

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
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Brooke Mohr



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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
MARCH 22, 2023 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS
AMENDED MARCH 20, 2023***

YOU TUBE LINK FOR VIEWING ONLY:

https://youtu.be/Y0TnSC_z-Hc

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_A6JjCVofT_e3F2bz1thQIQ

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. No Select Board Meeting on Wednesday, March 29, 2023 (5th Wednesday); Next Meeting to be Held on Wednesday, April 5, 2023.
 3. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of March 8, 2023 at 5:30 PM; March 9, 2023 at 9:00 AM; March 15, 2023 at 5:30 PM.
 2. Approval of Payroll Warrants for March 19, 2023.

3. Approval of Treasury Warrants for March 22, 2023.
4. Approval of Pending Contracts for March 22, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. REPORTS

1. Project Update - Surfside Area Water Service and Transportation Enhancements.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Applicant Introduction and Appointment to Council on Aging.
2. Licensing Office:
 - a) Request for Approval of Estimated Seasonal Population of Nantucket for Seasonal Liquor Licenses.
 - b) Renewal of Seasonal Liquor Licenses.
3. Nantucket Island Chamber of Commerce:
 - a) Request for Approval and Execution of MassDOT Event Notification Form for Daffodil Parade and Sconset Tailgate Picnic to be Held Saturday, April 23, 2022.
 - b) Annual Request for Waiver of Chapter 54(1)(c) (Alcoholic Beverages) of the Code of the Town of Nantucket for Daffodil Festival Tailgate Picnic in Sconset.
4. Human Services Contract Review Committee: Review of Recommendations for Allocation of Health and Human Services Funding for FY 2024.
5. **Sewer Department: Request for Waiver of Town Noise Bylaw from March through June 2023, 7:00 PM to 1:00 AM for Manhole and Stormwater Repairs at Various Locations Including S. Beach Street, N. Beach Street, Pleasant Street, Orange Street and Union Street.**

X. PUBLIC HEARINGS

1. Public Hearing to Consider Amending Commercial Landfill User Fee Schedule for Fiscal Year 2023.
2. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30728098 to Install Approximately 35' of 2-4" Conduit from Existing Pole 10 Across Fairgrounds Road to Property Located at 31 Fairgrounds Road.
3. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30595814 to Install One Handhole (HH23-2) and Approximately 40' of 2-3" Conduit Across West Chester Street for Service to 60 West Chester Street.
4. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30592175 to Install Approximately 120' of 2-3" Conduit from

Pole 33 Alongside Wauwinet Road to Proposed Padmount Transformer near Intersection of Pocomo Road and Wauwinet Road for Service to 55 Wauwinet Road.

5. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30657315 to Install Approximately 50' of 2-3" Conduit from Existing Handhole 6-1 Across and Alongside Hummock Pond Road to Proposed Handhole 6-2 near 23-25 Hummock Pond Road.

XI. TOWN MANAGER'S REPORT

1. Monthly Town Management Report.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Review/Adoption of Select Board Comments to May 6, 2023 Annual Town Meeting Warrant Articles.
2. Committee Reports.

XIII. ADJOURNMENT

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

SELECT BOARD AGENDA PROTOCOL:

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

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

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

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

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

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

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

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

Approved on February 17, 2021

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
MARCH 22, 2023

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Professional Service Agreement	Town Administration	Lujean Printing	\$23,960.85	Printing services for 2023 Annual Town Meeting Warrant Booklet	Town Administration Budget	March 22, 2023 - December 31, 2023
Professional Service Agreement	Town Administration	The Country Press Inc.	\$4,945.11	Printing services for FY 2022 Annual Town Report	Town Administration Budget	March 22, 2023 - December 31, 2023
Professional Service Agreement	Town Administration & Health Department	Process First LLC	\$44,000	Analysis and synthesis of data associated with Island-wide short-term rentals (STR) to help Short-term Rental Work Group answer key questions about the use of STRs that will impact its recommendations for STR bylaw	Town Administration Budget	March 22, 2023 - June 30, 2023
Professional Service Agreement	Health & Human Services	Visiting Nurses Association of Cape Cod	\$209/visit (not to exceed \$10,000)	FY24 Public Health Nursing Contract: maternal & child health services (home visits) + supplies & equipment	New England Rural Health Alliance Grant	July 1, 2022 - June 30, 2023
Grant Agreement	Human Services	New England Rural Health Association	(\$75,000)	To support core goals with needs for COVID-19 in Rural Region, such as assessment, COVID education and outreach, future vaccination needs	Rural Vaccine Equity Initiative	January 1, 2023 - December 31, 2024
Professional Service Agreement	IT/GIS	The Sanborn Map Company Inc.	\$113,669.05	To capture new aerial imagery and LiDAR data for the islands of Nantucket, Tuckernuck and Muskeget; imagery to develop and/or update data layers and attributes	Article 10 2022 ATM GIS Digital Imaging Update	March 22, 2023 - January 31, 2024
Professional Service Agreement	Marine Department	Drizos Contracting	\$198,000	Interior repairs to Seasonal Dormitory buildings on Low Beach Road, including carpentry and painting	Article 14 2022 ATM LORAN Seasonal Housing	March 22, 2023 - June 30, 2023

					Repairs Phase II	
Professional Service Agreement	Marine Department	MarineTek	\$799,709	Purchase and delivery of concrete floating dock system at Town Pier (replacement of existing failed floating docks)	Seaport Improvement Grant (\$1,000,000)	March 22, 2023 - March 31, 2024
Professional Service Agreement	Marine Department	Skyline Steel LLC	\$121,748	Purchase of 24 coated steel pipes piles for Town Pier improvement project	Article 10 2018 ATM Repair Town Pier	March 22, 2023 - March 31, 2024
Amendment to Professional Service Agreement	Natural Resources Department	Woods Hole Group, Inc.	Add \$10,500 to original contract amount of \$325,392 for new contract amount of \$335,892	Amend contract for Sesachacha Pond at Polpis Road Restoration and Roadway Protection Plan, and development of living shoreline solutions to include in the scope the preparation EPA approved QAPP (Quality Assurance Project Plan)	Article 10 ATM 2022 Coastal Resiliency Plan	January 4, 2023 - December 31, 2026
Professional Service Agreement	Department of Public Works	Sarah B. Cleaning LLC	\$77,799.92	Town-wide cleaning services for 15 Town-owned buildings (1-year contract with option to renew)	DPW/Facilities Budget	March 22, 2023 - March 31, 2024



Agenda Item Summary

Agenda Item #	VIII. 1.
Date	3/22/23

Staff

Assistant Town Manager, Manager of Special Projects, Operations Administrator,
Water Department Director, Deputy DPW Director

Subject

Surfside Area Roadway Projects Update:

Project 1: SRF Water Main Expansion Project (DWSRF Project No. 7011)

Project 2: Roadway Reconstruction, Drainage, and Sidepaths

Executive Summary

This is a status update to the presentation of these two separate projects split into 4 Phases provided to the Select Board on October 12, 2022 (10/12/22 AIS attached). As a reminder:

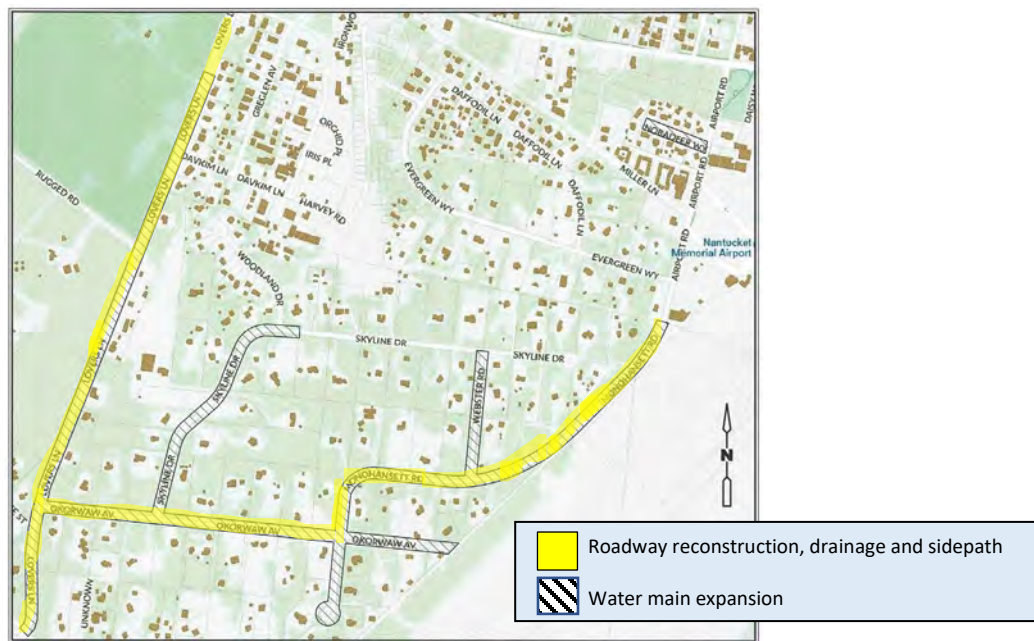
Phase 1: SRF Water Main Expansion Project

(Lovers Lane, Okorwaw Avenue, Monohansett Road, Nobadeer Way, Skyline Drive, Webster Road)

Phase 2: Lovers Lane Reconstruction, Drainage, Paving, and Sidepath Project

Phase 3: Okorwaw Avenue Reconstruction, Drainage, Paving, and Sidepath Project

Phase 4: Monohansett Road Reconstruction, Drainage, Paving, and Sidepath Project



Background/Discussion

Chuck Larson, Manager of Special Projects, is the overall portfolio manager for both projects to ensure communication, integration, and economy of scale.

A hybrid public outreach session for both projects was held in the Community Room on 12/8/22. Approximately 20 abutters attended in person with another 18 remotely. The significant takeaways include:

- Drainage (addressed in design)
- Voluntary easement process (for private roads only; addressed in ATM article)
- Concerns over speeding and traffic calming elements (see below)

The Project Team attended the 2/16/23 Traffic Safety Workgroup to present traffic calming recommendations for Lovers, Okorwaw and Monohansett. The TSWG provided feedback on various elements. GPI provided revised traffic calming elements to the TSWG for review on 2/27/23. No concerns have been received regarding the revised plans.

Test borings were drilled the week of 2/27/23. S.W. Cole of Taunton, MA drilled the borings. The project was overseen by C. Larson, R. Moore, and GPI, Inc. Data log results are expected the week of 3/14/23.

Phase 1: Water Main Expansion Project

- o **Project Timeline:** ~~Spring 2023~~—~~Fall 2024~~ Fall 2023 - Fall 2024
- o **Project Manager:** Gregg Tivnan, Assistant Town Manager for Special Projects
- o **Design Engineer:** James Drake, CDM Smith, Inc.
- o **Cost Estimate:** ~~\$7.0M~~ \$8.30M
- o **Project Funding:** ~~\$7.0M~~ \$8.30M SRF Loan / \$9.0M Borrowing (Article 10 2022 ATM) / \$2.0M PFAS (Article 18 2022 ATM) for design and other PFAS projects
- o **Bid Date:** Friday February 24, 2023 (Town website, state COMMBUYS website)
- o **Bid Due Date:** ~~Thursday, March 23, 2023~~ Wednesday, May 24, 2023 at 2:00PM
- o **DEP Approval to Award:** Wednesday, June 7, 2023
- o **Award Date:** ~~Wednesday, April 5, 2023~~ June 14, 2023

Although the engineering specifications and bid documents for this project were near completion and modifications were needed, it was agreed to move this project to a fall 2023 start instead of a spring 2023 start, which is completely within the MADEP SRF requirements to award a contract by 6/30/23 and start construction by 10/30/23.

Our timeline for an April award was an accelerated project schedule in an attempt to secure a contractor early and get work done on Lovers Lane this spring, however that is not a necessity and revising the bid deadlines is acceptable.



In addition to extending the bid deadline withing the current MADEP SRF requirements, the Project Team received an extension of the contract execution from MADEP SRF from 6/30/23 to 8/31/23.

These changes do not impact the Roadway Reconstruction, Drainage, and Sidepath timeframes and allow additional time for drainage modifications that may impact the watermain location within the ROW.

NOTE: If Phases 2-4 are not funded, the paved roadways opened for the Water Main Expansion Project (Okorwaw and Monohansett) will only be trench-paved until future funding is obtained. It is the intention of Phase 1 to reconstruct and pave the roadways not affected by Phases 2-4 (Skyline, Webster, and Nobabeer Way).

Phase 2: Lovers Lane Roadway Reconstruction, Drainage, and Sidepath

- o **Project Timeline:** Fall 2023-Spring 2024 (pending funding)
- o **Project Manager:** Richard Moore, DPW Deputy Director
- o **Design Engineer:** John Osorio, GPI, Inc.
- o **Cost Estimate:** \$8.08M
- o **Project Funding:** \$1.0M (Article 10 2016 ATM),
\$1.0M (Article 10 2017 ATM),
\$534,800 (Article 10 2018 ATM)
Note: Phase 2 not fully funded; funding sought at 2023 ATM
- o **Bid Date:** TBD
- o **Bid Due Date:** TBD
- o **Award Date:** TBD

Focus of this Phase has been on receiving permits and designing drainage and traffic calming elements. Permits and approvals for the sidepath through the State Forest have been received from:

- Camp Richards
- Massachusetts Natural History and Endangered Species Program (MESA)
- Massachusetts Historical Commission
- Massachusetts Department of Environmental Protection
- Massachusetts Department of Transportation

This project is in 70% design and awaiting funding.

Phase 3: Okorwaw Avenue Roadway Reconstruction, Drainage, and Sidepath

- o **Project Timeline:** TBD (pending funding and Phase 2 completion)
- o **Project Manager:** Richard Moore, DPW Deputy Director



- o **Design Engineer:** John Osorio, GPI, Inc.
- o **Cost Estimate:** \$2.9M
- o **Project Funding:** \$1.0M (Article 10 2016 ATM),
\$1.0M (Article 10 2017 ATM),
\$534,800 (Article 10 2018 ATM)
Note: Phase 3 not fully funded; funding sought at 2023 ATM
- o **Bid Date:** TBD
- o **Bid Due Date:** TBD
- o **Award Date:** TBD

Focus of this Phase has been on designing drainage and traffic calming elements. The draining pinch-point at the corner of Okorwaw and Skyline has been a specific design focus.

This project is in 50% design and awaiting funding.

Phase 4: Monohansett Road Roadway Reconstruction, Drainage, and Sidepath

- o **Project Timeline:** TBD (pending funding and Phase 3 completion)
- o **Project Manager:** Richard Moore, DPW Deputy Director
- o **Design Engineer:** John Osorio, GPI, Inc.
- o **Cost Estimate:** \$4.8M
- o **Project Funding:** \$1.0M (Article 10 2016 ATM),
\$1.0M (Article 10 2017 ATM),
\$534,800 (Article 10 2018 ATM)
Note: Phase 4 not fully funded; funding sought at 2023 ATM
- o **Bid Date:** TBD
- o **Bid Due Date:** TBD
- o **Award Date:** TBD

Focus of this Phase has been on designing drainage and traffic calming elements. Attention has been made to pinch-points and sightlines on Monohansett specifically at Webster Road.

Soil management for soil from the area along the Airport fence has been a specific focus. The Project Team meets with the Airport Team on 3/16/23 to discuss management options.

This project is in 50% design and awaiting funding.

Staff Recommendation

Fund the Lovers Lane, Okorwaw Avenue and Monohansett Road reconstruction projects for FY24 and FY25 so that the roadway improvements immediately follow the opening of these roads and repaving needed for the Water Main Extension Project.



Impact: Environmental	☒	Fiscal	☒	Community	☐	Other

Other: Public Health impact

Board/Commission Recommendation

Traffic Safety Workgroup provided traffic calming feature feedback, which have been incorporated into roadway designs by GPI, Inc. for their review.

Public Outreach

Water Main Project:

- 7/7/21 Select Board
- 8/4/21 Select Board
- 11/3/21 Select Board
- 3/16/22 Select Board
- 5/2/22 Article 10 2022 ATM
- 5/10/22 Ballot Question 13 2022 ATE
- 7/13/22 Select Board
- 10/12/22 Select Board
- 12/8/22 Public Outreach Session
- 3/22/23 Select Board

Roadway Projects:

- 4/2/2016 Article 10 2016 ATM
- 4/1/2017 Article 10 2017 ATM
- 1/10/18 Select Board
- 4/3/2018 Article 10 2018 ATM
- 12/19/18 Select Board
- 7/20/22 Select Board
- 12/8/22 Public Outreach Session
- 3/22/23 Select Board

Attachments

10/12/22 AIS; Surfside Area Roadway Projects Update (GPI and CDMS)





Agenda Item Summary

Agenda Item #	
Date	10/12/22

Staff

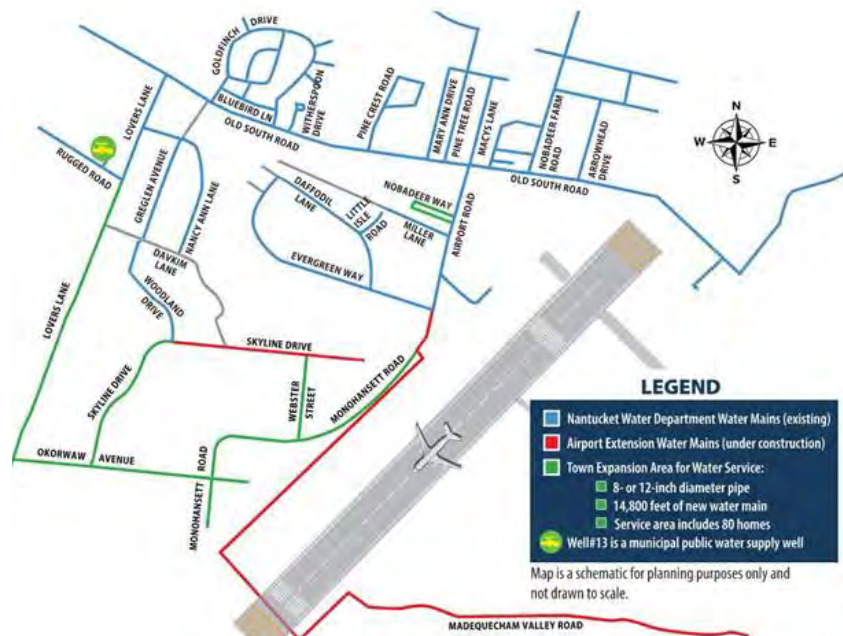
Assistant Town Manager, Manager of Special Projects, Operations Administrator, Water Department Director, DPW Director

Subject

Surfside Area Roadway Projects Update

Executive Summary

There are several complex and important roadway reconstruction, drainage, mixed-use path, and water main projects in various design stages in the Surfside area of the island west of Nantucket Memorial Airport. The area of work is bordered by Lovers Lane to the west, Okorwaw Avenue to the south and Monohansett Road to the east. This AIS is a high-level status update for the Select Board.



Staff Recommendation



Fund the Lovers Lane, Okorwaw Avenue and Monohansett Road reconstruction projects for FY24 and FY25 so that the roadway improvements immediately follow the opening of these roads and repaving needed for the Water Main Extension Project.

Background/Discussion

For ease of communication, these projects are broken into four phases.

Phase 1: Water Main Expansion Project (Spring 2023-Fall 2024)

Project Manager: Chuck Larson. Design Engineer: James Drake, CDM Smith, Inc.

This project is the expansion of a **Town Water Main** as part of the Town's voluntary efforts to address potential PFAS contamination in private wells west of the Airport (click [here](#) for more information). This project is technically separate from the roadway reconstruction, drainage, and multi-use path projects underway however it does overlap on the roadway projects on Lovers Lane, Okorwaw Avenue and Monohansett Road, Phase 2, 3 and 4 respectively. Specifically, this water main project includes the remaining portions of Lovers Lane and Skyline Drive, and all of Webster Road, and Nobadeer Way. The water main project is funded by Massachusetts' Department of Environmental Protection's (MADEP) State Revolving Fund (SRF). The Town's \$7.8M application for the SRF was accepted and the project was placed on the [MADEP's SRF Intended Use Plan](#) in February 2022. 2022 ATM Article 10 – New Water Main West of Airport approved \$9.0M debt exclusion and 2022 ATE Ballot Question 13 approved the \$9.0M debt exclusion (approved 1,738 Yes, 496 No, 140 Blank).

Because the timeline for use of the SRF funding is faster than the existing roadway reconstruction projects, the Water Main Expansion project is considered Phase 1 in the sequence of projects. The Water Main Expansion project overlaps multiple Surfside area roads intended for roadway reconstruction, drainage and mixed-use path upgrades, therefore the Project Team advocates accelerating the schedule of the roadway reconstruction projects to address paving the roads following the Water Main Expansion project.

Phase 2 Lovers Lane (Fall 2023-Spring 2024)

Project Manager: Stephen Arceneaux. Design Engineer: John Osorio, GPI, Inc.

This part of the overall Surfside Area Roadway Projects consists of reconstructing and paving **Lovers Lane** with re-engineered drainage and a mixed-use path from Old South Road to Boulevarde. Note that this project provides a needed interconnection of the mixed-use paths between Old South Road Mixed-Use Path with the Boulevarde Mixed-Use Path. This project has been in the Capital Improvement Plan since 2016. Funding includes:

- Article 10 2016 ATM authorizing the Town to borrow \$1,000,000 for costs associated with the Boulevarde, Lovers Lane and Okorwaw Avenue reconstruction;
- Article 10 2017 ATM approving \$1,000,000 from Real Estate Sales for costs associated with the Boulevarde, Lovers Lane and Okorwaw Avenue reconstruction; and



- Article 10 2018 ATM approving \$534,800 Free Cash for costs associated with Surfside area reconstruction (Lovers Lane, Okorwaw Avenue, Monohansett Road).

This project is 50% complete in the design phase.

Phase 3 Okorwaw Avenue (construction TBD)

Project Manager: Stephen Arceneaux. Design Engineer: John Osorio, GPI, Inc.

This part of the overall Surfside Area Roadway Projects consists of reconstructing and paving **Okorwaw Avenue** including re-engineered drainage and a mixed-use path from Lovers Lane to Monohansett Road. This project is in conceptual design and not yet funded. Amendment to the GPI contract to design this roadway project is forthcoming to the Board.

Phase 4 Monohansett Road (construction TBD)

Project Manager: Stephen Arceneaux. Design Engineer: John Osorio, GPI, Inc.

This part of the overall Surfside Area Roadway Projects completes the Surfside area roadway reconstruction projects with reconstruction and paving of **Monohansett Road** including re-engineered drainage and a mixed-use path from Okorwaw Avenue to the existing Airport Road Bike Path. This project is in conceptual design and not yet funded. Amendment to the GPI contract to design this roadway project is forthcoming to the Board.

With the completion of all four phases of the Surfside Area Roadway projects, island pedestrians and cyclists will benefit from the safe and convenient multi-use path access from locations on Old South Road to Surfside Road via Lovers Lane or Airport Road. In addition, the reconstructed roads will provide much needed drainage improvements and safer driving conditions for all residents and visitors.

