

Town and County of Nantucket Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

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

C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
MARCH 16, 2022 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS
AMENDED MARCH 14, 2022***

YOU TUBE LINK:

<https://youtu.be/7ZmyJ7Ew9aQ>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_nd8BtbqNTYmW9i1F0EYlag

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Presentation of Certificate of Recognition to Kathy Richen.
 3. Applicant Introduction/Review of Applications for Appointment to Planning Board (Alternate Seat) Scheduled for Wednesday, March 23, 2022, Pursuant to Select Board Committee Appointment Policy.
 4. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES AND WARRANTS***
 1. Approval of Minutes of March 7 - 8, 2022 at 8:30 AM; March 9, 2022 at 5:30 PM; March 10, 2022 at 4:00 PM.
 2. Approval of Treasury Warrants for March 16, 2022.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Resignation: Council on Aging.
2. **Licensing Office: Request for Approval of Estimated Seasonal Population of Nantucket for Seasonal Liquor Licenses.**

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Increasing Town of Nantucket Ambulance Rates.
2. Public Hearing to Consider Application for Multiple Amendments for Seasonal All-Alcoholic Beverages Restaurant License for Change of Corporate Name from Midish Corp. dba The Tavern, Luke Tedeschi, Manager to LT ONE, LLC dba The Tavern, Luke Tedeschi, Manager; Change of Beneficial Interest; and Change of Corporate Structure, for Premises Located at 4 Harbor Square.
3. Public Hearing to Consider Application for Multiple Amendments for Annual All-Alcoholic Beverages Club License for Change of Officers and Alteration of Premises for Great Harbor Yacht Club, Inc. dba Great Harbor Yacht Club, Stephen Creese, Manager, for Premises Located at 96 Washington Street.
4. Public Hearing to Consider Application for Alteration of Premises of Annual All-Alcoholic Beverages Restaurant License for Ridge, LLC dba Island Kitchen, Patrick Ridge, Manager, for Premises Located at 1 Chins Way.
5. Public Hearing for Renewal of Seasonal Liquor Licenses.

X. TOWN MANAGER'S REPORT

1. Licensing: Update on Outdoor Dining.
2. Review of Potential Water Main Extension Project West of Airport, Including Funding/Financing.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Possible Adoption of Second Revision to May 10, 2022 Election Warrant (Pending Outcome of Agenda Item X-2).
2. Discussion Regarding Steamship Authority Legislation (H4527).
3. Review of Draft Memorandum of Understanding with Siasconset Beach Preservation Fund (SBPF).
4. Review/Adoption of Select Board Comments to 2022 Annual Town Meeting Warrant Articles; and, Review of Draft Outline for Short-term Rental Regulations Pursuant to Article 39.
5. Committee Reports.

XII. ADJOURNMENT

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

SELECT BOARD AGENDA PROTOCOL:

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

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

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

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

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

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

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

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

Approved on February 17, 2021

Select Board
Planning Board Alternate Vacancy Appointment Timeline
As of 2/4/2022

February 4 – Advertise Planning Board Alternate vacancy on Town’s website

February 10 and February 17 – Advertise Planning Board Alternate vacancy in the Inky

February 16 and February 23 – Planning Board Alternate vacancy to be added to Select Board agendas as announcement

February 25 at 12:00 PM – Deadline for submitting applications for Planning Board Alternate vacancy

March 9 and March 16 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

March 23 – Meeting for applicants to introduce themselves and review their applications; Planning Board Alternate appointment.

Planning Board Alternates (3-yr terms)

Campbell Sutton	Alternate	2022
Stephen Welch	Alternate	2023
VACANT	Alternate	2024

Applicants:

Jennifer L. Porter
F. Scott Wilson
Carl K. Borchert
Colin Wyatt Leddy



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: Jennifer L Porter

Home Phone: 617-480-6561

Mailing

Address: 60 Squam Road, Nantucket MA 02554

Alternate Phone: 617-480-6561

Email Address: jporter@bodagroup.com

Date Submitted: 2.28.22

REQUESTING APPOINTMENT TO: Planning board

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? No, but I have reviewed the past minutes posted on the website.
- Why are you interested in this committee/board/commission? We moved to Nantucket full time a year ago and would like to get involved with and contribute to the community. I care about our zoning policies and the look and feel of the island.
- Are you prepared to commit to the meeting schedule of the committee/board/commission? Yes

Relevant Experience

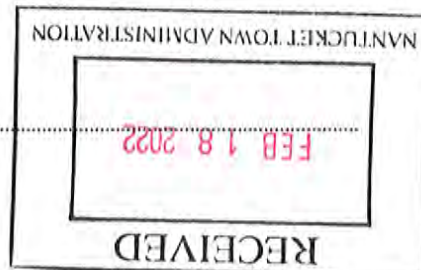
- What experience, skills or insight would you bring to the committee/board/commission?

I am an organized and thoughtful person who cares about following guidelines and processes to ensure a fair and equitable experience for people that upholds the town's policies. Before moving into leadership and team development 17 years ago, I spent 15 years in operating roles, mostly as COO. I think my background in planning for and growing companies operationally will help me to support the planning board's mission.

- What would you hope to accomplish on the committee/board/commission? I would like to support a fair and equitable process around the review and approval of development plans, as this is very important to the island community.

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. Member of the Nantucket Conservation Foundation. Volunteer at the Hospital Thrift Shop and the Food Pantry.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No





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: F. SCOTT WILSON

Home Phone: 508-901-5961

Mailing Address: 6 CURLEWCOURT

Address: NANTUCKET MA 02554

Alternate Phone: 860-881-0609 (*)

Email Address: fscottwilson@mac.com

Date Submitted: 23 FEB 2022

REQUESTING APPOINTMENT TO: Alternate - Planning Bd. (*) PREFERRED

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?
-
- Yes, I have attended numerous meetings.
 - I have had a long-time interest in land use and urban planning, and I have been involved through my years of service on various homeowners associations.
 - Yes, I am prepared to commit to the meeting schedule.

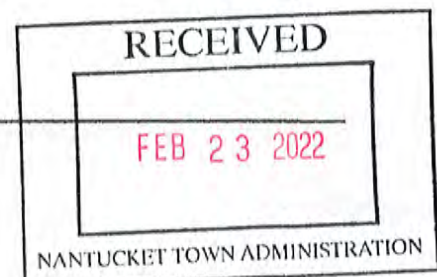
Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
 - What would you hope to accomplish on the committee/board/commission?
-
- I have been an attorney since 1981 and have had considerable experience in negotiation and resolving disputes. At college I majored in political science and minored in urban studies. I also have a law degree and a MA in public policy. I also have considerable experience as a board member with three different homeowners associations, including one on Nantucket.
 - I hope to contribute to discussion by helping to define and describe issues associated with the work of the Planning Committee.

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. Member of the Board of Trustees of Newshop HO Trust. Board member of Nantucket Lights, Inc.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO





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

RECEIVED

FEB 24 2022

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 ADMINISTRATION

Name: Carl K. Borchert

Home Phone: 508-228-0905

Mailing Address: P.O. Box 2122, 02584

Alternate Phone: 774-236-9313

Email Address: borchert654@hotmail.com Date Submitted: 2-24-22

REQUESTING APPOINTMENT TO: Planning Board - Alternate Seat

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 served on the Planning Board as an Alternate From 2013-2018.
I would like to serve again and review important development proposals
as they come before the Board.
I am prepared to commit to the meeting schedule.

Relevant Experience

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

During my previous service I learned the language of zoning and the
rules and regulations governing residential and commercial applications.
I listened carefully to all applicants, their attorneys and concerned
neighbors and citizens. If appointed I would continue to listen
carefully to all applicants and review all relevant data. I am a
moderate and I would continue to strive for fairness and equal
treatment to all applicants. I also get along well with other members and
staff.

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.

My wife and I serve on the Board of Trustees For the Unitarian
Church here in Nantucket.

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

No



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: Colin Wyatt Ledy Home Phone: 508 901-9177

Mailing Address: DOB 537 Alternate Phone: N.A.

Email Address: ColinWyattLedy@GMail.com Date Submitted: 2/25/2022

REQUESTING APPOINTMENT TO: Planning Board (Alternate)

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? No
- Why are you interested in this committee/board/commission? Interested in Island's future
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Possibly, will try my utmost.

Relevant Experience

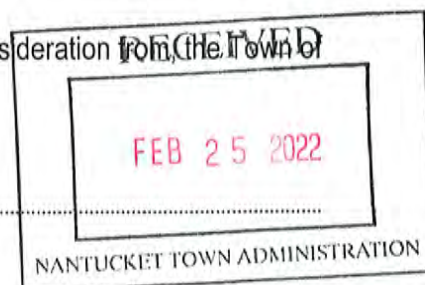
- What experience, skills or insight would you bring to the committee/board/commission? [* 2 Term Beach Comm. Member] variegated deep experience
- What would you hope to accomplish on the committee/board/commission?

Real Control mechanisms for what goes forward!

Potential Conflicts of Interest

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

No



Erika Mooney

From: Jason M. Bridges
Sent: Tuesday, March 8, 2022 8:19 AM
To: Erika Mooney
Cc: Dawn Hill Holdgate
Subject: Fwd: Council of Aging

2022 MAR -8 AM 10:13

Sent from my iPhone

Begin forwarded message:

From: Vanessa Larrabee <vanessa.larrabee@gmail.com>
Date: March 8, 2022 at 8:11:17 AM EST
To: "Jason M. Bridges" <jmbridges@nantucket-ma.gov>
Subject: Council of Aging

Dear Chairman Bridges and the Selectboard of Nantucket,

Many thanks for giving me the opportunity to serve the elderly population on Nantucket by sitting on the amazing board of the Council of Aging. This letter is to excuse myself from this board. At the end of the school year, my family will be moving off the island. I understand that I could continue to sit on the board until my term expires, however, I feel that the chaos of moving will not give me the proper time for listening, understanding, and problem-solving the needs of this incredible group of people.

My apologies for this brief email. We, the Larrabee's, need to put the best interests of our children first. This move is also tough for us being natives to the island as well as our children. We just feel that there are more opportunities for my family on the mainland and we will miss this great community. Again, thank you for letting me serve the Nantucket elderly population.

Sincerely,

Vanessa Larrabee

This email was scanned by Bitdefender

Council on Aging

Mary Anne Easley	Chair	2023
Diane Flaherty	Secretary	2022
Alison K. Forsgren	Vice Chair	2022
Kendra Lockley		2022
Nancy Swain		2023
Suzi Spring		2023
Judith Perkins		2024
~~Vanessa Larrabee~~		2024
Linda Williams		2024



Agenda Item Summary

Agenda Item #	VIII. 2.
Date	3/16/2022

Staff

Amy Baxter, Licensing Administrator

Subject

License Renewals – Seasonal Population of Nantucket for Seasonal Liquor

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, 2022. 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.

Background/Discussion

CONSIDERATIONS:

1. **Nantucket Date Platform Report as of 2017:** This report is the most comprehensive and most recent estimate of the island's population that is backed by actual data. 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 report (attached) estimates population between July and August to be 41,420 – 45,500. The proposed estimate is no more than 45,000. This gives Nantucket a Quota limit of nine (9) Seasonal Off-Premise (Package Store) Licenses. Nantucket currently has seven (7) active Seasonal Package Store Licenses.
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 Quota Summary; Nantucket Data Platform Report



COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL
COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2022 Seasonal Population Increase Estimation Form

City / Town:

NANTUCKET

Date:

Mar 16, 2022

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

Mar 16, 2022

Date of Meeting

, estimated that the temporary increased resident population

of

Nantucket

City / Town Name

, as of July 10, 2022 will be

45,000

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



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 is 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.

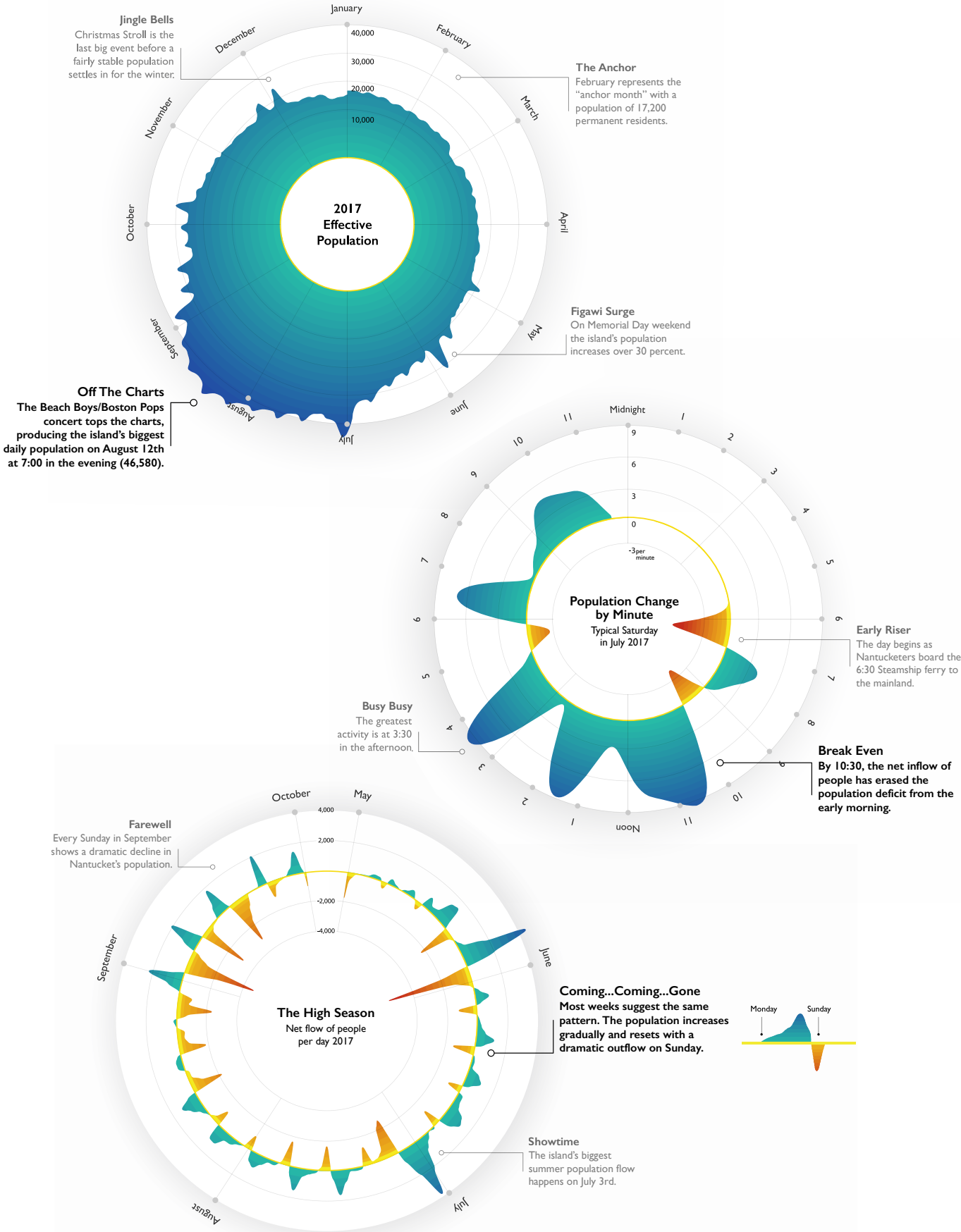
The LLA may issue off-premises seasonal licenses based on that estimate at the rate of one license for each 5,000 persons (or fraction thereof) and can be issued effective April 1st to November 30th until January 15th, or any portion thereof, as set by the LLA.

SEASONAL PACKAGE STORE LICENSES

ESTIMATED POPULATION of 45,000

Quota:	9 Licenses
Total Licenses in 2022:	7 Licenses
Available Licenses in 2022:	2 Licenses

- | | |
|-------------------------|-----------------------|
| • 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 |





Agenda Item Summary

Agenda Item #	IX. 1.
Date	3/16/2022

Staff

Stephen Murphy, Fire Chief

Subject

Ambulance Rate Increase

Executive Summary

To review and discuss for adoption the proposed new ambulance rates for the Fire Department. Last rate change was in April 2019 with the intent to bring back to the SB every two years for review.

Rates being proposed would match similar communities in our area that also have COMSTAR as their billing company.

Rates suggested will remove certain items that are included within the base rates and increase the the amounts charged as shown

	Current	Proposed
BLS Emergency	\$1,325.50	\$1,553
BLS Non-Emergency	\$1,325.50	\$1,553
ALS 1	\$2,145.00	\$2,420
ALS1 non-Emergency	\$2,145.00	\$2,420
ALS2 Emergency rate	\$3,311.00	\$3571
Mileage	\$35.97	\$37.31
Ferry Service	\$3,256.00	\$3,581
Paramedic intercept with USCG	\$5,509.92	\$5,509.92

Staff Recommendation

It is my recommendation as Fire Chief, to adjust the Ambulance Rates charged by the Fire Department to the suggested that matches other communities. The funds received by the Ambulance service go back to support the costs of Emergency Medical Services on the island in new ambulances, equipment, training and staff.



Background/Discussion

Last Ambulance rate increases were April 2019 and prior February 2016.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Public hearing notice advertised two weeks in newspaper.

Attachments

Memo from Fire Chief dated 12/22/2021





Chief
Stephen A Murphy

Nantucket Fire Department
4 Fairgrounds Road
Nantucket, MA 02554
508-228-2324



Deputy Chief
Sean Mitchell

To: Libby Gibson, Town Manager

From Stephen A Murphy, Fire Chief

Re: Ambulance Fee Rate Adjustment

Date: December 22, 2021

In the New Year, I am requesting that the Select Board consider changes to the Ambulance rates charged by the Fire Department. Last Rate increase was approved in April of 2019. At the time, I had hoped to revisit the rates with the Board every two years, but did not feel it appropriate to bring a rate increase forward last spring. We also now have the addition of ALS to the services provided and have been billing for that service since July of 2021.

It is my opinion that rates be adjusted to the proposed rates shown below. This would be a change to match neighboring communities of Tisbury, Tri-Town ambulance (West Tisbury), Sandwich and New Bedford. The changes would also remove extra billing for Oxygen and defibrillation, as they are covered in the base rates for each level of service.

These rates would place us on the same level as other communities and reflect the increased costs that have been associated with ambulance service over the past three years.

Respectfully,

Stephen A Murphy, Fire Chief

	Current	Proposed
BLS Emergency	\$1,325.50	\$1,553
BLS Non-Emergency	\$1,325.50	\$1,553
ALS 1	\$2,145.00	\$2,420
ALS1 non-Emergency	\$2,145.00	\$2,420
ALS2 Emergency rate	\$3,311.00	\$3571
Mileage	\$35.97	\$37.31
Ferry Service	\$3,256.00	\$3,581
Paramedic intercept with USCG	\$5,509.92	\$5,509.92



Agenda Item Summary

Agenda Item #	IX. 2.
Date	3/16/2022

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Multiple Amendments Application – **Midish Corporation, DBA The Tavern Restaurant and Gazebo, 4 Harbor Square, License #00049-RS-0762**

Executive Summary

Midish Corporation is requesting a Change of Ownership Interest, Change of Corporate Structure, Change of Corporate Name for a **Seasonal Restaurant All Alcohol** Liquor License for **DBA The Tavern** at **4 Harbor Square**.

The changes are as follows:

Change of Ownership Interest: Removing **Larry Wheldon** and **David Caton** as principals in Midish Corporation.

Change of Corporate Structure and Name: From Midish **Corporation** to **LT ONE LLC, Luke Tedeschi to remain as principal**.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. An amended License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

Requirements for Change of Ownership Interest; Corporate Structure and Name Application:

- ABCC Multiple Amendments Application
- Department of Revenue Certificate of Good Standing
- Department of Unemployment Assistance Certificate of Compliance
- Vote of the Entity
- Business Structure Documents



Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Advertise two weeks in Inky

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

N/A

Attachments

ABCC Multiple Amendments Application and Supporting Documents; The Tavern Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

00049-RS-9762

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|--|---|--|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☒ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☒ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☒ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | | ☐ Other <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Midish Corp.	DBA	The Tavern
Street Address	4 Harbor Square Nantucket, MA		Zip Code 02554
Manager	Luke Tedeschi		Granted under Special Legislation? Yes ☐ No ☒
\$12 Restaurant (i.e. restaurant, package store)	Seasonal (Annual or Seasonal)	All Alcoholic Beverages (i.e. Wines and Malts / All Alcohol)	If Yes, Chapter _____ of the Acts of (year) _____

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Outside Gazebo. First Floor: Dining Room, Patio, Kitchen, Bar, Lounge. Second Floor: Dining Room, Patio, Deck. Third Floor: Storage

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/11/2022	Time		
Advertised	Yes ☒ No ☐	Date Published	03/03/2022, 03/10/2022	Publication	Inquirer & Mirror
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	03/16/2022	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)					
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

The TAVERN

Harbor Square, P.O. Box 388, Nantucket, MA 02554 • 508-228-1266

2/11/2022

Selectboard
Town of Nantucket
Nantucket, MA 02554

I am applying for a transfer of an existing on premise, seasonal, all beverage liquor license # 00049-RS-0762 for the Tavern Restaurant and Gazebo. It is located at 4 Harbor Square, Nantucket, MA 02554 and that is where it will remain.

What I am requesting is to change the Corporation, Midish Corp. with Larry Whelden, David Caton and Luke Tedeschi as principals to LT ONE LLC dba The Tavern with Luke Tedeschi as sole member.

What has changed is the entity that holds the lease on the physical building at said address.

What is not changing is the appearance, atmosphere and the general way Luke Tedeschi has operated The Tavern since 1993.

Sincerely,



Luke Tedeschi



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for:

☐ **CHANGE OF CATEGORY**

\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Category Application
Vote of the Entity Board
Advertisement*
Abutter's Notification*

☐ **CHANGE OF LICENSE TYPE**

\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
Change of License Type Application
Vote of the Entity Board
Advertisement*

CHANGE OF CORPORATE STRUCTURE



\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Corporate Structure Application
Vote of the Entity Board
Business Structure Documents
If Sole Proprietor, Business Certificate
If partnership, Partnership Agreement
If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

CHANGE OF CLASSIFICATION



\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Classification Application
Vote of the Entity Board
Abutter's Notification*
Advertisement*



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☒ **CHANGE OF CORPORATE NAME OR DBA**

\$200 fee via ABCC website and Payment Receipt (Corporate Name Only)
Monetary Transmittal Form
DOR Certificate of Good Standing (Corporate Name Only)
DUA Certificate of Compliance (Corporate Name Only)
Change of Corporate Name/DBA Application
Vote of the Entity Board
Business Structure Documents
If Sole Proprietor, Business Certificate
If partnership, Partnership Agreement
If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

☐ **CHANGE OF PLEDGE OF LICENSE, STOCK OR INVENTORY**

\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Pledge of License, Stock or Inventory Application
Vote of the Entity Board
Pledge documentation
Promissory note

CHANGE OF MANAGER

☐ \$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
Change of Manager Application
Vote of the Entity Board
CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.
Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.



*The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc*

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☐ **CHANGE OF LOCATION**

\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
Alteration of Premises/Change of Location Application
Vote of the Entity Board
Supporting financial records
Legal Right to Occupy
Floor Plan
Abutter's Notification*
Advertisement*

☐ **ALTERATION OF PREMISES**

\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
Alteration of Premises/Change of Location Application
Vote of the Entity Board
Supporting financial records
Legal Right to Occupy
Floor Plan
Abutter's Notification*
Advertisement*

☐ **MANAGEMENT AGREEMENT**

\$200 fee via ABCC website and Payment Receipt
Monetary Transmittal Form
Management Agreement Application
Management Agreement
Vote of the Entity Board
CORI Forms for all listed in Section 8A and attachments

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

Non-Profit Club's ONLY

e.g. Veteran's Club

☐ **Non-Profit Club CHANGE OF OFFICERS/DIRECTORS**

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

Vote of the club signed by an approved officer

Business Structure Documents-Articles of Organization from the Secretary of the Commonwealth

CORI Authorization Form This form must be *notarized with a stamp or raised seal*.

Monetary Transmittal Form

\$200 fee via ABCC website and Payment Receipt

☐ **Non-Profit Club CHANGE OF MANAGER**

\$200 fee via ABCC website and Payment Receipt

Monetary Transmittal Form

Change of Manager Application

Vote of the club signed by an approved officer

CORI Authorization Complete one for the proposed manager of record. This form must be *notarized with a stamp or raised seal*.

Updated Officers and Directors*

*Please ensure to update your officers and directors *simultaneously* or **PRIOR** to applying for a change of manager. It will be returned with no action taken if the officers and directors do not match ABCC records.

Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Midish Corp. DBA The Tavern	Nantucket	00049-RS-0762

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Midish Corp dba The Tavern is changing to LTONE LLC dba The Tavern.

The Tavern will be continuing its concept as a family restaurant and bar. Luke Tedeschi will also be continuing as General Manager and owner as he has done since its inception in 1993.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Luke Tedeschi	Owner and General Manager	lukenantucket@gmail.com	508-332-9665

2. AMENDMENT-Change of License Classification

☐ Change of License Category	Last-Approved License Category	
All Alcohol, Wine and Malt, Wine Malt and Cordials	Requested New License Category	
☐ Change of License Class	Last-Approved License Class	
Seasonal or Annual	Requested New License Class	
☐ Change of License Type*	Last-Approved License Type	
i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Requested New License Type	

3. AMENDMENT-Change of Business Entity Information

☒ Change of Corporate Name	Last-Approved Corporate Name:	Midish Corp.
	Requested New Corporate Name:	LT ONE, LLC
☐ Change of DBA	Last-Approved DBA:	
	Requested New DBA:	
☐ Change of Corporate Structure	Last-Approved Corporate Structure	Corporation
LLC, Corporation, Sole Proprietor, etc	Requested New Corporate Structure	LLC

4. AMENDMENT-Pledge Information

☐ Pledge of License	To whom is the pledge being made:	
☐ Pledge of Inventory		
☐ Pledge of Stock		

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

☐ Change of Officers/Directors ☒ Change of Ownership Interest (LLC Managers/LLP Partners, Trustees) ☐ Change of Stock (E.g. New Stockholder/Transfer or Issuance of Stock)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Luke Tedeschi			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
General Manager/Owner/Member	100%	☒ Yes ☐ No	☒ Yes ☐ No
MA Resident			
☒ Yes ☐ No			

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement.

☐ Yes ☒ No

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

6B. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Larry B Whelden	President	33.33
Name of Principal	Title/Position	Percentage of Ownership
David Caton	Director	33.33
Name of Principal	Title/Position	Percentage of Ownership
Luke Tedeschi	Secretary	33.33
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Larry B whelden	Restaurant	Larry B Whelden dba Nantucket	Nantucket
		Lobster Trap	

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Larry B Whelden	Restaurant	Brotherhood Of Thieves	Nantucket

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

9. FINANCIAL DISCLOSURE

Required for the following transactions:

- Change of Officers, Stock or Ownership Interest (E.g. New Stockholder/Transfer or Issuance of Stock)
- Change of Premises Information
- Pledge of License, Inventory or Stock

Purchase Price(s):

\$0.00

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

APPLICANT'S STATEMENT

I, Luke Tedeschi the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

of LT ONE LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

2-8-22

Title:

Managing Member

ENTITY VOTE

The Board of Directors or LLC Managers of

LT ONE, LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

01/27/2022

Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|--|---|--|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☒ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☒ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☒ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | | ☐ Other | ☐ Change of DBA |

"VOTED: To authorize

Luke Tedeschi

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Luke Tedeschi

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

LUKE TEDESCHI

(Print Name)

For Corporations ONLY

A true copy attest,

Corporate Clerk's Signature

(Print Name)



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Charles D. Baker
GOVERNOR
Karyn E. Polito
LT. GOVERNOR



385046944

Rosalin Acosta
SECRETARY
Richard A. Jeffers
DIRECTOR

MIDISH CORP
P.O. BOX 388
NANTUCKET, MA 02584

EAN: 83414390
January 21, 2022

Certificate Id:55382

The Department of Unemployment Assistance certifies that as of 1/21/2022 ,MIDISH CORP is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Richard A. Jeffers, Director

Department of Unemployment Assistance



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L2132166336
Notice Date: February 2, 2022
Case ID: 0-001-416-805



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



MIDISH INC
PO BOX 388
NANTUCKET MA 02554-0388

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, MIDISH INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau

LICENSE # 00049-RS-0762

LICENSE FEE: \$3,900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Midish Corp.
DBA: THE TAVERN
PREMISES: 4 Harbor Square
Nantucket, MA 02554
MANAGER: Luke Tedeschi

ON PREMISES DESCRIBED AS:
Gazebo. First Floor: Dining Room, Patio, Kitchen, Bar,
Lounge. Second Floor: Dining Room, Patio, Deck.
Third Floor: Storage.

ELECTRONIC COPY

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 24th day of March 2021.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE IS VALID BEGINNING APRIL 1, 2021

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS



Agenda Item Summary

Agenda Item #	IX. 3.
Date	3/16/2022

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises and Change of Officers Application – ***Great Harbor Yacht Club, Inc, DBA Great Harbor Yacht Club, 96 Washington Street and 56 Union Street, License #00183-RS-0762***

Executive Summary

Great Harbor Yacht Club, Inc. is applying for an Alteration of Premises for an ***Annual Club All Alcohol*** Liquor License for ***DBA Great Harbor Yacht Club*** at ***96 Washington Street and 56 Union Street.***

The Application requests addition of the newly acquired property at 56 Union Street which is contiguous to the existing Great Harbor Yacht Club licensed premises. The property was formerly licensed as a restaurant (Licenses were surrendered in 2021 and not renewed for 2022). The former restaurant space and patio/garden area will be used by Club members and guests for social activities. There are no current plans to add Non-Live or Live Entertainment to the premises.

The applicant has also submitted its Annual Change of Officers as required by the ABCC.

There are no plans to expand membership due to the increase in property size.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. An amended License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

Requirements for Alteration of Premises:

- ABCC Alteration of Premises and Change of Officers Application
- Floor Plan for Licensed and Proposed Premises
- Supporting Financial Records
- Legal Right to Occupy

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A



Board/Commission Recommendation

N/A

Public Outreach

Public hearing advertised for two weeks in newspaper.

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

N/A

Attachments

ABCC Alteration of Premises Application and Supporting Documents; licenses for Great Harbor Yacht Club and 56 Union.



January 25, 2022

Jason Bridges, Chair
Nantucket Select Board
16 Broad Street
Nantucket, MA 02554

ATTORNEYS

Jennifer Cohen
Steven L. Cohen

**Re: Great Harbor Yacht Club; Alteration of Premises
96 Washington Street, Nantucket, MA 02554**

Dear Chairman Bridges and Nantucket Select Board,

This office represents Great Harbor Yacht Club, Inc. (“GHYC”). On October 15, 2021, GHYC purchased 56 Union Street, which is adjacent to several GHYC properties. GHYC presently operates under Town License No. 00183-CL-0762 / ABCC License No. 762000183 (“the GHYC License”), which license includes GHYC properties adjacent to 56 Union Street: 96 Washington Street, 97 Washington Street, 8 Salt Marsh Way, 9A Salt Marsh Way, 9B Salt Marsh Way, 11 Salt Marsh Way, 56 Union Street (a portion), 58 Union Street (a portion); and 70 Union Street.

Respectfully, GHYC requests the Select Board approve GHYC’s application to alter the premises covered by the existing GHYC License to also include the remaining portion of the 56 Union Street property that GHYC just acquired. As of this writing, we understand that 56 Union Street has either surrendered its ABCC License or it has lapsed (no renewal was sought).

