

Town and County of Nantucket Select Board • County Commissioners

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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
MARCH 13, 2024 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS
AMENDED MARCH 11, 2024***

***YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/u3gt2y1RcA8>***

***ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_hg--ropSDu77U-fiCR_0A***

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Nantucket Lights: Request to Proclaim April 2-8, 2024 "Dark Sky Week" on Nantucket.
 3. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES AND WARRANTS***
 1. Approval of Minutes of March 4, 2024 at 5:00 PM; March 6, 2024 at 5:30 PM.
 2. Approval of Treasury Warrants for March 13, 2024.

VIII. CONSENT ITEMS

1. Gift Acceptances: Planning and Land Use Services (PLUS).

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Housing Office: Request for New Letter of Support for Bill H.4138, "An Act Known as the Affordable Homes Act".

X. TOWN MANAGER'S REPORT

1. Town Administration: Request for Adoption of Flag Policy.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review and Vote to Revise Language of House Bill No. 4077 (Conveyance of Various Parcels on Washington Street, Monomoy Creeks, Goose Pond Lane and Spruce Street to Nantucket Islands Land Bank for Open Space, Recreational, or Conservation Purposes, Pursuant to Vote on Article 90 of 2023 Annual Town Meeting) as Requested by Representative Fernandes.
2. Committee Reports.

XII. ADJOURNMENT

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

SELECT BOARD AGENDA PROTOCOL:

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

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. 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 the United States Constitution and the Massachusetts Declaration of Rights.

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 an orderly and peaceable manner, without disruption to other speakers.

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 protected under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

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 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.

Unanticipated Business: 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: April 26, 2023



NANTUCKET LIGHTS

March 4, 2024

Dear Select Board Members,

I am writing on behalf of Nantucket Lights (<https://nantucketlights.org>) to ask your support in helping to protect our dark skies by declaring April 2-8, 2024, to be International Dark Sky Week on Nantucket. I have enclosed draft proclamation language for your consideration and respectfully ask that you consider it at your next meeting.

International Dark Sky Week is a global initiative to celebrate the night sky, raise awareness about light pollution, and promote the use of environmentally responsible outdoor lighting during the week of the new moon in April each year. This year, the designated dates for it are April 2-8. (Visit <https://idsw.darksky.org> for more details.)

A proclamation by the Select Board declaring those dates to be International Dark Sky Week on Nantucket would be a great way to show its support for preserving our dark skies, a goal that is important to the Nantucket community as demonstrated by the passage of a stronger outdoor lighting bylaw at last year's Annual Town Meeting.

The proposed language is very similar to the proclamation adopted by the Select Board in 2022 at our request, available [here](#). (We didn't seek a proclamation last year because our warrant article proposing the new outdoor lighting bylaw was pending and we thought the Select Board would want to avoid taking any action that appeared to take a position on that.)

Thanks very much for your consideration. If you have any questions or would like any additional information, please let me know.

Warm regards,

Gail Walker
Founder and President
Nantucket Lights

The mission of Nantucket Lights is to preserve and protect Nantucket's nighttime environment and heritage of dark skies by raising awareness about light pollution on the island and advocating for environmentally responsible outdoor lighting.



PROCLAMATION

WHEREAS, the aesthetic beauty and wonder of the natural night sky is a part of Nantucket's heritage and culture that should be protected and preserved for residents as well as visitors to the island; and

WHEREAS, the excessive use of artificial light at night, also known as light pollution, not only masks the beauty of the natural night sky but also has significant adverse impacts on our health and quality of life; and

WHEREAS, light pollution is also harmful to the wildlife on Nantucket that need a natural night environment to thrive, including plants and pollinating insects; and

WHEREAS, light pollution also threatens the astronomical research and educational programs of the Maria Mitchell Association, founded in 1902 to preserve the legacy of astronomer and Nantucket native Maria Mitchell; and

WHEREAS, light pollution also wastes energy and contributes to diminished energy security; and

WHEREAS, International Dark Sky Week is a global initiative to celebrate the night sky, raise awareness about light pollution, and promote the use of environmentally responsible outdoor lighting around the world during the week of the new moon in April each year,

NOW, THEREFORE, we, the Nantucket Select Board, hereby declare

April 2-8, 2024

to be

INTERNATIONAL DARK SKY WEEK

on Nantucket

and call upon all residents to commit to increasing their awareness and understanding of light pollution and the steps that each of us can take to protect and preserve our beautiful dark skies.

Approved this _____ day of March 2024

Dawn Hill Holdgate, Chair
Select Board, Town of Nantucket

CONSENT AGENDA ITEMS FOR 3/13/2024 SELECT BOARD MEETING

1. Gift Acceptances

Recommend the acceptance of the following gifts to Town agencies:

- Planning and Land Use Services (PLUS):
 - Gift of \$6,000 from 156 Cliff Road Nominee Trust and 158 Cliff Road Nominee Trust for pedestrian and bike path improvements in connection with Abel Way subdivision

Recommended Motion: To accept all gifts for their designated purposes, with thanks to the donors.