Impact: Environmental	☒	Fiscal	☒	Community	☒	Other	☒

Other: Public Health Impact (PFAS)

Board/Commission Recommendation

N/A

Public Outreach

Water Main Project:

7/7/21 Select Board 8/4/21 Select Board 11/3/21 Select Board 3/16/22 Select Board 5/2/22 Article 10 2022 ATM 5/10/22 Ballot Question 13 2022 ATE	7/13/22 Select Board 10/12/22 Select Board



Roadway Projects:

- 4/2/2016 Article 10 2016 ATM
- 4/1/2017 Article 10 2017 ATM
- 1/10/18 Select Board
- 4/3/2018 Article 10 2018 ATM

-
- 12/19/18 Select Board
 - 7/20/22 Select Board

Attachments

Surfside Area Roadway Projects Update Ppt (GPI and CDMS)



Project Update Water Main Expansion West of Nantucket Airport

Town of Nantucket – Select Board Meeting

Andrew Miller, PE

March 22, 2023



**CDM
Smith®**

Agenda

- Project Objective – Water Main
- Easement Requirements
- Paving and Drainage
- Other Considerations
- Anticipated Next Steps

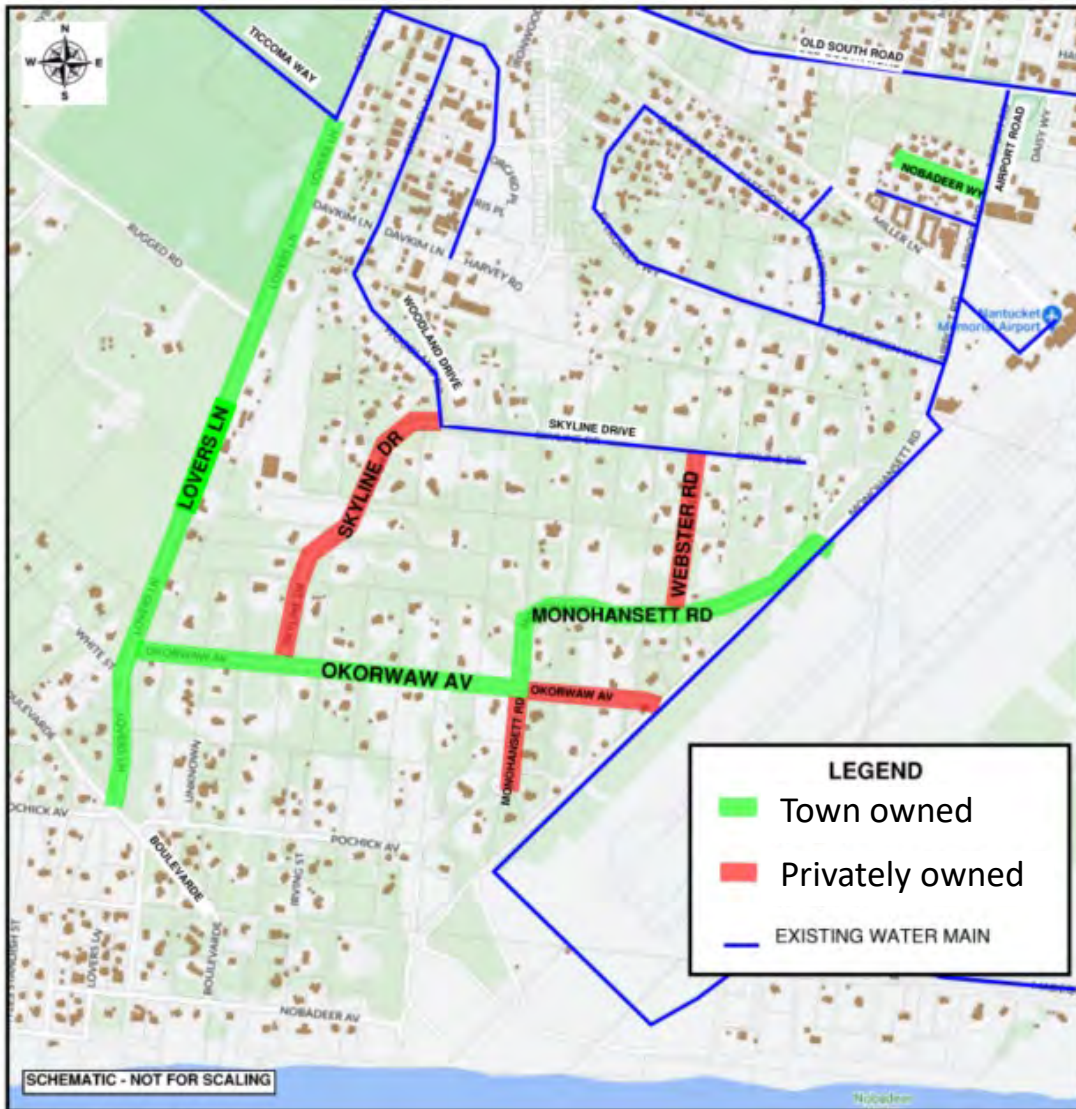


Water System Expansion - Project Objective



- Extends water service to homes with domestic wells impacted by PFAS
- 14,000 linear feet (LF) of 8-inch and 12-inch PVC water main with valves, hydrants, water services
- Associated road reconstruction and drainage improvements
- Funded by Drinking Water State Revolving Loan Fund (DWSRF)
 - \$8.4 Million funding
 - 0% interest rate loan
- Proceeding in coordination with Town road projects

Easements Required on Private Roads



- Town ownership or easements on all roads required by SRF
- Town Owned Roads: Lovers Lane, Okorwaw Ave, Monohansett Road
- Private Roads: Skyline Drive, Webster Road, Monohansett Road extension, Okorwaw Road extension
- Easements in process for private roads
- Planned vote at Annual Town Meeting (May 6th) for taking of easements
- Expect easements in place in early June

Existing Road Conditions



Webster Road



Skyline Drive



Monohansett Road Extension

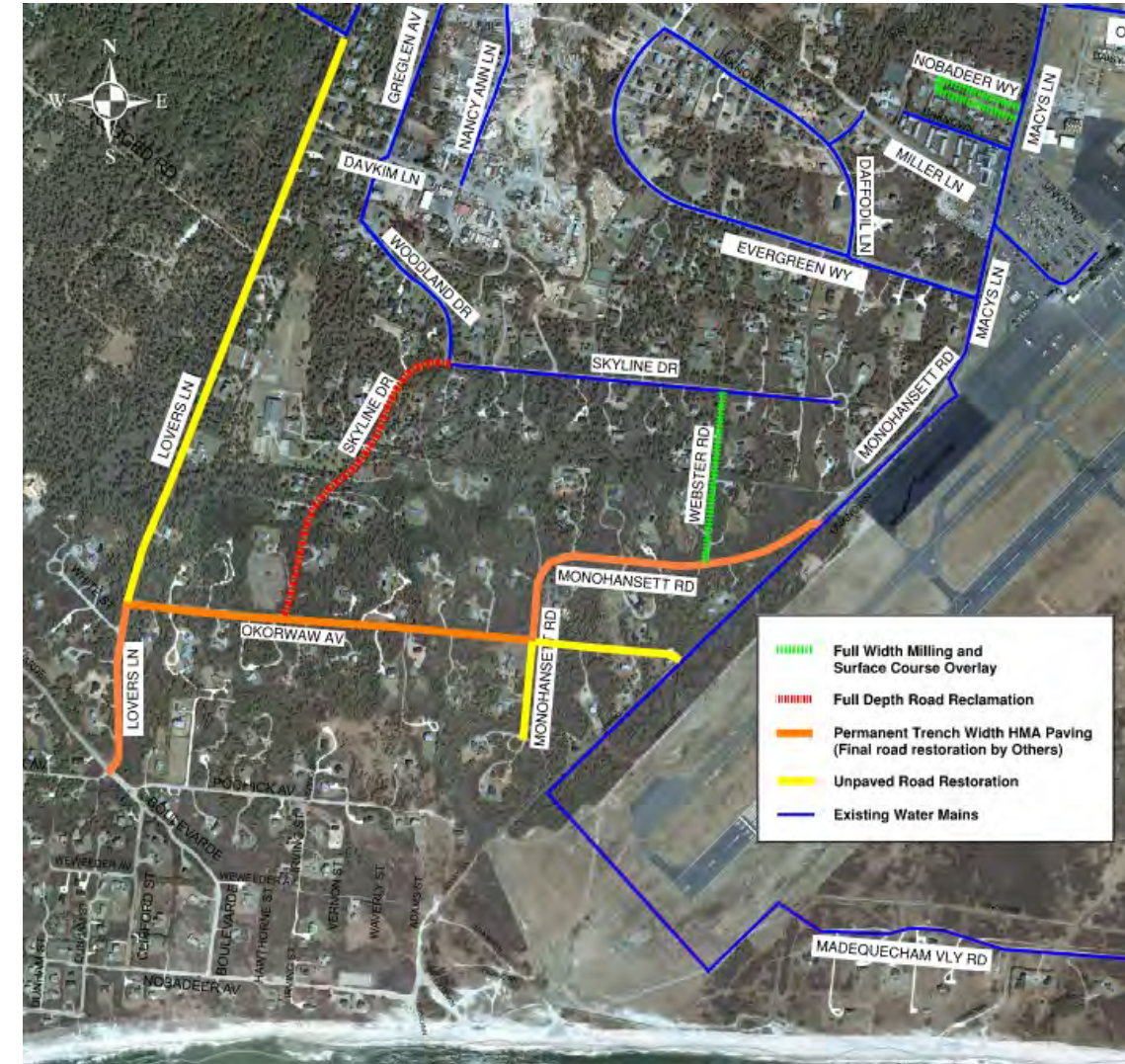


Okorwaw Ave Extension

Final Paving Schedule

Street Name	From Street	Existing Surface	Final Pavement Work
Lovers Lane	Ticcoma Way to Okorwaw Avenue	Gravel	Unpaved Road Restoration
Lovers Lane	Okorwaw Avenue to Boulevarde	HMA (fair-poor)	Permanent Trench Width HMA Paving
Okorwaw Avenue	Lovers Lane to Monohansett Road	HMA (fair-poor)	Permanent Trench Width HMA Paving
Okorwaw Avenue	East of Monohansett Road	Gravel/stone	Unpaved Road Restoration
Monohansett Road	South of Okorwaw Avenue	Gravel/stone	Unpaved Road Restoration
Monohansett Road	North of Okorwaw Avenue	HMA (fair-poor)	Permanent Trench Width HMA Paving
★ Skyline Drive	Okorwaw Avenue to Woodland Drive	HMA (poor)	Full Depth Road Reclamation, 2" Base Course, 2" Surface Course
Webster Road	Monohansett Road to Skyline Drive	HMA (poor)	Full Width Milling and 2" Surface Course Overlay
★ Nobadeer Way	Entire Road	HMA (fair)	Full Width Milling and 2" Surface Course Overlay

★ Drainage improvements



Other Project Considerations

- Due to supply chain issues, pre-procurement of pipe, valves, hydrants, etc.
- Coordination with Nantucket Memorial Airport (ACK) for water main connections
- Soil management considerations relative to potential of PFAS impacted soils during water main construction
- Coordination with other Town consultants
 - Surfside Area Roadway Improvements design on Lovers Lane, Okorwaw Avenue and Monohansett Road
 - Water main layout coordination with future drainage infrastructure



**Webster Road
water main layout**

Anticipated Next Steps

- Bidding in process with SRF approval
- Easement completion in June
- SRF Approval of contract award in July/August
- Expected contract award in August
- Construction in Fall 2023, with completion in Spring 2024





Lovers Lane



Okorwaw Ave



Monohansett Road

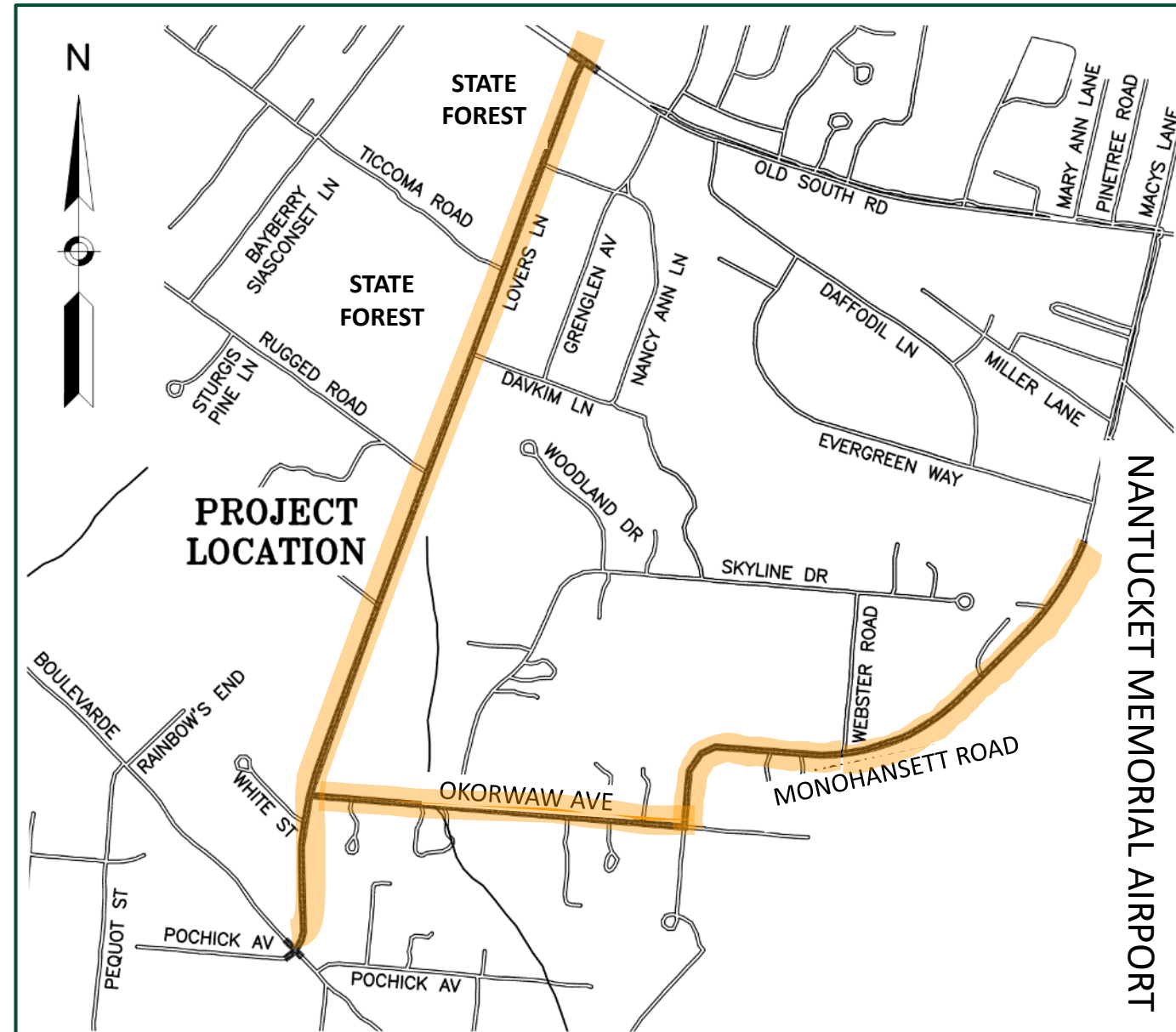
SURFSIDE AREA TRANSPORTATION ENHANCEMENTS

Update to Select Board

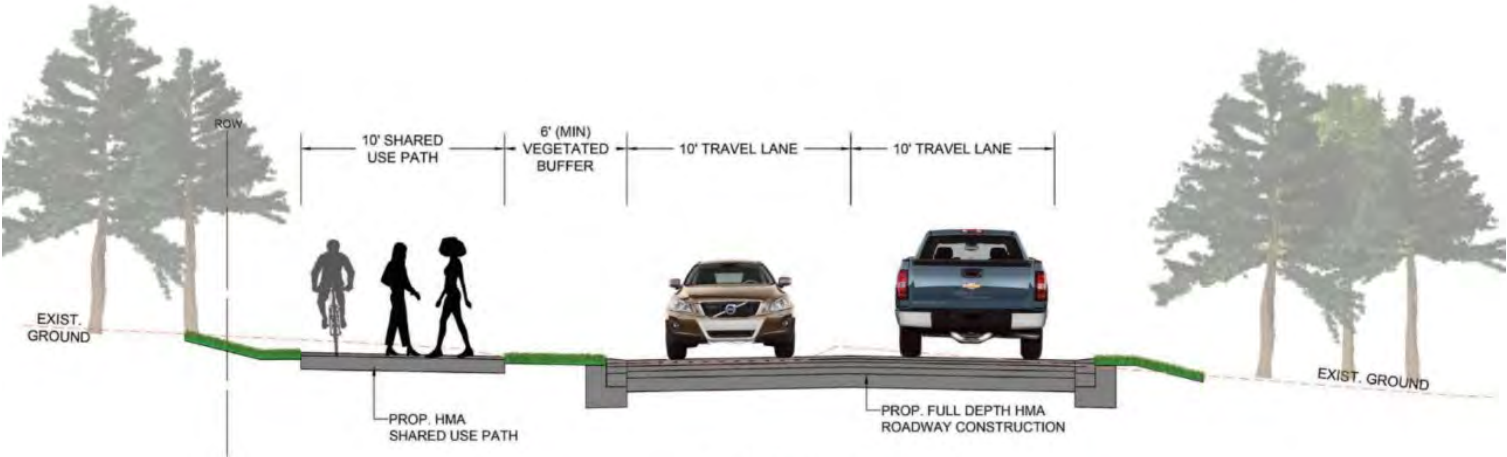
March 22, 2023

PROJECT OVERVIEW

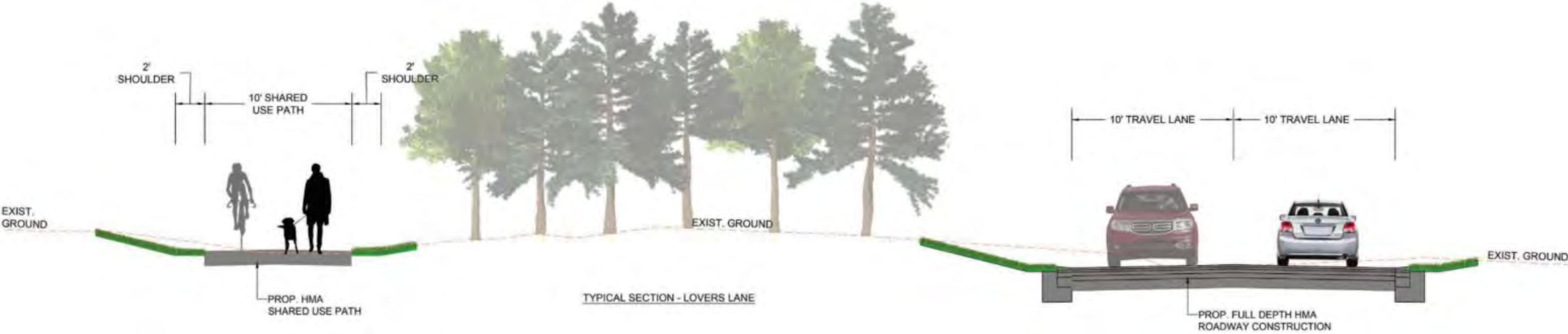
- **6,000 ft of Lovers Lane Reconstruction**
- **2,400 ft of Okorwaw Ave Reconstruction**
- **4,200 ft of Monohansett Road Reconstruction**
- **Side-paths for entire length, including Trail through State Forest**
- **Closed Storm Drain System**
- **Relocation of Existing Utilities**
- **Infiltration Chamber Outfalls**



