door is composed of a two-panel base surmounted by a four-pane light. The doorway is asymmetrically flanked by two windows (6/6) containing pre-1880 single-glazed sash.

The west elevation is asymmetrically arranged and has a gabled roof with a lean-to extension on its south end. The foundation is largely concealed by the structure's proximity to grade and by a lead flashing that extends over the foundation wall. Moving from north to south, the elevation contains a single-light casement, a single window with 2/2 sash, and a single window set at a higher level than the other windows, also containing 2/2 sash. All windows appear to date from ca. 1879-1900. A single doorway exists at the south end of the elevation; it contains a modern wooden door (2016) with three raised panels surmounted by a nine-paint light glazed with double-insulating glass. The exterior of the door is fitted with a four-panel screen door, each panel of which has been glazed with face-mounted Plexiglas.

The south elevation consists of the original store building (east) and a shed addition (west). The south elevation of the store is blank excepting a single replacement door (2015-16) set in a flat-stock frame near the west end of the elevation. The door is composed of a single recessed panel surmounted by a rectangular light. The leant-to extension rests on a concrete-block foundation with a single vent near its east end; this section of the south wall contains a single window with 6/6 sash (ca. 1880-1900) at its west end and triple window composed of single-glazed 6/6 sash (2015-16) near its east end.

A prefabricated garden shed (2015-16) stands directly south of the southeast corner of the shed addition. This structure rests on concrete blocks set on grade. Walls are clad with weathered board-and-batten siding. The west elevation contains a single batten door made of beaded tongue-and-groove boarding. The shed's corners, door, eaves, and rake boards are all made of flat stock. The roof is covered with three-tab asphalt shingles.

HISTORICAL NARRATIVE

Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.

The Antone Sylvia Store was one of five similar commercial buildings constructed in the late 1860s and 1870s as investment properties by Robert McCleave (1809-1878), a retired whaling captain. Of the five, two have been unrecognizably altered for residential use, one has been completely demolished, and the fourth (106 Main Street – the former Monument Square Grocery Store – Nantucket Survey #658) was demolished in 2001 with considerable public controversy reported locally and, in the New York Times, although its façade was detached from the structure, measured, and stored for future installation. Scattered around residential neighborhoods in the historic core of Nantucket's Old Town, these buildings served as local grocery stores until the mid-twentieth century when larger supermarkets centralized grocery shopping in two locations at the waterfront and at the eastern edge of town.

All five buildings bore similar details, namely, center doorways flanked by display windows, false fronts with ornamental parapets and varied mid-Victorian ornaments. Rehabilitation of the former Sylvia Store was undertaken in 2015-16 to return the building to commercial use as a yarn shop and to restore the building's

Continuation sheet 2

EXHIBIT D

Victorian appearance by installing the façade from 106 Main Street on its east elevation. The dimensions of the two buildings were substantially the identical, allowing the re-installation to make use of the surviving gabled parapet, pilasters and other details. Following this installation, 79 Orange Street stands as the historic district's most notable Victorian commercial building and a unique survival from the Victorian streetscape that included such small-scale commercial buildings in residential districts.

Antone Sylvia Jr. (1834 or 1835-1906) purchased the property at 79 Orange Street in 1879. It appears on the 1886 Sanborn Map. Sylvia operated a grocery store at this location until his death in 1906. His wife, a local Nantucket woman Elizabeth C. "Lizzie" (Ray) Sylvia (1850-1929), retained the property and operated a shop where she sold wallpaper[1]. She sold the building in 1909 to grocer Robert Brayton Austin (1873-1942) who operated a grocery store briefly before moving to California where he operated a grocery store by 1912.

Antone Sylvia was a well-known Portuguese resident of the island, originally born in Pico, Azores[2]. He married Lizzie Ray in 1871. Nantucket whaleships of the 1700s and 1800s stopped in the Azores islands on voyages where new crew members would sign on. Some of these whalemen eventually made their way to Nantucket and stayed. Azorean families on Nantucket contributed greatly to the language, foodways, and religious life on the island. By 1850, there were twenty-seven Azores-born men living on Nantucket, with another forty-five Azorean men serving on Nantucket whaleships. No Catholic mass had ever been celebrated on Nantucket until 1849, yet by 1896 construction of a Catholic church, St. Mary, Our Lady of the Isle, began.[3]

While it is unknown at this point when Antone Sylvia Jr. came to Nantucket, by the time he married Lizzie in 1871, the boom days of the whaling industry were gone. Instead, housing was abundant and the cost of living on Nantucket was relatively low. While many Azorean immigrants worked as laborers and fishermen, there were three grocers, of which Antone was one.

The Antone Sylvia Grocery Store was certified by the National Park Service as a contributing element to the Nantucket National Historic Landmark District on November 13, 2017 following installation of its Victorian façade salvaged from 106 Main Street.

BIBLIOGRAPHY and/or REFERENCES

Karttunen, Fran. *The Other Islanders.* https://archive.org/details/otherislanderspe00kart/page/n9/mode/2up
Nantucket County Deeds.
Nantucket Historical Association: Image #GPN2244 (view of 79 Orange Street ca. 1895).
Nantucket Death Certificates.
Ramblings. Nantucket Preservation Trust: 2015.

[1] *Ramblings.* Nantucket Preservation Trust: 2015.
[2] Town of Nantucket. Death Certificate.
[3] Fran Karttunen, *The Other Islanders*

Continuation sheet 3

EXHIBIT E

PRESERVATION GUIDELINES

The purpose of these Preservation Guidelines is to clarify the terms of this Historic Preservation Restriction that deal with maintenance and alteration to the Building. Under Paragraph 3, prior permission from the Nantucket Preservation Trust (NPT) is required for any Minor Maintenance that is reasonably expected to materially change the appearance, materials, or workmanship from that existing prior to the maintenance and for any Major Maintenance. Minor Maintenance that is part of ordinary maintenance and repair and does not materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance does not require NPT review and approval.

In an effort to explain what constitutes Minor Maintenance and Major Maintenance, the following list is provided. The list is by no means comprehensive. It is a sampling of common structural alterations.

PAINT
Minor: Exterior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.
Major: Painting or fully stripping decorative surfaces or distinctive stylistic features, including ornamental woodwork and trim.

WINDOWS AND DOORS
Minor: Regular maintenance including caulking, painting, and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.
Major: Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

EXTERIOR
Minor: Spot repair of existing cladding and roofing including in-kind replacement of clapboard, shingles, slates, etc.
Major: Large scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e., removal of cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot repointing of masonry. Structural stabilization of the property is also considered a major alteration.

LANDSCAPING/OUTBUILDINGS
Minor: Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major: Moving or subdividing buildings or property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, and ground disturbances affecting archaeological resources.

WALLS
Minor: Making fully reversible changes (i.e. sealing off doors in situ, leaving doors and door openings fully exposed) to the spatial arrangement of a non-significant portion of the building.
Major: Creating new openings in walls or permanently sealing off existing openings; adding permanent partitions which obscure significant original room arrangement; demolishing existing walls; removing or altering stylistic features; altering primary staircases.

Changes classified as Major Maintenance are not necessarily unacceptable. Under the Historic Preservation Restriction such changes must be reviewed by the NPT in order to assess their impact on the historic integrity of the Property, Building, and other structures.

It is the responsibility of the Grantor to notify NPT in writing when any Minor Maintenance that is reasonably expected to materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance or any Major Maintenance is contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of this Historic Preservation Restriction is to enable the NPT to review proposed alterations and assess their impact on the integrity of the Property, the Building, and other structures, not to preclude future change. NPT staff will attempt to work with the Grantor to develop mutually satisfactory solutions which are in the best interests of the Property.

Agenda Item Summary

Agenda Item #	VIII. 3.
Date	April 14, 2021

Staff

Holly E. Backus, Preservation Planner; Lauren Sinatra, Energy Coordinator; Janet Schulte, Director of Culture & Tourism; Vince Murphy, Coastal Resilience Coordinator; Charles D. Larson, P.E., Manager of Strategic Projects

Subject

Worlds Monument Fund - Watch List 2022 – request for support

Executive Summary

The Nantucket Preservation Trust, Nantucket's local non-profit preservation advocacy organization is requesting the Town's support in an application to the World's Monument Watch. WMF is a global program (established in 1996) that works to help improve resilience of communities, preserve cultural heritage sites from climate change and natural disasters around the world. Their program includes advocacy, planning, education, restoration of the historic built environment with their main goal to "improve human well-being through cultural heritage preservation."

Staff Recommendation

If designated by WMF, the island has the *potential* of receiving funds for further sustainability initiatives. However, there is value to the designation if we do not receive funding in the form of getting to work with subject matter experts from their organization. Staff recommends support to this non-binding nomination as it would be a recognition of what the community has already accomplished, while providing insight as to how we could further our sustainability initiatives such as enhanced island resiliency, promoting renewable energy, and supporting environmental justice.