Town Administration will ensure that letters of thanks are sent.



Planning and Land Use Services

Building ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

Memo

To: Nantucket Select Board
From: Megan Trudel, Senior Planner
cc: Erika Mooney, Operations Administrator
Date: February 29, 2024
Re: Gift Acceptance – Abel Way Subdivision

To Members of the Select Board:

Please accept a total of \$6,000.00 (three checks in the amount of \$2,000 each) from 156 Cliff Road Nominee Trust and 158 Cliff Road Nominee Trust as a gift to the Town of Nantucket to be utilized for pedestrian and bike path improvements. This contribution is being made in connection with the Abel Way subdivision approval, granted by the Planning Board on June 12, 2023.

Thank you,


Megan Trudel, AICP
Senior Planner
PLUS-Town of Nantucket



Agenda Item Summary

Agenda Item #	IX. 1.
Date	March 13, 2024

Staff

Kristie Ferrantella, Municipal Housing Director

Subject

Select Board approval of letter to support Governor Healey's Affordable Homes Act, and specifically, the inclusion of a Transfer Fee

Executive Summary

The Governor has introduced a bill that includes a statewide transfer fee for affordable housing. This resembles the Home Rule Petition that Town Meeting voters have overwhelmingly supported over the past few years. The Local Option for Housing Affordability (LOHA) Coalition is requesting municipalities sign on with the request for adjustments to provide local options.

Staff Recommendation

Recommend approving this letter to illustrate Nantucket's support of a transfer fee to the legislature.

Background/Discussion

The Affordable Homes Act, if approved, will create the option for the Town to opt in to a transfer fee. We appreciate the inclusion of a transfer fee in the bill and recognize that there are a few edits needed to support Nantucket's housing crisis.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

Addresses housing funding

Board/Commission Recommendation

The AHT will be reviewing at their 1/16 meeting.

Public Outreach

N/A

Attachments

1. Letter to the joint committee on housing
2. Email from LOHA Coalition



February XX, 2024

The Honorable James Arciero
Chair, Joint Committee on Housing
State House, Room 146
Boston, MA 02133

The Honorable Lydia Edwards
Chair, Joint Committee on Housing
State House, Room 413-C
Boston, MA 02133

Re: H.4138 *The Affordable Homes Act*

Dear Chairs Arciero and Edwards:

We write to you as municipal officials and staff who work each day to provide livable and affordable housing for our residents to express our enthusiastic support for *The Affordable Home Act*, particularly its provisions to enable local option transfer fees. We also wish to voice our support for the over a dozen home rule petitions that were filed in this and previous sessions.

We are incredibly grateful to Governor Healey for her inclusion of a local option transfer fee in H.4138 *The Affordable Homes Act*, and urge you to keep this provision in the final bill. We strongly believe that this critical tool will give our communities the ability to address local housing needs, and further our partnership with the Commonwealth as we work to address our housing challenges together.

The extreme housing costs that residents across the Commonwealth face today are the direct result of decades of underfunding and underproducing the housing that those residents need. We need a legislative solution that addresses these challenges from all angles, and we think that Transfer Fees must be part of the solution, alongside the state investments that are also proposed in *The Affordable Homes Act*. Transfer fees alone will not solve our housing crises, but taken together with state investments and other policy changes, transfer fees will allow us to invest local money in our local challenges and deliver better results for residents.

Transfer fees also offer the following benefits:

1. **If a community does not want a transfer fee, they do not have to opt in.** Allowing communities who choose to do so to collect these fees to support affordable housing, while not requiring that any community do so, recognizes the diversity of housing needs across the state.
2. **Transfer fees tie housing prices to the resources communities have to produce housing.** Transfer fees are assessed as a percentage of sale price, ensuring the resources we have to address our local affordable housing needs can keep pace with the cost of housing.
3. **Transfer fees are targeted to high-end real estate transactions, where those who pay the fee can afford to do so.** While notable alternative funding mechanisms for affordable housing levy surcharges on all property owners, transfer fees will only impact those residents buying or selling a home over \$1,000,000 or the county median, meaning most residents selling high-end properties will pay them only once or twice in their lifetime, not every year as we do with property taxes.
4. **Fees are modest.** Collecting a fee of between .5% and 2% on high-end real estate transactions represents a small fraction of the value of property sold, a significantly lower amount than other closing costs, such as realtor fees.

As you know, a total of 17 communities have now requested the ability to use this tool, beginning with Provincetown in 2010. In the years since this initial request from Provincetown, circumstances have only

become more dire. More than a dozen other communities have requested the tool, and other municipalities like Falmouth and Great Barrington are in the process of exploring options to do the same. Realizing this synergy across the state, several of our communities came together in support of Representative Connolly and Senator Comeford's H.2747/S.1771, and we are glad to see these and other parallel efforts come to fruition in the Governor's inclusion of a transfer fee in *The Affordable Homes Act*.

Our housing crisis is simply too great to leave funding and financing tools on the table. We must be able to use this tool that will allow us to generate additional resources for local affordable housing.

