

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab
Brooke Mohr



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 MARCH 20, 2023 - 4:00 PM REMOTE PARTICIPATION VIA ZOOM NANTUCKET, MASSACHUSETTS

Join Zoom Meeting

<https://us06web.zoom.us/j/83495955662?pwd=SUFYRFZCTVRNTXRIbVpla01ZZDZDQT09>

Meeting ID: 834 9595 5662

Passcode: 650455

- I. JOINT MEETING WITH FINANCE COMMITTEE AND PLANNING BOARD TO REVIEW
FINAL 2023 ANNUAL TOWN MEETING WARRANT WITH MOTIONS.***
- II. ADJOURNMENT***

DRAFT MOTIONS AS OF 03/17/2023

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2023 ANNUAL TOWN MEETING**



**Saturday, May 6, 2023 - 8:30 AM
Nantucket High School
Mary P. Walker Auditorium**

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

SELECT BOARD
Jason M. Bridges, Chair
Dawn Hill Holdgate, Vice Chair
Matthew G. Fee
Malcolm W. MacNab
Brooke Mohr

FINANCE COMMITTEE
Denice Kronau, Chair
Joseph T. Grause, Jr., Vice Chair
Jeremy Bloomer
Christopher A. Glowacki
Stephen Maury
Peter A. McEachern
Joanna Roche
Peter N. Schaeffer
Jill Vieth

PLANNING BOARD
John F. Trudel III, Chair
David Iverson, Vice Chair
Nathaniel Lowell
Barry G. Rector
Joseph Topham

MODERATOR
Sarah F. Alger

AMERICANS WITH DISABILITIES ACT NOTICE

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NOTES:

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

ARTICLE 1
(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2022 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as printed in the Fiscal Year 2022 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

ARTICLE 2
(Appropriation: Unpaid Bills)

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Thirteen Thousand One Hundred Ninety-seven Dollars and Forty-seven Cents (\$13,197.47) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Fifty-five Thousand One Hundred Forty-one Dollars and Seven Cents (\$55,141.07) be appropriated from Retained Earnings of Our Island Home Enterprise Fund to pay Our Island Home Enterprise Fund unpaid bills from prior fiscal years; that Sixteen Thousand Six Hundred Sixteen Dollars and Seventy-six Cents (\$16,616.76) be appropriated from Retained Earnings of the Solid Waste Enterprise Fund to pay Solid Waste Enterprise Fund unpaid bills from prior fiscal years; that Three Hundred Thirty-two Dollars and Eighty-eight Cents (\$332.88) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay Sewer Enterprise Fund unpaid bills from prior fiscal years; that Six Thousand Four Hundred Ninety-five Dollars and Fifty Cents (\$6,495.50) be appropriated from Retained Earnings of the Airport Enterprise Fund to pay Airport Enterprise Fund unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Department of Public Works	Amy Manning	\$ 2,017.50
Department of Public Works	Nantucket Radio	\$ 1,200.00
Department of Public Works	Gloria E Kyburg	\$ 210.00
Department of Public Works	Sarah B Cleaning	\$ 210.00
Department of Public Works	Sarah B Cleaning	\$ 7,000.00
Finance	Boston Globe	\$ 1,471.19
Human Resources	Nantucket Cottage Hospital	\$ 1,034.96
Culture & Tourism	Thrifty Car Rental	\$ 53.82
<u>Subtotal General Fund</u>		<u>\$13,197.47</u>

Our Island Home	Cross Country Staffing	\$ 3,577.50
Our Island Home	Cross Country Staffing	\$ 19,451.26
Our Island Home	Eisenstein Flaherty	\$ 6,500.00
Our Island Home	Eisenstein Flaherty	\$ 5,512.50
Our Island Home	Eisenstein Flaherty	\$ 2,600.00
Our Island Home	Eisenstein Flaherty	\$ 4,100.00
Our Island Home	Eisenstein Flaherty	\$ 691.00
Our Island Home	Fully Managed Inc.	\$ 1,200.00
Our Island Home	Fully Managed Inc.	\$ 1,275.00
Our Island Home	Thrifty Car Rental	\$ 64.41
Our Island Home	Margaret Koehm	\$ 10,000.00
Our Island Home	Nantucket Cottage Hospital	\$ 44.50
Our Island Home	Nantucket Cottage Hospital	\$ 17.30
Our Island Home	Nantucket Cottage Hospital	\$ 16.72
Our Island Home	Nantucket Cottage Hospital	\$ 27.87
Our Island Home	Nantucket Cottage Hospital	\$ 46.19
Our Island Home	Nantucket Cottage Hospital	\$ 16.82
Subtotal OIH Enterprise Fund		\$55,141.07
Solid Waste	ACV Environmental Services	\$ 16,538.00
Solid Waste	Graeme Durovich	\$ 30.24
Solid Waste	Thrifty Car Rental	\$ 48.52
Subtotal Solid Waste Enterprise Fund		\$16,616.76
Sewer	South Shore Generator Service	\$ 332.88
Subtotal Sewer Enterprise Fund		\$ 332.88
Airport	Stanley Access Technologies	\$ 6,495.50
Subtotal Airport Enterprise Fund		\$ 6,495.50

Quantum of vote required for passage of the motion is 4/5

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)

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

<i>DEPARTMENT</i>	<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
DPW	Article 10 of the 2021 Annual Town Meeting (Road Improvements)	Article 10 of the 2020 Annual Town Meeting (Sidewalk Improvements)	\$37,966.19
DPW	Article 10 of the 2021 Annual Town Meeting (Road Improvements)	Article 10 of the 2018 Annual Town Meeting (Surfside Area Roads Reconstruction)	\$471.79
DPW	Article 10 of the 2021 Annual Town Meeting (Multi-use Path Improvements)	Article 10 of the 2016 Annual Town Meeting (In-town Bike Path supplemental funding)	\$93,488.66
DPW	Article 10 of the 2021 Annual Town Meeting (Road Improvements)	Article 10 of the 2018 Annual Town Meeting (Island-wide Road Improvements)	\$10,964.55
DPW	Article 10 of the 2021 Annual Town Meeting (Multi-use Path Improvements)	Article 14 of the 2021 Annual Town Meeting (Nobadeer Fieldhouse Supplemental Funding)	\$8,691.86
Fire	Article 10 of the 2019 Annual Town Meeting (Purchase of New Ambulance)	Article 10 of the 2021 Annual Town Meeting (Purchase of Self-Contained Breathing Apparatus Equipment)	\$3,664.20
School	Article 10 of the 2016 Annual Town Meeting (NHS/CPS Window Repair)	Article 10 of the 2016 Annual Town Meeting (NES HVAC System Upgrade/Repairs)	\$19,084.71
<u>Subtotal General Fund</u>			<u>\$174,331.96</u>
Airport	Article 12 of the 2017 Annual Town Meeting (Renovate Vault Room)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$3,658.21
Airport	Article 12 of the 2016 Annual Town Meeting (Professional Services Associated with Employee Housing Options)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$50,000.00

Airport	Article 12 of the 2016 Annual Town Meeting (Replace Flight Information Display System and Public Address System)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$33,694.82
Airport	Article 12 of the 2017 Annual Town Meeting (ALP (Airport Layout Plan) Update, Safety Management Systems Narrative)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$3,589.02
Airport	Article 14 of the 2015 Annual Town Meeting (Preparation of Environmental Impact Report)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$203,530.08
Airport	Article 20 of the 2019 Annual Town Meeting (Removal of Pipeline Support Piles at Great Harbor Yacht Club)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$12,700.65
Airport	Article 16 of the 2020 Annual Town Meeting (Airport Maintenance and Equipment)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$37,230.86
Airport	Article 20 of the 2019 Annual Town Meeting (Security System upgrades); Article 16 of the 2020 Annual Town Meeting (Essential Warrant Articles) Supplemental Funding to Article 20 of 2018 Annual Town Meeting (Security System Upgrades)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$527,849.25
Airport	Article 20 of the 2019 Annual Town Meeting (Repair and Rehabilitation of Fuel Tank Farm)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$4,982.07

Airport	Article 16 of the 2020 Annual Town Meeting Essential Warrant Articles (Direct Digital Control System for Terminal Geothermal)	Article 22 of the 2022 Annual Town Meeting (Nobadeer Farm Road Housing Development)	\$47,332.76
Airport	Airport Retained Earnings	Article 20 of 2019 Annual Town Meeting (Costs Associated with Resurfacing of Taxiway Echo)	\$815,000
Airport	Airport Retained Earnings	Article 16 of the 2020 Annual Town Meeting (Costs Associated with Groundwater Soil Investigation)	\$2,000,000
Airport	Airport Retained Earnings	Article 16 of the 2021 Annual Town Meeting (Costs Associated with Airport Improvement Projects)	\$1,033,500
Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (Costs Associated with Airport Improvement Projects, including but not limited to, Permitting for Airport Layout Plan, Runway 6/24 Reconstruction, Commuter Apron Reconstruction, Terminal Improvements, Purchase of Airport Rescue and Firefighting Truck, Master Plan Update and all other costs incidental and related thereto)	\$550,000
Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (Costs Associated with Purchase of Maintenance Equipment and Vehicles and all other costs incidental and related thereto)	\$389,000

Airport	Airport Retained Earnings	Article 22 of the 2022 Annual Town Meeting (Costs Associated with IT and Associated Equipment Upgrades and all other costs incidental and related thereto)	\$155,000
Subtotal Airport Enterprise			\$5,867,067.72

ARTICLE 4

(Revolving Accounts: Spending Limits for FY 2024)

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 2024; or take any other action related thereto.

(Select Board)

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

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Select Board	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information.	\$634,500
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of town owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities.	\$100,000
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility.	\$100,000
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications.	\$35,000
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid.	\$207,000

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	\$80,000
Lifeguard Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of lifeguard housing facilities.	\$67,500
Road Repairs	Road opening fees, funds received for Town roadway projects	Town Manager with approval of Select Board	Repairs to Town roads as needed due to road openings/	\$100,000
Public Works Housing*	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of public works housing facilities.	\$75,000
Low Beach Housing	Rental payments	Town Manager with approval of Select Board	Defrayment of maintenance/upkeep of Low Beach housing facilities.	\$67,500
Municipal Aggregation Operational Adder	Operational Adder from the energy aggregation program	Town Manager with approval of Select Board	Rebates for residential solar energy systems and other uses authorized by the Town's Municipal Aggregation Plan.	\$250,000
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel and repairs and maintenance of the Fuel Farm.	\$6,900,000

**Bylaw Amendment in Article 71: Bylaw Amendment: Finances/Rename; Establish Revolving Account*

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 2024; said sum not to exceed five (5) percent of the Fiscal Year 2023 tax levy; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2024 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2024 pursuant to Chapter 40, section 6 of the General Laws.

ARTICLE 6

(Fiscal Year 2023 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2023 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2023 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Police: Salaries	Police: Operating	\$167,250.00
Information Technology: Operating	Information Technology: Salaries	\$13,000.00
Medical Insurance	Town Clerk: Salaries	\$12,500.00
Medical Insurance	PLUS: Salaries	\$197,000.00
Free Cash	PLUS: Operating	\$35,000.00
Medical Insurance	Fire: Salaries	\$296,294.00
Medical Insurance	Marine: Salaries	\$160,000.00
Medical Insurance	Human Resources: Operating	\$130,000.00

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2024)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2024:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$17.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	\$24.00
Dietician/Our Island Home (hourly)	\$43.00
Election Warden (hourly)	\$22.00
Election Worker (hourly)	\$17.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	\$27.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	\$27.00
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)	\$30.00
Our Island Home Ancillary (Per Diem - hourly)	\$22.00
Paramedic, Certified (Per Diem - hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem - hourly)	\$40.00
Registrar of Voters (yearly)	\$600.00

Registrar, Temporary Assistant (hourly)	\$17.00
Reserve Police Officer (hourly)	\$32.00
Student Police Officer (hourly)	\$30.00
Seasonal Assistant Harbormaster (hourly)	\$32.00
Seasonal Lifeguard Supervisor (hourly)	\$32.00
Seasonal Maintenance Supervisor/Public Works (hourly)	\$25.00
Seasonal Health Inspector	\$32.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	\$18.00

*Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective May 6, 2023- June 30, 2024)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$20.00	\$21.00	\$22.00	\$23.50
B-Hourly*	\$21.00	\$22.00	\$23.00	\$24.00
C-Hourly*	\$22.00	\$23.00	\$24.00	\$25.00
D-Hourly*	\$24.00	\$24.50	\$25.00	\$25.50
E-Hourly*	\$25.00	\$26.00	\$27.00	\$28.00

*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
- 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
Select Board Member, Chair	\$5,000/per year
Select Board Members	\$3,500/per year
Town Clerk	\$122,000

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

Or to take any other action related thereto.

(Select Board)

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

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	\$17.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$80.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	\$24.00
Dietician/Our Island Home (hourly)	\$43.00
Election Warden (hourly)	\$22.00
Election Worker (hourly)	\$17.00
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	\$27.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	\$27.00
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)	\$30.00
Our Island Home Ancillary (Per Diem - hourly)	\$22.00
Paramedic, Certified (Per Diem - hourly)	\$32.00
Registered Nurse/Our Island Home (Per Diem - hourly)	\$40.00
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	\$17.00
Reserve Police Officer (hourly)	\$32.00
Student Police Officer (hourly)	\$30.00
Seasonal Assistant Harbormaster (hourly)	\$32.00
Seasonal Lifeguard Supervisor (hourly)	\$32.00
Seasonal Maintenance Supervisor/Public Works (hourly)	\$25.00
Seasonal Health Inspector	\$32.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	\$18.00

Schedule B - Seasonal Employee Compensation Schedule

(Spring, Summer, Fall, Winter/Effective May 6, 2023- June 30, 2024)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$20.00	\$21.00	\$22.00	\$23.50
B-Hourly*	\$21.00	\$22.00	\$23.00	\$24.00
C-Hourly*	\$22.00	\$23.00	\$24.00	\$25.00
D-Hourly*	\$24.00	\$24.50	\$25.00	\$25.50
E-Hourly*	\$25.00	\$26.00	\$27.00	\$28.00

*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
- 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
Select Board Member, Chair	\$5,000/per year
Select Board Members	\$3,500/per year
Town Clerk	\$122,000

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

ARTICLE 8

(Appropriation: Fiscal Year 2024 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 2024; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2024 operating budget is established for the various offices, boards, and commissions of the Town as follows:

Department	Fiscal Year 2024			FY 2023
	Payroll	Operating	Total Budget	Article 8 Total
<i>GENERAL GOVERNMENT</i>				
Finance Committee		\$23,680	\$23,680	\$18,680
Finance & Operations	\$2,145,376	\$550,350	\$2,695,726	\$2,532,709
Human Resources	\$417,390	\$262,700	\$680,090	\$549,860
Information Systems	\$970,966	\$876,261	\$1,847,227	\$1,706,659
Legal		\$401,000	\$401,000	\$401,000
Moderator	\$183	\$1,500	\$1,683	\$1,683
Planning & Land Use Services	\$1,946,060	\$321,100	\$2,267,160	\$2,208,109
Natural Resources	\$1,074,261	\$184,612	\$1,258,873	\$1,163,029
Town Administration	\$1,619,200	\$1,056,376	\$2,675,576	\$2,210,099
Nantucket Housing Office	\$287,085	\$1,397,684	\$1,684,769	\$1,480,127
Town Clerk	\$273,797	\$123,500	\$397,297	\$367,778
<i>Subtotal</i>	\$8,734,319	\$5,198,763	\$13,933,082	\$12,639,733

SAFETY & PROTECTION

Emergency Management		\$8,000	\$8,000	\$8,000
Fire Department	\$3,297,226	\$327,500	\$3,624,726	\$3,280,923
Police Department	\$6,694,902	\$801,500	\$7,496,402	\$7,615,373
Street Lighting		\$265,000	\$265,000	\$165,000
<i>Subtotal</i>	\$9,992,128	\$1,402,000	\$11,394,128	\$11,069,297

MARINE & COASTAL RESOURCES

Marine Dept	\$997,411	\$91,150	\$1,088,561	\$984,978
<i>Subtotal</i>	\$997,411	\$91,150	\$1,088,561	\$984,978

MAINTENANCE

Gas/Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$181,458	\$181,458	\$177,032
Public Buildings		\$1,431,900	\$1,431,900	\$1,271,900
Public Works	\$3,231,208	\$971,900	\$4,203,108	\$3,579,467
Park n Rec	\$161,834	\$622,500	\$784,334	\$351,534
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600
<i>Subtotal</i>	\$3,400,642	\$3,657,758	\$7,058,400	\$5,837,533

HUMAN SERVICES

Health & Human Services	\$1,229,813	\$165,128	\$1,394,941	\$1,432,115
<i>Subtotal</i>	\$1,229,813	\$165,128	\$1,394,941	\$1,432,115

CULTURE & RECREATION

Atheneum		\$804,868	\$804,868	\$785,237
Town Clock		\$4,700	\$4,700	\$4,700
Culture & Tourism	\$326,656	\$164,200	\$490,856	\$482,601
<i>Subtotal</i>	\$326,656	\$973,768	\$1,300,424	\$1,272,538

***CONTRACTUAL
OBLIGATIONS***

	\$455,000		\$455,000	\$455,000
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**TOTAL OF DEPT
OPERATING BUDGETS**

	\$25,135,970	\$11,488,567	\$36,624,536	\$33,691,194
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EDUCATION

Community School	\$600,000		\$600,000	\$550,000
School Department	\$31,096,602	\$6,230,385	\$37,326,987	\$34,426,987
<i>Subtotal</i>	\$31,696,602	\$6,230,385	\$37,926,987	\$34,976,987

GRAND TOTAL OF GEN
GOV'T OPERATING
BUDGETS

\$56,832,572 \$17,718,952 \$74,551,523 \$68,668,181

DEBT SERVICE

Principal & Interest		\$14,422,131	\$14,422,131	\$11,189,470
<i>Subtotal</i>		\$14,422,131	\$14,422,131	\$11,189,470

INSURANCES

Auto Casualty		\$274,561	\$274,561	\$231,697
Blanket Liability		\$3,030,248	\$3,030,248	\$2,557,171
Claims Deductible		\$123,695	\$123,695	\$104,384
Insurance Consulting		\$58,658	\$58,658	\$58,658
Medical Insurance	\$16,335,131		\$16,335,131	\$15,809,865
Life Insurance	\$6,500		\$6,500	\$6,500
Unemployment	\$175,000		\$175,000	\$175,000
Workers Compensation	\$348,270		\$348,270	\$348,270
Laborer's Union Pension	\$75,000		\$75,000	\$75,000
<i>Subtotal</i>	\$16,939,902	\$3,487,161	\$20,427,063	\$19,366,545

ASSESSMENTS

Barnstable Retirement		\$6,834,598	\$6,834,598	\$6,299,169
<i>Subtotal</i>		\$6,834,598	\$6,834,598	\$6,299,169

GRAND TOTAL OF
OPERATING BUDGET

\$73,772,473 \$42,462,842 \$116,235,316 \$105,523,366

And to meet these appropriations, the sum of One Hundred Fourteen Million Six Hundred Five Thousand Eight Hundred Sixteen Dollars (\$114,605,816) be raised and appropriated from the Fiscal Year 2024 tax levy and other general revenues of the Town; and that Seventy Thousand Dollars (\$70,000) be transferred from Sale of Cemetery Lots; and that One Million Five Hundred Fifty-nine Thousand Five Hundred Dollars (\$1,559,500) be transferred from Free Cash in the Treasury of the Town, for one-time and operating expenses that are included in various departmental budgets.

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2024 is Thirty-Seven Million Nine Hundred Twenty-six Thousand Nine Hundred Eighty-seven Dollars (\$37,926,987).

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for

Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Select Board and the respective private, not-for-profit agency for Fiscal Year 2024, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Six Hundred Fifty Thousand Dollars (\$650,000) be raised and appropriated from the Fiscal Year 2024 tax levy and other general revenues of the Town, and One Hundred Seventy-five Thousand Dollars (\$175,000) be transferred from the Special Stabilization Fund for Substance Abuse Efforts for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval of the Select Board, execute grant agreements with the respective agencies for Fiscal Year 2024, which contracts shall stipulate mutually agreed upon terms and conditions, and provided further that the grant to the National Alliance on Mental Illness shall be funded from the Special Stabilization Fund for Substance Abuse Efforts with a condition that the grant funds be expended solely for addiction and mental health treatments services:

<i>AGENCY</i>	<i>AMOUNT</i>
A Safe Place, Inc	\$70,000.00
National Alliance on Mental Illness	\$123,486.00
Elder Services of Cape Cod	\$21,600.00
Health Imperatives	\$187,500.00
Fairwinds - Nantucket's Counseling Center	\$187,500.00
Martha's Vineyard Community Services	\$17,154.00
South Coastal Counties Legal Services, Inc	\$4,600.00
Nantucket Interfaith Council	\$81,000.00
Small Friends on Nantucket	\$20,000.00
Artists Association of Nantucket	\$20,000.00
Sherburne Commons	\$17,160.00
Addiction Solutions of Nantucket	\$75,000.00
<u>TOTAL</u>	<u>\$825,000.00</u>

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 Two and One-half capital outlay exclusion ballot question; or to take any other action related thereto.

(Select Board)

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

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Affordable Housing Trust	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and all other costs incidental and related thereto	Raise and appropriate \$1,013,044 from the Fiscal Year 2024 tax levy and other general revenues of the Town	\$1,013,044
Affordable Housing Trust	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the	Authorize the Treasurer, with the approval of the Select Board, to borrow \$4,000,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$4,000,000

	Town's Affordable Housing Trust, and all other costs incidental and related thereto		
Fire	Costs associated with the purchase of trench and technical rescue equipment	Raise and appropriate \$375,000 from the Fiscal Year 2024 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$375,000
Fire	Costs associated with the replacement of Engine 1	Authorize the Treasurer, with the approval of the Select Board, to borrow \$850,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$850,000
Fire	Costs associated with the replacement of (1) staff vehicle	Raise and appropriate \$80,000 from the Fiscal Year 2024 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$80,000
IS GIS	Costs associated with the replacement and/or repair of network infrastructure and related equipment	Transfer \$50,000 from Free Cash into the Treasury of the Town	\$50,000
IS GIS	Costs associated with the replacement of Town computers, printers and associated equipment	Transfer \$69,000 from Free Cash into the Treasury of the Town	\$69,000
Natural Resources	Costs associated with	Transfer \$100,000 from	\$100,000

	updating and implementing the Nantucket and Madaket Harbors Action Plan	Free Cash into the Treasury of the Town	
Natural Resources	Costs associated with developing a baseline environmental data collection program	Raise and appropriate \$500,000 from the Fiscal Year 2024 tax levy and other general revenues of the Town	\$500,000
Natural Resources	Costs associated with the permitting, planning and dredging of Polpis and Madaket Harbors	Transfer \$555,000 from Free Cash into the Treasury of the Town	\$555,000
Public Works/ Facilities	Costs associated with the purchase and installation of security cameras and lighting at various locations	Raise and appropriate \$70,000 from the Fiscal Year 2024 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$70,000
Public Works/ Transportation	Costs associated with annual multi-use path maintenance and repair	Transfer \$1,000,000 from Free Cash into the Treasury of the Town	\$1,000,000
Public Works/ Transportation	Costs associated with annual cobblestone street improvements and maintenance	Transfer \$550,000 from Free Cash into the Treasury of the Town	\$550,000
Public Works/ Transportation	Costs associated with annual sidewalk improvements, repairs and maintenance and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,125,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$1,125,000
Public Works/ Transportation	Costs associated with annual Island-wide road improvements, repairs and maintenance	Transfer \$2,000,000 from Free Cash into the Treasury of the Town	\$2,000,000
Public Works/ Transportation	Costs associated with the replacement of fuel tank at DPW facility	Raise and appropriate \$375,000 from the Fiscal Year 2024 tax levy and other general revenues of	\$375,000

		the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	
School	Costs associated with upgrades, repairs and replacement of IT infrastructure	Raise and appropriate \$350,000 from the Fiscal Year 2024 tax levy and other general revenues of the Town	\$350,000
School	Costs associated with the replacement of grounds equipment	Raise and appropriate \$70,000 from the Fiscal Year 2024 tax levy and other general revenues of the Town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$70,000
School	Costs associated with school building improvements	Raise and appropriate \$350,000 from the Fiscal Year 2024 tax levy and other general revenues of the Town	\$350,000
School	Costs associated with 24 Surfside Road property upgrades	Transfer \$1,650,000 from Free Cash into the Treasury of the Town	\$1,650,000
Town Admin	Costs associated with the structural sustainability of Millie's Bridge, including the costs of dune restoration and maintenance and monitoring existing bridge	Transfer \$1,000,000 from Free Cash into the Treasury of the Town	\$1,000,000
Town Admin	Costs associated with continued implementation of Town-wide document management system	Transfer \$500,000 from Free Cash into the Treasury of the Town	\$500,000
Town Admin	Costs associated with the purchase and	Transfer \$100,000 from Free Cash into the	\$100,000

	installation of (8) EV charging stations	Treasury of the Town	
Town Admin	Costs associated with coastal resiliency planning	Transfer \$1,000,000 from Free Cash into the Treasury of the Town	\$1,000,000
TOTAL			\$17,732,044

And, to meet this appropriation that Eight Million Five Hundred Seventy-four Thousand Dollars (\$8,574,000) be transferred from Free Cash in the Treasury of the Town so specified; that Two Million Two Hundred Thirteen Thousand Forty-four Dollars (\$2,213,044) be raised and appropriated from the FY 2024 tax levy; that Nine Hundred Seventy Thousand Dollars (\$970,000) be raised and appropriated from the FY 2024 tax levy, provided that the appropriation shall be contingent on the passage of a Proposition Two and One-half capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); and that the Treasurer, with the approval of the Select Board be authorized to borrow Four Million Dollars (\$4,000,000) for the Affordable Housing Trust; Eight Hundred Fifty Thousand Dollars (\$850,000) for the replacement of Engine 1; and One Million One Hundred Twenty-five Thousand Dollars (\$1,125,000) for costs associated with the continuation of annual sidewalk improvements; with all borrowings to be done under and pursuant to General Laws Ch. 44, sec. 7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor.

All of these sources totaling Seventeen Million Seven Hundred Thirty-two Thousand Forty-four Dollars (\$17,732,044).

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

ARTICLE 11

(Supplemental Appropriation: Surfside Area Roads Reconstruction and Transportation Improvements)

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 in the Surfside area on Lover's Lane, Monohansett Road and Okorwaw Avenue, 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 Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Thirteen Million Dollars (\$13,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to make various transportation-related improvements in the Surfside area on Lover's Lane, Monohansett Road and Okorwaw Avenue, including the costs of professional services for design, permitting, engineering,

construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet the appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 12

(Supplemental Appropriation: Town Pier Improvements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making improvements to the Town Pier located at 34 Washington Street, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Two Million Five Hundred Eighty Thousand Dollars (\$2,580,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to make improvements to the Town Pier located 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; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority.

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

ARTICLE 13

(Supplemental Appropriation: Landfill Closure Costs)

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 paying costs associated with the closure and capping of landfill cells 1A, 1B, and 1C, and partial closure of cells 2A and 2B at the Town of Nantucket Landfill located at 188 Madaket 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 Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Five Million Dollars (\$5,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to pay costs associated with the closure and capping of lined landfill cells 1A, 1B, and 1C, and partial closure of cells 2A and 2B at the Town of Nantucket Landfill located at 188 Madaket Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 14

(Supplemental Appropriation: Wauwinet Road Shared Use Path)

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 for the construction of a shared use path along Wauwinet 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 Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Four Million Six Hundred Thousand One Hundred Dollars (\$4,600,100) to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to make various transportation-related improvements for the construction of a shared use path along Wauwinet Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 15

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

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Three Million Eight Hundred Thousand Dollars (\$3,800,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of making improvements to the Nobadeer Playing Fields complex including the addition of one (1) natural grass field and the renovation of the two (2) existing grass fields, parking and site enhancements, the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

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

ARTICLE 16

(Supplemental Appropriation: Miacomet Pond Dredging)

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 dredging Miacomet Pond, 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 Two and One-half debt exclusion vote; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Four Million Dollars (\$4,000,000) to be spent by the Town Manager with the approval of the Select Board,

for the purpose of supplemental funding to dredge Miacomet Pond, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority.

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

ARTICLE 17

(Amend Description of Public Works Facility Improvements Design Location)

To see if the Town will vote to amend the vote taken under Article 16 of the 2018 Annual Town Meeting (Appropriation: Public Works Facility Improvements - Design) so that the location "10 Sun Island Road" is added to the description of the project as follows (*NOTE: new language is shown as highlighted text*):

"To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of design improvements to the Department of Public Works facility at 188 Madaket Road and/or 10 Sun Island Road, 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)

FINANCE COMMITTEE MOTION: Moved that the vote taken under Article 16 of the 2018 Annual Town Meeting (Appropriation: Public Works Facility Improvements - Design) is hereby amended so that the location "10 Sun Island Road" is added to the description of the project as follows (*NOTE: new language is shown as highlighted text*):

"To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of design improvements to the Department of Public Works facility at 188 Madaket Road and/or 10 Sun Island Road, 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 Two and One-Half debt exclusion vote; or to take any other action related thereto."

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

ARTICLE 18

(Appropriation: Affordable Housing Trust 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 supporting the Affordable Housing Trust Fund in the Town of Nantucket for Fiscal Year 2024; provided such appropriation shall be contingent on the passage of a Proposition Two and One-half override ballot question; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, the sum of Six Million Five Hundred Thousand Dollars (\$6,500,000) for the purposes of supporting the Affordable Housing Trust Fund in the Town of Nantucket for Fiscal Year 2024; provided such appropriation shall be contingent on the passage of a Proposition Two and One-half override ballot question.

ARTICLE 19

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

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

(Select Board for Board of Health)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Two Million Dollars (\$2,000,000) for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 29C, or any other enabling authority.

The quantum of vote for passage of this motion is 2/3.