Background/Discussion

For more info: www.wmf.org/nominate

Impact: Environmental ☒ Fiscal ☒ Community☒ Other☐

Board/Commission Recommendation

Public Outreach

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

Strategic Plan

Attachments

(1) Letter dated April 7, 2021 from Nantucket Preservation Trust Executive Director, Mary Bergman

NANTUCKET PRESERVATION TRUST

Preserving the Island's Architectural Heritage

BOARD OF DIRECTORS

Executive Committee
Ken Beaugrand, *Chairman*
Alison Potts, *President*
David Brown, *Vice Chairman*
Anne Troutman, *Vice President*
Christian Hoffman, *Vice President*
Bill Moore, *Treasurer*
Barbara Halsted, *Secretary*

Directors
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Mary-Randolph Ballinger
Andrew Forsyth
Al Forster
Susan Zises Green
Jon King
Michael Kovner
Mary-Adair Macaire
Angus MacLeod
Bernadette Meyer
Craig Muhlhauser
Thomas Maxwell Mundy
Dennis Perry
Mickey Rowland
Michael Sweeney
Debra Treyz
Cathy Ward

Advisors
Kathy Arvay
Susan Boardman
Caroline Ellis
Michelle Elzay
Mary Helen Fabacher
Michael Fabacher
Nancy Forster
Betsy Grubbs
Carol Kinsley
Marcia Richards
Esta-Lee Stone
Marie Sussek
Pam Waller

Executive Director
Mary Bergman

April 7, 2021

Ms. Dawn Hill Holdgate, Chair
Select Board
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

Dear Ms. Holdgate,

I am writing to request a letter of support from the Select Board as part of an application package to nominate Nantucket Island for the World Monuments Watch list 2022. The Watch is a global program that seeks to discover, spotlight, and take action on behalf of heritage places facing challenges or presenting opportunities of direct relevance to our global society. Every two years, 25 heritage places are selected from around the world.

The World Monument Fund is seeking sites with clear potential to respond to the challenges of climate change, imbalanced tourism, and the need to amplify underrepresented voices and cultural narratives. A National Historic Landmark 30 miles out to sea, threatened by sea-level rise and other effects of climate change, Nantucket has already begun to make strides towards including our historic resources in our hazard planning. Our economy is intrinsically tied to tourism and the resulting second home market, and we are grateful for the efforts of the Town and community organizations to preserve both open space and historic architecture help to protect the very attractions that draw visitors to our shores. A diverse community made up of people from across the world, Nantucket is a place where many histories converge.

Yet there are still challenges ahead, from sustainability concerns like updating guidelines regarding the careful integration of renewable energy into local historic districts; reduction of construction and demolition debris into our waste stream and reuse of historic building materials; further planning and adaptation for sea-level rise; and more efforts to more equitably promote underrepresented heritage.

This designation from the World Monuments Fund (WMF) would both spotlight the work that the community has done to protect the islandõs cultural and architectural heritage and give us access to resources to better plan for the future and include more community members in the planning.

WMF will work with nominators and stakeholders of chosen sites to develop a target project, such as an advocacy campaign, planning, research, and education to address issues of broader relevance. Funding is not guaranteed, but WMF seeks funds from a range of sources to support these projects.

We believe Nantucket is a great candidate for the Watch. This designation would help Nantucket highlight heritage sites and stories that have been underrepresented and include underrepresented groups in preservation decision-making.

The more community members who feel connected to Nantucket's history and role as a National Historic Landmark, the better the community will work together to protect our shared heritage from threats of imbalanced tourism and climate change.

We hope you will support our nomination.

Sincerely,



Mary Bergman
Executive Director

Agenda Item Summary

Agenda Item #	IX. 1.
Date	4/14/2021

Staff

Erika D. Mooney, Operations Administrator

Subject

Public hearing to consider permanent installation of stop sign on Coffin Street, Siasconset, at intersection of West Sankaty Road to create three-way stop.

Executive Summary

At its March 10, 2021 meeting, the Select Board voted to approve the Traffic Safety Work Group recommendation for the installation of a stop sign on Coffin Street at the intersection of West Sankaty Road. New stop signs require a public hearing before final approval and installation.

Staff Recommendation

N/A

Background/Discussion

Traffic Safety Work Group reviewed and recommended approval to the Select Board at its March 10, 2021 meeting.

Impact: Environmental ☐ Fiscal ☐ Community☒ Other☐

A new stop sign will take time to get used to.

Board/Commission Recommendation

Traffic Safety Work Group recommended approval.

Public Outreach

Public hearing advertised April 1 and April 8, 2021 in the I&M

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

N/A

Attachments

Portion of Select Board March 10, 2021 minutes; graphic; photos

b) Designate no parking on south side of Macy Road, Madaket to allow for emergency vehicles and residents to pass through. Mr. Bruce Mandel, Mr. Steve Atlass and Mr. Max Brown all commented on the recommendation. Mr. Fee suggested angled parking on one side. He commented that with more houses and vehicles on the island, parking becomes a more serious problem and that ultimately all-day parking will have to be restricted. He said he supports the recommendation. Ms. Murphy moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

c) Install stop sign on Coffin Street at intersection of West Sankaty Road making three-way stop. Mr. Fee moved approval; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Operations Administrator Erika Mooney noted that a public hearing will need to be held before a stop sign can be installed.

d) Curb cut at 3 West Chester Street, resulting in elimination of less than one on-street parking space and creation of two off-street parking spaces. Mr. Fee commented that he does not like to see "parking yards" with loss of gardens and that a way should be found to allow residents to park in front of their houses. Mr. Bridges said he supports the recommendation. Mr. Bridges moved approval; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – No; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding Various 2021 Annual Town Meeting/Election Warrant Articles/Ballot Questions, Including but not Limited to:

- Article 23 (Appropriation for Affordable Housing Trust Fund - $475,000)
- Article 24 (Appropriation for Affordable Housing Trust Fund - $7,500,000)
- Article 38 (Affordable and Year-round Housing Stabilization Fund)
- Article 97 (Home Rule Petition: Allocate Portion of Land Bank Real Estate Transfer Fee to Support Year-round Housing). Ms. Gibson introduced the item. Housing Director Tucker Holland thanked the Finance Committee for a thorough discussion of these articles on March 8, 2021. He proceeded to review the current status of the Town's Subsidized Housing Inventory (SHI) as well as where it stands with "Safe Harbor" from 40B developments. Ms. Gibson reviewed a proposal for the Board from her and the Finance Director for the Board's consideration to potentially recommend to the Finance Committee, that Articles 23 and 38 have a Finance Committee motion for "No Action" and that instead the motion to Article 8 (General Fund Operating Budget) include an appropriation of $2,000,000 to the Affordable Housing Trust. She explained that pursuant to a Finance Committee meeting about these articles on March 8, 2021, it became apparent that the Affordable Housing Trust needs a stable, annual appropriation to do its work and further the goals of the Town with respect to affordable housing. She reviewed concerns with Article 38 as to flexibility with use of a Stabilization Fund as well as the very large appropriation that would necessitate significant General Fund budget cuts for FY 2022. She also noted that while affordable housing is extremely important, it is incumbent upon her and the Finance Director to take into consideration the "big picture" of issues facing the Town, all of which will need significant funding as well. Ms. Murphy expressed support for this recommendation and agreed that the Town has an obligation to provide a stable appropriation for affordable housing. She noted that while she appreciates the sponsor of Article 38 bringing his article forward, she is concerned about the impact to the Town budget and items mentioned by Ms. Gibson. Brooke Mohr of the Affordable Housing Trust asked about the Stabilization Fund use asked for confirmation if the proceeds in it cannot be used for borrowing. Director of Finance Brian Turbitt confirmed


New Stop Sign on Coffin St at W Sankaty Rd
73.4.1 26.2
73.4.1 26.7
73.4.1 26
73.4.1 34.2
COFFIN SIAS ST
COFFIN SIAS ST
W SANKATY RD
W SANKATY RD
WAY
73.4.1 52
73.4.1 36
73.4.1 51
73.4.1 35
73.4.1 53
73.4.1 22
73.4.1 20
73.4.1 21
73.4.2 3
73.4.1 23


STOP



Agenda Item Summary

Agenda Item #	X. 1.
Date	4/14/2021

Staff

Vincent Murphy, Coastal Resilience Coordinator

Subject

Baxter Road Engineering Feasibility Assessment

Executive Summary

Update to Select Board on engagement with stakeholders and project progress to date. This is one of the required briefings to the Select Board

Staff Recommendation

N/A

Background/Discussion

N/A

Impact: Environmental ☒ Fiscal ☐ Community☒ Other☐

Board/Commission Recommendation

N/A

Public Outreach

Named stakeholders have participated in the first two rounds of engagement. Analysis from these will be presented.

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

Baxter Road Engineering Feasibility Assessment is an independent plan, with commonalities in the developing Coastal Resilience Plan, which stemmed from the Hazard Mitigation Plan.