GHYC intends to use this newly acquired area to enhance its member amenities and to provide a family-friendly space for GHYC members to socialize and passively recreate. The 56 Union Street property is adjacent to GHYC’s existing facilities and will be incorporated as an ancillary space for general member purposes and for “swing” uses. The dining tables will be mostly cleared out, but the facility will have seating tables, a coffee station, a pool table (and/or similar interior or exterior gaming activities), and other amenities to support general socializing and passive recreational uses. The facility may also be used by members as a remote workspace, to conduct meetings, and to engage in similar kinds of associational activities. GHYC plans to use the existing kitchen and bar facilities to provide limited food and beverage service to GHYC members and their guests. GHYC does not intend to make any interior alterations to the existing structure at this time and will keep the existing bar and alcohol storage area (labeled “wine room” on the enclosed plan). GHYC anticipates that this space will be used around two to three times per week during the summer season, and any time that alcoholic beverages are made available to members and their guests, there will be trained staff on

location. When trained staff is not on-site, or if alcoholic beverages are not being served, then GHYC will secure alcohol in the existing bar and storage area under lock and key.

GHYC's members and staff will consist of the same people who are already associated with GHYC, and GHYC does not intend to expand its membership based upon the acquisition of the 56 Union Street property. Trash, recycling, maintenance, and other facility services will be performed by GHYC as per its existing operations. Impacts (traffic, food deliveries, staffing, lighting, odor, noise, parking, waste removal, etc.) arising from the use of the 56 Union Street property will be significantly lessened as a result of GHYC's acquisition, and GHYC does not intend to host live or non-live entertainment at the 56 Union Street property.

Enclosed, please find an ABCC Application – Alteration of Premises Application. In addition, please find copies of the following: Special Permit No. 29-03, along with all approved modifications, receipt for ABCC payment, Deed evidencing GHYC's legal right to occupy the 56 Union Street property, floor and site plans of the 56 Union Street property, and financial records supporting associated costs of acquiring the premises. Please note, GHYC is also proposing to use that portion of the 56 Union Street property consisting of the outdoor patio space in compliance with all ABCC Patio Guidelines. Finally, enclosed are two checks: one made payable to Inquirer and Mirror in the amount of \$335.12 (public notice), and one made payable to the Town of Nantucket in the amount of \$100.00 (application fee).

Thank you in advance for your consideration of this request. Please let us know if you have any questions or require any additional information regarding this application.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Steven Cohen", is positioned above a horizontal line.

Steven L. Cohen, Esq.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

00183-CL-0762

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☒ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee Great Harbor Yacht Club, Inc.

DBA Great Harbor Yacht Club

Street Address 96 Washington Street

Zip Code 02554

Manager Stephen Creese

Granted under
Special Legislation? Yes ☐ No ☒

\$12 Club

Annual

All Alcoholic Beverages

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter

of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Great Harbor Yacht Club's Sailing Center which Includes Snack Bar, Meeting Room, Lawn Area in Front of Sailing Center and Clubhouse including 2 Restaurants, Ball Room, First and Second Floor Decks, 2 Lounges and Lawn Area in Front of Clubhouse. 6,058 sq ft building on the 56 Union Street edge of the property; 2-story building with kitchen area, bar, secure storage, enclosed outdoor patio and lawn.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 02/22/2022

Time 3:00 pm

Advertised Yes ☒ No ☐ Date Published

03/03 & 10/22

Publication

Inquirer and Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice

03/01/22

Date APPROVED by LLA

03/16/2022

Decision of the LLA

Approves this Application

Additional remarks or conditions
(E.g. Days and hours)

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Great Harbor Yacht Club, Inc.	Town of Nantucket	00183-CL-0762

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Great Harbor Yacht Club is a nonprofit emphasizing maritime traditions that provides a vibrant community for members and their families to gather, socialize, and passively recreate. Great Harbor Yacht Club owns several adjacent properties, and has just purchased another adjacent property - 56 Union Street - to expand the facilities it can offer to its members. The same services provided under the applicant's existing license will be provided.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Steven L. Cohen	Attorney	steven@cohenlegal.net	508-228-0337

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

The proposal is to annex the recently acquired 56 Union Street property under the same license as Great Harbor Yacht Club to expand existing member facilities. No new operations are proposed, and the increase in space will not result in any increase in membership or any additional services and/or activities.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

The proposed premises consists of a 2-story building, with kitchen area, bar, lockable alcohol storage areas, enclosed outdoor patio and lawn areas, consisting of a total of 6,058 square feet, and is as shown on the enclosed plan.

Total Sq. Footage	6,058 (gross)	Seating Capacity	122
Number of Entrances	8	Occupancy Number	170
		Number of Floors	2

AMENDMENT-Change or Alteration of Premises Information**3. CHANGE OF LOCATION****3A. PREMISES LOCATION**

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Own

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☐ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

The Applicant purchased the 56 Union Street Property for \$3,625 Million Dollars on October 15, 2021. The Applicant may make further investments in modest renovations to the premises to best accommodate member activities in the future, but none are proposed at this time.

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial Institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Great Harbor Yacht Club	\$1,625,000.00
Total	\$1,625,000.00

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
First Republic Bank	\$2,000,000.00	Term Loan	☐ Yes ☒ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

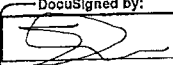
APPLICANT'S STATEMENT

I, Stephen Creese the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory
of Great Harbor Yacht Club, Inc.
Name of the Entity/Corporation

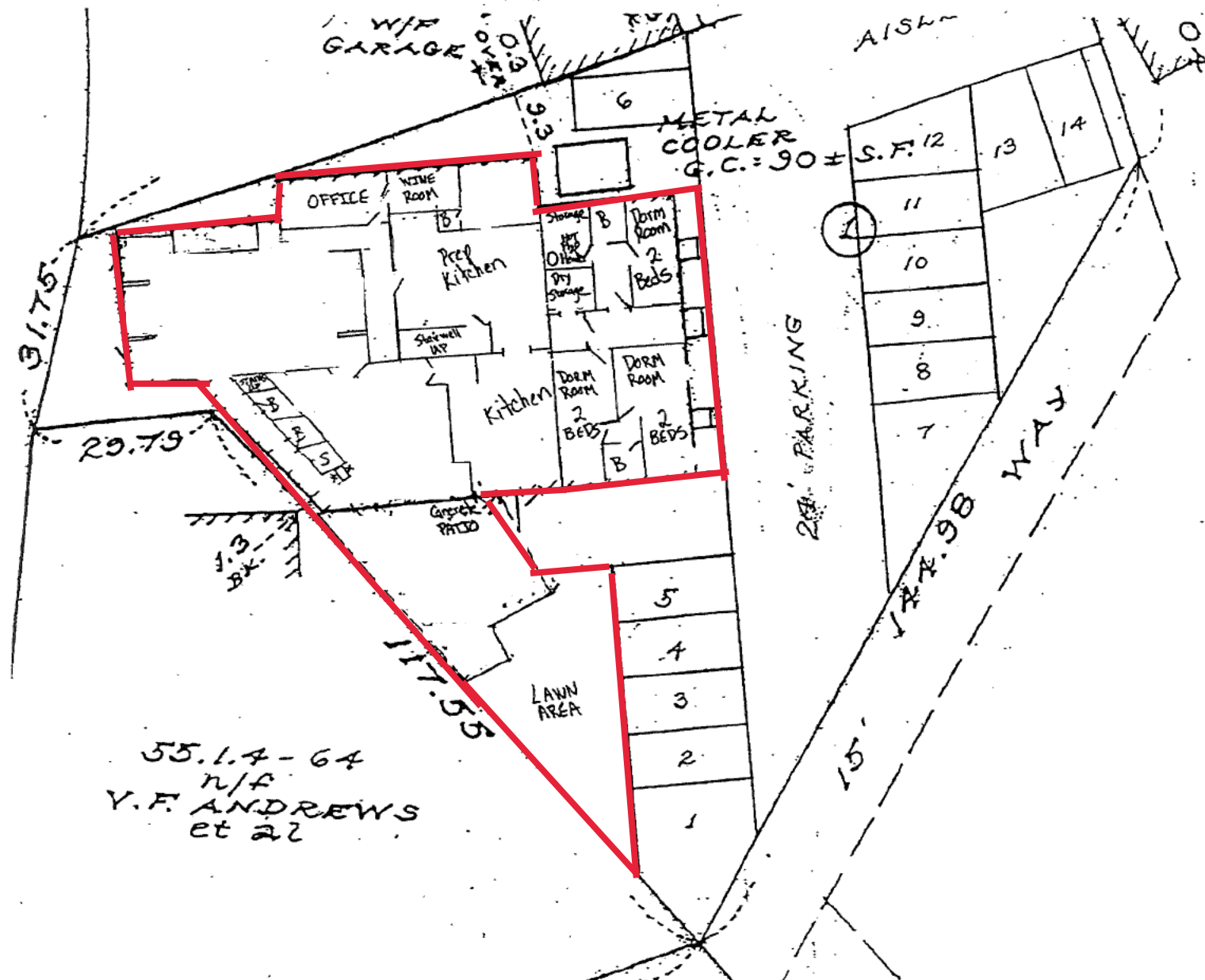
hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

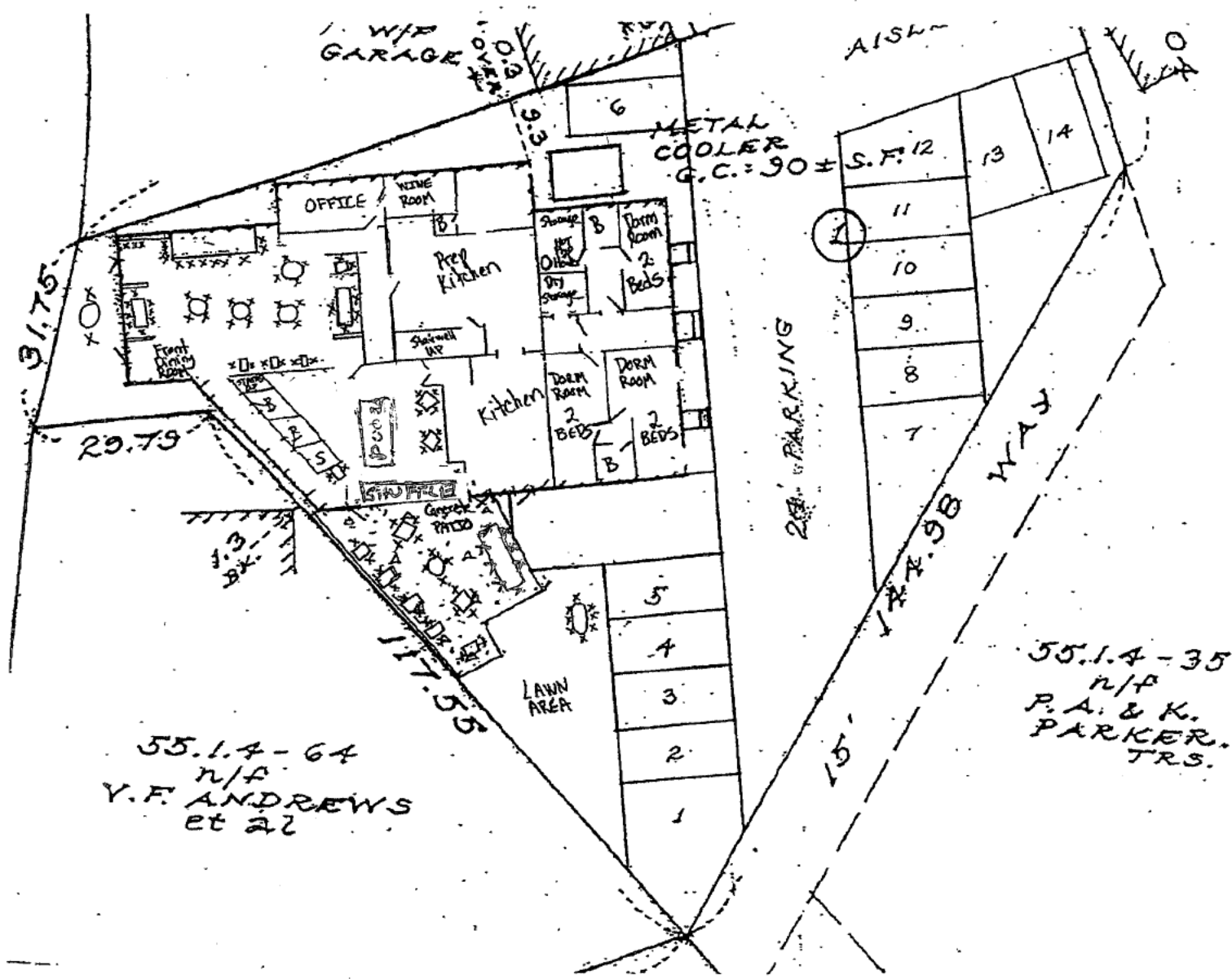
I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 
DDE5232562754B8...
Title: General Manager

Date: 1/24/2022 | 2:09 PM EST





PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, March 16, 2022 at 5:30 PM to consider a Multiple Amendment License application for a Change of Officers and Alteration of Premises for Great Harbor Yacht Club, Inc. dba Great Harbor Yacht Club, located at 96 Washington Street, Nantucket, MA 02554, Stephen Creese, Manager. The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email TownManager@nantucket-ma.gov.

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
4223	18		NANTUCKET ISLANDS LAND BANK		22 BROAD STREET	NANTUCKET	MA	02554	74 WASHINGTON ST
4223	19		NANTUCKET TOWN OF	C/O PARK & REC	2 BATHING BEACH RD	NANTUCKET	MA	02554	76 WASHINGTON ST
4223	20	1	ALEXANDER CANDACE L TR		7 HATHON SQ #1	CHARLESTOWN	MA	02129	80B WASHINGTON ST
4223	21		BOARDWALK ACK LLC		PO BOX 695	NANTUCKET	MA	02554	90 WASHINGTON ST
4223	22		RIPLEY ALEXANDRA PETRILLO & THOMAS H TRS		29 ISLAND DRIVE	KEY LARGO	FL	33037	92 WASHINGTON ST
4223	23		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	83 WASHINGTON ST
4223	24		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	81 WASHINGTON ST
4223	26		PATE WILLIAM C & KATHE A		2241 SUNSET BLVD	HOUSTON	TX	77005	5 FRANCIS ST
4223	27		MOORE RYAN & LAUREN		67 YARMOUTH RD	WELLESLEY	MA	02481	48 UNION ST
4223	28		COHEN STEVEN L TR		PO BOX 786	NANTUCKET	MA	02554	46 UNION ST
4223	41		NISDA INC		PO BOX 1848	NANTUCKET	MA	2554	71 WASHINGTON ST
4223	41	3	NANTUCKET ISLANDS L		22 BROAD ST	NANTUCKET	MA	02554	73 WASHINGTON ST
4223	42		ZSCHAU MELANIE Y & PETER B TR	ZSCHAU MELANIE Y FAMILY TRUST	PO BOX 93	MILLERS FALLS	MA	01349	77 WASHINGTON ST
4223	43		POKOIK FRE TRUSTEE	FRANCES STREET TRUST	585 WEST END AVE # 16 F	NEW YORK	NY	10024	1 FRANCIS ST
4223	44		ACK HANG TEN LLC		41 NOBADEER FARM RD	NANTUCKET	MA	02554	21 MEADER ST
5514	1		ALLERHAND ELIZABETH COFFIN		47 UNION ST	NANTUCKET	MA	02554	47 UNION ST
5514	2		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	50 UNION ST
5514	3		FP 52 UNION LLC		PO BOX 659	NANTUCKET	MA	02554	52 UNION ST
5514	4		BERLYN LAWRENCE TRST ETAL	DKE REALTY TRUST	80 BLOOMFIELD ST	LEXINGTON	MA	02421	2 FRANCIS ST
5514	5		LIEPA LLC		91 WASHINGTON ST	NANTUCKET	MA	02554	91 WASHINGTON ST
5514	6		GREAT HARBOR YACHT CLUB INC		96 WASHINGTON STREET	NANTUCKET	MA	02554	97 WASHINGTON ST
5514	6	1	GREAT HARBOR YACHT CLUB		96 WASHINGTON STREET	NANTUCKET	MA	02554	97 R WASHINGTON ST
5514	7	1	DREXLER BLAKE S		25 OLD STAMFORD RD	NEW CANAAN	CT	06840	95 WASHINGTON ST
5514	8		GREAT HARBOR YACHT CLUB INC		96 WASHINGTON STREET	NANTUCKET	MA	02554	96 WASHINGTON ST
5514	24		LAWLER BRUCE D & LISA C		80 ORANGE ST	NANTUCKET	MA	02554	80 ORANGE ST
5514	25		THAYER ANN MARIE & FREDERICK W TRST	ANN & FREDERICK THAYER 2014 TRUST	12103 CAMINITO CORRIENTE	SAN DIEGO	CA	92128	76 ORANGE ST
5514	26		ATSIKNOUDAS ANGELO		295 CHANNING RD	BELMONT	MA	02478	7 YORK ST

5514	27		HENLEY REACH LLC		50 OLIVER ST STE W2	NORTH EASTON	MA	02356	8 E DOVER ST
5514	29		ALLERHAND ELIZABETH C ETAL		3 OLD SAWMILL ROAD	MENDON	MA	01756	4 WEYMOUTH ST
5514	30		DICKIE INVESTMEMTS LP		351 DORADO BEACH EAST	DORADO	PR	00646	1 WEYMOUTH ST
5514	32		VARIAN MIRIAM T		54 UNION ST	NANTUCKET	MA	02554	54 UNION ST
5514	35	3	GREAT HARBOR YACHT CLUB INC		96 WASHINGTON STREET	NANTUCKET	MA	02554	9B SALT MARSH WY
5514	36		GREAT HARBOR YACHT CLUB INC		96 WASHINGTON STREET	NANTUCKET	MA	02554	11 SALT MARSH WY
5514	37		SAYLE KATHLEEN TR	SAYLE 103 WASHINGTON TRUST	PO BOX 1062	NANTUCKET	MA	02554	103 WASHINGTON ST
5514	54		SEVEN INDEPENDENT WAY LLC		7 INDEPENDENT WAY	NANTUCKET	MA	02554	7 INDEPENDENT WY
5514	55		MACDONALD PENELOPE A & HEIDI E TRST		176 PINE ST	NATICK	MA	01760-1323	5 INDEPENDENT WY
5514	56		FLYNN BRIAN J & CHRISTINE G		6 YORK ST	NANTUCKET	MA	02554	6 YORK ST
5514	57		FOLEY ERIN M		46 ROTON AVE	NORWALK	CT	06853	8 YORK ST
5514	59		MACIEROWSKI JENNIFER A ETAL		900 PALISADO AVE	WINDSOR	CT	06095	4 E DOVER ST
5514	60		EAST DOVER ST COOPERATIVE CORP	C/O BUCO PROPERTIES LLC	83 PEREGRINE ROAD	NEWTON	MA	02459	5 E DOVER ST
5514	60	1	EAST DOVER ST COOPERATIVE CORP	MUNDY SUSAN T TRST ETAL	106 CASCADES ST	ST SIMONS ISLAND	GA	31522	7 E DOVER ST
5514	61		CASWELL JEFFREY B TR		24 GRAF RD	NEWBURYPORT	MA	01950	51 UNION ST
5514	64		GREAT HARBOR YACHTY CLUB INC		96 WASHINGTON STREET	NANTUCKET	MA	2554	58 UNION
5514	66		STEFANSKI ANITA N TRST		64 UNION ST	NANTUCKET	MA	02554	64 UNION ST
5514	67		COLLETTE TIMOTHY D		16 TEASDALE CIRCLE	NANTUCKET	MA	02554	66 UNION ST
5514	68		FREEMAN RANDAL G & NAN M		40 PALMER AVE	WINTER PARK	FL	32789	68 UNION ST
5514	68	1	SALOTTO WILLIAM C &	JOHNSON JEFFREY I	68A UNION ST	NANTUCKET	MA	02554	68A UNION ST
5514	69		GREAT HARBOR YACHT CLUB		96 WASHINGTON STREET	NANTUCKET	MA	02554	70 UNION ST
5514	70		NEMECHEK PERRY & JOHN		135 GREGORY HILL ROAD	ROCHESTER	NY	14620	74 UNION ST
5514	72		S/P NORWELL LLC	C/O NEW ENGLAND DEVELOP ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	4 MARINER WY
5514	73		HARTIG JOHN J & KEOHANE AMY F		46 MEADOW RD	RIVERSIDE	CT	06878	76 UNION ST
5114	74		VON SOOSTEN LINDA & JOHN		315 ELM ST	W HEMPSTEAD	NY	11554	71 UNION ST
5514	81		DRISCOLL ROBERT & LAINA C		405 ORCHARD WAY	ST DAVIDS	PA	19087	89 WASHINGTON ST
5514	84		PARROTTO LINDA S		74 PASTURE LN #331	BRYN MAWR	PA	19010	3 INDEPENDENT WY
5514	85		BENNETT JAMES S & MARY G TRST	BENNETT REVOCABLE TRUST	229 PEACHTREE HILLS AV UNIT 5206	ATLANTA	GA	30305	4 YORK ST
5514	86		AUSTIN PENELOPE JANE		PO BOX 763	NANTUCKET	MA	02554	1 YORK ST

5514	87		FAUNCE DAVID W		4 BEACHAM PLACE	HINGHAM	MA	02043	2 E DOVER ST
5514	88		NOONAN MICHAEL F & MARGARET L		11 N BALCH STREET	HANOVER	NH	03755	53 UNION ST
5514	89		GEORGE GRAY LLC		470 W 24TH ST APT 14J	NEW YORK	NY	10011	55 UNION ST
5514	90		READE ARTHUR I JR TR		PO BOX 2669	NANTUCKET	MA	02554	57 UNION ST
5514	91		OLEARY JAMES		63 UNION ST	NANTUCKET	MA	02554	63 UNION ST
5514	92		RICH MICHAEL W & LAURIE M TRS	RICH FAMILY REALTY TRUST	65 UNION ST	NANTUCKET	MA	02554	65 UNION ST
5514	93		IMAGINE NOEL LLC	C/O JOAN JONES	ONE CITY PLACE APT 902	WHITE PLAINS	NY	10601	67 UNION ST
5514	94		COBBS JILL		1 MAHER CT	GREENWICH	CT	06830	72 UNION ST
5514	95		OCONNOR JOSEPH TR	JP OCONNOR REV LIVING TRUST	2733 PALENCIA ST	ST AUGUSTINE	FL	32084	69 UNION ST
5514	96		GARBO LLC		555 BRYANT ST #347	PALO ALTO	CA	94301	2 INDEPENDENT WY
5514	99		HIGGINS ROBERT S & JACQUELINE K		21 UPPER DRIVE NORTH	HUNTINGTON BAY	NY	11743	4 INDEPENDENT WY
5514	100		GARDNER LINDA C ETAL TR	KP ANDERSON FAMILY TRUST	90 BEECHWOOD STREET	COHASSET	MA	02025	1 INDEPENDENT WY
5514	101		MILLER LAWERENCE K LIFE EST ETAL		2 YORK ST	NANTUCKET	MA	02554	2 YORK ST
5514	102		MITCHELL DAPHNE FOWLKES	MARTHA LEWIS TRUST	54 YORK ST	NANTUCKET	MA	2554	5 YORK ST
5514	105		NANTUCKET COUNTY OF		16 BROAD ST	NANTUCKET	MA	02554	109 WASHINGTON ST
5514	109		MONELLE ACK LLC		89 WASHINGTON ST	NANTUCKET	MA	2554	89A #1 WASHINGTON ST
5514	110		SWEET WENDY		455 CENTRAL ST	ACTON	MA	1720	89B #1 WASHINGTON ST
5514	111		SKLAREW PAUL R TR	SKLAREW PAUL R TRUST	1850 BASSETT ST #102	DENVOR	CO	80202	89C #2 WASHINGTON ST
5514	112		KREISER MELISSA		PO BOX 212	NANTUCKET	MA	2554	89D #3WASHINGTON ST
5541	22		OLCHOWSKI GREGORY M TRUSTEE	SIX WEYMOUTH NOM TRUST	96 EAST COLRAIN ROAD	COLRAIN	MA	01340	6 WEYMOUTH ST
5541	23		LEVENTON MICHAEL & LARISA		16 ANDREWS FARM RD	GREENWICH	CT	06831	9 E DOVER ST
5541	24		BARNES JAIME P ETAL		40 MOUNTAIN AVE	MAPLEWOOD	NJ	07040	10 E DOVER ST
5541	25		MACOUL CANDICE		18 MIDDLESEX ST	WINCHESTER	MA	01890	72 ORANGE ST
5541	26		BERNARD ALFRED E TR		74 ORANGE ST	NANTUCKET	MA	02554	74 ORANGE ST
Count:	80								

LICENSE #: 00183-CL-0762

LICENSE FEE: \$1,000.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL CLUB LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Great Harbor Yacht
Club, Inc.

DBA: Great Harbor Yacht Club

PREMISES: 96 Washington Street
Nantucket, MA 02554

MANAGER: Stephen Creese

ON PREMISES DESCRIBED AS:

Great Harbor Yacht Club's Sailing Center which
Includes Snack Bar, Meeting Room, Lawn Area in
Front of Sailing Center and Clubhouse including 2
Restaurants, Ball Room, First and Second Floor
Decks, 2 Lounges and Lawn Area in Front of
Clubhouse.

The hours during which alcoholic beverages may be sold: In accordance with
MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be
served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on
Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the
license premises and said **premises must be closed by 1:30AM**. Any restrictions apply
as are on file with the local licensing authority. In accordance with Article 40 ATM 2001,
Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town
of Nantucket.

This license is granted and accepted upon the
express condition that the licensee shall, in all
respects, conform to all the provisions of the
Liquor Control Act, Chapter 138 of the
Massachusetts General Laws, as amended and any
rules or regulations made thereunder by the
licensing authorities, including, but not limited to
Chapter 250 of the Town of Nantucket Rules and
Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have
hereunto affixed his official signature on this 16th day of
December 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

**Unless earlier suspended, cancelled, or revoked*

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL
EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY.
ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.

LICENSE FEE: **\$100.00**

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ENTERTAINMENT LICENSE

► **SEVEN DAYS** ◀

BUSINESS: Great Harbor Yacht Club, Inc.
DBA: Great Harbor Yacht Club
PREMISES: 96 Washington Street
Nantucket, MA 02554
MANAGER: Stephen Creese

LICENSED PREMISES DESCRIBED AS:

Great Harbor Yacht Club's Sailing Center which Includes Snack Bar, Meeting Room, Lawn Area in Front of Sailing Center and Clubhouse including 2 Restaurants, Ball Room, First and Second Floor Decks, 2 Lounges and Lawn Area in Front of Clubhouse.

Approved Entertainment:

- INSTRUMENTAL MUSIC
- VOCAL MUSIC
- DANCING
- TELEVISION (WIDE SCREEN)
- STREAMING MUSIC
- AMPLIFIERS

Conditions of License INDOORS:

- **HOURS (Mon. – Sat.): 11:00 am to 12:00 am**
- **HOURS (Sunday): 9:00 am to 12:00 am**
- Inside Clubhouse and Sailing Center

Conditions of License OUTDOORS:

- **HOURS (Sun. – Thurs.): 11:00 am to 9:00 pm**
- **HOURS (Fri. – Sat.): 11:00 am to 10:00 pm**
- Outdoor Area to include Lawn Area for Clubhouse and Sailing Center

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 18th day of December 2019.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2020

**Unless earlier suspended, cancelled, or revoked*

**This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.
A Current Certificate of Inspection with Approved Occupancy Must Always be Posted with this License.**

LICENSE #: 00120-RS-0762

LICENSE FEE: \$3,250.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Orbrieo, Inc.
DBA: Fifty-Six Union
PREMISES: 56 Union Street
Nantucket, MA 02554
MANAGER: Wendy Clinton-Jannelle

ON PREMISES DESCRIBED AS:

One story structure: front dining room; 50 seating capacity. Back dining room: 32 seating capacity. Side Patio: 38 seating capacity. Front Patio: 2 seating capacity. Two exits/entrances facing Union Street. Three exits/entrances facing East.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of December 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

**Unless earlier suspended, cancelled, or revoked*

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.

LICENSE FEE: **\$100.00**

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN

ENTERTAINMENT LICENSE

▶ **SEVEN DAYS** ◀

BUSINESS: Orbrieco, Inc.
DBA: Fifty-Six Union
PREMISES: 56 Union Street
Nantucket, MA 02554
MANAGER: Wendy Clinton-Jannelle

LICENSED PREMISES DESCRIBED AS:

One story structure: front dining room; 50 seating capacity. Back dining room: 32 seating capacity. Side Patio: 38 seating capacity. Front Patio: 2 seating capacity. Two exits/entrances facing Union Street. Three exits/entrances facing East.

Approved Entertainment:

- **AMPLIFIED DMX/COMPACT DISC PLAYER**
- **TV MONITOR (MUTE)**
(FRONT DINING ROOM)

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

Conditions of License:

- **HOURS: 5:00 pm to 1:00 am; 7 Days**
- All Entertainment must end by 1:00 am.
- Note: Town Bylaw Chapter 101, Section B
- Noise: Restrictions on noise levels between the hours of 10:00PM and 7:00AM (10:00PM and 7:30AM between

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of December 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

**Unless earlier suspended, cancelled, or revoked*

ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS AND
TOWN OF NANTUCKET APPLY.

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.



Agenda Item Summary

Agenda Item #	IX. 4.
Date	3/16/2022

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises Application – **Ridge, LLC, DBA Island Kitchen, 1 Chins Way, License #00171-RS-0762**

Executive Summary

Ridge LLC is applying for an Alteration of Premises for an **Annual Restaurant All Alcohol** Liquor License for **DBA Island Kitchen** at **1 Chin's Way**.

The Application requests permanent addition of the outdoor space utilized during COVID Outdoor Dining Program. In addition, the application proposes the elimination of retail space. There will be no overall increase in approved occupancy/seating capacity.

A Special Permit for Modification to an existing MCD was approved January 10, 2022 and outlined below and attached.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. An amended License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

Requirements for Alteration of Premises:

- Planning Board Special Permit
- ABCC Alteration of Premises Application
- Floor Plan for Licensed and Proposed Premises
- Supporting Financial Records
- Legal Right to Occupy
- Advertisement and Abutter Notification

Planning Board Application and Approval Summary:



- A Special Permit for modification to an existing MCD is required for this alteration. The application was approved following a January 10, 2022 Hearing and is attached.
- The Applicant (dba Island Kitchen at 1 Chin's Way) requests to construct an addition with 400 sq ft of finished space and 300 sq ft of storage space. 600 sq ft of previously approved retail space will be eliminated.
- The addition of COVID related outdoor dining space is requested to be added on a permanent basis
- Outdoor seating capacity is limited to a total of 29 seats. The overall seating capacity/occupancy will not change.

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

N/A

Board/Commission Recommendation

N/A

Public Outreach

Public hearing was advertised for two weeks in the newspaper.