ARTICLE 20

(Establish and Appropriate: Storm Water Enterprise Fund)

To see if the Town of Nantucket will accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing Storm Water as an enterprise fund effective July 1, 2023 for the Fiscal Year 2024 and 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 Storm Water Enterprise Fund of the Town of Nantucket for Fiscal Year 2024, or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing Storm Water as an enterprise fund effective July 1, 2023, for the Fiscal Year 2024 and to raise and appropriate the sum of Five Hundred Thousand Dollars (\$500,000) from Fiscal Year 2024 Tax Levy and Other General Revenues, for the operation of the Storm Water Enterprise Fund of the Town of Nantucket for Fiscal Year 2024.

ARTICLE 21

(Appropriation: Fiscal Year 2024 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 2024, 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 operations of the Solid Waste Enterprise Fund for Fiscal Year 2024 shall be contingent on the passage of a Proposition Two and One-half override ballot question; or to take any other action related thereto.

(Select Board for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2024 operating budgets be approved for the Enterprise Funds, with the Airport appropriation to be expended through the Nantucket Airport Commission; with the Nantucket Water Department Enterprise Fund to be expended through the Nantucket Water Commission; the remaining appropriations to be spent through the Select Board; provided that the Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000) to be raised on the Fiscal Year 2024 tax levy to support the Solid Waste Enterprise Fund, shall be contingent on the passage of a Proposition Two and One-half override:

FUND	FY2024 PAYROLL	FY2024 EXPENSES	FY2024 TOTAL BUDGET	FY2023 BUDGET
Airport	\$6,045,450	\$5,620,905	\$11,666,355	\$10,802,600
Our Island Home	\$6,708,597	\$2,864,348	\$9,572,945	\$9,401,594
Sewer	\$2,797,754	\$10,201,811	\$12,999,565	\$10,228,406
Solid Waste	\$585,245	\$14,152,222	\$14,737,466	\$13,284,048
Nantucket Water Department	\$2,246,996	\$5,623,014	\$7,870,011	\$6,974,186
Total	\$18,384,042	\$38,462,300	\$56,846,342	\$50,690,835

Further, that the above appropriations be funded as follows:

FUND	FUNDING SOURCE	AMOUNT
Airport	FY24 Anticipated Revenue	\$11,266,355
Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Our Island Home	FY24 Anticipated Revenue	\$4,319,820
Our Island Home	FY24 Tax Levy and Other General Revenues	\$5,253,125
Sewer	FY24 Anticipated Revenue	\$12,864,552
Sewer	Retained Earnings	\$135,012
Solid Waste	FY24 Anticipated Revenue	\$4,155,256

Solid Waste	FY24 Tax Levy and Other General Revenues	\$6,832,210
Solid Waste	FY24 Tax Levy and Other General Revenues Override	\$3,750,000
Nantucket Water Department	FY24 Anticipated Revenue	\$7,870,011

FINANCE COMMITTEE COMMENT: The Finance Committee supports the Proposition Two and One-half override to cover the revenue shortfall at Solid Waste. Voters should note that the proposed appropriation of \$3,750,000 for Solid Waste is unique in three respects:

- 1) it explicitly funds Solid Waste from the Town's General Fund Budget,
- 2) it requires additional voter approval at the May 23, 2023 election and,
- 3) if the override succeeds, the Town's ability to raise revenue is permanent.

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)

FINANCE COMMITTEE MOTION: Moved that the following capital expenditures be appropriated for the Enterprise Fund departments with the Airport appropriations to be expended through the Airport Commission; the Sewer Enterprise, Solid Waste Enterprise and Our Island Home Enterprise Fund appropriations to be expended by the Town Manager with the approval of the Select Board/Board of Public Works/Sewer Commissioners; the Water Department Enterprise Fund appropriation to be expended through the Nantucket Board of Water Commissioners:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
Airport	Costs associated with the construction of employee housing on Nobadeer Farm Road and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$3,885,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$3,885,000
Airport	Costs associated with airfield paint, beads & rubber markings removal and all other	Authorize the Treasurer, with the approval of the Select Board to borrow \$503,500 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue	\$503,500

	costs incidental and related thereto	bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	
Airport	Costs associated with Airport terminal improvements, including but not limited to, secure baggage claim, new hold room, secure flight ticket lobby, outbound baggage and air traffic ticket lobby and all other costs incidental and related thereto (Supplemental Funding)	Authorize the Treasurer, with the approval of the Select Board to borrow \$9,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$9,000,000
Airport	Costs associated with the construction of Runway 24 high speed exit taxiway, including demolition and construction of perimeter security fencing and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$5,040,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$5,040,000
Airport	Costs associated with South Apron Expansion, including but not limited to, the demolition and construction of perimeter security fencing and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$22,680,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and	\$22,680,000

	(Supplemental Funding)	other available funds of the Airport	
Airport	Costs associated with perimeter road and fence relocation and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$1,000,000
Airport	Costs associated with the exterior repainting of the Jet A Tank and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$96,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$96,000
Airport	Costs associated with the replacement of Truck 15, repainting parking lot and replacing luggage carts and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$110,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$110,000

Airport	Costs associated with the replacement of (1) lekto tug and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$384,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$384,000
Airport	Costs associated with the purchase of ARFF tools and equipment and PFAS decontamination and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$392,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$392,000
Subtotal of Airport Enterprise Fund			\$43,090,500
Our Island Home	Costs associated with the replacement of (1) van	Transfer \$197,000 from Certified Retained Earnings in the Our Island Home Enterprise Fund	\$197,000
Subtotal of Our Island Home Enterprise Fund			\$197,000
Sewer	Costs associated with Capacity, Management, Operations and Maintenance (CMOM) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$2,000,000

Sewer	Costs associated with upgrades to Surfside Wastewater Treatment Facility and all other costs incidental and related thereto (Supplemental Funding)	Authorize the Treasurer, with the approval of the Select Board to borrow \$7,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$7,000,000
Sewer	Costs associated with the replacement of one (1) dump truck with plow	Transfer \$115,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$115,000
Sewer	Costs associated with the replacement of one (1) pickup truck with plow	Transfer \$85,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$85,000
Sewer	Costs associated with the replacement of one (1) utility truck with crane	Transfer \$200,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$200,000
Subtotal of Sewer Enterprise Fund			\$9,400,000
Solid Waste	Costs associated with the purchase of a third baler	Transfer \$380,000 from Free Cash into the Treasury of the town	\$380,000
Solid Waste	Costs associated with the purchase of a second scale	Transfer \$210,000 from Free Cash into the Treasury of the town	\$210,000
Solid Waste	Costs associated with paving and stormwater improvements	Transfer \$500,000 from Free Cash into the Treasury of the town	\$500,000
Solid Waste	Costs associated with the Financial Assurance Mechanism for closure of landfill cells 2 and 3 at the Solid Waste Facility located at 188 Madaket	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,675,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal	\$2,675,000

	Road and all other costs incidental and related thereto	and interest thereon shall be repaid from Solid Waste Enterprise Fund revenues, state or federal grants, and other available funds of the Solid Waste Enterprise Fund	
Subtotal of Solid Waste Enterprise Fund			\$3,765,000
Stormwater	Costs associated with island-wide drainage improvements and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,100,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Stormwater Enterprise Fund revenues, state or federal grants, and other available funds of the Stormwater Enterprise Fund	\$1,100,000
Stormwater	Costs associated with Capacity, Management, Operations and Maintenance (CMOM) and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Stormwater Enterprise Fund revenues, state or federal grants, and other available funds of the Stormwater Enterprise Fund	\$2,000,000
Subtotal of Stormwater Enterprise Fund			\$3,100,000
Water	Costs associated with lead service replacement program and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,175,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Water Enterprise Fund revenues, state or federal grants, and other available funds of the Water Enterprise Fund	\$1,175,000

Water	Costs associated with re-coating of (3) water tanks and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,245,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Water Enterprise Fund revenues, state or federal grants, and other available funds of the Water Enterprise Fund	\$2,242,500
Water	Costs associated with the purchase or relocation of employee housing at 43 Polpis Rd and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Water Enterprise Fund revenues, state or federal grants, and other available funds of the Water Enterprise Fund	\$2,000,000
Water	Costs associated with the construction of a pipe and equipment storage building and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$950,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Water Enterprise Fund revenues, state or federal grants, and other available funds of the Water Enterprise Fund	\$950,000
Subtotal of Water Enterprise Fund			\$6,367,500
<i>Total of all Enterprise Funds</i>			<i>\$65,920,000</i>

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

ARTICLE 23

(Enterprise Funds: Fiscal Year 2023 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2023 Enterprise Fund operating budgets from other line items of said budgets

and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Select Board)

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

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Our Island Home: Salaries	Our Island Home: Operating	\$1,472,000
Airport Retained Earnings	Airport Enterprise Fund: Operating	\$2,000,000
Airport Retained Earnings	Airport Enterprise Fund: Salaries	\$100,000
Airport Stabilization Fund	Airport Enterprise Fund: Salaries	\$100,000

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Sixty-seven Thousand Dollars (\$367,000) be appropriated from the Waterways Improvement Fund for the purpose of (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

ARTICLE 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)

FINANCE COMMITTEE MOTION: Moved that Eight Hundred Six Thousand Six Hundred Sixty-nine Dollars (\$806,669) be appropriated 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.

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)

FINANCE COMMITTEE MOTION: Moved that Two Hundred Thousand Dollars (\$200,000) be appropriated from the Ferry Embarkation Fee Fund for the purpose of public safety protection, emergency services, and any other purpose allowed by applicable law.

ARTICLE 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 2024, 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-nine Thousand Seventy-five Dollars (\$179,075) or to take any other action related thereto.

(Select Board/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that One Hundred Seventy-nine Thousand Seventy-five Dollars (\$179,075) be raised and appropriated from the Fiscal Year 2024 tax levy and other general revenues of the Town to fund the Fiscal Year 2024 county assessment.

ARTICLE 28

(Appropriation: Finalizing Fiscal Year 2024 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 2024 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)

NANCE COMMITTEE MOTION: Moved to take no action on the Article

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)

FINANCE COMMITTEE MOTION: Moved that the unused borrowing authority for the following projects be rescinded:

Department	Item	Article/Town Meeting	Amount to be Rescinded
Airport	Airport Rescue and Firefighting Vehicle Replacement	Article 12/ATM 2014	\$2,432.00
Airport	Taxiway Echo Resurfacing	Article 20/ATM 2019	\$13,600,000.00
Airport	Security Systems Upgrades	Article 20/ATM 2019	\$93,000.00
Airport	Security Systems Upgrades	Article 16/ATM 2020	\$2,530,250.00
Airport	Terminal Geothermal Digital Control	Article 16/ATM 2020	\$206,000.00
Airport	Fuel Tank Farm Improvement	Article 16/ATM 2020	\$500,000.00
Airport	Airport Maintenance and Equipment	Article 16/ATM 2021	\$315,000.00
Airport	Fuel Tank Farm Improvement	Article 16/ATM 2021	\$300,000.00
Airport	Airport Bus and Turnout Gear	Article 16/ATM 2021	\$154,000.00
Airport	Airport Maintenance Equipment & Vehicles	Article 22/ATM 2022	\$389,000.00
Airport	IT Costs & Equipment Upgrades	Article 22/ATM 2022	\$155,000.00
Airport	Gate 8/Hangar 8 Paving	Article 22/ATM 2022	\$350,000.00
Airport	Terminal Geothermal System - Direct Digital Control System	Article 22/ATM 2022	\$364,000.00

Sewer	National Grid L8 Feeder Project Sewer Main Replacements	Article 20/ATM 2019	\$6,500,000.00
Sewer	National Grid L8 Feeder Project Sewer Main Replacements	Article 12/ATM 2018	\$1,035,000.00
Sewer	'Sconset WWTF Repair	Article 12/ATM 2016	\$665,000.00
Sewer	SSWTF Security Fence	Article 20/ATM 2019	\$150,000.00
Sewer	WWCO Sewer Mains Phase 1	Article 12/ATM 2018	\$2,524,413.00
Sewer	Force Mains Assessment	Article 12/ATM 2017	\$500,000.00
Sewer	Nantucket Harbor Shimmo/Sewer Infill	Article 18/ATM 2016	\$20,166,341.00
Sewer	Water Line Extension to SSWWTF	Article 12/ATM 2017	\$250,000.00
Water	Admin & OPS Facilities Replacement	Article 14/ATM 2015	\$188,000.00

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 2024.

Or, to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from the Fiscal Year 2024 tax levy and other general revenues of the Town to be deposited by the Treasurer into the Other Post-Employment Benefits Trust Fund.

ARTICLE 31

(Appropriation: Fiscal Year 2024 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 2024; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Twenty-five Thousand Dollars (\$25,000) be transferred from the Overlay Surplus Account for the purpose of supporting the Senior Work-off program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2024.

ARTICLE 32

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

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

(Select Board for Airport Commission)

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

ARTICLE 33

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

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

(Select Board)

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

ARTICLE 34

(Appropriation: Fiscal Year 2024 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2024 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year:

Purpose	Amount
<u>Historic Preservation</u>	
Landmark House - Nantucket Community Service Inc. To remove and restore all roof shingles on the edge of the older building as well as the entire Grossman wing and to install a copper drip edge, water barrier using Architectural shingles.	\$58,000

Nantucket Island School of Design & the Arts, Grant V Heifer Project, Phase 3, the Heifer Barn Exterior and Silo connector Building restoration to satisfy the Nantucket Preservation Trust Deed Restriction on NISDA's Seaview Farm property at 23/25 Wauwinet Road. The funds will be used to restore the required architectural details to return the Barn to its original historic profile. Funds will specifically be used for permitting and legal expenses, surveying, Conservation Commission requirements, structural engineering, site plans and drawings.	\$367,300
Nantucket Historical Association To restore the Research Library at 7 Fair Street taking the following steps, Installation of new boilers, new condenser, update sewer connection, HDC and building Department permits, ICC-ICR conservation plan, Architect's plans, new draining system, Comcast and sprinkler system relocations, concrete restoration, window restoration and finish carpentry, new HVAC controls, Fire suppression for the vault, roofing and relocation of the electrical lines. The CPC request is for the highlighted items as the NHA will fund the other items.	\$609,713
St. Paul's Church, Nantucket Restoration of the Tower, final phase, and the main entrance of the Church. This project addresses the structural bulging on the upper north façade of the tower, internal shoring needs, replacement of tower adjacent roof flashing, and restoration of the main external and internal entryway of the church, The entryway, much the way it appeared at the completion of the building in its 1901 initial construction, represents the ground floor of the tower and the primary access to the interior. Using third party preservation experts, the total budget, \$1,220,793 with the request to the CPC for \$850,000.	\$850,000
The Hospital Thrift Shop This is the continuing effort to restore this building in stages. This part of the project includes the removal of the treatment in front of the building to the rubble, plaster under the stairs, and replacing the cobble foundation, restore the wood flooring in the attic, with the major work being the restoration of the interior plaster walls and the repainting with paint to recreate the original painting done on the walls.	\$30,390
Egan Maritime Institute This is their Nantucket Maritime Collections Preservation Project whose request is for funding to acquire the equipment and the related expenses to begin digitizing the Egan Foundation and its Nantucket Shipwreck Life Saving	

Museum's collection of art and artifacts. Their total budget is \$272, 013 of which their CPC request is \$16,466.	\$16,466
Sub-total	\$1,931,869
\$5,432 of the funds to be used in this category are from the designated 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 year round working families. Request is recommended after discussion at the hearing.	\$315,000
Town of Nantucket Fourth allocation of 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 Fifth allocation of 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 Second allocation of 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
Town of Nantucket Third allocation of 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	\$1,715,000
\$91.50 of the funds utilized in this category are from the designated 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>	
As there were no applications in this category, 10 percent of the funds will be put into the Open Space reserves	\$382,887
Sub-total	\$382,887
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$182,000
Sub-total	\$182,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$4,211,756</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2022 Community Preservation Surcharge	\$2,584.973
From State matching funds for FY 2024, to be received in 2023	\$800,000
From Interest	\$20,000
From designated reserves for Historic Preservation	\$5,432
From designated reserves for Community Housing	\$91.50
From Undesignated Reserves	\$801,259.50

<u>Total Revenues</u>	<u>\$4,211,756</u>
For fiscal year 2024 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.	

Or, to take any other action relative thereto.

(Select Board for Community Preservation Committee)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2024 revenues or other available funds as indicated herein, for the administrative and operating expenses of the Community Preservation Committee, the undertaking of community preservation projects and all other necessary and proper expenses, for Fiscal Year 2024 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicating additions/modifications:

Purpose	Amount
<u>Historic Preservation</u>	
Landmark House - Nantucket Community Service Inc. To remove and restore all roof shingles on the edge of the older building as well as the entire Grossman wing and to install a copper drip edge, water barrier using architectural shingles.	\$58,000
Nantucket Island School of Design & the Arts, Grant V Heifer Project, Phase 3, the Heifer Barn Exterior and Silo connector building restoration to satisfy the Nantucket Preservation Trust Deed Restriction on NISDA's Seaview Farm property at 23/25 Wauwinet Road. The funds will be used to restore the required architectural details to return the Barn to its original historic profile. Funds will specifically be used for permitting and legal expenses, surveying, Conservation Commission requirements, structural engineering, site plans and drawings.	\$367,300
Nantucket Historical Association	

To restore the Research Library at 7 Fair Street including but not limited to: installation of new boilers, new condenser, update sewer connection, HDC and Building Department permits, ICC-ICR conservation plan, Architect's plans, new draining system, Comcast and sprinkler system relocations, concrete restoration, window restoration and finish carpentry, new HVAC controls, fire suppression for the vault, roofing and relocation of the electrical lines.	\$609,713
St. Paul's Church, Nantucket Restoration of the tower, final phase, and the main entrance of the Church. This project addresses the structural bulging on the upper north façade of the tower, internal shoring needs, replacement of tower adjacent roof flashing, and restoration of the main external and internal entryway of the church. The entryway, much the way it appeared at the completion of the building in its 1901 initial construction, represents the ground floor of the tower and the primary access to the interior. Using third party preservation experts, the total budget, \$1,220,793 with the request to the CPC for \$850,000.	\$850,000
The Hospital Thrift Shop This is the continuing effort to restore this building in stages. This part of the project includes the removal of the treatment in front of the building to the rubble, plaster under the stairs, and replacing the cobble foundation, restore the wood flooring in the attic, with the major work being the restoration of the interior plaster walls and the repainting with paint to recreate the original painting done on the walls.	\$30,390
Egan Maritime Institute This is their Nantucket Maritime Collections Preservation Project whose request is for funding to acquire the equipment and the related expenses to begin digitizing the Egan Foundation and its Nantucket Shipwreck Life Saving Museum's collection of art and artifacts. Their total budget is \$272, 013 of which their CPC request is \$16,466.	\$16,466
Sub-total	\$1,931,869
\$5,432 of the funds to be used in this category are from the designated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Community Housing</u>	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental	

assistance to low and moderate-income Nantucket year-round working families.	\$315,000
Town of Nantucket Fourth allocation of funds to pay the interest and principal of the Five Million Dollar (\$5,000,000) Bond authorized at the 2019 Annual 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 Fifth allocation of funds to pay the interest and principal of the Five Million Dollar (\$5,000,000) Bond authorized at the 2019 Annual 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 Second allocation of funds to pay interest and principal of the Five Million Dollar (\$5,000,000) Bond authorized at the 2022 Annual 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 Third allocation of funds to pay interest and principal of the Five Million Dollar (\$5,000,000) Bond authorized at the 2022 Annual Town Meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$1,715,000
\$91.50 of the funds utilized in this category are from the designated 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>	
As there were no applications in this category, 10 percent of the funds will be put into the Open Space reserves	\$382,887
Sub-total	\$382,887

All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$182,000
Sub-total	\$182,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$4,211,756</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2022 Community Preservation Surcharge	\$2,584.973
From State matching funds for FY 2024, to be received in 2023	\$800,000
From Interest	\$20,000
From designated reserves for Historic Preservation	\$5,432
From designated reserves for Community Housing	\$91.50
From Undesignated Reserves	\$801,259.50
<u>Total Revenues</u>	<u>\$4,211,756</u>
For fiscal year 2024 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.	
Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

ARTICLE 35

(Affordable and Year-round Housing Stabilization Fund)

To see if the Town will vote to dedicate, without further appropriation, into a special purpose Affordable and Year-Round Housing Stabilization Fund, created herein in accordance with M.G.L., Chapter 40, Section 5B, which was accepted by the Town at the 2017 Annual Town Meeting, for the purpose of meeting affordable and year-round housing needs, two-thirds (2/3) of the local option rooms excise tax that the Town receives on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, pursuant to its acceptance of M.G.L., Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in fiscal year 2025;

or take other action with regard thereto.

(Arthur I. Reade, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 36

(Appropriation: Independent HDC Administrator)

To see if the Town will vote to direct Town Administration and the Select Board to reestablish and fill the position of Historic District Commission (HDC) Administrator, supporting the activities of the HDC, beginning in Fiscal Year 2023-2024.

The HDC Administrator will be appointed by the Town Manager pursuant to Section 4-4(b) of the Town Charter. The HDC Administrator shall be an independent, dedicated administrator responsible for the efficient operation and management of activity under the jurisdiction of the Nantucket Historic District Commission.

The HDC Administrator shall be an individual qualified with specific expertise relevant to the work of the HDC, including architectural and or structural design. The HDC administrator shall have the experience required to perform the duties of his or her office.

The HDC Administrator salary and benefits shall be determined by the 2024 wage scale of the Town of Nantucket; and further to raise and appropriate or transfer from available funds a sum of money to fund the position for Fiscal Year 2023-2024,

; or otherwise act thereon.

(Diane W. B. Coombs, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 37

(Zoning Bylaw Amendment: Animal Hospital and Animal Shelter)

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 (definitions) by adding the following new definitions, in alphabetical order with the existing definitions:

ANIMAL HOSPITAL

A facility maintained by and for the use of a licensed veterinarian for the observation, care, and treatment of domestic animals. An animal hospital may include the kenneling of animals for medical services only.

ANIMAL SHELTER

A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by non-profit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals. An animal shelter, may, as an accessory use, provide kenneling services to the public and medical care to animals.

2. Amend section 7A (Use chart) as follows:

- Insert a new row entitled “Animal hospital” between “Kennel” and “Public stable”. “Animal hospital” shall be a use allowed by special permit in all districts.
- Insert a new row entitled “Animal shelter” between “Animal hospital” and “Public stable”. “Animal shelter” shall be a use allowed by special permit in all districts.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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) by adding the following new definitions, in alphabetical order with the existing definitions:

ANIMAL HOSPITAL

A facility maintained by and for the use of a licensed veterinarian for the observation, care, and treatment of domestic animals. An animal hospital may include the kenneling of animals for medical services only.

ANIMAL SHELTER

A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by non-profit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals. An animal shelter, may, as an accessory use, provide kenneling services to the public and medical care to animals.

2. Amend section 7A (Use chart) as follows:

- Insert a new row entitled “Animal hospital” between “Kennel” and “Public stable”. “Animal hospital” shall be a use allowed by special permit in all districts.
- Insert a new row entitled “Animal shelter” between “Animal hospital” and “Public stable”. “Animal shelter” shall be a use allowed by special permit in all districts.

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

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

ARTICLE 38

(Zoning Bylaw Amendment: Ground Cover - Sheds)

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):*

GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, generators and generator enclosures, mechanical and utility equipment, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and one or more detached sheds not exceeding an aggregate 200 square feet in ground cover, and none taller than 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation(s).

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 2A, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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):*

GROUND COVER

The horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding, for instance, tents, retaining walls, substantially below grade finished or unfinished space, exterior insulation, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, generators and generator enclosures, mechanical and utility equipment, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins, and one or more detached sheds not exceeding an aggregate 200 square feet in ground cover, and none taller than 16 feet in height, as measured from the top of the slab, pier, or crawl space foundation(s).

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

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

ARTICLE 39

(Zoning Bylaw Amendment: Swimming Pool - Residential, Hot-tub Spa, Residential Recreational Outdoor Water Feature)

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 (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 less than 150 square feet of water surface area. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.~~

SWIMMING POOL – RESIDENTIAL RECREATIONAL OUTDOOR WATER FEATURE

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 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~~ **residential recreational outdoor water feature** 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.

Three (3) types of residential recreational outdoor water features may be permitted:

1. Hot tub/spa: a structure containing less than 75 square feet of surface area designed to be heated and containing seats/benches and jets.
2. Small swimming pool: a structure containing 150 square feet or less of surface area. May be designed to be heated and may contain seat/benches, jets, or other features, but not including a diving board, slide, or the like.
3. Large swimming pool: a structure containing more than 150 square feet of surface area. May include any feature, including a built-in hot tub/spa.

(1) 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 **small or large 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.

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

2. Amend section 7A (Use Chart) by deleting in its entirety the row entitled "Swimming pool - residential" and replacing it with the following:

"Residential recreational outdoor water feature" which shall have three (3) subsets: Hot tub/spa, Small swimming pool, and Large swimming pool. Hot tub/spa shall be allowed as an accessory use in all zoning districts except for VR and MMD where it may be allowed by Special Permit, and ROH/SOH and CI, where it shall be prohibited. Small swimming pool shall be allowed as an accessory use in all zoning districts except for VR and MMD where it may be allowed by Special Permit, and ROH/SOH and CI, where it shall be prohibited. Large swimming pool shall be allowed as an accessory use in all zoning districts except for VR and MMD where it may be allowed by Special Permit, and ROH/SOH and CI, where it shall be prohibited.

3. Amend section 7A (Use Chart) by deleting in its entirety the existing row following "Swimming Pool - Residential" entitled "Hot Tub/Spa".

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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:

~~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 less than 150 square feet of water surface area. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.~~

SWIMMING POOL—RESIDENTIAL RECREATIONAL OUTDOOR WATER FEATURE

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 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 residential recreational outdoor water feature 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.

Three (3) types of residential recreational outdoor water features may be permitted:

1. Hot tub/spa: a structure containing less than 75 square feet of surface area designed to be heated and containing seats/benches and jets.
2. Small swimming pool: a structure containing 150 square feet or less of surface area. May be designed to be heated and may contain seat/benches, jets, or other features, but not including a diving board, slide, or the like.
3. Large swimming pool: a structure containing more than 150 square feet of surface area. May include any feature, including a built-in hot tub/spa.

(1) 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 small or large 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.

(2) In the R-1, SR-1, R-5, and R-5L Districts only, the following criteria must be met for a small or large swimming pool: (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.

1. Amend section 7A (Use Chart) by deleting in its entirety the row entitled "Swimming pool - residential" and replacing it with the following:

"Residential recreational outdoor water feature" which shall have three (3) subsets: Hot tub/spa, Small swimming pool, and Large swimming pool. Hot tub/spa shall be allowed as an accessory use in all zoning districts except for VR and MMD where it may be allowed by Special Permit, and ROH/SOH and CI, where it shall be prohibited. Small swimming pool shall be allowed as an accessory use in all zoning districts except for VR and MMD where it may be allowed by Special Permit, and ROH/SOH and CI, where it shall be prohibited. Large swimming pool shall be allowed as an accessory use in all zoning districts except for VR and MMD where it may be allowed by Special Permit, and ROH/SOH and CI, where it shall be prohibited.

2. Amend section 7A (Use Chart) by deleting in its entirety the existing row following "Swimming Pool - Residential" entitled "Hot Tub/Spa".

PLANNING BOARD COMMENT: This intent of this article is to address any ambiguity within the current bylaw as to what constitutes a residential swimming pool or a hot tub/spa. Further, this addresses a directive provided to the Town from the Massachusetts Land Court in a ruling, which is part of on-going litigation.

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

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

ARTICLE 40

(Zoning Bylaw Amendment: Time-Sharing or Time-Interval-Ownership Dwelling Unit or 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 strikethrough; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*).

TIME-SHARING, OR TIME-INTERVAL-OWNERSHIP, OR FRACTIONAL OWNERSHIP DWELLING UNIT OR DWELLING

A dwelling unit or dwelling in which the exclusive right of use, possession, or ownership is divided circulates among various owners, partners, shareholders, or lessees, thereof in accordance with a fixed or floating time schedule on a periodically recurring basis, whether such use, possession or occupancy is subject to either: a time-share estate, in

which the ownership or leasehold estate in property is devoted to a time-share fee (tenants in common, time-share ownership, interval ownership) and a time-share lease; or time-share use, including any contractual right of exclusive occupancy which does not fall within the definition of "time-share estate," including, but not limited to, a vacation license, ~~prepaid hotel reservation~~, club membership, limited partnership or vacation bond, the use being inherently transient; or fractional ownership, which shall include any form of ownership where more than one owner without a familial relationship shares an ownership interest in a property and where the maintenance responsibilities for the property are shared among such unrelated owners and managed by a third-party individual or entity.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: Due to the on-going short-term rental discussion and the scheduled 2023 Special Town Meeting scheduled on November 7th, the Planning Board determined that this matter should be deferred until it can be discussed with other related articles.

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

ARTICLE 41

(Zoning Bylaw Amendment: Duplex)

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 7A (Use Chart) as it pertains to "Duplex" as follows:

- (1) In the ROH/SOH column, replace "N" with "SP"
- (2) In the R-20/SR-20 column, replace "N" with "Y"
- (3) In the R-40 column, replace "N" with "Y"
- (4) In the CI column, replace "N" with "A"

2. Amend section 2 (Definitions) as follows:

DUPLEX

A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 and ROH/SOH Districts only, both dwelling units shall be in the same ownership except when at least one dwelling unit is subject to a Nantucket Housing Needs Covenant "NHNC". A duplex shall not be construed to include a primary dwelling and secondary dwelling as defined in this chapter.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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 7A (Use Chart) as it pertains to "Duplex" as follows:

- (5) In the ROH/SOH column, replace "N" with "SP"
- (6) In the R-20/SR-20 column, replace "N" with "Y"
- (7) In the R-40 column, replace "N" with "Y"
- (8) In the CI column, replace "N" with "A"

2. Amend section 2 (Definitions) as follows:

DUPLEX

A structure containing two dwelling units, but not including primary dwelling with an accessory dwelling unit or tertiary dwelling unit contained therein. In the R-1 and ROH/SOH Districts only, both dwelling units shall be in the same ownership except when at least one dwelling unit is subject to a Nantucket Housing Needs Covenant "NHNC". A duplex shall not be construed to include a primary dwelling and secondary dwelling as defined in this chapter.

