

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Kristie L. Ferrantella
Dawn E. Hill Holdgate
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 JANUARY 26, 2022 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/lhe1leaobfw>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_XyLvmlW8SNqMHE-3U5Ci_Q

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of January 19, 2022 at 5:30 PM.
 2. Approval of Payroll Warrants for January 23, 2022.
 3. Approval of Treasury Warrants for January 26, 2022.
- VIII. CITIZEN/DEPARTMENTAL REQUESTS***
 1. Applicant Introduction/Review of Applications and Appointment to Council for Human Services, Pursuant to Select Board Committee Appointment Policy.

2. Nantucket Conservation Foundation: Request for Preliminary Review of Conservation Restriction to be Held by Nantucket Conservation Foundation, Inc. for Land Located at 35 Shawkemo Road.

IX. REAL ESTATE ITEMS

1. Request for Approval and Authorization for Town Counsel to Execute Supplemental Petition for Approval of a Subdivision Plan for 35 Nonantum Avenue Delineating Parcel T-1, Masquetuck Street.
2. Request for Approval and Authorization for Town Counsel to Execute Assent to Complaint to Recognize Taking and Approve Plan, Amending Legal Description of Lot 2 on Land Court Plan No. 43353-A and Approving of Registration of Subdivision Plan of said Lot 2 for Property Located at 51 Weweeder Avenue.

X. TOWN MANAGER'S REPORT

1. Diversity, Equity and Inclusion Director: Activity Update.
2. Review of FY 2023 Enterprise Fund Budgets: Our Island Home.
3. Monthly Town Management Report.
4. Review of FY 2022 Free Cash Allocation Recommendations.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Adoption of 2022 Annual Town Meeting and Election Warrant.
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

Council for Human Services (per 2021 ATM vote, membership was increased to 9 members)

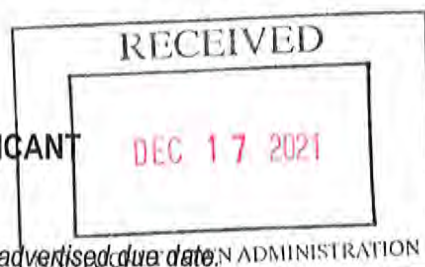
Brooke Mohr	Chair	2023
Athalyn Sweeney	Vice Chair	2024
Ruth Tonico		2022
Joseline Ramirez		2022
VACANT		2022
Claudia Valle		2023
Sindy Rivera		2023
Sue Mynttinen		2024
VACANT		2024

Applicants:

Kelly Steffen
Tara Restieri
Veronica Bolcik
Julianne Kever



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



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

Name: Kelly Steffen

Home Phone: 802 595 3474

Mailing

Address: 32 Hummock Pond Road

Alternate Phone:

Email Address: kellysteffen788@gmail.com

Date Submitted: 12/17/2021

REQUESTING APPOINTMENT TO: Council for Human Services

Reasons for Committee Interest

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

I have attended town meetings, CHS meetings and many other Town functions. I am interested in this Council because I believe in living a life that makes a difference in other peoples lives. I am prepared to commit time and energy into the focuses of CHS and it's meeting schedule.

Relevant Experience

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

I have an undergraduate degree in Community and International Development. I have worked at and volunteered at social/human service non-profits since I was a teen.

I have worked at the Nantucket Food Pantry for over two years and I also helped found and have been working on the Nantucket Community Food Project.

With appointment to the Council and from our work I would hope to see tangible improvements in our community members lives.

Potential Conflicts of Interest

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

I work at the Nantucket Food Pantry

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

None



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

RECEIVED

JAN - 5 2022

NANTUCKET TOWN ADMINISTRATION

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

Name: Tara Restieri **Home Phone:** 914-646-2233

Mailing Address: 74A Madaket Road Nantucket, MA 02554 **Alternate Phone:** _____

Email Address: Tara.restieri@gmail.com **Date Submitted:** _____

REQUESTING APPOINTMENT TO: _____ Council for Human Services _____

Reasons for Committee Interest

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

I have listened to meetings, read a great deal about the issues from the Town and State Websites

The mission of the Human Services should be primarily to enhance and support the quality of life of Nantucket residents through support in meeting basic human needs and promoting services that foster self-sufficiency. I have experience as a current and ongoing member of the Town Board of Human Services in Connecticut. I am keenly aware of how to identify the needs of residents and to ensure that adopting policies that are focused on the needs of residents. I am also experienced in working together with our Director to support and make recommendations that allow for the provision of services to Nantucket residents in a necessary but cost-efficient manner.

Yes, I am prepared to commit to the meeting schedule.

Relevant Experience

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

Since retiring from teaching I have given my time and life to civic service. I understand the issues that are important to the residents of Nantucket and believe that I am very qualified to serve on the Nantucket Council for Human Services.

- What would you hope to accomplish on the committee/board/commission?

I would hope to help with the oversight and development of policies that will benefit residents of Nantucket.

Potential Conflicts of Interest

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

Elected appointments: Greenwich Representative Town Meeting (two year term to begin Jan 1, 2022).
Appointed and elected: Greenwich Town Board of Human Services (two year term elected March, 2021).
Appointed, Greenwich Hospital Neighborhood Advisory Council as of October, 2021

Appointed, Town of Greenwich Citizens Police Department Advisory Committee, Appointment to begin 2022.
Emergency Medical Technician, Greenwich Emergency Medical Services and Stamford Emergency Medical Services

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

No

Tara Restieri
Cell: (914) 646-2233
Tara.restieri@gmail.com

PROFESSIONAL EXPERIENCE

- Volunteer, **Greenwich Emergency Medical Services, Inc.** June 2021 to present
- Certified Emergency Medical Technician
- Volunteer, **Stamford Emergency Medical Services, Inc.** June 2021 to present
- Certified Emergency Medical Technician
- Board, Department of Human Services, **Town of Greenwich, CT** June 2021 to present
- Chair, Operations and Technology. Committee member – Community Partnerships, Client Relations, Communications and Human Resources.
- Board of Directors, **YWCA, Greenwich** July 2020 to present
- YWCA of Greenwich is a multi-service non-profit that has been serving the Town of Greenwich and the surrounding region for over 100 years.
 - Member of Finance Committee, Development Committee and Co-Chair of Walk the Walk for Domestic Violence Awareness and Old Bags Luncheon.
- Co-Chair Board of Directors, **Girl Rising** Nov 2017 to Oct 2020
- Girl Rising is global campaign for girls' education and empowerment. Through storytelling, film and other media, we seek to change the way people think about and value girls and girls' education. We launch high profile campaigns to shine a spotlight on the issues girls face and to catalyze change.
- Head of Strategy, Fellows and Membership - **The Nantucket Project** Oct 2016 to March 2019
- Oversight of budget and operations of TNP Fellows program.
 - Strategic advisor for overall operations of organization.
 - Responsible for restructuring Board of Advisors and formation of new committees.
 - Coordinate all media lab programs and activities.
- Science Teacher - Chemistry Aug 2010 to July 2016
Head Coach, Varsity Swimming & Diving
Greenwich Academy – Greenwich, CT
- Encouraged active engagement in classroom experience by creating an inclusive culture of patience, caring and stimulation for all students.
 - Balanced challenging coursework and academic environment to foster success for students of all academic levels.
 - Evaluated, restructured and redesigned *Introduction to Chemistry* course over a multi-year period.
 - Mentored and advised students throughout their transition to high school.
 - Actively participated in ongoing professional development.
- Biology Teacher - Leave Replacement Nov 2009 to June 2010
Mamaroneck High School UFSD – Mamaroneck, NY
- Assigned as a long-term leave replacement in Science Department, subject Honors, Regular and ESL Biology.
- Full-time Substitute, Science Department Sept to Nov 2009
Greenwich High School - Greenwich, CT
- Substitute in all areas of science including Biology, Chemistry, Environmental Science and Physics.
- Consultant Oct 2008 to Sept 2009
Laurient Inc., LLC – New York, NY

- Consulting for Internet based database company that provides clinical research data and corporate information to biotechnology and healthcare investors.
- Responsible for the review, analysis and translation of biological and clinical data presented at scientific, industry and academic conferences into relevant information that allowed investors to determine potential investment opportunities.

Director, Healthcare

Oct 2007 to Sept 2008

Lazard Freres & Co., LLC – New York, NY

- Maintained cross-functional duties responsible for equity based business spanning the Financial Advisory Practice including Mergers and Acquisitions, Alternative Capital and Financial restructuring groups.
- Expanded equity business by reinforcing existing relationships and creating new opportunities through an understanding of corporate operations with scientific knowledge and clinical background.
- Worked with Managing Directors and Partners to develop and implement a novel initiative to expand Mergers and Acquisitions and new issue equity business.

President and Founder

June 2004 to Oct 2007

TSCG Advisors, LLC – Rye, NY

- Built a senior executive group of investor relations, corporate communications and business development advisors focused on strategic review and advising private and public biotechnology companies.
- Utilized team expertise in all areas of science, finance and operations to advise emerging biotechnology companies in investor relations, public relations, finance, business development, and operations.

Senior Director, Operations and Corporate Communications

Jan 2000 to June 2004

Genta Incorporated - Berkeley Heights, NJ

- Served as key advisor to CEO on matters related to corporate finance, marketing, clinical development, human resources, regulatory affairs, and corporate communications.
- Responsible for relocating corporate headquarters including the recruitment of all levels of management and overseeing significant aspects of business operations.
- Acted as a relationship manager with key team members of Sanofi-Aventis as related to collaboration and marketing preparation for Company's lead anti-cancer drug candidate.
- Developed and managed a comprehensive corporate communications program, which included both investor and public relations programs for a research and development staged cancer company.
- Served as primary contact for media, buy and sell-side analysts and portfolio managers, institutions and retail investors.
- Participated in multiple rounds of financing by working directly with CEO, CFO and Investment Banking teams, resulting in the placement of approximately 60 million shares of common stock.

Administrator, Graduate Medical Education

Aug 1998 to Dec 1999

Memorial Sloan-Kettering Cancer Center - New York, NY

- Responsible for annual graduate staff appointments to Memorial Hospital including approximately 800 rotating and 330 full-time house-staff; included human resources management, employment authorization and salary planning. Member of Residency Review Committee.
- Supervised Graduate Staff Coordinators in the Departments of Pediatrics, Medicine, Surgery, Psychiatry, Radiology, Radiation Oncology, Pathology and Neurology.
- Maintained, monitored and upheld requirements for Joint Commission on Accreditation of Hospital Organizations and Accreditation Council for Graduate Medical Education for all graduate programs.
- Worked in conjunction with the Greater New York Hospital Association, New York State Division of Education, American Medical Association, and other regulatory agencies on relevant affairs effecting Medical Education.
- Planned, prepared and monitored 25 million dollar operating, salary and capital budget for 54 residency and fellowship training programs.

Coordinator, Education & Training

Sept 1994 to Aug 1998

DEPARTMENT OF MEDICINE

Memorial Sloan-Kettering Cancer Center - New York, NY

- Responsible for the development and implementation of educational curriculum for Graduate Medical Education programs in Internal Medicine and Medical Oncology/Hematology programs.
- Responsible for identifying, applying for, and renewing funding sources for Department of Medicine fellows through institutional, government grants and philanthropic resources.
- Responsible for recruitment and interviewing candidates for department graduate training programs.
- Instituted and process applications, credentials, and appointments of U.S. and international applicants to medical student, post-doctoral, medical house-staff and fellowship programs.

Research Study Assistant

Nov 1992 to Sept 1994

DEPARTMENT OF CLINICAL TRIALS

Memorial Sloan-Kettering Cancer Center - New York, NY

- Supervised the daily treatment of 200 research patients participating in clinical trials for the Department of Medicine, Solid Tumor Division.
- Trained new staff in research methodology, hospital database management and clinical systems.
- Developed data collection materials and protocol management tools.
- Served as liaison to physicians, patient families, pharmaceutical companies regarding patient management and participation in clinical trials.

Research Assistant

Sept 1990 to May 1992

New York State Department of Health

Wadsworth Center for Laboratories and Research - Albany, NY

- Conducted and prepared experiments, adapting related protocols related to the response of the human body to the effects of chemotherapy.
- Gained extensive, hands-on knowledge of electron microscopy and laboratory techniques.
- Worked primarily alone, achieving a high level of accuracy.

EDUCATION

Greenwich Emergency Medical Services

Greenwich, CT

Winter, 2021

Class Valedictorian

Manhattanville College

Purchase, NY

M.A.T., July 2009 to June 2010, coursework incomplete

New York University

New York, NY

M.P.A., Healthcare, degree granted May 2001

State University of New York at Albany

Albany, NY

B.S., Biology, degree granted May 1992

61 Old South Road
Suite 325
Nantucket, MA 02554
201-788-6261
vbolcik@gmail.org

January 5, 2022

Dear Ms. Mooney and the Select Board of Nantucket,

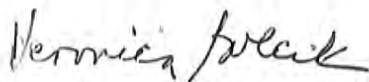
Attached, kindly find my resume for consideration to fill one of the two open seats on the Council for Human Services. Shortly after retiring from my last role as a teacher of children with severe and profound disabilities, we moved to Nantucket, making this our full time residence. I had wanted to take some time before jumping into a community service position, and then all came to a halt in March 2020. Since becoming fully vaccinated and boosted, I am now seeking opportunities.

I have spent many years in volunteer positions, primarily in the area of human services, recently in a 7 year role as a Trustee of the Hackensack, NJ, Board of Education, three years as President. The role of BOE Trustee plus other positions on Boards, has allowed me to serve our community in many arenas, with health, education and overall wellness of the greater community being the focus.

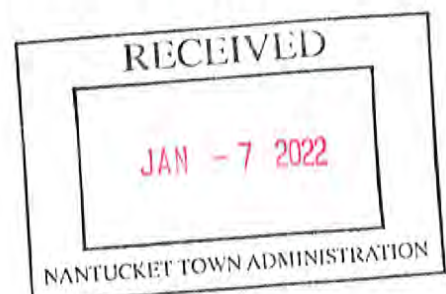
I would like the opportunity to give back to the community which we now call home. Through the example set by my parents, I have been a steady community volunteer in addition to a 40 year career working in business and education of individuals with disabilities. Since late 2020, I have volunteered at the Nantucket Food Pantry and most recently at the Town Public Health Vaccination Clinic.

It would be an honor to apply my skills in program development, budgeting and finance, needs assessment and oversight of programs along with my passion for community service, to assist all the residents of Nantucket.

Thank you for your consideration.



Veronica Bolcik





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Town Manager

RECEIVED

JAN - 7 2022

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.

Name: Veronica Bolcik

Home Phone: 201.788.6261 (cell)

Mailing

Address: 61 Old South Rd, Suite 325, Nantucket, MA 02554

Alternate Phone: 201.638.2833

Email Address: vbolicik@gmail.com

Date Submitted: 1/6/2022

REQUESTING APPOINTMENT TO: Council for Human Services

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?

I am regular viewer through Zoom of the Select Board meetings and Public Health meetings.

- Why are you interested in this committee/board/commission?

The Council's mission and my skill set from 40 years of human services interaction (in a variety of roles) align nicely.

- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Yes. I am prepared to participate in person or via Zoom

Relevant Experience

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

Nantucket is a diverse community with many challenges to meet the needs of all. Most recently, I served as a Trustee on an off island Board of Education with close to 6,000 students from a wide range of socio-economic backgrounds, with multiples native languages spoken in the home and coming from various background and cultures. The goal was to meet everyone's needs. The community demographics are similar to Nantucket. The strategies I learned from those experiences can be applied here on Nantucket for the betterment of our very special community.

- What would you hope to accomplish on the committee/board/commission?

I would hope to make a difference by working on the council to coordinate services for increased efficiency and improved delivery of services that address the wellness of the community.

(Resume is attached)

Potential Conflicts of Interest

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

None

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No

VERONICA N. BOLCIK
61 Old South Road Suite 325, Nantucket, MA 02554
201.788.6261
vbolicik@gmail.com

OBJECTIVE

Volunteer positions where experience and skills can benefit organization.

HIGHLIGHTS

- Taught adolescent and adult students with special needs in public school and innovative community based programs.
- Transitioned into a career in educational and rehabilitation product development, marketing and sales.
- Extensive marketing and sales experience combined with professional background in education and social services for person with disabilities.
- Over 20 years management experience emphasizing a collaborative yet decisive style.
- Adept at building productive relationships to further the organization's goals.
- Persuasive and articulate communication skills, both written and verbal.

PROFESSIONAL EXPERIENCE

(At FlagHouse, Inc.)
MANAGEMENT

- Achieved a revenue growth from \$14M to over \$45M through the acquisition and introduction of new product lines and market areas and unique product development.
- Planned and executed a budget of \$5,000,000 including development, design and purchasing of 2.5 million print catalogs and collateral direct marketing pieces.
- Supervised staff of 50 using a team-based approach that addressed training, work flow, quality control, conflict resolution and review process.

DEVELOPMENT / MOTIVATION

- Built a large loyal client base through personal attention, quality service, and consistent follow through of goals.
- Wrote position papers, persuasive letters and documents, frequently influencing internal and external decision-makers on strategies and policies.
- Involved personnel in goal sharing, and on-going training opportunities, resulting in dramatically increased productivity.

VERONICA N. BOLCIK
vbolcik@gmail.com

WORK HISTORY

2005-2017

Bergen County Special Services School District
N.A. Bleshman School – Teacher

2005-2007

Marcel Photography, Ridgely Park, NJ
School and Event Photography

1990-2004

FlagHouse Inc., Hasbrouck Heights, NJ 07604
Recreation, Sporting Goods, Physical Education and Special Education
1990-1994 Director of Marketing
1994-2004 VP Merchandising and Creative

1981-1990

JA Preston Corp., Clifton, NJ 07013
Rehabilitation and Special Education Products
1981-1983 Marketing Assistant
1984-1990 Product Manager

1977-1981

Bergen County Special Services School District
Teacher of the Multiply Handicapped

1975-1977

Independent Living for Adults, Bergenfield, NJ 07621
Resident Counselor

EDUCATION

B.A., Sociology, College of New Jersey 1975
M.A., Special Education, New Jersey City University 1979
Permanent New Jersey - Teacher of the Handicapped Certificate K-12
with Elementary Education K-5 endorsement

PROFESSIONAL AFFILIATIONS

Hackensack Board of Education Trustee 2009-2017
Arthritis Foundation Bergen County Walk Chairperson 2007 to 2011
YMCA of Greater Bergen County Board of Directors 2005 to 2008
Hackensack Education Foundation Trustee 1998 to Present
Hackensack Schools PTA 1994 to 2011
Exceptional Parent Magazine Toy Editorial Board
Auxiliary of Hackensack University Medical Center
Association for Supervision and Curriculum Development

References upon request.



TOWN OF NANTUCKET COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

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

Name: Julianne Kever

Home Phone: 508-221-7708

Mailing

Address: P O Box 1013, Nantucket, MA 02554

Alternate Phone: _____

Email Address: dunegrass@earthlink.net

Date Submitted: November 22, 2021

REQUESTING APPOINTMENT TO: _____ Council for Human Services _____

Reasons for Committee Interest

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

I have not attended any related board meetings, but did take part in the Housing Program meetings done by 'Golden' in late winter and early spring, 2021. I'm interested in the housing dilemma on-island, especially for underserved islanders with disability issues, the homeless, and those who need affordable RENTAL choices. I don't see a problem attending the once-a-month Council meeting.

Relevant Experience

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

I would like to provide input on many situations I know of where housing is a severe problem and learn what others know and how to work on improving the housing problem. Am willing to learn how to help.

Potential Conflicts of Interest

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

I'm not on any committees or local agencies. I work for the Nantucket Preservation Trust four days a week.

From: notifications@typeform.com
To: [Erika Mooney](#)
Subject: Typeform: New response for Town of Nantucket Volunteer Talent Bank
Date: Wednesday, July 21, 2021 12:40:05 PM

Your typeform Town of Nantucket Volunteer Talent Bank has a new response:

- **First and last name:**

Julianne Kever

- **Email:**

dunegrass@earthlink.net

- **Occupation / Title (Registered Nurse, Retired Engineer, etc.):**

Administrative Assistant

- **Education (i.e. Bachelors Degree, Certifications, etc.):**

Bachelors Degree; Notary Public for 16 years

- **Are you seeking a:**

Alternate position

- **Committees of Interest:**

Council for Human Services, Nantucket Affordable Housing Trust

- **If you are not appointed to this Board/Committee, please list in order of preference, what other Board/Committees you are willing to be considered for:**

At this time, I don't have other preferences.

- **How long have you lived on Nantucket?**

I am a 12th. generation native, having lived here approximately 55 of my 71 years.

- **Are you registered to vote on Nantucket?**

Yes

- **How did you hear about the Board/Committee?**

I went looking for committees that address the human condition of living here for ordinary, disabled and homeless islanders.

- **Why are you seeking an appointment?**

To bring my knowledge and input on conditions of living here to the table.

- **What is your experience or knowledge regarding the duties of this Board/Committee?**

I've had family members either disable, homeless or on the brink of losing housing, due to illness, injuries or low income.

- **Please list any education, experience, professional achievement, previous occupation, skills, or special interests you may have that will assist you with this Board/Committee:**

I'm an older generation Native who has seen many changes to available housing for ordinary people who are Natives or long-term Islanders, over the years. I've worked in a local bank for 7 years, witnessed the rising real estate sales second-hand, and know several individuals caught in the net of un-affordable housing options, or no options.

- **How many times in the last year have you attended or watched a meeting of the Board/Committee to which you would like to be appointed?**

I have not, because I did not know I could.

- **Would there be a possible conflict of interest if you were appointed to this Board/Committee?**

No

- **Have you ever had an application before the Board/Committee to which you are requesting an appointment?**

No

- **Please list all other Board/Committee's on which you have served in other towns:**

I haven't served on any Committee's anywhere. I was a volunteer for a couple of years with the Greenfield American Red Cross.

- **New Committee - Not Listed Above:**

N/A

Log in to view or download your responses at
<https://admin.typeform.com/form/TFsmVsMW/results>

Typeform sent you this email on behalf of a typeform creator. We aren't responsible for its content. If you suspect abuse, like suspicious links, please report it [here](#).

This email was scanned by Bitdefender



Agenda Item Summary

Agenda Item #	VIII. 2
Date	1/26/2022

Staff

Erika D. Mooney, Operations Administrator

Subject

Request for preliminary review of Conservation Restriction (CR) for 35 Shawkemo Road to be held by Nantucket Conservation Foundation.

Executive Summary

Pursuant to the Board's Conservation Restriction and Preservation Restriction Policy, when a conservation 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.

Staff Recommendation

Review the conservation restriction and vote to forward to Town Counsel for review and issuance of a report.

Background/Discussion

N/A

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

The CR purposes are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition, and to prevent any use or change that would materially impair the Conservation Values, including open space, wildlife habitat, biodiversity, water quality, climate change resiliency and scenic views.

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Master Plan conservation policy

Attachments

Conservation Restriction and Preservation Restriction Policy; draft Conservation Restriction for 35 Shawkemo Road





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.

From: [Arthur Reade](#)
To: [Erika Mooney](#)
Cc: [Cormac Collier](#); [David Rosenzweig](#); [Whitney Gifford](#)
Subject: Rosenzweig conservation restriction
Date: Thursday, January 20, 2022 1:48:21 PM
Attachments: [CR Application Rosenzweig Final.pdf](#)
[Cert. 16573 attested 1-19-2022.pdf](#)
[Plan 13364-R.pdf](#)
[Plan 13364-J.pdf](#)
[Plan 13364-N.pdf](#)
[GIS map with overlay.pdf](#)

Erika,

Attached are the materials which the Select Board and Town Counsel will need in connection with the local approval of the Conservation Restriction, which has been approved by the state for local approval. You already have a copy of the proposed conservation restriction. The attached materials are:

- The application for approval which Nantucket Conservation Foundation, Inc. ("NCF") submitted to the state reviewing authority.
- Certificate of Title No. 16573, attested by the Nantucket Registry District as of January 19, 2022.
- Land Court Plan 13364-R. The subject parcel is shown thereon as Lot 92.
- The previous Land Court plans which were referenced in the Certificate of Title, 13364-J and 13364-N.
- The GIS map of this property with 2019 aerial overlay.

The Rosenzweig property, as described in the Certificate of Title, consisted of Lot 16 on Plan 13364-J and Lots 47, 48, 49, 52, 53, 54, 55, 59, 60, 61, 62, 63, 64 and 65 on Plan 13364-N. Lots 47, 48 and 49, which are not contiguous to the other lots, were gifted by Mr. Rosenzweig to NCF on August 30, 2021. The remaining lots were then redivided into Lots 92 and 93 on Plan 13364-R, which was accepted for filing by the Land Court on November 18, 2021. Mr. Rosenzweig sold Lot 93 to NCF on December 4, 2021. Thus, Lot 92, the subject of the proposed Conservation Restriction, is all of the remaining land owned by Mr. Rosenzweig.

There is a mortgage upon the property, which is held by me as Trustee. This mortgage will be discharged immediately prior to the recording of the Conservation Restriction.

Mr. Rosenzweig agrees to reimburse the Town of Nantucket for the expenses incurred by it for the review of this Conservation Restriction by Town Counsel.

Please let me know if you or the members of the Select Board need any further materials or information in this regard. I would be pleased to discuss this with Town Counsel, also.

Thanks very much for your cooperation.

Arthur
1/20/2022

Arthur I. Reade, Jr., P.C.
Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way
Nantucket, Massachusetts 02554

Post Office address:
Post Office Box 2669
Nantucket, Massachusetts 02584

508-228-3128 (Tel.)
508-228-5630 (Fax)
air@readelaw.com

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GRANTOR: DAVID A. ROSENZWEIG

GRANTEE: NANTUCKET CONSERVATION
FOUNDATION, INC.

ADDRESS OF PREMISES: 35 Shawkemo Road,
Nantucket, Massachusetts

FOR GRANTOR'S TITLE SEE: Nantucket County
Registry District of the Land Court, Certificate of
Title No. 16573

CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

I, DAVID A, ROSENZWEIG, of 20 Crowninshield Road, Marblehead, Massachusetts, being the sole owner of the Premises as defined herein, for my successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to NANTUCKET CONSERVATION FOUNDATION, INC., a Massachusetts charitable corporation with an address of 118 Cliff Road, Nantucket, Massachusetts, its permitted successors and assigns ("Grantee"), for no consideration, as this conveyance is to be considered and characterized as a gift, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in Nantucket containing the entirety of a 7.05 +/- acre parcel of land ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copies of survey plans in Exhibit B and C as Lot 92; all of which are incorporated herein and attached hereto.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The Conservation Values protected by this Conservation Restriction include the following:

Open Space. The Premises contributes to the protection of the scenic and natural character of the coastal moraine ecosystem of Nantucket Island and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises is categorized primarily as Open Scrub Oak habitat by The Nature Conservancy's 1999 Island Vegetation Analysis and provides significant plant and animal habitat. The Premises will enhance abutting and surrounding open space providing critical connections to approximately 80 acres of permanently conserved lands.

- Wildlife Habitat. The Premises includes areas designated by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP) as “Priority Habitats of Rare and Endangered Species”, the protection of which aligns with NHESP’s wildlife and habitat protection objectives.
- Biodiversity. The Premises includes areas designated as Core Habitat as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. *BioMap2* is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan.
- Water Quality. The Premises are located in the Nantucket Harbor watershed, and therefore permanently protecting the Premises will further water quality protection of Nantucket Harbor and associated estuaries. Protection of the Premises will also help protect Nantucket’s sole source aquifer, which is the island’s only source of drinking water.
- Climate Change Resiliency. A portion of the Premises is identified as an area of average Terrestrial Resilience while the remainder is identified as slightly above average Terrestrial Resilience according to The Nature Conservancy’s (TNC) Resilient Land Mapping Tool. TNC’s Resilient Land Mapping Tool was developed in order to map ‘climate-resilient’ sites that are ‘more likely to sustain native plants, animals, and natural processes into the future.’ The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.
- Scenic Views. The Premises provide significant scenic views or undisturbed open space that can be seen from Nantucket Harbor and surrounding access roads.
- Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy.
 - Preservation of the Premises is pursuant to clearly delineated conservation policy expressed in Nantucket’s Master Plan, adopted by Nantucket voters at the Annual Town Meeting in April 2009, and also stated in the Town of Nantucket 2007 Open Space and Recreation Plan as Goal/Objectives 1C: “The Town should encourage the use of creative regulatory and non-regulatory land protection tools such as conservation restrictions, tax abatements, gifts and zoning measures; and in the Nantucket Comprehensive Plan (NCCP), including the following objectives therein: Objective 4.1, “To aggressively acquire land and conservation restrictions to protect natural ecosystems;” Objective 4.2, “To encourage land management activities by the Land Bank and nonprofit entities to provide permanent resource protection”.

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

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized

vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;

8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on any parcel other than the Premises;
10. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
11. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises.
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also

address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;

6. Trails. Conducting routine maintenance of existing trails, which may include widening trail corridors up to 6 feet in width overall, with a treadway up to 6 feet in width.
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
8. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments (provided, however, the manner of such motorized vehicle use is approved in advance by Grantee) and as otherwise permitted herein.
9. Outdoor Passive Recreational and Educational Activities. Hiking, cross-country skiing, snowshoeing, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities;
10. Green Energy. With prior written approval of the Grantee, constructing energy producing structures and associated transmission lines that produce negligible or no pollution or carbon emissions ("Green Energy Structures") to supply power for any Permitted Acts and Uses on the Premises. In addition to the terms of Paragraph III.E., when considering whether to grant approval, the Grantee will take into consideration the energy needs related to the relevant Permitted Act(s) and Use(s). While it is agreed that some power may be fed back into the public power grid during high production periods, such Green Energy Structures shall be limited to a capacity not higher than that necessary to meet, or exceed by up to 20% at the time of installation, the power requirements of the Permitted Acts and Uses. Such Green Energy Structures shall be located within the Residential Use Area (see Paragraph III.C) unless there is no feasible location within the Residential Use Area for such Green Energy Structures;
11. Improvements.
 - a. Existing Improvements. Maintaining, using, repairing, and replacing, and removing the existing improvements including the Dirt Driveway as shown on Exhibit B (which may be improved with gravel or shells, but not with any impermeable materials), driveway vehicle sensor, driveway lights, irrigation equipment, septic system, fenced garden, wildflower meadow, lawn, stone walk and steps, wells, the existing landscaped area lying between the Residential Use Area (see Paragraph III.C) and Shawkemo Road, landscaping material storage

bins, irrigation and electrical panel, and mosquito control boxes, all as documented in the Baseline Report (see Paragraph XV). Any activities carried out in accordance with the above use, maintenance, repair, or replacement of existing improvements that includes the use of fertilizers shall be done in accordance with the Town of Nantucket's "Best Management Practices for Fertilizer Use on Nantucket Island" or similar subsequent document published by the Town of Nantucket that is intended to reduce fertilizer leaching and protect down-gradient water resources.

- b. New Improvements and Expansion of Existing Improvements. With prior written approval of the Grantee, the installation of additional driveway lights along the Dirt Driveway, the expansion of the existing septic system to serve the buildings within the Residential Use Area (see Paragraph III.C), and the installation of a gate across the Dirt Driveway.