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

N/A

Attachments

ABCC Alteration of Premises Application and Supporting Documents; Island Kitchen Liquor License; Planning Board Special Permit; Public Notice advertisement





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

00171-RS-0762

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☒ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | | ☐ Other <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee Ridge, LLC

DBA Island Kitchen

Street Address 1 Chin's Way

Zip Code 02554

Manager Patrick Ridge

Granted under
Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Annual

All Alcoholic Beverages

If Yes, Chapter
of the Acts of (year)

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

Category
(i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES Complete description of the licensed premises

First Floor of Commercial Building 1,937 sq. ft. Enclosed Patio connecting two buildings: 1,131 sq. ft. Second Floor Overflow Space 825 sq. ft. Outdoor patio with 29 seats.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:

Date

03/01/2022

Time

12:00 pm

Advertised

Yes ☒ No ☐

Date Published

3/3 & 10/22

Publication

Inquirer and Mirror

Abutters Notified:

Yes ☒ No ☐

Date of Notice

3/7/22

Date APPROVED by LLA

03/16/2022

Decision of the LLA

Approves this Application

Additional remarks or conditions
(E.g. Days and hours)

All outdoor patio service must conclude by 11:00 pm

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Ridge LLC DBA Island Kitchen	Nantucket	00171-RS-0762

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We are requesting to be able to use 29 seats that already permitted inside on our 2nd floor, outside in a new patio area for the summer months May-October. November through April the seats would be back inside on the second floor. We have used this seating configuration for the last two year due to the Covid 19 pandemic and found this seating plan makes the most senece for our business.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Rhoda Weinman	Attorney	weinman@nantucketislandlaw.com	(508) 228-9600

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

We are requesting to be able to use 29 seats that already permitted inside on our 2nd floor, outside in a new patio area for the summer months May-October. November through April the seats would be back inside on the second floor. We will also eliminate a 600 sqft retail space and use is for seating that it already permittied. These changes will not add seats nor will it increase occupancy.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

We will be serving in three dining rooms on two floors. Two of the three dining rooms have small bars. We have three outdoor patios and one outdoor bar area.

Total Sq. Footage	7,800	Seating Capacity	146	Occupancy Number	287
Number of Entrances	7	Number of Exits	7	Number of Floors	2

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Lease



Landlord Name

Bonita Bar LLC

Landlord Phone

(508) 333-5600

Landlord Email

patrick@nantucketislandkitchen.com

Landlord Address

PO Box 2135 Nantucket MA 02584

Lease Beginning Date

01/1/2021

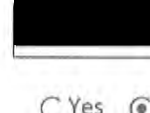
Rent per Month



Lease Ending Date

12/31/25

Rent per Year



Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

\$50,000 for hardscaping and tables.

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Ridge LLC	\$50,000
Total	\$50,000

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

APPLICANT'S STATEMENT

I, Patrick Ridge the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Ridge LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Patrick Ridge

Date:

3/8/2021

Title:

Manager

ENTITY VOTE

The Board of Directors or LLC Managers of

Bonita Bar LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

3/8/22

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

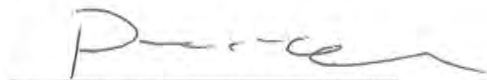
"VOTED: To authorize

Patrick Ridge

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,



Corporate Officer /LLC Manager Signature

Patrick Ridge

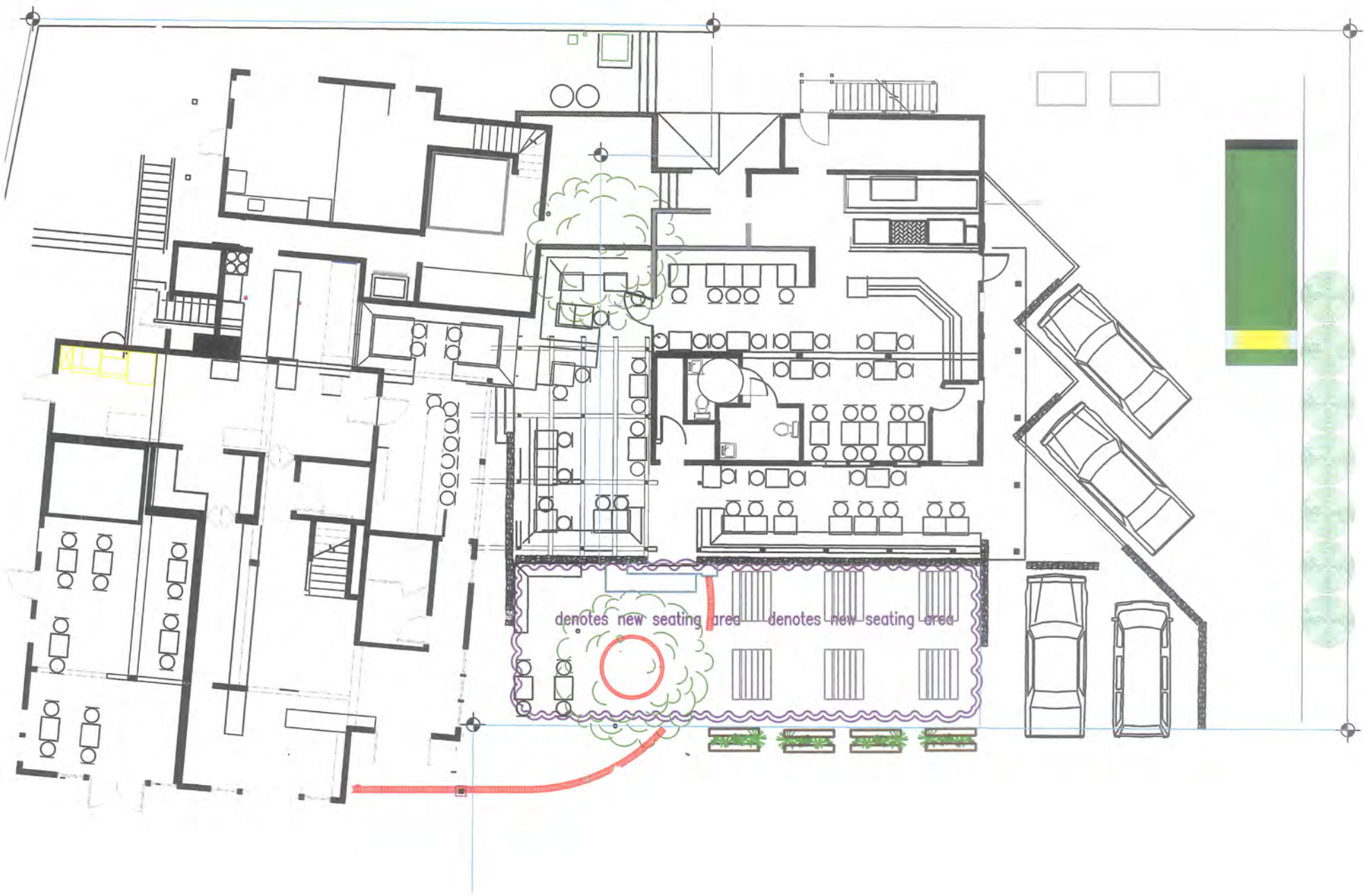
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)





2022 JAN 24 PM 12:31

Nantucket Planning Board

**APPROVAL OF A SPECIAL PERMIT FOR A
MODIFICATION TO AN EXISTING
MAJOR COMMERCIAL DEVELOPMENT "MCD"
Planning Board File #PLSP-20??-??-????**

Applicant/Owner:
Bonita Bar, LLC, a Massachusetts Limited Liability Company

1, 2, and 4 Chin's Way
Nantucket Tax Assessors Map 55, Parcels 161, 162 & 163
Commercial Mid-Island ("CMI") zoning district

Lot 2 upon Plan Book 19, Page 6
Lots 3A and 4A upon Plan File # 33-A
Book 1381, Page 267
Book 1562, Page 3
Nantucket Registry of Deeds

Previously Granted Special Permits Shown As:
Planning Board File #06-06
Planning Board File #70-16
Minor Modification #1, not recorded
Minor Modification #2, not recorded

January 10, 2022

Proposal and Description of Project

The Nantucket Planning Board held a public hearing on January 10, 2022, to consider the application of Bonita Bar, LLC (the "Applicant") to modify an existing Major Commercial Development ("MCD") Special Permit. The Applicant proposes to construct an addition, which will contain 400± square feet of finished space and 300± square feet of storage space, eliminate 600± square feet of previously approved retail space, and continue to allow the use of outdoor dining as was temporarily allowed as a result of the COVID-19 pandemic.

The outdoor seating capacity would be limited to a total of twenty-nine (29) seats, and the overall seating capacity/occupancy for the entire site will remain unchanged.

Basis of the Findings

A public hearing was held on January 10, 2022, at which time the Planning Board heard testimony from the Applicant. The Planning Board based their decision on the following documents:

- An Application for an Amendment to a Previously Granted Special Permit, filed with the Town Clerk on December 14, 2021;
- Plan entitled, "Conceptual Development Plan #1, #2 and #4 Chins Way in Nantucket, MA," prepared by Nantucket Surveyors, LLC for Bonita Bar, LLC, dated December 27, 2021 and attached hereto as "Exhibit A";
- Staff Report dated January 7, 2022;
- Representation and testimony received in connection with the public hearing held January 10, 2022 and,
- Other assorted documents and plans on file with the Planning Board.

The Planning Board closed the public hearing on January 10, 2022. Minutes from the January 10, 2022 Planning Board meeting are on file with Planning and Land Use Services.

Findings

At the January 10, 2022 public hearing, the Board found that the proposed MCD modification is in harmony with the purposes and intent of the Zoning Bylaw and meets the intent of the MCD Guidelines as amended through July 29, 2002 and adopted by the Planning Board.

Decision

Based on the foregoing proposal, findings, and the above referenced documents, the Nantucket Planning Board hereby APPROVES this application as proposed and GRANTS the above Special Permit Modification. The Planning Board's approval is conditioned upon compliance with the "Proposal and Description of Project" and "Findings" as set forth in this Decision, and as shown in the Site Plan referenced herein. The Board sets forth the following condition:

- 1) That all of conditions in the original decision and subsequent modifications shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

Record of Vote

The Planning Board, at its public hearing held **January 10, 2022** voted **5-0** to close the public hearing, to **APPROVE** this Major Commercial Development Special Permit Modification, to **GRANT** the requested relief by special permit, and to **ENDORSE** this Special Permit decision.


John Trudel, III APPROVED


David Iverson APPROVED


Nathaniel Lowell APPROVED

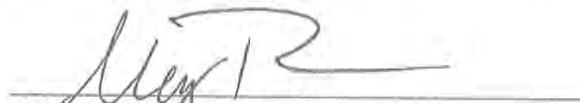

Fritz McClure APPROVED


Barry Rector APPROVED

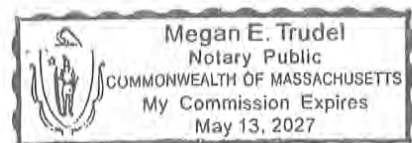
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On the 24th day of January, 2022, before me, the undersigned notary public, personally appeared David Iverson, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.


Notary Public: Megan Trudel

My Commission Expires: May 13, 2027



LICENSE #: 00171-RS-0762

LICENSE FEE: \$3,250.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES
TO BE CONSUMED ON THE PREMISES

BUSINESS: Ridge, LLC
DBA: Island Kitchen
PREMISES: 1 Chins Way
Nantucket, MA 02554
MANAGER: Patrick Ridge

ON PREMISES DESCRIBED AS:

First Floor of Commercial Building 1,937 sq. ft.
Enclosed Patio connecting two buildings: 1,131 sq. ft.
Second Floor Overflow Space 825 sq. ft. Retail space
600 sq. ft.

PATIO SERVICE ENDS AT 11:00 PM

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 1st day of December 2021.



Jason Bridges
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2022

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, March 16, 2022 at 5:30 PM to consider an Alteration of Premises License Application for Ridge, LLC dba Island Kitchen, located at 1 Chins Way, Nantucket, MA 02554, Patrick Ridge, Manager. The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email TownManager@nantucket-ma.gov.

March 7, 2022

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Lewis M. Leonard et al Trustees
Nantucket Trust
266 Beacon Street
Boston, MA 02116

RE: Ridge, LLC
d/b/a Island Kitchen
Alteration of Premises License Application
1 Chins Way
Nantucket, MA 02554

To Whom It May Concern:

Please be advised that I represent Ridge, LLC d/b/a Island Kitchen, Patrick J. Ridge, Manager. I enclose herewith a notice for a public hearing, which appeared in the March 3, 2022 edition of the Inquirer and Mirror.

Please contact my office if you have any questions, or need any additional information.

Sincerely,

Rhoda H. Weinman

RHW/ljm
Enclosure

March 7, 2022

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Thairatana Patama Trustee
Wisima Realty Trust
4 Canal Park #402
Cambridge, MA 02141

RE: Ridge, LLC
d/b/a Island Kitchen
Alteration of Premises License Application
1 Chins Way
Nantucket, MA 02554

To Whom It May Concern:

Please be advised that I represent Ridge, LLC d/b/a Island Kitchen, Patrick J. Ridge, Manager. I enclose herewith a notice for a public hearing, which appeared in the March 3, 2022 edition of the Inquirer and Mirror.

Please contact my office if you have any questions, or need any additional information.

Sincerely,

Rhoda H. Weinman

RHW/ljm
Enclosure

March 7, 2022

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Evantide LLC
11 W Creek Road
Nantucket, MA 02554

RE: Ridge, LLC
d/b/a Island Kitchen
Alteration of Premises License Application
1 Chins Way
Nantucket, MA 02554

To Whom It May Concern:

Please be advised that I represent Ridge, LLC d/b/a Island Kitchen, Patrick J. Ridge, Manager. I enclose herewith a notice for a public hearing, which appeared in the March 3, 2022 edition of the Inquirer and Mirror.

Please contact my office if you have any questions, or need any additional information.

Sincerely,

Rhoda H. Weinman

RHW/ljm
Enclosure



Agenda Item Summary

Agenda Item #	IX. 5.
Date	3/16/2022

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 2022 License.

Non-renewals for 2022:

1. 29 Fair Street: Property Sold. New License Application required. New owners have been contacted.
2. Boarding House/The Pearl: Property Sold. New License Application required. New owners have been contacted.
3. Beachside: Property Sold. New License Application required. New Owners have been contacted.
4. Nantucket Inn: Property Sold. New License Application required. No contact from new owners.

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

1. **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 – 2. 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:

- a. 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

Public hearing advertised for two weeks in newspaper.

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

N/A

Attachments

Seasonal Liquor License List for 2022 Renewals; Public Notice; ABCC Seasonal Certification Form for Signatures



SEASONAL RETAIL LIQUOR LICENSE RENEWAL APPLICATION GUIDELINES

Without exception, all seasonal alcoholic beverages **licensees** are required to renew their alcoholic beverages license by **March 31st** of each year.

All retail license renewal applications must be signed by an authorized corporate officer, individual, partner, or license manager and filed with the Local Licensing Authority by March 31st. Licensees who are in the process of transferring their licenses are required to file the renewal application until the transfer has occurred and they are no longer the licensee of record.

Licensees are responsible for correcting any differences between their files and the ABCC license file on the renewal application in red ink. A Licensing Authority Certification Form verifying these changes which have been ABCC approved must be attached to the license renewal application in order to change the official ABCC license file (zip codes and spelling errors do not require a Licensing Authority Certification).

All on-premises M.G.L. c. 138, §12 licensees must provide proof of the required liquor liability insurance to the Local Licensing Authorities.

All on-premises M.G.L. c. 138, §12 licensees must provide a copy of the required Fire Safety Inspection Certificate to the Local Licensing Authorities. Please do not forward a copy of the Fire Safety Certificate or the insurance certificate to the ABCC. You should keep these forms for your records.

Please complete this form and mail it to the ABCC along with the signed licensee certificates along with any corrections no later than May 16th, 2021. If possible, please refrain from sending stapled documents.

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

Any seasonal renewal application not signed and filed by March 31st will be treated as a New License.

If seasonal renewal application becomes a new license for failure to meet the March 31st signing deadline, it will be subject to all the procedures set forth under Chapter 138, §15A.

ANY QUESTIONS REGARDING THE ABOVE GUIDELINES SHOULD BE DIRECTED TO HURSHEL LANGHAM AT HLANGHAM@TRE.STATE.MA.US or SABRINA LUC AT SLUC@TRE.STATE.MA.US.

Ralph Sacramone, Executive Director

SEASONAL RENEWAL CERTIFICATION 2022

CITY/TOWN: NANTUCKET

A. SEASONAL LICENSEES WHO FAILED TO RENEW FOR 2022/23:

LICENSE #:	LICENSEE CORPORATE NAME AND ADDRESS:
00132-HT-0762	Offshore Beachside Ltd.
00080-HT-0762	The Finch Group Hotels and Resorts Inc.
00166-RS-0762	Boarding House Inc.
00017-HT-0762	1709 Associates LLC

B. SEASONAL LICENSEES DISAPPROVED BY THE CITY/TOWN FOR 2022/23:

LICENSE #:	LICENSEE CORPORATE NAME AND ADDRESS:

We hereby certify that the premises described in the 2022/23 seasonal renewal applications for the above mentioned municipality are now occupied, used or controlled by the licensee and will be on April 1, 2022. The 2021 Renewal Applications have been approved by the Local Licensing Authorities and forwarded to the ABCC.

The Local Licensing Authorities

2022 SEASONAL LIQUOR LICENSES
Seasonal Licenses Valid April 1 - January 15

A/S	DBA	PREMISES	LIQUOR	MANAGER
S	Nantucket Yacht Club	TOWN - PERIMETER 1 South Beach St	CLUB All Alcohol	PETER MCEACHERN
S	Sankaty Head Beach Club	SCONSET 18 Hoicks Hollow Rd	CLUB All Alcohol	LORI SNELL
S	Westmoor Club	TOWN - PERIMETER 10 Westmoor Lane	CLUB All Alcohol	JOHN COWDEN JR
S	Great Harbor Swim & Tennis	TOWN - PERIMETER 96 Washington St	CLUB Wine/Malt	STEPHEN CREESE
S	PPX Events	TOWN - CORE 7 S Water St	GENERAL ON PREMISE All Alcohol	LINDSAY DALEY
S	Siasconset Golf Course	SCONSET 260 Milestone Rd	GENERAL ON PREMISE Wine/Malt	INGRIDA RASCIUS

2022 SEASONAL LIQUOR LICENSES
Seasonal Licenses Valid April 1 - January 15

A/S	DBA	PREMISES	LIQUOR	MANAGER
S	Brant Pt Grill/White Elephant	TOWN - PERIMETER 50 Easton St.	INNHOLDER All Alcohol	BETTINA LANDT
S	Cliffside Beach Club	TOWN - PERIMETER 46 Jefferson Ave	INNHOLDER All Alcohol	DAVID SILVA
S	Hotel Pippa	TOWN - CORE 5 Chestnut, 33 Center St	INNHOLDER All Alcohol	ASTA KING
S	Ships Inn	TOWN - PERIMETER 13 Fair St	INNHOLDER All Alcohol	BOB MOULDER
S	Summer House	SCONSET 17 Ocean Ave/1 Magnolia	INNHOLDER All Alcohol	APPLICATION REQUIRED
S	Wauwinet	WAUWINET 120 Wauwinet Rd	INNHOLDER All Alcohol	ERIC LANDT
S	White Elephant Residences	TOWN - PERIMETER 19 S. Beach St	INNHOLDER All Alcohol	BETTINA LANDT

2022 SEASONAL LIQUOR LICENSES
Seasonal Licenses Valid April 1 - January 15

A/S	DBA	PREMISES	LIQUOR	MANAGER
S	BRIX III Inc.	MID-ISLAND 1 A Windy Way	PACKAGE All Alcohol	KLAUDIA MALLY
S	Epernay	TOWN - PERIMETER 14 Federal St	PACKAGE All Alcohol	JENNIFER BENZIE
S	Harpoon Liquors/Fresh	TOWN - CORE 3 Salem St	PACKAGE All Alcohol	APPLICATION IN PROCESS
S	Millie's Market	MADAKET 1 Miller's Way	PACKAGE All Alcohol	BRYAN McDONALD
S	Sconset Bookstore	SCONSET 100 Sankaty Ave.	PACKAGE All Alcohol	ROLF NELSON
S	167 Raw	CISCO 167 Hummock Pond Rd	PACKAGE Wine/ Malt	JESSE SANDOLE
S	Current Vintage	TOWN - CORE 4 Easy St	PACKAGE Wine/Malt	BETH ENGLISH
S	American Seasons	TOWN - PERIMETER 80 Centre St	RESTAURANT All Alcohol	NEIL FERGUSON

2022 SEASONAL LIQUOR LICENSES
Seasonal Licenses Valid April 1 - January 15

A/S	DBA	PREMISES	LIQUOR	MANAGER
S	B-ACK YARD BBQ	TOWN - CORE 20 Straight Wharf	RESTAURANT All Alcohol	DENISE CORSON
S	Chanticleer	SCONSET 9 New St	RESTAURANT All Alcohol	SUSAN HANDY
S	Club Car	TOWN - CORE 1 Main St	RESTAURANT All Alcohol	TANYA MCDONOUGH
S	CRU	TOWN - CORE 49 Straight Wharf	RESTAURANT All Alcohol	JANE STODDARD
S	Galley Beach	TOWN - PERIMETER 54 Jefferson Ave	RESTAURANT All Alcohol	DAVID SILVA
S	Le Languedoc Inn	TOWN - CORE 24 Broad St	RESTAURANT All Alcohol	NEIL GRENNAN
S	Lemon Press	TOWN - CORE 41 Main St	RESTAURANT All Alcohol	RACHEL AFSHARI

2022 SEASONAL LIQUOR LICENSES
Seasonal Licenses Valid April 1 - January 15

A/S	DBA	PREMISES	LIQUOR	MANAGER
S	Lobster Trap	TOWN - PERIMETER 23 Washington St	RESTAURANT All Alcohol	LARRY WHELDEN
S	Millie's	MADAKET 326 Madaket Rd	RESTAURANT All Alcohol	CHRIS COCHRAN
S	Oran Mor Bistro	TOWN - CORE 2 S. Beach St	RESTAURANT All Alcohol	EDWIN CLAFLIN
S	Proprietors	TOWN - CORE 9 India St	RESTAURANT All Alcohol	ORLA MURPHY LASCOLA
S	Rose and Crown	TOWN - CORE 23 S Water St	RESTAURANT All Alcohol	DEBBA PITCOCK
S	Sandbar at Jetties	TOWN - PERIMETER 4 Bathing Beach Rd	RESTAURANT All Alcohol	GEORGE KELLY
S	Slip 14	TOWN - CORE 14 Old South Wharf	RESTAURANT All Alcohol	JONAS BAKER
S	Straight Wharf Restaurant	TOWN - CORE 6 Harbor Square	RESTAURANT All Alcohol	GABRIEL FRASCA

2022 SEASONAL LIQUOR LICENSES
Seasonal Licenses Valid April 1 - January 15

A/S	DBA	PREMISES	LIQUOR	MANAGER
S	Summer House Beachside Bistro	SCONSET 16 Ocean Ave	RESTAURANT All Alcohol	APPLICATION REQUIRED
S	Tavern	TOWN - CORE 28 Harbor Square	RESTAURANT All Alcohol	LUKE TEDESCHI
S	Ventuno Restaurant	TOWN - CORE 21 Federal St	RESTAURANT All Alcohol	TAYLOR OLIVER
S	Afterhouse Wine and Raw Bar	TOWN - CORE 18 Broad St	RESTAURANT Wine/Malt	KEVIN ANDERSON
S	Bar Yoshi	TOWN - CORE Old South Wharf	RESTAURANT Wine/Malt	TERRY NOYES
S	Company of the Cauldron	TOWN - CORE 5 India St	RESTAURANT Wine/Malt	JOSEPH KELLER
S	Lola Burger	MID-ISLAND 1 Sparks Ave	RESTAURANT Wine/Malt	HEATHER WEYANDT

PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, March 16, 2022 at 5:30 PM to consider renewal of Seasonal Liquor Licenses. The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email TownManager@nantucket-ma.gov.

OUTDOOR DINING UPDATE

Outdoor Dining / Street and Sidewalk Closures

Report to the Select Board, March 16, 2022





OUTDOOR DINING STATUS

- ✳ Emergency, Orders No. 35 and 50 issued by Governor Baker allowed for The Select Board (acting as the Local Licensing Authority), to approve requests for expansion of outdoor table service with no further State/ABCC review required.
- ✳ In addition, several State of Emergency orders allowed for exceptions to several regulations and bylaws (i.e. tents, parking requirements, HDC review, etc.)
- ✳ Select Board approval of Outdoor Dining Spaces expired December 31, 2021
- ✳ Mass State Legislature considering extension of local approvals (Bill S.2594)

SENATE No. 2594

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2594) (subject to Joint Rule 12) of Bruce E. Tarr for legislation relative to local opt-in for permanent outdoor dining. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to local opt-in for permanent outdoor dining.

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

1 Notwithstanding chapter 40A of the general laws or any special permit, variance or any
2 other general or special law to the contrary, a city or town may approve requests for expansion of
3 outdoor table service or extensions of earlier granted approvals, including a local licensing
4 authority ("LLA") approving a request for a change description of licensed premises for the
5 purpose of permitting outdoor alcohol and or service. For the purposes of this section "outdoor
6 table service" shall mean restaurant service that includes food prepared on-site and under food
7 permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to seated
8 diners outside the restaurant building envelop, whether on a sidewalk, patio, deck, lawn, parking
9 area, or other outdoor space.



MOVING FORWARD

✳ PRIVATE SPACES:

- ✳ All S.O.E. exceptions to Special Permits, tents, parking requirements, etc. no longer valid.
- ✳ Must apply to Planning Board for modification of permits if required.
- ✳ Select Board approval required to alter premises for liquor service regardless of State Review requirement.

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MOVING FORWARD

✳ PUBLIC SPACES/SIDEWALKS:

- ✳ Recommended to allow for Sidewalk seating applications.
- ✳ Must meet all ADA, HDC, ABCC and applicable standards.
- ✳ Select Board approval required to alter premises for liquor service regardless of State Review requirement.
- ✳ Establish Sidewalk Permit fee and use of space agreement.

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MOVING FORWARD

✳ PUBLIC SPACES/STREETS:

- ✳ Recommended to discontinue street closure/parking space program.
- ✳ All restaurants are allowed full capacity with no COVID restrictions in place.
- ✳ Program is no longer needed and became disruptive to nearby businesses and traffic flow.
- ✳ Staffing struggles make the service of the large spaces in addition to full capacity restaurants difficult.
- ✳ More long term planning to create pedestrian plazas and multi-use spaces highly recommended.



Agenda Item Summary

Agenda Item #	X. 2.
Date	March 16, 2022

Staff

Assistant Town Manager for Projects, Public Health Director, Special Projects Manager, Nantucket Water Manager

Subject

Proposed Expansion of Public Water West of Nantucket Memorial Airport

Executive Summary

Beginning in early 2021, the Town's PFAS Team began discussing the feasibility to expand public water service to 75 homes (up to 150 homes if subdivided) west of the Nantucket Memorial Airport in addition to the water main being installed along Monohansett Road by the Airport in response to the PFAS contamination and remediation required by MassDEP's (DEP) Massachusetts Contingency Plan (MCP).

Because of known Aqueous Film Forming Foam (AFFF) release within the Airport site and identified groundwater contamination identified on- and off-site, and the concern over potential plumes of PFAS that can expand the contamination, as well as the fortuitous circumstance of a water main extension along the Airport perimeter, the Town's PFAS Team proposed investigating the expansion of water service farther west of the Airport's project in an abundance of caution, pending Town approval, funding availability, and sufficient capacity and permitting by the Nantucket Water Company.

In August 2021 the Town applied for a DEP State Revolving Fund (SRF) loan of \$7.8M which requires Town funding be in place to cover this reimbursable loan by June 30, 2022. The Town's application made it to the DEP's SRF Intended Use Plan and is moving to the next phase. For this reason, Staff is bringing this matter back before the Select Board. Because this request did not go through the Town's prescribed approval process to be included in the Capital Improvement Plan (CIP), the options are as follows:

1. Put this \$7.8M request into Article 10 contingent upon a debt exclusion with a Special Election same day as the May 10, 2022 Annual Town Election (ATE) which requires 2 separate ballots and a separate voter registration process.
2. Put this \$7.8M request into Article 10 contingent upon a debt exclusion and revise the current approved Election Warrant for the May 10 ATE to add an additional ballot question.
3. Pull the SRF application and hold off this project until FY23 or later.



Agenda Item Summary

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Date	March 16, 2022

Staff Recommendation

Select Board approve Staff to continue to explore the feasibility of expanding water west of the Nantucket Memorial Airport. This includes:

- approval to seek authorization for \$7.8M debt exclusion at the 2022 Annual Town Meeting via an additional project in the motion to Article 10;
- revise the 2022 Annual Town Election Warrant to add the additional ballot question;
- approval to continue with the DEP SRF Grant Application process; and
- approval to continue to analyze capacity and permitting by the Nantucket Water Company.

Background/Discussion

On July 22, 2020 the Town engaged in a contract with CDM Smith, Inc. (CDMS) to perform an initial island-wide assessment of potential sources contributing to Per-and polyfluoroalkyl substances (PFAS) contamination at municipal properties across the island. The Town's current assessment is not under a DEP directive and was undertaken proactively to learn more about potential PFAS issues in the community.

The work by the Town and CDMS is independent of, and fundamentally different than, the much larger and rigorous project at the Nantucket Memorial Airport. The Airport's project is being conducted under a Notice of Response Action (NORA) from the DEP issued on December 6, 2019.

Building upon the results of the Airport project and their testing data, testing data from residents as well as supplemental data from the voluntary [DEP/UMASS Private Well Testing Program](#), the Town's PFAS Team recognized that the extent of contamination in the area seems to be not clearly defined.

Knowing the certainty of the Airport's water main extension project as part of the MCP, there was an opportunity for the Town Administration and Water Company to consider further extending the new water main being installed along Monohansett Road to an additional 75 home in the neighborhoods west of the airport, which could expand to 150 homes if every parcel subdivided.

While there is not a comprehensive set of testing data for private wells farther west of the airport, there are unexplained concentrations of PFAS in drinking water from some wells, and some exceedances, that seem to suggest the area of contamination is not fully understood. The Town's PFAS Team recommended this action out of an abundance of caution and to capitalize on the planning and design work being done by the Airport's project in the area.

This recommendation is not intended to create any implied act, precedent or policy regarding the Town's approach to PFAS contamination and private drinking water wells, but rather to



Agenda Item Summary

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use the extraordinary opportunity to tap into a new water main extension in an area where PFAS has been discovered in some private wells.

This expansion of public water service is not a Nantucket Water Company initiative nor part of the Town's capital plan. The Town's PFAS Team brought this idea to the Select Board at its [July 7, 2021 Select Board meeting](#) as a potential PFAS-related project. Receiving positive support from the Select Board for the PFAS-related projects, the PFAS Team subsequently obtained approval at the [August 4, 2021 Select Board meeting](#) to contract with CDMS to develop an application package to apply for a \$7.8M MassDEP SRF Loan. This project assistance cost \$14,000 and was paid from the Town funds allocated for PFAS efforts.

At the time of investigating the availability of the SRF Loan Application, the PFAS Team and Nantucket Water Company began discussing the water company's source capacity, distribution capacity and permitting restrictions to add this area to its distribution system. The PFAS Team brought this matter to the [Select Board at its November 3, 2021 meeting](#) and received approval to engage CDMS to complete an updated water distribution model and planning study to expand the water system. This study has a not-to-exceed amount of \$147,700 and is paid from Town funds allocated for PFAS efforts and is still in progress.

On February 16, 2022 CDM Smith informed the Town that its \$7.8M SRF Grant Application made it to the [MassDEP SRF Draft 2022 Intended Use Plan \(IUP\)](#). This means that the Town's SRF Grant request has progressed successfully to the next step and will have a public hearing on Tuesday, March 22, 2022. Public comment period closes on that date. Following this hearing, MassDEP will finalize the IUP and in order for the project to proceed, local funds must be in place by June 30, 2022.

This is an extraordinary request since the project has not followed the established and required process for capital requests, such as the Capital Program Committee and Finance Committee. Because the distribution model analysis is nearing completion and the SRF Grant Application process was successful and is moving on to the next step the Town Manager asked the PFAS Team to bring this update to the Select Board to determine if this project using the SRF Grant is recommended and approved to continue, or if it should be halted at this time.