Quantum of vote for passage of this motion is 2/3.

PLANNING BOARD COMMENT: The expansion of duplex allowances into additional zoning districts is consistent with multi-family type housing options and the adoption of housing strategies for different areas of town as proposed in the Housing Production Plan. A duplex option would provide another opportunity for property owners to add a dwelling unit to an existing structure or perhaps create a more cost effective way for dwelling unit production.

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

ARTICLE 42

(Zoning Bylaw Amendment: Secondary Residential Lots)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8C, 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. To amend subsection (3)d, as follows:

~~One of the two lots shall be allowed to have a~~ A second dwelling unit, subject to the requirements of the tertiary dwelling definition contained within § 139-2 of this chapter, ~~may be permitted on the market-rate lot only.~~

2. To amend subsection (3)f[2], as follows:

The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the secondary lots, provided that the total ground cover, ratio does not exceed the amount that would have been allowed for the original lot. ~~The ground cover distribution must be determined at the time of the issuance of a Special Permit;~~

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8C, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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. To amend subsection (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, ~~may be permitted on the market-rate lot only.~~

2. To amend subsection (3)f[2], as follows:

The Planning Board may waive by the issuance of a special permit the ground cover ratio requirement for the secondary lots, provided that the total ground cover, ratio does not exceed the amount that would have been allowed for the original lot. ~~The ground cover distribution must be determined at the time of the issuance of a Special Permit.~~

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

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

ARTICLE 43

(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, 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*):

- 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-10, R-20, 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 in the R-40, LUG-1, LUG-2, and LUG-3 districts. This requirement may be waived through the issuance of a special permit by the Planning Board.
- (e) In the R-10 district the original lot shall be a minimum of 15,000 square feet and in the R-20 district, the original lot shall be a minimum of 30,000 square feet. The Planning Board shall determine the minimum lot area for the tertiary lot during their review of the special permit application.
- (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)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8D, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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):*

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-10, R-20, 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 in the R-40, LUG-1, LUG-2, and LUG-3 districts. This requirement may be waived through the issuance of a special permit by the Planning Board.
- (e) In the R-10 district the original lot shall be a minimum of 15,000 square feet and in the R-20 district, the original lot shall be a minimum of 30,000 square feet. The Planning Board shall determine the minimum lot area for the tertiary lot during their review of the special permit application.
- (f) 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.

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 by modifying lot area regulations resulting in additional housing units beyond what could be permitted under existing zoning requirements.

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

ARTICLE 44

(Zoning Bylaw Amendment: Off-street Parking Requirements)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 18B, 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*):

Zoning District	Garage Apartment	Duplex
R-1 SR-1	~~0.75/br~~ 1	0.75/br
ROH SOH	~~0.75/br~~ 1	N/A 2
R-5	~~1.0/br~~ 1	~~1.0/br~~ 4
R-10 SR-10	~~1.0/br~~ 1	~~1.0/br~~ 4

R-20 SR-20	1.0/br 1	N/A 4
R-40	1.0/br 1	N/A 4
CMI	1.0/br 1	1.0/br 4
CN	1.0/br 1	1.0/br 4
CTEC	1.0/br 1	1.0/br 4
CI	1.0/br 1	1.0/br 4
VR	1.0/br 1	N/A
RC	.75/br	.75/br
RC-2	1.0/br	1.0/br
LUG-1	1.0/br 1	N/A
LUG-2	1.0/br 1	N/A
LUG-3	1.0/br 1	N/A
MMD	1.0/br 1	N/A
VN	1.0/br 1	N/A
VTEC	1.0/br 1	N/A

All sections of the chart not referenced in this article shall not be modified.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: To be provided at Town Meeting.

Quantum of vote for passage of this motion will be provided at the time the Planning Board motion is provided.

FINANCE COMMITTEE COMMENT: To be provided at Town Meeting.

ARTICLE 45

(Zoning Map Change: RC-2 to R-5 and/or CTEC - Appleton Road)

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

MAP	LOT	NUMBER	STREET
66	431	20	Appleton Road
66	23	22	Appleton Road
66	24	24	Appleton Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

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

ARTICLE 46

(Zoning Map Change: RC-2 to R-5 and/or CTEC - Nobska Way)

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

MAP	LOT	NUMBER	STREET
66	22	4	Nobska Way
66	21	6	Nobska Way
67	101	8	Nobska Way
66	26	5	Nobska Way
66	25	3	Nobska Way

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
66	22	4	Nobska Way
66	21	6	Nobska Way
67	101	8	Nobska Way
66	26	5	Nobska Way
66	25	3	Nobska Way

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

PLANNING BOARD COMMENT: Many of the neighborhood residents expressed the desire to maintain the current character of their street. Placing these properties in R-5 is consistent with the zoning of the western portion of Nobska Way and it would maintain the residential character along with the allowance of opportunities available through the "home occupation" bylaw.

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in additional dwelling units on the same lot as a principal dwelling.

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

ARTICLE 47

(Zoning Map Change: RC-2 to R-5 and/or CTEC - Salros Road)

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

MAP	LOT	NUMBER	STREET
66	20.3	2	Salros Road
66	20.4	4	Salros Road
66	20.5	6	Salros Road
67	106	8	Salros Road
67	106.1	8A #1	Salros Road
67	106.2	8B #2	Salros Road
67	107	10	Salros Road
67	105	9	Salros Road
67	104.1	7B	Salros Road
67	104	7	Salros Road
66	506	5A	Salros Road
66	20.2	5	Salros Road
66	20.1	3	Salros Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	20.3	2	Salros Road
66	20.4	4	Salros Road
66	20.5	6	Salros Road
67	106	8	Salros Road
67	106.1	8A #1	Salros Road
67	106.2	8B #2	Salros Road
67	107	10	Salros Road
67	105	9	Salros Road
67	104.1	7B	Salros Road
67	104	7	Salros Road

66	506	5A	Salros Road
66	20.2	5	Salros Road
66	20.1	3	Salros Road

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in the by-right allowance multi-family housing and mixed-use development in an eligible location.

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

ARTICLE 48

(Zoning Map Change: RC-2 to R-20 and LUG-3 - 91 and 95 Miacomet Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket as follows:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 20 (R-20) district:

MAP	LOT	NUMBER	STREET
66	64	91	Miacomet Avenue
66	65 (a portion of)	95	Miacomet Avenue

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

MAP	LOT	NUMBER	STREET
66	65 (a portion of)	95	Miacomet Avenue

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended as follows:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 20 (R-20) district:

MAP	LOT	NUMBER	STREET
66	64	91	Miacomet Avenue
66	65 (a portion of)	95	Miacomet Avenue

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

MAP	LOT	NUMBER	STREET
66	65 (a portion of)	95	Miacomet Avenue

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

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

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

ARTICLE 49

(Zoning Map Change: R-1 to R-5 - Williams Lane and Cherry 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 1 (R-1) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
55	34	11	Williams Lane
55	134	13	Williams Lane
55	370	15	Cherry Street

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 1 (R-1) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
55	34	11	Williams Lane
55	134	13	Williams Lane
55	370	15	Cherry Street

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in the by-right allowance of additional dwelling units on the same lot as a principal dwelling.

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

ARTICLE 50

(Zoning Map Change: R-1 to R-5, CN, and CMI - Pleasant Street, Kimberly Way, Williams Lane, Cherry Street, Bear Street and Madison Court)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket as follows:

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

MAP	LOT	NUMBER	STREET
55	378.1 (a portion of)	88	Pleasant Street
55	369	86	Pleasant Street
55	368	84	Pleasant Street
55	658	82	Pleasant Street
55	655	80	Pleasant Street
55	654	78	Pleasant Street
55	656	11	Kimberly Way
55	657	5	Kimberly Way
55	371	18	Williams Street
55	372	16	Williams Street
55	366	11	Williams Street
55	434	9	Williams Street
55	909	7	Williams Street
55	427	5	Williams Street
55	427.1	3	Williams Street
55	378.5 (a portion of)	20	Cherry Street
55	913	18	Cherry Street
55	379	16	Cherry Street
55	380	14	Cherry Street
55	383	10	Cherry Street
55	383.2	10	Cherry Street
55	373	9	Cherry Street
55	384	8	Cherry Street
55	374	7	Cherry Street
55	385	6	Cherry Street
55	386	6	Cherry Street
55	375	5	Cherry Street
55	376	3B	Cherry Street
55	911	3	Cherry Street
55	378.6	15	Bear Street
55	381	13	Bear Street
55	381.2	13	Bear Street
55	382	11	Bear Street
55	390	5	Bear Street
55	392	3	Bear Street
55	623	5	Madison Court
55	622	3	Madison Court

55	621	1	Madison Court
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2. By placing the following properties currently located in the Residential 1 (R-1) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
55	378.1 (a portion of)	88	Pleasant Street
55	378.2	90	Pleasant Street
55	378.3	92	Pleasant Street
55	378.4 (a portion of)	94	Pleasant Street
55	348.5 (a portion of)	20	Cherry Street

3. By placing the following properties currently located in the Residential 1 (R-1) district in the Commercial Mid-Island (CMI) district:

MAP	LOT	NUMBER	STREET
55	378.4 (a portion of)	94	Pleasant Street
55	378.5 (a portion of)	20	Cherry Street

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended as follows:

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

MAP	LOT	NUMBER	STREET
55	378.1 (a portion of)	88	Pleasant Street
55	369	86	Pleasant Street
55	368	84	Pleasant Street
55	658	82	Pleasant Street
55	655	80	Pleasant Street
55	654	78	Pleasant Street
55	656	11	Kimberly Way
55	657	5	Kimberly Way
55	371	18	Williams Street
55	372	16	Williams Street
55	366	11	Williams Street
55	434	9	Williams Street
55	909	7	Williams Street
55	427	5	Williams Street
55	427.1	3	Williams Street

55	378.5 (a portion of)	20	Cherry Street
55	913	18	Cherry Street
55	379	16	Cherry Street
55	370	15	Cherry Street
55	380	14	Cherry Street
55	383	10	Cherry Street
55	383.2	10	Cherry Street
55	373	9	Cherry Street
55	384	8	Cherry Street
55	374	7	Cherry Street
55	385	6	Cherry Street
55	386	6	Cherry Street
55	375	5	Cherry Street
55	376	3B	Cherry Street
55	911	3	Cherry Street
55	378.6	15	Bear Street
55	381	13	Bear Street
55	381.2	13	Bear Street
55	382	11	Bear Street
55	390	5	Bear Street
55	392	3	Bear Street
55	623	5	Madison Court
55	622	3	Madison Court
55	621	1	Madison Court

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

MAP	LOT	NUMBER	STREET
55	378.1 (a portion of)	88	Pleasant Street
55	378.2	90	Pleasant Street
55	378.3	92	Pleasant Street
55	378.4 (a portion of)	94	Pleasant Street
55	348.5 (a portion of)	20	Cherry Street

3. By placing the following properties currently located in the Residential 1 (R-1) district in the Commercial Mid-Island (CMI) district:

MAP	LOT	NUMBER	STREET
55	378.4 (a portion of)	94	Pleasant Street
55	378.5 (a portion of)	20	Cherry Street

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law,

because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in the by-right allowance of additional dwelling units, multi-family housing, and mixed use development in an eligible location (CN and CMI) and additional dwelling units on the same lot as a principal dwelling (R-5).

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

ARTICLE 51

(Zoning Map Change: R-10 to CN - Surfside Road and Cobble Court)

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 10 (R-10) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	256	15	Surfside Road
55	257	13	Surfside Road
55	260	3	Cobble Court
55	261	5	Cobble Court
55	262	8	Cobble Court

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 10 (R-10) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
55	256	15	Surfside Road
55	257	13	Surfside Road
55	260	3	Cobble Court
55	261	5	Cobble Court
55	262	8	Cobble Court

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in an increase in the number of housing units beyond what could be permitted under existing zoning requirements and resulting in the by-right allowance of multi-family housing or mixed-use development in an eligible location.

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

ARTICLE 52

(Zoning Map and Town and Country Overlay District Change: 69 Hummock Pond Road)

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

1. To amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Residential 20 (R-20) district:

MAP	LOT	NUMBER	STREET
56	320	69	Hummock Pond Road

2. To amend the map entitled "Town and Country Designations" and referenced in Chapter 139 of the Code of the Town of Nantucket, section 5E, by placing the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
56	320	69	Hummock Pond Road

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Town take the following actions:

1. To amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
56	320 (a portion of)	69	Hummock Pond Road
Shown as Buildable Area = 40,019 square feet on Plan 48-N on file at the Nantucket County Registry of Deeds			

2. To amend the map entitled "Town and Country Designations" and referenced in Chapter 139 of the Code of the Town of Nantucket, section 5E, by placing the following property currently located in the Country Overlay District (COD) in the Town Overlay District (TOD):

MAP	LOT	NUMBER	STREET
56	320 (a portion of)	69	Hummock Pond Road
Shown as Buildable Area = 40,019 square feet on Plan 48-N on file at the Nantucket County Registry of Deeds			

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

PLANNING BOARD COMMENT: The portion of the lot recommended for rezoning is the only buildable portion of the lot outside of the conservation restriction area. The property was previously rezoned with an inadvertent disregard to the conservation restriction. This proposal would restore the ground cover allowance originally intended for the remaining buildable portion of the property.

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

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

ARTICLE 53

(Zoning Map Change: Town Overlay District Open Space Parcels)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket as follows:

1. By placing the following properties currently located in the Residential Old Historic (ROH) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
55.4.4	50.1	1	N. Mill Street
55.4.4	77	7	N. Mill Street
55.4.4	49	12	Mill Street
55.4.4	48	14	Mill Street
55.4.4	105	14	Candle House Lane
55.4.4	104	16	Candle House Lane
42.4.1	115	65	Easton Street
42.4.1	115.1	67	Easton Street
42.2.3	41	71	Washington Street
42.2.3	41.1	71	Washington Street
42.2.3	41.2	71	Washington Street
42.2.3	41.3	73	Washington Street

2. By placing the following property currently located in the Residential 1 (R-1) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
30	138.2		Cobblestone Hill

3. By placing the following properties currently located in the Commercial Downtown (CDT) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
42.4.2	21		Easy Street
42.4.2	20	21	Easy Street

4. By placing the following property currently located in the Residential Commercial (RC) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
42.4	9	15	Commercial Wharf

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

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended as follows:

1. By placing the following properties currently located in the Residential Old Historic (ROH) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
55.4.4	50.1	1	N. Mill Street
55.4.4	77	7	N. Mill Street
55.4.4	49	12	Mill Street
55.4.4	48	14	Mill Street
55.4.4	105	14	Candle House Lane
55.4.4	104	16	Candle House Lane
42.4.1	115	65	Easton Street
42.4.1	115.1	67	Easton Street
42.2.3	41	71	Washington Street
42.2.3	41.1	71	Washington Street
42.2.3	41.2	71	Washington Street
42.2.3	41.3	73	Washington Street

2. By placing the following property currently located in the Residential 1 (R-1) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
30	138.2		Cobblestone Hill

3. By placing the following properties currently located in the Commercial Downtown (CDT) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
42.4.2	21		Easy Street
42.4.2	20	21	Easy Street

4. By placing the following property currently located in the Residential Commercial (RC) district in the Residential 40 (R-40) district:

MAP	LOT	NUMBER	STREET
42.4	9	15	Commercial Wharf

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

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

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

ARTICLE 54

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

SWIMMING POOL - 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 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.

[Added 4-4-2011 ATM by Art. 58, AG approval 9-15-2011; amended 4-1-2017 ATM by Art. 69, AG approval 5-31-2017; 6-5-2021 ATM by Art. 48, AG approval 10-7-2021]

(1)

In the VR District only, ~~the Zoning Board of Appeals~~ **the Planning Board**, 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.

(2)

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.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The Planning Board determined that the Zoning Board of Appeals remains the most appropriate for addressing issues, such as potential impacts from swimming pools, that are primarily limited to individual property owners, not wider island concerns.

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

ARTICLE 55

(Zoning Bylaw Amendment: Swimming Pool - Residential)

To see if the Town will vote to:

INCLUDE the following under Section 1 of Swimming Pool - Residential, as defined in Chapter 139 :

(3) In R-10, R-10L, SR-10, R-20, SR-20, and R-40 Districts only, the following criteria must be 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 all associated mechanical equipment.

Effective upon passage at the 2023 Annual Town Meeting

(Campbell Sutton, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The Planning Board discussed this matter at length over the course of several meetings. The Board determined that the concerns brought forward by the proponent did not warrant the changes proposed, which would affect a substantial number of properties. In the past, the Planning Board has supported changes such as those proposed when supported by those property owners directly affected or when conditions warranting such changes have been proven to exist, which in this case, was not provided to the Board.

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

ARTICLE 56

(Zoning Bylaw Amendment: Intensity Regulations - Frontage)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-16B(1) (Intensity Regulations) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

B.

Exceptions for frontage*.

(1)

The ~~Board of Appeals~~ **Planning Board** may grant a special permit reducing the minimum frontage required in commercial districts to no less than 20 feet, provided that the use or structure on the lot to be granted such a reduction is a commercial use or structure and that such reduction in frontage will not be substantially more detrimental to the neighborhood.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 16, subsection B(1) be amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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*).

B. Exceptions for frontage*.

(1) The ~~Board of Appeals~~ **Planning Board** may grant a special permit reducing the minimum frontage required in commercial districts to no less than 20 feet, provided that the use or structure on the lot to be granted such a reduction is a commercial use or structure and that such reduction in frontage will not be substantially more detrimental to the neighborhood.

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

PLANNING BOARD COMMENT: The Planning Board, with support from the Zoning Board of Appeals, determined that changing the special permit granting authority for a frontage reduction was more in keeping with the role of the Planning Board, whose jurisdiction includes matters related to the creation of and access to lots.

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

ARTICLE 57

(Zoning Bylaw Amendment: Intensity Regulations - Setbacks)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-16C(1) (Intensity Regulations) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

C.

Additional requirements and exceptions for yards. [See § 139-33E(3) below.]
[Amended 5-5-1992 ATM by Art. 36, AG approval 8-3-1992; 4-12-2004 ATM by Art. 40, AG approval 9-3-2004; 4-8-2008 ATM by Art. 29, AG approval 8-18-2008; 4-5-2010 ATM by Art. 54, AG approval 8-5-2010]

(1)

Notwithstanding the provisions of § **139-16C(4)**, the ~~Board of Appeals~~ **Planning Board** may grant a special permit to reduce the ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, R-20 and SR-20 to five feet.
[Amended 4-3-2018 ATM by Art. 45; AG approval 7-18-2018; 4-1-2019 ATM by Art. 49, AG approval 8-6-2019]

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The Planning Board determined that the Zoning Board of Appeals remains the most appropriate for addressing issues, such as potential impacts from residential setback reductions, that are primarily limited to individual property owners, not wider island concerns.

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

ARTICLE 58

(Zoning Bylaw Amendment: Accessory Uses)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-15 (Accessory Uses) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

§ 139-15 Accessory uses.

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.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 15, be amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-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*):

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.**

PLANNING BOARD COMMENT: This Zoning Bylaw amendment is consistent with the Housing Production Plan, which specifically identifies “Formalize and Regulate Room Rentals” as a method to create/legalize/regulate additional housing opportunities. The Planning Board also determined that this initiative is unrelated to the short-term rental discussion, which is why they decided not to delay action.

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

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

ARTICLE 59

(Zoning Bylaw Amendment: Definitions - Use, Principal)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

USE, PRINCIPAL

A use which is ~~expressly~~ permitted by this chapter (other than as an accessory use), by-right, or with a special permit. ~~or without need of one.~~

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The Planning Board, in deference to the Select Board and the Short-term Rental Workgroup, determined that articles that may be related to the short-term rental discussion should not be acted upon at this Town Meeting and that all discussion should be delayed for consolidation at the already scheduled 2023 Special Town Meeting on November 7th.

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

ARTICLE 60

(Zoning Bylaw Amendment: Short-Term Rental Accessory Use)

To see if the Town will vote to amend the Zoning Bylaws by amending Chapter 139 by inserting a new provision 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:

§139-__ SHORT-TERM RENTALS

In residential districts, Short-Term Rentals are permitted on Owner Occupied properties. For purposes of this section 139 only, the duration of Owner Occupied shall be at least six months in each calendar year.

For non-Owner Occupied properties in residential districts, a Short-Term Rental shall be considered a permitted accessory use provided (1) the primary dwelling and secondary dwelling, if applicable, are each used for long-term residential use more than short-term rental use; and (2) the Short-Term Rental is registered with the Town in accordance with General Bylaw § 123.

All other STRs in residential districts are prohibited.

(Emily H. Kilvert, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The Planning Board, in deference to the Select Board and the Short-term Rental Workgroup, determined that articles that may be related to the short-term rental discussion should not be acted upon at this Town Meeting and that all discussion should be delayed for consolidation at the already scheduled 2023 Special Town Meeting on November 7th.

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

ARTICLE 61

(Zoning Bylaw Amendment: Definitions - Commercial)

To see if the Town will vote to amend Nantucket Zoning Bylaw Section 139-2 (Definitions) of the Code of the Town of Nantucket, to change the language as noted and highlighted below:

COMMERCIAL

As in a trade, occupation, or business, including a transient residential facility, but excluding governmental, religious or private residential uses, **which includes rental of dwelling units or parts thereof.**

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The Planning Board, in deference to the Select Board and the Short-term Rental Workgroup, determined that articles that may be related to the short-term rental discussion should not be acted upon at this Town Meeting and that

all discussion should be delayed for consolidation at the already scheduled 2023 Special Town Meeting on November 7th.

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

ARTICLE 62

(Zoning Bylaw Amendment: Preexisting Nonconforming Uses, Structures and Lots)

For the protection of neighborhoods and the physical environment against detrimental expansion and alteration of buildings on lots created under MGL c.41 s. 81L, To see if the Town will vote to amend chapter 139 of the Code of the Town of Nantucket (Zoning Bylaw) by making the following changes [note: language to be deleted is shown by strikeout; this method to denote changes is not meant to become part of the final text]:

Amend Section 33 (A)(3) by deleting language as follows:

Preexisting, nonconforming lots may be increased in area or frontage through the addition of adjoining property without the need for any relief under this bylaw. Any other alteration to a preexisting, nonconforming lot that does not increase an existing or create a new nonconformity is allowed upon determination by the Zoning Administrator that such alteration will not be substantially more detrimental to the neighborhood. ~~Lots created pursuant to MGL c. 41, § 81P, based upon the exception in the clause of MGL c. 41, § 81L for lots containing two or more structures that predate the adoption of subdivision control in the Town, shall have the same status as preexisting, nonconforming lots, and any structures thereon, which predate the adoption of subdivision control in the Town, shall have the status of preexisting nonconforming structures.~~ The removal of structures to facilitate an alteration or change to an existing structure, the relocation of the structure upon the lot, or the construction of a new structure, shall not cause the lot to be merged with an abutting lot in common ownership, provided that the lot remains vacant for less than one year.

; or otherwise act thereon.

(Emily Molden, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The article as proposed is in direct conflict with the Subdivision Control Law. The Planning Board discussed this article, and Article 63, together and at length. Although the Board agrees with the proponent that there may merit in potential changes to the current practice, more research regarding the number of lots recently created, the changes made, and an assessment of any impacts is needed prior to any changes to the current bylaw.

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

ARTICLE 63

(Zoning Bylaw Amendment: Preexisting Nonconforming Uses, Structures and Lots)

For the protection of neighborhoods and the physical environment against detrimental expansion and alteration of buildings on lots created under MGL c.41 s. 81L, To see if the Town will vote to amend chapter 139 of the Code of the Town of Nantucket (Zoning Bylaw) by adding the following as a final sentence to Section 33(A)(3):

“Notwithstanding a lot(s) or structure(s) status as preexisting non conforming or the provisions of Section 139-33 (E)(1)(a), any new structure or expansion of volume, area or height of the structure(s) located on said lot or lots greater than the volume, area or height that existed when the lots were first shown on a plan endorsed pursuant to c.41 s. 81-P, shall require a special permit from the Zoning Board of Appeals pursuant to Section 139-33(A).”

; or otherwise act thereon.

(Emily Molden, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Note that the quantum of vote for passage of a positive motion will be 2/3.

PLANNING BOARD COMMENT: The Planning Board discussed this article, and Article 62, together and at length. Although the Board agrees with the proponent that there may merit in potential changes to the current practice, more research regarding the number of lots recently created, the changes made, and an assessment of any impacts is needed prior to any changes to the current bylaw.

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

ARTICLE 64

(Zoning Map Change: SOH to VN - Elbow Lane)

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

Map	Parcel	Number	Street
73.2.4	31	6	Elbow Lane

- (1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Sconset Old Historic (SOH) zoning district into the Village Neighborhood (VN) zoning district.

As shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Sconset Old Historic (SOH) district in the Village Neighborhood (VN) district:

MAP	LOT	NUMBER	STREET
73.2.4	31	6	Elbow Lane

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in the by-right allowance of mixed-use development in an eligible location.

PLANNING BOARD COMMENT: Placing this property in the VN district is consist with the 2009 Master Plan Goal 2.2 to retain small neighborhood centers consisting of mixed use development.

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

ARTICLE 65

(Zoning Map Change: RC-2 and CI to CMI - Arrowhead Drive)

To see if the Town will vote to place the following parcels of land, now in the Residential Commercial-2 (RC-2) and Commercial Industrial (CI) zoning districts, in the Commercial Mid Island (CMI) zoning district;

or take other action with regard thereto.

Address	Map and Parcel	Present district
20 Arrowhead Drive	69-51	RC-2
18 Arrowhead Drive	69-52	CI
12 Arrowhead Drive	69-55	RC-2
10 Arrowhead Drive	69-56	RC-2
8 Arrowhead Drive	69-57	RC-2
6B Arrowhead Drive	69-58.1	RC-2
6 Arrowhead Drive	69-58	RC-2

(Arthur I. Reade, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial-2 (RC-2) district, in the Commercial Mid Island (CMI) district:

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

69	51	20	Arrowhead Drive
69	52	18	Arrowhead Drive
69	55	12	Arrowhead Drive
69	56	10	Arrowhead Drive
69	57	8	Arrowhead Drive
69	58.1	6B	Arrowhead Drive
69	58	6	Arrowhead Drive

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in the by-right allowance of multi-family housing and mixed-use development in an eligible location.

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

ARTICLE 66

(Zoning Map Change: R-20 to CN - Old South Road, Little Isle Lane, Miller Lane, Airport Road)

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

Map	Parcel	Number	Street
68	164	105	Old South Road
68	165	107	Old South Road
68	208	----	Old South Road/Little Isle Lane
68	174	----	Old South Road/Little Isle Lane
68	120	3	Miller Lane
68	888	17 (portion of)	Airport Road

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

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) zoning district into the Commercial Neighborhood (CN) zoning district:

MAP	LOT	NUMBER	STREET
68	164	105	Old South Road
68	165	107	Old South Road
68	208	----	Old South Road/Little Isle Lane
68	174	----	Old South Road/Little Isle Lane
68	120	3	Miller Lane
68	888	17 (portion of)	Airport Road

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in an increase in the number of housing units beyond what could be permitted under existing zoning requirements and resulting in the by-right allowance of multi-family housing and mixed-use development in an eligible location.

PLANNING BOARD COMMENT: The owners have agreed to restrict the properties from utilizing many of the commercial uses in the CN district, including the following uses:

- Supermarket
- Drive-thru takeout food
- Tavern/bar by Special Permit (a Tavern/bar that is accessory to a small restaurant is still OK)
- All formula businesses
- Laundromat/dry cleaning
- Marijuana establishment
- Hospital (this does NOT include medical clinic, which would still be allowed)
- Storage containers
- Motor vehicle sales
- Motor vehicle rental
- Motor vehicle repair or painting
- Motor vehicle service station
- Motor vehicle parking lot or structure
- Taxicab business
- Maritime service station
- Petroleum product storage or distribution facility

Kennel

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

ARTICLE 67

(Zoning Map Change: R-20 to R-10 - Old South Road and Miller Lane)

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

Map	Parcel	Number	Street
68	465	77	Old South Road
68	128	79	Old South Road
68	466	81A	Old South Road
68	127	81B	Old South Road
68	159	83	Old South Road
68	160	87	Old South Road
68	161	91	Old South Road
68	124	11	Miller Lane
68	125	17	Miller Lane
68	126	19	Miller Lane

- (1) Amend the Zoning Map of the Town of Nantucket by placing the properties noted above, currently located in the Residential-20 (R-20) zoning district into the Residential-10 (R-10) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 20 (R-20) district in the Residential 10 (R-10) district:

MAP	LOT	NUMBER	STREET
68	465	77	Old South Road
68	128	79	Old South Road
68	466	81A	Old South Road
68	127	81B	Old South Road
68	159	83	Old South Road
68	160	87	Old South Road
68	161	91	Old South Road
68	124	11	Miller Lane
68	125	17	Miller Lane
68	126	19	Miller Lane

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in an increase in the number of housing units beyond what could be permitted under existing zoning requirements.

PLANNING BOARD COMMENT: The R-10 zoning district is more consistent with the development pattern that has emerged along Old South Road. This land is adjacent to subdivisions that have lots in the 5,000 to 10,000 square foot range. Infill development is encouraged in the 2009 Master Plan as well as in the Town Overlay District, in which this land is located.

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

ARTICLE 68

(Zoning Map Change: R-40 to CN - Evergreen Way and Airport 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 40 (R-40) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	727	1	Evergreen Way
68	54	21	Airport Road

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article __ R-40 to CN” dated October 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(John Kane, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential 40 (R-40) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
68	727	1	Evergreen Way
68	54	21	Airport Road

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

The Planning Board determined that the quantum of vote for passage of this motion qualifies for a majority vote exception pursuant to Chapter 358 of the Acts of 2020, known as the Housing Choice Law, because it will meet the criteria in MGL Chapter 40A, Section 5 resulting in an increase in the number of housing units beyond what could be permitted under existing zoning requirements and resulting in the by-right allowance of multi-family housing and mixed-use development in an eligible location.