Typical Section

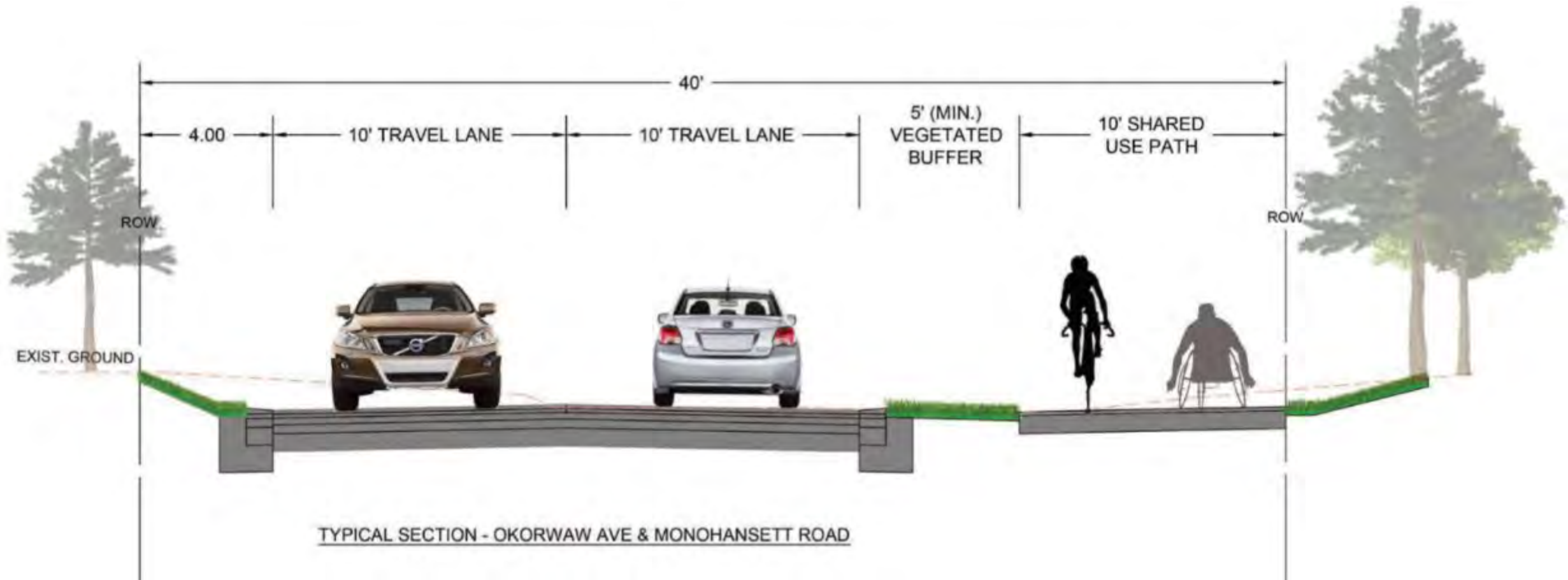


TYPICAL SECTION - LOVERS LANE



TYPICAL SECTION - LOVERS LANE

Typical Section



UPDATES

Drainage Design

- **Subsurface Investigation**

Traffic Calming

- **Raised Intersection**
- **Median Island**

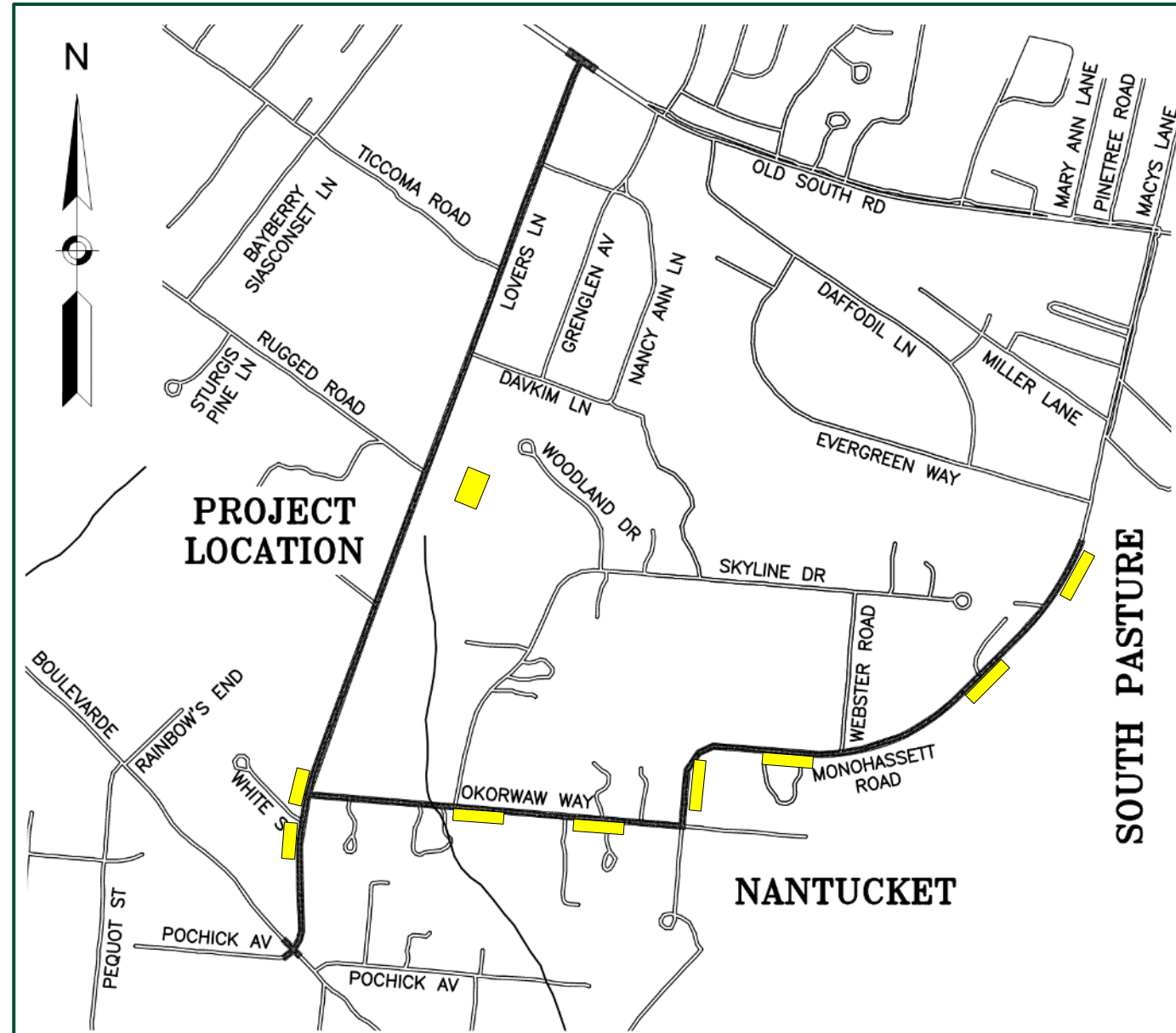
Right of Way

- **Permanent Easements**
- **Temporary Impacts**

Permitting

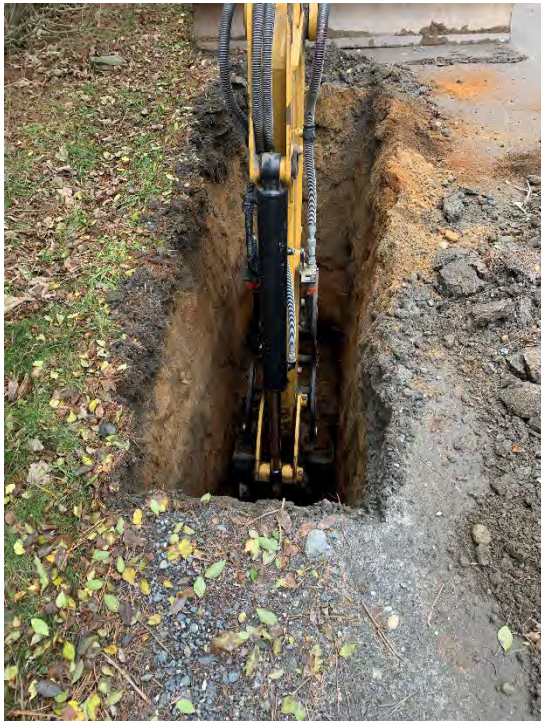
- **DCR**
- **MHC**
- **MESA**

Infiltration Chambers



Subsurface Investigation

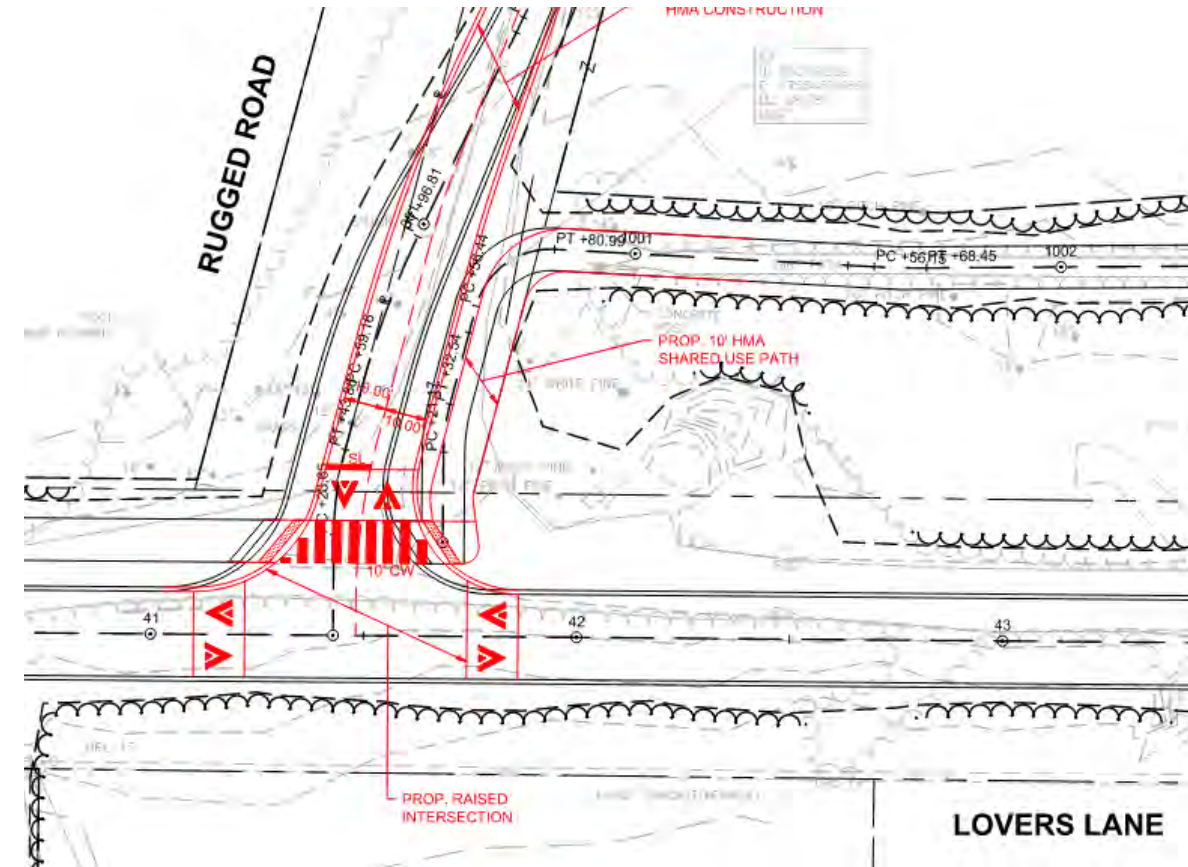
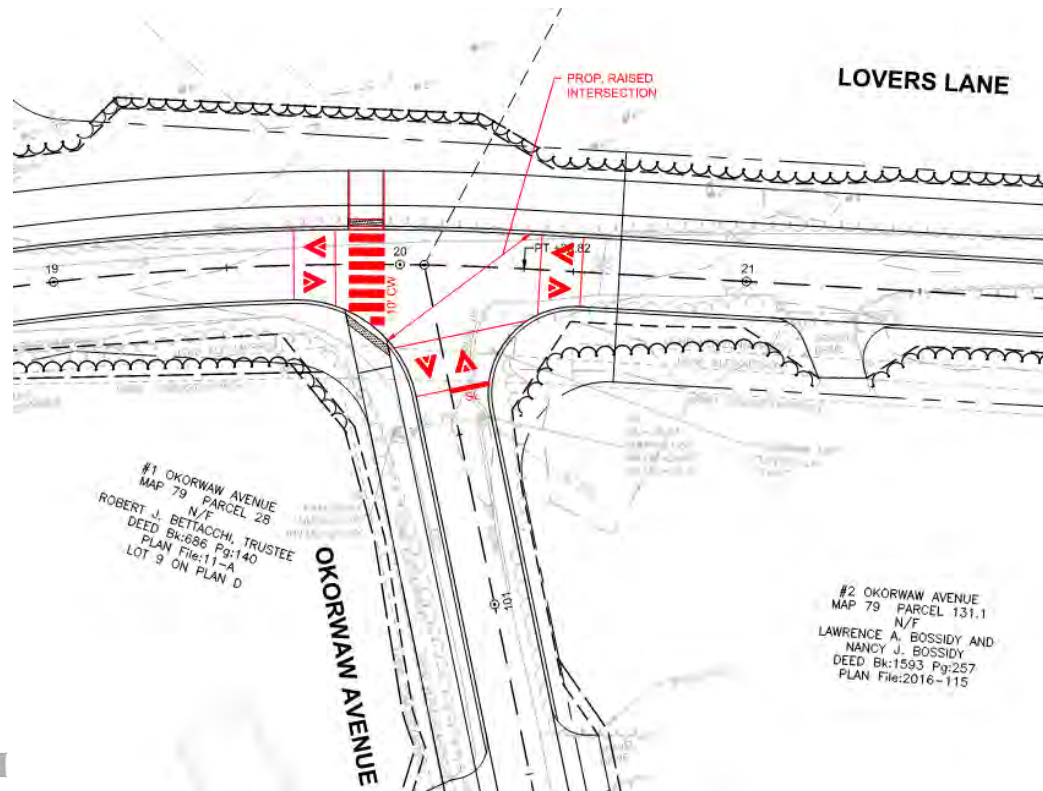
- **17 Test Pits (1/11/23 - 1/12/23)**



- **8 Borings (3/1/23 - 3/3/23)**
 - **6 Monitoring Wells**

Traffic Calming (Raised Intersection)

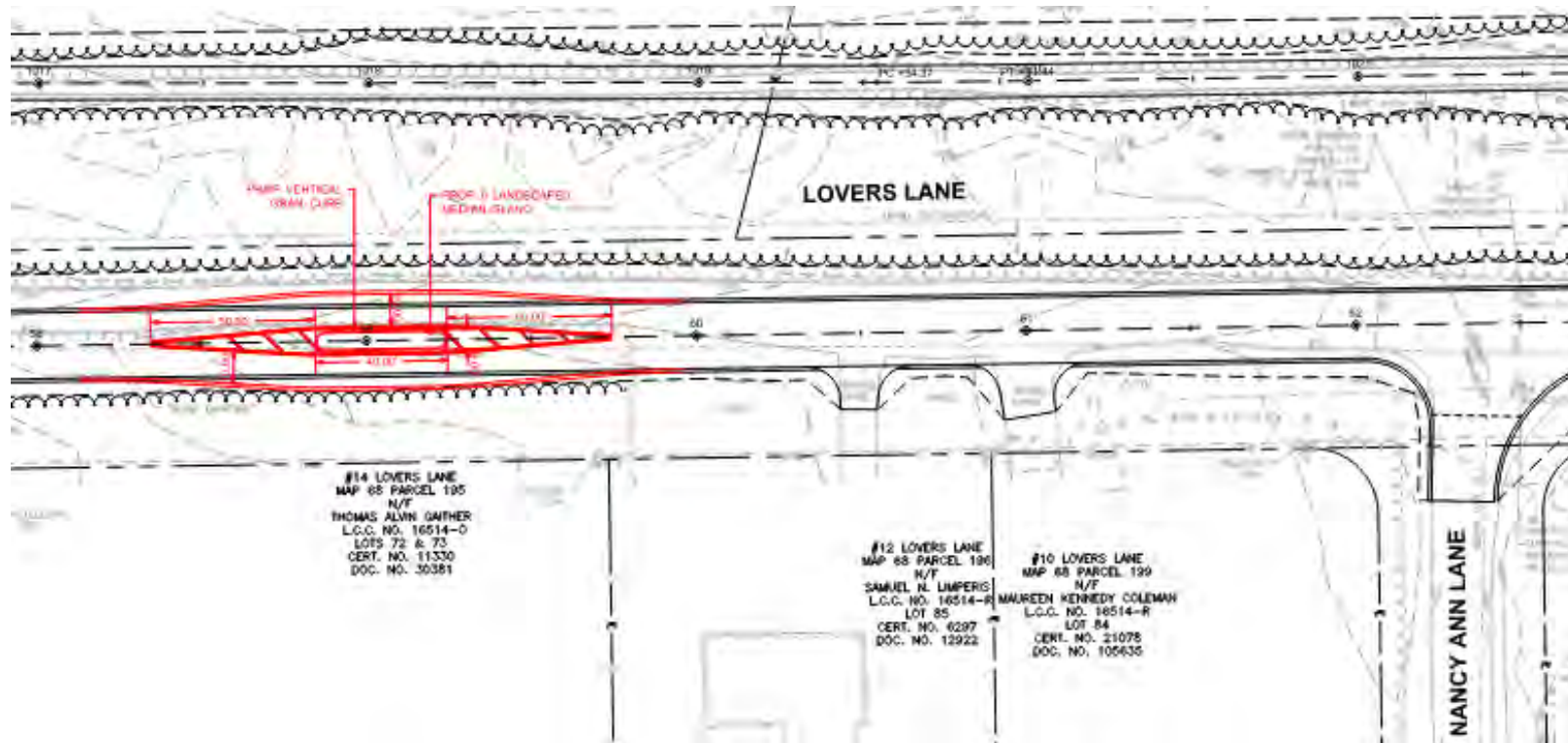
Lovers Lane @ Okorwaw Avenue



Lovers Lane @ Rugged Road

Traffic Calming (Median Island)

Lovers Lane near Nancy Ann Lane



Right of Way Impacts

- **Permanent Easements**
 - **Drainage**
 - **Airport**
- **Temporary Impacts**
 - **Slope Grading**
 - **Driveway Grading**
- **DCR Construction Access Permit – State Forest**

Permitting

DCR Construction Access Permit



Final stages of approval

MESA – Massachusetts Endangered Species Act



Will not result in a prohibited take of state-listed rare species

MHC – Massachusetts Historical Commission



Unlikely to affect significant historic or archaeological resources

Project Status



DO YOU HAVE ANY QUESTIONS?



For more information on this project,
visit www.nantucket-ma.gov/SAWTE.

Scan the QR code to leave your comments!



Council on Aging

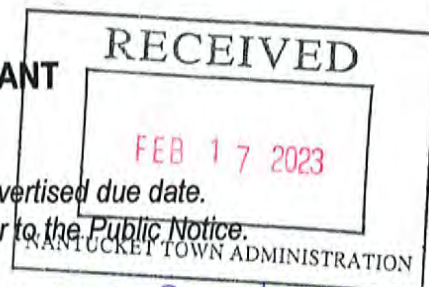
Mary Anne Easley	Chair	2023
Arlene O'Reilly	Secretary	2024
Robert M. Kucharavy	Vice Chair	2025
Nancy Swain		2023
VACANT		2023
Judith Perkins		2024
Linda Williams		2024
Erin Lynch		2025
Abigail (Abby) Camp		2025

Applicant: Rocky Fox



**TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT**

For Appointment by the Select Board



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

Name: Rocky Fox

Home Phone: 508-360-4948

Mailing Address: 12 Bailey Rd. Nantucket, MA 02554

Alternate Phone: _____

Email Address: rocky1522@gmail.com

Date Submitted: 2/16/23

REQUESTING APPOINTMENT TO: Council on Aging

Reasons for Committee Interest

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

I have never attended a meeting of this board. Helping out the elderly has always been something that more people should do. I'm fully ready 100% to

Relevant Experience

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

I have over 20+ years working w/ Elder Affairs mostly delivering meals. Have for years made sure any elderly person was shoveled out or driveway plowed. I'd like John Q Public to be made more aware of how they can help.

Potential Conflicts of Interest

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

N/A

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

NO



Agenda Item Summary

Agenda Item #	IX. 2a.
Date	3/22/2023

Staff

Amy Baxter, Licensing Administrator

Subject

License Renewals – Estimated Seasonal Population for Seasonal Liquor Licenses

Executive Summary

Acting as the Licensing Authority for the Town of Nantucket, the Select Board must vote on the estimated Seasonal Population of Nantucket as of July 10, 2023. The estimated population is the basis for the set Seasonal Package Store License quota as explained in attached document. Please review the proposed estimate data and corresponding Mass General Law below and attached.

Staff Recommendation

Recommendation to keep the Seasonal estimate at 45,000 and the Seasonal quota at no more than 9 Licenses. The increase in summer population in 2021-2022 was a post-lockdown spike that may or may not continue at that rate. The Select Board may choose to keep the estimate conservative in relation to how many package stores are needed to serve the size and population of the island.

Background/Discussion

CONSIDERATIONS:

1. **Nantucket Data Platform Report as of 2017 and Updated 2021:** This report is the most comprehensive and most recent estimate of the island's population that is backed by actual data. The report is compiled using sources that include cell phone data, street list, ferry and air travel statistics.

The Select Board has relied on this information to set the Seasonal Population estimate since 2019. In previous years an estimate of 65,000 was submitted to the ABCC without a vote or supporting data.

The 2017 report (attached) estimates population between July and August to be 41,420 – 45,500. The update in 2021 estimated the island's peak summer population as high as 65,220 (with an average population of 58,000).

The proposed estimate is no more than 45,000 as it has been for 4 years. This gives Nantucket a Quota limit of nine (9) Seasonal Off-Premise (Package Store) Licenses. Nantucket currently has eight (8) active Seasonal Package Store Licenses with the possibility of one (1) License available. Additional Licenses would be added for every increase of 5,000.



2. **M.G.L. c. 138, §15**: The LLA may issue a limited number of seasonal off-premises alcoholic beverages licenses based on an estimate of the temporary increase in resident population for the upcoming season as of July 10th. The LLA must set the estimate and submit the estimate to the Commission. The LLA may issue off-premises seasonal licenses based on that estimate at the rate of one license for each 5,000 persons (or fraction thereof) and can be issued effective April 1st to November 30th until January 15th, or any portion thereof, as set by the LLA.

Impact: Environmental ☐ **Fiscal** ☐ **Community** ☐ **Other** ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

ABCC Seasonal Population Form for Signature; Nantucket Seasonal and Annual Quota Summary; Nantucket Data Platform Report



**COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL
COMMISSION**

95 Fourth Street, Suite 3, Chelsea, MA 02150

2023 Seasonal Population Increase Estimation Form

City / Town:

Date:

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

Date of Meeting

, estimated that the temporary increased resident population

of , as of July 10, 2023 will be .

City / Town Name

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
Local Licensing Authorities



LIQUOR LICENSING || **ANNUAL §15 QUOTAS**

ANNUAL PACKAGE STORE LICENSE QUOTAS (Section 15 – Off-Premise)

The Annual Package Store Quota is based on Federal Census Population and determined every 10 years. The current Quota outlined below was set in 2020 with a Nantucket population of 14,255 as set by the Secretary of the Commonwealth. The previous population for 2010-2020 was 10,172.

M.G.L. c. 138, §15: Each city or town may issue one Annual off-premises (Section 15) all-alcoholic beverages license for each unit of 5,000 persons (or fraction thereof) with a minimum of 2. One wine and malt license may be granted for each unit of 5,000 persons (or fraction thereof) with a minimum of 5. If a community has one or more licenses over the stated figures authorized, such licenses can continue. However, if such licenses are surrendered, rescinded, cancelled or revoked, they cannot be replaced by new applicants.

ANNUAL ALL ALCOHOL PACKAGE STORE LICENSES

Quota: 3 Licenses

Total Licenses in 2023: 5 (Once Surrendered, this type of License can NOT be reissued)

- Hatch's 133 Orange Street
- The Islander 15 Old South Road
- Murray's 23 Main Street
- Nantucket Wine and Spirits 31 Sparke Avenue
- Old South Liquors 2 Lovers Lane

ANNUAL WINE AND MALT PACKAGE STORE LICENSES

Quota: 5 Licenses

Total Licenses in 2023: 5 Licenses

Available: 0

- Pip and Anchor 14 Amelia Drive
- Nantucket Trading Post 12 Nobadeer Farm Road
- Bartlett's 33 Bartlett Farm Road
- Nantucket Meat and Fish Market 21 Old South Road
- Born & Bread 35 Center Street



Town & County of NANTUCKET, MA

LICENSING & PERMITTING OFFICE
PSF, 4 Fairgrounds Road, M-F 8am-4pm
508-325-4100 · licensing@police.nantucket-ma.gov

LIQUOR LICENSING || SEASONAL §15 QUOTAS

SEASONAL PACKAGE STORE LICENSE QUOTAS (Section 15 – Off-Premise)

Seasonal Package Store Licenses - Quota is based on Projected Population as of July 10th. The Select Board must approve the Seasonal Population increase every year. The 2022 Population Estimate was 45,000, which allows for a total of **9 Seasonal Package Stores**.

M.G.L. c. 138, §15: The LLA may issue a limited number of seasonal off-premises alcoholic beverages licenses based on an estimate of the temporary increase in resident population for the upcoming season as of July 10th. The LLA must set the estimate and submit the estimate to the Commission.

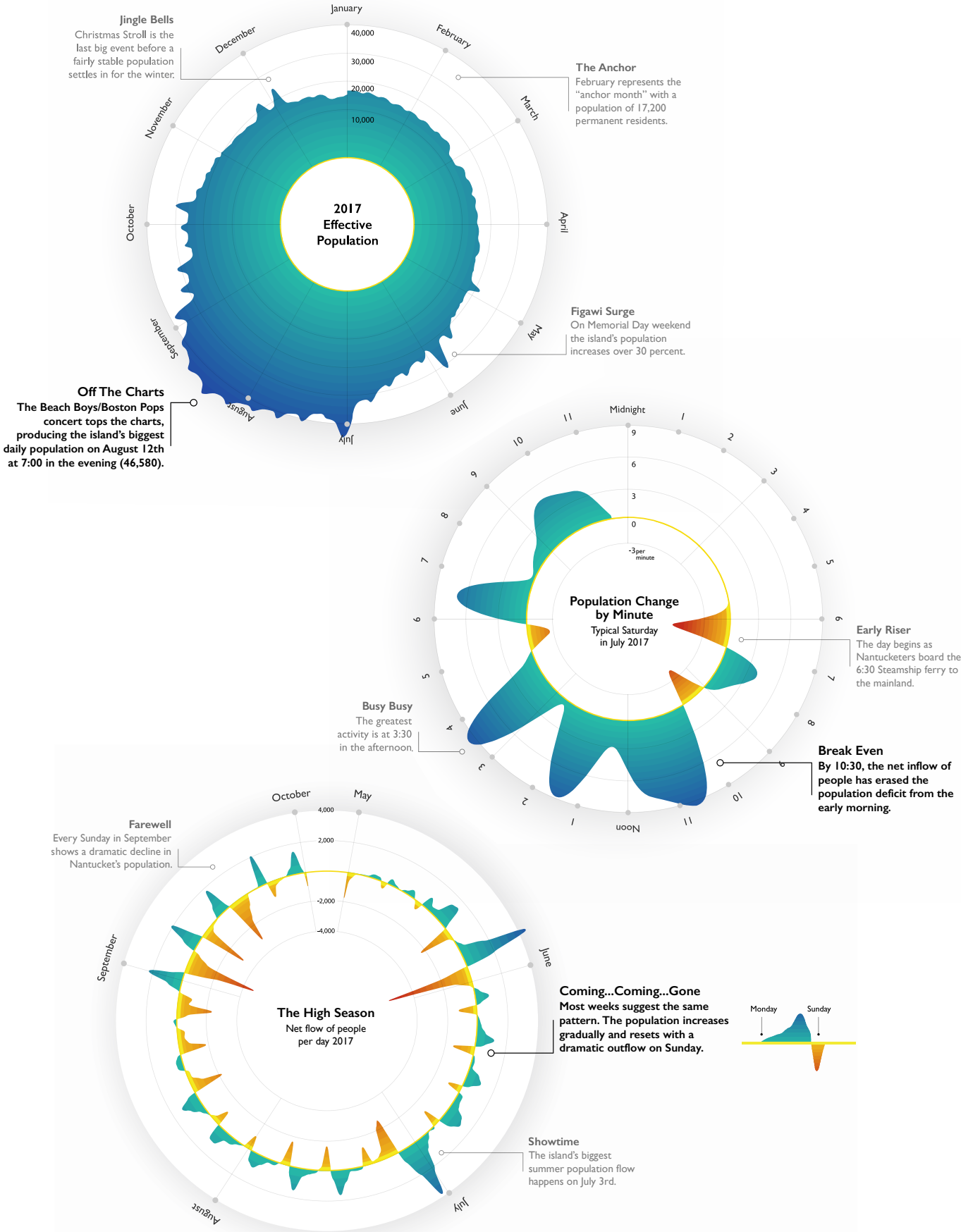
The LLA may issue off-premises seasonal licenses based on that estimate at the rate of one license for each 5,000 persons (or fraction thereof) and can be issued effective April 1st to November 30th until January 15th, or any portion thereof, as set by the LLA.