C. Residential Use Area.

The Grantor reserves the right to conduct or permit the following activities and uses only within the area shown on the plan in Exhibit C as "Residential Use Area," in addition to the Permitted Acts and Uses described in Paragraph III.B., and otherwise subject to this Conservation Restriction:

1. Existing Structures and Improvements. Using, maintaining, repairing, and replacing the existing primary and secondary single-family dwellings in substantially their same locations, with associated pool, pond, decks, greenhouse, shed, fences, utility lines, parking area and retaining wall, all as documented in the Baseline Report (see Paragraph XV.). The total ground cover of structures, as defined in the Nantucket Zoning By-law, shall not exceed 3% of the total lot area of the Premises with the maximum height of the highest point of any structure not to exceed the elevation of comparable portions of the existing structures, as shown upon Exhibit C; provided, however, that the portion of the primary dwelling which is designated as "A" upon the attached Exhibit C may be increased in height, with the maximum elevation thereof to be 65.37 feet above Nantucket Half-Tide Datum of 1934. Constructing, using, maintaining, repairing, improving, or replacing, the existing driveway, yard, lawns, gardens, parking area, well, and septic system ("Improvements") and provided that any of these Improvements serves only the permitted structures located within the Residential Use Area. Maintenance of flower, vegetable and lawn gardens shall be in accordance with the Town of Nantucket's "Best Management Practices for Fertilizer Use on Nantucket Island", or a similar subsequent Town document, that is intended to reduce fertilizer leaching and protect down-gradient water resources.
2. New Structures. Constructing additional structures provided any such additional structures are not used for residential purposes. The location of any new structures shall be subject to approval by the Grantee, which shall not be unreasonably withheld. The elevation of the highest point of any new structures shall not exceed 55 feet above the Nantucket Half Tide Datum of 1934. The provisions of this paragraph as to siting and elevation of structures may be modified in any instance by written instrument executed in advance by the Grantee at the request of the Grantor, in the sole discretion of the Grantee, so long as the scenic vistas and open space values of the Premises are not impacted.

D. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

E. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

F. Notice and Approval.

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief.

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver.

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

D. Disclaimer of Liability

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

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

This Conservation Restriction does not grant any right of access to the general public and the Grantor retains its rights to prohibit access to the Premises by the general public.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right is as of the Effective Date (See Paragraph XII.) and will be determined by an appraisal. Such proportionate value of the Grantee's property right shall remain constant.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

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

B. Execution of Instruments

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

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and

4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Nantucket and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

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

To Grantor: David A. Rosenzweig
20 Crowninshield Road
Marblehead, Massachusetts 01945

To Grantee: Nantucket Conservation Foundation, Inc.

118 Cliff Road
Nantucket, Massachusetts 02554

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

XIV. GENERAL PROVISIONS

A. Controlling Law

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

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

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

D. Entire Agreement

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

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and

(iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

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

B. Release of Homestead

The Grantor attests that there is no residence on or abutting the Premises (including areas excluded from the Premises) that is occupied or intended to be occupied as a principal residence by a spouse, former spouse, or children of the grantor, or a spouse, former spouse, or children of a beneficiary of the trust, if Premises is owned by a trust.

C. Subordination

The Grantor shall record at the applicable registry of deeds or register in the applicable land court registry district simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

E. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor

Grantee Acceptance

Approval of Town of Nantucket Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

Exhibits:

Exhibit A: Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Exhibit C: Reduced Copy of Plan Showing Residential Use Area Boundary

WITNESS my hand and seal this ____ day of _____, 2021,

_____, duly authorized
David A. Rosenzweig

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss:

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as his free act and deed.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from David A. Rosenzweig was accepted by Nantucket Conservation Foundation, Inc. this _____ day of _____, 2021.

By: _____

Its: _____, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF TOWN OF NANTUCKET SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Nantucket, hereby certify that at a public meeting duly held on _____, 2021, the Select Board voted to approve the foregoing Conservation Restriction from David A. Rosenzweig to Nantucket Conservation Foundation, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF NANTUCKET SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS

Nantucket County, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, _____, _____, _____, and _____, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Select Board Members of the Town of Nantucket.

Notary Public
My Commission Expires:

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

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from David A. Rosenzweig to Nantucket Conservation Foundation, Inc. has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2021

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

(Description of the Premises)

The Premises subject to the foregoing Conservation Restriction is the land in Nantucket, Nantucket County, Massachusetts, shown as Lot 92 on a plan by Blackwell & Associates, Inc., dated August 26, 2021, containing 307,050± square feet, filed with the Land Court as Plan No. 13364-R, having a street address of 35 Shawkemo Road, Nantucket, Massachusetts.

EXHIBIT B

(Reduced Copy of Recorded Plan of Premises)

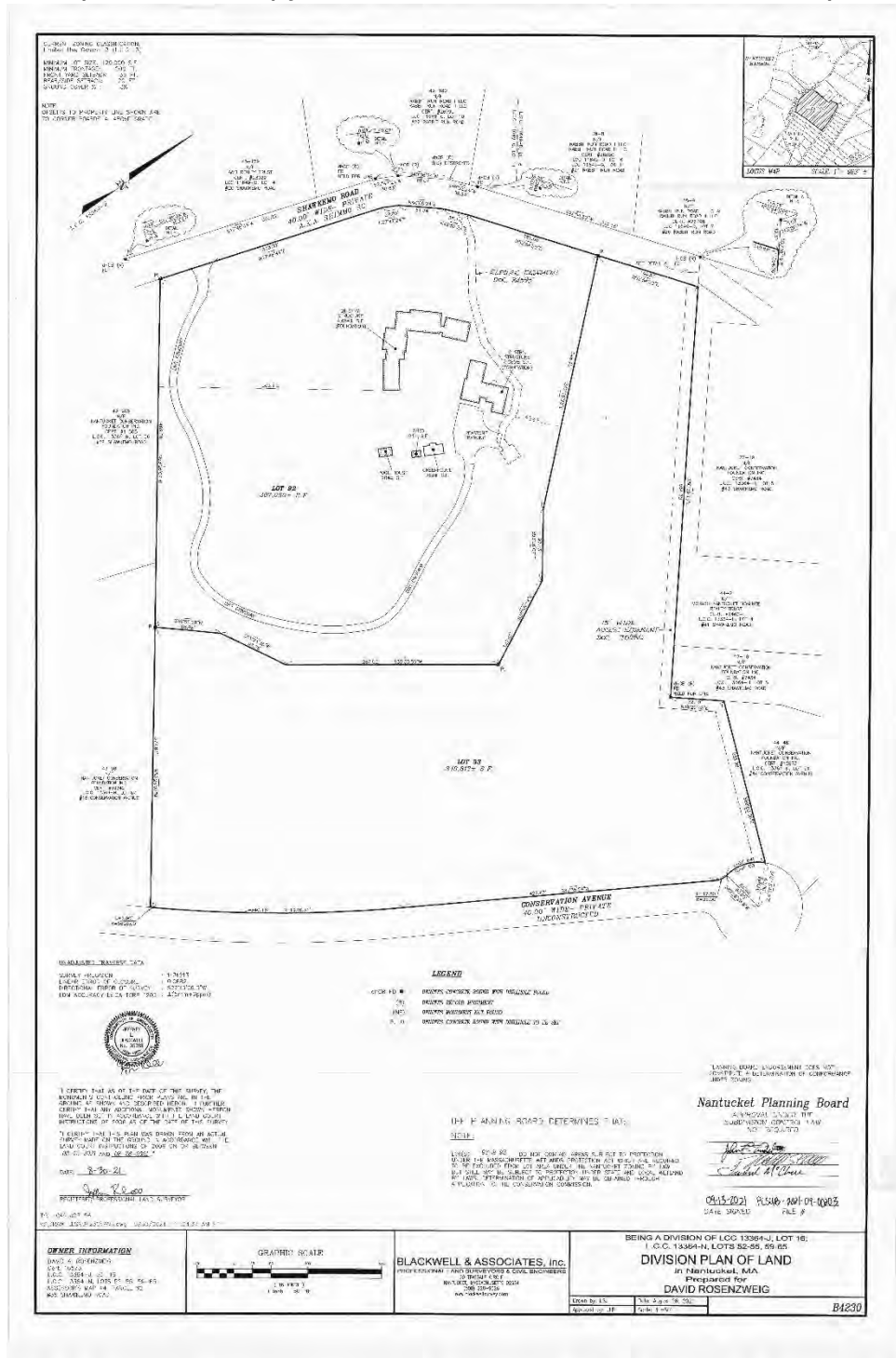
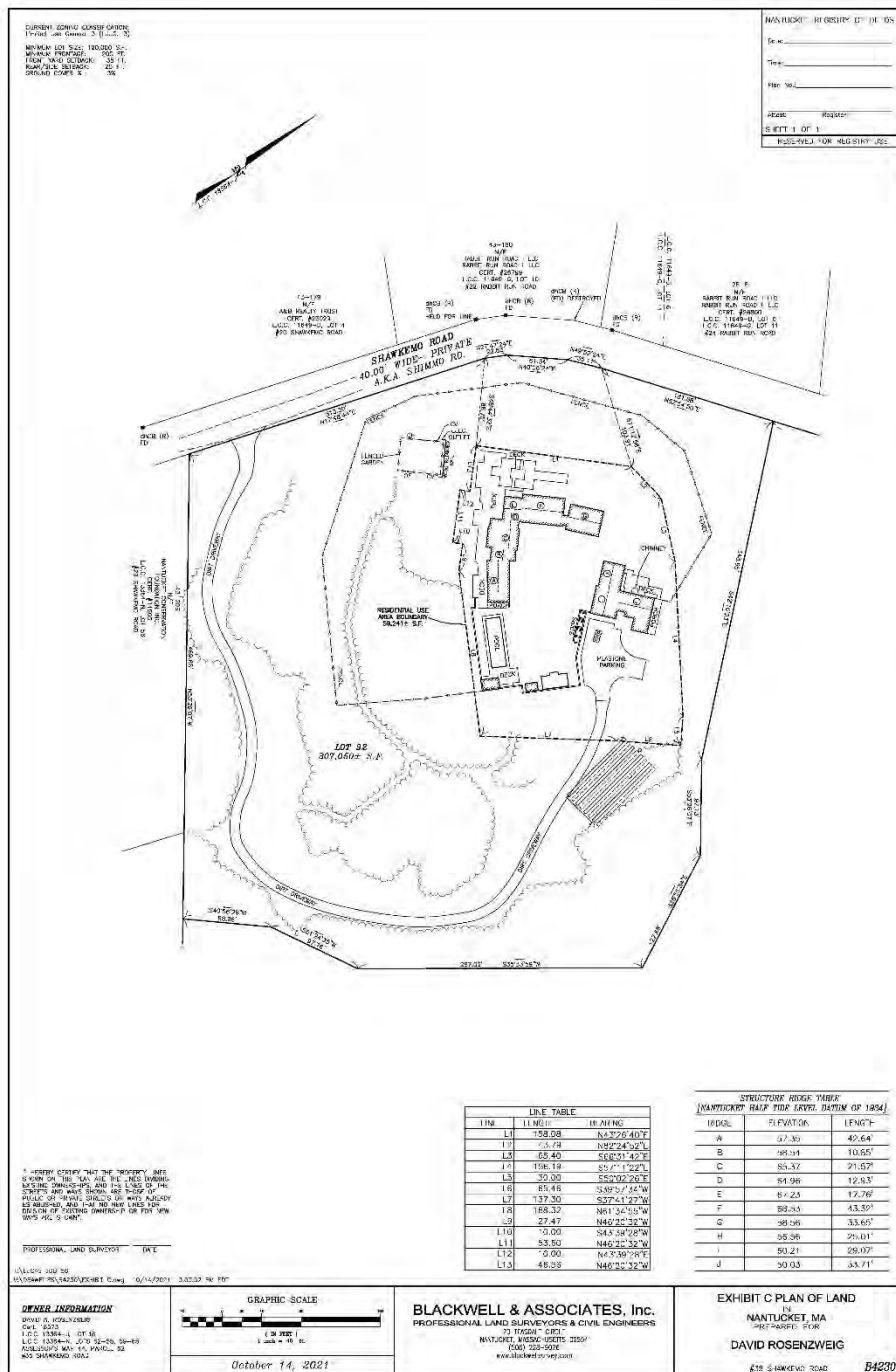


EXHIBIT C

(Reduced Copy of Plan Showing Residential Use Area Boundary)

Reduced copy of plan by Blackwell & Associates, Inc., dated October 14, 2021, entitled "Exhibit C Plan of Land", recorded with the Nantucket Registry of Deeds as Plan No. 2021-_____.



CONSERVATION RESTRICTION SUBMISSION FORM
COMMONWEALTH OF MASSACHUSETTS DIVISION OF CONSERVATION SERVICES
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – v. June 2021

Grantor/Grantee Information	
Grantor Name(s):	
Primary Grantee:	Secondary Grantee:
CR Contact Information – all review correspondence will go to the listed CR Contact(s)	
CR Contact #1:	CR Contact #2:
CR Contact #1 E-mail:	CR Contact #2 E-mail:
CR Contact #1 Phone:	CR Contact #2 Phone:
CR Background Information	
Is this an amendment to an existing CR? ☐ Yes ☐ No If yes, describe the rationale for the amendment and provide recording information of the original CR	
Is this CR associated with or required by a permitting process? ☐ Yes ☐ No If yes, what type of permit?	
Indicate the recording deadline, if applicable, and provide an explanation	
Municipality:	CR Street Address:
CR Acres:	Site/Project Name (if applicable):
Assessors Map(s) and Lot(s):	
Will a baseline documentation report be prepared? ☐ Yes ☐ No If no, explain why not	
Is the Premises encumbered by one or more easements? ☐ Yes ☐ No If yes, provide description and recording information for the easement(s), and describe the impact the easement(s) will have on the Conservation Values	
Does the Grantor have clear title? ☐ Yes ☐ No If no, explain how title will be cleared before the CR is recorded	
Does the CR require review by another Massachusetts State Agency? ☐ Yes ☐ No If yes, provide name and email for contact person	
Funding Information – sources of government funding for the acquisition of the fee interest or CR	
Community Preservation Act (provide amount of CPA funds)	Federal Grant (provide name of grant and amount)
Conservation Land Tax Credit (provide calendar year and tax credit amount)	Other (provide name of grant and amount)
State Grant (provide name of grant and amount)	

ATTACHMENTS:

REQUIRED

- a. Draft Conservation Restriction

CONSERVATION RESTRICTION SUBMISSION FORM
COMMONWEALTH OF MASSACHUSETTS DIVISION OF CONSERVATION SERVICES
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – v. June 2021

- b. Metes and bounds description¹ OR Survey plan of Premises (please send plan as separate PDF)
See notes on Metes & Bounds / Survey Plan on the following page
- c. Grantor's Deed (n/a if Grantor will acquire the fee interest simultaneously with the CR)

IF APPLICABLE (if applicable, then required)

- d. Original CR (if this is a CR Amendment) ☐ Included ☐ N/A
- e. Town Vote(s)/City Council Order(s) ☐ Included ☐ N/A
For CPA votes or other applicable votes/orders
- f. Trustee Certificate or Other Corporate Authority ☐ Included ☐ N/A
If Grantor is a Trust, LLC, or other Corporation
This can be a draft
- g. Conservation Management Permit (from DFW) ☐ Included ☐ N/A
- h. Determination Letter (from DFW) ☐ Included ☐ N/A
- i. Wetlands Order of Conditions C.131.§40 ☐ Included ☐ N/A
- j. Zoning, C. 40A, §9 Special Permit, etc. ☐ Included ☐ N/A
- k. Any other Exhibits that will be attached to the CR ☐ Included ☐ N/A
(Grant agreements, Votes, Permits, etc.)

Please provide an explanation below if any of the above "if applicable" attachments apply to this CR, but are not included with the submission. Clarify in you explanation when the attachment(s) will be submitted.

¹ (In accordance with MGL Chapter 184 Sec. 26, the Premises description must be either a full metes and bounds description, or a recorded plan of land – an unrecorded plan may be provided with the application provided it will be recorded along with or before the CR)

Transfer Certificate of Title.

No. 16,573

From Transfer Certificate No. 8504, Originally Registered November 21st, 1978, in
Registration Book 43 Page 134 for the Registry District of Nantucket County.

This is to Certify that

DAVID A. ROSENZWEIG

13 Harley Gardens, London,
of SW10 England ~~in the County of~~ ~~and Commonwealth of Massachusetts~~
~~married to~~

is
the owner in fee simple

A TRUE COPY 1/19/2022 *af*
ATTEST: *Jennifer J. Ferreira*
REGISTER OF DEEDS NANTUCKET COUNTY

of that certain parcel of land situate in Nantucket
of Massachusetts,
in the County of Nantucket and ~~and~~ Commonwealth, bounded and described as follows:

PARCEL 1:

Lot 16 on plan numbered 13364-J, drawn by Schofield Brothers, Inc., Surveyors,
dated June 7, 1978, and filed with Certificate of Title No. 8500 at the Registry District
of Nantucket County.

PARCEL 2:

Lots 47, 48, 49, 52, 53, 54, 55, 59, 60, 61, 62, 63, 64 and 65 as shown on
plan numbered 13364-N, drawn by John J. Shugrue Inc., Surveyors, dated October 28, 1980,
and filed with Certificate of Title No. 9619 at the Registry District of Nantucket County.

The above described parcels are subject to the rights of all persons lawfully
entitled in and over the ways as approximately shown on said plan, and there is appurtenant
to said land a right of way to and from Polpis Road as approximately shown on said plan.

Said Lots are subject to the rights of the owners of Lot 1 on plan 13258-B,
the owners of Lot 1 on plan 13364-D, the owners of Lot 1 on plan 11649-C, and the owners
of Lot A on plan 11649-B, their heirs, successors and assigns to use the "Dirt Road", shown
on plan 13364-I, which begins at the northeasterly boundary line of land now or formerly
of Albert L. Silva, Sr. and winds northerly through Lots 11, 12 and 13 on said plan 13364-
J to Shimm Road for all purposes for which public roads in the Town of Nantucket may now
or hereafter be used in common with those lawfully entitled thereto.

Said Lots are subject to the rights of the owners of Lot 1 on plan 13258-B,
the owners of Lot 1 on plan 13364-D, the owners of Lot 1 on plan 11649-C, and the owners
of Lot A on plan 11649-B, their heirs, successors and assigns to use the forty (40) foot
"Right of Way" shown on plan 13364-J from the southeasterly boundary of said Lot 11 to the
"Dirt Road" shown on said plan 13364-J for all purposes for which public roads in the Town
of Nantucket may now or hereafter be used in common with all those lawfully entitled thereto.

Said Lots are subject to the right of the owners of Lot 1 on plan 13258-B,
their heirs, successors and assigns to use the "Right of Way" shown on said plan 13364-J
which begins at the southeasterly boundary of said Lot 1 and runs southeasterly over land
now or formerly of Henry C. Everett and said Lot 11 to the "Dirt Road" shown on said plan
for all purposes for which public roads in the Town of Nantucket may now or hereafter be
used in common with all those lawfully entitled thereto.

This grant was made subject to the right of Laurence K. Marshall, his heirs,
successors and assigns to use Shimm Road, Gardner Road, Poplis Road and Proprietor's Road
as shown on plans 13364-I and 11649-C, for all purposes for which public roads in the Town
of Nantucket may now or hereafter be used in common with all others lawfully entitled thereto.

16, 52-55 13364-J
LOTS 51-65 ON PLAN NO. 13364-N FILED
WITH CERTIFICATE NO. 8500 r 9619 HAS
BEEN SUBDIVIDED AND PLAN NO. 13364-R
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 14673
FURTHER CERTIFICATES FOR SAID LOTS 16,
52-55 r 59-65 ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (NOW LOTS 92+93)

Grantee, her heirs, assigns and successors, shall have the right as appurtenant to the ownership of said Lots to use the following for all purposes for which public roads in the Town of Nantucket may now or hereafter be used in common with all others lawfully entitled thereto: Shimmo Road, access easement and roads shown as vehicular tracks on plan 11649-D.

Grantee, her heirs, assigns and successors, shall have the right as appurtenant to the ownership of said Lots to use the following for all purposes for which public roads in the Town of Nantucket may now or hereafter be used in common with all others lawfully entitled thereto, Shimmo Road, Easement to Polpis Road, Way to Poplis Road as shown on Land Court Plan 13364-E, Proprietor's Road and vehicle tracks leading to Polpis Road as shown on plan 13364-J.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

DAVID A. ROSENZWEIG

to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting, and subject also to as aforesaid.

WITNESS, ROBERT V. CAUCHON, Esquire, Judge of the Land Court, at Nantucket in the County of Nantucket the first day of December in the year nineteen hundred and ninety-four at one o'clock and forty-five minutes in the afternoon.

Attest, with the Seal of said Court,

Land Court Case No. 13364
Document No. 66614

Sandra M. Chadwick
Assistant Recorder.

page 1

MEMORANDA OF ENCUMBRANCES ON THE LAND DESCRIBED IN THIS CERTIFICATE 14,573

DOCUMENT NUMBER	KIND	RUNNING IN FAVOR OF	TERMS	DATE OF INSTRUMENT	DATE OF REGISTRATION	SIGNATURE OF ASSISTANT RECORDER	DISCHARGE
2 3 8 0 2	Easement	Louise S. Lehrman, etal	40' wide easement over portion of Lots 19 & 20 P1 13364-L, portion of lot 22 P1 13364-M shown on P1 13364-N, Parcels 1&2	1980 Dec. 16	YEAR & MONTH 1981 Mar. 26 10 00 AM		
2 3 8 0 3	Covenant	Nantucket Planning Board	Plan 13364-N	1980 Oct. 27	1981 Mar. 26 10 01 AM		
2 5 9 5 7	Release	John F. Gifford etal	re: Doc. 23803	1982 Sept. 13	1982 Sept. 29 11 24 AM		
6 6 6 1 5	Cert. of Mun. Lien	Louise S. Lehrman	Lot 55 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM		
6 6 6 1 6	Cert. of Mun. Lien	Louise S. Lehrman	Lot 54 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM	<i>Sandra M. Chadwick</i>	
6 6 6 1 7	Cert. of Mun. Lien	Louise S. Lehrman	Lot 47 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM		
6 6 6 1 8	Cert. of Mun. Lien	Louise S. Lehrman	Lot 48 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM		
6 6 6 1 9	Cert. of Mun. Lien	Louise S. Lehrman	Lot 49 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM		
6 6 6 2 0	Cert. of Mun. Lien	Louise S. Lehrman	Lot 52 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM		
6 6 6 2 1	Cert. of Mun. Lien	Louise S. Lehrman	Lot 53 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM		
6 6 6 2 2	Cert. of Mun. Lien	Louise S. Lehrman	Lot 61 see instrument	1994 Nov. 8	1994 Dec. 1 1 45 PM		

MEMORANDA OF ENCUMBRANCES ON THE LAND DESCRIBED IN THIS CERTIFICATE

16,573

DOCUMENT NUMBER	KIND	RUNNING IN FAVOR OF	TERMS	DATE OF INSTRUMENT	DATE OF REGISTRATION					SIGNATURE OF ASSISTANT RECORDER	DISCHARGE
					YEAR & MONTH	D.	M.	M.	A.M. OF P.M.		
6 6 6 2 3	Cert. of Mun. Lien	Louise S. Lehrman	Lot 62 see instrument	1994 Nov. 8	1994 Dec.	1	1	45	PM	<i>Sandra M. Chadwick</i>	
6 6 6 2 4	Cert. of Mun. Lien	Louise S. Lehrman	Lot 63 see instrument	1994 Nov. 8	1994 Dec.	1	1	45	PM		
6 6 6 2 5	Cert. of Mun. Lien	Louise S. Lehrman	Lot 64 see instrument	1994 Nov. 8	1994 Dec.	1	1	45	PM		
6 6 6 2 6	Cert. of Mun. Lien	Louise S. Lehrman	Lot 65 see instrument	1994 Nov. 8	1994 Dec.	1	1	45	PM		
6 6 6 2 7	Cert. of Mun. Lien	Louise S. Lehrman	Lot 59 see instrument	1994 Nov. 8	1994 Dec.	1	1	45	PM		
6 6 6 2 8	Cert. of Mun. Lien	Louise S. Lehrman	Lot 60 see instrument	1994 Nov. 8	1994 Dec.	1	1	45	PM		
6 6 6 2 9	Cert. of Mun. Lien	Louise S. Lehrman	Lot 16 see instrument	1994 Nov. 8	1994 Dec.	1	1	45	PM		
6 6 6 3 0	Mortgage	Nantucket Bank	\$770,000.00	1994 Dec. 1	1994 Dec.	1	1	45	PM		THIS MORTGAGE HAS BEEN DISCHARGED BY DOC. <u>80880</u>
6 7 7 7 7	Release	Nantucket Planning Board TO David A. Rosenzweig	Release of Lots 54+55 from Doc. 23803	1995 MAR 27	1995 MAR 31			9 50	AM	<i>Sandra M. Chadwick</i>	
6 7 7 7 8	Covenant	Town of Nantucket David A. Rosenzweig	Lots 16, 54+55 shall be merged as a single lot.	1995 MAR 20	1995 MAR 31			9 50	AM		
8 0 7 3 4	Cert. of Mun. Lien	David A. Rosenzweig	see instrument Lot 42	1998 May 28	1998 June 15			3 00	PM	<i>Sandra M. Chadwick</i>	

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MEMORANDA OF ENCUMBRANCES ON THE LAND DESCRIBED IN THIS CERTIFICATE

16573

DOCUMENT NUMBER	KIND	RUNNING IN FAVOR OF	TERMS	DATE OF INSTRUMENT	DATE OF REGISTRATION	SIGNATURE OF ASSISTANT RECORDER	DISCHARGE
					YEAR & MONTH D. H. M. A.M. or P.M.		
80735	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 48	1998 May 28	1998 June 15 300 PM		
80736	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 49	1998 May 28	1998 June 15 300 PM		
80737	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 52	1998 May 28	1998 June 15 300 PM		
80738	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 53	1998 May 28	1998 June 15 300 PM		
80739	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 54	1998 May 28	1998 June 15 300 PM	Sandra M. Chodorik	
80740	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 55	1998 May 28	1998 June 15 300 PM		
80741	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 59	1998 May 28	1998 June 15 300 PM		
80742	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 60	1998 May 28	1998 June 15 300 PM		
80743	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 61	1998 May 28	1998 June 15 300 PM		
80744	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 62	1998 May 28	1998 June 15 300 PM		
80745	Part of Mun Lien	David A. Rosenzweig	see instrument Lot 63	1998 May 28	1998 June 15 300 PM		

MEMORANDA OF ENCUMBRANCES ON THE LAND DESCRIBED IN THIS CERTIFICATE

16573

DOCUMENT NUMBER	KIND	RUNNING IN FAVOR OF	TERMS	DATE OF INSTRUMENT	DATE OF REGISTRATION	SIGNATURE OF ASSISTANT RECORDER	DISCHARGE
80746	Cent. of Mun Lien	David A. Rosenzweig	see instrument Lot 64	1998 May 28	1998 June 15 3 00 PM		
80747	Cent. of Mun Lien	David A. Rosenzweig	see instrument Lot 65	1998 May 28	1998 June 15 3 40 PM	Andrea M. Delarosa	
80748	Cent. of Mun Lien	David A. Rosenzweig	see instrument Lot 16	1998 May 28	1998 June 15 3 00 PM		
80749	Mortgage	NANTUCKET BANK	\$3,500,000.00	1998 June 11	1998 June 15 3 00 PM		THIS MORTGAGE HAS BEEN DISCHARGED BY DOC. 160386
84595	Easement	Nantucket Electric Co.	Re: all lots	1999 Jan 26	1999 Apr 8 1 32 PM	Jeanne Z. Kelley	
89805	Inst of Taking	TOWN OF NANTUCKET	1998-99 Taxes (Lot 16) \$123.57	2000 July 13	2000 July 18 1 10 PM	Jeanne Z. Kelley	
89806	Inst of Taking	TOWN OF NANTUCKET	1998-99 Taxes (Lot 55) \$107.13	2000 July 13	2000 July 18 1 10 PM	Jeanne Z. Kelley	
122967	Inst. of Redemption	David A. Rosenzweig	re: Doc 89805	2000 Oct 16	2000 Jan 24 9 56 AM	Jennifer H. Ferreira	
122968	Inst. of Redemption	David A. Rosenzweig	re: Doc 89806	2000 Oct 16	2000 Jan 24 9 56 AM		
124487	Mortgage	Claire A. Rosenzweig	\$15,322,000.00	2008 June 20	2008 June 25 3 27 PM	Jennifer H. Ferreira	THIS MORTGAGE HAS BEEN DISCHARGED BY DOC 135036
160208	Cent of mun lien	David A. Rosenzweig		2018 Nov 7	2018 Nov 28 11 37 AM	Jennifer H. Ferreira	

MEMORANDA OF ENCUMBRANCES ON THE LAND DESCRIBED IN THIS CERTIFICATE

16573

DOCUMENT NUMBER	KIND	RUNNING IN FAVOR OF	TERMS	DATE OF INSTRUMENT	DATE OF REGISTRATION	SIGNATURE OF ASSISTANT RECORDER	DISCHARGE
160209	Mortgage	First Republic Bank	\$7,000,000.00	2018 Nov 26	YEAR & MONTH 2018 Nov 28 11 37 AM	Jennifer H. Fennell	THIS MORTGAGE HAS BEEN DISCHARGED BY DOC. <u>170055</u>
170054	Decl. to Trust	Shawkemo Funding Trust	Arthur I. Reade, Jr. TR Whitney A. Gifford, TR.	2021 June 17	2021 June 21 3 43 PM	Jennifer H. Fennell	
170055	Mortgage	Shawkemo Funding Trust	\$12,500,000.00	2021 June 17	2021 June 21 3 43 PM	Jennifer H. Fennell	
170979	Partial Release	David A. Rosenzweig	release of Lots 47, 48 + 49 & 13364-N from doc 170055	2021 Sept 8	2021 Sept 13 3 02 PM	Jennifer H. Fennell	
170980	Deed	Nantucket Conservator Foundation, Inc.	Lots 47, 48 + 49 on Plan 13364-N and this cert cancelled as to such lots	2021 Aug 31	2021 Sept 13 3 02 PM	Jennifer H. Fennell	see Transfer Certificate No. <u>28470</u> Registration Book _____ Page _____
170980	+ Easement	Nantucket Conservator Foundation, Inc.	15' access easement over Lots 52 + 59 PL 13364-N	2021 Aug 31	2021 Sept 13 3 02 PM	Jennifer H. Fennell	
170981	Subordination Agreement	NCF, Inc. + David A. Rosenzweig	re: easement subordination & doc 170980 to doc 170055	2021 Sept 13	2021 Sept 13 3 02 PM	Jennifer H. Fennell	
172199	Partial Release	David A. Rosenzweig	release of Lot 93 PL 13364-R from doc 170055	2021 Dec 2	2021 Dec 8 3 26 PM	Jennifer H. Fennell	
172200	Deed	Nantucket Conservator Foundation, Inc.	Lot 93 on Plan 13364-R and this cert cancelled as to such lot	2021 Dec 4	2021 Dec 8 3 26 PM	Jennifer H. Fennell	see Transfer Certificate No. <u>28611</u> Registration Book _____ Page _____

NANTUCKET, SS.

LAND COURT

CERTIFICATE No. 16,573

Owner, **DAVID A. ROSENZWEIG**

The registered owner in this certificate having sold and conveyed to the parties hereafter appearing, the lots hereafter designated on subdivision plan 13364-J & N Sheet filed with Certificate Nos 8500 & 9619, and new certificates having been issued to such purchasers for said lots, this certificate is cancelled as to such lots by the entry hereon from time to time, as deeds are filed, of the document number of the deed, the name of the purchase, the lot number, number of the new certificate, and the date of registration, attested against each entry by the signature of the Assistant Recorder for this district.