Provided that the SRF Grant Application passes the public comment period and, the Nantucket Water Company review indicates no additional wells or permitting are necessary, then the Town would be required to meet the following milestones:

- Have funds appropriated by June 30, 2022,
- Have the design completed and finalized for the SRF Application by October 15, 2022,
- Award a construction contract by January 30, 2023.



Agenda Item Summary

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Date	March 16, 2022

Impact: Environmental	☒	Fiscal	☒	Community	☒	Other	☐
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Board/Commission Recommendation

N/A

Public Outreach

[7/7/21](#) Select Board Meeting (PFAS Phase 2A and Project Update);
[8/4/21](#) Select Board Contract Approval (CDM Smith for MassDEP SRF/PEF Application Assistance for Water Expansion West of Airport);
[9/22/21](#) Select Board Meeting (PFAS Project Update);
[11/3/21](#) Select Board Contract Approval (CDM Smith for Water Distribution Modeling and Planning for Expansion West of Airport)

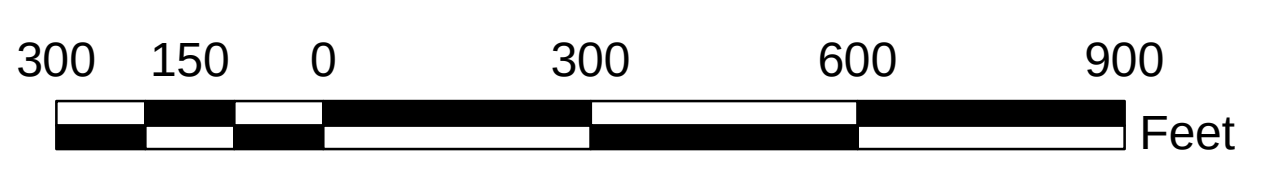
Attachments

- “PFAS Water Mains” map showing locations of existing and planned water mains/service;



Blue = Existing Mains
Red = Mains being installed by the Airport
Green = Proposed Mains (12" Pipe)

Approximately 75 homes would be connected;
double if all subdivided (150 homes).



Water Main Project West of Airport



COUNTY OF DUKES COUNTY

MARTHA'S VINEYARD & ELIZABETH ISLANDS

March 8, 2022

Dear Senator Crighton and Representative Strauss,

This letter is regarding H4527 relative to the Steamship Authority Audit Report.

With all due respect to Senator Cyr and Representative Fernandez, there was no open meeting or consultation with our community prior to this bill being filed. As the appointing authority of the MV Steamship Governor and as the representative body of the voters of Martha's Vineyard, I am concerned at the filing of this bill without any prior public discussion with either our Commission or with the residents of the island and the Select Boards of our Port Communities.

The Commonwealth does not pay anything for the Steamship Authority. It is self-supporting. The organizational structure and hiring are a matter for the Board which is appointed by the user communities, not the Commonwealth Legislature.

I have requested that Senator Cyr and Representative Fernandez attend our next regular County Commission meeting on March 16th. to publicly address this matter. I wish them to discuss this with us and our community in the best interests of all concerned. I appreciated your concern for Dukes County and would have anticipated our public input prior to a bill being filed.

Thank you for your thoughtful consideration.

Sincerely,

Christine Todd

Chair – Dukes County Commission

774-563-9197

HOUSE No. 4527**The Commonwealth of Massachusetts**

PRESENTED BY:

*Dylan A. Fernandes and Julian Cyr**To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the Steamship Authority audit report.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/8/2022</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/24/2022</i>

HOUSE No. 4527

By Representative Fernandes of Falmouth and Senator Cyr, a joint petition (subject to Joint Rule 12) of Dylan A. Fernandes and Julian Cyr relative to the Steamship Authority audit reports. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to the Steamship Authority audit report.

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 of chapter 701 of the acts of 1960, as most recently amended by sections 3 and 4 of chapter 429 of the acts of 2002, is hereby further amended in the second paragraph:

by striking the word "his" and inserting in place thereof the word "the";

and by adding the following sentence at the end thereof:-

No member shall serve more than three full terms; provided, that a member appointed to fill a vacancy may serve three full terms after serving the unexpired portion of the former member.

SECTION 2. Section 4 of said chapter 701, as most recently amended by sections 3 and 4 of chapter 429 of the acts of 2002, is hereby further amended by adding after subsection (j) the following subsection:-

(k) To employ a chief operating officer, who shall be responsible for improving the management and performance of the Authority, and who shall report directly to the general manager and shall be subject to the authority of the general manager. The chief operating officer shall:

(i) provide overall organization management to improve agency performance and achieve the mission and goals of the Authority through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

(ii) advise and assist the general manager in carrying out the requirements of chapter 701;

(iii) oversee efforts to improve management functions within the Authority; and

(iv) coordinate and collaborate with relevant personnel within and external to the Authority

SECTION 3. Notwithstanding section 3 of chapter 701 of the acts of 1960, as amended herein, members serving on the Steamship Authority Board who have served three full terms as of the effective date of this act may complete the remainder of their term and may serve an additional term immediately after their current term expires.

Terms of Draft Memorandum of Understanding as of 3/2/22

Baxter Road Long Term Planning Project

The enclosed Final Draft of the Memorandum of Understanding (the “MOU”) between the Town, by its Select Board and the Siasconset Beach Preservation Fund, Inc. (“SBPF”) as of March 2, 2022, is created by the parties to address issues with the existing Baxter Road Stabilization Project (the “Existing Project”) and to outline the terms for the Board and SBPF to work together for a phased expansion of the Existing Project and a Relocation Plan for Baxter Road.

Existing Project

As provided in Sections 1-3 of the MOU, in order to resolve the permit compliance issues for the Existing Project, the Board and SBPF shall:

1. Bring the Existing Project into compliance with the sand requirements of the Order of Conditions to resolve the enforcement order issued by the Order of Conditions and in accordance with Geotube Compliance Proposal;
2. Present the Conservation Commission with a proposed Operations and Maintenance Manual which provides for:
 - (a) The procedures for operation and maintenance of the Existing Project in accordance with the Order of Conditions for the Existing Project;
 - (b) An improved means of communication between the Board, SBPF and the Conservation Commission;
 - (c) Regular monitoring of the obligations or duties of SBPF; and
 - (d) Ability to amend and update the Operations and Maintenance Manual as needed in the event of the Conservation Commission’s grant of a permit for the phased expansion of the Existing Project.
3. Upon resolution of enforcement issues and compliance with the permits for the Existing Project, the Board and SBPF shall proceed as co-applicants to file a notice of intent for the Phased Expansion of the Existing Project with a goal of the issuance of an Order of Conditions for the expanded project no later than Summer, 2022 provided:
 - (a) SBPF undertakes with the Board’s support and cooperation, the planning and permitting for an offshore sand source and slurry delivery system (“Sand Bank”) to provide source for affordable and suitable quality sand for future phases of the Existing Project and for other Nantucket projects;
 - (b) The Town providing suitable locations for storage of sand for the Sand Bank.
 - (c) SBPF identifies, subject to Board approval, on and off island sand sources (which may include sand from a future Sand Bank storage location) for operation and maintenance of the Existing Project and any initial phased expansion which will comply with the Operations and Maintenance Manual and all applicable local, state and federal permits.

Relocation Plan for Baxter Road

As set forth in Sections 4 and 5 of the MOU, SBPF and the Board will work together to agree on a relocation plan for Baxter Road as follows:

1. Public walking areas- In order to address the possibility of creating public walking areas along Baxter Road and the Bluff Walk to the Sankaty Lighthouse provided safety allows, the Town and SBPF shall work with other Town boards and the Land Bank to determine the feasibility to acquire, restrict and manage vacant land on the ocean side of Baxter Road.
2. Relocation Plan for Baxter Road-
 - (a) SBPF shall cooperate with the Board for the planned relocation of Baxter Road, as recommended by the Town's engineering consultants and legal counsel.
 - (b) Upon agreement of the relocation plan, which includes agreement on layout and location, and the trigger points and timeline for implementation of the road relocation (the "Relocation Plan"), SBPF shall use its best efforts to deliver to the Town (i) hold harmless agreements approved by Town Counsel from the property owners abutting the roadway relocation and those property owners benefited by the Existing Project and any phased expansion; and (ii) "springing easements" approved by Town Counsel which will enable the Town to relocate the roadway in accordance with Relocation Plan, without the need for eminent domain takings which run with the land and will be binding upon all successors and assigns and successors in control of affected properties (together the "Relocation Documents").
 - (c) Relocation Documents delivered to the Town by SBPF shall be fully executed and held in escrow and the easements shall not be recorded, unless and until the Conservation Commission approves a phased expansion of the Existing Project under conditions agreed to by SBPF and the Town.
 - (d) Upon such approval by the Conservation Commission, the Relocation Documents shall be released from escrow and SBPF shall record the easements with the Nantucket Registry of Deeds, prior to the commencement of any site disturbance or construction for any phased expansion of the Existing Project.
 - (e) If SBPF is unable to deliver all of the Relocation Documents, the Board shall make its best efforts to obtain the remaining Relocation Documents and if the Board is unable to do so, it has the right to terminate this MOU on fourteen (14) days' notice.
 - (f) In the event SBPF and the Board are unable to reach an agreement on the Relocation Plan, then the parties have the right to declare the MOU null and void on fourteen (14) days' notice.

Cost Sharing of the Relocation Plan

Section 6 of the MOU provides that SBPF, with the assistance of the Town as required, shall prepare documents to create an arrangement such as a Coastal Resiliency District (the "District") or comparable arrangement designed for the proportionate sharing of costs for the ongoing and

future operations of the Existing Project and proposed phased expansion as well as the relocation of the roadway in accordance with the Relocation Plan to be shared by private, non-profit and governmental entities, which receive benefit from the Existing Project or any phased expansion of the Existing Project as well as from the maintenance and relocation of the existing roadway in accordance with the Relocation Plan.

The District will be created by acceptable recorded documents, provided or approved by Town Counsel to be recorded on the title of the property owners in the defined District in the Registry of Deeds, prior to any site disturbance or commencement of construction activities in the event of the Conservation Commission's approval of a phased expansion of the Existing Project.

Performance Bond and Escrow

As set forth in Section 7 of the MOU, in order to pay for the removal and/or to cover the costs for maintenance of the Existing Project or any phased expansion in the event that SBPF dissolves or refuses to continue to maintain the structure in accordance with the permit requirements or the removal of the structure by a court order and a final judgment entered thereon, SBPF shall obtain and deliver to the Board (1) a Performance Bond in an agreed upon amount to provide funding to continue maintenance of the Existing Project and any phased expansion of the Existing Project and or to remove the same, and (2) shall increase the amount of the escrow being held by the Town deemed sufficient by both the Town and SBPF to pay for the removal of the Existing Project and the expansion elements to be constructed. A copy of the Performance Bond and the increased escrow shall be delivered to the Board prior to commencement of any site disturbance or commencement of construction activities in the event the Conservation Commission approves of any phased expansion of the Existing Project.

Final Draft As of 03/02/22
Memorandum of Understanding
Baxter Road Long-Term Planning Project
Between

Town of Nantucket, by its Select Board and the Siasconset Beach Preservation Fund Inc.

This Memorandum of Understanding (“MOU”) is entered into this, 2022, by and between the Select Board (“Board”) of the Town of Nantucket (“Town”) and the Siasconset Beach Preservation Fund Inc. (“SBPF”), a Massachusetts 501(c)(3) corporation.

WHEREAS, the Board is undertaking efforts to address the Town’s coastal protection and resiliency, and SBPF has been working in cooperation with the Board to address issues specific to the area in and around the Siasconset Bluff in the Village of Siasconset;

WHEREAS, the Village of Siasconset contains important municipal, historic, community, recreational and environmental resources, including the Flagg Beach, the Bluff Walk, and Baxter Road, which provides utilities and access to a neighborhood of historic homes and to the Sankaty Head Lighthouse;

WHEREAS, this area is subject to significant impacts of coastal erosion, sea level rise, and similar events;

WHEREAS, there is an existing Baxter Road Stabilization Project duly permitted as a pilot project (“Existing Project”), pursuant to a prior Memorandum of Understanding between the Board and SBPF dated July 5, 2013 (attached hereto as Attachment No. 1), as well as an Amendment of the First Memorandum of Understanding dated October 9, 2013 (attached hereto as Attachment No. 2), and an existing License Agreement between the Town, SBPF, and other involved Baxter Road property owners (Attachment No. 3), consisting of the installation and maintenance of sand-filled “geotubes” at the toe of the Siasconset Bluff from 87-105 Baxter Road which has been in place for 8 years and has demonstrated significant successes, including protection of the roadway and public infrastructure along Baxter Road, protection of access to existing homes on the north end of Baxter Road, as well as protection of continued public access to the Sankaty Head Lighthouse, and public access for passive recreation and sightseeing;

WHEREAS, the Board and SBPF both value the substantial benefits of the public-private partnership between them initiated in 2013, including SBPF’s cooperation and assistance reaching agreement with involved property owners for alternative access to the north end of Baxter Road in the event of an imminent threat to the roadway, and plans for a “shovel-ready” roadway relocation project in the event of such threat, as well as One Big Beach Easements from property owners benefited by the Existing Project, all as set forth and agreed to in the Memorandum of Understanding for Alternative Access to North End of Baxter Road attached hereto as Attachment No. 4;

WHEREAS, the Board and SBPF desire to resolve permit compliance issues which have led to an enforcement order issued by the Nantucket Conservation Commission (“Commission”) to remove the project and strengthen the means by which the Board and SBPF can better

communicate with the Commission in order to ensure compliance with the terms and conditions of the permit for the Existing Project in a timely manner;

WHEREAS, should the Board be satisfied that the existing permit conditions are met and compliance is underway and established for the future pursuant to an approved Operations and Maintenance Manual, as referenced and described in paragraph 2 below, and on the further condition the Board is satisfied there is significant community benefit to maintaining the existing Baxter Road until relocation is designed and applicable triggers are met, the Board and SBPF desire also to seek permitting, as co-applicants, for a phased expansion of the Existing Project to areas where erosion is undermining the toe of the natural bluff and threatening failure of the existing public way, public infrastructure and pre-1978 residences, in order to create an economically and environmentally sustainable system based on the lessons learned from the Existing Project, and so that the Board, on behalf of the Town, and SBPF may best serve their respective interests in a mutually beneficial public-private partnership, with private funding;

To accomplish the foregoing, the Board and SBPF hereby agree as follows:

1. The Board and SBPF shall work together to bring the Existing Project into compliance with the compensatory sand requirements of the Order of Conditions for the project in order to resolve the enforcement order issued by the Commission on September 2, 2021, in accordance with the Geotube Compliance Proposal attached hereto as Attachment No. 5, as may be revised in accordance with feedback from the Commission at future workshops and/or public meetings or hearings on the proposal.
2. The Board and SBPF shall also present the Commission with a proposed Operations and Maintenance Manual ("O&M Manual"), attached hereto as Attachment No. 6, which sets forth required procedures for operation and maintenance of the Existing Project in accordance with the terms and conditions of the Order of Conditions governing the Existing Project, and provides for better means of communication between the Board, SBPF and the Commission, and which can be amended and adjusted in the event the Commission later grants a permit for the phased expansion of the Existing Project.
3. Once the enforcement issues are resolved and compliance with the existing permit conditions achieved, the Board and SBPF shall proceed, as co-applicants, with a notice of intent for the phased expansion of the Existing Project (with the objective of obtaining an order of conditions for the expanded project no later than Summer 2022), predicated upon SBPF undertaking, with the Board's support and cooperation, the planning and permitting for an offshore sand source and slurry delivery system ("Sand Bank") which shall serve as a source of affordable and suitable quality sand for future permitted phases of the proposed expansion of the Existing Project, as well as potentially for other projects on Nantucket, with the Town providing suitable location(s) for storage of sand for the Sand Bank. It is anticipated that the Sand Bank will take a number of years for requisite permitting and implementation. In the meantime, SBPF shall identify for the Board's approval suitable on and/or off island sand sources (which may include sand from a future Sand Bank storage location) for operation and maintenance of the Existing Project

and any initially phased expansion in full compliance with the O&M Manual and any and all applicable local, state or federal permit conditions.

4. The Board and SBPF shall coordinate with other Town boards and the Land Bank to determine the feasibility of the acquisition, restriction and management of vacant land on the ocean side of Baxter Road for the purpose of public walking access to the Sankaty Lighthouse along the Bluff Walk and in the roadways, in both instances when safety permits.
5. SBPF shall cooperate with the Board for the planned relocation of Baxter Road, in accordance with the recommendations of the Town's engineering and legal consultants. Once SBPF and the Board have agreed to the relocation plan, including agreement on layout and location, and trigger points and/or timeline for implementation (the "Relocation Plan"), SBPF shall use best efforts to provide the Town with hold harmless agreements, in form and substance provided or approved by Town Counsel, from property owners abutting the layout of the roadway relocation and/or property owners otherwise benefited by the Existing Project and any phased expansion, as well as "springing" easements, in form and substance provided or approved by Town Counsel, to enable the Town to relocate the roadway in accordance with the agreed Relocation Plan, without the need for eminent domain takings, which shall run with the land and be binding upon all successors in interest or successors in control of involved properties (the "Relocation Plan Documents"). Should the parties be unable to reach agreement on the Relocation Plan, the parties shall have the right to declare this MOU null and void on 14 days notice. Any Relocation Plan Documents SBPF obtains shall be fully executed but held in escrow and the easements shall not be recorded unless and until the Conservation Commission approves a phased expansion of the Existing Project under conditions which are agreed to by SBPF and the Town. Thereafter, those Relocation Plan Documents shall be released from escrow, and SBPF shall record the easements in the registry of deeds, with recording information delivered to the Board, prior to the commencement of any site disturbance or commencement of construction activities in the event the Commission approves any phased expansion of the Existing Project. Should SBPF be unable, despite best efforts, to deliver all of the Relocation Plan Documents to the Board's satisfaction, the Board shall make its best efforts to obtain the remaining Relocation Plan Documents and, if the Board is unable to do so despite its best efforts, the parties shall have the right to terminate this MOU on 14 days notice.
6. SBPF, with the assistance of the Town when required, shall prepare documents evidencing a sustainable system for the ongoing and future operations of the Existing Project and proposed phased expansion project, as well as relocation of the roadway in accordance with the agreed Relocation Plan, such as a Coastal Resiliency District or comparable arrangement (the "District"), designed for the proportionate sharing of costs for private, non-profit, governmental, or other entities, which receive benefit from the Existing Project or any phased expansion project, as well as from maintenance of the existing roadway and relocation of the roadway in accordance with the agreed Relocation Plan. The District shall be defined and established by a suitable recordable instrument or instruments, in form and substance provided or approved by Town Counsel, to be

recorded against the title to the property owners in the District, setting forth the rights and obligations of the Town and the property owners and shall be recorded in the registry of deeds, with recording information furnished to the Board, prior to any site disturbance or commencement of construction activities in the event the Commission approves any phased expansion of the Existing Project.

7. SBPF shall also obtain and deliver to the Board a Performance Bond in an agreed upon amount to provide funding to continue maintenance of the Existing Project and any phased expansion of the Existing Project and/or to remove the Existing Project or any phased expansion, and shall update the amount of the escrow being held so that it is deemed sufficient by both the Town and SBPF to pay for the removal of the Existing Project and the expansion elements to be constructed in the event SBPF dissolves, or is otherwise unable to or refuses to continue to maintain the structure in accordance with applicable permit requirements, or the structure must be removed pursuant to a court order and final judgment entered thereon. The Performance Bond and the increased escrow shall be in place prior to commencement of any site disturbance or commencement of construction activities in the event the Commission approves of any phased expansion of the Existing Project.

This MOU supplements and is not intended to rescind any of the provisions of the 2013 MOU, as amended, or of the Alternative Access Agreement or License Agreement referred to above, to the extent the terms and conditions of those agreements are otherwise consistent with this MOU. In the event of inconsistency between any terms or conditions of the prior agreements or this MOU, the terms and conditions of this MOU shall govern.

Town of Nantucket,
By its Select Board

Siasconset Beach Preservation Fund, Inc.,
By its President

800184v2NANT 19726/0001

****draft AS OF 03/09/22****

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2022 ANNUAL TOWN MEETING**



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

Notes to me:

**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
Kristie Ferrantella
Melissa K. Murphy

FINANCE COMMITTEE

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

PLANNING BOARD

John F. Trudel III, Chair
David Iverson
Nathaniel Lowell
Frederick "Fritz" McClure
Barry Rector

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 Peter Brace: Polpis Harbor at sunrise

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2022 ANNUAL TOWN MEETING
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NOTES:

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

ARTICLE 1
(Receipt of Reports)

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as printed in the Fiscal Year 2021 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 NinetyThousand Fifty-eight Dollars and Fifty-nine Cents (\$90,058.59) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Three Hundred Ninety-one Dollars and Thirty-eight Cents (\$391.38) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay Sewer Enterprise Fund unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Assessor	Don Allen	\$35.00
Department of Public Works	ACV Environmental Services Inc	\$31,438.25
Department of Public Works	ACV Environmental Services Inc	\$15,297.75
Department of Public Works	Delroy Grant	\$240.86
Department of Public Works	Delroy Grant	\$240.00
Department of Public Works	Delroy Grant	\$3,310.84
Department of Public Works	Delroy Grant	\$3,798.05
Department of Public Works	Gloria E Kyburg	\$910.00
Department of Public Works	Grainger	\$95.48
Department of Public Works	Grainger	\$472.36
Department of Public Works	Kenneth C Howard Electric Inc	\$665.00
Department of Public Works	Kenneth C Howard Electric Inc	\$685.20
Department of Public Works	Nantucket Surveyors	\$18,715.00
Department of Public Works	Nantucket Surveyors	\$570.00
Department of Public Works	Nantucket Surveyors	\$745.00
Department of Public Works	Nantucket Police Department	\$480.00
Department of Public Works	Peter McCall	\$200.00

Department of Public Works	Sarah B Cleaning	\$1,700.00
Human Resources	Concentra	\$1,875.00
Human Resources	VFIS	\$ 1,418.00
Town Clerk	SHI	\$7,166.80
Subtotal General Fund		\$90,058.59
Sewer	Hazen and Sawyer	\$391.38
Subtotal Sewer Enterprise Fund		\$391.38

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>
School	Article 10 of 2013 Annual Town Meeting (Professional Services for Teen Center)	Article 10 of 2021 Annual Town Meeting (School-wide Building Improvements)	\$34,245.00

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

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

(Select Board)

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 Jetties 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 with septic system inspection-related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	\$85,000
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials. Salaries for staff in connection with food service inspections.	\$78,000
Lifeguard Housing	Rental payments	Town Manager with approval of Select Board	Defray 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	Defray maintenance/upkeep of public works housing facilities	\$75,000
Low Beach Housing	Rental payments	Town Manager with approval of Select Board	Defray maintenance/upkeep of Low Beach housing facilities	\$67,500
Municipal Aggregation Operational Adder	Operational Adder from the energy aggregation program	Town Manager with approval of Select Board	Rebates for residential solar energy systems and other uses authorized by the Town's Municipal Aggregation Plan	\$150,000

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel and repairs and maintenance of Airport Fuel Farm	\$4,500,000

ARTICLE 5
(Appropriation: Reserve Fund)

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town to establish a Reserve Fund for Fiscal Year 2023 pursuant to Chapter 40, section 6 of the General Laws.

ARTICLE 6
(Fiscal Year 2022 General Fund Budget Transfers)

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2022 accounts and expenditures as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Medical Insurance	Fire: Operating	\$150,000.00
Medical Insurance	Town Clerk: Operating	\$9,000.00
Public Works: Salaries	Park & Recreation: Salaries	\$46,900.51

ARTICLE 7
(Personnel Compensation Plans for Fiscal Year 2023)

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

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	~~\$17.00~~ ~~15.00~~
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to ~~\$80.00~~ ~~\$75.00~~
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	~~\$23.00~~ ~~22.00~~
Dietician/Our Island Home (hourly)	~~\$43.00~~ ~~41.00~~
Election Warden (hourly)	~~\$22.00~~ ~~20.00~~
Election Worker (hourly)	~~\$17.00~~ ~~15.00~~
Exercise Instructors/Senior Center (hourly)	Up to \$40.00
EMT, Call (hourly)	~~\$22.00~~ ~~20.00~~
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	~~\$22.00~~ ~~20.00~~
Fire Lieutenant, Call (yearly)	\$125.00
Fire Chief, Second Deputy (yearly)	\$5,000.00
Fire Chief, Third Deputy (yearly)	\$5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	~~\$29.00~~ ~~28.00~~
Our Island Home Ancillary (Per Diem - hourly)	~~\$21.00~~ ~~20.00~~
Paramedic, Certified (Per Diem - hourly)	~~\$32.00~~ ~~30.00~~
Registered Nurse/Our Island Home (Per Diem - hourly)	~~\$40.00~~ ~~38.00~~
Registrar of Voters (yearly)	\$600.00
Registrar, Temporary Assistant (hourly)	~~\$17.00~~ ~~15.00~~
Reserve Police Officer (hourly)	~~\$32.00~~ ~~30.00~~
Seasonal Assistant Harbormaster (hourly)	~~\$32.00~~ ~~30.00~~
Seasonal Lifeguard Supervisor (hourly)	~~\$32.00~~ ~~30.00~~
Seasonal Maintenance Supervisor/Public Works (hourly)	~~\$25.00~~ ~~24.00~~
Seasonal Health Inspector	~~\$32.00~~ ~~30.00~~
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	~~\$18.00~~ ~~16.00~~

Schedule B - Seasonal Employee Compensation Schedule

(Spring, Summer, Fall, Winter/Effective May 2, 2022 - June 30, 2023)

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

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

- A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer, ~~Tennis Attendant~~
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT, ~~Community Service Officer, Lifeguard~~
- D: Lead Dock Worker, Seasonal Recreational Coordinator, Seasonal Engineering Intern, Seasonal Waste Reduction Intern, Lead Natural Resources Technician, Seasonal Laborer.
- E: ~~Lifeguard, Community Service Officer~~

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

Moderator	\$175 per year
Select Board Member, Chair	\$5,000/per year
Select Board Members	\$3,500/per year
Town Clerk	\$107,836
	\$109,993

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

Or to take any other action related thereto.

(Select Board)

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)	\$23.00
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)	\$22.00
Fire Captain, Call (yearly)	\$150.00
Fire Fighter, Call (hourly)	\$22.00
Fire Lieutenant, Call (yearly)	\$125.00
Fire Chief, Second Deputy (yearly)	\$5,000.00
Fire Chief, Third Deputy (yearly)	\$5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	\$29.00
Our Island Home Ancillary (Per Diem - hourly)	\$21.00
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
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 2, 2022 - June 30, 2023)***

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

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

- A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer, Tennis Attendant
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT
- 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	\$109,993

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

ARTICLE 8

(Appropriation: Fiscal Year 2023 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2023; or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2023 operating budget is established for the various offices, boards, and commissions of the Town as follows:

Department	Fiscal Year 2023			FY 2022
	Payroll	Operating	Total Budget	Article 8 Total
GENERAL GOVERNMENT				
Finance Committee		\$18,680	\$18,680	\$18,680
Finance & Operations	\$2,048,559	\$484,150	\$2,532,709	\$2,299,217
Human Resources	\$388,660	\$161,200	\$549,860	\$612,943
Information Systems	\$918,293	\$788,366	\$1,706,659	\$1,332,811
Legal		\$401,000	\$401,000	\$401,000
Moderator	\$183	\$1,500	\$1,683	\$1,683
Planning & Land Use Services	\$1,732,009	\$476,100	\$2,208,109	\$2,133,979
Natural Resources	\$1,008,217	\$154,812	\$1,163,029	\$942,354
Town Administration	\$1,438,249	\$771,850	\$2,210,099	\$2,085,806
Nantucket Housing Office	\$205,127	\$275,000	\$480,127	\$485,000
Town Clerk	\$264,278	\$103,500	\$367,778	\$324,177
Subtotal	\$8,003,575	\$3,636,158	\$11,639,733	\$10,637,650
SAFETY & PROTECTION				
Emergency Management		\$8,000	\$8,000	\$8,000
Fire Department	\$2,914,423	\$366,500	\$3,280,923	\$3,205,394
Police Department	\$6,838,873	\$776,500	\$7,615,373	\$7,211,613
Street Lighting		\$165,000	\$165,000	\$165,000
Subtotal	\$9,753,297	\$1,316,000	\$11,069,297	\$10,590,007
MARINE & COASTAL RESOURCES				
Marine Dept	\$896,328	\$88,650	\$984,978	\$1,162,399
Subtotal	\$896,328	\$88,650	\$984,978	\$1,162,399
MAINTENANCE				
Gas/Town Vehicles		\$375,000	\$375,000	\$375,000
Mosquito Control		\$177,032	\$177,032	\$172,714
Public Buildings		\$1,271,900	\$1,271,900	\$1,271,900
Public Works	\$2,954,567	\$624,900	\$3,579,467	\$3,470,945
Park n Rec	\$151,534	\$200,000	\$351,534	
Snow and Ice Removal	\$7,600	\$75,000	\$82,600	\$82,600

<i>Subtotal</i>	\$3,113,701	\$2,723,832	\$5,837,533	\$5,373,159
HUMAN SERVICES				
Health & Human Services	\$1,268,825	\$163,290	\$1,432,115	\$1,131,721
<i>Subtotal</i>	\$1,268,825	\$163,290	\$1,432,115	\$1,131,721
CULTURE & RECREATION				
Atheneum		\$785,237	\$785,237	\$766,085
Town Clock		\$4,700	\$4,700	\$4,700
Culture & Tourism	\$321,401	\$161,200	\$482,601	\$464,478
<i>Subtotal</i>	\$321,401	\$951,137	\$1,272,538	\$1,235,263
CONTRACTUAL OBLIGATIONS	\$455,000		\$455,000	\$400,000
TOTAL OF DEPT OPERATING BUDGETS	\$23,812,127	\$8,879,067	\$32,691,194	\$30,530,199
EDUCATION				
Community School	\$550,000		\$550,000	\$500,000
School Department	\$28,638,460	\$5,788,527	\$34,426,987	\$32,876,987
<i>Subtotal</i>	\$29,188,460	\$5,788,527	\$34,976,987	\$33,376,987
GRAND TOTAL OF GEN GOV'T OPERATING BUDGETS	\$53,000,587	\$14,667,594	\$67,668,181	\$63,907,186
DEBT SERVICE				
Principal & Interest		\$11,189,470	\$11,189,470	\$9,758,430
<i>Subtotal</i>		\$11,189,470	\$11,189,470	\$9,758,430
INSURANCES				
Auto Casualty		\$231,697	\$231,697	\$195,525
Blanket Liability		\$2,557,171	\$2,557,171	\$2,157,950
Claims Deductible		\$104,384	\$104,384	\$88,088
Insurance Consulting		\$58,658	\$58,658	\$49,500
Medical Insurance	\$15,809,865		\$15,809,865	\$14,785,595
Life Insurance	\$6,500		\$6,500	\$6,500
Unemployment	\$175,000		\$175,000	\$175,000
Workers Compensation	\$348,270		\$348,270	\$293,899
Laborer's Union Pension	\$75,000		\$75,000	\$75,000
<i>Subtotal</i>	\$16,414,636	\$2,951,910	\$19,366,545	\$17,827,057

ASSESSMENTS

Barnstable Retirement		\$6,299,169	\$6,299,169	\$5,805,686
<i>Subtotal</i>		<u>\$6,299,169</u>	<u>\$6,299,169</u>	<u>\$5,805,686</u>
GRAND TOTAL OF OPERATING BUDGET		<u>\$69,415,222</u>	<u>\$35,108,143</u>	<u>\$104,523,366</u>
				<u>\$97,298,359</u>

And to meet these appropriations, the sum of One Hundred Three Million Six Hundred Thousand Eight Hundred Sixty-six Dollars (\$103,600,866) be raised and appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town; and that Nine Hundred Twenty-two Thousand Five Hundred Dollars (\$922,500) 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 2023 is Thirty-four Million Nine Hundred Seventy-six Thousand Nine Hundred Eighty-seven Dollars (\$34,976,987).