SEASONAL PACKAGE STORE LICENSES

ESTIMATED POPULATION of 45,000

Quota:	9 Licenses
Total Licenses in 2022:	8 Licenses
Available Licenses in 2023:	TBD 3-22-23

• 167 Raw	167 Hummock Pond Road
• BRIX	1 A Windy Way
• Current Vintage	4 Easy Street
• Epernay	1 North Beach Street
• Harpoon Liquors/Fresh	3 Salem Street
• Millie's Market	1 Miller's Way
• 'Sconset Bookstore	100 Sankaty Avenue
• The Green Market	4 India Street



Appendix - All Five Groups

Table C-A. Average Daily Weekday Population 2017

	Daytime Population	Permanent Resident	Commuters	Seasonal Residents	Seasonal Workers	Visitors
January	19,000	17,160	365	-	-	1,475
February	18,010	17,160	365	-	-	485
March	18,220	17,160	365	-	-	695
April	20,020	17,160	365	-	463	2,032
May	23,640	17,160	365	-	2,141	3,974
June	29,320	17,160	365	640	4,990	6,165
July	39,950	17,160	365	6,210	6,601	9,614
August	42,430	17,160	365	6,100	6,593	12,212
September	30,570	17,160	365	2,220	4,110	6,715
October	25,760	17,160	365	-	2,412	5,823
November	22,090	17,160	365	-	875	3,690
December	19,590	17,160	365	-	453	1,612

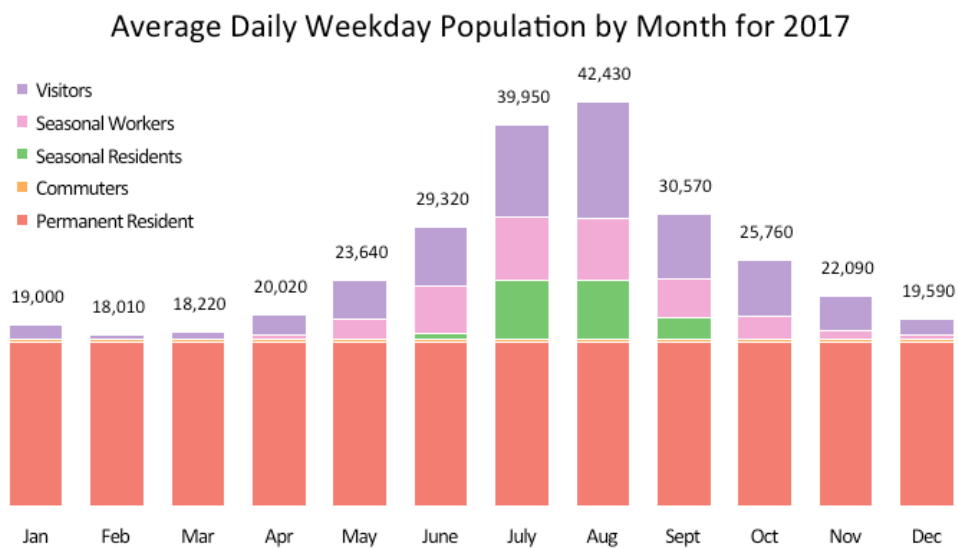
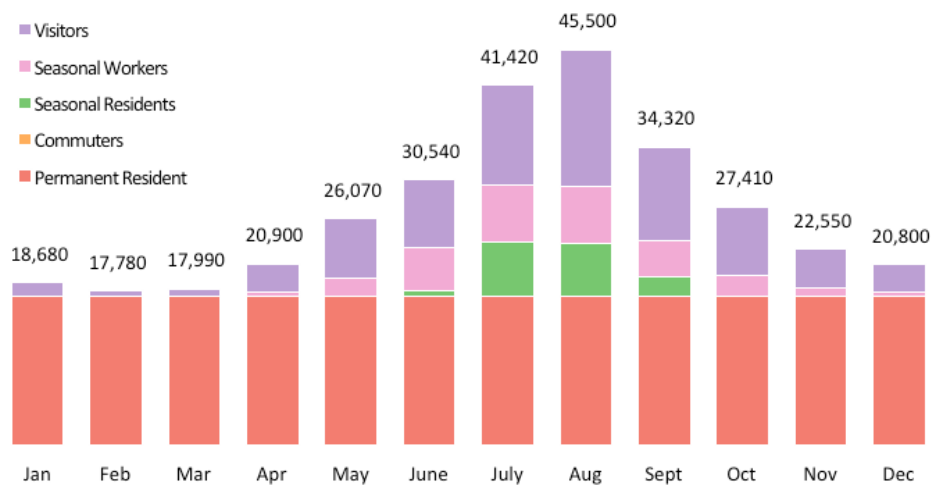


Table C-B. Average Daily Weekend Population 2017

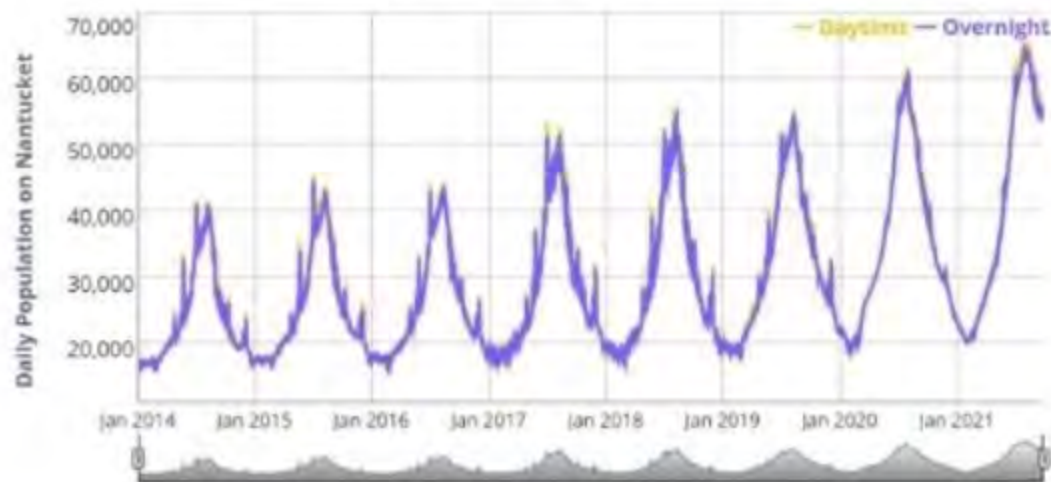
	Daytime Population	Permanent Resident	Commuters	Seasonal Residents	Seasonal Workers	Visitors
January	18,680	17,160	-	-	-	1,520
February	17,780	17,160	-	-	-	620
March	17,990	17,160	-	-	-	830
April	20,900	17,160	-	-	463	3,277
May	26,070	17,160	-	-	2,141	6,769
June	30,540	17,160	-	640	4,990	7,750
July	41,420	17,160	-	6,210	6,601	11,449
August	45,500	17,160	-	6,100	6,593	15,647
September	34,320	17,160	-	2,220	4,110	10,830
October	27,410	17,160	-	-	2,412	7,838
November	22,550	17,160	-	-	875	4,515
December	20,800	17,160	-	-	453	3,187

Average Daily Weekend Population by Month for 2017



Insights: Increasing Population and Possible Constraints

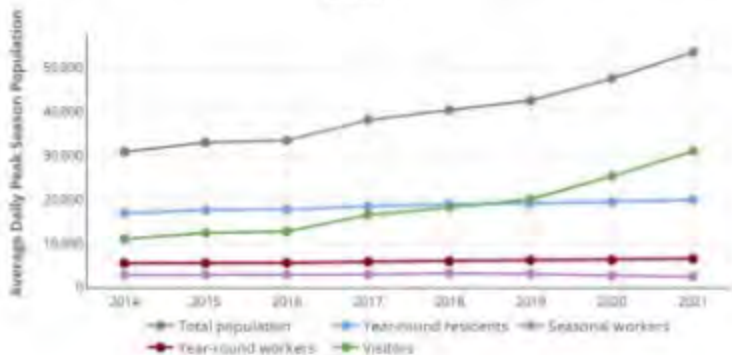
Daily Peak Population (2014-2021)



Since 2014, we've seen a 57% increase in the peak daytime population and a 69% increase in the average summer population (June-Aug)

Insights: Increasing Population and Possible Constraints

Average Daily Population and Workforce Size - Peak Season



In 2014, the average daily population during peak season (May-September) was 30,760. In 2021 it was 53,400.

A 73.6% increase.

Community Data Platforms

ANALYTICS • REPORTING • VISUALIZATION



Agenda Item Summary

Agenda Item #	IX. 2b.
Date	3/22/2023

Staff

Amy Baxter, Licensing Administrator

Subject

License Renewals – Seasonal Liquor

Executive Summary

Acting as the Licensing Authority for the Town of Nantucket, the Select Board must vote to renew existing liquor licenses on an annual basis – December for annual liquor licenses and March for seasonal liquor licenses. Renewal of existing licenses allows for the process to begin for issuing licenses to operate. A renewal does not automatically issue the license. Each licensee must take the required steps to comply with state and local regulations to be issued a 2023 license.

Non-renewals for 2023:

1. The Afterhouse, 18 Broad Street: License Surrendered at 1-18-23 Select Board Meeting. New License applied for on 1-18-23. In final review by ABCC.
2. The Club Car, One Main Street: License Surrendered at 3-15-23 Select Board Meeting. New License applied for on 3-15-23. Awaiting review by ABCC.

Staff Recommendation

Renewal of all seasonal liquor licenses on the condition that the full renewal process is completed and approved by Licensing; Health; Building; Fire and all required Town and state requirements are met and fees paid. If any licensee fails to complete the renewal process and is subject to suspension or revocation of license will be scheduled for a public hearing before the Select Board.

Background/Discussion

Alcohol licenses are entitled to be “automatically renewed” if they are for the same type of license and location. In order to deny renewal for some reason at renewal time, the licensing board cannot simply vote not to renew but needs to provide notice and a hearing. The same rule should apply to add any restrictions that were not on the license this year. In addition, please note that there is a special rule for reducing the hours, i.e., imposing an earlier closing time, for an on-premises pouring license. The statute requires that an on-premises licensee be allowed to serve until 11:00 p.m., but the local licensing authority has discretion to allow it to be open until 2:00 a.m. or sometime between 11:00 p.m. – 2:00 a.m. The licensing authority may impose an earlier closing time, but it must provide a hearing and determine that there is a “public need” for it. The statute specifically states:



- The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing.

Impact: Environmental ☐ **Fiscal** ☐ **Community** ☐ **Other** ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

Seasonal Liquor License List for 2023 Renewals; ABCC Seasonal Certification Form for Signatures



SEASONAL RENEWAL CERTIFICATION FOR THE YEAR 2023

CITY/TOWN: Nantucket

A. SEASONAL LICENSEES WHO FAILED TO RENEW FOR THE UPCOMING YEAR:

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:

03273-RS-0762

Nantucket Hospitality Group, LLC; 18 Broad Street 02554

02963-RS-0762

Nantucket Club Car, LLC; One Main Street 02554

B. SEASONAL LICENSEES DISAPPROVED BY THE CITY/TOWN FOR THE UPCOMING YEAR

LICENSE #:

LICENSEE CORPORATE NAME AND ADDRESS:

We hereby certify that the premises described in the year 2023 renewal applications for the above mentioned municipality are now occupied, used, or controlled by the licensee and will be on April 1, 2023. The renewal applications have been approved by the Local Licensing Authorities and forwarded to the ABCC.

The Local Licensing Authorities

2023 SEASONAL LIQUOR RENEWALS

DBA	PREMISES	Licenses	MANAGER	TYPE	Category
167 Raw	167 Hummock Pond Road	Common Victualler, Liquor, MFU	Jesse Sandole	Package Store	Wine and Malt Beverages
American Seasons	80 Centre Street	Common Victualler, LIVE- ENT, Liquor	Neil Ferguson	Restaurant	All Alcohol
Backyard BBQ	20 Straight Wharf	Common Victualler, LIVE- ENT, Liquor, Sidewalk Dining	Denise Corson	Restaurant	All Alcohol
Bar Yoshi	Old South Wharf	Common Victualler, LIVE- ENT, Liquor	Terrance Noyes	Restaurant	All Alcohol
Brant Point Grill	50 Easton Street	Common Victualler, Innholder, LIVE- ENT, Liquor	Bettina Landt	Restaurant	All Alcohol
Brix	1A Windy Way	Liquor	Klaudia Mally	Package Store	All Alcohol
Chanticleer	9 New Street, Siasconset	Common Victualler, LIVE- ENT, Liquor	Susan E. Handy	Restaurant	All Alcohol

2023 SEASONAL LIQUOR RENEWALS

DBA	PREMISES	Licenses	MANAGER	TYPE	Category
Cliffside Beach Club	46 Jefferson Avenue	Innholder, Liquor	David Silva	Innholder	All Alcohol
Company of the Cauldron	5 India Street	Common Victualler, Liquor, NL-ENT	Joseph Keller	Restaurant	Wine and Malt Beverages
CRU	49 Straight Wharf	Common Victualler, LIVE- ENT, Liquor	Jane Stoddard	Restaurant	All Alcohol
Current Vintage	4 Easy Street	Liquor	Margaret English	Package Store	Wine and Malt Beverages
Epernay	14 Federal Street	Liquor	Jennifer L. Benzie	Package Store	All Alcohol
Galley Beach	54 Jefferson Avenue	Common Victualler, LIVE- ENT, Liquor	David C. Silva	Restaurant	All Alcohol
Great Harbor Swim and Tennis	23 Nobadeer Farm Road	Liquor	John Luyrink	Club	Wine and Malt Beverages
Harpoon Liquors/Fresh	3 Salem Street	Liquor	Charlie Merritt	Package Store	All Alcohol
Jared Coffin House	29 Broad Street	Common Victualler, Innholder, LIVE- ENT, Liquor	Jason Curtis	Innholder	All Alcohol
Le Languedoc	24 Broad Street	Common Victualler, Innholder, Liquor	Neil Christopher Gre	Innholder	All Alcohol

2023 SEASONAL LIQUOR RENEWALS

DBA	PREMISES	Licenses	MANAGER	TYPE	Category
Lemon Press	41 Main Street	Common Victualler, LIVE-ENT, Liquor, MFU, Sidewalk Dining	Rachel M. Afshari	Restaurant	All Alcohol
Lobster Trap	23 Washington Street	Common Victualler, LIVE-ENT, Liquor, MFU	Larry B Whelden	Restaurant	All Alcohol
Millies	326 Madaket Road	Common Victualler, Liquor, NL-ENT	Chris Cochran	Restaurant	All Alcohol
Millies Market	1 Miller's Way	Liquor	Charles Banks	Package Store	All Alcohol
Oran Mor Bistro	2 South Beach Street	Common Victualler, Liquor, NL-ENT	Edwin M. Claflin	Restaurant	All Alcohol
PPX Events	7 South Water Street	Common Victualler, Liquor, NL-ENT	Lindsay Daley	General On Prem	All Alcohol
Proprietors	9 India Street	Common Victualler, Liquor, NL-ENT	Orla Murphy Lascola	Restaurant	All Alcohol

2023 SEASONAL LIQUOR RENEWALS

DBA	PREMISES	Licenses	MANAGER	TYPE	Category
Rose and Crown	23 South Water Street	Common Victualler, LIVE- ENT, Liquor, Nightclub, Sidewalk Dining	Debba Pitcock	Restaurant	All Alcohol
Sandbar at Jetties	4 Bathing Beach Road	Common Victualler, LIVE- ENT, Liquor	George Kelly	Restaurant	All Alcohol
Sankaty Head Beach Club	18 Hoicks Hollow Road	Common Victualler, LIVE- ENT, Liquor	Lori Snell	Club	All Alcohol
Sankaty Head Golf Club	100 Sankaty Avenue	Common Victualler, LIVE- ENT, Liquor	Kimberly Matthews	Club	All Alcohol
Sconset Bookstore	8 Main Street	Liquor	Rolf M. Nelson	Package Store	All Alcohol
Ships Inn	13 Fair Street	Common Victualler, Liquor	Mark H. Gottwald	Restaurant	All Alcohol
Siasconset Golf Course	260 Milestone Road	Liquor, NL-ENT	Sean Oberly	General On Prem	Wine and Malt Beverages

2023 SEASONAL LIQUOR RENEWALS

DBA	PREMISES	Licenses	MANAGER	TYPE	Category
Slip 14	14 Old South Wharf	Common Victualler, LIVE-ENT, Liquor	Jonas M. Baker	Restaurant	All Alcohol
Straight Wharf Restaurant	6 Harbor Square	Common Victualler, Liquor, NL-ENT	Gabriel Frasca	Restaurant	All Alcohol
Summer House	17 Ocean Ave/1 Magnolia	Common Victualler, Innholder, LIVE-ENT, Liquor	Pending	Restaurant	All Alcohol
Summer House Beachside Bistro	16 Ocean Avenue	Common Victualler, LIVE-ENT, Liquor	Pending	Restaurant	All Alcohol
The Brant	6 & 8 North Beach Street	Liquor, NL-ENT	David Bowd	Innholder	All Alcohol
The Green Market	4 India Street	Liquor, Take-Out Only	Jenny Bence	Package Store	Wine and Malt Beverages
The Tavern Restaurant and Gazebo	28 Harbor Square	Common Victualler, Liquor, NL-ENT	Luke Tedeschi	Restaurant	All Alcohol
Ventuno	21 Federal Street	Common Victualler, Liquor, NL-ENT	Taylor Oliver	Restaurant	All Alcohol

2023 SEASONAL LIQUOR RENEWALS

DBA	PREMISES	Licenses	MANAGER	TYPE	Category
Wauwinet	120 Wauwinet Road	Common Victualler, LIVE- ENT, Liquor	Eric Landt	Restaurant	All Alcohol
Westmoor Club	10 Westmoor Lane	Common Victualler, LIVE- ENT, Liquor	John Cowden, Jr.	Club	All Alcohol
White Elephant Residences	19 N. Water Street	Common Victualler, LIVE- ENT, Liquor	Bettina Landt	Innholder	All Alcohol



Agenda Item Summary

Agenda Item #	IX. 3a & b.
Date	03/22/2023

Staff

Amy Baxter, Licensing Administrator; Marina Dzvonik, Events Coordinator

Subject

2023 Daffodil Festival on Saturday, April 29, 2023.

Executive Summary

The Nantucket Island Chamber of Commerce's Daffodil Festival as celebration of springtime awakening on Nantucket Island has been held annually since 1978. Daffodil Festival activities include the Daffodil Antique Car Parade followed by a tailgate picnic in Sconset Village, and family friendly activities at Children's Beach (Children's Bike Parade, Daffy Hat Parade, and the Daffodil Dog Parade). Daffodil Festival Activities attract over a thousand of visitors and residents to take part in celebration and encourage more economic activity in the shoulder season.

NICC submitted the following requests that need to be reviewed and approved to continue with public assembly permitting:

- Approval and Execution of MassDOT Event Notification Form for Daffodil Parade and Sconset Tailgate Picnic to be Held Saturday, April 29, 2023 required in order to apply for MassDOT Permit to Access State Highway (Milestone Road known as Auto Route M)
- Annual Request for Waiver of Chapter 54(1)(c) of the Code of the Town of Nantucket for Daffodil Festival Tailgate Picnic in Sconset.

Staff Recommendation

Staff recommendation is to approve the above requests and set the following conditions for Public

Assembly Permits for Daffodil Festival Antique Car Parade and Sconset Tailgate Picnic:

- The number of vehicles participating in the parade must be limited to 110 as approved in previous years.
- Adequate emergency medical personnel in attendance, as determined by the Fire Chief, shall be provided at applicant's expense;
- Emergency Action Plan for an outdoor events must be submitted for Fire Department Review;
- Adequate Police Details shall be provided at applicant's expense, parking plan for the parade must be reviewed by NPD;
- Neighborhood / Public communication is required prior to the event to mitigate issues, minimize impacts, and ensure affected neighbors and businesses are aware of the permitted event.

Additional Conditions applied to Sconset Tailgate Picnic:

- The number of Event Staff & volunteers needs to be increased to improve overall management of the event. Designated staff should be available to the Town / Public Safety personal at all times during the event;



- Develop volunteer coordination plan – identify volunteers’ roles and responsibilities to be performed during the event. Monitor the event volunteers to ensure that the necessary work is being completed;
- Be clear about the role of the Police Department and enhance communication throughout the event;
- A sufficient number of lavatories, including handicap-accessible lavatories, for persons reasonably expected to attend, as determined by the Health Inspector, shall be provided at applicant’s expense;
- All debris and litter remaining from the proposed event shall be removed by the event organizers and the area left clean, waste management plan is required;
- In accordance with Section 97-1(A) of the Town bylaws, commercial sale of merchandise, food, drinks, and other items on Public streets and sidewalks is prohibited;
- Public Outreach informing that NO alcohol sponsorships and NO bars open to the public allowed to be set up by Sconset Picnic hosts.

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

MassDOT Event Notification and 2023 Daffodil Parade Route; Maps for Downtown and Sconset Street Closures; Daffodil 2023 Event Description; NICC Letter addressed to SB requesting one-day waiver of Chapter 54 Section 1C



Dzvonik, Marina

From: noreply@civicplus.com
Sent: Friday, March 3, 2023 4:23 PM
To: Dzvonik, Marina
Subject: Online Form Submittal: 2023 Special Event Permit Application

[EXTERNAL EMAIL]: Please do not click links or open attachments if you don't recognize the sender.

2023 Special Event Permit Application

This form is not a permit. Please read this application in full. Completion of this application does not constitute an automatic approval and does not guarantee that a permit will be issued. Event organizers are encouraged not to issue any press releases, advertise, sell tickets, etc. until the necessary approvals and/or permits have been issued. Event organizers are encouraged to include maps, plans and any pertinent supporting documentation with this application. Any event permitting questions can be directed to the Town's Events Coordinator at 508-325-4166.

APPLICANT INFORMATION - REQUIRED

First Name of Primary Contact	Bianca

Last Name of Primary Contact	Brown

Address of Primary Contact	Zero Main Street, 2nd Floor

Company/Organization of Primary Contact (If Applicable)	Nantucket Island Chamber of Commerce

Town/City	Nantucket

State	MA

Zip	02554

Email Address	bianca@nantucketchamber.org

Phone Number	5082281700

Cell Phone	Field not completed.