Attachments

Baxter Road Feasibility Assessment Project Update presentation









Baxter Road Feasibility Assessment & Solutions

Project Update

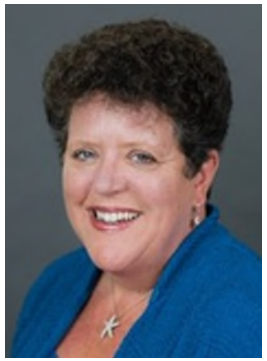
April 14, 2021

Agenda

1. Introductions
2. Project Overview
3. Where We Are
4. What We've Heard
5. Where We Are Going

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Our Team



Jennifer Lachmayr, PE, BCEE

Principal In Charge / Project Director



Kathryn Edwards, PE

Principal Engineer / Project Manager



Keren Bolter, PhD

Senior Resilience Planner



Irene Watts, PhD

Senior Coastal Modeler



Ryan Brong, EIT

Water Resources Engineer

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Project Overview

- Review of Existing Information
- Stakeholder Engagement
- Alternatives / Engineering Feasibility Analysis
- Summary of Findings & Recommendations

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Project Updates

Where We Are



Project Schedule



Stakeholder Engagement

First Round of Focus Groups

ORANGE

- Nantucket Coastal Conservancy
- Nantucket Land Council, Inc. Est. 1974
- Quidnet Squam Association
- Mass Audubon
- Greenhills

DARK RED

- The 'Sconset Trust
- Siasconset Civic Association
- Siasconset Beach Preservation Fund
- Sankaty Head Golf Club, Siasconset, Nantucket Island, Mass.

TOWN

- Select Board
- Town Manager
- Town Departments
- CRAC
- Town of Nantucket, Mass. Incorporated 1671
- Coastal Resilience Advisory Committee

Resources and Data List Review

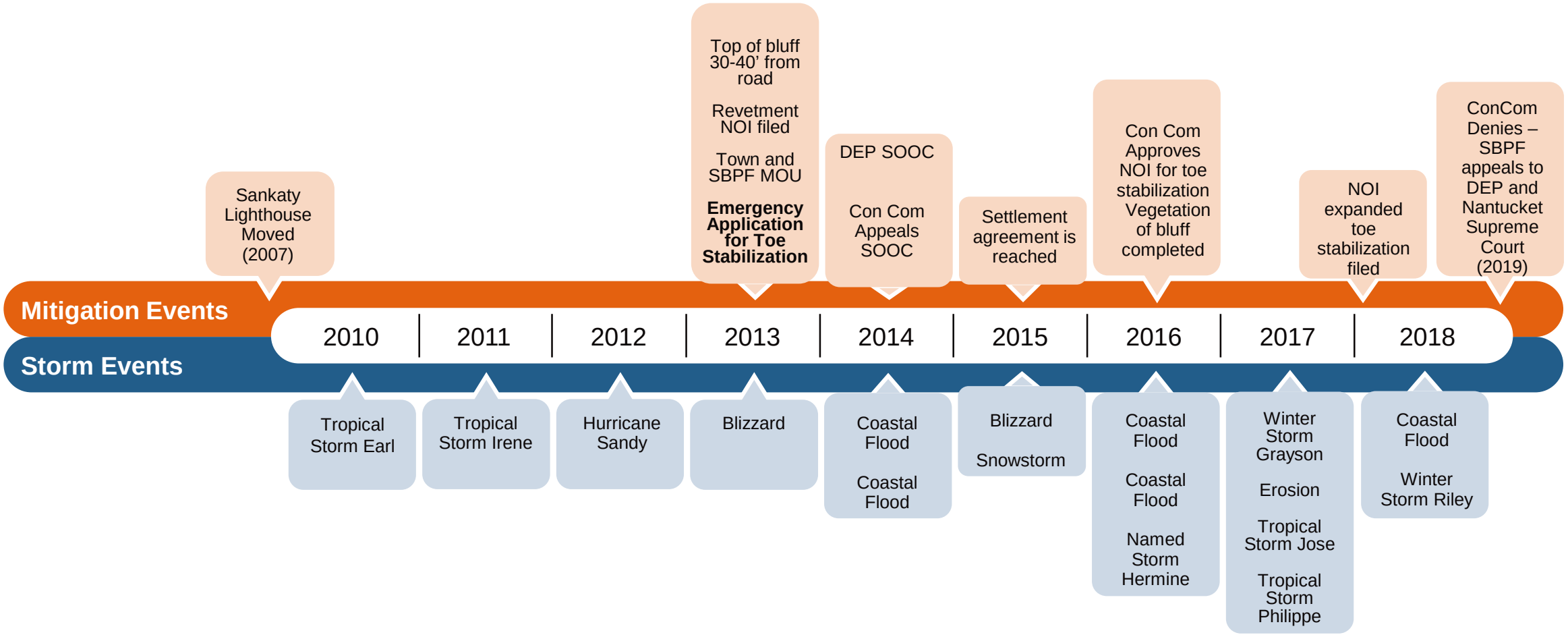
Description - Short	Folder	Description - Long	Author	Author Abbreviated	Date	HyperLink
Report	SE48-3115 Extension of Geotube Project	Discussion and comments on mitigation and sediment dynamics associated with the SBPF application	Applied Coastal	Applied Coastal	10/26/2018	Click Here
Report	SE48-3115 Extension of Geotube Project	Response to Comments from the 11/5/2018 Hearing	Epsilon	Epsilon	11/16/2018	Click Here
Research Article	SE48-3115 Extension of Geotube Project	In Situ Ingestion of MicroFibres by Meiofauna from sandy Beaches	Research Journal	Other	4/8/2016	Click Here
Letter	SE48-3115 Extension of Geotube Project	Letter in opposition to geotube expansion	NCC	NCC	11/19/2018	Click Here

Addition Form

Submitted by (Name):	
Submittal Date:	
Organization (If Applicable)	
What did we miss?	**PLEASE FILL OUT ALL SECTIONS BELOW**

Description	Author	Date	Hyperlink

Timeline of Recent Events



Alternatives Analysis

1. Bluff Stabilization
2. Nourishment – sand replacement, plantings
3. Retreat / Relocate Road
4. No Action
5. *Homeowner/Community Outreach on SOPs (Standards of Practice) & BMPs (Best Management Practices)

**This option will be paired with the alternative that is selected*

Bluff Stabilization



Figure 12: Photograph by Van Lieu Photography (2010): An Uncovered sandbag at the bottom on Siasconset Bluff

The slope, shape, and amount of vegetation covering a coastal bluff and the adjacent shoreline are directly related to the susceptibility of the bluff face to ongoing erosion.

The existing toe stabilization measures fall into this category.

Sand Nourishment and/or Vegetation Management

Nourishing the beach below the southern bluffs could provide short term benefits

In the long term, beach nourishment will become more expensive as sand sources are limited.



Dunes near Sesachacha Pond (FEMA, 2020)

Retreat Property and/or Relocate Road & Utilities



Photo: https://www.wickedlocal.com/article/20100401/NEWS/304018965

© Arcadis 2020

No Action



Leaving the natural shoreland undisturbed is often the least expensive option.

Homeowner/Community Outreach on SOP (Standards of Practice) & BMP (Best Management Practices)

Best management practices (BMPs) for reducing bluff erosion include management of surface drainage as well as shallow subsurface groundwater drainage to the bluff edge and face to control local erosion and slope failure due to drainage.

**This option will be paired with the alternative that is selected*



Beach Grass with Jute Mesh, Siaconset Bluff, Nantucket (WPI, 2014)

Criteria for Assessment of Alternatives

- **Definition of purpose** – what is the alternative intended to do?
- **Service life** – for what period of time would the alternative be effective in preventing significant bluff erosion.
- **Initial construction cost** – order of magnitude estimates for comparison between alternatives.
- **Operations and maintenance** – costs and other considerations; order of magnitude to compare between alternatives.
- **Constructability** – identify likely issues which could impact the ability to implement the alternative.
- **Other feasibility issues** – will vary with alternative but items may include supply (for sand); need for land acquisition; access; emergency services; adjacent impacts; etc.
    - **Environmental considerations** – Impacts to endangered species, vegetation, habitat, etc.

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Alternatives Matrix: Tiered Approach

High Level
Major Categories

Functional Coastal Process

Societal, Ecological and Environmental

Cost and Structural

Best Management Practices (BMP) will be included for all alternatives

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Alternatives Analysis Process

Alternative	Purpose	Service Life	Initial Construction Cost	O&M	Constructability	Environmental	Other
Bluff Stabilization							
Nourishment							
Retreat/Relocate							
No Action							

- Alternatives Analysis Matrix with assessment criteria  We Are Here
  - Considerations, Tradeoffs
  - Stakeholder Discussions
- Summary Concept Plan:
  - Action Plan outline for adaptation over time
  - Near-term next steps and longer-term critical milestones/decision points

Project Updates

What We’ve Heard



Project Mission & Project Name – Gathering Input

Mission

The Baxter Road Feasibility Assessment will create a community-supported actionable roadmap to implementation of short and long-term solutions for the Baxter Rd area that lessen the loss from storm surges and help the community adapt to rising seas and eroding coastlines.