In the years we have spent working toward a transfer fee, we have identified several elements which are critical in ensuring transfer fees are accessible and useful tools for all communities. **As you consider the Governor's proposal, we again urge you to include local option transfer fees in all subsequent versions of the bill, with particular attention to the inclusion of the following components:**

Provision	Reason for Inclusion
<i>Local Option</i>	Transfer fees must remain local option so communities that don't want or need them can simply choose not to opt in.
<i>Appropriate Threshold for Statewide Use</i>	Home sale prices vary greatly across Massachusetts, with rural communities and Gateway cities often having property values well below \$1 million. A final bill should include a mechanism to make the tool available to these communities.
<i>Threshold Flexibility</i>	Allowing communities to set a threshold higher than the statewide threshold will allow them to tailor local transfer fees to local needs and market conditions.
<i>Reg'l Affordable Housing Commissions</i>	Allowing collaboration between multiple municipalities through regional affordable housing commissions is critical to making the tool available for rural communities across the Commonwealth.
<i>Fee Bearer Flexibility</i>	Allowing communities flexibility to determine whether buyers or sellers of a property bear fees will enable them to tailor their local transfer fee to local needs and market conditions.
<i>Further Local Exemptions</i>	Allowing municipalities to create further local exemptions to transfer fees such as exemptions for first time homebuyers or lower income seniors will enable them to protect vulnerable populations in their communities. Vulnerable populations differ by community, and thus further local exemptions are also necessary in some cases to prevent vulnerable communities.
<i>Applying Fees to Full Transaction</i>	Allowing municipalities to apply fees to the full amount of transactions, rather than only the amount in excess of the threshold, will allow communities with higher needs and sales prices closer to the \$1,000,000 threshold to generate significantly more revenue which is desperately needed to fund the increasing costs of affordable housing development

We know that housing production alone cannot solve our housing crisis. We firmly believe that in addition to revenue raising measures like local option transfer fees, the Commonwealth must also prioritize policies which provide vulnerable tenants and homeowners with additional protections and resources to guard against displacement.

Together, all of these investments, new tools, simplified zoning processes, and homeowner and tenant protections can help us to both meet the needs of our residents and start down the path necessary to produce adequate housing to resolve these challenges in the decades to come.

Thank you for your consideration of this letter. If you have any questions, please do not hesitate to reach out to Matt Walsh (mwalsh@mapc.org) and Mark Martinzes (mmartinez@mlri.org).

Sincerely,

From: loha-coalition@googlegroups.com on behalf of [Walsh, Matt](#)
To: loha-coalition@googlegroups.com
Cc: [Mark Martinez](#)
Subject: LOHA UPDATE: Municipal Sign-On Letter + Bills Extended (Joint Rule 10 Status Update)
Date: Thursday, February 8, 2024 4:11:15 PM
Attachments: [FINAL DRAFT - Municipal Sign-On Supporting a Transfer Fee \(2\).pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, LOHA!

I'm sorry I missed you all earlier this week, but glad to hear about the robust discussion at our Coalition meeting on Tuesday.

Before I dive into updates on the municipal sign-on letter, I wanted to make you all aware that both the **Connolly/Comerford bill enabling local option transfer fees, and the transfer fee home rule petitions filed have been granted an extension until April 30th before the Joint Committee on Revenue.**

- To contextualize: on Wednesday, the Legislature reached its deadline for Committees to issue reports on legislation before them for their consideration (referred to as Joint Rule 10/Joint Rule 10 Day). Unlike in previous years, extensions seem to be the status quo for many pieces of legislation, even those considered a priority by some members of leadership in both chambers. This is likely, at least in part, shaped by legislators' attention on the many remaining major bills to consider before session's end (Housing Bond, Municipal Empowerment Act, and others).

Now, on the letter: In response to feedback received during our last meeting, we are making one small edit to the letter, and a couple of small modifications to our request and the sign-on form, as well as providing an intro email to use when transmitting the letter.

First, the small textual edit: we are adjusting language to reflect that Great Barrington has not yet moved forward with a transfer fee, which the previous language did not make sufficiently clear. The change turns the words "are in the process of doing the same" to "are in the process of exploring options to do the same." I am attaching here the updated version of the letter with this change, and have updated the link to the letter in the Google Form. That form can be found here: <https://forms.gle/Pr5KbZivi2HS9SZK9>

Secondly, changes to sign-on requests and the form: In response to confusion and constructive criticism on the targeting of the letter, we have changed the sign on options to reflect that **signatures will be accepted from municipalities, other municipal entities, or individual municipal officials.**

- We have also removed language around approval processes as it turned out to be more confusing than helpful. To clarify, many (in my experience, most) municipal CEOs (e.g. Mayors, Managers) have approval to sign on to these letters of their own accord, though we trust each to be familiar with any local prerequisites for their signature, as we do for other municipal officials who wish to sign on behalf of their municipality or other municipal entity. Those signing on as individuals need no approval other than their own.
- I've added a note clarifying that those not comfortable with inputting their signature into the Google Form can contact Mark or myself directly to provide their e-signature and sign-on preferences. Please use this option ONLY for those not comfortable using the form – others should use the form to spare inboxes and ensure timely processing of their sign-on.
- **Again, the form for municipal sign-ons can be found here:** <https://forms.gle/Pr5KbZivi2HS9SZK9>

As reflected in the updated FAQ section of the form, non-municipal organizations interested in signing on as LOHA members may do so [using the form linked here](#).