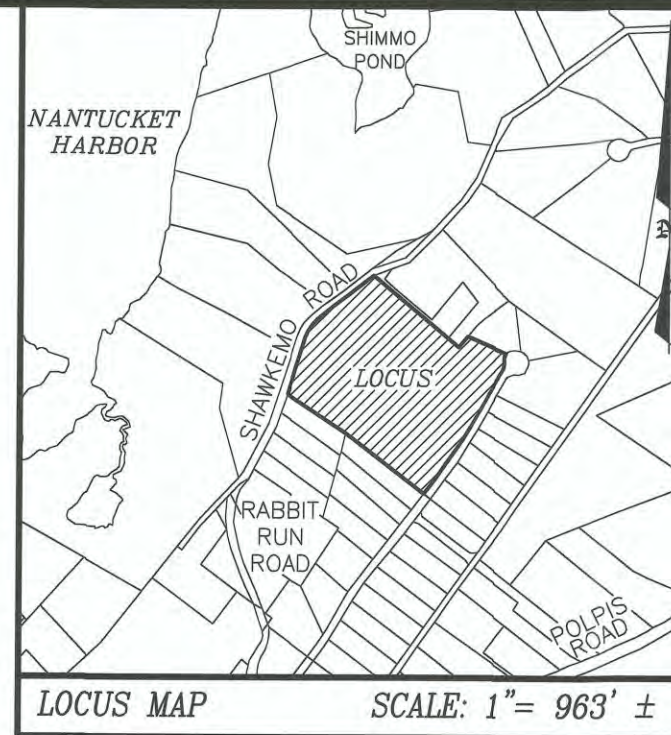
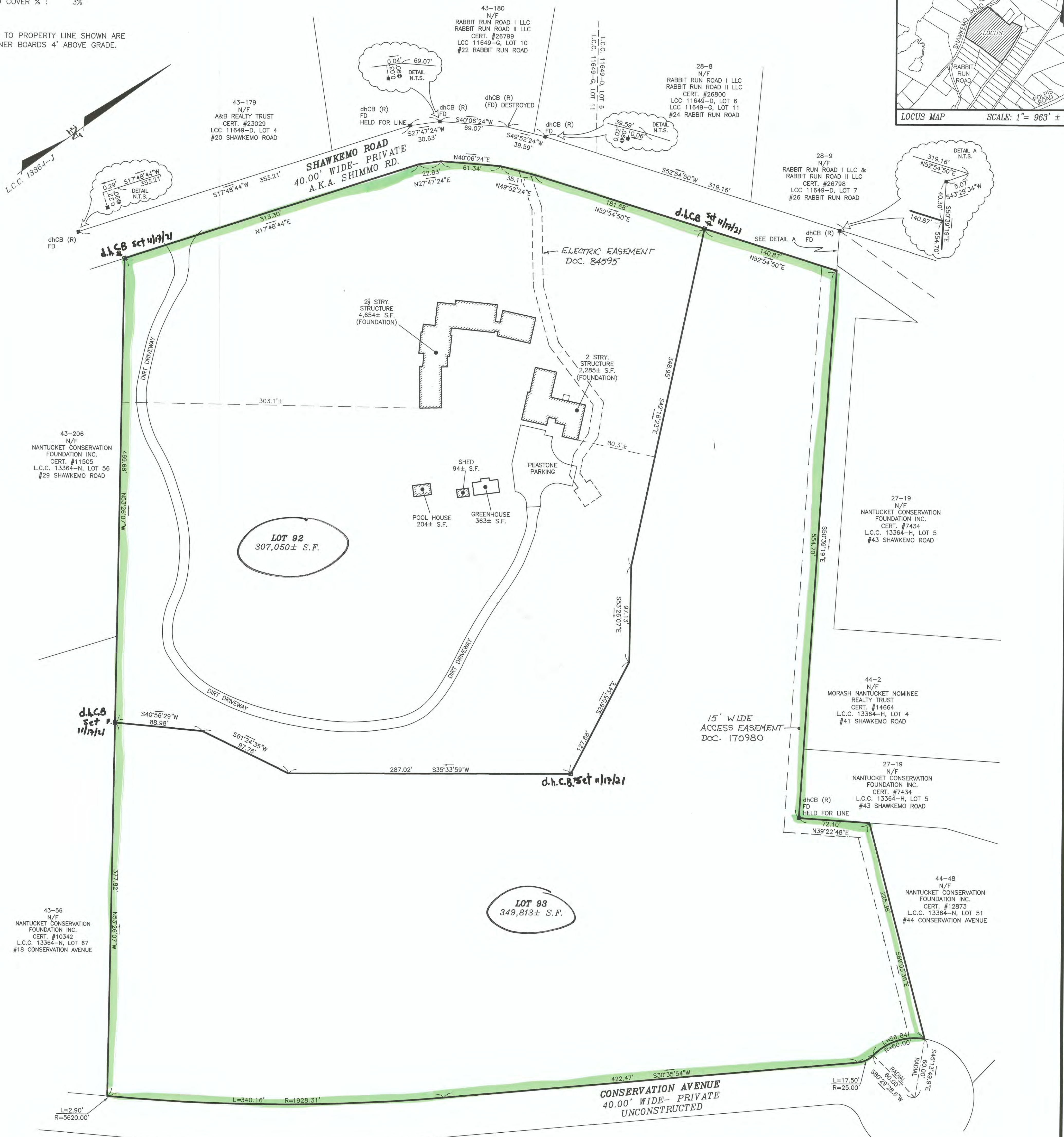
DOCUMENT NO.	BLOCK	LOT NO.	RUNNING IN FAVOR OF	NEW CERT. NO.	DATE OF INSTRUMENT	DATE OF REGISTRATION				SIGNATURE OF ASSISTANT RECORDER
						YEAR & MONTH	D.	H.	M.	
			Plan No. 13364-J filed with Cert. 8500							
		16	subdivided							
			Plan No. 13364-N filed with Cert. 9619							
		47	Nantuxet Conservation Foundation Inc. 28470	↑	↑	↑	↑	↑	↑	Jennifer H. Jennie
		48		↓	↓	↓	↓	↓	↓	
		49		↓	↓	↓	↓	↓	↓	
		52	subdivided							
		53								
		54								
		55	subdivided							
		59								
		60								
		61	subdivided							
		62								
		63								
		64								
		65								
			Plan No. 13664-R							
		92								
172200		93	Nantuxet Conservation Foundation Inc. 28470	28470	12/4/2021	2021 Dec	8	3	26 AM	Jennifer H. Jennie

13364-R

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER % : 3%

NOTE:
OFFSETS TO PROPERTY LINE SHOWN ARE
TO CORNER BOARDS 4' ABOVE GRADE.



UNADJUSTED TRAVERSE DATA

SURVEY PRECISION : 1:31213
LINEAR ERROR OF CLOSURE : 0.0682
DIRECTIONAL ERROR OF SURVEY : S27°15'06.5\"W
EDM ACCURACY LEICA TCPR 1203 : ±(5mm+2ppm)



"I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

"I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN 08-13-2021 AND 08-26-2021."

DATE: 8-30-21

REGISTERED PROFESSIONAL LAND SURVEYOR

LEGEND

dhCB FD ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
(R) DENOTES RECORD MONUMENT
(NF) DENOTES MONUMENT NOT FOUND
P. □ DENOTES CONCRETE BOUND WITH DRILLHOLE TO BE SET

13364 R
LAND COURT
NOV 18 2021
FILED

PLANNING BOARD ENDORSEMENT DOES NOT
CONSTITUTE A DETERMINATION OF CONFORMANCE
UNDER ZONING.

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

John F. [Signature]
Takul M. [Signature]

09-13-2021 PL SUB-2021-09-00203
DATE SIGNED FILE #

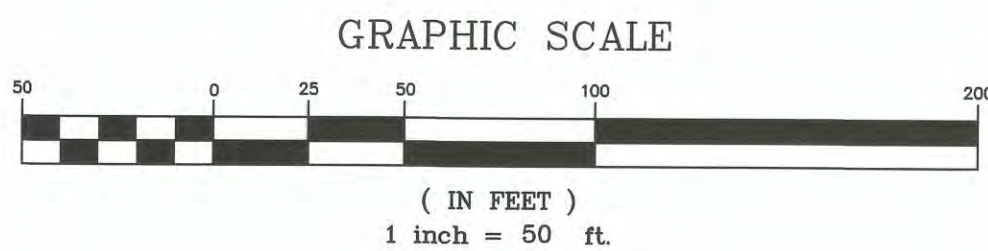
THE PLANNING BOARD DETERMINES THAT:

NOTE:

LOT(S) 92 & 93 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.

OWNER INFORMATION

DAVID A. ROSENZWEIG
Cert. 16573
L.C.C. 13364-J, LOT 16
L.C.C. 13364-N, LOTS 52-55, 59-65
ASSESSOR'S MAP 44, PARCEL 62
#35 SHAWKEMO ROAD



BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
www.blackwellsurvey.com

BEING A DIVISION OF LCC 13364-J, LOT 16;
L.C.C. 13364-N, LOTS 52-55, 59-65
DIVISION PLAN OF LAND
in Nantucket, MA
Prepared for
DAVID ROSENZWEIG

Drawn by: LSJ
Approved by: JLB

Date: August 26, 2021
Scale: 1"=50'

B4230

13364-R

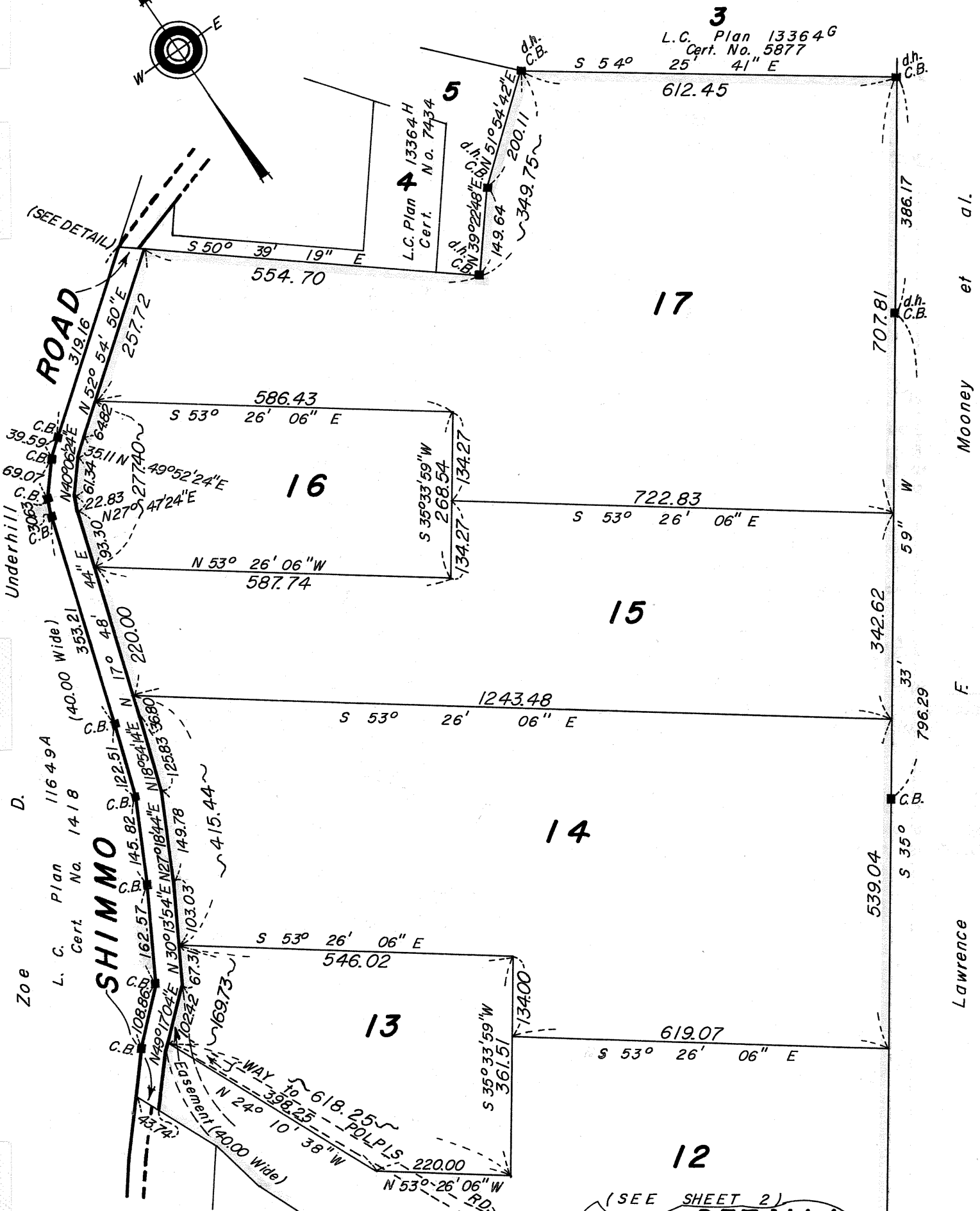
SUBDIVISION PLAN OF LAND IN NANTUCKET

Schofield Brothers, Inc., Surveyors

June 7, 1978

13364^J

SHEET 1 OF 2



Subdivision of Lots 6, 8 & 9
Shown on Plan 13364^I
Filed with Cert. of Title No. 8198
Registry District of Nantucket County

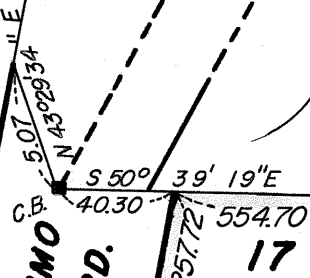
Separate certificates of title may be issued for land
shown hereon and on Sheet 2 as Lots 11 Thru 17
By the Court.

SEPT. 20, 1978

P.A.R.

James M. Maloney
Deputy Recorder.

(SEE SHEET 2)
DETAIL:
(Not to Scale)



Copy of part of plan
filed in
LAND REGISTRATION OFFICE
SEPT. 20, 1978
Scale of this plan 200 feet to an inch
R.L. Woodbury, Engineer for Court

This plan filed with Certificate No. 8500

Nantucket Registry District
Nov. 21, 1978

RECEIVED FOR REGISTRATION
11 O'CLOCK 15 m A. M

This plan filed with Certificate No.

8500

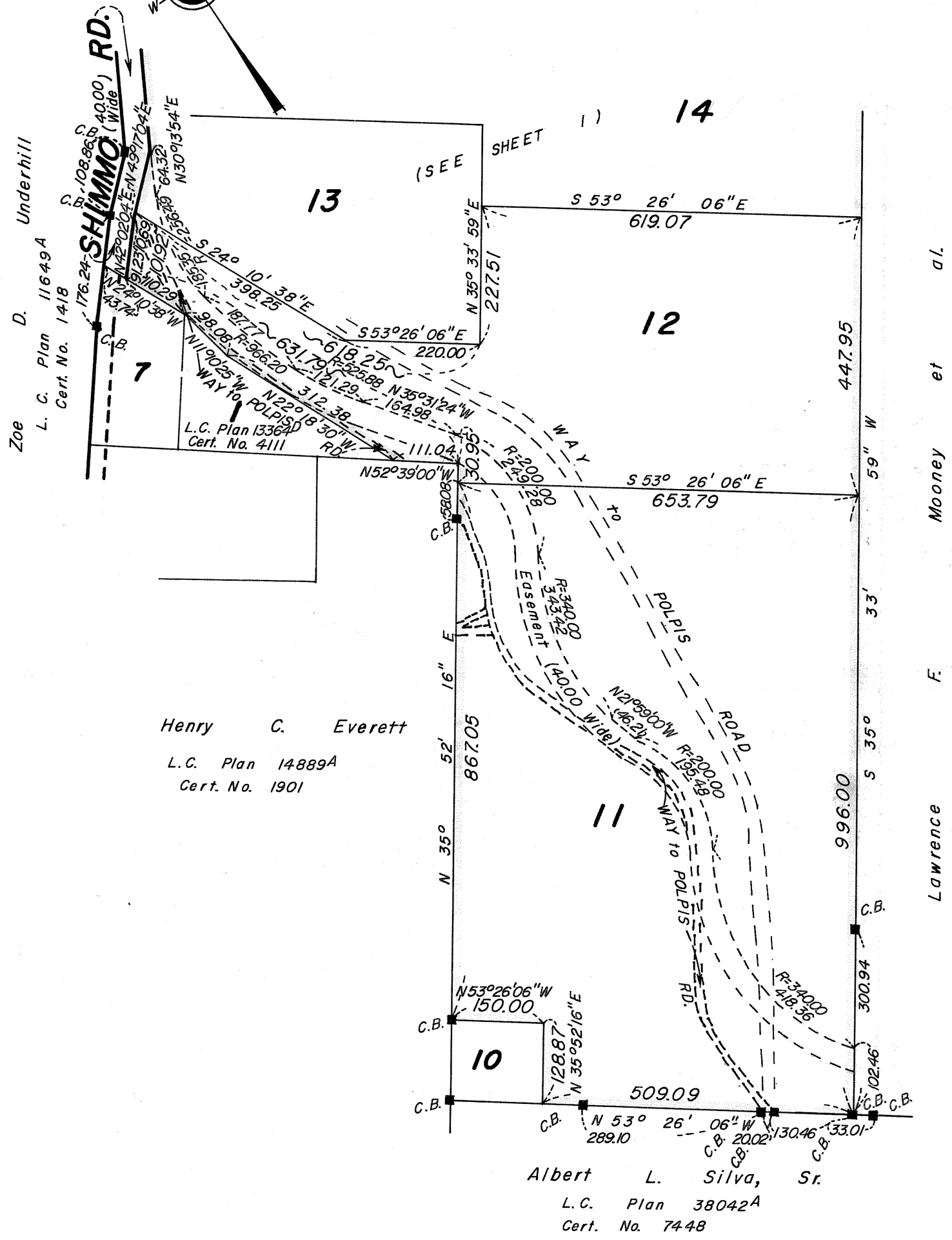
Attest Joseph S. Barrett
Assistant Recorder

Part of

LOT 14 ON PLAN No. 13364-J FILED
WITH CERTIFICATE No. 8500 HAS
BEEN ~~subdivided~~ AND PLAN No. 13364-K
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 9027
FURTHER CERTIFICATES FOR SAID LOT 14
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (now Lot 18)

Lot 12, 15, 17 ~~Part of~~ ^{Remainder of} Lot 11 + 14

LOT ON PLAN No. 13364-J FILED
WITH CERTIFICATE No. 8500 HAS
BEEN ~~subdivided~~ AND PLAN No. 13364-N
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 9619
FURTHER CERTIFICATES FOR SAID LOTS 12, 15, 17 ^{Remainder} ~~Part of~~
LOTS 11 + 14 ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (Now Lots 23-77)



This plan filed with Certificate No. 8500

Nantucket Registry District

Nov. 21, 1978

RECEIVED FOR REGISTRATION

11 O'CLOCK 15 m A. M

This plan filed with Certificate No.

8500

Attest

James S. Bonnet
Assistant Recorder

Remainder

Part of Lots 11 + 14

LOT 12, 15 + 17 ON PLAN No. 13364-J FILED

WITH CERTIFICATE No. 8500 HAS

BEEN subdivided AND PLAN No. 13364-N

SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 9619

FURTHER CERTIFICATES FOR SAID LOT 12, 15 + 17 + Remainder

of Lots 11 + 14 ON SAID EARLIER PLAN WILL

NOT BE ISSUED UNLESS AUTHORIZED BY

THE COURT. (now Lots 23-30)

Part of

LOT 11 ON PLAN No. 13364-J FILED

WITH CERTIFICATE No. 8500 HAS

BEEN subdivided AND PLAN No. 13364-L

SHOWING SUCH CHANGES IS FILED WITH

CERTIFICATE NO. 9028

FURTHER CERTIFICATES FOR SAID LOT 11

ON SAID EARLIER PLAN WILL

NOT BE ISSUED UNLESS AUTHORIZED BY

THE COURT. (now Lots 19 + 20)

SUBDIVISION PLAN OF LAND IN NANTUCKET

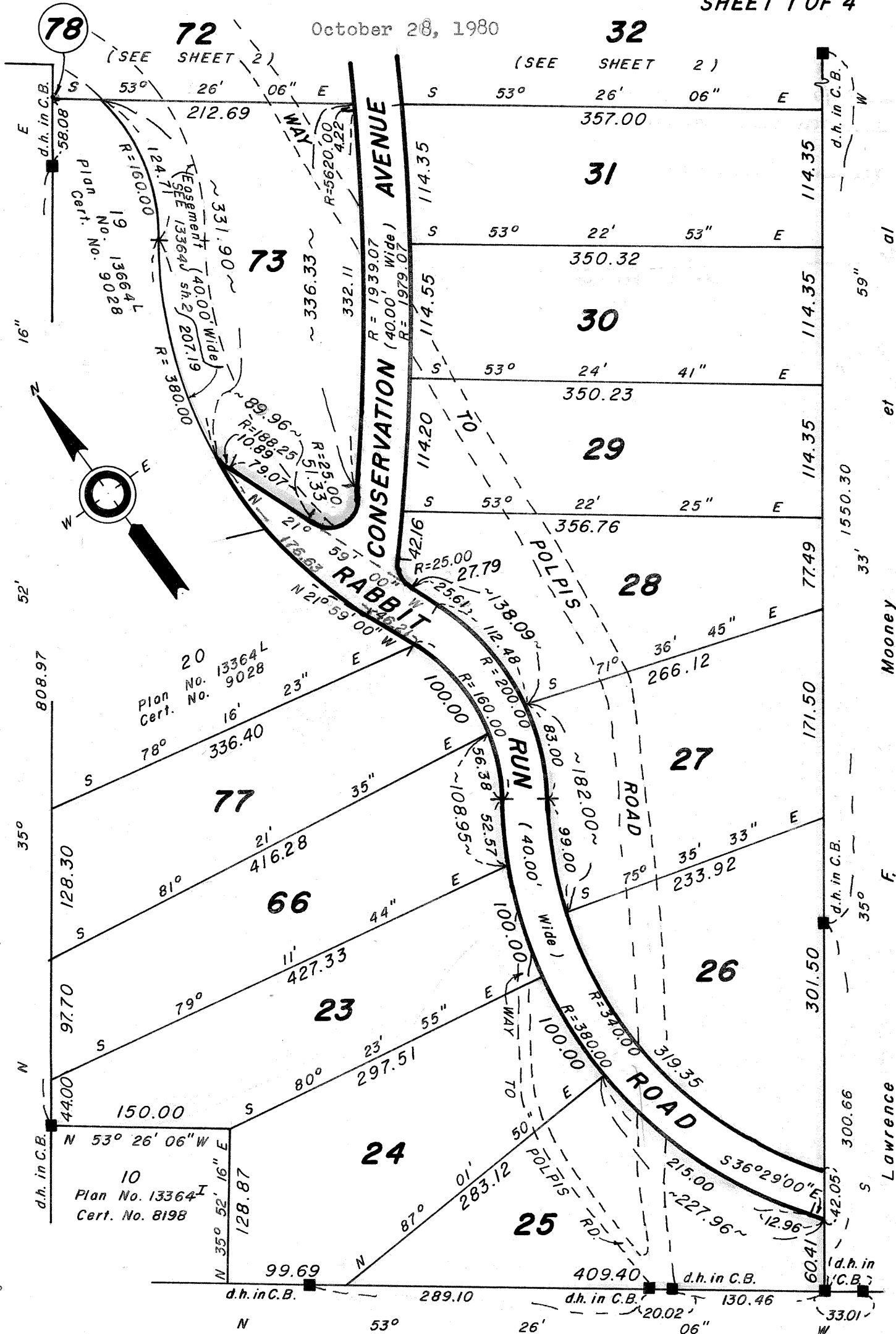
John J. Shugrue Inc., Surveyors

October 28, 1980

13364^N
SHEET 1 OF 4

Henry C. Everett
L.C. No. 14889A
Cert. No. 1901

Subdivision of Lots 15, 17, Part of 14; Lot 12, Part of Lot 11
Shown on Plans 13364J sh. 1; 13364J sh. 2
Filed with Cert. of Title No. 8500
Registry District of Nantucket County



Albert L. Silva, Sr. L.C. No. 38042A Cert. No. 7448

Separate certificates of title may be issued for land
shown hereon and on Sheets 2, 3, & 4 as Lots 23 thru 78.
By the Court.

Abutters are shown as
on original decree plan.

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
MAR. 16, 1981

Scale of this plan 100 feet to an inch
R.C. Collette, Deputy Engineer for Court

MAR. 16, 1981

James M. Maloney
Recorder.

This plan filed with Certificate No. 9619

Nantucket Registry District

APR 7 1981

RECEIVED FOR REGISTRATION

10 O'CLOCK 45 m A. M

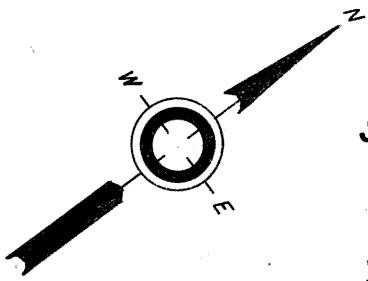
This plan filed with Certificate No.

9619

Attest

James S. Barrett

Assistant Recorder



13364^N
SHEET 2 OF 4

Zoe D. Underhill
L.C. No. 11649A
Cert. No. 1418

SHIMMO RD.
Plan No. 13364I
Cert. No. 8198

75
R=296.49
R=256.49
R=122.92

76
R=1006.20
R=966.20
R=187.77

72
R=220.00
R=250.80
R=118.39

19, Plan No. 13364L, Cert. No. 9028
d.h. in C.B.

22, Plan No. 13364M, Cert. No. 9547
d.h. in C.B.

Plan No. 13364D
Cert. No. 4111

19
Plan No. 13364L
Cert. No. 9028

18
Plan No. 13364K
Cert. No. 9027

78
(SEE DETAIL)

CONSERVATION

AVENUE

31	32	33	34	35	36	37	38
357.00	365.65	372.07	376.23	378.17	377.97	375.71	(SEE
112.90	111.75	111.70	111.60	103.76	104.49		
112.20	112.00	112.00	112.74	107.80	107.80		
26' 06" W	37' 17" W	37' 31" W	36' 03" W	26' 06" W	49' 15" W	18' 42" E	
53°	53°	53°	53°	53°	52°	52°	
1550.30							
35°	33'	59"	W				
Lawrence	F.	Mooney	et	al			

Scale of this Plan 100 feet to an inch

This plan filed with Certificate No. 9619

Nantucket Registry District

APR 7 1981

RECEIVED FOR REGISTRATION
10 O'CLOCK 45 m A.M.

This plan filed with Certificate No.

9619

Attest

James P. Barrett
Assistant Recorder

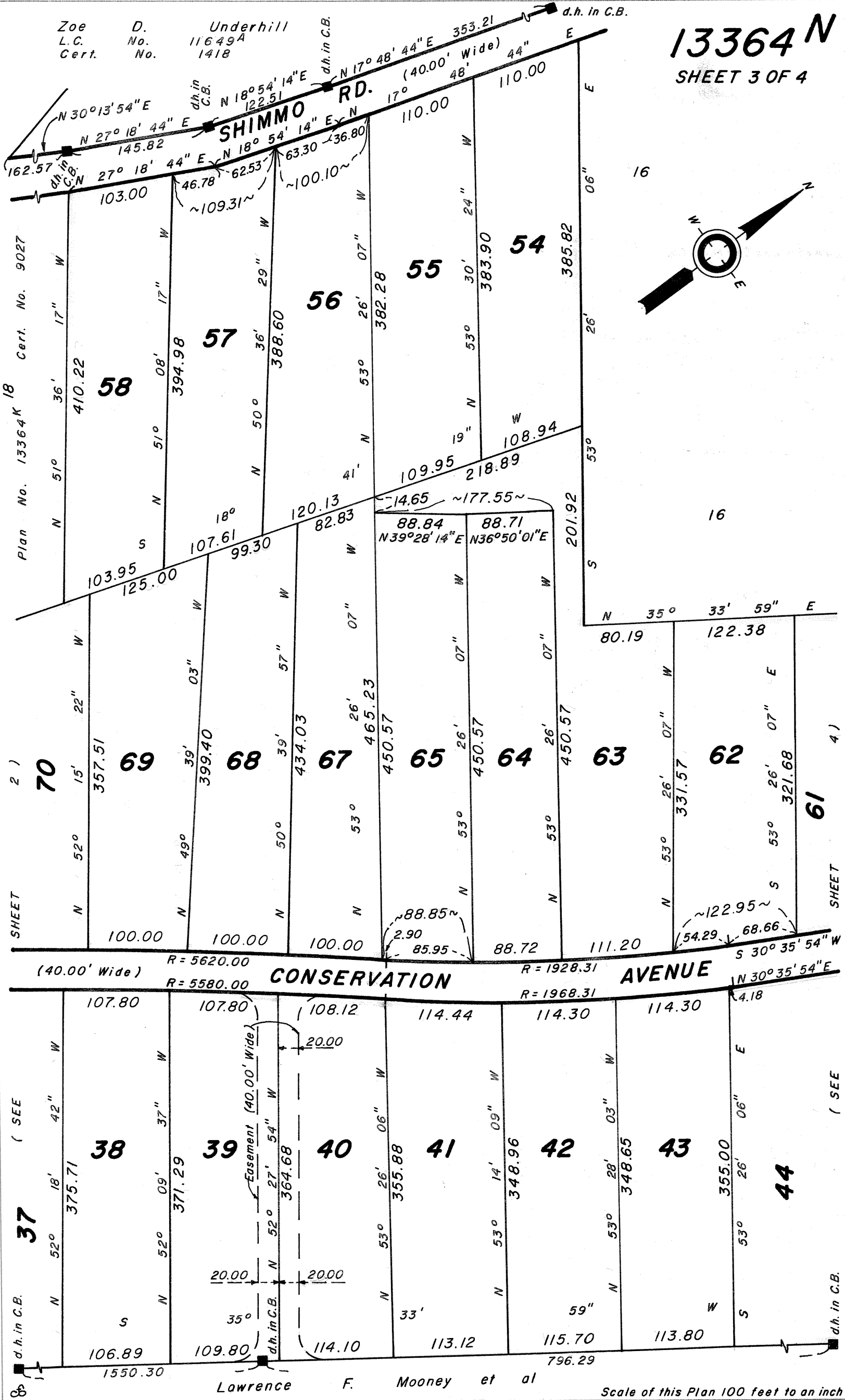
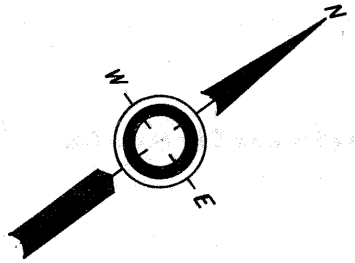
LOT 70+71 ON PLAN No. 13364-N FILED
WITH CERTIFICATE No. 9619 HAS
BEEN Subdivided AND PLAN No. 13364-P
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 11529
FURTHER CERTIFICATES FOR SAID LOT 70
+71 ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT. (Now Lots 80-82)

Zoe
L.C.
Cert.

D.
No.

Underhill
11649A
1418

13364 N
SHEET 3 OF 4



This plan filed with Certificate No. 9619

Nantucket Registry District

APR 7 1981

RECEIVED FOR REGISTRATION

10 O'CLOCK 45 m A. M

This plan filed with Certificate No.