Project Name

Baxter Road Feasibility Assessment Study

Key Tensions Identified

1. The performance of toe stabilization thus far.
2. Acceptable short- and long-term solutions
3. Consideration of the rest of the Nantucket community (beach access, sand budget)





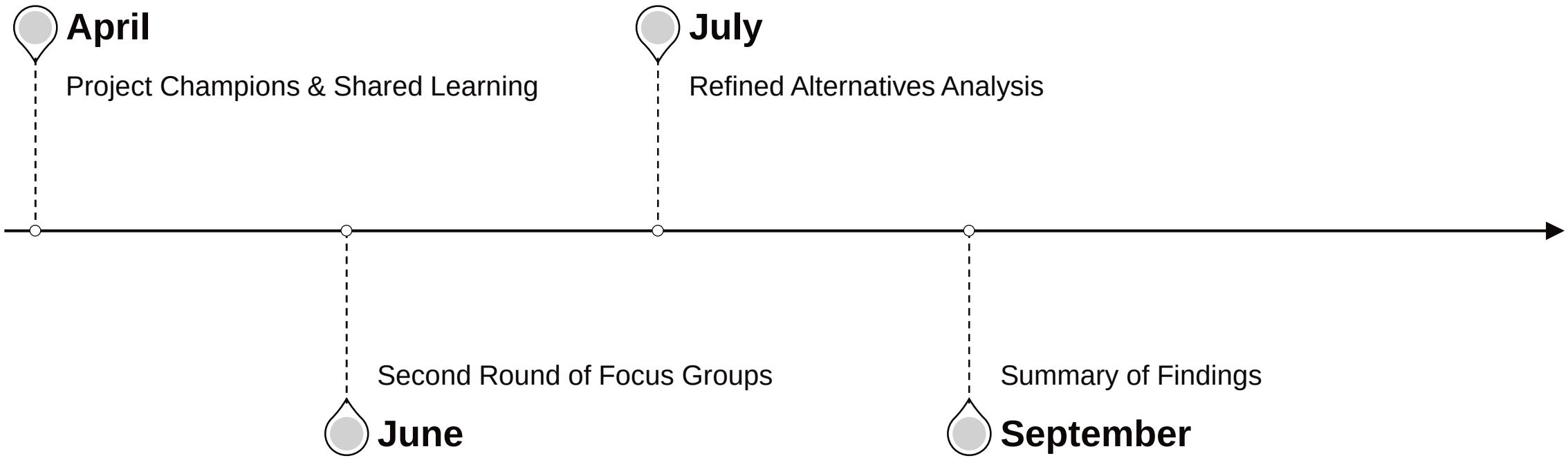
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Project Updates

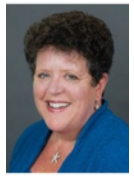
Where We Are Going



Upcoming Activities



Thank You



Jennifer Kelly Lachmayr, PE, BCEE

Principal in Charge / Project Director

Jennifer.Lachmayr@arcadis.com



Kathryn Edwards, PE

Principal Engineer / Project Manager

Kate.Edwards@arcadis.com

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Agenda Item Summary

Agenda Item #	X. 2.
Date	4/14/2021

Staff

Assistant Town Managers, Director of Culture and Tourism, Licensing Agent, Finance Director (Work Group)

Subject

Jetties Beach Concession 2022-2026 Lease RFP with Awning Discussion

Executive Summary

At its March 3 meeting (continued from February 10, 2021), the Select Board voted 4-1 to pay up to $30,000 in repairs to the damaged Jetties awning owned by the concessionaire, Sandbar LLC, in return for Sandbar signing over the awning to the Town. However, due to substantial damage to the awning from the March 19 storm, staff and Counsel recommend that it is no longer in the best interests of the Town to take ownership of the awning and therefore recommends the Town neither pay for repairs nor take ownership and instead the Sandbar remove the awning and fixed metal frame immediately per the Building Commissioner.

Staff Recommendation

Procedurally, Town Counsel recommends the best approach would be for the Board to reconsider its March 3, 2021 4-1 vote to authorize the repairs to the awning and take ownership. If the motion to reconsider passes, then Counsel recommends the following motion:

"Move that the Board direct Town Administration to notify the current tenants that, in light of the recent damage to the awing due to storm damage, the Town does not intend to make any further repairs to the awning for the upcoming season or to take ownership of the awning. Town Administration is also directed to notify the current tenants that they should remove the awning immediately per the Building Commissioner. The Board further requests that Town Administration provide a recommendation to the Select Board regarding revisions to the draft RFP to address the use of the outside dining area during the new 5-year lease term."

Staff recommends that the Select Board reconsider its vote of March 3, 2021 and instead consider a vote to not pay for the repairs to the Jetties awning and not take ownership of the awning from the Sandbar.

Further, staff recommends that the current awning and fixed metal structure be removed immediately per the Building Commissioner at the expense of the Sandbar with oversight by DPW or its engineer.

Also, staff recommends the RFP for the next concession contract reflect that there will be no fixed awning on the Jetties Concession deck and further that should a concessionaire wish to install a shade and wind-blocking system the system cannot be fixed to the Concession building and must be retractable or removable for inclement weather and end-of season.

Finally, due to the lack of an awning and potential loss of business due to inclement weather, staff recommends that the minimum lease payment be decreased to the 2017 minimum and all other lease terms voted at the March 3, 2021 meeting remain the same:

- A Request for Proposals (RFP) under Ch30B, Sec. 16 to publicly solicit bids. An RFP includes comparative criteria to ensure the Town can choose the most responsive and responsible bid. Price (Lease Payment in this case) is submitted separately and not considered until comparative criteria are reviewed, graded and the most advantageous bid is selected.
- Create a dedicated revolving fund for concession repairs from the Jetties Concession revenues.
- 5-year lease agreement
- Minimum 2022 Lease Rent = ~~$150,236~~ $120,000 to adjust for potential impact of loss of awning on business in inclement weather.
- Minimum annual lease rent payment increase at 3.0%
- Minimum revenue share of 5.0% over $1,000,000 in gross food, retail and event revenue
- Remove alcohol sales from Revenue Share due to restrictions on the Town having beneficial interest in an alcohol license it awards to a Town vendor.
- No more than 15 permitted events (May-October)
- No more than 4 private events (May, June, September, or October only)

Background/Discussion

At its March 3, 2021 meeting (continued from February 10, 2021), the Select Board voted on lease terms for the next Jetties Concession contract. The current 5-year lease agreement for the Jetties Beach Concession expires at the end of the 2021 season (2017-2021).

At that meeting the Board voted 4-1 to pay up to $30,000 to repair damage to the fabric and structure of the awning on the Concession building in exchange for the Sandbar, the concessionaires, to sign over the awning and fixed structure to the Town.

On March 19, 2021 a winter/spring wind and rain storm made scientifically more damage to the awning, specifically the metal structure.

On Monday, March 22 staff Zoomed with Town Counsel to discuss the damage. Town Counsel believes that taking ownership now is no longer in the best interests of the Town and recommends that the matter be brought back to the Select Board to reconsider their vote.

On Wednesday, March 24 staff and the Building Inspector and Fire Chief inspected the awning structure resulting in the Building Commissioner requiring the entire system be removed prior to opening for the season.

On March 25 an application was filed with the HDC and the Sandbar began the process to seek a contractor to remove the fabric and structure.

Impact: Environmental [ ] Fiscal [x] Community [x] Other [ ]

Fiscal: Annual lease payments and revenue share to the Town
Community: A long-serving island tradition for the enjoyment of residents and visitors

Board/Commission Recommendation

N/A

Public Outreach

N/A

Attachments

2/10/21 Select Board Meeting Agenda Item Summary Sheet (continued to 3/3/21)

Agenda Item Summary

Agenda Item #	XI. 2.
Date	2/10/2021

Staff

Assistant Town Managers, Director of Culture and Tourism, Licensing Agent, Finance Director (Work Group)

Subject

Jetties Beach Concession 2022-2026 Lease RFP

Executive Summary

Proposed RFP and Term Sheet for a 5-year lease agreement for the Jetties Beach concession, retail shop, bathhouse and beach event area. This is a real property transaction and regulated under Ch30B, Sec. 16: Real Property; Disposition or Acquisition.

Staff Recommendation

Using the current concession lease agreement as a model, staff recommends the following:

- A Request for Proposals (RFP) under Ch30B, Sec. 16 to publicly solicit bids. An RFP includes comparative criteria to ensure the Town can choose the most responsive and responsible bid. Price (Lease Payment in this case) is submitted separately and not considered until comparative criteria are reviewed, graded and the most advantageous bid is selected.
- 5-year lease agreement
- Minimum 2022 Lease Rent = $150,236; 3.0% increase over 2021 as base (2021 Lease Rent = $145,860).
- Minimum annual lease rent payment increase at 3.0%
- Minimum revenue share of 5.0% over $1,000,000 in gross food, retail and event revenue
- Remove alcohol sales from Revenue Share due to restrictions on the Town having beneficial interest in an alcohol license it awards to a Town vendor.
- No more than 15 permitted events (May-October)
- No more than 4 private events (May, June, September, or October only)

Background/Discussion

The current 5-year lease agreement for the Jetties Beach Concession expires at the end of the 2021 season (2017-2021). Disposition of real property is regulated by M.G.L. Ch30B, Sec. 16 therefore the concession lease must be publicly bid via a Request for Proposals (RFP). In order to give enough lead time for the winning vendor to prepare for the 2022 season, an RFP is issued before the 2021 season begins.

Starting in October 2020 a staff work group was assembled by the Town Manager to review the concession RFP process and contract language. The work group looked at a few other towns' RFPs or agreements but nowhere did the work group find a seasonal concession with as complex an operation as Jetties that includes a large dine-in and take-out restaurant with full liquor license, a large retail shop, bathhouse facility and a beach event area. The work group also reviewed the last two Jetties RFPs and contracts and came up with the following revised documents, eliminating quite a bit of unnecessary or repetitive language and correcting a few contradictions and inconsistencies (dates, contact information, missing Exhibits, extra Exhibits, inconsistent terms, spelling, etc.).