Finally, you can find below a brief introduction to the letter to assist in your outreach:

"Dear, _____,

As a member of the LOHA Coalition supporting Local Option Transfer Fees, I am excited for Governor Healey's inclusion of transfer fee enabling language in the Housing Bond because ... [insert community-specific context as appropriate]

As a coalition, LOHA understands that interest in and support for transfer fees extends far beyond the 17 municipalities who have already filed home rule petitions, with many other communities also hungry for this additional tool in their housing toolbox.

The Coalition has put together the [sign-on letter linked here](#) in the hope of gathering signatures from municipal officials across the Commonwealth to ensure that: 1) legislators understand the full breadth of demand and support for this tool, 2) transfer fees remain included in *The Affordable Homes Act* (H.4138), and 3) the transfer fee included in final legislation can work for all communities.

Please review the letter linked above and [fill the Google Form linked here](#), uploading an image file of your signature, to sign on.

If you do not feel comfortable inputting your signature into the form, please email Matt Walsh (mw Walsh@mapc.org) and Mark Martinez (mmartinez@mlri.org) with the information requested in the form so we have a written record of how you would like to be included in the letter for later reference.

Likewise, if you have any questions, please contact me, Matt and Mark.

Sincerely,"

###

If you have any remaining questions which this email, or the accompanying letter and Google Form do not answer, please don't hesitate to let us know.

Best,
Matt

Matt Walsh (he/him)
Government Affairs Policy Analyst
[Metropolitan Area Planning Council](#)
c: (413) 559-9910
w: (617) 933-0713

From: loha-coalition@googlegroups.com <loha-coalition@googlegroups.com> on behalf of Walsh, Matt <MWalsh@mapc.org>
Sent: Tuesday, February 6, 2024 8:59 AM
To: loha-coalition@googlegroups.com <loha-coalition@googlegroups.com>
Cc: Mark Martinez <mmartinez@mlri.org>

Subject: Municipal Sign-On Letter

Good morning, LOHA!

I hope that you've all been doing well! I'm reaching out here first to remind you we will be meeting as a full coalition today (2/6) at 3:30 PM.

Secondly, I wanted to pass along the attached Municipal Sign-On Letter supporting local option transfer fees in *The Affordable Homes Act*, with the small changes our Coalition is advocating for.

Please share this letter with your local elected officials and encourage them to sign on using the Google Form linked here: <https://forms.gle/q7P6CQLCqGzX3rkH9>

Answers to a couple of FAQs included here, as well as in that form:

WHO SIGNS? Signatures will be accepted from municipal officials, staff or members of local boards and commissions who have received the appropriate approvals within their municipality/board/commission, and who have been designated by their municipality/board/commission as the best signer, with preference for municipal CEOs and full municipal endorsement where possible.

WHAT IS THE DEADLINE? ASAP! Signatures will be added to the letter on a rolling basis, and will be submitted to the relevant committees (Joint Committee on Bonding, others as necessary) as written testimony is requested at each subsequent hearing on the bill. The Coalition will announce cut off dates for sign-ons to the letter in advance of each hearing as they are scheduled, and submit a version of the letter with all sign-ons gathered before that date to the appropriate Committee. This will be an iterative letter, so if you are not able to sign on before one cutoff, you can sign on to be included on the next iteration to be submitted at the bill's next hearing and/or when it comes to the floor of each chamber, and later when conferees are appointed to negotiate differences.

As we'll be asking for signatories to upload their signatures to the form, the form does require that they sign in to Google. If this poses a barrier to anyone, please have them email myself and Mark with their e-signature attached, including the following information: 1) Name, 2) Signatory Entity (e.g. Mayor/Manager, Selectboard, Council, Municipal Affordable Housing Trust, etc), 3) their role in the signatory entity (e.g. Chair, Council President, etc.), 4) confirmation they have received the necessary local approvals, and 5) confirmation they would like to sign on.

If you have any questions, please do not hesitate to reach out! You can also please feel free to include my contact alongside Mark's in case the officials who you ask to sign have any questions.

Best,
Matt

Matt Walsh (he/him)
Government Affairs Policy Analyst
[Metropolitan Area Planning Council](#)
c: (413) 559-9910
w: (617) 933-0713

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Agenda Item Summary

Agenda Item #	X. 1.
Date	3/13/2024

Staff

Erika D. Mooney, Operations Administrator

Subject

Adoption of Flag Policy

Executive Summary

Following a staff training on First Amendment Audits and a subsequent Mass Municipal Association webinar on Flag Flying Policies, Town Administration began reviewing and revising existing policies and creating policy if none exist. We have worked with Town Counsel on this review and they have assisted in amending and drafting policies.