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 2023, 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 2023 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 2023, which contracts shall stipulate mutually agreed upon terms and conditions. The grant to Gosnold Behavioral Health and Eighty-Seven Thousand Five Hundred Dollars (\$87,500) of the grant to Fairwinds 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	\$101,823.00
Elder Services of Cape Cod and the Islands	\$21,000.00
South Coastal Counties Legal Services, Inc	\$4,500.00
Nantucket Interfaith Council	\$80,000.00
Health Imperatives	\$120,000.00
Martha's Vineyard Community Services	\$18,000.00
Fairwinds Counseling Center	\$278,977.00
Gosnold Behavioral Health	\$87,500.00
Small Friends On Nantucket	\$20,000.00
Artists Association of Nantucket	\$23,200.00
<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 \$1,625,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$1,625,000
Affordable Housing Trust	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$10,000,000 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	\$10,000,000
Fire	Costs associated with the purchase of advanced life support equipment	Transfer \$60,000 from the Ambulance Reserve Fund	\$60,000
Fire	Costs associated with the purchase of replacement self-contained breathing apparatus air packs (SCBAs)	Raise and appropriate \$105,000 from the Fiscal Year 2023 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	\$105,000

		voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	
Fire	Costs associated with the disposal and replacement of fire-fighting foam	Transfer \$110,000 from Free Cash into the Treasury of the Town	\$110,000
Fire	Costs associated with the replacement of portable radios* <i>*Total cost of this project is \$400,000; however, a FEMA grant will fund \$305,055.</i>	Transfer \$94,945 from the Ambulance Reserve Fund	\$94,945
Fire	Costs associated with the replacement of Ambulance 3	Transfer \$370,000 from the Ambulance Reserve Fund	\$370,000
Fire	Costs associated with the replacement of utility vehicle	Raise and appropriate \$75,000 from the Fiscal Year 2023 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)	\$75,000
Fire	Costs associated with the purchase of utility terrain vehicle	Raise and appropriate \$50,000 from the Fiscal Year 2023 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)	\$50,000
Fire	Costs associated with the purchase of equipment and training for Active Shooter Response	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000

Health and Human Services	Costs associated with the purchase of one (1) replacement and one (1) additional Ford Ranger pick-up truck or equivalent model	Raise and appropriate \$100,000 from the Fiscal Year 2023 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)	\$100,000
IS GIS	Costs associated with the replacement and upgrade of wireless network infrastructure	Transfer \$200,000 from Free Cash into the Treasury of the Town	\$200,000
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 GIS digital imaging updates	Raise and appropriate \$170,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$170,000
IS GIS	Costs associated with server virtualization and maintenance	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000
IS GIS	Costs associated with the replacement of Town computers, printers and associated equipment	Transfer \$62,800 from Free Cash into the Treasury of the Town	\$62,800
Marine	Costs associated with the completion of the Marine Maintenance Building Phase 2	Transfer \$400,000 from Free Cash into the Treasury of the Town	\$400,000
Natural Resources	Costs associated with the purchase of one (1) replacement and one (1) additional Ford Ranger pick-up truck or equivalent model	Raise and appropriate \$100,000 from the Fiscal Year 2023 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)	\$100,000

Police	Costs associated with the replacement and upgrade of body camera video system	Transfer \$494,100 from Free Cash into the Treasury of the Town	\$494,100
Public Works	Costs associated with the purchase of two (2) replacement Ford Ranger pick-up trucks or equivalent model	Raise and appropriate \$96,000 from the Fiscal Year 2023 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)	\$96,000
Public Works	Costs associated with the purchase of replacement skid steer loader	Raise and appropriate \$72,000 from the Fiscal Year 2023 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)	\$72,000
Public Works	Costs associated with the purchase of replacement Ford F350 or equivalent model	Raise and appropriate \$68,000 from the Fiscal Year 2023 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)	\$68,000
Public Works	Costs associated with the purchase of replacement Ford F550 or equivalent model	Raise and appropriate \$80,000 from the Fiscal Year 2023 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

Public Works	Costs associated with the purchase of "Forestry Package" accessory for skid steer loader	Raise and appropriate \$50,000 from the Fiscal Year 2023 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)	\$50,000
Public Works	Costs associated with the purchase of replacement Tandem Vibratory Roller	Raise and appropriate \$50,000 from the Fiscal Year 2023 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)	\$50,000
Public Works	Costs associated with the purchase of mini street sweeper for paths and sidewalks	Raise and appropriate \$120,000 from the Fiscal Year 2023 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)	\$120,000
Public Works	Costs associated with the purchase of vehicle for Parks and Rec division	Raise and appropriate \$50,000 from the Fiscal Year 2023 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)	\$50,000

Public Works	Costs associated with tennis courts crack sealing at Jetties Beach	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000
Public Works	Costs associated with replacing chain-link fence around the skate park	Transfer \$75,000 from Free Cash into the Treasury of the Town	\$75,000
Public Works/Facilities	Costs associated with town wide municipal concessions facilities projects, including maintenance, design and engineering, and construction	Transfer \$749,788 from Article 10 of the 2013 Annual Town Meeting (Children's Beach Concession Renovation), and transfer \$22,517 from Article 10 of the 2018 Annual Town Meeting (Repair Children's Beach Concession Facility)	\$772,305
Public Works/Transportation	Costs associated with annual multi-use path maintenance and repair	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
Public Works/Transportation	Costs associated with annual cobblestone street improvements and maintenance	Transfer \$525,000 from Free Cash into the Treasury of the Town	\$525,000
Public Works/Transportation	Costs associated with annual sidewalk improvements and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,100,000 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	\$1,100,000
Public Works/Transportation	Costs associated with annual road improvements and maintenance Island-wide	Transfer \$2,000,000 from Free Cash into the Treasury of the Town	\$2,000,000
Public Works/Transportation	Costs associated with Millie's Bridge design, engineering, repairs and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000

Public Works/ Transportation	Costs associated with Polpis Road near Sesachacha Pond interim coastal resiliency measures	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
School	Costs associated with campus-wide roof replacement/maintenance	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
School	Costs associated with campus-wide building improvements	Transfer \$300,000 from Free Cash into the Treasury of the Town	\$300,000
Town Admin	Costs associated with the update to Nantucket and Madaket Harbors Action Plan to incorporate needs for hazard mitigation and coastal resilience	Transfer \$100,000 from Free Cash into the Treasury of the Town	\$100,000
Town Admin	Costs associated with the continued implementation of Town-wide document management system	Transfer \$250,000 from Free Cash into the Treasury of the Town	\$250,000
Town Admin	Costs associated with updating the Parks and Rec Master Plan to include Coastal Resilience Plan recommendations	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000
Town Admin	Costs associated with coastal resiliency planning	Raise and appropriate \$500,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town; and transfer \$500,000 from Free Cash into the Treasury of the Town	\$1,000,000
Town Admin	Costs associated with comprehensive planning for relocation of Baxter Road and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$1,500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$1,500,000

Town Admin	Costs associated with the 5-Year Update of the Hazard Mitigation Plan	Transfer \$150,000 from Free Cash into the Treasury of the Town	\$150,000
Town Admin	Costs associated with the sediment transport and dredge plan	Transfer \$550,000 from Free Cash into the Treasury of the Town	\$550,000
Town Admin	Costs associated with Miacomet Pond dredging, design and permitting	Transfer \$300,000 from Free Cash into the Treasury of the Town	\$300,000
Town Admin	Costs associated with groundwater mapping, nutrient flow investigation in Nantucket Harbor Watershed and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$900,000 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	\$900,000
Town Admin	Costs associated with Employee Housing Feasibility Study and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000
Town Admin	Costs associated with feasibility study for new Senior Center at East Creek Road and other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board, to borrow \$500,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor	\$500,000

Town Admin	Costs associated with design, engineering and construction of new water mains in areas west of Nantucket Memorial Airport	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 enabling authority for such purpose, including without limitation all costs thereof as defined in G.L. c. 29C, section 1 and to issue bonds and notes of the Town therefor, and that while such bonds will be the general obligations of the Town, it is intended that the principle and interest thereon shall be repaid from the Water Enterprise Fund revenues, state or federal grants, and other available funds of the Water Enterprise Fund; that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Select Board is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the	\$9,000,000
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		project; and that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.	
TOTAL			\$36,150,150

And, to meet this appropriation that Seven Million Forty-one Thousand Nine Hundred Dollars (\$7,041,900) be transferred from Free Cash in the Treasury of the Town so specified; that Seven Hundred Forty-nine Thousand Seven Hundred Eighty-eight Dollars (\$749,788) be transferred from Article 10 of the 2013 Annual Town Meeting; that Twenty-two Thousand Five Hundred Seventeen Dollars (\$22,517) be transferred from Article 10 of the 2018 Annual Town Meeting that Five Hundred Twenty-four Thousand Nine Hundred Forty-five Dollars (\$524,945) be transferred from the Ambulance Reserve Fund; that Two Million Two Hundred Ninety-five Thousand Dollars (\$2,295,000) be raised and appropriated from the FY 2023 tax levy; that One Million Sixteen Thousand Dollars (\$1,016,000) be raised and appropriated from the FY 2023 tax levy, provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); and that the Treasurer, with the approval of the Select Board be authorized to borrow Ten Million Dollars (\$10,000,000) for the Affordable Housing Trust; Nine Million Dollars (\$9,000,000) for water mains west of Nantucket Memorial Airport; Five Hundred Thousand Dollars (\$500,000) for costs associated with repairs to Millie's Bridge; Five Hundred Thousand Dollars (\$500,000) for costs associated with a feasibility study for a new Senior Center; Five Hundred Thousand Dollars (\$500,000) for costs associated with updating the Parks and Rec Master Plan to include Coastal Resilience Plan recommendations; One Million One Hundred Thousand Dollars (\$1,100,000) for costs associated with the continuation of annual sidewalk improvements; One Million Five Hundred Thousand Dollars (\$1,500,000) for costs associated with comprehensive planning for relocation of Baxter Road; Five Hundred Thousand Dollars (\$500,000) for costs associated with Employee Housing Feasibility Study and Nine Hundred Thousand Dollars (\$900,000) for costs associated with groundwater mapping, nutrient flow investigation-Nantucket Harbor Watershed; 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 Thirty-six Million One Hundred Fifty Thousand One Hundred Fifty Dollars (\$36,150,150).

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

ARTICLE 11

(Appropriation: Design of New Our Island Home Facility)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of design for a new Our Island Home Facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Eight Million Five Hundred Thousand Dollars (\$8,500,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of design for a new Our Island Home Facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; 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.

FINANCE COMMITTEE COMMENT: The requested amount is for approximately 17% of the estimated construction cost for the facility. This percentage was vetted with experts who have worked for the Town previously. Construction costs are currently estimated to be approximately \$50,000,000, which would have to be approved at a future Town Meeting and Annual Town Election.

This request would cover the fees for both the required Owners Project Manager (OPM) and the design firm. The funds would be used for the initial design phase, final design, bidding and procurement, and then project management through the construction phase of the project. While the title of the Article indicates "design", it includes more than just design. There are several checks and balances in place to ensure funds are prudently spent, for example: the Town is governed by numerous procurement requirements for the design and construction of this facility. The process will follow *M.G.L. c. 7C, §§ 44-58*, commonly referred to as the "designer selection law," which requires a qualifications-based solicitation for the Owners Project Manager (OPM). The OPM cost is negotiated after reviewing and ranking the applicants. Once the OPM has been engaged, the Town will conduct the same qualifications-based procurement for the designer of the facility. As with the OPM, the price is negotiated after reviewing and ranking of the applicants. These process steps are required by *M.G.L. c. 7C, §§ 44-58* and the Town will adhere to the steps as defined.

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

ARTICLE 12

(Supplemental Appropriation: Replacement Harbormaster Building)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to construct a replacement Harbormaster Building at 34 Washington Street, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Two Million Dollars (\$2,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of supplemental funding to construct a replacement Harbormaster Building at 34 Washington Street, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; 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 13

(Appropriation: Pleasant Street and Sidewalk Repaving/Reconstruction)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements on Pleasant Street and adjacent sidewalk(s) including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Two Million Dollars (\$2,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of making various transportation-related improvements on Pleasant Street and adjacent sidewalk(s) including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other

related professional services, and any other costs incidental and related thereto; 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

(Appropriation: LORAN Barracks Repairs)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding repairs to the LORAN Barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Five Hundred Thousand Dollars (\$4,500,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding repairs to the LORAN Barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related; 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.

ADD A COMMENT that the "LORAN Barracks facility" is seasonal town employee housing

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

ARTICLE 15

(Appropriation: School Department - Athletic Facilities)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the School Superintendent with the approval of the School Committee, for the purpose of funding to construct athletic facilities and associated appurtenances at Nantucket Public

School campuses, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Six Hundred Thousand Dollars (\$5,600,000) to be spent by the School Superintendent with the approval of the School Committee, for the purpose of funding to construct athletic facilities and associated appurtenances at Nantucket Public School campuses, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; 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

(Appropriation: Design of Central Municipal Facility)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the design of a central municipal facility at 2 Fairgrounds Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Six Million Dollars (\$6,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the design of a central municipal facility at 2 Fairgrounds Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; 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.

FINANCE COMMITTEE COMMENT: The requested amount is for approximately 12% of the estimated construction cost for the facility. This percentage was vetted with experts who have worked for the Town previously. Construction costs are currently estimated to be approximately \$50,000,000, which would have to be approved at a future Town Meeting and Annual Town Election.

Commented [LG1]: Do we have a source for this #?

This request would cover the fees for both the required Owners Project Manager (OPM) and the design firm. The funds would be used for the initial design phase, final design, bidding and procurement, and then project management through the construction phase of the project. While the title of the Article indicates "design", it includes more than just design. There are several checks and balances in place to ensure funds are prudently spent, for example: the Town is governed by numerous procurement requirements for the design and construction of this facility. The process will follow *M.G.L. c. 7C, §§ 44-58*, commonly referred to as the "designer selection law," which requires a qualifications-based solicitation for the Owners Project Manager (OPM). The OPM cost is negotiated after reviewing and ranking the applicants. Once the OPM has been engaged, the Town will conduct the same qualifications-based procurement for the designer of the facility. As with the OPM, the price is negotiated after reviewing and ranking of the applicants. These process steps are required by *M.G.L. c. 7C, §§ 44-58* and the Town will adhere to the steps as defined.

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

ARTICLE 17

(Appropriation: Construction of Town Employee Housing)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the construction of town employee housing located at Town-owned property located at Fairgrounds Road/Waitt Drive including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Eight Million Five Hundred Thousand Dollars (\$8,500,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding the construction of town employee housing located at Town-owned property located at Fairgrounds Road/Waitt Drive including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; 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 18

(Appropriation: PFAS Soil Investigation)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding to undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Two Million Dollars (\$2,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purpose of funding to undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto; 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 19

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

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

further to appropriate the sum of Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000.00), and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Select Board, to acquire said parcels and any other costs incidental and related thereto; provided however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition Two and One-half debt exclusion vote.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 19 Acquisition of 10-12 Washington Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to authorize the Select Board to acquire by purchase, gift or eminent domain for transportation and general municipal purposes the fee or lesser interests in two parcels of land with the building thereon located at 10-12 Washington Street, being the parcel located at 10 Washington Street shown as Lot 2 containing 5,032± square feet on a plan of land recorded with Nantucket County Registry of Deeds in Plan File 2-E, and the parcel located at 12 Washington Street containing 4,572± square feet and both parcels being more particularly described in a deed recorded with Nantucket County Registry of Deeds in Book 1109, Page 94, all as shown on a map entitled "2022 Annual Town Meeting Warrant Article 19 Acquisition of 10-12 Washington Street" dated January 2022 and filed herewith at the Office of the Town Clerk; and further to appropriate the sum of Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000) to acquire said parcels 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 20

(Appropriation: Affordable Housing Capital Expenditures)

To see if the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute or transfer from available funds, the sum of Ten Million Dollars (\$10,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purposes of capital expenditures for the costs for acquiring real estate, including any buildings thereon, or interests therein which may include affordable housing restrictions, for the development of affordable housing, and which may include the costs of designing, engineering, constructing, reconstructing, remodeling and equipping affordable housing, and the buy down for the acquisition of said real estate or interests therein, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for all other costs incidental and related thereto; provided however,

that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 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 Ten Million Dollars (\$10,000,000) to be spent by the Town Manager with the approval of the Select Board, for the purposes of capital expenditures for the costs for acquiring real estate, including any buildings thereon, or interests therein which may include affordable housing restrictions, for the development of affordable housing, and which may include the costs of designing, engineering, constructing, reconstructing, remodeling and equipping affordable housing, and the buy down for the acquisition of said real estate or interests therein, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow 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 21

(Appropriation: Fiscal Year 2023 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2023, out of anticipated revenues of the designated funds, for the purposes set forth above; provided that any amounts to be raised and appropriated to support the operation of Our Island Home for Fiscal Year 2022 shall be contingent on the passage of a Proposition 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 2023 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

FUND	FY2023 PAYROLL	FY2023 EXPENSES	FY2023 TOTAL BUDGET	FY2022 BUDGET
Airport	\$5,884,100	\$4,918,500	\$10,802,600	\$7,920,700
Our Island Home	\$7,387,710	\$2,013,884	\$9,401,594	\$8,789,850
Sewer	\$2,597,151	\$7,631,255	\$10,228,406	\$9,737,960

Solid Waste	\$548,491	\$12,735,557	\$13,284,048	\$10,965,193
Nantucket Water Department	\$2,148,666	\$4,825,520	\$6,974,186	\$6,776,651
Total	\$18,566,118	\$32,124,717	\$50,690,835	\$44,190,354

Further, that the above appropriations be funded as follows:

FUND	FUNDING SOURCE	AMOUNT
Airport	FY23 Anticipated Revenue	\$10,402,600
Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Our Island Home	FY23 Anticipated Revenue	\$3,810,403
Our Island Home	FY23 Tax Levy and Other General Revenues	\$5,125,000
Our Island Home	Retained Earnings	\$466,191
Sewer	FY23 Anticipated Revenue	\$10,020,408
Sewer	Retained Earnings	\$207,998
Solid Waste	FY23 Anticipated Revenue	\$4,515,540
Solid Waste	FY23 Tax Levy and Other General Revenues	\$6,665,570
Solid Waste	Retained Earnings	\$722,202
Solid Waste	FY23 Tax Levy and Other General Revenues	\$1,380,736
Nantucket Water Department	FY23 Anticipated Revenue	\$6,974,186

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:

DEPARTMENT	ITEM	FUNDING SOURCE(S)	AMOUNT
Airport	Costs associated with Airport Improvement Projects, including but not limited to, permitting for	Authorize the Treasurer, with the approval of the Select Board to borrow \$17,200,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and	\$17,200,000

	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	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 Nobadeer Farm Road Housing Development, including design, engineering and Owner's Project Manager and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,152,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport.	\$1,152,000
Airport	Costs associated with the purchase of maintenance equipment and vehicles and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$389,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$389,000

Airport	Costs associated with flooring replacement in the security screening area and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$53,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$53,000
Airport	Costs associated with IT and associated equipment upgrades and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$155,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$155,000
Airport	Costs associated with airfield paint, beads & rubber markings removal and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$729,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$729,000
Airport	Costs associated with south apron noise berm construction and all other costs incidental and related	Authorize the Treasurer, with the approval of the Select Board to borrow \$1,350,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and	\$1,350,000

	thereto	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 construction of A220 Gate hardstands 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 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	\$1,100,000
Airport	Costs associated with Gate 8/ Hangar 8 paving and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$350,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$350,000
Airport	Costs associated with direct digital control system for terminal geothermal system and all other costs incidental and related thereto (Supplemental Funding)	Authorize the Treasurer, with the approval of the Select Board to borrow \$364,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport	\$364,000
Subtotal of Airport Enterprise Fund			\$22,842,000

Water	Costs associated with water main extension to Delta and Nobadeer playing fields	Transfer \$200,000 from Certified Retained Earnings in the Water Department Enterprise Fund	\$200,000
Subtotal of Water Department Enterprise Fund			\$200,000
Our Island Home	Costs associated with replacement generator and new shed	Transfer \$145,000 from Certified Retained Earnings in the Our Island Home Enterprise Fund	\$145,000
Subtotal of Our Island Home Enterprise Fund			\$145,000
Solid Waste	Costs associated with Materials Recovery Facility roof replacement (Supplemental Funding)	Transfer \$332,000 from Free Cash into the Treasury of the Town	\$332,000
Solid Waste	Costs associated with Materials Recovery Facility sprinkler replacement	Transfer \$60,000 from Free Cash into the Treasury of the Town	\$60,000
Solid Waste	Costs associated with Materials Recovery Facility sorting station and system improvements (Supplemental Funding)	Transfer \$346,134 from Free Cash into the Treasury of the Town	\$346,134
Solid Waste	Costs associated with Materials Recovery Facility restrooms and breakroom improvements	Transfer \$80,000 from Free Cash into the Treasury of the Town	\$80,000

Solid Waste	Costs associated with Materials Recovery Facility new concrete pad and catwalk	Raise and appropriate \$300,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$300,000
Solid Waste	Costs associated with Materials Recovery Facility purchase of de-bagger	Transfer \$125,000 from Free Cash into the Treasury of the Town	\$125,000
Solid Waste	Costs associated with Take-It-or-Leave-It (TIOLI) roof and siding replacement	Raise and appropriate \$100,000 from the Fiscal Year 2023 tax levy and other general revenues of the Town	\$100,000
Solid Waste	Costs associated with moving and installing 131 Pleasant trailer at TIOLI	Transfer \$70,000 from Free Cash into the Treasury of the Town; and transfer \$180,000 from Article 10 of the 2019 Annual Town Meeting (Trailer for Municipal space/meetings)	\$250,000
Solid Waste	Costs associated with repairing site fences and gates at Landfill and TIOLI	Transfer \$125,000 from Free Cash into the Treasury of the Town	\$125,000
Solid Waste	Costs associated with replacing front gate at Landfill	Transfer \$60,000 from Free Cash into the Treasury of the Town	\$60,000
Solid Waste	Costs associated with design and construct a Hard-To-Manage-Waste Building for select recyclable materials and all other costs	Authorize the Treasurer, with the approval of the Select Board to borrow \$500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Solid Waste Enterprise Fund revenues, state or federal grants,	\$500,000

	incidental and related thereto	and other available funds of the Solid Waste Enterprise Fund	
Solid Waste	Costs associated with replacement of one (1) staff vehicle	Raise and appropriate \$40,000 from the Fiscal Year 2023 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)	\$40,000
Solid Waste	Costs associated with storm water improvements, including: pave composting pad/install treatment system for run-off and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$600,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Solid Waste Enterprise Fund revenues, state or federal grants, and other available funds of the Solid Waste Enterprise Fund	\$600,000
Solid Waste	Costs associated with purchase of smart compacter waste receptacles	Transfer \$151,034 from Free Cash into the Treasury of the Town	\$151,034
Subtotal of Solid Waste Enterprise Fund			\$3,069,168
Sewer	Costs associated with replacing main generator radiator at Surfside Wastewater Treatment Facility	Transfer \$100,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$100,000

Sewer	Costs associated with purchase and installation of water-tight manhole covers	Transfer \$50,000 from Certified Retained Earnings into the Sewer Enterprise Fund	\$50,000
Sewer	Costs associated with upgrades to Surfside Wastewater Treatment Facility Membrane and all other costs incidental and related thereto (Supplemental Funding)	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 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	\$1,000,000
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 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 design of new garage maintenance facility and all other costs incidental and related thereto (Supplemental Funding)	Authorize the Treasurer, with the approval of the Select Board to borrow \$500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$500,000

Sewer	Costs associated with pilot program for PFAS removal and treatment and all other costs incidental and related thereto	Authorize the Treasurer, with the approval of the Select Board to borrow \$2,500,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer Enterprise Fund	\$2,500,000
Subtotal of Sewer Enterprise Fund			\$6,150,000
<i>Total of all Enterprise Funds</i>			<i>\$32,406,168</i>

FINANCE COMMITTEE COMMENT:

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

ARTICLE 23

(Enterprise Funds: Fiscal Year 2022 Budget Transfers)

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

(Select Board)

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

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Retained Earnings	Airport Capital Projects, Article 20 of the 2019 Annual Town Meeting (Fuel Farm Rehab)	\$1,150,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Costs associated with groundwater soil investigation)	\$3,000,000
Airport Retained Earnings	Airport Capital Projects, Article 20 of 2019 Annual Town Meeting (Security System Upgrades)	\$230,000

Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2020 Annual Town Meeting (Costs associated with the direct digital control system, for terminal geothermal)	\$500,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2021 Annual Town Meeting (Costs associated with purchase of second bus for airport operations; replacement of Aircraft Rescue Firefighting (ARFF) turnout gear)	\$154,000
Airport Retained Earnings	Airport Capital Projects, Article 16 of the 2021 Annual Town Meeting (Costs associated with airport maintenance and equipment)	\$315,000
Airport Retained Earnings	Airport Enterprise Fund, Operating to fund Town of Nantucket General Fund payment	\$500,000
Airport Retained Earnings	Airport Enterprise Fund, Operating Budget	\$500,000
Airport Retained Earnings	Airport Enterprise Fund, Salaries & Wages Budget	\$100,000
Sewer Retained Earnings	Sewer: Salaries Budget	\$211,770

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 Seven Hundred Forty-two Thousand Nine Hundred Ninety-two Dollars (\$742,992) 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 Seventy-Five Thousand Dollars (\$275,000) 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 2023, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Seventy-four Thousand Seven Hundred Seven Dollars (\$174,707); or to take any other action related thereto.

(Select Board/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that One Hundred Seventy-Four Thousand Seven Hundred Seven Dollars (\$174,707) be raised and appropriated from the Fiscal Year 2023 tax levy and other general revenues of the Town to fund the Fiscal Year 2023 county assessment.

ARTICLE 28

(Appropriation: Finalizing Fiscal Year 2023 County Budget)

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

(Select Board/County Commissioners)

FINANCE 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 Enterprise Fund	Airport Runway Resurfacing	Article 12/ATM 2011	\$300,000.00
Airport Enterprise Fund	Airfield Equipment	Article 12/ATM 2011	\$250,000.00
Airport Enterprise Fund	Airport Ramp Rehabilitation	Article 12/ATM 2014	\$1,000,000.00
Airport Enterprise Fund	Airport Security System Upgrades	Article 12/ATM 2014	\$274,656.00
Airport Enterprise Fund	High Speed Snowplow/Blower	Article 14/ATM 2015	\$214,481.00
Airport Enterprise Fund	Airport Ramp Rehabilitation	Article 14/ATM 2015	\$1,025,000.00
Airport Enterprise Fund	Air Traffic Control	Article 14/ATM 2015	\$928,025.00
Airport Enterprise Fund	Preparation of Environmental Impact Report	Article 14/ATM 2015 & Article 12/ATM 2017	\$750,000.00
Airport Enterprise Fund	Fixed Base Operations Site Relocation/Rehabilitation	Article 14/ATM 2015	\$55,000.00
Airport Enterprise Fund	Utility Vehicle	Article 14/ATM 2015	\$65,000.00
Airport Enterprise Fund	Airport Terminal Luggage Bag Belt	Article 12/ATM 2017	\$200,000.00
Airport Enterprise Fund	Airport Apron Area 3 & Perimeter Fencing	Article 5/STM 2017	\$403,000.00
Airport Enterprise Fund	Airport Equipment & Vehicles	Article 12/ATM 2018	\$60,000.00
Airport Enterprise Fund	Airport Automatic Door Replacement	Article 12/ATM 2018	\$102,000.00
Airport Enterprise Fund	Airfield Lighting	Article 12/ATM 2018	\$1,140,000.00
Airport Enterprise Fund	Great Harbor Yacht Club Pipeline Support Removal	Article 20/ATM 2019	\$116,000.00
Airport Enterprise Fund	Memorial Airport Sewer Connection Upgrade	Article 20/ATM 2019	\$102,420.00
Airport Enterprise Fund	Airfield Maintenance	Article 20/ATM 2019	\$36,000.00
Airport Enterprise Fund	Airport Maintenance and Equipment	Article 16/ATM 2020	\$188,000.00
Airport Enterprise Fund	Operations & Airport Rescue and Fire Fighting (ARFF) Equipment	Article 16/ATM 2020	\$250,000.00

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 2023.

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 2023 tax levy and other general revenues of the Town; and that Five Hundred Thousand Dollars (\$500,000) be transferred from Certified Free Cash in the Treasury to be deposited by the Treasurer into the Other Post-employment Benefits Trust Fund.

ARTICLE 31

(Appropriation: Fiscal Year 2023 Senior Work-off Program)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purpose of supporting the Senior Work-off Program pursuant to Massachusetts General Laws Chapter 59, section 5K for the Town of Nantucket for Fiscal Year 2023; or to take any other action related thereto.

(Select Board)

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 2023.

ARTICLE 32

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

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the prior votes under Article 28 of the 2021 Annual Town Meeting and Article 30 of the 2018 Annual Town Meeting are hereby amended by dedicating 100% of any marijuana cultivation host community payments to the Special Purpose Stabilization Fund for Substance Abuse Efforts established under Article 30 of the 2018 Annual Town Meeting.

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

ARTICLE 33

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

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

Airport special purpose stabilization fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Nantucket Airport, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Select Board for Airport Commission)

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

ARTICLE 34

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

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that One Million Five Hundred Thousand Dollars (\$1,500,000) be transferred from Certified Free Cash in the Treasury to be deposited by the Treasurer into the Special Purpose Stabilization Fund for Town Employee Accrued Liabilities.

ARTICLE 35

(Appropriation: Fiscal Year 2023 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
Historic Preservation	
First Congregational Church-Old North Vestry Restore the plaster and painting on the ceiling, walls, and trim of the interior of the Old North Vestry	\$317,296
First Congregational Church - Bennett Hall Preserve the building envelope of Bennett Hall including the	

rotting exterior trim, doors and siding	\$84,571
Landmark House- Nantucket Community Service Inc. To remove and restore all sidewall shingles on both buildings and to construct a new curved stairway to match existing design and codes.	\$259,500
Nantucket Housing Authority, Miacomet Village To preserve the structural integrity of the exterior envelope of the buildings at 1 and 3 Benjamin Drive to protect the housing structures from future injury, harm or destruction.	\$342,367
Sconset Trust Inc.-Phase II Preservation of Lighthouse Historically appropriate restoration of interior and exterior surfaces, the iron anchors, ships ladder and the staircase to preserve the distinctive materials, features and colors for its continued use as a US Coast Guard navigational aid one of the oldest lighthouses operational in the United States.	\$251,100
Nantucket Island School of Design & the Arts, Grant IV Remediation and repair to the silos to ensure structural integrity utilizing a structural engineer, Silo Specialist and contractor, including the silo floor platforms for each of the silos; \$97,750; utilizing the structural engineer and contractor to remediate damage from groundwater under the Long Shed including the back walls, support beams and cement floors. \$50,955	\$148,705
Sub-total	\$1,403,539
\$157,409 of the funds to be used in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Community Housing</u>	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$275,000
Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Town of Nantucket Funds to pay the first year's interest and principal of the Five Million Bond to be authorized at the 2022 Nantucket Town meeting to pay the cost of acquiring land, which may include	

buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$975,000
\$160,000 of the funds utilized in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	
Nantucket Racket Sports Association Complete the building of seven new courts; four additional pickle ball and three new tennis courts; 2 viewing areas, a hitting wall and bathrooms.	\$980,000
Sustainable Nantucket Community Farm Institute, phase VI Funds for creation of deer fencing, new well and pump for irrigation for back of farm and fruit and berry orchard, including extension of farm electrical system and plumbing infrastructure, split rail fence and vegetative screening to protect other areas of the farm.	\$59,850
Sub-total	\$1,039,850
\$152,900 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$150,000
Sub-total	\$150,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$3,568,389</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2021 Community Preservation	

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

(Kenneth Beauprand, et al)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2023 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 2023 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicated additions/modifications:

Purpose	Amount
Historic Preservation	
First Congregational Church-Old North Vestry Restore the plaster and painting on the ceiling, walls, and trim of the interior of the Old North Vestry	\$317,296
First Congregational Church - Bennett Hall Preserve the building envelope of Bennett Hall including the rotting exterior trim, doors and siding	\$84,571
Landmark House- Nantucket Community Service Inc.	