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

ARTICLE 69

(Zoning Map Change: LUG-2 to R-20 - 69 Hummock Pond Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General - 2 district in the Residential 20 (R-20) district:

69 Hummock Pond Road (Map: 56; Lot: 320)

; or otherwise act thereon.

(Christine McGrath Iller, et al)

PLANNING BOARD MOTION: Moved not to adopt.

Quantum of vote for a positive motion will be 2/3.

PLANNING BOARD COMMENT: This content of this article is included in Article 52, which received a positive motion from the Planning Board.

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

ARTICLE 70

(Bylaw Amendment: False Private Alarms)

To see if the Town will vote to amend Chapter 26 (False Private Alarms) 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):*

§ 26-1 Definitions.

For the purpose of this article, the following definitions shall apply:

PRIVATE INTRUSION ALARM SYSTEM

Any assembly of equipment or any device to signal the presence of a hazard to which the Town of Nantucket Police Department is expected to respond; ~~provided, however, that such definition shall not include private fire alarm systems as may be defined in any other bylaw regulating false private fire alarms.~~

USER

The property owner, or if in a leased premise, the leaseholder occupant of the premises containing the alarm system.

§ 26-4 Registration required.

Each private intrusion alarm user shall register his private intrusion alarm device or devices with the administrator prior to use, ~~provided that private intrusion alarm devices in use as of the effective date of this article may be registered no later than 60 days from such date.~~

§ 26-7 Registration requirements; annual fee.

Every person who is the owner of, or who is in charge of, premises on which a private intrusion alarm device is installed shall register such intrusion alarm device annually on or before April 1 of each year and shall submit to the Chief of the Town of Nantucket Police Department, in writing, on or before that date, a registration statement, on a form to be established by the Police Chief, and an annual registration fee in the amount of \$50 as determined by the Select Board. The registration statement shall contain such person's name, address and telephone number, as well as the name, address and telephone number of at least two other persons who are authorized to respond to a signal transmitted by the private intrusion alarm device and who are authorized to open the premises on which the private intrusion alarm device is installed. ~~For such private intrusion alarm devices currently installed, such persons shall submit such registration statements within 30 days of the adoption of this article.~~ Such registration form may require permission from the user in favor of the Town of Nantucket Police Department to break into and enter the registered premises forcibly without liability on the indemnification from the user in favor of the Town and its officers with respect to any such forcible breaking and entering, in order to respond to such an alarm.

§ 26-8 Consequences of false alarms; fee; penalty.

B. The private intrusion alarm user shall be assessed a fee of \$100 as determined by the Select Board for each additional false private intrusion alarm occurring at the premises within the same calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.

~~C. Failure to comply with § 26-7 set forth above shall be punishable in accordance with Chapter 1 of the Code of the Town of Nantucket.~~

§ 26-12 Town assumes no responsibility for devices.

Notwithstanding the provisions of this article, the Town, its departments, officers, agents and employees, shall be under no obligation whatsoever concerning the adequacy, operation, or maintenance of any private intrusion alarm device ~~or of the private intrusion alarm monitoring facilities at police headquarters.~~

§ 26-13 Violations and penalties.

~~Any person who commits, or causes to be committed, any of the following acts shall be subject to a fine of up to \$100 for each such act:~~

Any person who violates any provision of this bylaw shall be subject to a fine of \$300 punishable in accordance with Chapter 1 of the Code of the Town of Nantucket. Each day that a violation continues shall be considered a separate offense.

§ 26-18 Definitions.

For the purpose of this article, the following definitions shall apply:

FALSE PRIVATE FIRE ALARM

Any signal, telephone dialer or oral communication from an alarm company's ~~central station~~ transmitted directly to the Fire Department requesting, requiring or resulting in a response on the part of the Fire Department as a result of the activation of an alarm system by any cause where in fact a hazard requiring urgent attention to which fire fighters are expected to respond does not exist. Such causes include mechanical failure, malfunction, improper installation or recklessness, intentional conduct or negligence of the user of an alarm system or of his employees or agents. For purpose of this definition, activation of an alarm system by any of the following acts, including but not limited to vandals, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed a false alarm.

FIRE ALARM SYSTEM

Any assembly of equipment or any device designed to signal the presence of a hazard requiring urgent attention to which fire fighters are expected to respond, ~~excluding any private alarm system regulated by any bylaw applicable to the Police Department response to private intruder alarms.~~

USER

The property owner, or if in a leased premise, the leaseholder ~~occupant~~ of the premises containing the alarm system.

§ 26-21 Registration required.

Each private fire alarm user shall register his alarm system with the administrator prior to use, ~~provided that alarm systems in use as of the effective date of this article may be registered no later than 60 days from such date.~~

- C. All alarm systems ~~installed after the effective date of this article~~ shall be equipped with a battery backup or other device or be of a design so as to prevent the signaling of an alarm in the event of an AC power failure.

§ 26-24 Registration and inspection requirements.

- ~~A. Every user who is the owner of or who is in charge of premises on which an alarm system is installed shall cause it to be inspected and registered such alarm system annually on or before April 1 of each year and shall submit to the Fire Chief of the Nantucket Fire Department, or his designee, on or before that date, a copy of the current 100% annual inspection report and, as applicable, in writing, a registration statement on a form to be established by the Fire Chief. The registration statement shall contain the user's name, address and telephone numbers, as well as the name, address and telephone number of at least two other persons or companies who are authorized to respond to a signal transmitted by the alarm system and who are authorized to open the premises on which the alarm system is installed. Such~~

~~registration may require permission from the user in favor of the Town of Nantucket to break into and enter the premises forcibly without liability to the Town or to any fire fighter and may require indemnification by the user in favor of the Town and such fire fighters for any damage resulting from such entry in response to such private fire alarm.~~

- A. Every person who is the owner of, or who is in charge of, premises on which a fire alarm device is installed shall register such fire alarm device annually on or before April 1 of each year and shall submit to the Chief of the Town of Nantucket Fire Department, in writing, on or before that date, a registration statement, on a form to be established by the Fire Chief, and an annual registration fee as determined by the Select Board. The registration statement shall contain such person's name, address and telephone number, as well as the name, address and telephone number of at least two other persons who are authorized to respond to a signal transmitted by the fire alarm device and who are authorized to open the premises on which the private fire alarm device is installed. Such registration form may require permission from the user in favor of the Town of Nantucket Fire Department to break into and enter the registered premises forcibly without liability on the indemnification from the user in favor of the Town and its officers with respect to any such forcible breaking and entering, in order to respond to such an alarm.
- ~~B. For alarm systems currently installed, such persons shall submit such registration statements within 30 days of the adoption of this article.~~

§ 26-25 Consequences of false alarms; fee.

- A. Upon the occurrence of ~~two~~ **three** false alarms attributable to one premises within a calendar year, the Fire Chief, or his designee, may, at his discretion, in writing, notify the private alarm user.
- B. The alarm user shall be assessed a fee **as determined by the Select Board** of \$200 for each additional false fire alarm occurring at the premises within the same calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.
- ~~C. Failure to comply with § 26-24 set forth above shall be punishable in accordance with Chapter 1 of the Code of the Town of Nantucket.~~
- ~~D. Failure of the user to have the annual inspection done as required by § 26-24 above shall be punishable by a fine of \$100 for every false fire alarm transmitted from that property (notwithstanding the provisions of Subsection A above) until the required inspection has been completed by a recognized testing company.~~
- ~~E. Any person disconnecting a system or portion of a system for the purpose of circumventing this article shall be fined \$300 and, in the event that such person is a user as defined in § 26-18 above, shall have his license or certificate of occupancy revoked for 30 days.~~

§ 26-29 Town assumes no responsibility for systems.

Notwithstanding the provisions of this article, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system ~~or of the alarm monitoring facilities not located at or under the installation control of the Nantucket Fire Department.~~ This article shall in no manner create or extend liability or obligation of the Town for its actions in connection with alarms, including but not limited to response of the Fire Department to alarms, beyond that which exists at law, if any.

~~§ 26-30 Violations and penalties.~~

~~Any person who commits or causes to be committed any of the following acts shall be subject to a fine of up to \$100 for each such act:~~

~~A. Intentional causing of a false alarm.~~

~~B. Failure to submit changes in registration information as required by this article; each day of such failure shall constitute a separate violation.~~

(Select Board)

(Note: Only sections of Chapter 26 for which changes are being proposed are shown)

FINANCE COMMITTEE MOTION: Moved that Chapter 26 (False Private Alarms) of the Code of the Town of Nantucket is hereby amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-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):*

§ 26-1 Definitions.

For the purpose of this article, the following definitions shall apply:

PRIVATE INTRUSION ALARM SYSTEM

Any assembly of equipment or any device to signal the presence of a hazard to which the Town of Nantucket Police Department is expected to respond; ~~provided, however, that such definition shall not include private fire alarm systems as may be defined in any other bylaw regulating false private fire alarms.~~

USER

The property owner, or if in a leased premise, the leaseholder occupant of the premises containing the alarm system.

§ 26-4 Registration required.

Each private intrusion alarm user shall register his private intrusion alarm device or devices with the administrator prior to use, ~~provided that private intrusion alarm devices~~

~~in use as of the effective date of this article may be registered no later than 60 days from such date.~~

§ 26-7 Registration requirements; annual fee.

Every person who is the owner of, or who is in charge of, premises on which a private intrusion alarm device is installed shall register such intrusion alarm device annually on or before April 1 of each year and shall submit to the Chief of the Town of Nantucket Police Department, in writing, on or before that date, a registration statement, on a form to be established by the Police Chief, and an annual registration fee in the amount of \$50 as determined by the Select Board. The registration statement shall contain such person's name, address and telephone number, as well as the name, address and telephone number of at least two other persons who are authorized to respond to a signal transmitted by the private intrusion alarm device and who are authorized to open the premises on which the private intrusion alarm device is installed. ~~For such private intrusion alarm devices currently installed, such persons shall submit such registration statements within 30 days of the adoption of this article.~~ Such registration form may require permission from the user in favor of the Town of Nantucket Police Department to break into and enter the registered premises forcibly without liability on the indemnification from the user in favor of the Town and its officers with respect to any such forcible breaking and entering, in order to respond to such an alarm.

§ 26-8 Consequences of false alarms; fee; penalty.

B. The private intrusion alarm user shall be assessed a fee of \$100 as determined by the Select Board for each additional false private intrusion alarm occurring at the premises within the same calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.

~~C. Failure to comply with § 26-7 set forth above shall be punishable in accordance with Chapter 1 of the Code of the Town of Nantucket.~~

§ 26-12 Town assumes no responsibility for devices.

Notwithstanding the provisions of this article, the Town, its departments, officers, agents and employees, shall be under no obligation whatsoever concerning the adequacy, operation, or maintenance of any private intrusion alarm device ~~or of the private intrusion alarm monitoring facilities at police headquarters.~~

§ 26-13 Violations and penalties.

~~Any person who commits, or causes to be committed, any of the following acts shall be subject to a fine of up to \$100 for each such act:~~

Any person who violates any provision of this bylaw shall be subject to a fine of \$300 punishable in accordance with Chapter 1 of the Code of the Town of Nantucket. Each day that a violation continues shall be considered a separate offense.

§ 26-18 Definitions.

For the purpose of this article, the following definitions shall apply:

FALSE PRIVATE FIRE ALARM

Any signal, telephone dialer or oral communication from an alarm company's central station transmitted directly to the Fire Department requesting, requiring or resulting in a response on the part of the Fire Department as a result of the activation of an alarm system by any cause where in fact a hazard requiring urgent attention to which fire fighters are expected to respond does not exist. Such causes include mechanical failure, malfunction, improper installation or recklessness, intentional conduct or negligence of the user of an alarm system or of his employees or agents. For purpose of this definition, activation of an alarm system by any of the following acts, including but not limited to vandals, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances, shall not be deemed a false alarm.

FIRE ALARM SYSTEM

Any assembly of equipment or any device designed to signal the presence of a hazard requiring urgent attention to which fire fighters are expected to respond, ~~excluding any private alarm system regulated by any bylaw applicable to the Police Department response to private intruder alarms.~~

USER

The ~~property owner, or if in a leased premise, the leaseholder~~ occupant of the premises containing the alarm system.

§ 26-21 Registration required.

Each private fire alarm user shall register his alarm system with the administrator prior to use, ~~provided that alarm systems in use as of the effective date of this article may be registered no later than 60 days from such date.~~

- C. ~~All alarm systems installed after the effective date of this article shall be equipped with a battery backup or other device or be of a design so as to prevent the signaling of an alarm in the event of an AC power failure.~~

§ 26-24 Registration and inspection requirements.

- A. ~~Every user who is the owner of or who is in charge of premises on which an alarm system is installed shall cause it to be inspected and registered such alarm system annually on or before April 1 of each year and shall submit to the Fire Chief of the Nantucket Fire Department, or his designee, on or before that date, a copy of the current 100% annual inspection report and, as applicable, in writing, a registration statement on a form to be established by the Fire Chief. The registration statement shall contain the user's name, address and telephone numbers, as well as the name, address and telephone number of at least two other persons or companies~~

~~who are authorized to respond to a signal transmitted by the alarm system and who are authorized to open the premises on which the alarm system is installed. Such registration may require permission from the user in favor of the Town of Nantucket to break into and enter the premises forcibly without liability to the Town or to any fire fighter and may require indemnification by the user in favor of the Town and such fire fighters for any damage resulting from such entry in response to such private fire alarm.~~

- A. Every person who is the owner of, or who is in charge of, premises on which a fire alarm device is installed shall register such fire alarm device annually on or before April 1 of each year and shall submit to the Chief of the Town of Nantucket Fire Department, in writing, on or before that date, a registration statement, on a form to be established by the Fire Chief, and an annual registration fee as determined by the Select Board. The registration statement shall contain such person's name, address and telephone number, as well as the name, address and telephone number of at least two other persons who are authorized to respond to a signal transmitted by the fire alarm device and who are authorized to open the premises on which the private fire alarm device is installed. Such registration form may require permission from the user in favor of the Town of Nantucket Fire Department to break into and enter the registered premises forcibly without liability on the indemnification from the user in favor of the Town and its officers with respect to any such forcible breaking and entering, in order to respond to such an alarm.
- ~~B. For alarm systems currently installed, such persons shall submit such registration statements within 30 days of the adoption of this article.~~

§ 26-25 Consequences of false alarms; fee.

- A. Upon the occurrence of ~~two~~ **three** false alarms attributable to one premises within a calendar year, the Fire Chief, or his designee, may, at his discretion, in writing, notify the private alarm user.
- B. The alarm user shall be assessed a fee **as determined by the Select Board of \$200** for each additional false fire alarm occurring at the premises within the same calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the general fund.
- ~~C. Failure to comply with § 26-24 set forth above shall be punishable in accordance with Chapter 1 of the Code of the Town of Nantucket.~~
- ~~D. Failure of the user to have the annual inspection done as required by § 26-24 above shall be punishable by a fine of \$100 for every false fire alarm transmitted from that property (notwithstanding the provisions of Subsection A above) until the required inspection has been completed by a recognized testing company.~~
- ~~E. Any person disconnecting a system or portion of a system for the purpose of circumventing this article shall be fined \$300 and, in the event that such person is a user as defined in § 26-18 above, shall have his license or certificate of occupancy~~

~~revoked for 30 days.~~

§ 26-29 Town assumes no responsibility for systems.

Notwithstanding the provisions of this article, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system ~~or of the alarm monitoring facilities not located at or under the installation control of the Nantucket Fire Department.~~ This article shall in no manner create or extend liability or obligation of the Town for its actions in connection with alarms, including but not limited to response of the Fire Department to alarms, beyond that which exists at law, if any.

~~§ 26-30 Violations and penalties.~~

~~Any person who commits or causes to be committed any of the following acts shall be subject to a fine of up to \$100 for each such act:~~

~~A. Intentional causing of a false alarm.~~

~~B. Failure to submit changes in registration information as required by this article; each day of such failure shall constitute a separate violation.~~

ARTICLE 71

(Bylaw Amendment: Finances/Rename; Establish Revolving Account)

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 renaming; and, adding a Revolving Account 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*):

Fund	Revenue Source	Authority to Spend	Use of Funds
~~Sewer and Public Works Housing~~	Rental payments	Town Manager with Approval of the Select Board	Defrayment of maintenance/upkeep of sewer and public works housing facilities
Concessions	Rental Payments	Town Manager with Approval of Select Board	Defrayment of maintenance/upkeep of Town-owned concession facilities and premises

Or to take any action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 19 (Finances), Article XIII (Revolving Accounts), §19-21 (Revolving accounts established) of the Code of the Town of Nantucket is hereby amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Fund	Revenue Source	Authority to Spend	Use of Funds
Sewer and Public Works Housing	Rental payments	Town Manager with Approval of the Select Board	Defrayment of maintenance/upkeep of sewer and public works housing facilities
Concessions	Rental Payments	Town Manager with Approval of Select Board	Defrayment of maintenance/upkeep of Town-owned concession facilities and premises

ARTICLE 72

(Bylaw Amendment: Motorized Passenger Devices)

To see if the Town will vote to amend Chapter 98 (Motorized Passenger Devices) 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 denote changes are not 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).

§ 98-1 Prohibited absent express written permission.

No person shall operate a motorized or electric powered scooter (one seat), motorized or electric moped (two seats), motorized skateboard, Segway, motorized bicycle, battery powered bicycle, motorized or electric one wheel roller boards (balance boards with one wheel), one wheel self-balancing unicycles, motorized or self-balancing scooters, motorized or electric unicycles, motorized or electric razors (boards with handlebar with throttle control), conventional pedal powered bicycles with electric conversion system installed, or other similar motorized or electric passenger device (hereinafter referred to as "personal motorized passenger devices") on any Town-owned or -controlled public way, sidewalk, bike path and/or multi-use path, park, playground or beach without the express written permission to do so from the Town official(s) or officer having jurisdiction over the use of said Town property or their respective designee (hereinafter referred to as the "authorizing official"). The following vehicles shall be exempt from the provisions of this chapter:

A.

Vehicles or motorized passenger devices licensed by the Commonwealth of Massachusetts as motor vehicles or otherwise to the extent authorized by the Commonwealth or the United States for such operation;

B.

Vehicles or motorized passenger devices licensed or used by the federal government or any federal agency, instrumentality or entity, including the United States Postal Service, performing a service to the public;

C.

Personal motorized passenger devices used by handicapped persons;

D.

Personal motorized passenger devices used by public safety personnel, including police officers;

E.

Landscaping equipment;

F.

Golf carts (not exempted from bike paths).

(Bruce Mandel, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 73

(Bylaw Amendment: Noise)

To see if the Town will vote to:

AMEND Section 2A-1 of Chapter 101 (Noise) to read as follows:

§ 101-2

Air-conditioning and air-handling equipment, pumps, fans and compressors sound level limit; measurement.

A. Prohibited noises.

(1) No person shall operate or cause to be operated any air-conditioning or air-handling equipment, swimming pool or spa pump, or an exhaust fan, in such a manner as to exceed 55 dBA over a ten-minute period of time, measured from a distance of **30** ~~40~~ feet or more from the source of the sound or the property line of the premises on which said activity is located at any time of the day or night.

Effective upon passage at the 2023 Annual Town Meeting

(Campbell Sutton, et al)

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

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 74

(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	320.1	71	Hummock Pond Road
56	256	70	Vestal Street
56	257	74	Vestal Street
56	274	78	Vestal Street
56	273	80	Vestal Street
56	272	80	Vestal Street
56	271	88	Vestal Street
56	250	91	Vestal Street
56	269	92	Vestal Street

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels 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	320.1	71	Hummock Pond Road
56	256	70	Vestal Street
56	257	74	Vestal Street
56	274	78	Vestal Street
56	273	80	Vestal Street
56	272	80	Vestal Street
56	271	88	Vestal Street
56	250	91	Vestal Street
56	269	92	Vestal Street

NOTE: *At its meeting on February 15, 2023, the Select Board acting as the Sewer Commissioners, voted to add the parcels referenced in the Article to the Town Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of*

the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

ARTICLE 75

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change - 25 Millbrook Road)

To see if the Town will vote to add #25 Millbrook Road, Map 56 Parcel 67.2 to the adjacent Sewer District.

; or to otherwise act thereon.

(Martin McGowan, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels 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	67.2	25	Millbrook Road

NOTE: *At its meeting on February 15, 2023, the Select Board acting as the Sewer Commissioners, voted to add the parcels referenced in the Article to the Town Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.*

ARTICLE 76

(Bylaw Amendment: Outdoor Lighting)

To see if the Town will vote to replace the existing outdoor lighting bylaw (Chapter 102 of the Code of the Town of Nantucket), adopted at Town Meeting in 2005, with the following updated bylaw to make the regulations consistent with current best practices for outdoor lighting and to strengthen enforcement; or otherwise act thereon.

[NOTE: Non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket.]

Chapter 102

OUTDOOR LIGHTING

§ 102-1. Purpose. The purpose of this chapter is to establish regulations for outdoor lighting that:

- A. Minimize the unintended and/or adverse impact of the use of artificial light at night (commonly known as light pollution) to the greatest extent possible, in

recognition of its negative effects on people as well as wildlife.

- B. Protect residents from light trespass that negatively affects the enjoyment of their own property and their property values.
- C. Control glare to increase the safety and security of residents and visitors.
- D. Minimize skyglow to preserve the ability to see the stars and Milky Way, thereby preserving humanity's connection with the night sky, fostering awe and wonder in current and future generations of children as well as adults, and preserving the ability of the Maria Mitchell Association to conduct astronomical research.
- E. Provide adequate light for the safe performance of outdoor tasks at night and to keep property free from harm.
- F. Promote efficient and cost-effective lighting to conserve energy.
- G. Preserve the historic and rural character of Nantucket.

§ 102-2. Applicability.

- A. The provisions of this chapter shall apply to all outdoor lighting, in all zoning districts, unless specifically exempted elsewhere in this chapter. This includes all privately owned lighting as well as all lighting owned, maintained, or controlled by the Town of Nantucket or another governmental body (including the Nantucket Public Schools).
- B. In case of a conflict between any of the provisions in this chapter or between any provision of this chapter and another provision of the Nantucket Code, the most restrictive provision shall control.
- C. **New installations.** All exterior luminaires installed after the effective date of this chapter shall conform with the requirements established by this chapter and any other applicable bylaws, regardless of the reason for the installation.
- D. **Nonconforming existing luminaires.**
 - a. All exterior lighting that was installed prior to the effective date of this chapter that does not conform with the requirements of this chapter may continue to be used and maintained for up to five years, except if any of the following occurs:
 - i. The official appointed to oversee the enforcement of this chapter determines that one or more luminaires constitutes a hazard to public safety or a lighting nuisance under § 102-6A of this chapter, in which case the nonconforming luminaire(s) must be brought into compliance within thirty (30) days of written notification being

mailed or hand delivered.

- ii. More than fifty percent (50%) of the total assessed value or square footage of a structure, as determined from the building permit application, is repaired, altered, reconstructed, or renovated, in which case the nonconforming luminaire(s) must be brought into compliance by the time the final building inspection occurs.
- iii. A nonconforming luminaire owned by the Town of Nantucket is retrofitted, in which case the fixture must be brought into compliance at the time that work is done.

- b. **Request for extension.** Private property owners may request an extension from the Town Manager to use and maintain a nonconforming luminaire, for up to a maximum of ten (10) years from the date a nonconforming fixture was installed, provided that the luminaire was compliant with the requirements that existed at the time of the installation and the date of installation can be verified via documents or date-stamped photographs; the nonconforming luminaire cost \$100 or more when purchased; and the nonconforming luminaire cannot be brought into compliance by changing the bulb or lighting element or by installing shielding.

§ 102-3. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

BUG RATING SYSTEM

A lighting classification system created by the Illuminating Engineering Society (IES) and the International Dark-Sky Association (IDA) to describe the light pollution contributions from outdoor luminaires. “B” relates to backlight, which often contributes to light trespass. “U” relates to uplight, which contributes to skyglow and limits the ability to see the stars. “G” relates to glare, which makes it difficult to see.

CORRELATED COLOR TEMPERATURE (CCT)

A specification of the color appearance of the light emitted by a lamp, measured in units called Kelvin (K). Correlated color temperature (CCT) values are typically provided in lighting manufacturer data sheets.

EMERGENCY LIGHTING

Temporary lighting required for public safety in the reasonable determination of public safety officials.

ENVIRONMENTALLY SENSITIVE AREA

Any land that contains threatened or endangered species habitats, is used for agricultural purposes, or is subject to a conservation restriction.

EXTERNALLY ILLUMINATED SIGN

Any sign or display whose information content is made visible at night by means of a luminaire mounted at some distance above, below, or otherwise away from the surface containing the information or message intended to be seen.

FLOODLIGHT

Any luminaire or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

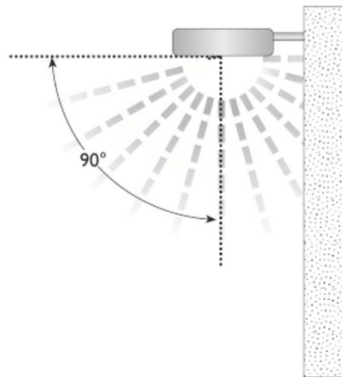
FOOT-CANDLE

A measurement of illuminance equivalent to one lumen per square foot.

FULLY SHIELDED LUMINAIRE

A luminaire that is constructed so that, in its properly installed position, all the light emitted shines below the horizontal plane at the point where the light is emitted. See Figure 1 (below). Luminaires with adjustable aiming are not fully shielded unless they are aimed and shielded so that no light is emitted above the horizontal plane at the point where the light is emitted.

Figure 1. Fully Shielded Luminaire



GLARE

Intense light emitted by a lamp or luminaire that reduces visibility and creates visual discomfort and/or momentary visual impairment.

HOLIDAY LIGHTING

Temporary decorative lighting installed in connection with a national, state, local or religious holiday.

ILLUMINATING ENGINEERING SOCIETY (IES)

The professional society of lighting engineers and other lighting professionals that is recognized as an authoritative body on the science and application of lighting and which publishes and promotes recommended practices for a variety of specific lighting applications.

ILLUMINANCE

The amount of light falling onto a given surface area, often measured in units called foot-candles.

KELVIN

A unit of measurement used for the correlated color temperature of light. Often denoted with the symbol K.

LAMP

The component of a luminaire that is the light source, not inclusive of any reflective or refractive optics used to direct light. This refers to bulbs that are easily removable and replaceable as well as integrated systems like light emitting diodes (LEDs).

LANDSCAPE LIGHTING

Any lighting used to illuminate trees, shrubs, or other plant material, as well as water features and decorative objects, in a yard, garden, park, or pool deck.

LIGHT POLLUTION

Any unintended and/or adverse impact of the use of artificial light at night.

LIGHT TRESPASS

Any light emitted by a luminaire that shines beyond the property on which the luminaire is installed and increases the illuminance at the property boundary line.

LUMEN

A unit of measurement of the amount of light emitted by a luminaire or lamp, typically displayed by the manufacturer as part of the product specification. Distinct from watts, which measures the amount of power consumed by a luminaire or lamp rather than the amount of light emitted. When used in this chapter, “lumens” refers to the number of lumens of light emitted by a luminaire when the lamp is new, not accounting for any depreciation over time, known as initial lumens.

LUMINAIRE

A complete lighting unit, consisting of one or more lamps, housing, lenses, reflectors, and other structural elements, but not including any mounting pole or surface. This includes what is commonly referred to as a light fixture as well as other types of lighting units such as string lights and rope lights.

LUMINANCE

A measure of light emitted by or from a surface. Measured in candelas per square meter (cd/m^2).

SAFETY AND SECURITY LIGHTING

Lighting that is intended to prevent accidents and/or deter or detect intrusions or other criminal activity occurring on a property or site. For the purposes of this

chapter, this shall include lighting for entrances, walkways, roadways, parking lots, equipment yards, and building security, but shall not include landscape lighting, string lighting, rope lighting, decorative, and accent lighting.

SKYGLOW

A glow in the night sky deriving from an artificial source (or sources) of light.

SPORTS LIGHTING

Lighting to illuminate outdoor fields and other surfaces used for the practice and/or play of any outdoor sport or athletic activity. This term refers only to lighting intended to facilitate play on outdoor surfaces, or to illuminate spectator viewing stands, but not for illumination of any other part of a connected or adjacent property such as a parking area.

SPOTLIGHT

A type of luminaire designed to project a narrow, intense beam of light on a small area.

STRING LIGHTS

A type of luminaire consisting of small white or differently colored electric lights spaced evenly along a cable and used for decoration, including but not limited to “bistro” lights, “fairy” lights, and “festoon” lights.

VERTICAL ILLUMINANCE

The amount of light falling on a vertical surface or plane. When measuring vertical illuminance, the illuminance meter is held vertically rather than horizontally.

UPLIGHTING

Lighting placed or designed to shine the light above the horizontal plane at the point where the light is emitted.

§ 102-4. General requirements for all outdoor lighting.

All luminaires not specifically exempted in § 102-7 of this chapter shall comply with the following requirements:

- A. Shielding.** All luminaires with a lumen output greater than 600 lumens shall be fully shielded except as follows:
 - a. String lights, provided they comply with § 102-5A of this chapter.
 - b. Temporary holiday lights, provided they comply with § 102-5C of this chapter.

- c. Luminaires for the lighting of flags, provided they comply with § 102-5D of this chapter.
- d. Sports lighting on nonresidential properties, provided it complies with § 102-5F of this chapter.