9619

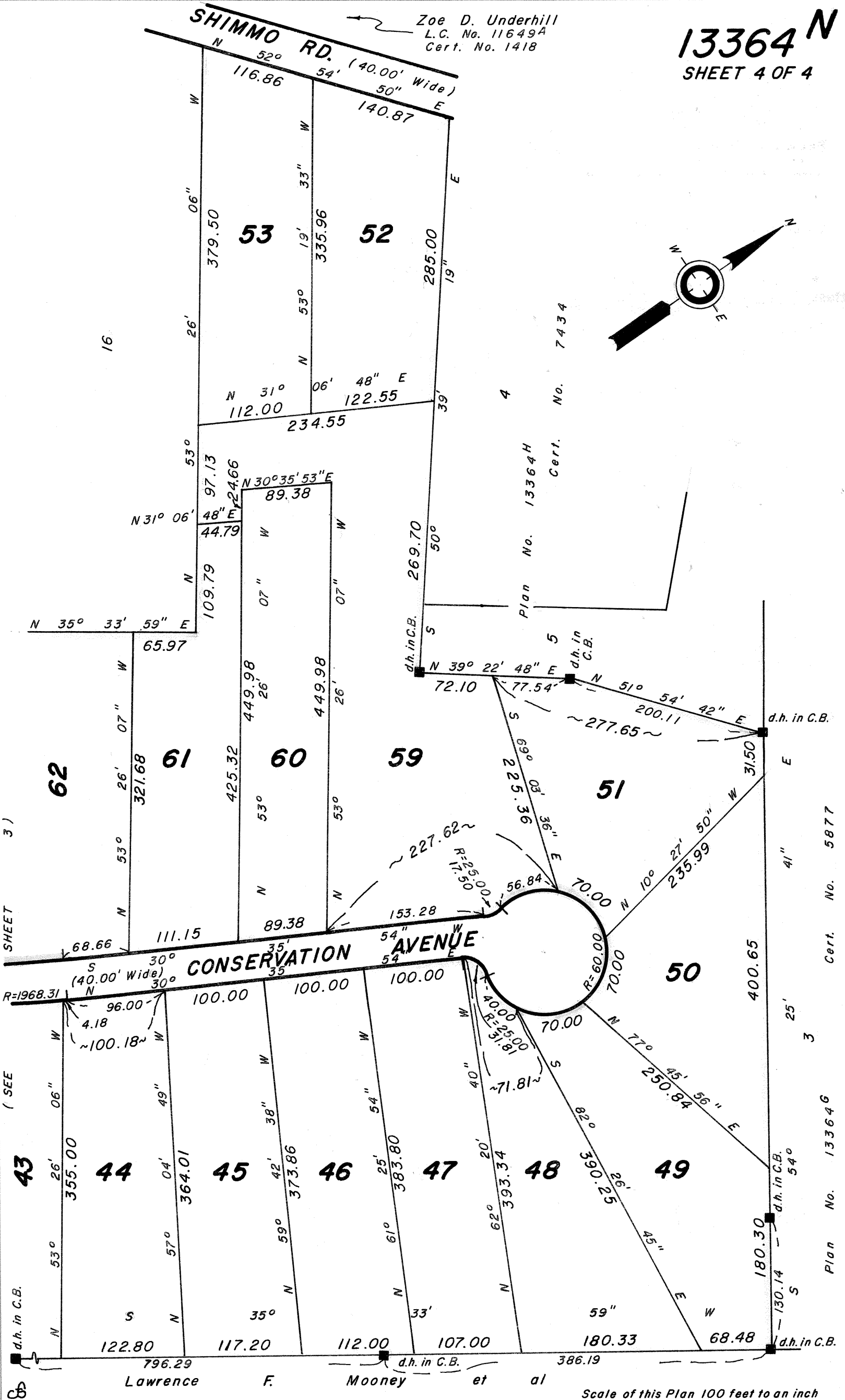
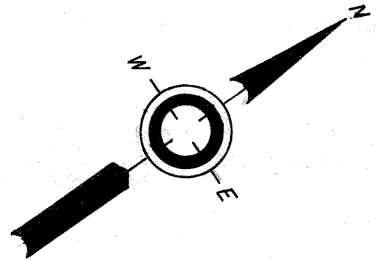
Attest

Joseph L. Barrett
Assistant Recorder

SHIMMO RD. (40.00' Wide)
N 52° 54' E 116.86
W 06" 379.50
E 140.87
N 53° 19' 33" W 335.96
E 19" 285.00

Zoe D. Underhill
L.C. No. 11649A
Cert. No. 1418

13364 N
SHEET 4 OF 4



SHEET 3)

(SEE

d.h. in C.B.

N 53° 26' W 355.00

S 4.18

N 30° 06' E 65.97

N 31° 06' E 44.79

N 30° 35' 53" E 89.38

N 53° 07" W 449.98

N 53° 07" W 449.98

N 53° 26' W 425.32

N 53° 26' W 449.98

N 53° 26' W 449.98

N 53° 26' W 449.98

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N 53° 26' W 449.98

N 53° 26' W 449.98

N 53° 26' W 449.98

Lawrence F. Mooney et al

Scale of this Plan 100 feet to an inch

This plan filed with Certificate No. 9619

Plan No. 133646
Cert. No. 5877

Plan No. 13364H
Cert. No. 7434

Nantucket Registry District

APR 7 1981

RECEIVED FOR REGISTRATION

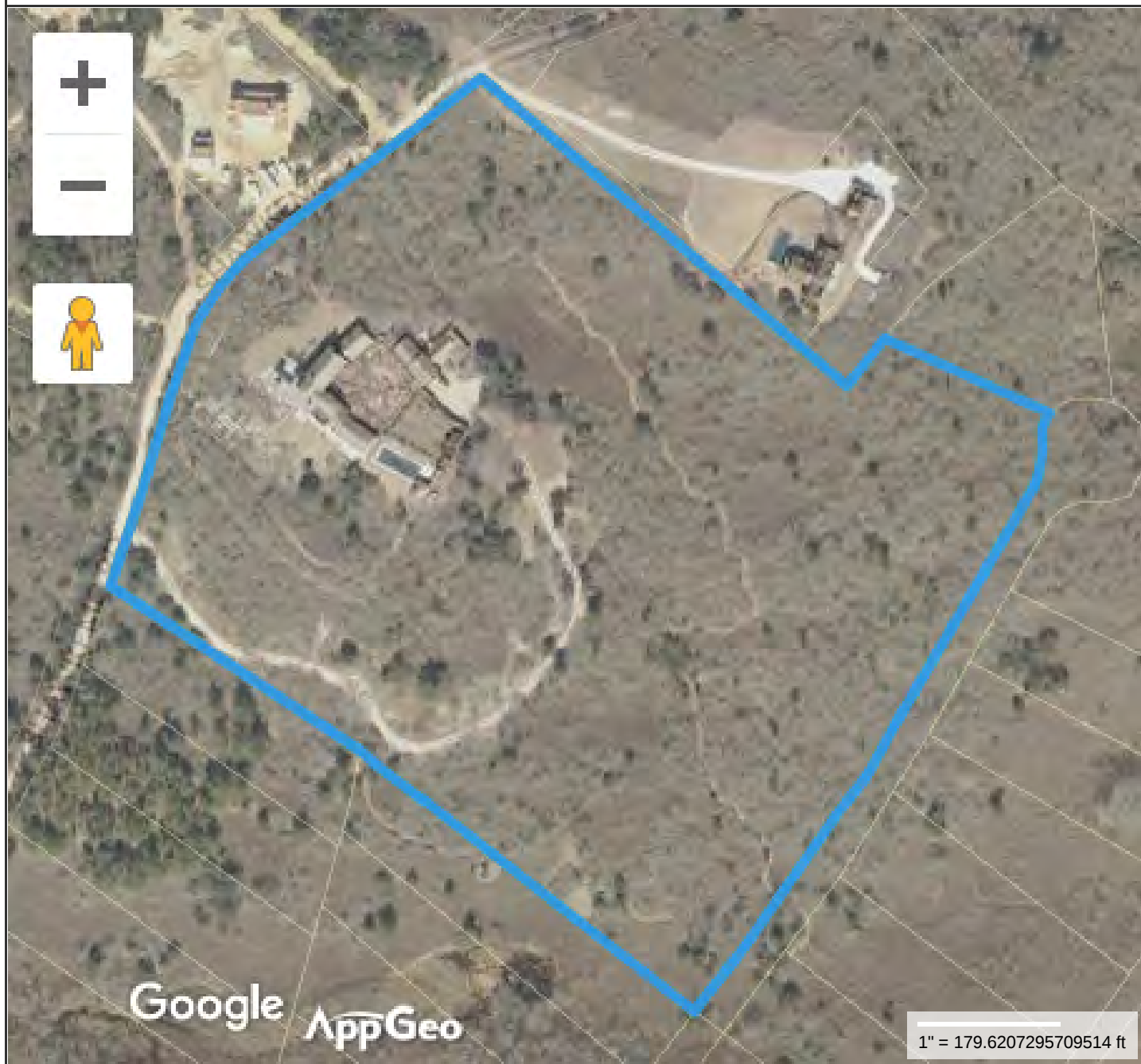
10 O'CLOCK 45 m A . M

This plan filed with Certificate No.

9619

Attest

Joseph A. Barrett
Assistant Recorder

**Property Information**

Property ID 44 62
Location 35 SHAWKEMO RD
Owner ROSENZWEIG DAVID A

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 01/18/2022
Data updated Jan. 2021

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Map Theme Legends

Aerial Image, 2019

 PARCELS

MassGIS,



Agenda Item Summary

Agenda Item #	IX. 1.
Date	1/26/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Approval by TOWN and authorization for Town Counsel to execute Supplemental Petition for Approval of Plan, for the approval of the Subdivision Plan identified as Land Court Plan No. 40795-A, for the property located at 35 Nonantum Avenue.

Executive Summary

The Land Court requires that the Town as a Petitioner with Surfside Properties, LLC, the owner of 35 Nonantum Avenue execute an amended Supplemental Petition for Approval of Plan representing the Town complied with all the preliminary requirements pursuant to G.L. c. 79, as amended, in its taking of the fee in portions of Masquetuck Street and Atlantic Avenue pursuant to an Order of Taking by Eminent Domain, dated May 27, 2009 filed with Nantucket Registry District of the Land Court as Document No. 127326. The Town by virtue of the Order of Taking took the fee in Parcel T-1, Masquetuck Street. The Supplemental Petition requests that the Land Court recognize that a portion of Masquetuck Street shown as Parcel T-1 be eliminated, that Subdivision Plan of Land Court Plan No. 40795-A be approved and that a new Certificate of Title in the name of the Town be issued.

Staff Recommendation

Approve the Supplemental Petition and authorize Town Counsel to execute the Supplemental Petition on behalf of the Town.

Background/Discussion

Town Counsel has reviewed the Supplemental Petition, the Order of Taking, the Certificate of Title for 35 Nonantum Avenue and the Subdivision Plan of 35 Nonantum Avenue to be approved by the Land Court, and opines that this documentation does not adversely affect the Town's ownership of the fee of Parcel T-1, Masquetuck Street and upon the issuance of the Land Court Order will result in the issuance of a Certificate of Title in the name of the Town for Parcel T-1. Town Counsel approves of the form of the Supplemental Petition and recommends its execution.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Allows for the normal subdivision process to proceed

Board/Commission Recommendation

N/A



Public Outreach

N/A

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

Fits within the plan goals of efficient County and Town operations

Attachments

Assent; Certificate of Title for 35 Nonantum Avenue; Subdivision Plan – Land Court Plan No. 40795-A; Order of Taking by Eminent Domain of Portions of Masquetuck Street and Atlantic Avenue.



COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT
LAND COURT DEPARTMENT

LAND COURT CASE NO. 40795

***** *

IN RE: *

TOWN of NANTUCKET *

and *

SURFSIDE PROPERTIES, LLC *

*

Petitioners, *

***** *

SUPPLEMENTAL PETITION
FOR APPROVAL OF A PLAN

Upon the petition of Vicki S. Marsh, Town Counsel for the TOWN OF NANTUCKET, and William F. Hunter, attorney for SURFSIDE PROPERTIES, LLC, representing that:

1. SURFSIDE PROPERTIES, LLC is the registered owner of 35 Nonantum Avenue, Nantucket, bounded on the west by Masquetuck Street, as described in Certificate of Title No. 23605, a certified copy of which is attached hereto;
2. Petitioners have filed with the Engineering Department of the Land Court a subdivision plan of Land Court Plan No. 40795-A, said plan delineating Parcel T-1, a portion of Masquetuck Street, consistent with the taking of said street by the Town of Nantucket pursuant to an "Order of Taking by Eminent Domain of Portions of Masquetuck Street and Atlantic Avenue" dated May 27, 2009 and filed with said Land Court as Document No. 127326, a certified copy of which is attached hereto, and further, Petitioners represent that the Town of Nantucket, acting by authority of Massachusetts General Laws Chapters 40 and 79, as amended, complied with all the preliminary requirements prescribed by law and therefore took the fee in said streets including, but not limited to, all rights of passage, if any ;

3. Petitioners pray that said Order of Taking be recognized and approved; that the portion of Masquetuck Street comprising Parcel T-1 be eliminated; that said subdivision plan of Land Court Plan No. 40795-A be approved; and that a new certificate of title be issued for Parcel T-1 in the name of the Town of Nantucket.

Respectfully submitted,

THE TOWN OF NANTUCKET,
By its attorney:

Vicki S. Marsh, Esquire
Town Counsel
KP Law, P.C.
101 Arch Street
Boston, MA 02110
617-556-0007
BBO #307040

Date: January _____, 2022

SURFSIDE PROPERTIES, LLC,
By its attorney:

William F. Hunter, Esquire
Vaughan, Dale, Hunter & Beaudette, PC
P.O. Box 659, 2 Whalers Lane
Nantucket, MA 02554
508-228-4455
BBO #629379

Date: January __, 2022

Transfer Certificate of Title

Cert No: 23605
Doc No: 131133

From Transfer
Certificate No. 23604 Originally Registered August 10, 2010 at the Registry District of Nantucket County

This is to Certify that

SURFSIDE PROPERTIES, LLC, a Massachusetts limited liability company

of c/o 210 East 73rd Street, Apt. 6A, New York in the State of New York 10021 is the owner, in fee simple, of that land situated in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY by the southerly line of Nonantum Avenue, one hundred and 36/100 (100.36) feet;
EASTERLY by lands now or formerly of the Inhabitants of the Town of Nantucket and of Mary M. Wadsworth, one hundred fifty and 14/100 (150.14) feet;
NORTHERLY by said land now or formerly of Mary M. Wadsworth, one hundred (100) feet;
EASTERLY by Wannacomet Street, one hundred forty-nine and 86/100 (149.86) feet;
SOUTHERLY by land of Owners Unknown, two hundred and 36/100 (200.36) feet; and
WESTERLY by Masquetuck Street, three hundred (300) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 40795-A, drawn by Josiah S. Barrett, Surveyor, dated August 9, 1980, filed with Certificate of Title No. 12,981 at the Registry District of Nantucket County.

So much of the land hereby registered as is included within the limits of said Wannacomet Street and Masquetuck Street is subject to the rights of all persons lawfully entitled thereto in and over the same, and there is appurtenant to the land hereby registered the right to use Wannacomet Street and Masquetuck Street, as shown on said plan, to and from said land and Nonantum Avenue, in common with all other persons lawfully entitled thereto.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

SURFSIDE PROPERTIES, LLC

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting, and subject also as aforesaid.

Witness KARYN F. SCHEIER, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the tenth day of August in the year two thousand and ten at 3 o'clock and 21 minutes in the afternoon.

Jennifer H. Ferreira

Attest, with the Seal of said Court,

Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 35 Nonantum Avenue

Land Court Case No. 40795

CERTIFICATE OF TITLE NO. 23605

A TRUE COPY 9/23/2019 *af*
ATTEST: *Jennifer H. Ferreira*
REGISTER OF DEEDS NANTUCKET COUNTY

Memoranda of Encumbrances

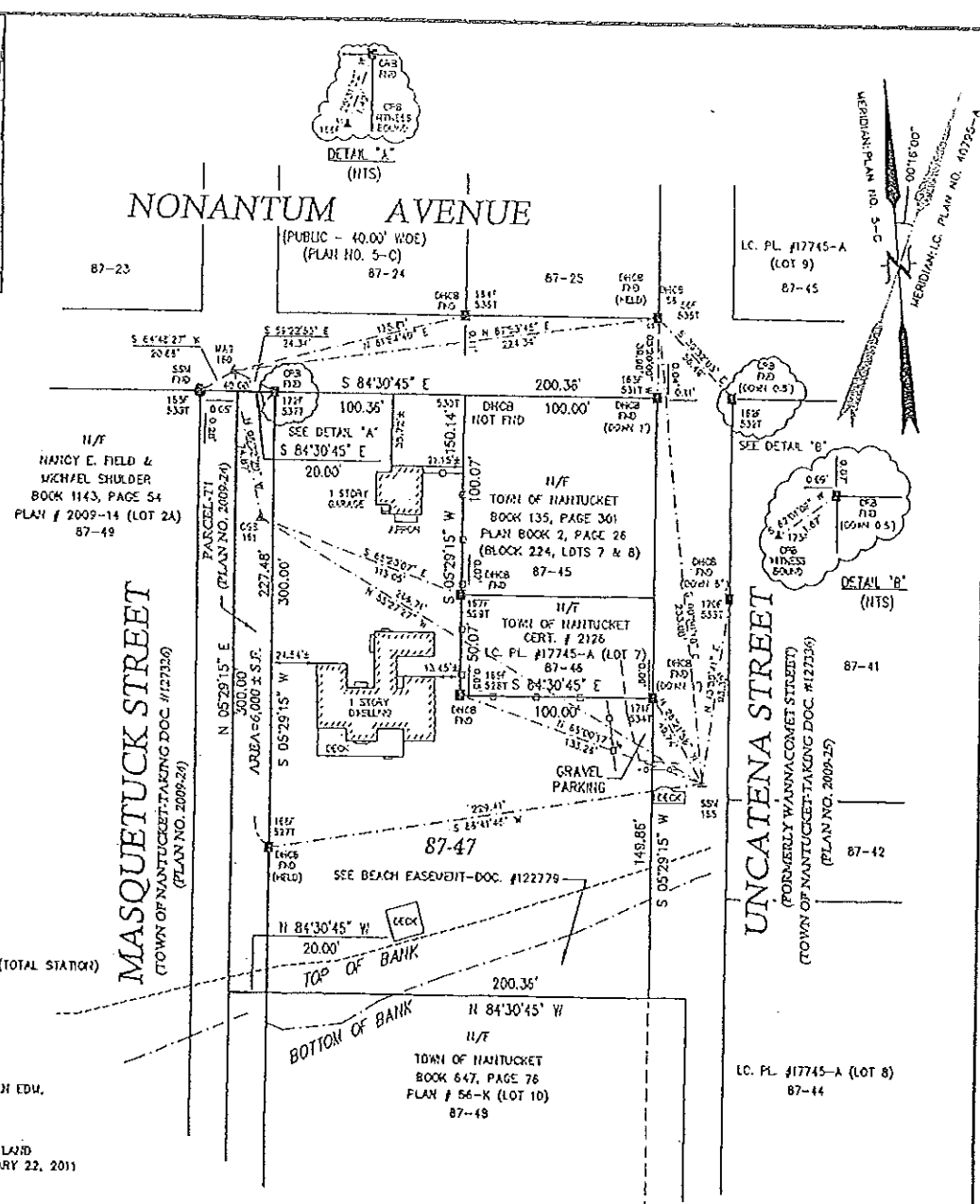
Certificate No: 23605

Book: Page: 0

Report Date: 08/13/2010

Document Number	Kind	In Favor Of	Terms	Date of Instrument Date of Registration	Signature	Discharge
122779	EASEMENT	NANTUCKET TOWN INHABITANTS	beach easement	12/19/2007 01/04/2008 11:12 AM	<i>Jennifer A. Ferreira</i>	
127326	ORDER OF TAKING	NANTUCKET TOWN	portions of Masquetuck Street & Atlantic Avenue	05/27/2009 06/03/2009 10:10 AM	<i>Jennifer A. Ferreira</i>	
127336	ORDER OF TAKING	NANTUCKET TOWN	portion of Uncatena Street	05/27/2009 06/03/2009 10:33 AM	<i>Jennifer A. Ferreira</i>	

End of Document____End of Document____End of Document____End of Document____End of Document____End of Document____End of Document



REFERENCES:
OWNER REF: SURFSIDE PROPERTIES, LLC
DEED REF: CERT. # 23605
PLAN REF: LC, PL # 40795-A
ASSESSORS REF:
VAP: 67 PARCEL: 47

ZCZCZG CLASSIFICATION
DISTRICT: K-20

MINIMUM LOT SIZE = 20,000 S.F.
MINIMUM FRONTAGE = 75'
FRONT YARD SETBACK = 30'
REAR & SIDE LINE SETBACK = 10'
MAX. GROUND COVER RATIO = 12.5%

LEGISLATIVE

CERT.	CERTIFICATE
COS	COTTON ON SPOKE
CRB	COUNTY ROAD BOUND
CRCB	CONCRETE BOUND/DRILL HOLE
FND	FOUND
LC. PL.	LAND COURT PLAIN
MAG	MAGNETIC MAX
NIS	NOT TO SCALE
N/F	NOW OR FORMERLY
185°	POINT FIELD LOCATION
5387	POINT THEORY LOCATION
SSV	STEEL SURVEYORS MARKER
-D-O	STOCKPILE FENCE
-O-O	POST & RAIL FENCE

NOTES:

1. SURVEY INSTRUMENT: LEICA TPS 1200 (TOTAL STATION)
EDM ACCURACY: $\pm(1\text{MM} + 1.5\text{PPM})$

TRAVERSE DATA:
PRECISION OF TRAVERSE: 1 IN 100,833
ERROR OF CLOSURE:
 LINEAR: 0.005
 BEARING: S 03°45'02" W

2. ALL MEASUREMENTS WERE MADE USING AN EDM, UNLESS OTHERWISE NOTED.

3. TEMPORARY COMPARISON BASELINE (SEE LATEST
COURT CASE 43236A FILED DATED JANUARY 22, 2011
BY NANTUCKET SURVEYORS LLC.

4. PARCEL-1 SHALL NOT BE USED AS A SEPERATE BUILDING LOT BUT ONLY TOGETHER WITH ADJACENT LAND, 87-47 HAVING THE REQURED AREA AND FRONTAGE AS SET FORTH IN THE TOWN OF NANTUCKET ZONING BYLAW.

5. THE PLANNING BOARD DETERMINES THAT:

PARCEL-1 DOES 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 LAWS. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

BEING A SUBDIVISION OF MASQUETUCK
STREET AS SHOWN ON L.C. PLAN 40795-A

PLAN OF LAND

NANTUCKET, MASSACHUSETTS

SCALE: 1"=40' DATE: MAY 09, 2011
REVISED: 8/24/19 (L.C. UPDATE)

PREPARED FOR:
SURFSIDE PROPERTIES, LLC

HANTUCKET SURVEYORS, LLC
5 WINDY WAY
HANTUCKET, MA 02554
(508) 228-0240

GRAPHIC SCALE

* I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN MARCH 23, 2011 AND JUNE 24, 2019.

Paul J. Foster
PROFESSIONAL LAND SURVEYOR

6/24/17
DATE



PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

NANTUCKET PLANNING BOARD

APPROVAL UNDER THE
SUBMISSION CONTROL LAW
NOT REQUIRED

JOHN EDWARDS
JOHN EDWARDS
JOHN EDWARDS
JOHN EDWARDS

FREDDOX "PATZ" ACQUIES
DATE 10/25/51

DATE APPROVED 07-08-19
DATE SIGNED 07-08-19
FILE NO. 8336



2009 00127326
 Cert: 16623 Doc: OOT
 Registered: 08/03/2009 10:10 AM



2009 00001588
 Bk: 1186 Pg: 98 Page: 1 of 4
 Doc: OOT 08/03/2009 10:16 AM

COMMONWEALTH OF MASSACHUSETTS
 TOWN OF NANTUCKET
 BY ITS BOARD OF SELECTMEN

**ORDER OF TAKING BY EMINENT DOMAIN OF PORTIONS
 OF MASQUETUCK STREET AND ATLANTIC AVENUE**

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business of Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapters 40 and 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 107 adopted at the Town's 2008 Annual Town Meeting, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of Masquetuck Street and Atlantic Avenue as described below ("Parcels") is required for general municipal purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels and those who hold easement and other rights to the Parcels, and their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan containing one (1) sheet and entitled "Plan to Accompany Town of Nantucket Land Takings in Surfside Area Prepared for the Town of Nantucket," dated April 10, 2009, prepared by Nantucket Surveyors LLC ("Plan") and filed with the Nantucket County Registry of Deeds herewith as Plan No. 2009-24 and consisting of the following parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel-T1	35 Nonantum Avenue	5,000 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 87, Parcel 47	Hope H. Hall, Trustee of Stephen J. Hall Qualified Personal Residence Trust and Stephen J. Hall, Trustee of Hope H. Hall Qualified Personal Residence Trust	Cert. No. 16623

A TRUE COPY 9/23/2019 *[Signature]*
 ATTEST: *Jennifer H. Ferreira*
 REGISTER OF DEEDS NANTUCKET COUNTY

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel-T2	Masquetuck Street	3,358 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 87, Parcel 48	Town of Nantucket	Book 647, Page 76

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel-T3	33 Nonantum Avenue	8,755 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title References</u>
Map 87, Parcel 49	Nancy E. Field and Michael Schulder	Book 1143, Page 54

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel-T6	Atlantic Avenue	2,009 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 87, Parcel 49	Nancy E. Field and Michael Schulder	Book 1143, Page 54

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel-T1, Parcel-T2, Parcel-T3 and Parcel-T6	Masquetuck Street and Atlantic Avenue	19,122 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	
Map 87, Parcels 47, 48 and 49	Surfside Land Company, Henry Coffin, Charles Coffin, Henry C. Everett and their heirs, successors and assigns, and owners unknown	

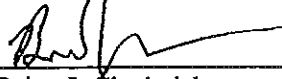
Any and all trees, vegetation and structures at and improvements to the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Law Chapter 79, as amended.

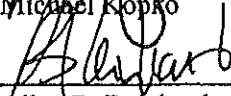
If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

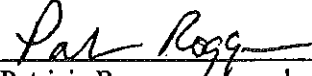
Adopted under seal this 27th day of May, 2009.

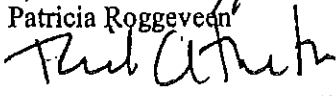
TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN


Brian J. Chadwick


Michael Kopko


Allen B. Reinhard

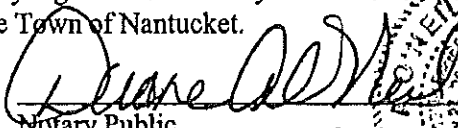

Patricia Roggeveen


Rick Atherton

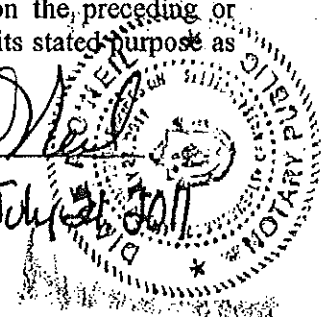
See Town Meeting
vote at doc 127323

Commonwealth of Massachusetts
Nantucket County, ss

On this 27th day of May, 2009, before me, the undersigned notary public, personally appeared Brian J. Chadwick, Michael Kopko, Allen B. Reinhard, Patricia Roggeveen and Rick Atherton, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which were ☐ photographic identification with signature issued by federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.


Notary Public

My commission expires: July 21, 2011



Doc No: 00127326

NAHANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Jun 03, 2009 at 10:10A

Document Fee: 75.00 Rec Total: \$375.00

CERTIFICATE No: 16623

NAHANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds



Agenda Item Summary

Agenda Item #	IX. 2.
Date	1/26/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Approval by the TOWN and authorization for Town Counsel to execute Assent to the Complaint to Recognize the Taking and Approve Plan, amending the legal description of Lot 2 shown on Land Court Plan No. 43353-A and approving of the registration of the Subdivision Plan of said Lot 2 for the property located 51 Weweeder Avenue.

Executive Summary

The Land Court requires that the Town assent to the Complaint which requests that the Land Court issue an Order amending the legal description of Lot 2 on Land Court Plan No. 43353-A, approve the registration of the Subdivision Plan of Lot 2 and issue Certificates of Title in the name of the Town of Nantucket for Parcel V and Parcel S shown on the Subdivision Plan by virtue of the Order of Taking by Eminent Domain of portions of Waverly Street and Vernon Street filed with Nantucket Registry District of the Land Court on October 12, 2010, as the Taking was validly filed with the Nantucket Registry District of the Land Court prior to the registration of the property located at 51 Weweeder Avenue.

Staff Recommendation

Approve the Assent and then authorize Town Counsel to execute the Assent.

Background/Discussion

Town Counsel has reviewed the Complaint, the Assent, the Order of Taking, the Certificate of Title for 51 Weweeder Avenue and the Subdivision Plan of 51 Weweeder Avenue, and opines that this documentation shows that the fee interest in Parcel S, Vernon Street and Parcel V, Waverly Street was validly taken by the Town prior to the registration of Lot 2 shown on Land Court Plan No. 43352-A, and that the legal description of Lot 2 needs to be amended and Certificate of Title for Parcel S, Vernon Street and Parcel V, Waverly Street should be issued in the name of the Town of Nantucket. Town Counsel approves of the form of the Assent and recommends its execution.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Allows for the normal subdivision process to proceed

Board/Commission Recommendation

N/A



Public Outreach

N/A

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

Fits within the plan goals of efficient County and Town operations

Attachments

Assent; Certificate of Title No. 132601 for property including 51 Weweeder Avenue; Subdivision Plan; Order of Taking by Eminent Domain of Portions of Vernon Street and Waverly Street



COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court Department
Supplementary Complaint
No. 22-SBQ-43353-1-

ACK T.O.W, LLC,

Plaintiff

)
) ASSENT TO
) COMPLAINT TO RECOGNIZE
) TAKING AND APPROVE PLAN

The Town of Nantucket hereby acknowledges receipt and sufficient notice of the Complaint to Recognize Taking and Approve Plan of ACK T.O.W., LLC, which Petition is dated January 18, 2022, and assents to the Petition, the Plan filed by the Plaintiff, and the lines of the taking of Vernon Street and Waverly Street shown on said plan and hereby assents that an Order may issue for the relief requested therein, namely (1) amending the legal description of Lot 2 on Land Court Plan No. 43353-A, (2) approving for registration the Subdivision Plan of Lot 2 on Land Court Plan No. 43353-A pursuant to the Supplementary Complaint filed by the Plaintiff herewith, and (3) issuing Certificates of Title in the name of the Town of Nantucket for Parcel V and Parcel S shown on the Subdivision Plan filed by the Plaintiff herewith, without further notice to it.

Executed and sealed on _____, 2022.

TOWN OF NANTUCKET
By its attorneys
hereunto duly authorized:

KP Law, P.C.
By:

Vicki S. Marsh, Attorney
(BBO # 307040)
101 Arch Street
Boston, MA 02110
(617) 556-0007

Transfer Certificate of Title

Cert No:28274
Doc No:169371

From Transfer
Certificate Nos. 23777 & 23778 Originally Registered January 6, 2011 at the Registry District of Nantucket County

This is to Certify that

ACK T.O.W. LLC, a Massachusetts limited liability company

of 50 Weweeder Avenue, Nantucket in the County of Nantucket and the Commonwealth of Massachusetts, 02554 is the owner, in fee simple, of that land situated in Nantucket, in the County of Nantucket and said Commonwealth, bounded and described as follows:

PARCEL ONE:

WESTERLY by Vernon Street, three hundred seventy (370.00) feet;
NORTHERLY by the line of Weweeder Avenue, two hundred (200.00) feet;
EASTERLY by Waverly Street, three hundred seventy (370.00) feet; and
SOUTHERLY by lot 3, two hundred (200.00) feet.

All of said boundaries are determined by the Court to be located as shown on Plan No. 43353-A, drawn by Nantucket Surveyors, LLC, Surveyors, dated February 5, 2008 as modified and approved by the Court, filed in the Land Registration Office, a copy of which is filed with Certificate of Title 23777 at the Registry District of Nantucket County. Said land is shown thereon as Lot 2.

The land hereby registered is subject to the declaration of restrictions made by Ellery B. Woodworth and Carol P. Woodworth, dated November 9, 1994, duly recorded in Book 458, Page 120; as modified by a waiver of restriction, dated on August 8, 1996, and duly registered as Document No. 073116.

The land hereby registered is subject to the restriction as set forth in a deed given by Ellery B. Woodworth and Carol P. Woodworth to Nantucket Islands Land Bank, duly recorded on December 29, 2004, in Book 933, Page 94.

So much of the land hereby registered as is included within the limits of said Vernon Street is subject to the rights of all persons lawfully entitled thereto in and over the same; and there is appurtenant to the land hereby registered the right to use Vernon Street, as shown on said plan, to and from said land and Weweeder Avenue, and to and from said land and Nobadeer Avenue, in common with all other persons lawfully entitled thereto.

So much of the land hereby registered as is included within the limits of said Waverly Street is subject to the rights of all persons lawfully entitled thereto in and over the same; and there is appurtenant to the land hereby registered the right to use Waverly Street, as shown on said plan, to and from said land and Weweeder Avenue, and to and from said land and Nobadeer Avenue, in common with all other persons lawfully entitled thereto.

PARCEL TWO:

WESTERLY by Waverly Street, four hundred seventy (470.00) feet;
NORTHERLY by the line of Weweeder Avenue, two hundred (200.00) feet;
EASTERLY by the line of Adams Street, four hundred seventy (470.00) feet; and
SOUTHERLY by the line of Nobadeer Avenue, two hundred (200.00) feet.