On-site Contact	Bianca Brown

Cell Phone for On-site Contact	774-236-0257
Host Organization (If Different from Above)	<i>Field not completed.</i>
Host Type	Non-Profit
Please Attach 501(c)(3) Documentation	<i>Field not completed.</i>
EVENT OVERVIEW - REQUIRED	
Event Name	47th Nantucket Daffodil Festival 'Sconset Tailgate Picnic
Requested Location of Event (please specify INDOOR or OUTDOOR)	Main St. Siasconset from New St. to Siasconset Rotary (OUTDOOR)
Is this Event open to the public?	Yes
Is there an admission / registration fee?	No
Date of Event	4/29/2023
Start Time	12:30 pm
End Time	3:00 pm
Rain Date	<i>Field not completed.</i>
All events must comply with the 10:00 pm Noise Ordinance. Requests for extension past 10:00 pm must be approved by the Select Board	
Set-up Date & Time	4/29/2023 8:00 AM
Tear-Down Date & Time	4/29/2023 4:00 PM
MULTIPLE DATE EVENTS	<i>Field not completed.</i>
Full Schedule of Events	2023 Daffy Event Layout.pdf
Est. # of Participants	1000
Est. # of Staff	10-15 including volunteers
Important Notice - Events Over 250 <i>Any event anticipating over 250 participants requires a Public Hearing at a regularly-scheduled Select Board meeting. Public Hearings must be noticed in the</i>	

Inquirer and Mirror for two consecutive weeks prior to the hearing (at Applicant's expense). Public Hearings may be waived for recurring events. Events anticipating under 250 participants may require a Public Hearing at Town Administration's discretion.

Have You Held This Event On-Island Before?	Yes
If Yes, Where And When?	Over 46 years, since 1978
Description of Event (Attach additional documents below)	The Antique Car Parade will be heading from Main St. Nantucket, to line up on Main St. Siasconset. There, they can open their tailgates and enjoy a community wide picnic. Awards given for the best tailgate and traditional picnics.
Event Description (optional)	<i>Field not completed.</i>
Course Map	2023-daffodil-car-parade-route (3).pdf
Event Layout/Diagram	47th Daffodil Festival Siasconset Picnic Map.pdf

EVENT LAYOUT / DIAGRAM: Required for Events with Tents/Temporary Structures and/or Events on Public Property. A detailed site plan is required - applications will not be processed without it. Attach separate document(s) that clearly show the location of the event, fencing, entry /exit points, tents (include dimensions), stages, generators, bars, tables / chairs, portable restrooms, trash cans, dumpsters, signs, etc.

STEP 1: LOCATION - BEACH EVENTS ONLY

Details regarding allowable activities can be found here	Click for Beach Allowable Activity List
Select Town of Nantucket Beach	<i>Field not completed.</i>
Click Here For Beach Ownership Contacts for all Public Beaches	Beach and Ownership Listing
Beach Event Structures	N/A

Beach and Endangered Species Protection
Safety of endangered species habitat and beach maintenance are prime concerns for any beach-related activity on the island. Nesting birds, erosion and endangered plants exist throughout the island. Natural Resource approval is required to make sure protection laws are not being violated and proper precautions are being taken.

STEP 2: ALCOHOL

Will Alcohol Be Served?	No

Click Here For Temporary Pouring Permit Regulations for the State of Massachusetts:	Temporary Pouring Permit Guidelines

Alcohol To Be Served	<i>Field not completed.</i>

Only Non-Profit Organizations are permitted to serve ALL Alcoholic Beverages. For Profit Organizations are only permitted to serve Beer and Wine.

Source of Alcohol/Approved Distributor(s)	N/A

CLICK HERE FOR LIST OF AUTHORIZED SOURCES TO PURCHASE ALCOHOL:	AUTHORIZED SOURCES (in PDF)

STEP 3: ENTERTAINMENT

Will There Be Entertainment?	No

Will The Entertainment Be Amplified?	No

Will The Entertainment Be Outside?	No

Description of Entertainment	N/A

All events must comply with the 10:00 pm Noise Ordinance. Requests for extension past 10:00 pm must be approved by the Select Board.

STEP 4: STREET AND/OR SIDEWALK BLOCKING

Will Event Require Any Road Or Sidewalk To Be Blocked Or Closed?	Street, Full Blocking

Address Of Blocking	Main St. Siasconset from New St. to Siasconset Rotary

Purpose Of Blocking:	Tailgating and Picnics

STEP 5: TENTS / TEMPORARY STRUCTURES / STAGES / GENERATORS

Will There Be A Tent Or Other Temporary Structure Erected?	No

Date Tent/Structure To Be Installed	<i>Field not completed.</i>

Describe Size/Type of Tent/Structure / Stage	N/A

Tent Company	<i>Field not completed.</i>

Will this event utilize a generator(s)?	No

Will you be using any lighting?	No

STEP 6: FOOD

Will Food Be Served?	No

Name of Caterer/Food Service Provider	N/A

Attach Town of Nantucket Catering License (Optional)	<i>Field not completed.</i>

Food service providers must have a current license Issued by the Town Of Nantucket Health Department. If they are not licensed on Nantucket, they must be approved by the Health Department at least 14 days prior to the event. Any event with more than One (1) caterer / food service provider is required to apply for Temporary Food Permits for each food service provider regardless of license.

TEMPORARY FOOD PERMIT INFO:

General Information regarding Temporary Food Permit Events

Temporary Food Permit Checklist

Temporary Food Event Permit Application

Events with 10 or more food vendors are required to submit the below form at least **30 days prior to the event**.

Temporary Food Event Coordinator Application

Should you have any questions about temporary food permits, please contact the Nantucket Health Department health@nantucket-ma.gov , 508-228-7200 or visit at 131 Pleasant Street, Nantucket, MA

STEP 7: RESTROOM FACILITIES

Describe the number of restrooms available at the event site and if you plan to order portable restrooms. You may be required to provide portable toilets and hand washing stations, unless you can substantiate the sufficient availability of both Americans with Disabilities Act (ADA) and non-accessible facilities in the immediate area of the event site which will be available during your event.

Portable Toilets at public events: For single user portable toilets clustered at a single location, at least 5% but not less than one accessible toilet unit shall be installed at each cluster

# of Restrooms/Portable Toilets Provided	5 Portable Restrooms including 1 ADA accessible and public restrooms across from 'Sconset Market

Name of Restroom / Portable Toilet Provider	Nantucket Septic per Nantucket Chamber and Town of Nantucket

STEP 8: PARKING PLAN

Event Parking	Main St., New St., Bunker Hill Rd., W. Sankaty Rd., Chapel St. All parking on one side of the street.

STEP 9: WASTE MANAGEMENT

Effective June 1, 2020, Nantucket's Single-Use Plastics Ban prohibits these single-use petroleum based plastic products from being commercially used, sold or distributed at special events: straws and drink stirrers, six-pack can and bottle flexible yokes, drinking cups and lids, non-compostable plates and eating utensils, drinking water in polyethylene terephthalate (PET or PETE) containers of 1 liter (34 ounces) or less, non-recyclable coffee pods.

Please note,
biodegradable packaging
is already required under
Nantucket's 1990
Biodegradable Packaging
Bylaw.

[Biodegradable Packaging Bylaw\(\\$ 125-2.1\)](#)

HOLD HARMLESS AGREEMENT

In consideration of permission to use the public property, facility or services described herein, the Applicant agrees to save and hold the Town of Nantucket, its agents, servants, and employees harmless from any and all liabilities or costs arising out of the use of the described premises by the Applicant, the Applicant's guests, employees, subcontractors, and/or other persons. The Applicant acknowledges that the permission to utilize the facilities is limited to the portion of the premises herein described (if applicable), and that the permission is valid only for the activity herein described. Notwithstanding the foregoing, this Hold Harmless Agreement shall be applicable to any claim asserted against the Town of Nantucket, its agents, servants, and employees, and for any loss incurred arising out of the Applicant's activity whether or not such claim or loss extends beyond the permitted type or locale of activity or occurs on a different date than specified. Commercial General Liability is required in the amount of \$1,000,000 CSL (combined single limit) with the Town and County of Nantucket added as an additional insured.

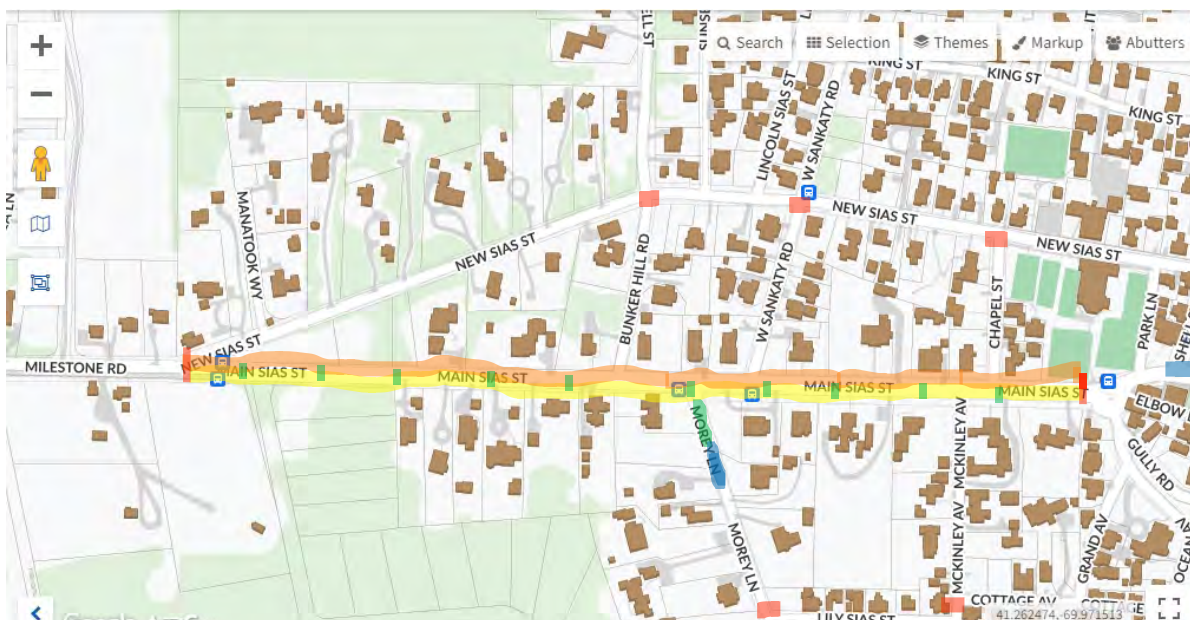
SIGNATURE OF
APPLICANT

Bianca M. Brown

Email not displaying correctly? [View it in your browser.](#)

2023 Daffodil Car Parade Route





47th Nantucket Daffodil Festival Siasconset Picnic Map

Map I: This map shows where cars, motorcycles and traditional picnics will be set up along Main St., Siasconset. This map includes barricades, portable restrooms, and trash/recycling containers.

Traditional Picnic – Tailgate Picnic

Portable / Reg. Restrooms - Barricades

Dumpster/ Trash/ Recycling Containers

The following streets are to be closed 8am – 4pm:

- More Ln. closed at Lily St.
- McKinley Ave. closed at Cottage Ave.
- Bunker Hill Rd., W. Sankaty Rd., Chapel St. (No thru traffic/ parking on one side only)
- Main St. closed from New St. to Siasconset Rotary

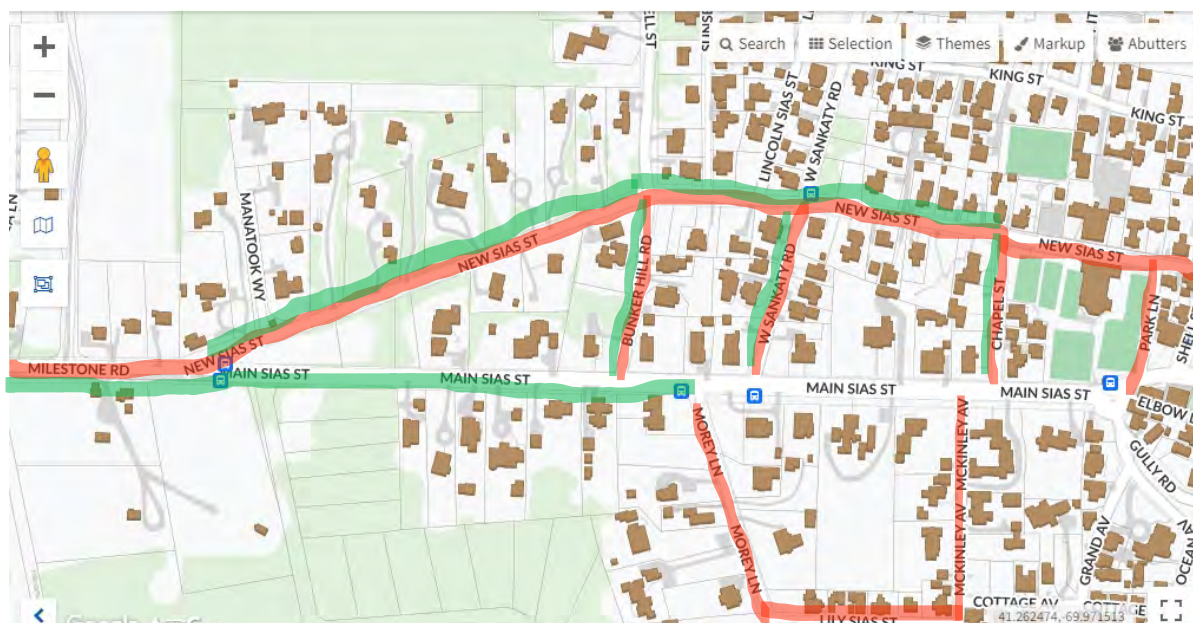
Map II: This map shows Emergency Access and Parking.

Emergency Access:

(New St., Bunker Hill Rd., W. Sankaty Ln., Chapel St., Park Lane, More Ln. McKinley Ave., Lily St.)

Parking:

(Main St., New St., Bunker Hill Rd., W. Sankaty Rd., Chapel St. *All parking on one side of the street*)



47th Nantucket Daffodil Festival Event Description and Layout Draft

The Nantucket Daffodil Festival celebrates the kickoff to spring on Nantucket! We celebrate community togetherness and keep old traditions alive. The events include our Antique Car Show & Parade, Daffodil Hat Pageant, Daffodil Dog Parade with NiSHA, Children's Bike Parade with Barnaby's Toy Shack, and the famous 'Sconset Tailgate Picnic. Below is a rough layout of how each event will commence.

2023 Antique Car Show & Parade

7:00 am – 1:30pm Main Street closed from Wagner Fountain to Pacific Club and from the top of Federal St. to India St.

7:30 am – Barricades placed, Bobby Lamb and Don Allen arrive with flatbed stage

8:15 am – 9:00 am Cars & Motorcycles gather at the bottom of Main St. to line up for parade

9:15 am – 10:15 am Cars and Motorcycles shuffle onto Main Street and park in numerical order

10:30 am – 11:40 am Cars & Motorcycles judged and awarded Antique Car Parade ribbons

11:40 am – 12:00 pm Cars & Motorcycles prepare to head to Tailgate Picnic in 'Sconset

12:00 pm Parade to 'Sconset begins

12:30 pm – 1:30 pm Main Street cleaned and reopened to traffic

2023 Siasconset Tailgate Picnic

7:00 am – 4:00 pm Main St. Siasconset Closed from New Street to 'Sconset Rotary

- Morey Lane Closed at Lily Street

- McKinley Ave closed at Cottage Ave.
- No thru traffic and parking on one side (Bunker Hill Rd., School St., Chapel St.
- Changes: Lily St. will be 2-way

8:00 am – 12: 00 pm Volunteers and staff arrive to set up and monitor parking

8:00 am – 12:00 pm Trash receptacles and Port-a-potties (amount determined by Health Department) set up

12:30 pm – 1:15 pm Cars & Motorcycles set up on Main Street from Morey Lane to ‘Sconset Rotary, Bunker Hill Rd. (used for any overflow)

12:30 pm – 3:00 pm ‘Sconset Tailgate Picnic begins

3:00 pm – 4:00 pm Picnic ends, Chamber staff and volunteers clean ‘Sconset

2023 Children’s Beach Events

8:00am – 2:30pm Children’s Beach is made into a family friendly Daffodil event space, complete with performances, contests, and giveaways.

8:00 am – 10:30 am Staff and volunteers set up event at Children's Beach

10:30 am – 1:30 pm Children’s Beach activities begin

- 10:30 am – 11:00 am Daffodil Hat Parade
- 11:30 am – 12:00 pm Daffodil Children’s Bike Parade
- 12:00 pm – 12:30 pm Visit with Barnaby Bear/ Giveaways
- 12:30 pm – 1:00 pm NanPuppets Performance
- 1:00 pm – 1:30 pm Dog Parade with NiSHA
- Other Activities TBA

1:30 pm – 2:30 pm Event ends, Chamber staff and volunteers clean Children’s Beach

Expected Needs:

10 – 15 staff and volunteers for Main Street Antique Car Show and Parade set-up in addition to 4 Judges and 1-2 MC's

5- 10 staff and volunteers for Children's Beach Events and 3 judges per event (Hat Pageant, Dog Parade (NiSHA handles their judges) and an MC

10 – 15 staff and volunteers for 'Sconset Tailgate Picnic and 3 judges for Best Tailgate and Traditional Picnic



Select Board
16 Broad Street
Nantucket, MA 02554

March 2, 2023

2023 Daffodil Tailgate Picnic

The Nantucket Island Chamber of Commerce is applying for a Public Assembly Permit and requests a one-day waiver of Chapter 54 Section 1C for our Annual Daffodil Tailgate Picnic, as we have done since 2010.

The Daffodil Tailgate Picnic is a free event that will take place on Saturday, April 29, 2023 from 12:30pm to 3:00pm in Siasconset, MA. We expect up to 1,000 people to be in attendance. To monitor the area we will have a minimum of two Chamber of Commerce staff and eight volunteer organizers that will be present from 11:00am to 4:00pm. Along with eight to ten State and Local Police Officers to help monitor the area.

We know that a waiver has always been a part of the Public Assembly Permit, but we are still requesting to obtain permission from the Select Board to allow attendees to have an open container or be able to drink an alcoholic beverage on public land (closed off for this event from New Street to the Rotary in 'Sconset). While the Nantucket Island Chamber of Commerce maintains the position that it is generally illegal for alcohol to be consumed on a public roadway, we understand that alcohol is consumed during this particular festive Spring event, and it is our wish that attendees could partake in their celebrations without any worrisome ramifications. A suitable number of volunteers and Police Officers (State and Local) will be on duty in 'Sconset to monitor the crowd control. We fully intend to follow those same procedures this year.

Series of events as follows, the antique cars leave downtown Nantucket by following a Police motorcycle escort to the village of 'Sconset. Upon arriving in 'Sconset the cars are then instructed by Chamber staff to park on the right side of Milestone Road in the grass (vehicle's tailgates facing the road). Once the vehicles are parked, attendees set up their picnics to be judged in our Annual Tailgate Picnic Contest. This event runs until 3:00pm. However, the street remains closed until 4:00pm to give the participants ample time to clean-up and leave without being rushed by staff or volunteers.

Clean-up for this event will take place immediately following the event by the Chamber of Commerce staff and volunteers. We will continue our policy of giving out biodegradable trash bags, provided by ReMain, for people to separate their trash and recyclables.

Thank you,

Bianca M. Brown
Events Manager
bianca@nantucketchamber.org

CONTRACT REVIEW COMMITTEE

March 7, 2023

REPORT AND RECOMMENDATIONS:

FY 2024 HUMAN SERVICES GRANT AGREEMENTS

This presents the independent report and recommendations of the Contract Review Committee (CRC) regarding the placement on the Town Warrant of Proposed Awards for Town Human Services Grant Agreements for FY2024. This report is submitted to the Finance Committee and the Select Board as required by Chapter 12 Section 6 of the Code of the Town of Nantucket.

SUMMARY

The Town Administration has earmarked \$650,000 for Human Services Grants in FY2024, the continued allocation of funds confirms for all residents Town Management's understanding of the importance and value of the Town's support of the human service providers in the community. The CRC maintains that the economy, public health, safety concerns, as well as the changing population and demographics, increases the need for these services, while amply justifying the sum that the Town has budgeted for this purpose. The CRC acknowledges the funds allocated and the efforts of the town to maintain the funding, although the CRC would like to discuss additional funding.

For FY2024 the CRC received 13 grant applications totaling \$840,991. The grant requests were 29% higher than the available allocation and 12% greater than requests for the previous year.

Human Service Grant Application Review Process

The CRC has done their due diligence and deliberated carefully in crafting the recommendations for FY2024 allocation of grant monies to the private nonprofits providing human services. In doing so, a public service has been identified.

The Human Service Grant application process provides us with a precise, complete, and informative understanding of each of the human service's providers. The following methodology is applied in the grant process:

- Members review each grant proposal for FY2024
- Proposed programs and services

- What impact does your service have on the client?
- How does your service differ from other providers?
- How sustainable will the delivery of services be?
- How do you cover deficits in budgeted programs?
- Do you search for other grants and funding?
- Do you pursue insurance reimbursements when applicable?
- Did the provider collaborate effectively with other human service providers?
- Did the provider reach the goals set in the previous year?
- Were services expanded within the previous FY?
- The CRC board held on-site and zoom interviews with grant applicants allowing CRC members to gather more detailed and accurate information in respect to the programs day-to-day functions.
- The CRC members presented their individual findings on the applications. In some instances, the CRC met with individual human service grant providers.
- The CRC then held deliberations on the findings.

The Human Service Grant application process provides us with a precise, complete and informative understanding of each of the human service providers.

The CRC recognizes that each of the grant applications provide crucial human services that parallel the public services the Town provides. The allocation of funds is made with an understanding of the financial needs as outlined by the applicants. In reviewing each proposal, the CRC has determined that a public purpose is served by the services, that the provider has demonstrated that the proposal is cost-effective, and the services meet a specific need level identified by the Council for Human Services 2010 'Back to Basics' report to the Board of Selectmen on Human Services Contracting, and The Nantucket Community Health Assessment FY21. The CRC is honored to be a part of this longstanding partnership.

A stalwart and independent nonprofit human service sector is essential for aligning the social and economic factors facing our community.

The private non-profit human services providers are known as community-based organizations who work together with local government and private funders to build human service ecosystems to enhance the health and well-being of our community.

When 38.5% of the local public school population struggles to afford basic needs and then demonstrates the larger struggle the community as a whole has in meeting its basic needs, the human services ecosystem is a crucial component for the community. This ecosystem is composed of community-based human service providers offering a safety net of services to our neighbors. A 2018 report “National Imperative Strengthening Human Services in America” published by the Alliance for Strong Families and Communities emphasized the significant role well run human services can have in improving healthy outcomes within their communities.

Over the last five years human service providers have worked on building cultural diversity within their programming. Human services providers are working with people of different cultures because of the nature of changes in the population in the community. This diversity has emerged due to the changes in immigration patterns, ethnic and racial distribution, greater inclusion of individuals with disabilities, the changing views on gender appropriate behaviors and increased longevity within the community. These demographics tend to be under-represented among those who receive voluntary, supportive and preventative services. Issues such as trust, access to care, insurance coverage and expectations of disrespect contribute to the extent to which individuals will seek out help. Cultural competence in human services involves ensuring a good fit between the cultural diversity of the individuals involved in the services and a quality human services delivery system. Cultural diversity involves not only the culture of individuals receiving services, but the cultures represented by the staff and organizations providing the services. The local human services providers have worked on addressing culture in positive and meaningful ways in all phases of their programming, including development, and delivery as well as the training of their providers. When programs address cultural competence they help enhance the development and inclusion of mechanisms for both individuals and the staff of diverse backgrounds that help play an integral role in how services are developed, implemented and evaluated so culture is meaningfully interwoven throughout family services. Corresponding cultural competence proactively

addresses existing barriers and seeks a reflective and inquiring process to better understand culture as a complex multi-dimensional construct with no universal pre-conceived singular determinants or qualities.