B. Correlated color temperature. The correlated color temperature (CCT) of the light emitted by luminaires shall not exceed 2700 Kelvin, except as follows:

- a. If a 2700 Kelvin (or lower) luminaire is not commercially available for the application in question, a luminaire with a CCT of up to 3000 Kelvin may be used unless otherwise provided by this chapter.
- b. Temporary holiday lighting is exempt from this requirement, provided it complies with the requirements stated in § 102-5C of this chapter.
- c. Sports lighting on nonresidential properties is exempt from this requirement, provided it complies with the requirements stated in § 102-5F of this chapter.

C. Lumen limits.

- a. **Total lumens allowed per site.** On no parcel or property shall the total lumen output of all luminaires exceed twenty thousand (20,000) total lumens per acre for residential properties or forty thousand (40,000) total lumens per acre for nonresidential properties, regardless of shielding.
 - i. Temporary holiday lighting and nonresidential sports lighting may be excluded when determining total lumens.
 - ii. For lighting within or mounted on external canopies at vehicle fueling stations and drive-through bank tellers or automated teller machines, an additional ten (10) lumens per square foot of canopy area shall be allowed.
- b. **Total lumens allowed for unshielded luminaires.** On no parcel or property shall the total lumen output of the luminaires that are not fully shielded (excluding temporary holiday lighting) exceed a value of five thousand (5,000) lumens multiplied by the number of acres, or a total of two thousand (2,000) lumens, whichever is greater. Any luminaire that is either not fully shielded by design or is installed so that light shines above the horizontal plane at the point where the light is emitted shall be counted as an unshielded luminaire for the purpose of this limitation.
- c. **Maximum lumen allowed for a luminaire.** The lumen output of any luminaire on a residential property shall not exceed fifteen hundred (1,500)

lumens and the lumen output of any luminaire on a nonresidential property shall not exceed five thousand (5,000) lumens.

D. Hours of illumination.

- a. All lighting, with the exceptions listed below, shall be turned off by 11:00 pm or, in the case of nonresidential properties, within one (1) hour of the end of normal business or operating hours. Lighting may not be turned on earlier than 6:00 am or, in the case of nonresidential properties, earlier than one (1) hour prior to the start of business or operations.
- b. The following exceptions shall apply:
 - i. Safety and security lighting: On residential properties, safety and security lighting may be used throughout the night. On nonresidential properties, safety and security lighting may be used throughout the night only if it is controlled by motion sensor or other automatic controls so that the light output is automatically turned off or dimmed by at least fifty (50) percent when activity has not been detected for fifteen (15) minutes or more. This requirement does not apply to streetlights, which may be used throughout the night provided they comply with § 102-5G of this chapter.
 - ii. Lighting of flags may be used throughout the night, provided it complies with the requirements of § 102-5D of this chapter.
 - iii. Sports lighting on nonresidential properties shall be turned off by 10:00 pm or within one hour of the end of active play, whichever is later.

§ 102-5. Requirements for specific applications.

- A. **String lights.** String lights shall be limited to products with a lumen level that does not exceed fifty (50) lumens per linear foot and no installation of such lighting shall exceed, in the aggregate, two thousand (2,000) lumens for residential properties and four thousand (4,000) for nonresidential properties.
- B. **Landscape lighting.** Uplighting of landscape features shall be limited to luminaires with a lumen output no greater than two hundred and fifty (250) lumens per luminaire that are aimed and oriented so that the light output points directly towards the landscape feature to be lighted.
- C. **Holiday lighting.**
 - a. Decorative lighting for holidays shall not be installed more than six (6) weeks prior to the holiday and shall be removed within two weeks (2) following it. Any lighting installed outside of that time frame shall not be

considered temporary holiday lighting and shall not qualify for the exemptions for such lighting under this chapter.

- b. Lighting for holidays shall be limited to low-intensity string lights, whose lumen level does not exceed fifty (50) lumens per linear foot; floodlights and spotlights, whose lumen level shall not exceed twelve hundred (1,200) lumens per luminaire; and projector lights.
- c. Any floodlights, spotlights, or projector lights used for holiday lighting shall be aimed and oriented in such a way as to not directly emit any light into the night sky or onto adjacent properties or public rights-of-way.

D. Illumination of flags. If flags are illuminated at night rather than lowered before sunset (as preferred), the lighting must comply with the following requirements:

- a. Flagpoles with a height greater than twenty (20) feet above ground level shall be illuminated only from above. This may be achieved by using a luminaire attached to the top of the flagpole or a luminaire mounted above the flagpole on a structure within fifteen (15) feet of the flagpole. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed eight hundred (800) lumens.
- b. Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, no more than two (2) spotlight luminaires may be used per flagpole, the lumen output shall not exceed six hundred (600) lumens per luminaire, and the luminaire(s) shall be mounted so that the light output points directly towards the flag(s).
- c. Flagpoles shall only be illuminated when a flag is hoisted.

E. Illumination of signs.

- a. Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.
- b. Luminance levels during permitted hours of illumination shall not exceed 100 candelas per square meter (cd/m^2) as measured under conditions of full white display.
- c. The illuminated surface area of an individual sign shall not exceed 200 square feet.

F. Sports lighting (nonresidential). Lighting installed on nonresidential properties for the practice or play of outdoor sports shall:

- a. Comply with the lighting guidelines established by the Illuminating Engineering Society for the applicable class of play (IES RP-6). This shall be established by a certification letter from the International Dark Sky Association issued under its program for community-friendly sports lighting program, verifying that the design as well as the installation meets the IES criteria.
- b. Only illuminate the surface of play and adjacent viewing stands and shall not be used for any other application, such as lighting a parking area.
- c. Have adjustable illuminance levels so that the illuminance level can be lowered when there is no active play (e.g., for field maintenance).
- d. Be extinguished by 10:00 pm or within one hour of the end of active play, whichever is later.
- e. Be equipped with mechanical or electronic timers to prevent lights from being left on accidentally overnight.
- f. Be designed and installed to limit the impact of the lighting on other properties to the greatest extent possible.

G. Streetlights. The following requirements apply to streetlights, regardless of ownership.

- a. **Backlight, uplight and glare:** The BUG rating of street light luminaires shall not exceed B1-U0-G1.
- b. **Add-on shields:** Add-on shields shall be added to luminaires whenever requested by a resident to eliminate light trespass and commercially available for the type of luminaire in question.
- c. **Adaptive controls:** New or replacement streetlight luminaires shall be provided with controls that, at a minimum, are capable of automatically reducing the output of the luminaire at a programmed time by at least fifty (50) percent.
- d. **Community input.** If a municipal or utility company lighting project is proposed that involves the retrofit or replacement of streetlights, the Town of Nantucket shall undertake a pilot demonstration with multiple options (including 2200K and 2400K luminaires) and solicit public comment before making a final decision on what to purchase and install.

H. Public lighting. The following requirements shall apply to luminaires that are owned, leased, operated, maintained, or controlled by the Town of Nantucket or another governmental entity or entities completely or partly funded by grants obtained by the Town or its agents, including but not limited to streetlights,

luminaires to light municipal facilities, parking lots, parks, and playing fields.

- a. New installations of outdoor lighting shall only be installed upon a determination by the Town Manager that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.
- b. If a municipal lighting project is proposed that involves the addition of more than ten (10) elevated luminaires with two thousand (2,000) or more lumens per luminaire, the Town of Nantucket or its designee must seek public comment prior to the purchase and installation to help mitigate unforeseen negative impacts.

§ 102-6. Prohibitions.

A. Public safety hazard or nuisance. No outdoor lighting may create a public safety hazard or public nuisance in the form of light trespass or glare, regardless of when it was installed. Notwithstanding the other provisions of this chapter, the modification, removal, or limited operation of luminaires may be required if a public safety hazard or public nuisance is found based on the following criteria.

- a. **Light Trespass.** Failure to comply with the illuminance level requirements stated below will be deemed a public nuisance unless in the judgment of the official charged with enforcing this chapter there are extenuating circumstances related to safety and security that justify an exception.
 - i. The maximum vertical illuminance level at a property line that is adjacent to a residential property, or an environmentally sensitive area, shall not exceed 0.05 foot-candle.
 - ii. The maximum vertical illuminance level at a property line that is adjacent to any other property shall not exceed 0.1 foot-candle.
 - iii. The measurement for compliance shall be made using a light meter designed to measure illuminance levels, and vertical illuminance shall be measured at the property line five (5) feet above grade with the meter aimed towards the subject property and perpendicular to the property line.
- b. **Glare.** The glare from exterior lighting will be deemed a public safety hazard or public nuisance when, in the judgment of the officer charged with enforcing this chapter, it could interfere with the safe movement of motor vehicles on publicly traveled ways or when it interferes with the usual and reasonable use and enjoyment of property. This determination will be made through a site visit and visual inspection.

B. Other prohibitions. The use of the following types of outdoor lighting is prohibited unless specifically exempted in § 102-7 of this chapter.

- a. Highlighting or illumination of building facades and walls by use of uplighting.
- b. Searchlights, sky beams, and similar lighting except as required by public safety personnel during emergency conditions.
- c. Any light, other than temporary holiday lighting, that dynamically varies its output by intermittently fading, flashing, blinking, or rotating.
- d. Lighting on publicly owned property subject to a conservation restriction under Massachusetts law.

§ 102-7. Exemptions.

The following types of lighting shall be exempt from the requirements and prohibitions of this chapter:

- a. Lighting required by law to be installed on motor vehicles.
- b. Emergency lighting, for as long as emergency conditions identified by public safety personnel continue to exist. This includes the activities of law enforcement, fire, and other emergency services.
- c. Temporary lighting required to save life, limb, or property from imminent peril, provided that the use of this lighting continues only during the hours of the peril.
- d. Lighting employed during repairs of roads, utilities, and similar infrastructure, provided that such lighting is deployed, positioned, and aimed such that the resulting glare is not directed beyond the work area.
- e. Any form of lighting whose use is mandated by any legal jurisdiction with broader authority than that of the Town of Nantucket, provided that the lighting does not exceed the minimum requirements of that legal mandate.
- f. Lighthouse beacons owned by the United States Coast Guard.
- g. Temporary lighting for events sponsored by the Town of Nantucket.
- h. Temporary lighting approved by the Select Board in conjunction with a special event permit, such as for concerts, fairs, and festivals, provided that the impact of the lighting is required to be mitigated to the greatest extent possible.

- i. Lighting produced by the combustion of fossil fuels (such as natural gas and propane) so long as the light source is completely enclosed in a suitable housing such as a lantern, firepit or fireplace.
- j. Underwater lighting of swimming pools or other water features.

§ 102-8. Administrative Waiver.

The official charged with enforcing this chapter shall have the authority to grant a partial or complete waiver of the requirements of this chapter pursuant to the following procedures:

- A. Any applicant seeking a waiver from all or some of the requirements of this chapter shall file an application describing in detail with supporting information and documentation the nature, duration, location, specifications, and other particulars of the waiver being sought.
- B. The application for a waiver must demonstrate that bringing the luminaire(s) for which the waiver is sought into full compliance with this chapter would either (i) constitute a demonstrably unreasonable hardship on the applicant, as balanced against the potential impacts of noncompliance, or (ii) result in conditions that are materially detrimental to health, safety, or welfare. The applicant may also provide for consideration an alternative plan(s) that demonstrate(s) their ability to substantially mitigate the negative effects of non-compliance.
- C. Written notice of any application for a waiver shall be given to direct abutters to the property of the applicant and to the general public through a legal notice published in the local newspaper, including specific information on the nature, duration, location, and specifications and other particulars of the waiver being sought, at least fourteen (14) days in advance of any decision on the waiver application. Any notice recipient who claims that he/she/they or occupants of his/her/their property would be adversely affected by a grant of the waiver may file a statement and materials containing information to support his/her/their claim.
- D. In determining whether to grant or deny the waiver and what, if any, conditions and limitations (including a time limit) to impose, the reviewing official shall determine whether the applicant has met the conditions for a waiver stated above.
- E. Waivers shall be granted in writing to the applicant and shall contain all conditions and limitations, including any time limit on the activity. Noncompliance with any provision or condition of the waiver may result in its termination.
- F. The reviewing official shall place on public file a copy of the application for the waiver, all accompanying submissions, and the decision, including all conditions

and limitations, and the reasons for granting or denying the waiver, as well as any other documentation associated with the process.

G. Any waiver may be reviewed, adjusted, terminated, or repealed by the official charged with enforcing this chapter at any time after two years, unless a longer time is specified in the waiver, or in the event of noncompliance with any provision or condition of the waiver.

H. Any decision made under this provision may be appealed under § 102-9G of this chapter.

§ 102-9 Enforcement, violations, and penalties.

A. Enforcement.

- a. The enforcement of this chapter shall be overseen by a Lighting Enforcement Officer appointed by the Town Manager.
- b. The Lighting Enforcement Officer is authorized and empowered to institute and maintain, in the name of the Town of Nantucket, any and all enforcement proceedings seeking injunctive relief and any other appropriate remedy, including fines and penalties.
- c. The Town may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.
- d. The Lighting Enforcement Officer may, with the permission of the owner or pursuant to an administrative search warrant, go onto private property for the purpose of determining whether there has been a violation of this chapter.

B. Violations.

- a. It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this chapter, unless specifically exempted.
- b. Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D, and Article II of Chapter 1 of the Code of the Town of Nantucket.
- c. Each and every day during which a violation continues shall be deemed to constitute a separate offense.

C. Civil penalty.

- a. Violation of this chapter shall be subject to a penalty of \$100 for the first violation, \$200 for the second violation, and \$300 for the third violation and any subsequent violation.
- b. If a luminaire violates more than one provision of this chapter, that will be treated as one violation for the purposes of assessing penalties. However, if multiple luminaires violate one or more provisions of this chapter, a penalty may be imposed for each nonconforming luminaire.
- c. Before the imposition of a civil penalty, the property owner shall be notified of the violation(s) and given time to cure the violation(s) or demonstrate that there is no violation.

D. Request for enforcement.

- a. If the Lighting Enforcement Officer is requested, in writing, to enforce this chapter against any person or entity suspected of violating one or more of its provisions, the Lighting Enforcement Officer shall notify, in writing, the requesting party of any action or refusal to act, and the reasons therefor, within thirty (30) days of receipt of such request.
- b. If no decision has been issued within thirty-five (35) days from the date the complaint was submitted, it shall be deemed denied as of the date ending such period and shall be subject to appeal.

E. Process.

- a. The Lighting Enforcement Officer shall investigate all reports of suspected violations, making a site visit at night as necessary to determine compliance.
- b. If, after investigation, the Lighting Enforcement Officer finds that a provision of this chapter is being violated, notice shall be given, as follows:
 - i. If abatement of the violation would require modification, replacement, or removal of a luminaire, the notice shall be in writing and by hand-delivery or by certified mail, return receipt requested, to the property owner and/or to the occupant of the premises, demanding that violation be abated within thirty (30) days of the date of hand-delivery or of the date of mailing of the notice. The Lighting Enforcement Officer may require abatement in fewer than thirty (30) days, depending on the nature of the violation, but shall not allow more than thirty (30) days.
 - ii. If the abatement of the violation simply involves turning off or redirecting a luminaire, notice may be given verbally to the occupant(s) of the premises with an order to cease or abate the

violation immediately.

- c. If the violation is not abated within the time allowed, the Lighting Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this chapter and to collect the penalties for such violations.
- d. If the Lighting Enforcement Officer concludes there is a violation, based on a site visit and/or photographic evidence, the owner shall have the burden of demonstrating that the luminaire complies with the standards established by this chapter.
 - i. The manufacturer's specification sheet may be used to establish the lumen level of a luminaire, correlated color temperature (CCT), and, if required, to verify the use of a fully shielded fixture.
 - ii. Illumination levels may be verified through the use of manufacturer's photometric data sheet(s) and/or photometric site drawing or through on-site calibrated light meter readings.

F. Permit required. Compliance review of lighting plan prior to installation.

- a. Any construction that involves the installation of exterior lighting and that requires a building and use permit under Chapter 139 (Zoning) or approval by the Historic District Commission shall require a permit issued by the Lighting Enforcement Officer verifying that the lighting plans satisfy the requirements of this chapter.
- b. A reasonable fee to defray the cost of administration incurred in the review and processing of permits under this chapter shall be established by the Town Manager and collected with each permit application.
- c. The lighting plan shall be filed with the Lighting Enforcement Officer at the same time that any other required plans are submitted and shall include:
 - i. A map or drawing showing the acreage of the property and the location on the property where the luminaire(s) will be installed;
 - ii. The specifications for each luminaire to be installed, including but not limited to the correlated color temperature (CCT), the lumen output, the BUG rating (if applicable), and the shielding description;
 - iii. The quantity and type of all proposed luminaires;
 - iv. The proposed schedule of use, including use of timers, dimmers and/or motion sensors;

- v. Any other evidence that the proposed installation will comply with this chapter.

The Lighting Enforcement Officer shall have the authority to request additional information to confirm compliance with the provisions of this chapter.

- d. Within thirty (30) days of submission of the lighting plans or any additional information requested, the Lighting Enforcement Officer shall issue a permit stating the lighting plan conforms to the requirements of this chapter or the reasons for denying the application. If a permit has not been issued within thirty-five (35) days from the date the application for a permit was submitted, the application shall be deemed denied as of the date ending such period and shall be subject to appeal.
- e. After a permit has been issued, no substitutions may be made for approved luminaires without submitting a revised plan for review and requesting an amendment to the permit.

G. Appeals.

- a. Any person aggrieved by a refusal to act, decision, or order of the Lighting Enforcement Officer may appeal to the Town Manager, or the official appointed by the Town Manager to handle such appeals, within thirty (30) days after written notification of the decision of the Lighting Enforcement Officer or the date a request for enforcement or an application for a permit shall have been deemed denied in accordance with the provisions above.
- b. Any appeal filed with the Town Manager or designee, as to which no decision has been issued within thirty-five (35) days from the date of submission, shall be deemed denied as of the date ending such period and shall be subject to appeal to the Select Board.
- c. Any appeal to the Select Board from the order or decision of the Town Manager or designee shall be taken within thirty (30) days from the date of the order or decision or within thirty (30) days from the date on which the appeal shall have been deemed denied in accordance with provision above.
- d. Any appeal pursuant to the above subsections shall be taken by filing a notice of appeal, specifying the grounds thereof, with the Town Administrator. A copy of said notice, including the date and time of filing with the Town Administrator, shall be filed with the Lighting Enforcement Officer. The Lighting Enforcement Officer shall forthwith transmit to the Town Administrator all documents and papers related to the appeal taken.

H. **Civil remedies.** Nothing in this chapter shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of nuisance.

§ 102-10. Effective Date.

The effective date of the adoption or amendment of this chapter shall be the date on which such adoption or amendment was voted upon at Town Meeting. If such adoption or amendment is subsequently disapproved, in whole or in part, by the Attorney General, this chapter as it would have read without the disapproved portion of the adoption or amendment so voted, shall be deemed to have continued in effect from the date of such vote.

§ 102-11. Severability.

The provisions of this chapter are hereby declared to be severable and, if any provision or the application of such provision to any property, person or circumstance shall be determined to be invalid, such invalidity shall not be construed to affect the validity of any other provision hereof or the application of any provisions to any other property, person, or circumstances. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

(Catherine Gail Walker, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 102 of the Code of the Town of Nantucket (Outdoor Lighting) is hereby amended by deleting the existing text in its entirety and replacing it with the following new language *(NOTE: changes to the language proposed by Warrant Article #76 are shown as follows: new language is shown as highlighted text and 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 102 OUTDOOR LIGHTING

§ 102-1. Purpose. The purpose of this chapter is to establish regulations for outdoor lighting that:

- A. Minimize the unintended and/or adverse impact of the use of artificial light at night (commonly known as light pollution) to the greatest extent possible, in recognition of its negative effects on people as well as wildlife.
- B. Protect residents from light trespass that negatively affects the enjoyment of their own property and their property values.
- C. Control glare to increase the safety and security of residents and visitors.

- D. Minimize skyglow to preserve the ability to see the stars and Milky Way, thereby preserving humanity's connection with the night sky, fostering awe and wonder in current and future generations of children as well as adults, and preserving the ability of the Maria Mitchell Association to conduct astronomical research.
- E. Provide adequate light for the safe performance of outdoor tasks at night and to keep property free from harm.
- F. Promote efficient and cost-effective lighting to conserve energy.
- G. Preserve the historic and rural character of Nantucket.

§ 102-2. Applicability.

- A. The provisions of this chapter shall apply to all outdoor lighting, in all zoning districts, unless specifically exempted elsewhere in this chapter. This includes all privately owned lighting as well as all lighting owned, maintained, or controlled by the Town of Nantucket or another governmental body (including the Nantucket Public Schools).
- B. In case of a conflict between any of the provisions in this chapter or between any provision of this chapter and another provision of the Nantucket Code, the most restrictive provision shall control.
- C. New installations. All exterior luminaires installed after the effective date of this chapter shall conform with the requirements established by this chapter and any other applicable bylaws, regardless of the reason for the installation.
- D. Nonconforming existing luminaires.
 - a. All exterior lighting that was installed prior to the effective date of this chapter that does not conform with the requirements of this chapter may continue to be used and maintained for up to five years, except if any of the following occurs:
 - i. The official appointed to oversee the enforcement of this chapter determines that one or more luminaires constitutes a hazard to public safety or a lighting nuisance under § 102-6A of this chapter, in which case the nonconforming luminaire(s) must be brought into compliance within ~~thirty (30)~~ **ninety (90)** days of written notification being mailed or hand delivered.
 - ii. More than fifty percent (50%) of the total assessed value or square footage of a structure, as determined from the building permit application, is repaired, altered, reconstructed, or renovated, in which case the nonconforming luminaire(s) must be brought into

compliance by the time the final building inspection occurs.

- iii. A nonconforming luminaire owned by the Town of Nantucket is retrofitted, in which case the fixture must be brought into compliance at the time that work is done.

- b. Request for extension. Private property owners may request an extension from the Town Manager to use and maintain a nonconforming luminaire, for up to a maximum of ten (10) years from the date a nonconforming fixture was installed, provided that the luminaire was compliant with the requirements that existed at the time of the installation and the date of installation can be verified via documents or date-stamped photographs; the nonconforming luminaire cost \$100 or more when purchased; and the nonconforming luminaire cannot be brought into compliance by changing the bulb or lighting element or by installing shielding.

§ 102-3. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed:

BUG RATING SYSTEM

A lighting classification system created by the Illuminating Engineering Society (IES) and the International Dark-Sky Association (IDA) to describe the light pollution contributions from outdoor luminaires. “B” relates to backlight, which often contributes to light trespass. “U” relates to uplight, which contributes to skyglow and limits the ability to see the stars. “G” relates to glare, which makes it difficult to see.

CORRELATED COLOR TEMPERATURE (CCT)

A specification of the color appearance of the light emitted by a lamp, measured in units called Kelvin (K). Correlated color temperature (CCT) values are typically provided in lighting manufacturer data sheets.

EMERGENCY LIGHTING

Temporary lighting required for public safety in the reasonable determination of public safety officials.

ENVIRONMENTALLY SENSITIVE AREA

Any land that contains threatened or endangered species habitats, is used for agricultural purposes, or is subject to a conservation restriction.

EXTERNALLY ILLUMINATED SIGN

Any sign or display whose information content is made visible at night by means of a luminaire mounted at some distance above, below, or otherwise away from the surface containing the information or message intended to be seen.

FLOODLIGHT

Any luminaire or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

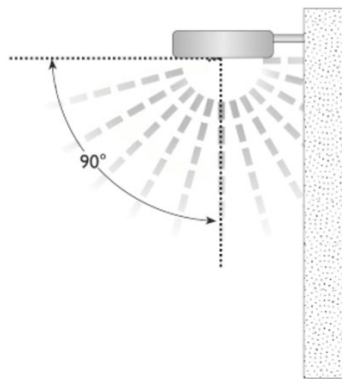
FOOT-CANDLE

A measurement of illuminance equivalent to one lumen per square foot.

FULLY SHIELDED LUMINAIRE

A luminaire that is constructed so that, in its properly installed position, all the light emitted shines below the horizontal plane at the point where the light is emitted. See Figure 1 (below). Luminaires with adjustable aiming are not fully shielded unless they are aimed and shielded so that no light is emitted above the horizontal plane at the point where the light is emitted.

Figure 1. Fully Shielded Luminaire



GLARE

Intense light emitted by a lamp or luminaire that reduces visibility and creates visual discomfort and/or momentary visual impairment.

HOLIDAY LIGHTING

Temporary decorative lighting installed in connection with a national, state, local or religious holiday.

ILLUMINATING ENGINEERING SOCIETY (IES)

The professional society of lighting engineers and other lighting professionals that is recognized as an authoritative body on the science and application of lighting and which publishes and promotes recommended practices for a variety of specific lighting applications.

ILLUMINANCE

The amount of light falling onto a given surface area, often measured in units called foot-candles.

KELVIN

A unit of measurement used for the correlated color temperature of light. Often denoted with the symbol K.

LAMP

The component of a luminaire that is the light source, not inclusive of any reflective or refractive optics used to direct light. This refers to bulbs that are easily removable and replaceable as well as integrated systems like light emitting diodes (LEDs).

LANDSCAPE LIGHTING

Any lighting used to illuminate trees, shrubs, or other plant material, as well as water features and decorative objects, in a yard, garden, park, or pool deck.

LIGHT POLLUTION

Any unintended and/or adverse impact of the use of artificial light at night.

LIGHT TRESPASS

Any light emitted by a luminaire that shines beyond the property on which the luminaire is installed and increases the illuminance at the property boundary line.

LUMEN

A unit of measurement of the amount of light emitted by a luminaire or lamp, typically displayed by the manufacturer as part of the product specification. Distinct from watts, which measures the amount of power consumed by a luminaire or lamp rather than the amount of light emitted. When used in this chapter, "lumens" refers to the number of lumens of light emitted by a luminaire when the lamp is new, not accounting for any depreciation over time, known as initial lumens.

LUMINAIRE

A complete lighting unit, consisting of one or more lamps, housing, lenses, reflectors, and other structural elements, but not including any mounting pole or surface. This includes what is commonly referred to as a light fixture as well as other types of lighting units such as string lights and rope lights.

LUMINANCE

A measure of light emitted by or from a surface. Measured in candelas per square meter (cd/m²).

SAFETY AND SECURITY LIGHTING

Lighting that is intended to prevent accidents and/or deter or detect intrusions or other criminal activity occurring on a property or site. For the purposes of this chapter, this shall include lighting for entrances, walkways, roadways, parking lots, equipment yards, and building security, but shall not include landscape lighting, string lighting, rope lighting, decorative, and accent lighting.

SKYGLOW

A glow in the night sky deriving from an artificial source (or sources) of light.

SPORTS LIGHTING

Lighting to illuminate outdoor fields and other surfaces used for the practice and/or play of any outdoor sport or athletic activity. This term refers only to lighting intended to facilitate play on outdoor surfaces, or to illuminate spectator viewing stands, but not for illumination of any other part of a connected or adjacent property such as a parking area.

SPOTLIGHT

A type of luminaire designed to project a narrow, intense beam of light on a small area.

STRING LIGHTS

A type of luminaire consisting of small white or differently colored electric lights spaced evenly along a cable and used for decoration, including but not limited to “bistro” lights, “fairy” lights, and “festoon” lights.

VERTICAL ILLUMINANCE

The amount of light falling on a vertical surface or plane. When measuring vertical illuminance, the illuminance meter is held vertically rather than horizontally.

UPLIGHTING

Lighting placed or designed to shine the light above the horizontal plane at the point where the light is emitted.

§ 102-4. General requirements for all outdoor lighting.

All luminaires not specifically exempted in § 102-7 of this chapter shall comply with the following requirements:

- A. Shielding. All luminaires with a lumen output greater than 600 lumens shall be fully shielded except as follows:
 - a. String lights, provided they comply with § 102-5A of this chapter.
 - b. Temporary holiday lights, provided they comply with § 102-5C of this chapter.
 - c. Luminaires for the lighting of flags, provided they comply with § 102-5D of this chapter.
 - d. Sports lighting on nonresidential properties, provided it complies with § 102-5F of this chapter.

B. Correlated color temperature. The correlated color temperature (CCT) of the light emitted by luminaires shall not exceed 2700 Kelvin, except as follows:

- a. If a 2700 Kelvin (or lower) luminaire is not commercially available for the application in question, a luminaire with a CCT of up to 3000 Kelvin may be used unless otherwise provided by this chapter.
- b. Temporary holiday lighting is exempt from this requirement, provided it complies with the requirements stated in § 102-5C of this chapter.
- c. Sports lighting on nonresidential properties is exempt from this requirement, provided it complies with the requirements stated in § 102-5F of this chapter.

C. Lumen limits.

- a. Total lumens allowed per site. On no parcel or property shall the total lumen output of all luminaires exceed twenty thousand (20,000) total lumens per acre for residential properties or forty thousand (40,000) total lumens per acre for nonresidential properties, regardless of shielding.
 - i. Temporary holiday lighting and nonresidential sports lighting may be excluded when determining total lumens.
 - ii. For lighting within or mounted on external canopies at vehicle fueling stations and drive-through bank tellers or automated teller machines, an additional ten (10) lumens per square foot of canopy area shall be allowed.
- b. Total lumens allowed for unshielded luminaires. On no parcel or property shall the total lumen output of the luminaires that are not fully shielded (excluding temporary holiday lighting) exceed a value of five thousand (5,000) lumens multiplied by the number of acres, or a total of two thousand (2,000) lumens, whichever is greater. Any luminaire that is either not fully shielded by design or is installed so that light shines above the horizontal plane at the point where the light is emitted shall be counted as an unshielded luminaire for the purpose of this limitation.
- c. Maximum lumen allowed for a luminaire. The lumen output of any luminaire on a residential property shall not exceed fifteen hundred (1,500) lumens and the lumen output of any luminaire on a nonresidential property shall not exceed five thousand (5,000) lumens.