All of said boundaries are determined by the Court to be located as shown on Plan No. 43353-A, drawn by Nantucket Surveyors, LLC, Surveyors, dated February 5, 2008 as modified and approved by the Court, filed in the Land Registration Office, a copy of which is filed with Certificate of Title 23777 at the Registry District of Nantucket County. Said land is shown thereon as Lot 1.

The land hereby registered is subject to the declaration of restrictions made by Ellery B. Woodworth and Carol P. Woodworth, dated November 9, 1994, duly recorded in Book 458, Page 120; as modified by a waiver of restriction, dated on August 8, 1996, and duly registered as Document No. 073116.

The land hereby registered is subject to the restriction as set forth in a deed given by Ellery B. Woodworth and Carol P. Woodworth to Nantucket Islands Land Bank, duly recorded on December 29, 2004, in Book 933, Page 94.

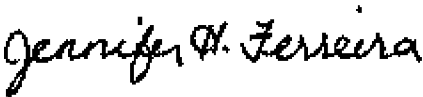
So much of the land hereby registered as is included within the limits of said Waverly Street is subject to the rights of all persons lawfully entitled thereto in and over the same; and there is appurtenant to the land hereby registered the right to use Waverly Street, as shown on said plan, to and from said land and Nobadeer Avenue, and to and from said land and Weweeder Avenue, in common with all other persons lawfully entitled thereto.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

ACK T.O.W. LLC

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting, and subject also as aforesaid.

Witness **GORDON H. PIPER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the twenty-ninth day of April in the year two thousand and twenty-one at 10 o'clock and 20 minutes in the forenoon.

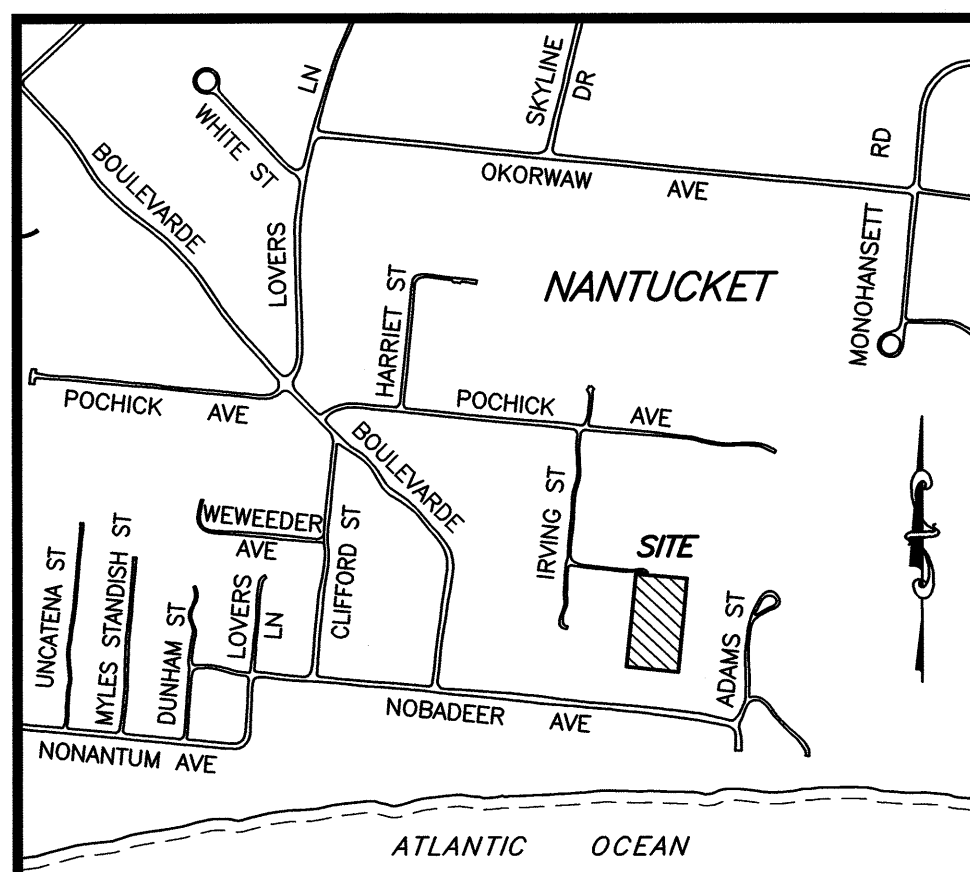


Attest, with the Seal of said Court, _____
Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 51 Weweeder Avenue & 68 Nobadeer Avenue

Land Court Case No. 43353

CERTIFICATE OF TITLE NO. **28274**



LOCUS

NOTES

1. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE EXISTING PARCEL (MAP 88, PARCEL 12) TO CREATE LOT 1 AND LOT 2 AS SHOWN.
2. THIS PLAN REPRESENTS A SUBDIVISION OF LOT 2 SHOWN ON LAND COURT PLAN 43353-A.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN SPECIAL FLOOD HAZARD AREAS AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY--PANEL NUMBER 250230 0152 G (EFFECTIVE DATE 6/9/2014).
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OTHER OF FOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
5. BUILDING OFFSET DISTANCES ARE FROM BUILDING CORNER BOARDS AT APPROXIMATELY 5' ABOVE GROUND LEVEL.
6. ALL DISTANCES WERE MEASURED BY EDM.

TRAVERSE CLOSURE DATA

LENGTH OF TRAVERSE = ~~010.30~~ 1195.02'
 ANGULAR ERROR = ~~000.02~~ 0°00'13"
 CLOSURE DISTANCE = ~~0.004~~ 0.075'
 DIRECTION = ~~N15°29'28"E~~ N80°32'55"E
 PRECISION = ~~1:245,107~~ 1:16,022

INSTRUMENTATION

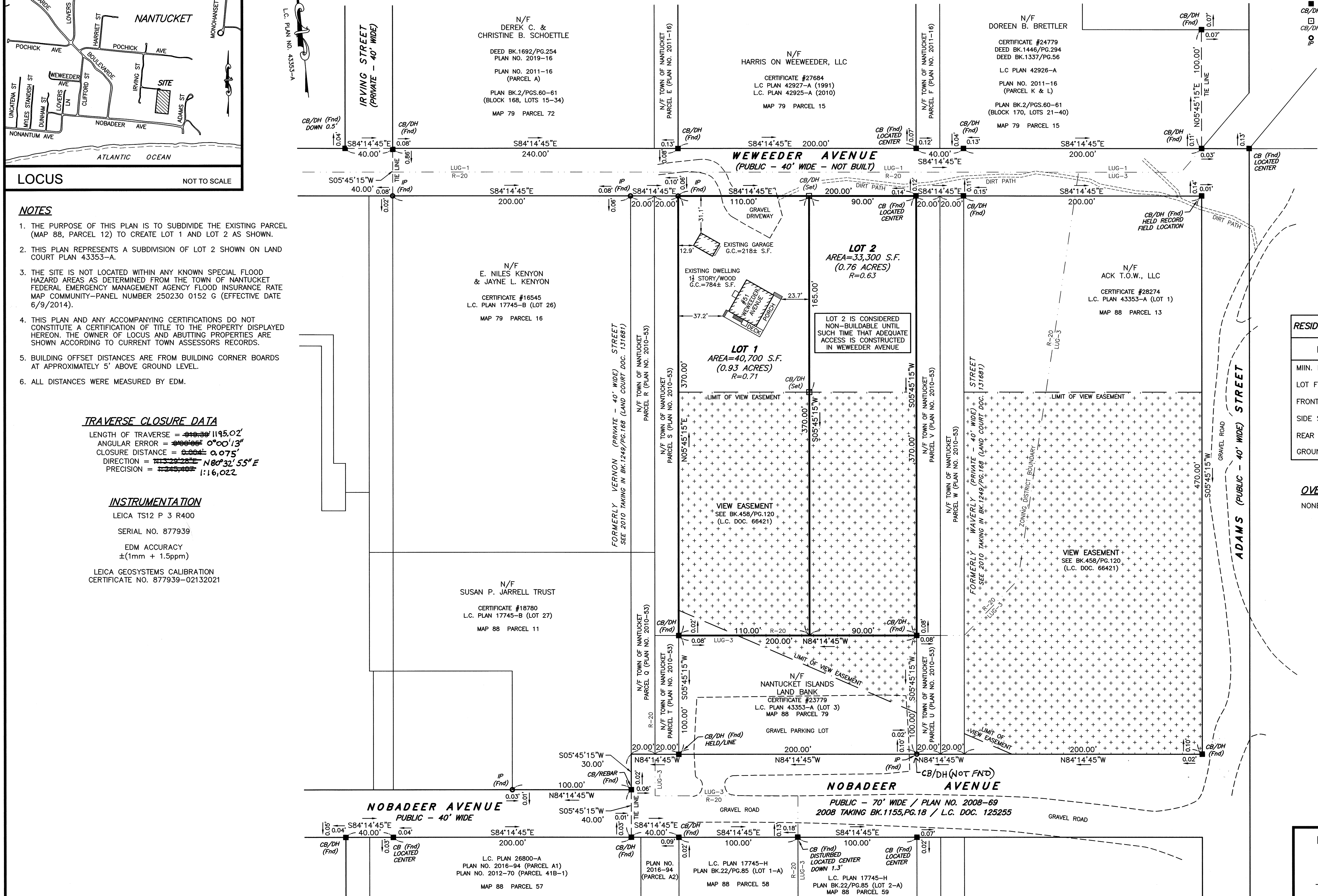
LEICA TS12 P 3 R400

SERIAL NO. 877939

EDM ACCURACY

$$\pm(1\text{mm} + 1.5\text{ppm})$$

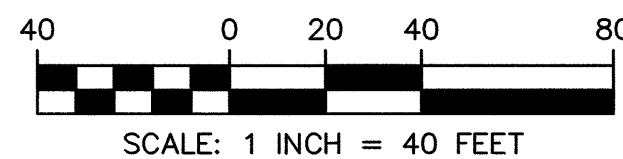
LEICA GEOSYSTEMS CALIBRATION
CERTIFICATE NO. 877939-02132021



PROFESSIONAL LAND SURVEYOR

6-23-2021

DATE _____



LEGEND

- | | |
|---|---------------------------------|
|  | CONCRETE BOUND |
|  | CONCRETE BOUND W/DRILL HOLE |
|  | CONCRETE BOUND W/DRILL HOLE SET |
|  | IRON PIPE |

OWNER & APPLICANT

ACK T.O.W., LLC
50 WEWEEDER AVENUE
NANTUCKET, MA 02554

TITLE REFERENCE:
CERTIFICATE NO. 28274

PLAN REFERENCES:
L.C. PLAN NO. 43353-A (LOT 2)
PLAN NO. 2004-62

SITE LOCATION:
51 WEWEEDER AVENUE
NANTUCKET, MASSACHUSETTS

ASSESSORS REFERENCE:
MAP 88, PARCEL 12

RESIDENTIAL 20 (R-20) ZONING DISTRICT

REGULATION	REQUIREMENT
MIN. LOT AREA	20,000 SQ. FT.
LOT FRONTAGE	75'
FRONT SETBACK	30'
SIDE SETBACK	10'
REAR SETBACK	10'
GROUND COVER RATIO	12.5%

OVERLAY DISTRICT APPLICABILITY

NONE

PLAN OF LAND

BEING A SUBDIVISION OF LOT 2
SHOWN ON LAND COURT PLAN 43353-A
51 WEWEEDER AVENUE
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 88, PARCEL 12
PREPARED FOR
ACK T.O.W., LLC

DRAWING TITLE:

APPROVAL NOT
REQUIRED PLAN

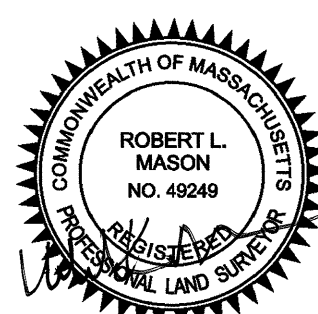
SCALE: 1" = 40'

SHEET NO.

1 OF 1



11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

[illegible]

ANR ENDORSEMENT

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

DATE ENDORSED: 7-12-2

PLANNING BOARD FILE No. _____

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE
A DETERMINATION OF CONFORMANCE UNDER ZONING



Cert: 18780 Doc: OOT
Registered: 10/12/2010 02:40 PM



Bk: 1249 Pg: 188 Page: 1 of 10
Doc: OOT 10/12/2010 02:39 PM

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF SELECTMEN

**ORDER OF TAKING BY EMINENT DOMAIN OF
PORTIONS OF (MOUNT) VERNON STREET AND WAVERLY STREET**

The undersigned being the majority of the duly elected and serving members of the Board of Selectmen of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business of Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 76 adopted by the Town at its 2010 Annual Town Meeting (certified copy attached as Exhibit A), and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the fee in those certain parcels of land comprising portions of (Mount) Vernon Street and Waverly Street as described below ("Parcels") is required for general municipal purposes and access purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from the supposed owners of the Parcels, those who hold easements and other rights to the Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the fee in the Parcels, including but not limited to all rights of passage, if any, as follows:

The land shown on a plan containing one (1) sheet and entitled "Plan To Acquire Land For General Municipal Purposes, (Mount) Vernon Street And Waverly Street in Nantucket, Massachusetts," prepared by Nantucket Surveyors, LLC, dated September 9, 2010 (the "Plan") and filed with the Nantucket County Registry of Deeds herewith as Plan No. 2010-53 and consisting of the following Parcels described on the Plan:

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel Q	62 Nobadeer Avenue (Lot 27, Land Court Plan 17745-B)	3,400 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 88, Parcel 11	Susan P. Jarrell, as Trustee of the Susan P. Jarrell Trust	Certificate No. 18780

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel R	11 Irving Street (Lot 26, Land Court Plan 17745-B)	6,000 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 79, Parcel 16	E. Niles Kenyon and Jayne L. Kenyon, Surfside Land Company, Henry Coffin, Charles Coffin, Henry C. Everett and their heirs, successors and assigns, and owners unknown	Certificate No. 16545

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel S	51 Weweeder Avenue (Lot 1, Plan No. 2004-62)	7,400 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 88, Parcel 12	Ellery B. Woodworth and Carol P. Woodworth, As Trustees of the Woodworth Realty Trust	Book 1046, Page 306

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel T	64 Nobadeer Avenue (Lot 2, Plan No. 2004-62)	2,000 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 88, Parcel 79	Surfside Land Company, Henry Coffin, Charles Coffin, Henry C. Everett and their heirs, successors and assigns, and owners unknown (except for and excluding any interests of the Nantucket Islands Land Bank)	Book 933, Page 94

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel U	64 Nobadeer Avenue (Lot 2, Plan No. 2004-62)	2,000 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 88, Parcel 79	Surfside Land Company, Henry Coffin, Charles Coffin, Henry C. Everett and their heirs, successors and assigns, and owners unknown (except for and excluding any interests of the Nantucket Islands Land Bank)	Book 933, Page 94

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel V	51 Weweeder Avenue (Lot 1, Plan No. 2004-62)	7,400 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 88, Parcel 12	Ellery B. Woodworth and Carol P. Woodworth, as Trustees of the Woodworth Realty Trust	Book 1046, Page 306

<u>Parcel</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel W	68 Nobadeer Avenue (Lots 1-34, Block 192, Pl. Bk. 2, Pg. 60-61)	9,400 s.f.
<u>Assessor ID</u>	<u>Supposed Owner(s)</u>	<u>Title Reference</u>
Map 88, Parcel 13	Ellery B. Woodworth and Carol P. Woodworth, as Trustees of the Woodworth Realty Trust	Book 1046, Page 306

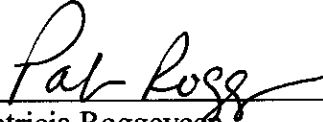
Any and all trees, vegetation, structures and improvements at the Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Parcels are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Law Chapter 79, as amended.

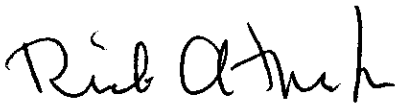
If any party named hereinabove as an owner of any Parcels taken hereby is not a true owner of said Parcels, then the award is made only to the true owner(s) of said Parcels.

Adopted under seal this 22nd day of September, 2010.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN


Patricia Roggeveen


Brian Chadwick


Rick Atherton


Michael Kopko


Whiting Willauer

Commonwealth of Massachusetts
Nantucket County, ss

On this ~~22nd~~ ^{7th} day of ~~September~~ ^{October}, 2010, before me, the undersigned notary public, personally appeared Patricia Roggeveen, Brian Chadwick, Rick Atherton, Michael Kopko and Whiting Willauer, as members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Board of Selectmen of the Town of Nantucket.


Notary Public
My commission expires ~~July 31, 2011~~ ^{July 31, 2012}

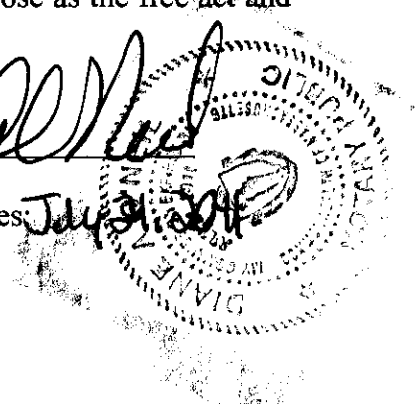
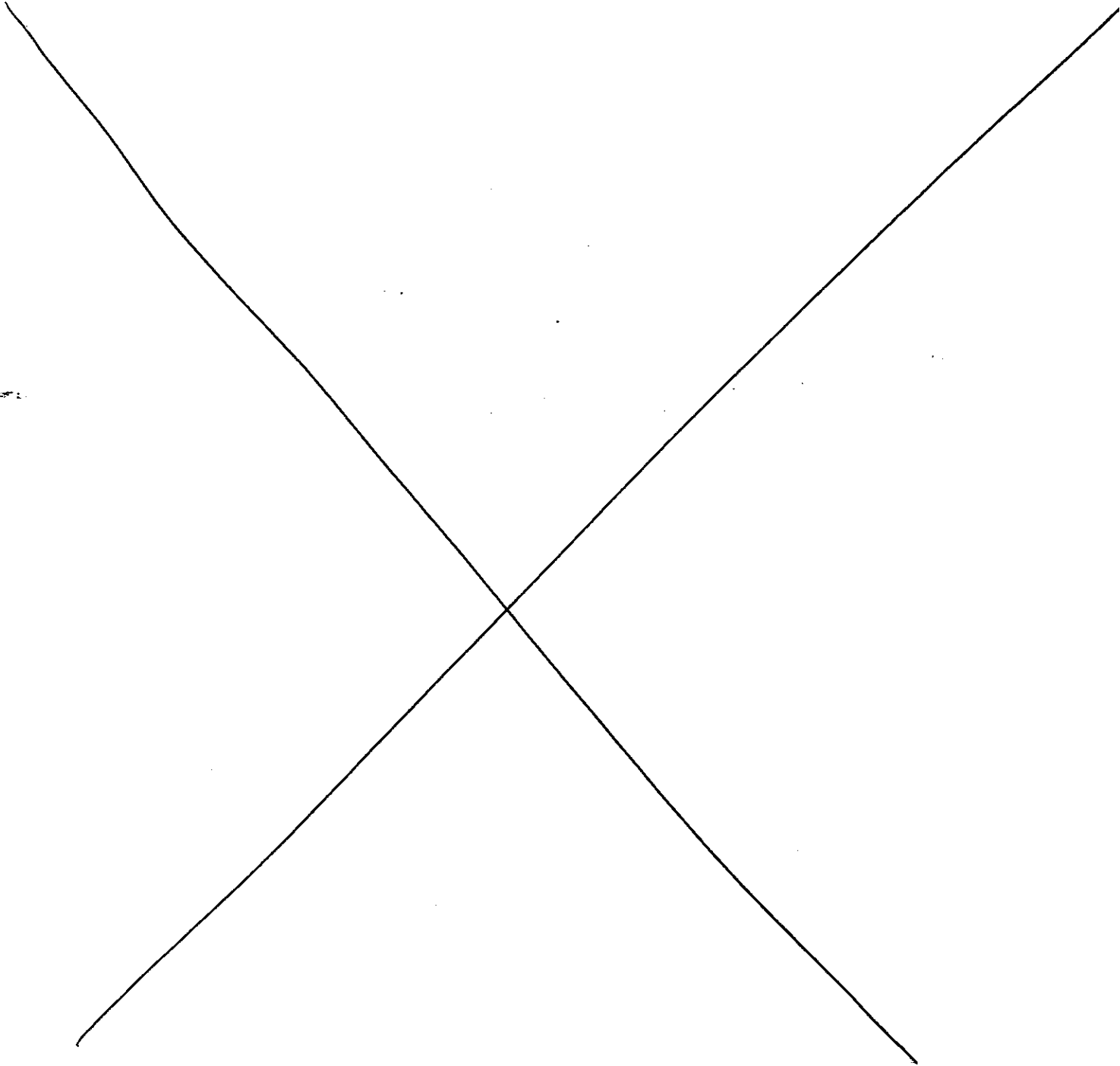


EXHIBIT A

Town Clerk Certified Copy of Town of Nantucket Vote on Article 76 of
the 2010 Annual Town Meeting of the Town of Nantucket



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841
Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

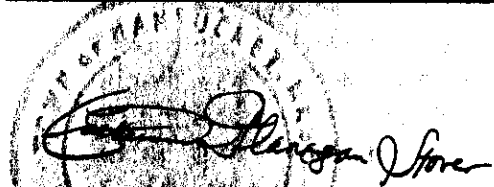
♦♦♦♦♦

May 6, 2010

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 5, 2010 ANNUAL TOWN MEETING adopted **Article 76: "Real Estate Acquisition: "Paper" Streets, Surfside"** at the April 6, 2010 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 76 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.



Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 76

(Real Estate Acquisition: "Paper" Streets in Surfside)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of twenty (20) unconstructed rights of way in the Surfside area of Nantucket known as Surfside South and identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

- Waverly, Mount Vernon, Harriet (formerly known as Prospect) and Hawthorne Streets between the northerly sideline of Nobadeer Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Weweeder, Pochick and Pocomo Avenues and Boulevarde);
- Central Street between the northerly sideline of Boulevarde and the southerly sideline of Okorwaw Avenue (excluding any portion of Pochick and Pocomo Avenues);
- Clifford Street between the northerly sideline of Pochick Avenue to the southerly sideline of Pocomo Avenue;
- Irving Street between the northerly sideline of Pochick Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Pocomo Avenue);
- Myles Standish (formerly known as Shimmo) and Plum Streets between the northerly sideline of Weweeder Avenue and the southerly sideline of Pochick Avenue;
- Masquetuck Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Pochick Avenue (excluding any portion of Nobadeer and Weweeder Avenues);
- Holly Street between the northerly sideline of Weweeder Avenue and a line 200 feet south and parallel to the southerly sideline of Pochick Avenue;
- Woodbine Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue);
- Poplar Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Nobadeer Avenue;
- Laurel Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nonantum and Nobadeer Avenues and between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue;
- School Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue) and between the northerly sideline of Pochick Avenue and the southerly sideline of Mequash Avenue (excluding any portion of Masaquet Avenue);
- Copeland Street between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue;
- Nobadeer Avenue between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Dunham Street (excluding any portions of Naushon Way (formerly known as Cherry Street) Plum Street, Holly Street, Pequot Street (formerly known as Orange Street), Uncatena Street (formerly known as Wannacommet Street), and Myles Standish Street (formerly known as Shimmo Street);
- Mequash Avenue: Between the easterly sideline of Copeland Street and the westerly sideline of Surfside Road (formerly known as Myrtle Street) and between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Naushon Way (formerly known as Cherry Street);

- Pocomo Avenue between the easterly sideline of Assessor Map 79, Parcel 27 to the easterly sideline of Central Street and from the westerly sideline of Hawthorne Street to the easterly sideline of Adams Street;
- Adams Street between the northern sideline of Weweeder Avenue and the southerly sideline of Pocomo Avenue (excluding any portion of Pochick Avenue);

to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; and to take any other actions related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to acquire by purchase, gift or eminent domain the fee or lesser interests in all or any portions of twenty (20) unconstructed rights of way in the Surfside area of Nantucket known as Surfside South and identified below, together with any public and private rights of passage, for public ways and/or general municipal purposes:

- Waverly, Mount Vernon, Harriet (formerly known as Prospect) and Hawthorne Streets between the northerly sideline of Nobadeer Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Weweeder, Pochick and Pocomo Avenues and Boulevarde);
- Central Street between the northerly sideline of Boulevarde and the southerly sideline of Okorwaw Avenue (excluding any portion of Pochick and Pocomo Avenues);
- Clifford Street between the northerly sideline of Pochick Avenue to the southerly sideline of Pocomo Avenue;
- Irving Street between the northerly sideline of Pochick Avenue and the southerly sideline of Okorwaw Avenue (excluding any portion of Pocomo Avenue);
- Myles Standish (formerly known as Shimmo) and Plum Streets between the northerly sideline of Weweeder Avenue and the southerly sideline of Pochick Avenue;
- Masquetuck Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Pochick Avenue (excluding any portion of Nobadeer and Weweeder Avenues);
- Holly Street between the northerly sideline of Weweeder Avenue and a line 200 feet south and parallel to the southerly sideline of Pochick Avenue;
- Woodbine Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue);
- Poplar Street between the northerly sideline of Nonantum Avenue and the southerly sideline of Nobadeer Avenue;
- Laurel Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nonantum and Nobadeer Avenues and between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue);
- School Street between the northeasterly sideline of Atlantic Avenue and the southerly sideline of Weweeder Avenue (excluding any portion of Nobadeer Avenue) and between the northerly sideline of Pochick Avenue and the southerly sideline of Mequash Avenue (excluding any portion of Masaquet Avenue);
- Copeland Street between the northerly sideline of Masaquet Street and the southerly sideline of Mequash Avenue;
- Nobadeer Avenue between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Dunham Street (excluding any portions of

Naushon Way (formerly known as Cherry Street) Plum Street, Holly Street, Pequot Street (formerly known as Orange Street), Uncatena Street (formerly known as Wannacomet Street), and Myles Standish Street (formerly known as Shimmo Street);

- Mequash Avenue: Between the easterly sideline of Copeland Street and the westerly sideline of Surfside Road (formerly known as Myrtle Street) and between the easterly sideline of Surfside Road (formerly known as Myrtle Street) and the westerly sideline of Naushon Way (formerly known as Cherry Street);
- Pocomo Avenue between the easterly sideline of Assessor Map 79, Parcel 27 to the easterly sideline of Central Street and from the westerly sideline of Hawthorne Street to the easterly sideline of Adams Street; and
- Adams Street between the northern sideline of Weweeder Avenue and the southerly sideline of Pocomo Avenue (excluding any portion of Pochick Avenue).

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion.



NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Register of Deeds

DOC No: 00131681

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Oct 12, 2010 at 02:40P

Document Fee: 150.00 Rec Total: \$150.00

CERTIFICATE No: 18780

CERT 16545

Also noted on

FY 2023 Enterprise Fund Budget Stories:

Our Island Home

<https://stories.opengov.com/nantucketma/published/TtHzeMyp3>

Monthly Town Management Activities Report

January 26, 2022

As of 01/20/22

Highlights (major projects):

Plans/Reports/Studies*

- Coastal Resiliency Plan – endorsed by Board on 1/5; Next Steps: **2 day “Design Thinking Workshop” with Arcadis scheduled for 3/7-8**
- Strategic Plan (implementation on-going); updated Strategic Plan for 2020-21 adopted at 1/13/21 Select Board meeting; staff working on implementation planning; reviewed status of implementation with SB 10/13/21; need to schedule follow-ups re: solid waste, IT, form of government study committee; solid waste l-t planning workshop scheduled for 11/15; **next l-t planning workshop scheduled for 2/7/22**
- Madaket Water Quality Improvement Plan – **review of final Weston & Sampson report with updated Madaket sewer cost estimate and scope scheduled for Feb 2**
- Facilities Master Plan – Select Board workshops in November and January; follow-up workshop with Town Admin recs scheduled for ~~June 28~~ **July 8 August 19**; concession planning led by Facilities working with Park & Recreation Commission and other stakeholders for input (Coastal Res; Historic Pres, etc); contract with Weston & Sampson for professional assistance – *this will need to be put on hold for now until Facilities Director position is filled*; need direction from SB re: DPW facility; continuing exploratory review of Delta area property
- Baxter Road long-term planning – contract executed with Arcadis at 2/10/21 SB meeting; update expected in early April; update given at 4/14 SB meeting; update provided to SB on 7/14; stakeholder final input meeting 9/14; final report to be presented 10/6; SB Position statement endorsed at 11/3 mtg; Town Admin working to secure professional assistance for relocation plan; scope of work for relocation services scheduled for review with SB in Jan; **scope of work approved at 1/12 SB meeting**
- PFAS Town-wide Risk Assessment – report presented at 2/10/21 SB meeting; staff working with consultant on next steps; inquiries rec'd and responses provided to Airport area (and beyond) residents; update on PFAS efforts provided to SB on 7/7; working with CDM Smith on Phase II assessment; facilitated public information session 8/17/21; numerous PFAS issues being worked on; update provided to SB 9/22; next public info session October 21; **Sampling plan submitted to MassDEP 12/1/21. Waste water PFAS destruction new technologies report an analysis compiled 10/30/21; UMASS private well sampling project almost completed; AFFF site visit report received 1/18/22; next public info session TENTATIVELY March 24**

Meetings

- Department Heads 1:1
- Cabinet
- Town Admin Staff – meeting monthly
- Agenda Prep – weekly meetings
- Select Board – individual meetings, weekly
- **2022 ATM prep**
- Cape Cod Managers – monthly
- Summer Issues Team (this has transitioned into a business license/issues team)
- PFAS 2x-weekly – communications, planning
- Solid waste long-term planning/2x mo
- **DPW Operations (weekly if not more frequent)**
- **DPW CIP**
- **Stormwater/Children's Beach**
- **Behavioral Health Steering Committee**
- **OIH**
- **SBPF**
- **Baxter Rd relocation**
- **USACE Supply Chain**

Events

- 31 Fairgrounds housing project ground-breaking ceremony 1/21

Projects/Other*

- COVID-Related: working on restoring “normalcy” with meetings, projects; addressing/dealing with COVID-related delays and impacts
- Nobadeer Field House – **construction underway**
- Town Pier – waiting on final federal permitting; hope to bid out in spring 2022, start work fall 2022
- Harbor Place – no recent activity
- Third Sewer Force Main – planning underway; bids due end of October; **contract approved; waiting on final timeline (supply chain impacts)**
- Waitt Dr – **construction underway**
- SBPF/Baxter Rd – **on-going; substantial staff time**
- DEI Strategic Plan – consultant engaged, Leadership Readiness Sessions have begun with dept heads and some community members
- Classification & Compensation Study – **contract award pending**
- Committee Handbook update - **underway**
- Development/update of fall/winter projects map/timeline – regular monitoring, updating
- Sustainability function within Town government – internal development
- Seasonal AND year-round employee housing site design – met with AHT rep; **working on Town employee survey, needs determination**
- Procurements for: town employee rental housing; playing field bid modified & re-issued
- Prioritization of DPW projects
- OIH (New Facility)
- Children’s Beach pump station
- Potential Water Main Extension West of Airport (PFAS-related)

MANY ITEMS HAVE HAD TO BE PUT ON HOLD DUE TO COVID-19 PANDEMIC RESPONSE – some of these include:

- *Revisions/Updates to the Real Estate Yard Sale Program – working on review of proposed revisions with Board*
- *Pool Discharge (and/or Stormwater) Regulations – **underway***
- *Marijuana License Regulations*
- *Sheep Pond Road – **working on alternative access options***
- *Government 101 – **assigned to a WPI group***
- *Comparison of WIIF to CIWPF to short-term rental tax community impact fee – **in queue***
- *Regulations Codification project – have rec’d codified regs; need to schedule public hearings with 8 Boards/Commissions – **in queue***

Personnel

- Collective Bargaining Negotiations (all units)
- Transportation Planner
- DPW Director
- Assistant Town Manager for Administration
- **Park & Rec Manager – hired!**

Free Cash Recommendation
as of January 26, 2022
(Subject to Change)

General Fund Certified Free Cash	\$19,281,934
Fund Town Expense Increase Requests (one-time)	692,500
Fund School Expense Increase Requests (one-time)	200,000
Fund Town and School Capital Requests	8,221,068
Unpaid Bills	20,000
Stabilization Fund	1,500,000
Capital Stabilization Fund	1,250,000
Other Post Employment Stabilization Fund	1,500,000
OPEB Trust Fund Contribution	500,000
Unallocated Free Cash	\$5,398,366

Additional Items Under Consideration

Coastal Resilience Planning - \$500,000

Concessions Facility Repairs - \$250,000

Private Road Revolving Fund - \$50,000

NCTV Hybrid Meeting Support - \$30,000

Potential Solid Waste Operating Deficits in FY22 and FY23

DRAFT WARRANT as of 012122

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET**



WARRANT FOR

**2022 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Monday, May 2, 2022 - 5:00 PM**

AND

**ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, May 10, 2022
7:00 AM - 8:00 PM**

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

DRAFT

To the Constables of the Town of Nantucket:

GREETING:

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

**MONDAY MAY 2, 2022 AT 5:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITHIN THE ENCLOSED WARRANT:**

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2021 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

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

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

(Select Board)

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

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

(Select Board)

**ARTICLE 4
(Revolving Accounts: Spending Limits for FY 2023)**

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 2023; or take any other action related thereto.