Human services providers play a critical role in achieving healthy outcomes within our community. When human service providers exhibit cultural competence their collaborative efforts help develop stronger partnerships within the community, individuals can then get an holistic approach to their overall health. This kind of collaboration can help shape a person's overall well-being more than medical care.

These private non-profit human service agencies generate a large portion of their annual operating budget from federal, state, and local grants (it is important to note that some of the federal and state funding eligible to some of these agencies has been cut as much as 40% in the last year).

Private donations from foundations and individual donors make up another portion of their funding. In return these agencies provide services from early childhood development and education, behavioral health, domestic abuse, food, fuel and rental assistance, senior services, legal services and healthcare services, these supportive services help strengthen our community collective impact.

However with a lack of clarity, understanding and education of the vital role human services provide to the community there can be a tendency to believe many get handouts through these providers. This train of thought mitigates the true value these organizations provide in creating a civil society and helping initiate social change, while impacting the monies needed for these essential services. When we begin to look at these Human service providers as our strategic partners we will then set the community on a path of improved overall health.

Trying to define success in human services will always be an elusive goal since so many of the grants, funders and community members have different forms of measurement of achievement. We tend to gravitate to services delivered, rather than the more important part of outcomes achieved. Outcomes are extremely hard to measure yet the metrics for services delivered is easy. When we shift away from outputs too outcome, Human service providers can then alter their focus from addressing problems after they occur to having much stronger focus on prevention. In order for non-profits to operate on a more viable structure we have to begin to think of them as a business and not a charity.

Our Island community is our strength; individually we each face new and daunting challenges. Together we can meet those challenges with the knowledge and skills that can lead to positive change. By supporting our private nonprofit human services agencies, we can elevate the quality of life for our entire community.

Their collective impact

The COVID-19 pandemic prompted agencies to rethink how they engage with, and support their clients, while opening the door to new approaches to provide services. Policy flexibility to speed access to services was started, and increased client access through technology to services was implemented. This helped clients transition more smoothly through services.

As we emerge from this pandemic much has changed and not necessarily for the better.

The pandemic amplified the risk factors for individuals and families to domestic violence and intimate violence. A Safe Place is in its 35th year of service to the island community. The organization has grown over the years offering trauma therapy, outreach and education, emergency services, case management and court advocacy for free to its clients. While acknowledging the commitment to the island community; one is touched by the significance of their need to develop more services. There's been an increase of over 25% in their services since 2019, and again they are on track for a marked increase in services. To date the 'Child Witness to the Violence' program has seen an increase over 23% to date from last year .

Fairwinds and NAMI have increased their visibility and services to clients seeking mental health support. Fairwinds use of tele-health, translation services, and increased counseling and Psychiatry services has markedly increased the ability to serve more clients. Fairwinds was awarded the contract for the community behavioral health center through Mass Health and Emergency Crisis contract by the DPH for services rendered at Nantucket Cottage Hospital. While NAMI partnerships with private mental health care providers it has given clients alternative options. These two organizations have worked diligently within the behavioral health task force with the stakeholders encouraging and fostering multitudes of collaborations with the stakeholders providing services.

Health Imperatives provides culturally competent reproductive and health services to all genders of our community. These services are high-quality,

culturally sensitive, compassionate, trauma informed and care which has proven their ability to reach the disadvantaged populations and address local needs and reduce health disparities. These services are provided to the uninsured, under-insured and insured. They offer diverse services from sexual reproduction, to HIV AIDS and hepatitis C treatment, medicated assisted treatment for individuals with substance abuse disorder. They have worked diligently with the human service department by providing vaccines, education and outreach. Servicing over 825 clients alone in their health services with an additional 450 in the WIC program and 725 in their outreach and educational programs.

The Interfaith Council, which runs the Nantucket Food, Fuel and Rental Assistance (NFFRA) programs, is a key placeholder in the basic needs of our community. Inflation tends to hit our most basic needs first; food, shelter, and utilities. The Interfaith Council provides programs that help with the essential struggles and needs of our community. In fiscal year 2020 NFFRA served 1,001 individuals, from 101 unique island household, with rental assistance. During the first six months of fiscal year 2023 they have served 752 unique households, while offering rental assistance to 73 households. This is a significant jump in demand over the equivalent period the previous year.

Meals on Wheels continues to be a crucial part in the physical emotional and mental health of the clients it serves. They provide meals to 78 homebound seniors and allows them to remain independent for as long as possible, and can sometimes be the only contact individuals have. The volunteers that work in this program are key not only providing a workforce to deliver the service they become the Gateway for Elder Services on the health and well-being of their clients.

Martha's Vineyard Community Services Family support center program provides expertise and compassion to families with members who have developmental disabilities. Once a client of the Department of Developmental services, this program will stay with you through life helping families navigate the medical legal and educational systems. They not only strive to help families but Strengthen communities by providing programs for both educators and communities members. While helping develop and encourage inclusive social and recreational opportunities.

Artist's Association's 'Healing through the Arts' program provides therapeutic classes to the community with hopes to reduce anxiety and stress while encouraging personal creativity. Studies have shown the importance of arts

and expression to people struggling and the over at all impact programs like this have on a individuals well-being.

Small Friends provides quality early education and care for children within our community. By providing stable and reliable child care we enhance not only the labor force but a family's ability to provide the essential needs to their families.

South Coastal Counties Legal Services provides legal services to low income and elderly residents in the community specializing in family law, domestic violence, victim assistance government benefits, disability benefits housing, elderly law and provides referrals to the justice center of Southeast Massachusetts that provides legal assistance to the immigrant population.

Sherborn Commons, in partnership with the Nantucket Community School and Nantucket Council on Aging are forming a Memory Cafe program. This will allow a comfortable social gathering for people experiencing memory loss as well as their loved ones to connect, socialize, and build new networks In a supportive, engaging and safe environment.

These human services providers are an essential and intricate part of our community. They assist both individuals and the community to function effectively with the demands of everyday life. It is evident that the impact this continued partnership the town has with the human services providers helps provide a safer and healthier community.

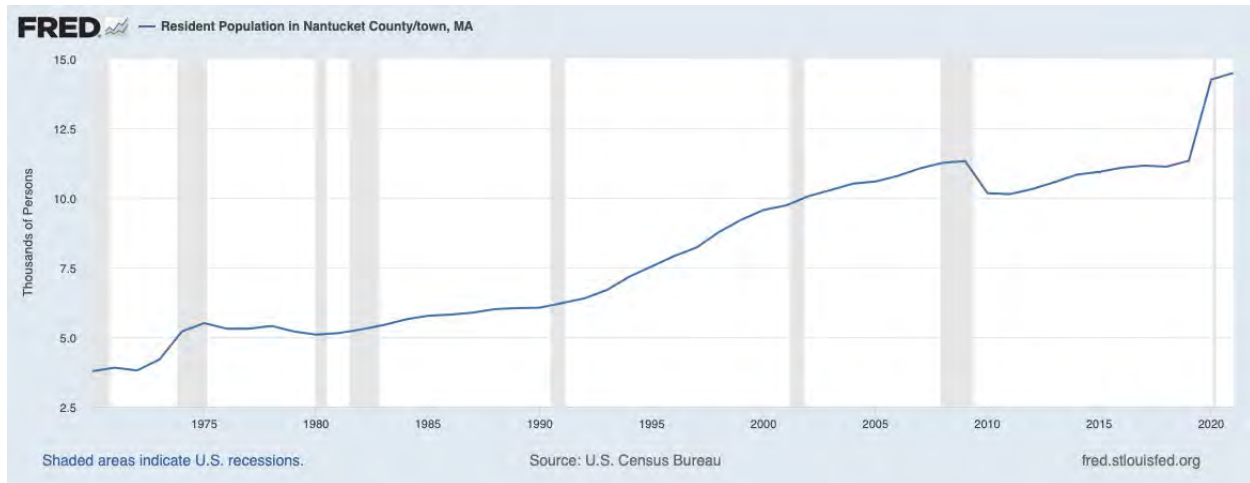
Supporting data

An article dated March 10th 2000 in the Cape Cod Times "Nantucket County is the fastest growing in the state".

Since the 2000 US Census Nantucket's population has changed by 52.5% the largest overall in the state, in comparison the state population has grown by 9.8% Nantucket's population growth has increased in the last 25 years with the largest growth noted in 2019 through 2020 at 25.7%. Accordingly the population for 2020 in Nantucket County was identified at 14,255 the current U.S. Census data identifies the population at 14,491 a 1.7% increase between 2020- 2021.

The data also identified that between 2000 and 2021 the Hispanic/Latino population had the largest growth increase from 13.3% to 15.5%, the white (non-Hispanic) had the largest population decrease 17.5. It is important to note that Nantucket County is the smallest in Massachusetts. When estimating population per square mile Nantucket County had 298.2 persons per square

mile in 2020 respectfully that number was 308.6 in 2021 reflecting a 3.48% increase. This data represents the significant obstacle our community is facing on our reliance on municipal, and natural resources, and sustainability.



The Town of Nantucket's 2022 annual census sets the population at 13,721 there is a 5.61% discrepancy between the U.S. Census Bureau's estimate of 14,491 and the Town of Nantucket census. The annual Town census for 2023 identifies 13,714 as of the date of this report. In contrast to this data, The Nantucket Data Platform's 2018 report earmarked the island population at 17,168 reflecting an 18.47% discrepancy between the Nantucket Data Platform estimator and the United States Census Bureau census estimate. There are many factors that could speak to some of this such as a possible reluctance among non-documented individuals to identify themselves or family members on official US Government forms but it is difficult to account for the full size of this discrepancy.

Town clerks use an adage formulation that for every registered voter there is a non-registered resident. Using this formulation and Nantucket's registered voter population of 9,700 would imply the island's total resident population exceeds 19,400. This would place the total population 33.86% over the current US census.

The US Census identifies 5.9% of the population to be children under the age of five, that would identify 854.96 children, the recorded births on Nantucket for children under the age of five in the same time period is identified at 749, that is a 14.14% differential. The Census identifies 20.6% of our population to

be under the age of 18, that would be 2,985.14 individuals. There are 2,232 Children under the age of 18 identified by the MA Department of Education and the Massachusetts Department of Early Education in licensed and accredited primary, secondary education, and early education and daycare programs on Nantucket. Using the US Census numbers, that would identify 753.14 children in alternative programs.

The Town of Nantucket Town Clerk registered 174 births for 2022 a 16% increase over the previous year. Identifying the parents respectfully as 46.55 % (2021/41.7%) of Foreign Nationality, 13.79 % (2021/9.49%) as US and Foreign Nationality and 48.85% (2021/61.33%) registering as US nationality.

The Massachusetts Department of Education Public School report shows that we have a 2.38% increase in student population over the last year while their record of enrollment by race and gender continues to show the marked change in our school's demographic makeup again this year. White students have declined by 3.904%, African-American students have declined by 1.6%, Asian students have declined by 7.1% while Hispanic students have increased by 4.84%, and Multi-race students have increased 4.44 %.

When further reviewing the reports by the MDE Select Population Data (2022-2023) in reference to the Cape and Islands, the district of Nantucket has the lowest population percentage of White students, as well as the highest Hispanic student population. Out of 520 schools in the MDE select population data enrollment by Race/Gender for 2022-2023 Nantucket ranks 44th in Hispanic students, 448th in White students, and 219th in African American by percentage of student enrollment.

The above data continues to highlight the challenges in all aspects of island services, whether public or private. It also puts a focus on the significance of the diverse and partially un-remunerated population, the latter having the effect of reducing formulaic allotments of State and Federal Human Services support. This focuses attention on the importance of the advocacy of the local service providers in their continued effort to gain access to such support and grant funding.

As a community it is our obligation to preserve the history and the beauty that makes Nantucket unique. Nantucket has had rapid and unprecedented changes to the island community in the last decade, presented in the data above. Our community has limited resources to deal with the influx in the year round population over the last decade. As a community we were not prepared

for the strain this puts on housing, infrastructures, municipal services and human services. Nantucket does not have the natural, public or private resources to sustain this kind of growth. Open and honest solutions need to be discussed with the clear and educated understanding of the implications of such growth.

CRC FY 2023 Article 9 Funding Recommendations

	Agency	FY 2022 Award	FY 2023 Award	FY 2024 Request	FY 2024 CRC Recommendations
1	A Safe Place	\$55,000	\$55,000	\$70,000	\$70,000
2	NAMI/Alliance for Substance Abuse Prevention	\$44,200	\$50,000	\$150,000	\$98,486
3	Elder Services of Cape Cod	\$20,000	\$20,000	\$21,600	\$21,600
4	Health Imperatives	\$75,000	\$90,000	\$190,000	\$150,000
5	Fairwinds	\$116,391.87	\$176,323	\$191,477	\$150,000
6	MV Community Services	\$18,000	\$18,000	\$17,154	\$17,154
7	South Coastal Legal Services	\$4,500	\$4,600	\$4,600	\$4,600
8	Interfaith Council (Rental, Fuel & Food Pantry)	\$70,000	\$70,000	\$95,000	\$81,000
9	NCH Social Services	\$113,950	\$130,671.20	\$0	\$0
10	Small Friends	\$15,000	\$15,000	\$20,000	\$20,000
11	Artist Association	\$18,200	\$18,200	\$24,000	\$20,000

12	Sherburne Commons (new)			\$17,160	\$17,160
13	Addiction Solutions* (new)			\$20,000	\$0
14	Habitat for Humanity (new)			\$20,000	\$0
	Total			\$840,991	\$650,000

***Addiction Solutions was referred to the Cannabis Grant for funding.**

Contract monitoring:

The CRC now meets to go over all quarterly reports submitted by Grant recipients. Quarterly reports are then sent as approved to the Human Service Director before being submitted for allocation of funding.

Adherences to the previous year grants will play a vital role in the application process and allocation of the grant funding.

In FY2024 contracts the CRC will add provisions to help better monitor the providers. Any additional recommendations will be made on all individual contracts.

Additional comments:

We would like to applaud the work of the human service providers who are collaborating within the Nantucket Behavioral Health Initiative who over the last few months embarked upon the difficult conversations to open up the doors of communication and trust. Members of the NBHI are working together to prioritize the problems and find sustainable solutions.

This kind of collaboration changes the help and resources from being so fragmented, to unified in delivery. When the stakeholders all identify a shared outcome it builds trust in the resources available. This outcome lessens the impact on the community well enhancing the relationship between the individual in need of services and the providers. What was once thought as unattainable has become attainable in just a few months. We look forward to watching this grow as the stakeholders have developed a strong foundation for monumental change.

The CRC would also like to acknowledge the constant and steady roll Ann Medina has in the Human Service department of the Town. She has been a constant, dependable and caring face for so many in the community. Her institutional knowledge, calming demeanor and ability to edit is a vital tool to the CRC.

DRAFT

CONTRACT REVIEW COMMITTEE

FEBUARY 23, 2023

REPORT AND RECOMMENDATIONS:

FY 2024 CANNABIS GRANT AGREEMENTS

This presents the independent report and recommendations of the Contract Review Committee (CRC) regarding the placement on the Town Warrant of Proposed Awards of Town Cannabis Grant Agreements for FY2024. This report is submitted to the Finance Committee and the Select Board as required by Chapter 12 Section 6 of the Code of the Town of Nantucket.

The CRC acknowledges Town management and the Finance Director in identifying the funds to be used for this purpose. The allocation of these funds confirms the community and TOWN'S support in efforts to combat and navigate the perils of the DISEASE of ADDICTION.

The CRC received four grant Applications totaling \$403,000, a 34.76% increase over last year's request.

In support of our recommendations, the CRC also forwards the following attachments:

National Institute on Alcohol abuse and alcoholism alcohol:

Effects on the adolescent brain: What can be learned from animal models.

Family supporting loved ones.

Samhsa.gov:

Peer Support working for those in Recovery

Children living with parents who have substance abuse disorder August 24, 2017

DEA:

Adolescence and marijuana

The Social Impact of Drug abuse and Community life

Department of Health WA:

Alcohol and the developing brain

Center of Disease Control and Prevention:

Underage Drinking October 26, 2022

Teens

National library of Medicine:

The impact of Substance Abuse Disorder on families and children from theory to practice.

Mass Department of Elementary and Secondary education

US Department of Education

American Academy of Child and Adolescent psychiatry:

Cannabis in the Adolescent Brain by Helen Shen January 7, 2020

JAMA network:

The Association of Cannabis use during Adolescence with Neurodevelopment

WGBH:

The Gangs of Nantucket:

The Arrival: November 13, 2017

The Story of Henry Lemus Calderon: November 13, 2017

The Partnership: November 14, 2017

Fear and Politics: November 15, 2017

Cannabis Grant Application Review Process

The Cannabis Grant application process provides us with complete and informative understanding of each of the programs providing addiction services. The areas of focus in this evaluation process are statement of need, services to be provided, cost effectiveness, statement of goal, previous results, and collaboration. In addition actual- to -date operating budgets as well as projected operating budgets are required.

After thoroughly reviewing each grant proposal and grant presentation, hybrid meetings were held for FY2024. The CRC employed the following methodology to determine the recommended allocation of the Cannabis Grant:

- Proposed programs and services

- What impact does the service have on the client?
- How does the service differ from other providers?
- How sustainable will the delivery of the services be?
- The CRC then met and deliberated on the grant proposals.
- Follow up calls were conducted by this report preparer to ensure the most up-to-date information and statistics.

The CRC recognizes that each of the grant applications provides critical services to the Island community. The allocation of funds is made with an understanding of the financial needs and means as outlined by the applicants. In reviewing each proposal, we have determined that a public purpose is served by the services, that the provider has demonstrated that the proposal is cost-effective.

STIGMA

Substance Use Disorder (SUD) is the most stigmatized health condition in the world. The stigma is perpetuated by the inaccurate and harmful way SUD is viewed, moral compasses, economic perceptions, as well as the continued shame and blame of not trying to stop. The Judicial system tends to criminalize the user.

Only 1 in every 10 people who need treatment receives it, with effective treatments hard to access and is rarely covered by insurance. The misunderstanding and stigma related to SUD makes it difficult to receive high quality, compassionate, evidence-based care. The failure rate for people trying to quit opioids on their own, without continued treatment, is near 100%.

Living in such a tight-knit community has its drawbacks for families due to the stigma of addiction, while trying to protect their loved ones from the long-term consequences of barriers that are associated with the stigma inadvertently closing doors for their own survival.

Substance misuse and abuse most likely affects one of the following: neighbors, coworkers, friends and/or family members. All these factions carry unforeseen emotional and financial burdens associated with this disorder.

By providing ongoing education, discussions and access to pertinent informed information we can begin to change the stigma wrongfully associated with this disorder.

SUBSTANCE ABUSE AND THE FAMILY UNIT

SUD affects the whole family impacting the emotional and behavioral patterns within them and can positively or negatively impact and influence treatment. Each of us are unique individuals,

and families are unique units, all are affected in very individual and diverse ways by SUD. Frameworks can be developed to help families become better informed and then make effective, appropriate interventions as well as seeking services for the effect this disease is having on them. Treating only in the individual with the active disease limits the effectiveness of the treatment.

Recovery for individuals and Family's affected by SUD is a lifelong process. It is difficult to comprehend the loss addiction has on families even for them while trying to help their loved ones dealing with SUD. Families who lose days, months and years to loved ones struggling with addiction can never get this precious time back. Imagine not celebrating Christmas, Thanksgiving, birthdays and anniversaries with the people you hold so close in your heart. Where returning home to the environment and community that the addiction began in is a tedious and sometimes unattainable goal, as the trigger markers are overwhelming.

SUD changes the families it affects permanently.

Recovery programs come with big price tags and usually out of reach for families, while some programs are covered by insurance, others will limit time as well as services.

Addiction and the Community

Over the last couple of months there have been articles and letters addressing issues at the school and the town's involvement in education and preventive measures. Some have also addressed tourist/summer community as influential in the use of drugs and alcohol, and as key components to SUD in our community. By placing the onus on the summer community we divert from finding the core problems and solutions in our year-round community.

When looking at our community, all these following factors should be addressed. High levels of stress, or the chronic stress related to economic factors of living on Nantucket. The isolation of our community, and the limits that it places on so many valuable assets. The ability to access a variety of stimulating activities, limited adult education classes providing continuing education and college credits, as well as use of public indoor and outdoor space for affordable and stimulating activities, the socio-economic diversity within our community and the scientifically proven, genetic components of substance abuse disorder. Also, the shortage of diverse mental health programs, and providers. Abuse at all ages whether, emotional, physical or sexual, as well as an antiquated judicial system.

It is not our job to criticize, find fault or just engage in conversation about these issues as a community, it is our job to act and support programs that bring prevention and education to all facets of our community. There should be no age limit, no cultural or economic boundaries, and no area of the community un- touched.

Alcohol, Marijuana, and Opioid effects on Adolescents and Young Adult brains

Research has identified that brain development continues through adolescence/young adulthood sometimes considered the second stage of growth and a transitional stage, where the skills are acquired both physically and behaviorally which allow individuals to live independent and sustainable lives. This period is marked by more frequent social interactions with peers, exploration of new situations and behaviors and of course the willingness to take risks. It often involves initiation of alcohol and other drug use.

This stage is considered a vital time in brain development. Changes within certain brain areas are accompanied by an increase or decrease in the chemicals called Neurotransmitters. The two areas most affected by these changes are the hippocampus which is responsible for memory and learning. The second is the pre-frontal lobe which is important in planning, decision-making, impulse control, judgment, and language and is the area that changes most during adolescence/young adulthood. Brain studies show the hippocampus is uniquely sensitive to alcohol at this time of development and alcohol may poison the nerve cells causing them to become damaged or destroyed and has been shown to contribute to smaller pre-frontal lobes.

A recently published article in the Journal of American Medical Association cited a study that alcohol related deaths spiked 25.5% between 2019 and 2020, it also cited an increase in liver disease deaths by 22.4% and alcohol related traffic deaths by 14%.

Alcohol is a highly addictive drug, and readily available as well as accepted within many cultures. This contributes to how easy it is to develop Alcohol Use Disorder, a chronic brain disorder resulting from compulsive alcohol consumption.

For decades the use of marijuana has been debated, and the concerns of its use on the developing brain have been steadfast. Many have said it's a non-addictive drug with no long-term effects, yet recent studies have shown it is highly addictive with long-term use.

As with alcohol use, marijuana can affect the chemistry of the brain effecting thinking and problem-solving, memory, learning, attention, and social behavior, and has been linked to range a of mental health problems such as depression and social anxiety. Driving a car after smoking marijuana alters your reaction time, coordination and concentration.

A US study of middle and high school students reported an increase in vaping: 8% of all eighth graders, 19% of all 10th graders and 22% of all 12th graders reported use of marijuana vaping.

Adolescent/young adult use of marijuana is the highest level in 30 years, and they are more likely to smoke marijuana than tobacco. Recreational use of marijuana is legal in the Commonwealth for adults over the age of 21, recreational use of marijuana under the age 21 is

not legal anywhere in the United States. With a new cultivation of marijuana plants that can hold 2 to 3 times more THC, the ingredient that makes you high whereas CBD is thought to have the most medical benefit, has not increased, and remains about one percent. There's also synthetic marijuana like K2 and Space whose compounds are different and more dangerous. Products being sold in dispensaries currently are not subject to FDA standards and are not purely isolated cannabinoids therefore they cannot be reliable on their potency and concentration of CBD and THC or if there is an inclusion of other ingredients.