D. Hours of illumination.

- a. All lighting, with the exceptions listed below, shall be turned off by 11:00 pm or, in the case of nonresidential properties, within one (1) hour of the

end of normal business or operating hours. Lighting may not be turned on earlier than 6:00 am or, in the case of nonresidential properties, earlier than one (1) hour prior to the start of business or operations.

b. The following exceptions shall apply:

- i. Safety and security lighting: On residential properties, safety and security lighting may be used throughout the night. On nonresidential properties, safety and security lighting may be used throughout the night only if it **any luminaire with a lumen output above 600 lumens** is controlled by motion sensor or other automatic controls so that the light output is automatically turned off or dimmed by at least fifty (50) percent when activity has not been detected for fifteen (15) minutes or more. This requirement does not apply to streetlights, which may be used throughout the night provided they comply with § 102-5G of this chapter.
- ii. Lighting of flags may be used throughout the night, provided it complies with the requirements of § 102-5D of this chapter.
- iii. Sports lighting on nonresidential properties shall be turned off by 10:00 pm or within one hour of the end of active play, whichever is later.

§ 102-5. Requirements for specific applications.

- A. String lights. String lights **that are not fully shielded** shall be limited to products with a lumen level that does not exceed fifty (50) lumens per linear foot and no installation of such lighting shall exceed, in the aggregate, two thousand (2,000) lumens for residential properties and four thousand (4,000) for nonresidential properties.
- B. Landscape lighting. Uplighting of landscape features shall be limited to luminaires with a lumen output no greater than two hundred and fifty (250) lumens per luminaire that are aimed and oriented so that the light output points directly towards the landscape feature to be lighted.
- C. Holiday lighting.
 - a. Decorative lighting for holidays shall not be installed more than six (6) weeks prior to the holiday and shall be removed within two weeks (2) following it. Any lighting installed outside of that time frame shall not be considered temporary holiday lighting and shall not qualify for the exemptions for such lighting under this chapter.
 - b. Lighting for holidays shall be limited to low-intensity string lights, whose lumen level does not exceed fifty (50) lumens per linear foot; floodlights

and spotlights, whose lumen level shall not exceed twelve hundred (1,200) lumens per luminaire; and projector lights.

- c. Any floodlights, spotlights, or projector lights used for holiday lighting shall be aimed and oriented in such a way as to not directly emit any light into the night sky or onto adjacent properties or public rights-of-way.
- D. Illumination of flags. If flags are illuminated at night rather than lowered before sunset (as preferred), the lighting must comply with the following requirements:
- a. Flagpoles with a height greater than twenty (20) feet above ground level shall be illuminated only from above. This may be achieved by using a luminaire attached to the top of the flagpole or a luminaire mounted above the flagpole on a structure within fifteen (15) feet of the flagpole. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed eight hundred (800) lumens.
 - b. Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, no more than two (2) spotlight luminaires may be used per flagpole, the lumen output shall not exceed six hundred (600) lumens per luminaire, and the luminaire(s) shall be mounted so that the light output points directly towards the flag(s).
 - c. Flagpoles shall only be illuminated when a flag is hoisted.
- E. Illumination of signs.
- a. Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.
 - b. Luminance levels during permitted hours of illumination shall not exceed 100 candelas per square meter (cd/m^2) as measured under conditions of full white display.
 - c. The illuminated surface area of an individual sign shall not exceed 200 square feet.
- F. Sports lighting (nonresidential). Lighting installed on nonresidential properties for the practice or play of outdoor sports shall:
- a. Comply with the lighting guidelines established by the Illuminating Engineering Society for the applicable class of play (IES RP-6). This shall be established by a certification letter from the International Dark Sky Association issued under its program for community-friendly sports lighting program, verifying that the design as well as the installation meets the IES

criteria.

- b. Only illuminate the surface of play and adjacent viewing stands and shall not be used for any other application, such as lighting a parking area.
- c. Have adjustable illuminance levels so that the illuminance level can be lowered when there is no active play (e.g., for field maintenance).
- d. Be extinguished by 10:00 pm or within one hour of the end of active play, whichever is later.
- e. Be equipped with mechanical or electronic timers to prevent lights from being left on accidentally overnight.
- f. Be designed and installed to limit the impact of the lighting on other properties to the greatest extent possible.

G. Streetlights. The following requirements apply to streetlights, regardless of ownership.

- a. Backlight, uplight and glare: The BUG rating of street light luminaires shall not exceed B1-U0-G1.
- b. Add-on shields: Add-on shields shall be added to luminaires whenever requested by a resident to eliminate light trespass and commercially available for the type of luminaire in question.
- c. Adaptive controls: New or replacement streetlight luminaires shall be provided with controls that, at a minimum, are capable of automatically reducing the output of the luminaire at a programmed time by at least fifty (50) percent.
- d. Community input. If a municipal or utility company lighting project is proposed that involves the retrofit or replacement of streetlights, the Town of Nantucket shall undertake a pilot demonstration with multiple options (including 2200K and 2400K luminaires) and solicit public comment before making a final decision on what to purchase and install.

H. Public lighting. The following requirements shall apply to luminaires that are owned, leased, operated, maintained, or controlled by the Town of Nantucket or another governmental entity or entities completely or partly funded by grants obtained by the Town or its agents, including but not limited to streetlights, luminaires to light municipal facilities, parking lots, parks, and playing fields.

- a. New installations of outdoor lighting shall only be installed upon a determination by the Town Manager that a public safety hazard exists in the area to be lit, and

that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.

- b. If a municipal lighting project is proposed that involves the addition of more than ten (10) elevated luminaires with two thousand (2,000) or more lumens per luminaire, the Town of Nantucket or its designee must seek public comment prior to the purchase and installation to help mitigate unforeseen negative impacts.

§ 102-6. Prohibitions.

A. **Public safety hazard or nuisance.** No outdoor lighting may create a public safety hazard or public nuisance in the form of light trespass or glare, regardless of when it was installed. Notwithstanding the other provisions of this chapter, the modification, removal, or limited operation of luminaires may be required if a public safety hazard or public nuisance is found based on the following criteria.

- a. **Light Trespass.** Failure to comply with the illuminance level requirements stated below will be deemed a public nuisance unless in the judgment of the official charged with enforcing this chapter there are extenuating circumstances related to safety and security that justify an exception.
 - i. The maximum vertical illuminance level at a property line that is adjacent to a residential property, or an environmentally sensitive area, shall not exceed 0.05 foot-candle.
 - ii. The maximum vertical illuminance level at a property line that is adjacent to any other property shall not exceed 0.1 foot-candle.
 - iii. The measurement for compliance shall be made using a light meter designed to measure illuminance levels, and vertical illuminance shall be measured at the property line five (5) feet above grade with the meter aimed towards the subject property and perpendicular to the property line.
- b. **Glare.** The glare from exterior lighting will be deemed a public safety hazard or public nuisance when, in the judgment of the officer charged with enforcing this chapter, it could interfere with the safe movement of motor vehicles on publicly traveled ways or when it interferes with the usual and reasonable use and enjoyment of property. This determination will be made through a site visit and visual inspection.

B. **Other prohibitions.** The use of the following types of outdoor lighting is prohibited unless specifically exempted in § 102-7 of this chapter.

- a. Highlighting or illumination of building facades and walls by use of uplighting **except for temporary holiday lighting.**
- b. Searchlights, sky beams, and similar lighting except as required by public safety personnel during emergency conditions.
- c. Any light, other than temporary holiday lighting, that dynamically varies its output by intermittently fading, flashing, blinking, or rotating.
- d. Lighting on publicly owned property subject to a conservation restriction under Massachusetts law.

§ 102-7. Exemptions.

The following types of lighting shall be exempt from the requirements and prohibitions of this chapter:

- a. Lighting required by law to be installed on motor vehicles.
- b. Emergency lighting, for as long as emergency conditions identified by public safety personnel continue to exist. This includes the activities of law enforcement, fire, and other emergency services.
- c. Temporary lighting required to save life, limb, or property from imminent peril, provided that the use of this lighting continues only during the hours of the peril.
- d. Lighting employed during repairs of roads, utilities, and similar infrastructure, provided that such lighting is deployed, positioned, and aimed such that the resulting glare is not directed beyond the work area.
- e. Any form of lighting whose use is mandated by any legal jurisdiction with broader authority than that of the Town of Nantucket, provided that the lighting does not exceed the minimum requirements of that legal mandate.
- f. Lighthouse beacons owned by the United States Coast Guard.
- g. Temporary lighting for events sponsored by the Town of Nantucket.
- h. Temporary lighting approved by the Select Board in conjunction with a special event permit, such as for concerts, fairs, and festivals, provided that the impact of the lighting is required to be mitigated to the greatest extent possible.
- i. Lighting produced by the combustion of fossil fuels (such as natural gas and propane) so long as the light source is completely enclosed in a suitable

housing such as a lantern, firepit or fireplace.

- j. Underwater lighting of swimming pools or other water features.

§ 102-8. Administrative Waiver.

The official charged with enforcing this chapter shall have the authority to grant a partial or complete waiver of the requirements of this chapter if a property owner demonstrates pursuant to the following procedures:

- I. ~~Any applicant seeking a waiver from all or some of the requirements of this chapter shall file an application describing in detail with supporting information and documentation the nature, duration, location, specifications, and other particulars of the waiver being sought.~~
- J. ~~The application for a waiver must demonstrate that bringing the luminaire(s) for which the waiver is sought into full compliance with this chapter would either (i) constitute a demonstrably unreasonable hardship on the applicant, as balanced against the potential impacts of noncompliance, or (ii) result in conditions that are materially detrimental to health, safety, or welfare. The applicant may also provide for consideration an alternative plan(s) that demonstrate(s) their ability to substantially mitigate the negative effects of non-compliance.~~
- K. ~~Written notice of any application for a waiver shall be given to direct abutters to the property of the applicant and to the general public through a legal notice published in the local newspaper, including specific information on the nature, duration, location, and specifications and other particulars of the waiver being sought, at least fourteen (14) days in advance of any decision on the waiver application. Any notice recipient who claims that he/she/they or occupants of his/her/their property would be adversely affected by a grant of the waiver may file a statement and materials containing information to support his/her/their claim.~~
- L. ~~In determining whether to grant or deny the waiver and what, if any, conditions and limitations (including a time limit) to impose, the reviewing official shall determine whether the applicant has met the conditions for a waiver stated above.~~
- M. ~~Waivers shall be granted in writing to the applicant and shall contain all conditions and limitations, including any time limit on the activity. Noncompliance with any provision or condition of the waiver may result in its termination.~~
- N. ~~The reviewing official shall place on public file a copy of the application for the waiver, all accompanying submissions, and the decision, including all conditions and limitations, and the reasons for granting or denying the waiver, as well as any other documentation associated with the process.~~

~~O. Any waiver may be reviewed, adjusted, terminated, or repealed by the official charged with enforcing this chapter at any time after two years, unless a longer time is specified in the waiver, or in the event of noncompliance with any provision or condition of the waiver.~~

~~P. Any decision made under this provision may be appealed under § 102-9G of this chapter.~~

§ 102-9. Enforcement, violations, and penalties.

A. Enforcement.

- a. The enforcement of this chapter shall be overseen by a Lighting Enforcement Officer appointed by the Town Manager.
- b. The Lighting Enforcement Officer is authorized and empowered to institute and maintain, in the name of the Town of Nantucket, any and all enforcement proceedings seeking injunctive relief and any other appropriate remedy, including fines and penalties.
- c. The Town may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.
- d. The Lighting Enforcement Officer may, with the permission of the owner or pursuant to an administrative search warrant, go onto private property for the purpose of determining whether there has been a violation of this chapter.

B. Violations.

- a. It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this chapter, unless specifically exempted.
- b. Whoever violates any provision of this bylaw may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, § 21D, and Article II of Chapter 1 of the Code of the Town of Nantucket.
- c. Each and every day during which a violation continues shall be deemed to constitute a separate offense.

C. Civil Penalties **Fines**.

- a. Violation of this chapter shall be subject to a **penalty fine** of \$100 for the first violation, \$200 for the second violation, and \$300 for the third violation

and any subsequent violation.

- b. If a luminaire violates more than one provision of this chapter, that will be treated as one violation for the purposes of assessing penalties ~~penalties~~ **fin**es. However, if multiple luminaires violate one or more provisions of this chapter, a ~~penalty~~ **fine** may be imposed for each nonconforming luminaire.
- c. Before the imposition of a ~~civil penalty~~, **fine** the property owner shall be notified of the violation(s) and given time to cure the violation(s) or demonstrate that there is no violation.

~~D. Request for enforcement.~~

- ~~a. If the Lighting Enforcement Officer is requested, in writing, to enforce this chapter against any person or entity suspected of violating one or more of its provisions, the Lighting Enforcement Officer shall notify, in writing, the requesting party of any action or refusal to act, and the reasons therefor, within thirty (30) days of receipt of such request.~~
- ~~b. If no decision has been issued within thirty-five (35) days from the date the complaint was submitted, it shall be deemed denied as of the date ending such period and shall be subject to appeal.~~

E. Process. [Ed. Note: this will become subsection D]

- ~~a. The Lighting Enforcement Officer shall investigate all reports of suspected violations, making a site visit at night as necessary to determine compliance.~~
- b. If, after investigation, the Lighting Enforcement Officer finds that a provision of this chapter is being violated, notice shall be given, as follows:
 - i. If abatement of the violation would require modification, replacement, or removal of a luminaire, the notice shall be in writing and by hand-delivery or by certified mail, return receipt requested, to the property owner and/or to the occupant of the premises, demanding that violation be abated within thirty (30) days of the date of hand-delivery or of the date of mailing of the notice. The Lighting Enforcement Officer may require abatement in fewer than thirty (30) days, depending on the nature of the violation, but shall not allow more than thirty (30) days.
 - ii. If the abatement of the violation simply involves turning off or redirecting a luminaire, notice may be given verbally to the occupant(s) of the premises with an order to cease or abate the violation immediately.

- c. If the violation is not abated within the time allowed, the Lighting Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this chapter and to collect the penalties for such violations.
- d. If the Lighting Enforcement Officer concludes there is a violation, based on a site visit and/or photographic evidence, the owner shall have the burden of demonstrating that the luminaire complies with the standards established by this chapter.
 - i. The manufacturer's specification sheet may be used to establish the lumen level of a luminaire, correlated color temperature (CCT), and, if required, to verify the use of a fully shielded fixture.
 - ii. Illumination levels may be verified through the use of manufacturer's photometric data sheet(s) and/or photometric site drawing or through on-site calibrated light meter readings.

~~F. Permit required. Compliance review of lighting plan prior to installation.~~

- ~~a. Any construction that involves the installation of exterior lighting and that requires a building and use permit under Chapter 139 (Zoning) or approval by the Historic District Commission shall require a permit issued by the Lighting Enforcement Officer verifying that the lighting plans satisfy the requirements of this chapter.~~
- ~~b. A reasonable fee to defray the cost of administration incurred in the review and processing of permits under this chapter shall be established by the Town Manager and collected with each permit application.~~
- ~~c. The lighting plan shall be filed with the Lighting Enforcement Officer at the same time that any other required plans are submitted and shall include:

 - ~~i. A map or drawing showing the acreage of the property and the location on the property where the luminaire(s) will be installed;~~
 - ~~ii. The specifications for each luminaire to be installed, including but not limited to the correlated color temperature (CCT), the lumen output, the BUG rating (if applicable), and the shielding description;~~
 - ~~iii. The quantity and type of all proposed luminaires;~~
 - ~~iv. The proposed schedule of use, including use of timers, dimmers and/or motion sensors;~~
 - ~~v. Any other evidence that the proposed installation will comply with this chapter.~~~~

~~The Lighting Enforcement Officer shall have the authority to request additional information to confirm compliance with the provisions of this chapter.~~

- ~~d. Within thirty (30) days of submission of the lighting plans or any additional information requested, the Lighting Enforcement Officer shall issue a permit stating the lighting plan conforms to the requirements of this chapter or the reasons for denying the application. If a permit has not been issued within thirty-five (35) days from the date the application for a permit was submitted, the application shall be deemed denied as of the date ending such period and shall be subject to appeal.~~
- ~~e. After a permit has been issued, no substitutions may be made for approved luminaires without submitting a revised plan for review and requesting an amendment to the permit.~~

~~G. Appeals.~~

- ~~a. Any person aggrieved by a refusal to act, decision, or order of the Lighting Enforcement Officer may appeal to the Town Manager, or the official appointed by the Town Manager to handle such appeals, within thirty (30) days after written notification of the decision of the Lighting Enforcement Officer or the date a request for enforcement or an application for a permit shall have been deemed denied in accordance with the provisions above.~~
- ~~b. Any appeal filed with the Town Manager or designee, as to which no decision has been issued within thirty-five (35) days from the date of submission, shall be deemed denied as of the date ending such period and shall be subject to appeal to the Select Board.~~
- ~~c. Any appeal to the Select Board from the order or decision of the Town Manager or designee shall be taken within thirty (30) days from the date of the order or decision or within thirty (30) days from the date on which the appeal shall have been deemed denied in accordance with provision above.~~
- ~~d. Any appeal pursuant to the above subsections shall be taken by filing a notice of appeal, specifying the grounds thereof, with the Town Administrator. A copy of said notice, including the date and time of filing with the Town Administrator, shall be filed with the Lighting Enforcement Officer. The Lighting Enforcement Officer shall forthwith transmit to the Town Administrator all documents and papers related to the appeal taken.~~

- ~~H. Civil remedies. Nothing in this chapter shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of nuisance. [Ed. Note: this will~~

become subsection E]

§ 102-10. Effective Date.

The effective date of the adoption or amendment of this chapter shall be **January 1, 2024**. ~~the date on which such adoption or amendment was voted upon at Town Meeting.~~ If such adoption or amendment is subsequently disapproved, in whole or in part, by the Attorney General, this chapter as it would have read without the disapproved portion of the adoption or amendment so voted, shall be deemed to have continued in effect from the date **stated above**. ~~of such vote.~~

§ 102-11. Severability.

The provisions of this chapter are hereby declared to be severable and, if any provision or the application of such provision to any property, person or circumstance shall be determined to be invalid, such invalidity shall not be construed to affect the validity of any other provision hereof or the application of any provisions to any other property, person, or circumstances. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

ARTICLE 77

(Acceptance of Massachusetts General Law Chapter 41, Section 110A: Voter Registration Deadline)

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 41, Section 110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office; or take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the provisions of Massachusetts General Law Chapter 41, Section 110A, are hereby accepted; and, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office.

ARTICLE 78

(Amend Declaration of Trust for Affordable Housing Trust Fund)

To see if the Town will vote to authorize the Select Board to amend the Declaration of Trust of the Town of Nantucket Affordable Housing Trust Fund dated February 8, 2010 recorded with Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust of Town of Nantucket Affordable Housing Trust Fund dated September 25, 2014 recorded with said Deeds in Book 1452, Page 272 pursuant to the authority set forth in Section 17 of said Trust, as follows: 1. Section 2 Purpose: Delete Section 2 and replace it with the following: "The purpose of the Trust is to provide for the creation and preservation of affordable and attainable housing in the Town of Nantucket for the benefit of year-round residents. For the purposes of this Trust, "affordable housing" is defined as housing that is occupied by a low or moderate income household with incomes less than one hundred percent

(100%) of the area wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size. For purposes of this Trust, “attainable housing” is defined as housing that meet the needs of households with incomes less than two hundred forty percent (240%) of the area wide median income as determined by HUD, adjusted for household size.” All other provisions of the Trust shall remain the same.

Or to take any other action related thereto.

(Select Board for Affordable Housing Trust)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to amend the Declaration of Trust of the Town of Nantucket Affordable Housing Trust Fund dated February 8, 2010 recorded with Nantucket County Registry of Deeds in Book 1221, Page 20, as amended by First Amendment to Declaration of Trust of Town of Nantucket Affordable Housing Trust Fund dated September 25, 2014 recorded with said Deeds in Book 1452, Page 272 pursuant to the authority set forth in Section 17 of said Trust, as follows: 1. Section 2 Purpose: Delete Section 2 and replace it with the following: “The purpose of the Trust is to provide for the creation and preservation of affordable and attainable housing in the Town of Nantucket for the benefit of year-round residents. For the purposes of this Trust, “affordable housing” is defined as housing that is occupied by a low or moderate income household with incomes less than one hundred percent (100%) of the area wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size. For purposes of this Trust, “attainable housing” is defined as housing that meet the needs of households with incomes less than two hundred forty percent (240%) of the area wide median income as determined by HUD, adjusted for household size.” All other provisions of the Trust shall remain the same.

ARTICLE 79

(Establishment of Independent Sewer Commission)

To See if the Town will vote: to establish an independent Sewer Commission separate from the Select Board to set policy, sewer rates, and oversee the Nantucket Sewer Department, under the direction of the Sewer Department Director.

The Sewer Commission shall consist of five (5) elected members who shall serve for (staggered) three year terms.

Or to take any other action as appropriate:

(Curtis L. Barnes, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 80

(Home Rule Petition: An Act Amending the Charter of the Town of Nantucket To Increase the Terms of Office for Members of the Select Board to Five Years)

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 section 3.1 of

the charter for the Town of Nantucket to increase the terms of office of members of the Select Board to five years, 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; provided that at the first annual town election held at least 60 days after the effective date of the Act and for the next four annual town elections held thereafter, the Select Board shall include on the election warrant either one or two Select Board positions for varying terms to insure that in the future one five year term expires each year.

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

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

Section 1: Section 3.1 of the Home Rule 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 deleting the word “three” in the first line and inserting in place thereof the following word:- five .

Section 2: This Act shall take effect upon passage.

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 81

(Town Council Form of Government)

To See if the Town will Vote: to direct the Select Board to establish a committee for the purpose of studying the establishment of a Town Council form of government for the Town and County of Nantucket.

1. The Town Council shall serve as the legislative body for the Town and County of Nantucket.
2. The Town Council shall employ a professional administrator to manage and implement policies and procedures approved by the Council.
3. The Town Council shall consist of nine (9) elected members, of which one each shall be elected from the following council districts, as established by the Town Charter: Town East; Town West; Mid Island; Siasconset; Madaket; Tom Nevers; Surfside; Polpis-Quidnet-Wauwinet; and one (1) At Large member.
4. Town Counsel members shall be registered year ‘round residents and voters on Nantucket, and shall reside in the districts they represent.
5. The Town Council members shall elect a Chairperson, and Vice Chairperson annually at the Council’s annual organizational meeting, to serve during the current Council year.

6. Town Council members shall be paid \$5,000 per year, with the Chair being paid \$8,000 per year.

Or to take any other action as appropriate:

(Curtis L. Barnes, et al)

FINANCE COMMITTEE MOTION: Moved to request that the Select Board establish a committee for the purpose of studying the establishment of a Town Council form of government for the Town and County of Nantucket, with the following conditions.

1. The Town Council shall serve as the legislative body for the Town and County of Nantucket.
2. The Town Council shall employ a Town Manager to manage and implement policies and procedures approved by the Council.
3. The special committee shall consider any structural or administrative details of the Town Council, including but not limited to:
 - a. The number of members of the Town Council;
 - b. How the Council might represent the voters of Nantucket;
 - c. The qualifications necessary to hold a seat on the Town Council;
 - d. The internal organization of the Town Council;
 - e. Compensation of Council members; and
 - f. Any other characteristics of the structure and processes of the proposed Town Council as may be recommended.
4. The special committee shall complete its work and submit an Article enabling the transition to a Town Council structure no later than Annual Town Meeting 2024.

ARTICLE 82

(Home Rule Petition: Charter Change to Town Council/Town Manager Form of Government)

To see if the Town will vote to adopt a new Town Charter, which is attached, to change the Town's current form of government from Town Meeting/Town Manager and Selectboard to Town Council/Town Manager. In addition, to see if voters will adopt updated operational standards that better reflect modern business practices. Upon passage of this article, the Town shall form a committee to implement the new charter with the goal to complete the adoption by the fiscal year starting July 1, 2024.

TOWN OF NANTUCKET, MASSACHUSETTS HOME RULE CHARTER

PREAMBLE

We, the people of the Town of Nantucket, Massachusetts, in order to form a more perfect community, reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and take fullest advantage of the Home Rule Amendment to the Constitution of the Commonwealth, do ordain and adopt this Home Rule Charter for our Town.

Intention of this Charter

It is the intent of this Charter to confer on the Town of Nantucket, first incorporated in 1671, all powers possible under the Constitution of the Commonwealth as fully and completely as though they were expressly enumerated in this Charter. The Town shall remain subject to the laws of the Commonwealth, its rules and regulations and to the bylaws of the Town, except to the extent they are inconsistent with the provisions of this Charter. The Charter shall not be construed as a codification of all such laws, rules, regulations and bylaws but as effecting those particular changes by which the inhabitants of Nantucket may secure a more efficient, responsive and wise government.

Liberal Construction

The powers of the Town under this Charter shall be construed liberally in favor of the Town.

ARTICLE ONE POWERS OF THE TOWN

Section 1 Incorporation

1-1-1 The inhabitants of the Town of Nantucket, within the Town's corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Nantucket."

Section 2 Forms of Government and Title

1-2-1 This Charter provides for a Town Council-Town Manager form of town government, and it shall be known by the title "Nantucket Home Rule Charter."

Section 3 Scope and Interpretation of Town Powers

1-3-1 The Town shall possess, exercise and enjoy all local government powers, rights and privileges under the Constitution and laws of Massachusetts as completely and fully as though they were expressly enumerated herein.

1-3-2 The powers of the Town under this Charter shall be construed liberally in its favor, and no specific Charter grant of particular powers is intended to limit in any measure its general grant of power.

Section 4 Intergovernmental Co-operations

1-4-1 In the exercise of its powers and functions, the Town may enter into intergovernmental agreements with other units or agencies of government by any appropriate means.

ARTICLE TWO THE TOWN COUNCIL

Section 1 Composition and Membership

2-1-1 The legislative body of the Town shall be a Town Council whose members shall be elected to meet, deliberate, act and vote in exercise of the corporate powers of the Town. In addition the Town Council will also serve as the County Commissioners.

2-1-2 Eight (8) of the council members shall be elected by district vote as established by a map of districts established by the Charter Implementation Committee during initial organization. Any changes to said map shall require a two-thirds majority vote open to all registered voters within the Town.

2-1-3 The Chair of the council shall be elected by popular vote taken by all districts and shall be the one at-large seat. The chair shall be required to hold office hours within normal business hours five days a week.

2-1-4 Town Council members shall receive compensation for service and may be allowed expenses incurred in the performance of their official duties.

2-1-5 The term of office of the Town Council shall begin on the second Wednesday following the election and continuing until their successors are qualified.

2-1-6 All elected council members shall be limited to four (4) total terms of office.

Section 2 Eligibility

2-2-1 Any registered voter of the Town shall be eligible for election to Town Council membership. However, no person holding an elective or appointed office of the Town as established in general law, Article Three of this Charter, or bylaw, shall take the oath or affirmation of office as a Town Councilor.

2-2-2 No Town Councilor shall, while a member of the Town Council, hold any other compensated Town office or position. No former Councilor shall hold any compensated appointive office or employment until one-year after the expiration of service on the Town Council. This provision shall not prevent a Town officer or employee who has taken a leave of absence from such duties in order to serve as a member of the Town Council from returning to such office or employment following service as a member of the Town Council.

Section 3 Vice Chair and Clerk

2-3-1 At the first Council meeting following each regular Town election, the Council shall choose from its membership a Vice-Chair and Clerk, each of whom shall serve for a 1-year term. The Council may reorganize itself at any time during the year by a 2/3 vote of its membership. The Chair shall preside at meetings of the Council and shall perform such other duties as provided by this Charter, by bylaw, or Council vote. The Vice-Chair shall act as Chair during the absence or disability of the Chair. The Clerk shall ensure that proper notice of all Council meetings is provided to its members and to

the public, that all votes of the Council are recorded and that minutes of all Council proceedings are kept and shall perform such other duties as may be assigned by this Charter by bylaw or by vote of the Council.

2-3-2 Vacancies which occur in the offices of Vice Chair or Clerk shall be filled at the next regular Council meeting following the vacancy. All appointments to fill vacancies in Council offices shall be for the remainder of the original one-year term of office.

Section 4 General Powers and Duties

2-4-1 Except as otherwise may be provided by this Charter, all general, corporate, legislative and appropriations powers of the Town shall be vested in the Town Council.

2-4-2 The Council may enact bylaws, rules, regulations, and other orders, not inconsistent with this Charter, governing its own proceedings, town functions, and all matters bearing on the exercise of its powers and duties.

2-4-3 The Council shall provide minutes of its proceedings to be kept and maintained as a public record in the office of the Town Clerk.

2-4-4 Power to Acquire Real Estate for the Town Subject to applicable administrative procedures pursuant to the laws of the Commonwealth or Town bylaw, the Council may, notwithstanding any law to the contrary, vote the following: To acquire any real estate, including any partial interest therein, by purchase or acceptance of gift; such acquisition being without the necessity of any vote of Town Meeting, but subject to the restriction that any acquisition of real estate by eminent domain may only be affected if first authorized by vote of Town Meeting pursuant to the laws of the Commonwealth and subject also to the availability of any necessary funds appropriated for such acquisition. The Council shall publish a public notice of such a vote in a newspaper having general circulation within the Town. Any such acquisition shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 30 days following the date such public notice is published.