(Select Board)

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2023; said sum not to exceed five (5) percent of the Fiscal Year 2022 tax levy; or to take any other action related thereto.

(Select Board)

ARTICLE 6

(Fiscal Year 2022 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2022 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2023)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2023:

Commented [LG1]: Most hourly rates increased by \$2/hr to be competitive/comparable

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	17.00 15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00 \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	23.00 22.00
Dietician/Our Island Home (hourly)	43.00 41.00
Election Warden (hourly)	22.00 20.00
Election Worker (hourly)	17.00 15.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	22.00 20.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	22.00 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)	29.00 28.00
Our Island Home Ancillary (Per Diem - hourly)	21.00 20.00
Paramedic, Certified (Per Diem - hourly)	32.00 30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	40.00 38.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	17.00 15.00

Commented [AP2]: Only increased by \$1 to not exceed SEIU contract

Commented [AP3]: Only increased by \$1 to not exceed SEIU contract

Reserve Police Officer (hourly)	32.00-30.00
Seasonal Assistant Harbormaster (hourly)	32.00-30.00
Seasonal Lifeguard Supervisor (hourly)	32.00-30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	25.00-21.00
Seasonal Health Inspector	32.00-30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	18.00-16.00

Commented [AP4]: This was increased by \$4.00 because it was never increased when we moved the Seasonal Laborers to D-Hourly. The intent of the Maintenance Supervisor is to be paid greater than a Seasonal Laborer.

*Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective May 2, 2022 - June 30, 2023)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$17.00 \$19.00	\$18.00 \$20.00	\$19.00 \$21.00	\$20.50 \$22.50
B-Hourly*	\$18.00 \$20.00	\$19.00 \$21.00	\$20.00 \$22.00	\$21.00 \$23.00
C-Hourly*	\$19.00 \$21.00	\$20.00 \$22.00	\$21.00 \$23.00	\$22.00 \$24.00
D-Hourly*	\$21.00 \$23.00	\$21.50 \$23.50	\$22.00 \$24.00	\$22.50 \$24.50
E-Hourly*	\$24.00	\$25.00	\$26.00	\$27.00

*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, Tennis Attendant
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard
- D: Lead Dock Worker, Seasonal Recreational Coordinator, Seasonal Engineering Intern, Seasonal Waste Reduction Intern, Lead Natural Resources Technician, Seasonal Laborer.
- E: Lifeguard, Community Service Officer

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

Moderator	\$175 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$107,836 \$109,993

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 8

(Appropriation: Fiscal Year 2023 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 2023; or to take any other action related thereto.

(Select Board)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2023, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

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

(Select Board)

ARTICLE 11

(Appropriation: Design of New Our Island Home Facility)

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 design for a new Our Island Home Facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any

borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 12

(Supplemental Appropriation: Replacement Harbormaster Building)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to construct a replacement Harbormaster Building at 34 Washington Street, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

Commented [LG5]: ERIKA – can you pls make these line up

ARTICLE 13

(Appropriation: Pleasant Street and Sidewalk Repaving/Reconstruction)

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 Pleasant Street and adjacent sidewalk(s) including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 14

(Appropriation: LORAN Barracks Repairs)

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 funding repairs to the LORAN Barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 15

(Appropriation: School Department - Athletic Facilities)

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 funding to construct athletic facilities and associated appurtenances at Nantucket Public School campuses, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

Commented [LG6]: Does anything about the School Supt & School Comm need to go here?

Commented [JG7]: Where are these located, are they identified in the campus-wide master plan. Add a more specific reference.

Commented [LG8R7]: How's this?

ARTICLE 16

(Appropriation: Design of Central Municipal Facility)

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 funding the design of a central municipal facility at 2 Fairgrounds Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 17

(Appropriation: Construction of Seasonal Town Employee Housing)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the construction of seasonal town employee housing located at Town-owned property located at Fairgrounds Road/Waitt Drive including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

Commented [JG9]: Where will this seasonal housing be located?

Commented [LG10R9]: How's this?

ARTICLE 18

(Appropriation: PFAS Soil Investigation)

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 funding to

undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Select Board)

ARTICLE 19

(Real Estate Acquisition/Appropriation: 10-12 Washington Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for transportation and general municipal purposes the fee or lesser interests in two parcels of land with the building thereon located at 10-12 Washington Street, being the parcel located at 10 Washington Street shown as Lot 2 containing 5,032± square feet on a plan of land recorded with Nantucket County Registry of Deeds in Plan File 2-E, and the parcel located at 12 Washington Street containing 4,572± square feet and both parcels being more particularly described in a deed recorded with Nantucket County Registry of Deeds in Book 1109, Page 94; and further to appropriate the sum of Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000.00), 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 acquire said parcels 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.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of 10-12 Washington Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 20

(Appropriation: Affordable Housing Capital Expenditures)

To see ~~what sum the~~ the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute or transfer from available funds, the sum of Ten Million Dollars (\$10,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purposes of capital expenditures for the costs for the development of affordable housing, which may include the costs of designing, engineering, constructing, reconstructing, remodeling and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for all other costs incidental and related thereto; provided however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote.

Or to take any other action related thereto.

(Select Board)

ARTICLE 21

(Appropriation: Fiscal Year 2023 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 2023, out of anticipated revenues of the designated funds, for the purposes set forth above; provided that any amounts to be raised and appropriated to support the operation of Our Island Home for Fiscal Year 2022 shall be contingent on the passage of a Proposition 2 and ½ override ballot question; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

ARTICLE 22

(Appropriation: Enterprise Funds Capital Expenditures)

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

(Select Board for the Various Departments Indicated)

ARTICLE 23

(Enterprise Funds: Fiscal Year 2022 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2022 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

ARTICLE 24

(Appropriation: Waterways Improvement Fund)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 25

(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 seven (7) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Select Board)

ARTICLE 26

(Appropriation: Ferry Embarkation Fee)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 27

(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 2023, 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 Seven Hundred Seven Dollars (\$174,707); or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 28

(Appropriation: Finalizing Fiscal Year 2023 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 2023 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Select Board/County Commissioners)

ARTICLE 29

(Rescind Unused Borrowing Authority)

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

Or to take any other action related thereto.

(Select Board)

ARTICLE 30

(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 2023.

Or, to take any other action related thereto.

(Select Board)

ARTICLE 31

(Appropriation: Fiscal Year 2023 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 2023; or to take any other action related thereto.

(Select Board)

ARTICLE 32

(Marijuana Cultivation Host Community Payments - Special Purpose Stabilization Fund for Substance Abuse Efforts)

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

(Select Board)

ARTICLE 33

(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)

ARTICLE 34

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

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

(Select Board)

ARTICLE 35

(Appropriation: Fiscal Year 2023 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2023 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	
First Congregational Church-Old North Vestry Restore the plaster and painting on the ceiling, walls, and trim of the interior of the Old North Vestry	\$317,296
First Congregational Church - Bennett Hall Preserve the building envelope of Bennett Hall including the rotting exterior trim, doors and siding	\$84,571
Landmark House- Nantucket Community Service Inc. To remove and restore all sidewall shingles on both buildings and to construct a new curved stairway to match existing design and codes.	\$259,500
Nantucket Housing Authority, Miacomet Village To preserve the structural integrity of the exterior envelope of the buildings at 1 and 3 Benjamin Drive to protect the housing structures from future injury, harm or destruction.	\$342,367
Sconset Trust Inc.-Phase II Preservation of Lighthouse Historically appropriate restoration of interior and exterior surfaces, the iron anchors, ships ladder and the staircase to preserve the distinctive materials, features and colors for its continued use as a US Coast Guard navigational aid one of the oldest lighthouses operational in the United States.	\$251,100
Nantucket Island School of Design & the Arts, Grant IV Remediation and repair to the silos to ensure structural integrity utilizing a structural engineer, Silo Specialist and contractor, including the silo floor platforms for each of the silos; \$97,750; utilizing the structural engineer and contractor to remediate damage from groundwater under the Long Shed including the back walls, support beams and cement floors. \$50,955	\$148,705
Sub-total	\$1,403,539
\$157,409 of the funds to be used in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
Community Housing	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$275,000
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
Town of Nantucket Funds to pay the first year's interest and principal of the Five Million Bond to be authorized at the 2022 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	\$975,000
\$160,000 of the funds utilized in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	
Nantucket Racket Sports Association Complete the building of seven new courts; four additional pickle ball and three new tennis courts; 2 viewing areas, a hitting wall and bathrooms.	\$980,000
Sustainable Nantucket Community Farm Institute, phase VI Funds for creation of deer fencing, new well and pump for irrigation for back of farm and fruit and berry orchard, including extension of farm electrical system and plumbing infrastructure, split rail fence and vegetative screening to protect other areas of the farm.	\$59,850
Sub-total	\$1,039,850
\$152,900 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.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$150,000
Sub-total	\$150,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	

TOTAL	\$3,568,389
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2021 Community Preservation Surcharge	\$2,478,000
From State matching funds for FY 2023, to be received in 2022	\$600,000
From Interest	\$20,000
From designated reserves for Open Space	\$152,900
From Undesignated Reserves	\$317,489
Total Revenues	\$3,568,389
For fiscal year 2023 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee. Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

(Kenneth Beaugrand, et al)

ARTICLE 36

(Community Preservation Committee: Fiscal Year 2022 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 37 ATM 2018 Nantucket Atheneum Oil Painting Restoration	Fiscal year 2023 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$3,300.00
Total Transfers to Community Historic Preservation Reserved fund balance		\$3,300.00

Total transfers back to Community Preservation Reserved Fund Balances		\$3,300.00

(Kenneth Beaugrand, et al)

ARTICLE 37

(Appropriation: Community Preservation Trust for Affordable Housing Trust Fund)

To see if the Town will appropriate a sum of money to pay costs of acquiring land, 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 and to determine whether this amount should be raised by taxation, transfer from available funds, borrowing or otherwise, and, further, to authorize the Town to enter into leases, subleases and any other similar arrangements with the Town's Affordable Housing Trust, or take any other action relative thereto

(Kenneth Beaugrand, et al)

ARTICLE 38

(Appropriation: Shredder for Solid Waste)

To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) from Free Cash and or the General Fund or any other source to purchase a Shredder for Solid Waste Recycle & MRF before the Waste Service Agreement ends at the land fill.

(Clifford J. Williams, et al)

ARTICLE 39

(Bylaw: Short-term Rental Regulations)

To see if the Town will vote to amend the General Bylaws of the Code of the Town of Nantucket by adding a new Chapter 123 entitled "Short-Term Rental Registration" to read as follows:

Commented [LG11]: Updated since 1/19/22 SB

Chapter123

Short-term Rental Registration

§ 123-1. Purpose and Intent.

This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, §14 and is intended to provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to insure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.

§123-2. Definitions.

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

- A. "Short-Term Rental" shall mean a dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short Term Rental.
- B. "Operator" shall mean a person operating a Short-Term Rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such Short-Term Rental. It is the intent of this bylaw that the Operator shall have the same meaning as set forth in General Laws c. 64G, §1.
- C. "Transient Residential Facility" shall have the same meaning as in Chapter 139 of the Town Code.

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

- A. No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the Board of Health. An application for a Certificate of Registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The Operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with section 67 of Chapter 62C of the General Laws.
- B. The annual fee for such Certificate of Registration shall be set forth in the regulations issued pursuant to § 123-4.
- C. The application for the Certificate of Registration shall include an attestation that the Owner and/or Operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the Owner and/or Operator of the property is current with all town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 -18 of the Town Code. Any property offered for a Short-Term Rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the Owner or Operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

D. The Board of Health shall not issue any Certificate of Registration unless the Operator has (1) submitted a complete application and paid all associated fees; (2) provided contact information for the Operator and persons designated to address any issues at the Short-Term Rental within two (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 the regulations issued pursuant to §123-4.

E. Operators are subject to inspection of the Short-Term Rental by the Board of Health upon reasonable notice via consent or administrative warrant, or without such notice in the event of an imminent threat to public health or safety.

F. Certificates of Registration are valid for one year, and may be renewed at the discretion of the Town, provided that the Operator has complied with the provisions of this Chapter and any associated regulations during the preceding year. An application for renewal of a Certificate of Registration shall be submitted along with the annual fee no later than November 1st of the next year.

G. The Certificate of Registration is issued to the Operator and does not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new application for a Certificate of Registration shall be filed by the new Operator before Short-Term Rentals can continue or resume.

§ 123-4. Regulations.

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

§ 123-5. Enforcement.

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

B. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law (Chapter 1 of the Town Code). If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate

offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

C. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the Operator or the owner of the property by the Board of Health or its designee, after a Certificate of Registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said Certificate of Registration until the violation has been cured or otherwise resolved. Multiple violations by any Operator may, at the discretion of the Board of Health and after a hearing, disqualify that Operator from obtaining a Certificate of Registration for a period of up to three years

D. In accordance with G.L. c. 64G, §14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

§ 123-6. Severability.

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

§ 123-7. Effective date.

The provisions of this Chapter shall take effect on the day this bylaw becomes effective pursuant to General Laws Chapter 40, §21, or January 1, 2023, whichever is later.

Or take any other action relative thereto.

(Select Board)

ARTICLE 40

(Bylaw Amendment: Finances/Creation of New Revolving Account - Short-Term Rental Registration Program)

To see if the Town will vote to amend Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket by adding a new Revolving Account for Short-Term Rentals to read as follows:

Fund	Revenue Source	Authority to Spend	Use of Funds
Short-Term Rentals	Fees from Certificates of Registration	Town Manager with Approval of the Board of Health	Administration of Certificate of Registration Program

Or to take any action relative thereto.

(Select Board)

ARTICLE 41

(Short-term Rental Revolving Account: Spending Limits for FY 2023)

To see what spending limits the Town will establish for the Short-term Rental revolving account established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2023; or take any other action related thereto.

(Select Board)

ARTICLE 42

(Zoning Bylaw Amendment: Short Term Rentals)

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-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 Zoning Bylaw, Section 2A (definitions) to as follows, with new definitions to be inserted in alphabetical order:

APARTMENT BUILDING(S)

A structure or structures containing a maximum of up to eight bedrooms in up to six dwelling units on a single lot ... with no commercial or other uses. The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term rentals in all or a portion of the dwelling units. Apartment Building(s) shall be allowed in the following districts:...

SHORT TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short Term Rental.

Short-Term Rentals are allowed as of right on residential properties including, but not limited to, a primary, secondary, tertiary, duplex, or accessory dwelling, apartment, apartment building(s), and garage apartments, unless specifically

prohibited in a special permit issued by the Planning Board in accordance with this bylaw.

2. Amend Section 8D(2) and 8D(3) by adding a new subsection (e) in each, as follows:

(e) The Planning Board may, as a condition of the issuance of a special permit, prohibit Short-Term Rentals in all or a portion of the dwelling units on the lots subject to the special permit.

3. Amend Section 15 as follows:

In addition to the principal buildings, structures or uses permitted in a district, there shall be allowed in that district, as accessory uses, such activities as are subordinate and customarily incident to such permitted uses including, but not limited to, the rental of rooms within an owner-occupied dwelling unit.

Or to take any other action related thereto.

NOTE: owner-occupied is defined as shown below in Section 2A of the Bylaw .

OWNER OCCUPIED

The primary residence, or temporary (seasonal) residence, of a person(s) or the individual beneficiaries of a legal entity that holds title to the property, where such persons are physically present and living within dwelling units on said property for at least three months each calendar year. Properties owned by corporations and the like, time sharing interval dwelling units, or where all units are made available for rent do not qualify as owner occupied.

(Select Board for Planning Board)

NOTE: The Planning Board has not reviewed this article and it's still under legal review. Subject to more changes, which may result in multiple articles to separate concepts.

ARTICLE 43

(Zoning Bylaw Amendment: Protective Rights to Short-Term Rentals)

PREAMBLE:

Tourism has been a pillar of the Nantucket economy for decades. Generations of Nantucket families have made or supplemented their incomes by welcoming and serving visitors in many ways, including renting their homes. However, a recent Massachusetts Supreme Judicial Court decision (*Styller v. Lynnfield*) threatens the ability of Nantucket residents to rent their homes on a short-term basis (stays of less

than 30 days). In the *Styller* decision, the state's highest court ruled that zoning bylaws, such as Nantucket's, do not allow short-term rentals in residential zoning areas.

In order to address the impact of the *Styller* decision, this zoning article clearly defines and protects residents' rights to short-term rent their homes. It ensures that Nantucket residents can continue to short-term rent their own property even in residential zoning areas. This article also clearly allows for seasonal residents to short-term rent, while discouraging the conversion of neighborhood homes into purely commercial short-term rental businesses by off-island corporate investors. This article only applies to short-term stays - any rental of one month or longer is not affected.

The purpose of this article is to protect Nantucket homeowners, while also seeking to protect our neighborhoods and housing. We can do that by helping to manage and sustain economic growth and honor our tourism tradition by preserving our community's character.

ARTICLE:

To see if the Town will vote to amend the Zoning Bylaws by amending Chapter 139 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.

(Original in black with changes shown in red)

§139-2 DEFINITIONS AND WORD USAGE

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.

§139-15 ACCESSORY USES

In addition to the principal buildings, structures and uses permitted in a district, there shall be allowed in that district as accessory uses, such activities as are subordinate and customarily incident to such permitted uses.

Short-Term Rentals shall be permitted as Accessory Uses in all residential districts (R-1, SR-1, ROH, SOH, R-5, R-5L, R-10, R-10L, SR-10, R-20, SR-20, R-40, VR, LUG-1, LUG-2, LUG-3, MMD) as follows: (1) Residents may use their primary residence for Short-Term Rentals by right; and (2) as of January 1, 2023, non-Residents may use their dwelling units for Short-Term Rentals upon issuance of a Special Permit from the Zoning Board of Appeals upon a finding that the proposed Short-Term Rental is an Accessory Use as defined in this Bylaw. As of January 1, 2023, all other use of Short-Term Rentals in residential districts is prohibited. For the purposes of this provision, a "Resident" is a person whose primary residence is Nantucket as determined by federal tax filings.

(Tobias Glidden, et al)

Technical Note: the proposed text for the purposes of printing are shown as highlighted in gray (not red)

ARTICLE 44

(Zoning Map Change: R-1 to R-5L - Red Mill Lane, Old Farm Road, Old Mill Court, Mill Hill Lane, Cato Lane, and Vesper Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 1 (R-1) district in the Residential 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court
55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane
55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane
55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ___ R-1 to R-5L" dated December 2021 and filed herewith at the Office of the Town Clerk.

Commented [LG12]: Fill all these in - LAST

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 45

(Zoning Map Change: RC to CN - Washington Street)

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
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street
55.1.4	37	103	Washington Street

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article __ RC to CN" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 46

(Zoning Map Change: RC-2 and LUG-2 to R-5L, R-5, R-10, or R-10L - Bartlett Farm Road and Mioxes 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), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

MAP	LOT	NUMBER	STREET
65	76	20	Bartlett Farm Road
65	76.1	22	Bartlett Farm Road
65	86	24	Bartlett Farm Road
65	91	26	Bartlett Farm Road
65	90	28	Bartlett Farm Road
65	87	4	Mioxes Way

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) and the Limited Use General 2 (LUG-2) districts in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

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

65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article __ RC-2 and LUG-2 to R-5, R-5L, R-10, or R-10L" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 47

(Zoning Map Change: RC-2 to R-5L, R-10 or CTEC - Clara Drive, Raceway Drive, and Somerset 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 10 (R-10) or Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	404	86	Somerset Road
66	539	86	Somerset Road
66	405	88	Somerset Road
66	281	3	Raceway Drive
66	272	6	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article __ RC-2 to R-5L, R-10 or CTEC" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 48

(Zoning Map Change: RC-2 to CTEC - 26 Bartlett Road and 1 Perry Lane)

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

MAP	LOT	NUMBER	STREET
67	901	26	Bartlett Road
67	902	1	Perry Lane

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article __ RC-2 to CTEC" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 49

(Zoning Map Change: RC-2 to CN and/or R-40 - Nobadeer and Sun Island Roads)

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 Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
69	264	12	Nobadeer Farm Road
69	265	14	Nobadeer Farm Road
69	83	19	Nobadeer Farm Road
69	266	1	Sun Island Road
69	267	1A	Sun Island Road
69	268	3	Sun Island Road

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article __ RC-2 to CN" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 50

(Zoning Bylaw Amendment: Tertiary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, 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):*

TERTIARY DWELLING

- (1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.
- (2) A third dwelling unit located on a lot, including the following options:

- (a) A garage apartment not exceeding ~~650~~ **900** square feet of gross floor area.
- (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than ~~650~~ **900** square feet and the dwelling unit shall not contain more than ~~650~~ **900** square feet of gross floor area.
- (c) A detached building containing not more than 650 square feet of ground cover and not more than ~~650~~ **900** square feet of gross floor area.
- (3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:
 - (a) R-5: 1 bedroom per each 1,000 square feet of lot area;
 - (b) R-10: 1 bedroom per each 1,400 square feet of lot area;
 - (c) R-20: 1 bedroom per each 2,500 square feet of lot area;
- (4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.
- (5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 51 (Zoning Bylaw Amendment: Tertiary Lot)

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-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 by adding the following new definition, in alphabetical order with existing definitions:

TERTIARY LOT

A lot created by the division of the original lot into three lots pursuant to § 139-8C.

The tertiary lot, in addition to one of the secondary lots, shall be subject to an NHNC-Ownership Form, or shall be owner-occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form, except for the established income and asset limits, or shall be subject to a qualified family member deed restriction.

2. Amend Section 8 by adding a new subsection D, below, and by re-lettering the existing subsections D and E, to E and F, respectively:

D. Special permit to create tertiary residential lots for year-round residents.

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.
- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
 - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
 - (b) The tertiary lot, in addition to one of the secondary lots subject to § **139-8C** of this chapter, 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. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible

households.

(c) The lot shall not be subject to the tertiary dwelling requirements contained within §139-2 of this chapter.

(d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet.

(e) The lots shall comply with the ground cover ratio, front setback, and side and rear setback requirements of the underlying zoning district, including any provisions of this chapter for pre-existing nonconforming lots, except as follows:

[1] The Planning Board may waive by the issuance of a special permit the setback requirements only as they apply to the lot line(s) between the secondary and tertiary lots;

[2] The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the tertiary lot, provided that the total ground cover ratio of the secondary lots and the tertiary lot does not exceed the amount that would have been allowed for the original lot;

(g) The lots each must have a minimum of 20 feet of frontage or an easement of sufficient width and grade to provide access.

(h) The lots shall share a single driveway access. The Planning Board must be provided with an instrument, in recordable form, evidencing the common access rights to said access in accordance with this subsection. The Planning Board may grant a special permit to waive the requirement for shared driveway access based upon a finding that separate driveway access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic or safety considerations.

(4) This § 139-8C shall not apply to flex development and open space residential development options (§ 139-8A).

(6) Section **139-16D**, Regularity formula, shall not apply to this § **139-8C**.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 52

(Zoning Bylaw Amendment: Workforce Homeownership Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8D, 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) Requirements

- (a) The following requirements shall apply to workforce homeownership housing bonus lots in the R-5and R-10 Zoning Districts...

(2) Workforce homeownership housing bonus lots.

(a) ...

- [1] The total number of lots shall be calculated by multiplying the number of lots allowed by-right, as described above, by a factor of 1.33 in the R-5 district and by a factor of 1.2 in the R-10 district.

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 53

(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:

ACCESSORY DWELLING

A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than ~~550~~ **800** square feet. The

accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.

TAKE-OUT FOOD ESTABLISHMENT

A commercial establishment, including a food truck, the primary business of which is the sale of food and/or beverages, including but not limited to ice cream, sandwiches, pastries, prepared meals for consumption on or off the premises which is:

- (1) Primarily intended for immediate consumption rather than for use as an ingredient or component of meals;
- (2) Available upon a short waiting time; and
- (3) Packaged or presented in such a manner that it can be readily consumed outside the premises where it is sold.

TENT

A portable enclosure constructed of fabric, plastic, or a similar pliable material supported by one or more poles and secured by pegs in the ground. Tents shall not be erected for periods exceeding 30 days per calendar year unless a special permit has been issued by the Planning Board; however, tents which in the aggregate exceed 150 square feet shall not be erected for more than three events per year or periods exceeding nine days per year, whichever is less, on properties where the principal use is residential unless a special permit from the Board of Appeals has been issued based on a determination that the use is ancillary to the residential use of the property and not a commercial use.

2. Amend section 8C(3)(d) as follows:

One of the two lots shall be allowed to have a second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within § 139-2 of this chapter. The Planning Board may waive this requirement by the issuance of a special permit, provided that the Board finds that the proposal is in keeping with the character of the surrounding neighborhood.

3. Amend section 16D as follows:

Regularity formula.

- (1) The regularity factor of any lot shall not be less than 0.55. The regularity factor shall be determined by the formula:

$$r = 16A/p^2 \text{ where}$$

r = regularity factor

A = land area in square feet

p = perimeter in feet

(2) That part of the lot area in excess of the required lot area may be excluded from the regularity formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage.

(3) The regularity formula shall not apply to lots recorded or endorsed prior to April 15, 1980.

(4) The Planning Board may issue a special permit to waive compliance with the regularity factor for a lot provided that the Planning Board finds that such waiver does not negatively impact access to the lots and does not result in the creation of lots that would have a negative impact on the character of the surrounding neighborhood.

4. Amend section 20.1B(2)(h) as follows:

All secondary dwellings, tertiary dwellings, and garage apartments approved by the Planning Board shall have a combined driveway access. However, the Planning Board may approve separate access for such dwellings on lots that are not expressly permitted two driveway accesses pursuant to § 139-20.1B(1), upon a finding made during the review of secondary dwelling, tertiary dwelling, and garage apartment applications in accordance with Section 3.06 of the Rules and Regulations Governing the Subdivision of Land that the separate access would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and that separate access is not contrary to sound traffic and safety considerations. Access to secondary dwellings, tertiary dwellings, and garage apartments shall be clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

5. Amend the Zoning Map by placing a portion of the following properties currently located in the Commercial Neighborhood (CN) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
68	357 (a portion of)	45	Beach Grass Road
68	358 (a portion of)	43	Beach Grass Road
68	367 (a portion of)	41	Beach Grass Road
68	368 (a portion of)	39	Beach Grass Road
68	369 (a portion of)	37	Beach Grass Road
68	370 (a portion of)	35	Beach Grass Road
68	371 (a portion of)	33	Beach Grass Road
68	378 (a portion of)	31	Beach Grass Road
68	379 (a portion of)	29	Beach Grass Road

68	380 (a portion of)	27	Beach Grass Road
68	381 (a portion of)	25	Beach Grass Road
68	382 (a portion of)	23	Beach Grass Road
68	387 (a portion of)	21	Beach Grass Road
68	388 (a portion of)	19	Beach Grass Road
68	393 (a portion of)	17	Beach Grass Road
68	394 (a portion of)	15	Beach Grass Road
68	854 (a portion of)	13	Beach Grass Road
68	855 (a portion of)	11	Beach Grass Road
68	859 (a portion of)	9	Beach Grass Road
68	882 (a portion of)	7	Beach Grass Road
68	883 (a portion of)	5	Beach Grass Road
68	884 (a portion of)	3	Beach Grass Road
68	129 (a portion of)	73	Old South Road

NOTE: The portion of these lots located in the CN district was formerly a portion of Meadows II Workforce Rental Community. The CN portion was added to the single family lots in Sandpiper I and II to address a parking issue. The majority of these lots is already located within the R-5 district.

6. Amend the Zoning Map by placing a portion of the following properties currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	338 (a portion of)		Beach Grass Road

Or to take any other action related thereto.

(Select Board for Planning Board)

ARTICLE 54

(Zoning Bylaw Amendment: Swimming Pool Use Chart - Residential and Hot Tub/Spa)

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).*

Amend Section 7A (use chart) by adding a new line after Swimming Pool - Residential entitled "Hot Tub/Spa" and inserting "N" in the ROH SOH column and "A" in each other column under the respective zoning districts across the chart except for zoning district CI: "N" and zoning districts V-R and MMD: SP

;or otherwise to act thereon

(Anne Dewez, et al)

ARTICLE 55

(Zoning Bylaw Amendment: Swimming Pool Definition - Residential and Hot Tub/Spa)

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-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)*:

Amend section 2A (definitions) as follows:

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and equal to or less than ~~150~~ 64 square feet of water surface area, and equal to or less than 1000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

SWIMMING POOLS - RESIDENTIAL

A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding ~~150~~ 64 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association. In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment. 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 setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment.

;or otherwise to act thereon

(Anne Dewez, et al)

ARTICLE 56

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Tow of Nantucket by striking the following language (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

1. Amend section 1239-2A (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 139-7A (Use Chart) by replacing “A” with “A with lot $\geq$ 7,500 sq ft” in the “Swimming pool - residential” row in the R-1/SR-1 and R-5/R-5L columns.~~

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 57

(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 as follows (Note: this was the language that was approved in Article 48 of the 2021 annual Town Meeting):

3. Amend section 1239-2A (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~~ 6,000 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.
4. Amend Section 139-7A (Use Chart) by replacing “A” with “A with lot $\geq$ ~~7,500~~ 6,000 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.

(Linda Williams, et al)

ARTICLE 58

(Zoning Bylaw Amendment: Definitions and Word Usage)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions and Word Usage - Apartment) by adding the following highlighted paragraph:

APARTMENTS - 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). The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):

- (1) CDT - One dwelling unit is permitted for each 1,000 square feet of lot area.
- (2) CMI - One dwelling unit is permitted for each 2,000 square feet of lot area.
- (3) CN - One dwelling unit is permitted for each 3,000 square feet of lot area.
- (4) CTEC - One dwelling unit is permitted for each 4,000 square feet of lot area.
- (5) CI - One dwelling unit is permitted for each 5,000 square feet of lot area.

The Planning Board may waive the density as set forth in the schedule above by special permit.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 59

(Zoning Bylaw Amendment: Storage Container by Special Permit in CMI)

To see if the Town will vote to amend Zoning Bylaw Section 139-7A (Use Chart) by deleting "N" and replacing it with "SP" in the Commercial-Mid-Island (CMI) column.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 60

(Zoning Map Change: R-20 to R-10L - Nobadeer Way)

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

Map	Lot	Number	Street
68	50	1	Nobadeer Way
68	113	2	Nobadeer Way
68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way
68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way
68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

- (1) To place the foregoing properties noted, currently in the Residential-20 (R-20) zoning district, into the Residential-10 Limited (R-10L) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 61

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

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

Map	Lot	Number	Street
68	1032	105	Old South Road
68	1033	107	Old South Road
68	166	109	Old South Road
68	174		Old South Road
68	209		Old South Road
68	210		Old South 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 CTEC (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.

(James Jackson, et al)

ARTICLE 62

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

To see if the Town will vote to:

On Map 68, Lot 208, Old South Road, to Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Residential-20 (R-20) district, in the CTEC (Commercial trade, Entrepreneurship and craft) and/or CN (Commercial - Neighborhood) zoning district.