In an attempt to make the RFP (and eventually the lease agreement) more manageable and less prone to inserting new language in one location and forgetting to do it in another, the work group pulled out all the lease terms from the body of the previous RFPs and the contracts and put them into "Exhibit A". Within Exhibit A the Jetties Agreement Lease Terms are grouped into 8 sections to better capture the different complex business areas of the operation and avoid repeating language in each function area:

- Section I - General Lease Terms
- Section II - Premises Maintenance, Custodial and Litter
- Section III - Concession Service (Food and Alcohol)
- Section IV - Concession Building
- Section V - Retail Shop
- Section VI - Bathhouse
- Section VII - Function Area
- Section VIII - Insurance and General Obligations

After the work group completed its efforts, the draft RFP and Term Sheet were circulated to Town Departments for input and edits. The attached RFP and nine Exhibits are the final version.

The current Lease Agreement payment terms for Sandbar, LLC are as follows:

a. **Lease Amount**: ~~$663,075.00~~
($593,617.50 – first 2020 payment waived due to COVID)

b. **Payment Increments**
(3.0% increase annually required; 5.0% increase annually bid):

July 1, 2017:	$60,000.00 (paid)	August 1, 2017:	$60,000.00 (paid)
July 1, 2018:	$63,000.00 (paid)	August 1, 2018:	$63,000.00 (paid)
July 1, 2019:	$66,150.00 (paid)	August 1, 2019:	$66,150.00 (paid)
July 1 2020:	~~$69,457.50~~ (waived by Board due to COVID)		
		August 1, 2020:	$69,457.50 (paid)
July 1, 2021:	$72,930.00	August 1, 2021:	$72,930.00

c. **Monthly Sales Percentage Over $1,000,000 Gross Sales**
(3.0% increase annually required):

2017: 5.0% ($85,797 all deposited to General Fund)
2018: 5.0% ($102,500 - $61,856 General Fund; $40,635 to A Safe Place)
2019: 6.0% ($132,892 - $87,978 to General Fund; $44,914 to ASAP Inc)
2020: 6.0% ($91,871 - $53,405 to Gen Fund; $38,467 to Food, Fuel & Rental Assist)
2021: 6.0%

It was determined after the 2017 season that the Town cannot have a beneficial interest (e.g. revenue share) in a liquor license that is awarded by the Town. Per Kris Foster, General Counsel to the ABCC, that per G.L.c.44, §58:

> "No city or town shall pay a bill incurred by any official thereof for wines, liquors or cigars – would prohibit a municipality from having an interest in a liquor license, absent a special act that permitted it. . . It is the ABCC's position that (1) a lessor or landlord may not receive a percentage of alcohol sales without being listed as a beneficial interest holder in the license, and (2) a municipality may not hold such an interest in a license without authority from a special act."

Since 2017 the current concessionaire, Sandbar LLC, has been donating the contracted revenue share of liquor sales to a local human services agency. This was deemed appropriate by Town Counsel.

d. Gross Sales:

2017: $2,715,940
2018: $3,050,000
2019: $3,214,867
2020: $2,531,184
2021:

Regarding the awning, Town Counsel had offered the following opinion:

Since the awning structure is attached to the building and has been maintained by the Town, in my opinion, if the Town were to include a requirement in the lease that the concessionaire keep the awning in good repair, the work of the concessionaire in doing so would be subject to the public construction laws, including the Prevailing Wage Law, in the same manner that as the Town would be.

While you could certainly require the concessionaire to perform the repair work on the awning, I am not sure what advantage the Town achieves from a cost standpoint. Further, it may be a challenge to insure proper repairs are made and that compliance with the public construction laws is achieved if a private party performs the work

One option you may want to consider is to include in the RFP a requirement that the concessionaire maintain a maintenance and repair reserve fund out of proceeds from operating the concession. While this will likely reduce the revenue the Town sees from the concession, this would insure a dedicated fund is available which the Town would have available to maintain the awning. The lease could provide that the concessionaire is required a set aside a designated amount each month to maintain the awning with

either the concessionaire or the Town having access to the fund depending on how you wish to set this up.

Impact: Environmental [ ] Fiscal [x] Community [x] Other

Fiscal: Annual lease payments and revenue share to the Town [ ]
Community: A long-serving island tradition for the enjoyment of residents and visitors

Board/Commission Recommendation

N/A

Public Outreach

Public Procurement under Ch30B outreach requirements to include posting in local newspaper, Town website and bulletin board. Optional site walk-through.

Attachments

Draft 2022-2026 Jetties Concession RFP; Exhibits A thru H; Concession Lease and Revenue Actuals 2017-2020

Agenda Item Summary

Agenda Item #	X. 3.
Date	4/14/2021

Staff

Erika D. Mooney, Operations Administrator

Subject

Annual Committee Appointments – Timeline, Openings, Review of Draft Policy Statement and Procedures for Appointments to Committees, Commissions, Boards

Executive Summary

A timeline for annual committee appointments has been prepared as well as a list of committee openings with term dates.

For Board discussion:

1. Cannabis Advisory Committee – all terms are set to expire 6/30/2021. Suggest extending terms to 6/30/2022 for now.

2. Coastal Resilience Advisory Committee – all terms are set to expire 6/30/2021. Suggest extending terms to 6/30/2022 for now.

3. Senior Center Committee – the SCC has presented its final report and its work is done at this time. They may need to be reconvened if/when the Select Board makes a decision on what or where a new senior center would be.

4. Town Government Study Committee – the TGSC plans to distribute a written report at the 2021 Annual Town Meeting. No warrant articles to make changes to the Charters or Bylaws were put forth for consideration. Suggest accepting the report and, per the Town Code, the TGSC should be reconstituted in 2025.

Also attached is a draft Policy Statement and Procedures for Appointments to Committees, Commissions, Boards for review and discussion as most recently discussed at the Board's meeting on 8/5/2020.

Staff Recommendation

Recommend endorsing the timeline and extending the terms of the Cannabis Advisory Committee and Coastal Resilience Advisory Committee members to 6/30/2022; and, reviewing the draft Policy Statement and Procedures for Appointments to Committees, Commissions, Boards and determining if it is ready for adoption.

Background/Discussion

The Board started discussing changes to its committee appointment process at its 8/5/2020 meeting. The draft takes into consideration suggestions from members of the public at that time to improve the committee appointment process.

Impact: Environmental ☐ Fiscal ☐ Community☒ Other☐

The Policy Statement and Procedures for Appointments to Committees, Commissions, Boards will allow for clear guidelines for the Board in its appointment process and transparency in the process for the public.

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

Committee Appointments 2021 Timeline

2021 Committee Openings Information

Draft Policy Statement and Procedures for Appointments to Committees, Commissions, Boards







Select Board
Committee Appointments 2021 Timeline
As of 4/6/2021

April 14 – Select Board review list of openings.

April 20 – Notify members of committees whose terms are expiring.

April 22 and 29; May 6and 13 – Advertise committee openings in newspaper and on Town's website; put on Select Board agenda as announcement starting mid-April.

May 21 – Deadline for submitting applications for committee openings that will be reviewed on June 2 to Town Administration office. This includes applications for:

- Agricultural Commission;
- Airport Commission;
- Board of Health;
- Capital Program Committee;
- Cemetery Commission;
- Conservation Commission;
- Contract Review Committee, Human Services;
- Council for Human Services;
- Council on Aging;
- Cultural Council;
- Finance Committee; and
- Historic District Commission Associate.

May 26 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board's packet.

June 2 – Meeting for above listed committee applicants to introduce themselves and review their applications.

May 28 – Deadline for submitting applications for committee openings that will be heard June 9 to Town Administration office. This includes applications for:

- Nantucket Affordable Housing Trust;
- Nantucket Historical Commission;
- Nantucket Historical Commission Alternate;
- Planning Board Alternate;
- Real Estate Assessment Committee;
- Roads and Right-of-Way Committee;
- Scholarship Committee;
- Steamship Authority Port Council Member;
- Tree Advisory Committee;
- Zoning Board of Appeals; and
- Zoning Board of Appeals Alternate.

June 2 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board's packet.

June 9 – Meeting for above listed committee applicants to introduce themselves and review their applications.

June 23 – Committee appointments.