2-4-5 The Council may, at a public meeting, exercise the following powers:

(1) To appoint the Town Manager for the purposes set forth in Article IV. Such appointment shall be upon appropriate terms and conditions, including provision for annual performance reviews, in conformity with this Charter and the General Laws. By a majority vote of the full count of members then in office, the Board may remove the Town Manager;

(2) To appoint Town Counsel, and registrars of voters and other election officials (upon the recommendation of the Town Clerk), also other Town officers and employees to the extent so permitted to them by this Charter; (3) To appoint and, for cause, upon written charges and after a public hearing if so requested, to remove members of the following Town boards, councils, commissions and committees: Airport Commission, Conservation Commission, Commission on Disability, Council on Aging, Council for Human Services, Finance Committee, Parks and Recreation Commission, and Zoning

Board of Appeals; and any other committee for which a Town bylaw makes the Council the appointing authority; also any advisory committee established by the Council and any committee acting for both the Town and the County. Cause for removals shall be put forward in good faith, and not arbitrary, irrational, unreasonable or irrelevant to the duties of the office, on grounds of incapacity beyond temporary illness, chronic non attendance or violation of the oath of office. Nothing in this Section 2-4-5(3) mandates the continued existence of any such board or the specific number of members appointed;

(4) To exercise the power to disapprove of appointments made by the Town Manager pursuant to 2-4-5 (7) or Article 4 of this Charter. All appointments by the Town Manager to the position of Assistant Town Manager, of department head or of any other position pursuant to this Charter, are subject to a vote of disapproval by the Council; provided, however, that such appointments shall take effect unless the Council votes disapproval within a 15-day period following the day on which notice of the proposed appointment is filed with the Board Chair;

(5) To fill by appointment any elective position on a Town board, commission or council, vacant by reason of a member's resignation, death or incapacity beyond temporary illness, but only if the laws of the Commonwealth allow for appointments in such cases, the appointee to serve, any such laws notwithstanding, only until a successor is elected at the next annual Town Election and the successor so elected then to serve for the remainder, if any, of the member's unexpired term; and

(6) To appoint to the Planning Board three associate members to serve in zoning matters as alternates in lieu of any elected alternate, the terms of appointment being of such length and so arranged that the term of one associate member shall expire each year. Nothing in this Charter shall affect the election of the regular Planning Board members in accordance with the laws of the Commonwealth.

(7) Any vacancy occurring in an appointed position in Town offices, boards, councils, commissions or committees shall be filled by the Council, the Town Manager or other appointing authority, whichever is empowered to make the initial appointment to the position vacated, for the balance of the unexpired term.

2-4-6 The Council shall have the power:

(a) To act in the capacity of the Board of County Commissioners;

(b) To establish general Town priorities, goals and policies;

(c) To establish, as may be advisable or needed, one or more advisory committees to conduct any inquiry or investigation or to make planning, policy or other recommendations; further, to establish and shall so establish as a permanent standing committee of the town, a three-member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results, and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members, each serving a term of one year. The committee will consist of the Chair of the Council, the Chair of the Finance Committee, and one member of the Council appointed by the Council.

(d) To adopt rules for the conduct of business and to fix times and places for meetings, to establish all five members as a committee of the whole, and to designate any number of its members as a subcommittee;

- (e) To approve or disapprove Town contracts, contract amendments, contract terminations and contract enforcement actions proposed by the Town Manager;
- (f) To identify emergency situations and to declare emergencies;
- (g) To designate a sub-committee to, or to hear and decide upon license applications as may be provided by Town bylaws or by Special or General Laws; and
- (h) To designate a sub-committee to, or to hear and decide administrative appeals from the Historic District Commission or from any other Town body as may be provided by Town bylaw or by the laws of the Commonwealth.

Section 5 Procedures

2-5-1 The Town Council shall meet regularly at least once in each month. Special meetings may be held at any time if called by the Chair or by four (4) members of the Council, provided, however, that for a special meeting, at least 48 hours personal notice shall be given to each Council member, except in case of an emergency. All Council meetings shall be conducted in accordance with the open meeting provisions of the General Laws.

2-5-2 A majority of the full Council membership shall constitute a quorum for the purpose of conducting business.

2-5-3 Except as otherwise may be provided by general law provisions respecting closed sessions, all meetings of the Council shall be open to the public, and residents and employees of the Town shall have a reasonable opportunity to be heard at any such meeting.

Section 6 Town Bylaws

2-6-1 Proposed bylaws shall deal with one (1) subject only and shall be introduced in writing and in the form necessary for final adoption.

2-6-2 Any registered voter may file a bylaw proposal or change to existing bylaw by filing the proposal with the Town Clerk. This submittal shall be required to have been signed by 100 registered voters of the Town of Nantucket. Town Departments are exempt from this requirement.

2-6-3 Any bylaw which amends or repeals a portion of the Town bylaws shall set out in full the portion to be so amended or repealed, by the use of strikeout type, brackets or underscoring.

2-6-4 Prior to final passage, each introduced bylaw shall be read at two (2) separate Council meetings, except in cases of special emergency involving the health or safety of the people or their property. No bylaw shall be declared an emergency unless such an emergency is defined and declared in a preamble thereto, separately voted on and receiving the affirmative vote of at least two-thirds (2/3) of the full Council membership.

2-6-5 The affirmative vote of a majority of the full Council membership, except as otherwise provided by general law of this Charter, shall be necessary for the final passage of any bylaw resolution, or other action.

2-6-6 All votes on regular and emergency bylaws shall be taken by roll call and shall be recorded in the minutes.

Section 7 Action Requiring a Bylaw

2-7-1 In addition to other acts required by statute or this Charter to be accomplished through bylaw, those acts of the Town Council shall be through bylaw which: (a) adopt or amend administrative bylaws or establish, alter, or abolish any Town department, office or agency; and (b) provide for a fine or other penalty, or establish a rule or regulation for the violation of which a fine or other penalty is imposed; and (c) establish all fees which are not set by general law.

Section 8 Vacancy

2-8-1 Unless recalled in accordance with Article Five, Section 4 of this Charter, a vacancy in the office of Councilor at Large shall be declared by the Town Clerk following notification of the death, permanent disability to serve, resignation, and/or failure to maintain a permanent residency within the Town of Nantucket.

2-8-2 Vacancies shall be filled by special election to be called within ninety (90) days of said vacancy unless a regular or special Town election shall occur within one hundred twenty (120) days.

ARTICLE THREE ELECTED TOWN BOARDS AND OFFICERS

Section 1 General Provisions

3-1-1 Members of Town boards to be elected by the qualified voters, of the Town shall be, in addition to the Town Council: (a) seven members of a School Committee elected for concurrent terms of two years, (b) seven members of the Conservation Commission (c) five members of a Board of Health, and (d) five members and two associate of a Planning Board (e) seven members and two alternate of the Historic District Commission (f) five members of the Zoning Board of Appeals all to be elected from the Town at large for three-year overlapping terms of office so arranged that the terms of as nearly one third of the members of such boards and committees shall expire at each annual Town election.

3-1-2 Should any of the boards or commissions listed above require appointment by state law these appointments shall be made in accordance with the results of the popular election.

3-1-3 Officers of the Town to be elected at large for four-year terms of office shall be:
(a) Town Clerk and (b) Three Constables.

3-1-4 Officers and members of elected boards established under this Article shall receive such compensation as may be authorized by the Town Council within limits of an appropriation made for that purpose.

3-1-5 Officers and members of boards established under this Article shall exercise such powers and duties as are, and may be, provided by general law, this Charter, bylaw and order of the Town Council.

Section 2 Special Provisions

3-2-1 The School Committee established under this Article shall have general charge of the public schools of the Town. The School Committee shall have the power to select and to terminate a superintendent of schools, establish educational goals and policies for the schools consistent with the requirements of the laws of the Commonwealth and standards established by the Commonwealth. The School Committee shall have all the powers and duties given to school committees by the laws of the Commonwealth.

Section 3 Vacancies

3-3-1 Unless recalled in accordance with Article Five, Section 4 of this Charter, vacancies in boards established under this Article shall be filled by the Town Council jointly with the remaining members of the respective board by majority vote until the next regular Town election.

3-3-2 Unless recalled in accordance with Article Five, Section 4 of this Charter, a vacancy in the office of Town Clerk or Constable shall be filled in accordance with the provisions of general law.

ARTICLE FOUR THE TOWN MANAGER

Section 1 Appointment and Qualifications

4-1-1 The Town Council, by a majority vote of its full membership, shall appoint a Town Manager who shall administer and implement the directives and policies adopted by the Town Council. The Council shall fix the Manager's compensation within the limits of an appropriation adopted for that purpose. The salary, benefits, and terms and conditions of employment and the procedures for dismissal shall be negotiated between the Town Council and the Manager.

4-1-2 In seeking candidates for the Manager's post, the Town Council shall advertise in appropriate professional journals and other suitable publications as seemed necessary. The Town Manager need not be a resident of the Town at the time of appointment but shall establish residence within the Town within one year following appointment, unless

the Town Council shall waive such residency requirement. If a resident of the Town, the successful candidate shall have held no elective town office for a period of one year prior to appointment.

4-1-3 The Manager shall be appointed on the basis of educational, executive and administrative qualifications and experience, including at least a bachelor's degree in an appropriate field of study from an accredited four-year college or university. Professional experience shall consist of at least three (3) years of full-time compensated service in town or town administration or related administrative activity.

Section 2 Powers and Duties

4-2-1 The Town Manager shall be the chief executive and administrative officer of the Town and shall be responsible to the Council for the effective administration of all Town affairs placed in their charge by or under this Charter.

4-2-2 The Manager shall not hold any other elective or appointive Town office, but may be appointed by the Council to serve on committees, both standing and ad hoc. The Manager shall devote full-time to the duties of the office and shall not engage in any other business or occupation without the advance written authorization of the Council.

4-2-3 The Manager shall: (a) attend all meetings of the Council except when excused and have the right to speak but not to vote; (b) keep the Council fully informed regarding Town and departmental operations, fiscal affairs, general problems and administrative actions and submit appropriate periodic reports; (c) keep the Council fully informed as to the long-range needs of the Town, the practices and governmental trends of other communities and the laws and regulations of the Commonwealth and make such recommendations to the Council as deemed necessary and appropriate; (d) prepare, assemble and present to the Council the annual Town operating and capital budgets and cooperate with the Finance Committee in all financial matters; (e) serve as general ombudsman for the Town; (f) maintain an inventory of all town real and personal property; (g) be responsible for all aspects of the personnel system, (h) serve as chief procurement officer; (i) be responsible for the maintenance of all buildings and property owned or leased by the Town, except that under the jurisdiction of the School Committee; and (j) perform such other duties as may be required by this Charter, bylaw or order of the Council.

4-2-4 The Manager may, with the approval of the Council within the departments and agencies under their jurisdiction, establish, reorganize or consolidate any department, board commission or office.

4-2-5 Roles of Council and Town Manager

(a) The administration of the Town shall be vested in the Town Manager who shall, with the assistance of the various Town Department heads, cause this Charter, the Town's legislative actions pursuant to Articles II and III, and applicable General Laws to be enforced.

(b) It is the intent of this Charter to confer upon the Council such limited legislative powers and general executive policy setting and investigative powers as are provided in Article III but at the same time, by virtue of this Article IV, to confer upon the Town Manager full control over Town Administration, as defined in Section 4.4(a) of this Charter, and of the administration of Town services provided for in this Article IV. Accordingly, this Charter seeks to establish clear lines between Article III powers of the Council and Article IV administrative functions as follows:

- (1) The Council are to deal with individual Town Administration employees only through or jointly with the Town Manager responsible for the overall administrative management of the Town's affairs as specified in this Article IV; and
- (2) All routine contact with Town employees concerning the functions of Town Administration and its provision of services shall be from the Council through or jointly with the Town Manager.

(c) Nothing in the foregoing nor in this Charter shall be construed to prohibit informal, non-directive conversations of Town Council Members with other Town officials, nor the inquiry by the Council into any act or issue concerning Town Administration.

4-2-6 Town Manager

(a) The Council shall appoint a Town Manager for an initial term of 2 years. Any successive terms shall not exceed 3 years each. The Town Manager so appointed shall, by education, experience and ability, be qualified to perform the duties established for the position. Such person need not be a resident of the Town at the time of appointment but shall be a resident during the term of office starting not later than one year unless the residency requirement is waived by the Town Council following appointment.

(b) The Town Manager shall devote full time to the duties of the office.

(c) The Town Manager shall be responsible to the Council for the efficient operation of Town Administration, for acting in conformity with policies Section 4.1 Section 4.2 :1 established by the Board with respect to budget and other matters, and for the proper implementation of legislation adopted by the Town pursuant to Article II. The Town Manager shall have all the powers, rights and duties delegated by the Council or as are commonly associated with the office of chief administrative officer of a local government unit.

(d) In particular, the Town Manager:

- (1) shall supervise, direct and be responsible for the efficient administration of all officers, boards, councils, commissions and committees appointed by the Town Manager, and all other Town functions for which the Town Manager is given responsibility by this Charter, Town bylaw, administrative code, or other legislation; and may issue administrative orders;
- (2) shall have appointment powers as provided in Section 4.3;
- (3) shall, with the assistance of the department heads, prepare and submit to the Council, all annual operating budgets and capital budgets, and any proposal for budget amendment; shall establish the schedules and procedures to be followed by all Town departments, boards, councils, commissions and committees in connection therewith and shall direct all phases of the budgetary process throughout each fiscal year;

- (4) may be present at all meetings of the Council and may participate in all deliberations, without the right to vote;
- (5) shall, with the assistance of the Town department heads, ensure adequate inventory, care, construction and maintenance of all Town properties, owned or leased, and foster centralized purchasing including, if so requested, for the School Committee;
- (6) may require reports from and may examine the records, accounts and operations of any Town department, board, council commission or committee and shall recommend whatever actions or programs are deemed necessary or desirable for the Town, the welfare of its residents and of visitors to the Islands;
- (7) shall review, analyze and forecast trends of Town services and programs of all Town departments, boards, councils, commissions and committees and make reports and recommendations thereon to the Council;
- (8) shall negotiate and sign on behalf of the Town contracts and contract amendments for the Town and initiate contract terminations and enforcement actions, subject in each case to resolution of approval or disapproval of the Council, and including any Town employment (but not union) contracts, subject to the availability of funds;
- (9) shall have the authority, subject to resolution of approval or disapproval of the Council, to prosecute, defend and compromise, all litigation to which the Town is party. In the event that a board, council, commission or committee of the Town is a party defendant to litigation and the Town a party plaintiff, that board may vote to be represented by special counsel funded from the same appropriation as Town Counsel would otherwise be;
- (10) shall assure that all terms and conditions imposed in favor of the Town or its inhabitants in any statute, franchise or contract are faithfully kept and performed;
- (11) may order any Town Administration department head to undertake tasks for any other Town Administration department, on a temporary basis if deemed necessary for proper and efficient administration;
- (12) shall make recommendations to the Council of actions they might take for the improvement of the Town and for the welfare of its residents and Island visitors, also for provision of adequate working space and conditions of Town Administration and other Town agencies;
- (13) shall approve warrants for payment before such warrants are submitted to the Council
- (14) perform any other duties as may be required by this Charter, by Town bylaw or by majority vote of a quorum of the Council.

4-2-7 Town Manager Appointments

- (a) shall appoint the heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval by the Council;
- (b) shall appoint members of Town boards, councils, commissions and committees, but only to the extent that the power of appointment of the Council under Section 3.4 of this Charter to make such appointments is delegated by the Council to the Town Manager and then subject to resolution of disapproval by the Council;
- (c) may, at the Manager's discretion and for cause, remove, suspend or otherwise discipline any appointee of the Manager, subject, however, to any grievance procedure as may be established by Town bylaw, rule or regulation or any applicable union contract provisions; and

(d) may, if the Council creates the office of Assistant Town Manager, appoint and, subject to the limitations set out in the Charter, remove, suspend or otherwise discipline the Assistant Town Manager. Such Assistant Town Manager shall serve as acting Town Manager during the temporary absence or disability of the Town Manager

4-2-8 Town Administration Departments

(a) The Town Administration shall include all existing town departments provided however that nothing in this charter mandates the continued existence or organization of any such Town Administration Department or continuance of a department name or function.

(b) The Town Administration shall not include the Airport, School, Regional Planning Authority and Water Departments.

(c) In addition to the foregoing, the following boards, commissions and agencies shall be hereby classified as town administration departments:

- Board of Appeals
- Conservation Commission
- Council on Aging
- Council for Human Services
- Historic District Commission
- Planning Board
- Park & Recreation Commission
- Shellfish & Harbor Advisory Board

All town employees in the employ of these boards, and commissions, and agencies as staff, assistants and the like shall, on the effective date of this amendment, come under the appointment, removal or other authority of the Town Manager in accordance with the Charter; provided, however, that the method of appointment or election of members of such boards and commissions (which boards and commissions shall be "Department Head" within the meaning of the Charter of the Town for each of their respective jurisdictions) shall not be changed by this amendment.

4-2-9 Department Head Responsibilities

The heads of Town Administration departments shall be responsible to the Town Manager for the efficient operation of their respective departments and for the proper implementation of the laws and regulations of the Commonwealth and of Town bylaws applicable to their departmental functions.

4-2-10 Department Personnel

With authorization of the Town Manager and subject to availability of budgeted funds, the heads of Town Administration departments shall appoint and hire the personnel of their respective departments. With authorization of the Town Manager, the department heads may remove, suspend or otherwise discipline such personnel, subject, however, to any grievance procedures as may be established by Town bylaw, rule or regulation or any applicable union contract provisions.

4-2-11 Town Clerk

The Town Clerk shall be elected and shall have such duties and powers as are provided by General Law, including the power to appoint an Assistant Town Clerk.

4-2-12 Town Boards not within Town Administration

The Town Manager shall not exercise any control over the discretionary power vested by the laws of the Commonwealth in any Town board, council, commission, or committee not within Town Administration.

4-2-13 Staff or Boards not within Town Administration

Each Town board, council, commission or committee not within the Town Administration shall have the power to appoint its respective staff personnel, subject to availability of budgeted funds and (except staff of the School Committee) subject to prior written notification to the Town Manager. Such staff personnel shall be responsive to the Town Manager only in matters of the Town's general administrative procedures but not as to substantive decisions entrusted to such board, council, commission or committee. With prior written notification to the Town Manager, such boards may remove, suspend or otherwise discipline their staff personnel, subject, however, to any grievance procedures as may be established by Town bylaw, rule or regulation or any applicable union contract provisions.

Section 3 Removal of the Town Manager

4-3-1 Final removal of any Town Manager shall be effected by a super majority vote (75%) of the full Town Council at an open Council meeting.

Section 4 Acting Town Manager

4-4-1 The Town Manager may designate a qualified person to serve as Acting Town Manager and to perform the duties of the office for up to 21 days on account of the temporary absence or unavailability of the Town Manager.

4-4-2 The Town Council may designate a qualified person to serve as Acting Town Manager and to perform the duties of the office during the period of any vacancy caused by the Manager's absence, or unavailability for more than 21 days, or because of the illness, suspension, removal or resignation of the Town Manager. The appointment shall be for not more than 180 days, but such appointment may be extended for 2 additional 90-day periods by vote of the Council.

ARTICLE FIVE TOWN ELECTIONS

Section 1 Annual Town Election

5-1-1 The regular election for all Town offices and Town Council members shall be by official ballot held on the first Tuesday following the first Monday in November of each odd numbered year. All elections of Town officers and Town Council members shall be nonpartisan, and all election ballots shall be printed without any party mark or other political emblem.

5-1-2 The order of candidate names on the official ballot shall be such that incumbents are listed first, followed by other candidates in alphabetical order.

5-1-3 Any person elected to any office, board or Council shall take up the duties thereof immediately upon taking the oath or affirmation of office.

5-1-4 Except as otherwise provided by this Charter, the provisions of general law with respect to nominations and elections to Town offices shall apply.

5-1-5 The nomination of candidates for election and reelection as Town Council members shall be made by nomination papers filed with the Town Clerk no later than the last day on which nomination papers of candidates for other Town offices must be filed. For the office of Town Councilor, such papers shall be signed by at least one hundred (100) qualified voters of the Town. Nomination papers shall not be valid for any candidate whose written acceptance is not attached thereto when filed.

Section 2 Initiative

5-2-1 The voters of the Town shall have the power to propose and act upon any legislative matter falling within the authority of the Town Council so to act, except emergency measures as provided in Sections 2-6-3 and 6-8-1 of this Charter.

5-2-2 Initiative legislation may be proposed by submission to the Town Clerk of a petition signed by the qualified voters of the Town equal in number to not fewer than five percent (5%) of those registered at the last regular Town election. Each copy of the petition shall clearly state the question or questions to be voted on.

5-2-3 If, within seven days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provision shall be made for a special initiative election to be conducted within thirty-five (35) days thereafter for the sole purpose of voting on the petitioned question or questions.

5-2-4 Each question to be voted on the special initiative election shall be in the same form and language as stated on the initiative petition.

5-2-5 No special initiative election shall be valid unless at least twenty-five percent (25%) of the qualified voters of the Town shall cast a ballot on each question submitted.

Section 3 Referendum

5-3-1 No bylaw, order or other measure adopted by the Town Council, except a vote: (a) to appropriate a sum of money less than fifty thousand dollars (\$50,000.00) or (b) to enact an emergency measure as detailed in Sections 2-6-3 and 6-8-1 of this Charter, shall become operative until the expiration of fourteen (14) days following the Council's final vote thereon.

5-3-2 If within such fourteen-day period a petition signed by the qualified voters of the Town equal in number to not fewer than five percent (5%) of those registered at the last regular Town election is filed with the Town Clerk, asking that any question involved in such a vote be submitted to the voters, then a referendum shall be held for the sole purpose of presenting the question or questions to the voters of the Town.

5-3-3 If, within seven days following receipt of the petition the Town Clerk shall determine it to contain a sufficient number of valid signatures, provision shall be made for a referendum to be held within thirty-five (35) days thereafter.

5-3-4 Each question to be voted on in the referendum shall be submitted to the voters in the same form and language as when finally voted on by the Town Council.

5-3-5 All procedures for voting upon referendum questions shall be in the same manner as provided by general law for the conduct of Town elections.

5-3-6 No referendum against any action of the Town Council shall be valid unless at least twenty-five percent (25%) of the qualified voters of the Town shall cast a ballot on each question submitted.

Section 4 Recall of Elective Officers

5-4-1 Any elective officer of the Town may be recalled and removed from office by the voters as herein provided. Any voter may file with the Town Clerk a petition containing the name and title of the elective officer whose removal is sought. For all at-large/all district elective officers such a petition shall be signed by the qualified voters of the Town equal in number to at least five percent (5%) of those registered at the last regular Town election. For a district representative that five percent (5%) shall be of qualified voters within that district only. Such a recall petition must be filed within fourteen (14) days following its initial date of issuance.

5-4-2 If within seven (7) days following receipt of the petition, the Town Clerk shall determine it to contain a sufficient number of valid signatures, provisions shall be made for a recall election to be held within sixty (60) days but not sooner than forty-five (45) days thereafter, provided that no such election shall take place if the regular Town election or another special election shall be held within ninety (90) days. All procedures for voting upon the recall question and filling any vacancy caused by the recall of an officer shall be in the same manner as provided by general law for the conduct of Town elections.

5-4-3 Any officer sought to be removed may be a candidate to succeed to the same office, and unless the officer requests otherwise in writing, the Town Clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections. Ballots used in a recall election shall ask if the officer sought to be recalled shall be

recalled; and shall provide for the names of candidates seeking the office of the officer recalled.

5-4-4 If the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected provided that at least twenty-five percent (25%) of all those qualified to vote shall have voted.

ARTICLE SIX FINANCIAL PROVISIONS AND PROCEDURES

Section 1 Applicability of General Law

6-1-1 In all matters concerning finances and financial procedures of the Town, the provisions of general law shall apply, together with such other requirements as are provided by this Charter and bylaw.

Section 2 Finance Committee

6-2-1 A Finance Committee of 9 members shall be appointed by the Town Council for staggered 3-year terms. The Finance Committee shall elect from its membership for one-year terms of office, a Chair, a Vice-Chair, and a Clerk. The Town Comptroller and the Town Treasurer-Collector shall have ex-officio membership, without voting rights, on the Committee. No elected or appointed Town officer, or compensated Town employee who serves in more than part-time employment, shall serve on the Committee. Committee members shall serve without compensation.

6-2-2 For its initial appointment of a Finance Committee, the Town Council shall appoint 3 members for 3-year terms, 3 members for 2- year terms and 3 members for 1- year terms and thereafter the Town Council shall annually appoint 3 members for 1-year terms. Vacancies on the Finance Committee shall be filled promptly by the Council for the unexpired term.

6-2-3 The Finance Committee shall carry out its duties in accordance with the provisions of general law, this Charter and bylaw, and it shall have regular and free access and inspection rights to all books and accounts of any Town department or office. The Committee shall carefully examine all budget and appropriations proposals and shall issue its recommendations thereon prior to consideration, debate and vote by the Town Council.

Section 3 Submission of Budget and Budget Message

6-3-1 Within the period provided by general law, the Town Manager shall submit to the Town Council and file copies with the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and support documents.

Section 4 Budget Message

6-4-1 The budget message shall explain the budget for all Town agencies in both fiscal and programmatic terms. It shall: (a) outline proposed financial policies of the Town for the ensuing fiscal year; (b) describe important features of the budget; (c) indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons of such variations; (d) summarize the Town's debt position; and (e) include such other materials as the Town Manager may deem desirable or the Finance Committee may require.

Section 5 Budget Proposal

6-5-1 The proposed budget shall provide a complete financial plan for all Town funds and activities, including the proposed School Department budget for the ensuing year. Except for the school budget or as may be required by law, the proposed budget shall be in such form as the Town Manager deems desirable.

6-5-2 In submitting the proposed budget, the Town Manager shall utilize modern fiscal principles so as to afford maximum information and financial control. The budget shall detail all estimated revenue from the property tax levy and other sources and all proposed expenditures, including debt service for the previous, current and ensuing years, and shall indicate separately proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, purpose and position, together with proposed financing methods.

Section 6 Action on the Proposed Budget

6-6-1 The Town Council shall conduct at least two (2) public hearings on the Town Manager's proposed budget, and it shall publish, in one (1) or more newspapers of general circulation in the Town, a general summary of the budget and a notice stating: (a) the times and places where copies of the budget shall be available for inspection, and (b) the dates, times and places, not less than fourteen (14) days after such publication, when the public hearings on the budget proposal shall be conducted. The Finance Committee shall issue printed recommendations and make copies available at the time of the public hearings.

6-6-2 The Town Council shall adopt the budget, with or without amendments, prior to the close of the current fiscal year. Adoption of the budget shall constitute appropriation of the amounts specified therein.

Section 7 Capital Improvements Program

6-7-1 The Town Manager shall submit to the Town Council and file copies with the Finance Committee of a 5-year capital improvements program, which shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next 5 fiscal years, together with supporting data; (c) cost estimates, method of financing and recommended time schedules; and (d) the

estimated annual cost of operating and maintaining any facility to be constructed or acquired.

6-7-2 Information requirements described above may be revised and extended annually with respect to capital improvements in the process of construction or acquisition. A capital improvement shall be defined by the Finance Committee, in consultation with the Town Manager and other Town officials, such definition to be changed from time to time as necessary to reflect current economic conditions.

Section 8 Emergency Appropriations

6-8-1 The Town Council shall have the power to enact emergency appropriations orders to meet a public emergency affecting life, health, property or the public peace. Any such emergency order shall be so declared in an emergency preamble thereto, separately voted on and receiving the affirmative vote of at least two-thirds (2/3) of the full Council membership.

ARTICLE SEVEN GENERAL PROVISIONS

Section 1 Charter Amendment

7-1-1 This Charter may be replaced, revised or amended in accordance with the provisions of the Constitution of the Commonwealth and general law.

Section 2 Specific Provisions to Prevail

7-2-1 To the extent that any specific provision of this Charter shall conflict with any general provision thereof, the specific provision shall prevail.

Section 3 Severability of Charter

7-3-1 The provisions of this Charter are severable. If any provision of this Charter is held invalid, the remaining Charter provisions shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 4 Town Boards, Commissions and Committees

7-4-1 All boards, commissions and committees of the Town shall organize annually and elect a Chair and other necessary officers, establish a majority quorum requirement for meetings, adopt rules of procedure and voting and maintain minutes of its proceedings, copies of which shall be a public record signed by the Clerk of each board and filed regularly with the Town Clerk. All such boards shall conduct their meetings in accordance with the open meeting provisions of general law.

Section 5 Counting of Days

7-5-1 In counting days under this Charter, every calendar day shall be counted, including Sundays and all holidays.

Section 6 Phasing of Terms

7-6-1 Elections and appointments to boards, commissions and committees consisting of more than (1) member and terms of office greater than one (1) year shall be made so that terms overlap. Terms of an equal, or as nearly equal as may be, number of board, commission or committee members shall expire each year

ARTICLE EIGHT TRANSITIONAL PROVISIONS

Section 1. Effective Date

8-1-1 (Reserved)

Section 2 Continuation of Existing Laws

8-2-1 All bylaws, resolutions, rules, regulations and votes of the Town Council which are in force at the time this Charter is adopted, not inconsistent with the provisions of this Charter, shall continue in full force until amended or repealed.

Where provisions of this Charter conflict with provisions of Town bylaws, rules, regulations, orders, and special acts and acceptances of general law, the Charter provisions shall govern. All provisions of Town bylaws, rules, regulations, orders and special acts not superseded by this Charter shall remain in force.

Section 3 Existing Officials and Employees

8-3-1 Any person holding a Town office or employment under the Town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this Charter for the performance of the said 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.

Section 4 Continuation of Government

8-4-1 All Town officers, boards, commissions or agencies shall continue to perform their duties until reappointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred or assumed by another town office, board, commission or agency.

(Jeffrey Carlson, et al)

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

FINANCE COMMITTEE COMMENT: During the Finance Committee's review of the Article, it became apparent that Article 82 has legal deficiencies that cannot be repaired. It was also too late to withdraw the entire Article.

The sponsors of Article 82 have agreed that Article 81 represents the best - and quickest - path forward and to work collaboratively with the sponsor of Article 81 to achieve the same result.

ARTICLE 83

(Home Rule Petition: An Act to Amend the Nantucket Planning & Economic Development Commission Enabling Legislation)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation 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: language to be removed is shown in ~~strikeout~~, new language is shown as highlighted text, explanatory language is shown in bold and italic type; these methods to explain and denote changes are not meant to become part of the final text.)

The name shall be simplified and the mission of planning for the overall long-term health of the Nantucket Island region shall be strengthened by inserting the highlighted text and removing the stricken text in the first sentence of Section 1 as shown below:

In order to plan for the orderly and coordinated development and protection of the physical, environmental, cultural, social and economic resources of the Islands of Nantucket County, including the long range preservation of ground and surface water, coastal resources, ocean quality, open space and other natural resources; 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, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the "Commission" or the "Planning Commission".