A flag policy is deemed necessary as a result of the U.S. Supreme Court decision on Shurtleff v. City of Boston where the City rejected a request from a religious group to fly a religious flag on City Hall Plaza after allowing many other organizations to fly flags on City Hall Plaza, which was deemed unconstitutional. (See KP Law eUpdate, attached.)

The flag policy being proposed makes it clear that only certain governmental flags may be flown from Town-owned flagpoles.

Staff Recommendation

Moved to adopt the proposed Flag Policy, effective immediately

Background/Discussion

N/

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

Draft Flag Policy

KP LAW eUpdate: SCOTUS - Boston's Flag-Raising Decision Unconstitutional, May 16, 2022





TOWN OF NANTUCKET

Flag Policy

Adopted by vote of the Select Board: _____, 2024

Policy to go into effect on: _____, 2024

I. Introduction

This Policy is intended to address flags allowed to be flown on Town of Nantucket flagpoles.

II. Flags Allowed to Be Flown

The Select Board authorizes the following flags to be flown on Town-owned flagpoles, as an official expression of the Town's governmental speech, to which the strictures of the First Amendment do not apply:

- The official flag of the United States of America;
- The official flag of the Commonwealth of Massachusetts;
- The official flag of the Town of Nantucket;
- The official flags of the various branches of military services of the United States of America; and/or
- The official MIA-POW flag.

No other flags shall be allowed to be flown on Town of Nantucket-owned flagpoles, as those flagpoles and this policy are not intended to establish or serve to create a forum for private expression.

SCOTUS - Boston's Flag-Raising Decision Unconstitutional

May 16, 2022

On May 2, 2022, the U.S. Supreme Court issued its much-anticipated decision in [Shurtleff v. City of Boston](#), finding that the City's rejection of a request from a religious group to fly a religious flag on City Hall Plaza was inconsistent with the protections of the First Amendment. This decision has important implications for all public entities, and consideration may be given to reviewing flag-raising practices and policies to ensure consistency with the [Shurtleff](#) decision.

As background, over the years, the City allowed numerous organizations to conduct flag-raising ceremonies without reviewing or otherwise exercising control over the flags or the messages promoted. Notably, the City did not have a written policy governing non-governmental use of the flagpole. In [Shurtleff](#), the City denied a request from a Christian organization seeking permission to raise a Christian flag on a City flagpole during a celebration of the Christian community. The City claimed that allowing a religious flag to be flown from a City-owned flagpole might violate the Establishment Clause to the U.S. Constitution. The U.S. District Court and First Circuit Court of Appeals upheld Boston's decision, concluding that the use of the City flagpoles constituted "government speech"; that is, the government's right to express – or decline to express – certain views as representative of the government's policies, goals, and programs. Therefore, these lower courts concluded that the City's rejection of the "Christian" flag-flying request was not unconstitutional viewpoint discrimination under the First Amendment.

The Supreme Court disagreed, however, reversing those lower court decisions and holding against the City. The Court focused on the question of whether raising a flag on City Hall Plaza's third flagpole was an act of government speech (as the lower courts had concluded), or private expression. As noted above, if flying a flag on the City flagpole was "government speech," the City had broad discretion to reject any request to fly a flag, based upon content, without violating the First Amendment. If flying the flag was instead "private expression," then the City's refusal to allow a "Christian flag" to be flown on a space otherwise open to public use, was arguably viewpoint discrimination prohibited by the First Amendment. The Court conducted a "holistic inquiry," focusing on three particular factors: 1) the history of the expression at issue (i.e., flag flying at the seat of government); 2) the public's likely perception as to who (the government or a private person) is speaking; and, 3) the extent to which the government has actively shaped or controlled the expression.

While the display of flags on government flagpoles conveys important governmental messages (thus, "governmental speech"), it was undisputed that the City's practice was to essentially allow any and all requests to hold flag-raising ceremonies utilizing one of the flagpoles on City Hall Plaza, subject only to scheduling and logistic considerations. The City's failure to engage in any examination of the flags' messages, or take any steps suggesting that the City was adopting the flags' messages as "governmental speech," led to the Court's ultimate determination that:

while the historical practice of flag flying at government buildings favors Boston, the city's lack of meaningful involvement in the selection of flags or the crafting of their messages leads us to classify the flag raisings as private, not government, speech ... [emphasis added].

THE LEADER IN PUBLIC SECTOR LAW

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As such, the Shurtleff court held that the City's rejection of a religious flag violated the First Amendment, in the same way that rejecting an applicant's request to use a publicly-available community or conference room, based upon religion (or other protected expression), would violate the First Amendment.

The key takeaway from Shurtleff is the importance of giving thoughtful consideration to, and documenting, any formal policies or informal practices allowing nongovernmental entities to fly flags on public flagpoles or otherwise use publicly-owned space open to the public. In recent years, communities have been increasingly faced with requests from private, charitable, or non-profit organizations, citizen groups, private individuals, and even government employees or officials, to fly a particular flag (or display a banner) on government property. This often raises the question of how far the government may go to permit or refuse such requests. Under Shurtleff, consistent with the First Amendment, there are two options:

- A. The government may prohibit this practice entirely, declaring, through a written policy, the municipal flagpole to be a nonpublic forum and a vehicle only for its own governmental speech. The Supreme Court cited the City of San Jose, California's [flag policy](#), which states that its "flag policies are not intended to serve as a forum for free expression by the public," and further, lists "approved flags" that may be flown "as an expression of the city's official sentiments."