As shown on the attached map.

; or otherwise act thereon.

(Julie Bunting, et al)

ARTICLE 63

(Zoning Map Change: LUG-2 to R-5 or CN - 44 Skyline Drive)

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 Limited Use General-2 (LUG-2) zoning district into either the Residential-5 (R-5) or Commercial Neighborhood (CN) zoning district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

ARTICLE 64

(Bylaw Amendment: Animals)

To see if the Town will vote to amend Chapter 55 (Animals) 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

§55-4 Regulations.

D. Leash law.

No person within the confines of the Town shall at any time permit a dog owned or kept by such keeper to run at large beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash, with the exception of the area within the confines of the fenced-in areas of the Nantucket Islands Land Bank Dog Park. Dogs must be leashed before entering and after leaving the fenced areas of the Dog Park but may, at the discretion of the owner, be taken off leash within the enclosed areas.

F. Nuisances.

(1) No person shall keep within the limits of the Town of Nantucket any dog or pet which by barking, biting, howling, whining or in any manner disturbs the peace and quiet of any person. No person shall own or keep in the Town of Nantucket any bird or fowl, which by screeching or crowing or by any other manner disturbs the peace and quiet of any person(s).

(2) No person shall own or keep any animal that is found to run at large beyond the confines of the property of the owner or keeper, or does commit any nuisance, disturbs the peace and quiet of any neighborhood, or endangers the safety of any person(s).

(3) The owner of any dog or pet which endangers the safety of any person or other animal by biting or causing property damage shall be subject to immediate violations, penalties or quarantine. Subsequent offenses shall result in their removal from the Town of Nantucket, or shall be euthanized if deemed to be dangerous.

(4) Any dog or pet found to run at large beyond the confines of the property of the owner, tenant, lessee or keeper after a third offense of Chapter 55, § 55-4D, shall also be subject to nuisance violation penalties thereafter, except as exempted within the confines of the enclosed areas of Nantucket Islands Land Bank Dog Park as provided for in § 55-4D above.

(Select Board)

ARTICLE 65

(Bylaw Amendment: Committees/Agricultural Commission)

To see if the Town will vote to amend Chapter 11 (Committees), Article VII (Agricultural Commission), § 11-25 (Activities) and § 11-26 (Membership) 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).

§ 11-24. Purpose.

The Nantucket Agricultural Commission is established to represent the Nantucket farming community; the mission of which Commission shall be to promote agricultural-based economic opportunities; preserve, revitalize and sustain the Nantucket agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

§ 11-25. Activities.

~~The Commission shall consist of five members appointed by the Select Board, with two members being appointed for a term of three years; two members for a term of two years; and one member for an initial term of one year, and two years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~
The Nantucket Agricultural Commission shall serve as facilitators for encouraging the pursuit of agriculture in Nantucket; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues, shall work for preservation of prime agricultural lands; shall pursue all initiatives appropriate to creating a sustainable agricultural community, and shall take on any other duties as voted by the town, or requested by the Select Board or as may further the purposes of said Commission.

§ 11-26. Membership.

~~The Commission shall consist of seven members appointed by the Select Board, with three members being appointed for a term of three years; two members for an initial term of two years and three years thereafter upon expiration of the initial term; and two members for an initial term of one year, and three years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of four members whose prime source of income is derived from farming or agricultural based enterprises in Nantucket and another three who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.~~
The Commission shall consist of five members appointed by the Select Board for three-year staggered terms. To the extent available and willing to serve, the Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Select Board shall fill any vacancy for the balance of the unexpired term of the vacancy.

(Select Board)

ARTICLE 66
(Nantucket Historical Commission: Membership)

To see if the Town would vote to amend the vote taken pursuant to Article 32 of the April 13, 2005 Annual Town Meeting, by changing the number of members of the Nantucket Historical Commission from five members to seven members in accordance with chapter 40 section 8D. There shall be no Alternate members of the Historical Commission. As the current terms of Alternate members expire, no additional Alternate members shall be appointed.

(Select Board for Nantucket Historical Commission)

ARTICLE 67

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend the title of Chapter 127 (Streets and Sidewalks), Article II (Obstructions on Sidewalks) 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 127

Streets and Sidewalks

Article II Obstructions on Sidewalks, **Streets, Bicycle Paths or Ways**

(Select Board)

ARTICLE 68

(Cemetery Regulations)

To see if the Town will vote, pursuant to General Laws Chapter 114, Section 23, to approve the following Cemetery Regulations, as adopted by the Cemetery Commissioners, and to insert the regulations as Chapter 234 in the Town's Regulations:

I. General Rules

Town Cemeteries are open daily from dawn to one-half hour after sunset.

The License Holder (owner of a lot) is limited to interring human remains or cremated human remains in that site. The owner also has a limited right to place a monument and plant flowers or shrubs. These limitations are outlined in other sections of these regulations.

Cemeteries are places for contemplation and quiet reflection. They are not recreation areas. Please respect these sacred grounds and use common sense: No loud noise, bad behavior or trash.

No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.

Gravestone repairs require prior authorization of the Cemetery Commission or its designated agent. Rubbings are not permitted. Take photographs only.

Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veteran's Day.

Dogs must be leashed at all times and be under control of their handler. Dog walkers must clean up after their dogs and must ensure that dogs do not trespass on any grave.

All trash must be removed from Town cemeteries, as there are no trash receptacles available.

Additional Rules and Regulations Applicable to the Polpis Burial Ground

Polpis Cemetery is open to cremation interments only.

Cremation lots are four feet (4') by six feet (6') and shall have no more than four (4) cremations in each lot.

Only one monument or marker per cremation lot will be allowed. A foundation must be placed under each monument. Only a professional who normally provides such a service in the community shall be permitted to place the foundation and monument, unless the Commissioners explicitly waive this requirement in writing. Markers may not be set to embrace two or more grave lots. All markers shall be flush with the ground. No wooden crosses shall be allowed.

The Town shall not be liable for damage to monuments or markers. Markers may be of granite, marble or bronze, the use of limestone, sandstone, cast or cement stone and metals for monuments shall not be allowed. Monuments may be made of native boulders.

Because Polpis Cemetery is a natural setting, no additional planting will be allowed on lots.

No other structure but approved markers or monuments may be placed on a lot.

No vehicles are allowed in the Polpis Cemetery.

No lights of any kind will be allowed.

II. Definitions

For the purpose of these Rules and Regulations, the following words shall have the following meaning, unless a different meaning is ascribed to such terms under the General Laws:

Cemetery - All property owned by the Town of Nantucket dedicated for the burial of deceased human remains.

Cemetery Administrator - The person charged by the Cemetery Commissioners with the day-to-day administration of Town Cemeteries in accordance with these Rules and Regulations, the directions of the Cemetery Commissioners, and applicable Federal and State laws.

Cenotaph - A monument erected in honor of persons buried at sea, or whose remains lie elsewhere.

Columbarium - A permanent structure, room or space in a mausoleum or other structure containing niches or other suitable spaces for the permanent placement of cremated human remains.

Cremated Remain - The final physical remains of a human being after having been cremated and processed.

Cremation Lot - An area of land specifically designed for the interment and placement of cremated remains only.

Cremation Niche - see Niche.

Crypt - A chamber in a mausoleum of sufficient size, generally used to contain the casketed remains of a deceased person.

Durable Outer Container (Grave Box, Grave Liner or Vault) - All burials, except for approved green burials, of bodies and cremated remains shall be placed in a durable outer container. Durable outer containers shall be made of reinforced concrete or fiberglass and may include:

Grave Box / Grave Liner - An unsealed monolithic receptacle of two (2) or more pieces in which the casket is placed at time of burial.

Vault - A two-piece sealed receptacle for protection of the casket.

Urn Vault - A two-piece receptacle for protection an urn.

Governing Body - The Nantucket Cemetery Commission.

Grave - A space in a cemetery used or intended for use, for the in-ground burial of one (1) or more deceased persons. The size of a grave may vary as laid out by the Cemetery Commission.

Green Burial - The burial of human remains, full body or cremated, with the intention of their return to the soil through natural decay processes; green burial necessitates the use of non-toxic and biodegradable materials, such as caskets, shrouds, and urns.

Foot Marker - A flush to the ground memorial made of granite or bronze, which is placed at the foot of a grave.

Interment - The permanent placement of a dead human body either in a green burial or placed in a casket within a durable outer container and buried in the ground.

Inurnment - The permanent placement of cremated human remains in a niche, space in a columbarium, or burial in a grave.

License Holder - The original purchaser of a Right of Burial and others entitled to a Rights of Burial.

Lot - A place designated in a cemetery comprised of one or more grave spaces.

Memorial or Monument - A monument or memorial usually made of granite, a flush-to-the ground memorial usually made of bronze or granite, or a foot marker, any of which is used for commemorating the life of a deceased person.

Niche - A discrete chamber, space or recess in a columbarium used for the permanent placement of cremated human remains, encased in an urn.

Perpetual care - The activities of routine cemetery maintenance such as, but not necessarily limited to, mowing, brush cutting, repair of fences and laneways, and signage.

Perpetual Care Fund - A fund authorized by the General Laws, whereby funds are set aside, the income of which is used for the perpetual care and maintenance of the cemetery or lots therein.

Rights of Burial - The exclusive right of burial granted by the Town to a License Holder for the use of a specific grave, lot, crypt, or niche or other burial space in a cemetery.

Urn - A container to hold human cremated remains. An urn can be placed in a columbarium niche or buried in the ground within a durable outer container.

III. Interments and Inurnments

Lots in the cemeteries shall be used for no other purpose than a place for the interment of human remains as full casket burials, green burials, or inurnment of cremated remains.

No interment or inurnment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written interment or inurnment order on a form approved by the Cemetery Commission and endorsed by the License Holder, or the legal representative of the License Holder in the lot in which interment is to be made. No grave shall be

opened for interment, inurnment or removal unless authorized by the Cemetery Commission and cemetery personnel have flagged the area.

Green burial applications, on forms specific to green burials, will be reviewed by the Department of Health for minimal environmental impact before review and potential approval by the Cemetery Commission.

Except for green burials, all interments and inurnments shall be enclosed in a durable outer container or vault.

Each grave (minimum four feet (4') by ten feet (10')) includes the right of interment of either one (1) full casket or one green burial for regular depth burial and one cremation burial.

Each grave may have additional right (provided additional fees are paid) of:

- Replacement of the cremation burial with a second full casket interment as a "double-deep" burial;
- Replacement of the initial full casket burial and inurnment of up to four (4) cremated remains.

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Additional regulations will be drafted if a niche wall is constructed.

IV. Cemetery Lots

When a Right of Burial is purchased, the License Holder will be given a written deed, granting the License Holder Rights of Burial in a specific grave, lot, crypt, or niche or other burial space in a cemetery. The Deed may contain certain specific terms and conditions for use of the Rights of Burial and grant the right of erecting a monument or memorial on such terms and conditions as the Cemetery Commissioners may prescribe. Such deeds and all subsequent deeds of such Rights of Burial made by owners thereof shall be recorded by the Cemetery Administrator or designee in the records maintained by the Department of Public Works in files kept for that purpose. Copies of lost deeds may be obtained by contacting the Nantucket Town Clerk or the Cemetery Commission. It shall be the duty of the License Holder and his/her heirs to notify the Commission of any changes in their mailing address. Notice sent to the License Holder at the last address on record shall be considered sufficient and proper legal notification.

The Cemetery Commissioners shall establish the cost of a Burial Right and fees related thereto and may amend the same from time to time. Cemetery personnel shall furnish, to those who desire to purchase Rights of Burial information relative to the cost of the same and the conditions upon which interments or inurnments may be made. See: Nantucket Cemetery Commission Schedule of Fees.

- A License Holder, or his/her heirs, shall not sell, transfer or convey the Rights of Burial, but such Rights of Burial shall pass to family members as permitted under Chapter 114 of the General Laws. The Town of Nantucket shall have the option of buying back Rights of Burial, subject to availability of funding. The price to be paid by the Cemetery Commission shall be no greater than the original purchase price, provided that all remains, if any, have been removed from the lot.
- Should the Town not exercise its option to buy Rights of Burial, a License Holder may assign or transfer such Rights of Burial only as permitted by the Cemetery Commissioners, who may limit such assignment or transfer to individuals who are current residents of the Town of Nantucket, past residents or relatives of such individuals. A License Holder wishing to assign Rights of Burial should contact the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
- Upon the death of the License Holder, Rights to Burial shall pass in accordance with the laws of the Commonwealth of Massachusetts.
- An existing single grave (minimum four feet (4') by ten feet (10')) containing recorded remains may also accommodate one cremation burial, provided the cremated remains are that of a family member, heir or others with verified rights of interment.
- Graves for the interment of any indigent (by state definition) resident veterans are provided at no cost and are set aside for burials of indigent resident veterans residing in the Town at the time of their entry into service and/or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
- Single grave space may be made available for the burial of the stillborn or infants without charge to the resident parents residing in the Town at the time of death.
- Under MGL Ch. 115, Section 8, the Town shall provide grave space for interment or inurnment of the indigent. Heirs may place monuments on indigent burials only if the interment rights are purchased and paid in full prior to placing a memorial. The Cemetery Commission will determine indigent status based on state regulations and definition.
- No work shall be performed on graves or lots by or on the direction of License Holders unless authorization has been obtained from the Cemetery Administrator, in order to preserve as much as possible the natural appearance of cemeteries.
- The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot, and shall have the right to remove the same if, in the opinion of the Cemetery Commission, they are unsightly. The Town of Nantucket shall not be liable for items left at a grave, or

damage to flowers, flags, decorations, monuments or other objects due to weather, vandalism theft or wear and tear.

- Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.
- Fences, borders, curbing, hedges, shrubbery, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless the Cemetery Commission has granted prior approval.
- Any materials placed on a grave that are not in compliance with these regulations are subject to removal without notice.
- The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of taking, to the owner.

Reuse of an occupied grave will not be permitted except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave.

V. Memorials

The Cemetery Commission must approve any memorial, including gravestones, markers, benches or other structures, in writing prior to installation.

- All inscriptions to be made on memorials shall be approved by the Cemetery Commission prior to carving. The Commission reserves the right to prohibit offensive language or imagery within the cemetery.
- Monument dealers, masons, stonecutters and all workmen working at any Town cemetery shall comply with the directions of the Cemetery Commission and must carry off all rubbish and restore roads, avenues and paths damaged by their operations. The Town of Nantucket will not be responsible for any errors made by any improper inscription on any memorial.

Memorial sizes shall be based on the following except at Polpis Cemetery where only flush memorials are permitted:

- SINGLE LOT: 16 inches by 24 inches flush memorial or 24 inches wide slant in designated areas.
- CREMATION LOT: 12 inches by 18 inches flush memorial or 18 inches wide slant in designated areas. If two or more names are to be inscribed in the memorial, it may be 12 inches by 24 inches wide.”
- MULTIPLE Grave LOTS:
 - Two (2) grave lot: three foot (3') wide base etc.
 - Three (3) grave lot: four foot (4') long base or bench etc.
 - Four (4) grave (or more) lot: six foot (6') long base or bench etc.
- Where family lots have been established in inactive cemeteries (a list of such cemeteries is provided below), those families will be allowed to place memorials that duplicate the style of the existing surrounding markers or headstones or, alternatively, use flush markers.
- No headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or other approved material. All monuments are to be centered at the head of grave/lot. Flush foot markers may be placed at the center of the foot of a grave.
- A marble or granite bench will be allowed on a lot with three (3) or more graves. If a bench is placed on a lot, no other memorials are permitted other than foot markers on individual graves within the lot.
- Special permission for alternate memorial sizes may be requested of the Cemetery Commission for consideration.
- The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
- Memorials and structures that are not in compliance with these regulations are subject to removal without notice.

VI. Administration

The Cemetery Administrator shall have responsibility for the proper day-to-day administration of Town Cemeteries in accordance with the administrative direction of the Town Manager and the policy direction of the Cemetery Commissioners, these rules and regulations and applicable Federal and State laws. The Town of Nantucket Home

Rule Charter and MGL Ch. 114 and Chapter 47 of the Acts of 2011 established the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are prescribed under MGL Ch. 114.

There may be circumstances when the strict or literal enforcement of these Rules and Regulations may impose unreasonable hardship. The Cemetery Commission reserves the right to make exceptions, suspensions, or modifications to these Rules and Regulations, without notice, whenever necessary in the judgment of the Cemetery Commissioners.

VII. Cemeteries in the Town of Nantucket

Active Town Controlled Cemeteries *(Burial rights may be available):*

Newtown Cemetery	Sparks Avenue	Space available.
Polpis Burial Ground (Cemetery)	Polpis Road	Plots to be laid out; Cremains only; flush monuments only.

Inactive Town Controlled Cemeteries *(No burial rights available for sale):*

Cemetery	Location	Status
Founders Burial Ground	Off Cliff Road	Closed to new interments.
The Historic Coloured Cemetery	Mill Hill	No known space available.
Miacomet Indian Burial Ground	Surfside Road	Closed to new interments.
New North Cemetery	New Lane (east)	No new plots, owners only.
Old North Cemetery	New Lane (west)	No new plots, owners only.
Quaker Cemetery (Friends Burial Ground)	Madaket Road	Closed to new interments.

Private Cemeteries not controlled or maintained by the Town of Nantucket:

As information only, the following cemeteries are known to exist within the corporate limits, but the Town of Nantucket has no obligation or involvement therewith.

Saint Mary's Cemetery	Private, plots available.
Sconset Chapel Columbarium	Private, inurnments only.
Saint Paul's Memorial Garden	Private, ashes only.
Prospect Hill Cemetery	Private Board and regulations; plots available. Edward Lewis Memorial Cemetery and the adjacent Jewish Cemetery on Somerset Road are private and administered by the Prospect Hill Board.

A Cemetery owned and currently maintained by the Nantucket Conservation Foundation:

Quaise Asylum Burial Ground	Polpis Road	Closed to new interments.
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VIII. Fees

The Cemetery Commission shall adopt a schedule of fees for the sale of Rights of Burial and other rights and services provided by the Cemetery Commission, which may be amended from time to time. All Rights of Burial must be paid for in full at the time of sale unless there are extenuating circumstances for which the Commissioners may offer a payment plan to the purchaser. No interments, inurnments or improvements shall be made to a lot, and no deeds shall be issued, until the Rights of Burial have been paid in full.

The following prices have been established by the Nantucket Cemetery Commission for the sale of Burial Rights in plots laid out in Town owned cemeteries.

Newtown Cemetery

Newtown Cemetery can accommodate both full casket burials and also offers Cremation Lots.

Single Lot (4' x 10') **\$1200.00**

Each single lot (minimum 4 x 10 feet) includes the right of interment of one (1) full casket for regular depth burial and up to two cremation burials.

Double Deep Option - At time of lot purchase \$600.00 additional: **\$1800.00**

This option will accommodate two full casket burials. The first burial will be at a depth of eight feet (8'). This option offers replacement of the second full casket with inurnment of up to four (4) cremated remains.

Cremation Lots (4' x 6') **\$900.00**

Each Cremation lot will accommodate up to four (4) inurnments. Flush monuments only will be allowed on Cremation Only Lots.

Polpis Burial Ground

Only cremation burials are allowed at Polpis. Each lot includes the right of inurnment of up to four (4) cremated remains. Only flush monuments are allowed at Polpis.

Single Lot (4' x 6') **\$900.00**

A cremation lot includes the right of inurnment of up to four (4) cremation burials.

Rules and Regulations adopted by the Nantucket Cemetery Commission and approved by the Nantucket Town Meeting govern operation of Town owned cemeteries.

All plots include perpetual care. Plot cost does not include services to open and close graves or funeral services.

(Select Board for Cemetery Commission)

ARTICLE 69

(Bylaw Amendment: Single-Use Plastics - Alcoholic Beverages of Less Than or Equal to 100 Milliliters)

To see if the Town will vote to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) 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-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 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. Carbonization 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 package 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. Defined products in plastic, non-compostable or non-recyclable containers of one liter (34 ounces) or less;
- 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 buds

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic or glass products in the Town and County of Nantucket on or after June 1, 2023:

- I. Containers for alcoholic beverages of less than or equal to 100 milliliters

§ 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, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 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 are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

; or otherwise act thereon.

(Bruce Mandel, et al)

ARTICLE 70

(Bylaw Amendment: Single-Use Plastics - Single-Use Plastic Fiber Tobacco Filter Products)

To see if the Town will vote to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) 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-sustentative changes to the*

numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).

Chapter 125A. Single-Use Plastics

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

§125A-1. Definitions and Purpose

A. Definitions

BOXED WATER - Any type of drinking water, flavored water, carbonated water, energy drink packaged in an aseptic carton, like the type often used for holding coconut water, soymilk, soups, and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest 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. Carbonization 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 package 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:

- G. Straws and drink stirrers;
- H. Flexible can and bottle yokes;
- I. Drinking cups and lids;
- J. Plates, bowls and eating utensils;
- K. Defined products in plastic, non-compostable or non-recyclable containers of one liter (34 ounces) or less;
- L. 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:

- M. Flushable wipes containing plastic fibers, cloth fibers and/or anti-bacterial chemicals;
- N. Plastic stick ear buds

It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic or glass products in the Town and County of Nantucket on or after June 1, 2023:

- I. Single use plastic fiber tobacco filter products.

§ 125A-3 Exemption for emergencies and other.

- D. 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.
- E. Medical packaging and medically required usage are exempted providing no recyclable Alternatives are available.
- F. Compostable plastics are exempted from this bylaw, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 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 are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

; or otherwise act thereon.

(Bruce Mandel, et al)

ARTICLE 71

(Bylaw Amendment: Gender Equality on Beaches)

To see if the Town will vote to: Amend the General Bylaws of the Town by adding a new section to read as follows:

“In order to promote equality for all persons, any person shall be allowed to be topless on any public or private beach within the Town of Nantucket.”

and further to authorize the Town Clerk to insert said bylaw in the appropriate section of the Town code; or to take any other action relative thereto.

(Dorothy Stover, et al)

ARTICLE 72

(Amend Town Wharf and Waterways Prohibited Activities)

To see if the Town will vote to make the following changes to Ch. 250 sec. 2.10 and 2.11:

250.2.10 Between ~~October 15~~ **October 31** and April 15, all Dinghies not servicing Vessels presently moored in the harbor shall be removed from any Town property.

250.2.11 The Town may remove after ~~October 30~~ **October 31**, any Dinghy left on Town property. Following such removal, the Harbor Master shall give notice of the removal as follows:

- (a) if the owner is known, then by mail or hand-delivery;
- (b) if the owner is unknown, then by publication in a newspaper of general circulation within the Town;
- (c) if, after thirty (30) days following the publication or written notice, the owner has failed to claim the Dinghy and reimburse the Town for removal costs, the Dinghy may then, at the discretion of the Harbor Master, be sold at public auction to cover the costs of removal. If said auction produces surplus proceeds after payment of the costs of removal, said surplus shall be held in a separate account and be paid over to the owner upon proof of ownership.

Striked out text to be replaced by high-lighted text. All other text to remain as written and previously amended. Changes to go into effect upon passage.

(Campbell Sutton, et al)

ARTICLE 73

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "Hummock Pond North" sewer needs area designated within the Comprehensive Wastewater Management Plan, adopted in October 2014, to the Town Sewer District:

Map	Lot	Number	Street
56	320	69	Hummock Pond Road
56	260	5	Hawthorne Lane
56	261	7	Hawthorne Lane
56	262	9	Hawthorne Lane
56	263	11	Hawthorne Lane
56	224	12	Hawthorne Lane
56	225	14	Hawthorne Lane
56	226	16	Hawthorne Lane
56	265	15	Hawthorne Lane
56	268	17	Hawthorne Lane
56	267	19	Hawthorne Lane
56	244	21	Hawthorne Lane

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____" dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 74

**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change:
44 Skyline Drive)**

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 adding the following property, currently outside of the district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

ARTICLE 75

**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change
- 15 Milestone Crossing)**

To see if the Town will vote to:
Amend the sewer district map to include 15 Milestone Crossing, identified as Nantucket Tax Assessor's Map 68, Parcel 457, which is currently outside the core sewer district

; or otherwise act thereon.

(David J. Buckley, et al)

ARTICLE 76

(Home Rule Petition: Community Housing Bank Real Estate Transfer Fee)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act the text of which is set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive 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 Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for Affordable and Workforce Housing and Related Capital Improvements

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket median income. A "qualified holder" is a

Commented [LG13]: Needs to be updated by Vicki and Tucker

governmental body or charitable corporation or trust which qualifies under the terms of Massachusetts General Laws Chapter 184 ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

"Housing and Community Development Fund", shall refer to a discrete fund or account, established by the county treasurer of the Nantucket County under the provisions of this act.

"Eligible Applicants", shall refer to non-profit and for-profit corporations and organizations, individuals, and public entities.

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

“Town” shall refer to the Town of Nantucket acting by and through the Board of Selectmen.

SECTION 2. There is hereby imposed a fee equal to one half per cent (1/2%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees as follows: 75% in the Affordable Housing Trust Fund and the remainder in capital project funds as determined by the Board of Selectmen, unless such allocation is changed by the affirmative vote of two-thirds of voters at an annual or special town meeting. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the seller or his legal representative may return said certificate to the Town or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section 10. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of

a series of transfers) was made for the primary purpose of evading the fee imposed by Section 10.

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket.

(b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property

received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket county; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single parcel. Said exemption may be adjusted for inflation as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting. For purposes of this subsection, "inflation" shall mean the increases, if any, in the total of prices paid for real property transfers year to year for real property within the Town of Nantucket.

(n) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Trust Fund for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A seller who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not

paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the

person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (c) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 9. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 10 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 10 to be thereby avoided.

SECTION 10. This act shall take effect ninety (90) days following the date of passage.

(Select Board)

NOTE: The above home rule petition was approved as Article 82 of the 2016 Annual Town Meeting, Article 88 of the 2017 Annual Town Meeting, Article 70 of the 2018

Annual Town Meeting and Article 79 of the 2019 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2021, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 77

(Home Rule Petition: An Act Amending the Nantucket Sewer Act (Chapter 396 of the Acts of 2008))

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 Nantucket Sewer Act to allowing the Select Board, acting as the Nantucket Sewer Commission, to waive all or a portion of sewer connection fees for year-round residents of the Town, 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:

An Act Amending Chapter 396 of the Acts of 2008

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. Chapter 396 of the Acts of 2008 is hereby amended by inserting a new section 8A as follows:

8A. Notwithstanding any provisions of Chapter 83 or any other provision of a general or special law, the Nantucket Sewer Commission is hereby authorized to adopt a regulation that allows said Sewer Commission to waive all or a portion of sewer connection fees for year-round residents who otherwise qualify for the resident tax exemption under section 5C of Chapter 59 of the General laws.

Section 2. This act shall take effect upon passage.

Or to take any other action relative thereto.

(Select Board)

ARTICLE 78

(Home Rule Petition: An Act Amending the Charter of the Town of Nantucket To Implement Certain Recommendations of the Town Government Study Committee)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article II, Section 2.2 - Town Moderator

The Moderator shall be elected for a term of ~~one year~~ **three years** and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Article II, Section 2.4 - Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk, **who shall be a registered voter of the town.**

Article II, Section 2.5 - Town Meeting Warrant

...

(b) The Select Board shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant and make a copy of the warrant available on the town website. After such publication, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(c) The 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.

(d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

Article II, Section 2.6 - Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at such times during a Meeting as the Moderator may allow and in accordance with the rules of order. **The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.**

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

(14) shall approve and sign warrants for payment ~~before such warrants are submitted to the Select Board;~~ and

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

(a) shall appoint the department heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Select Board;

...

Article V, Section 5.4 - Recall of Elected Officials

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters, as established by the Town Clerk as of March 1st of the previous year, with Town residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 7 5 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers ~~not less than 75 days after such certification date~~. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

(e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

(f) Recall election ballots shall first submit the question:

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6 – Time of Taking Effect

~~This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.~~

~~Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.~~

SECTION 2. Continuance of the Charter Commission.

~~The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.~~

SECTION 3. Ratification by the Voters.

~~On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:~~

~~"Shall an act passed, by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"~~

~~A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.~~

~~If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.~~

~~Ratified April 8, 1997~~

~~The form of the Special Act shall be as follows:~~

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET.

SECTION 1. Section 2.2 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 by striking out the words “one year” and inserting in place thereof the following words:- three years.

SECTION 2. Section 2.4 of said article II of said charter is hereby amended by inserting after the words “Moderator shall appoint a clerk” the following words:- , who shall be a registered voter of the town.

SECTION 3. Subsection (b) of section 2.5 of said article II of said charter is hereby amended by inserting after the words “after the issuance of the warrant” the following words:- and make a copy of the warrant available on the town website.

SECTION 4. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the word “seven” and inserting in place thereof the following word:- fourteen.

SECTION 5. Said section 2.5 of said article II of said charter is hereby amended by inserting after subsection (c) the following new subsection:- (d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of which has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

SECTION 6. Section 2.6 of said article II of said charter is hereby amended by inserting at the end of said section the following words:- The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

SECTION 7. Paragraph (14) of subsection (d) of section 4.2 of article IV of said charter is hereby amended by striking out the words “before such warrants are submitted to the Select Board” and by inserting after the words “shall approve” the following words:- and sign.

SECTION 8. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by inserting after the words “shall appoint the” the following word:- department.

SECTION 9. Subsection (c) of section 5.4 of article V of said charter is hereby amended by inserting after the words “at least 20% of registered voters” the following words:- , as established by the Town Clerk as of March 1st of the previous year, .

SECTION 10. Subsection (d) of said section 5.4 of said article V of said charter is hereby amended by striking out the numeral “7” after the words “does not resign within” and inserting in place thereof the following numeral:- 5.

SECTION 11. Said subsection (d) of said section 5.4 of said article V of said charter is hereby further amended by striking out the words “not less than 75 days after such certification date” and inserting after the words “the Select Board shall” the following words:- not less than 75 days after such certification date.

SECTION 12. Subsection (f) of said section 5.4 of said article V of said charter is hereby amended by inserting after the words “For the recall of (name)” the following words:- and title.

SECTION 13. Said subsection (f) of said section 5.4 of said article V of said charter is hereby further amended by inserting after the words “Against the recall of (name)” the following words:- and title.

SECTION 14. Article VI of said charter is hereby amended by striking out Section 6.6 in its entirety.

Or to take any other action related thereto.

(Select Board)

ARTICLE 79

~~(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. 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 may exchange ownership of the property commonly known as Mill Hill park, owned by the town of~~

Commented [LG14]: Don't need to include this per Rep
Fernandes 012122

Nantucket as a public park, for the property commonly known as the Nobadeer playing fields, owned by the Nantucket Islands Land Bank for recreational purposes, all as more particularly described in this act.—

SECTION 2. Notwithstanding any general or special law to the contrary, the Nantucket Islands Land Bank may transfer, convey or otherwise dispose of portions of a certain parcel of land situated in the town of Nantucket to the town of Nantucket for recreational purposes, described as follows:

—— (i) 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, which is a portion of the land described in a deed recorded in the Nantucket registry of deeds in book 565, page 17, being that project area called the Nobadeer farm recreational facility permitted by the division of fisheries and 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

—— (ii) 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 169 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, which is a portion of the land more particularly described in a deed recorded with the Nantucket registry of deeds in book 1697, page 2.

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 section 3.

SECTION 3. Notwithstanding 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 5 parcels acquired for park, conservation and recreation purposes:

—— (i) Nantucket tax assessor’s map 55.4.4, parcel 81, being the fourth parcel described in the deed recorded in Nantucket registry of deeds in book 124, page 403 located at 37 Prospect street;

—— (ii) Nantucket tax assessor’s map 55.4.4, parcel 57, being the first parcel described in the deed recorded in Nantucket registry of deeds in book 124, page 403 and shown as lot D on land court plan number 12559A, located at 39 Prospect street;

—— (iii) Nantucket tax assessor's map 55, parcel 321, being the third parcel described in the deed recorded in Nantucket registry of deeds in book 124, page 403 and shown as lot C on land court plan number 12559A located at 47 Prospect street;

—— (iv) Nantucket tax assessor's map 55, parcel 319, being the second parcel described in the deed recorded in Nantucket registry of deeds in book 124, page 403 and shown on land court plan number 13837A located on North Mill street; and

—— (v) Nantucket tax assessor's map 55, parcel 1, being described in the deed recorded in Nantucket registry of deeds in book 663, page 250 and shown as Lot 15 on the plan recorded in Nantucket registry of deeds plan book 24, page 84 located at 29 Vesper lane.