To remove and restore all sidewall shingles on both buildings and to construct a new curved stairway to match existing design and codes.	\$259,500
Nantucket Housing Authority, Miacomet Village To preserve the structural integrity of the exterior envelope of the buildings at 1 and 3 Benjamin Drive to protect the housing structures from future injury, harm or destruction.	\$342,367
Sconset Trust Inc.-Phase II Preservation of Lighthouse Historically appropriate restoration of interior and exterior surfaces, the iron anchors, ships ladder and the staircase to preserve the distinctive materials, features and colors for its continued use as a US Coast Guard navigational aid one of the oldest lighthouses operational in the United States.	\$251,100
Nantucket Island School of Design & the Arts, Grant IV Remediation and repair to the silos to ensure structural integrity utilizing a structural engineer, Silo Specialist and contractor, including the silo floor platforms for each of the silos; \$97,750; utilizing the structural engineer and contractor to remediate damage from groundwater under the Long Shed including the back walls, support beams and cement floors. \$50,955	\$148,705
Sub-total	\$1,403,539
\$157,409 of the funds to be used in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
Community Housing	
Nantucket Interfaith Council Nantucket rental assistance program, housing and rental assistance to low and moderate-income Nantucket working families	\$275,000
Town of Nantucket Funds to pay the interest and principal of the Five Million Bond authorized at the 2019 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing, reconstructing and equipping affordable housing.	\$350,000
Town of Nantucket Funds to pay the first year's interest and principal of the Five Million Bond to be authorized at the 2022 Nantucket Town meeting to pay the cost of acquiring land, which may include buildings thereon, for the development of affordable housing and to pay cost of designing, constructing,	

reconstructing and equipping affordable housing.	\$350,000
Sub-total	\$975,000
\$160,000 of the funds utilized in this category are from the undesignated reserves and the balance of the funds are from the Community Preservation surcharge, interest and the State matching funds.	
Open Space Conservation/Recreation	
Nantucket Racket Sports Association Complete the building of seven new courts; four additional pickle ball and three new tennis courts; 2 viewing areas, a hitting wall and bathrooms.	\$980,000
Sustainable Nantucket Community Farm Institute, phase VI Funds for creation of deer fencing, new well and pump for irrigation for back of farm and fruit and berry orchard, including extension of farm electrical system and plumbing infrastructure, split rail fence and vegetative screening to protect other areas of the farm.	\$59,850
Sub-total	\$1,039,850
\$152,900 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	\$150,000
Sub-total	\$150,000
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
TOTAL	\$3,568,389
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2021 Community Preservation Surcharge	\$2,478,000

From State matching funds for FY 2023, to be received in 2022	\$600,000
From Interest	\$20,000
From designated reserves for Open Space	\$152,900
From Undesignated Reserves	\$317,489
Total Revenues	\$3,568,389

For fiscal year 2023 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

ARTICLE 36

(Community Preservation Committee: Fiscal Year 2022 Budget Transfers)

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 37 ATM 2018 Nantucket Atheneum Oil Painting Restoration	Fiscal year 2023 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$3,300.00
Total Transfers to Community Historic Preservation Reserved fund balance		\$3,300.00
Total transfers back to Community Preservation Reserved Fund Balances		\$3,300.00

(Kenneth Beaugrand, et al)

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

FROM	TO	AMOUNT
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Article 37 ATM 2018 Nantucket Atheneum Oil Painting Restoration	Fiscal year 2023 Community Preservation Committee Community Historic Preservation reserved Fund balance	\$3,300.00
Total Transfers to Community Historic Preservation Reserved fund balance		\$3,300.00
Total transfers back to Community Preservation Reserved Fund Balances		\$3,300.00

ARTICLE 37

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

To see if the Town will appropriate a sum of money to pay costs of acquiring land, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto and to determine whether this amount should be raised by taxation, transfer from available funds, borrowing or otherwise, and, further, to authorize the Town to enter into leases, subleases and any other similar arrangements with the Town's Affordable Housing Trust, or take any other action relative thereto

(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the sum of Five Million Dollars (\$5,000,000) be appropriated under the Community Preservation Act Community Housing Program to pay costs of acquiring land, which may include any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. c. 44B and 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. In conjunction with the development of affordable housing, the Town is authorized to enter into leases, subleases and any other similar arrangements to carry out the purposes of this vote with the Town's Affordable Housing Trust. While the bonds issued pursuant to this vote shall be general obligations of the Town, it is the intent of Town Meeting that the principal and interest thereon shall be paid from Community Preservation Act revenue. Any affordable housing units developed pursuant to this vote shall be available to tenants with incomes of not less than 30% or more than 200% of area median income for the Town, as most recently determined by the United States Department of Housing and Urban Development.

ARTICLE 38

(Appropriation: Shredder for Solid Waste)

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

(Clifford J. Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

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

ARTICLE 39

(Bylaw: Short-term Rental Regulations)

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

Chapter 123

Short-term Rental Registration

§ 123-1. Purpose and Intent.

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

§123-2. Definitions.

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

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

C. "Transient Residential Facility" shall have the same meaning as in Chapter 139 of the Town Code.

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

A. No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the Board of Health. An application for a Certificate of Registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The Operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with section 67 of Chapter 62C of the General Laws.

B. The annual fee for such Certificate of Registration shall be set forth in the regulations issued pursuant to § 123-4.

C. The application for the Certificate of Registration shall include an attestation that the Owner and/or Operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the Owner and/or Operator of the property is current with all town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 -18 of the Town Code. Any property offered for a Short-Term Rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the Owner or Operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

D. The Board of Health shall not issue any Certificate of Registration unless the Operator has (1) submitted a complete application and paid all associated fees; (2) provided contact information for the Operator and persons designated to address any issues at the Short-Term Rental within two (2) hours' notice; and (3) provided the Town with a certificate of insurance evidencing liability insurance coverage for the Short-Term Rental in an amount to be determined by the regulations issued pursuant to §123-4.

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

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

G. The Certificate of Registration is issued to the Operator and does not run with the land. If the Short-Term Rental is sold or transferred out of ownership, a new application

for a Certificate of Registration shall be filed by the new Operator before Short-Term Rentals can continue or resume.

§ 123-4. Regulations.

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

§ 123-5. Enforcement.

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

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

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

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

§ 123-6. Severability.

If any provision in this Chapter shall be held to be invalid by a court of competent

jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

§ 123-7. Effective date.

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

Or take any other action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 123 (Short-term Rental Registration) hereby is added to the Code of the Town of Nantucket:

Chapter 123

Short-term Rental Registration

§ 123-1. Purpose and Intent.

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

§123-2. Definitions.

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

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

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

A. No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the Board of Health. An application for a Certificate of Registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The Operator shall provide with the application a certificate of registration issued by the Department of Revenue in accordance with section 67 of Chapter 62C of the General Laws.

B. The annual fee for such Certificate of Registration shall be set forth in the regulations issued pursuant to § 123-4.

C. The application for the Certificate of Registration shall include an attestation that the Owner and/or Operator is in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the Owner and/or Operator of the property is current with all town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 -18 of the Town Code. Any property offered for a Short-Term Rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders. Nothing contained herein shall relieve the Owner or Operator from complying with all local permits, rules and regulations issued by the Board of Health and other Town boards generally applicable to resident dwelling units.

D. The Board of Health shall not issue any Certificate of Registration unless the Operator has (1) submitted a complete application and paid all associated fees; (2) provided contact information for the Operator and persons designated to address any issues at the Short-Term Rental within two (2) hours' notice; and (3) provided the Town with a certificate of insurance evidencing liability insurance coverage for the Short-Term Rental in an amount to be determined by the regulations issued pursuant to §123-4.

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

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

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

§ 123-4. Regulations.

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

§ 123-5. Enforcement.

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

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

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

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

§ 123-6. Severability.

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

§ 123-7. Effective date.

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

FINANCE COMMITTEE COMMENT: The Finance Committee notes that this article is a companion to Article 42 and recommends Motion to Adopt for both articles. While the details of Article 39 have yet to be determined, the Finance Committee believes it is important to have this framework for the Select Board, Board of Health and future Town Meetings to establish community guidelines with respect to Short Term Rentals.

ARTICLE 40

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

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

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

Or to take any action relative thereto.

(Select Board)

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 by adding a new Revolving Account for Short-Term Rentals to read as follows:

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

ARTICLE 41

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

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

(Select Board)

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

<i>FUND</i>	<i>SPENDING LIMIT</i>
Short-term Rental	\$200,000

ARTICLE 42

(Zoning Bylaw Amendment: Short Term Rentals)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

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

APARTMENT BUILDING(S)

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

SHORT TERM RENTAL

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

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

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

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

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

3. Amend Section 15 as follows:

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

Or to take any other action related thereto.

(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)*, provided that Article 39 is also approved by a vote of Town Meeting:

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

APARTMENT BUILDING(S)

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

SHORT TERM RENTAL

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

Short-Term Rentals are allowed as of right on residential properties including, but not limited to, a primary, secondary, tertiary, duplex, or accessory dwelling, apartment, apartment building(s), and garage apartments, unless specifically prohibited in a special permit issued by the Planning Board in accordance with this bylaw.

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

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

3. Amend Section 15 as follows:

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

PLANNING BOARD COMMENT: Short and long term vacation rentals have historically been accepted as a traditional land use on Nantucket. However, the use of property as a short term rental has recently been challenged, leaving the use subject to an interpretation made by the Building Commissioner, and most likely settled by the outcome of pending litigation if local action through Town Meeting fails to occur. Establishing short term rentals as an allowed use in the Zoning Bylaw will set a baseline and remove any ambiguity as to the use being allowed or not. Providing some certainty to the approximately 1,800 property owners with a registered short term rental through the State is prudent to avoid additional litigation between individual homeowners, as well as the Town. The General Bylaw companion article to this, #39, includes provisions to allow for data collection and addresses nuisance and other issues as authorized by Chapter 337 of the Acts of 2018 (known as the short term rental legislation) that are not easily addressed through zoning.

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

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

ARTICLE 43

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

PREAMBLE:

Tourism has been a pillar of the Nantucket economy for decades. Generations of Nantucket families have made or supplemented their incomes by welcoming and serving visitors in many ways, including renting their homes. However, a recent

Massachusetts Supreme Judicial Court decision (*Styller v. Lynnfield*) threatens the ability of Nantucket residents to rent their homes on a short-term basis (stays of less than 30 days). In the *Styller* decision, the state's highest court ruled that zoning bylaws, such as Nantucket's, do not allow short-term rentals in residential zoning areas.

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

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

ARTICLE:

To see if the Town will vote to amend the Zoning Bylaws by amending Chapter 139 as follows, and further to authorize the Town Clerk to make non-substantive, ministerial revisions to the numbering of this bylaw in order that it be in compliance with the numbering format of the Code of the Town of Nantucket; or to take any other action relative thereto.

(Original in black with changes shown in red)

§139-2 DEFINITIONS AND WORD USAGE

SHORT TERM RENTAL

Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.

§139-15 ACCESSORY USES

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

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

districts is prohibited. For the purposes of this provision, a “Resident” is a person whose primary residence is Nantucket as determined by federal tax filings.

(Tobias Glidden, et al)

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

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: This article does not accomplish the stated intent, which would require substantial revisions to correct. In addition, terminology contained in the article is inconsistent with terms that are defined in the Zoning Bylaw, thereby creating an ambiguous interpretation issue which may continue to lead to appeals and litigation - a problem that Article 42 would address. The requirement in this proposed Bylaw to provide federal tax filings creates a privacy issue, as all documents submitted as part of an application filing become a public record. Last, but not least, the proposed requirement that a special permit must be issued by the Zoning Board of Appeals for any “non-resident” owned property would create an unprecedented application volume that could not be dealt with in the timeframe required by MGL Chapter 40A §9 and §11.

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

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

ARTICLE 44

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

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

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court
55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane

55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane
55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 44 R-1 to R-5L” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

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 5L (R-5L) district:

MAP	LOT	NUMBER	STREET
55	919	2	Red Mill Lane
55	919.1	4	Red Mill Lane
55	919.2	6	Red Mill Lane
55	928	8	Red Mill Lane
55	920	3	Old Farm Road
55	921	5	Old Farm Road
55	922	1	Old Mill Court
55	923	2	Old Mill Court
55	927	3	Old Mill Court
55	925	4	Old Mill Court
55	926	5	Old Mill Court
55	924	11	Mill Hill Lane
55	660	2	Cato Lane
55	661	4	Cato Lane
55	662	6	Cato Lane
55	663	8	Cato Lane
55	125	35	Vesper Lane

55	908	33	Vesper Lane
55	126	33	Vesper Lane
55	127	31	Vesper Lane
55	1.1	21	Vesper Lane
55	1.2	19	Vesper Lane
55	1.3	17	Vesper Lane
55	1.4	15	Vesper Lane
55	1.5	13	Vesper Lane
55	1.6	11	Vesper Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 44 R-1 to R-5L” dated December 2021 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 45

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

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street
55.1.4	37	103	Washington Street

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 45 RC to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

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 (RC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
55.1.4	13	114	Washington Street
55.1.4	12	112	Washington Street
~~55.1.4~~	~~37~~	~~103~~	~~Washington Street~~

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 45 RC to CN" dated December 2021 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 46

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

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5), Residential 5L (R-5L), Residential 10 (R-10) or Residential 10 L (R-10L) district:

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

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

MAP	LOT	NUMBER	STREET
65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 46 RC-2 and LUG-2 to R-5, R-5L, R-10, or R-10L" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5L (R-5L) district:

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

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

MAP	LOT	NUMBER	STREET
65	89	3	Mioxes Way
65	88	6	Mioxes Way

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 46 RC-2 and LUG-2 to R-5L" dated February 2022 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 47

(Zoning Map Change: RC-2 to R-5L, R-10 or CTEC - Clara Drive and Raceway Drive)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 (R-5), Residential 5 Limited (R-5L), Residential 10 (R-10) or Commercial Trade Entrepreneurship and Craft (CTEC) district:

MAP	LOT	NUMBER	STREET
66	281	3	Raceway Drive
66	272	6	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 47 RC-2 to R-5L, R-10 or CTEC" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 5 Limited (R-5L) district:

MAP	LOT	NUMBER	STREET
66	281	3	Raceway Drive
66	300.1	1	Clara Drive
66	300	1A	Clara Drive

2. By placing the following properties currently located in the Residential Commercial 2 (RC-2) district in the Residential 10 (R-10) district:

MAP	LOT	NUMBER	STREET
66	272	6	Raceway Drive

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 47 RC-2 to R-5L and R-10" dated February 2022 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 48

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

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

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

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 48 RC-2 to CTEC" dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

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
67	901	26	Bartlett Road
67	902	1	Perry Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 48 RC-2 to CTEC” dated December 2021 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 49

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

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

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

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 49 RC-2 to CN” dated December 2021 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

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

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

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 49 RC-2 to CN" dated December 2021 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 50

(Zoning Bylaw Amendment: Tertiary Dwelling)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, Section 2A, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

TERTIARY DWELLING

- (1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.
- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding ~~650~~ **900** square feet of gross floor area.
 - (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than ~~650~~ **900** square feet and the dwelling unit shall not contain more than ~~650~~ **900** square feet of gross floor area.
 - (c) A detached building containing not more than 650 square feet of ground cover and not more than ~~650~~ **900** square feet of gross floor area.

- (3) In the R-5, R-10, and R-20 Districts, a maximum of eight bedrooms per lot shall be permitted at the following density:
 - (a) R-5: 1 bedroom per each 1,000 square feet of lot area;
 - (b) R-10: 1 bedroom per each 1,400 square feet of lot area;
 - (c) R-20: 1 bedroom per each 2,500 square feet of lot area;
- (4) Any waivers from the standards contained within Subsection (2) or (3) of this definition may be granted through the issuance of a special permit by the Planning Board.
- (5) The Planning Board shall make a determination regarding the adequacy of access to the lot and structures prior to the issuance of a building permit. Planning Board approvals shall be valid for a period of two years from the date of plan endorsement.

Or to take any other action related thereto.

(Select Board for Planning Board)

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):*

TERTIARY DWELLING

- (1) The tertiary dwelling shall be in the same ownership as at least one other owner-occupied dwelling unit on the lot, or shall be owned by a not-for-profit, religious, or educational entity, or shall be subject to a restriction limiting occupancy to a year-round household.
- (2) A third dwelling unit located on a lot, including the following options:
 - (a) A garage apartment not exceeding ~~650~~ **900** square feet of gross floor area.
 - (b) A dwelling unit attached to or within a single-family dwelling, duplex, or an outbuilding or a dwelling unit attached to a studio or shed. When a tertiary dwelling unit is the third dwelling unit, within a single structure, a special permit issued by the Planning Board is required. The ground cover of the existing building shall not increase more than ~~650~~ **900** square feet and the dwelling unit shall not contain more than ~~650~~ **900** square feet of gross floor area.
 - (c) A detached building containing not more than 650 square feet of ground cover and not more than ~~650~~ **900** square feet of gross floor area.

...

PLANNING BOARD COMMENT: The Board determined that the allowance of an additional 250 square feet would allow for greater flexibility in design, particularly within existing structures, and may provide for a unit size that creates opportunities for families that is not possible within 650 square feet. The Board notes that the overall bedroom limitation per lot is not increased by this proposed change in unit size.

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

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

ARTICLE 51

(Zoning Bylaw Amendment: Tertiary Lot)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend Section 2A by adding the following new definition, in alphabetical order with existing definitions:

TERTIARY LOT

A lot created by the division of the original lot into three lots pursuant to § 139-8C. The tertiary lot, in addition to one of the secondary lots, shall be subject to an NHNC-Ownership Form, or shall be owner-occupied by a qualified family member, in which case the lot shall be subject to the NHNC-Ownership Form, except for the established income and asset limits, or shall be subject to a qualified family member deed restriction.

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

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

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.

- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
- (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
 - (b) The tertiary lot, in addition to one of the secondary lots subject to § **139-8C** of this chapter, shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.
 - (c) The lot shall not be subject to the tertiary dwelling requirements contained within §**139-2** of this chapter.
 - (d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet. This requirement may be waived through the issuance of a special permit by the Planning Board.
 - (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, 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 by adding the following new definition, in alphabetical order with existing definitions:

TERTIARY LOT

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

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

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

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

- (1) Purpose: to create, make available and maintain housing that is affordable to those who earn at or below 150% of the Nantucket County median household income; to help households to continue to reside on Nantucket; to generate and preserve affordable housing in the Town of Nantucket in perpetuity, all in order to maintain Nantucket's diversity and unique sense of community.
- (2) Tertiary lots may be permitted in the following districts: R-40, LUG-1, LUG-2, and LUG-3.
- (3) As authorized by MGL c. 40A, § 9, Paragraph 2, the Planning Board, acting as the special permit granting authority, may issue a special permit authorizing the division of a lot into up to three lots, provided the following requirements and/or conditions shall apply:
 - (a) The original lot shall not be subject to any covenants, restrictions or similar encumbrances, whether appearing in a deed, easement, land-use permit or any other instrument, pertaining to the prohibition of more than one dwelling unit on the original lot.
 - (b) The tertiary lot, in addition to one of the secondary lots subject to § 139-8C of this chapter, shall be subject to an NHNC-Ownership Form, which shall provide, without limitation, that the owner of that lot shall earn at or below 150% of the Nantucket County median household income, or the lot shall be subject to a qualified family member deed restriction. Tertiary lots held sold, transferred, or gifted to any qualified family member(s) shall not be subject to the income and asset limits for eligible households. Upon resale, transfer, or gift of the tertiary lot to a nonqualified family member, the lot shall be subject to an NHNC-Ownership Form, and all requirements set forth therein, including income and asset limits for eligible households.

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

(d) The lot area for the tertiary lot shall be a minimum of 20,000 square feet. This requirement may be waived through the issuance of a special permit by the Planning Board.

(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 § 139-8D 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 § 139-8D.

PLANNING BOARD COMMENT: The addition of a tertiary lot provision to the Bylaw will provide another opportunity for the creation of Nantucket Housing Needs Covenant lots, without adding additional density or ground cover. The Board felt it important to introduce this concept in districts with larger minimum lot sizes where there is ample room for parking. The secondary lot provision of the Bylaw has been successful in creating year-round income restricted dwelling units and this proposal will provide another option.

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

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

ARTICLE 52

(Zoning Bylaw Amendment: Workforce Homeownership Housing)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8D, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

(1) Requirements

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

(2) Workforce homeownership housing bonus lots.

(a) ...

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

Or to take any other action related thereto.

(Select Board for Planning Board)

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):*

(3) Requirements

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

(4) Workforce homeownership housing bonus lots.

(a) ...

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

PLANNING BOARD COMMENT: The expansion of the workforce homeownership housing bonus lots provision was requested by the Affordable Housing Trust Fund, and the Board determined that the R-10 district was an appropriate location for the creation of more units. With the formula recommended in this article, 3 lots conforming to the R-10 zoning district would be required to be eligible for a bonus of one additional lot for affordable housing. The existing bonus for the R-5 district is not modified as a result of this article.

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

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

ARTICLE 53

(Zoning Bylaw Amendment and Zoning Map Amendment: Technical Amendments)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket and to amend the Zoning Map, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend section 2A (definitions) as follows:

ACCESSORY DWELLING

A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than ~~550~~ 800 square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.

TAKE-OUT FOOD ESTABLISHMENT

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

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

TENT

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

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

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

3. Amend section 16D as follows:

Regularity formula.

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

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

r = regularity factor

A = land area in square feet

p = perimeter in feet

- (2) That part of the lot area in excess of the required lot area may be excluded

from the regularity formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage.

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

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

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

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

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

MAP	LOT	NUMBER	STREET
68	357 (a portion of)	45	Beach Grass Road
68	358 (a portion of)	43	Beach Grass Road
68	367 (a portion of)	41	Beach Grass Road
68	368 (a portion of)	39	Beach Grass Road
68	369 (a portion of)	37	Beach Grass Road
68	370 (a portion of)	35	Beach Grass Road
68	371 (a portion of)	33	Beach Grass Road
68	378 (a portion of)	31	Beach Grass Road
68	379 (a portion of)	29	Beach Grass Road
68	380 (a portion of)	27	Beach Grass Road
68	381 (a portion of)	25	Beach Grass Road
68	382 (a portion of)	23	Beach Grass Road
68	387 (a portion of)	21	Beach Grass Road
68	388 (a portion of)	19	Beach Grass Road

68	393 (a portion of)	17	Beach Grass Road
68	394 (a portion of)	15	Beach Grass Road
68	854 (a portion of)	13	Beach Grass Road
68	855 (a portion of)	11	Beach Grass Road
68	859 (a portion of)	9	Beach Grass Road
68	882 (a portion of)	7	Beach Grass Road
68	883 (a portion of)	5	Beach Grass Road
68	884 (a portion of)	3	Beach Grass Road
68	129 (a portion of)	73	Old South Road

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN" dated January 2022 and filed herewith at the Office of the Town Clerk.

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

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

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket and the Zoning Map 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):*

- Amend section 2A (definitions) as follows:

ACCESSORY DWELLING

A dwelling unit located within an owner-occupied single-family building. The exterior architectural design and use of an accessory dwelling shall be harmonious with the appearance and use of the structure as the owner's home. The gross floor area of the accessory dwelling shall not be more than the gross floor area of the primary dwelling and not greater than 550 ~~800~~ square feet. The accessory dwelling shall be self-contained with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant. The structure containing

the primary dwelling and accessory dwelling shall be in single ownership, and one of the units shall be owner-occupied.

TAKE-OUT FOOD ESTABLISHMENT

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

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

TENT

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

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

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

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

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

apartments shall be clear of obstructions or vegetation to a width of 12 feet and a height of 13 feet along a driveway with a minimum improved width of 10 feet.

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

MAP	LOT	NUMBER	STREET
68	357 (a portion of)	45	Beach Grass Road
68	358 (a portion of)	43	Beach Grass Road
68	367 (a portion of)	41	Beach Grass Road
68	368 (a portion of)	39	Beach Grass Road
68	369 (a portion of)	37	Beach Grass Road
68	370 (a portion of)	35	Beach Grass Road
68	371 (a portion of)	33	Beach Grass Road
68	378 (a portion of)	31	Beach Grass Road
68	379 (a portion of)	29	Beach Grass Road
68	380 (a portion of)	27	Beach Grass Road
68	381 (a portion of)	25	Beach Grass Road
68	382 (a portion of)	23	Beach Grass Road
68	387 (a portion of)	21	Beach Grass Road
68	388 (a portion of)	19	Beach Grass Road
68	393 (a portion of)	17	Beach Grass Road
68	394 (a portion of)	15	Beach Grass Road
68	854 (a portion of)	13	Beach Grass Road
68	855 (a portion of)	11	Beach Grass Road
68	859 (a portion of)	9	Beach Grass Road
68	882 (a portion of)	7	Beach Grass Road
68	883 (a portion of)	5	Beach Grass Road
68	884 (a portion of)	3	Beach Grass Road
68	129 (a portion of)	73	Old South Road

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN" dated January 2022 and filed herewith at the Office of the Town Clerk.

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

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

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 53 CN to R-5 and R-5 to CN" dated January 2022 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 54

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

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

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

;or otherwise to act thereon

(Anne Dewez, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board discussed this article at length and determined that additional public input is needed from the affected property owners within the ROH and SOH districts. Although a survey may be completed prior to Town Meeting, it was not underway as of the date of the Planning Board public hearing.

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

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

ARTICLE 55

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

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by taking the following actions (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-*

substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket);

Amend section 2A (definitions) as follows:

HOT TUB/SPA

A structure designed to be used for recreational purposes accessory to a principal use, either above or below grade, containing water more than 24 inches in depth and equal to or less than ~~450~~ 64 square feet of water surface area, and equal to or less than 1000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like.

SWIMMING POOLS - RESIDENTIAL

A structure designed to be used for recreational purposes, either above or below grade, containing water more than 24 inches in depth and exceeding ~~450~~ 64 square feet of water surface area, or exceeding 1,000 gallons. This shall not include ornamental ponds, decorative water features, including, but not limited to, fountains, bird baths, and the like. The swimming pool must be located on the same or contiguous lot as a residential dwelling or constructed for the benefit of a group of residences, such as a multifamily development, subdivision, or in conjunction with a neighborhood association. In the VR District only, the Zoning Board of Appeals, acting as the special permit granting authority, may grant a special permit to allow a residential swimming pool on a lot, subject to the following criteria being met: (1) the lot must meet or exceed the minimum lot size for the district, and (2) side and rear yard setbacks of 20 feet shall apply to the residential swimming pool and associated mechanical equipment. In the R-1, SR-1, R-5 and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment.

;or otherwise to act thereon

(Anne Dewez, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board discussed this article at length, and while the citizen petitioner represented that it was intended to impact properties in the ROH and SOH districts, the proposed changes would apply to all zoning districts where residential swimming pools are permitted. The real or perceived impacts from hot tubs/spas and/or residential swimming pools are not consistent across all zoning districts, with 96.61% of the island land area being within a moderate to low density district.

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

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

ARTICLE 56

(Zoning Bylaw Amendment: Swimming Pool - Residential)

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

1. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

- A structure designed...
 - In the VR District only...
 - ~~- In the R-1, SR-1, R-5, and R-5L districts only, the following criteria must be met: (1) a minimum lot area of 7,500 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.~~
2. ~~Amend Section 139-7A (Use Chart) by replacing "A" with "A with lot $\geq$ 7,500 sq ft" in the "Swimming pool - residential" row in the R-1/SR-1 and R-5/R-5L columns.~~

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board determined that since the current Bylaw was adopted at the 2021 ATM and no known negative impacts have resulted from its adoption, it is premature to consider changing a Bylaw that has been in effect for less than a year.

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

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

ARTICLE 57

(Zoning Bylaw Amendment: Swimming Pool - Residential)

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

3. Amend section 1239-2A (definitions) as follows:

Swimming Pool - Residential

- A structure designed...
 - In the VR District only...
 - In the R-1, SR-1, R-5, and R-5L, districts only, the following criteria must be met: (1) a minimum lot area of ~~7,500~~ 6,000 square feet is required, and (2) side and rear yard setbacks of 10 feet shall apply to the residential swimming pool and associated mechanical equipment. This requirement shall apply to residential swimming pools for which a building permit is issued after September 30, 2021.
4. Amend Section 139-7A (Use Chart) by replacing "A" with "A with lot $\geq$ ~~7,500~~ 6,000 sq ft" in the "Swimming pool - residential" row in the R-1/SR-1 and R-5/R-5L columns.

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board determined that since the current Bylaw was adopted at the 2021 ATM and no known negative impacts have resulted from its adoption, it is premature to consider changing a Bylaw that has been in effect for less than a year.

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

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

ARTICLE 58

(Zoning Bylaw Amendment: Definitions and Word Usage)

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

APARTMENTS - A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s). The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by

right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):

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

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

Or to take any other action related thereto.

(Linda Williams, et al)

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-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):*

APARTMENTS - A dwelling unit located within a commercial structure or detached structures on the same lot with a commercial use. An apartment(s) shall not occupy more than 50% of the first floor area of the commercial structure(s). The Planning Board may by special permit waive this requirement based on a finding that the commercial character of the area will not be negatively impacted by the location of a dwelling unit on the first floor of the commercial structure. A maximum of four apartments are allowed by right in certain districts, subject to the dimensional requirements set forth below. The Planning Board may issue a special permit to allow more than four apartments on larger lots, provided that: (1) the overall number of units shall not exceed the density in the schedule below; and (2) the applicant shall demonstrate through a submission of a dimensional lotting plan that the subject property could be divided into multiple lots pursuant to a conventional subdivision plan without requiring waivers from the Planning Board's Rules and Regulations Governing the Subdivision of Land (as in effect at the time of application):

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

(5) CI - One dwelling unit is permitted for each 5,000 square feet of lot area.

The Planning Board may waive the lot area requirements as set forth in the schedule above through the issuance of a special permit, based on the finding that not more than one additional unit than would otherwise be allowed, not to exceed a total of four, may be constructed.

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

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

ARTICLE 59

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

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

Or to take any other action related thereto.

(Linda Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The Board determined that the general character of the area zoned CMI is not consistent with the more industrial character of other areas where storage containers are allowed by special permit. The Board notes that the minimum lot size in CMI is 5,000 square feet, which is not conducive to effective screening from abutting properties and the surrounding streets. Commercial sheds are permitted in CMI and are more appropriate than storage containers given the size of the lots and character of the areas in which they are located.