OR

- B. The government may accept requests from private or nongovernmental groups/individuals to fly flags in the same way it does for publicly-accessible meeting rooms, halls, and venues. In that case, government must remain "content neutral" in imposing limitations or restrictions on such use, and may not reject requests based solely upon First Amendment protected expression, as a general rule.

Variations of such approaches will need to be carefully crafted, in consultation with counsel, to reflect each public entity's unique circumstances.

The holdings of the Shurtleff case suggest that it is an appropriate time to examine existing practices and policies regarding flag raising to ensure compliance with the First Amendment. Public entities may also consider examining their formal or informal policies and practices regarding display of banners, flags, message boards, and other signage on, and use, of public buildings and property. Policies in which the government allows some non-governmental entities or individuals to display their sign or banner of choice on public property, but not others, will likely be highly susceptible to challenge.

Please contact KP Law Attorneys Michele Randazzo, Janelle Austin, or Devan Braun with any First Amendment questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.



Agenda Item Summary

Agenda Item #	XI. 1.
Date	3/13/2024

Staff

Erika D. Mooney, Operations Administrator

Subject

Approval by Select Board of General Court Revisions to House Bill No. 4077 - conveyance of various parcels on Washington Street, Monomoy Creeks, Goose Pond Lane and Spruce Street to Nantucket Islands Land Bank for open space, recreational, or conservation purposes

Executive Summary

A vote on Article 90 of the 2023 Annual Town Meeting authorized the Select Board to file a Home Rule Petitions for the real estate conveyance of various parcels on Washington Street, Monomoy Creeks, Goose Pond Lane and Spruce Street. The General Court, upon review of the legislative Counsels and Staff, requested changes to the Home Rule Petition which requires approval by the Select Board. Enclosed please find clean and red-lined copies of the Bill, as well as Article 90 of the 2023 ATM. Town Counsel has reviewed the proposed revisions to the Bill and finds that they are acceptable.

Staff Recommendation

Proceed with the vote to approve of the requested revisions by the General Court to Bill No. 4077 for the Home Rule Petition.

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

The Home Rule Petition was approved by the 2023 Annual Town Meeting.

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

Open Space

Attachments

Clean and red-lined copies of the Bill; Article 90 of the 2023 ATM



H4077 FLOOR AMENDMENT

Mr. Walsh of Peabody moves to amend House, No. 4077 by striking all after the enacting clause and inserting in place thereof the following:

“SECTION 1. (a) Pursuant to article 97 of the amendments to the constitution of the commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the town of Nantucket to the Nantucket Islands Land Bank for the purposes pursuant to section 5 of its enabling legislation, chapter 669 of the acts of 1993, and described as follows:

- (i) Washington street, as shown on tax assessor’s map 55, parcel 276, and described in an order of taking for the purposes of a shore reservation on page 181 of book 115, recorded with the Nantucket county registry of deeds;
- (ii) 111 Washington street, as shown on tax assessor’s map 55.1.4, parcel 71, and described in a deed on page 138 of book 513 and an order of taking as open space for public parking purposes on page 1 of book 337, recorded with the Nantucket county registry of deeds;
- (iii) 104 Washington street, as shown on tax assessor’s map 55.1.4, parcel 38, and described in a deed on page 138 of book 513 and an order of taking as open space for public parking purposes on page 1 of book 337, recorded with the Nantucket county registry of deeds;
- (iv) 102 Washington street, as shown on tax assessor’s map 55.1.4, parcel 9.3, and described in an order of taking for the purposes of acquisition and maintenance of tidal marshes on page 79 of book 130, recorded with the Nantucket county registry of deeds;

- (v) 100 Washington street, as shown on tax assessor's map 55.1.4, parcel 9.1, and described in a deed on page 3 of book 461 and an affidavit for conservation purposes on page 341 of book 474, recorded with the Nantucket county registry of deeds;
- (vi) 98 Washington street, as shown on tax assessor's map 55.1.4, parcel 9.2, and described in a deed on page 3 of book 461 and an affidavit for conservation purposes on page 341 of book 474, recorded with the Nantucket county registry of deeds;
- (vii) Monomoy Creeks, as shown on tax assessor's map 54, parcel 53, and described in orders of taking for open space protection and conservation purposes on pages 250 and 262 of book 683, recorded with the Nantucket county registry of deeds;
- (viii) Monomoy Creeks, as shown on tax assessor's map 54, parcel 641, and described in an order of taking for open space protection and conservation purposes on page 250 of book 683, recorded with the Nantucket county registry of deeds;
- (ix) 6 Goose Pond lane, as shown on tax assessor's map 55, parcel 414, and described in orders of taking for open space protection and conservation purposes on pages 250 and 256 of book 683, recorded with the Nantucket county registry of deeds;
- (x) 4 Goose Pond lane, as shown on tax assessor's map 55, parcel 407, and described in an affidavit on page 204 of book 557 for use as a bicycle path and a deed on page 263 of book 663, recorded with the Nantucket county registry of deeds;
- (xi) Monomoy Creeks, as shown on tax assessor's map 55, parcel 640, and described in an order of taking for open space protection and conservation purposes on page 250 of book 683, recorded with the Nantucket county registry of deeds;
- (xii) Goose Pond lane, as shown on tax assessor's map 55, parcel 642, Goose Pond lane and described in an order of taking for open space protection and conservation

purposes on page 250 of book 683 and described on plan 2001-02, recorded with the Nantucket county registry of deeds; and