2021 Committee Openings Information
As of 3/9/2021

Committee	# seats open	Term Expiration	Notes
Agricultural Commission	2	2022	vacant
Agricultural Commission	2	2023	vacant
Agricultural Commission	1	2024	vacant
Airport Commission	2	2024	
Board of Health	1	2024	
Capital Program Committee	1	2024	
Cemetery Commission	2	2024	
Conservation Commission	2	2024	
Contract Review Committee, Human Services	1	2024	
Council for Human Services	1	2022	*only if A. 72/2021 ATM is approved to increase to 9 members
Council for Human Services	1	2023	*only if A. 72/2021 ATM is approved to increase to 9 members
Council for Human Services	2	2024	
Council on Aging	1	2023	vacant
Council on Aging	3	2024	
Cultural Council	1	2022	vacant
Cultural Council	2	2024	
Finance Committee	3	2024	
Historic District Commission Associate	1	2024	
Nantucket Affordable Housing Trust	1	2023	2-year term; at-large
Nantucket Historical Commission	3	2024	
Nantucket Historical Commission Alternate	1	2024	
Planning Board Alternate	1	2024	
Real Estate Assessment Committee	2	2024	
Roads and Right of Way Committee	3	2024	
Scholarship Committee	3	2024	
Steamship Authority Port Council Member	1	2023	2-year term
Tree Advisory Committee	1	2024	
Zoning Board of Appeals	1	2026	5-year term
Zoning Board of Appeals Alternate	1	2024	3-year term

NANTUCKET SELECT BOARD

Policy Statement and Procedures for Appointments to Committees, Commissions, Boards
Adopted:

BASIC GOAL

To encourage active citizen participation and involvement in local government affairs by encouraging local residents with expertise, skills, interest, and energy to seek appointment to the Town's Committees, Boards and Commissions. And, to expand the Town's outreach to its citizens to ensure that we engage as many diverse perspectives as possible to build and encourage awareness, understanding and appreciation through a lens of diversity, equity and inclusion.

POLICIES IN SUPPORT OF THE BASIC GOAL

A. The Town will maintain a recruiting system, known as the Volunteer Talent Bank (Talent Bank), to find and appoint interested local residents who are best qualified by education, training and experience to contribute effectively to the work of the committee, commission or board. To the extent practical, the Select Board shall announce its intention to meet candidates for appointment and allow them to introduce themselves and review their applications no less than two weeks in advance of appointments.

B. When an announcement is made by the Board regarding any vacancies, the Board may, at its discretion, request that applicants file a Committee Appointment application. Following a meeting with the applicant(s) at which the Board may ask questions and/or the applicant may ask questions, a candidate shall be selected in accordance with the following procedure:

RECOMMENDED VOTING PROCEDURES FOR ANNUAL APPOINTMENTS

1. The Board reviews a list of openings for annual appointments with a committee appointment timeline in early April.

2. In mid-April, members of committees, commissions, boards whose terms are expiring are notified and asked if they would like to apply for reappointment. Incumbent Committee Interest Forms are mailed to all of these members and they are asked to respond in writing to indicate if they request re-appointment, or not. Incumbents need to meet the same deadlines as listed on the committee appointment timeline.

3. Annual committee openings are advertised in the local newspaper for four weeks, as well as on the Town website. Additionally, the openings are announced at the Board's weekly meetings starting in mid-April through the end of May.

4. Applications will be accepted only by the deadlines outlined in the annual Committee Appointments Timeline for all committees, commission and boards.

DRAFT

5. The Select Board holds two meetings to allow applicants to address the Board and review their applications.

6. Committee appointments are made at the last Select Board meeting of June.

    a. At this meeting, the Select Board may appoint, by majority vote, a candidate to fill any seat. Or, the Select Board, at its discretion, may elect to use a paper ballot voting procedure, or vote by e-mail if the Select Board meeting is held virtually.

    b. The Chair shall ask Board members to submit their written choices for appointment (or to e-mail their choices for appointment to Town Administration in real time if meeting virtually). Each Board member writes their own name on a slip of paper, and then writes down their vote for the applicant(s) and passes their paper ballot directly to the Chair without other members viewing the ballot.

    c. The Chair reads the paper ballot votes and notes which Board member cast the votes. If meeting virtually, Town Administration staff will read the results into the record, and after announcing how each Board member votes, staff will ask that Board members verbally confirm their votes.

    d. The candidate(s) with the majority of votes will be appointed.

    e. Any committee seats not filled will continue to be posted on the Town website and routinely advertised as vacant.

At its discretion, the Select Board may appoint a candidate to any Commission, Committee or Board even if the candidate is not present for the meeting.

RECOMMENDED VOTING PROCEDURES FOR VACANCIES THROUGHOUT THE YEAR

The Board's intent to fill vacancies will be noted on its regular meeting agenda for at least two weeks and applications of prospective candidates will be included in the Board's agenda packet to allow the Board and the public to review the prospective candidates' credentials. The vacancy will also be advertised in the Inquirer & Mirror for a minimum of two weeks as well as on the Town's website. Applications will be accepted only by a certain deadline for all committees, commission and boards.

1. Immediately following a meeting with candidates for appointment, the Select Board may appoint, by majority vote, a candidate to fill any vacancy. Or, the Select Board, at its discretion, may elect to use a paper ballot voting procedure, or vote by e-mail if the Select Board meeting is held virtually.

2. Immediately following a meeting with candidates for appointment, the Chair shall ask Board members to submit their written choices for appointment (or to e-mail their choices for appointment to Town Administration in real time if meeting virtually). Each

Board member writes their own name on a slip of paper, and then writes down their vote for the applicant(s) and passes their paper ballot directly to the Chair without other members viewing the ballot.

3. The Chair reads the paper ballot votes and notes which Board member cast the votes. If meeting virtually, Town Administration staff will read the results into the record, and after announcing how each Board member votes, staff will ask that Board members verbally confirm their votes.

4. The candidate(s) with the majority of votes will be appointed.

At its discretion, the Select Board may appoint a candidate to any Commission, Committee or Board even if the candidate is not present for the meeting.

ADMINISTRATION OF THE VOLUNTEER TALENT BANK

The Town Administration office shall be responsible for the Talent Bank data and all administrative materials, records and processes.

PUBLIC INPUT REGARDING CANDIDATES FOR APPOINTMENT
Any citizen may convey their support or objection of an individual's appointment/ reappointment through written notice to the Town Manager's Office. Town Administration shall forward any written comments concerning appointments/reappointments to the Select Board and to the person cited.

This policy may be amended by the Select Board at any time.

DRAFT

DRAFT AS OF 04/09/21 – 3:15PM 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 VERSION OF THIS DOCUMENT, PLEASE CONTACT THE TOWN MANAGER'S OFFICE AT (508) 228-7255

Cover photo courtesy of Bevin Bixby

TOWN OF NANTUCKET
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:

DEPARTMENT	*VENDOR*	*AMOUNT*
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
DPW	W.B. Mason	$8.67
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
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:

DEPARTMENT	*FROM*	*TO*	*AMOUNT*
Department of Public Works (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)	FY 2021 Information Technology, Professional Services Budget	$22,212.57
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	FY 2021 Information Technology, Professional Services Budget	$7,533.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	FY 2021 Information Technology, Professional Services Budget	$25,000.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	FY 2021 Information Technology, Professional Services Budget	$9,150.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	FY 2021 Information Technology, Professional Services Budget	$6,157.65
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	FY 2021 Information Technology, Professional Services Budget	$5,500.00
Information Technology	Article 10 of the 2017 Annual Town Meeting (Update GIS Digital Images)	FY 2021 Information Technology, Professional Services Budget	$5,000.00

Subtotal General Fund			**$304,471.26**
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**
Subtotal Airport Enterprise Fund			**$492,026.46**
Our Island Home	**Article12 of the 2014 Annual Town Meeting (Medical Records Software)**	**Article12 of the 2017 Annual Town Meeting (Building Improvements, Maintenance, and Quality Measures)**	**$74,088.00**
Subtotal Our Island Home Enterprise Fund			**$74,088.00**

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 Town set the spending limits for revolving funds established pursuant to Section 19-21 (Revolving accounts established) of the Town Code as follows:

FUND	*REVENUE SOURCE*	*AUTHORITY TO SPEND*	*USE OF FUND*	*SPENDING LIMIT*

FUND	*REVENUE SOURCE*	*AUTHORITY TO SPEND*	*USE OF FUND*	*SPENDING LIMIT*
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

FUND	*REVENUE SOURCE*	*AUTHORITY TO SPEND*	*USE OF FUND*	*SPENDING LIMIT*
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:

FROM	*TO*	*AMOUNT*
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 PAYROLL	OPERATING	TOTAL BUDGET	FY 2021 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	$1,228,956	$796,850	$2,145,806	$1,659,216
Housing Office	$210,000	$275,000	$485,000	
Town Clerk	$262,077	$62,100	$324,177	$319,651
Subtotal	$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
Subtotal	$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
Subtotal	$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

Subtotal	$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
Subtotal	$920,931	$160,790	$1,081,721		$1,003,408
CULTURE & RECREATION					
Atheneum		$766,085	$766,085		$747,400
Town Clock		$4,700	$4.700		$4,700
Culture and Tourism	$315,928	$148,650	$464,478		$464,577
Subtotal	$315,928	$919,435	$1,235,363		$1,216,677
CONTRACTUALOBLIGATIONS	$400,000		$400,000		$400,000
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
Subtotal	$27,826,082	$5,600,905	$33,426,987		$31,846,642
GRAND TOTAL OF GEN GOV'T OPER BUDGETS	$49,384,244	$14,473,062	$63,857,306		$60,113,566
DEBT SERVICE					
Principal & Interest		$9,758,430	$9,758,430		$9,310,589
Subtotal		$9,758,430	$9,758,430		$9,310,589
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
Subtotal	$15,335,993	$2,491,063	$17,827,056		$16,001,384
ASSESSMENTS					
Barnstable Retirement		$5,805,686	$5,805,686		$5,203,970
Subtotal		$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 Board of Selectmen, execute grant agreements with the respective agencies for Fiscal Year 2022, which contracts shall stipulate mutually agreed upon terms and conditions, and provided further that the grant to the National Alliance on Mental Illness shall be funded from the Special Stabilization Fund for Substance Abuse Efforts with a condition that the grant funds be expended solely for addiction and mental health treatments services:

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:

DEPARTMENT	*ITEM*	*FUNDING SOURCE(S)*	*AMOUNT*
Public Works/Facilities	Costs associated with Town-wide municipal	Authorize the Treasurer, with the approval of the Select Board, to	$6,500,000

	facilities projects, including maintenance, design and engineering, and construction	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.	
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	$90,000

		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)	
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	Transfer $157,902 from Free Cash into the Treasury of the	$157,902

	the pool parking lot entrance and exit	Town	
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	$705,000

		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.	
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
Town Administration	Costs associated with Town's groundwater soil investigation and remediation of Per- and polyfluoroalkyl substances (PFAS)	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. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less	$750,000

		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.	
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 Six Million Five Hundred Thousand Dollars ($6,500,000) for renovations to town-owned facilities; Seven Hundred Thousand Five Dollars ($705,000) for the purpose of replacing Fire Engine #4; One Million Sixty Thousand Nine Hundred Dollars ($1,060,900) for the continuation of the sidewalk improvement plan; Seven Hundred Fifty Thousand Dollars ($750,000) for costs associated with Town's groundwater soil investigation and remediation of Per- and polyfluoroalkyl substances (PFAS) and Six Million Five Hundred Thousand ($6,500,000) for the Affordable Housing Trust; with all borrowings to be done 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).

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

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:

DEPARTMENT	*ITEM*	*FUNDING SOURCE(S)*	*AMOUNT*
Airport	Costs associated with Airport Improvement Projects	Authorize the Treasurer, with the approval of the Select Board to borrow $16,650,000 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	$16,650,000

		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.	
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 (Repair Fuel Farm) of the 2019 Annual Town Meeting	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	$1,501,678

		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	
Airport	Costs associated with Airport's groundwater soil investigation and remediation of Per- and polyfluoroalkyl substances (PFAS)	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	$8,000,000

		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.	
Airport	Costs associated with purchase of second bus for Airport operations; replacement of Aircraft Rescue Firefighting (ARFF) turnout gear	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			$26,620,678
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	Transfer $100,000 from	$100,000

	with purchase of Ford F650-size dump truck	Certified Retained Earnings in the Sewer Enterprise Fund	
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 installation, including design and engineering, construction, permitting	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	$2,000,000

		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.	
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	$325,000

		reducing the amount authorized to be borrowed to pay such costs by a like amount.	
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			*$35,495,678*

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:

FROM	*TO*	*AMOUNT*
Airport Retained Earnings	Airport Enterprise Fund, Operating Budget	$250,000
Airport Retained Earnings	Airport Capital Projects, Article 14 of the 2015 Annual Town Meeting (Environmental Report and Environmental Assessment)	$75,000
Airport Retained Earnings	Airport Capital Projects, Article 20 of the 2019 Annual Town Meeting (Removal of Pipeline Support Piles at Great Harbor Yacht Club)	$100,000
Airport Retained Earnings	Airport Capital Projects, Article 12 of the 2018 Annual Town Meeting (Removal and Replacement of paint and beads and rubber markings)	$48,741
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Airport Maintenance and Equipment)	$188,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Replacement of equipment for General Aviation Operations and Airport Rescue and Firefighting Operations	$250,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Groundwater Soil Investigation)	$1,000,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Direct Digital Control System for Terminal Geothermal)	$200,000

Sewer Retained Earnings	**Sewer Capital Projects, Article 12 of the 2018 Annual Town Meeting (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 91section 10A of the Massachusetts General Laws and sums received from the Commonwealth or Federal Government for purposes established by Chapter 40 section 5G of the Massachusetts General Laws including but not limited to (1) maintenance , dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Select Board)

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 on the Article.

FINANCE COMMITTEE COMMENT: As the funding proposed in Article 23 was incorporated into Article 8 of the Town's FY 2022 General Fund Operating Budget, a "Take No Action" motion was made with the understanding that this Article will be funded through the Town's operating budget, rather than in a separate Article. The Finance Committee fully supports funding this activity with respect to 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, 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
$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.	
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~~ $284,575
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~~ $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	**$198,175**
Total Revenues	**$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 Fund balance	$1,325.00
Article 28 ATM 2012 Nantucket Land Council Hummock Pond Restoration	Fiscal year 2022 Community Preservation Committee Community Open Space Reserved Fund balance	$20,449.00
Total Transfers to Community Open Space Reserved Fund Balance		**$21,774.00**
Article 31 ATM 2013 Coffin School Historic wrought iron fence	Fiscal Year 2022 Community Preservation Committee Community Historic Preservation reserved Fund balance	$1,664.00

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

(Kenneth Beaugrand, et al)
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 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 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 of 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 [LG1]: 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, Section5B, 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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.
FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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 ~~O~~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 ~~O~~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.
FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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 ≥ 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 ≥ 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 subject districts 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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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 of 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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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~~f~~; ~~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~~f~~; ~~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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

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, 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 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 <u>underlined</u> 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 *<u>underlined italic blue</u>* 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.

<u>To Be Rescinded if Board of Public Works so votes:</u>

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

<u>To Be Removed:</u>

§ 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 (CO_2), water, inorganic compounds, and biomass at a rate consistent with other known compostable materials and that leaves no visible, distinguishable, or toxic residue.” All petroleum-based plastics that are compostable break eventually breakdown into smaller pieces of petroleum-based plastics, some of which are not visible to the unaided human eye. These particles are known as micro-plastic particles and have been found in most bottled waters and in the human and other animals’ bodies due to ingestion of affected food sources.

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

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

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

- "It must able to be broken down by biological treatment at a commercial or industrial composting facility";
- "Decomposition of the plastic must occur at a rate similar to the other elements of the material being composted (within 6 months)"; and
- 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, moister, 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 contain dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonation causes small bubbles to form, giving the water an effervescent quality. Also known as "sparkling water", "tonics", "soda water", "club soda", "tonic water", "seltzer"' "pop" and the like. (source: Wikipedia and The Free Dictionary)

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

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

Purpose:
The purpose of the Bylaw 2018-16 and the amendments to Bylaw 2018-16 proposed herein is to protect the health and safety of Nantucket's present and future generations, protect the Town's single source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe alternatives for each of the single-use ~~petroleum-based~~ plastic items banned. This bylaw applies to commercial sale, distribution and use of these plastic products. However, individuals need to do their part to strive to conserve, protect and preserve our environment.

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

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

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

solid waste and, thereby, to streamline solid waste management must be vigorously pursued.

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

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

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

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

BY-LAW:
Section II. Commercial ~~S~~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 ~~C~~*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,

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 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 withy 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 withy 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 withy 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 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):

§ 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 – Evergreen Way and Monohansett Road)

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 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 Heath 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 compiled 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 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.

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, expected 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, expected 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 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.

PLANNING BOARD REPORT

Chapter 40A, section 5 of the Massachusetts General Laws authorizes the Planning Board (hereafter the Board) to issue an advisory report to Town Meeting. Although a motion for Articles 39 through 64 is printed in the Warrant, this report provides additional information to help voters understand the basis for each motion. In an effort to provide better information about the planning process, the Board has added a report and glossary to the Warrant since 2011. The Board is guided by the approved Master Plan, unanimously accepted by Town Meeting in April of 2009[1]. Overall, the Board's motions are consistent with the goals and policies of the Master Plan, they advance and implement the goals, and they represent a balanced approach to guiding the community's future physical development.

Prior to the 2020 ATM, the Board adopted an informational document intended to provide guidance for citizens to consider when proposing a request for a Zoning Map change. The document included: criteria that would be applied by the Board during the public hearing process, questions that the Board would need answered during their deliberations, and expectations about attendance of the article proponent at the public hearings. We hope that this guidance provided more clarity about the process and how the Board reaches a recommendation.

Articles 39 through 46 (sponsored by the Board) and 49 through 61 (submitted by citizen petition) are Zoning Map changes. Articles 48 and 49 (sponsored by the Board) and 62 through 64 (submitted by citizen petition) are Zoning Bylaw (hereafter Bylaw) changes.