Regular use and long-term use of marijuana can lead to Cannabis Use Disorder. Symptoms of this can be decreased motivation and a decline in academic performance, mental health issues such as depression, anxiety, anger, irritability, and moodiness, as well as breathing problems similar to those of tobacco users.

Medical marijuana is prescribed in some states for children if they have a qualified medical condition but there's very limited research supporting the use of medical marijuana in children or teens. Today the FDA has only approved its use for epilepsy in children under the age of 18.

A study published in the Journal of the American Medical Association under JAMA psychiatry dated June 16, 2021 titled "Association of Cannabis Use during Adolescence with Neurodevelopment", the study was done using Magnetic Resonance Imagery with 799 participants and revealed that cannabis use was associated with this accelerated age-related cortical thinning in the age of 14-19 years of age in predominantly the pre-frontal regions. Conclusions and relevance results suggest that cannabis use during adolescence is associated with altered Neurodevelopment particularly in the cortex region in the cannabinoid one receptors and undergoing the greatest age-related thickness change in middle to late adolescence.

For decades the use of marijuana has been debated, concerns have been steadfast of its use on the developing brain. Many have said it's a non-addictive drug with no long-term effects yet recent studies have shown it is highly addictive with long-term use. Across the board researchers stress that despite relaxed social views towards marijuana, cannabis use in adolescence is not benign and believe the public health message should encourage teens to abstain from cannabis as long as possible. There is a host of unanswered questions: there is a study currently being done by the National Institute of Health monitoring 12,000 children who they aim to follow through early adulthood over the next decade. It is the biggest initiative that will give scientist insight to the developing brain.

The adolescent/young adult brain can be described as flexible and plastic, it can create new Neurotransmitter connections and learns behaviors faster than the older adults, this can lead to biological reliance on substances. This transitional period is key to brain development; brain

cells “neurons” are pruning where some connections are kept and others dissolve. White matter increases and becomes more organized, Grey Matter, the cell body themselves decreases. The largest change is in the development of the prefrontal cortex. This is the part of the brain involved in executive functioning, “higher order” functions like decision-making. The prefrontal cortex helps override the impulsivity when it comes to risk-taking but typically is not fully developed until after the age of 25.

The connections between the prefrontal cortex itself and the nucleus accumbens, a component of the limbic system involved in the brain’s reward system is not fully developed and can cause difficulties in making rational decisions and regulating emotions. Exposure to opioids during key brain development can modify brain functions and produce drug specific Neurobehavioral consequences. Evidence suggests that adolescent opiate exposure contributes to long lasting changes in brain development which subsequently compromises adult behavior and increases vulnerability to addiction. Research has shown that opiates decrease the connectivity in the prefrontal cortex and alter the thickness of the cortex and therein lies the vicious cycle: adolescents have a still-developing prefrontal cortex which can facilitate drug seeking behavior, thus altering the development of that area of the brain.

Opiates, especially fentanyl, are powerfully addictive. They act on the Opiate receptors in the brain and the strength of the opiate depends largely on two things: how quickly it reaches the brain once it’s in the blood; and how tightly it binds to the “mu” opiod receptor which regulates the rewards pathway of the brain. Fentanyl binds very tightly to the opioid receptor and permeates the blood- brain barrier quickly, this all translates to small doses of the drug having a huge effect, essentially you would need 40 to 50 times more heroin to get the same effect as fentanyl. A stronger version of fentanyl called carfentanil, is now becoming more accessible and binds more tightly to opioid receptors and reaches the brain more rapidly than fentanyl.

Treatments

There are many effective evidence-based treatments available for SUD that are highly individualized. Important to note is that half the people who experience mental health conditions will also experience SUD. The three main forms of treatment include:

Detoxification:

Is the first major step of treatment for SUD, by stopping the use of the substance you allow the chemicals to leave your body. Depending on where you are and the substance, this process can be done in a tapered withdrawal.

Cognitive and behavioral therapy:

Psychotherapy; teaches healthy coping mechanisms

Cognitive behavioral therapy; is a structured goal oriented type of psychotherapy where individuals come to understand their thoughts and the effects of their actions, identifying those negative thoughts and behaviors you learn to adapt healthier patterns and habits

Dialectic behavior therapy: helps individuals manage and regulate their emotions.

Assertive community treatment: provides mental health services in the community setting rather than a residential setting; always individualized focus on the clients strength, needs and goals.

Therapeutic communities: are usually long-term residential treatments that help clients SUD's set new values and behaviors related to substance abuse are also working on mental health conditions.

Medical assisted therapies; the use of medications, and recommended cognitive behavioral therapy to coincide with treatment make a significant impact and provide a "whole patient" approach to treatment.

All of these can be available in different settings.

Outpatient counseling, intensive outpatient treatment, inpatient outpatient treatment and long-term therapeutic communities such sober living communities.

AA, NA, ALANON, ALATEEN:

Twelve Step support programs, these programs have been vital for community members struggling with substance misuse and have been found to be the most effective intervention for reducing dependency. It is not usually considered a treatment program since it is community-based and not run by trained professionals. This may be its greatest strength because of the powerful sense of community and equality.

Town of Nantucket Cannabis Grant Applicants

Addiction Solutions is a medically assisted treatment for opiate and alcohol addictions. Addiction Solutions provides Suboxone Naltrexone and injectable Vivitrol for patients with opiate misuse. Patients with Alcohol addiction can access Naltrexone, Vivitrol, Disulfiram (Antabuse) and Campral. Patients are seen Wednesday evenings from 5 to 8 PM and Fridays from 8 to 2. Notably anybody needing services can reach the hotline managed by Dr Lepore 24/7.

Fairwinds offers Peer Recovery Coaches - This program promotes recovery by serving as a guide and mentor for individuals recovering from alcohol and substance dependence. Peer Recovery coaches are people who have been successful in the recovery process who help others experiencing similar situations. They have specialized training and receive supervision to effectively provide non-clinical recovery support to individuals in or seeking recovery. Empower the people in their personal journey towards recovery by offering hope while providing advocacy, guidance, support, and knowledge.

Health Imperatives Expand their outreach and education connecting the diverse communities and multilingual, multicultural competence. Outreach and educational focus groups that provide participants with incentives to maximize participation. Medically assisted programs for alcohol and substance abuse and increasing the harm reduction program offering referrals with linkage to other services.

NAMI Community cares series will provide a series of forums to support parents, community members and emerging adults (18-29) on the issue of substance abuse. The goal of this series would be to educate the whole community, it would be offered in person with a hybrid option as well. Spanish and Portuguese interpreting would be offered to increase accessibility.

The greatest tool we have is prevention by knowing risk factors identifying them and educating people on the impact. The CRC recognizes these organizations for their continued efforts to support educate and improve the community we all call home.

Request:

The CRC respectfully requests that the Select Board to adopt the funding recommendation set forth below and that the finance committee is your positive recommendation on these allocations with an article 9 of the town warrant.

CRC FY 2024 Article 9 Funding Recommendations

Agency	Amount Recommended FY24
1. Fairwinds	\$37,500
2. Addiction Solutions	\$75,000
3. NAMI	\$25,000
4. Health Imperatives	\$37,500
TOTALS	\$175,000

- No monies are to be applied to direct drug purchases or distribution

Contract monitoring;

The CRC now meets to go over all quarterly reports submitted by Grant recipients. Quarterly reports are then sent as approved to the Human Service Director before being submitted for allocation of funding.

Adherences to the previous year grants will play a vital role in the application process and allocation of the grant funding.

In FY2024 contracts the CRC will add provisions to help better monitor the providers. Any additional recommendations will be made on all individual contracts.



Agenda Item Summary

Agenda Item #	IX. 5.
Date	3/22/2023

Staff

David C. Gray Sr., Sewer Director

Subject

Request for waiver of Town Noise Bylaw to perform night work for manhole and stormwater repairs from March through June 2023, 7:00 PM to 1:00 AM.

Executive Summary

Seeking a waiver for night work at different locations around the island to make manhole and stormwater repairs to prevent the disruption of daily traffic. TO INCLUDE: S. Beach St, N. Beach St, Pleasant St, Orange St, Union St.

THE S. BEACH ST LOCATION IS WITHIN THE REVERSE TRUCK ROUTE AREA AND IS A CRITICAL REPAIR.

Staff Recommendation

To approve waiver of Town Noise Bylaw

Background/Discussion

All work to be performed by Sewer Department Staff. Select Board approved two similar request in 2021.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☒

This work is required for the safety of the public to prevent any damage to infrastructure of vehicles and to prevent any further settling of the roadway.

Board/Commission Recommendation

N/A

Public Outreach

This Department will notify all abutters within 24 hours in the areas before any work is to be performed.

Attachments

N/A





Agenda Item Summary

Agenda Item #	X. 1.
Date	3/22/2023

Staff

Brian E. Turbitt, Finance Director

Subject

Commercial Landfill Fees Increase

Executive Summary

Request to increase commercial landfill fees to the recommended amounts in the attached schedule. The increase represents a 6% increase in the landfill fee. The fees were last adjusted in May of 2022, with the approved increase being 6%.

Staff Recommendation

Recommend Approval of the new fees.

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

None

Board/Commission Recommendation

N/A

Public Outreach

Advertised for three weeks in I&M

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

None

Attachments

Proposed Landfill Fee schedule



PUBLIC HEARING NOTICE

Please be advised that the Select Board/Board of Public Works will hold a public hearing on **March 22, 2023 at 5:30 PM** to consider amending the landfill fee schedule as follows:

<u>ITEM</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Commercial Landfill User Fees		
Class 1	\$ 212.00	\$ 225.00
Class 2A	\$ 423.00	\$ 448.00
Class 2B	\$ 832.00	\$ 882.00
Class 3	\$ 1,665.00	\$ 1,764.00
Class 4A	\$91.00 + \$23.75 per guest room	\$96.00 + \$25.18 per guest room
Class 4B	\$91.00+ \$23.75 per guest room + Class 3 fee	\$96.00 + \$25.18 per guest room + Class 3 fee

Note: this proposal is based on an estimated CPI for fiscal year 2023 of 6.0%. The hearing will be held in the Public Safety Facility Community Room, 4 Fairgrounds Road and by remote participation via Zoom Webinar Please see meting posting for remote participation and viewing links. For further information please call 508-228-7200 x 7031.

Select Board/Board of Public Works



Agenda Item Summary

Agenda Item #	X. 2.
Date	03/22/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – 31 Fairgrounds Rd

Executive Summary

National Grid is requesting permission to install approximately 35' of 2-4" conduit from existing pole 10 across Fairgrounds Road to property located at 31 Fairgrounds Rd.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments (with map); NGrid petition



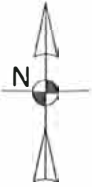
UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (30728098)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: 31 Fairgrounds Road
HEARING DATE: March 22, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: The fire department has no issues as long as we can get emergency vehicles through the area with the help of a police detail officer or steel plates in place on the roadway after hours. –Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: Sewer lines must be marked out before work can begin. (See map) – David Gray
WWCo: Call Wannacomet Water to mark out water. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**



1-17-2023

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov,
c=US
Date: 2023.01.17 08:09:56 -05'00'

31 Fairgrounds Rd

A GRAVITY SEWER OPPOSITE SIDE

THERE IS A 12" PVC FORCEMAIN WITHIN OR NEXT TO BIKE PATH

Fairgrounds Rd

Bike Path

35'+/-

Pole 10

Bike Path

34 Fairgrounds Rd

32 Fairgrounds Rd

UNDERGROUND PETITION



POLE (EXISTING)



PROPOSED CONDUIT 2-4"

Job description

- NGRID is Petitioning for approx. 35' of conduit from existing pole 10 on to the property of 31 Fairgrounds Road.

nationalgrid

Date: 12/1/22

WORK REQUEST: 30728098

To The: Town of Nantucket

For Proposed: Conduit

Location: Fairgrounds Rd

Drawn By: Tim L

DISTANCES ARE APPROXIMATE



February 6, 2023

Nantucket

Town of Nantucket Board of Selectmen
16 Broad Street
Nantucket, Ma 02554

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Tim Lyford #508-897-5722

Please notify National Grid's Emily O'Brien of the **hearing date / time** to emily.obrien@nationalgrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid: Emily O'Brien; 100 East Ashland St, Brockton, MA 02302

Very truly yours,

Robert Leonida

Robert Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATION

Date 1/18/2023

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name Fairgrounds Road

Description of Work Beginning at a point approximately 15 feet East of the centerline of the intersection of Fairgrounds Road and continuing approximately 35 feet in a Westerly direction. National Grid petitions to install 35' of conduit from existing Pole 10 onto the property of 31 Fairgrounds Road.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30728098

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 1/18/2023

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 18th day of January, 2023.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked—

NANTUCKET ELECTRIC COMPANY

Plan No. 30728098

Street Name Fairgrounds Road

Description of Work Beginning at a point approximately 15 feet East of the centerline of the intersection of Fairgrounds Road and continuing approximately 35 feet in a Westerly direction. National Grid petitions to install 35' of conduit from existing Pole 10 onto the property of 31 Fairgrounds Road.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2022

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____

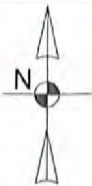
day of _____ 2022 and recorded with the records of location orders of said town,

Book _____ Page _____

This Certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____

Town Clerk



1-17-2023

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov,
c=US
Date: 2023.01.17 08:09:56 -05'00'

31 Fairgrounds Rd

Fairgrounds Rd

Bike Path

35'+/-

Pole 10

32 Fairgrounds Rd

Bike Path

34 Fairgrounds Rd

UNDERGROUND PETITION



POLE (EXISTING)



PROPOSED CONDUIT 2-4"

nationalgrid

Job description

- NGRID is Petitioning for approx. 35' of conduit from existing pole 10 on to the property of 31 Fairgrounds Road.

Date: 12/1/22

WORK REQUEST: 30728098

To The: Town of Nantucket

For Proposed: Conduit

Location: Fairgrounds Rd

Drawn By: Tim L

DISTANCES ARE APPROXIMATE



Agenda Item Summary

Agenda Item #	X. 3.
Date	03/22/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – 60 West Chester St

Executive Summary

National Grid is requesting permission to install one handhole (HH23-2) and approximately 40' of 2-3" conduit across West Chester Street for service to 60 West Chester St.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments (with map); NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

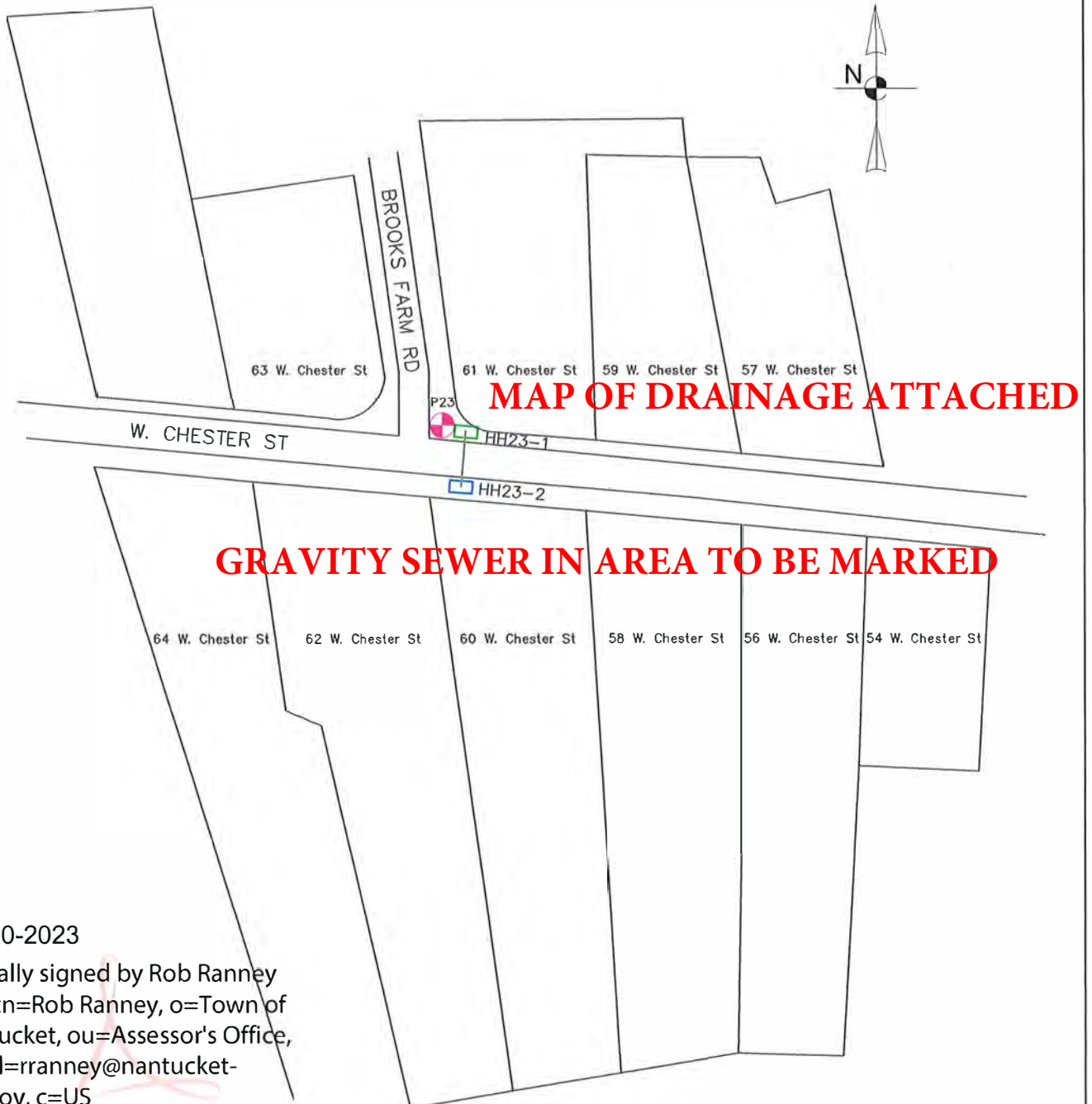
APPLICANT: National Grid (30595814)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: 60 West Chester Street
HEARING DATE: March 22, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: The fire department has no issues as long as we can get emergency vehicles through the area with the help of a police detail officer or steel plates in place on the roadway after hours. –Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: Sewer & Storm water lines must be marked out before work can begin. (See maps) – David Gray
WWCo: Call Wannacommet Water to mark out water. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

Customer to install (1) handhole and approx 40' +/- of 2-3" PVC sched 40 conduit encased in concrete. National grid to provide electrical service to House #60 W. Chester St



01-30-2023

Digitally signed by Rob Ranney
 DN: cn=Rob Ranney, o=Town of
 Nantucket, ou=Assessor's Office,
 email=rranney@nantucket-
 ma.gov, c=US
 Date: 2023.01.30 13:33:50 -05'00'

LEGEND

-  EXISTING J/O POLE
-  EXISTING HANDHOLE
-  PROPOSED HANDHOLE
-  PROPOSED 2-3" PVC CONDUIT
ENCASED IN CONCRETE

Install Handhole
 Install UG Secondary Conductor

60 W. Chester St
 Nantucket

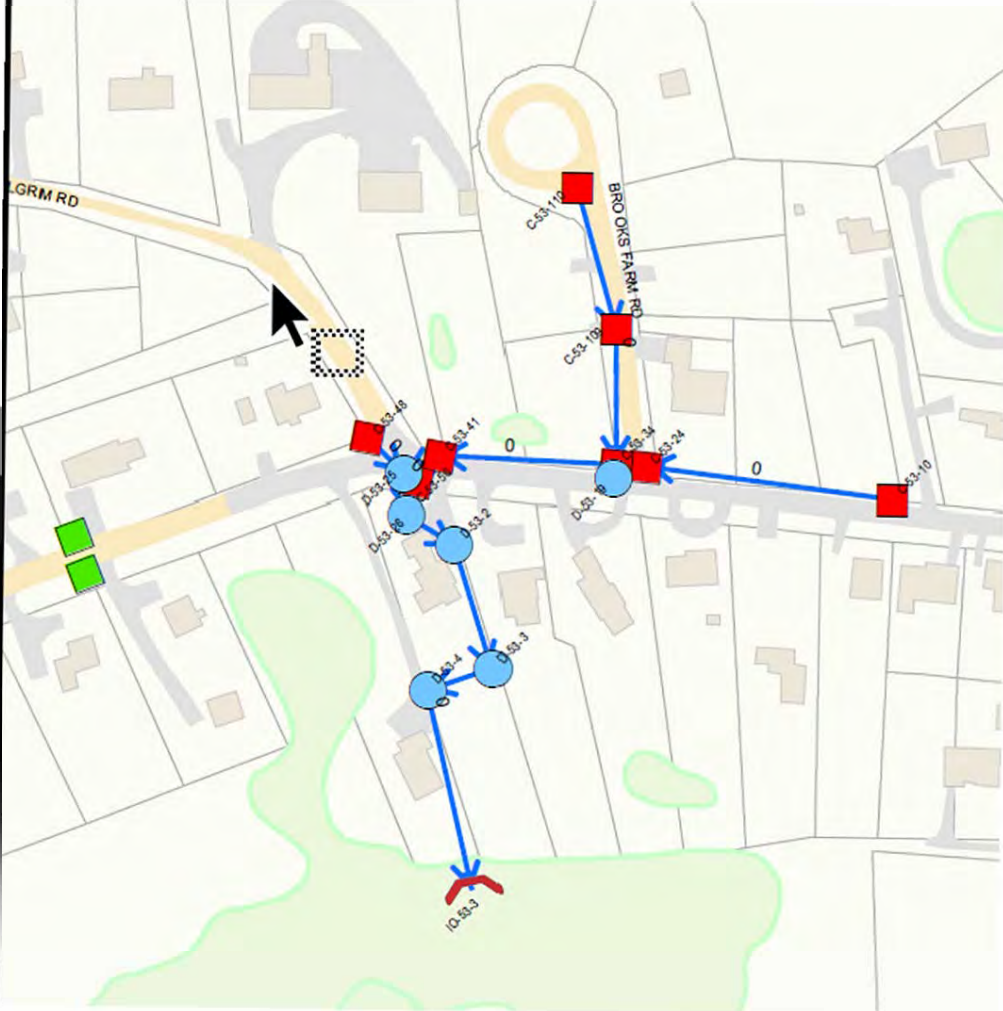
Nantucket, Mass 02554

Date 1/30/2023

Designer VozquezJ

Work Request: 30595614

nationalgrid





February 15, 2023

Nantucket

Town of Nantucket Board of Selectmen
16 Broad Street
Nantucket, Ma 02554

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Jose Vazquez #508-897-5675

Please notify National Grid's Emily O'Brien of the **hearing date / time** to emily.obrien@nationalgrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid: Emily O'Brien; 100 East Ashland St, Brockton, MA 02302

Very truly yours,

Robert Leonida

Robert Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATION

Date 1/31/2023

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name W. Chester Street

Description of Work Install underground facilities on W. Chester Street. Customer to install one handhole and approximately 40' +/- of 2-3" PVC sched 40 conduit encased in concrete. National Grid to provide electrical service to House #60 W. Chester Street.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30595814

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 1/31/2023

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 31st day of January, 2023.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked—

NANTUCKET ELECTRIC COMPANY

Plan No. 30595814

Street Name W. Chester Street

Description of Work Install underground facilities on W. Chester Street. Customer to install one handhole and approximately 40' +/- of 2-3" PVC sched 40 conduit encased in concrete. National Grid to provide electrical service to House #60 W. Chester Street.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2022