The composition of the Planning Commission shall be changed to emphasize long-range planning, to permit Nantucket voters to elect at-large members, to include members representing open space and cultural resource planning, and to introduce term limits, as follows:

Remove this text in Section 1:

The Commission shall consist of the Planning Board of the Town of Nantucket, one (1) representative of the Nantucket Housing Authority to be appointed annually by said Authority ; 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;

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.

And insert in its place:

The Commission shall consist of five (5) persons to be elected for rotating 5 year terms at the annual town election, hereinafter called "the elected members"; one (1) representative of the Planning Board of the Town of Nantucket, to be appointed annually by said Board; one (1) representative of the Nantucket Housing Authority to be appointed annually by said Authority; 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) representative of the Nantucket Historical Commission to be appointed annually by said Historical Commission; one (1) representative of the Nantucket Land Bank, to be appointed annually by said Land Bank.

All Commission members shall be subject to Term Limits. In no case shall any elected or appointed member serve on the Planning Commission for more than ten (10) years in total (being two five-year terms or ten one-year terms or any part thereof), as measured as of the effective date of this Act. This provision shall not prevent members from serving on other elected or appointed public bodies at any time.

In order to instruct the Town Clerk and the public regarding how the revised Planning Commission will be initially and thereafter formed, insert the following text at the end of Section 1:

At the first annual election held after the effective date of this Act, a minimum of two new elected members shall be elected, and appointed at-large members with terms expiring in the current year will be replaced by elected members, so that the total number of elected plus appointed at-large members will be five. As any additional appointed at-large member terms expire, they will be replaced by elected members. The initial term for elected members shall be staggered [the first elected member for a one year term, a second for a two year term, etc]. Thereafter, all elected members shall be elected to rotating five-year terms, with one elected member's term expiring in each year.

After the first annual election held after the effective date of this Act, terms of members previously appointed by their respective Boards and Commissions shall end and the following appointments shall be made: one (1) representative of the Planning Board, one (1) representative of the Housing Authority, one (1) County Commissioner, one (1) representative of the Historical Commission, one (1) representative of the Conservation Commission, and one (1) representative of the Nantucket Land Bank, each to serve for a term of one year.

In all cases the members shall serve until their successors are elected and qualified.

The Planning Commission shall update the existing bylaws of the NP&EDC to be consistent with this Act.

Any vacancy in the elected membership shall be filled by a majority vote of the Nantucket Planning Commission, said vacancy to be filled until the next regular election, after which the newly elected member will serve the remainder of the vacated term.

The following reporting requirement shall be inserted after Section 2:

Section 2A. The Planning Commission shall produce and make available a written report of its activities, annually.

(Hillary Hedges Rayport, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 84

(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)

NOTE: This home rule petition was approved as Article 77 of the 2022 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2022, may expire unless renewed by a confirmatory town meeting vote.

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

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.

ARTICLE 85

(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 75 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)

NOTE: This home rule petition was approved as Article 78 of the 2022 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2022, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested 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.

ARTICLE 86

(Home Rule Petition: An Act Regulating the Application of Nutrient Management and Fertilizer in the Town of Nantucket)

To see if the Town will vote to request its representatives to the General Court to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

AN ACT RELATIVE TO THE REGULATION OF NUTRIENT MANAGEMENT AND FERTILIZER IN THE TOWN NANTUCKET

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. Notwithstanding the provisions of sections 9 and 10 of chapter 262 of the Acts of 2012 or any other general or special law, the deadline for the adoption of any rule, regulation, or by-law relative to nutrient management and fertilizer guidelines adopted in the Town of Nantucket under chapter 561 of the acts of 1973, shall be extended for a period of two years after the effective date of this act. Such rule, regulation or bylaw shall not be less restrictive than regulations adopted by the department of agricultural resources under section 1 of chapter 262 and shall be done in conjunction with the University of Massachusetts Amherst Extension to ensure any regulations relative to plant nutrients are consistent with the program's published information, educational materials and other public outreach programs relative to nutrient management and fertilizer guidelines.

Section 2. The act shall take effect upon passage.

Or to take any other action related thereto.

(Select Board)

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

***AN ACT RELATIVE TO THE REGULATION OF NUTRIENT MANAGEMENT AND
FERTILIZER IN THE TOWN NANTUCKET***

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. Notwithstanding the provisions of sections 9 and 10 of chapter 262 of the Acts of 2012 or any other general or special law, the deadline for the adoption of any rule, regulation, or by-law relative to nutrient management and fertilizer guidelines adopted in the Town of Nantucket under chapter 561 of the acts of 1973, shall be extended for a period of two years after the effective date of this act. Such rule, regulation or bylaw shall not be less restrictive than regulations adopted by the department of agricultural resources under section 1 of chapter 262 and shall be done in conjunction with the University of Massachusetts Amherst Extension to ensure any regulations relative to plant nutrients are consistent with the program's published information, educational materials and other public outreach programs relative to nutrient management and fertilizer guidelines.

Section 2. The act shall take effect upon passage.

ARTICLE 87

**(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 portions of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town of Nantucket for park purposes, as described in more detail below and as shown on a map 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 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 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 a certain parcel of land situated in the Town of Nantucket and held by the Select Board for park purposes subject to Article 97 to the Nantucket Conservation Foundation, Inc. for open space, recreational and conservation purposes 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:

- Tax Assessor's Map 45, Parcel 9, 50 Altar Rock Road as shown on a map filed with the Office of the Town Clerk.

Section 2. No instrument conveying by or on behalf of the Commonwealth, any interest in the parcel of land described in Section 1, shall be valid unless such instrument: (i) provides that the land shall be used solely for open space, recreational and conservation purposes; (ii) if the instrument conveys a fee interest in the parcel of land, includes a clause that shall require the grantee to convey a conservation restriction over the land in perpetuity as defined in and subject to sections 31, 32 and 33 of Chapter 184; and (iii) includes a clause that shall state that if the land ceases to be used by the grantee, or its successors or assigns, solely for open space, recreational and conservation purposes at any time that said parcel of land shall revert to the Town of Nantucket, which shall dedicate it for park purposes subject to Article 97.

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

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 94 of the 2022 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2022, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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 93 Conveyance 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 Articles 93 + 94 Real Estate Conveyance: 50 Altar Rock Road (to Nantucket Conservation Foundation, Inc.)” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 88

(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 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 described as follows:

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M of the Nantucket County Land Court Registry and as shown on a map filed with the Office of the Town Clerk;

Section 2. As a condition of any disposition pursuant to Section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the Commonwealth, the Town of Nantucket shall convey to the care, custody, management and control of the Conservation Commission, and dedicate for conservation and recreation purposes pursuant to Article 97, land of equal or greater acreage and natural resource value as the land so disposed.

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

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 95 of the 2022 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2022, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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 on file 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 95 Home Rule Petition: Real Estate Conveyance 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.

ARTICLE 89

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

To see if the Town will vote to request its representatives in the General Court to introduce special legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

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

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or

notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

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

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may require the establishment of a reserve to be created from a portion of the amount of the annual savings used to calculate the present value savings. Any such reserve shall be held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, excepted as otherwise provided in this act, shall be subject to the provisions of said section 54.

SECTION 4. If the unfunded pension liability to be funded with the proceeds of an issue of bonds or notes issued under this act relates in part to employees of Nantucket County or the Nantucket Islands Land Bank, each of such entities shall be responsible for reimbursing the town of Nantucket for such proportion of the annual debt service expense paid by the town of Nantucket for bonds or notes issued hereunder as is equal to the proportion of the total unfunded pension liability to be funded with the proceeds of the bonds or notes as relates to each of such entities. Notwithstanding any general or

special law to the contrary, the Public Employee Retirement Administration Commission shall increase the annual amount to be certified under section 22 of the General Laws as the amount necessary to be paid by Nantucket County and the Nantucket County Land Bank as its proportionate share of the annual debt service expense as determined herein. The town of Nantucket shall have the same legal rights and authority as the retirement board of the Barnstable County retirement association to collect any amount so assessed to Nantucket County or the Nantucket Islands Land Bank.

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

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

Or to take any other action related thereto.

(Select Board)

NOTE: This home rule petition was approved as Article 95 of the 2021 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2022, may expire unless renewed by a confirmatory town meeting vote.

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

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

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

SECTION 1. The town of Nantucket may issue, at one time or from time to time, bonds or notes for the purpose of funding the portion of the unfunded pension liability of the Barnstable County retirement association allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank. The proceeds of any such issuance, other than amounts to be applied to issuance costs and expenses, shall be paid by the town of Nantucket to the Barnstable County retirement association, shall be allocated solely to reduce the unfunded pension liability allocable to the town of Nantucket, Nantucket County and the Nantucket Islands Land Bank to which the bonds or notes relate, shall be invested in any investments which are permitted under chapter 32 of the General Laws and shall otherwise be held and expended on behalf of the town by the

Barnstable County retirement association in accordance with law. The terms of any such bonds or notes shall not exceed 30 years from the date of issuance and the amount of any such bonds or notes shall be outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws. Upon the authorization of the issuance of pension obligation bonds by the town, the town shall submit the vote and a plan demonstrating how the town will finance and allocate the debt service associated with the bonds or notes to the executive office for administration and finance, and no bonds or notes authorized to be issued by this act shall be issued until the secretary for administration and finance has approved the plan and the issuance of such bonds or notes. Except as otherwise provided in this act, such bonds or notes shall be subject to said chapter 44.

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

SECTION 3. The maturities of such bonds or notes shall be scheduled so that the annual combined payments of principal and interest for each issue shall be as nearly equal as practicable in the opinion of the town Treasurer, in any manner that shall provide for a more rapid amortization of principal, or in accordance with any other manner consistent with the town's approved funding schedule, as the secretary for administration and finance shall approve. In granting the approval, the secretary may require the establishment of a reserve to be created from a portion of the amount of the annual savings used to calculate the present value savings. Any such reserve shall be held and controlled by the town and shall be separate from any other reserve or fund of the town allowed or required by statute. The secretary shall establish a method to calculate both the required amount of annual contribution to the reserve and the minimum value to be maintained in the reserve and shall prescribe conditions for expenditure from the reserve, including its use if necessary to prevent or limit any future unfunded actuarial pension liability, and the conditions under which all or a portion of the funds in the reserve may be available for unrestricted purposes in which case such funds or portions thereof shall be transferred to the town treasury. Any funds in the reserve shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws and, except as otherwise provided in this act, shall be subject to the provisions of said section 54.

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

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

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

ARTICLE 90

(Home Rule Petition: Real Estate Conveyances from Town of Nantucket to Nantucket Islands Land Bank)

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 for open space, conservation or recreational purposes, as described in more detail below and as shown on a map 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 all purposes pursuant to its enabling legislation, 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 CERTAIN LAND
SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE,
RECREATIONAL OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS
LAND BANK FOR THE PURPOSES PURSUANT TO ITS LEGISLATION*

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 to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation, and described as follows:

- Tax Assessor's Map 55, Parcel 276, Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 71, 111 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 38, 104 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.3, 102 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.1, 100 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.2, 98 Washington Street;
- Tax Assessor's Map 54, Parcel 53, Monomoy Creeks;
- Tax Assessor's Map 54, Parcel 641, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 414, 6 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 407, 4 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 640, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 642, Goose Pond Lane;
- Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.

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 for purposes pursuant to Article 97, all as shown on a map 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)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized 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 for conservation or recreational purposes, and which are described as follows, and as shown on a map on file 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 all purposes pursuant to its enabling legislation, 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 CERTAIN LAND
SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE,
RECREATIONAL OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS
LAND BANK FOR THE PURPOSES PURSUANT TO ITS LEGISLATION***

***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 to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation, and described as follows:

- Tax Assessor's Map 55, Parcel 276, Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 71, 111 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 38, 104 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.3, 102 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.1, 100 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.2, 98 Washington Street;
- Tax Assessor's Map 54, Parcel 53, Monomoy Creeks;
- Tax Assessor's Map 54, Parcel 641, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 414, 6 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 407, 4 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 640, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 642, Goose Pond Lane;
- Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.

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 for purposes pursuant to Article 97, all as shown on a map filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 91

(Home Rule Petition: Conveyance of Properties from County to Town)

To see if the Town will vote to authorize the Select Board to petition the General Court to enact a special act to authorize the transfer and conveyance of all or portions of certain parcels of land situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for bicycle path purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below 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 COUNTY OF NANTUCKET TO CONVEY CERTAIN LAND SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET

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. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance:

- Parcels 23, 24, 25, and 28 shown on Plan File 49- O recorded with the Nantucket County Registry of Deeds.

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, all as shown on a map filed with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives in the General Court are hereby requested to introduce special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land situated in the Town of Nantucket and the County of Nantucket owned by the County of Nantucket held for bicycle path purposes as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance described below 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 COUNTY OF NANTUCKET TO CONVEY CERTAIN LAND SITUATED IN THE TOWN AND COUNTY OF NANTUCKET FOR PURPOSES OF CONVEYANCE TO THE TOWN OF NANTUCKET

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. The County of Nantucket is hereby authorized to convey the following parcels of land, owned by the County of Nantucket to the Town of Nantucket for purposes of conveyance:

- **Parcels 23, 24, 25, and 28 shown on Plan File 49- O recorded with the Nantucket County Registry of Deeds.**

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, all as shown on a map filed with the Office of the Town Clerk.

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth under the provisions of Section 14 of Chapter 34 of the Massachusetts General laws shall not be applicable to any conveyance authorized hereunder.

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

ARTICLE 92

(Long-term Lease Authorization: Solid Waste Facility)

To see if the Town will vote to authorize the Town Manager, with the approval of the Select Board, pursuant to a request for proposals issued by the Town under the authority of General laws Chapter 30B, section 6, General Laws Chapter 30B, section 1(e), General Laws Chapter 44, Section 28C(g), or any other enabling authority, to enter one or more long-term contracts or leases for a term not to exceed 25 years commencing in 2025, including all extension, renewal, and option periods, for the collection, transportation, receipt, processing or disposal of solid waste, recyclable, hazardous waste, or compostable materials, and for the operation and construction services at the Town's integrated solid waste management facility located on Madaket Road, including without limitation, the residuals landfill, the composting facility, the construction and demolition debris transfer station, the materials recovery facility, the drop-off facility and any other facilities currently in existence or to be constructed during the term of the contract or leases, including any privately-owned facilities located on Town land; further that the Town finds that it is in the public interest for the Town to enter into one or more contracts for proprietary environmental technology systems

pursuant to General Laws Chapter 149, Section 44A (5)(a) and (b); or to take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town Manager is authorized, with the approval of the Select Board, pursuant to a request for proposals issued by the Town under the authority of General laws Chapter 30B, section 6, General Laws Chapter 30B, section 1(e), General Laws Chapter 44, Section 28C(g), or any other enabling authority, to enter one or more long-term contracts or leases for a term not to exceed 25 years commencing in 2025, including all extension, renewal, and option periods, for the collection, transportation, receipt, processing or disposal of solid waste, recyclable, hazardous waste, or compostable materials, and for the operation and construction services at the Town's integrated solid waste management facility located on Madaket Road, including without limitation, the residuals landfill, the composting facility, the construction and demolition debris transfer station, the materials recovery facility, the drop-off facility and any other facilities currently in existence or to be constructed during the term of the contract or leases, including any privately-owned facilities located on Town land; further that the Town finds that it is in the public interest for the Town to enter into one or more contracts for proprietary environmental technology systems pursuant to General Laws Chapter 149, Section 44A (5)(a) and (b).

ARTICLE 93

(Real Estate Conveyance: Utility Easement at Wilkes Square)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company d/b/a National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain, operate, use, inspect and patrol for the transmission of high and low voltage electric energy and for the transmission of intelligence by an underground electric distribution system and together with any other equipment or appurtenances reasonably required in, through, under, over, across and upon a portion of certain Town-owned land shown as "Private Way" on a plan of land entitled "10 & 12 Washington Street, Nantucket, MA, 81X Plan of Land," dated March 16, 2009, recorded with Nantucket County Registry of Deeds as Plan No. 2009-16, which private way is located between Candle Street and Washington Street and bounded by two Town-owned parcels, being (1) 12 Washington Street more particularly described in deed to the Town recorded with said Deeds in Book 1905, Page 330 and (2) a parcel of land on Candle and Washington Streets described in a Deed to the Town recorded with said Deeds in Book 108, Page 506, said easement area being shown on a plan filed with the Office of the Town Clerk.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to convey a perpetual non-exclusive easement to Nantucket Electric Company d/b/a National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain, operate, use, inspect and patrol for the transmission of high and low voltage electric energy and for the transmission of intelligence by an underground electric distribution system and together with any other equipment or appurtenances reasonably required in, through, under, over, across and upon a portion of certain Town-owned land

shown as “Private Way” on a plan of land entitled “10 & 12 Washington Street, Nantucket, MA, 81X Plan of Land,” dated March 16, 2009, recorded with Nantucket County Registry of Deeds as Plan No. 2009-16, which private way is located between Candle Street and Washington Street and bounded by two Town-owned parcels, being (1) 12 Washington Street more particularly described in deed to the Town recorded with said Deeds in Book 1905, Page 330 and (2) a parcel of land on Candle and Washington Streets described in a Deed to the Town recorded with said Deeds in Book 108, Page 506, said easement area being shown on a plan filed with the Office of the Town Clerk.

ARTICLE 94

(Real Estate Acquisition: Goose Pond Lane and Portion of Spruce Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for open space purposes and for purpose of conveyance the fee title or lesser interests in all or any portions of the property on Goose Pond Lane shown on Tax Assessor’s Map 55 as Parcel 642 and the unconstructed portion of Spruce Street between the western sideline of East Creek Road and the eastern sideline of Orange Street shown on Plan No. 2010 recorded with the Nantucket County Registry of Deeds.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to acquire by purchase, gift or eminent domain for open space purposes and for the purpose of conveyance, the fee title or lesser interests in all or any portions of the property shown as Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.

ARTICLE 95

(Real Estate Conveyance: Town of Nantucket to Nantucket Islands Land Bank - Miscellaneous Parcels)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee title 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 following properties:

MAP	LOT	NUMBER	STREET
55	276		Washington Street
55.1.4	71	111	Washington Street
55.1.4	38	104	Washington Street
55.1.4	9.3	102	Washington Street
55.1.4	9.1	100	Washington Street
55.1.4	9.2	98	Washington Street

54	53		Monomoy Creeks
54	641		Monomoy Creeks
55	414	6	Goose Pond Lane
55	407	4	Goose Pond Lane
55	642		Goose Pond Lane
55	640		Monomoy Creeks
Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.			
Parcel 14 shown on Plan File 49-O on file at the Nantucket County Registry of Deeds			
Parcels 23, 24, 25 and 28 shown on Plan File 49-O on file at the Nantucket County Registry of Deeds			

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to sell, convey or otherwise dispose of the fee title 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 following properties:

MAP	LOT	NUMBER	STREET
55	276		Washington Street
55.1.4	71	111	Washington Street
55.1.4	38	104	Washington Street
55.1.4	9.3	102	Washington Street
55.1.4	9.1	100	Washington Street
55.1.4	9.2	98	Washington Street
54	53		Monomoy Creeks
54	641		Monomoy Creeks
55	414	6	Goose Pond Lane
55	407	4	Goose Pond Lane
55	642		Goose Pond Lane
55	640		Monomoy Creeks
Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.			
Parcel 14 shown on Plan File 49-O on file at the Nantucket County Registry of Deeds			
Parcels 23, 24, 25 and 28 shown on Plan File 49-O on file at the			

Nantucket County Registry of Deeds

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

ARTICLE 96

(Real Estate Acquisition: Easements in Skyline Drive, Webster Road, Portions of Monohansett Road and Okorwaw Avenue for Water Main Extension Project)

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase or eminent domain perpetual water easements or other interests in real estate for the purpose of improving the Town's water system and providing clean water and to construct, inspect, repair, renew, replace, operate and forever maintain water lines and mains with any manholes, pipes, conduits and other equipment and appurtenances thereto, in through, under and across the private ways identified as Skyline Drive, Webster Road, and portions of Monohansett Road and Okorwaw Avenue, as shown on plans of land entitled "Water Easement Plan, Monohansett Road and Okorwaw Avenue, Nantucket, MA, Nantucket County," prepared by Greenman-Pedersen, Inc., "Water Easement Plan, Webster Road, Nantucket, Nantucket County," prepared by Greenman-Pedersen, Inc., and "Water Easement Plan Skyline Drive, Nantucket, MA, Nantucket County," prepared by Greenman-Pedersen, Inc., copies of which are on file with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to acquire by gift, purchase or eminent domain perpetual water easements or other interests in real estate for the purpose of improving the Town's water system and providing clean water and to construct, inspect, repair, renew, replace, operate and forever maintain water lines and mains with any manholes, pipes, conduits and other equipment and appurtenances thereto, in through, under and across the private ways identified as Skyline Drive, Webster Road, and portions of Monohansett Road and Okorwaw Avenue, as shown on plans of land entitled "Water Easement Plan, Monohansett Road and Okorwaw Avenue, Nantucket, MA, Nantucket County," prepared by Greenman-Pedersen, Inc., "Water Easement Plan, Webster Road, Nantucket, Nantucket County," prepared by Greenman-Pedersen, Inc., and "Water Easement Plan Skyline Drive, Nantucket, MA, Nantucket County," prepared by Greenman-Pedersen, Inc., and "Water Easement Plan, Skyline Drive, Nantucket, Massachusetts," prepared by Merrill Engineers and Land Surveyors copies of which are on file with the Office of the Town Clerk.

ARTICLE 97

(Real Estate Conveyance: Easement - 9 East Creek Road)

To see if the Town will vote to authorize the Select Board to grant to the Nantucket Islands Land Bank a perpetual easement over a portion of Town-owned property at 9 East Creek Road, shown as "Total Licensing Area" containing a total of approximately 8,700 square feet on a drawing entitled "Licensing Area at 9 East Creek Rd" (the "Plan"), a copy of which is on file with the Office of the Town Clerk for the

purposes of construction, maintenance and repair of the parking space to provide access to the 19 East Creek Road public dock and viewing deck for use by the public, to remove invasive species and build resiliency with the planting of additional native plantings and to construct, maintain and repair an ADA-compliant connector path from the Our Island Home to the boardwalk and public dock and viewing deck; and further to grant a temporary construction easement on a portion of the Town Property shown on said Plan as two Temporary Construction Impact Areas for the sole purpose of staging equipment and materials in connection with construction of the improvements in the Licensing Area, which shall expire upon completion of the improvements.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to grant to the Nantucket Islands Land Bank a perpetual easement over a portion of Town-owned property at 9 East Creek Road, shown as “Total Licensing Area” containing a total of approximately 8,700 square feet on a drawing entitled “Licensing Area at 9 East Creek Rd” (the “Plan”), a copy of which is on file with the Office of the Town Clerk for the purposes of construction, maintenance and repair of the parking space to provide access to the 19 East Creek Road public dock and viewing deck for use by the public, to remove invasive species and build resiliency with the planting of additional native plantings and to construct, maintain and repair an ADA-compliant connector path from the Our Island Home to the boardwalk and public dock and viewing deck; and further to grant a temporary construction easement on a portion of the Town Property shown on said Plan as two Temporary Construction Impact Areas for the sole purpose of staging equipment and materials in connection with construction of the improvements in the Licensing Area, which shall expire upon completion of the improvements.

ARTICLE 98

(Real Estate Acquisition: Mayflower Circle and Daffodil Lane)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in the “turnaround easement” shown within Mayflower Circle shown as Lot 986, Daffodil Lane shown as Lot 987, and Lot 985 on Land Court Plan No. 16514-125 on file at the Nantucket County Registry District of the Land Court. All as shown on a map filed herewith at the Office of the Town Clerk.

Or, to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to acquire by purchase, gift or eminent domain the fee title or lesser interests together with any public and private rights of passage for public ways and/or general municipal purposes in the “turnaround easement” shown within Mayflower Circle shown as Lot 986, Daffodil Lane shown as Lot 987, and Lot 985 on Land Court Plan No. 16514-125 on file at the

Nantucket County Registry District of the Land Court. All as shown on a map filed herewith at the Office of the Town Clerk.

ARTICLE 99

(Real Estate Conveyance: Mayflower Circle and Daffodil Lane)

To see if the Town will vote to authorize the Select Board to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of turnaround easement" within Mayflower Circle shown as Lot 986, Daffodil Lane shown as Lot 987, and Lot 985 on Land Court Plan No. 16514-125 filed with the Nantucket Registry District of the Land Court, 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 deem appropriate, which may include the reservation of easements and restrictions. All as shown on a map filed herewith at the Office of the Town Clerk.

Or take any action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of turnaround easement" within Mayflower Circle shown as Lot 986, Daffodil Lane shown as Lot 987, and Lot 985 on Land Court Plan No. 16514-125 filed with the Nantucket Registry District of the Land Court, 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 deem appropriate, which may include the reservation of easements and restrictions. All as shown on a map filed herewith at the Office of the Town Clerk.

ARTICLE 100

(Real Estate Acquisition: Rights in Dartmouth Lane)

To see if the Town will vote to authorize the Select Board to acquire by eminent domain, gift or purchase the rights to pass and re-pass over Dartmouth Lane and the driveways located on Parcels E and F located therein as shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Mass. of Dartmouth Lane, Prepared by Bracken Engineering, Inc." dated July 3, 2014, recorded with Nantucket County Registry of Deeds as Plan No. 2014-63, as described in the Order of Taking by Eminent Domain of Portions of Dartmouth Lane dated October 22, 2014, filed with the Nantucket Registry District of the Land Court as Document No. 146324 as the Select Board deem appropriate, and to authorize the Select Board to amend the Order of Taking to accomplish said purpose.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to acquire by eminent domain, gift or purchase the rights to pass and re-pass over Dartmouth Lane and the driveways located on Parcels E and F located therein as shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Mass. of Dartmouth Lane, Prepared by Bracken Engineering, Inc." dated July 3, 2014, recorded with Nantucket County Registry of Deeds as Plan No. 2014-63, as described in the Order of Taking by Eminent Domain of Portions of Dartmouth Lane dated October 22, 2014, filed with the Nantucket Registry District of the Land Court as Document No. 146324 as the Select Board deem appropriate, and to authorize the Select Board to amend the Order of Taking to accomplish said purpose.

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

ARTICLE 101

(Real Estate Acquisition: Stone Alley)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain a non-exclusive easement in all or a portion of Stone Alley for pedestrian and bicycle access, sidewalk purposes and for repairs to way between the western sideline of Union Street to the eastern sideline of Orange Street as shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Main "Stone Alley", " prepared by Bracken Engineering, Inc., a copy of which is on file with the Office of the Town Clerk.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to acquire by purchase, gift or eminent domain a non-exclusive easement in all or a portion of Stone Alley for pedestrian and bicycle access, sidewalk purposes and for repairs to way between the western sideline of Union Street to the eastern sideline of Orange Street as shown on a plan of land entitled "Roadway Acquisition Plan in Nantucket, Main "Stone Alley", " prepared by Bracken Engineering, Inc., a copy of which is on file with the Office of the Town Clerk.

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

ARTICLE 102

(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, coastal resiliency, and transportation and maritime improvements including a dock, pier and loading docks and for 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 filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to acquire by purchase, gift or eminent domain for public way, sidewalk, drainage, flood control, coastal resiliency, and transportation and maritime improvements including a dock, pier and loading docks and for 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 filed herewith at the Office of the Town Clerk.

ARTICLE 103

(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 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 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 filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is authorized to sell, convey or otherwise dispose of 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 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 filed herewith at the Office of the Town Clerk.

ARTICLE 104
(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 2023 tax levy.

Or to take any other action related thereto.

(Select Board)

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

ARTICLE 105
(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Select Board)

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

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2023 ANNUAL TOWN ELECTION**



**Tuesday, May 23, 2023 - 7:00 AM - 8:00 PM
Nantucket High School**

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	Two for terms 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	Two for terms of three years
Nantucket Housing Authority	One for a term of five years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	Two for terms of three years

And, to cast their vote as "YES" or "NO" on the following ballot questions:

**1. Debt Exclusion: Supplemental Appropriation for Surfside Area Roads
Reconstruction and Transportation Improvements**

Shall the Town of Nantucket be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements in the Surfside area on Lover's Lane, Monohansett Road and Okorwaw Avenue, 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?

2. Debt Exclusion: Supplemental Appropriation for Landfill Closure Costs

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 pay costs of closing and capping cells 1A, 1B, and 1C and for the partial closure of cells 2A and 2B at the Town of Nantucket Landfill located at 188 Madaket 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?

3. Debt Exclusion: Supplemental Appropriation for Wauwinet Road Shared Use Path

Shall the Town of Nantucket be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to make various improvements for the construction of a shared use path on Wauwinet 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?

4. Debt Exclusion: Appropriation for Nobadeer Playing Fields Addition; Renovations; Site Enhancements

Shall the Town of Nantucket be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to make improvements to the Nobadeer Playing Fields complex, including the addition of one (1) natural grass field; the renovation of the two (2) existing grass fields, parking and site enhancements, the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

5. Capital Outlay Exclusions

Shall the Town of Nantucket be allowed to assess an additional \$970,000 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2023?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Trench and technical rescue equipment	\$375,000
Fire	Replace Staff Vehicle	80,000
Public Works/ Facilities	Security Cameras and Lighting at Various Parks/Recreational Locations	70,000
Public Works	Replace Fuel Tank at DPW Facility	375,000
School	Grounds Equipment	70,000
	<i>Total Capital Exclusion:</i>	<i>\$970,000</i>

6. Operating Override

Shall the Town of Nantucket be allowed to assess an additional \$6,500,000 in real estate and personal property taxes for the purposes of supporting the Affordable Housing Trust Fund for the fiscal year beginning July 1, 2023?

7. Operating Override

Shall the Town of Nantucket be allowed to assess an additional \$3,750,000 in real estate and personal property taxes for the purposes of supporting the operations of the Solid Waste Enterprise Fund for the fiscal year beginning July 1, 2023?

Town of Nantucket
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