(xiii) lots A and B as described in an order of taking for open space and conservation purposes on page 70 of book 1020, and the unconstructed portion of Spruce street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on plan no. 2010-10 recorded with the Nantucket county registry of deeds.

(b) Any such disposition shall be on such terms and conditions as the select board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of town-owned land for purposes pursuant to article 97 of the amendments to the constitution of the commonwealth, all as shown on a map filed with the office of the town clerk.

SECTION 2. This act shall take effect upon its passage.”.

HOUSE No. 4077

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 authorizing the town of Nantucket to convey certain land situated in the town of Nantucket held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank for the purposes pursuant to its legislation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>8/16/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>8/23/2023</i>

HOUSE No. 4077

By Representative Fernandes of Falmouth and Senator Cyr, a joint petition (accompanied by bill, House, No. 4077) of Dylan A. Fernandes and Julian Cyr (by vote of the town) that the town of Nantucket be authorized to transfer a certain parcel of conservation land to the Nantucket Islands Land Bank. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act authorizing the town of Nantucket to convey certain land situated in the town of Nantucket held for open space, recreational or conservation purposes to the Nantucket Islands Land Bank for the purposes pursuant to its legislation.

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

~~Section~~ SECTION 1. (a) Pursuant to ~~A~~article 97 of the ~~A~~amendments to the
~~C~~onstitution of the ~~C~~ommonwealth of Massachusetts and notwithstanding the provisions of
any general or special law to the contrary, the ~~T~~own of Nantucket may transfer, sell, convey or
otherwise dispose of all or portions of certain parcels of land situated in the ~~T~~own of Nantucket
to the Nantucket Islands Land Bank for the purposes pursuant to section 5 of its enabling
legislation, chapter 669 of the acts of 1993, and described as follows:

(i) Washington street, as shown on ————— Tax Aassessor's Mmap 55, Pparcel
276, Washington Street and described in an deed order of taking for the purposes of a
shore reservation on page 1891 of book 115, recorded with the Nantucket county registry
of deeds;

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Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left +
Aligned at: 0.35" + Indent at: 0.5"

- (ii) 111 Washington street, as shown on ~~T~~ax A~~a~~ssessor's M~~m~~ap 55.1.4, P~~p~~arcel 71, and described in a deed on page 138 of book 513 and an order of taking as open space for public parking purposes on page 1 of book 337, recorded with the Nantucket county registry of deeds111 Washington Street;
- (iii) 104 Washington street, as shown on ~~T~~ax A~~a~~ssessor's M~~m~~ap 55.1.4, P~~p~~arcel 38, ~~104 Washington Street~~and described in a deed on page 138 of book 513 and an order of taking as open space for public parking purposes on page 1 of book 337, recorded with the Nantucket county registry of deeds;
- (iv) 102 Washington street, as shown on ~~T~~ax A~~a~~ssessor's M~~m~~ap 55.1.4, P~~p~~arcel 9.3, ~~102 Washington Street~~and described in an order of taking for the purposes of acquisition and maintenance of tidal marshes on page 79 of book 130, recorded with the Nantucket county registry of deeds;
- (v) 100 Washington street, as shown on ~~T~~ax A~~a~~ssessor's M~~m~~ap 55.1.4, P~~p~~arcel 9.1, ~~100 Washington Street~~and described in a deed on page 3 of book 461 and an affidavit for conservation purposes on page 341 of book 474, recorded with the Nantucket county registry of deeds;
- (vi) 98 Washington street, as shown on ~~T~~ax A~~a~~ssessor's M~~m~~ap 55.1.4, P~~p~~arcel 9.2, and described in a deed on page 3 of book 461 and an affidavit for conservation purposes on page 341 of book 474, recorded with the Nantucket county registry of deeds98 Washington Street;
- (vii) Monomoy Creeks, as shown on ~~T~~ax A~~a~~ssessor's M~~m~~ap 54, P~~p~~arcel 53, and described in orders of taking for open space protection and conservation purposes

on pages 250 and 262 of book 683, recorded with the Nantucket county registry of deeds Monomoy Creeks;

(viii) Monomoy Creeks, as shown on —•— Tax Assessor's Mmap 54, Pparcel 641, and described in an order of taking for open space protection and conservation purposes on page 250 of book 683, recorded with the Nantucket county registry of deeds Monomoy Creeks;