The proposed map changes that were recommended by the Board match the existing character of the area with the designated zoning districts and advance Master Plan objectives. The Board considered compliance with the Master Plan, including, but not limited to, such policies as:

- Advancing Master Plan actions identified in the "Zoning District Implementation Schedule"[2]
- Making a distinction between Town and Country[3]
- Matching zoning districts with the character of the surrounding area[4]
- Phasing out certain zoning districts[5]
- Removing commercial zoning from exclusively residential areas[6]
- Encouraging small neighborhood centers with mixed-use development[7]
- Addressing issues in 5 of 18 identified Planning Areas[8]

[1] Warrant Article 26 of the 2009 Annual Town Meeting
[2] 2009 Nantucket Master Plan, Figure 39, page 97 (Articles 40, 41, 43, 44, 45, 46, and 49)
[3] 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.1a, page 98 (Articles 46, 54, and 55)
[4] 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.3, page 98 (Articles 39 through 46, 49, 50, 52, 54, 55, 58, and 59)
[5] 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.1a and 2.1.1b, page 98 (Articles 39 through 46 and 49)
[6] 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.3 page 98 (Articles 39, 40, 43, and 44)
[7] 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.2, page 98 (Articles 41, 42, 43, 45, 49, 50, 52, and 58)
[8] 2009 Nantucket Master Plan, Figure 17, page 48 (Articles 39-45, 49, and 50)

Board sponsored map change in Article 39 matches the zoning district to the current residential neighborhood development, Articles 40 through 45 implement the phase-out of the RC and RC-2 zoning districts, and Article 46 implements the phase out of the R-20 zoning district in the Country Overlay District. These articles are directly related to multiple Master Plan objectives. In addition, Article 49, a citizen petition, also implements the phase-out of the RC-2 zoning district and it includes other changes that are consistent with the Master Plan. If approved, Articles 40 through 45 and 49 will further reduce the RC and RC-2 districts by 25% and 22%, respectively.

Citizen petition Articles 50 and 52 add a total of three residential parcels to the CN district in areas with existing commercial uses on adjacent parcels. The parcels included in Article 50 were previously in a commercial district. Articles 54 and 55 change the parcel designations from “country” to “town” following the extension of infrastructure to those areas making them more consistent with the Town Overlay District. Article 58 changes residentially zoned parcels to commercial, a change that is consistent with the Master Plan. The zoning change from R-40 to LUG-1 in Article 59 is consistent with the surrounding area and it matches the zoning district with the inclusion of the properties within the Town Overlay District.

Articles 51, 53, 56, 57, 60, and 61, also citizen petition map changes, did not receive support from the Board due to concerns about density and lack of consistency with the surrounding area and the Master Plan objectives.

Bylaw amendments proposed by the Board in Articles 47 and 48 received positive recommendations. Article 47 contains technical amendments that primarily address inconsistencies in the Bylaw created by prior change in local or state laws. Article 48 removes the allowance for residential swimming pools on lots less than 7,500 square feet and increases the required side and rear yards setbacks from five feet to ten feet for residential swimming pools in the R-5, R-5L, R-1, and SR-1 districts. A detailed comment is provided following the motion. This is the only article supported by the Planning Board which was not supported by the Finance Committee.

Bylaw amendments proposed by citizens in Articles 62 through 64 did not receive support from the Planning Board and those articles contain additional comments after the motion.

The Board recognizes the hard work of its staff, the active participation by citizens, and appreciates the thoughtful review of these articles by Town Meeting voters. If you have questions or concerns about the zoning articles, we encourage you to seek answers in advance of Town Meeting from individual Board members or contact PLUS staff at 508-325-7587.

ZONING ARTICLE GLOSSARY

The Planning Board has provided this glossary to serve as a summarized reference for selected terms in Articles 39 through 64. The entire Zoning Bylaw (Chapter 139 of the Code of the Town of Nantucket) and maps (under Town Meetings and Elections) can be further researched at www.nantucket-ma.gov.

The intensity regulations for zoning districts identified in the Zoning Map changes are referenced below.

Yard Setback					
District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
VN	10,000	10	10	50	30%
VR	20,000	20	10	100	10%
LUG-1	40,000	35	10	100	7%
LUG-2	80,000	35	15	150	4%
CMI	5,000	0	0	50	50%
RC	5,000	None	5	40	50%
RC-2	5,000	10	5	40	50%
CN	7,500	10	Side: 5 Rear: 10	50	40%
CTEC	10,000	10	Side: 5 Rear: 10	50	40%
SOH	5,000	None	5	50	50%
SR-1	5,000	10	5	50	30%
R-5	5,000	10	Side: 10 minimum on one side; 5 thereafter Rear: 5	50	40%
R-10	10,000	20	10	75	25%
R-20	20,000	30	10	75	12.5%
R-40	40,000	30	10	75	10%

Area Plan - the Nantucket Planning and Economic Development Commission (NP&EDC) has developed a participatory process to foster and facilitate the implementation of the land use and other relevant sections of the 2009 Master Plan. The areas are designated, mapped, and volunteer advisory members are appointed. The topics that each group evaluates are the nine elements of an MGL Chapter 41 section 81D master plan. A final plan is accepted by the NP&EDC. Final plans have been

completed for Brant Point, Madaket, Mid Island, Naushop Crossing, Siasconset, Surfside and Tom Nevers. *(Source: Goal 2.2, Policy 2.2.1, Nantucket Master Plan)*

Country Overlay District (COD) – a zoning overlay district encompassing those areas not included in the Town Overlay District. The purpose of the COD is to preserve areas characterized by traditional and historic rural land use patterns and to discourage the spread of dispersed development patterns that promote automobile dependency. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12F)*

Exclusionary Zoning – zoning that has the effect of keeping out of a community or neighborhood certain groups, or additional population. Techniques such as large-lot zoning, which increase housing costs, have been challenged for their exclusionary effects. *(Source: A Planner's Dictionary (2004). Published by the American Planning Association)*

Ground Cover – the horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, generators and generator enclosures, mechanical and utility equipment unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and detached sheds not exceeding 200 square feet in ground cover and 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 2)*

Overlay District – establishes alternative zoning requirements to address area specific needs, to promote specific development projects, or to meet specific community goals. *(Source: American Planning Association https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Overlay)*

Special Permit – requires a super-majority (4 out of 5 members in favor) vote of the special permit granting authority. Special permits may impose conditions, safeguards, and limitations intended to ensure that the use or structure is in harmony with the general purpose and intent of the Zoning Bylaw. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 30)*

Spot Zoning – the Massachusetts Supreme Judicial Court found that spot zoning occurs where one lot or a small area has been singled out for treatment less onerous than that imposed upon nearby, indistinguishable properties. The Court of Appeals has found that spot zoning arises "where a zoning change is designed solely for the economic benefit of the owner of the property receiving special treatment and is not in accordance with a well considered plan for the public welfare." *(Source: Massachusetts Municipal Association)*

"In assessing spot zoning challenges, it is quite proper to consider the effect of the zoning change on the municipality as a whole. The court now favors a balancing test to assess a spot zoning challenge. This is especially important where the growth of the municipality has been addressed by a plan." Challenges alleging spot zoning have a heavy burden of proof, as great weight is given to validity arising from the Town Meeting process. The total area being rezoned is only important where it is not an extension of a district by the inclusion of border lots. Generally, newly established zoning areas greater than two acres are not considered to be a spot zone. *(Source: Bobrowski, Mark "Handbook of Massachusetts Land Use and Planning Law" pages 91through 95)*

Town Overlay District (TOD) – a zoning overlay district encompassing those areas not included in the Country Overlay District. The purpose of the TOD is to encourage development within an area where infrastructure already exists or can be extended without undue expense, to create opportunities to produce affordable housing for year-round residents through in-fill development and to create development patterns that are conducive to service by alternatives to the automobile, such as transit, bicycle, and pedestrian systems. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12E)*

ZONING DISTRICTS BY LAND AREA

(Updated through March 2021)

In 2005, when the Planning Board first began the research necessary to draft the Master Plan, 8.65% of the island was in a high density (minimum lots size of 5,000 square feet or less) zoning district and 81.75% was in a low density (minimum lot sizes of 40,000 square feet or more) zoning district. Today, 3.47% of the island is in a high density zoning district and 86.92% is in a low density zoning district. The amount of land within a moderate density district has remained stable. The chart below demonstrates how the land area of the island contained within each zoning district has changed over time.

	2005		2020	
Zone	Acres	Percentage of Total Land Area	Acres	Percentage of Total Land Area
AH	1.18	0	0	0
OIH	4.71	0.01	4.77	0.01
ALC	21.01	0.06	21.02	0.07
VN	0	0	20.64	0.07
VTEC	0	0	27.65	0.09
LC	37.93	0.11	0	0
CDT	23.48	0.07	37.67	0.13
SR-1	48.90	0.15	25.78	0.09
CTEC	0	0	60.83	0.20
SOH	34.83	0.11	50.24	0.17
SR-10	13.91	0.04	45.21	0.15
CMI	0	0	53.75	0.18
RC	330.39	1.00	30.15	0.10
R-5	0	0	161.36	0.53
CN	0	0	189.55	0.63
RC-2	1380.7	4.00	100.17	0.33
ROH	209.38	0.60	229.66	0.76
VR	0	0	288.12	0.96
SR-20	445.86	1.40	273.63	0.91
R-1	641.01	1.90	351.56	1.17
R-40	0	0	435.37	1.45
R-10/10L	346.22	1.05	423.84	1.41
CI	0	0	455.27	1.51
LUG-1	989.92	3.00	1011.57	3.36
R-20	2505.00	7.60	1113.89	3.70

MMD	618.59	1.90	1790.02	5.95
LUG-2	7481.80	22.60	2269.14	7.54
LUG-3	17986.00	54.30	20637.52	67.65
TOTAL	**33121**	**99.9**	**30108.38**	**99.12**

Prepared By: Leslie Woodson Snell, AICP, Deputy Director of Planning
Nathan Porter, GIS Coordinator

Data Source: Town of Nantucket GIS Files