Any such disposition shall be on such terms and conditions as the select board of the town of Nantucket deems appropriate, which may include the reservation of restrictions and easements and which shall be conditioned upon receipt of the parcel described in the section 2.

SECTION 4. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

NOTE: The above home rule petition was approved as Article 92 of the 2021 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2021, may expire unless renewed by a confirmatory town meeting vote.

ARTICLE 79

(Home Rule Petition: An Act Prohibiting the Application of Fertilizer in the Town of Nantucket

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, prohibiting the application of fertilizer in the Town of Nantucket except for farming purposes, 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

An Act Prohibiting the Application of Fertilizer Used in the Town of Nantucket Except for Farming Purposes

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. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Nantucket water bodies. This

undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

Section 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Nantucket. The soils of Nantucket are unique insofar as Nantucket has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Nantucket prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This Act should help Nantucket to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the Town of Nantucket, is hereby prohibited.

Section 4. This act shall take effect upon passage.

Or to take any other action related thereto.

(Joseph Minella, et al)

ARTICLE 80

(Home Rule Petition: Historic District Commission - Solar)

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, to amend Chapter A301 Special Acts Article II Section 9(b) the Historic District Commission in 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.

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

Amend Section 9(b) of the Historic District Commission Special Acts, 1970 Chapter 395 by inserting the following changes highlighted below.

SECTION 9. (a) It shall be the function and the duty of the Historic District Commission to pass upon the appropriateness of exterior architectural features of buildings and structures hereafter to be erected, reconstructed, Altered or restored within the Historic Nantucket District wherever such exterior features are subject to view from a beach, public way, public park, public body of water, traveled way, a street or way shown on a land court plan, or shown on a plan recorded in the registry of deeds, a proprietors road

or a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law. All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the exterior features to be passed upon shall be made available to the Commission by the applicant. It shall also be the duty of the Commission to pass the removal of any building within said districts as set forth in Section 6 and the erection or display of occupational or other signs as set forth under Section 7.

(b) The Historic District Commission, in passing upon appropriateness of exterior architectural features in any case, shall keep in mind the purposes set forth in Section 2 and shall consider, among other things, the general design, arrangement, texture, material and color of the building or structure in question, the location on the lot and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures. In the case of new construction or additions to existing buildings or structures, the Historic District Commission shall consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and buildings and structures in the vicinity, and outside the Town and Sconset Historic Districts shall reasonably allow for the visible integration of solar panels and renewable energy systems, and the commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable by-law.

(Jeffrey Booms, et al)

ARTICLE 81

(Home Rule Petition: Amend the Nantucket Planning and Economic Development Commission Special Act)

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 Chapter 561 of the Acts of 1973, as amended, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

AN ACT Relative to the Nantucket Planning and Economic Development Commission.

Be it enacted, etc., as follows:

SECTION 1. In order to plan for the orderly and coordinated development and-protection of the physical, ~~environmental, cultural~~, social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning ~~and Economic Development~~ Commission, hereinafter called the "Planning Commission-" or the "Commission." The purpose of the Planning Commission is to plan for: balanced economic growth, the preservation of natural resources including open space, coastal resources, ground and surface water and ocean quality as well as other natural resources of Nantucket, the provision of adequate capital facilities, including

transportation; the development of an adequate supply of fair affordable housing; and the preservation of historical, cultural, and recreational values. The Planning Commission shall consist of eleven (11) members as follows: ~~the members (3) three representatives of the Planning Board of the Town of Nantucket, to be appointed annually by said Planning Board; one (1) representative of the Nantucket Housing Authority. The Nantucket Affordable Housing Trust, to be appointed annually by said Authority Trust; one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; one (1) member of the Nantucket Historical Commission to be appointed annually by said Historical Commission; The Director of the Nantucket Department of Public Works or his or her designee which shall be designated by the Town Manger of said Town; and three (3) persons to be elected, appointed at large by the Commission; one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.~~

At the first annual election held after the effective date of this Act, three members shall be elected as follows: one (1) to serve for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, and thereafter when the term of any elected member expires, his or her successor shall be elected to serve for three (3) years. In all cases the members shall serve until their successors are elected and qualified.

Any vacancy in the elected membership shall be filled by a majority vote of the Nantucket Planning Commission, said vacancy to be filled for the remainder of the unexpired term.

After the first annual election held after the effective date of the Act, the Planning Board shall appoint three of its members for a term of one year each, and the following appointments shall be made: a member of the Affordable Housing Trust, a County Commissioner, a member of the Historical Commission, a member of the Conservation Commission, and the Director of the Department of Public Works, each to serve for a term of one year.

SECTION 2. The Planning Commission shall be responsible for the preparation of comprehensive plans for the protection of the physical, ~~and social, and environment,~~ economy, ~~is development~~ and general quality of life of ~~said county and town the Town and County of Nantucket~~ and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to, the preparation of studies, research reports and maps of natural ~~and cultural~~ resources, land utilization, economic development, recreation and conservation, transportation and population characteristics. In order to carry out these responsibilities, the Commission may retain such experts as may be required.

Section 2A. The Planning Commission shall produce and make available a written report of its activities, annually.

SECTION 3. To meet the expenses incurred under this Act, the Planning Commission may expend from the treasury of the Town of Nantucket such sums as may be appropriated therefor by said town. All bills incurred in carrying out the provisions of this Act shall be accompanied by proper vouchers and shall be paid by the Town Treasurer of said town only on warrants approved by the Commission or a committee appointed by it for such purpose. Voluntary contributions, either public or private, for such purposes may be deposited in said treasury. No appointments shall be made and no money shall be expended hereunder except by the affirmative vote of a majority of the members of said Commission. No moneys expended under this Act shall be used for recreational advertising or promotion. The Planning Commission may be designated by any state or federal agency to participate in or receive funds and technical assistance from any state or federal programs, especially as those programs relate to environmental protection, conservation, land planning, water and air quality control, economic development, transportation or the development of region-wide public services.

SECTION 4. Within 30 days following each annual Town election, The Planning Commission shall elect a Chairman and such other officers as it may, by rule, provide Vice Chairman, and may make such other rules and regulations not inconsistent with the provisions of this Act as it may, by majority vote, provide. Each member of the Commission shall have one (1) vote. Members of the Commission shall serve without compensation. The duties of the Chairman include:

- a) Presiding over all meetings of the Planning Commission with the right to vote on all questions, absent conflict of interest, and to propose the agenda prior to each such meeting;
- b) Reporting annually to the people of the Town on the work of the previous year.

Section 4A. The Planning Commission shall be one (1) of the eCommonwealth's regional planning agencies.

Section 4B PLACEHOLDER

Section 4BC. Certain developments of regional economic impact as hereinafter defined proposed to be constructed within the limits of the town of Nantucket shall not be constructed within that town without a Development of Regional Economic Impact Permit, hereinafter referred to as DREIP, issued by majority vote of the eCommission. A DREIP shall be in addition to and not a substitute for, nor shall it in any way detract from, any permit, license, approval or other permission issued by the town of Nantucket or any other applicable governmental authority.

Section 4CD. Developments of regional economic impact shall be those large-scale commercial and industrial developments that have the potential to impact the appearance, society and economy of the town of Nantucket that exceed any 1 of the following minimum thresholds:

- (1) 30,000 gross square feet of interior space in a single building or on a single lot for retail, manufacturing or industrial use;

- (2) 40,000 square feet of exterior storage, exterior industrial use;
- (3) Alterations to more than 5 acres of shore, beach, seacoast, pond, marsh, dune, woodland, grassland, heathland, wetland, endangered species habitat, aquifer or other resource area for commercial or industrial use; or
- (4) any commercial or industrial use that requires more than 100 parking spaces as determined by the zoning by-law of the town of Nantucket.

Section 4DE. The eCommission shall by majority vote adopt rules and regulations for the issuance of a DREIP after a public hearing, with a minimum of 14 days prior notice to the ~~Select Board of selectmen~~ of the town of Nantucket of the time and place of such hearing; provided, however, that the rules and regulations shall not take effect except upon an affirmative vote ~~of a simple majority of voters of~~ the town of Nantucket at a duly scheduled town meeting. The rules and regulations shall include specific time lines for action by the eCommission, including, without limitation, that the eCommission shall file a written decision with the town clerk within 180 days of the eCommission's receipt of a complete application for the issuance of a DREIP, and standards and criteria to assess visual and environmental impacts, employment characteristics and requirements for municipal or regional services including solid waste disposal, water, sewer, tourist services and facilities, transportation and education. The rules and regulations shall provide that the eCommission shall issue a DREIP upon making the following findings:

- (1) the probable benefit of the proposed project will exceed the probable detriment;
- (2) the proposed project is in compliance with any master plan adopted by the community pursuant to section 81D of chapter 41 of the General Laws or other authority; and
- (3) there are no practical, feasible or practicable options or Alternatives that might otherwise be employed due to unique physical, social or economic conditions related to the town of Nantucket's island location.

SECTION 5. This Act shall take effect upon its passage.

(Hillary Hedges Rayport, et al)

ARTICLE 82

(Ombudsman Establishment - Complaints)

To see if the Town will vote to adopt an act, authorizing the establishment of an Ombudsman. To mediate disputes before the Town of Nantucket that have come to an impasse. Moreover, mediate complaints with appropriated redress for the user of the services, when its alleged that wrongdoing or maladministration has occurred. Against employees of the Town of Nantucket, any department of the Town of Nantucket or any Board Member of a Board elected by voters of the Town of Nantucket.

(Theresa Williams, et al)

ARTICLE 83

(Scheduling of Annual Town Meeting and Annual Town Election)

To see if the Town will vote to:

Direct the Select Board allow at least fourteen (14) days time between the Annual Town Meeting and the subsequent Election

; or otherwise act thereon.

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

ARTICLE 84

(Rescind Article 77 of the 2018 Annual Town Meeting)

To see if the Town will vote to:

Recind Article 77 of the 2018 Annual Town Meeting as to so much of the article that pertains to the taking of 10 Surfside Road, Tax Accessors Map 55, Parcel 137, (a portion of) and return said to the care, custody and control of the Nantucket School Committee to be held for school purposes

; or otherwise act thereon.

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

ARTICLE 85

(Real Estate Acquisition: Coastal Access - Eel Point Ways)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of the following three ways:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor.

All as shown on Assessor's Map 33, 43, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article ___ Real Estate Acquisition: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 86

(Real Estate Conveyance: Coastal Access - Eel Point Ways)

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 portions of the following three ways for the purpose of coastal access:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and

- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor

such disposition to be on any terms and conditions the Select Board deems appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on Assessor's Maps 33, 43, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article ____ Real Estate Acquisition: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 87

(Real Estate Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of conveyance, the fee title or lesser interests in all or any portions of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the south western edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 88

(Real Estate Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area)

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 the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the south western edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19 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 "2022 Annual Town Meeting Warrant Article ____ Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

ARTICLE 89

(Real Estate Acquisition: Parcel of Land off Surfside Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of public access, conveyance, and/or general municipal purposes the fee title or lesser interests in all or any portions of a parcel of land shown as "Terrio et al DD. BK. 118, Page 182" on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60.

Commented [VM15]: Does the Town wish to acquire it for other purposes i.e. public way or public access?

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of a parcel off Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 90

(Real Estate Conveyance: Parcel of Land off Surfside Road)

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 a parcel of land off Surfside Road as shown as "Terrio et al DD. BK. 118 PG. 182" on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of a parcel off Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 91

(Real Estate Acquisition: 31 Easy Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, sidewalk, drainage, flood control, 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 31 Easy Street, shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 92

(Real Estate Conveyance: 31 Easy 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 portions of the property known as 31 Easy Street shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E to the Nantucket Islands Land Bank, Nantucket County, and/or the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, for all purposes pursuant to their respective enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 93

(Real Estate Conveyance: 50 Altar Rock Road)

To see if the Town will vote to authorize the Select Board to transfer the care, custody, management and control of a certain parcel of land located 50 Altar Rock Road, said parcel being shown on Tax Assessor's Map 45 as Parcel 9 and shown as Lot A on Land Court Plan No. 9547-A filed with the Nantucket County Registry District of the Land Court, from the Select Board for park purposes to the Select Board for purposes of conveyance and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of said property to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property; and further to authorize the Select Board to submit a *cy pres* petition, if applicable, and a petition to the General Court for a special act authorizing the transfers of land set forth herein and the conveyance of the property at 50 Altar Rock Road under Article 97 of the Amendment to the Massachusetts Constitution

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Disposition of 50 Altar Rock Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 94
(Home Rule Petition: Real Estate Conveyance - 50 Altar Rock Road to Nantucket Conservation Foundation, Inc.)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or a portion of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town for park purposes, as described in more detail below and as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Disposition of Altar Rock" dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance; and further to authorize the Select Board to convey the property described below to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY A CERTAIN PARCEL OF LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR PARK PURPOSES TO THE NANTUCKET CONSERVATION FOUNDATION INC. FOR OPEN SPACE, RECREATIONAL, AND CONSERVATION PURPOSES

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or a portion of a certain parcel of land situated in the Town of Nantucket to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements and acceptance of the conveyance of certain land from the Nantucket Conservation Foundation, Inc. to satisfy the Executive Office of Energy and Environmental Affairs “no net loss policy” as determined by the Select Board, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article ____ Disposition of Altar Rock” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

ARTICLE 95

(Home Rule Petition: Real Estate Conveyance - A Portion of Ames Avenue)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held under the care, custody and control of the Nantucket Conservation Commission for conservation or recreational purposes, and which are located in the roadway known as Ames Avenue as described in more detail below and as shown on a map entitled “2022 Annual Town Meeting Warrant Article ____ Disposition of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE CONVEYED FOR ROADWAY AND/OR ANY PURPOSES.

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or

otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket for roadway and/or any purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land to satisfy the “no net loss policy” of the Executive Office of Energy and Environmental Affairs, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article ____ Disposition of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

ARTICLE 96

(Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article ____ Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 97

(Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 98
(Real Estate Acquisition: West Chester Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, open space protection, and/or conveyance, the fee title or lesser interests in all or any portions of the unconstructed way known as West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road, together with any public and private rights of passage.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ Acquisition of a portion of West Chester Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 99
(Real Estate Conveyance: West Chester Street and Weweeder Avenue)

To see if the Town will vote to authorize the Select Board to sell, convey, release any rights, or otherwise dispose of the fee or lesser interests of the following former public ways to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, and/or the Nantucket Conservation Foundation, Inc., or any abutter thereto, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property:

-- West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road;

-- Weweeder Avenue between the eastern sideline of Nantucket Memorial Airport and the western sideline of a way at the boundary between the South Pasture and Southeast Quarter Shares shown on Land Court Plan No. 5004-H as a 50 foot way.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article ____ conveyance of portions of West Chester Street and Weweeder Avenue" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 100

(Real Estate Disposition: Utility Easement/Shadbush Road)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portion of Town-owned land shown as Lots F and I on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for: Town of Nantucket," dated May 11, 2010, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2010-63; said easement area being shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 101

(Real Estate Disposition: Long-term Lease Authorization/Shooting Range Facility)

To see if the Town will vote to authorize the Select Board to lease a portion of the land at 1 Shadbush Road, shown as Lot 3 containing a total of twenty-seven (27) ± acres on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for Town of Nantucket," dated September 3, 2009, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 and shown on Tax Assessor's Map 78 as Parcel 5, for the purposes of demarcation, design, lay-out, construction, maintenance and operation of a recreational shooting range facility, and to enter into a ground lease of the leased premises containing nine (9)± acres, for a minimum term of fifty (50) years, upon such terms and conditions as the Select Board deem appropriate, subject to the receipt of a Conservation and Management Permit from the MA Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program by the lessee; and further to authorize the Select Board to grant a permanent conservation restriction on the remaining portion of the property containing eighteen (18) ± acres pursuant to Massachusetts General Laws Chapter 184, §§ 31-33; said leased premises to be shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

ARTICLE 102

(Real Estate Acquisition: Proprietors Road - Off Tripp Drive/South Shore Road)

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 "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513'. as shown on the plan attached hereto.

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 103

(Real Estate Conveyance: Proprietors Road - Off Tripp Drive/South Shore Road)

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 "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513', as 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.

(Linda Williams, et al)

ARTICLE 104

(Real Estate Acquisition: Two (2) 12-foot Wide Ways - Nobadeer 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 fee title or lesser interests in all or any portions of the two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or to take any other action related thereto.

(Linda Williams, et al)

ARTICLE 105

(Real Estate Conveyance: Two (2) 12-foot Wide Ways - Nobadeer Way)

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 two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus, as 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. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or take any action related thereto.

(Linda Williams, et al)

ARTICLE 106

(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 2022 tax levy.

Or to take any other action related thereto.

(Select Board)

ARTICLE 107

(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)

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

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

**TUESDAY, THE TENTH DAY OF MAY 2022
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM**

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Moderator	One for a term of one year
Select Board	Two for terms of three years
School Committee	One for a term of one year
School Committee	One for a term of three years
Historic District Commission	Two for terms of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Three for terms of three years
Planning Board	One for a term of three years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	One for a term of three years
Town Clerk	One for term of three years

And, to cast their vote as “YES” or “NO” on the following ballot questions:

Debt Exclusion: Design for New Our Island Home Facility

1. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to design a new Our Island Home facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Supplemental Appropriation for Replacement Harbormaster Facility

2. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide supplemental funding for the replacement of the Harbormaster Building at 34 Washington Street including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Repave Pleasant Street and Reconstruct/Improve Sidewalk(s)

3. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to repave Pleasant Street and reconstruct and/or improve the adjacent sidewalks including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Repairs to LORAN Barracks Facility

4. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for repairs to the LORAN barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, hazardous materials removal, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: School Athletic Facilities

5. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for the construction of athletic facilities and associated appurtenances at the Nantucket Public School campus including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Central Municipal Facility/2 Fairgrounds Road

6. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to design a central municipal facility at property owned by the Town at 2 Fairgrounds Road including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Construction of Seasonal Town Employee Housing

7. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for the construction of seasonal town employee housing located at Town-owned property at Fairgrounds Road/Waitt Drive, including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Commented [LG16]: Should we modify this to allow some flexibility in case we have room to put someone in year-round? Or?

Commented [JG17R16]: If you change the wording in the ballot question, please be sure to change the language in the article.

Commented [LG18R16]: Brian? Bond Counsel?

Debt Exclusion: PFAS Soil Investigation

8. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond

issued in order to undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Acquisition of 10-12 Washington Street

9. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to purchase the property located at 10-12 Washington Street and any other costs incidental and related thereto?

10. Debt Exclusion for Affordable Housing

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued in order 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?

11. Capital Outlay Exclusions

Shall the Town of Nantucket be allowed to assess an additional \$1,176,000 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2022?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$105,000
Fire	Replace Utility Vehicle	75,000
Fire	Utility All-Terrain Vehicle	50,000
Natural Resources	One (1) Replacement Vehicle; One (1) New Vehicle	100,000
Health & Human Services	One (1) Replacement Vehicle; One (1) New Vehicle	100,000
Solid Waste	Replacement Administrative Vehicle	40,000
Public Works	Replacement of Two (2) Small Pick-up Trucks	96,000
Public Works	Replacement of Skid Steer Loader	72,000
Public Works	Replacement of F-350 Pick-up Truck	68,000
Public Works	Replacement of F-550 Pick-up Truck	80,000
Public Works	"Forestry Package" for Cat Skid Steer	50,000
Public Works	Replacement of Tandem Vibratory Roller	50,000
Public Works	New Mechanic's Utility Vehicle	120,000
Public Works	New Mini Sweeper	120,000
Public Works	New Park & Recreation Vehicle	50,000

	<i>Total Capital Exclusion:</i>	<i>\$1,176,000</i>
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DRAFT

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

Given under our hands this day of in the year Two Thousand Twenty-two.

Jason M. Bridges, Chair

Kristie Ferrantella, Vice Chair

Matthew G. Fee

Dawn E. Hill Holdgate

Melissa K. Murphy

SELECT BOARD OF NANTUCKET, MA

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

Sworn to under pains and penalties of perjury,

Constable

Implementation of 6 Points from the Planning Board STR Presentation

01/20/22

	Zoning Bylaw	General Bylaw	Regulation	Comments
A maximum of one STR rental lease per lot.			X	Data is needed from the registration process to determine how many structures on each lot are being as STR's. Zoning enforcement of this concept would be difficult and inefficent, whereas, registration will be more effective, if justified.
Prohibit STR's in apartments and workforce rental housing.	X			Added provision for the Planning Board to prohibit STR's as a condition of a special permit.
Allow a maximum number of STR's to be in common ownership before the use becomes a hotel.				Needs further study. May require significant Bylaw changes to other uses, including all the transient residential facilities.
Define STR and allow boarder in owner occupied dwellings.	X	X		Included in Sections 1 and 3 of the Zoning Bylaw amendments, and the same definition is also in the General Bylaw. Additional regulations are possible.
Limit the maximum number of days (120-180?) available for short term rental use per calendar year.			X	Needs further study. No current data on how many days STR's are rented throughout the year. Concerns have been expressed that a limitation may remove off-peak availability (also a time when most transient residential facilites are not operating).
Develop a registration or licensing process and identify a department to manage the process, including any required inspections or enforcement. Establish a fee.		X	X	Being developed by the Select Board, along with a revolving fund. Board of Health will be the lead department overseeing registration and enforcement. Outsourcing contract for data collection, analysis, enforcement, and some administration is anticipated.

LOCAL SHORT TERM RENTAL DATA
AND
BYLAW AMENDMENT OPTIONS

NOVEMBER 30, 2021

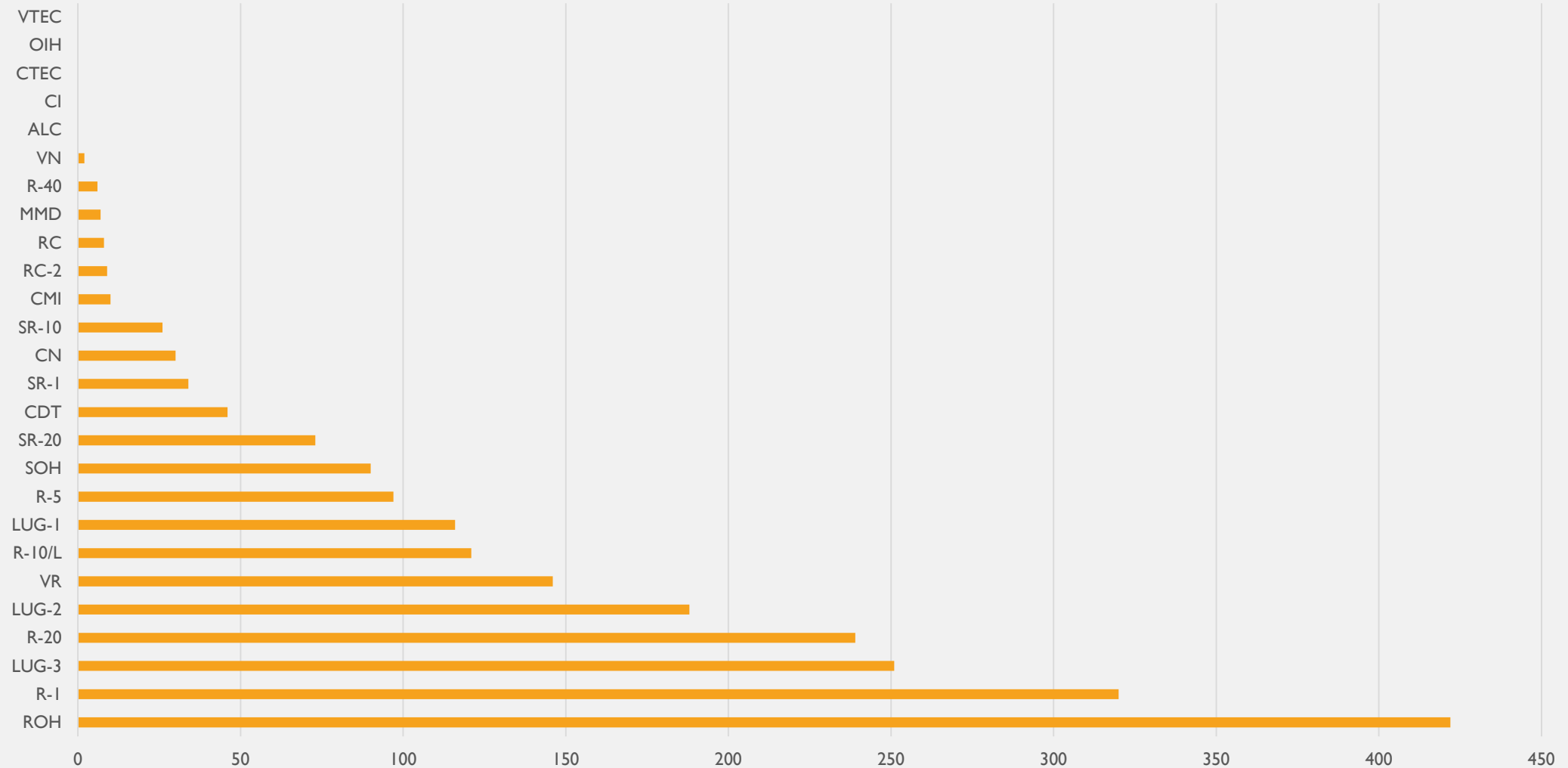
LOCAL SHORT TERM RENTAL HISTORY

- 1980 RC-2 was added to the Zoning Bylaw to specifically prohibit hotels.
- 1980's – approximately 500 lots per year were created.
- 1999 ATM Article 79: Short Term Rental Impact Fee (defeated).
- 2002 ATM Article 36: Seasonal Vacation Rental Fee (defeated).
- 2009 ATM Article 65: Expansion of Room Occupancy Tax (defeated).
- 2010 ATM Article 66: Expansion of Room Occupancy Tax (defeated).

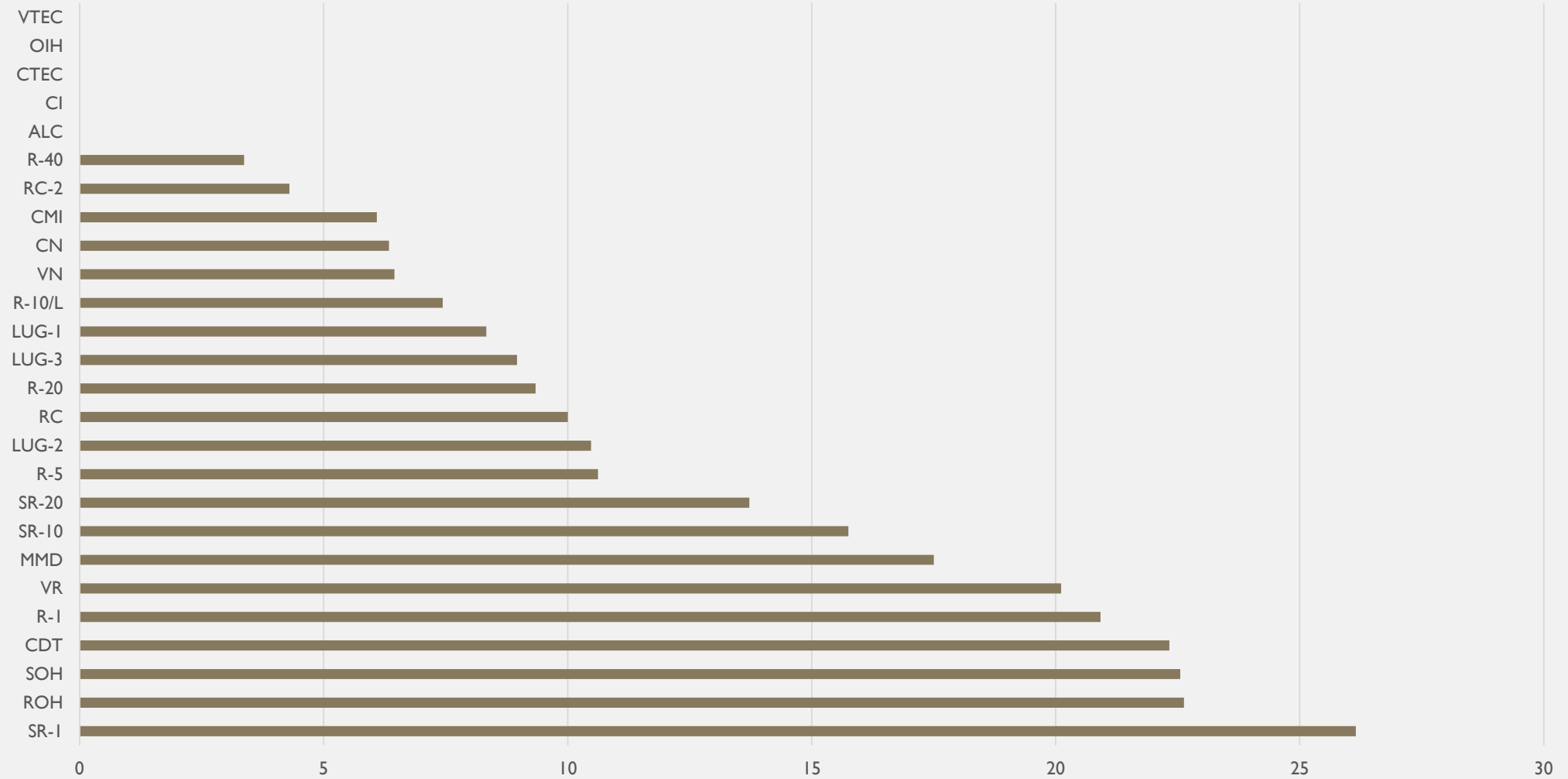
SHORT TERM RENTAL LOCATIONS



TOTAL SHORT TERM RENTALS BY ZONING DISTRICT



PERCENTAGE OF TOTAL BUILDINGS USED FOR SHORT TERM RENTALS IN EACH ZONING DISTRICT



NOISE COMPLAINTS/VIOLATIONS

- 2,241 registered short term rentals on Nantucket
- Data from Nantucket Police Department reviewed by PLUS staff:
May 1, 2020 through October 1, 2020.
 - 557 calls related to noise complaints.
 - 66 addresses registered as short term rentals (11.8% of all violations).
 - 10 addresses with more than one violation (15% of short term rental address violations).
 - 97.1% of short term rentals were not the subject of a noise violation.

LOCAL REGULATION OPTIONS (CHAPTER 337 OF THE ACTS OF 2018, SECTION 14)

- Existence of or location of operators:
 - Regulating the class of operator.
 - Number of days a person may operate in a calendar year.
-
- Licensing or registration different from the State process.
- No outstanding enforcement actions.
- Inspections.
- Penalties for violations.
- Reasonable fee.

BYLAW AMENDMENT WORKING CONCEPT #1

Allow a maximum of one rental lease per lot to be used as a short term rental at any time (example: rent entire property or one dwelling unit). This concept would not prevent year round occupancy of any unit on the property at the same time as a short term rental.

BYLAW AMENDMENT WORKING CONCEPT #2

Prohibit short term rentals
in apartments and in
workforce rental housing
units.

BYLAW AMENDMENT WORKING CONCEPT #3

Allow a maximum number of short term rentals (10?) to be in common ownership before the use is re-classified to a hotel.

BYLAW AMENDMENT WORKING CONCEPT #4

Define short term rental
and allow boarders in
owner occupied dwelling
units.

BYLAW AMENDMENT WORKING CONCEPT #5

Limit the maximum
number of days (120-180?)
available for short term
rental use per calendar
year.

BYLAW AMENDMENT WORKING CONCEPT #6

Develop a registration or licensing process in the General Bylaw for short term rentals. Identify a department to manage the process, including any required inspections or enforcement (similar to a liquor license). Establish a fee.