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

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

ARTICLE 60

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

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

Map	Lot	Number	Street
68	50	1	Nobadeer Way
68	113	2	Nobadeer Way
68	169	3	Nobadeer Way
68	170	4	Nobadeer Way
68	171	5	Nobadeer Way
68	172	6	Nobadeer Way

68	118	7	Nobadeer Way
68	117	8	Nobadeer Way
68	116	9	Nobadeer Way
68	115	10	Nobadeer Way
68	114	11	Nobadeer Way
68	51	12	Nobadeer Way

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

All as shown on the attached map.

Or to take any other action related thereto.

(Linda Williams, et al)

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

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 60 R-20 to R-10L" dated February 2022 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 61

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

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

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

- (1) Amend the Zoning Map of the Town of Nantucket by placing the foregoing properties, currently located in the Residential-20 (R-20) district, in the CTEC (Commercial-Trade, Entrepreneurship and Craft) and/or CN (Commercial Neighborhood) zoning district.

All as shown on the attached map.

Or to take any other action related thereto.

(James Jackson, et al)

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 Commercial Trade Entrepreneurship and Craft (CTEC) district:

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

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 61 R-20 to CTEC dated February 2022 and filed herewith at the Office of the Town Clerk.

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

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

ARTICLE 62

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

To see if the Town will vote to:

On Map 68, Lot 208, Old South Road, to Amend the Zoning Map of the Town of Nantucket by placing the foregoing property, currently located in the Residential-20 (R-

20) district, in the CTEC (Commercial trade, Entrepreneurship and craft) and/or CN (Commercial - Neighborhood) zoning district.

As shown on the attached map.

; or otherwise act thereon.

(Julie Bunting, et al)

PLANNING BOARD MOTION: Moved to take no action.

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

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

ARTICLE 63

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

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General-2 (LUG-2) zoning district into either the Residential-5 (R-5) or Commercial Neighborhood (CN) zoning district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

PLANNING BOARD MOTION: Moved to take no action.

PLANNING BOARD COMMENT: The citizen petitioner represented to the Planning Board that their intent with this rezoning is to work with the Affordable Housing Trust Fund to create housing opportunities for year-round residents. No formal plans, agreements, or partnerships were finalized as of the date of the Planning Board public hearing, therefore, the Board found it was premature to support this rezoning.

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

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

ARTICLE 64

(Bylaw Amendment: Animals)

To see if the Town will vote to amend Chapter 55 (Animals) as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Chapter 55
Animals

§55-4 Regulations.

D. Leash law.

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

F. Nuisances.

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

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

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

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 55 (Animals) 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; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket);

Chapter 55 Animals

§55-4 Regulations.

D. Leash law.

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

F. Nuisances.

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

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

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

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

ARTICLE 65

(Bylaw Amendment: Committees/Agricultural Commission)

To see if the Town will vote to amend Chapter 11 (Committees), Article VII (Agricultural Commission), § 11-25 (Activities) and § 11-26 (Membership) as follows
(NOTE: new language is shown as highlighted text, language to be deleted is shown by

strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket);

§ 11-24. Purpose.

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

§ 11-25. Activities.

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

§ 11-26. Membership.

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

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that Chapter 11 (Committees), Article VII (Agricultural Commission), § 11-25 (Activities) and § 11-26 (Membership) 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)*:

§ 11-24. Purpose.

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

§ 11-25. Activities.

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

The Nantucket Agricultural Commission shall serve as facilitators for encouraging the pursuit of agriculture in Nantucket; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues, shall work for preservation of prime agricultural lands; shall pursue all initiatives appropriate to creating a sustainable agricultural community, and shall take on any other duties as voted by the town, or requested by the Select Board or as may further the purposes of said Commission.

§ 11-26. Membership.

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

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

ARTICLE 66

(Nantucket Historical Commission: Membership)

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

(Select Board for Nantucket Historical Commission)

FINANCE COMMITTEE MOTION: Moved that the membership of the Nantucket Historical Commission is hereby increased from five members to seven members; and, that there shall be no alternate positions. As the terms of alternate members expires, no additional alternate members shall be appointed.

ARTICLE 67

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend the title of Chapter 127 (Streets and Sidewalks), Article II (Obstructions on Sidewalks) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 127

Streets and Sidewalks

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

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the title of Chapter 127 (Streets and Sidewalks), Article II (Obstructions on Sidewalks) 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; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Chapter 127
Streets and Sidewalks
Article II Obstructions on Sidewalks, Streets, Bicycle Paths or Ways

ARTICLE 68
(Cemetery Regulations)

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

I. General Rules

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

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

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

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

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

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

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

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

Additional Rules and Regulations Applicable to the Polpis Burial Ground

Polpis Cemetery is open to cremation interments only.

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

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

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

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

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

No vehicles are allowed in the Polpis Cemetery.

No lights of any kind will be allowed.

II. Definitions

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

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

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

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

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

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

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

Cremation Niche - see Niche.

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

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

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

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

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

Governing Body - The Nantucket Cemetery Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Interments and Inurnments

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

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

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

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

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

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

- Replacement of the cremation burial with a second full casket interment as a "double-deep" burial;

- Replacement of the initial full casket burial and inurnment of up to four (4) cremated remains.

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

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

IV. Cemetery Lots

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

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

- A License Holder, or his/her heirs, shall not sell, transfer or convey the Rights of Burial, but such Rights of Burial shall pass to family members as permitted under Chapter 114 of the General Laws. The Town of Nantucket shall have the option of buying back Rights of Burial, subject to availability of funding. The price to be paid by the Cemetery Commission shall be no greater than the original purchase price, provided that all remains, if any, have been removed from the lot.
- Should the Town not exercise its option to buy Rights of Burial, a License Holder may assign or transfer such Rights of Burial only as permitted by the Cemetery Commissioners, who may limit such assignment or transfer to individuals who are current residents of the Town of Nantucket, past residents or relatives of such individuals. A License Holder wishing to assign Rights of Burial should contact the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
- Upon the death of the License Holder, Rights to Burial shall pass in accordance with the laws of the Commonwealth of Massachusetts.

- An existing single grave (minimum four feet (4') by ten feet (10')) containing recorded remains may also accommodate one cremation burial, provided the cremated remains are that of a family member, heir or others with verified rights of interment.
- Graves for the interment of any indigent (by state definition) resident veterans are provided at no cost and are set aside for burials of indigent resident veterans residing in the Town at the time of their entry into service and/or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
- Single grave space may be made available for the burial of the stillborn or infants without charge to the resident parents residing in the Town at the time of death.
- Under MGL Ch. 115, Section 8, the Town shall provide grave space for interment or inurnment of the indigent. Heirs may place monuments on indigent burials only if the interment rights are purchased and paid in full prior to placing a memorial. The Cemetery Commission will determine indigent status based on state regulations and definition.
- No work shall be performed on graves or lots by or on the direction of License Holders unless authorization has been obtained from the Cemetery Administrator, in order to preserve as much as possible the natural appearance of cemeteries.
- The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot, and shall have the right to remove the same if, in the opinion of the Cemetery Commission, they are unsightly. The Town of Nantucket shall not be liable for items left at a grave, or damage to flowers, flags, decorations, monuments or other objects due to weather, vandalism theft or wear and tear.
- Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.
- Fences, borders, curbing, hedges, shrubbery, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless the Cemetery Commission has granted prior approval.
- Any materials placed on a grave that are not in compliance with these regulations are subject to removal without notice.
- The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a

taking occurs, then the Town shall pay the fair value of the license at the time of taking, to the owner.

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

V. Memorials

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

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

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

- SINGLE LOT: 16 inches by 24 inches flush memorial or 24 inches wide slant in designated areas.
- CREMATION LOT: 12 inches by 18 inches flush memorial or 18 inches wide slant in designated areas. If two or more names are to be inscribed in the memorial, it may be 12 inches by 24 inches wide."
- MULTIPLE Grave LOTS:
 - Two (2) grave lot: three foot (3') wide base etc.
 - Three (3) grave lot: four foot (4') long base or bench etc.
 - Four (4) grave (or more) lot: six foot (6') long base or bench etc.
- Where family lots have been established in inactive cemeteries (a list of such cemeteries is provided below), those families will be allowed to place memorials that duplicate the style of the existing surrounding markers or headstones or, alternatively, use flush markers.
- No headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones,

monuments and other structures shall be made of granite, marble, slate, or other approved material. All monuments are to be centered at the head of grave/lot. Flush foot markers may be placed at the center of the foot of a grave.

- A marble or granite bench will be allowed on a lot with three (3) or more graves. If a bench is placed on a lot, no other memorials are permitted other than foot markers on individual graves within the lot.
- Special permission for alternate memorial sizes may be requested of the Cemetery Commission for consideration.
- The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
- Memorials and structures that are not in compliance with these regulations are subject to removal without notice.

VI. Administration

The Cemetery Administrator shall have responsibility for the proper day-to-day administration of Town Cemeteries in accordance with the administrative direction of the Town Manager and the policy direction of the Cemetery Commissioners, these rules and regulations and applicable Federal and State laws. The Town of Nantucket Home Rule Charter and MGL Ch. 114 and Chapter 47 of the Acts of 2011 established the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are prescribed under MGL Ch. 114.

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

VII. Cemeteries in the Town of Nantucket

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

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

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

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

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

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

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

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

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

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

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

Newtown Cemetery

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

Single Lot (4' x 10')	\$1200.00
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Each single lot (minimum 4 x 10 feet) includes the right of interment of one (1) full casket for regular depth burial and up to two cremation burials.

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

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

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

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

Polpis Burial Ground

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

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

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

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

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

(Select Board for Cemetery Commission)

FINANCE COMMITTEE MOTION: Moved that Cemetery Regulations for the Town of Nantucket are hereby adopted as Chapter 234 of the Town's Regulations as follows, pursuant to General Laws Chapter 114, Section 23:

I. General Rules

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

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

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

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

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

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

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

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

Additional Rules and Regulations Applicable to the Polpis Burial Ground

Polpis Cemetery is open to cremation interments only.

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

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

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

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

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

No vehicles are allowed in the Polpis Cemetery.

No lights of any kind will be allowed.

II. Definitions

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

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

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

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

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

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

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

Cremation Niche - see Niche.

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

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

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

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

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

Governing Body - The Nantucket Cemetery Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Interments and Inurnments

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

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

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

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

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

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

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

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

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

IV. Cemetery Lots

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

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

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

- The Town shall not be responsible for the maintenance of any flowers, flags, decorations, holiday arrangements, or other objects placed on a lot, and shall have the right to remove the same if, in the opinion of the Cemetery Commission, they are unsightly. The Town of Nantucket shall not be liable for items left at a grave, or damage to flowers, flags, decorations, monuments or other objects due to weather, vandalism theft or wear and tear.
- Annual/perennial flowers may be planted at the base of and within 12 inches of a monument/marker, so as to not interfere with the Cemetery Commission's maintenance procedures.
- Fences, borders, curbing, hedges, shrubbery, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless the Cemetery Commission has granted prior approval.
- Any materials placed on a grave that are not in compliance with these regulations are subject to removal without notice.
- The Town may take over the ownership of an unoccupied grave after a minimum of seventy-five years has elapsed after the issuance of a license for the grave by the Town and that the Town cannot locate the owner or the owner's successor in interest after a diligent search. If the ownership of the license is ascertained after such a taking occurs, then the Town shall pay the fair value of the license at the time of taking, to the owner.

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

V. Memorials

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

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

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

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

VI. Administration

The Cemetery Administrator shall have responsibility for the proper day-to-day administration of Town Cemeteries in accordance with the administrative direction of the Town Manager and the policy direction of the Cemetery Commissioners, these rules and regulations and applicable Federal and State laws. The Town of Nantucket Home Rule Charter and MGL Ch. 114 and Chapter 47 of the Acts of 2011 established the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are prescribed under MGL Ch. 114.

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

VII. Cemeteries in the Town of Nantucket

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

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

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

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

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

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

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

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

Quaise Asylum Burial Ground Polpis Road Closed to new interments.

VIII. Fees

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

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

Newtown Cemetery

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

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

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

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

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

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

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

Polpis Burial Ground

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

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

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

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

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

ARTICLE 69

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

To see if the Town will vote to amend Chapter 125A (Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*).

Chapter 125A. Single-Use Plastics

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

§125A-1. Definitions and Purpose

A. Definitions

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

CARBONATED WATER - Water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonization causes small bubbles to form, giving the water an effervescent quality. Also known as “sparkling water”, “tonics”, “soda water”, “club soda”, “tonic water”, “seltzer”, “pop”, and the like.

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

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

ENERGY DRINK - A type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or package in a plastic lined paper or similar fiber package.

FLAVORED WATER - A category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and

artificial flavors, sugars, sweeteners, vitamins, minerals, and other "enhancements".

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

SINGLE-USE PLASTICS - Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this bylaw are listed herein.

- B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket's present and future generations, protect the Town's single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe Alternatives for each of the single use petroleum-based plastic items banned.

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

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

- A. Straws and drink stirrers;
- B. Flexible can and bottle yokes;
- C. Drinking cups and lids;
- D. Plates, bowls and eating utensils;
- E. Defined products in plastic, non-compostable or non-recyclable containers of one liter (34 ounces) or less;
- F. Single use, non-recyclable beverage pods;

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

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

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

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

§ 125A-3 Exemption for emergencies and other.

- A. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- B. Medical packaging and medically required usage are exempted providing no recyclable Alternatives are available.
- C. Compostable plastics are exempted from this bylaw, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 Enforcement process.

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article of Chapter 1 of the Code of the Town of Nantucket.

§125A-5 Suspension of bylaw.

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

§125A-6. Severability.

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

; or otherwise act thereon.

(Bruce Mandel, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 70

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

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

Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*).

Chapter 125A. Single-Use Plastics

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

§125A-1. Definitions and Purpose

A. Definitions

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

CARBONATED WATER - Water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonization causes small bubbles to form, giving the water an effervescent quality. Also known as "sparkling water", "tonics", "soda water", "club soda", "tonic water", "seltzer", "pop", and the like.

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

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

ENERGY DRINK - A type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum based plastic container or package in a plastic lined paper or similar fiber package.

FLAVORED WATER - A category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals, and other "enhancements".

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

SINGLE-USE PLASTICS - Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this bylaw are listed herein.

B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket's present and future generations, protect the Town's single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the

environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe Alternatives for each of the single use petroleum-based plastic items banned.

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

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

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

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

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

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

- I. Single use plastic fiber tobacco filter products.

§ 125A-3 Exemption for emergencies and other.

- D. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- E. Medical packaging and medically required usage are exempted providing no recyclable Alternatives are available.
- F. Compostable plastics are exempted from this bylaw, except for commercially compostable plastics that cannot be composted on Nantucket.

§ 125-4 Enforcement process.

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article of Chapter 1 of the Code of the Town of Nantucket.

§125A-5 Suspension of bylaw.

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

§125A-6. Severability.

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

; or otherwise act thereon.

(Bruce Mandel, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 71

(Bylaw Amendment: Gender Equality on Beaches)

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

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

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

(Dorothy Stover, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 66 (Coastal Areas and Open Spaces, Protection of) 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).*

§66-1. Purpose.

The purpose of this chapter is to protect the beaches, coastal areas and other open unimproved spaces of Nantucket by regulating activities within or upon these areas by persons whose activities are deemed to have a significant effect on the environment, including but not limited to wildlife and recreation; on scenic views; on excessive noise; on the natural, scenic, historic and aesthetic qualities of the beach environment or other open spaces on Nantucket; on the public safety and welfare; and on the preservation of peace and good order. Such protection is extended to private as well as to public open space areas as a correlate to owners giving express or implied consent to the use of their private property for any lawful purpose thereon.

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

FINANCE COMMITTEE COMMENT: This Article's sponsor made a reasonable argument that topless sunbathing is a matter of gender equality that is governed unequally by Town and State laws. As the Article has no discernable impact on Town finances, the Finance Committee voted to give the Article a positive recommendation, permitting Town Meeting voters to express their preference on this issue.

ARTICLE 72

(Amend Town Wharf and Waterways Prohibited Activities)

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

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

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

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

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

(Campbell Sutton, et al)

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

ARTICLE 73

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

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

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

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 73” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that 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	69	Hummock Pond Road
56	260	5	Hawthorne Lane
56	261	7	Hawthorne Lane
56	262	9	Hawthorne Lane
56	263	11	Hawthorne Lane
56	224	12	Hawthorne Lane
56	225	14	Hawthorne Lane
56	226	16	Hawthorne Lane

56	265	15	Hawthorne Lane
56	268	17	Hawthorne Lane
56	267	19	Hawthorne Lane
56	244	21	Hawthorne Lane

NOTE: At its meeting on February 16, 2022, 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 74

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

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the code of the town of Nantucket by adding the following property, currently outside of the district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

NOTE: At its meeting on February 16, 2022, the Select Board acting as the Sewer Commissioners voted not to add the parcel referenced in the Article to the Town Sewer District. If a positive Motion were to be brought forward at Town Meeting, a two-thirds vote would be required from Town Meeting in order for the Article to be adopted; and if so adopted, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.

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

ARTICLE 75

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

To see if the Town will vote to:

Amend the sewer district map to include 15 Milestone Crossing, identified as Nantucket Tax Assessor's Map 68, Parcel 457, which is currently outside the core sewer district

; or otherwise act thereon.

(David J. Buckley, et al)

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
68	457	15	Milestone Crossing

NOTE: *At its meeting on February 16, 2022, the Select Board acting as the Sewer Commissioners, voted to add the parcel referenced in the Article to the Town Sewer District. Further, prior to any sewer extension being undertaken the owner(s) of the property must comply with any and all conditions of the Town, including but not limited to payment for engineering, construction, condition assessment and capacity analysis of the current and potential upgrade of the force main and/or sewer line to which this property would be connected.*

ARTICLE 76

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

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act the text of which is set forth below and to authorize the General Court, with the approval of the Select Board, to make constructive changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for Affordable and Workforce Housing and Related Capital Improvements

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

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed two hundred forty percent (240%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of chapter one hundred eight-four of the General Laws ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the

requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

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

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

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

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

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

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

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

"Town" shall refer to the Town of Nantucket acting by and through the Select Board.

SECTION 2. There is hereby imposed a fee equal to one half per cent ($\frac{1}{2}\%$) of the purchase price upon the transfer of any real property interest in any real property

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

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

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

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

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

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

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

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

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

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

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

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

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

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

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

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single transaction. Said exemption may be adjusted as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting.

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

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

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

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

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

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act

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

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

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

(d) Sellers applying for an exemption under subsections (a) through (n) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of

the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

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

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

SECTION 8. The fee described in section 2 shall be of a ten-year duration from the date this act shall take effect. This fee may continue for five-year periods by a majority vote at a Town Meeting authorizing the fee. The fee described by section 2 may be (1) decreased, or (2) eliminated by two-thirds vote of Town Meeting. In the event that Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be transferred to the Town of Nantucket and held by the treasurer in a separate account, and shall first be used to satisfy any outstanding liabilities or obligations incurred by the Town of Nantucket or the Affordable Housing Trust as a result of imposition of the fee, and the remainder may be expended without further appropriation by the Select Board for affordable housing purposes. In the event that the liabilities and obligations of the Town of Nantucket or the Affordable Housing Trust exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

SECTION 9. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 2 then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 2 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 2 to be thereby avoided.

SECTION 11. Pursuant to state enabling legislation pending with the General Court for the adoption of an act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, the legislative body of a city or town by a majority vote may adopt said act upon the passage of said act by the Senate and the House of Representatives of the General Court, and furthermore, a favorable majority vote of this Article by this Town Meeting is also deemed to be a vote by Town Meeting to adopt said act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, provided the provisions contained herein are consistent with the provisions of said act.

SECTION 12. This act shall take effect ninety (90) days following the date of passage.

(Select Board)

NOTE: Versions of the above home rule petition have been approved as Article 82 of the 2016 Annual Town Meeting, Article 88 of the 2017 Annual Town Meeting, Article 70 of the 2018 Annual Town Meeting and Article 79 of the 2019 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2021, may expire unless renewed by a confirmatory town meeting vote.

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

An Act Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for Affordable and Workforce Housing and Related Capital Improvements

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

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed two hundred forty percent (240%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of chapter one hundred eight-four of the General Laws ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

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

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

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

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

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

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

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

"Town" shall refer to the Town of Nantucket acting by and through the Select Board.

SECTION 2. There is hereby imposed a fee equal to one half per cent (½%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument

evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees in the Affordable Housing Trust Fund. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

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

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

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

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

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

at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

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

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

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

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

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

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

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

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

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket County;

provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single transaction. Said exemption may be adjusted as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting.

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

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

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

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

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

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a

deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

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

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

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

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court

of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

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

SECTION 8. The fee described in section 2 shall be of a ten-year duration from the date this act shall take effect. This fee may continue for five-year periods by a majority vote at a Town Meeting authorizing the fee. The fee described by section 2 may be (1) decreased, or (2) eliminated by two-thirds vote of Town Meeting. In the event that Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be transferred to the Town of Nantucket and held by the treasurer in a separate account, and shall first be used to satisfy any outstanding liabilities or obligations incurred by the Town of Nantucket or the Affordable Housing Trust as a result of imposition of the fee, and the remainder may be expended without further appropriation by the Select Board for affordable housing purposes. In the event that the liabilities and obligations of the Town of Nantucket or the Affordable Housing Trust exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

SECTION 9. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 2 then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 2 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to section 2 to be thereby avoided.

SECTION 11. Pursuant to state enabling legislation pending with the General Court for the adoption of an act providing cities and towns the option to support affordable housing with a fee on certain real estate transactions, the legislative body of a city or town by a majority vote may adopt said act upon the passage of said act by the Senate and the House of Representatives of the General Court, and furthermore, a favorable majority vote of this Article by this Town Meeting is also deemed to be a vote by Town Meeting to adopt said act providing cities and towns the option to support affordable

housing with a fee on certain real estate transactions, provided the provisions contained herein are consistent with the provisions of said act.

SECTION 12. This act shall take effect ninety (90) days following the date of passage.

ARTICLE 77

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

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the Nantucket Sewer Act to allowing the Select Board, acting as the Nantucket Sewer Commission, to waive all or a portion of sewer connection fees for year-round residents of the Town, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage:

An Act Amending Chapter 396 of the Acts of 2008

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

Section 1. Chapter 396 of the Acts of 2008 is hereby amended by inserting a new section 8A as follows:

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

Section 2. This act shall take effect upon passage.

Or to take any other action relative thereto.

(Select Board)

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, so as to amend the Nantucket Sewer Act to allow 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.

ARTICLE 78

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

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article II, Section 2.2 - Town Moderator

The Moderator shall be elected for a term of ~~one year~~ **three years** and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Article II, Section 2.4 - Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk, **who shall be a registered voter of the town.**

Article II, Section 2.5 - Town Meeting Warrant

...

(b) The Select Board shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant and make a copy of the warrant available on the town website. After such publication, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(c) The Select Board shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least ~~seven~~ fourteen days prior to the Town Meeting.

(d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

Article II, Section 2.6 - Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at such times during a Meeting as the Moderator may allow and in accordance with the rules of order. The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

(14) shall approve and sign warrants for payment ~~before such warrants are submitted to the Select Board;~~ and

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

(a) shall appoint the department heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Select Board;

...

Article V, Section 5.4 - Recall of Elected Officials

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters, as established by the Town Clerk as of March 1st of the previous year, with Town residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 7 5 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

(e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

(f) Recall election ballots shall first submit the question:

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6 – Time of Taking Effect

~~This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.~~

~~Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.~~

SECTION 2. Continuance of the Charter Commission.

~~The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and~~

~~County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.~~

~~SECTION 3. Ratification by the Voters.~~

~~On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:~~

~~"Shall an act passed by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"~~

~~A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.~~

~~If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.~~

~~Ratified April 8, 1997~~

The form of the Special Act shall be as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET.

SECTION 1. Section 2.2 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words "one year" and inserting in place thereof the following words:- three years.

SECTION 2. Section 2.4 of said article II of said charter is hereby amended by inserting after the words "Moderator shall appoint a clerk" the following words:- , who shall be a registered voter of the town.

SECTION 3. Subsection (b) of section 2.5 of said article II of said charter is hereby amended by inserting after the words "after the issuance of the warrant" the following words:- and make a copy of the warrant available on the town website.

SECTION 4. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the word "seven" and inserting in place thereof the following word:- fourteen.

SECTION 5. Said section 2.5 of said article II of said charter is hereby amended by inserting after subsection (c) the following new subsection:- (d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of which has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town

meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

SECTION 6. Section 2.6 of said article II of said charter is hereby amended by inserting at the end of said section the following words:- The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

SECTION 7. Paragraph (14) of subsection (d) of section 4.2 of article IV of said charter is hereby amended by striking out the words “before such warrants are submitted to the Select Board” and by inserting after the words “shall approve” the following words:- and sign.

SECTION 8. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by inserting after the words “shall appoint the” the following word:- department.

SECTION 9. Subsection (c) of section 5.4 of article V of said charter is hereby amended by inserting after the words “at least 20% of registered voters” the following words:- , as established by the Town Clerk as of March 1st of the previous year.

SECTION 10. Subsection (d) of said section 5.4 of said article V of said charter is hereby amended by striking out the numeral “7” after the words “does not resign within” and inserting in place thereof the following numeral:- 5.

SECTION 11. Said subsection (d) of said section 5.4 of said article V of said charter is hereby further amended by striking out the words “not less than 75 days after such certification date” and inserting after the words “the Select Board shall” the following words:- not less than 75 days after such certification date.

SECTION 12. Subsection (f) of said section 5.4 of said article V of said charter is hereby amended by inserting after the words “For the recall of (name” the following words:- and title.

SECTION 13. Said subsection (f) of said section 5.4 of said article V of said charter is hereby further amended by inserting after the words “Against the recall of (name” the following words:- and title.

SECTION 14. Article VI of said charter is hereby amended by striking out Section 6.6 in its entirety.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town’s representatives in the General Court are hereby requested to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the

General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article II, Section 2.2 - Town Moderator

The Moderator shall be elected for a term of ~~one year~~ **three years** and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Article II, Section 2.4 - Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk, **who shall be a registered voter of the town.**

Article II, Section 2.5 - Town Meeting Warrant

...

(b) The Select Board shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant **and make a copy of the warrant available on the town website.** After such publication, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(c) The Select Board shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least ~~seven~~ **fourteen** days prior to the Town Meeting.

(d) **Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.**

Article II, Section 2.6 - Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at

such times during a Meeting as the Moderator may allow and in accordance with the rules of order. The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

Article IV, Section 4.2 - Town Manager

...

(d) In particular, the Town Manager:

...

(14) shall approve and sign warrants for payment before such warrants are submitted to the Select Board; and

Article IV, Section 4.3 - Town Manager Appointments

The Town Manager:

(a) shall appoint the department heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Select Board;

...

Article V, Section 5.4 - Recall of Elected Officials

...

(c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters, as established by the Town Clerk as of March 1st of the previous year, with Town residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

(d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Select Board which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 7 5 days, the Select Board shall not less than 75 days after such certification date order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.

(e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.

(f) Recall election ballots shall first submit the question:

For the recall of (name and title of officer)

Against the recall of (name and title of officer)

Article VI, Section 6.6 – Time of Taking Effect

~~This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.~~

~~Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.~~

SECTION 2. Continuance of the Charter Commission.

~~The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.~~

SECTION 3. Ratification by the Voters.

~~On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:~~

~~"Shall an act passed, by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"~~

~~A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.~~

~~If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.~~

~~Ratified April 8, 1997~~

~~The form of the Special Act shall be as follows:~~

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET.

SECTION 1. Section 2.2 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words “one year” and inserting in place thereof the following words:- three years.

SECTION 2. Section 2.4 of said article II of said charter is hereby amended by inserting after the words “Moderator shall appoint a clerk” the following words:- , who shall be a registered voter of the town.

SECTION 3. Subsection (b) of section 2.5 of said article II of said charter is hereby amended by inserting after the words “after the issuance of the warrant” the following words:- and make a copy of the warrant available on the town website.

SECTION 4. Subsection (c) of said section 2.5 of said article II of said charter is hereby amended by striking out the word “seven” and inserting in place thereof the following word:- fourteen.

SECTION 5. Said section 2.5 of said article II of said charter is hereby amended by inserting after subsection (c) the following new subsection:- (d) Notwithstanding any general or special law to the contrary, the Select Board shall insert in the warrant for the annual meeting all subjects the insertion of which has been requested of them in writing by fifty or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which has been requested of them in writing by one hundred registered voters.

SECTION 6. Section 2.6 of said article II of said charter is hereby amended by inserting at the end of said section the following words:- The Moderator, in his or her sole discretion, may permit additional nonresident property owners to speak at any annual or special Town Meeting on matters before the Meeting.

SECTION 7. Paragraph (14) of subsection (d) of section 4.2 of article IV of said charter is hereby amended by striking out the words “before such warrants are submitted to the Select Board” and by inserting after the words “shall approve” the following words:- and sign.

SECTION 8. Subsection (a) of section 4.3 of said article IV of said charter is hereby amended by inserting after the words “shall appoint the” the following word:- department.

SECTION 9. Subsection (c) of section 5.4 of article V of said charter is hereby amended by inserting after the words “at least 20% of registered voters” the following words:- , as established by the Town Clerk as of March 1st of the previous year.

SECTION 10. Subsection (d) of said section 5.4 of said article V of said charter is hereby amended by striking out the numeral “7” after the words “does not resign within” and inserting in place thereof the following numeral:- 5.

SECTION 11. Said subsection (d) of said section 5.4 of said article V of said charter is hereby further amended by striking out the words “not less than 75 days after such certification date” and inserting after the words “the Select Board shall” the following words:- not less than 75 days after such certification date.

SECTION 12. Subsection (f) of said section 5.4 of said article V of said charter is hereby amended by inserting after the words “For the recall of (name” the following words:- and title.

SECTION 13. Said subsection (f) of said section 5.4 of said article V of said charter is hereby further amended by inserting after the words “Against the recall of (name” the following words:- and title.

SECTION 14. Article VI of said charter is hereby amended by striking out Section 6.6 in its entirety.

ARTICLE 79

(Home Rule Petition: An Act Prohibiting the Application of Fertilizer in the Town of Nantucket)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, prohibiting the application of fertilizer in the Town of Nantucket except for farming purposes, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage

An Act Prohibiting the Application of Fertilizer Used in the Town of Nantucket Except for Farming Purposes

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

Section 1. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Nantucket water bodies. This undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

Section 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Nantucket. The soils of Nantucket are unique insofar as Nantucket has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Nantucket prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This Act should help Nantucket to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the Town of Nantucket, is hereby prohibited.

Section 4. This act shall take effect upon passage.

Or to take any other action related thereto.

(Joseph Minella, et al)

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

AN ACT RELATIVE TO THE 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 80

(Home Rule Petition: Historic District Commission - Solar)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, to amend Chapter A301 Special Acts Article II Section 9(b) the Historic District Commission in the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage.

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

Amend Section 9(b) of the Historic District Commission Special Acts, 1970 Chapter 395 by inserting the following changes highlighted below.

SECTION 9. (a) It shall be the function and the duty of the Historic District Commission to pass upon the appropriateness of exterior architectural features of buildings and structures hereafter to be erected, reconstructed, Altered or restored within the Historic Nantucket District wherever such exterior features are subject to view from a beach, public way, public park, public body of water, traveled way, a street or way shown on a land court plan, or shown on a plan recorded in the registry of deeds, a proprietors road or a street or way shown on a plan approved and endorsed in accordance with the Subdivision Control Law. All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the exterior features to be passed upon shall be made available to the Commission by the applicant. It shall also be the duty of the Commission to pass the removal of any building within said districts as set forth in Section 6 and the erection or display of occupational or other signs as set forth under Section 7.