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock__ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____

day of _____ 2022 and recorded with the records of location orders of said town,

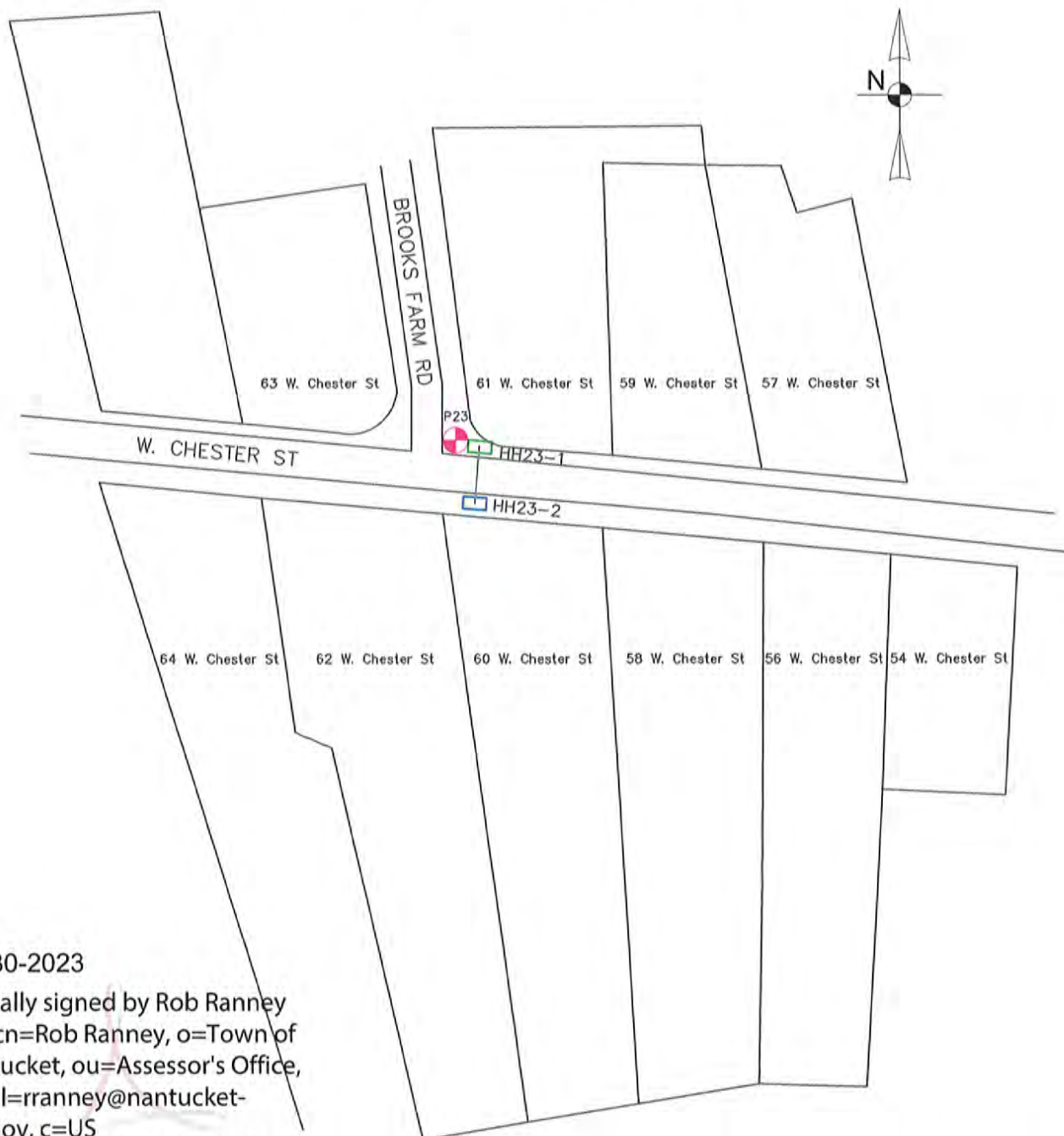
Book _____ Page _____

This Certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____

Town Clerk

Customer to install (1) handhole and approx 40' +/- of 2-3" PVC sched 40 conduit encased in concrete. National grid to provide electrical service to House #60 W. Chester St



01-30-2023

Digitally signed by Rob Ranney
 DN: cn=Rob Ranney, o=Town of
 Nantucket, ou=Assessor's Office,
 email=rranney@nantucket-
 ma.gov, c=US
 Date: 2023.01.30 13:33:50 -05'00'

LEGEND		Install Handhole Install UG Secondary Conductor		Date 1/30/2023
	EXISTING J/O POLE			Designer: VazquezJ
	EXISTING HANDHOLE			Work Request: 30505014
	PROPOSED HANDHOLE			
	PROPOSED 2-3" PVC CONDUIT ENCASED IN CONCRETE			
		60 W. Chester St Nantucket	Nantucket, Mass 02554	
				



Agenda Item Summary

Agenda Item #	X. 4.
Date	03/22/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – Wauwinet Rd at Pocomo Rd

Executive Summary

National Grid is requesting permission to install approximately 120' of 2-3" conduit from existing pole 33 alongside Wauwinet Rd to proposed padmount transformer near intersection of Pocomo Rd and Wauwinet Rd for service to 55 Wauwinet Rd.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (30592175)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Wauwinet Rd
HEARING DATE: March 22, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: The fire department has no issues as long as we can get emergency vehicles through the area with the help of a police detail officer or steel plates in place on the roadway after hours. –Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: No Issues. – David Gray
WWCo: No Issues. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**



January 25, 2023

Nantucket

Town of Nantucket Board of Selectmen
16 Broad Street
Nantucket, Ma 02554

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Jose Vazquez #508-897-5675

Please notify National Grid's Emily O'Brien of the **hearing date / time** to emily.obrien@nationalgrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid: Emily O'Brien; 100 East Ashland St, Brockton, MA 02302

Very truly yours,

Robert Leonida

Robert Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATION

Date 1/6/2023

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name Wauwinet Road

Description of Work Beginning at a point approximately 200 feet Southeast of the centerline of the intersection of Pocomo Road and continuing approximately 120 feet in a Northwest direction. Install 1 transformer foundation approximately 120' of pvc conduit from existing Pole #33.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30592175

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 1/6/2023

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 6th day of January, 2023.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked—

NANTUCKET ELECTRIC COMPANY

Plan No. 30592175

Street Name Wauwinet Road

Description of Work Beginning at a point approximately 200 feet Southeast of the centerline of the intersection of Pocomo Road and continuing approximately 120 feet in a Northwest direction. Install 1 transformer foundation approximately 120' of pvc conduit from existing Pole #33.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2022

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____

Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

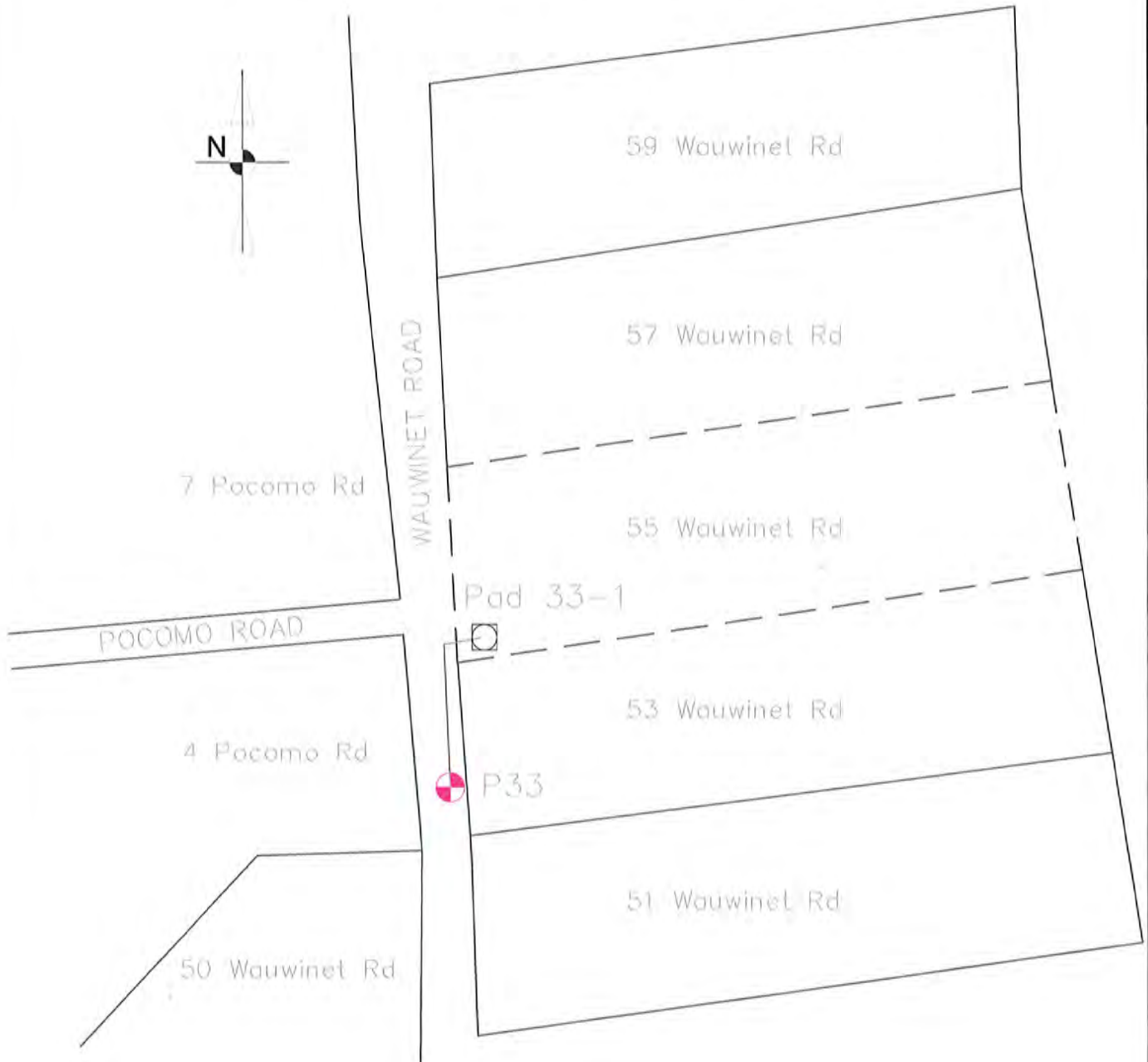
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2022 and recorded with the records of location orders of said town, Brook _____ Page _____

This Certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____

Town Clerk

Customer to install (1) padmount transformer foundation and approx 120' of 2-3" PVC sched 40 conduit. National Grid to provide electrical service to House #55 Wauwinet Rd.



LEGEND



EXISTING J/O POLE



PROPOSED 100KVA SINGLE
PHASE PADMOUNT XFMR

PROPOSED UG PRIMARY IN
PVC SCHED 40 CONDUIT

INST UG PRIMARY CONDUCTORS
INST 100KVA PADMOUNT XFMR

55 WAUWINET ROAD

NANTUCKET, MASS 02554

Date 8/1/2022

Designer: VAZQUEZJ

Work Request: 30592175

nationalgrid



Agenda Item Summary

Agenda Item #	X. 5.
Date	03/22/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – Hummock Pond Rd (Near Milk St & Hussey Farm)

Executive Summary

National Grid is requesting permission to install approximately 50' of 2-3" conduit from existing handhole 6-1 across and alongside Hummock Pond Rd to proposed handhole 6-2 near 23-25 Hummock Pond Rd.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments (with map); NGrid petition



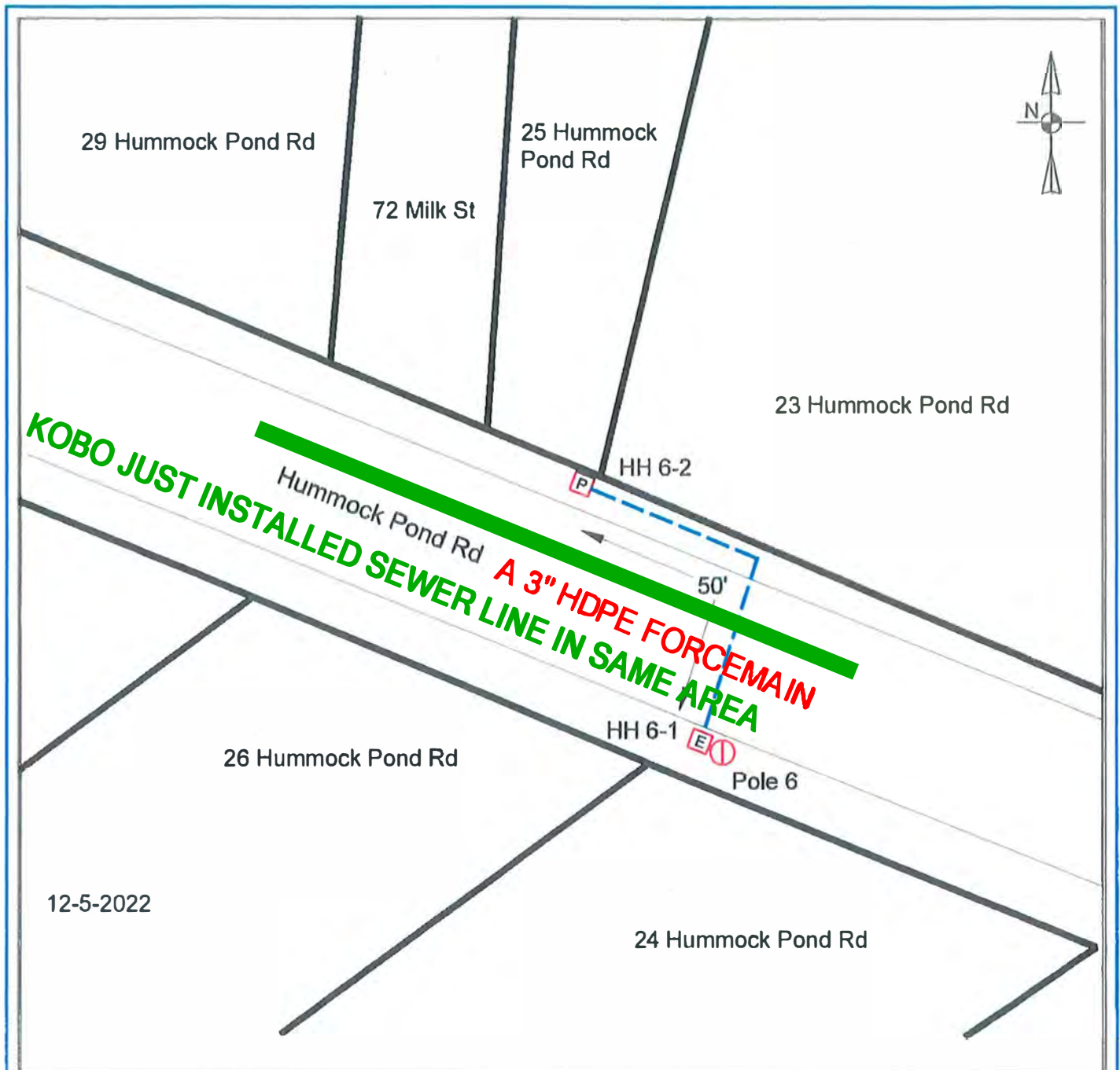
UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (30657315)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Hummock Pond Rd
HEARING DATE: March 22, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: The fire department has no issues as long as we can get emergency vehicles through the area with the help of a police detail officer or steel plates in place on the roadway after hours. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: Sewer lines must be marked out ahead of any work. (See map) – David Gray
WWCo: Call to mark out water lines. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**



UNDERGROUND PETITION



POLE (EXISTING)



PROPOSED CONDUIT 2-3"



HANDHOLE
(EXISTING)



HANDHOLE
(PROPOSED)

Job description

- NGRID is Petitioning for 50'+/- of 2-3" duct from existing handhole 6-1 to proposed handhole 6-2

nationalgrid

Date: 12/1/22

WORK REQUEST: 30657315

To The: Town of Nantucket

For Proposed: Conduit & Handhole Location: Hummock Pond Rd

Drawn By: Tim L

DISTANCES ARE APPROXIMATE



January 24, 2023

Nantucket

Town of Nantucket Board of Selectmen
16 Broad Street
Nantucket, Ma 02554

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Tim Lyford #508-897-5722

Please notify National Grid's Emily O'Brien of the hearing date / time to emily.obrien@nationalgrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid: Emily O'Brien; 100 East Ashland St, Brockton, MA 02302

Very truly yours,

Robert Leonida

Robert Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATION

Date 12/21/2022

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name Hummock Pond Road

Description of Work Beginning at a point approximately 15 feet South of the centerline of the intersection of Hummock Pond Road and continuing approximately 50 feet in a North direction. National Grid Petitions to install approximately 50' of duct from existing handhole 6-1 to proposed handhole 6-2.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30657315

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 12/21/2022

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 21st day of December, 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked—

NANTUCKET ELECTRIC COMPANY

Plan No. 30657315

Street Name Hummock Pond Road

Description of Work Beginning at a point approximately 15 feet South of the centerline of the intersection of Hummock Pond Road and continuing approximately 50 feet in a North direction. National Grid Petitions to install approximately 50' of duct from existing handhole 6-1 to proposed handhole 6-2.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2022

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____

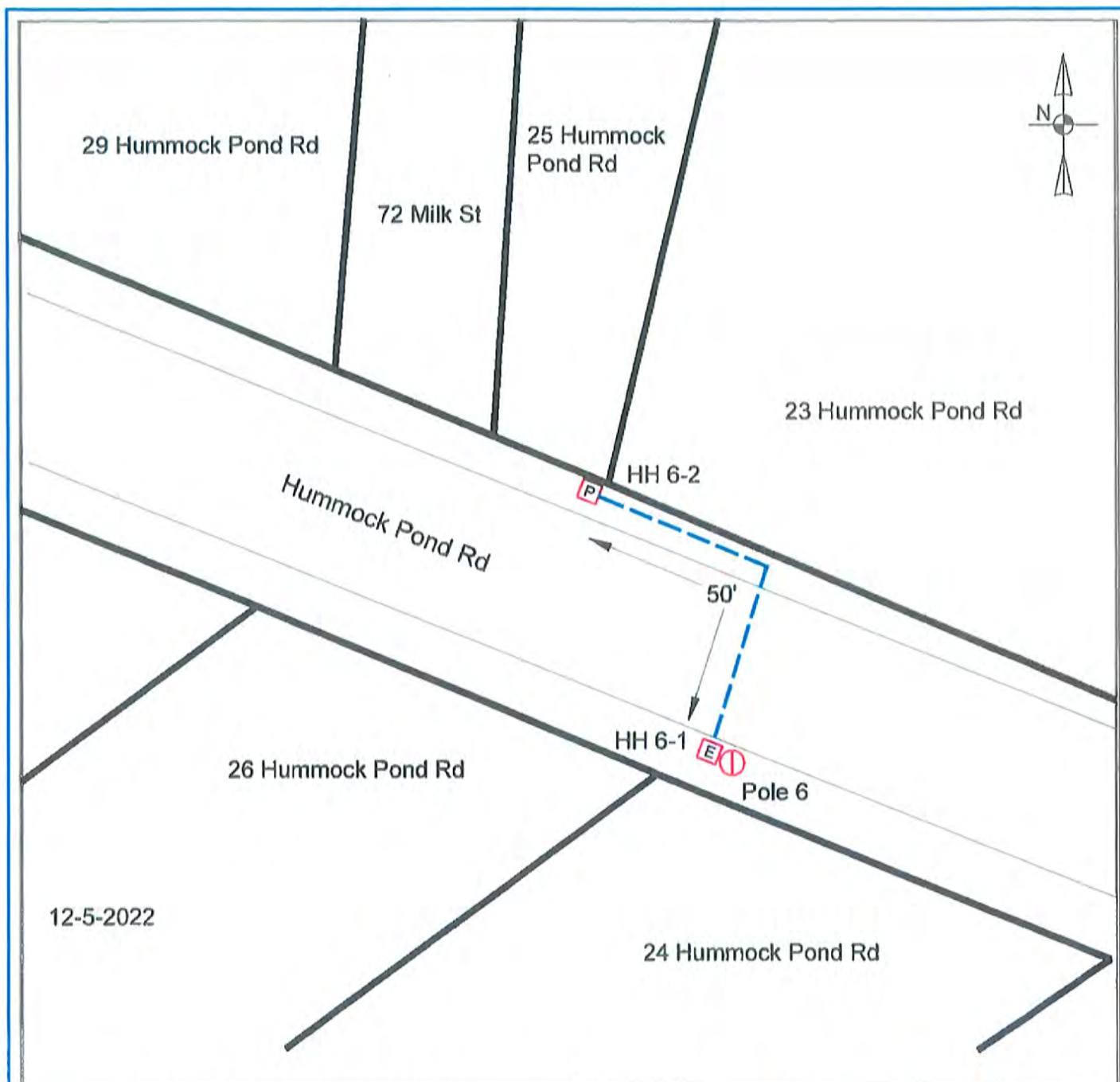
day of _____ 2022 and recorded with the records of location orders of said town,

Book _____ Page _____

This Certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____

Town Clerk



UNDERGROUND PETITION

Ⓢ POLE (EXISTING)

— PROPOSED CONDUIT 2-3"

ⓔ HANDHOLE (EXISTING)

Ⓟ HANDHOLE (PROPOSED)

Job description

- NGRID is Petitioning for 50'+/- of 2-3" duct from existing handhole 6-1 to proposed handhole 6-2

nationalgrid

Date: 12/1/22

WORK REQUEST: 30657315

To The: Town of Nantucket

For Proposed: Conduit & Handhole Location: Hummock Pond Rd

Drawn By: Tim L

DISTANCES ARE APPROXIMATE

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

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

**IF YOU NEED A LARGE PRINT
VERSION OF THIS DOCUMENT,
PLEASE CONTACT THE
TOWN MANAGER'S OFFICE AT
(508) 228-7255**

Cover photo courtesy of Robert Ranney

**TOWN OF NANTUCKET
2023 ANNUAL TOWN MEETING
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13	Supplemental Appropriation: Landfill Closure Costs	
14	Supplemental Appropriation: Wauwinet Road Shared Use Path	
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23	Enterprise Funds: Fiscal Year 2023 Budget Transfers	
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**TOWN OF NANTUCKET
2023 ANNUAL TOWN MEETING
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40	Zoning Bylaw Amendment: Time-Sharing or Time-Interval-Ownership Dwelling Unit or Dwelling	
41	Zoning Bylaw Amendment: Duplex	
42	Zoning Bylaw Amendment: Secondary Residential Lots	
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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

**TOTAL OF DEPT
OPERATING BUDGETS**

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

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 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*).

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

- 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

- 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:

- 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:

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

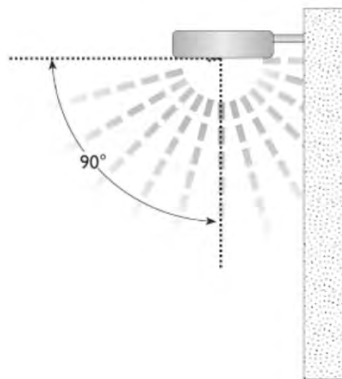
FOOT-CANDLE

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.

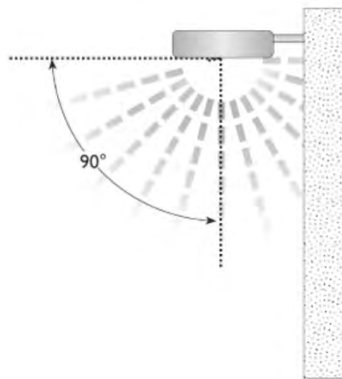
FOOT-CANDLE

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~~ **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:

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(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, 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.

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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