(ix) 6 Goose Pond lane, as shown on t—•— Tax Assessor's Mmap 55, Pparcel 414, 6 Goose Pond Lane and described in orders of taking for open space protection and conservation purposes on pages 250 and 256 of book 683, recorded with the Nantucket county registry of deeds;

(x) 4 Goose Pond lane, as shown on —•— Tax Assessor's Mmap 55, Pparcel 407, 4 Goose Pond and described in an affidavit on page 204 of book 557 for use as a bicycle path and a deed on page 263 of book 663, recorded with the Nantucket county registry of deeds Lane;

(xi) Monomoy Creeks, as shown on —•— Tax Assessor's Mmap 55, Pparcel 640, and described in an order of taking for open space protection and conservation purposes on page 250 of book 683, recorded with the Nantucket county registry of deeds Monomoy Creeks;

(xii) Goose Pond lane, as shown on —•— Tax Assessor's Mmap 55, Pparcel 642, Goose Pond Lane and described in an order of taking for open space protection and conservation purposes on page 250 of book 683 and described on plan 2001-02, recorded with the Nantucket county registry of deeds; and

(xiii) _____ Lots A and B as described in an order of taking for open space and conservation purposes on page 70 of book 1020, and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 and described in an order of taking on page 70 of book 1020, recorded with the Nantucket County Registry of Deeds.

(b) Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land for purposes pursuant to Article 97 of the amendments to the constitution of the commonwealth, all as shown on a map filed with the Office of the Town Clerk.

~~Section~~ SECTION 2. This act shall take effect upon its passage.



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Nancy L. Holmes, CMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313

Email: nholmes@nantucket-ma.gov
townclerk@nantucket-ma.gov

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

♦♦♦♦♦

May 6, 2023

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the May 6, 2023 ANNUAL TOWN MEETING adopted **Article : 90** at the May 6, 2023 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 90

(Home Rule Petition: Real Estate Conveyances from Town of Nantucket to Nantucket Islands Land Bank)

To see if the Town will vote to authorize the Select Board to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket held for open space, conservation or recreational purposes, as described in more detail below and as shown on a map filed with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for all purposes pursuant to its enabling legislation, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

***AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY CERTAIN LAND
SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, RECREATIONAL OR
CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK FOR THE
PURPOSES PURSUANT TO ITS LEGISLATION***

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

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation, and described as follows:

- Tax Assessor's Map 55, Parcel 276, Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 71, 111 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 38, 104 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.3, 102 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.1, 100 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.2, 98 Washington Street;
- Tax Assessor's Map 54, Parcel 53, Monomoy Creeks;
- Tax Assessor's Map 54, Parcel 641, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 414, 6 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 407, 4 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 640, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 642, Goose Pond Lane;
- Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land for purposes pursuant to Article 97, all as shown on a map filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Select Board is hereby authorized to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by The Inhabitants of the Town of Nantucket for conservation or recreational purposes, and which are described as follows, and as shown on a map on file with the Office of the Town Clerk, to the Select Board for purposes of conveyance and further to authorize the Select Board to convey the property described below on any terms and conditions the Select Board deem appropriate for all purposes pursuant to its enabling legislation, which may include the reservation of any easements and restrictions in regard to the property, provided, however, that the General Court may with the approval of the Select Board, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

**AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO CONVEY CERTAIN LAND
SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, RECREATIONAL OR
CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK FOR THE
PURPOSES PURSUANT TO ITS LEGISLATION**

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

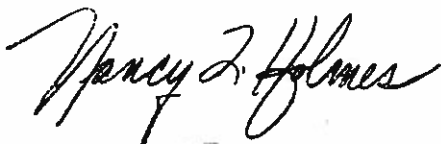
Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of all or portions of certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank for the purposes pursuant to its enabling legislation, and described as follows:

- Tax Assessor's Map 55, Parcel 276, Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 71, 111 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 38, 104 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.3, 102 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.1, 100 Washington Street;
- Tax Assessor's Map 55.1.4, Parcel 9.2, 98 Washington Street;
- Tax Assessor's Map 54, Parcel 53, Monomoy Creeks;
- Tax Assessor's Map 54, Parcel 641, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 414, 6 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 407, 4 Goose Pond Lane;
- Tax Assessor's Map 55, Parcel 640, Monomoy Creeks;
- Tax Assessor's Map 55, Parcel 642, Goose Pond Lane;
- Lots A and B and the unconstructed portion of Spruce Street between its eastern sideline and its western sideline shown as 35.61 feet and 57.71 feet as shown on Plan No. 2010-10 recorded with the Nantucket County Registry of Deeds.

Any such disposition shall be on such terms and conditions as the Select Board deem appropriate, which may include the reservation of restrictions and easements, and the conveyance or dedication of a parcel or parcels of Town-owned land for purposes pursuant to Article 97, all as shown on a map filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

VOTE: The vote on the motion pursuant to Article 90, as moved by the Finance Committee, was by 4/5ths Vote, Yes: 707, No: 27. The motion was adopted.



Nancy L. Holmes, CMC
Town & County Clerk