(b) The Historic District Commission, in passing upon appropriateness of exterior architectural features in any case, shall keep in mind the purposes set forth in Section 2 and shall consider, among other things, the general design, arrangement, texture, material and color of the building or structure in question, the location on the lot and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures. In the case of new construction or additions to existing buildings or structures, the Historic District Commission shall consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and buildings and structures in the vicinity, and outside the Town and Sconset Historic Districts shall reasonably allow for the visible integration of solar panels and renewable energy systems, and the commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable by-law.

(Jeffrey Booms, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 81

(Home Rule Petition: Amend the Nantucket Planning and Economic Development Commission Special Act)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending Chapter 561 of the Acts of 1973, as amended, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

AN ACT Relative to the Nantucket Planning and Economic Development Commission.

Be it enacted, etc., as follows:

SECTION 1. In order to plan for the orderly and coordinated development and-protection of the physical, ~~environmental, cultural,~~ social and economic resources of the Island of Nantucket, there is hereby established the Nantucket Planning ~~and Economic Development~~ Commission, hereinafter called the "Planning Commission-" or the "Commission." The purpose of the Planning Commission is to plan for: balanced economic growth, the preservation of natural resources including open space, coastal resources, ground and surface water and ocean quality as well as other natural resources of Nantucket, the provision of adequate capital facilities, including transportation; the development of an adequate supply of fair affordable housing; and the preservation of historical, cultural, and recreational values. The Planning Commission shall consist of eleven (11) members as follows: ~~the members~~ (3) three representatives of the Planning Board of the Town of Nantucket, ~~to be appointed annually by said Planning Board;~~ one (1) representative of ~~the Nantucket Housing Authority~~ The Nantucket Affordable Housing Trust, to be appointed annually by said ~~Authority~~ Trust; one (1) representative of the County Commissioners of Nantucket County to be appointed annually by said County Commissioners; one (1) representative of the Conservation Commission to be appointed annually by said Conservation Commission; one (1) member of the Nantucket Historical Commission to be appointed annually by said Historical Commission; The Director of the Nantucket Department of Public Works or his or her designee which shall be designated by the Town Manager of said Town; and three (3) persons to be elected, ~~appointed at large by the Commission;~~ one (1) for a term of one (1) year, and one (1) for a term of two (2) years and one (1) for a term of three (3) years.

At the first annual election held after the effective date of this Act, three members shall be elected as follows: one (1) to serve for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, and thereafter when the term of any elected member expires, his or her successor shall be elected to serve for three (3) years. In all cases the members shall serve until their successors are elected and qualified.

Any vacancy in the elected membership shall be filled by a majority vote of the Nantucket Planning Commission, said vacancy to be filled for the remainder of the unexpired term.

After the first annual election held after the effective date of the Act, the Planning Board shall appoint three of its members for a term of one year each, and the following appointments shall be made: a member of the Affordable Housing Trust, a County Commissioner, a member of the Historical Commission, a member of the Conservation Commission, and the Director of the Department of Public Works, each to serve for a term of one year.

SECTION 2. The Planning Commission shall be responsible for the preparation of comprehensive plans for the protection of the physical, and social, and environment, economy, development and general quality of life of said county and town the Town and County of Nantucket and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to, the preparation of studies, research reports and maps of natural and cultural resources, land utilization, economic development, recreation and conservation, transportation and population characteristics. In order to carry out these responsibilities, the Commission may retain such experts as may be required.

Section 2A. The Planning Commission shall produce and make available a written report of its activities, annually.

SECTION 3. To meet the expenses incurred under this Act, the Planning Commission may expend from the treasury of the Town of Nantucket such sums as may be appropriated therefor by said town. All bills incurred in carrying out the provisions of this Act shall be accompanied by proper vouchers and shall be paid by the Town Treasurer of said town only on warrants approved by the Commission or a committee appointed by it for such purpose. Voluntary contributions, either public or private, for such purposes may be deposited in said treasury. No appointments shall be made and no money shall be expended hereunder except by the affirmative vote of a majority of the members of said Commission. No moneys expended under this Act shall be used for recreational advertising or promotion. The Planning Commission may be designated by any state or federal agency to participate in or receive funds and technical assistance from any state or federal programs, especially as those programs relate to environmental protection, conservation, land planning, water and air quality control, economic development, transportation or the development of region-wide public services.

SECTION 4. Within 30 days following each annual Town election, the Planning Commission shall elect a Chairman and such other officers as it may, by rule, provide Vice Chairman, and may make such other rules and regulations not inconsistent with the provisions of this Act as it may, by majority vote, provide. Each member of the Commission shall have one (1) vote. Members of the Commission shall serve without compensation. The duties of the Chairman include:

- a) Presiding over all meetings of the Planning Commission with the right to

vote on all questions, absent conflict of interest, and to propose the agenda prior to each such meeting;
b) Reporting annually to the people of the Town on the work of the previous year.

Section 4A. The Planning Commission shall be one (1) of the eCommonwealth's regional planning agencies.

Section 4B PLACEHOLDER

Section 4B.C. Certain developments of regional economic impact as hereinafter defined proposed to be constructed within the limits of the town of Nantucket shall not be constructed within that town without a Development of Regional Economic Impact Permit, hereinafter referred to as DREIP, issued by majority vote of the eCommission. A DREIP shall be in addition to and not a substitute for, nor shall it in any way detract from, any permit, license, approval or other permission issued by the town of Nantucket or any other applicable governmental authority.

Section 4C.D. Developments of regional economic impact shall be those large-scale commercial and industrial developments that have the potential to impact the appearance, society and economy of the town of Nantucket that exceed any 1 of the following minimum thresholds:

- (1) 30,000 gross square feet of interior space in a single building or on a single lot for retail, manufacturing or industrial use;
- (2) 40,000 square feet of exterior storage, exterior industrial use;
- (3) Alterations to more than 5 acres of shore, beach, seacoast, pond, marsh, dune, woodland, grassland, heathland, wetland, endangered species habitat, aquifer or other resource area for commercial or industrial use; or
- (4) any commercial or industrial use that requires more than 100 parking spaces as determined by the zoning by-law of the town of Nantucket.

Section 4D.E. The eCommission shall by majority vote adopt rules and regulations for the issuance of a DREIP after a public hearing, with a minimum of 14 days prior notice to the ~~Select~~ Board of selectmen of the town of Nantucket of the time and place of such hearing; provided, however, that the rules and regulations shall not take effect except upon an affirmative vote of a simple majority of voters of the town of Nantucket at a duly scheduled town meeting. The rules and regulations shall include specific time lines for action by the eCommission, including, without limitation, that the eCommission shall file a written decision with the town clerk within 180 days of the eCommission's receipt of a complete application for the issuance of a DREIP, and standards and criteria to assess visual and environmental impacts, employment characteristics and requirements for municipal or regional services including solid waste disposal, water, sewer, tourist services and facilities, transportation and education. The rules and regulations shall provide that the eCommission shall issue a DREIP upon making the following findings:
(1) the probable benefit of the proposed project will exceed the probable detriment;

(2) the proposed project is in compliance with any master plan adopted by the community pursuant to section 81D of chapter 41 of the General Laws or other authority; and
(3) there are no practical, feasible or practicable options or Alternatives that might otherwise be employed due to unique physical, social or economic conditions related to the town of Nantucket's island location.

SECTION 5. This Act shall take effect upon its passage.

(Hillary Hedges Rayport, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 82

(Ombudsman Establishment - Complaints)

To see if the Town will vote to adopt an act, authorizing the establishment of an Ombudsman. To mediate disputes before the Town of Nantucket that have come to an impasse. Moreover, mediate complaints with appropriated redress for the user of the services, when its alleged that wrongdoing or maladministration has occurred. Against employees of the Town of Nantucket, any department of the Town of Nantucket or any Board Member of a Board elected by voters of the Town of Nantucket.

(Theresa Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 83

(Scheduling of Annual Town Meeting and Annual Town Election)

To see if the Town will vote to:

Direct the Select Board allow at least fourteen (14) days time between the Annual Town Meeting and the subsequent Election

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board be requested to allow at least fourteen (14) days between the Annual Town Meeting and the Annual Town Election.

ARTICLE 84

(Rescind Article 77 of the 2018 Annual Town Meeting)

To see if the Town will vote to:

Recind Article 77 of the 2018 Annual Town Meeting as to so much of the article that pertains to the taking of 10 Surfside Road, Tax Accessors Map 55, Parcel 137, (a portion of) and return said to the care, custody and control of the Nantucket School Committee to be held for school purposes

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

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

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

ARTICLE 85

(Real Estate Acquisition: Coastal Access - Eel Point Ways)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of the following three ways:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor.

All as shown on Assessor's Map 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 85 Real Estate Acquisition: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of the following three ways:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor.

All as shown on Assessor's Map 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 85 Real Estate Acquisition: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 86

(Real Estate Conveyance: Coastal Access - Eel Point Ways)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the following three ways for the purpose of coastal access:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor

such disposition to be on any terms and conditions the Select Board deems appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on Assessor's Maps 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 86 Real Estate Conveyance: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the following three ways for the purpose of coastal access:

- East Eel Point and North Pond Roads from the northern sideline of Eel Point Road to Nantucket Sound; and
- An unnamed way between the western sideline of East Eel Point Road and Madaket Harbor

Such disposition to be on any terms and conditions the Select Board deems appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on Assessor's Maps 33, 34, and 37 and on a map entitled "2022 Annual Town Meeting Warrant Article 86 Real Estate Conveyance: Coastal Access - Eel Point Ways" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 87

(Real Estate Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of conveyance, the fee title or lesser interests in all or any portions of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the south western edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 87 Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purpose of conveyance, the fee title or lesser interests in all or any portions of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the south western edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 87 Acquisition: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 88

(Real Estate Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the southwestern edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 88 Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January 2022 and filed herewith at the Office of the Town Clerk

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of the unconstructed proprietors and other roads and unconstructed ways in the area bounded by Long Pond, the Atlantic Ocean, the southwestern edge of a Proprietors Road abutting Assessor's Map 63, Parcels 11-16 (inclusive), Assessor's Map 65, Parcels 1, 2, and 10, Map 58 Parcel 19, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 88
Conveyance: Paper Streets - Red Barn and Sheep Pond Roads Area" dated January
2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 89

(Real Estate Acquisition: Parcel of Land off Surfside Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purpose of public access, conveyance, and/or general municipal purposes the fee title or lesser interests in all or any portions of a parcel of land shown as "Terrio et al DD. BK. 118, Page 182" on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 89
Acquisition of a parcel off Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purpose of public access, conveyance, and/or general municipal purposes the fee title or lesser interests in all or any portions of a parcel of land shown as "Terrio et al DD. BK. 118, Page 182" on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 89
Acquisition of a parcel off Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 90

(Real Estate Conveyance: Parcel of Land off Surfside Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion a parcel of land off Surfside Road as shown as "Terrio et al DD. BK. 118 PG. 182" on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 90
Conveyance of a parcel off Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion a

parcel of land off Surfside Road as shown as "Terrio et al DD. BK. 118 PG. 182" on a plan of land recorded with Nantucket County Registry of Deeds as Plan No. 2012-60, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 90 Conveyance of a parcel off Surfside Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 91

(Real Estate Acquisition: 31 Easy Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, sidewalk, drainage, flood control, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property known as 31 Easy Street, shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 91 Acquisition of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to appropriate the sum of Three Million Dollars (\$3,000,000), and to meet said appropriation to authorize the Treasurer with the approval of the Select Board to borrow Three Million Dollars (\$3,000,000). It is anticipated that the Town will receive a total of \$2,000,000 from other sources to be applied towards the purchase price, and that such funds shall be used to reduce the amount to be borrowed hereunder, and provided further that no funds shall be expended until the Select Board determines that the Town has received \$2,000,000 from other sources to be applied to the purchase price.

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

ARTICLE 92

(Real Estate Conveyance: 31 Easy Street)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the property known as 31 Easy Street shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E to the Nantucket Islands Land Bank, Nantucket County,

and/or the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, for all purposes pursuant to their respective enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 92 Conveyance of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portions of the property known as 31 Easy Street shown on Tax Assessor's Map 42.4.2 as Parcel 16 and shown as Lot 3 on a plan of land filed with Nantucket Registry District of the Land Court as Land Court Plan No. 8594-E to the Nantucket Islands Land Bank, Nantucket County, and/or the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, for all purposes pursuant to their respective enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 92 Conveyance of 31 Easy Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 93

(Real Estate Conveyance: 50 Altar Rock Road)

To see if the Town will vote to authorize the Select Board to transfer the care, custody, management and control of a certain parcel of land located 50 Altar Rock Road, said parcel being shown on Tax Assessor's Map 45 as Parcel 9 and shown as Lot A on Land Court Plan No. 9547-A filed with the Nantucket County Registry District of the Land Court, from the Select Board for park purposes to the Select Board for purposes of conveyance and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of said property to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property; and further to authorize the Select Board to submit a *cy pres* petition, if applicable, and a petition to the General Court for a special act authorizing the transfers of land set forth herein and the conveyance of the property at 50 Altar Rock Road under Article 97 of the Amendment to the Massachusetts Constitution.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 93 Conveyance of 50 Altar Rock Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to transfer the care, custody, management and control of a certain parcel of land located 50 Altar Rock Road, said parcel being shown on Tax Assessor's Map 45 as Parcel 9 and shown as Lot A on Land Court Plan No. 9547-A filed with the Nantucket County Registry District of the Land Court, from the Select Board for park purposes to the Select Board for purposes of conveyance and further to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of said property to the Nantucket Conservation Foundation, Inc. for open space, recreational, and conservation purposes, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property; and further to authorize the Select Board to submit a *cy pres* petition, if applicable, and a petition to the General Court for a special act authorizing the transfers of land set forth herein and the conveyance of the property at 50 Altar Rock Road under Article 97 of the Amendment to the Massachusetts Constitution.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 93 Conveyance of 50 Altar Rock Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

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

ARTICLE 94

(Home Rule Petition: Real Estate Conveyance - 50 Altar Rock Road to Nantucket Conservation Foundation, Inc.)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or a portion of a certain parcel of land in the Town of Nantucket held by The Inhabitants of the Town for park purposes, as described in more detail below and as shown on a map entitled "2022 Annual Town Meeting Warrant Article 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 Article 93 Conveyance of Altar Rock" dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

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 Article 93 Conveyance of Altar Rock" dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 95

(Home Rule Petition: Real Estate Conveyance - A Portion of Ames Avenue)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held under the care, custody and control of the Nantucket Conservation Commission for conservation or recreational purposes, and which are located in the roadway known as Ames Avenue as described in more detail below and as shown on a map entitled "2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue" dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board,

make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE CONVEYED FOR ROADWAY AND/OR ANY PURPOSES.

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket for roadway and/or any purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land to satisfy the “no net loss policy” of the Executive Office of Energy and Environmental Affairs, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

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 entitled “2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk, to the Select Board for purposes of

conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for roadway and/or any purposes, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY FOR ROADWAY AND ANY OTHER PURPOSES CERTAIN PARCELS OF LAND WITHIN THE ROADWAY KNOWN AS AMES AVENUE, AND SHOWN AS LOTS 35-38 (INCLUSIVE) IN BLOCK 31 ON LAND COURT PLAN NO. 2408-M FILED WITH THE NANTUCKET REGISTRY DISTRICT OF THE LAND COURT SITUATED IN THE TOWN OF NANTUCKET HELD FOR CONSERVATION OR RECREATIONAL PURPOSES TO BE CONVEYED FOR ROADWAY AND/OR ANY PURPOSES.

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket for roadway and/or any purposes, to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property, described as follows:

- Lots 35-38 (inclusive) in Block 31 on Land Court Plan 2408-M;

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land to satisfy the “no net loss policy” of the Executive Office of Energy and Environmental Affairs, all as shown on a map entitled “2022 Annual Town Meeting Warrant Article 95 Conveyance of A Portion of Ames Avenue” dated January 2022 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 96

(Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 96 Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purposes of public access, beach management, open space, and/or conveyance, the fee title or lesser interests in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 96 Real Estate Acquisition: Tom Nevers Coastal Access - Dorset Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 97

(Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 97 Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property in all or any portions of Dorset Road between the southern sideline of Tom Nevers Road and a line extending the northern sideline of Atlantic Boulevard (AKA Wanoma Way) across Dorset Road.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 97 Real Estate Conveyance: Tom Nevers Coastal Access - Dorset Road" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 98

(Real Estate Acquisition: West Chester Street)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for the purposes of public access, open space protection, and/or conveyance, the fee title or lesser interests in all or any portions of the unconstructed way known as West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road, together with any public and private rights of passage.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 98 Acquisition of a portion of West Chester Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for the purposes of public access, open space protection, and/or conveyance, the fee title or lesser interests in all or any portions of the unconstructed way known as West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road, together with any public and private rights of passage.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 98 Acquisition of a portion of West Chester Street" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 99

(Real Estate Conveyance: West Chester Street and Weweeder Avenue)

To see if the Town will vote to authorize the Select Board to sell, convey, release any rights, or otherwise dispose of the fee or lesser interests of the following former public ways to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, and/or the Nantucket Conservation Foundation, Inc., or any abutter thereto, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property:

- West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road;
- Weweeder Avenue between the eastern sideline of Nantucket Memorial Airport

and the western sideline of a way at the boundary between the South Pasture and Southeast Quarter Shares shown on Land Court Plan No. 5004-H as a 50 foot way.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 99 conveyance of portions of West Chester Street and Weweeder Avenue" dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey, release any rights, or otherwise dispose of the fee or lesser interests of the following former public ways to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation, and/or the Nantucket Conservation Foundation, Inc., or any abutter thereto, such disposition to be on any terms and conditions the Select Board deem appropriate, which may include the reservation of any easements and restrictions in regard to the property:

-- West Chester Street located between the western sideline of Crooked Lane and the eastern sideline of Wannacommet Road;

-- Weweeder Avenue between the eastern sideline of Nantucket Memorial Airport and the western sideline of a way at the boundary between the South Pasture and Southeast Quarter Shares shown on Land Court Plan No. 5004-H as a 50 foot way.

All as shown on a map entitled "2022 Annual Town Meeting Warrant Article 99 conveyance of portions of West Chester Street and Weweeder Avenue" dated January 2022 and filed herewith at the Office of the Town Clerk.

ARTICLE 100

(Real Estate Disposition: Utility Easement/Shadbush Road)

To see if the Town will vote to authorize the Select Board to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portion of Town-owned land shown as Lots F and I on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for: Town of Nantucket," dated May 11, 2010, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2010-62; said easement area being shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to convey a perpetual non-exclusive easement to Nantucket Electric Company/National Grid for such purposes to access, install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of intelligence, an underground electric distribution system in, through, under, over, across and upon a certain portion of Town-owned land shown as Lots F and I on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for: Town of Nantucket," dated May 11, 2010, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2010-62; said easement area being shown on a plan filed with the Office of the Town Clerk

ARTICLE 101

(Real Estate Disposition: Long-term Lease Authorization/Shooting Range Facility)

To see if the Town will vote to authorize the Select Board to lease a portion of the land at 1 Shadbush Road, shown as Lot 3 containing a total of twenty-seven (27) ± acres on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for Town of Nantucket," dated September 3, 2009, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 and shown on Tax Assessor's Map 78 as Parcel 5, for the purposes of demarcation, design, lay-out, construction, maintenance and operation of a recreational shooting range facility, and to enter into a ground lease of the leased premises containing nine (9)± acres, for a minimum term of fifty (50) years, upon such terms and conditions as the Select Board deem appropriate, subject to the receipt of a Conservation and Management Permit from the MA Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program by the lessee; and further to authorize the Select Board to grant a permanent conservation restriction on the remaining portion of the property containing eighteen (18) ± acres pursuant to Massachusetts General Laws Chapter 184, §§ 31-33; said leased premises to be shown on a plan filed with the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to lease a portion of the land at 1 Shadbush Road, shown as Lot 3 containing a total of twenty-seven (27) ± acres on a plan of land entitled "Subdivision Plan of Land in Nantucket, MA, prepared for Town of Nantucket," dated September 3, 2009, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 and shown on Tax Assessor's Map 78 as Parcel 5, for the purposes of demarcation, design, lay-out, construction, maintenance and operation of a recreational shooting range facility, and to enter into a ground lease of the leased premises containing nine (9)± acres, for a minimum term of fifty (50) years, upon such terms and conditions as the Select Board deem appropriate, subject to the receipt of a Conservation and Management Permit from the MA Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program by the lessee; and further to authorize the Select Board to grant a permanent conservation restriction on the remaining portion of the property containing eighteen (18) ± acres pursuant to Massachusetts General Laws Chapter 184, §§ 31-33; said leased premises to be shown on a plan filed with the Office of the Town Clerk.

ARTICLE 102

(Real Estate Acquisition: Proprietors Road - Off Tripp Drive/South Shore Road)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513'. as shown on the plan attached hereto.

Or to take any other action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513', as shown on a plan filed with the Office of the Town Clerk..

ARTICLE 103

(Real Estate Conveyance: Proprietors Road - Off Tripp Drive/South Shore Road)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a dimension of approximately 33' x 513', as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions,

Or take any action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as "Proprietors Road" located west of property at 14 Tripp Drive (Tax Assessor's Map 80, Parcel 310) and 59 South Shore Road (Tax Assessor's Map 80, Parcel 308), from a line extending across said road at the northern property line of 14 Tripp Drive south to its terminus at the southwest corner of 59 South Shore Road, with a

dimension of approximately 33' x 513', as shown on a plan filed with the Office of the Town Clerk, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions.

ARTICLE 104

(Real Estate Acquisition: Two (2) 12-foot Wide Ways - Nobadeer Way)

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or to take any other action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to acquire by purchase, gift or eminent domain for public way, drainage, general municipal purposes, and/or the purposes of conveyance, the fee title or lesser interests in all or any portions of the two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet.

ARTICLE 105

(Real Estate Conveyance: Two (2) 12-foot Wide Ways - Nobadeer Way)

To see if the Town will vote to authorize the Select Board to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus, as shown on the plan attached hereto, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet,

Or take any action related thereto.

(Linda Williams, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in all or any portion of property shown as two (2) 12-foot-wide ways shown on Land Court Plan 16514-F dated February 25, 1954, both running westerly from Macy Lane (aka Airport Road) to their terminus, as shown on the plan filed with the Office of the Town Clerk,, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the

"Nantucket Yard Sales" program on file at the Select Board's Office. Such disposition to be on such terms and conditions as the Select Board may deem appropriate, which may include the reservation of easements and restrictions. The northerly Way runs 600.65 feet and the southerly Way runs 679.43 feet.

ARTICLE 106

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2022 tax levy.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that One Million Five Hundred Thousand Dollars (\$1,500,000) from Free Cash in the Treasury of the Town be deposited into the Stabilization Fund; and, that One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) from Free Cash in the Treasury of the Town be deposited into the Capital Projects Stabilization Fund.

ARTICLE 107

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Select Board)

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

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2022 ANNUAL TOWN ELECTION



Tuesday, May 10, 2022 - 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	One for a term of one year
School Committee	One for a term of three years
Historic District Commission	Two for terms of three years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Three for terms of three years
Planning Board	One for a term of three years
Planning Board	One for a term of five years
Nantucket Board of Water Commissioners	One for a term of three years
Town Clerk	One for term of three years

To vote "YES" or "NO" on the following ballot questions:

Debt Exclusion: Design for New Our Island Home Facility

1. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to design a new Our Island Home facility to be located on Town-owned land currently leased to Sherburne Commons located at 40 Sherburne Commons Way including the costs of professional services for design, permitting, engineering,

materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Supplemental Appropriation for Replacement Harbormaster Facility

2. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide supplemental funding for the replacement of the Harbormaster Building at 34 Washington Street including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Repave Pleasant Street and Reconstruct/Improve Sidewalk(s)

3. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to repave Pleasant Street and reconstruct and/or improve the adjacent sidewalks including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Repairs to LORAN Barracks Facility

4. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for repairs to the LORAN barracks facility located at 54 Low Beach Road, including the costs of professional services for design, permitting, engineering, hazardous materials removal, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Nantucket Public Schools Athletic Facilities

5. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for the construction of athletic facilities and associated appurtenances at the Nantucket Public School campuses, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Central Municipal Facility/2 Fairgrounds Road

6. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to design a central municipal facility at property owned by the Town at 2 Fairgrounds Road including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Construction of Town Employee Housing

7. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to provide funding for the construction of town employee housing located at Town-owned property at Fairgrounds Road/Waitt Drive, including the costs of professional services for design, permitting, engineering, construction, construction oversight, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: PFAS Soil Investigation

8. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to undertake an investigation of the presence of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and other related contaminants in soil and other areas at various locations throughout the Island, including the costs of professional services for design, permitting, engineering, materials, and other related professional services, and any other costs incidental and related thereto?

Debt Exclusion: Acquisition of 10-12 Washington Street

9. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to purchase the property located at 10-12 Washington Street and any other costs incidental and related thereto?

Debt Exclusion for Affordable Housing

10. Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of acquiring existing properties for affordable housing purposes, which may include an affordable rental program, and also for the acquisition of interests in and/or deed restrictions on properties for affordable housing purposes, including the payment of all costs incidental and related thereto?

Capital Outlay Exclusions

11. Shall the Town of Nantucket be allowed to assess an additional \$1,176,000 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2022?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$105,000
Fire	Replace Utility Vehicle	75,000
Fire	Utility All-Terrain Vehicle	50,000
Natural Resources	One (1) Replacement Vehicle; One (1) New Vehicle	100,000
Health & Human Services	One (1) Replacement Vehicle; One (1) New Vehicle	100,000

Solid Waste	Replacement Administrative Vehicle	40,000
Public Works	Replacement of Two (2) Small Pick-up Trucks	96,000
Public Works	Replacement of Skid Steer Loader	72,000
Public Works	Replacement of F-350 Pick-up Truck	68,000
Public Works	Replacement of F-550 Pick-up Truck	80,000
Public Works	"Forestry Package" for Cat Skid Steer	50,000
Public Works	Replacement of Tandem Vibratory Roller	50,000
Public Works	New Mechanic's Utility Vehicle	120,000
Public Works	New Mini Sweeper	120,000
Public Works	New Park & Recreation Vehicle	50,000
	Total Capital Exclusion:	\$1,176,000

Charter Amendment

12. Shall the Town of Nantucket approve the charter amendment proposed by Town Meeting summarized below?

SUMMARY OF BALLOT QUESTION NO. 12:

Massachusetts General Laws, Chapter 43B, Section 10, allows Town Meeting to vote to amend the Town's Charter. On June 5, 2021, the Annual Town Meeting voted to adopt the Charter amendment. The vote on the motion pursuant to Article 96, as moved by the Finance Committee, was Yes: 668, No: 24, which passed by more than the necessary two-thirds vote. The Charter Amendment is conditioned upon the voters approving the same at this 2022 Annual Town Election.

The Proposal will amend section 2.5 of the Town Charter which currently requires that the Select Board publish the Town Meeting warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting. The amendment will increase the length of time for the mailing from seven to fourteen days.

A "YES" vote on this Ballot Question would be in favor of approving this amendment to the Charter.

A "NO" vote on this Ballot Question would be opposed to approving this amendment to the Charter.

Commented [LG2]: ADDITIONAL DEBT EXCLUSION
PENDING (RE ARTICLE 10 PFAS WATER MAIN EXT)

INSERT PLANNING BOARD REPORT; GLOSSARY; SUMMARY OF ZONING DISTRICTS

TOWN OF NANTUCKET

Draft OUTLINE OF SHORT-TERM RENTAL REGULATIONS as of 03/10/22 5:30 pm

Article 39 of the 2022 Annual Town Meeting is a general bylaw amendment that will create a short-term rental registration program. The proposed bylaw authorizes the Board of Health, with the approval of the Select Board, to adopt regulations to address the following:

1. §123-3A provides for an application for a Certificate of Registration on a form provided by the Town.
2. §123-3B states that the yearly fee for the Certificate of Registration will be set forth in the regulations.
3. §123-3C requires an attestation clause on the application form.
4. §123-3D states that the amount of insurance required will be set forth in the regulations.
5. §123-4 provides that the Board of Health, with the approval of the Select Board, is authorized to enact regulations (1) to carry out and enforce the bylaws, and (2) to insure that the operation of short-term rentals do not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, overburdening of parking areas, or other nuisance conditions.

The regulations should provide:

1. The Form of the application for a certificate of Registration.
2. The required registration fee. (Could be on a sliding scale depending on the number of days the property is offered for rent and/or the number of occupants/bedrooms allowed
3. The minimum amount of liability insurance required for each rental property, including an insurance rider covering short-term rentals.
4. Referral of any violations of the Noise Bylaw, the State Sanitary Code (health or housing issues), zoning regulations, Board of Health regulations, or other local or state regulations by an occupant or an owner/operator to the appropriate entity for enforcement action.
5. The following Information is recommended to be provided in the application for a Certificate of Registration:
 - a. Address of property.
 - b. Owner(s) of the property.
 - c. The zoning district in which the property is located.
 - d. If other than an individual, the names of all persons or entities holding a beneficial interest in the property.
 - e. Whether the property is operated as an investment property with no occupancy of the property by any of the beneficial owners for more than a total of 14 days in a calendar year.
 - f. If it is a professionally managed unit, the name, address, and contact information for the person or operator responsible for the rental of the unit; but in any event, the contact information of the person responsible for the property
 - g. The number of bedrooms in each unit offered for rental.
 - h. The number of units offered for rent at the property.
 - i. The number of days in the year that the owner(s) anticipates he or she will reside at the property.

Commented [LG1]: Review info from Barnstable 3/15/22

Commented [LG2]: How will this be determined?

Commented [JG3R2]: Item n below requires submission of evidence of the required insurance. I am guessing that many people who rent their homes do not pay for the extra insurance that a rider would cost. I wonder if local real estate agents, VRBO, and the hosting platforms require a rental rider?

Commented [LG4]: How will we determine this? Random visits to such properties? Or? What if they say "we're there for the month of March", or whatever?

Commented [JG5R4]: They will have signed the application under the pains and penalties of perjury.

- j. Whether the owner(s) of the property is/are year-round resident(s) of the Town.
- k. The number of days the property will be offered for short-term rental during each calendar quarter of the year.
- l. Identification of the water and wastewater utility services at the property.
- m. The total number of persons who may occupy the property at any given time.
- n. The total number of off street parking spaces provided for each rental unit.
- o. Evidence of the required insurance.
- p. A copy of a standard rental contract.
- q. Whether there are any restrictions in the rental contract on the holding of events at the property during a rental period, including weddings, birthday parties, fund raisers, other life events, commercial activity of any kind, and any other events where more than 5 other persons will be present at the property in addition to the maximum number of persons allowed to occupy the unit during a rental period.
- r. The name and address of the individual responsible for responding to any neighborhood complaints within two hours of notice.
- s. Whether the property has a pool or whether the occupants will have access to a pool offsite.
- t. An attestation signed under the pains and penalties of perjury regarding the compliance issues set forth in the section 123-3C of the Bylaw.
- u. An acknowledgement that the owner/operator will provide a copy of the Town's noise bylaw, the short-term rental registration bylaws, and a copy of the any short-term regulations to all short-term rental occupants and obtain an acknowledgement of receipt from the occupant.

Commented [LG6]: Ken suggests adding a reference to a rental rider here?

Commented [PW7]: Contact Information should include Name, address and phone number.

Commented [LG8R7]: And maybe email?

Commented [LG9]: Why do we care about an offsite pool?

Commented [JG10R9]: Suppose there is a pool in the neighborhood and several owners get together and rental the pool. Does that create a potential for overburdening the neighborhood from a noise and nuisance standpoint?